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do not want to make any comparison on that line, but it seems to me that an expression of that sort is unparliamentary, unbecoming, and entirely out of place. That is parliamentary language, is it not? There is another set on that side of the House, radiating out from the gentleman from Maine——

A MEMBER. What do you mean by a "set"?

Mr. STOCKDALE. Well, another corps; that is better. The gentleman from Maine, when he rises to speak, stands over there, looks over to this side of the House and says: "Let us do this by the rules of common sense," all the time insisting that the Democratic side of this House are without knowledge on the subject. And then some smaller men will rise and say that we are ignorant on the Democratic side. The gentleman from Iowa [Mr. HEPBURN] made a discovery the other day. He found a decision of the Supreme Court that has been read in this House at least forty times. He had just discovered it, I presume; and he said the Democratic side was densely ignorant, and then he proceeded to read that decision of the Supreme Court, which had been frequently and ably discussed in the House, in order to inform this House what the Supreme Court had decided, and then remarked that gentlemen on the Democratic side seemed to be densely ignorant. And I must say that a number of gentlemen on this Democratic side of the House, when the gentleman from Maine tells them that, stand about him taking it all in, and laughing with an expression of great admiration on their face.

A MEMBER. How about Abram Hewitt?

Mr. STOCKDALE. Oh, I suppose the gentleman from Maine made a speech over there, and I suppose Hewitt caught the infection from the gentleman from Maine, and thought that as that gentleman had said something smart he would imitate.

Mr. REED. Probably both were pretty accurate.

Mr. STOCKDALE. I have no doubt the gentleman from Maine thinks so; and if he can succeed in getting a Democratic Speaker to count a quorum of this House his poor opinion of us would disappear; and then the gentleman from Maine would be enabled to decide a question which his mind has been poised upon for some time; and that is whether God made him or he made God. [Laughter.]

Now, Mr. Chairman, this provision which the gentleman from Illinois wants to strike out is clearly a reduction of the expenses of the Government and within the province of this committee.

Mr. SAYERS. I hope we shall now have a vote.

Mr. DINGLEY. I think this is a matter of so much importance that it ought to be a little more fully understood before the vote is taken.

The CHAIRMAN. No further debate is in order unless another amendment be offered.

Mr. DINGLEY. I move to amend by striking out the last word. I wish to inquire of the chairman of the committee, who is in charge of this bill (because I was ill when the matter was considered in the full committee), whether the appointments in the Coast and Geodetic Survey are now made under civil-service rules?

Mr. SAYERS. I can not say whether they are or not.

Mr. ENLOE. I do not think there is any law governing that matter. I never heard of any law that governed the Coast and Geodetic Survey.

Mr. SAYERS. One hundred and thirty-eight persons are authorized to be employed; and the number who entered under the processes of the civil-service law for 1893 was 17.

Mr. DINGLEY. Only 17 were appointed under civil-service rules?

Mr. O'NEIL. Seventeen during the year 1893.

Mr. SAYERS. There were 17 out of the whole force, as I understand, who were appointed under civil-service rules.

Mr. DINGLEY. The question I have propounded will be recognized, I think, as an exceedingly important one in regard to the effect of this amendment.

If the effect of the amendment is practically to take from under the operation of civil service rules all these appointments—and they are now under civil-service rules except as to certain scientific appointments—the head of the Bureau and some others—of course its effect may be far-reaching. I should like to know definitely, and I think the Committee of the Whole would also like to understand the situation of the Coast and Geodetic Survey in this respect.

Mr. SAYERS. It was not the object of this clause to interfere with the civil-service law at all in this respect——

Mr. DINGLEY. I take it for granted it was not.

Mr. SAYERS. And if the gentleman has any apprehension as to the effect of this clause upon those who are employed in the Coast Survey under civil-service rules, I am perfectly willing that he should suggest an amendment which will remove all doubt upon the subject.

I wish to say further that, so far as I am concerned, my only object was to reduce the expenditures of the office force. I believe there are too many people there. For instance, the Blue Book shows that there were as many as 11 messengers employed at one time in that office. I thought that the Secretary of the Treasury, in connection with the Superintendent of the Coast and Geodetic Survey, might rearrange the force of this Bureau so as to reduce the cost $18,600. That was my only purpose.

Mr. DINGLEY. I have no doubt that the purpose of the chairman of the committee in this matter was exactly as he has stated; but my inquiry was as to what the effect might be; whether this legislation might not go much further than the chairman had intended it should go.

Mr. SAYERS. Would it not be the duty of the Secretary of the Treasury, in rearranging his force, to observe the civil-service rules?

Mr. DINGLEY. That was one of the inquiries I proposed to make.

Mr. SAYERS. I should think it would be.

Mr. DINGLEY. On having my attention called to this matter—for as I have stated, I was absent on account of illness when the bill was being considered by the full committee—I telephoned a few moments ago to the head of the Coast and Geodetic Survey asking how appointments are made; and I have this answer:

All the clerical force and most of the scientific are under civil service.

That is the response of the head of the Bureau. I wish to say that in my judgment no greater misfortune could befall a scientific department like this than legislation which would tend to take it out of the nonpartisan position which it has heretofore held and place it under any circumstances in such a position that these appointments should be made for partisan reasons.

Mr. ENLOE. May I ask the gentleman a question?

Mr. DINGLEY. Yes, sir.

Mr. ENLOE. In reference to the telephonic message which the gentleman has just received from the Superintendent of the Coast Survey, does the gentleman know whether or not the Civil Service Commission has ever held any examination——

Mr. DINGLEY. I do not.

Mr. ENLOE. For the establishment of any eligible list with reference to this Bureau; or does he know whether there have been appointments made in the Coast and Geodetic Survey under civil-service rules?

Mr. DINGLEY. I have no personal knowledge in the matter at all. The only information I have is contained in this answer to my telephonic inquiry.

Mr. ENLOE. My understanding is that the force over there has not been subject to civil-service rules; that the officers in charge have not been in the habit of consulting the Civil Service Commission as to who should be appointed or who should be removed. I think the gentleman will find upon investigation that the employés of that Bureau have not been under the protection of the civil-service law, and that no regard has been paid to that law in making changes there.

Mr. DOCKERY. I think there must be some mistake in the message which the gentleman from Maine has just read, because the document from which the chairman of the committee [Mr. SAYERS] has quoted is a report made by the Secretary of the Treasury to the joint commission under date of May 24 last, in which he states that at that time only 17 employés out of 138 were under civil-service rules. Now, if this report was correct, there must be some error in the statement which the gentleman from Maine has just read.

Mr. DINGLEY. I will say to the gentleman that while my telephone message was forwarded to Prof. Mendenhall, this answer is not signed by him, and it may have come from some other person in that office.

Mr. ENLOE. I do not wish to be misunderstood about this matter, or to misrepresent anything. I have no doubt but that the clerical force is under the civil-service rules, but I do not believe that any other portion of the force of that office is under the civil-service rules.

Mr. DINGLEY. This statement is that all the clerical force and most of the scientific are under the civil service.

Mr. ENLOE. I do not believe that.

Mr. DOCKERY. Their report to us is incorrect, if that is true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DINGLEY. There was an understanding, Mr. Chairman, that when we reached any of these important points there should be an opportunity for more general debate.

Mr. SAYERS. I ask unanimous consent that the gentleman from Maine have ten minutes.

Mr. DINGLEY. I do not know that I shall occupy all of the ten minutes.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] asks unanimous consent that the gentleman from Maine [Mr.

DINGLEY] be allowed to proceed for ten minutes. Is there objection?

There was no objection.

Mr. DINGLEY. I simply desire to say, Mr. Chairman, that I am in entire harmony with any proposition to reduce the force in any of these bureaus or departments where it can be done without injury to the public service. Even the reduction that was made here I did not propose to antagonize, but my attention has been called to what might be the effect of this amendment with reference to the appointment of these officials, and I simply desire to satisfy myself, and I presume the committee desire to be satisfied, as to whether in this legislation we were changing in any manner the mode of appointment of these officials in the Coast and Geodetic Survey.

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. DINGLEY. Yes.

Mr. SAYERS. I will agree, and I suppose the committee will agree, that the gentleman may insert a proviso that nothing in this provision shall affect the operation of the civil-service law upon that Bureau as it now operates.

Mr. DINGLEY. A proviso of this kind:

Provided, That appointments in the Coast and Geodetic Survey shall be made under the civil-service rules.

Mr. WILLIAMS of Mississippi. That would be extending the civil-service law to this Bureau.

Mr. DINGLEY. I refer, of course, to those who come within the provisions of the law, whose salaries are between $900 and $1,800. I simply want to be sure that we apply the civil-service rules to the Coast and Geodetic Survey.

Mr. ENLOE. I want to ask the gentleman if he contemplates, by the adoption of this amendment, if it should be adopted, that it will vacate all the positions in the Coast and Geodetic Survey.

Mr. DINGLEY. I am not certain about that.

Mr. ENLOE. I do not think it would. I think it would give power to reorganize, where not in conflict with the civil-service laws.

Mr. DINGLEY. I supposed that was the intention.

Mr. ENLOE. I think that is the effect of the amendment.

Mr. HOOKER of Mississippi. Mr. Chairman, it is impossible to hear what gentlemen are saying. I ask that there may be order on the floor.

The CHAIRMAN. The committee will be in order.

Mr. ENLOE. I do not think the gentleman from Maine [Mr. DINGLEY] wishes to incorporate anything into this legislation which would change the operations of the civil service law.

Mr. DINGLEY. Not at all.

Mr. ENLOE. Or which would place a construction upon this act that would require the Secretary, or even authorize him, to vacate all these offices.

Mr. DINGLEY. Not at all. I simply desire that, as to officers whose salaries bring them under the civil service rules, they shall be appointed under those rules. That is all I desire.

Mr. SAYERS. I understand that the gentleman from Illinois [Mr. HOPKINS] would like to speak, and I ask the gentleman from Maine [Mr. DINGLEY] to allow him to address the committee while the gentleman from Maine [Mr. DINGLEY] prepares his amendment, and then he can consume the remainder of the time which has been accorded to him.

Mr. ENLOE. I ask the gentleman to yield to me a little time.

Mr. HOPKINS of Illinois. Mr. Chairman, what I desire to ask the attention of the committee to, is the language of the bill itself, which authorizes the Secretary of the Treasury to reorganize that office by the reduction of the office force, by the reduction of the number or compensation, or both, of employés.

Under existing law the officials in any of the great Departments who have charge of matters of that kind can reduce a clerk from a $1,200 position to a $1,000 position; but there is no warrant in the law that would permit the party who has this authority, whether it be the Secretary of the Treasury or one of his subordinates, to make a $1,200 position into a $1,000 position. That can only be done by legislation.

Now, the obnoxious feature of this proposed legislation is this, that while there are some fifty or sixty positions under this bill with salaries ranging from $4,000 to $900, if this amendment of mine is voted down, and the bill as reported by the committee is adopted, it gives the Secretary of the Treasury the power of saying that a Government officer, who holds a position to-day where he draws a salary of $3,000 and has drawn that salary for a number of years, must perform all the duties of that office for $2,000; and that a person who holds a position under existing law, and draws a salary of $1,500, must hereafter perform the duties of that office for $1,000.

This bill would permit the Secretary of the Treasury to say that the salary of $5,000, which has just been voted by this House to the Superintendent of this Bureau, can be reduced to $3,000. Now, it seems to me, Mr. Chairman, that no such power as that should be given to any executive officer of the Government.

When I used the word "coward," as I did, to which exception was taken by the gentleman from Mississippi, it was in connection with this: that if this House desire to reduce the salaries of any of these officers in that Bureau, it is within the province of the members here, by their votes, to make such reductions, and they should not shirk that responsibility by throwing it upon the Secretary of the Treasury in the manner proposed in the pending bill.

Now, I do not believe this legislation is constitutional. As I stated to the gentleman who was in the chair when I made the point of order, under the Constitution of the United States the legislative department of the Government is vested in the House and the Senate, and in no other branches of the Government. This legislation proposes to confer that power upon the Secretary of the Treasury; and I believe, if this should be adopted, and the Secretary of the Treasury should undertake to reorganize this Bureau as contemplated here in the language which I seek to have stricken from the bill, that it would be impossible for him to do it, and that any of these officers who are drawing the salaries voted to them to-day in this bill, by presenting their claims in the Court of Claims could collect their salaries from the Government, notwithstanding the action taken by the Secretary of the Treasury.

And I believe, Mr. Chairman, that if the Secretary of the Treasury should undertake to abolish any of these offices, such as the assistant superintendents, of whom there are a number drawing from two to four thousand dollars each, they would have the power to collect their salaries in the Court of Claims even if this language should be adopted, for the reasons that I have stated.

Now, with this staring us in the face, it seems to me that the proper and reasonable and sensible thing to do is for this House to determine just what shall be done in the reorganization of this Bureau. If, as the gentleman who is in charge of this bill states, there are eleven messengers and only five are needed, then cut off six of these messengers by only making appropriations for five; and if there are any other offices that are filled that are not necessary for the proper discharge of the duties assigned to that Bureau, then let the chairman of this Committee on Appropriations, who has apparently investigated this subject, indicate which of these offices can be abolished with benefit to the Government and a saving to the Treasury, and let the House take that responsibility.

Mr. DINGLEY. Mr. Chairman, I now offer an amendment, somewhat in the line suggested by the chairman of the committee [Mr. SAYERS], to come in on page 23, line 4, to be inserted after the word "ninety-five."

Mr. ENLOE. I reserve all points of order on that amendment until I hear it read.

The amendment offered by Mr. DINGLEY was read, as follows:

Insert after the word "ninety-five," in line 4, on page 23, the following: "*Provided*, That nothing herein shall be construed to affect the civil-service rules now applicable to the Coast and Geodetic Survey."

Mr. ENLOE. I shall make a point of order on that unless the gentleman modifies it so as to read "in so far as now applicable."

Mr. DINGLEY. That is just what it says. I have shown my amendment to the chairman of the committee. It simply preserves the existing status of things with reference to the civil-service laws.

Mr. ENLOE. I understood it to read "now applicable." I ask that the amendment be again reported.

The amendment was again reported.

Mr. ENLOE. I insist that the amendment should read "in so far as now applicable." I do not propose to admit that they are applicable. I do not know whether they are or not.

Mr. DINGLEY. There is no objection to that. That does not change the meaning.

Mr. STOCKDALE. Does the amendment contemplate, if this bill passes, authorizing the Secretary of the Treasury to reduce this force; that if he shall find an entirely competent employé who is not under the civil-service rules, and one who is incompetent, who is under the civil-service rules, that he shall be required to retain the incompetent man and discharge the competent one?

Mr. DINGLEY. Oh, no; the gentleman is well aware that under the civil-service rules the head of a Department may remove.

Mr. STOCKDALE. He can do it for cause; but where there is a reduction of the force, can he remove employés who are under the civil-service rules, under that amendment?

Mr. DINGLEY. If the force is not needed, there is no restriction under the civil-service rules.

Mr. STOCKDALE. I understand removals must be for cause.

Mr. ENLOE. This will be cause enough, if it passes.

Mr. STOCKDALE. If the effect of this would be as I have suggested, then I would be in favor of the amendment of the gentleman from Illinois [Mr. HOPKINS].

Mr. ENLOE. Mr. Chairman, the amendment which the gentleman from Maine [Mr. DINGLEY] has just offered, demonstrates to the House the unwisdom of its course this morning in voting down an amendment which directed an investigation into the workings of the Coast and Geodetic Survey. Here are gentlemen coming up on all sides and confessing that they are absolutely ignorant of the rules and laws that govern the existence of this Coast and Geodetic Survey.

It is one of those sacred institutions that has grown up under the Government, one that is clothed about as with a garment of sanctity and science; and whenever you talk to a member of Congress about science, he immediately retreats, because he is afraid he will be entrapped into a position where his ignorance on the subject will be demonstrated; and, therefore, rather than know anything about it, he will shut his eyes and close his ears and refuse to hear or to know anything in regard to a scientific bureau.

There is not another bureau of this Government with reference to which there are not some members on this floor who can get up here and tell you all about its operations.

Here is a Bureau about which there is such dense ignorance that no member can be found who is rash enough to attempt to say what law governs it.

The Committee on Appropriations confessedly knows nothing about it. This committee is trying to cut the appropriation in the dark. The Superintendent would not enlighten them, and the House refuses to turn on the light, so we are all in the dark as to details; and now the committee wants to shift the responsibility of investigation and reorganization to the Secretary of the Treasury.

When it comes to this Bureau, no gentleman on this floor can tell you what law governs it.

Mr. WILSON of Washington. It is the Treasury Department rules of 1886 which govern this Bureau, as signed by the Secretary of the Treasury and approved by the President.

Mr. ENLOE. I understand it is under the control of the Treasury Department, but I understand furthermore that the Secretary of the Treasury has heretofore, in dealing with this Bureau, been just about as impotent as Congress has been, and frequently as ignorant.

To illustrate what a fraud it is, I will say that since this Administration came into power naval officers have been denied the credit in the maps for the work they did. The Coast Survey not only denied the credit to the naval officers for the work they did, but they impudently placed on the maps or charts the work to the credit of the Coast and Geodetic Survey. The charts appeared to be the work of the Coast and Geodetic Survey, and not the work of the naval officers who performed it.

The naval officers objected to this, and the Secretary of the Navy protested to the Secretary of the Treasury against this fraud, and the Secretary of the Treasury made an order that the rule heretofore governing in that Bureau should still control in the printing of the maps, and the credit for the work should be given to the naval officers who did the work, and not to this fraudulent Coast Survey, which did not do the work, but which was attempting to usurp the credit for it.

Mr. CANNON of Illinois. Mr. Chairman——

Mr. ENLOE. Mr. Chairman, I have the floor, I believe.

Mr. CANNON of Illinois. I beg pardon. I thought the gentleman had concluded.

Mr. ENLOE. I have not quite concluded. I understand that not only was all this work that gentlemen talk about here done by the Navy during the last year, or nearly the entire hydrographic work, but I understand that 35 per cent of the officers of the line in the Navy have served in this Coast and Geodetic Survey and are familiar with this work.

They are the men who are doing it to-day, and they are the men who ought to be authorized by law to do it. Instead of making an appropriation to the Coast Survey, with the pretense that it does the work, and at the same time devolving the work on the naval officers, and taking a portion of the appropriation of the Navy Department to do it with, we ought to go at it directly and place it where it properly belongs, under the control of the Navy Department. I regret exceedingly that there should be any institution in this Government that can so hedge itself about, either with the fear of gentlemen that they may expose their ignorance if they inquire into it, or with its patronage, or in any other way, that the House of Representatives will vote down a proposition to investigate the methods of its operation.

The work on the Coast Pilot is done by naval officers. The hydrographic work is done by naval officers. The topographic work along the shore has been done as well and can be done as well by naval officers. The Coast Survey work in every civilized country in the world except the United States and Portugal is done by naval officers. Our naval officers do this work on all foreign coasts. Annapolis and Annapolis is turning out young men every year ready for this work. The Coast and Geodetic Survey has won this fight to-day, but this is not the end of it. It must go to the Navy Department where it belongs, and it will go there before this fight is ended. I expect to renew it next year and every year while I remain in Congress until this reform is accomplished.

[Here the hammer fell.]

Mr. CANNON of Illinois. Mr. Chairman, so far I have taken no part in the discussion touching the appropriation for the Coast and Geodetic Survey. I do not know that I should do so now, yet I will say a word.

I have discovered, in the making of this bill, and in the temper that was displayed toward the Coast Survey, especially in the Committee of the Whole, and generally in the atmosphere, that there was an intention upon the part of some gentlemen of the powers that be to reorganize this Survey. One step looking toward the reorganization was the reduction of the salary of the head of this Bureau from $6,000 to $5,000.

I know the head of this Bureau slightly, having come in contact with him when this bill was prepared during the Fifty-first Congress, and after there had been some unfortunate scandals, and perhaps some reason therefor, some years prior to that time, in this Bureau. But for a long time the salary has been $6,000, and I have not any doubt that it ought to be $6,000 for anybody who is competent to be at the head of this Bureau. The present head of the Bureau made the impression upon me that he is competent to fill the position.

Mr. HOPKINS of Illinois. Will the gentleman yield to me for a question?

Mr. CANNON of Illinois. Yes.

Mr. HOPKINS of Illinois. If this language which I seek to have stricken from the bill by the House should be adopted, is it not in the power of the Secretary of the Treasury to still further reduce his salary from $5,000 to $3,000?

Mr. CANNON of Illinois. I suppose so. But I discovered as I thought a tendency to place this important Bureau, which is chiefly instrumental in making surveys of the coast, in making charts, and doing work that is important to the lives and property of our people engaged in the commerce and navigation of our country, and that certain expenses were——

Mr. STOCKDALE. I would like to ask the gentleman a question?

Mr. CANNON of Illinois. Let me finish this sentence. I thought we discovered a tendency to take this Bureau, which ought to be a competent and scientific Bureau, and make it a mere political appendix; and from that standpoint $6,000 is too much for the head of the Bureau; $5,000 is too much if a mere politician is going to be at the head of the Bureau. If the head of the Bureau is not to be one competent for this work, I think $2,500 would be enough. So that if this policy is to be pursued toward this Bureau, why then let them bring it down to the compensation that somebody should have who simply seeks a place. In my judgment, if the Bureau is not properly organized and properly conducted, with the best possible material to do this work necessary for the protection of the lives of our people and the commerce of our country, not only of our Navy, but of the merchant marine also, then I would be glad to see it properly organized. In my judgment, the Bureau is doing pretty good work, and I think we should let it alone. But if the enemies of the Bureau are to have their way and the real efficiency of the Bureau is to be impaired, then cut it all you please and make it as cheap as you can; and if you cut the salaries down to not more than $800 or $1,000 a year each, you will not do more than you ought.

Mr. HARTMAN. Mr. Chairman, an amendment was proposed the other day by the gentleman from Indiana to the general appropriation bill which is solely new legislation, and which the gentleman himself admitted was subject to the point of order. That amendment was proposed to the act of March 3, 1891, to the provision of which I invite the attention of the committee:

All entries under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificate issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers or incumbrancers, for a valuable consideration, shall, unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance.

Now, Mr. Chairman, under that law I wish to state to this

House a very large number of claims have been made in which the parties have received their final receipts, and there are a great number of these claims that have passed to innocent third purchasers. A great many of these claims have had money loaned upon them, upon the faith of that law, which is now sought to be amended; and the effect of which amendment will be to absolutely disturb, unsettle, and overturn the titles of hundreds and thousands of pieces of property in this country. I refer particularly to the town site of Great Falls, in the State from which I hail. Now, Mr. Chairman, this is the amendment which the gentleman from Indiana [Mr. HOLMAN] brings in on an appropriation bill:

Provided further, That nothing in this section shall be construed to apply in its provisions to or affect any case where a contest was pending in the Land Department prior to the passage of the act of March 3, 1891, and any person who initiated contest prior thereto shall have the right, upon cancellation of the prior entry, if by virtue of his contest, to enter the tract involved under any of the land laws of the United States in force prior to the date of this act, if he was on March 3, 1891, legally qualified to make such entry, and as if said act had not been passed.

The effect of that amendment, Mr. Chairman, is simply this, that where final receipts have been given and the certificates issued for them where the parties have placed improvements upon them, where they have been sold to bona fide third purchasers for value, where money has been loaned upon the strength of their title, which is conferred in this act, all these titles will be unsettled; and in this very case that I refer to, and in the case of Jasper, in the State of Minnesota, there are land-grabbers standing ready to take them, and one of them is a man who has just been released from the penitentiary for land frauds.

The purpose is to give possession of these lands, held by these parties in good faith, by initiating a contest under the provisions of this amendment. I do not know for what purpose it was done, or what inspired the introduction of that amendment in an appropriation bill. I make no reflection upon the distinguished gentleman from Indiana, for whom I have a great regard; but certainly to change the land legislation on an appropriation bill is highly inappropriate to the subject-matter contained in the bill.

Now, then, Mr. Chairman, I desire very briefly to call the attention of the committee to something which was not presented to this committee, and which we had the right to have presented to us in the consideration of that amendment. I want to say, furthermore, that had I known that this amendment was to be presented, I would have raised the point of order, or had it raised by some friend. I invite the attention of the committee to a letter of the Commissioner of the General Land Office, bearing date December 14, 1893, and a leater of the Secretary of the Interior, bearing date of December 15, 1893, in which those officers absolutely report against these two bills which contain substantially the provision contained in this amendment. Here are the letters, and with the permission of the committee, I will read them.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 14, 1893.

The Honorable the Secretary of the Interior:

SIR: I have the honor to acknowledge the receipt, by your reference, for report thereon in duplicate of House bill No. 4458, present session, entitled "A bill to amend section 7 of 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891," which bill was transmitted to you by the honorable the chairman of the Committee on Public Lands, House of Representatives, "with the request that you give * * * your opinion as to the propriety of passing the same, and inform the committee of the number of cases that would be covered by the amendment."

It is stated further in the letter transmitting the said bill that "the mover of it (Judge HOLMAN) introduced during the last session bill H. R. 3373 upon the same subject, but desires to insist upon the 4458 instead of that," and the desire is expressed that "you will consider the two together."

In regard to H. R. 3373, last session, the same is also now before me by your reference for similar report, having previously been sent to you for report thereon by the chairman of the House Committee on Public Lands.

Considering the two bills together which have been referred, the intention of both appears to be to conserve or effectuate the preference rights of contestants under the act of May 14, 1880 (21 Stat., 140), so far as the same is or may be adversely affected by anything contained in the seventh section of the act of March 3, 1891, or by any legal construction thereof.

As to this purpose of the two bills it is respectfully submitted whether a law can now be enacted which would defeat a confirmation and right to patent previously accruing to the entryman under the act of March 3, 1891, as held by the Department. (See 12 L. D., 571, Gerlach *v.* Kindler; 13 L. D., 292, Axford *v.* Shanks; 16 L. D., 46, Nawrath *v.* Lyons *et al.*; 16 L. D., 78, United States *v.* Bullen.) I am of opinion that if either of the bills proposed should become a law, the effect would be an attempt to defeat rights already confirmed under the seventh section of the act of March 3, 1891. In that view, I find the proposed legislation objectionable, and recommend that neither bill be enacted into law.

All papers are herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
Washington, December 15, 1893.

SIR: I transmit herewith report of the Commissioner of the General Land Office on House bill 3373, "declaring the construction of an act named therein," and House bill 4458 "to amend section 7 of An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891," which was referred to be considered in connection with the first-mentioned bill.

These two bills accomplish, substantially, the same purpose, which is to declare that nothing in section 7 of the act of March 3, 1891, shall be construed to apply in its provisions or to affect any case where a contest is pending in the Land Department prior to the passage of the act of March 3, 1891, and that any person who initiated a contest prior thereto shall have the right, upon cancellation of the prior entry, by virtue of his contest, to enter the tract involved under any of the land laws of the United States prior to the date of said act of March 3, 1891, if he was legally qualified to make said entry, as if said act had not been passed.

The practical effect of the bills is to declare that a contestant is an adverse claimant within the meaning of the 7th section of the act of March 3, 1891. Said section provides as follows:

"All entries under the preëmption, homestead, desert-land, or timber-culture laws, in which final proof or payment may have been made and certificate issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers or incumbrancers, for a valuable consideration, shall, unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance."

In construing this section, it has been uniformly held by the Department that a mere contest pending against an entry at the date of the act of March 3, 1891, where no priority is claimed, or any other right, except the preference right of entry that may be secured by the successful prosecution of the contest, is not such an adverse claim originating prior to final entry as will defeat the confirmation of the entry, where the land has been sold or incumbered prior to the 1st day of March, 1888, and after final entry to bona fide purchasers or incumbrancers, for a valuable consideration, and where no fraud has been found on the part of the purchaser.

Under this ruling a large number of cases have been held to be confirmed under the provisions of said act and have been patented. If the ruling of the Department is the true construction of the act, the cases that are subject to confirmation would not, in my judgment, be affected by the proposed legislation, which would be merely an attempt to defeat rights already confirmed under said section.

I therefore concur in the recommendation of the Commissioner of the General Land Office that the bill be not passed.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. THOMAS C. MCRAE,
Chairman of Committee on Public Lands, House of Representatives.

During the reading of the foregoing the time of Mr. HARTMAN expired.

Mr. HARTMAN. I move to strike out the last word of the pending section.

Mr. SAYERS. I suppose all the gentleman desires to do is to put those letters in the RECORD.

Mr. HARTMAN. I should like to have the letter go into the RECORD; and I wish to state before I take my seat that the Commissioner of the General Land Office and the Secretary of the Interior absolutely repudiate these provisions which were presented the other day in the form of this amendment. I think that the committee is entitled to know that it has the condemnation of those officers.

Mr. TAWNEY. I ask that the time of the gentleman be extended for five minutes.

Mr. WISE. I object.

Mr. HARTMAN. I move to strike out the last word.

The CHAIRMAN. The Chair can not recognize the gentleman on that motion.

Mr. HARTMAN. I ask that the remainder of the letters may be printed in the RECORD.

There was no objection, and it was so ordered.

Mr. MCCLEARY of Minnesota. Mr. Chairman, I rise to indorse the position of my friend from Montana [Mr. HARTMAN]. In the five minutes allowed me I have only time to suggest a few considerations which I must be satisfied not to elaborate.

The avowed purpose of the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] is to correct an error, to right a wrong. The act sought to be amended was passed March 3, 1891. Had this amendment been proposed March 4, 1891, there would probably have been no objection to its passage. But now, more than three years later, the situation is different. It may have been a mistake not to include such a provision in the act on March 3, 1891, but to insert such an amendment now would be a much more serious mistake.

That act became operative immediately after its enactment. It was and is a statute of repose. Under this act large sums of money have in good faith been invested in land.

It is granted, Mr. Chairman, that there may be a conflict of equities in this matter. This being granted, the question for us to determine which of equities is the greater and what action is most in accord with good public policy. On the one hand we have the equity of the contestant, who frequently is a man whose only expenditure of time, money, or labor has been that necessary to pry into the record and find some technical defect in a title.

On the other hand, we have the equities of those who in good faith have put their money, as well as their time and talent, into the land and improvements. We must decide between equities that are merely prospective and those that are real and substantial.

As one illustration of the great wrong that may be done by the

passage of this amendment, I cite the instance of the village of Jasper, in my district. The land upon which it stands contains valuable stone quarries. These have been developed at great expense. The men working in them have built their modest homes. Numerous places of business have been erected. The village has a bright future. With the law as it now stands all will be well.

But the addition of this amendment will bring a cloud over every home; and for whom and what? For a man who, as I understand it, has done nothing to build up the town, and whose only claim to recognition is the allegation that he has found somewhere back in the record a technical error or omission. By leaving the law as it is he loses nothing; while by passing the amendment we run the risk of taking away all the worldly possessions of people who, placing full faith in the records and decisions of this Government, have created the village of Jasper.

This illustration, Mr. Chairman, is, I take it, typical. And it seems to me that good public policy is against the amendment, and I trust that when the matter comes up in the House it will be defeated.

Mr. WILSON of Washington. Mr. Chairman, there seems to be considerable confusion and doubt as to the wisdom of the amendment proposed by the gentleman from Indiana. In his remarks when the amendment was up for consideration he stated that it was approved by the Commissioner of the General Land Office and the Secretary of the Interior. He understood at that time that it would apply only to contests that had been initiated, and that the repeal of the timber-culture act would leave those people in a condition that they could not avail themselves of timber-culture entries. He also understood that it would affect only about twenty-five entries. Now, if the fact is as it appears to be, that it will affect a large number of entries throughout our Western country, are we to have any opportunity to reconsider?

The CHAIRMAN. It can not be reconsidered. The only way will be to vote it down in the House.

Mr. WILSON of Washington. Then, Mr. Chairman, I give notice, if such notice is proper at this time, that when this proposition comes up in the House we shall ask for a separate vote upon it. I do not wish to detain the committee now, but this is a matter that ought to be looked into. If the gentleman from Indiana were present we might go on now and discuss it for ten or fifteen minutes and perhaps come to a conclusion about it, but as he is unavoidably absent we can not do that. If we can not do better, we will ask for a yea-and-nay vote on the amendment in the House.

Mr. SPRINGER. I want to say in justice to the gentleman from Indiana [Mr. HOLMAN], who is not present at this moment, that I had a conversation with him in regard to this amendment, and at that time he supposed it related to only a few entries. The object of the amendment, as understood by him at the time, was merely to put the contestants in the condition in which they would have been if the repealing act had not taken effect, simply to remit them to the rights which they had before that repealing act took effect. Now, it is possible and undoubtedly true, as stated here, that since that time, in view of the legislation and of the dismissal of those contests, other persons have acquired rights, and hence the matter has become complicated. I think, therefore, it is well enough that at some subsequent time we should consider the question more fully.

Mr. TAWNEY. Is it not a fact that the effect of this amendment will be to give the contestant a prior right of entry over the contestee?

Mr. SPRINGER. The intention was simply to give these parties the rights they had before the repealing clause went into effect.

The CHAIRMAN. This amendment has been already passed upon by the committee, and this debate is all out of order.

Mr. MAHON. Mr. Chairman, I desire to say a word in reply to the remarks of the gentleman from Tennessee [Mr. ENLOE] about the "ignorance" of members on this side who voted against his amendment.

Mr. ENLOE. I hope the gentleman will not confine it to that side. [Laughter.]

Mr. OUTHWAITE. Of course it is understood that all the intelligence and all the purity are concentrated in the gentleman from Tennessee. [Laughter.]

Mr. MAHON. I believe there are some men on the floor who understand this subject quite as well as the gentleman from Tennessee. Under the act of 1843 this Bureau was reorganized, and that law is in existence to-day. Under the plan of reorganization the Treasury Department and the President of the United States established in 1887 a well-digested set of rules, which not only control the appointment in the Bureau but prescribe the qualifications which men must have who fill those appointments, and my impression is that those rules having been adopted in 1887, long after the Civil Service Commission went into operation, this Bureau is not under the civil service, but is under the rules and regulations made and approved by the Treasury Department and the President of the United States.

Mr. ENLOE. What does the gentleman think, then, about that telephone message which was read here by the gentleman from Maine [Mr. DINGLEY]?

Mr. MAHON. I do not know anything about that. I am talking from the books and not from any mere *ipse dixit*. The assistants and the subassistants are appointed by the Secretary of the Treasury. All the aids are appointed with his approval. They must be men not only well qualified physically for the places, but they must be men who have graduated at some scientific college such as prepares its graduates for the kind of work done in that Bureau. Where would you find a commission in the United States qualified to examine men for that intricate and delicate work unless you took the very men who have been trained in the Bureau? Now, Mr. Chairman, under this plan thirty well-considered, carefully digested rules have been prescribed regulating the appointment, the pay, and the qualifications of all who are employed in that Bureau, from the Superintendent down, and putting them under the control of the President and the Secretary of the Treasury.

Mr. ENLOE. Does the gentleman understand that the clerical force employed in that Bureau is not subject to the civil-service rules?

Mr. MAHON. I am not talking about the clerical force; I am talking about the men employed in the scientific work.

Mr. ENLOE. I agree with you about that.

Mr. MAHON. I make the assertion that this Bureau is open to every member of Congress and to every citizen of the United States who wishes to inspect it, and that it is as well conducted under these rules and regulations as any Bureau in the city of Washington. Every dollar that it expends must be reported to the Auditor of the Treasury, who audits the accounts of the Bureau and holds its officers to a strict account. Now, Mr. Chairman, why disturb this Bureau in its present relations? It is to-day absolutely under the Treasury Department, and if any gentleman will read these rules with care, he will come to the conclusion that there is no necessity for any further legislation in regard to this Bureau as to its work in detail or its control. Therefore I voted against the amendment of the gentleman from Tennessee on the information I had obtained from the books and from the record of the Department.

Mr. SAYERS. Mr. Chairman, I hope we shall now have a vote. The amendment of the gentleman from Maine [Mr. DINGLEY] comes first, being intended to perfect the text.

The CHAIRMAN. The Clerk will report the matter which the gentleman from Illinois [Mr. HOPKINS] proposes to strike out.

The Clerk read as follows:

And the Secretary of the Treasury shall reorganize the said office force by the reduction of their number or compensation, or both, so as to bring the whole of said compensation within the sum of $125,000 for the fiscal year 1895, and he shall submit estimates in detail for the said office force, as reorganized hereunder, in his annual estimates to Congress for the fiscal year 1896.

The CHAIRMAN. The Clerk will now report the amendment of the gentleman from Maine [Mr. DINGLEY].

The amendment was read, as follows:

Provided, That nothing herein shall be construed to affect the civil service rules in so far as applicable to the Coast and Geodetic Survey.

The CHAIRMAN. The amendment of the gentleman from Maine [Mr. DINGLEY], which is intended to perfect the text, takes precedence of the amendment of the gentleman from Illinois, which is to strike out.

The question being taken, the amendment of Mr. DINGLEY was adopted.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois to strike out the paragraph.

The question was taken, and the Chairman declared that the noes seemed to have it.

Mr. REED. I ask for a division.

The committee divided; and there were—ayes 51, noes 95.

Mr. REED. I think we ought to have a quorum on this. It appears to be a party measure.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Illinois [Mr. HOPKINS] and the gentleman from Texas [Mr. SAYERS].

The committee again divided; but before the count was completed the following took place:

The CHAIRMAN. Does the Chair understand that the point of no quorum is withdrawn?

Mr. HOPKINS of Illinois. Mr. Chairman, I ask unanimous consent that the vote on the consideration of the motion that I have made be postponed until to-morrow morning.

Mr. SAYERS. It is understood also, Mr. Chairman, that no

further debate shall be had upon this matter without unanimous consent.

The CHAIRMAN. Does the gentleman move that the committee rise?

Mr. SAYERS. No, sir. I simply agree that the vote on this matter be postponed until to-morrow morning.

Mr. CULBERSON. What is the proposition, Mr. Chairman?

The CHAIRMAN. The proposition is that the vote on this matter be postponed until to-morrow morning, the point of no quorum to be withdrawn.

Mr. REED. No. The point is not withdrawn except for that purpose.

The CHAIRMAN. The point of no quorum is not withdrawn?

Mr. REED. Not except for that purpose. I am willing, as a part of the unanimous consent, that this matter may go over until to-morrow morning, and that the rest of the bill be now proceeded with.

The CHAIRMAN. Then the point is withdrawn temporarily.

Mr. REED. It is temporarily withdrawn, for the purpose stated.

The CHAIRMAN. The point of no quorum is withdrawn on condition that unanimous consent is given for the postponement of the consideration of this question until the next legislative day. Is there objection?

There was no objection, and it was so ordered.

The Clerk resumed and concluded the reading of the portion of the bill relating to the Coast and Geodetic Survey.

The CHAIRMAN. The next matter reserved is on page 63 of the bill.

Mr. SETTLE. I ask unanimous consent to offer an amendment to a paragraph on page 35.

Mr. SAYERS. I object.

Mr. SETTLE. I will state to the committee that at the time the part of the bill which I wish to amend was read in committee, I was temporarily and unavoidably absent from the House; otherwise I should have asked to be heard at that time.

Mr. CANNON of Illinois. What is the provision?

Mr. SETTLE. The provision I wish to amend is that which appropriates $50,000 to the use of the Internal Revenue Department for the purpose of detecting and punishing violators of the internal-revenue laws. The reason I desire to be heard on this matter now is that the testimony on which this appropriation was allowed by the committee——

The CHAIRMAN. Debate is not in order unless the gentleman gets unanimous consent.

Mr. SAYERS. When we come to the appropriations for the judiciary I will give the gentleman a chance.

Mr. SETTLE. Mr. Chairman, I have an understanding with the gentleman from Texas that when another portion of the bill is reached I shall be allowed an opportunity to be heard on this matter. Hence I do not press it just now.

The CHAIRMAN. Does the gentleman withdraw his request for unanimous consent?

Mr. SETTLE. Yes, sir.

The Clerk read as follows:

Under Missouri River Commission: For improving Missouri River from its mouth to Sioux City, Iowa, including salaries, clerical, office, traveling and miscellaneous expenses of the Missouri River Commission, surveys, permanent bench marks and gauges, $750,000, $50,000 of which may be used for removal of snags and other like obstructions in the Missouri River above Sioux City, Iowa, to be expended under the direction of the Secretary of War.

Mr. BRODERICK. Mr. Chairman, when I asked the other day to have this item passed over, my object was to ascertain a fact which I had been unable to ascertain up to that time, and to give the Committee on Rivers and Harbors opportunity to consider a question which that Committee had then before it. The Missouri River is one of the most treacherous and destructive streams in this country. No one except those personally acquainted with the character of that stream can have the least conception of the destruction and waste that is now going on there at some points. For the purpose of information I desire to have read from the Clerk's desk a newspaper clipping which does not in the least exaggerate the facts, which indeed does not state them as strongly as truth would warrant.

The Clerk read as follows:

INTO THE RIVER—JUDGE HORTON'S LAND HAS BEEN WASHED AWAY AT ATCHISON—THE BIG MUDDY IS NOW FAST ENCROACHING UPON THE TRACKS OF THE SANTA FE—MANY FARMS ALREADY GONE—THE BIG BRIDGE AT ATCHISON IN GREAT DANGER OF BEING CUT OFF.

The Missouri River at Atchison is on another rampage. One of its latest acts was to wash away 40 acres of valuable land belonging to Chief Justice Horton, on what is known as Toftes Island, just above Atchison. But this is only a very small part of the "Big Muddy's" depredations.

About 3 miles east of Atchison, in Buchanan County, Mo., is a chain of lakes. Five years ago the erratic river showed signs of uneasiness and threatened to leave its channel and take a shoot down through these lakes. Congress was importuned, and by a system of riprapping, at a cost of $150,000, the channel was kept within its proper course.

The dikes put in five years ago were not permanent, however, and as they wore out, the big stream began working its way back into Missouri's shore. When the ice went out of the river a few weeks ago, the last one of the dikes went with it. The river then made another break for freedom through the Missouri lakes. It made a cut across the end of the island, eating up the land of Judge Horton, then attacked the farm of Mrs. James Fisk, in Missouri. This lady had 160 acres, and all that is left now is 6 acres. Charles Stier has lost 90 acres, and the houses of all the farmers in the vicinity have been moved back several times. Now the river is within 200 feet of the Santa Fe tracks at Pawpaw Junction. This station is used jointly by the Santa Fe, Burlington, and Rock Island, and the three roads are actively preparing to move their tracks back to the bluff to escape the big Missouri.

The people of Winthrop, just opposite Atchison, have refused to pay their taxes this year. They say they will hold on to their money until they find that their land is secure. They do not believe in paying taxes upon land in the middle of the Missouri River.

Mr. BRODERICK. I now ask that my amendment be read.

The Clerk read as follows:

Insert after line 1, page 64, the following words: "seventy-five thousand dollars of which, or so much thereof as shall be necessary to strengthen banks and improve the river, shall be used at and near Atchison, Kans., and at Leavenworth, Kans.

Mr. BRODERICK. The clipping just read from the Clerk's desk——

Mr. SAYERS. Mr. Chairman, I reserve a point of order on that amendment, as it changes existing law.

Mr. BRODERICK. The clipping just read gives some idea of the urgency which exists——

The CHAIRMAN. The impression of the Chair is that discussion upon the amendment had begun before the gentleman from Texas rose to reserve the point.

Mr. SAYERS. The gentleman offered his amendment and was proceeding to discuss it; but just as soon as I could get the Chair to recognize me I made my point.

Mr. REED. The gentleman from Texas rose in time to make the point. I took notice of that fact.

The CHAIRMAN. Had the gentleman from Kansas [Mr. BRODERICK] proceeded to discussing his amendment after he had offered it?

Mr. BRODERICK. I had the clipping read before offering the amendment.

The CHAIRMAN. The point of order will be reserved.

Mr. BRODERICK. Mr. Chairman, the clipping which has been read gives some idea of what has been going on at the point referred to. The Missouri River Commission has been applied to to give some relief; but the chairman of the commission says they have no means of giving relief without special legislation. Up to this time, at any rate, they decline to do anything at either Atchison or Leavenworth without special legislation.

Now, the Missouri River, as is well-known by most members from the West, is of very little use as a commercial highway. About all that can be done for it and for that country is the protection of its banks and the preservation of its bridges, thereby enabling the people living along that stream in the different States to carry on interstate commerce. There are very few steamers that go up the stream, so few that when one is expected at Kansas City the fact is advertised in advance, and I understand the people of the city go down to the river's bank to see the steamer as a curiosity.

Thus it will be seen that this river is comparatively worthless as a highway of commerce. The repair of these places where the banks are breaking and property is thus being destroyed is about all that the commission can do to aid the people along that stream. I hope the amendment will be adopted. For the information of some gentlemen who did not hear the amendment read I will state that it does not ask for an additional appropriation; it does not increase expenses in any way; it only proposes to set aside $75,000 of the appropriation named in the bill for work at the points named.

Mr. CLARK of Missouri. Are not all these expenditures of money on the Missouri River made now under a law of Congress providing that the Missouri River shall be improved by stretches or reaches, or whatever else the technical term may be?

Mr. BRODERICK. I think that the commission may use a portion of the money at its discretion. Last fall there was some work done at St. Joseph. Under the law 25 per cent was to be reserved from the continuing contracts. I understand that a portion of that 25 per cent is now on hand, but most part of it has been expended at the points where the banks are being broken. But there is no place on the river where there is such an emergency as at Atchison and Leavenworth.

[Here the hammer fell.]

Mr. MERCER obtained the floor.

Mr. CLARK of Missouri. I would like to ask the gentleman from Kansas [Mr. BRODERICK] another question.

Mr. MERCER. I will yield for that purpose.

Mr. CLARK of Missouri. Does the gentleman from Kansas

know anything of a scheme being on foot to induce that Missouri River Commission to spend money this year up about St. Joseph and Leavenworth, instead of down at the mouth of the river, where it ought to be spent.

Mr. BRODERICK. I did not hear the whole of the gentleman's question.

Mr. CLARK of Missouri. I say, do you know anything of a scheme being on foot to divert the expenditure of the appropriations for the improvement of the Missouri River this year, from the lower portion of the river, from Jefferson City to its mouth, and to expend the money in the neighborhood of St. Joseph and Leavenworth?

Mr. BRODERICK. I know of no scheme except to get the appropriation for these points where the river is cutting the banks. That is all I am interested in.

Mr. MERCER. I send to the desk an amendment in the form of a substitute for the paragraph.

Mr. SAYERS. My point of order is that the amendment of the gentleman from Kansas [Mr. BRODERICK] changes existing law; and I presume before a substitute can be offered it will be necessary for the Chair to rule upon the point.

The CHAIRMAN. The point of order can still be reserved.

Mr. SAYERS. I reserve a point of order also on the proposition of the gentleman from Nebraska [Mr. MERCER].

Mr. PICKLER. I desire to offer an amendment to the text.

The CHAIRMAN. The gentleman from Nebraska [Mr. MERCER] has the floor.

Mr. MERCER. I ask that the amendment I have sent to the desk be read.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out the whole section referring to the Missouri River Commission, and substitute therefor the following:

"Under Missouri River Commission: For improving Missouri River from its mouth to the south line of Sioux City, Iowa, including salaries, clerical, office, traveling and miscellaneous expenses of the Missouri Commission surveys, permanent bench marks, and gauges, $740,000; $50,000 of which may be used for the removal of snags and other like obstructions in the Missouri River above Sioux City, Iowa, and from the south line thereof; to be expended under the direction of the Secretary of War; and $150,000 of which shall be expended in the construction, repair, maintenance, and extension of revetments, dikes, and other works between the mouth of the Platte River, in Nebraska, and Sioux City, Iowa."

Mr. MERCER. Mr. Chairman, the people of Omaha and Council Bluffs have been buffeted from pillar to post by the Missouri River Commission and by the Committee on Rivers and Harbors for lo these many days, and we are very uncertain as to whether the relief so often prayed for will ever be granted. That these cities are entitled to assistance no one denies. The Commission and the committee are both profuse in sympathy, but very slow of action. There is a system of labor being performed by the Missouri River Commission to-day which has passed beyond the comprehension of the average man who resides along the Missouri River north of Jefferson City. It seems that there is a 16-mile stretch near Jefferson City into which money has been poured for the last three or four years in enormous quantities; and during the next year I believe a large sum is to be expended upon this same reach. It is high time that other parts of the river receive some attention. At the present rate of work performed Omaha will be reached in two hundred years.

Now, members on this floor have informed me that the banks at the mouth of the Missouri River need some improvement, that there is damage being done there, and that something should be done by legislation for the protection of the banks of the river at that point. I know that the same condition of affairs exists at Omaha and Council Bluffs, and if the Government is determined to expend so much money each year for the improvement of rivers and harbors this money should be spent where the greatest good will be done to the greater number of people.

I am told by the Committee on Rivers and Harbors that it is the policy, as adopted in the Fifty-first Congress and pursued since, that the Missouri River must be improved from its mouth up and toward its source. If that is so, why is not that policy pursued with reference to the mouth of the river, and why is a jump of one hundred and twenty or one hundred and thirty miles north made to one particular spot, overlooking, as it were, intermediate territory? I take it, Mr. Chairman, that if the Missouri River Commission has the discretion which the law says it has, and if it desires to do justice to the commercial centers along the river, that Commission will see to it that the banks and property along the Missouri River at commercial points are protected, and not that one part or reach of the Missouri River should receive thousands and thousands of dollars, to the detriment of other parts of the river. At the cities of Omaha and Council Bluffs there is $10,000,000 worth of property depending upon legislation favoring improvement of the Missouri River banks at these places. The people of these cities have expended in times gone by in the neighborhood of $600,000 in improving the Missouri River banks.

The Omaha Smelting Works have expended thousands of dollars in protecting the banks in front of their property. The Government has expended $120,000 at or near Council Bluffs; and if something is not done by this Congress through legislation to compell the Missouri River Commission to protect this work at Council Bluffs it will be wiped out of existence, and that much money will be thrown away.

Now, Mr. Chairman, what I desire is that this Congress shall recognize the fact that there are some places along the Missouri River needing attention outside of that 16-mile reach, for which so much has already been done. There is something at the mouth of the Missouri River that needs attention. Atchison, St. Joseph, and Leavenworth need attention. Omaha and Council Bluffs need attention, and Sioux City needs attention. Recognize the principal cities along this river in an equitable manner, and complaints will be few and far between. If this can not be done we had better abolish all river commissions and deal with these troubles direct.

Again, Mr. Chairman, with reference to the point of order that the gentleman raises, I desire to say that my substitute reduces this appropriation $10,000. And again, the substitute is perfectly germane to this section. I do not think the point of order raised by the gentleman from Texas [Mr. SAYERS] is well taken, and I trust this House, in all fairness, will see to it that the parts of the Missouri River which most need protection shall be recognized in this bill, and at this time.

Mr. Chairman, I desire to call the attention of this House to the following statement pertaining to this matter:

CHICAGO, *November 19, 1892.*

IMPROVEMENT OF THE MISSOURI RIVER.

Omaha reach—Florence to Union Pacific Railway bridge.

The characteristics of the Omaha reach are known from surveys for the United States which have been made with more or less regularity since 1877. These surveys show very fully the succession of changes in shore lines and river bed, and the general surveys carried over the river in 1879 and 1890 develop the character of the river above and below. The last survey, made for the purpose of this report in October of this year, shows the location of the river bed and of the main shore lines as they now exist.

The object sought is the fixation of the river in a proper course on account of the very large and growing property interests in the twin cities of Omaha and Council Bluffs that would be menaced by any material change. The interests of commerce are also concerned in a permanent location at the bridge crossings. Such works as are required for these objects promote in the highest degree the navigability of this reach as a part of the general improvement of the Missouri River.

The Omaha reach extends from Florence to the Union Pacific Railway bridge, a distance of 10 miles. The general or average width between the shore lines at ordinary high water is 2,200 feet, or about 800 feet in excess of the average width across low water and low bars. This general width, however, does not represent the proper width of the river, or that really necessary for the flow of the stream, but rather the space over which the stream has wandered in recent years, or during the time required for bars to build up, become covered with vegetation, or a growth of willows and cottonwood, and be regarded as fast land. On the whole, the changes due to the cut-off of 1877, just above the smelting works, have worked themselves out; and generally the course of the river and its stability have steadily improved up to the time of the October survey. Material changes from natural causes in the future are likely on the whole to be disadvantageous to improvement, and highly detrimental to very important interests that are adjusting themselves to the course the river is now shaping.

The same favorable conditions do not obtain above or below. Above Florence the rapid cutting of the point of the bend on the east shore throws the stream lower down against the bluffs, and this action can not continue indefinitely without producing radical changes in the bend below Florence and altering the conditions at the northwestern dikes so as to greatly disturb the course below, the ultimate effect of all of which can not be foretold. This danger is by no means remote, and the adoption of remedial measures should not be delayed. Below Omaha bridge such changes are occurring as indicate an uneasy disposition of the river, and between that point and Plattsmouth radical changes have occured in recent years and are now occurring which, in the readjustment that must follow, are a serious menace to the Omaha Reach.

In 1879, prior to the St. Marys cut-off above the mouth of the Platte, the distance by the course of the river from the Omaha bridge to Plattsmouth bridge was 33¼ miles. In 1890 this distance had shortened to 24½ miles, a decrease in length of about 27 per cent. During the same time no material change in length occurred in the river above from Omaha to Blair. The general experience with the river is that notwithstanding cut-offs and wanderings the length between fixed points, say 100 miles apart, will not in time show material alteration; in other words, that any shortening or other abrupt development is local and temporary. The river may wander and change its course, but the substantial length and average characteristics prevail. It is also believed that radical changes for the most part find their normal readjustment up stream.

These lessons of experience are in harmony with sound theory. It is obvious that the energy of the stream or the work which it can do is measured by the fall in a given distance. The fall per mile between Omaha and Plattsmouth has been increased by over one-third, and this surplus of energy will occasion wandering and spreading until sooner or later it works itself out in recovered length.

If the conditions favored the recovery of this length below Omaha, then the menace might not be serious to the Omaha Reach. They do not appear favorable, and no judgment can be formed as to whether the river will or will not, in the early future and in a brief season, take on comparative stability in the region of present instability with a transfer of slope and unstable conditions up stream. Should this occur, it is a question as to whether the Omaha reach could stand the strain of this surplus of energy until it had worked through to the river above, which is in a much more susceptible condition. If the Omaha reach was well secured throughout in a fair course of moderate width, unquestionably the transfer of any undesired conditions would be effected without material local damage.

The Omaha reach has not undergone recently other than the ordinary changes normal to the Missouri River as a result of flood seasons and the enormous amount of material shifted in its bed. At the present time the course as a whole, is very favorable to further improvement. The bend below Florence is a proper shape for bank revetment, and certain dike work should be done on the left bank, opposite and below Florence, with a view to better controlling the direction of the stream into the bend and building up the low and broad bar, and which extends well down towards the northwestern dikes. The course at and above the northwestern dikes is favorable and should be made permanent in the present position. From this point down to the point of bend opposite Omaha, the Council Bluffs or left bank, has been revetted for a distance of 5 miles. This bend has a pocket which should be masked by a dike in order to insure stability of course below in the 2½ miles approaching Omaha.

Aside from the holding of the concave banks in their present position, the situation reduces to a control of the run into the bend at and below Florence, fixation of the river at the northwestern dikes, and a masking of the pocket above the new railway bridge. It would be well also if in training the river the bend above the smelting works and in the approach to the highway bridge could be corrected by a course farther out and with less curvature. Property interests would be materially served thereby, and no doubt of themselves will in time bring about an easier course.

The question of allowable width is of importance, as a greater width than the proper requirements of the stream encourages wandering or change of channel, and affords better opportunity for unstable conditions to be effective. From a pretty full consideration of the matter for the entire river and extending through several years, 817 feet was fixed between Sioux City and Plattsmouth, and this may be safely adopted for any local requirement, and no doubt fixed banks that distance apart would be sufficient for the needs of the stream. This will seem to some who have not give any consideration to the matter of cross-section and scour as affected by variations in stage of water, as very narrow, and the more conservative width of 1,000 feet at ruling points will be entirely safe and probably more expedient.

If the width is controlled and fixed at a ruling point it will usually take care of itself in the bends lying between or require slight aid in building up the bars and reducing the section to the normal width, and thus broad areas will be recovered from the wandering river course to become in time fast land.

On the other hand, should nothing further be done to the Omaha reach we may expect the following results:

1. Changing conditions at Florence which will give rise to a shifting river in the bend below with heavy bank erosion and frequent bar changes.

2. A dropping down of the river's course below the northwestern dike and such a direct assault on the revetment as would probably destroy the same and confuse the course of the river below.

3. Shifting into and out of the pocket above the new bridge with a corresponding variation of the river in its approach to Omaha and difficult control of the channel at the bridge site.

All these conditions are favorable as furnishing points of attack in case of complication arising by which the unstable conditions below Omaha should be transferred into the Omaha reach.

It may be confidently stated that the Omaha reach is in better shape at this time than for many years past, and that future conditions and changes will be detrimental and possibly result in instability of a radical character. For these reasons it should at once be fully secured in a proper course by works of a substantial character.

The map of the October surveys shows clearly the place of the stream, the height of bars, and the course of the main banks. It bears out fully the conclusion that the ruling points are at Florence, the northwestern dikes, and at the pocket, 2½ miles above Omaha, the variations at these points being most largely responsible for the wandering channel and the varicose conditions below.

The matter of improvement will only be referred to in its general features, as the cost in advance of a knowledge of what the specific conditions will be when the funds are actually available and the specific plan that should be applied at each locality can not be stated except in its limits.

The several works will be referred to in what seems their natural order of development as affecting the several interests to be guarded.

1. *The Pocket.*—This will require a substantial system of dykes and cross-dykes, by which the pocket is to be recovered and a new shore line established which will continue the bend above on a fair curve so that the river will follow the Iowa shore to the vicinity of the new bridge, about three-fourths of a mile below the pocket. The longitudinal dyke for the new shore line will have a length of 4,000 to 5,000 feet and about an equal length of cross-dyke will be required, all estimated to cost $75,000.

2. *Florence Bend.*—This should have a substantial revetment from Florence down for about 3 miles, and the present bank line seems to be very favorable. How far the situation may be changed by another high water can not be told. This work should all be carried out in one season and will cost about $120,000.

3. *Northwestern Dikes.*—The river should be here trained and secured in a definite course so as to give an easy run into the bend below without direct assault on the banks. How permanent the revetment below the dikes may be I can not say, but it would require to be of the most unusual character to withstand direct and changing assaults. The proper and easy control below demands a fixed course in this locality. Probably a mile will require training and securing at an estimated cost of $60,000, although this estimate is subject to many contingencies.

4. *Florence Dikes.*—On the Iowa shore, opposite and below Florence, a mile of work may be judicious with a view to giving positive direction to the stream in Florence bend. The character and amount of work at this point is necessarily tentative in view of developments above, but an estimate of $60,000 should be sufficient for the probable requirements.

The foregoing aggregates $300,000. There may be incidental work which it would be judicious to undertake. These works, however, cover what is required to put the reach under control, though it might be well to increase the estimate to $350,000 to cover unforeseen contingencies.

Other works may properly follow, but as they will be more local and of a character to fix banks in more detail and build up bars, and must be projected in view of results that may follow the works outlined, no estimate is submitted. They will all be beneficial in more definitely fixing and securing the river and in determining its width and will be aided largely by the bank interests.

The question of what should be done in the short bend above the smelting works has been alluded to, but no project is submitted, as this locality does not appear to be specially menaced. No doubt a material change could be made which would be beneficial to the river and of advantage to property interest, and the depth of the underlying rock would seem to favor a correction. It is a matter requiring more and special study in view of the proximity to the two bridges.

Very respectfully submitted,

L. E. COOLEY, *Consulting Engineer.*

To ARTHUR S. POTTER, *Omaha, Nebr.*

Mr. SAYERS. Mr. Chairman, I have arranged the questions of difference respecting the Coast and Geodetic Survey; and in order that that part of the bill may be closed up, I ask unanimous consent of the committee to return to it and to consider this amendment, which is entirely satisfactory to the Committee on Appropriations.

Mr. DINGLEY. I think it is satisfactory to both sides.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] asks unanimous consent to return to the part of the bill with reference to the Coast and Geodetic Survey for the purpose of offering an amendment.

Mr. PICKLER. I desire to ask what becomes of this subject that we have under consideration.

Mr. SAYERS. We will immediately return to it.

The CHAIRMAN. The amendment offered by the gentleman from Texas [Mr. SAYERS] will first be reported, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

Strike out the words from the word "and," in line 24, page 22, to and including the word "within," in line 2, on page 23, and insert the following:

"And the Secretary of the Treasury shall reduce the number or compensation, or both, of said office force so as to make the whole of said compensation equal to."

The CHAIRMAN. Is there objection to recurring for the purpose of considering this amendment.

There was no objection.

The CHAIRMAN. The question is on the amendment which has just been read.

The amendment was agreed to.

Mr. REED. Now the motion to strike out offered by the gentleman from Illinois [Mr. HOPKINS] ought to be negatived.

Mr. SAYERS. My understanding is that the unanimous consent to consider this amendment disposed of that.

Mr. REED. That is all right if it is so understood.

Mr. WILSON of Washington. Mr. Chairman——

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] was recognized.

Mr. PICKLER. I yield to the gentleman from Washington [Mr. WILSON].

The CHAIRMAN. The gentleman from Washington [Mr. WILSON] is recognized.

Mr. WILSON of Washington. Mr. Chairman, a day or two ago my esteemed friend from Mississippi took me somewhat to task in a kindly way——

Mr. HOPKINS of Illinois. Mr. Chairman, just a moment——

Mr. WILSON of Washington. Mr. Chairman, if that matter is settled, and I have the floor, I would like to be advised of it.

Mr. REED. It is not quite settled yet.

Mr. HOPKINS of Illinois. Mr. Chairman, the amendment offered by the chairman of the Committee on Appropriations was to take the place of the motion I made; and in view of its adoption I will withdraw my motion.

The CHAIRMAN. What does the gentleman refer to? The pending amendment was offered by the gentleman from Kansas.

Mr. SAYERS. But this has reference to the Coast and Geodetic Survey. The language that has just been read is the language that was agreed upon.

The CHAIRMAN. The amendment offered by the gentleman from Texas, by unanimous consent, was adopted.

Mr. REED. And then the motion of the gentleman from Illinois [Mr. HOPKINS] is withdrawn.

The CHAIRMAN. The Chair thought that amendment had been finished.

Mr. SAYERS. It has.

Mr. HOPKINS of Illinois. My motion was still pending as an amendment when this amendment was offered.

The CHAIRMAN. The gentleman's motion for what?

Mr. REED. The motion of the gentleman from Illinois was to strike out the paragraph; but the paragraph having been amended to suit him, he withdraws the motion to strike out, and that leaves it as the Chair understands it, there remaining simply a technical difficulty that the Chairman has to get over.

Mr. COGSWELL. Do I understand that that matter is now closed up? I want it to go on record.

Mr. HOPKINS of Illinois. It is.

The CHAIRMAN. Wait a moment. Let the Chair see.

Mr. SAYERS. It is closed.

Mr. COGSWELL. I understand it is so, but the decision of the Chair would make me feel happier about it.

The CHAIRMAN. Now, the gentleman from Illinois withdraws his motion to strike out?

Mr. HOPKINS of Illinois. Yes.

Mr. DOCKERY. That disposes of all that portion of the bill.

The CHAIRMAN. Information is given to the Chair that the gentleman from Illinois withdraws his motion to strike out the paragraph on pages 22 and 23. Is there objection to the request to withdraw that motion? [After a pause.] The Chair hears none.

Mr. SAYERS. Now, that closes up the portion of the bill relating to the Coast and Geodetic Survey.

The CHAIRMAN. The amendment is withdrawn.

Mr. COGSWELL. And we do not return to the Coast and Geodetic Survey.

The CHAIRMAN. That is all there is of it. The committee is now considering the Missouri River Commission.

Mr. WILSON of Washington. Mr. Chairman, a day or two ago my esteemed friend from Mississippi [Mr. CATCHINGS], in a kindly way, took me somewhat to task for exhibiting some little degree of sectionalism upon the floor of this House. I rise to assure the gentleman from Mississippi that no member upon this floor is actuated with less sectionalism than I am. I certainly wish, so far as I can, by my voice and by my vote, to contribute in every way and in every manner possible to that which will bring prosperity and happiness to the people of his State and to all sections of the South; but I can not resist the temptation to make a comparison between the twelve favored projects brought in upon this sundry civil appropriation bill and the practical damage done to the people of the section I have the honor in part to represent.

Now, sir, when we go before the Committee on Rivers and Harbors to seek some appropriations for my State, with 1,900 miles of shore line with vast rivers and harbors, we are told to take our station at the end of the table and to be brief. We are then told, after we have made an argument, that we can only have one-fifth of the estimates recommended by the engineers of the United States; and yet when we come in with this bill on the floor of this House, what do we find? We find that the appropriation recommended, not by the engineers of the United States, but by civilians almost, men appointed for political reasons, these projects receive what—5, 10, 15 per cent? No! They receive 100 per cent, or every dollar they have requested. I call the attention of the House and the committee to the report before the subcommittee which considered the sundry civil bill. It will make interesting reading when placed in the RECORD. At one point a major of the engineers testified as follows:

Q. The amount asked for Hay Lake is $150,000. How much have you got on hand?

A. Four hundred and twenty-five thousand dollars.

And when the honorable chairman of this committee, thinking of the condition of the Treasury, and desiring to avoid making appropriations that are unnecessary, asks—

Q. Why don't you use that amount?

He goes on further and says:

A. Because it freezes in winter, and we can not work all the time.

Will it not freeze next winter, gentlemen of the committee? And so, I say, taking the Mississippi River Commission for example, when we came to the consideration of that in the committee we ascertained that there were no estimates before the committee for any appropriation; and this report says:

Will you not very kindly send in an estimate for the Mississippi Commission?

Mr. Chairman, when you or I, or any other member of the House, goes before the Committee on Rivers and Harbors, he knows if you have no estimates you can not have a single dollar; but you have kindly sent out and got an estimate, and the result is $2,000,000 appropriations on the sundry civil appropriation bill. I say, gentlemen, it is unfair; it is unjust. It is inequitable to every other section of the country. I ask that the portion of the country which I have the honor to represent shall be treated in the same way and in the same manner as the section of every other member upon this floor is treated. If it is to be 5 per cent, let us make it 5 per cent for all. Now, look at it for instance. Distinguished gentlemen come and say we are ungenerous to the South. They come in preaching economy, they come in preaching reform, and yet here is a tabulated statement of the appropriations that have been made for rivers and harbors in the entire country from its organization. Up to 1890 you appropriated $76,000,000 to the Mississippi and Missouri Rivers, and you added $20,000,000 and over for the Gulf States.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MERCER. I ask that the time of the gentleman from Washington be extended twenty minutes.

Mr. WILSON of Washington. I only want three or four minutes more.

Mr. LOUD. Is not the gentleman speaking on the point of order, and is he not recognized for an hour?

The CHAIRMAN. The point of order has been reserved.

Mr. SAYERS. I ask unanimous consent that the gentleman be permitted to continue his remarks for five minutes.

There was no objection.

Mr. WILSON of Washington. I am always under obligations to my esteemed friend. Every day he places me under more obligation to him on this floor, and I hope the time may come when I shall have an opportunity in some small way to reciprocate the many obligations that I am under to my distinguished friend from Texas. [Laughter.]

Now, Mr. Chairman, I would like to print in the RECORD the testimony taken before the committee. I want to place it in the RECORD to show the House, to show the country, that those who are standing here every day talking and preaching economy, by whom we are told every day we must cut down the expenditures of the Government, are bringing in appropriations for twelve favored projects when large sums remain unexpended of the appropriations made at the last session of Congress; and to say to you, sir, that you may talk about your low tariff, and talk about your high tariff, and talk about your tariff for revenue only, but so long as you gentlemen continue to appropriate $500,000,000 every year somebody has got to pay the fiddler while they do the dancing. [Laughter.]

This money comes out of the common people. What we contend for is that while we are charged with these appropriations in the West, the only instance and the only time, the only place, the only circumstance where you have ever cut down the expenses of this Government in clerk hire in any of the Departments was in the General Land Office, where we pay every dollar of the expenditures by the fees and from the lands sold in our section. You cut down the force of the Land Office, and yet we gave you a net revenue of $4,000,000 last year.

Mr. DOCKERY. And they were cut down on the recommendation of the Commissioner of the General Land Office.

Mr. WILSON of Washington. Yes, they were cut down on the recommendation of the Commissioner of the General Land Office, and the gentleman should have added that he was a Republican.

I say that you apply to my section of the country a rule which is unjust and unfair. We should be treated as others are treated. I propose to place in the RECORD, if I can have the consent of the committee, a tabulated statement coming down to 1890, which will show just where the money has gone. Mr. Chairman, these contracts ought to be abolished. I know it is the law, but I know, too, that when I go to my able friend, the chairman of the committee, and ask him for an increased appropriation for Olympia Harbor, he will say to me, and say very properly: "We have got to keep this bill down; we have got to keep it under ten millions. There are eight millions on the sundry civil bill charged to this bill." So others are receiving a hundred per cent while my colleagues and I are allowed only one-fifth of the Engineer's estimate. That is the unfairness of which we complain.

If the Rivers and Harbors Committee can not afford to give me over one-fifth of the estimate, then they can not afford to give over one-fifth to the Mississippi River. We have poured out $75,000,000 there already, and I think the facts will show that it has accomplished little or nothing up to date. Again, these commissions ought to be under the Army of the United States. Let us take the civilians off these commissions and save these salaries of five or six thousand dollars a year. I know of a man from Indiana who was appointed fifteen years ago on the Mississippi River Commission just because he had been defeated for Congress, and he is still there at five thousand a year.

Mr. HENDERSON of Illinois. Yes, an intelligent gentleman, too.

Mr. WILSON of Washington. Yes, he is an intelligent gentleman. But he is like a man who came up from Virginia to look for an office, and who said he didn't know just what he wanted, but he thought he would take a "sinecure." [Laughter.]

Mr. STOCKDALE. He is the most efficient man on the Commission.

Mr. WILSON of Washington. Very likely. But when you stand up here and vote to send Indian agents into my country from Alabama and Georgia and South Carolina and Texas, you ought to be willing to agree to give up these places and let the Army officers to do the work of these commissions. Why, I am afraid they are going to depopulate Georgia before the present honorable Secretary of the Interior gets through. [Laughter.] They will not appoint any Democrats belonging to my State to any little office, even as special agent to remove a few Indians.

They sent us a gentleman only the other day, one from the State of Tennessee; and so it is all along the line, as far as the West is concerned. You are continually doing us great injustice, gentlemen. We are weak now, we are powerless now, but the time will come when we shall have votes sufficient to do something in this House, and in that day—I, speaking for my people, say that they will not be as unjust to your constituents as you are upon this bill and upon the river and harbor bill to the people that I represent.

Mr. COGSWELL. Mr. Chairman, there are many appropriation bills reported to and passed by this House. Aside from the six or seven that come from the Appropriations Committee, we

have large bills from the Committee on Rivers and Harbors, from the Indian Committee, and from the Committee on Agriculture, and I think if my friend from Washington would show to this House what his section of the country has received in all those different bills he would then be unable to complain that his constituents have been discriminated against. For instance—and only as one case upon which I can lay my hand at this moment—I have here a statement of the appropriations for land surveys for eight years, including 1893. Out of a million and a half of dollars appropriated, to be divided among twenty-six States, how much do you think the gentleman got for his State?

Mr. WILSON of Washington. I know.

Mr. COGSWELL. So do I. A little over a million and a half of dollars was appropriated for twenty-six States, and the gentleman's State got $250,000 of that—a quarter of a million dollars.

Mr. WILSON of Washington. May I interrupt the gentleman a moment?

Mr. COGSWELL. Not for a moment just now. [Laughter.] Montana, Oregon, and Washington—I take these three Western States as my eye falls upon them—received out of that large appropriation nearly $700,000. I do not say that they received too much, but when a man from a particular section gets up here and picks out a special item in this appropriation bill and complains that his people have got nothing in it and that some other part of the country has got too much, I think it is proper to call attention to these other appropriations. The gentleman's statement is not fair. Let him take account of all the public moneys that are appropriated from the Treasury and see if he can then claim that it has been unfairly distributed. The gentleman says, "Give me my pro rata of this bill," but would he take it on the land bill? Not for a moment.

Mr. WILSON of Washington. Yes. I move to strike out the last word, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. COGSWELL] has the floor.

Mr. COGSWELL. I have done.

Mr. WILSON of Washington. I wish to say, in reply to the the gentleman from Massachusetts——

The CHAIRMAN. The gentleman from Mississippi [Mr. CATCHINGS] is recognized.

Mr. WILSON of Washington. Well, I will get the floor another time.

Mr. CATCHINGS. I wish to say a few words at the beginning with regard to the amendment suggested concerning the appropriation for the Missouri River. I desire to make a longer statement than I can make in five minutes, and I should like to be allowed a little more time.

Mr. SAYERS. I ask unanimous consent that the gentleman from Mississippi be permitted to speak without limit.

There was no objection, and it was so ordered.

Mr. CATCHINGS. Mr. Chairman, we have had under consideration for quite a number of years a plan proposed by the Missouri River Commission for the improvement of that river. That Commission, in the very inception of the work, urged upon Congress the absolute necessity of doing it in a systematic manner, beginning at the mouth of the river and working upward; but the River and Harbor Committee in past years, yielding to the anxiety and the solicitations of members who were interested in various localities on the river, declined to be governed by the recommendations of the Commission, and began to parcel out from the aggregate sum appropriated for the improvement of the Missouri amounts to be expended at this, that, and the other point.

As a matter of course, when one member of Congress succeeded in securing the designation of a specific sum for some particular locality in his district, it was but natural that other Representatives along the river should come and clamor for specific appropriations for localities in their districts. If you will turn to the river and harbor bill for 1888 you will find that the whole sum of $1,000,000 carried by that bill for the Missouri River was parceled out to the different localities upon that river without leaving the slightest discretion in the Commission or leaving one single dollar to be expended in pursuance of their general plan. When the work had reached this stage it became manifest to gentlemen interested in the river, and to the members of the River and Harbor Committee, that a halt had to be called. It must be remembered that while the Missouri is a great stream, pouring annually an immense volume of water into the Mississippi, it is yet a stream substantially without commerce.

There are so few boats navigating that river that they are scarcely worth mentioning in a discussion of this kind. Now, the scheme that Congress had entered upon was to so harness and control the waters of that angry stream as to adapt it to the needs of navigation, but we had departed entirely from that scheme and our operations had degenerated into a system which was an appeal to Congress not to make the stream navigable for steamboats but to protect private property along its banks. For, Mr. Chairman, it was not contended nor can it be contended, that the designation of particular sums contained in the bill of 1888 had any other purpose than to protect private property on the banks of the river, leaving the river itself utterly without commerce.

So we had reached a point in the history of that work when we were obliged to do one of two things—either to abandon this system of appropriating the money specifically to localities and leave the Commission the right to use it for the improvement of the navigation of the river, or else to strike the Missouri River from the river and harbor bill. And when we had reached that point we invited every gentleman in Congress who was at all concerned in that river to attend the meeting of the River and Harbor Committee and listen to the suggestions which we made in that direction. And after a full consultation the statement there made was accepted as true by those members, that we must either do one of two things—strike that river entirely from the bill, or cease this practice into which we had fallen of stripping the river commission of all authority and discretion and devoting money specifically to the preservation of private property.

In pursuance of the agreement then and there entered into, we provided in the act of 1890 for the appropriation of a general sum to be expended by the Missouri River Commission in its own discretion, leaving that Commission, however, by the express terms of the law, the power, if it chose to exercise it, to expend certain portions of the money at the harbors and localities on that river. And the act of 1892 followed in precisely similar language, appropriating a specific sum of money, with no direction or mandate whatever to that Commission, but at the same time leaving it the power, if it should chose to exercise it, to protect localities along the bank of that river.

Mr. LOUD. I should like to ask the gentleman a question, in order that I may fully understand the thread of his argument.

Mr. CATCHINGS. Certainly.

Mr. LOUD. Is it understood that this money may now be devoted to the purpose of protecting private property from the inroads of the river?

Mr. CATCHINGS. The Missouri River Commission, in its discretion, having in view that the purpose is to improve the navigation of the river, may expend certain portions of this money at different localities or at different harbors, but always——

Mr. LOUD. That does not answer my question.

Mr. CATCHINGS. I thought I answered it—always having in view that the object is to improve the navigation of the river.

Mr. LOUD. Still it is discretionary with the Commission whether they shall use this money ultimately for the protection of private property, is it not?

Mr. CATCHINGS. It is not to be assumed, Mr. Chairman, that they would exercise that discretion for any other purpose than to improve the navigation of the river.

Mr. LOUD. Then it is merely an assumption, is it? There is no law that makes any prohibition as to their use of this money.

Mr. CATCHINGS. None at all.

Mr. LOUD. The matter, then, is entirely in the discretion of the Commission?

Mr. CATCHINGS. But of course, Mr. Chairman, we must credit that Commission with the same purpose which actuates all of us—to discharge public duties faithfully and to carry out the spirit as well as the letter of the law.

Mr. LOUD. I simply wanted to get at the fact of the matter.

Mr. PICKLER. Will the gentleman from Mississippi [Mr. CATCHINGS] explain more definitely what he means by protecting private property? Does he mean rectifying the banks at cities?

Mr. CATCHINGS. I mean this: Of course, when you improve the navigation of the river, you do protect private property; but that is an incident of the work, not the main object of it. These appropriations, however, had been so parceled out that the navigation of the river had been lost sight of; and the money was confessedly and avowedly expended with no other object than to protect private property. At that period in the history of the work which I have mentioned we made the change I have described, and it has been carried on down to the present time.

Now, Mr. Chairman, if these amendments which my good friends here have suggested are to be adopted, we simply, by our own act, revert to that condition of chaos into which this work had fallen in 1890; and this presents a serious question for the House to consider. I am sure that this House would not for one moment entertain the proposition of making so radical a

change with regard to the manner in which this stream shall be dealt with without the most careful and earnest consideration. So that even if these amendments were not subject to the point of order, I would say to the House that it would do well to proceed slowly and cautiously before reëmbarking upon a scheme which wrecked itself in the manner I have explained, because if we are to go back to the old system of permitting the whole appropriation to be expended at specific localities under the direction of Congress, we shall have lost sight of the only constitutional power that we have to expend one dollar of money upon that river, that is for the purpose of making it useful as an artery of commerce.

Mr. MERCER. If the Missouri River Commission is pursuing the system which the gentleman indicates in his line of argument, why is it that the repairs needed to-day at the mouth of the river can not be made?

Mr. CATCHINGS. I can only answer that upon a supposition; for I have not consulted any member of that Commission as to the motives which have prompted them to spend a dollar here or a dollar there. I can only answer upon the assumption that they have seen proper to utilize a considerable portion of this money in the preservation of works which had already been constructed at certain localities approximating the mouth of that river.

Now, I sympathize very deeply with my friends on this floor who are interested in this river, and especially with my friend from Kansas [Mr. BRODERICK]. I wish it were in our power to give a sufficient sum of money for the purpose which he advocates. I think it would be wise on the part of that Commission to divert a portion of the money at its disposal in meeting the imminent danger which is now threatening at Leavenworth and Atchison. So believing, I yesterday, with the consent of the Committee on Rivers and Harbors, telegraphed to the president of that Commission, saying that it was the judgment and wish of the Committee on Rivers and Harbors that this danger should be averted if it could be done, and calling his attention to the very serious change threatened in the channel of the river.

Mr. MERCER. Are matters worse there than at Omaha and Council Bluffs?

Mr. CATCHINGS. Very much so, I think.

Mr. MERCER. I know that is not so.

Mr. CATCHINGS. I will hasten on with my remarks, because I do not wish to detain the committee too long.

Mr. PICKLER. What was the answer of the president of the Commission?

Mr. CATCHINGS. He answered that the Commission had no money under its control which it could expend for this purpose. And if you will turn to the report of the Missouri River Commission you will find that on the 1st day of January last the Commission had expended every dollar we had appropriated except the sum of $78,000, which I presume they are retaining with a view to contingencies which are liable to arise in the prosecution of a great work like this. So the president of the Commission telegraphed back that the Commission had no money to devote to the purpose mentioned, but very clearly intimating his desire that Congress should put the Commission in possession of funds that this work might be done.

But, Mr. Chairman, if the Committee of the Whole should vote down these amendments, supposing that they do not go out upon the point of order, this question is still to be considered by the Committee on Rivers and Harbors; and if after more mature consideration and reflection we feel that we can or ought to make such a recommendation, we will insert a provision to that effect in the river and harbor bill which we expect shortly to report. I do not state this for the purpose of having my young friend from Nebraska [Mr. MERCER] who now stands before me, as handsome a picture as I ever beheld—— [Laughter.]

Mr. MERCER. Thank you.

Mr. CATCHINGS. Not for the purpose of inducing him to yield a particle of his right to press this amendment; but I state it frankly and candidly because it is the simple truth, as every member of the Committee on Rivers and Harbors knows.

Mr. PICKLER. Will the gentleman repeat his statement as to the disposition of the River and Harbor Committee?

Mr. CATCHINGS. I said that the committee proposes to take under consideration carefully the propriety of undoing even in a small degree the work which we thought we had finally settled by the appropriation act of 1890, to the extent of permitting a diversion of some part of this fund at this locality and perhaps others.

My friend from Washington [Mr. WILSON], to whom I always listen with pleasure, has I think rather unjustly created the impression here, or tried to do so, that so far as these particular works are concerned, there has been some unfairness, which has resulted in undue benefit to the southern section of this country.

Mr. WILSON of Washington. Will the gentleman pardon an interruption right there? I think he must have misunderstood me. The thing I was declaiming against was that an undue discrimination is made, so that while you get 100 per cent we get but 20 per cent.

Mr. CATCHINGS. I will take up that matter also; but it may not be amiss while we are on this question——

Mr. WILSON of Washington. I do not want you to charge Oregon to me.

Mr. CATCHINGS. I do not charge it at all. I do not charge anything to you. I am simply trying to make a frank and absolutely candid statement to the House as far as I can do so.

Mr. WILSON of Washington. I would not assume for a single moment that the gentleman would do otherwise.

Mr. CATCHINGS. I do not intend to make any statement which is not absolutely and strictly correct; and of course I know that no gentleman here would suspect me of desiring to do otherwise.

Now, Mr. Chairman, I have served upon the Committee on Rivers and Harbors for many years. My distinguished friend from Illinois [Mr. HENDERSON], who sits just on the other side of this aisle, has served on that committee from the day of its creation until now, and it has been a source of constant care and and thought to us how we might deal, with some show of economy, with the great works which were pressing for improvement.

It has become manifest to us after reading the reports of the engineers from year to year, that this Government, under the system which had theretofore prevailed, had been made annually to lose many millions of dollars, and that the commerce of this country had been made to suffer by the undue postponement of the completion of the greater projects which were demanding recognition at the hands of Congress.

And so we set our minds to the solution of the problem as to how we might expedite the completion of these great works, and at the same time exercise an economy which would be felt, which would manifest itself in the saving of millions of dollars to the Treasury. We came to the conclusion in that committee, Mr. Chairman, without a single dissentient vote, that it could be accomplished——

Mr. HENDERSON of Illinois. Mr. Chairman, if my friend will allow me a simple suggestion, I would say that Senator FRYE (if I may speak of the Senate) was the first to suggest this system.

Mr. CATCHINGS. That is true. It gives me great pleasure, Mr. Chairman, to pay that tribute to the distinguished Senator whose name has been mentioned. He has to my personal knowledge been one of the most useful members of the Committee on Commerce for many years. And we have always had not only his active and earnest, but his unusually intelligent coöperation in the management of these great works.

The suggestion did come from him, and it was carefully considered by the Committee on Rivers and Harbors, and we came, as I stated, to the conclusion, without one dissentient vote, that it could only be accomplished by doing it in a business-like way, by having these great works constructed as a man would undertake to construct a great private work on his own account; and so we provided, Mr. Chairman, that within the limits of the cost of the work it should be lawful for this Government to make contracts for the continuation and completion of the work in advance of appropriations. That is why these works are spoken of as contract works.

For instance, in the bill of 1890 we took on, under this system, the harbors of Philadelphia, Baltimore, and Galveston, and the improvement of the St. Marys and Hay Lake Channels in the Great Lakes. We appropriated for all of these places in the bill of 1890 the sum of $2,340,000, and conferred upon the Secretary of War the right to make contracts for the completion of every one of these works, to be paid for by future appropriations, to be made by Congress.

Mr. CLARKE of Alabama. And every one of those came from the Senate.

Mr. CATCHINGS. Every one of those came from the Senate. The work was inaugurated in the Senate, under the masterful leadership of my distinguished friend, Senator FRYE.

In 1892, Mr. Chairman, the beneficial result of that system had so manifested itself that again, without a dissentient voice, in the Committee on Rivers and Harbors, we placed under the contract system twelve other of the great works, Point Judith in Rhode Island, the Hudson River, the Missouri River, the Upper Mississippi, by which I mean the river from Cairo north, the harbors of Charleston, Savannah, and Mobile, the Lower Mississippi, by which I mean the river from Cairo to the Gulf, St. Johns in Florida, Humboldt in California, the Cascades on the Columbia River, a ship channel running through the Great Lakes from end to end, and the Great Kanawha in West Virginia.

Mr. LOUD. Will the gentleman yield for a question relating to the Mississippi Valley?

Mr. CATCHINGS. I am coming to that.

Mr. LOUD. The last appropriation contained $16,030,000 for the Mississippi River and its tributaries. That is continuous. Now, the question I desire to ask is this: I brought out the point heretofore that much of this money is being used ultimately for the purpose of protecting private property; that is, to prevent the river from breaking in over the banks.

Now, we could possibly stand $16,030,000 if that could possibly insure the completion of the improvements on the Mississippi River under this system of contracts, but we know that from the condition of the banks of that river these improvements must continue forevermore so long as the river flows to the sea.

Mr. CATCHINGS. I will resume where my friend interrupted my remarks; but I will pause to say that I do not understand what he means by saying it will take $16,000,000 for the improvements of the Mississippi River.

Mr. LOUD. Do not the continuous contracts, covering four years, call for an expenditure of $16,000,000 for the Mississippi River improvements?

Mr. CATCHINGS. No, sir.

Mr. LOUD. How much?

Mr. CATCHINGS. My recollection is, and I do not undertake to say that I am positive about the amount, that the appropriations for the Mississippi River from Cairo to the Gulf amount to $10,000,000.

Mr. LOUD. Taking the whole Mississippi River?

Mr. CATCHINGS. Taking the whole Mississippi River, possibly you are correct.

Mr. LOUD. I took it from the bill at that time.

Mr. CATCHINGS. Possibly you are correct in that statement.

Now, Mr. Chairman, let me go along in the line of remarks I was about to make, and I will revert presently to the question of my friend. Taking on these twelve new projects, as I have said, in 1892 and we appropriated for them in the bill for that year the sum of $5,952,500; and we vested the Secretary of War with power to make contracts for the continuance of those works, to be paid for by appropriations thereafter to be made; and the appropriations contained in the sundry civil appropriation bill are appropriations made to cover contracts which had been made by the Secretary of War in pursuance of the power conferred upon him. And there is the reason, Mr. Chairman, even if we were disposed to economize upon these contracts, why it could not be done without unduly postponing the settlement of obligations which have been imposed upon the Government by the Secretary of War in pursuance of authority conferred upon him.

I repeat that these appropriations upon the sundry civil bill are made for the purpose of enabling this Government to discharge obligations incurred in pursuance of authority expressly conferred by law.

Now, Mr. Chairman, one result of this new departure in the improvement of rivers and harbors has been that the improvement of the harbor of Humboldt, California, has been completed. So far as appropriations are concerned and under the contract entered into it will soon be finished in fact. The great work at the Cascades called for a large sum, which has been appropriated, though not entirely expended. It will shortly be completed without further appropriation. The great channel through the lakes, known in river and harbor phraseology as the "ship channel," has been completed. The improvement at St. Johns River is approaching completion, and now asks for no appropriation. And the same may be said as to the great works on the Kanawha. Baltimore Harbor has been actually completed for one or two years.

Mr. CLARKE of Alabama. What the gentleman means is that some of this work has not been completed, but the contracts have been made and the appropriations have been made which will complete them.

Mr. CATCHINGS. I mean to say that some of them have had sufficient appropriations to complete them, and some of them have actually been completed.

Now, Mr. Chairman, is there a member within the sound of my voice who will hesitate to give his adhesion to the correctness and safeness of a principle that permits Congress to place these great works under contracts? If they had been continued under the old practice, many years would have elapsed before they could have been completed, and in the meantime the interests of commerce would have suffered and the Treasury would have been put to much greater expense; because it must be borne in mind, Mr. Chairman, that with a single solitary exception, and that is the work at the mouth of the Columbia River, not one of the greater projects which Congress has undertaken to accomplish in the way of river and harbor improvement, certainly since I have been a member of Congress, has been completed within the estimates originally made. The cost, wherever they have reached completion, has gone many thousands of dollars beyond the original estimate. That is simply accounted for, because we only made appropriations for rivers and harbors once in two years; and great plants were organized, required to carry on the work; and when the appropriations failed these plants were broken up, employés were scattered, the boats and dredges became of no further use; and all this was done necessarily at a very great cost.

Mr. HERMANN. If the gentleman will permit me to interrupt him right there, merely to emphasize the point he was making in favor of the contract system, I will say a contract was made for the improvement at the mouth of the Columbia River and by that means a sum almost equal to $2,000 was saved on the original estimate and a depth of water from 17 to 30 feet was obtained and is now maintained.

Mr. CATCHINGS. That strongly corroborates the theory which pervades this contract system.

Now, Mr. Chairman, another result has been that every solitary one of these works which we have placed under contract has been completed, or will be completed, as is shown by a statement which I hold in my hand furnished to me by Gen. Casey, the Chief of Engineers, within the original estimates, while many of them have been or will be completed at a very great saving upon the original estimate. For instance, the Baltimore work was done at 15½ per cent less than the average prices paid prior to placing it under contract.

Mr. WILSON of Washington. May I ask the gentleman a question?

Mr. CATCHINGS. In one moment. If gentlemen will turn to Humboldt Bay in California they will find that the whole work there has been done for $740,660, which it was expected would cost $1,715,115.

Mr. LOUD. The gentleman may possibly be misleading himself, or he may mislead the House, when he speaks of these works being "done." He has spoken of the work in Humboldt Harbor. I am, of course, familiar with that. The gentleman understands, I suppose, that the work there has not been completed.

Mr. CATCHINGS. I simply mean that the whole work has been contracted for. I do not mean, in any case where I speak of these works being "done," to produce the impression that they have actually been completed, that the last lick of work has been done. I simply mean that the contracts have been made for the completed work and the total cost ascertained.

Turn to the Hay Lake Channel, one of the most important points in the chain of navigation of the Great Lakes, and you find that the work there was done for $900,000 less than the original estimate. Again, if you turn to the ship channel in the Great Lakes, you find that it is to be completed for $1,304,000, although it was expected and estimated to cost $3,340,000; so there is a saving of two millions upon that work alone.

Mr. BLAIR. I wish to ask the gentleman a question bearing upon these savings under the contract system. How are these wild estimates accounted for? The gentleman has mentioned an estimate of $3 where an actual expenditure of $1 was found sufficient. How can that be explained?

Mr. CATCHINGS. I can explain, I think, to the distinguished gentleman from New Hampshire why it is that we accomplish the work in this way for so much less money than was originally estimated. Under the old system it was perfectly understood that we passed but one river and harbor bill in two years and the people who contracted to do this work made their bids with the knowledge of that fact, and the engineer was compelled to make his estimates with a view to the character of bids which he knew from experience he would receive. But now, since we go on so continuously that the contractor can utilize every moment of the year in which he can work at all, when he knows that when he once assembles his plant he can keep it in continuous use, he can afford to bid at a much lower rate, and the reports show that the change has begotten a great crop of bidders, because these works have become very desirable for contractors, and competition is much greater than under the old system.

Mr. WILSON of Washington. The gentleman makes the point that there is a saving of expense under this contract system. Now, take Olympia Harbor, in my State, for which you have made appropriation. It is a fact that upon that coast, north of San Francisco, there is but one great dredger, and we had to bring that around by Portland to Olympia Harbor. The engineers of the United States, who seem to me to be as capable of making an estimate as any of the gentlemen who have made estimates for these twelve favored projects——

Mr. HENDERSON of Illinois. They were engineers.

Mr. WILSON of Washington. The engineers of the United States estimated for Olympia Harbor that they could use advan-

tageously $150,000 and complete that work while the dredger was at Olympia. Now, what I am complaining of is that we get only 20 per cent of that amount, $30,000, and the result will be that we will do that much work and then stop, and that work will not count, and we shall have to begin all over again. If it is a good thing to put these twelve favored works under the contract system in your State, or in any other State, why is it not a good thing to put such works under contracts in our section.

Mr. CATCHINGS. I can only say to the gentleman that if I had my way about it, if I were absolute master of the situation and there were no other factors to be considered, I would place every one of these works that were worthy of being done at all, under the contract system. It would result not only in great expedition, but in most abundant response to the demands of commerce, and an enormous saving to the Treasury. But, Mr. Chairman, we are a practical people and we must act as practical men when we know that we can not do these things in that way. For instance, we know that when we had $22,000,000 in the river and harbor bill, a year or two ago, there was an enormous clamor all over the country that we were "boodlers," that we were robbing the Treasury. I say, sir, that if that bill had carried $50,000,000 it would not have carried a dollar too much.

Therefore we have to adopt this system by degrees. But I will say to the gentleman that when we shall have completed these works, which we shall probably do by the next Congress, I believe that we can then take twelve or fifteen other works and push them to completion under the contract system.

Mr. WILSON of Washington. I trust that the gentleman will not forget me at that time. [Laughter.]

Mr. CATCHINGS. We will try to remember the gentleman.

Now, Mr. Chairman, I have a statement here which I will ask leave, it being a matter of considerable interest, to print as a part of my remarks. It is a statement made for me by the Chief of Engineers, and I am sure that gentleman will be interested in reading it.

The statement is as follows:

MEMORANDUM PERTAINING TO CONTINUOUS CONTRACTS.

Point Judith Breakwater: Estimated cost, $1,100,000; amount of contract, $1,100,000.

Hudson River, Coxsackie to Troy: Estimated cost, $2,477,906; amount of contracts, $2,152,642.50; other work needed, $50,000; leaving a balance for contingencies, etc., of $242,263.50. So that the work has been let well within the estimated cost.

Philadelphia Harbor: Estimated cost, $3,500,000. The first contract failed; under this contract work was done to the amount of $94,084.18. New contract was let for the amount of $3,403,780; of this $320,000 was for work ordered by Congress but not included in the original estimate, and $142,000 for a change in the project, also ordered by Congress. Under this contract the price for dredging is 14.2 cents per yard, less than half the average price paid during the ten years on the Delaware for similar dredging preceding these contracts.

Baltimore Harbor: This work is now complete. The price in the continuing contract was 15½ per cent less than the average prices paid in the preceding ten years under the system of annual contracts.

Charleston Harbor: Estimated cost to complete, $2,178,000; amount of contract, $1,884,000; leaving for contingencies, $294,000; so that the work has been let well within the estimated cost.

Savannah Harbor: Estimated cost to complete, $3,150,000; amount of contracts, $2,906,000; therefore, inclusive of contingencies, safely within the estimate.

St. Johns River, Fla.: Estimated cost to complete, $397,000; contract for the entire amount,

Mobile Harbor, Ala.: The act of July 13, 1892, authorized contracts aggregating $1,393,800; the same being $50,000 less than the estimate for completion. One contract for the entire work has been made at the low price of $7\frac{7}{10}$ cents per cubic yard, 8 per cent less than the price under the preceding contract, with an appropriation of $350,000, and 14 per cent less than the price under which work was performed at the time the estimate was made.

Humboldt Bay, Cal.: The act of July 13, 1892, authorized contracts to complete to the aggregate amount of $1,715,115; that being the estimated cost. One contract for the whole amount of work estimated as required has been let at prices which will aggregate for that amount of work the sum only of $740,660; which, with contingencies and repairs during the time of construction, will probably amount to about half of the estimated cost to complete.

Cascades Canal: The act of July 13, 1892, authorized contracts to the amount of $1,746,500; the estimate for completion. A contract for the entire work has been made, aggregating for the estimated quantities the total of $1,521,265; showing that the work will, under that contract, be completed within the estimate made.

St. Marys Falls Canal: The act of September 19, 1890, authorized contracts to be entered into to complete the work. Several contracts have so far been made, but several more are to be entered into and advertised for, and therefore a summary statement of the whole can not yet be made. The prices so far obtained for the portions let indicate that the work will be performed within the estimate.

Hay Lake Channel, St. Marys River: The act of September 19, 1890, authorized the making of contracts to complete the entire work. Contracts have been made for all the work, and it is expected that the work will be completed for a sum fully $900,000 within the estimated cost of the work.

Galveston, Tex.: The act of September 19, 1890, authorized contracts for the whole work. At one letting the lowest bidder failed to enter into contract. The work was again advertised, and operations are now being carried on under a contract made with the lowest bidder. The ultimate cost will depend on the length to which it may be found necessary to extend the jetties; but the loss by partial contracts would be large in quantity, in prices, and in the measure of success.

Ship channel in the Great Lakes: The project was estimated to cost $3,340,000, and the act of July 13, 1892, authorized contracts to be entered into for that amount. Contracts are now made for the whole, and they aggregate for the estimated quantities the sum total of only $1,304,434.38. So that the estimated quantity of work will be done for about one-half the estimate, inclusive of contingencies.

The saving in cost of a continuous contract to complete a given work over partial intermittent contracts can not be estimated simply by a comparison of figures obtained for units of material or of work. The great saving in cost arises in regard to items which can not be estimated. In many cases the actual quantities will be less for the former method. For instance, in constructing a jetty out into the sea, there will always be scour at the outer end. If the work be carried on slowly and interrupted at recurring intervals of time, the work will always be carried on in deeper water and more material will be needed.

Again, work left incompleted is always more subject to injury than completed work. Repairs are then needed, and it will be needful, too, to replace work carried away by exposure to the elements, storms, currents, etc. Then, again, the interrupted method is less fruitful in results. The measure of success which the jetties at the mouth of the Mississippi has had has been due to the fact that they were carried out rapidly to the bar which permitted the current to excavate a channel through the same, which has since persisted, notwithstanding that the outer slope of the bar has continued to progress seaward and will continue to do so always with continuing decrease of depth until the advance of the slope furnishes a foundation for the bar to form upon.

Had the work been carried on slowly or intermittingly, the same maximum result would not have been reached except at greater expense, and indeed the work might have been carried on so slowly that the bar would progress about as rapidly as the work did and would cost ultimately the same amount of money with little improvement in channel depths to show for it. Still further, as a business matter, the interest account previous to paying results is a matter of no small amount.

Under the system of continuing contracts it is judged that the works will be completed in one-half the time which would be required were the works to depend on biennial appropriations and a consequent succession of contracts.

Mr. BLACK of Illinois. Will the gentleman please state just what he means by the contract system? That has not clearly appeared so far in his statement.

Mr. CATCHINGS. What I meant to say I will put in the form of an illustration. In 1890, for instance, we had before us certain work which was to be done in the harbor of Philadelphia, which, as I now recollect, was to cost something like $3,000,000, though I may be in error as to that.

Mr. REYBURN. That is correct.

Mr. CATCHINGS. We appropriated in the bill of 1890, $200,000 for the continuation of that work; and at the same time we provided that the Secretary of War might make contracts for the whole amount required to complete that work, the contractor, however, to wait for payment out of future appropriations. That system enables the contractor to go ahead with the work from one year to another, and with the knowledge that he will be allowed to do the whole work. He therefore arranges his plant with a view to completing the whole work, instead of a part only as under the old system.

Mr. BLACK of Illinois. I am very much obliged to the gentleman for his explanation.

Mr. SAYERS. Will the gentleman from Mississippi yield now for a motion that the committee rise? It is now nearly 5 o'clock.

Mr. CATCHINGS. I will yield for that purpose.

Mr. SAYERS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LESTER, from the Committee of the Whole on the state of the Union, reported that they had had under consideration a bill (H. R. 5575), the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 4956) directing the coinage of the silver bullion held in the Treasury, and for other purposes; when the Speaker signed the same.

LEAVE TO PRINT.

Mr. MERCER. I ask unanimous consent to publish with my remarks in the RECORD a statement of one of the consulting engineers with reference to the work at Omaha.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. MCKAIG, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of John T. Vincent, Fifty-second Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COVERT, for four days, on account of important business.

To Mr. HEPBURN, for ten days, on account of sickness in his family.

To Mr. ALLEN, for ten days, on account of sickness.

To Mr. SICKLES, for five days, on account of important business.

To Mr. JONES, for five days, on account of important business.

To Mr. PICKLER, for the session of this evening, on account of important business.

To Mr. CLARKE of Alabama, for the evening session.
To Mr. COBB of Alabama, for the evening session.
To Mr. TALBOTT of Maryland, for one day, on account of important business.

BRIDGE ACROSS THE CALUMET RIVER.

Mr. WISE. I ask unanimous consent that the bill (S. 1424) to amend section 8 of an act to authorize the construction of a bridge across the Calumet River, approved March 1, 1893, be recommitted to the Committee on Interstate and Foreign Commerce.

There being no objection, it was ordered accordingly.

Mr. SAYERS. I ask unanimous consent that the House now take its recess until 8 o'clock.

The SPEAKER. Without objection, the recess will be taken now instead of waiting until 5 o'clock. The evening session will be devoted to business under the rule for Friday nights. The gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the chair. The House will now takes its recess till 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read clause 3, of Rule XXVI.

The Clerk read as follows:

3. The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, which evening session shall be devoted to the consideration of private bills reported from the Committee on Pensions, and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar, under the rule just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. WILLIAMS of Illinois in the chair.

ADDISON M. COPEN.

The first business in order was the bill (H. R. 1868) for the relief of Addison M. Copen.

Mr. MARTIN of Indiana. Unless the gentleman in charge of this bill is here, I ask that it be passed over without prejudice.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. TERRY. Mr. Chairman, last Friday night, when I was unavoidably absent, a bill which I had introduced was laid aside. I ask unanimous consent that I may bring it up now.

Mr. MARTIN of Indiana. Let me say to my friend from Arkansas that, while I shall not interpose an absolute objection to this request, I do not believe it is best to begin to take up bills by preference——

Mr. TERRY. I would state to my friend from Indiana [Mr. MARTIN] that he perhaps does not understand the attitude of this case. It was reached at the last Friday night session and owing to my unavoidable absence it had to be laid aside.

Mr. MARTIN of Indiana. What bill is it?

Mr. TERRY. It is the bill H. R. 2561, reported from the Committee on Pensions.

The CHAIRMAN. The Chair will state to the gentleman from Arkansas that he is informed by the Clerk that the bill is likely to be reached in its regular order.

Mr. STALLINGS. We did not do any work last Friday night because the point of no quorum was made. I think it would be better to have the regular order.

Mr. TERRY. If the bill is likely to be reached, I will not press my request that it be taken up out of its order.

DOLLIE E. VEDDER.

The next business on the Private Calendar was the bill (H. R. 4320) for the relief of Dollie E. Vedder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Dollie E. Vedder, widow of the late Capt. Simon C. Vedder, of the Nineteenth Regiment, United States Army, on the pension roll, at the rate of $30 per month, in lieu of the amount she now receives.

Mr. STALLINGS. I call for the reading of the report on that bill.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4320) granting an increase of pension to Mrs. Dollie E. Vedder, having had the same under consideration, beg leave to submit the following report:

Mrs. Vedder is the widow of the late Simon C. Vedder, who at the time of his death, December 5, 1892, was a captain of infantry on the retired list.

The soldier was appointed captain of volunteers on June 22, 1864, and before his muster out on June 14, 1865, attained the rank of brevet major United States Volunteers. During his volunteer service he was stationed at Alexandria, Va.

Mr. Vedder accepted appointment as second lieutenant Twenty-eighth United States Infantry April 11, 1867, and was promoted to be first lieutenant Nineteenth Infantry on March 18, 1878. He was retired from active service February 20, 1891, as a captain of infantry, on account of disability from organic disease of heart arising in line of duty.

Capt. Vedder served with his regiment in Arkansas, Colorado, and Louisiana; on signal duty at Fort Whipple, Va.; in charge of military telegraph lines in New Mexico; with his regiment in Washington Territory and in Kansas, and finally in charge of the construction of public buildings at San Antonio, Tex.

Mrs. Vedder married the soldier on November 25, 1863, and has remained his widow since his death. On December 10, 1892, she filed an application at the Pension Bureau, which was allowed January 18, 1893, at $17 per month, that being the rate allowed by the general laws to the widow of a first lieutenant.

It is reliably shown in the testimony which was filed with the bill that Mrs. Vedder is in delicate health, with but little, if any, means of support aside from her small pension, and that what little means she had were used in paying off her husband's debts.

In view of the soldier's long and arduous services, and in the light of the widow's necessitous circumstances, the passage of the bill is recommended, with an amendment fixing the rate of pension at $25 per month.

The CHAIRMAN. The Chair will state to the committee that this bill was amended in the Committee of the Whole last Friday night, as the Chair is informed, and the amount was reduced to $20 per month. The question now is upon laying aside the bill as amended with a favorable recommendation.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MOSES W. CARPENTER.

The next business on the Private Calendar was a bill (H. R. 2561) for the relief of Moses W. Carpenter, of Johnson County, Ark., Mexican war veteran.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses W. Carpenter, of Johnson County, Ark., Mexican war veteran, at $15 a month.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2561) increasing the pension of Moses W. Carpenter, have had the same under consideration and respectfully report as follows:

Mr. Carpenter served from June 30, 1846, to September 15, 1846, in Company C, First Arkansas Mounted Volunteers, Mexican war, and he is now receiving a pension at $8 per month on account of said service.

The testimony accompanying the bill shows that Mr. Carpenter is 77 years old, unable to labor, and in great need. He and his invalid wife are living alone, and have no children to whom they can look for support.

In the light of the foregoing facts your committee believe that the bill is a meritorious one and its passage is recommended with an amendment, striking out the word "fifteen," in line 7, and inserting in lieu thereof the word "twelve;" so as to allow a pension of $12 per month.

The CHAIRMAN. The amendment reported by the Clerk was agreed to last Friday evening, as the Chair understands.

Mr. TERRY. I desire to state in that connection that the bill was reported to the last Congress by the committee, who thoroughly examined into the matter, at $15 per month. I think it is a case the circumstances of which entitle the man to $15. He is now verging on 80 years of age. I believe it is stated that he is 77. He is really older than that, and he is in a helpless condition. He has an invalid wife, who is unable to dress herself, and these two old people live there by themselves, and have no property, real or personal. I understand the neighbors often have to go there and look after them. Fifteen dollars a month is a very small amount in such a case, and I think that the chairman of the committee which reported the bill is perfectly willing that it should pass at $15 per month. I hope that amount will stand.

Mr. TALBERT of South Carolina. Is this man a survivor of the Mexican war or of the Indian war?

Mr. TERRY. The Mexican war. He served in a regiment of mounted volunteers, from Arkansas.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. TERRY] understand that the Committee of the Whole on last Friday night adopted an amendment reducing the amount to $12 per month?

Mr. TERRY. No; I understood on last Friday night the committee laid the bill aside.

The CHAIRMAN. That was done after the amendment which reduces the amount to $12 had been agreed to. The Chair is informed by the Clerk that the bill was amended, and the RECORD shows that it was. By that amendment the amount was reduced to $12 per month. The question now is on laying the bill aside with a favorable recommendation, as amended. On last Friday night objection was raised, and it was passed over in that condition.

Mr. TERRY. I would move to reconsider the vote by which the amendment was agreed to; but I suppose that can not be done in Committee of the Whole. It might be done by unanimous consent, and I ask unanimous consent.

Mr. STALLINGS. As I understand, by the amendment which we adopted we fixed the amount in the committee at $12 per

month. Is there not a general law on the statute books which will allow that man $12 per month as a Mexican veteran?

Mr. TERRY. I understand that he might make application and get $12 per month; but I think that $15 is small enough under the circumstances. It might take the man five or six months, in the present crowded state of affairs in the Pension Office, to get his claim allowed in that way if he should make application now. I do not think $12 is a sufficient sum under the circumstances.

Mr. STALLINGS. I would like to state to my friend that I got a bill through in three weeks.

Mr. TERRY. You are a rapid man.

Mr. STALLINGS. You ought to be just as rapid.

Mr. TERRY. I can not do as well as that without a better start.

Mr. STALLINGS. I do not see why this bill should pass here. There is a statute which gives this man $12 a month already.

Mr. TERRY. I submit that under the circumstances of this case $12 is not a sufficient sum, because this man is very old——

Mr. STALLINGS. But the Committee of the Whole did not seem to agree with the gentleman.

Mr. TERRY. This man is in a helpless condition, and so is his wife. They have no property whatever, and under the testimony I think if there is any case in which a man ought to have $15, this is such a case. I ask unanimous consent that the amount in the bill be fixed at $15.

Mr. STALLINGS. As I understand, the committee have already recommended $12 per month.

The CHAIRMAN. The Committee on Pensions recommend $12 per month.

Mr. STALLINGS. I mean the Committee of the Whole. I understand that there has been an amendment agreed to by the Committee of the Whole fixing the amount at $12 per month. I understand that was done at the last Friday night session.

The CHAIRMAN. In the first instance the Committee on Pensions recommend an amendment striking out "$15" and inserting "$12," and that amendment was agreed to in the Committee of the Whole last Friday night.

Mr. STALLINGS. That is what I understand.

The CHAIRMAN. Now, the gentleman from Arkansas [Mr. TERRY] asks unanimous consent to substitute $15 instead of $12.

Mr. STALLINGS. Mr. Chairman, I can not give unanimous consent to the passage of a bill here when there is already a statute on the books which provides for the very thing that this bill provides for.

The CHAIRMAN. A mere objection is sufficient to prevent unanimous consent.

Mr. TERRY. I ask for $15. There is no statute that allows that.

Mr. STALLINGS. We are not going to let you get $15.

Mr. TERRY. That is what I want to get, and if we can get back to that point then we will see whether the House will let me have it.

Mr. STALLINGS. I will say to the gentleman that this Mexican war veteran in your district is no more needy than the Mexican war veteran who resides in my State, for whom I got $12.

The CHAIRMAN. Objection is made by the gentleman from Alabama [Mr. STALLINGS]. The question is on laying aside the bill as amended, with a favorable recommendation. In the absence of objection, it will be done.

Mr. STALLINGS. I do not consent to that.

The CHAIRMAN. Then the question is on laying aside the bill with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

WASHINGTON HISLOP.

The next business in order was the bill (H. R. 5020) granting a pension to Washington Hislop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension roll, subject to the conditions and limitations of the pension laws, the name of Washington Hislop, late of the Marengo Light Guards, Indiana Legion, the said Hislop having received injuries in the Morgan raid.

The amendment reported by the committee was read, as follows:

Strike out all after the word "Legion," in line 7, and insert in lieu thereof the words "at a rate proportionate to the degree of disability from such gunshot wound of the forehead as may be shown to the satisfaction of the Secretary of the Interior to have been incurred in an engagement with the enemy during the Morgan raid."

The CHAIRMAN. The question is on the amendment.

Mr. TALBERT of South Carolina. I ask if that is not a claim that comes over from last Friday night?

The CHAIRMAN. The bill was considered last Friday night.

Mr. TALBERT of South Carolina. As I remember, it is the claim of a man who received a wound during Morgan's raid through his country, and who was never in the regular service. He was just called out to meet Morgan's men, and he was hurt by his horse falling down, or he was dodging in the bushes and a stray bullet hit him, or something of that sort.

Mr. Chairman, that claim, I think, was decided upon last Friday evening, when the committee agreed to report the bill unfavorably, and I think that they did right. I therefore move that the committee make an unfavorable report on that claim.

Mr. MARTIN of Indiana. Mr. Chairman, if the gentleman from South Carolina will yield to me——

Mr. TALBERT of South Carolina. Certainly, sir.

Mr. MARTIN of Indiana. I will state that this bill was up for consideration on Friday night last, and would have been reported favorably had the point of no quorum not been made. The gentleman who introduced the bill is not present to-night.

Mr. STALLINGS. If the gentleman from Indiana will permit me, I think I made objection, and the bill went over without prejudice and it was laid aside; and Mr. BRETZ asked me to let it go over until he came back from Indiana.

Mr. MARTIN of Indiana. But my colleague came to me to-day and asked me to present it at this evening's session.

Mr. STALLINGS. I do not think that it ought to go through.

Mr. MARTIN of Indiana. Why not?

Mr. STALLINGS. I think the point of no quorum was made.

Mr. MARTIN of Indiana. That is just what I was saying.

Mr. STALLINGS And the gentleman from Indiana [Mr. BRETZ] was asked to withdraw it.

Mr. TALBERT of South Carolina. I do not think there was any evidence to prove that this man was really in an engagement against Morgan's men. It seems to me that the evidence was uncertain, and nobody could tell where he was, and what he was doing, or whether he was shot in the head or somewhere else.

Mr. MARTIN of Indiana. The bill was in the course of consideration when it was suggested that we were going beyond the line of precedents. I have a bunch of bills before me here to-night, running back for some years, showing that it is directly within the line of precedents; and all that this bill proposes to do is this, to give the man a chance to prove that he was injured in a pensionable degree in the engagement with Morgan's men. If he can not do that he gets nothing. If he can, he will get what he would be entitled to under the general law. It is a case of gunshot wound received in actual battle; and let me say to my friend from South Carolina that it is not a new departure at all. It has been the rule of this committee from year to year where a man was injured in battle, wounded in battle, to give him the pension to which he would be entitled.

Mr. TALBERT of South Carolina. But it seems that this man was not wounded in battle. He did not belong to any arm of the service at all.

Mr. MARTIN of Indiana. He belonged to the Indiana Legion.

Mr. TALBERT of South Carolina. It seemed that Morgan passed through that country, and he seems to have been shot somehow; possibly trying to get away.

Mr. CLARK of Missouri. Somebody was liable to get shot while Morgan was around.

Mr. MARTIN of Indiana. He belonged to the Indiana Legion, a regular military organization of that State, but not mustered into the service of the United States. He was called out as a member of that organization and was actually wounded in battle; and all this bill proposes to do is to give him a chance to make that proof.

Mr. TALBERT of South Carolina. But it seems that he did not go to the battle. Possibly the battle came to him.

A MEMBER. I have had the battle come to me.

Mr. TAYLOR of Indiana. It reached him all the same.

Mr. MARTIN of Indiana. He was shot in the head, all the same.

Mr. TALBERT of South Carolina. I think that this is a case that ought not to pass.

Mr. BROOKSHIRE. If my friend will permit me, there is a very large number of precedents which, as the lawyers say, are on all fours with this case.

Mr. TALBERT of South Carolina. Then they are very bad ones, I think.

Mr. BROOKSHIRE. When a man belongs to a military organization of a State, and where a military force was invading the State, as Morgan's force was coming into Indiana, and he volunteered his services in this military organization to resist the incoming of troops and destruction of property and everything of that sort, and was injured, it seems to me that he ought to be pensioned.

Mr. TALBERT of South Carolina. There is no evidence to show whether he shot himself or was shot by anybody, or hurt himself in endeavoring to get away.

Mr. BKOOKSHIRE. But this is to give the man an opportunity to show whether he was wounded in battle.

Mr. TALBERT of South Carolina. Is that the whole object of the bill?

Mr. MARTIN of Indiana. Yes.

Mr. TALBERT of South Carolina. Is he simply asking the right to apply?

Mr. BROOKSHIRE. Yes.

Mr. TALBERT of South Carolina. Then he ought to have the opportunity to show that he has a right to apply. The trouble is they might give it to him, and he ought not to have it.

Mr. STALLINGS. Does the evidence in this case show how long this man served when he was in the militia? I believe he never was in the regular Army.

Mr. BROOKSHIRE. It is a case of a citizen who belonged to this Indiana Legion, who were organized for the purpose of protecting the homes of the citizens there.

Mr. STALLINGS. I understand that full well; but how long did he serve in that legion?

Mr. BROOKSHIRE. If there had been no invading army he perhaps would not have been called into engagement at all.

Mr. STALLINGS. Now, let me ask you this further question: Did you propose to put him in this bill as if he had served in the army of the United States? Now, under the act of 1890 he could not draw a pension unless he served ninety days.

Mr. BROOKSHIRE. No.

Mr. STALLINGS. Then, how can he obtain pension?

Mr. MARTIN of Indiana. Let me say this, if you will permit——

Mr. STALLINGS. Certainly.

Mr. MARTIN of Indiana. If he had been in the Federal service, if he had served only fifteen minutes he would have been entitled to a pension.

Mr. STALLINGS. I know that. Does this bill put this man under the act of 1890?

Mr. MARTIN of Indiana. No, sir.

Mr. SWANSON. Why did he not prove his claim under the act of 1874, under which those who were wounded in the service could make the proof; and if they could make the proof that they were wounded they were entitled to pension?

Mr. MARTIN of Indiana. I think not. So far as my experience goes in Congress—and it has not been very long, as this is only the third term—all these Indiana militia who have come in at all came in simply upon the ground that they were wounded in battle, and upon no other ground. Now the Committee on Invalid Pensions have brought it down to this fine point, for we do not give a man a pension of $6, $8, $10, or $12, or any other amount, but we simply give him a chance to prove that he was actually wounded; to prove to the satisfaction of the Secretary of the Interior and the Bureau of Pensions that he was actually wounded in battle with the enemy to a pensionable degree.

Mr. HULICK. I would like to ask the gentleman from Indiana by what rule they would determine the rate of pension this man would receive? Would it be under the act of 1890, limited to $12?

Mr. MARTIN of Indiana. No, sir.

Mr. HULICK. Would it be limited by any law?

Mr. MARTIN of Indiana. It would not be limited at all excepting by general law.

Mr. HULICK. Then he might be so wounded as to receive $72 a month.

Mr. MARTIN of Indiana. He might; but there is no such probability.

Mr. STALLINGS. Does not the gentleman think it would be better to withdraw this bill and let it go over until the gentleman from Indiana [Mr. BRETZ] returns?

Mr. MARTIN of Indiana. The gentleman from Indiana [Mr. BRETZ] submitted this matter to me this morning, and asked me to call it before the House to-night and to ask that it be passed.

Mr. STALLINGS. I have no objection to the gentleman calling it up, but I think it would be best to pass it over without prejudice. I objected to it.

Mr. DANIELS. The instance referred to by the gentleman from South Carolina as being similar to this bill was a bill merely allowing persons who were in the Indian war in Oregon to be placed upon the pension roll, and the party was in the volunteer service of the State or Territory when he was wounded.

Mr. MARTIN of Indiana. I do not hear the gentleman.

Mr. DANIELS. The party referred to was in the service of the Territory or State of Oregon, and was wounded in the Indian war, and he was allowed to be put upon the pension roll, or his application was authorized, just as in the case of this man, and certainly that is a decided precedent for the case of this applicant.

Mr. MARTIN of Indiana. Why, certainly.

Mr. TALBERT of South Carolina. I will ask if this claim is upon the Calendar?

Mr. MARTIN of Indiana. Certainly.

Mr. TALBERT of South Carolina. What is the number on the Calendar?

Mr. ELLIS of Oregon. It is No. 93 on the Calendar, page 14.

Mr. SWANSON. What has been the legislation with regard to those men who were not mustered into the Army?

Mr. MARTIN of Indiana. It has been in line with this.

Mr. SWANSON. That they have been given pensions only by special legislation?

Mr. MARTIN of Indiana. By special legislation.

Mr. SWANSON. There has never been any general statute allowing people who were not mustered into the Army, but who were in the militia, to draw pensions?

Mr. MARTIN of Indiana. I do not want to answer that question broadly in the negative, but within my present recollection there has not been any such general legislation.

Mr. SWANSON. I was informed that there was a general law by which they were given the privilege up to 1874 of coming in and obtaining pensions.

Mr. MARTIN of Indiana. That referred to the Missouri militia.

Mr. DANIELS. The early soldiers of the Revolutionary war were not regularly mustered in, yet they received pensions.

The amendment recommended by the committee was agreed to.

The question being taken on laying the bill aside with a favorable recommendation, the Chairman declared that the ayes seemed to have it.

Mr. STALLINGS. I ask for a division.

The committee divided; and there were—ayes 50, noes 4.

Mr. STALLINGS. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama makes the point of no quorum, and the Chair will appoint to act as tellers the gentleman from Indiana [Mr. MARTIN] and the gentleman from Alabama [Mr. STALLINGS].

The tellers took their places, but before the count began,

Mr. MARTIN of Indiana. Mr. Chairman, by unanimous consent I will withdraw this bill on account of the absence of my colleague from Indiana [Mr. BRETZ], with the understanding that the bill shall be passed over without prejudice.

The CHAIRMAN. Does the gentleman from Alabama withdraw the point of no quorum?

Mr. STALLINGS. If the gentleman withdraws the bill I do. I would state, Mr. Chairman, in connection with this bill, that the gentleman from Indiana [Mr. BRETZ] told me that he was going home; that there were some facts in connection with this case that he would collect while he was there, and would bring them back and let me see them, and I told him that if he did that I would be perfectly satisfied; and the bill went over in that way.

MARILLA TENNEY.

The next business on the Private Calendar was the bill (H. R. 1713) granting a pension to Marilla Tenney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Marilla Tenney, as widow of Elisha C. Tenney, late a private in Company A of the Forty-seventh Regiment of Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. LANE. I ask that the report be read.

The report (by Mr. LACEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1713) granting a pension to Marilla Tenney, submit the following report:

Marilla Tenney is the widow of Elisha C. Tenney, late a private in Company A, Forty-seventh Iowa Infantry, who served as such soldier from March 11, 1864, to September 23, 1864, when he was honorably mustered out of service with his company, as shown by discharge paper on file.

This claimant, the widow of said soldier, can not receive relief through the Pension Bureau for the reason that she is unable to prove absolutely the date or fact of her late husband's death.

The evidence is conclusive, consisting of affidavits of numerous neighbors and acquaintances, that this soldier left his home at Volga City, Iowa, in 1879, and went to the Black Hills country in Dakota to look for work. Securing work, he wrote frequently to his family and sent money regularly for their support until 1882, when his letters ceased, and said soldier has not been heard from since, except by a mere rumor that he was dead. This claimant, as well as her friends, has made every effort to learn of his whereabouts if living, but to no purpose. Letters have been dispatched to all the post-offices of the Black Hills country, but no news of him has been secured. The family then communicated with the Pension Bureau to ascertain if said soldier had ever made application for a pension, but no such application has ever been filed to the present time.

Thus, by every possible means, this claimant has endeavored to ascertain if her late husband were living, but has been compelled to accept his death as certain. The common law presumes death under such conditions, but the Pension Bureau requires very positive proof in such cases.

It is also conclusively shown that this claimant is wholly dependent on her own labor for support. Many of the soldier's letters and the marriage certificate are on file.

Your committee therefore report the bill with the recommendation that it be amended by striking out the word "twelve," in the eighth line of said bill and inserting in its stead the word "eight," so that it shall read "$8 per month," and, as so amended, that the bill pass.

Mr. TALBERT of South Carolina. Mr. Chairman, I move that the committee report that bill unfavorably. It was up on last Friday night, and I took the ground that it was a bad precedent to make a favorable report on such a bill.

Mr. STALLINGS. I think the gentleman from South Carolina is mistaken about this case. I think we made a favorable report upon the bill, with the amendment providing that if the husband should be found to be alive, then the pension to the wife should cease.

Mr. TALBERT of South Carolina. Well, I think we had better kill it certainly this time, so that it will not get alive again.

Mr. UPDEGRAFF. Mr. Chairman, I think there was an amendment adopted to that bill on last Friday evening, providing that the pension should cease if it should be discovered that the husband was alive. I think that amendment was adopted on the suggestion of the chairman of the Committee on Invalid Pensions [Mr. MARTIN of Indiana].

Mr. MARTIN of Indiana. Mr. Chairman, in order that there may be no mistake about it, I move to add at the close of the bill a provision that if the husband shall be found to be alive, this pension shall at once cease.

Mr. COX. I do not think that is necessary. If he had been alive he would have been on the pension roll long ago. [Laughter.]

Mr. TALBERT of South Carolina. Well, Mr. Chairman, let the committee vote down my amendment, if they think proper.

The question being taken on the motion of Mr. TALBERT of South Carolina, it was rejected.

The CHAIRMAN. The question is on laying this bill aside with the recommendation that it do pass. [A pause.]

Mr. STALLINGS. Mr. Speaker——

The CHAIRMAN. The ayes have it, and the bill is laid aside to be reported to the House with the recommendation that it do pass.

Mr. TALBERT of South Carolina. I ask for a division.

The CHAIRMAN. The demand comes too late. The Clerk will report the next bill.

Mr. TALBERT of South Carolina. I asked for a division in time. I claim that I was in time, sir.

The CHAIRMAN. The gentleman did not rise and call for a division until after the Chair announced the result and declared the bill laid aside.

Mr. TALBERT of South Carolina. Well, I will be in time the next time. [Laughter.]

Mr. STALLINGS. I rose before the division was called for, but was not recognized by the Chair. I simply wished to ask whether the amendment adopted last Friday night is in the bill?

The CHAIRMAN. There is an amendment reducing the amount to $8 a month.

Mr. STALLINGS. There was, I think, another amendment providing that the pension to the wife should cease in case the husband was found to be alive.

The CHAIRMAN. The Chair is informed that that is not in the bill.

Mr. UPDEGRAFF. It can be put in by unanimous consent.

The CHAIRMAN. The amendment about which the gentleman from Alabama asks was not in the bill when it was laid aside. There is only one amendment, the one reducing the pension to $8.

Mr. UPDEGRAFF. I ask unanimous consent that the amendment suggested by the gentleman from Indiana [Mr. MARTIN], providing that in the event of the husband being found alive the pension to the wife shall cease, be inserted in the bill.

The CHAIRMAN. If there be no objection the amendment will be inserted.

Mr. TALBERT of South Carolina. I object.

The CHAIRMAN. The gentleman from South Carolina objects.

W. H. COHORN.

The next business on the Private Calendar was a bill (H. R. 479) to relieve W. H. Cohorn from the charge of desertion.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now appearing against W. H. Cohorn is hereby removed, and the said W. H. Cohorn be, and is hereby, relieved from the charge of desertion; and that he be, and is hereby, restored to all rights to which he would have been entitled had he never deserted and as if no record showing desertion had been made.

Mr. LANE. I ask that the report be read.

The report (by Mr. BOWERS of California) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 479) to relieve W. H. Cohorn from the charge of desertion, have had the same under consideration, and find that the report of the War Department, which is submitted herewith, shows most conclusively that this bill ought to pass; that the soldier was in no respect guilty of the charge of desertion as marked on the rolls of the company at one time; that he was sick and in hospital with leave, on furlough; that he returned to his regiment as soon as he was able to do so, and sooner; that he served with his company, and was honorably mustered out with his company at the expiration of the time of his enlistment. His commanding officer, the colonel of the regiment, testifies that the soldier was not in any fault.

Your committee, therefore, recommend that the bill do pass, with the following amendment:

"*Provided*, That no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this bill."

Case of W. H. Cohorn.

RECORD AND PENSION OFFICE,
War Department, October 6, 1893.

William H. Cohorn was enrolled as a private in Company F, Eighteenth Kentucky Volunteers, to serve three years, and mustered into service July 7, 1862, and appears to have been present with his command or otherwise properly accounted for up to October 31, 1862, when he is reported "absent," without remark. The roll for November and December, 1862, reports him "deserted November 12, 1862, from Paris, Ky.," and his name is dropped from succeeding rolls to April 30, 1864, when he is reported "absent sick at Chattanooga, Tenn., gained from desertion, stop $30 for apprehension."

Subsequent to the date mentioned he is reported on rolls as follows: May and June, 1864, "absent sick, Chattanooga, Tenn., a deserter"; July and August, 1864, "present awaiting court-martial"; September and October, 1864, "absent awaiting court-martial, sick at Atlanta"; November and December, 1864, "absent sick at Louisville since October 3, 1864, awaiting court-martial"; and he is so reported on the succeeding roll, dated February 28, 1865; rolls for March and April and May and June, 1865, report him "present awaiting court-martial."

The company muster-out roll, dated July 13, 1865, shows him mustered out of service with the organization on that date; remark, "deserted October 10, 1862, returned to duty March 24, 1864—charges preferred for desertion, awaiting trial."

Other records show him, "deserted December —, 1862, at Paris, Ky.; arrested March 15, 1864, by provost-marshal, seventh district, Kentucky, and delivered same date at military post, Lexington, Ky."

Following is a copy of the charge of desertion preferred against him by Lieut. John M. Poston, of Company F, as shown by company and regimental books:

"CHARGE I.—Desertion.

"*Specification 1.*—In this, that he did on or about the 1st day of November, 1862, while camped at or near Paris, Ky., absent himself without leave by proper authority, and did remain absent until he was arrested and returned to his regiment at Nashville, Tenn., on or about the 28th day of March, 1864."

The records do not furnish any evidence of the soldier's trial on this charge or of his restoration to duty.

The medical records report him as follows: As William Cohorn, private, Company F, Eighteenth Kentucky Volunteers, admitted to general field hospital, Chattanooga, Tenn., April 9, 1863, with mumps, and transferred May 4, 1864; admitted to No. 3 general hospital, Lookout Mountain, Chattanooga, Tenn., July 1, 1864, with syphilis, and returned to duty August 3, 1864, as —— Cohorn (rank not stated), Company F, Eighteenth Kentucky, treated in regimental hospital September 20 to October 3, 1864, (diagnosis not shown), and transferred to hospital at Atlanta October 3, 1864, as William Cohorn, private, Company F, Eighteenth Kentucky Volunteers, admitted to Cumberland general hospital, Nashville, Tenn., November 2, 1864, with pneumonia, and transferred November 10, 1864, and admitted to Joe Holt general hospital, Jeffersonville, Ind., November 11, 1864, with secondary syphilis, and returned to duty November 24, 1864.

There is no evidence of his having been granted a furlough at any period of his term of enlistment.

Under date August 12, 1883, the soldier made application for removal of the charge of desertion under the provisions of the act of August 7, 1882, and on the 24th October following was called upon for a statement under oath giving the authority under which he left his command and his whereabouts during his absence.

On the 28th October, 1884, he submitted the following testimony:

In an affidavit bearing the above date, the soldier stated that in October, 1862, while in the service of the United States, he was taken sick and was sent home on sick furlough by Capt. Littlejohn, and that he remained at home sick until March, 1864, when he returned to his regiment, though still in bad health, and reported to Capt. Posten, who was then captain of his company; that he was thereupon sent to hospital and remained there about two months and was then sent to the convalescent camp, where he remained three or four months, and was then sent back to his regiment and returned to duty, remaining with his command until he was discharged. He further stated that he was furloughed "until fit for duty," but returned to his regiment before he was fit for duty, and declares that during his absence from his command he was at home sick and confined to his bed "nearly all the time."

David Trout, in an affidavit made the same day, stated that he knew the soldier at the time he enlisted; that he came home in the fall of 1862 on sick furlough, and that as he, affiant, lived close to him, he "went after Drs. Ford and Green for him," and visited him often during his sickness; that Drs. Green and Ford gave him up to die; and he was then treated by Dr. Prior, under whose care he improved somewhat so as to be able to go about; that in the spring of 1864, he returned to the Army, although he had not recovered, and "looked badly;" that prior to his enlistment he was a sound, healthy man, but that since his discharge he had had frequent spells of sickness. Affiant added that he had never heard of claimant's deserting, and that he went back of his own accord before he was well; and that he had never heard of any person coming after him.

In an affidavit, of same date, Windle Trout declared that he was acquainted with the applicant at the time of his enlistment and recollected his coming home on sick furlough in the fall of 1862; that on the night of his return he, affiant, went for the soldier's brother to come and wait on him; that the soldier continued sick all the winter, confined to his bed most of the time, affiant being with him for the most part during the whole winter, engaged in cutting and hauling wood, making fires and waiting upon him, at which time claimant was under the care of Drs. Green, Ford, and Prior; and that he returned to his regiment in the spring of 1864, though not then entirely well. Affiant further declared that he never heard of claimant's being a deserter, and stated that he returned to his regiment of his own accord, and before he had recovered; that he never heard of any person coming after him; and that he had not got entirely well at date of affiant's statement.

Henry I. Newton, in an affidavit of same date, stated that he was acquainted with Cohorn at the time of his enlistment; that the soldier came home in the fall of 1862 on sick furlough, and remained at home for a considerable time, sick in bed a greater part of the time; that he, affiant, was

at claimant's house frequently, and knew that he was at home sick until the spring of 1864, when he returned to his regiment, though not well; and that he never heard of Cohorn's deserting, or of any person coming for him or looking after him as a deserter.

Under date September 28, 1885, the applicant was informed that the provisions of the act of Congress of July 5, 1884, did not cover his case, inasmuch as he did not voluntarily return to his command.

On the 18th of February, 1886, Hon. WILLIAM C. P. BRECKINRIDGE addressed the Deparment, requesting to be informed as to the status of Cohorn's application, and on the 27th of the same month was informed that in view of the fact that the soldier did not voluntarily return to his command, but was arrested, his case did not come within the provisions of the act of July 5, 1884, and that as it was held by the Department that the charge of desertion was not erroneously made there was no provision of law under which it could be removed.

Under date April 12, 1886, Mr. BRECKINRIDGE transmitted the following additional testimony in support of the soldier's application:

The claimant, in an affidavit dated March 24, 1886, declared that he was furloughed October, 1862, on account of sickness, being unfit for duty; that he reported to his command in March, 1864, at Nashville, Tenn., and upon examination, being still found unfit for duty, was returned to the hospital at Chattanooga. He further stated that the furlough granted him was issued by Capt. Littlejohn and was without limit, and that upon his return to his command Capt. Littlejohn had resigned and been succeeded by Capt. John Postin; and he declared that he returned to his command voluntarily and without orders or arrest.

David Trout, a former affiant, in an affidavit dated March 24, 1886, stated that Cohorn was not arrested as a deserter, but returned to his command of his own free will, and that he appeared anxious to go, saying he wanted to fight for his country.

Wendle Trout, a former affiant, in an affidavit made April 2, 1886, gave testimony identical with that of David Trout, last preceding.

Henry J. Newton, a former affiant, in an affidavit made March 23, 1886, declared that the claimant was furloughed by Capt. William Littlejohn, at Paris, in October, 1862, and that he voluntarily returned to his command at Nashville, in March, 1864.

William B. Newton, in an affidavit dated March 24, 1886, stated that claimant returned to his command voluntarily.

Dr. William Pryor, in an affidavit executed March 24, 1886, stated that in 1862 he treated the claimant as a furloughed soldier of Company I, Eighteenth Kentucky Infantry, and continued to treat him from October, 1862, to March, 1864, when he returned to his command, taking with him a statement that he was not able for duty. He added that the soldier's furlough was signed by Capt. William Littlejohn, Paris, Ky., and that his return to his command was voluntary.

Under date December 20, 1886, Hon. Mr. BRECKINRIDGE was informed, with reference to the application of Cohorn, that the official records showed that the soldier deserted October 10, 1862, and was arrested March 15, 1864, by the provost marshal of the seventh district of Kentucky, and inasmuch as he did not voluntarily return, but was arrested, his case did not come within the provisions of the act of Congress approved July 5, 1884, and that it had been decided that no relief could be granted in the case under existing laws, on the testimony presented.

Under date March 26, 1887, Col. John B. Castleman, acting adjutant-general State of Kentucky, addressed the Department on behalf of Cohorn, stating that Col. H. K. Milward, who commanded the Eighteenth Kentucky Infantry, of which Cohorn was a member, requested that the latter be given an opportunity to prove that the charge of desertion in his case was unjust and incorrect.

Mr. Cohorn, Col. Castleman proceeded to state, was absent on a furlough granted for an indefinite period by Capt. W. H. Littlejohn at Paris, Ky., October 10, 1862, and upon his return found Capt. John M. Poston in command. Cohorn stated that he was in poor health during his absence, and when sufficiently improved reported to Provost-Marshal Long, at Georgetown, Ky., of his own accord—not having been arrested—showed his furlough, and on that was given transportation to his regiment; that upon his return, March 24, 1864, he was at once ordered by his regimental surgeon, Dr. Pythian, to the hospital at Summerville, Lookout Mountain, Chattanooga, Tenn., and stayed there two months, after which he was ordered to convalescent camp, where he remained about a month, and was then given transportation to his regiment and assigned to duty; that the captain who gave him his furlough resigned in his absence, without having explained the cause of his absence, and that he never received a trial, but was granted an honorable discharge.

On the 9th April, 1887, the adjutant-general of the State of Kentucky was informed, with reference to this case, that the charge of desertion against Cohorn had not been removed and could not be removed from his record under then existing laws.

In a communication to Hon. Mr. BRECKINRIDGE, dated February 4, 1892, referred to this Department by him, the applicant stated that he was enrolled and mustered into service July 7, 1862, as a private in Company F, Eighteenth Kentucky Volunteers, to serve three years, and was mustered out of service at Louisville, Ky., July 18, 1865.

The status of the case has not been changed since the date claimant's application was last denied, no new testimony having been submitted or legislation had warranting a reversal of such adverse decision.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief of Office.

The SECRETARY OF WAR.

Mr. TALBERT of South Carolina. Mr. Chairman, I move that bill be laid aside to be reported adversely to the House.

Mr. McKEIGHAN. Mr. Chairman, being somewhat familiar with the circumstances, often beyond the control of the soldier, which places him on the records of the War Department with a stain on his name, I feel that in justice to my comrades living and dead and their families, I ought to rise here and now and protest against this motion. Everyone at all familiar with a soldier's life knows that from time to time when the military organization to which he belongs is ordered to move, he may be sick in the hospital, or he may have been examined by a physician and sent to the rear, and the comrades of his company having no knowledge of his whereabouts; that night he is reported as absent without leave, and a few more days of such reports and he is marked on the roll of his company as a deserter.

If any gentleman will examine the records of the War Department, as prepared and kept in admirable shape by Col. Ainsworth, he will find a charge of desertion standing against a large number of men who never hesitated to serve their country and who never turned their backs on the foes of this Government. Familiar as I am with the circumstances that surround many of these cases, I rise here to-night and in the name of my comrades and for the honor of this country, I say I do not believe that motions like these would be backed by the men who wore the gray and met us on the field of honorable battle.

I am here to say that there is too much chivalry; that there is too much of the spirit of the soldier, even in the men who bore arms against this Government, for them to be guilty of insisting on leaving a stain on the character of any man who served this Government when it is shown positively and conclusively that he never did desert. I trust that this motion will be voted down, as it ought to be, and that gentlemen will cease to come here and in a spirit of petulance stand on this floor and cavil about granting petty pensions of seven or eight or ten dollars a month, while they vote liberally, as this Congress does vote, extra salaries to clerks and an extra month's pay to the employés of this House—to which I do not object—and millions to rivers and harbors simply because there is a job for some fellow at the bottom of nearly all of it.

These men who receive the bounty of this Government in the form of pensions never "whack up," if the committee will pardon a common expression, and consequently it is a popular thing to come in here and assail men who are defenseless, if, forsooth, this committee will listen to gentlemen who seem so anxious to make a reputation by saving a dollar where that dollar is justly due, and at the same time so anxious to leave a stain on the name of a man who never did violate the military law of his country. Mr. Chairman, I do not care to say more on this subject at this time, and I could not well say less. [Applause on the Republican side.]

Mr. TALBERT of South Carolina. Mr. Chairman, I say in a spirit of fairness and justice, in reply to what the gentleman has just said, that I happened to be one of those men who wore the gray——

Mr. McKEIGHAN. So much the worse for the gray.

Mr. TALBERT of South Carolina. And I happened to be one of those who met the men who wore the blue; and since the war has closed I have been in organizations and meetings and conventions where the men who wore the gray and the men who wore the blue met together—men who had opposed each other in the red blaze of battle, stood with clasped hands stretched across the bloody chasm in order to bury the bloody shirt, with the prayer upon their lips that upon the grave might be planted the white lily of peace, which would grow and bring forth fruit to the upbuilding and the prosperity of this great country of ours.

And I will say to the gentleman from Nebraska [Mr. McKEIGHAN] that I stood here and voted against the extra pay and the extra mileage. My vote is recorded against those propositions. I have raised my voice against every appropriation that I thought was unnecessary. And I throw back in the teeth of the gentleman any insinuation that he may throw at me of attempting to make a little reputation by bringing up motions in opposition to these claims.

I would like to call the attention of the gentleman to a speech that was made by Gen. Bragg, of Wisconsin, the commander of the "Iron Brigade," upon this very question of pensions—a speech made in this Hall, in which, if I mistake not, he said that in 1865, or just about the time the war was closing, there were over 200,000 men mustered into the service from the grog-shops and from the jails—bounty-jumpers and substitutes for men who did not want to go into the war—and that 13,000 or 14,000 of those men were deserters and ought to be hanged. Yet they are drawing pensions to-day!

I stand here to say that I am willing to cast my vote openly and above board for any honest soldier, any brave man who met me and my comrades in battle and fought like an honest, brave man; but I am opposed to giving a pension to a deserter, a bummer, or camp-follower, or any man of that description; and every other brave man must be in favor of this position, and will vote against any such proposition.

That, Mr. Chairman, is why I have made the motion to report unfavorably upon this deserter's claim. I insist upon the motion; and I will see that it does not get through without the vote of a majority. If the gentleman from Nebraska, or whatever other State he may be from, does not like this he can make the most of it.

Mr. McKEIGHAN. Mr. Chairman, I desire to say to this House that I made no such charge personally against the gentleman as he assumes that I made. I did say that this House has been liberal. But now if it comes to a question of a deserter drawing a pension, I challenge the gentleman to produce a single case where any deserter in this country is drawing a pension.

Mr. TALBERT of South Carolina. I can produce the speech

that Gen. Bragg made upon the floor of this House in which he said that there were thirteen or fourteen thousand of them. And here is a case of a deserter that you are standing here to defend to-night.

Mr. McKEIGHAN. I say it is no such thing. I am here to say that I made no such charge against the gentleman personally; and it is very cheap bravery that vents itself in florid oratory on the floor of this House because I have asserted that Congress has been liberal. I want to say here and now that I have never turned my back on a friend or a foe and I do not intend to do it now. [Applause.] I am here to denounce the spirit that leads a man on the floor of this House to assail every old soldier, even to the extent of preventing men from having the stain of desertion removed, when the Committee on Military Affairs composed of members as honest and intelligent as the gentleman have said that there is no question about the justice of removing this stain.

Now, it may be that men have "shaken hands across the bloody chasm," and that they are very desirous to see the "white lily of peace" bloom. For myself it shall never bloom so long as you stab the defenders of my country. [Applause.]

Mr. TALBERT of South Carolina. I want to say that I deny any such charge; and if the gentleman means to say I have "stabbed" any old soldier or anything of that sort, I say it is utterly false.

Mr. McKEIGHAN. I want to say if the shoe fits the gentleman he will have to wear it. He seems to insist on wearing it. [Laughter and applause.]

The CHAIRMAN. The question is upon the amendment reported by the committee.

Mr. MARTIN of Indiana. I wish to ask the gentleman from South Carolina [Mr. TALBERT] a question.

Mr. TALBERT of South Carolina. Certainly.

Mr. MARTIN of Indiana. What is your objection to this bill? It involves no pension, no bounty, no back pay.

Mr. TALBERT of South Carolina. Well, I have stated my objection in the few remarks that I have made—that there is a charge of desertion resting here against this man and I am opposed to giving any deserter a pension.

Mr. MARTIN of Indiana. This is not a bill to pension him at all, but simply to wipe out this stain on his record.

Mr. TALBERT of South Carolina. It will lead to a pension, and that is the object.

Mr. MARTIN of Indiana. No.

Mr. TALBERT of South Carolina. The object is simply to get in an entering wedge. When you make this start there will be no stopping it.

Mr. MARTIN of Indiana. Now, I ask the Clerk to read as a part of my remarks the amendment which has been reported by the committee, and as I understand adopted by the Committee of the Whole.

Mr. STALLINGS. I would like to ask the gentleman from Indiana a question, if it will not interrupt him.

Mr. MARTIN of Indiana. I yield with pleasure.

Mr. STALLINGS. Is it not a fact that when a man has a good case of this sort there is a general law under which he can go to the War Department and have the charge against him removed?

Mr. MARTIN of Indiana. Oh, yes.

Mr. STALLINGS. Then why does not this man do it?

Mr. LACEY. The difficulty in this case——

Mr. STALLINGS. I do not believe in passing special laws of this kind when we have a general law on the statute book that covers such cases.

Mr. LACEY. The report shows formal proceedings against this man by court-martial; and they can not be wiped out by an order of the War Department. The committee of this House has made an examination of the case, going through the evidence given before the court-martial and also the additional evidence furnished to the committee; and they believe the decision against the soldier was erroneous. They simply propose to strike from the record the charge of desertion. The man already holds an honorable discharge. This does not change his status in any respect except in removing from his record what appears to the committee to be an unjust charge.

Mr. TALBERT of South Carolina. What will prevent this man from applying for a pension after this charge of desertion is removed?

Mr. LACEY. There is nothing now to prevent him from applying for a pension. He has an honorable discharge. He may be a pensioner, for all I know.

Mr. TALBERT of South Carolina. He may be one of those 13,000 of the "iron brigade."

Mr. LACEY. Perhaps he is the whole 13,000. [Laughter.]

Mr. LANE. The gentleman states, as I understand, that this man has now an honorable discharge. Does not that clear his record?

Mr. LACEY. But this conviction by a court-martial leaves a blemish upon him. Back of his honorable discharge there is still this charge against him—a blight on his record. He wants to have that removed, and he has come before the Committee on Military Affairs for that purpose.

Mr. HUDSON. He is somewhat in the same position that Fitz-John Porter was.

Mr. STALLINGS. I would like to know why the honorable discharge does not clear his record. I understand that the soldier already has an honorable discharge from the Army?

Mr. LACEY. Yes, sir.

Mr. STALLINGS. You do not know whether he draws a pension or not; but that is not the question.

Mr. LACEY. There is nothing to prevent his doing so at any rate.

Mr. STALLINGS. Has not this honorable discharge from the Army wiped out the stain upon his record?

Mr. LACEY. Not at all. It stands there upon the judgment of the court-martial.

Mr. STALLINGS. Then how can Congress wipe it out? We do not know more about the matter than the officers that sat upon the court-martial.

Mr. LACEY. We do, for this reason——

Mr. TALBERT of South Carolina. How can we go behind the "returning board?"

Mr. LACEY. The Military Committee has examined all the evidence taken before the court-martial and all the additional testimony which explains the case. They have gone through the matter carefully and made an elaborate report, reciting the facts and stating as a part of their conclusion that the evidence shows that this man at the time he was charged with desertion was absent on account of sickness and unable to return; that he did return as promptly as he could, and was then honorably discharged and mustered out. But this charge which was made against him has never been erased from his record, and could not be except by act of Congress.

Mr. STALLINGS. I just wanted to know the facts.

Mr. HENDERSON of Illinois. If the gentleman from Iowa [Mr. LACEY] will pardon me for making this suggestion, as I understand there were no so-called "honorable" discharges granted from the late war. The word "honorable" which used to be in every discharge granted to a soldier is left out, as I understand it, from every discharge, so that while the soldier was discharged from the service, the word "honorable" was left out and each man is left to his record as it stands in the Adjutant-General's Office.

Mr. TAYLOR of Indiana. He does not get any discharge at all!

Mr. HENDERSON of Illinois. He is discharged from the service, but the word "honorable," which used to be in the certificate of discharge, is omitted.

Mr. LACEY. The report says he was honorably mustered out with his company.

Mr. NORTHWAY. But it does not say he was honorably discharged.

Mr. TALBOTT of Maryland. Suppose he had a discharge, would that record of his having been court-martialed as a deserter stand in the way of his getting another copy of his discharge, if he lost it?

Mr. LACEY. Not at all. This is more a sentimental bill than anything else.

Mr. KYLE. Is there anything now to prevent this man from drawing a pension?

Mr. LACEY. Not on the face of the report.

Mr. KYLE. Is there, as a matter of fact.

Mr. LACEY. I do not know.

Mr. KYLE. The point I want to get at is whether this proposition is simply to relieve this man from this charge of desertion without putting him on the pension roll?

Mr. HUDSON. That is all there is in the bill.

Mr. KYLE. I understood that this was simply a direction that the charge of desertion be stricken from the roll, and that his record be corrected in that respect.

Mr. CUMMINGS. I should like to say to the gentleman that if he could draw a pension now he could not draw it after this bill is passed, as the bill now stands.

Mr. HUDSON. As I understand, the gentleman from Mississippi [Mr. KYLE] wishes to know whether this is a bill to pension him now or simply to clear up his military record?

Mr. KYLE. No, that is not it. I understand the statement is that there is nothing in the way of this man drawing a pension; in other words, that if he could draw a pension after the passage of the bill, he could draw it now just as well. In other words, that this bill does not aid him toward getting a pension.

Mr. CUMMINGS. As I understand, this bill stops him from getting a pension.

Mr. MARTIN of Indiana. No, it does not.

Mr. WANGER. As I understand the report of the committee, it shows that this man was not in fact a deserter, and that the record of desertion against him is an unjust and erroneous one.

Mr. BOWERS of California. That is the fact.

Mr. WANGER. Now, why should we say anything about a pension in discussing this bill?

Mr. NORTHWAY. He ought to have his record corrected.

Mr. BOWERS of California. That is all.

Mr. WANGER. It seems to me that if he does not deserve to have this stigma attached to his name, that it ought not to be attached.

Mr. COX. As I understand, this man was marked on the roll as a deserter, and was then tried by a court-martial?

Mr. WANGER. Yes.

Mr. COX. And he was found by the court-martial to be a deserter?

Mr. WANGER. Yes.

Mr. LACEY. If the gentleman will permit me, I want to make a correction as to that. The gentleman is misinformed.

Mr. COX. I want to get at the fact as to how that is.

Mr. LACEY. In a hasty examination of this report I find that there was no trial upon the charge of desertion. Charges were preferred, but no trial was had upon the charges; but the charges still remain there, undisposed of.

Mr. COX. You are satisfied that there was no trial?

Mr. BOWERS of California. There was no trial at all. The man was sick, and the evidence presented to the committee shows conclusively that he was not a deserter.

Mr. COX. This bill is simply to wipe out these charges that remain there undisposed of.

Mr. BOWERS of California. Yes. We have the evidence of three physicians who attended him for two years, and the evidence shows that before he was able he returned voluntarily to the regiment, and that he was in no sense a deserter.

Mr. COX. If I understand the bill, it is simply to provide that these charges be wiped out?

Mr. BOWERS of California. It is simply to correct a false record.

Mr. TALBERT of South Carolina. I thank the gentleman from California [Mr. BOWERS] for the explanation which he has made, and it would have been in very much better grace for the gentleman from Nebraska [Mr. MCKEIGHAN] while he was hurling all that abuse at me to have made that simple explanation instead. It would have satisfied me, and if the fact is as stated by the gentleman from California [Mr. BOWERS] I have no further opposition.

Mr. BOWERS of California. We gave the question a very thorough examination, and I state to the gentleman that that is the fact.

Mr. TALBERT of South Carolina. If that is the case, I am glad the gentleman has made the explanation.

Mr. BOWERS of California. That is the real fact.

Mr. TALBERT of South Carolina. If the man is not a real deserter, I have nothing against him; but I still do claim that I do not love deserters.

Mr. ROBBINS. Mr. Chairman, the question was asked of the chairman of the Committee on Invalid Pensions whether or not this applicant could, with the charge of desertion remaining against him, obtain a pension. I have not heard the chairman of the committee give any answer to that question.

Mr. MARTIN of Indiana. Mr. Chairman, I want to say right here that this is a bill which does not come from the Committee on Invalid Pensions. It comes from the Military Committee, of which the gentleman from Ohio [Mr. OUTHWAITE] is chairman.

The reason that I speak at all upon this matter is because the question of a pension came up. It seems to me that the passage of this bill or the failure to pass it has no bearing whatever on the question of the right of the man to a pension.

Mr. ROBBINS. I understand that; but there has been a plain question asked, and I ask if the gentleman from Indiana [Mr. MARTIN] is in charge of the bill?

Mr. MARTIN of Indiana. No, I am not in charge of this bill.

Mr. ROBBINS. You are advocating the bill, and the question has been asked whether or not this man can draw a pension with this charge of desertion remaining there against him, or if the object of this bill is to enable him to get on the pension roll.

Mr. MARTIN of Indiana. I say to you frankly that I can not answer that question, except to say this: The amendment that is put onto this bill provides specifically that it shall give him no rights that he does not now possess.

Mr. ROBBINS. What is the object of this bill, then?

Mr. MARTIN of Indiana. Just simply that these charges were preferred against him. There never was a trial, and still there is a charge standing against him on his military record, of which record he has a right to be proud, and he simply wants that to be cleared up by a special bill.

Mr. ROBBINS. As I understand the law there is a method of procedure by which he can go before the War Department and have this charge removed. That being so, what is the necessity of this special bill to relieve him from this charge?

Mr. BOWERS of California. No, he can not do that under the law.

Mr. ROBBINS. Why?

Mr. MARTIN of Indiana. I will yield to the gentleman from California, who is a member of the Committee on Military Affairs.

Mr. BOWERS of California. This is one of the cases not provided by law; and the War Department can not relieve him from this charge under the law.

Mr. ROBBINS. Why?

Mr. BOWERS of California (continuing). And, therefore, following the action of the committee in other bills, we have reported this bill favorably.

Mr. ROBBINS. Why?

Mr. BOWERS of California. Because the War Department have only their own records to go on, and they are not allowed under the law to relieve a man from a charge of desertion under such circumstances as are presented in this case. They are confined to their rule.

Mr. LANE. What rule?

Mr. BOWERS of California. They can not go beyond it; and they never have gone beyond their rule.

Mr. ROBBINS. What rule excludes this man from getting the charge of desertion removed?

Mr. BOWERS of California. The rule is that the Department can not restore a man against their own records showing that he was a deserter. The law does not allow any Department to do that; and Congress must do it.

Mr. LANE. You are wrong about that.

Mr. ROBBINS. The gentleman does not seem to know the law.

Mr. WHEELER of Alabama. Laws have been passed authorizing the War Department to remove the charge of desertion. It is probable this case does not come within the limitation.

Mr. ROBBINS. Why can not this man go to the War Department and have this charge of desertion removed?

Mr. WHEELER of Alabama. I am trying to tell you. These laws prescribe that he must not have been away from his command more than a certain period. In this case the absence may have exceeded the period, and I presume that is the difficulty in this case.

Mr. ROBBINS. You presume! You do not know that that is the case?

Mr. WHEELER of Alabama. Well, I can ascertain by reading the report. I have sent for a copy.

Mr. ROBBINS. How many will it require to answer this simple question? I will yield to just as many as try to answer the question.

Mr. WHEELER of Alabama. I will answer you and say that general laws have been passed authorizing the War Department to remove charges of desertion within certain limitations, and this case does not come within those limitations.

Mr. ROBBINS. Why?

Mr. WHEELER of Alabama. I think in this case the man may have been absent longer than the period prescribed, or possibly some other reason——

Mr. ROBBINS. The gentleman says he thinks. Does he know the facts in connection with this case?

Mr. WHEELER of Alabama. Yes. I see he was absent more than the time prescribed. That is sufficient; but I find there are other reasons.

Mr. SWANSON. Mr. Chairman, I am sorry to see so much captious objection to this case. It seems to me that it is not a question of whether a man will or will not get a pension. If the facts be true as reported by that committee, and if it be true that this was an honorable and gallant soldier, that he fought during the war, and he finds this charge was made against him, and this stigma was resting on his character, I do not think that the question as to whether he shall receive this paltry sum of pension should be raised. I hope, therefore, there will be no objection to the passage of the bill. This man was an honest and gallant soldier who was honorably discharged. He fought like a man, and the question of whether he will or will not get a pension is no reason why this Congress should refuse to remove that stigma from his character. We have had a committee examine the case, and they have found the state of facts that he was a gallant, brave, honest soldier who fought through the war and that he is met with this charge of desertion.

I think it comes with poor grace from any man when a man

has fought for his flag to say this man should not be allowed the right to draw a pension when they allow men who served ninety days to receive them. It is not a question of pension. I think that we should move cautiously when removing charges of desertion. I think when these charges of desertion are removed by Congress that it is a high honor for a man to have his character cleared up by Congress, and it should be done whether it carries with it the fact that he is to be paid $80 or $90 pension. If the testimony shows that this man was improperly treated, without any fault of his own, his character should be cleared, and I hope gentlemen will make no captious objections to this bill if the facts are true as stated. [Applause.]

Mr. WHEELER of Alabama. I am now ready to answer the question of my colleague from Alabama, having examined the report. I find on page 3 of the report the reason is stated why the War Department can not remove the charge of desertion. The record does not show that he voluntarily returned to his command

Mr. STALLINGS. But does it not show that he returned to another command?

Mr. WHEELER of Alabama. No; I think not.

Mr. STALLINGS. It was so stated here.

Mr. WHEELER of Alabama. The affidavits placed before the committee show that he did voluntarily return to his command, and their affidavits show that the record of the soldier should be corrected.

They show that he did not desert the service. They show that he did not leave his command with the intention of not returning to duty.

The soldier himself testifies—

that he was furloughed October, 1862, on account of sickness, being unfit for duty; that he reported to his command in March, 1864, at Nashville, Tenn., and upon examination, being still found unfit for duty, was returned to the hospital at Chattanooga. He further stated that the furlough granted him was issued by Capt. Littlejohn and was without limit, and that upon his return to his command Capt. Littlejohn had resigned and been succeeded by Capt. John Postin; and he declared that he returned to his command voluntarily and without orders or arrest.

If that is true he was not a deserter.

He is sustained by his physician. This gentleman testifies as I will read:

Dr. William Pryor, in an affidavit executed March 24, 1886, stated that in 1862 he treated the claimant as a furloughed soldier of Company I, Eighteenth Kentucky Infantry, and continued to treat him from October, 1862, to March, 1864, when he returned to his command, taking with him a statement he was not able for duty. He added that the soldier's furlough was signed by Capt. William Littlejohn, Paris, Ky., and that his return to his command was voluntary.

Now we come to the testimony of his comrades. They testify as follows:

David Trout, a former affiant, in an affidavit dated March 24, 1886, stated that Cohorn was not arrested as a deserter, but returned to his command of his own free will, and that he appeared anxious to go, saying he wanted to fight for his country.

Wendle Trout, a former affiant, in an affidavit made April 2, 1886, gave testimony identical with that of David Trout, last preceding.

Henry J. Newton, a former affiant, in an affidavit made March 25, 1886, declared that the claimant was furloughed by Capt. William Littlejohn, at Paris, in October, 1862, and that he voluntarily returned to his command at Nashville, in March, 1864.

William B. Newton, in an affidavit dated March 24, 1886, stated that claimant returned to his command voluntarily.

There is much more testimony of the same tenor, all of which the committee regarded as conclusive, and the committee felt that justice demanded that he should be relieved of the charge of desertion; because the proof before that committee shows that he came within the limitations of the law. It certainly established that he returned voluntarily to duty within the proper time. I think that in this case we ought to pass the bill. The Military Committee, of which I am a member, has examined these cases with great care. Not more than one-tenth of the bills brought before that committee for the removal of the charge of desertion have been reported favorably. Nine-tenths of them have been rejected. The committee has, with great care, examined every case; and we have never reported a case favorably unless the evidence before the committee showed that it was one that ought to be acted upon favorably by Congress. This soldier was absent sick, returned to his regiment, fought through the war, and was discharged with his comrades after the war was over.

I am in full sympathy with every effort which seeks to prevent the enactment of laws which grant pensions to improper or unworthy persons; but the gentlemen who oppose this bill should observe that it does not grant a pension.

It only provides for the removal of the charge of desertion, and the bill specifically stipulates that no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this bill.

The language of the proviso of the bill as reported is:

Provided, That no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this bill.

I am confident there would not be any opposition to the bill if all the facts were understood.

Mr. BOWERS of California. Let it be remembered that this man was discharged with his regiment.

Mr. ROBBINS. I did not yield to the gentleman, and he did not address the Chair. I ask the Clerk to read an extract from the statute which I send to the desk as the law bearing on the case. Read the second section and note 4.

The Clerk read as follows:

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease, received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out, or expiration of service.

Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings; and in any such case no pay, allowance, bounty, or pension shall be allowed or granted.

Mr. ROBBINS. Now read the note.

The Clerk read as follows:

Fourth. (2) Where he left his command and afterwards voluntarily returned and received an honorable discharge.

But in the fourth section of this act it was provided that no soldier should receive its benefits "who intentionally deserted."

The offense of desertion is defined by military authorities as absence without leave, with the intention of not returning, and the intent not to return is considered the gist of the offense. The Secretary of War has always asserted and exercised the right, under his general powers as custodian of the rolls of the Army, wherever a charge of desertion was erroneously made, to remove the charge. Wherever it could be made to appear that the guilty intent was wanting, he thus had authority, without the act of August 7, 1882, to remove these charges. It was therefore held by the War Department that the act of 1882, August 7, chapter 422, did not enlarge the existing authority of the Secretary of War, and practically no action was taken under it.

Mr. ROBBINS. That is sufficient. Now, Mr. Chairman, my position is that here is a case which the law covers like a blanket. It is shown by the report itself and the reading of the law that the way is clear for this man to go before the War Department, and if the facts as stated are true he can get the charge of desertion removed. Now, here is the House of Representatives in session, spending its time on a dozen special bills for men, when there is a general law providing a remedy for those cases. This statute, and the second and third of the cases cited, and number one cover the case of this applicant exactly; and consequently I appeal to the reason of members, why is it that they will go on without investigating a case and without knowing the facts, and when the question is asked why this man does not proceed in the way that is provided by the law, a dozen or more gentlemen jump up and try to explain something about which they know nothing.

Mr. BLAIR. May I ask the gentleman a question for information, as he has examined this case and I have not? I do not understand, from what he has said, that there is actually any record of desertion against this man, but that, he having been absent, charges were preferred against him. Am I correct?

Mr. ROBBINS. If the gentlemen will investigate the case——

Mr. BLAIR. Well, I am asking the gentleman for information.

Mr. ROBBINS. The bill is to remove the charge of desertion now on record against this man in the War Department. If not, then the introducer of the bill and the committee reporting it are certainly placed in a very ridiculous attitude. Here we have a man asking to be relieved of a charge when there is no charge against him, and here we are sitting in Committee of the Whole and idling our time away in an attempt to help a man against whom there is no charge at all.

Mr. BLAIR. I quite agree with the gentleman, if there are no peculiar features in the case.

Mr. ROBBINS. Then why should you interrupt me in my remarks?

Mr. BLAIR. I wished to ask you a question.

Mr. ROBBINS. Well, the report of the bill answers your question.

Mr. BLAIR. I have not had an opportunity to examine the report.

Mr. ROBBINS. Well, sir; I do not desire to be interrupted in that kind of way, nor do I suppose the gentlemen around me desire to have their time taken up by interruptions by a gentleman who has not examined the report.

Mr. MOSES. I call the attention of the gentleman from Alabama to the fact that he is now doing the very thing that he

complained of his colleague [Mr. WHEELER of Alabama] doing a while ago. He complained that his colleague would not answer his question, and now he himself declines to answer the question of the gentleman from New Hampshire.

Mr. WHEELER of Alabama. I did answer the gentleman's question fully. I answer it now by saying that nine men, unimpeached, make affidavit that this man returned voluntarily to his command.

Mr. ROBBINS. Do you take the position here that the law which has been read from the Clerk's desk does not cover this case?

Mr. SWANSON. Will the gentleman from Alabama permit me to interrupt him?

Mr. ROBBINS. I have asked the gentleman [Mr. WHEELER of Alabama] a question, and I pause for an answer.

Mr. BOWERS of California. I will answer the question if you wish.

Mr. ROBBINS. I did not ask you the question.

Mr. WHEELER of Alabama. The War Department has refused to remove this charge. In this report it is stated:

On the 9th of April, 1887, the adjutant-general of the State of Kentucky was informed with reference to this case, that the charge of desertion against Cohorn had not been removed and could not be removed from his record under then existing laws.

Therefore this bill was introduced, and the affidavits before the committee show that nine men, unimpeached, testify that this man was sick when he left his command in 1862, that he was sick all the time, and while still sick went forward to Chattanooga and did all he could to get back to his command, and that he finally returned voluntarily to his command, but the charge of desertion was then resting against him. Now, it occurs in thousands and possibly in a hundred thousand cases that the charge of desertion has been recorded against the soldier because he was absent from his command, and yet not from any fault of his.

Mr. COX. Not hundreds of thousands of cases. Would not that wipe out an ordinary army?

Mr. WHEELER of Alabama. Well, I reaffirm that there are many cases, possibly a hundred thousand of such cases.

Possibly two or three hundred thousand cases occurred in the Federal army of men having charges of desertion against them which investigation showed ought to be removed because they had been made improperly. For instance, a man would leave his command on furlough, the command would move, and he would be absent after his furlough had expired, and the charge of desertion would be placed against him, and in many cases would be afterwards removed by the officers themselves; but in many cases the charges were not removed. Therefore, the Committee on Military Affairs during the last ten years have recommended and secured the passage of various general laws which cover most of these cases, yet there are many meritorious cases which they do not cover.

Mr. LACEY. Is it not the rule in the Committee on Military Affairs not to grant special relief in any case without application having been first made to the War Department?

Mr. WHEELER of Alabama. Certainly. We always require that.

Mr. LACEY. And does not this report show that in this particular instance the Department refused the application because of the failure to return voluntarily?

Mr. WHEELER of Alabama. The report shows that—

Under date August 12, 1883, the soldier made application for removal of the charge of desertion under the provisions of the act of August 7, 1882, and on the 24th October following was called upon for a statement under oath giving the authority under which he left his command and his whereabouts during his absence.

On the 28th October, 1884, he submitted the following testimony:

In an affidavit bearing the above date, the soldier stated that in October, 1862, while in the service of the United States, he was taken sick and was sent home on sick furlough by Capt. Littlejohn, and that he remained at home sick until March, 1864, when he returned to his regiment, though still in bad health, and reported to Capt. Posten, who was then captain of his company; that he was thereupon sent to hospital and remained there about two months and was then sent to the convalescent camp, where he remained three or four months, and was then sent back to his regiment and returned to duty, remaining with his command until he was discharged. He further stated that he was furloughed "until fit for duty," but returned to his regiment before he was fit for duty, and declares that during his absence from his command he was at home sick and confined to his bed "nearly all the time."

And he furnished much additional testimony, but—

Under date September 28, 1885, the applicant was informed that the provisions of the act of Congress of July 5, 1884, did not cover his case, inasmuch as he did not voluntarily return to his command.

Now, my friend from California [Mr. BOWERS] will recollect that two years ago, when our committee first took up the question of desertions, we had some dozen reports recommending the removal of charges of desertion, but on investigation the committee reported adversely on them all; and from that time to this the committee has examined these cases with great care, and has refused to report them favorably unless the circumstances were such as to show that the beneficiary of the bill was entitled to have the charge removed because he had not deserted his command.

Mr. ROBBINS. Now, will the gentleman inform us of the date of the decision of the Department?

Mr. WHEELER of Alabama. One was in 1887.

Mr. ROBBINS. Is not the gentleman aware that the law which is applicable to these cases has been passed since that time?

Mr. WHEELER of Alabama. Yes; but it does not cover this case.

Mr. ROBBINS. But the question is, why does it not cover this case? The law of March, 1889, will cover this case. It has been read here and its language shows that it is applicable to this case. Now, I will ask the gentleman when the affidavit was filed?

Mr. WHEELER of Alabama. These affidavits were filed at various times, in 1885, 1886, and 1887.

Mr. BOWERS of California. I want to say to the gentleman from Alabama [Mr. ROBBINS], that I consider this House of Representatives and the Congress of the United States superior in power to the War Department, and when the War Department refuses to act in a certain case this House may review that case, may act for itself and direct its subordinate department to do right; and that is the case here.

Mr. WHEELER of Alabama. Let me correct myself at this point. I find from reading the report that the date of the last report from the War Department is much later. It is February 8, 1892. The report says:

In a communication to Hon. Mr. BRECKINRIDGE, dated February 4, 1892, referred to this Department by him, the applicant stated that he was enrolled and mustered into service July 7, 1862, as a private in Company F, Eighteenth Kentucky Volunteers, to serve three years, and was mustered out of service at Louisville, Ky., July 18, 1865.

Mr. ROBBINS. Now, the gentleman says there was no new testimony after the passage of the law to which I have referred. Mr. Chairman, the point that I was making is, give these gentlemen who advocate this bill an opportunity to explain the peculiar merits of this case, and to show why special legislation should be enacted with reference to it when a general law is on the statute books giving this man a right to apply to the War Department and obtain relief. The gentleman from California [Mr. BOWERS] says that Congress has more power than the War Department, and that when the Department fails to relieve a man of the charge of desertion, Congress can come in and relieve him of that charge.

Mr. BOWERS of California. Yes, as a court of appeal.

Mr. ROBBINS. That is true. Congress has the power, but I hope it also has the justice not to overrule the decision of the War Department unless a case of merit is made out and unless good reasons are given which will satisfy legislators who desire to do right and legislate wisely that they ought to overrule the court established by the general law in order that alleged soldiers in the position of this applicant may have an opportunity to go there, present their evidence, and have their cases tried.

Mr. Chairman, I am surprised. I am not a warrior. I was not old enough to take part in that heroic contest between the States, but I must say that I have in my mind a fixed opinion about desertion and deserters, and that opinion is equally applicable to those who deserted from the one side or from the other.

It matters not whether he enlisted under the Southern cross or under the Stars and Stripes; to my mind the soldier who started out following either banner and deserted it is entitled to and ought justly to receive the contempt and scorn of all warriors and of all true citizens. This opinion formed by me is, I must confess, formed from reading of desertion, for I have had no experience, and, I hope, have had no association with deserters. But, sir, I claim that here is a law that is broad enough to cover every case where men have that charge unjustly resting against them. For that reason I appeal to the legislators present to make haste slowly in passing this kind of special legislation removing the charge of desertion, a charge which is so offensive to any true soldier.

Now, Mr. Chairman, it appears by some remarks which have been made here that there were many deserters. Why, sir, I scarcely ever heard of a deserter until the pension roll became such an important feature in this Government. At the War Department there are perhaps hundreds and thousands of cases where the records show the charge of desertion but which never would have been heard of had it not been for the pension laws on our statute books. But for the matter of pensions, these men would have preferred to allow those records to stay in the dust rather than to bring to light the dishonorable charges that are there against them.

But, sir, back of all such bills as this there is a motive; there is something that prompts men to go into the archives of that

Department to bring out the charges there and put the country to the expense of spending hours, yes, days and weeks in removing charges of desertion. I object to hasty action in these cases, action taken without going over the evidence.

Look at this particular case. Men were here to-night in the act of voting upon it without having investigated it; they were about to vote blindly; but after a little colloquy as to the merits of the case, they rise and ask about the bill and the report and say that they really did not understand what was before the committee. That is the attitude in which gentlemen place themselves.

Mr. BROOKSHIRE. Will the gentleman allow me one moment?

Mr. ROBBINS. Yes, sir.

Mr. BROOKSHIRE. I hope my friend wants to be fair about this matter——

Mr. ROBBINS. Certainly I do.

Mr. BROOKSHIRE. I am satisfied that no gentleman in this House wants to make objection to any bill granting individual relief, if the defeat of the measure would work injustice. Now, when fifteen honorable men serving on the Committee on Military Affairs have brought a bill before this House with a favorable recommendation, that ought to raise the presumption that the bill is a just one. To-day when we were considering a great bill carrying over $32,000,000——

Mr. ROBBINS. I did not yield to the gentleman to make a speech or to go into an argument upon outside matters. Certainly the gentleman can make his speech in his own time. I say the fact which the gentleman states is an argument in favor of the position which I take. Here is a bill reported by a committee; and the Committee of the Whole is about to pass it, when it appears that there is a general law giving a man in cases of this kind a clear right to relief at the War Department; and when gentlemen having charge of the bill are asked why this man does not receive the relief he seeks under the general statute provided in such cases, no good reason is given.

Mr. SWANSON. I will give the gentleman a good reason. It is a mere technicality that prevents this man from having his record made clear at the Department.

Mr. LANE. You are mistaken; read the report.

Mr. SWANSON. As I understand, the law requires that when a soldier is absent he must return voluntarily, or he will be subject to the charge of desertion. This man was sick; and while he was absent on that account an officer was sent for him and arrested him, so that he returned under arrest. The affidavits of various witnesses show that the man was willing to return, and that after his return he served gallantly during the remainder of the war. But on account of that little technical requirement that the return of the soldier shall be voluntary, this man can not, at the War Department, have his record cleared, although he served gallantly and was honorably discharged. Here is Gen. WHEELER and his colleagues on the Committee on Military Affairs—fifteen honorable men—who have reported to us the facts of this case with a recommendation that the bill be passed; and I am ready to accept such a recommendation.

Mr. ROBBINS. Has the gentleman examined the existing law as applicable to this case?

Mr. SWANSON. I have heard the law read, as stated in the report. The committee say that the technical difficulty at the Department arises from the fact that this man did not return voluntarily. A committee of fifteen honorable men have said that the man did not desert—that he was anxious to return. An act of Congress being necessary to clear his record under the peculiar circumstances, why should we refuse it?

The CHAIRMAN. Does the gentleman from South Carolina [Mr. TALBERT] withdraw his motion to lay aside the bill with an unfavorable recommendation?

Mr. TALBERT of South Carolina. I withdraw the motion.

Mr. ROBBINS. I renew it.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama [Mr. ROBBINS] that the bill be laid aside to be reported to the House with a recommendation that it lie on the table.

The motion was rejected.

The amendment reported by the committee was then agreed to; and the bill as amended was laid aside to be reported favorably to the House.

WARREN ALONZO ALDEN.

The next business on the Calendar was the bill (H. R. 2108) to perfect the military record of Warren Alonzo Alden.

The bill was read.

Mr. TAYLOR of Indiana. I raise the point of order that this bill is not properly before the Committee of the Whole under the order for Friday night sessions.

The CHAIRMAN. The Chair does not understand the gentleman's point.

Mr. TAYLOR of Indiana. These Friday night meetings, as I understand, are for the purpose of considering bills granting pensions and bills removing the charge of desertion. I have no objection to this bill, but I think we should devote these evening sessions to the business which properly comes before the committee. If there is any doubt about this matter I will ask that the order regulating the business of the evening be read.

The CHAIRMAN. The gentleman from Indiana [Mr. TAYLOR] makes the point of order that the bill just read does not come within the special order for Friday night sessions.

Mr. MARTIN of Indiana. I ask unanimous consent that the bill be passed over without prejudice.

The CHAIRMAN. In the absence of objection, that order will be made.

There was no objection, and it was ordered accordingly.

MARY MARTIN.

The next business on the Calendar was the bill (H. R. 1219) granting a pension to Mary Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act of June 27, 1890, the name of Mary Martin, widow of William Martin, late of Company I, Fourth Regiment of Rhode Island Volunteers.

The report (by Mr. MCETTRICK) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 1219) granting a pension to Mary Martin, and submit the following report:

The petitioner was the wife, and is, as she believes, the widow of William Martin, who served in Company I, Fourth Rhode Island Volunteers, from September 21, 1861, until May 2, 1863, when he was discharged by reason of anterior curvature of the spine caused by injury in the battle of Antietam. It is also shown that he was wounded in the head while in service by a shell. This soldier applied for pension May 18, 1883, but has not been heard of by the Pension Bureau since that date.

The petitioner testifies that the soldier disappeared twenty-six years ago, has not been heard of since, and is believed by all his friends to be dead; that she is about 70 years of age; that she has not remarried, has no property except what is mortgaged to its full value, has no income and no means of support but her own exertion and assistance of friends.

Maria T. Martin, of Providence, R. I., testifies to the truth of the facts sworn to by the petitioner.

Hon. CHARLES H. PAGE, Member of Congress, states in writing that after the soldier returned from the service his mind was somewhat weakened; in a short time he left home, and his family were never able to learn his whereabouts; that his wife never heard from him since that time and has for many years regarded him as dead, but she has never remarried; also that when the soldier disappeared he left his wife with one little girl to support; she had a small real estate in Providence, R. I., which she desired to sell or mortgage, but under the law could not unless her husband joined in the deed. Her attorney, now Judge Carpenter of the United States district court for Rhode Island, advised her to secure a divorce, inasmuch as her husband had been absent a long time, and this she did for the sole purpose of conveying her property.

From the facts set forth your committee is of opinion that the soldier is unquestionably dead, and that he was most probably dead prior to the allowance of the divorce, which would, in that case be nugatory. While, of course it can not be presumed that the soldier's death, if he be dead, was a result of his military service, the petitioner would be entitled to pension under the act of June 27, 1890, if she were able to prove the fact of his death only, and your committee therefore recommend that the bill do pass.

Mr. TALBERT of South Carolina. Mr. Speaker, this bill is similar to one which has passed here to-night where the husband of the woman whom it was proposed to pension has been absent for a long time, and never heard from. That bill was amended by adding a proviso that if the husband should return the pension should cease. I move that this bill be amended in the same way.

Mr. MCETTRICK. There is no objection to that.

The CHAIRMAN. In the absence of objection, the amendment suggested by the gentleman from South Carolina will be agreed to.

There was no objection.

The bill as amended was laid aside to be reported favorably to the House.

LUCY BROWN.

The next business on the Calendar was the bill (H. R. 4720) to pension Lucy Brown, dependent foster mother.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Brown, dependent foster mother of Aaron B. Divinny, late of Company B, Ninety-first Regiment Indiana Infantry, in the war of the rebellion.

The report (by Mr. MARTIN of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4720) granting a pension to Lucy Brown, submit the following report:

The petitioner is the foster mother of Aaron B. Divinny, who enlisted September 22, 1862, in Company B, Ninety-first Indiana Infantry, and died from a gunshot wound, received in battle of Nashville, December 16, 1864, as shown by records of the War Department.

It is shown by evidence before the committee that this soldier's mother died in 1845, and his father in 1848, and immediately after, when the boy was 5 years of age, Josiah Brown took charge of him; the petitioner married said Josiah Brown February 1, 1849, and from that time cared for the soldier as a mother; she is now 68 years of age. It is also stated that the husband is 70 years of age, and unable by reason of age and kidney disease to perform manual labor and is without means of support.

Since the foregoing was written it has been established that the foster father, Josiah Brown, died February 1, 1894, leaving the beneficiary penniless, dependent, and feeble.

In accordance with the precedents of this committee and Congress the bill should be, and hereby is, favorably reported for passage.

The bill was laid aside to be reported favorably to the House.

LUCINDA C. WHEELER.

The next business on the Calendar was the bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Lucinda C. Wheeler, widow of John H. Wheeler, late private in Company L, Seventh Regiment Tennessee Cavalry, in the war of 1861, and grant her a pension at the rate of $12 per month, subject, however, to the limitations of the pension laws.

The report by Mr. MCDANNOLD was read as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, and submit the following report:

The petitioner is the widow of John H. Wheeler, to whom she was married December 9, 1854, as shown by transcript of public record of Obion County, Tenn. Her claim for pension was rejected by the Pension Bureau for the reason that the records of the War Department fail to show that her husband was in the United States service as a member of Company E or L, Seventh Tennessee Infantry, as alleged. The records of the War Department do not show the name of John Wheeler or J. Wheeler on any rolls of that regiment. The records of the Surgeon-General's office do, however, show that J. Wheeler, of Company E, Seventh Tennessee Cavalry, died September 16, 1864, at Andersonville, Ga., of scorbutus.

Numerous affidavits on file in the Pension Bureau show that John H. Wheeler was enrolled and sworn in by Capt. T. P. Gray for Company L, but that these men were all captured before the company was filled so as to be mustered in. This, together with the record of death at Andersonville, leave no doubt that the petitioner's husband met his death as claimed, and as a result of his connection with the military service of the United States. It is clear that the deceased was not a member of Company E, and it is reasonably clear that he enlisted for Company L, as stated in the bill.

Your committee therefore return the bill with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. STALLINGS. I hope the gentleman in charge of the bill will make some explanation of it.

Mr. MARTIN of Indiana. The gentleman from Illinois [Mr. SMITH], who introduced this bill, is not here, nor is the gentleman from Illinois [Mr. MCDANNOLD] who reported it. The question involved here is simply one of identity. The matter was established to the satisfaction of the Committee on Invalid Pensions, and a favorable report was made to the effect that this soldier did actually enlist; but before he and his comrades could be sworn in they were taken prisoners, and he died at Andersonville.

Mr. SWANSON. What is the difficulty about presenting this case with the proof to the Commissioner of Pensions?

Mr. MARTIN of Indiana. It has been rejected at the Pension Office.

Mr. SWANSON. On account of insufficient proof?

Mr. MARTIN of Indiana. No, on account of the fact that the record does not show that the soldier was sworn in.

Mr. SWANSON. And that is requisite, before a pension can be obtained, that he must be sworn in under the law.

Mr. LANE. This is a mere technicality.

Mr. MARTIN of Indiana. Yes, and while the affidavits in this case, of which there are a large number, show that he did enlist, yet before he was sworn in, so as to give him a status in the Pension Office, he and his comrades were captured, and he died in Andersonville.

Mr. STALLINGS. Mr. Chairman, the pension laws are broad enough, it seems to me, to cover every case where a man can possibly make it out by legal testimony. Now, here is a case where a man comes before the Pension Office, and fails to make out his case to the satisfaction of the Commissioner of Pensions. Still he comes here to this House and asks us to grant him a pension, on evidence that the Commissioner of Pensions has refused to grant a pension upon.

I know it has been said to-night by gentlemen on the other side that there are some of us here who object to these pensions, and they say that the men from the South are the ones who object to them. Let me tell you, Mr. Chairman, that the men from the South voted for a pension bill within the last ten days that carries with it more than $150,000,000. That is not all. They voted also to keep up the soldiers' homes, without a single quibble, and that provision carries with it more than $3,000,000.

If you will go down here on any day when pension payments are being made at the office on Fourth street, between G and H, you will see men and women coming up there in liveried carriages, with footmen, to draw their pensions.

Now, when it comes to the honest soldier, who shouldered his musket and fought in the war, I do not object to his getting a pension, and he ought to have as much as the man who comes in a liveried carriage; but let him prove first that he fought in the Army and was a true soldier. If he will do that, I will make no objection; but in this kind of a case it matters not where I come from, or what section of the country I come from, I will always object to just such claims.

Mr. MARTIN of Indiana. Mr. Chairman, I know the gentleman from Alabama means to do just what he thinks is right.

Mr. STALLINGS. Yes, that is what I want to do, and what I am going to do.

Mr. MARTIN of Indiana. I have no aspersions to cast on the motives of any man, but here is a matter that has come before the committee, and been carefully considered, and I think I am justified in saying that we do not consider anything hastily. We are very conservative in these matters. There are fifteen of us when we are all there. We always have a quorum. We never consider business without a quorum.

Now, what is this case? It is simply this: Here is a man who, in point of fact, did actually give up his life for his country, in the enemy's prison.

What is the trouble? A pension is applied for, and simply because the rolls of the War Department do not show that he was mustered into the service, on that ground the Department is bound to reject the claim for a pension, and did reject it.

This is a case of the very kind that our committee is expected to consider. Here is the proof that shows that this man did enlist; that before he was mustered in he was taken prisoner, and that he died in a Southern prison.

If you can make out a better case than that—I do not care how often a man may be mustered in—I should like to have you tell me what the case is. He gave his life voluntarily for our country, for our flag.

And shall it be said that because the Pension Bureau is without jurisdiction to allow a pension, simply because of the fact that he was captured before he was mustered in; shall it be said that the American Congress, sitting here with the flag before us, will now decide that although that Bureau rejected this claim on a technical ground that they were obliged to follow, that we, the House of Representatives, shall deny this pension, although the man gave his life for his country?

Mr. SWANSON. We have pretty strong proof that he was a soldier from the fact that he was captured and that he lost his life in Andersonville.

Mr. STALLINGS. There is something else in this record outside of what the gentleman on the committee has stated. According to the statement in the report made by this committee there is no proof that this man died at Andersonville, or that he ever was in the Army.

It shows that one man by the name of "J. Wheeler" joined one company of this regiment, but it shows that that was not the name of this man to whom we are trying to give a pension here to-night. Now, I would like to read this record again.

The petitioner is the widow of John H. Wheeler, to whom she was married December 9, 1854, as shown by transcript of public record of Obion County, Tenn. Her claim for pension was rejected by the Pension Bureau for the reason that the records of the War Department failed to show that her husband was in the United States service as a member of Company E or L of Seventh Tennessee Infantry, as alleged.

Now, she alleges that her husband, by a certain name, was either in Company E or Company L. The records of the War Department do not show that any such man ever served in the Federal Army; and yet we are asked here to-night to vote a pension in a case of that kind, when the record shows he never served an hour or a day. No, sir; I will never vote to grant any such pension. You may bring in the case of an honest soldier, a man who shouldered his musket and went to the front and fought for yonder flag, and I will vote for it every time; but when you ask me to grant a pension to a woman who tries to prove that her husband was in Company E or Company L, and the records of the War Department show that he was not in either one of those companies, why then I will not vote for it. The records of the Surgeon-General's office do, however, show that J. Wheeler, of Company E, Seventh Tennessee Cavalry, died September 16, 1864, at Andersonville, Ga., of scorbutus.

Mr. NORTHWAY. That was J. Wheeler, and in this case it is J. H.

Mr. STALLINGS. Now, then, can it be possible that we have come here to-night to grant a pension when the evidence shows that the Department is not justified in granting her a pension? If she could prove that she is the widow of this soldier who died at Andersonville, and prove it by competent testimony, I do not believe there is a man upon the floor of this House who would oppose it for a moment, or that the Pension Bureau would refuse or fail to grant her a pension when she could make such proof. But shall she be allowed to have a special act by Congress under such circumstances? No, sir; you will have to get a quorum, gentlemen, to pass a bill like that. I

give you notice now that it will be necessary to have a quorum every Friday night to pass bills of this kind.

Mr. BROOKSHIRE. Will the gentleman allow me to ask him a question?

Mr. STALLINGS. Certainly.

Mr. BROOKSHIRE. Now, there are instances where men who have served in the Federal Army whose names have failed to be placed on the records. I have introduced a bill in which a man supported his case by numerous affidavits, who states that he served in the Federal service. Now, would you refuse a pension in such a case as that where he proved his service?

Mr. STALLINGS. Now, let me answer your question in the Yankee fashion, by asking another. Had he not a name?

Mr. BROOKSHIRE. Yes, sir.

Mr. STALLINGS. Well, was it not shown on the records of the regiment?

Mr. BROOKSHIRE. No. The records never showed that he was mustered, I believe.

Mr. STALLINGS. Then how do you know that he was in the Army?

Mr. BROOKSHIRE. Because he introduced witnesses to prove that he was in the Army.

Mr. STALLINGS. Do you not know that it is utterly impossible for a man to serve in the Army for any length of time without his name appearing on the company or muster roll?

Mr. WANGER. It is not impossible. I happen to have knowledge of the fact that in a three months' regiment, the Fourth Pennsylvania Volunteers, there were several men who served the full term, a couple of whom were paid by one of the captains out of his own pocket, and the names of none of them appeared on the muster rolls of the company, although they performed duty all the time.

Mr. STALLINGS. How do you make out that they were not on the company or the muster roll?

Mr. WANGER. Their names did not appear upon the records of the company at all.

Mr. STALLINGS. How can you account for a thing of that kind?

Mr. WANGER. I think I can account for it in this way: I think they started from the seat of the State government, at the capital of Pennsylvania, and the company being full, they were not received. They were anxious to go, and were permitted by their officers to go along. Some of them served without pay, others, as I have stated, were paid by one of the captains.

Mr. STALLINGS. Then they were simply camp-followers?

Mr. WANGER. Not at all.

Mr. STALLINGS. I do not mean that in the vulgar sense, as we use that term. I mean it in this way: that they went with the Army, and they could quit and come back at any time without being subject to the charge of desertion.

Mr. WANGER. Certainly.

Mr. STALLINGS. These men were not soldiers.

Mr. WANGER. Only in the volunteer sense.

Mr. CURTIS of Kansas. I will state to the gentleman that I had a case to-day where a man served in the Ninth Kansas and his name does not appear on the records of the War Department, and yet he has an honorable discharge.

Mr. STALLINGS. Then I suppose it occurred just as my friend from Pennsylvania stated a moment ago—that he went along with the regiment.

Mr. CURTIS of Kansas. He served, and has his discharge; and yet the army records do not show it here in the War Department.

Mr. NORTHWAY. The gentleman has no such case here. You have a case where J. Wheeler did enlist in one of these companies, and the name of J. H. Wheeler is given here. That man is now dead, and the husband of this wife has never turned up. Now, as I presume you are a lawyer, and I am one, you know that under that character of proof you could hang a man if he was being tried for murder.

Mr. STALLINGS. Well, Mr. Chairman, I have failed to hang men on a great deal stronger proof than that, and I have tried very hard, too. They fail to make out the identity of this man.

Mr. NORTHWAY. When the boys were rushing out, North or South, to enlist, they were not very particular about putting down their names, and as a name went down on the enlistment roll, so it stood on the muster roll. Now, I know a man whose name was "Hiram A.," but he signed himself "H." He was a man who was shot all to pieces in the Army. He afterwards became recorder of our county. But he had a good deal of difficulty to identify himself as "Hiram A.," simply because he had been in the habit of signing himself "H."

Mr. STALLINGS. Now, let me ask the gentleman a question. The men in the Pension Office who pass upon these claims are lawyers, are they not?

Mr. NORTHWAY. Not always; but there is a lawyer there.

Mr. STALLINGS. These papers were filed in the Pension Office, and it is clear from the report that they refused there to grant the application.

Mr. NORTHWAY. Let me suggest to the gentleman, for he seems to be fair, and I make no charge of partisanship and I hope I never shall——

Mr. STALLINGS. I have not got a particle of partisanship in me. I do not know what it is. I have come up since the war was over and I have no feeling upon that question.

Mr. NORTHWAY. In the Pension Office they can consider only the cases of men who were mustered into the service. They may have clear proof that the man enlisted and died, but if he was not mustered into the service they can not consider his case. There is the difficulty, and not in a failure to prove that the man died or that he was the husband of this woman. They might have clear proof of these facts, but yet if he failed to show that he was mustered in, there would be the technical difficulty.

Mr. STALLINGS. As the gentleman has alluded to my being a lawyer, I may say that I have had a good deal of experience in that kind of business, and I have never yet found a case where I could not prove the identity of a man in a court if it were possible to be proved. But here is a case where they have failed to prove the identity of this man to the satisfaction of the Pension Bureau.

Mr. NORTHWAY. No; that is not it. The difficulty is that there is no proof that he was mustered into the service. They might have had proof of the identity of "J. H. Wheeler," the husband of this woman, but unless he could produce proof that he was mustered in, the Pension Office could not consider his case.

Mr. ROBBINS. But they have not any proof that he is "J. H. Wheeler" at all.

Mr. NORTHWAY. Well, I say if they had that proof, still they could not consider his case unless it was shown that he had been mustered in.

Mr. STALLINGS. That is not the reason given in the report.

Mr. NORTHWAY. That is precisely the reason, as I understand it.

The question being taken on laying the bill aside to be reported to the House with a favorable recommendation, the Chairman announced the vote as—ayes 43, noes 2.

Mr. STALLINGS. No quorum, Mr. Chairman.

Mr. MARTIN of Indiana. Mr. Chairman, I move a call of the committee.

Mr. MOSES. Mr. Chairman, pending that, I move that the committee rise.

The question being taken on the motion of Mr. MOSES, there were—ayes 25, noes 21; and the chairman announced that the motion was agreed to.

Mr. LANE. I demand tellers.

Tellers were refused.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. WILLIAMS of Illinois, from the Committee of the Whole, reported that that committee, finding itself without a quorum, had determined to rise.

Mr. MARTIN of Indiana. Mr. Speaker, I move a call of the House.

The question being taken, there were—ayes 36, noes 2; and a call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Abbott,	Breckinridge, Ky.	Conn,	Erdman,
Adams, Ky.	Bretz,	Coombs,	Everett,
Adams, Pa.	Brickner,	Cooper, Fla.	Fielder,
Aitken,	Brosius,	Cooper, Ind.	Fithian,
Alderson,	Brown,	Cooper, Tex.	Fletcher,
Aldrich,	Bryan,	Cooper, Wis.	Forman,
Alexander,	Bundy,	Cornish,	Funk,
Allen,	Bunn,	Cousins,	Funston,
Apsley,	Burnes,	Covert,	Fyan,
Arnold,	Burrows,	Cox,	Gardner,
Babcock,	Bynum,	Crain,	Gear,
Baldwin,	Cadmus,	Crawford,	Geary,
Bankhead,	Caldwell,	Culberson,	Gillet, N. Y.
Barnes,	Campbell,	Curtis, N. Y.	Gillett, Mass.
Bartlett,	Cannon, Cal.	Dalzell,	Goldzier,
Barwig,	Cannon, Ill.	Davey,	Goodnight,
Belden,	Capehart,	De Forest,	Gorman,
Bell, Colo.	Caruth,	Denson,	Grady,
Bell, Tex.	Catchings,	Dingley,	Graham,
Beltzhoover,	Causey,	Dinsmore,	Gresham,
Berry,	Chickering,	Dockery,	Griffin,
Bingham,	Childs,	Dolliver,	Grosvenor,
Black, Ill.	Clancy,	Draper,	Grout,
Bland,	Clarke, Ala.	Dunn,	Grow,
Boatner,	Cobb, Ala.	Dunphy,	Hall, Minn.
Boen,	Cobb, Mo.	Durborow,	Hall, Mo.
Boutelle,	Cockran,	Edmunds,	Hammond,
Bower, N. C.	Cockrell,	Ellis, Ky.	Harmer,
Branch,	Coffeen,	English,	Harris,
Brattan,	Cogswell,	Enloe,	Harter,
Breckinridge, Ark.	Compton,	Epes,	Hartman,

Hatch,	Lynch,	Perkins,	Stockdale,
Haugen,	Magner,	Phillips,	Stone, C. W.
Hayes,	Maguire,	Pickler,	Stone, W. A.
Heard,	Mahon,	Pigott,	Stone, Ky.
Heiner,	Mallory,	Post,	Storer,
Henderson, Iowa	Marshall,	Powers,	Strait,
Henderson, N. C.	Marvin, N. Y.	Price,	Straus,
Hendrix,	McAleer,	Quigg,	Sweet,
Hepburn,	McCall,	Randall,	Talbott, Md.
Hermann,	McCreary, Ky.	Ray,	Tarsney,
Hicks,	McDannold,	Rayner,	Tawney,
Hilborn,	McDearmon,	Reed,	Taylor, Tenn.
Hines,	McGann,	Reilly,	Thomas,
Hitt,	McKaig,	Reyburn,	Tracey,
Holman,	McLaurin,	Richards, Ohio	Turpin,
Hooker, Miss.	McMillin,	Richardson, Mich.	Tucker,
Hopkins, Ill.	McNagny,	Richardson, Tenn.	Turner, Ga.
Hopkins, Pa.	McRae,	Ritchie,	Turner, Va.
Houk,	Meiklejohn,	Robertson, La.	Turpin,
Hull,	Meredith,	Robinson, Pa.	Tyler,
Hunter,	Meyer,	Rusk,	Van Voorhis, N. Y.
Hutcheson,	Milliken,	Russell, Conn.	Van Voorhis, Ohio
Ikirt,	Money,	Russell, Ga.	Wadsworth,
Johnson, Ind.	Montgomery,	Ryan,	Walker,
Johnson, N. Dak.	Moon,	Sayers,	Warner,
Johnson, Ohio	Morgan,	Schermerhorn,	Washington,
Jones,	Morse,	Scranton,	Waugh,
Joy,	Murray,	Settle,	Wendock,
Kilgore,	Mutchler,	Shaw,	Wells,
Kribbs,	Neill,	Shell,	Wever,
Lapham,	Newlands,	Sherman,	Wheeler, Ill.
Latimer,	Oates,	Sibley,	White,
Lawson,	O'Neil,	Sickles,	Williams, Miss.
Lefever,	Outhwaite,	Sipe,	Wilson, Wash.
Lester,	Page,	Smith,	Wilson, W. Va.
Linton,	Paschal,	Snodgrass,	Wise,
Lisle,	Patterson,	Somers,	Wolverton,
Livingston,	Payne,	Sperry,	Woodard,
Lockwood,	Paynter,	Springer,	Woomer,
Loud,	Pence,	Stephenson,	Wright, Pa.
Lucas,	Pendleton, Tex.	Stevens,	

The SPEAKER *pro tempore*. The doors will now be closed, and the Clerk will call the names of members who have failed to answer. On this call excuses are in order.

Mr. TAYLOR of Indiana (when the name of Mr. BRETZ was called). The gentleman from Indiana [Mr. BRETZ] is absent by leave of the House, having gone to his home.

The SPEAKER *pro tempore*. The RECORD will show the fact of the leave of absence.

The SPEAKER *pro tempore* (when the name of Mr. BRICKNER was called). The gentleman from Wisconsin [Mr. BRICKNER] requested that he be excused to-night on account of sickness.

There being no objection, Mr. BRICKNER was excused.

Mr. TAYLOR of Indiana (when the name of Mr. CONN was called). I ask that my colleague from Indiana [Mr. CONN], who is sick, be excused.

There being no objection, Mr. CONN was excused.

Mr. HAINES (when the name of Mr. COVERT was called). I ask that my colleague [Mr. COVERT] be excused on account of important business.

The SPEAKER *pro tempore*. Mr. COVERT has leave of absence.

Mr. LANE (when the name of Mr. COX was called). I ask that the gentleman from Tennessee [Mr. COX] be excused. He was here until a few moments ago, when he went away because he was not feeling well.

There being no objection, Mr. COX was excused.

Mr. KIEFER (when the name of Mr. FLETCHER was called). I ask that my colleague [Mr. FLETCHER] be excused.

There being no objection, Mr. FLETCHER was excused.

Mr. LOUDENSLAGER (when the name of Mr. GARDNER was called). I ask that my colleague [Mr. GARDNER] be excused.

There being no objection, Mr. GARDNER was excused.

Mr. WANGER (when the name of Mr. HEINER of Pennsylvania was called). I ask that my colleague from Pennsylvania [Mr. HEINER] be excused.

There being no objection, Mr. HEINER of Pennsylvania was excused.

Mr. LACEY (when the name of Mr. HENDERSON of Iowa was called). I ask that my colleague [Mr. HENDERSON of Iowa] be excused.

There being no objection, Mr. HENDERSON of Iowa was excused.

Mr. BARTHOLDT (when the name of Mr. JOY was called). I ask that my colleague from Missouri [Mr. JOY] be excused on account of sickness.

There being no objection, Mr. JOY was excused.

Mr. HAINES (when the name of Mr. RICHARDSON of Michigan was called). The gentleman from Michigan [Mr. RICHARDSON] has been here all the evening until a few moments ago. I ask that he be excused.

There being no objection, Mr. RICHARDSON of Michigan was excused.

Mr. HAINES (when the name of Mr. RYAN was called). I ask that my colleague, Mr. RYAN, be excused for this evening.

There being no objection, Mr. RYAN was excused.

Mr. KIEFER (when the name of Mr. TAWNEY was called). I ask that my colleague, Mr. TAWNEY, be excused.

There being no objection, Mr. TAWNEY was excused.

Mr. HAINES (when the name of Mr. TRACEY was called). I ask that my colleague [Mr. TRACEY] be excused for this evening.

There being no objection, Mr. TRACEY was excused.

The SPEAKER *pro tempore*. Sixty-eight members have answered to their names—less than a quorum.

Mr. MARTIN of Indiana. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LAPHAM, from the Committee on Patents, the bill (H. R. 1547) for the relief of the Berdan Firearms Manufacturing Company. (Report No. 600.)

By Mr. LACEY, from the Committee on Invalid Pensions, the bill (H. R. 2908) restoring the pension of Martha E. Miller. (Report No. 601.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the joint resolution (H. Res. 135) authorizing Capt. Thomas O. Selfridge, United States Navy, to accept the cross of an officer of the Legion of Honor, conferred upon him by the President of the Republic of France, and the same was referred to the Committee on Foreign Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. LINTON: A bill (H. R. 6319) for the construction of a public building at Owosso, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. CUMMINGS: A bill (H. R. 6320) to provide for the creation of the office of assistant to the Chief of Bureau of Supplies and Accounts, Navy Department—to the Committee on Naval Affairs.

Also, a bill (H. R. 6321) authorizing certain officers of the Navy to administer oaths—to the Committee on Naval Affairs.

Also, a bill (H. R. 6322) to amend section 3719 of the Revised Statutes—to the Committee on Naval Affairs

Also, a bill (H. R. 6323) to amend the Articles for the Government of the Navy relative to punishment on conviction by court-martial—to the Committee on Naval Affairs.

Also, a bill (H. R. 6324) to provide for naturalization by enlistment and service in the United States Navy and Marine Corps—to the Committee on Naval Affairs.

By Mr. COMPTON: A joint resolution (H. Res. 142) for the purchase of the portrait of Dolly Madison from E. S. Andrews—to the Committee on the Library.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ADAMS of Kentucky: A bill (H. R. 6325) for the relief of Mrs. Parmelia Smyth, of Casey County, Ky.—to the Committee on War Claims.

By Mr. BRODERICK: A bill (H. R. 6318) authorizing and directing the improvement of the Missouri River at and near Atchison, Kans., and at Leavenworth, Kans., and making appropriations therefor—to the Committee on Rivers and Harbors.

By Mr. COMPTON: A bill (H. R. 6326) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war—to the Committee on Claims.

By Mr. HUDSON: A bill (H. R. 6327) granting an increase of pension to Joseph Thompson, of Cherryvale, Kans.—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 6328) granting a pension to L. D. Morse—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 6329) for the relief of the estate of Needham Bullard—to the Committee on War Claims.

By Mr. JOSEPH: A bill (H. R. 6330) granting a pension to Edward D. Lashley—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS of Ohio: A bill (H. R. 6331) to remove the charge of desertion from the military record of James A. McElroy—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Two petitions of citizens of Dallas, Tex., favoring the Manderson-Hainer bill (S. 1353, H. R. 4897)—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER of Kansas: Petition of citizens of Lincoln County, Kans., in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. BELTZHOOVER: Protest from the cigar-makers of McSherrystown, Pa., against change in the internal-revenue laws affecting tobacco and cigars—to the Committee on Ways and Means.

Also, protest of the Cigar Maker's Union of York, Pa., against increasing the tax on cigars—to the Committee on Ways and Means.

By Mr. BLAIR: Petition of Waldron Council, Dover, N. H., for the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles G. Pillsbury and 25 others, citizens of Londonderry, N. H., for legislation giving local control over articles of food imitating true dairy products—to the Committee on Agriculture.

By Mr. CALDWELL: Additional evidence in support of claim of Lieut. Joseph R. Cobb—to the Committee on Military Affairs.

By Mr. CHICKERING: Petition of citizens of Cape Vincent, N. Y., in favor of breakwater at that place—to the Committee on Rivers and Harbors.

By Mr. CUMMINGS: Two petitions of citizens of the State and city of New York, asking Congress to reject the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of John Forbes and 71 other citizens, of Pittsburg, Pa., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., against House bill 5575—to the Committee on Appropriations.

By Mr. DOOLITTLE: Petition of Farragut Post, No. 15, Department of Washington and Alaska, Grand Army of the Republic, praying for the passage of the bill making February 12 a national holiday—to the Committee on the Judiciary.

Also, petition of Knights of the Maccabees, of Ballard, Wash., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DURBOROW: Petition of C. A. Watts and others, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fred W. Slack, J. H. Ousley, and others, in favor of laws preventing lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. ERDMAN: Petition for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of residents of the city of Philadelphia, Pa., in favor of an amendment of the Constitution of the United States acknowledging the supreme authority and just government of Almighty God in all the affairs of men and nations—to the Committee on the Judiciary.

By Mr. HAYES: Petition of citizens of Iowa, against the proposal to amend the Constitution to recognize God—to the Committee on the Judiciary.

By Mr. HEARD: Petition of citizens of Marshall, Mo., asking favorable action on House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of Rev. S. S. Weatherby and 17 other citizens of Merchantville, N. J., asking for the passage of a bill preventing lotteries—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fred Schmidt and 32 others of Woodbine, N. J., asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: Two petitions of citizens of Sharpsville and members of the Protected Home Circle, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McKEIGHAN: Petition of 8 citizens of Madrid, Nebr., in the interest of the fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of the Society of Friends at the Genesee Yearly Meeting, for the passage of a law forbidding the admission to the mails of newspapers containing accounts of prizefights—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tent No. 171, Knights of the Maccabees, of Seneca Castle, N. Y.; of Griswold Lodge, Ancient Order of United Workmen, of Auburn, N. Y.; of 80 residents of Seneca Castle, N. Y., together with 69 more members of Griswold Lodge, Ancient Order of United Workmen, for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. POST: Petition of 51 citizens of Hanna City and Eden, Ill., in favor of an amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of the Typographical Union of Peoria, Ill., in favor of Senate bill 1136, House bill 4478—to the Committee on the Post-Office and Post-Roads.

By Mr. REYBURN: Petition of citizens of Pennsylvania, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolutions of Coopers' Union No. 54, of Machinery Molders' Union, and of the Bakers' Union, all of Detroit, together with a resolution of Pewamo Tent, No. 532, Knights of the Maccabees, of Pewamo, Mich., in favor of governmental control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Tennessee: Petition of citizens of the District of Columbia, for an appropriation to improve and place additional gaslights on the public thoroughfare between Fourteenth street northwest and the Soldiers' Home—to the Committee on Appropriations.

By Mr. RITCHIE: Petition of Cigarmakers' Union No. 48, protesting against the increase of tax on cigars—to the Committee on Ways and Means.

Also, petition of Wabash Lodge, No. 12, Ancient Order United Workmen, and of F. C. C. Man and 70 others, of Toledo, Ohio, favoring the passage of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. SCHERMERHORN: Two petitions of citizens, for a law for the regulation of the traffic of oleomargarine—to the Committee on Agriculture.

By Mr. STORER: Petition of Eli Norris, in favor of appropriating $500 for test of gasoline projectiles—to the Committee on Military Affairs.

By Mr. VAN VOORHIS of New York: Petition of citizens of Rochester, for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER: Petition of members of Millbury Council Ancient Order of United Workmen, Millbury, Mass., urging the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Alva Hovey, president, in behalf of the faculty of Newton Theological Institution, Newton Center, Mass., in favor of more efficient legislation to exclude from the States the Honduras lottery—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 17, 1894.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read, corrected, and approved.

Mr. REILLY. Mr. Speaker, I rise to a question of privilege. By yesterday's RECORD I observe that a concurrent resolution directing the institution of suits in the name and in behalf of the United States against the officers and directors of the Union Pacific Railroad Company for the recovery of money and property of said company illegally and fraudulently diverted, was introduced by the gentleman from Louisiana [Mr. BOATNER], and referred to the Committee on the Judiciary. I desire to inquire of the Chair whether that resolution, under the rule, does not properly go to the Committee on the Pacific Railroads? If so, I ask to have the reference changed.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

By Mr. BOATNER: A concurrent resolution, directing the institution of suits in the name and in behalf of the United States against the officers and directors of the Union Pacific Railroad Company for the recovery of money and property of said company illegally and fraudulently diverted.

The SPEAKER. This resolution was referred to the Committee on the Judiciary. The Chair thinks it ought to have gone to the Committee on the Pacific Railroads; but that is for the House now to determine.

Mr. REILLY. I move that the Committee on the Judiciary be discharged from the further consideration of the resolution, and that it be referred to the Committee on the Pacific Railroads.

Mr. BAILEY. I suggest to the gentleman from Pennsylvania that the gentleman from Louisiana [Mr. BOATNER], who introduced that resolution and at whose request it was referred to the Committee on the Judiciary, is absent, and that the gentleman from Pennsylvania [Mr. REILLY] withhold the matter until the return of the author of the resolution. I think it is perfectly clear, under the rule, that the resolution might properly be referred to the Judiciary Committee. I think it equally clear that it might have gone to the Committee on the Pacific Railroads, and I suggest to the gentleman that in the absence of the gentleman from Louisiana [Mr. BOATNER] the matter might simply be left in abeyance.

Mr. REILLY. I will say in reply, with the consent of the House, that the gentleman from Louisiana [Mr. BOATNER] is a member of the Judiciary Committee, and also a member of the Committee on the Pacific Railroads. The gentleman did not confer with myself or with any other member of the Committee on the Pacific Railroads in regard to this resolution; but as a matter of fact I understand that the resolution was not referred by the Speaker, but that the reference was made pro forma by the Speaker's clerk, as is the practice.

Mr. BAILEY. At the request of the gentleman from Louisiana [Mr. BOATNER]?

Mr. REILLY. At the request of the gentleman from Louisiana [Mr. BOATNER], and I understand further that the gentleman from Louisiana [Mr. BOATNER] is absent for an indefinite period. It is not known how soon he will return, and I think it proper and right at this time, while the matter is fresh in the minds of the members in the House, to call it up and have it disposed of.

Mr. BAILEY. I will say to the gentleman from Pennsylvania that I believe the resolution has been referred to me as a subcommittee; and in view of this misunderstanding I will do nothing with it until the gentleman from Louisiana [Mr. BOATNER] returns. I am not in an attitude where I want to insist upon jurisdiction of the resolution; but at the same time I am not willing to see it taken from the committee which I know its author desires to consider it, and to be referred to another and different committee, in his absence. If he were here he could speak for himself, and I should have no part or parcel in the controversy.

Mr. REILLY. I will simply say this: Under the rule it is the duty of the Speaker to make these references. The Speaker has declared in the presence of the House that in his opinion this resolution ought to have gone to the Committee on the Pacific Railroads. Hence I do not believe there ought to be any question raised.

If there was any question about the matter it would be different, but the Speaker stated to the House a moment ago that unquestionably this resolution ought to go to the Committee on Pacific Railroads, and I insist upon my motion.

Mr. BAILEY. Then I want to suggest that the motion can only be made at the instance of the committee itself, and that an individual member of that committee claiming jurisdiction is not permitted to make the motion.

Mr. REILLY. I have conferred with my colleagues on the committee, and those with whom I have spoken have authorized me to take this action.

The SPEAKER. The Chair will cause the rule to be read, or read the rule:

Correction in case of error of reference may be made by the House, without debate, and in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

And the correction, of course, under the rule, is not debatable. What was the point of order of the gentleman from Texas?

Mr. BAILEY. I make the point of order that the motion to refer can only be made by the committee, and not by a member of the committee.

The SPEAKER. That seems to be the rule.

Mr. KYLE. I would like to say a word right along there. I would like to have something to say in this matter.

The SPEAKER. The point of order is not debatable on the question of reference.

Mr. KYLE. I just want to say that it strikes me that this bill ought to go to the Committee on Pacific Railroads, or all the bills should be taken away from that committee and referred to the Committee on the Judiciary.

The SPEAKER. Does the gentleman from Pennsylvania make the motion by direction of the committee claiming jurisdiction?

Mr. REILLY. I must say there has been no formal action taken by that committee, or meeting for that purpose. I have spoken to individual members of the committee, who have authorized me to claim jurisdiction of this matter. Whether that will come within the rule or not I do not know.

The SPEAKER. The Chair thinks, if the point is made, it ought to be at the request of the committee.

Mr. REILLY. Very well; I will withdraw the motion, and will have a meeting of the committee for that purpose.

PONTOON BRIDGE AT SIOUX CITY, IOWA.

The SPEAKER laid before the House the bill (H. R. 5425) for a charter for the Iowa and Nebraska Pontoon Bridge Company, with Senate amendments.

The Senate amendments were read.

Mr. HAINER of Nebraska. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. HAINER of Nebraska, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

HIGH WAGON BRIDGE AT SIOUX CITY.

The SPEAKER laid before the House the bill (H. R. 4831) to amend an act entitled "An act authorizing the construction of a high wagon bridge at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 13, 1890, and February 7, 1893, with Senate amendments.

The Senate amendments were read.

Mr. PERKINS. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

The SPEAKER. If there be no objection, the title will be amended as recommended by the Senate.

There was no objection, and it was so ordered.

COL. JESSE H. STRICKLAND.

The SPEAKER laid before the House the bill (S. 838) for the relief of Col. Jesse H. Strickland, Eighth Tennessee Cavalry, United States Volunteers.

Mr. COOMBS. The House having reported a bill exactly similar, I ask that that bill be permitted to lie on the Speaker's table for the present.

There was no objection.

ACCOUNTS BETWEEN UNITED STATES AND THE STATE OF TENNESSEE.

The SPEAKER laid before the House the joint resolution (S. R. 61) providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of the State of Tennessee against the United States.

Mr. COX. Mr. Speaker, I ask that that resolution be permitted to lie on the Speaker's desk without any action being taken at the present.

There was no objection, and it was so ordered.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the following Senate bills; which were severally read and referred as follows:

The bill (S. 179) authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers—to the Committee on Military Affairs.

The (bill S. 575) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean—to the Committee on Military Affairs.

The bill (S. 260) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and the State of Missouri," approved March 3, 1887—to the Committee on Interstate and Foreign Commerce.

The bill (S. 1759) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road"—to the Committee on Interstate and Foreign Commerce.

The bill (S. 176) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina reservation in North Dakota—to the Committee on Indian Affairs.

The bill (S. 1458) granting to the Duluth and Winnipeg Railroad Company a right of way through the Chippewa and White Earth Indian Reservations in the State of Minnesota—to the Committee on Indian Affairs.

The bill (S. 1230) for the relief of Maria T. Karge—to the Committee on Invalid Pensions.

The bill (S. 349) for the relief of Thomas Chambers—to the Committee on Claims.

CHINESE REGISTRATION.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Commissioner of Internal Revenue, showing the necessity for an additional appropriation for Chinese registration under the joint resolution approved December 7, 1893; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVEY, for ten days, on account of important business.

Mr. SAYERS. Regular order, Mr. Speaker.

The SPEAKER. The regular order is the call of committees for reports.

The committees were called, but no reports were presented.

ORDER OF BUSINESS.

Mr. SAYERS. Mr. Speaker, with the consent of the gentleman from Ohio [Mr. GROSVENOR], I ask unanimous consent that the special order for 2 o'clock to-day be postponed until half past 2.

There was no objection, and it was so ordered.

Mr. SAYERS. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. LESTER of Georgia in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of general appropriation bills. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

Mr. SAYERS. Mr. Speaker, I am informed that the gentleman from Pennsylvania [Mr. WOLVERTON] has to leave the city to-morrow, and as he is desirous of offering some amendments to the appropriations contained in this bill for the United States courts, I ask unanimous consent that we pass over the paragraph which was under consideration last evening and also the two paragraphs in relation to the soldiers' homes, and proceed to consider the paragraphs containing appropriations for the United States courts, beginning on page 89 of the printed bill.

Mr. CANNON of Illinois. How much general debate does my friend propose to allow?

Mr. SAYERS. I do not propose any limit.

Mr. CANNON of Illinois. There are several gentlemen on this side who desire to be heard on that subject, I believe.

Mr. SAYERS. Gentlemen who desire to discuss this portion of the bill will have full opportunity.

Mr. REED. Is it proposed that the matter which is pending in this bill shall go over until Monday?

Mr. SAYERS. Until Monday. We desire to consider now simply the paragraphs containing the appropriations for the United States courts.

Mr. MERCER. It is understood, then, that the provisions with reference to the Missouri River Commission will go over until Monday?

Mr. SAYERS. Yes, sir.

Mr. HERMANN. And also the matter relating to all the harbor works?

Mr. SAYERS. Yes.

Mr. COGSWELL. I understand, Mr. Speaker, that if the request for unanimous consent is granted the provisions of the bill in relation to the Missouri River Commission and also the two items in relation to the soldiers' homes will go over until Monday, and that this day, or so much thereof as may be necessary, is to be devoted to the consideration of what are known as the judicial amendments to the bill. If that is so, there is, I believe, no objection on this side of the House.

There being no objection, the request of Mr. SAYERS was agreed to.

The CHAIRMAN. The Clerk will report the paragraphs, beginning on page 89, under the head "Judicial."

The Clerk read as follows:

JUDICIAL.

UNITED STATES COURTS.

Expenses of the United States courts: For defraying the expenses of the Supreme Court; of the circuit and district courts of the United States; of the supreme court of the District of Columbia; of the district court of Alaska; of the court of the Indian Territory; of the circuit court of appeals; of the Court of Private Land Claims; of suits and preparations for or in defense of suits in which the United States is interested; of the prosecution of offenses committed against the United States, and in the enforcement of the laws of the United States; and of the enforcement of the provisions of Title XXVI of the Revised Statutes, or any acts amendatory thereof or supplementary thereto; specifically the expenses stated under the following appropriations, namely:

For payment of the fees and expenses of the United States marshals and deputies, $675,000: *Provided*, That not exceeding $500,000 of this appropriation may be advanced to marshals, to be accounted for in the usual way, the residue to remain in the Treasury, to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 850, Revised Statutes: *Provided further*, That hereafter no marshal or deputy marshal be allowed more than one mileage for each mile actually and necessarily traveled, irrespective of the number of writs he may execute in making such travel; nor shall any marshal or deputy marshal be allowed any additional mileage incident to the execution or return of any writ of arrest, commitment, or removal other than the 10 cents a mile now allowed by law for each deputy, prisoner, and guard; and no mileage shall be allowed upon any writ not executed or when the travel was without cost to marshal or deputy.

Mr. WOLVERTON. Mr. Chairman, I offer the amendments which I send to the desk.

The amendments were read, as follows:

Line 3, page 91, after the word "deputy," insert the following:
"And actual traveling expenses paid for each."
And at the end of line 5, insert the following:
"And no fee shall be paid to any marshal for the execution of any warrant from a United States commissioner, unless the same shall have been executed within sixty days after the warrant was issued."

Mr. SAYERS. I have no objection to that amendment.

Mr. SETTLE. Mr. Chairman, I desire to offer an amendment.

Mr. COGSWELL. I ask unanimous consent that the gentleman from North Carolina [Mr. SETTLE] may have thirty minutes.

Mr. SAYERS. I ask the gentleman from North Carolina to wait a little and he shall have his thirty minutes. I will procure him the time.

Mr. WOLVERTON. Mr. Chairman, the amendment which I have offered and the other amendments which I intend to offer have been submitted to the Attorney-General and have his approval and the unanimous indorsement of the Judiciary Committee, at the instance of which committee I introduce them.

The amendments were adopted.

The Clerk read as follows:

For payment of assistants to United States district attorneys employed by the Attorney-General to aid district attorneys in special cases, $20,000.

Mr. BOWERS of California. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Add to line 19, page 91, the following:
"And provided that $5,000 of said amount, or so much thereof as may be necessary, shall be expended, under the direction of the Attorney-General, for such special counsel as he may authorize and employ to appear for the United States and assist the United States district attorney for the district of Southern California in the cases now pending in the United States district court at Los Angeles, Cal., wherein the Southern Pacific Railroad Company seeks to set aside United States patents issued for certain public lands to settlers in Fresno, Tulare, and Kern Counties, of California.

Mr. CULBERSON. Mr. Chairman, a bill in relation to this matter is now pending before the Judiciary Committee.

Mr. SAYERS. I ask the gentleman from California to allow that amendment to be pending, and, as soon as we get through with the amendments coming from the Judiciary Committee we will return to it.

Mr. BOWERS of California. And the gentleman will give me time?

Mr. SAYERS. Of course.

Mr. BOWERS of California. Very well, let the amendment be considered as pending.

The Clerk read as follows:

For fees of clerks, $175,000.

Mr. WOLVERTON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

No. 2.

On page 91, after the word "dollars," in line 21, insert:
Provided, That no person who holds an office or employment under the Government shall receive compensation for discharging the duties of any other office or employment, nor shall such person hold more than one office of profit at the same time, except as expressly provided: *And provided further*, That no clerk of a district court or clerk of a circuit court shall be allowed by the Attorney-General, except as provided in section 842, to retain of the fees and emoluments of his office for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury Department, a sum exceeding $3,500 a year for any such service as district clerk or circuit clerk, or exceeding that rate for any time less than a year: *And provided further*, That one person may hold at the same time the positions of clerk to the circuit and district courts, but in case both clerkships are held at the same time by the same person, he shall not be allowed by the Attorney-General, except as provided in section 842, to retain of the fees and emoluments of both offices for his personal compensation over and above the expenses aforesaid, audited and allowed as aforesaid, a sum exceeding $4,500, or exceeding that rate for any time less than a year: *And provided further*, That no commissioner of a circuit court shall be allowed to receive of the fees and emoluments of his office any greater sum than $2,500 a year for his compensation, to be audited and allowed by the accounting officers of the Treasury, or exceeding that rate for any time less than a year, nor shall any commissioner be a clerk or a deputy clerk of a district or circuit court of the United States: *And provided further*, That nothing herein contained shall apply to the clerks of the United States district or circuit courts for the southern district of New York nor to the clerk of the United States dis-

trict court for the Indian Territory: *And provided further*, That no district attorney shall be allowed by the Attorney-General to retain of the fees and emoluments of his office for his personal compensation, over and above the necessary expenses of his office, including necessary clerk hire and kindred and necessary expenses in lieu of mileage, as now allowed by law, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $6,000 a year, or exceeding that rate for any time less than a year; which compensation shall be in satisfaction of all services rendered by the district attorney during a year under the statute or under the direction of the Attorney-General, of any kind and character including services in the circuit courts of appeals, whether within or without his judicial district; and this limitation shall not extend to the district attorney for the southern district of New York, provided for in section 836 of the Revised Statutes; and that section 840 of the Revised Statutes be, and the same is hereby, repealed: *Provided further*, That the same person may hold the offices of clerk of the circuit and district courts of the United States and United States commissioner in cases where the total fees of all such offices shall not exceed $2,500 per year. *And provided further*, That section 833 of the Revised Statutes shall be construed to embrace all fees and emoluments received by the officers therein named of every name, kind, and character received by virtue of such office, whether specified in any fee bill or not, and the clerks of the circuit and district courts shall embrace in their respective emoluments returns therein required all naturalization fees which are hereby affixed, as follows:

For filing declaration of intention of an alien to become a citizen, $1; for final papers and all services connected therewith, $2.

Mr. REED. I presume, Mr. Chairman, this amendment has been read subject to a point of order.

The CHAIRMAN. Does the gentleman make a point of order against it?

Mr. REED. I would like to reserve a point of order. My attention has been attracted to the last part of the amendment; and I would like to examine it. I will reserve the point of order. I will have no objection to an explanation by the gentleman who offers the amendment.

Mr. LIVINGSTON. I wish to ask the gentleman from Pennsylvania why this amendment provides that—

Nothing herein contained shall apply to the clerks or deputy clerks of the United States district and circuit courts for the southern district of New York.

Why make such an exception?

Mr. WOLVERTON. That exception was made in the provision passed by this House as an amendment to the sundry civil bill of two years ago—a provision which was drawn at the instance of the then Attorney-General and approved by him. It was his opinion, as it is the opinion of the present Attorney-General, that owing to the amount of business transacted by the district attorney and the clerks of the courts in the city of New York the present provisions of law with reference to their compensation should be allowed to stand.

Mr. CULBERSON. Is the gentleman from Pennsylvania through with his statement?

Mr. WOLVERTON. I am through with my answer to the question of the gentleman from Georgia [Mr. LIVINGSTON].

Mr. CULBERSON. I wish to state that in the Fifty-second Congress I endeavored to secure the adoption of an amendment of this kind without any exception. But in the debate which then took place, and in which the Representatives from the city of New York took part, it was represented that there was an absolute necessity to make an exception with reference to the court officers in that city in order to promote the public interests. Why it was necessary I never knew; but the House, by an overwhelming vote, voted me down and made the exception. The bill went to the Senate, and the Senate declined to accept the entire amendment; it was struck out as a part of the bill. The amendment which the gentleman from Pennsylvania has now offered simply conforms to what was the will of the House in the Fifty-second Congress in relation to the southern district of New York. It is understood that the business there is immense, and that for some purposes it is necessary to combine these offices, though I do not know for what reason. I think the exception is wrong in principle.

Mr. LIVINGSTON. Is it not merely a political necessity?

Mr. CULBERSON. Well, I do not know about that; I do not understand that it is. I do not believe that there ought to be an exception made in favor of any officer.

Mr. LIVINGSTON. Nor do I. I think an exception of this kind is without justification; and unless the gentleman from Pennsylvania can show some better reason for it than now appears, the committee, I think, ought not to adopt this amendment with the exception in it. Partiality ought to be done within this House.

Mr. WOLVERTON. The advice we have received from the Comptroller's Office and the Department of Justice, whose officers ought to be familiar with the reasons operating in the case, is to the effect that this exception should be made; that there is absolute necessity there shall be no change made in the system now prevailing in the southern district of New York.

Mr. LIVINGSTON. I can not hear the gentleman.

The CHAIRMAN. The Committee will come to order.

Mr. WOLVERTON. I stated that the Department of Justice and the Comptroller's office, in which these accounts are audited, and whose officers must be supposed to be familiar with the necessities of that district, unite in saying that the law now existing and applicable to that district ought not to be disturbed. The fees of the clerks and the salary of the district attorney are now regulated by a special act and have been for years; they are not regulated by the same general statute which governs the compensation of the clerks and district attorneys in other parts of the United States.

Mr. LIVINGSTON. This does not look democratic to me.

Mr. REED. Mr. Chairman, this amendment involves a great deal of legislation, the nature of which it is very difficult to comprehend when the proposition is thus presented on an appropriation bill and in a five-minute debate.

Mr. LOUD (to Mr. REED). Do you want more time?

Mr. REED. I want more time to consider the question—not more time to talk.

It is very evident, Mr. Chairman, that this amendment covers a great deal of ground; and certainly it can not be germane to the portion of the bill now pending. The point of order seems to me so apparent, that argument would only obscure it.

Mr. WOLVERTON. To which part of the amendment does the gentleman object as being out of order?

Mr. REED. I find, for instance, the provision that—

No commissioner of a circuit court shall be allowed to receive of the fees and emoluments of his office any greater sum, etc.

Now, there is nothing in the pending paragraph relating to commissioners of the circuit court; and certainly that provision cannot be germane; and if any portion of the amendment is not germane, the whole of it falls.

Mr. WOLVERTON. It provides that no commissioner shall be clerk or deputy clerk of a district or circuit court. Is that the portion on which the gentleman raises the point?

Mr. REED. If it provides also that no commissioner shall be clerk of a court, it is liable to still further objection on the score of not being germane.

Mr. LIVINGSTON. I suggest to the gentleman from Pennsylvania that he might reserve a portion of this amendment till we reach the next clause of the bill, to which it will be germane.

Mr. REED. Here is a further provision that—

No district attorney shall be allowed by the Attorney-General to retain of the fees and emoluments of his office, etc.

That certainly is not germane to an appropriation for the payment of fees of clerks. This amendment, as I understand, is to be inserted after the word "dollars," in line 21. We have passed by the proposition for the payment of fees of assistant district attorneys of the United States, and are now upon the proposition to pay the fees of clerks. Surely this amendment can not be germane to that provision.

Then here is a provision that—

For filing declaration of intention of an alien to become a citizen, $1; for final papers and all services connected therewith, $2.

Certainly that can not be germane to the bill.

Mr. WOLVERTON. That is germane.

Mr. REED. Does the gentleman say that is germane to the proposition to pay the fees of clerks?

Mr. WOLVERTON. Yes, sir, for this reason: The law now fixes no fee for the naturalization of aliens in the United States circuit or district courts; and in one instance the clerk of a circuit court retained for the year 1884 over $30,000 of fees which he received in that way, and refused to include those fees in his emolument account. The law fixed his salary by law at $3,500, to be taken out of the fees received by him; but he put those fees in his pocket, refusing to account for them. We are endeavoring to bring about a reform of the law by which such things can not take place. I certainly think that provision of the amendment is germane to the clause making appropriation for the compensation of clerks.

Mr. REED. The point I desire to make is this: If the House should see fit to adopt, as a system of action, the modification of appropriation bills by the introduction of new legislation, there might be a good deal said in favor of it; but inasmuch as the House has adopted a rule which excludes all new legislation, except under certain special and peculiar circumstances, that is notice to the community at large that no such questions are to come up on appropriation bills.

The result is, that when such matters as this are presented, they are presented without notice, and there is no opportunity for the House to become informed as to the nature of the propositions. The parties in interest, for instance, are not in any way heard, which is not just to them. That, perhaps, is of small consequence, as they are few in number; but it is of importance to the House that it should so conduct its business that it may give itself proper means of information; and information on all these subjects always comes from interested parties. Now, the

proposition which I make is that this is a proposal to add all this long amendment to the words:

For fees of clerks, $175,000.

That is all that it is to be attached to. Then the second proposition I make is, that if there is anything in the proposed amendment which is not germane, the whole amendment falls. What I pointed out as not being germane, is clearly not germane. It can not be germane to a proposition to change the fees of clerks, to legislate with regard to United States commissioners. That being the case, it seems to me that is the end of the matter.

I do not know whether this proposed legislation is wise and judicious or not. It seems to me that we make a mistake if we undertake to incorporate this system, unless the House chooses to make it general. I have no objection to legislation on appropriation bills, if the House only gives proper notice that it is going to do it.

Mr. WOLVERTON. The objection of the gentleman can be overcome by dividing this amendment, and if it is insisted upon, we can do that. As to whether this legislation is wise or not, I supposed the gentleman from Maine [Mr. REED] and every other member of the House had ascertained by this time that this legislation is wise. I do not think there is any greater disgrace to the administration of justice in this country than the manner in which this fee system is carried on, especially by the commissioners.

Mr. REED. I would suggest further to the gentleman that this whole amendment is obnoxious to the objection which I make:

Provided, That no person shall receive compensation for discharging the duties of any other office or employment; nor shall such person hold more than one office of profit at the same time.

How can that be germane to a proposition—

For fees of clerks, $175,000?

If it can, all you have got to do is just to mention the word "clerk," and then you can legislate about everybody. This is a provision that no person who holds office or employment under the Government—no one whatever, not merely clerks, for this has no relation to them especially—shall hold more than one office at the same time. That has no relation to fees, no relation to $175,000, no relation to this part of the bill or anything connected with it; and yet it starts out with a proposition that is absolutely untenable from the point of view of germaneness.

I think the Judiciary Committee will find no difficulty in getting time, under our system, which of course is intended for the expediting of the public business—I have no doubt they will be able to find time to bring this thing up in a regular way; but I really hope they will not cast such a reproach upon our system, by insisting upon pushing this in here where it certainly does not belong, when of course they can have abundant opportunities to present it in the regular way.

Mr. RICHARDSON of Tennessee. There is no trouble about that.

Mr. SAYERS. If the gentleman from Maine will allow me to make a statement: The object of a considerable proportion of this amendment is to protect not only the Government, but the people, against the incurrence of large fees through oppressive and unnecessary arrests.

A few days ago I saw a report from a special examiner of the Department of Justice, who had been sent to examine the accounts of the court in the northern district of Alabama, and no man can read that report without coming to the conclusion that not only ought such legislation as is embraced in these amendments to be adopted, but speedily adopted.

Mr. REED. That is a question on the merits entirely.

Mr. SAYERS. Well, I wish to speak very briefly upon the merits. People are arrested who do not know the difference between an internal revenue and a postage stamp. A commissioner may, without instructions from the district attorney, summon four witnesses in every case. The commissioners are entitled, I believe, to $5 a case. Through the issuance of subpœnas, through the swearing of witnesses, and the arrests of parties, commissioners who really ought not to make more than $500 a year are now realizing in some parts of the country from $5,000 to $10,000 per annum.

If the gentleman insists upon his objection, why not strike out the first four or five lines, which apply to officers in general, and then permit the amendment which apply to the officers of the court to be considered by the committee?

Mr. REED. Simply because I want it considered separately, because I have some observations to make on the merits. Now that the gentleman has stated the purpose of this, I will say that I had the honor once to argue that case to the House about half past 4 in the morning, and with the assistance of that late hour, succeeded in having my views carried out in the general pressure that existed at the close of the session. I am sorry to say it was not myself alone that did it.

Mr. SAYERS. I will say to the gentleman again that these amendments can be thoroughly discussed, and I believe it is of the greatest importance that they should be adopted.

Mr. REED. Oh, well, the Judiciary Committee can have time.

Mr. SAYERS. The Judiciary Committee reported these amendments.

Mr. REED. Let the Judiciary Committee present them as a bill, and let us discuss the matter, and then let the House determine what it will do.

Mr. CULBERSON. The trouble is we can not get any time to do it. The morning hour is always taken up.

Mr. REED. The gentleman from Texas [Mr. CULBERSON] is perhaps a little bit to blame for limiting the morning hour. He will recollect that in "the earlier and better days of the Republic" the morning hour was so arranged that any length of time could be obtained. [Laughter.]

Mr. CULBERSON. Yes, and it worked very well.

Mr. REED. Thank you.

Mr. CULBERSON. I want to state that I myself am not disposed ordinarily to favor this kind of legislation; but there seems to be a great pressure now to have this amendment adopted in order to correct what are very flagrant abuses in the directions indicated.

Mr. REED. Well, now, frankly, we are drifting into a discussion of the merits, I perceive.

Mr. CULBERSON. Very well, I leave the Chair and the gentleman to settle the point of order, and after that, if I have opportunity, I will present my views.

Mr. REED. It is proper that I should say that the difficulty about this matter is that we are liable to go from whatever evils we now have to those which seem to me to be greater. You have attacked the customs receipts of the country by the substitution of ad valorem duties, and I am afraid you are going to reduce the internal-revenue receipts by allowing people a certain mildness of treatment which is going to result in no taxation from that source, and if the customs and internal revenue both go out I suppose there will be nothing left but the income tax.

Mr. LANE. And bonds.

Mr. REED. Well, we can issue bonds, of course. It seems to me, Mr. Chairman, to be universally admitted that this amendment is not in order.

The CHAIRMAN. If the gentleman insists upon his point of order, the Chair will have to sustain it.

Mr. REED. I insist.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SAYERS. I suggest to the gentleman from Pennsylvania [Mr. WOLVERTON] that he divide the amendment.

Mr. WOLVERTON. I will divide the amendment so as to submit only so much as applies to clerks' fees.

The CHAIRMAN. The Chair will say that in making the ruling which he did, the Chair is governed by the fact that this paragraph which the committee is considering is an appropriation of a certain amount for clerks' fees. The amendment which has been considered refers to certain sections of the Revised Statutes, which it proposes to change. Therefore it proposes to change the existing law. The Chair does not hold, however, that a condition or limitation may not be put upon an amendment, provided it is simply a limitation or a condition.

Mr. REED. The difficulty in dealing with that would be that the gentleman has not the authority of the Judiciary Committee for anything except the amendment which he offers, and consequently it could not come in under that clause of the rule. I think it would be better for the gentleman to leave the whole matter for the consideration of the Judiciary Committee in a separate bill. I have no doubt that there can be plenty of time afforded, because the Committee on Rules will give time for anything that is necessary.

Mr. WOLVERTON. I will say to the gentleman from Maine that the Fifty-first and Fifty-second Congresses passed amendments on the sundry civil bill, with limitations therein, very much like these. They were in substance the same, and I believe received the support of the gentleman from Maine.

Mr. REED. That may be so. Now, for instance, I am somewhat familiar with the design of some of these amendments, I judge, from what has been let fall in the discussion; and yet I had not the slightest idea of their being presented. I have not thought of the subject for two or three years; and my object is more to have open, free, and well-considered legislation than anything else. If the Committee on the Judiciary will come in here with a bill, the House will have an opportunity to discuss it, and we shall be able to point out the consequences of its operations if it be proposed.

Mr. WOLVERTON. It has always been in order to put on bills appropriating money an amendment in the form of reduc-

ing the expenditures. That has always been germane, and unless some legislation is put upon this bill, if we are to be made to depend upon a general bill passed by the House and the Senate to correct this evil, the probability is that it will never be done.

Mr. REED. That is a good objection against the doctrine that no legislation shall be had on appropriation bills; but it is no more applicable to this case than to a great many others.

Mr. WOLVERTON. Two years ago, in the Fifty-second Congress, four bills were passed by this House for the purpose of correcting some of these abuses. They went to the Senate and there died, or were not acted upon. In this Congress four bills of a similar nature were consolidated into one bill and sent over to the Senate, and there for about two months it has slumbered in that body.

Mr. REED. Then the object of the gentleman is to coerce the Senate?

Mr. WOLVERTON. At the present I shall insist on the amendment which limits this expenditure of the sum of money.

Mr. REED. If the gentleman will present his amendment we will discuss it; but, of course, he must present the amendment.

Mr. WOLVERTON. I offer the following amendment, after the first proviso:

And provided further, That no clerk of a district court or clerk of a circuit court shall be allowed by the Attorney-General, except as provided in section 842, to retain of the fees and emoluments of his office for his personal compensation, over and above his necessary office expenses, including necessary clerk hire, to be approved and allowed by the proper accounting officers of the Treasury, a sum not exceeding $3,000 a year for any such service as district clerk or circuit clerk or exceeding that rate for any time less than a year, or in case of both of said clerkships are held by the same person, of the fees and emoluments of both offices a sum exceeding $3,500, or exceeding that rate for any less time than a year: *And provided further*, That one person may hold at the same time the positions of clerk to the circuit and district courts, but in case both of said clerkships are held at the same time by the same person he shall not be allowed by the Attorney-General, except as provided in section 842, to retain the fees and emoluments of both offices for his personal compensation over and above the expenses aforesaid, and audited and allowed as aforesaid, a sum exceeding $4,500, or exceeding that rate for any time less than a year.

Now, the next, on page 3——

Mr. REED. I ask that the gentleman shall reduce his amendment to writing.

Mr. WOLVERTON (reading):

That nothing herein contained shall apply to the clerks or deputy clerks of the United States district or circuit courts of the district for the southern district of New York.

The CHAIRMAN. The Chair supposes the gentleman from Pennsylvania does this to show exactly where the amendment comes in.

Mr. REED. The gentleman must reduce his amendment to writing.

The CHAIRMAN. The gentleman will strike out so much of that as he pleases, and send up his amendment to the desk to be read.

Mr. REED. He must send up his amendment in writing.

Mr. WOLVERTON. I have sent it up; and I am indicating that portion I want stricken out; and I will read that portion which I want adopted.

Mr. REED. That is not the way to prepare an amendment. It must be done in writing.

The CHAIRMAN. The gentleman can take his time and send it up.

Mr. WOLVERTON. If you will give me time I will prepare it.

Mr. REED. The gentleman can have plenty of time to prepare his amendment.

The Clerk read as follows:

Amend the amendment offered by striking out the following language: "*And provided further*"——

Mr. REED. That is to amend the amendment. That amendment is rejected. You can not amend an amendment that has been ruled out. What the gentleman has to offer is a statement in language of what he wants, stating it specifically in language.

The Clerk read as follows:

"*And provided further*, That no commissioner of a circuit court shall be allowed to receive of the fees and emoluments of his office any greater sum than $2,500 a year for his compensation, to be audited and allowed by the accounting officers of the Treasury, or exceeding that rate for any time less than a year, nor shall any commissioner be a clerk or a deputy clerk of a district or circuit court of the United States: *And provided further*, That no district attorney shall be allowed by the Attorney-General to retain of the fees and emoluments of his office for his personal compensation, over and above the necessary expenses of his office, including necessary clerk hire and kindred and necessary expenses in lieu of mileage, as now allowed by law, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $6,000 a year, or exceeding that rate for any time less than a year; which compensation shall be in satisfaction of all services rendered by the district attorney during a year under the statute or under the direction of the Attorney-General, of any kind and character, including services in the circuit courts of appeals, whether within or without his judicial district; and this limitation shall not extend to the district attorney for the southern district of New York, provided for in section 536 of the Revised Statutes; and that section 840 of the Revised Statutes be, and the same is hereby, repealed: *Provided further*, That the same person may hold the offices of clerk of the circuit and district courts of the United States and United States commissioner in cases where the total fees of all such offices shall not exceed $2,500 per year.

"For filing declaration of intention of an alien to become a citizen, $1; for final papers and all services connected therewith, $2."

Mr. REED. That is clearly not in order. That simply is a removal of the objectional features. It is clearly out of order.

Mr. WOLVERTON. Then the gentleman differs in opinion with the Attorney-General and the Committee on the Judiciary.

Mr. REED. That may be unfortunate for me or for the Attorney-General.

Mr. WOLVERTON. And with the Attorney-General in charge of that Department a year ago.

Mr. REED. That may be unfortunate for him, or for me.

Mr. WOLVERTON. For three Administrations the Attorneys-General have been trying to secure amendments of this kind.

Mr. REED. Do I understand the gentleman from Pennsylvania to say that the Attorney-General has passed upon the question whether this amendment is in order upon an appropriation bill?

Mr. CULBERSON. Oh, no.

Mr. WOLVERTON. He approved of it.

Mr. REED. But the gentleman does not seem to get at the distinction. It is not a question of the merits. It is a question of whether it is in order under our rules; and I venture to differ with the Attorney-General if he took the gentleman's side of it.

Mr. WOLVERTON. I can not say that I had examined with him the rules of this House in reference to it.

Mr. REED. That is the point. It shows itself very clearly that it is not germane and not in order.

Mr. CULBERSON. I want to make this statement. These amendments were passed upon by the Committee on the Judiciary and reported to the Committee on Appropriations, in the hope that an opportunity might occur somewhere on this bill to have them adopted. We have passed heretofore, during this session of Congress, a measure involving most of these provisions, which now lies in the Senate. In the Fifty-second Congress we passed a bill here, and I think placed these amendments on the sundry civil bill in the last Congress, and without any objection from any quarter. The bill went over to the Senate, and the amendments were stricken out on the ground that the House of Representatives had no right to legislate upon an appropriation bill, notwithstanding their example. Now, since it seems that these propositions are not germane (I do not believe they are), and can not now be considered, I am perfectly willing, and I ask my colleague to withdraw them, and let us endeavor to enact them into a law in the proper way.

Mr. REED. I think that is wise.

Mr. WOLVERTON. I withdraw the amendments.

The Clerk read as follows:

For fees of United States commissioners and justices of the peace acting as United States commissioners, $100,000.

Mr. REED. I desire to make the point of order on all after the word "dollars," in line 24, page 91.

Mr. SAYERS. Mr. Chairman, the language to which the point of order applies is only a repetition of what has heretofore been upon the sundry civil bill.

Mr. REED. That does not make it law.

The CHAIRMAN. What is the point of the gentleman?

Mr. SAYERS. Mr. Chairman, I will call the attention of the gentleman to the act itself. It says:

And hereafter no part of any money appropriated to pay any fees to the United States commissioners, marshals, or clerks shall be used for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, etc.

It was not simply confined to the appropriation carried in that particular act.

Mr. CANNON of Illinois. Was that the law of last year?

Mr. SAYERS. Yes.

Mr. REED. Will you read the law?

Mr. CANNON of Illinois. Then it is not necessary to repeat it.

Mr. SAYERS. I ask the Clerk to read.

The Clerk read as follows:

And hereafter no part of any money appropriated to pay any fees to the United States commissioners, marshals, or clerks shall be used for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless said fees have been taxed against and collected from the defendant, or unless the prosecution has been commenced upon a sworn complaint setting forth the facts constituting the offense and alleging them to be within the personal knowledge of the affiant, or upon a sworn complaint by a United States district attorney, collector or deputy collector of internal revenue, or revenue agent, setting forth the facts upon information and belief, and approved either before or after such arrest by a circuit or district judge or the attorney of the United States in the district where the offense is alleged to have been committed or the indictment is found: *Provided*, It shall be the duty of the marshal, his deputy, or other officer who may arrest a person charged with any crime or offense, to take the defendant before the commissioner or the nearest judicial officer having jurisdiction under existing laws for a hearing, commitment, or taking bail for trial, and the officer or magistrate issuing the warrant shall attach thereto a certified copy of the complaint; and upon the arrest of the accused, the return of the warrant,

with a copy of the complaint attached, shall confer jurisdiction upon such officer as fully as if the complaint had originally been made before him, and no mileage shall be allowed any officer violating the provisions hereof.

Mr. REED. Will the Clerk read after the word "provided"?

The Clerk read as follows:

Provided, It shall be the duty of the marshal, his deputy, or other officer who may arrest a person charged with any crime or offense to take the defendant before the commissioner or the nearest judicial officer having jurisdiction under existing laws, for a hearing and commitment.

Mr. REED. There is a change. The words are "nearest circuit court."

Mr. SAYERS. I will state to the gentleman that that is the only change, and it is put in there for the purpose of preventing the marshal from taking a prisoner past one commissioner in order to try him before another commissioner for the purpose of getting mileage.

Mr. REED. I do not think this sort of thing ought to be in an appropriation bill.

Mr. SAYERS. This would not be in the bill if the Attorney-General had not specially asked that it should be inserted.

Mr. REED. Let me see the amendment.

Mr. SAYERS. The gentleman will find on examination that the language is word for word as it stands in the statute, with that exception.

Mr. REED (after examining the matter). I do not know but what the change is an improvement and I do not know that it is; but I shall make no objection.

Mr. SAYERS. Now, Mr. Chairman, I ask unanimous consent that we return for the purpose of considering the amendment offered by the gentleman from California.

The paragraph to which Mr. BOWERS' amendment was offered and the amendment were again read.

Mr. SAYERS. It is understood, Mr. Chairman, that the point of order is reserved on that amendment. Now, I ask the gentleman from California and the committee to agree that the gentleman from North Carolina [Mr. SETTLE] be allowed to address the committee for thirty minutes.

There was no objection, and it was so ordered.

Mr. SETTLE. Mr. Chairman, I ask the Clerk to turn to page 35, and read that portion of the bill beginning with line 6 down to and including line 15.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

Mr. SETTLE. I offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 35, line 6, beginning with the word "punishment," strike out all down to and including the word "act" in line 15.

Mr. SETTLE. Mr. Chairman, the appropriation which has been read by the Clerk is one of the very few appropriations recommended by the committee which is an increase over the amount heretofore appropriated for similar purposes. So far as I have read this bill and compared it with previous appropriation bills but very few increases have been made.

I desire to discuss the proposed appropriation, and give the reasons why it should not be made. Under no circumstances should it be increased. The appropriation last year was $25,000. It is now proposed to double that amount.

What is this appropriation for, gentlemen? For the detection and bringing to punishment persons charged with a violation of the internal-revenue laws. I am opposed to the appropriation primarily upon the ground that it is not necessary. Why is it not necessary that this appropriation should be made? The evidence heard by the Committee on Appropriations relates entirely to a condition of affairs alleged to exist in the State of North Carolina, and that is one reason why I desire to address this committee upon the subject.

We have in that State, according to official figures furnished me by the Treasury Department, 919 commissioned revenue officers. This does not include deputy marshals nor those persons in the internal-revenue service operating on what is known as "Form 10." Nine hundred and nineteen commissioned revenue officers are in the State of North Carolina to-day. Now, in addition to that official force, it is proposed to put at the disposal of the Internal Revenue Commissioner $50,000, to be used how?

Mr. MORSE. To collect the income tax.

Mr. SETTLE. It may be used partially for that purpose, but I know from my own observation in that State that this fund is used for the purpose of bribing individual citizens to report upon their neighbors and to pry into the business of other persons. It is known in the State as "the corruption fund." It is provided by existing law, and in this bill, that the Commissioner of Internal Revenue shall furnish to Congress each year an itemized statement of how this money is expended, but an examination of his report shows that the only information Congress receives as to the expenditure of this fund is the simple statement that the Commissioner has given such and such amounts to various revenue agents and collectors of internal revenue. It is said that this amount is to be used for the purpose of detecting violations of the internal-revenue laws at regularly bonded and licensed distilleries.

Now, it is known to the members of this committee, and to every person familiar with the internal-revenue laws and their methods of enforcement, that every bonded distillery has in charge of it a Government officer commissioned and sworn to discharge his duties uprightly and conscientiously. What additional force do you need, gentlemen, to compel the operator of a distillery to conduct his business honestly, when you already have a Government officer in charge of that distillery sworn to perform his duty faithfully and honestly? And that you already have at every one of these distilleries. But it is said that these officials themselves are corrupt, and that numerous violations of law are detected where they are parties to those violations.

If that is true, when the fact is discovered your remedy is to discharge the incompetent or corrupt officer and put in his place one who will faithfully perform his duties. But, so far from doing that, the latest instance brought to my attention is one happening quite recently, where the storekeeper in charge of a distillery admitted to the revenue agent that he was a party to the violations of law at that distillery, and upon the agent's report to the Commissioner of Internal Revenue setting forth the facts, instead of that unfaithful officer being immediately discharged from the service, he was simply suspended from duty for thirty days. I maintain that this appropriation is not necessary, that its uses are improper, and that it is a source of great demoralization in the immediate communities where it is used.

I admit that if this appropriation is increased to $50,000 it will largely increase the number of officials in the revenue service in the State of North Carolina, and will provide places for some persons who would otherwise go unprovided for; but I insist that the service of the Government, the proper and just enforcement of the law, does not require the appropriation of one cent of money for the purposes provided herein, because the official force is amply able and sufficiently numerous to see that the laws are justly and properly enforced.

Now, Mr. Chairman, this appropriation is asked for upon certain grounds. I have in my hand the testimony of Mr. W. W. Colquitt, the revenue agent at Greensboro, N. C., and Mr. T. H. Vandevoort, the deputy collector under him, which testimony was heard by the Committee on Appropriations on the question of recommending this appropriation. That is the only evidence that was adduced before the committee upon which the appropriation is recommended, and the testimony of these gentlemen is confined to the condition of affairs existing in the State of North Carolina. They allude to the revenue service and the manner of the enforcement of the internal-revenue laws in no other State save North Carolina and a small portion of Virginia, and they ask for this increased appropriation, not on the ground that the service can not be properly kept up without it, but they say in so many words that this appropriation is necessary because of the corruption of the officials in the service, the storekeepers and gaugers.

Now, I insist that if those men are not proper and trustworthy officials the proper remedy is in discharging them from the service and putting good and honest men in their places. Every statement that these two officers make before the committee is a statement which goes to show the existence of ingenious methods by which the laws may be evaded; but their testimony discloses no fact which would warrant or justify this increase of appropriation. I do sincerely hope, Mr. Chairman, that the gentleman in charge of this bill will permit me to have a vote in Committee of the Whole upon my proposed amendment. If he denies me that, if he will not allow me to go back to this part of the bill, then I give notice that when this bill gets into the House I shall ask a separate vote upon this proposition unless the gentleman moves the previous question and cuts off my amendment in the House; because I desire an expression of opinion by this House upon this specific appropriation, and I call upon my Democratic friends on the other side of the Chamber to aid me in obtaining it.

Mr. CANNON of Illinois. Let me ask my friend a question right there. As this paragraph has been passed in the consideration of the bill in Committee of the Whole, my friend, as I understand him, now gives notice that when this bill is reported back to the House he will offer an amendment in the House to strike out the $50,000 recommended to be appropriated for these detectives, and if the gentleman from Texas [Mr. SAYERS] in

charge of the bill receives the amendment before the previous question is offered that will give the House an opportunity to vote upon the question.

Mr. SETTLE. Yes, sir.

Mr. CANNON of Illinois. But I understand my friend to say that if the gentleman in charge of the bill refuses, before he moves the previous question, to allow it to operate on this amendment, then my friend from North Carolina will ask the House to vote down the motion for the previous question so that if that motion be voted down his amendment will be in order.

Mr. SETTLE. That is my proposition.

Mr. CANNON of Illinois. I merely wanted to know what course my friend was going to pursue. [Laughter.]

Mr. SETTLE. My purpose, Mr. Chairman, is to get a vote directly upon this proposed appropriation.

I send to the Clerk's desk and ask to have read an extract from the Democratic platform adopted in the State of North Carolina, bearing directly upon this question.

The Clerk read as follows:

Resolved, That we as heretofore favor, and will never cease to demand the unconditional abolition of the whole internal-revenue system, as a war tax, and not to be justified in times of peace, as a grievous burden to our people and a source of annoyance in its practical operations. We call the attention of the people of the State to the hypocritical pretensions of the Republican party, in their platforms, that they are in favor of the repeal of this onerous system of taxation, enacted by their party, while the Republicans in Congress are taxing their energies to obstruct all legislation inaugurated by the representatives of the Democratic party to relieve the people of all or a part of this odious system.

Mr. STOCKDALE. I would like to know what those 919 officers, whose number may be increased to 1,800 under this appropriation, are doing in North Carolina.

Mr. SETTLE. A great many of them are assigned to duty at various local distilleries. Their primary duty is to take charge of all licensed distilleries, of which I think there are about six hundred in the State. A large number of officers are always commissioned, many of whom are not constantly upon duty. These officers are much more numerous than I myself had supposed, but these are the figures furnished me by the Treasury Department. I also send to the Clerk's desk and ask to have read a resolution adopted by the Legislature of the State of North Carolina.

The Clerk read as follows:

Whereas many citizens of this State are sorely oppressed by the practical workings of the internal-revenue laws of the United States which enure to the benefit of certain manufacturers to the great injury of the producers of our country; and

Whereas numerous citizens are now being prosecuted in the Federal court for the most trifling offenses committed against said laws, from three to five years past, and are being thrust into prison and their property sacrificed to pay cost of said prosecutions; and

Whereas the enforcement of said laws is not only engendering strife and confusion among the people, but is emphatically implanting within their bosoms a spirit of hatred and disregard for the Government itself: Therefore

1. *Be it resolved by the House of Representatives (the Senate concurring)*, That our Senators and Representatives in Congress be instructed to use their influence to have said revenue laws repealed, or so modified as to relieve the masses of the producers of the burdens which are herein specified.

Mr. SETTLE. Mr. Chairman, the extract just read from the platform of the Democracy of the State of North Carolina shows how the Democratic party in that State views the internal-revenue tax laws and how they have criticised the methods of their enforcement. Inasmuch as the testimony taken before the Committee on Appropriations is confined exclusively to the State of North Carolina and the conditions existing there, I may be pardoned for treating this as a question applying primarily to my State. In this connection I wish to say that those of us who are familiar with the political conditions existing in that State during the past twenty years know the fact that there has never been a campaign fought in North Carolina in which the Democratic party did not fairly commit itself to the position of abolishing the internal-revenue laws, root and branch, as soon as that party should come into power nationally.

There is no question on which that party is so fairly committed in our State as to the abolition of the internal-revenue taxes. Yet to-day, when the Democratic is in power nationally, they not only do not make an effort to abolish these internal-revenue taxes, but they increase them in amount and in number of articles taxed. They go farther than that, and propose in this bill to increase the "corruption fund" to $50,000 instead of $25,000.

I wish to read an extract from a resolution adopted by the Legislature of North Carolina—a Legislature overwhelmingly Democratic. In discussing the question of reforming the tariff and the internal-revenue laws they say:

If Congress should deem it impracticable to modify the present tariff and at the same time abolish the internal-revenue taxes, as the less of the two evils we prefer the retention of the former and the abolition of the latter.

That, Mr. Chairman, is the declaration of the Legislature of our State in harmony with the platform utterances of the Democratic party. So that this party stands committed primarily to favor the abolition of the internal-revenue taxes rather than the reformation of the tariff. Yet, to-day it is seriously proposed here to levy internal-revenue taxes, only increasing them, and also to modify the tariff. The Republican party in their platform in our State favor the abolition of the internal-revenue laws, and are criticised by the Democratic party as being hypocritical in their pretensions and in reality not favoring the repeal of those taxes or a modification of the methods of their enforcement.

Mr. Chairman, I am as much opposed to the violation of internal-revenue laws as any one; I am as much in favor of the punishment of their violation as any one. But I do insist before this Committee of the Whole that the evidence upon which an increase of this appropriation has been recommended is misleading and unjust, and portrays a condition of affairs that does not exist in our State. This fund of $50,000 is the cause of more contention and strife, of more confusion and bitterness in our State than any other one feature connected with the internal-revenue laws or with their enforcement. These officers armed with this appropriation, to be expended by them as they see fit, without accountability to any one, go into a community and bribe persons in various localities to report all technical irregularities at licensed distilleries.

The use that is made of this fund is improper and unwarranted. These men, if they would properly discharge their duties, are thoroughly able to enforce the laws to the strict letter without the use of this money. And when it seems to be the policy of this committee to reduce expenditures, I respectfully submit that it is not right to thus appropriate $50,000 without reason and in the absence of any proper demand.

Mr. Chairman, having said what I have as to the necessity of this appropriation and the number of officers who are fully competent to enforce this law, I will not detain the committee further, except by asking unanimous consent to print in the RECORD as part of my remarks these resolutions and platforms showing the attitude of the Democratic party on this proposition.

The CHAIRMAN. The gentleman asks consent to print certain documents as part of his remarks. Is there objection? The Chair hears none.

EXTRACTS FROM THE LAWS OF NORTH CAROLINA IN RELATION TO INTERNAL REVENUE.

[Laws of North Carolina, 1874–'75, pages 364, 365.]

Resolution of instruction to our Senators and Representatives in Congress touching the internal-revenue laws of the United States.

Whereas many citizens of this State are sorely oppressed by the practical workings of the internal-revenue laws of the United States, which inure to the benefit of certain manufacturers to the great injury of the producers of our country; and

Whereas numerous citizens are now being prosecuted in the Federal courts for the most trifling offenses committed against said laws, from three to five years past, and are being thrust into prison and their property sacrificed to pay cost of said prosecutions; and

Whereas the enforcement of said laws is not only engendering strife and confusion among the people, but is emphatically implanting within their bosoms a spirit of hatred and disregard for the Government itself: Therefore,

1. *Be it resolved by the house of representatives (the senate concurring)*, That our Senators and Representatives in Congress be instructed to use their influence to have said revenue laws repealed, or so modified as to relieve the masses of the producers of the burdens which are herein specified.

2. That the secretary of state be directed to furnish each of our Senators and Representatives in Congress with a copy of these resolutions as soon as practicable.

Ratified the 30th day of November, A. D. 1874.

[Laws of North Carolina, 1876–'77, page 571.]

Resolution of instruction to our Representatives in Congress.

SECTION 1. *The General Assembly of North Carolina do resolve*, That the Representatives from North Carolina in the Congress of the United States are hereby respectfully requested to use their influence, as soon as Congress assembles, to so alter the revenue laws on whisky, brandy, and tobacco as to make them less oppressive on the citizens, and if this can not be accomplished, to vote for the repeal of the same.

SEC. 2. *Resolved further*, That each one of our Senators and Representatives in Congress be furnished by the secretary of the State with a copy of these resolutions.

SEC. 3. This resolution shall take effect from and after its ratification.

Ratified the 8th day of December, A. D. 1876.

[Laws of North Carolina, session of 1883.]

Resolutions favoring the repeal of the internal-revenue laws and reforming the tariff.

Whereas the present tariff is unjust, unfair, and burdensome to the people of North Carolina, and has proven a heavy embargo laid upon Southern toil and checking the natural development of Southern industry; and

Whereas the present system of internal-revenue laws is oppressive and inquisitorial, centralizing in its tendencies, and inconsistent with the genius of a free people, legalizing unequal, expensive, and iniquitous taxation, and, as enforced in this State, is a fraud upon the sacred rights of our people and subversive of honest government, prostituted in many instances to a system of political patronage which is odious and outrageous, corrupting public virtue and jeopardizing public liberty, and sustained by intimidation and bribery on the part of the revenue officials to debauch the elective franchise:

Be it resolved by the General Assembly of North Carolina: 1. That the internal-revenue taxes of the United States ought to be repealed at once, with such provisions, by rebate of taxes or otherwise, as will be just to those who hold for sale articles on which taxes have been paid.

2. That the collection from imports, unaided by internal taxation, of the large revenue now necessary for the administration of the Federal Government would give incidental protection to home manufactures amply sufficient for their healthy development.

3. That though Congress has power to lay and collect duties, yet to lay duties higher than the per cent at which they would raise the greatest revenue is, as to the excess above that per cent, to lay duties so as to prevent their collection, and is therefore without warrant in the Constitution, and that it is unjust and oppressive.

4. That within that per cent Congress may, in its discretion, select and determine the articles on which duties are laid, and the rates of duty on them.

5. That this discretion ought to be exercised so as to raise a revenue not greater than is sufficient for the strictly economical administration of the Federal Government, and the gradual reduction of the Federal debt, and so as to distribute the burdens of the tariff and the incidental protection given by it, as justly and equally as possible to every part of the country and to all classes of people.

6. That these resolutions are not intended to interfere with the application of the principle that it is just and wise to tax articles that are intended to be consumed as luxuries higher than the necessaries of life, and the materials, implements, and machinery consumed or used in producing, manufacturing, or transportation.

7. That the tariff of the United States ought to be reformed so as to make it conform with the principles set forth in the foregoing resolutions.

8. If Congress should deem it impracticable to modify the present tariff and at the same time abolish the internal-revenue taxes, as the less of the two evils we prefer the retention of the former and the abolition of the latter.

9. That the secretary of state is instructed to transmit copies of these resolutions to the Senators in Congress from North Carolina as an expression of the voice of the State on the issues to which they relate, and to the Representatives in Congress from North Carolina for their respectful consideration.

Ratified this the 26th day of January, A. D. 1883.

[Laws of North Carolina, 1885, page 677.]

Resolution of instruction to our Senators and Members in Congress.

Resolved by the house of representatives (the senate concurring): 1. That our Senators and Members of Congress from the State of North Carolina are hereby requested to use their utmost efforts to secure the immediate repeal of the present internal-revenue system.

2. That copies of this resolution be sent to each Senator and Member aforementioned.

Ratified this the 17th day of January, A. D. 1885.

[Laws of North Carolina, 1889, pages 521 and 523.]

Joint resolution instructing our Senators in Congress and requesting our Representatives to use their best efforts to secure the immediate and total repeal of all internal-revenue taxes.

Whereas the present system of tariff is unjust, unfair, and burdensome to the people of North Carolina, and has proven a heavy embargo laid upon labor and industry; and

Whereas this system has been declared by the Supreme Court of the United States to be robbery under the forms of law; and

Whereas it has been clearly demonstrated that the present tariff supports and fosters monopolies, trusts, and combines; and

Whereas the present system of internal-revenue laws is oppressive, inquisitorial, and contrary to the spirit and genius of our institutions: Therefore

Resolved by the senate (the house of representatives concurring): First. That our Senators in Congress be instructed and our Representatives be requested to secure such a sound, healthy, and substantial reduction of the tariff as will make the taxation upon articles that are intended to be consumed as luxuries higher than upon the necessaries of life and those materials, implements, and machinery which are consumed or used in agriculture or manufacturing.

Second. That our Senators be instructed and our Representatives in Congress be requested to secure an early repeal of the entire internal-revenue system and all taxation thereunder.

Third. That copies of these resolutions be sent to our Senators and Representatives in Congress.

Ratified the 23d day of January, A. D. 1889.

[Laws of North Carolina, 1889, pages 521 and 523, 524.]

Resolution of instruction to our Senators and Members of Congress.

Resolved by the house of representatives (the senate concurring): SECTION 1. That our Senators and Members of Congress from the State of North Carolina are hereby requested to use their utmost efforts to secure immediate repeal of the present internal-revenue system; or if impracticable at this session of Congress to secure its entire repeal, then at least so much thereof as relates to the internal tax on tobacco and brandy distilled from fruits.

SEC. 2. That copies of this resolution be sent to each Senator and Member aforementioned.

Ratified the 30th day of January, A. D. 1889.

[State Democratic convention, held July 6, 1892.]

PLATFORM.

We congratulate the people of North Carolina on the era of peace, prosperity, and good government which has been unbroken since the incoming of the Democratic State administration; upon the pure and impartial administration of justice and the honest enforcement of the laws; upon the efficiency of our common-school system and great advance made in education and the general improvement and enterprise manifested in every part of the State, and we pledge ourselves to exert all efforts to advance the material interests of all sections of the State in the future as we have done in the past. And we challenge a comparison between a Democratic administration of our State affairs and the crimes, outrages, and scandals that accompanied Republican misrule. Affirming our adherence to Democratic principles as defined in the platform adopted by the national Democratic convention held at Cincinnati in 1880:

Resolved, That we regard a free and fair expression of the public will at the ballot box as the only sure means of preserving our free American institutions, and we denounce the Republican party and the interference of its Federal officials for their gross frauds upon the elective franchise whereby whole districts, States, and the Union have been deprived of their just political rights; and we believe the corrupt and corrupting use of Federal patronage and of public money, drawn by taxation from the people, in influencing and controlling elections, to be dangerous to the liberties of the State and the Union.

Resolved, That we are in favor of the entire and immediate abolition of the internal-revenue system, with its attendant corruptions, and that we denounce the present tariff laws as grossly unequal, unjust, and vicious. We favor such revision of the tariff as will produce a revenue sufficient for the economical support of the Government, with such incidental protection as will give to domestic manufactures a fair competition with those of foreign production. That there should be an immediate repeal of all laws imposing a direct tax for the support of the Government of the United States, but if it should prove impracticable to abolish the internal-revenue system, with all its attending demoralization, fraud, and corruption, then we urge upon our Senators and Representatives in Congress the importance of so amending the law that the revenue officers, who now receive in salaries in North Carolina alone more than $500,000, shall be elected by the people of the localities to which they are assigned.

Resolved, That the course of the Democratic party since its accession to power in North Carolina in furtherance of popular education is a sufficient guaranty that we earnestly favor the education of all classes of our people and that we will advocate any legislation looking to an increase of the fund for that purpose that will not materially increase the present burdens of our people.

Resolved, That the question of prohibition is not now and never has been a party question in North Carolina and never been indorsed by the Democratic party, and the people of the State at the general election in the year 1881, having by an overwhelming majority voted against prohibition, and the supreme court having decided that the prohibition act is not and never has been a law we regard the matter as finally settled, and any attempt to renew the agitation is merely a weak effort of designing persons to divert the minds of the people from the dangerous principles and corrupt practices of the Republican party.

Resolved, That while we are not wedded to any particular form of county government we recognize the fact that a large part of the taxes of the State are paid for the common benefit of the white people in our eastern counties, and that we consider it the bounden duty of the white men of the State to protect these people from the oppressive domination of ignorant blacks, and pledge ourselves to such legislation as will secure this end.

And whereas it is seriously suggested that a vigorous effort will soon be made to compel the State by judicial proceedings to pay the fraudulent and unlawful special-tax bonds amounting to $2,000,000, issued under legislation passed by the Republican Legislature in 1867 and 1868,

Resolved further, That the Democratic party will resist such recovery and the payment of such bonds by every lawful means.

[Convention held June 26, 1894.]

PLATFORM.

We again congratulate the people of North Carolina on the career of peace, prosperity, and good government on which she entered after the inauguration of a Democratic State administration and which has been unbroken for so many years since; upon the just and impartial enforcement of the laws; upon the efficiency of our common-school system and the great progress made in popular education; and upon the general improvement and enterprise manifested in every part of the State. And we again challenge a comparison between this state of things and the crimes, outrages, and scandals which attended Republican ascendency in our borders; and we pledge ourselves to exert in the future as we have in the past our best efforts to promote the material interests of all sections of the State. Affirming our adherence to Democratic principles as heretofore annunciated in the platforms of the party, it is hereby—

Resolved, That we regard a free and fair expression of the public will at the ballot box as the only sure means of preserving our free American institutions and that the corrupt and corrupting use of Federal patronage in influencing and controlling elections is dangerous to the liberties of the State and the Union.

Resolved, That we are in favor of the unconditional and immediate abolition of the whole internal-revenue system as an intolerable burden, a standing menace to the freedom of elections, and a source of great annoyance and corruption in its practical operation.

Resolved, That no government has a right to burden its people with taxes beyond the amount required to pay its necessary expenses and gradually extinguish its public debt. And that whenever the revenues, however derived, exceed this amount they should be reduced so as to avoid a surplus in the Treasury. We therefore urge upon our Senators and Representatives in Congress to exert themselves in favor of such legislation as will secure this end.

Resolved, That with respect to the tariff we reaffirm the lifelong and fundamental principles of the party as declared in the national Democratic platforms, and that the details of the method by which the constitutional revenue tariff shall be gradually reached are subjects which the party's representatives at the Federal capital must be trusted to adjust; but in our opinion the duties on foreign importations should be levied for the production of public revenue and the discriminations in its adjustment should be such as would place the highest rates on luxuries and the lowest on the necessaries of life, distribute as equally as possible the burdens of taxation, and confer the greatest good on the greatest number of the American people.

Resolved, That the course of the Democratic party in furtherance of popular education, by efficient public schools in all sections, and the establishment of graded and normal schools in the larger towns and accessible centers, is a sufficient guaranty that we favor the education of all classes of our people and we will promote and improve the present educational advantages so far as it can be done without burdening the people by excessive taxation.

And whereas there is now more than a hundred millions of dollars in the Treasury of the United States, wrung from the pockets of the people by unjust taxation on the part of the Republican party: Therefore,

Resolved, That we will accept such distribution of said surplus revenues of the Government for educational purposes as may be made by the Congress of the United States: *Provided always*, That the same shall be disbursed by State agents and not accompanied by objectionable features and embarrassing conditions.

Resolved, That it is due to the white people of our eastern counties, who have so cheerfully borne their share of our common burdens, that the present, or some other equally efficient system of county government, shall be maintained.

Resolved, That in view of the existing and increasing harmony and kindly feeling between the two races in this State and a similar condition of things which we believe to exist generally in other Southern States, we deprecate the attempt of the Republican party in its recent platform at Chicago to force civil rights as a living issue, and we denounce it as a firebrand and a hypocritical expression of interest in the black race, a wanton insult to the whites of the South, and tending to stir up strife between the now friendly races.

The convention met at Raleigh, N. C., and was in session for two days, May 30 and 31, 1894. On the second day the convention adopted the following

PLATFORM

We again congratulate the people of North Carolina on the continued enjoyment of peace, good government, and general prosperity under Democratic administration of the affairs of the State which has now been un-

broken for so many years; upon the just and impartial enforcement of the law; upon the increasing efficiency of our common school system and the progress made in popular education; and upon the improvement and enterprise manifested in all parts of the State. We again challenge a comparison between this state of things and the outrages, crimes, and scandals which attended Republican ascendency in our borders. We pledge ourselves to exert in the future as in the past our best efforts to promote the best interests of the people of all sections of the State. Affirming our allegiance to Democratic principles as heretofore enunciated in the platforms of the party, it is hereby

Resolved, That no government has a right to burden its people with taxes beyond the amount required to pay its necessary expenses and gradually extinguish its public debt; and that whenever the revenues, however derived, exceed this amount they should be reduced so as to avoid a surplus in the Treasury. That any system of taxation which necessitates the payment of a premium of $270 by the Government on each $1,000 of its bonds taken up with the millions that would otherwise lie idle in its vaults and pay to bondholders who purchased in many instances at less than par, is undemocratic, oppressive, and iniquitous and should be refunded. The course of our Democratic representatives in Congress in their effort to give relief to the people from burdensome internal-revenue and tariff taxation meets with the approval of the Democratic party of this State, and we respectfully recommend that if they find it impossible to give our people all the relief demanded, they support any just and practical measure presented in Congress that will afford a practical relief from such existing burden.

Resolved, That while the details of the methods by which the constitutional revenue tariff shall be gradually reached are subjects which the Representatives of our people at the national capital must be trusted to adjust, we think all customs duties should be levied for the production of public revenues, and the discriminations in their adjustment should be such as will place the highest rates on luxuries and the lowest on the necessaries of life, distribute as equally as possible the unavoidable burdens of taxation, and confer the greatest good upon the greatest number.

Resolved, That we, as heretofore, favor and will never cease to demand the unconditional abolition of the whole internal-revenue system as a war tax, and not to be justified in times of peace, as a grievous burden to our people and a source of annoyance in its practical operations. We call the attention of the people of the State to the hypocritical pretensions of the Republican party in their platforms that they are in favor of the repeal of this onerous system of taxation enacted by their party, while the Republicans in Congress are taxing their energies to obstruct all legislation inaugurated by the representatives of the Democratic party to relieve the people of all or a part of this odious system.

Resolved, That the course of the Democratic party in furtherance of public education is a sufficient guaranty that we favor the education of the people and we will promote and improve the present educational advantages so far as it can be done without burdening the people by excessive taxation.

Resolved, That to meet an existing evil we will accept for educational purposes from the Federal Government our pro rata share of the surplus in its Treasury: *Provided*, That it be disbursed through State agents and the bill for the distribution be free from objectionable features.

Resolved, That the United States being one Government, and ours a national party, we denounce the efforts of the Republicans to force sectional issues in Congress and elsewhere, and to promote dissensions and ill will between the people of the different sections of our common country.

Resolved, That it is due to the people of our Eastern counties who have so cheerfully borne their share of our common burdens that the present, or some equally effective, system of county government shall be maintained.

Resolved, That the Democratic party is opposed to any further extension of the "no-fence" law unless such extension shall have first been authorized by a majority of the qualified voters within the territory to be affected thereby.

Resolved, That the Democratic party has ever been the party of the workingman and has never fostered monopolies, nor have "trusts," or "combinations," or "pools" ever grown up under laws enacted by it. The contest in this country being between aggregated capital, seeking to crush out all competition, and the individual laborer, the Democratic party is, as it has ever been, against the monopolists and in favor of a just distribution of capital, and demand enactment of laws that will bear equally upon all.

Resolved, That as all taxation bears most heavily upon the laborer, it is the duty of the legislator, as a direct benefit to the workingman, to keep the expenses of our public institutions at the lowest limit consistent with wise and efficient management. The Democratic party opposes any competition between free and convict labor, but it insists that the convicts shall not remain idle at the expense of honest labor.

Resolved, That ours being an agricultural State, it is our duty as well as our pleasure to promote any and all legislation that is best calculated to advance the interests of agriculture; and that in so doing we will most effectually advance the interests of mechanics, manufacturers, and laborers.

Resolved, That the Democracy of North Carolina cordially approve the administration of Hon. Alfred M. Scales as honest, patriotic, and conservative.

Resolved, That the ability, wisdom, honesty, patriotism, independence, faithfulness to duty, and manly courage of President Cleveland have won the admiration of all good men; and the interests of the country demand his renomination and reëlection.

[Convention of August 20, 1890.]

PLATFORM.

Resolved, That the Democracy of North Carolina reaffirm the platform and principles of the Democratic party, both State and national, and particularly favor the free coinage of silver, and an increase of the currency and the repeal of the internal-revenue system. And we denounce the McKinley bill as unjust to consumers of the country, and the formation of the trusts, combines, and monopolies which have oppressed the people; and especially do we denounce the unnecessary and burdensome increase in the tax on cotton ties and on tin, so largely used by the poorer portion of the people. We likewise denounce the iniquitous Lodge force bill, whose purpose is to establish a second period of reconstruction in the Southern States, to subvert the liberties of our people and inflame anew race antagonism and sectional animosities. And we denounce the tyrannical action of Speaker REED and his abettors, who have changed the Federal House of Representatives from a deliberative body into a machine to register the will of a few partisan leaders.

Resolved, That we demand financial reform, and the enactment of laws that will remove the burdens of the people, relieve the existing agricultural depression, and do full and ample justice to the farmers and laborers in our country.

Resolved, That the Democracy of North Carolina take a just pride in the able and patriotic course of their Senators and Representatives in Congress touching the great public questions that have been before them for action, and especially do we appreciate the great ability and zeal of Senator VANCE in the protracted contest on the tariff question, which reflect honor and credit alike on him and the State of North Carolina; and we cordially recommend his reëlection to the United States Senate by the next General Assembly of North Carolina; and we commend the wise and satisfactory administration of our State affairs.

Whereas the education of the people is essential not only to individual happiness and prosperity but also to the maintenance of civil and religious liberty:

Resolved, That the next General Assembly of North Carolina be requested to increase the fund for the maintenance of public schools.

Resolved further, That we demand the abolition of national-bank, and the substitution of legal-tender Treasury notes in lieu of national-bank notes, issued in sufficient volume to do the business of the country on a cash system of regulating the amount needed on a per capita basis as the business interests of the country expands, and that all money issued by the Government shall be legal tender in payment of all debts both public and private.

2. That we demand that Congress shall pass such laws as shall effectually prevent the dealing in futures of all agricultural and mechanical productions; preserving a stringent system of procedure in trials as shall secure the prompt conviction, and imposing such penalties as shall secure the most perfect compliance with the law.

3. That we demand the free and unlimited coinage of silver.

4. That we demand the passage of laws prohibiting the alien ownership of land, and that Congress take early steps to devise some plan to obtain all lands owned by aliens and foreign syndicates; and all lands now held by railroads and other corporations, in excess of such as is actually used and needed by them, be reclaimed by the Government and held for actual settlers only.

5. Believing in the doctrine of "equal rights to all and special privileges to none," we demand that taxation, national or State, shall not be used to build up one interest or class at the expense of another. We believe that the money of the country should be kept as much as possible in the hands of the people, and hence we demand that all revenue, national, State, or county shall be limited to the necessary expenses of the Government economically and honestly administered.

6. That Congress issue a sufficient amount of fractional currency to facilitate the exchange through the medium of the United States mail.

[From the News and Observer of June 8, 1892.]

PLATFORM.

Resolved, 1. That the Democracy of North Carolina reaffirms the principles of the Democratic party, both State and national, and particularly favor the free coinage of silver, and an increase of the currency and the repeal of the internal-revenue system. And we denounce the McKinley bill as unjust to consumers of the country, and leading to the formation of trusts, combines, and monopolies which have oppressed the people; and especially do we denounce the unnecessary and burdensome increase in the tax on cotton ties and on tin so largely used by the poorer portion of the people. We likewise denounce the iniquitous force bill which is not yet abandoned by the Republican party, but is being urged as a measure to be adopted as soon as they regain control of the House of Representatives, the purpose and effect of which measure will be to establish a second period of reconstruction in the Southern States, to subvert the liberties of our people and inflame anew race antagonism and sectional animosities.

2. That we demand financial reform and the enactment of laws that will remove the burdens of the people relative to the existing agricultural depression, and do full and ample justice to the farmers and laborers in our country.

3. That we demand the abolition of the national banks, and the substitution of legal-tender Treasury notes in lieu of national bank notes, issued in sufficient volume to do the business of the country on a cash system of regulating the amount needed on a per capita basis as the business interests of the country expand, and that all money issued by the Government shall be legal tender in payment of all debts, both public and private.

4. That we demand that Congress shall pass such laws as shall effectually prevent the dealing in futures of all agricultural and mechanical productions; preserving a stringent system of procedure in trials as shall secure prompt conviction, and imposing such penalties as shall secure most perfect compliance with the law.

5. That we demand the free and unlimited coinage of silver.

6. That we demand the passage of laws prohibiting the alien ownership of land, and that Congress take early steps to devise some plan to obtain all lands owned by aliens and foreign syndicates; and that all lands now held by railroads and other corporations, in excess of such as is actually used and needed by them, be reclaimed by the Government and held for actual settlers only.

7. Believing in the doctrine of "equal rights to all and special privileges to none," we demand that taxation, national or State, shall not be used to build up one interest or class at the expense of another. We believe that the money of the country should be kept as much as possible in the hands of the people, and hence we demand that all revenue, national, State, or county, shall be limited to the necessary expenses of the Government economically and honestly administered.

8. That Congress issue a sufficient amount of paper currency to facilitate the exchange through the medium of the United States mail.

Resolved, That the General Assembly pass such laws as will make the public school system more effective, that the blessings of education may be extended to all the people of the State alike.

Resolved, That we favor a graduated tax on incomes.

Mr. SAYERS. I ask now that the amendment of the gentleman from California [Mr. BOWERS] be read.

Mr. BOWERS of California. Before the amendment is read let the Clerk read the pending paragraph.

The Clerk read the pending paragraph of the bill, as follows:

For payment of assistants to United States district attorneys employed by the Attorney-General to aid district attorneys in special cases, $30,000.

The amendment proposed by Mr. BOWERS of California was read, as follows:

Add to the pending paragraph the following:

"*Provided*, That $5,000 of said amount, or so much thereof as may be necessary, shall be expended under the direction of the Attorney-General as compensation for such special counsel as he may authorize and employ to appear for the United States and assist the United States district attorney for the district of Southern California in the cases now pending in the United States district court at Los Angeles, Cal., wherein the Southern Pacific Railroad Company seeks to set aside United States patents issued for certain public lands to settlers in Fresno, Tulare, and Kern Counties, in California."

Mr. SAYERS. The Chair understands that a point of order is reserved upon this amendment.

The CHAIRMAN. Yes, sir.

Mr. BOWERS of California. I ask that I may be allowed to

address the committee for thirty minutes. That was the understanding. I probably shall not need the whole of that time.

There was no objection.

Mr. BOWERS of California. Mr. Chairman, I had hoped that the committee would accept this amendment. If they had done so I should not have detained the House a moment; but as they do not, and as the point of order is reserved, I will address myself to the merits of the amendment. It will be noticed that the bill provides that $20,000 shall be appropriated for payment of attorneys employed by the Attorney-General, to aid district attorneys in special cases.

This is a lump sum for contingencies that may arise, wherein the Attorney-General will need special counsel, as he does more or less every year in special cases where the district attorneys through the amount of business can not attend to it all. No one can state just what it is. My amendment, you will notice, does not add a dollar to this appropriation bill. It is absolutely in line and in harmony with the section intended to be amended. It simply says that here is a contingency that has arisen, and the Attorney-General is authorized to expend a part of this money set aside for that special purpose in this case. Now, as a part of my remarks, I desire to have read by the Clerk a copy of a letter from the Commissioner of the General Land Office. Before it is read I desire to say to the committee that this letter and other letters that I shall offer here were procured by me personally from the Interior Department and the Land Department. I ask the Clerk to read the letter which I have sent to the desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., October 24, 1893.

SIR: I have the honor to acknowledge receipt through reference by the First Assistant Secretary of the Interior on October 11, 1893, for report of a copy of House joint resolution authorizing and directing the Attorney-General to appear for the settlers in the United States courts in the cases of the Southern Pacific Railroad Company against certain settlers on public lands in California, accompanied by a letter from Hon. CASE BRODERICK, asking about how much land there is in controversy and such suggestions as in your judgment will aid his committee, the Judiciary Committee of the House, in the performance of its duty in the matter.

Assuming that the decision by the judge of the United States district court at Los Angeles referred to was that made by Judge Ross, July 24, 1893, in the case of the Southern Pacific Railroad Company against one Juana C. Araiza, I have to repeat that said decision held in effect that the indemnity withdrawal made under the grant of the Southern Pacific Company was still in force. The withdrawal generally of indemnity lands under railroad grants were revoked in 1887 by Secretary Lamar, with the approval of the President, and since that time such lands have been open to settlement and entry under the laws of the United States by the first legal applicant, excepting those covered by selection or application to select by land-grant companies.

In cases where selection or application to select were pending it was necessary to show that the company had no right of selection in the land before entry could be allowed, and that rule is still in force. The question, therefore, as to the effect of the order of indemnity revocation by withdrawal of the case of the Southern Pacific Company was not involved in the Araiza cases, as the company had applied to select the land in controversy in May, 1885, before the revocation, and its application was rejected by this office and the Department upon evidence that said land was covered by a settlers' claim at the time of withdrawal, and was not affected by it.

For more than six years this office has been disposing of these lands to settlers, and if the ruling announced by Judge Ross on the decision aforesaid is to hold, the hardships to these settlers which will result, as all grants to and in the construction of railroads will be affected and millions of acres of land will be involved, this office has no hesitation in saying that in its opinion it is the plain duty of the Government to defend these settlers, and at the same time its own rights against the claim of the railroad companies.

The President, through the Secretary of the Interior, had no power to revoke an executive withdrawal, as was the case of the indemnity withdrawal for the Southern Pacific Company. Authority for the revocation of legislative withdrawal of indemnity land will be found in the fourth section of the act of September 29, 1890, 26 Stats., 489 and 496.

The papers transmitted by the First Assistant Secretary are herewith returned.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

Mr. BOWERS of California. Mr. Chairman, I also hold in my hand a copy of a letter from the honorable Secretary of the Interior, which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 14, 1893.

SIR: I am in receipt, through reference from your committee, for report, of House resolution "authorizing and directing the Attorney-General to appear for the settlers in United States courts in the case of the Southern Pacific Railroad Company *vs.* Certain Settlers on public lands in California."

It is presumed that this resolution is based on the judgment rendered in the district court at Los Angeles, Cal., on July 24 last, in the case of the Southern Pacific Railroad Company *vs.* Juanna C. Araiza, holding, in effect, that selection was not necessary to the attachment of rights under the grant claimed by said company to lands within the immediate limits.

In August, 1887, Mr. Secretary Lamar, with the approval of the President, revoked all previous existing orders withdrawing indemnity lands on account of the grant for this and other railroad companies, and all lands within such limits not covered by pending or approved selections were ordered restored to settlement and entry, after due notice by public advertisement. From this time it has been the uniform ruling of this Department that, as to the lands within the immediate limits, the question was one of diligence between the company and intending settlers, the land being held subject to settlement and entry, until duly selected in the manner prescribed by the regulations of this Department.

Under these rulings many thousand acres of land within the indemnity limits, embracing odd-numbered sections, have been disposed of under the settlement laws without regard to any claimed rights under the grant, no selection having been made of the same prior to the allowance of such entries. Should said decision of the court be sustained it would affect hundreds of thousands of acres of lands disposed of under the rulings of the Department before recited within the indemnity limits of this and other grants made to aid in construction of railroads.

The lands involved in the Araiza case had been selected by the Commissioner as early as May, 1885, before the revocation of indemnity withdrawals, but she was allowed to complete entry for the tract on the ground that it was shown that this land was excepted from the indemnity withdrawal, and that her settlement outdated the company's selection. These facts do not appear in the decision of the case, but the court by deciding the broad question as to the right of the company generally to lands within its indemnity limits has held, in effect, that no rights could be acquired by settlement made after said revocation of these withdrawals even though no selection had been made prior to the revocation.

I concur in the opinion of the General Land Office, as set forth in his report of October 24, 1893 (copy of which is herewith inclosed), that it is the plain duty of the United States to defend those settlers whose claims have been recognized by the United States to lands within the indemnity limits against the harassment of the railroad company. I might add, however, that any question as to the propriety of the proposed action in the matter of the intervention of the United States, in the defense of the existing suits, would seem to be a matter coming more properly within the province of the duties imposed upon the Department of Justice, to which Department the proposed resolution might with propriety be referred, this Department having no information as to the force or appropriation at the disposal of said Department or other objections that might arise in carrying out the proposed action.

Very respectfully,

HOKE SMITH, *Secretary.*

Hon. DAVID S. CULBERSON,
Chairman of the Judiciary Committee of the House of Representatives.

It will be observed that in this letter the Secretary of the Interior says:

I concur in the opinion of the General Land Office as set forth in his report of October 24—

That is, the letter from Commissioner Lamoreux which has just been read. The Secretary of the Interior says that he concurs in that opinion—

a copy of which is herewith inclosed, that it is the plain duty of the United States to defend those settlers, whose claims have been recognized by the United States to lands within the indemnity limits, against the harassment of the railroad company.

Now, Mr. Chairman, the question is just this: There are from 1,200 to 1,500 settlers with families on public lands, or lands that were public lands in the State of California, who hold United States patents for those lands. The Interior Department has been disposing of these lands and issuing United States patents for them to settlers for the last six years. The Department is issuing patents for those lands to-day. The railroad company claims them, and has commenced suit to set aside those patents.

Those settlers went on to a desert, and they have made a garden of it. They now ask the United States district attorney to appear and defend the right of the United States to sell those lands and the continuance of their right to continue to sell those lands and patent them, as they are doing to-day.

It is known to many, of course, that I have pending in the Judiciary Committee a resolution directing the Attorney-General to appear in these cases. This amendment of mine does not in any manner interfere with that matter. It simply provides that if the Attorney-General thinks it necessary—the language of the amendment is "so much as may be necessary"—to employ special counsel in that case; there is an appropriation made, of which he may use a part for those very purposes. I am arguing this matter now on its merits, because no point of order can fairly lie against this amendment that I have offered, it being strictly in line with the paragraph.

During the Fifty-second Congress I endeavored repeatedly, in every way that I could possibly devise, to bring this matter before the House and get an opinion and expression upon it. It was impossible for me to do it. I was ruled out on points of order, and I could not get a vote in this House upon this question. I was told I must go to work in some other way and get it on some other bill, and the matter was defeated. I did not know how to get to work.

I say to the chairman of this committee and to the gentlemen here that I now have discovered a way in which I think will bring this matter before this House and will test the question whether 1,200 or 1,500 American citizens, settled on the public lands and holding patents for them granted by the United States, have any rights that this House will take cognizance of. That is the question that I want to bring before this House, and I only wish to get a fair expression on it as to the disposition and belief of this House. The letters of the Commissioner and the Secretary of the Interior show that not only these settlers but settlers in other States are in the same condition exactly.

Now, Mr. Chairman, on page 94 of this bill I find an appropriation of $170,000, a part of which is for furnishing and collecting evidence where the United States may be a party in interest. Well, is not the United States a party in interest in this

case? The United States Government claims to own this land, and is to-day selling it, is granting patents for it. Is not the United States a party in interest? And if the United States Attorney-General can, in various other cases, employ assistant attorneys to aid the district attorneys, can he not in this instance?

I want one thing understood here plainly. It has been intimated to me that because I have a resolution pending before the committee my motion to amend this bill is not respectful to the committee. Now, Mr. Chairman, no committee can justly make that charge, nor can any member of the committee make it. I want to say to you that the highest duty I conceive I have here, after my duty toward my country and its general prosperity, is to represent the wishes of the people who sent me here; and I esteem it one of my great duties to present to this House the wrongs that are now being inflicted upon a large number of honest settlers in California. And, whether any committee or all the committees may consider this disrespectful, I can not help it. There is no disrespect in it. Why, if that were so, every amendment offered to any bill upon that basis would be disrespectful.

Mr. LOUD. May I ask the gentleman a question?

Mr. BOWERS of California. Certainly.

Mr. LOUD. Does the Attorney-General now hold that he has no right under the law to appoint special counsel in these cases?

Mr. BOWERS of California. I understand, Mr. Chairman, that the Attorney-General says he has no special authority to appear in these cases, and that is the reason I introduced that resolution, directing him to appear, and I have now introduced this amendment in order that if that resolution passes, he may use a part of this appropriation to pay for assistants in these very cases if he finds it necessary.

Mr. LOUD. Does he hold that he has no legal right to appear?

Mr. BOWERS of California. I understand he held that he did not have any right, but is there any law forbidding him?

Mr. LOUD. I simply wanted to bring that out.

Mr. BOWERS of California. I do not know that there is any statute compelling or directing the Attorney-General to appear in these cases, or in cases where United States patents to land are questioned; but I know in other cases he does appear, where the right of the United States is questioned. I do not know by what law he is allowed to appear when an Indian's rights to land is threatened: but this House passed an appropriation paying for two lawyers at Los Angeles for defending Indians, when their titles to land were questioned. Is not a white man as good as an Indian?

Mr. LOUD. You do not compare white men to Indians, do you?

Mr. BOWERS of California. Well, no; not exactly. If these people were Indians, it would not have to appear before this House. They would get their rights, and an appropriation of $70,000 for farmers to teach them how to farm. You know that they are only white American citizens and have no rights this Congress is bound to respect.

Now, is it a fact that the Attorney-General is prohibited by law from appearing in these cases, where American citizens have gone upon public lands, complied with the law, obtained patents issued to them by the United States? And is it possible that when those patents are questioned, the great law officer of this country has no right to appear? He may appear in patent cases. He may appear for any corporation, railroad, or anything else, except for these settlers.

Where is there any such law prohibiting him? Show it to me. I want to introduce a bill before I go home to-day to repeal such an infamous law, if there is one. It seems inconceivable to me, Mr. Chairman, that the representatives of the people of the United States can refuse this amendment or authorization in this matter, for those settlers.

The matter was also referred to the Attorney-General. Here is his reply:

SIR: I have the honor to acknowledge the receipt of yours of the 9th instant.

It will be practicable for the Department to comply with the resolution as amended, that is, by directing the United States attorney for the southern district of California to take charge of the cases on behalf of the settlers or by the employment of special counsel for that purpose.

As you ask me for suggestions as to the form or substance of the resolution, I have taken the liberty of making those which appear on the original by interlineations in lead pencil. Lest you might have some difficulty in making them out, I inclose a typewritten copy of the resolution as thus altered.

Respectfully yours,

RICHARD OLNEY,
Attorney-General.

Hon. CASE BRODERICK,
House Judiciary Committee, House of Representatives.

You see, gentlemen, that it is your plain duty to do this. I have had read the letter of the Commissioner of the General Land Office, saying that it will be an outrage if you do not do it. I have called attention also to the letter of the Attorney-General of the United States, saying that it is practicable, that he can do it, and sending a draft of an amendment making that resolution stronger. The resolution suggested by the Attorney-General is as follows:

Joint resolution providing for the assumption by the United States of the defense of the settlers in the United States courts in the case of the Southern Pacific Railroad Company *vs.* Certain Settlers on public lands in California.

Whereas the Southern Pacific Railroad Company has begun an action at law in the United States courts to dispossess a large number of settlers on public lands in California of their farms and homes; and

Whereas said settlers entered on said lands and made entries thereof in accordance with the laws of the United States, and many of them hold United States patents for said lands; and

Whereas the judge of the United States court at Los Angeles, Cal., has rendered a decision in said action by which said settlers, who in good faith purchased of the United States said lands, paying the price fixed by law for the same, relying upon the integrity of the Government, and believing, as they had a right to believe, that said lands were a part of the public domain as claimed by the Government, are in danger of losing their homes; and

Whereas the said settlers are about to appeal from the decision of the district judge to the United States court of appeals: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States will assume the defense of the settlers in said cases, and that the Attorney-General of the United States, by the United States attorney for the southern district of California, or by counsel specially appointed, is hereby authorized and directed to appear for said settlers in said cases and to do all acts and things necessary and proper to defend the titles of said settlers under patents of laws of the United States.

I appeal to the gentleman. I would like to have somebody who is going to object to this amendment explain why he objects; and why, of all men, the settlers upon the public lands shall not have assistance from the law officers of the Government?

Mr. Chairman, you know that it is the common people, the settlers, the American citizens, who have made this country what it is. These men have gone onto these desert lands and made homes there; have done all the work of opening lands which were not worth 5 cents an acre without their labor and enterprise. If these people can not be defended, if they have no rights, and if they can not appeal to the Attorney-General, the law officer of the Government, I do not think we have any use for an Attorney-General or law officer of this Government. [Applause.]

But your rich corporations can have all the assistance they require. The corporations can come in here and have, it seems, all they desire; but the common people have no rights here, and the law is made to operate against them. Why, you gentlemen of the Democratic party go on the stump and present the claims of your party as being the friends of the common people, the workingmen, and particularly the farmers; but when they come and only ask justice you tell them to go to the devil, that they have no rights in this Government.

I want to bring this matter up in such a manner that we shall have a vote upon it for the first time, because I believe the chairman can see that there is no point of order that can lie against this amendment. It does not increase the appropriations, and there is no new legislation in it. It is exactly in order, and all I ask now of members here is that I may have a vote, yes or no; are you in favor of the rights of the people, the common people, on the public lands, or are you against them, and shall we sit here and legislate for the benefit of the great cities, for corporations, and for Wall street? Why do you avoid this matter, and dodge this question?

Mr. CULBERSON. Perhaps it is proper for me to state, in reply to the gentleman from California——

Mr. BOWERS of California. I reserve the balance of my time.

Mr. SAYERS. The gentleman has no time to reserve, Mr. Chairman, when he ceases to address the House.

Mr. BOWERS of California. I had ten minutes, I think.

Mr. CULBERSON. I say it is perhaps proper for me to observe that a resolution was offered by the gentleman from California and referred to the Committee on the Judiciary, of which I have the honor to be a member. That resolution has been discussed before the committee on several occasions, and we have about, as I think, come to the conclusion that the passage of the resolution introduced by the gentleman from California would establish a very hurtful precedent.

I think the committee are of the opinion that a resolution should be adopted which would authorize the Attorney-General to make an employment in one of these cases and test the question involved. It will be understood, Mr. Chairman, that the questions involved in these cases are precisely the same. It seems that this land was granted to the Southern Pacific Railroad years and years ago. After that the authorities of the Interior Department, or the Secretary of the Interior rather, concluded that this land grant had lapsed, and that it did not cover this section of country in which these controversies have risen.

Mr. BOWERS of California. Will the gentleman allow me there?

Mr. CULBERSON. Pardon me just now. I will answer any questions after awhile. Accordingly this land was opened to settlement, and the number of people who settled upon this land is somewhere about 1,200 or 1,500. Subsequently a suit had been instituted in the United States circuit court for the district of California and has been determined adversely to the claimants in that case.

Mr. BOWERS of California. I beg the gentleman's pardon, if he will allow me the time. He is mistaken.

Mr. CULBERSON. Very well. I understand that the trial in the court below was determined upon a demurrer. The court sustained the demurrer, and the defendant refused to plead over, and the case was appealed to the circuit court, at least, for that circuit, and it is now in that circuit pending as an appeal from the decision of the court below upon the demurrer, the defendant refusing to answer over. Now, the proposition of the gentleman from California was to authorize the Attorney-General to employ counsel in all of these cases, when the employment of counsel in one of these cases would have been entirely sufficient.

Mr. BOWERS of California. That is all I want. All lawyers know that the settlement of one case settles all the remainder of like kind.

Mr. CULBERSON. The amendment is not so drawn. And, so far as I am individually concerned, I do not believe that there is any obligation on the Government to defend this title whatever. Of course patent is issued, and if the suit is determined adversely to the settler in the court of last resort, the Government ought to pay back the money with interest upon it. That is what I think. Now, I understand this resolution here provides that of the $20,000 proposed to be appropriated in this bill $5,000 is to be set apart to pay the attorney who may be employed in this case.

Mr. BOWERS of California. If the Attorney-General finds it necessary. None of it may be necessary.

Mr. CULBERSON. Now, Mr. Chairman, the Attorney-General has already estimated that it will be necessary for Congress to appropriate $20,000 to enable him to employ special attorneys to aid the district attorneys throughout the United States; so if you cut from that $5,000 for this special purpose, then, of course, you create a deficiency which would have to be accounted for hereafter; and besides, Mr. Chairman, the gentleman says he knows no reason why the Attorney-General should not employ counsel to appear in these cases.

Mr. BOWERS of California. I do not know that it is necessary.

Mr. CULBERSON. The gentleman ought to know that unless there is in some law which specially authorizes the Attorney-General to appear in a case, he can not do it unless the United States be a party to the suit. If the United States were a party to this suit, then it would be the duty of the Attorney-General to direct the district attorney to appear and make defense; but this is a suit of the Southern Pacific Railroad Company against the citizens.

Mr. BOWERS of California. This is really the case of the United States.

Mr. CULBERSON. The United States is not a party to it.

Mr. BOWERS of California. But it affects all the same class of lands they now claim, and are selling to-day.

Mr. CULBERSON. The United States gave patents to the land. This is not an application to pay back this money to the settlers on it, and there can not be such a claim until the fact is shown that they have lost the land by the judgment of the court of last resort.

Mr. BOWERS of California. I hope the gentleman will allow me a minute before he gets through, so that I may correct his statement with reference to these cases. That case was tried on a demurrer. That demurrer was overruled. They were allowed to file a new one, and the new trial has been held in this case at the court of Los Angeles, and the decision has not been rendered. It has gone no farther; but which ever way it goes the case will go to the Supreme Court of the United States. Just one word further. I know that the gentleman from Texas wants to give the whole truth.

This is not land-grant land except that they are lieu lands. They are on the ten-mile indemnity limits for lands that were found to be mineral; and they were taken as lieu lands, and the settlers have been on them for ten, fifteen, and twenty years. They were opened equally to railroad selection and the citizens; and your Department holds them so to-day. Now, on the question as to whether the United States is a party to this suit. They are claiming that land to-day, and they are selling that land to-day, and granting patents for it.

Mr. CULBERSON. Who is?

Mr. BOWERS of California. The United States; the Interior Department.

Mr. CULBERSON. Do I understand you to say that the railroad company has no claim to this land?

Mr. BOWERS of California. Only to the extent that they might have been selected by the railroad company in the ten-mile limit of lieu lands in place of sections in the original grant found to be mineral lands, but the company did not make these selections until after they were occupied by settlers.

Mr. CULBERSON. Are the railroads possessed of any claim to the lands unless suit is brought simply to have the authority or the foundation for any claim?

Mr. BOWERS of California. They have no authority there. This land was thrown open to settlement through the orders of the Department.

Mr. SAYERS. I would like to ask my colleague a question.

The CHAIRMAN. The Chair would like the attention of the gentleman from Texas. The Chair was inclined to the opinion that this amendment was germane, and was not included within the limitations which would make it out of order on an appropriation bill; but that might depend, perhaps, upon the question as to whether or not the Attorney-General of the United States is authorized by law to employ counsel in any particular case.

Mr. CULBERSON. He is authorized to employ special counsel to assist the Attorney-General in certain cases.

The CHAIRMAN. That is just the question.

Mr. CULBERSON. But it will be observed this is a case in which the Government of the United States is not a party, and therefore the Attorney-General says he has no authority to appear.

The CHAIRMAN. The gentleman will allow the Chair to inquire where is the law that authorizes the Attorney-General to employ counsel? Does this amendment limit his authority in that respect?

Mr. LANE. If I correctly remember, the provision of law will be found in section 362 of the Revised Statutes.

Mr. DOLLIVER. I wish to call the attention of the gentleman from Texas [Mr. CULBERSON] to the fact that in a case in the State of Iowa, in which the circumstances were very similar to those here, the Fifty-first Congress authorized an appropriation to enable the Attorney-General to employ special counsel to appear in the case. That was the case of settlers on the Des Moines River lands, the question involved being very similar to that involved here.

Mr. CULBERSON. That confirms exactly what I say—that the Attorney-General without special law has no authority to do anything of this kind.

The CHAIRMAN. The Clerk will read the section which has been referred to by the gentleman from Illinois [Mr. LANE].

The Clerk read as follows:

SEC. 362. The Attorney-General shall exercise general superintendence and direction over the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the several district attorneys and marshals are required to report to the Attorney-General an account of their official proceedings, and of the state and condition of their respective offices, in such time and manner as the Attorney-General may direct.

Mr. CULBERSON. There is a provision of law authorizing and directing the President to have appearance made in all cases in which the Government of the United States is a party.

The CHAIRMAN. The Chair would like to see that provision of the statute.

Mr. CULBERSON. I will look it up.

Mr. LANE. The Attorney-General himself holds that he has no authority to appear in these cases. This amendment itself confesses the fact. The gentleman who advocates the amendment concedes the fact in his argument. Now, if there is no authority for the employment of counsel without the adoption of this amendment, then it changes existing law; there is no doubt about that.

The CHAIRMAN. If what the gentleman assumes to be true is a fact, his position is correct; but is that the case?

Mr. LANE. That is the confession here. Let us see how this matter comes here. The Government many years ago patented these lands to the railroad company; afterward it patented the same lands to these private parties. Now, what does the patent in the latter case amount to? It is an absolute nullity. And when the Government makes a patent to a party it does not give a warranty that it will defend the title of the grantee in the patent.

Mr. BOWERS of California. But the Government claims the rest of these lands, and is selling them to-day.

Mr. LANE. I am talking about the lands to which these parties lay claim. The Government gave patents to these 1,500 people. If the Government owned the land the patent is valid: if it did not, it is a nullity. The Government does not warrant the title of the grantee in such cases.

Mr. DOLLIVER. Suppose the Government of the United States comes in and asserts title to the land?

Mr. BOWERS of California. That is just what it does.

Mr. DOLLIVER. In that case does not the law authorize the Department of Justice to begin action to establish the title of the Government? Can not that be done without any change of the law at all?

Mr. LANE. Certainly, in such a case as the gentleman supposes; but the Government does not claim this land at all.

Mr. DOLLIVER. I understand from my friend from California that the Government now asserts title to this land.

Mr. LANE. No, sir.

Mr. BOWERS of California. That is exactly what it does.

Mr. LANE. The railroad company claiming these lands filed an action of ejectment, alleging in their declaration that they were the owners of the land. That is what the record shows. These parties who had settled upon the lands came in and filed a demurrer; and on that demurrer the court rendered judgment to the effect that the railroad company owned the lands.

Now, there is not money enough in the world to defeat a judgment of that kind. These parties, by refusing to plead the general issue, by failing to deny the state of facts alleged in the declaration, and by allowing the suit to go to judgment upon the demurrer, practically confessed that the railroad company owned the lands. Now, the gentleman from California wants this Government to intervene in behalf of these parties and defend 1,500 lawsuits. The Government has no right to defend a suit against a citizen. If the Government is going to defend these people, then it must make defense in all similar cases.

Mr. DOLLIVER. Does the gentleman hold that the Government, having issued a patent to a citizen for a tract of land, is entirely discharged from all liability, equitable or legal, to defend the title of the grantee?

Mr. LANE. I say that if the patent is void the whole thing is void.

Mr. DOLLIVER. But ought not the Government to interest itself to establish the validity of its own conveyance?

Mr. LANE. I do not see how the Government can acknowledge such an obligation in this case when it does not acknowledge it in others. In issuing its patent it does not guarantee title.

The CHAIRMAN. The Chair intimated an impression a few moments ago that this amendment might be in order as a condition or limitation upon the appropriation embraced in the bill. On further examination, however, the Chair finds that the amendment proposes to change an existing law—section 363 of the Revised Statutes, which authorizes the Attorney-General, "whenever in his opinion the public interests may require it, to employ and retain in the name of the United States such attorneys as he may think necessary to assist the district attorneys in the discharge of their duties." This amendment proposes to authorize the Attorney-General to employ special counsel to defend certain cases pending between private individuals in the State of California. As this would give to the Attorney-General power which he has not now under general law, the amendment would evidently be a change of existing law; and therefore the point of order is sustained.

Mr. SAYERS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LESTER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EDMUNDS, for ten days, on account of sickness.

To Mr. BLACK of Illinois, for ten days from the 28th instant, on account of important business.

BADGE OF ARMY AND NAVY UNION.

Mr. OUTHWAITE. I ask unanimous consent for the present consideration of a joint resolution, which I think will occupy but a minute. It does not involve any expenditure whatever.

The joint resolution was read, as follows:

Joint resolution (H. Res. 123) authorizing the wearing of the distinctive badge adopted by the Regular Army and Navy Union upon all occasions of ceremony.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the distinctive badge adopted by the Regular Army and Navy Union of the United States may be worn, in their own right, upon all occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization.

The SPEAKER. Is there objection to the present consideration of the resolution just read?

Mr. HOPKINS of Illinois. I should like to hear the report read.

Mr. OUTHWAITE. There is no written report, though the Committee on Military Affairs considered this measure and authorized a report. This organization, the Regular Army and Navy Union, is composed of officers and enlisted men of the Regular Army and Navy. Its purpose is to assist in preserving order and discipline and also to promote social relations. In addition to that, it is charitable in its operations. It buries the dead members of the association and takes care of their dependent relatives. It resembles in its general character and work the Grand Army; but it is composed, as I have said, of officers and enlisted men of the Army and Navy.

Mr. LOUD. What is its badge?

Mr. OUTHWAITE. Well, it has a button and a badge somewhat similar to that of the Grand Army; but the resemblance is not close enough to cause anyone to mistake the one for the other.

There being no objection, the House proceeded to the consideration of the joint resolution.

Mr. OUTHWAITE. I desire to move an amendment, which has been agreed to by the committee, to insert before the word "occasions," in line 5, the word "public."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

THE LATE REPRESENTATIVE WILLIAM H. ENOCHS.

The SPEAKER *pro tempore* (Mr. OUTHWAITE). The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, the 17th day of March, from 2 o'clock in the afternoon, be set apart for the purpose of paying eulogies to the late Hon. W. H. Enochs.

Mr. GROSVENOR. I call for the reading of the resolutions.

The Clerk read as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. William H. Enochs, late a Representative from the State of Ohio.

Resolved, That the business of the House be suspended in order that the public services and private character of the deceased be thoroughly commemorated.

Resolved, That the Clerk of the House of Representatives be directed to communicate these resolutions to the Senate, and send a duly attested copy to the widow of the deceased.

Resolved, That at the conclusion of these services the House, as a further mark of respect, do adjourn.

The SPEAKER *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were agreed to.

Mr. GROSVENOR. Mr. Speaker, William H. Enochs was born in Noble County, Ohio, March 29, 1842, and died in the city of Ironton, his home, on Thursday morning, the 13th day of July, 1893.

Of his parents I knew but little, and that only by common report. They were people in moderate or possibly poor circumstances, and the boy was compelled to work on the farm in aid of his father and to secure a living for himself. The father and mother of Enochs are said to have been persons possessing more than ordinary strength of character. They were of pious minds and very industrious and upright people.

Young Enochs made good headway in the schools which he attended, being for the early years of his student life simply the common schools of Lawrence County, Ohio, to which section his parents had removed. He taught school and with the proceeds of that employment attended the Ohio University at Athens, at my home. The impression he made upon the people of my town and upon the faculty of the college was that Enochs was a handsome, well-behaved, ambitious young man with country manners and country tendencies. His deportment as a student was such as to challenge the approval of the professors, and he made an impression upon the people of the town which made them ever afterwards his friends.

It can hardly be said of him that he manifested distinguishing traits of character, but he did manifest satisfactory traits of character. He was manly, upright, industrious, courageous, and conformed to the rules of the college and the customs of the town to the entire satisfaction of his friends.

Young Enochs was a student at the Ohio University in the spring of 1861, when the war broke out. In giving his early experience he was in the habit of saying that when the war began he followed the first fife and drum that came along. The notes of that fife and drum are still sounding in my memory. It was on the evening of the Sunday following the attack upon Fort Sumter that the first meeting to express the opinion of that college

town upon the great subject of rebellion and war was held in the town of Athens, and young Enochs was there. I still remember the glow on his face and the light in his eye as the news from Washington was read and resolutions to contribute men and money were adopted.

Very shortly afterwards he enlisted in the Twenty-second Ohio Volunteers for three months. That regiment, like many others from Ohio, was organized under the Seward theory of a sixty-days' termination of the war, but long before the end of the sixty days it was plainly visible to the intelligent eye that we had embarked in a war of years, and the young soldier re-enlisted at Ceredo, W. Va., in the Fifth West Virginia Volunteers, in Company K.

He had seen three months' service. He was finely formed and a soldierly looking young man, and it has been well said of him that he was a boy in blue all over.

As a soldier he was a dashing soldier. I never heard that he made plans of action, but I have heard that he always acted. He became a lieutenant in December, 1861, and on April 19, 1862, he was promoted to captain of Company E, and on August 17, 1863, he became lieutenant-colonel, which rank he held until December 19, 1864, when he was promoted to colonel of the First West Virginia Regiment, into which the Fifth and Ninth had been consolidated. This position he held until the close of the war, and after the war Col. Enochs was brevetted brigadier-general in honor of his honorable services on the field.

The regiments with which Gen. Enochs served performed substantial and valuable military services. They were in the prominent battles of Cross Keys, Bull Run, Winchester, Opequon, Cloud Mountain, Lynchburg, Cedar Creek, and Fisher Hill.

I think it can be said of him as a soldier that he was a good fighter. With all the vicissitudes of politics and personal matters I never heard a word of detraction in regard to the military record of this gallant man. His characteristics as a soldier, in addition to those to which I have already alluded, was a special adaptation to skirmish fighting. He had a way of getting a little further out than the average man on the skirmish line and ascertaining a little more about the enemy's position than the average man.

He was an uneducated, untrained, and undisciplined Phil Sheridan. He had all the ardor of that great leader, all the push, all the courage, all the patriotic devotion. He was lacking, of course, as we all were, in skill, in training, and in theories.

The soldier of 1861 was the ideal soldier of the war. On more than one occasion I have done, in my way, and with my ability, full justice to the men of all ranks, and all terms of service who did what they could to put down the rebellion, and I have not drawn lines of demarkation between the three-years man and the four-years man, and any other man who did honorable service. But after all, there is to my mind a special halo around the men of 1861. There is something in the men who heard the gun of Fort Sumter in all its enormous reverberations and appreciated in some measure the terrible importance of that awful shock and hastened with all proper speed and promptness, anxious to accept the gage of war and meet the shock of battle.

It was the soldier of 1861 who did not measure consequences or weigh results. His country was assailed and he knew it, and that was all he wanted to know. He did not inquire the rate of compensation or the amount of pension he was to receive. He never thought of it. He looked about him to make some arrangements for those who depended upon him, shouldered his musket as the men of Lexington and Concord shouldered theirs, and marched with a purpose and determination as heroic as was the sacrifices of the men at Valley Forge and Yorktown.

Such a man was William H. Enochs. Full honor for services in the field will always be awarded his memory by his comrades of the war and by the people who knew him.

He studied law after the war, and graduated at the Cincinnati law school in 1866. He began the practice of law in West Virginia, but after about a year he removed to Ironton, where he lived the remainder of his life.

In the latter years of his law practice he devoted much time to railroad practice and in that connection was an industrious, energetic, enterprising, and ambitious lawyer.

He was elected to the Legislature of Ohio in 1869 and served a single term, and voluntarily withdrew from politics for the time being.

As a lawyer little need be said beyond the fact that he was industrious, persevering, and ambitious. He stood well at the bar, and in the lines of his profession which he pursued he was successful. As a citizen he was an aggressive friend of Ironton and the section in which he lived.

He had intelligent views on business affairs, and as he had been in the war so he was in peace, on the skirmish line of enterprise and business aggression.

He was a candidate for Congress in 1888, but failed to receive the nomination, but in 1890, after one of the most exciting struggles ever known in that section of Ohio, he was nominated for Congressman. The district had been newly formed. It consisted of the counties of Athens and Meigs, Gallia, Lawrence, and Scioto. Three of the counties had come from the old Eleventh district and two from the Fifteenth district, and had been thrown together in the new Twelfth district.

As thus constituted the new district had two members of Congress, both of whom were candidates, and both of whom were supported, with great pertinacity by the delegations from two counties, but the loyal and untiring support given to Gen. Enochs by his own county of Lawrence carried the day for him, and he was nominated, and although he had received the nomination at the end of an unparalleled struggle, which lasted five days, in two different conventions, an adjournment having been taken from one city to another and a period of two months having intervened—so satisfactory was his nomination that no man ever received a more loyal support than he received in all the counties of the district and by all the men of his party everywhere.

Of his services connected with the Fifty-second Congress, others will speak. Those who served with him in this Hall can best describe his character in Congress.

Of him it can be truthfully said that he was careful and considerate of and attentive to the wants of his district. He was a faithful representative of local interests and made warm friends among the members of Congress, and received the approval of a new constituency in a Congressional district which was practically that in which he had long lived, by being renominated by acclamation and elected by an overwhelming majority to the Fifty-third Congress, but before that body assembled the messenger came and the soul of this gallant and distinguished soldier and faithful citizen was removed from earth to join the great majority of his comrades of the war on the other shore.

On Fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Mr. Speaker, I feel that I can not better discharge my duty to my dead colleague in this behalf than to incorporate in my remarks the eloquent and beautiful address of Rev. W. B. Marsh, delivered at the funeral of Mr. Enochs:

COMRADES: To-day Ohio mourns a heroic and devoted son, a man whose career recorded would furnish a part of the vital history of our commonwealth and nation, and whose character had elements worthy of painstaking analysis.

I regret that the brevity enforced by this mournful occasion will permit so little liberty on my part in this direction.

It is perhaps fitting that he who lived so modestly and carried himself as a son of the people and a brother and comrade of every man should be laid away with simplest obsequies; public, only because the public know that they are always at home on the grounds and in the home of Gen. Enochs. This great assembly has convened spontaneously to swell the one sad acclaim of family friends and old comrades in arms.

Our distinguished friends from abroad, representing both commonwealth and nation, are here in discharge of no mere perfunctory duty, but to blend their testimony with ours that we have lost not only a great citizen, but a friend and a brother.

The impressive lessons that always find their way to honest hearts concerning life and immortality have been abundantly suggested and have found expression in the more impressive language of song and prayer and of holy Scripture. No long exhortations can deepen or enhance what is borne in upon our souls so solemnly and affectingly. The spirit of Duty stands at the head of the bier and the spirit of Love at its foot, and they point us to the noble dead as one worthy to be a leader still along the path of a devoted and patriotic life.

The elder ages were distinguished by contrasting extremes of human character and destiny. God seemed not to care except for mighty men, and to use mankind as but a base soil out of which to grow heroes. We have now entered a new age, a second act in this drama of the divine purposes. Now the word has gone forth from the throne to "make a highway for the people." "Every mountain now shall be made low, and every valley shall be exalted," not to secure the level of mediocrity, but the grade of the sublime.

God purposed and purposes to make all men his people and to make all his people prophets. He planned of old through the hero as an individual to raise up a race of men of heroic mould. I eschew purposely the cant phrases of a socialism that is ignorant and pretentious, and that seeks progress by debasing high things rather than by a great continental elevation. But the era has dawned and is now crescent whose commanding purpose is the perfection of society, of man as an order, rather than of man as an individual.

It is now often said by the frowning pessimist that the day of great men is passed; that our age has not and can not produce the hero; that in politics, and in literature, and in art, and in religion excellence is no longer attainable.

"Great is mediocrity," seems to their ears the watchword of the nineteenth century democracy. But these men misinterpret the method of the divine progress and evolution.

The supreme care for many ages did indeed seem expended to produce a few men worthy of being called after God's name. Single personalities looming up in the midst of a low level of degraded humanity, men supereminent quite as much by reason of the depression of their surroundings as by their celestial altitude.

But thus God has sought to secure first the piers of the great bridge, afterwards to cast athwart the chasm the mighty cable. Joshua and David, Hezekiah and Ezra are buttresses of the King's highway, Enoch and Moses and Elijah are Gibral ar fortresses, at once frowning over and protecting the low-lying plains and exposed seas of humanity.

But God seeks now quite other things. And with this change or maturity of plan arises a new exigency. The qualities now to crown the superior man are quite different. He must still be brave and loving and honest of purpose and self-devoted.

But now he must partake of the new spirit of a divine social democracy. Now, the question is not how elevated a man is in his separate personality, but how well does he fill his place in the social organism.

His very success in this will serve to hide from the undiscerning the superb quality of his influence. The great man to-day, to fulfill God's present purpose, must be like leaven endowed with mighty but secretly working powers of human sympathies, not a measuring rod to show people how small they are beside the Colossus.

The most conspicuous gift of the men of the new age is a certain spirit of human brotherliness—*comraderie*. The solemn obeisance, the prostration of the body, the stately inclination of the proud head, the formal salute, may indicate respect or official subserviency or recognition of social equality. But the grasp of the hand through which pulsates the blood of a warm heart, the beaming eye which tells of sympathy and interest and common rights—this is the symbol of comradeship.

There is a gift in it. You can not impart it or imitate it. It is more than an art—it is a mystery—how an honest, cordial man, feeling himself as in the same boat of destiny with you, and glad of it, can impart somewhat of his very soul to you in the way he grasps your hand. There are political handshakings and ministerial handshakings, but they are as far removed from that of which I speak as society kisses are from the kiss a mother presses upon her baby's lips.

Gen. Enochs had this rare gift of deep and honest cordiality. To shake hands with him was an acquaintance. A throb of human brotherliness came across that bridge. He did not need to say that he liked you or wanted to help you. He made no professions of extraordinary friendship, but felt himself that he was your comrade and ready to share anything that he had, good gifts or perilous service.

Social philosophers have a great deal to say about equality. The word and the thought are poisoned with the leaven of selfishness.

There are two forms of greed, that which by night and opportunity appropriates all it can get—this is the greed of the pen and the sty. The other is the greed that scans your neighbor's plate or in famine weighs out his rations; a greed too weak to rob computes relative advantages and offsets even the gifts of friendship. This is civilized greed, but greed it is still. The doctrine of social equality is selfishness armed with yardstick and scissors, butcher knife and scales.

High above this goddess of the Paris commune the spirit of comradeship sits cloud-enthroned.

Comradeship consists with largest divergence of gift and possession. Your superior officer, your commander, may be your comrade. If more highly endowed, if more highly favored, he says by look and action, "Take what you need; ask what you will; let me help you if I can."

The grandest comradeship of the ages was that of Jesus with his chosen twelve.

May the time never come when we shall have a mechanical, mathematical equality. But may the day be hastened when the rich and the poor, the highly endowed and the ignorant, the strong and the weak, shall be able to grasp hands, saying, more than "we are equals," more even than "we are brethren," better, "we are comrades."

We bear to his grave to-day a man worthy of superior honor. He won his place not by home influence, not by advantages of birth and inherited wealth, not by political intrigue nor by favor in high places, but by sheer force of innate manhood.

Gen. Enochs, transplanted to other ages, would have won his way to the front, and might have gained the deceptive luster which now in our eyes irradiates the mighty men of the elder ages. But the glory of our friend is that he was true knight of this dawning day of human brotherhoods.

He was alive with the very spirit of the age. His sword was tipped with divine fire from off Liberty's altar, and he was baptized in the rising flood of that great sea which is ere long to wipe away human wrong.

We honor him for attainments and for achievements in camp and field and legislative halls. But most of all do we honor and hail the memory of one who never for a moment forgot he was one of the people, not ashamed to be our brother and our comrade.

This quality gives impress to the style of patriotism of this new age.

I greatly honor the name of George Washington. In the ranks of heroes he stands preëminent; but from his cradle he was instructed to think of himself as a superior being, quite above the low-lying level of ordinary citizenship. His love of country was passionate, his self-devotion was perfect, but always self-conscious. There was always the patronizing air, "see how dignified and great I am, and yet how unreservedly I give up all for love of country." In this, in a degree, Clay and Webster were like their great prototype. Undoubted patriots and brave men, they all, but possessed somewhat of the spirit of Kaiser William the Third, who bids his people trust him as he trusts God. A hero of this type poses—attitudinizes.

Our age has made an advance, not a retrograde, in producing men like Sheridan and Hayes and Enochs, who rode at the head of their columns and said not "boys go in," but "boys come on." I have read history, all I could get my hands on. My boyhood was thrilled with fancies from the bloody scenes of ancient heroism. But never in all the history of the race have men fought with the abandon of uncalculating bravery as up and down the marches of the Shenandoah Valley. I saw the Wilderness, and Spottsylvania, and Cold Harbor, but momentous as was the struggle and unflinching the courage, yet Winchester and its approaches saw deeds of personal prowess of the highest order known among men. I speak as one who had exceptional advantages of seeing both these scenes of tremendous achievement from a vantage ground and without the personal preferences and prejudices which might warp the judgment.

I can see as in vision a scene described to me by Gen. Enochs only a few weeks ago with a purely incidental intention of illustrating a matter to which I need not now refer.

Hayes, injured by a fall, his horse having just been shot under him, lies with his head in Enoch's lap, his face turned away from the scene of disaster then fast hastening on to panic. In the distance arises the cloud of dust whose center, like the core of a cyclone, contained the foaming charger of Phil Sheridan, nearing the goal of his historic ride. "Boys, are you whipped?" "No, we are ready, waiting," is the prompt reply. Victory flaps his wings over the illustrious trio, before whom Achilles and his band of Greeks were play heroes. It is not often in modern warfare that personal prowess of a handful of men turns the scales of destiny and wrings victory out of defeat.

But the best thing of it all was that this heroism was not a mere parade of physical prowess; it was championship of great principles. The Greek poet represents the very gods as enlisted in the fight around ancient Troy, and performing heroic deeds in aid of their favorites. And the Hebrew bard declares that the very "stars in their courses fought against Sisera." We believe that not nature alone or lower potencies of celestial good or evil were arrayed, but that Jehovah of Hosts marshaled our armies in contest on which hung the fate of a continent and the destiny of a race. And the echoes of the battle for union and liberty will resound through the valleys and hills of Virginia till the archangel's trump shall sound. Great was the arena, observed of men and angels the contest, and enduring the victory. A new peace has assumed royal away, not clad in robes of oriental effeminacy, but with victory-crowned brow. And so evermore.

God give us peace, not such as lulls to sleep,
But sword on thigh and brow with purpose knit.
And let our ship of state to harbor sweep,
Her ports all up, her battle lanterns lit,
And her leashed thunders gathering for their leap.

And evermore God give us men, true to the high ideal and true to the illustrious type, seeking to fulfill their destiny as sons of a great republic.

There are many things we would be glad to say in further portraiture of the noble band of men, "some of whom have crossed the flood and some are crossing now," but it is not meet.

We believe that God who had need of Samson and of Jephtha—of the strong and of the valiant—as well as need of Moses the devout and Samuel the spiritual, had and has still a place in His kingdom for these men of mighty deeds. They have worked out their salvation in somewhat diverse fashion from many who have been types more approved of mother church; but beneath all has been the same sterling spirit of faith in God and sublime devotion to duty which under any form and guise constitute the bone and muscle of true religion.

Happy the moralist whose training and breadth of view enable him to tell a man when he sees one.

Wise the religious teacher who has learned to discount pretentious saintliness, with its marble polish, and to pause in admiration before elements in character of granite and iron. Marble is good for grand balconies and for tombstones; granite and iron make foundation stones and anchors.

The noblest work of God and highest study of man are found within the compass of a brave soul.

It took the Almighty more than ten milleniums to make a man, and then He was not satisfied with him. "It repented God that He had made man," naively says the ancient chronicler.

Failure we know there can be none. When God breaks old molds of life it is not because He has tried and failed, but because He has used the molds and fulfilled their purpose and wishes to clear the field for a higher product. So God made man, or is making him.

There is room and scope for grander things, both for the race here and for the individual in the free and glorious kingdom beyond.

We point not to Gen. Enochs's life and character and say, "Behold the perfect man," but rather "Behold what broad foundations the master builder has laid for temple or for palace."

Unpretentious, sincere, brave, brotherly, reverent of God, and a lover of all men was he.

The battle of life is ended and, as in many another battle, the victor is the victim—the fallen is the hero in the strife.

We bless God that this is but the earthward view. And standing on these green shores, if penetrate we may the mysterious void through which he has passed, we rend the heavens with our salute. Comrade, well done!

In addition to this I will embody in my address an editorial written by his friend, and which I believe accurately describes his services to the country.

It is as follows:

Gen. Enochs was born near Middleburg, in Noble County, March 29, 1842, making him 51 years of age last March. His parents were Henry and Jane Miller Enochs.

He was reared on his father's farm and attended the common schools in winter with the advantage, however, of one term at the Ohio University. When Fort Sumter was fired upon he was a student at the Ohio University, and on the 19th of April, 1861, he entered in Company B, Twenty-second Ohio Volunteer Infantry; soon after he was promoted to corporal and sent to guard the railroad between Marietta and Parkersburg, thence to West Virginia, participating in the numerous marches and skirmishes of his command, and the battle of Rich Mountain. He was promoted to fourth sergeant, and in that rank was mustered out of the service July 24, 1861. He at once reënlisted in Company K, Fifth West Virginia Infantry, an organization composed almost wholly of Ohio men.

In October he was elected captain of his company, but owing to his youth the colonel of the regiment refused to recommend him for a captain's commission, and he was made first lieutenant of the company. His drill and discipline soon attracted the attention of the army officers, and he was frequently complimented for the manner in which he had brought up the company. His regiment was organized and camped at Ceredo, W. Va. Rebel regiments were also being organized within a few miles of its camp, the surrounding country swarmed with bushwhackers, and his company and regiment was in active service from the time of their enlistment. In the winter of 1862, the regiment was ordered to Parkersburg. Soon after Lieut. Enochs was sent with his company to New Creek Station and assigned to the command of that outpost. At this time there was a vacancy in the majorship of the regiment, and Lieut. Enochs was recommended by the officers of the regiment for the position, but again his youth prevented his preferment, and he was promoted to captain and assigned to Company E. This company soon became the best drilled and disciplined company in the regiment, and in the spring of 1862, led the advance at the battle of Moorfield, participating in all its marches and skirmishes along the South Branch of the Potomac, including the battle of McDowell, May 8 1862.

Returning to Moorfield, the regiment crossed the mountains with the army under Gens. Schenck and Milroy, striking the rear of the Confederate army under Stonewall Jackson, where the regiment was engaged. The Union armies, united under Gen. Frémont, followed Jackson up the Shenandoah Valley, skirmishing and fighting day and night until the battle of Cross Keys, June 8, 1862, when Jackson crossed the river under cover of night, burning the bridge behind him; Frémont's army went down the valley. Schenck's division and Gen. Milroy's brigade (to which the regiment then belonged) marched from Luray Valley across the Blue Ridge and joined the Army of Northern Virginia, commanded by Gen. John Pope. The division was assigned to the Eleventh Corps, then commanded by Gen. Franz Sigel. The regiment participated in numerous skirmishes, until the terrible battle of Cedar Mountain was fought, which was one of the most desperate battles of the war.

The regiment afterwards participated in the battles along the Rapidan and Rappahannock Rivers, including Freeman's Ford and Sulphur Spring, being under fire every day for about twenty days. In the first day of the second battle of Manassas, although the junior captain of the regiment, Capt. Enochs was in command. The regiment went into the fight near the stone house, and in the woods some distance beyond the regiment fought almost the entire two days of the battle over the possession of the railroad cut in the woods. The cut was taken and retaken until one-fourth of the regiment was either killed, wounded, or missing.

History has never given the facts concerning this battle; the loss and disaster to the Union Army there has never been told.

The regiment next participated in the battle of Chantilly. In all these marches, skirmishes, and battles Capt. Enochs took an active part, being in command of either his company or the regiment.

After the battle of Chantilly the regiment being almost entirely destroyed, was ordered to the fortifications around Washington to obtain shoes and clothing. Soon afterwards it was transferred to the Kanawha Valley, West Virginia.

In the spring of 1863 it was ordered to Gauley Bridge, on the Kanawha, where it remained the greater portion of the year, scouting and skirmishing through the mountains of that country. August 17, 1863, Capt. Enochs was commissioned lieutenant-colonel of the regiment. May 4, 1864, his command broke camp and started toward Louisburg, W. Va.

At Meadow Bluffs it joined the army under Gen. George Crook, and crossed the mountains, destroying the railroads and bridges. It joined the army under Gen. Hunter at Stanton, Va., and under that gentleman made the raid upon Lynchburg. In its endeavor to get into Lynchburg, Col. Enochs with his regiment charged the breastworks, but was repulsed and driven back with heavy loss. The Union Army was compelled to retreat to the Kanawha Valley. This was one of the longest and hardest raids of the war. It was, as the general has stated it, "days and nights of marching, starving, and fighting."

The regiment remained but a short time in the Kanawha Valley, when it was ordered to Harpers Ferry and the Shenandoah Valley. The army started up the valley, fighting the rebels at Bunkers Hill, July 19, 1864, and at Barters Farm, July 20, 1864, and at Winchester, July 24. The Union army was driven north of the Potomac River and soon became a part of the army under Gen. Sheridan, and under him was in the battles near Halltown, Va., August 22, 23, and 24, 1864. At the battle of Berryville, September 3, 1864, Col. Enochs' regiment made a brilliant charge on a Mississippi brigade of four regiments, driving them from the field and capturing a number of prisoners. At the battle of Winchester, September 19, 1864, Col. Enochs' regiment was in the front on the extreme right of the Union army. Shortly after going into the fight the rebels were found behind the stone walls on the opposite side of a deep slough; the regiment waded through and charged the rebels, driving them from their chosen positions until their fortifications were reached.

In this charge Col. Enochs was severely wounded when within 100 yards of the fortifications, a ball striking him in the head and cutting through a heavy felt hat. He was supposed to have been instantly killed, and was left where he fell. During the night he was conducted to his regiment, and the next morning was again in command, following the retreating rebels toward Fishers Hill, which point they had strongly fortified. September 22, Col. Enochs was given charge of the advance, which climbed the mountain and got in the rear of their works before they were discovered. When the signal was given, the whole army charged the fortifications, capturing most of the enemy's artillery and routing their army. The regiment under Col. Enochs participated in numerous other skirmishes up to the battle of Cedar Creek.

For gallant and meritorious services during this campaign Col. Enochs was brevetted general, being the youngest man of his rank in the army of the Potomac. During this service his regiment had become so depleted that it was consolidated with the Ninth West Virginia, and was afterwards known as the First West Virginia Veteran Infantry.

The regiment remained in the valley under Gen. Hancock until near the close of the war, when it was sent to Cumberland, Md., where Col. Enochs was assigned to the command of the department of Maryland, and on March 13, 1865, he was commissioned brigadier-general.

Gen. Enochs was a partisan in politics. He belonged to the Republican party. He believed in the principles and the policy of that party, and while he had the fullest toleration for the opinions of others at all times, yet he believed that it was the duty of that party at all times, and under all circumstances, to recognize and reward the services of the men who had made the Republican party great, strong, and powerful in the country, and I honor him for it. If he were to be tried on this occasion by the touchstone of the doctrinaire or by the professor of modern political methods of the East, or the South, or the West, he would fall far short of receiving the approval of such pharisaical judges; but if he were to be tried by the standard of the men who have gone before him, and who made the party to which he belonged a great party, and impressed its principles upon the statute books of this country, and wrote them in indelible words of living light in the organic law of this land, he would stand par excellence a man to be honored by his successors in the Republican party.

There was nothing about him that suggested the idea that he was ashamed of the men who had made him prominent in Ohio politics. I was willing to recognize the instrumentalities he was willing to use.

Mr. Speaker, I attended his funeral at Ironton. On a beautiful Sunday we assembled at the home he loved so well and witnessed the ceremonies incident to that solemn occasion. I never witnessed a greater demonstration of the love, affection, confidence, and esteem of a great constituency than was manifested at the bier of Gen. Enochs on that occasion.

For many hours people came, not alone from the Ohio counties around him, but from across the river, and for miles from many directions a great column of sorrowing people; and as I sat and witnessed the slow-moving pageant as it passed by the remains of Gen. Enochs, and saw the tears welling from the eyes of the prosperous, the strong, the poor, and the humble, the masses of citizens who had known him all his life, I felt that surely there was some quality about this gallant soldier and tried citizen that made him the especial idol and favorite of the population. It was a high testimonial to his worth and standing as a man and citizen.

Gen. Enochs was most happy in his domestic relations. He married a wife possessed of bright intelligence and praiseworthy ambition, clothed as with a garment with the beautiful womanly qualities of modesty, energy, and courage; and to her, as much as to any other incident of his life, he owed the progress which he made. She had been to him a friend, monitor, and counselor. Faithful to the last, with a heart almost breaking, she stood at the grave of her husband, proud of his history, grateful for the sympathy manifested on every side, and took up the burden of his life where he had laid it down to see to it that the splendid boy that he left behind him should be, in some measure at least, a representative of the good qualities of his father.

Just as the funeral cortege was entering the beautiful burying place, peals of thunder and vivid flashes of lightning from massive storm clouds rolling above startled the great audience, and for many minutes a display of electrical power such as is scarcely ever witnessed in that climate took place, and I felt as though it were a fitting tribute to a life that had been stormy but successful, a life that had been almost like a meteor flashing amid the surrounding clouds that had environed his pathway through life. Coming up, as he had, from humble life, he had written his name upon the records of his State in a way never to be erased, and this was the end. It was the end of a distinguished citizen, and these ceremonies to-day are but to remind those who come after that the reward of faithful service is the token of respect by the citizens of the community. These ceremonies can not do good to him, for—

> Can storied urn, or animated bust,
> Back to its mansion call the fleeting breath?
> Can honor's voice provoke the silent dust,
> Or flatt'ry soothe the dull, cold ear of death?

No; but we can place above his tomb the chaplet of our honor, our love, our affection, our recognition. And the lesson comes to us to-day with great effect that we are passing away, that we are passing off the stage of action; that the places that now know us will soon be filled by others, and the admonition is that we so conduct ourselves here that hereafter we may meet the reward of the just upon the other side; that in the great hereafter our Father will say come up higher.

In the grave all achievements of an earthly nature end. The lesson that comes to us is:

> The boast of heraldry, the pomp of pow'r,
> And all that beauty, all that wealth e'er gave,
> Await alike the inevitable hour,
> The paths of glory lead but to the grave.

And if our lives are to end thus, life indeed were not worth living. Our hope or belief, our faith goes out to a higher, better, purer, and eternal life.

Mr. HENDERSON of Illinois. Mr. Speaker, prior to the meeting of the Fifty-second Congress, of which the late Gen. William H. Enochs was a member, I had no personal acquaintance with him. He was not, however, unknown to me by reputation; and I had heard him spoken of as a gentleman of ability, and a soldier who had served with distinction in the late war for the suppression of the rebellion. But on the meeting of the Fifty-second Congress, in December, 1891, I soon became personally acquainted with Gen. Enochs, and as I met him here in this Hall from day to day I learned to respect and admire him for his many manly qualities and for his ability and patriotism.

It is not an easy matter, Mr. Speaker, for a member of this body to take a very prominent position in his first term; but from my first acquaintance with Gen. Enochs, and from my observation of his service during the Fifty-second Congress, he impressed me as a gentleman of ability and of good character, genial and pleasant in his intercourse with his fellow-members, and attentive to the proceedings of the House. I know that in all matters of local interest to his constituents and his State he was attentive, earnest, and faithful in looking after them.

From frequent conversations with Gen. Enochs I knew that he was not in good health during his service in Congress, and especially during the last session of his service, when he felt great anxiety as to his health and at times was very despondent. If he did not say so in words, he made the impression upon my mind that he did not expect to live long. Hence, while I deeply regretted the sad event, I was not surprised to hear of his death.

But, Mr. Speaker, it was not my intention to speak at length upon the life and character of Gen. Enochs at this time. That duty will be better performed by those more intimately acquainted with him. I only desired to express the high regard I entertained for Gen. Enochs as a member of this body, and to pay some tribute to his memory. He was cut off after serving a single term in Congress. But brief as his service was, Mr. Speaker, it was honorable to him and honorable to his constituents.

I can not close, however, without referring to the record of Gen. Enochs as a soldier during the late war. That he was a brave and gallant soldier, and served his country patriotically and faithfully there can be no doubt. At the very beginning of

the war for the suppression of the rebellion, and before he had reached his majority, his young heart was stirred with patriotic ardor; and he enlisted as a private and entered the service of his country as a soldier; and he served in every rank from corporal to colonel, except that of major, and he was brevetted a brigadier-general. Of such a record any man might well be proud. To have risen from a private in the ranks in time of actual war to the office of a brevet brigadier-general is honor enough to enshrine his name and his memory in the hearts of his friends, his family, and his countrymen.

Mr. Speaker, it is to such men as Gen. W. H. Enochs that we are indebted for an undivided Union, for the preservation of the Government established by our fathers, and the prosperity which has followed the great struggle in which he rendered such distinguished, patriotic service. All honor to his memory!

[Mr. PAYNTER addressed the House. See Appendix.)

Mr. HARE. Mr. Speaker, it has seldom fallen to the lot of any State to be deprived within a period of eighteen months of three of its Representatives in Congress by death.

That experience, however, little as it was contemplated two years ago, infrequent as has been its occurrence in the history of this body, and sadly suggestive as it must be to all of us, has been visited upon Ohio, and upon Pennsylvania also, since the beginning of the Fifty-second Congress.

Ohio's misfortune, in the loss of her three Representatives, began with the unexpected death of the well-beloved Warwick, after an illness so brief that many of his associates were not aware of its existence until after its fatal ending. Among all the surviving colleagues who mourned his departure from their midst, perhaps no two men could have been selected whose appearance more fully betokened the possession of perfect physical health and soundness than William H. Enochs and George W. Houk, both of whom had been rechosen by their fellow-citizens to fill the places in this Congress which they had so highly honored in the last; both of whom were all the more fully equipped for the efficient performance of public duty; both of whom have since been called away suddenly, without apparent warning, without even the grace of an intervening week of illness between the flush of health and the pallor of death.

I speak from external evidences only, for none of us may know the actual physical condition of even his closest friend nor the apprehensions and forebodings that may, and often do, rack his mind, absorb his thoughts, disturb his rest, and sit as a spectral presence at the fireside, and even at the feast.

It is to me a matter of much regret, Mr. Speaker, that I can say so little of what I feel ought to be said on this occasion, that my contribution to the tributes of well-merited praise which ought to and will be paid to the character and services of Gen. Enochs, must of necessity be so inadequate as to seem unworthy of the subject and the occasion.

Personally, I had never known him until we met here as colleagues in the Fifty-second Congress, nor was my acquaintance with him here of that intimate character that enables one to become familiar with the inner nature of his friend, and with the countless incidents that go to make up the personal history and largely to determine the personal character and qualities of every man. I only knew him as all might know him with whom he came in even casual contact, and my impressions of him were gained only from such sources as were alike open to all his associates.

He was a man of generous, kindly nature, of thoroughly patriotic purpose, strong in his convictions, and wholly without fear of the consequences to himself of any course of action he deemed it his duty to pursue. Hence the customary restraints of party discipline were often galling to him, the necessity of conforming his conduct to the views others and of following in the wake of party leadership irritated him keenly, and he could not always be controlled.

Many a time indeed during his brief service here was he known to vote and act with those to whom he was politically opposed, not in a factious or rebellious spirit, not upon any fundamental principle of party policy, for he was a partisan, but upon any and every question which did not involve an essential principle of political orthodoxy the vote of Gen. Enochs was cast according to his convictions of right and justice regardless of the action of his party associates. And for this manly spirit of independence, all too rare in this body, he was deserving of the commendation of his colleagues and of his countrymen. For the tendency here, Mr. Speaker, is all too great to make of almost every question of public interest and importance, or even of minor concern, a party question, and to vote upon it not always with reference to the individual views of members touching its intrinsic merits, but too often in accordance with the sentiment that may prevail on either side of the central aisle. It is a tendency that does not improve in all cases the quality of our legislation, that is sometimes fraught with mischief; a tendency that the example of such a man as Gen. Enochs would do much to rebuke and restrain.

Among those with whom he was brought into most frequent contact Gen. Enochs was, in the best sense of the word, a popular man. High-minded and chivalrous in his nature, wholly free from any form of affectation, without any of the instincts of the sycophant or the time-server, he was a man who loved his friends rather than his enemies, and was in turn beloved.

Of his professional career, his business and social life prior to his advent here, I am not prepared to speak except by inference. Neither am I familiar with the details of his service in the army; but this I know, the title he bore was not an empty compliment, bestowed through courtesy, as is too often the case. For he was one of the heroes of the war, whose courage was only equaled by his modesty, and modesty is almost invariably found to be the companion trait of true bravery. In the brief sketch of himself given in the Directory we are not even informed of the command in which he served, but simply that entering the service of his country as a private soldier he rose through all the intervening grades of rank to become a brigadier-general. And he was but 19 years of age when the war began.

It is a record, sir, of which any soldier might well be proud. If all its pages could be unfolded what a history would they disclose, what a claim would they establish upon the gratitude, the esteem, the admiration of his countrymen.

But he did not deem it essential to his reputation here that the volume in which this record is written should be unclosed, and I will not seek to penetrate its arcana nor even to break the seal put upon it by him.

It is not a light thing, Mr. Speaker, that a young man should for the sake of an idea, for the love of liberty, or even in the defense of his country quit his studies, his employments, and all the hallowed associations that cluster about the home of one's childhood to voluntarily place himself in the front of battle, where there could be no thought of personal safety and no assurance of escape from wounds or even from death.

You may call it by what name you will, the sentiment that can inspire the human heart to brave death, in any form, when the occasion is such as to demand or warrant the sacrifice, is a heroic, a noble, a praiseworthy sentiment; and whatever may be the estimate put by others upon such services as were rendered by our late associate in the dark days now happily, we trust, passed forever away, it will remain for his comrades to estimate them at their true value.

For, sir, whatever may have been said or written by the unthinking, by dreamers, by men whose only ideas of war have been gained from works of history, or of romance, none but those who have themselves experienced the horrors of actual war, who have themselves kept the lonely vigil of the midnight watch and marched beneath the burning heat of the noonday sun, who have seen the lives of their comrades go out in the hospital and in the prison as well as upon the battlefield, by the wasting fever as well as by the bullet and sword, who have themselves stood in the shock of battle and witnessed the carnage and heard the cries of the wounded and the groans of the dying, can form an adequate conception of the perils incurred and the sufferings endured by the gallant and brave men who, in our own day and in defense of a cause no less valuable and no less dear to their countrymen than to themselves, wrought a work as unselfish, as heroic, as any in the annals or traditions of the past.

We are their witnesses. It is for us to tell the story of their deeds to the generations that shall follow. It is for us upon every proper occasion to speak their praises, and to commemorate in every appropriate way the virtues and services of the men who bore an honorable part, however conspicuous or obscure, in the day of our country's greatest trial and of its supreme deliverance.

Gen. Enochs was but a typical though an illustrious representative of the class of men constituting that grand army that mustered from the city and the hamlet, from the counting-house and the workshop, from the office and the farm, in response to the call of the Government, then menaced with a most imminent and deadly danger, and not simply menaced but actually involved in a struggle for its existence the most gigantic, the most memorable in the history of civil wars.

And so, to-day, the garlands we bring would be unworthy of us, and disparaging to our late associate and comrade, if we should fail to weave into their structure, and blend with every tribute we pay to his memory some expression of our sense of his fidelity to the highest duty that could challenge the patriotism, the loyalty, the heroism, the supreme devotion of any lover of his country.

The response of our friend to that challenge was as prompt and obedient as it was uncalculating and sincere. And through-

out the long and weary years of the war that spirit of devotion never faltered, nor did his courageous purpose for a moment waver, until the victory was won and the flag under which he fought floated again over all the land, the acknowledged ensign of a reunited people, having a common country, common interests, and a common destiny.

What more need be said of him? What higher tribute can be paid to the memory of any man than to say that he was true to every trust, loyal to every obligation, faithful in the performance of every duty, generous in every impulse, sincere in his friendships, the idol of his family, the defender of his country.

Our associate, our comrade, our friend, is no more. In the peaceful quietude of his own home, the hero of a score of battles met and surrendered to the destroying conqueror whose summons none may gainsay or resist.

He had lived to enjoy the reward of his services and sacrifices in the gratitude and love and confidence of his fellow-citizens. He died in the meridian of his manhood and in the fullness of his fame.

Let a grateful nation hold him in cherished remembrance, and may the example of his patriotism become and remain the pride and emulation of his countrymen.

Mr. WARNER. Mr. Speaker, upon my election to the Fifty-second Congress, and especially after my assignment to committees, I took a great deal of care to become acquainted, as it were, in advance, with those who were to become my colleagues in the House and my coworkers in the work of the committees to which I was assigned. I can well remember, sir, the idea I had formed in my own mind concerning the gentleman whose memory is now being recalled in this House. I had learned from the brief notes that had found their way to me that, a mere boy, he had enlisted in the Union Army, and coming out at the end of the war not quite 23 years of age, had filled nearly every position in the line of preferment, from that of private, with which he started out to serve his country, to that of brigadier-general, the brevet of which he wore when he left the service.

I also found, sir, that he had come from one of the most partisan—if I may use that term without incurring criticism—sections of the country; where, if one might judge from the majority by which his constituents sent him here to represent them in this House, the tendency of his party was such as to indicate extraordinary partisanship on the part of his people. I knew, sir, that the committee upon which I met him was one within which, probably to an extent not rivaled by that of any other committee, were considered matters which called up the most delicate questions of personal preference and all the warring claims of party and of locality; and I was prepared, sir, to be critical as regarded what seems to me must be the course which should be taken by such a man as I had pictured him to myself—not in an uncomplimentary matter—but as one judging from the prejudices and predilections necessarily opposed to those entertained by those with whom I was associated, and which would influence me in deciding a course of action.

Throughout the long term of service in that committee I found the gentleman from Ohio [Mr. Enochs] disappointed me in every particular, except in confirming the high qualities, their esteem of which had been so strongly voiced by his constituency. From the beginning to the end of a service which was marked upon his part by unvarying punctuality in attendance on our committee work there was not, I believe I can say, a single occasion in which it could have been inferred, from a vote he cast or any statement he made—except so far as he might have been called upon for information by those of his colleagues who desired it—what was the section from which he came, the party to which he belonged, or the interest in he which might be supposed to have most at stake. And, sir, it is the remembrance of that fact, and of that quiet industry with which he discharged the work that came upon him—the laborious and thankless work, I may say, of that committee in the last Congress—that I am here to-day to pay a tribute to his memory.

In doing so, sir, I am paying tribute to the memory of a soldier who, distinguished in war beyond his fellows, never by word or deed fought a *post bellum* battle; to the memory of a partisan strong in his belief in the mission of his party, so strong in his conviction of the justice of its cause that he believed the best way to serve it was to serve the best interest of our common country, without waiting to see how it affected his party; to the memory of a gentleman who, although possessing to such an extent the confidence of those who knew him that he had every reason to return that regard by deference to their personal predilections, was broad enough and generous enough to treat every other locality with the same consideration that he gave his own; to the memory of a patriot, sir, whose belief in the destiny of his own country was so sanguine that, even as to those who differed with him, his attitude was so tinged by his own generous spirit that he gave to every colleague credit for the same patriotic sentiments that animated himself.

[Mr. McKAIG addressed the House. See Appendix.

Mr. WILSON of Ohio. Mr. Speaker, I have listened with pleasure and profit to the well-deserved tributes which have been paid to the memory of Gen. Enochs here to-day.

It was my fortune to have some acquaintance with the distinguished gentleman, whose death we to-day commemorate. I did not know him intimately, but frequently met him in conventions of the political party of which he and I were members. In common with those who met him in any of the walks of life, I learned to esteem Gen. William H. Enochs for his excellent capabilities, genial fellowship, and his splendid military achievements.

Gen. Enochs was warm-hearted and generous to a fault. He could not resist the appeals of those who were disposed to disregard his friendship by imposing upon his magnanimity. But while this characteristic trait of his constitution was often prejudicial to his interests and individual success in business affairs, it contributed to his great popularity among the people with whom he lived. The generous-hearted man is always lovable because of his disinterested solicitude for the welfare of the humble people.

As one of the Congressional committee who attended the funeral of Gen. Enochs, I met a very large congregation of sympathizing friends and neighbors, who reverently witnessed the last sad rites. There were present also many distinguished gentlemen from abroad. The attendant scenes were impressive, one affecting feature being the presence of many humble men and women, who timidly entered the room where the remains were resting, and, as the unbidden tears moistened their cheeks, lingering looked, and then turned away from all that was mortal of the man who had been their friend.

I am informed that our lamented colleague died a poor man. But is it not worthy of reflection that this consideration is small compared to the fact that his memory is enshrined in the hearts of a grateful people. There are more than enough men who have died rich in the possession of this world's goods, but who left behind them no treasures in the memories of those who survived them. The wealthy may have erected to their memories magnificent monuments of marble or granite to mark the resting places of their ashes; but a far more enduring and honorable tribute of respect to the memory of a man is the abiding love and respect which those who knew him best retain for him after his death.

William H. Enochs was born on a farm March 24, 1842, and was there brought up. He was educated in the common schools, entered the Cincinnati Law School, graduated in 1866, and then practiced law. He was always courteous in his intercourse with other members of the bar and in the presence of the court.

But to my mind the most distinguished part of his eventful life was his services for the preservation of the Union. He enlisted in the Twenty-second Regiment of Ohio Volunteer Infantry on the 19th day of April, A. D. 1861; and he afterwards enlisted in the Fifth Regiment of West Virginia Volunteer Infantry, and became its commanding officer and led his regiment in many severe engagements.

On account of his bravery he was promoted corporal, sergeant, lieutenant, captain, lieutenant-colonel, colonel, and brevet brigadier-general successively. This is a record of which any man should be justly proud. As much as I esteem civil honors, I regard the military services of Gen. Enochs in the war of the rebellion as especially honorable. The man who in a righteous cause risks his life and sacrifices his private interests for the public welfare, is entitled to greater credit than he who in civil affairs distinguishes himself above his fellow-men.

Gen. Enochs was a member of the Fifty-second Congress and served in that body with distinction and ability. His constituency, proud of his record, returned him to the Fifty-third Congress; but he died before entering upon the discharge of his duties. He was patriotic to an eminent degree, and always used his best endeavors to advance the interests of those whom he represented, and especially those who served with him in the armies of his country. If Gen. Enochs had faults—and who has not?—they were those of an over-generous heart and were not of the kind that inflicted injuries upon others. He was a good citizen, a brave soldier, an able lawyer, a loving husband and father, a true friend—a gentleman.

Mr. Speaker, I regret that I am not prepared to make more fitting if not more extended remarks on this occasion. And I sincerely hope that my esteem for Gen. Enochs personally and my regard for his civil and military services will not be measured by the few words which I speak to-day. I am not sure that with preparation and care it would be possible for me to effectu-

ally express my appreciation of my distinguished fellow-citizen and fellow-soldier. His name is honored and respected among his neighbors, and his record as a statesman and soldier is found in the archives of his country, where future generations may trace his honorable and eventful civil and military career.

It is not expected that my remarks shall transcend a brief mention of the salient features of a busy and useful life. Yet, when confronted with the subject of life and death, our minds naturally reflect upon the possibilities of a future life. It is at such times that we most realize our inability to fully comprehend the attributes of the soul.

Life is marvelous beyond description, and death is not more mysterious than birth. The human intellect is incapable of understanding the principle of life, and can not penetrate beyond the veil which separates life and death. The tongue is powerless to express our imaginations or portray our feeble conceptions concerning the final destiny of man.

It is only by faith we see the glimmering lights of an eternity. What ecstatic beauties usher the spirit into the realms of futurity are known only to those who have passed beyond the scenes of earth.

But our faith in the divinity of our Creator springs from our hope of an eternity. The wisdom of God surpasses our understanding, and I believe we may rest assured of His goodness and mercy in all of His dealings with the subjects of this creation. Acknowledging His supremacy, trusting in His promises, and recognizing His infinite solicitude for the welfare of the human race, may we not freely commit into the keeping of our Creator the final destiny of every individual soul?

Mr. LAYTON. Mr. Speaker, it is my desire and purpose to pay a modest tribute to the memory of our deceased colleague and friend Gen. Enochs, but I am not quite prepared at this moment, and I therefore ask consent to print my remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. NORTHWAY. Mr. Speaker, in the presence of death we should always speak words of soberness and truth. Unmerited eulogy should never be indulged in, nor should we withhold a single word of just commendation. We may not always speak all the truth of a dead person, but what we do say should always be the truth. Our portraiture of a person should be so lifelike that acquaintances of that person can recognize in our language a correct likeness of the life and peculiarities of the one spoken of.

Such language may not always be used with pleasure, for its correctness may cause pain, not alone in the speaker but in the hearer or reader as well.

But when we have a subject of whom truthful words can be spoken without pain to the speaker or the listener, then what might otherwise be a burden is relieved of all unpleasantness and we cheerfully perform a sad duty in speaking of the merits of a dead friend.

In speaking of a public man we may confine our words to his public life as he lived it and leave untouched his private life, or we may venture to comment upon both. This oftentimes relieves a speaker of much embarrassment, for the public life may have been such as to merit commendation, while the private life may have been such that truthful words had better not be spoken publicly of it.

But when the private life has been along the line of high, noble, and manly action, has aided humanity and relieved pain and want, has strengthened the moral forces in society, has tended to build up and protect homes and families, has aided in the education and elevation of the masses, has been an example for the young, ambitious, and struggling men and women, has added to the imperishable glory of a nation, and taught the world by examples of heroic daring that sacrifice of one's self in defense of one's country places that one in the list of immortals; and when to this is added a public life which fully supplements the private life, and seeks to carry out in public acts those things which speak for public good, then we may with lively feelings of satisfaction make fitting mention of the whole life and hold it up in language of truthful eulogy as a life to be commended and followed as an example.

Some men have lived more conspicuous lives than Gen. Enochs, but few have lived truer or better ones. Many have had more extended public lives; none have lived those lives more conscientiously than he. Many whose private lives were known by a larger circle of men and women; few whose lives were purer or blessed more within its influence.

I had not the pleasure of an acquaintance with our dead friend, and it is for me to regret the want of that acquaintance.

Few men have devoted themselves more unselfishly to public or private good. Few men have exhibited greater devotion to their country or taught to better advantage the example of heroic daring.

Entering the Army as he did, a young man, and passing through all grades from private to brigadier-general by brevet, he exhibited a devotion to patriotism and country which must make his name immortal among the heroes of a country which blesses and immortalizes its brave defenders. When the war was over no feeling of hate or resentment found lodgment in his bosom. From over the fields of Vicksburg, Chickamauga, Gettysburg, and Appomattox there came to him no breezes freighted with malice or hate, but he was filled with forgiveness for all who made those fields possible, and love undying for all those brothers in arms who made those fields glorious.

He was a soldier who fought bravely and well to conquer—and then he forgave and treated all as brothers and not as conquered.

He had a broad-gauged mind and he looked at things on the human side and judged all in the spirit of kindness and humanity.

His service in Congress was of such short duration, being but one term, that little opportunity was afforded him to do those things which would bring him into prominence. None know so well as those who have tried the experiment how helpless one is to be of much service to his constituents or the country in Congress until, by experience, he has learned how work is done and under what rules. So it came about that Gen. Enochs followed the course pursued by so many others, and made but little public show. Yet those of you who served with him know how conscientiously he performed those duties which fell to his lot to perform.

But his history as a soldier, citizen, and public man is a sure guaranty that had he lived to continue his career in Congress he would have made a brilliant record, and become the pride of his constituents and his State. But death respects not ambition or prospective greatness in life. His icy touch chills into everlasting stillness the brave, the gentle, the young, and brilliant, as well as the weak and dull. He respects not bright hopes, and is not stayed by breaking hearts, but enters all the walks of life, and leaves his pall upon all homes, and—

> With ever busy fingers
> Culls his flowers, the sweetest, rarest,
> Binding in his sheaves the fairest.

But his touch is not the end. Those who are worthy will live in the memories of those who have been blessed by them, and in the remembrance of noble acts well done. Gen. Enochs when a very young man exhibited qualities of manhood and bravery which enshrined him in the hearts of his neighbors and friends, and made his career memorable.

He listened to the call of his countrymen, and well did he perform his duty.

And in his life he learned as well as taught that—

> Not once, nor twice, in our fair country's story,
> Was the path of duty the way to glory;
> And he who walks it, thirsting only for the right,
> And learns to deaden love of self—
> Before his journey closes, he shall find
> The stubborn thistle bursting into glossy purples,
> Which outredden all voluptuous garden roses.

Death may cut short human action, but it can not chill forever the memory of noble acts. So beyond the boundary of human activity buds and blooms loving remembrance, bidding defiance to death.

Our dead friend lives in all that is deathless; only his form is gone. His devotion to home and country, his bravery and gentleness, his life, "four square to every wind that blew," his kindness to friends and neighbors, his activity for public good, his humanity bear him up to everlasting remembrance, and have earned for him among his neighbors and acquaintances that glorious commendation which we trust greeted him on the other shore—"Well done."

Mr. BUNDY. Mr. Speaker, to my colleague, Gen. GROSVENOR, was committed the charge of conducting the order of the proceedings in calling the attention of the House to the death of the late Gen. Enochs.

This is in accordance with the wishes of his family and friends, as I am advised, but I desire the privilege of casting a sprig of cassia into his grave and of placing a flower on his tomb.

Gen. William H. Enochs was my immediate predecessor, having been elected in November, 1892, from the Tenth Ohio Congressional district. From the Directory of the Fifty-second Congress I glean a short and incomplete sketch of his life.

From this I learn that he was born in Ohio on the 29th day of March, A. D. 1842. He was brought up on a farm, and was educated in the common schools peculiar to those earlier days; he entered the Union Army as a private early in the war; served throughout the war as private, sergeant, captain, lieutenant-colonel, colonel, and brigadier-general. He commenced the study of law in camp, and at the close of the war entered the

Cincinnati Law School, from which he graduated, and was then admitted to the bar. He at once actively engaged in the practice of his profession, which he followed until his death.

At the annual election of 1890 Gen. Enochs was elected to the Fifty-second Congress from the Twelfth Ohio district by a very large majority, leading the State ticket, and in 1892 he was elected to the Fifty-third Congress from the Tenth Ohio district, which is composed in part of the former Twelfth district.

On the morning of the 13th of last July our district and State were severely shocked. The startling news went over the wires of the sudden death, at his home in Ironton, of Congressman Enochs. The news seemed incredible; and at first the people were unwilling to accept it as true. Conspicuously powerful in appearance, and in all his methods of work and action he seemed certain to survive all assaults save those of the ultimate years of man's allotted time. He had scarcely reached the meridian of his power, had just attained that point of a career whose future was destined to become one of usefulness and distinguished honor, when summoned from Time to Eternity.

Gen. Enochs was one of the noted characters that stand out in history, showing the possibilities of the young man who, unaided by wealth or fortuitous circumstances, and by the force of his own will power, honesty, industry, and perseverance can achieve and win distinction among his fellows such as the world awards to the so-called majesty of genius.

Born on a farm, inspired by the objects of nature, it might be said that Gen. Enochs received the rudiments of his education in the school of practical experience, which so eminently fits a young man for the battle of life.

Plain and unpretentious of manner, with a nature abounding in human sympathies, a lover of his country and of his kind, he was essentially a man of the people, a great commoner who was ever ready to give a helping hand to his fellows. He was a man of pronounced convictions on all questions and was as fearless in their utterance as he was sincere in their entertainment.

He was unfaltering in his loyalty to Republican principles, and even his political enemies were frank to admit their admiration for his open and conscientious convictions.

He stood squarely upon his merits as a man in all the relations of life, never shirked a duty nor sought to evade responsibility. His life was one of self-sacrifice in behalf of others, and he died as he had lived, an enemy to none, a friend to all mankind.

Gen. Enochs was a citizen loved by his neighbors, honored and respected by all; he was a philanthropist with a generous hand, and no unfortunate, however poor, ever left his door without having been comforted by his generosity. He was a soldier by instinct, a stranger to fear, a gallant leader whom men were always proud to follow, and whose time and talent in later years were devoted to the cause of his comrades; history shows that he was distinguished in all the lines of service in the Army—in fact, that he was one of the youngest, if not the youngest, commandants of a brigade in the volunteer service. He was a lawyer true to his profession, and exhibited an unfaltering zeal for the success of his clients. He was a statesman of the practical type, with exalted ideas of the obligations which public trust imposes. He was a patriot who loved his country with a jealous love, and was willing, if need be, to lay down his own life in defense of the old flag and the principles which it represents.

Gen. Enochs possessed, in a marked degree, all the elements which serve to attract men to each other. His popularity and ability are plainly demonstrated by his rapid promotion in the Army, his success as a lawyer, and his election to Congress.

But he has been suddenly called from his field of activity and usefulness here to take up the line of march of the silent majority, including a large number of his old comrades in the field, to the goal where we hope and believe there is no war, but where all is peace and joy eternal.

But, Mr. Speaker, our resolutions and eulogies fall silent upon the ear of our dead colleague.

> The good knight is dust,
> His good sword is rust,
> His soul is with the saints, we trust.

Mr. Speaker, the sudden taking off of Gen. Enochs left the companion of his joys and the sharer of his trials and sorrows, together with an only son—a bright young man, and his father, earnestly desiring that he should have that education and preparation necessary for intelligent and effective services to his country, nominated him to a cadetship to the Military Academy at West Point, and who, it is believed, will worthily represent the best interests of the country in the future as his brave father did in the past.

Mr. Speaker, when I retired from Congress in March, 1875, five of my colleagues had fallen during the last or short session of that, the Forty-third, Congress. As I return now, five of those who were members of this Congress have passed to the other shore.

Surely, Mr. Speaker, this ought to admonish us that we are fast approaching the assembling of that great and final congress of all nations, kindred, and tongues, whose sessions and terms are eternal, and whose business can not be interrupted by broken quorums. Is it not the supreme duty of the hour that the living should take all the precaution possible to assure the regularity of the elections, returns, and the official signing and sealing of commissions, so as to secure an unchallenged right to seats in that greatest of all congresses, where we shall be fully prepared to answer "yea" to that most significant and important question propounded by "the man of Uz," in the long ago—

> If a man die, shall he live again?

The resolutions were adopted; and the House accordingly (at 3 o'clock and 55 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. TYLER, from the Committee on Naval Affairs, reported the bill (H. R. 4440) for the relief of John L. Broome; which, with the accompanying report (No. 602), was ordered to be printed, and referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIAL, AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and a resolution of the following titles were introduced and severally referred as follows:

By Mr. OUTHWAITE: A bill (H. R. 6332) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890—to the Committee on Military Affairs.

By Mr. PICKLER: A resolution asking that the Committee on Military Affairs be empowered to inquire, by the examination of witnesses and records, as to who first suggested the Tennessee and Cumberland River campaign in the late war—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD: A bill (H. R. 6333) for the relief of S. T. Yount, of Bollinger County, Mo.—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 6334) for the relief of David A. Baugh—to the Committee on Pensions.

By Mr. McCULLOCH: A bill (H. R. 6335) for the relief of J. M. Thomas—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 6336) for the relief of Maj. Thomas W. Lion—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of W. H. Reid and 25 other citizens of Clare, Mich., asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTHOLDT: Petition of members of Elk Lodge, No. 430, Ancient Order United Workmen, of St. Louis, praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BUNDY: Memorial of the city council and 640 citizens of the city of Ironton, Ohio, for an appropriation of $25,000 for the purpose of protecting the Ohio River front within the city limits—to the Committee on Rivers and Harbors.

By Mr. COMPTON: Petition of Rev. Thomas I. Packard and others, praying for the passage of a law to prevent lotteries in this country—to the Committee on the Post-Office and Post-Roads.

By Mr. COOMBS: Petition of Hope Council, No. 81, Order of United Friends, of Brooklyn, in favor of the Manderson-Hainer bill, to secure to the fraternal press of this country the same rate of postage as is now granted to other newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition and resolution of the members of Tremont Lodge, No. 109, Iowa Legion of Honor, of Stanwood, Cedar County, Iowa, favoring the passage of the Manderson-Hainer bill, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of Frank Lucock and 31 other citizens and of Homewood Circle, No. 119, Pittsburg, Pa., asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the American Humane Association, indorsing House bill No. 4162—to the Committee on Interstate and Foreign Commerce.

By Mr. DANIELS: Two petitions in the interest of the fraternal society and college journals—to the Committee on the Post-Offices and Post-Roads.

By Mr. DINSMORE: Memorial and petition of the Cherokee Indian Citizenship Association, to create a tribunal to try and determine certain cases—to the Committee on Indian Affairs.

By Mr. ELLIS of Oregon: Remonstrance from E. P. Waltz and 159 others, of North Powder, Oregon, protesting against the proposed "God-in-the-Constitution amendment"—to the Committee on the Judiciary.

By Mr. FLETCHER: Petition and protest of Harrington Beal and 20 others, against the existence or establishment of the Louisiana lottery in the friendly State of Honduras—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL of Minnesota: Petition of citizens of Meeker County, Minn., in favor of the passage of Senate bill 1376, to more effectually regulate the sale of imitation dairy products—to the Committee on Agriculture.

Also, petition of citizens of Stewart, Minn., against the Louisiana lottery at Honduras—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTER: Protest of cigar-makers of Mansfield, Ohio, against an increase of tax on cigars—to the Committee on Ways and Means.

By Mr. HEARD: Remonstrance of the Cigar Makers' Local Union, No. 110, subordinate to International Union of America, against an increase of internal revenue on cigars—to the Committee on Ways and Means.

By Mr. LINTON: Petition of A. R. Ball and other citizens of Corunna, Mich., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of Thomas T. Addy and 25 other citizens of Sleepy Eye, Minn., favoring the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MEREDITH: Petition of Maj. Thomas W. Lion, through his wife, S. Somerville Lion, for increased pension—to the Committee on Invalid Pensions.

By Mr. RITCHIE: Petition of B. F. Rigby and 16 others, of Toledo, Ohio, favoring House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. SETTLE: Three petitions of citizens of the Fifth district of North Carolina, against the Wilson tariff bill—to the Committee on Ways and Means.

Also, petition of G. T. Martin, president of the faculty, and others, of the Fifth district of North Carolina, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT of Massachusetts: Petition of South Canaan, Wayne County, Pa., and of S. A. Hickoy and others, of Williamstown, Mass., in favor of legislation restricting the sale and transportation of oleomargarine—to the Committee on Agriculture.

SENATE.

MONDAY, *March 19, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Journal of the proceedings of Thursday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4831) to amend an act entitled "An act authorizing the construction of a high wagon bridge at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 13, 1890, and February 7, 1893.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5425) for a charter for the Iowa and Nebraska Pontoon Bridge Company.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 856) granting an increase of pension to John Stockwell;

A bill (H. R. 2640) for the relief of Brig. Gen. John R. Brooke, United States Army;

A bill (H. R. 5065) to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes;

A bill (H. R. 6073) to extend the limits of the port of New York; and

A bill (H. R. 6250) authorizing the Secretary of the Navy to loan the Columbian caravels to the American National Red Cross, incorporated.

The message also communicated to the Senate the resolutions of the House of Representatives on the death of Hon. William H. Enochs, late a Representative from the State of Ohio.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President.

A bill (H. R. 4956) directing the coinage of the silver bullion held in the Treasury, and for other purposes; and

A joint resolution (S. R. 62) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

COMPENSATION OF CUSTOMS OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioner of Customs relative to the payment of the compensation of officers of the customs for services rendered after the expiration of their commissions, and also the draft of a resolution providing for the payment of such claims for services already rendered and which may be rendered in the future, requesting for the latter early and favorable consideration; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate a communication from the clerk of the Court of Claims, transmitting the findings of that court in the cause of James C. Newman, administrator of Hal W. Green, deceased, *vs.* The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry cigar-makers of Bridgeport, Conn., remonstrating against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

Mr. HOAR presented petitions of 35 citizens of Massachusetts; of Rev. Ellsworth Bonfils and 192 other citizens of Port Chester, N. Y., and of Rev. Payson W. Lyman, of Fall River, Mass., and 10 other members of the Taunton (Mass.) Association of Congregational Ministers, praying for the enactment of legislation for the suppression of the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented the petition of S. A. Hickox and 40 other citizens of Williamstown, Mass., praying for the enactment of legislation to enable the States to enforce State laws regulating the substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry cigar-makers of Massachusetts, remonstrating against any increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented the petition of Waltham Lodge, No. 26, Ancient Order of United Workmen, of Waltham, Mass., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented the petition of E. W. Reid and sundry other citizens of Emmet County, Iowa, praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Tip Best Post, No. 75, Grand Army of the Republic, Department of Iowa, praying for the enactment of a just and equitable service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Tip Best Post, No. 75, Grand Army of the Republic, Department of Iowa, praying for the enactment of legislation to prevent the suspension of pensions heretofore granted, or which may hereafter be granted, unless fraud has first been proven; and also to secure the immediate restoration of all suspended pensions until such proof has been furnished; which was referred to the Committee on Pensions.

He also presented the memorial of H. Munchrath and sundry other citizens of Sioux City, Iowa, and the memorial of J. D. Fiddler and sundry other citizens of Williams, Iowa, remonstrating against an increase of the internal-revenue tax on distilled spirits; which were referred to the Committee on Finance.

He also presented memorials of Maurice Hall and sundry other citizens of Lincoln, Mich.; of E. H. Gault and sundry other citizens of Kalamazoo, Mich.; and of W. C. Barton and sundry other citizens of Avery, Iowa, remonstrating against the adoption of an amendment to the preamble of the Constitution of the United

States recognizing the Deity; which were referred to the Committee on the Judiciary.

He also presented petitions of N. B. Anthony and sundry other citizens of Stanwood; of Marshall Council, No. 588, National Union, of Marshalltown, and of Byron Webster and sundry other citizens of Marshalltown, all in the State of Iowa, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Journeymen Barbers' Union, No. 161; of Federal Labor Union, No. 6303, American Federation of Labor; of Retail Clerks' Association; of Local Union, No. 93; of Machine Woodworkers' Union, No. 71, and of Typographical Union, No. 251, all of Muscatine, Iowa; of Local Union, No. 88, Cigar Makers' International Union of America, of Dubuque, Iowa; of Cigar Makers' International Union of America, of Chicago, Ill., and of Cigar Makers' Union, No. 120, of Muscatine, Iowa, remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

Mr. SHERMAN presented a memorial of 115 citizens of Wooster, Ohio, remonstrating against the admission of the Territories of Utah, Arizona, and New Mexico into the Union as States until the Mormon question is more fully settled; which was referred to the Committee on Territories.

He also presented a petition of 28 ex-Union soldiers of Fulton, Ohio, praying for the settlement of all pension claims by December 31, 1894; which was referred to the Committee on Pensions.

He also presented a memorial of 125 citizens of West Indianapolis, Ind., remonstrating against the passage of the Wilson tariff bill; which was referred to the Committee on Finance.

He also presented a memorial of sundry leaf tobacco and cigar manufacturers of Dayton, Ohio, remonstrating against the imposition of ad valorem rates, and praying for the adoption of a specific duty of 50 cents per pound on all unstemmed leaf tobacco, and also for the adoption of the rate of duty proposed by the Wilson bill on foreign cigars; which was referred to the Committee on Finance.

He also presented a memorial of sundry window-glass workers of Pendleton, Ind., remonstrating against any change in the present duty on window glass; which was referred to the Committee on Finance.

He also presented a petition of Printing Pressmen's Union, No. 55, of Toledo, Ohio, praying for the appointment of a foreman of pressmen in the Government Printing Office; which was referred to the Committee on Printing.

He also presented petitions of 110 citizens of New Philadelphia, Ohio, and of 72 citizens of Ohio, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of 31 citizens of Youngstown; of Dr. S. J. Penfield, of Columbus; of sundry druggists of Massillon, Milan, Bryan, and Paulding; of Jerome Smith, of Mount Blanchard; of sundry citizens of Coolville, Hayesville, Cleveland, Seville, Lancaster, and Medina, and of George F. Sheets, of Cleveland, all in the State of Ohio, remonstrating against an increase of the internal-revenue tax on distilled spirits; which were referred to the Committee on Finance.

He also presented memorials of 60 citizens of Hamilton; of Local Union No. 96, Cigar Makers' International Union of America, of Akron; of 8 cigar manufacturers of Mansfield; of Local Union No. 4, Cigar Makers' International Union of America, ica, of Cincinnati; of 10 cigar manufacturers of Belmont, and of Local Union No. 115, Cigar Makers' International Union of America, of Canton, all in the State of Ohio, remonstrating against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented petitions of the Christian Endeavor Society, the Christian Union, and the Epworth League, all of Clifton, Ohio, praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which were referred to the Committee on the Judiciary.

Mr. DAVIS presented a memorial of the Watkins Medicine Company and sundry other druggists, of Winona, Minn., remonstrating against an increase of the internal-revenue tax on distilled spirits; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented memorials of Cigar Makers' Local Union No. 128, of Cheboygan; of the Central Labor Union of Grand Rapids, and of Cigar Makers' Union, No. 46, of Grand Rapids, all in the State of Michigan, remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

He also presented petitions of Carpenters' Union, No. 421; of the Bakers' Union; of Iron Molders' Union, No. 31; of the Journeymen Stonecutters' Union, and of Lodge No. 82, Machinists' Union, all of Detroit, Mich., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of C. C. Edwards and sundry other citizens of Lawton, Mich.; and the petition of David Lieber and sundry other citizens of Ann Arbor, Mich., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented the petition of Charles G. Pillsbury and 25 other citizens of Londonderry, N. H., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Commerce.

He also presented a petition of Mount Washington Lodge, No. 276, of Concord, N. H., praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY presented a petition of the American Humane Association, praying for the passage of House bill 4182, providing for an international conference to secure the better protection and care of animals in transit; which was referred to the Committee on Foreign Relations.

He also presented petitions of Apollo Lodge, No. 3, Shield of Honor, of Philadelphia; of Joseph L. Wright and 29 other citizens of Pittsburg, and of Theodore L. Seip and 21 other citizens of Allentown, all in the State of Pennsylvania, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of East Liberty, Renfrew, Reibold, Pittsburg, and Allegheny; of Joseph Hutchinson and 76 other citizens of Mars, and sundry citizens of Valencia and Myoma; of Robert J. Hill, jr., and 99 other citizens of Philadelphia, all in the State of Pennsylvania; of sundry other citizens of White Cottage, Ohio; Sterling, Kans., and Youngstown, Ohio, and of 34 citizens of Nuckolls County, Nebr., praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which were referred to the Committee on the Judiciary.

Mr. WILSON presented memorials of Journeymen Barbers' Union, No. 161; of Federal Labor Union, No. 6303; of Retail Clerks' Association, No. 93, and of Machine Wood Workers' Union, No. 71, all of Muscatine, Iowa, remonstrating against the proposed increase in the internal-revenue tax on cigars; which were referred to the Committee on Finance.

Mr. LODGE presented the memorial of Charles B. Kingsley and 8 other citizens of Massachusetts, remonstrating against the proposed increase of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of Seaverns & Co. and 45 other importers and dealers of bananas, of Boston, Mass., remonstrating against the duty proposed to be placed on bananas; which was referred to the Committee on Finance.

He also presented the petition of Warren A. Cass and 11 other citizens of Massachusetts, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER presented a memorial of Cigar Makers' Union, No. 345, of Kansas City, Kans., remonstrating against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented the petition of Rev. A. B. Irwin and sundry other citizens of Highland, Kans., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of W. J. Evans and sundry other citizens of Iola, Kans., and the memorial of James T. Prout and sundry other citizens of Morland, Kans., remonstrating against an increase of the tax on alcohol; which were referred to the Committee on Finance.

Mr. PERKINS presented a petition of sundry citizens of California, praying for the passage of the bill proposing to amend the Indian depredation law; which was referred to the Committee on Indian Affairs.

He also presented sundry petitions of citizens of San Francisco, Oakland, Honcut, Colusa, Lemoore, and Vernondale, and of Almo Court, No. 1256, Independent Order of Foresters, of Elmira, all in the State of California, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW presented a memorial of sundry citizens of Brown County, S. Dak., remonstrating against the passage of

the Wilson tariff bill; which was referred to the Committee on Finance.

He also presented a memorial of Cigar Makers' Union, No. 153, of Sioux Falls, S. Dak., remonstrating against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented the petition of W. H. H. Beadle, president, and sundry students of the State Normal School, of Madison, S. Dak., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

Mr. HAWLEY presented the petition of M. S. Baldwin and 25 other citizens of Naugatuck, Conn., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of dairy products; which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented the petition of D. E. Mills and sundry other farmers of Connecticut, praying for the enactment of legislation regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Cigar Makers' Union, No. 103, of Ansonia, Conn., and a memorial of Cigar Makers' Union, No. 282, of Bridgeport, Conn., remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

He also presented a petition of Yale Conclave, No. 224, Improved Order of Heptasophs, of New Haven, Conn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of 40 students of the Bangor Theological Seminary, Bangor, Me., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

He also presented a memorial of Cigar Makers' Local Union, No. 40, of Portland, Me., remonstrating against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented the petition of William Pearson and 26 other farmers of Piscataquis County, Me., and a petition of 17 farmers of Dover, Me., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which were referred to the Committee on Interstate Commerce.

Mr. HUNTON presented the petition of Mrs. Adalena T. Blick, of Ream's Station, Va., praying that she be reimbursed for property taken from her for the use of the Union Army during the civil war; which was referred to the Committee on Claims.

Mr. MILLS presented sundry memorials of citizens of Texas, remonstrating against an increase of the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. HARRIS presented the memorial of B. Lowenstein & Bros., of Memphis, Tenn., and the memorial of I. H. Stauffer, jr., and McCloskey Brothers, of New Orleans, La., remonstrating against the reduction of the bounty on sugar; which were referred to the Committee on Finance.

Mr. TURPIE presented petitions of Carpenters and Joiners' Union No. 299, of the Central Trade and Labor Union, and of Sawmakers' Union No. 1, all of Indianapolis, Ind., praying for the Governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Andrew Braun, G. Bonman, Warren L. Rader, J. A. Wilson, George Oaster, R. G. Baker, Albert Fuller, H. Osthouse, Charles E. Teague, Benjamin S. Welch, Robert Cordle, A. J. Siegfried, Shepherd & Bowman, O. Fuller, W. A. Miller, and William T. Cook, all cigar manufacturers of Muncie, Ind., and of sundry cigar manufacturers of Terre Haute, Hammond, and Indianapolis, all in the State of Indiana, remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

Mr. ALLEN presented a memorial of the Nebraska Blue Label Association, and sundry memorials of cigar manufacturers of Omaha, Nebr., remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

He also presented a petition of Lodge No. 172, Ancient Order of United Workmen, of Cedar Creek, Nebr., and a petition of sundry citizens of Cedar Creek, Nebr., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present a memorial of the St. Louis (Mo.) Mercantile Company, and the memorial of C. M. Kendrick & Co., of St. Louis, Mo., remonstrating against the administrative provision of the Wilson tariff bill, so called, which prevents an appeal from the final decision of appraisers in customs cases. I move that the memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL. I also present a petition of the Commercial Club of Kansas City, Mo., praying for the early ratification of the treaties now pending before Congress with the Wichita Indians and the Comanche, Kiowa, and Apache Indians, ceding to the United States certain lands. I move that the petition be referred to the Committee on Indian Affairs, and trust the committee will give prompt attention to it.

The motion was agreed to.

Mr. COCKRELL presented a memorial of Geyer & Murray, of Neosho, Mo., remonstrating against the passage of the clause in the Wilson tariff bill relating to building and loan associations; which was referred to the Committee on Finance.

He also presented sundry petitions of citizens of St. Louis and Marshall; of Grand Lodge, Ancient Order of United Workmen, of Kansas City; and of Chevalier Council, No. 1089, Royal Arcanum, of St. Louis, all in the State of Missouri, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry memorials of cigar manufacturers of Springfield; of Local Union, No. 95, Cigar Makers' International Union of America, of St. Joseph, and of the Industrial Council of Sedalia, all in the State of Missouri, remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE presented a petition of Versailles Lodge, No. 71, Ancient Order of United Workmen, of Rockvale, Tenn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KYLE presented a memorial of Cigar Makers' Union, No. 153, and of sundry citizens of Sioux Falls, S. Dak., remonstrating against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented a petition of the Granite Cutters' Union of the United States, of Concord, N. H., praying that subcontractors on Government buildings be compelled to work their men employed on such work no longer than eight hours per day; which was referred to the Committee on Education and Labor.

Mr. VILAS presented memorials of R. Rudloff and sundry other citizens of Eau Claire; of Grand Labor Council of La Crosse; of John Dingler and sundry other citizens of La Crosse, and of John Roth and sundry other citizens of Oshkosh, all in the State of Wisconsin, remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

He also presented memorials of O. L. Woodward and sundry other citizens of Clinton; of F. M. Kellogg and sundry other citizens of Kaukauna; of George L. Bauldauf and sundry other citizens of Milwaukee, and of Golding & Carey, of West Superior, all in the State of Wisconsin, remonstrating against an increase of the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. CULLOM presented memorials of Cigar Makers' Union No. 47, of Quincy; of sundry cigar manufacturers of Belleville; of Cigar Makers' Union No. 174, of Joliet, and of Cigar Makers' Union No. 243, of Chicago Heights, all in the State of Illinois, remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

He also presented the memorial of H. Ham and sundry other citizens of Browns, Ill., and the memorial of Patton Brennan and sundry other citizens of Mount Carmel, Ill., remonstrating against an increase of the tax on alcohol; which were referred to the Committee on Finance.

He also presented sundry petitions of citizens of Aledo, Danville, Chicago, Peoria, and Eureka; of Lake Camp, No. 174, Modern Woodmen of America, of Waukegan, and of Court Englewood, No. 47, Independent Order of Odd Fellows, of Englewood, all in the State of Illinois, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER presented the petition of Charles G. Pillsbury and 25 other citizens of Londonderry, N. H., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

Mr. HALE presented a memorial of Cigar Makers' Local Union No. 40, of Portland, Me., remonstrating against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented the petition of Amasa Gilman and sundry other citizens of Dover, Me., and a petition of sundry citizens

of Guilford and Abbot, Me., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of dairy products; which were referred to the Committee on Interstate Commerce.

Mr. McMILLAN presented the memorial of M. E. Asin and sundry other citizens of Marquette, Mich., remonstrating against the passage of the Wilson tariff bill; which was referred to the Committee on Finance.

He also presented a memorial of the Sebewaing Leather Company, of Cheboygan, Mich., remonstrating against a reduction of the duty on sole leather; which was referred to the Committee on Finance.

He also presented petitions of Prof. Charles E. Green and other members of the faculty of the University of Michigan, Ann Arbor, Mich., and of W. H. Horner and sundry other citizens of Saginaw, Mich., praying for the enactment of legislation to suppress the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented the petition of A. N. Smith and 275 other citizens of Clare and Isabella Counties, Mich., and the petition of A. D. Gillies and sundry other citizens of Cass City, Mich., praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Schweikle Bros. and sundry other citizens of Mangonde and Bay City; of W. H. McKinstry and sundry other citizens of Muskegon; of C. L. Hobart and sundry other citizens of Flint, and of sundry cigar manufacturers of Detroit, all in the State of Michigan, remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

Mr. VEST presented a petition of Mound City Saddle and Harness Makers' Union, No. 28, of St. Louis, Mo., praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of C. C. Armstrong and sundry other citizens of Carrollton, Mo., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GRAY presented a memorial of the House of the Good Shepherd of the District of Columbia, remonstrating against any appropriations being made for their maintenance through the Board of Children's Guardians of the District of Columbia, and praying that such appropriations when made shall be given direct to the institution; which was referred to the Committee on Appropriations.

Mr. SQUIRE presented the petition of Dr. J. P. Turney and sundry other citizens of Davenport, Wash., praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Seattle, Colfax, Spokane, Pomeroy, Pullman, Palouse, Kent, Port Townsend, Port Angeles, and Snohomish, all in the State of Washington, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRICE presented a petition of Hollingsworth Division, No. 100, Railway Conductors' Association, of Columbus, Ohio, praying for the enactment of legislation to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate and territorial transportation of property or passengers and their employés; which was referred to the Committee on Interstate Commerce.

He also presented the petition of Henry Marsh and 21 other citizens of Shauck, Ohio, ex-soldiers of the late war, Department of Ohio, praying for an investigation of the present administration of the Pension Office; which was referred to the Committee on Pensions.

He also presented a petition of Pressmen's Union, No. 42, of Akron, Ohio, praying for the appointment of a foreman of press-work in the Government Printing Office; which was referred to the Committee on Printing.

He also presented a petition of the Canton Trades and Labor Assembly, of Canton, Ohio, and a petition of the Trades and Labor Council, of Tiffin, Ohio, praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Fraternal Mystic Circle, No. 357, of Bucyrus; of 23 citizens of Cleveland; of 72 citizens of Ohio; of Carol Council, No. 1473, Royal Arcanum, of Carthage; of Norwalk Council, No. 403, Royal Arcanum, of Norwalk; of 13 citizens of Bucyrus; of Dayton Lodge, No. 48, Ancient Order of United Workmen, of Dayton; of 14 citizens of Fremont; and of 35 citizens of Carthage, all in the State of Ohio, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 354 citizens of the State of Ohio, praying for the repeal of section 26 of the internal-revenue law of 1890, permitting the sale of leaf tobacco by retail dealers without payment of tax; which was referred to the Committee on Finance.

He also presented a memorial of Cigar Makers' Union, No. 48, of Toledo, Ohio, remonstrating against a reduction of the duty on imported cigars, and also against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Sharon, Springfield, Washington Court-House, Rix Mills, Findlay, Galion, Cleveland, Milan, and Luckey, all in the State of Ohio, and of citizens of Noble County, Ohio, remonstrating against the imposition of an income tax, and also against an increase of the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented the memorial of John J. Purinton in behalf of 1,300 members of the East Liverpool Building and Loan Association, of East Liverpool, Ohio, remonstrating against the passage of the clause in the Wilson tariff bill relating to building and loan associations; which was referred to the Committee on Finance.

He also presented a memorial of the Dayton Druggists' Association, of Dayton, Ohio, and the memorial of Nathan Rosewater, of Cleveland, Ohio, remonstrating against an increase of the tax on alcohol; which were referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Trumbull County, Ohio, remonstrating against the passage of the Wilson tariff bill; which was referred to the Committee on Finance.

He also presented a petition of 200 citizens of Harrison County, Ohio, praying that wools and woolen goods be placed on the free list by the passage of the Wilson tariff bill; free wool to take effect on the passage of the bill and free woolens to follow within a reasonable time thereafter; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 1296) for the relief of Andrew Gray, reported it without amendment.

Mr. PUGH. The Committee on the Judiciary have had under consideration the joint resolution (S. R. 60) to ascertain the right of certain parties to the award of the Cherokee loan, and have unanimously instructed me to report back the joint resolution adversely, and recommend that it be indefinitely postponed.

The report was agreed to.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the bill (S. 970) to regulate water-main assessments in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1749) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1750) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 5771) authorizing the Texarkana and Shreveport Railroad Company to bridge Sulphur River, in the State of Arkansas, reported it without amendment.

Mr. BUTLER. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 1438) for the relief of Louis A. Yorke, to report it adversely, and submit a report thereon. I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BUTLER. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 1254) to permit Agnes A. Niver to bring a suit against the United States, to submit an adverse report thereon. I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3740) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," reported it with amendments.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 1775) granting a pension to Harriet Williams; which was read twice by its title, and, with

the accompanying paper, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1776) to remove the charge of desertion from the military record of Warren Prosser; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PASCO (for Mr. PALMER) introduced a bill (S. 1777) to finally adjust the swamp-land grants, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SMITH introduced a bill (S. 1778) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also (for Mr. MCPHERSON) introduced a bill (S. 1779) authorizing certain officers of the Navy to administer oaths; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (for Mr. MCPHERSON) introduced a bill (S. 1780) to provide for the creation of the office of assistant to the Chief of the Bureau of Supplies and Accounts, Navy Department; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (for Mr. MCPHERSON) introduced a bill (S. 1781) for the employment and relief of ex-civil apprentices; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (for Mr. MCPHERSON) introduced a bill (S. 1782) to amend the Articles for the Government of the Navy relative to punishment on conviction by court-martial; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (for Mr. MCPHERSON) introduced a bill (S. 1783) to provide for naturalization by enlistment and service in the United States Navy and Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (for Mr. MCPHERSON) introduced a bill (S. 1784) to amend section 3719 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CHANDLER introduced a bill (S. 1785) to remove the charge of desertion from the record of Charles T. Hurd, formerly a landsman in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1786) for the relief of Charles E. Behle; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PEFFER. I desire to introduce two bills, both of them by request. They come from what is designated by an indorsement as the "Good Roads Association of the United States." I know nothing about this association. I am personally acquainted with the gentleman who claims to represent the association—a man of good character. The bills are respectful in form. I merely wish to say that I am not in sympathy with the object of the bills, and therefore I wish to have it distinctly understood that I am in nowise responsible for the matter contained in them. Still, while that is true, I look upon this class of cases a good deal like I do upon a petition, and that it is not any of my business what is the object of a petition or what is the object of a bill if it is courteous and respectful and comes from people who are worthy of respect. I ask that the bills be referred to the Committee on Education and Labor.

The bills were severally read twice by their titles, and referred to the Committee on Education and Labor, as follows:

A bill (S. 1787) to provide for public improvements and employment of the citizens of the United States; and

A bill (S. 1788) to provide for the improvement of public roads, and for other purposes.

Mr. MANDERSON introduced a bill (S. 1789) to provide for the resurvey of Grant and Hooker Counties, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 1790) to reimburse the city of Nebraska City, Nebr., for money expended in street paving at the north end of the Government building in that city; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. PERKINS (for Mr. WHITE) introduced a bill (S. 1791) for the relief of James Joyes, late first lieutenant United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 1792) granting a pension to Joseph M. Pilkington; which was read twice by its title.

Mr. COCKRELL. In support of the bill I present the petition of Joseph M. Pilkington, and the affidavits of W. J. Satterwhite and Drs. John W. Trader and W. H. Evans. I move that the bill be referred, with the accompanying papers, to the Committee on Pensions.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HUNTON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURPIE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

CLERICAL FORCE IN TREASURY AND INTERIOR DEPARTMENTS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution, submitted by Mr. GALLINGER on the 15th instant, as follows:

Resolved, That the Secretary of the Treasury and the Secretary of the Interior be directed to transmit to the Senate, in separate lists, the names of all clerks appointed, promoted, reduced, and dismissed since the 4th day of March, 1893, and the State to which each clerk is credited.

Mr. GALLINGER. As I desire to make a little further investigation in the line of the resolution, I ask unanimous consent to withdraw it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the resolution is withdrawn.

POLICY REGARDING HAWAII.

Mr. GEORGE. I desire to give notice that to-morrow morning, as soon as I can get the floor conveniently, I shall call up the resolution in reference to Hawaii, reported by the Senator from Indiana [Mr. TURPIE] from the Committee on Foreign Relations, with a view of making some remarks on the legal aspects of the case.

TRANSMISSION OF PERIODICALS, ETC., IN SACKS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PEFFER on the 15th instant, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, instructed to consider and report whether the postal laws and regulations ought not to be so amended that any person shall have the right to mail any periodical, track, leaflet, or other similar publication, by the sack or otherwise, and have the same delivered to any receiver of mail at any domestic post-office when the postage is prepaid thereon at the rate of 1 cent per pound or fractional part thereof, and when such publications are not of obscene or immoral character, not issued for advertising purposes, nor to incite riot or insurrection.

Mr. PEFFER. Mr. President, this resolution is one that needs to be explained before it is acted upon by the Senate, and I shall occupy a very few minutes in explaining its object.

In the first place, under the rules and regulations of the Post-Office Department, mailable matter is divided into classes. There is one general class known as second-class matter, and it has two subdivisions. I read section 276 of the Postal Laws and Regulations of 1893:

Mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year, and are within the conditions named in sections 12 and 14. (Act of March 3, 1879, sec. 10; 20 Stats., 359.) The sections referred to are 293 and 277. Second-class matter above described is of two kinds: (1) That sent by publishers or news agents. (2) That sent by others than publishers or news agents. (Section 302.)

Something more than a year ago, perhaps a year and a half ago—at any rate under the last Administration—my attention was called to the rejection by the Post-Office Department of an application made by the secretary of the Kansas State Farmers' Alliance and Industrial Union. The application was made for permission to have a certain publication of the order to which he belonged passed through the mails as second-class matter under the section which I have just read. Upon examination of a copy of the publication the Postmaster-General was of opinion that it was not such a publication as is included within the purview of the statute and the regulations.

Upon further examination, however, and upon representation by myself, the Department reëxamined the publication, and found

that it was not an advertising sheet in any sense; that it did not come under any of the heads relating to objectionable matter; that it was merely a publication of the order, issued once a month, for the purpose of conveying the news as to the progress of the order, the changes made in their rules and regulations, and the general drift and tendency of the work of the order. Later, under the same Administration, another application was made by a gentleman in the city of St. Louis, one Mr. Morgan, as I remember. He proposed to issue a regular weekly newspaper, and was anxious to advertise the paper and the enterprise largely with the first edition. He wished to send through the mails an edition of a hundred thousand copies of the first issue of the paper.

His application was rejected, on the ground that the legitimate subscription list of the publisher was too small to justify so large a circulation for the first issue, or for any other issue in excess of the bona fide mailing list. Upon further examination, and also upon my own presentation of the case, the Postmaster-General modified his order to the extent that papers to the number of about five times the number of bona fide subscribers upon the publisher's list might be sent through the mails at the first issue, and a certain number in advance from that time on so as to correspond as nearly as might be with the practice as to other regular publications.

Mr. President, I have another case which is different from either of the former cases, in which, in the ruling, the Postmaster-General, upon a second application, not one personal from myself, however, remains of the belief that his former ruling was correct. The gentleman affected has appealed to me for assistance, and I have thought it best to render it by offering the pending resolution. He is a resident of this city, a citizen of the State of Virginia, I believe, and he is an active advocate of views which he and a few others like him hold upon economic questions.

He has found it convenient in several instances to announce himself as a candidate for prominent offices in the State of Virginia, member of Congress, governor, and the like, with a view of disseminating his ideas. By way of aiding his ambition in this respect he proposed to publish a little periodical, a quarterly, called the Virginia Pantocrat.

The gentleman claims to be the founder of a new party called the Pantocrat party, and the members speak of themselves as Pantocrats. His publication is altogether respectable, altogether decent; but it was clear to my mind upon the presentation of the first issue of his little paper that it was not properly mailable as second-class matter. I so advised him, and the reason I gave was that it was advertising the man rather than the doctrine, at least it was advertising both; and upon appeal to the Postmaster-General he received a similar answer. But now he comes out with a second number of his paper, from which he has eliminated the advertising feature; that is to say, that which advertised himself upon the ticket of any party, and he simply presents the doctrines, the same as a Republican writer or a Democratic writer or a Populist or a Prohibitionist or a Nationalist writer would do. He claims the privilege of passing through the mails as second-class matter this little paper.

The resolution asks that the Committee on Post-Offices and Post-Roads shall consider and report not any specific matter, but whether the postal laws and regulations ought not to be so amended that any person shall have the right to mail any periodical, tract, leaflet, or other similar publication, by the sack or otherwise, and have the same delivered to any receiver of mail at any domestic post-office when the postage is prepaid thereon at the rate of 1 cent per pound or fractional part thereof, and when such publications are not of obscene or immoral character, not issued for advertising purposes, nor to incite riot or insurrection.

While I am not in harmony with this paper at all, any more than I am with a Republican or a Democratic paper, a question is presented by this man and it is that question that I now present to the Senate for action by the Committee on Post-Offices and Post-Roads, whether the postal laws and regulations may not be or ought not to be so amended that any person, whether he be a publisher or not, whether he is a private citizen or who he may be, may not properly pass through the mails as second-class matter such periodicals as are mentioned in the law and the regulations now. For example, a friend of mine in the city of New York may forward to me a thousand or ten thousand tracts with the request that I distribute them. They may be temperance tracts, they may be religious tracts, they may be political tracts, they may be reform tracts, they may be tariff tracts, or what not. The resolution would permit my friend in New York to send those tracts to me as second-class matter, and it would permit me to mail and distribute them in packages or single at pound rates, a cent a pound for every pound or fraction of a pound.

So, too, it would permit me to distribute my newspapers after I have read them; and that is a very common practice with a great many people. After they have read their newspaper or their magazine or their tract they are anxious to send it to some friend in order that he or she may have the same benefit or pleasure from perusing it that they did; and if the law were amended as the resolution suggests it would permit persons to send periodicals of those classes through the mail the same as a publisher does. While I do not see any reason why it should not be done, I see a good many reasons why it should be done, and I therefore now appeal to the Senate and ask that the resolution may be adopted and that the committee may consider carefully whether the time has not come when any individual person, man, woman, or child, may send through the mail at pound rates just such matters as the newspaper publishers and printers are permitted to send through the mail. That is all there is in the resolution, and I ask that it may be adopted.

Mr. PLATT. I wish to have the resolution read once more.

The Secretary again read the resolution.

Mr. PLATT. I have no objection to the passage of the resolution. I do not believe in its adoption, but I have no objection to its being considered by the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. PEFFER. I move that the papers in my possession be referred to the Committee on Post-Offices and Post-Roads in connection with the resolution. I will send them to the desk.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 856) granting an increase of pension to John Stockwell was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 5065) to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 6073) to extend the limits of the port of New York was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 6250) authorizing the Secretary of the Navy to loan the Columbian caravels to the American National Red Cross, incorporated, was read twice by its title, and referred to the Committee on Naval Affairs.

BRIG. GEN. JOHN R. BROOKE.

The bill (H. R. 2640) for the relief of Brig. Gen. John R. Brooke, United States Army, was read twice by its title.

Mr. MANDERSON. A bill identical with this measure passed the Senate about a week ago. The only change there is in the House bill is one that decidedly betters it, and requires that within three months from the passage of the act this offer of compromise shall be accepted by the judgment creditors. I ask that the bill be put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MANDERSON. I ask that the bill be read at length, so that there may be no question about the two bills being identical.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be authorized and directed to pay to the legal representatives of Andrew Cameron, of New Mexico, the sum of $1,000, and to the legal representatives of John Smith, of New Mexico, the sum of $1,000, being in full satisfaction of the judgments obtained by the said Cameron and Smith in the district court of the first judicial district of the Territory of New Mexico, at the August term of 1809, against Lieut. Col. John R. Brooke, Third Infantry, United States Army, now brigadier-general United States Army, for alleged trespass and false imprisonment: *Provided*, That the provisions of this bill shall be accepted by the legal representatives of Andrew Cameron and John Smith as a settlement in full of all claims against John R. Brooke, of the United States Army, within three months from the passage hereof. And the said sums are hereby appropriated for said purposes, out of any money in the Treasury not otherwise appropriated, to be paid and received in full discharge and satisfaction of all claims arising out of said judgments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEATH OF THE LATE REPRESENTATIVE ENOCHS.

Mr. SHERMAN. I ask that the resolutions of the House of Representatives in reference to the death of my late colleague in that body be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The resolutions were read, as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. William H. Enochs, late a Representative from the State of Ohio.

Resolved, That the business of the House be suspended in order that the

public services and private character of the deceased be thoroughly commemorated.

Resolved, That the Clerk of the House of Representatives be directed to communicate these resolutions to the Senate, and send a duly attested copy to the widow of the deceased.

Resolved, That at the conclusion of these services the House, as a further mark of respect, do adjourn.

Mr. SHERMAN. I ask that the resolutions lie on the table for the present. At some convenient period I shall call the attention of the Senate to the matter.

The VICE-PRESIDENT. The resolutions will lie on the table.

PROPOSED EXECUTIVE SESSION FOR TUESDAY.

Mr. CALL. I desire to give notice that I shall not move for an executive session to day, but will do so to-morrow. I make this announcement at the request of Senators who have some special bills they wish to have acted upon by the Senate to-day.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1749) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa., which was reported this morning from the Committee on Commerce, with amendments. It is a bill to which there is no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments of the Committee on Commerce will be stated in their order.

The first amendment was on page 2, to strike out section 2 in the following words:

SEC. 2. That any act of Congress, or part of an act inconsistent herewith, so far as it affects the same, is hereby repealed.

The amendment was agreed to.

The next amendment was in section 3 [2], line 23, after the word "feet" to insert the words "in length in the clear;" after the word "and," in the same line to insert "the;" and to strike out in line 24 the words, "fifty-three feet above low-water mark," and insert "the superstructure shall not be less than 53 feet above the level of the water at pool full in said river;" so as to make the proviso read:

Provided, That the channel span of said bridge shall be not less than 500 feet in length in the clear, and the clear height of the superstructure shall not be less than 53 feet above the level of the water at pool full in said river.

The amendment was agreed to.

The next amendment was in section 5 (4), line 4, after the word "date," to strike out the word "hereof" and insert "of the approving this act;" so as to read:

That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approving this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF WAY THROUGH GRAND RONDE INDIAN RESERVATION.

Mr. DOLPH. I ask unanimous consent for the consideration at this time of the bill (S. 755) granting the right of way to the Albany and Astoria Railroad Company through the Grand Ronde Indian Reservation in the State of Oregon, which was reported from the Committee on Indian Affairs by the Senator from Nevada [Mr. STEWART].

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments: in section 1, line 3, before the word "hundred," to strike out "two" and insert "one;" and in line 4, after the word "width," to insert "and such additional width as may be required at any point on account of the formation of the ground for necessary cuts and fills;" so as to make the section read:

That a right of way not exceeding 100 feet in width and such additional width as may be required at any point on account of the formation of the ground for necessary cuts and fills through the Grand Ronde Indian Reservation, in the State of Oregon, shall be, and is hereby, granted to the Albany and Astoria Railroad Company, a corporation duly organized under the laws of the State of Oregon, or its assigns, according to the plans and surveys of the route to be filed in the Department and approved by the Secretary of the Interior; and said company shall also have the right to take from said lands adjacent to the line of said railroad, material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of road.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSOLIDATION OF GEORGETOWN WITH WASHINGTON, D. C.

Mr. FAULKNER. I ask unanimous consent for the present consideration of Senate bill 445, which was objected to some time since by the Senator from Nebraska [Mr. ALLEN]. He has examined the bill and states that he has no further objection to it. It is very important that the bill shall be passed at an early date.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 445) supplementary to an act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, and also an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPERTY RETURNS BY GOVERNMENT OFFICERS.

Mr. PROCTOR. I ask unanimous consent that the bill (H. R. 5530) to regulate the making of property returns by officers of the Government be now considered. It was passed over heretofore on the objection of the Senator from Florida [Mr. CALL], who now withdraws his objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that instead of forwarding to accounting officers of the Treasury Department returns of public property intrusted to the possession of officers or agents, the Quartermaster-General, the Commissary-General of Subsistence, the Surgeon-General, the Chief of Engineers, the Chief of Ordnance, the Chief Signal Officer, the Paymaster-General of the Navy, the Commissioner of Indian Affairs, or other like chief officers in any department, by, through, or under whom stores, supplies, and other public property are received for distribution, or whose duty it is to receive or examine returns of such property, shall certify to the proper accounting officer of the Treasury Department, for debiting on the proper account, any charge against any officer or agent intrusted with public property, arising from any loss accruing by his fault, to the Government as to the property so intrusted to him.

The certificate shall set forth the condition of such officer's or agent's property returns, that it includes all charges made up to its date and not previously certified, that he has had a reasonable opportunity to be heard and has not been relieved of responsibility; the effect of such certificate, when received, shall be the same as if the facts therein set forth had been ascertained by the accounting officers of the Treasury Department in accounting.

The manner of making property returns to or in any administrative bureau or department, or of ascertaining liability for property, under existing laws and regulations, shall not be affected by this act, except as provided in section 1; but in all cases arising as to such property so intrusted the officer or agent shall have an opportunity to relieve himself from liability.

The heads of the several Departments are empowered to make and enforce regulations to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the following bill and joint resolution:

A bill (S. 432) to provide an American register for the steamer El Callao; and

A joint resolution (S. R. 51) to provide for the printing of the report of the joint committee of Congress, and proceedings, at the Centennial celebration of the laying of the cornerstone of the Capitol.

BRITISH OCCUPATION OF NICARAGUAN TERRITORY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States: which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State concerning the landing of British troops at Bluefields, Nicaragua, in answer to the resolution of the Senate of the 7th instant on that subject.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, March 19, 1894.

DIPLOMATIC CORRESPONDENCE RELATING TO HAWAII.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was

read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Congress:

I transmit herewith a copy of a dispatch recently received from our minister at Hawaii, together with copies of the inclosures which accompanied said dispatch.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 19, 1894.*

BRIDGES OVER TEXARKANA AND SABINE RIVERS.

Mr. COKE. I ask unanimous consent for the present consideration of the bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers in the States of Louisiana and Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COKE. The Committee on Commerce reported an amendment to the bill, on page 2, line 34, which I ask may be acted upon.

The PRESIDING OFFICER (Mr. FRYE in the chair). The amendment reported from the Committee on Commerce will be stated.

The SECRETARY. In section 1, line 34, after the words "direction and," it is proposed to strike out "as nearly as practicable," so as to read:

And if the bridges, or either of them, over the said rivers shall be constructed as draw or pivot bridges, the draw or pivot pier shall be over the main channel of the river at an accessible navigable point, and the openings on each side of the pivot pier shall not be less than 100 feet in the clear, unless otherwise expressly directed by the Secretary of War, and if so directed shall be according to such direction, and the said openings shall be accessible at all stages of water, and the spans shall be not less than 10 feet above extreme high water, as understood at the point of location, to the lowest part of the superstructure of the bridge, and the piers and draw rests shall be parallel with, and the bridge or bridges at right angles to, the current of the river or rivers, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PROMOTION OF ANATOMICAL SCIENCE.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1280) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 5, after the word "prison," to strike out "almshouse;" in line 6, before the word "morgue," to insert "or," and after the word "morgue" to strike out "or asylum;" in line 12, after the word "each," to strike out "the number assigned to each being proportioned to that of its students;" so as to make the section read:

That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of or control over any hospital, prison, jail, or morgue within the District of Columbia may, with the approval of the health officer of said District, deliver to the duly authorized agent of any medical college or colleges in the District of Columbia, the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges in proportion to the number of students in each: *Provided, however*, That if the deceased person, during his last illness, requested to be buried, or if within forty-eight hours after his death any person claiming to be, and satisfying the health officer that he is, a relative by blood or marriage or friend of the deceased, asks to have the body buried, or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "given," to insert "by the person or persons having lawful charge of said bodies;" in line 6, after the word "known," to strike out "by the persons having lawful charge of said bodies, and," and insert:

And, if not known, the death of the deceased shall be published at least once in a daily newspaper published in the city of Washington, in the District of Columbia, in which publication the full name of the deceased person shall, if possible, be given, and, if such name be not known, a description of the person and apparel of the deceased, with information of the place where they may be seen, the expenses of such publication to be paid as other expenses of the District of Columbia are paid: *Provided*, That

and in line 17, after the word "until," to strike out "twenty-four hours after the" and insert "at least thirty-six hours shall have elapsed since the death of said deceased and;" and in line 19, after the word "notice," to insert "or the publication of the same;" so as to make the section read:

SEC. 2. That before the bodies of such deceased persons as are mentioned in the first section shall be delivered to the authorized agents of any medical college in the District of Columbia, notice shall be given by the person or persons having lawful charge of said bodies to the relative or friend of the deceased, if known, and if not known, the death of the deceased shall be published at least once in a daily newspaper published in the city of Washington, in the District of Columbia, in which publication the full name of the deceased p rson shall, if possible, be given, and if such name be not known, a description of the person and apparel of the deceased, with information of the place where they may be seen, the expenses of such publication to be paid as other expenses of the District of Columbia are paid: *Provided*, That the persons named in the first section shall not deliver the body of the deceased, as provided in this act, until at least thirty-six hours shall have elapsed since the death of said deceased and giving of said notice or the publication of the same.

The amendment was agreed to.

The next amendment was, in section 3, line 15, after the word "buried," to insert "or who shall disregard the expressed wishes of the deceased, or of his or her friends, where such wishes may be disclosed, as provided for in section 1 of this act;" so as to make the section read:

SEC. 3. That every person who shall have been duly authorized by the faculty of any medical college in the District of Columbia to receive such dead bodies shall, before so receiving them, give to the health officer of said District a bond in the sum of $200, with surety satisfactory to said health officer, and conditioned that each dead body shall be used only for the promotion of anatomical and surgical knowledge within the said District of Columbia, and that after having been so used the remains thereof shall be decently buried; and whosoever shall use such body or bodies for any purpose other than that aforesaid, or shall remove the same beyond the limits of the District of Columbia, and whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, or who shall disregard the expressed wishes of the deceased, or of his or her friends, where such wishes may be disclosed, as provided for in section 1 of this act, shall be deemed guilty of a misdemeanor and shall, on conviction, be imprisoned for a term of not less than two nor more than three years at hard labor in the jail of said District.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACCOUNTS OF TREASURER OF THE UNITED STATES.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (H. R. 5529) to repeal section 311 of the Revised Statutes of the United States relating to accounts of the Treasury of the United States. It is one of the bills reported from the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'GARRAHAN.

Mr. TELLER. I intended this morning to call up Senate bill 341, known as the McGarrahan bill; but there are some Senators who desire to have me postpone its consideration until Thursday. I now ask unanimous consent that that bill may be made the unfinished business for 2 o'clock on Thursday, which, I believe, meets the approval of those who are opposed to the bill.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that Senate bill 341, known as the McGarrahan bill, may be assigned for consideration for Thursday at 2 o'clock as the unfinished business. Is there objection? The Chair hears none, and the assignment is made.

FORMS OF DEEDS IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER. I ask unanimous consent for the present consideration of the bill (S. 832) to simplify the form of deeds of conveyance, trust, and releases of land in the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 12, after the word "shall," to insert "unless exception be made therein;" so as to make the section read:

That from and after the passage of this act any instrument of writing hereafter signed, acknowledged, and recorded in said District, and in the following form or to the like effect, namely:

"This deed, made this ——— day of ———, A. D. ———, between [the grantor] and [the grantee], witnesseth: That in consideration of [here state the consideration] the said [the grantor] conveys unto the said [the grantee] the following property, situate in the District of Columbia [here describe the property]. With as the following signature," shall, unless exception be made therein, be deemed and held sufficient in law and in equity to vest in the grantee or grantees therein named his, her, or their heirs or assigns, all the interest and estate, legal and equitable, of the grantor or grantors therein named and signing the same, in and to the land therein described, with all the improvements thereon and all easements, hereditaments, appurtenances, and rights thereunto belonging.

The amendment was agreed to.

The next amendment was, in section 2, line 2, before the word "shall," strike out "and warrants" (or "warrant"), and insert "general warranty;" so as to make the section read:

SEC. 2. That if in any instrument as aforesaid the words "general warranty" shall be used after the word "conveys" (or "convey") the grantor or grantors shall be deemed and held to covenant for himself, herself, or themselves, his, her, or their heirs and assigns, to forever warrant and de-

fend the title to the premises conveyed unto the grantee or grantees, his, her, or their heirs and assigns, for and against the lawful claims of all persons whomsoever.

The amendment was agreed to.

The next amendment was, after section 2, to insert a new section as follows:

SEC. 3. That if, in any instrument as aforesaid, the words "and warrant specially" shall be used after the word "convey" or "conveys," the grantor or grantors shall be deemed and held to covenant for himself, herself, or themselves, his, her, or their heirs and assigns, to forever warrant and defend the title to the premises conveyed unto the grantee or grantees, his, her, or their heirs, personal representatives, and assigns, against the claims and demands of the grantor or grantors and of persons claiming or to claim by, through, or under him, her, or them.

The amendment was agreed to.

The next amendment was, in section 4, line 18, after the word "survivors" to strike out "a fee simple estate" and insert "all the estate, right, title, and interest whatever, both at law and in equity, of the grantor;" and in line 29, after the word "demanded," to insert "when requested in writing by the beneficiary or his assigns under said deed;" so as to read:

Witness, the following signature (or signatures) and seal (or seals) shall be deemed legally sufficient in form to vest in the trustee (or trustees, the survivor or survivors), all the estate, right, title, and interest whatever, both at law and in equity, of the grantor in the land conveyed for the purposes of the trust, and, unless otherwise in the deed expressed, to the payment of the debt or interest or any part thereof, according to the tenor and effect of the note, notes, bond or bonds described, or any extensions or renewal thereof, or of any sum or sums advanced by the party or parties secured on account of taxes or insurance when demanded when requested in writing by the beneficiary or his assigns under said deed, to sell the land described, or such thereof as may be necessary, at public auction, in front of the premises, at such time, upon such terms, with such postponement or postponements of sale or resale.

The amendment was agreed to.

The next amendment was in section 3 (4), line 38, after the word "convey," to strike out "in fee simple" and insert "all the right, title, and interest held by the trustee;" and in line 40, after the word "purchasers" to strike out "at his, her, or their cost;" so as to read:

On compliance with the terms of sale to convey all the right, title, and interest held by the trustee to the purchaser or purchasers the property sold, discharged of the trusts and of all liability on the part of the purchaser or purchasers to see to or account for the application of the purchase money, and to apply the proceeds of the sale after retaining a trustee's commission on the gross amount thereof not exceeding 2 per centum thereof, as follows:

The amendment was agreed to.

Mr. COCKRELL. I desire to suggest to the Senator in charge of the bill that this is a very simple conveyance in trust without any indication upon the face of it that there is any power in the trustee to sell and dispose of the property by an advertisement on ten days' notice, while at the same time the law authorizes other kinds of deeds of trust where the terms of the sale and the advertisement and all can be specified. Now, there will probably be two forms of deeds of trust in the District. One will be the form where it will be specified upon certain conditions that if the money is not paid or something of the kind, then the trustee will do so and so. That will be a perfectly valid deed. That is the kind that has usually been made here in the District. But now here is one that says nothing about a sale, and it would in the estimation of most persons coming from other States, I know particularly from my own State, be held to be simply a mortgage in fact and would have to be foreclosed in court. Here under the terms of the bill the power of sale is given by law and not by the instrument, and I suggest that there ought to be in the face of this conveyance just one or two words to express that the power of sale is authorized by law. Therefore, in section 4, line 15, after the words "to the tenor and effect of [here insert the number and description of the note or notes or bond or bonds, and so forth]" I move to strike out the period and insert a comma, and insert the words "with the power of sale authorized by law."

The PRESIDING OFFICER. The amendment proposed by the gentleman from Missouri will be stated.

The SECRETARY. Insert after the words "[and so forth]," in line 15, section 3 (4), the words "with the power of sale authorized by law," so as to read:

In trust to secure to [the party secured] payment of the sum of [amount] dollars, on account of [here state character of debt], and interest thereon, the said debt and interest being payable according to the tenor and effect of [here insert the number and description of the note or notes, bond or bonds, etc.], with the power of sale authorized by law.

The amendment was agreed to.

Mr. FAULKNER. I move to insert in line 34, section 4, before the word "newspaper," the word "daily," so as to read:

And after such previous advertisement, not less than ten days, in a daily newspaper or newspapers printed and published in said District.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was to strike out section 5 (6), in the following words:

SEC. 6. That any covenant in any deed hereafter made of land in the District of Columbia, in the following words, or to the like effect, namely:

"And the said [here insert the name of the covenantor or covenantors] covenants (or covenant) to forever warrant the title to the said land and premises against all persons whomsoever claiming the same, or any part thereof, by, from, through, or under the said [here insert name of covenantor or covenantors], his, her, or their heirs and assigns, with the grantee or grantees, his, her, or their heirs and assigns, to forever warrant and defend the title to the land conveyed from and against the claims of all persons whomsoever claiming by, through, or under the covenantor or covenantors, his, her, or their heirs or assigns."

The amendment was agreed to.

The next amendment was, after section 8, to insert as a new section the following:

SEC. 9. That any deed, or part of a deed, which shall fail to conform to the provisions of this bill, shall nevertheless be as valid and effectual, and shall bind the parties thereto, as far as the rules of law and equity will permit, as if it had so conformed.

The amendment was agreed to.

The next amendment was, after section 9, to insert as a new section the following:

SEC. 10. That no covenant or promise by a lessee that he will leave the premises in good repair shall have the effect, if the buildings are destroyed by fire or otherwise without fault or negligence on his part, of binding him to erect such buildings again, or to pay for the same or any part thereof, unless there be other words showing it to be the intent of the parties that he shall be so bound.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. ALLEN. I should like to ask the Senator who has the bill in charge whether it is customary to foreclose these mortgages by mere notice?

Mr. FAULKNER. I will state to the Senator from Nebraska that that is the customary way of doing it. The only change in the bill from what is the general custom is simplifying the form of the deed so as to avoid the old common law form that was very long, and also to avoid the cost of the recordation, which was so large under that form. But a ten days' notice in a daily newspaper is the usual form of the execution of mortgages.

Mr. ALLEN. The form of deed as prescribed in the bill—I have run through it hastily—is not very different from the form of deed under the common law. There is some change, however. It strikes me that ten days is too short a notice to give a party who has his money invested in property of the purpose to sell under a trust deed, and I move that the word "ten," occurring in line 34, section 4, of the bill be stricken out and the word "sixty" inserted in lieu of it; so as to read:

And after such previous advertisement, not less than sixty days, in a daily newspaper.

Mr. COCKRELL. What will be the effect of the proposed amendment?

Mr. FAULKNER. I suggest to the Senator from Nebraska that he is making a mistake in the interest of the debtor there. The cost of such an advertisement for sixty days would be enormous.

Mr. ALLEN. There is no occasion for publishing the notice daily in a daily paper.

Mr. FAULKNER. Will the Senator tell me what weekly paper is published here?

Mr. ALLEN. I suppose the daily papers that are published here have weekly editions.

Mr. FAULKNER. The Star and Post do not have weekly editions, and they are the chief newspapers of the city and go into the hands of almost everybody.

Mr. ALLEN. They could publish it once a week for six weeks. In my judgment it is absolutely preposterous to say that a man who has put his money in good faith in real estate should be foreclosed of his title to that real estate or his equity in it by a mere ten days' notice and sale. There are a great many good men who have money in real estate, and who, if they were given thirty or sixty days' notice, could make provision for payment; whereas, if the bill is to pass and they are to have only ten days' notice, they will be absolutely wiped out. They should have a more enlarged opportunity to pay.

Mr. FAULKNER. Suppose I suggest this language to the Senator from Nebraska, which is the ordinary way in the States, "that the same be published once a week for four successive weeks."

Mr. ALLEN. Once a week, say, for eight successive weeks, and that a copy of the notice shall be served upon the person in actual occupancy of the real estate.

Mr. GEORGE. As well as on the grantor.

Mr. ALLEN. As well as on the grantor in the deed.

Mr. FAULKNER. I make no objection to the amendment proposed by the Senator from Nebraska. I think the notice may be too long, and it is longer than is given in the States. If we conform the proposed law to what is generally the rule in the States, I think it would be safer.

Mr. ALLEN. I do not think there are probably many States in the Union which have laws of this kind. I am familiar with the laws of many of the States west of the Mississippi River, and I know they have not. I suggest this amendment to the Senator from West Virginia: that the word "ten" be stricken out and that the bill be made to read, that the notice shall be printed once a week for eight successive weeks in some daily newspaper of the District, and that a copy of the notice shall be served upon the person in actual occupancy of the real estate as well as the grantor in the trust deed, if he shall live within the District.

The PRESIDING OFFICER. The Chair suggests to the Senator from Nebraska that he reduce his amendment to writing. It is somewhat long.

Mr. ALLEN. I shall have to reduce it to writing to get it in the form it ought to stand.

The PRESIDING OFFICER. Shall the amendments so far made be concurred in?

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment.

Mr. GEORGE. While the Senator from Nebraska is reducing his amendment to writing I desire to say that the general purport and design of the Senator are very praiseworthy. These sales made on short notice are frequently the cause of very great oppression to the grantors in the deeds of trust, operating to transfer their estates very quickly for a mere nominal sum. I doubt whether the law ought to authorize any sale of mortgaged property to be made except under a decree of court. Sales *in pais*, made by an unsworn person, frequently and nearly always the nominee of the creditor, are subject to very great abuse, and I hope the Senate will adopt the amendment proposed by the Senator from Nebraska, if it does not go further. I think it would be just to prevent such sales, except in pursuance of a decree of a court of chancery.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, there being no unfinished business, the Calendar under Rule IX is the regular order.

Mr. FAULKNER. I ask that the consideration of the pending bill be continued.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent that the consideration of the pending bill be continued. Is there objection? The Chair hears none.

Mr. FAULKNER. I will state, in answer to the Senator from Nebraska, that the bill does not change what is now customary in the District in reference to deeds of trust. The rule is now in operation in reference to all self-executing deeds of trust (and it is the uniform rule, I think, in all the States around here) to have this character of liens, which are self-executing, made without the intervention of the courts, which is the customary way with mortgages. The bill does not seek to change that rule.

Mr. ALLEN. I have drawn the amendment hastily, and it may not be worded exactly as it should be. I move to strike out in lines 34, 35, 36, and 37, section 4, the following words:

Not less than ten days, in a daily newspaper or newspapers printed and published in said District, as to the trustee or trustees, or trustee acting, shall seem most for the interest of all parties concerned.

And to insert the words:

By publishing a notice of the time and place of the sale once each week in some daily newspaper published in the District of Columbia for eight successive weeks; and a certified copy of such notice shall be personally served on the person in actual occupancy of the real estate and the grantor of the trust deed.

Mr. FAULKNER. I did not hear the latter part of the proposed amendment.

Mr. ALLEN. I may have to change the phraseology. I propose to insert—

By publishing a notice of the time of the sale once each week in some daily newspaper published in the District of Columbia for eight successive weeks; and a certified copy of such notice shall be personally served on the person in actual occupancy of the real estate and the grantor of the trust deed.

Mr. FAULKNER. I have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Nebraska offers an amendment, which will be stated.

The SECRETARY. Strike out, after the word "advertisement," in line 34, section 4, the following:

Not less than ten days, in a daily newspaper or newspapers printed and published in said District, as to the trustee or trustees, or trustee acting, shall seem most for the interest of all parties concerned.

And insert in lieu thereof the following:

By publishing a notice of the time and place of the sale once each week in some daily newspaper published in the District of Columbia for eight successive weeks, and a certified copy of such notice shall be personally served on the person in actual occupancy of the real estate and the grantor of the trust deed.

Mr. FAULKNER. I ask the Senator from Nebraska to accept an amendment to his amendment by striking out the word "and" between the words "time" and "place," and inserting after the word "place" the words "and terms."

Mr. ALLEN. Yes; that is agreeable.

The PRESIDING OFFICER. Does the Senator from Nebraska accept the amendment to the amendment?

Mr. ALLEN. Yes, sir.

The PRESIDING OFFICER. The amendment which has been accepted to the amendment will be stated.

The SECRETARY. Amend the amendment by striking out the word "and" between the words "time" and "place," and inserting after the word "place" the words "and terms;" so that the amendment will read:

By publishing a notice of the time, place, and terms of the sale, etc., once each week.

Mr. ALLEN. If the Secretary will read the latter part of the amendment again I wish to make a suggestion.

Mr. HUNTON. If the Senator from Nebraska will allow me, I suggest that the notice provided in the amendment for the occupant of the real estate is quite sufficient without requiring a notice to the owner. It is a well-known fact that the owners of real estate in Washington to a very large extent, do not reside in the District, their residence is not known to the trustee, and therefore a notice upon them would entail a great deal of trouble and delay in the enforcement of a deed of trust.

But if the notice is served upon the occupant of the real estate, who would be the tenant of the owner, he would be in communication with his landlord and give the proper notice. I suggest to the Senator the propriety of striking out the notice to the owner, and let it stand a notice to the occupant of the real estate.

Mr. ALLEN. I wished to make a suggestion in that connection. I wish to add the words "if he resides in the District." If the Secretary will read the amendment I will obviate the difficulty suggested by the Senator from Virginia.

The Secretary read as follows:

And a certified copy of such notice shall be personally served on the person in actual occupancy of the real estate and the grantor of the trust deed.

Mr. ALLEN. I propose to add the words "if he resides in the District."

Mr. HUNTON. That is satisfactory, sir.

Mr. ALLEN. If that amendment is agreeable, it will confine the notice to the owner if he resides in the District.

Mr. FAULKNER. I will not object to that amendment. I think that makes it more definite.

Mr. CALL. Mr. President, I object to the proposed modification of the amendment. I see no reason why a man who lives outside of the District of Columbia should not be protected in his property as much as a man who resides in it. There is no reason why a man's property should be sacrificed without notice.

The PRESIDING OFFICER. The Secretary will read the amendment as now modified.

The Secretary read as follows:

By publishing a notice of the time, place, and terms of the sale once each week in some daily newspaper published in the District of Columbia for eight successive weeks; and a certified copy of such notice shall be personally served on the person in actual occupancy of the real estate and the grantor of the trust deed, if he resides in the District.

Mr. CALL. Mr. President, it is a very singular proposition that if a man lives outside of the District he shall have his property sold without any notice to him. I think there can be no justification of that. In truth, Mr. President, I am opposed to this whole system of the selling of property of the great mass of the people of the country without any kind of judicial notice or decision, leaving it to them to bring suit to set aside a sale where they are dispossessed of their property by a trustee making his own construction of the instrument under which the sale is made.

But if the system of trusts and instruments by which private individuals dispose of property upon their own judgment, dispossessing the owners of it and leaving them to maintain a suit, shall be allowed to continue, certainly there can be no justification for the provision that if a man lives outside of the District of Columbia his property may be disposed of by a trustee without any notice whatever to him. There is to be merely a publication for eight weeks in a weekly newspaper, which may escape the notice of the nonresident, there being no kind of notice served upon him personally, and his property is to be disposed of upon the ground that he does not live in the District of Columbia.

Mr. President, I think it is not a very great hardship upon a creditor loaning money upon the security of property to be required to find out the residence of the person who is the obligor, the grantor in the deed, and to serve the notice on him. The

occupant may be a mere tenant for a few months and may have no interest whatever in communicating the fact to the grantor. The grantor may be absent or he may have an agent who has failed to notify him. Certainly there should be some protection to the nonresident.

Mr. ALLEN. I should like to inquire of the President whether a motion to recommit the bill is in order at this time?

The PRESIDING OFFICER. It is.

Mr. ALLEN. Then, I move that the bill be recommitted to the committee from which it emanated, the Committee on the District of Columbia, with instructions to bring in a bill requiring the foreclosure of all trust deeds and mortgages in a court of equity before the right of the equitable holder can be extinguished and do away entirely with the system of advertisement and sale of property of citizens who have invested their money and who have been compelled to give a mortgage or trust deed to secure the deferred payments.

The trust deeds are used as a mere cutthroat affair. They are used by money sharks for the purpose of getting rid of a class of purchasers who are not always able to meet their obligations as soon as they mature, and thousands and hundreds of thousands of dollars are lost to the poor and worthy people in consequence of this iniquitous system of sale on notice. I am not in favor of a law which gives the debtor an undue advantage at all, but I favor a law which is consonant with the laws of a majority of the States of the Union, and that is just to all, and that the system of sale by mere notice shall be destroyed and the system of foreclosure in a court of equity introduced in lieu of it.

There are very few States in the Union to-day that permit a sale under a trust deed by mere notice. I refer to the foreclosure of trust deeds on land. Of course with chattel mortgages and contracts of that kind they do it. But the courts look upon these sales with a great deal of suspicion whenever they do take place. It is not an unusual thing, it is almost a daily transaction for a court of equity to interpose by its decree and set aside a sale such as is authorized by this bill. If a man has bought property in this District, and has paid one-half or one-third or any other considerable sum, and has been compelled to give a trust deed for the deferred payments, is there any reason in the world why he should not have some time at least when his obligations mature to procure the money to meet them?

Is it not simply an iniquity that under a law like the one proposed here, in ten or fifteen days his creditor can sell him out of house and home and absorb all the money he has put in the property? Why should not the creditor be compelled to go to a court of equity, which weighs the matter carefully and weighs the equity, and add the protection of that court in preserving his right in the property? The right of the purchaser of the property is certainly as sacred as the right of the vendor. It is probably all he has in the world. It is probable that it is the only roof that shelters his wife and children, and why should he not have his day in court before his property is sold and his family turned into the street?

There is scarcely a State in the Union to-day that does not require parties holding mortgages and trust deeds to go into a court of equity. Why should a man in the District of Columbia who is dealing in real estate have superior advantages to the citizens of the Union elsewhere? Why should he not, when he sells property and takes his mortgage, understand that he must go into a court of equity and submit the equities of his claim to a court before he can sell out the house and home of his purchaser? Not only that, sir, but these trustee sales are used as a means of oppression. They are used for the purpose of oppressing the grantor in the trust deed.

For the purpose of getting an extension of time, sometimes the grantor in the trust deed gives a mortgage upon his household effects, and perhaps upon everything he has that is vendable and that can be sold on the street, and, after awhile, failing to redeem those things, not only the real property itself is sold, but under the mortgage that is given the personal property of the debtor is sold, too, and an enormous bill of costs is taxed up to the grantor in the trust deed, to be paid by him.

Mr. President, I move that the bill be recommitted, with instructions to so reform it or to present a bill requiring the creditor to go into a court of equity to foreclose the trust deed before he can obtain title to the trust property.

Mr. FAULKNER. Mr. President, I hope the motion of the Senator from Nebraska will not be carried. Certainly I am not here for the purpose of bringing into a District that for years, perhaps since its organization as a District, has operated under certain principles in the carrying out of the provisions of law touching deeds of trust, a system that changes the entire practice upon which that business has grown up and providing another form that takes entirely different proceedings in order to accomplish the results. I oppose the amendment upon another ground. I oppose it upon the ground that in the practice of carrying these mortgages through the courts, the lawyer, the clerks, and the commissioners, and the auditors eat up all the estate that the creditor does not eat up.

Mr. GEORGE. Why not limit their fees?

Mr. FAULKNER. You can not pass a bill here which limits the fees of lawyers. You can not pass a bill here which limits the fees of the auditors and clerks as to this particular matter, differing entirely from that of all other equity proceedings before the courts of the District of Columbia. Sir, under such a principle you would put confusion absolutely into all questions as to what are proper and legal charges by officers of the court, and you would even go to the extent of putting in a provision in reference to lawyers' fees, providing that they are to charge a certain amount for carrying a case through court.

Mr. ALLEN. I should like to ask the Senator from West Virginia a question.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Nebraska?

Mr. FAULKNER. I yield, of course.

Mr. ALLEN. Does the Senator propose that the solicitor for the plaintiff shall obtain his fee from the defendant? Is that the purpose of the proposed law?

Mr. FAULKNER. I will state to the Senator from Nebraska that under the proposed law there is no solicitor in the case; there is no lawyer in the case; there are no fees and no liabilities that the creditor has to pay under the deed of trust, which is the form provided in the bill, and which is the uniform practice in the District, except the debt and its interest, the cost of the advertisement, and the cost of the execution of the deed itself. That is done by the trustee named in the deed. There are no other legal expenses that can come out of the fund upon the sale of the property, whereas if you put the indebtedness in the form of a mortgage, you have to file one of the most expensive proceedings known to the courts, an equity proceeding. You have to go before an equity court.

The trustee or the creditor will have to employ a lawyer, and the fees of the losing party are always taxed as a part of the costs. The legal fees, not the fee agreed upon between the counsel and the client, but the fees allowed by law are taxed in as part of the costs. Then there are all the clerks' costs, which run up very rapidly in equity proceedings. Then the case is referred to an auditor, and the auditor summons the parties before him to prove the case. Thus the costs of the auditor and the witnesses and all, which are very high in the District of Columbia, are incurred in cases where there is not a disputed question involved in the proceeding, because if there is a disputed question, under the well-recognized practice in the District of Columbia and all the States adjoining it, where the powers of a self-executing deed of trust are involved the court has jurisdiction at once to pass upon the disputed point.

Mr. HAWLEY. I wish the Senator from West Virginia would explain a point for my benefit. I have not been a purchaser or owner of real estate here, and I should like to know just how the title passes under one of these deeds of trust, and what evidence appears upon the record of its having changed.

Mr. FAULKNER. Under the present law, and that is simply what the bill is trying to remedy, a man will borrow money or buy property. Owing a debt, of course he executes a deed of trust, which is a conveyance of the property, and as the title is then vested in him by virtue of the deed from the original owner, he at once, if it is a purchase of property, transfers it to a third party, who is called a trustee.

It, on its face, vests an absolute title in the trustee. The deed has a provision authorizing the trustee in case of default, under certain terms and conditions, to make sale of the property. It is advertised and sold to the highest bidder. Then the trustee, when the purchaser at the trustee's sale has complied with the terms of the sale by paying the purchase money, executes to him, the purchaser, a deed which conveys to him all the right, title, and interest that was vested in the trustee, which had been formerly vested in the original grantor.

Mr. HAWLEY. Without any resort to the courts at all?

Mr. FAULKNER. Without any resort whatever to the courts. That is the uniform practice in the District. If a man borrows money and has real estate, he executes a deed of trust to that real estate to a trustee agreed upon by himself and the creditor, providing how long a time he shall have the money, what interest he shall pay, and providing in the deed of trust that if he makes default the property shall be sold under certain terms, which is generally about two weeks notice in a daily newspaper. At that time, of course, the same proceedings are adopted by the trustee. He advertises the property and sells it; pays the creditor his indebtedness, takes out a commission of 2 per cent for his trouble, and the surplus, if any, he pays over to the debtor.

I will state that in the practical execution of deeds of trust in this section of the country, both in the District and in all the

surrounding States, there is not one in ten thousand deeds of trust ever forced to a foreclosure or to a sale. It is a safe way of securing money, but not one in ten thousand of these deeds that are given are ever forced to a sale of the property described in them, if the debtor pays before the default. Under the present system, unfortunately it having vested an absolute title in the trustee under the common law which governs in this District, the trustee has to make a regular conveyance, a deed of bargain and sale from himself back to the original owner, so as to vest the title that was conveyed to him under the deed of trust back in the original owner, which is not only costly in its execution, but it is also costly in its recordation.

The object of the bill is to conform with those provisions in other State statutes which allow him simply to execute a short release to saying the debtor has discharged the liability contained in the deed of trust, and that short release by operation of law, as provided for in this proposed statute, reinvests the original owner with the property and its title.

Mr. President, I am not willing, and I hope the Senate will not be willing, to vote to recommit the bill to the Committee on the District of Columbia, with instructions to bring in a bill to change the entire system that has grown up here in reference to the loaning of money and the securing of deferred payments. I think it would be exceedingly prejudicial to the business interests of this District if any such bill was brought in and passed, and I for that reason sincerely hope that it will not be done.

Mr. HAWLEY. Mr. President, I should not wish to interfere by a statute with any long existing system of conveyances or foreclosures; but I will tell the Senator from West Virginia what our old-fashioned way is in Connecticut. We are a very simple-minded folk in Connecticut. A mortgage is the usual conveyance, with a condition that if such and such a sum is not paid the ownership shall pass, or if such debt is paid it shall be free again to the original owner; but when it is necessary to foreclose a mortgage to collect the debt, to acquire full title to the property, a very simple petition is presented to the court. There is no dispute, probably, about the debt. The court asks, How much is this property worth? Perhaps $3,500. What is the debt? Perhaps it is $1,800. The court says: "This is abundant security, and there is no hardship in giving a year for the redemption;" and it makes a decree accordingly. It is all very simple; and I suggest to the Senator that it is much less liable to cruel abuse than this system of his which we in the East have the fashion of calling cut-throat mortgages.

Mr. ALLEN. I am glad to see the distinguished Senator from Connecticut take the position he does in reference to this matter. Certainly there can be no excuse for this bill in its present form, except to comply with the requirements of a certain class of money lenders who desire their money at all hazards and at any sacrifice to the debtor, and who desire to fix the time when the debtor's interest in the property can be extinguished.

Now, the Senator from West Virginia, I would infer from what he said, believes that it is perfectly proper (and I do not know but that is the custom in the District; I do not know what the custom is here) to charge up a counsel fee or solicitor fee to the debtor. I should like to ask the Senator from West Virginia if this is customary?

Mr. FAULKNER. I can not state what is customary in this District. I can only state what is customary in my own State, and in the adjoining States where I have practiced. There is a regular allowance of an attorney fee that is always charged up as a part of the cost against the party who loses in the proceeding. That amount of the attorney fee is fixed by statute.

Mr. ALLEN. If that is true it furnishes an additional reason for the recommittal of the bill. There is no kind of equity or justice in even permitting a condition in a mortgage or trust deed by which the owner can tax counsel fees to the defendant.

Mr. FAULKNER. The Senator from Nebraska did not correctly understand me. There is no tax of attorney fee under the system that is in operation to-day or that would be in operation under this bill in reference to deeds of trust. I am speaking of litigation in courts of equity.

Mr. ALLEN. I understood the Senator from West Virginia perfectly. If there is a court of equity in the District of Columbia that awards solicitors' fees to the plaintiff in cases of foreclosure or in other equitable cases, making that a rule I mean, or that allows the successful party in a law action to recover an attorney's fee, then the sooner Congress changes that rule and wipes it out, the better off the people of this District will be and the sooner Congress will discharge its duty to that people of the District. Whenever a man takes a trust deed or mortgage and fixes his rate of interest he fixes it with a view of covering every possible contingency that can arise. The rate of interest that he draws upon his bond fixes the measure of liability of the defendant on the contract.

Now, I suggest to the Senator from West Virginia—and I speak to him because he is familiar with the rule here—if there is any law or practice of that kind in this District, the propriety of bringing in a bill here promptly changing the rule and introducing a rule in this District that is somewhat just and somewhat humane. It is an absolute iniquity that every conceivable burden shall be placed upon the maker of a mortgage or a trust deed that the will, whim, or caprice of the grantee of the trust may see fit to impose upon him.

Mr. FAULKNER. That is not the case in the District of Columbia.

Mr. ALLEN. And Congress should now, if it has not before done so, put an end to that kind of practice so far as it has authority to do it. If it has not done it in the past it should seize the most favorable opportunity in the future to change the rule that seems to prevail in this District.

Mr. President, the rule introduced by this bill is unjust in another respect. It gives the credit or the sole power of determining when and how he will foreclose. What right, what equity has the creditor——

Mr. FAULKNER. If the Senator will permit me, he is entirely mistaken. The creditor has no power to determine when he will foreclose. The determination under a deed of trust is fixed by an actual agreement between the parties when the transaction is made, and before the deed is executed, or at least at the time when the deed is executed.

Mr. ALLEN. It is always fixed. It is perfectly proper to consider, in determining this measure, that the creditor stands at an advantage over the debtor in making the contract. We, who are familiar with these contracts by having had them in court, know that the grantor in the trust deed is put to every disadvantage in the execution of the contract. Now, that being true, why should the holder of the trust have it in his power to foreclose and wipe out the existence of the debtor within a very few days by a simple notice of sale? When he undertakes to and does sell by a single notice, is not that an act wholly within his own control? Does he not deprive the grantor in the trust deed or the mortgagor of going before a judicial tribunal for the purpose of having it determined whether he has not waived some of the conditions of his contract?

Mr. FAULKNER. No, Mr. President, if the Senator will permit me, I will state that he does not. If there is any dispute arising out of the question of the execution of the deed or default in its terms, and the trustee seeks to execute it, it is absolutely in the power of a debtor to appeal to a court of equity and enjoin the execution of the sale.

Mr. GEORGE. He has to give bond?

Mr. ALLEN. How can he appeal to a court of equity?

Mr. FAULKNER. It is not necessary to give bond unless he asks for an injunction in reference to real estate. It is only a question as to cost, and not a question that grows out of damages.

Mr. ALLEN. If the grantor of the trust deed is able to enjoin the sale under the deed, then ordinarily he is able to pay the obligation and there is no necessity of a sale. But if he is like nine-tenths of the persons who are seeking to build up homes in this city and the creditor can come along with his trust deed and turn him out of doors, it is sarcasm of the coldest kind to that man to say he can go into a court of equity and enjoin the sale under the trust deed and settle it in a court of equity. He must give a bond in a sum to be fixed by the court of equity where he applies for his writ of injunction. He must have money to pay a lawyer with. He must have money with which to pay clerk's costs and court costs. He must have all these things before he is even admitted to the doors of the court to present his case. Now, that is a great consolation to a man who has lost every cent he has by a proceeding of this kind.

Mr. FAULKNER. Will the Senator from Nebraska permit me?

Mr. ALLEN. Certainly.

Mr. FAULKNER. Is it not the same thing as if a mortgage was foreclosed through the courts?

Mr. ALLEN. No, sir.

Mr. FAULKNER. It is, if there is any surplus value of the real estate over and above the liability created by the indebtedness, because then it is taken out of this surplus.

Mr. ALLEN. If the plaintiff is required to go into a court of equity and foreclose his trust deed or mortgage the respondent has a right to go in without any costs or expense to him and contest the plaintiff's claim. There is not a dollar of expense to him except such as he may incur for counsel fees. There are no costs for him to pay. He is entitled as a matter of right to go there and make a defense.

Now, suppose as a matter of fact he can show that the plaintiff has waived the obligations of the contract in some respect. Suppose he can show payment or extension or any other defense that is admissible in a court of equity, should he be deprived of any

of these rights and privileges by a mere sale by notice without an opportunity to go before a competent tribunal and have his day in court? That is all I claim. I claim that in at least two-thirds of the States of this Union it is impossible to foreclose a deed of trust like this without going into a court of equity, and I know of no reason why gentlemen doing business in this District should be exempt from the performance of the same duty. If they have been doing business otherwise, if they have been taking the poor people who purchase homes by the neck and throwing them into the street, it is high time for Congress to introduce a new and more humane rule in this District.

Mr. GEORGE. Mr. President, there are some considerations connected with this question which have not been brought before the Senate, and which I think ought to have a very material weight in determining the propriety of the motion made by the Senator from Nebraska [Mr. ALLEN].

In the first place, a sale made by one of these trustees always conveys a suspicious title. Purchasers of real estate do not bid freely at such sales, and for manifest reasons. First, in the lapse of some time afterwards a contest may arise as to the regularity of the sale in an action of ejectment, and when such contest arises it would be the duty of the purchaser to prove that the notice was given in accordance with the deed of trust. He might find it impossible to do that.

In the next place, the purchaser at one of these sales is not strictly under the rule of a bona fide purchaser without notice. If the debt be void, as on a gambling consideration, and there is nothing in the record to disclose invalidity of the debt, then the purchaser at the sale would be liable to lose his amount afterwards upon proof of the invalidity of the debt. That is another reason why purchasers outside do not bid. Another reason is, if the debt be extinguished or partly extinguished before the sale and the sale is made for the whole debt, then the purchaser loses the benefit of his purchase.

So there are other objections to foreclosures, as we lawyers say, *in pais*, without judicial determination, besides the mere chance of ruining the debtor. The sales are suspected. Sales of that sort never bring full fruits. They are generally consummated by nobody bidding except the creditor. He becomes the purchaser at just such a price as he sees proper.

Then there is another consideration, Mr. President, which I omitted at the proper time to state. The trustee never makes a warrant of title. That is another reason why persons will not bid at these sales, or bid with reluctance.

Mr. HUNTON. Will the Senator allow me?

Mr. GEORGE. Let me get through with my statement. Then I will yield for an interruption. So these sales are of that peculiar character and nature which necessarily produce small fruits.

Then there are one or two other reasons why a court of equity should administer these trusts or trust deeds rather than have it done by a mere private trustee who is nearly always the mere agent and frequently the tool of the creditor. If a sale be made under the order of a chancery court and it brings a very low price and that is shown to the court the court will not confirm it but will order a resale. So on a resale a fair price may be received; and then there is another rule. If any man, after a sale is made under a decree in chancery, will come into court before confirmation and say, "I will advance on the bid made by the purchaser;" that is, to make myself perfectly understood, suppose the sale be made for $1,000 and a third party will come into the court before confirmation and say, "I will give $500 more," that is, "I will give $1,500 for this property," then the court says to the purchaser, "Now, unless you will give $1,500 you shall not have the property."

So under a sale by judicial decree we first have several very important matters settled beyond any controversy whatever. If the debt is invalid, then if the decree is that it is valid, the party having had his day once in court can never afterwards litigate it. So the purchaser will bid with the certainty that the amount ascertained by the decree of the court is actually due. That is one advantage.

Another advantage is that the records of the court will show whether the sale was regular or not, and on confirmation there can be no further controversy about the regularity of the sale. The third advantage is the one which I have just mentioned, that under a decree by a court of chancery the chances are very great that there will not be that sacrifice of the property which almost universally takes place when a sale is made by a trustee upon mere proceedings *in pais*.

For all these reasons, as we have the matter now up, the law should be so amended that there shall be no sale of land except under the judicial decree of a court, ascertaining the amount due, fixing the terms of the sale, and then reserving to the court the right, after the sale is made, to inquire whether justice has been done, and to refuse confirmation unless there has been a fair sale.

With all these things, it does seem to me that we should not be doing a good thing if we allowed, while this bill was under consideration, the old method, which nearly always produced bad results and frequently very gross injustices, to go on and be perpetuated in this district.

Mr. HOAR. I desire to ask the Senator from Mississippi, before he sits down, whether he proposes to altogether deprive a debtor who possesses real estate of making that real estate a security which would enable him to borrow money on it, and secure the payment of that money to his creditor at a fixed day? That is the point of all this legislation. If it is desirable to have a judicial ascertainment of the regularity of a sale, the parties ought to be at liberty to get it when they so desire. It is desirable to have all the equity powers vested in the courts which will protect a debtor against usurious or oppressive conduct on the part of the creditor and, of course, which will protect him against a violation of the contract. Still, the essence of mercantile dealing and of mercantile safety is that a creditor shall be entitled to know and to be sure that he shall have his money on the day he stipulates, so that he can keep his contract. That is the essence of all good commerce.

If a debtor borrows money on any security, where that object is not attained the debtor has to compensate for the risk by paying extortionate rates. That is the universal experience of mankind. The payment at the day ought to be secured, and you can not secure the payment at the day by a mortgage if you must have a lawsuit, which may be carried to one, two, or a half dozen courts before you get through with it.

We had this whole thing to go over in Massachusetts. Our people were very much opposed to what they called the power of sale mortgage. They had the old three years redemption, and they changed their policy with great reluctance for the reason stated so clearly and strongly by the Senator from Mississippi, but they changed their policy thirty-two years ago, in 1852, and there is nobody in our State, if our experience is worth anything, who wishes to go back to the old plan. I think that all classes of persons agree that it is better to have it in the power of the parties to contract for a security which will secure absolute punctuality in payment, and that where that can not be done the person who suffers by it is the debtor and not the creditor.

Mr. GEORGE. Mr. President, the considerations so forcibly presented by the Senator from Massachusetts [Mr. HOAR] had not escaped my observation and contemplation. I am well aware that in mercantile matters and in all businesses promptness and punctuality are very great virtues, and I should do nothing, if I could help it, which would tend to decrease the chances for prompt and punctual payment; but upon very full consideration of the adverse arguments upon the one side and the other, I have concluded, first, that in most transactions which are made, punctuality is secured and credit is given upon that security by the character of the debtor for meeting his engagements. Probably in ninety-nine cases in a hundred punctuality is secured in that way as the known credit of the debtor.

Mr. HARRIS. Then, why the necessity for a mortgage?

Mr. GEORGE. That is for ultimate security. To show the Senator from Tennessee that I am right about it, I will say that the mortgage and the deed of trust never do in fact secure payment on the day; they only secure payment at some time after default. There must be a default before there can be a sale, just as much as there must be a default before there can be a suit in equity. So I think when we consider all which I have alleged heretofore, it will be found that whilst there are some very strong reasons in favor of the prompt settlement, as urged by the Senator from Massachusetts, yet the weight of the inconveniences and of the troubles and of the chances for oppression and wrong arising from these sales *in pais* lie on the side of these prompt sales. In every other thing, except where a mortgage or a deed of trust is taken—I believe they constiute a large majority of the transactions of mankind—you get your payment on the day alleged from the known ability and character of the promisor or debtor, and in case he fails, the creditor must resort to a court of law or a court of chancery, as the case may be, to enforce his rights.

So, upon the whole, especially as the protection given by the motion made by the Senator from Nebraska [Mr. ALLEN] is to those who are not, as a general rule, so able to take care of themselves as the other side, I think we had better give our legislation on that side.

Mr. HUNTON. Mr. President, as I understand the amendment offered by the Senator from Nebraska and enforced by the argument of the Senator from Mississippi, it is to confine real security for the payment of debts to a mortgage instead of a deed of trust. As the law stands now, a debtor and creditor, one about to secure the debt due to the other, can make his selection and either secure it by a mortgage or secure it by a deed of trust. That practice and that privilege have prevailed in the

District of Columbia ever since it has been the District of Columbia. One portion of the District was ceded by Maryland and the other portion by Virginia. The laws of those two States were brought into the District of Columbia, and from the laws of those two States the parties have had the privilege ever since this has been the District of Columbia to secure a debt either by a mortgage or by a deed of trust.

Mr. PLATT. Will the Senator say what has been the practice?

Mr. HUNTON. Yes, sir; that has been the practice and that is the law.

Mr. PLATT. Both forms of security are resorted to?

Mr. HUNTON. Both; either a deed of trust or a mortgage.

Mr. HARRIS. The contracting parties settle for themselves which course they will adopt.

Mr. HUNTON. Yes, sir. That having prevailed here as the law of the District of Columbia ever since its cession by the States of Maryland and Virginia, the people being perfectly satisfied with that state of affairs, not desiring, so far as we are advised, any change confining the security for debts upon real estate to mortgages instead of deeds of trust, I can not see why the Senate of the United States should undertake to enforce upon the people of this District a single method of securing a debt on real estate out of the two methods.

If there are evils attending the enforcement of a deed of trust, when the debtor and creditor get together and want to give security one to the other on real estate, and they think the evils which have been portrayed by the two Senators exist as to a deed of trust, let the creditor take a mortgage; that, of course, will meet all the difficulties the two Senators have made; but if the parties do not agree with those two Senators, and say "We prefer the cheaper mode of securing this debt and the cheaper mode of enforcing the execution of the security," then they may, under the law as it now stands and under the bill under consideration, take the deed of trust in preference to the mortgage.

I ask again, why deprive the people of the District of Columbia of that right of preference when they undertake as intelligent men, able to contract, to choose between these two methods of securing the debt?

Mr. President, I do not sympathize with a great deal which has been said here, because I believe that the very moment you put obstacles in the way of collecting a debt if secured upon real property, that very moment you make the borrowing of money more difficult to the debtor, and in proportion to the difficulties of collecting a loan secured upon real estate, you make it more difficult for the honest man to borrow money for the necessary purposes of his trade or his business. Therefore I, for one, as a friend of the persons who sometimes are obliged to borrow money, would make the execution of the deed of trust on any security for the repayment of that money as easy and as cheap as possible.

One objection of the Senator from Mississippi is that a deed of trust does not warrant the title. A deed made by a court under foreclosure proceedings does not warrant the title either. and I beg to inform my friend from Mississippi that there is not one deed in a hundred executed out of court between Mr. A and Mr. B in the sale of property which contains a general warranty provision. The deeds in the District of Columbia are in effect almost invariably quitclaim deeds. I, for one, am not willing to take away from the people of the District of Columbia a system of borrowing money either by deed of trust or by mortgage, under which they have lived nearly one hundred years, and force them into the adoption of one or the other of those modes. I desire to see them have the right to secure their debts either by deed of trust or by mortgage, and the object of the bill under consideration is to more effectually provide for the execution of a deed of trust.

Mr. PLATT. Will the Chair please state what is the precise question before the Senate?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair understands that the question is on the motion of the Senator from Nebraska [Mr. ALLEN] to recommit the bill to the Committee on the District of Columbia with instructions.

Mr. PLATT. What amendment has been made on the fourth page from lines 34 to 37?

The PRESIDING OFFICER. The Chair will suggest to the Senator from Connecticut that pending that amendment the motion to recommit was made.

Mr. FAULKNER. I will state to the Senator from Connecticut, however, that I agreed not to oppose the amendment submitted by the Senator from Nebraska.

Mr. PLATT. That amendment is with reference to making more specific the notice which shall be given in case of sale?

Mr. FAULKNER. The amendment provides for publication once a week for eight successive weeks, and that notice shall be served upon the person in actual occupancy of the property and also the grantor.

I wish to suggest to the Senator from Nebraska and the Senator from Mississippi whether it is fair or proper at this time to bring up the question which is involved in the motion of the Senator from Nebraska? The bill now before the Senate is not a bill to change any law as it exists as to the form of the security for debt; it is only as to the mere form of the deed, not at all as to the practice whether it shall be a mortgage or a deed of trust.

The bill simply provides that if the security be a deed of trust, the form of the deed shall be so and so. It does not alter any of the practices or any of the usages or any of the customs of the law which authorizes a deed of trust to be given with the power of sale as now existing in the District of Columbia.

Under those circumstances, I am satisfied that the Senate will see that it would not be proper to recommit the bill (which does not attempt in any form to change the law of the District of Columbia as it exists, except as to the forms of conveyance) in order to change an entire system which has been in existence for over a hundred years, and with which the people of the District of Columbia are thoroughly familiar.

Mr. President, I venture to say that there are thousands and thousands of deeds on record here through the building associations of this District—and I wish to say that the District of Columbia has been built up through these building associations to a very great extent—and yet every deed is in the form of a deed of trust. Senators are familiar with the newspapers of the District of Columbia; they read them daily, and see the advertisements under the forms of these deeds of trust, and they at once recognize that not one in ten thousand of these deeds of trust are ever based actually on the execution or sale for the purpose of securing the debts; but the people here being familiar with this character of security and knowing its promptness, money is loaned freely upon it without any hesitation, the debtors are accommodated, and no injury results from it.

Mr. HOAR. Savings banks are in the same position.

Mr. FAULKNER. Of course, savings banks are in exactly the same position.

I wish to say that there is not a single legal objection made by my distinguished friend from Mississippi [Mr. GEORGE], in whose opinion I certainly have the very highest confidence on any question of law, which is not thoroughly provided for in the decisions of the courts of the District of Columbia in reference to the protection of any debtor from the grasping claim or improper mode of a creditor under a deed of trust. If there has been a partial payment and the trustee attempts to sell for more than is due, that gives a court of equity jurisdiction at once to stop the sale. If it is a gambling debt or a usurious debt there is absolute jurisdiction in the court of equity to stop the sale. There is no ground upon which a trustee can make a sale under one of these self-executing deeds, except when there is no subject of dispute as between the debtor and the creditor.

In every other instance, not having had his day in court, the courts are open to that debtor. An investigation at once takes place by an impartial tribunal, in case of any dispute. The title of the purchaser is exactly the same. The purchaser who buys at a trustee's sale and the purchaser who buys at a commissioner's sale are purchasers *caveat emptor*, and bound by that title after confirmation, no matter what may be its defects. That is the decision in this jurisdiction and the decision in the jurisdiction in which I reside, and I suppose the decision in every other jurisdiction. A purchaser who ascertains that his title is absolutely void, if that title has been confirmed by the first decree after the sale, has no remedy in a court, and must even continue to pay the second and third deferred payments. As to the title which the purchaser obtains at a trustee's sale, it is identically the same title which is obtained from the court, and the court gives him no title, but a special warranty.

Mr. GEORGE. There is this very great difference between the title the purchaser gets at a sale under a chancery decree and the title which he gets under a sale by a trustee by proceedings *in pais;* that, in the first case, at the sale under a chancery decree, whilst the purchaser gets no guarantee of the title beyond the grantor's in the deed, he always gets that title, always gets the title of the grantor of the deed or the debtor; and in the other case the man gets nothing but a lawsuit, in which the chances are that he may fail, because he has to prove, when suit is brought to test the validity of the sale, the regularity of it from the very beginning. All those questions are settled by the proceedings in the chancery court.

Mr. FAULKNER. I must beg leave to some extent, at least, to differ from my distinguished friend from Mississippi. The title of the purchaser, so far as the right and title of the grantor even in the deed, stands upon the same footing in a commissioner's sale by the court as by a trustee's sale. In order to secure good title you have to employ a lawyer to examine the court proceedings to see if the entire proceedings are regular.

If they are irregular, that at once affects the title; but in the hands of the purchaser and in the case of a trustee your examination as to title of the property is much simpler than examination of the question of process and the service of process and all that is essential in case of a proceeding in court.

Both rest upon the fact that the powers of the court as well as the powers of the trustee have been executed in accordance with the forms of law; but if either have failed to comply with the provisions of the law, the court or the trustee, then the purchaser's title is at once affected, and you have to examine the regularity of both proceedings in order to ascertain as to the validity of the title conveyed, either at a trustee's sale or at a commissioner's sale; in other words, I say the purchaser of this property stands upon the principle of *caveat emptor* before the court.

I was proceeding to say—because I understood that the inference from the remarks of the distinguished Senator from Mississippi was that perhaps a better warranty was given by a court than by a trustee—that there is no warranty given in a judicial proceeding. In order to get any warranty whatsoever there must be a consent order, and the parties must sign the deed in order to execute a covenant of warranty in a proceeding before a court in the sale of land. The court sells such title as it thinks is in the party who is liable for the debt; the trustee sells such title as has been conveyed to him by reason of the provisions of the deed, and no other title is conveyed; a special warranty is all that any of them get.

Mr. ALLEN. Will the Senator allow me to interrupt him?

Mr. FAULKNER. Yes, sir.

Mr. ALLEN. In the case of a court, where the court has jurisdiction of the subject-matter and of the parties, is its decree not obligatory upon them?

Mr. FAULKNER. It depends altogether on whether the parties are properly before the court.

Mr. ALLEN. I say if all the parties are before the court.

Mr. FAULKNER. Absolutely so.

Mr. ALLEN. Unless set aside by some other proceeding.

Now, take another case, the case of a trustee's sale. If a sale is made by a trustee and he has given notice in the papers or otherwise, as the trust deed provides, and that sale is in irregular form, it is not conclusive upon those parties notwithstanding they have had notice.

Mr. FAULKNER. It is not; but there is greater difficulty in ascertaining whether the parties are properly before the court than there is in ascertaining whether the proceedings in reference to the form of advertisement of the sale by the trustee has conformed to the provisions of law; but you do not get title there. You must then go back of the proceedings of the court and ascertain what title there is in the party by the records of the court, both in the trust sale as well as in the case of the sale by the commissioners of the court; and all that is devolved upon the purchaser just as well in the one proceeding as in the other.

But I do not care about going on to discuss these questions. I do not think we ought to attempt to change the entire system which has grown up here and been in existence under the laws of this District, a system with which the people have been familiar for over a hundred years, on a motion to recommit a bill, which does not affect the question in any way whatever. In no manner, shape, or form does this bill affect the question as to whether a law shall subsequently be passed here requiring all forms of security to be by mortgage instead of by deeds of trust. That can be done by subsequent proceedings and by the passage of a subsequent law, if the Senator from Nebraska thinks it proper. All that we of the Committee on the District of Columbia ask to-day is that if debtors adopt the trust deed, which they have a right to adopt now, they will not spread it out into six or eight pages, but adopt the short legal form provided in almost all the statutes of our States, and comply with that in order to save the cost of deeds as well as the cost of recordation. For that reason I hope the Senate will not agree to the motion of the Senator from Nebraska to recommit the bill.

Mr. CULLOM. I shall not discuss the subject specially, because I am not familiar with the provisions of the bill reported; but I desire simply to say that the practice to sell under trust deeds without the necessity of going into court has been the law of many of the States for a good many years; but I am inclined to think that the States which have had that authority heretofore are not exercising it to the extent that they formerly did. In my own State, for instance, I know it has been the custom there to take a trust deed as security for a loan, and under the law incorporate in that trust deed such requirements as would authorize the trustee named to sell the property without going into court after the specified time in the trust deed, or in the statute, if there happens to be a statute upon that subject. In my own State I find upon examination of the statute—and I had that impression before making the examination, though I did not recollect it very clearly—that State has within a few years passed an act prohibiting the sale of any man's property under a trust deed, except through a proceeding in court; and I shall read the section of the law which prevailed in that State when a sale could be made without going into court. The statute was pretty carefully drawn, I think. It provided:

> In all sales of real estate under a mortgage, or trust deed in the nature of a mortgage, executed after the taking effect of this act, which may be made pursuant to a power of sale, at least thirty days' previous notice of such intended sale shall be given, whether so specified in the power of sale or not.

I do not know what the provision in this bill is, but I believe as it was first reported it only required ten days' notice in some newspaper, without specifying what newspaper it should be, whether one which was issued every day or once a week, or whether it was ever seen to any considerable extent.

> It shall be sufficient to insert in such notice the date of the instrument, names of the grantor and grantee, and of the assigns, if any, the amount of indebtedness the instrument was given to secure, the amount claimed to be due, a description of the premises to be sold, and the time, place, and terms of the sale; and no sale shall be made except in the county in which the premises are situated. The notice shall be given by publication once in each week, for four successive weeks, in some newspaper or other paper authorized by law to publish legal notices, published in the county or counties where the premises are situated, or if no paper is published in such county, the nearest newspaper published in this State, etc.

The statute then proceeds to describe the particular mode of advertisement that should be required before the sale could be made without going into court for the purpose of securing a decree. Subsequent to the passage of that act, this act was passed in my State:

> That no real estate within this State, shall be sold by virtue of any power of sale, contained in any mortgage, trust deed, or other conveyance in the nature of a mortgage, executed after the taking effect of this act; but all such mortgages, trust deeds, or other conveyances in the nature of a mortgage, shall only be foreclosed, in the manner provided for foreclosing mortgages containing no power of sale; and no real estate shall be sold to satisfy any such mortgage, trust deed, or other conveyance in the nature of a mortgage, except in pursuance of a judgment or decree of a court of competent jurisdiction.

Mr. President, I am inclined to believe that that is a just law, and that the power of sale as it has been exercised in many of the States and, as I understand, in this District, by virtue of the terms of the trust deed, without resorting to a court at all, ought to be prohibited, as it has been in some of the States, as in my own. I understand it to be the fact that in many of the States no such power has ever been given at all.

Mr. GEORGE. What is the date of the law which the Senator from Illinois has read?

Mr. CULLOM. Eighteen hundred and seventy-nine, I think.

Mr. GEORGE. I should like to ask the Senator another question. Has he observed any inconvenience, or wrong, or oppression coming from the passage of that law?

Mr. CULLOM. I have not. I know from experience and from observation that sometimes creditors who have trust deeds upon property, which they think may be depreciated by delay, have sought to hasten sales the moment the time named in the trust deeds expired under which a sale could be ordered. While that is living up to the letter of the contract it is not the policy of the law or of the country, as I think, that there should be such exacting and prompt action with reference to sales under trust deeds, which do, as the Senator from Mississippi says, carry with them a somewhat dubious character of title. I think it is the better policy that the law itself should prescribe that in every case of the foreclosure of a trust deed or of a mortgage there should be a decree of a court determining the amount due and the time within which the sale shall take place. I do not think such a law will work any hardship; I believe it will work to the advantage of exact fairness between the debtor and the creditor in most instances.

Mr. FAULKNER. I should like to ask the Senator whether on a bill of this character he would want to involve the Senate in that question?

Mr. CULLOM. I do not really know what the nature of the bill is, except that it seems to involve this question from what I caught in the discussion of the subject on the part of the Senators.

Mr. FAULKNER. The object of this bill is simply to change the form of deeds of trust and deeds of bargain and sale and other matters of that character in the District of Columbia, without in any way affecting the law as it exists to-day, except as to the form of deeds.

Mr. CULLOM. If this is making a form, it seems to me we ought to make the form right.

Mr. GEORGE. Let me ask whether there is any provision in this bill regulating the sale, the notice, and all that sort of thing under mortgage by trustees?

Mr. FAULKNER. Under deeds of trust.

Mr. GEORGE. Powers of sale under mortgage?

Mr. FAULKNER. Of course.

Mr. GEORGE. That is the point I make.

Mr. CULLOM. I think there is no better time to change the law of the District than right now in connection with this bill. It would seem to me so.

Mr. FAULKNER. I hope the Senate will not agree to the pending motion.

Mr. GEORGE. I want to be indulged in a single observation only, and that is that the argument of the Senator from West Virginia is the old-time plea of wrong and oppression, "this is not a convenient time to correct it."

Mr. CALL. Mr. President, I think, with all respect to the Senator from West Virginia [Mr. FAULKNER] and the Senator from Virginia [Mr. HUNTON], that the law of the District of Columbia has not been for a hundred years that there was such a thing as deeds of trust with power to sell. If I understand the subject, the English law from time immemorial by virtue of the jurisdiction of a court of equity—not of a statute of England—always provided that however absolute a deed might be, even an absolute deed of conveyance, if it were to secure a debt a court of equity restrained the deed and created the equity of redemption in favor of the debtor, and the law of England became the law of the District of Columbia.

It has been a modern idea that this power of sale excluding the jurisdiction of the court in the first instance should exist. The argument of the Senator from West Virginia is this: Here is a man who borrows a sum of money and executes a mortgage upon the only property he has, no matter whether it be a loan association or an individual. This is all the means he has. The creditor steps in and says, "This money is due; you have not paid me anything." The debtor says, "I have paid you a part of the debt." The creditor says, "I, through my trustee, will sell this property;" and he does sell it. "I will impose upon you the obligation for your protection of being the suitor."

In the other case, of a mortgage, he comes into court and the judge, if he be an honest man, enforces the rights as they appear in the record, whether there be a lawyer or be not a lawyer in the case. In the one case, the Senator from West Virginia says the debtor is protected by this power of sale, without the construction of any judicial tribunal.

Mr. President, it seems to me very clear that money will always be had where security is good for the ultimate payment, the ultimate security, as the Senator from Mississippi [Mr. GEORGE] says. Money seeks investment and use. I have never known a case when money was comparatively easy in any country where, upon good security, upon interest paying property, income-paying property, money could not be borrowed, and where persons having it were not glad to loan it upon securities of that description.

There is no need, as a matter of public policy, of putting the debtor to this trouble. Nine-tenths of the debtors of the country are men of small means; the business of the country is done by men of limited means; the taxes are collected from them; they constitute the power of the country in every department of business and life, and in all respects of public policy their interests ought to be considered. The few who have money to lend can take care of themselves.

If we are to have a system of business which puts in the hands of private individuals, without the supervision of courts and of judges, the power of imposing upon this class of people the necessity of suing for the protection of their rights, we deprive them of all protection, for in nine cases out of ten this class of people are unable to go before the courts and to bear the expense of a suit; and public policy should be that the creditor, who has larger means and better opportunities to enforce his debt, should be the person required to go into court and ask the supervision and protection of the judicial power.

For myself, I gravely question whether or not it is in the competency of any statute to say that the judicial power shall not attach to the sale of property before it is made; that a contract between two individuals which gives one of them the power to sell the property of the other without any kind of sanction and without his consent, except given in the first instance in some obligation, is valid.

It is as old as the centuries, Mr. President, that there was in the olden time, in the beginning of English history and law until now, the practice of debtors in necessity to execute absolute deeds of conveyance to their creditors; and in the long line of English jurisprudence and in behalf of this same class of people it was held that these absolute deeds did not create a right to the property, although by their terms and the contract of the debtor they did so, but that the supervision and the decision of the judicial tribunal should be had before such a deed could vest a right and title to the property in anyone; and such ought to be the law of this District.

Mr. GEORGE. Mr. President, in order to show how mistaken the Senator from West Virginia [Mr. FAULKNER] is in his statement that this bill refers only to the form of deeds of conveyance and does not undertake to regulate sales under deeds of trust or mortgages with power of sale, I ask the Secretary to read from section 3, on page 3, commencing at line 21 with the word "unless," and going to the end of the section; and in order to make it understood, so much being left out, I will state that the preceding part of the bill provides for the investiture of the title in the grantee or trustee, and then proceeds in the way I desire to have read.

Mr. FAULKNER. I merely want to say to the Senator from Mississippi——

Mr. GEORGE. Let the Secretary first read what I have indicated.

Mr. FAULKNER. I wish to say that I have not said that there was no provision as to that matter, but simply that this bill does not change the existing law, as I understand it.

Mr. GEORGE. If the Senator insists upon his last statement being the correct one, if I misunderstood him in his answer to the Senator from Illinois, then I would say that his whole argument based upon the inopportuneness of the amendment falls to the ground, because there is a very large and long provision in the section which I have asked the Secretary to read, regulating the sale to be made by the trustee, prescribing the time, the place, the notice, and the application of the proceeds.

Mr. President, if in a bill of this sort, which provides these things with reference to sales made by trustees without legal proceedings, it is improper to incorporate a provision that such sales shall not be made at all, then we are confined always when bills are presented to us to the simple proposition of perfecting the very idea which is presented in the bill which may be before us and we can not reverse it. I say we can reverse it.

I now ask the Secretary to read, beginning in line 21, with the word "unless," as before stated, and before he commences, I wish to say, so that the reader may understand it, that the preceding part of the bill authorizes, when certain forms are complied with, the investiture of title in the trustee.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Unless otherwise in the deed expressed, to fully authorize the trustee (or trustees, the survivor, or survivors, or substituted trustee or trustees) in case of default in the payment of the debt or interest or any part thereof, according to the tenor and effect of the note, notes, bond, or bonds described or any extensions or renewal thereof, or of any sum or sums advanced by the party or parties secured on account of taxes or insurance when demanded when requested in writing by the beneficiary or his assigns under said deed to sell the land described, or such thereof as may be necessary, at public auction, in front of the premises, at such times, upon such terms, with such postponement or postponements of sale or resale, and after such previous advertisement, not less than ten days, in a daily newspaper or newspapers printed and published in said district, as to the trustee or trustees, or trustee acting, shall seem most for the interest of all parties concerned, and on compliance with the terms of sale to convey all the right, title, and interest held by the trustee to the purchaser or purchasers the property sold, discharged of the trusts and of all liability on the part of the purchaser or purchasers to see to or account for the application of the purchase money, and to apply the proceeds of the sale after retaining a trustee's commission on the gross amount thereof not exceeding 2 per cent thereof, as follows:

"First. To the payment of the expenses of sale and in discharging any prior liens or taxes on the land and premises.

"Second. To the payment of any sum or sums which may have been advanced by the holder or owner of the debt secured on account of insurance and taxes.

"Third. To the satisfaction of the debt secured by the trust remaining unpaid, with interest thereon as specified in the deed of trust, paying over the surplus, if any, to the grantor or grantors in the trust, his, her, or their heirs or assigns."

The VICE-PRESIDENT. The question is on the motion of the Senator from Nebraska [Mr. ALLEN] to recommit the bill to the Committee on the District of Columbia, with instructions.

Mr. ALLISON. What are the instructions?

Mr. DOLPH. Let the instructions be stated.

Mr. ALLEN. The motion was to recommit the bill with instructions to so reform it as to require the foreclosure in a court of equity of trust deeds and mortgages before the right of the equitable holder can be extinguished; doing away with the system of advertisement and sale of the property of citizens who have been compelled to give a mortgage or deed of trust to secure deferred payments.

Mr. DOLPH. The idea is to prohibit the trustee doing that, is it not?

Mr. ALLEN. Yes.

Mr. DOLPH. The Senator does not wish to interfere with the conveyance. That is excluded, I understand?

Mr. ALLEN. No, trust deeds and mortgages are in law the same thing, if given as security for debt.

Mr. DOLPH. A deed of trust is executed by the trustee, while a mortgage is foreclosed by a court.

Mr. ALLEN. Yes, sir. I have stated the substance of the instructions I propose.

The VICE-PRESIDENT. The question is on the motion of the Senator from Nebraska to recommit the bill with the instructions suggested by him.

Mr. ALLEN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL], who is necessarily absent; but before leaving the Chamber he informed me that he was opposed to the recommital of the bill, and asked me to secure a pair for him. I vote "nay," and I have asked the Senator from Iowa [Mr. ALLISON] to kindly pair with the Senator from Vermont.

Mr. ALLISON (after having voted in the affirmative). I do so with pleasure, and withdraw my vote.

Mr. MCMILLAN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. VANCE], but I transfer that pair to the Senator from Colorado [Mr. WOLCOTT], and vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN.]

Mr. SHOUP (when his name was called). I am paired with the Senator from California [Mr. WHITE]. I do not know how he would vote on this question. If he were present I should vote "nay."

Mr. SMITH (when his name was called). I have a general pair with the Senator from Idaho [Mr. DUBOIS], but I transfer that pair to my colleague [Mr. MCPHERSON], and vote "nay."

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. I do not know how he would vote on this question if he were present, and therefore I withhold my vote.

The roll call was concluded.

Mr. VILAS. I have a general pair with the Senator from Oregon [Mr. MITCHELL]. Is he recorded as voting?

The VICE-PRESIDENT. The Senator from Oregon has not voted, the Chair is advised.

Mr. VILAS. Unless there is necessity for my vote to make a quorum I shall withhold it.

Mr. HANSBROUGH (after having voted in the negative). I have a pair with the junior Senator from Illinois [Mr. PALMER]. I observe that Senator is absent, and therefore I withdraw my vote.

Mr. FAULKNER. I desire to say that my colleague [Mr. CAMDEN] is paired with the Senator from Arkansas [Mr. BERRY].

Mr. GEORGE. I desire to announce for the day that my colleague [Mr. MCLAURIN] is paired with the Senator from Rhode Island [Mr. DIXON].

Mr. VILAS. Has a quorum voted, Mr. President?

The VICE-PRESIDENT. A quorum has not voted.

Mr. VILAS. Then I shall vote on the question to make a quorum. I vote "nay."

Mr. ALLISON. I shall take the liberty of voting to make a quorum, if the Senate will allow me.

Mr. HARRIS. Certainly.

Mr. ALLISON. I vote "yea."

The result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Allen,	Cullom,	Kyle,	Platt,
Allison,	George,	Mills,	Roach,
Butler,	Hawley,	Pasco,	Teller,
Call,	Higgins,	Peffer,	Turpie,

NAYS—30.

Bate,	Faulkner,	Hill,	Sherman,
Blackburn,	Frye,	Hoar,	Smith,
Brice,	Gallinger,	Hunton,	Squire,
Chandler,	Gibson,	McMillan,	Stockbridge,
Cockrell,	Gordon,	Manderson,	Vest,
Coke,	Gorman,	Morgan,	Vilas.
Davis,	Gray,	Perkins,	
Dolph,	Harris,	Proctor,	

NOT VOTING—30.

Aldrich,	Dubois,	Martin,	Ransom,
Berry,	Hale,	Mitchell, Oregon	Shoup,
Blanchard,	Hansbrough,	Mitchell, Wis.	Stewart,
Caffery,	Irby,	Morrill,	Vance,
Camden,	Jones, Ark.	Murphy,	Voorhees,
Cameron,	Jones, Nev.	Palmer,	Washburn,
Carey,	Lindsay,	Pettigrew,	White,
Colquitt,	Lodge,	Power,	Wilson,
Daniel,	McLaurin,	Pugh,	Wolcott.
Dixon,	McPherson,	Quay,	

So the motion to recommit with instructions was rejected.

The VICE-PRESIDENT. The question recurs upon the amendment proposed by the Senator from Nebraska [Mr. ALLEN], which will be read.

The SECRETARY. After the word "advertisement" in section 4, line 34, strike out all of the section down to and including the word "concerned" and insert in lieu thereof the following:

By publishing a notice of the time, place, and terms of the sale once each week in some daily newspaper published in the District of Columbia for eight successive weeks; and a certified copy of such notice shall be personally served on the person in actual occupancy of the real estate and the grantor of the trust deed, if he resides in the District of Columbia.

Mr. HARRIS. Let the Secretary read the part proposed to be stricken out.

The VICE-PRESIDENT. The Secretary will read as indicated.

The SECRETARY. Strike out after the word "advertisement," in line 34, the following words:

Not less than ten days, in a daily newspaper or newspapers printed and published in said District, as to the trustee or trustees, or trustee acting, shall seem most for the interest of all parties concerned.

Mr. FAULKNER. I have no objection to the amendment suggested by the Senator from Nebraska, and I hope it will be agreed to.

The VICE-PRESIDENT. Is there objection to the amendment of the Senator from Nebraska. The Chair hears none, and it is agreed to.

Mr. SHERMAN. I should like to have the section read as it will stand amended.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

SEC. 4. That a deed of land in the District of Columbia in trust to secure the payment of debt in the following words, or to the like effect, namely:

This deed of trust made this [date], between [the grantor or grantors] of the first part, and [the trustee or trustees] of the second part, witnesseth, that the said party (or parties) of the first part, in consideration of the debt hereinafter specified doth (or do) convey unto the party (or parties) of the second part the following-described land in the [here insert location and description of the property] in trust to secure to [the party secured] payment of the sum of [amount] dollars, on account of [here state character of debt] and interest thereon, the said debt and interest being payable according to the tenor and effect of [here insert the number and description of the note or notes, bond or bond, etc.], with the power of sale authorized by law. Witness, the following signature (or signatures) and seal (or seals) shall be deemed legally sufficient in form to vest in the trustee (or trustees, the survivor or survivors) all the estate, right, title, and interest whatever, both at law and in equity, of the grantor in the land conveyed for the purposes of the trust, and, unless otherwise in the deed expressed, to fully authorize the trustee (or trustees, the survivor or survivors, or substituted trustee or trustees) in case of default in the payment of the debt or interest or any part thereof, according to the tenor and effect of the note, notes, bond or bonds described or any extensions or renewal thereof, or of any sum or sums advanced by the party or parties secured on account of taxes or insurance when demanded when requested in writing by the beneficiary or his assigns under said deed to sell the land described, or such thereof as may be necessary, at public auction, in front of the premises, at such time, upon such terms, with such postponement or postponements of sale or resale, and after such previous advertisement, by publishing a notice of the time, place, and terms of the sale once each week in some daily newspaper published in the District of Columbia for eight successive weeks; and a certified copy of such notice shall be personally served on the person in actual occupancy of the real estate and the grantor of the trust deed, if he resides in the District of Columbia; and on compliance with the terms of sale to convey "all the right, title, and interest held by the trustee" to the purchaser or purchasers, the property sold, discharged of the trusts and of all liability on the part of the purchaser or purchasers to see to or account for the application of the purchase money, and to apply the proceeds of the sale after retaining a trustee's commission on the gross amount thereof not exceeding 2 per cent thereof, as follows:

"First. To the payment of the expenses of sale and in discharging any prior liens or taxes on the land and premises.

"Second. To the payment of any sum or sums which may have been advanced by the holder or owner of the debt secured on account of insurance and taxes.

"Third. To the satisfaction of the debt secured by the trust remaining unpaid, with interest thereon as specified in the deed of trust, paying over the surplus, if any, to the grantor or grantors in the trust, his, her, or their heirs or assigns."

The VICE-PRESIDENT. The bill is in the Senate and still open to amendment.

Mr. FAULKNER. I ask that in line 2 of section 2, before the word "general," the word "with" be inserted; so as to read "with general warranty."

The amendment was agreed to.

Mr. DOLPH. What has become of the amendment which was just read at the desk? I think the question has not been put on that amendment.

Mr. HARRIS. The amendment of the Senator from Nebraska has been agreed to.

Mr. HOAR. No, it has not.

Mr. HARRIS. I thought the Senator from West Virginia accepted it.

Mr. HOAR. The Senator from West Virginia is not the Senate

Mr. HARRIS. Of course not, but I understood the Chair to say, "If the Chair hears no objection the amendment is agreed to." I may be entirely mistaken about it.

Mr. HOAR. I listened very carefully.

The VICE-PRESIDENT. The Chair will put the question. The question is upon agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

Mr. DOLPH. I have no particular objection to the amendment that I know of, but I think eight weeks' notice in a daily newspaper is a pretty long notice of sale.

Mr. ALLEN. It is only once a week.

Mr. FAULKNER. There is to be only one insertion each week.

Mr. DOLPH. One insertion each week?

Mr. FAULKNER. That is all.

Mr. DOLPH. I have no objection to it.

Mr. SHERMAN. Mr. President, it seems to me that is a longer extension of time for notice than is required by the usual custom in the States, and I think it would be a radical change in the mode of dealing with real estate in this city. I shall be guided entirely by the wishes of the people here. It would be a very grave and serious embarrassment, I know, in the habits and customs of the people of Washington. Here the people treat real estate very much like personal property. They sell it on short notice—I believe on ten days' notice. Most of the trust deeds that have fallen under my observation required ten days' publication of the notice, and a personal notice added.

It seems to me that is sufficient. To require eight weeks, advertisement, a long delay of that kind, it appears to me is unnecessary. The bill as it stood, reported from the committee, meets my judgment more fully. I say I think an eight-weeks' notice would be a very serious embarrassment to the people of the District, who treat real estate very much as we do personal property. In the State of Ohio thirty days' notice is required, and that would seem to be long enough. Property there may be sold on thirty days' notice upon a trust deed, or it may be sold under the ordinary orders of a court upon notice of thirty days.

Mr. HUNTON. If the Senator from Ohio will allow me, although that period of time is provided for in the amendment of the Senator from Nebraska, it does not preclude the parties from making any other provision.

Mr. ALLEN. I can not hear what the Senator from Virginia is saying.

Mr. HUNTON. When the parties meet together to negotiate a loan, secured by deed of trust, they may provide for ten or twenty or thirty days' notice. But in the absence of any such provision the amendment comes in.

Mr. SHERMAN. I ask the Senator from Nebraska whether the construction now put upon his amendment by the Senator from Virginia is correct, that if the deed of trust provides for only ten days' notice this requirement of eight weeks' notice will not be necessary? Is that the purport of the amendment of the Senator from Nebraska?

Mr. ALLEN. I was unable to hear what the Senator from Virginia said.

Mr. SHERMAN. The Senator from Virginia said that this is simply directory, and if the trust deed required the sale to be made after ten days' notice, it would supersede and take the place of this provision of the proposed law. Is that what the Senator from Nebraska understands?

Mr. ALLEN. No, sir; that is not at all my understanding of the provision.

Mr. SHERMAN. I did not so understand it. I think that is a mandatory provision, that whatever may be the agreement of the parties as to the mode of sale, the time of notice, etc., there must be eight weeks' notice even where the trust deed requires only ten days' notice.

Mr. FAULKNER. I think the Senator from Ohio is clearly correct in that view. This is a purely statutory provision, and it provides the terms upon which the trustee can sell without going into a court of equity for the purpose of having a decree of sale. The terms of the proposed statute will beyond question control the trustee in execution of this power.

Mr. SHERMAN. I so consider it: and it seems to me therefore that it is unreasonable; that it is an interference with the contract of parties made in good faith and competent to deal with each other. I believe myself that the general tendency of public opinion not only in this country, but in all countries, is to provide for the easy, rapid, and sure disposition of real estate very much like personal estate.

Mr. HARRIS. I should like to ask the Senator from Ohio and the Senator from Nebraska if it would be satisfactory to them to incorporate, instead of the notice proposed to be prescribed by statute, a provision to the effect that the contracting parties may fix in their contract the character and length of notice that shall be given before the sale.

Mr. SHERMAN. I think that would be a wise provision, leaving the parties free to contract or to be contracted with. That is the general tendency and spirit of the times.

Mr. HARRIS. Is that satisfactory to the Senator from Nebraska?

Mr. ALLEN. I regret very much that the Senator from Ohio was not in his seat when I discussed this question.

Mr. HUNTON. I ask the Senator from Nebraska to yield to me for a moment. I think there is no question that I was right in the position I took. I beg leave to call the attention of the Senator from Ohio and the Senator from Nebraska to the language of the bill:

> And, unless otherwise in the deed expressed, to fully authorize the trustee (or trustees, the survivor or survivors, or substituted trustee or trustees) in case of default in the payment of the debt or interest or any part thereof, according to the tenor and effect of the note, notes, bond, or bonds described or any extensions or renewal thereof, or of any sum or sums advanced by the party or parties secured on account of taxes or insurance when demanded, when requested in writing by the beneficiary or his assigns under said deed to sell the land described, or such thereof as may be necessary, at public auction in front of the premises at such times, upon such terms, with such postponement or postponements of sale or resale, and after such previous advertisement.

Then it prescribes the advertisement, but it is qualified all the way through by the expression "unless otherwise in the deed expressed." Therefore, when the parties to the contract agree upon other terms and express them in the deed, it qualifies this proposed law because the proposed law will only apply to cases where it is not otherwise expressed.

Mr. SHERMAN. If that is the construction of the proposed law I am perfectly well satisfied that it shall stand.

Mr. HUNTON. I do not think there is any doubt about it.

Mr. SHERMAN. That is not the construction placed upon it by the Senator who offered the amendment, and there ought to be some clearness of expression on the subject before we act upon it.

Mr. ALLEN. My attention had not been called to the words of the bill as read by the Senator from Virginia. Of course with those words in the bill the construction of the Senator from Virginia is the correct one. I shall move, however, at the proper time, to strike out those words wherever they occur.

My purpose in offering the pending amendment is to give the debtors of obligations of this character some slight opportunity to prepare themselves to redeem their property before the title shall be absolutely extinguished. I submit to the Senator from Ohio in all candor that ten days' notice is not a sufficient length of time to enable the ordinary grantor in a deed of this kind to preserve himself from the injury that would come to him by the sale of his property. Certainly there can be no harm done by the adoption of an amendment of the kind I have proposed. It gives the debtor ample time to prepare himself to redeem his property. It gives him an opportunity to save his property, to save the money he has invested in the property, where is ten days to the average man means an absolute extinguishment of his title and a loss to him of every dollar he has put into the property.

In view of the fact that the grantee in the trust deed is constantly drawing interest upon his money up to the day of its payment and up to the day of the extinguishment of his title, what harm can there be to the creditor to give the debtor a sufficient length of time, say sixty days, which is very short, in which to prepare himself to meet his obligations?

I shall not argue this matter at any length at all, because it has all been gone over this afternoon. It is idle to say that ten days' notice is of any value whatever to the average man who is required to give a trust deed. The trust deed is exacted by the creditor, and he fixes the terms himself and not the debtor. The force of the circumstances surrounding the execution of the contract makes him the dictator of its terms. You might as well provide that the grantee in the trust deed can take possession of the property without any notice whatever, and without any right of redemption upon the part of the grantor, as to limit the notice to ten days.

It is for the purpose of answering in some measure the statutes which we have in this country authorizing a stay of execution and granting in some measure the equity power of fixing a time within which redemption may take place after a foreclosure has been ordered that this amendment is offered. It is merely to give the creditor a sufficient length of time to turn himself and save his property. I should like to ask the Senator from Ohio whether he sees anything wrong in that kind of business? It strikes me it is preëminently just. That is the purpose of the amendment.

Mr. DOLPH. Mr. President, I disagree with the Senator from Virginia [Mr. HUNTON], and, as I understand him, with the Senator from Nebraska. The fourth section of the bill provides that a deed of trust made in the language therein set out or other similar language "shall be deemed legally sufficient in form to vest in the trustee all the estate, right, title, and interest whatever, both at law and in equity, of the grantor in the land conveyed for the purposes of the trust, and, unless otherwise in the deed expressed to fully authorize the trustee" to do what? To sell the land upon "default in the payment of the debt or interest or any part thereof, according to the tenor and effect of the note, notes, bond, or bonds described or any extensions or renewals thereof, or of any sum or sums advanced by

the party or parties secured on account of taxes or insurance when demanded when requested in writing by the beneficiary;" and it then provides that notice shall be given.

I think it would be quite competent for the grantor in a deed of trust to provide that the sale should not take place until ninety days after default, or that when notice was given, instead of ten days it should be thirty days or sixty days; but I do not think it would be competent for the parties to agree that the minimum notice required in the proposed law should be dispensed with, and that the sale might be had without notice or upon one day's notice, or upon ten days' notice. The provisions to be made in the deed of trust otherwise than these provisions for the sale, would be provisions extending the time, and in favor of the grantor, but the provisions for the sale are statutory provisions, which, in my judgment, can not be dispensed with by the parties.

Mr. President, I think ten days' notice in a newspaper published every day would be better than once a week for eight weeks. I think a notice in a newspaper published week days for thirty days or one month, or for four weeks, would be preferable to once a week for four weeks, although I am not particular about that provision.

I call the attention of the Senator from Nebraska while I am up to the fact that under the language of his amendment, if it should be adopted, it would be necessary to strike out the word "such" in line 33, in the phrase "after such previous advertisement not less than ten days." I think to make it read smoothly the word "such" ought to come out. Let the first part of the amendment be read to see if I am not correct. Let the Secretary commence after the word "resale," in line 33, with the words "and after such previous advertisement."

The Secretary read as follows:

And after such previous advertisement by publishing a notice of the time, place, and terms of the sale, etc.

Mr. DOLPH. The word "such" should be stricken out in the phrase "after such previous advertisement."

Mr. CULLOM. Mr. President, I should not like to see the pending bill passed in the shape in which it has been reported to the Senate. In the first place, as I have already said, it is becoming more and more the policy of this country to give a little time, when it is necessary, before a man's real estate, his home it may be, shall be taken from him for debt. In my own State, and I find it is so in other States, it has become the policy that no trust deed shall be foreclosed except through proceedings in court, thereby giving time. But that course of procedure seems to have no friends in the Senate. The policy of the Senate seems to be to enact laws providing that when a man is called upon to borrow a few hundred dollars, and in order to secure it gives a note and a trust deed upon his property, he shall not go into court, he shall not have thirty days, he shall not have sixty days, but his home, in which his family is living, is to be sold on a ten days' notice. It seems to me, sir, it is cruel, and I am surprised that the generous-hearted Senator from West Virginia should bring a bill into the Senate which provides for that sort of proceeding in the District of Columbia in relation to the disposition of real estate.

Mr. FAULKNER. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. I will.

Mr. FAULKNER. Why does not the Senator direct his remarks to the distinguished Senator from Ohio [Mr. SHERMAN], and not to the Senator from West Virginia when I have accepted an amendment providing for eight weeks' notice?

Mr. CULLOM. I am very much obliged to the Senator from West Virginia for giving me that information. I did not know he had accepted such an amendment, and I was directing my remarks to him because I understood he reported the bill and has been advocating the ten days' notice. The bill as reported contained that provision. I am very much gratified to know that the Senator from West Virginia has acceded to the amendment proposed by the Senator from Nebraska. I must say to my friend, the distinguished Senator from Ohio, whose leadership I have been pleased to follow in nearly all instances, that I am surprised that he should insist upon this floor that ten days' notice is sufficient time in which to dispose of real estate under a trust deed.

Sir, there are hundreds of people in the District of Columbia to-day—probably they are employés of the Departments—who have bought little homes and paid out upon them a thousand or fifteen hundred dollars, more or less, and have nearly completed their payments. By some misfortune or accident, they are unable to meet their deferred payments promptly, and they are to be sold out and their families, their wives, and children turned out of doors on a ten days' notice of a foreclosure of a trust deed. It does seem to me that we ought not to hesitate an instant in requiring eight weeks' notice, if we do not provide that the mortgagor may go into court and have the court act upon the question of the foreclosure of the mortgage or trust deed. I do not care to discuss the matter longer, but I insist there should not, and hope there will not, be any opposition to a provision requiring a reasonable notice to the grantor of a trust deed before it can be foreclosed.

The VICE-PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

The amendment was agreed to.

Mr. ALLEN. I now offer an amendment in the nature of a proviso to be added to section 4.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is propose to add to section 4 the following proviso:

Provided, That the grantor in the trust deed, his heirs or assigns, may redeem the trust property so sold at any time within one year after the sale by the payment of the principal and interest of the debt and all legal costs of such sale.

Mr. ALLEN. Mr. President, in offering this amendment I am guided by the very humane homestead laws of the different States of the Union and the laws of the different States upon the subject of mortgages and trust deeds. I was very glad indeed to see the distinguished Senator from Illinois [Mr. CULLOM] take the position he did with reference to the amendment I had the honor to submit a short time ago. This proviso and the amendment which has just been agreed to, are in the interest of justice to all classes, not justice alone to the debtor, but justice to the creditor.

The rule of equity was well stated by my distinguished friend from Mississippi [Mr. GEORGE] when he said that no difference what the form of the security might be, if it was simply to secure a loan of money it was in equity a mortgage, whether the form was an ordinary mortgage, a trust deed, or a deed of warranty with full covenant. When a man loans money upon real estate in the District and is permitted to foreclose his trust deed or his mortgage, or whatever he sees fit to call it, and gain possession of the property, it strikes me the ends of equity are subserved and his interests fully protected if the unfortunate debtor, who by reason of sickness or some other accident has been unable to meet his payment, is able within one year, to pay him the principal and interest and all the costs he has been put to in the foreclosure.

Let us take the case, for instance, of an humble man who buys property for which he promises to pay the sum of $3,000 we will say. He pays $2,000 in cash. He executes one of these trust deeds, which puts the keeping of his property in the hands of the grantee of that deed, with every provision drawn for the benefit of the grantee and not for the benefit of the grantor. He makes improvements upon this property, having invested in it 66⅔ per cent of its total value, and when the time comes for the payment of the deferred $1,000 through some circumstances over which he can exercise no control whatever, he is prevented from making the payment promptly. Under those circumstances, under the form of deed provided in the bill, he may be foreclosed upon immediately.

The grantee of the trust deed gets back the property, worth $3,000 and any appreciation in value that may have occurred in the meantime. He gets the $2,000 that the grantor has invested in the property. He gets the improvements made upon the property, and he turns out of doors the debtor and his family to become a public charge, when if the debtor were permitted some time to redeem his home, some slight time to get the money with which to make the redemption, he could pay the thousand dollars, the interest due upon it, the costs, and everything in law and in equity essential to satisfy the just demands of the creditor.

Why should this not be done? Should the Congress of the United States be less humane and less just than the Legislatures of the different States of the Union? There is scarcely a State in the Union where there is not a right of redemption after a decree of foreclosure; and where there are no statutes of that kind, courts of equity, State and national, throughout the Union make some provision in the decree of foreclosure by which the debtor is given time to procure the money to redeem and save his property.

I submit, Mr. President, that the people who are affected most in the District and who must be affected by the proposed law are the class of persons mentioned by the Senator from Illinois [Mr. CULLOM]. They are a class of poor persons who have invested every dollar they have in little homes and who depend upon their daily labor or their monthly labor for the means to pay off their indebtedness. If a man has put every dollar he has into his home it is just as sacred to him and his family as the home of the more fortunate man; and it should be the policy of Congress

to encourage the security and integrity of the American home rather than to enact a law which destroys it and makes our poor people a class of tenants rather than freeholders.

If the right of redemption attaches, as it should (and it is simply in keeping with the different State statutes and the rules of courts of equity), whenever the creditor is paid his full sum of money with the interest contracted to be paid upon it and all costs up to the date of redemption, equity and justice are fully accomplished so far as he is concerned, and the creditor should have a right to save his home under those circumstances.

GOVERNMENT PRINTING OFFICE BUILDING.

Mr. VEST. I am compelled to leave the Senate Chamber on some committee business, and I ask the Senate to make the bill (S. 1462) to provide additional accommodations for the Government Printing Office the unfinished business, so that we can take it up to-morrow.

Mr. FAULKNER. After we have completed the consideration of the pending bill?

Mr. VEST. After we have completed the bill under consideration, of course. I have waited here for three hours. I ask the Senate to agree to take it up and make it the unfinished business.

Mr. FAULKNER. If the Senator from Missouri makes the request with the qualification I suggest, that it shall not displace the pending bill if it is not finished this evening, I make no objection.

Mr. VEST. I do not wish to displace the bill which is pending.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

FORMS OF DEEDS IN THE DISTRICT OF COLUMBIA.

The Senate resumed the consideration of the bill (S. 832) to simplify the form of deeds of conveyance, trust, and releases of land in the District of Columbia, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

Mr. FAULKNER. If I understand the amendment proposed by the Senator from Nebraska, as a member of the Committee on the District of Columbia, having the consideration of the bill in charge, I can not agree to its adoption. As I understand the Senator's amendment—I may have caught it wrong—after the sale is made under the provisions of the proposed statute and the purchaser has acquired a title by the conveyance from the trustee and has recorded that conveyance upon the records of the District as provided by law, then within a year after that period the grantor, his heirs or representatives, may come in and redeem it.

I can not see how that can be carried out without creating confusion to a very great extent, unless you go farther and make provisions as to a reconveyance from the purchaser and others back to the grantor in order to vest title, because under the system here, as in every State, the records of the recorder's office must be the absolute chain of perfected title. Therefore, if you allow the redemption and stop there that leaves the whole question of title up in the air, or, at least, vested by the records of the District in the purchaser at the trustee's sale.

Mr. ALLEN. I should like to ask the Senator a question with his permission. Is the Senator from West Virginia willing to give any length of time for redemption after the sale of the property?

Mr. FAULKNER. I do not think we ought to change the law of the District of Columbia as it has existed at least twenty or thirty years within my personal knowledge, in a matter in which the people of the District themselves are not asking for any change.

Mr. HARRIS. I should like to ask the Senator from West Virginia and the Senator from Nebraska whether, if you give the right of redemption, it will not necessarily cause the property to sell for a very much lower price than if no such right of redemption were secured?

Mr. FAULKNER. I suppose, of course, that would be true.

Mr. HARRIS. And would not that be prejudicial to the debtor rather than to the creditor?

Mr. ALLEN. In answer to the Senator from Tennessee, I will state that I do not think it would be prejudicial to the interests of the debtor. While it might probably cause his property to sell for slightly less, all that would be made back by the right to the rental of the property during the time it was subject to redemption. There is no provision in the bill that the rental shall go to the debtor, but it would let the creditor himself take that.

Mr. DAVIS. Mr. President, I voted against recommitting the bill, but on a closer examination of the section under consideration I regret that I did so. Section 4 of the bill deals with muniments of title that are in substance and effect securities for the payment of money. In other words, it deals with those transactions and conveyances, which in legal contemplation, whatever form they may take in almost all the States where equity is administered, are mortgages. If it is an absolute deed, if it is intended as security for a debt, it is a mortgage. It seems that in the District of Columbia and in the State of West Virginia a different system prevails.

Mr. FAULKNER. And in Virginia and Maryland also.

Mr. DAVIS. Here a system prevails whereby a single transaction, showing the conveyance in the shape of a deed of trust to a third party, all the elements of a mortgage can be taken away from the transaction so far as foreclosure is concerned, even if in substance and effect it is a security for a debt. A man can be foreclosed on ten days' notice in a newspaper.

Mr. FAULKNER. In eight weeks.

Mr. DAVIS. Eight weeks—whatever the time fixed in the bill by amendment.

Mr. HOAR. Will the Senator from Minnesota pardon me for a suggestion?

Mr. DAVIS. Certainly.

Mr. HOAR. Every element of the mortgage will be taken away.

Mr. DAVIS. I was about to come to that point.

Mr. HOAR. If the Senator will let me make a suggestion, I will state that a mortgage is a dead pledge; that is, where the creditor gets the property pledged, however valuable, to pay a debt however small. But this is a trust deed, where the property is sold by the agreement of the parties, and the creditor gets nothing but his debt. Whatever is left goes to the debtor. So it is not a mortgage. It is a popular misnomer to call it a mortgage.

Mr. DAVIS. It is a mortgage in the sense that it is a conveyance of real estate as security for the payment of a debt, and that in the almost universal applications of equity, is a mortgage, no matter what shape the conveyance may take.

Mr. HOAR. The Senator will pardon me for another suggestion?

Mr. DAVIS. Certainly.

Mr. HOAR. It is not a conveyance of real estate as security, it seems to me, with great respect to the Senator's statement. It is a provision for the sale of the property to raise the money and pay a debt. That is a very different thing.

Mr. DAVIS. No, the debt passes as a consideration for the conveyance. Section 4 provides—

That a deed of land in the District of Columbia in trust to secure the payment of debt in the following words:

A deed of conveyance "to secure the payment of debt in the following words" I call a deed of trust, and in my contemplation in fact and substance it ought to be a mortgage. Now, under the general principles of equity jurisprudence a document of that kind, or a document of any kind, in whatever form it may be couched, is a mortgage. It must be foreclosed. The operations of equity jurisprudence must in some shape be brought to bear upon it with the accompanying or consequent privileges and rights of redemption.

The bill studiously avoids that consequence by an amendment of line 10 on page 3, for it provides that it shall vest in the trustee all the estate, right, title, and interest whatever, both at law and in equity, of the grantor, thus conveying the equity of redemption. Now, for all time the courts of equity have been contending and fighting against the application of the severe principle that a title of this kind shall become absolute on default, until it has become firmly embedded in the principles of equity jurisprudence that a title pledged as security for a debt can not become absolute and ought not to become absolute on account of the power of the creditor over the debtor and the necessity of the needy when pressed for money until a foreclosure of some kind is had whereby the equity of redemption can be extinguished.

Mr. FAULKNER. I should like to ask the Senator from Minnesota a question.

Mr. DAVIS. Excuse me just a minute. There are two methods whereby the effects of that great and beneficent principle are secured to the debtor. One is by the chancery foreclosure, with which we of the profession are all familiar. In many States of the Union, especially in the Northwest, we have in a more liberal degree a mode of proceeding somewhat analogous to that proposed here. A mortgage is given containing a power of sale like this. It is given directly to the mortgagee instead of a trustee by intervention. Under a power of sale of that character in most of the States of the Northwest that equity of redemption can be foreclosed by advertisement for six successive weeks in some newspaper, the sale to be made by the sheriff, the mortgagee or the trustee, for it applies to both in those parts of the

country, having the power to bid. That is the law. A certificate of sale is given upon that bid. It is recorded. The mortgagor has one year in which to redeem by depositing the money with the sheriff, which strikes off the property. It strikes me that that is a much more enlightened, beneficent, and humane system, more in accordance with the general principles of the law of mortgages. People sometimes have to mortgage their homesteads, and when times become unfortunate, under this bill it is a short shrift, and under the general law in this District already it is ashort shrift.

Mr. FAULKNER. This bill does not change the existing law at all. It has existed always.

Mr. DAVIS. I say there should be a change. I say the law of this District, if it is as it is stated to be, ought to be modified in such a way that a loan of money upon real-estate security evidenced by a conveyance of the property, either absolute upon its face or conditional, in guise of a mortgage or anything else, ought to have indelibly engraved upon it the characteristics of a mortgage with all the rights of equity of redemption before default and a certain proper and reasonable period of redemption after sale.

Mr. FAULKNER. Before, but not afterwards.

Mr. DAVIS. It ought to be afterwards, just as in case of an ordinary court. This is all I want to say upon the matter. My attention had not been directed to this section before when I voted against the motion to recommit.

Mr. HOAR. Mr. President, I have great respect for the Senators who have discussed this question, and great respect for the motives which have prompted them. They are motives of kindness, liberality, and generosity. But I think they overlook the fundamental principle which lies at the bottom of this question and they overlook also the experience of the most enlightened and progressive communities in regard to it.

The amendment as advocated by its mover and by other Senators, strikes down and renders impossible two things. It renders impossible the loan of money on real-estate security with any certainty or security that it shall be paid at the day stipulated; so that no person engaged in business, no person having investments or situated so that he must in his turn depend upon his capacity to make punctual payments himself, can lend money to men in difficulties hereafter on real-estate security. Second, savings banks, which are the great lenders of money on real-estate security, which ought to be encouraged everywhere, and which are a sign of the highest prosperity (we have $370,000,000 invested in them by our workmen in my own State), can not make real-estate investments, because they must have their deposits, from the nature of their business, payable at once whenever there is a run, or a demand, or a hard time.

Now, what is the result of striking down that power? The result is that the man in difficulties, the debtor whom my humane and wise friend wishes to protect, instead of borrowing money when he is in trouble and in times of distress and hardship, when his property is to be taken on execution, instead of being able to borrow money on one, two, three years, or any length of time in the future on his real estate security, has got to sell it at a sacrifice; so that, in times of hardship and distress among the poor people, instead of having hundreds and thousands of mortgages to be paid in the future, the history hereafter is to be that there are to be hundreds and thousands of sales without redemption, at such terms as the buyer with the money in his pocket imposes upon the distressed seller.

In order to meet that, this provision has grown up, and it is not complained of anywhere. It has been the law of Massachusetts for thirty-two years, and you could not find a man, debtor or creditor, to raise his finger to ask any modification of it.

The object is that there may be a conveyance by which, at a time fixed in the future, ten months, one year, or five years, if the debt in the meantime has not been paid, there may be a sale under such stipulations and securities for full advertisement as the parties shall agree upon, the debt only being paid over to the creditor, and the balance going back to the debtor, the grantor or his assigns. Now, that is not a mortgage. It has the name of mortgage in our public nomenclature, because it is a provision usually inserted in a mortgage; that is, there is an old-fashioned mortgage with its three years' foreclosure, or its foreclosure by judicial sale, or at the election of the creditor.

This trust is treated as a trust deed, and the sale is made. The one especial difference between a mortgage and a trust deed or a deed of this kind is that a mortgage is the dead pledge, *mort gage;* that is, the property, however valuable or large, if the debt is not paid, goes to the creditor to extinguish the debt, however small, and the debtor has no further interest in it. That is the dead hand, the dead gage, the dead pledge on the man's property, but when the property is sold and there are such arrangements as the parties can agree upon, the creditor never gets anything but his debt. He does not get the property unless there is a special provision that he may buy, which is not found in the customs of this District; it is not found in this bill. He gets only his debt, and the debtor, or his grantee, gets the rest.

Mr. President, I affirm as a matter of experience that it is a bad thing for debtors, that it is a bad thing for debtors in distress, that it is a bad thing for poor householders to deprive them of the right in times of distress to make the contract which is proposed. Always the courts of equity prevent hardship. If there is a time where a ten days' sale is too short, a simple petition to the court will create a stay, and the thing will be done under the humane care and direction of the court. It is very well, of course, that the law should require ample publicity in the notice, that if you do not want to trust the parties to put it in their deeds there should be a provision that the notice should be in well-known newspapers, or in newspapers every day for two or three weeks, and a notice put upon the premises and a public sale in the business hours of the day—all those things, even a sale by a public officer.

There is no harm in that; there is no objection to that; but to do what is proposed by this amendment is simply to say, I repeat, to every debtor in distress, "You have got to sell out your property in the time of your distress, and you shall not have it in your power to make the best security of it for a payment in the future when you are not in distress." It is to say to the great savings-bank system, which is beneficent, not only because it enables and encourages men to make little deposits of money which are managed for their benefit, but also to enable the savings banks to encourage their depositors and customers in getting little homesteads by loans of small amounts on real estate; "You shall not hereafter, if you observe the principles of sound banking, make your investments in the shape of loans upon real estate."

Mr. GRAY. And to loan associations.

Mr. HOAR. Yes, to loan associations, and building associations, and all such humane enterprises. There lies at the bottom of the solvency, of the success, of the lawfulness of every one of these institutions the fact that its investments shall be so made that in the time of a run it can not be swamped, and that the poor widow, or the poor workingman out of employ, who has his little hoard, shall have it without having to wait six, nine, or twelve months, until all the real-estate investments which the bank had can get sold under onerous provisions after six or twelve months' notice.

Now, that is the whole of this matter. I argued this question in the Legislature of Massachusetts in the year 1852, when there was against this view a storm of prejudice, an ignorant, though most humane and kind-hearted prejudice. It carried the Legislature, and they refused to prohibit this class of contracts; and it has been one of the most beneficent habits and customs that ever existed. I do not wish to speak boastfully, but I have the right to say that the experience of that Commonwealth, with its $370,000,000 of deposits of its working people and their widows and orphans in those institutions, with only two or three instances of savings banks that have failed, is worth studying.

Mr. PEFFER. Will the Senator permit me to ask him a question?

Mr. HOAR. In one moment. Just let me finish my statement. Now, here is a community in the District of Columbia—and I understand there has not been one lisp of a desire from this people here to have this policy forced upon them. It is the theory of a most worthy and excellent gentleman who lives 1,500 miles off that is proposed to be put upon them. Now I will answer the Senator's question.

Mr. PEFFER. I wish to ask the Senator from Massachusetts, in view of his encomium upon the beneficence of the mortgage and trust deed system, whether it is a fact that the number of renters, the number of people who rent the houses they live in, has not greatly increased in proportion to the total number of population during the time to which the Senator refers?

Mr. HOAR. No, sir; I do not think the number has greatly increased. The number of people who own their houses is greater in that community than anywhere else I know of.

Mr. PEFFER. Does not the Senator know that the late census reports of the United States show that in Boston and in all the large cities of the country everywhere, without exception, the number of renters in proportion to the population has very greatly increased during the last ten years?

Mr. HOAR. I do not know that.

Mr. PEFFER. It is a fact, I will state to the Senator.

Mr. HOAR. That does not answer the proposition. I thought the Senator was asking about the entire Commonwealth of Massachusetts; but undoubtedly that is very likely to be true. A nation, a starving nation, has moved across the Atlantic within a generation. People have come from the bogs of Ireland, from Ger-

many and Belgium, from Russia and Armenia, where they barely earn the necessaries of life, and have become useful citizens, skillful mechanics, patriotic Americans, living in comfort and happiness. The man who, in Sheffield, lived on a bare floor and had his meat once a month perhaps for his family, living on a sixpence or a shilling a day, has his carpet and his sewing machine, and his daughter at school, and his piano. Of course, that has been the result of the great manufacturing system which has prevailed in this country, making us the foremost manufacturing nation on the face of the earth. Of course, in manufacturing communities, where a man perhaps will stay but a year or two at one place, the practice of renting rather than owning real estate will prevail to a large extent. The operative in Boston, the operative in our great cities, rents because it is to his advantage to rent.

Mr. GRAY. Rather than own.

Mr. HOAR. Rather than own; but the number of real estate owners who own their houses and invest their savings has also enormously increased at the same time.

Mr. GALLINGER. I desire to remind the distinguished Senator from Massachusetts of the fact that, so far as New England is concerned, and especially in our manufacturing communities, we have had a great influx from Lower Canada of people who are honest and industrious and economical, but who nevertheless can not own their homes.

Mr. HOAR. Yes, who mean to go back; when they own their homes they mean to go back and buy them in Canada. That is very true.

Mr. GALLINGER. That explains to a considerable extent the fact to which the Senator from Kansas calls attention.

Mr. HOAR. I had a very curious experience three or four months ago when I was at home between the extra session and the regular session of Congress. A man who was in the habit of working in my garden had the ways and appearance and dress of an Irishman, and himself came over from Ireland. I had occasion to go after him in a hurry, and I found out where he lived. He had been working there as a common laborer for several years. I went to the house, and when the door was opened and I looked into the front entry of that man's house where he lived, it was as handsome an apartment as anybody would wish to see. There is not a member on this floor who would have been ashamed to have had his own front door opened and a guest look in upon that apartment, and its furniture, and its wall paper, and its carpet, and its neatly painted staircase.

Now, to go back, this is a question which very seriously is to affect the welfare of the class of people whose welfare above all the earth we are bound to look after. The capitalist and the merchant and the business man will take care of himself pretty well. I respect thoroughly the motive which has inspired the Senators who have undertaken to improve the bill, but I say again it is not wise, especially is it not wise in the absence of a lisp of a public desire, to take away from the workingman and the poor man, the wage-earner, the right to give security upon his property when he is in a hard place and compel him to part with it altogether at a sacrifice whenever he is in a hard place, which this policy will do. In the next place, it is wise to take away from the administration of the savings bank and the loan fund and the building association and the other kindred associations the power of so making their investments on real estate security that they can not protect themselves against a run.

Mr. ALLEN. Will the Senator from Massachusetts permit me to ask him a question?

Mr. HOAR. Certainly.

Mr. ALLEN. In what respect does this destroy or take away the right of the poor man the Senator mentions from making a contract for his own benefit, and in fact for the benefit of both parties? In what respect does it interfere with the freedom of contract?

Mr. HOAR. In the respect which I thought I had sufficiently and completely explained. He can not borrow money of a man whom he can not secure upon the only property he has, his real estate, with certainty that he will pay it at the time stipulated; and therefore no man and no institution who has to depend upon payment at the time stipulated will loan to him, and he has either to go to the usurer, who increases his rate of interest in consequence of this increased risk, or he has to be sold out altogether.

Mr. ALLEN. The Senator from Massachusetts will permit me to suggest that under the amendment offered by me the debtor before he can get back his home is required to pay the principal, the interest, and all accrued costs, and when the creditor contracts with him, he understands that he is completely indemnified by the payment of the principal, the interest, and the costs, and he loses nothing.

Mr. HOAR. That reminds me of what I perhaps omitted to say, that there is not the slightest reason in the world why the fullest and amplest superintending and control of this matter should not be lodged in the courts to prevent the trustee from imposing on the debtor.

Mr. GRAY. Will the Senator from Nebraska allow me to ask him a question, as I did not quite understand the Senator?

Mr. ALLEN. Certainly.

Mr. GRAY. Does the amendment of the Senator refer only to the state of things in which the mortgagee himself is the purchaser?

Mr. ALLEN. Oh, no, sir; it extends to all purchasers.

Mr. GRAY. I am not familiar with such a state of the law as the Senator describes, although I know it is common in some of the States, but would not the fact that the right of redemption exists limit the class of bidders upon such property and interfere very much with the price which is possible to be obtained for the mortgaged premises when they are put up for sale?

Mr. ALLEN. In answer to the Senator from Delaware, I will state that in the State where I live, where the rule is that prescribed in the amendment, the experience is that it does not interfere at all with the price of property. A man who makes a loan of money understands well when he is making it, and the purchaser understands well when he purchases it at the mortgage sale, he usually being the mortgagee.

Mr. GRAY. He is not usually the mortgagee with us.

Mr. ALLEN. He understands when he makes the loan and everybody understands that the mortgagor has a year's redemption. Therefore it prevents the mortgagee from overloaning on property, which is beneficial to both parties. The mortgagee takes into account the fact that the mortgagor has a year's right of redemption. When the decree of foreclosure is made, he may stay it by bond in some States, or request in others, or he may absolutely stay it by suit in still others. All persons understand that the right of redemption is absolute in some States up to nine months, and a year in others; and the purchaser, whether he is the mortgagee or some third person, understands that before property can be redeemed, the principal with the interest up to that date, and all costs, must be paid.

Mr. GRAY. I understand, if the Senator will allow me, that he seems to admit that the very fact that a law such as his amendment proposes exists, does affect the competition for the property when it is put up for sale, because the very fact which he states to be the fact, that all persons understand that this right of redemption exists in the mortgagor for the period the Senator has stated, will exclude some bidders, and it seems to me does affect the price which will ultimately be realized for the mortgaged premises.

Mr. ALLEN. That is not the effect of it, that is not the history of it.

Mr. GRAY. It is not in this part of the country as usual a thing as it may be in the West for the mortgagee to be the purchaser at the sale. Where property brings its value, it is more apt to be purchased by some outside or third person.

Mr. CHANDLER. Will the Senator from Delaware allow me to ask him a question?

Mr. GRAY. Yes.

Mr. CHANDLER. I ask whether in his State or in any State he knows of, or in any place in the United States except the District of Columbia, a piece of property can be sold absolutely that is mortgaged or conveyed in trust on ten days' notice, without any right of redemption thereafter to the debtor?

Mr. GRAY. I know of no such condition anywhere.

Mr. CHANDLER. I ask the Senator what is the time in Delaware?

Mr. GRAY. We have no trust sale; but in proceedings for foreclosure the notice requisite for the sale would involve a period of six months.

Mr. CHANDLER. Mr. President——

Mr. FAULKNER. I should like to answer the Senator's question.

Mr. CHANDLER. One moment. Neither in Massachusetts, nor in any State of the Union that I know of, is there such a strict foreclosure sale as in this District, where you can advertise on the request of the creditor if even the interest on the debt is unpaid, and on ten days' notice sell the property without any right of redemption whatever.

Mr. FAULKNER. That is the law in West Virginia, in Virginia, and in Maryland, surrounding this District, and after an advertisement of thirty days, I think it is. There is no redemption under a trust sale in any of those States.

Mr. CHANDLER. Very good. I am speaking of the ten days' notice. The Senator from Massachusetts talks about a court of equity interfering. A court of equity can not interfere if the terms of the trust deed are literally complied with, and the terms are that if any portion of the debt, either principal or interest, is unpaid and the creditor wants to sell on ten days'

notice, there must be a sale. There is absolutely no time given to the debtor unless fraud or mistake or accident is shown.

Mr. HOAR. My friend does not state the law of the jurisdiction with which he is acquainted and he does not state the law of the jurisdiction with which I am acquainted.

Mr. CHANDLER. I state the law of jurisdictions with which I am acquainted, one the law of New Hampshire, where it takes a year, the law of Massachusetts, where it takes a year, and the law of this District, where it takes but ten days.

Mr. HOAR. The Senator's statement, to which I called his attention, was that it would not interfere where the terms of the trust deed were complied with. That is not at all true. The very thing that equity is made for is to interfere where a contract is unconscionable or where by the particular circumstances of the contract it is inequitable in its initiation.

Mr. CHANDLER. It would not interfere against this proposed act of Congress, which says that where any part of the debt or interest is not paid, on the request of the creditor, the land may be sold in ten days. Will a court of equity interfere in that case?

Mr. HOAR. In Massachusetts it is thirty days.

EXECUTIVE SESSION.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 20, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 19, 1894.

REGISTERS OF LAND OFFICES.

Thomas J. Foster, of Kearney, Wyo., to be register of the land office at Buffalo, Wyo., vice Carroll H. Parmalee, to be removed.

Oliver H. Gallup, of Nevada, to be register of the land office at Carson City, Nev., his term of office having expired.

John A. Harmon, of O'Neill, Nebr., to be register of the land office at O'Neill, Nebr., vice William D. Mathews, to be removed.

Herman Von Langen, of Topeka, Kans., to be register of the land office at Topeka, Kans., vice James I. Fleming, whose term of office will expire April 18, 1894.

RECEIVERS OF PUBLIC MONEYS.

Aaron W. Eibeshutz, of Independence, Cal., to be receiver of public moneys at Independence, Cal., vice Bertrand Rhine, resigned.

David H Hall, of Eureka, Nev., to be receiver of public moneys at Carson City, Nev., vice Willis G. Clarke, to be removed.

John C. Neher, of Eauclaire, Wis., to be receiver of public moneys at Eauclaire, Wis., vice Frank R. Farr, term expired.

Frank B. Proctor, of Buffalo, Wyo., to be receiver of public moneys at Buffalo, Wyo., vice John H. Lott, to be removed.

POSTMASTERS.

Eugene L. Brown, to be postmaster at Eufaula, in the county of Barbour and State of Alabama, in the place of Andrew J. Locke, whose commission expired February 21, 1894.

Charles Hammond, to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho, in the place of Marcus F. Whitman, removed.

Thomas J. Downey, to be postmaster at Pana, in the county of Christian and State of Illinois, in the place of Gabriel C. Butts, whose commission expired January 28, 1894.

Cyrus N. Walls, to be postmaster at Taylorville, in the county of Christian and State of Illinois, in the place of Benjamin F. Lantz, removed.

Edward G. Niklaus, to be postmaster at Madison, in the county of Jefferson and State of Indiana, in the place of Michael C. Garber, whose commission expired January 8, 1894.

Thomas Loftus, to be postmaster at West Union, in the county of Fayette and State of Iowa, in the place of Charles H. Talmadge, whose commission expires March 20, 1894.

James K. McGavern, to be postmaster at Missouri Valley, in the county of Harrison and State of Iowa, in the place of John D. Brown, whose commission expired December 21, 1893.

Frank R. Scott, to be postmaster at Elkton, in the county of Cecil and State of Maryland, in the place of Joseph Wells, whose commission expired December 21, 1893.

E. P. Thompson, to be postmaster at Aberdeen, in the county of Monroe and State of Mississippi, in the place of James W. Lee, whose commission expired February 21, 1894.

Frank W Cowden, to be postmaster at Red Cloud, in the county of Webster and State of Nebraska, in the place of George J. Warren, whose commission expired January 16, 1894.

Charles M. Busbee, to be postmaster at Raleigh, in the county of Wake and State of North Carolina, in the place of A. Webster Shaffer, whose commission expired March 7, 1894.

Eugene C. Protzman, to be postmaster at Portland, in the county of Multnomah and State of Oregon, in the place of George A. Steel, whose commission expired December 21, 1893.

W. Fisk Conrad, to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania, in the place of Charles S. W. Jones, whose commission expired February 6, 1894.

Isaac R. Stayton, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania, in the place of John A. Gilleland, whose commission expired March 13, 1894.

William Wallace, to be postmaster at Columbia, in the county of Richland and State of South Carolina, in the place of Virgil P. Clayton, whose commission expired January 9, 1894.

Henry W. Chinn, to be postmaster at Velasco, in the county of Brazoria and State of Texas, in the place of James B. Shea, removed.

James R. Martin, to be postmaster at Denison, in the county of Grayson and State of Texas, in the place of Charles T. Daugherty, deceased.

George R. Nixon, to be postmaster at Ashland, in the county of Hanover and State of Virginia, in the place of John H. Blunt, whose commission expired January 27, 1894.

Frank J. Norris, to be postmaster at Leesburg, in the county of Loudoun and State of Virginia, in the place of Charles P. McCabe, whose commission expired March 12, 1894.

Oscar E. Rea, to be postmaster at Everett, in the county of Snohomish and State of Washington, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1893.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 19, 1894.

David H. Hall, to be register of the land office at Carson City, Nev., whose nomination was sent to the Senate February 12, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 19, 1894.

POSTMASTERS.

Theodore A. C. Beard, to be postmaster at Crete, in the county of Saline and State of Nebraska.

Matthew W. Clair, to be postmaster at North Platte, in the county of Lincoln and State of Nebraska.

David R. Daniels, to be postmaster at Norfolk, in the county of Madison and State of Nebraska.

Richard M. Liberty, to be postmaster at Alma, in the county of Harlan and State of Nebraska.

William J. McElhiney, to be postmaster at Lexington, in the county of Dawson and State of Nebraska.

Rainard B. Wahlquist, to be postmaster at Hastings, in the county of Adams and State of Nebraska.

Seymour McWilliams, to be postmaster at Abingdon, in the county of Knox and State of Illinois.

Thomas J. Davis, to be postmaster at Creston, in the county of Union and State of Iowa.

Mark W. Murray, to be postmaster at Pender, in the county of Thurston and State of Nebraska.

James A. Costello, to be postmaster at Grand Island, in the county of Hall and State of Nebraska.

Volney M. Street, to be postmaster at Nebraska City, in the county of Otoe and State of Nebraska.

Elijah J. Duer, to be postmaster at Millersburg, in the county of Holmes and State of Ohio.

Charles H. Meeker, to be postmaster at McCook, in the county of Red Willow and State of Nebraska.

John L. McDonough, to be postmaster at Ord, in the county of Valley and State of Nebraska.

William R. Dawson, to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania.

Edgar L. Brady, to be postmaster at Washington, in the county of Washington and State of Pennsylvania.

John Haviland, to be postmaster at Phœnixville, in the county of Chester and State of Pennsylvania.

Alvin K. Linderman, to be postmaster at Troy, in the county of Bradford and State of Pennsylvania.

Charles M. Lee, to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania.

Nettie S. Johnson, to be postmaster at Athens, in the county of Bradford and State of Pennsylvania.

Lee T. Savin, to be postmaster at Clifton Forge, in the county of Alleghany and State of Virginia.

Emma Ritter, to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania.

David H. McCarty, to be postmaster at New Kensington, in the county of Westmoreland and State of Pennsylvania.

James L. Carlisle, to be postmaster at St. Louis, in the county of St. Louis and State of Missouri.

Edward J. F. Horne, to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona.

Owen Willison, to be postmaster at Davis, in the county of Tucker and State of West Virginia.

W. R. Gibson, to be postmaster at Iowa Park, in the county of Wichita and State of Texas.

De Witt Wagner, to be postmaster at Memphis, in the county of Scotland and State of Missouri.

George J. Vaughan, to be postmaster at Jefferson City, in the county of Cole and State of Missouri.

James L. Moseley, to be postmaster at Hearne, in the county of Robertson and State of Texas.

Fidelia Kilgore, to be postmaster at Longview, in the county of Gregg and State of Texas.

Harry Galbraith, to be postmaster at Terrell, in the county of Kaufman and State of Texas.

William D. Roberts, to be postmaster at Provo City, in the county of Utah and Territory of Utah.

Oscar H. Royal, to be postmaster at Wolfe City, in the county of Hunt and State of Texas.

John A. Flattery, to be postmaster at Oklahoma, in the county of Oklahoma and Territory of Oklahoma.

James B. Cogan, to be postmaster at Huron, in the county o Beadle and State of South Dakota.

W. H. Hirst, to be postmaster at Alamosa, in the county of Conejos and State of Colorado.

Patrick Daly, to be postmaster at Gunnison in the county of Gunnison and State of Colorado.

Homer B. Snyder, to be postmaster at Manitou, in the county of El Paso and State of Colorado.

Samuel T. Greene, to be postmaster at Mitchell, in the county of Davison and State of South Dakota.

William B. Mead, to be postmaster at Oberlin, in the county of Decatur and State of Kansas.

William C. Butts, to be postmaster at Valley Falls, in the county of Jefferson and State of Kansas.

Nin E. Burrus, to be postmaster at Kiowa, in the county of Barber and State of Kansas.

Nathaniel T. Allison, to be postmaster at Columbus, in the county of Cherokee and State of Kansas.

Robert N. Locke, to be postmaster at Pierre, in the county of Hughes and State of South Dakota.

J. B. Lile, to be postmaster at Neodesha, in the county of Wilson and State of Kansas.

Andrew P. Herold, to be postmaster at Seneca, in the county of Nemaha and State of Kansas.

James A. Anderson, to be postmaster at Hamilton, in the county of Hancock and State of Illinois.

Bridget Lane, to be postmaster at Summit, in the county of Union and State of New Jersey.

George E. Masters, to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota.

Frederick Bostwick, to be postmaster at Onarga, in the county of Iroquois and State of Illinois.

Redick M. Ridgly, to be postmaster at Springfield, in the county of Sangamon and State of Illinois.

Albert W. Giles, to be postmaster at Oak Park, in the county of Cook and State of Illinois.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 19, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

MILITARY PRISON, FORT LEAVENWORTH.

The SPEAKER laid before the House a letter transmitting an estimate of deficiencies in the appropriation for the support of the military prison at Fort Leavenworth, Kans., submitted by the Secretary of War; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'NEIL, for two days.

To Mr. HEINER of Pennsylvania, for three weeks, on account of important business.

To Mr. ARNOLD (on motion of Mr. CLARK of Missouri), for two weeks on account of important business.

To Mr. COOMBS, for Tuesday and Wednesday, on account of public business.

COMMODORE O. C. BADGER.

The SPEAKER laid before the House a bill (S. 943) for the relief of Commodore Oscar C. Badger.

Mr. TALBOTT of Maryland. Mr. Speaker, I ask unanimous consent that that bill lie on the Speaker's table for the present.

There was no objection, and it was so ordered.

CLAIMS OF THE UNITED STATES AGAINST TENNESSEE, AND OF TENNESSEE AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a joint resolution (S. 61) for the adjustment of certain claims of the United States against the State of Tennessee, and of certain claims of the State of Tennessee against the United States.

Mr. COX. Mr. Speaker, I ask unanimous consent for the present consideration of that joint resolution.

Mr. SAYERS. I must object, Mr. Speaker. I want to go on with the pending appropriation bill, and I will ask the gentleman to let that lie over until to-morrow.

The SPEAKER. Objection is made. The joint resolution will lie upon the Speaker's table if there be no objection.

Mr. DINGLEY. Has it been referred to a committee?

The SPEAKER. It has not.

Mr. DINGLEY. Does the gentleman desire it to lie on the table, it not having been referred to a committee of the House?

The SPEAKER. If objection is made, the joint resolution will be referred to the Committee on War Claims.

SITE FOR A NEW GOVERNMENT PRINTING OFFICE.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the consideration of a bill (H. R. 53) immediately after the pending appropriation bill has been disposed of. This is a House bill authorizing the purchase of certain real estate for the erection of a Government Printing Office.

Mr. BURROWS. Mr. Speaker, I understand that the gentleman's request is for unanimous consent to consider the bill indicated by him after the sundry civil bill. I object for the present. It will be time enough to agree to that request after the pending bill is disposed of.

ORDER OF BUSINESS.

The SPEAKER. There is no call of committees this morning.

Mr. SAYERS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. LESTER of Georgia in the chair).

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

Mr. SAYERS. Mr. Chairman, I ask unanimous consent that all debate upon the pending paragraph and amendments be closed at 2 o'clock, the time to be equally divided between those who favor the pending amendments and those who are opposed to them.

Mr. HARTMAN. I understand that the gentleman from Texas has no objection to thirty minutes being accorded to those who are in opposition to the amendment offered by the gentleman from Indiana?

Mr. SAYERS. I do not object to that.

Mr. MERCER. Mr. Chairman, I understand that there are gentlemen on this side who desire to consume some little time in the discussion of matters relating to the Missouri Commission.

The CHAIRMAN. That is the paragraph to which the request of the gentleman from Texas relates.

Mr. LOUD (to Mr. SAYERS). Say a quarter past 2 o'clock instead of 2.

Mr. SAYERS. I think we can close at 2 o'clock and have time enough for debate. I ask unanimous consent, Mr. Chairman, that all debate upon the pending paragraph of the bill and amendments be closed at 2 o'clock; the time to be equally divided.

Mr. PICKLER. That will permit us to offer such amendments as we desire?

Mr. SAYERS. You can offer them, but without debate.

Mr. PICKLER. We want time to present them.

Mr. CANNON of Illinois. Does this relate to the Soldiers' Home matter?

Mr. SAYERS. No, sir; to the Missouri Commission.

Mr. MERCER. Then I misunderstood the gentleman's proposition.

Mr. HERMANN. Not only to the Missouri River Commission, but to the other contracts.

Mr. SAYERS. There are no other contracts involved at all; nothing but the Missouri River Commission.

Mr. HERMANN. Then the gentleman does not include in his request the general contract system?

Mr. SAYERS. No; that has nothing to do with it.

Mr. BOWERS of California. Do I understand that a portion of the time will be given to the amendment in relation to the Soldiers' Home?

Mr. SAYERS. No; there will be additional time for that.

Mr. HENDERSON of North Carolina. Mr. Chairman, I ask the gentleman from Texas to permit me to make some remarks on a paragraph that has been passed.

Mr. SAYERS. I will give the gentleman time before we close the consideration of the bill.

Mr. CANNON of Illinois. I am ready to assent to anything that is satisfactory to the gentleman from Massachusetts [Mr. COGSWELL].

Mr. COGSWELL. I do not understand what the pending proposition is.

Mr. SAYERS. I have asked unanimous consent that all debate on the pending paragraph and amendments be closed at 2 o'clock; the time to be divided equally between the friends and the opponents of the amendments.

Mr. CATCHINGS. Say at 2:15. That will give an hour to each side.

Mr. PICKLER. Mr. Chairman, we have several amendments that we desire to present. The Chair will remember that I wished to present one the other day, but let it go over. Now, it might be that all this time would be consumed by the friends of one amendment. I want only a short time, but I do want time to offer these amendments.

Mr. SAYERS. There will be an hour to be divided, and if I am allowed to regulate it I will try to distribute the time fairly.

Mr. PICKLER. I do not want more than ten minutes.

Mr. WILSON of Washington. I want five.

Mr. COGSWELL. Will the gentleman from Texas modify his request so as to have the debate close at half past 2?

Mr. SAYERS. Let it be half past 2, then, Mr. Chairman.

There was no objection, and it was so ordered.

Mr. SAYERS. I suggest that the gentleman from Mississippi [Mr. CATCHINGS] be allowed to control the time of those opposed to the amendments, and that the gentleman from Massachusetts [Mr. COGSWELL] be allowed to control the time of those in favor either of the pending amendments or amendments that may be proposed

The CHAIRMAN. Is there objection to that arrangement? The Chair hears none, and it will be so ordered.

Mr. CATCHINGS. Mr. Chairman, when we had this matter under discussion on Friday last, I undertook to give what the Committee on Rivers and Harbors considered sound and substantial reasons why certain of the great works of river and harbor improvement had been placed under what is called the contract system. It has been complained that one effect of that system has been to discriminate against other projects. Measurably that is necessarily true; and it was perfectly understood when Congress embarked upon this system that that effect would necessarily, to some extent, result. For instance, Mr. Chairman, it was understood then that those works which were placed under the contract system would receive appropriations at the short session of each Congress until they were completed—a benefit which could not come and which never did come to those works not embraced in that system.

Now, it surely can not be argued that because these contract works receive an appropriation at the short session, any harm whatever has been done to other works, because prior to the adoption of this contract system there was no river and harbor appropriation whatever at a short session of Congress.

But the system was entered into because it was believed, and experience has manifested that that belief was well founded, that the system would result in very great economy to the Federal Treasury and would greatly expedite the completion of these works so important to the commerce of our great country. And the Committee on Rivers and Harbors, following the precedent, I will say, set by the Senate in 1890, embraced in their river and harbor bill for 1892 twelve additional projects which I named during my remarks on Friday last. And while it is a fact that there can not be anything local or sectional with reference to any one of these great works, yet it is also true that while embarking upon a system which we believed would result in great benefit, we did endeavor, even locally speaking, to fairly distribute the works which were to be put under that system.

For instance, we included, as I stated, Point Judith, Rhode Island; the Hudson River, New York; Hay Lake and St. Marys channels, in the Great Lakes; the harbor of Philadelphia; the Missouri River in the West; the Upper Mississippi in the West; Galveston in the South; Charleston, Savannah, Mobile, and the Lower Mississippi; St. Johns, Florida; the Great Kanawha, West Virginia; Humboldt, California; the Cascades, Oregon; Baltimore, Md.; and the ship channel running through the Great Lakes from end to end. So that the action of the committee can not be subjected to criticism even if these works were to be regarded as local.

But take, for instance, in confirmation of my statement that you can not localize one of these great works, the case of the harbor at Galveston. That harbor, Mr. Chairman, was placed under the contract system, not for the purpose of complying with the wishes of the people of the State of Texas, but for the purpose of gratifying the desires of the Representatives on this floor from the great States of the West, such as Kansas, Nebraska, Colorado, and other States in that vicinage. They were extremely anxious that they should find a shorter route to the seaboard: and it is said to be a fact that they do reach the seaboard by a distance of 700 miles at Galveston or at Sabine Pass. That work was expedited at the urgent request and demand of gentlemen representing those States, and not at all at the instance of the people of Texas.

Take, again, the work for the improvement of the mouth of the Mississippi River by jetties, which was completed, fortunately, some years ago. That was not done for the purpose of pleasing the people of the State of Louisiana, but for the purpose of giving facilities for the enormous foreign commerce of that city. I hold in my hand a statement made by Mr. Warmouth, the collector of commerce at the city of New Orleans, showing that during the last twelve months, notwithstanding the great depression which prevailed in business all over this country, the exports and imports of that city have reached the gigantic sum in value of $109,000,000. So that that was a national work. It was meant to accommodate the world's commerce as well as the coastwise commerce of this country.

So, if you take the work on the Mississippi River, nobody can say that there is anything local in the character of that work. It appears that the through freight alone on that great river during the past twelve months amounted to 8,604,663 tons. It appears from a statement of the Pittsburg Coal Exchange that 46,250,000 bushels of coal alone went down that river from the city of Pittsburg. It appears also that the receipts at the city of New Orleans by river (having no connection whatever with its foreign trade) reached the enormous sum of $40,000,000.

The same statement made by Collector Warmouth gives the commerce of a number of towns on the lower part of that river; and I regret that it is not in my power to give to this House a statement of the commerce of all the towns on that river. But, beginning as low down as Natchez, you will be surprised at the enormous amount of commerce transacted on that great stream. Take the town of Natchez—its river commerce was valued at $2,637,000; at the town of Vidalia it was $468,000; at Bayou Sara it was $586,429; at Baton Rouge it was $4,084,594; at Plaquemine it was $1,860,037; at Donaldsonville it was $4,613,321; at Red River it was $4,169,647. The river commerce from these sources alone, it will be seen, amounted to $18,419,888.

This does not at all take into account the enormous business transacted by the great city of Memphis, by the cities of Vicksburg and Helena, Greenville and Cairo, and numbers of other important places which I can mention.

Now, Mr. Chairman, the most earnest demand for the improvement of that river which was ever presented to the Committee on Rivers and Harbors came from the Chamber of Commerce of the city of New York. A large delegation of those gentlemen came before us in 1892. Now, I will read you what the Chamber of Commerce is, as described by its own president. I clipped this from the New York Press of yesterday:

Mr. Charles S. Smith, president of the Chamber of Commerce, said:

"The Chamber of Commerce has 1,000 members, who are the largest individual taxpayers in the city of New York. The membership of the chamber comprises all of the avenues of commercial activity. Of the sixty-five banks which compose the New York Clearing House Association, sixty-one are members of the Chamber of Commerce. All the great life insurance companies, all the great railroad corporations, all the shipping merchants, bankers, and leading business men are members of the chamber. If anybody has a right to speak for the commercial interests of the metropolis, that body is the Chamber of Commerce. It is the oldest institution of the kind in the United States, its birth antedating that of the Republic. It is in no sense political."

I wish to repeat that the body so accurately defined by Mr. Smith, the president of that Chamber of Commerce, came before us and urged by every means in their power most liberal appropriations for the improvement of this great river.

Those persons who dwell on the banks of that river are really those least concerned in the maintenance of those levees. The Mississippi Valley will average 50 or 60 miles in width. Every foot of it is subject to overflow, unless prevented by means of these levees. There are great railroads traversing that whole valley, running north and south, east and west, speeding the Government's mails and the nation's commerce, and those great railroads are owned in the city of New York. Hence you can well understand the interest and anxiety which those people had in the maintenance of these levees, which are an essential feature of the system suggested by the Commission for the improvement of that river.

Now, Mr. Chairman, it can not certainly be said that there is anything local in the work of improving that great river from Cairo to the Gulf, a distance of eleven hundred miles. My friend, the gentleman from Washington [Mr. WILSON], made a statement here that since the foundation of the Government something like $75,000,000 had been expended on the Mississippi River. I don ot wish to dispute his figures. I have never myself seen the statement as to the amount that has been expended on that river, beginning with the foundation of the Government, but I do know that up to 1882 there had never been any substantial and systematic effort made to improve that River. And beginning with 1882 the total appropriations, as stated in the last annual report of the Mississippi River Commission, have been $19,987,335. Of that, less than one-third has been expended in the building of levees along the banks of that River. I will add, Mr. Chairman, that for every dollar that the Government has put into levees the people owning lands along the banks of that river have put in four or five, so that what the Government has done has simply been to aid these people to complete work which they had in hand, and which they themselves would have completed in the course of time.

Mr. LOUD. Will the gentleman repeat his figures as to the amount expended since 1882?

Mr. CATCHINGS. I have the exact figures as taken from the report of the Mississippi River Commission. From Cairo to the Gulf the amount expended has been $19,987,335.

Mr. LOUD. You do not include the whole river?

Mr. CATCHINGS. No, sir. Now, Mr. Chairman, I wish to call attention to the fact that the Mississippi River Commission is not a body of Southern men. There is but one man from the South on that Commission, and that is Maj. Harrod, a very distinguished engineer in civil life, residing in the city of New Orleans. Gen. Comstock is its president, and it is composod entirely of army officers, except three civilians, one of whom is Maj. Harrod, whom I have mentioned, another of whom is my distinguished friend, Judge Taylor, of Indiana, and another is Mr. Whiting, a member of the Coast and Geodetic Survey. Now, this Commission has constantly insisted that there could be no perfect improvement of that river which did not include restraint of the great floods which pour down in times of high water; and there is a reason for it, because if you were to flood that valley, as you will do if you throw down the levees, it is utterly impossible that there could be any commerce on that river.

Mr. WILSON of Washington. Will the gentleman allow me to interrupt him for a question?

Mr. CATCHINGS. Yes.

Mr. WILSON of Washington. What is the amount of the salaries, if any, that are paid to the members of this Commission?

Mr. CATCHINGS. The civilian members get $3,000, the army men get nothing.

Mr. WILSON of Washington. Does the gentleman think, or is it his opinion, that we could dispense with the civilians, and put on a commission composed entirely of army officers? The point I make is, that if it is advisable and in the interest of economy to detail army officers as Indian agents, why is it not in the interest of economy to place them on these Missouri and Mississippi River Commissions?

Mr. CATCHINGS. If this Commission, Mr. Chairman, was to be originally created, I should not have the slightest objection to having it composed entirely of officers of the Army; but the two civilian members, Judge Taylor, of Indiana, and Maj. Harrod, have been on the Commission for a great many years. They are men of distinguished ability, they are perfectly familiar with this work, and I do not think it would be the part of prudence now to take those men from the Commission; and yet I am quite prepared to admit that if the Commission were to be originated, I can see no reason why it should not be entirely composed of officers of the Army.

But, Mr. Chairman, you can have no navigation upon the Mississippi River in times of high water with that valley flooded. Why, it would be almost as dangerous for a heavily laden steamer to leave St. Louis for New Orleans with that valley flooded as it would be to start across the Atlantic Ocean.

Mr. MARSH. Will the gentleman allow me to interrupt him?

Mr. CATCHINGS. Certainly.

Mr. MARSH. Will you please state in that connection the proportion of that $19,000,000 expended between Cairo and the mouth of the river since 1882 on levees?

Mr. CATCHINGS. I will give it to you exactly, $6,090,940.64; less than one-third of the appropriation.

Mr. MARSH. I just wanted it to appear in your remarks.

Mr. CATCHINGS. But, Mr. Chairman, there is an incidental benefit which is also a commercial benefit. It has enabled, as I have stated, the building and operation of great through lines of railroads all through the Mississippi Valley, which would be absolutely inhibited if you should not restrain these high waters. So that, if the incidental benefit is great, it is simply an additional reason why the Government should pursue that work.

Mr. PICKLER. Right there, if the gentleman pleases. So far as it affects the rivers and towns along the Mississippi River, if the waters encroach upon the town and the river becomes shallow, so that there is no harbor, is it not to the public benefit to protect that town as well as to secure the harbor?

Mr. CATCHINGS. Beyond any doubt.

Mr. PICKLER. Is it not a good thing for the people and for the country not to hold the commission or the committee here down to too close a distinction between what is incidental benefit and what is legitimate benefit?

Mr. CATCHINGS. Well, I would say this to my friend, that if you take a river like the Mississippi River, which has an enormous commerce, undoubtedly it is most desirable that you should make the harbors of that river safe and secure, because you can not fairly transact you commercial business unless you do.

The distinction we make between this river and the Missouri is that as the Missouri stands to-day it has no commerce. There is no commerce, or very little, on the Missouri River.

Mr. PICKLER. But it is just as necessary that we have it kept open for commerce.

Mr. CATCHINGS. I hope so. But I want to say this, that this committee has been endeavoring to improve the Missouri River so that you would have commerce, and we have endeavored to make liberal appropriations, and we have done so, as my friend knows, for the purpose of improving that river so that you could have commerce on it; but the unfortunate part was that, yielding to the requests of gentlemen representing districts along the banks, we have diverted the funds which were intended to be used in improving the navigation of that river for the protection of towns on its banks, where there is no river commerce.

Mr. PICKLER. Above Sioux City, the part in which I am interested, no appropriations have been used for that purpose.

Mr. CATCHINGS. I do not allude to your part of the river. I was speaking about the river from Sioux City down.

Mr. Chairman, what I have said has not been for the purpose of favoring the Mississippi River, or any other project, but in pursuance of my statement that it is in no sense a local work. For instance, St. Louis, Pittsburg, and Cincinnati ship vast quantities of freight down the Mississippi River. You can not take your stand on the banks of the river anywhere for half an hour without seeing the smoke of some steamer come into sight laden with products going down the Mississippi River. The Barge Line of the Mississippi Transportation Company of St. Louis alone shipped 392,670 tons of freight in the last year.

Take the Hudson River, I am sure I need not call attention to the national character of that stream. Take the harbors of Charleston, Savannah, and Mobile; the Old Dominion line of steamers touch and trade at each one of these ports; vessels engaged in foreign commerce enter and depart; the city of Savannah is one of the largest ports for naval supplies in America. So it will be found that every project that we have placed under this contract system can be fairly considered as a national rather than as a local or sectional project. But we hope to get rid of those that we have now in process of construction within a very short time, and then I trust the results will be found to be so satisfactory that the next Congress will not hesitate to take on twelve or fifteen other of the larger works of the country and press them to completion in the same way.

I invite careful attention to the statement made by Gen. Casey (published as a part of the remarks which I made on Friday last), which establishes beyond question two facts; first, that the construction of these works has been enormously expedited by this system; and secondly, that they are completed, or will be completed, with great economy to the Government. It would be, in my judgment, a most unfortunate thing if Congress should

over turn it's back on this system, which is the first and the only business system that has ever prevailed in reference to these public works since I have been in Congress. If we are to carry on these great works at all we ought to carry them on in such a way as will secure their completion within a reasonable time and as will result in the greatest legitimate saving to the Treasury.

Mr. BLACK of Illinois. Is the gentleman prepared to state the extent to which other governments are now carrying on the improvements of water ways?

Mr. CATCHINGS. I am not prepared at this moment to make any very accurate statement on that subject. I may, however, call the attention of my distinguished friend to the fact that there has just been completed a great ship canal, fairly dug out of the earth, connecting the city of Manchester with the city of Liverpool, and costing some seventy or seventy-five million dollars.

Mr. WILSON of Washington. That canal to which the gentleman refers is a magnificent work, which will undoubtedly be of great advantage to the commerce of Great Britain. Now, we have on our Pacific coast a place where two miles of canal would open communication with a great fresh-water lake and would be of immense advantage to commerce, saving the enormous expense caused by the teredo which we have heard about here, and making other savings; and yet, although we have had surveys and reports of engineers on the subject for the last twenty years and have expended $10,000 on a new survey, and although my State has offered to donate the necessary land, the fact seems to be that we can not secure any consideration from this body for that project.

Mr. CATCHINGS. Without undertaking to pass judgment at all on the project to which the gentleman refers, I will remind him that it is one which will be very expensive, which is estimated to cost some millions.

Mr. WILSON of Washington. About $2,000,000, in round numbers.

Mr. CATCHINGS. Yes, it is estimated to cost about $2,000,000, and we did not feel that at this juncture we could take on that project, or any other that would be so expensive. I have no doubt, however, that two years from now we shall be able to give his project as full and fair consideration as it is entitled to, and I think it is more than likely that it will find its way into the bill. The committee certainly have no prejudice against the project, and have not rejected it at all.

Mr. WILSON of Washington. I do not wish to be misunderstood as charging that the committee has any prejudice against that project.

Mr. CATCHINGS. Well, they have not rejected it.

Mr. WILSON of Washington. I desired merely to call attention to the fact that for the past twenty-five years the United States engineers have made surveys and have recommended the project, and as the gentleman was mentioning canals, having had no other opportunity to mention this one, I took this occasion to direct attention to it.

Mr. GRESHAM. The Argentine Republic has spent $50,000,000 on two harbors within a short period.

Mr. CATCHINGS. My friend from Illinois [Mr. BLACK] has kindly furnished me some statistics, which I will insert in my remarks. I have not time to read them now because I must yield the floor to other gentlemen.*

But, Mr. Chairman, in conclusion I wish to say that in this age of falling prices all over the world there has grown up a demand for cheaper transportation which no language can adequately describe. If gentlemen could see the delegations who come before the Committee on Rivers and Harbors from every section of this country clamoring for the improvement of their small and their large water ways and for the deepening of their harbors, they would understand that it all means a general demand for cheaper transportation which may to some extent offset the depressing fall in prices which has taken place and is still going on all over the world. Therefore this is a time when, instead of halting or turning back, we should go forward and try to give the people the relief in this direction which they demand.

Why, sir, I undertake to say that but for the opening up of the rivers, and the deepening of the harbors of this country which has been going on with a fair measure of success for the last twenty years, hundreds of thousands of acres of land that are now cultivated with some degree of profit would be absolutely abandoned; and, in view of the results already obtained, and in view of the general demand of the people for cheaper transportation, no man here should hesitate to vote the most liberal appropriations for these purposes. Mr. Chairman, the value of a water way can not always be determined by the amount of transportation upon it. I remember a remarkable statement made before the Senate Committee on Transportation some years ago by Mr. Albert Fink, the great railroad expert, to the effect that the freight rates on every railroad east of the Rocky Mountains were fixed in view of the competition of the Great Lakes and the Mississippi River.

Mr. PICKLER. Well, the Missouri River has the same relation to a great deal of our territory.

Mr. CATCHINGS. I have no doubt that that is true. Mr. Chairman, if we do not meet the just demands of the people in this direction we shall certainly be recreant to the highest duty that we owe them. I have never felt that a single dollar appropriated for rivers and harbors has been badly spent. Of course there has been waste. There will be waste under any system, but the good which has resulted has been so much greater than the possible injury from any waste that may have occurred, that no man can justly say, viewing the matter broadly, that a single dollar which has been voted for rivers and harbors has been improperly appropriated or spent.

Mr. PICKLER. Can the gentleman give us some idea of what improvements the Missouri River Commission contemplate, from Sioux City down to the mouth, during the coming year under this appropriation?

Mr. CATCHINGS. If my friend will turn to the sixth volume of the reports of the Chief of Engineers he will find what they state on that subject. The report is very short, as I remember it, and simply states that they have been prosecuting their work and that they have reason to believe that they will succeed in perfecting the contemplated improvements.

Mr. PICKLER. Yes, but they mention various items, and I do not know what they contemplate doing this year.

Mr. CATCHINGS. Now, Mr. Chairman, I have spoken longer than I intended, and I must yield the floor to others.

How much time have I left?

The CHAIRMAN. The gentleman has thirty-eight minutes remaining.

Mr. CATCHINGS. I yield ten minutes to the gentleman from Oregon [Mr. HERMANN].

Mr. HERMANN. Mr. Chairman, no legislation enacted here has so fully demonstrated by practical results its beneficial character and its wisdom in the same space of time as the legislation of the Fifty-first Congress applying the contract system for these great public works, and when the history of that illustrious Congress shall be written, of all the monuments to its wisdom and its practical sagacity none will stand out in bolder view than its adoption, for the first time in the history of the country, of the policy of placing the work of improving the great water ways of this nation under the contract system. Now, Mr. Chairman, inasmuch as my time is exceedingly limited, I shall be compelled to epitomize very largely and to go right to the facts.

Let us look at the saving from placing about eighteen of these great public works under the contract system. The authorized contracts amounted in the aggregate to $47,883,500. Of this amount twenty-seven millions, I may say, including the amount which is embraced in the pending bill, has already been or will soon be appropriated: leaving, in round numbers, as the Chief of Engineers informs Congress, $19,000,000 yet remaining to be appropriated of the forty-seven million and odd dollars authorized. Of the $19,000,000, it is expected that in two years time the last dollar will have been appropriated. Now, I propose to show that of that $19,000,000 a large portion has already been saved by virtue of the contract system.

I hold in my hand a list of a few of the eighteen projects upon which a great saving has already been made. Commencing with the Hudson River in New York, there has been a saving of

*NOTE.—The following brief statement of expenditures for the improvement of water ways in other countries, referred to above, is taken from an interesting and instructive article on "River and Harbor Improvement," by Hon. N. C. BLANCHARD, of Louisiana, in the North American Review for March, 1894:

"Our neighbor, Canada, with about one-twelfth of our population and with resources and wealth in nowise comparable to ours, has expended on her transportation routes (lakes, rivers, canals, and railways) more than $300,000,000, including 1,300 miles of railway constructed and equipped by the Government.

"England has only 13,000 miles of coast line—not much more than one-twentieth of what we have. Yet she expends $20,000,000 annually upon the same; $30,000,000 has been expended on the Clyde, which is but a rivulet compared with the Mississippi; and $82,000,000, all told, upon the Mersey, which is but a spring branch compared with the mighty "Father of Waters."

"Upon some of her harbors Great Britain has expended large sums—over $5,000,000 at Portland, over $5,500,000 at Holyhead, and over $7,000,000 at Plymouth. The figures may be much larger than these. I have not before me the expenditures for the more recent years. The great ship canal connecting Manchester with the sea at Liverpool, a distance of about 40 miles, was formally opened, amid great rejoicings, on the first of the present year, having been completed at a cost approximating $80,000,000.

"France, with about three-fifths of our population and one-seventeenth of our territorial area, has expended since 1814 upon her harbors and waterways more than $550,000,000, in addition to $700,000,000 upon her railways. The aggregate length of her navigable rivers and canals is about 7,000 miles—not much exceeding the navigable length of the natural water ways in the single State of Louisiana.

"Germany in 1877 authorized the construction of more than 1,000 miles of new canal routes in addition to the 1,250 miles then in operation and her 4,625 miles of available navigable rivers."

$295,264; on Charleston Harbor there has been a saving of $981,000—nearly a million dollars; on Savannah Harbor, $244,000; on Humboldt Bay, California, $975,115; at the Cascades Locks on the Columbia River, $223,735; on the ship channel in the Great Lakes, providing for a minimum depth of 25 feet of water, extending over 1,000 miles of navigation, there has been the magnificent saving of $2,035,556; on the Great Kanawha there has been a saving of $247,078; on the Hay Lake channel, St. Marys River, in the Great Lakes, a saving of $900,000. These make, in round numbers, upon these great projects a saving of $6,000,000. Now, taking that $6,000,000 from the $19,000,000 leaves $13,000,000.

I omit the estimate of the saving at Baltimore, Philadelphia, Galveston, St. Marys Canal, Mobile Bay, the Mississippi River, and the Missouri. And it is in testimony before the Committee on Rivers and Harbors, through the showing of the Chief of Engineers, that when the improvement of Baltimore Harbor was practically completed it was discovered that there had been a saving of nearly 33⅓ per cent under the contract system, as compared with the system formerly in vogue.

Now, Mr. Chairman, I take the position that in view of all the reductions which have been shown to have been made under this system there will be a round saving of at least $9,000,000, leaving only $10,000,000 yet to be appropriated in future appropriation bills for the entire completion of every one of the great harbors which have been placed under the contract system.

Now I come to a point on which I desire to address myself to the chairman of the Committee on Rivers and Harbors. I take the position that the time has already arrived when arrangements should be made for placing ten or fifteen other great works of this nation under the contract system. By the time that the next sundry civil bill is before Congress every dollar necessary to complete these great works will have been provided for, leaving nothing further to be appropriated for as to contract works, unless legislation shall be provided through the river and harbor bill, whereby the Committee on Appropriations may be authorized to prepare appropriations for the contracts which the Secretary of War will then be authorized to enter into. So that I say the time has already arrived when this Congress should take into consideration the wisdom of providing for other works under this system. There are plenty of them; and unless that is done this generation will never live to see the time when many of the projects which have been recognized by Congress will have been completed.

Take, for instance, the improvement of James River. Three million three hundred and thirty-six thousand dollars will be required to complete that project, and only about $200,000 is being appropriated biennially for the completion of that project. Take the Delaware River, for the completion of which $1,475,000 will be necessary; Raritan River, New Jersey, $1,482,412; Harlem River, New York, $1,805,000; Coos Bay, Oregon, $2,131,412; Michigan City, Mich., $249,613; Toledo, Ohio, $1,200,000; Tonawanda Harbor, New York, $1,008,000; New Haven Breakwater, Connecticut, $1,541,134; Sandy Bay Harbor Refuge, Massachusetts, $4,400,000; Boston, Mass., $1,300,000; Winyard Bay, South Carolina, $2,181,250; Coosa River, Georgia, $4,843,074; Yazoo River, Mississippi, $1,215,000; Cumberland River, above Nashville, Tenn., $6,725,000; Tennessee River below Chattanooga, Tenn., $5,837,939; Tombigbee River, Alabama, $627,400. And when you add to these the Portage road of $454,000 or canal of $3,500,000, which is to be constructed upon the upper Columbia, or the Puget Sound Canal, and some works in contemplation in California, I submit that this generation will have long passed away before one-half of these great harbor ways are completed if we are to appropriate for them as we have been doing biennially in very small sums of money.

Therefore, Mr. Chairman, it seems to me Congress should recognize that the only way by which this generation can ever see the completion of these works is to place them under such a system that there shall be annual appropriations in such liberal sums that these works shall be completed within a reasonable time, and at such reduced cost as we have found is accomplished through the contract system. It is no longer a matter of experiment; it is an accomplished fact. The figures are before us, and some of the great works are already practically completed under this system. We now know what we are doing. It is such a system as good business principles prompt in any successful private concern, and it is equally meritorious for the Government itself to adopt.

I further insist that the Committee on Appropriations should include other works in a future bill, and that it should not be necessary to provide for the maximum estimate, but that less should be appropriated each year, so that a greater number of works may be included. There can be a reduction allowed, for the law permits that. Whoever takes a contract under the Secretary of War for one of these works takes it with this provision of the statutes in full view:

Provided, That such contracts as may be desirable may be entered into by the Secretary of War for the completion of existing projects or any part of the same, to be paid for as appropriations may from time to time be made by law.

Every contractor undertakes the work with this understanding—that if the whole amount is not appropriated in one bill, he must take his chances for getting the amount in some future appropriation bill.

[Here the hammer fell.]

Mr. LOUD. Mr. Chairman, no person better fitted to defend the present system and the system which has been in vogue for some years with reference to rivers and harbors could have been selected than the gentleman from Mississippi [Mr. CATCHINGS], whose many kind and genial qualities of mind and heart have endeared him to this House, and who in presenting a statement to this body aims always to be eminently fair. And I desire to say that no one can possibly object to this contract system who is "in" on the proposition; but those who are upon the outside and can see that they will be compelled to wait for fifty or one hundred years for the improvements of their rivers and harbors may possibly have some little cause for complaint. In defense of this system, the gentleman from Mississippi is ably seconded by the gentleman from Oregon [Mr. HERMANN], who by his industry here since he has been a member of Congress has secured more of the "plunder" for his people than any person who has ever represented the Pacific coast.

Mr. HERMANN. I hope my friend, who is so earnestly in favor of river and harbor improvements, will not describe these appropriations as "plunder."

Mr. LOUD. I am making these remarks with due deference to the gentleman. What I am saying is a compliment to him. It is these very acts that have sent him back to this Congress year after year with increased majorities.

Here is the principal objection to the river and harbor propositions. Money has never been appropriated with the object in view of benefiting the whole country, but appropriations have been made to satisfy certain interests. And now in regard to Oregon, as I have mentioned the gentleman, I will say this: Oregon has been ably represented in Congress for a great many years by the same Senators and the same Member of Congress. They have become acquainted with the system here and have been enabled, with their familiarity with the subject and their industry, to secure large appropriations for their State.

I am not opposed to river and harbor appropriations, but have been, and shall always continue to be, in favor of the most liberal appropriations for that purpose. You can not go to too great an extent in improving the rivers and harbors of this country to suit me. But the gentleman from Mississippi [Mr. CATCHINGS], who has presented one side of the case, can raise no possible objections to a presentation to the House at this time of a few facts and figures that he himself, by his own kindly nature and kindly feeling toward me, prevented me from presenting two years ago. The gentleman well knows that I sought at that time, being a new member of this House, to procure a preliminary survey for a harbor in my district. I was told by the then chairman that I could not have it. It was a proposition that would have cost the Government probably a dollar or a dollar and a half.

I then went to work and prepared the figures which I now have upon my desk. Upon consultation with the gentleman from Mississippi he said to me, "You do not desire to oppose this river and harbor proposition; I can fix this for you." He did so; and the figures never were presented. But this table embodies a truthful statement; and I believe it will be useful to this House for consultation in the future. I will not go over all the figures; I have not the time, and I do not desire to weary the House, but I will say that up to 1890 the Great Lakes received, in round numbers, $12,000,000; the Atlantic coast, $57,000,000; the Gulf of Mexico, $20,000,000; the Mississippi Valley, $76,000,000; and the Pacific coast, $9,000,000.

Now, of course, when appropriations are made, the amount of commerce to be benefited by the appropriation should be taken into consideration. Many gentlemen here from the South have claimed—they did so particularly when the pension appropriation was under consideration—that they receive no benefit from the taxes levied and collected by this Government. But when we look at the figures of the appropriations for rivers and harbors, and take into consideration the amount of Southern tonnage and the value thereof, it will be found, I think, that those States are treated very liberally in this direction. The Gulf States have received alone up to 1890 (saying nothing of $10,000,000 or $12,000,000 in contemplation) $20,497,000. The number of vessels is 833, the value of such vessels $3,518,000, and the

tonnage 62,830. So that when you take into consideration the amount of the tonnage, the Gulf States have been pretty liberally treated.

I have said before that I am in favor of the improvement of rivers and harbors from a legitimate standpoint; but it is a question whether these appropriations have not been influenced or dictated by favoritism.

It is a question in my mind whether it would not have been cheaper to have taken railway transportation to deep tide water at the port of Savannah, rather than have brought deep tide water to the present railway termination. I only state that as one instance; and it is a question whether the same conditions do not exist in other portions of the country.

But I think the attention of this House and country should be drawn particularly to the improvements that have been going on, and which are still going on in what is known as the Mississippi system.

In a little table here I have given the amount of appropriations that have been made to the whole South. The Gulf of Mexico has received $20,000,000. I will only give the round numbers. Virginia has received $3,000,000; North Carolina, $4,000,000; South Carolina, $3,000,000; Georgia, $3,000,000; making a total of $34,611,000. Now, the Lower Mississippi has received over $24,000,000; the Red River and incidental thereto, $1,500,000; making a total of a little over $60,000,000. Adding to that the appropriations made to the Mississippi and the Ohio systems, not including the lakes, the sum of $52,000,000, and we have a total of more than $116,000,000 that have been appropriated to the Mississippi system and the South.

My principal objection, however, is to this Mississippi system, because the chairman of the Committee on Rivers and Harbors [Mr. CATCHINGS] has stated on two occasions that a large amount of money expended there has been expended principally to protect private property.

Mr. CATCHINGS. Oh, no.

Mr. LOUD. Well, incidentally, then?

Mr. CATCHINGS. I said it had the effect of protecting private property incidentally, but I said it had been expended because it was insisted that it was necessary.

The CHAIRMAN. The time of the gentleman from California [Mr. LOUD] has expired.

Mr. LOUD. I would like to put in the RECORD the figures which I have quoted from.

Statement showing Congressional appropriations for survey, improvement, and maintenance of rivers and harbors of the Gulf of Mexico from earliest date of appropriation to 1890, inclusive, given by States.

Locality.	Appropriations— Date of earliest.	Up to and including 1879.	From 1880 to 1889, inclusive.	By act of Congress, September, 1890.	Total to date.
Texas	1852	$1,200,200	$4,338,500	$893,100	$6,491,800
Louisiana	1836	7,557,500	291,655	214,000	8,063,155
Mississippi	1852	71,000	281,125	60,000	412,125
Alabama	1826	1,102,251	1,911,450	811,500	3,823,201
Georgia	1874	97,500	198,000	82,500	378,000
Florida	1828	289,730	787,500	159,500	1,236,730
Total	------	10,378,181	7,808,230	2,220,600	20,407,011

Statement showing Congressional appropriations for survey, improvement, and maintenance of the bays and harbors on and rivers flowing into the Atlantic Ocean, from earliest date of appropriation to 1890, inclusive, given by States.

States.	Appropriations— Date of earliest.	Up to and including 1879.	From 1880 to 1889, inclusive.	By act of Congress, September, 1890.	Total to date.
Maine	1824	$1,256,024	$841,250	$408,000	$2,505,274
New Hampshire	1821	105,000	214,500	88,000	407,500
Massachusetts	1824	2,535,571	1,608,750	497,000	4,701,321
Rhode Island	1827	597,700	762,250	215,000	1,574,950
Connecticut	1821	1,332,277	1,205,050	341,100	2,878,427
New York	1829	4,845,868	3,956,000	1,094,000	9,895,868
New Jersey	1827	677,026	1,166,975	178,600	2,022,601
Pennsylvania	1826	361,100	344,750	50,000	755,850
Delaware	1802	3,580,114	2,299,000	428,100	6,307,214
Maryland	1836	1,364,307	1,749,275	407,500	3,521,082
District of Columbia	1833	351,500	1,825,000	280,000	2,456,500
Virginia	1829	1,209,580	1,788,050	502,000	3,559,630
North Carolina	1826	1,904,059	1,955,650	452,500	4,312,209
South Carolina	1852	563,500	1,890,000	570,000	3,013,500
Georgia	1826	1,072,097	1,684,609	562,500	3,319,206
Florida	1828	226,570	982,000	243,500	1,452,070
General appropriations	1841	4,832,127	258,575	------	5,090,702
Total	1802	26,864,429	24,591,684	6,317,800	57,773,904

Statement showing Congressional appropriations for survey, improvement, and maintenance of harbors of the Great Lakes and of the rivers flowing into them and into the St. Lawrence, from earliest date of appropriation to 1890, inclusive, given by lakes and by States.

Locality.	Appropriations— Date of earliest.	Up to and including 1879.	From 1880 to 1889, inclusive.	By act of Congress, September, 1890.	Total to date.
LAKES.					
Lake Superior	1858	$3,467,555	$3,738,500	$2,027,245	$9,233,300
Lakes Huron and St. Clair	1852	1,934,310	1,511,890	245,500	3,691,700
Lake Michigan	1826	6,440,843	3,917,400	893,000	11,251,243
Lake Erie	1823	5,362,336	2,712,500	804,500	8,879,336
Lake Ontario	1826	2,581,855	895,875	115,000	3,592,730
Lake Champlain	1836	709,352	324,000	90,000	1,123,352
St. Lawrence River	1852	140,006	58,500	53,000	251,506
Niagara River	1829	52,098	106,500	75,000	233,598
General appropriations	1836	3,721,562	58,000	------	3,779,562
Total	1823	24,409,917	13,323,165	4,303,245	42,036,327
STATES.					
Minnesota	1871	$271,050	$413,750	$147,350	$832,150
Wisconsin	1836	2,408,881	1,483,000	472,395	4,364,276
Michigan	1838	7,326,398	5,790,390	2,298,500	15,355,288
Illinois	1833	1,426,005	1,127,400	295,000	2,751,405
Indiana	1836	679,889	381,250	57,500	1,118,639
Ohio	1825	2,580,987	1,658,500	429,500	4,668,987
Pennsylvania	1823	616,367	235,500	40,000	891,867
New York	1826	4,902,006	1,944,875	622,000	7,469,481
Vermont	1836	536,172	237,500	31,000	804,672
General appropriations	1836	3,721,562	58,000	------	3,779,562
Total	1823	24,409,917	13,323,165	4,303,245	42,036,327

Statement showing Congressional appropriations for survey, improvement, and maintenance of the water ways and harbors of the Mississippi Valley, from earliest date of appropriation to 1890, inclusive, given by principal divisions of the system.

Locality.	Appropriations. Date of earliest.	Up to and including 1879.	From 1880 to 1889, inclusive.	By act of Congress, September, 1890.	Total to date.
Upper Mississippi system	1836	$11,303,679	$9,223,260	$2,087,000	$22,613,939
Missouri system	1832	1,489,000	4,011,250	1,150,000	6,659,250
Ohio system	1827	9,396,351	10,011,921	2,331,000	21,739,272
Lower Mississippi system	1819	4,650,965	15,916,125	3,734,200	24,301,290
Whole river, unspecified localities	1827	1,295,712	------	------	1,295,712
Total for Mississippi system	1819	28,135,707	39,162,556	9,311,200	76,609,463
Red River of the North	1876	65,000	128,000	25,000	218,000
Grand total for the valley	1819	28,200,707	39,290,556	9,336,200	76,827,463

Statement showing total appropriations for all rivers and harbors, with the number of vessels (of all classes), their value, registered tonnage, and freight movement, as reported for the census year, allotted to their respective divisions.

Locality.	Appropriation.	Equipment. Number of vessels.	Value.	Tonnage.	Freight movement in tons.
The Great Lakes	$42,036,327	2,784	$48,800,750	924,472	51,203,106
Atlantic coast	57,773,904	9,230	119,943,311	2,197,932	82,408,168
Gulf of Mexico	20,407,011	833	3,518,250	62,830	2,567,891
Mississippi Valley	76,827,463	7,453	15,335,005	3,293,379	29,405,046
Pacific coast	9,999,165	1,842	23,067,370	441,999	13,449,927
Total	207,043,870	22,142	210,673,786	7,020,552	179,034,138

Statement showing Congressional appropriations for the survey, improvement, and maintenance of rivers and harbors on the Pacific coast, by periods, from the earliest date of appropriation to 1890, inclusive.

Locality.	Appropriations— Date of earliest.	Up to and including 1879.	From 1880 to 1889, inclusive.	By act of Congress, September, 1890.	Total to date.
WASHINGTON.					
Cowlitz River	1880	------	$2,000	------	$2,000
Do	1881	------	1,000	------	1,000
Do	1882	------	1,000	------	1,000
Do	1884	------	2,000	------	2,000
Do	1886	------	2,000	------	2,000
Do	1888	------	3,000	------	3,000
Do	1890	------	------	$8,000	8,000
Total for Cowlitz	------	------	11,000	8,000	19,000

Statement showing Congressional appropriations for the survey, etc.—Continued.

Locality.	Appropriations— Date of earliest.	Up to and including 1879.	From 1880 to 1889, inclusive.	By act of Congress, September, 1890.	Total to date.
WASHINGTON—continued.					
Tributaries—Skagit River	1880	.....	$2,500	.....	$2,500
Skagit and Snohomish	1882	.....	20,000	.....	20,000
Stellaquamish, Skagit, and Nootsack	1884	.....	10,000	.....	10,000
Snohomish and Nootsack	1886	.....	10,100	.....	10,000
Skagit, Snohomish, and Nootsack	1888	.....	15,000	.....	15,000
For all rivers	1890	.....	.....	$12,000	12,000
Total for tributaries	.....	.....	57,500	12,000	69,500
Total for Cowlitz	.....	.....	11,000	8,000	19,000
Total for Cowlitz and tributaries	.....	.....	68,500	20,000	88,500
Chehalis River	1882	.....	3,000	.....	3,000
Do	1884	.....	5,000	.....	5,000
Do	1888	.....	2,000	.....	2,000
Do	1890	.....	.....	3,000	3,000
Total for Chehalis	.....	.....	10,000	3,000	13,000
Canal from Lake Union to Puget Sound	1890	.....	.....	10,000	10,000
Total for Cowlitz and tributaries	.....	.....	68,500	20,000	88,500
Total for Chehalis	.....	.....	10,000	3,000	13,000
Total for Washington	.....	.....	78,500	33,000	111,500
OREGON.					
Coos Bay	1879	$40,000	.....	.....	40,000
Do	1881	.....	90,000	.....	90,000
Do	1886	.....	33,750	.....	33,750
Do	1888	.....	50,000	.....	50,000
Do	1890	.....	.....	125,000	125,000
Total for Coos Bay	.....	40,000	173,750	125,000	338,750
Willamette (upper) and Yamhill	1871	103,500	.....	.....	103,500
Do	1880	.....	12,000	.....	12,000
Do	1881	.....	15,000	.....	15,000
Do	1882	.....	5,000	.....	5,000
Do	1884	.....	10,000	.....	10,000
Do	1886	.....	10,000	.....	10,000
Do	1888	.....	29,000	.....	29,000
Do	1890	.....	.....	11,000	11,000
Total for Willamette and Yamhill	.....	103,500	81,000	11,000	195,500
Willamette (Lower) and Columbia	1866	315,365	.....	.....	315,365
Do	1880	.....	45,000	.....	45,000
Do	1881	.....	45,000	.....	45,000
Do	1882	.....	100,000	.....	100,000
Do	1884	.....	100,000	.....	100,000
Do	1886	.....	75,000	.....	75,000
Do	1888	.....	100,000	.....	100,000
Do	1890	.....	.....	100,000	100,000
Total for Willamette and Columbia	.....	315,365	465,000	100,000	880,365
Total for Willamette and Yamhill	.....	103,500	81,000	11,000	195,500
Total for Willamette, Columbia, and Yamhill	.....	418,865	546,000	111,000	1,075,865
Columbia (Upper) and Snake Rivers	1872	160,000	.....	.....	160,000
Do	1880	.....	15,000	.....	15,000
Do	1881	.....	15,000	.....	15,000
Do	1882	.....	6,000	.....	6,000
Do	1884	.....	20,000	.....	20,000
Do	1886	.....	10,000	.....	10,000
Do	1888	.....	10,000	.....	10,000
Do	1890	.....	.....	90,000	90,000
Total for Columbia and Snake	.....	160,000	76,000	90,000	326,000
Columbia at Cascades	1876	340,000	.....	.....	340,000
Do	1880	.....	200,000	.....	200,000
Do	1882	.....	265,000	.....	265,000
Do	1884	.....	150,000	.....	150,000
Do	1886	.....	187,000	.....	187,000
Do	1888	.....	300,000	.....	300,000
Do	1890	.....	.....	435,000	435,000
Total for Columbia at Cascades	.....	340,000	1,102,000	435,000	1,877,000
Lower Columbia and tributaries	1882	.....	500	.....	500
Do	1884	.....	2,000	.....	2,000
Do	1888	.....	2,500	.....	2,500
Total for Lower Columbia and tributaries	.....	.....	5,000	.....	5,000

Statement showing Congressional appropriations for the survey, etc.—Continued.

Locality.	Appropriations— Date of earliest.	Up to and including 1879.	From 1880 to 1889, inclusive.	By act of Congress, September, 1890.	Total to date.
OREGON—continued.					
Lower Columbia at mouth	1878	$10,000	.....	.....	$10,000
Do	1882	.....	$7,500	.....	7,500
Do	1884	.....	100,000	.....	100,000
Do	1886	.....	187,500	.....	187,500
Do	1888	.....	500,000	.....	500,000
Do	1890	.....	.....	$475,000	475,000
Total for Lower Columbia at mouth	.....	10,000	795,000	475,000	1,280,000
Total for Upper Columbia and Snake	.....	160,000	76,000	90,000	326,000
Total for Columbia at Cascades	.....	340,000	1,102,000	435,000	1,877,000
Total for Lower Columbia and tributaries	.....	.....	5,000	.....	5,000
Total for Columbia and tributaries	.....	510,000	1,978,000	1,000,000	3,488,000
Yaquina Bay	1880	.....	40,000	.....	40,000
Do	1881	.....	10,000	.....	10,000
Do	1882	.....	60,000	.....	60,000
Do	1884	.....	50,000	.....	50,000
Do	1886	.....	75,000	.....	75,000
Do	1888	.....	150,000	.....	150,000
Do	1890	.....	.....	165,000	165,000
Total for Yaquina Bay	.....	.....	385,000	165,000	550,000
Tillamook Bay	1888	.....	5,200	.....	5,200
Do	1889	.....	.....	500	500
Total for Tillamook Bay	.....	.....	5,200	500	5,700
Nehalim Bay and River	1890	.....	.....	10,000	10,000
Coquille River	1880	.....	30,000	.....	30,000
Do	1886	.....	20,000	.....	20,000
Do	1888	.....	25,000	.....	25,000
Do	1890	.....	.....	30,000	30,000
Total for Coquille River	.....	.....	75,000	30,000	105,000
Umpqua River	1871	$22,500	.....	.....	$22,500
Do	1888	.....	2,000	.....	2,000
Total for Umpqua River	.....	$22,500	2,000	.....	24,500
Siuslaw River	1890	.....	.....	50,000	50,000
Youngs and Klaskuine Rivers	1890	.....	.....	1,600	1,600
Total for Coos Bay	.....	40,000	173,750	125,000	338,750
Total for Willamette, Columbia, and Yamhill	.....	418,865	546,000	111,000	1,075,865
Total Columbia and tributaries	.....	510,000	1,978,000	1,000,000	3,488,000
Total for Yaquina Bay	.....	.....	385,000	165,000	550,000
Total for Tillamook Bay	.....	.....	5,200	500	5,700
Total for Nehalim Bay and River	.....	.....	.....	10,000	10,000
Total for Coquille River	.....	.....	75,000	30,000	105,000
Total for Umpqua River	.....	22,500	2,000	.....	24,500
Total for Siuslaw River	.....	.....	.....	50,000	50,000
Total for Oregon	.....	991,365	3,164,950	1,493,100	5,649,416
CALIFORNIA.					
Humboldt Harbor	1881	.....	80,000	.....	80,000
Do	1884	.....	62,500	.....	62,500
Do	1886	.....	75,000	.....	75,000
Do	1888	.....	125,000	.....	125,000
Do	1890	.....	.....	80,000	80,000
Total for Humboldt Harbor	.....	.....	342,500	80,000	422,500
Oakland Harbor	1874	415,000	.....	.....	415,000
Do	1880	.....	120,000	.....	120,000
Do	1882	.....	200,000	.....	200,000
Do	1884	.....	132,600	.....	132,600
Do	1886	.....	60,000	.....	60,000
Do	1888	.....	350,000	.....	350,000
Do	1890	.....	.....	250,000	250,000
Total for Oakland Harbor	.....	415,000	869,600	250,000	1,534,600
Petaluma River	1880	.....	16,000	.....	16,000
Do	1882	.....	14,000	.....	14,000
Do	1888	.....	2,000	.....	2,000
Do	1890	.....	.....	4,000	4,000
Total for Petaluma River	.....	.....	32,000	4,000	36,000
Sacramento and Feather Rivers	1875	50,000	.....	.....	50,000
Do	1880	.....	45,000	.....	45,000
Do	1881	.....	60,000	.....	60,000
Do	1882	.....	250,000	.....	250,000
Do	1884	.....	40,000	.....	40,000
Do	1888	.....	20,000	.....	20,000
Do	1890	.....	.....	30,000	30,000
Total for Sacramento and Feather	.....	50,000	415,000	30,000	495,000

Statement showing Congressional appropriations for the survey, etc.—Continued.

Locality.	Appropriations— Date of earliest.	Up to and including 1879.	From 1880 to 1890 inclusive.	By act of Congress, September, 1890.	Total to date.
CALIFORNIA—continued.					
San Diego Harbor and River (survey of San Diego and Newport)	1882	$111,000			$111,000
Do	1885		$5,000		5,000
Do	1888		1,000		1,000
Do	1890			$60,500	60,500
Total for San Diego Harbor and River		111,000	6,000	60,500	177,500
San Francisco Harbor	1872	75,000			75,000
Do	1885		11,000		11,000
Total for San Francisco Harbor		75,000	11,000		86,000
San Joaquin River	1876	20,000			20,000
Do	1880		20,000		20,000
Do	1881		80,000		80,000
Do	1884		20,000		20,000
Do	1886		18,750		18,750
Do	1888		25,000		25,000
Do	1890			75,000	75,000
Total for San Joaquin River		20,000	163,750	75,000	258,750
San Luis Obispo Harbor	1888		25,000		25,000
Do	1890			40,000	40,000
Total for San Luis Obispo Harbor			25,000	40,000	65,000
Harbor of Refuge at Port Orford	1879	150,000			150,000
Wilmington Harbor	1879	487,000			487,000
Do	1880		35,000		35,000
Do	1881		33,000		33,000
Do	1882		100,000		100,000
Do	1884		50,000		50,000
Do	1886		75,000		75,000
Do	1888		90,000		90,000
Do	1890			34,000	34,000
Total for Wilmington Harbor		487,000	383,000	34,000	904,000
Mokelumne River	1884		8,500		8,500
Do	1886		2,500		2,500
Do	1888		2,000		2,000
Total for Mokelumne River			13,000		13,000
Napa River	1888		7,500		7,500
Do	1890			10,000	10,000
Total for Napa River			7,500	10,000	17,500
Redwood Harbor	1884		3,000		3,000
Do	1886		5,000		5,000
Do	1888		7,400		7,400
Deep-water harbor survey ($5,000)	1890			13,000	13,000
Total for Redwood Harbor			15,400	13,000	28,400
Total for Humboldt Harbor			342,500	80,000	422,500
Total for Oakland Harbor		415,000	869,600	250,000	1,534,600
Total for Petaluma River			32,000	4,000	36,000
Total for Sacramento and Feather Rivers		50,000	415,000	30,000	495,000
Total for San Diego Harbor and River		111,000	6,000	60,500	177,500
Total for San Francisco Harbor		75,000	11,000		86,000
Total for San Joaquin River		20,000	163,750	75,000	258,750
Total for San Luis Obispo Harbor			25,000	40,000	65,000
Total for harbor of refuge at Port Orford		150,000			150,000
Total for Wilmington Harbor		487,000	383,000	34,000	904,000
Total for Mokelumne River			13,000		13,000
Total for Napa River			7,500	10,000	17,500
Total for California		1,308,000	2,283,750	596,500	4,188,250
Pacific coast, general expenses and surveys	1866	50,000			50,000
Total for California		1,308,000	2,283,750	596,500	4,188,250
Total for Oregon		991,365	3,164,950	1,493,100	5,649,415
Total for Washington			78,500	33,000	111,500
Total for the Pacific coast		2,349,365	5,527,200	2,122,600	9,999,165

Mr. COGSWELL. I yield twenty minutes to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. Mr. Chairman, I, in company with my colleagues on the floor, have been interested and instructed by the able arguments presented by the chairman of the Committee on Rivers and Harbors [Mr. CATCHINGS]. He brought to the consideration of this question, as he always does, ability, eminent fairness, and much painstaking care. There was in that address and argument much which we all commend; but with all due respect to that gentleman, if he wishes us to understand his argument as a commendation of the system of improvements which have been in vogue upon the Missouri River; or, on the other hand, if it was intended to antagonize the amendment offered by my colleague [Mr. MERCER], then, with all due respect to the gentleman, I am constrained to enter my most emphatic but yet respectful dissent.

Mr. Chairman, what is the object of this Missouri River Commission? Its first and great object, in the broad sense, is and must be to facilitate and extend commerce; not simply to make that river navigable, though that may be incidental to the final object to be attained.

What is the character of the commerce along this stream? Clearly it is of a double character. First, it is the commerce which extends up and down the stream itself, and secondly, the commerce which goes over and across the stream.

As a matter of fact, the commerce which extends up and down that stream is, as the gentleman himself admits, inconsiderable. On the other hand, the commerce which passes over the river at the city of Omaha alone exceeds all the commerce which floats either on the Mississippi River, the Missouri River, or both combined. There is no question about that fact.

Let us get at the truth of this matter, the real kernel of it; for what we want to do here, as intelligent legislators, is to expend the money of the people in serving the needs of the people. We are not interested simply in making a stream navigable if no commerce is to be benefited thereby; and if there is more of benefit to be had in improving the river along those points where commerce is engaged, then it may be wise and to our interest to expend money for that purpose.

We are not coming in conflict here, Mr. Chairman, with the general principle of the contract system, but that contract system does not mean that the banks of a river are to be improved step by step from its mouth to its source, or the converse, to the exclusion of all considerations for the commerce crossing the river nor to the exclusion of other public interests.

When the Missouri River Commission was first instituted they laid down the proposition in their very first report that, for engineering reasons, improvements must extend from up the river down, and not from down the river up; and I challenge the attention of the honorable chairman of the Committee on Rivers and Harbors to that fact. "Engineering necessities require that the work should progress down stream," and that "no very great benefit will be conferred upon the commerce of the United States before the improvement shall extend from the mouth to Kansas City," is the exact language of the report made December 9, 1884.

Mr. STEPHENSON. When was that?

Mr. HAINER of Nebraska. In the very first report, in 1885. To this conclusion the Commission has continued to adhere. It would, therefore, seem that gentlemen who insist that the improvement should be from the mouth up are involved in a quarrel with their pet Commission. In 1886 and in 1887 their reports attest that no considerable benefit can possibly accrue from the improvement of the Missouri River until it shall have extended to the great cities, which are the initial points of commerce. This is a self-evident fact—one which must be conceded by every gentleman giving the subject even a casual examination. What are the important points along the Missouri River?

Mr. LOUD. I should like to ask the gentleman how much money has already been expended on the Missouri system?

Mr. HAINER of Nebraska. A trifle over $4,000,000.

Mr. LOUD. My figures give it over $7,000,000, and I think my figures are correct.

Mr. HAINER of Nebraska. The amount which I refer to is the amount which has been expended between Sioux City and the mouth of the river, since the institution of the Missouri River Commission. I can give the gentleman the exact figures.

Mr. LOUD. I mean since the foundation of the Government.

Mr. HAINER of Nebraska. The amount which has been expended between the points I have mentioned, up to the 1st of February, 1894, since the organization of the Missouri River Commission was $4,094,475.72. I have not the figures covering the time before this. As I was proceeding to say, the principal points along the Missouri River are, first, Kansas City, then St. Joseph, Atchison, Nebraska City, Omaha, and Sioux City.

Mr. PICKLER. Yankton and Pierre.

Mr. HAINER of Nebraska. I beg the attention of the members of the House to this matter, which is certainly of vast importance to us in the West. Four million dollars have been expended by this Missouri River Commission since its institution. How has that money been expended? I find of that money there has been spent at Kansas City and its immediate vicinity,

in round numbers, $658,000. At St. Joseph there has been expended $287,000; at Omaha and Council Bluffs, $247,000, while in the first reach of this work near Jefferson City, covering a distance of 14 miles, there had been expended over $1,000,000 on the work direct. When we add to that the proportion expended for salaries, and properly chargeable to this work, and other like expenses, we reach the stupendous aggregate of $1,506,256.20, out of the $4,000,000 which has been expended *in toto*.

How much has commerce been benefited by that vast expenditure? By the report of the Commission, which I hold in my hand here, I find, as I have already stated, that no considerable benefit can possibly be hoped for until the work reaches at least to Kansas City. To complete the work within that 14 miles will require perhaps an additional half a million dollars. But waiving that and treating it as completed, we have at least $100,000 per mile to make that stream navigable. How is the work being done? They have simply made a new channel for the Missouri River, crowding it away from the only rock bank of which any mention is made in the reports, along the entire extent of that river.

Now, at that rate, Mr. Chairman, how much money will be required to bring that Missouri River into a navigable condition from its mouth to Sioux City? Why, it would take $80,000,000. How much time will it require at the rate which work has been progressing? It will take one hundred and twenty years. And yet these gentlemen say that the contract system requires that all expenditures be made in continuation of this project, slower in execution than the wrath of God, and more expensive than the most prodigal would care for one moment to stand as sponsor for.

Take the report that is now before us. Where does this Missouri River Commission propose to expend the appropriation? In addition to the payment of its salaries and traveling expenses, it proposes to expend every dollar of it down there in the first reach, every dollar of that $750,000.

The Commission proposes to make such disposition of the appropriation continuous. I am opposed to further continuing this misuse of the people's money. Why, when they have completed the work at Jefferson City, they simply cover the 14 miles of which I have spoken. They purpose to continue the work in spots down the river. That point is 150 miles and more from the mouth of the river.

Do they propose to continue directly to the mouth? Not at all. They say they propose to go down to the Gasconde River, which is 40 miles down the stream from the 14-mile works of which I have spoken and expend the money there. If there is anything in this contract system which would require the work to be continuous foot by foot, mile by mile, and reach by reach, what becomes of the plan of this Missouri River Commission? It falls to the ground entirely. But if you wish to take a broader view of it; if you wish to conserve the interests of commerce, it seems to me you should protect the commerce at the great initial points, where it begins and ends to-day.

Let me illustrate that by taking the city of Omaha, for that will serve as well as any other city. The Missouri River is a sinuous stream and capricious in its course. It winds its way in and out its mud banks, varying from day to day. It has in fact, no permanent banks. The great bluffs are in places four miles from the river. The great manufacturing interests, water works, business, the manufacturing and the like in that great city are necessarily on the low land and next to the river. Three bridges span the river. Over those three bridges five grand trunk lines pass and repass, carrying millions and millions of tons of freight.

The trade which passes over those bridges is not local, Mr. Chairman; it is interstate, transcontinental, and may within the limits of truth be designated as international. Let me observe that one of those bridges, that of the Union Pacific, in which this country as a country has a very vital interest, is even now being threatened by changes in the channel and current. Along the banks of this river are the largest smelting works in the country, large car shops, and the municipal works of that mighty city. The city of Council Bluffs is on the other side of the river. There are these two cities, practically one, joined by these bridges, with a population approaching a quarter of a million, a busy hive of industry, manufacture, and commerce, in which the whole West is directly interested, and yet you say these improvements are local. It seems to me that you can not understand the situation.

Another fact to which I wish to call attention is this. Every engineer knows, and every member of Congress who has given this matter five moments' attention, knows that these works along the river were not intended to be continuous and never were intended. The convex banks of the river protect themselves. It is only the concave banks that need protection. They are the periphery of the current, so to speak, and these are the only things that you wish to protect. At the upper part of the city the bend in the river approaches the Omaha side. Day by day and month by month the river has encroached upon the city of Omaha, until to-day it is dangerously near Florence Lake, a part of the old river bed which practically divides the city into equal parts. Let the river once break into this old bed and we may expect a large part of Omaha to be made a part of Iowa. We are as at present advised not in favor of this territorial cession to our Hawkeye neighbors. Again, the river swings around until it approaches Lower Omaha, and there the current again turns to the Nebraska side and threatens these bridges.

These need protection. The cities of Omaha and Council Bluffs have expended twice as much to protect these interests as the Government has expended; and yet you say there should be no further expenditure on the part of the Government there. Why should this money be confined to this single reach at Jefferson City? There is not a single boat engaged in commerce which is entered as from Jefferson City. That city, comparatively and commercially speaking, is of no importance. No single public interest is conserved by that work. The greater part of the up and down traffic on the Missouri has its origin and its only and whole extent almost in the immediate vicinity of the great cities. The report of the Commission shows that one-third of the entire transportation on that river is the transportation of sand which the Missouri River Commission has had dug out at one place and deposited at another. Nearly half the transportation is that of materials transported for the Commission, and only about 35,000 tons was long-distance freight.

Taking these facts into consideration, it seems to me there should be no question about the matter. Where do you want improvements along such a river as that? There can be no such things as harbors in the country. The harbors must be limited to the cities. The course of the river through the country makes, comparatively speaking, but small difference. It may cut off from a farmer here and there a few acres of his land and give it to his neighbor over the river; but changes of channel at cities are attended with most serious results. It is in the cities that vast interests are centered, and where are situated also all the great instrumentalities which you must conserve if you would maintain commerce. There is no question about that. If you want to place the money where it will do the most good, you will place that expenditure in the neighborhood of the cities.

What cities or places are there which present any greater arguments for consideration than Omaha and Council Bluffs?

Mr. BARTHOLDT. St. Louis.

Mr. HAINER of Nebraska. They are the most populous of the cities on the Missouri River. They have double the population of almost any other city on the river. They have by far a greater commerce and their transcontinental commerce is much larger than that of any other city on that stream. These are considerations which certainly ought to appeal to the Congress of the United States.

Mr. CANNON of Illinois. I would like to ask the gentleman a question. If I understand his position it is this—and it seems to me I am in harmony with him—that in the name of improving the navigation of the Missouri River, practically, this money is being spent, and ought to be spent, to protect the banks of the river, the harbors, the landing places, etc., where they need protection about the great cities of Kansas City, Leavenworth, and Omaha; and I understand the gentleman claims now that a sufficient amount of this money, a fair amount of this money, considering all the interests that are in need of protection, in the name of navigation, is not being expended at Omaha and at Sioux City; and he is seeking to have a larger amount of the money expended there?

Mr. HAINER of Nebraska. The gentleman is correct.

Mr. CANNON of Illinois. I have great sympathy with the gentleman in the matter, and I thought it was as well to understand his position.

Mr. HAINER of Nebraska. Take the appropriations asked for here. They are $750,000. What does this Commission propose to do with that? It proposes to pay for traveling expenses and salaries $20,000, for surveys, permanent bench-marks and gauges, $30,000; for operating snag boat, $35,000; and for a system of improvement in the first reach, that means from the mouth of the Osage River down, about 150 miles, $665,000, which makes up the whole $750,000; and not a particle of it is for the protection of the real commerce that goes across this river, or for the protection of the great interests which ought to be protected, as it seems to me.

Now, then, as I have said, there is no pretense that there is any commerce whatever down here on this first reach to speak of. We are not asking that all the money shall be diverted from the first reach and placed at Omaha and Council Bluffs;

but we submit that at Omaha, Atchison, and Leavenworth, where the stream is making great encroachments upon the cities and upon the commerce of those cities, that we ought at least to have a portion of it, that at least one-half of the amount appropriated ought to be devoted to that purpose, and not all of it on the first reach.

Mr. HEARD. Will the gentleman yield to me for a question?

Mr. HAINER of Nebraska. Certainly.

Mr. HEARD. What difference would there be in principle in insisting on spending these moneys for the protection of the railroad bridges at Omaha and at Kansas City than in expending it for the protection of private people in my district to prevent their farms from being washed away by the river? What is the difference in the principle involved?

Mr. HAINER of Nebraska. The gentleman's question is a fair one, and I will give him a frank answer. The only authority which we have for making any expenditure whatever is for the protection of commerce, and for facilitating and expediting commerce.

Now, then, in these large cities the protection of these banks, the protection of these bridges, and the protection from other loss by the river is connected intimately with this interstate and transcontinental commerce carried on by and from those cities. Without this there would not be justification for it; but it is because of this interstate and transcontinental commerce that we have the right to ask it.

Mr. Chairman, it is evident that the projected work of the Commission is interminable, extravagant in expenditure, impractical, and necessarily barren of useful results.

To make the shallow Missouri, with its variable mud banks and bottom navigable, necessarily involves the construction of a channel constructed of solid masonry from its source to its mouth. You must secure it against filling up.

This is out of the question.

Common sense and ordinary business judgment require that we protect the great commercial points and the arteries of trade, transportation, and commerce, and at present at least attempt nothing further.

It is juggling with words to say we have the right and upon us is imposed the duty of making a liberal appropriation for the protection and promotion of travel up and down the river, but have no right or should not appropriate a reasonable amount for the protection and promotion of the commerce which crosses the same river; that we should expend $2,000,000 for the benefit of a so-called port in Missouri which has not even a single boat, but have not the power to expend a single cent for the benefit of one of the most important cities of the mighty West, and which is in the direct path of the commerce of the continent. If you insist upon continuing the experiment of making this river navigable by legislation, we insist upon fair dealing and an application of sound business judgment with respect to that far greater commerce which crosses the Great Muddy.

It is time that great national interests located in the West were heard in these halls. The South and East find ready audience, and their petitions seldom denied.

Of this I do not complain, but submit to your sense of fairness that the reasonable and just claims of the West be no longer ignored.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee rose informally, and Mr. TATE having taken the chair as Speaker *pro tempore*, a message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On March 9, 1894:

An act (H. R. 4770) to authorize the construction of a bridge over the Arkansas River at or near Van Buren, Ark.;

An act (H. R. 5833) providing for the rescue of the armament and wreck of the United States warship Kearsarge;

Joint resolution (H. Res. 108) authorizing Maj. Gen. Oliver Otis Howard, United States Army, to accept from the President of the French Republic a diploma conferring the decoration of commander of the National Order of the Legion of Honor.

On March 12, 1894:

An act (H. R. 5846) making appropriations to supply further urgent deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes.

On March 14, 1894:

An act (H. R. 9) to transfer the Morris Island life-saving station, near Charleston, S. C., to Sullivans Island.

An act (H. R. 5485) to amend "an act authorizing the construction of a bridge across the East River, between the city of New York and Long Island," approved March 3, 1887; and

An act (H. R. 4571) to make service connections with water mains and sewers in the District of Columbia, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee again resumed its session, Mr. LESTER in the chair.

Mr. COGSWELL. I yield five minutes to the gentleman from Kansas [Mr. BRODERICK].

Mr. BRODERICK. Mr. Chairman, I desire to say a word first as to the point of order reserved on Friday upon the amendment which I offered and which is still pending. The objection was that that amendment interfered with or changed existing law. The law authorizes the Missouri River Commission the use of this appropriation as the commission deem best. They may use it wherever they choose within the limits named. I do not understand that this amendment proposes to change existing law; it simply restricts or controls the discretion of the Commission as to the expenditure of this appropriation. It leaves the law precisely as it is now, but limits the discretion of the Commission as to this particular appropriation. It in effect directs the Commission to expend $75,000 at Atchinson and Leavenworth, Kans. This is all that I care to say on the point of order.

The CHAIRMAN. To what amendment does the gentleman refer?

Mr. BRODERICK. To the amendment which I offered, diverting a portion of this money to be used at Atchison and Leavenworth. It has been contended here by the gentleman from Mississippi [Mr. CATCHINGS], the chairman of the River and Harbor Committee, that the only way to improve the Missouri and make it a navigable stream is to commence at its mouth and work up. I concede that there is something in that contention. I believe it is wise to complete the work commenced on this river, and I believe that it must be done if the river is ever to be made an artery of commerce useful to the people living in that country. But, while the Commission is doing that, they should not overlook the damage that is being done at other points on the river.

For instance, the breaks and changes being made at Atchison and at Leavenworth, or opposite those cities, could now be improved in a substantial way by a small expenditure; at Atchison for thirty or forty thousand dollars and at Leavenworth for from twenty to twenty-five thousand dollars; but if those breaks are allowed to go on and the river permitted to spread at Atchison over a mile or more of ground instead of being confined to its present channel, then in place of thirty or forty thousand dollars, a half a million of dollars will be required to repair the damage to the channel and open the river to commerce at that point. The Commission commenced, as I understand, by reserving 25 per cent of the annual appropriation for emergencies that might happen along the river at other points than where their work was going on; that is, they reserved that sum from what was necessary for the continuing contracts. Whether they are now pursuing that policy I can not say, but they began in that way and it seems to me it was a wise policy. They understood fully that these breaks could be much more easily and more cheaply repaired at their commencement than if they were allowed to go on for years, so they began by making that reservation of 25 per cent from the continuing works.

Something has been said, either in this discussion or before one of the committees, to the effect that the citizens of these towns and the railroads were under obligation to make these repairs. Mr. Chairman, since the Commission was established no money has been used by them at either Leavenworth or Atchison, but thousands and thousands of dollars have been expended there by the citizens and by the railroads in protecting their interests. At Leavenworth, within the last two years, more than $25,000 has been expended by private citizens and by the railroads, and now, by the expenditure of an additional sum of twenty or twenty-five thousand dollars, the river could be improved there permanently, so that there would be no further appropriation asked at that point for a number of years. The railroads and the citizens of Atchison have been making substantial improvements there, and would be willing to improve further, but if they go on to make the improvements that they design, and which will be necessary to stop the break at that point, they will be threatened, and they are already threatened, with damage suits. I send to the desk and ask to have read the testimony of a witness who is on the ground as to this point:

The Clerk read as follows:

W. F. Guthrie, who was over from Atchison yesterday, says there is serious danger of the Missouri River cutting across the bend just east of Atchison and leaving the east end of the railroad bridge standing on an island. The river has reduced the distance between the washing bank and the five railroad tracks that enter Atchison from the east from a mile to only 200 feet. The bank could probably be protected by riprapping, but if this were done and the current thrown in another direction the railroads would throw themselves open to suits from parties further down the river where the

bank would probably be cut. There is plenty of money in the hands of the Missouri River Commission, but none of it is available for making this needed improvement. The worst feature of the cut would be that a stagnant lake would be left adjoining Atchison and there would be no current for carrying away the sewage.

I think I can say, Mr. Chairman, that there is no point on the Missouri River where there is such a present emergency as exists at Atchison, and forty or fifty thousand dollars would now make the necessary repairs and improvements at that point, but if the work is not done this year it will take a much larger sum.

Mr. COGSWELL. I yield five minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Chairman, I send an amendment to the desk to be read, which I will offer later.

The amendment was read, as follows:

At the end of line 5, page 64, insert:

"*Provided*, That $100,000 of the said sum shall, in the discretion of the Commission, be expended above Sioux City, Iowa, in the protection of harbors and rectification of bank protection on said river."

Mr. PICKLER. Mr. Chairman, I desire first to call attention to the provisions of the law defining the powers of this Missouri River Commission. I read from the Supplement, 1874 to 1891, page 465:

That it shall be the duty of said Commission to superintend and direct such improvement of said river and to carry into execution such plans for the improvement of the navigation of said river from its mouth to its headwaters—

I call special attention to that—

from its mouth to its headwaters, as may now be devised and in progress, and to continue and complete such surveys as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, and to consider, devise, and mature such additional plan or plans, and all such estimates as may be deemed necessary and best, to obtain and maintain a channel and depth of water in said river sufficient for the purposes of commerce and navigation, and to accomplish the objects of this act, and to enable the Commission to perform the duties assigned them the Secretary of War is hereby authorized and directed to transfer to and place under the control and superintendence of said Commission all such vessels, barges, machinery, and instruments, and such plant as may now be provided, devised, or in use on said river, from appropriations heretofore made for said river, or other sources, and when thereto requested by said Commission to detail from the Corps of Engineers such officers and men as may be necessary, and to place in the charge of said Commission any such vessels, machinery, and instruments under his control as may be deemed necessary.

Now, the amendment that I have offered does not increase the amount carried by this bill. The bill provides $750,000 for the Missouri River below Sioux City. The amendment that I offer does not seek to increase the amount appropriated, but simply diverts $100,000 of this appropriation, in the discretion of the Commission, to the 1,800 miles of river that are above Sioux City. This $750,000 is to be appropriated for the river from Sioux City down, and I simply propose by this amendment that $100,000 of this money shall be expended from Sioux City upward. In offering this amendment I have specially in view the ratification of the banks at Fort Pierre. Pierre is the capital of our State, and Fort Pierre is the town across the river. The river has been encroaching at that point, and this amendment which I desire to see adopted is not merely for the protection of the town—though I confess that that is an "incidental" object, as the gentleman from Mississippi [Mr. CATCHINGS] puts it—but it is necessary for the harbor there, and, as I understand, it comes strictly within the rule governing the committee and the Missouri River Commission in reference to these improvements.

Mr. CLARKE of Alabama. Will the gentleman permit a suggestion?

Mr. PICKLER. Yes, sir.

Mr. CLARKE of Alabama. The portion of the Missouri River between Sioux City and the mouth was put under the contract system, and it is by virtue of that provision in the last river and harbor bill that the item of $750,000 is placed in the pending sundry civil bill. Now, the gentlemen proposes, as I understand, to divert $100,000 of that money to be used upon the reach of river above Sioux City which is not under the contract system.

Mr. PICKLER. Yes, sir.

Mr. CLARKE of Alabama. Let me read the gentleman a provision of the last river and harbor bill:

Improving Missouri River between the foot of the Great Falls of the said river, in Montana, and Sioux City: Continuing improvement, $150,000, a portion of which may be used, in the discretion of the Secretary of War, in the rectification of said river and bank protection at the cities of Pierre and Yankton, S. Dak.

Mr. PICKLER. That is the act of 1892?

Mr. CLARKE of Alabama. Yes; the act of 1892 gave you $150,000 for these points.

Mr. PICKLER. Does the gentleman claim that my amendment is inconsistent with that?

Mr. CLARKE of Alabama. I claim that you are seeking to divert from the portion of the river which is entitled to it under the provisions of the river and harbor bill, a sum of money to be applied to a stretch of the river that does not come under the contract system, and that was specially provided for by another item.

Mr. PICKLER. But it is not provided for in this bill.

Mr. CLARKE of Alabama. No; it was provided for in the river and harbor bill.

Mr. PICKLER. My purpose in reading the act prescribing the organization and duties of the Missouri River Commission was to show that their jurisdiction extends over the river from its mouth to its head waters. That is the language of the law. They are not confined to the portion of the river below Sioux City. I find by referring to the report of the Commission that the proposition for improvements for this portion below Sioux City is as follows:

For office and traveling expenses and salaries of Commission	$20,000
For surveys, gauges, physical data, and publications	15,000
For operating snag boat	35,000
For repair of revetment in vicinity of Council Bluffs, Iowa	15,000
For repair of revetment in Belmont Bend	30,000
For systematic improvement in First Reach	585,000
Total	700,000

I find that the expenditures last year, which it is proposed to continue this year, were on about 14 miles of river—largely from Murray's Bend above Jefferson City down to Dodd's Island below the Osage—a total distance of about 14 miles.

A MEMBER. From what are you reading?

Mr. PICKLER. From the sixth volume of the Engineer's reports; what the Commission say, page 3922. When I inquired of the gentleman from Mississippi this morning as to what particular work the Commission intended to perform from Sioux City down, he referred me to the report of the Commission, but it will be seen that this report, as I then suggested to the gentleman, shows that of the lump sum appropriated in the bill for general improvement, a very large percentage of it—$585,000—has been expended in this single locality. This large sum was expended on a portion of the river about 14 miles in extent, as I understand.

Now, I claim that with 1,800 miles of the Missouri River above Sioux City, and in view of the fact that at such points as the capital of our State the river is making encroachments, destroying the harbor and endangering property, a portion of this money ought to be in all fairness appropriated there; and this will not interfere, in my opinion, with any of the work below this point. It seems to me we are entitled to this. As these large sums are given year after year to this Missouri River Commission to be expended below Sioux City, certainly we ought to have some protection for those towns with their property above that point.

[Here the hammer fell.]

Mr. PICKLER. I only wish to add that in my amendment I have used the language of the act of 1892.

Mr. CATCHINGS. I yield five minutes to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Chairman, in the five minutes accorded to me, I wish to speak in opposition to the pending amendments offered by the gentleman from Nebraska and the gentleman from Kansas. I regret as much as anyone can the exigency which prompts their efforts for the relief of their people. I am fully aware of the very great hardships under which their people are suffering; but those hardships are no greater than those endured in my own district or in any other district along the line of the river.

Now, the weakness of their position is that they desire an appropriation to be made confessedly under false pretenses; in other words, they desire as an appropriation for the improvement of the navigation on the river money which is in fact to be expended for the preservation of private property. If that principal is a sound one and is to be generally adopted, all right; let us proceed upon it; but the correctness of such a principle is negatived by the practice of the Government throughout its entire past history. It has been settled for a long time that no money can be expended by Congress directly for the preservation of private property; but that if such protection results, it must come as an incident only to the consummation of a public work.

Mr. HAINER of Nebraska rose.

Mr. HEARD. I can not yield to the gentleman now; he must excuse me; I will yield to him later.

Now, Mr. Chairman, some years ago, when this Missouri River Commission plan was adopted, I did not favor it. I did not then approve the plan now being proceeded upon. Yet it was the judgment of the engineers of the Army; and I am candid enough to say it was concurred in by a majority of the people of my section. The newspaper press joined in the support of the engineers in declaring that the expenditure of small sums of money from time to time, at localities named in the bill appropriating the money, had resulted in no general improvement of the nav-

igation of the river, and that the plan should be abandoned for one contemplating general and systematic improvement. I yielded, Mr. Chairman, to that sentiment.

At the time the present plan went into effect in 1890, appropriations had been made at two points in my district for the restoration of the channel of the river infront of two of the harbors; and the work had been partially done; but on the adoption of this plan, that work as well as other such work along the river was abandoned. The engineers insisted upon being permitted to spend this money, as the Missouri River Commission does, according to their judgment, in systematic continuation of the work at important points, in order to demonstrate the feasibility of their plan for improving the general navigability of the river. Whether that plan is feasible or not, I do not undertake to say; but I am here to say now in justice to all the people along that river, and to the taxpayers of the entire country, that since this plan has been entered upon it should be given a fair trial; and if it is demonstrated to be a failure, we should abandon all efforts at improving the river, at least until some more feasible plan presents itself than has yet been considered and acted upon.

We should not ask Congress to spend money upon any plan unless we can get results. We are told by the engineers that in much of the work under the old plan we have failed to get results. They have faith that we will get good results under the present plan. I hope they are not mistaken. So long as this plan is in vogue, so long as it is in force against the farmers of my district, whose farms are being washed into the river every year; so long as it is enforced against the people of Glasgow, whose harbor is now seriously threatened by the recession of the river, I say that the rule which has been made applicable to my district should stand with reference to the districts of the gentlemen asking for these amendments. In other words, we should proceed upon a general plan, and apply the same rule to the district of every gentleman who represents a constituency on this floor.

Realizing, Mr. Chairman, that it is impossible for me to get for my people the favors sought by my friends from Kansas, Nebraska, and Dakota for theirs. I must insist on simple justice to all alike—that the same rule be applied to all alike.

Mr. HAINER of Nebraska rose.

[Here the hammer fell.]

Mr. HEARD. I am sorry that I am not able to fulfill my promise to the gentleman. I will try to procure for him hereafter the opportunity he has sought to ask me a question and for myself the time to answer it.

Mr. COGSWELL. I yield eight minutes to the gentleman from Washington [Mr. WILSON].

Mr. WILSON of Washington. Mr. Chairman, I do not propose to enter again into any particular discussion of the contract system or the amounts that have been expended for the improvement of rivers and harbors. But it seems to me that in some manner I have been misunderstood. The only thing that I have declaimed against is that the appropriations for the twelve favored projects are at the rate of 100 per cent per annum of the estimates, while the appropriations for all other projects are at the rate of only 20 per cent—one-fifth of the estimate of the United States engineers. I believe this discrimination to be unjust; and so believing I made reference to the appropriations that heretofore have been made for other sections of the country.

While I have the floor, I desire to state that early last week, when the question of the survey of the public lands was under discussion, I made some criticisms in regard to some testimony relative to surveys given before the Committee on Appropriations by the gentleman who occupies the position of Assistant Commissioner of the General Land Office. He has very properly sent me a statement relative to that matter; and inasmuch as it appears from his statement that he has lived in the West and understands something about the public domain in that country, having been a special agent of the Land Office, and inasmuch as I indirectly charged him with a want of acquaintance with such subjects, it is only proper I should make public acknowledgment that I was mistaken so far as he was concerned.

Personally I desire to do no man an injustice, more especially one who has no opportunity to make reply on this floor. Hence I make this frank and public acknowledgment of my error. I was drawn into my criticism of that gentleman, however, by the testimony which he gave before the Committee on Appropriations. In that testimony he recommended (and I think the committee will bear me out in this statement) that a law should be passed that the surveys of public lands in townships should be made in whole or in part by those who have settlements in the same; and it was this recommendation that caused me to make the criticism, because that had been the law since 1889.

Again, the gentleman made some statements that while he had been traveling in the West he found a township surveyed upon the mountain tops in Wyoming; and he brought that one lone isolated example before the committee, which in my judgment did an injustice to the whole system of public land surveys.

The following is from the hearings of the Subcommittee on Appropriations having in charge the sundry civil appropriation bill:

Mr. BOWERS. I would like to make a suggestion to you gentlemen here; in fact, two suggestions in reference to these surveying contracts.

The CHAIRMAN. We will be glad to have them.

Mr. BOWERS. I would like to have this appropriation made a continuing one for this reason. Very often a surveyor will perform the work, but it will be defective in some parts and we do not want to accept it. It is essentially all right; but we come right to this point, either this money is going back into the Treasury and we can not pay him or we have to accept the survey that is not entirely satisfactory to us, and for that reason I believe it would be a very good plan to make this surveying appropriation a permanent appropriation until expended—that is, when a contract is let that the money shall be available until that thing is either finally accepted or finally rejected. Then another thing, a remark in reference to Montana brings it to my mind. I have been perfectly disgusted to find where some of these contracts for surveys have been let. I noticed one in a region of Wyoming where I have hunted elk. It was on top of a range of mountains in the midst of a most barren desert, and I do not expect to live long enough to see any settler go in there.

Now, if there were limitations upon the expenditure of this money that would prevent this sort of survey just where it is an absolute waste of the public money I would be very glad to see it put in. While I am in the office I do not propose to see any such surveys made, but I would like for it to be embodied in the law.

The CHAIRMAN. Look on page 83 of the bill. You will see there a proviso which has been coupled with the appropriation for several years, but which in your estimates for 1895 you propose to omit:

"*Provided*, That in expending this appropriation preference shall be given in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States, by the act approved February 22, 1889, and the act approved July 3 and July 10, 1890, and other surveys shall be confined to land adapted to agriculture and lines of reservation."

Why should that stay in; that was intended to accomplish the very thing you suggest?

Mr. BOWERS. Was this in the bill of last year?

Mr. COURTS. It has been in every bill since the fiscal year 1889.

There is no question, sir, of the necessity of survey of public lands. Settlers are put to no end of inconvenience and hardship. Nor is this all. States are injured almost irreparably by the failure of the Government to locate the lands which have been granted for school and other purposes to them.

Sir, I have in my district 10,000 settlers upon unsurveyed lands. Year after year, month after month, they have been calling for surveys. They want to secure their homes, as any man would under the circumstances. It is on this account that I stand here, Congress after Congress, seeking more extensive appropriations in that direction. Many of those for whom I speak are known to me personally, and accordingly I take a keen personal interest in their rights and wrongs. I have known many of them from the ground up, and have watched them for years while they spread the seed and gathered the harvest. They have fought a brave fight, and redeemed the desert of twenty years ago. They fought their battle alone, and all they ask now is justice and their fair share of the appropriations made by the General Government.

In this connection I desire publicly to make my acknowledgment to the distinguished gentleman from Massachusetts [Mr. COGSWELL]. I am profoundly sensible of the great aid he has given us and the great benefits he has extended to the people of my State in his efforts to secure a proper appropriation for the surveys of the public lands. We feel profoundly grateful to him for his services in that matter. That gentleman rose here the other day and called my attention to the amounts which our section of the country had received.

It is true that over $200,000 has been appropriated for work of this kind in my State. But in working faithfully, as I have done, for enlarged appropriations of this kind, I have been influenced by the fact that there could be advantageously used in our State a million dollars for this purpose without the people of other States being called upon to pay a single cent of the appropriation, because the money would all come out of the fees paid at the local land offices. We support those local land offices; we support the General Land Office; we pay the clerks in the General Land Office, and we turned into the coffers of the United States last year a net revenue of $4,000,000.

Why should we not have these surveys? Why should not the people have their homes? Why, sir, before I came to Congress you appropriated money for the establishing of a life-saving station at Petersons Point. That was eight years ago, and no effort has ever been made by the Department to build it. In the Fifty-second Congress, at the first session, I secured an appropriation for a light-house at Grays Harbor. Nothing whatever has been done about it. As I said the other day, outside of Umatilla Reef, the most dangerous place on the Pacific coast, no appropriation has been made.

Inside of the Straits of Fuca the British Government are building fortifications to cost $7,000,000. We have fortification sites, but no appropriations, and nothing but the sites and the flag of our country to protect $100,000,000 of property. Should not something be done for the people? Coming along down we have

the great proposition that has been recommended by the United States engineers year after year for a canal to connect the fresh waters of Lake Washington with Puget Sound.

[The time of Mr. WILSON of Washington having expired, by unanimous consent, on motion of Mr. CATCHINGS, it was extended five minutes.]

Mr. WILSON of Washington. I make my acknowledgement to the House and to the gentleman from Mississippi for this courtesy. Now, passing down the sound and coming to Tacoma, there is a city of 45,000 people. Right in front of them is an Indian reservation of 16,000 acres, and almost absolutely unused by the Indians. These Indians are educated, they have their lands patented, they vote, they exercise all the duties of citizenship. Yet they stand there, blocking the commerce, the enterprise, the building up of that city. No railroad can come into it, no proposition to aid commerce can be successful there, without the consent of the Department of the Interior, or the Congress of the United States.

What ought to be done is that the restriction in those patents be removed and those Indians be permitted to sell their lands, subject to the control of the price by the Secretary of the Interior, leaving them 10 acres each for a home. Ten acres of that land is worth more than many a 160-acre farm in the Mississippi Valley. We have the great Yakima Reservation and the Colville Indian Reservation standing in the way to block the commerce and trade and prosperity of my State. In addition to that we have passing through the State a grant of land 60 miles wide on each side of the railroad, and on the 10-mile strip, or what is known as the indemnity strip, we have 10,000 people living, and who have been living there for fifteen years and can not obtain title to the land because the question can not or will not be settled by the Department of the Interior.

We want the railroad companies to take out their patents. We want them to pay taxes and help bear the burdens.

We want to open these Indian reservations. We want to give the people the land. We want to protect the Indian also in his rights. Let the commerce and trade of the country in the West go on, and let the people develop that State as they want to do; but in everything, it makes no difference whether it is the survey of public lands, there are difficulties encountered. Why, here is the affidavit that every settler has to make who lives in a township of public lands before he can have the land surveyed:

PETITION FOR SURVEY.

STATE OF WASHINGTON, *County of Stevens, ss:*

I, Thomas H. Greenaway, of lawful age, being first duly sworn, on oath depose and state that my post-office address is Valley, Stevens County, Wash.; that I am a bona fide settler and resident for the purpose of securing a home in township 31 north, range 39 east, Willamette meridian, under the preemption or homestead laws of the United States, and I respectfully request that you cause a Government survey to be made of said township at as early a period as possible, that I may be able to secure title to my said home therein.

I further state that I am well acquainted with the character and condition of the land embraced in said township, and that the same is not mineral nor reserved by the Government; that there are about 20 actual settlers in said township, and that a good portion of the land is valley, bench, and hill land, and if surveyed would soon be settled up; the land in part is mountainous and heavily timbered with fir, tamarack, and pine, and covered with a dense undergrowth of the same, and that after the timber and dense undergrowth are removed is good agricultural land, capable of producing in paying quantities all kinds of farm crops grown in this section; and I verily believe the whole of said township can be surveyed.

I further state that I made personal settlement on said land the 10th day of April, 1892, and my residence thereon has continued to the present time, and that I have the following improvements on my claim to the value of $350, viz, clearing and slashing of timber 12 acres, cabin built, orchard started, etc.

I further state that this application for survey is made in good faith and not for the purpose of enabling a surveying contract to be obtained, nor at the instance or for the benefit of any other person than the actual settlers and residents of said township. So help me God.

THOMAS H. GREENAWAY.

Subscribed and sworn to before me this 1st day of May, 1893.

A. V. SHEPLER,
Justice of the Peace in and for Stevens County, State of Washington.

To the UNITED STATES SURVEYOR GENERAL,
Olympia, Washington.

Mr. Chairman, in these days, when times are hard and money scarce, our people desire to have every opportunity to sell their products and develop their enterprises, and I send to the Clerk's desk something which I wish to have read, which shows, as much as any statement I could make, the injustice that is being done the people whom I have the honor in part to represent.

The Clerk read as follows:

Another instance of Democratic patronage of home industries has just come to light in the awarding of a $100,000 contract to the Connox mine, Vancouver Island, to supply the Bering Sea fleet of warships with coal the coming season. The contract was made despite the protests of the Washington, Oregon, and Montana Senators, and regardless of the fact that the State of Washington is full of coal, the vicinity of Bellingham Bay possessing the finest steam coal on the Pacific coast. That American industries should be deliberately passed over in favor of British mines for the coaling of American warships seems almost incredulous, but Cleveland and his toy statesmen can be depended on every time to turn down an American in the interests of a foreigner.

Mr. WILSON of Washington. Mr. Chairman, do you not think, does not the American Congress believe, that these contracts could have been made with American citizens, working American mines, and producing coal through American labor? Would it not have been best, and would it have not been proper, would it not have been just, in these times of great disaster, in these times of great financial depression, to give an opportunity to the American laborer and the American citizen of that Western country? Would it not have been better that these men-of-war that sail the seas should have pushed themselves through the water by steam made by American coal? Would it not have been better that those vessels that fly the flag of our country should have purchased their supplies from our own citizens? Why should we give prosperity north of the forty-ninth parallel, and depression and disaster south of it?

[Here the hammer fell.]

Mr. COGSWELL. I yield five minutes to the gentleman from Kansas [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I fully appreciate what the gentleman from Missouri [Mr. HEARD] said a few moments ago with regard to the importance of continuing the contract system which has been in force so long upon the Missouri River. But there are certainly cases where an exception must be permissible. My colleague from Kansas has offered an amendment which is intended to protect the river at Atchison and Leavenworth. Those are points where the citizens have exhausted every possible resource. The railroad companies have expended thousands and thousands of dollars, and it is a case of emergency which threatens the property of a great many people, and which should certainly be entitled to some consideration. There has been no money expended by this Missouri River Commission on that part of the river since its organization, which was, I believe, in 1884.

We think that the time has certainly come when some attention must be paid to the wants of that section of the country. Everyone familiar with the Missouri River knows very well that there are emergencies that arise in handling that river that must be attended to immediately. Otherwise the damage becomes irreparable.

At Atchison the course of the river is threatening to change, in a manner that will leave the city some 3 miles inland. It will destroy an enormous amount of agricultural land, it will destroy bridges that have been erected, it will destroy the railroads, and it will reduce the town to the position of an inland town on the banks of a stagnant bayou, destroying its commerce entirely so far as its river is concerned, and utterly destroying its communication for years with the eastern side of the river by railroad.

At Leavenworth the people have built a dike three-fourths of a mile in length at a cost of over $25,000, in order to protect their bridge. Their resources are exhausted, and they think that in some way the attention of this Commission ought to be called to the urgency of the case at that point. We desire that no additional appropriation shall be made, but simply that the Commission may have some authority, which I believe is what they ask for themselves, to vary their rules somewhat in that direction. They do not ask that this system shall be changed, but that the great emergency which has arisen at those points should receive some recognition at the hands of the Government, whose duty it is to protect the property of the people along the banks.

Mr. COGSWELL. I yield four minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Chairman, as a part of my remarks I send to the Clerk's desk a letter which has recently been addressed to me on the subject under discussion. I ask that it be read.

The Clerk read as follows:

BECKER, MO., *March 9, 1894.*

MY DEAR SIR: It has come to our knowledge, through Capt. Hickman, of Herman, Mo., that efforts are being made to divert a large portion of the money appropriated to improve the Missouri River between Jefferson City and its mouth, to points far above Kansas City, St. Joseph, and Omaha. This movement is undoubtedly instigated in the interest of some railroad, and should be checkmated at once. You are doubtless aware that the undersigned were the first movers and instigators in getting this large appropriation for the Lower Missouri River, through the help of Congressman Niedringhaus, Frank, Norton, and others.

Now, while we have as yet had no money spent in our district, St. Louis and Franklin Counties, for the improvement of the river, we still live in hopes; and for these upper river sharks or whoever they are, that have had millions of dollars spent on their part of the river, to now ask for what is left of our appropriation to be diverted to their interests is, we think, a gross injustice. We are informed through a private letter from Capt. Hickman to Judge Hirzel, that a determined effort is being made by these parties (that undoubtedly have large influence) to divert this appropriation. A petition has been gotten up by Capt. Hickman and sent to us, protesting against this diversion. We would like to know of you at once if such a petition would be of any avail? If so, we will have it signed by thousands of people in St. Louis and Franklin Counties, in your district.

Your friend, Mr. F. W. Kuhlmann, one of the undersigned, has already lost at least 150 acres of his valuable farm, one of the finest in St. Louis County, and the river now is within 100 yards of his home; and it is a little hard to think that the appropriation which was gotten largely through his

individual efforts, should now be diverted, and his house and farm left to go into the river, and that probably because some railroad corporation wants to save its bridges. We write this with the view of hearing from you at once what we shall do in regard to circulating this petition.

Yours, truly,

F. W. KUHLMANN,
A. J. CUMMINGS.

HON. RICHARD BARTHOLDT,
Washington, D. C.

Mr. BARTHOLDT. Now, Mr. Chairman, while I know nothing about the charges contained in this letter, I do know that every word said about the losses sustained by those farmers is true; and I know furthermore that of all the Missouri River appropriations not one cent has thus far been spent for improvements at or near the river's mouth. That part of the river with St. Louis and Franklin Counties, represented by myself, upon one side, and St. Charles and Warren Counties upon the other, represented by my friend [Mr. CLARK of Missouri], has been entirely ignored by the Commission, and for the purposes of these Missouri appropriations that territory might as well have been located in the moon.

Against this neglect I enter my protest here, in the name of St. Louis and these adjoining river counties. It is well known that in the Fifty-first Congress, after an inspection made by members of this House, it was agreed, by tacit understanding if not in express terms, that all the improvements should be begun at the mouth of the river, and from there continued upwards. The same understanding prevailed, as I am informed, when the Fifty-second Congress made its river appropriations. Why, allow me to ask, were those implied conditions not lived up to? Why were they entirely disregarded and ignored by the officials having this work in charge?

We are told that under existing law no money could be spent for the protection of lands fronting on our rivers. Well and good. I give the Missouri River Commission, as well as our Chief of Engineers, Gen. Casey, an official as conscientious as he is efficient, all the credit due for a faithful enforcement of this provision of law; but if indirect protection is being afforded to railroad property, we hold that the property of the farmer is entitled to the same incidental protection. And, indeed, if the law prevents the property of the citizens from being protected, it seems to me to be time that the law be changed. I venture to say that more good would be done by spending the money for the protection of lands than by adhering to the present plan. However, at this time we do not come here, Mr. Chairman, to ask for an exemption from that legal injunction, but we do insist that we are just as well entitled to legitimate river improvements, if not more so, than any other river territory. We are satisfied in this case with the incidental protection which may be afforded by such improvement, and incidental protection being the youngest Democratic doctrine, I hope my appeal will not be in vain. St. Louis, the metropolis of the Mississippi, with her great manufacturing and commercial interests should, I contend, be entitled to some consideration at the hands of this Congress, and to give expression to this idea I have prepared an amendment which I shall offer hereafter, and which provides simply that the improvements of the Missouri River shall be begun at its mouth. As a matter of policy I believe that the law should be changed so that protection might be afforded to the property of our citizens, and by affording protection the commerce and navigation of the river may be benefited.

Mr. COGSWELL. I yield seven minutes to the gentleman from Nebraska [Mr. MERCER].

Mr. MERCER. Mr. Chairman, I desire to have read at the Clerk's desk a memorial and joint resolution passed by the Iowa State Legislature, which resolution has been handed me by the gentleman from Iowa [Mr. HAGER].

The Clerk read as follows:

Memorial and joint resolution relative to the improvement of the Missouri River near Council Bluffs, Iowa.

Whereas the Missouri River is seriously cutting into the banks of the State of Iowa opposite the city of Florence, Nebr.; and

Whereas by reason of said erosion the stonework put in by the Government to protect the northwest boundary of the city of Council Bluffs, Iowa, has been already damaged, and is in great danger of being totally destroyed unless the river in that vicinity shall be fully protected; and

Whereas the business interests and the population centered in the vicinity of Council Bluffs, Iowa, demand that the river at that point shall be confined in a fixed and permanent channel: therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be, and are hereby, earnestly requested to use all honorable means to secure an amendment to the bill appropriating money for the improvement of the Missouri River, which shall require that a sufficient amount shall be expended on said river in the vicinity of Council Bluffs, Iowa, to protect and render permanent the channel of said river.

Resolved further, That the secretary of state be, and is hereby, instructed to forthwith transmit a copy hereof to each Senator and Representative from Iowa.

Approved February 28, 1894.

Mr. MERCER. Mr. Chairman, the members of the Iowa and Nebraska delegations have been in receipt of memorials of this character from the city councils of Council Bluffs, Omaha, Florence, and South Omaha; and there is no doubt in my mind that if the Legislature of Nebraska were in session to-day it would pass similar resolutions. I call attention to these transactions that the House may be impressed with the importance of this legislation to these States.

I had read last Friday a substitute to the section providing for the expenditure of money by the Missouri River Commission. I desire to submit that substitute to-day to be considered at the proper time, and will suggest a change in the amendment so that it will cover the territory beginning at the south line of the State of Nebraska instead of the mouth of Platte River and extending to Sioux City, Iowa. I ask the Clerk to read it.

The Clerk read as follows:

Strike out whole section referring to Missouri River Commission and substitute therefor the following:

"Under Missouri River Commission: For improving Missouri River from its mouth to the south line of Sioux City, Iowa, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, surveys, permanent bench marks and gauges, $740,000, $50,000 of which may be used for removal of snags and other like obstructions in the Missouri River above Sioux City, Iowa, and from the south line thereof, to be expended under the direction of the Secretary of War, and $150,000 of which shall be expended in the construction, repair, maintenance, and extension of revetments, dikes, and other work between the southern boundary of the State of Nebraska, where it borders the Missouri River, and Sioux City, Iowa.

Mr. MERCER. Mr. Chairman, I desire that to read "between the southern boundary of the State of Nebraska, where it borders the Missouri River, and Sioux City." I desire that change to be made.

Now, Mr. Chairman, this is not a question of politics. It is a question of business. If this Congress does not see fit to recognize the needs and necessities of the people along the Nebraska and Iowa shores, in the provisions and the appropriations suggested in this bill, then why should not this Congress, in the river and harbor bill, increase this appropriation $200,000, in order to allow the relief of those people who need it so much and who make such strenuous requests for it? I give notice now, that if some relief is not afforded the cities of Omaha, South Omaha, Florence, and Council Bluffs, at this time, another and a more determined fight will be made for such recognition when the river and harbor bill is brought in for consideration.

Mr. Chairman, I find in examining the Missouri River, from its mouth to Sioux City, that the only rock banks to be discovered are those along the first reach—the last place one would expect to see protected artificially. Yet the Government has expended or will have expended at the end of June, 1895, in the neighborhood of $1,700,000 in this first reach. I take the position that it is unfair to expend so much money on this reach when other parts of the Missouri River are in need of an equal amount of attention. For instance, at Council Bluffs, Iowa, the Government has expended $110,000 in the improvement of the banks of the Missouri River.

Every dollar's worth of that work will go out perhaps in the next six months, perhaps during the next June rise, unless something is done by the Government to protect the revetments and dikes already constructed. I desire to thank the gentlemanly chairman of the Committee on Rivers and Harbors and his associates upon that committee for the kindness with which they have treated me in all my interviews with them, and I trust they will yet see their way clear to afford the relief asked, if the House deems it inappropriate at this time to make an appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CATCHINGS. Mr. Chairman, I yield eight minutes to the gentleman from Missouri [Mr. CLARK].

Mr. COGSWELL. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Massachusetts has three minutes remaining.

Mr. CLARK of Missouri. Mr. Chairman, the people of Missouri in general, and my constituents in particular, have a deep interest in the improvement of the Missouri River. My district skirts the Mississippi 150 miles, straddles the Missouri, and has, besides these two great rivers, four other streams navigable by acts of Congress. Three of them, however, are not navigable by steamboat. [Laughter.] Still another, which I rather inopportunely undertook to cross one chilly day when I was a candidate for Congress, I found contained enough water to float a two-horse buggy. [Laughter.]

The trouble is that a great many members speak here on subjects about which they are not well informed. Now, nothing could be more reasonable or more sensible than the plan of beginning at the mouth of the river and improving upward. Yet the gentleman from Nebraska [Mr. HAINER] and the gentleman from South Dakota [Mr. PICKLER] would begin at the upper end and improve downward. That is like constructing the apex of

a pyramid before laying the foundation, and building the top story of a house before erecting the lower stories.

Somebody has imposed on my friend from Omaha [Mr. MERCER] and made him believe that enormous sums of money have been squandered in improving 14 miles of river near Jefferson City. A great deal of money has been expended, but a large part of it has been used in establishing the necessary plant and machinery.

Here is the situation about that first stretch of the Missouri River. It reaches from Jefferson City to the mouth of the Missouri River—about 200 miles. Some 20 miles below Jefferson City the Osage River comes in from the southwest. Fourteen miles below the Osage River the Gasconade comes in from the southwest; and right between these two rivers at Gasconade City they have established the headquarters of the force of men who are improving the Missouri River. Last summer I went down there, looked at it, and talked to the men; so that I know the truth about it. They have a small navy-yard down there.

Mr. PICKLER. I do not dispute——

Mr. CLARK of Missouri. Wait a minute.

THEY ARE DOING A GREAT AND PERMANENT WORK.

They had to spend thousands and thousands of dollars in getting the plant ready. It does not make any difference now whether they located it at the right or the wrong place, it is there; and I think it is the right place; but you talk as if all that money has been spent on those 14 miles. They located this plant between these two rivers because the Government is improving both the Gasconade and the Osage as well as the Missouri. The same plant, machinery, and boats can be used for all three, and not only for the lower stretch but for all above. An immense amount of commerce comes out of the Osage and Gasconade. Here is what they are doing. They are trying to confine the channel of the Missouri River by a system of jetties.

Mr. PICKLER. By masonry.

Mr. CLARK of Missouri. They are doing it by masonry and timber and by sinking mattresses of willow. They are applying, in the worse parts of the Missouri, the same principle that Eads applied to the jetties, and it is all nonsense to come in here and insist that as much money shall be spent on one mile of the Missouri River as on another mile. Some miles need a great deal of work, some need none. They take the worst place first and work on it until they have finished it. That appears to me the feasible plan.

For years the bill to improve rivers and harbors resolved itself into a great game of grab, in which every member, whether he lived on the arid plains or by the seashore, had to have his part of the appropriation or he kicked. Public interests were lost sight of, and logrolling was the order of the day. Finally Senator FRYE, Mr. BLANCHARD, Gen. CATCHINGS of Mississippi, Gen. HENDERSON of Illinois, and others, among them Mr. HEARD of Missouri, decided to put an end to this senseless and wasteful scramble. For their labors they deserve well of the country. They devised the plan of the River Commission, the contract system, and fixed appropriations. They brought order out of chaos. I am not objecting to improvements at St. Joe, Atchison, Omaha, or above Sioux City, but what I insist on is that the plan on which the Missouri River Commission is working shall have a fair trial, and that no part of the necessary funds shall be diverted to points farther up the river. That would be to sacrifice and destroy all that has been done.

One of two things is absolutely certain. Either the Missouri River will be improved on the present system or it will be abandoned, for the people will never consent to the old plan of spending vast sums of money and doing no good with it.

Some gentlemen are anxious to know if private property is not benefited by these improvements. Of course it is, not as a primary purpose, but as an incident. There never has been an appropriation for river or harbor since the flood that did not incidentally enhance the value of private property somewhere.

I know it is difficult for people who have been acquainted only with such streams as the Penobscot, Susquehanna, Hudson, Ohio, Tennessee, Kanawha, and Kentucky, all of which have firm, fixed banks, to understand our Western streams. These latter practically in many places and in many cases have no banks. The base of all that Mississippi Valley soil is sand, the richest soil in the world, but still sand. Frequently the bed of the river is only a few inches lower than the level of the flat country on the two sides, consequently the width of these streams is out of all proportion to the depth, and by spreading out too much they constantly swallow up farms so rich that it makes a man's mouth water to look at them and his heart sick to see them cave into the insatiable Missouri and Mississippi. [Laughter.]

The natural process is that they go on forever, spreading wider and wider, getting shallower and shallower, swallowing a plantation to-day and a town to-morrow. There is always enough water in the Mississippi and Missouri to float the largest ocean steamers, if it could be confined within reasonable channels. To accomplish this is the object of the Government, and it is being done successfully by an application of the principle of the jetty system. If this is accomplished, and those great inland seas are once more made the arteries of commerce, who has the gall to object, even if private property is incidentally protected?

One gentleman is anxious to have the army engineers do the work. Are we sure they would do it any better? Has West Point a monopoly on that sort of instruction? I would cast no slur on army engineers; but I can never forget that when that illustrious Missourian, Capt. James B. Eads, the greatest civil engineer the world ever saw, declared that he could improve the mouth of the Mississippi so that the largest ocean steamers could anchor at New Orleans the year around and was pleading with Congress to give him a chance, all the army engineers declared he was a crank and that his plan was the scheme of a visionary. He got his appropriation and began deepening the channel and they kept predicting failure. He succeeded gloriously, and humanity is largely his debtor.

But what I say is this: Whether under civilian engineers or army engineers, let the good work go on. I am for the best engineers, wherever they may be found.

It is said that commerce has departed from these rivers. I am aware that the golden age of steamboating on the Mississippi and Missouri, so gorgeously described by that celebrated Missouri historian, Mark Twain, is past forever. His dream of making one city of New Orleans and St. Louis by cutting off the bends in the Mississippi can never be realized.

Steamboating, however, is reviving on those rivers; but we have a far weightier reason for wanting them improved. It is this: If they are made navigable in fact, they will become and forever remain the great regulators of railroad freight rates. We desire to use the waters in these rivers to relieve ourselves from paying dividends on the water in railroad stocks. We want to emancipate our commerce from the grip of monopoly. We want such improvement that we can load our wheat and corn and pork and beef into ocean steamers at St. Louis, and unload it from the same vessels at Liverpool. These great rivers and their tributaries wash the shores of twenty-odd States and Territories, the richest under heaven, and certainly they deserve the most generous treatment at the hands of the American Congress.

Let Puget Sound and other places have what they are entitled to, but do not try to divert any part of our Missouri River appropriation from its legitimate uses.

Mr. PICKLER. Mr. Chairman, I ask unanimous consent that the time for debate be extended ten minutes.

Mr. SAYERS. I must object.

Mr. PICKLER. You will save time by giving us ten minutes more.

Mr. SAYERS. Well, Mr. Chairman, I will agree that the gentleman from Missouri [Mr. CLARK] may have five minutes and the other side five minutes, and I ask unanimous consent that the time be extended ten minutes.

Mr. COGSWELL. I desire to call attention of the Chair to the fact that the House, by unanimous consent, extended the time five minutes, and gave that additional time to the gentleman from Washington [Mr. WILSON], so that by the action of the House itself, the vote is not to be taken until thirty-five minutes past 2 o'clock.

The CHAIRMAN. The Chair understands that.

Mr. CATCHINGS. I have fifteen minutes left.

Mr. SAYERS. No, sir. The time to take the vote has arrived.

Mr. CATCHINGS. The Chair announced, when I concluded my remarks, that I had thirty-eight minutes left.

Mr. SAYERS. The House ordered the debate to close at half past 2.

The CHAIRMAN. So much time has been occupied in discussions like this that if the gentlemen are to have the time agreed upon for debate the vote must be postponed to a time later than that fixed by the House.

Mr. SAYERS. The order was that the debate was to close at half past 2.

Mr. CATCHINGS. Well, I am willing that the vote should be taken now.

Mr. SAYERS. Mr. Chairman, in order to oblige gentlemen on both sides I ask that the time be extended ten minutes longer from this moment; the time to be divided equally between the sides.

The CHAIRMAN. The gentleman will understand that each side has already had so much time. About ten minutes have been taken up in discussions about the time.

Mr. SAYERS. Even so, the order of the House was that debate was to close at half past 2. But I now ask unanimous con-

sent that the time be extended ten minutes longer, and that it be divided equally, five minutes to each side.

Mr. CATCHINGS. I am willing to have the vote taken right now, Mr. Chairman.

Mr. CLARK of Missouri. In that case, I ask permission to straighten out and extend my remarks in the RECORD.

Mr. PICKLER. Mr. Chairman, I think the gentleman from Missouri is entitled to five minutes more. He lives in that part of the country and knows more about the Missouri River than most of us, and I would like to hear him, even if he is opposed to my amendment.

Mr. SAYERS. Mr. Chairman, I ask that my request be put to the committee that the time for debate be extended ten minutes longer.

The request was agreed to.

Mr. CATCHINGS. I yield one minute to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. I say, Mr. Chairman, that locating that plant between the mouth of the Gasconade and the mouth of the Osage is an economical performance. The Gasconade is to be improved 150 miles and the Osage is to be improved 150 miles, and the same boats that are used to improve the Missouri can be used to improve all three rivers.

Mr. COGSWELL. I yield three minutes to the gentleman from Kansas [Mr. BRODERICK].

Mr. BRODERICK. Mr. Chairman, it must be apparent to every one who has heard this discussion that the appropriation here for the improvement of the Missouri River is not sufficient. It is claimed that no money has been expended at certain important commercial points on that river since the organization of the Commission. I am certain that that is true as to the two points named in my amendment, Leavenworth and Atchison. I want to say a word as to a letter which was read here.

The claim is made in that letter that no money has been expended near the mouth of the river, but there is no statement that that part of the river is not navigable or that any expenditure was necessary to improve the navigation there. The claim is that money should have been expended there because it is necessary for the protection of private property.

Mr. BARTHOLDT. Will the gentleman allow me to interrupt him?

Mr. BRODERICK. I have only three minutes. Now, we make no such claim as that as to the points embraced in my amendment. The fact is that if the banks there are not protected, and the river is allowed to spread over three times as much ground as it now covers, it will destroy the channel for purposes of navigation and destroy commerce at those points; so that the matter of protecting private property is with us a secondary matter, and is not the specific purpose for which we ask this appropriation.

We know that the appropriation for the whole river ought to be increased, but as under the rule we are not permitted to offer an amendment to increase it, we are compelled to ask that a portion of this money shall be diverted from the other portion of the river to these two points. This amendment, therefore, does not increase the amount of the appropriation in the bill.

Mr. BARTHOLDT. I simply wished to say to the gentleman that we are in favor of improving the river, but at the same time we desire the incidental protection which will result from such improvement.

Mr. COGSWELL. I yield one minute to the gentleman from Nebraska [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, this is simply a question of fairness. If this sum of money is going to be appropriated for the improvement of the Missouri River, then it is a mere matter of equity as to where it shall be expended, and there is no other way of compelling its expenditure along the northern portion of the river except by this amendment. I hope the amendment proposed by the gentleman from Nebraska [Mr. MERCER] will be adopted, because the river has changed its course there, and the change has interfered with the navigation and also has destroyed property along the banks. It may be that $740,000 is not enough for the Missouri River, but if that amount is not enough for the whole river, why should it all be expended at one point? If we are not able to appropriate money enough to do all that should be done along the Missouri, certainly what we do expend ought to be so distributed as to give equitable treatment to all sections.

Mr. CATCHINGS. Mr. Chairman, this is a more serious matter perhaps than gentlemen understand. I tried to explain the situation in the remarks that I made on Friday last. I then stated, which was the fact, that great demands were made on the River and Harbor Committee to do just what is sought to be done by the amendments now pending, that is, to divest and specifically direct the expenditure of certain portions of the appropriations at certain localities along the river; and having, unfortunately, yielded to some of the demands, we were besieged by others, and the thing progressed until, in 1888, the appropriation for the improvement of the Missouri River, which was a million dollars, was directed to be expended in the manner which I will now present to this committee:

Of that $1,000,000, $150,000 was directed to be appropriated between Council Bluffs and Omaha, $100,000 at Sioux City, $50,000 at Plattsmouth, $50,000 at Rulo, $75,000 at Nebraska City, $65,000 at Kansas City, $65,000 at St. Joseph, $45,000 at Arrow Rock, $75,000 at Leavenworth, $75,000 at Atchison, and $25,000 at Miami, making $775,000 out of the million.

Mr. HAINER of Nebraska. Only $110,000 was spent at Council Bluffs.

Mr. CATCHINGS. I take these figures exactly as they are given in the appropriation bill; and they must be correct.

Sir, when the River and Harbor Committee assembled in 1890 we found that the demands for expenditures at these different localities had doubled in number, and that the estimates for the improvement of the river at these various localities had run up into many millions of dollars.

Now, Mr. Chairman, it will be understood that the work at these different points being of the same character, it requires wherever done the organization of a plant to do the work at that particular place. So that if the work were done in that way it would simply require that we should multiply by ten or twelve the amount which would be finally needed for the improvement of the river. When we had reached that point we saw it was simply impossible to go on. We could not have refused to appropriate for these new projects if we continued the appropriations for the old ones. So we asked the gentleman interested in that river (as I stated on Friday) to meet the committee; and it was a matter of common agreement that the only sensible thing to do was to strike all these appropriations from the bill and make a general appropriation for the river, leaving it to the Commission to say where the money should be expended. If this amendment prevails now it means simply a return to the system which prevailed up to 1890——

Mr. PICKLER. How can the gentleman say that? That can not be the effect.

Mr. CATCHINGS. I say it because it seeks to do what we did prior to that time.

Mr. PICKLER. But here we let the Commission spend the money themselves; we do not take away the control of the work from the Commission.

Mr. CATCHINGS. You can not give specific appropriations to these two places without making similar appropriations named in the list. You can not discriminate. There are various other points on the Missouri River which would come forward demanding a diversion of the fund.

Mr. PICKLER. The work of this Commission, as I have shown, has been confined practically to a single stretch of 14 miles, where thousands of dollars have been spent in driving piles. Now, we desire that the money shall be devoted to the improvement of our harbors.

Mr. CATCHINGS. I can not yield to the gentleman; I have only four minutes.

So far as I am personally concerned it does not matter to me a particle what the House may do on this question; but occupying the position I do with reference to river and harbor matters, I deem it my duty to give the truth about the subject, so that the House may at all events act with intelligence. I say now that if you return to this system, it simply means that the whole Missouri River will be stricken from the river and harbor bill. It is utterly unreasonable to talk about having twenty different plants organized for the work on that river at an expenditure of millions and millions. I do not wish to add another word. The House will do whatever in its best judgment it thinks should be done.

The CHAIRMAN. There are three minutes remaining.

Mr. PICKLER. Mr. Chairman, I would like to occupy that time.

Mr. BLAND. To which side do those three minutes belong?

The CHAIRMAN. They are under the control of the gentleman from Mississippi.

Mr. BLAND. If the gentleman from Mississippi will yield to me, I will occupy that time.

Mr. CATCHINGS. I think we may as well have a vote.

Mr. BLAND. I do not object to a vote; but if there is to be any more debate, I would like time to say that the proper way to improve the Missouri River, in my judgment, is the way the improvement is going on now.

Mr. PICKLER. Nobody disputes that.

Mr. SAYERS. Mr. Chairman, I ask that the first amendment be read—the amendment of the gentleman from Kansas [Mr. BRODERICK], upon which a point of order was reserved.

The CHAIRMAN. The amendment of the gentleman from Kansas will be read.

The Clerk read as follows:

Insert after line 1, page 64:
"Seventy-five thousand dollars of which, or so much thereof as shall be necessary to strengthen banks and improve the river, shall be used at and near Atchison, Kans., and at Leavenworth, Kans.

The CHAIRMAN. Does the gentleman from Texas [Mr. SAYERS] desire to discuss the point of order?

Mr. SAYERS. I do not.

The CHAIRMAN. The Chair is of opinion that this amendment does not change existing law in such a manner as to come within the prohibition of the rule. The bill as reported makes a certain appropriation for the improvement of this river; this amendment merely directs what shall be done with a portion of that appropriation. In the opinion of the Chair, it is competent for the House on an appropriation bill to direct where the money appropriated shall be expended. The Chair overrules the point of order.

Mr. SAYERS. I ask for a vote on the amendment.

Mr. BOWERS of California. I would like to be heard on the point of order.

The CHAIRMAN. The point of order has been ruled upon.

The question being taken upon the amendment of Mr. BRODERICK, it was rejected, there being—ayes 55, noes 87.

Mr. MERCER. I renew my substitute for the paragraph.

Mr. PICKLER. Is not my amendment now in order?

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Add at end of line 5, page 64, the following words:
"*Provided, further*, That $100,000 of said sum shall, in the discretion of the Commission, be expended above Sioux City, Iowa, in the protection of harbors and rectification of bank protection on said river.

Mr. BOWERS of California. I make a point of order on that amendment, and desire to be heard upon it.

The CHAIRMAN. The gentleman will state his point.

Mr. BOWERS of California. I make the point of order that this amendment proposes new legislation. This is the point which was raised on Saturday last against an amendment which I offered. I then called the attention of the Chair to the fact that my amendment proposed simply to direct the manner in which a part of the appropriation proposed by the bill should be expended. In the present case, as in that case, we have an appropriation for a certain purpose, and it is proposed in the pending amendment to say how a portion of this money shall be expended. Now, according to the view of the Chair as expressed on Saturday last, the very fact of such an amendment being offered is to be construed as implying some conflict with existing law; otherwise, according to the reasoning of the Chair, it would not be necessary to offer such an amendment upon an appropriation bill.

Although this point of order has not been made against other appropriations in the bill, no doubt it would have been equally good against them. I submit that in accordance with the decision heretofore given by the Chair, a point of order lies against this amendment for exactly the same reasons that were regarded as applicable to my amendment which was ruled out on Saturday last.

The CHAIRMAN. The Chair thinks that the point of order of the gentleman from California [Mr. BOWERS] is not well taken. The present amendment does not propose to change existing law, while the amendment offered by the gentleman from California on Saturday last did so propose. That is the difference between the two propositions. The Chair overrules the point of order.

Mr. PERKINS. I desire to offer an amendment to the amendment, to make it conform to the action taken by the committee the other day.

The CHAIRMAN. Does the gentleman desire to amend the pending amendment?

Mr. PERKINS. Yes.

Mr. SAYERS. Let the amendment be read.

The Clerk read as follows:

Amend the Pickler amendment as follows:
"After the word 'above' insert the words 'the south line of.'"

Mr. SAYERS. Let us have a vote.

Mr. WILSON of Washington. Has the Chair ruled upon the point of order?

The CHAIRMAN. It has been ruled upon.

Mr. WILSON of Washington. I wish to say, if the Chair will allow me——

The CHAIRMAN. Debate is not in order. The question is on the amendment offered by the gentleman from Iowa [Mr. PERKINS] to the amendment of the gentleman from South Dakota [Mr. PICKLER].

The amendment of Mr. PERKINS was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from South Dakota [Mr. PICKLER].

Mr. BARTHOLDT. I desire to offer an amendment to that amendment.

The CHAIRMAN. The gentleman will send it up.

The Clerk read as follows:

Amend by inserting on page 64, line 1, after the word "gauges," the words "the improvement to be begun at the mouth of the river."

The CHAIRMAN. That is not, the Chair thinks, an amendment to the amendment offered by the gentleman from South Dakota [Mr. PICKLER]. The gentleman will have an opportunity to offer it further on. The question is on the amendment offered by the gentleman from South Dakota [Mr. PICKLER].

The amendment of Mr. PICKLER was rejected.

Mr. BARTHOLDT. I now offer the amendment which was just read a moment ago.

The amendment of Mr. BARTHOLDT was again read.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. BARTHOLDT].

The amendment was rejected.

Mr. MERCER. Now, Mr. Chairman, I ask a vote on my amendment.

The CHAIRMAN. The gentleman from Nebraska [Mr. MERCER] offers an amendment to the paragraph, which the Clerk will report.

The Clerk read as follows:

Strike out the whole section referring to Missouri River Commission and substitute therefor the following:
"Under the Missouri River Commission: For improving Missouri River from its mouth to the south line of Sioux City, Iowa, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, surveys, permanent bench marks, and gauges, $740,000, $50,000 of which may be used for removal of snags and other like obstructions in the Missouri River above Sioux City, Iowa, and from the south line thereof, to be expended under the direction of the Secretary of War, and $150,000 of which shall be expended in the construction, repair, maintenance, and extension of revetments, dikes, and other works between the southern boundary of the State of Nebraska and Sioux City, Iowa."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. MERCER].

The question being taken, the Chairman announced that the "noes" seemed to have it.

Mr. MERCER. Division.

The committee divided; and there were—ayes 62, noes 94.

Accordingly, the amendment of Mr. MERCER was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

That section 4834 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:
"SEC. 4834. That the Board of Managers shall make an annual report of the condition of the National Home for Disabled Volunteer Soldiers to the Secretary of War, to be submitted by him with his annual report to Congress at the commencement of each regular session thereof, and all laws or parts of laws that require the Board to audit and examine or authenticate the accounts of the treasurer and visit the Home quarterly are hereby repealed."

Mr. SAYERS. Mr. Chairman, if I can get the attention of the committee, I wish to state that there are several gentlemen who desire to speak upon other portions of the bill. I ask unanimous consent that the gentleman from North Carolina [Mr. HENDERSON] be allowed fifteen minutes; that the gentleman from Indiana [Mr. HOLMAN] be allowed twenty minutes, and that the gentleman from Minnesota [Mr. MCCLEARY] be allowed thirty minutes.

Mr. HOPKINS of Illinois. On what point?

Mr. SAYERS. That these gentleman be allowed to address the committee.

The CHAIRMAN. Generally?

Mr. SAYERS. Yes; and that forty minutes be devoted to the discussion of the pending propositions.

The CHAIRMAN. There is a point of order on these propositions.

Mr. SAYERS. Yes; but gentlemen desire to make statements concerning them.

The CHAIRMAN. With the understanding that the points of order are reserved?

Mr. SAYERS. Yes.

Mr. BOWERS of California. I will be obliged to object to this understanding, unless there is a division of time between the sides.

Mr. SAYERS. These gentlemen desire to speak upon various propositions in this bill, and they have had no opportunity to do so. I am willing that they shall be granted permission.

Mr. CANNON of Illinois. Why not say two hours, and give each side an hour?

Mr. BOWERS of California. I will withdraw the objection, inasmuch as the gentleman from Texas [Mr. SAYERS] has been very kind to me. I wanted five minutes for myself, but it does not matter.

Mr. COGSWELL. I would like to have the Chair state the request again.

Mr. SAYERS. I ask unanimous consent that the gentleman from Minnesota [Mr. MCCLEARY] be allowed thirty minutes in which to address the committee, and that the gentleman from Indiana [Mr. HOLMAN] be allowed twenty minutes, and that the gentleman from North Carolina [Mr. HENDERSON] be allowed fifteen minutes, which makes sixty-five minutes; and that forty minutes additional be allowed to gentlemen who wish to make statements in regard to the pending amendments.

Mr. COGSWELL. Do you think that will be long enough?

Mr. SAYERS. I think so. If not, I will ask that the time be extended.

Mr. LOUD. What subjects do gentlemen desire to discuss?

Mr. SAYERS. They desire to speak, as I understand, on the general features of the bill,

Mr. LOUD. They are likely to raise points that some gentlemen may desire to answer.

The CHAIRMAN. The request of the gentleman from Texas is that the gentleman from Indiana [Mr. HOLMAN] have twenty minutes; that the gentleman from Minnesota [Mr. MCCLEARY] have thirty; that the gentleman from North Carolina [Mr. HENDERSON] have fifteen minutes, and that forty minutes be given to general discussion of the provisions now under consideration. Is there objection to this request?

Mr. LOUD. Unless there can be some time reserved by somebody to answer points that may be brought up here, I shall have to object.

The CHAIRMAN. Objection is made.

Mr. LOUD. I suggest to the gentleman from Texas [Mr. SAYERS] that he give us some time.

Mr. SAYERS. I will endeavor to arrange the matter.

Mr. COGSWELL. Mr. Chairman, I desire to address myself to the point of order raised against these paragraphs, and in order to do so I desire briefly to explain what the paragraphs are. I hope I may have the attention of the committee in order that no misunderstanding, no misconceived or preconceived ideas may prejudice the fair consideration of these paragraphs. In the preparation of this bill the duty of considering and reporting to the subcommittee having the matter in charge, the appropriation for the Soldiers' Home, was by the assignment of the chairman devolved upon me.

Mr. BLACK of Illinois. I want to know if we are touching now the point of order which I have raised?

The CHAIRMAN. The parliamentary situation is this: The gentleman from Illinois [Mr. BLACK] made a point of order against these paragraphs, which the Chair understands he reserves. The discussion is going on independent of that point of order.

Mr. BLACK of Illinois. I have no objection to any arrangement that will satisfy the gentleman; but I do not want to be understood as waiving the point of order.

Mr. COGSWELL. Oh, no; if the gentleman had heard me he would have known that I commenced by saying that I desired to address myself to the point of order, and in order to do so I desired briefly to review or explain the paragraphs against which the point of order has been raised.

Mr. BLACK of Illinois. The order of discussion is a little unusual, but I shall not object.

Mr. SAYERS. I trust——

Mr. COGSWELL. When the point of order is raised against an amendment, and I rise in good faith to discuss that point of order, I think it is perfectly germane to the discussion that we should at least see what the amendments are against which the point of order is made.

The CHAIRMAN. The Chair has recognized the gentleman to discuss the paragraph if he pleases to do so, the point of order being reserved.

Mr. COGSWELL. I desire to say that in the preparation of this bill the duty was assigned to me by the chairman, to consider and report to the subcommittee these appropriations for the Soldiers' Home. I considered the assignment as a matter of honor, and as devolving upon me an important responsibility. Full consideration was given to every estimate recommended or suggested for this home. The managers were heard at length; the Inspector-General's Department, whose duty it is to inspect and report upon the condition of this home, was heard; the managers of the Soldiers' Home were heard again in answer to suggestions from the Inspector-General's Department, and as a result there were incorporated into this bill larger amounts than the bill carried before for this great home. Many improvements requested by the managers were incorporated in the bill, and appropriations made therefor. And from our examination of the report of the Inspector-General several limitations and improvements were also made in this part of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COGSWELL. I ask that I may have further time.

Mr. SAYERS. I ask that the gentleman may have such time as he requires.

There was no objection.

Mr. COGSWELL. Mr. Chairman, as I said before the interruption, the result was the appropriation of a larger sum of money than in the last bill; the putting in the bill of several matters requested by the managers and several clauses suggested by the Inspector-General's Department, looking to a better administration and accounting of the moneys of this home and its branches. As this was a matter close to my heart, and believing in the high character of the Board of Managers, believing in the beautiful munificence of the Government in providing these large and costly homes and so liberally providing for them, and believing that their interests were in friendly hands when in my charge, believing that the new clauses encroach upon no prerogative or function of the Board of Managers, I was surprised, thinking that I had served the homes and the Board of Managers patriotically, friendly, and in a liberal spirit, to find coming from here and there, from this quarter and from that quarter, intimations that I had recommended to my subcommittee and my full committee that the Soldiers' Home be placed in the unfriendly hands, as it was claimed, of the War Department.

Mr. Chairman, there are but few new clauses now pending in this bill. What are they? One requires that the treasurers of these homes shall give bond to the United States, instead of to the Board of Managers. Another simply requires that the Board of Managers, who now render their accounts and their estimates to the War Department, shall also, as a part and parcel of that transaction, render their annual report through the Secretary of War, instead of direct to the Speaker of this House, as now. What else? Simply that they shall render their accounts monthly, instead of quarterly, thereby saving, as the Second Auditor says, at least five months in the settlement of the accounts of this home.

What else remains? Simply that the law now compelling the managers to visit the home quarterly shall be repealed, so that they shall not be compelled to visit it four times a year, but leaving them at liberty to visit the home as often as they please. And that, Mr. Chairman, is the length and breadth of these two paragraphs. Yet as soon as the bill was reported to this House statements began to come to me from Grand Army posts and from newspapers, in which it was charged it had been attempted to put the Soldiers' Home and the managers into what they have called "the unfriendly hands of the War Department." When I have met a member of that board or a member of this House and shown to him and explained to him these paragraphs there is not one of them yet who has been able to show wherein a function or a particle of the dignity or the power of this Board of Managers has been encroached upon in the least.

Why, Mr. Chairman, when this Government is paying out more than three millions annually of the peoples' money in liberal disbursements to this home, is it unkind or unfriendly to require that the disbursing officers shall give bond to the United States instead of giving bond, as now, simply to the Board of Managers, where in a case of default, the Government has no power to sue on that bond and make the surety of that bond accountable.

Mr. LUCAS. I desire to ask the gentleman if the Board of Managers are required to give a bond?

Mr. COGSWELL. The treasurer is.

Mr. LUCAS. I understand the treasurer is, but what I ask is whether the Board itself gives a bond?

Mr. COGSWELL. I do not understand that the Board gives a bond. Now, let me say one word further with reference to these treasurers' bonds.

Mr. BROOKSHIRE. Will the gentleman allow me to ask him a question?

Mr. COGSWELL. Certainly.

Mr. BROOKSHIRE. As I understand it, this is the position you take: that this section to which you are calling the attention of the House in no way interferes with the management of the soldiers' homes by the Board?

Mr. COGSWELL. Why, most certainly it does not. I would like anyone who opposes these paragraphs to point out a line or a word wherein they interfere with the functions of the Board of Managers. Speaking of the matter of the treasurers, all that is required by this paragraph is that a bond shall be given to the Government of the United States. We still leave with the Board of Managers the appointment and the removal of these treasurers.

Mr. SAYERS. I would like to ask my colleague a question. Can my colleague point out any difference between a pension agent who is required to give a bond to the United States, and the treasurer of one of these soldiers' homes? If a pension agent

should be required to give a bond to the United States, why should not the treasurer of one of these homes, handling public money, be required to give bond?

Mr. COGSWELL. I was about to speak of that. There is not, except in this department, a dollar of the public money given to a disbursing officer who does not give a bond to the United States. Now, you take the different pension agents, over whom my friend from Illinois [Mr. BLACK] presided so admirably while he discharged the duties of Commissioner of Pensions—they rendered all their accounts direct to the officers of the Treasury.

Now, then, as I said a moment ago, these treasurers will still be appointed and removed by the Board of Managers. The War Department will have nothing to do with that. It is only required that these treasurers shall give bond direct to the Government for a proper accounting of the money that the Government gives them to disburse.

Mr. BOWERS of California. Will the gentleman allow me to call his attention to one matter?

Mr. COGSWELL. Yes.

Mr. BOWERS of California. I wish the gentleman would explain or tell us why this amendment should provide that the treasurers, etc., shall render their accounts monthly direct "to such bureau of the War Department as the Secretary of War may designate, and after examination, the fiscal accounts shall be passed to the proper accounting officer of the Treasury for settlement." Why not make them direct to the Treasury Department?

Mr. COGSWELL. It is to put them in line with all other bureaus or institutions disbursing public money.

Mr. DOCKERY. Except one.

Mr. COGSWELL. What one is that?

Mr. DOCKERY. There is only one exception to the rule invoked, and that is the Department of Justice. The accounts of marshals and attorneys, and the various clerks of the courts, go direct to the Auditor; but with the exception of the Department of Justice, as I now recall it, and this Board of Managers of soldiers' homes, all accounts of the Government are first reviewed, and properly so, by the administrative office with which they are connected. And, as I understand, this is simply to bring this one in line with the provisions of the laws that govern and control the auditing of such accounts in other departments.

Mr. BOWERS of California. You say this is in line with the accounting for other Departments?

Mr. COGSWELL. It is to prevent this present anomalous condition of not bonding these disbursing officers of the Government, and not requiring them to render their accounts for audit and examination direct to a Department; and as my colleague from Missouri suggests, it is to put these accounts in line and in accord with the accounts of other bureaus of this Government that expend public money.

Now these paragraphs provide for a thorough accounting and for the accounts to be sent directly to the War Department instead of to the Board of Managers for audit and then to the War Department.

Mr. DOCKERY. As the gentleman has well said—and I only desire to emphasize the point made by him—these accounts go there for audit; that is, for a preliminary review by the administrative branch, before they go to the auditing officers. Now, this provision in no wise trenches upon the administrative functions of the Board.

Mr. COGSWELL. Not in the least.

Mr. BOWERS of California. But that is not the rule now.

Mr. COGSWELL. No: the rule is that these accounts shall go to the Board of Managers for examination and audit, and from there be sent to the War Department. Now, the evidence before the committee was that this retards the settlement of these accounts some five months.

It is also, I would say, anomalous for a board which directs the disbursement of money to audit the same. Take the case of the Pension Office. The accounts of the pension agents are not sent to the Commissioner of Pensions for examination and audit, but are sent directly to the Treasury Department itself; and in this connection I will ask the Clerk to read the letter which I send to the desk.

The letter was read, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECOND AUDITOR,
Washington, D. C., March 19, 1894.

SIR: In compliance with your request of the 17th instant, I have the honor to state that the accounts of the National Home for Disabled Volunteer Soldiers, to and including December 31, 1892, have been settled in this office and the settlement revised and confirmed by the honorable Second Comptroller. The accounts of the Home for the quarter ending March 31, 1893, have been stated and transmitted to the honorable Second Comptroller for his action, and the accounts for the quarter ending June 30, 1893, are under examination in this office. No vouchers showing expenditures made subsequent to June 30, 1893, have as yet been received from the War Department, through which all these accounts are forwarded.

The balances charged against the National Home, as shown by the books of this office, are as follows:

Support National Home for Disabled Volunteer Soldiers:		
No year	35,086.26	
1891	13,974.49	
1892, credit		$2,459.87
1893	1,401,086.09	
1894	1,850,133.56	
Branch Home, Marion, Ind	.25	
Support State and Territorial homes:		
1892	34,135.76	
1893	413,561.75	
1894	431,250.00	
Total	4,149,828.86	
Deduct credit	2,459.87	
Balance	4,147,368.99	

The above credit for 1892, arises from the fact that there is a discrepancy in the accounts of the Home as shown by the acting treasurer's accounts current and the books of this office. The unexpended balance for 1892 covered into the Treasury by the acting treasurer was larger than the balance for that year remaining in his hands as indicated by the books. This discrepancy is a technical one and the appropriations are properly adjusted by the Treasury Department.

Attention is invited to the fact that the account for the quarter ending March 31, 1893, which has been stated, will not be entered upon the books until passed upon by the Second Comptroller. As stated by this office, it shows expenditures allowed and suspensions removed amounting to $743,349.64.

In reply to your request for information whether in my judgment the provisions of the pending sundry civil appropriation bill requiring all disbursing officers to give bonds to the United States and render their accounts monthly and relieving the Board of Managers from auditing the accounts of the treasurer will facilitate and expedite the settlement of the accounts in this office, I have to say that in my opinion such change in the existing course of procedure will serve to materially expedite their settlement. Under the present system of rendering the accounts at least a quarter's accounts of the several branches must be treated together. The rendering of accounts monthly by each disbursing officer would save two months' time in taking up the accounts in this office, and would obviate the congested condition due to necessarily treating so large an account as a whole. Its division among the branches and rendering monthly would tend to many smaller settlements and a steady run of accounts before both the accounting offices.

The provision relieving the Board of Managers from the auditing of the accounts, will result in still further expediting settlements and reducing the large balances charged against the Home. The actual time during which the vouchers are held for examination and revision by the acting treasurer is not definitely known to this office, as the accounts do not reach here directly, but are first subjected to examination in the War Department. It would appear, however, that such accounts are held by the Home about three months. The accounts for the quarter ending June 30, 1893, were not received at this office until February 21, 1894.

The changes proposed by the two sections referred to should result in advancing the settlement of the accounts five months at least, and it is hoped they could be brought still nearer the current date. The balance charged against the Home as a whole would in consequence be reduced by from a million and a quarter to a million and a half dollars, and instead of one large balance there would be a number of small ones, each covered by separate bond to the United States.

Respectfully yours,

T. STOBO FARROW, *Auditor.*

Hon. JOSEPH D. SAYERS,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

Mr. COGSWELL. I desire to call attention to this letter from the Second Auditor, which has just been read, to say that the adoption of these paragraphs will expedite the settlement of these accounts at least five months, and I am inclined to think, holding in my hand, as I do, a protest from some soldiers' organization in Pittsburg, Pa., protesting against the proposed transfer, as they have been led to believe, of this home to the War Department. I am inclined to think that when these soldiers find out that they have been misled, and that these paragraphs are in the line of an honest attempt to expedite the settlement of the accounts of the home, to insist upon a more speedy and more responsible accounting, I am inclined to think they will transfer their indignation from this committee to those who have misinformed them on the subject.

Now, Mr. Chairman, I have not gone into this matter as elaborately as I would like to, but I want to call attention to the fact that by reason of the slow, tardy, and irregular methods of accounting now pursued, there is held up in the Auditor's office against this home over three-quarters of a million of dollars to-day, and there is still further an unsettled amount which is somewhere in the neighborhood of a million and a half of dollars.

As to what led the committee to propose these various clauses looking to better methods of accounting in that institution, let me state one or two facts. In previous bills we found an item under the heading "For outdoor relief and incidental expenses, $30,000." Now, what do gentleman think we found under that innocent caption? We found a salary of $4,000 for the president of the home as acting treasurer, and we found that of the whole amount under that heading, something less than $2,000 was for actual outdoor relief. Under the same heading we found the salaries of certain clerks in the president's office, etc.

Mr. VAN VOORHIS of New York. I wish to ask the gentleman if it was Gen. Butler who drew that salary?

Mr. COGSWELL. No, sir; it was Gen. Franklin. Gen. But-

ler never drew any salary for his years of service as president of the home.

Mr. DOCKERY. Do I understand my colleague on the committee to say that under the item for "outdoor relief," the Board of Managers allowed the president a salary of $4,000 a year as treasurer?

Mr. COGSWELL. As acting treasurer.

Mr. DOCKERY. And such allowance was then made for the first time in the history of the home, as I understand the gentleman?

Mr. COGSWELL. Gen. Franklin was made president, and, as in the case of all other presidents preceding him, there was no salary attached to the office. Then they made him acting treasurer and give him $2,000. That ran along until three or four years ago, when they doubled the salary and made it $4,000.

We also found that an inspector-general, who was paid $2,500 for inspection, as was supposed, was in the president's office, doing the financial work there, or substantially a treasurer's duty.

But, Mr. Chairman, I am not now criticising that particular salary, and perhaps I shall not. I am simply showing the investigation and consideration that the committee gave to this subject, by the fact that they found on investigation that under the item of "Outdoor relief and incidental expenses," $30,000 was appropriated, of which over $27,000 was for salaries; and this right in face of the law which requires that the money for salaries shall be specifically appropriated for. That is one of the improvements that the committee propose to introduce here. In this bill we specify what is for outdoor relief, what is for incidental expenses, what is for the salaries of the different officers of the home, and we provide that instead of beating around the bush by making the president acting treasurer, they may pay him $2,500 a year as president, but that he shall not be treasurer and have the disbursing and auditing of the money.

Mr. MARSH. Does not each home have a treasurer?

Mr. COGSWELL. Each branch home has a treasurer. Then we provide a competent salary for a treasurer, but say that he shall not perform the duties of president. And we also provide that no member of that Board except the president and the secretary shall draw a salary. We introduced that clause after ascertaining that the Board had, on some occasions, employed their own members and paid them counsel fees of three hundred or five hundred dollars, and for superintending certain constructions.

Mr. MARSH. Who received counsel fees?

Mr. COGSWELL. I do not care to say. Another thing that we have done is to require the Managers, when they get an appropriation for a certain purpose, to spend it for the purpose for which the appropriation is made, and for that alone. Why did we do that? We found that new barracks were estimated for in the Fifty-second Congress. The Committee on Appropriations did not see fit at that time to recommend an appropriation for the barracks, but what did we find when we examined the accounts of the home? We found that the barracks had been built. Where did they get the money? They took half of it from the appropriations for this, that, and the other items, and half out of the post fund, which is a private fund. Now, tell me who owns that barracks, the cost of which was taken half from the appropriations made in an appropriation bill, and the other half from the post fund?

These paragraphs are all in the interests of bettering the condition of these homes. They are no reflection at all upon the present Board of Managers. The members of the Board are all able, honorable men, distinguished soldiers of the late war, and the committee do not wish it understood for a moment that any reflection upon their integrity is intended. But the committee do say that there is necessity for a better system of accounting. There is necessity for a better method of disbursing this $3,000,000 of the people's money annually for this home, and we do insist that these paragraphs are improvements which will cause to be better administered this large sum of money, and thereby will effectually benefit the inmates of the home.

I am sorry that these paragraphs have been prejudiced by the unfair and untrue statement, which I hope I have now successfully refuted, that it is an attempt to put this institution (which is as dear to my heart as to the heart of any one of the managers) under the so-called "unfriendly control" of the War Department. Why, sir, the law already requires these officers to submit their estimates and accounts to the War Department. Is there any hostility in requiring them to send with their estimates and accounts their annual report, instead of sending it here, so that you may find the report where you find the estimates and the accounts? Is it any hostility to the managers or the inmates of this home to save five months in the settlement of these accounts, and relieve the Board of Managers from the auditing of their own expenditures, which Gen. Franklin himself says is a useless burden?

Oh! if this committee would only understand the purposes of these paragraphs and their merits it would not hesitate to adopt them. With the facts appearing before your committee they could not, as honorable and conscientious men, obliged to report to the House the best methods of taking care of this appropriation, do otherwise than they have done: and upon this statement, which can not be successfully contradicted, this Committee of the Whole can not do otherwise, it seems to me, than incorporate these paragraphs in the bill.

Mr. DOCKERY. I suggest to my colleague that there will be no trouble about the committee if the point of order is withdrawn. The committee will stand by the gentleman from Massachusetts.

Mr. COGSWELL. Talk about transferring this home to the War Department! I want to say it would be a good thing if the Board of Managers would read the existing law. Members of that Board who came before the committee did not know, until we pointed out the law, that they had to make their estimates to the War Department, and in apologizing for a certain branch treasurer they said they were obliged by law to appoint as treasurers disabled soldiers, forgetting, or not knowing, that for several years the disability clause has been stricken out by Congress, and that any Union soldier could be appointed to the position of treasurer. I say that when they undertake to talk about the law, their remarks should be taken with a little grain of caution. I have nothing further to say.

Mr. BLACK of Illinois obtained the floor and said: Mr. Chairman, what length of time has been occupied by the gentleman from Massachusetts [Mr. COGSWELL]?

The CHAIRMAN Twenty minutes.

Mr. BLACK of Illinois. I believe the gentleman has spoken without limit. I shall be obliged if the Committee of the Whole will extend to me a similar courtesy.

Mr. COGSWELL. I hope that will be done.

The CHAIRMAN. The gentleman from Illinois [Mr. BLACK] asks that he be allowed to address the committee without limit. Is there objection? The Chair hears none.

Mr. BLACK of Illinois. Mr. Chairman, I shall first address myself briefly to the point of order upon which this debate has arisen; and then for a little time by permission of the committee I will speak to the merits of the proposition under consideration.

The CHAIRMAN. The Chair will state that so far as the point of order is concerned his view is very clear as to what the ruling should be; and the gentleman from Illinois [Mr. BLACK] need not take up time discussing that point, unless he especially desires to do so.

Mr. SAYERS. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair has not ruled, but has simply intimated to the gentleman from Illinois that he need not address his remarks to the Chair on that point. The Chair has no desire to interfere with the arrangement or understanding in regard to the debate.

Mr. BLACK of Illinois. Mr. Chairman, this home was organized as a corporation by an act of Congress passed in 1865. In 1866 the act of incorporation was amended, and all the corporate powers ordinarily enjoyed by a corporation were conferred upon this institution, including the power to take, hold, and dispose of real estate, to appoint its own officers, and generally to do all things that a corporate body may do.

Mr. BROOKSHIRE. Has this corporation the power to sue?

Mr. BLACK of Illinois. It has the power to sue and be sued, to contract and be contracted with.

Among the things required of the Board of Managers of this institution were those specified by the section which this bill seeks to amend—the section providing that the Board of Managers shall make an annual report to Congress on the first Monday of every January, and requiring the Board to audit and examine the reports of its treasurer. This duty has been well performed; there has been no omission of the duty at any time.

Congress has dealt very munificently with this Board; it has given them during the past about $60,000,000, the appropriations being made from time to time as the growing army of invalids in the homes increased in number. Mr. Chairman, there has been no loss to the home of a dollar of money. A suit was brought upon the bond of the former president, Gen. Benjamin F. Butler, and a recovery had upon that suit; and the matter is now pending for final adjustment in the United States courts in the State of Massachusetts. One other suit has been brought—a suit against a recent treasurer in the State of Wisconsin for an amount aggregating perhaps as much as $300. These are all the legal steps that it has been necessary to adopt to protect in their integrity all of these enormous disbursements; and I think I may safely challenge the production of a similar record anywhere in the United States.

This statement, so far as the economics of the situation are concerned, will strike this committee more forcibly by means

of the recital of three or four facts than by any amount of argument which I might indulge in.

There are to day in the War Department expenditures made upon its medical corps in the way of salaries and allowances, of $418,000 to pay for the medical attendance upon the Army of the United States, composed of a body of young and able men selected for their soundness and their fitness as soldiers. The medical attendance upon this body of men costs the Government of the United States in the way of salaries and allowances $418,000 per year. The attendance upon the National Home amounts in the course of a year to an average of 23,000—nearly as many men as there are in the regular Army.

Those men are distributed among seven national homes, every man presumably incapacitated for earning a living because of physical disability; and the average number of patients in the hospital, independent of invalids in the camps, is nearly 3,000 per annum, taken day by day through the entire year. Here then is an army of invalids; and, gentlemen, the medical attendance upon this whole army costs the Government of the United States in the way of salaries only $48,000. There are the figures of these two establishments to be contrasted with each other. An army of invalids under the management of this Board costs the Government for medical attendance less than $48,000; an army of sound men under the administration of the War Department costs the Government $418,000 a year. We object to increasing the possible expenditures for this invalid army by putting them in the charge of a department so much more expensive in its outfit than the one we are now conducting.

Mr. COGSWELL. Will the gentleman allow me——

Mr. BLACK of Illinois. In a moment—not now.

The home now under discussion is distinct entirely from the Military National Home of the United States, which has its station near Washington. This is the home for disabled volunteer soldiers; that is the National Home for soldiers of the regular Army. The average cost per annum of each inmate in the National Home (and no word of scandal, no word of accusation is raised against the management) is $417; while the total cost of each inmate of the National Home for Disabled Volunteer Soldiers (excluding construction and repairs in both instances) averages only $143 per annum.

Mr. SAYERS. Will the gentleman allow me a word?

Mr. BLACK of Illinois. Certainly.

Mr. SAYERS. From year to year there has been appropriated for outdoor relief and incidental expenses $30,000.

Mr. BLACK of Illinois. Yes, sir.

Mr. SAYERS. By outdoor relief, as I understand, is meant that when an old soldier is found anywhere without the means to take him to one of the homes, the Board or any member of the Board may contribute out of this fund of $30,000 enough to take him to a home. Will the gentleman from Illinois state to this committee how much of this appropriation of $30,000 for outdoor relief and incidental expenses was actually used for outdoor relief, and how much for incidental expenses, and will he also state what those incidental expenses were?

Mr. BLACK of Illinois. I have not the exact figures before me; and I am not able to answer the gentleman's question.

Mr. SAYERS. I will answer the question. The main purpose of this appropriation was for outdoor relief, that is, to help the old soldier along. But the Board did not use but a little more than a thousand dollars for outdoor relief.

Mr. BLACK of Illinois. What was it used for?

Mr. SAYERS. The balance of the money was used to pay traveling expenses and salaries of members of the Board, or rather the salaries of the treasurer, secretary, and president of the Board. I believe you allowed him $5,000 a year.

Mr. BLACK of Illinois. Four thousand dollars a year.

Mr. SAYERS. Four thousand dollars a year.

Mr. BLACK of Illinois. Well, taking out that $6,000 paid to these two officers, the secretary and acting treasurer—not the president—that leaves $24,000.

Mr. SAYERS. How do you account for the remaining $24,000?

Mr. BLACK of Illinois. We account for it upon vouchers that were sent in, in detail, approved in full by the Board itself.

Mr. SAYERS. Will the gentleman state to the committee for what purpose that sum of $24,000 was expended?

Mr. BLACK of Illinois. I am unable to tell you what it was expended for; but the vouchers on file in the Treasury Department show the expenditure of every cent of it.

Mr. SAYERS. Unquestionably. I do not doubt that.

Mr. BLACK of Illinois. Now, in regard to this matter——

Mr. COGSWELL. I have the figures. Will the gentleman let me read them?

Mr. SAYERS. Yes, read them.

Mr. COGSWELL (reading):

One treasurer, $4,000; one secretary, $2,000; one inspector-general, $3,000; two assistant inspectors-general, $5,000; four clerks in president's office, $4,300; three clerks for managers, $1,100; one messenger in president's office, $144; four agents, $2,460; one messenger for agents, $144; traveling expenses of managers and officers, $7,500; outdoor relief, $1,500; rent of offices, $1,042; stationery, expressage, etc., $750.

Mr. SAYERS. Now, I want to ask the gentleman from Illinois, in view of that statement, which is correct, does he not think that Congress ought to regulate the method in which appropriations for incidental expenses are disbursed?

Mr. BLACK of Illinois. The chairman of the Committee on Appropriations has prepared and submitted a bill which covers the various points that are mentioned in the memorandum just read by the gentleman from Massachusetts [Mr. COGSWELL], and he allows in that bill, and the committee allow, the identical expenditures which have just been recited by way of explanation, except that the salaries of some of the officers have been reduced.

Mr. SAYERS. We reduce the salary of your president from $4,000 to $2,000.

Mr. BLACK of Illinois. No, to $2,500; but the point that was sought to be made was that there was something mysterious——

Mr. SAYERS. Not at all.

Mr. BLACK of Illinois (continuing). Or improper about the expenditure of this money, which was appropriated for this identical purpose. In past years there may have been a combining of items. That is a criticism which applies to former committees, and not to the expenditure of these items by the Board themselves; and when the committee brought in this bill they believed, as they believe to-day, that all the items of the expenditures here recited were absolutely necessary for the management and conduct of this board.

Mr. COGSWELL. But not as you distributed it.

Mr. BLACK of Illinois. You made a deduction in one instance, and you have struck out two officers, and I will speak of that presently. On page 81, in line 20, and on page 82, down to line 11, it will be found that the gentlemen of the Committee on Appropriations have gone over these expenditures, and have adopted them and appropriated for them.

Let me say, Mr. Chairman, that a great fund of $3,000,000, to be distributed among twenty-nine different homes, located in different parts of the country, from the Atlantic to the Pacific, can not be distributed without the incurrence of incidental expenses, that it can not be done without travel and the payment of traveling expenses; and to show that these gentlemen appreciate that fact, I need only to call the attention of the committee to the fact that on page 82 of the pending bill this committee proposes to allow for traveling expenses of the Board of Managers and other officers, $7,000, a saving of only $500 to the year's traveling expenses of the Board and its officers. The items are all right, Mr. Chairman. Now, it seems to me that the traveling expenses and other incidental expenses are such as would commend themselves not only to the Committee on Appropriations, but to every gentleman who understood the duties that were to be performed by the Board.

Now, turn to another point of saving which these gentlemen have proposed to make. They point to the fact that we had one inspector-general at $3,000, one at $2,500, whom they propose to strike out, and another at about the same sum. The gentleman whose salary it is proposed to strike out, Gen. Averill, of New York, is a man who has visited every State home, under the law, inspected every State home to see that the moneys of the Government voted by the last Congress were properly expended in the State homes, and that the State homes were properly complying with the requirements of Congress in the law enacted two years ago.

Mr COGSWELL. Mr. Chairman, will the gentleman allow me——

Mr. BLACK of Illinois. Yes.

Mr. COGSWELL. Of course it is for the Board of Managers to select which one of their two assistant inspectors-general they will drop; but the committee supposed that Gen. Averill would be retained, and that the inspector-general, who is now substantially doing the duty of the treasurer in the president's office, would be the one whose services as an inspector-general would be dispensed with, inasmuch as we appropriated $2,000 for a treasurer, instead of having the president act as the treasurer; and if they do, as I should think they would do, they will take this inspector-general and make him the treasurer, and give him the $2,000 that the bill allows, and not drop Gen. Averill, who is doing inspector's work, while the other one does not do inspector's work.

Mr. BLACK of Illinois. Supposing that to be true, where is the saving to the Government in changing the name of the officer? It is not to be found. But gentleman of the committee, in everything that relates to the good management of this Board, I believe it will compare favorably with any institution of the kind that has ever been established in the world.

The gentleman from Massachusetts [Mr. COGSWELL] spoke of

the fact that he was not unkindly toward the Board. I acquit him now of any such feeling. I can not conceive that there is reason for his having any such feeling, and therefore I believe that the feeling does not exist; but the reason that I, as a Representative upon this floor, oppose these pending amendments is, that the passage of these amendments will substantially transfer the affairs of this home to the War Department, and that is the point to which I shall speak.

As it is at present constituted and organized, the managers of the Board are all retired or recent volunteers Federal officers. They have a secretary, they have a treasurer, whose bond is given to the United States in the sum of $100,000. That bond is given by him to the Government, and is good for every dollar that is paid to him. The disbursements are made through the Treasury Department to the treasurer first of all, then by him the fund is given out, as the requisitions call for it, to the various treasurers in the several branches of the National Home, and each one of those treasurers gives a bond to the board of managers for the faithful disbursement of every dollar of this money. So that in this case, as perhaps in no other case in the history of the Government, there are two bonds provided in every case for the safety of every dollar that is disbursed under the appropriation.

The Board as at present constituted, gentlemen of the committee, is a board that is independent of any of the Departments. It reports, under existing law, directly to the Congress of the United States. It has been separated entirely from the operations of the War Department. Recently encroachments have been made, but for twenty-three years nearly of its career it made its reports right here; and in the very nature of the case there was an indisposition upon the part of the volunteer soldiers, who are entitled to the benefits of the homes, to be brought under the control of any other than their own former associates.

Now, there may be no good reason for the feeling upon the part of the members of that home that they should not be placed under the control of the Regular Army organization, but they have that feeling. There are 23,000 of them who are volunteers. They want to be under control of their own officers. As I have shown you, their affairs have been administered in the most economical manner, and in a most satisfactory manner; and unless there is good reason for it, they do not want to be put under the regular Army organization of the United States.

Mr. COGSWELL. If the gentleman will allow me, I wish he would explain——

Mr. BLACK of Illinois. I want to go on a little farther, and then I will give the gentleman time.

Mr. COGSWELL. I do not wish any time. I wish you would explain the statement you have just made. You were unable to explain it in the committee, and you have been substantially where these paragraphs put you ever since 1875.

Mr. BLACK of Illinois. I will explain it. At this time, as I said before, Mr. Chairman, this Board of Managers make their report direct to the Congress of the United States. The pending measure provides that they shall render their accounts monthly, direct to such bureau of the War Department as the Secretary of War shall designate.

And the next paragraph pending provides that all laws and parts of laws that require the Board to audit and examine or authenticate the accounts of the homes and visit the homes quarterly, are hereby repealed. Then there are other parts of this bill, to which I have not taken exception, that provide for the inspection of these homes by the Inspector-General's Office of the War Department.

And now, will the gentleman from Massachusetts [Mr. COGSWELL] tell me how it is justifiable to take away the rightful power to visit these homes and to inspect and audit the accounts of these treasurers; to transfer these treasurers' reports to a bureau of the War Department; to destroy the bonds that have been given by these treasurers to the homes, and require them to substitute others for the approval of the Secretary of War; how it is possible to take away the right of the Board to audit accounts and visit homes? I know very well what the gentleman's answer will be. I will wait for a moment at this point.

Mr. COGSWELL. There is nothing in these paragraphs that prevents the Board of Managers from exercising the most careful scrutiny over the expenditure of this money. You can call upon the treasurers for a financial statement at the end of every day if you want to.

Mr. BLACK of Illinois. Now, I will speak as to that point. The only power we have——

Mr. COGSWELL. I have not fully answered. The law compels you now to visit these homes four times a year. We take the compulsory part of the law out and permit you to visit them every week if you wish so to do.

Mr. BLACK of Illinois. Now, we will see about that. The power of this Board to audit the accounts of the treasurers is a power given it by statute. This law expressly repeals the power of the Board to audit a single account. That is done in line 24, page 84. The only power we have to examine the accounts of the treasurers is given by existing law. This bill expressly takes away that power. See line 24, on page 84, and lines 1 and 2 on page 85 of the pending bill. The only power that this Board has to authenticate the accounts of its treasurer, the man who receives the money from the Government under a $100,000 bond, is given by the statutes. This bill takes away that power in lines 1 and 2 on page 85. The only right that the Board of Managers has to visit one of these homes as a board, and to have its expenses borne upon such investigation, is a power given by section 4834 of the Revised Statutes.

Mr. COGSWELL. Will the gentleman allow me there?

Mr. BLACK of Illinois. In one moment. That power is expressly repealed by the first line on page 85.

Mr. COGSWELL. Does the gentleman mean to say that the Board of Managers, put in charge of a home with several branches, has not the inherent power to visit the home and its branches?

Mr. BLACK of Illinois. I do.

Mr. COGSWELL. Do you mean to say that when you get $7,000 for the purpose of traveling on visits to this home and its branches that you have no power to visit them?

Mr. BLACK of Illinois. I say that exactly. I am not twisting any language when I say that the only power that this Board has to visit these homes, as a Board, and inspect them, was the power given in section 4834 of the Revised Statutes; and you take it all away. I can imagine myself, as a member of that Board, presenting its accounts for the expenses of a visit to Hampton or Togas, or anywhere else, to some critical clerk in the Treasury Department, and being met with the question, "Where is the statute that authorizes you to make this expenditure? That statute, gentlemen, was repealed by the act of 1894." There is no answer to that.

Mr. COGSWELL. When you are given $7,000 in that bill for that very purpose?

Mr. BLACK of Illinois. It is not given for that purpose.

Mr. COGSWELL. Is there not a provision there for traveling expenses of $7,000?

Mr. BLACK of Illinois. No, sir. You are mistaken as to the phraseology. It is "for traveling expenses of the Board of Managers and their officers, $7,000."

Mr. COGSWELL. Exactly.

Mr. BLACK of Illinois. Now, then, when you take away the power to visit and take away the duty to visit, you thereby take away the right to make a single voucher for the expenses.

Mr. COGSWELL. You may amend the provision so as to make it as plain as you desire; but I think it wholly unnecessary.

Mr. BLACK of Illinois. I do not want to amend it. I think the language is couched on the idea that the Board of Managers was to be destroyed as the controlling officials, and that there should be substituted therefor an officer of the Inspector-General's Office.

Mr. WILLIAMS of Mississippi. That they should retire into innocuous desuetude.

Mr. BLACK of Illinois. That they should retire into innocuous desuetude. Thank you, sir. That is appropriate.

The part of this bill to which I desire to call attention at this time, in order to make clear the point I have made, and to which I have no objection at all, is on page 85, line 15:

> That hereafter, once in each fiscal year, the Secretary of War shall cause a thorough inspection to be made of the National Home for Disabled Volunteer Soldiers, its records, disbursements, management, discipline, and condition, such inspection to be made by an officer of the Inspector-General's Department, who shall report thereon in writing, and said report shall be transmitted to Congress at the first session thereafter.

So that in the very law that repealed the right of the Board of Management to visit these Homes, there is another section of the law providing for an inspection by an officer of the Inspector-General's Office. So that in the very law in which the recital is made of the traveling expenses of the Board of Managers, another officer is provided for. It is in the face of the act repealing the only law that allowed them to make quarterly visits for inspection; and no means of visiting these homes is left to the Board except they pay their own expenses, and they have nothing allowed them whatever with which to pay those expenses except this amount mentioned here.

Mr. COGSWELL. Seven thousand dollars.

Mr. BLACK of Illinois. Why do you provide for an inspection by an officer provided by the War Department? I do not object to that. I am not standing here to put obstacles in the way of the most thorough and radical inspection of the homes; but if you want to remove the Board of Management from its control, this is the legislation that will do it. If you want to remove the power of inspecting these homes from the Board of Managers, this is the legislation that will do it. And if, after

they are removed, and the right of inspection, except at their own expense, has gone, you want to provide for control by the War Department, this is the legislation that will do it.

Now, then, if the Congress of the United States shall desire at any time to change the management of these homes and to put them under other control, let a bill be brought in for that purpose, and let it be fought fully and manfully out on the floor of this House. But to report a measure on an appropriation bill which takes away all the powers of the Board of Managers is to do by indirection that which should only be done by the American Congress directly, openly, and honestly.

Now, as having to do with the management of these homes, I want to say that the passage of the law as it stands here is in effect to transfer all this great corporation, with all its power, from the Board of Management, and from the control of Congress, into the hands of the War Department. Every dollar of the money that is voted by the Congress of the United States for these homes is to-day, under existing law and regulations, four times inspected.

I want to call the attention of the gentleman from Massachusetts [Mr. COGSWELL] to that statement, and if I am misinformed he will correct me. I say that every dollar of the money that is voted to these homes is four times audited. First, every dollar of it is audited by the Board. It is charged with that duty. Three men are generally detailed at each branch to examine the matters. They are examined by taking up the vouchers and comparing them with the ledger accounts of the treasurers. That is number one. Number two is this: Duplicates of the vouchers are sent to the general treasurer's office in Hartford, and there all the time they are patiently at work going carefully through them, auditing and examining every account to the smallest sum.

Mr. COGSWELL. Will the gentleman allow me a moment?

Mr. BLACK of Illinois (continuing). The third audit is this. These accounts to-day are transmitted through the War Department, under this restrictive legislation to which I have referred, to the Second Auditor, and are there examined as every other account is examined. So that that makes three audits. And the fourth examination is made in the Comptroller's Office, where they are finally allowed or disallowed. So that there are four separate and distinct examinations of these accounts before their final passage and allowance.

Mr. COGSWELL. Will the gentleman allow me to interrupt him there?

Mr. BLACK of Illinois. Certainly.

Mr. COGSWELL. It is the purpose of one of these paragraphs to do away with the audit which is made by the Board of Managers auditing their own accounts and their own disbursements. Now, let us see how these accounts are audited by the Board of Managers. I have here the record of a meeting of this Board. It met in Boston on the 18th. It then met on the 20th, a day's journey away, at Portland. Assuming that they came together in the morning, or at noon of the 20th, I find that on motion the accounts of the Eastern Branch from March 31, 1890, to March 31, 1893, were examined that afternoon, found to be correct, reported, and approved by the Board. What kind of an auditing is that which will go through three years' accounts of one of those homes in an afternoon? I want to say it is quite evident that it was merely pro forma and perfunctory.

Mr. BLACK of Illinois. I will tell the gentleman. The account is audited in this way. The vouchers have been carefully kept and prepared by the treasurer and are there in their exact numerical order. His ledger is spread open. The accounts are taken up, number by number, one member of the Board sitting there to call the name and the amount, and the other to examine the voucher to see that it is for the correct amount and is properly signed and is for a proper expenditure, and in that way the three or four hundred vouchers that go to make up a quarter's expenditure are all examined.

Mr. COGSWELL. You do not want me to tell you how the accounts were at Togus, do you?

Mr. BLACK of Illinois. No, I do not care for that.

Mr. COGSWELL. I do not want to, but I can. [Laughter].

Mr. BLACK of Illinois. Does the gentleman mean to say that any fault is to be found with the accounts at Togus?

Mr. COGSWELL. With the methods of keeping them.

Mr. BLACK of Illinois. Was not the money all accounted for?

Mr. COGSWELL. It was accounted for, about one-fifth of it, in memorandum checks and duebills.

Mr. BLACK of Illinois. To whom were the checks given?

Mr. COGSWELL. It was not cash, at any rate.

Mr. BLACK of Illinois. They were just the same as cash. I did not pass upon that account and I do not know about it in detail, but I know that every dollar of the money was accounted for properly and will pass the audit of the Treasury when it is reached. You say that suppose you are about to throw the Board of Managers out of this audit, you have left the three other safeguards, but I say that even a superficial examination by the Board of Managers is better than no examination at all, and that if we are going to be responsible for the expenditure of this money we have the duty laid upon us, and it is our right to examine the vouchers and accounts; yet you propose in this bill to take away our right to audit those accounts.

Mr. COGSWELL. No.

Mr. BLACK of Illinois. Why not? What do you mean, then?

Mr. COGSWELL. I mean to say that these treasurers are under your control, that the inspector-general is under your control, and that you can have a daily inspection of those accounts and vouchers if you desire.

Mr. BLACK of Illinois (reading):

> And all laws or parts of laws that require the Board to audit and examine or authenticate the accounts of the treasurer and visit the home quarterly are hereby repealed.

That is what you propose to do.

Mr. COGSWELL. We propose to do away with this audit because the Second Auditor says that it delays these accounts five months, and because when you do come together and audit these accounts it does not amount to anything, when in an afternoon you can examine three years' vouchers and accounts.

Mr. BLACK of Illinois. I want to call the gentleman's attention to a lamentable error of fact into which he has fallen. These accounts that we examine are the retained accounts, and in the meantime the originals have gone to the War Department, so that their audit there is not retarded for an hour by our audit.

Mr. COGSWELL. Then, if that is so, you send the accounts to the War Department before you audit them?

Mr. BLACK of Illinois. We send one set of accounts to the War Department and another set is retained. So that your point is not correct.

Mr. COGSWELL. Do they pass in the Treasury Department upon the unaudited accounts that you send them, or upon the audited ones that you send them later?

Mr. BLACK of Illinois. We send the Treasurer, through the War Department, one set of these vouchers, and they are audited. The set that goes to Gen. Franklin as treasurer and the set that goes to the War Department and the set that is retained are exact copies of each other. The point the gentleman was making was that by doing away with this audit by the Board he would expedite the settlement of the accounts. Now, I tell him that he would not expedite it one-half minute, for the reason I have stated. Yet it is proposed here to take away our power so that we shall not know what is done by our own officials. Now, it seems to me utterly idle to have a Board of Managers and to continue them in nominal control, while at the same time you remove from them the right of inspecting and auditing the accounts of the institution, and put in control the Inspector-General's Office of the War Department. It amounts to a transfer; it was meant to bring about a transfer, even if my friend was not a party to that intention.

Mr. SAYERS. Does my friend mean to say that any other member of the committee could be a party to it without the gentleman from Massachusetts being one?

Mr. BLACK of Illinois. I have followed that point as far as I desire to.

Mr. SAYERS. I wish to understand the gentleman. I do not wish an innuendo or intimation.

Mr. BLACK of Illinois. I have indulged in no innuendo or intimation. I state what results necessarily from the proposed legislation. That is all. The thought of an innuendo or intimation is not in the case at all. I state that if this proposed legislation is enacted, then this Board of Managers becomes a perfunctory organization and had better be dispensed with at once, for their real duties will devolve upon an official of the War Department, or on the bureau chief that he may designate to perform them.

Mr. SAYERS. That is not the language to which I object.

Mr. BLACK of Illinois. I will withdraw any language that the gentleman from Texas objects to if he thinks it has any personal bearing on him, for I did not so intend it or think it.

Mr. SAYERS. I do not refer to myself more than to any other member of the committee.

Mr. BLACK of Illinois. If you will have recited the exact language used, you will find that it bears no such construction and never was intended to bear any such construction. What I have said and what I repeat, is that, according to my best judgment, if you enact this amendment into law you destroy the power of the Board and instate the War Department fully in control of these homes, and that in the light of what I have already said, you do it without any considerations of economy or of wise policy, and without any demand on the part of the in-

mates of the homes for any change. Let me say in closing, Mr. Chairman, that there are not to-day upon the face of the earth 23,000 old men better cared for, better housed, or more heartily in accord with those who are charged with their management, than the 23,000 men who are now under the control of the Board of Managers of this Home.

No man among them has asked that this transfer be made. When the Board of Managers speak in their presence they come to us as old men come to their chosen guardians, to those having charge of their interests, they come to us with their little stories, with their little troubles, with their little distresses, they seek us and talk to us as plainly and as pleasantly as gentlemen sit down and talk together. There is no rudeness about them, there is no discourtesy. There is nothing of the awful surrounding the Board of Managers. It is a body of gentlemen who intend to discharge their duties to those who are committed to their charge without partiality, favor, or affection, and with the highest regard to proper economy; and when I show you again finally that the War Department requires $418,000 per annum for its expenditure for medical attendance for 25,000 well men, while we expend in all the homes but $48,000 for similar attendance for an army of invalids; when I show you that this home here, which stands upon the hill and which we all admire, which has existed since 1855, is conducted under the regular Army management at an expense of $217 per man per annum, while our homes are conducted at an expense of $143 per man, I think I have shown beyond question that this transfer can not be made on the ground of economy.

I say again, Mr. Chairman, in closing, that if the Congress of the United States shall desire to disrupt this organization, to call it to the bar for offenses, to charge it with dereliction of duty, there is a way in which that can be done, and an hour when such accusations can be heard. But to undertake to do this by saddling upon an appropriation bill destructive provisions is not fair to this home, is not fair to the country.

Mr. SAYERS. Mr. Chairman, the gentleman from Illinois [Mr. CANNON], a member of the subcommittee who prepared this bill, desires to address the Committee of the Whole. I ask the gentleman how long?

Mr. CANNON of Illinois. I think I shall not want more than ten minutes—probably not that much.

Mr. SAYERS. I ask consent that the gentleman from Illinois be allowed to address the Committee of the Whole without limit.

There was no objection.

Mr. CANNON of Illinois. Mr. Chairman, in the preparation of this bill the chairman of the subcommittee, Governor SAYERS, very properly assigned the soldiers' home items to the gentleman from Massachusetts, Gen. COGSWELL, first on account of his experience, he having been for many years upon the committee that prepared this bill; second, on account of his intelligence as a legislator; and third, because he is not only a statesman of experience, but was a gallant soldier in the volunteer army in the late war. So that from every standpoint he seemed to be well equipped to do this service without prejudice and for the best interests of the homes.

Now, I must confess, after listening to my colleague from Illinois [Mr. BLACK], that while he has said much with which I am heartily in sympathy touching the desirability of good management for these soldiers' homes, and while I accept also the statement that the management has been good, I am not in sympathy at all with the assumption that anybody connected with this House or any of its committees has thought favorably for a moment of transferring the management of the soldiers' homes directly or indirectly from the managers as they are now constituted under the law. The gentleman sets up a man of straw and then says, "Because I have set up a man of straw, I will now knock him down."

After the gentleman from Massachusetts made his report to the subcommittee and then to the full committee, I gave this matter the closest and best examination and study that I was able to devote to it; and in a few minutes let me state what I understand the situation to be:

In 1865 or 1866 the law was enacted establishing these soldiers' homes and giving the management to certain managers, some chosen by the House of Representatives, some by the Senate, including also the President, the Secretary of War, and the Chief Justice. Gen. Butler was chiefly in command of these institutions for many, many years. The money appropriated by Congress for these institutions went for many years into the hands of the managers, who bought the homes, made the improvements, made the payments for subsistence, ordered the expenditure of the money, and audited the accounts, all within themselves.

There was no reporting to anybody, except the annual report to Congress. The matter ran along in this way for many years, and in my judgment with honest and intelligent management. But the system was faulty, and it got the management into trouble. It naturally would do so. When you give to any set of men the power to spend money, and not only to spend money but to audit the expenditures, to have the matter all within themselves and report to nobody except to Congress, naturally with this great power of expending and auditing they are liable to get into trouble.

Mr. BLACK of Illinois. Is it not true that under the existing law these accounts are all audited at the Treasury Department?

Mr. CANNON of Illinois. I am coming to that.

Mr. BLACK of Illinois. That is true?

Mr. CANNON of Illinois. I am coming to that in a moment.

Now, Gen. Butler being at the head of this Board, got into lawsuits that lasted longer than his life. I am glad to believe that his expenditures were proper. He never would have gotten into those troubles and those lawsuits if there had been a rigid monthly accounting, and if that accounting had been made by the Treasury Department. The matter ran along for many years; and finally, upon an appropriation bill like this, Congress required that those accounts should be audited at the Treasury Department; and since that time they have been so audited.

Mr. BLACK of Illinois. Will my colleague allow a suggestion?

Mr. CANNON of Illinois. Certainly.

Mr. BLACK of Illinois. I know my colleague means to be very fair about this matter.

Mr. CANNON of Illinois. I want to be exactly fair about it.

Mr. BLACK of Illinois. At the time Gen. Butler was president of the Board and its acting treasurer, the amounts involved were all very small relatively.

Mr. CANNON of Illinois. Oh, no.

Mr. BLACK of Illinois. At the time he ceased to act in that capacity they had not grown to be large. And another thing I would like to suggest is that he reported every cent of his expenditures to the Speaker of the House.

Mr. CANNON of Illinois. Oh, he made report as the law originally provided, which substantially amounted to nothing—at least to but very little.

Now, the inherent defect in this law originally was allowing the same power that spent the money to make the final audit. In other words, the members of this Board were supreme from beginning to end; and being vigilant and honest, and proud to give good service, as I have no doubt they were, and as I have no doubt Gen. Butler was, still he got into litigation, as I have said, that lasted him up to the end of his life, and is not yet, as I understand, fully determined. Gen. Butler served all those years without compensation. He went out of the management. Gen. Cogswell, when he came to make his report to the committee, had the accounts examined so far as practicable, looked into the matter as fully as he could, more fully than any committee of the House, I dare say, had ever done, and he came to the conclusion that the position of manager of the soldiers' homes should be largely an honorary one, if not entirely so. We found that the president of the home was getting $2,000 as president and $2,000 as acting treasurer.

Mr. COGSWELL. No, first $2,000 as acting treasurer, and afterward $4,000 as acting treasurer.

Mr. CANNON of Illinois. Very well.

Mr. BLACK of Illinois. I understand that my colleague withdraws the statement that there were two salaries paid to one officer.

Mr. CANNON of Illinois. Well, I did not mean to make the statement in that way.

Mr. BLACK of Illinois. That is all right.

Mr. CANNON of Illinois. I will withdraw it if I was in error, of course. This officer was getting $4,000 as acting treasurer. Gen. Butler served for nothing. Now I am not criticising that allowance. Up to two years ago the president of this home received $2,000, and two years ago the allowance was increased to $4,000.

Mr. BLACK of Illinois. Now, will the gentleman allow me a remark in that spirit of entire fairness which, as I understand, actuates us all?

Mr. CANNON of Illinois. Certainly.

Mr. BLACK of Illinois. Gen. Franklin has given bond for the receipt and disbursement of this $3,000,000 of money. He has served entirely without compensation, except so far as the Board made an allowance to him recently in the amount mentioned by the gentleman—$4,000. He was once the superintendent of the Colts Arms Company, a great corporation in which he drew I know not how great a salary; but in recent years he has devoted himself entirely to the business of the home. As president he maintains his business office in Hartford, traveling to every national home in the United States. He spends his whole time substantially in the discharge of his duties. Now I appeal to

the gentleman from Illinois to say whether he believes that an allowance of $4,000 to any man for the responsible disbursement of nearly $3,000,000 among these various homes with their 23,000 men—doing, besides, all the duty of a supervising and commanding officer—is excessive. I ask the gentleman to answer that in all fairness.

Mr. CANNON of Illinois. If the gentleman will allow me to complete my statement and will get out of his head the idea that Gen. Franklin or anybody else is to be attacked and will understand that I am speaking of a system of managing and accounting, we shall get along better.

Mr. BLACK of Illinois. Well, I will not interrupt the gentleman further——

Mr. CANNON of Illinois. I have no objection to the interruption, but the gentleman seems——

Mr. BLACK of Illinois. Just answer that question, if you please.

Mr. CANNON of Illinois. The gentleman seems a little bit like the Irishman at Donnybrook Fair; he is looking for somebody to tread on the tail of his coat. Now, nobody is wanting to tread on the tail of any manager s coat.

Mr. BLACK of Illinois. I have asked the gentleman to answer that question as a matter of fair judgment.

Mr. CANNON of Illinois. I will answer your question in my own way.

Mr. BLACK of Illinois. All right.

Mr. CANNON of Illinois. Gen. Butler did not receive compensation; Gen Franklin was receiving $2,000; afterwards he was voted $4,000 as acting treasurer. Now, I am not here to say that he ought not to receive some compensation. We inquired into that matter; and the gentleman from Massachusetts [Mr. COGSWELL] recommended that a salary, not of $4,000, but $2,500, be allowed him, not as acting treasurer but as president of this Board. We believed that this Board which spends the money should not audit the accounts.

Mr. BLACK of Illinois. If the gentleman will allow me one other question——

Mr. CANNON of Illinois. I will, if the gentleman will let me answer that first. I will answer all the gentleman's questions. Therefore we put a clause which I believe is still here, that prohibits a treasurer being appointed from any one of this Board of Managers. We propose to make them go outside and get a treasurer, and therefore as we took the duties of treasurer from Gen. Franklin and left him only the duties of the president, it was entirely proper, as Gen. COGSWELL thought, and the full committee agreed with him, that his salary should be fixed at $2,500 as executive officer.

Mr. BLACK of Illinois. Now I want to ask the gentleman a question?

Mr. CANNON of Illinois. All right.

Mr. BLACK of Illinois. Your statement of the work of the committee is, that finding Gen. Franklin president and acting treasurer, with a salary of $4,000, you chose to divide the offices. No one objects to that. That part of your bill passes unchallenged; but in dividing the offices you created a separate one. You allowed $2,500 to the president, and propose to give $2,000 to the treasurer, increasing the expense thereby $500 for the two offices. No one objected to that. I ask if it is not a fair inference from that that the committee thought the discharge of the duty of these two offices was worth $4,000, instead of the $4,000 which we were paying?

Mr. CANNON of Illinois. If the gentleman will allow me, if he will get it into his head once for all that the merits of this proposed legislation do not stand upon the individual merits of any one of this Board of Managers, but that we are seeking to get a proper method of expenditure and accounting for the soldiers' homes, why then we can discuss this matter more intelligently.

Now, to proceed, we found that in some instances the Board of Managers had employed individual members of the Board to perform various duties, one I recollect being paid as high as $2,000 to superintend the erection of a home or barracks. And so it was in many instances we found services had been performed by individual members of the Board of Managers, and then the Board of Managers paid them.

Mr. BLACK of Illinois. The gentleman does not mean to be unfair——

Mr. CANNON of Illinois. If the gentleman will wait until I conclude my statement, I do not believe he will think I am unfair. I am not saying that it is not worth $2,000 to superintend the building of a home or barracks.

Mr. BLACK of Illinois. Where was that?

Mr. CANNON of Illinois. I do not recollect.

Mr. BLACK of Illinois. I will ask the gentleman to name the instance he speaks of, where a member of the Board was employed at $2,000.

Mr. COGSWELL. Milwaukee was the home and Wolcott was the man.

Mr. BLACK of Illinois. Was not that under Gen. Butler's administration?

Mr. COGSWELL. I do not know.

Mr. BLACK of Illinois. Years and years ago, before any member of the present Board was in office; and I never before heard of this incident that the gentleman speaks of. It may be true.

Mr. COGSWELL. There are cases where we have paid $300 and $150 for counsel fees; and if the gentleman wants to know the name of that party, I can give it.

Mr. BLACK of Illinois. I know the name of the party.

Mr. COGSWELL. I know you do, very well.

Mr. BLACK of Illinois. Yes, very well. Have you any other instances?

Mr. COGSWELL. No.

Mr. CANNON of Illinois. If the gentleman will allow me, the gentleman seems to rest under the impression that this legislation is proposed as a criticism against individuals.

Mr. BLACK of Illinois. Not at all. I beg your pardon.

Mr. CANNON of Illinois. I merely said on the report of the gentleman from Massachusetts [Mr. COGSWELL] that in some instances these employment had been made, and I presume properly made. At least they had the power to make them, and their brother members of the Board had the power to audit the vouchers. Now, we did not think that was a good practice; and without criticising anybody, we concluded that we would report a provision, under the recommendation of Gen. COGSWELL, that would place it out of the power of Board of Managers, directly or indirectly, to employ any manager in the service of the homes—that practice virtually makes the Managers both employer and employé—except to pay $2,500 to their president to act as executive officer, and $2,000 to their secretary, who is also a member of the Board.

Mr. BLACK of Illinois. Was there any objection made, parliamentarily or otherwise, to the enactment of that amendment?

Mr. CANNON of Illinois. Oh, no; that amendment has gone into this bill and has been approved by the Committee of the Whole House.

Mr. BLACK of Illinois. And no one objected.

Mr. CANNON of Illinois. And let me say to the gentleman that I think most of the material amendments have been accepted by the Committee of the Whole House without objection so far as we have heard here, at least many of them. I will not take the time to read them. I am telling what we found and what we recommended, on the suggestion of the gentleman from Massachusetts [Mr. COGSWELL].

We found another thing; that we believed it wise that some officer, not depending upon this Board of Managers, should once a year examine the accounts and examine the homes; some independent force outside of the Board, somebody that the Board did not create. So we provided that an officer from the Inspector-General s Office of the War Department should once a year make this examination and inspection.

Mr. BLACK of Illinois. I will ask my friend if that has been objected to?

Mr. CANNON of Illinois. Oh, certainly not; but can not my friend allow me to say what amendments have been reported, and what have gone on, and the reasons for their going on?

Mr. BLACK of Illinois. If I irritate the gentleman by interrupting him, I will not do it.

Mr. CANNON of Illinois. Not at all.

Mr. BLACK of Illinois. Then I want to let the gentleman understand fairly that the things he has suggested as desirable have been confessed by me.

Mr. CANNON of Illinois. Certainly, and when the gentleman says they have been confessed by him, that is all right. He objects now to two provisions that are not particularly valuable. The valuable provisions have already been written into this bill.

Mr. BLACK of Illinois. I am very glad to hear you say so.

Mr. CANNON of Illinois. The valuable provisions have been already written into this bill; but before this bill was considered a great outcry was made that here was a proposition that would take the control of the seven branch homes—I believe there are seven all told——

Mr. BLACK of Illinois. There is one corporate name covering all.

Mr. CANNON of Illinois. Yes; but I believe there are seven altogether.

Mr. BLACK of Illinois. Yes.

Mr. CANNON of Illinois. That here was a proposition that

would take the control of these homes away from the Board of Managers, and put them under the Secretary of War. I thought I knew the practice of the Government touching accountings. I thought I knew what the legislation was, and when gentlemen came to me about it I said there was no such intention; and then, when I read the provisions, I said there was no such provision, and that statement I now reiterate.

Mr. MARTIN of Indiana. I desire to ask the gentleman a question.

Mr. CANNON of Illinois. Certainly.

Mr. MARTIN of Indiana. Is the provision beginning with line 17, on page 83, to the close of line 2, on page 84, a change of existing law?

Mr. CANNON of Illinois. Yes, in part.

Mr. MARTIN of Indiana. Is not the change embodied in the part from line 16, on page 84, to line 2, on page 85, a change of existing law?

Mr. CANNON of Illinois. Yes, it is a modification of existing law.

Mr. MARTIN of Indiana. Then it is really a change?

Mr. CANNON of Illinois. Oh, certainly, not to play upon words.

Mr. MARTIN of Indiana. I understand that there is a point of order made.

Mr. CANNON of Illinois. I am not arguing the point of order.

Mr. MARTIN of Indiana. But is not the point of order pending?

Mr. CANNON of Illinois. Certainly.

Mr. MARTIN of Indiana. That is all I desire to ask.

Mr. BLACK of Illinois. Let me say to the gentleman from Indiana that after the intimation of the Chair that he did not desire to hear me on the point of order, I replied simply to the strictures made by my friend from Massachusetts [Mr. COGSWELL].

Mr. CANNON of Illinois. So that we have now in the body of this bill, favorably accepted by this House, various provisions received, and the most valuable of which is that no member of the Board of Managers shall receive employment at the hands of the Board, for compensation, except the president and secretary.

Second, that these homes shall be examined every year by an officer from the office of the inspector-general, and a full examination made.

The third of these, the "posthumous fund," that has heretofore been a floating fund in the hands of the Board of Managers, shall be carried to the credit of one of the items of appropriation and utilized for the support of the homes, and shall be made good hereafter from moneys appropriated by Congress as it is called for.

Mr. MARSH. Will you state what this "posthumous fund" is?

Mr. BLACK of Illinois. Is it not true that that provision of the proposed law is not resisted here?

Mr. CANNON of Illinois. Oh, certainly that is true.

Mr. BLACK of Illinois. One other question. Is it true that the committee appointed by the Board of Managers recommended this identical disposition of this money?

Mr. CANNON of Illinois. I do not know that that is true as to that.

Mr. COGSWELL. What is that?

Mr. CANNON of Illinois. The "posthumous fund" amendment. My recollection is that the Managers did recommend it.

Mr. COGSWELL. They did not.

Mr. CANNON of Illinois. And the gentleman from Massachusetts says they did not.

Mr. BLACK of Illinois. But that was not my question.

Mr. CANNON of Illinois. Now, this is the point the gentleman objects to and makes his point of order on:

That all disbursing officers of the National Home for Disabled Volunteer Soldiers shall, before entering upon their duties, give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property which they may receive. They shall render their accounts monthly, direct to such bureau of the War Department as the Secretary of War may designate, and, after examination there, the fiscal accounts shall be passed to the proper accounting officer of the Treasury for settlement.

That is one clause that the gentleman objects to. What is the condition now?

There is a treasurer at $2,000 a year. Then every one of these seven branch homes has a treasurer at $2,000 a year. These treasurers at the branch homes give their bonds to the Board of Managers, not to the United States, and they might default. The Board of Managers can make a compromise, and the United States will be powerless to intervene in the event of the default of any one of these seven branch treasurers. We furnish the money. Why should not these treasurers, in taking the money of the United States, provided by Congress, to be paid out on the order of this Board of Managers, give a bond to the United States, which furnishes the money, giving the United States power, in the event of default, to make the Government whole? I do not know of any reason.

Ah, but, says my friend, that interferes with the Board of Managers! It does interfere with the Board of Managers in so far as a compromise or a release of these seven treasurers might be concerned, in the event of their default. But now let me say to my colleague from Illinois and to the members of the committee, under the law as we propose to amend it, these appropriations as made, every dollar of them, goes into the hands of these bonded officers of the United States, giving bonds to the United States, if that provision is complied with.

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. CANNON of Illinois. Let me finish this statement and I will. But there is not one dollar or one cent of it that can ever be paid out by anybody, except upon the authority of the Board of Managers. That Board of Managers, under the law as we propose to make it, has the authority, figuratively speaking, to make the genial rain descend upon and to support all those homes. If they do not exercise that authority under the law as it now is and as we propose it shall be, then not one cent nor one dollar of this money can be expended. Nor is there anything in this proposed amendment in connection with the law anywhere that in the slightest degree takes away from the plenary power of the Board of Managers to expend this money.

Then, what does it do? It merely says that when the Board of Managers has ordered this money to be paid out it shall be paid by these bonded officers of the United States; and if they fail to pay, then the United States has got its remedy. The United States has not got its remedy now under the law as it is. But, says my friend, the power to audit these accounts is taken from the Board of Managers and given first to the War Department and then to the Treasury Department of the United States, and tears the power of the Board of Managers up by the roots. Now, if my friend had studied the methods of expenditure and auditing of this Government he never would have made that criticism, because the truth is the Post-Office Department, the Interior Department, the Indian Office, the very Pension Office that my friend from Illinois [Mr. BLACK] presided over so honorably for four years in its great expenditures, reaching up towards a hundred million dollars a year, the money was paid—how? The certificate was issued, the orders were made by the Interior Department; but the money was paid by a bonded officer of the United States, the pension agent, and his accounts did not come back to my friend to audit. They went to the Treasury Department to be audited; and so it is all through the public service, and so it ought to be everywhere when the United States furnishes the money. While the Government of the United States may trust the Commissioner of Pensions, may trust the Secretary of War, may trust the Board of Managers, and give them the broadest discretion to expend money and order its expenditure, the payment of that money and the auditing of those accounts should be in another branch of the Government.

Mr. BLACK of Illinois. I will ask the gentleman if it is not true that they are audited there now, and I will ask also if they are not fully audited?

Mr. CANNON of Illinois. Now, let us see about that.

Mr. BLACK of Illinois. I ask the gentleman if they are not audited as fully as any other accounts?

Mr. CANNON of Illinois. No.

Mr. BLACK of Illinois. Wherein do they lack?

Mr. CANNON of Illinois. It is just wherein they lack that I am going to tell my friend. The proposed amendment provides that all these bonded officers of the United States shall render monthly accountings: that they shall go to the proper bureau of the War Department, and then be transmitted to the Treasury, which looks toward a complete audit.

Why, in the present auditing there are between four and five million dollars of accounts of the Board of Managers that never have been audited by the Treasury Department; and for almost twelve months, if I recollect the reading of the letter of the Second Auditor accurately, there have been no such reports as would enable the Second Auditor to make the audits. These accounts will in the end, I presume, be audited. We want a more speedy audit. We have expended the money, or your Board of Managers have had authority to expend it, and we want these treasurers to make out and render their accounts.

The joint commission of which the gentlemen from Missouri [Mr. DOCKERY] and from Maine [Mr. DINGLEY] are members, is seeking to devise legislation for a more speedy auditing of ac-

counts that should apply to all the Departments, although the present system is more speedy by far than the law touching the auditing of the accounts of the Board of Managers.

Now let me go a step further.

Mr. BLACK of Illinois. I wish while the gentleman is on that branch of the subject to ask him a question. You do not understand that there has been a neglect in the certification of vouchers to between four and five million dollars?

Mr. CANNON of Illinois. That is what I understand from the reading of that letter—that there are between four and five million dollars of accounts which are not audited.

Mr. BLACK of Illinois. That simply means that the auditor has not gotten through with the auditing; but he has the accounts and the vouchers.

Mr. CANNON of Illinois. I do not know.

Mr. BLACK of Illinois. Oh, yes; read his letters.

Mr. CANNON of Illinois. I read the letter very carefully; and he said in that letter that if this provision of law was enacted that he could make these settlements in a speedy manner.

Mr. WILLIAMS of Mississippi. I wish to ask the gentleman from Illinois a question for information. I understood, as I suppose the House understood, from your remarks that the money intrusted by the Board of Managers to these treasurers is not managed in such a manner as to be safe, and if the accounting is done in the right way, they should give a bond to the United States. Is it not true that there is a treasurer of the corporation who does give a bond to the amount of a hundred thousand dollars; and are not the subtreasurers at these other homes responsible to him, and he responsible for them to the Government?

Mr. CANNON of Illinois. I would say that I understand that the acting treasurer heretofore has given a bond to the United States in the sum of $100,000. The gentleman says, I do not know as to that. But I make answer to that——

Mr. WILLIAMS of Mississippi. Is he not——

Mr. CANNON of Illinois. The gentleman wants to both ask and answer the question.

Mr. WILLIAMS of Mississippi. No; I do not.

Mr. CANNON of Illinois. Well, I ask the gentleman's pardon. The treasurers of the branch homes have heretofore given bond to the Board of Managers, and they will continue to so give bond unless we enact this legislation. Now we provide for a general treasurer, this disbursing officer, who manages the other seven disbursing officers——

Mr. WILLIAMS of Mississippi. I do not think the gentleman understood my question.

Mr. CANNON of Illinois. I think I understood the gentleman's question very well.

Mr. WILLIAMS of Mississippi. My question was whether the treasurer was under bond, whether he was not responsible to the Government for these subtreasurers?

Mr. CANNON of Illinois. Oh, well, the treasurer was under bond to the United States in the sum of $100,000 and yet he was disbursing $3,000,000; and that is practically no security without a vigilant administration and speedy auditing of the accounts.

The only efficient check, as in the case of all our disbursing officers, is not in the amount of the bond, but is in the vigorous administration and the monthly accounting.

Mr. NORTHWAY. If your statements are correct, then, instead of this kind of legislation on an appropriation bill, ought we not to have a separate bill and have the whole subject overhauled?

Mr. CANNON of Illinois. There is so much that ought to be done and so little time to do it that unless such errors of administration and accounting as these are corrected in connection with the provisions appropriating for the service there will not be any correction at all.

Mr. NORTHWAY. The reason I asked the question was this. We new members, who have not investigated this subject, are troubled to know just what we ought to do. If you introduce a special bill upon the subject, then we shall have the time and the opportunity to investigate and consider it. We want to do what is right, but we do not just know what is right.

Mr. CANNON of Illinois. Well, it has been discussed for some time, and it is in the power of gentlemen to read. If they will read a little, they will get at the truth of the matter.

One other clause that the gentleman from Illinois [Mr. BLACK] objects to is this:

> That the Board of Managers shall make an annual report of the condition of the National Home for Disabled Volunteer Soldiers to the Secretary of War, to be submitted by him with his annual report to Congress at the commencement of each regular session thereof.

The gentleman says that is very wicked. Why? They have got to make the annual report to Congress now; this merely places the report among the reports from the War Department, so that everybody can get it and read it. There are not twenty men in this House who knew a week ago that this Board of Managers of National Homes reported directly to Congress. Men by the dozen have come to me and asked me where they could find out something about it.

Mr. CAMPBELL. Mr. Chairman, I want to say that there is not a man on the Board of Managers that is not as honest and straight as any man in this country. I know them all and they are gentlemen whose honesty and integrity can not be questioned, here or elsewhere.

Mr. CANNON of Illinois. That is very true and very conclusive and about as logical as anything that has been said in opposition to this proposed legislation.

Mr. BLACK of Illinois. Will my friend yield to me a moment?

Mr. CANNON of Illinois. I will not yield to anybody until I complete the reading of this provision:

> And all laws or parts of laws that require the Board to audit and examine or authenticate the accounts of the treasurer and visit the home quarterly are hereby repealed.

The gentleman strikes an attitude and says that that is vital. Now, what is the existing law? The law provides that this Board of Managers shall every three months visit these homes. Complaint was made that that provision of law was onerous and unnecessarily expensive, and therefore we provided that they should not be compelled to visit these homes quarterly. The gentleman says that this provision repeals their authority to visit. Not so. The authority inheres in them, because as this is a corporation they, as its managers, have the power to visit it when they choose, and it is their duty to do so, and this very repealing act itself permits them (if they required any permission), because it says that they shall not be required to visit quarterly. Then, to make assurance doubly sure, the very bill that we propose to enact appropriates $7,000 to pay the expenses of visitation.

Mr. STOCKDALE. How much did the visitation cost before?

Mr. CANNON of Illinois. About the same amount.

Mr. NORTHWAY. Can they charge and receive pay for doing that which the law does not require them to do? Will the Secretary of War or any other official approve their vouchers for expenses or mileage?

Mr. CANNON of Illinois. I do not think they receive any mileage now.

Mr. NORTHWAY. Then, will the auditing officials approve their vouchers for expenses for something that they are not legally required to do?

Mr. CANNON of Illinois. If the gentleman had paid as close attention to me as I think I was perhaps entitled to receive, it would not have been necessary for him to ask that question.

Mr. NORTHWAY. I have listened attentively to every word you have said.

Mr. CANNON of Illinois. Well, I have talked in vain if the gentleman has not understood my position on that point.

Mr. NORTHWAY. Well, I may not be the one to blame for that. [Laughter.]

Mr. CANNON of Illinois. I will state again that the very fact of this being a corporation and having a board of managers implies the right and the duty of that board to manage.

Mr. NORTHWAY. But you do not answer my question.

Mr. CANNON of Illinois. I am very unfortunate, indeed, if I have not made some slight answer to the gentleman's question. Secondly, I tell him that the very language of this act implies necessarily that this Board shall have the right to visit.

Mr. NORTHWAY. But is it obligatory on them to visit?

Mr. CANNON of Illinois. No.

Mr. NORTHWAY. Then, if it is not obligatory, can they charge and receive compensation for doing it?

Mr. CANNON of Illinois. Certainly. And I tell my friend that we appropriate here $7,000—within a few dollars of what they expended last year—to pay the expenses of visitation. If the law were silent everywhere else, that is sufficient of itself.

Mr. BLACK of Illinois. You are mistaken about the phraseology.

Mr. BOWERS of California. I would like to ask the gentleman from Illinois [Mr. CANNON] a question in good faith.

Mr. CANNON of Illinois. Very well.

Mr. BOWERS of California. I would like the gentleman to tell us (because there are a good many of us who are not well informed about this matter) what emergency or necessity has arisen for changing the law in respect to this management?

Mr. CANNON of Illinois. I have been talking, I think, about twenty-five minutes——

Mr. BOWERS of California. And I have listened to every word.

Mr. CANNON of Illinois. If the gentleman has not discovered from what I have already said the necessity for changing the law, then it will do no good for me to go over the matter again.

Mr. BOWERS of California. That is a very discreet answer.

Mr. PICKLER. I would like to ask what will be the duties of this regular army officer, this inspector? Will he pass upon the accounts? Will the Board be allowed to make only such expenditures as he approves?

Mr. CANNON of Illinois. I will say with great respect that if we could organize a kindergarten school here to teach the manner in which expenditures are made and audited, it would be a great benefit to some gentlemen.

Mr. PICKLER. I hope the gentleman will answer my inquiry. We want to get at the facts. I simply ask what are to be the duties of this inspector, and whether the Board of Managers will be allowed to make only such expenditures and for such purposes as this inspector may approve.

Mr. COGSWELL. He has nothing to do with that matter.

Mr. CANNON of Illinois. If the gentleman from South Dakota had read the existing law and the provisions of this bill, he never would have asked that question.

Mr. PICKLER. The gentleman from Massachusetts (and I believe the committee are in earnest about this thing) says that this provision does not contemplate any transfer to the War Department. The gentleman from Illinois, who I believe has an equal interest in this matter, declares that the provision does practically make a transfer of this institution to the War Department. Now, if it does so, I am for one opposed to it; if it does not, that is another question. Here is a wide difference between the gentlemen. I am trying to get at the truth of the matter. And I would like to know what will be the duties of this inspector so far as the accounts are concerned?

Mr. COGSWELL. So far as the administration of the home and the accounts are concerned, nothing.

Mr. PICKLER. Then what does he inspect?

Mr. COGSWELL. He is simply to go and inspect, and then report to Congress what he finds.

Mr. PICKLER. Will the Board have the same authority with reference to expenditures and the purposes for which expenditures are made as they have now?

Mr. COGSWELL. Yes, sir.

Mr. CANNON of Illinois. Completely and fully.

Now, let me say, in conclusion, that I indorse the views of my colleague on the committee, the gentleman from Massachusetts [Mr. COGSWELL], in the recommendation which he has made and which the full committee has adopted. I believe that in the interest of good legislation and good administration this recommendation should receive the approval of the House. I will go farther and say that the provisions embodied in the bill, to which some gentlemen have objected, and the provisions now offered as amendments, which are far less important than those inserted in the bill, are simply an effort in the direction of sound administration, and are not liable to the criticism that some wicked people have been trying to discriminate against these homes and put them under the control of a wicked Secretary of War; for, in truth and in fact, the powers of the Board of Managers were plenary before these amendments, are plenary now, and will be plenary after the amendments are adopted.

The only interference with the existing law is with the view of insuring under all circumstances a prompt and honest account of the expenditures made under the authority of this Board.

Mr. COGSWELL. I will ask my colleague on the committee whether it is not true that in the committee a suggestion to put this Board under the War Department was unanimously disapproved.

Mr. CANNON of Illinois. Certainly. Such a thing was never intended—never thought of.

Mr. SIMPSON obtained the floor and said: I understand that the chairman of the committee wants to make a motion that the committee rise. If I can obtain ten or fifteen minutes in the morning, I will gladly give way.

Mr. SAYERS. I ask unanimous consent that debate upon the clause now under consideration and amendments thereto, and also upon the clause to which the other point of order has been raised by the gentleman from Illinois, and amendments thereto, be closed in thirty minutes. When this request is acted on, I will move that the committee rise.

Mr. REED. Does that include the paragraph moved by the gentleman from Indiana [Mr. HOLMAN]?

Mr. COGSWELL. No. Time will be asked for that purpose also.

Mr. REED. Then that is all right.

Mr. SAYERS. That is not provided for yet; but I will say that just as soon as we dispose of this question, it is my intention to ask unanimous consent that thirty minutes be allowed to the gentleman from Minnesota [Mr. MCCLEARY], twenty minutes to the gentleman from Indiana [Mr. HOLMAN], fifteen minutes to the gentleman from North Carolina [Mr. HENDERSON], and fifteen minutes to the gentleman from California [Mr. LOUD]. I will make that request now.

The CHAIRMAN. The gentleman's request is first that debate on these paragraphs be closed ——

Mr. COGSWELL. In half an hour.

The CHAIRMAN. In half an hour.

Mr. SAYERS. That thirty minutes be allowed upon the pending paragraphs and amendments thereto.

The CHAIRMAN. Unanimous consent is asked that debate on the two paragraphs under consideration and amendments thereto close in half an hour. Is there objection?

There was no objection.

Mr. SAYERS. Now, I ask further unanimous consent that thirty minutes be allowed the gentleman from Minnesota [Mr. MCCLEARY], that twenty minutes be allowed the gentleman from Indiana [Mr. HOLMAN], and that fifteen minutes be allowed the gentleman from North Carolina [Mr. HENDERSON], and fifteen minutes to the gentleman from California [Mr. LOUD], after these two paragraphs and amendments have been disposed of.

The CHAIRMAN. On the bill generally?

Mr. SAYERS. Yes; on the bill generally?

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] asks unanimous consent that after the disposal of the matters under consideration thirty minutes be allowed to the gentleman from Minnesota [Mr. MCCLEARY]; twenty minutes to the gentleman from Indiana [Mr. HOLMAN]; fifteen minutes to the gentleman from North Carolina [Mr. HENDERSON], and fifteen minutes to the gentleman from California [Mr. LOUD] to discuss the matter generally. Is there objection?

There was no objection.

Mr. SAYERS. Now, Mr. Chairman, I ask that the gentleman from Kansas [Mr. SIMPSON], who has been unavoidably absent from the House, be recognized and allowed ten minutes in which to speak upon the pending paragraphs in the morning.

The CHAIRMAN. The request is that the gentleman from Kansas [Mr. SIMPSON] be allowed ten minutes on the pending paragraphs. Is there objection?

There was no objection.

Mr. SAYERS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LESTER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5529) to repeal section 311 of the Revised Statutes of the United States relating to accounts of the Treasury of the United States;

A bill (H. R. 5530) to regulate the making of property returns by officers of the Government; and

A bill (H. R. 2640) for the relief of Brig. Gen. John R. Brooke, United States Army.

The message also announced that the Senate had passed with amendment H. R. 1918, authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers in the States of Louisiana and Texas; in which the concurrence of the House was requested.

ARMY APPROPRIATION BILL.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported a bill (H. R. 6373) making appropriations for the support of the Army for the fiscal year ending June 30, 1895, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles:

A bill (H. R. 5425) for a charter for the Iowa and Nebraska Pontoon Bridge Company; and

A bill (H. R. 4831) to amend an act entitled "An act authorizing the construction of a high wagon bridge at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, and February 7, 1893; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROSIUS, for three days, on account of important business.

To Mr. MALLORY, for one week, on account of important business.

Mr. TURNER of Georgia. I ask leave of absence for my colleague, Mr. RUSSELL of Georgia, for a few days, on account of sickness.

There was no objection.

LEAVE TO SIT DURING SESSIONS.

By unanimous consent, leave was granted to the Committee on Agriculture to sit during the sessions of the House.

PRINTING FOR COMMITTEE ON AGRICULTURE.

The SPEAKER. The Clerk will report the following resolution, submitted by the Committee on Agriculture.

The Clerk read as follows:

Resolved, That the Committee on Agriculture be authorized to have printed for its use any documents it may deem necessary, in connection with the consideration of matters referred to it by the House.

The resolution was agreed to.

And then, on motion of Mr. SAYERS (at 5 o'clock and 37 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. BUNN, from the Committee on Claims, reported the bill (H. R. 5500) for the relief of William Gray; which, with the accompanying report (No. 603), was ordered to be printed, and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills and petitions which were referred as follows:

A bill (S. 469) for the relief of Adolph von Haake—the Committee on War Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 6276) for the relief of Susannah Smith—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6270) for the relief of Granville Rogers—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A petition asking for the passage of a special act for the relief of Susannah Smith—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A petition of Senator William H. Martin and others, of Frenhtown, N. J., that Jacob Case, Company D, Thirtieth New Jersey Infantry, be allowed an increase of pension—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6255) to increase the pension of Jacob Case, late of Company D, Thirtieth New Jersey Volunteers—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5035) granting a pension to Mrs. Adolphe W. Kroutinger, widow of Adolphe W. Kroutinger, late of Company —, Second Infantry Regiment, United States Regular Army—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. SNODGRASS: A bill (H. R. 6337) for the establishment of a fish-cultural station in the State of Tennessee—to the Committee on Appropriations.

By Mr. ENLOE: A bill (H. R. 6338) to abolish the Bureau in the Treasury Department known as the Coast and Geodetic Survey, and transfer the work of said Bureau to the Hydrographic Office in the Navy Department and the Geological Survey in the Department of the Interior—to the Committee on Naval Affairs.

By Mr. SHERMAN: A bill (H. R. 6339) to establish a national board of health, to provide for the investigation and prevention of communicable diseases in the United States, to prevent their introduction from one State or Territory into another, and to cooperate with the Marine Hospital Service to prevent the introduction of such diseases into the United States from foreign countries—to the Committee on Interstate and Foreign Commerce.

By Mr. BALDWIN: A bill (H. R. 6340) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian Reservations, in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. CAUSEY: A bill (H. R. 6341) to prevent the destruction of food fish—to the Committee on Merchant Marine and Fisheries.

By Mr. BRYAN: A joint resolution (H. Res. 143) proposing an amendment to the Constitution, providing for the election of United States Senators by a direct vote of the people of the several States whenever they shall make provisions for same by statute or constitution—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. WILLIAM A. STONE: A resolution asking to set apart time for the consideration of the bill H. R. 5246—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 6342) for the relief of L. T. Dix, of Dayton, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6343) granting a pension to John B. Younger, of Grant County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6344) granting an increase of pension to Patrick Coyle, of Covington, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6345) to increase the pension of Robert S. Lee, of Pendleton County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6346) to correct the rating of the pension of Henry Shouert under pension certificate No. 410261—to the Committee on Pensions.

Also, a bill (H. R. 6347) for the relief of James M. Blackburn, of Kentucky—to the Committee on Claims.

Also, a bill (H. R. 6348) granting a pension to Joseph Hogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6349) for the benefit of Fountain Riddell, administrator of Nancy Pace, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6350) for the relief of Catharine Metz—to the Committee on War Claims.

Also, a bill (H. R. 6351) to pension James Carroll, of Dayton, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6352) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6353) granting a pension to Theodore M. Piatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6354) granting a pension to D. E. Redmon, of Falmouth, Ky.—to the Committee on Invalid Pensions.

By Mr. CANNON of Illinois: A bill (H. R. 6355) granting a pension to Mrs. Maria N. Flint—to the Committee on Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 6356) granting a pension to George W. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6357) to increase the pension of Mary E. Tozier—to the Committee on Pensions.

By Mr. DAVIS: A bill (H. R. 6358) removing the charge of desertion from the military record of Francis A. Goodeno, deceased—to the Committee on Military Affairs.

By Mr. DOLLIVER: A bill (H. R. 6359) for the relief of Henry J. Preble—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio (by request): A bill (H. R. 6360) for the relief of Seth H. Kellogg, and the heirs of John Buckingham and Frank Buckingham—to the Committee on War Claims.

By Mr. LANE: A bill (H. R. 6361) to grant a pension to Pauline J. Smith—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 6362) to purchase of Ellen Bailey a certain sword and silver tureen—to the Committee on the Library.

By Mr. NEILL: A bill (H. R. 6363) for the relief of Thomas J. Harris and others, heirs of Manning Harris, deceased—to the Committee on War Claims.

By Mr. PATTERSON: A bill (H. R. 6364) for the relief of George W. Winford, of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. RANDALL: A bill (H. R. 6365) granting a pension to Kate C. McDougal—to the Committee on Pensions.

By Mr. SWANSON: A bill (H. R. 6366) for the relief of P. H. Boisseau administrator, of Thomas B. Doe—to the Committee on War Claims.

Also, a bill (H. R. 6367) for the relief of A. Hogan—to the Committee on Claims.

Also, a bill (H. R. 6368) for the relief of Noell, Cannaday & Co.—to the Committee on Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 6369) for the relief of the heirs of Bvt. Brig. Gen. Edmund B. Alexander—to the Committee on Military Affairs.

Also, a bill (H. R. 6370) for the relief of Sarah and Katie Bryon—to the Committee on War Claims.

Also, a bill (H. R. 6371) for the relief of W. A. Bland—to the Committee on War Claims.

Also, a bill (H. R. 6372) to refer the claim against the United States of Judge R. Burns to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of William H. Miller, Grand Master Workman of the Ancient Order of United Workmen, together with resolutions of Monitor Council, No. 765, Royal Arcanum, St. Louis, Mo., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Colorado: Petition of citizens of Eads, Colo., asking favorable action on Senate bill 1376, relating to butterine, etc.—to the Committee on Agriculture.

By Mr. BRICKNER: Petition of Adolph Trier and 25 others, of the Cigar Makers' Union of Sheboygan, Wis., protesting against the increase of taxes on manufactured cigars—to the Committee on Ways and Means.

By Mr. BURROWS: Two petitions of citizens of Michigan, asking Congress to reject the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

Also, petition of citizens of Schoolcraft, Mich., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Iron Molders' Union, No. 31; the Journeymen Stonecutters' Union; the Carpenters' Union, No. 421; the Bakers' Union; the Coopers' Union, No. 54; the Beer-Drivers' and Stablemen's Union, and Detroit Lodge, No. 82, Machinists' Union, all of Detroit, Mich., for the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON of Illinois: Petition of citizens of Danville, Ill., favoring postal legislation in the interest of the fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. COOMBS: Petition of the Grand Lodge of the Ancient Order of United Workmen of the State of New York, in favor of admitting the publications of fraternal organizations to the mails on the same terms as newspapers, as provided in the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DANIELS: Two petitions in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Three petitions in favor of legislation to prohibit the sale of imitation dairy products—to the Committee on Agriculture.

Also, petition to Congress asking it to reject the proposed God-in-the Constitution amendment—to the Committee on the Judiciary.

By Mr. DURBOROW: Petition of Joseph Suess and others, of Chicago, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. EVERETT: Petition of the Cigar Manufacturers' Association of Boston, Mass., for retention of present internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of E. N. Young and 24 others, in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLET of New York: Petition of T. B. Delo and others, of Elmira, N. Y., in favor of the enactment of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By GORMAN: Petition of Iron Molders' Union, No. 31, and of Carpenters' Union, No. 421, both of Detroit, Mich., asking for Government ownership and control of the telegraph systems of the country—to the Committee on the Post-Office and Post-Roads.

By Mr. GRESHAM: Petition of Mrs. Mary McDonald, of Cuero, De Witt County, Tex., for relief—to the Committee on War Claims.

By Mr. HULL: Petition of F. L. Morgan and 32 others, citizens of Perry, Dallas County, and of Lawrence Davis and 19 others, citizens of Milo, Warren County, Iowa, asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS of Illinois: Petition in favor of the Manderson Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER of Mississippi: Petition of citizens of the Seventh Congressional district of Mississippi, for legislation to punish train-wreckers—to the Committee on the Judiciary.

By Mr. LINTON: Petition of George F. Riley and 23 others, citizens of Boston, praying for the passage of the Manderson-Hainer bill, in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. LUCAS: Petition of Cigar Makers' Union, No. 153, Sioux Falls, S. Dak., protesting against a change in the tax on cigars—to the Committee on Ways and Means.

Also, petition of Calvin Duke Post, Grand Army of the Republic, Sturges, S. Dak., favoring a general pension law of $12 per month for all honorably discharged Union soldiers—to the Committee on Invalid Pensions.

By Mr. MAGUIRE: Petition of the Geographical Society of San Francisco, Cal., in favor of a survey of the entrance of and approaches to the harbor of San Francisco—to the Committee on Rivers and Harbors.

Also, protest from citizens of California, against the reduction of the tariff duties—to the Committee on Ways and Means.

By Mr. POST: Petition of the American Humane Association, in favor of House bill 4182—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cigar Makers' Union, No. 118, of Peoria, Ill., against an increase in the internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. RANDALL: Protest of Frank W. Francis and others, of New Bedford, Mass., against any increase of internal-revenue tax on cigars—to the Committee on Ways and Means.

Also, memorandum in case of Mrs. K. C. McDougal—to the Committee on Pensions.

Also, petition of P. W. Lyman and others, of Fall River, Mass., against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Petition of William S. Irish and 32 other citizens of Pewamo, and of John Hulst and 20 other citizens of Grand Rapids, Mich., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Iron Molders' Union, No. 31, and of the Journeymen Stone Cutters' Union, both of Detroit, Mich., in favor of governmental control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDS: Petition of citizens of New Philadelphia, Ohio, in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. RITCHIE: Petition of James B. Sloat, Jacob Freeman, and others, of Toledo, Ohio, protesting against increase of tax on cigars—to the Committee on Ways and Means.

By Mr. SOMERS: Petition of Emil Hartman and others, of Milwaukee, and of the members of Alpha Council, No. 43, Royal Arcanum, of the same place, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Petition of the Iron Molders' Union, Carpenters' Union, No. 421, Stone Cutters' Union, Bakers' Union, and of Detroit Lodge of Machinists, all of Detroit, Mich., favoring Government ownership and control of the telegraph systems of the country—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Resolutions of the senate of the State of New York, recommending the passage of House bill 36—to the Committee on the Post Office and Post-Roads.

By Mr. WHEELER of Alabama: Petition of Martha A. Street, administratrix of Reuben Street, deceased, of Madison County, Alabama, to the Congress of the United States, requesting a rehearing of her case—to the Committee on War Claims.

SENATE.

TUESDAY, *March 20, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

TRANSFER OF MILITARY RECORDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, in response to a resolution of the Senate of the 14th instant, relative to the proposed transfer from the Treasury and Interior Departments to the War Department of the military records of the American Revolution and the war of 1812, as authorized by an act of Congress approved June 24, 1892; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BERRY presented a petition of sundry citizens of Arkansas, praying that fraternal and society journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a memorial of sundry citizens of Lagrange County, Ind., remonstrating against the passage of the Wilson tariff bill; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented the memorial of Peter White and sundry other citizens of Marquette, Mich., and the memorial of J. M. Longgear and sundry other citizens of Marquette, Mich., remonstrating against the passage of the Wilson tariff bill; which were referred to the Committee on Finance.

Mr. PROCTOR presented the petition of H. M. Goddard and 16 other citizens of South Royalton, Vt., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 264, Cigar Makers' International Union of America, of Rutland, Vt., remonstrating against an increase of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

Mr. WASHBURN presented a petition of the Chamber of Commerce of St. Paul, Minn., praying that an appropriation of $10,000 be made for the examination and survey of a canal to connect the waters of Lake Superior and the Mississippi River; which was referred to the Committee on Commerce.

He also presented sundry memorials of cigar manufacturers of St. Cloud, Minn., remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

Mr. FRYE presented sundry memorials of cigar manufacturers of Portland, Saco, and Biddeford, all in the State of Maine, remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

Mr. HAWLEY presented a petition of William A. Willard and 19 other citizens of Hartford, Conn,, and a petition of B. H. Webb Council, No. 702, Royal Arcanum, of Hartford, Conn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented the petition of D. W. Thompson and 40 other citizens of Williamstown, Mass., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of Frank W. Francis and 15 other cigar manufacturers, of Bedford, Mass., and the memorial of Joseph V. Broderick and 32 other employés of F. P. Norton, cigar manufacturer, of Boston, Mass., remonstrating against an increase of the internal-revenue tax on cigars; which were referred to the Committee on Finance.

Mr. GORMAN presented a memorial of the General Assembly of the State of Maryland, remonstrating against the passage of House bill No. 2001, to repeal certain laws relating to permanent and indefinite appropriations, in so far as the same repeals the laws making appropriations for the support of agricultural experiment stations and in aid of agricultural colleges; which was read and referred to the Committee on Agriculture and Forestry, as follows:

THE STATE OF MARYLAND, *Executive Department.*

Joint resolutions requesting and urging the Senators and Representatives in the Congress of the United States from the State of Maryland, to use their best efforts and endeavors to defeat the passage of a bill now pending in Congress known as "House bill No. 2001," entitled, "A bill to repeal certain laws relating to permanent and indefinite appropriations," introduced in the House of Representatives by Mr. SAYERS of Texas so far as the same repeals the laws making appropriations for the support of agricultural experimental stations and in aid of agricultural colleges.

Whereas there is now pending in the Congress of the United States a bill known as "House bill No. 2001," which has for its object, in part, the repeal of the laws making appropriations for the support of agricultural experimental stations and in aid of agricultural colleges; and

Whereas the withdrawal of said appropriations will work great injury to agriculture and agricultural education: Therefore,

Be it resolved by the General Assembly of Maryland, That the Senators and Representatives from Maryland in the Congress of the United States, be and they are hereby requested to use their best efforts and endeavors to defeat the passage of said bill so far as the same applies to agricultural experimental stations and agricultural education; and be it further

Resolved, That the governor be and he is hereby directed to forward, under the great seal of the State of Maryland, a copy of these resolutions to each of the Senators and Representatives of Maryland in the Congress of the United States at as early a day as possible.

Given under our hands this 14th day of February A. D. 1894.

JOHN WALTER SMITH,
President of the Senate.
JAMES H. PRESTON,
Speaker of the House of Delegates.

STATE OF MARYLAND:

I, Frank Brown, governor of the State of Maryland, do hereby certify, that the foregoing is a full and true copy of the joint resolutions of the General Assembly of Maryland, of which it purports to be a copy.

Witness my hand and the great seal of Maryland.

Done at the city of Annapolis on the 20th day of February, in the year of our Lord, 1894.

[SEAL.] FRANK BROWN.

By the governor:

WILLIAM T. BRANTLY,
Secretary of State.

Mr. GORMAN presented the petition of Mrs. Julia Nolan, of Baltimore, Md., widow of Charles Nolan, late of Company C, Second Regiment United States Dragoons, praying that she be granted a pension of $12 per month; which was referred to the Committee on Pensions.

He also presented a petition of the State Medical Society, known as the Medical and Chirurgical Faculty of Maryland, praying for the passage of Senate bill No. 1153, creating a bureau of public health; which was referred to the Committee on Epidemic Diseases.

He also presented a petition of sundry citizens of Emmitsburg, Md., praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

He also presented the petition of Thomas J. Packard and sundry other citizens of Maryland, and a petition of the Society of Friends, of Baltimore, Md., praying for the enactment of legislation to suppress the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented the memorial of Fred Deruhard and sundry other citizens of Baltimore, Md., and the memorial of W. Hoffman and sundry other citizens of Boonesboro, Md., remonstrating against the imposition of an income tax, and also against an increase of the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a memorial of sundry employés of William J. Hooper & Co., of Baltimore, Md., and a memorial of sundry employés of the J. J. Johnson Company, of Baltimore, Md., remonstrating against any change being made in the present duties on cotton and flax fish nettings, webs, seines, etc.; which were referred to the Committee on Finance.

He also presented petitions of Robert E. Green, W. T. Allen, and sundry other citizens of Maryland; of William H. James, R. J. Wilson, Richard Grady, H. M. Fuller, George Damman, jr., William N. Hildebrand, S. H. Ranneker, J. Spencer Clarke, and G. A. McGaw, and sundry other citizens of Baltimore, Md.; of Acma Council, No. 858, Royal Arcanum, of Baltimore; of John A. Murray and sundry other citizens of Williamsport; of John O. McKeby and sundry other citizens of Phœnix; of Levin F. Morris and sundry other citizens of Bath; of William E. Taw and sundry other citizens of Marion; of Edward P. Allen, president, and sundry students of Mount St. Mary's College, Emmitsburg, and of W. A. Trader and sundry other citizens of Salisbury, all in the State of Maryland, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GORDON presented the petition of Fayerweather & Faden, of Flintstone, Ga., praying for the retention of the duty on sole leather; which was referred to the Committee on Finance.

He also presented a memorial of P. S. Clark & Co. and sundry other druggists of Georgia, and the memorial of John W. Goodwyn, chairman of the Georgia Board of Pharmacy, of Macon, Ga., remonstrating against an increase of the duty on alcohol; which were referred to the Committee on Finance.

He also presented the petition of Charles A. Conklin, of Atlanta, Ga., praying that the time of putting into effect the clause of the Wilson tariff bill affecting tin plate be postponed until October 1, 1894; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. PEFFER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 115) for the development and encouragement of silk culture in the United States under

the supervision of the Secretary of Agriculture, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1170) to establish an electrical experiment station for the purpose of investigating and determining whether electricity can be profitably applied as a motive power in the propulsion of farm machinery and implements, reported it with amendments, and submitted a report thereon.

Mr. STEWART, from the Committee on Mines and Mining, to whom was referred the bill (S. 1515) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources, reported it with amendments.

Mr. MILLS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 200) for the relief of Moses Pendergrass, of Missouri, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 199) for the relief of E. R. Shipley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 571) to provide a postal-card letter, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 751) to provide a postal currency, and for other purposes, reported adversely thereon.

Mr. KYLE. I ask that the bill be placed on the Calendar with the adverse report.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HUNTON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 886) for the relief of legal representatives of John Wightman, deceased, reported it with amendments, and submitted a report thereon.

THE REVENUE BILL.

Mr. VOORHEES. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes, to report it with amendments.

Mr. MORRILL. I desire to say that so far as the Republican members of the Committee on Finance are concerned they did not object to the reporting of the bill, while they are opposed not only to the proposed income tax, but to the many changes of specifics to ad valorems, and to the great bulk of the provisions of the bill.

Mr. VOORHEES. I ask that the bill be printed and placed upon the Calendar, and I give notice that on the 2d day of April, which is a week from next Monday, I shall call the bill up for consideration by the Senate.

Mr. MANDERSON. I desire to ask the Senator from Indiana, the chairman of the Committee on Finance, whether there is to be any written report with the bill?

Mr. VOORHEES. There is not.

Mr. MANDERSON. Will there be any statement submitted by the Committee on Finance?

Mr. VOORHEES. There will be when the bill is called up for consideration.

Mr. MANDERSON. A statement that will show the changes which are proposed in the existing law?

Mr. VOORHEES. There will be full statements and explanations of the bill when it is called up for consideration.

Mr. MANDERSON. And those will be ready in print on the 2d day of April?

Mr. VOORHEES. I do not say that, or in what form they will be made. I myself expect, for instance, to make a statement to the Senate when the bill is called up for consideration. I will say to the Senator from Nebraska that there will be comparative statements which will be accessible to the Senator, showing the changes which are proposed to be made in the existing law. All those usual sources of information will be amply afforded in a very short time.

Mr. MANDERSON. I make this inquiry because of the fact, recognized by all, that the many changes in the bill from specific to ad valorem duties require an expert to show exactly what changes are proposed in the law. I think such a document as has been referred to, either in the nature of a statement by some expert familiar with tariff duties or a report from the committee, should be printed and in the hands of Senators some days before the bill is taken up for consideration.

Mr. VOORHEES. All that information will be speedily afforded to the Senate and to Senators.

Mr. MANDERSON. I hope it may.

Mr. McPHERSON. Mr. President, a single word perhaps will be proper and appropriate from me upon this occasion.

I have assented to the report just made by the chairman of the committee, justifying my action by the belief that whether wise or unwise in all its provisions it is the best compromise obtainable in a committee differing widely in their views upon economic questions and in the effect upon the prosperity of the country when embodied in our statute laws.

I shall find no difficulty in supporting in the Senate my colleagues with whom I have served upon the committee in enacting into law so much of the proposed legislation as will yield to the Government all the revenue needed when economically administered. Beyond this just and proper limit I must not be expected to go.

In view of the fact that two subjects of legislation proposed in the bill had received much public attention, I will announce to the Senate, as I have already stated to the committee, my views and purpose as to each of them. Firstly, I disagree with my colleagues upon the committee upon that section of the bill which provides for an income tax; ample provision having been otherwise made in the bill for revenue, its presence here is unnecessary, and besides it is un-American, un-Democratic, and, as I think, unwise. I shall move at the proper time to strike this provision from the bill.

Secondly, I disagree with my colleagues on the committee in respect to the sugar schedule as it appears in the bill; and I shall feel impelled to offer at the proper time an amendment to this schedule, believing that the option to impose duties upon sugar either by the polariscope test or a Dutch standard of color, as the customs officers may elect, is a dangerous power to confer upon any Government officer, and its effects will prove confusing and misleading when applied in practice. I trust, however, that the committee upon further consideration will adopt this view and offer an amendment which will confine the test of all sugar, raw and refined, to the polariscope test alone, and thus make certain and definite the duties each shall pay.

Mr. ALLISON. I think it would be a convenience to have a pamphlet print of the bill with the present law stated in each paragraph and then the proposed changes. First, the changes proposed by the House of Representatives, and, secondly, the modifications proposed by the Senate Committee on Finance. It seems to me that would be a great convenience.

Mr. VOORHEES. Will the Senator be kind enough to speak this way? I did not hear what he said.

Mr. ALLISON. I think it would be a great convenience to Senators to have a pamphlet print of the bill, embracing, first, the existing law as respects these paragraphs; secondly, the changes in the paragraph proposed by the bill as it came to us from the other House——

Mr. VOORHEES. That is what I have already stated.

Mr. ALLISON. And, thirdly, the changes proposed by the Senate Committee on Finance. Has the Senator suggested that a print of that character shall be made?

Mr. VOORHEES. Yes; with an index.

Mr. ALLISON. Very well. That I think would be a wise order to have made.

Mr. VOORHEES. Is the Senator making a point on the form or the substance of the publication? Does he wish to have it in a different form from the bill?

Mr. ALLISON. I think it might be well to have it in a convenient pamphlet form.

Mr. VOORHEES. I will say to the Senator from Iowa that we can adjust that in committee. There will be no trouble about fixing that.

Mr. ALLISON. But it will be necessary to have an order of the Senate, I think.

Mr. VOORHEES. There will be subheadings also in the bill, so that it will be easy of reference.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HOAR. Has the proposition made by the Senator from Iowa been adopted? I thought the Senator made a motion or a suggestion equivalent to a motion.

The VICE-PRESIDENT. The Chair understood the Senator from Indiana to assent to the proposition.

Mr. HOAR. Has the Senate assented to it?

The VICE-PRESIDENT. No motion was made and no request was submitted for the Chair to put to the Senate.

Mr. HOAR. I did not understand precisely what was done. I should like to know whether that matter is disposed of?

Mr. FRYE. It can not be done without an order of the Senate.

Mr. ALLISON. So I stated.

Mr. VOORHEES. I think the matter can be very safely left to the Senator from Iowa and myself, for we shall fix it up most likely exactly as he wants it.

Mr. FRYE. It can not be done without an order of the Senate.

Mr. HOAR. No; it can not be done without an order of the Senate.

Mr. VOORHEES. I differ from the Senator. We have done a great many things of that kind already without an order of the Senate. The committee itself has power to do that.

Mr. HOAR. I do not myself exactly understand (I do not know that it is important it should be understood now) what is the parliamentary attitude of the bill. I understand the Senator from Indiana to report the bill, and then if the Senator from Vermont [Mr. MORRILL], as he undertook to do, represents the Republican members of the committee, and the Senator from New Jersey [Mr. MCPHERSON] has been correctly understood in regard to the income tax and the sugar schedule, here is a bill reported from a committee in regard to which in two of its great, perhaps its greatest, single features a majority of the committee who are said to report the bill are opposed. Now, does that make a parliamentary report? The Senator from New Jersey is opposed to two great sections of the bill. I do not understand how the committee can be said to have agreed to this report.

Mr. MCPHERSON. I do not understand that there was any disagreement in committee as to the reporting of the bill this morning. I heard no objection to its being reported. I think I am telling no committee secret. It was ordered to be reported by general assent, as I supposed. I want to say to the Senator from Massachusetts——

Mr. HOAR. The Senator will pardon me, that I may make my statement plain. I supposed that a committee ordinarily report bills they are in favor of and not bills they are opposed to.

Mr. MCPHERSON. I do not wish to get into any discussion on any collateral subjects this morning upon the bill. The time will come when I think I can convince the Senator from Massachusetts that I have acted exactly in a proper manner in respect to this subject.

Mr. HOAR. I made no criticism on the Senator from New Jersey.

The VICE-PRESIDENT. The Chair will state, in response to the inquiry of the Senator from Massachusetts, that the bill was reported by the chairman of the Committee on Finance and it has been placed on the Calendar. The Chair did not understand the Senator from Iowa to ask unanimous consent, and for that reason the Chair did not submit the matter to the Senate.

Mr. PEFFER. Referring to the tariff bill which has been reported, I desire to give notice that when it is called up at the time named by the Senator from Indiana I shall move to substitute for it the bill which I introduced last week, being the bill (S. 1762) to amend the customs laws and to provide additional revenue for the support of Government, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers in the States of Louisiana and Texas.

The message also announced that the House had passed a joint resolution (H. Res. 123) authorizing the wearing of a distinctive badge adopted by the Regular Army and Navy Union upon all occasions of ceremony; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 4831) to amend an act entitled "An act authorizing the construction of a high wagon bridge at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, and February 7, 1893; and

A bill (H. R. 5425) for the charter of the Iowa and Nebraska Pontoon Bridge Company.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 1793) to remove the charge of desertion from the military record of Robert Roby; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PEFFER (by request) introduced a bill (S. 1794) for the relief of Harrison Wagner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 1795) to aid in the erection of a monument to the Maryland heroes of the Revolutionary war; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

He also introduced a bill (S. 1796) removing the charge of desertion against Philip Bradley, late of Company F, Seventy-second New York Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1797) for the relief of Miss Mary Henry Carroll, sister of Miss Anna Ella Carroll, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILL.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ALLEN. Yesterday I submitted an amendment to the sundry civil appropriation bill, the amendment proposing to make an appropriation of $16,000 for a resurvey of the lands of Grant and Hooker Counties, in the State of Nebraska; and it was referred to the Committee on Appropriations. I ask unanimous consent to withdraw that reference, and have the amendment referred to the Committee on Public Lands.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that change of reference will be made.

BILL RECOMMITTED.

Mr. GIBSON. I move that the bill (S. 1680) to more effectually suppress gambling in the District of Columbia be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

FENDERS ON DISTRICT STREET RAILWAY CARS.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be directed to investigate and report, as promptly as may be, whether in their opinion the street railways of the city of Washington, propelled by cable and electric power, have adopted and are using the most effective fenders for the protection of human life and limb, and if they are not using the best available appliances what remedy should be invoked to compel them to do so.

Mr. GALLINGER. I desire to submit an editorial article from the Evening Star of last evening bearing on this question, which I ask to have referred to the Committee on the District of Columbia.

The VICE-PRESIDENT. Without objection, the paper will be so referred.

INTRODUCTION OF REINDEER INTO ALASKA.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate a copy of the last report of Dr. Sheldon Jackson upon the "Introduction of domesticated reindeer into the district of Alaska."

REPEAL OF FEDERAL ELECTION LAWS.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the sum of $52.92, being the expense of printing 2,000 extra copies of Senate Report No. 113, part 2, be paid from the appropriation for the contingent expenses of the Senate.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Arkansas submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, have power to employ a stenographer to report hearings in connection with Senate bill 1586, "to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to make appropriation for carrying the same into effect;" the compensation of said stenographer to be paid out of the contingent fund of the Senate upon vouchers properly approved by the chairman of said committee.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 123) authorizing the wearing of a distinctive badge adopted by the Regular Army and Navy Union upon all occasions of ceremony was read twice by its title, and referred to the Committee on Military Affairs.

POLICY REGARDING HAWAII.

Mr. GEORGE. I ask unanimous consent that I may proceed, in accordance with the notice I gave yesterday, with my remarks upon the resolution on the Hawaiian question reported by the Senator from Indiana [Mr. TURPIE] from the Committee on Foreign Relations.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Mississippi will proceed.

Mr. TURPIE. Will the Senator from Mississippi permit me to have the resolution read for the purpose of fixing a time for its consideration?

Mr. GEORGE. Certainly.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, reported by Mr. TURPIE

from the Committee on Foreign Relations January 23, 1894, as follows:

Resolved, That from the facts and papers laid before the Senate it is unwise and inexpedient, under existing conditions, to consider at this time any project of annexation of the Hawaiian territory to the United States; that the Provisional Government therein having been duly recognized, the highest international interests require that it shall pursue its own line of policy. Foreign intervention in the political affairs of these islands will be regarded as an act unfriendly to the Government of the United States.

Mr. TURPIE. It will be recollected that at the time when the resolution was reported the committee asked for its immediate consideration. Present consideration has been much belated, and I think the resolution has been a reasonable time at least before the Senate. I therefore ask unanimous consent that it be made the special order for Tuesday next immediately after the routine morning business.

Mr. DOLPH. I object.

Mr. PLATT. What day does the Senator from Indiana propose?

Mr. TURPIE. Tuesday next.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana?

Mr. DOLPH. There is objection. I object.

The VICE-PRESIDENT. There is objection.

Mr. TURPIE. Then I should like to have some agreement as to the time when a vote shall be taken and when the debate upon the resolution shall close. I will remark to the Senator from Oregon that the resolution was by the committee at least held to relate to the external view of our policy; it does not relate to the mooted questions that have been debated here, and early action in regard to it is certainly advisable. There is no need of the pendency of the resolution here as a subject-matter for debate upon such questions as have been debated in the course of the argument. The original resolution of the Senator from Maine [Mr. FRYE] is on the table, and the question of concurring or nonconcurring in the report made by the chairman of the Committee on Foreign Relations is yet on the table. Both those papers contain a full basis for complete debate upon the whole subject without reference to the resolution which I now ask be made a special order. I call the attention of the Senator from Oregon to the expediency at least of fixing a time—if next Tuesday is not the proper time—when the resolution shall be made a special order.

Mr. DOLPH. I am not myself prepared to agree to any time. As is well known, I did not favor the report of the resolution as it was made, and after the interpretation which has been placed upon the first clause of the resolution by a member of the committee, I understand that other members of the committee who at the time agreed to the report are not willing to stand by the favorable report. I think the resolution should be recommitted, so that we may know how the committee stands upon it, and if it is not in shape to satisfy the majority of the committee, it should be put in that shape. I therefore can not agree this morning to any time for its final disposition.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 832) to simplify the form of deeds of conveyance, trust, and releases of land in the District of Columbia, and for other purposes.

Mr. GEORGE. Mr. President, I ask the attention of the Senate with some reluctance upon a question which has been very fully debated, but there are some aspects of that question to which I have given attention, and I have reached conclusions which I believe it my duty to state to the Senate.

The necessity for an investigation by Mr. Cleveland of the Hawaiian revolution, so called, will appear evident from a consideration of the documents and papers accessible to him when the investigation was ordered. In the statement of facts connected with this revolution I shall confine myself to the facts as shown by the documents then in existence. These papers show that on Saturday, 14th day of January, 1893, the Legislature of the Kingdom of Hawaii was in session in accordance with the constitution, and that in pursuance of the undoubted power of the Queen it was duly prorogued.

They also show that on the same day the Queen, under pressure from her native subjects, proposed to promulgate a new constitution; that this proposed action was opposed by her cabinet, and that she finally desisted, temporarily, as is alleged, from that attempt.

A meeting was held on the same day, in the back room of a lawyer's office, to take action in reference to this proposed promulgation. The meeting at which there could have been present only a small number of persons, probably not more than two dozen, appointed what they called a committee of safety composed of thirteen persons "to consider the situation and devise ways and means for the maintenance of the public peace and the protection of life and property."

The committee called a mass meeting of the citizens of Honolulu, to be convened on Monday, the 16th, at 2 o'clock p. m., which was duly organized and addressed by the leading spirits in opposition to the Queen.

In the mean time the Queen had issued a proclamation, countersigned by her cabinet, in which she promised to take no further steps in the promulgation.

The chairman of this meeting on taking the chair made a short address, in which he stated—I quote literally:

We do not meet as revolutionists, but as peaceful citizens who have a right to meet and state their grievances.

Another speaker, the leading spirit of the movement, Mr. Thurston, said:

The constitution gives us the right to assemble peaceably and express our grievances. We are here to-day, doing that, without arms.

The resolutions adopted by the meeting did not even remotely indicate any revolutionary movement. They denounced the action of the Queen in relation to the promulgation, and confirmed the powers of the committee of safety.

On that same day the committee of safety applied, as Mr. Stevens says in his report, "to me [him] for aid." The paper making the application thus referred to by Mr. Stevens as accompanying his report is not found with it, nor in the documents above referred to. For some purpose it was omitted. Mr. Stevens reports that on reception of this application he "promptly addressed a letter to Capt. Wiltse, requesting the landing of the troops, and the marines from the Boston were promptly landed."

He further reports, as next in chronological order to the landing of the troops, that "as soon as practicable a provisional government was formed," and that this committee of safety "forthwith took possession of the government building, archives, and the treasury, and installed the Provisional Government at the heads of the different departments. This being accomplished, I promptly recognized the Provisional Government as the Government of the Hawaiian Islands."

The account given by the commissioners of the Provisional Government, to the United States, differs essentially from this, in that it says the call for troops was made by many citizens, a fact not alluded to by Mr. Stevens, and necessarily contradicted by what he did say. The commissioners' account also differs materially from Stevens's, in that it states that no public recognition of the Provisional Government took place "until after the abdication of the Queen and the surrender to the Provisional Government of her forces."

The Secretary of State, Mr. Foster, in his letter to the President adopted the view of the commissioners on this subject.

It appears from these same papers, however, that Stevens's statement was correct on this point, and that the recognition took place while the Queen's forces were in full possession of the police station house, which Mr. Stevens had in a previous letter indicated as the most important military stronghold in the city of Honolulu, in fact so important, as he stated it, that its possession actually commanded the royal palace and the government building. There were also unaccountable differences in these documents in reference to the location of the troops. Mr. Foster says in his letter referring to the troops:

They were distributed that night—

After the landing—

between the legation and the consulate, where they occupied the inner courts and a private hall rented for their accommodation.

According to his statement, when the troops were landed they were put alone at the consulate and the legation, at which particular places they occupied the inner courts and a private hall rented for their accommodation, but Capt. Wiltse in his report stated, as will be found on page 27 of Senate Executive Document 76, Fifty-second Congress, second session, as follows:

One detachment of marines was placed at the legation and one at the consulate, while the main body of men, with two pieces of artillery, were quartered in a hall of central location near the government building.

It also appeared that President Dole in his letter to Mr. Smith, the resident minister of the Hawaiian Islands to the United States, informed that official that this remarkable revolution took place in the manner described, in his own language, as follows:

That by public proclamation made on the 19th instant, from the government building, in all formal style—

Whatever that may be—

the Hawaiian monarchy was abrogated, and a Provisional Government over the Hawaiian Islands was established.

This history is very remarkable up to this point—a revolution by proclamation—commenced forthwith on and consummated eventually by the landing of the United States troops, who, however, it was avowed, took no part in producing the result.

But still more remarkable facts appear from these papers, which need now to be noted.

They are that Minister Stevens, though an avowed annexationist and a bitter enemy of the Queen, had in letters to the Secretary of State prior to these events distinctly stated that there were not men enough opposed to the Queen either to overthrow her Government or to maintain a government, if one were established for them. This fact was confirmed in the letter of the Hawaiian commissioners sent to the United States to make a treaty of annexation. In this letter they stated explicitly "there was no longer any possibility of efficiently and permanently maintaining the public peace and the protection of life, liberty, and property in Hawaii under the existing system of government, and that the only method of maintaining such permanent peace and security was by securing the assistance and support of the Government of the United States, or of some foreign power, possessed of sufficient force to prevent the future possibility of revolution or despotic assumption of power in derogation of the rights of the people."

This confessed inability to maintain a proper government by the Provisional Government, thus concurred in by Mr. Stevens, was as a fact placed beyond all controversy by the application of the Provisional Government on the 1st of February, just twelve days after it was established, for the United States troops on shore to protect it. In that application the Provisional Government confessed its inability to be a government at all in that it was wholly unable to perform the first and most essential functions and duties of government. As their application is very material, I shall read it:

SIR: Believing that we are unable to satisfactorily protect life and property and to prevent civil disorders in Honolulu and throughout the Hawaiian Islands, we hereby, in obedience to the instructions of the advisory council, pray that you will raise the flag of the United States for the protection of the Hawaiian Islands for the time being, and to that end we hereby confer upon the Government of the United States, through you, freedom of occupation of the public buildings of this Government and of the soil of this country, so far as may be necessary for the exercise of such protection, but not interfering with the administration of public affairs by this Government.

We have, etc.,

SANFORD B. DOLE,
President of the Provisional Government of the Hawaiian Islands and Minister of Foreign Affairs.
J. A. KING,
Minister of Interior.
P. C. JONES,
Minister of Finance.
WILLIAM O. SMITH,
Attorney-General.

His Excellency JOHN L. STEVENS,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

The further fact appeared that the landing of the troops of the United States, or even their presence in the harbor, had always the effect both of overawing the people and the Government of Hawaii. I shall read an extract on that subject. On November 9, 1892, Capt. Wiltse, then commanding the United States steamship Boston in Honolulu, wrote a letter to the Secretary of the Navy, the last sentence of which is as follows:

I am informed from reliable sources that the Queen had been strongly advised to dissolve the Legislature and order a new election, which would have been unconstitutional, and which would probably have caused a revolution; but she was deterred by the presence of United States vessels of war.

And Mr. Stevens himself reported in his letter before noted that it was a fortunate thing that at the time of these transactions the Boston was in the harbor, and that the landing of the troops "promptly gave immediate relief to the public anxiety."

These and many other facts not needed now to be mentioned, shown in the papers then before Mr. Cleveland, brought into serious question, if they did not absolutely overthrow the statements made by Secretary Foster and others, that the landing of the troops had no effect on the result of the movement to overthrow the Queen.

Besides this the official papers before alluded to showed that the Queen surrendered under a written protest in which she averred that she surrendered to the superior power of the United States, that she appealed to the United States to do her justice in the matter, and that the Provisional Government received the surrender under this protest.

I shall read that protest. The Queen says:

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian Kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional Government of the Hawaiian Kingdom by certain persons claiming to have established a Provisional Government of and for this Kingdom.

That I yield to the superior force of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the said Provisional Government.

Now, to avoid any collision of armed forces and perhaps the loss of life, I do, under this protest, and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representative and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands.

Under these circumstances, and with these facts disclosed in the official records of the Government, it was most clearly the duty of the President, with a treaty of annexation then pending, to investigate fully the situation.

The foregoing facts show the necessity for investigation. They also show the necessity for somewhat enlarged powers on the part of the person making the investigation.

The President could not certainly know, though he must have suspected strongly, that Stevens had abused his powers and had materially aided the revolution.

The President did know that in the opinion of the commissioners, Thurston and others, sent to treat with the United States for the transfer to the United States of the sovereignty of the islands, the Provisional Government was not only unsafe and unstable, but could not be made a safe and stable government, with efficiency to secure permanent peace and safety without the support of some strong foreign government, and that they had put this forward as the main ground for annexation to the United States, and that Stevens concurred in this view. He knew that martial law had been proclaimed, and that a protectorate was then in existence under the patronage of Stevens.

Under these circumstances, to send a special commissioner, with power to investigate, but without power to make the investigation complete, would be not only futile, but an act of extreme folly.

The necessity and the duty to investigate, to inquire, has been shown, and the power to do so by an agent or commissioner not confirmed by the Senate is not disputed. Yet as illustrating my argument, I will cite some of the instances of the exercise of the power through the appointment of private, special, or informal agents during the session of the Senate without the advice of the Senate.

I note only a few of them, and the first one I note in order to meet that aspect of the objection made against Mr. Cleveland's action that he appointed Mr. Blount as his special commissioner, as if he were the autocrat of this country, and as if Blount were his private representative, which has been criticised as an assumption of autocratic power by the President, is one which shows that George Washington, as early as the 13th of October, 1789, the very year in which he was inaugurated, appointed Gouverneur Morris his private agent, not a public agent, to make certain inquiries of the British cabinet concerning the disposition of that cabinet to carry out the treaty of commerce which had been made between the United States and Great Britain.

So, if Mr. Cleveland is chargeable with having assumed somewhat autocratic power in appointing Mr. Blount as his special agent, he has the example of the Father of His Country, who appointed Gouverneur Morris as his private agent.

The other cases to which I refer consist of an appointment made by Mr. Madison in April, 1815, when Augustus Neale during the recess of Congress was appointed a special agent to proceed to Halifax to ascertain the number, names, and situation of negroes carried off by British officers.

Another, Joseph Devereaux, appointed during a recess of Congress by Mr. Madison as special agent to obtain information of the various occurrences in South America interesting in a political point of view to the United States of all military movements in that quarter, of the relative force of the contending parties, disposition manifested by all toward the United States, and the changes which may take place in their commercial regulations as applicable to us.

Another by Mr. Monroe April 18, 1820, when Alexander McRae was appointed during a session of Congress special agent to proceed to any place where a European congress may be held, with a view to the consideration of the affairs of Spain and South America. He was to report all such information relating to the proceedings of such congress as he might deem useful to the Government of the United States, etc.

Another was on December 15, 1823, by Mr. Monroe, when Luther Bradish was appointed during a session of Congress agent to collect such information in foreign countries in relation to the commerce of the United States as might prove useful to them. He was particularly directed to report whether the interests of the United States would be promoted by a treaty of amity and commerce with the Sublime Porte, and the best way to accomplish the same.

Another, April 21, 1824, by Mr. Monroe, when Thomas M. Mann was appointed during a session of Congress informal agent to obtain information relating to the state and prospects of Guatemala, whether they promise the establishment of its separate and independent existence, etc.

Another, December 7, 1825, John Quincy Adams being President, when Thomas Bolling Robertson was appointed during a session of Congress confidential, political, and commercial agent to Cuba, to report on the state of the population, exhibiting the relative numbers of the various castes, their disposition towards each other, education, etc., condition of agriculture and extent, commerce, state of political parties and their views with

regard to a continuance of the existing connection with Spain, or in favor of independence, etc., the Spanish means of resistance, moral and military; in short, all information tending to the formation of a correct estimate of the value of the island, its resources, its capacity to maintain its independence, etc.

Another, March 15, 1854, when Franklin Pierce was President, when Charles W. Davis was appointed during a session of Congress special agent to ascertain whether the Africanization of Cuba was in contemplation by Spain.

Another, May 12, 1856, when Mr. Pierce was President, when Amos B. Corwin was appointed special agent to make a thorough investigation into the recent assault upon citizens of the United States and the robbery and destruction of their property at Panama.

These all show that from the very beginning the power during the session of the Senate to appoint persons to make investigations was exercised, and has never been disputed.

The power to investigate carries with it the power to make the investigation full, thorough, and complete. The investigator should have all the powers necessary to discharge fully his commission.

There are no lame and no impotent powers granted by the Constitution. They are always plenary and ample to accomplish the full purpose of each power. The President had a high and solemn duty to perform, the highest of all possible duties of a mere earthly character, to wit, the duty:

First. To decide rightly a question which had been referred to the United States, by the Queen's protest, which had been accepted by the Provisional Government, to wit: Her right to restoration, coming from an alleged and apparently justly alleged improper dethronement by the unlawful use of the United States forces.

Second. He had a further duty, to decide whether this new government, proposing to transfer the sovereignty of the islands to the United States, had the rightful power to do so, and especially whether the United States were in such a position as to authorize them to accept such transfer.

Third. The honor and fairness and good faith of the Government were involved. They called for a full investigation. The rights and happiness of a friendly, though weak, people were also involved. This consideration demanded that the whole truth should be known. There were serious obstacles in the way—an absolute government controlling by law a weak people, denying the right and duty to investigate, a United States minister strongly suspected of being an accomplice in the alleged wrong.

Under these circumstances the power to investigate necessarily carried with it the power to protect the investigator and the witnesses from whom information was to be sought, and the power to inspect and search the archives of the American legation. There must needs be a power paramount to the power of him whose conduct was to be investigated. Now, the power given to Mr. Blount was simply a power to investigate. The subsidiary powers granted were needful to make the investigation complete. They were also plainly intended to be this, and no more.

The President's letter of credence states distinctly the object of Mr. Blount's mission. He was to visit the Hawaiian Islands and make report to the President concerning the present status of affairs in that country; and then President Dole is informed in the letter that Mr. Blount's authority in all matters affecting relations with the Government of the Hawaiian Islands is paramount.

Letters of credence are always in general terms. Specific authorities and specific limitations of authority are generally found in letters of instructions. In this case they were so found, and manifestly for a proper reason, that the Provisional Government was not to be allowed to determine for Mr. Blount the extent to which his subsidiary powers to aid investigation should be carried. So far as that Government was concerned, Mr. Blount was to have the powers he assumed. So far as Mr. Blount and the United States were concerned he was to assume no power not needed for the investigation.

The instructions to Mr. Blount stated:

> You will investigate and fully report to the President all the facts you can learn respecting the condition of affairs in the Hawaiian Islands, the cause of the revolution by which the Queen's Government was overthrown, the sentiment of the people toward existing authority, and in general, all that can fully enlighten the President touching the subject of your mission.

This fully states the object and purpose of Mr. Blount's mission. Then comes in the next sentence the powers of Blount, as follows:

> To enable you to fulfill this charge, your authority in all matters touching the relations of this Government to the existing or other government of the Hawaiian Islands, and the protection of our citizens therein, is paramount and in you alone, acting in coöperation with the commander of the naval forces, is vested full discretion and power to determine when such forces shall be landed and withdrawn.

It will not be disputed that this additional power could have been conferred if Mr. Blount had been confirmed by the Senate.

We have seen the precedents, and they are full and specific as to acts of investigation. But there are many precedents which justify appointments of special agents for other specific diplomatic purposes than investigation, without the consent of the Senate. I call attention now to about twenty cases of that kind, and, as in the first case, the very first example that I notice is from the Father of his Country.

August 11, 1790, Col. David Humphreys was on the eve of the adjournment of Congress instructed to proceed to Lisbon and deliver a letter to Chevalier Pinto and confer with him on the subject of insuring "the reception and treatment with the requisite respect" of "the diplomatic grade which alone coincides with our system." He was to return to Lisbon after two or three months to receive further instructions and avoid in the meanwhile all suspicion of being on public business.

Here there was no investigation, yet the appointment was made on the day before the Senate adjourned. The nomination could have been submitted by the President to the Senate, but he would not do this, but of his own motion, the Senate being in session, he appointed a person to perform a high diplomatic duty. That was done by George Washington.

April 16, 1794, Nathaniel C. Higginson was appointed during a session of Congress special agent to proceed to the islands of Barbadoes, Tobago, Grenada, Martinico, Dominica, Antigua, Montserrat, St. Christopher, San Domingo, Jamaica, and New Providence, to obtain a "list of all vessels belonging to citizens of the United States which have been condemned there since Great Britain began to take part in the war against France."

He was also to examine into all hardships which the American captains or crews have been exposed to by the conduct of the courts or ships of war, public or private, and amongst other things whether they have been plundered, insulted, on the trials, or in any manner deprived of a fair trial, etc.

He had another specific duty besides making an inquiry. He was to examine cases in which American vessels had been condemned by prize courts, and where there was a proper case to enter appeals on behalf of the United States.

We come now to Mr. Madison. January 26, 1812, George Matthews and John McKee, during a session of Congress and by virtue of the secret act of January 15 (February 7), 1811, were appointed commissioners to take temporary possession, amicably if possible, forcibly if any suspicion should arise of armed interference by some other power, of certain parts of East and West Florida.

This appointment was made, in virtue of the secret act of Congress of January 15, 1811. I desire to call the attention of the Senate to that act, which I have now before me. I shall not read it, but it contains no specific power to appoint anybody; it only says the President shall take possession, and left it to him to determine how, when, and under what circumstances he would take possession. That was under Mr. Madison.

March 25, 1816, Christopher Hughes, jr., was appointed during a session of Congress special agent to Colombia to secure the release of certain American prisoners at Carthagena.

That was a diplomatic duty of the very highest character, to treat with a government to secure the release of prisoners. It had nothing to do with investigation.

December 20, 1816, Septimus Tyler was appointed during a session of Congress agent to San Domingo to guard the personal as well as the commercial rights of American citizens trading with the island, and on January 29, 1817, an agent for the purpose of claiming indemnity due petitioners for property unjustly taken from them.

There was no investigation in either one of these cases, but only specific diplomatic duties.

January 29, 1817, Septimus Tyler was appointed during a session of Congress special agent to Haiti, and instructed to visit Cape François and obtain redress for the confiscation of property of American citizens.

February 22, 1820, Charles S. Todd was during a session of Congress appointed a confidential agent to Venezuela and New Granada (the country being in a state of revolution and without recognized authorities as established governments). The objects of his mission were to obtain correct information concerning the state of that country and the interesting events there occurring, to promote and maintain relations of friendship, and to obtain indemnity for certain claims of citizens of the United States—a diplomatic duty of the very highest character.

January 30, 1821, Edward Wyer was appointed during a session of Congress "an agent to renew the demand of indemnity to certain citizens of the United States deprived of their property by an arbitrary process of the government of the late Gen. Christophe" at Santo Domingo. That was not an investigation, but a high diplomatic duty—to make a demand.

December 13, 1822, William McRee, of Virginia, was during a session of Congress appointed agent and commissary to demand delivery of the Florida archives at Havana, "and also to make such representation to the governor of Cuba as may be advisable for the suppression of the piracies which for some time past have so severely annoyed the commerce of the United States."

There was no investigation there.

We come down now to 1842, when Mr. Tyler was President. I am not sure but that Daniel Webster was then Secretary of State. I know he was Secretary of State under Mr. Tyler, though I am not sure about his being Secretary of State at that particular date.

February 15, 1842, Tully R. Wise was appointed during a session of Congress a special agent to proceed to Havana on a confidential errand relating to the settlement of claims between the United States and Spain.

There was no investigation there.

In 1850, when Mr. Fillmore was President—Mr. Webster was Secretary of State under Mr. Fillmore from July 22, 1850, till the time of his death. December 20, 1850, George G. Goss was appointed during a session of Congress special agent to Mexico for the purchase and improvement of certain land for an American cemetery near the City of Mexico.

There was no investigation there.

Again, under President Taylor, April 22, 1850, Robert Greenhow was appointed during a session of Congress agent to obtain documentary evidence respecting claims (Mexican) to be used before the Board of Commissioners under the treaty of February 2, 1848, showing their fraudulent character.

January 18, 1851, under Mr. Fillmore, Mr. Webster being Secretary of State, Robert M. Walsh was appointed during a session of Congress special agent to coöperate with the representatives of France and Great Britain for the purpose of bringing about a peace between Haiti and the Dominican Republic.

There was no investigation there, but a high diplomatic duty.

April 29, 1852, Mr. Webster being still Secretary of State, Robert M. Walsh was appointed during a session of Congress special envoy to Costa Rica, to obtain a settlement of disputes between Costa Rica and Nicaragua in regard to their boundaries, which are obstacles to the commencement of the canal across Nicaragua. I call attention of the Senators on the other side to the fact that in this case the appointee was called a "special envoy."

So, Mr. President, the contention that for the mere purposes of investigation these agents and commissioners may be appointed, and for nothing else, is shown to be unfounded. All the cases to which I have alluded contain, or at least the last batch of them contain, other specific and great powers, not of the character only of investigation.

I have up to this point cited some twenty cases arising under the most distinguished Presidents of the United States and distinguished Secretaries of State.

Now, I come to the act of John Quincy Adams when he was President of the United States, an act which was very much discussed in the Congress of the United States at the time, in reference to the celebrated Panama Congress which was to be held in 1826. President John Quincy Adams in his annual message of December 6, 1825, in speaking of the Panama congress and the invitation to the United States to send a minister there, said:

> The invitation has been accepted, and ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them, so far as is compatible with that neutrality from which it is neither our intention nor the desire of the other American States that we should depart.

That was the announcement made to Congress in his annual message of December 6, 1825; yet after announcing his intention to act and his acceptance of the invitation without any consultation with the Senate, and of his purpose to send these ministers without any consultation with the Senate, he sent in a special message for a specific purpose, and I will let him explain the purpose in his own language:

> Although this measure—

Speaking of the Panama Congress and the invitation—

> was deemed to be within the constitutional competency of the Executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature: first, by the decision of the Senate upon the nominations to be laid before them; and secondly, by the sanction of both Houses to the appropriations, without which it can not be carried into effect.

So, whilst avowing his belief and conviction in the competency of the Executive to do all this without consulting Congress, yet as a matter of expediency, he says, "I want to know the opinion of Congress before I do it, because, unless I can get an appropriation from Congress and the assent of the Senate and the House of Representatives, I can not send ministers." This mission was not to make a treaty, as is shown by the commission given to the ministers. It is argued that the President may make an appointment of a representative to make a treaty, just as he may to investigate without the assent of the Senate, but I shall show after awhile that there is nothing in that point to affect this question. I want to show now, and I can show, that the mission was not to make a treaty, as is shown by the commission given to the ministers. It alludes to no treaty and fails to state that what was done should be transmitted to the President for ratification by him and by the Senate, which is universally done, without a single exception, when power is given to make a treaty.

I have the commission here of the ministers to that congress, and I will state to the Senate, without reading it, that the deliberations of that congress were about peace and friendship, and commerce and navigation, and maritime laws, and neutral and belligerent rights, and all matters interesting to the American nations, or which may be given to them in charge, and there is no statement that anything they agreed to should be sent to the President for his ratification and be laid before the Senate, which conclusively shows that it was a mere congress to deliberate and exchange views, without intending to make any treaty at all. Up to this point we have many precedents, commencing with the very beginning of the Government and running down to the very latest date.

I shall notice another, which, whilst it shows that President Arthur may or may not have entertained a different opinion about it, yet Mr. Blaine certainly did entertain the opinion that he had the right to appoint Mr. Trescot for the purposes which I shall proceed hereafter to state without submitting his name to the Senate.

On the 28th of November, 1881, William H. Trescot was commissioned envoy to Peru, Chile, and Bolivia by a commission, stating that his office was to last "until his authority shall be revoked by the President." His duty was to bring about negotiations between these three countries—not to make a treaty himself, but to aid in settling the pending difficulties between these three countries.

It was only five or six days before Congress met when that commission was given. Mr. Blaine resigned his office on the 19th of December, and on the very day when he resigned and was no longer Secretary of State, Trescot's name was sent to the Senate and confirmed on the 20th. This shows that Mr. Blaine's view was that no confirmation was necessary, and Mr. Trescot's first commission, to which I have just alluded, was "until the authority shall be revoked by the President of the United States," and not as the Constitution requires, if it was intended to fill a vacancy in the office which was required to be confirmed by the Senate, not "until the expiration of the next term of the Senate." Whenever a commission is given in vacation which does not contain that provision, it is in violation of the Constitution of the United States if the appointee be a real officer of the United States and thus required to be confirmed.

Mr. GRAY. An officer in the sense of the Constitution.

Mr. GEORGE. Yes, an officer in the sense of the Constitution. On that subject I suppose I had as well here as at any other time call attention to another criticism made upon the President of the United States, that he appointed Mr. Blount as commissioner to Hawaii with paramount authority over Mr. Stevens. I shall show, as I can show without much trouble, that Mr. Trescot was appointed minister plenipotentiary to three countries—Chile, Peru, and Bolivia—at every one of which we had ministers, and when he was appointed the powers of those ministers as to certain things, as was done in the case of Mr. Blount, were made subordinate to him.

Here is a letter from Mr. Blaine to one of these ministers, in which he informs him that Mr. Trescot has been commissioned as special envoy with the rank of minister plenipotentiary to the republics of Chile, Peru, and Bolivia, and will forthwith set out upon his mission. Mr. Blaine said:

> The commission which Mr. Trescot receives will not supersede the ordinary duties of yourself and your colleagues at Lima and La Paz; but all communications and negotiations connected with the settlement of the pending difficulties between Chile, Peru, and Bolivia, so far as this Government may deem it judicious to take action, will be transferred to Mr. Trescot's charge.

That is a case in point on that subject.

Mr. DAVIS. What is the date of the instructions?

Mr. GEORGE. November 30, 1881. So if Mr. Cleveland is to be crucified for sending Blount to Hawaii with powers paramount to Mr. Stevens, then the memory of Mr. Blaine is to be discredited for sending Mr. Trescot with powers paramount to three of our ministers, one at Chile, one at Peru, and one at Bolivia.

Now, I proceed a little further in the investigation of the constitutional question, as to what is an officer in the constitutional sense of the term. The Constitution of the United States contains this provision:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have

been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

That is a plain and specific provision, and yet, sir, in the case of the Brussels monetary conference the Senator from Nevada [Mr. JONES] and the Senator from Iowa [Mr. ALLISON] were appointed commissioners on behalf of the United States. In the Bering Sea tribunal, the great tribunal which settled the dispute between the United States and Great Britain in reference to the Bering Sea fisheries, the Senator from Alabama [Mr. MORGAN] was appointed. In everything but tenure these places were offices under the authority of the United States. They were created by law; the duties were prescribed by law. Some part of the sovereign functions of government to be exercised for the benefit of the public were vested in them. They had also emoluments. In the case of the Brussels conference they were to meet commissioners from other nations and confer, as I will read. The statute declared that—

The President of the United States is hereby authorized to appoint five commissioners.

I hope those Senators on the other side of the Chamber who have made such complaint about Mr. Cleveland using the word "commissioner" will take note of that fact, inasmuch as they claim that the term "commissioner" is fixed by law to mean a diplomatic officer. The statute declares that—

The President of the United States is hereby authorized to appoint five commissioners to an international conference * * * with a view to secure, internationally, a fixity of relative value between gold and silver, as money by means of a common ratio between those metals, with free mintage at such ratio.

And $80,000 was appropriated for the purpose of paying the expenses and the compensation of the commissioners.

Mr. President, I suppose that a more important mission was never committed to a citizen of the United States than was committed to these men, the Senator from Iowa [Mr. ALLISON] being one of them, and the Senator from Nevada [Mr. JONES] another. They had charge of the biggest and most important question that has ever arisen during peace in our history—the endeavor to get an international agreement about the free coinage of silver. Yet those men were Senators, and the President violated the Constitution of the United States in appointing them while Senators, if they were officers in the constitutional sense. They were selected, I believe, during the session of the Senate and their names were never submitted to us for confirmation. But whether that be correct or not, if they were officers in the constitutional sense it was a gross violation of the Constitution on the part of the President to appoint them and as gross a violation on the part of the Senators to accept the appointment.

Then there is another case. The treaty between the United States and Great Britain provided for the appointment by the President of two persons to represent the United States at the conference which was to settle the dispute about the Bering Sea. Call them arbitrators, call them commissioners, call them judges, call them what you please, they were charged with the highest duty that could be performed by any subordinate officer in the United States. They had to settle the question of the jurisdiction of the United States and of Russia over a large part of the Pacific Ocean, and they were to do various things which involved the very highest powers, the very gravest duties. Yet when the President came to select the men to perform that duty, if they were officers, he violated the Constitution as I have read the clause to the Senate, by selecting a member of this body, the Senator from Alabama [Mr. MORGAN], and he violated it further by not submitting the name of the Senator from Alabama to the Senate for confirmation. In nothing did those men to whom I I have alluded differ from officers of the Government of the United States under the Constitution except in the tenure of their offices.

This tenure or term did not expire by efflux of time, but only, as in Mr. Blount's case, by the performance of the specific duty for which they were appointed. As was shown by the Senator from Delaware [Mr. GRAY] the other day, where the appointment is made for the performance of a specific duty or specific duties, then the term of the officer or the term of employment, or the term of the employé ended with the performance of the duties, and by the settled rules of law, in that case they are not officers. I shall say more about that directly.

Mr. GRAY. Will the Senator from Mississippi allow me to interrupt him for a moment?

Mr. GEORGE. Certainly.

Mr. GRAY. Before the Senator leaves the very interesting and important precedent of the appointment of the Bering Sea arbitrators I wish to bring a fact in connection with their duties and powers to the attention of the Senate and of those Senators who seem to settle and dismiss from consideration all these instances in which commissioners have been appointed by the President of the United States to negotiate treaties with the remark or criticism that that is merely to perform a perfunctory duty of bringing about terms between two negotiating countries which are to be afterwards submitted to the Senate of the United States for its ratification and approval, and that nothing final or determinate is fixed by the negotiations which such commissioners carry on.

I call attention to the fact that in the instance of the appointment of the arbitrators in the Bering Sea matter they were specially charged in a certain contingency by the seventh article of the treaty between Great Britain and the United States to make regulations that should govern the taking of seals in the Bering Sea and in the North Pacific that were to be binding and were to have force and effect from the finding and statement of the arbitrators themselves. The regulations were not to be reported to the President and approved by him, but the commissioners themselves were to fix the terms on which seal fishing might be carried on in that great scope of the North Pacific.

Mr. GEORGE. The remark made by the Senator from Delaware as to the finality of the action of the Bering Sea commissioners, whilst I do not think it adds anything to the force of the position that they are not officers, does answer very conclusively the contention made upon the other side upon that subject.

Mr. FAULKNER. I ask that the unfinished business be temporarily laid aside for the purpose of allowing the Senator from Mississippi to continue his remarks.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from West Virginia? The Chair hears none, and the Senator from Mississippi will proceed.

Mr. GEORGE. Mr. President, I wish to show what a distinguished member of this body thought upon the subject of the Brussels conference. I read from the CONGRESSIONAL RECORD of March 22, 1893. The Senator from Massachusetts [Mr. HOAR], after quoting the clause of the Constitution that I have just read which prohibits the appointment of any Senator or Representative to a civil office under the United States, said:

A practice seems to be growing up of establishing certain public duties or functions, which are in all respects analogous to those performed by civil officers, and imposing them upon members of this or the other House. The President of the United States has within the last year sent abroad members of this body, whom we all esteem, men fitted for the grave and delicate responsibilities which were imposed upon them, to represent this country in dealing with foreign nations in one case, and in another country before a great tribunal which is to determine a great international dispute. It is a very serious question in my mind whether such function is not the function of a civil officer, and whether all the reasons which the framers of the Constitution had in the prohibition which I have read do not apply to such a case as that.

That was what the Senator from Massachusetts said in the opening of the debate. After it had proceeded awhile the Senator used the language I am about to read. He was at that point replying to a statement made by the Senator from Iowa [Mr. ALLISON] that he was not an officer because he had not taken an official oath. The Senator from Massachusetts replied to that in this way, and in that he declared more clearly his opinion upon this question.

Now, my honorable friend—

Referring to the Senator from Iowa [Mr. ALLISON]—

says it was not an office, because he did not take an oath, because no oath was required, and because there was no emolument. It seems to me, whether a particular function be that of a public office depends not upon the safeguard of the oath, but upon the thing to be transacted, and if the receiving instructions from the President of the United States, bearing those instructions abroad, communicating them to the representatives of a foreign government, enforcing them in debate, hearing and weighing their views in return, reporting them to his own countrymen, and concurring in the action of a body whose action, if unanimous, is very likely to effect and bind the action of the governments represented, be not in its nature and essence a public office, then it seems to me that the function of no foreign ambassador or agent, special or general, envoy ordinary or envoy extraordinary, is a public office.

I read that, sir, not to show that they were officers, because I do not think they were, but to show that in the opinion of a distinguished member of this body the functions of those men were exactly the same as those of officers and that they essentially were officers. And if it depended alone upon the functions which they were to perform, he would have been correct. They are not officers solely because they did not have the constitutional tenure and for no other reason, as I will show before I get through.

Mr. HOAR. Will the Senator from Mississippi allow me to interrupt him?

Mr. GEORGE. Certainly.

Mr. HOAR. Perhaps before the Senator gets through he will give us his views in regard to another suggestion connected with the same matter. If it is more convenient to him, as he has been interrupted, I will call his attention to it now instead of later, when he may be speaking on another point. I should like to ask the Senator whether he maintains that it is within the power of the President of the United States to impose the ordinary functions of executive officers described in the Consti-

tution, the method of whose appointment is there limited, whether the term of office is limited or not, and have all those functions completely accomplished and performed by persons who are not executive officers.

Mr. GEORGE. Is that the question?

Mr. HOAR. That is the question. I do not ask the Senator to answer it in his first sentence, but if he deals with the general subject I should like to have his views upon the question I have submitted.

Mr. GEORGE. I will answer it. It has been conceded all along in this debate that the President may appoint persons called envoys, ministers, ambassadors, commissioners, chargés d'affaires, or whatever you may be pleased to call them, for the specific purpose of making a treaty. It has been conceded that he may make the appointment during the session of the Senate and without submitting to the Senate the name of the person so appointed. That seems to be conceded.

Mr. HOAR. If the Senator from Mississippi will pardon me, I will state that I do not think it is conceded.

Mr. GRAY. It is conceded overwhelmingly.

Mr. GEORGE. Does the Senator from Massachusetts deny that?

Mr. HOAR. Yes; I deny it. Let the Senator be more careful and observe what he has just said.

Mr. HIGGINS. We on this side can not hear what the Senator from Massachusetts says.

Mr. HOAR. The Senator from Mississippi says it has been conceded that the President may appoint ambassadors, charges d'affaires, ministers, or whatever else, using the constitutional phrase, persons to be appointed by the advice and consent of the Senate, without the advice and consent of the Senate while the Senate is in session. I have heard no such concession.

It has been conceded that one of the things usually done by these officers, to wit, to ascertain and report the opinion of a foreign government or to convey to a foreign government the opinion of this, may be done by a messenger who is not a charges d'affaires, or minister plenipotentiary, or ambassador. That has been done. But I have heard nobody concede, certainly not myself, certainly not my honorable friend from Minnesota [Mr. DAVIS], that these constitutional officers may be appointed during the session of the Senate without its consent. That is the distinction—it is one distinction, at any rate—between the case of Mr. Blount and all the other cases which are cited as precedents on the other side. The President did not simply direct Mr. Blount to ascertain whether our troops ought to be withdrawn, and then direct the naval officer to withdraw them if Mr. Blount was of that opinion. He did not simply direct Mr. Blount to tell him what was the state of affairs in Hawaii. He added to that, "Do this, and also, until otherwise ordered, exercise supremely all the functions of a constitutional officer without the consent of the Senate." I should like to ask my friend from Minnesota if I am right in the statement. I shall not interrupt the Senator from Mississippi further.

Mr. GEORGE. I stated it no further than this——

Mr. DAVIS. Will the Senator from Mississippi yield to me for a moment?

Mr. GEORGE. Certainly.

Mr. DAVIS. Supplementary to what the Senator from Massachusetts has said, giving the substance and effect of Mr. Blount's authority, I will state that the language of his letter of credence was that in all matters affecting the relations between the two governments his authority should be paramount.

Mr. HOAR. That is the language.

Mr. GEORGE. Mr. President, I stated that it has been conceded all along that the President might appoint persons, whether they were called ambassadors or what not, who were charged with the specific duty only of drawing up and signing a treaty on behalf of the United States.

If that has not been conceded, then I have mistaken the concessions made, and I will be compelled to do what I did not intend to do—to cite some precedents upon the subject.

On May 3, 1838, Nathaniel Niles was appointed during a session of Congress special agent, and empowered to negotiate a commercial convention respecting the admission of American tobacco into the ports of Sardinia and in regard to the trade generally between the two countries. That is one case.

On July 23, 1886, George H. Bates was appointed during a session of Congress special commissioner to visit Tonga, to the end of concluding and signing a treaty of amity, commerce, and navigation.

May 19, 1888, John G. Walker was appointed during session of Congress secretary of legation and consul-general at Bogota, and empowered to treat concerning a settlement of the claim of Julio R. Santos, growing out of his arrest and imprisonment and for his injuries and losses sustained at the hands of the authorities of Ecuador.

December 28, 1844, Delazon Smith was appointed during a session of Congress special agent, and empowered to negotiate concerning claims of citizens of the United States upon the Government of the late Republic of Colombia and upon the Government of Ecuador.

June 15, 1850, A. Dudley Mann was appointed during a session of Congress special agent, and empowered to negotiate concerning friendship, commerce, navigation, etc., with Switzerland.

January 27, 1832, Edmund Roberts was appointed during a session of Congress special agent "for the purpose of examining in the Indian Ocean the means of extending the commerce of the United States by commercial arrangement with the powers whose dominions border on those seas." He was directed to first proceed to Cochin China, to inform himself as to the trade carried on between that kingdom and other countries, the nature of products, etc. Upon reaching the capital he was to present himself to the King with his credentials and gain permission for the admission of United States ships to his harbors for purposes of trade, etc. He was also empowered to conclude a commercial treaty with the King. The same instructions were to guide him in his missions to Siam and the powers of Arabia on the Red Sea. Empowered as commissioner January 20, 1832, to negotiate with Cochin China, Japan, Muscat, and Siam concerning commerce and navigation, to which countries he had letters of credence.

He was sent by Gen. Jackson. There are numerous other precedents of that sort. I have always understood during this debate, I may have misunderstood the Senators, that they claimed that the right to make these selections for the purpose of negotiating and making treaties came from the fact that the President was authorized by the Constitution to make a treaty, and therefore was entitled to make those appointments. Is that the understanding of the Senator from Delaware [Mr. GRAY]? Does he understand that to be the argument?

Mr. GRAY. That is as I understand it.

Mr. GEORGE. That is the way I understand it.

Mr. TURPIE. I wish to ask the Senator from Mississippi whether he desires to state also that all the appointments he has cited were made during the sessions of Congress without the advice and consent of the Senate.

Mr. GEORGE. I do wish to so state as to every single one of them, except, possibly, Mr. Walker, appointed in May, 1888. As to him I am not certain. The Senator from Delaware [Mr. GRAY] calls my attention to the appointment of Gen. Babcock during the session of the Senate, without the advice and consent of the Senate, who was sent to San Domingo. At any rate, there are numerous instances coming down from the earliest period in which the President of the United States has commissioned, appointed, and selected men to negotiate treaties. There is the very late case during the former Administration of Mr. Cleveland. He selected Mr. Putnam and Mr. Angell to assist in making the fisheries treaty with Great Britain without submitting their names to the Senate.

The diplomatic history of the country is full of appointments of that sort, and these appointments, as the Senator from Delaware [Mr. GRAY] understood and as I understood and as I have no doubt the record will show, have been justified upon the ground that the President is authorized and empowered by the Constitution to make treaties, and that he may select a person to make a treaty, call him what he will, and that the appointment is valid because the treaty has to come back to the President and be ratified by him and by the Senate before it takes effect. If that is not the position of the Senators I do not understand it. I claim that upon another ground, which I will state to the Senate, that all those appointments of persons to negotiate treaties are but an exemplification and an illustration of the rule which I shall show to exist in the Constitution of the United States, that these persons are not officers because they do not possess the tenure prescribed by that instrument as necessary to constitute an officer. All these appointments, including those to make treaties and to investigate, and the others I have alluded to, are justifiable on the ground that the appointees have not the constitutional tenure, and on no other ground.

The precedents relating to treaties are admitted; but it is claimed they are justified because the treaty is not valid till ratified by the President and the Senate, and the Constitution gives the President the power to make the treaties. But this is not the true reason; for, first, the negotiations which result in a treaty are the most essential part of the treaty making. On that point I desire to read to the Senate what was said by the distinguished members of the Committee on Foreign Relations when they were attacking Mr. Cleveland in 1888, about the fisheries treaty. They complained, and it seems Mr. Cleveland can not do anything in our foreign affairs that will satisfy the gentlemen on the other side. The report of the ma-

jority of the committee, presented by Judge Edmunds, on page 17, says:

> These plenipotentiaries—
>
> Referring to Mr. Angell and Mr. Putnam—
>
> came to a conclusion of their labors on the 15th of February, 1889, and the offices of "plenipotentiaries" terminated, and the result was reached without the advice and consent of the Senate having been asked or taken concerning the selection of these public ministers, and without any communication to either House of Congress concerning this most important subject.
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> * * * * * * *
>
> It is no answer to this suggestion to say—
>
> The very argument they make here now—
>
> that an arrangement thus concluded can not be valid or effectual without the advice and consent of the Senate, for the rights and interests of the people of the United States might be so neglected, misunderstood, abandoned, or sold by President's "plenipotentiaries" as to greatly embarrass, if not defeat, their ultimate reassertion in better times and under better administrations, though it is hoped that such will not be the case in respect of these negotiations.

So it is clear that the position assumed, that persons selected to negotiate these treaties may be selected without the advice and consent of the Senate during the session of the Senate, can not be justified upon the ground that the President has the right to make the treaty, but must be justified on some other ground.

This argument is further answered by this: if the power to make a treaty may be transferred to another on the ground that the treaty can not become operative until it receives the sanction of the Senate and of the President, then for the same reason the President may delegate the power to nominate a person to the Senate for appointment to office. The Constitution in one case says he shall make treaties by and with the advice and consent of the Senate, and in the other, he shall nominate, etc., and, by like advice and consent, appoint.

So I claim that all these appointments to make treaties come within the rule stated by the Senator from Delaware [Mr. GRAY] in his speech, and which I shall undertake to show is the rule clearly fixed by the Constitution of the United States.

We have seen sir, how these appointees are made to perform the most important functions of government. These agencies, call them what you please, to make treaties, to demand indemnity, to settle disputes between foreign countries, and all that sort of thing, have been made from the very beginning during the session of the Senate, without consulting that body. Now, let us see if we can find the principle upon which this is done.

The true rule is, that in the sense of that clause of the Constitution which requires appointments to office to be made by and with the advice and consent of the Senate, an appointment or employment to do a particular thing, or specific things, is without a constitutional tenure, and is not an office. This idea is plain in the Constitution.

First, it will help to understand the Constitution to refer to some decisions on the subject. In The United States *vs.* Hartwell, 6 Wallace Reports, page 393, it is said:

> The term [office] embraces the idea of tenure, duration, emolument, and duties. * * *
>
> A Government office is different from a Government contract. The latter, from its nature, is necessarily limited in its duration and specific in its objects.

Chief Justice Marshall said, in The United States *vs.* Maurice, 2 Brockenbrough's Reports, on page 103:

> If a duty be a continuing one, which is defined by rules prescribed by Government, and not by contract, which an individual is appointed by Government to perform, who enters on the duties pertaining to his station without any contract defining them, if these duties continue, though the person be changed, it would seem to be an office.

I shall not go into that any further, because that matter was very thoroughly discussed by the Senator from Delaware some days ago.

From these and other authorities cited by the Senator from Delaware it is settled that one great test is that the "duties continue, though the person be changed." Another test is, that the duties are prescribed by law and not by agreement between the parties.

Mr. Blount's case comes up to neither of these. The employment was not created by law, but by the parties Blount and the President, and the duties would not continue after Blount's removal or death. They were personal and special to him. There was not a constitutional tenure.

The employment necessarily ceased with the performance of the specific duty assumed or imposed. Mr. Blount had no predecessor, and could have no successor, consequently he could not have held an office, for if the like duties were conferred on another, it would be a new employment.

This rule covers not only the appointments to make treaties but also the appointments to investigate and the other appointments I have alluded to, viz, appointments to insure reception of diplomatic officials of a particular grade, to enter appeals, to take possession of Florida, to bring about reëstablishment of diplomatic relations with Spain, to secure release of prisoners, to claim indemnity, to obtain redress for confiscated property, to promote relations of friendship and obtain indemnity, to demand indemnity, to demand delivery of archives, to remonstrate against forcible seizure of property, relating to settlement of claims, to purchase and improve land for a cemetery, to obtain documentary evidence, to cooperate in bringing about peace between two foreign countries, and to bring about settlement of disputes about the boundary between two foreign countries.

Appointments to perform all of these duties have been made without question by the ablest Presidents of the United States up to the present time without the consent and advice of the Senate, and were made during the session of the Senate.

In all these the employment, or office, if you so call it, is not of the kind named in the Constitution as an office.

The Supreme Court said in the case of United States *vs.* Hartwell, 6 Wallace Reports, that the term "office" embraced the idea of "tenure," among others. That is, an office without a fixed legal tenure is not possible. When we think of "office" we necessarily include the idea of tenure or of duration of duties or the estate of the incumbent in the office. When we refer to the clauses of the Constitution under review we find that "tenure," and that of a particular kind, is a most important, a most essential idea embraced in office as therein referred to.

In every instance in the Constitution in which an office is established the tenure or term or the estate of the officer in the office is invariably fixed, either by express words or by an implication clear and indisputable. The terms of office of Representatives and Senators and of President and Vice-President and judges are expressly fixed. The terms of all others are fixed by implication, whose force has been recognized from the beginning. In the First Congress, after a great debate, it was settled that the terms of all offices, other than those whose terms had been expressly fixed by the Constitution, were, during life, subject to removal by the President or by impeachment. Afterwards it was settled that power is vested by the Constitution in Congress to reduce the life tenure to a specified number of years but still subject to be terminated by removal by the President.

Hence it is manifest that there is no office recognized as such in the Constitution whose tenure of office or term does not expire by efflux of time, either fixed or indefinite, with the superadded condition that such term could be terminated by a power *ab extra*, operating to remove the incumbent.

As this power of removal can have no effect in determining the question before us one way or the other, all further consideration of it may be dismissed in ascertaining the tenure fixed by the Constitution, or authorized to be fixed by Congress.

Article II, section 2, clause 2, of the Constitution reads as follows:

> He [*i. e.*, the President] shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.
>
> The third clause, which immediately follows, is:
>
> The President shall have power to fill up all vacancies that may happen during the recess of the Senate—
>
> In the above-described offices—
>
> by granting commissions which shall expire at the end of their next session.

These two clauses contain all the provisions of the Constitution in relation to the power of the President to appoint officers. They are in immediate juxtaposition, and each the complement of the other. The one refers to appointments during the session of the Senate, and the other to filling vacancies in the same offices which may happen during the recess of the Senate. As the first refers to all offices, of course the latter can refer to no more than all, and it manifestly refers to no less

It is manifest, therefore, that the two must be construed together, and that both refer to the same agencies or offices—that is, to "all offices." Both are necessary parts of the same scheme; hence, vacancies in the "all offices," whose incumbents are to be appointed with the advice and consent of the Senate, may be filled in vacation by recess appointments, and likewise no employé or public agent, or, if you please to so call him, no officer, is embraced in the first clause as required to be appointed with the advice and consent of the Senate whose successor, in case of a vacancy, could not be appointed under the last clause or during the recess of the Senate.

This being established beyond successful controversy, we must now ascertain what offices may be filled during the recess of the Senate. The language of this clause is without ambiguity. It confers the power to appoint and then fixes the means and the form by which the appointment is to be made and the tenure, to wit, "by granting commissions which shall expire at the end of their next session;" that is, at the end of the next session of the Senate.

The vacancy can be filled in no other mode than by granting a commission "which shall expire" at the time stated. It shall

expire then, and at no other time. The appointee is an officer till that expiration, and not one moment longer and not one moment shorter.

As the vacancy can be filled in no other mode than by granting a commission which shall expire at the end of the next session of the Senate, it follows that no office can be thus filled the tenure or term of which is inconsistent or incompatible with the tenure fixed for the recess appointee; that is, would not in regular course expire by efflux of time, which time would extend beyond the term fixed for granting the commission; that is, beyond the end of the next session of the Senate.

The argument which sustains this view is unanswerable, both when considered with reference to the words of the Constitution, and also when tested by the policy which the Constitution manifestly established.

By the Constitution the Senate is not strictly, as it is sometimes stated, a part of the appointing power; but that is immaterial. The Senate, at all events, have no power of naming or selecting the person to be appointed. They can only assent to or refuse their assent to an appointment to be made solely by the President, of a person selected by him alone and named by him alone, for their advice and consent. The advice and consent of the Senate amounts to nothing more than making the person eligible for appointment to the particular office for the full constitutional term.

The Senate will remember that in a very early case, in Marbury *vs.* Madison, Chief Justice Marshall held that after the confirmation took place, then the act of appointment was to be made. It is a loose and incorrect idea sometimes entertained that the ratification or the confirmation of a nomination, or the giving of the advice and consent of the Senate to a nomination, is in fact the appointment. It is only the authority to make the appointment and only shows the eligibility of the nominee to appointment for the full constitutional term. If their advice and consent be refused, still the nominee may be appointed in vacation to hold till the end of the next session of the Senate.

Officers, when appointed, whether by the advice and consent of the Senate, or by the President alone, are in all respects full constitutional officers with the same powers and rights and duties. The advice and consent of the Senate add nothing to the constitutional powers and duties of an officer, nor does the want of such advice and consent detract from them. The powers of the recess appointee are in every respect as full, as perfect, as that of the session appointee, made with the advice and consent of the Senate. The advice and consent of the Senate, though we Senators are apt to think otherwise, do not, like the laying on of hands in the ordination of a priest or minister, impart any peculiar grace, power, or excellence to the officer.

The only constitutional difference between officers appointed in the one mode or in the other is simply the tenure or term for which he holds the place. When appointed with the advice and consent of the Senate the officer holds, if a judge, during good behavior, or if an executive officer, for life or for the statutory term of four years, in cases where that term has been fixed by Congress, subject, of course, to removal by the President, or by impeachment. When appointed by the President alone, in the recess of the Senate, he holds until the expiration of their next session. And he holds until then, though his name may have been in the mean time submitted to the Senate and rejected; and after such rejection his powers are just as full as before: and, after the expiration of the next session, he may be appointed again with a tenure to expire at the end of the next succeeding session.

Then, as it is manifest that the only distinction between an officer appointed one way and an officer appointed in the other is one of tenure, and that the Constitution in requiring the assent of the Senate does no more than give to the officer a different tenure than that given to one appointed by the President alone, can there be a doubt that the tenure of the recess appointment is less than the tenure of the other? This tenure must be the same in both cases, or greater or less in the recess appointee than in the other? It is manifestly not the same, for the commission of no other officer expires at the end of the next session of the Senate. It can not be greater, for in many cases that would be impossible, both in cases of life appointments and in appointments for a term of years, and besides it is absurd to suppose that the Constitution meant to give a greater tenure to provisional appointees who, as the result of an unforeseen accident, were allowed to be appointed by the President alone than to those appointed with the regular constitutional assent of the Senate.

The tenure or time or estate of the officer must therefore be less than that of a regular session appointment.

It has thus been established beyond controversy that the Constitution in the clauses under consideration refers alone to appointments of officers whose terms or tenure of office are determined by efflux of time, which time would be abridged by a commission expiring at the next session of the Senate. It must therefore result that it does not refer to an employment like that of Mr. Blount, which, being for the performance of a specific duty, necessarily terminated with the performance of that duty and not by efflux of time. There was nothing in Mr. Blount's employment, if public, but the duty to make the inquiry intrusted to him by the President, including the performance of such acts as were subsidiary to and assisting in the inquiry, and nothing remained of his employment after that inquiry was finished. It was not an employment, therefore, which, if it began in the recess of the Senate, could be made to terminate by efflux of time, or the expiration of the next session of the Senate, or in any other way than by performance. An attempt to do so would be an attempt to confer on Mr. Blount something essentially different from the employment he held.

In strict analogy to this is the tenure of office of electors of President and Vice-President. These persons are in all respects officers of the United States when tested by the usual definition of officers, except in tenure.

The office of elector is created by the Constitution of the United States. His duties are prescribed by the Constitution. His tenure is fixed by the Constitution. His duties are Federal, to elect a President and Vice-President. His qualifications are fixed by the Constitution of the United States. He would therefore be a Federal officer but for the fact that his tenure is not of the kind fixed by the Constitution for all Federal officers.

It is determined, ended, by the performance of the duty prescribed, or by a refusal or neglect to perform them on the day fixed by law, passed in pursuance of the Constitution. He has been treated not as a Federal officer from the beginning. He takes no oath of office, as every officer of the United States is bound to take. His compensation is paid by the State.

That he is appointed by the State is not a determining test, for he is appointed by the State in the performance of not only a Federal duty, but of a Federal function or power. So the President and Vice-President are appointed by the States. They are Federal officers undoubtedly.

But, Mr. President, as strong as the argument is, as strong as the precedents are that Mr. Blount's employment does not constitute him an officer, parties who arraign the President for his appointment are driven as a last resort to this: That the President called him a special commissioner, and that by a statute of the United States a diplomatic officer is defined to include a commissioner. The argument seems to be that, as the statute says a diplomatic officer includes a commissioner, as Mr. Blount was appointed a commissioner by the President, therefore he must be a diplomatic officer, and therefore his appointment was in violation of the Constitution of the United States in not having been submitted to the Senate.

The answer to this is twofold. The meaning of the term "commissioner" is defined only as it is used in that particular statute.

It is a definition only for the interpretation of that statute. Its whole force is to show what Congress means in that statute when they use that word. There is no attempt to define the word when used by the President, or by any other person, or in any other statute.

Mr. President, we have many commissioners recognized by the law of the United States. There is a Commissioner of Pensions, a Commissioner of Internal Revenue, a Commissioner of Education, a commissioner to take evidence, and various other kinds of commissioners, and yet it is not insisted in any other case than this that when the word "commissioner" is used it is meant a diplomatic officer.

The powers of Congress may be great and multiform, but it is not among them to go into the business of the lexicographer and fix the meaning of words for mankind or even for the American people. Congress, in order to make clear their own meaning, may arbitrarily, without reference to the true signification of a word, say that when they use a particular word they use it in a particular sense, but they can not give to any word a signification which everybody or anybody is bound to adopt when using it. Every human being has the same power of defining the meaning of any word he uses as that possessed by Congress. The power of Congress as to the signification of words is not an independent delegated power over the English language.

Whatever this power is, it comes from the necessity of using words in making a statute, and the manifest propriety of using such language as will express clearly the meaning of Congress. So Congress, instead of using a circumlocution to express an idea, may, when that idea is to be expressed, use any word, and say by that word in that statute that Congress means so and so, or conveys the idea expressed in the definition.

Congress in legislating under the Constitution may use a word which is also used in the Constitution, and say when they use

that word they mean this or they mean that, but Congress has no power to enact that a particular word used in the Constitution shall have a particular meaning in the Constitution itself.

For instance, Congress may say that in a particular statute they use the words "public ministers" in a particular sense, and, if they say so, that meaning, in construing that statute, that is, in ascertaining what Congress meant in enacting that statute, must be followed, however foreign such meaning may be to the true and usual meaning of the word, or to its constitutional meaning.

But Congress has no power to affix a meaning to "public ministers," as used in the Constitution, different from that which appears in the Constitution itself.

But more than this, Mr. President, Blount was not appointed a "commissioner," but only a "special commissioner." A "special commissioner," like a special agent, has limited power to do a particular thing, and not general representative powers.

The statute uses also the word "agent," and defines it as meaning the same as "commissioner." Is it true that the President can not appoint a special agent to do anything without the consent of the Senate?

Mr. President, there is another argument which is complete and distinct, and independent from the one I have just made, and this last shows distinctly and unanswerably that Mr. Blount's employment was not an appointment to an office.

All officers of the United States must be appointed in one of these ways, either—

First. By the President, with the consent of the Senate; or

Second. By the President alone in vacation; or

Third. By act of Congress, authorizing it as to inferior officers.

Appointments may be made by the President alone, or—

Fourth. By a head of one of the Departments or a court of law.

There is no other method known to the Constitution by which a public minister or consul or other officer of the United States can be made. And whenever a public agent is made in any other way he is not an officer of the United States unless he is one of the special officers named in the Constitution, as the President or Vice President. That is, if a person having rightfully a public employment is to be considered as an officer of the Government of the United States, in a constitutional sense, he must be appointed in one of these ways, and if he has such public employment rightfully without such appointment he is not an officer of the Government of the United States. There can be no dispute of this proposition.

Now, sir, I wish to call attention to some practices of the Government, both of the legislative and of the executive department, upon the subject of appointing persons to public employment, which appear to be offices, but which are not offices, because the persons are not appointed in pursuance of the Constitution. There is a statute, section 1695 of the Revised Code, which authorizes the President to make rules as to the appointment of certain diplomatic and consular officers. Paragraph 87 of the regulations made in pursuance of this statute by the President of the United States for the government of our diplomatic and consular officers provides that in case of a vacancy of consul and vice-consul both, which requires the appointment of a person to temporarily perform the duties of the consulate, the diplomatic representative of the United States in that country has authority, with the consent of the foreign government, to make a temporary appointment; and paragraph 88 requires that the appointees to such vacancies shall be designated by the title of vice-consul, vice-commercial agent and not acting consul and acting commercial agent.

And yet when these appointments are made by the diplomatic representative, with the consent of the foreign government to fill the temporary vacancy, they possess all the powers and can perform all the duties, and they assume all the responsibilities of a regular vice consul, or vice-commercial agent, appointed in pursuance of the Constitution of the United States, and the only difference (and it is that difference which makes them no officers) is that they do not have the tenure prescribed by the Constitution of the United States. They have the powers, duties, and responsibilities of officers: they are in every sense officers except alone that they are appointed for a temporary period, for a period not recognized in the Constitution of the United States for officers; and that is the reason why they are not officers.

Now, Mr. President, I come to a very interesting part of the history of this Government upon that subject and it illustrates very fully the argument which I have attempted to impress upon the Senate.

It is a fact that up to the 1st of May, 1810, secretaries of legation were appointed by the ministers themselves. They are diplomatic officers, and yet they were allowed to be appointed by the ministers. When secretaries of legation were thus appointed by the ministers, when ministers were temporarily absent they turned over the diplomatic functions of the embassy to these secretaries of legation as chargés d'affaires; or, in other words, the ministers themselves appointed chargé d'affaires upon their own responsibility. Congress did not like that, and so on the 1st of May, 1810, Congress passed a law to this effect:

That to entitle any chargé des affaires, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to the compensation hereinbefore provided they shall respectively be appointed by the President of the United States, by and with the advice and consent of the Senate; but in the recess of the Senate the President is hereby authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any chargé des affaires, or any of the secretaries hereinbefore described, who shall not be appointed as aforesaid: *Provided*, That nothing herein contained shall be construed to authorize any appointment, etc.

That is a plain prohibition of the appointment of chargés d'affaires in any other way than by the President of the United States.

Now, what is the practice? I have before me a report made by Mr. Clay, when he was Secretary of State, dated January 31, 1827. Notwithstanding that statute, chargés d'affaires were appointed by the ministers or by the President without submitting their names to the Senate. In 1827, when the House of Representatives contained some of the most distinguished men whoever sat in it—I believe Mr. Webster was a member, and Mr. John Forsyth, of Georgia, was a member—they passed a resolution calling upon Mr. Clay, who was then Secretary of State, to answer certain inquiries, and one of the inquiries was the following:

Whether any, and, if any, what number of chargés des affaires have been appointed since the fourth day of March, 1789, without the advice and consent of the Senate; and whether, in any case, such appointment has been made after notice had been given of the intention of the minister abroad to return, and after his successor had been appointed.

That was the first inquiry. The statute which I have read was passed on the 1st of May, 1810, which prohibited the appointment of a chargé d'affaires except by the President, with the advice and consent of the Senate, and if in vacation he was required to submit their names to the Senate when it met; and compensation was denied to any man appointed in a different mode.

Now, what is the answer of Mr. Clay on this subject? I find there were eighteen appointments of chargés d'affaires made between 1810 and the date of this report by the ministers themselves, every one of whom, according to the report made by Mr. Clay—for here is the account—every one was, if they were officers, paid in violation of the express terms of the statute.

Now, let us see if there is a principle which can justify the appointment of the chargés during all this long period of time apparently in express violation of the statute as well, as it seems, against the Constitution of the United States. It is found in the fact that the principle undertaken, and successfully undertaken, to be sustained by the Senator from Delaware the other day that temporary appointments, appointments to perform a particular duty, are not considered as officers in a legal sense. It justifies the argument, which I have made, that, under the Constitution of the United States, all the United States officers have a fixed tenure under the Constitution, and that when a man has not that tenure, he does not possess an office under the Constitution of the United States.

Now, let us see. These men held temporary appointments. Not one of them held until the expiration of a certain length of time. They did not hold for life unless removed first by the President, but the appointments were temporary, and terminated upon the return of the absent minister in case they were appointed during his absence, or their tenure terminated upon the appointment of a minister in case they were appointed when there was no minister.

Now, I want to show to the Senate how strong that principle is in the Constitution of the United States. Mr. Clay, in answer to the further inquiry, states that—

In some instances the temporary appointment has been continued after the intervention of a session of the Senate, as in the cases of Mr. Purviance, Mr. Russell, Mr. Lawrence, Mr. Jackson, Mr. Brent, Mr. Hughes, and Mr. Sheldon, and in two cases (those of Mr. Erving and Mr. Harris) after the intervention of several sessions of the Senate.

And they were all paid the statutory salary of a chargé d'affaires. I will read that to the Senate to show how strong that principle is in the Constitution. Mr. Erving received a salary as chargé d'affaires at Madrid, from the 24th of October, 1805, to April, 1810, four years five months and thirteen days, at $4,500 per year. That was before the act of 1810. Now, let us see as to another one, Mr. Harris. Mr. Levitt Harris received a salary from the 17th day of April, 1814, to the 21st day of February, 1817, nearly three years, under an appointment made by the minister. There is no justification for that action, except on the principle which I have stated to the Senate, that no man should be considered as an officer of the United States unless he has the tenure

fixed by the Constitution. These persons did not have that tenure, and therefore whilst they discharged the duties of an officer, whilst they bore the recognized name of an officer, still on account of the tenure, and on account of the tenure alone, they were not officers, and were allowed to be appointed not in accordance with the Constitution and the statutes, which are thus conclusively shown not to apply.

The office of chargé d'affaires is a recognized diplomatic office. They are to be appointed as other public ministers, by and with the advice and consent of the Senate, when appointed to a full constitutional term, yet so firmly implanted is the principle I have endeavored to sustain, that there can be no officer of the United States who has not the tenure recognized in the Constitution, these chargés when appointed for temporary purposes are allowed to be appointed by the President alone, or even by one of our foreign ministers.

Mr. President, there is one other question which has been very much discussed here and which deserves notice. The President has been arraigned for investing Mr. Blount with certain powers which are supposed to be unconstitutional powers. It is said that Mr. Blount was authorized to give an order to a naval officer, and that naval officer was bound to obey, and in that respect the President violated the Constitution of the United States. That action is justified by precedents, and I have some of them here, which I desire to read to the Senate. They show conclusively that the President in investing Mr. Blount with these powers followed the examples set by the greatest names in American history.

I shall now go back to the year 1823. I believe at that time James Monroe was President of the United States and John Quincy Adams was Secretary of State. I find a letter from the Secretary of the Navy directed to John Gallagher, commanding the United States brig Enterprise, in which it was stated:

> I request that you will, under the advice and approbation of Mr. Randall, special agent of the United States, carry into effect the views expressed by Mr. Adams, adhering strictly in all respects to the suggestions contained in his letters.

Here is an officer of the United States required to conform his action to the advice and approbation of Mr. Randall, who was a special agent, a civil officer of the United States. It is said that is not an order; but an obligation to follow the advice and act according to the approbation of a particular man is about as strong an order as can be given. It does not make any difference what kind of language is used, if a man is obliged to obey it is an order.

Here is a letter to the same man from the same Secretary and dated April 8, 1823:

> You will, however, regulate your operations by the advice of Mr. Randall, so as to be ready to receive him on board at any time.

If a naval officer is obliged to regulate his conduct by the advice of a man, is that not equivalent to investing that man with power to order him? Call it what you please, it is a stick held over him, the expression of a wish, the expression of an intent on the part of the civil officer which the naval officer is obliged to obey.

That was in Monroe's time.

I will now come to Mr. Arthur's time. Here is a letter by which an admiral in the Navy is informed that:

> The Department desires to impress upon you that the President attaches great importance to this mission—

That is Mr. Trescot's mission—

> and it is hoped and expected that you will cheerfully render it such service as it may require. To accomplish this Mr. Trescot will consult with you, and you will be governed, as far as practicable, by his wishes.

What is that but telling the officer to obey Mr. Trescot's orders as far as practicable?

Here is another, going back a little further, dated November 6, 1869, a letter from George M. Robeson, Secretary of the Navy, to Capt. Balch:

> Gen. Babcock will have certain orders from the President of the United States. You are directed to conform to all his wishes and orders and to convey him to such points as he may desire to visit.

There the word "order" occurs. If the officer is bound to obey, if he is bound to conform to all the wishes of Gen. Babcock, then it is an order, and, besides, orders are expressly named.

That is not very ancient history—1869 and 1823. Here is another letter of the Secretary of State, Mr. Fish, addressing Gen. Babcock, in which he is informed that "on the proper execution of this instrument, the Navy Department will receive orders from the President to place at your disposal in the harbor of San Domingo a force sufficient to enable the United States to comply with their agreement in the proposed treaty."

There the naval officer is directed to obey the orders of Gen. Babcock. But I go back to the case of an illustrious President, a man who is supposed to have been more instrumental in framing the Constitution than any other—Mr. Madison. In 1812, I believe it was, or at least during Mr. Madison's Administration, he was authorized by an act of Congress to take possession of Florida. He sent a brigadier-general of the Army of the United States by the name of Matthews with some troops there to take possession of that country. Gen. Matthews disobeyed the orders of the President, and disobeyed them in a sense and in a manner which brought on diplomatic trouble. He seized possession of a part of Florida, which he was not authorized to do.

What did Mr. Madison do in that case? I want to call the attention of the Senate and of the country especially to this. He employed Governor Mitchell, of Georgia, who, so far as the United States were concerned, was a private citizen, that is, he had no official relations with the United States. He was the governor of a State. Mr. Madison, being dissatisfied with Gen. Matthews, requested Governor Mitchell to go and discharge the duties which he had imposed upon Gen. Matthews. In writing to Governor Mitchell, Mr. Monroe says:

> I inclose you an order from the Secretary of War to the commander of the troops of the United States to evacuate the country when requested so to do by you, and to pay the same respect in future to your order in fulfilling the duties enjoined by the law that he has been expected to do to that of Gen. Matthews.

So here is a case where the President of the United States superseded a military officer and authorized a private citizen, at least one who had no official relations with the United States, to perform the duties of that officer, and to give orders to the other military officers there which they were bound to obey.

Mr. HIGGINS. Will the Senator yield to a question?

Mr. GEORGE. Yes, sir.

Mr. HIGGINS. I should like to ask the Senator from Mississippi if he contends that the President of the United States has the power to appoint a set of officers entirely irrespective of that military establishment created by an act of Congress and the officers of which have been appointed by the President and confirmed by the Senate—whether such a set of officers can be set aside by officers appointed by the President alone?

Mr. GEORGE. Of course I do not mean to assert any such proposition.

Mr. HIGGINS. Then I would ask——

Mr. GEORGE. Wait a moment. I do not mean to assert any such proposition. I am showing by the history of this country what the most illustrious Presidents, including President Monroe and Mr. Adams, when he was Secretary of State, and President Grant, did in relation to these matters, and did without criticism; and I have shown that what President Cleveland did was covered by the examples which I have quoted from these men. President Cleveland is not to be condemned for giving power to Mr. Blount to enable him to discharge his duty to investigate—and he never did a thing beyond that. When the President authorized Blount to give an order or to act in cooperation with a naval officer and directed a naval officer to obey his orders he was simply doing exactly what James Madison did, what James Monroe did, and what Ulysses S. Grant did, and what John Quincy Adams did. That is all.

Mr. HIGGINS. If the Senator will allow me, I should like to ask him whether he cites those precedents as examples of obedience of law or as violations of law by Presidents of the United States?

Mr. GEORGE. Mr. President, I do not think that so small a man as I am is called upon at this late day to sit in judgment upon the acts of such illustrious men as those I have named. I make use of these precedents for the purpose of showing that the present President of the United States has done nothing more than his predecessors have done—and the Senator from Delaware will have ample opportunity to show if he can that I am wrong in the statements which I have made if he desires to do so—in fact the President has done nothing more than has been done by the most illustrious Presidents who have preceded him in his great office.

Mr. HIGGINS. If the Senator will allow me, I only wish to know just what ground he takes in respect to the President's powers—for the Senator is a very acute lawyer, and his opinion goes a long way with the Senate and the country—I wanted to know whether, in citing these precedents, he was doing it to sustain the contention that President Cleveland, in conferring this power upon Mr. Blount, was doing it in obedience of lawful power or in violation of lawful power?

Mr. GEORGE. I argued for some time to show that the powers which the President vested in Mr. Blount were properly vested for the purpose of enabling him to carry out a plain duty which the President had a right to impose upon him. I do not believe that the President has the right to set a civil officer over a naval officer or over a military officer, to take the command of the Army or the Navy away from the regularly appointed officers of the Army and Navy and confer it upon a citizen: but I do mean to say that in transacting and performing high duties which the Constitution has imposed upon him with

reference to foreign powers, he may invest his agents or commissioners with the power, not of commanding the Army or Navy, but with the power to direct a certain movement of the Army or Navy so far as it affects foreign relations. For instance, the President may invest a civilian with the power to say, "I want you to land troops for this purpose, or to protect the people there." That is a civil duty; that is not a military duty. The military duty is to afford protection; the civil and diplomatic duty is to determine when the protection is needed or may be demanded of the United States.

Mr. HIGGINS. If the Senator will allow me, there is one other question I should like to ask him, and that is, whether he considers that the President had the power to invest Mr. Blount with authority to give orders to and supersede Mr. Stevens as the minister to the Hawaiian Government so long as Mr. Stevens remained the minister there, which, I understand, were given in this case?

Mr. GEORGE. If there is anything settled in constitutional law it is this—and my learned friend, who is a very fine lawyer, if he will go to his works on international law will find it laid down—that the powers of a foreign minister are just such powers, and only such powers, as the President chooses to give him. I call the Senator's attention again to the fact that in 1881, one of the last official acts of his then term of office of one of the greatest Secretaries of State this country has ever produced, Mr. Blaine, was to commission William H. Trescot an envoy extraordinary and minister plenipotentiary to three courts, at all of which there were regular American ministers, taking from them certain powers which had theretofore been granted to them, and transferring those powers to Mr. Trescot.

Mr. HIGGINS. I should like to ask the Senator if the instructions to Mr. Trescot made him distinctly paramount over those ministers, and ordered them to obey him?

Mr. GEORGE. As to the duties he had to perform he was paramount. He determined what he should do within his instructions, and those other men were allowed to do only what was not transferred to him. But I discussed all that an hour ago. I showed, though the Senator did not do me the honor to listen to what I was saying at the time, that under the peculiar circumstances attending this case, as Mr. Stevens's conduct was to be investigated, it was essential, in order to make the investigation complete, that Mr. Blount should have powers paramount to his. But I pass from that, and I shall not go back to it any more. I wish to speak about the Florida case.

Mr. Monroe, then Secretary of State, wrote to Governor Mitchell, of Georgia, as I have before quoted:

> I inclose you an order from the Secretary of War to the commander of the troops of the United States to evacuate the country when requested so to do by you, and to pay the same respect in future to your order in fulfilling the duties enjoined by the law that he has been expected to do to that of Gen. Matthews.

That was Gen. Matthews, who was his superior officer. I knew when I brought up that precedent before the Senate that the contention would be made just as it has been made by the Senator from Delaware. I knew there was no answer to the precedent. That which comes nearest to being an answer to it is that which the Senator from Delaware is forced to make. I arraign, he says—that is the substance of his argument—not only Mr. Cleveland for a violation of law in the appointment of Mr. Blount and conferring powers on him, but I arraign also James Madison, James Monroe, John Quincy Adams, Ulysses S. Grant, and James G. Blaine. That may be bad company in the opinion of the Senator from Delaware, but in my opinion, Mr. President, the unquestioned acts, the uncriticised acts done by the illustrious men to whom I have referred are proper precedents for the action of an American President.

Mr. President, I have concluded now what I desire to say upon the law points involved. I have very little further to add. It is no part of my present purpose to discuss generally the policy pursued by this Administration in reference to Hawaii. I have discussed only one part of this large and interesting subject—the legality of the action of the President and the necessity for the investigation as committed to Mr. Blount. As I may not, however, have another opportunity of speaking on this subject, it will prevent misconception if I may—in the way of statement merely, not argument—give my views on this subject generally.

I do not doubt, after the best examination I have been able to give the subject, that the committee of safety and Mr. Stevens acted in full concert throughout; that they were both convinced, and on that conviction acted, that no movement to supplant the Queen had the slightest chance of success unless aided by Mr. Stevens and the United States forces; that in pursuance of this mutual conviction the United States forces were by preconcert landed at the opportune moment to render the needed aid, and were stationed exactly at the place selected previously, not by the commander of the forces, not by Mr. Stevens, but by the revolutionary committee of safety, as the most convenient for assisting by their mere presence in accomplishing this overthrow; that this landing and stationing were wholly unnecessary to protect American life and property; that such protection or the need for such protection is an afterthought.

It was not even alluded to in the paper which the committee of safety sent to Stevens asking for troops, and on which he admits in his letter to Mr. Foster that he acted. This landing and stationing of troops was wholly unnecessary to protect American life and property, but resulted wholly from the appeal of the committee of safety for troops to protect them, not to protect American life and American property. They appealed to Stevens for aid to protect themselves. Mr. Stevens did give them the protection they asked. There was not a single attempt, nor was there expressed to Mr. Stevens by this committee the fear of any such attempt to injure a single hair on the head of an American citizen or to destroy a single dollar's worth of property of an American citizen. The appeal they made, and on which Stevens admits he acted, was an appeal to protect their own persons in their preconcerted efforts with Stevens to overthrow the Queen's Government.

Sir, the recognition of the so called *de facto* government shows that it was not a sincere acknowledgment of an existing and accomplished fact, but was made when the revolution was as yet incomplete; in fact when it was scarcely known in the city of Honolulu as having commenced. The recognition, as the proof shows, was made in pursuance of an agreement which had been made by Stevens with the revolutionary committee, or the committee of safety, "When you get into possession of that building and read a proclamation there establishing a government, I will recognize you." Instead of being the recognition of an accomplished fact, it was designed and actually had the effect to bring about the *de facto* situation which it pretended to recognize as a government. It was one of the instrumentalities which had been agreed upon between the revolutionary committee and Stevens to be used in the overthrow of the Queen's Government. Without going into an argument I may say it is proven beyond any reasonable doubt that the recognition at the time it was made was in fact the main instrumentality in overthrowing the Queen. The other instrumentality was the presence of United States troops, put there for that purpose.

I avow my conviction also that even with this aid in securing a surrender by the Queen the Provisional Government was too weak to stand alone, and needed, as was shown, and received the fostering care and support of United States Minister Stevens. The revolutionary government was not only unable, as is proven as clear by this evidence as is the noonday sun, to accomplish the revolution without the aid of Stevens and the United States forces, but after they had succeeded in getting an abdication from the Queen it was so weak that it could not stand alone; it could not perform the functions of a government except relying upon and aided by the United States forces.

So, as I have shown, with the United States forces on shore charged with the duty of maintaining order, which meant to suppress any attempt to overthrow the Queen, within twelve days after the so-called revolution was accomplished, we find the Provisional Government making an appeal to Stevens to assume a protectorate over them upon the ground—let us speak plainly about it—that the sham government which Stevens had set up there was unable to perform the ordinary functions of government; it could not protect life, liberty, or property. What sort of a machine is that for a government which can neither protect the good and orderly nor punish the disorderly? That was their exact condition twelve days after this alleged accomplished fact, this *de facto* government.

Mr. GRAY. According to their own confession and not that of anybody else.

Mr. GEORGE. Of course, according to their own confession. I am glad the Senator from Delaware reminded me of it. It is not a picture drawn by an unfriendly hand, but a solemn confession made by the Government itself in the most solemn of all possible public papers, a paper proposing to transfer the possession of the Kingdom to another country, acknowledging their inability to preserve order, and asking the protection of that foreign Government to do it.

I avow also my conviction that in fact the Government thus established has exhibited little, if any, other vitality or power than the assumption that it could transfer to the United States, against the will of the people, the sovereignty of that country. That is about all that has been done. It was put up by Stevens, a provisional government, to exist only until annexation could be accomplished. It begged Stevens to assume a protectorate over them, and at the same time it negotiates with the Government of the United States for a transfer of the sovereignty of that country to this. That is the spectacle which this situation

exhibits to the American people and to the world, and a most miserable spectacle it is.

Then, Mr. President, lastly, to show that this Provisional Government is driven to these straits of confession of weakness, they send commissioners to the United States to treat for annexation, and those commissioners in their letter proposing the annexation state as the main ground on which they desire annexation, that they are incapable of taking care of themselves, and ask the Government of the United States to do it.

LOAN OF CONDEMNED GUNS AND PROJECTILES.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1683) to authorize the Secretary of War to lend condemned cannon and cannon balls to the association having in charge the monument erected on Government land near Chicago, Ill., to the Confederate dead there buried, to report it with amendments and submit a report thereon. I ask unanimous consent that the bill may be now considered. It is a bill in which the Senator from Georgia [Mr. GORDON] feels considerable interest, and I know he would like very much to have it now passed by the Senate.

Mr. FAULKNER. It is to be considered with the understanding, I suppose, that the unfinished business shall be temporarily laid aside.

Mr. MANDERSON. Certainly. The bill will lead to no debate. It is a very simple matter.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Military Affairs was, to strike out all of the bill after the word "to" in line 3, and insert:

Issue four condemned iron guns and projectiles to the officer in charge of the Government lot in Oakwood Cemetery, near Chicago, Ill., in which are buried both Union and Confederate dead, and that he be authorized to expend them in ornamenting said lot.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to issue four condemned iron guns and projectiles to the officer in charge of the Government lot in Oakwood Cemetery, near Chicago, Ill., in which are buried both Union and Confederate dead, and that he be authorized to expend them in ornamenting said lot.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The committee also reports to strike out the preamble. The preamble will be stricken out, if there be no objection.

The title was amended so as to read: "A bill to authorize the Secretary of War to issue four condemned iron guns and projectiles to the officer in charge of the Government lot in Oakwood Cemetery, near Chicago, Ill."

HAWAIIAN BARK ARCTIC.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (S. 286) for the relief of the owners and crew of the Hawaiian bark Arctic.

Mr. FAULKNER. I will make no objection, provided the Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside for this purpose.

Mr. HOAR. I make that request. I understood that it would not displace the unfinished business.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the owners or their legal representatives of the vessel or bark Arctic $23,500, in full compensation for the losses sustained and the services rendered by them in abandoning their business of whale catching and rescuing one hundred and seventy-six seamen in the Arctic Sea.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORMS OF DEEDS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. The Senate resumes the consideration of the unfinished business, which will be stated.

The SECRETARY. A bill (S. 832) to simplify the form of deeds of conveyance, trust, and releases of land in the District of Columbia, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Nebraska [Mr. ALLEN], to add a proviso to section 4 of the bill, which will be read.

Mr. FAULKNER. If it is agreeable to the Senate, because of the few Senators present, I ask unanimous consent that the unfinished business may go over until to-morrow, as the bill is now pending upon a vote on the amendment, so that other matters Senators are interested in can be taken up at this time, the bill retaining its place as the unfinished business.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

LAND-SCRIP LOCATIONS.

Mr. DOLPH. The bill (H. R. 73) supplementary to the act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain land scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives," is an entirely unobjectionable bill. The bill has been read. It was brought up when it was reported, I think, and the Senator from Ohio [Mr. SHERMAN], not understanding it, objected to its present consideration. It does not affect the title to a square foot of ground. It simply allows patents to be issued for land scrip legally located before the passage of a certain act, the same as patents for land scrip located afterwards, it being an omission in the original act. It is a House bill, and its passage is recommended by the Committee on Public Lands.

The VICE-PRESIDENT. The bill will be read for information.

Mr. DOLPH. It has been read, but let it again be read for information, so that the Senate may understand it. It is very short.

The Secretary read the bill.

Mr. DOLPH. The bill merely applies to valid locations. It does not validate anything.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CALL. I think the bill ought to be carefully considered. The phraseology ought to be very definite as to what the Land Department may decide to be a valid location. Under the decision of the Supreme Court that is a question of considerable importance. Seeing that the Land Department has already conveyed away a vast domain, it seems to me we ought to be very careful about confiding that authority to them.

Mr. DOLPH. This is a House bill. It passed the other House without objection and it was reported by the Senate Committee on Public Lands without objection. It does not confirm title to a foot of land. It merely cures an inadvertence in the act of 1879, which authorizes patents to be issued for locations by this scrip; but it was held in the Department that it only applied to locations afterwards, and not where there had been previous valid locations. The bill merely provides that on a previous valid location patents may be issued the same as on those after the passage of that act. This is all there is in the bill. It does not give anybody a title to a foot of land or a right to acquire title to a foot of real estate. It is simply a matter relating to the transaction of business in the Department, and to facilitate that business.

Mr. CALL. I think the bill ought to be very carefully considered. The fact that it has passed the other House, and the fact that the Committee on Public Lands has reported it are not at all material. The question is whether the vast body of the public domain shall be located under perhaps unlawful locations, which may be ratified or confirmed by some inadvertent language in the bill. That has been done to a vast extent, and many millions of acres of land have been taken away from the homesteaders and the homestead law nullified by language inserted in bills of this description which escaped the notice of anyone at the time.

The VICE-PRESIDENT. The Chair understands that there is objection to the present consideration of the bill.

Mr. GORMAN. I ask leave to submit a report from the Committee on Printing.

Mr. DOLPH. I want to know if the Senator from Florida objects to the consideration of the bill.

Mr. CALL. I do.

Mr. DOLPH. I am glad to know it.

EULOGIES ON THE LATE REPRESENTATIVE LILLY.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the eulogies delivered in Congress upon the Hon. William Lilly, late a Representative from the State of Pennsylvania, 8,000 copies; of which number 2,000 copies shall be delivered to the Senators and Representatives of the State of Pennsylvania, which shall include 50 copies to be bound in full morocco, to be delivered to the family of the deceased, and of the remaining, 2,000 shall be for the use of the Senate and 4,000 for the use of the House of Representatives; and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said William Lilly to accompany the said eulogies.

GEOLOGICAL SURVEY REPORT.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred a concurrent resolution providing for printing the report of the Director of the United States Geological Survey, to report it with an amendment in the nature of a substitute, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. GORMAN. Let the substitute be read.

The substitute was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, in addition to the number already ordered by law, 7,000 copies of the fourteenth annual report of the Director of the United States Geological Survey, uniform with the preceding volumes of the series, of which number 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 4,000 for distribution by the Geological Survey.

The VICE-PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute reported by the committee.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

Mr. GORMAN. I submit reports giving the cost in each of these cases, and ask that the reports be printed in the usual document form.

The VICE-PRESIDENT. Without objection, it will be so ordered.

THE RUSSIAN THISTLE.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *salsola kali tragus*.

Mr. GEORGE. I desire to call the attention of the Senator from North Dakota to the fact that the Senate is very thin, and that that is a very important bill. It involves a principle which has never been settled, so far as I know, by any legislation. The Committee on Agriculture and Forestry was divided on the bill; and whilst I want the Senator to understand that I shall not interpose any factious or dilatory objection to the consideration of the bill, yet as it involves precedents of a very important character, I think it ought to be considered when the Senate is full and fully debated. It proposes to do what never has been done before, to make an appropriation of about a million dollars, I believe.

Mr. HANSBROUGH. One million dollars.

Mr. GEORGE. It proposes to make an appropriation of $1,000,000 out of the Treasury of the United States for the purpose of eradicating from certain States a noxious weed. It is an important bill. I should like the Senator to ask and the Senate to consent that the bill be made a special order for a particular day named, at an early hour, when the Senate will be full and when it may be maturely considered. Of course, I am opposed to the bill, but I have no objection to its passage if after full and free deliberation and debate a majority of the Senate shall so decide. I suggest to my friend that he ask that the bill be made a special order on a particular day, in the morning, when the Senate is full, so that the matter may be maturely and fully considered. The Senate is not full now, and it can not pass the bill, because it can not be passed except on a yea-and-nay vote. I do not want to object to its consideration, because I wish to accommodate the Senator from North Dakota as much as I can.

Mr. HANSBROUGH. There are many special orders at the present time, and in view of the fact that the tariff bill is set for the 2d of April, I am a little apprehensive if we do not take up the bill now and consider it upon its merits we shall not reach it at the present session. It is a very important measure to the great agricultural interests of the West. The farmers of at least seven agricultural States of the Western country are interested in the passage of the bill, and they are very anxious to know whether Congress intends to do anything in the matter. I think that the Senator from Mississippi will agree with me that we can at least begin the consideration of the bill at this time.

Mr. GEORGE. Of course we can begin it, but we can not conclude it.

Mr. HANSBROUGH. I am aware of that fact. I should like to have the discussion entered upon at least.

EXECUTIVE SESSION.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 21, 1894, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1894.

POSTMASTERS.

Frank J. Norris, to be postmaster at Leesburg, in the county of Loudoun and State of Virginia.

Charles M. Busbee, to be postmaster at Raleigh, in the county of Wake and State of North Carolina.

James R. Martin, to be postmaster at Denison, in the county of Grayson and State of Texas.

Louis J. Marquis, to be postmaster at Bartow, in the county of Polk and State of Florida.

Albert H. Mowry, to be postmaster at Charleston, in the county of Charleston and State of South Carolina.

Eugene L. Brown, to be postmaster at Eufaula, in the county of Barbour and State of Alabama.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 20, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

HAWAIIAN AFFAIRS.

The SPEAKER laid before the House the following message from the President; which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed.

The Clerk read as follows:

To the Congress:

I transmit herewith copy of a dispatch recently received from our minister at Hawaii, together with copies of the inclosures which accompany said dispatch.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 19, 1894.*

BRIDGE ACROSS THE CALCASIEU AND SABINE RIVERS, LOUISIANA AND TEXAS.

The SPEAKER laid before the House the bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers, in the States of Louisiana and Texas.

Mr. PRICE. Mr. Speaker, I move that the House concur in the Senate amendment.

The Senate amendment was read.

The motion to concur was agreed to.

On motion of Mr. PRICE, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BARTHOLDT, for ten days, on account of sickness in his family.

CHANGE OF COMMITTEE ASSIGNMENTS.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] and the gentleman from Pennsylvania [Mr. BELTZHOOVER] ask to be relieved from further service on the Committee on Railways and Canals; the gentleman from Indiana Mr. TAYLOR] asks to be relieved from further service on the Committee on Pensions. The Chair announces the appointment of Mr. TAYLOR of Indiana as a member of the Committee on Rivers and Harbors.

Mr. SAYERS. The regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

DELEGATE FOR DISTRICT OF COLUMBIA IN THE HOUSE.

Mr. CHILDS, from the Committee on the Judiciary, reported back adversely the bill (H. R. 4218) providing for the election of a Delegate to represent the District of Columbia in the House of Representatives; which, with the accompanying report, was ordered to lie on the table.

CASES BEFORE SUPREME COURT IN WHICH STATES ARE PARTIES.

Mr. CHILDS, from the Committee on the Judiciary, reported back adversely the bill (H. R. 4662) to advance causes on the calendar of the Supreme Court of the United States wherein States are parties; which, with the accompanying report, was ordered to lie on the table.

LIGHT SHIP WITH FOG SIGNAL OFF BOSTON LIGHT, MASSACHUSETTS.

Mr. BRICKNER, from the Committee on Interstate and Foreign Commerce, reported favorably the bill (H. R. 5312) authorizing the construction of a light ship with fog signal to be established to the eastward of the Boston light, Massachusetts, and for the establishment of range lights in Boston Harbor, Massa-

chusetts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MONUMENT TO VICTIMS OF PRISON SHIPS, FORT GREEN, BROOKLYN, N. Y.

Mr. COMPTON, from the Committee on the Library, reported back with amendment the bill (H. R. 3531) for the erection and completion of a monument to the memory of the victims of prison ships at Fort Green, Brooklyn, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

PORTRAIT OF DOLLY MADISON.

Mr. COMPTON, from the Committee on the Library, reported back favorably the joint resolution (H. Res. 142) for the purchase of the portrait of Dolly Madison from E. S. Andrews; which was referred to the Committee of the Whole House on the state of Union, and, with accompanying report, ordered to be printed.

The SPEAKER. This completes the call of committees.

ORDER OF BUSINESS.

Mr. SAYERS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2640) for the relief of Brig. Gen. John R. Brooke, United States Army; and

A bill (H. R. 5529) to repeal section 311 of the Revised Statutes of the United States, relating to accounts of the Treasury of the United States.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. LESTER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes.

The CHAIRMAN. The gentleman from Kansas is recognized.

[Mr. SIMPSON withholds his remarks for revision. See Appendix.]

Mr. SAYERS. I ask now that the gentleman from Illinois [Mr. BLACK] be allowed five minutes; and then, if no other gentleman wishes to speak, I will ask for the vote.

Mr. BLACK of Illinois. Mr. Chairman, I take the floor at this moment in order that I may in the five minutes allotted me correct one or two inaccuracies and make a brief reply to the gentleman from Kansas [Mr. SIMPSON]. The honorable chairman of the Committee on Appropriations [Mr. SAYERS] spoke yesterday of the item appropriating $31,000 for outdoor relief and incidental expenses; and he commented upon the fact that the vouchers returned showed an expenditure of only $1,000 for outside relief. He intimated that in his judgment a larger amount should have been expended in transferring the soldiers to the homes. The fact is that the item of transportation is an entirely distinct item; and the appropriation for incidental expenses has been expended for many years as set out in the proposed amendatory law, and detailed vouchers have been forwarded to the Treasury Department for each one of those items, just as the committee themselves in substance propose shall continue to be done.

The outdoor relief fund is used in this way: When an old man of the service is in need of a meal's victuals, it is paid for by the manager; and then the manager is reimbursed for that expenditure. But when men are to be transported to their homes, the payment for that comes out of an entirely different fund. So it happens that the amounts disbursed in these minor ways for meals and immediate relief are comparatively insignificant.

The second point to which I call attention is the statement of the gentleman from Massachusetts [Mr. COGSWELL], that the president of the Board, in his examination before the subcommittee, intimated or said that the audit, which was being made at his office, was useless. What he meant to say, as he explained clearly afterward, was that it is useless to divide the accounts into sixty-six different accounts, instead of leaving them in seven. He objected to thus multiplying the extent and cost of the audit, and stated that so much of the regulations of the statute as provides for dividing these seven accounts into sixty-six is useless.

I send to the Clerk's desk to be read an article from a paper of this morning. Before it is read I will say that during the discussion yesterday I announced that in the course of the expenditure of $60,000,000, extending through twenty-five years, we have had to resort to the law but twice to secure our rights against the Treasurer's subtreasurers.

The Clerk read as follows:

SETTLED BY HIS ESTATE—GEN. BUTLER'S ADMINISTRATORS VIRTUALLY ADMIT WHAT HE DENIED.

BOSTON, *March 19.*

The case of the National Home for Disabled Soldiers against the late Gen. Benjamin F. Butler, which has been pending in the United States circuit court, has been settled by the payment of $18,000 by the administrators of his estate.

The suit was first brought in 1885, and since that time has been tried once and argued before the Supreme Court of the United States on exceptions.

The case was originally brought in the Supreme Court of Massachusetts, in 1885, and in the declaration filed at that time the plaintiffs claimed that Gen. Butler owed them $15,000, which was money loaned and sent to Gen. William S. Tilton, acting secretary of the eastern branch of the home at Togus, Me. The defendant at that time was acting treasurer of the corporation.

The plaintiffs also claimed that the amount was repaid by Gen. Tilton to Gen. Butler, and the payment has not been accounted for by Gen. Butler.

The answer filed by Gen. Butler denied the claim of the plaintiff, and said that he paid in full all moneys and sums which at any time he ever owed the corporation.

[Here the hammer fell.]

Mr. SAYERS. I ask that the gentleman from Illinois be allowed five minutes additional.

There was no objection.

Mr. VAN VOORHIS of New York. Does the gentleman from Illinois [Mr. BLACK] claim that the payment of that money by the representatives of Gen. Butler is an admission that Gen. Butler owed the money?

Mr. BLACK of Illinois. What I meant to say was that there have been but two suits necessarily instituted during eighteen years against the securities of the treasurers; that one of these was a suit against Gen. Butler, which has just been settled by his personal representatives, leaving the second suit pending, which is a suit involving only about $300. My point in citing these two cases was to show how clear the administration has been in its fiscal affairs.

Now, in regard to the statement made by the gentleman from Kansas [Mr. SIMPSON] as to the admission of officers of the regular Army into the Leavenworth Home from posts in Kansas, I will say that the law of July 5, 1884——

Mr. SIMPSON. I think I said "privates."

Mr. BLACK of Illinois. Officers and privates, I understood the gentleman to say.

Mr. SIMPSON. I meant privates.

Mr. BLACK of Illinois. The law of July 5, 1884, authorizing the establishment of the Leavenworth branch amplifies the law which had previously existed, and by its fifth section authorizes the admission to national homes of honorably discharged soldiers and sailors who had served in the war of the rebellion, whether they subsequently served in the regular Army or not. So that, after having served in the war of the rebellion, and having been honorably discharged, men are entitled to the benefits of the homes even though they may be regular Army officers or soldiers. I am not aware of any case in which any officer or private of the regular Army has been admitted to any of the soldiers' homes unless he had been in the war of the rebellion and honorably discharged.

Mr. SIMPSON. In the case I referred to, the men are now in the regular Army as enlisted soldiers, stationed at Fort Riley, Kansas. That is the point.

Mr. BLACK of Illinois. On that point I will say to the gentleman that the statement as yet rests in rumor; and whatever the facts may be, the matter will be carefully examined by the Board at its next meeting. The investigation by the Board of Managers of the affair spoken of by the gentleman was like any other matter submitted to a competent tribunal; it was passed upon by the Board last year, and the majority vote of the Board decided two things: First, that it was not shown the governor had been corruptly influenced; he denied it most strenuously; the majority of the Board voted that in the single instance which was attempted to be specified the matter was not established by proof to their satisfaction; and they therefore found that he was not guilty of having sold his influence for corrupt purposes.

The second branch of the subject is this: We discovered, and it was the unanimous belief of the Board, that three or four years prior to the time of the investigation the governor had been offensive, that he had been drunk; but a year and a half before the investigation began the governor had established a reform in his own person and in the camp; and after he had established that reform he had become an earnest and zealous worker in the cause of temperance. The result is shown by the

fact that to-day he is the national president of all the Keeley leagues in the United States, and we felt that the quality of human mercy ought not to be so strained against that when a man has been guilty of offenses in the long past he should forever be punished for them, and especially as he seemed at the head of a great temperance movement in the homes we let him pass. He has not sinned since the time he reformed. He is to-day an active and earnest worker in the cause of temperance. And now, with a single other statement in kindly correction of the statement made by the gentleman from Kansas [Mr. SIMPSON], I will let this matter pass.

The saloon that the gentleman from Kansas speaks of is not a saloon where spirituous liquors are sold. It is what is called the beer hall, which is run at all the branches of the home, one where beer is sold to the men and paid for by them, guaranteed to be of a good quality and subject to inspection. That my personal judgment has been against the establishment of that hall is true, but the majority of the Board believed that with the habits that many of these volunteer soldiers had, with the contracted disorders of a quarter of a century, the habits of a lifetime upon them, it was better that there should be a regulated institution, a beer hall inside of the homes, where a clean, wholesome beverage could be sold, rather than that these men, driven out by their impulses, their appetites, and their passions, should seek on the outside an inferior quality of liquor. We recognized the fact that the servitude of fifty years' appetite can not be broken by the institutions themselves.

With one further statement on that point, I dismiss it. The homes, in their system of beer halls, have been copied by the regular Army in its canteen system; so that every post in the United States that chooses, where troops are gathered for any length of time, may have its garrison canteen. These canteens were established by order of Gen. J. C. Kelton; the recent Adjutant-General of the Army of the United States, who gave the most careful study to the subject, who acted only as the friend of the soldier, as he earnestly believed, and who is known to-day among the men under his charge in the last years of his life at the National Home here, as the soldiers' friend.

It is true that I differed with him. It is true that I differed with a majority of the gentlemen of the Board of Managers as to the wisdom of establishing these beer halls, but I bowed to the will of the majority, and it was theirs. And according to the testimony of the officers of the home, the various branches of the homes have been saved from great drunkenness and trouble, and the difficulties arising from arrests of inmates, and the old men themselves have been saved from being plucked whenever they got outside of the lines of the home by having a beer hall established inside the home.

Mr. COGSWELL. Will the gentleman from Illinois [Mr. BLACK] allow me in his time to say that the committee, after the most careful investigation, had no unkind criticisms to make of the administration of these homes, and the Inspector-General, after a careful investigation, commended the administration as now carried on by the Board of Managers. The only criticism was as to the method of accounting, which he thought might be improved.

Mr. BLACK of Illinois. I am very much obliged to the gentleman.

[Here the hammer fell.]

Mr. SAYERS. Mr. Chairman, I desire to occupy the time of the committee but a very few moments, and would not even speak now but for the fact that the gentleman from Illinois [Mr. BLACK] in his remarks has acquitted one member of the subcommittee who prepared this legislation, but has omitted to acquit other members of that subcommittee, of hostility to the soldiers' homes. The very fact of his acquitting one member and omitting to acquit the other members places those other members who are not so fortunate as to receive his commendation in a wrong position, not only before the House, but before the country.

I desire to say that in the preparation of this portion of the sundry civil bill it was a pleasure to me as chairman of the subcommittee to ask that Gen. COGSWELL of Massachusetts, himself a soldier, should report to the subcommittee his views touching appropriations for the soldiers' homes. He did so, and in connection with that report he also reported the legislation which appears on the sundry civil bill.

I will further say that after a careful consideration of this legislation, it met not only the cordial approval of myself, but also the cordial approval of every other member of the committee; and, as has frequently been said, this legislation was in no sense of the word intended to be hostile toward these homes, but rather to regulate the rapid settlement of their accounts.

Now, let me recur briefly to the language of the two clauses that have been complained of. Remember that the gentleman from Illinois [Mr. BLACK], one of the members of the Board, gives his cordial assent to all this legislation, except the two paragraphs to which he has raised points of order.

What are these clauses? In the first place it is proposed to put the treasurers of these homes upon the very same footing with every disbursing officer of the United States. That is to say, we require these treasurers to execute bonds to the Government of the United States, to be approved of by the Secretary of War. But, Mr. Chairman, who is it that appoints these treasurers? Does the Secretary of War appoint them? On the contrary, they are appointed by the Board of Managers, and are required to execute such bonds as shall be approved by the Secretary of War.

They are required to render their accounts monthly, so that they may be audited rapidly and that Congress and the executive branch of the Government may know how the large sum of money which is annually appropriated for the support of these homes has been expended. Can there be a valid objection to that?

Again, the gentleman demurs to the proposition that these accounts shall be rendered monthly to such bureau of the War Department as the Secretary of War may designate. It is well understood that these accounts already go to the Department; and all that is required by the pending provision is that these same accounts, instead of coming in later, shall go monthly to a bureau of the War Department.

In regard to the paragraph embraced between line 16 on page 84 and line 2 on page 85, Mr. Chairman, the gentleman complains that if this clause were adopted the Board would not be able to visit and inspect the homes as now. I do not admit that as a legal proposition; but, admitting it for the sake of argument to be true, the gentleman will admit that on yesterday I proposed to him to obviate that objection by inserting at the end of the clause the following words:

But nothing herein contained shall be construed to prevent the Board visiting the homes as often during the year as they may deem necessary under existing law.

So that we would have most cheerfully freed this clause from his objection.

With this statement, Mr. Chairman, I ask for a ruling upon the points of order.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois [Mr. BLACK] made a point of order upon the paragraph commencing at line 7, on page 83, and ending with line 2, page 84: also on that paragraph commencing on page 84, at line 16, and ending with line 2, on page 85. The point is that this paragraph is not in accordance with Rule XXI of the House, in that it changes existing law and makes new legislation. The Chair is of the opinion that the provision of the paragraph requiring the giving of a sufficient bond to the United States in such sum as the Secretary of War may direct is a change in the existing law upon the subject; at least it makes new law that did not exist in that respect. Therefore the Chair considers it obnoxious to Rule XXI, and sustains the point of order; and that paragraph must be stricken out.

As to the second, that is more apparently contrary to the rule, inasmuch as it repeals a section of the Revised Statutes and repeals all the laws that require the Board to audit and examine accounts. The Chair thinks, therefore, that this paragraph is contrary to the rule, and sustains the point of order upon it; and this paragraph also must be stricken out.

Mr. SAYERS. Mr. Chairman, in pursuance of an order of the committee last evening, the gentleman from Minnesota [Mr. MCCLEARY] is to be recognized for thirty minutes.

The CHAIRMAN. The Chair will state that on yesterday evening, by unanimous consent, the committee made an order that after the disposition of these paragraphs certain members should address the House for a certain time upon the bill generally, the gentleman from Minnesota [Mr. MCCLEARY], the gentleman from Indiana [Mr. HOLMAN], the gentleman from North Carolina [Mr. HENDERSON], and the gentleman from California [Mr. LOUD]. The gentleman from Minnesota [Mr. MCCLEARY] is recognized for thirty minutes.

Mr. MCCLEARY of Minnesota. Mr. Chairman, last Wednesday an amendment was offered, nominally to the pending bill, but actually to the land law of the United States. It should interest the members from every State that has public lands yet to dispose of. In the judgment of many of us, neither the pertinency of the amendment nor the merits of the case would justify its passage at this time.

As representing a State especially interested in the proposed amendment, I yield ten minutes of my time to the gentleman from Montana (Mr. HARTMAN).

Mr. HARTMAN. Mr. Chairman, recurring to the remarks which I had occasion to make on last Friday relative to the amendment introduced by the gentleman from Indiana [Mr. HOLMAN], I desire to add a few words to what I then stated, presenting to the committee the facts as they exist with refer-

ence to one case which will be affected by the amendment which has been thus incorporated upon this appropriation bill. I refer to the facts in the case of Graham against Campbell, affecting the southeast quarter of section 10, township 20 north, range 4 east, in Cascade County, in the State of Montana. The facts, briefly epitomized as to the location, entry, proof, and the subsequent transfer of that property I have before me. I will briefly present them to the committee.

Archibald C. Campbell made preemption cash entry No. 1373, for southeast quarter of section 10, township 20 north, range 4 east, October 17, 1883, when final certificate issued to him for the land.

May 13, 1887, James Graham filed his affidavit of contest.

August 19, 1887, the Commissioner of the General Land Office ordered a hearing on the charges made, which were that Campbell had not, as shown in his final proof, made the land his home for the period of six months required by law, and that his entry was made for the use and benefit of other persons than himself.

October 10, 1887, Graham made affidavit that Campbell was deceased and that there were no heirs. Notice was by publication.

Testimony was taken between October 28, 1887, and January 6, 1888.

November 9, 1888, the register and receiver rendered their decision, holding that the contestant had failed to substantiate his charges by proof, and recommending the dismissal of the contest.

The contestant appealed, and on November 25, 1890, the Acting Commissioner of the General Land Office rendered his decision, reaching the same conclusion as the register and receiver and holding that the contest should be dismissed.

December 19, 1890, Graham filed a motion for the review and reconsideration of this decision, and on February 25, 1891, Commissioner Stone granted said motion, held that he was satisfied from the evidence that Campbell had not resided on the land in good faith, and hence that his entry should be canceled, but found that the charges that his entry was made for the benefit of another were not sustained.

The act of March 3, 1891, having been passed, the transferees of Campbell applied for the issue of patent under its provisions, contending that by reason of bona fide purchase prior to March 1, 1888, and after the issue of final certificate, the entry stands confirmed.

For various reasons action upon this motion could not be had in the General Land Office during the late Administration, and in the meantime those interested in the contest endeavored to obtain legislation from Congress which would destroy the effect of the act of 1891. They failed when the provision was stricken out of the sundry civil appropriation bill by the Senate and House on March 3 last.

I want to say that that effort was made in exactly the same way that this effort was made, by attaching this modification of the public land laws upon an appropriation bill.

When Commissioner Lamoreux took charge of the General Land Office his attention was called to the pending motion, and the case received his personal consideration, resulting in his decision of November 15, 1893, wherein he held that the proofs under the act of 1891 were satisfactory and sufficient, and that—

Under the circumstances, said entry is declared confirmed by said act, and the contest is dismissed.

I use his exact words. "Under the circumstances, said entry is declared confirmed by said act, and the contest dismissed."

I ask the attention of the committee particularly to the words which I have just quoted.

Mr. JOHNSON of North Dakota. Will the gentleman here allow me to ask if an appeal was taken from that decision?

Mr. HARTMAN. If the gentleman will kindly retain his seat, I will give him the entire history of it and that will show the appeal.

December 14, 1893, motion was filed for the review and reconsideration of this decision. At the same time counsel for Graham requested the Commissioner to set a day for an oral argument of the case before him.

The Commissioner declined by letter of January 2, 1894, to Messrs. Buttz and others representing Graham, saying that—

An oral argument would involve a discussion of the whole case upon its merits. The time which such a discussion would necessarily consume is, in my opinion, greater than can now be granted consistently with the pressure of other important matters of public business.

For this reason, and from the further fact that the case is one which has already received my careful investigation and consideration, I am constrained to deny your request for an oral argument.

The Commissioner however granted counsel fifteen days within which to submit a brief in support of the motion for review.

The brief was thereupon filed within the time limited, and on February 13, 1894, the Commissioner denied the motion, adhering to his former decision.

February 15, 1894, Graham filed an appeal to the Secretary of the Interior, who has not yet decided the case.

Here are the transfers of land held by bona fide purchasers for value, innocent purchasers, and this is only one of a large number of cases that will be affected adversely if this amendment is adopted. The transfers of the land prior to March 1, 1888, were as follows:

October 20, 1883, warranty deed of the whole tract from Campbell to Timothy E. Collins, consideration $1,000.

January 2, 1884, Collins and wife to Robert Vaughn and Paris Gibson.

October 26, 1886, warranty deed from Vaughn and wife to James J. Hill, an undivided half interest.

February 23, 1887, Gibson to James J. Hill, undivided half interest.

July 19, 1887, James J. Hill and wife to the Great Falls Water Power and Town Site Company.

It will be observed that these transfers were all made before a hearing was ordered by the Commissioner of the General Land Office on the Graham contest, and before any notice of the existence of said contest had been served.

It was shown to the satisfaction of the Commissioner of the General Land Office that the purchasers seeking confirmation of the entry had no notice or knowledge of any kind that Campbell had not in all respects complied with the legal requirements.

Now, it will be observed that the existing law to which I called attention last Friday, the act of March 3, 1891, absolutely confirmed in the transferees of all parties which were proved under the faith of law, a vested right to the land. What is the effect of this amendment? Its effect is to absolutely upset and unsettle the titles of those innocent purchasers for value. What else does it do? It says to the contestant: "You may have an opportunity to come in here, notwithstanding the fact that you have nothing but a contest pending—you may have an opportunity to come in here and reinaugurate that contest, and if successful in it, you may have thirty days preference right to locate the land, and then you may go to those innocent purchasers, who have purchased or encumbered the land for value, and say to them: 'Put up your good money to us or we will cloud your titles forever and involve you in endless litigation.'"

That is the purpose of it. It has been lobbied in this House by one Butts, a man who is interested, who is entitled to the privileges of the floor by reason of being an ex-member, and who has used them for the purposes of lobbying for this measure. I undertake to say that it is an infamous outrage upon this House that this thing is permitted to be done. Understand, I do not say that the gentleman from Indiana has acted otherwise than in good faith. I make no reflection upon him, but that he has been outrageously imposed upon there can be no doubt whatever. I undertake to say that if he knew that this man was an interested party, the agent of a syndicate who are attempting to cloud titles and then to go around to the bona fide settlers saying, "We will quitclaim to you if you will pay us enough money," he would not advocate this provision.

I want to know if this House is willing to put its seal of approval upon conduct of that kind? Now, Mr. Chairman, we who are interested in this matter and who have watched it as the representatives of the bona fide purchasers, had a right to believe, when this bill was introduced and referred to the Committee on Public Lands, that we would have been met here with the report of that committee so that we might have had a square-toed, manly fight on the merits of the question, and not that it would come in here as an amendment to an obscure paragraph of a general appropriation bill.

Mr. McCLEARY of Minnesota. Mr. Chairman, I desire to reserve the remainder of my time until I hear what can be said in justification of this provision.

Mr. HOLMAN. Mr. Chairman, if the gentleman [Mr. McCLEARY of Minnesota] has consumed his time, I will occupy the attention of the committee briefly.

The CHAIRMAN. The gentleman from Minnesota has not used all his time. He has twenty minutes remaining.

Mr. HOLMAN. I think the gentleman ought to consume his time.

Mr. PERKINS. Mr. Chairman, I think this side ought to have the privilege of hearing what is to be said in support of this provision. We do not care to use up all our time until we hear from the other side.

The CHAIRMAN. Does the gentleman from Minnesota desire to consume the remainder of his time?

Mr. McCLEARY of Minnesota. No, sir, I do not. I believe I have a right to reserve some time until I hear from the affirmative on this proposition.

The CHAIRMAN. The gentleman was given thirty minutes by the order.

Mr. HOLMAN. How much of it has been consumed?

The CHAIRMAN. Ten minutes. The gentleman from Minnesota has twenty minutes left.

Mr. HOLMAN. If the gentleman from South Carolina [Mr. LATIMER] thinks proper to proceed now, I will yield him ten minutes.

Mr. LATIMER. Mr. Chairman, I have no interest in this amendment, but I am a member of the Public Lands Committee and was authorized by that committee to make a unanimous report in favor of its adoption. The bill, as I understand it, is intended to give relief to contestants who have been deprived of their rights by the seventh section of a law passed in the dying hours of the Fifty-first Congress. As I understand the matter, there were three members of this House and three of the Senate to whom, as conferees, that bill was referred, and after a thorough investigation of the matter they reached an agreement, and did not intend to affect the claims of contestants, but that those claims should stand just as they were prior to the passage of the bill. According to my understanding of this matter, there is a large land company up in Montana that has gotten possession of between five and six million dollars' worth of land by buying land scrip and hiring settlers to go upon the land under the homestead law, many of those settlers remaining only a few weeks on those lands.

Mr. HOLMAN. Under the preëmption law, I think.

Mr. LATIMER. Going upon the land under the preëmption law, and selling their claims to this Great Falls Water Power Company. As I understand it, this company were in full possession of all the facts and knew exactly the kind of claims they were buying. Then other parties coming along and finding the land vacant went in under the homestead law and claimed these lands, and under the law of 1880 they had a right to contest the claims of the parties whose claims had been bought by the Water Power Company. These contested cases, many of them, were decided in favor of the contestants by the Land Department, and the titles went to patent. As I understand it there were only about twenty-five cases pending prior to the present administration of the Land Department.

There is only one case now that we know of, the Graham case. This man Graham, who has been referred to by my friend from Montana [Mr. HARTMAN], filed his claim and went before the Land Office, and the claim was decided in his favor; but pending the appeal the law was passed by the Fifty-first Congress, which set aside his claim, for under that law, as construed by the Commissioner of the Land Office and the Secretary of the Interior, even where frauds are proven to have existed, the claims of the contestants are set aside. For example, if this Water Falls and Land Company were to buy a piece of land from a man who had obtained it fraudulently, that fraud could not be investigated; the company must be considered an innocent purchaser, and the patent must issue.

Mr. TAWNEY. Does not the act of 1891 expressly except cases where fraud had been perpetrated?

Mr. LATIMER. As I understand the matter, even where fraud has been proven, it does not enter into the case at all. If the purchaser of the land can prove that there was no fraud in his purchase, though it was bought from a fraudulent claimant, the original fraud does not enter into the matter. That law was passed in the dying hours of the Fifty-first Congress without being fully understood; for, as the gentleman from Indiana [Mr. HOLMAN] has stated, it was not intended or understood by five of the conferees that it should bear the interpretation that has been placed upon it. Only one member of the committee understood its effect to be as the Commissioner of the General Land Office and the Secretary of the Interior have construed it. That law has thrown these contestants out of court entirely, and all that we propose here is to place them back where they were when the law was enacted.

Mr. HARTMAN. Is it not a fact that the law, which you say was understood by only one member of the conference committee was agreed to by the entire committee, of which the gentleman from Indiana [Mr. HOLMAN] was a member?

Mr. LATIMER. The gentleman from Indiana [Mr. HOLMAN] and the gentleman from South Dakota [Mr. PICKLER] and the other conferees, whose testimony we had before our committee, stated that they did not agree to or understand its effect as the Land Department has construed it.

Mr. Chairman, I ask that a statement of the facts submitted before our committee and upon which we reached our conclusion be read from the Clerk's desk, so that gentlemen may understand all the facts in the case.

Mr. HARTMAN. Is it not a fact that the Secretary of the Interior and the Commissioner of the General Land Office have both reported adversely upon the identical proposition which is presented here?

Mr. LATIMER. You have already put that statement into the RECORD. We do not deny that they have put their construction upon the law; but we claim that it was unjust, and that five of the conference committee repudiated the construction put upon that seventh section by the Commissioner of the Land Office.

Mr. HARTMAN. Then, why was not the recommendation of the Secretary of the Interior and the Commissioner of the General Land Office mentioned in the report of the committee?

Mr. MCCLEARY of Minnesota. I would like to ask the gentleman a question.

Mr. LATIMER. Mr. Chairman, I ask that the testimony which I have sent be read from the Clerk's desk.

Mr. MCCLEARY of Minnesota. May I interrupt the gentleman for a question?

Mr. LATIMER. I do not yield for a question.

The statement referred to above was read, as follows:

WASHINGTON, D. C., *March 17, 1894.*

SIR: As the Public Lands Committee, of which you are a member, authorized (unanimously) you to report favorably H. R. 4458, a bill to save the contest cases that were pending in the Interior Department on 3d day of March, 1891, at the time the act repealing timber-culture and preëmption laws was passed, and the bill you reported having been placed on the 14th instant in the sundry civil bill as an amendment thereto, and as the Washington attorneys, Burdett, Thompson & Law, of the Great Falls Water Power and Town-site Company of Montana, have sent a law brief and circular letter to every member of Congress on the subject, and caused the letters of the Secretary and Commissioner of the Interior Department to be inserted in the RECORD, I believe I am justified in sending you a statement of facts showing what is involved in the whole matter. About all the cases that were pending in the Department have long since been passed to patent, with the exception of the case of James Graham *vs.* The Great Falls Water Power and Town-site Company. This case is still pending under appeal before the Secretary, and the whole fight is virtually over this quarter section, involving not more than 160 acres.

James Graham, the plaintiff, won his case before the act of March 3, 1891, was passed; that is, on the 25th of January, 1891 (a short time before Mr. Carter become Commissioner). Assistant Commissioner Stone decided the so-called final proof made by A. C. Campbell was false and fraudulent. The allegation in the complaint was that Campbell, the defendant, was one of the hired settlers and acting for the corporation in acquiring this land. The corporation having lost, they were allowed sixty days to appeal from the Commissioner's decision to the Secretary, but they did not appeal. Before the sixty days expired the seventh section was inserted by the conferees in the repealing act, which seventh section, as construed by the Interior Department, ratified and confirmed all the fraudulent entries, notwithstanding the plaintiff had proven the frauds, expended his money, and won his case before the Commissioner. Five of the conferees have repudiated the construction given by the Department of the Interior upon the seventh section, leaving only one member of that conference committee [Senator PETTIGREW] who is quiet on the "quieting title" of the seventh section.

Judge HOLMAN on the 14th instant explained on the floor of the House the views of all the conferees except those of Senator PETTIGREW.

Some six years ago, when Graham commenced his contest for this quarter section of land, it was of little value, being about 3 miles from the town of Great Falls; but since then, and while this contest is pending, the land has become valuable, and the town-site company, with the $5,000,000 of capital, are making this fight to hold it.

Very respectfully,

C. W. BUTTZ,
Of Buttzville, N. Dak., Attorney for James Graham.

Hon. A. C. LATIMER.

STATEMENT MADE TO THE COMMITTEE ON PUBLIC LANDS.

Before the year 1884 no settlement, except by roving stock raisers, had been made upon the public lands on the upper Missouri River, in Montana, at and about the Great Falls. The water power at that place is great and very valuable. About this time a syndicate, or combination, was formed, consisting in part of Messrs. Gibson, Collins, Broadwater, Hill, and others, to acquire title to public lands, on each side of the river at and for many miles around about said falls. There were only two ways that they could obtain the public lands in large quantities. They could purchase land scrip, which had become very high and scarce, or they could contract with and place upon the land a class of men called "settlers," taking a contract or deed from them with date left blank, to fill in after final entry or proof was made. This latter course was the cheapest and the one adopted, with very few exceptions, as two 80-acre tracts at the immediate ends of the Great Falls, and perhaps one or two other pieces more valuable than the other lands (that it was not considered safe to trust hired settlers to acquire) were obtained by Sioux half-breed scrip.

At the commencement they covered a large portion of that country with filings under the desert-land laws, which allowed them to hold the land for three years without doing anything in the way of expenditure of money, and during this time they caused them to be surveyed, and arranged to acquire title to the same lands through settlers under the preemption and homestead laws, as the cost of $1.25 per acre under the preemption and homestead laws, was much less than to acquire title under the more expensive desert-land laws, under which last-named law title could not be acquired until after three years had expired, while under the preemption and homestead laws title could be acquired after six months' so-called residence.

As fast as the right kind of "trustworthy" settlers could be obtained the desert land entries were relinquished.

As soon as this syndicate was ready to have the country opened up for settlement under the preemption and homestead laws they obtained a modification of an order of the Interior Department which had designated that section of the country as subject to entry under the desert-land laws.

This syndicate laid out the town site of Great Falls, established a newspaper, opened up a bank, owned and controlled everything. They obtained a contract to have the public land surveyed with H. P. Rolph, as surveyor, who was also their local attorney for the syndicate, and attorney for their class of "settlers," making out their filing papers and their final proof papers; and as fast as the land was surveyed settlers were placed upon them, although a large number of their most trusted employés were located upon the lands previous to their being surveyed, such men as Matkins, who was their deputy postmaster, Webster, who was their secretary or clerk, and many others first entered lands under the preemption laws, make proo in six months convey, and relocate under the homestead laws, prove up under the commutation clause of the homestead laws in six months thereafter, and convey again.

Thus in three or four years the syndicate, by the system they had adopted, acquired title to about $6,000,000 worth of the public lands. On the 9th day of May, 1887, this syndicate of "land grabbers" incorporated under the laws of Montana, fixing their capital stock at $5,000,000.

That one member of the syndicate furnished a large portion or nearly all

of the money required to obtain the land, and after being conveyed to "go-betweens" then by them conveyed to him who had furnished the money, and that soon thereafter (they incorporated, fixing their capital stock at $5,000,000) to wit: On the 19th day of July, in 1887, Mr. Hill in one deed conveyed a large portion of the land so acquired, to wit, $5,000,000 worth to said corporation, of which he was president. The deed on its face says, "For and in consideration of the sum of $5,000,000 to them paid in the capital stock of the said company," etc., he conveys by a "quit-claim" deed certain lands that is therein described. The stock of said company is reported to be in value above par.

It appears after this date that other "quit claim" deeds conveying large tracts of these public lands to the said corporation were made, one notably on the 13th day of June, 1889. This conveyed many hundred acres of land, the deed says on its face, for "the consideration of $1." Afterwards deeds were taken directly to the corporation.

It will be observed that before 1884 there were no settlements in that section of the country, except a few cattlemen. Within about three years this syndicate had acquired over $6,000,000 worth of public lands, the country was then opened up for settlement, and the people were rushing in from every direction. Finding the land for many miles around had all been taken in so short a time, inquiries as to the manner in which it had been obtained, rumors and reports were in circulation to the effect that it had been fraudulently obtained. About two years had elapsed since the final proofs had been made to some of the most valuable tracts. In fact nearly two years had expired from the time the fraudulent final proofs were made upon the whole extent of the country. But the act of the 14th of May, 1880, did not limit the right of contest; in fact it invited contest up until patent was issued, and there were stronger reasons for contesting final proof or final entry where it had been made by false testimony than on almost any other grounds, and about this time many contests were commenced against the so-called final proof through which this corporation acquired this vast amount of land. Amongst the most notable cases of contest alleging fraudulent final entry and proof was that of Jones *vs.* Matkins, Bruce and McLoyd case, in which Paris Gibson, the vice-president of the town-site company figured as contestant, against his own so called title to save the same; James Graham *vs.* A. C. Campbell, and many others, in all of which this $5,000,000 corporation claims ownership of the land, and were and are the real defendants. If these parties contesting could win their contest many others would have been encouraged, as the law of 1880 did not limit the time in which contests were to be commenced, except before patent issues. Thus you will see the importance of this seventh section that was added to the repealing act of the timber-culture and preëmption law, which was added by the conference committee, and presented to the House of Representatives on the night of the 3d of March, and without its being read or understood was adopted and became a law, and construed by the Department to confirm fraudulent entries.

Five of the six members of that committee have repudiated it. Congress having been imposed upon, not intending to pass a measure, as construed by the Interior Department, taking away the vested rights of the citizens, the least that can be done is to restore the contestants to the standing they had under the law at the time this careless legislation occurred. If you will examine the dates of final entries and proofs and the dates of the contests over part of this $6,000,000 worth of public lands you will undoubtedly come to the conclusion that the dates and the time fixed in said seventh section of the repealing act of March 3, 1891, were all fixed and arranged to meet this Great Falls enterprise.

An effort was made in the last Congress to correct the gross wrong that had innocently, so far as Congress itself is concerned, been imposed upon litigants in the Interior Department by Congress. An effort was made at that time to find out the history of the seventh section that had been inserted in the repealing act of the timber-culture and preëmption laws, on the night of the 3d of March, the last night of the session, 1891. It appears that the two Houses of Congress had disagreed upon the terms or conditions of the repealing act, whereupon the difference of the two Houses was submitted to a conference committee, consisting of:

Senate: Plumb, Walthall, PETTIGREW.

House: HOLMAN, PICKLER, Payson.

This conference committee added section 7 to said repealing act, and made the report at the night session of the 3d of March, 1891, in the closing hours hours of the Fifty-first Congress.

The record shows that said report was agreed to in the House by unanimous consent, without being read to the House, consequently there was no one connected with the Fifty-first Congress that knew the intent and purport of the said seventh section, unless it was one member of said conference committee, until after it had become a law and that Congress had expired.

It is evident that said committee did not intend that the contest cases then pending in the Interior Department should be ended, because they have so expressed themselves, with the exception of one member of that committee.

We had before us satisfactory evidence showing that Senators Plumb and Walthall and Messrs. HOLMAN, PICKLER, and Payson did not intend to add anything to that repealing act that would confirm and cover up fraudulent entries and fraudulently acquired titles to the public lands, where contest was then pending over the same in the Interior Department.

Senator Plumb denounced this seventh section, and the construction given it by the Interior Department on many occasions, which is established by what Senator Plumb stated to Commissioner Stone and Judge Payson, as appears by their letters. Senator Walthall being sick when the matter came up in the Senate wrote Senator BERRY. When the matter was under consideration in the Senate, to strike out of the sundry civil bill, Senator BERRY said: "Mr. President, I thought I could put my hand on a letter written to me a few days ago by the Senator from Mississippi [Mr. Walthall] who, I regret to say, is at home sick and unable to be here, in which he stated that as a member of the conference committee he never understood, and, as he was informed, three of the four members of the committee who are now members of Congress, Mr. HOLMAN, Mr. PICKLER, and himself, all agreed that they had never understood for one moment that the effect of the repeal of the timber-culture act would be to cut these parties out of their rights in the cases which were already pending and where they had decisions in their favor.

"The other House put the provision here simply restoring those parties to the rights which they had in regard to contests when the original act passed. It was inserted in the conference committee, I will not say that it was done purposely, but it was done without intending that it should have the effect which the Commissioner of the General Land Office, by his decisions, has given it. It is unjust, it is unfair to deprive these parties, by an act of legislation, of whatever rights they had at the time growing out of the contest which they had made.

"I say, Mr. President, for the Congress of the United States to undertake to legislate to deprive a party of his rights in that way and cut him off is a high-handed outrage, it is robbery; and none the less so because it is done under the form of law. It is unjust; it is unfair."

During the discussion of this question in the Senate a question was asked by the then Senator [Mr. Perkins], as to his belief or opinion in regard to whether Senator Plumb intended to cut off pending contests or not by this seventh section, and he promptly replied that he had no doubt that Senator Plumb intended that should have the effect that the Interior Department was giving it, whereupon the following letter and reply were written and received:

719 EIGHTH STREET, NW.,
WASHINGTON, D. C., *February 23, 1893.*

DEAR SIR: I am informed that you stated to Hon. WILLIAM S. HOLMAN that the late Senator Plumb, who was a member of the committee of conference that inserted section 7 in the act repealing the timber culture and preëmption law on March 3, 1891, told you in your office, while discussing said section 7, that Assistant Secretary Chandler had placed a construction on it not intended by Congress, and that it was not the intention of the conference committee to interfere with contest suits pending in the Department; that it was a travesty upon justice to do so.

Will you kindly let me know if this is correct?

Very respectfully,

C. W. BUTTZ,
Attorney for James Graham.

Hon. WILLIAM H. STONE,
Commissioner General Land Office.

"The foregoing is substantially what the late Senator Plumb said to me in the General Land Office a short time before his death.

"WM. H. STONE, *Commissioner.*"

You will now observe that two of the two Senators who were on that conference committee absolutely repudiated that seventh section as construed by the Interior Department.

As to the House conferees, Judge HOLMAN introduced the measure to correct the great wrong that had been done, and stated on the floor of the House last session of the Fifty-second Congress, to wit:

"I was a member of the committee of conference when that act was passed, but did not suppose that the provision referred to in section 7 could be so construed as to cut off appeals then pending. It has been interpreted, however, to apply to appeals then pending; but of course it should not be so applied."

Mr. PICKLER, another member, reported from the Public Land Committee in the Fifty-second Congress a like measure to correct the construction given by the Department, and denounced the seventh section of the repealing act.

Judge Payson, who was a member of that conference committee, and chairman of the Committee on Public Lands in the House, wrote the following letter on the subject:

"1229 MASSACHUSETTS AVENUE,
"*Washington, D. C., February 24, 1893.*

"DEAR SIR: Replying to your inquiry, I was on the conference committee reporting the act of March 3, 1891, repealing the timber-culture act, etc., and remember as well as though it were only yesterday that the conference intended that that act, especially section 7, should preserve all rights that had been acquired under the various public land laws repealed by the proposed legislation. The amendment No. 104, page 65 (sundry civil bill), for act of February 23, 1893, only plainly expresses what I and the other conferees understood, as I believed, was the effect of section 7 of the act.

"We all agreed in our conferences that we would in any repeal save the rights of actual settlers, as well as all acquired rights existing at the date of the passage of the act. Senator Plumb and I spoke of this several times after the adverse holding at the Department.

"Yours truly,

"L. E. PAYSON."

"Hon. C. W. BUTTZ."

Thus you will see that the late Senator Plumb stated to both Judge Payson and Commissioner Stone that he never agreed to or intended to have said seventh section apply to and affect pending contests. And as Messrs. HOLMAN, PICKLER, and Payson, the three members on the part of the House, repudiate it, consequently we are justified in concluding that the other or sixth member is the responsible man. The most remarkable coincidence in this matter is the arrangements of the dates and limitations in said seventh section, so as to cover all the questionable final proofs made for the benefit of this Great Falls corporation.

Another remarkable feature to the arrangement to acquire title to the public lands was the fact that it was not confined to members of any one political party. Yet these able managers (who are supposed to have instigated, if not framed, said seventh section, which was construed by Mr. Carter, of Montana, Commissioner of the General Land Office, and who had been appointed to his office by President Harrison, one of the stockholders of this corporation that had acquired in so short a time some $6,000,000 worth of the public lands located in Montana) have very nicely planned and so far successfully carried out the great enterprise.

The statement made that the proposed amendment will, if it become a law, affect the titles to many thousand acres of land, on which questionable final proof had been made, is not true, as we were informed that at the present time less than ten cases are pending in the Department involving less than 22,000 acres of land; all others have been passed to patent. Over a year ago, to wit, on the 27th day of February, 1893, Hon. William N. Stone, Commissioner of the General Land Office, wrote Hon. WILLIAM S. HOLMAN, then chairman of Committee on Appropriations, that less than twenty-five cases were pending in the Department that would be affected by said amendment. Said letter is printed in the RECORD of March 15, 1894, on page 3004. The views of the present Secretary (Smith) and Commissioner Lamoreux, as printed by the attorneys for the corporation and sent to members of the House, and afterwards put in the RECORD by the member [HARTMAN] from Montana, were considered by the Committee on Public Lands, and thereafter they unanimously agreed (notwithstanding the views of the Interior Department) to report the bill favorably.

Before the reading of the foregoing paragraph was concluded—

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LATIMER] has expired.

Mr. LATIMER. I ask that the remainder of this extract be printed in the RECORD.

There was no objection.

Mr. HOLMAN. I hope now that the gentleman from Minnesota [Mr. MCCLEARY] will consume his time. I think that is fair.

Mr. WILSON of Washington. This is a matter of great interest; and as the gentleman from Indiana [Mr. HOLMAN] introduced this amendment, we should be exceedingly glad if he

would proceed to give us some information on this subject, about which he is, of course, well informed.

Mr. HOLMAN. I will reserve ten minutes of my time for an explanation; but I wish to yield to other gentlemen.

Mr. WILSON of Washington. I have no time myself, but would like very much to hear from the able gentleman from Indiana, who is conversant with our land laws.

The CHAIRMAN. If the gentleman from Indiana [Mr. HOLMAN] does not desire to occupy his time, the Chair will recognize the gentleman from North Carolina [Mr. HENDERSON].

Mr. HOLMAN. If the gentleman from Minnesota thinks this is proper——

The CHAIRMAN. The gentleman from Indiana reserves ten minutes of his time, as the Chair understands.

Mr. HOLMAN. Yes, sir.

The CHAIRMAN. The gentleman from North Carolina [Mr. HENDERSON] is recognized for fifteen minutes.

Mr. HENDERSON of North Carolina. As preliminary to my remarks I will ask the Clerk to read a paragraph of this bill, beginning on line 6, page 35.

Mr. WILSON of Washington. I rise to a parliamentary inquiry. Is it understood that the gentleman from North Carolina Mr. HENDERSON] is recognized for an amendment on another subject?

The CHAIRMAN. He is recognized in his own right for fifteen minutes in accordance with the order made by unanimous consent.

Mr. WILSON of Washington. Are we not going forward to finish the discussion of this amendment, or is it to pass by?

The CHAIRMAN. The consideration of the bill has been completed; and the Committee of the Whole is now proceeding under an order made by unanimous consent yesterday.

The Clerk read as follows:

Punishment for violations of internal-revenue laws——

Mr. REED (interrupting the reading). Mr. Chairman, has there not been some misunderstanding about this matter? The gentleman from Indiana, as I understood, reserved his time.

The CHAIRMAN. Yes, sir.

Mr. REED. And now are we going to another subject?

The CHAIRMAN. The Chair does not see that gentlemen can be confined in their remarks to any particular subject.

Mr. WILSON of Washington. I should like to know, if it be proper, to what subject we have returned?

The CHAIRMAN. We have returned to no subject.

Mr. WILSON of Washington. Then we are doing nothing, I suppose. I trust I have not embarrassed the Chair by this inquiry. I want to find out what is going on—"where we are at;" and we would like to hear what the gentleman from Indiana knows about this proposition. As he introduced the amendment we want to hear from him; and we have, we think, that right.

The CHAIRMAN. The Clerk will read the order under which the Committee of the Whole is now acting.

The Clerk read as follows:

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] asks unanimous consent that after the disposal of the matters under consideration thirty minutes be allowed to the gentleman from Minnesota [Mr. MCCLEARY]; twenty minutes to the gentleman from Indiana [Mr. HOLMAN]; fifteen minutes to the gentleman from North Carolina [Mr. HENDERSON], and fifteen minutes to the gentleman from California [Mr. LOUD] to discuss the matter generally. Is there objection?

There was no objection.

Mr. SAYERS. It was my understanding when I asked and obtained unanimous consent for these gentleman to address the committee, that one subject would be exhausted before going to another.

Mr. HOLMAN and Mr. WILSON of Washington. Certainly.

Mr. HOLMAN. I insist that the gentleman from Minnesota should use his time.

Mr. WILSON of Washington. But we are insisting that the gentleman from Indiana should use some of his time in explaining the amendment which he proposes to put on this appropriation bill. Why is the gentleman afraid to be placed in that position?

Mr. HOLMAN. The proposition has already been explained by the gentleman from South Carolina [Mr. LATIMER].

Mr. WILSON of Washington. Is the gentleman from Indiana afraid to come forward and advocate his own proposition?

Mr. MCCLEARY of Minnesota. I submit that not one word has been said about this amendment. The gentleman from South Carolina [Mr. LATIMER] discussed a bill which is before the Public Lands Committee; but he never discussed this amendment at all.

The CHAIRMAN. What amendment?

Mr. MCCLEARY of Minnesota. The amendment introduced by the gentleman from Indiana.

Mr. HOLMAN. The gentleman is mistaken; they are the same measure.

The CHAIRMAN. So the Chair understands.

Mr. HOLMAN. I submit that in fairness the gentleman from Minnesota [Mr. MCCLEARY] ought now to consume some part of his time.

The CHAIRMAN. The Chair will state that the committee will rise at five minutes after 2 o'clock. If gentlemen desire to consume the time in this way, of course they can do so. The gentleman from North Carolina [Mr. HENDERSON] has the floor for fifteen minutes.

Mr. HENDERSON of North Carolina. As a preliminary to my remarks, I ask the Clerk to read the paragraph in the bill beginning on line 6, page 35.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $50,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

Mr. HENDERSON of North Carolina. Mr. Chairman, this item has been increased in the present bill to $50,000—just double what it was a year ago. My information is that prior to 1876 the appropriation for this item was $100,000. In 1876 it was $75,000. In 1885 it was reduced to $50,000. In 1887 it was reduced to $25,000. The appropriation for 1892 was for $50,000; for 1893, $25,000; for 1894, $25,000, and now the Committee on Appropriations proposes to increase this item to $50,000. The main reason alleged for this increase is that it has been found that this fund is needed to be expended in North Carolina and a small portion of Virginia so as to obtain information against illicit distillers and others charged with violating the internal-revenue laws in those States.

In my opinion the increase asked for is entirely without excuse. There are no more violations of the internal-revenue laws in North Carolina and Virginia (which State is also mentioned) than in any of the other States of this Union where the internal-revenue laws are enforced. The people of my State are as law-abiding as those of any State in the Union. These internal-revenue laws, Mr. Chairman, have been enforced under every Administration very harshly. We have had a harsh administration of the internal-revenue laws under Republican administrations and also under Democratic Administrations. I believe the law is less harshly administered now than heretofore. There is an inherent vice in the law. There must be more or less severity. But it is not necessary that the Government of the United States should authorize its officers to pay money to obtain information and to hire and suborn witnesses to testify against the citizens of North Carolina or of any other State, whether they be charged with violations of the law or not. There is no more hateful creature than a paid informer. Any law which tolerates or authorizes such a system is infamous. Thomas Jefferson denounced the system in his day as an "infernal" one.

I hold in my hand a volume, printed under the direction of the Committee on Appropriations, containing statements made before that committee by Hon. J. S. Miller, Commissioner of Internal Revenue; Mr. W. W. Colquitt, a revenue agent, and Mr. T. H. Vanderford, a revenue official, both of these last-named gentlemen being now employed in North Carolina. These gentlemen were examined by the Committee on Appropriations in regard to this increase; and what is the reason they give for it? The main reason assigned is that they need this money for the purpose of obtaining information against men who, as they declare, are violating the internal-revenue laws in the State of North Carolina. I include in my remarks the report of the hearing of these gentlemen before the committee:

DECEMBER 18, 1893.

INTERNAL-REVENUE LAWS—VIOLATIONS OF.

STATEMENTS OF HON. J. S. MILLER, COMMISSIONER OF INTERNAL REVENUE, W. W. COLQUITT, AND T. H. VANDERFORD.

The CHAIRMAN (to Mr. Colquitt). What position do you occupy in the Internal-Revenue Bureau?

Mr. COLQUITT. Revenue agent.

The CHAIRMAN. Where do you reside?

Mr. COLQUITT. My headquarters are at Greensboro, N. C.

The CHAIRMAN. On page 63 of this bill there is an estimate of $75,000 for punishment of violations of internal-revenue laws. Will you state to the committee the information you have to give them respecting the necessity for an appropriation of $75,000 for punishing violations of internal-revenue laws, and in doing so state it in your own way?

Mr. COLQUITT. Well, sir, I will state the number of registered distilleries in North Carolina as about 500, and in operation 250. Eight out of ten are what are called 3-bushel houses; that is, they mash 3 bushels of grain a day. They claim to manufacture 2 gallons to each bushel of grain. The price of corn whisky in that State is $1.15 a gallon, and the tax is 90 cents, and that leaves 25 cents for each gallon. The receipts of the distiller then is only $1.50 a day. The cost of corn per bushel in North Carolina averages more than 50 cents, probably 60 cents. This for a 3-bushel house would make $1.50 for the cost of the corn and the cost of a distiller or man to work, that

is $1 a day; then for wood, cutting and hauling, about 25 cents a day; repairs, etc., 25 cents a day, making the actual expenses for that distillery $3 a day, and the income from it is only $1.50 a day according to the report.

At the price they sell spirits for they can not operate a distillery of that kind honestly. Spirits are cheaper in North Carolina than anywhere else in the Union. In Illinois, Ohio, Kentucky, and Georgia and elsewhere the yield per bushel is from 3 to 5 gallons. The actual yield in North Carolina is about 3 gallons; but most of them crowd the mashes and work off the tubs every two or three days, instead of every four days, as allowed by law, making the daily yield from 9 to 15 gallons per day, only 6 of which is warehoused and tax paid. The rest is gotten out through collusion with the storekeeper and gauger by the reuse of stamps and using 4½-gallon kegs. The law requires a stamp on everything above that size. The seizures since July 1 have been in this division 35,987 gallons of whisky and brandy——

The CHAIRMAN. In what State?

Mr. COLQUITT. In North Carolina and Southern Virginia. About 5,000 more were shipped into South Carolina, Georgia, Alabama, and Florida in kegs, and have been seized there and no claimant has appeared for it. The number of registered distilleries seized in that time has been 27. That is for violations where we can catch them absolutely in the wrong. Illicit distilleries seized, 97; horses and mules, 19; tobacco factories, 7. Now, those tobacco factories were seized because they were putting on 40 or 30 pound boxes a 10-pound stamp and thereby swindling the Government. Now, I have here letters showing you how these frauds are perpetrated.

(Here Mr. Colquitt exhibited and read letters to the committee which he stated he did not desire to go in the record.)

Mr. MILLER. I think it would be better not to file these letters, with your permission, for the reason that these parties will not send them in if they know that we give them out to the public, and they have simply been brought along to show the committee and not for publishing. You see, a good many people will send us confidential communications that they do not like to see in the record, although they are considered honest people.

Mr. COLQUITT. I just brought one of each kind, showing you how they perpetrate these frauds. Now here are stamps which they get and put back on the barrels and get them out a second time [exhibiting same]. This was taken from a barrel and carried back and put on another.

Now, here is a complaint from the second district of Tennessee, from the collector. These kegs are just going into there by hundreds.

Mr. MILLER. I would like for you to hear that letter. Mr. SAYERS:

"INTERNAL REVENUE SERVICE,
"SECOND DISTRICT OF TENNESSEE, COLLECTOR'S OFFICE,
"*Knoxville, Tenn., October 14, 1893.*

"SIR: There is a large amount of illicit whisky shipped into my district from North Carolina. The most of the whisky is shipped direct to the consumers in four and seven-eighths gallon packages.

"I have a great deal of complaint from the distillers, wholesale and retail liquor dealers in my division, from the sale of these goods, as the same is sold for a very low price, and they are unable to compete with the 'moonshiners.' I have had all I could find seized, but it is simply impossible for me to seize but a small per cent of the amount shipped, as they ship it over three different railroads. Now, what I want to know is this: Is there any way to prevent the railroad companies from hauling the goods? If not, can you suggest some means by which this illicit traffic can be stopped? I am anxious to stop this business and to do all I can to help the men who are doing a legitimate business in my district and to at the same time collect all the revenue due the Government. A number of good men in my district who are trying to do a legitimate business claim they will be forced to quit unless something is done.

"I shall await your answer.

"Respectfully,

"J. T. ESSARY, *Collector.*

"Hon. JOSEPH S. MILLER,
"*Commissioner Internal Revenue, Washington, D. C.*"

Mr. COLQUITT. Here is a letter from a deputy collector who has averaged a still every day for the last thirty days.

Mr. MILLER. You mean he made a seizure of one every day?

Mr. COLQUITT. Oh, he might seize one one day and three the next, and two the next, and so forth, but he has averaged about that, and he says the illicit business has been increasing, and he says they get it out through the use of these stamps, which are returned to them.

Now, I will show you another means they have of getting these stamps. Under the law what is known as a clip is sent back. They get a wholesale liquor dealer or rectifier to send that clip back under cover. The storekeeper and gauger is in collusion with the distiller, and he says it is all right, that that is the proper number of gallons.

The CHAIRMAN. Now, explain to the committee how a person who has three distilleries would operate them.

Mr. COLQUITT. He would do this: He has, say, three small distilleries practically in sight of each other. Storekeepers and gaugers are assigned there, and he will try each one of them and see if he can work his schemes on them.

Mr. MILLER. Try to see if he can corrupt him.

Mr. COLQUITT. If one man is honest and says that he will not do it, and that he has got to give the Government the product of this distillery, he then shuts down that distillery, and the honest man is out of a job; but say the other fellow is practically dishonest, he lets that distillery go on and make from 9 to 15 gallons a day, and give the Government a tax on 6. That is really a premium upon dishonesty in a storekeeper and gauger.

The CHAIRMAN. How long, when one of these distilleries is closed, is it permitted to remain idle?

Mr. COLQUITT. They can start at pleasure. They can operate one day, ten days, two months, or just as they please. They give bond, and as long as they choose to operate that distillery they can do so. For instance, if a storekeeper comes there and wants to close that distillery he can do it in four days—that is, run out the quantity of material they have on hand.

The CHAIRMAN. Now, I want to ask this question: Is this appropriation, for which you ask, to be used entirely for the apprehension of moonshiners?

Mr. MILLER. Not entirely. It is for the detection of frauds in every way, shape, and form.

The CHAIRMAN. How much of the appropriation do you generally use for the detection of fraud upon these licensed distilleries?

Mr. MILLER. It would be a large part of the amount allowed to Mr. Colquitt's district; a great majority of it would be used in connection with the licensed distilleries which are operated in a crooked way, and so you can say two-thirds of it would be used probably in the investigation of matters connected with persons who are operating or supposed to operate in accordance with the law. Would not that be about the proportion, Mr. Colquitt?

Mr. COLQUITT. Yes, I should think so.

The CHAIRMAN. Did I understand you to say the other day that you had letters from wholesale dealers?

Mr. COLQUITT. Yes, sir.

The CHAIRMAN. Apprising you that they had received offers of the sale of whisky to them at, say, 90 cents?

Mr. COLQUITT. In the first letter I read the price was $1.15 a gallon and a rebate of 25 cents a gallon for returning the stamp; that was the first letter I read.

Mr. MILLER. We get many of these letters and refer them to Mr. Colquitt or the agent in charge of the district from which the letter comes.

Mr. COLQUITT. Here is a transcript taken from one which has a certain number, which has a record of the packages on deposit, and it shows that these three packages were sold to ——— ———, ———, ———, on October 24. Now, the inspection at Charlotte on October 13, eleven days prior to that time, shows these packages had gone through to ——— ———, ———, ———, the same packages and the stamps returned. Then on October 28, again these same packages go to ——— ———, ———, ———. He has used these barrels three times within two weeks.

The CHAIRMAN. With the same stamps?

Mr. COLQUITT. Yes, sir.

The CHAIRMAN. Explain to the committee how that is done.

Mr. COLQUITT. Well, sometimes they take the head out of the barrel, returning the barrel with the head inside, and then a cooper takes and turns it again. Then, again, they take the stamps off and send them back, just as those I showed you, and they put them on another barrel, as they have all the brands. Another way they have of doing is to take out the barrel heads and pack them up in a box and send them back by express. I can say, however, the storekeeper and gauger are in collusion where those things occur.

Mr. MILLER. Mr. Colquitt keeps now some people at the depot, and in that way they catch up with a great many illegal cases.

Mr. COLQUITT. Now, take this case: Here is a distiller, not a man who owns it, but a man who works there, he says: "You will find two or three barrels of liquor in his barn near the distillery, under the floor. They have not stamps on them. They fill a barrel at the distillery with stamps on it, and the storekeeper allowed him to refill it. He works his beer off every two days and makes two mashes every day instead of one. The storekeeper changes the numbers on the tubs to make them work right. They carry liquor from the cistern room in a 10-gallon keg and put it in the barrels at the barn under the floor." That is one way.

Here is a letter from a man who has been a storekeeper and gauger, who says: "I have been on duty here for several days, and the distiller informed me that he could not run unless I allowed certain things to be done, and I informed him that I had been in the service twenty-five years 'off and on,' and had my first unofficial act to do, and now, taking all things into consideration, I must still adhere to what I knew to be right. So we made our last mash on the 12th instant. He has no fault to find with me, but I told him when we made 3 gallons or more (which we did) to the bushel that I should warehouse it on all occasions. He said he was or would be losing $3 per day, and gave me to understand that a former storekeeper and gauger let up, and unless I did so he would have to suspend. The above is the result, and if the collector or agent has anything for me to do I am in the field."

There is an honest man out of work. Here is one where a storekeeper and gauger goes to a distillery and stays three days in a week and goes home and gives the keys to the distiller. It is from a deputy marshal at Hickory, N. C. He says: "The work I have is a Government still, and is and has been running without a storekeeper; that is, the storekeeper does not stay at the storehouse. Left there Thursday and will no be there until Monday evening. My informant says that he leaves the business with the distiller or partner of the firm, and that the storekeeper is not at the storehouse half the time. I also have a block still, located some 5 or 6 miles from this Government still, which has just commenced work the first of this week. Now, if we could go there Monday morning before the storekeeper gets there, I think we would find him at work without a storekeeper. Could you not send some one to-morrow (Sunday's train)? Let me hear from you."

Here is one from Yadkin County, N. C., in which a man says, "I think it is necessary for you to send some inspecting officer to the distillery in the Yadkin Valley, in the fifth district of North Carolina. They use 9 bushels of grain per day and make from 20 to 25 gallons of whisky per day, feed several hogs and a large amount of cattle and from a 2-bushel capacity. You had better direct them to go to —— and get there about dark, and they will find six mashes any night. The storekeeper and gauger in charge is —— and allowing them to use that much material each day.

Mr. MILLER. Did you get there?

Mr. COLQUITT. No, sir; I have not had time. This is a sample of what is going on, and I did not get here until night before last, and I thought Mr. Vanderford and I would make up a few of these for you.

The CHAIRMAN. From whom do you generally get the information which enables you to seize illicit distilleries?

Mr. COLQUITT. The Government allows us to pay $10 for each distillery reported, and that is paid to the persons reporting them all through the country. Some men come here and report one and then leave the country the next day. Others report dozens.

The CHAIRMAN. Do you get any information from the wives and daughters of the families?

Mr. COLQUITT. Frequently.

The CHAIRMAN. What reason do they give for furnishing you with this information?

Mr. COLQUITT. They say it creates a source of trouble in the community; fighting, etc.

Mr. MILLER. Then have not we cases of this kind where they claim the meal is used for purposes other than the manufacture of corn bread?

Mr. COLQUITT. Yes, sir.

Mr. VANDERFORD. A number of them.

Mr. COLQUITT. I will state that I have been in places and I would come to a man's house who would be so poor that I would not find enough in his house to eat, but you can go to his distillery and find from 15 to 25 bushels of mash, and they are reported frequently for that reason. They say it brings all sorts of distress upon them and their families.

The CHAIRMAN. And the wholesale distillers often report to you because of underselling by illicit distillers and by the moonshiners who are competing with them in the market?

Mr. COLQUITT. Yes, sir; these complaints do not generally come from the State of North Carolina, but they come from distillers in other States who do a legitimate business.

Mr. MILLER. But who are affected by goods shipped from North Carolina?

Mr. COLQUITT. Yes, sir; the goods shipped from North Carolina are shipped, not being tax-paid, at such a cheap rate that they can not afford to sell the tax-paid goods in competition with them.

The CHAIRMAN. What was the value of the illicit goods seized in North Carolina?

Mr. COLQUITT. I have not the price down. I have just the number of gallons. There were 35,000 gallons since the 1st of July.

Mr. MILLER. And some of that, Mr. Colquitt, was seized upon information furnished from other States.

Mr. COLQUITT. Besides that there is about 5,000 gallons ——

Mr. MILLER. And in addition to that there is about 5,000 that went out from there and was seized in other States.

Mr. COLQUITT. That 5,000 is the estimate based upon the number of kegs

and information received from the revenue agent of South Carolina, Georgia, Alabama, and Florida.

The CHAIRMAN. How much of the 35,000 gallons seized in North Carolina was claimed by men who claimed to be the owners of them?

Mr. COLQUITT. There has only been one large distillery on which a bond was filed, and that was the Bailey distillery.

The CHAIRMAN. How much did that bond cover?

Mr. COLQUITT. His bond covered 10,000 gallons at the one distillery.

The CHAIRMAN. Could you give the amount of that seizure?

Mr. COLQUITT. Mr. Vanderford could do that better than I could.

Mr. VANDERFORD. In making examination of Mr. Bailey's distillery we found that Mr. Bailey was using an entirely different distillery from that set forth in the plan of his distillery. In fact he had no plan. We found that the product of his distillery for one day was 281 gallons, while his storekeeper and gauger had only been reporting an average of 124 gallons. The capacity of his distillery was 62 bushels. He was reporting 60 bushels, or 2 bushels less than his capacity, and was actually making about 281 gallons of spirits each day, and was only reporting 124, or just 80 per cent of his capacity. We found that his warehouse had been changed; the plan of his warehouse was not that originally surveyed, and for that it was ordered to be seized and the seizure was made.

He was working a still—just for convenience, say he was working four tubs; he was working sixteen, but instead of his working sixteen, we will just say four. Now, instead of working one on the first, two on the second, three on the third, and four on the fourth, he was working one and three a day. He was working one and three to-day on the first, and he was working two and four on the second, or working double, and instead of working the amount he says, he was working two tubs when he ought to have been working one. Now, all of that was learned by an examination made at his distillery.

Mr. COLQUITT. I will say in regard to the question as to the amount claimed, that all of this except this one large seizure has been quantities of 5 gallons up to a majority of less than 100 gallons.

The CHAIRMAN. No claim has been set up.

Mr. COLQUITT. None at all. Why, on these registered distilleries we make no report unless it is absolutely such a case as there is no possibility of their getting around. Wherever there is anything that they can fight a case upon even in those courts there, we rarely make a seizure and do not recommend it, and it is not done unless directed by the Commissioner. The reports all come in to him and seizures are never made on these registered distilleries without the sanction of the Department.

Mr. MILLER. How many seizures have you made since the 1st of July of registered distilleries?

Mr. COLQUITT. Twenty-seven and illict distilleries ninety-seven.

The CHAIRMAN. Were these illicit distilleries being conducted by persons who had licenses?

Mr. COLQUITT. No, sir; they are actually moonshine distilleries, run without any bonds at all. These are the kind of fellows you have to watch out for and have a pretty good force or they will run you out. There is a great deal of brandy distilled. You know that that is left almost entirely to what a man reports. Now, he swears to his report and it comes in that way. You will find a report for 15 to 20 gallons of brandy, and if it is investigated you will probably find 125 to 1,000 gallons which the Government gets no tax on at all. These distilleries have not been seized as a rule, because in regard to the brandy distilleries the law is not as close as it is upon grain distilleries.

The CHAIRMAN. Why should any difference be made between the brandy distilleries and the whisky distilleries?

Mr. COLQUITT. Well, sir, I do not see myself, but there is the law, and at the registered brandy distilleries the Government has no agent there at all, and at a grain distillery they have a storekeeper and a gauger, but at the brandy distillery they make their report upon the amount of fruit received, the time worked, and its yield, just as they feel disposed, and swear to it.

The CHAIRMAN. Without any inspection upon the part of the Government?

Mr. COLQUITT. Well, the deputy collector goes around, and we get around as much as we can, but there is a vast number of distilleries running and it is impossible to get to them. In fact, in the State of Virginia there are twelve to fourteen hundred brandy distilleries this year—you know there was an enormous fruit crop—and there is probably a thousand in the State of North Carolina; so you see it would be impossible to get to all of them.

The CHAIRMAN. How many grain distilleries are there in Virginia?

Mr. COLQUITT. Well, there are only about, I think, 18 grain distilleries in operation in Southern Virginia.

The CHAIRMAN. And how many in North Carolina?

Mr. COLQUITT. Five hundred; 250 of which are in operation. I take 250 from the list and from the last report of the Commissioner, up to, I think, the 1st of November. Here is the list of the registered grain distilleries, and you can see what there are in North Carolina.

Mr. MILLER. There were 1,650 registered distilleries at the close of last year. Out of that number 600 were in North Carolina.

The CHAIRMAN. Have you anything else to say?

Mr. COLQUITT. No, sir; I believe not.

The CHAIRMAN. Mr. Miller, have you anything further to say?

Mr. MILLER. Nothing at all.

The CHAIRMAN. Mr. Vanderford, have you anything to say?

Mr. VANDERFORD. No, sir; I do not know that I can say anything more.

It seems that there are about 500 registered distilleries in North Carolina, only 250 of which are now in operation. Four-fifths of the whole number mash less than 4 bushels of grain per day and are owned by poor men who are not permitted under the law to reclaim their property in case of a seizure by the revenue officers. No distillery nor distiller's apparatus seized for any violation of law can be released to the claimant, except in case of a distillery having a registered producing capacity of 150 or more proof gallons per day, and not then unless the claimant gives the bond required, and also shows by sufficient affidavits that there are hogs or other live stock, not less than 50 in number, depending for their feed on the products of said distillery, which would suffer injury if the business of such distillery is stopped. (Revised Statutes, section 3331.)

This is a very strange provision of law which favors a rich distiller who owns 50 head of hogs and cattle, but at the same me discriminates against the rich distiller if he is not fortunate enough to own as many as 50 hogs or other cattle. The poor distiller is not recognized at all. No favors are ever shown to him by the internal-revenue law. He is to be stealthily watched and pursued by hired informers, secret agents of the Government, whose names are unknown to him and to the community. What a travesty upon liberty, equality before the law, and justice! These hired spies and secret agents of the Government would not be believed on oath in a court of justice anywhere. When a small distillery is seized, confiscation is the result, no matter whether the accused be guilty or innocent.

The internal-revenue law seems to hold that every man charged with a violation of any of its provisions shall be deemed guilty until he proves his innocence. When whole communities are treated by this system as outlaws and criminals, it is not strange that they should regard themselves as subject to the very meanest sort of tyranny and oppression. Dark-lantern methods will not long be tolerated in this age of freedom and enlightenment. In the vast majority of cases the seizures and arrests made are for technical and trivial violations of the law. There are very few convictions in the courts, but fees and charges are multiplied in every way and the Government is continually mulcted in heavy costs.

Mr. Chairman, I think the Congress of the United States should set its face against any such system of espionage as is disclosed in this evidence. There is no argument to sustain it. There is no reason why the Government should pay informers and hire witnesses to testify against its citizens. These informers are secret hirelings of the Government, whose names can not even be published for the information of Congress. They are going about all through the country in a mysterious way. In the secret service of the Government they may abound in every neighborhood.

This secret service system, as I have said, is in operation mainly in North Carolina and a small portion of Virginia, as Mr. Colquitt says. I am not blaming the revenue officers for discharging their duties under the law. They must obey the orders they receive from headquarters; and I am not blaming the Commissioner of Internal Revenue for doing what he conceives to be his duty in having the law efficiently administered. But I wish to say to him that extraordinary measures and methods for the enforcement of the law are no more needed in North Carolina than in West Virginia, Kentucky, or Texas, or any other State. I do not think they are needed anywhere.

The internal-revenue laws, as I have said, have always been harshly enforced everywhere. There are a great many violations of law in different parts of the country as well as in North Carolina. While on this subject I wish to read an extract from an opinion delivered by Mr. Justice Miller, in the case of the United States *vs.* Ulrici, decided in the eastern district of Missouri in the year 1875, and published in 3 Dillon, 532:

> It is very well understood, both by the courts and by the profession, as well as by everyone interested in the matter, that the collection of the internal-revenue tax in this country has required a system of legislation for its enforcement harsh beyond everything known in our history. And it is equally well understood that, harsh as these measures are, they have been far from successful. Notwithstanding the heavy penalties denounced against crimes which go to defraud the Government of its revenue from internal taxes, and notwithstanding the minuteness and particularity in the description of these crimes, and notwithstanding all the aids which Congress has given by legislation to the enforcement of the revenue laws, they have been very imperfectly executed, and that the Government is cheated out of perhaps one-half of its revenue, especially from the tax on whisky and tobacco.

Judge Miller speaks deliberately, after a careful investigation of the whole subject. The entire system is evil and corrupt. The same motives which actuate men to violate the law in North Carolina will actuate them to violate it in New York and California. Human nature is the same everywhere.

Mr. Chairman, I would not have said a word about this matter if the States of North Carolina and Virginia had not been singled out for condemnation; and these two States have been thus singled out without their Representatives having had an opportunity to go before the committee when this matter was up and when the statements reflecting upon these two States were made. We were not permitted to confront these gentlemen and to hear what they had to say, and if necessary to cross-examine them. Their statements are general in their terms. No names are given and nothing definite is asserted. If the light had been turned on the Committee on Appropriations would have been permitted to hear the other side.

Mr. CANNON of Illinois. Will my friend allow a suggestion?

Mr. HENDERSON of North Carolina. Yes, sir.

Mr. CANNON of Illinois. I wish to suggest whether what the gentleman complains of is not the fault of the system, and whether it would not be better to repeal the internal-revenue laws, thereby affording the remedy.

Mr. HENDERSON of North Carolina. I will say to my friend from Illinois [Mr. CANNON] that personally I have always been in favor of repealing the internal-revenue laws. I am not speaking now as a partisan. The Democratic party in the State of North Carolina has always been in favor of repealing the internal-revenue laws and of modifying the harshness of this system.

Mr. CANNON of Illinois. It seems that the gentleman's party

in this Congress are not making very much headway, but are rather increasing instead of repealing the internal-revenue taxes.

Mr. HENDERSON of North Carolina. I understand that, and I know the cause. The extravagant expenditures of the last Republican Administration necessitated some new sources of revenue. But I have been in this House since the Forty-ninth Congress, and I have been doing my best during all that time either to have repealed or to have modified the internal-revenue system, and vote after vote has been taken upon that subject, and the gentleman's own party has almost unanimously voted against every proposition either to repeal or to modify the internal-revenue laws.

Mr. CANNON of Illinois. We are against the proposition which is now made, to increase the internal-revenue taxes, and your side are voting in favor of the increase.

Mr. HENDERSON of North Carolina. I have not favored the increase. I am not alluding to the income tax, which I heartily favor. The gentleman from Illinois [Mr. CANNON] is a member of the Committee on Appropriations. I do not know whether he favors the increase in the item about which I am speaking, or not, but here are $25,000 additional appropriated, and the statement is made—if not by the Commissioner himself, at least he was before the committee and tacitly assented to it—that this fund is being used in North Carolina and Virginia in order to hire witnesses to testify against citizens there who are doing a legitimate business, but who are charged with violating the internal-revenue laws. I hope the gentleman does not favor such a method of enforcing the law.

Now, Mr. Chairman, I do not object to the laws being enforced. As long as these laws are upon the statute book they ought to be enforced, but they ought to be enforced in a legitimate and proper way. Every citizen should be presumed innocent of wrongdoing until he is proved guilty. That is fair and according to the common law.

No good reason can be given, and I do not believe any gentleman on this floor can justify himself before his constituents for voting for a law which will authorize an internal-revenue officer to pay the money of the Government to one citizen to inform against another citizen.

Mr. SETTLE. If my colleague will allow me to ask him a question right there, is it not from the operation of this very appropriation of $25,000 that the most trivial prosecutions find their way into court, and it is not the exception where, in a case coming in under this provision, a conviction can be secured?

Mr. HENDERSON of North Carolina. Very likely. I will say this document states what these gentlemen are doing, and how they are using the money, and they say that the money is used for certain purposes. One is to find out whether stamps have been reused or not. It seems that thousands of gallons of spirits in packages, either barrels or kegs, are seized here and there by the internal-revenue officers upon the alleged ground that the stamps have been reused; but the trouble about the system is that these seizures are usually made upon suspicion without any real authority of law, without any proof against the distiller, without any proof against the owner or proprietor of the whisky—I mean such proof as would be sufficient to convict in court. The packages are oftentimes seized hundreds of miles away from where the dealer lives or where the distiller lives.

The whisky is seized and confiscated to the Government. The owners of the spirits are not allowed any opportunity to reclaim their property, and as a general rule a keg is seized here and a barrel yonder, in different parts of the country, sometimes hundreds of miles from the homes of these people, and I say that anybody who reads this evidence can see that these seizures, almost without exception, are made and it would seem intentionally made against poor men who can not afford to go into the courts and litigate the matter. The innocent and guilty are punished alike. The Government is master of the situation in all such cases. In many cases however the Commissioner, when the matter is called to his attention, releases the property seized without cost to the Government.

Mr. CRAWFORD. I will ask the gentleman whether the Commissioner of Internal Revenue contemplates increasing the force under what is known as Form 10?

Mr. HENDERSON of North Carolina. I do not know.

Mr. CRAWFORD. If there is no increase of the force intended, it must be the intention to increase the pay of those already appointed.

Mr. HENDERSON of North Carolina. As I understand it, the object of the increase of the appropriation is for the detection of frauds by paying witnesses to testify against the citizens and to enforce the law generally; and the seizures that are made are for the most part of the property of men who are unable to go into the Federal courts. Mr. Colquitt virtually says so:

Mr. COLQUITT. None at all. Why, on these registered distilleries we make no report unless it is absolutely such a case as there is no possibility of their getting around. Wherever there is anything that they can fight a case upon even in those courts there, we rarely make a seizure and do not recommend it, and it is not done unless directed by the Commissioner. The reports all come in to him, and seizures are never made on these registered distilleries without the sanction of the Department.

But they will go on and seize whisky from a small distiller who is unable to reclaim it under the law. They seize, as it would seem, the barrels of whisky and kegs of whisky of no great value in cases where the owners of such barrels and kegs are unwilling or unable to contest the matter in the courts. In most instances the game would not be worth the candle. I wish to say, however, that the Federal courts in North Carolina administer the law justly and in the most impartial manner. The Government and the citizen are treated by the judges with the same impartiality and justice.

Now, Mr. Chairman, I believe that the distillers in North Carolina are just as honest as the distillers in any other State in this Union, and I believe that the dealers in spirituous liquors are just as honest in the State of North Carolina as elsewhere, and that they pay their taxes just as honestly as the dealers in spirituous liquors in any other State in this Union; the storekeepers and gaugers too, in my opinion, are just as honest in North Carolina as elsewhere; and I say it is an unfair thing that the Commissioner of Internal Revenue should come before the committee and single out the States of North Carolina and Virginia for condemnation, as if those were the only States where there were any violations of the law. Why, Mr. Chairman, on that committee we find the gentleman from Georgia [Mr. LIVINGSTON]. We find the chairman of the committee the gentleman from Texas [Mr. SAYERS]. Does any one suppose that either of these gentlemen would permit their States to be singled out, as mine has been, as States where large classes of the citizens of those States are deliberately guilty of violating the laws of the United States? I am sure they would protest as I have done.

Mr. SAYERS. Will my friend allow me to ask him one question, since he has referred to me?

Mr. HENDERSON of North Carolina. Yes, sir.

Mr. SAYERS. Can you tell me how it is that with the tax at 90 cents a gallon they can sell whisky at $1.15 a gallon?

Mr. HENDERSON of North Carolina. Well, I do not know; but you ought to know that it is sold at that price all over the United States.

Mr. SAYERS. I was not aware of the fact.

Mr. HENDERSON of North Carolina. I suppose not. I say the average price of whisky is just as high in North Carolina as it is in any other State where it is made, in large quantities, and for that matter it is just as good.

Mr. CARUTH. It was sold at 25 cents a gallon before there was any tax.

Mr. HENDERSON of North Carolina. It was sold at 25 cents a gallon before there was any tax upon it, and if the tax is 90 cents, and if without a tax they could sell it at 25 cents a gallon, they can certainly sell it at $1.15 a gallon now.

Mr. STOCKDALE. You can buy it anywhere for $1.15 a gallon.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. HENDERSON of North Carolina. Mr. Chairman, my time is exhausted and I have not completed what I wish to say. I would like an extension of time.

Mr. SAYERS. I shall have to object to any extension of time. I am perfectly willing that the gentleman shall extend his remarks in the RECORD. There is no objection to that.

Mr. HENDERSON of North Carolina. I ask leave, then, to extend my remarks in the RECORD.

The CHAIRMAN. Unanimous consent is asked that the gentleman from North Carolina [Mr. HENDERSON] extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. MCCLEARY] is recognized.

Mr. MCCLEARY. I yield five minutes to my colleague [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, notice was given last week by the gentleman from Montana [Mr. HARTMAN] that a separate vote would be demanded on the amendment which the gentleman from Indiana incorporated into the pending appropriation bill, when that bill is reported back to the House.

The discussion of that amendment at this time, as I understand it, is for the purpose of explaining to the committee the legal effect of that amendment upon the rights of citizens, if it should become a law, in order that members may vote more intelligently upon it than they otherwise would be able to do.

I am not personally interested, nor are my constituents interested in the proposition, except so far as it involves the question of unsettling titles generally throughout the United States; but there is a town in the State of Minnesota, situated in the second

Congressional district, which adjoins mine, where the property owners are vitally interested, and their rights would be very seriously affected by this amendment if it should pass.

I want to say to members of the committee that prior to the act of May 14, 1880, Congress never recognized the right of any citizen to contest the title conveyed by a final certificate. Prior to that time the Land Department had recognized the right of contest, but with reference to the reëntry of the land the successful contestant stood upon the same footing identically with all other citizens: he had to take his chances with the rest of the world in securing an entry if the original entry was canceled in consequence of his contest.

A great many contests were instituted prior to and were pending in 1880. These contestants had sufficient influence in Congress to secure the passage of an act which gave them the right to be notified by the register or receiver of the local land office if the original entry was canceled; and then, after receiving that notice, they were allowed thirty days in which to enter the land involved in their contest.

The act passed, I say, on May 14, 1880; and I may say that the motive for the act was this: Prior to that time the Land Department did not allow to the successful contestant any prior right of entry, and in order to obtain information of the cancellation of the contested entry it was necessary for them to employ someone in Washington to ascertain when the entry was finally canceled, in order that they might be the first to reach the local land office and make the first entry. That provision, therefore, of the act of 1880 was intended merely to give the contestant the prior opportunity to enter the land without expense. It had no other purpose and accomplished none other, and his rights under this act of 1880 did not accrue until the actual cancellation of the original. In construing the act, the Land Department never held this right to be a vested right until the cancellation of the original entry. When the original entry was canceled, then, and not until then, the right partook of the nature of a vested right.

I say that was the status of the law up to March 3, 1891, when the act was passed which it is now proposed to amend. When the act of 1891 was passed a number of contests were pending on land the title to which had passed to the settler by the final certificate of the Government before the contest was instituted. The effect of that act, it is true, deprived the contestants of this preference right of reëntry, but that was not the only effect. It confirmed in the grantee the title in all cases where entry had been made under the preëmption, homestead, or timber-culture laws, and final proof or payment had been received by the proper officers of the Government. There were several other conditions and requirements necessary to make this act of confirmation effective. So that persons who had acquired title from the Government of the United States in accordance with the provisions of section 7 of this act, and by virtue of the payment of their money in good faith, their final proof and the receipt of the final certificate from the Government had that title confirmed, became entitled to a patent, and acquired a vested right to the property which had thus been conveyed to them by the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCLEARY of Minnesota. I yield the gentleman two minutes more.

Mr. TAWNEY. This right, I repeat, Mr. Chairman, was confirmed by the act of March 3, 1891. The effect of this amendment would be to destroy these vested rights, thus created by an act of Congress, and for the sole and only purpose of restoring to a few contesting land sharks the preference right of reëntry which existed at the time the act of 1891 was passed. We have been told that this section 7 of the act of 1891 was not considered by Congress, but was recommended by a committee of conference; and that certain members of that committee did not understand that it would be construed as its language indicated it should be at the time they reported the bill for final passage. However that may be the Congress of the United States is responsible for having created and confirmed vested rights in every case to which section 7 will apply.

Now, the question for this Congress to determine is: Shall we destroy these vested rights, or authorize proceedings by which their destruction may be attempted, for the sole and only purpose of giving to these few contestants a preference right of entry in the event that their contests shall prove successful? I hope that this House will not entertain or vote in favor of a proposition of that kind. Gentlemen may say that if this is a vested right, it can not be destroyed. True. But this act will authorize an attempt, which will involve the possessors of that right in endless and expensive litigation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOEN. Who are the possessors?

Mr. TAWNEY. Those men who have the final certificates from the Government of the United States to their land, their grantees, or the men to whom they have conveyed the land to save borrowed money.

Mr. BOEN. That does not answer my question.

Mr. TAWNEY. If the gentleman wants a more specific answer I will say the seven hundred citizens of the town of Jasper, in the State of Minnesota, whose titles to their homes will immediately be involved in a contest.

Mr. BOEN. Is not Jim Hill the owner?

Mr. TAWNEY. I do not know anything about Jim Hill's interest. He does not constitute the people or all there is of the people of that State who own land acquired from the Government.

Mr. HOLMAN. I yield five minutes to the gentleman from North Dakota [Mr. JOHNSON].

Mr. JOHNSON of North Dakota. Mr. Chairman, it has been the traditional custom of this country when any change is made in our laws to have a proviso inserted saving the rights of litigants whose cases are then pending. The conference committee having in charge the bill now known as the act of March 3, 1891, changing the method of disposing of public lands, intended to and thought they had placed in that act a saving clause of that kind. It is strange that the gentleman from Montana undertakes to say that the gentleman from Indiana [Mr. HOLMAN] has been imposed upon in this matter. The gentleman from Indiana was upon the committee of conference. He has served here continuously ever since, and this act was thoroughly discussed and passed by this House last winter. The Committee on Public Lands has reported favorably to this House on this amendment for three consecutive winters.

Why does not the gentleman from Montana call on the gentleman from South Dakota [Mr. PICKLER], who was also a member of the committee of conference on the act of March 3, 1891, instead of those gentlemen who are serving their first winter here. The probability is that the men who were on that committee of conference, and who were thoroughly conversant with the discussions of that question in the first and second sessions of the Fifty-second Congress, understood this question quite as well as the gentleman from Montana. The gentleman from Montana did very well in disregarding everything except the single case of Campbell against Graham, because it has narrowed down to that. These other gentlemen may argue and may believe that other cases are involved; but the Commissioner of the General Land Office reported to us, when we discussed the subject last winter, that there were only twenty-five cases then pending.

Mr. HARTMAN. Will the gentleman permit an interruption?

Mr. JOHNSON of North Dakota. I have only five minutes, and I can not say what I desire to say in that time.

Mr. HARTMAN. Does the gentleman say that the Commissioner of the General Land Office reported that there were only twenty-five cases pending?

Mr. JOHNSON of North Dakota. Yes, sir; he reported that last year.

Mr. HARTMAN. Do you not know this to be the fact, that where any of this land has been platted into town lots and then disposed of to other parties, that there are a great many more than twenty-five cases?

Mr. JOHNSON of North Dakota. I will come to that. I will come to that question of the platting out of these lands. I will tell you what has been done. Jim Hill, the president of the Great Northern Railway Company, hired a lot of men to squat on the public lands up and down on both sides of the river at the Great Falls of the Missouri.

Mr. HARTMAN. Whom did he hire?

Mr. JOHNSON of North Dakota. Their names are all in the report. I do not care to have any further interruptions. The names are all given in the testimony taken before the committee. At Great Falls there is a water power equal to the Falls of the Niagara. It is worth millions and millions of dollars. They went there about 1884. For 10 miles up and down the river near the falls they took up the territory, and by these means title was acquired to the land in every case, except this one single quarter that is left, contested by Mr. Graham. These men all had to testify when they "proved up" that they had settled there for their own personal benefit and not as squatters for anybody else.

Can it be reasonably supposed that they simultaneously went there for their own benefit, and not for some other party, and that when they "proved up" they all conveyed their titles instantly and with one accord to this syndicate of Jim Hill's? The result has been that they have turned over their titles to Jim Hill or Paris Gibson, and Gibson in turn conveyed to Hill and Hill has capitalized this land at a capital of $6,000,000 under what is now known by the name of the Great Falls Town Site Company. That is all there is of the "innocent purchasers." It

may be that Jim Hill or the Great Falls Town Site Company or the Great Northern, or under whatever name it is now held, has conveyed a town lot here and there; but if so, they have given warranty deeds, and in that event the innocent purchaser can go back on a man who is worth $20,000,000 to defend the title. There is no danger——

Mr. TAWNEY. Do you mean to claim that there are any fraudulent entries?

Mr. JOHNSON of North Dakota. I can not in the five minutes I have yield to any more questions. I have stated the facts generally as to how the title to this land was acquired. To show to the House what the amendment is I will read it:

Provided further, That nothing in this section shall be construed to apply in its provisions to or affect any case where a contest was pending in the Land Department prior to the passage of the act of March 3, 1891, and any person who initiated contest prior thereto shall have the right, upon cancellation of the prior entry, if by virtue of his contest, to enter the tract involved under any of the land laws of the United States in force prior to the date of this act, if he was on March 3, 1891, legally qualified to make such entry, and as if said act had not been passed.

Mr. TAWNEY. That was to be put upon the law of 1890.

Mr. JOHNSON of North Dakota. We propose to put that in the law now. These men are like the rich man in II Samuel, where Nathan told the parable of the rich man with numerous flocks and herds and the poor man who had nothing save one little ewe lamb which he had bought and nourished up, and when a traveler came unto the rich man he spared to take his own flock but took the poor man's lamb and slaughtered it for the guest of the rich man. After acquiring title to all the other land around the falls under forms of law they ask Congress to help them rob this poor man of his one only quarter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAINER of Nebraska. I hope the gentleman will have time to conclude the parable.

Mr. JOHNSON of North Dakota. I refer you to the twelfth chapter of II Samuel.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. I wish to have the ear of the committee for a few moments on the amendment. There had been a contest pending for about twelve years between the House and the Senate, in every session, in regard to the repeal of the preemption law and other reforms in our public land system. The timber-culture law was prominently involved, and on Sunday afternoon of the 3d of March, 1891, a conference committee, three Senators and three Representatives, finally came to an agreement, and reported the next morning to the two Houses a bill to accomplish those purposes. This conference report was agreed to by the two Houses and the bill became a law. Of course there was no debate on the merits of the bill as agreed upon by the conference committee. Gentlemen understand how impossible it is to consider any measure on the day a Congress adjourns. So the action of the committee of conference was final. Neither House ever considered the effect of the seventh section of that act of March 3, 1891. The act was passed on the 4th of March, 1891, but all acts passed on the last day of a Congress of course bear date March 3. The effect of the seventh section was considered. That section provides, in substance; that where a certificate had issued and payment had been made, if under the preemption law and there was "no adverse claim pending," originating prior to the entry, the title should be confirmed, in the absence of fraud.

Now, I insist and always have insisted that the effect of that provision was to save existing rights, and so the Land Office under the administration of Governor Stone held. The Secretary of the Interior took a different view. He took the view that those rights of contest were stricken down by this seventh section of the act although it expressly protected the rights of contestants.

Mr. TAWNEY. What rights?

Mr. HOLMAN. The rights of the contestants.

Mr. TAWNEY. What rights did they have?

Mr. HOLMAN. I have but five minutes. The right they had was a vested right of contest, and the right to protect their claim to the land as against the party who claimed to have made an alleged entry. This provision has been read. What are gentlemen discussing? There are two parties to a contest, each claiming the land. One of the ablest committees of this House, the Committee on Public Lands, have twice reported this measure, this amendment now pending, unanimously, as I understand. The bill that they reported is the amendment which I ask the House to incorporate in this bill, and which was done by unanimous consent a few days ago.

Mr. TAWNEY. Is it not a fact also that the Secretary of the Interior and the Commissioner of the General Land Office have both reported against your proposition?

Mr. HOLMAN. Oh, certainly. It increases the labor of the offices. But there are two sides to that question. This matter has been pending from as early a time as it could be pending. The act creating this act of injustice was passed on March 3, 1891. As soon as the Fifty-second Congress assembled this question was raised and Judge Payson, one of the ablest of the Representatives who have served in this House in our time, the late Senator Plumb, Senator Walthall, and myself, five of the six members of the conference committee who prepared that act of March 3, 1891, at the close of the Fifty-first Congress, certified that our understanding was that this seventh section did not strike down existing rights or interfere with contests then pending. Congress had never before done that and the only object of this pending provision is to put all these parties back just where they stood at the time of the passage of that act. Governor Stone told us by letter in the last hours of the last Congress that there were then pending only twenty-five cases of contests affected by that seventh section; so that all this talk about ripping up the land system of the country is, of course, absolutely absurd. He says further upon this subject: "The pending amendment (it was exactly the same as the pending proposition—he drew the latter clause of it himself)—the pending amendment is explained by the report herewith made." And then he proceeds to say that it is exactly right, and that he entirely approves it; and let me remind you, gentlemen, that you have very seldom had an abler man in the Land Office than Governor Stone, an able, pure, and upright man.

Now, with this law upon the statute book, which has been construed directly against the understanding of the men who alone knew of the provision and who framed the law, because it was, of course, impossible for Congress on the 4th of March to examine the subject—with that law upon the statute book so construed by Government officials as to destroy the rights of parties then interested in contests who had no intention or purpose to do the dishonest act of striking down these vested rights—will you refuse the proper relief?

Mr. HARTMAN. Does the gentleman call a preference right of entry a vested right?

Mr. HOLMAN. The gentleman has already occupied the floor, I believe.

Mr. HARTMAN. I am simply asking a question now.

Mr. HOLMAN. I have but a moment's time. Gentlemen, this is a question simply of common honesty.

Mr. HARTMAN. That is what we say.

Mr. HOLMAN. The question is whether you intend to strike down rights which existed by virtue of law at the time the act of 1891 was passed, for no one denies the right of contesting land entries.

I have never known Congress to violate such a right; no instance can be found in our history, I think, where Congress has deliberately struck down a right which had been clearly established by law, directly affecting a citizen seeking a home on the public land. In our legislation we have always saved the rights existing at the time of the passage of an act. Gentlemen, if there is any mistake about this amendment the Senate or the conference committee will correct it. You are running the risk of doing a great wrong, because every year that this error in legislation is allowed to go on the remedy will become more difficult. The conferees of the two Houses will have an opportunity to consider the proposition in all its details without being embarrassed by outside influence. I ask you, therefore, to let the amendment go to the Senate, and if the Senate strikes it out, then let it go to a conference; but do not, I pray you, do what I think at least a palpable injustice by destroying rights which existed at the time of the passage of the act of the 3d of March, 1891. I do not know any of the parties interested, nor am I speaking with reference to any particular case. I speak only for the general principle of fairness and honesty in legislation involved in the pending amendment.

The amendment is clear and direct, as follows:

That there be added to section 7 of "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, the following proviso: "*Provided further*, That nothing in this section shall be construed to apply in its provisions to or affect any case where a contest was pending in the Land Department prior to the passage of the act of March 3, 1891, and any person who initiated contest prior thereto shall have the right, upon cancellation of the prior entry, if by virtue of his contest, to enter the tract involved under any of the land laws of the United States in force prior to the date of this act, if he was on March 3, 1891, legally qualified to make such entry, and as if said act had not been passed."

Who can say that this amendment does injustice to anyone; and who can deny that striking down a right to a homestead which existed on the 3d day of March, 1891, by an act of Congress and without a hearing was not an act of palpable injustice?

Mr. McCLEARY of Minnesota. Mr. Chairman, in the newer portions of the United States, especially west of the Mississippi, we have a large inflow of population. In consequence of this the General Land Office here is far behind with its work. It frequently happens, as a consequence of these two facts acting jointly, that after a man has completed his title to public lands, after he has

made his proof and has secured his final certificate from the land office, years will elapse before he can get his patent. In the meantime that land may have become suddenly valuable, by reason of a railroad passing through it and the location of a station, or from some other cause. This is the opportunity for a class of men who are the plague of our Western country, who operate as professional contestants.

They find that this land has suddenly become valuable. They look into the records and see that the patent has not yet issued. They then examine more carefully to see if they can discover any flaw which they can use as the basis of a contest. Then they file their contest, and use that as a means whereby to wring from honest men money by way of blackmail. So flagrant had this practice become that, on the 3d of March, 1891, an act was passed which was in the nature of a statute of repose, an act of confirmation, to settle these questions. The effect of the passage of this amendment would be to cast a cloud over the title of millions of dollars' worth of property, property made valuable by those now in possession, and to whose value the contestant has contributed nothing. He is frequently desirous of reaping where other men have sown. This amendment would disturb actual vested rights for the sake of prospective and contingent rights. As an illustration of what might be done under the old rule, I wish to give in some detail the facts in regard to the village of Jasper, in my own district, as they appear in the case of Ellefson *vs.* Phillips, involving the Jasper town site in Minnesota.

March 2, 1885, Phillips filed his declaratory statement.
September 12, 1885, final proof made and final certificate issued.
November 14, 1887, he sold to John M. Poorhaugh.

It is to be noted, Mr. Chairman, that Phillips held the land more than two years without any question being raised by the Government or any one respecting his title.

December, 1887, Poorhaugh sold one-half of the land to T. A. Black.
January, 1888, P. F. Poorhaugh purchased a one-fourth interest.
June, 1888, all of these purchasers sold for $7,000 to the Jasper Improvement Company.
This company subdivided the land. The town of Jasper was built upon a portion of it, and from time to time since lots have been sold and the purchasers have built their homes thereon. A great stone quarry is in operation on the land.
April 2, 1889, contest affidavit filed.
August 16, 1889, hearing ordered.
October 9, 1889, hearing had.
December 2, 1889, register and receiver decided that the contestant's charges were not proved and that the entry should stand.
Contestant appealed.
June 3, 1890, Commissioner General Land Office reversed the register and receiver.
Defendants appealed to Secretary of the Interior.
The appeal was pending when the act of March 3, 1891, was passed.
April 6, 1891, the transferees of Phillips filed in the Department an application for confirmation under section 7, act 1891.
February 26, 1892, the Secretary of the Interior held that a prima facie case of right to confirmation was made out and returned the case to the General Land Office for adjudication under the act.
October 15, 1892, Acting Commissioner Stone held that the entry stands confirmed under said act.
Appeal to Secretary filed by contestant, where the case still stands undetermined.

The evidence in this case shows that Ellefson, the contestant, was convicted of land fraunds and committed to the penitentiary for two years in 1884. His two witnesses to the contest affidavit on which hearing was had afterwards made affidavits wherein they swore that on the day they signed such corroborating affidavits Ellefson took them out and made them drunk, in which condition they were induced to sign the affidavits. They further swore that they did not, because of their drunken condition, read the affidavits before signing, and that since that time they had read the same and they contained statements which had not been read to them before signing and which were not true.

The effect of the Holman amendment is to imperil the titles of the numbers of persons who in good faith bought the land in this case and the town-lot owners in favor of the claim or prospective right of the single individual, Ellefson, who brought the contest and who is shown to have based his proceeding on fraudulent conduct towards his own witnesses, and to be a man of at least doubtful character.

It is further to be observed that the contest was not brought until after the land had become very valuable in the hands of the bona fide purchasers who had improved it, though he claimed to have known the fraudulent character of the Phillips entry from 1885 until contest brought in 1889.

Mr. Chairman, it is claimed by the gentleman from Indiana [Mr. HOLMAN] that the right to contest is a vested right. I desire to say in that connection that it has been uniformly held by the Land Office—and the reasonableness of it is so obvious that I need not emphasize it—that no preference right accrues to a contestant until after the actual cancellation of the existing entry, and that said cancellation must be in consequence of such contest.

I desire to direct the attention of the committee to two facts which I think ought to be borne in mind in this connection. First, there are two bills pending which will bring this question up on its merits—one on the Senate file and one on the House file. I am at a loss to understand, therefore, why this proposition should be brought in here by way of an amendment to this appropriation bill when bills are pending that will bring the question up on its merits.

Is it because gentlemen fear to have the merits of the question fully and fairly discussed? It looks that way. Now we desire simply that the pending amendment, which is irrelevant to this bill and ought not to have been injected into it, shall be voted down, because then full opportunity will still remain for the discussion of this whole question upon its merits.

For the sake of old Saxon fair play, in order that we may have a full discussion of this question, I beg gentlemen to vote against this amendment. I ask them to do so in the name of 700 innocent persons in the village of Jasper in my district, over whose homes the dark shadow of doubt will be cast if this amendment be adopted.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 445) supplementary to an act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, and also an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874;

A bill (S. 755) granting the right of way to the Albany and Astoria Railroad Company through the Grande Ronde Indian Reservation in the State of Oregon;

A bill (S. 1280) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia; and

A bill (S. 1749) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa.

SUNDRY CIVIL APPROPRIATION BILL.

The committee again resumed its session, Mr. MADDOX in the chair.

Mr. LOUD. I yield five minutes to my colleague, Mr. BOWERS of California.

Mr. BOWERS of California. Mr. Chairman, this bill as it is presented to this House is unfair and partial to the last degree. On page 62 it provides an appropriation of over five million dollars for the protection of the farmers of the Mississippi Valley. It reads "for improving the Mississippi River," but it is known that but little, if any, improvement to the navigation of that river other than the removal of snags and the construction of the Eads jetty at the mouth of the river has been made or is indeed possible. Nearly all these millions have been practically expended to protect the farms and plantations of the Mississippi Valley.

It was admitted by nearly all the speakers yesterday that this is what this money is expended for, and always has been. It is termed incidental "protection," but is as intentional as any other appropriation. Now, I do not object to protection for these landowners in the Mississippi Valley—in fact I am a protectionist anyway—but I contend that other farmers not in that valley are as justly entitled to aid from the United States Treasury; and at the proper time I shall move to recommit this bill to the committee, with instructions to report it with an amendment appropriating $10,000 to aid the 1,200 farmers in California in defending their farms, not from floods, but from the assaults of a great corporation.

They have a saying in my country that the longer a man lives the more he finds out, and I am learning some facts here. I observe that it seems always in order to appropriate millions for the defense of Mississippi Valley farmers, but never in order to appropriate a penny for the California farmer. That Congress will fight the very elements, all the forces of nature, and give the millions in the Treasury for the protection of farmers of the Mississippi Valley. But when a corporation attacks the United States patent of the California farmer for his land, then Congress throws up its hands and is helpless.

That it is always in order to increase the amount on an appropriation bill if it is for a rich city like Buffalo; if it is for a rich city like New York, then $90,000 slips into the bill just as easy. If this partial, unfair business is to continue, I want it made so plain people will understand it; so plain that the farmers of California will understand that they have no rights this Congress is bound to respect.

And now, Mr. Speaker, I shall proceed to correct a statement

made by a member of the Judiciary Committee respecting the amendment I offered.

Mr. LANE. That is the confession here. Let us see how this matter comes here. The Government many years ago patented these lands to the railroad company; afterward it patented the same lands to these private parties. Now, what does the patent in the latter case amount to? It is an absolute nullity. And when the Government makes a patent to a party it does not give a warranty that it will defend the title of the grantee in the patent.

The gentleman was entirely at fault. These lands were never patented but once, that was to these settlers, never in any manner conveyed to the railroad, nor were these lands within the original grant to the railroad company. And the only shadow of claim the railroad had or has is that by an act of Congress it was given the privilege to select within the limits of a 10-mile strip adjoining the grant sections in lieu of such sections as proved to be mineral lands on the original grant, but they had no more right to select in this strip than any other persons entitled to enter public lands.

In fact, the company did not make selection and get patents—that is not their way. They would have to pay taxes on land if they owned the land. After the settlers have received patents, have made valuable improvements, then the company claims the right of selection, a most preposterous and outrageous claim. That is the situation.

As to these suits, I have explained that the case has not been decided by the Los Angeles court, but the judge did overrule a demurrer entered by the defendants on the first trial, but allowed an amended demurrer to be entered in this case. And a hearing has been had and the judge reserves his decision thus far; so the case has not been decided—is not out of the Los Angeles court yet—but whichever way the case goes it will be appealed. These are the facts. It seems to me that this is a case where the farmers of California are entitled to as fair a measure of relief as the farmers of the Mississippi Valley.

Mr. LOUD (when Mr. BOWERS of California had spoken five minutes) yielded him two and a half minutes more.

Mr. MCCLEARY of Minnesota, (at the close of the speech of Mr. BOWERS of California). I yield the remaining three minutes of my time to the gentleman from Iowa [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I was somewhat surprised the other day, when this amendment was offered, that the only reference to authority was a letter of Governor Stone of the last Administration. I think it must be true that the gentleman from Indiana knew of the existence of the letters from the Interior Department; but, to make sure that those communications had direct reference to the proposition under consideration, I addressed a letter to the Secretary of the Interior, to which I have this moment received his reply. I ask that it be read from the Clerk's desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C.

SIR: I am in receipt of your communication of March 16, 1894, asking me "as promptly as possible" to give my views "of the effect of the Holman amendment on the sundry civil bill to be found on page 3604 of the CONGRESSIONAL RECORD," present session.

This amendment referred to I find to read as follows:

"That there be added to section 7, 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, the following proviso: '*Provided further*, That nothing in this section shall be construed to apply in its provisions to or affect any case where a contest was pending in the Land Department prior to the passage of the act of May 3, 1891, and any person who initiated contest prior thereto shall have the right, upon cancellation of the prior entry, if by virtue of his contest, to enter the land involved under any of the land laws of the United States in force prior to the date of this act, if he was on March 3, 1891, legally qualified to make such entry, and as if said act had not been passed.'"

The evident intention of the said amendment is to conserve or effectuate the preference right of contestants under the act of May 14, 1880 (21 Stat., 140), so far as the same is or may be adversely affected by anything contained in the seventh section of the act of March 3, 1891 (26 Stat., 1095), or by any judicial construction thereof.

As to such a purpose it is submitted whether a law can now be enacted which would or could defeat a confirmation of an entry and a right to patent previously accruing to the entryman by reason of section 7 of the act referred to (*supra*), as held by the Department in several cases. (See Gerlach *vs.* Kindler, 12 L. D., 571; Axford *vs.* Shanks, 13 L. D., 222; Nawrath *vs.* Lyons *et al.*, 16 L. D., 46; United States *vs.* Bullen, 16 L. D., 78.)

I am decidedly of the opinion that should the amendment referred to by you, and above quoted, or any similar measure become a law, the effect would be, if it could be made effectual at all, to defeat rights now already confirmed and established under the seventh section of said act of March 3, 1891. In that view I find the aforesaid amendment very objectionable, and would dissent to its enactment as law.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

Hon. GEORGE D. PERKINS,
House of Representatives, Washington, D. C.

[Here the hammer fell.]

Mr. LOUD. I yield the remainder of my time to the gentleman from Washington [Mr. WILSON].

Mr. WILSON of Washington. Mr. Chairman, I had hoped that the gentleman from Indiana would make such explanation of his amendment and the reasons therefor as would render it unnecessary for us to ask from the House a yea-and-nay vote upon the proposition. I am inclined to the opinion that had this amendment been adopted in 1891 it might have been of some benefit to the country; but coming at this late day it seems to me that it will have a tendency to prompt men to initiate contests and thus destroy in a measure vested rights to lands which have been sold to bona fide purchasers for a consideration and the title to which has long since passed to the original entryman by reason of the issue of the receiver's certificate, and in many cases the delivery of a patent.

The provision of law complained of is in the act of March 3, 1891, known as "An act to repeal the timber culture law, and for other purposes." It is there provided that—

All entries under the preemption, homestead, desert-land, or timber-culture laws, in which final proof and payment may have been made and certificate issued, and to which there are no adverse claims originating prior to final entry and which have been sold or incumbered prior to the 1st day of March, 1888, and after final entry, to bona fide purchasers or incumbrancers, for a valuable consideration, shall, unless upon an investigation by a Government agent, fraud on the part of the purchaser has been found, be confirmed and patented upon presentation of satisfactory proof to the Land Department of such sale or incumbrance.

Now, the object of this act was well stated by the gentleman from Minnesota [Mr. MCCLEARY]. There had been a large influx of population, and the Land Office at Washington was behind in its patents. Final proof had in many cases been made in the local land offices; and the receivers' certificates had been given to parties who, on account of their necessities, desired to mortgage their property or for any cause wished to sell. It was necessary to furnish some stability of title and to prevent the initiation of contests long after final proof had been made.

As has been stated by my friend from Minnesota, lands which were comparatively valueless had become suddenly valuable. I know of many instances in which men had lived five, six, seven, and in some cases ten years upon a quarter section of land, and when entered at the United States local land office worth absolutely nothing, but by the development of railroad enterprises, the building of towns and cities, such lands became suddenly valuable. Contests were initiated at the land office with the object in some way of blackmailing the owners of land which had been taken up for homes when it was practically valueless. It was to stop this sort of thing that we procured the passage of the act known as the repeal of the timber-culture law, providing that a patent should issue if there had been no valid adverse claim or no contest initiated after two years.

Now, the gentleman from Indiana comes in with this provision, almost three years after the enactment of that law, and proposes to place these men in the same situation with regard to the initiation of contests as they were when the law was enacted, thus destroying the rights confirmed by the act. Now, as the contestant has no rights obtained by initiating the contest, he comes to the land office and makes affidavit that the land has been abandoned or that improvements have not been made. A hearing is set down for a certain day, when the testimony of witnesses is taken. The register and receiver decide the case upon the testimony, and if appeal is taken the case goes to the General Land Office for approval or rejection. Notice is given to all parties in interest, and the one the decision is favorable to comes in and makes entry if he sees proper to do so; but if he does not see proper, the entry being canceled, the land is open to any person who sees proper to apply for it thirty days from date of cancellation by the local land office.

Mr. Chairman, the adoption of this amendment at this time seems to me bad legislation. It will do great damage to many settlers upon the public domain; and if we can not strike out the amendment upon a yea-and-nay vote in the House, it certainly ought to be struck out when the bill reaches the Senate.

There is another matter which, while I am on the floor, I wish to call attention to, although unconnected with this amendment, as I may not have an opportunity to refer to it again. If the chairman of the committee [Mr. SAYERS] will give me his attention I shall be under renewed obligations to him.

Mr. SAYERS. I am listening to the gentleman.

Mr. WILSON of Washington. The other day, through the courtesy and kindness of the chairman of the committee, an amendment was adopted relative to the selection of lands granted to the State of Washington for educational purposes. At that time I had not the opportunity of consulting with one or two gentlemen from States similarly situated to mine. Now, I have had my attention called to this matter by the gentleman from Idaho [Mr. SWEET], the gentleman from Montana [Mr. HARTMAN], and the gentleman from Wyoming [Mr. COFFEEN]. The effect of that amendment was to give the governor of my State a right to make application to the surveyor-general for the survey of any township, and after such application, such township should be reserved from settlement.

[Here the hammer fell.]

Mr. SAYERS. I will state to the gentleman from Washington that I have seen several of the gentlemen interested, and have stated to them that if they would have an amendment put on in the Senate applying the same provision to their States there would be no opposition to it by me.

Mr. WILSON of Washington. Is it satisfactory to them?

Mr. SAYERS. I suppose so.

Mr. WILSON of Washington. Very well. I was only anxious that they should have the benefit of the amendment adopted for facilitating the selection of lands granted the State of Washington. Had I supposed or known they desired to be included in the provision made for my State I would have been glad of an opportunity to have placed those States in the amendment.

The CHAIRMAN (Mr. LESTER). The debate allowed by unanimous consent is now closed.

Mr. SAYERS. I move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LESTER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes; and had directed him to report the same back with amendments, and with the recommendation that the bill be passed as amended.

Mr. SAYERS. I move the previous question upon the amendments and upon the bill to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. TAWNEY. I ask a separate vote on the amendment offered by the gentleman from Indiana [Mr. HOLMAN], relating to the public lands.

Mr. BOWERS of California. I call for a separate vote on the amendments increasing the appropriation for the post-office in New York city and the public building in Buffalo.

The SPEAKER. If no other separate vote is demanded, the vote will be taken on the other amendments in gross, if there be no objection.

There being no objection, the amendments on which a separate vote was not demanded were agreed to.

The SPEAKER. The Clerk will now read the first amendment on which a separate vote is demanded.

The Clerk read as follows:

After lines 14 and 15, on page 46, insert the following:

"That there be added to section 7 of 'An act to repeal the timber-culture laws, and for other purposes,' approved March 3, 1891, the following proviso:

"*Provided further*, That nothing in this section shall be construed to apply in its provisions to or affect any case where a contest was pending in the Land Department prior to the passage of the act of March 3, 1891, and any person who initiated contest prior thereto shall have the right, upon cancellation of the prior entry, if by virtue of his contest, to enter the tract involved under any of the land laws of the United States in force prior to the date of this act, if he was on March 3, 1891, legally qualified to make such entry, and as if said act had not been passed."

The question being taken on agreeing to the amendment, there were, on a division called for by Mr. MCCLEARY of Minnesota—ayes 77, noes 61.

Mr. MCCLEARY of Minnesota. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 123, not voting 134; as follows:

YEAS—95.

Bailey,	Davis,	Lester,	Robbins,
Baker, Kans.	De Armond,	Lisle,	Robertson, La.
Bell, Tex.	De Forest,	Livingston,	Sayers,
Berry,	Denson,	Maddox,	Shell,
Black, Ill.	Dockery,	Martin, Ind.	Simpson,
Blair,	Donovan,	McCreary, Ky.	Sperry,
Bland,	Enloe,	McCulloch,	Springer,
Boen,	Epes,	McDannold,	Stockdale,
Breckinridge, Ark.	Erdman,	McDearmon,	Strait,
Brookshire,	Gorman,	McEttrick,	Straus,
Bunn,	Gresham,	Meredith,	Talbert, S. C.
Bynum,	Griffin,	Money,	Talbott, Md.
Cannon, Cal.	Hare,	Montgomery,	Taylor, Ind.
Capehart,	Henderson, N. C.	Moses,	Turner, Ga.
Caruth,	Holman,	Neill,	Turner, Va.
Catchings,	Hooker, Miss.	Outhwaite,	Turpin,
Cobb, Ala.	Hudson,	Patterson,	Tyler,
Cobb, Mo.	Ikirt,	Paynter,	Washington,
Cockrell,	Johnson, N. Dak.	Pearson,	Wheeler, Ala.
Coffeen,	Johnson, Ohio	Pendleton, W. Va.	Williams, Ill.
Compton,	Kribbs,	Reilly,	Williams, Miss.
Conn,	Kyle,	Richards, Ohio	Wise,
Cox,	Latimer,	Richardson, Mich.	Wolverton.
Crawford,	Lawson,	Richardson, Tenn.	

NAYS—123.

Adams, Pa.	Baker, N. H.	Bartlett,	Boutelle,
Alexander,	Baldwin,	Barwig,	Bowers, Cal.
Avery,	Bankhead,	Belden,	Branch,
Babcock,	Barnes,	Bell, Colo.	Broderick,
Bryan,	Gillet, N. Y.	Mahon,	Sibley,
Bundy,	Gillett, Mass.	McAleer,	Stephenson,
Campbell,	Grady,	McCall,	Stevens,
Cannon, Ill.	Grow,	McCleary, Minn.	Stone, C. W.
Causey,	Hager,	McDowell,	Stone, W. A.
Chickering,	Hainer,	McKaig,	Strong,
Childs,	Haines,	McKeighan,	Sweet,
Clancy,	Hall, Minn.	Meiklejohn,	Tate,
Clark, Mo.	Hall, Mo.	Mercer,	Tawney,
Cogswell,	Harris,	Morgan,	Terry,
Cooper, Wis.	Hartman,	Morse,	Thomas,
Cousins,	Hatch,	Mutchler,	Tracey,
Covert,	Hayes,	Northway,	Updegraff,
Culberson,	Henderson, Iowa	O'Neil,	Van Voorhis, N. Y.
Curtis, Kans.	Hitt,	Pence,	Van Voorhis, Ohio
Curtis, N. Y.	Hooker, N. Y.	Pendleton, Tex.	Wadsworth,
Daniels,	Hopkins, Ill.	Perkins,	Walker,
Dingley,	Hopkins, Pa.	Phillips,	Warner,
Dolliver,	Hulick,	Pigott,	Waugh,
Doolittle,	Joy,	Post,	Wheeler, Ill.
Dunphy,	Kem,	Quigg,	Wilson, Ohio
Ellis, Oregon,	Kiefer,	Randall,	Wilson, Wash.
English,	Lane,	Reyburn,	Woodard,
Everett,	Lapham,	Ritchie,	Woomer,
Fletcher,	Linton,	Ryan,	Wright, Mass.
Fyan,	Lucas,	Schermerhorn,	Wright, Pa.
Gardner,	Lynch,	Scranton,	

NOT VOTING—134.

Abbott,	Cummings,	Hines,	Pickler,
Adams, Ky.	Dalzell,	Houk,	Powers,
Aitken,	Davey,	Hull,	Price,
Alderson,	Dinsmore,	Hunter,	Ray,
Aldrich,	Draper,	Hutcheson,	Rayner,
Allen,	Dunn,	Johnson, Ind.	Reed,
Apsley,	Durborow,	Jones,	Robinson, Pa.
Arnold,	Edmunds,	Kilgore,	Rusk,
Bartholdt,	Ellis, Ky.	Lacey,	Russell, Conn.
Beltzhoover,	Fielder,	Layton,	Russell, Ga.
Bingham,	Fithian,	Lefever,	Settle,
Black, Ga.	Forman,	Lockwood,	Shaw,
Boatner,	Funk,	Loud,	Sherman,
Bower, N. C.	Funston,	Loudenslager,	Sickles,
Brattan,	Gear,	Magner,	Sipe,
Breckinridge, Ky.	Geary,	Maguire,	Smith,
Bretz,	Geissenhainer,	Mallory,	Snodgrass,
Brickner,	Goldzier,	Marsh,	Somers,
Brosius,	Goodnight,	Marshall,	Stallings,
Brown,	Graham,	Marvin, N. Y.	Stone, Ky.
Burnes,	Grosvenor,	McGann,	Storer,
Burrows,	Grout,	McLaurin,	Swanson,
Cabaniss,	Hammond,	McMillin,	Tarsney,
Cadmus,	Harmer,	McNagny,	Taylor, Tenn.
Caldwell,	Harter,	McRae,	Tucker,
Caminetti,	Haugen,	Meyer,	Wanger,
Clarke, Ala.	Heard,	Milliken,	Weadock,
Cockran,	Heiner,	Moon,	Wells,
Coombs,	Henderson, Ill.	Murray,	Wever,
Cooper, Fla.	Hendrix,	Newlands,	White,
Cooper, Ind.	Hepburn,	Oates,	Whiting,
Cooper, Tex.	Hermann,	Page,	Wilson, W. Va.
Cornish,	Hicks,	Paschal,	
Crain,	Hilborn,	Payne,	

So the amendment was rejected.

Mr. HUNTER. I ask unanimous consent that I may be allowed to vote. I have just arrived in the Hall, and ask it as a personal privilege.

The SPEAKER. The Chair can not submit the request.

The Clerk announced the following pairs:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. CLARKE of Alabama with Mr. WHITE.

Mr. BRATTAN with Mr. BARTHOLDT.

Mr. JONES with Mr. GROSVENOR.

Mr. GOODNIGHT with Mr. SHERMAN.

Mr. SIPE with Mr. SMITH of Illinois.

Mr. SNODGRASS with Mr. HOUK.

Mr. WEADOCK with Mr. MOON.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. ABBOTT with Mr. TAYLOR of Tennessee.

Mr. WELLS with Mr. MARVIN of New York.

Mr. ARNOLD with Mr. HEPBURN.

Mr. DAVEY with Mr. PICKLER.

Mr. CADMUS with Mr. WEVER.

Mr. TARSNEY with Mr. GEAR.

Mr. POWERS with Mr. OATES.

Mr. DINSMORE with Mr. DRAPER.

Mr. TUCKER with Mr. CALDWELL.

Mr. BRETZ with Mr. HAUGEN.

Mr. MCMILLIN with Mr. BURROWS.

For this day:

Mr. CRAIN with Mr. HARMER.

Mr. EDMUNDS with Mr. PAYNE.

Mr. ALDERSON with Mr. FUNK.

Mr. GOLDZIER with Mr. HEINER of Pennsylvania.

Mr. BOWERS of California. I withdraw the demand which I made for a separate vote.

The SPEAKER. Then the two remaining amendments will be voted upon together.

The amendments were agreed to.

The SPEAKER. The question now is upon the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. BOWERS of California. I desire now to move that the bill be recommitted to the committee with instructions to amend it in accordance with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from California [Mr. BOWERS] moves to recommit the bill with the instructions which the Clerk will report.

Mr. SAYERS. I wish to reserve a point of order on that.

The Clerk read as follows:

Amend by inserting after line 21, on page 63 of the bill, the following:
"For aid to those citizens of Tulare, Fresno, and Kern counties, in the State of California, who have been summoned to appear in the United States court at Los Angeles, in the State of California, to show cause why the patents granted them by the United States should not be set aside and annulled, $10,000; the said amount, or so much thereof as may be necessary, to be expended under the direction of the Attorney-General of the United States, in payment of such counsel as may be employed by said persons in defending the suits now pending in said court."

Mr. SAYERS. I reserved the point of order which I now wish to raise against that amendment. It is that the House can not do indirectly what it can not do directly.

The SPEAKER. The Chair sustains the point of order. The House can not do indirectly, by means of a motion to recommit, what can not be done directly by amendment. The question is, Shall the bill pass?

The bill was passed.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. OUTHWAITE. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. PATTERSON. Mr. Speaker, I desire to call up the contested-election case of O'Neill *vs.* Joy. I am instructed by the Committee on Elections to call up that case.

Mr. WAUGH. And upon that I raise the question of consideration.

Mr. SWEET. If it is in order at this time, I desire to submit to the Chair a privileged resolution.

The SPEAKER. The question which has just been called up, the right of a member to his seat, is a question of the highest privilege. The gentleman from Tennessee [Mr. PATTERSON] calls up the contested-election case of O'Neill *vs.* Joy. The Clerk will report the resolution submitted by the Committee on Elections.

The Clerk read as follows:

Resolved, That Charles F. Joy was not elected a member of the House of Representatives to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to the seat.

Resolved, That John J. O'Neill was elected a Representative to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to the seat.

The SPEAKER. The gentleman from Indiana [Mr. WAUGH] raises the question of consideration against this report.

Mr. BURROWS. Will the Chair indulge me for a moment to suggest to the gentleman from Tennessee that the colleague of Mr. JOY [Mr. BARTHOLDT], the only other Republican Representative from the State of Missouri, came to me this morning and said he was very anxious to be heard upon this case, as he is entirely familiar with it; but that he had just received a telegram announcing the death of a member of his family, and was obliged to go away, and would not be able to return until the last of the week. I therefore ask my friend to postpone consideration of this matter for a few days.

Mr. PATTERSON. I will state that the gentleman referred to came to see me this morning and informed me of the fact, but said that he would not leave until this evening. I told him that the case would be called up immediately after the disposition of the sundry civil bill, and that he would have an opportunity to speak this afternoon.

Mr. BURROWS. He was obliged to leave at 3:15 in order to reach home, and I simply ask as a matter of courtesy to the colleague of Mr. JOY, who lives in St. Louis, who is entirely familiar with the case, and who has made great preparations to be heard on it, that the consideration of the case be postponed.

Mr. PATTERSON. I will say to my friend from Michigan [Mr. BURROWS] that I do not wish to inconvenience any member of the House. Could we arrange for some day to consider this case?

Mr. BURROWS. Oh, I am not authorized at all to speak in that regard. I am not on the committee. I have simply presented the request.

Mr. PATTERSON. Then if we can not make any arrangement to fix the time for consideration——

Mr. BURROWS. I simply ask it as a matter of courtesy to the colleague of Mr. JOY, that under the circumstances the matter be postponed. We can occupy the time in the consideration of appropriation bills.

Mr. PATTERSON. If we could fix a time by agreement for the consideration of the case——

Mr. BURROWS. It is a privileged question, and can be called up at any time; but this gentleman is called home under circumstances which I have stated, and I think it is a matter of courtesy that he should be accommodated.

Mr. PATTERSON. Under the circumstances I feel constrained to insist upon a disposition of the matter.

Mr. BURROWS. Then the question of consideration is raised, of course.

Mr. SPRINGER. Suppose we agree to discuss this case during the remainder of to-day and to-morrow, and permit the gentleman [Mr. BARTHOLDT] to speak one hour on Monday next, before the final vote is taken. Would not that be satisfactory?

Mr. PATTERSON. Would that be satisfactory to my friend from Michigan?

Mr. BURROWS. The gentleman may not be here on Monday.

Mr. SPRINGER. Well, Tuesday, then?

Mr. BURROWS. I suppose the gentleman would like to hear the discussion.

Mr. SPRINGER. It will be printed in the RECORD.

Mr. BURROWS. Probably the gentleman will not read the entire RECORD.

Mr. SPRINGER. The gentleman from Michigan stated that the gentleman to whom he referred was entirely familiar with the case. If he knows about the case, he will not need to hear the discussion of it in order to familiarize himself with it.

Mr. BURROWS. The only request I am authorized to make is the one I have made. I have no other request to make in regard to it.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] calls up the resolutions which have been read, and the gentleman from Indiana [Mr. WAUGH] raises the question of consideration against it.

Mr. OUTHWAITE. I understand this is undebatable——

Mr. REED. It is.

Mr. OUTHWAITE. But I would appeal to the gentleman from Tennessee——

Mr. REED. And more than that, the remarks of the gentleman from Ohio do not go into the RECORD, this not being debatable, you know.

Mr. OUTHWAITE. No, that is not the proposition. When remarks are ruled to be out of order they do not go into the RECORD; but when a remark is allowed by unanimous consent, it goes into the RECORD.

Mr. REED. I simply wanted to warn you.

Mr. OUTHWAITE. What I wish to do is to appeal to the gentleman having this matter in charge, to let us take up the Military Academy appropriation bill and dispose of it. We can dispose of it this afternoon, and let that work go over to the Senate, as some other work should. There are other appropriation bills that are pressing. It will only take this afternoon to dispose of this.

Mr. PATTERSON. I will state that I was instructed by the Committee on Elections to call up this case prior to the taking up of any appropriation bills, but after a conference with the chairman of the Committee on Appropriations [Mr. SAYERS], we agreed to defer action in this matter until the bills already disposed of were disposed of in the House; but now I feel constrained to proceed with the case. However, Mr. Speaker, I will be very glad if by general consent we can fix upon a day for the disposition of this case.

The SPEAKER. The gentleman has the right to call it up at any time. The question is, Will the House proceed——

Mr. WILSON of Washington. Mr. Speaker, I wish to ask why it is not possible that we should go on and finish the appropriation bills? [Laughter on the Democratic side.]

The SPEAKER. The question is, Will the House proceed to consider the resolutions reported by the Clerk?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WAUGH. Division.

The House divided; and there were—ayes 117; noes 68.

Mr. WAUGH. Tellers.

The question was taken on ordering tellers, and the Speaker announced that a sufficient number had arisen in support of the demand.

Mr. PATTERSON. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 4, not voting 198; as follows:

YEAS—150.

Alexander,	Cox,	Lane,	Richardson, Tenn.
Bailey,	Crain,	Latimer,	Ritchie.
Baker, Kans.	Crawford,	Lawson,	Robbins,
Baldwin,	Culberson,	Layton,	Robertson, La.
Bankhead,	Cummings,	Lester,	Rusk,
Barnes,	Davis,	Lisle,	Sayers,
Bartlett,	De Armond,	Livingston,	Schermerhorn,
Barwig,	De Forest,	Lynch,	Sibley,
Bell, Tex.	Denson,	Maddox,	Simpson,
Berry,	Donovan,	Martin, Ind.	Somers,
Black, Ga.	Dunphy,	McAleer,	Sperry,
Black, Ill.	English,	McCreary, Ky.	Springer,
Bland,	Enloe,	McCulloch,	Stallings,
Branch,	Epes,	McDannold,	Stevens,
Breckinridge, Ark.	Erdman,	McDearmon,	Stockdale,
Brickner,	Forman,	McEttrick,	Stone, Ky.
Brookshire,	Fyan,	McKaig,	Strait,
Bryan,	Gorman,	McKeighan,	Straus,
Bunn,	Grady,	Meyer,	Swanson,
Bynum,	Gresham,	Money,	Talbert, S. C.
Cabaniss,	Haines,	Montgomery,	Talbott, Md.
Caminetti,	Hall, Minn.	Morgan,	Tate,
Campbell,	Hall, Mo.	Moses,	Taylor, Ind.
Cannon, Cal.	Hammond,	Mutchler,	Terry,
Capehart,	Hare,	Neill,	Tracey,
Caruth,	Hatch,	O'Neil,	Turner, Ga.
Catchings,	Hayes,	Outhwaite,	Turner, Va.
Clancy,	Heard,	Paschal,	Turpin,
Clark, Mo.	Henderson, N. C.	Patterson,	Tyler,
Clarke, Ala.	Holman,	Paynter,	Warner,
Cobb, Ala.	Hooker, Miss.	Pearson,	Wheeler, Ala.
Cobb, Mo.	Hunter,	Pendleton, Tex.	Williams, Ill.
Cockrell,	Hutcheson,	Pendleton, W. Va.	Williams, Miss.
Coffeen,	Ikirt,	Pigott,	Wise,
Compton,	Johnson, Ohio	Rayner,	Wolverton,
Conn,	Kilgore,	Reilly,	Woodard.
Cooper, Fla.	Kribbs,	Richards, Ohio	
Cooper, Tex.	Kyle,	Richardson, Mich.	

NAYS—4.

Bell, Colo.	Harris,	Kem,	Milliken.

NOT VOTING—198.

Abbott,	Dingley,	Hudson,	Randall,
Adams, Ky.	Dinsmore,	Hulick,	Ray,
Adams, Pa.	Dockery,	Hull.	Reed,
Aitken,	Dolliver,	Johnson, Ind.	Reyburn,
Alderson,	Doolittle,	Johnson, N. Dak.	Robinson, Pa.
Aldrich,	Draper,	Jones,	Russell, Conn.
Allen,	Dunn,	Joy,	Russell, Ga.
Apsley,	Durborow,	Kiefer,	Ryan,
Arnold,	Edmunds,	Lacey,	Scranton,
Avery,	Ellis, Ky.	Lapham,	Settle,
Babcock,	Ellis, Oregon	Lefever,	Shaw,
Baker, N. H.	Everett,	Linton,	Shell,
Bartholdt,	Fielder,	Lockwood,	Sherman,
Belden,	Fithian,	Loud,	Sickles,
Beltzhoover,	Fletcher,	Loudenslager,	Sipe,
Bingham,	Funk,	Lucas,	Smith,
Blair,	Funston,	Magner,	Snodgrass,
Boatner,	Gardner,	Maguire,	Stephenson,
Boen,	Gear,	Mahon,	Stone, C. W.
Boutelle,	Geary,	Mallory,	Stone, W. A.
Bower, N. C.	Geissenhainer,	Marsh,	Storer,
Bowers, Cal.	Gillet, N. Y.	Marshall,	Strong,
Brattan,	Gillett, Mass.	Marvin, N. Y.	Sweet,
Breckinridge, Ky.	Goldzier,	McCall,	Tarsney,
Bretz,	Goodnight,	McCleary, Minn.	Tawney,
Broderick,	Graham,	McDowell,	Taylor, Tenn.
Brosius,	Griffin,	McGann,	Thomas,
Brown,	Grosvenor,	McLaurin,	Tucker,
Bundy,	Grout,	McMillin,	Updegraff,
Burnes,	Grow,	McNagny,	Van Voorhis, N. Y.
Burrows,	Hager,	McRae,	Van Voorhis, Ohio
Cadmus,	Hainer,	Meiklejohn,	Wadsworth,
Caldwell,	Harmer,	Mercer,	Walker,
Cannon, Ill.	Harter,	Meredith,	Wanger,
Causey,	Hartman,	Moon,	Washington,
Chickering,	Haugen,	Morse,	Waugh,
Childs,	Heiner,	Murray,	Weadock,
Cockran,	Henderson, Ill.	Newlands,	Wells,
Cogswell,	Henderson, Iowa	Northway,	Wever,
Coombs,	Hendrix,	Oates,	Wheeler, Ill.
Cooper, Ind.	Hepburn,	Page,	White,
Cooper, Wis.	Hermann,	Payne,	Whiting,
Cornish,	Hicks,	Pence,	Wilson, Ohio
Cousins,	Hilborn,	Perkins,	Wilson, Wash.
Covert,	Hines,	Phillips,	Wilson, W. Va.
Curtis, Kans.	Hitt,	Pickler,	Woomer,
Curtis, N. Y.	Hooker, N. Y.	Post,	Wright, Mass.
Dalzell,	Hopkins, Ill.	Powers,	Wright, Pa.
Daniels,	Hopkins, Pa.	Price,	
Davey,	Houk,	Quigg,	

The following additional pairs were announced:

Mr. MAGNER with Mr. RANDALL, for this day.

For rest of the day:

Mr. CAUSEY with Mr. REYBURN.

Mr. DOCKERY with Mr. DINGLEY.

Mr. FITHIAN with Mr. WHITE.

On this question:

Mr. RYAN with Mr. APSLEY.

Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.

Mr. MALLORY with Mr. BINGHAM, on the contested-election case of O'Neill vs. Joy.

Mr. BABCOCK. Mr. Speaker, I ask that my colleague, Mr. HAUGEN, be excused, on account of sickness.

There was no objection, and it was so ordered.

Mr. JONES. Mr. Speaker, when the pairs were announced I did not hear my name. I am paired with the gentleman from Ohio, Mr. GROSVENOR.

The SPEAKER. The pair was announced on the first vote. On this question the yeas are 150, the nays 4.

Mr. WAUGH. No quorum has voted.

Mr. PATTERSON. I move a call of the House.

A call of the House was ordered.

The roll was called, when the following-named members failed to respond:

Abbott,	Crawford,	Hepburn,	Rusk,
Adams, Ky.	Dalzell,	Hicks,	Russell, Conn.
Aitken,	Davey,	Hines,	Russell, Ga.
Alderson,	Dingley,	Houk,	Schermerhorn,
Aldrich,	Dockery,	Johnson, Ind.	Shaw,
Allen,	Dolliver,	Lane,	Sherman,
Apsley,	Donovan,	Lefever,	Sickles,
Arnold,	Draper,	Lockwood,	Sipe,
Bartholdt,	Dunn,	Magner,	Smith,
Belden,	Edmunds,	Maguire,	Snodgrass,
Beltzhoover,	Ellis, Ky.	Mallory,	Stone, C. W.
Bingham,	Fielder,	Marvin, N. Y.	Storer,
Boatner,	Fithian,	McGann,	Tarsney,
Boutelle,	Funk,	McMillin,	Taylor, Tenn.
Bower, N. C.	Funston,	McNagny,	Wadsworth,
Brattan,	Geary,	McRae,	Wanger,
Breckinridge, Ky.	Geissenhainer,	Mercer,	Washington,
Bretz,	Goldzier,	Moon,	Waugh,
Brosius,	Goodnight,	Murray,	Weadock,
Burnes,	Graham,	Newlands,	Wells,
Cadmus,	Griffin,	Oates,	Wever,
Caldwell,	Grosvenor,	Page,	White,
Cockran,	Grout,	Payne,	Whiting,
Compton,	Harter,	Perkins,	Wilson, W. Va.
Coombs,	Haugen,	Powers,	Wise,
Cooper, Ind.	Heiner,	Price,	Wright, Mass.
Cornish,	Henderson, Ill.	Ray,	
Covert,	Hendrix,	Reyburn,	

The SPEAKER *pro tempore* (Mr. PENDLETON of West Virginia). The doors will now be closed, the Clerk will call the roll a second time, and on this call excuses may be offered.

Mr. RICHARDSON of Michigan (when the name of Mr. WHITING was called). I ask that my colleague [Mr. WHITING] be excused, on account of sickness.

There was no objection, and it was so ordered.

Mr. ENGLISH. Mr. Speaker, I desire to ask that my colleague, Mr. GEISSENHAINER, be excused.

There was no objection, and it was so ordered.

The SPEAKER. Two hundred and forty-two gentlemen have answered to their names.

Mr. PATTERSON. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That all leaves of absence, except for sickness of the member or in his family, be revoked, and that the Sergeant-at-Arms be directed to telegraph all members absent without such leave and request them to return to Washington at once and attend the sessions of the House in order that the public business may be transacted.

Mr. PATTERSON. On that I demand the previous question.

Mr. REED. I raise the point of order upon that. A quorum has been disclosed; and it seems to me that we can not interrupt the proceedings of the House in that way.

The SPEAKER. The House is in a call. A call has been ordered, and no other business is in order until proceedings under the call shall have been dispensed with.

Mr. REED. This is not an order to the Sergeant-at-Arms directing him to bring absent members here. It is not an order to compel their attendance, but it is an order to telegraph them.

The SPEAKER. The rule, as the Chair understands it, has been that while a call of the House is pending any resolution looking to securing the attendance of absent members is in order.

Mr. SPRINGER. Any resolution relating to the call is in order.

The SPEAKER. Any resolution to secure the attendance of absent members is in order. The question is on ordering the previous question.

The previous question was ordered, and under the operation thereof the resolution was agreed to.

On motion of Mr. PATTERSON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. PATTERSON. I move to dispense with all further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question is, Will the House proceed to consider the resolution called up by the gentleman from Tennessee? Upon that question the yeas and nays have been ordered.

Mr. PATTERSON. Pending that, Mr. Speaker, I move that

when the House adjourn to-day it adjourns to meet on Thursday next.

The question being taken on the motion of Mr. PATTERSON, the Speaker declared that the ayes seems to have it.

Mr. OUTHWAITE. I ask for a division.

The House divided; and there were—yeas 148, noes 33.

Mr. OUTHWAITE. I ask for the yeas and nays.

The yeas and nays were refused, only 24 members voting therefor.

The motion of Mr. PATTERSON was then agreed to.

Mr. PATTERSON. Now, Mr. Speaker, I move that the House adjourn.

The motion was agreed to; and the House accordingly (at 3 o'clock and 56 minutes p. m.) adjourned until Thursday, March 22, at 12 o'clock m.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MORGAN, from the Committee on Military Affairs: A bill (H. R. 3147) granting an honorable discharge to Wilson Kale. (Report No. 605.)

By Mr. STONE of Kentucky, from the Committee on War Claims:

A bill (H. R. 531) for the relief of the legal representatives of Thomas L. Alexander. (Report No. 611.)

A bill (H. R. 550) for the relief of Capt. I. B. Webster, of Louisville, Ky. (Report No. 612.)

A bill (H. R. 536) for the relief of G. Dwight Hamilton. (Report No. 613.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6328) granting a pension to L. D. Morse and the bill (H. R. 6357) to increase pension of Mary C. Tozier, and the same were referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. CANNON of California: A bill (H. R. 6374) to enable poor suitors to appeal certain cases without transcribing and printing the entire record—to the Committee on the Judiciary.

By Mr. BAKER of New Hampshire (by request): A bill (H. R. 6375) to amend an act entitled "An act regulating the construction of buildings along alleyways in the District of Columbia," approved July 22, 1892—to the Committee on the District of Columbia.

By Mr. WISE: A bill (H. R. 6376) relative to securing fair and impartial trials of causes either at law or in equity, and of indictments or criminal proceedings in the supreme court of the District of Columbia—to the Committee on the Judiciary.

By Mr. MERCER: A bill (H. R. 6377) appropriating $1,200 for paving First Corso, in paving district No. 2, on the north end of the United States post-office building at Nebraska City, Otoe County, State of Nebraska—to the Committee on Public Buildings and Grounds.

By Mr. BRODERICK: A bill (H. R. 6378) granting and confirming to the patentees, their heirs and assigns, portions of sections 3, 4, 5, and 6, in township 2 south, of range 20 east, of sixth principal meridian—to the Committee on the Public Lands.

By Mr. FLYNN: A bill (H. R. 6379) authorizing settlers on the Cherokee Outlet to commute their homestead entries, and for other purposes—to the Committee on the Public Lands.

By Mr. ERDMAN: A bill (H. R. 6380) authorizing the Secretary of War to procure medals for the Pennsylvania soldiers who were the first to arrive on April 18, 1861, for the defense of the city of Washington—to the Committee on Military Affairs.

By Mr. UPDEGRAFF: A resolution to pay employés in the House Document Room difference in pay they are now receiving and $1,200 per annum—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 6381) to relieve Robert Roby from charge of desertion—to the Committee on Military Affairs.

By Mr. ENLOE: A bill (H. R. 6382) for the relief of Robert B. Turner, Margaret Hurst, and David N. Huddleston—to the Committee on War Claims.

By Mr. HALL of Minnesota: A bill (H. R. 6383) for the relief of Jesse V. Branham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6384) for the relief of Walter S. McLeod—to the Committee on Claims.

By Mr. LESTER: A bill (H. R. 6385) granting a pension to Sallie V. F. Brown, Mary J. Brown, Florence D. Brown, and Hutoka H. Brown—to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 6386) for the relief of Abraham Armstrong, late United States Navy—to the Committee on Naval Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 6387) granting a pension to Eugene Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6388) for the relief of Jacob H. Russell—to the Committee on War Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 6389) for the relief of James T. Dowdy, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 6390) for the relief of the estate of Julis B. Litten, deceased, late of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 6391) for the relief of the estate of Presly W. Hardin, deceased, late of Lauderdale County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of stonecutters and iron molders of Detroit, Mich., in favor of Government ownership of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER of New Hampshire: Memorial of Robert Roby, of Nashua, N. H., asking that the charge of desertion standing against him on the records of the War Department be removed and that he be granted an honorable discharge—to the Committee on Military Affairs.

By Mr. BANKHEAD: Petition of citizens of Alabama, in favor of passage of House bill 3188 for the punishment of train wreckers—to the Committee on the Judiciary.

By Mr. BOUTELLE: Memorial of students of the Theological Seminary of Bangor, Me., in favor of legislation to suppress lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERS of California: Petition of citizens of Lemour, Cal., for passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BRODERICK: Petition of J. F. Hooper and 40 others of Kansas, of Rev. A. B. Irwin and others of Highland, and of S. Thompson and 20 others of Kansas, in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Encampment No. 24, Union Veteran Legion, Salina, Kans., in favor of per diem pensions—to the Committee on Invalid Pensions.

By Mr. CLANCY: Reasons given why the masters of tugs at the New York navy-yard should be given a permanent rating, accompanied with an increase of salary and retirement on regulation retirement pay—to the Committee on Naval Affairs.

By Mr. CORNISH: Petition of State Senator William H. Martin and others, of Frenchtown, N. J., that Jacob Case, Company D, Thirtieth New Jersey Infantry, be allowed an increase of pension—to the Committee on Invalid Pensions.

By Mr. COUSINS: Petition of members of Washington Camp, No. 116, Modern Woodmen of America, of Mount Vernon, Iowa, and of members of Toledo Lodge, No. 23, Ancient Order of United Workmen, of Toledo, Iowa, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ERDMAN (by request): Petition for the rejection of God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. GILLET of New York: Petition of W. H. Atkinson and other members of Tent No. 24, Knights of the Maccabees, of Seneca Falls, N. Y., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GORMAN: Petition of Detroit Lodge of Machinists, No. 82, the Bakers' Union, the Coopers' Union, No. 54, the Beer Drivers and Stablemen's Union, and the Electrical Works Union, all of Detroit, Mich., asking for the passage of a bill for Government ownership and control of the telegraph systems of the country—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON of Iowa: Resolution of Subordinate Lodge No. 131, Brotherhood of Boiler Makers and Iron Ship Builders, Waterloo, Iowa, opposing House bill 2635, known as the free-ship bill—to the Committee on Naval Affairs.

Also, paper from the clerks of the Dubuque (Iowa) post-office, favoring the passage of House bill 56—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles J. Hawkins and 153 others of Montour, Iowa, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fidelity Lodge, No. 12, I. L. of H., Independence, Iowa: W. R. Knight and 31 others of Waverly, Iowa, and of George T. Watson and 5 others of Delhi, Iowa, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HILBORN: Petition of members of Court Sive, No. 1067, Independent Order of Foresters, Colusa, Cal., asking the passage of the Manderson-Hainer bill—to the Committee on the Post Office and Post-Roads.

By Mr. HOOKER of New York: Resolutions of the Ancient Order of United Workmen of the State of New York, in support of the Manderson-Hainer bill, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. HUDSON: Petit on of citizens of Girard and Parsons, Kans., asking for the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, letter in regard to irregularities in the opening of the Cherokee Strip—to the Committee on the Public Lands.

By Mr. JOY: Petition of George M. Gilbert and 96 others, in the interest of fraternal and society journals—to the Committee on the Post-Office and Post-Roads.

By Mr. KEM: Twelve petitions of 498 citizens of the Sixth Congressional district of the State of Nebraska, asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LINTON: Petition of William Rowe and 43 other citizens of Alabama, in favor of the passage of the Manderson-Hainer bill, for the relief of fraternal and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREARY of Kentucky: Petition of Susannah Smith, asking Congress to pass a special act for her benefit and direct the Commissioner of Pensions to correct her record, and pay her $686, the monthly pay due on her 7 minor children from June 24, 1862, to July 25, 1866—to the Committee on Invalid Pensions.

Also, petition of citizens of the Eighth district of Kentucky, favoring bill for punishment of train wreckers—to the Committee on Interstate and Foreign Commerce.

By Mr. McETTRICK: Two petitions of William R. Taylor, William A. Swain, and others, together with resolutions of Columbia Council, No. 55, Home Circle, in favor of admitting to the mails fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Petition of Walden Otis and others, that oleomargarine and imitations of butter be subject to the laws and police regulations of any State into which they may be taken for sale—to the Committee on Agriculture.

By Mr. PICKLER: Petition of President W. H. H. Beadle and 114 teachers and students of the South Dakota State Normal School at Madison, S. Dak., in favor of proper legislation against the Louisiana lottery—to the Committee on the Post-Office and Post-Roads.

By Mr. PIGOTT: Petition of Amos Ques and others, of Meriden, Conn., in aid of legislation to suppress lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. POST: Petition of John A. Westfall and 75 others, citizens of Knoxville, Ill., and of J. J. Faber and 32 others, citizens of Peoria, Ill., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of citizens of New Berlin and of Union Grange, Chenango County, for a law against imitation butter—to the Committee on Agriculture.

Also, petition of Cigar Makers' Union, Ithaca, N. Y., against increase of tax on cigars—to the Committee on Ways and Means.

By Mr. RAYNER (by request): Petition in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SWEET: Papers to accompany House bill 5035, for the relief of Mrs. A. W. Kroutniger—to the Committee on Pensions.

By Mr. TERRY: Petition and resolution of Select Capitol Lodge, No. 26, Ancient Order of United Workmen, and Little Rock Legion, No. 6, of Little Rock, Ark., in favor of the Manderson-Hainer bill, S. 1353, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. WEADOCK: Petition of David Doonan and others, for the passage of the bill relating to postage on fraternal journals—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER of Alabama: Papers to accompany claim of Asa F. Allen, of Limestone County, Ala.—to the Committee on War Claims.

SENATE.

WEDNESDAY, *March 21, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Vice-President being absent, the President *pro tempore* took the chair.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2640) for the relief of Brig. Gen. John R. Brooke, United States Army; and

A bill (H. R. 5529) to repeal section 311 of the Revised Statutes of the United States, relating to accounts of the Treasury of the United States.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of an agreement concluded December 14, 1893, by and between Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States, and the principal men and other adult males of the Yuma Indians in the State of California, and also the draft of a bill prepared by the Commissioner of Indian Affairs for the purpose of ratifying the agreement; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of an agreement entered into on January 8, 1894, by and between John Lane, special United States Indian agent, and Lewis T. Erwin, United States Indian agent, commissioners on the part of the United States, and the several bands and tribes constituting the Yakima Nation of Indians in the State of Washington, and also the draft of a bill prepared by the Commissioner of Indian Affairs to ratify the agreement; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MITCHELL of Oregon. I present an appeal of the National Wool Growers' Association to the Senate of the United States not to put wool on the free list. I move that the appeal be referred to the Committee on Finance, and that it be printed as a miscellaneous document.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Cleveland (Ohio) Auxiliary Dairy Union, praying for the passage of the so-called Hill oleomargarine bill; which was referred to the Committee on Interstate Commerce.

Mr. DAVIS presented the memorial of N. B. Thayer and sundry other citizens of Duluth, Minn., remonstrating against the enactment of legislation withdrawing certain lands for mineral purposes in Minnesota along Rainy Lake River, in that State; which was referred to the Committee on Public Lands.

Mr. McMILLAN presented a petition of the Central Labor Union of Saginaw, Mich., praying for the enactment of legislation to prevent aliens from performing work within the United States; which was referred to the Committee on Immigration.

He also presented a memorial of Local Union No. 128, Cigar Makers' International Union of America, of Cheboygan, Mich., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented the memorial of Peter White and 43 other citizens of Marquette, Mich., and the memorial of J. M. Wilkinson and 15 other citizens of Marquette, Mich., remonstrating against the passage of the Wilson tariff bill; which were ordered to lie on the table.

He also presented a petition of the Detroit (Mich.) Council of Trades and Labor Unions, praying for the passage of the so-called Allen bill, making it unlawful for any court of the United States to issue a writ of injunction, mandate, or restraining order against any labor organization, its officers, or members, in any way affecting their freedom to peacefully or quietly quit the service of any person or corporation; which was referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 38, National Union of the United Brewery Workers of the United States; of Local Union No. 20, Journeymen Bakers' National Union of the United States; of Iron Molders' Union No. 31; of Local Union No. 421, United Brotherhood of Carpenters and Joiners of America; of Stone Cutters' Association; of Machinery Molders' Union

No. 244; of the German Typographical Union, No 21; of Coopers' Union No. 54; of Lodge No. 82, Machinists Union, and of Local Union No. 17, Electrical Workers' Union, all of Detroit, Mich., praying for the Governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PASCO presented a petition of the trustees of the St. Johns River Improvement Company, of Florida, praying that an appropriation of $100,000 be made for continuing and perfecting the work upon the improvement of the St. Johns River, Florida, until the maximum of depth has been obtained; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Tampa, Fla., praying for the retention of the present duty on wrapper tobacco and cigars; which was ordered to lie on the table.

Mr. BATE presented petitions of Wils. Williams, secretary, and other members of the faculty of Vanderbilt University, Nashville; of Magnolia Council, No. 295, Royal Arcanum, of Nashville, and of W. P. Phillips and sundry other citizens of Nashville, in the State of Tennessee, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY presented the petition of L. W. Terry and 26 other citizens of Rush, Pa., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Council No. 77, Royal Templars of Temperance, of Tionesta, Pa., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HILL presented sundry memorials of citizens of Schuylersville, Utica, Candor, Syracuse, Sardinia, Brandon, Saranac, Bainbridge, Newburg, Tompkinsville, Clarence Center, Albany, Willsboro, Fairport, Fredonia, Buffalo, Taberg, Parish, Lyons, Watkins, Wellsburg, Elmira, Fulton, Dobbs Ferry, Brooklyn, and New York City, all in the State of New York, remonstrating against an increase of the tax on distilled spirits; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Syracuse, Irvington-on-Hudson, and New York City, all in the State of New York, praying for the enactment of legislation to suppress the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented petitions of John Armstrong, W. F. Tiffany, P. S. Kinney, W. W. Karl, Moses Bull, R. C. Tice, and sundry other citizens of the State of New York, praying for the passage of the so-called Hill oleomargarine bill; which were referred to the Committee on Interstate Commerce.

He also presented petitions of C. Barton, W. B. Butler, John Cunningham, Moses Grant, Walter Howell, W. H. Brampton, and sundry other citizens of the State of New York; of Southern Tier Council, No. 585, Royal Arcanum, of Elmira; of D. E. Rice and sundry other citizens of Elmira; of P. V. Kavanaugh and sundry other citizens of Niagara Falls; of Martin Walter and sundry other citizens of Tremont; of A. B. Estey and sundry other citizens of Seneca Falls, and of James H. Savard and sundry other citizens of Rochester, all in the State of New York, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry memorials of citizens of Grafton, N. Dak.; Minneapolis and Duluth, Minn.; New York City, N. Y., and Salem, Iowa, remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States recognizing the Deity; which were referred to the Committee on the Judiciary.

Mr. HOAR presented a memorial of the Cigar Manufacturers' Association of Boston, Mass., and a memorial of Cigar Makers' Union No. 28, of Westfield, Mass., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. FRYE presented a petition of the Board of Trade of Ipswich, Mass., praying for the early completion of the breakwater and harbor of refuge at Cape Ann, Massachusetts; which was referred to the Committee on Commerce.

He also presented a petition of 52 farmers of Litchfield, Me., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of sundry citizens of Naugatuck, Conn., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

He also presented sundry petitions of citizens of New Haven and Meriden, in the State of Connecticut, praying for the enactment of legislation to suppress the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented a petition of Silver City Lodge, No. 3, Ancient Order of United Workmen, of Meriden, Conn., and a petition of Pilgrims Harbor Council, No. 543, Royal Arcanum, of Meriden, Conn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Winsted, Conn., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

Mr. LODGE presented the memorial of Samuel Isaacs and 104 other employés of Allen C. Fisher, cigar manufacturer, of Boston, Mass., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented a memorial of Whitney, Pousland & Co. and 11 other importers, brokers, and dealers in sugar, remonstrating against the proposed sugar schedule in the Wilson tariff bill; which was ordered to lie on the table.

He also presented the petition of Thomas Keogh and 165 other members of Columbia Colony, No. 5, U. O. P. F., of Lawrence, Mass., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS (Mr. PASCO in the chair) presented sundry petitions of citizens of Chattanooga, Tenn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORT OF A COMMITTEE.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 1066) to authorize the Third Auditor of the Treasury to audit certain quartermaster's vouchers belonging to John Finn, of St. Louis, Mo., reported it with an amendment, and submitted a report thereon.

STATISTICAL ABSTRACT FOR 1893.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives proposing to print 12,000 copies of the Statistical Abstract of the United States for the year 1893, to report it without amendment, and submit a report thereon. I ask for the present consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 12,000 copies of the Statistical Abstract of the United States for the year 1893, prepared by the Bureau of Statistics, Treasury Department, 3,000 copies for the use of the members of the Senate, 6,000 copies for the use of the members of the House of Representatives, and 3,000 copies for the use of the Bureau of Statistics, Treasury Department.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 1798) to correct the naval record of Philip Morris; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 1799) for the relief of L. S. Ensel; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCPHERSON introduced a bill (S. 1800) to provide for the erection upon the grounds of the United States Naval Academy at Annapolis, Md., of a bronze statue of the late Hon. George Bancroft, formerly Secretary of the Navy, and founder of the Academy; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 1801) granting a pension to Elizabeth Moore English; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1802) for the relief of Tenedor Ten Eyck, a retired army officer; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO APPROPRIATION BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the Presi-

dent had on the 19th instant approved and signed the joint resolution (S. R. 62) to fill a vacancy in the Board of Regents of the Smithsonian Institution.

ESTATE OF CHAUNCEY M. LOCKWOOD.

The PRESIDENT *pro tempore*. There being no concurrent or other resolutions, the morning business is closed, and the Secretary will call the first bill on the Calendar under Rule VIII, at the point reached when last under consideration.

Mr. MITCHELL of Oregon. Before the first bill on the Calendar is taken up, I ask the unanimous consent of the Senate that the bill (S. 109) for the relief of the legal representatives of Chauncey M. Lockwood, which was passed over some days since, be now considered. I will state that I propose to offer an amendment to meet the objection suggested the other day by the Senator from Massachusetts [Mr. HOAR].

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. MITCHELL of Oregon. The bill has already been read.

Mr. SHERMAN. I think it had better be read.

Mr. MITCHELL of Oregon. Certainly; let it be read.

The Secretary read the bill.

Mr. MITCHELL of Oregon. In line 9, after the word "same," I move to strike out the words "upon the basis of justice and equity;" so as to make the bill read:

That the legal representatives of Chauncey M. Lockwood be, and they are hereby, authorized to commence their suit in the Court of Claims of the United States for extra mail service on route numbered 16637, extending from Salt Lake City, Utah, to the Dalles, Oregon, and the Court of Claims shall have jurisdiction to adjudicate the same, and to render a final judgment therein for the value of such extra mail service performed as aforesaid; and from any judgment that may be rendered in said cause either party thereto may appeal to the Supreme Court of the United States; and the bar of the statute of limitations shall not avail in such cases.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ROYAL M. HUBBARD.

The bill (S. 343) for the relief of the legal representatives of Royal M. Hubbard was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the legal representatives of Royal M. Hubbard, postmaster at Longmont, Colo., for rent of post-office from April 1, 1881, to June 30, 1883, $600.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. KEIGHTLEY.

The bill (S. 344) for the relief of William M. Keightley was considered as in Committee of the Whole. It proposes to pay to William M. Keightley, postmaster at Durango, Colo., $1,350, being amount of clerk hire paid by him from January 4, 1881, to March 31, 1882, during which period the office was in the fourth class.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HORACE A. W. TABOR.

The bill (S. 345) for the relief of Horace A. W. Tabor was considered as in Committee of the Whole. It proposes to pay to Horace A. W. Tabor, of Colorado, $3,869.94, or so much thereof as shall appear to the proper accounting officer of the Government to have been paid by Tabor for necessary expenses in the Leadville post-office over and above the allowances made for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WORK ON MINING CLAIMS.

The bill (S. 878) to amend section No. 2324 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The bill was reported from the Committee on Mines and Mining with amendments, which will be stated in their order.

The first amendment was, after the word "of" in line 9, to strike out "twelve months" and insert "one year;" and after the words "from the" in line 10 to strike out "time when such work and labor should be completed under the provisions of said section" and insert "1st day of November, 1893;" so as to read:

That the provisions of section numbered 2324 of the Revised Statutes of the United States, which require that on each claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than $1;0 worth of labor shall be performed or improvements made during each year, be suspended for the term of one year from the 1st day of November, 1893.

The amendment was agreed to.

The next amendment was, in line 20, after the word "the," to strike out "tenth" and insert "first," and in the same line, after the word "of," to strike out "June" and insert "November;" so as to read:

And that the further provision that on all claims located prior to the 10th day of May, 1872, $10 worth of labor shall be performed or improvements made by the 10th day of June, 1874, and each year thereafter, for each 100 feet in length along the vein until a patent has been issued therefor, be, and the same hereby is, suspended for the term of twelve months from and after the 1st day of November, 1893.

Mr. STEWART. Let the bill go over. I think we have already passed a bill that substantially answers the purpose. We passed a House bill after this bill was reported, and I think it answers the purpose.

The PRESIDENT *pro tempore*. Is the Senator certain that a House bill has been passed accomplishing the same object?

Mr. STEWART. Yes; substantially the same object. It has become a law. Let the bill be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

Mr. STEWART subsequently said: I ask that the bill (S. 878) to amend section 2324 of the Revised Statutes of the United States, which refers to the working of mines, may be indefinitely postponed, as a House bill on the same subject has been passed.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection. The Chair hears no objection, and it is so ordered.

VOLUNTEERS IN INDIAN WAR.

The bill (S. 743) for the relief of the citizens of the States of Oregon, Idaho, and Washington, who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes, was announced as next in order on the Calendar.

Mr. SHERMAN. As this is a bill of considerable importance and the Senator having it in charge is not here, I think it had better go over without being displaced.

The PRESIDENT *pro tempore*. The bill goes over without prejudice.

SURVEYOR OF THE DISTRICT OF COLUMBIA.

Mr. PROCTOR. I ask unanimous consent that the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office be now considered. The bill was heretofore passed over on the objection of the Senator from Indiana [Mr. TURPIE], which he now withdraws.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The bill has already been read, and the amendments made in Committee of the Whole have been concurred in by the Senate. The bill is still open to amendment.

Mr. PLATT. If the bill is not too long, I think it had better be again read.

The PRESIDENT *pro tempore*. The bill will be read at length as amended.

The Secretary read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the surveyor of the District of Columbia shall receive a salary of $3,000 per annum in lieu of fees, and shall be under the direction and control of the Commissioners of the District of Columbia.

SEC. 2. That the surveyor shall give bond to the United States in the penalty of $20,000, with two sureties, to be approved by the Commissioners, conditioned for the faithful discharge of the duties of his office, and shall take and subscribe an oath or affirmation before the Commissioners that he will faithfully and impartially discharge the duties of his office, which bond and oath shall be deposited with the Commissioners of the District of Columbia.

SEC. 3. That the Commissioners of the District of Columbia, on the recommendation of the surveyor, be, and they are hereby, authorized to appoint one assistant surveyor, at a salary of $1,800 per annum; one draftsman and computer, at a salary of $1,400 per annum; one clerk, at a salary of $1,200 per annum; two rodmen, at $720 each per annum; two chainmen, at $650 each per annum; and such additional employés as may be, in the judgment of the Commissioners of the District of Columbia, temporarily required for the surveyor's operations, at an aggregate expense of not exceeding $2,000 in any one year.

SEC. 4. That the surveyor shall, as speedily as possible, execute any order of survey made by any court or private individual of any lot or square within the cities of Washington and Georgetown, or of any land within the District Columbia outside of said cities, and shall make due return of a true plat and certificate thereof.

SEC. 5. That it shall be the duty of the surveyor to execute any surveying work for the District of Columbia, without charge, on the order of the Commissioners; and all fees for surveys made by the surveyor or the assistant surveyor shall be paid over to the collector of taxes of the District of Columbia, under regulations to be prescribed by the Commissioners of the District of Columbia, and be covered into the Treasury of the United States as other revenues of the District are now; and the field notes of the surveyor and his assistant shall be preserved and shall be a part of the public property of the District of Columbia.

SEC. 6. That the assistant surveyor shall take the same oath his principal is required to take, and may, during the continuance of his office, discharge and perform any of the official duties of his principal, and any default or misfeasance in office by the assistant surveyor, or other assistant or helper of the surveyor, shall be deemed a breach of the official bond of his principal.

SEC. 7. That the Commissioners of the District of Columbia are hereby empowered and directed to prescribe a schedule of fees to be charged by the surveyor for his services, in lieu of the fees now charged, which schedule shall be printed and conspicuously displayed in the office of the surveyor.

SEC. 8. That all laws and parts of laws in the District of Columbia relating to the surveyor, now in existence, as far as the same are applicable and not in conflict with this act, are hereby continued in full force and effect.

The PRESIDENT *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND NEAR JEFFERSON BARRACKS, MISSOURI.

The bill (S. 190) for the benefit of sundry persons residing in the vicinity of Jefferson Barracks, Missouri, was considered as in Committee of the Whole. It proposes to release whatever title the United States may have in that part of the survey within the boundary lines described in the deed of the town of Carondelet to the United States, dated October 25, 1854, and now claimed as a portion of Jefferson Barracks military reservation, situated in the county of St. Louis and State of Missouri, to the legal representatives and assigns of John B. Martigny, to whom the survey was confirmed by act of Congress, approved July 4, 1836; and also to release whatever title the United States may have in so much of the land covered by the patent issued by the United States to William H. Jansen November 1, 1856, as lies within the boundary lines described in the deed of the town of Carondelet to the United States, dated October 25, 1854, and now claimed as a portion of Jefferson Barracks military reservation, to the legal representatives and assigns of William H. Jansen.

Mr. PLATT. I ask that the last section of the bill be again read.

The PRESIDENT *pro tempore*. The Secretary will read the last section of the bill.

The Secretary read as follows:

SEC. 3. That this act shall not affect or impair the title which any person other than the United States may have acquired in any of the lands described herein, adverse to the title of either the aforesaid John B. Martigny or William H. Jansen, or of those claiming under either of them.

Mr. PLATT. That seems to be a provision that the bill shall never take effect.

Mr. COCKRELL. Not at all. It does not take effect against anybody except the United States. All that is done by the bill is simply to quitclaim the interest of the United States, and if there be any adverse interests under these old claims they can be settled in court.

Mr. PLATT. I think the Secretary made a mistake in the reading of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHRISTOPHER SCHMIDT.

Mr. WASHBURN. I ask unanimous consent for the present consideration of the bill (S. 573) for the relief of Christopher Schmidt.

Mr. COCKRELL. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the words "sum of," to strike out "$10,000" and insert "$40 a month;" and in line 9, after the date "1892," to insert "in quarterly payments, upon such vouchers as the Secretary of the Treasury may prescribe;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $40 a month to Christopher Schmidt, of St. Paul, Minn., for injuries received from accidental shot on the rifle range at Fort Snelling, July 14, 1892, in quarterly payments, upon such vouchers as the Secretary of the Treasury may prescribe.

Mr. SHERMAN. Does the first amendment provide for the payment of $40 a month during the man's life?

Mr. WASHBURN. During his life. I will state that the bill originally provided for an appropriation of $10,000. The man is totally disabled.

The PRESIDENT *pro tempore*. The question is on the amendments reported by the committee.

The amendments were agreed to.

Mr. WASHBURN. I move to amend by adding at the end of the bill, "payment to commence from the time of receiving such injuries."

Mr. COCKRELL. I hope that amendment will not be agreed to. I think we are doing very liberally if we do what the bill now provides. Congress never has granted arrears, and the amendment proposes practically to pay arrears.

Mr. WASHBURN. I will state to the Senator from Missouri that this person is totally and absolutely disabled from the wound he received, and there seems to me no good reason why the payment should not commence from the time of the injury as much as from the present time.

Mr. COCKRELL. The committee did not consider that question. If that question is to be raised it will open the door to granting arrears by special act of Congress, and I shall have to insist on the bill being recommitted.

Mr. WASHBURN. I withdraw the amendment.

The PRESIDENT *protempore*. The amendment is withdrawn.

Mr. SHERMAN. I should like to have the clause read which fixes the duration of this pension at $40 a month. Is it to be during the life of the person?

The PRESIDENT *pro tempore*. The Secretary will read the part of the bill referred to by the Senator from Ohio.

The Secretary read as follows:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $40 a month to Caristopher Schmidt, of St. Paul, Minn., for injuries received from accidental shot on the rifle range at Fort Snelling.

Mr. SHERMAN. It ought to be $40 a month during his life. We do not want to establish a perpetual annuity here.

Mr. COCKRELL. I supposed that was in the bill. That was the intention of the committee. I move to insert the words "for and during the term of his natural life." Those words ought to have been in the bill.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 6, after the "month," it is proposed to insert "for and during the term of his natural life."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY O. AUGUSTA.

Mr. HUNTON. I ask unanimous consent for the present consideration of the bill (H. R. 4013) to release and turn over to Mrs. Mary O. Augusta certain property in the District of Columbia. It is a bill which has passed the House of Representatives and was unanimously reported favorably by the Committee on the District of Columbia.

Mr. PASCO. I hope cases on the Calendar will be allowed to be taken up in their turn. Was this case passed over heretofore?

Mr. HUNTON. I will say to the Senator that the bill will only require a moment.

Mr. COCKRELL. I call for the regular order. We shall reach the bill referred to by the Senator from Virginia in a few moments, and I must object to taking it up out of its order.

Mr. HUNTON. Very well.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

NATIONAL CEMETERY NEAR PENSACOLA, FLA.

The bill (S. 407) making an appropriation for the improvement of the road to the national cemetery near Pensacola, Fla., was announced as next in order, and the Senate as in Committee of the Whole proceeded to its consideration. It proposes to appropriate $10,000 for the purpose of shelling or otherwise improving the roadway from Pensacola, Fla., to the national cemetery near that city, to be expended under the direction of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATE PRIVILEGES AND ELECTIONS.

The concurrent resolution to print 4,000 copies of the new edition of the Senate election cases was announced as next in order.

The PRESIDENT *pro tempore*. The resolution is before the Senate and will be read at length.

The Secretary read the resolution reported by Mr. GORMAN from the Committee on Printing, December 14, 1893, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,000 copies, in cloth, of the first volume of the new edition of the Senate election cases; 1,500 copies to be for the use of the members of the

Senate and 2,500 copies for the use of the members of the House of Representatives, the same to be printed on the back as follows:

Senate Privileges and Elections.
Volume I.
Election Cases.
Taft.

The PRESIDENT *pro tempore*. The amendments heretofore submitted by the Senator from Nebraska [Mr. MANDERSON] will be stated.

The SECRETARY. After the word "cloth," in line 3, it is proposed to insert "in volume 1" and to strike out the words "of the first volume of."

Mr. COCKRELL. I do not want that amendment agreed to in that way.

Mr. HOAR. I think it will be well, before adopting the verbal amendments, as they are all substantially one, to let the Secretary read the concurrent resolution as it will read after the amendments have all been adopted.

Mr. COCKRELL. The amendment was read to insert "in volume 1," instead of "in one volume."

Mr. HOAR. I think we should understand the resolution better if the Secretary will read it as it will read if all the proposed amendments are agreed to.

The PRESIDENT *pro tempore*. The Secretary will read the resolution as it will read if the amendments are agreed to.

The Secretary read as follows:

Resolved, etc., That there be printed 4,000 copies, in cloth, in one volume, of the new edition of the Senate election cases, and of precedents relating to the privileges of the Senate: 1,500 copies to be for the use of the members of the Senate, and 2,500 copies for the use of the members of the House of Representatives, the same to be printed on the back as follows:

Senate Privileges and Elections.
Election Cases.
Taft.
Precedents
as to
Privileges.
Furber.

Mr. MITCHELL of Oregon. From what committee does the resolution come?

The PRESIDENT *pro tempore*. From the Committee on Printing.

Mr. MITCHELL of Oregon. I desire to inquire whether this proposed publication includes a history of the three cases recently disposed of from Washington, Wyoming, and Montana? I refer to the three cases of temporary appointment by the governors of those States.

The PRESIDENT *pro tempore*. The Senator reporting the resolution is not now in his seat.

Mr. HOAR. I suppose it would not be convenient to insert those cases as part of the text of the volume without sending it back for the preparation of a new index. The volume is stereotyped, and was in accord with the index some time ago. The volume was prepared before the cases referred to by the Senator from Oregon were decided. This resolution is merely to print an additional number of copies; but I think it might be well to add to the concurrent resolution a section requiring the printing of the cases referred to as an appendix, so that they may be in the new edition.

Mr. MITCHELL of Oregon. I think that would be quite satisfactory, and I think it should be done.

Mr. HOAR. Yes; I think that should be done.

Mr. COCKRELL. Those cases ought to be included in the volume, and I shall oppose the resolution unless they are included.

Mr. MITCHELL of Oregon. So shall I.

Mr. COCKRELL. The edition should be brought up to date. I wish to call attention to the way in which the Secretary read the resolution, which I do not understand corresponds with the amendments which have been proposed. It should read "Senate Privileges and Elections in one volume." The way it was read it would be "in volume 1," which would indicate that there is to be a subsequent volume to come out.

Mr. HOAR. The original publication, which I think was prepared very carefully, is very well done indeed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will allow the Chair to state to the Senator from Missouri that the resolution reads "in one volume," not "in volume 1."

Mr. COCKRELL. It was not so read the last time by the clerks, for I closely observed the reading.

The PRESIDENT *pro tempore*. The Chair so understood it to be read the last time, and the clerks now inform the Chair that it reads "in one volume," and not "in volume 1."

Mr. HOAR. This originally was a compilation containing solely contested-election cases, and was published eight or ten years ago. Then a new edition was prepared, and there was a new volume added containing the precedents and other historical matter relating to the privileges of the Senate. The resolution as reported from the Committee on Privileges and Elections proposed to have two volumes, one to be entitled "Contested-Election Cases," and the other "Privileges," but the Committee on Printing thought it would be better to have but one volume instead of two. So they propose this amendment. That is the history of it. That is the way the phrase got in.

Mr. GEORGE. I desire to ask the Senator from Massachusetts if the proposed publication includes all the contested-election cases up to date?

Mr. HOAR. This is not a proposed publication in the ordinary sense in which those words are used. It is a document which was completed and reported to the Senate at the beginning of the extra session of Congress last summer, and then printed with indices, and so on. This is merely a resolve for additional copies. The volume was then printed and stereotyped, I understand. Now, the Committee on Printing propose to have certain additional copies printed. You can not incorporate in this volume in the ordinary way the cases in regard to appointment by the governors, which were disposed of during the extra session in the spring, without repaging and reprinting the volume, putting them in in their proper places under the matter of the appointment by governors, and making a new index. All the matter would have to be gone over again, and it would not correspond with the other copies which have been printed and distributed. So when the Senator from Oregon suggested including those cases I suggested that they had better be put in an appendix. Then, when a new edition comes hereafter, if there is one, they can be put in the body of the work. The Senator from Oregon agreed that that would be all that could be done.

Mr. GEORGE. In a supplement or appendix. That will do. But I think it ought to be in one or the other.

Mr. HOAR. I think so, too. I think the resolution should be amended so as to read that there shall be added to said volume as an appendix all cases decided by the Senate up to date.

Mr. MITCHELL of Oregon. I suggest to the Senator from Massachusetts this amendment, to come in at the proper place:

Provided further, That the clerk of the Committee on Privileges and Elections—

If that is the proper person—

shall, under the direction of such committee, prepare a full statement of the proceedings in committee and Senate of all election cases up to date——

Mr. HOAR. All cases since?

Mr. MITCHELL of Oregon. Yes; all election cases determined since the preparation of that volume—

and that the same shall be printed in this volume as an appendix thereto.

Mr. HOAR. Very well; that will do. Of course, the Senator will understand that that will delay the circulation of the volume for six months or some such time, but I presume there will be no great harm done.

The PRESIDENT *pro tempore*. The several amendments that have been offered have not yet been acted upon. The Secretary will state the first amendment.

The SECRETARY. After the word "cloth," in line 3, insert the words "in one volume."

The amendment was agreed to.

The SECRETARY. In line 3, before the word "new," strike out "of the first volume of."

Mr. COCKRELL. The word "of" at the end of the phrase proposed to be stricken out should remain.

The SECRETARY. Strike out the words "of the first volume."

Mr. COCKRELL. That will do. Do not strike out the word "of;" if you do, you make it imperfect.

The amendment was agreed to.

The SECRETARY. After the word "cases," in line 4, insert:

And of precedents relating to the privileges of the Senate.

The amendment was agreed to.

The SECRETARY. In line 9, strike out the words, "Volume I."

The amendment was agreed to.

The SECRETARY. After the name "Taft," in line 11, insert:

Precedents
as to
Privileges.
Furber.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I move to add at the end of the resolution the following proviso:

Provided further, That the clerk of the Committee on Privileges and Elections shall, under the direction of such committee, prepare a full statement of the proceedings in committee and Senate of all election cases since determined, and the same shall be published as an appendix to the foregoing publication.

Mr. HOAR. I should like to inquire of the Senator from Oregon if it is his purpose to have the clerk proceed in regard to those cases on a different theory from that in which the volume is made up in regard to the others? The theory on which the volume is made up is to have the clerk make a statement of the case, putting in such specially important matter of the dis-

cussions and proceedings as he sees fit, and to refer to the pages of the RECORD where the rest is contained. I suppose the speeches on these cases, the full statement which the Senator provides for, would make a volume larger than the other two together.

Mr. MITCHELL of Oregon. I have no intention to have all the speeches embodied.

Mr. HOAR. I did not suppose so. The Senator is a member of the Committee on Privileges and Elections, and it is to be done under their direction. I doubt if the clerk would fail to put in anything that any member of the committee might deem of enough importance to be added. Why not add "a report of the cases which have taken place since," and let the committee or the clerk under their direction determine what shall be done.

Mr. MITCHELL of Oregon. Then let it read:

The clerk * * * shall, under the direction of such committee, prepare a full statement.

Mr. HOAR. I suggest to strike out the word "statement" and insert "prepare a report of the cases."

Mr. MITCHELL of Oregon. Very well; I have no objection to that modification. "Prepare a report of the proceedings in committee and Senate."

Mr. HOAR. I would simply say "report of the cases."

Mr. MITCHELL of Oregon. I suggest, "Report of the cases and proceedings in committee and Senate."

Mr. HOAR. Why does the Senator say "in committee and Senate?" Why not say "report of the cases?" The clerk would undoubtedly carry out the scheme.

Mr MITCHELL of Oregon. Then let it read, "Report of the cases since determined, the same to be published as an appendix to the foregoing publication."

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Oregon that there is no proviso to the concurrent resolution. Therefore he had better strike out the word "further," after the word "Provided."

Mr. MITCHELL of Oregon. Very well.

The PRESIDENT *pro tempore*. The amendment of the Senator from Oregon will be stated.

The SECRETARY. It is proposed to add to the resolution the following proviso:

Provided, That the clerk of the Committee on Privileges and Elections shall, under the direction of such committee, prepare a report of the cases since determined, and the same shall be published as an appendix to the foregoing publication.

The amendment was agreed to.

Mr. HOAR. In the amendment just agreed to, I suggest that the last clause read "and the same shall be inserted as an appendix in the foregoing publication," so as to make it clear that it is to be in the same volume.

The PRESIDENT *pro tempore*. The words will be inserted as suggested if there be no objection. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to.

SEALER OF WEIGHTS AND MEASURES.

The bill (H. R. 3246) for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia was announced as next in order on the Calendar.

Mr. MCMILLAN. The Senator from Maryland [Mr. GORMAN] would like to have the bill go over for the present. In his absence I ask that it may go over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over, holding its place on the Calendar.

MRS. MARY O. AUGUSTA.

The bill (H. R. 4013) to release and turn over to Mrs. Mary O. Augusta certain property in the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEYS IN THE DISTRICT OF COLUMBIA.

The bill (S. 971) to open, widen, and extend alleys in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause and insert:

That the act of Congress approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia," be, and the same is hereby, amended so as to authorize the Commissioners of the District of Columbia, under the terms and conditions of said act in regard to the opening, extending, widening, or straightening of alleys, to open minor streets in said District of a width not less than 40 feet nor more than 60 feet, to run through a square from one street to another, whenever in the judgment of said Commissioners the public interests require it.

SEC. 2. That the words, "one copy of which (plat) shall be filed with the recorder of deeds and the other in the office of the Commissioners of the District of Columbia," in section 3 of said act, be, and the same are hereby, amended so as to read, "one copy of said plat shall be filed and recorded in the office of the surveyor of the District of Columbia, one in the office of the recorder of deeds of the District of Columbia, and one in the office of the Commissioners of said District."

SEC. 3. That the words "six dollars for the services of said marshal," in section 5 of said act, be, and the same are hereby, amended so as to read, "five dollars per diem for the services of said marshal when actually employed."

Mr. COCKRELL. I should like to know what will be the effect of the bill. As I understand the amendment, it does not authorize the Commissioners to open all the alleys in the city, but only those that are known as street alleys. I suppose those are the narrower places, where houses have been built. I understand there are a large number of alleys where the houses are built right up to the very edge of the alley, and there is no space except the existing space. If those alleys are to be widened are all the buildings to be torn down, and if so, at whose expense? Are there to be condemnation proceedings, and are the taxpayers of the District of Columbia and of the United States to be made to tear down all the fronts of those buildings? I should like to have some information on that question.

Mr. MCMILLAN. The Senator who reported the bill is present.

Mr. FAULKNER. I did not expect the bill to come up this morning, and I ask that it may go over, keeping its place on the Calendar, in order that I may answer the questions of the Senator from Missouri. I am satisfied the amendment does not affect the question raised by him. It relates rather to the width and the recordation of plats than anything else. The former law to which this is an amendment makes all the provisions to which the Senator refers. However, I ask that the bill go over, so that I can examine the law on the subject.

The PRESIDENT *pro tempore*. The bill goes over and holds its place on the Calendar.

FORT JUPITER MILITARY RESERVATION.

Mr. CALL. The bill (S. 653) to open certain parts of the Fort Jupiter military reservation, in the State of Florida, to entry under the homestead law, was passed over, retaining its place on the Calendar. I see my colleague in the Chamber, and I ask that the bill be taken up and disposed of.

The PRESIDENT *pro tempore*. Was the bill passed over without prejudice?

Mr. CALL. It was passed over without prejudice.

The PRESIDENT *pro tempore*. The bill has heretofore been read as in Committee of the Whole.

Mr. CALL. There is an amendment pending to the bill.

The PRESIDENT *pro tempore*. The Secretary will state the amendment heretofore proposed by the Senator from Florida [Mr. CALL].

The SECRETARY. In line 4, after the word "Florida," strike out "not heretofore patented by the United States under existing laws;" in line 10, after the word "east," strike out "and also excepting the portions thereof which have been claimed by the State of Florida as swamp lands, but which have not been patented, provided that upon examination it shall be proved to the satisfaction of the Land Department that the same are of the character alleged;" and in line 16, after the word "laws," strike out "and not otherwise;" so as to make the first section of the bill read:

That all the lands within the Fort Jupiter military reservation, in the State of Florida, excepting lot 1 of section 31, in township 40 south, of range 43 east, now reserved for light-house purposes, and excepting the portions thereof reserved by an order of the President for life-saving purposes, described as lots 4 and 5 of section 5, in township 41 south, of range 42 east, are hereby made subject to entry under the homestead laws.

Mr. DOLPH. If the amendment is insisted on the bill can not be disposed of to-day. I therefore object to its present consideration.

Mr. CALL. I shall insist on the amendment, but I do not understand this to be a call of unobjected cases on the Calendar.

Mr. DOLPH. I object to the present consideration of the bill.

The PRESIDENT *pro tempore*. The bill stands on the Calendar under Rule VIII, subject to all the conditions of every other bill on the Calendar under that rule. It will be passed over without prejudice.

Mr. CALL. I should be very glad to have the bill considered at this time.

The PRESIDENT *pro tempore*. Does the Senator from Oregon object?

Mr. DOLPH. I do. The amendment proposed by the Senator from Florida can not be acted upon without a yea-and-nay vote.

The PRESIDENT *pro tempore*. Does the Senator from Oregon desire to have the bill go over under Rule IX.

Mr. DOLPH. I am willing that it shall go over under Rule VIII.

The PRESIDENT *pro tempore*. The bill goes over without prejudice, holding its place on the Calendar.

Mr. PASCO. I should like to say one word. I wish very much that the Senator from Oregon would withdraw his objection. Of course if there is to be a yea-and-nay vote on the amendment it may be possible there is not a voting quorum present, but I should like very much to have the matter disposed of and the bill passed. The amendment to the bill offered by my colleague can not be consented to by the Committee on Public Lands for the reasons I stated the other day and that were stated by the Senator from Oregon. I do not think it would be advantageous to the settlers. I appeal to my colleague to allow the bill to be passed in the shape in which it came from the committee. It seems to be satisfactory to the actual settlers there, and I should like very much to have it passed by the Senate.

Mr CALL. I regret very much that I can not yield to my colleague's request. I regard this as a bill to deprive every homestead settler of his right to the land, and I think I can demonstrate that fact.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over, holding its place on the Calendar.

LOUIS L. WILLIAMS.

The bill (H. R. 913) for the relief of Louis L. Williams was considered as in Committee of the Whole. It proposes to pay to Louis L. Williams $395.70, due him as salary and for expenses incurred in the discharge of his duties as World s Fair commissioner from Alaska.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BEAUFORT LIBRARY SOCIETY.

The joint resolution (S. R. 12) for the restoration of the books of the Beaufort Library Society, of Beaufort, S. C., was considered as in Committee of the Whole. It proposes to appropriate and transfer, out of the duplicate volumes belonging to the Library of Congress, an equivalent in books, both in number and value, to replace the loss of the library of the Beaufort Library Society, of Beaufort, S. C., which was taken by the orders of an officer of the United States in 1862, and subsequently destroyed by fire. The Joint Committee on the Library of Congress is authorized and required to select and convey the books herein provided for upon a list to be furnished by the Librarian of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EQUESTRIAN STATUE OF GENERAL FRANCIS MARION.

The bill (S. 266) providing for the erection of an equestrian statue of Gen. Francis Marion was considered as in Committee of the Whole.

The bill was reported from the Committee on the Library with an amendment, in line 3, before the word "thousand," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the sum of $40,000, or as much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of an equestrian statue of Gen. Francis Marion, within the limits of the city of Columbia, S. C., and for the proper preparation, grading, and inclosing of the lot and foundation upon which said statue shall be erected, which sum shall be expended under the direction of the Secretary of War, or such officer as he may designate: *Provided*, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work, and upon the requisition of the Secretary of War: *And provided further*, That no part of the money hereby appropriated shall be so expended until a suitable lot of land in said city of Columbia, for the erection of said statue, shall be conveyed, with all the right, title, and interest therein of the owner thereof, to the United States, and the deed duly recorded, and the city of Columbia shall have provided for public use an open highway or other satisfactory means of access thereto.

SEC. 2. That this act shall be in force from its passage,

The amendment was agreed to.

Mr. GEORGE. I move to strike out section 2, the provision that the proposed act shall be in force from and after its passage. It is wholly unnecessary. By the Constitution an act goes into effect from and after its passage, without any provision on the subject.

The PRESIDING OFFICER (Mr. PASCO in the chair). Is there ob ection to the amendment proposed by the Senator from Mississippi?

Mr. BUTLER. No objection.

Th PRESIDING OFFICER. The Chair hears no objection, and section 2 of the bill is stricken out.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DWIGHT HALL.

The bill (S. 574) for the relief of Dwight Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 17, after the word "them," to insert "not to exceed the sum of $157.50;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to investigate the claim made against the United States by Dwight Hall, of Wallingford, Conn., for the amount paid by him to the collector of internal revenue for the second district of Connecticut as taxes and penalties upon 30,000 cigars manufactured by him and previous to the payment of said tax or penalty claimed to have been destroyed by an accidental fire, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Dwight Hall, or his personal representatives, or the person or persons who may be lawfully entitled thereto, any sum of money found on such investigation to be equitably due on account of payment of said tax and penalty, or either of them, not to exceed the sum of $157.50, and the said sum when paid to be in full satisfaction and discharge of all claim as tax or penalty on said cigars.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POTOMAC STEAMBOAT COMPANY.

The bill (S. 425) for the relief of the Potomac Steamboat Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 6, after the word "thousand," to strike out "three hundred," and at the end of the bill to insert "said amount to be received by the said Potomac Steamboat Company in full satisfaction of all claims and demands against the United States in consequence of the said collision;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the Potomac Steamboat Company the sum of $5,090, that being the amount paid by the said Potomac Steamboat Company under a decree of the circuit court of the United States for the eastern district of Virginia, affirmed by the Supreme Court of the United States, to the Baker Salvage Company for services rendered to the steamer Excelsior, belonging to the said Potomac Steamboat Company, when she was sunk by the United States steam tug Fortune in Hampton Roads, Virginia, on the 4th day of December, 1882, said amount to be received by the said Potomac Steamboat Company in full satisfaction of all claims and demands against the United States in consequence of the said collision.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENITENTIARY IN NORTH DAKOTA.

The joint resolution (S. R. 41) relative to the erection of a penitentiary in the State of North Dakota, and for other purposes, was announced as the next business on the Calendar.

Mr. HANSBROUGH. I ask that the joint resolution may go over temporarily, retaining its place on the Calendar, as I am awaiting a communication from the Attorney-General on the subject.

The PRESIDING OFFICER. The joint resolution will be passed over without prejudice.

PORTRAIT OF CAPT. SAMUEL CHESTER REID.

The bill (S. 1349) authorizing the purchase of a portrait of Capt. Samuel Chester Reid was considered as in Committee of the Whole. It proposes to appropriate $2,500 for the purchase from the owner of the portrait painting by John Wesley Jervis of Capt. Samuel Chester Reid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT FOR INDIAN SUPPLIES.

The bill (S. 1055) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service, was considered as in Committee of the Whole.

Mr. COCKRELL. Let the first part of the report be read.

The PRESIDING OFFICER. The report will be read at the request of the Senator from Missouri.

Mr. PLATT. Does the Senator from Missouri prefer that the report should be read, or that I should make a statement?

Mr. COCKRELL. I want to have the first part of the report go in the RECORD.

Mr. PLATT. All right.

The Secretary read the report submitted by Mr. PLATT January 4, 1894, as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 1055) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service, submit the following report:

The four claims embraced in this bill are for flour, beef, and other supplies furnished the Indian service in Arizona in the years 1873 and 1874. The facts

relating to each case are set forth in the findings of fact of the Court of Claims annexed hereto.

In all the cases vouchers were furnished for the full amount claimed at the time when the property was furnished. These vouchers were presented to the Commissioner of Indian Affairs, but on account of a deficiency in the appropriations, were not at that time paid.

In two of these cases partial payments on account were made in 1876 and 1877, the balance being suspended for want of further appropriation.

A large number of similar claims having accrued in the Indian service, a general act of Congress was passed on August 7, 1882 (22 Stat. L., 235), authorizing their adjudication. The claims embraced in this bill were allowed in full under this law by the Commissioner of Indian Affairs and by the Second Auditor of the Treasury. The Second Comptroller of the Treasury cut down the amount in each claim on the ground that the supplies furnished were not worth the amount charged. It was not alleged that the prices charged were in excess of the contract prices. Upon reconsideration the Second Comptroller allowed an additional amount in each case, less than the full claim.

It is seen by the above statement that the full amount due in these cases had been conceded by the officers who gave the vouchers and by the Indian Bureau when the claims accrued; that after the act of 1882 the Commissioner of Indian Affairs and the Auditor concurred in approving the claims in full, and that it was not until after they reached the Comptroller that any deduction was made. The claimants then appealed to Congress for relief, and the Senate Committee on Indian Affairs, on July 22, 1886, referred the claims to the Court of Claims for a finding of facts in accordance with the act of March 3, 1883 (22 Stat. L., 485).

The claimants then took new testimony upon depositions, subject to cross-examination, to show that the property furnished the Indian service in Arizona was worth the full sum claimed. The Court of Claims finds that in each case the property was worth the full amount claimed, and that there was an agreement between the officers of the Indian Bureau and the claimants to pay these amounts.

Reports have been received from various departments in relation to the cases, and it appears clear to the committee that the findings of the Court of Claims, upon a fair trial of the cases, are correct and ought to stand as final, and that the claimants should be paid the amounts claimed by them respectively as set forth in the accompanying bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT CORPORATIONS.

The bill (S. 1305) to amend "An act relating to the incorporation of certain corporations within the District of Columbia," approved October 1, 1890, was announced as next in order on the Calendar.

Mr. MARTIN. There is some controversy about certain provisions in the bill, and I ask that it be passed over for the present and retain its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over without prejudice, at the request of the Senator from Kansas.

ADMINISTRATORS OF M. C. MORDECAI.

The bill (S. 269) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai, was considered as in Committee of the Whole. It proposes to pay to Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai, $6,400, in full compensation for the postage on mails transported by Mordecai in the steamer Isabel, or any other steamer, from Charleston, S. C., to Havana, Cuba, by way of Savannah, Ga., and Key West, Fla., from the 1st of October, 1859, to the 20th of July, 1860.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTIFICATES OF TITLE TO VESSELS.

The bill (S. 507) providing for the collection of fees for furnishing certificates of title to vessels was considered as in Committee of the Whole. It provides that collectors of customs shall collect and receive $1 for each certificate provided for in section 4194 of the Revised Statutes of the United States from persons or corporations requiring the same, and repeals section 1 of the act of June 19, 1886, entitled "An act abolishing certain fees for official services," so far as it authorizes the payment by the United States of any fee for furnishing such certificate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOARDING OF VESSELS BEFORE MOORING.

The bill (S. 587) to amend an act entitled "An act to regulate the carriage of passengers by sea," approved August 2, 1882, was considered as in Committee of the Whole. It proposes to amend the act of August 2, 1882, by the insertion of the following words in section 9, after the first sentence thereof:

And be it further enacted, That it shall not be lawful for the master of any steamship or other vessel, not carrying immigrant passengers, and not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel until she has been taken in charge by an officer of the customs, nor without his permission after charge so taken and before the vessel has arrived at her destination and been completely moored.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATIONS FOR UNITED STATES CANALS.

The bill (S. 511) providing for the establishment and enforcement of rules and regulations for the use and navigation of United States canals and similar works of navigation, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARKING OF VESSELS.

The bill (S. 509) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGISTRY AND LICENSE OF VESSELS.

The bill (S. 588) to repeal section 4145 of the Revised Statutes of the United States, and to amend sections 4146 and 4320, also section 1 of the act amending section 4214 of the Revised Statutes, approved March 3, 1883, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF INSPECTORS OF STEAMSHIPS.

The bill (S. 497) to amend "An act to amend section 4400 of Title LII, of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulations of steam vessels," was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in section 2, line 54, after the word "each," to strike out "for the district of New Orleans, La.; Philadelphia, Pa.; Baltimore, Md.; Boston, Mass., and San Francisco, Cal., at $1,800 per year each;" and in line 59, after the word "each," to insert: "*Provided, however*, That the Secretary of the Treasury may, in his discretion, increase the salaries of assistant inspectors to not exceed $1,800 per annum in districts where the number of steamers inspected shall exceed three hundred and twenty-five per annum," so as to read:

The Supervising Inspector-General shall report to the Secretary of the Treasury, at the end of each fiscal year, the number of steamers inspected in each local district in that year, which number shall be the basis upon which shall be determined the salaries to be paid to local inspectors for the following fiscal year, in the ratio described in the preceding paragraphs of this section. And, in addition, the Secretary of the Treasury may appoint, upon the nomination of the supervising inspector of the district, in collection districts where there are 225 steamers and upward to be inspected annually, assistant inspectors, at a salary, for the district of New York, of $2,000 a year each; and for all other districts at a salary not exceeding $1,600 a year each: *Provided, however*, That the Secretary of the Treasury may, in his discretion, increase the salaries of assistant inspectors to not exceed $1,800 per annum in districts where the number of steamers inspected shall exceed 325 per annum, and he may appoint a clerk to any such board at a compensation not exceeding $1,200 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid for his actual and reasonable traveling expenses at the rate of 8 cents per mile, incurred in the performance of his duty, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury.

The amendments were agreed to.

Mr. CALL. I understand from the reading of the bill that it reduces the present salary allowed to inspectors in the district of Florida. I ask the Senator from Maine if that is the case?

Mr. FRYE. My impression is that it does not do so in the district of Florida. It decreases the salaries in places where the inspection of steamships has been reduced by reason of the disappearance of steamships. It adjusts the salaries of inspectors according to the amount of work done, which is the only fair way.

Mr. CALL. I should like to have the bill maturely considered in that respect.

Mr. FRYE. The bill has been considered in the Senate at two former sessions of the Senate and passed. It has been passed twice. It has been unanimously reported three times from the Committee on Commerce.

Mr. CALL. I do not remember that my attention was called to it before. In the district of Florida there are great distances to travel. There are some places where there are very few steamers, but they are required to go over an extended coast of 1,400 miles, requiring a great deal of labor and constant attention, while the number of steamers to be inspected may happen to be less than the number required for a very moderate compensation to the inspector.

Mr. FRYE. I think there is no inspector now in Florida who gets over $1,200 a year.

Mr. CALL. The bill reduces the compensation of some inspectors, I understand.

Mr. FRYE. The compensation does not go below $1,200 anywhere. That matter was taken into account by the inspection department, which considered the bill carefully.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMESTOWN AND NORTHERN RAILWAY.

The bill (S. 175) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLISTMENTS IN THE ARMY.

The bill (S. 1209) to regulate enlistments in the Army of the United States, was announced as next in order.

Mr. COCKRELL. I ask that the bill may retain its place on the Calendar and be passed over. There are several Senators now absent who desire to be present when it is considered.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

HEIRS OF CHARLES B. SMITH.

The bill (S. 1312) for the relief of the heirs of Charles B. Smith, deceased, was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to readjust and close the subsistence and quartermaster's accounts, upon the books of the Treasury, of Charles B. Smith, deceased, late a first lieutenant in the Fifth Iowa Cavalry, and to pay Julia A. Smith, widow of Charles B. Smith, the pay and allowances due him at the date of his death, notwithstanding the fact that the pay and allowances have heretofore been applied in the adjustment of his subsistence and quartermaster's accounts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

FANNY B. RANDOLPH AND DORA L. STARK.

The bill (S. 1412) for the relief of Fanny B. Randolph and Dora L. Stark was considered as in Committee of the Whole. It proposes to pay to Fanny B. Randolph, or her legal representative, $8,280; and to Dora L. Stark, or her legal representative, $8,280, making in all $16,560, the same being in full for, and the receipts of the same to be taken and accepted in full and final discharge of, their claim examined, investigated, and reported favorably by the Court of Claims of the United States, under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORMS OF DEEDS IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 832.

The Senate resumed the consideration of the bill (S. 832) to simplify the form of deeds of conveyance, trusts, and releases of land in the District of Columbia, and for other purposes, the pending question being on the amendment proposed by Mr. ALLEN to add to section 4 the following proviso:

Provided, That the grantor in the trust deed, his heirs or assigns, may redeem the trust property so sold, at any time within one year after the sale, by the payment of the principal and interest of the debt and all legal costs of such sale.

Mr. ALLEN. Mr. President, since the bill was under consideration on Monday of this week I have had some time to examine it more carefully than I had examined it before, and I find it radically wrong in many respects.

The first section provides for a short form of trust deed which is to operate as a mortgage. It is given as security for the indebtedness of the grantor. The second section, as it appears in the bill reported by the committee, makes no limitation whatever as to the liability of the grantor or grantors upon the covenants of the deed. I will read the second section for the purpose of showing this fact:

SEC. 2. That if in any instrument as aforesaid the words "with general warranty" shall be used after the word "conveys" (or "convey") the grantor or grantors shall be deemed and held to covenant for himself, herself, or themselves, his, her, or their heirs and assigns, to forever warrant and defend the title to the premises conveyed unto the grantee or grantees, his, her, or their heirs and assigns, for and against the lawful claims of all persons whomsoever.

Now, there is not here the ordinary limitation that follows a deed of covenants. The liability of the grantor under a deed of this kind would reach every lawful claim that could be made against the property, whether it originated through the grantor or not. Certainly this section ought to be amended so as to confine the liability arising on the deed to claims growing up through or under the grantor.

Mr. FAULKNER. If the Senator from Nebraska will permit me, he certainly has not caught the meaning of the second section. If he will compare it with the third section he will see the distinction which is drawn in every statute of conveyance I have ever seen in the United States between what is a general warranty and a special warranty. If a party desires to warrant the title of property against himself and all other persons, he uses the term "general warranty." In the common law he has to do that by writing out the covenant in full. Statutory provisions in all the States have applied the words "general warranty" to that covenant, and this proposed statute simply follows the usual statutory form, designating and explaining by statutory declaration what the term "general warranty" means. Special warranty is provided for in the third section of the bill.

Mr. ALLEN. I do not think I am mistaken in the meaning of the second section. Under the holdings of the courts of this country the word "warranty," unless it is limited by other language, is held to embrace the substance of all the five covenants in a deed of full covenant at the common law. So the word "warranty," without any limitation, under the holdings of our courts, embraces everything that was embraced in a common-law deed of full covenants. I think that this section ought to be amended so as to confine the liability of the grantor in a deed of this kind to the lawful claims against the property that may arise by, through, or under him.

Mr. FAULKNER. Perhaps I did not correctly hear the first part of the Senator's remarks. To what character of deed does he suppose this section to refer?

Mr. ALLEN. I understand full well the difference between a deed of full covenant and a deed of limited covenants.

Mr. FAULKNER. Does the Senator refer to a deed of trust or a deed of bargain and sale?

Mr. ALLEN. I am referring to the deed that is mentioned in section 2 of the bill, which purports to be a deed of full covenant and without any limitation whatever.

Mr. FAULKNER. That does not refer to the question of a trust deed, but to a deed of bargain and sale, referred to in the first section.

Mr. ALLEN. In that respect this bill in my judgment is defective. It is defective in the third section, in so far as the words in line 21, page 3, "unless otherwise in the deed expressed," are concerned, which I think ought to be stricken out. I think also the words in line 23 "or substituted trustee or trustees" ought to be stricken out. It is a dangerous power to grant to the trustee, or to the beneficiary of a trust, the right to select a substituted trustee, a person who was not agreed upon.

Mr. FAULKNER. I do not suppose the Senator is familiar with the practice under this system. A substituted trustee is a trustee appointed by the court. It is where the trustee has died or for any reason is unable to carry out the trust and there is a default. Then the party has to apply to the court of equity to substitute a trustee in the place of the one the parties themselves agreed to.

Mr. ALLEN. That power exists completely without a statute. There is no court of equity in this country that will suffer a trust to fall for want of a trustee.

Mr. FAULKNER. And for that reason the bill does not provide for an application to a court as to its general equity power, and only refers to it in case the court has to act.

Mr. ALLEN. Then the words are clearly superfluous. If these words are not designed to confer the power upon the beneficiary of the deed to select a trustee in consequence of the incapacity or death of the trustee named, then they are useless in a deed of this kind, because a court of equity always has power, regardless of the terms of the deed, to appoint a trustee to carry into execution the trust. But it strikes me that hidden beneath these words is this monstrous power of the right of the grantee in the deed of trust or the beneficiary of the mortgaged estate to select some person of his own kind and his own choosing to carry into execution the power in the event the trustee dies or

is incapacitated from executing it. I think those words ought to go out. In line 24, page 4 of the bill, these words occur:

In case of default in the payment of the debt or interest or any part thereof, according to the tenor and effect of the note, notes, bond, or bonds described, etc.

Then the power to sell the property is given. I think this bill is wrong in so far as it gives the grantee of the trust deed power to sell the property for the nonpayment of simply a small portion of the interest. I will admit that it is perfectly proper if a bond or note is given providing for the payment of interest at a stated period that the nonpayment of the interest should entitle the holder of the trust deed to foreclose and extinguish the title of the grantor, but the mere nonpayment of an insignificant portion of the interest at a specified time should never give the beneficiary of the trust the power to sell the entire estate.

Under this bill if a note for $100 were given, accompanied by a deed such as is provided for in the bill and the payment of interest quarterly, the grantee in the trust deed could sell a man out for the nonpayment of $2.50 interest. The entire estate and everything that the purchaser of the property had originally put into it could be sold and whistled down the wind in a few minutes without any remedy on the part of the grantor. That is one of the purposes of the bill.

As to the words which occur in lines 41, 42, and 43, on page 4 of the bill, I am frank to say that I can not tell what they mean. I think I know what they mean, but I am not certain. Speaking of the discharge of the trust deed after the execution of the trust, this language occurs:

And all of all liability on the part of the purchaser or purchasers to see to or account for the application of the purchase money.

I suppose that this means that the person purchasing at the trustees' sale takes a title entirely regardless of the question of whether the money arising from the sale of the property is properly applied or not. This makes him a purchaser in good faith without notice in a certain sense, and he has no liability and no concern whatever in regard to the application of the funds arising from the sale of the property, and is not concerned in seeing it applied in the discharge of the debt. It strikes me that that is wrong. Whenever a man invests money in trust property a moral if not a legal, obligation rests upon him to see that the powers conferred upon the trustee are executed in good faith and the money paid in the interest of the grantor. There is no reason why he should be exempted from liability by a provision of this kind. Good faith would require on his part some attention in seeing that the money went into the proper legal channel, and he ought not to be permitted to escape from liability in consequence of the insertion in a statute of language of this character. I think those words ought to be stricken out.

Mr. HUNTON. Will the Senator permit me to give the reason for that provision?

Mr. ALLEN. Certainly.

Mr. HUNTON. When a grantor in a deed of trust and the beneficiary of that deed of trust are about to make a deed of trust to secure a loan from one to the other, they mutually agree upon a trustee. Why do they agree upon that trustee? Because each of them has confidence in the integrity of the man selected as the trustee. For that reason the purchaser should not be compelled to see to the application of the purchase money made by the man whom these two, the grantor and the grantee, have selected because of their personal confidence in him. It is a trust confided in him by the original parties to the deed of trust, and therefore the purchaser should not be required to see to the application of the purchase money.

Mr. ALLEN. The statement of the Senator from Virginia is all good enough in theory, but it does not work in practice. We are all familiar with the fact that in ninety-nine cases out of a hundred the trustee is the selection of the grantee of the trust deed rather than of the grantor.

Mr. HUNTON. Not a bit of it.

Mr. ALLEN. And the grantor by force of circumstances is compelled to assent to the selection made by the grantee. The Senator from West Virginia [Mr. FAULKNER] shakes his head as though that were not true. When a man is undertaking to purchase a home and has but little with which to purchase it, when he must depend in a great measure upon the generosity of the individual with whom he contracts, does not the Senator from Virginia know that the seller of that property and the holder of the security usually has his own way in the selection of a trustee?

Mr. HUNTON. I know no such thing.

Mr. ALLEN. Usually he has his own way in incorporating in the trust deed every condition for his own benefit and against the interest of the grantor. If the Senator from Virginia does not know it, I desire to say that I know it. I know it from observation; I know it from meeting these things for the last twenty-five or thirty years.

Beginning with the words "and to," in line 17, on page 5, and including lines 18, 19, and 20, on page 6, I think that language ought to be stricken out of the bill.

Mr. FAULKNER. I ask the Senator to read the passage to which he refers.

Mr. ALLEN. After describing a release in section 4, on page 5 of the bill, this language occurs:

Shall be deemed sufficient—

Speaking of the legal force of the form of release—

Shall be deemed sufficient in form to fully discharge the mortgage or trust—

This is the language which I desire stricken out—

and to vest in the releasee, or person or persons then claiming under such releasee, all the title and estate conveyed by the mortgage or trust deed.

The purpose of this language evidently is to cut off all liability of the purchaser of the trust property to an action by the grantor to redeem his property or to establish some equity or right in the property.

Mr. FAULKNER. If the Senator will permit me, he has misunderstood that section entirely. The section provides for a release of the deed of trust only in case the debt has been paid, and vests the property entirely in the original debtor. It is for his protection, and for the protection of nobody else, that this clause was inserted It was essential to use that language, because, under the common law form, it would have to be a regular conveyance, a deed of bargain and sale from the trustee back to the original debtor, the debt having been paid, but this short release form is given. Then the proposed statute goes on to declare that that short form of release shall have the same effect as a deed of bargain and sale from the trustee back to the debtor, to reinvest him with the title to the property, the debt having been discharged and paid.

Mr. ALLEN. Does not the Senator from West Virginia understand well enough that this short form of release is good in court, regardless of any statute?

Mr. FAULKNER. I do not. It does not establish and does not vest any title whatever, except by virtue of the terms of the statute.

Mr. ALLEN. There is not a court of equity in this country, in case a trust deed were paid off and discharged, which would not hold the execution of this form of release as perfect and complete.

Mr. FAULKNER. If the Senator will permit me, a court of equity would hold this was evidence of the payment of the trust, and if the debtor would go into a court of equity and present that evidence of payment, the court would appoint a commissioner to convey to the debtor the title of the property which had been conveyed by him to the trustee before the payment of the debt by the debtor. What I mean is the debtor would have to go into a court of equity, if it were not for this proposed statutory provision, to get the title back in himself. No court of records would record such a release without a statutory provision, nor would it under the common law, where it is in operation, vest in the debtor the title which he had conveyed to the trustee.

Mr. ALLEN. The Senator from West Virginia is clearly wrong. It is not the release that revests title to the property; it is the payment and discharge of the trust deed that operates to revest the title in the grantor of the trust deed; it is the act of payment which puts the title back in the grantor of that deed, and any court of record in this country having jurisdiction would hold this short form of release as admissable in evidence in a suit to quiet title to the property.

Mr. FAULKNER. I suppose the Senator is thoroughly familiar with mortgages, if he is not with deeds of trust, and I ask him, as a lawyer, whether, after a mortgagor has conveyed his title to the mortgagee to secure a debt and the mortgagee has paid that debt, whether the title by virtue of the payment is reinvested in the mortgagee? I admit that the evidence of payment is sufficient to enable a court of equity to appoint a commissioner to reconvey that property.

Mr. HOAR. After default?

Mr. FAULKNER. No, after payment by the debtor of the amount.

Mr. HOAR. The Senator means after payment in strict pursuance of the condition?

Mr. FAULKNER. In strict pursuance of the condition. In the case of a mortgage, after default the chain of title would not be perfect on the records of the court, that is in the recorder's office and the deed books, until there had been a reconveyance. As the trustee has no legal title when the debt is paid, this short form of release simply reinvests the grantor with that title, and

is allowed to be recorded, which shows the chain of title perfect in the original grantor. That is the universal practice.

Mr. ALLEN. It pains me very much to disagree with the Senator from West Virginia, but when he speaks of a mortgagee conveying a title to property to the mortgagee, he speaks of something impossible in this country. A mortgage does not convey title to property; it never did convey title to property in this country, excepting a chattel mortgage, which conveys a legal title; but according to the holdings of our courts a mortgage is simply a lien upon the property, and the title never vests in the mortgagee or in a purchaser under the mortgagee until the equity of redemption is extinguished by foreclosure.

That brings me to a remark of the senior Senator from Massachusetts [Mr. HOAR] made on Monday in discussing this question. The Senator mentioned the definition of a mortgage as being a dead pledge. I call the attention of the Senator from Massachusetts to the fact that in the jurisprudence of this country there is no such a thing as a dead pledge, and that the instrument called a mortgage has changed greatly from its original meaning. At the time mentioned by the Senator from Massachusetts, something like three or four hundred years ago, it was essential for the mortgagor to redeem his property before the law day to prevent a title vesting in the mortgagee, and if he failed to do so the property became a dead pledge, and title passed to the mortgagee; but there never was a time in the history of the common law, there never was a time in the history of the civil law when a mortgage before the law day conveyed a full title to the mortgagee.

It was only after the pledge had become dead, after the failure to redeem the property within the life of the mortgage that title was conveyed. Under the holdings, however, of our courts in this country, or of a great majority of them, a mortgage does not even convey a title; it simply conveys a lien upon the property, which must be perfected by foreclosure; and it makes no difference about the law day, it can come and pass, and yet the mortgage confers no title upon the mortgagee unless foreclosed. The equity of redemption stands there for all time until by some means pointed out by law it is extinguished.

In another thing of which the Senator from Massachusetts spoke the other day, in my judgment he erred, which was that this condition is really for the benefit of the debtor. I have not heard the Senator from West Virginia or the Senator from Massachusetts say anything particularly about the benefit of the creditor in such a case, but they are looking after the benefit of the debtor, the man who executes this form of deed, and it has been argued that the sooner the property could be sacrificed and turned into money the better off the man who executed the deed will be. The Legislatures of a majority of the States of this Union do not look upon this question in that light. They have provided humane laws for the stay of execution, prescribing a reasonable length of time for the redemption of property after sale which is mortgaged, and in my judgment it is found in those communities where that rule is adopted to be of very great benefit to the making and founding of homes and ample security for the man who invests his money in a mortgage.

It is for the purpose of protecting the home builders of this country that laws of this kind are introduced, and at the same time for the purpose of giving to the lender of money his principal, his interest, his costs, and everything which he contracts for, everything which he is in equity entitled to, before the debtor is permitted to redeem his property. So nothing is to be subserved, no useful end is to be accomplished, by selling a man out of his home within three or four or five or ten days after default.

Section 10; lines 5, 6, and 7, in my judgment should be stricken out. I will read the whole section to show the force of the words I desire to have stricken out:

SEC. 10. That no covenant or promise by a lessee that he will leave the premises in good repair shall have the effect, if the buildings are destroyed by fire or otherwise without fault or negligence on his part, of binding him to erect such buildings again, or to pay for the same or any part thereof—

Then come the words to which I especially object—

unless there be other words showing it to be the intent of the parties that he shall be so bound.

This language is evidently meant to give the loaner of money the power over his debtor of exacting a contract out of him which, when foreclosed, will deprive him of every dollar of money he has invested in the property and render him liable, in addition, to construct upon the property, if the buildings are burned, new buildings, or render him liable for damages for a failure to do so. It is one of those provisions the practical effect of which is that when the mortgage or the trust deed—and in this respect a trust deed is not different from a mortgage—is foreclosed, to take every dollar the debtor has in the property and render him personally liable and his other property liable to be sacrificed for a failure to construct upon that property destroyed buildings. That is another of the secret provisions of the bill, the hidden purposes of the bill, to cast the burden upon the debtor who executes a contract of this kind.

Mr. President, I do not stand here to ask for unusual provisions for persons who execute these contracts. I wish to see the debtor and creditor put upon an equality; I wish to see the rights of both of those classes of persons protected; I wish to see the man who loans his money get his money and interest and costs up to the very last moment, while I desire, upon the other hand, to see the man who has invested his little all in a home protected in the privilege of redeeming that home from a forced sale.

It is a little singular that in the report accompanying this bill there is not a syllable or a sentence showing the necessity for a bill of this kind in this District. The committee in the report simply says:

The Committee on the District of Columbia, to whom was referred the bill (S. 832) to simplify the forms of deeds of conveyance, trust, and releases of land in the District of Columbia, and for other purposes, have considered the same and recommend that it do pass as amended.

Then the report speaks of striking out a word here and a word there, and inserting different words in their places, but there is not a thing in the report which shows that any public purpose or any end of justice will be subserved by the passage of the bill. The bill is as silent as the grave upon that question. The committee have not seen fit to enlighten the Senate upon the necessity for the passage of a measure of this kind. If the interests of creditors in the District of Columbia are imperiled in consequence of the present method of doing business, certainly the Committee on the District of Columbia should have enlightened us upon that subject; if the interests of the other class are improved by reason of the passage of the bill, we should have been told so, and told in what respect their condition would be improved by it. But there is nothing here to guide any Senator in this Chamber in voting upon the bill.

Mr. President, yesterday morning the Washington Post contained a supplement, which I hold in my hand [exhibiting], containing thirty columns of solid matter set in very small type, almost diamond type, of real estate in this city to be sold for the nonpayment of taxes. A hurried calculation shows that there are 8,400 pieces of property now being advertised in this city to be sold at tax sale for sums running from 50 cents to $1.50 up to 13, 14, 15, and more dollars, showing a singularly distressed condition of a great portion of the people of the city of Washington.

Who are the persons who are thus affected? Who are the persons whose homes are to be sold out for 50 cents or $1.50? They are persons who are undertaking to establish homes in this city; they are the poor people, the working people, the clerks, the industrial classes. So great is the stress of their circumstances, so great is the struggle for a bare existence upon their part and for their families, that they are unable to pay a tax of 50 cents or $1, or $1.50 to save their homes from the purchaser at a tax sale. Yet, Mr. President, in the face of this fact, which is astounding and appalling, we are urged here to pass a bill which is to add to the burdens of this class of people, and not only give the tax-purchaser a chance at these humble homes, but to give the loaner of money a speedy chance at those homes as well, so that the occupants of those homes, who have worked hard to build them, may be, with their families, literally thrown into the streets, with no protection and no means of subsistence, except as they receive it at the hands of charitably disposed persons.

I submit that there is nothing wrong either to the debtor or the creditor to adopt the amendment giving a right to redeem the property within a reasonable time after it is sold. If the creditor receives his money—and that is all he contracts for—his principal and interest and all costs to which he has been put, within one year after the sale of the property by the trustee, then, certainly, the purposes of justice have been answered in his case, and he has nothing of which to complain; he has received all he contracted for; he has received all which, in justice and equity, he ought to receive; and by that means the poor person, who was in default for payment in consequence of sickness or misfortune of some kind or lack of employment, has an opportunity within that year to get the money to pay off his debt and save the money which he has placed in this little home. He ought to have that right. It is but justice that he should have that right; and anything which extinguishes his title sooner, anything which extinguishes his title before he is given an opportunity to redeem, is unjust to him, unjust to society, and unjust even to the creditor himself.

That tells the tale of the humble homes in this city [exhibiting the Washington Post]. Eight thousand four hundred pieces of property are now ready to be sold for the nonpayment of taxes, running from a few cents to a few dollars.

There is another important question which ought to be con-

sidered in this measure, and I call the attention of the Senator from West Virginia to it, which is, whether a title to real estate can be extinguished by a foreclosure of this character—by a mere sale? There is nothing better settled in the constitutional jurisprudence of this country than that every man is entitled to his day in court before his rights of property can be extinguished. He must have an opportunity to come into court and present his case to the court and have a judgment upon his rights before he can be concluded.

I want to call the attention of the Senator from West Virginia to the fact that the great majority of the courts of last resort in the States of this Union are holding to-day that a title can not be extinguished in this form.

Mr. HUNTON. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. HUNTON. Does the Senator mean to state to the Senate that any State in this Union has decided that a fair and bona fide sale under a deed of trust, in strict compliance with the terms of that deed, and the sale carried into effect by the execution of a deed, does not convey a title to the purchaser?

Mr. ALLEN. That is exactly what I mean to assert.

Mr. HUNTON. I should like to see the authority for the Senator's assertion.

Mr. ALLEN. I shall take great pleasure in showing it to the Senator from Virginia.

Mr. HUNTON. Let the Senate see it, too.

Mr. ALLEN. I mean to assert not only that, but I mean to assert that there are States in this Union where there are statutes against a title of that kind.

Mr. HUNTON. That is another thing.

Mr. ALLEN. There are cases where already courts have decided against such titles and where State Legislatures have followed up the decision by enacting statutes against such titles.

Mr. HUNTON. Of course, the Legislature of a State can enact such a law, but I am talking about a case where there has been a sale under a deed of trust in srtict compliance with its terms, and no statute in that State which sets aside that sale; that such a sale and such a conveyance conveys a bona fide title, which can not be impugned in any court.

Mr. ALLEN. I mean to assert exactly that. I say there are States in this Union where this precise question has been settled by the court of last resort, where they held that a sale of this kind is not due process of law, and does the Senator from Virginia claim that this is due process of law?

Mr. HUNTON. Certainly.

Mr. ALLEN. Is there any due process of law in this country except where the party has his day in court? Is that not what the words "due process of law" mean? They mean that the party must be brought into court, that he must be given a trial by jury, if the case be a law action, or by the chancellor, if it be a chancery proceeding; and I assert to the Senator from Virginia that there are not only courts in one State, but there are courts in more than one State in this Union, which have held that a sale of property under the terms of a trust deed is not "due process of law" where a trust deed is given as security for money and where in equity it is a mortgage.

Mr. President, I should like to ask the Senator from Virginia, because he is an excellent lawyer, one or two questions. Does the form of a conveyance determine the character of the conveyance? If it is given as a security for money, is it not a mortgage? If it is an absolute deed, if it is a trust deed in form, or whatever the form of the contract may be, if that contract is given to secure the payment of money, is it not in equity a mortgage?

Mr. HUNTON. Of course it is.

Mr. ALLEN. Certainly; the Senator from Virginia says it is. If it is a mortgage once, is it not a mortgage for all time until the equity of redemption of the mortgagor is extinguished? How do you extinguish it? You extinguish it by a process of foreclosure; and I ask the Senator from Virginia how he is going to extinguish the equity of redemption of a mortgagor unless he extinguishes that equity of redemption in court?

Mr. HUNTON. I will answer the question. We are not dealing with a mortgage in this bill; we are dealing with a deed of trust. While it is true that the mortgagee has to go into court to foreclose his mortgage, this bill provides for an entirely different thing, in the shape of a deed of trust, which does not require the parties to go into court merely for the purpose of foreclosing, unless there be some other question involved, like the invalidity or illegality of the debt or its payment, or some fraud which will induce the parties to carry it into court. Then a deed of trust may be executed as well and as effectually out of court as by a decree of a court.

Mr. ALLEN. The Senator from Virginia says this is a deed of trust, and not a mortgage. In the days of the war, when horses were scarce, they used to call a mule "a horse by brevet," but it did not change the character of the animal at all. So when the Senator says this is a trust deed, he is simply sticking in the bark. It is a mortgage, to all intents and purposes. Let me read for the benefit of the Senator:

This deed of trust made this [date], between [the grantor or grantors] of the first part——

Mr. HUNTON. From what page of the bill does the Senator read?

Mr. ALLEN. I read from section 4, on page 3, beginning in line 4:

and [the trustee or trustees] of the second part, witnesseth, that the said party (or parties) of the first part, in consideration of the debt hereinafter specified doth (or do) convey unto the party (or parties) of the second part the following-described land in the [here insert location and description of the property] in trust to secure to [the party secured] payment of the sum of [amount] dollars, on account of [here state character of debt] and interest thereon, the said debt and interest being payable according to the tenor and effect of [here insert the number and description of the note or notes, bond or bonds, etc.].

That states the language of a mortgage. The purpose of this anomalous instrument of conveyance is to secure a debt: it is to pledge property to the payment of the debt, accompanied by bonds or notes, and whenever it is given for the payment of a debt, pledging property as security for the payment of that debt, the Senator from Virginia admits with me that whatever name it may have, it amounts in equity to nothing less than a mortgage. If it were a deed of full covenants and conveyed an absolute legal title to the estate, and yet the purpose was to secure the payment of a debt, in equity it is a mortgage. This deed, so called, is nothing more than a mortgage, and I assert that the equity of redemption can not be extinguished under that instrument until the grantor has his day in court and is cut off by the decree of the court foreclosing the mortgage.

This is all I desire to say at this time, Mr. President.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

Mr. FAULKNER. I hope the amendment of the Senator from Nebraska will not be agreed to. All the members of the committee are opposed to it.

Mr. ALLEN. I wish to ask the Senator from West Virginia a question, if he will permit me?

Mr. FAULKNER. Of course.

Mr. ALLEN. Will not the Senator fix some time in this bill for redemption—any reasonable time?

Mr. FAULKNER. The difference between the distinguished Senator from Nebraska and myself is simply this, that he has been in the habit of practicing under a system in which the idea of redemption came in. In the District of Columbia and in the States of Maryland, Virginia, and West Virginia, which surround the District, this form of proceeding has always been pursued, and I am unwilling on a bill of this character to change the whole practice of this District in reference to this question. I believe it would be detrimental to the interests of the borrowers of this District to do so; I believe it would increase the difficulty of their obtaining proper and fair loans; I believe at the same time it would have a tendency to depreciate the price of property when it is sold under the terms of the deed if a year should be given for redemption.

I believe the effect of such a provision as that would be to take from the property the opportunity of being bid for by legitimate bidders who desire to own it and transfer into the hands of simple speculators in real estate and in the distress of the people, the purchase of that property at a trustees' sale. No one who wanted to live on the property and wanted to own it legitimately would think for one moment of buying such property and receiving a deed, to have it taken from him within six months or within twelve months.

For these reasons, in addition to the fact that there is no subsequent provision to carry out the theory upon which the Senator has offered his amendment, which could avoid the confusion necessarily attaching to the records of this District as to the chain of title to property, I am compelled to say frankly that I do not think the amendment should be adopted.

Mr. President, if the Senator from Nebraska thinks that the practice in this District for years, with no complaint from the people of the District, should be changed and made to conform to that prevailing in certain States, let the Senator introduce a bill and have that bill referred to the appropriate committee, the Judiciary Committee, and let them bring in a bill which will in all of its provisions conform one to the other, and make such a bill as will not confuse titles in the District of Columbia. That is all I ask.

The purpose of this bill was really not to change the law, except as to the form of conveyance. That is all there is in this

bill. In reference to deeds of bargain and sale, in reference to deeds of trust, in reference to deeds of release, its object is only to simplify the forms and to give them the validity and authority of law without the common-law proceeding or forms which have heretofore been in existence in this District.

Mr. CHANDLER. Will the Senator allow me to ask him a question in that connection?

Mr. FAULKNER. Of course.

Mr. CHANDLER. Was it the intention of the committee that conveyances ordinarily in the District of Columbia should not contain a covenant against incumbrances or a covenant that the grantor is seized and possessed of title?

Mr. FAULKNER. The covenant of general warranty as construed by the courts covers that. The only difference is that where you make a covenant *in præsenti*, you may be able in a special covenant of that character to sue upon it before there has been an ouster, which the general warranty and the general clause which is usually written in the deed in the same language that is used here would not permit you to do until after there had been a breach and ouster by the party.

Mr. CHANDLER. Then, about the covenant against existing incumbrances, is it the intention of the committee to have that left out of the ordinary conveyance?

Mr. FAULKNER. Not at all, because any kind of a covenant can be put in which the parties choose, and if you put in the special covenant to which the Senator refers it gives the purchaser at once a right to sue under that covenant, even before the debt becomes due between the debtor and his creditor.

Mr. CHANDLER. But unless the special covenant against incumbrances is contained in the deed that right would not exist.

Mr. FAULKNER. For example, under the language of this bill, construing what is the meaning of "general warranty," in order to bring a suit, if there was a lien upon the property purchased by deed of trust, that deed of trust would have to be enforced and the land sold, and the purchaser from the grantor deprived of his possession and title.

Mr. HOAR. Suppose the grantee had assigned to somebody?

Mr. FAULKNER. If the grantee had assigned, that would be all right; because, having given the general warranty, that general warranty as to the title of the property follows with the land in the hands of any subsequent purchaser who has such warranty from his vendor.

Mr. ALLEN. If the Senator will allow me a question, I ask if the general warranty runs with the land as a benefit whether the statute of limitations would apply and prevent an action thereon after a time?

Mr. FAULKNER. A general warranty?

Mr. ALLEN. Yes, sir.

Mr. FAULKNER. The statute of limitations could never apply until after the breach of the warranty.

Mr. ALLEN. But after a breach of the warranty it runs with the land and inures to the benefit of the subsequent purchaser, and the right of action upon it becomes limited by the statute of limitations, does it not?

Mr. FAULKNER. I can not state to the Senator what have been the judicial decisions in this District with reference to that question.

Mr. HOAR. I should like to put a question to the Senator from West Virginia, if the Chair will permit me.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Massachusetts?

Mr. FAULKNER. Yes, sir.

Mr. HOAR. I should like to ask the Senator whether in this District a man can convey a title to real estate of which he is disseized at the time of the conveyance?

Mr. FAULKNER. I suppose by reason of the effect given to a deed of bargain and sale that perhaps he could—I mean there would be no liability upon him by reason of the conveyance, unless he had a covenant similar to the one here of a general warranty.

Mr. HOAR. It is a very different question whether there is a liability and whether anything passes. My question is whether anything passes. In Massachusetts, if a party is disseized of land he can not convey anything; his conveyance is barren; and that is the case in many of the old States. I do not know how it is in the new States.

Mr. FAULKNER. I think that there is no question that that is so in all of the States.

Mr. HOAR. How is it in the District of Columbia?

Mr. FAULKNER. I think it is so here unquestionably.

Mr. HOAR. Very well. Then I desire to make the criticism—and I should like the attention of my friend, the Senator from West Virginia—that this provision does not provide for two or three covenants which are upon what is known as a common covenant, and which are very important, a covenant that the man has a good right to sell, a covenant of freedom from incumbrances, and a covenant of seizin, which is pretty nearly the same thing as the covenant that he has a right to sell. It is another way of saying pretty much the same thing, because it says that the general warranty is to be construed to forever warrant and defend the title. Now, to forever warrant and defend the title is not broken until there is an actual ouster, which may not happen for twenty years or fifty years.

Then the third section provides that a special warranty shall be a warranty of the grantor to forever warrant and defend the title against the claims and demands of the grantor and those claiming under him. Now, if there be an existing mortgage on a piece of land which I undertake to convey to the Senator from West Virginia, or if I am disseized, or if I have not a good right to sell and convey those covenants and I have covenanted that I am seized and that I have a good right to sell, and covenanted against the incumbrance, they are covenants of present debts and they are broken as soon as they are made.

Now, what is the effect of this bill if it passes? Certainly you ought to have a right to bring your suit the moment you discover the incumbrance and not to wait twenty or thirty years, when the grantor may be insolvent, or dead, or the transaction may be gone. If a man sells to you with such an incumbrance you ought to be able to sue him to-morrow and get the amount of incumbrance or damages. If he sells to you, being disseized, so that nothing passes, you ought to be able to sue him to-morrow and get damages. If he sells to you and has not any right to sell, you ought to be able to sue him to-morrow.

Therefore, what is the result of this measure? You have either got to write into the deed those special covenants, in which you have shortened or simplified the conveyance only one word, because you only substitute for the words "I will warrant and defend" the words "with general warranty." It puts in two long words instead of three short ones; that is all. And you have also misled the purchaser, especially if he is not a lawyer, into supposing that you have a form of conveyance with warranty which is adequate to all the ordinary exigencies and requirements of a conveyance. You will have hundreds of such conveyances in this District where the purchaser will find out that there is a mortgage on the property.

Mr. FAULKNER. I think I can explain to the Senator that the purchaser has insured himself against that situation.

Mr. HOAR. He has insured himself by getting a contract under which the owner or holder of the mortgage may refrain from ousting him for fifty years, and can not get any remedy unless he goes into a court of equity. You will not have your simple common law remedy under the contract for fifty years.

Mr. FAULKNER. Of course, under this bill——

Mr. HARRIS. Will the Senator from West Virginia allow me to make a suggestion to him?

Mr. FAULKNER. Certainly.

Mr. HARRIS. I desire to submit that it is very evident we shall not act upon the pending amendment and the passage of the bill without a yea-and-nay vote. There is at least one reason why I hope we shall not come to a yea-and-nay vote this evening. That being true, if the Senator from West Virginia will yield to me, I will move that the Senate proceed to the consideration of executive business.

Mr. FAULKNER. I should like to answer just one remark made by the Senator from Massachusetts.

Mr. HARRIS. I simply make the suggestion to the Senator from West Virginia.

Mr. HOAR. I wish the Senator from Tennessee would allow me to say one word more on this part of the bill, because I do not wish to take the floor again if I can help it.

Mr. HARRIS. Certainly; I do so with pleasure.

Mr. HOAR. The Senator from Nebraska, I understand, proposes to require in all cases of sale under these mortgages or trust deeds, first, that the buyer shall see to the application of the purchase money and shall take upon himself all the risks of questions as to the proper amount of expenses to be charged, as to the validity of claims or incumbrances that are set up, as to tax titles, and all the other questions that shall arise.

Mr. ALLEN. Mr. President——

Mr. HOAR. Let me state my point, and then I will yield to the Senator from Nebraska.

Next, and what is most important, he proposes that there shall be a right of redemption for at least twelve months from the time of sale. The result of the Senator's amendments, especially the last one, as I humbly conceive, will be that nobody can buy any property at a mortgage sale but a speculator or a shark. A man mortgages his house; he buys a piece of land and puts a house on it, and borrows the money. He is an honest, industrious workman, and he gives a mortgage. He gets into difficulty and can not pay it, and the property has to be sold. Nobody can buy it if he wants it for a house, because he can not

move into it without the danger of having to move out of it at any time, in twelve, six, or three months, when the redemption may take place.

Nobody is going to buy it who is going to fit it up for his own convenience or comfort. Nobody can buy it who is going to let it to other people as a permanent investment, and who will be expected when a new tenant goes in to fit it up with water appliances, or ranges, or with the new necessities for comfortable living, of which I dare say the fancy of Senators will suggest forty. So I will not say under a guise, but under a purpose, an honest, a humane purpose to benefit these debtors, the Senator from Nebraska might just as well write into the legislation of the District of Columbia a provision that whenever a man gives a mortgage and his property is to be sold for the debt, the debtor having the interest to get all he can after the payment back to himself of the debt, nobody shall buy but a land shark or a speculator. I do not myself think that is a good thing for poor householders.

Mr. FAULKNER. Mr. President——

Mr. ALLEN. Will the Senator from West Virginia yield to me for just a moment?

Mr. FAULKNER. How long will my friend from Nebraska take? I wish to allow the Senator from Tennessee to make the motion he has indicated.

Mr. ALLEN. I think I ought to say that the Senator from Massachusetts entirely misapprehends my position. I did not say that the purchaser at the trust sale should take upon himself all liability as to the correct disbursement of the money. I made no remark of that kind, and did not intend that an inference of that character should be drawn. I meant simply to say that his liability should remain exactly as it is to-day at common law, regardless of the language of the bill.

One more remark. I wish to say to the Senator from Massachusetts that in the great States of the Mississippi Valley where they have these stay laws, and where the right of redemption exists, the rule I mention does not have the effect the Senator from Massachusetts says it has. There are a great many millions of people in this country who know that these stay laws, and laws for the redemption of property, are very humane and operate in furtherance of the ends of justice. Instead of being a means to encourage and fatten the money sharks and the gambler in money, it has the effect of permitting thousands of people to save their homes who could not do so otherwise.

Mr. FAULKNER. Mr. President, I shall occupy only a moment of the time of the Senate. I wish to explain my understanding of these two covenants. The two covenants under the form of the deeds to day are written in the deeds in the language in which the bill construes the terms "general warranty" and "special warranty:" and the object and purpose of giving the meaning to the words general and special warranty, as provided in the bill, is simply to save the writing of some forty words instead of three, as the Senator from Massachusetts suggests.

I wish to state further that these covenants do not in any way prevent any additional covenants that are known to legal conveyances for the protection of the rights of the parties to a contract, but that throughout this whole section of country, in the three States surrounding the District, it has generally been given a certain construction by the courts, which is thoroughly familiar to lawyers and to the parties residing in them. Any additional covenant as to seizin, as to prior incumbrance, so as to give the party the right of action immediately he ascertains the covenant has not been complied with by the grantor, may be added to the covenant as can be done to-day and as they are added to covenants very often to-day.

The only difference between having that as a part of the general warranty and leaving it as it is to-day is because if there is an incumbrance upon the land when sold by the grantor the purchaser from the grantor can not bring suit against the grantor until the incumbrance has been in force and he has suffered damages by reason of the enforcement of an incumbrance existing upon the land at the time of his purchase, whereas, under the covenant suggested by the Senator from Massachusetts, suit can be instituted at the very moment the purchaser ascertains that there has been a violation on the part of the grantor of the covenant he has made.

Mr. CHANDLER. May I ask the Senator from West Virginia a question?

Mr. FAULKNER. Certainly.

Mr. CHANDLER. If it is not the intention of the committee in providing the forms to exclude other covenants, why should not the committee submit to have go into the proposed statute the forms of these covenants, so as to make the statute a complete conveyance?

Mr. FAULKNER. If the Senator from New Hampshire can suggest more abbreviated language for these different forms than that ordinarily used in deeds of conveyances, to cover the suggestions made by himself and the Senator from Massachusetts, he will find the committee ready at any time to accept such an amendment. But the covenants to which the Senator refers are so brief in language that the committee did not think it was necessary to proceed to embody them in the proposed statute, as it would be almost impossible to abbreviate the language.

I now yield to the Senator from Tennessee.

Mr. CHANDLER. I ask the Senator from Tennessee to allow me to offer an amendment to be printed.

Mr. HARRIS. Certainly.

Mr. CHANDLER. I offer an amendment to the pending bill and ask that it be read and printed.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add at the end of section 4, on page 5:

All sales of land under powers of sale in deeds of trusts and mortgages in the District of Columbia shall be made only by order of court upon foreclosure proceedings in equity.

The PRESIDING OFFICER. In the absence of objection the amendment will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 22, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 21, 1894.

PENSION AGENT.

Americus V. Rice, of Ottawa, Ohio, to be pension agent at Columbus, Ohio, vice John G. Mitchell, whose term of office will expire April 27, 1894.

SURVEYOR-GENERAL.

William S. Green, of Colusa, Cal., to be surveyor-general of California, vice William H. Pratt, term expired.

RECEIVERS OF PUBLIC MONEYS.

Oney Carstarphen, of Denver, Colo., to be receiver of public moneys at Leadville, Colo., vice Willis L. Thompson, to be removed.

Jeremiah P. Looney, of Fort Morgan, Colo., to be receiver of public moneys at Sterling, Colo., vice Norman H. Meldrum, removed.

POSTMASTERS.

Creed F. Middlecoff, to be postmaster at Akron, in the county of Washington and State of Colorado, in the place of David W. Irwin, whose commission expired January 16, 1894.

Julius Pinney, to be postmaster at Willimantic, in the county of Windham and State of Connecticut, in the place of Charles N. Daniels, whose commission expired February 10, 1894.

W. P. Anderson, to be postmaster at Palatka, in the county of Putnam and State of Florida, in the place of Frederic A. Garrison, whose commission expired February 21, 1894.

George Dyson, to be postmaster at Rushville, in the county of Schuyler and State of Illinois, in the place of Theodore J. Hutton, whose commission expired March 12, 1894.

Mark G. Harris, to be postmaster at Joliet, in the county of Will and State of Illinois, in the place of Henry C. Cullom, resigned.

William S. Martin, to be postmaster at El Dorado Springs, in the county of Cedar and State of Missouri, in the place of N. K. Beardslee, resigned.

Robert, S. Jordan, to be postmaster at Jersey City, in the county of Hudson and State of New Jersey, in the place of Samuel D. Dickinson, whose commission expired December 20, 1893.

Frank H. Lalor, to be postmaster at Trenton, in the county of Mercer and State of New Jersey, in the place of A. C. Yard, whose commission expired December 20, 1893.

W. T. Cheatham, jr., to be postmaster at Henderson, in the county of Vance and State of North Carolina, in the place of John R. Moss, whose commission expired January 27, 1894.

William S. Parks, to be postmaster at Delaware, in the county of Delaware and State of Ohio, in the place of John L. Wolfley, removed.

William R. Turney, to be postmaster at Greensburg, in the county of Westmoreland and State of Pennsylvania, in the place of Augustus D. Welty, whose commission expired March 13, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 19, 1894.

CONSUL-GENERAL.

James H. Mulligan, of Kentucky, to be consul-general of the United States at Apia, Samoa.

APPOINTMENT IN THE NAVY.

Montgomery M. Goodwin, a resident of Illinois, to be a chaplain in the Navy.

PENSION AGENT.

George M. Adams, of Barboursville, Ky., to be pension agent at Louisville, Ky.

POSTMASTER.

James P. Chesney, to be postmaster at Dewitt, in the county of Saline and the State of Nebraska.

Executive nominations confirmed by the Senate March 20, 1894.

POSTMASTERS.

Thomas J. Downey, to be postmaster at Pana, in the county of Christian and State of Illinois.

Cyrus N. Walls, to be postmaster at Taylorville, in the county of Christian and State of Illinois.

Executive nominations confirmed by the Senate March 21, 1894.

JUSTICE OF THE PEACE.

Joseph W. Davis, of the District of Columbia, to be justice of the peace within and for the District of Columbia.

POSTMASTERS.

Isaac R. Stayton, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania.

W. Fisk Conrad, to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania.

Eugene C. Protzman, to be postmaster at Portland, in the county of Multnomah and State of Oregon.

Albert Steinhart, to be postmaster at Greenville, in the county of Butler and State of Alabama.

SENATE.

THURSDAY, *March 22, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 1749) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa.

The message also announced that the House had passed a bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 5530) to regulate the making of property returns by officers of the Government; and it was thereupon signed by the Vice-President.

REPORT OF COMMISSIONER OF PATENTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1893, transmitted in compliance with section 494 of the Revised Statutes; which, with the accompanying papers, was referred to the Committee on Patents, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR presented the petition of Rev. Silas A. Reeder and 148 other citizens of Philadelphia, Pa., praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of Victor Grange, No. 159, Patrons of Husbandry, of Center County, Pa., praying for the passage of the antioption bill; which was referred to the Committee on the Judiciary.

He also presented the petition of Joseph D. Jones and 10 other citizens of Pennsylvania, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STOCKBRIDGE presented a petition of the Longshoremen's Union of Detroit, Mich., praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Knights of the Grip, of Grand Rapids, Mich., praying for the enactment of legislation authorizing the issuance of 5,000-mile railroad tickets; which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a petition of Encampment No. 118, Union Veteran Legion, of Zanesville, Ohio, praying that pensions be granted based upon the length of service of soldiers; which was referred to the Committee on Pensions.

Mr. HIGGINS. On behalf of the senior Senator from New York [Mr. HILL], who is necessarily absent, and at his request, I present a memorial of business men of New England remonstrating against the passage of the Wilson tariff bill. I move that the memorial lie on the table.

The motion was agreed to.

Mr. MITCHELL of Wisconsin presented a petition of the Manitowoc (Wis.) Building and Loan Association, praying for the passage of the clause in the Wilson tariff bill relating to building and loan associations; which was ordered to lie on the table.

He also presented sundry memorials of cigar manufacturers of Milwaukee, Racine, Oshkosh, and Eau Claire, all in the State of Wisconsin, remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

He also presented a petition of Alpha Council, No. 43, Royal Arcanum, of Milwaukee, Wis., and sundry petitions of citizens of Sheboygan Falls and Elkhorn, in the State of Wisconsin, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Jewett & Sherman Company, of Milwaukee, Wis., remonstrating against any change in the present duty on coffee and chicory, which was ordered to lie on the table.

He also presented sundry petitions of citizens of Milwaukee, Monroe, Lacrosse, Sheboygan, and Waupaca, all in the State of Wisconsin, remonstrating against an increase of the tax on distilled spirits; which were ordered to lie on the table.

He also presented a petition of the common council of Clintonville, Wis., praying that an appropriation of $100,000 be made for the completion of the harbor at Oconto, Wis.; which was referred to the Committee on Commerce.

He also presented a memorial of the Pfister and Vogel Leather Company and sundry other leather manufacturers of Milwaukee, Wis., remonstrating against a reduction of the duty on leather; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Union No. 182, of Madison, Wis., and a memorial of Cigar Makers' Union No. 25, of Milwaukee, Wis., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. BLANCHARD presented a memorial of sundry cork manufacturers of New Orleans, La., and a memorial of sundry citizens of Gouldsboro and Algiers, La., remonstrating against the passage of the Wilson tariff bill; which were ordered to lie on the table.

Mr. BATE presented the petition of F. H. Fisk and sundry other citizens of Nashville, Tenn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN presented a memorial of the Central Labor Union of Bay City, Mich., and a memorial of the Cigar Makers' Union of Jackson, Mich., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. TURPIE presented a memorial of Cigar Makers' Union No. 33, of Indianapolis, Ind., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

Mr. HARRIS presented a petition of Jackson Division, No. 149, Order of Railway Conductors, of Jackson, Tenn., praying for the passage of the antioption bill; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of Lodge No. 74, Ancient Order of United Workmen, of Sturgeon, Boone County, Mo., and a petition of sundry citizens of West Plains, Howell County, Mo., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented the petition of H. H. Virgin and sundry other citizens of Platteville, Wis., praying that fraternal college and society journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of George M. Breakey and E. S. Agnew, of Alma Center, Wis., remonstrating against an increase of the tax on distilled spirits; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Union No. 182, of Madison, Wis., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

Mr. LODGE presented the memorial of Hugo L. Flohr and 150 other employés of Wait & Bond, cigar manufacturers, of Boston, Mass., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented the petition of Charles F. Perkins and 24 other members of the Francis Higginson Colony, No. 100, United Order of Pilgrim Fathers, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 450) for the relief of Bryan Tyson, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SHOUP, from the Committee on Indian Affairs, to whom was referred a petition of citizens of California, praying for the passage of the bill to amend the Indian depredation act, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Depredations; which was agreed to.

Mr. CALL. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it with amendments. I give notice that I shall endeavor to call up the bill for consideration on Tuesday.

The VICE PRESIDENT. Meanwhile the bill will be placed on the Calendar.

Mr. ROACH, from the Committee on Indian Affairs, to whom was referred the bill (S. 1532) to ratify and confirm an agreement with the Southern Ute Indians in Colorado, and to make the necessary appropriations for carrying the same into effect, reported it with amendments, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred an amendment submitted by himself February 28, 1894, intended to be proposed to the sundry civil appropriation bill, reported it favorably without amendment, and moved that it, with the accompanying papers, be printed and referred to the Committee on Appropriations; which was agreed to.

BILLS INTRODUCED.

Mr. JONES of Arkansas introduced a bill (S. 1803) authorizing the construction of a wagon road on the Hoopa Valley Indian Reservation, in the State of California, and making appropriation therefor; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. QUAY introduced a bill (S. 1804) for the correction of the military record of Patrick Moss; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JONES of Arkansas introduced a bill (S. 1805) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation, which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value for each of said buildings from the evidence now on file in the Interior Department; which was read twice by its title, and referred to the Committee on Claims.

Mr. RANSOM introduced a bill (S. 1806) for the relief of the Cape Fear Steamboat Company; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1807) for the relief of Thomas S. Lutterloh; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 1808) to amend the act of June 22, 1892, entitled "An act to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES of Arkansas introduced a joint resolution (S. R. 70) to authorize the subtreasury at New York to receive certain moneys for the Cherokee Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENT TO APPROPRIATION BILL.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. POWER, it was

Ordered, That the papers relating to Senate joint resolution No. 109, for the payment of an account to W. F. Niedringhaus, contractor for furnishing beef to the Indians, pending in the Fifty-second Congress, be withdrawn from the files of the Senate and referred to the Committee on Indian Affairs of the House of Representatives.

DEATH OF LOUIS KOSSUTH.

Mr. HOAR submitted the following resolutions, which were considered by unanimous consent, and unanimously agreed to:

Resolved, That the Senate of the United States has heard with deep regret the death of Louis Kossuth, the illustrious patriot and lover of liberty, formerly the guest of the American people.

Resolved, That the Vice-President be requested to communicate the respectful condolence of the Senate to the family of the deceased.

SIMULATION OF COINS.

Mr. SHERMAN. I submit a resolution and ask its adoption.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary is instructed to examine and report whether the simulation of coins of the United States by coins of the same weight, metal, and fineness, except as authorized by law, is made criminal by the acts defining and punishing the counterfeiting of coins of the United States, or of other countries, and if not to report a bill to prevent and punish such simulation.

Mr. SHERMAN. My attention has been called to a possible defect in the law with respect to counterfeiting as to whether it would embrace the simulation of coins by putting in a counterfeited or simulated coin the exact weight, metal, and fineness required for a genuine coin. Doubts have been suggested in newspapers as to whether the existing statutes cover such a case. My own opinion, hastily formed, is that the existing law contained in sections 5457 and 5461 of the crimes statute will cover the case. Still doubts have been expressed about it, and to show that the inquiry is imminent, I ask leave to have read a telegram which I cut from a newspaper.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

SEARCHING FOR A PRIVATE MINT—IT HAS COINED HALF A MILLION AND HAS MADE BIG PROFITS FROM SEIGNIORAGE.

OMAHA, NEBR., *March 19*.

Four special Treasury secret-service men, in addition to the regular force employed at division headquarters and the forces of the United States marshal's office, are working in Omaha and vicinity to unearth a private mint which is alleged to have turned out over a half million standard silver dollars, using the same amount of silver and alloy as the Government. The plant has been in operation some time, and, it is said, it is impossible to detect the difference between the money made by the counterfeiters and the genuine turned out by the Federal mints. The profits of the gang are made from the seigniorage, which is said to give to the makers a rake-off of 51 cents on each dollar made.

Mr. SHERMAN. I ask for the present consideration of the resolution. There can be no objection to it.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to the same.

Mr. ALLEN. The Senator from Ohio is not audible on this side of the Chamber. I should like to know from what paper the extract which has been read was taken.

Mr. SHERMAN. I cut it from the Cincinnati Commercial.

Mr. ALLEN. It is simply a press dispatch?

Mr. SHERMAN. I cut it from the Cincinnati Commercial of yesterday or day before yesterday. I can not hear the Senator from Nebraska very well.

Mr. ALLEN. He simply clipped a press dispatch from some newspaper?

Mr. SHERMAN. Yes; it is a press dispatch from Omaha, stating what had been done by certain officers of the United States in the endeavor to detect and prevent this crime.

Mr. ALLEN. I should like to ask the Senator from Ohio if he has any other evidence showing a violation of the law in this respect aside from that contained in the dispatch which has been read?

Mr. SHERMAN. Yes; I have seen the statement in other papers. The fact is well known that in France, Great Britain, and Germany the same thing is being done with their minor coins. Their laws no doubt punish it as counterfeiting. It is counterfeiting, and it ought to be so punished. I think myself, under the statute as it now stands it is sufficiently covered, but I can see that there are points probably which no one contemplated at the time the law was passed. The law was passed in 1866, and it contemplated a disparity of metal in the two coins.

Mr. COCKRELL. The resolution is all right.

Mr. HOAR. I should like to ask the Senator from Ohio if he proposes to confine the inquiry to subsidiary or token coinage like the nickel coinage, or if the principal offense be in counterfeiting our legal-tender coins of silver.

Mr. SHERMAN. My impression is that section 5462 is confined to the minor coins, as they are called; that it does not embrace the fractional coins which are parts of the silver dollar. As a matter of course in 1866 when the law was passed there was no difference in the intrinsic value of the different metals, and therefore there was no occasion for a specification in the law. The law was undoubtedly passed to protect the minor coins, cents, etc., but I am inclined to think that the language is broad enough to cover the dollar as well.

Mr. HOAR. It seems to me it is a rather remarkable commentary upon our national system of coinage, having a little of the comic element in it, that we are obliged to introduce measures to make it a crime to furnish the people of the United States with coined money of full weight and fineness. Perhaps, however, it may be necessary. I defer to my honorable friend in this as in all matters connected with finance, but it would seem that if most of the financial arguments which have been made in this body for the last two years on both sides of the question are sound it would be a good thing to multiply all the coins of full weight and fineness. Still I do not propose to interfere with the Senator's resolution.

Mr. MANDERSON. I have no objection to the resolution. I simply desire to say that I have read, as I presume most Senators have read, the rumor of the coinage of a vast number, perhaps half a million silver dollars imitating the silver dollar of the Government and perhaps of equal value with it except that it has not the stamp of the Government. I do not believe it can be possible that under the law there is no way of reaching one who coins the money of the United States Government, and places upon it that which imitates the coinage of the Government but if there is any doubt on that question of course it should be investigated and a statute should quickly be passed to cure that defect.

As far as the rumor is concerned I do not believe there is anything in it. My confidence in the community in which I live would lead me to suppose that no members of it could be guilty of an act of this character, although we are very anxious west of the Missouri River for an increase of the circulating medium of the country.

Mr. STEWART. When coinage was suspended in India it was predicted that there would be a large amount of rupees coined on private account not only in India, but all over the East. I understand that there has been a mint established at Bombay to coin Mexican dollars. Undoubtedly this business will go on in some countries. In order to make it effective and destroy silver entirely it will be necessary to have an international agreement and a universal criminal law before this evil can be reached. It has been discussed a great deal. The matter is so important, and it is so necessary, if we are going to enforce such a law, to have an international agreement, that I think the resolution had better lie over until we can have time to consider it in all its branches and in its bearings everywhere.

The VICE-PRESIDENT. There is objection to the present consideration of the resolution.

Mr. SHERMAN. I have no objections to striking out the instructions, although I think it is right to have the opinion of the Committee on the Judiciary on the subject. What is the objection made? I did not hear it.

The VICE-PRESIDENT. The Senator from Nevada objects to the present consideration of the resolution.

Mr. SHERMAN. Very well; I have no objection to letting it go over.

The VICE-PRESIDENT. The resolution will go over under the rule.

SIOUX INDIAN FUNDS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what sums of money, if any, have been paid out by the United States, to what band of Indians paid, and when paid, under and by virtue of the stipulations of the treaty of 1836 and 1851 with the Wahpaykootay and Medaywakantoons bands of Sioux Indians; the former treaty having been made at St. Peters, Minn., and proclaimed February 15, 1837, and the latter treaty having been made at Mendota, Minn., August 5, 1851, and proclaimed February 24, 1853. Also, what sums have been paid, to whom, and when paid, under a treaty with the same Indians made at the city of Washington June 19, 1858, and proclaimed March 31, 1859; and also to inform the Senate what sums would now be due under such treaties, if the same were in force, and what sum or sums would be due to what was a portion of said bands of Indians, but now known as the Santee Sioux Indians residing at this time on the Santee Agency, in the State of Nebraska, as near as the same can be ascertained.

THE FIVE CIVILIZED TRIBES.

Mr. TELLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Five Civilized Tribes of Indians, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the present condition of the five civilized tribes of Indians, and of the white citizens dwelling among them, and the legislation required and appropriate to meet the needs and welfare of such Indians; and for that purpose to visit Indian Territory, to take testimony, have power to send for persons and papers, and examine witnesses under oath; and shall report the result of such inquiry, with recommendations for legislation; the actual expenses of such inquiry to be paid on approval of the chairman out of the contingent fund of the Senate.

ADJOURNMENT TO MONDAY.

Mr. GORMAN. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 5575) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

GOVERNMENT PRINTING OFFICE BUILDING.

Mr. VEST. I ask unanimous consent that the Senate proceed to the consideration of the bill to provide additional accommodations for the Government Printing Office.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1462) to provide additional accommodations for the Government Printing Office.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Wyoming [Mr. CAREY].

Mr. DOLPH. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That the Secretary of the Treasury be, and he is hereby, empowered and instructed to purchase for and in the name of the United States, for the site of the Government Printing Office, by direct negotiation with the owners, the south half of square 673, containing about 213,815 square feet, and bounded as follows: Two hundred and seventy-three and one-fourth feet fronting on North Capitol street, along the same from the intersection of L street therewith to what is called Pierce or Babcock street; thence east along the same, extending through the said square for 782½ feet to First street; thence south along First street for 273½ feet to L street; thence west along the same for 782½ feet to point of beginning; or, failing to secure such described property by negotiation with the owners or a satisfactory title thereto, as may be approved by the Attorney-General of the United States, he is hereby empowered and directed to secure the same by condemnation proceedings, as provided in the act approved June 25, 1890, to authorize the acquisition of certain parcels of real estate embraced in square numbered 823 of the city of Washington to provide an eligible site for a city post-office: *Provided*, That the said south half of square 673 shall be acquired at a cost not exceeding the money appropriated in the sundry civil appropriation act, approved August 30, 1890, to provide accommodations for the Government Printing Office, hereby made available for the object of this act; and the Treasurer of the United States is hereby authorized and directed, upon the requisition of the said Secretary, to pay the purchase, or, into court, the condemnation price of such property.

SEC. 2. That the Secretary of the Treasury, as soon as such site shall be acquired, will cause the Supervising Architect, with the advice of the Public Printer, to prepare the requisite plans for a Government printing establishment, fireproof all the way, which shall be fully equal to the prompt and efficient performance of the work now required by the Government, and such plans to be so arranged as to admit of progressive extensions, as the growing demand upon the establishment may, from time to time, come to acquire; and on account of the construction of such portion of the buildings of such plant as shall be deemed necessary for the present, $250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. This act shall be in force from its passage.

Mr. QUAY. I understand the amendment pending is one offered by the Senator from Wyoming [Mr. CAREY] some time ago in my behalf during my absence, which authorizes the Secretary of the Treasury to purchase what in the discussion heretofore on this floor has been known as the Mahone lot.

Mr. VEST. I understand the amendment covers the Carroll property.

Mr. SHERMAN. Certainly the description as read covers the Mahone lot.

Mr. DOLPH. I understand the amendment of the Senator from Wyoming, which has been read, was introduced on behalf of the Senator from Pennsylvania [Mr. QUAY].

Mr. QUAY. I was not present when the question was heretofore considered by the Senate——

Mr. VEST. The Senator from Wyoming introduced an amendment on his own account, proposing to select the Carroll property, as it is known, southeast from the Capitol.

Mr. DOLPH. Which amendment is pending?

Mr. VEST. Then the Senator from Wyoming, at the request of the Senator from Pennsylvania, submitted an amendment, which embraces what is known as the Mahone lot. The pending amendment, I understand, refers to the Carroll property.

Mr. CAREY. I think I offered the first amendment on behalf of the Senator from Pennsylvania, after having received a note from him. Then I offered an amendment on my own account for the purchase of what is known as the Carroll property. As I understand, the amendment which has just been read is the

amendment I offered on behalf of the Senator from Pennsylvania.

Mr. DOLPH. For the purchase of the Mahone lot?

Mr. CAREY. For the selection of the Mahone lot.

The VICE-PRESIDENT. The Chair so understands.

Mr. QUAY. Is the question now being taken on the amendment of the Senator from Wyoming offered in my behalf or upon his own amendment?

Mr. CAREY. On the amendment I offered on behalf of the Senator.

Mr. DOLPH. One further inquiry. I should like to ask the Senator from Pennsylvania if the provisions of the amendment for condemnation and the construction of a building are similar to those of the bill itself?

Mr. QUAY. I think so. My understanding is that this amendment is offered as a substitute for the bill reported by the Committee on Public Buildings and Grounds, and is exactly the proposition which was so ably supported in the last Congress by the Senator from Missouri [Mr. VEST], the present chairman of that committee. If I am in error in this statement he will correct me. The bill supported at the present time by the distinguished chairman of the Committee on Public Buildings and Grounds is the one which he so ably opposed in that Congress.

Mr. DOLPH. The amendment involves simply the question of a site?

Mr. QUAY. Of a site.

Mr. VEST. Mr. President, the amendment now proposed by the Senator from Wyoming [Mr. CAREY] on behalf of the Senator from Pennsylvania [Mr. QUAY] does not contain the provisions in the substitute reported by the Committee on Public Buildings and Grounds. The amendment of the Senator from Pennsylvania leaves out entirely the provision in regard to the construction of the building under the supervision of the Chief of Engineers, Gen. Casey. It simply provides for the purchase of a site, and is the same as the bill which, as the Senator from Pennsylvania is pleased to observe rather facetiously, was supported by me at a former session of Congress. If it affords the Senator any pleasure to allude to that fact he is entirely welcome to it.

I have given my reasons for making the report of the committee in favor of a different site. The circumstances have entirely changed, as I had occasion to remark before. We have been warned by a terrible disaster in an insufficient building, occupied and owned by the Government in a different part of the city, that a recurrence of such a disaster must be avoided. It is of the essence of this discussion that we should as soon as possible provide accommodations for the people in the Public Printing Office, who are to-day suffering not only discomfort, but who are threatened with actual danger.

Mr. President, permit me to call the attention of the Senate to one single fact. The Senator from Wyoming told us several days ago that if we selected either the Mahone site or what is known as the Carroll site, both of which are entirely vacant, a building sufficient to accommodate the Public Printing Office could be put up in a few months. Mr. President, unless we possessed an Aladdin's lamp, our experience teaches us that nothing of the sort could be done. We commenced the construction of the city post-office here in June, 1850, and we are now barely up to the second story. We commenced the construction of the building for the Congressional Library over five years ago, and Senators can look at it to-day and see what progress has been made, though the work has been pressed by Gen. Casey as rapidly as possible.

I am warranted by my experience, and other Senators know that it is a fact, that to commence the construction of a building *ab initio* for the Public Printing Office will take from three to five years. If it were a private undertaking of course it would be different; but under the system adopted in regard to public buildings, where it is made the interest of every workman and contractor to protract the building as long as possible, it takes from two to three or five times as long to put up a building for the United States Government as for private parties.

If Senators want to take the responsibility in the face of the recommendations of the Public Printer, in the face of our past experience, of keeping 2,500 or 3,000 employés in a dangerous and insufficient building, when we can give them relief under the bill of the committee inside of six months, let them do it.

I care for no charge of inconsistency. I have done my duty honestly. After examining every site, after considering the condition of the Treasury, and, more than all, considering the condition of the employés in the old Printing Office, I am entirely satisfied with what I have done.

Mr. STEWART. I am very much impressed with the necessity for speedy action in securing a new Printing Office building. That is the reason why I am in favor of the Mahone lot. The ground proposed to be purchased at the old site is covered with buildings, and it would take considerable time before work could be commenced on any new structure. It may be a question, too, whether there will not be considerable time expended in getting a foundation in that low land. The Mahone lot is free from obstruction: a good foundation can be easily made there upon hard ground; while before the old débris can be taken from the land surrounding the present Printing Office and work started a new building might be well under way on the Mahone lot. One of my principal reasons for getting new ground is that a good foundation may be secured on land which has practically settled, where the building can be commenced immediately and prosecuted vigorously without any obstruction.

Mr. BUTLER. Is there not another reason, if the Senator will allow me, and that is that the Government printing may go on in the old Printing Office until the new building can be completed on the Mahone lot, so that there will be no delay in the public business.

Mr. STEWART. Certainly; the public printing can proceed if any new site is selected.

Mr. BUTLER. I should like to make another inquiry. Is it not impossible on the ground adjacent to the present Printing Office to secure the 40 feet required for a public building erected for the use of the Government? I understand the policy of the Government is not to erect a public building within 40 feet of any other building. If I understand the dimensions of ground around the old Printing Office, a building there would have to come almost in contact with other buildings and with the street, which would be avoided, I understand, by adopting the Mahone lot.

Mr. STEWART. If it is a necessity to have the Public Printing Office at the old site, the Government ought to buy the entire block. There is no doubt about that. To have the building cramped in there will not answer for all future time. There is not land enough in the proposed purchase, and it will involve a greater purchase. Besides, on recurring to the question of expedition, if laborers are employed in tearing down the old buildings and preparing to erect new structures about the Printing Office, it will interfere with the operations of the Printing Office much more than would be the case at a short distance from there, where their work would not disturb the employés of the Government. It would make it exceedingly uncomfortable for the employés during the hot weather to have the buildings torn down, and it would interfere with the work of the Printing Office. The dust, etc., there would be a great nuisance while the building is being constructed. If a new building is constructed on the Mahone lot, when you get a portion of it constructed it can be made immediately available, as well as on the present site.

Mr. VEST. Will the Senator be kind enough to answer me a question, if he pleases?

Mr. STEWART. I will answer it, if I can do so.

Mr. VEST. Will the Senator give me his opinion as to how long it would take to put up a building for occupation on the Mahone lot, commencing from the foundation up?

Mr. STEWART. I think that it could be done much more expeditiously there than at any other place. It seems to me if there was business skill brought to bear upon it a sufficient building might be erected very speedily to receive the heavy machinery. That need not be delayed until the entire structure is erected. The trouble about the building down here is that the use of heavy machinery is liable to knock it all down at any time and probably create a great catastrophe.

Now, in an emergency like this it seems to me the Government might construct a sufficient building, or a portion of the building, where the heavy machinery can be put with expedition, much quicker on the Mahone lot than at any other place. Besides, the Mahone lot is cheaper when you take into consideration the quantity of land and the accommodations there. It is more suitable. There is room there for all time.

I believe it is the general opinion of those who have visited all these places, that the Mahone lot is the most desirable of all. I have been thoroughly convinced of that, not only by personal observation, but from observation of the debates that have taken place in the Senate, and I see no good reason to change my opinion. In point of cheapness, in point of sufficient land for accommodations for all time, and in point of expedition I believe the Mahone lot has a decided advantage over any other place which has been suggested.

Mr. VEST. Mr. President, in reply to the suggestion of the Senator from South Carolina [Mr. BUTLER] in regard to the occupation of the old building while a building on the Mahone lot is being erected, I call the attention of the Senate to a letter of the Public Printer, which was read in the preceding debate, dated August 11, 1893, and addressed to the Senator from Maryland [Mr. GORMAN], who is chairman of the Printing Committee. Mr. Palmer, the Public Printer, recommends the erection

of a building which can be finished inside of six months, and which will give absolute relief to the present Printing Office and remove all danger to be apprehended from its present condition. In concluding the letter he says:

When a building shall be erected which will cover the whole of the proposed new site, the H street and North Capitol street wings (which are believed to be the only portions of the present structure which are unsafe) can then be torn down and rebuilt. The Government will then have a building which will be of sufficient capacity to meet its needs for many years to come.

The proposition we now make is to put up a building inside of six months which will give absolute security and remove the chance of disaster which is now threatening the employés in the present building. But if the Senate chooses to take the responsibility of keeping the employés there until a large structure can be put up elsewhere, then Senators must assume that responsibility for themselves. Here is a report of a public officer that the public printing building is insecure and dangerous. We know what has happened in this city within the immediate past, when lives were sacrificed and employés of the Government maimed by the insecurity of a public building which was occupied against all the laws and rules that should govern the preservation of human life.

We are asked now under personal solicitations to take this risk as to the public printing building, and to disregard the question whether those 3,000 people are to be kept in that insecure building in order to purchase ground elsewhere.

There is another consideration that I have never urged here, but which with me has some weight. Many of the employés of the Government Printing Office have their little homes around the present Printing Office site. They own them and occupy them, and they would be compelled to give them up or else be subjected to the inconvenience and expense of making their way each day to their work at a distance from where they live.

Again, the Senator from Ohio [Mr. SHERMAN] argued against the lot which has been selected by the House of Representatives, immediately contiguous to the Baltimore and Ohio Railroad, because, he said, the locomotives running along that road would attract the attention of the employés, and the smoke and ashes and sparks would render the building not only uncomfortable, but dangerous. The Mahone lot has a branch of the Metropolitan Railroad running along its eastern line exactly as the main branch of the Baltimore and Ohio runs along the lot submitted to us by the House of Representatives. The very same argument applies to one as to the other. If we adopt the present site, the expenditure is very inconsiderable; the relief is immediate; all the mains for gas and water purposes are already available, and I say deliberately that in my judgment under present exigencies it is all we can do.

Mr. BUTLER. May I ask the Senator from Missouri a question before he sits down?

Mr. VEST. Certainly.

Mr. BUTLER. I do not remember the figures which were brought into the Senate in some former discussion, but if I am right in my recollection the present Public Printer stated, in connection with two other commissioners, that 150,000 square feet of ground would be required for this public building. Now he says in this letter that the amount of land which will be secured by the purchase he proposes, 54,000 square feet, will run it up to 115,246 square feet.

Then he proposes to add 12,533 square feet, covered by two alleys, one 30 feet wide, running east and west, and the other 14 feet wide, running from the 30-foot alley south to G street. That would make about 137,000 square feet. I have been under the impression that the reports heretofore have stated that not less than 150,000 square feet of ground would be enough for this public building. I understand the Public Printer now comes in and recommends a smaller amount of ground. I do not quite understand that, if it is a fact.

Mr. VEST. There was a statement of that sort, as I recollect, when the Public Printer, in connection with the Architect of the Capitol and the Secretary of the Treasury, made a report in favor of what is known as the baseball lot. But the Public Printer has since changed his opinion in regard to the matter, and he makes the recommendation contained in this letter, and is of the opinion that the quantity of land here stated is sufficient.

I wish to state, in reply to another suggestion of the Senator from South Carolina which I neglected to notice, in regard to the 40 feet upon the western portion of this proposed site, if the recommendation of the committee be adopted the 40 feet, if necessary, can be obtained at a very inconsiderable expense. The property there is not at all high priced, and $10,000, certainly not exceeding $12,000, would buy the additional 40 feet if it should be thought necessary to obtain it.

Another argument in favor of the present site is that there is an immense area of very cheap ground, relatively cheap, which can be obtained by the Government at any time.

I wish to state now, although I do not desire to violate any parliamentary rule at all, that, in my judgment, it is simply impossible to secure the assent of the coördinate branch of Congress to the purchase of the Mahone lot. They have deliberately put their judgment upon the lot which is immediately north of the Capitol and near the Baltimore and Ohio depot. The Mahone lot was fully discussed in the joint committee; it was visited twice by us; all the arguments were considered, and I will state frankly that with very great reluctance I gave up my opinion in favor of that lot as heretofore expressed. But the necessity for immediate relief and the necessity for economy in expenditure, in the present condition of the Treasury of the United States, outweighed with me every other consideration.

Mr. BUTLER. I understand the proposition of the Senator from Missouri is to patch up the old building.

Mr. VEST. The Senator from South Carolina is entirely mistaken. If he had done me the honor to read my report he would have seen there is nothing of that sort proposed.

Mr. HARRIS. May I ask the Senator from Missouri what lot it is the Public Printer recommends? The Senator refers to a letter from the Public Printer, but I did not hear it.

Mr. VEST. If the Senator from Tennessee will listen to the letter from the Public Printer he will see to what I have referred. I ask the Secretary to read it, although it has been read before.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., August 11, 1893.

SIR: I have the honor to acknowledge the receipt of your favor of the 3d ultimo, suggesting that I ascertain if it is possible to secure an option upon sufficient property in the same block in which the present Government Printing Office is located to meet the requirements for additional rooms.

In reply I have to state that options have been secured, covering ground facing North Capitol and G streets, which, added to that already owned by the United States on G street, will equal the area of the present Government Printing Office site. This ground, comprising about 54,000 square feet, is shown by the blue tint on the accompanying drawing, and is offered, with all the improvements thereon, for the sum of $175,000.

The Architect of the Capitol estimates that to construct on this ground, to meet immediate necessities, a five-story building, 60 by 175 feet, fronting on North Capitol street, the floors to be of iron beams and brick arches, and the roofs supported by iron rafters, will cost $107,000; and for a six-story building, having the same ground dimensions, $126,000.

I respectfully recommend that this ground be purchased, and a six-story building, 60 by 175 feet, fronting on North Capitol street, be erected. Such a building will afford floor space equal to seven-eighths of that of the H street wing of the present building. This building, it is believed, will give immediate relief, and at a future time Congress can make an appropriation to erect a building on the remainder of the ground thus purchased.

Should this purchase be made, the total area of the Government Printing Office site will then be 115,246 square feet. There should be added to this 12,533 square feet, covered by two alleys, one 30 feet wide, running east and west, and the other 14 feet wide, running from the 30-foot alley south to G street. I would recommend that the latter alley be closed and added to the proposed building site. The other should remain open for a driveway and to supply necessary light and ventilation.

The act of August 30, 1890, appropriated $250,000 for a site for the Government Printing Office. I respectfully recommend that this appropriation be made available, with an additional appropriation of $51,000, to be made immediately available, for the purchase of the site and erection of the building referred to.

When a building shall be erected which will cover the whole of the proposed new site, the H street and North Capitol street wings (which are believed to be the only portions of the present structure which are unsafe) can then be torn down and rebuilt. The Government will then have a building which will be of sufficient capacity to meet its needs for many years to come.

Very respectfully,

F. W. PALMER, *Public Printer.*

Hon. A. P. GORMAN,
Chairman Committee on Printing, United States Senate.

Mr. QUAY. Mr. President, I have understood that in the discussion of this measure it was alleged that the report of the Committee on Public Buildings and Grounds reflected the unanimous judgment of the committee. I rise to correct that impression. The report certainly is not in accordance with my judgment; it certainly is not in accordance with the judgment of the Senator from Wyoming [Mr. CAREY], nor with that of the Senator from Ohio [Mr. BRICE]. I suppose it represents the opinion of the majority of the committee, and the majority only. In other words, it is not a unanimous report, although there were no views of the minority submitted.

Mr. MANDERSON. Mr. President, one of the few matters for personal congratulation in connection with the pending bill, so far as I am concerned, is that I do not feel the grave sense of responsibility which was imposed upon me when this matter has been up in its different forms heretofore. I am glad that so able an advocate of that which is best is now in charge of the bill; and the Senator from Missouri [Mr. VEST] has not only my congratulations that the Committee on Public Buildings and Grounds have assumed control of this matter, but I feel like extending to him at the same time a little of my sympathy, for he knows now how it is himself.

For the last ten years the danger to the occupants of the Pub-

lic Printing Office building has been very great. The Committee on Printing, having in charge to some degree that great office, have repeatedly visited the building. They have recognized the presence of great danger, with probable loss of life. They have done what they could to put the building in safer condition. It has been propped up and supported and strengthened so that the great weight upon its floors might be maintained without crushing the lives and limbs of those who are employed in the building. These, however, have been but temporary makeshifts, and the building is, in my opinion, more dangerous than Ford's Theater was even after the excavation was under way which at last brought it tumbling about the heads of those who were in it. The Committee on Printing have always recognized this danger. In report after report from the Public Printer he has cried aloud for relief for those who were under his care.

I do not wish to delay action upon the bill by going into ancient history, but still I think it due the subject that I should say that no better action has been taken by any committee of either House upon this subject than that which was adopted by the commission organized years ago to select a site for a new Public Printing Office building. That commission was composed of the Public Printer, Mr. Palmer; the Secretary of the Treasury, then Mr. Windom, and the experienced Architect of the Capitol, Mr. Clark. It reported unanimously. One notable thing is that every report that has been made by other committees which have had this subject in charge has been unanimous, and there has not been a divided committee, such as now presents itself here upon this report.

Mr. BUTLER. May I ask the Senator from Nebraska a question?

Mr. MANDERSON. Certainly.

Mr. BUTLER. I inquire of the Senator if he can explain, because I am asking for information, what produces the causes of danger in the present public building?

Mr. MANDERSON. It is because the building was never constructed for the purpose of carrying the great weight that is now imposed upon it. Its walls are not sufficient; its floors are not sufficient.

Mr. BUTLER. May I ask further whether that might not be obviated by removing the heavy weight to the ground floor?

Mr. MANDERSON. No; because there is not space enough on the ground floor to hold the different presses, and the vast accumulation of material, finished and partly finished, and the crude material that is there.

Mr. BUTLER. Then it would seem to be the part of wisdom to relieve the building of some of that enormous weight by renting some adjacent building and putting the weight off this building for the time being. I can see no earthly reason why the lives of the employés should be jeopardized when there is plenty of room in the neighborhood to relieve the building of that enormous pressure.

Mr. MANDERSON. That has been done repeatedly. Buildings outside have been rented, and rent has been paid for them, for the purpose of storing some of the material of the Public Printing Office.

Mr. President, the commission to which I have referred, entering upon the performance of its duty, selected from all the numerous sites that were offered that which stands to-day a vacant piece of property and the very best that can be used for a Public Printing Office, and that is what is known as the baseball lot. The report of the commission would undoubtedly have been acceptable to the Congress of the United States, and the public printing building would now be upon it had it not been for—I was about to say the indecent, and I do not know that the term is too severe—the almost disreputable fight that has been precipitated in the two Houses of Congress by the different real-estate speculators, who desire to make profit from this necessity of the Government.

The baseball lot is beyond question located better than any other for the purposes of the Printing Office. It is of proper form, being almost a square. I shall not go into the detail of the matter and show its dimensions, but it is ample as to area; it is near the Capitol; it is near the Baltimore and Ohio Railroad, so that tracks could very easily be run into it.

In the effort that the Government should be compelled to purchase some other site there came those who were very desirous that great care should be exercised in looking out for the foundations of the new structure; and an attack was made upon the baseball lot. It was said that Tiber Creek ran through it; that it is filled ground to such an extent that no building of great dimensions and great weight can be placed upon it with safety. The Joint Committee on Printing took a great deal of testimony upon that question. It caused pits to be dug, to see just what is the character of the soil. The inspector of buildings of the District of Columbia, Mr. Entwisle; the Architect of the Capitol, Mr. Clark; the superintendent of construction of the new public Library building, Mr. Green, and Gen. Meigs, an architect of renown and great reputation, all, after thorough and careful examination, declared that the baseball lot is ample and sufficient to afford a solid and lasting foundation for this building. There were no two sides to that question, and yet, under the attack which desired that some other piece of property might be purchased, Congress turned aside from it and refused to ratify or act upon the report of this able commission that so faithfully did its duty.

When the time shall come for such an amendment I shall propose to amend the bill by substituting the baseball lot. I think perhaps I have given this subject as much, if not more, investigation and thought than any other man connected with it in any way, and in my opinion it stands beyond question, by reason of its location, its proximity to a railroad, and the character of the soil as the very best for the purposes of the Government.

Now, what is the second best? I believe it to be the Johnson lot. It is almost a square; is situated on the main line of the Baltimore and Ohio road, and is ground that is high and dry, and when you include the parking that can be used in part and the vacation of the alleys that run through it, it is ample, I think, for the purposes of a new Public Printing Office.

Mr. President, I have lost very largely desire for particular locality in my still greater desire that imminent danger shall be averted from these people and that we shall have a new building.

Mr. McMILLAN. I should like to ask the Senator from Nebraska a question there.

Mr. MANDERSON. Certainly.

Mr. McMILLAN. Does the Senator think that a building for the purpose of holding 3,000 employés should be made six stories high? Does he not think such a high building would endanger the lives of the employés? Would it not be better to buy land enough in which to spread the building over a great deal of ground, so that it would not of necessity be higher than three stories? Does not the Senator think that would be the safets plan?

Mr. MANDERSON. I think that with the improved methods in the construction of buildings, with the employment of structural iron that has come so largely into use, a six or eight story building is just as good, just as firm, as solid, and as secure, even for the purpose of carrying upon it great machinery, as a three-story building of the old style of construction.

Mr. McMILLAN. I was alluding more to danger from fire. It is well known that all printing establishments, as indeed all manufacturing establishments, are very inflammable. From the fifth or sixth story of a printing establishment in case of a fire it is almost impossible to get persons out, even in a small building, let alone an immense establishment such as this.

Mr. MANDERSON. I understand the proposition is that any building which is to be constructed is to be made fireproof or a slow-burning building. With the experience we have had in the great conflagrations I do not know whether any building can be said to be a fireproof building; but by the modern uses and appliances they are built of such a character that the combustion is so slow, that it is very easy by the necessary fire escapes, stairways, etc., to empty the employés from a six or even an eight story building.

Mr. QUAY. Will the Senator from Nebraska pardon me for an interruption?

Mr. MANDERSON. Certainly.

Mr. QUAY. I was not in the Chamber when the Senator from Nebraska began his remarks; and I desire to ask him where the baseball lot is located and what are its dimensions.

Mr. MANDERSON. The baseball lot is almost at the foot of the hill. It is on North Capitol street. It is known as lot 678, and it contains 170,648 square feet, being almost a perfect square. It is two blocks this side of the present Printing Office and on this side of North Capitol street.

Mr. President, I was about to say that I have lost any pride of opinion as to where this public building shall be placed. If the Senate shall vote down the amendment that proposes the purchase of the baseball lot and shall vote down the amendment that proposes the purchase of the Johnson lot, then, believing that the third next best thing to do is to extend the Public Printing Office where it now stands, I shall vote for the proposition submitted by the majority of the members of the Committee on Public Buildings and Grounds.

Mr. HARRIS. Will the Senator inform me as to the difference in cost between the three propositions to which he has just referred?

Mr. MANDERSON. I will state my recollection on that point. I may not be entirely accurate in my statement, because it has been some time since I looked this matter up and I have had to glance very hurriedly over some information before me to reach

the result desired. The baseball lot, of one hundred and seventy thousand and six hundred odd feet, was offered to the Government—a contract was made by the commission to which I have referred—for $240,000. The Mahone lot, consisting of 137,000 square feet, was offered to the Government at $250,000, and I am not positive but that there was an additional $25,000 proposed to be appropriated for the purchase of this lot. If so, that would make it $275,000.

Mr. QUAY. That is the Mahone lot?

Mr. MANDERSON. The Mahone lot.

Mr. QUAY. It was offered I think at $1.17 a foot. I do not remember the exact figures.

Mr. MANDERSON. At probably about that. The Johnson lot that is proposed to be purchased contains 106,000 square feet, and it was offered at a dollar a square foot, or $106,000. The parking that might well be used permitted such an increase that nearly 150,000 square feet were available that could be purchased for the sum of $106,000. The additional land desired by the Committee on Public Buildings and Grounds adjacent to the present Printing Office can, I believe, be purchased for the sum of $175,000. So the prices for these different lots or localities range from $106,000 for the Johnson lot up to $250,000, if not more, for the Mahone lot.

Mr. HARRIS. What is the relative position of the Johnson lot to the present site of the Printing Office?

Mr. MANDERSON. The Johnson lot is farther removed than the baseball lot. It is probably three squares to the north and east of the present public printing building site.

Mr. CULLOM. On the east side of the Baltimore and Ohio road.

Mr. MANDERSON. It adjoins on the corner the Mahone lot. That is to say, the Metropolitan Branch of the Baltimore and Ohio road runs along the east side of the Mahone lot and on the west side of the Johnson lot, the main line of the Baltimore and Ohio, which takes its course along Delaware avenue, being on the east side of the Johnson lot.

As to the Mahone lot, which is the lot proposed to be purchased by the pending amendment, I realize that when the lot, whatever may be its number or designation, is mentioned as the Mahone lot it is given a term that commends it to many members of the Senate. I do not wonder that it does. There is no man upon this floor who would go further to help the distinguished gentleman who is interested in that lot and who has given it his name than I would; and if I could bring myself to believe that it is for the best interests of the Government to buy that lot even at the price at which it is offered or more, I would be heartily glad to do it.

But I think there are such grave objections to that lot as should rule it out of consideration. In the first place, it is not as near to the Capitol as it should be, which objection probably applies to the Johnson lot as well; but I do not think that it is the proper shape for the use to which it is proposed to be put. It is 273 feet in width by 782 feet in length. Most of it is good ground and would afford a fair foundation. Through the lot, however, starting in, as I now recall the figures, from 20 to 30 feet from the corner on the one side and running across it and running out of the lot at a distance of nearly 200 feet from the corner on the opposite side is one of the main sewers of this city, and that part of the lot was filled. It may be that this lot has sufficient dimensions; that for present purposes it would not be necessary to utilize that part of the lot through which the sewer runs; but unquestionably as needs shall require, and as the country and the Public Printing Office shall grow, the whole of that lot will be needed for public building purposes.

Another objection that I have to the lot is that beyond a peradventure in the immediate future (and I am informed that if it had not been for the financial depression and trouble of the last year the fact already would have been accomplished), the Baltimore and Ohio road will combine its two branches, the one known as the Metropolitan branch, running along B street, I think, and the other, the main branch, running out Delaware avenue, and have an elevated road running into a new depot, perhaps located where the present one stands. The Mahone lot would, by that process, be cut off from its proximity to a railroad.

I have felt, Mr. President, as I have frequently expressed myself on this floor, that a true economy should require that the new Printing Office should be so situated that railroad tracks could run in and out of it, that the crude material should be carried in by rail, lessening the cost to the Government, and that the finished material which is to be distributed throughout the country by the medium of the mails should be placed upon the mail cars upon that ground, to a saving, as was estimated at one time by the Public Printer, as I recall it, of at least $150,000 per annum.

But to reach some conclusion here, to get some building secure, safe, and adequate for the purposes of the Government, I am ready to meet the Committee on Public Buildings and Grounds, or the majority thereof; and if the baseball lot or the Johnson lot can not be purchased by the action of Congress, then I am ready to extend the present building. It is true that no railroad can be carried there, for I do not think Congress would submit for a moment to the crossing of North Capitol street by a railway track. It is not good economy; but the necessity is so great, and I think, too, that the proposition made a few days ago by the Senator from Missouri as to the present necessities and needs of the Government in a financial way are such, that we had better perhaps catch on to that which we have rather than embark upon any new enterprise. However, I shall certainly vote persistently and always against any proposition that proposes to foist upon the Government what is known as the Mahone lot for the abundant reasons I have suggested.

Mr. GORMAN. Mr. President, the necessity for making some provision for additional accommodations at the Government Printing Office has been perfectly well understood and recognized by this body. Eight years ago, I think, the matter was referred to the Committee on Appropriations, or brought to its attention, by the Committee on Printing, of which the distinguished Senator from Nebraska [Mr. MANDERSON] was chairman. After a thorough examination by the Committee on Appropriations, with the full consent at that time, I understand, of the Committee on Printing, a provision was inserted in the sundry civil appropriation bill for the purchase of ground adjoining the present site. Then, as now, the owners of squares and lots elsewhere, having no other consideration except the advancement of their personal interests, had sufficient power elsewhere to prevent such an amendment from becoming a part of the law of the land, this body, however, always inserting a provision for the purchase of property adjoining the present site.

Then came the contest which was so well described by the distinguished Senator from Nebraska [Mr. MANDERSON]. Every owner of a square or lot who desired to sell it to the Government at a high price or a fair price came forward with a proposition. The result was the appointment of a commission, and finally the rejection of their report. Then came a resubmission of the question to the Committee on Printing, who finally recommended the Johnson lot. In that report, while concurring in the general view of the committee as between the different squares that were then presented, I stated that in my judgment—and I so stated to the Senate—the only business way to adjust the matter in the interest of the Government and in the interest of economy and with a view to the speedy relief of the people who are employed in the present old dilapidated building, is to acquire a sufficient quantity of ground adjoining it and put up a wing there, and then tear down the old H street side.

After six or eight years of examination of this question, looking at it and coming to a conclusion as I would in my own case if the property belonged to me, I assert, without the fear of contradiction, that there is not a business man in this body or out of it who, if he owned that property, equipped as it is now, would hesitate one moment as to the course he would pursue, and that would be to acquire a small slip of ground by the side of the present building, erect on it a structure of sufficient dimensions to transfer to it from the old building the operatives and the machinery, and the machinery would then be right by the side of the present engine which drives it all. The plan is to simply attach that machinery and go on with the work. That would be more economical and more speedy, and it is the only feasible way by which we can, within the next two years, relieve the people who are hived in that building at the peril of their lives. The acquirement of a new square and the construction of a new building involve an expenditure of $2,000,000 and three and a half years of time.

Mr. GEORGE. What would be the cost?

Mr. GORMAN. One hundred and seventy-five thousand dollars, and the expenditures to be made for a wing, which would at once relieve the congestion, would not exceed three or four hundred thousand dollars.

Mr. VEST. If the Senator from Maryland will permit me, I will state that the bill reported by the committee requires an appropriation of only $51,000 by utilizing or making available the $250,000 we have already appropriated for a site. One hundred and seventy-five thousand dollars of that $321,000 would be used for a site and the balance in the construction of a building which would relieve the present danger and discomfort.

Mr. GEORGE. How much of the old building can be utilized?

Mr. GORMAN. More than one half of it.

Mr. VEST. Yes, quite one-half of it.

Mr. GEORGE. Permanently?

Mr. GORMAN. Permanently. The portion of the building that fronts on H street was constructed by Mr. Cornelius Wendell, who had a contract for the public printing away back in the '50's. It was afterwards bought by the Government. We

have added to it more than one-half of the present area of the building, which was constructed under the direction of the Architect of the Capitol. That portion of the building is good. A great part of it is fireproof and can be utilized.

Now, the Senate having three times, I remember, after mature deliberation, in the past eight years inserted in appropriation bills the provision for doing precisely what the bill now before us requires, the acquisition of this additional property, and in view of the late disaster which occurred at Ford's Theater, and having myself frequently made personal examination of this building, feeling for the past eight years that it is an outrage to keep those people in a place which is liable to fall down and where in case of a fire their lives would be absolutely in jeopardy, something should be done and done speedily.

I went again, after the Ford Theater disaster, to look at this matter, as it was my duty as chairman of the Committee on Printing, having succeeded the distinguished Senator from Nebraska. I then addressed a communication to the Public Printer, to ascertain what might be done to relieve those people; for the distress of mind was greater than Senators can imagine, compelled as they were for their daily support to go to work in a building where every man felt his life was in jeopardy and knew not whether he would reach his family at night. Every sensible man who examined it shared in that apprehension.

I say I addressed a communication to the Public Printer to ascertain what might be done to relieve them; what temporary arrangement could be made even to transfer them from the building and secure another, relying upon Congress to make an appropriation to meet such an expenditure, and also to see what could be done in the way of permanent relief. The Public Printer had expressed heretofore views as to the desirability of a new Government Printing Office building, a grand establishment, of fine proportions and architectural beauty. He looked forward, as was natural at that time, to acquiring a square where all the conditions could be utilized and such a building could be erected; but as a practical, sensible man, with a great responsibility upon him, with a perfect knowledge of the insecurity of the present building, with a desire to relieve those people at once, he modified his views, and said the only thing that can be done to give speedy relief is to acquire this property as proposed by the Committee on Public Buildings and Grounds.

Mr. GEORGE. How long would it take to erect a wing which would relieve the old building?

Mr. GORMAN. If you acquire the property proposed by the Committee on Public Buildings and Grounds, within a year and a half we can have the wing erected and the relief furnished. Then the old part, that is about to fall down, on H street, can be abandoned and torn down and a new structure built at the convenience of Congress.

Mr. President, I am thoroughly satisfied that no other provision can be made, as was so well stated by the Senator from Missouri when he addressed the Senate on a previous occasion, in the present condition of our finances. We know perfectly well that it will not be feasible to enter upon the construction of a building that is to cost $2,000,000 at this time. But there is a condition which confronts us and has confronted us, that is greater and more serious even than this, and that is the unseemly struggle of every man who has a lot for sale in the District who has been pressing Congress and preventing favorable action upon a measure of this importance simply because his interests were not subserved, each striking at the other and all uniting to prevent this relief, which ought to come speedily without regard to the desire of any man, no matter how high or how low he may be, who wants to make money out of the transaction. Both Halls of Congress have been plied with these people. It is not unnatural probably that they should do it; indeed I think it is the custom, and I do not object to it. They have been begging members of this body and the other to favor this project and that.

Mr. President, the time has come now to act; and I hope the Senate, and I trust Congress, in the interest of humanity, in the interest of the people who are compelled to labor daily in this great office, who can not afford to surrender their little places, will for once say to the people who desire to sell property, "This is no time to favor your interests." This is a measure agreed upon, after due consideration, by two great committees of this body, which rises above that consideration and becomes an act of humanity. Yes, sir; it is a public duty. In view of what has occurred and in view of what every Senator who has examined the question officially has stated to the Senate, there is nothing else to be done if you intend to give relief to these people.

As I said a moment ago, I united with the Committee on Printing when it was thought that the sense of the Senate was that a new lot should be taken, and I at that time dissented from such a purchase. So I repeat to the Senate as a Senator, as a member of the Committee on Printing, whose duty it is to inquire into the affairs of the Government Printing Office, the recommendation of the Committee on Public Buildings and Grounds to acquire this slip adjoining the present site and upon that to erect an addition is the only feasible thing that can be done; and I assert again, and desire to impress upon the Senate the assertion, I venture that no man who owns a printing establishment in the United States, or who is engaged in a public enterprise of any sort, who had the matter as his own private affair, would hesitate for a moment about what should be done in the way of speedy relief, and to afford facilities for the next twenty-five or fifty years, and in view of the cost of the work.

All of those considerations point inevitably to the report made by the Committee on Public Buildings and Grounds; and I therefore appeal to Senators to dispose of this matter as they would dispose of any personal private business enterprise, to dispose of it in the interest of the people who are now compelled to go into an unsafe building, and at the same time to give the Government an establishment which will answer its purposes for fifty years hence, and at a cost one third only of that which is proposed by the amendments which are presented to us.

Mr. CAREY. Mr. President, it is somewhat interesting to hear the reasons given for buying a piece of land near the present site. The argument of economy may be very good unless you strip it of the surrounding circumstances. Now, it is proposed to buy 52,000 feet at the present site of the Public Printing Office, and give how much for it? One hundred and seventy-five thousand dollars. You can buy the Mahone ground, four times as much, for $275,000; you can buy the baseball lot, nearly three times as much, for $240,000; you can buy the Duddington property for $200,000, or you can buy for $100,000 twice as much land as you get up at the old Printing Office.

I was sorry that the chairman of the Committee on Public Buildings and Grounds did not state that the other House were just as much opposed to the present site as they are opposed to these other sites. The plan seems to be to get the matter out of both Houses of Congress and into a conference committee, so that the lot near the Baltimore and Ohio depot can be purchased.

I think a question that was asked by the Senator from Michigan [Mr. MCMILLAN] is a very important one, whether it is wise to build a manufacturing building high in the air; whether it is not better to have a low building, or a number of low buildings, so far as the convenience and the comfort and the safety of the employés are concerned.

We do not want a building to cost two or three million dollars. There is not a manufacturer in the United States who would not go to work and within nine or twelve months, at a cost of three or four hundred thousand dollars, erect a building well adapted to do such business as is to be done in this building, and build it substantially, and build it in every way adapted to this kind of work.

I can only repeat what I said a few days ago, that before you can clear off the buildings surrounding the Public Printing Office, by purchase and by condemnation, you can take any one of these three or four large blocks of land and erect a building upon it to accommodate the employés of the Printing Office, where they will be in absolute safety, and where the entire cost of ground and building will not exceed the cost of the proposed addition at the present site if you value the Government Printing Office site on the same basis, which is $3 a foot.

If it is a question of economy, then buy one of these large lots; if it is a matter of convenience for the employés of this Government, take one of these large lots of ground; if you are looking forward to the future, then buy a large lot of ground where you will have an opportunity not only to erect a large building for to-day, but to erect large buildings for the future.

I acknowledge that there is a great deal of solicitation on the part of the persons who have ground to sell in this city. It is but natural that those who have large holdings of real estate should desire to unload it at fair prices, but it is not dishonorable at all for one who owns property to want to sell it; it is not dishonorable for a person who has property to offer it to the Government. The question for us to decide is what is best for the Government of the United States, which we are supposed to represent.

I wish to call attention in brief to what figures we have. The baseball lot will cost $240,000, containing 170,000 feet, which is said to be well adapted for this purpose. The Mahone lot contains 213,815 feet, which can be purchased for $1.17 per foot, and will cost $275,000. The Duddington lot, which has 211,000 feet, can be purchased at 97 cents a foot, and will cost $200,000. The block near the Baltimore and Ohio station, where only 99,400 feet can be obtained, will cost $300,000. A statement has already been made with reference to the land adjoining the present site of the Government Printing Office.

This is all I have to say. The few facts which I have stated should, I think, govern in the disposition of the pending bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on the amendment proposed by the Senator from Wyoming [Mr. CAREY].

Mr. CAREY. I understand the question is first on the amendment in reference to the Mahone lot, which I offered on behalf of the Senator from Pennsylvania [Mr. QUAY]. Then my amendment will be next in order.

Mr. VEST. The question is on the amendment proposed by the Senator from Wyoming on behalf of the Senator from Pennsylvania to purchase the Mahone lot.

The PRESIDING OFFICER. The question is on that amendment.

Mr. CAREY and Mr. DOLPH called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. Not knowing how he would vote on this question, I withhold my vote.

Mr. QUAY (when Mr. CAMERON'S name was called). On this question my colleague [Mr CAMERON] is paired with the Senator from Alabama [Mr. MORGAN].

Mr. LODGE (when his name was called). I am paired with the Senator from New York [Mr. HILL]. I do not know how he would vote on this question, and therefore withhold my vote.

Mr. McLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present, I should vote "nay."

Mr. McMILLAN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. VANCE]. Not knowing how he would vote, I withhold my vote. I should vote "yea" if I were not paired.

Mr. MILLS (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. GALLINGER]; but he told me when leaving the Chamber that he was in favor of the bill and against the pending amendment. I am also in favor of the bill, and a pair for the Senator from New Hampshire has been arranged with the Senator from Oregon [Mr. MITCHELL]. I vote "nay."

Mr. MITCHELL of Oregon (when his name was called). I am paired with the junior Senator from New Hampshire [Mr. GALLINGER]. If he were here, I should vote "yea" and he would vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). On this vote I am paired with the Senator from Illinois [Mr. PALMER]. If he were present, I understand he would vote "yea." I should vote "nay."

Mr. PETTIGREW. I should like to know if the junior Senator from West Virginia [Mr. CAMDEN] has voted.

The PRESIDING OFFICER. The junior Senator from West Virginia has not voted.

Mr. PETTIGREW. I am paired with that Senator, and therefore withhold my vote. If he were present, I should vote "yea."

Mr. SHOUP (when his name was called). I am paired with the Senator from California [Mr. WHITE]. I am informed by his colleague [Mr. PERKINS] that if present he would vote "yea." I therefore vote "yea."

The roll call was concluded.

Mr. MANDERSON. I desire to announce a pair between the Senator from Idaho [Mr. DUBOIS] and the Senator from Vermont [Mr. PROCTOR]. The Senator from Vermont, if present, would vote "nay" on this proposition, and the Senator from Idaho would vote "yea."

Mr. McMILLAN. I transfer the pair I have with the Senator from North Carolina [Mr. VANCE] to the Senator from Ohio [Mr. BRICE], and vote "yea."

Mr. BERRY. I have arranged a pair between my colleague [Mr. JONES of Arkansas] and the Senator from Rhode Island [Mr. DIXON], which will enable the Senator from Mississippi [Mr. McLAURIN] to vote, and my colleague will stand paired with the Senator from Rhode Island. If present, my colleague would vote "nay."

Mr. HUNTON (after having voted in the negative). When my name was called I voted "nay." I have since noticed the absence of the Senator from Connecticut [Mr. PLATT], with whom I have a general pair, and who, I am informed, would vote "yea," if present. I therefore desire to withdraw my vote.

Mr. POWER. Has the Senator from Louisiana [Mr. CAFFERY] voted?

The PRESIDING OFFICER. The Senator from Louisiana has not voted.

Mr. POWER. I am paired with that Senator, and withhold my vote.

Mr. WILSON. I have a general pair with the Senator from Georgia [Mr. COLQUITT], but I will transfer that pair to the Senator from Idaho [Mr. DUBOIS] and vote. I vote "yea."

Mr. CALL. Mr. President——

Mr. WILSON. I am informed that a pair with the Senator from Idaho [Mr. DUBOIS] had been announced before I made my announcement. I therefore withdraw my vote.

Mr. CALL. I understood a pair was announced by the Senator from Nebraska [Mr. MANDERSON] of the Senator from Idaho [Mr. DUBOIS] with the Senator from Vermont [Mr. PROCTOR]. That being so, I shall vote.

Mr. MANDERSON. I will state that I announced, at the request of the Senator from Vermont, a pair between him and the Senator from Idaho.

Mr. CALL. Then I shall vote. I vote "yea."

Mr. VEST. I have not given myself any trouble about the matter, but I understood that the Senator from Georgia [Mr. COLQUITT] was paired with the Senator from Idaho [Mr. DUBOIS]. The Senator from Georgia spoke to me about the matter and told me to pair him, but on inquiry of his colleague [Mr. GORDON], he told me that the Senator from Georgia was paired with the Senator from Idaho. I have not been around myself to see the Senator.

Mr. HANSBROUGH. I will state that the Senator from Idaho [Mr. DUBOIS] has a general pair with the Senator from New Jersey [Mr. SMITH]. He did not leave any word when he went away as to his vote on this question. I was requested to pair him in favor of the Mahone amendment, and it was so arranged.

Mr. MANDERSON. I desire very much that this matter may be understood. My action in announcing the pair between the Senator from Vermont and the Senator from Idaho was simply at the request of the Senator from Vermont, who was taking his luncheon at the time, and who had been requested by some one on the floor, as he told me, to so pair him.

Mr. PROCTOR entered the Chamber.

Mr. HARRIS. I will say to the Senator from Nebraska that the Senator from Vermont [Mr. PROCTOR] is now in the Chamber, and he may be able to solve the difficulty.

Mr. MANDERSON. I desire to state in the hearing of the Senator from Vermont that I announced a pair, as requested by him, but it appears that the Senator from Idaho [Mr. DUBOIS] had already been paired.

Mr. HANSBROUGH. The Senator from Idaho has a general pair with the Senator from New Jersey [Mr. SMITH].

Mr. MANDERSON. So the Senator from Vermont is at liberty to vote.

Mr. HARRIS (after having voted in the negative). I desire to change my vote. I vote "yea."

Mr. POWER. I transfer my pair with the Senator from Louisiana [Mr. CAFFERY] to the Senator from California [Mr. WHITE], so that I may vote. I vote "yea."

Mr. VEST. Has not a pair already been announced with the Senator from California?

Mr. POWER. I understand not.

Mr. VEST. I have paid no attention to the pairs on this matter, but I heard the Senator from Idaho [Mr. SHOUP] announce that he was paired with the Senator from California [Mr. WHITE].

Mr. STEWART. The Senator from Idaho announced that he and the Senator from California were on the same side, and consequently he would vote. He had been paired, but there is no pair on this vote. This leaves the Senator from California unpaired.

Mr. VEST. Who is authorized to announce that the Senator from California [Mr. WHITE] would vote in favor of the pending amendment?

Mr. DOLPH and others. His colleague.

Mr. VEST. There is something strange about this matter. The Senator from California, in conversation with me, stated that he was in favor of the bill.

Mr DOLPH. I would suggest that if the pairs be stated before the result is announced it may save trouble hereafter.

The result was announced—yeas 27, nays 22; as follows:

YEAS—27.

Blackburn,	Dolph,	McMillan,	Shoup,
Butler,	Frye,	Perkins,	Stewart,
Call,	Gray,	Power,	Stockbridge,
Carey,	Hansbrough	Pugh,	Teller,
Chandler,	Harris,	Quay,	Washburn,
Cullom,	Higgins,	Ransom,	Wolcott.
Davis,	Hoar,	Sherman,	

NAYS—22.

Allen,	Faulkner,	Lindsay,	Peffer,
Bate,	George,	McLaurin,	Turpie,
Berry,	Gibson,	Manderson,	Vest,
Blanchard,	Gorman,	Mills,	Vilas.
Cockrell,	Hawley,	Mitchell, Wis.	
Coke,	Irby,	Morrill,	

NOT VOTING—36.

Aldrich,	Dubois,	Lodge,	Platt,
Allison,	Gallinger,	McPherson,	Proctor,
Brice,	Gordon,	Martin,	Roach,
Caffery,	Hale,	Mitchell, Oregon	Smith,
Camden,	Hill,	Morgan,	Squire,
Cameron,	Hunton,	Murphy,	Vance,
Colquitt,	Jones, Ark.	Palmer,	Voorhees,
Daniel,	Jones, Nev.	Pasco,	White,
Dixon,	Kyle,	Pettigrew,	Wilson.

So the amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 832) to simplify the form of deeds of conveyances, trusts, and releases of land in the District of Columbia, and for other purposes.

The PRESIDING OFFICER. The Chair will also state to the Senate that there was a unanimous agreement entered into at a prior legislative day by which the bill the title of which will now be stated was to come up for consideration at 2 o'clock.

The SECRETARY. A bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

Mr. HARRIS. Of course I do not desire to interfere with the consent agreement, but I ask unanimous consent that I may now enter a motion to reconsider the vote by which the amendment to the Printing Office site bill was agreed to a few moments since.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent to enter a motion to reconsider the vote by which the amendment to the Printing Office bill was adopted. The Chair hears no objection, and the motion is entered.

Mr. TELLER. I suppose the McGarrahan bill is now the unfinished business. I do not, however, wish to interfere with the motion made by the Senator from Tennessee, or any other motion.

Mr. HARRIS. The bill to which my motion relates has gone over, the morning hour having expired, and the Senator from Colorado has the right of way under the unanimous-consent rule obtained by him. I have therefore asked unanimous consent to enter a motion to reconsider, which may go over.

WILLIAM M'GARRAHAN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

Mr. MORRILL. I wish to say that I expect to address the Senate for a very few minutes on the McGarrahan bill when it is considered, but I was told this morning that it was necessary to bring up the bill reported from the Committee on Public Buildings and Grounds in relation to the Public Printing House before the Senate, and I consented to that arrangement, with the expectation that the McGarrahan bill would go over until Monday. I have sent away my papers and some books to which I wish to refer, and so I am not prepared at this time to speak. I hope, therefore, the bill may go over until Monday next.

Mr. TELLER. I ask that the bill may be read. I presume the Senator will not object to that.

Mr. MORRILL. Not at all.

Mr. TELLER. Let the bill be read, and we shall get so far along with it at any rate.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. DOLPH. Mr. President, I am not going to discuss this bill at length. It was considered by the Senate and discussed at length at the last session of Congress. I apprehend that it is to pass the Senate, but in my judgment it will be a case like that of the woman we read of in the Scriptures, who was heard by reason of her constant importunities.

I object to this bill, in the first place, because I do not think it wise to reopen cases which have been litigated in the courts and where the decisions have stood for years. It is quite possible that sometimes injustice is done to parties in litigation, but that can not be helped.

If, every time a party supposed he had not received justice, a case could be reopened and retried, there would never be an end of litigation; and if this were a controversy between private parties, and Congress had the power to reopen it, it would not be reopened. In my judgment it is only because relief is sought against the Government in this case that the reopening of the case, after the lapse of so many years, is favored.

If, however, the judgments and decisions which have heretofore been rendered in this matter are to be set aside and the case is to be retried, I do not think this is a proper bill for the purpose. The bill seems to me to have been drawn entirely in favor of the claimant and entirely against the United States. In the second section of the bill it is provided—

That upon the trial of questions or issues arising on the hearing of said petition herein provided for the said court shall receive as evidence on the part of the petitioner or the United States the original expediente presented by the said Gomez to the said Governor Manuel Micheltorena, and the diseño or map accompanying the same, or a copy thereof—

I do not know that there is any question about the authenticity of these documents, but it appears to me this language precludes the court from determining the question as to the authenticity of the papers presented. The section then provides that the court shall receive also—

the depositions and other evidence produced before said Board of Land Commissioners, or copies thereof.

That, in my judgment, would admit depositions which were not legally taken, and to which there might have been objections before the Board of Land Commissioners. The bill does not say "depositions legally taken" or "depositions admitted in evidence," but it provides that all the depositions taken or produced before the Board of Land Commissioners are to be received, or copies thereof—

Then, it is provided that there shall be admitted—

All depositions, proofs, testimony, or affidavits taken before any circuit or district court of the United States in the State of California, or the clerks of such courts, or any commissioner appointed by said courts, or before any notary public, or before any committee of the Senate and House of Representatives of the Congress of the United States—

Ex parte affidavits taken before a notary public, if such are now in existence, taken at any time, anywhere, are, in my judgment, to be received by the court under this section. I do not think that is a just and proper means of determining questions of fact between individuals or between the Government and an individual. I do not think *ex parte* affidavits should be admitted to establish questions of fact in so important a case.

Then follows:

or of any map or deed of record of any Department of the Government of the United States, or of any act of Congress through which the boundaries set forth in said expediente and the title of said McGarrahan to the said lands can be shown, protected, and established, or of any oral or written testimony or deposition or copies thereof, concerning said record touching said grant from said Governor Manuel Micheltorena to said Vicente P. Gomez.

Mr. President, there are rules which govern the taking of evidence in the Court of Private Land Claims as well as in other courts of justice, and if we are to submit a question of fact to the Court of Private Land Claims, the parties should be required to produce their testimony in accordance with the rules of the court. Here appears to be an attempt to legislate into the court certain things as testimony which otherwise would not be testimony. I object to that provision of the bill.

Then, turning to the third section, there is another provision which I do not understand, which seems to be entirely in favor of the claimant and against the United States, where it is provided that the Secretary of the Interior, on a judgment being rendered to the effect that there was a grant made to this man Gomez, and that McGarrahan has succeeded to the grant, shall issue title—

For the land embraced within the aforesaid boundaries, as set forth in said expediente—

Now follows a provision which is very peculiar—

and that the survey made by the United States surveyor-general of the State of California and approved by said surveyor-general on the 11th day of September, 1862, which survey was approved by the Secretary of the Interior December 29, 1862, and is now on file in the General Land Office, shall be considered as forming part of the lands embraced within said boundaries.

In the first place, it is a statement that the court is to determine the land embraced within the boundaries. Here is another provision which legislates into this case a survey made by the surveyor-general of California at the time of fixing the boundaries of the claim, and therefore that it shall constitute a part of the evidence, and the Government is precluded from disputing that survey and showing that it is erroneous or that it embraces more land than is embraced in that, but the claimant is not precluded. He may go on and show that the grant embraced other land not in that survey. That, in my judgment, is not a fair provision between the claimant and the United States, if this case is to be reopened and to be readjudicated.

Then, I object to the fourth section. In the first place, if after many years this case is to be reopened and this claimant is to be relieved from the adverse decisions which have heretofore been made upon his claim, what the Government has done under the decisions of the courts since they were made to the present time ought to stand, and where the Government has proceeded to treat these lands as public lands and to dispose of them under the laws of the United States, those titles ought to stand. If this claimant is relieved at all, it ought to be only in regard to the lands which have not been disposed of, as I say,

under the adjudication between the claimant and the United States by previous adjudications. But what is provided here?

SEC. 4. That if the said court shall find and adjudge in favor of the said William McGarrahan as provided in section 3, the court shall proceed to find the value of such portion of land and minerals as may have been heretofore disposed of by the United States within the aforesaid boundaries, less the improvements, if any, made on said land.

Evidently this finding is to be had for the purpose of laying the foundation for an appropriation by Congress to reimburse this claimant for the value of the lands and minerals which have been disposed of. This inquiry is to be had between the claimant and the Government, and the parties who made the improvements and the parties to whom the land had been granted are not to be parties to and not to be bound by the adjudication. Then, apparently there is to be a double appraisement of the minerals, unless the appraisement of the minerals in the first portion of this section applies to the minerals still in the ground at the date of the appraisement.

And if the said court shall find and adjudge that the said William McGarrahan as the assignee of Vicente P. Gomez is or was entitled in law or equity to the minerals or other valuable substances on, in, or under said lands, the said court shall proceed to ascertain the value of such minerals or other valuable substances which may have been extracted from said lands by any person, persons, or corporations other than the said William McGarrahan, less the costs of mining and extracting the same. And the said court shall report the same to the Congress of the United States.

I object to this adjudication of the value of the minerals extracted, less the cost of extracting them, when the parties who know about the matter and who have extracted the minerals are not made parties to the litigation and when an inquiry is to be made simply between the claimant and the Government. I do not think that will result in a fair ascertainment by the court of the value of the minerals which have been extracted, less the cost of extracting them.

I repeat, that if the Government now, after so many years, is going to relieve the bar of the previous adjudication and is going to give this claimant a right to go into court and litigate this matter, his rights ought to be confined to the lands which have not been disposed of by the Government, and what the Government has done in the regular course of business in accordance with the adverse judgments against this claimant should stand and not be reopened, and the claimant should not be permitted to lay the foundation for a claim for damages for lands which have been sold by the Government after the adjudication that they were public lands.

As I said, I do not care to discuss this bill. I suppose it is going to pass. I am not going to take up the time of the Senate, but I am not going to vote for the bill. I do not see how a bill could have been drawn which would be more in favor of the claimant and more against the Government than this bill. I voted against it when it was heretofore considered in the Senate, and I shall vote against it now for the reasons stated.

Mr. TELLER. Mr. President, I regret very much that the pending bill can not be proceeded with, but inasmuch as the Senator from Vermont [Mr. MORRILL] says he was misled by supposing, as we all did, that the Public Printing Office site bill would continue all the afternoon, I can not, of course, insist upon his proceeding at this time. I only wish that the bill shall be retained as the unfinished business for Monday at 2 o'clock, at which time the Senator from Vermont assures me he will be ready to proceed.

Mr. MORRILL. I desire to offer two amendments which I shall submit to the bill. I ask that they be printed.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

Mr. TELLER. With the understanding that the consideration of the bill shall be resumed as the unfinished business at 2 o'clock on Monday, I ask that it may be informally laid aside until that time, not losing any right it now has.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado that the pending bill be laid aside and be the unfinished business for Monday at 2 o'clock. The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a joint resolution (H. Res. 144) authorizing and directing the Secretary of the Treasury to receive at the subtreasury in the city of New York from R. T. Wilson & Co., or assigns, the money amounting to $6,740,000, to be paid to the Cherokee Nation, and to place the same to the credit of the Cherokee Nation; in which it requested the concurrence of the Senate

CHEROKEE FUNDS.

Mr. HANSBROUGH obtained the floor.

Mr. BERRY. Will the Senator from North Dakota yield to me to have a joint resolution, that has just come over from the House of Representatives, laid before the Senate? It will take but a short time.

Mr. HANSBROUGH. I will yield if it does not lead to debate.

Mr. BERRY. It will take but a very short time.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. Res. 144) authorizing and directing the Secretary of the Treasury to receive at the subtreasury in the city of New York from R. T. Wilson & Co., or assigns, the money amounting to $6,740,000, to be paid to the Cherokee Nation, was read twice by its title.

Mr. BERRY. I wish to ask the unanimous consent of the Senate for the present consideration of the joint resolution which passed the House of Representatives to-day.

Mr. BUTLER. Unanimously.

Mr. BERRY. My colleague, who is chairman of the Committee on Indian Affairs, authorized me to state to the Senate that he desired to have it considered this afternoon, and that it is important that it shall be acted upon at once.

I will explain the purpose of the joint resolution if the Senate will permit me. We purchased the Cherokee Strip from the Cherokee Nation. We paid the Cherokees in certain bonds issued by the Nation, which were guaranteed by the Government. They were authorized to sell those bonds, with the approval of the Secretary of the Interior. They have made this sale, and have sold the bonds at a price which equals their full value. The Secretary of the Interior has approved the sale.

The transfer has been made. In the contract which the Cherokees made with the parties who purchased the bonds, Messrs. Wilson & Co., it was agreed that the money should be deposited in the subtreasury of the United States, to be paid out upon the order of the Cherokee Nation. The Secretary of the Treasury holds that he has no authority to receive into the subtreasury this money. Therefore, this joint resolution was prepared in the office of the Secretary of the Treasury with his full knowledge and consent. It simply authorizes him to receive the money in the subtreasury for the Cherokee Nation. Their contract is that it shall be paid into the subtreasury. That contract was made by the Nation. Of course they have no opportunity to go back and change the contract, because the Cherokee Council has adjourned. Besides that, they do not wish to deposit that sum of money in any private bank. It is such a large amount of money that they would be unwilling to risk it.

Mr. CHANDLER. I ask the Senator from Arkansas to let me read the clause from the act of the Cherokee Council, January 6, 1894, providing for the deposit of this money in the subtreasury.

Mr. BERRY. Certainly.

Mr. CHANDLER. Section 4 of that act provides:

That the Cherokee delegation shall not receive the money or any portion thereof on account of said sale, transfer, and assignment, but the entire amount shall be placed in the Treasury of the United States, or any subtreasury thereof, to the credit of the Cherokee Nation, subject to the action of the national council.

Mr. BERRY. That is all there is of the joint resolution. It simply proposes to authorize the Treasury Department to receive the money. There can be no objection in any way whatever to the joint resolution, because the bonds are there, the Cherokee Nation were authorized to sell them, they have sold them, and they simply want to deposit the money in the subtreasury. The matter has been hanging for quite a while, and I ask that the joint resolution be considered now.

Mr. PETTIGREW. I shall be obliged to object to the consideration of the joint resolution at the present time and to ask to have it go to the Committee on Indian Affairs. I am afraid we would be ratifying a contract over which there is a controversy. I may be wrong about it, and I wish to be right.

Mr. BERRY. I wish to answer one proposition made by the Senator from South Dakota, if the Senate will allow me. There is no contract. There was another party who claimed to have a contract, but that has been disposed of in the courts. He brought it here and asked for the passage of a joint resolution, and it has been indefinitely postponed. There is no controversy about it, but of course, if the Senator from South Dakota objects, the joint resolution will have to go to the Committee on Indian Affairs.

The VICE-PRESIDENT. There is objection to the present consideration of the joint resolution.

Mr. BUTLER. I appeal to the Senator from South Dakota to let the measure go through. I assure him there is no purpose whatever to take advantage of anybody by the joint resolution. The Cherokees have made the sale of the bonds, and they simply desire to have the money paid into the subtreasury of the United States. The Secretary of the Treasury says he can not receive the money without this authority. That is all there is

in it. The money, I understand, will be divided among the Cherokees themselves in ten days; and I submit to the Senator that it is rather harsh to interpose an objection and prevent the passage of a joint resolution.

Mr. PETTIGREW. I shall insist upon my objection; but I have no objection to the joint resolution lying upon the table, and not go to the committee, so that it may be taken up by unanimous consent, after I have looked into it.

Mr. BUTLER. I think the Senator will find that what has been stated is all there is in the joint resolution.

Mr. COCKRELL. I offer an amendment to come in at the end of the joint resolution, whenever it comes up again, or to be referred to the Committee on Indian Affairs, if the joint resolution is referred to that committee. Let it be read.

The VICE-PRESIDENT. The proposed amendment will be read.

The SECRETARY. Add at the end of the joint resolution the following proviso:

Provided, however, That the United States shall in no event be liable to pay interest on the sum so received, or any part thereof.

Mr. BUTLER. There is no objection to that amendment, I understand.

Mr. BERRY. There is no objection whatever to that amendment. I do not think the joint resolution could be construed to mean that there is any such liability, but there is no objection to having the proviso added. Does the Senator from South Dakota insist upon his objection?

Mr. PETTIGREW. I insist upon my objection.

The VICE-PRESIDENT. There is objection to the present consideration of the joint resolution.

Mr. BERRY. Then I shall have to ask that the joint resolution be referred to the Committee on Indian Affairs.

Mr. BUTLER. I do not think that is necessary.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Indian Affairs.

Mr. BERRY subsequently said: The joint resolution in regard to the Cherokee funds that came over from the other House was ordered to be referred to the Committee on Indian Affairs. I ask unanimous consent that that vote be reconsidered and that the joint resolution lie on the table until Monday.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE RUSSIAN THISTLE.

Mr. HANSBROUGH. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus (technically, *Salsola kali tragus*.)

Mr. COCKRELL. I know how anxious the Senator from North Dakota is to have that bill considered. If he desires to submit any remarks upon it, I have no objection to its being taken up at this time, but the Senate is scarcely as full as it ought to be to consider such a bill.

Mr. HANSBROUGH. I will state to the Senator from Missouri, that the Senate is quite as full as it usually is when it considers matters of this kind. I do not desire to offer any extended remarks on the bill, but my colleague on the Committee on Agriculture and Forestry, the Senator from Mississippi [Mr. GEORGE], I understand is desirous of offering some remarks. I shall content myself simply with asking that the report of the committee be read, which, in my judgment, contains a complete argument in favor of the passage of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HANSBROUGH. I ask that the report of the committee be read.

The VICE-PRESIDENT. The Secretary will read the report of the committee.

The Secretary read the following report, submitted by Mr. HANSBROUGH February 7, 1894:

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1237) entitled "A bill for the extermination and destruction of the obnoxious plant or weed known as the saltwort or Russian thistle or cactus," has had the same under consideration and begs leave to report a substitute therefor.

The majority of the committee agrees that the Russian thistle is a most dangerous menace to agriculture in this country; that the several States infested with it are unable to successfully cope with it alone, and that therefore it has become necessary for Congress to take action. Our conclusions are based wholly upon official reports now on file in the Department of Agriculture. These reports were the result of several official investigations made under the direction of the Secretary of Agriculture.

In them we find that the Russian thistle was transplanted to the United States by Russian immigrants who came here under the provisions of our national immigration laws. The seed was brought from Russia about 1878 in some black daxseed which was sown, and the plant was first discovered to be growing upon our soil about 1880 in the southern portion of South Dakota. From there it has spread, according to official reports, over an area of 70,000 square miles, covering two-thirds of the grain-growing regions of South Dakota, almost one-third of the arable land of North Dakota, and it is to be found in many parts of Minnesota, Wisconsin, Iowa, Nebraska, and Wyoming.

The Department's reports show that the loss to agriculture on account of the ravages of Russian thistle during the year 1892 reached the sum of $2,000,000, and in the following year of 1893 the reports state that the aggregate losses reached nearly $5,000,000. Your committee, or a majority of it at least, agrees in the statement made to the honorable Secretary of Agriculture by Mr. Frederick V. Coville, chief of the division of botany, in which he says:

"The damage already done by the Russian thistle is without question slight in comparison with the damage which will be done by it if its progress is not soon checked. It is a weed peculiarly adapted to the great wheat-raising portions of the United States, and its advent is ominous of an overwhelming calamity to that region."

In another part of this report Botanist Coville says:

"A study of this question for the past two years by the Department of Agriculture shows conclusively that the progress of this weed can be stopped only by concerted action during the same season or seasons over the whole infected area. The facts at present in hand show also that the progress of the Russian thistle is rapid, and that if any determined action is to be taken against it, it may be done far more economically in the immediate future than after the expiration of a few years. It is undoubtedly true that if the progress of the weed is not stopped the damage caused by it in future years will annually reach $25,000,000."

The above statements on the part of the Department of Agriculture are fully borne out by unofficial information laid before the committee.

The question therefore presented is as to the method of dealing with this terrible pest and thus exterminating a most formidable enemy to the great industry of agriculture. For a time the committee was hopeful that the several States whose lands are infested might find themselves to be equal to the emergency, and would be able to spare the Federal Government the expensive task of dealing with it, but after thorough investigation we reached the conclusion that the States are unable to meet the emergency.

Furthermore, it would be necessary for the Legislatures of the several infested States to make necessary provisions for the work, but as these bodies do not meet until January, 1895, the danger of so great a delay, as pointed out by Department officials, must be readily apparent.

Again, the enormous expense attending a successful campaign against the Russian thistle can not be borne by some of the States owing to constitutional limitations upon extraordinary expenditures. We are also confronted with the improbability of getting the States, even if financially able, to adopt concerted measures, and act together, as would be absolutely necessary, in carrying on successful work to exterminate this pest.

We therefore conclude that the case, owing to its gravity and to the great expense necessary, demands the attention of Congress.

The Russian thistle is like no other pest which has in the past threatened the material interests of our institutions. The danger to agriculture from its ravages is now far greater than were the dangers to the live-stock interests of the country from pleuro-pneumonia in 1884. In that year Congress enacted a law establishing a Bureau of Animal Industry, making it a part of the Department of Agriculture and empowering the Department, through the Bureau, to make a campaign against the malignant disease then decimating our cattle herds. As a result pleuro-pneumonia has been completely extirpated in the United States. The expense of the work of extirpating pleuro-pneumonia has been twice as great as the amount now asked by your committee to exterminate the Russian thistle, but it is conceded by all that the expenditure was a most economical one.

If proper and concerted effort is made at once to check the thistle pest at every point wherever found, it is the opinion of your committee that within two years at most the dangers from it will be confined to small areas, and that hereafter the authorities of the respective States will be able to handle it.

Congress has made repeated appropriations of large sums of money and appointed numerous officials to deal with cholera, yellow fever, and other infectious diseases threatening the lives of our people. Congress has likewise gone to the relief of the unfortunate people in the Lower Mississippi country where floods have from time to time swept away the homes of our citizens. Then there was the pleuro-pneumonia act, under the provisions of which Government officials visited the stables and cowpens of private individuals independent of State law or State cooperation. And on one occasion the strong arm of the Federal power was invoked to deal with the seemingly harmless, yet dangerous, hoof-and-mouth disease in the States of Missouri and Kansas.

In view of the numerous precedents establishing it to be the duty of Congress to foster national interests, and in view of the present great danger to agriculture in several Western States, and the likelihood that the Russian thistle, if not stamped out, will ultimately spread to every part of the country, your committee respectfully urges immediate action upon the bill reported herewith.

Mr. GEORGE. Mr. President, being a member of the Committee on Agriculture and Forestry, from which the pending bill comes, it is my duty to say that it does not receive the support of all the members of the committee. It does not receive my support. It is a very extraordinary bill, proposing to donate out of the Treasury of the United States $1,000,000 for the purpose, as it is said, of exterminating a noxious weed or thistle which prevails, as I learn from the Senator from North Dakota, in five States of the Union.

I also understand from him that this extraordinary application is made to Congress for $1,000,000 upon the ground that the five States in which the thistle is growing and spreading are unable financially to manage the question. In other words, Congress is asked to donate $1,000,000 because five States in the American Union are infested with a noxious weed which they are unable to exterminate, the cost being the sum of $200,000 per State.

Mr. President, the bill, so far as I know, is wholly unprecedented in the legislation of this country. It takes a step in the direction of paternalism longer than any step I have ever known. It has been supposed up to now that noxious weeds which interfere with the operation of farming were to be subdued by the farmer himself. Certainly, if this pest has got beyond the reach of the individual farmer, then I think the matter ought to have gone next to the municipality, to the county, or the township,

or, if that were too small, to the State in which the pest exists. I know of no limit to appropriations from the Treasury of the United States, and I know of no subject which Congress can not draw within the jurisdiction of the taxing power if the bill can be passed.

Mr. HARRIS. What does the Senator from Mississippi say about the constitutionality of the proposed act?

Mr. GEORGE. There is a very large discretion allowed to the Congress in the appropriation of money. The practice of the Government for forty or fifty years has been in opposition to what I regard as the true construction of the Constitution of the United States upon that subject. It is too late now, I will state to the Senator from Tennessee, to reverse that practice. So I prefer to put my opposition to the bill upon the ground that it is a dangerous precedent; and it seems to me to be an unnecessary precedent. It seems to me that the claim of a State upon the National Treasury for aid, because it is being injured or ruined by a noxious weed which can be exterminated in that State for the sum of $200,000, is a very small one.

There might be, answering still further the question propounded *sotto voce* by the Senator from Tennessee, a case of such an overwhelming calamity, costing so much money, that it would be manifestly beyond the powers of a State to manage it, when possibly it would be proper for the Congress of the United States to interpose and disburse money out of the Treasury.

I am not aware, and no precedent has been cited, that Congress has ever undertaken to deal with a pest of this sort, to cut down weeds which are noxious to the farmer. It seems to me that if Congress goes into that sort of business we will find ourselves face to face with a very large and unlimited expenditure of money. In some portions of the Union there is a grass, called the Johnson grass, which many people think to be very noxious. It is said to be beyond the power of extermination, even if you furnish the money, unless you dig it up and carry it away.

Mr. HARRIS. Then you have to go 4 feet into the ground.

Mr. GEORGE. And, as suggested by the Senator from Tennessee, you have to go 4 feet into the ground. Then there is another grass, a great pest, which flourishes with very great vigor in the State of Louisiana and the State of Mississippi. I know of no pest which affects the farmer more than it does. It is called the cocoa grass. I know something about it. I have had a little of it on a farm which I myself own. I have made large expenditures of money for the purpose of eradicating it. I have put salt upon the ground for the purpose of killing the ground, so that it would not produce anything. That has been about the only successful method of dealing with it. So, if we are to go into the business of removing noxious weeds which may from time to time afflict our countrymen, I do not know that there will be any limit to the draft upon the United States Treasury.

One more thought, and I shall have said all I intend to say about this matter. I have alluded to the fact that the sum deemed necessary to effect this extermination, $1,000,000, and that is what is asked in the bill, divided among the five States, leaves only $200,000 as the necessary or the assumed necessary sum to be expended for the destruction of this pest in any particular State. I do not think that small sum justifies an expenditure on the part of the Congress of the United States from the general fund of the Union upon the ground of the inability of the local authorities to deal with it.

Then, sir, right in connection with that thought, I wish to state that there has been no showing, so far as I have heard, that the States have taken any steps toward exterminating the pest within their borders. Or, in other words, it seems to be a case of this sort, where five of the great States of the American Union have sat down quietly and allowed this pest to get a foothold within their borders, and, so far as I have heard, have taken no public step to rid themselves of the pest. If there have been any such efforts on the part of any of these States I have not heard of it. I can not affirm negatively that it has not been done, but I only state that so far as I know no such effort has been made.

I suppose I might say something, and probably ought to say something, about the defects in the bill if it is to be considered. I will point out what I regard as a very serious defect in the bill as an efficient and economical expenditure of public money. The method of exterminating the thistle as fixed in the bill is that the Secretary of Agriculture shall appoint one superintendent at a salary of $3 per diem and necessary expenses for each of said forty districts. The whole five States in which the thistle prevails are, I understand, to be divided into forty districts. Then there is to be a superintendent in each one of them at a salary of $3 a day, which means $120 a day for superintendents.

It seems to me, sir, that that is a very large expenditure of public money, and a very uneconomical expenditure. But the principal objection I make to that part of the bill is this: The superintendents, when appointed, are to make written contracts with the residents of said districts. If the Government of the United States is to spend $1,000,000 for the benefit of these States for the purpose of exterminating this thistle, this pest, it does seem to me that the provision of law ought to be that you shall get the best contract you can, that you shall get as much work done for the money as possible. Therefore, the bidding on the contract should not be confined to the residents of the several districts. It seems to me the world at large ought to be admitted.

But, then, there is another provision which really is incomprehensible to me, and to which I desire to call the special attention of the Senator from North Dakota. I do not know exactly what it means. It looks upon its face as if it were intended to secure, as a condition precedent to the expenditure of the money, the coöperation of the authorities of the States and Territories in which the money is to be expended. I am not sure it means that. That appears on its face possible, as the most probable meaning, but here is a defect about that. It does not state the extent to which the coöperation shall go.

Mr. HANSBROUGH. Will the Senator from Mississippi allow me to make a suggestion?

Mr. GEORGE. Certainly.

Mr. HANSBROUGH. To what section of the bill does the Senator from Mississippi refer?

Mr. GEORGE. Section 2.

Mr. HANSBROUGH. I will state that section 2 of the pending measure is almost identical with a section in the pleuro-pneumonia act. It is in the identical language of a law now on the statute books passed in 1884.

Mr. GEORGE. That may be true. I am not disposed to dispute what the Senator says upon that subject, but we are trying the value of this particular coöperation. Will the Senator say to what amount coöperation shall extend? Shall there be $1 or $500 or $1,000 or $500,000 contributed? That is all indefinite.

Mr. HANSBROUGH. Surely the Senator——

Mr. GEORGE. I wish to explain to the Senator the reason why the coöperation is required of the State in the pleuro-pneumonia act. By that act it was proposed to enter the stall and pen and upon the farm of farmers in the various States, to examine their cattle and kill them. Now, there was property. These cattle were owned. There was a property right in the cattle. It was doubted by some and denied by many—among the latter by myself—that Congress had the power to enter into a State, and, without the assent of the State, without the permission of the State, or without the permission of the owners of the cattle, go into the cattle stalls and into the pens belonging to the owners, and take private property and destroy it. That coöperation was put in the pleuro-pneumonia act in order to evade (I believe I would rather use that word instead of the word avoid) the constitutional objection that it was a State matter to take private property under the police powers of the State and destroy it for the public good.

The thistle, I believe in the theory of the Senator from North Dakota at least, is not property. It is an incumbrance of property. Nobody wants it. Everybody wants it destroyed. If that is to be the whole extent of the coöperation of the State, and I understand it to be to allow the United States to expend money in it, then I think it is a fatal objection to the bill. I regard it as a fatal objection to the bill that we shall go into the States and expend all this money among their own citizens without requiring the States to do one single thing to help it.

Mr. HARRIS. Mr. President, I am sufficiently old-fashioned in my habits and ideas to have heretofore believed, as I believe to-day, that the taxing power of Congress was given for but one single purpose, and that is to enable Congress to raise the revenues necessary to meet the wants and necessities of the Federal Government. I maintain to-day, as I have maintained throughout my whole political life, and shall maintain to the end of it, that you have no more power to levy and collect taxes and appropriate the money to a purpose such as this than you have to levy and collect taxes and appropriate the money to build a shanty for John Jones or Sam Smith. I need not, however, waste time in arguing a constitutional question to this body, and I do not propose to do so. But set this precedent, appropriate $1,000,000 to exterminate a noxious weed in four or five States——

Mr. GEORGE. Five States.

Mr. HARRIS. Be it five, be it forty, I care not; the principle is the same——

Mr. GEORGE. Precisely.

Mr. HARRIS. And it is very much more noxious than the weed.

Now, set this precedent, appropriate $1,000,000 to this most absurd and unconstitutional purpose, and the next Congress will

be asked for $1,000,000 to exterminate the cocoa grass, and later the Johnson grass; then I think I shall bring in a bill to exterminate the crab grass that infests the cotton fields of the South. Set the precedent, and where is it to end? We have a good many noxious weeds. The crab grass is a troublesome thing in the cotton fields of the South, and cotton is one of our greatest exports. I think I shall offer an amendment to the pending bill that at least one-half of the sum appropriated shall be expended in exterminating the crab grass in the cotton fields of the South. It is just as legitimate and it is just as necessary; and it may, perhaps, be considered more to the general interest of the country than the extermination of the thistle. But I need not prolong the debate. I merely wished to put on record briefly the views I entertain.

Mr. DOLPH. Mr. President, there is to my mind very little difference between the appropriation of money to build levees along the Mississippi River to protect the farming lands adjacent and an appropriation to exterminate the Russian thistle.

Mr. HARRIS. If the Senator from Oregon will allow me, I will state that I think that proposition just as unconstitutional and absurd as the one pending.

Mr. DOLPH. I hope the Senator from Tennessee will stick to it and argue the matter from that standpoint hereafter.

Mr. HARRIS. The Senator from Tennessee has stuck to it all his life up to this time, and the Senator from Oregon may rely upon it that he will do so in the future.

Mr. DOLPH. There is this difference between the two propositions. The Government is the owner of large tracts of public land. This thistle has overrun the Government land as well as the land of private individuals. The Government has a direct interest in exterminating the thistle to protect its own land and to prevent its destruction. The Government can hardly expect that individuals will not only exterminate the thistle from their own land, but will go upon Government lands to get rid of it. Still it will be necessary, if the noxious weed is to be exterminated, that that shall be done. So, as far as I can see, the only practical way in which this weed can be exterminated in the States where there are public lands is for the Government to take hold of it. For the reasons stated, I think this is a very much stronger case than many cases in which the Government has appropriated money for the protection of the public interest.

Mr. HANSBROUGH. Mr. President, I do not intend to enter into a controversy with the constitutional lawyers on the other side of the Chamber upon a question which in my judgment has been definitely settled time and time again by Congress. I believe the question of Congressional action in cases of this kind was definitely settled when the pleuro-pneumonia act of 1884 was passed. I have examined the debate that took place over that piece of legislation and have examined the act itself very thoroughly; and I will state that the pending bill is drawn along the exact line of the pleuro-pneumonia act of 1884, and along the line of subsequent amendments to that act providing appropriations for carrying it out.

Mr. President, I wish to state briefly to the Senate what the act of 1884 provides. It gave the Commissioner of Agriculture, now the Secretary of Agriculture, the authority to send Federal officials into every stable, cow pasture, or into any other place where there were cattle, for the purpose of ascertaining the existence of pleuro-pneumonia. When it was ascertained that pleuro-pneumonia existed it was made the duty of these Federal officials there, upon the private premises of the individuals, to exterminate it. I claim further that the principle has been repeatedly settled by Congress in appropriations made to drive cholera and yellow fever from our shores.

Mr. HARRIS. Will the Senator from North Dakota allow me to interrupt him?

Mr. HANSBROUGH. Certainly.

Mr. HARRIS. There is not a word of, or a line in, any one of the acts upon the subject to which the Senator now refers that goes further than to so regulate commerce with foreign nations and amongst the several States as to strip it of contagion. It is purely and wholly a regulation of foreign and interstate commerce, and no more nor less.

Mr. BUTLER. And a national question.

Mr. HARRIS. Purely.

Mr. HANSBROUGH. And so, Mr. President, I claim this to be.

Mr. HARRIS. Does the Senator claim it is a regulation of commerce?

Mr. HANSBROUGH. A regulation of agriculture, which is a part of the commerce of this country. If you eliminate agriculture, commerce will not amount to much.

As I have stated, I do not propose to enter into the fine points of discussion with respect to the constitutional features of the proposed act. I am very sorry, however, that my amiable friend from Mississippi [Mr. GEORGE] in his discussion of this question overlooked or forgot to refer to the repeated appropriations that have been made by Congress for the benefit of flood sufferers along the Mississippi River. It is unnecessary to enter into the details of that phase of the question. They have been fully discussed here.

Now, I wish to state concerning the Russian thistle that in my judgment it is a greater pest to agriculture than all of the other pests which we have had to deal with heretofore. It was brought here by Russian immigrants, who came to this country under the immigration laws passed by Congress. It was sown in seed that they put into the ground, upon lands that they took under our land laws, and it has spread over a very large part of more than five States. It is found in many parts of six States west of the Mississippi River and in the State of Wisconsin.

The report of the majority of the Committee on Agriculture and Forestry, which has been read at the desk by the Secretary, is predicated upon the official reports made by the Department of Agriculture itself, upon reports to the Secretary of Agriculture from agents sent out by the Department of Agriculture. In drawing the report I have not used any of the statements made in the newspapers or any unofficial reports, but have confined myself exclusively to the official reports now on file in the Department.

The Senator from Mississippi [Mr. GEORGE] seems to think that the sum of $1,000,000 is a very extravagant sum to appropriate for the extermination of this pest. It is stated in the official reports, to which I have referred, that unless the work of extermination begins at a very early date the expense of killing the thistle within a very few years from now will reach five or ten million dollars, because it is just as sure, if not dealt with summarily, to overrun every inch of the agricultural sections of this country where there are prairie lands as it is certain that the sun is to rise to-morrow. In the Western States within the last five years the thistle has been found to spread at the rate of 15 miles a year. It is driven by the winds from the north to the south and from the south back again, scattering the seeds until the ground is as thoroughly sown as if you had drilled the earth with a seeder. In many places in the West hundreds and thousands of acres have been abandoned by the farmers, who for the last few years have tried to cope with it and have failed.

Mr. President, the bill, it seems to me, is in the interest of the great institution of agriculture, and I hope and believe the Senate will reach the conclusion that in view of the very low prices now existing for the products of the farm and the inability of the farmer to incur unusual expense, and with the great prairie region beset with such pests as this is known to be, it is the duty of Congress to protect the great national industry of agriculture and make the appropriation proposed in the bill.

Mr. CALL. Mr. President, the bill presented by the Senator from North Dakota [Mr. HANSBROUGH] presents some very interesting questions. It seems to me that there is a great deal of splitting of hairs upon this subject without any real foundation. The Senator from Tennessee says you can not exercise the power of Congress for the extirpation of a great public evil that affects half a dozen States, unless it be a regulation of commerce. You can appropriate money to extirpate yellow fever, or cholera, or any other epidemic disease. Why? What connection has this thing with commerce more than any other cause that affects commerce indirectly?

Yellow fever is not commerce. Cholera is not commerce. If you are to be confined to the literal interpretation of the Constitution you can only touch yellow fever or cholera or any other epidemic disease, because they affect interstate commerce and because they touch interstate or foreign commerce. It is an indirect connection. There is no kind of question about it. That is the reason of the proposition. It is only because they indirectly affect commerce that Congress has a right to regulate them. Congress has no right to regulate yellow fever or cholera, abstractly, in themselves. Then where is the difference between those cases and this pest, affecting half a dozen States, destroying commerce directly, preventing commerce from having any kind of sustenance.

Now, if you can go outside the direct language of the Constitution and legislate in respect of something that touches commerce, international or State, that affects commerce injuriously or beneficially, and upon that ground can legislate in regard to it, where will you stop? The Senator from Tennessee [Mr. HARRIS] says that he will bring in an amendment here to prevent crab grass from growing. Would it not be equally pertinent to the bills he has introduced so often here appropriating money for the suppression of epidemic and contagious diseases? Would it not be equally appropriate to bring in an amendment to prevent the whooping cough or the scarlet fever? It is in the degree of importance that these things are to be considered logically and not by reference to a literal interpretation.

Now, in respect to the object and purposes of the Constitution, where will you find a difference between an invading army sweeping the whole country out of existence and a pestilence or a ruinous cause to agriculture beyond the means of individuals or States? I am informed by the Senator from North Dakota, who has considered the subject carefully, that here are seven States. They can not, by the Constitution, enter into a treaty or confederation. The constitutional measure is, that this is an evil beyond the competency, not the constitutional competency alone, but the actual capacity of these States to deal with.

Will it be said that it was never intended by the Constitution, it being admitted that a great public evil can arise which would destroy the entire agriculture of the country and which would require the co operation by treaty or legislative means of all the States, that that was not within the purview of the Constitution, that that agent which was prescribed to legislate for all the States and in reference to those things which affect all the States, could not deal with this great public evil sweeping over the whole country and entirely beyond the competency of an individual State, with this provision in the Constitution saying to the different States, you can not enter into a treaty or confederation with each other?

Now, that is the way I interpret that part of the Constitution, and it seems to me that we should now arrive at that ground where we interpret the Constitution according to its public purposes, according to the necessity of action by a common agent for all the States, and not by the literal language of the Constitution. In that respect the precedents, it seems to me, are entirely with the Senator from North Dakota.

As I said, I do not see the difference between the legislation for the appropriation of money to prevent the spread of epidemic and contagious disease, because incidentally it affects indirectly commerce, and the necessity of action here as to a something which directly affects all the States.

Now, Mr. President, I think that this is an evil that will be ascertained to be destructive to commerce and agriculture; that here is an introduction of a thistle, a destructive plant, spreading over the whole country with a rapidity which is impossible to arrest, except by simultaneous action in seven States at a particular period of the year. Is that true? Is it true that the agriculture of the great wheat-producing region of this country and the subsistence of the millions of American people who are dependent upon it is about to be destroyed, and the only remedy for it is simultaneous operation in all the different States of the means of destruction of it?

If it be true, and if it be also true that the great production of wheat is about to be destroyed, and the subsistence of millions of people, unless this remedy can be applied, and that it can not be applied by any one State, but that it must be done by some common authority extending over all of them, the States being prohibited by the Constitution from entering into treaties and confederations with each other, it seems to me that this is a case which ought to require the attention and action of Congress.

The Constitution is to be interpreted, in my opinion, by two great and preëminent considerations viz: To preserve the powers and autonomy of the National or Federal Government, and to preserve the powers and autonomy of the State governments. Whatever is not inconsistent with this is constitutional, if required by the public and general interest of the people.

Mr. BERRY. I move that the Senate proceed to the consideration of executive business.

Mr. HANSBROUGH. I ask the Senator from Arkansas to yield to me that I may make a request of the Senate.

Mr. BERRY. I will withdraw the motion for the present.

Mr. HANSBROUGH. I ask that the consideration of the pending bill be made the special order immediately succeeding the conclusion of the consideration of Senate bill 341, the McGarrahan claim, in the charge of the Senator from Colorado [Mr. TELLER].

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. QUAY. I suggest to the Senator from North Dakota that it would also be well, probably, to give precedence to the bill in relation to the printing house site. That is certainly a question which we ought to dispose of. I have no objection to the pending measure following upon the heels of that bill.

Mr. HANSBROUGH. I do not understand that the Senator from Tennessee, who made the motion to reconsider the Printing Office bill, indicated when he desires to bring up that matter.

Mr. QUAY. My understanding is that the printing house site bill will come up in regular order as the unfinished business.

Mr. MANDERSON. My impression is that the unfinished business is the McGarrahan bill. That bill was not disposed of.

Mr. QUAY. No: neither was the printing house site bill.

The VICE-PRESIDENT. Senate bill 341, known as the McGarrahan bill, is the unfinished bill at 2 o'clock on Monday next

Mr. FRYE. The Printing Office bill is then to be considered in the morning hour.

Mr. MANDERSON. It has no rights whatever.

Mr. HANSBROUGH. I will say to the Senator from Nebraska that I have simply asked that the Russian thistle bill be put down as a special order to succeed the consideration of the McGarrahan claim bill.

Mr. MANDERSON. That may be done.

Mr. WASHBURN. That is right.

Mr. HANSBROUGH. I ask that it be made the unfinished business after Senate bill 341 is concluded.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. DOLPH. I should like to inquire what disposition was made of the bill which has been under discussion?

The VICE-PRESIDENT. The Senator from North Dakota asked unanimous consent that it be considered as the unfinished business after the disposition of the McGarrahan bill, the bill of which the Senator from Colorado [Mr. TELLER] has charge, and it was agreed to.

PUBLIC LAND ENTRIES.

Mr. DOLPH. I ask that Order of Business 203, Senate bill 67, may be considered next in order after the bill of the Senator from North Dakota, the thistle bill, is disposed of.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oregon?

Mr. MILLS. What is the request?

The VICE-PRESIDENT. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 67) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.

The VICE-PRESIDENT. Is there objection?

Mr. TURPIE. I object.

The VICE-PRESIDENT. There is objection to the request of the Senator from Oregon.

Mr. DOLPH. Then I give notice that immediately after the consideration of Senate bill 341, the McGarrahan bill, and the bill which has just been under consideration—the thistle bill—I shall move to take up Senate bill 67.

CAPT. JOHN W. PULLMAN.

Mr. DAVIS. I ask the unanimous consent of the Senate to consider the bill (S. 1637) for the relief of Capt. John W. Pullman.

Mr. BERRY. I ask the Senator from Minnesota if there is any particular reason why he desires to have the Senate consider that bill this evening? I had moved an executive session, and I simply yielded to the Senator from South Dakota.

Mr. DAVIS. I will state to the Senator from Arkansas that it is a matter of some convenience to myself. It is a measure which I wish to have disposed of.

Mr. BERRY. I will yield to the Senator from Minnesota, but after that I will renew my motion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Whereas John W. Pullman, who was commissioned a second lieutenant of the Eighth Cavalry, in the United States Army on the 15th day of June, 1862, and consequently commissioned a captain in the Quartermaster's Department; and

Whereas Hon. W. A. Day, on the 12th day of June, 1882, then the Second Auditor of the Treasury of the United States, prepared a revised statement of Capt. Pullman's account, finding due the said John W. Pullman the sum of $1,396.31, and on the same day certified the result to the Second Comptroller of the Treasury for payment, which was subsequently returned to the Second Auditor without any decision, and "without prejudice" by him, inasmuch as Attorney-General Miller had expressed an opinion that a previous receipt given by Capt. Pullman for an amount that the accounting officer had erroneously adjudged his due, estopped him from receiving the portion that had been erroneously and unlawfully previously withheld, supporting such opinion by the declaration that "had it happened through a mistake of law of the accounting officer of the United States the captain had been paid too much instead of too little, it would seem quite clear that the excess could not be recovered back:" Therefore,

Be it enacted, etc., That the accounting officers of the Treasury be, and they are hereby, directed, on application being made by Capt. John W. Pullman, or his legal representatives, to adjust and pay his said claim as stated and certified to by the Second Auditor of the Treasury on the 12th day of June, 1882, in accordance with such certificate and the law applicable thereto as construed by the Supreme Court of the United States, out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

EXECUTIVE SESSION.

Mr. BERRY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until Monday, March 26, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 22, 1894.

UNITED STATES MARSHAL.

Henry Bohl, of Ohio, to be marshal of the United States for the southern district of Ohio, vice John H. Simmons, whose term expired February 4, 1894.

UNITED STATES ATTORNEY.

Harlan Cleveland, of Ohio, to be attorney of the United States for the southern district of Ohio, vice John W. Herron, whose term expired January 27, 1894.

ASSISTANT TREASURER.

Michael Ryan, of Ohio, to be assistant treasurer of the United States at Cincinnati, in the State of Ohio, to succeed Samuel Bailey, jr., whose term of office has expired by limitation.

APPRAISER OF MERCHANDISE.

Henry J. Schulte, of Ohio, to be appraiser of merchandise for the port of Cincinnati, in the State of Ohio, to succeed James S. Burdsal, removed.

SURVEYORS OF CUSTOMS.

Albert J. Barr, of Pennsylvania, to be surveyor of customs for the district of Pittsburg, in the State of Pennsylvania, to succeed John F. Dravo, whose term of office will expire by limitation April 1, 1894.

Henry D. Lemon, of Ohio, to be surveyor of customs for the port of Cincinnati, in the State of Ohio, to succeed Amor Smith, jr., resigned.

RECEIVERS OF PUBLIC MONEYS.

William H. Dunphy, of Tekoa, Wash., to be receiver of public moneys, at Wallawalla, Wash., vice Joseph C. Painter, to be removed.

Edward K. Hawkins, of Aberdeen, Wash., to be receiver of public moneys, at Olympia, Wash., vice Jacob R. Welty, to be removed.

REGISTERS OF LAND OFFICES.

John G. Newbill, of Springfield, Mo., to be register of the land office at Springfield, Mo., vice Joseph W. McClurg, term expired.

Jesse F. Murphy, of Olympia, Wash., to be register of the land office at Olympia, Wash., vice George G. Mills, to be removed.

PROMOTIONS IN THE NAVY.

Ensign Houston Eldredge, to be a lieutenant (junior grade) in the Navy, from the 23d of January, 1894 (subject to a physical reëxamination in four months), vice Lieut. (junior grade) Harry S. Knapp, promoted.

Ensign Henry B. Wilson, to be lieutenant (junior grade) from the 4th of February, 1894, vice Lieut. (junior grade) William L. Rodgers, promoted.

POSTMASTERS.

J. A. Ladd, to be postmaster at Traer, in the county of Tama and State of Iowa, in the place of Elmer E. Taylor, whose commission expired January 8, 1894.

William T. Sharp, to be postmaster at Brooklyn, in the county of Poweshiek and State of Iowa, in the place of Henry H. Reed, whose commisson expired January 8, 1894.

Edward J. Brown, to be postmaster at Framingham, in the county of Middlesex and State of Massachusetts, in the place of George H. Waterman, whose commission expired March 7, 1894.

John D. Dennis, to be postmaster at Lynn, in the county of Essex and State of Massachusetts, in the place of Augustus J. Hoitt, whose commission expired March 30, 1893.

Patrick Kelly, to be postmaster at Devils Lake, in the county of Ramsey and State of North Dakota, in the place of William A. Hamilton, whose commission expired February 14, 1894.

W. F. Daly, to be postmaster at Du Bois, in the county of Clearfield and State of Pennsylvania, in the place of Lewis Zeigler, whose commission expired January 27, 1894.

Alexander M. Dick, to be postmaster at West Newton, in the county of Westmoreland and State of Pennsylvania, in the place of Adam T. Darr, whose commission expired February 27, 1894.

John A. Fry, to be postmaster at Ephrata, in the county of Lancaster and State of Pennsylvania, in the place of John F. Mentzer, whose commission expired December 21, 1893.

Oliver C. Jackson, to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania, in the place of Edward H. Graves, whose commission expired February 19, 1894.

Willis W. Kitch, to be postmaster at Sharpsville, in the county of Mercer and State of Pennsylvania, in the place of Theodore M. Ford, whose commission expired January 16, 1894.

Patrick J. Langan, to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania, in the place of George Amerman, whose commissioned expired December 21, 1893.

Evan T. McGaw, to be postmaster at Reynoldsville, in the county of Jefferson and State of Pennsylvania, in the place of John W. Foust, whose commission expired February 11, 1894.

R. J. O'Donnell, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania, in the place of Theodore Pierce, whose commission expired February 11, 1894.

Albert R. Saylor, to be postmaster at Royersford, in the county of Montgomery and State of Pennsylvania, in the place of Morris R. Peterman, whose commission expired December 20, 1893.

Charles Schmitt, to be postmaster at Homestead, in the county of Allegheny and State of Pennsylvania, in the place of Robert McWhinney, whose commission expired February 19, 1894.

Frank H. Stratton, to be postmaster at Blossburg, in the county of Tioga and State of Pennsylvania, in the place of George D. Wilkinson, whose commission expired February 19, 1894.

Solomon Uhl, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania, in the place of Josiah Keller, whose commission expired February 19, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 20, 1894.

ASSOCIATE JUSTICE SUPREME COURT OF ARIZONA.

Marshall H. Williams, of Arizona Territory, to be associate justice of the supreme court of the Territory of Arizona.

REGISTER OF THE LAND OFFICE.

James Walter Smith, of Stockton, Cal., to be register of the land office at Stockton, Cal.

RECEIVERS OF PUBLIC MONEYS.

Edward A. Pueschel, of Bakersfield, Cal., to be receiver of public moneys at Visalia, Cal.

Samuel Leffler, of Stockton, Cal., to be receiver of public moneys at Stockton, Cal.

Richard S. Sheridan, of Roseburg, Oregon, to be receiver of public moneys at Roseburg, Oregon.

POSTMASTERS.

Peter McRory, to be postmaster at Port Henry, in the county of Essex and State of New York.

C. W. Ravlin, to be postmaster at Laporte City, in the county of Black Hawk and State of Iowa.

John Whitfield, to be postmaster at Stuart, in the county of Guthrie and State of Iowa.

Charles E. Stuck, to be postmaster at Otsego, in the county of Allegan and State of Michigan.

Henry C. Dater, to be postmaster at Ballston Spa, in the county of Saratoga and State of New York.

Albert E. Rice, to be postmaster at Barre, in the county of Worcester and State of Massachusetts.

Edwin B. Horton, to be postmaster at Athol Center, in the county of Worcester and State of Massachusetts.

Orson G. Couch, to be postmaster at Amherst, in the county of Hampshire and State of Massachusetts.

Thomas H. Maynard, to be postmaster at Clare, in the county of Clare and State of Michigan.

John Brodie, to be postmaster at Valparaiso, in the county of Porter and State of Indiana.

John Rentz, to be postmaster at Blissfield, in the county of Lenawee and State of Michigan.

Smith N. McCloud, to be postmaster at Marysville, in the county of Union and State of Ohio.

George W. Finney, to be postmaster at Dennison, in the county of Tuscarawas and State of Ohio.

George P. Barridge, to be postmaster at Painesville, in the county of Lake and State of Ohio.

William Evans, to be postmaster at Centerville, in the county of Appanoose and State of Iowa.

William Jay Shields, to be postmaster at Rochester, in the county of Fulton and State of Indiana.

Harvey R. Harris, to be postmaster at Michigan City, in the county of Laporte and State of Indiana.

John C. Dick, to be postmaster at Buchanan, in the county of Berrien and State of Michigan.

James E. Lutz, to be postmaster at Yale, in the county of St. Clair and State of Michigan.

Henry W. Chinn, to be postmaster at Velasco, in the county of Brazoria and State of Texas.

Executive nomination confirmed by the Senate March 21, 1894.

POSTMASTER.

E. P. Thompson, to be postmaster at Aberdeen, in the county of Monroe and State of Mississippi.

Executive nominations confirmed by the Senate March 22, 1894.

SURVEYOR-GENERAL.

William S. Green, of Colusa, Cal., to be surveyor-general of California.

POSTMASTERS.

Edward G. Niklaus, to be postmaster at Madison, in the county of Jefferson and State of Indiana.

W. T. Cheatham, jr., to be postmaster at Henderson, in the county of Vance and State of North Carolina.

George Dyson, to be postmaster at Rushville, in the county of Schuyler and State of Illinois.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 22, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Tuesday last was read and approved.

LIGHT-HOUSE, LOWER CEDAR POINT, POTOMAC RIVER.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for rebuilding the light-house at Lower Cedar Point, Potomac River, Maryland, which was destroyed by fire December 25, 1893; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT EXPENSES, ADJUTANT-GENERAL'S OFFICE.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriations submitted by the Secretary of War for contingent expenses, military information division, Adjutant-General's Office, for the fiscal year ending June 30, 1895; which was referred to the Committee on Military Affairs, and ordered to be printed.

INTERNATIONAL PENITENTIARY CONGRESS IN 1895.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a communication from the Secretary of State, inclosing a letter from the ambassador of France at this capital relative to this Government taking part in the International Penitentiary Congress to be held in Paris, June, 1895; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

AGREEMENT WITH YAKIMA AND YUMA INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an agreement with the Yakima nation of Indians in the State of Washington; which was referred to the Committee on Indian Affairs, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an agreement with the Yuma Indians in the State of California; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES H. SHUMATE.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting findings in the case of James H. Shumate *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

REPORT OF COMMISSIONER OF PATENTS.

The SPEAKER also laid before the House a letter from the Commissioner of Patents, transmitting his annual report for the calendar year 1893; which was referred to the Committee on Patents, and ordered to be printed.

BRIDGE OVER MONONGAHELA RIVER.

The SPEAKER laid before the House the bill (S. 1749) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa.

Mr. DALZELL. This bill is almost identical in terms with a House bill which has been favorably reported. I ask unanimous consent for the present consideration of the Senate bill.

The bill was read, as follows:

Be it enacted, etc., That the Glenwood Highway Bridge Company, a corporation duly organized under the laws of the Commonwealth of Pennsylvania, its successors and assigns, be, and they are hereby, authorized and empowered to construct, maintain, and operate a bridge over the Monongahela River, from a point on the north shore of said Monongahela River at or near where Second avenue in the Twenty-third ward of the city of Pittsburg is crossed by the Pittsburg and Connellsville Railroad, to a point directly across said river, on the south shore thereof, about 400 feet, more or less, below the mouth of Streets Run and above the foundation of the old coal tipple at Hays Station, all within the county of Allegheny and State of Pennsylvania. That said Glenwood Highway Bridge Company shall not commence the construction of its bridge, bridge piers, abutments, causeway, and other works over or in said Monongahela River until the location and plan of the same shall have been submitted to and approved by the Secretary of War.

SEC. 2. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving for the space of one half mile above and one-half mile below the proposed location the high and low water lines upon the banks of the river, the direction and strength of the currents at low and at high water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of its construction, such changes shall be subject to the approval of the Secretary of War: *Provided*, That the channel span of said bridge shall be not less than 500 feet in length in the clear, and the clear height of the superstructure shall not be less than 53 feet above the level of the water at pool-full in said river.

SEC. 3. That said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts, both by day and by night, and there shall be displayed on said bridge by the owners thereof, from sunset to sunrise, such lights and other signals as the Light-House Board may prescribe; and such changes shall be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of said bridge company, in order the more effectually to preserve the free navigation of said river.

SEC. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approving this act.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SAYERS. I understand that it is in the regular form.

Mr. DALZELL. Yes, sir; in the regular form.

There being no objection, the House proceeded to the consideration of the bill; which was read three times and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles, which were severally read twice and referred as stated:

A bill (S. 445) supplementary to an act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, and also an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874—to the Committee on the District of Columbia.

A bill (S. 755) granting the right of way to the Albany and Astoria Railroad Company through the Grande Ronde Indian Reservation in the State of Oregon—to the Committee on Indian Affairs.

A bill (S. 1280) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia—to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITING, indefinitely, on account of sickness.

To Mr. BARTHOLDT, indefinitely, on account of death in his family.

To Mr. BELTZHOOVER, indefinitely, on account of sickness.

To Mr. COMPTON, indefinitely, on account of sickness.

To Mr. WALKER, for one week, on account of important business.

To Mr. FITHIAN, for ten days, on account of important business.

To Mr. LUCAS, for twenty days, on account of important business at term of court.

The SPEAKER. The Chair has received by telegraph several requests for leave of absence on account of sickness. These requests will be granted, if there be no objection.

There being no objection, indefinite leave of absence was granted in the following cases, on account of sickness:

To Mr. GEISSENHAINER.

To Mr. MALLORY.

To Mr. MOON.

To Mr. WELLS.

To Mr. HEINER of Pennsylvania.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 5530) to regulate the making of property returns by officers of the Government; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 913) for the relief of Louis L. Williams; and

A bill (H. R. 4013) to release and turn over to Mrs. Mary O. Augusta certain property in the District of Columbia.

The message also announced that the Senate had passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the eulogies delivered in Congress upon the Hon. William Lilly, late a Representative from the State of Pennsylvania, 8,000 copies; of which number 2,000 copies shall be delivered to the Senators and Representatives of the State of Pennsylvania, which shall include 50 copies to be bound in full morocco, to be delivered to the family of the deceased, and of the remaining, 2,000 shall be for the use of the Senate and 4,000 for the use of the House of Representatives; and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said William Lilly to accompany the said eulogies.

Also:

Resolved by the House of Representatives (the Senate concurring), That there be printed 12,000 copies of the Statistical Abstract of the United States for the year 1893, prepared by the Bureau of Statistics, Treasury Department; 3,000 copies for the use of the members of the Senate, 6,000 copies for the use of the members of the House of Representatives, and 3,000 copies for the use of the Bureau of Statistics, Treasury Department.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 109) for the relief of the legal representatives of Chauncey M. Lockwood;

A bill (S. 175) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota;

A bill (S. 190) for the benefit of sundry persons residing in the vicinity of Jefferson Barracks, Mo.;

A bill (S. 266) providing for the erection of an equestrian statue of Gen. Francis Marion;

A bill (S. 269) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai;

A bill (S. 286) for the relief of the owners and crew of the Hawaiian bark Arctic;

A bill (S. 343) for the relief of the legal representatives of Royal M. Hubbard;

A bill (S. 344) for the relief of William M. Keightley;

A bill (S. 345) for the relief of Horace A. W. Tabor;

A bill (S. 407) making appropriation for the improvement of the road to the national cemetery near Pensacola, Fla.;

A bill (S. 425) for the relief of the Potomac Steamboat Company;

A bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office;

A bill (S. 507) providing for the collection of fees for furnishing certificates of title to vessels;

A bill (S. 509) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891;

A bill (S. 511) providing for the establishment and enforcement of rules and regulations for the use and navigation of United States canals and similar works of navigation, and for other purposes;

A bill (S. 573) for the relief of Christopher Schmidt;

A bill (S. 574) for the relief of Dwight Hall;

A bill (S. 587) to amend an act entitled "An act to regulate the carriage of passengers by sea," approved August 2, 1882;

A bill (S. 588) to repeal section 4145 of the Revised Statutes of the United States, and to amend sections 4146, 4320, also section 1 of the act amending section 4214 of the Revised Statutes, approved March 3, 1883, and for other purposes;

A bill (S. 1055) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service;

A bill (S. 1312) for the relief of the heirs of Charles B. Smith, deceased;

A bill (S. 1349) authorizing the purchase of a portrait of Capt. Samuel Chester Reid;

A bill (S. 1412) for the relief of Fanny B. Randolph and Dora L. Stark;

A bill (S. 1683) to authorize the Secretary of War to issue four condemned iron guns and projectiles to the officer in charge of the Government lot in Oakwood Cemetery, near Chicago, Ill.;

A joint resolution (S. R. 12) for the restoration of the books of the Beaufort Library Society, of Beaufort, S. C.; and

A bill (S. 497) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 188 ; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,000 copies in cloth, in one volume, of the new edition of the Senate election cases and of precedents relating to the privileges of the Senate: 1,500 copies to be for the use of the members of the Senate and 2,500 copies for the use of the members of the House of Representatives, the same to be printed on the back as follows:

Senate Privileges and Elections.
Election Cases.
Taft.
Precedents as to Privileges.
Furber.

Provided, The clerk of the Committee on Privileges and Elections shall, under the direction of such committee, prepare a report of the cases since determined, and the same shall be inserted as an appendix in the foregoing publication.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, in addition to the number already ordered by law, 7,000 copies of the Fourteenth Annual Report of the Director of the United States Geological Survey, uniform with the preceding volumes of the series, of which number 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 4,000 for distribution by the Geological Survey.

FUNDS—CHEROKEE NATION.

Mr. CATCHINGS. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution authorizing and directing the Secretary of the Treasury to receive at the subtreasury in the city of New York, from R. T. Wilson & Co., or assigns, the money amounting to $6,740,000, to be paid to the Cherokee Nation, and to place the same to the credit of the Cherokee Nation.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The joint resolution (H. Res. 144) was read, as follows:

Whereas by an act of the National Council of the Cherokee Nation approved January 6, 1894, said Cherokee Nation accepted an offer of R. T. Wilson & Co. to purchase and agreed to sell and assign to said R. T. Wilson & Co. and assigns, the second, third, fourth, and fifth installments of the money, together with the interest thereon, from the 4th day of March, 1893, to be paid by the United States to said Cherokee Nation for the Cherokee outlet as provided by a contract made pursuant to section 10 of "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for fiscal year ending June 30, 1894," approved March 3, 1893, and in accordance with the provisions of said act of the National Council of the Cherokee Nation the consideration for said sale and assignment, amounting to $6,740,000, was to be placed in the subtreasury of the United States in the city of New York to the credit of the Cherokee Nation subject to the action of the National Council of said Cherokee Nation; and

Whereas it is necessary in order to carry out said contract that authority be conferred to receive said money at the subtreasury in New York, and to place the same to the credit of said Cherokee Nation: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be and he hereby is authorized and directed to receive at the subtreasury in the city of New York, from R. T. Wilson & Co. or assigns, the said money so to be paid to said Cherokee Nation in consideration of said assignment and to place the same to the credit of said Cherokee Nation.

There being no objection the joint resolution was considered, ordered to a third reading, and being read the third time, was passed.

On motion of Mr. CATCHINGS a motion to reconsider the last vote was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the standing and select committees for reports.

CONTESTED ELECTION, THIRD CALIFORNIA DISTRICT.

Mr. BROWN, from the Committee on Elections, submitted a report and resolutions in the contested election case of Warren B. English against Samuel G. Hilborn, from the Third Congressional district of the State of California; which was ordered to be printed and referred to the House Calendar.

Mr. WAUGH, by unanimous consent, submitted the views of the minority in said contest.

BRIDGE ACROSS TENNESSEE RIVER AT CLIFTON, TENNESSEE.

Mr. COX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across Tennessee River at Clifton, Tenn.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That section 8 of the act passed and approved June the 6th, 1892, authorizing the St. Louis and Birmingham Railroad to build a bridge across the Tennessee River at Clifton, Tenn., be so amended as to read, that

the work on said bridge shall be commenced within one year from June 6, 1894, and completed by June 6, 1898.

The committee recommend the adoption of the following amendments:

"Strike out all after the word 'read' in line 7, down to and including the word 'ninety-eight,' in line 10, and insert as follows:

"SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved without any liability of the United States for damages on account of the alterations, amendments, or repeal of this act. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval of the act."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. I would like to know if this bill is in the usual form?

Mr. COX. It is. The original bill was passed in the usual form, and this is simply an extension for a short time to enable them to complete the work.

There being no ob ection the bill was considered, the amendments recommended by the committee were agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

On motion of Mr. COX, a motion to reconsider the last vote was laid on the table.

COMMITTEE ON PACIFIC RAILROADS.

Mr. REILLY. Mr. Speaker, on behalf of the Committee on Pacific Railroads, I am instructed to ask unanimous consent of the House that the committee have leave to sit during the sessions of the House.

The SPEAKER. Is there objection to the request.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers in the States of Louisiana and Texas; and

A bill (S. 1749) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa.

CONTESTED ELECTION CASE—O'NEILL VS. JOY.

Mr. PATTERSON. Mr. Speaker, I desire to call up the contested election case of O'Neill *vs.* Joy.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] calls up the contested election case of O'Neill *vs.* Joy. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Charles F. Joy was not elected a member of the House of Representatives to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to the seat.

Resolved, That John J. O'Neill was elected a Representative to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to the seat.

Mr. WAUGH. Mr. Speaker, I will have to raise the question of consideration.

The SPEAKER. The gentleman from Indiana [Mr. WAUGH] raises the question of consideration against this report. The question is, Will the House proceed to consider the resolution?

The question being taken, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. WAUGH) there were—ayes 109, noes 1.

Mr. WAUGH. No quorum.

Mr. BROWN and Mr. PATTERSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 0, not voting 193; as follows:

YEAS—159.

Alexander,	Campbell,	Dockery,	Hendrix,
Bailey,	Cannon, Cal.	Donovan,	Hines,
Baker, Kans.	Caruth,	Dunn,	Holman,
Baldwin,	Catchings,	Dunphy,	Hooker, Miss.
Bankhead,	Clancy,	Durborow,	Hunter,
Barnes,	Clark, Mo.	Enloe,	Hutcheson,
Bartlett,	Clarke, Ala.	Epes,	Jonnson, Ohio
Barwig,	Cobb, Ala.	Erdman,	Kem,
Bell, Tex.	Cobb, Mo.	Everett,	Kilgore,
Berry,	Cockrell,	Forman,	Kribbs,
Black, Ga.	Coffeen,	Geary,	Kyle,
Black, Ill.	Conn,	Gorman,	Lane,
Bland,	Coombs,	Grady,	Latimer,
Boen,	Cooper, Fla.	Grosham,	Lawson,
Bower, N. C.	Cooper, Tex.	Griffin,	Layton,
Branch,	Cox,	Haines,	Lester,
Breckinridge, Ark.	Crawford,	Hall, Minn.	Lisle,
Brickner,	Culberson,	Hall, Mo.	Livingston,
Brookshire,	Cummings,	Hammond,	Lockwood,
Brown,	Davis,	Hare,	Lynch,
Bunn,	De Armond,	Harris,	Maddox,
Burnes,	De Forest,	Hatch,	Marshall,
Bynum,	Denson,	Heard,	Martin, Ind.
Cabaniss,	Dinsmore,	Henderson, N. C.	McCreary, Ky.
McCulloch,	Outhwaite,	Robertson, La.	Talbott, Md.
McDannold,	Page,	Sayers,	Tate,
McDearmon,	Patterson,	Schermerhorn,	Terry,
McEttrick,	Paynter,	Shell,	Tracey,
McKaig,	Pearson,	Sibley,	Tucker,
McKeighan,	Pendleton, Tex.	Somers,	Turner, Ga.
McNagny,	Pendleton, W. Va.	Sperry,	Turner, Va.
Meredith,	Pigott,	Springer,	Turpin,
Meyer,	Price,	Stallings,	Warner,
Money,	Rayner,	Stevens,	Wheeler, Ala.
Montgomery,	Reilly,	Stockdale,	Williams, Ill.
Morgan,	Richards, Ohio	Stone, Ky.	Williams, Miss.
Moses,	Richardson, Mich.	Strait,	Wise.
Mutchler,	Richardson, Tenn.	Straus.	Wolverton,
Neill,	Ritchie,	Swanson,	Woodard.
O'Neil.	Robbins,	Talbert, S. C.	

NAYS—0.

NOT VOTING—193.

Abbott,	Daniels,	Ikirt,	Robinson, Pa.
Adams, Ky,	Davey,	Johnson, Ind.	Rusk,
Adams, Pa.	Dingley,	Johnson, N. Dak.	Russell, Conn.
Aitken,	Dolliver,	Jones,	Russell, Ga.
Alderson,	Doolittle,	Joy,	Ryan,
Aldrich,	Draper,	Kiefer,	Scranton,
Allen,	Edmunds,	Lacey,	Settle,
Apsley,	Ellis, Ky.	Lapham,	Shaw,
Arnold,	Ellis, Oregon	Lefever,	Sherman,
Avery,	English,	Linton,	Sickles,
Babcock,	Fielder,	Loud,	Simpson,
Baker, N. H.	Fithian,	Loudenslager,	Sipe,
Bartholdt,	Fletcher,	Lucas,	Smith,
Belden,	Funk,	Magner,	Snodgrass,
Bell, Colo.	Funston,	Maguire,	Stephenson,
Beltzhoover,	Fyan,	Mahon,	Stone, C. W.
Bingham,	Gardner,	Mallory,	Stone, W. A.
Blair,	Gear,	Marsh,	Storer,
Boatner,	Geissenhainer,	Marvin, N. Y.	Strong,
Boutelle,	Gillet, N. Y.	McAleer,	Sweet,
Bowers, Cal.	Gillett, Mass.	McCall,	Tarsney,
Brattan,	Goldzier,	McCleary, Minn.	Tawney,
Breckinridge, Ky.	Goodnight,	McDowell,	Taylor, Ind.
Bretz,	Graham,	McGann,	Taylor, Tenn.
Broderick,	Grosvenor,	McLaurin,	Thomas,
Brosius,	Grout,	McMillin,	Tyler,
Bryan,	Grow,	McRae,	Updegraff,
Bundy,	Hager,	Meiklejohn,	Van Voorhis, N. Y.
Burrows,	Hainer,	Mercer,	Van Voorhis, Ohio
Cadmus,	Harmer,	Milliken,	Wadsworth,
Caldwell,	Harter,	Moon,	Walker,
Caminetti,	Hartman,	Morse,	Wanger,
Cannon, Ill.	Haugen,	Murray,	Washington,
Capehart,	Hayes,	Newlands,	Waugh,
Causey,	Heiner,	Northway	Weadock,
Chickering,	Henderson, Ill.	Oates,	Wells,
Childs,	Henderson, Iowa	Paschal,	Wever,
Cockran,	Hepburn,	Payne,	Wheeler, Ill.
Cogswell,	Hermann,	Pence,	White,
Compton,	Hicks,	Perkins,	Whiting,
Cooper, Ind.	Hilborn,	Phillips,	Wilson, Ohio
Cooper, Wis.	Hitt,	Pickler,	Wilson, Wash
Cornish,	Hooker, N. Y.	Post,	Wilson, W. Va.
Cousins,	Hopkins, Ill.	Powers,	Woomer,
Covert,	Hopkins, Pa.	Quigg,	Wright, Mass.
Crain,	Houk,	Randall,	Wright, Pa.
Curtis, Kans.	Hudson,	Ray,	
Curtis, N. Y.	Hulick,	Reed,	
Dalzell,	Hull,	Reyburn,	

No quorum voting.

The Clerk announced the following pairs:

Until further notice:

Mr. BOATNER with Mr. CALDWELL.

Mr. MCMILLIN with Mr. BURROWS.

Mr. GOODNIGHT with Mr. WALKER.

Mr. BRETZ with Mr. HAUGEN.

Mr. DINSMORE with Mr. DRAPER.

Mr. TARSNEY with Mr. GEAR.

Mr. BRATTAN with Mr. BARTHOLDT.

Mr. CADMUS with Mr. WEVER.

Mr. ARNOLD with Mr. HEPBURN.

Mr. WELLS with Mr. MARVIN of New York.

Mr. ABBOTT with Mr. TAYLOR of Tennessee.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. WEADOCK with Mr. MOON.

Mr. SNODGRASS with Mr. HOUK.

Mr. SIPE with Mr. SMITH of Illinois.

Mr. JONES with Mr. GROSVENOR.

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. POWERS with Mr. OATES.

For this day:

Mr. FITHIAN with Mr. WHITE.

Mr. MAGNER with Mr. RANDALL.

Mr. CRAIN with Mr. HARMER.

Mr. EDMUNDS with Mr. PAYNE.

Mr. MCRAE with Mr. WRIGHT of Massachusetts.

Mr. ALDERSON with Mr. FUNK.

Mr. GOLDZIER with Mr. HEINER of Pennsylvania.

Mr. ALLEN with Mr. STORER.

On this question:

Mr. MALLORY with Mr. BINGHAM.

Mr. DAVEY with Mr. PICKLER.

Mr. FYAN with Mr. LUCAS.
Mr. RYAN with Mr. APSLEY.
The result of the vote was then announced as above recorded.
The SPEAKER. No quorum has voted.
Mr. PATTERSON. I move a call of the House.
A call of the House was ordered.
The Clerk proceeded to call the roll; when the following-named members failed to answer to their names:

Abbott,	Crain,	Hermann,	Oates,
Aitken,	Curtis, N. Y.	Hicks,	Robbins,
Alderson,	Davey,	Houk,	Russell, Ga.
Allen,	Dingley,	Hull,	Sickles,
Arnold,	Edmunds,	Jones,	Simpson,
Babcock,	Ellis, Ky.	Kiefer,	Sipe,
Bartholdt,	Fithian,	Loudenslager,	Smith,
Barwig,	Funk,	Lucas,	Snodgrass,
Beltzhoover,	Funston,	Magner,	Stone, W. A.
Bingham,	Geissenhainer,	Maguire,	Tarsney,
Boatner,	Goldzier,	Mallory,	Taylor, Tenn.
Brattan,	Goodnight,	Marsh,	Tracey,
Breckinridge, Ky.	Graham,	Marvin, N. Y.	Turpin,
Bretz,	Gresham,	McAleer,	Updegraff,
Brosius,	Grosvenor,	McCleary, Minn.	Van Voorhis, N. Y.
Caldwell,	Hager,	McGann,	Wadsworth,
Capehart,	Hare,	McLaurin,	Walker,
Causey,	Harter,	McMillin,	Weadock,
Cockran,	Haugen,	McRae,	Wells,
Compton,	Hayes,	Melkiejohn,	Wever,
Cooper, Ind.	Heiner,	Mercer,	Whiting,
Cooper, Wis.	Henderson, Ill.	Moon,	Wilson, W. Va.
Cornish,	Henderson, Iowa	Newlands,	Wright, Pa.
Covert,	Hepburn,		

The SPEAKER. The doors will now be closed, the Clerk will call the names of those who failed to answer on the first call, and on this call excuses may be offered.

Mr. SPRINGER (when the name of Mr. GOLDZIER was called). Mr. Speaker, I ask that my colleague [Mr. GOLDZIER] be excused for this day. I have received a telegram from him stating that he is on his way to Washington and will be here to-morrow morning.

There was no objection, and it was so ordered.

The call was resumed and concluded.

The SPEAKER. Two hundred and fifty-seven gentlemen have answered to their names.

Mr. SPRINGER. I move to dispense with all further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question recurs on the resolutions called up by the gentleman from Tennessee. As many as favor proceeding with the consideration of those resolutions will when their names are called say yea, and those opposed no; and the Clerk will call the roll.

The question was taken; and there were—yeas 167, nays 0, not voting 185; as follows:

YEAS—167.

Alexander,	Cummings,	Kilgore,	Richards, Ohio
Bailey,	Davis,	Kyle,	Richardson, Tenn.
Baker, Kans.	De Armond,	Lane,	Ritchie,
Baldwin,	De Forest,	Latimer,	Robbins,
Bankhead,	Denson,	Lawson,	Robertson, La.
Barnes,	Dinsmore,	Layton,	Rusk,
Bartlett,	Dockery,	Lester,	Ryan,
Barwig,	Donovan,	Lisle,	Sayers,
Bell, Tex.	Dunn,	Livingston,	Schermerhorn,
Berry,	Dunphy,	Lockwood,	Shell,
Black, Ga.	Durborow,	Lynch,	Sickles,
Black, Ill.	English,	Maddox,	Somers,
Bland,	Enloe,	Marshall,	Sperry,
Boen,	Epes,	Martin, Ind.	Springer,
Branch,	Erdman,	McCreary, Ky.	Stallings,
Brickner,	Everett,	McCulloch,	Stevens,
Brookshire,	Fielder,	McDannold,	Stockdale,
Brown,	Forman,	McDearmon,	Stone, Ky.
Bryan,	Fyan,	McEttrick,	Strait,
Bunn,	Geary,	McKaig,	Straus,
Burnes,	Gorman,	McKeighan,	Swanson,
Bynum,	Grady,	McNagny,	Talbert, S. C.
Cabaniss,	Griffin,	Meredith,	Talbott, Md.
Caminetti,	Haines,	Meyer,	Tate,
Campbell,	Hall, Minn.	Money,	Taylor, Ind.
Capehart,	Hall, Mo.	Montgomery,	Terry,
Caruth,	Hare,	Morgan,	Tracey,
Causey,	Harris,	Moses,	Tucker,
Clancy,	Hatch,	Mutchler,	Turner, Ga.
Clark, Mo.	Hayes,	Neill,	Turner, Va.
Clarke, Ala.	Heard,	O'Neil,	Turpin,
Cobb, Ala.	Henderson, N. C.	Outhwaite,	Tyler,
Cobb, Mo.	Hendrix,	Page,	Warner,
Cockrell,	Hines,	Paschal,	Washington,
Coffeen,	Holman,	Patterson,	Wheeler, Ala.
Conn,	Hooker, Miss.	Paynter,	Whiting,
Coombs,	Hudson,	Pendleton, Tex.	Williams, Ill.
Cooper, Fla.	Hunter,	Pendleton, W. Va.	Williams, Miss.
Cooper, Tex.	Hutcheson,	Pigott,	Wise,
Cox,	Ikirt,	Price,	Wolverton,
Crawford,	Johnson, Ohio	Rayner,	Woodard.
Culberson,	Kem	Reilly,	

NAYS—0.

NOT VOTING—185.

Abbott,	Curtis, N. Y.	Hull,	Ray,
Adams, Ky.	Dalzell,	Johnson, Ind.	Reed,
Adams, Pa.	Daniels,	Johnson, N. Dak.	Reyburn,
Aitken,	Davey,	Jones,	Richardson, Mich.
Alderson,	Dingley,	Joy,	Robinson, Pa.
Aldrich,	Dolliver,	Kiefer,	Russell, Conn.
Allen,	Doolittle,	Kribbs,	Russell, Ga.
Apsley,	Draper,	Lacey,	Scranton,
Arnold,	Edmunds,	Lapham,	Settle,
Avery,	Ellis, Ky.	Lefever,	Shaw,
Babcock,	Ellis, Oregon	Linton,	Sherman,
Baker, N. H.	Fithian,	Loud,	Sibley,
Bartholdt,	Fletcher,	Loudenslager,	Simpson,
Belden,	Funk,	Lucas,	Sipe,
Bell, Colo.	Funston,	Magner,	Smith,
Beltzhoover,	Gardner,	Maguire,	Snodgrass,
Bingham,	Gear,	Mahon,	Stephenson,
Blair,	Geissenhainer,	Mallory,	Stone, C. W.
Boatner,	Gillet, N. Y.	Marsh,	Stone, W. A.
Boutelle,	Gillett, Mass.	Marvin, N. Y.	Storer,
Bower, N. C.	Goldzier,	McAleer,	Strong,
Bowers, Cal.	Goodnight,	McCall,	Sweet,
Brattan,	Graham,	McCleary, Minn.	Tarsney,
Breckinridge, Ark.	Gresham,	McDowell,	Tawney,
Breckinridge, Ky.	Grosvenor,	McGann,	Taylor, Tenn.
Bretz,	Grout,	McLaurin,	Thomas,
Broderick,	Grow,	McMillin,	Updegraff,
Brosius,	Hager,	McRae,	Van Voorhis, N. Y.
Bundy,	Haines,	Melkiejohn,	Van Voorhis, Ohio
Burrows,	Hammond,	Mercer,	Wadsworth,
Cadmus,	Harmer,	Milliken,	Walker,
Caldwell,	Harter,	Moon,	Wanger,
Cannon, Cal.	Hartman,	Morse,	Waugh,
Cannon, Ill.	Haugen,	Murray,	Weadock,
Catchings,	Heiner,	Newlands,	Wells,
Chickering,	Henderson, Ill.	Northway,	Wever,
Childs,	Henderson, Iowa	Oates,	Wheeler, Ill.
Cockran,	Hepburn,	Payne,	White,
Cogswell,	Hermann,	Pearson,	Wilson, Ohio
Compton,	Hicks,	Pence,	Wilson, Wash.
Cooper, Ind.	Hilborn,	Perkins,	Wilson, W. Va.
Cooper, Wis.	Hitt,	Phillips,	Woomer,
Cornish,	Hooker, N. Y.	Pickler,	Wright, Mass
Cousins,	Hopkins, Ill.	Post,	Wright, Pa.
Covert,	Hopkins, Pa.	Powers,	
Crain,	Houk,	Quigg,	
Curtis, Kans.	Hulick,	Randall,	

Mr. BABCOCK. Mr. Speaker, I ask that my colleague, Mr. COOPER of Wisconsin, be excused, on account of sickness.

There was no objection, and it was so ordered.

The SPEAKER. On this question the yeas are 167; the nays are none. No quorum.

Mr. PATTERSON. I move a call of the House, Mr. Speaker.

The SPEAKER proceeded to put the question.

Mr. BURROWS. One moment. The gentleman behind me wishes to make a motion.

Mr. WAUGH. I move that the House adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BURROWS. Division.

The House divided: and there were—ayes 42, noes 112.

Mr. WAUGH. Tellers, Mr. Speaker.

Mr. BROWN and Mr. PATTERSON. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 24, nays 158, not voting 170; as follows:

YEAS—24.

Adams, Ky.	Gardner,	Loud,	Stone, W. A.
Apsley,	Hicks,	McDowell,	Strong,
Avery,	Hooker, N. Y.	Milliken,	Sweet,
Babcock,	Hopkins, Ill.	Robinson, Pa.	Tawney,
Blair,	Hulick,	Russell, Conn.	Van Voorhis, N. Y.
Bundy,	Lefever,	Stone, C. W.	Wilson, Ohio.

NAYS—158.

Alexander,	Clark, Mo.	Forman,	Lane,
Bailey,	Clarke, Ala.	Fyan,	Latimer,
Baker, Kans.	Cobb, Ala.	Geary,	Lawson,
Baldwin,	Cobb, Mo.	Gorman,	Lester,
Bankhead,	Cockrell,	Grady,	Lisle,
Barnes,	Coffeen,	Gresham,	Lynch,
Barwig,	Conn,	Griffin,	Maddox,
Bell, Tex.	Cooper, Fla.	Haines,	Marshall,
Berry,	Cooper, Tex.	Hall, Minn.	Martin, Ind.
Black, Ga.	Cousins,	Hall, Mo.	McCreary, Ky.
Bland,	Cox,	Hare,	McCulloch,
Boen,	Crawford,	Harris,	McDannold,
Breckinridge, Ark.	Culberson,	Hatch,	McDearmon,
Brickner,	Daniels,	Heard,	McEttrick,
Brookshire,	Davis,	Henderson, N. C.	McKaig,
Brown,	De Armond,	Hines,	McKeighan,
Bryan,	De Forest,	Holman,	McLaurin,
Bunn,	Denson,	Hooker, Miss.	Meredith,
Burnes,	Dinsmore,	Hudson,	Meyer,
Bynum,	Dockery,	Hunter,	Montgomery,
Cabaniss,	Donovan,	Ikirt,	Morgan,
Caminetti,	Dunphy,	Johnson, N. Dak.	Moses,
Campbell,	English,	Johnson, Ohio	Mutchler,
Cannon, Cal.	Enloe,	Kem,	Neill,
Capehart,	Epes,	Kilgore,	O'Neil,
Caruth,	Everett,	Kribbs,	Outhwaite,
Clancy,	Fielder,	Kyle,	Page,

Paschal,	Robbins,	Straus,	Updegraff,
Patterson,	Robertson, La.	Swanson,	Wanger,
Paynter,	Rusk,	Talbert, S. C.	Warner,
Pearson.	Ryan.	Talbott, Md.	Washington,
Pendleton, Tex.	Sayers,	Tate,	Wheeler, Ala.
Pendleton, W. Va.	Schermerhorn,	Taylor, Ind.	Whiting.
Pigott,	Shell,	Terry,	Williams, Ill.
Price,	Sperry,	Tracey,	Williams, Miss.
Reilly,	Springer,	Tucker,	Wise,
Richards, Ohio	Stallings,	Turner, Ga.	Wolverton,
Richardson, Mich.	Stockdale,	Turner, Va.	Woodard.
Richardson, Tenn.	Stone, Ky.	Turpin,	
Ritchie,	Strait,	Tyler,	

NOT VOTING—170.

Abbott,	Curtis, Kans.	Hitt,	Pickler,
Adams, Pa.	Curtis, N. Y.	Hopkins, Pa.	Post,
Aitken,	Dalzell,	Houk,	Powers,
Alderson,	Davey,	Hull,	Quigg,
Aldrich,	Dingley,	Hutcheson,	Randall,
Allen,	Dolliver,	Johnson, Ind.	Ray,
Arnold,	Doolittle,	Jones,	Rayner,
Baker, N. H.	Draper,	Joy,	Reed,
Bartholdt,	Dunn,	Kiefer,	Reyburn,
Bartlett,	Durborow,	Lacey,	Russell, Ga.
Belden,	Edmunds,	Lapham,	Scranton,
Bell, Colo.	Ellis, Ky.	Layton,	Settle,
Beltzhoover,	Ellis, Oregon	Linton,	Shaw,
Bingham,	Erdman,	Livingston,	Sherman,
Black, Ill.	Fithian,	Lockwood,	Sibley,
Boatner,	Fletcher,	Loudenslager,	Sickles,
Boutelle,	Funk,	Lucas,	Simpson,
Bower, N. C.	Funston,	Magner,	Sipe,
Bowers, Cal.	Gear,	Maguire,	Smith,
Branch,	Geissenhainer,	Mahon,	Snodgrass,
Brattan,	Gillet, N. Y.	Mallory,	Somers,
Breckinridge, Ky.	Gillett, Mass.	Marsh,	Stephenson,
Bretz,	Goldzier,	Marvin, N. Y.	Stevens,
Broderick,	Goodnight,	McAleer,	Storer,
Brosius,	Graham,	McCall,	Tarsney,
Burrows,	Grosvenor,	McCleary, Minn.	Taylor, Tenn.
Cadmus,	Grout,	McGann,	Thomas,
Caldwell,	Grow,	McMillin,	Van Voorhis, Ohio
Cannon, Ill.	Hager,	McNagny,	Wadsworth,
Catchings,	Hainer,	McRae,	Walker,
Causey,	Hammond,	Meiklejohn,	Waugh,
Chickering,	Harmer,	Mercer,	Weadock,
Childs,	Harter,	Money,	Wells.
Cockran,	Hartman,	Moon,	Wever,
Cogswell,	Haugen,	Morse,	Wheeler, Ill.
Compton,	Hayes,	Murray,	White,
Coombs,	Heiner,	Newlands,	Wilson, Wash.
Cooper, Ind.	Henderson, Ill.	Northway,	Wilson, W. Va.
Cooper, Wis.	Henderson, Iowa	Oates,	Woomer.
Cornish,	Hendrix,	Payne,	Wright, Mass.
Covert,	Hepburn,	Pence,	Wright, Pa.
Crain,	Hermann,	Perkins,	
Cummings,	Hilborn,	Phillips,	

The result of the vote was then announced as above recorded.

Mr. PATTERSON. Mr. Speaker, I withdraw the motion for a call of the House.

The SPEAKER *pro tempore* [Mr. BAILEY]. The question now recurs, Will the House proceed to consider the resolution submitted by the gentleman from Tennessee? Upon that question the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 162, nays 0, not voting 190; as follows:

YEAS—162.

Alexander,	Culberson,	Kribbs,	Price,
Bailey,	Cummings,	Kyle,	Reilly,
Baldwin,	Davis,	Lane,	Richards, Ohio
Bankhead,	De Armond,	Latimer,	Richardson, Mich.
Barnes,	DeForest,	Lawson,	Richardson, Tenn.
Bartlett,	Denson,	Layton,	Ritchie,
Barwig,	Dinsmore,	Lester,	Robbins,
Bell, Tex.	Dockery,	Lisle,	Rusk,
Berry,	Donovan,	Livingston,	Ryan,
Black, Ga.	Dunn,	Lockwood,	Sayers,
Bland,	Dunphy,	Lynch,	Schermerhorn,
Boen,	English,	Maddox,	Shell,
Branch,	Enloe,	Maguire,	Sickles,
Breckinridge, Ark.	Epes,	Marshall,	Somers,
Brickner,	Erdman,	Martin, Ind.	Sperry,
Brookshire,	Everett,	McCreary, Ky.	Springer,
Brown,	Forman,	McCulloch,	Stone, Ky.
Bryan,	Fyan,	McDannold,	Strait,
Bunn,	Gorman,	McDearmon,	Straus,
Burnes,	Grady,	McEttrick,	Swanson,
Bynum,	Gresham,	McKaig,	Talbert, S. C.
Cabaniss,	Griffin,	McKeighan,	Talbott, Md.
Cadmus,	Haines,	McLaurin,	Tate.
Caminetti,	Hall, Minn.	McNagny,	Taylor, Ind.
Campbell,	Hall, Mo.	Meredith,	Terry,
Cannon, Cal.	Hare,	Meyer,	Tucker,
Capehart,	Harris,	Money,	Turner, Ga.
Caruth,	Hatch,	Montgomery,	Turner, Va.
Catchings,	Heard,	Morgan,	Turpin,
Clancy,	Henderson, N. C.	Moses,	Tyler,
Clark, Mo.	Hendrix,	Mutchler,	Warner,
Clarke, Ala.	Hines,	Neill,	Washington,
Cobb, Ala.	Holman,	Outhwaite,	Wheeler, Ala.
Cobb, Mo.	Hooker, Miss.	Page,	Whiting.
Cockrell,	Hudson,	Paschal,	Williams, Ill.
Coffeen,	Hunter,	Patterson,	Williams, Miss.
Conn.	Hutcheson,	Paynter,	Wise.
Coombs,	Ikirt,	Pearson,	Wolverton,
Cooper, Tex.	Johnson, Ohio	Pendleton, Tex.	Woodard.
Cox,	Kem,	Pendleton, W. Va.	
Crawford,	Kilgore,	Pigott,	

NAYS—0.

NOT VOTING—190.

Abbott,	Dalzell,	Hulick,	Reyburn.
Adams, Ky.	Daniels,	Hull,	Robertson, La.
Adams, Pa.	Davey,	Johnson, Ind.	Robinson, Pa.
Aitken,	Dingley,	Johnson, N. Dak.	Russell, Conn.
Alderson,	Dolliver,	Jones,	Russell, Ga.
Aldrich,	Doolittle,	Joy,	Scranton,
Allen,	Draper,	Kiefer,	Settle,
Apsley,	Durborow,	Lacey,	Shaw,
Arnold,	Edmunds,	Lapham,	Sherman,
Avery,	Ellis, Ky.	Lefever,	Sibley,
Babcock,	Ellis, Oregon	Linton,	Simpson,
Baker, Kans.	Fielder,	Loud,	Sipe,
Baker, N. H.	Fithian,	Loudenslager,	Smith,
Bartholdt,	Fletcher,	Lucas,	Snodgrass,
Belden,	Funk,	Magner,	Stallings,
Bell, Colo.	Funston,	Mahon,	Stephenson,
Beltzhoover,	Gardner,	Mallory,	Stevens,
Bingham,	Gear,	Marsh,	Stockdale,
Black, Ill.	Geary,	Marvin, N. Y.	Stone, C. W.
Blair,	Geissenhainer,	McAleer,	Stone, W. A.
Boatner,	Gillet, N. Y.	McCall,	Storer,
Boutelle,	Gillett, Mass.	McCleary, Minn.	Strong,
Bower, N. C.	Goldzier,	McDowell,	Sweet.
Bowers, Cal.	Goodnight,	McGann,	Tarsney,
Brattan,	Graham,	McMillin,	Tawney,
Breckinridge, Ky.	Grosvenor,	McRae,	Taylor, Tenn.
Bretz,	Grout,	Meiklejohn,	Thomas,
Broderick,	Grow,	Mercer,	Tracey,
Brosius,	Hager,	Milliken,	Updegraff,
Bundy,	Hainer,	Moon,	Van Voorhis, N. Y.
Burrows,	Hammond,	Morse,	Van Voorhis, Ohio
Caldwell,	Harmer,	Murray,	Wadsworth,
Cannon, Ill.	Harter,	Newlands,	Walker,
Causey,	Hartman,	Northway,	Wanger,
Chickering,	Haugen,	Oates,	Waugh,
Childs,	Hayes,	O'Neil,	Weadock,
Cockran,	Heiner,	Payne,	Wells.
Cogswell,	Henderson, Ill.	Pence,	Wever,
Compton,	Henderson, Iowa	Perkins,	Wheeler, Ill.
Cooper, Fla.	Hepburn,	Phillips,	White.
Cooper, Ind.	Hermann,	Pickler,	Wilson, Ohio
Cooper, Wis.	Hicks,	Post.	Wilson, Wash.
Cornish,	Hilborn,	Powers,	Wilson, W. Va.
Cousins,	Hitt,	Quigg,	Woomer.
Covert,	Hooker, N. Y.	Randall,	Wright, Mass.
Crain,	Hopkins, Ill.	Ray,	Wright, Pa.
Curtis, Kans.	Hopkins, Pa.	Rayner,	
Curtis, N. Y.	Houk,	Reed,	

The SPEAKER *pro tempore*. Upon this question the yeas are 157 and the nays are none. No quorum has voted.

Mr PATTERSON. I move a call of the House.

The question being taken, the Speaker *pro tempore* announced that the ayes seemed to prevail.

Mr. BURROWS. I ask for a division.

The House divided; and there were—ayes 97, noes 47.

Mr. BURROWS. Mr. Speaker, I demand tellers.

Mr. PATTERSON. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 11, not voting 185; as follows:

YEAS—156.

Alexander,	Culberson,	Kilgore,	Rayner,
Bailey,	Davis,	Kribbs,	Reilly,
Baldwin,	De Armond,	Kyle,	Richards, Ohio.
Bankhead,	De Forest,	Lane,	Richardson, Mich.
Barnes,	Denson,	Lapham,	Richardson, Tenn.
Barwig,	Dinsmore,	Latimer,	Ritchie,
Bell, Colo.	Donovan,	Lawson,	Robbins,
Bell, Tex.	Dunn,	Layton,	Ryan,
Black, Ga.	Dunphy,	Lester,	Sayers,
Bland,	English,	Lisle,	Somers,
Boen,	Enloe,	Livingston,	Sperry,
Bower, N. C.	Epes,	Lockwood,	Springer,
Breckinridge, Ark.	Erdman,	Lynch,	Stallings,
Brickner,	Fielder,	Maddox,	Stevens,
Brookshire,	Fyan,	Maguire,	Stockdale.
Bryan,	Geary,	Marshall,	Stone, Ky.
Bunn,	Grady,	McCreary, Ky.	Strait,
Burnes,	Gresham,	McCulloch,	Straus,
Cabaniss,	Griffin,	McDannold,	Swanson,
Cadmus,	Haines,	McDearmon,	Talbert, S. C.
Caminetti,	Hall, Minn.	McEttrick,	Talbott, Md.
Campbell,	Hall, Mo.	McKaig,	Tate.
Cannon, Cal.	Hammond	McKeighan,	Taylor, Ind.
Capehart,	Hare,	McNagny,	Terry,
Caruth,	Harris,	Meredith,	Tracey,
Catchings,	Hatch,	Money,	Tucker,
Clancy,	Hayes,	Montgomery,	Turner, Ga.
Clark, Mo.	Heard,	Morgan,	Turner, Va.
Clarke, Ala.	Henderson, N. C.	Moses,	Turpin,
Cobb, Ala.	Hendrix,	Mutchler,	Tyler.
Cobb, Mo.	Hines,	O'Neil.	Warner,
Cockrell,	Holman,	Outhwaite,	Washington,
Coffeen,	Hooker, Miss.	Paschal,	Wheeler, Ala.
Conn.	Hudson,	Patterson,	Whiting,
Coombs,	Hunter.	Paynter,	Williams, Ill.
Cooper, Fla.	Hutcheson,	Pearson,	Williams, Miss.
Cooper, Tex.	Ikirt,	Pendleton, Tex.	Wise,
Cox,	Johnson, Ohio	Pendleton, W. Va.	Wolverton,
Crawford,	Kem,	Pigott.	Woodard.

NAYS—11.

Avery,	Morse,	Sibley,	Wanger,
Ellis, Oregon	Reed,	Stone, C. W.	Wilson, Ohio.
Johnson, N. Dak.	Russell, Conn.	Strong,	

NOT VOTING—185.

Abbott,	Cummings,	Hopkins, Ill.	Price,
Adams, Ky.	Curtis, Kans.	Hopkins, Pa.	Quigg.
Adams, Pa.	Curtis, N. Y.	Houk,	Randall,
Aitken,	Dalzell,	Hulick.	Ray,
Alderson,	Daniels,	Hull,	Reyburn,
Aldrich,	Davey,	Johnson, Ind.	Robertson, La.
Allen,	Dingley,	Jones,	Robinson, Pa.
Apsley,	Dockery,	Joy,	Rusk.
Arnold,	Dolliver,	Kiefer,	Russell, Ga.
Babcock,	Doolittle,	Lacey,	Schermerhorn,
Baker, Kans.	Draper,	Lefever,	Scranton,
Baker, N. H.	Durborow,	Linton,	Settle.
Bartholdt,	Edmunds,	Loud,	Shaw,
Bartlett,	Ellis, Ky.	Loudenslager,	Shell,
Belden,	Everett,	Lucas,	Sherman,
Beltzhoover,	Fithian,	Magner,	Sickles,
Berry,	Fletcher,	Mahon,	Simpson,
Bingham,	Forman,	Mallory,	Sipe,
Black, Ill.	Funk,	Marsh,	Smith,
Blair,	Funston,	Martin, Ind.	Snodgrass,
Boatner,	Gardner,	Marvin, N. Y.	Stephenson,
Boutelle,	Gear,	McAleer,	Stone, W. A.
Bowers, Cal.	Geissenhainer,	McCall,	Storer,
Branch,	Gillet, N. Y.	McCleary, Minn.	Sweet,
Brattan,	Gillett, Mass.	McDowell,	Tarsney,
Breckinridge, Ky.	Goldzier,	McGann,	Tawney,
Bretz,	Goodnight,	McLaurin,	Taylor, Tenn.
Broderick,	Gorman,	McMillin,	Thomas,
Brosius,	Graham,	McRae,	Updegraff.
Brown,	Grosvenor,	Meiklejohn,	Van Voorhis, N.Y.
Bundy,	Grout,	Mercer,	Van Voorhis, Ohio
Burrows,	Grow,	Meyer,	Wadsworth,
Bynum,	Hager,	Milliken,	Walker,
Caldwell,	Hainer,	Moon,	Waugh,
Cannon, Ill.	Harmer,	Murray,	Weadock,
Causey,	Harter,	Neill.	Wells,
Chickering,	Hartman,	Newlands,	Wever,
Childs,	Haugen,	Northway,	Wheeler, Ill.
Cockran,	Heiner,	Oates,	White,
Cogswell,	Henderson, Ill.	Page,	Wilson, Wash.
Compton,	Henderson, Iowa	Payne,	Wilson, W. Va.
Cooper, Ind.	Hepburn,	Pence,	Woomer,
Cooper, Wis.	Hermann.	Perkins,	Wright, Mass.
Cornish,	Hicks,	Phillips,	Wright, Pa.
Cousins,	Hilborn,	Pickler,	
Covert,	Hitt,	Post,	
Crain,	Hooker, N. Y.	Powers,	

So a call of the House was ordered.

Pending the announcement of the result of the foregoing vote,

Mr. DUNPHY. Mr. Speaker, I desire to vote.

The SPEAKER *pro tempore*. Was the gentleman within the Hall and did he fail to hear his name called?

Mr. DUNPHY. I was in the Hall shortly afterwards, but not at the time my name was called.

The SPEAKER *pro tempore*. The gentleman knows the rule.

Mr. DUNPHY. I came in very soon after my name was called. I was somewhat uncertain as to whether I could vote under the circumstances, but I accept the suggestion of the Chair.

The SPEAKER *pro tempore*. On this question the yeas are 156 and the nays are 11. The ayes have it, and the Clerk will call the roll.

The roll was called, and the following-named members failed to respond:

Abbott,	Cornish,	Lapham,	Russell, Ga.
Aitken,	Crain,	Lucas,	Set le,
Alderson,	Davey,	Magner,	Sibley,
Aldrich,	Dingley,	Mallory,	Simpson,
Allen,	Edmunds,	Martin, Ind.	Sipe,
Arnold,	Ellis, Ky.	Marvin, N. Y.	Smith,
Babcock,	Fithian,	McAleer,	Snodgrass,
Bartholdt,	Funk,	McGann,	Straus,
Belden,	Geissenhainer,	McMillin,	Sweet,
Beltzhoover,	Goldzier,	Meiklejohn,	Tarsney,
Bingham,	Goodnight,	Mercer,	Tawney,
Blair.	Graham,	Meyer,	Taylor, Tenn.
Boatner,	Grosvenor,	Milli en,	Thomas,
Bower, N. C.	Harter,	Moon.	Van Voorhis, N. Y.
Brattan.	Haugen,	Newlands,	Wadsworth,
Breckinridge, Ky.	Hayes,	Oates,	Walker,
Bretz,	Heiner.	Page,	Weadock,
Caldwell,	Henderson, Iowa	Powers,	Wells,
Cannon, Ill.	Hepburn,	Price,	Wever,
Childs,	Hicks,	Randall,	Wheeler, Ill.
Cockran,	Hitt,	Ray.	Whiting,
Compton,	Hopkins, Pa.	Reed,	Wilson, W. Va.
Cooper, Ind.	Houk,	Robinson, Pa.	
Cooper, Wis.	Kiefer,	Rusk,	

The SPEAKER *pro tempore*. On this call 256 gentlemen have answered to their names.

Mr. PATTERSON. Mr. Speaker, I move to dispense with all further proceedings under the call.

The question being taken, the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. BURROWS. I ask for a division.

The House divided; and there were—ayes 92, noes 49.

Mr. BURROWS. I demand tellers.

Tellers were ordered, and the Speaker *pro tempore* appointed Mr. BURROWS and Mr. PATTERSON.

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 38, not voting 153; as follows:

YEAS—162.

Alexander,	Crawford,	Kilgore,	Price,
Bailey,	Culberson,	Kribbs,	Rayner,
Baker, Kans.	Cummings,	Kyle,	Reilly,
Baldwin,	Davis,	Lane,	Richards, Ohio
Bankhead,	De Armond,	Lapham,	Richardson, Mich.
Barnes,	De Forest,	Latimer,	Richardson, Tenn.
Bartlett,	Denson,	Lawson,	Ritchie,
Barwig,	Dinsmore,	Layton,	Robertson, La.
Bell, Colo.	Dockery,	Lester,	Ryan,
Bell, Tex.	Dunphy,	Lisle,	Sayers,
Berry,	Durborow,	Livingston,	Sickles,
Black, Ga.	English,	Lynch,	Somers,
Bland,	Epes,	Maddox,	Springer,
Boen,	Erdman,	Maguire,	Stallings,
Branch,	Everett,	Marshall,	Stevens,
Breckinridge, Ark.	Fielder,	Martin, Ind.	Stockdale,
Brickner,	Forman,	McCreary, Ky.	Stone, Ky.
Brookshire,	Fyan,	McCulloch,	Strait,
Bryan,	Geary,	McDannold,	Straus.
Bunn,	Grady,	McDearmon	Swanson,
Burnes,	Gresham,	McEttrick,	Talbert, S. C.
Bynum,	Griffin,	McKaig,	Talbott, Md.
Cabaniss,	Haines,	McKeighan,	Tate,
Cadmus,	Hall, Minn.	McNagny,	Taylor, Ind.
Caminetti,	Hall, Mo.	Meredith,	Terry,
Campbell,	Hammond,	Meyer,	Tracey,
Cannon, Cal.	Hare,	Montgomery,	Tucker,
Capehart,	Harris,	Morgan,	Turner, Ga.
Caruth,	Hatch,	Moses,	Turner, Va.
Clancy,	Hayes,	Mutchler,	Turpin,
Clark, Mo.	Heard,	Neill.	Tyler,
Clarke, Ala.	Hendrix,	O'Neil,	Warner,
Cobb, Ala.	Holman,	Outhwaite,	Washington,
Cobb, Mo.	Hooker, Miss.	Paschal,	Wheeler, Ala.
Cockrell,	Hudson,	Patterson,	Williams, Ill.
Coffeen,	Hunter,	Paynter,	Williams, Miss.
Conn.	Hutcheson,	Pearson.	Wise,
Coombs.	Ikirt,	Pence,	Wolverton.
Cooper, Fla.	Johnson, Ohio	Pendleton, Tex.	Woodard.
Cooper, Tex.	Jones,	Pendleton, W. Va.	
Cox,	Kem.	Pigott,	

NAYS—38.

Adams, Pa.	Gillet, N. Y.	McCleary, Minn.	Scranton,
Aldrich,	Grout,	Meiklejohn,	Stone, C. W.
Baker, N. H.	Hainer,	Mercer,	Stone, W. A.
Boutelle.	Henderson, Ill.	Milliken,	Strong.
Bowers, Cal.	Hicks,	Morse,	Van Voorhis, N. Y.
Brosius.	Hitt,	Payne,	Wanger.
Burrows,	Hooker, N. Y.	Perkins,	Wilson, Ohio
Cousins,	Hulick,	Phillips,	Woomer.
Daniels.	Lacey,	Robinson, Pa.	
Ellis, Oregon	Loud,	Russell, Conn.	

NOT VOTING—152.

Abbott,	Curtis, N. Y.	Hopkins, Ill.	Reed,
Adams, Ky.	Dalzell,	Hopkins, Pa.	Reyburn,
Aitken,	Davey,	Houk,	Robbins.
Alderson,	Dingley,	Hull.	Rusk,
Allen,	Dolliver,	Johnson, Ind.	Russell, Ga.
Apsley,	Donovan,	Johnson, N. Dak.	Schermerhorn,
Arnold,	Doolittle,	Joy,	Settle,
Avery,	Draper,	Kiefer,	Shaw,
Babcock,	Dunn,	Lefever,	Shell,
Bartholdt,	Edmunds,	Linton,	Sherman,
Belden,	Ellis, Ky.	Lockwood,	Sibley,
Beltzhoover,	Enloe,	Loudenslager,	Simpson,
Bingham,	Fithian,	Lucas,	Sipe.
Black, Ill.	Fletcher,	Magner,	Smith,
Blair,	Funk,	Mahon,	Snodgrass,
Boatner.	Funston,	Mallory,	Sperry,
Bower, N. C.	Gardner,	Marsh.	Stephenson,
Brattan,	Gear,	Marvin, N. Y.	Storer,
Breckinridge, Ky.	Geissenhainer,	McAleer,	Sweet,
Bretz,	Gillett, Mass.	McCall,	Tarsney,
Broderick,	Goldzier,	McDowell,	Tawney,
Brown,	Goodnight,	McGann.	Taylor, Tenn.
Bundy,	Gorman,	McLaurin,	Thomas,
Caldwell,	Graham,	McMillin,	Updegraff,
Cannon, Ill.	Grosvenor,	McRae,	Van Voorhis, Ohio
Catchings,	Grow,	Money,	Wadsworth,
Causey,	Hager,	Moon,	Walker,
Chickering,	Harmer,	Murray,	Waugh,
Childs,	Harter,	Newlands,	Weadock,
Cockran,	Hartman,	Northway,	Wells,
Cogswell,	Haugen,	Oates,	Wever,
Compton,	Heiner,	Page,	Wheeler, Ill.
Cooper, Ind.	Henderson, Iowa	Pickler,	White,
Cooper, Wis.	Henderson, N. C.	Post,	Whiting,
Cornish,	Hepburn,	Powers,	Wilson, Wash.
Covert,	Hermann.	Quigg.	Wilson, W. Va.
Crain,	Hilborn,	Randall,	Wright, Mass.
Curtis, Kans.	Hines,	Ray,	Wright, Pa.

So further proceedings under the call were dispensed with.

Mr. STORER (before the result of the vote was announced). I am paired with the gentleman from Mississippi [Mr. ALLEN], and voted inadvertently. I desire to withdraw my vote.

The SPEAKER *pro tempore* (Mr. BAILEY). The gentleman's vote will be withdrawn.

The result of the vote was announced as above stated.

Mr. PATTERSON. I now ask for a vote on the pending question.

The SPEAKER *pro tempore*. The question is, Will the House proceed to consider the resolution submitted by the gentleman

from Tennessee [Mr. PATTERSON]? Upon this question the yeas and nays have been ordered.

Mr. VAN VOORHIS of New York. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. VAN VOORHIS of New York. Pending the question of consideration, I move an adjournment.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from New York [Mr. VAN VOORHIS] that the House adjourn.

Mr. VAN VOORHIS of New York. I move that when we adjourn to-day it be to meet on Saturday next, to-morrow being Good Friday.

ELECTION CONTEST—O'NEILL VS. JOY.

Mr. VAN VOORHIS of New York. I now ask for a vote on my motion, that when the House adjourns to-day it adjourn to meet on Saturday next.

The SPEAKER *pro tempore*. Pending the question, Will the House proceed to consider the resolution called up by the gentleman from Tennessee, the gentleman from New York moves that when the House adjourns to-day it adjourn to meet on Saturday next.

The question being taken, there were on a division (called for by Mr. VAN VOORHIS of New York)—ayes 63, noes 113.

Mr. VAN VOORHIS of New York. I call for tellers.

Mr. PATTERSON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 59, nays 132, not voting 161; as follows:

YEAS—59.

Adams, Ky.	Causey,	Hare,	Richards, Ohio
Adams, Pa.	Chickering,	Harmer,	Russell, Conn.
Aldrich,	Cobb, Mo.	Hayes,	Ryan,
Apsley,	Coombs,	Heard,	Sherman,
Avery,	Curtis, Kans.	Hendrix,	Sickles,
Baker, Kans.	Curtis, N. Y.	Hicks,	Somers,
Baker, N. H.	Dunphy,	Hilborn,	Stephenson,
Bartlett,	Durborow,	Lockwood,	Stone, C. W.
Barwig,	English,	Loudenslager,	Tracey,
Belden,	Fielder,	McCall,	Turner, Va.
Boutelle,	Gardner,	McEttrick,	Wanger,
Brickner,	Gillet, N. Y.	Morse,	White,
Brosius,	Griffin,	Pigott,	Wilson, Wash.
Burnes,	Hainer,	O'Neill,	Woomer.
Campbell,	Hall, Mo.	Reyburn,	

NAYS—132.

Alexander,	Cox,	Kem,	Pendleton, Tex.
Bailey,	Crawford,	Kilgore,	Pendleton, W. Va.
Baldwin,	Culberson,	Kribbs,	Price.
Bankhead,	Cummings,	Kyle,	Richardson, Mich.
Barnes,	Daniels,	Lane,	Richardson, Tenn
Bell, Colo.	Davis,	Lapham,	Ritchie,
Bell, Tex.	De Armond,	Lawson,	Sayers,
Berry,	De Forest,	Layton,	Schermerhorn,
Black, Ga.	Denson,	Lester,	Sperry,
Bland,	Dinsmore,	Lisle,	Springer,
Boen,	Donovan,	Livingston,	Stallings,
Bower, N. C.	Enloe,	Lynch,	Stevens,
Branch,	Epes,	Maddox,	Stockdale,
Breckinridge, Ark.	Erdman,	Maguire,	Stone, Ky.
Brookshire,	Everett,	Marshall,	Strait,
Brown,	Forman,	Martin, Ind.	Straus,
Bryan,	Geary,	McCreary, Ky.	Swanson,
Bunn,	Grady,	McCulloch,	Talbert, S. C.
Bynum,	Gresham,	McDannold,	Talbott, Md.
Cabaniss,	Haines,	McDearmon,	Tate,
Cadmus,	Hall, Minn.	McKaig,	Taylor, Ind.
Caminetti,	Hammond,	McLaurin,	Terry,
Cannon, Cal.	Harris,	Meredith,	Tucker,
Capehart,	Hatch,	Money,	Turner, Ga.
Caruth,	Henderson, N. C.	Montgomery,	Turpin,
Clancy,	Holman,	Morgan,	Tyler,
Clark, Mo.	Hooker, Miss.	Moses,	Updegraff,
Cobb, Ala.	Hudson,	Mutchler,	Warner,
Cockrell,	Hunter,	Neill,	Wheeler, Ala.
Coffeen,	Hutcheson,	Outhwaite,	Williams, Ill.
Conn,	Ikirt,	Paschal,	Williams, Miss.
Cooper, Fla.	Johnson, Ohio	Patterson,	Wolverton,
Cooper, Tex.	Jones,	Pearson,	Woodard.

NOT VOTING—161.

Abbott,	Catchings,	Ellis, Ky.	Heiner,
Aitken,	Childs,	Ellis, Oregon	Henderson, Ill.
Alderson,	Clarke, Ala.	Fithian,	Henderson, Iowa
Allen,	Cockran,	Fletcher,	Hepburn,
Arnold,	Cogswell,	Funk,	Hermann,
Babcock,	Compton,	Funston,	Hines,
Bartholdt,	Cooper, Ind.	Fyan,	Hitt,
Belzhoover,	Cooper, Wis.	Gear,	Hooker, N. Y.
Bingham,	Cornish,	Geissenhainer,	Hopkins, Ill.
Black, Ill.	Cousins,	Gillett, Mass.	Hopkins, Pa.
Blair,	Covert,	Goldzier,	Houk,
Boatner,	Crain,	Goodnight,	Hulick,
Bowers, Cal.	Dalzell,	Gorman,	Hull,
Brattan,	Davey,	Graham,	Johnson, Ind.
Breckinridge, Ky.	Dingley,	Grosvenor,	Johnson, N. Dak.
Breta,	Dockery,	Grout,	Joy,
Broderick,	Dolliver,	Grow,	Kiefer,
Bundy,	Doolittle,	Hager,	Lacey,
Burrows,	Draper,	Harter,	Latimer,
Caldwell,	Dunn,	Hartman,	Lefever,
Cannon, Ill.	Edmunds,	Haugen,	Linton,
Loud,	Murray,	Robertson, La.	Thomas,
Lucas,	Newlands,	Robinson, Pa.	Van Voorhis, N. Y.
Magner,	Northway,	Rusk,	Van Voorhis, Ohio
Mahon,	Oates,	Russell, Ga.	Wadsworth,
Mallory,	Page,	Scranton,	Walker.
Marsh,	Payne,	Settle,	Washington,
Marvin, N. Y.	Paynter,	Shaw,	Waugh,
McAleer,	Pence,	Shell,	Weadock,
McCleary, Minn.	Perkins,	Sibley,	Wells,
McDowell,	Phillips,	Simpson,	Wever,
McGann,	Pickler,	Sipe,	Wheeler, Ill.
McKeighan,	Post,	Smith,	Whiting.
McMillin,	Powers,	Snodgrass,	Wilson, Ohio
McNagny,	Quigg,	Stone, W. A.	Wilson, W. Va.
McRae,	Randall,	Storer,	Wise.
Meiklejohn,	Ray,	Strong,	Wright, Mass.
Mercer,	Rayner,	Sweet,	Wright, Pa.
Meyer,	Reed,	Tarsney,	
Milliken,	Reilly,	Tawney,	
Moon,	Robbins,	Taylor, Tenn.	

So the motion of Mr. VAN VOORHIS of New York was rejected.

The result of the vote was then announced as above recorded.

Mr. PATTERSON. Mr. Speaker, I ask for the regular order.

The SPEAKER *pro tempore*. The question now is, Will the House proceed to consider the resolution of the gentleman from Tennessee [Mr. PATTERSON], upon which the yeas and nays have been ordered. As many as favor proceeding with the consideration of the resolution will, when their names are called, say aye, those opposed no, and the Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 0, not voting 202; as follows:

YEAS—150.

Alexander,	Crawford,	Kyle,	Pigott,
Bailey,	Cummings,	Lane,	Price,
Baldwin,	Davis,	Latimer,	Reilly,
Bankhead,	De Armond,	Lawson,	Richards, Ohio
Barnes,	De Forest,	Layton,	Richardson, Mich.
Bartlett,	Denson,	Lester,	Richardson, Tenn.
Barwig,	Dinsmore,	Lisle,	Robbins,
Bell, Tex.	Dockery,	Livingston,	Ryan,
Black, Ga.	Donovan,	Lockwood,	Sayers,
Bland,	Dunphy,	Lynch,	Sickles,
Boen,	Durborow,	Maddox,	Somers,
Branch,	Enloe,	Maguire,	Springer,
Breckinridge, Ark.	Epes,	Marshall,	Stallings,
Brickner,	Erdman,	McCreary, Ky.	Stockdale,
Brookshire,	Everett,	McCulloch,	Stone, Ky.
Brown,	Fielder,	McDannold,	Strait,
Bryan,	Forman,	McDearmon,	Straus,
Bunn,	Geary,	McEttrick,	Swanson,
Burnes,	Grady,	McKaig,	Talbert, S. C.
Bynum,	Gresham,	McKeighan,	Talbott, Md.
Cabaniss,	Haines,	McLaurin,	Tate,
Cadmus,	Hall, Minn.	McNagny,	Taylor, Ind.
Caminetti,	Hall, Mo.	Meredith,	Terry,
Cannon, Cal.	Hammond,	Money,	Tracey,
Capehart,	Hare,	Montgomery,	Tucker,
Caruth,	Hayes,	Morgan,	Turner, Ga.
Clancy,	Henderson, N. C.	Moses,	Turner, Va.
Clark, Mo.	Hendrix,	Mutchler,	Turpin,
Clarke, Ala.	Holman,	Neill,	Tyler,
Cobb, Ala.	Hooker, Miss.	O'Neil,	Warner,
Cobb, Mo.	Hudson,	Outhwaite,	Washington,
Cockrell,	Hunter,	Page,	Wheeler, Ala.
Coffeen,	Hutcheson,	Paschal,	Williams, Ill.
Conn,	Ikirt,	Patterson,	Williams, Miss.
Coombs,	Jones,	Paynter,	Wolverton,
Cooper, Fla.	Kem,	Pearson,	Woodard.
Cooper, Tex.	Kilgore,	Pendleton, Tex.	
Cox,	Kribbs,	Pendleton, W. Va.	

NAYS—0.

NOT VOTING—202.

Abbott,	Causey,	Gillett, Mass.	Joy,
Adams, Ky.	Chickering,	Goldzier,	Kiefer,
Adams, Pa.	Childs,	Goodnight,	Lacey,
Aitken,	Cockran,	Gorman,	Lapham,
Alderson,	Cogswell,	Graham,	Lefever,
Aldrich,	Compton,	Griffin,	Linton,
Allen,	Cooper, Ind.	Grosvenor,	Loud,
Apsley,	Cooper, Wis.	Grout,	Loudenslager,
Arnold,	Cornish,	Grow,	Lucas,
Avery,	Cousins,	Hager,	Magner,
Babcock,	Covert,	Hainer,	Mahon,
Baker, Kans.	Crain,	Harmer,	Mallory,
Baker, N. H.	Culberson,	Harris,	Marsh,
Bartholdt,	Curtis, Kans.	Harter,	Martin, Ind.
Belden,	Curtis, N. Y.	Hartman,	Marvin, N. Y.
Bell, Colo.	Dalzell,	Hatch,	McAleer,
Belzhoover,	Daniels,	Haugen,	McCall,
Berry,	Davey,	Heard,	McCleary, Minn
Bingham,	Dingley,	Heiner,	McDowell,
Black, Ill.	Dolliver,	Henderson, Ill.	McGann,
Blair,	Doolittle,	Henderson, Iowa	McMillin,
Boatner,	Draper,	Hepburn,	McRae,
Boutelle,	Dunn,	Hermann,	Meiklejohn,
Bower, N. C.	Edmunds,	Hicks,	Mercer,
Bowers, Cal.	Ellis, Ky.	Hilborn,	Meyer,
Brattan,	Ellis, Oregon	Hines,	Milliken,
Breckinridge, Ky.	English,	Hitt,	Moon,
Breta,	Fithian,	Hooker, N. Y.	Morse,
Broderick,	Fletcher,	Hopkins, Ill.	Murray,
Brosius,	Funk,	Hopkins, Pa.	Newlands,
Bundy,	Funston,	Houk,	Northway,
Burrows,	Fyan,	Hulick,	Oates,
Caldwell,	Gardner,	Hull,	Payne,
Campbell,	Gear,	Johnson, Ind.	Pence,
Cannon, Ill.	Geissenhainer,	Johnson, N. Dak.	Perkins,
Catchings,	Gillet, N. Y.	Johnson, Ohio	Phillips,

Pickler,	Schermerhorn,	Stone, W. A.	Weadock,
Post,	Scranton,	Storer,	Wells,
Powers,	Settle,	Strong,	Wever,
Quigg,	Shaw,	Sweet,	Wheeler, Ill.
Randall,	Shell,	Tarsney,	White,
Ray,	Sherman,	Tawney,	Whiting,
Rayner,	Sibley,	Taylor, Tenn.	Wilson, Ohio
Reed,	Simpson,	Thomas,	Wilson, Wash.
Reyburn,	Sipe,	Updegraff,	Wilson, W. Va.
Ritchie,	Smith,	Van Voorhis, N. Y.	Wise,
Robertson, La.	Snodgrass,	Van Voorhis, Ohio	Woomer,
Robinson, Pa.	Sperry,	Wadsworth,	Wright, Mass.
Rusk,	Stephenson,	Walker,	Wright, Pa.
Russell, Conn.	Stevens,	Wanger,	
Russell, Ga.	Stone, C. W.	Waugh.	

No quorum voting.

Mr. LIVINGSTON. Mr. Speaker, I desire to submit a point of order.

The SPEAKER *pro tempore* (Mr. BAILEY). The gentleman from Georgia will state it.

Mr. LIVINGSTON. The point of order is this, that under Rule VIII, unless a member is excused or necessarily prevented or personally interested, he must vote. I make the point of order that the gentleman from Maine [Mr. REED] was present and failed to vote.

The SPEAKER *pro tempore*. There is no rule of the House which prescribes a way of forcing him to do it.

Mr. LIVINGSTON. I make the point of order that it is his duty to vote, and I ask that he be brought before the bar of the House to state his reasons for not voting.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. LIVINGSTON. Then I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. LIVINGSTON. Under Rule IX, whenever the dignity of the House is involved, it is a question of the highest privilege. I make the point, sir, that the dignity of this House is at stake, and badly and seriously involved, from the fact that these gentlemen sitting on this floor are not voting. I therefore ask that they be brought to the bar of the House and made to vote.

The SPEAKER *pro tempore*. The Chair will state that the dignity of the House is in the keeping of the House, and that the House has not prescribed any rule for preserving it other than that which the Chair is attempting to enforce.

Mr. REED. And it is not a very large dignity, either.

Mr. LIVINGSTON. Then I desire to say that this rule stands on the same footing as the rule with reference to disorder on the floor of the House.

Mr. BROWN. Mr. Speaker, I rise to a point of order. The roll call can not be interrupted.

The SPEAKER *pro tempore*. There is one point of order pending already.

Mr. LIVINGSTON. I am speaking to the point of order that I made.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. If the gentleman from Maine [Mr. REED] was out of order on the floor of the House, and the Chair should order him to sit down and he should fail to do it, there is no rule of the House by which you could make him sit down; and yet you know you would do it, and it is often done and always done. There is no necessity for any further rule to make a man vote than you have already in this code of rules adopted by the House.

The language of the rule is that, unless a member is excused, or unless he is necessarily prevented, or unless he is personally interested, he shall vote. Now, Mr. Speaker, you do not want any other rule to enforce that rule. If you did, then it would be one rule after another, and we could never get to the end of it.

The point was made the other day, and the Chair held that while the roll call was in progress it could not be interrupted for the purpose of making the point. Therefore I could not raise the point at the precise time when the gentleman's name was called, under the ruling of the Chair.

The SPEAKER *pro tempore*. The permanent occupant of the chair also ruled that the point now raised by the gentleman from Georgia was not well taken.

Whatever might be the opinion of the present occupant of the chair as to the power of the House to prescribe a rule for ascertaining the presence of a member, or whatever might be his opinion as to the duty of the Chair if the House were proceeding without rules, is entirely irrelevant, because, in this instance, the House has adopted a code of rules which are as binding upon the Chair as they are upon the members, and which it is simply the Chair's duty to administer. The Chair can not add to them nor take from them. It is true that they provide that each member shall be present in the House unless excused or necessarily prevented and shall vote on each question unless personally or pecuniarly interested in it; but while the rules impose this duty on every member they do not authorize the Chair to compel its performance, and the Chair has no power to do so.

The result of the vote was then announced as above recorded.

Mr. PATTERSON. I move a call of the House.

Mr. WAUGH. I move that the House do now adjourn.

The question was taken; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. WAUGH. Division.

The House divided; and there were—ayes 57, noes 89.

Mr. WILLIAM A. STONE. Tellers.

Mr. PATTERSON. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 62, nays 139, not voting 151; as follows:

YEAS—62.

Apsley,	Everett,	Loud,	Settle,
Avery,	Gardner,	Loudenslager,	Sherman,
Baker, Kans.	Gillet, N. Y.	Mahon,	Sickles,
Belden,	Grout,	McCall,	Stone, C. W.
Brosius,	Grow,	McLaurin,	Stone, W. A.
Bundy,	Harmer,	Northway,	Strong.
Burnes,	Harris,	Perkins,	Van Voorhis, N. Y.
Burrows,	Hitt,	Pickler,	Warner,
Causey,	Hooker, N. Y.	Post,	Waugh,
Chickering,	Hopkins, Ill.	Quigg,	Wheeler, Ill.
Coombs,	Hudson,	Reed,	Wilson, Ohio
Curtis, Kans.	Hulick,	Reyburn,	Wilson, Wash.
Curtis, N. Y.	Kem,	Ritchie,	Woomer,
Daniels,	Kilgore,	Robinson, Pa.	Wright, Mass.
Doolittle,	Kribbs,	Russell, Conn.	
Ellis, Oregon	Lacey,	Ryan,	

NAYS—139.

Alexander,	Cousins,	Jones,	Pigott,
Bailey,	Cox,	Kyle,	Reilly,
Bankhead,	Crawford,	Lane,	Richards, Ohio
Barnes,	Culberson,	Latimer,	Richardson, Mich.
Barwig,	Cummings,	Lawson,	Richardson, Tenn.
Bell, Tex.	Davis,	Layton,	Robbins,
Black, Ga.	De Armond,	Lester,	Robertson, La.
Bland,	De Forest,	Lisle,	Sayers,
Boen,	Denson,	Livingston,	Schermerhorn,
Bower, N. C.	Dinsmore,	Maddox,	Shell,
Branch,	Dockery,	Maguire,	Somers,
Breckinridge, Ark.	Donovan,	Marshall,	Springer,
Brickner,	Dunphy,	McCreary, Ky.	Stallings,
Brookshire,	Durborow,	McCulloch,	Stevens,
Brown,	Enloe,	McDannold,	Stockdale,
Bryan,	Epes,	McDearmon,	Stone, Ky.
Bunn,	Erdman,	McEttrick,	Strait,
Bynum,	Fielder,	McKaig,	Straus,
Cabaniss,	Forman,	Meredith,	Swanson,
Cadmus,	Grady,	Money,	Talbert, S. C.
Caminetti,	Gresham,	Montgomery,	Talbott, Md.
Campbell,	Haines,	Morgan,	Tate,
Capehart,	Hall, Minn.	Moses,	Taylor, Ind.
Caruth,	Hall, Mo.	Mutchler,	Terry,
Catchings,	Hammond,	Neill,	Tracey,
Clancy,	Hare,	O'Neil,	Tucker,
Clark, Mo.	Hatch,	Outhwaite,	Turner, Va.
Clarke, Ala.	Heard,	Page,	Tyler,
Cobb, Ala.	Henderson, N. C.	Paschal,	Updegraff,
Cobb, Mo.	Hendrix,	Patterson,	Wheeler, Ala.
Cockrell,	Holman,	Payne,	Williams, Ill.
Coffeen,	Hooker, Miss.	Paynter,	Williams, Miss.
Conn.	Hunter,	Pearson,	Wolverton,
Cooper, Fla.	Hutcheson,	Pendleton, Tex.	Woodard.
Cooper, Tex.	Ikirt,	Pendleton, W. Va.	

NOT VOTING—151.

Abbott,	Dalzell,	Hopkins, Pa.	Powers,
Adams, Ky.	Davey,	Houk,	Price,
Adams, Pa.	Dingley,	Hull,	Randall,
Aitken,	Dolliver,	Johnson, Ind.	Ray,
Alderson,	Draper,	Johnson, N. Dak.	Rayner,
Aldrich,	Dunn,	Johnson, Ohio	Rusk,
Allen,	Edmunds,	Joy,	Russell, Ga.
Arnold,	Ellis, Ky.	Kiefer,	Scranton,
Babcock,	English,	Lapham,	Shaw,
Baker, N. H.	Fithian,	Lefever,	Sibley,
Baldwin,	Fletcher,	Linton,	Simpson,
Bartholdt,	Funk,	Lockwood,	Sipe,
Bartlett,	Funston,	Lucas,	Smith,
Bell, Colo.	Fyan,	Lynch,	Snodgrass,
Beltzhoover,	Gear,	Magner,	Sperry,
Berry,	Geary,	Mallory,	Stephenson,
Bingham,	Geissenhainer,	Marsh,	Storer,
Black, Ill.	Gillett, Mass.	Martin, Ind.	Sweet,
Blair,	Goldzier,	Marvin, N. Y.	Tarsney,
Boatner,	Goodnight,	McAleer,	Tawney,
Boutelle,	Gorman,	McCleary, Minn.	Taylor, Tenn.
Bowers, Cal.	Graham,	McDowell,	Thomas,
Brattan,	Griffin,	McGann,	Turner, Ga.
Breckinridge, Ky.	Grosvenor,	McKeighan,	Turpin,
Bretz,	Hager,	McMillin,	Van Voorhis, Ohio
Broderick,	Hainer,	McNagny,	Wadsworth,
Caldwell,	Harter,	McRae,	Walker,
Cannon, Cal.	Hartman,	Meiklejohn,	Wanger,
Cannon, Ill.	Haugen,	Mercer,	Washington,
Childs,	Hayes,	Meyer,	Weadock,
Cockran,	Heiner,	Milliken,	Wells,
Cogswell,	Henderson, Ill.	Moon,	Wever,
Compton,	Henderson, Iowa	Morse,	White,
Cooper, Ind.	Hepburn,	Murray,	Whiting,
Cooper, Wis.	Hermann,	Newlands,	Wilson, W. Va.
Cornish,	Hicks,	Oates,	Wise,
Covert,	Hilborn,	Pence,	Wright, Pa.
Crain,	Hines,	Phillips,	

The SPEAKER *pro tempore*. On this question the yeas are 62, the nays are 139. The nays have it, and the motion is disagreed to. The question now recurs, Will the House proceed to the consideration of the resolutions submitted by the gentleman from Tennessee? Upon that the yeas and nays have been ordered.

Mr. BOWERS of California. I move that the House adjourn.

Mr. TRACEY. Upon that I make the point of order.

The SPEAKER *pro tempore*. The House this moment has refused to adjourn.

Mr. VAN VOORHIS of New York. I move that when the House adjourn to-day it be to meet on Monday next, on account of to-morrow being Good Friday.

The SPEAKER *pro tempore*. Before submitting the motion, the Chair will submit a request for leave of absence on account of sickness.

By unanimous consent leave of absence was granted to Mr. BARNES, indefinitely, on account of sickness in his family.

Mr. BROWN. The question is on taking up the resolution.

The SPEAKER *pro tempore*. The question is, Will the House proceed to consider the resolutions submitted by the gentleman from Tennessee? Pending that, the gentleman from New York moves that when the House adjourn to-day it be to meet on Monday next.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. VAN VOORHIS of New York. Division.

The House divided; and there were—ayes 34, noes 76.

So the motion was rejected.

Mr. BROWN. Mr. Speaker, it seems apparent to me that we can make no further progress to-day, and as chairman of the Committee on Elections I move that the House adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. BLACK of Illinois, from the Committee on Military Affairs, reported the bill (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmett C. Tuthill, and Joseph H. Curtis; which, with the accompanying report (No. 615), was ordered to be printed and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (S. 575) for the relief of Sarah K. McLean, widow of the late Col. Nathaniel H. McLean, and the same was referred to the Committee on Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. WASHINGTON: A bill (H. R. 6392) to authorize the construction of a bridge over the Duck River, in Humphreys County, Tenn.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6393) to increase the appropriation for the erection of a public building at Clarksville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. PICKLER: A bill (H. R. 6394) to authorize the Secretary of the Interior to carry out, in part, the provisions of "An act to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, and making appropriations for the same, and for other purposes—to the Committee on Indian Affairs.

By Mr. CULBERSON: A bill (H. R. 6395) to increase the limit of cost of construction of a public building at Paris, Tex., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. TERRY: A bill (H. R. 6396) to provide for purchase of law books for use of the circuit courts of appeals of the United States—to the Committee on the Judiciary.

By Mr. HOOKER of New York: A bill (H. R. 6397) for the erection of a public building at the city of Dunkirk, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. RUSSELL of Connecticut: A bill (H. R. 6410) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880—to the Committee on Interstate and Foreign Commerce.

By Mr. TERRY: A bill (H. R. 6411) in relation to issuance of writs of habeas corpus by Federal courts or judges thereof—to the Committee on the Judiciary.

By Mr. LESTER: A joint resolution (H. Res. 145) requiring report to be made by the Secretary of War as to safe anchorage in Savannah Harbor—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BUNDY: A bill (H. R. 6398) for the relief of Darius Adkinson—to the Committee on Military Affairs.

Also, a bill (H. R. 6399) for the relief of John C. Reed—to the Committee on Military Affairs.

Also, a bill (H. R. 6400) for the relief of Frederick Boeden—to the Committee on Military Affairs.

By Mr. CLANCY: A bill (H. R. 6401) granting an honorable discharge to William H. Hand, alias William Harris—to the Committee on Military Affairs.

By Mr. CATCHINGS: A bill (H. R. 6402) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman act—to the Committee on War Claims.

By Mr. DUNPHY: A bill (H. R. 6403) to increase the pension of Grace Harrington—to the Committee on Pensions.

By Mr. GRESHAM: A bill (H. R. 6404) for the relief of William Ludgate—to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 6405) to remove the charge of desertion standing against Patrick Kelleher, late private Company C, Thirty-eighth Illinois Volunteers—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 6406) for the relief of Barclay M. Tillman, of Bradford County, Tenn.—to the Committee on Claims.

By Mr. TAYLOR of Indiana: A bill (H. R. 6407) to pension Thomas T. Garrison—to the Committee on Invalid Pensions.

By Mr. DURBOROW: A bill (H. R. 6408) for the relief of Samuel V. B. Strider—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 6409) granting a pension to William W. Garvin—to the Committee on Invalid Pensions.

By Mr. PAYNTER: A bill (H. R. 6412) for the relief of Charles H. Fowler—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of the Bakers' and Longshoremen's Unions, of Detroit, Mich., for governmental control and ownership of telegraph and telephone lines—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of H. H. Virgin and 75 others, of Platteville, Wis., for the passage of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Petition of the Bakers' Union and Longshoremen's Union, of Detroit, Mich., favoring governmental ownership and control of the telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. CATCHINGS: Papers to accompany the claim of Dickerson Watts, of Warren County, Miss.—to the Committee on War Claims.

By Mr. COGSWELL: Petition of Charles F. Perkins and others of Salem, Mass., for legislation in favor of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of 23 citizens of Wyoming, Iowa, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Offices and Post-Roads.

By Mr. CRISP (by request): Resolution of the transmississippi congress, praying the admission of Utah, New Mexico, and Arizona—to the Committee on the Territories.

Also (by request): Resolution of the transmississippi congress, praying the annexation of the Hawaiian Islands—to the Committee on Foreign Affairs.

Also (by request): Resolution of the transmississippi congress, praying the passage of a bankruptcy law—to the Committee on the Judiciary.

By Mr. CURTIS of New York: Petition of William McFarland and others, of Flackville, St. Lawrence County, N. Y., in favor of a Christian amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. DURBOROW: Petition of Herman Berg and others,

of Chicago, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. FLETCHER: Petition of certain citizens of the United States against the God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. GEISSENHAINER: Petition of cigar-makers of New Brunswick, N. J., against increase of tax on cigars—to the Committee on Ways and Means.

Also, petition of Maple Council, No. 1407, Royal Arcanum, of Spotswood, N. J., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GORMAN: Petition of Bakers' and Longshoremen's Unions, of Detroit, Mich., asking for a Government ownership and control of the telegraph system of the country—to the Committee on the Post-Office and Post-Roads.

By Mr. HARE: Petition of citizens of Sandusky, Ohio, praying for Government ownership and control of telegraphs—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of 82 members of Rockford Camp, No. 51, Modern Workmen of America, of Rockford, Ill., in favor of the passage of the Manderson-Hainer bill, to admit fraternal society journals to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HUNTER: Two protests of delegates of the Trades' Assembly and other residents of Bloomington, Ill., against the increase of tax on cigars—to the Committee on Ways and Means.

By Mr. IKIRT: Petition from 65 members of Crockery Tent, Knights of the Maccabees, of East Liverpool, Ohio; W. S. Thomas and David Thorp and 66 others, citizens and members of benevolent orders of Salem and Leetonia, Ohio, asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution passed at regular meeting of Encampment No. 64, Union Veteran Legion, at New Lisbon, Ohio, asking the passage of the per diem service pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Two petitions of Mary R. Dayton and others of Ottumwa, Iowa, for additional legislation against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. McDANNOLD: Petition of Cigar Makers' Union of Quincy, Ill., and of Trades and Labor Assembly of Quincy, Ill., and of 80 citizens of same place, for lower tax on cigars—to the Committee on Ways and Means.

Also, petition of John C. Goodrich and 85 others of Grafton, Ill.; of H. G. Garrett and 67 others of Quincy, Ill.; of A. N. Spicer and 33 others of Loraine, and of George Bley, jr., and 40 others of Beardstown, Ill., asking for passage of the Manderson-Hainer bill—to the Committee on the Post Office and Post-Roads.

By Mr. MEREDITH: Papers on the claim of William Sullivan, of Stafford County, Va.—to the Committee on War Claims.

By Mr. MORGAN: Petition to accompany House bill 6386, for relief of Abraham Armstrong, late of the United States Navy—to the Committee on Naval Affairs.

By Mr. MORSE: Petition of Rev. Payson W. Lyman, Fall River, and 10 other Congregational ministers of Massachusetts, praying that Congress will pass laws giving efficiency to the laws of the various States against lottery enterprises—to the Committee on the Post-Office and Post-Roads.

By Mr. PAGE: Petition of Edward Eddy and 16 other citizens of Pascoag, R. I., for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PIGOTT: Petition of Amos Ives, W. G. Gallager, and others, of Meriden, Conn., for lower postage rates on fraternal journals—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Tennessee (for Mr. SNODGRASS): Evidence to accompany House bill 1493, for the relief of John J. Lowery—to the Committee on War Claims.

Also, petition of W. H. McLemore and 30 other citizens of Tullahoma, Tenn., for the passage of the Manderson-Hainer bill—to the Committee on the Post Office and Post-Roads.

By Mr. RUSSELL of Connecticut: Petition of Local Assembly, No. 5140, Knights of Labor, and from Cigar Makers' Union, of New London, Conn., against any increase of internal-revenue tax on manufactured cigars—to the Committee on Ways and Means.

Also, petition from Uncas Lodge, No. 17, Ancient Order United Workmen, and citizens of Montville, Conn., in favor of the Manderson-Hainer bill, admitting to the mails as second class matter publications of the benevolent fraternal societies—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAW: Petition of John Dengler and 138 others, citizens of Lacrosse, Wis., protesting against the increase of the internal-revenue tax on cigars, as reported by Senate Subcommittee on Finance—to the Committee on Ways and Means.

By Mr. STEPHENSON: Petition of the Bakers' Union, of Detroit, Mich., in favor of Government ownership and control of the telegraph system of the country—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS: Petition and resolution of Columbia Colony No. 5, United Order of Pilgrim Fathers, of Lawrence, Mass., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of 14 citizens of Lowell, Mass., in favor of the passage of the Manderson-Hainer bill, admitting to the mails as second-class matter fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM A. STONE: Three petitions of citizens of Butler County, Pa., and one of citizens of Allegheny, Pa., favoring the passage of resolution to amend the preamble to the Constitution—to the Committee on the Judiciary.

By Mr. STORER: Petition of Regular Army and Navy Union of Cincinnati, Ohio, relative to the retirement of enlisted men of the Army and Navy—to the Committee on Military Affairs.

By Mr. WASHINGTON: Resolution of Magnolia Council, No. 295, Royal Arcanum; of Nashville Council, No. 92, Royal Arcanum; of the Grand Lodge Ancient Order of United Workmen, of Tennessee; of South Nashville Lodge Ancient Order of United Workmen; of Tennessee Council, No. 642, National Union, together with petitions from the faculty of Vanderbilt University, the faculty of Nashville College for Young Ladies, and two additional petitions of citizens of Nashville, Tenn., asking for the passage of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Illinois: Petition of William Garvin, of Macedonia, Ill., for relief—to the Committee on Invalid Pensions.

By Mr. WRIGHT of Massachusetts: Petition of George C. Maynard and 47 others, of Dalton, Mass., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 23, 1894.*

The House met at 12 o'clock m. Prayer by Rev. WILLIAM J. POCKE.

The Journal of the proceedings of yesterday was read.

CORRECTION.

Mr. REILLY. Mr. Speaker, the Journal as read states that on my motion leave was granted yesterday to the Committee on the Post-Office and Post-Roads to sit during the sessions of the House; it should read to the Committee on Pacific Railroads.

The SPEAKER. The correction will be made.

AUSTIN HOUGH VS. THE UNITED STATES.

The SPEAKER laid before the House a copy of the findings of the Court of Claims in the case of Austin Hough *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

EXPENSES OF UNITED STATES COURTS FOR FISCAL YEARS 1892, 1893, AND 1894.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting an additional list of amounts found due by the First Comptroller under the appropriations for expenses for United States courts for the fiscal years 1892, 1893, and 1894; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENDITURES FOR COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a statement of expenditures made on account of the Coast and Geodetic Survey for the fiscal year ending June 30, 1893; which was referred to the Committee on Appropriations, and ordered to be printed.

AGREEMENT WITH CŒUR D'ALENE INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an agreement with the Cœur d'Alene Indians in Idaho for a change of the northern boundary line on their reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DWIGHT HALL.

The SPEAKER also laid before the House a bill (S. 574) for the relief of Dwight Hall.

Mr. RUSSELL of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of that bill, the

House Committee on Claims having reported favorably a similar bill, which is now on the House Calendar.

The SPEAKER. The Clerk will report the bill, after which the Chair will ask if there be objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to investigate the claim made against the United States by Dwight Hall, of Wallingford, Conn., for the amount paid by him to the collector of internal revenue for the second district of Connecticut as taxes and penalties upon 30,000 cigars manufactured by him and previous to the payment of said tax or penalty claimed to have been destroyed by an accidental fire, and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Dwight Hall, or his personal representatives, or the person or persons who may be lawfully entitled thereto, any sum of money found on such investigation to be equitably due on account of payment of said tax and penalty, or either of them, not to exceed the sum of $157.50, and the said sum when paid to be in full satisfaction and discharge of all claim as tax or penalty on said cigars.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut for the present consideration of this bill?

Mr. SAYERS. I will ask the gentleman whether a bill similar to this has been referred to a House committee and reported favorably?

Mr. RUSSELL of Connecticut. A similar bill has been favorably reported by the House Committee on Claims and is now on the House Calendar. The refund of this assessment has the approval of the Commissioner of Internal Revenue.

Mr. SAYERS. Will not the gentleman allow this bill to lie over until to-morrow that I may have an opportunity to examine it?

Mr. RUSSELL of Connecticut. It involves only $157.50. I ask that the report be read.

The Senate report (by Mr. PASCO) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 574) for the relief of Dwight Hall, have examined the case, and submit the following report thereon:

This case was before the committee during the Fifty-second Congress, and was favorably reported; a substitute was then reported for the bill referred to the committee and the present bill is the same as the substitute.

The merits of the case appear in the following extract from the report of the committee, during the last Congress:

"That the claimant, Dwight Hall, was a manufacturer of cigars on a small scale at Wallingford, State of Connecticut, in January, 1869; that he was assessed by the assessor of internal revenue on the January list for that year for 30,000 cigars. On the 9th of March, 1869, he paid the internal-revenue tax thereon of $150, with the penalty of $7.50 added, making a total of $157.50; that between the date of the assessment and the payment aforesaid his factory was burned and all his cigars were consumed in the fire.

"The collector of internal revenue for the district insisted that notwithstanding the destruction he was required to collect the internal-revenue tax. Hall accordingly made payment. He failed to make application to the Commissioner of Internal Revenue for relief. For many years Hall has been seeking relief from Congress. The fact of the loss of the cigars in the fire seemed established to the satisfaction of the collector of internal revenue, who at the time expressed a favorable view of Hall's claim for relief.

"The proof shows Hall to be an old man, without business habits or training, nearly blind, and in great poverty; and while the committee do not find in the evidence Hall's reasons for failure to apply to the Commissioner of Internal Revenue for relief, yet the statement is given by responsible parties who at the time were familiar with the circumstances that his failure so to do was fully and satisfactorily accounted for."

It appears that the exaction complained of amounted to $157.50, and it is recommended that the amount to be recovered be within that limit, and the committee recommend that the bill be amended by inserting after "them," in line 17, the following words, "not to exceed the sum of $157.50," and when thus amended the committee recommend that the bill do pass.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I understand that the amount involved is only $157.

Mr. RUSSELL of Connecticut. That is all.

Mr. KILGORE. I would pretty near as soon pay that myself as give unanimous consent. [Laughter.]

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RUSSELL of Connecticut, a motion to reconsider the vote by which the bill was passed was laid on the table.

The House bill (H. R. 3154) for the same purpose was laid on the table.

HAWAIIAN BARK ARCTIC.

The SPEAKER also laid before the House a bill (S. 286) for the relief of the owners and crew of the Hawaiian bark Arctic.

Mr. O'NEIL. Mr. Speaker, I ask unanimous consent that that bill lie on the Speaker's table for the present, as a similar bill has been reported favorably by the House committee.

There was no objection, and it was so ordered.

SENATE BILLS REFERRED.

The SPEAKER laid before the House Senate bills of the following titles; which were severally referred as indicated below:

A bill (S. 109) for the relief of the legal representatives of Chauncey M. Lockwood—to the Committee on Claims.

A bill (S. 175) granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota—to the Committee on Indian Affairs.

A bill (S. 190) for the benefit of sundry persons residing in the vicinity of Jefferson Barracks, Mo.—to the Committee on Military Affairs.

A bill (S. 266) providing for the erection of an equestrian statue of Gen. Francis Marion—to the Committee on the Library.

A bill (S. 269) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai—to the Committee on Claims.

A bill (S. 343) for the relief of the legal representatives of Royal M. Hubbard—to the Committee on Claims.

A bill (S. 344) for the relief of William M. Keightley—to the Committee on Claims.

A bill (S. 345) for the relief of Horace A. W. Tabor—to the Committee on Claims.

A bill (S. 407) making appropriation for the improvement of the road to the national cemetery near Pensacola, Fla.—to the Committee on Military Affairs.

A bill (S. 425) for the relief of the Potomac Steamboat Company—to the Committee on Claims.

A bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office—to the Committee on the District of Columbia.

A bill (S. 507) providing for the collection of fees for furnishing certificates of title to vessels—to the Committee on Commerce.

A bill (S. 509) to amend an act entitled "An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft," approved February 21, 1891—to the Committee on Commerce.

A bill (S. 511) providing for the establishment and enforcement of rules and regulations for the use and navigation of United States canals and similar works of navigation, and for other purposes—to the Committee on Commerce.

A bill (S. 573) for the relief of Christopher Schmidt—to the Committee on Claims.

A bill (S. 587) to amend an act entitled "An act to regulate the carriage of passengers by sea," approved August 2, 1882—to the Committee on Commerce.

A bill (S. 588) to repeal section 4145 of the Revised Statutes of the United States, and to amend sections 4146, 4320, also section 1 of the act amending section 4214 of the Revised Statutes, approved March 3, 1883, and for other purposes—to the Committee on Merchant Marine and Fisheries.

A bill (S. 1055) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service—to the Committee on Claims.

A bill (S. 1312) for the relief of the heirs of Charles B. Smith, deceased—to the Committee on Military Affairs.

A bill (S. 1349) authorizing the purchase of a portrait of Capt. Samuel Chester Reid—to the Committee on the Library.

A bill (S. 1683) to authorize the Secretary of War to issue four condemned iron guns and projectiles to the officer in charge of the Government lot in Oakwood Cemetery, near Chicago, Ill.—to the Committee on Military Affairs.

A joint resolution (S. R. 12) for the restoration of the books of the Beaufort Library Society, of Beaufort, S. C.—to the Committee on the Library.

A bill (S. 497) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels"—to the Committee on Commerce.

SENATE ELECTION CASES.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 4,000 copies in cloth, in one volume, of the new edition of the Senate election cases and of precedents relating to the privileges of the Senate; 1,500 copies to be for the use of the members of the Senate and 2,500 copies for the use of the members of the House of Representatives, the same to be printed on the back as follows:

Senate Privileges and Elections.
Election Cases.
Taft.
Precedents as to Privileges.
Furber.

Provided, The clerk of the Committee on Privileges and Elections shall, under the direction of such committee, prepare a report of the cases since determined, and the same shall be inserted as an appendix in the foregoing publication.

REPORT OF GEOLOGICAL SURVEY.

The SPEAKER also laid before the House the following Senate concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office, in addition to the number already ordered by law, 7,000 copies of the Fourteenth Annual Report of the Director of the United States Geological Survey, uniform with the preceding volumes of the series; of which number 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 4,000 for distribution by the Geological Survey.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this resolution provides for the printing of the regular report of the Geological Survey. This report is printed every year, and its printing is already provided for by the public printing bill which passed the House; but as that bill has not yet become a law, I ask that this resolution be now considered and adopted.

There being no objection, the House proceeded to the consideration of the concurrent resolution, which was adopted.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEFEVER, indefinitely, on account of sickness in his family.

To Mr. SHELL, for three days, on account of important business.

To Mr. MCLAURIN, for three days, on account of important business.

To Mr. LINTON, for twelve days from the 24th instant, on account of important business.

BRIDGE OVER MONONGAHELA RIVER.

The SPEAKER. Yesterday morning the House by unanimous consent took up and passed the bill (S. 1747) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa. In the absence of objection the Chair will direct that House bill 4660, on the same subject, which has been favorably reported by the Committee on Interstate and Foreign Commerce, be laid on the table, as the matter has been disposed of by the passage of the Senate bill.

There being no objection, it was ordered accordingly.

EXECUTION OF CHINESE EXCLUSION ACT.

Mr. SAYERS. I am directed by the Committee on Appropriations to ask the consideration of the joint resolution which I send to the desk.

The joint resolution (H. Res. 146) providing for the payment of salaries and expenses of additional deputy collectors of internal revenue to carry out the provisions of the Chinese exclusion act of May 5, 1892, as amended by the act of November 3, 1893, was read, as follows:

Resolved by the Senate and House of Representatives, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $10,000, or so much thereof as may be necessary to pay the salaries and actual and necessary expenses of as many additional deputy collectors of internal revenue as the Secretary of the Treasury may determine to be necessary for the collectors in the several districts to appoint in order to the more thorough and effective execution of the act of May 5, 1892, as amended by the act of November 3, 1893, relating to the registration of, and the issuance of certificates of residence to, Chinese laborers who are entitled to remain in the United States under the provisions of these laws, which additional deputy collectors shall be paid, out of the sum hereby appropriated, by such allowances as shall be made by the Secretary of the Treasury upon recommendation of the Commissioner of Internal Revenue: *Provided*, That collectors of internal revenue shall not receive any fee or other compensation for the registration, and issuance of certificates of residence to, Chinese laborers who are entitled to remain in the United States under the provisions of the said laws.

The report of the Committee on Appropriations was read, as follows:

The Committee on Appropriations, to whom was referred House Executive Document No. 152, being a letter from the Secretary of the Treasury transmitting a communication from the Commissioner of Internal Revenue showing the necessity for an additional appropriation for Chinese registration, under the joint resolution approved December 7, 1893, having considered the same, report herewith a joint resolution making an additional appropriation of $10,000, as recommended by the Secretary of the Treasury, with the recommendation that it do pass.

The joint resolution was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

MRS. COURTNEY ANN CLAIBORNE.

Mr. ROBERTSON of Louisiana. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 2857) to confirm to the heirs of Mrs. Courtney Ann Claiborne the title to a certain tract of land in the State of Louisiana.

Whereas under the act of Congress approved June 22, 1860, "An act for final adjustment of private-land claims in the State of Florida, Louisiana, and Missouri, and for other purposes," and extended by an act of Congress approved March 2, 1867 entitled "An act to extend the provisions of an act entitled 'An act for final adjustment of private-land claims in the States of Florida, Louisiana, and Missouri, and for other purposes,'" the register and receiver of the land office at New Orleans, La., acting as commissioners under the acts aforesaid, have reported to the Commissioner of the General Land Office that there ought to be confirmed to the heirs of Mrs. Courtney Ann Claiborne, deceased, who holds, under Julian Paydras, a tract of land containing 530 acres, more or less, in the State of Louisiana, in the parish of West Feliciana, and described as follows, to wit: A certain tract of land situated in the Greensburg district, Louisiana, in the parish of West Feliciana, facing on the Mississippi River, left bank descending, it being the upper or western portion of section numbered 39, township 3 south, range 3 west, and containing 13 arpents front on river by 40 arpents in depth, or such a depth as said section hath: the whole tract of which this claim forms a part being known on the approved plat as claimed by Madam Maurain; and

Whereas it is proved that the tract now known on official plats as section numbered 39 was ceded to Julian Paydras by Don Guyosa de Lemos on the 23d day of January, 1798; and

Whereas Joseph T. Dandore and Guy Richard, executors of said Paydras, sold the said tract to Madames Maurain and Bonneau on the 18th day of March, 1825; and

Whereas by act of petition on the 30th day of April, 1834, Madames Bonneau and Maurain divided the tract between them, the former receiving as her portion 13 arpents front with all the depth from the upper or western side of the said section; and

Whereas Madam Bonneau did, by and through her executor, W. Charles Paydras, sell this tract to J. C. Van Winkle, on the 16th day of January, 1847; and

Whereas on the 11th day of December, 1855, the said Van Winkle did sell this said land to Mrs. Courtney Ann Claiborne: Therefore,

Be it enacted, etc., That the said tract of land, containing 520 arpents, more or less, situated in the parish of West Feliciana, on the Mississippi River, in the State of Louisiana, and as further described above, be, and the same is hereby, confirmed to the heirs, executors, or assigns of Mrs. Courtney Ann Claiborne; and that all the right, title, and the interest of the United States in and to the same be, and the same are hereby, granted and confirmed to said heirs, executors, or assigns.

Mr. BURROWS. How does this bill come before the House?

The SPEAKER. The gentleman from Louisiana [Mr. ROBERTSON] asks unanimous consent for its consideration.

Mr. BURROWS. Let the report be read, the right to object being reserved.

The SPEAKER. Without objection the report will be read.

The report of the Committee on Private Land Claims (by Mr. HUDSON) was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. 2857) to confirm to the heirs of Mrs. Courtney Ann Claiborne the title to a certain tract of land in the State of Louisiana, having considered it, respectfully report as follows:

This committee has twice reported favorably on this matter, viz, Report No. 1509, Fifty-first Congress, and Report No. 1938, Fifty-second Congress.

As the facts stated in these reports are entirely satisfactory to the committee, the report in the last Congress is adopted, as follows:

"The Committee on Private Land Claims, to whom was referred a bill (H. R. 2717) to confirm to the heirs of Mrs. Courtney Ann Claiborne the title to a certain tract of land in the State of Louisiana, report as follows:

"The origin of the claim to which this bill relates is founded on a Spanish land grant to Julien Poydras, executed on the 23d day of January, 1798, by Don Guyoza de Lemos, brigadier of the royal armies, governor-general, etc., acting under the authority conferred upon him by the King of Spain.

"That the tract of land claimed is derived from complete Spanish survey and patent, and has ever since been held in uninterrupted title by the heirs and executors, or their assigns, of said Poydras. It is shown that this land is situated in the parish of West Feliciana, in the State of Louisiana, facing on the Mississippi River, on the left bank descending, and is the upper or western portion of section No. 39, T. 3 S., R. 3 W., and contains 13 arpents front on river by 40 arpents in depth, or such depth as said section 39 has, and that this section is situated in the Greensburg district of Louisiana. The claimant holds under the following claim of titles, all of which seem to be clear, properly executed, and complete, and certified copies of each of which are on file in the committee room, in the report of the Secretary of the Interior, by whom they were transmitted for confirmation.

"As has been stated above, the origin of the title is founded on a cession of this tract to Julien Poydras by Don Guyoza de Lemos, on the 23d day of January, 1798. It appears that on the 18th day of March, 1825, Joseph T. Bandore and Guy Richard, executors of said Poydras, by proper legal authority sold the said tract, which was the whole of section 39, to Mesdames Mourain and Bonneau.

"On the 30th of April, 1834, by an act of partition, Mesdames Bonneau and Mourain divided the land between them, the former receiving as her portion 13 arpents front, with all the depth of the section, from its upper or western side.

"That on the 16th of January, 1847, W. Charles Poydras, executor of Mrs. Bonneau, sold her interest to J. C. Van Winkle, and that on the 11th of December, 1855, J. C. Van Winkle sold to Mrs. F. L. Claiborne, the heirs of whom are the present owners.

"On the 14th of June, 1882, the Hon. H. M. TELLER, then Secretary of the Interior, acting under the authority of an act of Congress approved June 22, 1860, transmitted this case to this House for confirmation, in the following letter:

DEPARTMENT OF THE INTERIOR, *Washington, June 14, 1882.*

SIR: Pursuant to the requirement of the act of Congress approved June 22, 1860 (12 Stat., 85), I have the honor to transmit herewith, for the consideration of Congress, the report of the register and receiver of the United States land office at New Orleans, La., on the private land claim of Mrs. F. L. Claiborne, No. 18 of class 1.

They express the opinion that the claim is well established and should be confirmed. Their report is approved by the Commissioner of the General Land Office, whose letter of transmission is also submitted herewith.

Very respectfully,

H. M. TELLER, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Your committee, therefore, expressing the opinion that the claim is just and equitable, report the bill favorably and recommend that it pass.

Mr. PICKLER. I should like to know whether there are any conflicting claims in this case.

Mr. ROBERTSON of Louisiana. None whatever.

Mr. PICKLER. How much land is involved?

Mr. ROBERTSON of Louisiana. About 500 arpents.

Mr. PICKLER. How much is that?

Mr. ROBERTSON of Louisiana. A little less than 500 acres.

Mr. PICKLER. How does it happen that the register and receiver of the land office obtained jurisdiction in this matter?

Mr. ROBERTSON of Louisiana. They obtained jurisdiction under the act of June 22, 1860, making provision that land claims in Louisiana and Florida under grants of the sovereignty that formerly possessed them should be submitted to a commission, which, so far as concerns the cases pending in Louisiana, was composed of the register and receiver of the land office at New Orleans.

This commission was required after investigation to report to the Commissioner of the General Land Office, who, after examining the claims and becoming convinced of their justice, was to report them to the Secretary of the Interior, who under the law was required to transmit them to the House of Representatives for confirmation.

Mr. PICKLER. And there are no conflicting claims?

Mr. ROBERTSON of Louisiana. None whatever. This claim originated in 1798 by a well-established Spanish grant, properly drawn and properly recorded.

Mr. PICKLER. Why do you need this legislation?

Mr. ROBERTSON of Louisiana. For this reason: When Louisiana was purchased under the treaty of Paris, in 1803, there had been a disposal of the domain purchased by three different sovereignties—France, Spain, and England.

When Louisiana was acquired it became necessary, under the treaties with France, that something should be done by the United States looking to the confirmation or recognition of the titles to lands which had been transferred through grants by the nations I have mentioned. Congress passed several acts looking to that end, and in 1860—March 22 of that year—it passed this act, which provided a method of procedure in confirmation of these titles.

This has been done properly in this case. The register and receiver of the land office in New Orleans have taken action as a commission upon the subject and recommend the confirmation of the title, the Commissioner of the General Land Office recommends its confirmation, and the Secretary of the Interior has also made a similar recommendation in a letter transmitting the case to Congress.

A MEMBER. Who was the Secretary of the Interior at that time?

Mr. ROBERTSON of Louisiana. It was done when Mr. TELLER was Secretary of the Interior.

Under the acts of Congress, and in pursuance of the treaties made at the time of the acquisition of this Territory of Louisiana, these lands were withdrawn from the public domain wherever there was a claim which had any semblance of being properly based on a grant from any one of the sovereignties having jurisdiction in the premises.

Mr. LOUD. Let me ask the gentleman if this matter has been reported by a committee and is placed upon the Calendar?

Mr. ROBERTSON of Louisiana. It is a properly reported bill from the Committee on Private Land Claims.

Mr. LOUD. And is it on the Private Calendar?

Mr. ROBERTSON of Louisiana. It is.

Mr. LOUD. Then, Mr. Speaker, as this is private-bill day, I think it had better take its course with other bills of that character.

Mr. ROBERTSON of Louisiana. I hope the gentleman will not insist upon that objection.

Mr. LOUD. I think it would be better if such measures should always take their regular course. We have been in session now about seven months and have not had a single day for the consideration of the Private Calendar.

Mr. ROBERTSON of Louisiana. I would state further to the gentleman that this land has been in the undisputed possession of the parties deriving title from the original grantees, or their assigns, since 1798. It has been reported favorably three times from the Private Land Claims Committee of the House of Representatives. There are no conflicting claims; and I believe that the House should now grant this act of justice so long deferred.

Mr. BRECKINRIDGE of Arkansas. Are the present owners of this land the heirs or descendants of the original grantees?

Mr. ROBERTSON of Louisiana. They are the vendees of the original owners of the land. There is a complete chain of title from the original grantees down to the present time.

Mr. BURROWS. Mr. Speaker, I would like to have read the statute upon which this matter is founded, in order that we may see the scope and object of this legislation. For the purpose of throwing light upon this matter I ask the Clerk to read from the United States Statutes at Large, volume 12, chapter 188, page 85.

The SPEAKER. Without objection it will be read.

The Clerk proceeded to read the statute.

During the reading,

The SPEAKER said: Does the gentleman desire to have all the statute read?

Mr. BURROWS. Well, I would like to have a little more of it read.

Mr. PAYNE. I ask unanimous consent to have the balance printed.

Mr. BURROWS. I was having read the section under which this matter originated. There is only a page more, and perhaps it would be better to let the balance be printed. I have no objection to that.

The SPEAKER. One request for unanimous consent is already pending. There can not be another at the same time.

Mr. BURROWS. Very well; let the Clerk go on with the reading.

Mr. WISE. Mr. Speaker, I object to the reading of that any further.

The SPEAKER. Objection is made.

Mr. WISE. I do not object to the request of the gentleman from Louisiana [Mr. ROBERTSON], but I object to the reading of this long statute.

The SPEAKER. Objection is made to the further reading of the statute.

Mr. BURROWS. But the gentleman can not object to that. I asked that it be read, and the Chair stated "If there be no objection the Clerk will read."

The SPEAKER. But certainly the House is not bound to hear a very long statute read if it does not want to.

Mr. BURROWS. But the Chair stated "If there be no objection the provision to which the gentleman from Michigan alludes will be read."

The SPEAKER. The Chair assumed and supposes that the House assumed also, that it was a short statute——

Mr. BURROWS. It is a short statute.

The SPEAKER (continuing). And not several pages in a book.

Mr. BURROWS. It is only two pages.

The SPEAKER. Is there objection to the further reading of the book?

Mr. WISE. I object.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. ROBERTSON] for the present consideration of the bill.

Mr. BURROWS. Unless that can be read I shall object today.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] objects.

Subsequently,

Mr. BURROWS said: Mr. Speaker, I do not think that bill to which I objected ought to pass unless that statute is read to the House: but under the circumstances, I will withdraw the objection.

The SPEAKER. The gentleman withdraws his objection. Is there further objection to the request of the gentleman from Louisiana [Mr. ROBERTSON].

There was no objection.

The SPEAKER. The Clerk will report the amendments to the bill.

The Clerk read as follows:

Strike out the word "acres" and insert the word "arpents."
Also, strike out the word "petition" and insert the word "partition."

The SPEAKER. These are two misprints in the bill. Without objection the amendments will be considered as agreed to.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. ROBERTSON of Louisiana, a motion to reconsider the last vote was laid on the table.

Mr. SPRINGER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Should not the Reporters omit from the RECORD that long statute which was read, and should it not be referred to merely by the sections?

The SPEAKER. But it was read.

Mr. SPRINGER. I ask unanimous consent to omit the statute. It is not necessary to encumber the RECORD. It can simply be stated that it was read.

The SPEAKER. The gentleman asks unanimous consent to omit the statute from the RECORD. It requires unanimous consent. Is there objection?

Mr. BURROWS. I have no objection to the request of the gentleman. I simply wished to call attention to the statute.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RANDALL, indefinitely, on account of important business.

INSIGNIA OF THE RED CROSS.

Mr. COGSWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5580) to protect the insignia and the name of the Red Cross.

The SPEAKER. The gentleman from Massachusetts [Mr. COGSWELL] asks unanimous consent for the present consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

Whereas, on the 22d of August, 1864, at Geneva, Switzerland, plenipotentiaries repectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurtemburg, and the federal council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of suppressing the needless severity, and ameliorating the condition of soldiers wounded on the field of battle; and particularly providing, among other things in effect, that persons employed in hospitals, and in affording relief to the sick and wounded, and supplies for this purpose, shall be deemed neutral and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances and convoys of sick and wounded, and an arm badge for individuals neutralized; and

Whereas said treaty has been ratified by all of said nations, and by others subsequently, to the number of thirty-six or more, including the United States of America; and

Whereas article 7 of said treaty specifies the adoption and use of a special insignia, which shall be the distinctive sign of the Red Cross alone, under which insignia or sign the purpose of the treaty shall be carried into effect, the same being a red Greek cross on a white ground, and which shall constitute the military hospital flag of all the nations within the treaty and designate all persons serving under it, and the same is adopted and used throughout the world; and

Whereas the unauthorized use of said insignia in all countries within the treaty has become a source of embarrassment and serious injury to the military and naval sanitary service of the country in time of war; and

Whereas intricate and perplexing complications arise by the indiscriminate and unauthorized use of the Red Cross in calamities and catastrophies in time of peace; and

Whereas all nations most interested in the development of this treaty and its humane and provident work have already taken action to forbid the unauthorized use of its name and insignia; and

Whereas, from the international character of the treaty, it becomes necessary that there be in every nation within the treaty one body or organization in which the power to regulate the use and protect the rights of the insignia and name of the Red Cross shall vest, and that power is established by custom in every nation under the name and known as the central committee of that country, and through which body alone the international committee communicates with that government: Now, therefore, for the purpose of extending the same protection to this international and universal insignia in the United States of America that is extended to it by other nations,

Be it enacted, etc., That from and after the passage of this act it shall be unlawful, except as hereafter described, for any person or association of persons within the jurisdiction of the United States of America, to give, sell, distribute, or display the symbol of the Red Cross hereinbefore designated, or any colorable imitation of semblance thereof, or to assume or use as a trade-mark or as a designation or a part of a designation the words "Red Cross," or any expression liable to be mistaken therefor; that every one not directly connected with the American National Red Cross or without special permission granted by the central committee of the Red Cross is hereby forbidden and prohibited from wearing, using, or in any way displaying the sign of the Red Cross, hereinbefore described, or in anything liable to be mistakenf or such name and insignia, and every person so offending shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished for each and every offense by a fine of not less than $50 or more than $500, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment; the fine so collected shall be paid to the American National Red Cross, to be used by it as it shall consider the best interests of said organization. All persons who have adopted or are using the Red Cross as a trade-mark shall, within one year after the passage of this act, discontinue the use of the same or be liable to a fine of not less than $50 or more than $500 and confiscation of said articles of whatever description, unless the central committee of the American National Red Cross gives them special written permission to do so, for which privilege a consideration of not less than $500 shall be paid to the said committee; all fines, confiscation of merchandise, etc., shall be turned over to the American National Red Cross, to be used as it considers appropriate. Any person or persons not directly connected or authorized by the American National Red Cross making or attempting to make collections of money or goods for or in the name of the Red Cross shall be liable to a fine of not less than five or more than one hundred dollars or imprisonment for a term not exceeding one year: *Provided, however*, That this section shall not be held to apply, first, to the officers or agents of the United States of America especially authorized by law to use the same and such officers and agents of the said organization as may be designated to aid in the work for which such organization was incorporated under the Government of the United States; and, second, to the agents of any Red Cross assbociation of any foreign state acting with the knowledge and consent of the government thereof and of the President of the United States first had and obtained: *Provided*, That this section shall not apply to secret organizations such as the Knights Templar, Masons, or the badge of the Sixth Corps of the Army, who adopted a red cross insignia prior to the 22d day of August, 1864.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. COGSWELL] for the present consideration of this bill?

There was no objection.

The SPEAKER. Is there any amendment?

Mr. COGSWELL. No.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. COGSWELL, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 913) for the relief of Louis L. Williams; and

A bill (H. R. 4013) to release and turn over to Mrs. Mary O. Augusta certain property in the District of Columbia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 1637) for the relief of Capt. John W. Pullman; in which the concurrence of the House was requested.

COMMANDER F. W. DICKINS.

Mr. DE FOREST. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 5276) to authorize Commander F. W. Dickins, of the United States Navy, to accept the decoration of the cross of naval merit of the third class from the King of Spain.

Be it enacted, etc., That Commander F. W. Dickins, of the United States Navy, be, and is hereby, authorized to accept from the King of Spain, through the Queen Regent, the decoration of the cross of naval merit of the third class, in recognition of his services in representing the President of the United States, in charge of the courtesies to the Duke of Veragua, Christopher Columbus XIII, while he was the guest of the nation at the time of the late Columbian Exposition.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DE FOREST, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PATTERSON. Regular order, Mr. Speaker.

HAWAIIAN AFFAIRS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the concurrent resolution of the Senate "to print for the use of Congress 6,000 copies of all papers and messages sent to Congress by the President since January 1, 1893, relating to the Hawaiian affairs," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its amendment.

JAMES D. RICHARDSON,
WILLIAM M. McKAIG,
CASE BRODERICK.
Conferees on the part of the House of Representatives.

A. P. GORMAN,
M. W. RANSOM,
CHARLES F. MANDERSON,
Conferees on the part of the Senate.

The SPEAKER. The Clerk will read the statement of the committee of conference.

The statement was read, as follows:

STATEMENT.

The Senate concurrent resolution provided that there be printed 6,000 copies of all papers and messages sent to Congress by the President since January 1, 1893, relating to Hawaiian affairs, the arranging and indexing to be done under direction of the Committee on Foreign Relations of Senate. The House amended said resolution by striking out "Committee on Foreign Affairs" and inserting "Secretary of State." The Senate disagreed to this House amendment. The conferees have agreed, and recommend that the House recede from its amendment and agree to the Senate resolution providing that the work be done under directions of the Committee on Foreign Affairs of the Senate.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

Mr. McCREARY of Kentucky. I would like to have some explanation of the matter.

Mr. RICHARDSON of Tennessee. The statement which has just been read is as explicit as I could make it. The concurrent resolution of the Senate provided for the printing of these messages and directed that it be done under the direction and control of the Senate Committee on Foreign Affairs. The House in considering the resolution struck out so much as provided that it should be done under the direction of that committee, and provided that it should be done under the direction of the Secretary of State.

The Senate would not agree to that amendment of the House, and the conferees met and learned that they already had the work done. It has been carefully prepared, as we are informed, by the Senate Committee on Foreign Affairs, and is ready to be printed. They are content with the matter as it has been arranged by that committee, and inasmuch as it was all ready for printing, the House conferees agreed that the House should re-

cede from its amendment and permit the work to be done under the direction of the Senate Committee on Foreign Affairs.

Mr. McCREARY of Kentucky. How many copies are to be printed?

Mr. RICHARDSON of Tennessee. Six thousand.

Mr. McCREARY of Kentucky. How many for the use of the House?

Mr. RICHARDSON of Tennessee. Four thousand copies for the use of the House. The resolution will show for itself. Two thousand for the use of the Senate and 4,000 for the House.

The report of the committee of conference was agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the vote by which the report of the committee of conference was agreed to was laid on the table.

ORDER OF BUSINESS.

Mr. PATTERSON. Regular order, Mr. Speaker. [After a pause.] I will yield to the gentleman from New York.

The SPEAKER. The gentleman can not yield, but can withdraw the demand.

Mr. PATTERSON. I withdraw the demand for the regular order.

The SPEAKER. Then the Chair recognizes the gentleman from Virginia.

CHANGE OF REFERENCE.

Mr. WISE. Mr. Speaker, I am directed by the Committee on Interstate and Foreign Commerce to report back and request the recommitment of two bills to other committees. They were erroneously referred to the Committee on Interstate and Foreign Commerce.

The Clerk read as follows:

A bill (H. R. 2092) to reimburse certain citizens of Allegheny County, Pa., for moneys paid to prevent obstructions in the Ohio River.

The SPEAKER. This is a private bill, and will go through the box to the Committee on Claims.

The Clerk read as follows:

A bill (H. R. 4478) to provide for a telegraph system under the control of the Government.

Mr. WISE. This should go to the Committee on Post-Offices and Post-Roads.

The SPEAKER. The gentleman from Virginia asks that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of this bill, and that it be referred to the Committee on the Post-Office and Post-Roads. Without objection that order will be made.

There was no objection, and it was so ordered.

DEATH OF LOUIS KOSSUTH.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives of the United States has heard with profound regret of the death of Louis Kossuth, the eminent Hungarian patriot, once the guest of the American people.

Resolved, That the Speaker of the House be requested to communicate the respectful sympathy of the House to the family of the deceased.

The SPEAKER. Is there objection to the present consideration of this resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. CUMMINGS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. PATTERSON. Regular order, Mr. Speaker.

The SPEAKER. The regular order is the call of committees for reports.

MANCHESTER AND VERNON AND ROCKVILLE, CONN.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported favorably the bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WAGON AND FOOT BRIDGE AT NOBLE, OKLA.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, reported favorably the bill (H. R. 5601) to authorize the construction of a wagon and foot bridge across the South or Main Canadian River at or near the town of Noble, in Oklahoma Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

THE MILITIA.

Mr. MEYER, from the Committee on the Militia, reported back with a favorable recommendation a bill (H. R. 5039) to promote the efficiency of the militia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SUPPRESSION OF GAMBLING IN THE DISTRICT OF COLUMBIA.

Mr. HEARD, from the Committee on the District of Columbia, reported back with a favorable recommendation a bill (H. R. 6109) to amend an act approved January 31, 1883, entitled "An act to more effectually suppress gambling in the District of Columbia;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WASHINGTON GASLIGHT COMPANY.

Mr. HEARD also, from the Committee on the District of Columbia, submitted the report of that committee of its investigation of the relations of the Washington Gaslight Company to the Government and the people of the District of Columbia; which was ordered printed and laid on the table.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. HEARD also, from the Committee on the District of Columbia, reported back with a favorable recommendation a bill (H. R. 4279) relating to the sale of gas in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NEW STREET RAILWAY TICKETS.

Mr. HEARD also, from the Committee on the District of Columbia, reported back, with amendments, the bill (S. 443) to provide for the sale of new tickets by the street railway companies of the District of Columbia; which was referred to the House calendar, and, with the accompanying amendments, ordered to be printed.

ORDER OF BUSINESS.

The call of the committees having been completed,

Mr. PATTERSON. Mr. Speaker, I call up the resolutions which were pending yesterday in the case of O'Neill *vs.* Joy.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] calls up the contested-election case of O'Neill *vs.* Joy. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Charles F. Joy was not elected a member of the House of Representatives to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to the seat.

Resolved, That John J. O'Neill was elected a Representative to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to the seat.

Mr. WAUGH. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Indiana [Mr. WAUGH] raises the question of consideration, so that the question is, Will the House proceed to consider the resolutions just read?

The question being taken, the Speaker declared that the ayes seemed to have it.

Mr. BURROWS. I call for a division.

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 1, not voting 190; as follows:

YEAS—161.

Alexander,	Cooper, Tex.	Ikirt,	Pendleton, Tex.
Bailey,	Cox,	Jones,	Pendleton, W. Va.
Baker, Kans.	Crawford,	Kem,	Pigott,
Baldwin,	Culberson,	Kilgore,	Price,
Bankhead,	Cummings,	Kribbs,	Reilly,
Bartlett,	Davis,	Kyle,	Richards, Ohio
Barwig,	De Armond,	Lane,	Richardson, Tenn.
Bell, Colo.	De Forest,	Lapham,	Ritchie,
Bell, Tex.	Denson,	Latimer,	Robbins,
Berry,	Dinsmore,	Lawson,	Robertson, La.
Black, Ga.	Dockery,	Layton,	Ryan,
Black, Ill.	Donovan,	Lester,	Sayers,
Bland,	Dunn,	Lisle,	Schermerhorn,
Boen,	Dunphy,	Livingston,	Sperry,
Breckinridge, Ark.	Durborow,	Lockwood,	Springer,
Bretz,	Enloe,	Lynch,	Stallings,
Brickner,	Epes,	Maddox,	Stevens,
Brookshire,	Erdman,	Maguire,	Stockdale,
Brown,	Everett,	Marshall,	Stone, Ky.
Bryan,	Fielder,	Martin, Ind.	Strait,
Bunn,	Forman,	McCreary, Ky.	Swanson,
Burnes,	Fyan,	McCulloch,	Talbert, S. C.
Bynum,	Geary,	McDannold,	Talbott, Md.
Cabaniss,	Gorman,	McDearmon,	Tate,
Cadmus,	Grady,	McEttrick,	Taylor, Ind.
Caminetti,	Gresham,	McKaig,	Terry,
Campbell,	Griffin,	McKeighan,	Tracey,
Cannon, Cal.	Haines,	Meredith,	Tucker,
Capehart,	Hall, Minn.	Meyer,	Turner, Ga.
Caruth,	Hall, Mo.	Money,	Turner, Va.
Catchings,	Hare,	Montgomery,	Turpin,
Clancy,	Hatch,	Morgan,	Tyler,
Clark, Mo.	Hayes,	Moses,	Warner,
Clarke, Ala.	Heard,	Mutchler,	Washington,
Cobb, Ala.	Henderson, N. C.	Neill,	Wheeler, Ala.
Cobb, Mo.	Hendrix,	O'Neil,	Williams, Ill.
Cockrell,	Hines,	Outhwaite,	Williams, Miss.
Coffeen,	Holman,	Page,	Woodard.
Conn,	Hooker, Miss.	Patterson,	
Coombs,	Hunter,	Paynter,	
Cooper, Fla.	Hutcheson,	Pearson,	

NAYS—1.

McCleary, Minn.

NOT VOTING—190.

Abbott,	Dingley,	Johnson, Ohio	Russell, Conn.
Adams, Ky.	Dolliver,	Joy,	Russell, Ga.
Adams, Pa.	Doolittle,	Kiefer,	Scranton,
Aitken,	Draper,	Lacey,	Settle,
Alderson,	Edmunds,	Lefever,	Shaw,
Aldrich,	Ellis, Ky.	Linton,	Shell,
Allen,	Ellis, Oregon	Loud,	Sherman,
Apsley,	English,	Loudenslager,	Sibley,
Arnold,	Fithian,	Lucas,	Sickles,
Avery,	Fletcher,	Magner,	Simpson,
Babcock,	Funk,	Mahon,	Sipe,
Baker, N. H.	Funston,	Mallory,	Smith,
Barnes,	Gardner,	Marsh,	Snodgrass,
Bartholdt,	Gear,	Marvin, N.Y.	Somers,
Belden,	Geissenhainer,	McAleer,	Stephenson,
Beltzhoover,	Gillet, N. Y.	McCall,	Stone, C. W.
Bingham,	Gillett, Mass.	McDowell,	Stone, W. A.
Blair,	Goldzier,	McGann,	Storer,
Boatner,	Goodnight,	McLaurin,	Straus,
Boutelle,	Graham,	McMillin,	Strong,
Bower, N. C.	Grosvenor,	McNagny,	Sweet,
Bowers, Cal.	Grout,	McRae,	Tarsney,
Branch,	Grow,	Meiklejohn,	Tawney,
Brattan,	Hager,	Mercer,	Taylor, Tenn.
Breckinridge, Ky	Hainer,	Milliken,	Thomas,
Broderick,	Hammond,	Moon,	Updegraff,
Brosius,	Harmer,	Morse,	Van Voorhis, N. Y.
Bundy,	Harris,	Murray,	Van Voorhis, Ohio
Burrows,	Harter,	Newlands,	Wadsworth,
Caldwell,	Hartman,	Northway,	Walker,
Cannon, Ill.	Haugen,	Oates,	Wanger,
Causey,	Heiner,	Paschal,	Waugh,
Chickering,	Henderson, Ill.	Payne,	Weadock,
Childs,	Henderson, Iowa	Pence,	Wells,
Cockran,	Hepburn,	Perkins,	Wever,
Cogswell,	Hermann,	Phillips,	Wheeler, Ill.
Compton,	Hicks,	Pickler,	White,
Cooper, Ind.	Hilborn,	Post,	Whiting,
Cooper, Wis.	Hitt,	Powers,	Wilson, Ohio
Cornish,	Hooker, N. Y.	Quigg,	Wilson, Wash.
Cousins,	Hopkins, Ill.	Randall,	Wilson, W. Va.
Covert,	Hopkins, Pa.	Ray,	Wise,
Crain,	Houk,	Rayner,	Wolverton,
Curtis, Kans.	Hudson,	Reed,	Woomer,
Curtis, N. Y.	Hulick,	Reyburn,	Wright, Mass.
Dalzell,	Hull,	Richardson, Mich.	Wright, Pa.
Daniels,	Johnson, Ind.	Robinson, Pa.	
Davey,	Johnson, N. Dak.	Rusk.	

The following-named members were announced as paired until further notice:

Mr. ELLIS of Kentucky with Mr. HAUGEN.

Mr. BOATNER with Mr. SMITH of Illinois.

Mr. WELLS with Mr. LEFEVER.

Mr. MCRAE with Mr. LUCAS.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. ALLEN with Mr. CALDWELL.

Mr. MCMILLIN with Mr. BURROWS.

Mr. EDMUNDS with Mr. BARTHOLDT.

Mr. GOODNIGHT with Mr. WALKER.

Mr. TARSNEY with Mr. GEAR.

Mr. ARNOLD with Mr. HEPBURN.

Mr. ABBOTT with Mr. TAYLOR of Tennessee.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. WEADOCK with Mr. MOON.

Mr. SNODGRASS with Mr. HOUK.

Mr. JONES with Mr. GROSVENOR.

Mr. ALDERSON with Mr. RANDALL.

Mr. POWERS with Mr. OATES.

Mr. WILSON of West Virginia with Mr. DALZELL.

For this day:

Mr. GOLDZIER with Mr. HAINER of Pennsylvania.

Mr. CRAIN with Mr. RAY.

Mr. FITHIAN with Mr. WHITE.

On this question:

Mr. DAVEY with Mr. PICKLER.

Mr. MALLORY with Mr. BINGHAM.

Mr. BOEN. Mr. Speaker, I understand that the gentleman from Kansas, Mr. SIMPSON, is detained from the House by illness, and I ask that he be excused.

There was no objection, and it was so ordered.

The SPEAKER. On this question the yeas are 160 and the nays are 1. No quorum has voted.

Mr. WAUGH. Mr. Speaker——

Mr. PATTERSON. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Abbott,	Boatner,	Cooper, Ind.	Edmunds,
Aitken,	Boutelle,	Cooper, Tex.	Ellis, Ky.
Alderson,	Bower, N. C.	Cooper, Wis.	English,
Allen,	Brattan,	Cornish,	Fithian,
Arnold,	Breckinridge, Ark	Covert,	Geary,
Barnes,	Breckinridge, Ky.	Crain,	Geissenhainer,
Bartholdt,	Brickner,	Davey,	Goldzier,
Beltzhoover,	Caldwell,	Dolliver,	Goodnight,
Bingham,	Cockran,	Doolittle	Graham,
Black, Ill.	Compton,	Dunphy,	Grosvenor,
Hall, Minn.	Lefever,	Oates,	Stone, W. A.
Hammond,	Lucas,	Paynter,	Tarsney,
Harmer,	Magner,	Pearson,	Tawney,
Harter,	Mahon,	Randall,	Tracey,
Haugen,	Mallory,	Ray,	Tyler,
Heiner,	McAleer,	Rayner,	Walker,
Henderson, Iowa	McDowell,	Robinson, Pa.	Weadock,
Hermann,	McGann,	Rusk.	Wells,
Hitt,	McLaurin,	Russell, Ga.	Wever,
Hopkins, Pa.	McMillin,	Shell,	Wheeler, Ill.
Houk,	McNagny,	Sickles,	White,
Hulick,	McRae,	Simpson,	Whiting,
Hull,	Meiklejohn,	Sipe,	Wilson, Ohio
Johnson, Ind.	Mercer,	Smith,	Wilson, W. Va.
Johnson, Ohio	Moon,	Snodgrass,	
Kiefer,	Newlands,	Somers,	

At the conclusion of the roll call the doors were closed, and the roll of absentees was called for the presentation of excuses.

Mr. WILSON of Washington (when the name of Mr. DOOLITTLE was called). My colleague [Mr. DOOLITTLE] has been called to one of the Departments on important business. I ask that he be excused. He will return in a very short time.

There being no objection, Mr. DOOLITTLE was excused.

Mr. OUTHWAITE (when the name of Mr. HULL was called). I ask that the gentleman from Iowa [Mr. HULL] be excused. He is at the bedside of a very sick friend.

There being no objection, Mr. HULL was excused.

Mr. MCCLEARY of Minnesota (when the name of Mr. KIEFER was called). I ask that my colleague [Mr. KIEFER] be excused. He is absent on important business.

There being no objection, Mr. KIEFER was excused.

The call of absentees being concluded—

The SPEAKER. Two hundred and forty-eight members have answered to their names.

Mr. PATTERSON. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. PATTERSON. Mr. Speaker, my friend from Michigan [Mr. BURROWS] has submitted to me a telegram from the gentleman from Missouri [Mr. BARTHOLDT] stating that he will be here on Monday next. He said to me before he left that he desired to argue this case on behalf of his colleague [Mr. JOY]; and in view of that fact, and in view of the fact that probably a quorum on our side could not be secured to-day, I give notice that this case of O'Neill *vs.* Joy is postponed until Tuesday morning next, when it will be called up by the committee and will be prosecuted to a final determination.

ELECTION CONTEST—WHATLEY VS. COBB.

Mr. BROWN. I desire to call up the contested-election case of Whatley *vs.* Cobb, from the Fifth Congressional district of Alabama. The report of the committee in this case is unanimous. It was prepared by the gentleman from Tennessee [Mr. TAYLOR]; and the Republican membership of the committee offer no objection whatever to the disposition of the case at this time.

The SPEAKER. The Clerk will report the resolutions reported by the committee.

The Clerk read as follows:

Resolved, That the contestant was not elected to the Fifty-third Congress and is not entitled to a seat therein.

Resolved, That the contestee was duly and legally elected a member of the Fifty-third Congress from the Fifth district of the State of Alabama, and is entitled to his seat therein.

Mr. BROWN. I move the previous question on the adoption of these resolutions.

The previous question was ordered; and under the operation thereof, the resolutions were adopted.

On motion of Mr. BROWN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

Mr. REILLY, by unanimous consent, obtained leave of absence until Wednesday next, on account of sickness in his family.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WHEELER of Alabama. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

Mr. WILSON of Washington. I move that the House adjourn.

The motion of Mr. WILSON of Washington was rejected.

The question recurring on the motion of Mr. WHEELER of Alabama, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. O'NEIL in the chair), and proceeded to the consideration of the bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895.

Mr. WHEELER of Alabama. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. WHEELER of Alabama. I now ask consent that the general debate may be considered as closed, and that the bill may be read by paragraphs for amendment and debate under the five-minute rule.

Mr. BURROWS. I think that before general debate is dispensed with the gentleman should make a general explanation of the bill. Possibly there may be no desire to discuss it; but the matter ought to be properly understood.

Mr. WHEELER of Alabama. Notwithstanding the fact, Mr. Chairman, that the cadets at the Military Academy have been increased some 10 per cent on account of the increase in the membership of this House, the Committee on Military Affairs have been fortunate in reducing the appropriations for the support of that Academy, making the total amount less than any bill which has been reported during the last eight or nine years, while at the same time doing ample justice to the essential requirements of that institution. The bill for 1890 carried an appropriation of $902,766.69; for 1891, $435,296.11; for 1892, $402,064.64; for 1893, $428,917.33; for 1894, $432,546.12; and the present bill carries an appropriation of $400,438.58. Notwithstanding this reduction the committee feel that they have placed enough in the bill to carry out the purpose for which the Academy was established.

It must be remembered that this bill provides for the repairs upon buildings and substantially for all that is required to support a post which has 1,350 people connected with it. It provides also for the payment of the salaries of the cadets, provides for the erection of public buildings, for the improvement of the sewerage, for the heating and lighting, and in fact all of the requisites for the maintenance of such an important and valuable institution as the Military Academy. I think that the closest scrutiny of this bill will fail to find any omission of what is absolutely required, and when the bill is examined the House will find that it has been reduced down to the very lowest point possible.

The committee with great regret struck out of the bill a great many items recommended by the Superintendent of the Academy as well as by the War Department. The total estimates submitted by the officers of the Academy were about $600,000, and they have been reduced about 33 per cent.

There are, Mr. Chairman, some people who contend that in a country like ours there is no necessity for a school of this character. I do not think that these gentlemen realize the conditions of the civilized nations of this earth at the present time. The best talent of the most cultivated and powerful nations of the world is now devoted to the perfection of military appliances and the development of military science. The object is to protect the honor and the property as well as to add to the glory of those nations. There is nothing that the people of a civilized country value as much as the glory and the honor of the nation to which they owe allegiance.

There is also a class of people who contend that the days of war are over; that we are to have in the future an era of perpetual peace. But they are not sustained in that assertion by the history of the past. From 1815 to 1854, a period of forty years of peace, the very same contentions were made in England and in other European countries, but when these many years of peace were impressing this idea most forcibly upon the world the cloud of war burst on the horizon of Europe.

The Crimean war involved England, France, Russia, and Turkey. This was followed by the campaign in Italy of 1859, in which Napoleon III sought to win laurels in the same field that his illustrious ancestor won his great renown sixty-three years before. This was followed by the war in Denmark in 1864; then came the war between Prussia and Austria in 1866; then came the Franco-Prussian war of 1870, and this was followed by the invasion of Turkey by Russia in 1877.

As Sir William Napier said, in closing the work upon the Peninsular war:

> War is the condition of this world. From man to the smallest insect all are at strife, and the glory of arms, which can not be obtained without the exercise of honor, fortitude, courage, obedience, modesty, and temperance, excites the brave man's patriotism and is a chastening corrective for the rich man's pride.

This same writer said:

> Yet it is no security for power. Napoleon, the greatest man of whom history makes mention—Napoleon, the most wonderful commander, the most sagacious politician, the most profound statesman—lost by arms Poland, Germany, Italy, Portugal, Spain, and France. Fortune, that name for the unknown combination of infinite power, was wanting to him, and without her aid the designs of man are as bubbles on a troubled ocean.

That was stated eighty years ago; but during that period the art of war has become an exact science. Fortune has ceased to be the ruling element in the conduct of such efforts and undertakings. Now the successful nation will be the one that establishes the highest order of military administration; and I contend, sir, that there is no money spent by this Government that is so well spent as that which trains a body of men to devote their lives, their intellects, and their powers to building up that system which alone can give a nation security in case of war. But it has been said, I repeat, that there can be no more war in this country. Mr. Chairman, people who make that assertion do not reflect upon the fact that nearly all wars have been brought about by circumstances by no means anticipated, circumstances which one would hardly believe could possibly have resulted in the carnage which eventually followed.

Again, nations are frequently compelled to engage in war in order to protect their commercial and their material interests. If we succeed, as I trust we shall, in extending the commerce of our country so as to compete with the interests of other great nations, it will be almost a miracle if we avoid such a conflict of interests as to cause collisions which so often result in war. We must assume that this will be one of the inevitable results of the extension of our commerce, which we all desire. If, then, war must come, let us be at all times prepared for it.

This should impress us with the importance of being always prepared for such emergencies, and the first important step in preparations of this character is to prepare a corps of thoroughly educated and accomplished officers.

In his message to Congress in 1796, Washington said:

> Whatever arguments may be drawn from particular examples superficially viewed, a thorough examination of the subjects will evince that the art of war is both comprehensive and complicated, that it demands much previous study, and that the possession of it, in its most improved and perfect state, is always of great moment to the security of a nation.

The great Napoleon also said:

> The knowledge of grand tactics is acquired only by experience and by the study of the history of the campaigns of all the great captains. Gustavus Adolphus, Turenne, Frederick, like Alexander, Hannibal, and Cæsar, have all acted on the same principles of holding their forces united, being nowhere vulnerable, and throwing their masses upon important points; such are the principles which insure victory. Read again and again the campaigns of Alexander, Hannibal, Gustavus, Turenne, Eugene, and of Frederick. Make them your models. This is the only way of becoming a great captain and mastering the secrets of the art of war. Your genius, enlightened by this study, will induce you to reject all maxims in conflict with those of these great commanders.

These expressions from Washington, the greatest patriot, and Napoleon, the greatest warrior, should certainly receive the most careful consideration of the lawmakers of the great people we represent.

I do not hesitate to assert that the Academic Board at West Point have brought the system of discipline, administration, and instruction to as near perfection as can possibly be done by human efforts.

These eminent gentlemen seem to have the one absorbing ambition to bring the Academy to a degree of excellence superior to that of any like institution in the world, and I think they have accomplished it.

Now, Mr. Chairman, unless some gentleman wishes information about some part of this bill, or unless some gentleman wishes to discuss it, I shall ask that general debate be closed, and that we proceed to read the bill by paragraphs.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] asks unanimous consent that general debate be considered as closed, and that we now proceed to read the bill by paragraphs. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill by paragraphs, read as follows:

> For one commandant of cadets (lieutenant-colonel), in addition to pay as captain, $1,200.

Mr. DINGLEY. I move to strike out the last word. I was called out for a moment. I intended to ask the gentleman from Alabama [Mr. WHEELER], before he concluded his remarks, some questions about the bill. I notice that the estimates for the Military Academy were $599,000; that the Secretary of War, after carefully scrutinizing the estimates, reduced them to $465,000, and that the bill carries only $400,000. I desire to know in what items the reduction of $65,000 from the estimates of the Secretary of War have been made?

Mr. WHEELER of Alabama. We wrote to the officers of the Academy making very minute inquiries, and we finally asked to have the Superintendent appear before the committee. The bill was thoroughly gone over with him, and the information thus obtained enabled us to omit many items and also to make numerous reductions. The item for "repairs and improvements," on page 4 of the bill, we reduced from $18,000 to $16,000; the item for "extra pay for twenty-eight enlisted men," on page 6 of the bill, we reduced from $840 to $280; the item in line 9, page 7, we reduced from $1,000 to $800, and in line 12 we reduced from $450 to $300. We struck out the estimate of $3,000 to purchase "Driggs-Schroeder" gun. The item for repairs to "chapel," page 16, line 1, we reduced from $3,900 to $1,500; the item on lines 12 and 13 we reduced from $500 to $250. The item for "repairing roads," in lines 18 and 19, are reduced from $1,000 to $500. On page 17, lines 18 and 19, we re-

duced the appropriation for "broken stone and gravel" for roads from $2,000 to $1,500, and the appropriation for improving the "Post Cemetery," lines 20, 21, and 22, we reduced from $1,500 to $1,000. We omitted altogether an estimate of $2,500 for "building a set of hospital stewards' quarters." On page 21, lines 11 and 12, we reduced the appropriation from $400 to $200, and the items for "painting quarters," in lines 18, 19, and 20, we reduced from $1,200 to $1,000. We omitted an item for "repairing boat house," which amounted to $900; we also omitted an item of $1,000 for "fittings for ordnance museum;" we also omitted an estimate of $4,200 for a "porch to the new cavalry barracks." On page 22, lines 5 and 6, for "general repairs to cavalry stables" we reduced from $2,460 to $1,000. Lines 8 and 9, same page, for "wall on east side of road from north gate" we reduced from $1,800 to $1,000. The item for "reflooring band barracks," amounting to $2,400, we struck out altogether. The item for "reflooring barracks," lines 24 and 25, we reduced from $1,200 to $1,000. Page 23, we reduced the item for "gas pipes," in lines 5 and 6, from $400 to $300.

The estimate of $4,500 for "steam road roller for repairing roads" we struck out altogether. We also found, as the Academy was not full and could not be filled to the quota authorized by law, we made a reduction in the appropriation for the "pay of cadets." After the most careful investigation the committee found these reductions and omissions could be made without any serious injury to the Academy.

Mr. DINGLEY. Then the reduction was chiefly made by the omission of permanent works connected with the Academy?

Mr. WHEELER of Alabama. By omissions and some slight reductions in a great many different items.

Mr. DINGLEY. Were there any permanent objects appropriated for in the bill for the present fiscal year?

Mr. WHEELER of Alabama. Most of the appropriations which come under the head of permanent works are repairs and improvements; also in increasing the water supply and in completing the sewerage.

Mr. DINGLEY. Four hundred and thirty-two thousand dollars is the bill for this year.

Mr. WHEELER of Alabama. Yes; we have $25,000 in this bill for the improvement of the waterworks. That is a permanent work. Then we have appropriated $3,000 for the continuation of a road to the south, which appropriation was made necessary from the fact that we purchased what is called the Kinsley estate. Prior to the purchase that road was kept up by the county. After its purchase we were compelled to keep it up. We appropriated $3,000 to macadamize it.

Mr. OUTHWAITE. The difference between this bill and the bill of last year can be made up by one item alone. That is an appropriation which was made last year for a new gas plant. There is no want of sufficient funds for conducting the Academy properly, and the improvements that are absolutely necessary are well provided for.

Mr. DINGLEY. The reduction is made simply by the omission of all appropriations for permanent objects?

Mr. OUTHWAITE. Not all, but many.

Mr. WHEELER of Alabama. I will say to the gentleman that the committee sought as far as possible to make no reductions in items that pertained particularly to the Academy. They took this view, that the barracks, the Academy building, and the mess hall constitute the Academy. Then we have soldiers, as I have stated, and their families, so that the total number of men with their families amounts to 1,350 persons, men, women, and children, and they all have to be provided for; but we felt that there were items recommended for appropriation to benefit their condition that could be properly omitted or go over for a year.

The Clerk read as follows:

For pay of eight assistant professors (captains), in addition to pay as first lieutenants, $4,000, and hereafter no graduate of the Military Academy shall be assigned or detailed to serve at said Academy as a professor, instructor, or assistant to either within two years after his graduation, and so much of the act of June 30, 1882, as is in conflict with this provision is hereby repealed.

Mr. OUTHWAITE. The gentleman from Iowa [Mr. HULL], a member of the committee, desires to make a point of order to this clause. He is not present, but expects to be here before the determination of the bill is reached, and I would suggest that with the point of order reserved that paragraph be passed over.

The CHAIRMAN. Is there objection to passing over the paragraph without prejudice, as requested by the gentleman from Ohio?

There was no objection.

The Clerk read as follows:

For pay of one scavenger at $60 a month, $720.

Mr. ROBERTSON of Louisiana. I move to strike out lines 10 and 11, on page 15, for the purpose of obtaining some explanation on the part of the committee of the creation of this new employé.

Mr. WHEELER of Alabama. Mr. Chairman, I will state to the gentleman from Louisiana that the estimates tell us this in a note.

The services of a scavenger are deemed necessary in keeping in a proper sanitary condition the many earth closets, some 50 in number, in use here for the families of married enlisted men. The present manner of caring for these closets, that is by the detail of an enlisted man for the purpose, is unsatisfactory and objectionable, and it is deemed best for the interests of all concerned that the services of a civilian be secured.

Now, Mr. Chairman, there is a growing feeling among army officers that we ought to enlist the best class of men possible for the rank and file of the Army; and in order to succeed in that laudable purpose of elevating the rank and file the officials are doing all they can to prevent the evil which has existed to some extent for many years of requiring soldiers to do improper and unmilitary work. Ordinary laboring men can be employed for such menial labor at a less price than it would cost to maintain a soldier. We can not enlist the best class of men unless it is understood that such menial duties shall not be required of them; and therefore this is done in the line of improving the military administration of the Army.

Mr. ROBERTSON of Louisiana. I withdraw my amendment.

The Clerk read as follows:

For reflooring cadet mess hall, 96 feet long by 45 feet wide, substituting for the old and double-board floor therein a stone, slate, or tile floor, whichever may be best attainable under this appropriation, $4,000, to be immediately available.

Mr. LIVINGSTON. May I ask the gentleman in charge of the bill what is the necessity for expending $4,000 in putting in a floor in this mess hall, which is only 96 feet long by 45 feet wide. Four thousand dollars seems to be an extravagant price to pay for a floor of that size.

Mr. WHEELER of Alabama. I will state to the gentleman that it is necessary to have the floor washed every day.

Mr. LIVINGSTON. That paragraph is on page 18, lines 11 to 16, inclusive.

Mr. WHEELER of Alabama. It is deemed necessary to have an appropriation of $4,000 for putting a stone or tile floor in the mess hall, and the reason is that the wooden floor, being washed with soap, as it is being done daily, causes such a disagreeable odor that it is very desirable to have a stone or tile floor.

Mr. LIVINGSTON. It is not necessary to clean it with soap. You can do it with a dry mop and wheat bran.

Mr. WHEELER of Alabama. Let me inform the gentleman from Georgia that frequently it is muddy, snowy, and sloppy, and when three hundred cadets have to be marched in ranks through this slop and mud and go into this hall three times a day, the floor will necessarily become soiled and require frequent cleaning.

Mr. LIVINGSTON. Is there not a gravel walk over which they walk to this hall?

Mr. WHEELER of Alabama. The walk from the barracks to the mess hall is partly gravel, but a portion of the walk is of a character that becomes very muddy in wet weather, and in the spring, when the ground is thawing, the walk becomes very soft and muddy. During the summer the walk from the camp to the mess hall is always muddy after a heavy rain.

Mr. LIVINGSTON. Now, Mr. Chairman, I want to ask the gentleman the plain question, taking it for granted that it is sloppy there at times, why do you want $4,000 for flooring so small a hall?

Mr. WHEELER of Alabama. Because an investigation shows that it can not be done for less. I will read from the estimates on this subject:

Some years ago a new board floor was laid in the hall on top of the then floor. The hall has, therefore, a double wooden floor, each of which is old and very inferior. Owing to the use of the hall thrice daily, the scrubbing of the hall daily or oftener is absolutely necessary. This double floor absorbs the soapy water, which afterwards evaporates, filling the hall constantly with a foul odor which is sickening, but which with the present floor can not be avoided, as it will be with a stone, slate, or tile floor.

Mr. LIVINGSTON. There are millions of the best families in this country living and sleeping on wooden floors.

Mr. WHEELER of Alabama. They do, sir; but in going into the house they mop their feet.

Mr. LIVINGSTON. Why can not these boys do that?

Mr. WHEELER of Alabama. Because these boys could not spend the time in doing so. Suppose that these three hundred boys have each to wipe their shoes on mops at least three times a day, as they are being marched into this hall, it would take not less than half an hour each time and that half hour can not be spared, because from 5 o'clock in the morning until 10 o'clock at night these cadets are either being drilled, studying, or engaged in recitation.

Mr. LIVINGSTON. I understand that they have time to play football.

Mr. WHEELER of Alabama. They do have a little time for

exercise. I was going to say they have half an hour at breakfast, half an hour at dinner, and half an hour or possibly a little longer in the evening, but all the rest of the time they are very busy.

Mr. LIVINGSTON. I do not propose to discuss the sanitary condition of that building.

Mr. WHEELER of Alabama. I am showing you that they can not have time to stop at the mess hall door half an hour at breakfast time, half an hour at dinner time, and half an hour at supper time to rub their shoes upon mats before they go into the hall. Soldiers never do that. Soldiers are different from other people. The soldiers in the Federal army and the Confederate army during the war did not clean their feet three or four times a day. [Laughter.]

Mr. LIVINGSTON. I do not propose to make the boys clean their feet. If they can not be made to do it at the institution, I do not believe we here can make them do it; but I want to ask the gentleman whether it is absolutely necessary to have $4,000 for this purpose. I will state to him that my own judgment is that half the money will put a floor there of slate.

Mr. WHEELER of Alabama. I will state to the gentleman that an appropriation for this purpose has been recommended now for four or five years. We have put it off from time to time. We have had estimate after estimate made, and we believe that it can not be done for less than this amount, and therefore the committee, who have scrutinized all these items with the greatest care, and with the aid of the Secretary of War have reduced the appropriations from $600,000 to $400,000, believe that this is essential, and have recommended that it be appropriated by the House.

Mr. LIVINGSTON. Does the gentleman, as a member of this House, mean to tell me that if the contract is let out to the world, at open bidding, this floor can not be laid for less than $4,000?

Mr. WHEELER of Alabama. I will state to the gentleman that it will be let openly to the world, and if the work can be done for one cent less than $4,000 the balance of the money will go back into the Treasury.

Mr. LIVINGSTON. Oh, it is easy enough to get the contract up to the amount of the appropriation bill.

Mr. WHEELER of Alabama. I assure the gentleman that the officers there are men who do not trifle with the Government. They try to get everything done as cheaply as possible. Nothing is done by them that is not in accordance with the strictest integrity and it would be a violation of integrity for them to pay more than is necessary to get this work done.

Mr. LIVINGSTON. I did not refer in my remark to your officers, but to the people who would do the work. It is very easy for them to find out that there is an appropriation of $4,000, and to combine to make a bid for not less than that amount.

Mr. WHEELER of Alabama. Oh, the whole of the people of this country can not combine.

Mr. LIVINGSTON. Well, people do combine. The ice men in this city have combined and put up the price of ice on the Departments 49 per cent.

Mr. WHEELER of Alabama. That may be done in a city, but it can not be done all over this country. The bidding will be open not only to the 70,000,000 people of this country, but to the whole world.

Mr. LIVINGSTON. Well, if it is to be prevented it must be prevented by God Almighty. You and I can not do it.

The Clerk read as follows:

For painting, and for general incidental repairs and improvements to the cadet quartermaster's department building, including storerooms, office, tailor shops, shoe repairing, etc., the same to be expended as required without advertising, $300.

Mr. REED. Mr. Chairman, I would like to ask the gentleman from Alabama whether he has given this committee any detailed information as to the omissions of which he speaks in his report. In the report he says:

The committee have stricken out many items which were regarded as very important, but by careful investigation it was found that a delay of a year would not be attended with any serious results.

Has the gentleman given any explanation as to those important items?

Mr. WHEELER of Alabama. One item was $4,500 for a steam roller; another was an item of $3,000 for a new gun, which they want very much for the purpose of instructing the cadets, but on consulting with the Superintendent he said they could get along without it for another year without serious inconvenience. There are a number of other items which I have already enumerated. There is also omitted an item of $35,000 which the Superintendent asked to have appropriated for a tower to the new academic building. The reason we struck that out was this: I wrote to the Superintendent and asked him whether it would cost any more to do that work after the building was completed, and he investigated and found that it would not. There is also omitted $50,000 for repairing the library. Plans were submitted by the Superintendent to make the library fireproof, and I think it is very essential that that should be done at an early day.

Mr. REED. But in the mean time, owing to the poverty of the country, you propose to take the risk of having the books burned?

Mr. WHEELER of Alabama. We have determined, with regret, to let the matter run for another year unless the gentleman from Maine chooses to move to add $50,000 for that purpose. If he offers that amendment and the House votes it we will begin the work immediately. [Laughter.]

Mr. REED. Then, Mr. Chairman, at the suggestion of the gentleman from Alabama, I will make that motion if he will be kind enough to word the amendment for me. [Laughter.]

Mr. WHEELER of Alabama. "That there be appropriated $50,000 for the purpose of making the library at West Point fireproof, in accordance with the specifications submitted to the Secretary of War."

Mr. CHAIRMAN. The gentleman from Maine will reduce his amendment to writing.

The amendment was read, as follows:

Add on page 18, after line 24:
"For making the library fireproof according to the specifications already submitted by the Secretary of War, $50,000."

Mr. OUTHWAITE. Mr. Chairman, I make the point of order that that is new legislation; that it increases the amount of the appropriation carried by the bill instead of reducing it——

Mr. REED. That is precisely what this bill is for—new legislation.

Mr. OUTHWAITE. The appropriation is not in pursuance of any work already begun nor in pursuance of any legislation on the statute book.

Mr. REED. Almost every paragraph of this bill would be liable to that point of order.

Mr. OUTHWAITE. That is very true, if anybody wanted to make the point.

Mr. WHEELER of Alabama. While I fully concur with the chairman of the committee [Mr. OUTHWAITE] that at this time it is not expedient to make this appropriation, I can not agree with him that it is subject to the point of order. The law provides for a Military Academy at West Point; and it has been the custom of the House, ever since we have had appropriation bills to support the Academy, to provide in such bills for all that is necessary to maintain this Military Academy. To repair a library and preserve the books is strictly in accordance with the purposes of the Academy; and this appropriation, therefore, is in continuation of work already established and authorized by law. I think the amendment is not subject to the point of order. Nevertheless, I am opposed to making the appropriation of $50,000 at this time.

The CHAIRMAN. The Chair overrules the point of order.

Mr. OUTHWAITE. Then, Mr. Chairman, I would like the gentleman in charge of this bill to point out the estimate for any such improvement as this.

Mr. WHEELER of Alabama. I did not say that the estimate for this had come to us. It went to the Secretary of War and was stricken out before it came to us. It was a matter which was carefully investigated by the Board of Visitors.

Mr. OUTHWAITE. This improvement is absolutely unnecessary at the present time. The library at West Point is sufficiently fireproof; there is no great danger of the burning of those books. The library is quite as safe as it has been for a long period of years. The estimates as sent to us by the Secretary of War do not embrace this item—a fact which shows that the Secretary of War, who has investigated the subject, came to the conclusion that this would be an unnecessary expense at the present time. And it is an unnecessary expense. The appropriation was not even considered by the committee. I was surprised when I heard the gentleman from Alabama mention it as one of the items which we had stricken out of the bill in order to reduce expenditures. It never was before the committee.

Mr. REED. I ought to express my regret at having been misled; but my confidence was so great that I yielded to the suggestion of the gentleman from Alabama. I am pained to find myself in conflict with the gentleman from Ohio [Mr. OUTHWAITE], whom also I have been in the habit of following. It really tears me asunder, as it were [laughter]; and I am halting between two opinions—waiting for the result of this discussion before declaring my final conclusion.

Mr. WHEELER of Alabama. The report states that appropriations aggregating $559,000 were recommended to the Secretary of War for the Military Academy, including $50,000 for improving the library. Now, I happen to be very familiar with this matter, because the Speaker of the House did me the honor

to send me to West Point last June. The Board of Visitors discussed this matter in their report and recommended this expenditure; it was in the estimates as they came from the Superintendent; and for the moment it did not occur to me to mention that it was stricken out before it reached the Military Committee.

But whether this item is embraced in the present estimates or not, it was estimated for by the Superintendent of the Academy and has been stricken out by the Secretary of War or the Military Committee. Whether the credit of this measure of economy should be given to the Secretary of War or to our committee is entirely immaterial. We are all Democrats—all seeking for one end—to run this Government in the most economical way possible consistent with the greatness and glory of the Republic. [Applause.]

Mr. REED. I had rather got that impression already. What I really started in to do was to have the gentleman from Alabama (who is so competent to do such a thing) point out the exact items which the Secretary of War regarded as so important and which amounted to $65,000, but which have been stricken out. In my hunt for that $65,000 I have come across another item for $50,000, which it seems ought to be in the bill; because I am quite sure the gentleman from Alabama, with his economical habits and language, which have grown to be a part of his nature, would not suggest an appropriation of $50,000 unless he really meant it; and the fact that he did it in a sort of somnambulistic state shows how completely the matter has penetrated his conscience and thought and methods of life. Thus we have got at about $100,000.

What I wanted to do was to find out just what items would be thrust over upon a Republican Congress, in order that we might know to a certain extent what would be the size of the outcry which will come when we make up the deficiencies that the poverty of this country, resulting from Democracy, has caused to be made in this particular bill. [Laughter and applause on the Republican side.]

This is a little bit of a bill; but you can always learn from one, if not all, at least a great many things; and this shows what will be the foundation of some of the Democratic outcries in the future. I suppose these appropriation bills are all of them going to be full of such omissions; only I am afraid that other gentlemen will not exhibit that candor which the gentleman from Alabama always exhibits; for he wears his heart on his sleeve in such matters. I say these bills will be full of these omissions which will have to be supplied by the next Republican Congress, or perhaps I had better say simply the next Congress [laughter], and then there will be the usual Democratic outcry, which may not take the form of "billion-dollar Congress," but which will take some form suited to the capacity of those to whom the gentlemen on that side appeal. I thought that perhaps by laying an anchor to windward in this way I might, if I did not accomplish anything else, prick the consciences of some gentlemen on the other side.

Mr. WHEELER of Alabama. I regret very much that the gentleman from Maine should seek this opportunity to criticise the efforts of those who are responsible for legislation in this body. We are using commendable efforts at economy.

The Democratic party always scrutinize estimates and omit all items which can properly be dispensed with or postponed. The Republican party on the contrary crowd in their appropriation bills everything which occurs to their fertile imaginations. By our system millions upon millions of dollars are saved; by their system millions upon millions of the people's money are squandered. The distinguished gentleman need not entertain either hopes or apprehensions that this country will again be afflicted with a Republican Congress. [Applause.]

Mr. OUTHWAITE. I believe I have the floor.

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] has the floor.

Mr. OUTHWAITE. Mr. Chairman, the gentleman from Maine is a "little previous" in his suggestion that there is in this bill a postponement of certain items for the purpose of letting them go over to a Republican Congress. Before there is the possibility of a Republican Congress the gentleman should remember that there will be another meeting of this Congress and another bill reported from the Committee on Military Affairs for the support of the Military Academy. And in this connection let me say that in the Committee on Military Affairs there is about as little politics, in the consideration of appropriation bills, or of any other matters, as will be found in any other committee of this House or elsewhere.

The items of this bill were carefully and conscientiously considered by this committee. I do not know of any difference of opinion, or any dissensions whatever as to the amount of any of the items. It is true that as the matters were under consideration there were some gentlemen who thought that possibly a little larger appropriation should be made in some instances, while in other instances members of the committee thought smaller amounts would suffice. But as to this item now under consideration which comes so suddenly upon us and which the committee have never had an opportunity to consider, I must appeal to the members of the Committee of Military Affairs, and to the members of the Committee of the Whole, who are considering the matter, that they vote it down.

Mr. Chairman, if this committee will take the bill and look through it, it will be found that in all instances a reasonable sum has been appropriated for the proposed works of improvement. There is no disposition on the part of the committee to throw anything over to a succeeding Congress, or to a succeeding session of this Congress. We have appropriated in this bill several large items already which have been postponed by other committees. I will say that this very item, for instance, in regard to the flooring of that hall, being so essential to the health of the cadets there, was an item proposed as early as the Fifty-first Congress, a proposition of that kind having been offered at that time.

We have attempted from that time to this to have the item become a part of the law. There are some other items here that also come over from a period as far back as that. We have made provision for the construction of a reservoir, at an expense of $25,000, that has been a matter of suggestion for four or five years past. We have also made a provision of $5,000 for completing, modernizing, and improving the plumbing and sewerage of the post. The last Congress appropriated for this purpose the sum of $20,000, which was found to be insufficient.

Here is another provision for completing the plumbing in the new sinks and bathrooms for cadets, $1,200, and so on, showing altogether, as I have said, a large sum of money appropriated for permanent improvements and necessary improvements, covering some four or five pages of this bill.

It is a fair bill; it is a generous bill, and it is a just disposition of the question. I trust the committee, therefore, will not hesitate to vote down the amendment, or rather I will ask the gentleman from Maine to withdraw the amendment.

Mr. REED. I could not do that without the consent of the gentleman in charge of the bill, who suggested the amendment.

Mr. WHEELER of Alabama. I will consent to the withdrawal of the amendment, as I told the gentleman I did not agree as to the propriety of its adoption at this time.

Mr. REED. I will withdraw it, for I shall not be found willing to interrupt the harmony of this occasion. [Laughter.]

I offered the amendment at the suggestion of the gentleman from Alabama. I thought it a good amendment, a very sensible one; and I was struck with the propriety of his suggestion when he made it. But of course I would not stand up here against the appeal of the gentleman from Ohio. I have accomplished my purpose in calling attention to the fact that so many items of appropriation have been omitted from the bill to go over to some future Congress, and that the reductions made in the total of the bill are only secured by such omissions. But I recognize the condition in which the country has been placed by the impoverishing effects of one year of Democratic rule, and that it is absolutely unable to provide money to meet the expenditures necessary. [Laughter.]

Mr. OUTHWAITE (interruping). Mr. Chairman, I wish to enter a general denial of that part of the proposition of the gentleman from Maine wherein he states that necessary objects of appropriation have been deferred. Nothing of the kind was done in this bill.

Mr. REED. I have no sort of doubt that the gentleman from Ohio entertains the opinion he seeks so impressively to enforce upon the committee; but the language of the committee in its report is this:

> The committee have stricken out many items which were regarded as very important; but by careful investigation it was found that a delay of a year would not be attended with any serious results.

Now, of course, I understand that the country is in straits, that it needs to be economical, and consequently that important matters ought to be put over and not cumber the appropriation bills of this Congress so as to preserve the general harmony of the plan. [Laughter.] And, therefore, at the request of both gentlemen concerned, I withdraw the amendment and will allow the bill to proceed harmoniously as far as I am concerned.

The CHAIRMAN. The amendment of the gentleman from Maine is withdrawn.

Mr. WHEELER of Alabama. I probably used a little stronger language than was necessary; my purpose was to point out the great care used by the committee to reduce the appropriation to the smallest amount possible, consistent with good administration.

The CHAIRMAN. The Chair calls the attention of the gentleman to the fact that there is no amendment pending.

Mr. WHEELER of Alabama. Very well, then, let the Clerk proceed.

The Clerk, proceeding with the reading of the bill, read as follows:

For furnishing and erecting in the natatorium of the gymnasium, in complete working order, six slate-lined compartments with six combination shower, spray, and needle baths, one gas heater, and one hot-water storage tank, $850, to be immediately available.

Mr. ROBERTSON of Louisiana. Mr. Chairman, I would like to ask for some explanation in regard to the appropriation which has just been read, on page 19, from line 3 to line 7. Is it necessary to complete this natatorium in the magnificent manner intended by this committee? I should like to know why it is necessary that in an institution of this kind there should be such expense in equipping a natatorium, when the beautiful Hudson River runs right along at the foot of the cliff on which that institution is built?

Mr. OUTHWAITE. The Hudson River is sometimes frozen up.

Mr. ROBERTSON of Louisiana. When it is frozen up they have their bath tubs to take the place of the river.

Mr. HULL. The river is not a good place to swim in, right there.

Mr. ROBERTSON of Louisiana. I should like to know why it is necessary, in the construction of that natatorium, to be so lavish and expensive? I make the point of order also that this is new legislation.

The CHAIRMAN. The Chair overrules the point of order.

Mr. WHEELER of Alabama. I would like to explain to the gentleman the reason why it is necessary to have this appropriation. The natatorium has only been recently completed; it is situated in the gymnasium, and the medical officers speak of it as being highly beneficial to the health and comfort of the cadets. The cadets wash themselves in these bath tubs and then plunge into the swimming bath.

I want to say to the gentleman that the officers of the Academy discourage the boys from going to the river to swim. There have been several drowned, and we do not want to have young men sent to that Academy to incur such risk. It is certainly not wise or prudent to allow cadets to swim in the river at that point, where there are swift currents, and where it would be dangerous for the most skillful swimmer to bathe.

Mr. ROBERTSON of Louisiana. Is that the case with the Hudson all the way along there?

Mr. WHEELER of Alabama. The only appropriate place to bathe is at what is called Gees Point. The river there is very rapid and it has a rocky bottom. Two or three cadets, to my knowledge, have been drowned by striking rocks in diving into the water or by being carried out by the current.

Mr. CABANISS. If they were compelled to bathe in the river, what would they do in the winter time?

Mr. WHEELER of Alabama. It may be said that the young men ought to know where the rocks are; but when they go there for the first time to bathe, with nobody to warn them, they are liable to strike the rocks while diving into the water, and some have been injured and some drowned; and, as remarked by my friend from Georgia [Mr. CABANISS], bathing in the river could not extend beyond the summer months.

Mr. MILLIKEN. Mr. Chairman——

Mr. ROBERTSON of Louisiana. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman from Alabama [Mr. WHEELER] yield?

Mr. WHEELER of Alabama. I yield to the gentleman from Louisiana [Mr. ROBERTSON].

Mr. ROBERTSON of Louisiana. I offer an amendment to strike this out, and take the floor on that. I want to ask if this natatorium has not been already constructed?

Mr. WHEELER of Alabama. It has.

Mr. ROBERTSON of Louisiana. And if this appropriation is not for furnishing and erecting in the natatorium of the gymnasium, in complete working order, six slate-lined compartments with six combination shower, spray, and needle baths?

Mr. WHEELER of Alabama. It is; but as I have explained to my friend, the appropriation in the previous bill being cut down, it was not sufficient to provide for these bath tubs. This appropriation is to finish this important work. The natatorium was constructed with money appropriated under the previous bill.

Mr. ROBERTSON of Louisiana. As I understand, the natatorium has nothing to do with bath tubs. It is a basin filled with water, is it not?

Mr. STOCKDALE. A swimming place.

Mr. ROBERTSON of Louisiana. I should think there was no necessity for bath tubs in the natatorium. Now, Mr. Chairman, I move to strike out all the words in line 4, beginning after the word "gymnasium," down to and including the word "baths," in line 6. I do that because I understand that the natatorium has already been constructed, and I am not in favor of fitting up at West Point a natatorium equal to that which may be found in some of the greatest cities of the world. I think this is a useless expenditure in the education of young men. They have plenty of water to keep them clean, and I can not see how or in what manner, under the circumstances, "six slate-lined compartments, with six combination shower, spray, and needle baths," can be in any way connected with the matter of education, or even with the matter of hygiene.

I hope the committee will strike this out. There is a natatorium there. It is complete, and I shall offer further an amendment to reduce the appropriation in this section to the amount required with the matter stricken out which I have indicated.

Mr. MILLIKEN. Mr. Chairman, I move to strike out the last word. I think any man who goes up to West Point and sees what these boys have to do, and how they are trained, and the strictness with which they are managed, and the intelligence with which that institution is run by the officers in charge, will not for a moment begrudge this little appropriation.

Now, I have been there and have seen this bathing place; and it is certainly necessary for the cleanliness and the good health of these boys. The cadets at West Point get nothing of luxury. There is no class of boys in this country who work as hard, who have as much physical exercise, who have to train as much and to study as hard as these boys do. Even in winter they are up at a quarter to 6 o'clock in the morning. They have to drill, and they have to take their swim in the bath; and notwithstanding the opinion of my friend who has offered this amendment, even at West Point they believe that cleanliness is next to Godliness. They believe it is necessary to keep themselves clean; and whatever may be the sentiment in the district in which my friend lives, I think that one of the best things to train these boys up in is to be clean in body, for if a man be kept clean in body he will be very apt to keep clean in character at the same time. I believe that a man who has developed a character for cleanliness in that respect is liable to be clean in every other way.

Now, Mr. Chairman, my friend talks about bathing in the Hudson River. I know something about that point. I went up against that current when I was before the mast of an old brig, and I know that running down the river the current is more than six knots an hour. The Hudson comes down directly from the North and then makes a turn almost direct at a right angle and comes through a very narrow place and runs directly east and then runs south, and the current up the river runs at the rate of five or six knots an hour when the tide is running up, and when it is running down it runs about six or more knots. I know, as my friend from Alabama has said, that several young men have been drowned there.

It is a dangerous place for even a good swimmer. I think that giving this bath under a roof, and inside of a building is one of the best things in connection with that institute; and I hope the House will not be niggardly, because it would only be saving a little at the spigot. I understand that it costs the Government about $25,000 apiece for every student who graduates at West Point, taking into consideration all the cost connected with his education and training. Now, if we are going to lay out so much money as that to graduate each of these boys who may hereafter serve the Government in the Army, shall we bring them up dirty in order to save a few cents? I do not think that this House thinks so, and I do not believe this House will adopt the amendment of the gentleman from Louisiana.

Mr. HULL. The point of order has been withdrawn, as I understand.

Mr. SICKLES. It has been overruled.

Mr. HULL. I simply want to say that this question was up in the Fifty second Congress. An appropriation was made to build a natatorium, with the idea that it would be finished up when we reached the point that it should be necessary. The old bath tubs that they have there are being abandoned. The old building has outlived its usefulness, and it is absolutely necessary to have these bath tubs. We can save the expense of more than the amount by discontinuing the use of the old dilapidated bathhouse they have had heretofore. Of course, the gentleman from Louisiana was only speaking in a jocular mood when he referred to these young men going to the river at the bend to bathe. He does not mean anything by that. He only means that in the summer they may go bathing or may go swimming there.

The Government has constructed this building, and they have the new natatorium; but they need the bathtubs. There is not a member of this House who will not understand and appreciate the fact that these boys, with their violent exercise, as referred to by the gentleman from Maine, do need frequent baths; and there is not a member of this House, and the gentleman from

Louisiana, I am certain, would be as far from thinking so as anyone, that they ought not to have these improved baths. Agreeing to the gentleman's amendment would not save the item of $800, but probably might save $400, and there is nothing in favor of the amendment of the gentleman from Louisiana and everything against it.

Mr. ROBERTSON of Louisiana. Mr. Chairman——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. ROBERTSON of Louisiana. I move to strike out the last word. In response to the gentleman from Maine [Mr. MILLIKEN] in regard to his knowledge of the condition at West Point, I desire to state to him that I am familiar with that military post. I was a member of the Board of Visitors in the Fiftieth Congress, I believe, and I was a member of the Committee on Military Affairs when it made an appropriation of $100,000 to construct a gymnasium, and when it made that munificent appropriation of five hundred and odd thousand dollars to construct the Academy building. I have watched the course of appropriations for this institution. My amendment, Mr. Chairman, does not intend to strike out the natatorium or swimming pool of that institution.

I do not think we should do that. The argument which the gentleman from Iowa [Mr. HULL] has made with regard to my desire to prevent the cadets bathing is not substantiated when he looks at the amendment which I have proposed. I propose to strike out these words: "six slate-lined compartments with six combination shower, spray, and needle baths."

Mr. HULL. Do not you believe that they need the bathtubs as much as they need the swimming pool?

Mr. ROBERTSON of Louisiana. Yes, sir; and the bath tubs are already there. They have been in existence in the basement of the academic building for I do not know how many years, and they are there still, bath tubs outside of this gymnasium. The baths proposed here will not accomplish the result which the gentleman refers to. These other bath tubs will still remain and be used by the cadets in their company apartments in the basement of the building.

Now, Mr. Chairman, I withdraw the pro forma amendment, and propose to strike out "eight" and insert "four" in line 6, making the amount $450; because I believe that this institution can get along well without these things, and in these times when there is a deficit in the Treasury, and in view of the fact that we have done more than any other nation has ever done for an institution of this kind, I believe we should restrict these appropriations to the things that are absolutely necessary for the proper conduct of this great military school.

Mr. OUTHWAITE. I will say to my friend from Louisiana that the committee have already cut down the estimates a great deal.

Mr. WHEELER of Alabama. Mr. Chairman, my friend from Louisiana is evidently entirely mistaken as to the purpose of this appropriation. There is a large swimming bathroom. The cadets frequently come in from their drill covered with dust. In the artillery drills they exercise violently and perspire freely and are enveloped in a cloud of dust, and it is the same in the cavalry drill. It is not possible to replace the water in this great swimming bath as often as it should be done, and therefore these small bath tubs are required, so that the cadets may bathe in them and clean their persons before they plunge into the swimming bath, and the regulations require that they shall do so. The cadets are not allowed to go into the swimming bath until they have previously bathed in these small bath tubs, where they wash off the dust and perspiration. Then they go into the swimming pool clean and do not contaminate it. I say to the gentleman that this is essential, and I am surprised to hear him say that it is not in the interest of hygiene. I trust the committee will not hesitate to appropriate this amount, and will vote down the amendment of the gentleman from Louisiana.

Mr. ROBERTSON of Louisiana. What is the estimate for the construction of these six slate-lined compartments with the six combined shower, spray, and needle baths?

Mr. WHEELER of Alabama. Eight hundred and fifty dollars.

Mr. ROBERTSON of Louisiana. Then what is the estimated cost of the gas meter and the hot storage tank?

Mr. OUTHWAITE. All these are estimated for as one item.

Mr. WHEELER of Alabama. Yes; they are all estimated together at $850. Here is what is stated by the Department as to the necessity for these things:

With regard to the item for furnishing and erecting in the natatorium of the gymnasium six slate-lined compartments for shower, spray, and needle baths, I would state that it is proposed to add these, firstly, on account of their hygienic importance, and, secondly, as a measure of economy. The water in the swimming tank at present becomes contaminated in a few days, necessitating frequent changes. The shower bath should be used before entering the tank. The capacity of the tank is so great that every time it is refilled it reduces the amount of water in storage noticeably.

Mr. ROBERTSON of Louisiana. I would like to know where the economy comes in.

Mr. SICKLES. It is in the bill. [Laughter.]

Mr. ROBERTSON of Louisiana. Mr. Chairman, I can not believe that this is an absolutely necessary appropriation in connection with the instruction of the students at West Point. The natatorium is there, the Hudson River is there, and there are bath rooms under the sleeping rooms in the cadet barracks. There is an abundant supply of water. I believe it is proper for these young gentlemen to have all the water that they require to bathe in, but I do not believe in giving it to them in the manner proposed by this provision of the bill.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MILLIKEN. Mr. Chairman, I move to strike out the last word, and, in my own time, I wish to ask the gentleman from Alabama how much money is involved in this amendment?

Mr. WHEELER of Alabama. About $450. I understand the gentleman proposes to strike out $400 of this item.

Mr. ROBERTSON of Louisiana. I would strike it all out.

Mr. WHEELER of Alabama. The gentleman proposed awhile ago to strike out half, but now he proposes to strike it all out.

Mr. ROBERTSON of Louisiana. No, sir; the amendment I offered would strike out $400, leaving about $450 in the bill to provide for this gas heater and hot-water storage tank.

Mr. WHEELER of Alabama. If that amendment should prevail, the result would be to compel the students to jump into the swimming tank without having previously washed themselves, and thus to contaminate it, and the gentleman's cadet and every other cadet there would have to swim in contaminated water.

Mr. ROBERTSON of Louisiana. How did the gentleman from Alabama get along when he was there fifty years ago? Did he have this "spray" and this "needle bath" to keep him clean? [Laughter.]

Mr. WHEELER of Alabama. I beg the gentleman not to announce to this House that I was at West Point fifty years ago. I was a baby at that time, and did not know there was such a place as West Point. [Laughter.]

Mr. MILLIKEN. Mr. Chairman, if my friend from Louisiana has been at West Point, as he says he has, and as of course I do not doubt, he knows one thing, namely, that no luxuries are furnished to the cadets there. He knows that the whole idea upon which the institution is conducted is to bring them up as strong, rugged boys, without indulging them in delicacies. Why, sir, you can not even carry any delicacies to a cadet of your own there. If your own boy is there you can not carry him a pound of gingerbread or candy, or anything of that kind.

Mr. ROBERTSON of Louisiana. That is a good thing.

Mr. MILLIKEN. Yes, sir; and I would be glad if all the gentleman's ideas were as good as that. Now, it is not probable—it is hardly possible—that those who have the supervision of this Academy and are enforcing this strict discipline would recommend for these boys anything in the form of luxury. This is a mere matter of cleanliness; and I do not believe that this House wants those boys at West Point to go dirty for the sake of saving this country a matter of $400.

The question being taken on the amendment of Mr. ROBERTSON of Louisiana, to strike out in the pending paragraph the words "six slate-lined compartments with six combination shower, spray, and needle baths," the amendment was rejected.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. ROBERTSON] withdraw the other amendment?

Mr. ROBERTSON of Louisiana. I do.

The Clerk read as follows:

For repairs, new machines, and fixtures for gymnasium, $300, to be immediately available.

Mr. STOCKDALE. Mr. Chairman, I do not wish to consume time unnecessarily on this bill, but for the purpose of getting some information I move to strike out the pending paragraph.

At the top of this page I find the following item:

For completing the modernization and improvement of the plumbing and sewerage of the post, $5,000.

Further down on the same page I find an item of $1,200 "for completing the plumbing in the new sink and bathrooms for cadets."

Mr. SICKLES. One is the drainage; the other is in the building.

Mr. STOCKDALE. I understand that. But I instance these two items for the purpose of bringing to view what I want to suggest. On these two or three pages of the bill are various items for repairs, in sums such as $100, $150, $300, etc. Now, as I understand, the Government has frequently saved money by putting improvements of this sort under the direction of a single man and allowing him to hire the labor and have the work done. When the appropriations are made in this way, no doubt the ex-

penditure in each instance goes up to the limit of the appropriation, whereas if all these items (and I believe in having the items specified) were put under the control of one man to have the work done, money might be saved.

Mr. OUTHWAITE. I think not, in this instance. These items have been submitted because it has been the custom to do so, and because Congress itself has preferred to have the items.

The Committee on Military Affairs have been unusually careful in the preparation of this bill, scrutinizing even the smallest items carefully; and no item has been inserted unless its necessity was clearly made out. The Superintendent of the Academy came here before the committee; he was questioned for some time as to each of these items, and the committee were satisfied in regard to some; were not satisfied in regard to others. Only those items which were shown to be necessary have been inserted in the bill. I can assure the gentleman that the committee exercised a proper spirit of economy in regard to these expenditures and carefully considered in respect to every proposed improvement the necessity of making it at once. On this score there need be no hesitation in approving the items of the bill.

Mr. STOCKDALE. I withdraw the pro forma amendment.

Mr. BOWERS of California. Mr. Chairman, as one member of the Committee on Military Affairs I wish to say that the committee spent a great deal of time in preparing this bill. It was under consideration I believe more than five weeks; the committee had a great many meetings, and at nearly every meeting there was a full committee, with the exception of one or two. The bill has come into the House with the unanimous approval of the committee, including the Republican as well as the Democratic members. On one or two administrative provisions a point of order may be raised; but so far as the appropriations are concerned the bill comes here with a unanimous report. Every line of the bill has been scrutinized. Where the proof was not before the committee in connection with the estimates of the Secretary of War, we called upon the Superintendent or other officers of the institution.

In the committee room is an immense pile of correspondence touching every item and every line of the bill. This is as carefully considered a measure as has ever been presented to this Congress or any other. I hope the bill will pass as it came from the committee. If there has been any error at all it has been that appropriations have been made too small rather than too large; yet the members of the committee concur in the belief that practically the appropriations are sufficient to carry on this institution respectably and successfully.

The Clerk resumed and concluded the reading of the bill.

The CHAIRMAN. The bill has now been disposed of except the paragraph on page 2, which was passed over.

Mr. HULL. I desire to raise a point of order on that part of the bill commencing with the word "and," in line 12 of page 2, down to and including the word "repealed" in line 18. I ask that the Clerk read the clause to which this point of order applies.

The Clerk read as follows:

and hereafter no graduate of the Military Academy shall be assigned or detailed to serve at said Academy as a professor, instructor, or assistant to either within two years after his graduation, and so much of the act of June 30, 1882, as is in conflict with this provision is hereby repealed.

Mr. HULL. Mr. Chairman, Rule XXI provides—

Nor shall any provision in any such bill—

That is, a general appropriation bill—

or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

My point of order is that in the first place the proposition is not germane, because it is a provision affecting the law by which the cadets may be detailed as instructors in the Military Academy. This, Mr. Chairman, is an appropriation bill. By the law as it exists to-day the cadet must serve a certain period of time before he can be detailed as an instructor in the Academy. This is a proposition in an appropriation bill to change that law by making the term of service two years instead of four years. It does not reduce expenditures, but, on the contrary, it rather increases them if anything, in that respect, for it increases the salary of the instructor. It does not increase, of course, the amount of the expenditure, because if the cadet is not detailed some one else is instead. The point is, however, that it changes the law, which if it be changed at all, should be changed by a separate bill.

I do not understand that the question is at issue as to the advisability of the change. If it were, I should say I believe that one of the most important and effective parts of the education of the student is the four years' service in the field. I believe that the four years' active service in the field, after the cadet has left the Academy, is worth fully as much as the four years' time spent in his studies at the Academy. But the point of order, as I understand it, can not go to the advisability of the change.

To my mind the whole question of this provision is covered by the rule which provides that you shall not incorporate on an appropriation bill such provisions, which change existing law, unless you can show at the same time that they diminish or reduce expenditures.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHEELER of Alabama. Will not the Chair hear a word from the other side?

The CHAIRMAN. Certainly. The Chair will withhold the decision on the point of order.

Mr. WHEELER of Alabama. I contend, Mr. Chairman, that the provision is not subject to the point of order. The gentleman from Iowa who has just spoken alleges that it is, and he gives two reasons. First, he says it is not germane to the subject-matter of the bill; but I contend that it is germane because it provides for the pay of officers and then prescribes what character of officers can be detailed for this work. That settles the point as to its being germane. It reduces expenditures——

Mr. HULL. What is in the bill about regulating the teachers?

Mr. WHEELER of Alabama (continuing). It reduces expenditures, because the officers who serve but two years in the Army have less pay than those who have served a longer period of time, and this fact relieves it from the point of order.

As to the expediency of the change, I will state that this was recommended in the strongest terms by the Academic Board, and received the approval of the Secretary of War.

Mr. OUTHWAITE. Mr. Chairman, that is hardly to the point of order.

Mr. WHEELER of Alabama. But the gentleman from Iowa made allusion to this matter, and I certainly have a right to reply to it. The officials of the Academy experience great difficulty in securing the best officers of the Army as instructors—the best class of officers now——

Mr. OUTHWAITE. Will the gentleman from Alabama yield for a question?

Mr. WHEELER of Alabama. Certainly.

Mr. OUTHWAITE. Will the gentleman state wherein and when the Secretary of War ever recommended this?

Mr. WHEELER of Alabama. On reflection I recollect now, and I will submit to the correction, that this came more especially from the Superintendent of the Academy and the Academic Board. But it had the full sanction of the Secretary of War, and was transmitted by him to the Committee on Military Affairs. I do not pretend to say that the recommendation came with the original estimates.

It has been a very serious matter to secure the best class of instructors at the Academy after they have served for a period of four or five years. The best officers are then developed and selected for other duty; and to show the great difficulty in this respect I repeat that the Superintendent of the Academy had to apply for fifteen officers before he succeeded in securing an instructor for one of the departments of the Academy. This difficulty would be obviated in the measure by extending the field of selection as proposed by this paragraph.

Mr. HULL. Will the gentleman allow me to ask him a question?

Mr. WHEELER of Alabama. Certainly.

Mr. HULL. On that theory why not bring in a bill to change the law so they can do as they please?

Mr. WHEELER of Alabama. The gentleman from Iowa knows very well the difficulty——

Mr. MARSH (interrupting). Mr. Chairman, I suggest that this question of order had better be disposed of, and then if necessary the merits of the proposition may be discussed.

Mr. WHEELER of Alabama. I think when the gentleman from Iowa has discussed the point of order and also the question of expediency, it is very proper that there should be some reply to every point of the argument; and I am surprised that the gentleman from Illinois [Mr. MARSH] should wish to interrupt discussion on the proposition at this time, because if it is not explained now it will not be understood by the House.

Mr. MARSH. If the gentleman will allow me, I do not want to prevent, but I want to open up the way for the discussion of the merits when the merits come properly before the committee.

Mr. WHEELER of Alabama. If the indication given by the Chair correctly tells us his opinion I do not see how the merits can be discussed after the point of order has been passed upon. I repeat that in efforts to get one officer the Superintendent was compelled to send in some fifteen names.

Officers of only two years' service have not as a rule been se-

lected for other duty, and the Secretary of War is therefore enabled to detail these younger officers for duty at the Academy.

That is a question of expediency, but I feel certain that the point of order should not be sustained. I insist that the paragraph is germane and that it reduces expenditures. Therefore I trust the Chair will rule that the paragraph is not subject to the point of order. It is certainly germane, because it is simply describing the kind of officers who shall be detailed. It is certainly reducing expenditures, because the laws of our country fixing the pay of the Army are such that officers who are permitted by this paragraph to be detailed have less pay than officers who have been in the Army at least four years. I hope the Chair will not sustain the point of order.

Mr. HULL. Is there any increase of pay to officers before they have served five years?

Mr. WHEELER of Alabama. In many cases there would be. At the end of every five years the pay of officers is increased by what is called longevity, and such an officer would have 10 per cent more than an officer who had been in the Army a shorter period.

Mr. HULL. Would not the increase be the same, whether he is detailed or not, except for the professor s additional pay?

Mr. WHEELER of Alabama. Yes; the question of longevity comes in, and an officer of longer service receives more pay and frequently, after four years in the artillery, they become first lieutenants, which again increases the pay. Therefore, the pay of an officer of but two years' service is less, and this paragraph consequently does retrench expenditures and is not subject to the point of order.

The CHAIRMAN. The Chair is ready to rule on the point of order. It is admitted by the gentleman from Alabama [Mr. WHEELER] that this is new legislation, and on its face it does not reduce expenditures. Therefore the Chair sustains the point of order.

Mr. WHEELER of Alabama. I move that the committee rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose and the Speaker having resumed the chair, Mr. O'NEIL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895, and had directed him to report the same favorably to the House, without amendment.

Mr. WHEELER of Alabama. I move the previous question upon the bill to its passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. WHEELER of Alabama, a motion to reconsider the last vote was laid on the table.

FURNITURE FOR UNITED STATES COURTS, CHICAGO.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk (H. Res. 147).

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to transfer to the rooms now occupied and used by the United States courts at Chicago, the furniture and carpets heretofore used by said courts and the officers thereof in the public building at said city, and the United States marshal for the northern district of the State of Illinois shall execute a receipt to the custodian of the public building at Chicago for the articles so transferred, and such articles shall be returned when required by the Secretary of the Treasury.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. BANKHEAD] for the present consideration of this joint resolution?

Mr. BURROWS. I hope the gentleman will explain the object of this.

Mr. BANKHEAD. I would like to have read the letter of the Secretary of the Treasury, which explains this resolution.

The Clerk read as follows:

TREASURY DEPARTMENT, *Washington, March 23, 1894.*

DEAR SIR: I transmit herewith a form of a resolution authorizing the Secretary of the Treasury to transfer certain furniture from the public building at Chicago to the rooms now occupied by the United States courts in that city, with the request that the same be considered and passed at as early a day as possible.

The United States courts have been removed from the public building to rented premises, and unless some provision is made by which this furniture can be used in the rented building, it will be necessary to expend from $10,000 to $12,000 in the purchase of new furniture; and, as the courts will meet at a very early day, prompt action is necessary in this case.

Very truly, yours,

J. G. CARLISLE, *Secretary.*

Hon. JO ABBOTT,
House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. BANKHEAD, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. HENDERSON of North Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills.

Mr. LOUD. Mr. Speaker——

Mr. REED. Mr. Speaker, I shall object to going into committee, because it is obvious that a quorum, or half of a quorum, is not present.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. REED. Division.

The House divided; and there were—ayes 71; noes 3.

Mr. REED. Just as I thought; there is no quorum present.

The SPEAKER. The gentleman from Maine makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from North Carolina, Mr. HENDERSON, and the gentleman from Maine, Mr. REED.

Mr. HENDERSON of North Carolina. There is evidently not a quorum here, and I do not want to take up the time of the House for nothing. I will state to the gentleman from Maine that there are a great many uncontested items in this bill, and I shall be perfectly willing to agree, if we can take it up, to pass over for the present the items to which there are objections.

Mr. REED. We have had unexampled activity to-day, as we have passed one appropriation bill. You can take a recess.

Mr. HENDERSON of North Carolina. As there is no quorum here, I will withdraw the motion.

Mr. REED. I will withdraw the point of no quorum. Both suggestions have been withdrawn, Mr. Speaker.

The SPEAKER. The vote, however, has been taken.

Mr. REED. The point of no quorum has been withdrawn, and the gentleman withdraws the motion to go into committee. That can be done by unanimous consent.

The SPEAKER. By unanimous consent it can, of course, be done. There being no objection, then, the motion to go into Committee of the Whole and the point of no quorum will be withdrawn. The Chair will lay before the House requests of members.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. TALBOTT of Maryland, for one day, on account of important business.

To Mr. MCETTRICK, until Tuesday, on account of sickness in his family.

To Mr. GILLET of New York, for ten days, on account of sickness in his family.

To Mr. ALDRICH (on motion of Mr. MERCER), for to-day, on account of sickness.

Mr. SAYERS. I ask unanimous consent that the House take a recess until 8 o'clock this evening.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House take a recess until 8 o'clock this evening, the evening session to be devoted to business under the rule. Is there objection? [After a pause.] The Chair hears none. The gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the Chair at the evening session; and the Chair now declares the House in recess until 8 o'clock.

Accordingly (at 3 o'clock and 55 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read clause 3 of Rule XXVI.

The Clerk read as follows:

3. The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, which evening session shall be devoted to the consideration of private bills reported from the Committee on Pensions and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only; said evening session not to extend beyond 10 o clock and 30 minutes.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar, under the rule just read.

The question was taken, and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. KILGORE. I would like to have a count, Mr. Speaker, and I demand a division.

The House divided; and there were—ayes 27, noes none.

Mr. KILGORE. Mr. Speaker, I do not think we have enough people here to do any work. I think I will make the point of no quorum upon this. [After a pause.] I do not make the point now, but will wait awhile and see how this thing works.

The SPEAKER *pro tempore*. The ayes have it, the motion is agreed to, and the gentleman from Indiana [Mr. BRETZ] will take the Chair.

The CHAIRMAN. The House is in Committee of the Whole on the Private Calendar, and the Clerk will report the first bill.

ADDISON M. COPEN.

The first business on the Calendar was the bill (H. R. 1868) for the relief of Addison M. Copen.

The bill was read at length.

Mr. KILGORE. I did not exactly understand the reading of that bill, but it appears to me to be obnoxious to a point of order that it is not within the jurisdiction of these Friday night sessions.

Mr. MOSES. Mr. Chairman, as chairman of that committee I have been here several times, and have never found anyone in the committee to defend the bill; and I move that it be reported back to the House with the recommendation that it lie on the table.

The CHAIRMAN. Does the Chair understand that the gentleman makes the point of order?

Mr. KILGORE. I will insist upon the point of order if there is anything in it. I am not certain from the reading of the bill whether the point of order is well taken or not.

Mr. TAYLOR of Indiana. It is properly before the committee.

The CHAIRMAN. The Chair overrules the point of order; and the question is on ordering the bill to be laid aside with a favorable recommendation.

Mr. CLARK of Missouri. I object. I understand that the gentleman from Georgia [Mr. MOSES] made a motion that the bill be reported back with a recommendation that it lie on the table, where I think it ought to be.

Mr. MOSES. I move that the bill be reported to the House, with the recommendation that it lie on the table.

The motion was agreed to.

WASHINGTON HISLOP.

The next business in order was the bill (H. R. 5020) granting a pension to Washington Hislop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and instructed to place on the pension roll, subject to the conditions and limitations of the pension laws, the name of Washington Hislop, late of the Marengo Light Guards, Indiana Legion, the said Hislop having received injuries in the Morgan raid.

Mr. BRETZ. I ask for the reading of the report.

Mr. TALBERT of South Carolina. I move that that bill be reported back to the House with the recommendation that it be laid on the table.

The report (by Mr. MARTIN of Indiana) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5020) granting a pension to Washington Hislop, and submit the following report:

The petitioner has filed no claim in the Pension Bureau for the reason that having been in the State militia he has no pensionable status under the general laws. He alleges that he was in a band of men organized to repel the raid of John Morgan's men, and that in a battle about July 1, 1863, near Salem, Ind., he received a gunshot wound in the forehead at the hands of the enemy. He furnishes the testimony of David Denton, of Fargo, Ind., and John Agan, of Valeene, Ind., tending to show that he was wounded, as alleged; also a certificate from Dr. John McDonald, of Valeene, Ind., to the effect that the petitioner is very deaf, and that he has a scar on the forehead, over the left eye, extending about 2½ inches to the right, having the appearance of a gunshot wound. Fountain Burton and James Grimes, of Fargo, Ind., testify that the petitioner owns 40 acres of land, worth $250, and personal property not to exceed $150.

It has been the policy of Congress in recent years to pension men not regularly in the military service of the United States only for wounds incurred in action with the enemy. This policy would suggest that the petitioner should be pensioned for such gunshot wound as he may have received as he alleges, and that he be required to prove the origin of such wound in the same manner as regular soldiers must do under the provisions of the general law. To do more than this would be to place him on a better basis than are the soldiers of the war, which would clearly be unjust.

Your committee therefore recommend that the bill do pass after being amended as follows:

Strike out all after the word "Legion," in line 7, and insert in lieu thereof the words, "at a rate proportionate to the degree of disability from such gunshot wound of the forehead as may be shown to the satisfaction of the Secretary of the Interior to have been incurred in an engagement with the enemy during the Morgan raid."

Mr. BRETZ. Mr. Chairman, I understand that there is a motion pending to report the bill to the House with a recommendation that it be laid on the table.

The CHAIRMAN (Mr. HARE). The Clerk will report the amendment recommended by the committee.

The amendment reported by the committee was read, as follows:

Strike out all after the word "Legion," in line 7, and insert in lieu thereof the words "at a rate proportionate to the degree of disability from such gunshot wound of the forehead as may be shown to the satisfaction of the Secretary of the Interior to have been incurred in an engagement with the enemy during the Morgan raid."

Mr. BRETZ. Mr. Chairman, this is one of the bills we had up some time ago when the nature of this claim was fully stated to the House. There was some question as to whether there were any precedents for a special bill of this character.

Mr. LIVINGSTON. Not having been present when the report was read, Mr. Chairman, I wish to know how it was this soldier got wounded?

Mr. BRETZ. I will state that to the gentleman from Georgia. In July, 1863, Gen. Morgan crossed the Ohio River on a raid through Indiana and Ohio. This man belonged to an organization in the State of Indiana known as the Indiana Legion, or Home Guard, and was regularly mustered into that service. I do not mean that he was mustered into the United States service; but he was regularly mustered in, and was subject to the order of the governor of the State. When Gen. Morgan crossed the river and went through Indiana into Ohio, these men were called out and pursued him.

Mr. LIVINGSTON. Who called them out, the governor?

Mr. BRETZ. The governor of the State—Governor Morton. Near Salem, Ind., there was an engagement between Gen. Morgan's forces and this organization, and in that engagement the man received a gunshot wound in the forehead, of the truth of which I know nothing, except that which is contained in the statement and the proof of those who were with him. There are quite a number of affidavits to that effect from those who were with him in that service.

Now, this bill provides that he must prove to the satisfaction of the Secretary of the Interior that he was wounded in an engagement in defense of the State, that he was wounded by the enemy, and unless he is able to make that proof he gets no pension. In other words, this bill simply gives him a day in court. It does not give him any specific sum at all, but simply allows him to make his proof. If he received a wound that entitles him to a pension and he can make satisfactory proof of it, he gets just as much pension as he can show he is entitled to.

Mr. LIVINGSTON. Under the law of 1890?

Mr. BRETZ. It only lets him go before the Interior Department to prove his case.

Mr. TAYLOR of Indiana. It simply gives him a status before the Department to prove his claim.

Mr. BRETZ. Exactly.

Mr. BROOKSHIRE. Subject to the provisions of the pension laws.

Mr. BRETZ. Certainly; subject to all the provisions of the existing pension laws.

Mr. STALLINGS. Why did he not go in under the old law?

Mr. BRETZ. He could not. He was not a regularly enlisted soldier. He belonged to what was known as the Indiana Legion.

Mr. COX. He was called out by the governor of the State.

Mr. BRETZ. Yes; by the governor.

Mr. COX. He was a soldier of the State.

Mr. BRETZ. That is what he was.

Mr. COX. Now, has not the State in her legislation made any provision for such cases?

Mr. BRETZ. No, sir.

Mr. TAYLOR of Indiana. There is none in our State, nor in any of the Northern States.

Mr. COX. We have made such provision in the South, but that was the only thing we could do.

Mr. BRETZ. I will state further, that the captain of this man's company was pensioned for injuries received in that identical raid.

Mr. STALLINGS. May I ask the gentleman a question for information?

Mr. BRETZ. Certainly.

Mr. STALLINGS. Was there not a statute passed—I think in 1866—allowing pensions to militia soldiers, men situated like this one, provided they could prove disability received in the line of duty?

Mr. BRETZ. No, sir; I think not.

Mr. STALLINGS. I think the gentleman is mistaken about that. I think there was such a statute and that I can show it, but I believe that under that statute the claimant was required to make his proof by 1874 or 1875.

Mr. BRETZ. I shall be very glad indeed if the gentleman can show such a statute as that. I have no knowledge of it.

Mr. STALLINGS. I think there was a statute passed in 1865 or 1866 that gave to this class of soldiers, militiamen, pensions provided they prove their disabilities within a certain time.

Mr. TAYLOR of Indiana. I think the gentleman is wrong.

I have no knowledge of any such statute which would apply to this case.

Mr. LIVINGSTON. There was a Federal statute of that kind, but application had to be made under it by 1876.

Mr. STALLINGS. If there was such a statute as that I want to know why this man did not come in under it?

Mr. BRETZ. I will say to the gentleman that if there was any such statute as that, and I do not know anything about any such statute, it was never resorted to by anyone in Indiana or anywhere else that I know of, because Congress has been passing just such bills as this for the relief of the militiamen of various States of the Union. To show this, I will ask the Clerk to read a portion of the report in another case in the first session, Fiftieth Congress.

The Clerk read as follows:

Enoch Weathers enlisted in a volunteer militia company formed in Crawford County, Ind., in July, 1863, called the Marengo Light Guards, organized expressly for the purpose of suppressing the "Morgan raid."

The organization was in conformity to the militia law of Indiana, approved May 11, 1861, and it is proved that said company elected its officers and was mustered into the Indiana Legion, and that each member thereof took the oath of allegiance. The said Enoch Weathers was elected captain of said company, and was duly commissioned by Governor Oliver P. Morton. He asks that Congress pass a special act for his relief on the ground that while acting as a member of said company, and in line of duty, about the 17th day of July, 1863, at New Albany, Ind., while assisting in bringing a cannon on board of a boat he was ruptured in the right side by being severely struck with the tongue of a gun carriage. He has made no application for pension for the reason that the Pension Department do not consider claims arising from injuries received by persons belonging to State militia organizations.

Mr. BRETZ. Now, Mr. Chairman, that there may be no question as to its being the policy of Congress to pass bills of this kind, I will call attention to another case reported in the Fiftieth Congress, where a militiaman of West Virginia, acting in the same capacity as the man for whose benefit the pending bill is intended, received a pension. The same is true also of members of the militia of Kansas and of Illinois. So that there can be no question as to the precedents for a bill of this kind; the only difference being that in each of the cases to which I refer the applicant was granted a specific pension, while this bill does not grant any specific sum, but simply, as I have already said, permits this man to make his proof, and then, if he is able to do that, he is to receive such pension as his proof entitles him to. If he is unable to make the proof he gets no pension. Now, unless some gentleman desires to ask further questions, I will ask that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. LIVINGSTON. Mr. Chairman, I am in favor of this bill being laid aside with a favorable recommendation. I think it is only fair and just that this man should be pensioned if he can make a satisfactory showing before the proper tribunal. The Congress of the United States did pass an enabling act to meet these cases, but I think the limitation ran against it in July, 1874, and evidently this man, if he was wounded as alleged in the bill and in the report, did not avail himself of that statute and probably never heard of it. I do not think it is good policy for us to make fish of one man and flesh of another. There are thousands and tens of thousands of men on the pension roll who did no more service and incurred no more disability than this man did.

Mr. TAYLOR of Indiana. Many of them not so much, for he was shot.

Mr. LIVINGSTON. Yes, this man was shot. He was shot, it is true, while in the service of the State, but while he was resisting the enemies of the Federal authority, and the man who had the moral courage to enter the State militia and fight such a gang as John Morgan carried with him is entitled to some notice and some consideration from this House. [Laughter.]

I hope there will not be a single vote on either side against laying this bill aside with a favorable report.

[Cries of "Vote!" "Vote!"]

Mr. STALLINGS. I will not occupy more than a moment. But I have some pride of opinion when it comes to the question of a statute which I have undertaken to cite. Now, I call the attention of the gentleman from Indiana to the statutory provision bearing on this case, and to which I referred. It is in these words:

Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or nonenlisted person, on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874.

Now, I asked the gentleman why it was, if this man was disabled in that battle, he did not make claim under this statute? He had, as I understand, from 1864 till 1874 to make his claim. I wanted to know why that was not done.

Mr. BRETZ. I will not take issue with the gentleman from Alabama [Mr. STALLINGS] as to the statute. I will simply say I had no knowledge of the existence of any such statute. But the reading of this statutory provision shows that it expired in 1874.

Mr. STALLINGS. That is exactly what I suggested to the gentleman, and I asked him why advantage was not taken of this statute while it was in force.

Mr. BRETZ. Why this man never applied for a pension during the existence of that law I am unable to say. I suppose he was in the same condition as all these other men who have been pensioned by special acts, the reports on whose cases I hold in my hand. I refer to these bills passed during the Fiftieth and Fifty-first Congresses. I do not know why these persons did not apply during the existence of the statute. I suppose they knew nothing about it, as I presume was the case with this man.

Mr. CABANISS. On looking at this statute, I find that it was not passed until March, 1873; and as it expired in 1874, the soldier had only about one year in which to take advantage of it.

Mr. BRETZ. I thank my friend for that information; it confirms the suggestion I just made that these persons probably knew nothing about the statute.

Mr. DOOLITTLE. I suppose that under the circumstances it may reasonably be taken for granted that this man was not aware of the existence of such a statute.

Mr. BRETZ. That is what I say. It appears that the statute ran only about one year. Mr. Chairman, I now ask for a vote.

Mr. STALLINGS. I would like to ask the gentleman from Georgia [Mr. CABANISS] where he gets his authority for stating that the provision which I read was not passed until 1873.

Mr. CABANISS. That is the annotation which I find on the margin—March 3, 1873.

Mr. STALLINGS. That applies to section 1; but this is section 3.

Mr. CABANISS. But section 3 is marked the same way.

Mr. STALLINGS. I do not care particulary about that matter. I only wanted to know why this man did not apply before the statute expired.

Mr. CURTIS of New York. The answer is that presumably he did not know of the existence of the statute.

Mr. MARTIN of Indiana. Mr. Chairman, in my view it makes no difference whether this soldier knew of the existence of this statute or not. If he had known of it it would not have helped him. No soldier of this Indiana Legion could have been benefited at all by this statute. It will be observed that the wording is this:

Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States—

That is not this case at all.

Mr. STALLINGS. Read just one line further.

Mr. MARTIN of Indiana. Well, I think even in that case——

Mr. STALLINGS (reading):

or who otherwise volunteered and rendered service in any engagement with rebels or Indians.

John Morgan was a "rebel."

Mr. MARTIN of Indiana. Mr. Chairman, I think the provision referred to has no reference at all to services rendered by the Indiana Legion. It never has been urged, I believe, on the floor of this House that in a case of this kind the act referred to had any application. Hence I think the question asked by the gentleman from Alabama [Mr. STALLINGS] is answered in this way—that the act cited does not cover this case.

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The amendments reported with this bill from the committee were, as the Chair understands, acted upon last Friday evening. The question is now, Shall the bill as amended be laid aside to be reported to the House with a favorable recommendation?

The question was decided in the affirmative.

WARREN ALONZO ALDEN.

The next business on the Calendar was the bill (H. R. 2108) to perfect the military record of Warren Alonzo Alden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and required to enter the name of Warren Alonzo Alden upon the roll of Company H of the Ninety-second Ohio Volunteer Infantry, with a statement of the fact that he faithfully served the United States in said organization, commencing August 15, 1862, and continuing until January 5, 1863.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and required to complete the record as to the services of Warren Alonzo Alden in Company C, Fourth Independent Battalion Ohio Volunteer Cavalry, in which he served from July 10, 1863, to October 10, 1863.

Mr. LIVINGSTON. I ask for the reading of the report in this case.

The report as already published in the proceedings of last Friday night was again read.

Mr. STALLINGS. I should like to know who introduced the bill, and should like to have a statement from him.

Mr. LIVINGSTON. There is nothing in it, only to make this man eligible to join the Grand Army of the Republic. He can not draw a pension.

The CHAIRMAN. The Chair understands the bill was introduced by the gentleman from Illinois [Mr. DURBOROW].

Mr. TAYLOR of Indiana. I move that it be passed without prejudice, so that the gentleman from Illinois may explain it.

Mr. STALLINGS. That has been the custom, to let the man who introduced a bill explain it.

The CHAIRMAN. Without objection the bill will be passed over without prejudice.

There was no objection.

LUCINDA C. WHEELER.

The next business on the Calendar was the bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the name of Mrs. Lucinda C. Wheeler, widow of John H. Wheeler, late private in Company L, Seventh Regiment Tennessee Cavalry, in the war of 1861, and grant her a pension at the rate of $12 per month, subject, however, to the limitations of the pension laws.

The report, as published in the proceedings of Friday, March 16, was read.

Mr. STALLINGS. That is the case we had up here on last Friday night. I have examined the facts in that case as well as I could. I was opposed to it last Friday night, and I am opposed to it to-night, for the identical reasons I gave before. I will ask that that case be laid aside. There are other cases that ought to come up that are meritorious. I do not think it ought to be favorably reported, and I ask that it be laid aside.

Mr. PICKLER. I object.

Mr. MARTIN of Indiana. I, of course, yield to the gentleman from Alabama [Mr. STALLINGS] in all that he says about his notion that there is no merit in this case, but the Committee on Invalid Pensions have examined this case carefully, have examined all the evidence, and they feel that the case is meritorious.

Mr. CABANISS. Who introduced it?

Mr. MARTIN of Indiana. It was introduced by the gentleman from Illinois [Mr. SMITH].

Mr. LIVINGSTON. If he is not here, let it be laid aside until he does come.

Mr. MARTIN of Indiana. If there be no objection, Mr. Chairman, I will ask that it be passed over until the gentleman from Illinois [Mr. SMITH] can be here.

The CHAIRMAN. The gentleman asks unanimous consent that the bill be laid aside without prejudice, until the author may have an opportunity to explain it. Is there objection?

There was no objection.

CELESTIA P. HARTT.

The next business on the Private Calendar was the bill (H. R. 5351) granting a pension to Celestia P. Hartt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Celestia P. Hartt, widow of Samuel T. Hartt, late naval constructor, and allow her a pension equal to that allowed officers in the Navy of the grade of captain.

The report (by Mr. TAWNEY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5351) granting a pension to Celestia P. Hartt, submit the following report:

The claimant is the widow of Samuel T. Hartt, who at the time of his death, and for twelve years prior thereto, was a naval constructor in the United States Navy. The records of the Navy Department show that he was appointed a naval constructor July 5, 1847, and served as such at the navy-yards at Norfolk, Va., and Pensacola, Fla., and that he died at Norfolk, Va., while still in the naval service, May 10, 1859.

The claim of the widow has been rejected because of the fact that at that time naval constructors were civilian employés, but it is shown that by Congressional legislation enacted July 25, 1866, naval constructors and first and second assistant engineers were given rank and pay as officers of the Navy.

It is shown by evidence satisfactory to your committee that the officer died from disease resulting from extraordinary exposure attending the burning to the water's edge of the steamer North Carolina in the waters of Chesapeake Bay in the early morning of January 29, 1859, compelling the crew and passengers to take to small boats at that inclement season of the year; that he was a passenger on said steamer and was returning to his station at the Norfolk navy-yard from Washington, D. C., whither he had gone on business connected with his official duties; that he lived less than five months after this catastrophe, leaving a widow, the claimant, who has ever since remained his widow, and five of his children, all under 8 years of age, to rear, with an embarrassed estate practically yielding no revenue to her.

The facts presented show that had the officer survived a few years and then died the title of his widow under the general pension laws would have been indefeasible, and, as it is shown that his death was due to disease contracted by him in performance of his duty, thus rendering the Government responsible for his premature death, your committee believe that she should have the benefit of the legislation subsequently enacted for the benefit of this class of officers and their widows.

Besides, it is shown that the claimant is over 63 years of age, in impaired health, and with no adequate source of subsistence.

The passage of the bill granting a pension as of the grade of naval constructor, with rank of captain, United States Navy ($30 per month), is recommended.

Mr. LANE. I want to raise a point of order on that bill.

Mr. MOSES. I move to strike out "thirty" and insert "twelve."

Mr. LANE. What committee reported that bill?

Mr. CURTIS of New York. The Pension Committee.

Mr. LANE. Had they any right to do that? I do not think this man was ever a soldier, or that he was ever in the army service at all, or in the naval service. I raise the point of order that the Committee on Pensions have no jurisdiction of this class of claims. They have only jurisdiction of matters connected with the Army or the Navy. He was in neither. He was simply an employé of the Government. I wish to raise the point of order that the committee have no jurisdiction in the matter.

Mr. CURTIS of New York. In answer to the gentleman from Illinois [Mr. LANE], who raises the point of order, I desire to say that the rule relates not to the connection with the service, but to the performance of service in connection with the Department of the Army or Navy; and, therefore, either the Committee on Pensions or the Committee on Invalid Pensions have ample jurisdiction to consider a bill in relation to a person who served in a capacity connected with the Army or Navy, whether he was mustered in or not. If the service he rendered of that character justifies the committee in giving consideration to it, it comes, as a matter of equity, properly before the House.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MOSES. I move to strike out "thirty" and insert "twelve."

Mr. STALLINGS. Before that amendment is put I wish to know who introduced the bill?

Mr. TYLER. Mr. Chairman, I introduced this bill, and introduced it not simply for the purpose of getting anything that the committee might choose to grant this widow, but to have her placed on the roll where she is entitled to be placed. By reading the report of the committee and the facts stated, it will clearly appear to the committee that she is entitled to be placed on the pension rolls, and that she is entitled to all the rights that such action may give her.

Mr. KILGORE. Will the gentleman allow me to interrupt him?

Mr. TYLER. Certainly.

Mr. KILGORE. My understanding is that the husband of this lady died in 1859, and that at that time constructors in the Navy were civilians?

Mr. TYLER. That is true.

Mr. KILGORE. In 1866, however, Congress enacted a law putting constructors of the Navy on the same footing with soldiers.

Mr. TYLER. On the same footing with officers of the Navy.

Mr. KILGORE. Yes; with officers of the Navy. Now, I understand that the gentleman from Virginia seeks to make that law apply to this case.

Mr. TYLER. Just as it would apply to this case.

Mr. KILGORE. I understand if this party had lived through the war, had undergone the peril incident to the war, and had died after 1866, his widow would have been entitled to the benefits of that act. That is precisely the point on which the act of 1866 was passed, because these constructors during the war endured just as much hardship and peril as any officer in the Navy, and therefore they were entitled to the same privileges.

Mr. TYLER. I am free to admit, Mr. Chairman, that I understand that that is the reason of the passage of the law of 1866, placing these civilian employés, as they had not been up to that day, on an equality with the officers of the Navy; but I say to the gentleman that as far as any peril these officers might have passed through because of the war, it did not exceed that endured by this constructor, who died by reason of exposure during an accident in line of duty.

Mr. KILGORE. That is merely the opinion of the committee, and they are liable to be mistaken about that.

Mr. TYLER. There is no opinion about it. That is the fact.

Mr. KILGORE. Do you mean that if a constructor was drowned before the act of 1886 that he had undergone the same exposure as a naval constructor during the war?

Mr. TYLER. He was not drowned, but he contracted a disease by reason of exposure. He lived four or five months after that exposure; and I do not suppose that the gentleman from Texas denies the fact as stated in the report.

Mr. KILGORE. But the report of the committee is not conclusive with me.

Mr. TYLER. I can understand that; but I think those circumstances are conclusive to the committee here.

Mr. KILGORE. That is hardly prima facie.

Mr. TYLER. I will say that the prima facie statement made by the committee must be accepted unless the gentleman from Texas can deny it.

Mr. TATE. He can deny anything. [Laughter.]

Mr. TYLER. I know; but he would not deny it. I call the attention of the committee to the facts stated in the report. I assume that the committee in reporting this case was very careful in examining all the evidence before them. It is evidence of record, and there can be no question about the facts as stated; and from those facts the committee has decided that this party is entitled to receive a pension.

Mr. KILGORE. Assuming all the facts to be true, my conclusion is that his widow would have been entitled to be placed on the pension roll under the act of 1866 if he had lived during the war and participated in the dangers and hardships of the war.

Mr. TYLER. I will say to the gentleman from Texas that this officer would very gladly have lived through the war. [Laughter.] It was not the fault of the officer that he did not. It was the fault of the United States Government, in whose employment he was at the time he died and in whose service he was when the exposure occurred which caused his death. It seems to me that it is only an act of justice that the Government should give to his widow the same right that she would have had and which would have been an indefeasible right had he lived six years longer in the service of the country.

Mr. KILGORE. On the same theory, if you carried it to its logical conclusion that it is the fault of the Government, then I am entitled to a pension, although I was on the wrong side in that little performance. [Laughter.] The Government is not to blame for it, but I am to blame. I have relented.

Mr. TYLER. I hope that the gentleman——

Mr. KILGORE (continuing). I am willing to forgive these gentlemen. [Laughter.]

Mr. TYLER. I hope the gentleman will get on the right side to-night and vote for this bill.

Mr. KILGORE. I can not do that.

Mr. TYLER. I think it appeals to the sense of justice and it appeals to the kindly feeling of humanity.

This lady has now reached the age of 63 years. She is an invalid herself, and in very dependent circumstances; and I think this bill appeals especially to this committee.

Mr. KILGORE. Now, if the gentleman will permit me, the observations just made are altogether on the charity side of the question.

Mr. TYLER. I did not understand what the gentleman said.

Mr. KILGORE. I said your observations in behalf of this lady are altogether upon the charity side. Of course, that appeals to everybody. But it is not the business of this Government to dispense charity unless there is some other condition. I say that this would be a wide departure from any rule that has ever existed on which this House has been granting pensions ever since I have been connected with it; and if we should make a departure of this kind we would throw the doors open to a great number of such claims.

Mr. TYLER. I can not see how that could be true, that it will throw open the door to similar claims. How can it be? Do you know of any other naval constructor——

Mr. KILGORE. If you had been here as long as I have, you would have known that there have been plenty of them.

Mr. TYLER. Do you know of any other naval constructor who died anterior to the war from exposure in the service?

Mr. KILGORE. No, sir; but they will come here promptly if this is done.

Mr. TYLER. "Sufficient unto the day is the evil thereof." I am not frightened by shadows or deterred from doing an act of justice because I apprehend somebody will claim and take advantage of my act. But I do not appeal to this committee on the ground of charity. I was appealing to the gentleman from Texas on that ground, because I think he is more easily approachable when we appeal to his charitable nature than when we appeal to his simple sense of justice.

Mr. KILGORE. Yes, sir. [Laughter.]

Mr. TYLER. I hope the committee will report the bill favorably.

Mr. MADDOX. Can the gentleman from Virginia tell us when this act was passed?

Mr. TYLER. This act was passed on the 25th of July, 1866, and this officer died on May 10, 1859.

Mr. MADDOX. Since the passage of that act these naval constructors have become regular officers; they are appointed for a certain specified time, during which they have to serve like any other officers or soldiers, but prior to that time they were merely civilians, and could quit the service of their own free will at any time. Is not that true?

Mr. TYLER. That is true, with certain limitations.

Mr. MADDOX. Now, right there, I think the report of the committee is wrong. The committee base their report in favor of this lady's claim to a pension upon the ground that since the passage of the act of 1866 these naval constructors having become officers their widows would be entitled to pensions in case of their death. But it should be remembered that anterior to the passage of that act they were not officers, and, therefore, they were not nor were their widows entitled to pensions. This man could have quit the service any time he pleased.

Mr. TYLER. But the fact is that he did not quit the service. He died in the service and in the line of duty. I consider that he died as much in the line of duty as if he had been shot by an enemy, as if he had lived four years longer and had been killed in the civil war. Anterior to the passage of the act of 1866 his widow, if he had died, would not have been entitled to a pension, and in order to give her one it would have been necessary to have had a special act, as it is now.

Mr. MADDOX. Suppose a postmaster had been drowned on that occasion?

Mr. TYLER. Well, if an act of Congress six years afterwards had placed postmasters upon the same footing with the officers of the Army or of the Navy, I think that the widow of a postmaster who died in the performance of his duty anterior to the passage of that act would have been entitled to a pension, as I claim this lady is.

Mr. MADDOX. In other words, you say that this law ought to be retroactive.

Mr. TYLER. The object of this is that it shall be retroactive, except that the person who is to be the recipient of the pension is alive now and that she is the widow of one who was in the employ of the Government in the United States Navy, and who, if he had lived, would have been an officer of the Navy with the rank of captain.

If this man had lived until 1865, had served the United States Government through the war, and had returned from that service covered with wounds, as a civil employé he would not have been, nor, in case of his death, would his widow have been, entitled to a pension prior to the act of 1866; yet I have no doubt that if a special bill had been presented in this House to grant her a pension, it would have passed without a dissenting voice if her husband had shared in any of the battles of the war. It seems to me that the reason objection is made to this is because it happens to be an antebellum pension, but surely you have enough pensions arising out of the civil war, and why is it you object now to giving a pension to the widow of a man who, if he were alive to-day, would be a naval officer?

Mr. MADDOX. My objection is the precedent you are about to set. How many people are there engaged in the navy-yards, or employed in connection with the Navy, but who are not enlisted in the service, to whom we might be required to give pensions on the same principle? There might be thousands and tens of thousands of them. Every person who worked in a ship or in a navy-yard might claim a pension if the doors were thrown open in this manner.

Mr. TYLER. The gentleman is allowing his imagination, or his desire for argument, to get ahead of the facts in this case. This bill applies only to a particular grade, that of naval constructor. These naval constructors are not numerous; they are not as thick as blackberries; you do not find them everywhere. You find only one in a yard.

Mr. MADDOX. I am aware of that fact.

Mr. TYLER. This man, if he were alive now, would be hard upon 70 years of age. He died in the service in 1859. I can not conceive that any other such case is likely to arise.

Mr. MADDOX. Let me tell the gentleman that if we pass this bill he will probably find that they are more numerous than he thinks.

Mr. TYLER. Possibly; but sufficient unto the day is the evil thereof.

Mr. TAYLOR of Indiana. Mr. Chairman, do I understand that there is an amendment before the committee, or is the question on the bill as originally presented?

Mr. MOSES. Mr. Chairman, I withdraw the amendment, as I understand the introducer of the bill is opposed to it.

Mr. TAYLOR of Indiana. Then, Mr. Chairman, I am opposed to this bill, radically opposed to it, for several reasons. I think the reason assigned by the gentleman from Texas [Mr. MADDOX] is a very substantial one indeed, and a good reason why this bill should be rejected by this committee.

But, apart from that fact, this bill is reported to this House to grant this widow a pension of $30 a month. Naval constructors who served during the entire war are not granted at this time pensions of that amount unless they rank equal to captains. I

do not understand that even the naval constructors who served during the war, or their widows, are entitled to a pension of $30. There are some, it is true, who attain a high position as naval constructors—some who rank as captains and others as lieutenants. In such cases, where the men served during the war and were injured or incurred disabilities, the man or his widow is entitled to but $20.

A MEMBER. Twenty-five dollars.

Mr. TAYLOR of Indiana. As low as $20 in some cases—from $20 to $30. Where the naval constructor ranked as a commander, which is a rank below captain, the pension is $25; where he ranked as lieutenant the pension is $20. But that law with reference to naval constructors was enacted for the very reason assigned by the gentleman from Texas: that those men were necessarily compelled during the war to go along with the naval forces in order to superintend the repairs of vessels while in active engagement. Before that time naval constructors were simply ship carpenters—mere civilians, as much so as postmasters. For that reason I am opposed to this bill.

Mr. TYLER. Mr. Chairman, there is no dispute about the fact that this person was a civil employé of the Government at the time of his death. But I assume, and I think I have a right to assume, that the naval constructor of a decade or three decades ago was as necessary to the service of the United States as such an officer is to-day; that it was as great an honor then to be a good naval constructor, performing faithful duty in that line, as it is to-day. I conceive that if this man had lived up to the time of the war, had served through the war, and had died in 1865, his widow would have been entitled to a pension, even though he had not served in the naval forces of the United States. But in 1866 this law was passed placing naval constructors upon the same level with naval officers; and the only reason, as I understand——

Mr. TAYLOR of Indiana. That was done only on the theory assigned by the gentleman from Texas.

Mr. TYLER. In reference to the proposed amount of the pension—$30 per month—I will say that the committee have reported this amount because they recognized the claim of this widow to stand in the same position in which she would have stood had her husband survived the year 1866. He was a full naval constructor; he would have ranked as a captain in the Navy; and would have been entitled, as I understand, under the act of 1866 to a pension of $30 per month. If the gentleman from Indiana [Mr. TAYLOR] objects to this bill on the ground that the amount allowed is excessive, I should be very glad if he would tell me what would be a proper amount.

Mr. TAYLOR of Indiana. I would be in favor of allowing this lady, from considerations of charity simply, the amount designated in the amendment of the chairman of the committee—the same amount allowed other widows—$8 or $12 per month.

Mr. MOSES. Mr. Chairman, I have not said anything thus far in this debate, because this report was adopted at a committee meeting when I was not present. I asked my friend on the committee to say something about it, because I understood he was there. But I believe this bill is a just one. Here is an old woman 63 years of age whose husband died in the line of duty, performing the same obligations to the Government that the husbands of younger widows performed—widows who are now receiving $30 per month.

As to the suggestion in regard to the law passed in 1866, I will say that it was amended in 1871, and to-day if a naval constructor attains the age of 35 years, and if he meets his death in the line of duty, though he may never have been engaged in war, the United States Government gives his widow a pension of $30 a month.

What are the facts here? The husband of this old woman performed forty years ago the identical duty that has since then been performed by younger men whose widows are receiving pensions. For many years she has fought the battles of life alone. The testimony is that she was left with eight little children to support and without a single dollar. Gentlemen here are willing to give younger widows $30 a month; would they deny a small pittance to this old woman whose husband performed equally faithful duty?

Mr. STALLINGS. If her husband died in 1859, has she eight small children now?

Mr. MOSES. I said she was left with eight little children.

Mr. STALLINGS. They are grown now.

Mr. MOSES. Of course they are. And it is an honor to her that she has never come here before asking a pension. I am not here especially to defend this bill. When it was first read I was opposed to it; but on looking into the facts I believe it is a just bill and ought to pass.

I am willing to yield for any question that any member wishes to ask me about it. We are now giving $30 per month to young widows whose husbands have performed military or naval service, and who have died since the war; and yet we can not give this old woman, who was left in penury and want in 1859, even eight, ten, or twelve dollars per month. I proposed an amendment of $12 per month, because I thought she ought to have something; and rather than see the bill fall entirely, I was willing to strike out "thirty" and insert "twelve." If the gentleman will allow me, I believe I will offer that amendment now.

Mr. MEREDITH. Let it go at thirty. The others get that.

Mr. LIVINGSTON. I would like to ask the gentleman a question or two. Were the wives of officers of the regular Army drawing pensions then? Were Mexican soldiers pensioned then?

Mr. MOSES. They are drawing pensions now.

Mr. LIVINGSTON. That is not the question. Was anybody drawing pensions in 1859?

Mr. BLAIR. Yes; when they died in the service.

Mr. MOSES. Not these naval constructors.

Mr. LIVINGSTON. Mexican soldiers themselves could not draw pensions in 1859.

Mr. MOSES. What has that got to do with granting this old woman a pension now?

Mr. LIVINGSTON. From a charitable standpoint it has nothing to do with it; but the gentleman says this would be an act of justice. He must make a discrimination between justice and charity.

Mr. MOSES. Did not her husband hold the same rank?

Mr. LIVINGSTON. He held no rank at all then.

Mr. MOSES. As a matter of fact, as to the service performed, did he not perform the same service, and did he not die in the line of duty, while in the service of his Government?

Mr. LIVINGSTON. That is not the question. The question I ask my colleague is, did he have any rank anywhere at that time? Why of course he had not. Was he entitled to anything under the law? Of course he was not.

Mr. MOSES. That is the reason why we bring in a special bill. It is the equity in these cases that we consider, and the equity in this case is all upon the side of the woman.

Mr. NORTHWAY. Will the gentleman yield to me?

Mr. MOSES. Yes.

Mr. NORTHWAY. Suppose this naval constructor had been an officer of the Navy at the time he died, would he have been entitled to any pension? I understand that Mexican soldiers were not granted any pension then.

Mr. MOSES. Pensions were granted in 1866.

Mr. TYLER. The widow of a captain dying before the war would have been entitled to a pension now.

Mr. NORTHWAY. Would she at that time?

Mr. TYLER. Not at that time; but she would now.

Mr. NORTHWAY. If we open the door to pension this widow, ought we not to pension every widow of every soldier in the regular Army who died between 1846 and 1860?

Mr. MOSES. I am ready to pension any widow of any soldier who died for his country in any war of the United States.

Mr. NORTHWAY. So am I.

Mr. SWANSON. Are not all these private bills introduced for the purpose of doing equity where a person can not come in under the general law?

Mr. NORTHWAY. Yes; but——

Mr. SWANSON. I have never seen one private bill introduced yet which was not introduced for the purpose of doing equity.

Mr. NORTHWAY. Very well——

Mr. SWANSON. What difference does it make whether a man died since 1866 or before, provided he died in the service of this Government? Is not one entitled to a pension as well as the other? These private bills are introduced here to equalize such matters. Here is a bill to give the same right to this woman, whose husband died before 1866, as you give under the general law to the widows of men who died since 1866. Every private pension bill introduced here is introduced with the view of giving some person who could not come in under the general law the same right that others enjoy under the general law. I say this is a case of the same kind and character. If you have a general statute to allow pensions to widows of men who died since 1866, and there are one or two cases of persons who died before 1866 under precisely similar circumstances—I say if you are going to equalize things of that kind, this is a case where it should be done.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. NORTHWAY. Mr. Chairman, in explanation of the question, I want to say that I agree with everyone here who would pension in the largest degree possible the widows of soldiers who died in the service. I would equalize all cases. If there is any general law applying to a class of individuals, and there is an exception which applies to one person, I would remove that exception and bring it into that class.

Mr. SWANSON. Why is not this just such a case?

Mr. NORTHWAY. If there had been any law pensioning soldiers or sailors in the regular Army from 1846 down to 1862, if there had been any bar to this widow, anything that would take her out of the class, I would be willing to remove that and put her into the general class.

But you pension her and you do by her what we are not doing by any other officer who died at that time and left a widow. If her husband had been in the Navy at that time and had died she would not be entitled to any pension at all at that time.

Mr. SWANSON. Suppose her husband had lived until 1867, as a naval constructor, would she not have been entitled to a pension? He would have been very glad to have lived.

Mr. NORTHWAY. If you give this widow a pension, it would compel you to pension all the widows of soldiers and officers of the Army during those periods; and unless we do that I do not see why we should make the exception.

Mr. SWANSON. Is not the difficulty this: The present law specifies that if he died and had not performed services his widow should not receive pension; but if he had performed services that we pension for the services performed, and not for the date of them? This man performed the same services that would apply to the general service. Do you not pension for the services performed; and if you do why should you be so technical as to apply it to the date of the death?

Mr. NORTHWAY. If we pension this widow, let us pass a general law to pension all widows prior to the war.

Mr. SWANSON. To pension the widows of all naval constructors?

Mr. NORTHWAY. To pension the widows of all officers of the regular Army.

Mr. SWANSON. That objection would apply to every special pension case you have here every Friday night. You pass those bills because of some special cause; and then when we reach a case of that kind, you gentlemen say that we ought to have a general statute.

Mr. NORTHWAY. I had the floor, and I did not yield to the gentleman to make a speech. This is my idea: If we take this widow and pension her because her husband died in the service, not in battle, but in time of peace; then why should we not pension the widows of all officers and soldiers who died at that time, on the same ground?

Mr. SWANSON. You do provide for all who died since 1866, regardless of what service was rendered.

Mr. NORTHWAY. Why should we pension all who died before that time? Now, I say this: If we should pension this widow, and I am not saying we should not do it, we should pass a general statute pensioning the widows of all the officers and soldiers who died during any of those years. We should have a general statute, so that that could be applied to all who were applicants for pension under such conditions.

Mr. KILGORE. I would like to ask the gentleman from Indiana, chairman of the Committee on Invalid Pensions, his view of this bill coming from his committee?

Mr. MARTIN of Indiana. Mr. Chairman, this bill does not come from the Committee on Invalid Pensions.

Mr. TAYLOR of Indiana. What is your view, is what he asked.

Mr. MARTIN of Indiana. It comes from the Committee on Pensions, of which the gentleman from Georgia [Mr. MOSES] is chairman.

Mr. KILGORE. Ah!

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. PICKLER. There is one point which I think has hardly been sufficiently stated. It is this: If this naval constructor had died in 1866, his widow would have been entitled to a pension. I am not expressing any opinion upon this case. We do not legislate anybody into the service in order to give their widows a pension. You see how difficult it is for militiamen to obtain pensions; men who fought. You see how difficult it is to get pensions for them unless the militiamen were injured or killed in battle. I simply wish to call attention to that fact.

Mr. TALBERT of South Carolina. Another point in this case is this: If this widow is allowed to receive a pension it seems to me that it will open the doors very wide, and then we will have to go back and pension the widows of all the postmasters and the widows of men engaged in any kind of work for the United States.

A MEMBER. And of Congressmen.

Mr. TALBERT of South Carolina. And the widows of Congressmen, and everything of that sort. It would open the door very wide; and a bill of this kind ought not to pass.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. STALLINGS. Division.

The committee divided; and there were—ayes 21, noes 30.

So the motion was rejected.

JOHN I. PATMAN.

The next business on the Private Calendar was the bill (H. R. 5111) for the relief of John I. Patman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place upon the roll of Capt. William U. Anderson, Maj. James Wood's Battalion of Georgia Volunteers, in the Indian war of 1836, the name of John I. Patman as a private, and recognize his service in said organization from the 10th day of June, 1836, when mustered into service, to the —— day of August, 1836, when mustered out and honorably discharged.

The CHAIRMAN (Mr. BRETZ). The Clerk will report the amendment.

Mr. KILGORE. Mr. Chairman, I make the point of order on that bill.

Mr. CABANISS. I hope the gentleman will wait till he hears the amendment and the report read.

Mr. KILGORE. Very well.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read as set forth in the report printed below.

The CHAIRMAN. Does the gentleman make a point of order against the bill?

Mr. KILGORE. My impression is, that the amendment cures the defect that I undertook to reach by the point of order. I understood from the reading of the bill that it provided that this man should be put upon the pension roll by the Secretary of the Interior and have a pension at the rate of $8 a month. If that provision is not in the bill as amended, the point of order would not be well taken, and therefore I do not make it.

Mr. CABANISS. Let the report be read.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5111) for the relief of John J. Patman, having had the same under consideration, respectfully submit the following report:

Mr. Patman alleges that he served in the Creek war of 1836 in Capt. W. N. Anderson's company, Third Battalion Georgia Volunteers, and his allegations are borne out by the testimony of Capt. Anderson and several comrades. The period of service is shown by these witnesses to have been from June 7 to August 18, 1836.

A search of the records of the War Department fails, however, to show the service, and because of this fact the application for pension under the Indian war act of July 27, 1892, filed by Mr. Patman at the Pension Bureau, was disallowed. There can not, however, be any doubt that the claimant rendered the service, as the testimony of the witnesses above referred to is very direct and positive on this point.

The proof also shows that Mr. Patman is very old, about 80 years, and needy, and in the natural order of things he can not long remain a charge upon the bounty of the Government if the relief prayed for is granted.

The passage of the bill is recommended, with an amendment striking out all after the enacting clause and substituting in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John J. Patman, late a private in Capt. William M. Anderson's company, Maj. James Wood's battalion, Georgia Volunteers, in the Indian war of 1836, and allow him a pension rated at $8 per month.

Mr. CABANISS. Mr. Chairman, the facts in favor of this claim are simply these: By the testimony of a comrade who is now drawing a pension, this man served from the date mentioned in the report until he was mustered out at the time mentioned in the report. That fact is established by the testimony of the captain of his company, who is now dead. It appears, however, that when this claimant made application for a pension his name was not found upon the muster roll. That has been explained by the fact that the original roll was destroyed and the copy of it now in the Department omits his name, but there are affidavits to the effect that Capt. Anderson, who, as I have stated, is now dead, made out a roll of his company and had it published, giving a history of the company and its members who went from the county where he lived and where this claimant lived, and that this man's name was upon that roll. There is the testimony of a man named Benson that this man was mustered in at the same time that he, Benson, was mustered in, and was mustered out at the same time. There is no doubt, from the proof, that this man performed the service, and the fact that his name is not upon the muster roll is explained as I have stated, but, his name not being upon the roll, he failed to get a pension when he applied for it.

Mr. KILGORE. My understanding from the report is that there is no record in the War Department, or in any Department of the Government, showing that this man served in that Indian war.

Mr. CABANISS. That is true.

Mr. KILGORE. Now, I understand that they propose to account for that by showing that the original muster roll was destroyed and another substituted.

Mr. CABANISS. Yes: and his name is not upon that latter roll.

Mr. KILGORE. The trouble that I apprehend in the matter

is that if there is no record, while it may not be the fault of the soldier at all, the absence of such a record has generally been considered conclusive in such cases.

Mr. CABANISS. I have stated that we have the affidavits of his comrades, and also the testimony of his captain.

Mr. KILGORE. I understand that, and I understand also that he enlisted from the county in which I was born, which is in his favor. [Laughter.]

Mr. MOSES. I will say to the gentleman from Texas that we have the testimony of his own uncle, who is now drawing a pension, that this man was in the service with him.

Mr. KILGORE. That ought to be mighty good testimony. [Laughter.] I do not dispute the testimony of any of these gentlemen, Capt. Anderson, or Capt. Long, or my uncle, but the trouble is that the absence of a record has been considered conclusive.

Mr. CABANISS. Let me suggest to the gentleman from Texas that if the name was on the roll there would be no necessity for this bill, because the pension would have been granted long ago. We passed a bill similar to this last Friday evening.

Mr. KILGORE. I have no doubt that the proof is sufficient to satisfy a court of equity; but whether it ought to satisfy this House or not I do not know. [Laughter.]

Mr. PICKLER. Mr. Chairman, I am in favor of this bill, from what has been stated here. I believe it is fully established that this man was in the Army and ought to have a pension; but I desire to draw the attention of the committee to the fact that this is precisely parallel with a case which the gentleman from Alabama [Mr. STALLINGS] objected to awhile ago—the case of a man who served in the last war, but whose name, by reason of a technicality, failed to appear on the muster roll.

Mr. STALLINGS. I will ask the gentleman from South Dakota what the case is he refers to?

Mr. PICKLER. The case you objected to a while ago and which went over.

Mr. TERRY. Mr. Chairman, I make the point of order that the gentlemen are not discussing the bill that is before the committee.

Mr. PICKLER. My point is that in that other case it was shown beyond all doubt that the soldier had been in the service and had died in the service.

Mr. SWANSON. Well, the gentleman from Alabama simply asked to have it go over until a gentleman should be present who could tell us all about it.

Mr. PICKLER. I am in favor of this bill, but I simply call attention to the fact that it is precisely similar to a case which the gentleman from Alabama refused a while ago to permit to go through.

Mr. STALLINGS. I would like to ask the gentleman from Georgia [Mr. CABANISS] a question or two in regard to this case.

Mr. CABANISS. I am ready to answer.

Mr. STALLINGS. The report states:

A search of the records of the War Department falls, however, to show the service, and because of this fact the application for pension under the Indian war act of July 27, 1892, filed by Mr. Patman at the Pension Bureau was disallowed.

Mr. CABANISS. His name was not on the muster roll.

Mr. STALLINGS. Is the name on any roll at the War Department?

Mr. CABANISS. None, so far as I know. I have stated here that the original muster roll was destroyed, and that in making out the copy the name of this man was omitted.

Mr. STALLINGS. Does the proof show that the original muster roll was destroyed?

Mr. CABANISS. That is my information.

Mr. STALLINGS. Does the gentleman know that to be a fact?

Mr. CABANISS. I do not.

Mr. STALLINGS. Mr. Chairman, I think a man ought to be consistent about these matters——

Mr. CABANISS. I know this, that the captain of this man's company states that he was in his company and performed this service. I know that one of his comrades now drawing a pension swears (we have his affidavit) that this man was mustered in the identical day that he was, and that he served with him until he was mustered out.

Mr. STALLINGS. I will ask the gentleman to withdraw this case until I can have the opportunity to look into it.

Mr. PICKLER. Let me suggest to the gentleman that he should be consistent in the other direction; let him withdraw his objection to the other bill, and let us pass both. That will be consistent.

Mr. STALLINGS. No, sir; I am stating my objection to this bill.

Mr. CABANISS. If the gentleman wants to defeat the bill, now is as good a time as any other. I decline to withdraw it.

Mr. STALLINGS. I do not desire to make any captious objection to the bill; nor have I stated that I wanted to defeat it. But I do say that before I vote money out of the pockets of the taxpayers of the country I want to know the facts, and I am entitled to know them.

Mr. CURTIS of New York. Does my friend from Alabama [Mr. STALLINGS] think it entirely proper, when the House is considering legislation, to ask an entire Congress to wait until he has personally given attention to a particular bill? If so, it ought to be known and understood.

Mr. STALLINGS. I will say in reply to the gentleman from New York [Mr. CURTIS], that many times I have sat here day after day and hour after hour while he made a whole Congress wait on his motions.

A MEMBER. That has nothing to do with the case.

Mr. STALLINGS. But that is an answer to the question of the gentleman from New York [Mr. CURTIS].

Mr. CABANISS. Will the gentleman allow me to read a portion of this report?

Mr. STALLINGS. Certainly.

Mr. CABANISS (reading):

A search of the records of the War Department falls, however, to show the service, and because of this fact the application for pension under the Indian war act of July 27, 1892, filed by Mr. Patman at the Pension Bureau was disallowed. There can not, however, be any doubt that the claimant rendered the service, as the testimony of the witnesses above referred to is very direct and positive on this point.

Now, if the gentleman from Alabama thinks that by going through the records and making a search he can find the name of this man, I shall be very glad to have him do so. But such a search has already been made. The application for this pension was filed. The name of this man was not found on the muster roll and therefore the claim was disallowed. Now, the only way to do him justice is in the way here proposed—to allow him to make proof that he performed the service, and explain the reason why his name is not on the muster roll.

Mr. STALLINGS. Where are the proofs to which the gentleman refers—the affidavits?

Mr. MOSES. We have just sent to the committee room for some of the affidavits. If the gentleman will allow me, I think I can clear up this matter in his mind.

Mr. STALLINGS. One moment. I will ask the gentleman from Georgia [Mr. CABANISS] whether he knows either of the parties who make affidavit here.

Mr. CABANISS. I do not. But I think the chairman of the Committee on Pensions [Mr. MOSES] does. The claim comes from a different part of the State from that where I reside; and I do not know any of the parties.

Mr. STALLINGS (to Mr. MOSES). Now I will yield for your question.

Mr. MOSES. I thought you wanted me to make some explanation.

Mr. STALLINGS. I thought you wanted to ask me a question.

Mr. CABANISS. I will say, upon reflection, to the gentleman from Alabama [Mr. STALLINGS] that I know one or two of the men who make affidavit; they state they had heard Capt. Anderson say that this man had rendered service, and also that Capt. Anderson, in publishing a history of the county of Coweta, gave the muster roll of this company, and in that muster roll, as published by Capt. Anderson, was included this man's name. And I know Capt. Anderson to have been a gallant and truthful gentleman.

Mr. STALLINGS. The gentleman is too good a lawyer to bring hearsay proof before this House and ask us upon it to take money out of the Treasury.

Mr. CABANISS. I understand that a court of law would not receive these affidavits; but Capt. Anderson being dead, the best evidence we can get is the evidence of those who knew what he said and what were his acts in regard to this matter.

Mr. MOSES. If our committee can ever report properly a bill for a case not covered by the general law, this is such a case. As to the suggestion in regard to reporting bills upon hearsay evidence, I will state we make no reports except upon testimony which would be accepted in a court of justice.

Mr. STALLINGS. I did not make the statement that the committee made their report on hearsay evidence. I said the gentleman's present statement was hearsay.

Mr. CABANISS. Upon reflection, I think it would be admissible in a court of law, Capt. Anderson being dead.

Mr. STALLINGS. I find we differ on the question of the admissibility of the evidence.

Mr. MOSES. We have the sworn affidavits of the captain of the company, Capt. William U. Anderson, who has been dead for three years; but before he died this gentleman was making an application for additional land warrants, and we have on file the

sworn affidavits of Capt. Anderson that this soldier was in his company. We have the affidavits of four of the soldiers who served in that same company, who are now living in my town, all gentlemen whose word no one could successfully question. They all swear that Mr. Patman served throughout that war with them in the same company. Yet his name does not appear upon the records. We know that these old records are very imperfect. Just a few days ago we passed a bill——

Mr. STALLINGS. I understood the gentleman from Georgia [Mr. CABANISS] to say that the record was destroyed. I understand my friend [Mr. MOSES] to say that the records are there, but that this man's name does not appear upon them.

Mr. MOSES. Copies of the record are there, but the son of Capt. Anderson testifies that his father lost the original record.

Mr. LIVINGSTON. You mean the muster roll.

Mr. MOSES. Yes.

Mr. TALBERT of South Carolina. Are these other soldiers, whose affidavits you have, drawing pensions?

Mr. MOSES. They themselves are drawing pensions, and they are all wealthy men compared with this man. He is a poor man.

Mr. TALBERT of South Carolina. Were they in the same company with him?

Mr. MOSES. In the same company with him.

Mr. TALBERT of South Carolina. And they are drawing pensions?

Mr. MOSES. Yes.

Mr. STALLINGS. And they swear that he was with them in the war all the time.

Mr. MOSES. Just the other day there came up the case of a man who distinguished himself as a general in the Revolutionary war, and in whose honor they have just completed a monument up in Massachusetts, and yet his name can not be found upon the muster roll. It is not conclusive evidence that a soldier did not render service simply because his name does not appear upon those rolls.

Mr. STALLINGS. That is not the reason they built the monument, though.

Mr. MOSES. But in a case of this kind, where we have the direct proof from soldiers who served in the same company and knew of the service, our committee thought it nothing but just that the bill should be favorably reported.

Mr. MEREDITH. Every man's testimony is supposed to be true until it is contradicted.

Mr. LIVINGSTON. I want to say to my friend from Alabama [Mr. STALLINGS] that this case is simply this: The name has been for some cause omitted from the records of the War Department, but I hold in my hand the testimony—an affidavit by his captain, an affidavit by Robert L. Long, and other affidavits—and I want to say that these men are to-day known to be truthful honest men in Georgia.

Mr. STALLINGS. Will the gentleman read those affidavits?

Mr. LIVINGSTON. They are long.

Mr. STALLINGS. Just enough of them to show the facts.

Mr. LIVINGSTON. I want to say that these men swear he was in their company, and served there, and was honorably discharged.

Mr. STALLINGS. That is their testimony?

Mr. LIVINGSTON. Yes, and that ought to be enough.

Mr. Chairman, we have had cases of soldiers who served in the war of the rebellion, the Mexican war, and in the Indian wars, and once in a while you will find a man who served, but whose name is not on the records of the War Department. When they come before this House and make such proof as this, they are always pensioned. I hope no objection will be made. This man is as clearly entitled to a pension as Gen. Grant, or anybody else who served the United States Government.

The CHAIRMAN. The question is upon the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. Without objection the bill will be amended to comply with the suggestion of the committee.

There was no objection.

THANKFUL ROBBINS.

The next bill on the Private Calendar was the bill (H. R. 4780) for the relief of Thankful Robbins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thankful Robbins, and to pay her a pension of $12 per month, as the foster mother of George E. Squires, late private Company C, One hundred and twelfth New York Volunteers.

Mr. STALLINGS. Let the report be read, Mr. Chairman.

The report (by Mr. MARTIN of Indiana) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 4780) to pension Thankful Robbins, and submit the following report:

The petitioner alleges that she is the foster mother of George E. Squires, who is shown by the records of the War Department to have enlisted in Company C, Twelfth New York Volunteers, on July 3, 1862, and to have died in service, of dysentery, February 26, 1863.

The petitioner testifies that her first husband was Nathan C. Smith, who died February 2, 1871; she married her present husband, Ralph Robbins, on January 5, 1874; he is a cripple, having lost the use of one arm, and is 78 years old; that they have no property from which to derive a support and are dependent on charity; that in 1846 she and her then husband adopted the soldier, then a boy 2 years of age, who was the illegitimate son of Amanda Smith and Leander Squires, both of whom are dead; that the boy was treated in all respects as their child until his enlistment, and after death was sent home and buried by them; that he was never married and had no children. The truth of this statement is certified to by five witnesses under oath.

It thus appears that the petitioner remarried some years after the soldier's death, but since the above was written her husband, Ralph Robbins, has died, as certified to by Mr. HOOKER of New York, a member of this House, who also certifies to the extreme destitution of the petitioner and her personal worth.

Your committee therefore recommend that the bill do pass, and that the title be amended so as to read, "A bill to pension Thankful Robbins."

Mr. STALLINGS. I would like to know who introduced the bill.

Mr. HOOKER of New York. Mr. Chairman, I introduced the bill.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. STALLINGS. I understood the gentleman from New York was going to make a statement.

Mr. HOOKER of New York. I did not understand that the gentleman cared to have a statement.

Mr. STALLINGS. We can not hear the report very well, and I should like to hear a statement.

Mr. HOOKER of New York. Then I will make a short statement. The soldier was George E. Squires, and he was the illegitimate son of Amanda and Leander Squires. The boy was adopted by this claimant, Thankful Robbins, and her then husband, Nathan Smith, when he was 2 years of age. They treated him in all respects as their own child until he enlisted. He enlisted and died in the service, and they brought him home and gave him a decent and respectable burial. After that time this claimant's husband, who was Nathan H. C. Smith, died, and she remained a widow for some years. Subsequently she remarried Ralph Robbins, who has since died, and this is the foster mother of this boy. She is in dependent circumstances, has no property, and the father and mother of the soldier are both dead. I think that this is really a meritorious case.

Mr. STALLINGS. Is it the widow that the pension is sought for here?

Mr. CURTIS of New York. No; the foster mother.

Mr. HOOKER of New York. The foster mother.

Mr. STALLINGS. Has she got a husband?

Mr. HOOKER of New York. No; she is a widow.

The bill was ordered to be laid aside with a favorable recommendation.

CORNELIA DE PEYSTER BLACK.

The next business on the Private Calendar was the bill (H. R. 3156) granting a pension to Cornelia De Peyster Black, widow of Henry M. Black, late colonel of United States Army, deceased.

The bill was read at length.

Mr. MOSES. Mr. Chairman, I agreed with the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] not to have this bill called up for the present. I do not think he is here, and I ask that it be passed over without prejudice.

There was no objection, and it was so ordered.

CALEB HUSE.

The next business on the Private Calendar was the bill (H. R. 5735) to remove the political disabilities of Caleb Huse.

The bill was read, as follows:

Be it enacted, etc., That, two-thirds of the Senate and the House of Representatives concurring therein, all political disabilities imposed upon and incurred by Caleb Huse, formerly of the State of Alabama and now of the State of New York, by virtue of the fourteenth amendment of the Constitution, be, and are hereby, removed.

Mr. LANE. Let us have the report read.

The report (by Mr. WHEELER of Alabama) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5735) to remove the political disabilities incurred by Caleb Huse, formerly of the State of Alabama and now of the State of New York, by virtue of the fourteenth amendment of the Constitution, submit the following report:

The committee find that Caleb Huse was a distinguished graduate of the Military Academy at West Point, and was for many years assistant professor of chemistry, mineralogy, and geology at that institution. He afterwards was solicited to accept a position as professor of chemistry and commandant of cadets at the University of Alabama, and was elected to that office without application on his part. To accept the professorship he resigned his commission in the Army at a time when secession had not been considered. Prof. Huse occupied the position in the University of Alabama for a long time in a manner very acceptable to the people and very creditable to himself.

While engaged in this peaceful duty of educator Prof. Huse was appointed,

without any application on his part, a captain of artillery in the Confederate army, and again, without application or knowledge that such a thing was contemplated, he received orders to proceed to Europe to purchase arms and ammunition, but after reaching his destination his former orders were revoked and he was instructed to do whatever might seem proper and advantageous to the Confederate government, bearing in mind the magnitude of the struggle and the impossibility of communicating with the war department directly. Under these instructions Capt. Huse bought and chartered ships, purchased small arms and batteries of artillery, procured clothing, boots, and shoes, blankets, medical supplies, surgical instruments, field hospital cases, artillery harness, ammunition, and the almost innumerable articles required for an army in time of war.

The integrity, good judgment, skill, and diplomacy shown by Capt. Huse won for him the very highest commendation. After spending millions upon millions of dollars, without check or supervision, he was compelled, at the close of the war, to borrow money to pay his passage back to the United States.

In all the work of Capt. Huse he was constantly in contact with men who were engaged in speculations, and the fact that this graduate of West Point devoted all his talents and energies to his duties, and did not allow himself to be influenced in the least by his surroundings is a characteristic which has almost always been found in graduates of the Academy.

The committee report back the bill and recommend that it do pass.

Mr. LANE. I raise the point of order upon the bill. I do not think we have jurisdiction of this subject.

The CHAIRMAN. The Clerk will report the special order.

The Clerk read as follows:

The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, which evening session shall be devoted to the consideration of private pension bills reported from the Committee on Pensions and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only.

The CHAIRMAN. The Chair overrules the point of order.

Mr. KILGORE. Do I understand that this is a proposition to pension a Confederate captain? [Laughter.]

Mr. LACEY. It is to forgive one.

Mr. HULICK. Would you vote for it if it was?

Mr. KILGORE. I do not think I would.

Mr. BAKER of New Hampshire. I would like to inquire if there is anything in the bill or report to show that this gentleman has asked to have his political disabilities removed. I believe it is a condition-precedent that he shall; and it does not show that he has asked for it.

The CHAIRMAN. The Chair understands there is nothing in the bill to show that that is the fact. The question is on laying aside the bill.

Mr. BAKER of New Hampshire. Mr. Chairman, as it is not shown that the gentleman has asked to have his political disabilities removed, I move that this bill be laid aside without prejudice until somebody can show that. The gentleman who introduced the bill [Mr. WHEELER of Alabama] does not seem to be present. I do not wish to do the gentleman any injustice, but that is a condition-precedent in these cases under the law.

Mr. TAYLOR of Indiana. He certainly ought to be required to ask for it.

Mr. BAKER of New Hampshire. That should be shown, and I therefore move that the bill be laid aside without prejudice.

Mr. KILGORE. Mr. Chairman, this committee can only report it to the House, if the committee has jurisdiction of it at all. It does not involve any expenditure of money, and I think the only way it could be done is to take it up in the House on a Friday-night session.

The CHAIRMAN. The Chair is very clear that the committee has jurisdiction of the bill.

Mr. KILGORE. The House in its Friday-night sessions has jurisdiction of the bill, but the Committee of the Whole only has jurisdiction of those bills which carry appropriations of money, and this bill does not carry any appropriation. I think the question as to whether it should be considered in Committee of the Whole is open to a point of order. I think we can only reach it after the committee rises. Then it would be in the power of the House to take it up and consider it.

The CHAIRMAN. If the gentleman from Texas will permit, the Chair will state that this bill is in Committee of the Whole on the Private Calendar.

Mr. PICKLER. Mr. Chairman, are we through with this bill?

The CHAIRMAN. The Chair understands the gentleman from New Hampshire asks unanimous consent that the bill be laid aside without prejudice.

Mr. BAKER of New Hampshire. I do.

The CHAIRMAN. Without objection that order will be made.

There was no objection, and it was so ordered.

LUCINDA C. WHEELER.

Mr. PICKLER. Mr. Chairman, I ask unanimous consent to return to House bill 1463. That is the case where the report says:

The records of the Surgeon-General's Office do, however, show that J. Wheeler, of Company E, Seventh Tennessee Cavalry, died September 16, 1864, at Andersonville, Ga., of scorbutus.

Numerous affidavits on file in the Pension Bureau show that John H. Wheeler was enrolled and sworn in by Capt. T. P. Gray for Company L, but that these men were all captured before the company was filled so as to be mustered in. This, together with the record of death at Andersonville, leave no doubt that the petitioner's husband met his death as claimed, and as a result of his connection with the military service of the United States. It is clear that the deceased was not a member of Company E, and it is reasonably clear that he enlisted for Company L, as stated in the bill.

Since the passage of the bill of the gentleman from Georgia [Mr. CABANISS], I understand that the gentleman from Alabama [Mr. STALLINGS] will not further insist on his objection to this bill, and I ask unanimous consent that we return to it and take it up.

Mr. TATE. Is that your bill?

Mr. PICKLER. No, sir.

Mr. TATE. Well, I must object if it is not the gentleman's bill.

Mr. PICKLER. I do not know why there should be any discrimination made between soldiers of these two wars. Moreover, this case comes from the Committee on Invalid Pensions, and I do not see why there should be any discrimination made between the two pension committees.

The CHAIRMAN. Objection is made to the request of the gentleman from South Dakota.

Mr. STALLINGS. I will say to the gentleman that there is this difference. Before I gave my consent awhile ago to the passage of the bill of the gentleman from Georgia, he sent down and got the sworn testimony of witnesses that they knew the man, claimant, and knew the facts. Now, let the gentleman do the same in this case——

Mr. PICKLER. Oh, there are numerous affidavits on file in this case.

Several MEMBERS. Regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will report the next bill.

LOUISA M. SIPPELL.

The next business on the Private Calendar was a bill (H. R. 6076) to repeal the special act granting a pension to Louisa M. Sippell.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act granting a pension to Louisa M. Sippell, widow of William E. Sippell, of Company H, Thirteenth Regiment New Jersey Volunteer Infantry," approved September 29, 1890, be, and the same is hereby, repealed.

Mr. BAKER of New Hampshire. Let us have the report read.

The report (by Mr. MARTIN of Indiana) was read, as follows:

The Committee on Invalid Pensions, to whom were referred certain papers and documents in relation to the special act approved September 29, 1890, granting a pension to Louisa M. Sippell, have had the same under consideration and submit the following report to accompany the bill herewith presented:

The papers in this case were submitted to this committee during the Fifty-second Congress, and a bill to repeal the act by which pension was allowed to Mrs. Sippell was reported by that committee, but no action was had by the House. Payment of pension was suspended November 16, 1892, pending action by Congress, and the papers have been again submitted by the Department for consideration.

The then Commissioner of Pensions, Hon. Green B. Raum, stated on December 9, 1892:

"The fact having been developed that the claim was fraudulent, and that Louisa M. was never the lawful wife or widow of the soldier, the case is submitted for your consideration, under the provisions of section 4720 of the Revised Statutes of the United States. The full facts relative to the matter will be found in the accompanying letter of the chief of the law division."

The facts as set forth by the chief of the law division of the Pension Bureau are as follows:

"The claimant, Louisa M., has been pensioned by special act of Congress, No. 757. The evidence conclusively shows that on the 7th of February, 1873, soldier had been previously and properly married to Mary C. Milburn, in Jersey City, N. J. Both claimants are now living. The pensioner, Louisa, was married to the soldier in New York City on the 29th of January, 1880. It further appears that the second wife, Mary C., has remarried, at least at common law, in all probability several times since she separated from the soldier.

The evidence further shows that the pensioner, Louisa M., is not amenable to the provisions of section 4720, Revised Statutes of the United States, so far as any actual prosecution for the filing of a false and fraudulent claim is concerned, because she was not sufficiently cognizant of the soldier's previous matrimonial experience. On page 11 of Special Examiner Brown's report, Mary C. states that she believed that the soldier was dead in 1885, and that she had a right to remarry. It appears, of course, that the soldier did not die until October of the same year, but this statement will be a subject for further consideration.

"On the 23d of March, 1885, Mary C. remarried. She left the soldier in December, 1876, and never saw him again after that date. It is gathered from the evidence secured on special examination subject to the reference of December 1, 1891, of this case to the board of review, that the pensioner, Louisa, had every opportunity of knowing, and without doubt did know, that the soldier had a living, undivorced wife; and, further, that her remarriage to him was a result of illicit intercourse previous to the date of actual marriage. It does not appear that the soldier was unaware of the whereabouts of his former wife, Mary C., and therefore no justification for remarriage under the laws of the State of New York ever arose.

"It is apparent from the foregoing statement, and for the reason therein cited, that soldier was never justified in contracting a third marriage; *i. e.*, with the pensioner. The soldier's first wife, Alice Decker, had been divorced from the soldier, and the soldier's marriage to Louisa M. was unquestionably lawful at its inception; and his remarriage to Louisa M. was unlawful, because he had never been divorced from Mary C., and no reason arose, under the laws of either the State of New Jersey or the State of New York, by

which remarriage without divorce from Mary C., the second wife, would be justifiable. The laws of New Jersey do not permit a remarriage upon presumption of death.

"It may, therefore, be accepted that Louisa M. was never the lawful wife, and consequently never the lawful widow, of the soldier, and of course she never should have been pensioned as the soldier's widow."

The Assistant Secretary of the Interior, Hon. Cyrus Bussey, on January 5, 1893, gave the following opinion:

"It is clear from the foregoing that pensioner's marriage to the soldier was void, as he had a former wife living from whom he was never divorced, and you (the Commissioner of Pensions) properly suspended payment of her pension and reported the case to Congress for consideration under said section 4720, Revised Statutes, and nothing further remains for this Department to consider until Congress shall have acted in the matter. I am of the opinion that neither your Bureau nor this Department has power to drop pensioner's name from the rolls until so authorized by Congress in the repeal of the act granting the pension."

In view of the facts above set forth, your committee report the accompanying bill and recommend that it do pass.

For the further information of the House the report of the Fifty-first Congress, on which the special act was originally passed, and showing that the question of the legality of the marriage was not before the committee, and that the so-called widow admitted her inability to prove clearly that the soldier's death was a result of his Army service, is here appended.

[House Report No. 1541, Fifty-first Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7338) granting a pension to Louisa M. Sippell, submit the following report:

That the claimant is the widow of William E. Sippell, late a private in Company H, Tenth New Jersey Volunteer Infantry; that he was severely wounded in action in July, 1864, being struck by a rifle ball in the thigh, the ball splintering the bone and remaining in the leg; that he was in hospital fourteen months and thereafter was ever disabled; that in 1879 he submitted to an operation by which the ball was removed from his leg, and, the wound healing, there was no further discharge; that thereafter his lungs were affected and general health impaired. He grew worse until 1885, when he was admitted to hospital in Jersey City, where, in that year, he died from lung disease and affection of the brain, induced by blood-poisoning, the result of his wound.

The deceased was a pensioner, and his continuance of disability is shown by the testimony of Edward Hofner and John W. Rieber. The claimant admits she is unable to furnish medical testimony as to cause of death owing to death of attending physician, but swears said physician said her husband died from insanity and blood-poisoning, caused by wound, and Edward Le Court, a competent witness, testifies to similar statement of physician.

In view of the foregoing your committee are of the opinion that claimant's husband's death was a result of his army service, and recommend the bill do pass.

Mr. STALLINGS. Mr. Chairman, I believe this woman was pensioned by a special act of Congress, was she not?

A MEMBER. Yes.

Mr. STALLINGS. Well, I just want to suggest to the committee that we ought to be more careful about these matters when we see how such bills get through here.

Mr. NORTHWAY. Mr. Chairman, I desire to ask the chairman of the committee reporting this bill whether this woman knows of the contemplated action of the House, or whether she has had an opportunity to be heard?

Mr. MARTIN of Indiana. Yes, sir. This is the result of a special investigation.

Mr. NORTHWAY. Did she know of the special investigation?

Mr. MARTIN of Indiana. Yes, sir; I think she had notice of it.

Mr. NORTHWAY. Has she ever appeared to defend herself in any way?

Mr. MARTIN of Indiana. Never.

Mr. PICKLER. Mr. Chairman, I desire to say to the gentleman from Alabama [Mr. STALLINGS], who speaks of the necessity of being careful, that the question of marriage was not raised in these cases in the Fifty-first Congress when that bill was passed, and this repeal bill is recommended upon the ground that this woman is not really the soldier's widow.

Mr. MARTIN of Indiana. I will state that a similar report to this was made in the Fifty-second Congress, but was not reached.

Mr. JONES. Does the gentleman know who introduced the bill in the Fifty-first Congress pensioning this woman, or whether any statement was made as to the merits of the case at that time?

Mr. MARTIN of Indiana. I do not know.

Mr. STALLINGS. Who was chairman of the Committee on Invalid pensions at that time?

Mr. MARTIN of Indiana. Maj. Morrill, a very honorable gentleman.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH WELCH.

The next business on the Private Calendar was a bill (H. R. 1214) granting a pension to Hannah Welch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act of June 27, 1890, the name of Hannah Welch, widow of William Welch, late musician of Third Rhode Island Heavy Artillery.

The report (by Mr. MCETTRICK) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 1214) granting a pension to Hannah Welch, and submit the following report:

The petitioner is, as she believes, the widow of William Welch, who served in the band of Third Regiment Rhode Island Heavy Artillery from August 15, 1861, to August 31, 1862. She applied for pension under the act of June 27, 1890, on August 20, 1890, and her claim was rejected March 15, 1892, on the ground that special examination fails to prove conclusively the fact that the soldier is dead.

The evidence shows that the soldier left home, Valley Falls, R. I., in 1871. Two letters from him were received by his wife soon after. No further news was received until 1873 or 1874, when a letter was received by the postmaster at Central Falls stating that a William Welch, believed to have friends at Central Falls, had died, and asked that his friends be notified. The name of the city where he was believed to have died has been forgotten, but it is believed to have been Detroit, Mich. Soldier was of consumptive diathesis, and no one of his friends doubts that he is dead.

No application for pension has ever been filed by the soldier. The decision of the Pension Bureau is to the effect that presumption of death would arise after seven years if there was no obstacle to prevent his return, and that two reasons are intimated in this case—one that the soldier was in debt, the other that he was addicted to drink. That the postmaster's letter referred to is not in evidence and is too uncertain as to identity to be accepted as conclusive proof of death.

These are the facts, briefly stated, for and against the presumption of death in this case.

Your committee feel that the absence of twenty-three years, the failure to file a claim for pension, and the cumulative evidence of the alleged letter reporting his death are of such force as to compel the conviction that the soldier is in fact dead, and your committee therefore recommend that the bill do pass.

Mr. TALBERT of South Carolina. Mr. Chairman, I would like to ask whether the committee are in possession of any information as to whether this soldier was a deserter or not?

Mr. MARTIN of Indiana. He never was.

Mr. TALBERT of South Carolina. Well, why did he not apply himself for a pension?

Mr. MARTIN of Indiana. He was dead.

Mr. TALBERT of South Carolina. As I understand, there is no evidence that he is dead except that lost letter. Is there any better or other evidence than that to show his death?

Mr. MARTIN of Indiana. Nothing but the lapse of twenty-three years, during which he has not been heard of. Ordinarily an absence of seven years raises a presumption of death, but this man has not been heard of for twenty-three years.

Mr. TALBERT of South Carolina. Had he not a chance to apply for a pension before the time when it is supposed that he died?

Mr. MARTIN of Indiana. Yes.

Mr. TALBERT of South Carolina. Why did he not apply within that time?

Mr. MARTIN of Indiana. The presumption is that the soldier could not have obtained a pension if he had applied. He had no disease contracted in the service, and no wound. This is for his widow. He served over the required time, and had an honorable discharge, and he disappeared, and now, after the lapse of twenty-three years, his widow, who has remained his widow, comes and asks Congress to pass a special bill granting her a pension on the presumption that her husband is dead.

Mr. TAYLOR of Indiana. She asks it under the law of 1890.

Mr. KILGORE. I understand the gentleman from Indiana to say that the soldier himself would not be entitled to a pension if he were alive?

Mr. MARTIN of Indiana. Not that I know of.

Mr. PICKLER. He might be under the act of 1890.

Mr. KILGORE. Now, the theory upon which the Pension Committee has reported this bill is that the soldier is dead.

Mr. MARTIN of Indiana. Yes, sir.

Mr. KILGORE. How long has he been away?

Mr. MARTIN of Indiana. Twenty-three years.

Mr. KILGORE. That would furnish at common law a sufficient presumption of death.

Mr. MARTIN of Indiana. Yes; but the Pension Office will not accept that evidence.

Mr. KILGORE. Assuming that this man is dead at common law, will not the Pension Department give his widow a pension?

Mr. MARTIN of Indiana. No, sir; it will not.

Mr. KILGORE. Has the claim been rejected there?

Mr. MARTIN of Indiana. It has.

Mr. KILGORE. Is his record clear as a soldier in the late war?

Mr. MARTIN of Indiana. Yes, sir.

The bill was laid aside to be reported favorably to the House.

ELIZA HOLMES.

The next business on the Calendar was the bill (H. R. 1717) granting a pension to Eliza Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Eliza Holmes, widow of John Holmes, deceased, late of Company A, Seventy-ninth Regiment New York Volunteers, and whose pension claim is numbered 13513.

The report [by Mr. HAINES] was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 1717) granting a pension to Eliza Holmes, and submit the following report:

The petitioner, whose address is No. 343 West Seventeenth street, New York City, is the widow of John Holmes, deceased, late a member of Company A, Seventy-ninth New York Volunteers, to whom she was married

September 22, 1890, as shown by the affidavit of the officiating clergyman and other evidence; the fact that she has remained a widow since the soldier's death is also established by satisfactory testimony.

The records of the War Department show that John Holmes enlisted in Company A, Seventy-ninth New York Volunteers, May 13, 1861, and was "found dead in High street, Georgetown, D. C., on the morning of July 2, 1861; deceased had been stabbed by some person or persons unknown."

In an affidavit dated July 20, 1864, William Manson (since deceased), who was captain of soldier's company, testifies that when the regiment left Georgetown, about July 1, 1861, a portion of the regiment was left behind to guard the regiment property; that said Holmes was one of such guard and was on the following day found dead, having been stabbed during the night by some person unknown, and that he was in the performance of his duty at the time of his death.

John H. Sheppard, in affidavit executed September 24, 1885, testifies that he was a comrade of John Holmes, and that they together were placed on guard duty at the Observatory in Georgetown on the morning of July 2, 1861 (probably meaning, however, July 1), and continued on that duty until 8:30 p. m., when they returned to the college and found that the regiment had moved, leaving a guard consisting of Lieut. McNee and about twelve men; the officer told them there was no food for them and gave them permission to go and get something; they went to a grocery store and got some cheese and crackers; while there three men, apparently civilians, used some abusive language toward them, which they did not resent, but left. Holmes, however, decided to go back alone to get something more, and was never seen again alive; next morning affiant learned that Holmes was murdered; he was perfectly sober when he left affiant.

The Georgetown Evening Star of July 2, 1861, contained the following account of the murder:

"John Holmes, a private in Company A, Seventy-ninth New York Regiment, was murdered this morning at an early hour near the corner of High and Water streets. He received two stabs in the left breast. * * * The coroner's inquest is now in progress, and the evidence of those in the neighborhood shows that deceased was, in an altercation with one or two other men, habited in the uniform of his regiment, and from them received the wound that caused his death. * * * Several members of the regiment were arrested, and one is strongly suspected."

The War Department records do not, however, show that any member of the regiment was under arrest for this murder or anything further in the matter.

The widow's claim was rejected on the ground that the soldier's death did not occur in line of duty and she can not be pensioned under the act of June 27, 1890, for the reason that the soldier was not honorably discharged from the service.

While the action of the Pension Bureau is doubtless proper, this seems to be just such a case as special acts of Congress are designed to relieve. While it can not be proved that the soldier met his death in line of duty, it is equally true that he died in service and that there is no sufficient reason to assume that it was through any fault of his own that he was murdered.

Your committee recommend the passage of the bill.

Mr. KILGORE. As I understand from the reading of the report, this soldier was in the service only a few days.

A MEMBER. Sixty days.

Mr. KILGORE. And he was found dead on the street over here in Georgetown. He seems to have died from a wound inflicted with a knife, as the report says, "by some parties unknown." Now, there is no evidence that he was assassinated. There is no evidence that he was not engaged in an altercation which he might have provoked himself; there is no evidence that the party who killed him may not have killed him in self-defense. There is a "stand off" on all these questions. I can not exactly see how the committee reporting this bill could arrive at the conclusion that this man was assassinated or was killed without fault of his own. That is the only difficulty that occurs to me in this matter. If there can be any satisfactory explanation given by the gentleman who has charge of the bill, I will make no objection to it.

Mr. MARTIN of Indiana. The gentleman who introduced this bill, the gentleman from New York [Mr. WARNER], does not appear to be present this evening. But the simple facts in this case are these: This soldier enlisted May 13, 1861. He was found dead on High street, Georgetown, on the morning of July 2, 1861. There does not seem to be a particle of evidence incriminating the soldier himself in any breach of duty. Now, his widow has lived as his widow all these years——

Mr. KILGORE. Are you authorized to assume that this soldier was entirely without fault in this matter, and that he was killed in the line of his duty? Are you authorized to assume that from the facts and circumstances attending the discovery of the man after his death?

Mr. MARTIN of Indiana. Well, I am inclined to think so.

Mr. KILGORE. Might you not just as well assume that there was something wrong about the matter?

Mr. MARTIN of Indiana. I think not. I think he is entitled to the benefit of the presumption in his favor. There is nothing that seems to be proved against him at all. There he is—a dead soldier. Now, what presumption shall we adopt in regard to his case? He is found dead, and there is not a particle of proof against him. The committee felt that under the circumstances they ought to report the bill favorably.

Mr. TAYLOR of Indiana. I understand further that in a Georgetown paper, which is quoted in the report, there is an account of the killing, and it is stated that there was no quarrel, so far as anyone heard, and it was supposed he had been assassinated by some one who crept upon him stealthily. That is the way in which the papers reported it.

Mr. KILGORE. But there is no proof of any motive for such assassination?

Mr. MARTIN of Indiana. No, sir.

Mr. TAYLOR of Indiana. About that time there was considerable motive existing on the part of a good many. [Laughter.]

Mr. STALLINGS. But those who may be supposed to have had such a motive were on the other side of the river.

Mr. TAYLOR of Indiana. They may have been on both sides.

Mr. JONES. I wish to inquire whether there has ever been an unfavorable report in any Congress on this claim?

Mr. MARTIN of Indiana. Not to my knowledge. It was reported favorably last year.

Mr. JONES. I had an intimation that probably there was an adverse report in this case.

Mr. MARTIN of Indiana. If there was, I never knew of it.

Mr. STALLINGS. I suggest to the gentleman from Indiana to let this case go over until the gentleman from New York [Mr. WARNER] is here. If he has any interest in this bill he will come here and state the facts to the House. There is no use in hurrying these matters. In a case brought to our attention this evening we saw the trouble that sometimes arises from hasty action in these cases.

Mr. MARTIN of Indiana. The gentleman from New York [Mr. WARNER] has been a very faithful attendant——

Mr. STALLINGS. On these night sessions?

Mr. MARTIN of Indiana. On these night sessions.

Mr. STALLINGS. Well, let him come here another night. I suggest that the bill be passed over.

Mr. MARTIN of Indiana. The gentleman ought not to insist upon that.

Mr. STALLINGS. I do not think the bill ought to be passed unless there is a quorum present, to put it plainly.

Mr. DUNPHY. Does the gentleman remember the affidavit of the comrade of the man who was murdered?

Mr. STALLINGS. I heard the reading of it in the report. I think we ought to have more evidence.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. STALLINGS. I would suggest to the chairman of the committee to lay it aside until the gentleman from New York [Mr. WARNER] comes. It would be much better.

Mr. MARTIN of Indiana. I do not want any one bill to stand in the road of others, and while I believe this bill ought to be passed to-night, still I will make the request that it be laid aside without prejudice.

Mr. STALLINGS. That is a custom that we have here at these night sessions.

The CHAIRMAN. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent that the bill be laid aside without prejudice. If there objection?

There was no objection.

CALEB HUSE.

Mr. WHEELER of Alabama. I understand that where a bill is passed without prejudice, we may return to it. The bill (H. R. 5735) to remove the political disabilities of Caleb Huse was passed over without prejudice, and I ask that the committee return to it.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] asks unanimous consent that the committee return to the bill that was passed over a few moments ago without prejudice.

Mr. WHEELER of Alabama. It is simply a bill to remove a disability. It will not take a minute.

Mr. JONES. Is it in order that the party may apply for a pension?

Mr. WHEELER of Alabama. No; he will never get a pension.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5735) to remove the political disabilities of Caleb Huse.

Mr. KILGORE. Mr. Chairman, I make no objection to that bill, for I take it under the law a man would be entitled to have his disabilities removed if he has been a loyal citizen long enough; but I think I will submit a point of order that a bill of that kind can not be considered in the Committee of the Whole, for the reason that it does not appropriate any money or property and does not provide for the expenditure of any money or property. My idea would be that it could only be considered in the House at a Friday night session. Therefore I submit the proposition to the Chair that the committee would have to rise and go back into the House before a bill of that kind can be considered.

Mr. WHEELER of Alabama. I am not willing to detain the House, and therefore I will withdraw the bill for the present.

Mr. KILGORE. I am not objecting to its passage.

Mr. WHEELER of Alabama. If it will cause any delay, I will withdraw it.

The CHAIRMAN. Does the Chair understand the gentleman from Alabama to withdraw the bill?

Mr. WHEELER of Alabama. Yes, if it can be passed over without prejudice.

The CHAIRMAN. In the absence of objection it will be so ordered.

There was no objection.

ORDER OF BUSINESS.

Mr. TRACEY. I ask unanimous consent for the consideration of the bill which I hold in my hand.

Mr. TAYLOR of Indiana. Regular order!

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

Mr. TRACEY. The gentleman from Indiana informs me that he withdraws his objection. This bill was recognized by the Speaker, but objection was made because it was said that the bill should be considered in the Committee of the Whole. I wish to go out of the city, and I ask unanimous consent for the present consideration of the bill.

Mr. STALLINGS. I object.

The CHAIRMAN. Objection is made.

MARY E. TRICKEY.

The next business on the Private Calendar was the bill (H. R. 1196) to restore Mary E. Trickey and children of Hartwell M. Trickey to the pension roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War of the United States be, and he is hereby, directed to restore Mary E. Trickey, widow of Hartwell M. Trickey, late of Company I, One hundred and sixth New York Volunteer Infantry, and their children, to the pension rolls as of the date of December 1, 1891.

Mr. KILGORE. I can not understand what the Secretary of War has to do with these pension matters.

The CHAIRMAN. The Chair understands that there is an amendment, which the Clerk will report.

The amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act approved June 27, 1890, the name of Mary E. Trickey, as widow of Hartwell M. Trickey, late of Company I, One hundred and sixth Regiment New York Volunteer Infantry."

Amend the title so as to read: "A bill to pension Mary E. Trickey."

Mr. KILGORE. Let the report be read, Mr. Chairman.

The report (by Mr. HARE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1196) to pension Mary E. Trickey, have carefully considered the same and submit the following report:

A similar bill was favorably reported in the Fifty-second Congress but failed of passage. The facts shown are as follows:

Hartwell M. Trickey served as a private in Company I, One hundred and sixth New York Infantry, from July 12, 1862, until June 22, 1865. He was pensioned at $4 per month for gunshot wound of left forearm, and died June 11, 1889.

Mary E. Trickey applied for pension as his widow, and proved to the satisfaction of the Pension Bureau that she was married to the soldier July 2, 1872, and pension was allowed her under act of June 27, 1890, at $8 per month, plus $2 for each of four children from July 2, 1890. Payment of pension was suspended August 15, 1891, on information tending to show that she was not the legal widow of the soldier, and a special examination was had to determine the facts, which are as follows, as is fully shown by evidence now on file in the Pension Bureau:

The soldier, while at home on furlough, was married November 12, 1863, at Ogdensburg, N. Y., to one Jane Ritchey, and remained with her one or two weeks at that time. Again, after his discharge, he lived with her as his wife for about one and a half years, when he went to Pennsylvania and she did not accompany him, and never afterward did they live together. The reasons for this separation do not appear. This separation seems to have been about 1867. In 1868 the present claimant, Mary E. (Montgomery), met the soldier at Pottsville, Pa., and on July 2, 1872, they were married at Wilkesbarre, Pa., and lived together continuously as man and wife from that time until his death, and they had five children. It appears, however, that the soldier was never divorced from Jane, his first wife, and hence this so-called marriage to Mary E. was not legal. Some two or three years after the separation above referred to Jane commenced to live with one William Rogers, and they had lived and cohabited as man and wife, openly and publicly, since that time, and have a family of four children, one of whom is 20 years of age, and she is commonly known as Jane Rogers. All this is shown by her own admissions and by other evidence.

On November 29, 1890, Jane filed a claim for the accrued pension due the soldier at the date of his death, and although this had already been paid to Mary E., it was determined in the light of all the facts that it must be paid to Jane, as the former payment to Mary E. was illegal; this was accordingly done, and the name of Mary E. was permanently dropped from the rolls. The amount of accrued pension which was thus twice paid seems to have been not more than $13, and possibly not more than $1, if the soldier himself lived to draw the pension for the quarter ending June 4, 1869.

Although it has been determined that Jane was legally entitled to the accrued pension, it does not follow that she is entitled to a continuous pension as widow. It is evident that she has lived as wife with Rogers both before and since the soldier's death, and, even if a common-law marriage does not arise on the death of the former husband, her relations with Rogers are clearly such as to defeat a claim by reason of the act of August 7, 1882, as to open and notorious adulterous cohabitation.

Inasmuch as the object of this bill is to pension the beneficiary as an act of justice rather than of strict legal right, and inasmuch as a considerable sum of money has already been paid her illegally, though, perhaps, through no conscious fault of her own, pension, if allowed, should date from the approval of the act.

Your committee therefore return the bill and recommend that the bill do pass, after being amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act approved June 27, 1890, the name of Mary E. Trickey, as widow of Hartwell M. Trickey, late of Company I, One hundred and sixth Regiment New York Volunteer Infantry."

Also amend the title so as to read, "A bill to pension Mary E. Trickey."

Mr. MARTIN of Indiana. Mr. Chairman, I move that the committee do now rise. There is evidently not time for the discussion of this bill to-night. In the same connection, I desire to ask unanimous consent that all bills ordered to be favorably reported last Friday night be reported by the chairman of the Committee of the Whole to the House to night.

The CHAIRMAN. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent that the bills ordered to be laid aside with a favorable report last Friday night also be reported to the House to-night with a favorable recommendation.

There was no objection, and it was so ordered.

The motion that the committee rise was then agreed to.

Mr. MARTIN of Indiana. I will state that the reason why that was not done last Friday night was because the committee then rose under a call of the House.

The committee accordingly rose, and Mr. BROOKSHIRE having resumed the Chair as Speaker *pro tempore*, Mr. BRETZ, chairman of the Committee of the Whole, reported that that committee, having had under consideration sundry bills on the Private Calendar, had directed him to report the same to the House with various recommendations. The committee had also directed him to report sundry bills which were considered at the last Friday evening session with various recommendations.

Mr. MARTIN of Indiana. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on the amendments, the engrossment, and third reading, and the final passage of all the bills reported from the Committee of the Whole on this and previous Friday night sessions.

Mr. BAILEY. I would suggest to the gentleman from Indiana that the difficulty about that is, if that order were to be made and any gentleman in the House to-morrow, or any other day until they were disposed of, were to demand the regular order, those bills would displace everything, appropriation bills as well as any other business.

Mr. MARTIN of Indiana. I will make an exception in favor of the appropriation bills.

Mr. BAILEY. We have no power to make exceptions, because if any gentleman demanded the regular order, these bills would have to be called up. There will be ample opportunity, I am sure, for the House to dispose of these bills which the committee have reported; and in view of that objection, I suggest to the gentleman from Indiana that he withdraw that request.

Mr. MARTIN of Indiana. Well, now, Mr. Chairman, let me make this suggestion. I think that after so long a time has elapsed, it is only right to make that request; and I make it with the condition that in no case shall this interfere with the regular appropriation bills.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that the previous question be ordered on the amendments, the engrossment, and third reading and final passage of bills reported from the Committee of the Whole at Friday night sessions. Is there objection?

Mr. STALLINGS. I object.

The SPEAKER *pro tempore*. Objection is made.

Mr. MARTIN of Indiana. I move that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 29 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STONE of Kentucky, from the Committee on War Claims, the bill (H. R. 3347) for the relief of James Price. (Report No. 616.)

By Mr. MCETTRICK, from the Committee on Invalid Pensions, the bill (H. R. 5697) granting a pension to Ellen Connor, widow of Patrick Connor, deceased. (Report No. 620.)

By LACEY, from the same committee, the bill (H. R. 5097) to increase the pension of Mary Stahl. (Report No. 621.)

Also, the bill (H. R. 5374) granting a pension to Sarah Oddy. (Report No. 622.)

By Mr. STONE of Kentucky, from the Committee on War Claims, the bill (H. R. 5182) for the relief of S. H. Hill, deceased. (Report No. 625.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. McDANNOLD, from the Committee on Invalid Pensions, the bill (H. R. 4965) to increase the pension of James W. McMillan. (Report No. 623.)

Also, the bill (H. R. 4744) granting an increase of pension to Thomas J. Larison. (Report No. 624.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the resolution of Subordinate Lodge No. 133, Brotherhood of Boilermakers and Iron Shipbuilders, of Waterloo, Iowa, opposing House bill No. 2655, known as the free ship bill, and the same was referred to the Committee on Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. MORSE: A bill (H. R. 6413) for the punishment of seduction in the District of Columbia, and for other purposes—to the Committee on the Judiciary.

By Mr. COCKRELL (by request): A bill (H. R. 6414) to amend section 1 of the act of May 14, 1890, so as to harmonize the townsite acts and settle the question of jurisdiction—to the Committee on the Public Lands.

By Mr. HEARD (by request): A bill (H. R. 6415) to provide an immediate revision and equalization of real-estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter—to the Committee on the District of Columbia.

By Mr. CUMMINGS: A joint resolution (H. Res. 148) designating Grand Army Place, in the city of Washington—to the Committee on Public Buildings and Grounds.

By Mr. TURPIN (by request): A resolution directing the Secretary of the Interior to advertise certain lands in the Kiowa, Comanche, and Apache Indian Reservations in Oklahoma for lease for grazing purposes—to the Committee on Indian Affairs.

By Mr. STONE of Kentucky: A resolution setting apart time for the consideration of Senate bills—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 6416) granting a pension to Henry Sisson—to the Committee on Pensions.

By Mr. COX: A bill (H. R. 6417) to pension Mary E. Hamilton, widow of David Hamilton, soldier in Indian war of 1818—to the Committee on Pensions.

By Mr. HENDERSON of Illinois: A bill (H. R. 6418) to increase the pension of Myron T. Spencer—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: A bill (H. R. 6419) for the relief of Richard M. Johnson—to the Committee on Pensions.

By Mr. MARVIN of New York: A bill (H. R. 6420) for the relief of James Bigler—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 6421) for the relief of the trustees of the Presbyterian Church of Lovettsville, Va.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Kentucky: Petition in the interest of Hon. Frank L. Wolford, of Kentucky, to accompany House bill 6254—to the Committee on Invalid Pensions.

By Mr. BLAIR: Petition of Everett J. Avery and many other citizens of Wolfsboro, N. H., praying for the passage of the bill admitting to the mails as second-class matter the organs of fraternal societies—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Petition of Standard Lodge, No. 158, Brotherhood of Locomotive Firemen, Detroit, Mich., for Government ownership and control of the telegraph and telephone; and another for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CLANCY: Petition in the interest of William Hand, of Brooklyn, N. Y., to have the charge of desertion removed—to the Committee on Military Affairs.

By Mr. COUSINS: Petition of 30 honorably discharged Union soldiers of West Liberty, Iowa, for the enactment of a law preventing the suspension of pensions without notice and proof of fraud and to immediately restore pensions so suspended—to the Committee on Invalid Pensions.

Also, another petition from the same parties for the enactment of a just and equitable service-pension law—to the Committee on Invalid Pensions.

By Mr. DONOVAN: Petition of 55 citizens of Putnam County, Ohio, requesting the establishment of a Government telegraph and telephone service—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of citizens of West Dedham, Mass., in favor of the bill in the interest of benevolent and fraternal societies—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Remonstrance of Joseph Rich and 41 others of Columbia County, Oregon, against the God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. GRESHAM: Resolution of Gulf City Council, No. 41, Order of Chosen Friends, of Galveston, Tex., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HUDSON: Petition of citizens of Udall and Silverdale, Cowley County, Kans., of Pittsburg and Weir City, Kans., for Government ownership of telegraph and telephone lines—to the Committee on the Post-Office and Post-Roads.

By Mr. IKIRT: Petition of A. C. Van Dyke and 29 other residents of Wellsville, Ohio, favoring more stringent emigration laws—to the Committee on Immigration and Naturalization.

Also, petition of J. M. Earnest and 35 other residents of North Georgetown, Ohio, asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PAGE: Petition of William F. Caswell and 21 other citizens of Jamestown, R. I., for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNTER: Petition of Fred. Beckers and others, asking that Congress take steps to confine the Ohio River in its proper channel at Russell, Ky.—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Michigan: Resolutions of Beer Drivers and Stablemen's and Bakers' Unions, of Detroit, in favor of governmental control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. SCHERMERHORN: Petition of residents of Amsterdam, N. Y., in the interest of the fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAW: Protest of Elliot Loeffler Co. and other wholesale liquor dealers and druggists of Lacrosse, Wis., against increase of internal-revenue tax on distilled spirits from 90 cents to $1.10 per gallon, and against extension of the bonded period from three to eight years—to the Committee on Ways and Means.

Also, resolutions of Grand Labor Council of Lacrosse, together with protest of Charles Groth, C. A. Padesky, and 26 others of Lacrosse, Wis., against an increase of internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. SHERMAN: Resolutions of the Legislature of the State of New York, favoring the passage of House bill 36—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Legislature of the State of New York, favoring the Maguire letter-carrier bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Petition of 44 citizens of Warren County, Pa., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WEVER: Petition of 153 citizens of Glens Falls, N. Y., in relation to regulating the sale of oleomargarine—to the Committee on Agriculture.

By Mr. WHEELER of Alabama: Papers to accompany and support claim of Tilman England, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, papers in support of the claim of Andrew J. Scrimscher, of Madison County, Ala., to accompany bill—to the Committee on War Claims.

By Mr. WHEELER of Illinois: Petition of C. M. Wright and 59 others of Gilman, Ill., for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Washington: Three petitions of citizens of Tenino, Thurston County, Spokane, and the State of Washington, for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 24, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS REFERRED.

The SPEAKER laid before the House Senate bills of the following titles; which were severally referred as below:

A bill (S. 1637) for the relief of Capt. John W. Pullman—to the Committee on Claims.

A bill (S. 1412) for the relief of Fannie B. Randolph and Dora L. Stark—to the Committee on War Claims.

LIFE-SAVING STATION NEAR GREEN HILL, R. I.

Mr. PAGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 218) to provide a life-saving station at or near Green Hill, on the coast of South Kingston, in the State of Rhode Island.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island for the present consideration of this bill?

Mr. SAYERS. I must object, Mr. Speaker, to the consideration of that bill at the present time.

BRIDGE OVER THE MONONGAHELA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River, from the borough of Rankin to Mifflin Township.

The bill was read at length.

Mr. SAYERS. Mr. Speaker, I desire to ask the gentleman from Pennsylvania whether this bill has been reported from the committee.

Mr. DALZELL. Yes, sir; it has been reported favorably.

Mr. SAYERS. And it is in the regular form?

Mr. DALZELL. I so understand.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

NAVAL CADET FOR SEVENTH CONGRESSIONAL DISTRICT OF GEORGIA.

Mr. MADDOX. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution which I send to the desk.

The joint resolution was read, as follows:

Joint resolution directing the Secretary of the Navy to declare a vacancy in the Naval Academy at Annapolis for the Seventh Congressional district of Georgia, and requiring the said Secretary to give notice to the Representative of said district of said vacancy, as now provided by law.

Whereas the law being plain and explicit in its requirements that each and every cadet except those appointed by the President shall be a resident in the district which he represents in the Naval Academy at Annapolis; and

Whereas it appears from the report of the Secretary of the Navy that one George L. P. Stone, of the District of Columbia, has been appointed to represent the Seventh Congressional district of Georgia; and

Whereas said appointment is contrary to law and void by reason thereof: Therefore,

Be it resolved by the Senate and House of Representatives in Congress assembled, That the Secretary of the Navy is hereby directed to declare a vacancy in said Seventh Congressional district of Georgia, and that he give the Representative of said district the usual notice of said vacancy, and that he be allowed until the 1st day of July next to recommend a candidate, as now provided by law, and if said Representative fails or refuses to make a recommendation, that the said Secretary of the Navy be and is hereby directed to appoint a cadet from said district, as now required by law, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. McCREARY of Kentucky. I will ask the gentleman from Georgia whether the joint resolution has been reported by a committee?

Mr. MADDOX. No, sir. The House has already passed upon the question involved by a simple House resolution.

Mr. DINGLEY. Mr. Speaker, I remember that some statement was made on this subject the other day. I will ask the gentleman from Georgia whether the passage of this joint resolution will increase the number of cadets at the Naval Academy?

Mr. MADDOX. It will not.

Mr. DINGLEY. It simply declares a vacancy where an appointment has already been made by the Secretary of the Navy?

Mr. MADDOX. Yes, sir.

Mr. DINGLEY. Will the gentleman please state the effect fully, in order that we may understand it?

Mr. MADDOX. I will have a letter from the Secretary of the Navy read, which will explain the matter.

The letter was read, as follows:

NAVY DEPARTMENT, *Washington, March 17, 1894.*

DEAR SIR: Referring to my conversation this morning, in relation to Naval Cadet George L. P. Stone, who now represents the Seventh district of Georgia, I find from an examination which has been made of the records that the Hon. J. C. Clements, who represented the Seventh district of Georgia on March 5, 1890, was duly notified of a vacancy existing in that district. Mr. Clements on March 31, 1890, nominated Mr. Maxey Dobbs, who was permitted April 1, 1890, and presented himself at the Naval Academy May 15, 1890, but failed to pass the required examination for admission.

On May 28, 1890, Mr. Clements, in accordance with the requirements of section 1516 of the Revised Statutes, was informed of Mr. Dobbs's failure and requested to nominate a candidate. Mr. Clements failed to make the required nomination, and the Hon. Benjamin F. Tracey, Secretary of the Navy, appointed Mr. Stone August 20, 1890, whose residence was in the District of Columbia. Secretary Tracey acted in this matter as his predecessors had done, and as the present Secretary of the Navy did in similar cases last summer.

If the construction which the House would seem to put upon the law by its recent resolution be correct, the appointments made in these cases are void, and if void, it would seem that the courts would have jurisdiction to declare vacancies under proper proceedings. My construction of the law agreed with that of my predecessors, and I therefore followed the precedent set by them.

It is exceedingly important that this disputed question be set at rest, and this can be done in one of two ways, either by the enactment of a law or joint resolution of Congress or by proceedings in courts.

I should be very glad to see the matter finally settled, and if Congress does not act it would seem to me that possibly the courts would have jurisdiction.

Very respectfully,

H. A. HERBERT,
Secretary of the Navy.

Hon. JOHN W. MADDOX,
House of Representatives, Washington, D. C.

Mr. DINGLEY. It appears that that cadet was appointed in 1890, and will have been in the institution about four years at the close of this academic year.

Mr. MADDOX. No, sir; about three years.

Mr. DINGLEY. And it is proposed to dismiss him after he has been in the Academy three years?

Mr. MADDOX. Yes, sir.

Mr. DINGLEY. Now, Mr. Speaker, there are other cases similar to this, some of which were alluded to here the other day. The passage of this joint resolution would be a peculiar hardship to this young man, who has been in the institution three years, and it seems to me that, under the circumstances, there ought to be some other method devised of remedying the injustice done to the district concerned.

Mr. LIVINGSTON. I suggest to the gentleman from Maine that it is a very great favor for this young man to have received three years' education when he was not entitled to any at all.

Mr. DINGLEY. That may be; but the young man is not to blame. I agree entirely that the appointment ought not to have been made, but it appears that the Representative from the district did not do his duty under the law.

Mr. LIVINGSTON. But the law required the Secretary of the Navy in that case to appoint a man from the district.

Mr. DINGLEY. Undoubtedly that is the spirit of the law.

Mr. MADDOX. The Representative of the district, Mr. Clements, did make two recommendations.

Mr. DINGLEY. I did not know that.

Mr. COOMBS. In time?

Mr. MADDOX. If I may be allowed, I will make a statement in relation to this matter, and in connection with it will have read a letter which I have received from Mr. Clements.

Mr. DINGLEY. It would appear then that the recommendation made by Mr. Clements did not reach the Secretary in time.

Mr. MADDOX. I ask to have Mr. Clements's letter read, Mr. Speaker.

Mr. HOPKINS of Illinois. Mr. Speaker, I do not think the time of the House ought to be taken up with the reading of that paper. This is a matter which affects so many districts in the United States that it can only be reached by a general bill. So long as we go on with this special legislation on the subject we shall never get a general bill. I therefore object to the consideration of this matter.

Mr. MADDOX. I trust I may be allowed to make a statement.

The SPEAKER. Without objection, the gentleman will be allowed to make a statement. The Chair hears no objection.

Mr. MADDOX. Mr. Speaker, the facts in this case, as I understand, are that Mr. Clements made two nominations, both of which were rejected, the last one about the 1st of July, when his time was out. He went to the Department and pleaded that his time must be extended. The Secretary of the Navy was absent; but Commodore Ramsay, who was there in charge of the Department, told him that his time would be extended until the following March; that is, that he would have till that time to make the appointment. But in August Secretary Tracy appointed Mr. Stone from this District, to represent the district I have now the honor to represent.

Now, Mr. Speaker, this House has already declared itself by resolution on this subject. The law is plain; there can be no

doubt, it seems to me, in the mind of anyone that this appointment was illegal. More than that, the statute provides that no money apropriated for this institution shall be expended except in strict conformity with the law.

The gentleman from Maine [Mr. DINGLEY] says that the action now proposed would be a hardship upon the young gentleman, Mr. Stone, who has been appointed from this District to represent my district. I do not agree with the gentleman from Maine. I think that this young man has already enjoyed three years, education at this institution which he ought not to have had. If I understand the facts correctly, there are a number of others there in the same condition. I have yet to find a single lawyer who after examining the statute for even a few minutes has had any doubt what the law is in this case. Therefore I ask unanimous consent that this resolution may now pass and that my district may be allowed the right to which it was entitled. In addition to righting the wrong in this case, such a resolution sets a precedent by which the Secretary of the Navy will be guided in the future.

Mr. HOLMAN. The resolution does not propose to increase the aggregate number of cadets?

Mr. MADDOX. No, sir, it does not.

Mr. HOPKINS of Illinois. The gentleman from Georgia [Mr. MADDOX] is in no worse situation than many other members on this floor. As I have already said, I believe that the system which has been adopted by the Secretary of the Navy should be stopped; but it can only be done effectually by enacting, through the action of the two Houses and the approval of the President, a general bill. So long as we go on relieving individual instances in the manner now proposed we shall never adopt such general legislation as ought to be adopted to put a stop to the action of the Secretary of the Navy. I therefore object to the consideration of this resolution.

The SPEAKER. Objection being made to the resolution, it is not before the House.

Mr. MADDOX. I ask that the resolution be referred to the Committee on Naval Affairs.

The SPEAKER. In the absence of objection, the resolution will be so referred.

There was no objection.

LEAVE OF ABSENCE.

Mr. SICKLES, by unanimous consent, obtained leave of absence for three days, on account of sickness.

ORDER OF BUSINESS.

Mr. HENDERSON of North Carolina. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

The Clerk proceeded to call the committees.

BRIDGE AT KANSAS CITY.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported back the bill (S. 260) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri," approved March 3, 1887; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 1971 (similar in its provisions to Senate bill No. 260) was by unanimous consent laid on the table.

BRIDGE AT RED WING, MINN.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, reported back with amendment the bill (H. R. 6110) to authorize the construction of a bridge across the Mississippi River at Red Wing, Minn.; which was referred to the House Calendar, and, with the accompanying report, ordered be printed.

ORDER OF BUSINESS.

Mr. HULICK. Mr. Speaker, I would like to call up for consideration at this time a bill which has been reported by the Committee on Public Lands and is now on the Private Calendar.

The SPEAKER. That is not in order now. This is the call of committees for reports.

Mr. HULICK. We have a report with it.

The SPEAKER. If the bill has been previously reported——

Mr. HULICK. It has been ——

The SPEAKER. Then there can be no action taken respecting it during this call, which is simply to enable the committees to make their reports, to be placed on the appropriate Calendars.

POST-OFFICE APPROPRIATION BILL.

The call of committees for reports having been concluded—

Mr. HENDERSON of North Carolina. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HATCH in the chair) and proceeded to the consideration of the bill (H. R. 6016) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1895.

Mr. HENDERSON of North Carolina. I ask unanimous consent, Mr. Chairman, that the first formal reading of the bill be dispensed with.

Mr. KYLE. I am willing to agree to that provided sufficient time is given to discuss the proposition embodied in the bill from which a minority of the committee dissent. It must be remembered that there is a dissenting report here, and I do not want any action taken to deprive the minority of the opportunity of debate on that proposition.

Mr. WILSON of Washington. If the gentleman from Mississippi will allow me, the gentleman from North Carolina proposes, as I understand it (as I had a conversation with him in regard to the matter), that as soon as this was disposed of, whether we read the bill or not, an agreement would be entered into along the line that the gentleman from Mississippi suggests.

Mr. REED. I think we had better go on in the regular way.

Mr. KYLE. If I understand the rules, if this proposition were assented to now, the bill could only be discussed under the five-minute rule, and that would probably cut off debate so far as this proposition of difference is concerned. It is that condition of affairs that induces me to oppose the suggestion.

Mr. BURROWS. But this unanimous consent would not affect the general debate.

Mr. WILSON of Washington. It would not cut off any of the rights the gentleman possesses.

The CHAIRMAN. The bill is only seven pages long, and it could have been read by this time. The Clerk will read the bill.

The bill was read at length.

Mr. HENDERSON of North Carolina. Mr. Chairman, I will make a brief statement as to this bill.

The estimates on which the bill is based will be found on pages 201 and 202 of the Book of Estimates, amounting to $90,399,485.33, not taking into consideration any estimates for "necessary and special facilities on trunk lines." The amount required for this item for the current year is $193,614.22. If this item had been included in the estimates for 1894, the total sum would be $90,596,099.55.

This bill recommends an appropriation of $87,470,599.55, or $3,125,500 less than the estimates, with the item for "special facilities" included. If that item is not considered, there will still be a net reduction from the official estimates of $2,928,835.78.

The sum recommended by the committee is $3,466,285.33 more than the appropriation for the current fiscal year, which amounted to $84,004,314.22. The estimated postal revenue for the fiscal year 1895, in the opinion of the Postmaster-General, will be $84,427,748.44, or $3,142,851.11 less than the appropriation recommended by the committee.

Now, I will ask unanimous consent that general debate be considered as closed.

Mr. CANNON of Illinois. Before agreeing to the unanimous consent asked by the gentleman, I would like to make one or two inquiries of him.

Mr. HENDERSON of North Carolina. Certainly.

Mr. CANNON of Illinois. I find on the first page of the report, from which I believe the gentleman has quoted, that the amounts recommended by the bill now under consideration are $3,125,500 less than the estimates.

Mr. HENDERSON of North Carolina. Yes, sir.

Mr. CANNON of Illinois. Then I find when I turn over further in the report that you recommend for the salaries of postmasters $1,250,000 less than the estimates.

Mr. HENDERSON of North Carolina. That is true.

Mr. CANNON of Illinois. I also find that you recommend for the railroad mail transportation $1,400,000 less than the estimates.

Mr. HENDERSON of North Carolina. That is correct.

Mr. CANNON of Illinois. Also, that you recommend $94,000 for postal-car service less than the estimates?

Mr. HENDERSON of North Carolina. Yes.

Mr. CANNON of Illinois. These added together make $2,794,000, leaving $181,000, in round numbers, of a cut on the other estimates than the three I have mentioned?

Mr. HENDERSON of North Carolina. That, I presume, is correct.

Mr. CANNON of Illinois. Now, I will ask the gentleman if it is not true that, as to the salaries of postmasters, and as to the railroad mail transportation, and as to the postal-car service,

the law calls for the service, and that it will be rendered in accordance with the law and under the law either with or without an appropriation?

Mr. HENDERSON of North Carolina. That is true.

Mr. CANNON of Illinois. And is it not further true that it is as absolutely assured as anything can be in the future that there will be a deficiency to the extent of $2,744,000 for the service on these three items?

Mr. HENDERSON of North Carolina. Well, I will say in reply to the gentleman from Illinois that I suppose there will be some deficiencies; but the deficiency in these several items, in my opinion, will not be near so much as is estimated, and the reason is on account of the general depression of business prevailing throughout the country and the fact that railroads are doing much less business this year than last year and previous years.

Mr. CANNON of Illinois. The gentleman is aware, of course, of the fact that this is an appropriation for a future year, to take effect for the twelve months commencing on the 1st day of July next? Does the gentleman still apprehend that the business depression to which he has alluded will continue and affect the fiscal year for which this bill is prepared in the same way as he has just suggested?

Mr. HENDERSON of North Carolina. Well, I will state to the gentleman that so far as the railroads are concerned we have weighings every four years at different periods of time in different parts of the country. The weighings of the mail for last year will not be changed probably for four years, and for the year before for four years from that time; and one reason for the proposed reduction here is on account of the fact that the railroads have carried very much less freight this year than usual, and the weighings will in all probability be much less than the estimates for next year.

Mr. CANNON of Illinois. Yes; but have not your postage receipts kept up for this present year? Is there not to be as much revenue from postage this year as there was last—as much income?

Mr. HENDERSON of North Carolina. I do not know what materiality there is in that question; but I am very much afraid that the receipts for postage this year will be much less than for the last year, on account of the business depression in the country.

Mr. WILSON of Washington. Is that the reason the gentleman makes that statement, on account of the business depression?

Mr. HENDERSON of North Carolina. I am just answering the question as it is asked; but there is another reason why I am not in favor of this House making the full appropriation as required by these different items, and that is that I think it is a great deal better, when we are uncertain about how much money it will take, to make it up in a deficiency at the end of the year than to appropriate it at the beginning of the year.

Mr. DINGLEY. Why better, when the compensation is fixed by law? What advantage is to be gained?

Mr. HENDERSON of North Carolina. I will state that the balances between the postmasters are settled without money. The postmasters retain the amounts that are due them for their services, and there has never been a post-office bill yet that did not appropriate enough money to meet all the demands of the Post-Office Department in this respect.

Mr. CANNON of Illinois. But my friend will recollect, and correct me if I am mistaken, that when the estimates were transmitted at the beginning of this session we were right in the midst of the depression. Is it not true that the Postmaster-General and the Secretary of the Treasury, in transmitting the estimates, took all that into consideration, and does not my friend know not only that they took that into consideration, but that they cut the estimate for the payment for railroad transportation and postmasters' salaries to the lowest point that they believed would be sufficient?

Mr. HENDERSON of North Carolina. I do not know about that, but I think it makes no difference. I do not think any business man in the country, if he was running the Post-Office Department, would advance the money at the beginning of the year in matters of this sort, where he could settle with the postmasters, and where he could settle these other things in the way that they can be settled.

Mr. CANNON of Illinois. If the gentleman will allow me, I should like to say I have looked through this bill and find that on most of the items, like rent for post-offices, for clerk hire, for payment of mail messengers and postal clerks, that the bill carries every dollar recommended, every dollar estimated for; but I find upon three items, namely, the payment for transportation of the mails upon the railways, postmasters' salaries, and postal-car service, that the gentleman has made the cuts which are indicated, of $2,774,000 less than the estimate.

I want to say to my friend that it is true that the law authorizes those services, although the bill did not carry one cent of appropriation; that the postmasters retain their money out of the postage as collected; that the railways can, if they choose, perform the service, and have a claim against the Government; but it is farther true that the decrease in the recommendations of this bill below the estimates are upon these three items, where the service will be performed anyhow.

Mr. DOCKERY. What three items?

Mr. CANNON of Illinois. For mail transportation, postmasters' salaries, and postal-car service; and I am satisfied that just so sure as the world stands and the Government stands, this time next year, not the gentleman's committee, but the Committee on Appropriations having charge of the deficiency bill, will have to recommend appropriations for this deficiency; so that if the gentleman had given in these three instances the estimates, as he has given them substantially in all other instances, why then the close estimate of the Department would be answered by the close appropriation recommended by the committee.

Mr. HENDERSON of North Carolina. Mr. Chairman, with regard to the amount that is recommended here for railway transportation, for instance, it will be impossible for the Government to use all of that money during the next fiscal year, and I do not see why it should be necessary for us to appropriate the entire amount of the estimates in advance. I will state to the gentleman frankly that I have not made cuts on the other items, because I was unwilling to make a cut anywhere that would cripple the efficiency of the postal service of the United States.

Mr. CANNON of Illinois. I want to be frank with my friend, and say that in my judgment the failure to appropriate this amount of $2,744,000 in this bill will not interfere with the service in the slightest. In other words, the postmasters will retain the $1,250,000 that is not appropriated, under the law, out of the postage received by them; but when you come to square the books, you will have to make a deficiency appropriation next year for $1,250,000 for postmasters' salaries. Now, in former years, when the wicked Republicans, with a growing country and a growing service, once in a while, even in a billion dollar Congress, did not make quite as liberal appropriations as our friends upon the other side thought were desirable, you gave notice that when you got into power you were going to be honest and turn over a new leaf, and that in your annual bill providing for the service of the coming year you were going to give what the service required.

Well, now, that was a good promise, but it seems to me that the performance is not perfect; and when my genial friend from Missouri [Mr. DOCKERY], backed up my friend from North Carolina [Mr. HENDERSON], comes a little later on to sum up the appropriation bills and the amount they carry for comparison with former years, why he has about $3,000,000 that is absolutely sure under the law will be expended, but not appropriated for; and I expect that my friend from Missouri, whom I see before me, will absolutely thunder in the index touching the great savings that have been effected.

Mr. HENDERSON of North Carolina. I will say, in reply to my friend, that when the Republican party has had power and had charge of the Post-Office appropriation bill, that it has done pretty much what our committee has done.

Mr. CANNON of Illinois. Well, I think not purposely. With a great and growing country we had great increases in the public service. It piled up month after month. Now, you say you are not to have an increase; that we are to have a continuation of the hard times; that, therefore, you plead that as a justification for cutting these appropriations. We had increases right along, and however much we might appropriate, and especially in the postal service, there was liable to be a deficiency. But even if it were true that we had been naughty, and had failed to perform our duty, I would suggest to the gentleman he should copy our virtues and not our faults.

Mr. DOCKERY. Can the gentleman give us our expenditures——

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. HENDERSON of North Carolina. Yes, sir.

Mr. DOCKERY (continuing). Can you say what are the expenditures under the items of this bill for the first six months of the present fiscal year?

Mr. HENDERSON of North Carolina. No: I can not do that.

The CHAIRMAN. What was the motion of the gentleman from North Carolina?

Mr. HENDERSON of North Carolina. I ask unanimous consent that general debate be now considered as closed.

Mr. WILSON of Washington. I object.

Mr. KYLE. I object.

Mr. WILSON of Washington. I object until some agreement has been made.

Mr. REED. There is general objection.

The CHAIRMAN. The Chair will state that the bill is under general debate, the gentleman from North Carolina has the floor, and has occupied twenty minutes of his time.

Mr. HENDERSON of North Carolina. How much time have I?

The CHAIRMAN. The gentleman has forty minutes remaining.

Mr. DINGLEY. Before the gentleman sits down, I desire to ask him a question.

Mr. KYLE. Mr. Chairman——

The CHAIRMAN. The Chair will state to the gentleman from Maine that the gentleman from North Carolina has yielded the floor, and the Chair has recognized the gentleman from Mississippi.

Mr. HENDERSON of North Carolina. I will answer the gentleman from Maine, if the Chair will permit.

Mr. DINGLEY. If the Chair will pardon me a moment, before he hurries on, I desire to call the attention of the gentleman from North Carolina to the reduction of the estimates for the transportation of foreign mail. The estimates, which are close, are $1,678,000 and the appropriation is only $1,400,000. On what basis is that reduction made?

Mr. HENDERSON of North Carolina. Well, sir, some of the foreign mail contracts have been canceled.

Mr. DINGLEY. Since the estimates were submitted?

Mr. HENDERSON of North Carolina. Since the estimates were made.

Mr. DINGLEY. What ones since the estimates were made?

Mr. HENDERSON of North Carolina. I remember two. One from New York to Colon, and another from San Francisco to Hongkong, reducing the estimated cost on these two items of $436,263.

Mr. DINGLEY. You have made a reduction of $430,000.

Mr. HENDERSON of North Carolina. The reduction in the bill is from $1,678,000 to $1,400,000, but I really believe that $1,400,000 will be more than is needed.

Mr. LOUD. I do not think there are any revised estimates.

Mr. HENDERSON of North Carolina. There are no revised estimates; but since we began to consider the bill there have been these cancellations of contracts, and perhaps others.

Mr. DINGLEY. I would like to ask the gentleman from California, who is somewhat familiar with this subject, if there have been any estimates submitted that would furnish any reduction?

Mr. LOUD. No estimates have been submitted carrying that proposition.

Mr. KYLE. Mr. Chairman, I send up an amendment which I ask to have read for information.

The amendment was read, as follows:

Amend by striking out lines 23, 24, and 25, on page 4 of the bill, and lines 1, 2, 3, 4, and 5, on page 5.

Mr. KYLE. Mr. Chairman, I send to the desk to have read an amendment which I propose to offer when the paragraph to which it applies is reached.

Now, Mr. Chairman, if the committee will give me attention I desire to read the portion of the bill that will be stricken out if this amendment is adopted, and I say with all candor and earnestness that I believe that when this proposition is fully understood the members of this committee are not going to vote to permit the provision which I propose to strike out to remain in this bill. The provision reads as follows:

For mail messenger service, $1,285,000.

For necessary and special facilities on trunk lines from Springfield, Mass., via New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, I want to assure gentlemen that it is not any captious opposition to this provision which prompts me to take the position I do in reference to it. I believe that it is wrong to appropriate this money for this purpose, and I believe that if I could get members to understand the proposition as it really is they would agree with me in reference to it, and the only fear I have of failure in this case is because of my inability to get the matter properly before the committee.

The grounds upon which this provision is opposed are briefly stated in the views of the minority. I will read them, and will ask the attention of members while I do so:

We, the undersigned, members of the Committee on the Post-Office and Post-Roads, respectfully dissent from the report made by the majority of said committee on the "Post-Office appropriation bill," wherein it proposes to appropriate $196,614.22, as said bill indicates, "for necessary and special mail facilities on trunk lines."

First. Because we think the principle that recognizes the right of the Government through any of its departments or agents to discriminate in favor of one individual or enterprise, and not all alike, as indefensible upon any line of fairness or justice, and demoralizing to the whole system.

Now, gentlemen, take that proposition and revolve it in your minds, consider it carefully and make up your own verdict, and then I will ask you if you do not agree with me and my associates who have made this minority report. If you do not agree with me, I want the reason why, and the country will want to know, too, when the result of your action is understood.

Let me now call your attention to another portion of the views of the minority. There is nothing contained in this that is not susceptible of demonstration by the record, and when I say that, I know what I am talking about.

Second. The Postmaster-General, whose duty it is to give attention to postal matters, after a careful consideration of the subject, does not recommend the continuance of appropriations for this purpose; but on the contrary, shows by his report that the railroad lines which have heretofore been the beneficiaries of this fund, and are not now receiving any part of it, are to-day rendering equally as good if not better service than was rendered by them during the time they participated in the distribution of this appropriation. We desire also to call attention to the many railroad lines, particularly in the western portion of this country, which pass through sparsely settled sections, and do not receive any extra compensation.

Gentlemen, bear that in mind, for it is true that the railroad lines which have heretofore participated in the distribution of this fund, according to the Postmaster-General's report, although they are not receiving one penny of it now, are to-day rendering equally as good service, if not better, than they rendered when they did receive a part of it. Now, if that is true, what excuse have you got for making this appropriation? Ask yourselves the question. If that proposition is true, what excuse can be rendered to the country for this appropriation? Gentlemen, you can not excuse it. You may vote to keep it in the bill, but if you do you can not give any reason that will stand the test of reason and good common sense.

Now, I want to call your attention to some other statements contained in the minority report. We further say here:

Postmaster-General Dickinson, during his administration, condemned the principle involved in this appropriation as demoralizing to the service. No Postmaster-General, so far as we are advised, has ever recommended an appropriation of this character, and Postmaster-General Wanamaker, in his last annual report made in 1892 in relation to this subject, uses the following language:

"The special facility allowance has for some years past been the source of much annoyance to the Department, and has hampered the best interests of the mail service."

Gentlemen, do you suppose the Postmaster-General is telling the truth about that? If you say he is not, you ought to be able to give some reason why he is not. When the Postmaster-General, whose duty it is to give attention to these matters, tells you that this appropriation is not only unnecessary, but is detrimental to the best interests of the postal service, what excuse are you going to give to the people for making it?

Mr. ROBERTSON of Louisiana. Will the gentleman permit a question?

Mr. KYLE. Yes, sir; though I would rather get a little further along first.

Mr. HENDERSON of North Carolina. Mr. Chairman, before this debate progresses further, I would like to have some agreement as to when general debate shall terminate.

The CHAIRMAN. The Chair can not take the gentleman from Mississippi off the floor at this time for that purpose.

Mr. KYLE. We will agree later on. Now, Mr. Chairman, the views of the minority, as set out in this report, briefly state the reasons why we oppose this appropriation, and all I ask of the members of this committee is to take those reasons and put by the side of them the facts as they exist, and then, if they find that this minority report does not state the truth, I am willing that they shall vote against the proposition to strike this appropriation out of the bill. But, on the other hand, if, after they have taken these views and placed them by the side of the facts, they find that they are right, then I say they ought to vote to strike out this appropriation. Why? In the first place, because it will appear that it is a useless appropriation. It accomplishes no good. On the contrary, if the Postmaster-General is to be believed, it is not only useless but it is injurious to the service, and therefore it ought to be stricken out of the bill.

Now, Mr. Chairman, I want to call attention to a matter of history with which some gentlemen on this floor are familiar. At the last session of Congress, when Mr. Blount, Mr. WILSON, Mr. LOUD, myself, and others attempted in this House to prevent the perpetration of this wrong, as we regarded it, we were met with a statement that on the Coast Line, which carries the mail between New York and Florida, there has been secured by reason of this appropriation an expedition of the mails. Now, as a matter of fact that railroad to-day does not receive one cent of this appropriation, and it has not received a cent of it since the last Congress. Yet, taking the Postmaster-General's report, it will be found that that line is rendering as good service to-day as it rendered when it received a part of this appropriation. This is no idle statement of mine; it is not a statement made without reason. I state the fact as it exists. I say this road is carrying the mail as rapidly as it did before.

When it became manifest at the last session of Congress that this road would not participate any longer in this distribution, the Richmond and Danville system came here with the determi-

nation to participate in this fund; and that company went to work in every way they could to secure the putting into this appropriation bill of a clause which would enable it to do so. And the same provision is in this bill.

Now, Mr. Chairman, I want to call attention to the facts in regard to the Richmond and Danville Railroad. Bear in mind, gentlemen (for it is a fact that can not be controverted), that this railroad company never participated in this fund at all until Congress fixed the law as I have stated and since the appropriation was fixed as it is to-day. There is not a man on this floor who will deny that proposition. The Richmond and Danville road never got any part of this appropriation until it got it after the adjournment of the last Congress.

Now, let me call attention in this connection to the fact that before this fund was given to the Richmond and Danville Railroad, which is a part of the system carrying the mails from New York to New Orleans, the mail left New York at 4:30 p. m.; it passed Atlanta at 4:10, and it arrived at New Orleans at 7:35—precisely the same schedule that it is running upon to-day.

Mr. LOUD. They are making ten minutes slower time now than they made before they received any part of this fund.

Mr. KYLE. Now, Mr. Chairman, it is perfectly manifest that so far as this line is concerned, this fund has not had the effect of expediting the mail—if my figures are correct—one second; and if my colleague on the committee [Mr. LOUD] is right, the service is ten minutes slower than it was before the company received this fund.

Mr. LIVINGSTON. I suggest that the gentleman may be mistaken. He is making a comparison with the time made by the vestibule train before the company received this money.

Mr. KYLE. I am speaking of the mail schedules as I get them from the Postmaster-General. There is no vestibule train concerned in this matter. I have taken the schedule which was in operation before the company received this fund and the schedule in operation now since this fund is paid to this railroad.

Mr. LIVINGSTON. I want to say to the gentleman that the time on the fast mail train has been shortened six hours and thirty minutes.

Mr. LOUD. The gentleman is entirely mistaken.

Mr. LIVINGSTON. Well, we will see about that. I will furnish the time tables and the report of the Postmaster-General covering every point.

Mr. KYLE. Now, Mr. Speaker, I have been appealed to not to oppose the expenditure of this money because it goes to the South; I have been taken to task by many newspapers for opposing it, because that section of country which they know I love so well is to be the beneficiary. It makes no difference with me, however, as to what part of our great country this money may go. In my humble judgment, this expenditure is a wrong and one which ought to be prevented if possible, and I will show later on who really does get the money, when it will appear that the South is not the beneficiary.

Now, I will call attention to what the late Postmaster-General says on this subject; and I trust gentlemen will listen to it, because it states this case better than I can put it. And this statement comes from a man who has had an opportunity to know the facts better than any of us. I read from the report of Postmaster-General Wanamaker, made to the last Congress. It will be remembered that he declined to make any recommendation for the continuation of this appropriation, and gave as his reason, as I stated a while ago, that this expenditure was detrimental to the service, that it did not expedite the mails, but merely created a feeling of jealousy and discontent among the railroad companies who were not the beneficiaries of this fund. Mr. Wanamaker says:

> The amount estimated as necessary for the current fiscal year is $196,614.16.
> In the report of a year ago I stated my reasons for declining to recommend further appropriations for so-called "special facilities," and I feel it to be a duty both to the Government and as well to the service to again decline making such a recommendation. I believe that the granting to a few and refusing to extend like compensation to the many who are performing as good or better mail schedules is a source of injury to the mail service. The preferential method should cease or all who expedite the mails should be granted the same benefit.
> The impression that the special facility compensation allowed the lines extending to Port Tampa, Fla.—
>
> This is the coast line about which I spoke a while ago—
>
> advances the Cuba mails is incorrect. It pratically retards those mails because it prevents the enforcement by the Department of the twenty-five hour schedule provided for in the contract for the ocean service between Port Tampa and Havana.

Now, I invite the attention of the committee especially to the Richmond and Danville system, and to what the Postmaster-General said of that system before it began to put its arm into the public Treasury and get part of this $200,000:

> The Richmond and Danville Railroad, operating south and southwest by Atlanta: the East Tennessee, Virginia and Georgia Railroad system, operating south and southwest from Cincinnati; the Norfolk and Western Railroad in conjunction with the East Tennessee, Virginia and Georgia line, operating west and south from Washington, D. C., and Norfolk via Bristol and Chattanooga, Tenn., and the Illinois Central Railroad, operating south from Chicago via Cairo, Ill., have each created an extent of expedited mail schedules within the past year that is much superior to those termed "special facility" trains by Jacksonville, Fla., to Port Tampa.

Now mind you, Mr. Chairman, the Richmond and Danville system is to-day getting $81,286.25 of this fund, according to the report of the Postmaster-General, and here in his report of a year ago he said that the same road was one of those that were rendering better service to the Government than those roads which were receiving the special-facilities fund. I suppose that is true. If it is not true how are you going to prove that it is not? Here is the Postmaster-General, whose duty it is to look into these matters and inform the public on this question, who says that the Richmond and Danville Railroad Company was rendering better service when it got none of the special facilities fund than those roads rendered which were getting it.

What did you do in the last Congress when you voted this appropriation? Did you do the mail service any good? Did you advance the interests of the country to any extent?

No, not at all; but according to the report of the Postmaster-General you gave away $81,000 of the money of the nation to a railroad company to expedite the mails, as you say, that is running upon exactly the same schedule now that it ran upon before it got it, and making the same time, as far as the mail service is concerned, that it made before. If that is true, are you not perpetrating a wrong when you take the money from the Treasury and give it to these companies for such a purpose?

Mr. MALLORY. Will the gentleman permit me to ask this question: Whether there was any showing before the committee of the necessity of the appropriation of this fund?

Mr. KYLE. None earthly. There has been no man, Mr. Chairman, connected with the Post-Office Department that has had the hardihood to come before the Committee on the Post-Office and Post-Roads to advocate the continuance of this appropriation.

Mr. COX. Who does advocate it, and how does it get here?

Mr. KYLE. Nobody. There were eight members of the committee altogether present when it was decided to report the bill in its present shape; six were in favor of the proposition and voted for it, and two dissented. That is as much information as I have in my possession as to who advocates it and how it gets here.

Mr. COOMBS. From what source comes the demand for special facilities?

Mr. KYLE. I can not say unless from the railroads, for nobody else demands it. This Richmond and Danville system was very anxious for it last session, and I suppose they are yet.

Mr. COX. Did the railroads appear before the committee and make a demand for it?

Mr. KYLE. Not that I know of this session.

Mr. COOMBS. I understand the Postmaster-General disapproves of this appropriation.

Mr. KYLE. He does not recommend it. He does not say anything; but his report shows that the Coast Line, which formerly received this benefit, is now rendering possibly better service than it ever did. As a matter of fact it does not participate in this fund.

Mr. COX. I understand my friend to say that the railroads that get no part of this fund are rendering equally as good service or better service than those which do get it.

Mr. KYLE. I do; and the Postmaster-General names some roads that rendered as good service before they got the fund as any railroads in the country.

Mr. COX. Then what in the world do they want with the money?

Mr. KYLE. I certainly do not know. I contended all the time and contend now that if this proposition is understood by the House they would vote the proposition out.

Now, Mr. Chairman, there is very much more that I wanted to call the attention of the committee to, but I do not want to weary the members present with these recitals. I only want to go far enough to enlist the interest of gentlemen on this floor to the extent that it will make them investigate this question, and when they do I have no doubt of the result, because I believe you wish to do what is right.

Mr. LIVINGSTON. Will the gentleman permit me now to present a schedule of the mail time on this road? He does not want to be wrong. I am sure, on such a question.

Mr. KYLE. I have no time to submit to interruptions. I have stated my proposition, and if the gentleman can deny it let him reply to me in his own time.

Mr. LIVINGSTON. All right; I shall certainly do it.

Mr. KYLE. I have my information from the Post-Office Department. I have not been attempting to give anything that is not authentic, and I do not intend to.

Mr. LIVINGSTON. Well, I have the schedule of time here.

The CHAIRMAN. The gentleman from Mississippi declines to yield, and the gentleman from Georgia is not in order to interrupt without his consent.

Mr. KYLE. Now, Mr. Chairman, in this report he says further:

No recommendation has been made for the customary special mail facility allowance—

A MEMBER. Whose report is that?

Mr. KYLE. Ex-Postmaster-General Wanamaker's—

because I do not believe there exists any occasion for perpetuating the preferential methods whereby a limited number of railroads would be paid both ordinary and extraordinary compensation, while other railroads performing precisely the same character of service can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation.

Now, Mr. Chairman, it seems to me that is a fair statement. All of these railroad companies ought to be treated alike. These people receive as much under this statute as any other railroad, in proportion to the amount of mail matter they carry. And mind you, this bill is so constructed, it is fixed in such a way, that no railroad can participate in the distribution of this fund except such as are indicated in this provision in this appropriation bill.

A MEMBER. What provision are you referring to now?

Mr. KYLE. The provis on on pages 4 and 5.

Mr. HOOKER of Mississippi. Will the gentleman allow me to ask him a question?

Mr. KYLE. Yes, sir.

Mr. HOOKER of Mississippi. I should like to ask my colleague how long has this appropriation for expediting the mail service been in existence, and what were the reasons given for its original enactment?

Mr. KYLE. Mr. Chairman, it was put into the bill first in 1879; ex-Postmaster-General Wanamaker states that he is unable to give the reason that existed especially for the inauguration of this practice. Further than that I have no information upon the subject. I sought information alone that line, and that is all I was able to obtain. It is not what the reason was for it when it had its inception, but it is the reason which exists today that we are looking for. The reason might have been good in the beginning, but if the reason has failed the appropriation itself should fail. If the reason for the appropriation that existed in days gone by is gone, then it ought not to be voted unless some other new reason is presented for it.

Mr. WISE. Will the gentleman allow me to ask him a question?

Mr. KYLE. Yes, sir.

Mr. WISE. I should like to call the gentleman's attention to this paragraph in the clause which he is now discussing:

Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Now, the question I want to ask is, if the Postmaster-General does not think it necessary, why has he been expending this sum, because it is within his discretion to discontinue it whenever he thinks it does not promote the postal service?

Mr. KYLE. Are you through?

Mr. WISE. That is all.

Mr. KYLE. Now, Mr. Chairman, I want to say in reply to that, that in the first place Congress itself ought to appropriate the money for the necessary expenses of the Government, and not leave it to a Department any more than can be avoided.

Mr. WISE. That is not a satisfactory answer.

Mr. KYLE. And in the next place, when this money is appropriated in this way the Postmaster-General believes that it is an expression on the part of Congress that something is necessary along this line, and he lets the money go in that direction. And now I want to say furthermore, these Postmasters-General, Mr. Dickinson and Mr. Wanamaker, both inveighed against this idea. They said that it was wrong; that it was injurious to the service; that it was detrimental to every interest so far as the mail service of this country was concerned. And yet they went on and expended the money in this way. Mr. Bissell has refused to recommend a continuation of this appropriation, and yet he has expended this same amount of money and given it to these railroads, thereby showing what I said a while ago, that these gentlemen feel that when this appropriation is made in this way it an expression on the part of Congress and the country at large that this money ought to be used in this direction. So it is no answer to this question to meet me with the proposition that it is left to the discretion of the Postmaster General as to whether this money shall be used or not.

Mr. WILSON of Washington. May I interrupt the gentleman?

Mr. KYLE. Certainly, sir.

Mr. WILSON of Washington. I understood the gentleman to state that this sum was expended by the late Postmaster-General, Mr. Wanamaker?

Mr. KYLE. Yes, sir.

Mr. WILSON of Washington. Is that the fact?

Mr. KYLE. I think so, sir.

Mr. WILSON of Washington. I understood that he was against it and did not use it after it was appropriated. If I am misinformed I desire to be corrected.

Mr. KYLE. My understanding is that he used it.

Mr. LOUD. This proviso was not in the appropriation bill at that time.

Mr. MALLORY. It was in the last bill, however. It is in the existing law.

Mr. WILSON of Washington. Does the present Postmaster-General recommend this?

Mr. KYLE. No; he does not.

Mr. WILSON of Washington. Will the gentleman state if he had not declined to make any recommendation?

Mr. KYLE. He declined to make any recommendation about it.

Mr. WILSON of Washington. Pro or con?

Mr. KYLE. Pro or con.

Mr. WILSON of Washington. Ought he not to have made some expression of his judgment?

Mr. KYLE. That is a matter of opinion.

Mr. WISE. Will the gentleman allow me to ask him a question for information?

Mr. KYLE. Yes.

Mr. WISE. Was the proviso I have just read in the former appropriation bill?

Mr. KYLE. In which law?

Mr. WISE. In the one the gentleman was then speaking of.

Mr. KYLE. It was in the bill passed by the Fifty-second Congress.

Mr. WISE. But not in the bill prior thereto.

Mr. KYLE. It was not in the one prior thereto.

Mr. WISE. So Mr. Wanamaker did not have the discretion given to the Postmaster subsequently; and Wanamaker said he regarded it as mandatory.

Mr. KYLE. That, I suppose, is true.

Mr. WISE. I will say to the gentleman from Mississippi that this paragraph I read was a direct expression by Congress that the Postmaster-General should not expend it unless he deemed it necessary.

Mr. KYLE. I do not want my amiable friend to consume all my time.

Mr. WISE. I beg pardon; you gave me liberty.

Mr. KYLE. Mr. Chairman, I want to call attention to some other matters. Now, I have been quoting from Postmaster-General Wanamaker's report. That is a Republican authority. I want to quote some Democratic authority to these gentlemen. I read an extract from the report of Mr. Dickinson when he was Postmaster-General. It reads as follows:

I do not venture an opinion as to whether or not the rate of compensation allowed by law is sufficiently liberal to secure for the Government adequate and the best service. It is certain, however—

There is the point about it—

that the dissatisfaction caused by extra compensation to some and not to others has prevented, in some instances, cordial coöperation with the Department to secure much-needed improvement.

Now, then, Mr. Wanamaker goes on to say:

In order that you may appreciate the extent to which the ordinary compensation of the railroads interested in the transportation of the West India mails has grown, I call your attention to the following table, showing their payments by adjustment periods.

Now, I will not go through these. This is in connection with the Coast Line that he was especially combatting when this report was made. He did not believe in a continuation of the appropriation to that. He goes on to say of the increase of the compensation for carrying the mails since the system was put in practice that the mail has increased in some instances 29 per cent, some 25 per cent, some 29 per cent, some 36 per cent, and all over the country, Mr. Chairman, this increase has gone on until the Postmaster-General states to-day of these railroads, many of them are receiving, when they get the regular pay, more than double as much as they did when this system was inaugurated. They are receiving more to-day without this extra compensation than they received formerly with it.

Now, there is another reason why this practice is bad, and I want to call attention to it; and I think it is our duty to legislate for all sections of the country alike, without reference to any particular section.

The principal railroads—

Says Mr. Wanamaker—

have learned to value the liberality of the ordinary compensation for mail transportation, and praiseworthy consideration is being given to the adjustment of schedules that shall expedite, primarily, the most important of

commercial mails. The distance between Washington and New Orleans, via Atlanta, is 1,143 miles. The time for the most important mail train averages 35 miles per hour. Between Cincinnati and Jacksonville, via Chattanooga, the most important mail service requires less than twenty-nine hours, the distance being close to 800 miles. Between Chicago and New Orleans the fast mail occupies less than twenty-nine hours; the distance is 915 miles. These and many other expedited schedules have been the result of conference with the Department, and the railroads will be content to continue them for the ordinary compensation if they have the assurance of the Department that they are being paid upon as favorable a basis as is allowed other lines.

The fast-mail system over the Iron Mountain system between St. Louis, via Little Rock and Texarkana, and thence throughout Texas, from the Texarkana standpoint, is not what it ought to be; nor is the continuous fast-mail service deflecting at Sedalia, Mo., through Missouri, Kansas, Arkansas, the Indian Nation, and Texas, via the Missouri, Kansas, and Texas system, what it should be. Again, the fast-mail service from a Louisville, Ky., standpoint, into Kentucky, Tennessee, Georgia, and Alabama, is not as complete as the Department aims to have it; but we can not look for hearty coöperation from all the railroads operating north and south, so long as they can point to the special payments made to a few roads; and to many of our applications for expedited schedules the reply comes back that upon the promise of the Government that they shall be paid in like manner as the most favored, they will cheerfully respond to requests for improved schedules.

Now you see, Mr. Chairman, how this fund is used; and as this paragraph provides "for necessary special facilities on trunk lines from Springfield, Mass., via New York and Washington to Atlanta and New Orleans, etc., $100,000," it confines the Postmaster-General to the use of this money in one particular locality. Suppose my friend here [Mr. CLARK of Missouri] wants the mail expedited to St. Louis; suppose our friends out in California want an expedited mail; suppose some other sections of this country want expedited mails, can they get them under the provisions of this bill? Most assuredly not. This fund has got to go in one direction and in one direction alone. The sparsely settled sections through the western portions of our country, where it may be said there is not business enough to justify the running of fast trains, can they get any part of this appropriation? Not a dollar. It goes to these railroads, which before this allowance was made were rendering as good service as they render to-day.

Mr. HOOKER of Mississippi. I understand my colleague to say that Postmaster-General Wanamaker was opposed to this appropriation; I will ask him whether Mr. Wanamaker used any portion of the money thus appropriated for expediting the Railway Mail Service?

Mr. KYLE. He used it all, sir.

Mr. COOMBS. I will ask the gentleman from Mississippi [Mr. KYLE] whether the fact that this money is at the disposal of the Postmaster-General does not subject him to a pressure to spend it?

Mr. KYLE. I think so. I do not think there can be any question about that, and the pressure is pretty successful, as has been suggested to me.

Now, I want to call attention to the railroad companies that are receiving this money; and, mind you, they are all compensated under the law just as other railroads in other parts of the country are compensated. The mails are weighed and they receive so much pay for carrying so much weight of mail. The first railroad that participates in this allowance is the Pennsylvania road; the Ponnsylvania, Wilmington and Baltimore Railroad receives a part, and the Richmond and Danville Company gets about half of it. The other roads are the Atlanta and West Point, the Western and Alabama, and the Louisville and Nashville. In discussing this question with a gentleman the other day he made the point that by this means we could get our daily papers from New York down to Atlanta and New Orleans and Memphis, and other places, more expeditiously than if we did not have this expedited mail service.

Suppose that is true, what are you doing in the meantime with your papers published at St. Louis and at New Orleans and at Memphis and at other points? You are not providing for those papers to be transported expeditiously. The whole idea with this gentleman who was talking with me was to get the New York daily papers quickly, ignoring the fact that there were daily papers in the capital of his own State, and that they were being crowded out by this legislation. Mr. Chairman, take this proposition in any way you please, turn it over and contemplate it in any light you please, from any conceivable standpoint, and it presents no face that is not a bad one.

Mr. KILGORE. Is it not a fact that the trains which carry this last mail also carry passengers and baggage and express matter?

Mr. KYLE. Certainly.

Mr. KILGORE. Now, is not the competition for the passenger traffic a sufficient inspiration to secure swift trains, and in fact is not that the main inspiration generally?

Mr. KYLE. I think so; but there is no occasion to predicate this case upon that ground, for it stands upon a higher plane than that. In the first place, according to all the proof that we can get upon the subject, there is no use for this appropriation. I know that gentlemen are going to reply to me and are going to advocate this appropriation, but I want you gentlemen to hold them down and require them to give you good reasons for it when they advocate it, and to show you wherein Postmasters-General Wanamaker and Dickinson were mistaken on this subject.

Mr. COX. Can the gentleman tell me what proportion of that fund the Louisville and Nashville system gets?

Mr. KYLE. The Louisville and Nashville system gets $39,840. Now, Mr. Chairman, considering the depressed condition of this country generally and the present condition of our exchequer, when the Secretary of the Treasury is called upon to issue bonds and create a debt for future generations to meet, in order to meet the current liabilities of the Government, I think it would come with very bad grace from this House to let these railroads which are without it, compensated as others are, come in and put their hands into the Treasury and take out about $200,000; and I submit in all candor that when gentlemen who are the friends and advocates of this measure propose to argue for it they ought to be called upon to give good and satisfactory reasons why the appropriation should be made. When a gentleman says that this appropriation ought to be made, make him give his reasons for saying so. If he gives a reason, see if it is a good one. Weigh this question, consider it carefully, and, Mr. Chairman, as I said in the outset, when the facts are fairly considered, when the proposition is well digested, I do not believe the members of this House will vote to let this provision remain in this bill. The granting of subsidies is contrary to the traditions of the fathers and the teachings of good plain Democracy. I thank the gentlemen of the committee for the attention they have given me. [Applause.]

Mr. LOUD. Mr. Chairman, it will be seen by the report of the committee that this bill carries $3,125,500 less than the estimates. This, of course, upon its face demonstrates to the country that the great Democratic party is still in pursuit of "economy and reform." But when you come to scrutinize the bill and ascertain the items which have been reduced, I think you can come to no other conclusion than that the "economy" here is simply what might be termed buncombe economy—simply playing to the galleries for effect—because the reduction has been made upon items as to which the service must necessarily continue at the rate of expenditure now provided by law. If this bill did not carry a single dollar, the mail would still continue to be carried upon the railroads; your postmasters throughout the country would continue to receive their salaries, or at least receive the promise of the Government to pay, which in the end would have to be made good by means of a deficiency bill.

Now it is not sufficient for this Congress to say that some previous Congresses have made reductions upon the two or three items mentioned. What this Congress should contemplate is, first, do the needs of the service demand the appropriation recommended by the Postmaster-General? I do not believe that the majority of the committee can claim or can successfully show to this House that the amount called for in the Postmaster-General's estimates will not in the main be demanded, and not alone demanded but received in a deficiency bill after the next election shall have passed.

Now, if your committee had been in pursuit of economy, it seems to me the reduction should have been made in items where a reduction could have had some effect. As an illustration, we might have taken off $100,000 from that item for post-office inspectors. And, by the way, I will add that this year under a full Democratic administration your committee recommends the appropriation for this item of the full amount called for by the Postmaster-General, which is a larger amount than was ever appropriated before.

Now, it looks to my mind like folly to take $1,250,000 out of the appropriations for compensation of postmasters when the committee know full well that this money will be required and appropriated, as I have said, after the elections shall have taken place. The chairman of the committee and the members of the committee know well that there has always been a deficiency in this appropriation, and the committee well know that there will be a deficiency in this appropriation which will be made up; but I suppose the committee, in pursuit of that line of economy, thought it best to make a reduction upon those items in the bill which would not be affected by the action of the committee. They have taken, as I have said, $1,250,000 from the compensation of postmasters; they have taken $1,400,000 from pay of transportation on railroads; they have taken $278,000 from ocean mail service, and $94,000 from the car service. Now, all of this service is contract service, and outside of these items there is a reduction of $103,000 upon other items of the bill. I am free to admit that possibly a portion of the reduction on ocean mail service was reasonably made. There have been one or two contracts

annulled since this appropriation was submitted to the committee.

I had at first intended to allow this report to pass without saying a word upon it; for having been a member of the committee in the Fifty-second Congress, when a Democratic House was making appropriations to be expended by a Republican Postmaster-General, and remembering how in the work of this committee at that time the slaughter continued from the first paragraph in the bill to the last, I thought on looking at this bill prepared for the purpose of expending money under a Democratic Postmaster-General that the committee had presented a pretty good bill to this House.

In the Fifty-second Congress the committee proceeded in this manner: In the Postmaster-General's Office $1,000 was called for on account of miscellaneous items; the committee reduced that to $500. On the item of compensation of postmasters there was a reduction of $115,000; compensation of clerks, a reduction of $300,000; rent, light, and fuel, $15,500; expenses of third-class offices, $110,000; free delivery, $304,943. Running on in this way (I will not weary the committee with details) the committee made a reduction upon every item in the bill from the beginning to the end.

The report of the committee will show the deficiencies that have developed in the items upon which such reduction was made. The chairman of the committee can truthfully tell you that for transportation there is a deficiency appropriation now before this House, or will be in a very short time, of $1,200,000; that is for the transportation of the mails last year. And in deciding upon this reduction this year, the question is simply whether you will meet this appropriation fairly and squarely now, or whether you will cut off $1,250,000, to be put on after the election shall have taken place.

Mr. Chairman, I prefer at this time not to discuss this bill further. There is one item—the item discussed by the gentleman from Mississippi [Mr. KYLE]—which I should like to discuss when it is reached. If that agreement can not be reached, of course I should be compelled to discuss it before the general debate is closed. I wish also to correct one possible misapprehension that might arise because of the answer by the gentleman from Mississippi [Mr. KYLE], when he occupied the floor, to a question propounded by his colleague [Mr. HOOKER], "If the Postmaster-General preceding Gen. Bissell had not used this money for necessary special facilities?" He replied that he had.

I desire therefore to correct a possible misconstruction of the meaning of that answer in order to exonerate both Postmasters-General Dickinson and Wanamaker, in this, that they found Congress making an appropriation of a stipulated sum year by year without naming a service or without any qualification whatever, and both these officers found that the money had been used for a certain purpose by their predecessors and consequently they felt that they had no discretion in the matter. I am free to confess that in my opinion the present Postmaster-General, under the provision in the last appropriation bill where it gave him discretion that the money should not be used unless it could be shown that it would be for the benefit of the service, I hold that he should not have used that money this year, because the Postmaster-General himself I do not think will claim, at least there can not be one line presented to show that he so held, that it is for the benefit of the general service.

I desire to reserve the balance of my time.

Mr. HENDERSON of North Carolina. Mr. Chairman, if nobody else wishes to address the committee now, I will ask unanimous consent that general debate be considered as closed.

Mr. LOUD. Mr. Chairman, I will agree to that, if it can be now understood, by unanimous consent, that when the item of necessary and special facilities is reached in the bill we may have unlimited time to debate it or such time as we can then agree upon.

Mr. HENDERSON of North Carolina. Can not we agree upon the time now? How much time would you suggest?

Mr. LOUD. I desire to say to the chairman that there is no desire on my part to take any more time than is actually necessary. I shall probably want not more than a half or three-quarters of an hour myself; but it is impossible to determine who may desire to be heard upon the question. I can only assure him that there is no wish to prolong the debate for the purpose merely of consuming time.

Mr. HENDERSON of North Carolina. Then I ask unanimous consent that general debate be closed, leaving that matter, to which the gentleman refers, open.

Mr. LOUD. It is understood when that item is reached that the debate may proceed without limit?

The CHAIRMAN (Mr. MCCREARY of Kentucky). But the Chairman can not make an agreement that will bind the House.

Mr. LOUD. It can go into the RECORD as a matter of record.

The CHAIRMAN. The Chair will submit the request of the gentleman from North Carolina.

Mr. LOUD. Mr. Chairman, it seems to me that an agreement can be reached now which will be binding on the House if it be made a matter of record, that the general debate on this item of special facilities, as embodied in this bill, may continue without limit; in other words, leaving that matter open, so that the time for debate upon it may be settled when it is reached. I can not agree to closing general debate unless there is such an understanding or agreement.

Mr. HENDERSON of North Carolina. I am perfectly willing to agree that there shall be time for debate on that proposition. But I do not think there is any reason why we should not close general debate on the rest of the bill.

Mr. LOUD. I have no objection to that.

Mr. WILSON of Washington. Mr. Chairman, it seems to me that this is about the only item in the Post-Office appropriation bill that is going to be debated——

Mr. DUNPHY. That may not be the case.

Mr. WILSON of Washington. Well, there may be one or two other items which will lead to some discussion; but as I understand it, from a partial agreement with the chairman of the committee, there will be ample time to debate these other items. I ask consent, then, that general debate be closed.

Mr. LOUD. I can not agree to that unless time be given for discussion of the item to which I have referred.

Mr. WILSON of Washington. I hardly expected my friend from California, after his statement, to agree; and therefore unless the gentleman from North Carolina will agree, when we reach the item of special mail facilities, to give additional time we will have to go on with the debate now.

Mr. HENDERSON of North Carolina. That is perfectly satisfactory to me. I ask that general debate be closed on the entire bill except the paragraph named by the gentleman from California.

Mr. HOOKER of Mississippi. I would like to ask a question of the chairman before this agreement is made. I would like to hear from him, as representing the majority of the committee that reported the clause in the bill that my colleague [Mr. KYLE] has offered a motion to strike out, why this clause was inserted, and why the act was originally passed in 1879?

Mr. LOUD. We propose to discuss that item when we reach it.

Mr. WILSON of Washington. We are arranging for unlimited debate upon that now.

Mr. HENDERSON of North Carolina. When we reach that paragraph I will explain it fully.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that general debate on the bill be closed, except on the paragraph on page 4, beginning with line 23.

Mr. WILSON of Washington. We had better include also the item relative to the printing of postage stamps.

Mr. HENDERSON of North Carolina. We will have time enough under the five-minute debate for that.

Mr. WILSON of Washington. Well, so far as that is concerned, we have plenty of time now. We are far in advance of the other body. What is the hurry, let me ask, on this Post-Office appropriation bill, all of a sudden?

Mr. PAYNE. If the gentleman asks that as a conundrum I give it up. [Laughter.]

Mr. WILSON of Washington. The gentleman from New York says if I ask that as a conundrum he gives it up. Now, here is a change in the bill from the old rule of law as to the printing of postage stamps.

Mr. LIVINGSTON. Not at all; the gentleman is mistaken.

Mr. WILSON of Washington. All right; if I am mistaken I will sit down. [Laughter.]

Mr. HENDERSON of North Carolina. Now, Mr. Chairman, the proposition is that general debate be considered as closed, except on this paragraph in relation to necessary and special facilities on trunk lines.

Mr. MOSES. Mr. Chairman, I ask the chairman of the committee to also include the paragraph in relation to rural free delivery. We want to say something about that.

Mr. LIVINGSTON. We can do that under the five-minute rule.

Mr. SMITH of Arizona. I want to speak on the star-route cases.

Mr. DUNPHY. You can get all the time you want under the five-minute rule.

Mr. CANNON of Illinois. Suppose some amendments of a radical nature are offered to this bill?

Mr. HENDERSON of North Carolina. I will raise the point of order against them.

Mr. CANNON of Illinois. Suppose they are in order?

Mr. HENDERSON of North Carolina. If they are in order they will be debated under the five-minute rule.

Mr. CANNON of Illinois. They might be of a nature that would require general debate. I suppose, if general debate is apt, there is no intention to cut it off?

Mr. HENDERSON of North Carolina. Oh, no; there will be plenty of time on any item that is contested.

Mr. PICKLER. Is there any provision in this bill for postal telegraphing?

Mr. HENDERSON of North Carolina. None.

Mr. WILSON of Washington. Mr. Chairman, I wish to ask the gentleman from North Carolina [Mr. HENDERSON] a question, if he will permit me. Is there anything in this bill that gives special mail facilities to the West?

A MEMBER. The whole bill does that.

Mr. WILSON of Washington. I ask for this reason: We are running a postal car from Mandan through into Montana, without any pay whatever, in order to get a little extra mail service for our section of country, while we are going forward to appropriate for extra mail facilities for these Southern trunk lines.

Mr. LIVINGSTON. Does the gentleman remember what the postal deficit is for that part of the country?

Mr. WILSON of Washington. I do not forget anything. I know what the deficit is in that section of the country, and I know that the excess of expenditures over receipts from the sale of postage stamps, etc., in the Southern States is $5,053,760.

Mr. LIVINGSTON. I can tell you the reason why.

Mr. WILSON of Washington. I will tell you why; it is because you do not write.

The CHAIRMAN. What is the proposition of the gentleman from North Carolina?

Mr. HENDERSON of North Carolina. It is that general debate on this bill be considered as closed, except with regard to the one item of special facilities on trunk lines.

The CHAIRMAN. The Chair will suggest to the gentleman from North Carolina that it will be difficult for the Chair to determine, when a gentleman is recognized for general debate, whether he is speaking to the one paragraph of the bill. The Chair thinks it would be impossible for the Chair to execute such an order if it was made by consent of the House. The Chair would have to give every gentleman latitude in debate under the rule.

Mr. LOUD. Mr. Chairman, if you will permit me for one moment. The suggestion is that general debate be now closed upon all propositions except that paragraph, and that general debate shall proceed when we reach that.

Mr. HENDERSON of North Carolina. Mr. Chairman, the object is to have the bill read by paragraphs, and let us agree to such items as are uncontested. There does not seem to be more than one item contested; and as gentlemen seem to be unwilling to name the time for general debate on that one item, I am perfectly willing to leave the matter open, so that when we reach it there may be a fair and reasonable amount of debate.

The CHAIRMAN. The gentleman from North Carolina [Mr. HENDERSON] asks unanimous consent that all general debate upon the pending bill be closed, except as to the paragraph indicated by him. The Clerk will report that paragraph.

The Clerk read as follows:

For necessary and special facilities on trunk lines from Springfield, Mass., via New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. PICKLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PICKLER. When that paragraph is reached, what will be done?

The CHAIRMAN. It will be open to general debate.

Mr. PICKLER. On the whole bill, or on that paragraph?

The CHAIRMAN. That is the exact proposition that the Chair has already made. There will be difficulty in executing any such order; but if the committee makes it, the Chair will do his best to execute it.

Mr. PICKLER. I am inquiring of the Chair, as a parliamentary inquiry, what the Chair will hold?

The CHAIRMAN. The Chair will not undertake to decide any question of that kind until the question arises.

Mr. PICKLER. It is quite material whether we will be confined to that single proposition.

The CHAIRMAN. The Chair has already pointed out the difficulty. The gentleman from North Carolina asks unanimous consent that all general debate upon the bill except this paragraph shall be considered as closed. Is there objection?

Mr. BERRY. Mr. Chairman, I desire to offer an amendment to a section which I think is equally important, and I ask that it be read for information.

The CHAIRMAN. The Chair desires this matter to be determined first. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read the bill by paragraphs.

The Clerk read as follows:

For compensation of postmasters, $16,000,000.

Mr. LOUD. Mr. Chairman, I desire to offer an amendment there.

The Clerk read as follows:

On page 2, line 2, strike out the words "sixteen million dollars" and insert "seventeen million two hundred and fifty thousand dollars."

Mr. LOUD. Now, Mr. Chairman, as I stated in my preliminary remarks on the bill, I do not think that there is any person upon this floor who can successfully contend that the amount specified in my amendment will not be needed for the payment of salaries of postmasters during the year 1894-'95.

And further, as I said before, the only object that can be obtained by cutting this appropriation down $1,250,000 is that the aggregate or lump sum of our appropriations bills shall be just so much smaller, and it will become necessary for this Congress at its next session, after the election shall have passed, to appropriate substantially $1,250,000 as a deficiency on this item. I believe that the time has arrived, if it ever is to arrive, when Congress should honestly meet the cost of the postal service. Now, then, the chairman of the committee will not contend but what this amount of $17,000,000 is required to pay the salaries of postmasters. I believe the time has arrived for us to act honestly and sincerely and to appropriate to-day what the appropriation bill ought to carry.

Mr. HENDERSON of North Carolina. Mr. Chairman, I hope this amendment will be voted down. It is impossible to carry on this Government by making appropriations exactly equal to the amount that will be needed in any one year. This is an item on which there have always been deficiencies, and it is an item——

Mr. LOUD. Because you cut it down there is a deficiency.

Mr. HENDERSON of North Carolina (continuing). And it is an item that can afford to wait. The $16,000,000 that we propose to appropriate here is many millions of dollars more in money than the postmasters will need to settle their accounts during the year.

Mr. LIVINGSTON. It will carry us beyond the 4th of March next.

Mr. HENDERSON of North Carolina. Why should we appropriate more money than will be necessary to settle all the accounts?

Mr. CANNON of Illinois. Why not appropriate $5,000,000 less then? We could go on the same.

Mr. HENDERSON of North Carolina. I understand that, and our committee do not think that we ought to depart from the precedents so far as to cut it down beyond the amount proposed.

Mr. LOUD. That is a larger cut than has ever been made.

Mr. REED. Is not this a larger cut than ever?

Mr. HENDERSON of North Carolina. It is somewhat larger. The deficiency on the item in 1888 was $908,521.20; in 1889 there was a deficiency of $600,000; in 1891 there was a deficiency of $593,538.66; in 1892 there was a deficiency of $389,074.73. The deficiency for 1893 has not yet been presented to Congress, and we do not know what it will be.

Mr. LOUD. Will the gentleman allow me a suggestion——

Mr. COOMBS. What was the amount appropriated for 1893?

Mr. HENDERSON of North Carolina. Fifteen million two hundred and fifty thousand dollars.

Mr. LOUD. If the gentleman will allow me a suggestion?

Mr. HENDERSON of North Carolina. Yes, sir.

Mr. LOUD. I would suggest that even the economical Fifty-second Congress only cut it $115,000, while you propose to cut it $1,250,000.

Mr. HENDERSON of North Carolina. Oh, we learn by experience, and we find that the Post-Office Department does not need the money, and why should we give it in advance, while the Treasury is nearly bankrupt?

Mr. LOUD. You have not to pay in advance.

Mr. HENDERSON of North Carolina. Well, it will not be expended and can not be used. There is no need why the money should lie idle in the Treasury.

Mr. CANNON of Illinois. I do not think the gentleman is entirely candid with the House.

Mr. HENDERSON of North Carolina. I am entirely candid. That is exactly what I desire to be.

Mr. CANNON of Illinois (continuing). In this. He says why expend the money when the Treasury is nearly bankrupt?

Mr. HENDERSON of North Carolina. I say why appropriate the money?

Mr. CANNON of Illinois. Now, then, my friend certainly knows this, that of the postage collected the law with reference to this allows the postmasters to retain their salaries, whether it

is $10,000,000 or $15,000,000 or $30,000,000; and yet this reduction of this appropriation does not affect them getting their pay in the slightest.

Mr. HENDERSON of North Carolina. It does not.

Mr. CANNON of Illinois. And that the postmasters would get their pay if we did not appropriate one cent, and that the cutting of this appropriation is merely to have an opportunity to say that the appropriation is so much less and to square the books; the appropriation can be made in the deficiency bill a year from now; hence it was that I asked my friend, why be satisfied with cutting this appropriation $1,200,000 when he might as well, as long as he was going into the cutting business, cut it twelve millions or leave it out altogether?

Mr. HENDERSON of North Carolina. Not at all. I do not understand why the gentleman should say that.

Mr. DUNPHY. Would it not reduce the salaries of the postmasters to that extent?

Mr. CANNON of Illinois. Not in the slightest. I will put the question to my friend from North Carolina again: Is it not true that under the general law, without reference to appropriation, if you did not appropriate one cent for postmasters' salaries, they would retain the amount of their salaries from the postage collected?

Mr. HENDERSON of North Carolina. I will state, Mr. Chairman, that would be exactly true, provided there was always sufficient funds in the hands of every postmaster to pay his entire salary, but there are a great many postmasters that have to be paid out of the Treasury.

Mr. CANNON of Illinois. I would be glad to see that law.

Mr. HENDERSON of North Carolina. Is not that so?

Mr. CANNON of Illinois. I think not.

Mr. HENDERSON of North Carolina. Do you say that every post-office in the country is self supporting?

Mr. CANNON of Illinois. Yes; so far as the postmaster's salary is concerned. The salary is based upon the amount of postage collected. Up to a certain amount the postmaster retains all the postage; up to a certain other amount he retains a certain percentage, and the salary is made exclusively from the revenues of the office. That is true as far as the salaries are concerned, and the postmasters get their pay because, up to what the law allows, they never send the money to the Government, but simply render an account and retain so much under the general law.

Mr. COOMBS. Then, according to the gentleman, we need not make any appropriation.

Mr. CANNON of Illinois. If we did not make any appropriation in this bill for postmasters' salaries the result would be that the postmasters would get their pay precisely as they do now, but when they sent in their accounts for settlement the accounts would be suspended and there could be no settlement until an appropriation was made. In other words, it is a matter of bookkeeping.

Hence, I ask the gentleman, as long as he is going to cut this appropriation so as to be able to say that we have not appropriated within $1,200,000 of the estimates, or within $1,200,000 of what the salaries may be, and thereby to claim credit for economy, why stop at $1,200,000? Why not cut it ten millions?

Mr. COOMBS. Do I understand the gentleman from Illinois to suggest that we cut it still further?

Mr CANNON of Illinois. You might just as well cut it further as cut it this much.

Mr. COOMBS. I will ask the chairman of the committee whether this is not an approximation to the estimate of the amount required?

Mr. HENDERSON of North Carolina. It is $125,000 less than the amount asked for, but the amount appropriated is a great deal more money than will be needed during the year. The gentleman from Illinois [Mr. CANNON] is a member of the Committee on Appropriations, and he knows that when they make this appropriation for a deficiency, it is not an appropriation of money but is simply to cover the difference in the accounts. It is, as the gentleman himself says, a matter of bookkeeping.

Mr. CANNON of Illinois. Precisely.

Mr. HENDERSON of North Carolina. Now, I say that in my opinion we have been doing wrong heretofore in appropriating the entire amount asked for, but I do not say that there ought to be a very great reduction. The appropriation proposed is about right.

Mr. REED. Has it not all been used heretofore?

Mr. HENDERSON of North Carolina. It is all used when all the accounts are settled, but it takes longer than a year to settle the accounts of the postmasters.

Mr. REED. Can any more of it be used whether it is appropriated or not?

Mr. HENDERSON of North Carolina. No; no more can be used than is contracted for under the law.

Mr. REED. Consequently there is no harm in making an appropriation which exceeds the amount actually needed; while there is harm in appropriating less than is needed, because it obliges us to bring in a deficiency bill and causes a stoppage of accounts.

Mr. HENDERSON of North Carolina. Oh, no; it does not cause any stoppage of accounts; nobody is injured by it; I never heard any complaint in regard to the matter.

Mr. REED. Then it is a little harmless device for reducing apparently the expenditures of the Government.

Mr. HENDERSON of North Carolina. No; I will state——

[Here the hammer fell.]

Mr. REED. It is a part of the next Democratic stump speech plan; is it?

The CHAIRMAN. Debate is exhausted. The question is on the amendment of the gentleman from California.

The question being taken, the amendment was rejected.

The Clerk read as follows:

For rent, light, and fuel for first and second class post-offices, $345,000.

Mr. BOWERS of California. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "eight," in line 6, page 2, and insert in lieu thereof the word "four," so as to read:

"For rent, light, and fuel for first and second class post-offices, $445,000."

Mr. BOWERS of California. Mr. Chairman, I propose to show this committee in the five minutes allowed me how the Government can make a very large saving on this item—at least $400,000. In the city in California in which I reside—a city of about 20,000 inhabitants—the post office was fitted up by the citizens there at an expense of $3,000. The rent of the building was given free to the Government, upon the condition that it would simply heat and light the building. Everything else was furnished by the property owners. The receipts of that office were about $44,000, the expenses about $16,000; so that the net profit to the United States was about $28,000. When that lease expired, the Department, in the interest of "economy," sent its post-office inspectors to that town and asked for bids for the rent of a building for another term.

It was known that this was a growing town, and a great many people were interested in building up certain portions of it. Various persons made their offers to the Government to furnish the post-office rent free. One gentleman who had some property idle made the proposition that he would fit up a fine room at his own expense (and it is an excellent room); that he would light it and heat it and furnish everything at the extremely low price of $1 per year. That is the total rent which the Post-Office Department pays in the city of San Diego for the fine post-office that it uses to-day, and the fitting up of which cost the proprietor of the building $3,000.

I understand, Mr. Chairman, that this "skin game" (because it is "a skin game") of the Department can not be worked in the effete and dead cities of the East. [Laughter.] But it can be worked in the great booming towns of the West. It has been worked. I think the business is contemptible; but since the Government of the United States has started in upon that kind of business, I think it should work it for all that it is worth. It should work it wherever it is possible; for it is no more contemptible and no meaner in one place than in another.

Mr. WILSON of Washington. Does the gentleman blame the Department——

Mr. BOWERS of California. Not at all.

Mr. WILSON of Washington. Or the citizens?

Mr. BOWERS of California. Not at all. I am not blaming anybody; I am simply blaming the Department for not working this game whenever it can be worked.

Mr. WILSON of Washington. As I understand, it was the people of your city who worked the game.

Mr. BOWERS of California. I understand all about that. Now, I am finding no fault. But "economy" is what we are after; and a little farther on I am going to show another specimen of economy on the part of the Department. I only want to show this Committee of the Whole how this Administration, which is carrying the study of economy to a fine point, can reduce its expenditures still further. The game which I have described can be played all over the West—in every growing community.

Mr. ENLOE. Does not the gentleman think the Government might make still more by letting the location of the post-office in each city to the highest bidder?

Mr. BOWERS of California. That is precisely what your Department does. And I say it can be done everywhere in the West. Our towns there are young and growing—not like some of your old towns in the East, where you have no speculative enterprise—no interest in building up a particular part of the city.

But I say this business, contemptible as it is, can be extended.

The same system which enables the Government in our town to carry on its postal business at a profit of $25,000 a year, because it expends only $1 a year for rent of post-office, can be applied elsewhere, if you can get the right kind of inspectors, and I understand the bill makes a larger appropriation for post-office inspectors than any previous bill. In view of what can be accomplished in this way, my amendment proposes to strike out from this appropriation $100,000.

The question being taken on the amendment of Mr. BOWERS of California, it was rejected.

The Clerk read as follows:

For necessary miscellaneous and incidental items directly connected with first and second class post-offices, including furniture, $140,000: *Provided*, That the Postmaster-General, in his discretion, under such regulations as he shall prescribe, may authorize any of the postmasters of said offices to expend the fund he may allow them for such purposes, without the written consent of the Postmaster-General.

Mr. BOWERS of California. I move to amend by striking out in line 15, on page 2, the words "one hundred and," so as to appropriate only $40,000 for "necessary miscellaneous and incidental items directly connected with first and second class post-offices, including furniture." This amendment in effect makes a reduction of $100,000 in this appropriation.

Now, this is for miscellaneous and incidental items directly connected with the first and second class post-offices, for repairs and things of that kind, and I have a couple of letters here which I wish to read to the committee, showing how money is saved, and that this proposition which I have submitted, to save the hundred thousand dollars, is exactly in line with the broad principle of Democratic economy that we hear so much about on this floor.

Mr. LOUD. If my colleague will allow me, he might have said also that the committee in all of these miscellaneous items recommend the full amounts of the estimates asked for by the Department where there is a discretion in the expenditure of the fund and cut it off in all other cases.

Mr. BOWERS of California. Yes, and I thank my colleague for the suggestion. They have reduced the salaries of postmasters about a million of dollars. Now, I am only proposing to reduce this item a hundred thousand dollars for the purpose of aiding our friends in their own efforts.

Mr. COOMBS. Will the gentleman allow me to ask him a question?

Mr. BOWERS of California. Certainly.

Mr. COOMBS. Are you not afraid that you are injuring the reputation of the Republican party for generosity by these suggestions?

Mr. BOWERS of California. Not at all, sir; not the slightest danger of it. The Republican party is not afraid. It has a record, and it can stand on it. Its reputation is entirely safe. But here is a letter I wish to read from one of my constituents to show exactly how this thing works.

SAN DIEGO POST-OFFICE, OFFICE OF THE POSTMASTER,
San Diego, Cal., March 15, 1894.

DEAR BOWERS: The inclosed letter is a sample of Democratic economy that beats anything which has ever come to my attention.

The safe that was repaired, mind you, belongs to the Department; it is the only place where I can keep the funds—often several thousand dollars—and it was liable to close up on me and lock me out at any time; the regulations specifically provide for expenditures without special authority in any such emergency. And yet the great Government of the United States coolly repudiates this just claim, and proposes to make me pay for the necessary repairs on its own property, which had to be made to protect its own interests. More than that, it does not affect any appropriation, large or small. The sum is only $2.50, but the principle is just the same as though it were thousands.

Yours, truly,

H. M. KUTCHIN.

Now, I send a letter from the Department on this question to the Clerk's desk and ask to have that read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., March 6, 1894.

SIR: Referring to your request for an allowance for repairing safe, you are informed that on account of the limited appropriation available for the purpose it is not deemed advisable to allow the same.

Your request is therefore declined.

Very respectfully,

E. C. FOWLER,
Acting First Assistant Postmaster-General.

POSTMASTER, *San Diego, Cal.*

Mr. BOWERS of California. Now, I desire to submit to the committee that in this view of these appropriations, as taken by the Department, and as shown by the letter I have just had read, it is certainly competent to save at least a hundred thousand dollars on this other item.

Here is an item appropriated for in the general appropriation bill, and provision made that the postmasters generally shall be allowed for certain expenditures in this direction. But it is refused. No attention is paid to it. Now, when we are considering a provision for expenditures of that sort on the part of the Government, and when the Democratic party is pursuing the same line of policy, the same old spirit of Democratic economy in all other Departments, I wish to come in and lend them a helping hand by this amendment.

Mr. SMITH of Arizona. Do you want them to accept it? [Laughter.]

Mr. BOWERS of California. Certainly. It is in the line of economy. That is the reason I offer it.

I ask a vote upon it.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For free-delivery service, including existing experimental free-delivery offices, $12,327,685.33.

Mr. MOSES. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

After line 28, on page 2, add the words "of which the sum of $20,000 shall be applied under the direction of the Postmaster-General to experimental free delivery in rural communities, other than towns and villages."

Mr. MOSES. Mr. Chairman, in the last appropriation bill for the Post-Office Department provision was made, setting aside $10,000 for this purpose. I understand that part of the law has been nullified, and that no such experiment has been made.

The bill as reported in the last Congress had this amendment added to this section:

Of which the sum of $10,000 shall be applied under the direction of the Postmaster-General to experimental free delivery in rural communities other than towns and villages.

The law said it "shall be applied." I notice that the Postmaster-General in his report says that this "$10,000 should be devoted, at the discretion of the Postmaster-General, to testing the feasibility of establishing a system of free delivery in rural districts."

If Congress can not make a law mandatory by saying that a certain amount "shall" be expended for a specific purpose, how can we take it out of the discretion of the Postmaster-General? It was not left to the discretion of the executive department.

The reason given for not continuing this experiment is that they had not the time to do it, that the time of the Department was taken up in the consideration of "more important questions." There are thousands of people in this country who think this an "important question," and Congress said that $10,000 "shall be applied" to the solution of it. What executive authority was there to nullify the law?

You appropriate eleven millions for free delivery in the cities and towns. It is expended. But they can not find time to expend $10,000 to test the feasibility of rural delivery. What are we to say to those farmers who are demanding that the experiment inaugurated by Mr. Wanamaker shall be continued until it is determined whether it is practicable or not?

I make no captious attack upon the administration of the Post-office Department; I have urged them to execute this law. Those of us representing rural districts will not be put off with the excuse that it is impossible to give this question study and consideration. The Postmaster-General in the report previous to the one before us to-day stated that the $10,000 appropriated by the Fifty-first Congress "yielded net proceeds of over $3,600, due to the increase of business that was caused." Does not that report authorize at least a continuation of the experiment?

Mr. WILSON of Washington. May I interrupt the gentleman for a question?

Mr. MOSES. Certainly.

Mr. WILSON of Washington. I did not hear the first part of the gentleman's remarks; but if I understand him, he wishes to extend this free-delivery system to the rural districts?

Mr. MOSES. I wish the Department to continue the experiment inaugurated in 1890.

Mr. WILSON of Washington. How many post-offices are there in the United States? I believe there are about 68,000. Now, of course, if we establish this free-delivery system in one section of the country we must establish it all over the country, and give free delivery at each one of these 68,000 post-offices, which at a rough calculation would cost $2,000 apiece, or in round numbers $113,000,000 to $115,000,000. Now, it seems to me it is impracticable.

Mr. MOSES. In reply to the gentleman from Washington, I will say that Mr. Wanamaker's report shows that the $10,000 expended in these forty-six post-offices yielded net proceeds of $3,600—a far better return than we get from the star-route service in his section of the country.

Mr. LOUD. I hope the gentleman will present the report of the Postmaster-General, to substantiate that fully.

Mr. MOSES. I will read from the report, on page 11.

The $10,000 appropriated yielded net proceeds of over $3,600, due to the increase of business that was caused, and the salaries of the postmasters of the offices experimented with were raised in the aggregate to over $1,900.

Mr. LOUD. The gentleman will find if he reads that report fully that those offices did not meet the expenditure, notwithstanding the statement which has been read. He will find that the $10,000 never came back to the Government in increased postal receipts.

Mr. MOSES. I have read the report, and it says that the net proceeds were $3,600.

[The time of Mr. MOSES having expired, by unanimous consent, on motion of Mr. MORSE, it was extended five minutes.]

Mr. MOSES. I know the objection to this is, that in partially settled sections of the country it is not practicable; but I say we can extend it gradually with reference to the population; and that is what we want to find out, what the population must be per square mile to make the increased service pay for itself. That is the object of this appropriaton and experiment; and when these new States acquire sufficient population, they can come in just as the cities are now accorded free delivery when they reach a population of 10,000 inhabitants.

Let us not leave the question unsettled. The millions who live in the rural districts will be satisfied with nothing less than a fair test as to its feasibility.

Mr. Wanamaker said that it was practicable, and that the appropriation ought to be continued. We appropriated the money to continue it under the present Administration, but it has not been done.

Now, Mr. Chairman, if the committee will agree to give us $20,000 out of the eleven millions proposed for the cities, we will not complain, even if the large cities do get fourteen or sixteen daily deliveries. I know the Department has been busy during the past year. They had to "turn the rascals out." As good Democrats, this was the highest duty. So far as my district is concerned, that duty has been well performed. Out of this large sum let us again appropriate $20,000, that this question may be settled to the satisfaction of the people.

Mr. WILSON of Washington. Mr. Chairman, on this matter of free rural delivery I do not see, owing to the condition of the country, that it can ever be established successfully. It would cost such an enormous amount of money, and the population is scattered over such a wide area of country, that it seems to me to be an iridescent dream.

What we do want, and what we should have, and what seems to be entirely practical, is to extend the star-route service in every direction possible, giving to the farmers of the country mail facilities six times a week if necessary, and three times where it is not so urgent. We want to extend these star routes all over the farming districts. Establish post-offices in every section, and you will give to the farmer that mail facility that he now desires and now demands. It is not possible to establish free rural delivery in the section I have the honor in part to represent. Why, think of a man going over the Okanogan Mountains, 30 miles, to deliver one letter! What we do want is daily mail service six times a week under the star-route system.

Mr. PICKLER. To one fellow?

Mr. WILSON of Washington. To one fellow. If there is one fellow in your section who wants his mail, I claim he ought to have it, and I expect you do. What we want is to establish new post-offices. All through my section there is a crying demand for new offices, and it is impossible to get this Administration, for some cause or reason, to establish these offices. I went to the Department the other day as to the establishment of a new office, and they said there are only fifteen or twenty people there. I said I do not care if there was only one American citizen who wants his mail he has a right to have it as much as the citizen of New York or Brooklyn.

Mr. COOMBS. You might make him postmaster himself.

Mr. WILSON of Washington. Yes, we might make him postmaster. What we want, and what we should have, is an extension of this star-route system.

Mr. PICKLER. Is there any proposition in this bill by which it can be done?

Mr. WILSON of Washington. There is not. In the Fifty-second Congress we increased the amount of appropriation recommended by the committee $200,000 in order to establish a large number of new star routes and to increase the service from one to three times a week and from three to six times a week, and gave the farmer the benefit of increased mail facilities by that increased appropriation, which seems to me is along the practical line. Continue in the same direction and you will give the farmer an opportunity to obtain better mail facilities.

Mr. PICKLER. Mr. Chairman, I think in giving proper postal facilities it is little difference whether you call it rural delivery or star route. I do not care whether it comes through rural delivery or through postal route. But I am in favor of the suggestions of both the gentleman from Georgia and the gentleman from Washington. Here is the most remarkable language in this report that I have ever seen submitted to Congress. I beg to call attention to the language in regard to this matter:

Although it was provided by Congress in the appropriation bill for the fiscal year ending June 30, 1894, that $10,000 should be devoted, at the discretion of the Postmaster-General, to testing the feasibility of establishing a system of free delivery in rural districts, it has been found impossible, by reason of the pressure of more important questions, for the officers having that subject in charge to give the subject the study and consideration that it demands, much less to establish such rural free delivery.

And then this proposition winds up by abandoning the enterprise altogether. Now, Mr. Chairman, that seems to me to be a little less than an insult to the Congress of the United States and the people living in the rural districts. What business has the Administration and the Postmaster-General to say, after Congress has enacted a law and said to them, you shall try this experiment and ascertain whether there is anything in it or not, to tell the Congress of the United States and the people, who are interested, that they have not taken the time to consider that part of the business because there is something more pressing on their hands? What object is there in Congress passing laws if that is the way it is to be treated? It is worth the experiment. It was advocated by the last Postmaster-General, who thought there was much in it. The people of the country would like to see a demonstration; at least, we would like to ascertain whether it shall be by star route or by free rural delivery.

We want something of the kind. Why, I suppose they have been engaged in the disposition of the $192,000, the gentleman from Mississippi [Mr. KYLE] told us about, to the railroads, and so they have not had time to attend to the country. A great crying question of the American Union, through all the public press, is that the people living in the country are coming to the cities. Is it little wonder, Mr. Chairman, that they are leaving the country and going to the cities when all the expenditures of the Government for the benefit of the people are being bestowed upon the cities and the thickly settled districts and not given to the rural population?

Mr. WILSON of Washington. I can tell the gentleman what they were occupied in doing, so that they could not consider this. They were chopping off the heads of Republican postmasters, and had no time for any other business. [Laughter.]

Mr. COOMBS. We on this side of the House are glad to hear that complaint. [Laughter.]

Mr. PICKLER. I contend that after Congress has passed a law it ought to be executed by the Department, and I contend that this experiment is worthy of a trial. If it is not practicable, we will find it out by demonstration, and the experiment will not cost a great deal of money. The gentleman from Washington [Mr. WILSON] estimates that to extend this system all over the United States would cost $100,000,000, but I see that the report estimates the cost at $20,000,000. We do not need to spend so much as that now, but let us have a demonstration made on a small scale, and let the Department carry out in good faith the law which Congress has passed.

Mr. COOMBS. I call the gentleman's attention to the fact that this bill says that it shall be continued.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word.

I am sorry to see so little interest taken in this question. I admit that it is impossible to inaugurate any permanent system of free delivery throughout the length and breadth of this country right now, but at the same time it is undoubtedly true that it is possible to make an experiment with a view of determining just how far the free-delivery system may be extended through the rural districts. Free delivery in rural districts is not a new thing. It exists in many parts of the world, and there are many ways in which it can be attained in a very economical manner. I notice that the Postmaster-General calls attention to the fact, which is a fact, that a system which would do for one part of this country would not do for another, owing to differences in the manner in which the country is settled, density of population, and other such considerations.

At the outset of what I have to say in reply to the gentleman from South Dakota [Mr. PICKLER], I wish to remark that no partisan advantage can be obtained by a discussion of this question. Congress made an appropriation, mandatory in its nature, requiring that the Post-Office Department, with $10,000 put at its disposal, should make an experiment in the matter of free delivery in the rural districts. Under the preceding Administration no effort was made to experiment in that direction. Under the present Administration no effort has been made, and I think

it is well enough that an effort should be made, if for no other purpose than, if it is impracticable, to satisfy the people of the country of its impracticability.

Mr. PICKLER. This appropriation was not made until last year, I think. The report says that it was for the fiscal year 1894.

Mr. WILSON of Washington. I think the gentleman from Mississippi is mistaken. I think that Postmaster-General Wanamaker expended $10,000.

Mr. WILLIAMS of Mississippi. Not for this purpose. There were two appropriations for free delivery, one for village free delivery and one for experimental free delivery in the country outside of towns and villages. Mr. Wanamaker made an experiment in village free delivery, but he made no effort to extend the system to the rural districts.

Mr. WILSON of Washington. I may be wrong about it.

Mr. WILLIAMS of Mississippi. The gentleman is wrong. I have inquired at the Department.

Mr. PICKLER. But the village and small town delivery appropriation preceded this for the rural districts. The appropriation for the rural districts was made only during the last year.

Mr. WILLIAMS of Mississippi. I understand that; but there was about six months of it under one Administration and about the same time under the other, and no effort was made under either Administration to carry out the experiment.

Now, Mr. Chairman, there is one view that I wish to present very briefly. I think that on the star routes of the country the free-delivery system is practicable by simply putting up boxes such as you have in the cities, and if necessary requiring the box-holders to pay the cost of them, and I am quite sure that every farmer in my part of the country would be willing to do that.

Mr. PICKLER. They do not have to do that in the city.

Mr. WILLIAMS of Mississippi. I understand that, but I am not asking equal terms with other people. [Laughter.]

Mr. PICKLER. But you ought to ask equal terms.

Mr. WILLIAMS of Mississippi. I would not dare to ask equal terms with the cities. [Laughter.] This experiment, I say, could be carried out by putting up boxes and giving the box-holder a key, and also giving the mail-rider a key and letting him take out the mail that he finds in the box and put in the mail that he has brought for the box-holder. I suggested that plan at the Department and even went so far as to suggest that the people on a given route in my district would be willing to pay for the boxes, and that, if necessary, I myself would pay for twenty of them in order that the experiment might be fairly tried at as little expense as possible. I do not think it is right that people who live out in the country and who receive their mails twice a week or three times a week should have to go so far for their mail matter.

I suppose that half the people outside of the villages in my country have to ride at least 6 miles for the purpose of getting their mails. I do not think it is dealing fairly with those people to treat a mandatory appropriation of Congress for this purpose as a trifle which can be nullified by the Department by simply refusing to act in the matter. The old appropriation will soon be covered back into the Treasury by the lapse of time, but I am in favor of replacing it with the appropriation embodied in the amendment of the gentleman from Georgia, so that the Department may understand that it is the will and command of Congress that this experiment shall be made.

Mr. MOSES. We said "shall" before.

The CHAIRMAN. In the absence of objection, it will be understood that the pro forma amendment is withdrawn.

Mr. WILSON of Washington. I renew the pro forma amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Nebraska [Mr. BRYAN]. The gentleman from Washington [Mr. WILSON] has already spoken once on this question; and the Chair can not recognize him again so long as any other gentleman desires to speak.

Mr. BRYAN. Mr. Chairman, I move pro forma to strike out the last word. In regard to this amendment proposing to provide for free delivery in rural districts, I have not been able to satisfy myself that it could be operated to an extent which would be at all satisfactory.

Mr. WILLIAMS of Mississippi. Will the gentleman allow an interruption? The proposition is simply to appropriate $20,000 out of this amount for the purpose of experimenting with the view to determining whether this plan of rural delivery is practicable or not.

Mr. BRYAN. Mr. Chairman, without discussing that matter, there is something which I think we can do and do with justice, to help these communities which do not enjoy the benefits of the free-delivery system. In the smaller towns it is necessary now for persons wanting a box at the post-office to pay a certain sum per year for that box. The person having such a box not only goes to the office for his mail, but he pays for the place in which his mail is deposited. Now, while we may differ as to the expediency of attempting to carry the mails to all parts of a rural district, there can certainly be no objection to giving to a man residing in the country or in a small town and who goes to the post-office for his mail the right to have his mail deposited in a box, without being compelled to pay for that privilege.

In the cities every person's mail is carried to his house without charge: now, why can we not allow free boxes in the smaller towns? It seems to me that a movement in this direction would be in the line of justice and would not be open to such objections as apply to the attempt to extend free delivery into our country districts.

I have been hoping for a year or two that the Post-Office Committee would see its way clear to recommend such a change in our law as would allow persons or families in the rural districts and in the smaller towns to have post-office boxes without any charge.

Mr. WILSON of Washington. Suppose such a provision should become a law, the rent of post-office boxes would no longer help to swell the emoluments of the postmasters. Now, we do not want 68,000 postmasters "down" on us, and would it not be necessary for us to adopt some provision whereby the amount thus lost to the postmasters would be made up to them? In the smaller offices the emolument of the postmaster is largely controlled by the rent of boxes.

Mr. BRYAN. If the box rent goes toward the salary of the postmaster or is a part of the income of the office by which his salary is regulated, so that by free boxes the compensation of the postmaster would be reduced, the Government would certainly have to provide some other form of compensation for the work done by him; but that matter could be arranged.

Mr. COBB of Alabama. The box rents do not go to the postmaster.

Mr. WILSON of Washington. They do not; but indirectly they help to swell the emoluments of the office. Of course, all the revenues of the office—box rents and everything else—belong primarily to the Government.

Mr. BRYAN. Whether the postmaster gets the box rent or not, the patron of the office has to pay it; and if by such a proposition as this a part of the compensation of the postmaster would be cut off, of course we would have to provide some way of making up the difference. But I submit that while we are giving free delivery to our cities, we should as a matter of justice give to the people in the rural districts and the smaller towns the privilege of having free a place for the deposit of the mails which they themselves go to the office to receive.

Mr. HAYES. Under the free-delivery system do not those localities that enjoy the system pay for it themselves?

Mr. BRYAN. They pay an extra cent on local postage, but they do not pay any more on other letters or papers.

Mr. HAYES. But the free-delivery system as applied to the cities is self-supporting?

Mr. BRYAN. Yes, sir.

Mr. HAYES. If we should provide free boxes, would it not be necessary to have a multiplicity of boxes, with an enlarged space in the post-offices, and would there not be thus entailed a great expense without sufficient justification? Such a system would require larger post-office accommodations, and would entail increased expense for rent. In short, would the system be practicable?

Mr. BRYAN. I do not know that any more boxes would be necessary than are now provided.

Mr. HAYES. Under the present system many persons receiving but little mail matter care nothing for a box because it is very little trouble for them to ask for their mail. But if a free box were provided for everyone who might ask for it the number of boxes would be largely increased, the office space would be necessarily enlarged, and great additional expense would be incurred, which would accomplish nothing.

Mr. BRYAN. I think the gentleman magnifies the expense.

Mr. WILSON of Washington. If these boxes were provided free, would not every person receiving mail at one of these town or village offices want a box?

Mr. HAYES. That would be the result of it.

Mr. WILSON of Washington. And every family would want a box.

Mr. SMITH of Arizona. Whether they got any mail or not.

Mr. WILSON of Washington. Yes; it would not make any difference about that.

Mr. HAYES. That is the point that struck me as being most likely to arise: that it would involve an enormous expenditure where there is no demand for it.

[Here the hammer fell.]

Mr. McMILLIN. I will take the floor, Mr. Chairman, for the

purpose of asking the gentleman a question. I wish to ask if there has been any estimate as to the cost of this plan that he suggests, or the approximate cost of delivering the mails in such a manner?

Mr. BRYAN. None that I have seen.

Mr. MCMILLIN. Is there any estimate as to the cost of the free rural delivery?

Mr. WILSON of Washington. If the gentleman will permit me, I can only say that I went to the Post-Office Department during the last session of Congress and had an estimate as to the expense if this was carried out all over the country, as we would naturally want it if we commenced the service at all. That estimate places the expenditure at about $113,000,000 for the sixty-eight thousand post-offices, or about $2,000 on the average. Some, of course, would be less and some more, but in all parts of the United States the estimated expenditure was $113,000,000.

Mr. BRYAN. In addition to the present cost?

Mr. WILSON of Washington. Yes.

Mr. BRYAN. More than double.

Mr. WILSON of Washington. About that amount.

Mr. PICKLER. This report to which I have been referring puts the amount at $20,000,000.

Mr. WILSON of Washington. Yes; so it does.

Mr. MCMILLIN. Well, that is a very wide divergence of opinion.

Mr. WILSON of Washington. Nevertheless that is the fact.

Mr. MCMILLIN. Somebody's arithmetic is evidently wrong.

Mr. PICKLER. I desire to ask the chairman of the committee a question: Whether it is the judgment of the committee that this question of experimenting on the rural free delivery is the opinion of the Department? Does the committee believe that it should be abandoned without any further attempts in that direction?

Mr. HENDERSON of North Carolina. The committee thought that inasmuch as the $10,000 appropriated last year for the use of the current year has not been applied to the current year, having yet some time to run, that money still being available by the Department, it would be unnecessary to recommend further appropriations until some satisfactory result had been obtained from the $10,000 heretofore appropriated.

Mr. PICKLER. But this fiscal year expires on the 30th day of June, and not sufficient time would be given to make any such experiments with that fund.

Mr. HENDERSON of North Carolina. If they commenced experiments that fund would last more than one year.

Mr. PICKLER. I hope the gentleman from North Carolina will accept the amendment of the gentleman from Georgia, and try this for another year.

Mr. HENDERSON of North Carolina. The money on hand would last for a year.

Mr. WILLIAMS of Mississippi. Not only is the gentleman from South Dakota correct in his suggestion, but the Postmaster-General announces that he will not use it.

The CHAIRMAN. The Chair will submit the question on the amendment of the gentleman from Georgia.

Mr. MOSES. Under the statement of the chairman of the committee, that $10,000 is still available for this purpose, I desire to modify my amendment and change the twenty thousand to ten thousand.

Mr. LOUD. Mr. Chairman, I move to strike out the last word. I think the committee ought to be heard in this matter, as all of the rest of the House have been, and the chairman does not desire to speak. I suggested to him, therefore, that I would say a word on the subject now pending before the committee.

I desire to state that the experimental free delivery in rural districts is no new proposition. A resolution was adopted on October 1, 1890, by which $10,000 was set aside for experimental free delivery in rural districts. This service was tried thoroughly at that time. The last Postmaster-General substantially admitted that the amount of money that was provided could not thoroughly test the practicability of the proposition. He recommended that this be continued, if Congress in its wisdom desired to continue it, and that an increased fund for that purpose be provided each year.

Now, the present Postmaster-General, after thoroughly investigating the subject, after seeing what has been done, and finding that nothing had been accomplished in the past, in the exercise of his discretion refused a further experiment that had been as thoroughly tried as possible, because the Postmaster-General says that to properly execute the free rural delivery would involve an expenditure of $20,000,000.

Now, the gentleman from Tennessee [Mr. MCMILLIN] said that there was a wide discrepancy between the estimates submitted by the Post-Office Department on this account and the statement made by the gentleman from Washington [Mr. WILSON]. I do not think that the Postmaster-General ever contemplated in his report any extension to all of the post-offices in the United States, but only to those that would demand it—say in towns of 500 to 1,000 inhabitants.

Now, if this Congress proposes to extend this system of rural free delivery it must face the question fairly and squarely, after three years of a thorough test of it.

Mr. PICKLER. It has not been tested at all, if the gentleman will allow me to say so.

Mr. LOUD. It has been thoroughly tested for three years.

Mr. PICKLER. In towns and villages.

Mr. LOUD. And to continue this ten or even twenty thousand dollars for another year, or for a term of years, is a perfect fallacy. There is no doubt but what rural free delivery is of benefit to towns and villages; but if you are going to extend it you have got to meet the question here and appropriate a sufficient amount of money to extend it into a reasonable number of towns; and you would be required to appropriate in this bill at least $5,000,000 for this year, and to continue to increase it year by year until it would amount to from $20,000,000 to $25,000,000. If you want to do that you should meet the question fairly, but do not let us keep dribbling out a little $10,000 to re-experiment upon a question that has been experimented to death.

Mr. PICKLER. Will the gentleman allow me to ask him a question before he sits down?

Mr. LOUD. I will if I have any time.

The CHAIRMAN. The time of the gentleman from California [Mr. LOUD] has expired.

Mr. PICKLER. Mr. Chairman, there seems to be a great misunderstanding here. Either I am much mistaken or the gentleman from California [Mr. LOUD] is. He says this has been thoroughly tested. This amendment is for free rural delivery, not in towns and villages. It is the delivery in towns and villages which has been tested for the last three years, and rural delivery has not been tested at all, the gentleman from California [Mr. LOUD] to the contrary notwithstanding. There has been no test of rural delivery at all. This appropriation of $10,000 was made, but the Post-Office Department say that they have not had time, owing to the press of other business, to extend it.

The gentleman from California [Mr. LOUD] is setting up a man of straw to knock him down. We are not contending for any further experiments in towns and villages, so the gentleman's argument against this proposition does not meet the amendment that is now pending, which is to test this matter or to try these experiments in the country districts.

I submit, Mr. Chairman, that the people living in the country are entitled to have this experiment tried. They are entitled at least to have the Post-Office Department carry out the act of Congress in making tests. No difference what it may cost, let us find out whether it is practicable. You never can find out whether it is practicable until you try. Congress has said it is so far practicable at least as to be worth the experiment. The Post-Office Department seems to repeal the act of Congress or to ignore it, and the committee seem to be following the same lead and ignoring this altogether.

Mr. CRAWFORD. Why do not you try to get daily mails for the people all over the country before you try to get this?

Mr. PICKLER. I think it makes very little difference how this rural delivery is made. It may be by additional star routes. It may be by sending it out in different ways. This appropriation is to test that.

Mr. CRAWFORD. Does not the gentleman know that the communities in the back country can not get mail routes established unless they pay the carrier themselves, except two-thirds of the cancellation?

Mr. PICKLER. Indeed I do know that. My constituents have suffered for those reasons right along, and it is for that matter I am contending here, that the people living in the country are worthy at least the consideration of the Department, to the extent of expending the money that Congress has appropriated, to ascertain in some way or other how to reach the rural districts with the mail they are entitled to receive.

Mr. LOUD. That is a question as to star-route service.

Mr. PICKLER. The gentleman from California [Mr. LOUD] has not touched the question. He has talked about experiments in towns and villages, and has not talked about experiments in free delivery in rural communities at all.

Mr. WILLIAMS of Mississippi. I should like to make this suggestion. There were two separate appropriations; one for $30,000, for making experiments in free delivery in villages and towns, and another later and different act of Congress, appropriating $10,000, for making experiments in rural communities.

Mr. PICKLER. In the last Congress.

Mr. WILLIAMS of Mississippi. The gentleman is entirely right in saying that the money appropriated in the first bill was used for the purpose for which it was appropriated, namely, for the making of experiments in towns and villages; but not one

single experiment was made by anybody with the $10,000 appropriated for experiments in rural free delivery, nor has any effort been made toward using that appropriation.

Mr. CANNON of Illinois. Mr. Chairman, the gentleman, I understand, withdraws his amendment?

Mr. PICKLER. I withdraw the pro forma amendment.

Mr. CANNON of Illinois. I renew it, and do so to say that I am old enough, along with many others in the House, to have seen this postal service built up or evoluted from an inferior service to a very good one; and the end is not yet. It is within my recollection when the mail came once a week, in many instances once in two weeks, and the postage upon the letter to be collected in the main from the receiver, was 25 cents. I have seen it reduced to 5 cents, then to 3; and bore a part in the Forty-seventh Congress, a Republican Congress, it may be recollected, in which the reduction was made from 3 to 2 cents for letter postage.

I recollect also very well that in the Forty-third Congress the system of collecting postage upon newspapers was changed. The law had been to collect of the receiver of the paper, but the rule was that the postage was not collected; and by that Congress the pound rate and prepayment was adopted. In that Congress the package post, practically, had its birth. That also was a Republican Congress. It was of very great advantage to the people, creating competition through the length and breadth of the country of some sixty thousand post-offices with the express companies, which resulted in a reduction of the express rate upon packages of at least two-thirds, and also built up what is known as the package-post system that we have.

Both of these reforms were valuable, far-reaching, and profitable in the main to the Government, but more profitable to the individuals composing the Government. I have seen the reduction of postage upon letters after fair trial bring increased revenues. We have seen the franking privilege practically extended to the newspapers and periodicals, the benefit in fact resulting to those who receive the publications.

I have always been heartily in sympathy with each postal reform that has been made. It is substantially within my recollection, almost within my legislative life, that we have had the free-delivery system established. It commenced right. It was first tried with great success in populous cities. New York was the pioneer city for this service.

It was found to pay, and then the system spread. It extended gradually to the other large cities, and they in a short time became self-sustaining, and most of them yield a profit. It has been extended from year to year and from city to city until it now takes in all cities of 10,000 population, or cities which yield $10,000 a year of gross postal revenues. I believe it can be further extended. I think that the time would be now, under ordinary circumstances, that it should be further extended and take in some of the smaller cities and towns.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Illinois. I would be glad to have another minute or two.

Mr. COOMBS. Mr. Chairman, I would like to be recognized.

Mr. PICKLER. I ask unanimous consent that the time of the gentleman from Illinois be extended five minutes.

Mr. COOMBS. I thought the gentleman was through.

Mr. CANNON of Illinois. Not quite.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none. The gentleman from Illinois is recognized for five minutes further.

Mr. CANNON of Illinois. Mr. Chairman I will try not to weary the committee; but still I am not sure I can make as much noise as other members of the committee who are talking.

The CHAIRMAN. The Chair has appealed to the committee to preserve order; and unless the Chair recognizes some gentleman by name it seems impossible to stop loud conversation on the floor.

Mr. CANNON of Illinois. Now, then, necessarily all of these improvements in the postal service must be gradual. One almost in sight, and one that I think the country expects, is a further reduction of the postage on letters to one-half the present rate. I think within this century, before the year 1900 comes, will see that reduction made; and in a short time thereafter the receipts from postage increased over and above what they are under the 2-cent rate. As to the free-delivery system, which the gentleman talks about, that growth is to come from the cities of 10,000 inhabitants or those that yield $10,000 revenue, to the smaller cities, villages and thickly settled agricultural communities. And gradually, at the end of this century, or early in the next, I believe that the free-delivery system is to be extended substantially throughout the length and breadth of the country, and ought to be.

Now, then, the Republican party has never halted in these reforms. It has never halted in promoting the postal service, or the public service generally, for the benefit of all the people. As I have indicated, I think the party takes pride, and the country takes pride, in the various reductions of postage, the various increases of mail facilities and the enlargement of the free-delivery system; and it expects, under the lead of this party, a little later on, to have the reduction of the postage and the extensions of these various systems I have referred to. But I will say to my friend from South Dakota [Mr. PICKLER] that it is perfectly evident that his amendment is not to be adopted. I am rather inclined to believe that if I were a Democrat, and responsible for these appropriations, and wanted to pursue the policy that that party has set out to pursue, I would oppose the amendment.

I have great sympathy with the amendment. I am willing that it should be adopted. I stand ready to vote for it. It is an experiment that might well be tried and might give valuable results: but everybody understands, now that the revenues are away short of the expenditures, and our Democratic friends arise in their places and tell us that the hard times are still to continue; that they are making appropriations from the standpoint of small revenues and hard times.

They are borrowing money to carry on the Government, and they have got to do one of two things, they have got to change their policy and adopt a different one, under which this Government can prosper and in its prosperity obtain abundance of revenue without oppressing its citizens, or they have got to keep on cutting the service. So that, from a Democratic standpoint, I feel quite sure that my friend's amendment will be voted down. I counsel him to have patience. I know that he, along with other good Republicans, has goodness already, but now we want to have patience.

Mr. MOSES. I will say to the gentleman that this was introduced by a Democrat.

Mr. CANNON of Illinois. I do not know whether a Democrat introduced it or not, but I know that individual Democrats are in the habit of advocating here all manner of good things for their "districts," but in the nick of time, when their votes would give us good legislation, they are always found wanting. [Laughter.]

Mr. COOMBS. Mr. Chairman, I want to make a few remarks in relation to the postal service. There is nothing to me more wonderful than the precision and the regularity of the postal service of the United States, and for that matter of the world. A letter is dropped into the mail in a post office away in the backwoods and it finds its way quickly and safely to its proper destination at the most distant part of the Union. A letter is dropped into the mail in the city of Washington, and it finds its way all around the world to a quick and sure delivery. During my experience of thirty-five years as a merchant I have seen the postal systems of the world improve and fall into co-operation with one another until now there is nothing more certain than the safe and sure delivery of correspondence. We always send duplicates, but that has come to be almost unnecessary.

I make these remarks, Mr. Chairman, for the purpose of bringing out one fact, and that is that society organized into Government is able to do a great many things better than private individuals can do them. There are a great many things that society organized into government ought to do and there are a great many things that it ought not to attempt to do. Now, I think that in our postal service we have attempted a little too much in the transportation of merchandise. I think that is a great expense to the service for which no adequate compensation is received. Private enterprise is able to do that work safely and quickly, and I believe that if we should cut off these suckers from the Post-Office Department, not only would it be self sustaining but we should be able to reduce the rate of our letter postage. I do not believe that we shall ever be able to do that until we stop some of these expensive experiments.

In relation to this particular amendment I have not been in the way of knowing that there is any extensive demand for it from the rural districts. I think that is a sentimental idea on the part of gentlemen on this floor. I think, as my friend at my left has said, that the farmers would laugh at it. Let us wait and perfect what we have already tried, and by and by, when the country becomes more thickly settled, we can go into these experiments in rural delivery.

The CHAIRMAN. The Clerk will report the amendment as modified by the gentleman from Georgia.

Mr. MOSES. Mr. Chairman, I move to strike out the last word. As the introducer of this proposition I want to say just a few words more. It was stated by a member of the committee that the Postmaster-General had given this question thorough consideration. Here is what the Postmaster-General says on the subject:

It has been found impossible, by reason of the pressure of more impor-

tant questions, for the officers having that subject in charge to give the subject the study and consideration that it demands, much less to establish such rural free delivery.

So, Mr. Chairman, the subject has not been studied by the Department; it has not received consideration.

Now, one more point. I appeal to this Democratic House. It is a small thing that we are asking here, and you know, gentlemen, that the farmers are not in the habit of having their wants considered to any great extent. There is a sufficiently large number of people in this country who are interested in this experiment and who desire to have it tried, to deserve some consideration at the hands of Congress, and in view of the fact that all our legislation tends to drive the men from the farms into the cities, in the name of God let us try this experiment to see if we can not do something to make life in the country more pleasant, in order that our people may be induced to stay there. Why can not this be tried? I appeal to a Democratic House in the name of thousands of Democratic voters in the South and West not to cut off this appropriation, but to let it run on until the Post-Office Department can take up this experiment and put it into operation.

The pro forma amendment was withdrawn.

Mr. LIVINGSTON. Mr. Chairman, the last appropriation bill carried $10,000 for this experimental purpose. With all due respect to the Postmaster-General, he admits that he made no attempt to try the experiment, and that the subject has not received consideration at his hands. Now, the fact went abroad all over this land that the Fifty-second Congress had appropriated $10,000 for the purpose of an experiment in this line. The farmers, the people who live in the sparse and waste places of the country, know all about it; they have been expecting something to be done, and I want to suggest to the gentleman on my left [Mr. COOMBS], who said that the farmers would laugh at this, that he lives too much in the heart of the great cities to know what the farmers really want.

Mr. COOMBS. No; I have "been there." I have been a farmer boy myself.

Mr. LIVINGSTON. Mr. Chairman, our rural districts are being depopulated for two reasons. In the first place, for the want of proper educational facilities, and in the second place, for the want of mail facilities. It certainly is to the interest of this Government to keep the people on their homes in the rural districts.

I do not think it will damage this bill or materially affect the administration of this arm of the service, if $10,000—a pitiful sum compared with this whole appropriation—be taken out of this amount of nearly thirteen millions and applied in another effort to demonstrate if possible whether this free-delivery system in the rural districts is practicable or impracticable. That is all it means; and I think both sides of this House without reference to political affiliations can afford to do this thing—can afford to say to Mr. Bissell, "You must make this experiment; when Congress issues its mandate it is no 'sounding brass or tinkling cymbal;' when such a provision is put upon the statute book you have no right to ignore it."

Mr. LOUD. Is that the only way you can get a Democratic official to enforce the law?

Mr. LIVINGSTON. I am not discussing political partisanship now. If the gentleman wants to raise any issue of that kind, I will at some time when I feel in the humor give him enough of it. But I am not on that line now. I repeat that a provision of this kind will not damage the mail service nor will it hamper Mr. Bissell in the administration of his Department to make one more attempt to carry out this experiment. It is due to the people that he should make it. Why? Because the Fifty-second Congress proclaimed from one end of the land to the other that the experiment would be made; the people are expecting and looking for it; it is not right to disappoint them without some good reason.

Mr. CRAWFORD. Mr. Chairman, I desire to say only a word or two on this amendment. As I understand it, all mail delivery is free delivery to the people who receive the mail matter. Now it seems to me that the first thing which ought to be done for the people living in the country, if I know anything about their wishes and needs, is to give them a daily mail, and to establish post-offices in all out-of-the-way places where new communities are growing up, and also establish new routes and give the people good service, daily mails, and pay for it. They are intelligent, reading people and want to get their mails promptly. I think the best thing for us to do is to put it in the power of the Postmaster-General to establish new mail routes by increasing the appropriation for this purpose.

Mr. PICKLER. Even if it does cost the Government something.

Mr. CRAWFORD. Yes. The object of our postal system is not to make money at the expense of the people; it is to give every citizen a fair and free chance in the race of life, for business, intelligence, and all the blessings which result from civilization. They have to bear their share of the burdens of Government; why not give them an equal chance in its advantages?

If the gentleman from Georgia [Mr. MOSES] who is so much interested in this free-delivery system will undertake to get an increased appropriation for the establishment of new mail routes and for better service on existing routes, he will do his people a great deal better service than by following up this new idea. Why, sir, according to the present rate at which daily mail facilities are increased this delivery system can not reach many of our communities in fifty years, especially in the South.

Mr. MOSES. If you propose to change that, I will help you.

Mr. CRAWFORD. I am championing that proposition now. I want Congress to make an increased appropriation every year to extend mail facilities into the country. When a new route is established the people who are to be benefited must pay for carrying the mail one year, except two-thirds of the stamps canceled, which amounts to nothing, as an experiment. You expect the people to be well informed; you expect them to be good, law-abiding citizens; you expect them to discharge their political and civil duties intelligently, then why not give them all prompt access to the great sources of intelligence through the mail facilities of the Government? I am opposed to extending this free-delivery system into the country until every community has a daily mail and every out-of-the-way community a post-office where it can receive its mail daily, paid for by this Government. That is my position. This idea of free delivery in the country seems to me impracticable.

Mr. BOEN. What is to hinder us from establishing daily mails and also free delivery?

Mr. CRAWFORD. We have not money enough to pay for it at this time.

Mr. BOEN. Who pays the expense? Is it not the farmers who pay? Why not appropriate enough of the money which they pay to render them such service as they need?

Mr. CRAWFORD. That is my contention now. I want to do first what can be done now and what ought to be done now in making the star routes what they should be, and it is the indispensable duty of Congress to do it by appropriating sufficient money to extend and develop the system fully.

Mr. BOEN. I am a farmer, and I would like to see the free-delivery system inaugurated in the rural districts.

Mr. MOSES. Let it be tried at least.

Mr. CRAWFORD. Well, I do not care to see this experiment tried until the people in every section can receive their mail daily. This is the first step toward a perfect system.

Mr. BOEN. I am in favor of that also.

Mr. CRAWFORD. Let us accomplish this practical result now, and talk about the other later.

Mr. BOEN. Daily mails have been tried in many parts of the country; now let free delivery be tried.

Mr. CRAWFORD. I want to see all the people in my district receiving their mails daily before voting further privileges to other sections which already have so much.

Mr. PICKLER. This does not affect the question how frequently there shall be mail service; it applies only to the method of delivery.

Mr. CRAWFORD. There is no practical plan presented for carrying out this idea of free delivery in the rural districts.

Mr. PICKLER. That is what we want to ascertain by means of this appropriation.

Mr. CRAWFORD. When you get a letter with a free-delivery stamp upon it, do you mean to send a messenger ten or fifteen miles into the country for the purpose of delivering it?

Mr. PICKLER. Oh, it does not mean that.

Mr. CRAWFORD. Then, if it does not mean that it does not mean anything.

[Here the hammer fell.]

Mr. TALBERT of South Carolina. Mr. Chairman, I want to say a word in the interest of the farmers of this great country on the proposition that is now pending, and also to emphasize what has been so well and so eloquently said by the gentleman from Georgia [Mr. MOSES] a few moments ago.

It seems to me that in all cases that arise in this body the Congress of the United States is ready and willing at all times to go with the speed of a greyhound to appropriate money in any amount that is asked for, provided the beneficiary is a manufacturer, a banker, a corporation, or anyone except an humble farmer, who may ask for it. But whenever the least pittance is asked for at the doors of Congress which would inure to the benefit of the farmers of this land, you find members here rising almost with one accord and opposing it or interposing various objections to the proposition. Among other objections to this little pittance for the farmers and which would be applied in the rural

districts, and do a little good for the people who have to toil from sun to sun, I say, among other objections, I am surprised that some gentleman has not gotten up and stated that it was unconstitutional. We have heard every other objection urged that could be suggested; they certainly must have forgotten that one.

Why, Mr. Chairman, these gentlemen are quibbling at nothing. The people of this great country who bear the burden of the heat of the day, the people who pay 80 per cent of every dollar of taxation that is collected and paid out in this great country should certainly have some little consideration at the hands of this body. The farmers of this country on whose success depends its greatness, who are the foundation stone of all of the prosperity and all of its greatness, will be interested in the appropriation of this insignificant amount that is asked for here. The men who make that which feeds and clothes the world; the men who make that which ministers to the wants of all mankind in all parts of the world; the men who, under the burdens of wasteful legislation, find themselves with every sun that hides its head behind the western hills growing poorer and poorer daily, these are the men who now come here and ask that some little shall be done for their comfort or their convenience.

In justice to them, then, I hope this little appropriation will be passed, and that without further objection it will be recognized at least in this little pittance, and that that recognition will continue to grow from day to day and Congress to Congress until it will be recognized in the greater proportion that their masses bear to the other people of this country. Millions upon the top of millions are appropriated for the protection of other industries, to build navies to rot upon the seas, to increase the Army, mobilize the militia, for expositions and world's fairs, to educate Indians and negroes, but not one dollar is wont to be given for the lessening of the burden of the farmer.

And I want to say here, Mr. Chairman, and warn this Congress that if the voice of this people is not heard and heeded there will come a day when the great body of the people of this land will appear in person at the courts of justice, as it is already threatened that they will appear now, and demand their rights in a mood that will be incapable of very much reasoning or delay. Let us heed the warning.

Mr. HAYES. They are the only ones making this objection now.

Mr. TALBERT of South Carolina. Mr. Chairman, the towns and cities have their mail delivered free, and why not allow an appropriation to be made for the purpose of determining whether or not the same privilege may be extended to the great mass of the people who live in the country in the rural districts. Let justice be done to all. [Applause.]

[Here the hammer fell.]

Mr. WARNER. Mr. Chairman, when the amendment including this appropriation was before the House during the last Congress I had the honor to urge its adoption upon this floor, because I believed, as a matter of mere justice, when so large a proportion of the total expense for mail service is taken up in the transportation of the newspaper mail, nine-tenths or more of which is practically inaccessible so far as its benefits are concerned to the masses of the people of the country, it seemed to me whatever might be the opinion of those who live in cities and towns, that about as little as we could do was to accede to the request of the Postmaster-General to give $20,000 for the purpose of experimenting in reference to the comparative feasibility or nonfeasibility of attempting to give advantages to those who live outside of incorporated towns and cities.

I appreciate fully the feeling of my colleague [Mr. COOMBS], that this may be to a large extent impracticable. But, sir, that is no reason why we should not expend this small amount in demonstrating how far it is practicable, or at least in showing our good will to those so placed that they can not get the full advantages of the postal system as it exists to-day.

In my opinion it is a more practicable scheme than gentlemen are willing to admit. Not only, sir, would the postal service itself be stimulated and improved by the delivery of the mail in rural communities in the manner suggested, but there would arise a local passenger and express service, a local telegraph message service, which would be carried on in connection with the mail service by the party who undertook to distribute the mails, and which would be a very great convenience to the people; and I believe in the end it would prove to be such a profit to the man who carried it on that the bids for the mail service within each district would be made at almost nominal rates in order to obtain the privilege of delivering the mails so as to promote this carrying on the other business that would be developed in these communities in this connection.

Now, sir, to a certain extent that is unquestioned. As to how far the result would be what I have suggested, of course no man can tell; but it does seem to me that after this Congress has appropriated $20,000 for the purpose of an experiment, we ought to assume that the Postmaster-General did not try the experiment simply because he came into office too late to attempt it; and therefore that it is our duty, in case we were not wrong before, to repeat the appropriation in order that he may, under fair chances of success, try the experiment which heretofore appears to have been neglected.

Mr. LOUD. Will the gentleman yield?

Mr. WARNER. Yes.

Mr. LOUD. Does not the gentleman know that this experiment has been tried for three years?

Mr. WARNER. I know that it has not had any fair test. I went to the Post-Office Department and offered to pick out a section in Central New York which would come fully within the circumstances most appropriate for this kind of a test, and to have free mail delivery carried on for a year at less than one-half the amount which had been estimated as the probable cost, stating to him that I believed the increase in the local express business, in the local parcel-delivery business, in the little emoluments which would come from carrying passengers to and from the stations, and in taking and delivering telegrams would be such that for the succeeding year the bids for this service would be at nominal rates.

Mr. WILSON of Washington. Mr. Chairman, as I think it is apprehended by one or two who have spoken upon this question that I am opposed to this item of appropriation of $10,000 for experimenting upon this free rural delivery, I may say that I am not particularly opposed to the item, but I have thought that it was more in the interest of the rural inhabitants, more in the interest of the farmers, that we should devise some means by which we could extend the delivery of mails more frequently during the week than at present. If you attempt this free rural delivery, it will be just as the gentleman from New York [Mr. WARNER] has said. The only places where the experiment will be successful will be in and around the great cities. It can not be otherwise.

In the Fifty-second Congress, in the first session, as I said a moment ago, I gave some figures in regard to this matter, which I wish to read and have go into the RECORD again.

There are in the United States—

There were at that time—

sixty-six thousand three hundred and eighty-four post-offices, of which 8,500 are within the limits of incorporated cities, villages, and boroughs; 568 of these offices have the free-delivery service at a present annual rate of expenditure aggregating (an average of about $19,000 each) $10,510,531.05.

The remaining 7,932 incorporated cities and villages, it is estimated, could be supplied with free-delivery service under the present law fixing letter-carriers' salaries at a cost of $1,000 each, $7,932,000.

To collect the mail even once a day from and deliver it at the doors of the patrons of the remaining 57,884 post-offices at unincorporated villages and to rural dwellers, owing to the great distance som of them reside from the post-office, would cost an immense (unascertainable) sum, probably an average of $2,000 per office. Instances would occur where addressees reside 20 or 30 miles from the post-office, requiring an expenditure of several dollars to deliver one letter.

Now, what we ought to do is to try to extend the star-route service, and wherever a new post-office is established, give the power to the Postmaster-General to establish a star route to that office if he may deem it expedient. Under the present law he can only establish it at the next annual letting. Consequently, in our country, where new communities spring up suddenly, when we have a new office established, we have to pay for the carrying of the mail for six months, nine months, and sometimes a full year before the Postmaster-General can, under the present law, let a contract for carrying that mail. The system ought to be revised and corrected, to give him the power, wherever the necessities require it, to let the contract, and not compel patrons to pay the mail carrier for performing this service in remote and sparsely settled communities.

Now, we want to do the farmer all the benefit we can. We want to aid those who live in the rural districts. We want to give them increased mail facilities. We want to give them more promptly their letters and newspapers. Why not, therefore, go forward and adopt some practical remedy which will be of benefit to this generation, and which will benefit other communities besides those where the population is numerous. I admit that around Philadelphia, New York, Boston, and those places where the populations are dense, you might have success with free rural delivery.

Mr. TALBERT of South Carolina. I want to suggest that this money is proposed to be appropriated for experimental purposes in order to open up the way for just the kind of plan which the gentleman is so eloquently advocating. If you are in favor of that plan, why are you opposed to this appropriation, which will open up the way by which this can be adopted?

Mr. WILSON of Washington. The child is not yet born that can have any benefit from this experiment. I want to give something that will be of practical utility, that will give the farmer his mail. I am willing to go as far as anyone in that direction.

Mr. FLYNN. Mr. Chairman, it is well enough to talk about appropriations for special services and for rural delivery. What the people of my Territory are demanding is the establishment of post offices. For the past six months cities have existed in the Territory of Oklahoma having a population of from 1,000 to 2,000 people and the Post-Office Department have been refusing flatly to establish post-offices at those places. The question was asked upon the floor of this House, upon the discussion of another bill, What has the post-office business to do with that bill? The explanation given by the Post-Office Department for the nonestablishment of post-offices in those towns in Oklahoma is that the Secretary of the Interior had asked the Department to withhold the establishment of the post-offices at those towns, although they have a railroad station there and from one to two thousand people.

In the city of Langston, solely a negro town, where colored men own $250,000 worth of property, the Post Office Department not only refused to appoint a colored man as postmaster, but they went not only outside of the town but outside of the county to get a postmaster; and in the Osage country they went down to the State of Georgia to get a man to fill the post-office there. Now, I want to say, Mr. Chairman, with due deference to the Post-Office Department, that what the people residing in my Territory demand is the establishment of the post-offices, and they will consent that all the post-offices shall be filled up by the appointment of citizens from Georgia, or from any other State, if they can only get the post-offices established.

Mr. MOSES. Speaking about the importation of postmasters, I will state to the gentleman that one was imported from Indiana in the town of La Grange, Ga., and in about two years he stole the post-office.

Mr. FLYNN. There is just this difference between the man from Indiana who went down to Georgia and stole the post-office, and the man who comes to Oklahoma. The latter will find nothing to steal.

Mr. SWANSON. Mr. Chairman, I do not wish to reply to the gentleman who has made the criticism of the Administration here further than to say his people are now feeling something of what we have felt for years through these importations of foreign officeholders. I am not here to discuss that question. The proposition here is simply to make an experiment, amounting to $10,000, for this Congress to ascertain to what extent it can make the venture in having rural delivery in the country districts. There was an appropriation last year. But there was a change in the Administration, and our good Republican friends hold to office so tenaciously that it has taken all the time of the Post-Office Department in trying to get them out, and we have not had an opportunity to have that experiment tried.

Mr. WILSON of Washington. You have the power, why do not you turn them out?

Mr. SWANSON. You Republicans hold so tenaciously to office that we have not been able to turn them out. It is your tenacity in holding and not our disposition to retain you, that has kept the offices filled with Republicans.

Now, Mr. Chairman, we are not proposing by this vote to say whether we should establish or disestablish free delivery in the rural districts. It is only a question as to whether this Congress shall vote that $10,000 is a useless expenditure to get information and experiment upon it sufficiently to know how to act in the future. There are gentlemen here who are disposed to condemn this system before they have given it a fair trial. I say it is a question which is very far reaching in its importance. It is a matter which is very essential to the country districts if successful, and it is worth this amount of money to ascertain whether it is successful or not.

Now, I know there are different ways in which the experiment can be made. I am a member of the Committee on the Post Office and Post-Roads, and I know from conversations I have had with gentlemen in that Department that there are a great many of them who think that it can be made successful. Here is a man who goes from two different points 10 miles a day. That is on a star route. They propose to make the experiment on 10, 20, or 30 miles. Let him ascertain what it will cost for him to deliver the mail to everybody who will put a box on that star route. This free delivery can be extended in places where it can be successful and where it is desired, and where the people will on these star routes place their boxes. I say it is a question of much importance. There is such need to make the country life pleasant and agreeable and to gain information, that it is a small expenditure for the people of the country districts to ask Congress to make the experiment, and gentlemen should not condemn it before they get the information and have an opportunity to make the experiment.

Mr. RICHARDSON of Michigan. Mr. Chairman, I have lived in the country a good deal of my life, and I know some of the difficulties with which farmers have to contend. I would like to call the attention of some gentlemen who live in cities, as well as the members who represent the rural districts, to a few facts.

I have in mind a township which has a population of about 2,000 persons. There is in that township about 80 miles of highway. There are six post-offices. There is a star route which serves those post-offices daily. It costs a good deal to keep up the star route at these various offices. The mail-carrier travels past the doors of one quarter of all the people in the township; but under the present system he can not deliver a letter or a paper to any person, nor can he take up a letter or a paper from the people whose doors he passes.

Now, I believe that it would be proper and wise to make the experiment of expending $10,000, or even $20,000 in order to ascertain with what economy a daily delivery could be given to those people. Four boys upon ponies could travel all over that township in a single day, going to every house in it, and the amount of money that would be necessary to pay for their employment would, in my judgment, be well expended. You could do away with five of the offices in the township and have one central office from which you could make the entire delivery of the township with four boys, who would be very glad of the employment. When you have offered the people an opportunity of a daily door delivery they will find reasons and opportunities for increasing their correspondence and the extra sale of stamps resulting from that increase will in large part compensate for the extra expenditure.

Mr. WARNER. And would not they find that same service of such importance in regard to other matters, local express, delivery of telegrams, and things of that kind, as, on the one hand, to make it a great convenience to them, and, on the other hand, a great pecuniary benefit to the service?

Mr. RICHARDSON of Michigan. I am inclined to think they would. You do not need to try this experiment, as the gentleman from Washington [Mr. WILSON] has suggested, where you have got to go 30 miles to find a person, but you can try it where you can find 30 persons in going a single mile. Let the experiment be made and at the next session of Congress let the Postmaster-General report the result. I believe you will find that there is a great field here for improving the mail service and benefiting the people of the rural portions of this country. The farmers of the country will thus have increased opportunities for taking the daily papers and for increasing their intelligence upon general subjects and upon business in which they are interested, and I believe they will very highly appreciate that advantage.

Mr. COCKRELL. Mr. Chairman, I have no objection to this appropriation, provided it is not to be expended in my district. [Laughter.] I am perfectly willing that the money shall be expended in the districts of some of these gentlemen who feel that they will be benefited by it; but the adoption of the system contemplated by this amendment would destroy, to a very great extent, a large proportion of the pleasure enjoyed by the people of my district. [Laughter.] There are eighty counties in that district and our post-offices are located from ten to thirty miles apart, and we seldom have an opportunity to meet each other except on Saturday evenings "at the post-office." Now, to be deprived of the privilege of calling at the office for our mail matter and meeting our neighbors and discussing politics and telling each other the news of the day and the gossip of the community would be a very great hardship. [Laughter.]

Therefore, Mr. Chairman, as I have already said, I am opposed to any part of this appropriation being expended in my district. We have a great many third-party people there, and they meet universally on Saturday at the post-offices in the rural districts, and I repeat that to be deprived of the opportunity of giving the excuse to our wives and families of going "to the post-office," when we go out to make these pleasant calls and have these interesting discussions of the great questions of the day, would be to lose an inestimable privilege which we will not lightly surrender. [Laughter and applause.]

The CHAIRMAN. The question is on the amendment which the Clerk will report.

The Clerk read as follows:

After line 24, page 2, add the words, "of which the sum of $10,000 shall be applied, under the direction of the Postmaster-General, to experimental free delivery in rural communities, other than towns and villages."

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire to amend the amendment by striking out "ten" and inserting "twenty."

Mr. PICKLER. Mr. Chairman, I desire to offer an amendment to the amendment.

Mr. CANNON of Illinois. I want to have a word to say about the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois will please

suspend for a moment until the Chair gets these two amendments on record.

Mr. CANNON of Illinois. But the Chair thereby cuts off ten minutes of debate.

The CHAIRMAN. The Chair has already recognized the gentleman under the rule of debate. The gentleman from Mississippi [Mr. WILLIAMS] moves to strike out "ten," where it occurs in the amendment, and insert "twenty," and the gentleman from South Dakota submits an amendment to the amendment——

Mr. CANNON of Illinois. But I rise for the purpose of opposing the amendment offered by the gentleman from Mississippi, or of advocating it—either one. [Laughter.] I hope I can get the attention of the gentleman from New York [Mr. COOMBS] for a minute. He stated, when he had the floor a few minutes ago, that the postal service had gone further than was profitable in the direction of carrying parcels, that that abuse ought to be cut up by the roots, or at least ought to be modified, and that the revenues would be strengthened thereby. The gentleman, in my judgment, is not correctly informed, and I do not want to let his statement go without correction. Packages of merchandise up to the weight of 4 pounds can go through the mails at the rate of 1 cent for each ounce or fraction thereof. That is 16 cents a pound. Now, that is really a matter of profit instead of loss. The loss comes in what is, substantially, the franking privilege given to newspapers and periodicals, which go free within the boundaries of the counties where they are published, and go at 1 cent a pound anywhere from New York to San Francisco. I am not complaining of this at all. I am not proposing to take it away. And in my judgment you ought not to take it away, because it is a means of disseminating intelligence among the people. It is their privilege more than it is the privilege of the newspaper or the periodical. Because we let 60 per cent of the mail matter go through the mails substantially free—and I am not objecting to it—this loss arises, not on account of carrying packages; that is a matter of profit, and not only a matter of profit to the Department, but a great saving to the people.

As I said a while ago, I recollect when this post-packet system was born. It was in the Forty-third Congress. At that time I had the honor to have charge of the bill on behalf of the Committee on the Post-Office and Post-Roads. I have watched this system as it has grown ever since. Not only has it grown into a great and profitable business for the Government, affording also great accommodation to all the people, but it has brought down the charges of the express companies at least two thirds, thus saving the people from that standpoint alone a great many million dollars. And the express companies have not been substantially harmed, because their business has increased and is greatly profitable. I thought it proper at this point not to let the statement of the gentleman from New York—made, I presume, in error—go without contradiction.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi [Mr. WILLIAMS] to strike out "ten" and insert "twenty."

The amendment was agreed to.

The CHAIRMAN. The next question is on the amendment of the gentleman from South Dakota [Mr. PICKLER].

The amendment was agreed to.

The amendment as amended was adopted.

The Clerk read as follows:

For rental of canceling machines, $60,000.

Mr. LACEY. I move to amend by striking out "rental" and inserting "purchase." Mr. Chairman, I am not informed whether $60,000 will be a sufficient appropriation if the word "rental" be stricken out and the word "purchase" inserted. On that point, perhaps the chairman of the committee [Mr. HENDERSON of North Carolina] can enlighten us.

Mr. LOUD. These machines are not for sale.

Mr. LACEY. It is suggested to me that these machines are not for sale. That is exactly the point I want to make. A great abuse of our patent laws has recently grown up in patenting articles and then refusing to sell them to the public at any price, but putting an arbitrary rental value upon them. For instance, a telephone instrument which costs $4 is not sold, but is rented to the public at $200 a year.

Now here is a machine for canceling stamps. It costs probably a few dollars. A number of these machines are rented by the Government for $400 a year for each machine. Now, it seems to me the Government ought to set its face against this abuse, and should refuse absolutely to rent any one of these patented articles—should insist that it will purchase at some reasonable price, but will decline altogether to rent. Here is a proposition to pay $60,000 a year for the rental of 150 machines at $400 each. What these machines cost I do not know; but probably under the rental system each machine is paid for as often as every three months.

Mr. HOPKINS of Illinois. Is not the real question to be determined whether, by the rental of these machines, the Government saves a large expense which would be incurred in other directions?

Mr. LACEY. I think not. There is no question, I think, that if the Government should decline to rent the machines they could be purchased. An absolute refusal on the part of Congress to appropriate for the rental would result in their purchase, because if they were not rented by the Government their owners could not get anything from them, except by selling them.

Mr. HOPKINS of Illinois. Is not that a pure assumption on the part of the gentleman? Has the gentleman any information on that subject which will justify that belief?

Mr. LACEY. Why, nobody else wants them.

Mr. BOWERS of California. If the Government will not pay for the use of them, what are these parties to do with the machines?

Mr. LACEY. Why, they must sell them.

Mr. BOWERS of California. That is just what it amounts to.

Mr. REED. You might confiscate them.

Mr. HOPKINS of Illinois. But, Mr. Chairman, if some person by his skill and ingenuity has devised a machine that largely reduces the expenditures of the Government, would that justify you in going a step farther and robbing him of his invention?

Mr. LACEY. Not at all. But this thing has become an abuse upon the patent law. These men are protected in their patents for a certain time, but they go further and put a price upon them which prohibits the public practically from using them without submitting to extortionate demands.

Mr. HOPKINS of Illinois. But how is it an abuse if the Government makes money by using the machine?

Mr. LACEY. It is a complaint that has arisen with reference to patented articles in many parts of the country. It is a recent device to extort money from the users—from the people—more than a fair price for the owner of the patent on the article itself by demanding large sums of money for its use and refusing to part with the title. The gentleman will admit that such a condition of affairs may exist, that a party may put an arbitrary price upon his invention which the public could not afford to pay, and have either to do without the article at all or pay the extortionate rental price that he chooses to ask them. I claim that it is an abuse of the patent law, and we encourage it by going on as we have been doing since this law went into force by providing for renting these machines and paying a big price for them instead of buying them outright.

Mr. NORTHWAY. How would you remedy it?

Mr. LACEY. By purchasing them.

Mr. REED. But suppose they will not sell?

A MEMBER. You might confiscate them by compelling them to sell.

Mr. REED. That would be only a sort of half confiscation.

Mr. HOPKINS of Illinois. My proposition is that the Postmaster-General has said that the rental of these machines had afforded a great saving to the Government. Now, how can it be an abuse when the Government says that it is making money by the use of the machine? And what right have you to undertake to compel these parties to sell their machines?

Mr. LACEY. This amendment if adopted can do no injury to the owners of the patents, but simply enables the Government to control that for which it is now paying a large price.

Mr. HOPKINS of Illinois. But you assume that the Government is being injured. Now, I state that the Postmaster-General in the last Congress recommended the rental of these machines on the ground that it was a great saving on the part of the Government.

Mr. NORTHWAY. If they are of great use to the Government we had better buy them if we can.

Mr. HOPKINS of Illinois. Now, if the Government is being injured I would like the gentleman from Iowa to present some facts which would substantiate that statement.

Mr. BOWERS of California. Where is the company being injured if they have an opportunity to sell their property?

Mr. HENDERSON of North Carolina. Mr. Chairman, the First Assistant Postmaster-General in his last annual report, on page 24, states:

By an act approved March 3, 1893, the Congress authorized an appropriation of $50,000 for rental of canceling machines for use in the larger post-offices. A contract has been approved for the rental of 100 improved canceling machines at an annual rental of $400 each. The average capacity of these machines has been shown to be about 18,000 to 20,000 letters postmarked and canceled per hour.

Another machine, which has proved satisfactory after practical tests, has been rented at $300 per annum. The canceling capacity of this machine will average from 5,000 to 6,000 pieces per hour.

For rental of canceling machines for the ensuing fiscal year I recommend

an appropriation of $60,000, being an increase of $10,000, as compared with the appropriation for this purpose for the current fiscal year.

I therefore recommend that an appropriation of $60,000 for rental of post-marking and canceling machines be made for the fiscal year ending June 30, 1895.

He then goes on to show that there are now in use 128 of these canceling machines, distributed among 53 of the larger offices in proportion to their needs, and says:

Fifty-three of these machines have an average capacity of 18,000 to 20,000 letters postmarked and canceled per hour, and rent for $400 per annum each; while the remaining 75 machines show an average capacity of 5,000 to 6,000 cancellations per hour, and rent for $200 per annum each. I have recommended an appropriation of $60,000, an increase of $10,000 over last year's appropriation, for the rental of canceling machines.

I will state that in my opinion it would not be right to strike out the word "rental" and insert "purchase," for we do not know that we can purchase these machines at any price.

The machines I understand are in demand and may be in use by other parties than the United States.

Mr. CANNON of Illinois. Why not insert "rental or purchase"?

Mr. HENDERSON of North Carolina. I would have no objection to that.

Mr. REED. Mr. Chairman, I think my friend the gentleman from Iowa [Mr. LACEY] labors under a mistake in regard to this matter. There is a certain class of patents which require the supervision of the patentees, and it would be very unwise to trust them to the general public, who are not machinists, and who are not able to keep them in proper order. The example that the gentleman gives of the telephone is probably one of the best to be found. Unless the telephone was managed by a company interested in it, by having the final ownership of it, it never would have reached even the imperfect condition it is in now, and the whole thing would have fallen into discredit. As it is, it is some comfort to civilization, although there are a great many discomforts connected with it. So these canceling machines, I judge—because I examined one of them in our own post-office at Portland—are liable to get out of order and need the supervision of their owners.

I must say, too, that I have very little sympathy with that feeling which declares that the moment the United States has for good reasons granted a monopoly in a thing for a certain period of years that thereupon it becomes the duty of every citizen to get away from the owner the temporary advantage of that thing, of which the country is finally to have the benefit in the free and open use of the invention after the patent has expired. Going back of the Constitution, the Government is under no obligation to grant patents, but by the Constitution it determined to do it, and did it for a good, wholesome, selfish reason, for the purpose of getting some benefit out of it by encouraging inventive talent. It is a very poor encouragement to inventive talent to tell a man that he shall have a monopoly of a thing, and then, the moment he gets the monopoly, when he invents it, to devise all manner of methods to take it away from him, by refusing to purchase, or anything of that sort.

The test of the whole matter is this: It costs the Government a certain amount of money to stamp the envelopes of letters. These machines enable the Government to stamp twice the number for half the price, or something even more extraordinary than that, and the question is, shall the Government pay these people the price? You say perhaps they will demand an exorbitant price, but that was a thing to have been contemplated before you granted them the monopoly, and there are laws of nature which are more valuable than any others which protect the public. Because it so happens in the nature of things that there are many ways of doing things, and if a man has invented a method of doing things and holds the price of that invention too high, he runs the risk of having it invented from under him and of being deprived of his entire property.

Therefore, the Constitution and the laws of the land intend to leave to the operation of these natural laws this monopoly after it has been once granted. It seems to me that the House would make a very great mistake in undertaking to limit the methods of using a patent of which a man under the laws, backed up by the Constitution, has a monopoly. I think men sometimes deceive themselves about this, being impressed solely with the idea of a temporary advantage to the Government, when in the end it would be a great lasting disadvantage to the Government.

[Here the hammer fell.]

Mr. LOUD. Mr. Chairman, I was about to propound a question to the gentleman which would have covered about the only point I desire to make. These canceling machines have been in the process of improvement for a number of years; and you will see from the report read by the chairman of the committee [Mr. HENDERSON of North Carolina] that no longer than two years ago this very machine that the Government is renting was only capable of canceling 5,000 letters per hour. It has now been improved until it will cancel 18,000 per hour, and this very same company that patented this canceling machine are putting the machines in, looking after them themselves, and constantly improving this system and method of cancellation.

Mr. GEAR. Will the gentleman allow a suggestion?

Mr. LOUD. Yes.

Mr. GEAR. The new machines about to be put in operation will make the process even cheaper, by canceling 40,000 an hour.

Mr. LOUD. The system is being constantly improved all the time, and so far as canceling machines are concerned, there is nothing in the world to prevent any person from inventing a canceling machine. There is nothing patented in this machine which will prevent any other person from inventing a machine to accomplish the same purpose; but here are parties who have expended a great amount of money; and as the gentleman from Maine [Mr. REED] has said, they have had the object and hope in view of being protected by law. Now, is it right for the United States Government, simply because it has the power, to confiscate the property of these individuals? I do not believe the United States Government has any greater right than an individual has.

Mr. LACEY. Nothing of that kind is proposed.

Mr. REED. If you refuse to let these men manage their own property in their own way, when they prefer to rent these machines instead of selling them, you are to a certain extent confiscating their property.

Mr. LACEY. I should like to answer the gentleman when I get an opportunity.

Mr. LOUD. Mr. Chairman, so far as the amendment proposed by the gentleman from Iowa [Mr. LACEY] is concerned, it is a proposition to force the purchase of these machines. That would necessarily take the machines in operation out of the post-offices throughout the United States. The only way to accomplish the object sought, I will say to the gentleman from Iowa, is to present a bill to this House; or if he can get an amendment upon this appropriation bill covering the matter, that some commission shall be appointed to investigate this subject, to take into consideration the value of the property here attempted to be confiscated by the amendment of the gentleman from Iowa, and to pay these parties a reasonable compensation, then, perhaps, you can get at this proposition; but to say to these people that they must sell to the United States for $60,000 the machines that we require would necessarily result in this Government refusing to use them. They will not have the power or the money to use them: and the people, therefore, will be denied the privilege they now have.

Mr. CANNON of Illinois. If the gentleman will permit me. A refusal on the part of the Government of the United States to rent these machines or to buy them is not a confiscation of the property.

Mr. LOUD. That is very true. It is not a confiscation of the property. I understand that, but it is seeking to confiscate it; because the Government is the only party in the United States that can use this patent. Individuals do not propose to use it.

Mr. LACEY. It is the patentee who is confiscating the Government's money.

Mr. LOUD. The patentee is exercising a right which has been guaranteed to him by Constitution, and which has been granted to thousands of people throughout the country since the inception of the patent laws. If you propose to change the patent laws of this country, I have nothing to say; but so long as we use these canceling machines the Government is saving thousands and thousands of dollars. If you adopt the amendment you are going to take the machines out of the post-offices, and thereby entail upon the Government additional expense at least for a time.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Iowa to substitute the word "purchase" for the word "rent."

Mr. LACEY. I would like to be recognized for five minutes, notwithstanding I have already spoken upon the subject.

There was no objection.

Mr. LACEY. Mr. Chairman, I would like to state in answer to the gentleman from Maine, that I have looked into this subject, and I have offered some amendments to the patent laws, which I think ought to be considered by the House; but of course we can not get into a general discussion of the patent laws here. Up to within a very few years every patentee who received his patent through the patent laws of the United States was content to put his patented article upon the market, and to add to that patented article such a price as was satisfactory to him and remunerated him for his invention. That was the original purpose of the patent law. It did not contemplate anything like the idea of the patentee retaining the absolute title to the patented article, and not putting it upon sale. It was not the purpose to grant a patent merely as a means by which he could fix

his own rental, and thus confiscate, to borrow the phrase from my friend from California, such a sum as he sees fit to impose from those persons who must use that article.

That is a new invention and one that was never intended to be covered by the original patent laws; and it is an abuse of the patent laws so far as the United States is concerned. When an attempt is made to make a rental contract of that kind, I say it seems to me that the Government ought to legislate against it. We can not protect the people so far as the telephone is concerned; but time has worked that out and the patents have expired. The gentleman says that this invention would not have been made, and that they would not have accomplished what they have done if it had not been an absolute monopoly, giving the retention of the title of the machines to the patentee. But they went further than that. Take a private individual owning a house at one point and a coal mine at another. He wanted to put in a telephone between the coal mine and his home. He could not buy the telephone, nor could he have the use of it at a reasonable royalty, nor purchase it at an increased price, but he was compelled to pay such a rental for the machines—two trivial little boxes, costing $6 or $8 each—as the patentee or assignee saw fit to impose.

Mr. STALLINGS. What rent do we pay for these machines?

Mr. LACEY. Four hundred dollars a year.

Mr. STALLINGS. What do they cost?

Mr. LACEY. I do not know. I hoped that some gentleman on the committee upholding this bill, and who think that my amendment is confiscating the property of this patentee when they are receiving $400 a year, would give us some idea of the cost of the machine. It is probably $20 or $25; I do not know, but it may be as much as $50.

Mr. LOUD. The cost of the machine can not be estimated, because of the amount of money these people have expended to perfect it. It has amounted to thousands and thousands of dollars.

Mr. RICHARDSON of Michigan. Did the gentleman have in mind any amount so as to know whether this sum of $60,000 would be sufficient to purchase the machines?

Mr. LACEY. I suggested in making the amendment to strike out the word "rental," and these gentlemen in charge of the bill can change the $60,000 to such a sum as may be necessary. The purpose was to get the Government to discontinue this system of renting a patented article.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED. My opposition to the idea of the gentleman from Iowa is grounded upon the plain provision of the Constitution of the United States which provides that Congress may make a law in regard to patents and inventions. Congress has made a law, and the courts have confirmed it, that when any man makes an invention such as is patentable he shall have the exclusive use of it for a certain period of time.

Now, the gentleman from Iowa says it is a hardship that a coal owner can not have communication between his office and his coal mine without paying a rental. That hardship existed before the telephone instrument was invented. He could not use the invention before it was invented, and consequently he is no worse off for the invention. On the contrary, the advantage he has is that for a certain sum a year he can acquire something which he could not have had if this man had not been stimulated to make the invention. Now, then, this man having original and exclusive power over this canceling machine, you propose to interfere with his power to dispose of it.

Mr. LACEY. Not at all.

Mr. REED. Excuse me, but you do. You say that he shall sell it outright.

Mr. LACEY. No, I propose to say that if we use it he shall sell it to us.

Mr. REED. Yes, and we being in this particular case the only customer, that is practically saying that he shall not control his own property, which you, for a consideration, have given him, in the way that he thinks will bring him most out of it. During the life of the patent you have given him the exclusive right to control that machine, just as much as a deed of real estate gives a man an exclusive right to control that real estate. Now, he having this right, you propose to modify his method of exercising it.

Mr. MAGUIRE. How does the proposition of the gentleman from Iowa interfere with the right which the patent gives this patentee?

Mr. REED. I was about to remark that it either interferes with it or it does not. If it does not, of course this provision is unnecessary. A man has an exclusive right to a machine, and he says, "I will rent this, and not sell it: for very obvious reasons I am continually improving this machine. It requires my constant care and supervision. It is not a thing to be put into everybody's hands. I prefer, for my own profit and the improvement of my invention, to keep it in my own control." You come in and say, "Is this soulless creature to be allowed to go on and take whatever profit he can?" The answer is that the profit is limited, in the extreme case, by the saving that he makes, a saving which would not exist but for the machine.

In other words, he has created the profit that comes to the Government users, if they manage to have a profit at all, and they certainly do or they would not use the machines. So the question is between two persons, just as much as in a transaction about real estate or any other property. One man owns it and another man wants it. The man who owns it says, "It is worth so much." The man who wants it says, "It is worth to me so much." If they can not agree they keep apart, but if the man who wants it is willing to take it on the terms prescribed by the man who owns it, he has the privilege of doing so. Now, if the Government hires this machine it does so because it makes a profit out of it, and in this case the profit is so obvious that it seems entirely reasonable. This man prefers to lease his machine. You propose to say to him, "You shall not do that. We will buy your machine, but we will not lease it." He says, "I am continually improving the machine, and therefore I prefer to keep it under my control. Besides, if I rent it I shall probably get more out of it than if I sell it, and therefore I adopt that method."

As I have already said, when you give a man an exclusive right to a thing you give him a right to use it as his judgment dictates, and you give him a right to use it not only according to his judgment, but according to his misjudgment.

Mr. MAGUIRE. But we have never given this man an exclusive right to sell this machine to us. We have given him an exclusive right to control the machine, but not a right to sell it or to lease it to us.

Mr. REED. That is perfectly true, and it is entirely within our option to decline to either buy or lease his machine. What I am talking about is the absurdity of refusing the Post-Office Department the privilege of leasing this machine if it desires to do so.

It is a great mistake to suppose that it is a disadvantage to the community that patentees should make money out of their patents. On the contrary, it is of the greatest advantage to the community that a man should be able to get out of his patent all that it is worth, because that encourages other inventors, and the sole purpose of giving monopoly at all is to encourage invention. Now, an inventor is a creature who acts from incentives, and he acts not only from the incentive in his own individual case, but also from the incentive in the thousands of other cases which surround him.

Mr. LACEY. Until within a very few years, has not the increased price of the invented article proved an ample incentive?

Mr. REED. In some cases it has, and in others it has not. I recollect interesting myself in a patent once where the result did not prove satisfactory. [Laughter.]

Mr. BRYAN. The gentleman from Maine has stated one side of the proposition. Certainly a man has the right to sell or to rent his machine, whichever he prefers; but is there any objection to giving the Government the right to buy or rent, whichever it chooses?

Mr. REED. The Government is peculiarly situated toward individuals. It has entered into a contract with this individual and given him certain rights, and it seems to me that it ought not to "go back" on that contract.

Mr. BRYAN. If the Government has made a contract beyond this time, then of course we can not interfere with it: but if the contract is only to this time, then the Government certainly has the right hereafter to either lease or buy, as it desires.

Mr. REED. The right is not in question. I am talking about the propriety and the suitableness of it.

Mr. BRYAN. If the gentleman assumes that because a patent has been granted, the Government is bound to do just what the patentee desires done, then I must take issue with him. The proposition that is made is to give the Government the right to either buy or lease, as may be thought best.

Mr. REED. I have no objection to that.

Mr. BRYAN. Then we agree on that point. The provision as it now reads makes an appropriation only for "rental," and, as I understand, the Government under such a provision would not have the right to buy if it desired to do so. But if we put the proposition in the alternative form, the Government can do what is best for it: and certainly no one can object to that proposition.

Mr. REED. To that I have no objection whatever.

Mr. HOPKINS of Illinois. Mr. Chairman, the practical difficulty in the way of carrying out the idea suggested by the gentleman from Nebraska [Mr. BRYAN] is this: It has been deter-

mined that $60,000 is a reasonable rental for these machines for the coming year. Now, if the alternative of buying or renting is incorporated in this provision by amendment, it will simply result in the renting of the machines, because as will be readily understood, if machines will command a rental of $60,000 for twelve months, the owner of the patent will not part with them for the amount which he can obtain as rental for one year.

If the Government desires to purchase these machines, then the amount appropriated should be made large enough to enable the Postmaster-General to approach the owners of the patent with some proposition which they would be likely to accept. I oppose the amendment offered by the gentleman from Iowa [Mr. LACEY] for the reason that it would result in this: The owners of these patents would refuse to sell the machines for $60,000, and the Government, having no authority to purchase, would be deprived of the use of the machines.

Gentlemen talk as if the loss in such a case would be entirely on the side of the owner of the patents. That is not the whole story. It has been shown by the report of the First Assistant Postmaster-General that the use of these machines is a great saving to the Government; and unless some provision is made for the continuance of their use for the coming year, either by rental or by purchase, the Government, as well as the owner of the patent, will be a loser.

Mr. BRYAN. Mr. Chairman, I rise to a parliamentary inquiry. Is it in order to move an amendment to insert before the word "rental" the words "purchase or?"

The CHAIRMAN. It is.

Mr. BRYAN. I move that amendment.

Mr. HOPKINS of Illinois. If that amendment be adopted without increasing the amount of the appropriation, can any practical result follow? The bill now makes an appropriation of $60,000 to pay the rental of these machines. If that clause be amended so as to provide "for purchase or rental of canceling machines, $60,000," does the gentleman think that these machines could be purchased for $60,000?

Mr. BRYAN. There is no information before the House that gives us any knowledge as to how much money would be required to consummate this purchase. But by giving the Department the option to either purchase or rent, the question which will be most advantageous will be decided according to the discretion of the Department. I understand that there are more kinds of machines than one. It has been stated there are at least two kinds in use. The Department might be able to buy the machines of one kind cheaper than they could rent the others.

Mr. LACEY. If this provision should read "purchase or rental," the result would be that the patentee could compel the Government to purchase or rent as he might see fit; which means, of course, that the machines would be rented, for he would decline to sell.

Mr. BRYAN. I do not think we ought to compel the patentees to sell if they do not wish to. If the Government has the right either to rent or purchase, it can do whichever it thinks best.

Mr. REED. Let the Government and the individual be put upon an equal footing.

Mr. BRYAN. Certainly. The gentleman from Maine and I agree, I believe, for once.

Mr. HOPKINS of Illinois. The gentleman from Nebraska [Mr. BRYAN] says there are two patented machines for this purpose. The bill as prepared by the Committee on the Post-Office and Post-Roads, does not limit the Government to renting one kind of machine or to using one patent. If there are two or three machines, we meet the same difficulty that we would if there were but one. If the Government now pays $60,000 as annual rental for any of these patented machines, the owners are not going to part with the title to their property for any such amount as is named in the bill. For that reason, it seems to me, the amendment ought not to be adopted. If we desire to reach something practical, we should not only insert the words suggested by the gentleman from Nebraska [Mr. BRYAN], but strike out "$60,000" and insert "$500,000, or so much thereof as the Postmaster-General may find necessary."

The CHAIRMAN. The Chair will recognize the gentleman from Illinois at the proper time to offer such an amendment as he indicates. The question is now on the amendment of the gentleman from Nebraska [Mr. BRYAN] to insert before the word "rental" the words "purchase or."

Mr. LACEY. Mr. Chairman, we have a very small House, and we ought not to take a vote on this until Monday, I think.

The CHAIRMAN. The Chair is not able to say, of course, how many members are present and will vote on this proposition.

The question was taken on the substitute of Mr. BRYAN, and on a division (demanded by Mr. HAINES) there were—ayes 71, noes 8.

Mr. STALLINGS. No quorum.

Mr. HENDERSON of North Carolina. I move that the committee do no rise.

The CHAIRMAN. The Chair would like to know who made the point of no quorum?

Mr. STALLINGS. I did; but I withdraw it, as the gentleman makes a motion that the committee now rise.

The CHAIRMAN. The gentleman withdraws the point of no quorum; so the amendment is agreed to. [Laughter.]

The motion of Mr. HENDERSON of North Carolina was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union, having had under consideration the Post-Office appropriation bill, had come to no resolution thereon.

And then, on motion of Mr. SAYERS (at 4 o'clock and 51 minutes p. m.), the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Rivers and Harbors was discharged from the consideration of the petition of masters and pilots of steam vessels at port of New York, asking for a law inspecting vessels propelled by naptha, vapor, gas, etc., and the same was referred to the Committee on Interstate and Foreign Commerce.

Also, petition of Harbor No. 1, A. A. of Masters and Pilots of Steam Vessels of New York, for restrictive laws appliable to steam vessels—the Committee on Rivers and Harbors discharged and the same referred to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. RAWLINS: A bill (H. R. 6422) directing allotments of land to the Southern Ute Indians in Colorado in their present reservation, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 6423) providing for the removal of the Uncompahgre Indians from the present reservation in Utah to the State of Colorado, and authorizing the allotment of lands in severalty to said Indians out of the agricultural lands in said State—to the Committee on Indian Affairs.

By Mr. SCHERMERHORN: A bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surgeon-General J. Rufus Tryon, of the United States Navy, to accept the decoration of the "Busto del Libertador" of the third class from the President of Venezuela—to the Committee on Naval Affairs.

By Mr. WILLIAM A. STONE: A bill (H. R. 6425) relating to the compensation and duties of United States attorneys, clerks, marshals, and other court officials, and for other purposes—to the Committee on the Judiciary.

By Mr. MADDOX: Joint resolution (H. Res. 149) directing the Secretary of the Navy to declare a vacancy in the Naval Academy at Annapolis for the Seventh district of Georgia, and requiring said Secretary to give notice to the Representative of said district of said vacancy as now provided by law—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 6426) granting a pension to Anna M. Wehe, of Newport, Ky.—to the Committee on Invalid Pensions.

By Mr. BURROWS: A bill (H. R. 6427) for the relief of Seymor Fox—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 6428) granting a pension to Maria Tripp—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 6429) to authorize the President to perfect the military record of Edward C. Seguin—to the Committee on Military Affairs.

By Mr. HUDSON: A bill (H. R. 6430) granting an increase of pension to J. C. Pinney—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 6431) for the relief of Benjamin Davis—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 6432) granting a pension to James D. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6433) granting a pension to Julia Weeks—to the Committee on Invalid Pensions.

By Mr. TERRY (by request): A bill (H. R. 6434) to correct

the muster rolls of Company K, Second Arkansas Cavalry, as concerns Isaac Thompson—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 6435) to remove the charge of desertion from David A. Nichols—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 6436) to increase the pension of John Margroves—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 6437) for the relief of J. P. Shook—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. APSLEY: Petition of 29 citizens of Sudbury, Mass., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BRANCH: Petition of citizens of Washington and Tyrrell Counties, for survey of Scupernong River from Spenells Bridge to Woodleys Canal, North Carolina—to the Committee on Rivers and Harbors.

By Mr. BRODERICK: Memorial of E. C. Johnson Post, No. 336, Grand Army of the Republic, of Atchison, Kans., in favor of the speedy passage of House bill 5486, to prohibit the malicious intermeddling with pensions and in claims for pensions and prescribing the punishment therefor—to the Committee on Invalid Pensions.

By Mr. BYNUM: Petition of John T. Corcan and 25 other citizens of Indianapolis, for the passage of House bill 4478—to the Committee on the Post-Office and Post-Roads.

By Mr. CARUTH: Protest of Cigar Makers' Union, No. 32, of Louisville, Ky., against an increase of the internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. COUSINS: Petition of 60 citizens of Gladsbrook, Iowa, and vicinity, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CRISP (by request): Protest of the Choctaw Nation, against certain legislation—to the Committee on Indian Affairs.

By Mr. CUMMINGS: Diagram showing location of reunion tents on White Lot, Grand Army Place—to the Committee on Public Buildings and Grounds.

By Mr. EVERETT: Petition of citizens of Charlestown, Mass., in favor of national legislation on the subject of lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. FUNK: Petition of W. Cable and others, of Decatur, Ill., in the interest of fraternal societies—to the Committee on the Post-Office and Post-Roads

By Mr. GILLETT of Massachusetts: Petition of the members of the Col. J. G. Benton Garrison, No. 74, Regular Army and Navy Union, relative to the retirement of enlisted men in the United States Army and Marine Corps—to the Committee on Military Affairs.

Also, five petitions of William P. Draper, C. E. Brown, C. L. Burr, William C. Lawton, and many other citizens of Springfield, on behalf of the Indians—to the Committee on Indian Affairs.

Also, petition of Arthur E. Fitch and a number of other residents of Palmer, with 37 citizens of Springfield, asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Petition of J. W. Gunn and 41 others, in favor of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON of Iowa: Resolution of Subordinate Lodge, No. 133, Brotherhood of Boiler Makers and Iron Ship Builders, Waterloo, Iowa, opposing House bill 2655, known as the free-ship bill—to the Committee on Merchant Marine and Fisheries.

By Mr. HOOKER of New York: Petition of 29 residents of Ischua, N. Y., in favor of the Manderson-Hainer bill, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS of Pennsylvania: Petition of 61 citizens of Potter County, Pa., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. IKIRT: Petition of J. C. Taggart and 80 others, citizens of East Liverpool, Ohio, asking that the proposition to amend the preamble to the Constitution of the United States so as to recognize the Divine authority and power therein be submitted to the people—to the Committee on the Judiciary.

Also, petition of S. E. Treat and 58 other citizens of Hazelton, Ohio, asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MALLORY: Petition of citizens of Dunedin, Fla., for national legislation prohibiting the carrying on of any lottery business in the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of Henry C. Hitchcock and 17 others of Cambridge, Mass., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PIGOTT: Petition of Knights of Labor and Cigarmakers' Union of New London, Conn., against an increase of the internal-revenue tax on cigars—to the Committee on Ways and Means.

Also, petition of Rev. Newman Smyth, and of Watson L. Phillips and others, of New Haven, Conn., in aid of legislation for the suppression of lotteries—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. D. McDougald and others, of Ansonia, Conn., for lower postage rates on fraternal journals—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolution of Longshoremen's Union, of Detroit, in favor of Government control of telegraphs—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Standard Lodge, No. 158, B. of L., of Detroit, in favor of Government control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Knights of the Grip, in favor of Raynor's bill to remove restrictions imposed on issuance of 5,000-mile tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAW: Petition of R. Rudloff, president, and 23 other members of Cigar Makers' Union No. 85, and citizens of Eau Claire, Wis., protesting against an increase of internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. THOMAS: Petition of E. Vanderberg, E. Nykert, and 51 other citizens of Hamilton; one of H. Delong, C. E. Rhinehard, and 37 other citizens of Penn, and one of W. A. Engle, J. J. Booker, and 7 other citizens of Leonidas, all of Michigan, asking for the passage of the Manderson-Hainer bill, admitting to the mails printed matter of benevolent and fraternal societies—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER of Alabama: Petition of Telman England, of Lauderdale County, Ala., asking reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Two petitions in favor of legislation to prevent cruelty to animals in transit—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *March 26, 1894.*

Rev. ISAAC W. CANTER, pastor of the Mount Vernon Methodist Episcopal Church (South), of Washington, D. C., offered the following prayer:

O Lord, we thank Thee for having preserved the lives of these Thy servants, and for the measure of health and strength with which they are permitted to enter upon the duties of this day. And we thank Thee for all the mercy and grace Thou hast shown unto them in Christ Jesus our Lord. Wilt Thou be very close to them this day, and give them that wisdom which comes down from above, that in every thought and word and act they may glorify Thee; that all things begun, continued, and ended in Thee may be to Thy praise and to the magnifying of Thy name in the earth. And we pray Thee, Father, that Thou wilt continue to preserve them.

Wilt Thou bless especially the family of Thy servant who was so recently a member of this body and who now lies in the cold embrace of death. We thank Thee for all that he was to his State and to his country and to this Senate. Wilt Thou grant, O Lord, that the lesson which Thy Providence would teach us by this death may not be lost, and may we learn that death comes alike to all, to those in high places as well as in low. And do Thou grant, O Lord, to preserve the families of these Thy servants, whether they be present or distant; and may nothing sad or untoward therein cause any of these Thy servants to be called from this place of trust and responsibility.

Bless the President of the United States and his Cabinet, and all men everywhere in public office. Hear us in these our requests, pardon all our sins, and graciously accept us now and evermore in Christ Jesus our Lord. Amen.

THE JOURNAL.

The Journal of the proceedings of Thursday last was read and approved.

HOUR OF MEETING ON TUESDAY.

Mr. HARRIS. Mr. President, I move that when the Senate adjourn to-day it be to meet at 9 o'clock to-morrow morning. The reason for this action will be explained later.

The motion was agreed to.

DEATH OF SENATOR COLQUITT.

Mr. GORDON. Mr. President, it falls to my lot this morning to make the inexpressibly sad announcement of the death of my colleague and long-loved and cherished friend Alfred H. Colquitt, late Senator from Georgia.

Even if the circumstances around us permitted, I have no heart this morning to speak of his long and illustrious services to his State and the country. In the presence of this grief, so poignant to me, my thoughts turn to him this morning rather as the long-loved friend than as the brave soldier, exhibiting a high order of courage and of patriotism in two wars, or of the civilian holding for long series of years high political stations, every one of which he honored and adorned.

It may not be amiss, however, to say of him now that I have known him from my boyhood; that we were companions in arms; we were associates in business; we were neighbors and friends; we were political allies. In all these relations, for more than a third of a century, there has never been one word of discord between us, never a veil that separated us, never a thought of distrust—nothing save the most trusting loyalty and deep, devoted, and brotherly attachment.

It may not be untimely to say further of him now, that in every relation of life, whether as husband or father or son or friend or soldier or citizen, he has been able and earnest and faithful and true.

The three dread monosyllables, "He is dead," will soon be written of others in this Chamber, and of most of us before many long years shall pass. If it shall be added of us, as it can be of him, that in all the relations of life he was true; that above all and through all he kept his armor as a Christian man, bright and burnished, there will have been spoken over our dead bodies all that eulogy can pronounce.

Mr. President, I ask for the adoption of the resolutions I send to the desk.

The VICE-PRESIDENT. The resolutions submitted by the Senator from Georgia will be read.

The resolutions were read, as follows:

Resolved, That the Senate has heard with great sorrow of the death of the Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia.

Resolved, That a committee of ten Senators be appointed by the Vice-President to take order for superintending the funeral of the deceased, which will take place in the Senate Chamber to-morrow, Tuesday, at 9 a. m., and that the Senate will attend the same.

Resolved, That as a further mark of respect entertained by the Senate for his memory, his remains be removed from Washington to Macon, Ga., in charge of the Sergeant-at-Arms, and attended by the committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives, and invite the House of Representatives to attend the funeral to-morrow, Tuesday, at the hour named, and to appoint a committee to act with the committee of the Senate.

The resolutions were considered by unanimous consent, and unanimously agreed to.

The VICE-PRESIDENT appointed as the committee under the second resolution Mr. GORDON, Mr. MORGAN, Mr. RANSOM, Mr. BUTLER, Mr. GRAY, Mr. HOAR, Mr. PROCTOR, Mr. CAREY, Mr. PERKINS, and Mr. ALLEN.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Resolved, That the expenses incurred by the select committee appointed to take order for the funeral of the late Senator A. H. Colquitt be paid from the contingent fund of the Senate.

Mr. GORDON. Mr. President, I ask for the consideration of the resolutions I now send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The resolutions were read, as follows:

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and associate justices of the Supreme Court of the United States, the diplomatic corps, the major-general commanding the Army, and the senior admiral of the Navy, to attend the funeral of the Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia, in the Senate Chamber, to-morrow, Tuesday, at 9 o'clock a. m.

Resolved, That as a further mark of respect the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to; and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 27, 1894, at 9 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 26, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Saturday last was read and approved.

ALLEGED VIOLATION OF CONTRACT FOR NAVAL SUPPLIES.

The SPEAKER laid before the House a communication from the Secretary of the Navy, with accompanying papers, in response to a resolution of the House of Representatives calling for information concerning recent alleged violations by Carnegie, Phipps & Co. of the contract between the United States Government and said firm; which was referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WRIGHT of Pennsylvania, indefinitely, on account of sickness.

To Mr. WRIGHT of Massachusetts, for ten days, on account of important business.

SPECIAL AGENTS MOORE AND WOODSON.

Mr. HUDSON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 8, authorizing the Secretary of the Interior to cause the settlement of the accounts of Special Agents Moore and Woodson, under the treaty of 1854, with the Deleware Indians, and so forth.

The SPEAKER. The joint resolution will be read subject to objection.

The Clerk read as follows:

Whereas the accounts of Ely Moore, deceased, as special register and superintendent, and of Daniel Woodson, as special receiver and superintendent, for the expenses of the sale of the Iowa, and of the eastern and western portions of the Delaware, and of the Wea, and so forth, Indian trust lands in Kansas, under the several treaties of May, 1854, with said Indians, require further adjustment and final settlement: Therefore,

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to cause administrative action to be taken upon the accounts of said Moore and Woodson, and to allow to the said Moore the sum of $3,658, and to the said Woodson the sum of $3,697.84, in full settlement and satisfaction of their respective claims for services under the treaties aforesaid, and pass the said accounts to the proper accounting officers of the Treasury for final settlement; and the acceptance of the said sums by said claimants, or their legal representives, shall be taken as a full and complete relinquishment and satisfaction of their claims for services under the treaties aforesaid.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. SAYERS. Mr. Speaker, reserving the right to object, I would like to have some explanation as to the effect of this resolution.

Mr. HUDSON. Let us have the report read, Mr. Speaker, which will fully explain the matter.

Mr. HOLMAN. I hope the report will be read.

The SPEAKER. Without objection the report will be read.

The report (by Mr. TURPIN) was read, as follows:

The Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 8) authorizing the Secretary of the Interior to cause settlement of the accounts of Special Agents Ely Moore and of Daniel Woodson, under the treaties of May, 1854, with the Delaware and with the united tribe of Wea, etc., Indians, beg leave to report:

That the report of the Commissioner of Indian Affairs of June 19, 1885, to the Secretary of the Interior, relative to the accounts of these special agents, and to the construction put by the Supreme Court of the United States on the treaties with said Indians on March 3, 1884 (110 United States, page 683), shows the following facts:

1. That in October, 1856, Ely Moore, deceased, was appointed a special register and superintendent to sell at Fort Leavenworth, Kansas Territory, the eastern portion of the Delaware trust lands, under the treaty of May 6, 1854 (10 Stats., 1048); and that on May 15, 1857, he was appointed a special register and superintendent to sell at Paoli, Kansas Territory, in the Indian reservation, the trust lands of the united tribe of Wea, etc., Indians, under the treaty of May 30, 1854 (10 Stats., 1082); and that on May 15, 1857, Daniel Woodson was appointed a special receiver and superintendent to sell at Osawkee, Kansas Territory, the western portion of the Delaware Indian trust lands, under the treaty of May 6, 1854.

2. That on January 19, 1861, Daniel Woodson, special receiver and superintendent of the sale of the western portion of the Delaware trust lands, "rendered to the honorable Acting Secretary of the Interior" an account for the expenses of the sale of the trust lands, in which he charged 1 per cent commissions on all of the moneys derived from the sale thereof. On the same day his account was referred to the Commissioner of Indian Affairs for report.

On January 28, 1861, the Hon. A. B. Greenwood, Commissioner of Indian Affairs, reported to the Acting Secretary of the Interior on these claims as follows:

"In reference to this class of claims I will state that the impartial judgment of the Office of Indian Affairs has ever been that they are just and should be paid. * * * The authority for compensating these agents was found in the treaties and not elsewhere."

3. That the Commissioner recommended 1 per cent commissions on all of the Indian trust moneys be allowed and paid.

4. That "on May 8, 1861, the honorable Secretary of the Interior decided and directed the Commissioner of Indian Affairs to allow each of the special registers and receivers, four in all, who superintended the sales of the Delaware and Wea, etc., Indian trust lands 1 per cent commissions" on a part of the moneys received by them from the sales of these trust lands.

5. That the Supreme Court of the United States in construing these treaties, in case No. 216 of the United States, plaintiff in error, *vs.* The Special Receiver and Superintendent of the Sale of the Eastern Portion of the Delaware Trust Lands, at Fort Levenworth, Kans., and of the Indian Trust Lands of the united tribe of Wea, etc., Indians at Paoli, Kans., in its opinion said:

* * * "By express provision in the treaties the expenses incurred by the United States in making the sales were to be paid from the proceeds. This clearly implied the payment of a reasonable compensation for the services of those employed to carry the trust into effect."

And that it was not part of the duties of these special agents, as officers of the Land Department, to sell the lands or receive payment therefor. The moneys paid for the Indian lands were trust moneys, not public moneys. The employment was for a special service in connection with a special trust assumed by the United States for the benefit of certain Indian tribes, in which express provision was made for the payment of expenses. In legal effect the appointment was an agency for the sale of lands for the Indians. The duties to be performed were to be of a different character and at a different place from those of the Land Office.

6. That the court ordered judgment to be entered for this special receiver and superintendent for the sale of the eastern portion of the Delaware trust lands at Fort Leavenworth, and of the Wea, etc., trust lands, under the finding marked G of the special verdict; that is to say, for $14,541.78, as of June 13, 1879, the date of the verdict, the judgment to draw interest from that date."

7. That paragraphs 14 and 15 in the special verdict in the case of said special agent, defendant in error in said suit, fully quoted in said report, shows that the court "did allow him 1 per cent commissions on all of the moneys received by him as a reasonable and fair compensation," and that only four special agents were employed to sell the trust lands. One of them has been fully paid principal and interest due to him as found by the Supreme Court of the United States on March 3, 1884.

8. That "the laws governing the Indian Bureau, in the settlement of this class of claims, are the act of August 7, 1882 (22 Statutes, page 315), and the act of January 9, 1837 (Revised Statutes, section 2093 and 2094)." The question was submitted to the Attorney-General for his opinion, which was given on July 7, 1885, that it required legislation by Congress to authorize a further and final settlement of these accounts. In addition to the Report No. 819 of the Fiftieth Congress, referred to by the Assistant Secretary of the Interior in October, 1889, the Fifty-second Congress favorably reported House bill 3323, by Report No. 880, on March 28, 1893, for the set lement of the accounts of Moore and Woodson, but said bills were not reached on the Calendar, hence the delay in the settlement of the accounts of these special agents.

9. That the act of June 9, 1892 (27 Stat., 768), shows that provision has been made for the final settlement of the accounts of one or the other of the four special agents, and that the accounts of Ely Moore, deceased, and of Daniel Woodson, remain to be finally settled as provided for by Senate joint resolution No. 8.

10. The Acting Secretary of the Interior, in letter dated October 17, 1889, relative to the accounts of Moore and Woodson before your committee, states that "in view of the opinion of the honorable Attorney-General that no valid ground exists for reopening the accounts of the claimants," no action whatever should be taken by the Executive Departments, without legislation providing therefor, and as it is understood that a measure for the relief of the claimants was presented to the first session of the Fiftieth Congress, and that a bill (H. R. 2263) was referred to a committee, which committee rendered a report No. 819, that the claimants should look to the legislative branch of the Government for the relief they seek, and not to the Department.

Senate joint resolution No. 8 was fully investigated by the Senate Committee on Indian Affairs, and the result of that investigation is shown by the amendment made by said committee to said joint resolution and passed by the Senate, authorizing the settlement of the accounts of these two special agents, in which they are to be allowed on settlement the principal sum found by said committee to be due to each of them, exclusive of interest. The resolution carries no appropriation, but simply directs the settlement of the accounts of Moore and Woodson and limits the auditing officers to the allowance of the principal amount due them. The Commissioner of Indian Affairs, in letter of January 30, 1894, states that there is no objection to the passage of a law authorizing payment of the principal and accrued interest due these people, and that he would be pleased to have these long-standing accounts settled.

Your committee therefore favorably report Senate joint resolution No. 8 as a substitute for H. R. joint resolution No. 33 and recommend its passage.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. SAYERS. I would like first to ask the gentleman one question.

Mr. HUDSON. I will answer the gentleman with pleasure.

Mr. SAYERS. If this provision should be enacted into law, the moneys that are specified therein will be paid out of the fund belonging to the Indians, as I understand it. Is that correct?

Mr. HUDSON. That is what the Secretary of the Interior says in his report.

Mr. SAYERS. And not from the Treasury?

Mr. HUDSON. No, not at all. This is the money of the Indians, which is held for their benefit in the Treasury.

Mr. HOLMAN. It is an Indian fund, and this payment will come out of that fund.

There being no objection, the joint resolution was ordered to a third reading, and being read the third time, was passed.

On motion of Mr. HUDSON, a motion to reconsider the last vote was laid upon the table.

PARTIAL PAYMENTS ON REVENUE CUTTERS.

Mr. LOCKWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution (H. Res. 150) providing for partial payments for work done in the construction of vessels for the Revenue-Marine Service.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to make partial payments from time to time upon all contracts for the construction of vessels for the Revenue-Marine Service, but not in excess of the amount of the value of the work already done; and that the contracts shall provide for a lien upon such vessels for all advances so made.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. SAYERS. Has that resolution ever been reported by a committee?

Mr. LOCKWOOD. It has not.

Mr. SAYERS. Then I object.

Mr. LOCKWOOD. If the gentleman will excuse me for a moment, an exigency has arisen which has resulted in the submission of this resolution, which comes from the Treasury Department. It does not add anything or take anything one way or the other. It is simply to remedy an existing defect in the law in regard to partial payments upon revenue-marine cutters and light-house tenders that are being constructed. The fact is that at the present time the Treasury Department——

Mr. SAYERS. I insist that that resolution be referred to a committee. It is too important to consider in this hasty manner.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] objects.

BRIDGE ACROSS THE MISSOURI RIVER, KANSAS CITY.

Mr. WISE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the Clerk's desk, a bill (S. 260) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri," approved March 3, 1887.

The SPEAKER. The gentleman from Virginia [Mr. WISE] asks unanimous consent for the present consideration of the Senate bill, which the Clerk will report, after which the Chair will ask if there be objection.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri," approved March 3, 1887, be, and the same hereby is, amended by striking out the following words contained in the first section of said act, to wit: "And free passage shall be accorded to wagons and vehicles of all kinds, and for the transit of animals and for foot passengers."

SEC. 2. That the word "corporations," in the first section of the act hereinbefore named, shall be changed to "corporation."

SEC. 3. The construction of the bridge authorized to be constructed by the act approved March 3, 1887, hereinbefore named, and of which this act is amendatory, shall begin within three years and be completed within ten years from the date of the approving this act, and unless these conditions be complied with, this act and the act of which it is amendatory shall be null and void.

The SPEAKER. Is there objection to the request for the immediate consideration of this bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the last vote was laid on the table.

MACE CLEMENTS'S SURVEY, OHIO.

Mr. HULICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4419) to authorize the Commissioner of the General Land Office to issue a patent to Mace Clements's survey, numbered 386, in the Virginia military district of Ohio.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of the General Land Office of the United States be, and he is hereby, authorized and directed to issue the patent of the United States granting the lands embraced and described in Mace Clements's survey, numbered 386, in the Virginia military district, in the State of Ohio, as the same is bounded in the report of said survey returned to the principal surveyor of said district at Chillicothe, Ohio, upon the application and proof of the persons now in the possession of said lands, claiming title thereto under the deeds for the same from Nathaniel Massie, dated June 2, 1804.

The SPEAKER. Is there objection to the request for immediate consideration of this bill?

Mr. SAYERS. I should like to have some explanation of it.

Mr. HULICK. I will state that a bill similar to this was introduced in the Fifty-second Congress and unanimously reported by the same committee which has reported this bill. It is to complete the paper title to a survey in the Virginia military district of Ohio. There is no objection to it. It affects about 1,000 acres of land. The survey was made and recorded at Chillicothe, Ohio, but the patent was never issued.

On the 4th day of June, 1783, a land warrant (No. 938) for 7,000 acres was issued by the State of Virginia to Mace Clements for services by him rendered as a surgeon of the Virginia Line on Continental establishment in the war of the Revolution. Afterwards, in August, 1787, a part of this warrant, to wit, 1,000 acres, was located by, and subsequently, on the 17th day of November,

1787, surveyed for said Mace Clements in the Virginia military district, on or near Eagle Creek, now in Brown County, in the State of Ohio. This survey was duly returned to the office of the principal surveyor of the Virginia military district at Chillicothe, Ohio, and was recorded in the proper book of surveys of said district in said office, but was never returned to the General Land Office, nor was any patent ever issued therefor. This present bill authorizes the Commissioner of the Land Office to issue a patent, upon the application and proof of the persons now in possession of said lands, claiming the title thereto under the deeds for the same from Nathaniel Massie dated June 2, 1804.

Mr. OUTHWAITE. In what county is this land?

Mr. HULICK. In the county of Brown, in Ohio. There is no objection to this. It is merely to perfect the paper title to the survey and have a patent issue therefor.

Mr. OUTHWAITE. How long have the lands been held adversely?

Mr. HULICK. The lands have been held adversely since June 2, 1804, by Nathaniel Massie and those claiming title through or under him.

Mr. HOLMAN. That is all right.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider the last vote was laid on the table.

UNIVERSITY OF UTAH.

Mr. RAWLINS. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 3135) granting to the University of Utah a site off the public domain.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the Territory of Utah, and to any State formed from the same, the following tract of land: Commencing on the west boundary line of the Fort Douglas military reservation at a point where it is intersected by the north line of Fourth South street, in Salt Lake City, Utah Territory, and running thence north on said line 136 rods, more or less, to a point where the south line of First South street, in said city, according to the plat thereof, intersects the said boundary line; thence running east 70 $\frac{5}{16}$ rods; thence south parallel with said west boundary line 136 rods, more or less, to a point due east of the point of beginning; thence running west 70 $\frac{5}{16}$ rods, to the point of beginning; containing 60 acres, for a site and campus for the University of Utah, and upon the condition that such tract shall be occupied by the said university within five years after the passage of this act, and perpetually thereafter; and in case it is not so occupied and used it shall revert to the United States.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

Mr. DINGLEY. Mr. Speaker, I hope we may have something in the way of a statement about this matter in order that we may understand it.

Mr. RAWLINS. Mr. Speaker, this bill is unanimously reported from the Committee on Military Affairs, and is strongly recommended by the military authorities and the War Department. I have the report here, which can be read for information.

Mr. DINGLEY. Is it an abandoned military reservation?

Mr. RAWLINS. It is part of the reservation. I will ask for the reading of the report.

Mr. DINGLEY. Is the land within the city of Salt Lake?

Mr. RAWLINS. It is in the Fort Douglas military reservation.

Mr. DINGLEY. Is not that within the city limits?

Mr. RAWLINS. It is within the corporate limits, but near the post.

Mr. BURROWS. I wish to inquire of the gentleman from Utah whether this conveys the fee in that land to the university or Territory.

Mr. RAWLINS. It grants the land for the purposes of the State university, and it is conditioned upon the university being constructed there within the period of five years and perpetually maintained, and if not so maintained it reverts to the United States. It is a sage-brush tract of land, 60 acres in extent, and the military authorities are strongly in favor of the bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORPORATIONS AS SURETIES.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. STALLINGS. I think that bill is of too much importance to come up under a request for unanimous consent, and I therefore object.

The SPEAKER. The gentleman from Alabama objects.

DOLLIE E. VEDDER.

Mr. MEREDITH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4320) for the relief of Dollie E. Vedder.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Dollie E. Vedder, widow of the late Capt. Simon C. Vedder, of the Nineteenth Regiment, United States Army, on the pension roll, at the rate of $30 per month, in lieu of the amount she now receives.

The amendment recommended by the Committee of the Whole was read, as follows:

Strike out "twenty-five" and insert "twenty."

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. KILGORE. Mr. Speaker, I would like to know if that bill has been considered at a Friday evening session.

Mr. MEREDITH. Yes, sir; and reported with a favorable recommendation.

Mr. KILGORE. What is the name of the beneficiary?

Mr. MEREDITH. Dollie E. Vedder. The bill was reported with an amendment, reducing the amount to $20 a month.

Mr. KILGORE. Did the committee agree as to the amount?

Mr. MEREDITH. Yes, sir; reducing it to $20 a month.

Mr. KILGORE. Now, there is a proposition to make it $25.

Mr. MEREDITH. The bill was amended by the Committee of the Whole House, and the amount placed at $20 per month.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendment recommended by the Committee of the Whole.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MEREDITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORPORATIONS AS SURETIES.

Mr. WILLIAM A. STONE. Mr. Speaker, the gentleman from Alabama, I understand, withdraws his objection to the bill for the consideration of which I asked unanimous consent.

The SPEAKER. The Chair is informed that the gentleman from Alabama withdraws his objection to the request of the gentleman from Pennsylvania. Is there further objection? The Clerk will report the title of the bill again, so that the House may understand its nature.

The title was again reported.

Mr. STALLINGS. Mr. Speaker, I only withdrew my objection to that bill for the purpose of allowing the gentleman to make an explanation of it. If the explanation is not satisfactory to me I will not withdraw the objection.

The SPEAKER. Without objection, then, the gentleman from Pennsylvania will be permitted to make a short explanation.

Mr. WILLIAM A. STONE. Mr. Speaker, the purpose of this bill is simply to authorize corporations which are formed under the laws of the States for the purpose of going upon bonds to become sureties in cases where sureties are required under the laws of the United States. These surety companies have been incorporated under the laws of the States in nearly all the States of the Union. They go upon bonds of State officials; they go upon bonds where appeals are taken to the higher courts; they go upon bonds and upon recognizances, and they have given universal satisfaction.

Now, it not infrequently happens that when a man is appointed to a Federal office he has to put himself under obligation to his bondsmen to such an extent that they control all the patronage which he has. Under this bill the surety company, for a small consideration, could become surety on his bond and thus leave him independent. The bill is reported unanimously by the Committee on the Judiciary, and there is no reasonable objection to it. It does not compel anybody to employ a surety company, but simply permits him to do so if he desires.

Mr. COX. Your proposition, then, is that these surety companies can go security on the bonds of officials.

Mr. WILLIAM A. STONE. Yes, sir.

Mr. COX. Do you not think that will operate to put the officer

under the influence of the company as much as he would be under the influence of an individual bondsman?

Mr. WILLIAM A. STONE. No, sir. Besides, he is not obliged to employ the surety company. The bill simply permits the employment of the surety company instead of individual bondsmen. He who prefers can still get private individuals to go upon his bond, but in case a man can not do so, or in case he does not wish to do so, then he may employ this surety company.

Mr. HEARD. The gentleman has stated that this applies to official bonds. I want to ask him whether it does not go further and apply also to bonds of the employés of railroad companies, express companies, and other bonds of like character?

Mr. WILLIAM A. STONE. No, sir.

Mr. HEARD. Does not the gentleman think that it ought to?

Mr. WILLIAM A. STONE. They can do that now.

Mr. HEARD. I know they can under the laws of several of the States, and I am very glad that it is so, because the system is a good one; but I want to ask the gentleman whether he does not think this bill ought to be as broad as those State laws generally are?

Mr. WILLIAM A. STONE. Well, this bill does authorize these companies to go on the bond wherever the law requires any person to give a bond.

Mr. COOMBS. It is merely permissive.

Mr. WILLIAM A. STONE. It is permissive only. It also authorizes the Attorney General, at any time when he is satisfied that the security is not sufficient, to require additional security.

Mr. COX. Your idea is simply to put these security companies on the same footing under the law as private individuals?

Mr. WILLIAM A. STONE. That is all.

Mr. HEARD. Does it apply exclusively to cases where United States courts require security?

Mr. WILLIAM A. STONE. Yes, sir. It is simply a matter of convenience, and I do not see that there can be any objection to it.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania for the present consideration of this bill?

Mr. STALLINGS. I renew the objection, Mr. Speaker.

ORDER OF BUSINESS.

Mr. WILLIAM A. STONE. I demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

The committees were called, but no reports were presented.

Mr. HEARD. Mr. Speaker, this, being the fourth Monday in the month, is District day, and I ask that the House proceed to the consideration of the business reported from the Committee on the District of Columbia.

The SPEAKER. The Chair is informed that in a few minutes resolutions will be received from the Senate upon which the House will desire to take action.

Mr. HEARD. I am so advised, Mr. Speaker, and I do not call up the District business for the purpose of antagonizing that; but, the resolutions not having yet come, and there being nothing before the House, I have felt it my duty to present our claim for the consideration of District business, expecting to give way when the Senate resolutions are received.

Mr. LIVINGSTON. Mr. Speaker, I understand that the delay is owing to some slight change in the committee of the Senate, and that the resolutions referred to will be here in a moment.

Mr. HEARD. All I desire is that no other business shall intervene.

Mr. COOMBS. Mr. Speaker, I move that the House take a recess for fifteen minutes.

Mr. McRAE. Mr. Speaker, I desire to make the point that the next order of business is not District business; that that business is not in order until after the second morning hour.

The SPEAKER. The purpose is not to go on with any business this morning after the receipt of the Senate resolutions.

Mr. LIVINGSTON. I move that the House take a recess for ten minutes.

Mr. COOMBS. That motion is already made.

Mr. LIVINGSTON. I withdraw the motion.

Mr. HEARD. Mr. Speaker, in view of the fact that the resolutions to which the Chair has referred are expected almost immediately, I withdraw the demand for the consideration of District business.

HISTORY OF INTERNATIONAL ARBITRATIONS.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I ask unanimous consent——

The SPEAKER. The regular order has been demanded.

Mr. RICHARDSON of Tennessee. I simply wanted to ask consideration of a resolution to provide for some printing. It is privileged.

The SPEAKER. The gentleman will send it up.

The Clerk read as follows:

Joint resolution (S. R. 37) to provide for the printing of a history and digest of the international arbitrations to which the United States was a party, and for other purposes.

Resolved, etc., That there be printed the usual number of copies of a history of the international arbitrations to which the United States was a party, together with a digest of the decisions rendered in such arbitrations, and that, in addition to said usual number, there be printed and bound in sheep 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Department of State; said history and digest to be printed under the editorial supervision of John Bassett Moore, and the editing to be paid for out of any moneys in the Treasury not otherwise appropriated, on the direction of the Secretary of State, at a price not to exceed $2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

The report of the House Committee on Printing, recommending the passage of the joint resolution, and stating that the estimated cost of the printing proposed would be $6,991, was read.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I did not at first observe the clause in this resolution providing for placing 1,000 copies of this publication at the disposal of the Department of State. That provision, of course, takes away the privileged character of the resolution. But I ask unanimous consent that it be considered.

Mr. PICKLER. How many copies will there be for the House?

Mr. RICHARDSON of Tennessee. Two thousand.

The SPEAKER. Is there objection to considering this joint resolution at the present time?

Mr. McCREARY of Kentucky. The resolution should be adopted. I hope there will be no objection to its passage.

There being no objection, the House proceeded to consider the joint resolution; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

DEATH OF SENATOR COLQUITT.

A message from the Senate, communicated to the House by Mr. PLATT, one of its clerks, was laid before the House by the Speaker, and read by the Clerk, as follows:

IN THE SENATE OF THE UNITED STATES, *March 26, 1894.*

Resolved, That the Senate has heard with great sorrow of the death of the Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia.

Resolved, That a committee of ten Senators be appointed by the Vice-President to take order for superintending the funeral of the deceased, which will take place in the Senate Chamber to-morrow, Tuesday, at 9 a. m., and that the Senate will attend the same.

Resolved, That, as a further mark of respect entertained by the Senate for his memory, his remains be removed from Washington to Macon, Ga., in charge of the Sergeant-at-Arms, and attended by the committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives, and invite the House of Representatives to attend the funeral to-morrow, Tuesday, at the hour named, and to appoint a committee to act with the committee of the Senate.

Resolved, That as a further mark of respect the Senate do now adjourn.

In compliance with the foregoing the Vice-President appointed as said committee Mr. GORDON, Mr. MORGAN, Mr. RANSOM, Mr. BUTLER, Mr. GRAY, Mr. HOAR, Mr. PROCTOR, Mr. CAREY, Mr. PERKINS, and Mr. ALLEN.

Mr. TURNER of Georgia. Mr. Speaker, I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia.

Resolved, That the Speaker of the House appoint a committee of nine members to act in conjunction with the committee appointed by the Senate to make the necessary arrangements and accompany the remains to the place of burial.

Resolved, That the House accept the invitation of the Senate to attend the funeral to-morrow, Tuesday, at 9 o'clock a. m., and that the Clerk of the House communicate these proceedings to the Senate.

Resolved, That as a further tribute and mark of respect to the memory of the deceased the House do now adjourn.

Mr. TURNER of Georgia. Mr. Speaker, without detaining the House with any remarks on this sad occasion, I desire to give notice that at some time in the future the House will be asked to appoint a day on which the friends of the deceased may pay fitting tribute to his long and distinguished public services. I ask now the adoption of the resolutions.

The SPEAKER. The Chair will ask the gentleman from Georgia [Mr. TURNER] whether he has any suggestion to make as to the hour of meeting of the House to-morrow?

Mr. TURNER of Georgia. Mr. Speaker, I have conferred with gentlemen of our delegation and with the Speaker as to the propriety of the House adjourning to meet to-morrow morning at 9 o'clock. It has been suggested that perhaps as appropriate a proceeding as could be had would be that the members of the House assemble informally in the Senate Chamber at the hour named by the Senate for the funeral ceremonies.

The question being taken on agreeing to the resolutions submitted by Mr. TURNER of Georgia, they were unanimously agreed to.

The SPEAKER announced the appointment of the following-named members as the committee provided for by the resolutions: Mr LIVINGSTON of Georgia, Mr. HOLMAN of Indiana, Mr. BUNN of North Carolina, Mr. CABANISS of Georgia, Mr. MADDOX of Georgia, Mr. MCDANNOLD of Illinois, Mr. COGSWELL of Massachusetts, Mr. WILLIAM A. STONE of Pennsylvania, and Mr. POWERS of Vermont.

And then, in accordance with the resolution just adopted, the House (at 1 o'clock p. m.) adjourned until to-morrow at 12 o'clock.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. MERCER (by request): A bill (H. R. 6438) to amend the national-bank act—to the Committee on Banking and Currency.

By Mr. HALL of Minnesota: A bill (H. R. 6441) to authorize the registration of trade-marks and labels and to protect the same—to the Committee on Patents.

By Mr. LACEY: A bill (H. R. 6442) to protect the birds and animals in Yellowstone National Park and to punish crime in said park, and for other purposes—to the Committee on the Public Lands.

By Mr. LOCKWOOD: A joint resolution (H. Res. 150) providing for partial payments for work, etc., for the Revenue-Marine Service—to the Committee on the Judiciary.

By Mr. OUTHWAITE: A resolution for distribution of special memoirs and reports of Geological Survey as now provided by law—to the Committee on Printing.

By Mr. CABANISS: A resolution to pay the representative of A. W. Gibson, late an employé of the House, six months' salary and funeral expenses—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ADAMS of Kentucky: A bill (H. R. 6439) for the relief of Mrs. Martha Noe, *nee* Blanton—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Michigan: A bill (H. R. 6440) to correct the military record of Samuel E. Cooper—to the Committee on Military Affairs.

By Mr. LIVINGSTON: A bill (H. R. 6443) for the relief of Stout, Hall & Bangs—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of Michigan Knights of the Grip, in favor of the passage of the Rayner bill, removing all restriction on the issuing of 1,000-mile mileage books, good over all railroads—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Cigar Makers' Union, of Detroit, Mich., in favor of Government ownership and control of the telegraph and telephone lines—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Colorado: Resolution of Denver Division, No. 44, Order of Railway Conductors, relative to sale of transportation tickets to brokers, agents, or scalpers—to the Committee on the Post-Office and Post-Roads.

By Mr. BERRY: Petition granting a pension to Anna M. Wehe—to the Committee on Invalid Pensions.

By Mr. BRODERICK: Petition of Col. E. C. Townsend and others, of Forth Leavenworth, Kans., in favor of the retirement of enlisted men of the United States Army and Marine Corps—to the Committee on Military Affairs.

Also, petition of H. F. Mellenbruch and others, of Carson, Kans., in favor of increase of salaries of country postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Resolutions of Operative Plasterers and Cigar Makers' Unions, for the establishment of a governmental control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. CARUTH: Letter of Dr. W. Carroll Chapman, of Louisville, Ky., in behalf of the establishment of a national board of health in the Treasury Department—to the Committee on Interstate and Foreign Commerce.

Also, petition of Plumbers, Gas and Steam Fitters' Local Union, No. 107, of Louisville, Ky., in favor of the establishment of telegraph lines under the control of the Government—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of 30 citizens of Walkins and 75 more of State Center, Iowa, favoring the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DINSMORE: Petition of Joseph Willett, for removal of disabilities and to place him on the rolls of honorably discharged soldiers of the United States—to the Committee on Military Affairs.

Also, petition of Green W. Smith, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petition of citizens of Manning, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ENLOE: Resolution of Division 149, of the Order of Railway Conductors, Jackson, Tenn., in favor of the passage of the antiscalpers bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Subordinate Lodge, No. 60, of the Brotherhood of Boiler Makers and Iron Ship Builders of America, in opposition to the free-ship bill—to the Committee on Merchant Marine and Fisheries.

By Mr. FLETCHER: Petition of certain citizens of Minneapolis, Minn., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. FLYNN: Resolutions from citizens of Indian Territory, praying for ratification of Kiowa and Comanche Indian treaties in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. GEISSENHAINER: Petition of citizens of Woodbridge, N. J., in favor of the passage of a bill prohibiting lottery dealings in the United States—to the Committee on the Post-Office and Post Roads.

By Mr. GROUT: Memorial adopted by the Chamber of Commerce of the State of New York, against the passage of the income tax—to the Committee on Ways and Means.

Also, petition of Rev. H. W. Goddard, of South Royalton, Vt., and of E. W. Clark and others, of Norwich, Vt., against the use of the United States mail for carrying lottery tickets—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of citizens of Davenport, Iowa, in favor of Government ownership of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petition of C. H. Brann and 27 other citizens of Des Moines, Iowa, together with resolutions of Council No. 43, Northwestern Legion of Honor, of Des Moines, asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Petition of John W. Walsh, L. C. Schweiger, and other citizens of Stillwater, Minn., in the interest of fraternal society and other college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. KRIBBS: Resolutions of Victor Grange, No. 159, Patrons of Husbandry, of Center County, Pa., in favor of the passage of the antioption bill—to the Committee on Agriculture.

By Mr. LIVINGSTON: Papers to accompany House bill 6443—to the Committee on Claims.

By Mr. LYNCH: Protest of G. B. Cole and 34 others, against all acts of Congress by which the banks and privileged few shall be given more money and the people less—to the Committee on Banking and Currency.

By Mr. MARVIN of New York: Petition of David N. Christie and 33 other citizens of Nyack, N. Y., for increased postal facilities, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Petition in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Potter Lodge, No. 173, Ancient Order of United Workmen, of Omaha, Nebr., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PENCE: Resolutions of the Grand Division of the Order of Railway Conductors, against the sale of transportation tickets by brokers or scalpers—to the Committee on the Post-Office and Post-Roads.

Also, petition demanding an inquiry into the acts of certain United States circuit judges—to the Committee on the Judiciary.

Also, petition of citizens for the exclusion of lottery tickets from the United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. PIGOTT: Petition of Rev. W. J. Mutch and others, of New Haven, Conn., in favor of legislation for the suppression of lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Resolutions of Binghamton Labor and Trades Union and of Cigar Makers Union No. 16, of Binghamton, N. Y., against increase of tax on cigars and for abolition of duty on Sumatra tobacco—to the Committee on Ways and Means.

Also, petition of citizens of Delaware and Kortright, N. Y.,

for amendment to the Constitution recognizing God—to the Committee on the Judiciary.

Also, resolutions of Assembly No. 237, of Maine, and of citizens of Tioga County, N. Y., relative to postage on publications of fraternal societies—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolution of Detroit Lodge, No. 82, Machinists' Union, and of Electrical Workers' Union of Detroit, Mich., in favor of Governmental control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Resolutions of the Grocers and Importers' Exchange of Philadelphia, favoring protection to growers and refiners of sugar—to the Committee on Ways and Means.

Also, petition of Eldorado Assembly, No. 432, I. F. A., Scranton, Pa., in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Petition of Standard Lodge, No. 158, Brotherhood of Locomotive Engineers, and the Cigar Makers' Union of Detroit, Mich., in favor of Government ownership and control of the telegraph systems of the country—to the Committee on the Post-Office and Post Roads.

Also, petition of citizens of Manistique, Mich., praying for the passage of the bill for the suppression of the lottery traffic through national and interstate commerce and the postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. WEADOCK: Petition of Charles Loynes and others, for the passage of House bill 4807, relating to fraternal journals—to the Committee on the Post-Office and Post-Roads.

By Mr. WEVER: Petition of 42 citizens of Moline, N. Y., in favor of the bill against lotteries—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *March 27, 1894.*

The Senate met at 9 o'clock a. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had yesterday passed the following resolutions:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia.

Resolved, That the Speaker of the House appoint a committee of nine members to act in conjunction with the committee appointed by the Senate to make the necessary arrangements and accompany the remains to the place of burial.

Resolved, That the House accept the invitation of the Senate to attend the funeral to-morrow, Tuesday, at 9 o'clock a. m., and that the Clerk of the House communicate these proceedings to the Senate.

Resolved, That as a further tribute and mark of respect to the memory of the deceased the House do now adjourn.

The message also announced that the Speaker of the House had appointed Mr. LIVINGSTON of Georgia, Mr. HOLMAN of Indiana, Mr. BUNN of North Carolina, Mr. CABANISS of Georgia, Mr. MADDOX of Georgia, Mr. MCDANNOLD of Illinois, Mr. COGSWELL of Massachusetts, Mr. WILLIAM A. STONE of Pennsylvania, and Mr. POWERS of Vermont, as the committee to act in conjunction with the Senate committee to make the necessary arrangements and accompany the remains of the deceased Senator to the place of burial.

FUNERAL OF SENATOR COLQUITT.

The casket containing the remains of the deceased Senator was brought into the Senate Chamber, having been preceded by the family and friends of the deceased, and escorted by the Sergeant-at-Arms of the Senate and the committee of arrangements of the two Houses and pallbearers selected from the Capitol police.

The Speaker of the House of Representatives was given a seat at the right of the Vice-President, and the members of the House occupied the seats on the floor provided for them.

The Chief Justice and associate justices of the Supreme Court of the United States, the members of the Cabinet, and the diplomatic corps entered the Senate Chamber and were respectively escorted to the seats assigned them on the floor.

The Chaplain, Rev. W. H. MILBURN, D. D., recited sundry passages from the Scriptures appropriate to the burial of the dead, followed by the fifteenth chapter of First Corinthians, beginning at the twentieth verse. He then delivered the following sermon:

When a good man dies it seems as if a corner of the curtain which hides the invisible and eternal world from our eyes were lifted and there streamed in upon us celestial light, which enables us to understand more clearly and wisely than we do ordinarily the purpose and meaning of this mortal life of ours—these years that we spend in preparation for that lofty, that eternal state to which we are all so fast pressing. And so as we come this morning into this Chamber to meditate upon the life and the passage hence of our beloved friend and brother, whose coffin is here before us and whose seat is draped in black, we may see that the end of life is character—not position in the world, fame, fortune, what is called happiness, but the conquest of self, victory over temptation, mastery of the lower nature, and a grasp by conduct, by life, upon the things which are invisible, immortal, of God.

Our life at the longest is but short. Three score years and ten, looking back, finds the time brief. Four score years after labor and sorrow, on casting the retrospective eye, it sees only a narrow track. Pleasure, the possession of vast resources or of high position—these do not and can not satisfy the highest and best part of our nature. That which gives contentment in age, in sickness, and upon the border of the other world, is the sense of righteousness, of having done right in so far as we knew, in so far as we could—the sense of generosity acquired, of magnanimity, of daring to do the thing which the conscience suggested and which God's Word taught: the daring to leave undone the thing that might be popular and call forth acclaim and admiration, but which the conscience and the Word of God forbade; the acquiring faith in the invisible, walking by another light than that of this world and by another eye than that of sense, so that the invisible world comes clearly into one's ken, God Himself beholden by the pure in heart; a life full of kindliness, sweet thoughts, gentle feelings, forgiveness of injuries, daring to seem to the world even cowardly, misunderstood, and misrepresented at times; with the diviner qualities in one's heart, calumniated and vilified because of their possession and our following their bent.

Misunderstood, therefore, yet daring to do the thing that is sweet and good and to forgive; cherishing no resentment, putting all bitterness, malignity, and unkindness away against those that wrong us, pitying those that do wrong, and a heart full of charity, of the milk of human kindness—a heart that expresses itself in the face, in the voice, and in the whole bearing in the geniality, in the warmth of the cordial greeting, the sunshine of the life as it streams out in public affairs, in the social circle, and in the family, so that men take knowledge of one that he has learned of Jesus Christ, that his life is hid with him in God. Whether a man be rich or poor, learned or ignorant, whether his position be high or low, if he has acquired these qualities and this experience, if he has this fiber and texture of character, he is the man by whose grave we can stand with composure; and the sense of sorrow is overmastered by the sense of his great eternal gain, and of our wealth in the possession of his influence and in the bequest which he has made us of character.

So, my brethren, as we stand in front of this coffined form today, we feel that such a man has left us. We are paying the last offices. We call them sad offices. They are sad for ourselves, but triumphant offices for him. We are standing by the bier of a man to whom the remarks which I have made apply, a man who has gained the conquest of the world by victory over himself, a simple hearted, reverent, humble-minded Christian man, walking in obedience to Christ, having communion and fellowship with the Father and with His Son, and enjoying in his experience and innermost life the fellowship of the Holy Ghost. And now, when his three score years and ten are almost accomplished, his Father and our Father, his God and our God, has called him to come higher. This body of the flesh, from which he suffered through these latter months and years, we are about to deposit in the grave; but the man himself, the outer covering laid aside, the spiritual man, the man that gave that bodily form its dignity, its strength, its pose, its grace, its charm—the man himself is not dead.

Old superstitions linger; traditional thoughts and ideas concerning death still haunt the world. We speak of burying him. We are not burying him; we are burying the external covering of the man, the garment of the soul. God's Son can not be buried. His only begotten Son entered the tomb and rose therefrom to give us token and assurance that thenceforth all His servants and disciples living in His faith and in the communion of His sacraments and of His church should rise immortal with Him. So as He is at the right hand of God He gathers His servants—His brethren, as He deigns to call us—around and near Him; and thus, with the eye of our untroubled faith to day we behold our brother, the man whom we called Senator Colquitt, God's redeemed son, going up into the glory of the Lord, with his opened eyes and ears and spiritual faculties enlarged, standing there in the company of the blood-washed, the redeemed, they that are clothed in white. "They shall hunger no more, neither thirst any more; neither shall the sun light on them,

nor any heat. For the Lamb which is in the midst of the throne shall feed them, and shall lead them unto living fountains of waters; and God shall wipe away all tears from their eyes."

So, brethren, our sorrow is for ourselves. What seems the severing of the tie that bound us to our beloved friend is not severed. It holds; the bond which nature gave still lasts. Wife, children, friends are all as dear to him at this moment and shall be through his endless being as they ever were on earth—nay dearer, sweeter.

It is sorrow for ourselves; and yet what unspeakable comfort, with the benediction of Almighty God, the assurance of His Word, the comfort of His Spirit, our souls penetrated with His truth, and we strong in the faith, with confidence and trust in God! Shall we sorrow as those that have no hope? The unspeakable blessing of God is for every one of us; for the wife, for the children. Oh, the loss is unutterable, and yet how great the gain! Let us think not of the dark side to-day, the grief and the pain. Let us think of the triumphant entry of our beloved brother into the Kingdom of God—no longer of his pain, but of his victory and joy, crowned now with the Father's blessing, entering into the fellowship of that great company that no man can number; and we, with our eyes purged from tears and from the dust of the world, beholding him, shall not our hearts grow calm and strong and sweet for the offices and duties of daily life? Sad, sorrowful—yes; but still with joy and peace and comfort, consolation inexpressible for every one that will receive it, through Jesus Christ our Lord.

So my beloved sister; so children—almost like my own kith and kin, for he that has gone from us I have known since he was a college boy; we have been friends for nigh fifty years—my beloved sister, children, so dear and precious, think of the release from physical infirmity and pain and distress. Think of the rapture which he feels to-day, gone to the presence of the Lord, with the open eye, which reads as we can not read the meaning and purpose of life. You are dear to him as you ever were, and as I have hinted, dearer yet, and shall be through the years that remain to you on earth, and then will be the happy meeting after the time here when it comes your turn and mine to pass hence—the happy meeting. We are going home, going to those we have known and loved, to the hearthside, as we say, of our Father in that blessed clime and that blessed company. Not strangers. No; he will be there, and those whom we have known and loved with him, to welcome us to the other shore of the river.

So let us take heart of grace to-day, thanking God for His unspeakable gift in the redemption of the world by his Son Jesus Christ, bowing reverently to the behest of God, with resignation and submission accepting His will, and feeling that He will care for and guide us and bring us at last to the Kingdom of everlasting life.

Oh, that the peace of God may enter into every heart here present, and that we may have higher and better views of life and clearer and better views of the heavenly kingdom so near at hand! Oh, that this may come to us to make us wiser and better and humbler and kindlier and sweeter men and women for the remainder of our time here!

Let us pray. Almighty and Eternal God, notwithstanding the tokens of darkness, the shadow of grief, the sense of pain and loss, we would come into Thy presence with thanksgiving and praise for the great things which Thou hast bestowed upon us—light even in the darkness, comfort, peace, and benediction even in loss and sorrow and pain.

Oh, Father, we pray Thee to let Thy heavenly grace come into the heart of the woman who hath stood by the side of our brother through all these checkered years, and to whom he was so sacred and so precious. Let Thy loving kindness come to cheer and comfort her and these children. Be Thou their father. Lord God, grant that Thy Word may be fulfilled, that Thou wilt give Thine angels charge over them to keep them in all their ways. Let the home that seems desolate be sentineled and guarded by Thine angels.

Oh, Christ, who didst shed tears of sympathy with those that sorrowed with brokenness of heart, come Thou as the comforter and consolation of this widow and her children, and may they find strength for their needs in Thy grace and comfort. Bless them, Oh Father, with all good things which Thou hast promised.

And let Thy heavenly benediction come upon the associates of our brother, his fellow Senators, and all connected with the Government, who knew him so well through these years. Lord God, incline their hearts unto Thy ways, that they may walk in the path of righteousness and duty supported by Thee, and at the end of this life of trial may they, like our brother, come to the land of everlasting life.

Let Thy blessing be upon all who are here present, and may this solemn reminder of our mortality and this glorious token of our immortality come home to us with personal weight. And from this day forth may our lives be more simple, true, kindlier, nobler, and may our steps be in the path of Christ's church, in the communion and fellowship of the Father and the Son.

And now we commend us, with all for whom we should pray, to Thine all-wise and all-merciful Providence. Oh, Lord God, guide us by Thy counsel, and afterwards receive us to Thyself, through Jesus Christ our Saviour.

Receive the benediction. The peace of God, which passeth all understanding, keep your hearts and minds in the knowledge and love of God and of his Son Jesus Christ, our Lord. And the blessing of God Almighty, the Father, the Son, and the Holy Ghost, be amongst you and remain with you always. Amen.

The VICE-PRESIDENT. The committee of arrangements will escort the remains of the deceased Senator from the Chamber, accompanying the body to the Pennsylvania Railroad depot and from thence to the place of burial in the State of Georgia.

The casket was borne from the Chamber, attended by the committee of arrangements and the family of the deceased Senator.

The invited guests having retired from the Chamber,

Mr. HARRIS. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at 9 o'clock and 45 minutes a. m.) the Senate adjourned until to-morrow, Wednesday, March 28, 1894, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 27, 1894.*

The House met at 12 o'clock m. Prayer by Hon. WILLIAM EVERETT, of Massachusetts.

The Journal of the proceedings of yesterday was read and approved.

DEFICIENCY ESTIMATE, FORT HALL RESERVATION.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimate of deficiency in appropriation made February 23, 1889, for surveying a portion of Fort Hall reservation, together with letters from the Commissioner of Indian Affairs and Acting Secretary of the Interior; which were referred to the Committee on Appropriations.

ASPHALT WALKS, MILITARY ACADEMY.

The SPEAKER also laid before the House a communication from the Secretary of War, relative to asphalt walks at the Military Academy, West Point; which was referred to the Committee on Military Affairs.

INDIAN SCHOOL, PHŒNIX, ARIZ.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimate from the Secretary of the Interior of appropriation for the Indian school at Phœnix, Ariz., for the fiscal year ending June 30, 1895; which was referred to the Committee on Indian Affairs.

REIMBURSEMENT OF GREEK CHURCH, ALASKA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending that the sum of $3,325 be appropriated to reimburse the bishop of the Greek Church of Alaska; which was referred to the Committee on Appropriations.

CUSTOMS AFFAIRS AT COLUMBIAN EXPOSITION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting report of the collector of customs at Chicago, Ill., relating to the administration of customs affairs at the World's Columbian Exposition; which was referred to the Committee on Ways and Means.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. FORMAN, for ten days, on account of death in his family.
To Mr. STRONG, indefinitely, on account of sickness.

W. B. MORROW.

Mr. PENDLETON of Texas. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (H. R. 1309) for the relief of W. B. Morrow.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. BURROWS. I would inquire if this is on the Private Calendar?

Mr. PENDLETON of Texas. It is.

Mr. BURROWS. I think these cases ought to be taken up in their order.

Mr. PATTERSON. Let us have the regular order.

The SPEAKER. Objection is made.

PRINTING AGRICULTURAL REPORT.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I hope the gentleman from Tennessee will withdraw that call for a moment. I have a report on a resolution referred to the Committee on Printing to print the regular annual report of the Secretary of Agriculture, which the committee ought to have had passed some time ago. I hope the gentleman will allow it to pass now without further delay.

Mr. PATTERSON. I withdraw the demand for the present.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit a report from the Committee on Printing on the joint resolution (H. Res. 139) to print the Agricultural Report for 1893.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, etc., That there be printed 400,000 copies of the Annual Report of the Secretary of Agriculture for the year 1893; 90,000 copies for the use of the Senate, 280,000 copies for the use of the House of Representatives, and 30,000 copies for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture.

SEC. 2. That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of printing said report.

Mr. RICHARDSON of Tennessee. There is an amendment recommended by the committee.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Printing have considered the House joint resolution to print the Agricultural Report for 1893, and have directed me to report the same with the recommendation that it do pass with an amendment, as follows: Strike out in line 3 the word "four" and insert "five;" also strike out "ninety" where it occurs the second time in line 5 and insert "one hundred and ten," and strike out in line 6 "two hundred and eighty" and insert "three hundred and sixty."

The estimated cost of publishing 500,000 copies of said report is about $250,000.

Mr. PICKLER. What is the purport of the amendment?

Mr. RICHARDSON of Tennessee. The resolution as first presented calls for the printing of 400,000 copies, but the House, after full consideration of the printing bill, decided to print 500,000 copies, and the amendment of the committee simply changes the text of the original resolution to conform to that action of the House.

Mr. PICKLER. And this makes the House quota 360,000 instead of 280,000?

Mr. RICHARDSON of Tennessee. Yes; the same distribution as we had last year.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. PATTERSON. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

USE OF PIER IN CHICAGO RIVER.

By Mr. DURBOROW, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 6038) to repeal House resolution No. 104, first session Fifty-first Congress, granting to the Secretary of War a permit to license the use of a pier at the mouth of the Chicago River—to the House Calendar.

ADDITIONAL CIRCUIT JUDGE, EIGHTH JUDICIAL CIRCUIT.

By Mr. TERRY, from the Committee on the Judiciary: A bill (H. R. 4415) providing for an additional circuit judge in the eighth judicial circuit—to the Committee of the Whole House on the state of the Union.

CONTESTED-ELECTION CASE—O'NEILL VS. JOY.

Mr. PATTERSON. Mr. Speaker, I desire to call up the contested-election case of O'Neill *vs.* Joy.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] calls up the contested-election case of O'Neill *vs.* Joy. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Charles F. Joy was not elected a member of the House of Representatives to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to the seat.

Resolved, That John J. O'Neill was elected a Representative to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to the seat.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON]——

Mr. PATTERSON. Mr. Speaker, there was an agreement between the majority and the minority of the Committee on Elections that six hours should be occupied——

Mr. REED. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Maine [Mr. REED] raises the question of consideration.

Mr. RICHARDSON of Tennessee. Is not that too late?

Mr. PATTERSON. That is too late, Mr. Speaker.

Mr. RICHARDSON of Tennessee. My colleague has entered upon the debate.

Mr. REED. Not in the least. He called it up, and at the moment I had the opportunity I raised the question, intending to do it at first.

The SPEAKER. The gentleman states that he intended to raise the question.

Mr. RICHARDSON of Tennessee. But ought not the gentleman to state that he was on his feet for that purpose?

Mr. REED. I was on my feet for that purpose.

The SPEAKER. The question is, Will the House proceed to consider the resolution just read?

The question being taken, Mr. REED demanded a division.

Mr. PATTERSON. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 1, not voting 194; as follows:

YEAS—157.

Alexander,	Cooper, Ind.	Kribbs,	Richards, Ohio
Allen,	Cooper, Tex.	Kyle,	Richardson, Mich.
Bailey,	Cornish,	Lane,	Richardson, Tenn.
Baker, Kans.	Cox,	Latimer,	Ritchie,
Baldwin,	Crawford,	Lawson,	Robbins,
Bankhead,	Culberson,	Layton,	Sayers,
Barwig,	Cummings,	Lester,	Schermerhorn,
Bell, Colo.	Daniels,	Lockwood,	Sheil,
Bell, Tex.	Davis,	Lynch,	Sibley,
Black, Ga.	De Armond,	Magner,	Somers,
Black, Ill.	Denson,	Mallory,	Springer,
Bland,	Dinsmore,	Marshall,	Stallings,
Boatner,	Dockery,	McAleer,	Stockdale,
Boen,	Dunn,	McCreary, Ky.	Stone, Ky.
Bower, N. C.	Durborow,	McCulloch,	Strait,
Breckinridge, Ark.	English,	McDearmon,	Straus,
Bretz,	Epes,	McGann,	Swanson,
Brickner,	Erdman,	McKaig,	Talbert, S. C.
Brookshire,	Everett,	McLaurin,	Talbott, Md.
Brown,	Geary,	McNagny,	Tate,
Bryan,	Geissenhainer,	McRae,	Taylor, Ind.
Burnes,	Goldzier,	Meredith,	Terry,
Bynum,	Gorman,	Meyer,	Tracey,
Cadmus,	Grady,	Money,	Turner, Ga.
Caminetti,	Gresham,	Montgomery,	Turner, Va.
Campbell,	Griffin,	Moses,	Turpin,
Cannon, Cal.	Hall, Mo.	Neill,	Tyler,
Capehart,	Hammond,	Oates,	Warner,
Caruth,	Hare,	O'Neil,	Washington,
Catchings,	Harris,	Outhwaite,	Weadock,
Causey,	Hatch,	Page,	Wheeler, Ala.
Clancy,	Hayes,	Paschal,	Whiting,
Clark, Mo.	Heard,	Patterson,	Williams, Ill.
Cobb, Ala.	Henderson, N. C.	Paynter,	Williams, Miss.
Cobb, Mo.	Hines,	Pearson,	Wise,
Cockrell,	Hooker, Miss.	Pence,	Wolverton,
Coffeen,	Hunter,	Pendleton, Tex.	Woodard.
Conn.	Hutcheson,	Pendleton, W. Va.	
Coombs,	Ikirt,	Pigott,	
Cooper, Fla.	Jones,	Rayner,	

NAYS—1.

Hermann.

NOT VOTING—194.

Abbott,	Caldwell,	Forman,	Hooker, N. Y.
Adams, Ky.	Cannon, Ill.	Funk,	Hopkins, Ill.
Adams, Pa.	Chickering,	Funston,	Hopkins, Pa.
Aitken,	Childs,	Fyan,	Houk,
Alderson,	Clarke, Ala.	Gardner,	Hudson,
Aldrich,	Cockran,	Gear,	Hulick,
Apsley,	Cogswell,	Gillet, N. Y.	Hull,
Arnold,	Compton,	Gillett, Mass.	Johnson, Ind.
Avery,	Cooper, Wis.	Goodnight,	Johnson, N. Dak.
Babcock,	Cousins,	Graham,	Johnson, Ohio
Baker, N. H.	Covert,	Grosvenor,	Joy,
Barnes,	Crain,	Grout,	Kem,
Barthoidt,	Curtis, Kans.	Grow,	Kiefer,
Bartlett,	Curtis, N. Y.	Hager,	Kilgore,
Belden,	Dalzell,	Hafner,	Lacey,
Beltzhoover,	Davey,	Haines,	Lapham,
Berry,	De Forest,	Hall, Minn.	Lefever,
Bingham,	Dingley,	Harmer,	Linton,
Blair,	Dolliver,	Harter,	Lisle,
Boutelle,	Donovan,	Hartman,	Livingston,
Bowers, Cal.	Doolittle,	Haugen,	Loud,
Branch,	Draper,	Heiner,	Loudenslager,
Brattan,	Dunphy,	Henderson, Ill.	Lucas,
Breckinridge, Ky.	Edmunds,	Henderson, Iowa	Maddox,
Broderick,	Ellis, Ky.	Hendrix,	Maguire,
Brosius,	Ellis, Oregon	Hepburn,	Mahon,
Bundy,	Enloe,	Hicks,	Marsh,
Bunn,	Fielder,	Hilborn,	Martin, Ind.
Burrows,	Fithian,	Hitt,	Marvin, N. Y.
Cabaniss,	Fletcher,	Holman,	McCall,

McCleary, Minn.	Pickler,	Sherman,	Updegraff,
McDannold,	Post,	Sickles,	Van Voorhis, N. Y.
McDowell,	Powers,	Simpson,	Van Voorhis, Ohio
McEttrick,	Price,	Sipe,	Wadsworth,
McKeighan,	Quigg,	Smith,	Walker,
McMillin,	Randall,	Snodgrass,	Wanger,
Meiklejohn,	Ray,	Sperry,	Waugh,
Mercer,	Reed,	Stephenson,	Wells,
Milliken,	Reilly,	Stevens,	Wever,
Moon,	Reyburn,	Stone, C. W.	Wheeler, Ill.
Morgan,	Robertson, La.	Stone, W. A.	White,
Morse,	Robinson, Pa.	Storer,	Wilson, Ohio
Murray,	Rusk,	Strong,	Wilson, Wash.
Mutchler,	Russell, Conn.	Sweet,	Wilson, W. Va.
Newlands,	Russell, Ga.	Tarsney,	Woomer,
Northway,	Ryan,	Tawney,	Wright, Mass.
Payne,	Scranton,	Taylor, Tenn.	Wright, Pa.
Perkins,	Settle,	Thomas,	
Phillips,	Shaw,	Tucker,	

No quorum voting.

The Clerk announced the following pairs:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. BERRY with Mr. CALDWELL.

Mr. MADDOX with Mr. GROUT.

Mr. FORMAN with Mr. LUCAS.

Mr. LIVINGSTON with Mr. HERMANN.

Mr. ELLIS of Kentucky with Mr. HAUGEN.

Mr. WELLS with Mr. LEFEVER.

Mr. FITHIAN with Mr. MOON.

Mr. CABANISS with Mr. NORTHWAY.

Mr. EDMUNDS with Mr. LINTON.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. GOODNIGHT with Mr. WALKER.

Mr. TARSNEY with Mr. GEAR.

Mr. ARNOLD with Mr. HEPBURN.

Mr. ABBOTT with Mr. TAYLOR of Tennessee.

Mr. SNODGRASS with Mr. HOUK.

Mr. ALDERSON with Mr. RANDALL.

Mr. MCDANNOLD with Mr. HEINER of Pennsylvania.

For this day:

Mr. ENLOE with Mr. COGSWELL.

Mr. CRAIN with Mr. POWERS.

Mr. HOLMAN with Mr. BINGHAM.

Mr. SICKLES with Mr. WRIGHT of Pennsylvania.

Mr. MUTCHLER with Mr. WRIGHT of Massachusetts.

Mr. TUCKER with Mr. HENDERSON of Iowa.

On this question:

Mr. DAVEY with Mr. PICKLER.

Mr. RYAN with Mr. APSLEY.

On this vote:

Mr. MCETTRICK with Mr. STRONG.

The result of the vote was announced as above recorded.

The SPEAKER. No quorum has voted.

Mr. PATTERSON. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott,	Culberson,	Johnson, Ohio	Robinson, Pa.
Aitken,	Davey,	Joy,	Rusk,
Alderson,	Dingley,	Kem,	Russell, Conn.
Allen,	Dinsmore,	Lefever,	Russell, Ga.
Arnold,	Dunn,	Linton,	Ryan,
Babcock,	Dunphy,	Lisle,	Settle,
Bartlett,	Durborow,	Livingston,	Shaw,
Beltzhoover,	Edmunds,	Loudenslager,	Sherman,
Berry,	Ellis, Ky.	Lucas,	Sickles,
Bingham,	Enloe,	Maddox,	Simpson,
Boutelle,	Fielder,	Maguire,	Sipe,
Bower, N. C.	Fithian,	Mahon,	Snodgrass,
Branch,	Forman,	Martin, Ind.	Somers,
Brattan,	Funston,	McDannold,	Stevens,
Breckinridge, Ky.	Fyan,	McDowell,	Straus,
Broderick,	Gardner,	Moon,	Strong,
Bryan,	Gillet, N. Y.	Morgan,	Swanson,
Bundy,	Goldzier,	Murray,	Tarsney,
Bunn,	Goodnight,	Mutchler,	Tawney,
Cabaniss,	Graham,	Newlands,	Taylor, Tenn.
Caldwell,	Hainer,	Northway,	Tucker,
Cannon, Ill.	Hall, Minn.	Pence,	Updegraff,
Clarke, Ala.	Harter,	Phillips,	Van Voorhis, N. Y.
Cockran,	Henderson, Iowa	Powers,	Van Voorhis, Ohio
Coffeen,	Hendrix,	Price,	Walker,
Cogswell,	Hicks,	Randall,	Wells,
Compton,	Hitt,	Reed,	White,
Cooper, Wis.	Holman,	Reilly,	Wilson, W. Va.
Cornish,	Houk,	Reyburn,	Wright, Mass.
Covert,	Hunter,	Robbins,	Wright, Pa.
Crain,	Johnson, Ind.	Robertson, La.	

The SPEAKER. Two hundred and thirty-two gentlemen have answered.

Mr. PATTERSON. I move to dispense with all further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question recurs on the motion, Will the House consider the resolutions which have been read?

The question was taken; and there were—yeas 170, nays 1, not voting 181; as follows:

YEAS—170.

Alexander,	Crawford,	Kyle,	Richards, Ohio
Allen,	Culberson,	Lane,	Richardson, Mich.
Bailey,	Cummings,	Lapham,	Richardson, Tenn.
Baker, Kans.	Daniels,	Latimer,	Ritchie,
Baldwin,	Davis,	Lawson,	Robbins,
Bankhead,	De Armond,	Layton,	Robertson, La.
Barwig,	Denson,	Lester,	Rusk,
Bell, Colo.	Dinsmore,	Lockwood,	Sayers,
Bell, Tex.	Dockery,	Lynch,	Schermerhorn,
Black, Ga.	Donovan,	Magner,	Shell,
Black, Ill.	Dunn,	Mallory,	Sibley,
Bland,	Dunphy,	Marshall,	Smith,
Boen,	Durborow,	McAleer,	Somers,
Bower, N. C.	English,	McCreary, Ky.	Sperry,
Breckinridge, Ark.	Epes,	McCulloch,	Springer,
Bretz,	Erdman,	McDearmon,	Stallings,
Brickner,	Everett,	McEttrick,	Stockdale,
Brookshire,	Fielder,	McGann,	Stone, Ky.
Brown,	Geary,	McKaig,	Strait,
Bryan,	Geissenhainer,	McKeighan,	Straus,
Burnes,	Goldzier,	McLaurin,	Swanson,
Bynum,	Gorman,	McMillin,	Talbert, S. C.
Cadmus,	Grady,	McNagny,	Talbott, Md.
Caminetti,	Gresham,	McRae,	Tate,
Campbell,	Griffin,	Meredith,	Taylor, Ind.
Cannon, Cal.	Haines,	Meyer,	Terry,
Capehart,	Hall, Mo.	Money,	Tracey,
Caruth,	Hammond,	Montgomery,	Turner, Ga.
Catchings,	Hare,	Moses,	Turner, Va.
Clancy,	Harris,	Neill,	Turpin,
Clark, Mo.	Hatch,	Oates,	Tyler,
Cobb, Ala.	Hayes,	O'Neil,	Warner,
Cobb, Mo.	Heard,	Outhwaite,	Washington,
Cockrell,	Henderson, N. C.	Page,	Weadock,
Coffeen,	Hines,	Paschal,	Wheeler, Ala.
Conn,	Hooker, Miss.	Patterson,	Whiting,
Coombs,	Hudson,	Paynter,	Williams, Ill.
Cooper, Fla.	Hunter,	Pearson,	Williams, Miss.
Cooper, Ind.	Hutcheson,	Pence,	Wise,
Cooper, Tex.	Ikirt,	Pendleton, Tex.	Wolverton,
Cornish,	Jones,	Pendleton, W. Va.	Woodard.
Covert,	Kilgore,	Pigott,	
Cox,	Kribbs,	Rayner,	

NAYS—1.

McCleary, Minn.

NOT VOTING—181.

Abbott,	Davey,	Hulick,	Reilly,
Adams, Ky.	De Forest,	Hull,	Reyburn,
Adams, Pa.	Dingley,	Johnson, Ind.	Robinson, Pa.
Aitken,	Dolliver,	Johnson, N. Dak.	Russell, Conn.
Alderson,	Doolittle,	Johnson, Ohio	Russell, Ga.
Aldrich,	Draper,	Joy,	Ryan,
Apsley,	Edmunds,	Kem,	Scranton,
Arnold,	Ellis, Ky.	Kiefer,	Settle,
Avery,	Ellis, Oregon	Lacey,	Shaw,
Babcock,	Enloe,	Lefever,	Sherman,
Baker, N. H.	Fithian,	Linton,	Sickles,
Barnes,	Fletcher,	Lisle,	Simpson,
Bartholdt,	Forman,	Livingston,	Sipe,
Bartlett,	Funk,	Loud,	Snodgrass,
Belden,	Funston,	Loudenslager,	Stephenson,
Beltzhoover,	Fyan,	Lucas,	Stevens,
Berry,	Gardner,	Maddox,	Stone, C. W.
Bingham,	Gear,	Maguire,	Stone, W. A.
Blair,	Gillet, N. Y.	Mahon,	Storer,
Boatner,	Gillett, Mass.	Marsh,	Strong,
Boutelle,	Goodnight,	Martin, Ind.	Sweet,
Bowers, Cal.	Graham,	Marvin, N. Y.	Tarsney,
Branch,	Grosvenor,	McCall,	Tawney,
Brattan,	Grout,	McDannold,	Taylor, Tenn.
Breckinridge, Ky.	Grow,	McDowell,	Thomas,
Broderick,	Hager,	Meiklejohn,	Tucker,
Brosius,	Hainer,	Mercer,	Updegraff,
Bundy,	Hall, Minn.	Milliken,	Van Voorhis, N. Y.
Bunn,	Harmer,	Moon,	Van Voorhis, Ohio
Burrows,	Harter,	Morgan,	Wadsworth,
Cabaniss,	Hartman,	Morse,	Walker,
Caldwell,	Haugen,	Murray,	Wanger,
Cannon, Ill.	Heiner,	Mutchler,	Waugh,
Causey,	Henderson, Ill.	Newlands,	Wells,
Chickering,	Henderson, Iowa	Northway,	Wever,
Childs,	Hendrix,	Payne,	Wheeler, Ill.
Clarke, Ala.	Hepburn,	Perkins,	White,
Cockran,	Hermann,	Phillips,	Wilson, Ohio
Cogswell,	Hicks,	Pickler,	Wilson, Wash.
Compton,	Hilborn,	Post,	Wilson, W. Va.
Cooper, Wis.	Hitt,	Powers,	Woomer,
Cousins,	Holman,	Price,	Wright, Mass.
Crain,	Hooker, N. Y.	Quigg,	Wright, Pa.
Curtis, Kans.	Hopkins, Ill.	Randall,	
Curtis, N. Y.	Hopkins, Pa.	Ray,	
Dalzell,	Houk,	Reed,	

The following additional pair was announced:

Mr. BUNN with Mr. STRONG, until further notice.

Mr. CANNON of Illinois. Mr. Speaker, the gentleman from Iowa, Mr. HENDERSON, is sick, and asked me to have him excused. He has been sick for some days.

There was no objection, and it was so ordered.

Mr. HAINES. Mr. Speaker, I ask unanimous consent that my colleague, Mr. RYAN, be excused for the day.

The SPEAKER. On what ground?

Mr. HAINES. He was suddenly called home on Sunday night and will return to-night.

The SPEAKER. The gentleman asks that his colleague be excused for the day. Without objection, it will be so ordered.

There was no objection.

Mr. OUTHWAITE. Mr. Speaker, I was in the Hall when the first roll was called, and do not know whether I heard my name. I ask if I am recorded.

The SPEAKER. The Clerk states that the gentleman answered on the first call.

Mr. OUTHWAITE. I can not recollect having heard my name on the first call, but I was in the House. I did not recollect that I had responded.

The SPEAKER. The Clerk states that the gentleman responded.

Mr. BROOKSHIRE. Mr. Speaker, I ask that my colleague, Mr. MARTIN of Indiana, be excused on account of sickness.

There was no objection, and it was so ordered.

The SPEAKER. On this question the yeas are 171, the nays 1. No quorum has voted.

Mr. PATTERSON. I move a call of the House, Mr. Speaker.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. REED. Division.

The House divided; and there were—ayes 108, noes 41.

Mr. REED. Tellers, Mr. Speaker.

Mr. PATTERSON. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 4, not voting 188; as follows:

YEAS—160.

Abbott,	Crawford,	Ikirt,	Pigott,
Alexander,	Culberson,	Jones,	Rayner,
Allen,	Cummings,	Kilgore,	Richards, Ohio
Bailey,	Daniels,	Kribbs,	Richardson, Mich.
Baker, Kans.	Davis,	Kyle,	Richardson, Tenn.
Baldwin,	De Armond,	Lane,	Ritchie,
Bankhead,	De Forest,	Lapham,	Robbins,
Barwig,	Denson,	Latimer,	Robertson, La.
Bell, Tex.	Dinsmore,	Lawson,	Rusk,
Black, Ga.	Dockery,	Lester,	Sayers,
Bland,	Donovan,	Loud,	Schermerhorn,
Boatner,	Dunn,	Lynch,	Shell,
Bower, N. C.	Dunphy,	Maddox,	Sibley,
Bretz,	Durborow,	Mallory,	Sipe,
Brickner,	English,	Marshall,	Somers,
Brookshire,	Epes,	McAleer,	Sperry,
Brown,	Erdman,	McCreary, Ky.	Springer,
Bryan,	Everett,	McCulloch,	Stallings,
Burnes,	Fielder,	McDearmon,	Stockdale,
Bynum,	Geary,	McEttrick,	Stone, Ky.
Cadmus,	Geissenhainer,	McGann,	Strait,
Caminetti,	Goldzier,	McKaig,	Straus,
Cannon, Cal.	Gorman,	McKeighan,	Swanson,
Caruth,	Grady,	McLaurin,	Talbert, S. C.
Catchings,	Gresham,	McMillin,	Tate,
Causey,	Haines,	McRae,	Taylor, Ind.
Clancy,	Hall, Minn.	Meredith,	Terry,
Clark, Mo.	Hall, Mo.	Meyer,	Tracey,
Cobb, Ala.	Hammond,	Money,	Turner, Ga.
Cobb, Mo.	Hare,	Montgomery,	Turner, Va.
Cockrell,	Hatch,	Mor an,	Warner,
Coffeen,	Hayes,	Moses,	Washington,
Conn,	Heard,	Neill,	Weadock,
Coombs,	Henderson, N. C.	Oates,	Wheeler, Ala.
Cooper, Fla.	Hendrix,	O'Neil,	Whiting,
Cooper, Ind.	Hines,	Page,	Williams, Ill.
Cooper, Tex.	Hooker, Miss.	Patterson,	Williams, Miss.
Cornish,	Hudson,	Pearson,	Wise,
Covert,	Hunter,	Pendleton, Tex.	Wolverton,
Cox,	Hutcheson,	Pendleton, W. Va.	Woodard.

NAYS—4.

Lacey,	McCleary, Minn.	Morse,	Stone, C. W.

NOT VOTING—188.

Adams, Ky.	Bunn,	Forman,	Hooker, N. Y.
Adams, Pa.	Burrows,	Funk,	Hopkins, Ill.
Aitken,	Cabaniss,	Funston,	Hopkins, Pa.
Alderson,	Caldwell,	Fyan,	Houk,
Aldrich,	Campbell,	Gardner,	Hulick,
Apsley,	Cannon, Ill.	Gear,	Hull,
Arnold,	Capehart,	Gillet, N. Y.	Johnson, Ind.
Avery,	Chickering,	Gillett, Mass.	Johnson, N. Dak.
Babcock,	Childs,	Goodnight,	Johnson, Ohio
Baker, N. H.	Clarke, Ala.	Graham,	Joy,
Barnes,	Cockran,	Griffin,	Kem,
Bartholdt,	Cogswell,	Grosvenor,	Kiefer,
Bartlett,	Compton,	Grout,	Layton,
Belden,	Cooper, Wis.	Grow,	Lefever,
Bell, Colo.	Cousins,	Hager,	Linton,
Beltzhoover,	Crain,	Hainer,	Lisle,
Berry,	Curtis, Kans.	Harmer,	Livingston,
Bingham,	Curtis, N. Y.	Harris,	Lockwood,
Black, Ill.	Dalzell,	Harter,	Loudenslager,
Blair,	Davey,	Hartman,	Lucas,
Boen,	Dingley,	Haugen,	Magner,
Boutelle,	Dolliver,	Heiner,	Maguire,
Bowers, Cal.	Doolittle,	Henderson, Ill.	Mahon,
Branch,	Draper,	Henderson, Iowa	Marsh,
Brattan,	Edmunds,	Hepburn,	Martin, Ind.
Breckinridge, Ark.	Ellis, Ky.	Hermann,	Marvin, N. Y.
Breckinridge, Ky.	Ellis, Oregon	Hicks,	McCall,
Broderick,	Enloe,	Hilborn,	McDannold,
Brosius,	Fithian,	Hitt,	McDowell,
Bundy,	Fletcher,	Holman,	McNagny,
Meiklejohn,	Powers,	Simpson,	Updegraff,
Mercer,	Price,	Smith,	Van Voorhis, N. Y.
Milliken,	Quigg,	Snodgrass,	Van Voorhis, Ohio
Moon,	Randall,	Stephenson,	Wadsworth,
Murray,	Ray,	Stevens,	Walker,
Mutchler,	Reed,	Stone, W. A.	Wanger,
Newlands,	Reilly,	Storer,	Waugh,
Northway,	Reyburn,	Strong,	Wells,
Outhwaite,	Robinson, Pa.	Sweet,	Wever,
Paschal,	Russell, Conn.	Talbott, Md.	Wheeler, Ill.
Payne,	Russell, Ga.	Tarsney,	White,
Paynter,	Ryan,	Tawney,	Wilson, Ohio
Pence,	Scranton,	Taylor, Tenn.	Wilson, Wash.
Perkins,	Settle,	Thomas,	Wilson, W. Va.
Phillips,	Shaw,	Tucker,	Woomer,
Pickler,	Sherman,	Turpin,	Wright, Mass.
Post,	Sickles,	Tyler,	Wright, Pa.

The SPEAKER *pro tempore* (Mr. DOCKERY). On this question the yeas are 160, the nays 4. A call of the House is ordered.

The roll was called, and the following-named members failed to respond:

Aitken,	Crain,	Hicks,	Powers,
Alderson,	Crawford,	Hilborn,	Price,
Apsley,	Culberson,	Hitt,	Randall,
Arnold,	Curtis, Kans.	Holman,	Reilly,
Baldwin,	Curtis, N. Y.	Hopkins, Pa.	Reyburn,
Barnes,	Dalzell,	Houk,	Robertson, La.
Bartlett,	Davey,	Hulick,	Robinson, Pa.
Belden,	Dingley,	Johnson, Ind.	Russell, Ga.
Beltzhoover,	Dinsmore,	Johnson, Ohio	Ryan,
Berry,	Dolliver,	Joy,	Settle,
Bingham,	Edmunds,	Kem,	Shaw,
Black, Ill.	Ellis, Ky.	Lane,	Sherman,
Blair,	Enloe,	Layton,	Sibley,
Boatner,	Fithian,	Lefever,	Sickles,
Boen,	Forman,	Linton,	Simpson,
Boutelle,	Funston,	Lisle,	Sipe,
Bowers, Cal.	Fyan,	Livingston,	Snodgrass,
Branch,	Gardner,	Lucas,	Sperry,
Brattan,	Geary,	Lynch,	Stevens,
Breckinridge, Ky.	Gillet, N. Y.	Maddox,	Sweet,
Broderick,	Gillett, Mass.	Maguire,	Talbott, Md.
Brown,	Goldzier,	Mahon,	Tarsney,
Bunn,	Goodnight,	Marsh,	Tawney,
Burrows,	Graham,	Martin, Ind.	Taylor, Tenn.
Cabaniss,	Gresham,	McDannold,	Tucker,
Caldwell,	Hager,	McDowell,	Turpin,
Caruth,	Hall, Minn.	McGann,	Updegraff,
Catchings,	Harmer,	McNagny,	Van Voorhis, N. Y.
Childs,	Harris,	Meyer,	Walker,
Clark, Mo.	Harter,	Milliken,	Wanger,
Clarke, Ala.	Hartman,	Moon,	Wells,
Cockran,	Heiner,	Mutchler,	Wever,
Cogswell,	Henderson, Ill.	Newlands,	Wilson, W. Va.
Compton,	Henderson, Iowa	Northway,	Wright, Mass.
Cooper, Tex.	Hendrix,	Oates,	Wright, Pa.
Cooper, Wis.	Hepburn,	Paynter,	
Cornish,	Hermann,	Post,	

The SPEAKER *pro tempore* (Mr. DOCKERY). On this call 155 members have answered to their names.

Mr. BLAND. Mr. Speaker, my colleague, Mr. FYAN, is absent on account of sickness in his family, and desires to obtain leave of absence for ten days for that reason.

There was no objection, and it was so ordered.

Mr. PATTERSON. Mr. Speaker, I move to dispense with all further proceedings under the call.

The question being taken on the motion, the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. REED. I ask for a division.

The House divided.

The SPEAKER *pro tempore*. Upon this question the yeas are 82 and the noes 50. The ayes have it; and further proceedings under the call are dispensed with.

Mr. REED. I ask for tellers.

Mr. PATTERSON. Too late; the result has been announced.

Mr. REED. I was on my feet to ask for tellers.

Mr. PATTERSON. That makes no difference.

The SPEAKER *pro tempore*. The Chair will entertain the request of the gentleman from Maine, who states that he rose for the purpose of asking for tellers. The question is on the demand for tellers.

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 10, not voting 191; as follows:

YEAS—151.

Abbott,	Bretz,	Cobb, Ala.	De Forest,
Alexander,	Brickner,	Cobb, Mo.	Denson,
Allen,	Brookshire,	Cockrell,	Dinsmore,
Bailey,	Bryan,	Coffeen,	Dockery,
Baker, Kans.	Burnes,	Coombs,	Donovan,
Baldwin,	Bynum,	Cooper, Fla.	Dunn,
Bankhead,	Cadmus,	Cooper, Ind.	Dunphy,
Barwig,	Caminetti,	Cooper, Tex.	Durborow,
Bell, Colo.	Campbell,	Cornish,	English,
Bell, Tex.	Cannon, Cal.	Covert,	Epes,
Black, Ga.	Capehart,	Cox,	Erdman,
Bland,	Caruth,	Crawford,	Everett,
Boatner,	Catchings,	Culberson,	Geary,
Boen,	Causey,	Daniels,	Geissenhainer,
Bower, N. C.	Clancy,	Davis,	Goldzier,
Breckinridge, Ark.	Clark, Mo.	De Armond,	Gorman,

Grady,	Layton,	O'Neil,	Stone, Ky.
Gresham,	Lester,	Paschal,	Strait,
Griffin,	Lynch.	Patterson.	Straus,
Haines,	Mallory,	Paynter,	Talbert, S. C.
Hall, Minn.	Marshall,	Pearson,	Talbott, Md.
Hall, Mo.	McCulloch,	Pence,	Tate,
Hammond,	McDearmon,	Pendleton, Tex.	Taylor, Ind.
Hare,	McEttrick,	Pigott,	Terry,
Harris,	McGann,	Rayner,	Tracey,
Hayes,	McKaig,	Richards, Ohio	Turner, Ga.
Heard,	McKeighan,	Richardson, Mich.	Turner, Va.
Henderson, N. C.	McLaurin,	Richardson, Tenn.	Turpin,
Hooker, Miss.	McMillin,	Ritchie,	Tyler,
Hudson,	McRae,	Robbins,	Warner,
Hunter,	Meredith,	Robertson, La.	Weadock,
Hutcheson,	Meyer,	Sayers,	Wheeler, Ala.
Ikirt,	Money,	Schermerhorn,	Whiting,
Jones,	Montgomery,	Shell,	Williams, Ill.
Kilgore,	Morgan,	Sibley,	Williams, Miss.
Lane,	Moses,	Springer,	Wise,
Latimer,	Neill,	Stallings,	Woodard.
Lawson,	Oates,	Stockdale,	

NAYS—10.

Bowers, Cal.	Lacey,	Meiklejohn,	Woomer.
Brosius,	Loud.	Morse,	
Hull,	McCleary, Minn.	Walker,	

NOT VOTING 191.

Adams, Ky.	Doolittle,	Joy,	Reyburn,
Adams, Pa.	Draper,	Kem,	Robinson, Pa.
Aitken,	Edmunds,	Kiefer,	Rusk,
Alderson,	Ellis, Ky.	Kribbs,	Russell, Conn.
Aldrich,	Ellis, Oregon	Kyle,	Russell, Ga.
Apsley,	Enloe,	Lapham,	Ryan.
Arnold,	Fielder,	Lefever,	Scranton,
Avery,	Fithian,	Linton,	Settle,
Babcock,	Fletcher,	Lisle,	Shaw,
Baker, N. H.	Forman,	Livingston,	Sherman,
Barnes,	Funk,	Lockwood,	Sickles,
Bartholdt,	Funston,	Loudenslager,	Simpson,
Bartlett,	Fyan,	Lucas,	Sipe,
Belden,	Gardner,	Maddox,	Smith,
Beltzhoover,	Gear,	Magner,	Snodgrass,
Berry,	Gillet, N. Y.	Maguire,	Somers,
Bingham,	Gillett, Mass.	Mahon,	Sperry,
Black, Ill.	Goodnight,	Marsh,	Stephenson,
Blair,	Graham,	Martin, Ind.	Stevens,
Boutelle,	Grosvenor,	Marvin, N. Y.	Stone, C. W.
Branch,	Grout,	McAleer,	Stone, W. A.
Brattan,	Grow,	McCall,	Storer,
Breckinridge, Ky.	Hager,	McCreary, Ky.	Strong,
Broderick,	Hainer,	McDannold,	Swanson,
Brown,	Harmer,	McDowell,	Sweet,
Bundy,	Harter,	McNagny,	Tarsney,
Bunn,	Hartman,	Mercer,	Tawney,
Burrows,	Hatch,	Milliken,	Taylor, Tenn.
Cabaniss,	Haugen,	Moon,	Thomas,
Caldwell,	Heiner,	Murray,	Tucker,
Cannon, Ill.	Henderson, Ill.	Mutchler,	Updegraff,
Chickering,	Henderson, Iowa	Newlands,	Van Voorhis, N. Y.
Childs,	Hendrix,	Northway,	Van Voorhis, Ohio
Clarke, Ala.	Hepburn,	Outhwaite,	Wadsworth,
Cockran,	Hermann,	Page,	Wanger.
Cogswell,	Hicks,	Payne,	Washington,
Compton,	Hilborn,	Pendleton, W. Va.	Waugh,
Conn,	Hines,	Perkins,	Wells,
Cooper, Wis.	Hitt,	Phillips,	Wever,
Cousins,	Holman,	Pickler,	Wheeler, Ill.
Crain,	Hooker, N. Y.	Post,	White,
Cummings,	Hopkins, Ill.	Powers,	Wilson, Ohio
Curtis, Kans.	Hopkins, Pa.	Price,	Wilson, Wash.
Curtis, N. Y.	Houk,	Quigg,	Wilson, W. Va.
Dalzell,	Hulick,	Randall,	Wolverton,
Davey,	Johnson, Ind.	Ray,	Wright, Mass.
Dingley,	Johnson, N. Dak.	Reed,	Wright, Pa.
Dolliver,	Johnson, Ohio	Reilly,	

So the motion to dispense with further proceedings under the call was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the resolutions called up by the gentleman from Tennessee [Mr. PATTERSON], against which the gentleman from Maine [Mr. REED] raises the question of consideration. The question is: Will the House proceed to consider the resolutions? Upon this question the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 171, nays 1, not voting 180; as follows:

YEAS—171.

Abbott,	Cadmus,	Cornish,	Everett,
Alexander,	Caminetti,	Covert,	Fielder,
Bailey,	Campbell,	Cox,	Geissenhainer,
Baker, Kans.	Cannon, Cal.	Crawford,	Goldzier,
Baldwin,	Capehart,	Culberson,	Gorman,
Bankhead,	Caruth,	Cummings,	Grady,
Barwig,	Catchings,	Daniels,	Gresham,
Bell, Colo.	Causey,	Davis,	Griffin,
Bell, Tex.	Clancy,	De Armond,	Haines,
Black, Ga.	Clark, Mo.	De Forest,	Hall, Minn.
Bland,	Clarke, Ala.	Denson.	Hall, Mo.
Boatner,	Cobb, Ala.	Dinsmore,	Hammond,
Bower, N. C.	Cobb, Mo.	Dockery,	Hare,
Breckinridge, Ark.	Cockrell,	Donovan,	Harris,
Bretz,	Coffeen,	Dunn,	Hatch,
Brickner,	Conn.	Dunphy,	Hayes,
Brookshire,	Coombs,	Durborow,	Heard,
Brown,	Cooper, Fla.	English,	Henderson, N. C.
Bryan,	Cooper, Ind.	Epes,	Hines,
Bynum,	Cooper, Tex.	Erdman,	Hooker, Miss.
Hudson,	McDearmon,	Pearson,	Straus,
Hunter,	McEttrick,	Pence,	Talbert, S. C.
Hutcheson,	McGann,	Pendleton, Tex.	Talbott, Md.
Ikirt,	McKaig,	Pendleton, W. Va.	Tate,
Jones,	McKeighan,	Pigott,	Taylor, Ind.
Kilgore,	McLaurin,	Richards, Ohio	Terry,
Kribbs,	McMillin,	Richardson, Mich.	Tracey,
Kyle,	McNagny,	Richardson, Tenn.	Turner, Ga.
Lane,	McRae,	Ritchie,	Turner, Va.
Lapham,	Meredith,	Robbins,	Turpin,
Latimer,	Meyer,	Robertson, La.	Tyler,
Lawson,	Money,	Sayers,	Warner,
Layton,	Montgomery,	Schermerhorn,	Washington,
Lester,	Morgan,	Shell,	Weadock,
Lockwood.	Moses,	Simpson,	Wells,
Lynch,	Neill,	Sipe,	Wheeler, Ala.
Magner,	Oates,	Somers,	Whiting,
Maguire,	O'Neil,	Sperry,	Williams, Ill.
Mallory,	Outhwaite,	Springer,	Williams, Miss.
Marshall,	Page,	Stallings,	Wise.
McAleer,	Paschal,	Stockdale,	Wolverton,
McCreary, Ky.	Patterson,	Stone, Ky	Woodard.
McCulloch,	Paynter,	Strait,	

NAYS—1.

McCleary, Minn.

NOT VOTING—180.

Adams, Ky.	Dalzell,	Houk,	Reed,
Adams, Pa.	Davey,	Hulick,	Reilly,
Aitken,	Dingley,	Hull,	Reyburn,
Alderson,	Dolliver,	Johnson, Ind.	Robinson, Pa.
Aldrich,	Doolittle,	Johnson, N. Dak.	Rusk,
Allen,	Draper,	Johnson, Ohio	Russell, Conn.
Apsley,	Edmunds,	Joy,	Russell, Ga.
Arnold,	Ellis, Ky.	Kem,	Ryan,
Avery,	Ellis, Oregon	Kiefer,	Scranton,
Babcock,	Enloe,	Lacey,	Settle,
Baker, N. H.	Fithian,	Lefever,	Shaw,
Barnes,	Fletcher,	Linton,	Sherman,
Bartholdt,	Forman,	Lisle,	Sibley,
Bartlett,	Funk,	Livingston,	Sickles,
Belden,	Funston,	Loud.	Smith,
Beltshoover,	Fyan,	Loudenslager,	Snodgrass,
Berry,	Gardner,	Lucas,	Stephenson,
Bingham,	Gear,	Maddox,	Stevens,
Black, Ill.	Geary,	Manon,	Stone, C. W.
Blair,	Gillet, N. Y.	Marsh,	Stone, W. A.
Boen,	Gillett, Mass.	Martin, Ind.	Storer,
Boutelle,	Goodnight,	Marvin, N. Y.	Strong,
Bowers, Cal.	Graham,	McCall,	Swanson,
Branch,	Grosvenor,	McDannold,	Sweet,
Brattan,	Grout,	McDowell,	Tarsney,
Breckinridge, Ky	Grow,	Meiklejohn,	Tawney,
Broderick,	Hager,	Mercer,	Taylor, Tenn.
Brosius,	Hainer,	Milliken,	Thomas,
Bundy,	Harmer,	Moon,	Tucker,
Bunn,	Harter,	Morse,	Updegraff,
Burnes,	Hartman,	Murray,	Van Voorhis, N.Y.
Burrows,	Haugen,	Mutchler,	Van Voorhis, Ohio
Cabaniss,	Heiner,	Newlands,	Wadsworth,
Caldwell,	Henderson, Ill.	Northway,	Walker,
Cannon, Ill.	Henderson, Iowa	Payne,	Wanger,
Chickering,	Hendrix,	Perkins,	Waugh,
Childs,	Hepburn,	Phillips,	Wever,
Cockran,	Hermann,	Pickler,	Wheeler, Ill.
Cogswell,	Hicks,	Post,	White,
Compton,	Hilborn,	Powers,	Wilson, Ohio
Cooper, Wis.	Hitt,	Price,	Wilson, Wash.
Cousins,	Holman,	Quigg,	Wilson, W. Va.
Crain,	Hooker, N. Y.	Randall,	Woomer.
Curtis, Kans.	Hopkins, Ill.	Ray.	Wright, Mass.
Curtis, N. Y.	Hopkins, Pa.	Rayner,	Wright, Pa.

The SPEAKER *pro tempore*. Upon this question the yeas are 171, and the nays are 1. No quorum has voted.

Mr. PATTERSON. Mr. Speaker, I move a call of the House.

The question being taken, the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. REED. I ask for a division.

The House divided; and there were—ayes 61, noes 44.

Mr. REED. I demand tellers.

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 6, not voting 178; as follows:

YEAS—168.

Abbott,	Caminetti,	Culberson,	Hall, Minn.
Alexander,	Campbell,	Cummings,	Hall, Mo.
Bailey,	Cannon, Cal.	Daniels,	Hammond,
Baker, Kans.	Capehart,	Davis,	Hatch,
Baldwin,	Caruth,	De Armond,	Hayes,
Bankhead,	Catchings,	De Forest,	Heard,
Bartlett,	Causey,	Denson,	Henderson, N. C.
Barwig,	Clancy,	Dinsmore,	Hines,
Bell, Colo.	Clark, Mo.	Dockery,	Hooker, Miss.
Bell, Tex.	Clarke, Ala.	Donovan,	Hudson,
Black, Ga.	Cobb, Ala.	Dunn,	Hunter,
Bland,	Cobb, Mo.	Dunphy,	Hutcheson,
Boatner,	Cockrell,	Durborow,	Ikirt,
Boen,	Coffeen,	English,	Jones,
Bower, N. C.	Conn,	Epes,	Kilgore,
Bowers, Cal.	Coombs,	Erdman,	Kribbs,
Breckinridge, Ark.	Cooper, Fla.	Everett,	Kyle,
Bretz,	Cooper, Ind.	Geissenhainer,	Lane,
Brickner,	Cooper, Tex.	Goldzier,	Latimer,
Brookshire,	Cornish,	Gorman,	Lawson,
Brown,	Covert,	Grady,	Layton,
Bryan,	Cox,	Gresham,	Lester,
Bynum,	Crawford,	Haines,	Lockwood.

Lynch,	Montgomery,	Ritchie,	Talbott, Md.
Magner,	Morgan,	Robbins,	Tate,
Maguire,	Moses,	Robertson, La.	Taylor, Ind.
Mallory,	Neill,	Sayers,	Terry,
Marshall,	Oates,	Schermerhorn,	Tracey,
McAleer,	O'Neil,	Shell,	Tucker,
McCreary, Ky.	Outhwaite,	Sibley,	Turner, Ga.
McCulloch,	Page,	Simpson,	Turner, Va.
McDearmon,	Paschal,	Sipe,	Turpin,
McEttrick,	Patterson,	Somers,	Tyler,
McGann,	Paynter,	Springer,	Washington,
McKaig,	Pearson,	Stallings,	Weadock,
McKeighan,	Pence,	Stevens,	Wells,
McLaurin,	Pendleton, Tex.	Stockdale,	Wheeler, Ala.
McMillin,	Pendleton, W. Va.	Stone, W. A.	Whiting,
McNagny,	Pigott,	Strait,	Williams, Ill.
McRae,	Richards, Ohio	Straus,	Williams, Miss.
Meredith,	Richardson, Mich	Swanson,	Wolverton,
Meyer,	Richardson, Tenn.	Talbert, S. C.	Woodard.

NAYS—6.

Chickering,	McCleary, Minn.	Wanger,	Woomer.
Lacey,	Stone, C. W.		

NOT VOTING—178.

Adams, Ky.	Dolliver,	Hopkins, Pa.	Ray,
Adams, Pa.	Doolittle,	Houk,	Rayner,
Aitken,	Draper,	Hulick,	Reed,
Alderson,	Edmunds,	Hull,	Reilly,
Aldrich,	Ellis, Ky.	Johnson, Ind.	Reyburn,
Allen,	Ellis, Oregon	Johnson, N. Dak.	Robinson, Pa.
Apsley,	Enloe,	Johnson, Ohio	Rusk,
Arnold,	Fielder,	Joy,	Russell, Conn.
Avery,	Fithian,	Kem,	Russell, Ga.
Babcock,	Fletcher,	Kiefer,	Ryan,
Baker, N. H.	Forman,	Lapham,	Scranton,
Barnes,	Funk,	Lefever,	Settle,
Bartholdt,	Funston,	Linton,	Shaw,
Belden,	Fyan,	Lisle,	Sherman,
Beltzhoover,	Gardner,	Livingston,	Sickles,
Berry,	Gear,	Loud,	Smith,
Bingham,	Geary,	Loudenslager,	Snodgrass,
Black, Ill.	Gillet, N. Y.	Lucas,	Sperry,
Blair,	Gillett, Mass.	Maddox,	Stephenson,
Boutelle,	Goodnight,	Mahon,	Stone, Ky.
Branch,	Graham,	Marsh,	Storer,
Brattan,	Griffin,	Martin, Ind.	Strong,
Breckinridge, Ky	Grosvenor,	Marvin, N. Y.	Sweet,
Broderick,	Grout,	McCall,	Tarsney,
Brosius,	Grow,	McDannold,	Tawney,
Bundy,	Hager,	McDowell,	Taylor, Tenn.
Bunn,	Hainer,	McKeighan,	Thomas,
Burnes,	Hare,	Meiklejohn,	Updegraff,
Burrows,	Harmer,	Mercer,	Van Voorhis, N.Y.
Cabaniss,	Harris,	Milliken,	Van Voorhis, Ohio
Cadmus,	Harter,	Money,	Wadsworth,
Caldwell,	Hartman,	Moon,	Walker,
Cannon, Ill.	Haugen,	Morse,	Warner,
Childs,	Heiner,	Murray,	Waugh,
Cockran,	Henderson, Ill.	Mutchler,	Wever,
Cogswell,	Henderson, Iowa	Newlands,	Wheeler, Ill.
Compton,	Hendrix,	Northway,	White,
Cooper, Wis.	Hepburn,	Payne,	Wilson, Ohio
Cousins,	Hermann,	Perkins,	Wilson, Wash.
Crain,	Hicks,	Phillips,	Wilson, W. Va.
Curtis, Kans.	Hilborn,	Pickler,	Wise,
Curtis, N. Y.	Hitt,	Post,	Wright, Mass.
Dalzell,	Holman,	Powers,	Wright, Pa.
Davey,	Hooker, N. Y.	Price,	
Dingley,	Hopkins, Ill.	Quigg,	
		Randall,	

So a call of the House was ordered.

The Clerk proceeded to call the roll; when the following-named members failed to answer:

Aitken,	Curtis, N. Y.	Hermann,	Powers,
Alderson,	Dalzell,	Hicks,	Price,
Apsley,	Davey,	Holman,	Randall,
Arnold,	Dingley,	Hooker, N. Y.	Rayner,
Babcock,	Dolliver,	Hopkins, Pa.	Reilly,
Barnes,	Draper,	Houk,	Richardson, Mich.
Beltzhoover,	Edmunds,	Johnson, Ind.	Rusk,
Berry,	Ellis, Ky.	Johnson, Ohio	Russell, Ga.
Bingham,	Enloe,	Kem,	Ryan,
Black, Ill.	Fielder,	Lapham,	Settle,
Boen,	Fithian,	Layton,	Sherman,
Boutelle,	Fletcher,	Lefever,	Sickles,
Bower, N. C.	Forman,	Lester,	Sipe,
Brattan,	Funston,	Lisle,	Snodgrass,
Breckinridge, Ky.	Fyan,	Livingston,	Storer,
Bunn,	Geary,	Lucas,	Strong,
Burnes,	Gillet, N. Y.	Maddox,	Tarsney,
Burrows,	Goodnight,	Mahon,	Tawney,
Cabaniss,	Graham,	Martin, Ind.	Taylor, Tenn.
Cadmus,	Griffin,	McDannold,	Van Voorhis, N. Y.
Caldwell,	Grosvenor,	McDowell,	Wadsworth,
Caminetti,	Hare,	Meiklejohn,	Walker,
Clancy,	Harter,	Milliken,	Washington,
Cockran,	Haugen,	Moon,	Wever,
Cogswell,	Heiner,	Mutchler,	Wilson, W. Va.
Compton,	Henderson, Ill.	Newlands,	Wright, Mass.
Cooper, Wis.	Henderson, Iowa	Northway,	Wright, Pa.
Crain,	Hendrix,	Pickler,	

The first call of the roll being concluded—

The SPEAKER *pro tempore* (Mr. DOCKERY). The doors will now be closed, and the Clerk will call the names of those who failed to answer on the first call. On this second call excuses may be offered.

The names of the absentees being called, no excuses were offered.

The SPEAKER *pro tempore*. On this call 230 members have responded to their names.

Mr. PATTERSON. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the resolutions called up by the gentleman from Tennessee, upon which the question of consideration has been raised by the gentleman from Maine. On this question the yeas and nays have been ordered, and will be again taken.

The question was taken; and there were—yeas 162, nays 0, not voting 190; as follows:

YEAS—162.

Abbott,	Crawford,	Latimer,	Richardson, Mich.
Alexander,	Culberson,	Lawson,	Richardson, Tenn.
Allen,	Davis,	Layton,	Ritchie,
Bailey,	De Armond,	Lester,	Robbins,
Baker, Kans.	De Forest,	Lockwood,	Robertson, La.
Baldwin,	Denson,	Lynch,	Sayers,
Bankhead,	Dinsmore,	Magner,	Schermerhorn,
Bartlett,	Dockery,	Maguire,	Shell,
Barwig,	Donovan,	Mallory,	Sibley,
Bell, Colo.	Dunn,	Marshall,	Simpson,
Bell, Tex.	Dunphy,	McAleer,	Sipe,
Black, Ga.	Durborow,	McCreary, Ky.	Somers,
Bland,	English,	McCulloch,	Springer,
Boatner,	Epes,	McDearmon,	Stallings,
Boen,	Erdman,	McEttrick,	Stevens,
Branch,	Everett,	McGann,	Stockdale,
Bretz,	Fielder,	McKaig,	Stone, Ky.
Brickner,	Geissenhainer,	McMillin,	Strait,
Brookshire,	Goldzier,	McNagny,	Straus,
Brown,	Gorman,	McRae,	Swanson,
Bynum,	Grady,	Meredith,	Talbert, S. C.
Cadmus,	Gresham,	Meyer,	Talbott, Md.
Caminetti,	Haines,	Money,	Tate,
Campbell,	Hall, Minn.	Montgomery,	Taylor, Ind.
Cannon, Cal.	Hall, Mo.	Morgan,	Terry,
Capehart,	Hammond,	Moses,	Tracey,
Caruth,	Harris,	Neill,	Tucker,
Catchings,	Hatch,	Oates,	Turner, Ga.
Causey,	Hayes,	O'Neil,	Turner, Va.
Clark, Mo.	Henderson, N. C.	Outhwaite,	Turpin,
Clarke, Ala.	Hines,	Page,	Tyler,
Cobb, Ala.	Hooker, Miss.	Paschal,	Warner,
Cobb, Mo.	Hudson,	Patterson,	Weadock,
Cockrell,	Hunter,	Paynter,	Wheeler, Ala.
Coffeen,	Hutcheson,	Pearson,	Whiting,
Conn,	Ikirt,	Pence,	Williams, Miss.
Coombs,	Jones,	Pendleton, Tex.	Wise,
Cooper, Fla.	Kilgore,	Pendleton, W. Va.	Wolverton,
Cooper, Ind.	Kribbs,	Pigott,	Woodard.
Cornish,	Kyle,	Price,	
Covert,	Lane,	Richards, Ohio	

NAYS—0.

NOT VOTING—190.

Adams, Ky.	Dalzell,	Hopkins, Pa.	Rayner,
Adams, Pa.	Daniels,	Houk,	Reed,
Aitken,	Davey,	Hulick,	Reilly,
Alderson,	Dingley,	Hull,	Reyburn,
Aldrich,	Dolliver,	Johnson, Ind.	Robinson, Pa.
Apsley,	Doolittle,	Johnson, N. Dak.	Rusk,
Arnold,	Draper,	Johnson, Ohio	Russell, Conn.
Avery,	Edmunds,	Joy,	Russell, Ga.
Babcock,	Ellis, Ky.	Kem,	Ryan,
Baker, N. H.	Ellis, Oregon	Kiefer,	Scranton,
Barnes,	Enloe,	Lacey,	Settle,
Bartholdt,	Fithian,	Lapham,	Shaw,
Belden,	Fletcher,	Lefever,	Sherman,
Beltzhoover,	Forman,	Linton,	Sickles,
Berry,	Funk,	Lisle,	Smith,
Bingham,	Funston,	Livingston,	Snodgrass,
Black, Ill.	Fyan,	Loud,	Sperry,
Blair,	Gardner,	Loudenslager,	Stephenson,
Boutelle,	Gear,	Lucas,	Stone, C. W.
Bower, N. C.	Geary,	Maddox,	Stone, W. A.
Bowers, Cal.	Gillet, N. Y.	Mahon,	Storer,
Brattan,	Gillett, Mass.	Marsh,	Strong,
Breckinridge, Ark.	Goodnight,	Martin, Ind.	Sweet,
Breckinridge, Ky.	Graham,	Marvin, N. Y.	Tarsney
Broderick,	Griffin,	McCall,	Tawney,
Brosius,	Grosvenor,	McCleary, Minn.	Taylor, Tenn.
Bryan,	Grout,	McDannold,	Thomas,
Bundy,	Grow,	McDowell,	Updegraff,
Bunn,	Hager,	McKeighan,	Van Voorhis, N. Y.
Burnes,	Hainer,	McLaurin,	Van Voorhis, Ohio
Burrows,	Hare,	Meiklejohn,	Wadsworth,
Cabaniss,	Harmer,	Mercer,	Walker,
Caldwell,	Harter,	Milliken	Wanger,
Cannon, Ill.	Hartman,	Moon,	Washington,
Chickering,	Haugen,	Morse,	Waugh,
Childs,	Heard,	Murray,	Wells,
Clancy,	Heiner,	Mutchler,	Wever,
Cockran,	Henderson, Ill.	Newlands,	Wheeler, Ill.
Cogswell,	Henderson, Iowa	Northway,	White,
Compton,	Hendrix,	Payne,	Williams, Ill.
Cooper, Tex.	Hepburn,	Perkins,	Wilson, Ohio
Cooper, Wis.	Hermann,	Phillips,	Wilson, Wash.
Cousins,	Hicks,	Pickler,	Wilson, W. Va.
Cox,	Hilborn,	Post,	Woomer,
Crain,	Hitt,	Powers,	Wright, Mass.
Cummings,	Holman,	Quigg,	Wright, Pa.
Curtis, Kans.	Hooker, N. Y.	Randall,	
Curtis, N. Y.	Hopkins, Ill.	Ray,	

No quorum voting.

The result of the vote was then announced as above recorded.

Mr. PATTERSON. Mr. Speaker, it is evident that we will

not be able to secure a quorum of the House this afternoon. I desire to give notice, however, that to-morrow morning, when the House convenes, we will continue to press this case until it is finally determined: and with that statement I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 9 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII., Mr. MOSES, from the Committee on Pensions, reported the bill (H. R. 5925) granting a pension to Mary Levans; which, with the accompanying report (No. 636), was ordered to be printed, and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. I. Rufus Tryon, of the United States Navy, to accept the decorations of the Busto del Libertador of the third class from the President of Venezuela—the Committee on Naval Affairs discharged, and referred to the Committee on Foreign Affairs.

The bill H. R. 6419) for the relief of Richard M. Johnson—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced and severally referred as follows:

By Mr. BOEN: A bill (H. R. 6444) providing for the reduction of compensations of persons in public service and for other purposes—to the Committee on the Revision of the Laws.

By Mr. STORER: A bill (H. R. 6445) to amend section 10 of the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. GEISSENHAINER: A bill (H. R. 6446) to incorporate the American College of Musicians—to the Committee on Education.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 6447) to fix a term of the Federal district court of the southern judicial district of Mississippi, to be held at Meridian, Miss., to include the counties named—to the Committee on the Judiciary.

By Mr. DUNPHY: A bill (H. R. 6448) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey—to the Committee on Interstate and Foreign Commerce.

By Mr. HAINER of Nebraska: A bill (H. R. 6449) to establish and maintain agricultural experiment stations in Alaska—to the Committee on Agriculture.

By Mr. BUNDY: A bill (H. R. 6450) to provide for the descent and distribution of real and personal property of intestates in the District of Columbia, and for other purposes—to the Committee on the Judiciary.

By Mr. TURPIN (by request): A joint resolution (H. Res. 151) authorizing the Secretary of the Interior to lease certain lands in Oklahoma Territory for grazing purposes, etc., belonging to certain Indian tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. GROSVENOR: A resolution to print the eulogies upon the Hon. William H. Enochs—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BRANCH: A bill (H. R. 6451) for the relief of O. F. Adams—to the Committee on War Claims.

By Mr. BOWER of North Carolina: A bill (H. R. 6452) for the relief of James H. McGee—to the Committee on Military Affairs.

By Mr. CAPEHART: A bill (H. R. 6453) for the relief of Joseph S. Henson—to the Committee on War Claims.

Also, a bill (H. R. 6454) granting a pension to Cynthia Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6455) for the relief of Tapley Beckwith—to the Committee on War Claims.

Also, a bill (H. R. 6456) for the relief of William Seicks—to the Committee on Military Affairs.

By Mr. DENSON: A bill (H. R. 6457) for the relief of Mrs. Martha Stiff, of Cherokee County, Ala., for property taken for use of United States Army—to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 6458) to pay for certain paving in the city of Des Moines, Iowa—to the Committee on Claims.

By Mr. JOY (by request): A bill (H. R. 6459) for the relief of John Reilly—to the Committee on Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 6460) for the relief of Pleasant G. Decker—to the Committee on Invalid Pensions.

By Mr. NEILL: A bill (H. R. 6461) to grant a pension to Mrs. Mary Button, of Arkansas, widow of Asa Button, deceased—to the Committee on Pensions.

By Mr. PHILLIPS: A bill (H. R. 6462) for the relief of John Evans—to the Committee on Military Affairs.

By Mr. STRAUS (by request): A bill (H. R. 6463) for the relief of Henry Sibo—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 6464) for the relief of Mrs. Elizabeth M. Brickell, late widow of John P. Law, a special agent of the thirteenth district of Illinois, provost-marshal-general's office, United States—to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 6465) for the relief of Rowland Ward, Company E, Fourth New York Cavalry Volunteers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Resolution of Court Victory, No. 136, I. O. F., Chicago, together with petition of M. J. Quinn and 28 others, urging the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Court Englewood, No. 47, and Kenwood Council, No. 1434, Royal Arcanum, of Chicago, together with petition of A. G. Lipsey and 62 others, of Calumet Council, No. 60, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BANKHEAD: Petition of citizens of the Sixth Alabama District, in favor of the passage of House bill 3188, for the punishment of train-wreckers—to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON of California: Petition of citizens of Ventura, Cal., for Government telegraph and telephone service—to the Committee on the Post-Office and Post-Roads.

By Mr. CHICKERING: Petition of the members of the trades unions of the city of Watertown, Jefferson County, N. Y., in favor of Government control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of the members of Root Camp, No. 282, Modern Woodmen of America, of Monticello, Iowa, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DE FOREST: Petition of citizens of Litchfield County, Conn., for Federal legislation in aid of State laws regulating the sale of imitation dairy products—to the Committee on Agriculture.

By Mr. ENGLISH: Petition of Charles A. Savage and others, of the Orange Valley Congregational Church, praying for legislation against the Honduras lottery—to the Committee on the Post-Office and Post-Roads.

By Mr. GORMAN: Petition of the Cigar Makers' Union of Detroit, Mich., asking for Government ownership and control of the telegraph systems of the country—to the Committee on the Post-Office and Post-Roads.

By Mr. HAINER of Nebraska: Petition of Amalgamated Clothing Cutters' Union, No. 4, of New York City, and other citizens, praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, memorial of York Camp, No. 455, Modern Woodmen, of York, and a petition of Joe Greenwood and other citizens of Fairbury, Nebr., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post Roads.

By Mr. HAGER: Petition of citizens of Greenfield, Iowa, for a Federal act to enable the States to enforce State laws regulating the sale of substitutes for dairy produce—to the Committee on Agriculture.

By Mr. HATCH: Petition of St. Louis Branch, National Association of Post-Office Clerks, for the passage of House bill 54, classifying clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON of North Carolina: Memorial of the North Carolina Press Association, for a national park in the State of North Carolina—to the Committee on the Public Lands.

By Mr. HILBORN: Petition of members of Edward Walsh Garrison, No. 95, Regular Army and Navy Union of the United States of America, and citizens of the Third Congressional district of California, asking for the passage of an act to amend an

act of February 14, 1865, relative to the retirement of enlisted men of the United States Army and Marine Corps—to the Committee on Military Affairs.

By Mr. IKIRT: Petition of Jay Buchwalter and other citizens of North Jackson and Tiger, Ohio, asking that the proposition to amend the preamble to the Constitution so as to recognize the Divine power and authority therein be submitted to the people—to the Committee on the Judiciary.

Also, petition and resolution of Joseph A. Baur and 28 other residents of Canton, Ohio, and members of Canton Tent, No. 11, of Knights of the Maccabees, asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Petition of the Cigar Makers' Union of the city of St. Paul, Minn., protesting against increase of tax on cigars—to the Committee on Ways and Means.

By Mr. LOUD: Petition of the Pastors' Union of San Jose and citizens of Saratoga, Cal., favoring such legislation as will prevent lotteries in the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of R. B. Plotts and other citizens of Worthington, together with resolutions of Worthington Lodge, No. 65, American Order of United Workmen, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Elbert L. Majors, of Arkadelphia, Ark., for an increase of pension—to the Committee on Invalid Pensions.

By Mr. McCREARY of Kentucky: Petition of Pleasant G. Dicker and others, to have his military record corrected—to the Committee on Invalid Pensions.

By Mr. McKEIGHAN: Petition of 50 citizens of Dundy County, Nebr., and 13 citizens of Clay Center, Nebr., in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. PAGE: Resolutions of the Maritime Association of the Port of New York, the Board of Trade of the City of Providence, R. I., and the General Assembly of Rhode Island, asking for improvement of the channel through Conanicut Island, in Narragansett Bay, Rhode Island—to the Committee on Rivers and Harbors.

Also, petition of I. E. Conner and 66 others, citizens of Block Island, R. I., for further improvement of the Harbor of Refuge—to the Committee on Rivers and Harbors.

By Mr. RAYNER (by request): Petition of citizens of Baltimore, Md., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By REYBURN: Petition of citizens of Pennsylvania, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolutions of Cigar Makers' Union and Plasterers' Union, No. 16, of Detroit, Mich., in favor of Government control of the telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. TALBOTT of Maryland: Petition of J. H. Morgan and 40 other citizens of Sparrows Point, Md., praying Congress to pass the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: Petition of Mrs. L. E. Larson and others, of Winona, Minn., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petition of M. J. Cook, W. E. Rowe, and 22 others, citizens of Allegan, Mich., asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. UPDEGRAFF: Petition of Mr. R. J. Ackly and 10 other citizens of Marble Rock, Iowa, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS of Ohio: Resolution of Encampment No. 110, Union Veteran Legion, of Fausville, Ohio, praying for the amendment of the pension laws to permit the payment of service pensions and suggesting other modifications of pension laws, and recommending what is known as the Pensylvania service pension system—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of citizens of Castile, Wyoming County, N. Y., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition to Congress for a Christian amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WASHINGTON: Petition of tobacco dealers of Clarksville, Tenn., asking that no tax be placed on the sale of leaf tobacco—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: Petition of George Howell, of Lauderdale, Ala., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Mrs. M. E. Hall, administratrix of estate of John W. Hall, of Lauderdale, deceased, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of H. J. Burns, heir of Robert Wilkinson, deceased, of Lauderdale, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Thomas H. Streeter, of Colbert, Ala., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Ann E. Steenson, heir of Arthur J. Turner, deceased, of Colbert, Ala., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of James H. Bulls, heir of D. D. Bulls, deceased, of Lexington, Ala., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Louis Hyde, of Tuscumbia, Ala., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: Petition of the bar of Meridian, Miss., Clark and Kemper Counties, Miss., together with petition of citizens of Lauderdale, Noxubee, Winston, Leake, Neshoba, Newton, Scott, Jasper, Jones, Clarke, Wayne, Perry, Smith, and Covington Counties, in the State of Mississippi, to fix a term of Federal district court to be held at the city of Meridian, Miss., to include the counties herein named—to the Committee on the Judiciary.

By Mr. WILSON of Ohio: Petition of George H. Mellen and 14 others, of Springfield, Ohio, for the passage of House bill 56, concerning salaries of post-office clerks—to the Committee on the Post Office and Post-Roads.

Also, petition of John Reising and 45 others, cigar-makers, of Springfield, Ohio, against increase of tax on cigars—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *March 28, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Monday and Tuesday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of February 19, 1894, the report of the investigation recently made in regard to the appraiser's office at Boston, Mass.; which was read, and, with the accompanying papers, ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 20th instant, the last report of Dr. Sheldon Jackson upon the introduction of domesticated reindeer into the District of Alaska; which was read, and, with the accompanying papers, ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting an agreement with the Cœur d'Alene Indians in Idaho, providing for a change in the northern boundary line of their reservation so as to exclude therefrom a strip of land on which the town of Harrison and numerous settlers are located, accompanied by the draft of a bill to carry the agreement into effect; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

INTERNATIONAL COUNCIL OF THE FIVE NATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the secretary of the Choctaw Nation, forwarding a copy of an act passed by that nation relative to the appointment of commissioners on its part to an international council of the five nations of the Indian Territory, and to meet the United States commissioners; which was read, and, with the accompanying paper, referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution of the Senate to print 6,000 copies of all papers and messages sent to Congress by the President since January 1, 1893, relating to Hawaiian affairs.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 7,000 extra copies of the fourteenth annual report of the Director of the United States Geological Survey.

The message further announced that the House had passed the following bills and joint resolutions:

A bill (S. 260) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri," approved March 3, 1887;

A bill (S. 574) for the relief of Dwight Hall;

A joint resolution (S. R. 8) authorizing the Secretary of the Interior to cause the settlement of the accounts of Special Agents Moore and Woodson, under the treaty of 1854, with the Delaware Indians, etc.; and

A joint resolution (S. R. 37) to provide for the printing of the History and Digest of International Arbitrations to which the United States was a party, and for other purposes.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

A bill (H. R. 2857) to confirm to the heirs of Mrs. Courtney Ann Claiborne the title to a certain tract of land in the State of Louisiana;

A bill (H. R. 3135) granting to the University of Utah a site off the public domain;

A bill (H. R. 4320) for the relief of Dollie E. Vedder;

A bill (H. R. 4419) to authorize the Commissioner of the General Land Office to issue a patent to Mace Clements's survey, numbered 386, in the Virginia military district of Ohio;

A bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across the Tennessee River at Clifton, Tenn.;

A bill (H. R. 5276) to authorize Commander F. W. Dickins, of the United States Navy, to accept a decoration of the cross of naval merit of the third class from the King of Spain;

A bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township;

A bill (H. R. 5580) to protect the insignia and the name of the Red Cross;

A bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895;

A joint resolution (H. Res. 139) to print the Agricultural Report for 1893;

A joint resolution (H. Res. 146) providing for payment of salaries and expenses of additional deputy collectors of internal revenue to carry out the provisions of the Chinese exclusion act of May 5, 1892, as amended by the act of November 3, 1893; and

A joint resolution (H. Res. 147) authorizing the transfer of furniture and carpets to the rooms now occupied by the United States courts at Chicago.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1749) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa.;

A bill (H. R. 913) for the relief of Louis L. Williams;

A bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers in the States of Louisiana and Texas; and

A bill (H. R. 4013) to release and turn over to Mrs. Mary O. Augusta certain property in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution adopted by the Transmississippi Commercial Congress, held in San Francisco February 13 to 16, inclusive, 1894, favoring the settlement of the so-called Hawaiian question by the annexation to the United States of the Hawaiian Islands; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented petitions of George C. Maynard and 49 citizens of Massachusetts; of E. A. Phinney and 16 other citizens of Cambridge; of W. L. Greene and 25 other citizens of Massachusetts; of Willard O. Ruggles and 29 other citizens of Boston, and of S. C. French and 23 other citizens of West Dedham, all in the State of Massachusetts, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON presented a petition of 11 citizens of Marble Rock, Iowa, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANDERSON presented a petition of the Central Labor Union, of Lincoln, Nebr., praying for the enactment of legislation for the better protection of American labor, the enforcement of the law of domicile, and the restriction of immigration; which was referred to the Committee on Immigration.

He also presented petitions of Lodge No. 66, Ancient Order of United Workmen, of South Omaha; of Lodge No. 250, Ancient Order of United Workmen, of Gretna; of Capital City Lodge, No. 80, Ancient Order of United Workmen, of Lincoln; of Loup Valley Lodge, No. 255, of North Loup; of Pawnee Camp No. 1847, Modern Woodmen of America, of South Bend; of 34 citizens of South Omaha; of 144 citizens of Gretna; of 36 citizens of Lincoln; of 69 citizens of Nebraska; of 74 citizens of Steele City; of 50 citizens of Imperial; of 27 citizens of Lanham; of 34 citizens of North Loup, and of 50 citizens of South Bend, all in the State of Nebraska, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented the memorial of Fenderson & Cole and sundry other cigar manufacturers of Biddeford, Me., and a memorial of Cigar Makers Local Union, No. 40, of Portland, Me., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. WASHBURN presented a petition of the Board of Trade of Minneapolis, Minn., praying that an appropriation of $10,000 be made for the purpose of surveying routes for a ship canal to connect Lake Superior with the Mississippi River; which was referred to the Committee on Commerce.

He also presented a memorial of Lodge No. 3, Brotherhood of Boiler Makers and Iron Ship Builders of St. Paul, Minn., remonstrating against the passage of House bill No. 2655, providing for the free registry of foreign-built ships; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of House bill No. 56, providing for the classification of clerks in first and second class post-offices, and fixing their salaries on a consistent and harmonious plan; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry memorials of cigar manufacturers of St. Cloud, Minn., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. CULLOM presented a memorial of sundry cigar manufacturers of Aurora, Ill., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented a petition of United Council, No. 401, National Union, of Chicago, Ill., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Oregon. I present a petition numerously signed by Indian war veterans, citizens and residents of the States of Oregon, Washington, and Idaho, respectfully praying Congress to consider and enact a law granting to each one who served in Indian wars from 1845 to 1860 a pension, such as has been granted to the Mexican war veterans, and also a land warrant for 160 acres of land. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MITCHELL of Oregon presented a petition of the Chamber of Commerce of Astoria, Oregon, praying that an appropriation be made to enable the Secretary of War to make an examination of the harbor of Astoria, Oregon, with a view of devising means for its protection and improvement; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Florence, Oregon, praying that an appropriation of $60,000 be made for the extension and protection of the work at the mouth of the Siuslaw River, in Oregon; which was referred to the Committee on Commerce.

Mr. STOCKBRIDGE presented a petition of sundry citizens of Michigan, praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

He also presented petitions of the Plasterers' Operative Union; of Standard Lodge, No. 158, Brotherhood of Locomotive Firemen; of Cigar Makers' Union; of Local Union No. 63, Journeymen Bakers and Confectioners' International Union; of Lodge No. 8, Steam Fitters' Union, and of Marine Engineers' Beneficial Association, all of Detriot, in the State of Michigan, praying for the Governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Waterford: of Tent No. 63, Knights of the Maccabees, of Allegan; of Tent No. 676, Knights of the Maccabees, of Rollin; and of sundry citizens of Allegan and of Windom, all in the State of Michigan, praying that fraternal college and society journals be admitted to the

mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the A. G. Peters Salt and Lumber Company, of Eastlake; of William B. Rouse, of Bay City; of McEwan Bros. & Co., of Bay City; of Filer & Son, of Filer City; of the Union Lumber and Salt Company, of Stronach; of the Canfield Salt and Lumber Company, of Manistee; of the Midland Salt and Lumber Company of Michigan; of George Lyon & Co., of Saginaw; of Metcher & Newter, of Saginaw; of the Ayers Lumber and Salt Company, of Saginaw, of the Fitch Salt Company, of Bay City; of the Walton Salt Association (limited), of Algonac; of N. Holland, of Saginaw; of Dohen, Chapin & Co., of Bay City; of the Josco Brune Supply and Salt Company (limited), of Bay City; of Gebhart & Esterbrook, of Saginaw; of Wylie Bros. of Michigan; of the Gratwick, Smith & Fryer Lumber Company, of Oscoda; of the A. W. Wright Lumber Company, of Saginaw, and of the Pere Marquette Lumber Company, of Ludington, all in the State of Michigan, remonstrating against the passage of the Wilson tariff bill; which were ordered to lie on the table.

Mr. PASCO presented 853 petitions of orange and lemon growers of Florida, praying for the enactment of such tariff legislation as will enable them to overcome the differences between the value of labor in foreign countries and the United States; which were ordered to lie on the table.

Mr. HARRIS presented a memorial of sundry warehousemen of Clarksville, Tenn., remonstrating against the imposition of a duty on leaf tobacco; which was ordered to lie on the table.

He also presented a petition of Banner Tent, No. 5, Knights of the Maccabees, of Memphis, Tenn., and a petition of sundry citizens of Memphis, Tenn., praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLEN presented a petition of Camp No. 1760, Modern Woodmen of America, of Clay Center, and the petition of D. B. Marlow and sundry other citizens of Bartlett, Nebr., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Cigar Makers' Union, No. 143; of Journeymen Barbers Union, No. 151; of Union No. 373, United Brotherhood of Carpenters and Joiners of America; of Lincoln Typographical Union, No. 209, and of Capital City Lodge, No. 860, Independent Order of American Mechanics, all of Lincoln, Nebr.; and the memorial of Frank Wagner, of Tremont, and William F. Meyer and 3 other cigar manufacturers of Omaha, Nebr., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

He also presented a petition of Washington Council, No. 1, Junior Order of American Mechanics, of Omaha, Nebr., praying for the passage of House bill No. 5246, providing for the inspection of immigrants by United States consuls; which was referred to the Committee on Immigration.

Mr. CALL presented a memorial of sundry owners and masters of steam vessels of Pensacola, Fla., remonstrating against the passage of the proposed ten-hour law, relating to marine engineers; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Hillsboro County, Fla., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of St. Lucie River Assembly, No. 436, International Fraternal Alliance, of Potsdam, Fla., praying that fraternal society and college journals be admitted to the mails as second class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of Pensacola, Fla., and of sundry owners and masters of steam vessels of Pensacola, Fla., remonstrating against the passage of House bill No. 411, providing for the employment of two engineers on all vessels navigating under steam for more than ten hours daily; which were referred to the Committee on Commerce.

Mr. HUNTON presented the petition of Mamie E. D. Quigg and sundry other citizens of Clifton Station, Va. praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

Mr. MARTIN presented a memorial of Gate City Lodge, No. 32, Brotherhood of Boiler Makers and Iron Ship Builders, of Kansas City, Kans., remonstrating against the passage of the so-called Fithian free-ship bill; which was referred to the Committee on Commerce.

He also presented the memorial of T. T. Morehead, J. J. Maloney, Otto Talk, Paul Hauffman, and sundry other citizens of Leavenworth, Kans., and the memorial of W. D. Mills, A. F. Sheetz, H. P. Miller, and sundry other citizens of Shawnee County, Kans., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. PEFFER presented a memorial of Cigar Makers' Local Union, No. 56, of Leavenworth, Kans., and a memorial of Cigar Makers' Union and 10 others unions of Topeka, Kans., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. TELLER presented a memorial of sundry citizens of Trinidad, Colo., remonstrating against the passage of the Wilson tariff bill; which was ordered to lie on the table.

Mr. DOLPH presented a petition of the Chamber of Commerce of Astoria, Oregon, praying that an appropriation be made for the survey and improvement of the harbor at that point; which was referred to the Committee on Commerce.

He also presented a petition of the Knights of Maccabees of Woodburn, Oregon, and a petition of sundry citizens of Oregon, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Florence, Oregon, praying that an appropriation of $60,000 be made for the extension and protection of the jetty at the mouth of the Siuslaw River, in the State of Oregon; which was referred to the Committee on Commerce.

Mr. MORRILL presented the petition of Dr. W. S. Nay and sundry other citizens of Underhill; the petition of George H. Brown and sundry other citizens of Riverside, and the petition of F. A. Lincoln and sundry other citizens of Riverside, all in the State of Vermont, praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which were referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of Pilgrims Harbor Council, No. 543, Royal Arcanum, of Meriden, Conn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post Offices and Post-Roads.

Mr. BLACKBURN presented the petition of Frederick Becker and sundry other citizens of Russell, Ky., praying that action be taken by Congress to confine the Ohio River in its proper channel at that point; which was referred to the Committee on Commerce.

Mr. FRYE presented the petition of B. W. Hardy and 42 other citizens of Maine, and a petition of 9 citizens of Vassalboro, Me., praying for the enactment of legislation to suppress the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented a petition of Lodge No. 23, Ancient Order of United Workmen, of Saco, Me., and the petition of James D. Bradbury and 30 other citizens of Saco, Me., praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented the memorial of A. S. Covel and sundry other citizens of Massachusetts, remonstrating against an increase of the tax on distilled spirits; which was ordered to lie on the table.

He also presented a memorial of the Trades and Labor Congress of Dubuque, Iowa; and a memorial of sundry cigar manufacturers of Davenport, Iowa, remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

He also presented petitions of W. R. Knight and sundry other citizens of Waverly; of Thomas Wolf and sundry other citizens of Watkins; of D. McErlain and sundry other citizens of Dyersville; of C. H. Brann and sundry other citizens of Des Moines; of G. W. Lafler and sundry other citizens of Manning; of Noel Brazelton and sundry other citizens of Monticello; of Fidelity Lodge, No. 12, of Independence; of Council No. 43, Northwestern Legion of Honor, of Des Moines; of Lodge No. 72, of Dyersville; and of Root Camp, No. 282, Modern Woodmen of America, of Monticello, all in the State of Iowa, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY presented a petition of Advance Council, No. 76, National Pressmen's Union, of Bridgeport, Conn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of the Cigar Makers' Union, of Detroit, Mich., praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented petitions of Cigar Makers' Union No. 215; of Bricklayers and Masons' International Union No. 5194,

American Federation of Labor, and of Bricklayers and Masons' International Union No. 15, American Federation of Labor, all of Logansport, Ind., praying for the governmental control of the telegraphic service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HANSBROUGH presented a petition of the Presbytery of Pembina, the Methodist Episcopal Church of Grand Forks, and the Woman's Christian Temperance Union of Pembina County, all in the State of North Dakota, praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 186, of Fargo, N. Dak., praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the North Dakota Cattlemen's Association, praying for the retention of the present duty upon live cattle, horses, and dressed meats imported into the United States; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the passage of House bill 4182, providing for an international conference to secure the better protection and care of animals in transit; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the enactment of legislation providing for an exact record of the commerce on the Great Lakes; which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Cleveland, Ohio, remonstrating against the imposition of an income tax; which was ordered to lie on the table.

He also presented a petition of 85 citizens of East Liverpool, Ohio, praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry manufacturers of tin plate, of Cleveland, Ohio, remonstrating against a change from specific to ad valorem duty on tin and terne plates; which was ordered to lie on the table.

He also presented a memorial of Miami Valley Lodge, No. 138, Brotherhood of Boiler Makers and Iron Ship Builders, of Dayton, Ohio, remonstrating against the passage of House bill 2655, granting American registry to foreign-built ships; which was referred to the Committee on Commerce.

He also presented a memorial of 38 cigar manufacturers of Springfield, Ohio, and a memorial of 20 journeymen cigarmakers of Cleveland, Ohio, remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. HIGGINS presented a petition of Wilmington Division, No. 224, Order of Railway Conductors, of Wilmington, Del., praying for the passage of an amendment to the interstate-commerce act so as to prohibit the sale of transportation tickets by brokers, scalpers, or any unauthorized agent; which was referred to the Committee on Interstate Commerce.

Mr. BRICE presented a memorial of the Chamber of Commerce of Cleveland, Ohio, remonstrating against the imposition of an income tax; which was ordered to lie on the table.

He also presented petitions of the Protected Home Circle, of Cleveland; of Philos Council, No. 390, Royal Arcanum, of New Philadelphia; of 44 citizens of Haselton; of 16 citizens of Cleveland; of 17 citizens of Toledo, and of 29 citizens of Cleveland, all in the State of Ohio, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of 13 citizens of Painesville, Ohio, and a memorial of 10 citizens of Cleveland, Ohio, remonstrating against an increase of the tax on distilled spirits; which were ordered to lie on the table.

He also presented a memorial of 491 citizens of Mahoning County, Ohio, remonstrating against the passage of the Wilson tariff bill, the reduction in the tariff on iron, the placing of cotton ties, coal, and iron ore on the free list, and against the substitution of ad valorem for specific duties on iron, etc.; which was ordered to lie on the table.

He also presented memorials of Cigar Makers' Union, No. 4, of Cincinnati; of 47 cigar manufacturers of Springfield; of 43 cigar manufacturers of Zanesville; of Cigar Makers' Union, No. 115, of Ohio; of 10 cigar manufacturers of Belmont; of Cigar Makers' Union, No. 96, of Akron; of Cigar Makers' Union, No. 43, of Urbana; of the Central Labor Union, of Zanesville; of Cigar Makers' Union, No. 35, of Dayton; of 63 citizens of Hamilton, and of 54 cigar manufacturers of Newark, all in the State of Ohio, remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the passage of House bill 4182, providing for an international conference to secure the better care and protection of animals in transit; which was referred to the Committee on Foreign Relations.

He also presented a petition of Encampment No. 118, Union Veteran Legion, of Zanesville, Ohio, praying for the passage of the so-called Pennsylvania pension bill, regulating the payment of pensions; which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the enactment of legislation providing for a comprehensive and exact method of compiling statistics relative to the commerce on the Great Lakes; which was referred to the Committee on Commerce.

He also presented a petition of Division No. 299, Order of Railway Conductors, of Lima, Ohio, praying for the enactment of legislation prohibiting the sale of transportation tickets by brokers, scalpers, or any unauthorized agents; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 19th instant, intended to be proposed to the diplomatic and consular appropriation bill, reported it with an amendment and moved that it be printed and referred to the Committee on Appropriations, with the accompanying letter from the Acting Secretary of State to the chairman of the Committee on Foreign Relations; which was agreed to.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "Donation act," and for the protection of purchasers and occupants on said lands, reported it with an amendment.

Mr. HUNTON, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District appropriation bill, and moved that it be printed and referred to the Committee on Appropriations, with the accompanying letter from the Engineer Commissioner of the District of Columbia; which was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the letter of the Secretary of the Navy in answer to a resolution of the Senate of January 24, 1894, with respect to Paymaster Robert B. Rodney, United States Navy, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 744) for the relief of Avery D. Babcock and wife, of Oregon, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. WOLCOTT February 21, 1894, intended to be proposed to the District appropriation bill, providing for the erection of a building and the purchase of a site therefor for the use of the Western High School, reported it favorably, submitted a report thereon, and moved its reference to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1717) to authorize the appointment of women as public school trustees in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 1649) providing for the survey of the land described in the grant to the Willamette Valley and Cascade Mountain Wagon Road Company, in the State of Oregon, reported it with amendments, and submitted a report thereon.

Mr. DANIEL, from the Committee on Claims, to whom was referred the bill (S. 599) for the relief of the residuary legatees of Mark Davis, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1289) for the relief of Sophia Miller, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GIBSON, from the Committee on the District of Columbia, to whom was recommitted the bill (S. 1680) to more effectually suppress gambling in the District of Columbia, reported it with amendments.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 829) granting an honorable discharge to Cyrus Payne, reported it with an amendment, and submitted a report thereon.

BILL RECOMMITTED.

Mr. COCKRELL. I move that the bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 1809) to correct the military record of and grant an honorable discharge to Michael Mahar; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. POWER introduced a bill (S. 1810) for the transfer to the Department of Agriculture of the Bureau of the United States Geological Survey; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 1811) requiring elevations and additional topography to be taken in all public surveys in arid or mountainous country; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WASHBURN introduced a bill (S. 1812) for the relief of Walter S. McLeod; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL of Oregon introduced a bill (S. 1813) providing an additional circuit judge in the ninth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STEWART. I introduce a bill and ask that it be twice read, and that it lie on the table for the present.

The bill (S. 1814) to provide for the free and unlimited coinage of silver, was read twice by its title, and ordered to lie on the table.

Mr. CALL (by request) introduced a bill (S. 1815) to confirm the John H. McIntosh grant in the State of Florida; which was read twice by its title.

Mr. CALL. I desire to state in reference to the bill I have just introduced by request, that I have no connection with the measure beyond its introduction by request. I move that the bill be referred to the Committee on Claims.

The motion was agreed to.

Mr. CALL introduced a bill (S. 1816) granting an increase of pension to John B. Meigs; which was read by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 1817) authorizing the Court of Claims to enforce the production in court of certain papers and accounts kept in the Post-Office Department, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VEST introduced a bill (S. 1818) for the relief of Isaac A. Meyer; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 1819) to establish in the Department of Justice a bureau of identification of criminals; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WOLCOTT introduced a bill (S. 1820) granting a pension to T. R. Le Tellier; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 1821) granting a pension to Matilda Witt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 1822) granting a pension to Archelaus Lewis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHOUP introduced a bill (S. 1823) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. DANIEL introduced a bill (S. 1824) to carry out the findings of the Court of Claims and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BRICE introduced a bill (S. 1825) granting a pension to Emily Minerva Van Der Veer; which was read twice by its title, and referred to the Committee on Pensions.

THE CLAYTON-BULWER TREATY.

Mr. DOLPH. I introduce a joint resolution which I ask may be read twice and referred to the Committee on Foreign Relations. It consists of only a half dozen lines and I ask that it be read once in full.

The joint resolution (S. R. 71) declaring the Clayton-Bulwer treaty to be no longer in force was read the first time by its title and the second time at length, and referred to the Committee on Foreign Relations, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the convention concluded April 19, 1850, and proclaimed July 5, 1850, between the United States and Great Britain, relative to a ship canal by way of Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, commonly known as the "Clayton-Bulwer treaty," is no longer in force.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. SHERMAN submitted two amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. POWER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Irrigation and Reclamation of Arid Lands, and ordered to be printed.

Mr. KYLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CALL submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BRICE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the pension appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

THE RUSSIAN THISTLE.

Mr. KYLE submitted an amendment intended to be proposed by him to the bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *Salsola kali tragus;* which was ordered to lie on the table, and to be printed.

FLAGS OF MARITIME NATIONS.

Mr. McPHERSON submitted the following concurrent resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed from the plates now in the possession of the Bureau of Navigation, Navy Department, 5,000 copies of the Flags of Maritime Nations, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Navy Department, to be used on board of vessels of the Navy, and for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes.

REMOVAL OF SOUTHERN UTE INDIANS.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That 500 additional copies of Report No. 279, Fifty-third Congress, second session, relating to the removal of the Southern Ute Indians, be printed for the use of the Senate.

CONDITION OF TRADE IN INDIA, RUSSIA, ETC.

Mr. PETTIGREW. I submit a resolution and ask for its immediate consideration. I will state that the Senate adopted a similar resolution on the 9th instant, except that the inquiry was directed to the Secretary of State, while this is addressed to the Secretary of the Treasury.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to send to the Senate, at his earliest possible convenience, answers to the following inquiries according to the best information now in his Department:

First. Whether any change has been made in the weight, fineness, or otherwise, in the legal-tender value of the coined silver money used by the people of India, Russia, or the Argentine Republic, for the transaction of their domestic business, and if so, when and to what extent, and by what authority of law during the past twenty years.

Second. Whether prices for the chief products of said countries, like wheat, cotton, etc., have advanced or declined in their prices when exchanged in their home markets for the legal tender silver or paper money in common use among their people, and if so, how much during the past twenty years.

Third. Whether the production, export, or the manufacture of the products of said countries have increased or decreased, and if so, how much in the quantity and value of each during the past twenty years, using their annual reports to ascertain amounts produced, exported, and manufactured, and their legal-tender silver and paper money to ascertain their home prices for the four years between 1872 and 1877, as compared with like averages between 1888 and 1893, as a basis on which to answer these inquiries.

STATISTICS RELATING TO SUGAR.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate at his earliest possible convenience whether the sugar refineries, or persons, or corporations, or any of them, engaged in refining sugar in the United States, have complied with the provision of sections 15 and 17 of the act of March 1, 1889, entitled "An act to provide for taking the Eleventh and subsequent censuses, or of any of the rules and regulations of the Interior Department in relation thereto, or have made answer to the schedules prepared in accordance with said sections, and if any of said corporations or individuals have refused or neglected to comply with the requirements in relation thereto, the names of such corporations or individuals so refusing or neglecting to answer, and their reasons therefor, and also what steps, if any, have been taken in accordance with the act of July 6, 1892, entitled "An act amendatory of an act entitled 'An act to provide for the taking of the Eleventh Census in relation thereto.'"

COST OF PRODUCTION OF GOLD AND SILVER BULLION.

Mr. STEWART. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be printed for the use of the Senate 10,000 copies of Senate Report No. 1310, second session, Fifty-second Congress, being the report of the Committee on Mines and Mining on the cost of the production of gold and silver bullion.

Mr. STEWART. I have had an estimate made of the cost of printing this report, and I find that 15,000 copies could be printed within the limit of $500 allowed by the rule. I ask for the printing of 10,000 copies. I am receiving frequent requests for copies.

Mr. COCKRELL. The resolution will have to go to the Committee on Printing.

Mr. MANDERSON. I am in accord with the desire of the Senator from Nevada to have this document printed. I think it is a report of great value. But under the rule the resolution must go to the Committee on Printing. I have no question but that it will be favorably reported, but it must be referred under the rule.

Mr. COCKRELL. Let it go to the Committee on Printing.

Mr. STEWART. Very well.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Printing.

LABOR UPON PUBLIC WORKS.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to transmit to the Senate copies of all correspondence between the Secretary of War and the Chief of Engineers and engineers in charge of works of public improvement being prosecuted by the General Government relating to the discharge or employment of individuals upon such works where such discharge or employment has been ordered against the recommendation of the local engineer in charge, and that the Secretary of War and the Chief of Engineers be directed to report whether in their opinions the discharge and employment of subordinate officers and laborers upon works of public improvement should be made for political reasons.

INDIAN AGENCIES.

Mr. MANDERSON. I submit a resolution and ask that it may be now considered. I will state, before it is read for information, that the resolution, while not reported by the Committee on Indian Affairs, has the approval of all the members of that committee.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Interior be directed to report to the Senate the names of all Indian agents, giving the compensation of each, his location, and the number of Indians at each agency. Said report shall also show whether said Indians at each agency are supported in whole or in part by the issue of clothing, food, and other supplies; whether annuity or other moneys are paid to them, and whether any of the Indians have taken lands in severalty, or are in the ownership of allotted lands. He shall also report whether, in his judgment, any of said agencies can be abandoned and the services of said agents be dispensed with, and if so, which of them, and the reasons therefor.

ISSUE OF BONDS.

Mr. PEFFER. I submit a resolution which I ask be read and ordered printed, and that it lie over under the rule.

The resolution was read and ordered to lie on the table and to be printed, as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained.

HOUSE BILLS REFERRED.

The following bills and joint resolutions were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 2857) to confirm to the heirs of Mrs. Courtney Ann Claiborne the title to a certain tract of land in the State of Louisiana—to the Committee on Private Land Claims.

The bill (H. R. 3135) granting to the University of Utah a site off the public domain—to the Committee on Public Claims.

The bill (H. R. 4320) for the relief of Dollie E. Vedder—to the Committee on Pensions.

The bill (H. R. 4419) to authorize the Commissioner of the General Land Office to issue a patent to Mace Clements's survey, numbered 386, in the Virginia military district of Ohio—to the Committee on Public Lands.

The bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across the Tennessee River at Clifton, Tenn.—to the Committee on Commerce.

The bill (H. R. 5276) to authorize Commander F. W. Dickins, of the United States Navy, to accept the decoration of the Cross of Naval Merit of the third class from the King of Spain—to the Committee on Foreign Relations.

The bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township—to the Committee on Commerce.

The bill (H. R. 5580) to protect the insignia and the name of the Red Cross—to the Committee on Foreign Relations.

The bill (H. R. 5894) making appropriations for the Military Academy for the fiscal year ending June 30, 1895—to the Committee on Appropriations.

The joint resolution (H. Res. 139) to print the Agricultural Report for 1893—to the Committee on Printing.

The joint resolution (H. Res. 145) providing for the payment of salaries and expenses of additional deputy collectors of internal revenue to carry out the provisions of the Chinese exclusion act of May 5, 1892, as amended by the act of November 3, 1893—to the Committee on Appropriations.

TRANSFER OF FURNITURE.

The joint resolution (H. Res. 147) authorizing the transfer of furniture and carpets to the rooms now occupied by the United States courts at Chicago was read twice by its title.

Mr. VEST. I ask for the immediate consideration of the joint resolution.

The VICE-PRESIDENT. The joint resolution will be read at length for information.

The Secretary read the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. PLATT. I should like to have the resolving clause read.

Mr. BERRY. I object to the joint resolution for the present. Let it go over. I have been waiting here for some time to call up another measure, and I ask that the joint resolution may go over.

Mr. CULLOM. May I appeal to the Senator from Arkansas to withdraw his objection? I think there will be no discussion on the matter.

Mr. BERRY. If there will be no discussion upon it, I shall not object.

Mr. CULLOM. It is a very important matter, relating to a question of removal on account of the danger in the old building.

The VICE-PRESIDENT. The Secretary will read the resolving clause of the joint resolution.

The Secretary read as requested.

Mr. PLATT. It is all right.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORRESPONDENCE RELATING TO HAWAIIAN ISLANDS.

Mr. GORMAN submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the concurrent resolution of the Senate "to print for the use of Congress 6,000 copies of all papers and messages sent to Congress by the President since January 1, 1893, relating to Hawaiian affairs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendment.

A. P. GORMAN,
M. W. RANSOM,
CHARLES F. MANDERSON,
Conferees on the part of the Senate.

JAMES D. RICHARDSON,
WILLIAM M. McKAIG,
CASE BRODERICK,
Conferees on the part of the House of Representatives.

Mr. GORMAN. No action by the Senate is necessary on the report.

SIMULATION OF COINS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. SHERMAN on the 22d instant, as follows:

Resolved, That the Committee on the Judiciary is instructed to examine and report whether the simulation of coins of the United States by coins of the same weight, metal, and fineness, except as authorized by law, is made criminal by the acts defining and punishing the counterfeiting of coins of the United States, or of other countries, and if not to report a bill to prevent and punish such simulation.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. STEWART. Mr. President, the law on this subject is as ample and specific as human ingenuity can devise. Section 5457 of the Revised Statutes reads as follows:

SEC. 5457. Every person who falsely makes, forges, or counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be made, current in the United States, or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or brings into the United States from any foreign place, or has in his possession any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, shall be punished by a fine of not more than $5,000, and by imprisonment at hard labor not more than ten years.

Mr. VILAS. Before the Senator from Nevada sits down I should like to have him read a later section, which is still plainer.

Mr. STEWART. The section I have read is plain.

Mr. COCKRELL. Suppose it is plain, it can not hurt anything to let the resolution go to the Committee on the Judiciary.

Mr. VILAS. I ask the Senator from Nevada to read section 5461.

Mr. STEWART. I will read section 5461. It is as follows:

SEC. 5461. Every person who, except as authorized by law, makes or causes to be made, or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be punished by a fine of not more than $3,000, or by imprisonment not more than five years, or both.

This question has been carefully studied, and the language of the statute was made very exact. There can be no doubt about the law in regard to the whole subject, that it is a criminal offense to make these silver dollars; but the introduction of the resolution calls to mind the fact that the Government of the United States has abdicated the power conferred by the States upon the General Government to coin money of gold and silver. The crime is not looked upon with the same horror, and is not condemned by the public sense of the world as it would have been if the other crime had not been committed which proposes to destroy one-half of the world's money.

In proof of this, to show that it does not strike the people as a crime, I will read a letter from a late distinguished member of this body, showing how this proceeding struck his sense of moral right:

EDITOR POST: I see by the newspapers that some "gentlemen" residing at Omaha have recently coined a large number of silver dollars—over $500,000. They are exactly like those that are being coined in Philadelphia, New Orleans, and San Francisco. Nobody can tell the difference, because there is no difference. They contain precisely the same quantity and quality of metal as those coined at the above-named places.

I observe also that it is the purpose of the Government to prosecute these "gentlemen," and send them to the penitentiary for coining these dollars. Will you kindly inform me if it is also the purpose of the Government to prosecute the parties at Philadelphia, San Francisco, and New Orleans who are doing exactly the same thing, and greatly oblige,

C. B. FARWELL.

CHICAGO, *March 21*.

I have noticed in the public press sentiments similar to those from every part of the country. Is it not time for Congress, that has created the temptation to make these dollars, to resume its prerogative and perform its functions under the Constitution and furnish the coins of the Constitution to the people?

This matter has frequently been discussed in relation to India. The counterfeiting of rupees is carried on there with the knowledge of the English Government. The rupee is so sacred among the inhabitants of India that the English Government hesitates to interfere with its coinage. In fact some of the nobles or princes of India have been in the habit of coining on their own account. They have had that privilege, and it has not been taken from them.

The striking down of the silver money, which is the money of the people, is contrary to the moral sense of the civilized world, and although we have ample law upon our statute books it can not be enforced against the public sentiment of nations; and such counterfeiting will go on.

There was no motive previous to the demonetization of silver to make dollars the exact equivalent of the standard dollar. There was no profit in making them unless a cheaper metal was put into the dollar, and then it could be detected by the weight or assay, and the persons who passed it would be guilty because they would have guilty knowledge. But whenever dollars with the exact weight and fineness of the standard dollars and the exact conformation of the standard dollars are in the hands of the people they are unable to distinguish them, and it is a herculean task that is attempted to enforce the law. We have plenty of law, but the enforcement of it is going to be very difficult, and it is a strong argument in favor of the United States resuming its function and doing its duty, because the people need this money. The country is suffering. There is universal distress not only here but throughout the world for lack of money, and taking from the people the money which they have had from time immemorial is a gross outrage upon the rights of the human race. It is not to be wondered that it is not looked upon as an act of moral turpitude when private parties are doing what the Government ought to do, and undertook to do, and now refuses to do at the bidding of a known combination.

Mr. SHERMAN. I am inclined to think that under the second section read by the Senator from Nevada, and which I also referred to the other day, probably the law already does punish as counterfeiting the simulation of our coins, but there has been doubt expressed on the subject. No doubt such coinage is going on, more or less—I hope to a small extent; but I think it would be well enough for the Committee on the Judiciary to examine into the matter and report whether in their opinion any further legislation is necessary. In my judgment they will probably find that the existing law is sufficient. The law of 1866 was passed many years ago, and before the silver dollar had come into circulation, although I do not think that would change the application of the law; I think the law applies to the silver dollar now as well as it ever did. Still, I think it would be very proper to have the matter inquired into. I hope, therefore, that the resolution will either be adopted or that it will be referred to the Committee on the Judiciary.

Mr. COCKRELL. I hope that the resolution will be adopted and that the subject will be referred to the Committee on the Judiciary to make the inquiry. Notwithstanding what the Senator from Nevada has said, it is exceedingly appropriate at any time to investigate the coinage act of 1873, or any of its provisions, which was passed while the Senator from Nevada was in the Senate.

Mr. STEWART. "While the Senator from Nevada was in the Senate!" I think I have sufficiently explained that matter, and the persons who were in the Senate with me at the time have sufficiently explained it. I think that when Judge Thurman, Mr. Blaine, Mr. Conkling, Mr. ALLISON, Mr. VOORHEES, and all were ignorant of it, I can not be charged with the omission of duty for not knowing what they did not know. I was not on the committee that prepared and brought forth the bill.

Mr. ALLISON. I was not here then.

Mr. STEWART. The Senator from Iowa was not then in either House?

Mr. ALLISON. I was not.

Mr. STEWART. Then his ignorance on the subject is excusable. The American people were not taken into the confidence of the parties who secured that legislation.

The VICE-PRESIDENT. The question is on agreeing to the resolution of the Senator from Ohio.

The resolution was agreed to.

CHEROKEE FUNDS.

Mr. BERRY. I move that the Senate proceed to the consideration of House joint resolution 144, authorizing the Secretary of the Treasury to receive the money arising from the sale of the Cherokee bonds.

Mr. ALLISON. Let the joint resolution be read for information.

The VICE-PRESIDENT. The joint resolution will be read at length for information.

The Secretary read the joint resolution (H. Res. 144) authorizing and directing the Secretary of the Treasury to receive at the subtreasury in the city of New York from R. T. Wilson & Co., or assigns, the money, amounting to $6,740,000, to be paid to the Cherokee Nation, and to place the same to the credit of the Cherokee Nation, as follows:

Whereas, by an act of the National Council of the Cherokee Nation approved January 6, 1894, said Cherokee Nation accepted an offer of R. T. Wilson & Co. to purchase, and agreed to sell and assign to said R. T. Wilson & Co., and assigns, the second, third, fourth, and fifth installments of the money, together with the interest thereon, from the 4th day of March, 1893, to be paid by the United States to said Cherokee Nation for the Cherokee Outlet, as provided by a contract made pursuant to section 10 of "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for fiscal year ending June 30, 1894," approved March 3, 1893, and in accordance with the provisions of said act of the National Council of the Cherokee Nation the consideration for said sale and assignment, amounting to $6,740,000, was to be placed in the subtreasury of the United States in the city of New York to the credit of the Cherokee Nation, subject to the action of the National Council of said Cherokee Nation; and

Whereas it is necessary in order to carry out said contract that authority be conferred to receive said money at the subtreasury in New York and to place the same to the credit of said Cherokee Nation: Therefore,

Resolved, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to receive at the subtreasury in the city of New York from R. T. Wilson & Co., or assigns, the said money so to be paid to said Cherokee Nation in consideration of said assignment and to place the same to the credit of said Cherokee Nation.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas to take up the joint resolution which has been read.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ALLISON. I inquire of the Senator from Arkansas whether the effect of the joint resolution will not be to require the Government of the United States to pay interest at the rate of 5 per cent upon this deposit?

Mr. BERRY. The Senator from Missouri [Mr. COCKRELL] has a letter from the Secretary of the Treasury on that subject, which he proposes to have read.

Mr. ALLISON. I think we changed the rate of interest. I should be glad to know what is the effect of the joint resolution.

Mr. COCKRELL. I gave notice when the joint resolution was up the other day that I should offer an amendment relieving the Government from all liability for any interest whatever on this deposit under any contingencies, because I am not willing that the Government shall be responsible in any manner for any interest upon this fund. Thereupon a letter was addressed to the Secretary of the Treasury, and I hold in my hand the reply of the Secretary of the Treasury to the Senator from Louisiana [Mr. BLANCHARD], which fully explains the situation. In view of the contents of that letter, showing clearly that the Government will not in any manner be responsible for any interest on that fund, no matter how long it stays in the Treasury, I shall not offer the amendment I proposed. I ask that the letter may be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read the letter referred to by the Senator from Missouri.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 24, 1894.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant asking for an expression of opinion as to whether any law exists which makes or would make the Government liable in any way for interest upon the deposit of money in the subtreasury at New York as contemplated in the joint resolution (H. Res. 144), a copy of which you inclosed.

In reply you are informed that the object of the resolution as understood by this Department is to authorize the Assistant Treasurer of the United States at New York to open and keep an account with the Cherokee Nation, the same as the assistant treasurer at St. Louis has kept for many years under provisions of the act of March 3, 1875 (Statutes at Large, volume 18, part 3, page 449), which could not be done without further legislation, as the act of March 3, 1875, authorized the assistant treasurer of the United States at St. Louis only to open such an account.

No interest has been paid or claimed on the money deposited at St. Louis to the credit of the Cherokee Nation, and I know of no law which makes or would make the Government liable in any way for interest upon the deposit of money in the subtreasury at New York as contemplated in the resolution.

Respectfully yours,

J. G. CARLISLE, *Secretary.*

Hon. N. C. BLANCHARD,
United States Senate.

Mr. PEFFER. Mr. President, this is a very important matter, too important, I think, to be pushed through so rapidly; and I therefore move that the bill, with the letter which has been read, with whatever accompanying papers there may be, if any, be referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kansas.

Mr. BERRY. I hope the Senator from Kansas will not insist on that motion. If he does, I hope the Senate will not agree to it.

This matter has been pending for a long time. The Cherokee Indians, by one cause of delay and another, have been kept out of money to which they are entitled. They have sold the bonds referred to in the joint resolution, and the sale has been approved by the Secretary of the Interior. The Attorney-General of the United States has decided that it was a legal and proper sale, and that the bonds could be transferred.

The only thing that is in this joint resolution—and there is nothing in it but that—is that the Secretary of the Treasury may receive these funds in the Treasury or in any subtreasury of the United States until the Cherokee council can order them to be distributed amongst the Indians. The reason why this joint resolution becomes necessary—otherwise the money might be deposited in an ordinary bank—is that in the contract made by the Cherokee Nation with Wilson & Co. it was provided that the Indian delegates should not receive the money, but that it should be received in the Treasury or some subtreasury of the United States. The Secretary of the Treasury does not think he has the authority to receive it, and he approves of this joint resolution. He simply wants the authority to authorize the funds to be so deposited, rather than to have them deposited in a private bank.

As I stated before, the Indians ought to have had the money months ago. They have been waiting anxiously for it. There is nothing in the joint resolution but what I have stated. A large number of the Senator's constituents as well as mine are anxious that this transfer should be made. There is nothing behind it, as I before stated, save and except to give the Secretary of the Treasury the authority to keep the money for ten, twenty, or thirty days, until it can be distributed amongst those to whom it belongs.

I hope the Senate will dispose of the joint resolution and pass it to-day.

Mr. PEFFER. Mr. President, I do not assert that there is anything behind the joint resolution that is improper; that is not in my mind at all; but it seems to me that the subject-matter of the joint resolution is of sufficient importance to justify the scrutiny of the Committee on Indian Affairs, and from the suggestions made by the Senator from Arkansas himself, I am still further confirmed in the belief that a little further time ought to be taken in the consideration of this matter. I am not prepared to vote upon it at present. I do not understand—and that is the only thing in my way—why there is any supplementary legislation necessary to protect the rights of the Indians or of any other party. That being true——

Mr. BERRY. Will the Senator permit me to interrupt him?

Mr. PEFFER. Certainly.

Mr. BERRY. If the Senator had paid attention to the reading of the joint resolution, he would have seen that it is not a proposition to protect the rights of the Indians. It simply proposes to authorize the Secretary of the Treasury to receive and hold this money for the Indians until it can be distributed amongst those to whom it belongs.

Mr. COCKRELL. By the nation.

Mr. BERRY. By the nation. The contract that the Indians made with the parties to whom they sold the bonds, was that the proceeds should be deposited in the Treasury of the United States. Therefore, there is no authority to deposit the money in a private bank. But for that contract, the money could be taken and deposited in any bank in the United States. That contract, however, exists, and the pending joint resolution is simply a permission to the Secretary of the Treasury to take that money and hold it until the council at Tahlequah distributes it amongst those to whom it belongs.

That is all there is in the joint resolution, and there has already been too much delay about it. The chairman of the Committee on Indian Affairs is thoroughly familiar with the question, and there is no reason why the joint resolution should go to the committee, and why it should not pass. It passed the House of Representatives without a dissenting voice. It has been thoroughly examined by the Secretary of the Treasury.

Mr. PEFFER. Still, Mr. President, I do not understand why it is that this joint resolution is necessary. There was an act passed appropriating a certain sum of money for the purchase of the possessory rights of the Cherokee Indians in the Outlet——

Mr. MANDERSON. If the Senator will permit an interruption, I should like to acquaint him with the fact, which I think it proper that he should know and that the Senate should know, that this joint resolution was brought to the attention of the Committee on Indian Affairs at its last session, when there were nearly all of the members present; I remember very well the chairman of that committee was in his place and there was considerable discussion as to the propriety of the joint resolution.

Whilst there was a little criticism as to the act of the Indians

themselves in making this haste to obtain their money, the committee felt that was a matter with which we had nothing to do; that it was their money, and they could make such disposition of it in that regard as they saw fit; but I do not think there was any adverse criticism upon this particular method. So the joint resolution has received, certainly to that extent, the criticism and observance of the Committee on Indian Affairs, and I think my statement will be carried out by the chairman of the committee.

Mr. PEFFER. Has there been any action of the committee reported to the Senate on the question?

Mr. MANDERSON. None whatever.

Mr. PEFFER. Then I insist on my motion.

Mr. PLATT. Mr. President, we purchased the Cherokee Outlet of the Cherokees and we agreed to give them for it something over $8,000,000. Sometime prior to that purchase they had been leasing the Outlet and receiving $200,000 a year for it, but the Government cut off that lease, and now for three or four years the Cherokee Nation has been deprived of any income from the Cherokee Outlet; which has very much embarrassed them. A year ago we purchased the Outlet, and on the 3d of March, 1893, the Senate passed a bill paying for it at the time it was purchased. If the action of the Senate had been carried out, the Indians would have been paid this money in full a year ago; but the funds of the Government were quite limited, and the House of Representatives thought that the Government could not afford to make a present payment, and therefore divided the payments up into five or six installments; that is, it deferred the payments for this land, and in conference between the Senate and the House of Representatives that was agreed to. But this provision was inserted in the appropriation bill:

Provided, That if the legislative council of the Cherokee Nation shall deem it more advantageous to their people they may issue a loan for the principal and interest of the deferred payments, pledging said amounts of interest and principal to secure payment of such debt.

Of course they wanted this money, and really, as it seemed to me, we ought to have paid it to them when we made the purchase, took the land, and opened it to settlement, but we deferred the payments, and then we said the Cherokee Nation may issue a loan for this, and if it does it may pledge the amount of principal and interest to secure the payment of such loan. That is just what they have done. In their National Council in the law which provided for the issuance of the bonds to secure this money, they adopted this section:

SEC. 4. That the Cherokee delegation shall not receive the money or any portion thereof on account of said sale, transfer, and assignment, but the entire amount shall be placed in the Treasury of the United States, or any subtreasury thereof, to the credit of the Cherokee Nation, subject to the action of the National Council.

I think it was a very wise precautionary thing for them to provide that when this money was paid upon this loan it should be put into the Treasury of the United States. Such an amount of it as is not required for the payment of the already accrued expenses of their government has to be distributed among the people, and there may be very many questions arising as to the distribution, who is entitled to it, etc., and it seems to me it was a very wise and prudent thing for them to pass an act in the Cherokee Council that the money raised upon these bonds should not be paid over to the delegation to do what they pleased with, and to be put where they pleased, but that it should be placed in the custody of the United States. There is no law which authorizes the United States to receive it, as I understand, and the object of the joint resolution is to enable the Treasurer of the United States to receive the funds and keep them until the Cherokee National Council shall direct what is to be done with them. This is a very simple matter, and it seems to me a very proper matter.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kansas [Mr. PEFFER] to refer the pending joint resolution to the Committee on Indian Affairs.

The motion was not agreed to.

Mr. PETTIGREW. I offer the amendment which I send to the desk, to be added to the joint resolution as a proviso.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the joint resolution the following:

Provided, however, That said assigned obligation shall not be exempt from the payment of taxes.

Mr. BERRY. I move to lay the amendment on the table.

Mr. PETTIGREW. Before that motion is considered, I should like to make a brief statement in regard to the amendment.

Mr. BERRY. If the Senator desires to discuss the amendment, I shall withdraw the motion.

The VICE-PRESIDENT. The motion to lay on the table is withdrawn.

Mr. PETTIGREW. I think the people who have purchased these bonds have managed to secure an obligation which exempts them from local taxation under the law of the United States, if this joint resolution passes. They have therefore secured practically bonds of the United States bearing 4 per cent interest at $165,000 less than par. I think the amendment I have offered should be adopted, and that the purchasers of these bonds ought to pay local taxes upon these obligations the same as they would pay upon mortgages upon real estate. The reason that we are able to sell bonds of the United States bearing 3 per cent interest above par is because of their exemption from taxation; and these bonds would have sold at a premium which would be equivalent to 3 per cent interest if it had been understood when they were advertised for sale. It was not so understood, but by manipulation unquestionably they are securing an obligation which is exempt from taxation, an obligation of the Government bearing 4 per cent interest at $165,000 less than par, because, though they paid $100,000 more than the face of these obligations, the purchase carries with it accrued interest for one year, which amounts to $265,000.

Mr. JONES of Arkansas. Mr. President, after full consideration and mature deliberation, the Senate passed a law by which we agreed to pay the Cherokee Indians $8,000,000 for the country we bought from them a year ago. There not being money enough in the Treasury to pay for this land in cash, there was an agreement made, not in strict conformity with the agreement made between the Commissioners of the Government and the Cherokee Nation, that instead of paying the whole of the money in cash, certain amounts of it should be paid in deferred payments, in installments; but we provided at the same time, knowing the necessities of the Cherokees to realize on the money that was due them, that they should have the privilege of turning these obligations of the Government into cash. The proviso of the act of March 3, 1893, is as follows:

Provided, That if the Legislative Council of the Cherokee Nation shall deem it more advantageous to their people they may issue a loan for the principal and interest of the deferred payments pledging said amounts of interest and principal to secure payment of such debt.

These people are simply exercising an authority conferred upon them by Congress. They have made their arrangements for the raising of this money. They do not want, as was suggested by my colleague, to have the money deposited in a private bank. They have made an agreement with the men with whom they have made the arrangement to deposit this money in the subtreasury as affording greater security than a deposit anywhere else.

No part of the agreement between the Cherokee Indians and these people comes under the supervision of Congress. It is simply a question to determine whether or not we shall allow these people to have their money deposited in the subtreasury where it will be safe until such time as the Cherokee Council takes action in regard to it. That is all there is of the joint resolution.

All other questions are irrelevant and have nothing whatever to do with this arrangement. We passed a law, and whatever rights these people have have been standing now for more than twelve months, and I can see no reason why the question should be complicated with any of these outside issues. We are to pay this money with interest, and it is a matter of no concern to us whether we pay it to the Indians themselves or to other people who advanced the Indians the money, if it is satisfactory to them.

I hope the amendment of the Senator from South Dakota will be voted down and that the joint resolution will pass without amendment.

Mr. BERRY. I renew my motion to lay the amendment of the Senator from South Dakota on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas to lay the amendment of the Senator from South Dakota [Mr. PETTIGREW] on the table.

The motion was agreed to.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

EXECUTIVE SESSION.

Mr. CALL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. MITCHELL of Oregon, from the Committee on the Judiciary, to whom was referred the bill (S. 1813) providing an additional circuit judge in the ninth judicial circuit, reported it without amendment.

Mr. GEORGE, from the Committee on the Judiciary, to whom

was referred the bill (S. 1390) providing an additional circuit judge in the eighth judicial circuit, reported it with an amendment.

Mr. VILAS, from the Committee on the Judiciary, to whom was referred the bill (S. 1478) providing for an additional circuit judge in the seventh judicial circuit, and for other purposes, reported it with an amendment.

Mr. CALL. I am directed by the Committee on Appropriations, to whom was recommitted the bill (H. R. 4858) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it with amendments.

Mr. ALLISON. I should like to ask the Senator from Florida when he expects to call up the bill for consideration?

Mr. CALL. I do not think it can be taken up this week, but I shall call it up some time next week. There are some Senators now absent who desire to be present when certain amendments are considered.

The PRESIDING OFFICER (Mr. TURPIE in the chair). The bill will be placed on the Calendar.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 260) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri," approved March 3, 1887.

WILLIAM M'GARRAHAN.

Mr. TELLER. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The unfinished business, being Senate bill 341, will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

Mr. MORRILL. Mr. President, I do not expect to occupy much time on the present occasion, having heretofore discussed the bill at length, but I wish merely to call attention to the almost absolute probability that the bill covers a fraud from the beginning to the very end. Mr. Gomez, a clerk in the commissary department, applied to the governor of the Territory for a grant of 3 leagues square. That request was referred to the local officer, who reported that the land was vacant, and therefore that there was no objection to the grant. That comprises absolutely the whole of any legal evidence that this claim ever existed—the man asked for it. When he presented the case to the commissioners who were appointed by the Government of the United States in 1871, and it was not presented by Gomez until nearly two years thereafter, that commission, better qualified to decide the merits of this question than any other tribunal in the world, decided that he had no legal title whatever. From that he had the right to take an appeal.

But, Mr. President, let us go back for just a moment. This grant purports to have been made fifty years ago. In 1843 Gomez, a clerk in the commissary department, left that place and joined the Mexican Army to fight against the United States. If the Mexican Government ever gave him any valid title, would they not be likely to furnish him with the evidence that they had done so? Of course they would. Yet this man pretends that while he was gone to fight against the United States, owing to the disturbance at Monterey by the American Army, he had somehow mislaid and lost his grant. But one of the neighbors of this same Gomez, who had lived by him for twenty years, testified that he had never heard of the Gomez claim. Is it likely that this man should have this stupendous grant of 4 square leagues, which the Mexican Government never would make unless they had some consideration, unless there was some distinguished service performed? It is utterly incredible.

We have had this case before the Supreme Court five times, and every time when it has been considered upon the merits or upon any collateral issue it has been decided against Gomez or against McGarrahan, either one or the other. Yet it is proposed that this claim shall now be referred to a young and junior court, having far less experience than the Supreme Court of the United States or the district courts, to decide upon the question. Evidently the commissioners who were appointed by the United States, and who first heard the case, were better qualified to consider and investigate the merits of it than anybody else.

But here again comes up another fraud. After Mr. Gomez had taken an appeal of the case to the district court he gave away one-half of it to the district attorney, one Mr. Ord.

Mr. GEORGE. Who was attending to the case for the other side?

Mr. MORRILL. Who was attending to the case? He was the district attorney of the United States.

Mr. GEORGE. He was attending to the suit against Gomez?

Mr. MORRILL. Yes. There is hardly any spot in this case that is not fairly pock-marked with fraud. The first that I will read is an extract from the opinion of the Supreme Court:

The claim of Gomez to this land has been decided in this court to be signally fraudulent and void.

Mr. SHERMAN. Is that from a decision of the Supreme Court of the United States?

Mr. MORRILL. That is from a decision of the United States Supreme Court, found in 9 Wallace.

I read now from the report of a case in 3 Wallace.

The person who had been the counsel of Gomez, one Ord, having become the representative at law of the United States as the district attorney for that part of California, entered into a bargain with Gomez to allow a reversal, by the district court, of the decree of the board, and a consequent confirmation of the claim, on condition of receiving himself a portion of the land; which afterwards he did receive. By such an abuse and betrayal of his official trust, as the reporter understood the case, the decree above-mentioned was obtained.

"By such an abuse."

So far as Gomez was concerned, therefore, whatever title he had derived no validity from the decree.

The decree of the district court which had been so imposed upon by Ord. When the case came before the Supreme Court of the United States they indignantly rejected the decree of the district court. They proceeded to consider it and then decided the case against McGarrahan.

The next thing to which I call attention is the discrepancy in the boundary. In the *expediente* it is described by one term, and under the petition to which we are now to give legal validity it is described by another, and the two descriptions are very far apart. The land, according to one description, is in one county, and according to the other it is in another county. If any Senator desires to see the map of it I will give him a chance to look at it. [Exhibiting a map.] It shows a wide difference. It never was considered favorably by any Secretary of the Interior, whether it was Browning or Schurz or Chandler. By looking at the map Senators will see that Schurz was right when he said that the New Idria Mining Company was at least 10 miles away from the claim of McGarrahan. The map I have here is certified to be correct, and it shows the precise boundaries of these two claims. And yet we are to be forced into a consideration of a bill where the descriptions fairly swear at each other.

I desire to call attention to the terms in which evidence was admitted in this case. Of course, the United States can hardly produce any evidence in relation to the claim; but all of the *ex parte* evidence on the part of this claimant under the pending bill receives an indorsement that will entitle it to be considered; that is, even a map is to be received which he never has proved to any court in the world was presented at the time. He presented something at the time with his first application and then said he would provide another. But there is no proof that he ever exhibited the other map to anybody. It is provided in the bill that—

The depositions and other evidence produced before said Board of Land Commissioners, or copies thereof, and all depositions, proofs, testimony, or affidavits taken before any circuit or district court of the United States in the State of California, or the clerks of such courts, or any commissioner appointed by said courts, or before any notary public, or before any committee of the Senate and House of Representatives of the Congress of the United States, or of any map or deed of record of any department of the Government of the United States, or of any act of Congress through which the boundaries set forth in said expediente and the title of said McGarrahan to the said lands can be shown, protected, and established, or of any oral or written testimony or deposition or copies thereof, concerning said record touching said grant from said Governor Manuel Micheltorena to said Vicente P. Gomez, or any patent or record of a patent for any portion of said lands in any of the departments of the Government signed by the President of the United States or by his private secretary authorized to sign land patents, etc.

All this, whatever it may be, is made legal evidence to be introduced before the Court of Private Land Claims, to which this claim is to be referred.

Mr. President, this claim seems to me a stupendous fraud. If anybody will read the four or five hundred letters which were written between McGarrahan and a lobbyist who was here for years, by the name of Franck, he will see the reprehensible and immoral means which were taken in order to lobby this claim through Congress, sometimes before one committee and sometimes before another.

Mr. GEORGE. Are those letters printed?

Mr. MORRILL. Yes, they are printed. They will be found in a report made by Mr. McDonald, then a member of the Senate, and in another report made by Randolph Tucker in the House of Representatives—two lawyers whom nobody who has ever considered this case will regard as inferior to themselves.

In that miscellaneous heap of matter it will be found that Mc-

Garrahan has twice made an incorporated company under the laws of the United States, and there have been deeds made by him as the chief officer of that incorporated company to individuals. Now he represents that that was a mere family affair, but if he really has any title to be conveyed under this bill, how is it that the parties who have derived title from such companies can be divested of it by act of Congress?

I omitted to read the testimony of Pacificus Ord in relation to his own guilt in connection with this case. I read from Howard's Reports, volume 23, page 328.

Affiant further says, that shortly thereafter, the court being then in session, the said Hartman, acting as counsel for said claimant, presented the said case to the court by reading the petition for review, and the other papers and transcript in the case to the court for the appellant. That after so doing this affiant, acting for the United States, admitted in open court that in his opinion the claim was a valid one, and that in accordance with the rulings of the court in previous cases the case should be confirmed. That thereupon the court ordered that the decision of the land commissioners should be reversed, and a decree of confirmation entered therein for claimant.

That is about as good as the story of the man who thought himself the biggest man in his State, and when he was approached about it admitted it.

Of course I do not intend to consume much more time. I ask that the amendments which I offered on Thursday last be now read.

The PRESIDING OFFICER. The amendments intended to be offered by the Senator from Vermont will be now read.

The Secretary read the first amendment intended to be proposed by Mr. MORRILL, which was in section 3, line 32, after the word "forthwith," to strike out the remainder of the section, as follows:

Ascertain in such manner as may seem to him the most certain and expeditious what tracts of land have been conveyed or disposed of by the Government to other persons than the said William McGarrahan, and for the residue of said land embraced within said boundaries shall issue a patent to the said William McGarrahan, as hereinbefore provided.

And insert:

Cause a survey to be made of the tract of land aforesaid, under and in accordance with the provisions of the act entitled "An act to expedite the settlement of titles to lands in the State of California," approved July 1, 1864, and upon the return and approval of such survey by him it shall be his duty to ascertain, in such manner as may seem the most certain and expeditious, what tracts of land, if any, within the boundaries so ascertained, have been conveyed and disposed of by the Government to other persons than the said William McGarrahan, and for the residue of said land embraced within said boundaries shall issue to the said William McGarrahan, as hereinbefore provided.

Mr. MORRILL. Mr. President, I shall now read the statement made by a special examiner sent out to California to investigate this matter, from which it appears that the records of Monterey County show the transfer by several of the original locators through divers parties to William McGarrahan; and there appears also a transfer to him from the Panoche Grande Quicksilver Mining Company, of New York, of a tract of land of 3,000 acres in a square form containing the Picacho quicksilver mine as near the center of this square as possible; and, finally, there is a transfer from William McGarrahan, dated July 26, 1866, of this same tract of 3,000 acres, including the mines, to sundry persons, for whom and for whose assigns a custodian was appointed.

From the report made by Mr. McDonald it appears that on several occasions one party instructed the other to give a certain amount of anything he might receive for the stock in such company to parties whom he designed to corrupt here in Washington.

In relation to the amendments which have been proposed by me, I ask that the letter I have received from a former Commissioner of the General Land Office, Mr. Burdett, of the firm of Burdett, Thompson & Law, may be read by the Secretary, showing that while McGarrahan undertook by ejectment to get rid of the New Idria Mining Company and failed in court, the title of the New Idria Mining Company has been confirmed by law. Mr. Burdett and his partners are now the attorneys of the New Idria Mining Company. They object to having this large claim made a judgment against the United States, and state that if it be well founded they ought to pay for it. Of course they do not believe there is any equity in it, and the courts have so decided.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Burdett, Thompson & Law, attorneys and counsellors at law. Offices, 925 F street. Post-office box 24.]

WASHINGTON, D. C., *March 21, 1894.*

DEAR SIR:

* * * * * * * *

We are and for many years have been the attorneys of the New Idria Mining Company. The provisions of the pending bill (Senate 341) are so framed as to protect the property and interests of that company from any harm whatever should it become law. Nevertheless the proposals of the bill are such that its passage may result in taking out of the Treasury a great sum of money which, if due at all, should be paid by the company and not by the public at large.

The company objects against being thus put in the wrong and desires us to voice its protest. Through all the years during which, at great cost, the company has successfully combatted the claims of William McGarrahan, it was in fact defending the title of the United States to a tract of the public lands. The company was simply a locator of mineral lands, seeking and eventually obtaining title thereto, under the laws of the United States, in precisely the same manner as all other locators have obtained their title.

They were hindered and delayed in securing their patents by the assertion of the claimant (McGarrahan) that the lands on which their location was made were a part of a Mexican grant, and therefore not public and not subject to disposal under the mineral laws.

The controversies in the courts and in the Department of the Interior in which this contention was met and overthrown, were mainly fought out on the question of the validity of the alleged Mexican grant.

There was and is another question involved which the company most strenuously insists would, if rightly solved, relieve it and the Treasury of the United States from any appearance of responsibility, even should it be finally held that there was a valid grant from Mexico to Gomez, from whom the claimant became the purchaser of an undivided one-half interest.

When the claimant proceeded to have the survey made which, by the pending bill, he seeks to have declared final and valid, the act of June 14, 1860, (12 Stats., page 33) was in full force.

It provided for the making of surveys of private land claims in California under the supervision of the court wherein confirmation was had; for due publication of the fact that such survey had been made, and gave opportunity for objectors to be heard. This was the appropriate act.

But the claimant knew that there had been no final judgment of confirmation in his case, and that the court must therefore have rejected as invalid any survey he presented as not made of a confirmed claim.

He therefore resorted to the act of June 2, 1862 (12 Stats., 410), which, as shown to a former committee of the Senate, he had aided to pass. That act, special and private in character, expressly provided that any survey made under it should be *prima facie* evidence only of the true location of the land claimed or granted. Under that act the interested party selected the location to be surveyed; he furnished such data as he pleased, and withheld such as it was not to his interest to furnish. The evidence is also absolutely conclusive that the deputy surveyor who performed the field work in this case, was furnished with a Mexican sketch map as belonging to the papers in the Panoche Grande or Gomez claim, which never had any connection therewith.

The survey thus made for the claimant has been twice brought to trial. Once in California, where the supreme court of that State held it to be invalid (McGarrahan *vs.* Maxwell, 28 Cal., 75); and before the Secretary of the Interior in 1879, when it was found that the company's mines never were within the limits of the alleged grant to Gomez. (Copp's Land Owner, volume 6, page 71.)

The United States has never had its day in court on this question of the true locality of the Gomez claim. Surely the Treasury ought not to be held to payment until such trial has been had. The printed memorandum herewith suggests an amendment which if adopted will give such trial. It will subject the claimant to such conditions only as every other like claimant of lands under a foreign grant, without a single exception, has been compelled to observe.

Very respectfully,

BURDETT, THOMPSON & LAW.

Hon. JUSTIN S. MORRILL,
United States Senate.

Mr. MORRILL. I now ask that the second amendment I intend to propose may be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend section 3 by striking out all after the word "expediente," in line 14, down to the word "*Provided*," in line 22, as follows:

And that the survey made by the United States surveyor-general for the State of California and approved by said surveyor-general on the 11th day of September, 1862, which survey was approved by the Secretary of the Interior December 29, 1862, and is now on file in the General Land Office, shall be considered as forming part of the lands embraced within said boundaries

Mr. MORRILL. Mr. President, as I have stated, I regard this claim as a stupendous fraud, and I object that a bill should be brought in here which I think every lawyer in the Senate will say is steel-clad in favor of the claimant.

Mr. HUNTON. Mr. President, I shall not detain the Senate by a full argument of the McGarrahan case. It is a question which has been argued over and over again before the Senate, and in the last twelve months has been passed upon twice by a favorable vote of the Senate by quite a large majority; but I can not agree that the venerable and distinguished Senator from Vermont [Mr. MORRILL] shall make the charges he has made in the remarks which he has submitted without saying something in reply thereto.

I suppose if there be one obligation more sacred than another, it is that arising under a treaty between two nations. By the treaty of Guadalupe-Hidalgo, made between the United States and the Kingdom of Mexico, for the empire derived by the United States under that treaty the United States entered into certain treaty obligations.

Among those obligations was one to protect and defend all the property rights which the Mexicans had acquired under the Mexican Government before the treaty and cession were made. So, if the Senate becomes satisfied that Gomez, the assignor of McGarrahan, had a property right in the Rancho Panoche Grande, I take it for granted that there is not a Senator within the sound of my voice who would not hasten the action of the Government of the United States to carry out that treaty obligation and to repair the wrong which has been inflicted upon McGarrahan for the last thirty years. The initial step, therefore, is, did Gomez have a grant from Governor Micheltorena, of Upper California? If he did, then the treaty between the United States and Mexico binds this Government to stand by that prop-

erty right of Gomez and to see that he enjoys it. The fact that he has been kept out of the enjoyment of that right for thirty years makes it all the more incumbent upon the Congress of the United States to see that the wrong which has been done shall be righted, and that speedily.

The initial question, I repeat, is, did Gomez have a grant? The distinguished Senator from Vermont says that the United States passed a law to carry out the treaty obligations and appointed a land commission to go to California and to pass upon questions arising under the grants made by Mexico to her citizens before the cession of that territory to the United States. The distinguished Senator says that the land commission decided that Gomez had no title to this property; but the Senator did not, as he ought to have done, if he will excuse the remark, tell the Senate why that commission did not find a title in Gomez to this land. He knows better than I can tell him that that land commission decided upon evidence before it that Gomez did have this grant; but they decided further that there was no evidence going to show that Gomez had ever taken possession of the land embraced in the grant. For that reason, and that reason alone, the land commission decided against the right of Gomez to that grant.

That action of the land commission established one thing certainly, which has never since been successfully contradicted, to wit, that Micheltorena, who had the right to make the grant, did make the grant to Gomez of the Rancho Panoche Grande. That was established by that commission, and it never has been successfully assailed from that day to this. They decided, however, that not having taken possession under the Mexican grant, therefore the grant was invalid.

About that time the celebrated Frémont case came to the Supreme Court of the United States, involving identically the same questions, in which Frémont proved that his assignor had obtained a grant, but had not obtained possession under the grant. The land commission decided against him as it did against Gomez. Frémont had in the mean time taken the case to the Supreme Court of the United States, and the Supreme Court in that case, followed by a number of other cases of similar character, decided that possession was a condition subsequent, and, therefore, did not invalidate the grant. They gave Frémont the magnificent domain embraced in the grant, and the Frémont case went back to California before the Gomez case came up on appeal to the district court in California. When that case came up in the district court the land commissioners upon evidence had decided that a grant was given, the Supreme Court had decided that possession was not necessary, and so there was nothing to do on the part of the district court of California but to confirm the grant made to Gomez. I state now that the testimony before that commission was the testimony of several witnesses and of a great many documents which bore upon the grant made to Gomez.

Mr. MORRILL. Will the distinguished Senator from Virginia say that there was any grant before the commission?

Mr. HUNTON. I mean to lay before the Senate exactly what the evidence was.

Mr. MORRILL. I ask whether there was literally the grant purporting to be from the governor?

Mr. HUNTON. I will answer the Senator with a great deal of pleasure and, I trust, with entire candor.

When the American forces under Frémont invaded Upper California and took possession, they took possession of the archives of the government in the custody of Governor Micheltorena, and it was for that reason that all the original papers under which Gomez claimed could not be produced before the land commission.

Mr. MORRILL. But will the Senator, if he will allow me to again interrupt him, say that Gomez was a man at all likely to leave his private papers where they could not be obtained? Would he not take care of them when he went back into Mexico, or when he returned would he be likely to have left his papers in the hands of others?

Mr. HUNTON. The distinguished Senator said that Gomez was an officer of the government, and that this was a government grant.

Mr. MORRILL. He was a clerk in the commissary department.

Mr. HUNTON. And it was upon that ground mainly that Gomez got his grant of the land. He was an officer of the government of Governor Micheltorena; he was there as a part of that government, and his private papers were there with him, and the proof of it is that a large portion of the private papers of Gomez relating to this grant was afterwards found among the mass of papers taken possession of by the American forces on that occasion.

Mr. MORRILL. Gomez was merely a clerk and not an officer of a military character, as I understand.

Mr. HUNTON. Mr. President, I state again that no lawyer has boldness enough, in my judgment, to undertake before a court or a jury to assail successfully the evidence upon which the land commissioners found that there was a grant of the Panoche Grande to Gomez. This case was reported favorably by a committee of the Senate in the last Congress, and has been reported again by a committee at this session, and I beg leave to call the attention of the Senate to the evidence touching this grant:

I. The deposition of José Castro, who filled the office of political chief of California, and was also prefect and commanding general, which states that Gomez, with whom he was well acquainted, desired him (Castro) to inform him (Gomez) of a suitable place to petition for or secure, and that he recommended the Panoche Grande.

There is the origin of the desire of Gomez to have the Panoche Grande.

II. The petition of Gomez to Governor Micheltorena, March 13, 1844, requesting a grant of the rancho.

The recommendation of Castro was followed up by the petition, which was found amongst the papers captured by Frémont from Micheltorena.

III. A marginal entry made by the governor, March 14, 1844, on the petition of Gomez, that the proper secretary should cause the necessary investigations to be made and make report.

IV. A declaration of the same date, by Manuel Jimino, the secretary, that the petition of Gomez had been transmitted to the first justice of San Juan, in order that he should report what would be just in the matter.

V. The report of the justice, dated March 20, 1844, stating that the land was vacant, and that there was no reason why the same should not be granted.

All that is record evidence found after Gomez had filed the petition before the land commission.

VI. A map of the land, filed in pursuance of the justice's report.

VII. The affidavit of Valentine Gajiola, employed in the Presidial Company of Monterey in 1848, showing that Gomez applied to him to make a map of the rancho; exhibited to him the title paper duly executed, and that he made the map as desired.

VIII. The deposition of José Abrigo, the head of the commissary department, and resident in Monterey, proving that Gomez was a clerk in his office, and that, in 1845, he (Gomez) showed him a title to the land named, together with a map of the property; that the papers were signed by the governor and secretary, and that he was well acquainted with the signatures of these officers, having often seen them write; that the archives in which these papers were passed into the possession of the American Army July 7, 1846.

IX. The testimony of Abrigo, Dr. James L. Ord, a surgeon in the United States Army, and others, proving the destruction of the archives in Monterey, and the fact that such destruction is generally admitted.

X. The deposition of Oscar De Grandé Barque, stating that Gomez, in 1845, showed him title papers for the rancho, and proposed a sale of the land to him.

XI. The affidavit of J. Marno Bonilla, secretary of the superior tribunal of justice in Monterey, stating that Gomez, in 1841, applied to him for stamped paper, to be used in procuring a title to lands; and that in 1845 he saw memoranda of grants of land, among which was that of Panoche Grande to Gomez.

I beg the Senator from Vermont to note the fact that this witness swore before the land commission that he had gone to the records of Micheltorena, and there among the land grants recorded in the proper book he found the grant of the Rancho Panoche Grande made to Gomez.

XII. The affidavit of Matias Moreno, secretary of state of Upper California, stating that in 1846 he knew Gomez had obtained a grant for Panoche Grande, and that he saw the grant.

XIII. The affidavits of Maricio Gonzales, José Fernandez, Gabriel de la Torre, Joaquin S. Escamilla, and others, tending to prove the existence of the grant.

XIV. The statement of E. L. Goold, esq., before the Judiciary Committee, that he believed the petition of Gomez was a genuine document, and that he based his opinion on his knowledge of the facts and circumstances connected with the case of said Gomez against the United States, which involved the validity of the grant upon which this cased is based. Mr. Goold was of counsel in said case in opposition to the grant, and appeared as a witness before the committee on behalf of the opposing parties.

XV. The grant by Governor Micheltorena, in the year 1844, to Don Julian Ursua, of the tract known as the rancho "La Panoche de San Juan and Los Carrisalitos," wherein the tract is described as being bounded on the south by the mine of "Los Aguilas" and "La Panoche Grande."

XVI. Statement of Henry D. Cooke, esq., that when he was in California, in the years 1847-'48-'49, it was common report that Gomez had received a grant of a rancho near San Juan from the Mexican Government.

XVII. In 1845 the board of land commissioners, at the hearing on the evidence, as required by the laws of the United States, decided that Gomez had given satisfactory proof of the existence and loss of the grant.

With that accumulated testimony before the Senate of the United States, I ask is there a Senator within the sound of my voice who doubts for one moment that Gomez had a grant from Micheltorena for the Rancho Panoche Grande? I say the man who doubts it is very hard to convince indeed.

Mr. President, starting out with the assumption that Gomez had this grant, which has been recognized in a hundred cases by the Supreme Court of the United States to be a property right and to come under the protecting privileges of the treaty between Mexico and the United States, I ask, no matter what delay has happened, is it not the duty of this Government to hasten the time when justice shall be done to Gomez and his assignee?

Mr. President, if it be so (and it looks to me like it was un-

questionable and could not really be questioned) that the Mexican Government did give to Gomez a grant of the Panoche Grande, is it not the duty of the United States to hasten to repair the wrong which has been done him and his assignee in the last thirty years? Nay, more; no matter what decisions have been made, no matter how many adverse decisions of the Supreme Court have been made, if the Senate is satisfied that a grant was made protected by the treaty, it is the duty of the legislative department of this Government to override everything of that sort and do justice to these parties under the treaty obligations of the United States.

But the distinguished Senator from Vermont says the Supreme Court have decided that this case is not right. I believe he went so far as to say they had called it a stupendous fraud. I have not time, in the limit which I have set upon the remarks I shall submit, to go into a decision of the Supreme Court of the United States in these cases, but I desire to say one thing.

Mr. MORRILL. I merely said it was so given in the statement of the case in the Supreme Court. I did not say the Supreme Court had so decided.

Mr. HUNTON. As I said a while ago, if we have started in this case aright by the establishment of a grant to Gomez, then no matter what the Supreme Court have said, no matter what anybody has said, there is a duty resting upon the United States Government under its treaty stipulations to carry out the obligation of that treaty and give to Gomez and his assignee the right acquired by the grant from Mexico.

I agree that the Supreme Court of the United States did decide this case against Gomez. I beg to state here, without going into any criticism of the Supreme Court, because that would hardly be tolerated in this case, that if the Supreme Court decided the various questions that came before it in this case right, then they have decided the same questions wrong in a hundred other cases. I think I can pledge myself, sir, to demonstrate that to any fair audience in the land. But has nobody else decided this case except the Supreme Court? Has no other tribunal having equal jurisdiction, and, when it takes jurisdiction, exclusive jurisdiction—aye, exclusive of the Supreme Court of the United States—decided this case, and decided it in favor of Gomez, the grantee?

Sir, after this case had passed through the district court in California by an appeal, which is always taken in such cases, it went to the Supreme Court of the United States. At that time Hon. Jeremiah Black was Attorney-General under Mr. Buchanan's Administration. It was customary in such cases that the Attorney-General should examine them to see whether he would prosecute the appeal. On a certain occasion, the date of which I can not now give, Gomez and his counsel, or McGarrahan, who had then become the assignee of Gomez, and his counsel on the one side, and the United States and its counsel on the other, appeared before Attorney-General Black and argued this case in all its features. Upon solemn argument before the Attorney-General of the United States he made a decision in the case, deciding that there was nothing in it upon which an appeal could be prosecuted. He entered in the minutes of his book that he kept in the Attorney-General's office a statement to the effect that there was nothing in the case, and ordered it dismissed. Thereupon the counsel for McGarrahan, with the approbation of the Attorney-General, went into the Supreme Court of the United States and entered a dismissal of the appeal, and a mandate was sent down to the court below, ordering that court to carry out its original decree confirming the grant to Gomez.

Mr. President, there is no lawyer in the land who, if consulted upon the title of McGarrahan to the Panoche Grande, after it had gone through the district court to the Supreme Court of the United States and there the appeal had been dismissed and a mandate sent down directing the original decree to be carried into execution, would not have told William McGarrahan that he had as good a title to that property as he had to the coat upon his back. Just before that time the New Idria Mining Company had come in—a parcel of squatters who had no more right or interest in the property than has the distinguished Senator from Vermont, or any other Senator on the floor of the Senate. They came in there, and from that day to this it has been a fight, not between the Government of the United States and McGarrahan on the one side or the other, but it has been a fight between McGarrahan, the claimant of the property, and the New Idria Mining Company as squatters upon property which one of their leading men said in an affidavit in the book which the Senator has before him they knew belonged to McGarrahan.

Sir, there is a limit to all things in law, and among the rest there is a limit to the time in which a man can take an appeal to the Supreme Court of the United States. That time is five years. The five years elapsed, and it was then that McGarrahan asked that his survey should be made according to the boundaries of the property he had acquired by grant. But the Land Department, always the enemy of McGarrahan, and from which and the Attorney-General's office together thirty-five different men have departed to enter the service of the New Idria Mining Company as their counsel——

Mr. GEORGE. What is the Senator's statement?

Mr. HUNTON. I say McGarrahan could get no survey in the ordinary mode, and about that time the Congress of the United States passed a law authorizing each claimant of a grant to make a survey for himself, provided he would deposit the money with the Government in order to pay the expenses. McGarrahan has been charged (I do not think the Senator from Vermont made the charge to-day; I believe he did on a previous occasion, although I am not sure of it) with lobbying that bill through in order to cover his case; and the proof in that book on your desk shows that McGarrahan was in California at the time the law was passed.

Mr. MORRILL. I did not say anything about that matter.

Mr. HUNTON. The law was passed at the instigation and suggestion of a man by the name of McGuire, and McGarrahan was in what was then the Territory of California. But the bill was passed. It became a law. The surveyors were instructed under it, and under the instructions issued from the Land Department here Gen. Beale, the surveyor-general of that country, at the request of McGarrahan, had this land surveyed. Is any Senator here bold enough to attack the good faith and integrity of Gen. Beale, a man who in the matter of integrity stood as high as any Senator on this floor? He made the survey. It was forwarded to this city and filed in the Land Department. The Land Department, filled with the enemies of McGarrahan and the paid employés of the New Idria Mining Company, refused to issue a patent to him.

Mr. GEORGE. The Senator from Virginia made a statement just now about some thirty employés in the Land Department afterwards becoming employés of the New Idria Mining Company.

Mr. HUNTON. Yes, sir.

Mr. GEORGE. I should like to hear the Senator make a little fuller statement on that point than he has made. Will he tell us where and when it occurred and give the details?

Mr. HUNTON. We have the evidence in that book. [Indicating.]

Mr. GEORGE. Will the Senator give us his statement?

Mr. HUNTON. There were thirty-five men belonging to the Land Department and the Attorney-General's Office (I am including both of them) who left their positions in their respective Departments and entered the service of the New Idria Mining Company.

Mr. GEORGE. In what year?

Mr. HUNTON. I have a very poor recollection as to dates, but I will ask the Senator from Colorado [Mr. TELLER] when it was that those men left the Land Department and the Attorney-General's Office to enter the service of the New Idria Mining Company.

Mr. TELLER. One right after the other as the cases proceeded.

Mr. HUNTON. Certainly. It was between 1855 and 1861 or 1862.

Mr. TELLER. Eighteen hundred and fifty-eight.

Mr. GEORGE. Was that during the time the claim of McGarrahan was being prosecuted before the Department?

Mr. HUNTON. Yes, sir; it was during that very time. When it became apparent that the Land Department was playing false to McGarrahan he carried the case before the Secretary of the Interior. I beg leave to say to the distinguished Senator from Vermont that where a Secretary of the Interior has a right to take hold of a case, he has as much right to take it up to the exclusion of anybody else as the Supreme Court of the United States has a right to take it up to the exclusion of all other courts. Secretary Smith took jurisdiction of this case. It was argued most elaborately by counsel both for and against McGarrahan—I was about to say for the Government and for McGarrahan—but it was argued for McGarrahan and for the New Idria Mining Company. It was thoroughly and elaborately argued before Caleb Smith, who was himself one of the fine lawyers of the country, and upon elaborate argument he decided that the time had expired in which an appeal to the Supreme Court of the United States could again be taken. He took hold of the case, took jurisdiction of it, passed upon the survey, confirmed the survey made by Gen. Beale, and ordered a patent to be issued.

McGarrahan had not only obtained a confirmation of his title by a dismissal of the case from the Supreme Court of the United States, but he had secured a confirmation as potent from the Secretary of the Interior as that from the Supreme Court of the United States.

The Land Department still would not issue the patent under the conspiracy which existed in the Land Department. Mr.

Secretary Smith about that time went out of office and was succeeded by Secretary Usher, and his parting request to Usher was to take particular care of that case which he had decided. Mr. Usher took the case up and heard it reargued, and upon a reargument as elaborate as the first, he confirmed the opinion of his predecessor and ordered a patent to issue.

But it did not issue. It did not issue because the Land Department was filled with men in the pay of the New Idria Mining Company. At last as the *dernier ressort* the counsel of McGarrahan, who was then Gen. Daniel E. Sickles, carried it before the President of the United States, Mr. Abraham Lincoln, and he heard elaborate argument from both sides. After the President had heard the argument he was a good deal bothered about it, and he met Thad. Stevens. I am talking now from the evidence as it appears here before me. He said, "Mr. Stevens, I am very much bothered about this McGarrahan case. One party says McGarrrahan ought to have a patent for his land and the other says he ought not. What am I to do?" "Why," says Thad. Stevens, "make up your mind and sign the damned thing, if you think it is right." A short time afterwards the relative and private secretary of Mr. Stevens met the President, and Mr. Lincoln said, "Tell Mr. Stevens the damned thing is signed."

I might stop there and rest the case upon that single particle of testimony to show that the President of the United States actually signed the patent securing to Mr. McGarrahan as the assignee of Gomez the full title to the Panoche Grande. But that is not all.

Mr. Stoddard, the private secretary of the President to sign land patents, was examined. He swore positively that he signed a patent granting to Gomez, the assignor of McGarrahan, this very property; that he recollected the transaction distinctly; that he signed it and forwarded it back to the Land Office.

Now, what became of it there? It was never more heard of from that time, which was 1863, until 1870. The Land Department suppressed it. In 1870 Mr. McGarrahan heard it was suppressed. Mr. McGarrahan's counsel, Gen. SICKLES, was at the front in the war and Mr. McGarrahan was in California, and therefore he did hear of it before.

But as soon as he heard of it he went and hunted it up, and he found the skeleton of a patent on the record book, without the signature of the President, without the seal of the Land Department, and without the counter signature of the recorder. They took testimony, and they demonstrated, I will say even to the satisfaction of the distinguished Senator from Vermont, that in the Land Department, filled with the bandits of the New Idria Mining Company, those persons had deliberately taken away the two last leaves of the patent and substituted two others in their stead. Thus the signature of Lincoln did not appear and the seal of the Land Department did not appear. But the testimony taken shows that when the patent was first put upon that record it was a complete patent, examined, made to conform to the original patent signed by the President, and it had been changed and the signatures of the President and the recorder were gone. All this had occurred.

McGarrahan in the meantime was fighting his case before the two branches of Congress, with a decision of the Supreme Court of the United States in his favor, with a decision of two Secretaries of the Interior in his favor, with a decision of the President of the United States in his favor, all of whom had as complete jurisdiction over the case and whose decision was as final as the decision of the Supreme Court of the United States.

Mr. President, this is the way Mr. McGarrahan has been treated. I shall not stop to go into the details.

In the meantime a man by the name of Ozier was judge of the district court in California, and he became a violent partisan of the New Idria Mining Company, I suppose for reasons sufficient unto himself. He set aside the order confirming the grant, after he had made it more than five years preceding. When the case had gone to the Supreme Court of the United States and had there been affirmed by dismissal of the decree and the issuing of a mandate, Judge Ozier undertook to set aside his own decree. I need not tell the lawyers of the Senate that no judge on earth, no court under the canopy of heaven, has the right to interfere even with his own orders after the term in which the order was made is ended. But Judge Ozier, more than five years after the rendition of the decree, set it aside and ordered a new trial.

About that time the good Lord took a liking to the judge, and his successor was appointed, who, I undertake to say here, was not only a fine judge but a man of the highest character. The matter was brought to his attention, and he without the slightest hesitation set aside the order of his predecessor giving a new trial, because it was no more than a void order upon its face.

From that order of Judge Haight, the successor of Judge Ozier, the New Idria Mining Company, through the attorney for the United States, took an appeal to the Supreme Court of the United States. That is the way it got into that court the second time. I said awhile ago, that if the Supreme Court of the United States has decided the questions arising in that case rightly, it has decided a hundred others wrongly. I do not care which dilemma you take. If it has decided one hundred others wrongly, it is not entitled to the confidence of a respectable court. If it has decided the others rightly, and this wrongly, the wrong ought to be corrected all the more speedily.

But the case went up to the Supreme Court not upon the record obtained in the ordinary way, but the record upon which the appeal was taken was made out here in Washington and sent to California. It did not go to the district court of the district in which the court sat, which decided the case, but to another district court, and there was certified by the district attorney without any examination and it came to the Supreme Court on that order. A motion was made to dismiss the case because there had been no notice given when the law required it, and the Supreme Court had decided it in like cases a hundred times. Another motion was that the case had not been put upon the docket at the first term after the appeal was taken, which the law required, but the court overruled these motions.

When the Senator from Vermont says the court pronounced the case a fraud, I beg leave to call the attention of the Senate to the fact that it pronounced it a fraud upon the written affidavit of Pacificus Ord. We may stop a moment to consider that phase of the question. In the first place, there is no lawyer who hears me who does not know that a case in an appellate court must be decided upon the evidence in the court below. The affidavit of Pacificus Ord was not in the case in the court below. Now, what was in the affidavit of Pacificus Ord?

Mr. GEORGE. Does the Senator from Virginia mean to say that the Supreme Court of the United States decided a case upon an *ex parte* affidavit made after the decision in the court below and which was never before that court?

Mr. HUNTON. The Supreme Court makes that the principal ground for pronouncing this case a fraud.

Mr. GEORGE. Does the Senator wish to be understood as saying that the Supreme Court of the United States took jurisdiction of a case upon a record coming from a different court than the one in which the judgment was rendered?

Mr. HUNTON. Oh, no; I did not say that. I say the record purported to come from the same court, but it was made up in Washington and certified to by a district attorney who was the district attorney in another district than that in which the court sat which tried the case. Now, as to the affidavit.

Mr. DOLPH. No certificate of the district attorney authenticated the record, I suppose?

Mr. HUNTON. He is bound to do it under the law. He did certify it, but it was not a correct title.

Mr. DOLPH. And that was the record which came into the Supreme Court?

Mr. HUNTON. Yes, sir.

Mr. DOLPH. I never before heard of such a thing.

Mr. HUNTON. We have the proof of it here.

Mr. DOLPH. I never before heard of such a thing.

Mr. HUNTON. Now, I wish to say a few words as to the affidavit of Pacificus Ord. Who was he? From the remarks of the Senator from Vermont it would be supposed that Pacificus Ord was a scoundrel and a cheat. Such is not the fact. He was a brother of Gen. E. O. C. Ord, than whom no man in the Federal Army stood much higher. When he went into the case for Gomez before the land commission he did it upon a contingent fee of a part of the recovery. He lost the case before the land commission for want of proof of possession, and took the case to the district court of the United States. Before it was reached upon the docket of the district court the decision in the Fremont case took place, and there was no longer any reason why the district court should not reverse the opinion of the land commission and confirm the grant to Gomez.

Pacificus Ord did not conceal the fact that he was interested in the case. If he had concealed the fact that he was interested in the case and had surreptitiously obtained the confirmation through the decision of the land commission reversed, then he would have been open to all the charges made by the distinguished Senator from Vermont. But upon the contrary he rose in his place in the court and said: "I have an interest in this case. I have informed the Department of Justice in Washington that I am interested in this case and have asked them to appoint a man to attend to this identical case, which they have not done. Therefore I must ask the court to let somebody else take my place as district attorney here for this particular case."

It was done, sir, upon the decision, and in the Fremont case there could be but one result, and that was a confirmation of the grant of the Government of Mexico to Gomez. Was there anything wrong there? Who dare rise in his seat here and pronounce the conduct of Pacificus Ord fraudulent and dishonest? He did

all he could to relieve himself of the position in which he found himself by reporting it to the court in person and to the Government in Washington by letter, and asking to be relieved of it, and it was not done. As the last thing that was left to him he turned the case over to somebody else to represent the United States. It was done; but of course, under the circumstances the result must have been a confirmation of the grant.

Mr. GEORGE. Ord did not in fact undertake to represent the United States in the case?

Mr. HUNTON. He did not represent the United States.

Mr. GEORGE. He declined to do it?

Mr. HUNTON. He declined to do it.

Mr. GEORGE. And another man was appointed?

Mr. HUNTON. Another man did represent the United States. The other man was named Hartman, and he afterward became a violent partisan of the New Indria Mining Company and undertook to swear he did not; but the testimony is perfectly overwhelming that not only did he represent it, but he received pay for it. His receipt is published in the book in the Senator's desk, another copy of which I have in the cloakroom.

In that condition of affairs the case was in the Supreme Court of the United States, and Mr. Justice Clifford (than whom I will say here with all the pleasure in life I have scarcely ever known a better man), became, I was almost about to say insane with prejudice against the McGarrahan claim. But whether so or not, he seemed to have set out with a determination to crush the rights of this grantee of the Mexican Government *per fas aut nefas*. I do not mean to say he did it maliciously and maliguantly, but that was the result. He seized hold of the affidavit of Pacificus Ord and said: "There is corruption between the grantee and his counsel by which a corrupt and fraudulent combination is made to carry the thing through the courts and get a confirmation of this grant."

Suppose that was true. Suppose Judge Clifford had a right to say so, I ask you, sir, as a lawyer, and you, and you, when a case is decided and there is a suggestion of fraud, especially in an affidavit that was not before the court below, what is the duty of the court under such circumstances? Beyond all peradventure to send the case back, that the charge of fraud may be investigated properly in the court below, and not decide it upon an *ex parte* affidavit. But no; the court hastened to seize hold of the affidavit of Pacificus Ord; it pronounced the combination between him and Gomez fraudulent, and instead of sending the case back for inquiry, it pronounced the grant fraudulent and forever decided, so far as that court could go, against the validity of the Mexican grant to Gomez.

Mr. President, if I have told the truth, and I have tried to tell it, or if I have approximated the truth, should the two Houses of Congress hesitate to give this old man a new trial, especially when the Supreme Court has decided one way and two Secretaries of the Interior, equally omnipotent in the premises, and the President of the United States have decided another way? Ought there to be any hesitation on the part of the Congress of the United States to give this relief to a claimant who has spent the years of his life in advocacy of a claim he not only believes but knows to be right?

Mr. GEORGE. Before the Senator from Virginia concludes I should like to call his attention to a very important question in the case, and I shall be glad to have him explain it. The bill provides that as to that part of the grant, if it shall be found to be a good grant, which the United States has alienated—sold to somebody else—the United States shall pay for the value of the minerals taken from the land thus alienated, less the expense of taking them. I should like to know the equity of placing that burden upon the United States, instead of upon the grantee who got the land.

Mr. HUNTON. The Senator means the trespasser who got the land. The grantee did not get it. The Senator means the trespasser?

Mr. GEORGE. I mean the trespasser or the third party. I should like to know the equity of making the United States responsible for the minerals extracted.

Mr. HUNTON. I will answer my friend now. Who enabled the trespasser to get the minerals? Why was the New Idria Mining Company allowed year after year, before a patent was obtained for a portion of the property by the New Idria Mining Company, to put McGarrahan at defiance and coin the very blood of McGarrahan into money to fight his claim? It was because the United States Government did not stand by its treaty obligations. Why was Frémont enabled to put at defiance trespassers of a like character upon his grant? Because in the Frémont case the Government stood by its pledged obligation and enabled him, by making a title to his land, to defy squatters and trespassers and to assert his own right to the property which he had thus acquired.

I do not say—and I may just as well come to that now—that McGarrahan is entitled to those minerals. If he is not he will not get them. But I do say that he has a right to have that question tried and determined, and if he was entitled to the minerals, and because the Government of the United States did not stand by its treaty obligations he has lost those rights, the Federal Government is bound to make it good, or else violate the treaty obligations it entered into.

Mr. FAULKNER. Will the Senator from Virginia permit me to ask him a question?

Mr. HUNTON. Certainly.

Mr. FAULKNER. The Senator says he does not claim that the quicksilver mine is within the grant of McGarrahan, but he is in favor of allowing that question to be tried. I ask him whether by the very terms of the pending bill——

Mr. HUNTON. My friend has not stated my position rightly. If he wants me to fortify what I said, I shall be glad to have him state what I did say. I have not come to the question of the survey. I have not even hinted at it. I am now talking about the abstract right of a grantee of land under the Mexican Government to be entitled to the minerals upon the land.

Mr. FAULKNER. That question I am not going to discuss.

Mr. HUNTON. I am coming to my friend's question presently.

Mr. FAULKNER. I understood the Senator to say that he wanted the question as to the right of these parties decided. I wish to ask him whether by the terms of the bill he does not withdraw from the decision of the court the question as to the boundaries of the grant, if the grant itself is found by the court, and make this private survey conclusive on the court?

Mr. HUNTON. My friend is a little impatient. I believe the rule is a very good one not to attempt to cross a bridge until you get to it. I have not come to that point yet. I am coming to it. I am now on the question as to whether, granting that these mines are within the grant, McGarrahan is entitled to the minerals extracted from what is unquestionably within the boundaries of his grant. As I said a while ago, I do not positively aver that the minerals passed with the grant. I have a very decided opinion, but the whole question as to whether the minerals did pass with the grant is left to the decision of the court with the right of appeal to the Supreme Court of the United States. If they did pass, and McGarrahan has lost his minerals by reason of the neglect of the United States to carry out its treaty obligations, ought not the United States Government to indemnify him to some extent? If McGarrahan is not entitled to them there will be no claim for them on his part.

Mr. GEORGE. Will the Senator from Virginia allow me to ask him a question?

Mr. HUNTON. With pleasure.

Mr. GEORGE. I desire to know whether the Senator thinks the United States ought to pay for the minerals which these trespassers, as he calls them, took from the land of McGarrahan? Suppose McGarrahan establishes his title. The Senator says in that case the Government ought to pay for the minerals. I should like to know upon what ground he thinks the United States ought to guarantee any man who has dealings with the United States against the fraud or neglect of the officers of the United States. Is that the Senator's idea?

Mr. HUNTON. I shall endeavor to explain it.

Mr. GEORGE. I am having trouble on that point. I should like to have it explained and discussed.

Mr. HUNTON. As I said a while ago, if the failure of the United States Government to stand by the treaty enabled the New Idria Mining Company to keep McGarrahan at arm's length while they were extracting the treasure from underneath his land, then I ask the Senator from Mississippi if it would not be right for the Government, having failed to stand up to its treaty obligations, to make some indemnity?

Now, I beg to say another thing. McGarrahan has time and again notified the Federal Government to bring suit against the New Idria Mining Company, one of the richest companies on this continent, to recover the value of the quicksilver taken out of the mine. He gave notice not only in that form, but in the bills which he has had pending before both Houses of Congress he has claimed the minerals, and he notified the Government to make the New Idria Mining Company pay for them. He could not sue because he had no title by patent and the Government withheld it. But the Federal Government could sue. McGarrahan notified the Government to sue. The Federal Government can sue to-morrow, and I beg my friend from Mississippi to bear the fact in mind that the Federal Government can sue the New Idria Mining Company, a wealthy corporation, having in it in some shape or form a vice-presidential candidate. It can still sue the New Idria Mining Company because the statute of limitations can not be pleaded against the Government. The statute can be pleaded against McGarrahan.

Mr. FAULKNER. Does not the Government protect them?

Mr. HUNTON. No, sir; it protects them so far as the company got a patent to the land from the date of the patent; but this was all done before that time.

Mr. TELLER. Will the Senator from Virginia yield to me a moment?

Mr. HUNTON. Certainly.

Mr. TELLER. I wish to say to the Senator from Mississippi that there is no assumption in the bill that the Government is liable in any degree or in any manner for any amount. On the question first submitted, having found that the grant is a valid and legal grant and that it was properly transferred, the question is then submitted under the patent, if the patent had issued to McGarrahan would he have been entitled to the mineral?

That is a mooted question. If the court should decide that in favor of McGarrahan then the court is directed to inquire what has been the value of the mineral taken out. There is no judgment rendered. There is no assertion that the Government will then be liable to pay. That is a matter left entirely to the question of law which the Senator has propounded, which will come in play if there should be an attempt at any time then to collect from the Government, which, of course, could only be done by a voluntary payment on the part of the Government.

Mr. GEORGE. The court will find the facts and certify those facts to Congress.

Mr. TELLER. Yes, that is all there is of it. They are to certify both the law and the fact. I was coming to that point.

Mr. DOLPH. I am a little curious to know how the right of the mining company to minerals mined before the patent issued differs from the right to those mined afterwards. I suppose the fact is that a mining company can work a mine for years and be entitled to the mineral before a patent may be issued.

Mr. TELLER. If the Senator will allow me, I will say there is no question about the right of the New Idria involved here in any shape or manner. Without this proposed act or with it their rights remain precisely as they are.

Mr. DOLPH. The Senator from Virginia was saying that the Government has a right to sue for the minerals, and a distinction was drawn between minerals mined after the patent and those mined before. I say the law is, I understand, that a mining claim may be properly worked and the claimant is entitled to minerals long before the patent is issued.

Mr. TELLER. I do not think there is any distinction, and the question whether the Government may collect or not is not involved in the bill in any shape or form.

Mr. HUNTON. I may as well state here what my friend, the Senator from Colorado, has partly stated. Those of us who have examined the bill, reported after deliberation by the Judiciary Committee, understand, and we are obliged to understand, that there is not a dollar appropriated out of the Treasury of the United States to pay McGarrahan or anybody else, but the questions are referred to the court to determine what his rights are in the premises. The court reports its decision to the two Houses of Congress, and the power of Congress to give a discharge to the Government in whole or in part is retained according to the terms of the bill. So all the bill does is to refer the matter to court with a direction that the court shall report the facts and the law of the case to the two Houses of Congress.

I have consumed more time than I intended, and I beg to say that I shall add but little more, and that will be upon the two amendments proposed by the Senator from Vermont [Mr. MORRILL].

The first is to strike out the survey; and there is where the question of my distinguished friend from West Virginia [Mr. FAULKNER] applies. He wants a new survey made. Now, why, Mr. President? The survey was made by Gen. Beale. It came to the Department of the Interior and was passed upon as a proper legal survey by Mr. Caleb P. Smith and Mr. Usher; and it was passed upon by the President of the United States as a proper survey after full argument. Each of the Secretaries and the President of the United States having confirmed the survey made in this case, I ask why in the name of common sense subject this claimant to the delay and expense of going to the Pacific coast and engaging in a survey again?

Aye, more, Mr. President. That is not all. When this question of survey was up before either one House or the other, the Commissioner of the General Land Office, under the direction of the Secretary of the Interior (and that Commissioner was Mr. Burdett, who soon afterwards became the counsel of the New Idria Mining Company), sent a commission to California with full instructions and full information on the subject to ascertain whether the survey was properly made or not; and that commission reported that the survey was correct. I ask why, in the name of common sense, subject this claimant of thirty years to the expense of a new survey when the old survey has been passed upon by two Secretaries, the President of the United States, and a commission sent out from the Land Office?

Mr. FAULKNER. If the Senator from Virginia will permit me, I will answer the question why I think it ought to be passed upon. One of the disputed questions between these litigants, and always has been, is as to the boundaries of the land. The evidence shows, according to my recollection, that there is a difference of 40 miles between them as to the proper boundary. If this survey is taken as conclusive by the court it brings the quicksilver mines within the limits of the supposed grant. If, on the other hand, the contention is sustained as correct by a resurvey it leaves the quicksilver mine entirely outside of the supposed grant. Therefore the question of a new survey involves the entire question as to what would be the liability or the equitable rights of this party as between himself and the United States Government arising from the taking of the minerals from the land.

I want to say further, as to any litigation in the State of California in which Mr. McGarrahan himself was a party, the supreme court of that State has held in two decisions that this very survey was not binding upon the Government; that it was not binding upon any third party; that it was a mere private survey of Mr. McGarrahan himself, and therefore should not bind anyone but himself.

Mr. HUNTON. The two Secretaries and the President decided that it was binding and was a survey by the Government. I agree to what my friend says, that there is some confusion about the testimony in regard to the boundary, but I can explain why it is so, and if he will listen to me he will understand it.

Now, we will take that square [indicating] right over the Chair. Governor Micheltorena granted to Gomez 4 square leagues to be taken out of that square. That square contains some 40 or 50 square leagues. According to the decisions of the Supreme Court, especially in the Frémont case, a man can go anywhere upon that square and get his 4 leagues. Frémont first located his 4 square leagues by the seashore. Then he became dissatisfied and pulled up stakes and selected 4 square leagues on the mountain, where he found his mines. So with this grant to Gomez, he had 4 leagues out of that larger square. The square was the matter bounded in the grant. If you locate the 4 square leagues up in the left-hand corner, there at the top, you put it very near the next general division of that country; but if you put it near the square below, on the right-hand side, it is probably 50 miles from the other. That is the reason why this apparent confusion occurs; but when a person becomes familiar with the facts of the case it is all reconciled and it is clear enough.

Mr. FAULKNER. With the permission of the Senator from Virginia, when he comes to Congress and asks that the rights of the United States and of these parties shall be settled by opening up a decision of the Supreme Court of the United States which was rendered in favor of the Government, is it not fair and just that all the facts which are material in the case should be honestly and fairly submitted for the adjudication of this tribunal, and not select a very material fact in the dispute and make that fact conclusive upon the court?

Mr. HUNTON. The Supreme Court had nothing to do with the survey in this case. Opening up the decision of the Supreme Court does not open up the survey. It is a wholly different and independent question. I say after that survey has been made by the surveyor-general of California, confirmed by two Secretaries of the Interior and the President, it would be a hardship upon this old man to require him to have another survey made.

Another objection made by the distinguished Senator from Vermont and embodied in one of his amendments is to strike out all that portion of the bill which admits as evidence affidavits, depositions, surveys, etc. Now, why was it necessary to put that provision in? Because the United States Government has failed in its treaty stipulations until the witnesses are dead. Will the United States Government take advantage of its own laches and its own wrong to deprive this man of his rights because by the delay occasioned by the United States Government his witnesses have died?

But, Mr. President, there is another question to be considered. When you come to see what evidence will be admitted under that provision of the bill you will find (and the Senator from Vermont no doubt has already found) that it admits two affidavits and two depositions on behalf of the United States where it admits one for McGarrahan.

I say, therefore, it would be not only unjust but a very great hardship to confine McGarrahan to the testimony of living witnesses who would be obliged to speak to transactions forty years old, when nearly all of the witnesses have died in the meantime. So I say that this provision of the bill is not only just but indispensable to get at the true rights not only of McGarrahan, but of the United States.

Mr. President, I am done. I have detained the Senate much

longer than I expected; but I beg to say in conclusion that I believe McGarrahan has as good a right to the Panoche Grande as any man has to any given piece of property he owns, and I trust the Senate will pass the bill.

Mr. VILAS obtained the floor.

Mr. MORRILL. Does the Senator from Wisconsin desire to go on to-night?

Mr. VILAS. I would rather not.

Mr. MORRILL. There are so few in the Senate that if no one objects I will move that the Senate adjourn so as to allow the Senator from Wisconsin to take the floor to-morrow morning.

Mr. VILAS. Very well.

Mr. PUGH. With the consent of the Senator from Vermont, I will move that the Senate proceed to the consideration of executive business.

Mr. MORRILL. Certainly.

Mr. PUGH. I make that motion.

The PRESIDING OFFICER (Mr. CALL in the chair). The Senator from Alabama moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 29, 1894, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 21, 1894.

POSTMASTERS.

George R. Nixon, to be postmaster at Ashland, in the county of Hanover and State of Virginia.

Norman A. Seymour, to be postmaster at Mount Morris, in the county of Livingston and State of New York.

F. R. McCarthy, to be postmaster at Jefferson, in the county of Greene and State of Iowa.

Frank R. Scott, to be postmaster at Elkton, in the county of Cecil and State of Maryland.

James W. Moore, to be postmaster at Henderson, in the county of Henderson and State of Kentucky.

John Mason, to be postmaster at Morganfield, in the county of Union and State of Kentucky.

Norman W. Rose, to be postmaster at Geneseo, in the county of Livingston and State of New York.

Executive nominations confirmed by the Senate March 22, 1894.

POSTMASTERS.

Duane W. Adams, to be postmaster at Sherman, in the county of Chautauqua and State of New York.

A. J. Aubrey, to be postmaster at Fulton, in the county of Oswego and State of New York.

William H. Cotter, to be postmaster at Union Springs, in the county of Cayuga and State of New York.

Mason S. Moreno, to be postmaster at Key West, in the county of Monroe and State of Florida.

Executive nominations confirmed by the Senate March 23, 1894.

MARSHAL.

Henry Bohl, of Ohio, to be marshal of the United States for the southern district of Ohio.

UNITED STATES ATTORNEY.

Harlan Cleveland, of Ohio, to be attorney of the United States for the southern district of Ohio.

POSTMASTER.

John A. Flattery, to be postmaster at Oklahoma, Oklahoma County, Oklahoma Territory.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 28, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

SECRET SERVICE DIVISION, TREASURY DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting copy of communication from the chief of the Secret Service Division, asking additional appropriation to continue that service to the close of the fiscal year ending June 30, 1894; which was referred to the Committee on Appropriations.

EXPENSES UNITED STATES COURTS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General in relation to the immediate necessity of providing additional appropriation for expenses of the United States courts; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SETTLE, indefinitely, because of sickness; and

To Mr. HEARD, for ten days, on account of important business.

MOSES W. CARPENTER.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2561) for the relief of Moses W. Carpenter, of Johnson County, Ark., Mexican war veteran.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses W. Carpenter, of Johnson County, Ark., Mexican war veteran, at $15 a month.

The Committee on Pensions recommend the adoption of the following amendment:

Strike out in the twelfth line the word "fifteen" and insert "twelve."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSVENOR. Mr. Speaker, I would like to ask the gentleman a question, reserving the right to object.

What is the necessity for this bill if this man is a Mexican war veteran, who under the general law would get $12 a month anyway?

Mr. TERRY. I will state to the gentleman from Ohio that $12 a month is not a sufficient sum under the circumstances of the case.

Mr. GROSVENOR. That is the amount proposed by the bill.

Mr. TERRY. That is the amendment to the bill recommended by the committee; but it was introduced for $15, and was reported for $15 at the last session of Congress, and would have been so reported this session by the committee if they had had time to consider it. The chairman of the committee, who is present, is aware of the fact that the motion to strike out fifteen and insert twelve was made just as the committee was on the point of rising, and was adopted without any examination of the papers.

Mr. GROSVENOR. Then you wish to reject the amendment proposed by the committee?

Mr. TERRY. Yes; I want to leave it at $15 a month.

Mr. MOSES. I will state for the information of the House that it was the desire of the committee to make all of these bills uniform at $12 a month, but after reporting this bill, and upon an examination of the papers, the committee are willing to recede from that amendment.

Mr. BURROWS. I desire to ask if this is one of the bills which has been considered in Committee of the Whole and reported back to the House?

Mr. TERRY. I will state the circumstances of the case to the gentleman.

Mr. BURROWS. That is not necessary. I only wish to know if this bill has been considered by the Committee of the Whole?

Mr. TERRY. It has been; and let me say that owing to my unavoidable absence that night, having been detained from the House, the committee acted upon it and accepted the amendment proposed by the Committee on Pensions, which would have been corrected subsequently but for the fact that I could not make a motion to reconsider in Committee of the Whole.

Mr. BURROWS. The reason I inquire is that there are a number of cases which have been considered in Committee of the Whole at Friday night sessions, but the previous question has not been ordered upon them, and I was wondering if we could not by unanimous consent consider all of them at this time.

Mr. TAYLOR of Indiana. I think that is a good suggestion.

Mr. TERRY. I hope the gentleman will not interpose objection to this bill.

Mr. BURROWS. I do not intend to.

Mr. TERRY. For this man is in great need.

Mr. BURROWS. I do not object.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas for the present consideration of this bill?

There being no objection, the bill was considered, the amendment recommended by the Committee on Pensions was rejected, and the bill ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the last vote was laid on the table.

THANKFUL ROBBINS.

Mr. HOOKER of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4780) for the relief of Thankful Robbins.

Mr. SAYERS. Has this bill been considered in Committee of the Whole?

Mr. HOOKER of New York. It was, and was laid aside favorably by the committee at its last meeting.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thankful Robbins, and to pay her a pension of $12 per month, as the foster mother of George E. Squires, late private Company C, One hundred and twelfth New York Volunteers.

There being no objection, the bill was considered, ordered to be engrossed, and read a third time; and being engrossed, was accordingly read the third time, and passed.

The title of the bill, as recommended by the Committee on Invalid Pensions, was amended to read: "A bill to pension Thankful Robbins."

On motion of Mr. HOOKER of New York, a motion to reconsider the last vote was laid on the table.

LUCY BROWN.

Mr. TAYLOR of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4720) to pension Lucy Brown, dependent foster mother.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Brown, dependent foster mother of Aaron B. Divinny, late of Company B, Ninety-first Regiment Indiana Infantry, in the war of the rebellion.

Mr. SAYERS. Mr. Speaker, has this bill been considered by the Committee of the Whole?

Mr. TAYLOR of Indiana. Yes.

The SPEAKER. Is there any amendment to it?

Mr. TAYLOR of Indiana. There is no amendment.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. TAYLOR], for unanimous consent for the immediate consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. TAYLOR of Indiana, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the following titles:

Joint resolution (H. Res. 144) authorizing and directing the Secretary of the Treasury to receive at the subtreasury in the city of New York from R. T. Wilson & Co., or assigns, the money, amounting to $6,704,000, to be paid to the Cherokee Nation, and to place the same to the credit of the Cherokee Nation, and;

Joint resolution (H. Res. 147) authorizing the transfer of furniture and carpets to the rooms now occupied by the United States courts at Chicago.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the concurrent resolution of the Senate to print for the use of Congress 6,000 copies of all papers and messages sent to Congress by the President since January 1, 1893, relating to Hawaiian affairs.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (S. R. 37) to provide for the printing of a history and digest of the international arbitrations to which the United States was a party and for other purposes;

Joint resolution (S. R. 8) authorizing the Secretary of the Interior to cause the settlement of the accounts of special agents Moore and Woodson, under the treaty of 1854, with the Delaware Indians, etc.;

A bill (S. 574) for the relief of Dwight Hall; and

A bill (S. 260) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri," approved March 3, 1887.

CORPORATIONS AS SURETIES.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4954) relative to recognizances, etc. This bill was read at length the other morning, and I ask unanimous consent that the reading of it be dispensed with at this time.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon.

Mr. SAYERS. I will ask the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] if that bill comes before the House with the unanimous report of the committee?

Mr. WILLIAM A. STONE. Yes; it is unanimously reported by the Committee on the Judiciary.

The SPEAKER. This bill was read at length on the day before yesterday.

Mr. McMILLIN. Mr. Speaker, let us have it read again, in order that the House may understand what it is acting upon.

The Clerk read as follows:

Be it enacted, etc., That whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is by the laws of the United States required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation incorporated under the laws of the United States, or of any State having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings: *Provided*, That such recognizance, stipulation, bond, or undertaking be approved by the head of department, court, judge, officer, board, or body executive, legislative, or judicial required to approve or accept the same.

SEC. 2. That no such company shall do business under the provisions of this act beyond the limits of the State or Territory under whose laws it was incorporated and in which its principal office is located, nor beyond the limits of the District of Columbia, when such company was incorporated under its laws or the laws of the United States and its principal office is located in said District, until it shall by a written power of attorney appoint some person residing within the jurisdiction of the court for the judicial district wherein such suretyship is to be undertaken, who shall be a citizen of the State, Territory, or District of Columbia, wherein such court is held, as its agent, upon whom may be served all lawful process against such company, and who shall be authorized to enter an appearance in its behalf. A copy of such power of attorney, duly certified and authenticated, shall be filed with the clerk of the district court of the United States for such district at each place where a term of such court is or may be held, which copy, or a certified copy thereof, shall be legal evidence in all controversies arising under this act. If any such agent shall be removed, resign, or die, become insane, or otherwise incapable of acting, it shall be the duty of such company to appoint another agent in his place as hereinbefore prescribed, and until such appointment shall have been made, or during the absence of any agent of such company from such district, service of process may be upon the clerk of the court wherein such suit is brought, with like effect as upon an agent appointed by the company. The officer executing such process upon such clerk shall immediately transmit a copy thereof by mail to the company, and state such fact in his return. A judgment, decree, or order of a court entered or made after service of process as aforesaid shall be as valid and binding on such company as if served with process in said district.

SEC. 3. That every company before transacting any business under this act shall deposit with the Attorney-General of the United States a copy of its charter or articles of incorporation, and a statement signed and sworn to by its president and secretary showing its assets and liabilities. If the said Attorney-General shall be satisfied that such company has authority under its charter to do the business provided for in this act, and that it has a paid-up capital of not less than $250,000 and is able to keep and perform its contracts, he shall grant authority in writing to such company to do business under this act.

SEC. 4. That every such company shall, in the months of January, April, July, and October of each year, file with the said Attorney-General a statement, signed and sworn to by its president and secretary, showing its assets and liabilities, as is required by section 3 of this act. And the said Attorney-General shall have the power, and it shall be his duty, to revoke the authority of any such company to transact any new business under this act whenever in his judgment such company is not solvent or is conducting its business in violation of this act. He may institute inquiry at any time into the solvency of said company and may require that additional security be given at any time by any principal when he deems such company no longer sufficient security.

SEC. 5. That any surety company doing business under the provisions of this act may be sued in respect thereof in any court of the United States which has now or hereafter may have jurisdiction of actions or suits upon such recognizance, stipulation, bond, or undertaking in the district in which such recognizance, stipulation, bond, or undertaking was made or guaranteed, or in the district in which the principal office of such company is located. And for the purposes of this act such recognizance, stipulation, bond, or undertaking shall be treated as made or guaranteed in the district in which the office is located, to which it is returnable, or in which it is filed, or in the district in which the principal in such recognizance, stipulation, bond, or undertaking resided when it was made or guaranteed.

SEC. 6. That if any such company shall neglect or refuse to pay any final judgment or decree rendered against it upon any such recognizance, stipulation, bond, or undertaking made or guaranteed by it under the provisions

of this act, from which no appeal, writ of error, or supersedeas has been taken, for thirty days after the rendition of such judgment or decree, it shall forfeit all right to do business under this act.

SEC. 7. That any company which shall execute or guarantee any recognizance, stipulation, bond, or undertaking under the provisions of this act shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute or guarantee such instrument or assume such liability.

SEC. 8. That any company doing business under the provisions of this act which shall fail to comply with any of its provisions shall forfeit to the United States for every such failure not less than $500 nor more than $5,000, to be recovered by suit in the name of the United States in the same courts in which suit may be brought against such company under the provisions of this act.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] for the immediate consideration of this bill?

There was no objection.

The Committee on the Judiciary recommended the following amendments:

On page 2, after line 18 of section 1, add the following:

"But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company."

On page 4, in line 9 of section 3, after the word "dollars," insert the words "in cash."

On page 6, after line 7 of section 8, insert the following:

"And such failure shall not affect the validity of any contract entered into by such company."

The amendments were agreed to.

Mr. WILLIAM A. STONE. Mr. Speaker, I offer another amendment, which is merely formal, in order to correct an oversight in the bill.

The Clerk read as follows:

On page 4, section 3, line 9, after the word "cash," add the words "or its equivalent."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. WILLIAM A. STONE, a motion to reconsider the last vote was laid on the table.

COURT OF APPEALS, DISTRICT OF COLUMBIA.

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H.R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes."

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 4 of an act entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," approved February 9, 1893, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That there shall be a clerk of said court of appeals, to be appointed by the court, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of $3,000, payable quarterly at the Treasury of the United States, and who shall give bond, such as the court may determine to be satisfactory, for the faithful performance of his duties, and his duties shall be such as the court may from time to time prescribe. That the said clerk of the court of appeals shall, with the approval of the court, appoint one assistant or deputy clerk, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of $2,000, payable quarterly at the Treasury of the United States, and who may sign the name of the clerk to any official act required by law, or by the practice of the court, to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto, when the impress of the seal is necessary to its authentication. In such cases the signature shall be

"——— ———, Clerk.

"By ——— ———, Assistant Clerk.

"The court shall regulate from time to time the fees to be charged by the said clerk, which shall be accounted for at least once in each quarter, and paid into the Treasury of the United States, and said clerk shall receive such allowance for clerical assistance and necessary expenditures in the conduct of his office as the court may determine by special or general order in the premises, but not to exceed the sum of $2,000 in any one year, payable as aforesaid at the Treasury of the United States."

SEC. 2. That section 6 of the act aforesaid be, and the same is hereby, amended so to read as follows:

SEC. 6. That said court of appeals shall establish by rule of court such terms of the court in each year as to it may seem necessary: *Provided, however*, That there shall be at least three terms in each year, and it shall make such rules and regulations as may be necessary and proper for the transaction of its business and the taking of appeals to said court. And said court of appeals shall have power to prescribe what part or parts of the proceedings in the court below shall constitute the record on appeal and the form of bills of exception, and to require that the original papers shall be sent to it instead of copies thereof, and generally to regulate all matters relating to appeals whether in the court below or in said court of appeals. If any member of the court shall be absent on account of illness or other cause during the season thereof, or shall be disqualified from hearing and determining any particular cause by having been of counsel therein, or by having as justice of the supreme court of the District of Columbia previously passed upon the merits thereof, or if for any reason whatever it shall be impracticable to obtain a full court of three justices, the member or members of the court who shall be present shall designate the justice or justices of the supreme court of the District of Columbia to temporarily fill the vacancy or vacancies so created, and the justice or justices so designated shall sit in said court of appeals and perform the duties of a member thereof while such vacancy or vacancies shall exist: *Provided*, That no justice of the supreme court of the District of Columbia shall, while on the bench of said court of appeals, sit in review of any judgment, decree, or order which he shall himself have entered or made: *Provided also*, That if the parties to any cause shall so stipulate in writing by their attorneys and solicitors, such cause may be heard and determined by two justices of the court without calling in any of the justices of the supreme court of the District of Columbia: *And provided also*, That all motions to dismiss appeals and other motions may be heard by two justices, in the event of the absence or disqualification of any one of the justices as aforesaid: *And provided further*, That if in any cause heard before two justices as aforesaid the court shall be divided in its opinion, then the judgment or decree of the lower court shall stand affirmed.

SEC. 3. That section 10 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 10. That the opinion of the said court of appeals in every case shall be rendered in writing, and shall be filed in such case as a part of the record thereof, and that the said court of appeals is hereby authorized to appoint a reporter, who shall serve during the pleasure of the court and without compensation, and whose duty shall be to report, edit, and publish, in form to be prescribed by the court, its opinions."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS of Illinois. Mr. Speaker, I object.

Mr. CULBERSON. Will the gentleman allow me to make a statement?

Mr. HOPKINS of Illinois. This is a very important matter, and I think it ought to be examined a little.

Mr. CULBERSON. If the gentleman will hear my statement, he will not consider the bill objectionable.

Mr. HOPKINS of Illinois. Certainly I have no objection to the gentleman's making a statement.

Mr. CULBERSON. I should like to say that although this bill is a very long one, the amendments proposed to the original act are very few and simple. The bill is long because the sections have been re-enacted. The only amendments to the original act are, first, to give the court the power to appoint a deputy clerk upon the nomination of the clerk. The original act fails to allow the clerk, or the court, to appoint a deputy clerk. The result is that whenever the clerk is away, the court has to suspend, as there is no one authorized to sign papers officially for the clerk.

The original bill provided that in all cases where one of the judges was sick or absent, that a judge from the supreme court below should be designated to sit in the court of appeals above, and hear the case with the judges of the court of appeals who might be present. The second amendment provides that upon the stipulation of the parties to the record, or upon the agreement of counsel, two judges of this court may decide a case; and if there is a failure to agree on the part of the two judges, that then the judgment of the court below shall be affirmed.

Another amendment is that in all motions to dismiss appeals, interlocutory motions, etc., that any two judges of the court of appeals may hear the motion and decide it. If they fail to agree, then the action of the court below is affirmed. There is another amendment that provides——

Mr. HOPKINS of Illinois. Right on that point will the gentleman explain that a little further. You say that any motion in the court of appeals——

Mr. CULBERSON. No, not any motion on appeal, but interlocutory motions. Section 10 provided in the original act that this court shall be required to hold a term each month in the year. They have found it inconvenient to do so. The bar of this District have indorsed the bill unanimously, and in fact the bar association of this District is the author of this bill, and, as I understand, they insist that this court ought to have authority to hold its terms three times during the year instead of once in each month, and that is provided for.

Now, the only other amendment of the bill is that the opinions of the court shall be in writing, and the court shall appoint a reporter, and the reporter must serve without compensation. Surely there is no objection to that. He will have to depend upon the sale of his books for his compensation.

Now, as to the salary to be paid the deputy clerk. He is to be paid not exceeding $2,000 a year, upon the certificate of the judges, and paid out of the Treasury. The fees of the clerk's office are all turned into the Treasury of the United States, and this court is a self-sustaining court. The judicial establishment of this District is now not only self-sustaining but a contributor to the Treasury of the United States by many thousand dollars. I hope gentlemen will allow this bill to pass.

Mr. REED. Am I right in understanding from the gentleman from Texas that at present the court of appeals sit every month?

Mr. CULBERSON. They have to hold the court open every month?

Mr. REED. Why do you desire to destroy that? Does not that facilitate justice?

Mr. CULBERSON. They think not. They think that three terms of the court a year is sufficient. The bar association are unanimously in favor of the bill.

Mr. REED. I think the great curse of our legal practice lies in the fact that the strong are able to push cases over.

Mr. CULBERSON. I think myself it would facilitate justice to have this change made.

Mr. REED. Will it facilitate speedy justice?

Mr. CULBERSON. That is what I mean.

Mr. REED. It is quite as much consequence that a case shall be disposed of speedily, as that it shall be disposed of right after a lapse of time.

Mr. HOPKINS of Illinois. The gentleman in charge of this bill will remember that when this original bill passed there was a good deal of discussion as to the number of terms of this court.

Mr. CULBERSON. I understand that.

Mr. HOPKINS of Illinois. And some contended that there should only be three terms of the court a year.

Mr. CULBERSON. Yes.

Mr. HOPKINS of Illinois. And I think after full discussion the conclusion was almost unanimously reached that a court sitting every month would facilitate business and promote justice; and that that was the reason why the bill was passed in the original form.

Mr. CULBERSON. I would like to say to the gentleman from Illinois that that matter was referred to on the floor and discussed in the committee room, and it was believed then that it would facilitate speedy justice to have this court sit each month; but the experience of the court is to the contrary. Now, I want to call your attention to the language of the amendment, which is:

Provided, That said court of appeals shall establish by rule of court such terms and the number in each year as to it may seem necessary. *Provided, however*, That there shall be at least three terms in each year.

Mr. BAKER of New Hampshire. Will the gentleman allow me to suggest——

Mr. BRETZ. That gives them the right to have more.

Mr. REED. But it does not compel them to have more; and the result will be to lessen speedy justice, which is a most important question. That seems to me to be one objection to the bill.

Mr. HOPKINS of Illinois. The gentleman from Texas will remember that when this bill was up for consideration it was thought better to fix two or three terms, and that provision was inserted. It was discussed that, these men occupying life positions, as do these appellate judges, it would be to their interest to have as few terms of the court in one year as possible; and in order to avoid that influence, which would operate upon the judges themselves, the law required that there should be a term every month, except the months of July and August, in each year.

Mr. CULBERSON. That is the fact; but experience has shown that that provision was wholly unnecessary.

Mr. BAKER of New Hampshire. I would suggest one additional matter to the gentleman from Texas, and that is, that the courts of the District sit every month in the year except the month of August, and very little business is done in the month of July, and those two months are the only exceptions to the rule.

Mr. HOPKINS of Illinois. There is no appellate court held in August.

The SPEAKER. Is there objection to the request?

Mr. HOPKINS of Illinois. I withdraw my objection.

The SPEAKER. Is there objection to the request for the consideration of the bill? [After a pause.] The Chair hears none; and the question is on the engrossment and third reading of the bill.

Mr. REED. Wait one moment. Are the Judiciary Committee unanimous on the subject of having only three terms of this court a year?

Mr. CULBERSON. Entirely so; and I will state to the gentleman from Maine that it is also favored unanimously by the members of the Bar Association of the District, composed of over two hundred lawyers, without reference to politics.

Mr. REED. Well, I have sometimes known the profession to which I belong to be willing that cases should be postponed——

Mr. CULBERSON. Not both sides.

Mr. REED. I have sometimes known lawyers to be willing to have cases postponed, and I think the great struggle of legislative bodies ought to be to force the speedy decision of cases.

Mr. CULBERSON. So do I.

Mr. REED. As it stands now, in a case of any importance every sensible man settles, simply because somebody has him by the throat and he can not get an adjudication of his rights within a reasonable time. I think there is something absurd in the way in which our courts of justice are managed in that respect, especially as to suits involving great corporations. Everybody knows to-day that a first mortgage on a railroad is simply a means of negotiation. It simply gives you material to negotiate with the gentlemen whose securities are inferior to your own; and men give up part of their rights on first mortgages and scale down their rights on second mortgages, all because our system of law administration is such that indefinite prolongation and consequent destruction of property are the usual concomitants; so that whatever is proposed as a compromise to a superior security is generally accepted. I think that is a discredit to our system of justice, and it looks to me as if we had a good system now in this District, and as if this bill was going to make it worse.

Mr. CULBERSON. Let me say to the gentleman that if the sessions of this court are held three times a year the judges will decide just as many cases as they would under the present system.

Mr. REED. I am sorry to say that I do not think that will be the effect.

Mr. CULBERSON. The whole object of requiring these courts to be held now in each month is to facilitate the filing of appeals——

Mr. REED. Yes.

Mr. CULBERSON. Not to dispose of them in the court of appeals, because the judges do now all that they can do anyway, and this will give the lawyers every three months an opportunity to prepare their appeals and have them filed in the court ready to be heard whenever they can be reached.

Mr. REED. In the one case the postponement is for a month, in the other case it may be for four months, and in each case it is only a postponement. When a lawyer obtains a postponment in one case he gains four months, while in the other he gets only a month.

Mr. CULBERSON. But if his case can not be reached in less than three or four months, what is the difference?

Mr. REED. The difference is that if cases are liable to be called up every month, you will have speedier decisions. We have tried it in my own State and in my own county. We have monthly sessions of court in all but three months of the year, and the result is that we have a speedy administration of justice; and that is what I think you are abandoning by this bill. I do not know that I care to do anything more than make a protest, for I can not hope to have the House strike out that provision against the unanimous report of the Committee on the Judiciary, but I do not want to be implicated in this transaction. [Laughter.]

Mr. CULBERSON. Oh, we will exculpate you. [Laughter.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CULBERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONTESTED-ELECTION CASES.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Rules to submit for immediate consideration the report which I send to the Clerk's desk.

The report was read, as follows:

Resolved, That immediately upon adoption of this order the House proceed to consider the contested-election case of O'Neill against Joy from Missouri; that after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee.

That immediately after said case is disposed of the House shall proceed to consider the contested-election case of English *vs.* Hilborn from California; that after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may then be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee. This order to continue from day to day until both cases therein mentioned are disposed of.

Mr. OUTHWAITE. I demand the previous question, Mr. Speaker.

The question being taken on ordering the previous question, the Speaker declared that the ayes seemed to have it.

Mr. REED. I ask for a division.

The House divided; and there were—ayes 161, noes 0.

Mr. REED. No quorum.

Mr. OUTHWAITE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 179, nays 1, not voting 173; as follows:

YEAS—179.

Abbott,	Bankhead,	Black, Ill.	Breckinridge, Ark.
Alexander,	Bartlett,	Bland,	Bretz,
Allen,	Barwig,	Boatner,	Brickner,
Bailey,	Bell, Colo.	Boen,	Brookshire,
Baker, Kans.	Bell, Tex.	Bower, N. C.	Brown,
Baldwin,	Black, Ga.	Branch,	Bryan,

Bynum,	Epes,	Maguire,	Ritchie,
Cadmus,	Erdman,	Mallory,	Robbins,
Caminetti,	Everett,	Marshall,	Robertson, La.
Campbell,	Fielder,	McCreary, Ky.	Ryan.
Cannon, Cal.	Geary,	McCulloch,	Sayers,
Capehart,	Geissenhainer,	McDearmon,	Schermerhorn,
Caruth.	Goldzier,	McEttrick,	Shell,
Catchings,	Gorman,	McGann,	Sibley,
Causey,	Grady,	McKaig,	Somers,
Clancy.	Gresham,	McKeighan,	Sperry,
Clark, Mo.	Griffin,	McLaurin,	Springer,
Clarke, Ala.	Haines,	McMillin,	Stallings,
Cobb, Ala.	Hall, Minn.	McNagny,	Stockdale,
Cobb, Mo.	Hall, Mo.	McRae,	Stone, Ky.
Cockrell,	Hammond,	Meredith,	Strait,
Coffeen,	Hare,	Meyer,	Straus,
Conn.	Harris,	Money,	Swanson,
Coombs,	Hatch,	Montgomery,	Talbert, S. C.
Cooper, Fla.	Hayes,	Morgan,	Talbott, Md.
Cooper, Ind.	Henderson, N. C.	Moses,	Tate,
Cooper, Tex.	Hines.	Mutchler,	Taylor, Ind.
Cornish,	Holman,	Neill.	Terry,
Covert,	Hooker, Miss.	Oates,	Tracey,
Cox,	Hudson,	O'Neil,	Tucker,
Crain,	Hunter,	Outhwaite,	Turner, Ga.
Crawford,	Hutcheson,	Page,	Turner, Va.
Culberson,	Ikirt,	Paschal,	Tyler.
Davis.	Jones,	Patterson,	Warner,
De Armond,	Kem,	Payne,	Washington,
De Forest,	Kribbs,	Pearson,	Weadock.
Denson,	Kyle,	Pence,	Wheeler, Ala.
Dinsmore,	Lane,	Pendleton, Tex.	Whiting.
Dockery,	Latimer,	Pendleton, W. Va	Williams, Ill.
Donovan.	Lawson,	Pigott,	Williams, Miss.
Dunphy,	Layton,	Price,	Wise.
Durborow,	Lester,	Reilly,	Wolverton,
Edmunds,	Lockwood,	Richards, Ohio	Woodard,
English,	Lynch,	Richardson, Mich.	The Speaker.
Enloe,	Magner,	Richardson, Tenn.	

NAYS—1.

Kilgore.

NOT VOTING—173.

Adams, Ky.	Dolliver,	Johnson, N. Dak.	Rusk,
Adams, Pa.	Doolittle,	Johnson, Ohio	Russell, Conn.
Aitken,	Draper,	Joy,	Russell, Ga.
Alderson,	Dunn,	Kiefer,	Scranton,
Aldrich,	Ellis, Ky.	Lacey,	Settle,
Apsley,	Ellis, Oregon	Lapham,	Shaw.
Arnold,	Fithian,	Lefever,	Sherman,
Avery,	Fletcher,	Linton,	Sickles,
Babcock,	Forman,	Lisle,	Simpson,
Baker, N. H.	Funk,	Livingston,	Sipe.
Barnes,	Funston,	Loud,	Smith,
Bartholdt,	Fyan,	Loudenslager,	Snodgrass,
Belden,	Gardner,	Lucas,	Stephenson,
Beltzhoover,	Gear,	Maddox,	Stevens.
Berry,	Gillet, N. Y.	Mahon,	Stone, C. W.
Bingham,	Gillett, Mass.	Marsh,	Stone, W. A.
Blair,	Goodnight,	Martin, Ind.	Storer,
Boutelle.	Graham,	Marvin, N. Y.	Strong,
Bowers, Cal.	Grosvenor,	McAleer,	Sweet,
Brattan,	Grout,	McCall,	Tarsney,
Breckinridge, Ky.	Grow,	McCleary, Minn.	Tawney.
Broderick,	Hager,	McDannold,	Taylor, Tenn.
Brosius,	Hainer,	McDowell,	Thomas,
Bundy,	Harmer,	Meiklejohn,	Turpin,
Bunn,	Harter,	Mercer,	Updegraff.
Burnes,	Hartman,	Milliken,	Van Voorhis, N.Y.
Burrows,	Haugen,	Moon,	Van Voorhis, Ohio
Cabaniss,	Heard,	Morse,	Wadsworth,
Caldwell,	Heiner,	Murray,	Walker,
Cannon, Ill.	Henderson, Ill.	Newlands,	Wanger,
Chickering,	Henderson, Iowa	Northway,	Waugh,
Childs,	Hendrix,	Payne,	Wells,
Cockran,	Hepburn,	Perkins.	Wever,
Cogswell,	Hermann,	Phillips,	Wheeler, Ill.
Compton.	Hicks,	Pickler,	White,
Cooper, Wis.	Hilborn,	Post,	Wilson, Ohio
Cousins.	Hitt.	Powers,	Wilson, Wash.
Cummings,	Hooker, N. Y.	Quigg,	Wilson. W. Va.
Curtis, Kans.	Hopkins, Ill.	Randall,	Woomer.
Curtis, N. Y.	Hopkins, Pa.	Ray,	Wright, Mass.
Dalzell,	Houk,	Rayner,	Wright, Pa.
Daniels,	Hulick,	Reed,	
Davey,	Hull,	Reyburn,	
Dingley,	Johnson, Ind.	Robinson, Pa.	

The SPEAKER (when the roll call was concluded) directed that his name be called, and he voted in the affirmative.

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. McDANNOLD with Mr. LEFEVER.

Mr. ALDERSON with Mr. RANDALL.

Mr. SNODGRASS with Mr. HOUK.

Mr. TARSNEY with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. BARNES with Mr. McCLEARY of Minnesota.

Mr. CABANISS with Mr. NORTHWAY.

Mr. FITHIAN with Mr. MOON.

Mr. ELLIS of Kentucky with Mr. HAUGEN.

Mr. LIVINGSTON with Mr. HERMANN.

Mr. FORMAN with Mr. LUCAS.

Mr. MADDOX with Mr. GROUT.

Mr. BUNN with Mr. STRONG.

Mr. HEARD with Mr. TAYLOR of Tennessee.

Mr. BERRY with Mr. CALDWELL.

Mr. ARNOLD with Mr. COGSWELL.

Mr. WILSON of West Virginia with Mr. DALZELL.

For this day:

Mr. HENDRIX with Mr. POWERS.

Mr. RUSK with Mr. STORER.

Mr. MARTIN of Indiana with Mr. BINGHAM.

Mr. COMPTON with Mr. HENDERSON of Iowa.

Mr. BELTZHOOVER with Mr. WRIGHT of Massachusetts.

Mr. FYAN with Mr. LINTON.

Mr. SICKLES with Mr. WRIGHT of Pennsylvania.

On this question:

Mr. DAVEY with Mr. PICKLER.

The result of the vote was announced as above stated. [Applause.]

Mr. REED. Mr. Speaker, may a motion to recommit be now made or does it come after the debate?

Mr. OUTHWAITE. I make a point of order against the motion to recommit.

Mr. REED. That motion has already been permitted by the Speaker in one case.

Mr. BROWN. Perhaps under a different rule.

The SPEAKER. Does the gentleman from Maine [Mr. REED] recollect whether this question has been raised on a report from the Committee on Rules?

Mr. REED. My impression is that this motion was permitted in one case. I do not think it will be found in the Digest; I believe it was this session. I have no objection to permitting the discussion to go on, so that the Speaker may have an opportunity to examine the matter.

The SPEAKER. The discussion, then, will be permitted to go on, and the Chair will look into the question. The gentleman from Maine is recognized to control the fifteen minutes in opposition to the resolution, and the gentleman from Ohio [Mr. OUTHWAITE] to control the time in favor.

Mr. REED. I hope the gentleman from Ohio [Mr. OUTHWAITE] will be kind enough to explain the reasons for this proposed rule.

Mr. OUTHWAITE. Mr. Speaker, a brief explanation of the rule proposed by the committee is all that is necessary at this time.

The purpose of the rule is to dispose of the two contested election cases mentioned in it, in an orderly and business-like manner, so that the attention of the House may then be devoted to the public business. The rule submitted provides for a discussion of two hours upon the contested election case of O'Neill *vs.* Joy, from Missouri, first, and then that any substitute which may be offered to the resolution that is reported by the Committee on Elections shall be voted upon, after which the original resolution of the committee shall be before the House for final action if the substitute fail. In conversation with the member of the Committee on Elections who has this case in his special charge, we learn that the facts and the law, too, embraced in this case are such as will require no very extended discussion, and that one hour upon a side will be ample time for a full and fair presentation of both the law and the facts applicable to it.

The second branch of the rule provides that the contested election case of English *vs.* Hilborn, from California, shall be taken up and considered for two hours and disposed of in the same manner as the former case. That case is also one in which there is no demand for extended discussion. The testimony is brief, and the law applicable to the case does not embrace many citations.

That is all there is in this rule, and unless there shall be something said on the other side against the adoption of this rule, which is in the interest of the expedition of the public business of the House, I no not care to consume further time. I will reserve the remainder of the time to make such response as may be necessary.

Mr. REED. Mr. Speaker, the question before the House is whether the rule presented by the Committee on Rules shall be adopted or not. It is a rule involving two distinct questions on which the House is to act judicially. I presume that the resolution of the Committee on Rules must meet the approval of the individual members of the House, or else they will be found voting against it. I do not wonder that the gentlemen on the other side are desirous of having these cases disposed of in a corner. I can very easily understand how they should take this opportunity to abridge discussion, and why they should desire to have the cases hustled through as speedily as possible, and in the manner they propose. The reason why we have made strenuous opposition, within the limits of the rules of the House, against the first case mentioned in the rule is because we felt it necessary to do so in order to attract the attention of the House toward what we regard as a gross outrage.

It is the custom of this body to pay but very scant attention to election cases. It is the custom of the country to pay still less attention to them, and hence means have to be taken in extraordinary cases to attract even the attention of the House. I venture to say to you that no member of this body has ever listened to cases like the two that are endeavored to be pushed through this body on the report of the Committee on Rules. There never were cases so mean, so far as they appeal to the judgment and good sense of the individual members of the House, as these.

The case of Mr. Joy is in a nutshell. I may not be absolutely correct as to my statement of the facts, but as to the fact actually and finally involved in the case I am entirely sure that I am correct. This report from the Committee on Elections proposes to unseat Mr. Joy upon the ground, not that he has not received the majority of the ballots in that district, but because the judges of election failed to put their initials on certain ballots which they received and which were deposited in the ballot boxes. I repeat, I venture to say that the like of that case was never presented to this body; that it has never divided even on political grounds on such a basis as that, and I am sure if it were anything else than an election case the proposition to dispose of it within two hours' discussion, or to dispose of it under such limitations as have been proposed here, would be flung out of the window at once.

Mr. HAYES. Would it not be better to discuss the merits of the case after this report from the Committee on Rules is adopted? That is the only question.

Mr. REED (continuing). Then, again, the case of Hilborn from California is one that is also in a nutshell. You propose to turn him out, while the actual ballots actually counted from the sealed pouch show that he was elected by a majority of 4; and in order to do it your committee charged that by the concurrence of eight election officers, six of whom were Democrats, such a fraudulent count was made as entitled you to reject the actual ballots found in that pouch, put up by these inspectors, who were two to one against Hilborn, and substitute therefor the verbal declarations, the affidavits and depositions of the voters. They call upon you to reject the best evidence of the result of the election and take the worst, and in order to complete the list they take and give absolute verity to the oaths as voters of the same men whom they charge as inspectors with assisting in the fraud.

Now, there are the two cases in a nutshell, and I do not wonder that the gentleman from Illinois [Mr. SPRINGER] seems anxious to get an opportunity to put some of his opinions and logic into the case.

Mr. HAYES. Well, he will put some facts in, and that is better than you are doing.

Mr. REED. This is the gentleman from Iowa?

Mr. HAYES. Yes.

Mr. REED. Oh! [Laughter on the Republican side.] As I was remarking to the House when I was rudely interrupted, those are the substantial facts of the case. And in order to get it through this House you propose to discuss this case one hour on a side. Until I hear the votes counted I shall not believe it.

I reserve the remainder of my time. [Applause on the Republican side.]

Mr. OUTHWAITE. Does any other gentleman on that side care for any discussion?

Mr. REED. I reserve the remainder of my time.

Mr. OUTHWAITE. Mr. Speaker, the gentleman from Maine has sustained the wisdom of this rule about as successfully as it could be done in the same length of time. He has shown that the law and the evidence in both of these cases can be put into a nutshell, and that it is not necessary to have any great length of time devoted to the discussion of the facts or the law.

Let it be understood that when one of these cases was first taken up, a few days ago, there was an effort made upon this side of the House to give gentlemen upon that side plenty of time. A proposition was submitted by which they could have three hours, if they desired it, for discussion upon that side, six hours to be given to the discussion of the case. It is not the fault of this side of the House that more time has not been allotted to the discussion of this first case.

Now, the gentleman from Maine [Mr. REED] assumes that it is the purpose of this side of the House in passing this resolution to vote out two gentlemen who have seats upon the floor. I am not surprised that the gentleman from Maine [Mr. REED] should take that position, recalling the circumstances which attended the conduct of election cases in the Fifty-first Congress. We have now been in session several months, and this is the first contested-election case that this House has been asked to consider.

In the Fifty-first Congress, before two months had elapsed, and before the rules were adopted, one of the Democratic members had been voted out and a gentleman not entitled to his seat voted in, and in the month of February another one was voted out——

Mr. RICHARDSON of Tennessee. Counted out.

Mr. OUTHWAITE. And so it ran right along in other cases, without any regard at all to the majorities behind the gentlemen that were occupying the seats here. The culmination of patriotism, fairness, and justice upon that side of the House manifested itself in disposing of two election cases in about thirty minutes.

Mr. REED. The House was unanimous that day.

Mr. OUTHWAITE. It is true that in the first of those cases, the case of Langston against Venable, about two hours had been occupied in debate. That is all the time that was allowed to the consideration of a case the testimony in which amounted to a large volume and in which there were many questions of alleged fraud and various questions of law. But the majority then controlling this House, after but two hours and five minutes' debate, voted upon the resolution to seat the contestant, and then immediately took up another election case, of which the election committee had given the sitting member no notice whatever, and inside of fifteen minutes from the taking up of that resolution unseated the sitting member. The record of the consideration of that case is less than a column, less than half a page of the RECORD. It is found on page 10339 of the RECORD of the first session of the Fifty-first Congress. Mr. Rowell, who was the chairman of the Committee on Elections, said:

I do not desire debate. The report of the Committee on Elections has been printed.

That is all the discussion there was in that case; even the twenty minutes given by the rule after the previous question has been ordered was not allowed at that time.

Now, the reports in both of these cases have been printed for several days. Members do not ordinarily wait until the discussion comes up before they make their investigation, or before they examine the testimony and the law in these election cases. They take the reports and look at them before making up their minds.

Mr. LACEY. Will the gentleman yield for a question?

Mr. OUTHWAITE. Yes.

Mr. LACEY. I notice in the resolution offered by the Committee on Rules that there is an opportunity to vote on two propositions. There is the resolution offered by the Committee on Elections, and a substitute may be offered for that.

Mr. OUTHWAITE. Well?

Mr. LACEY. And nothing else.

Mr. OUTHWAITE. Those are the usual motions.

Mr. LACEY. Now, why limit that in the Joy case? Because I suggest that there is another question that might come up as to whether there ought not to be a new election. Why should we be limited to only two votes on this question, when there are three questions involved?

Mr. OUTHWAITE. If the House desires to have another election, it can, upon these two motions which are submitted, dispose of that question. It can vote down both. It can vote against the right of either to the seat, and thus leave the question open. It unseats the one and leaves the other without seating him.

Mr. LACEY. The proposition is that no intervening motion shall be made.

Mr. OUTHWAITE. None is necessary. Upon these two resolutions the vote may result as the gentleman wishes it.

I have called the attention of the House to the limited debate or discussion, which was merely a declination of debate by the chairman of the committee—under which the case of Langston and Venable was disposed of in the Fifty-first Congress. I wish gentlemen upon this side of the House to observe this fact, that by the argument of the gentleman from Maine [Mr. REED] it clearly appears that very little time is necessary to discuss either of the two cases included in this rule. Therefore, this committee have acted upon the idea that little time will be desired by the House, and submit the rule in the hope and expectation that the House will approve it. I reserve the remainder of my time.

Mr. REED. Mr. Speaker, I am very glad to have the concurrence of the gentleman from Ohio as to my statement of the facts in these two cases; and I hope that the gentleman from Iowa [Mr. HAYES] has perceived the tenderness of the rebuke which has been administered to him by the gentleman in charge of this rule.

Mr. HAYES. I am entirely satisfied.

Mr. REED. I hope he appreciates the tenderness of the rebuke, because of his admission that the facts I have stated are correct.

Mr. HAYES. The gentleman did not admit any such thing.

Mr. OUTHWAITE. I did not admit that they were correct. I admitted that they were few.

Mr. REED. You admitted there were few, and from the fewness of the facts their accuracy is best judged.

Mr. OUTHWAITE. It was not an admission that those were the facts.

Mr. REED. I will leave it with you and the gentleman from Iowa. You can settle it privately among yourselves.

Mr. OUTHWAITE. I did not admit your statement of facts.

Mr. REED. The gentleman from Iowa is a little impulsive, and allowed himself to break out unexpectedly. [Laughter on the Republican side.] I will reserve the remainder of my time.

Mr. OUTHWAITE. I will yield the remainder of my time to the gentleman from Tennessee. [Cries of "Vote!"]

Mr. PATTERSON. Mr. Speaker, I desire to make a brief statement of the facts. This case was argued at great length in the Committee on Elections, and when the final vote was taken it was agreed between the majority and the minority of that committee that six hours would be devoted to its discussion; and no one at that time dreamed that the time of the House would be occupied in an endeavor to defeat the consideration of this case. When it was first called up the proposition was made to postpone it for a week or ten days, on account of the absence of Mr. BARTHOLDT. We could not consent to that, and filibustering tactics were resorted to. Then, on last Thursday or Friday, my friend from Michigan [Mr. BURROWS] submitted to me a telegram which had been sent by Mr. BARTHOLDT to Mr. Joy, stating that he would return here on Monday. I very promptly withdrew the case, giving notice that I would call it upon the following Tuesday, after Mr. BARTHOLDT'S return.

No distinct agreement was made between the minority and the majority of the committee; but we believe there was an implied understanding that this case would then be proceeded with and considered. I desire to say, if I understand the facts truly, that the minority of the committee desired to go on and consider the case on yesterday morning, and that the gentleman from Maine [Mr. REED], who now complains so grievously in regard to the brief consideration given this case, is himself alone responsible for the fact that this rule has been brought in and that the time has been limited. He consumed five hours on yesterday, the whole day's session, in trying to defeat the consideration of this case. Now, these are the plain facts as understood by the Committee on Elections. So far as the merits of the case are concerned, I will present them later on.

Mr. REED. Mr. Speaker, in reply to what has been said by the gentleman from Tennessee, I desire to say that it seems apparent that he wishes to intimate to the House that this shortening of debate is in the nature of punishment for having availed ourselves of the privileges which the rules allow and which the Speaker sanctions. I must say I am amazed that any gentleman should take that ground. The rules of this House permit everything that has been done, and the propriety of punishing the House itself for action which is permitted under the rules is very novel.

The gentleman from Tennessee has confessed that his committee, upon an examination of this matter, free from opposition, and free from the disposition to punish anybody, had determined that three hours on a side should be granted to one of the cases; and now, for the purpose of punishing us for the exercise of rights which the rules of this House guarantee to us, he deprives the House of four hours of information—for I presume, as a matter of course, that whenever the Committee on Elections speak they will occupy the time in a valuable way. So that the gentleman from Tennessee has confessed to this House that six hours had been determined as necessary to present this case, and the Committee on Rules have restricted us to two hours.

How much was necessary in the other case we have not the same means of knowing. That was precisely what I got up to prove to this House, and having proved it, I can not believe until I hear the votes announced, that the House will permit itself to take such an unsuitable course of action.

Now, so far as the gentleman from Ohio [Mr. OUTHWAITE] has alluded to election cases in the Fifty-first Congress, I am flattered to have those cases cited as authority by the gentleman from Ohio, who participated in them somewhat at the time, but did not then give that distinct approval which he is inclined to give now. [Laughter.] But of course, with the lapse of time comes wisdom, and I only want to add to his highly gratifying statement that in the last case where no discussion was given the House was absolutely unanimous, although I think there was an attempt by one gentleman who was cursorily and providentially present, to obstruct action.

Mr. OUTHWAITE. I call the attention of the gentleman to the fact that no quorum was present and no quorum voted at that time.

Mr. REED. Well, the point was not made.

Mr. OUTHWAITE. Yes, the point was made, but the gentleman from Maine [Mr. REED], then presiding, overruled the point and said there was a quorum present. [Laughter on the Democratic side.]

Mr. REED. The Democratic party ought always to laugh prematurely, because that is its only chance. It will never get any other opportunity. When you come to examine the RECORD, gentlemen, you will find that there was a quorum present, and that no such action was taken as the gentleman states.

Mr. OUTHWAITE. The RECORD shows that this action took place:

The question was taken on the adoption of the resolutions, and the Speaker announced that the ayes seemed to have it.
Mr. O'FERRALL. A division.
The House divided; and there were—ayes 156.
Mr. O'FERRALL. No quorum, Mr. Speaker, is either voting or present.
A MEMBER. One more in the affirmative.
The SPEAKER. On this question the ayes are 157, 1 no, and 9 not voting. So the resolutions are adopted.

Mr. REED. Precisely. That is, there was not a voting quorum, but there was a present quorum.

Mr. OUTHWAITE. The gentleman said a while ago that the action was unanimous, and I have called his attention to the facts. He said there were 9 not voting, but it was his custom when in the chair to name those present and not voting, and the 9 in this case are not named. [Renewed laughter on the Democratic side.]

Mr. REED. All this is perfectly simple. It was not the custom to announce the names of members not voting except on a yea-and-nay vote, and this was not a yea-and-nay vote. Consequently, when the gentleman from Ohio says that in not naming members not voting upon that occasion the custom was violated, he makes a mistake——

A MEMBER. Oh!

Mr. REED (continuing). He makes a mistake which he will hasten to correct. The gentleman from Georgia who says "Oh, no" was not here at that time, and it is sometimes surprising that he ever got here. [Laughter.]

The SPEAKER. The question is upon the adoption of the resolution.

Mr. REED. I suggested to the Chair that I would move a recommittal. Has the Speaker examined the matter?

The SPEAKER. What is the gentleman's motion?

Mr. REED. A motion to recommit with instructions. The Speaker will recollect that it was withheld simply to enable the Chair to tell me whether it was in order or not.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Motion to recommit with instructions to so modify the resolution that an additional vote may be had in the Joy case on the question of ordering a new election, if the House shall determine that the facts require one, and with instructions to allow a suitable time for discussion.

The SPEAKER. The Chair will hear the gentleman from Maine as to whether the motion is in order. The Chair has been unable to find any authority for it.

Mr. REED. If I were to argue it upon general principles, I should say that the rules of the House permitted such a motion.

The SPEAKER. Rule XI provides that—

It shall always be in order to call up for consideration a report from the Committee on Rules, and pending the consideration thereof the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

Mr. REED. Well, I will argue the question, if the Chair please. The Chair must take the ground either that ordinary motions are permissible or that they are not permissible. If the Chair takes the ground that they are not permissible, of course he must account for allowing the previous question to be put to the House, because the previous question is a motion just as much as a motion to recommit.

And if a motion for the previous question is allowable, a motion to recommit must be allowable upon the same ground and for the same reason. First, the motion to recommit is a motion known to general parliamentary law—one of the rights of the House; and, second, it is a motion that is well known to our rules; and being known both to general parliamentary law and to the rules, the House has a right to try that mode of modification. For example, if the previous question had not been ordered, would the Chair undertake to say that we could not amend the resolution of the Committee on Rules? Most assuredly not. What is an amendment? An amendment is a motion, just like the motion for the previous question, just like a motion to recommit. They are all motions. The Chair certainly can not take the ground that no motion can be permitted pending this report; otherwise the Committee on Rules would be able to launch upon the House any proposition, and the House would be obliged to receive it or reject it, without any right of modification.

I must say that a rule with such an interpretation as that would give to the Committee on Rules a power which no Speaker

at any time would ever dream of exercising in the presence of the House. Has not the House an inherent right to modify any proposition? Has it not a right to modify it in any way it pleases—among other methods by a recommittal? The rules of the House so provide; and I venture to say to the Chair with considerable certainty that I recollect a case this very session where a motion to recommit was permitted.

The SPEAKER. Upon a report of the Committee on Rules?

Mr. REED. That is my very strong impression.

The SPEAKER. Of course, if that were true, it would control the question: but the Chair does not recollect any such decision, and has not been able to ascertain that there was any.

Mr. REED. Of course, I am quite well aware that my memory may deceive me about it; but I think that motion was permitted.

Mr. TRACEY. Was not the motion to recommit in that case upon the passage of the bill after it had been brought before the House upon a report of the Committee on Rules?

The SPEAKER. That case may have arisen, as suggested by the gentleman from New York [Mr. TRACEY], upon the consideration of a measure brought before the House on a report of the Committee on Rules.

Mr. REED. Possibly that may be the explanation.

Mr. TRACEY. A motion to recommit the resolutions to the Committee on Elections would, I judge, be in order at the end of the debate.

The SPEAKER. The Chair will state to the gentleman from Maine his idea about this matter. In the first place the motion to recommit——

Mr. REED. Will the Chair, before he begins, allow me one more suggestion which I do not want to forget? This can not be regarded as a "dilatory motion."

The SPEAKER. In the first place, ordinarily, under all parliamentary rules with which the Chair has any acquaintance except the system under which we are now operating, a motion to recommit is not in order after the previous question is demanded or ordered. A motion to recommit is simply another method of permitting the House to amend, and under ordinary rules the right of amendment is cut off by the previous question. The House has, however, a provision in its rules that even pending the demand for the previous question or after it is ordered a motion to recommit may be in order.

Now, the purpose of the rule as disclosed by the language which has been read was that on reports from the Committee on Rules the House should have the right without delay and without motions tending to delay, to dispose of such a report. The language is similar to that used in reference to motions to suspend the rules: and the Chair is aware that there may be some embarrassment at times because of the distinction between a report from the Committee on Rules and a motion to suspend the rules. But take the case now before the House. The Chair has no doubt that it is within the power of the House to amend a report from the Committee on Rules. The Chair has never entertained any doubt about that. If the House should vote down the demand for the previous question, then this report could be amended.

The idea that the Chair has always had in enforcing this new rule was so to construe it as to permit the House to vote without delay upon the final proposition either as reported by the committee or as agreed upon by the House if the House should choose to amend it.

Now, the House has ordered the previous question. What does the previous question mean? It means that the House shall proceed to vote upon the proposition on which it is ordered. If a motion to recommit is in order, perhaps a motion to lay on the table might be in order; and the effect of both these motions, whatever the motive of the mover might be, would be to delay the House in reaching a final vote on the proposition before it, and on which the House has expressed a desire for a final vote by ordering the previous question. The Chair has always held, in construing the rule, that any motion which would tend to prevent the House from a speedy vote upon the final proposition is not in order.

The Chair holds that on a report from the Committee on Rules, when the previous question has been ordered, it is not in order to move to recommit to the committee. The Chair thus holds the more willingly because the matter is entirely in the power of the House. If the House desires to amend or alter in any respect a report of this character, it need only vote down the demand for the previous question, and then the whole field of amendment is open; the report can be altered in any way to suit the wishes of the House.

In other words, the Chair accepts the ordering of the previous question as an expression of the desire of the majority of the House to vote upon the resolution as it stood when the previous question was called upon it. Therefore, the Chair holds that the motion to recommit is not in order. The question is on agreeing to the report of the Committee on Rules.

The question was taken; and on a division there were—ayes 109, noes none.

Mr. REED. No quorum.

Mr. OUTHWAITE. I ask for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 7, not voting 173; as follows:

YEAS—173.

Abbott,	Cornish,	Kyle,	Reilly,
Alexander,	Covert,	Lane,	Richards, Ohio
Allen,	Cox,	Latimer,	Richardson, Mich.
Bailey,	Crain,	Lawson,	Richardson, Tenn.
Baldwin,	Crawford,	Layton,	Ritchie,
Bankhead,	Culberson,	Lester,	Robbins,
Bartlett,	De Armond,	Lockwood,	Robertson, La.
Barwig,	De Forest,	Lynch,	Ryan,
Bell, Colo.	Denson,	Magner,	Sayers,
Bell, Tex.	Dinsmore,	Maguire,	Schermerhorn,
Black, Ga.	Dockery,	Mallory,	Sibley,
Black, Ill.	Donovan,	Marshall,	Sipe,
Bland,	Dunn,	McAleer,	Somers,
Boatner,	Dunphy,	McCreary, Ky.	Springer,
Bower, N. C.	Durborow,	McCulloch,	Stallings,
Branch,	Edmunds,	McDearmon,	Stockdale,
Breckinridge, Ark.	English,	McEttrick,	Stone, Ky.
Bretz,	Enloe,	McGann,	Strait,
Brickner,	Epes,	McKaig,	Straus,
Brookshire,	Erdman,	McKeighan,	Swanson,
Brown,	Everett,	McMillin,	Talbert, S. C.
Bryan,	Fielder,	McNagny,	Talbott, Md.
Burnes,	Geary,	McRae,	Tate,
Bynum,	Geissenhainer,	Meredith,	Taylor, Ind.
Cadmus,	Goldzier,	Meyer,	Terry,
Caminetti,	Gorman,	Money,	Tracey,
Campbell,	Grady,	Montgomery,	Tucker,
Cannon, Cal.	Gresham,	Morgan,	Turner, Ga.
Capehart,	Hall, Minn.	Moses,	Turner, Va.
Caruth,	Hall, Mo.	Mutchler,	Turpin,
Catchings,	Hammond,	Neill,	Tyler,
Causey,	Hare,	Oates,	Washington,
Clancy,	Harris,	O'Neil,	Weadock,
Clark, Mo.	Hatch,	Outhwaite,	Wheeler, Ala.
Clarke, Ala.	Hayes,	Page,	Whiting,
Cobb, Ala.	Henderson, N. C.	Paschal,	Williams, Ill.
Cobb, Mo.	Hines,	Patterson,	Williams, Miss.
Cockrell,	Holman,	Paynter,	Wise,
Coffeen,	Hooker, Miss.	Pearson,	Wolverton,
Conn,	Hudson,	Pence,	Woodard.
Coombs,	Hunter,	Pendleton, Tex.	The Speaker.
Cooper, Fla.	Ikirt,	Pendleton, W. Va.	
Cooper, Ind.	Jones,	Pigott,	
Cooper, Tex.	Kribbs,	Price,	

NAYS—7.

Daniels,	Hermann,	Kilgore,	Warner.
Griffin,	Hutcheson,	McCleary, Minn.	

NOT VOTING—173.

Adams, Ky.	Dingley,	Johnson, N. Dak.	Rusk,
Adams, Pa.	Dolliver,	Johnson, Ohio	Russell, Conn.
Aitken,	Doolittle,	Joy,	Russell, Ga.
Alderson,	Draper,	Kem,	Scranton,
Aldrich,	Ellis, Ky.	Kiefer,	Settle,
Apsley,	Ellis, Oregon	Lacey,	Shaw,
Arnold,	Fithian,	Lapham,	Shell,
Avery,	Fletcher,	Lefever,	Sherman,
Babcock,	Forman,	Linton,	Sickles,
Baker, Kans.	Funk,	Lisle,	Simpson,
Baker, N. H.	Funston,	Livingston,	Smith,
Barnes,	Fyan,	Loud,	Snodgrass,
Bartholdt,	Gardner,	Loudenslager,	Sperry,
Belden,	Gear,	Lucas,	Stephenson,
Beltzhoover,	Gillet, N. Y.	Maddox,	Stevens,
Berry,	Gillett, Mass.	Mahon,	Stone, C. W.
Bingham,	Goodnight,	Marsh,	Stone, W. A.
Blair,	Graham,	Martin, Ind.	Storer,
Boen,	Grosvenor,	Marvin, N. Y.	Strong,
Boutelle,	Grout,	McCall,	Sweet,
Bowers, Cal.	Grow,	McDannold,	Tarsney,
Brattan,	Hager,	McDowell,	Tawney,
Breckinridge, Ky.	Hainer,	McLaurin,	Taylor, Tenn.
Broderick,	Haines,	Meiklejohn,	Thomas,
Brosius,	Harmer,	Mercer,	Updegraff,
Bundy,	Harter,	Milliken,	Van Voorhis, N. Y.
Bunn,	Hartman,	Moon,	Van Voorhis, Ohio
Burrows,	Haugen,	Morse,	Wadsworth,
Cabaniss,	Heard,	Murray,	Walker,
Caldwell,	Heiner,	Newlands,	Wanger,
Cannon, Ill.	Henderson, Ill.	Northway,	Waugh,
Chickering,	Henderson, Iowa	Payne,	Wells,
Childs,	Hendrix,	Perkins,	Wever,
Cockran,	Hepburn,	Phillips,	Wheeler, Ill.
Cogswell,	Hicks,	Pickler,	White,
Compton,	Hilborn,	Post,	Wilson, Ohio
Cooper, Wis.	Hitt,	Powers,	Wilson, Wash.
Cousins,	Hooker, N. Y.	Quigg,	Wilson, W. Va.
Cummings,	Hopkins, Ill.	Randall,	Woomer,
Curtis, Kans.	Hopkins, Pa.	Ray,	Wright, Mass.
Curtis, N. Y.	Houk,	Rayner,	Wright, Pa.
Dalzell,	Hulick,	Reed,	
Davey,	Hull,	Reyburn,	
Davis,	Johnson, Ind.	Robinson, Pa.	

So the resolution was agreed to.

Mr. OUTHWAITE. I ask a recapitulation of the vote, Mr. Speaker.

The vote was recapitulated, after which the announcement of the result was made as above recorded.

CONTESTED ELECTION, O'NEILL VS. JOY.

The SPEAKER. The Clerk will now report the resolutions submitted by the Committee on Elections.

The Clerk read as follows:

Resolved, That Charles F. Joy was not elected a member of the House of Representatives to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to the seat.

Resolved, That John J. O Neill was elected a Representative to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to the seat.

Mr. WAUGH. Mr. Speaker, I ask consent at this time to offer the following as a substitute on behalf of the minority.

The SPEAKER. The Clerk will read the resolutions submitted by the minority of the committee as a substitute for those just read.

The Clerk read as follows:

Resolved, That Charles F. Joy was legally elected to a seat in the Fifty-third Congress from the Eleventh Congressional district of the State of Missouri, and that he is entitled to retain his seat in this House.

Resolved, That John J. O'Neill was not legally elected to a seat in the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to a seat in this House.

The SPEAKER. The Chair will recognize the gentleman from Tennessee [Mr. PATTERSON] to control the hour in support of the report of the Committee on Elections, and the gentleman from New York [Mr. DANIELS] in opposition.

Mr. PATTERSON. Mr. Speaker, this case involves the application of a familiar principle of law to an admitted state of facts. It comes up from the Eleventh Congressional district of the State of Missouri. That district is wholly within the corporate limits of the city of St. Louis. The contestee claims that he was elected, and the returns show that he was, by a majority of 67 votes.

For the past few years there is scarcely a State in the Union that has not been legislating with a view to ballot reform. The State of Missouri is no exception to this rule. The great influx of foreign population into this country, the conferring of the ballot upon the colored race in the Southern States, and other causes combined, we all know have produced during the last quarter of a century very grave errors, frauds, and irregularities in elections. There is a tendency throughout the United States, confined to no particular section of the Union, there is a strong tendency, in the direction of ballot reform. The State of Missouri has passed a good many statutes looking to the purity of the ballot in the cities of that State. At last she has evolved a system which in my humble judgment is as free from criticism as any system devised by any other State in the Union.

I will, in a few moments, explain the operation of this law. In cities of over 5,000 population the governor of the State appoints a recorder of voters. This recorder of voters has his office at the county seat and there registers the voters of the municipality. He can register the voters on any day or at any time of the year. Where a citizen changes his ward or precinct he simply goes to the recorder of voters and has his registration changed. Then prior to any general election the recorder appoints registrars whose duty it is to register the voters who have not theretofore been registered.

The day previous to the election the recorder proceeds to make out an alphabetical list of all the registered voters in each of the precincts within the municipality, and that registry list is forwarded to the officers holding the election and is there on the morning of the election. So it is that every man who is entiled to vote at any precinct has his name on the alphabetical list.

Now, in order to prevent fraud the law requires that there shall be six judges. The first two are called distributing judges; the next two are called receiving judges; they receive the ballots; the first two distribute them; and the last two are called the counting judges.

Three of these judges belong to one political party and three to another. When a citizen desires to vote he goes to the distributing judges, and these distributing judges having the list of registered voters before them can see from that alphabetical list whether or not he is entitled to a ballot. If he is entitled to a ballot they are required by the law to write their names or initials in ink or in indelible pencil on the back of the ballot. That makes it an official ballot. The ballot is handed to the voter. He goes into the booth at the polling place and there prepares his ballot. He then folds it so that the signature of the judges shall appear on the outside of the ballot. He then goes to the receiving judges who receive the ballot, and casts the ballot with the initials or names of the distributing judges plainly written on the ballot, so that they can see that it is an official one. When that ballot is received the law requires that it shall be numbered in the order in which the voter cast it and when this is done the number of that ballot is written opposite the name of the voter on the registry list with the word "voted," and the ballot goes into the box.

Now, that is the duty of the receiving judges. The counting judges have two ballot boxes. They deliver to the receiving judges one of the ballot boxes, locked and empty. That is used by the receiving judges for one hour, and then that ballot box is delivered over to the counting judges, and the other ballot box is delivered to the receiving judges, and the counting judges proceed to count the ballots in the first box, and the receiving judges proceed to deposit ballots in the second box. By that process the ballots are practically all counted when the polls are closed.

Now, this is the very simple but rather elaborate system that has been instituted in the cities of the State of Missouri. You can at once see that if these laws were not mandatory they would be practically useless upon the statute books. The officers who would be elected by means of fraud would often be interested in protecting the perpetrators of the frauds, and therefore it is absolutely essential, in order to require that this law shall be enforced and that the purity of elections shall be secured, that these provisions shall be mandatory, and that the validity of the ballot shall depend upon a compliance with the law.

Mr. COX. How are those judges selected?

Mr. PATTERSON. They are appointed, one-half from one political party and one-half from the other.

Mr. COX. Who appoints them?

Mr. PATTERSON. The county court, as I am informed.

Now that is the mode in which the elections are conducted. You can see that if this law is enforced, it is almost an impossibility for fraud to be committed. It is impossible that there should be a false registration. It is impossible to have anything else but pure elections, practically, if this law is enforced. Why? Because these ballots are required to be kept for twelve months, locked up in a box, in possession of the recorder of voters, and should a contest be instituted within the twelve months they are subject to be offered in evidence. Should no contest be instituted within twelve months, then the ballots are destroyed.

Now, in the event that a contest is instituted and these ballot boxes are opened, there is the registration or poll list. There are all the ballots. There are the initials of the judges. There are the numbers of the ballots; and the numbering and the initialing absolutely trace each ballot to the voter, and you can tell whether he was a false voter or not, whether he voted a duplicate ballot or not, and you can do it with absolute and unerring certainty.

Now, in order to enforce this law the State of Missouri has declared that every voter shall not vote elsewhere than in the election precinct where he is registered, and whereof he is registered and a resident. He must vote in that precinct.

Now, in section 4785, Revised Statutes, 1889, as amended by section 11 of the act of April 4, 1891, it is expressly provided that—

Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear.

In section 1005, Revised Statutes, 1889, it is provided that—

No ballot not numbered as herein provided shall be counted.

In section 4671, Revised Statutes, 1889, chapter 60, it is further enacted—

Any ballot not conforming to the provisions of this chapter shall be considered fraudulent and void.

Section 4780, Revised Statutes, 1889, chapter 60, as amended by section 8 of the act of April 4, 1891, reads as follows:

On any day of election of public officers in any election district, each qualified elector shall be entitled to receive from the judges of election one ballot. It shall be the duty of such judges of election to deliver such ballot to the elector. Before delivering any ballot to the elector the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballot with ink or indelible pencil, and no other writing shall be on the back of the ballot except the number of the ballot.

Mr. HALL of Missouri. Will the gentleman yield for a question?

Mr. PATTERSON. We have only one hour, and I hope the gentleman will not interrupt me. I desire to say that my distinguished friend, Judge DANIELS, of New York, very ingeniously argues that section 1005 has been repealed by the act of 1891. I deny that. I say that section 1005 is in full force. But I shall not take the time to go into a discussion of that question, because it only involves two or three votes, and no matter how the question may go. Mr. O'Neill is elected, provided it is necessary that the ballots should be initialed.

Now, that brings us down to the discussion of this plain statute:

Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear.

Now, my distinguished friend from Maine [Mr. REED] said that this case was in a nutshell. It is in a nutshell. If this statute which I have read is a mandatory statute, if it means

what it says, then under the law Mr. O'Neill is entitled to this seat, and my distinguished friend from New York [Mr. DANIEL] does not deny the proposition.

Mr. LACEY. Will the gentleman yield for a question?

Mr. PATTERSON. The gentleman can ask it in his own time. I can not yield.

Mr. LACEY. We will give unanimous consent to extend the time.

Mr. PATTERSON. I can not yield for an interruption.

That is the nutshell, so far as the law of this case is concerned, because, so far as numbering is concerned, there are only, I believe, two or three votes involved. That is to say, Joy received 43 ballots where there was no number on tickets that was initialed, and O'Neill received 45, making a difference of only two votes; and O'Neill, if the initialing as required by law is enforced, was elected by 210 votes. Now, that is the case, and I will state the simple proposition, Mr. Speaker, that I stand by and represent to-day. I stand here representing this idea, that the State of Missouri has the right to manage her own affairs. She has the righs to enact her own election laws; she has the right to impose conditions upon the exercise of the suffrage; she has the right to enact a mandatory law, and if she requires this initialing to be done before the ballot shall go into the ballot box, it is the business of Missouri and not the business of the American Congress. That is the doctrine, and that is the important principle involved in this case, and it is all of it.

Now, I know that my friend from Maine this morning spoke of the hardship of enforcing a technicality. Is it any hardship upon a citizen to say that when he goes to the distributing judges that he shall see that they comply with the law by writing their initials or signatures on the ballot? Why the law prescribes that when the voter folds his ballot he shall fold it so that the initials shall appear on the outside of the ballot. The law requires him to look at the initials. The law requires him to see that it is an official ballot; and before he goes to the receiving judges that he shall fold that ballot so that the initials shall appear on the outside, and shall be plainly in view of the receiving judges; and then the law says that these receiving judges shall not deposit the ballots in the ballot box unless the initials or signatures are there. What is the meaning of that law? If you do not have the initials of the receiving judges on the ballot the voters can counter eit ballots. They can use any other ballot. This is the official ballot. The law contemplates enforcing the principle that a voter shall use an official ballot. If he mutilates the official ballot he can go and secure another ballot by making an affidavit.

But the ballot is not an official ballot until the signatures or initials of the judges are written upon it. This is the plain provision of a Missouri statute. It is a mandatory statute. There is not a lawyer on the floor of this House who can controvert that proposition—that the State of Missouri says that the ballot shall not go into the box unless it is initialed, or has the signatures of the judges upon it. It is a mandatory statute in the very strongest language that can be used.

Now, Mr. Speaker, I have been asked a question. I have not discussed the question of numbering the ballots, and I want to call the attention of the gentleman from Missouri [Mr. HALL] to the fact that numbering is not necessarily involved in this case. There are only two ballots depending upon it: all the remainder are dependent upon the initialing; and if there is any trouble in the mind of the gentleman on that score, I say to him he should dismiss it. I am basing the case clearly upon the question that the ballots were not initialed. Now, mark you, the initialing by one judge will not do.

Mr. BOATNER. Right there, I desire to ask the gentleman a question.

Mr. PATTERSON. We have only an hour. I do wish my friend would allow me to proceed.

Mr. BOATNER. I only wish to ask a question for information.

Mr. PATTERSON. Then ask your question.

Mr. BOATNER. I want to know whether the deficiency——

Mr. PATTERSON. One hour is all we have.

Mr. BOATNER. I want to ask if the question of deficiency, for which you have thrown out these ballots, was a thing that the voter had any control over?

Mr. PATTERSON. Yes.

Mr. BOATNER. Is it the fault of the voter or the fault of the commissioner of elections?

Mr. PATTERSON. The law requires him to go to these distributing judges and get his ballot. The law requires that these judges shall write their initials or signatures upon the ballot before they hand it to him. The law requires him, when he goes into the booth and makes up his ballot, to so fold it that the initialing of it shall be upon the outside of the ballot, plainly open to the view of these receiving judges; and that unless he folds the ballot so that the initialing and numbering is plainly in view the judges will not receive and put it in the ballot box.

Mr. BOATNER. How is it accounted for, then, that the commissioners did receive them?

Mr. PATTERSON. I do not know about that. I am not here accounting for a violation of the law. I am simply insisting on the enforcement of a plain mandatory statute of the State of Missouri. Now my friend from Maine [Mr. REED] this morning undertook to discuss this question, and said that the case rested on a pure technicality.

Mr. REED. I did not qualify it in that way; I did not say it was a "pure."

Mr. PATTERSON. Mr. Speaker, the gentleman from Maine, who is not a member of the Elections Committee, made the broad statement that this was an effort upon the part of the majority of this House to oust the sitting member upon a mere technicality. I desire to say that I prepared this report and, so far as I am concerned, I want the case to be decided upon the question whether or not the American Congress will enforce a plain mandatory statute of a sovereign State. It is an important question, involving an important principle, and I desire to see it enforced in this case.

The report calls attention only very briefly to the facts, resting the case of the contestant upon statute. But, Mr. Speaker, as the gentleman from Maine has seen proper to assail the action of the majority of the committee upon the ground that this is an effort, by a mere technical device, to oust the sitting member from his seat, I propose to devote a few moments to the facts in this case. I do so in order to show the operation of the wise law which has been enacted by the State of Missouri. For instance, it is insisted by the contestant and by the majority of the committee that there were 50 votes counted for Mr. Joy that were found in the boxes, where the pretended voters were registered from vacant lots or fictitious streets, or did not reside at the places from which they were registered. Again, it is contended by the contestant, and if necessary would be insisted upon by the majority of the committee, that there were 250 ballots for Joy given and cast by only 125 voters. That is to say, there were 125 duplicates without deducting the few duplicates that had been cast for the contestant.

Again, we insist, and if it were necessary the majority of the committee would insist, that there were 42 voters whose votes were counted for Joy who swear that they voted for O'Neill. Of those 42 voters, 17 cast duplicate ballots. Again, 29 voters swear that they voted for O Neill, their names are on the poll list marked "voted," but their ballots were not found in the boxes. Again, 5 voters for Joy voted on lapsed registration papers. Under the laws of Missouri, when a man takes out his first papers he can vote for five years, but if he does not take out his second papers within the five years he can not vote afterwards. Five votes were cast for Joy upon lapsed naturalization papers.

Again, in precinct 94 the judges found 7 ballots for Joy and 1 for O Neill when no names appeared on the poll books to represent them. Again, Joy contends that 211 citizens deposited their ballots with the United States supervisor, not having registered, but claiming that they were entitled to vote. There were 211 ballots filed there for Joy, but there were 243 similar ballots filed for O Neill. Therefore, Mr. Speaker, upon the facts of the case, if it were necessary to go into them, I contend that we could demonstrate that Mr. O'Neill is entitled to this seat, and the law which I have discussed has been the instrumentality by which these facts have been disclosed. But in writing the report the majority of the committee chose to rest the case, not upon a discussion of the facts, but upon this plain mandatory statute of the State of Missouri. Shall we enforce the statute according to its meaning? That is the principle involved here, and we desire to see the principle vindicated and enforced in this case.

How much time have I remaining?

The SPEAKER. The gentleman has twenty-seven minutes.

Mr. PATTERSON. I reserve the balance of my time.

Mr. DANIELS. Mr. Speaker, in the short time allotted for the presentation of the questions involved in this controversy very little attention can be paid to details, and were this simply a controversy between these two gentlemen, Mr. O'Neill upon the one side and Mr. Joy upon the other, I should not attempt to consume any part of the period which is allowed for discussion in this case. But behind these gentlemen are 30,000 voters of the Eleventh Congressional district of the State of Missouri, who come before this House asking that the fair majority of the votes as they were cast and received in the election in November, 1892, shall be maintained.

There is no question here upon the evidence but that these voters were honest legal voters of that election district, with the exception of perhaps thirty persons who had been fraudulently registered and who voted fraudulently, but it will not be con-

tended that the number of such fraudulent votes was sufficient in any possible view to justify the rejection of the return that was made by the board of judges, most of whom were Democrats, in favor of the seating of Mr. Joy. We have, then, before the House 30,000 voters who appear behind these gentlemen, who are constructively here, to ask that their legal rights under the laws of the State of Missouri shall be protected and maintained, and the members of this House have been appointed under the Constitution of the United States the judges of that question, to look at the election and the evidence that pertains to the votes that were cast, from a judicial point of view, leaving out of consideration entirely the political complexion of either one of these contestants.

It is contended here by the report of the majority of the Committee on Elections, and also by what has been said by my distinguished friend from Tennessee [Mr. PATTERSON], that these votes should be rejected to such an extent as to extinguish the majority that was returned in favor of Mr. Joy and give the seat to Mr. O'Neill. This is not to be done by excluding illegal votes from those that were included in the returns, but it is to be done by means of two technical objections that are raised to the regularity of this election, upon which technicalities the honest legal voters of the Eleventh Congressional district of the State of Missouri are to be deprived of their chosen representative here.

Now these objections are in the first place that the votes were not numbered in the order in which they were received. And that is true as to the ninety-eighth precinct of this Congressional district. And of those votes, according to the report of the majority of this committee, Mr. Joy has received 25 over and above those given to Mr. O'Neill. So that, according to this calculation, 25 votes are to be taken from Mr. Joy's majority because these votes in this precinct were not numbered.

Another precinct, No. 95, was objected to on the same ground; and by the way these are the only objections raised in the notice of contest. But it appears by the evidence in this case that every vote given in the ninety-fifth precinct was numbered; the number is upon it; and it does not appear that that number is not the number of the vote in the order in which it was received.

It was insisted on behalf of the contestant that it was the registration number that was placed on these ballots; but that is not proved as a matter of fact by the evidence; and even if it were so the registration number is just as good an identification of the vote and of the voter, as it was polled in that precinct as a numbering in the order in which it was received, strictly in accordance with the statute.

Mr. BOATNER. Will it interrupt the gentleman if I ask him a question?

Mr. DANIELS. Not at all.

Mr. BOATNER. I see that one provision of the statute of Missouri declares that "no ballot not numbered as so provided shall be counted." Is there any provision of the statute which declares that no ballot not initialed shall be counted?

Mr. DANIELS. There is not. There is no provision in the law as it now exists in the State of Missouri, or as it existed in 1892, requiring that ballots not numbered shall not be counted, or that the ballots shall be rejected because the initials of the judges are not placed upon them. That, as to the failure to number, was the provision of the old law under which elections were carried on for a series of years up to 1889. But at that time a new law went into effect, which was calculated to supersede the old law—a new law by which the Australian ballot was introduced; and this form of ballot was to be supplied by the public authorities of the election district, and was so supplied in this instance.

In addition to the contention that the ballots were not numbered, and therefore should be rejected, the objection is also made that the ballots did not bear the initials of two of the judges of elections. The law of 1889 provided for the appointment of two additional judges who were to be judges of the election and who were required to indorse their initials on every ballot before the ballot was delivered to the voter. In this instance they failed to comply fully with this direction: but the ballot was indorsed in all instances by one of the judges of the election. In the ninety-eighth precinct, already referred to, the ballots were indorsed in this manner by Mr. Laborge, one of the Democratic judges of the election precinct, it being supposed that was sufficient, and it was supposed also by the majority of the judges of election in this precinct that it was not necessary to number the ballots. That was made a matter of discussion among them at the time; and it was not settled until they had received about 191 votes, at which time they commenced the numbering of the ballots, which was followed from that time forward.

It is upon these two objections that the ground is taken in the majority report, and also in the argument which is made here, that Mr. Joy's election should be overthrown and Mr. O'Neill should be seated in his place. In order to sustain this ground it has been found to be necessary to go back to the old law which existed prior to the enactment of the present statute, and which is plainly inapplicable to the election which was held on this occasion. It was for the purpose of changing the entire system of voting at elections in the city of St. Louis that this law was first passed. It was made to include all elections held in cities of the State having a population of 5,000 and upwards, and therefore it necessarily includes the city of St. Louis. But in 1891, before this election was held, an amendatory act was passed, extending the provisions of the new system to the entire State; and at the time when this election was held that was the general law of the State of Missouri.

Now, the question is whether you can go back to the law as it previously existed and as the majority of the committee has done for the purpose of finding an objection which will oust Mr. Joy from the seat and give it to another person who was not returned as having a majority, and who in point of fact did not have a majority of the votes of that district.

Mr. PAYNTER. If it will not interrupt the gentleman, I wish to ask him a question.

Mr. DANIELS. I yield with pleasure.

Mr. PAYNTER. If the old law declaring these ballots illegal when not numbered is now in force, is not that statute mandatory, and is it not our duty to exclude such ballots from the count?

Mr. DANIELS. I say so. I do not controvert that proposition.

Mr. PAYNTER. You agree that the statute is mandatory, if it is applicable to this election.

Mr. DANIELS. Yes, if the statute is applicable.

Mr. BROWN. And the same is true with respect to the initialed ballots?

Mr. DANIELS. Undoubtedly.

Mr. BROWN. So that the question between us is whether these old laws have been repealed by implication or not?

Mr. DANIELS. Whether they apply to this election.

Now, upon this question I would like to read an extract which I have made from the case of Fox *vs.* The Commonwealth of Virginia, reported in 16 Grattan, as to the effect of changing a system that has existed and been carried out relative to any matter of government in the State.

It is there said that—

> Even if the subsequent statute be not repugnant in all its provisions to a prior one, yet if the latter statute was clearly intended to prescribe the only rule that should govern in the case provided for, it repeals the "original act." So on the same principle a statute is impliedly repealed by a subsequent one revising the whole subject-matter of the first. And in the case of a statute revising the common law the implication is equally strong.

And that is the case in this election; and that it was intended to have that effect, I desire to call the attention of the House to the title of the act as it was passed in 1889. It is declared to be "An act to provide for the printing and distributing of ballots at elections for public officers at public expense, and to regulate elections for public officers"—including necessarily the election of the member of Congress in this district.

Now, the preceding law relating to the numbering of the ballots uses these words: "The ballot shall be taken and numbered in the order he [the voter] offers to vote, etc., and one of the judges shall indorse the registration number on the back of the ballot, which is to be over the number of the ballot itself," while under the present law it is provided only that the ballot when it is presented shall be numbered in the order in which it is received, this statute using precisely the language of the constitution of the State of Missouri, and was intended plainly to conform the present law to the requirements of the constitution instead of going back to the old law, which did not do that, but required the ballot to be numbered in the order in which the voter proposed to vote, which presents a manifest difference in the language; and there is no reason why the Legislature should have provided in this law of 1889 and 1891 for the change in this language, if it was still proposed to go back to the law of 1883 to determine the rights of a voter to have the vote counted where there had been an omission to number it.

The law of 1883 required also that the registered number should be placed on the back of the ballot, while the law of 1889 and 1891 provided that no other writing should be placed on the ballot than simply the number of the ballot and the initials of the two judges.

This clearly excluded the requirement that the registration number should be indorsed on the ballot, and restricted the indorsement to the number of the ballot in the order in which it should be received. The law of 1883 declaring that the unnumbered ballot should not be counted was also expressly confined to the ballot voted under the old law. That is evident from its language, which is "that no ballot not numbered as

herein provided shall be counted." A clear distinction has in this manner been made between the ballots. The ballot not to be counted when not numbered was the old ballot, for that is the only ballot to which the preceding law was applied. And it was to take the place of that enactment that the acts of 1889 and 1891 were made to require but one number, and that is the number of the ballot in the order in which it shall be received.

That is the statute on which this requirement to number stands, and on which the House is asked to reject this vote given in this precinct 98, and being the precinct in which Mr. Joy received a majority of 67 votes. Now, as to that particular feature, the present law does not provide as the preceding statute did, that the ballot shall not be counted when it has not been numbered. And it has not been forbidden to be placed in the box when it has not been numbered. But without the initials of the two judges it has been declared that it shall not be deposited in the box unless the initials of the judges are on the back of it. This duty is devolved on the officers of the election, not upon the voter; and there is no disability, no forfeiture imposed on the voter himself, or on his ballot, because the officer does not discharge the duty which the law imposes upon him in the matter, but deposits the ballot in the box with only one initial upon it, which was the fact as to all these disputed votes.

The general rule requires such a ballot to be counted notwithstanding the irregularity. For "an irregularity in conducting an election, which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, or cast uncertainty on the result, and has not been occasioned by the party seeking to derive a benefit from it, should be overlooked in a trial for an office depending on such election." (Paine on Elections, section 502.)

It is to the officers alone that the law has made use of this language. These two judges of election are the persons who are to indorse their initials upon the ballots; and if a ballot is not so indorsed, the receiving judges have been directed not to place it in the ballot box. The duty is placed exclusively upon them, and for their delinquency the voter has not been deprived of his vote.

Now, in all the cases where the ballot has been rejected for a failure to comply with requirements of this character, the law has expressly declared either that the ballot shall be void, or that the vote shall not be counted. Now, in order to relieve the case from this principle, and to forfeit the votes having the initials of but one of the judges upon them, the majority of the committee have gone back again to another old statute of the State; and I desire to call the attention of the House for a moment to the provisions of that statute.

It is claimed on the part of the minority of the committee that this statute has no possible application to the case that is now before the House. The members of the House will see that the language of this old statute applies to the case of the ballot supplied alone by the voter himself and to the contents of that ballot, while the votes at this election, and under the present law of the State of Missouri, are to be supplied by the public authorities; and the ballot is to contain not only the ticket that the voter designs to vote, but the ticket of each one of the other parties that may have made nominations of candidates to be supported at that election. Now, this statute provides as follows, and this is the old law which clearly is not applicable to this controversy:

SEC. 4671. Ballots shall contain what.—Each voter at any election shall, in full view, deliver to one of the judges of election a single ballot, which shall be a piece of white paper, on which shall be written or printed the names of the persons voted for, with a designation of the office which he or they may be intended to fill. Said ballot shall not bear upon it any device whatever, nor shall there be any writing or printing thereon, except the names of persons and the designations of the office to be filled, leaving a margin on either side of the printed matter for substituting names. Each ballot may bear a plain written or printed caption thereon, expressing its political character, but on all such ballots the caption or headlines shall not, in any manner, be designed to mislead the voter as to the name or names thereunder. Any ballot not conforming to the provisions of this chapter shall be considered fraudulent and the same shall not be counted. (Revised Statutes, 1879, section 5493.)

While under the present law the ballot is required to contain—

the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this article, and no other names. The names of candidates nominated by each party shall be grouped together upon the proper ballot, and each group be headed by the name of the political party by which the candidates composing said groups are placed in nomination. Every ballot shall also contain the name of the party or principle which the candidates represent, as contained in the certificates of nomination.

Now, that ballot can not be voted under the old law. The old law declares that there shall be no writing or printing on the ballot except the ticket with its caption that the voter is intending to vote, while here, under the new law, the authorities are required to print every ticket representing every kind of nomination, Democratic, Republican, People's candidate, Prohibition, or whatever it may be, all together upon the face of the ticket. That ticket contains consequently printing which, under the preceding law, would render it actually impossible that it should be received or placed in the ballot box, because that law declared that no ballot having any other writing or printing upon it than merely the caption and ticket of the persons voting, should be placed in the ballot box.

Then it declares that any ballot not conforming to the provisions of this chapter, which is the old law relating to elections in St. Louis, shall be considered fraudulent and the same shall not be counted, and it is under that provision that it is claimed on behalf of the majority of this committee that these votes not bearing the initials of the two judges of election shall be rejected.

Mr. COBB of Alabama. Is that the old law?

Mr. DANIELS. That is the old law.

Mr. COOPER of Florida. Does the present law, which you admit to be in force, contain a provision that no ballot shall be deposited in the box without the initials and the numbers?

Mr. DANIELS. There is no such provision in this law at all.

Mr. COOPER of Florida. What is the provision of the present law?

Mr. DANIELS. The provision of the present law is this:

Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges, as hereinbefore provided for, does not appear. (Amended Laws, 1891, p. 135.)

That is the law which first required the initials of the judges of election to be indorsed upon the ballot. There was no such requirement in the old law, and certainly the old law could not nullify the ballot for the want of these initials.

Mr. COOPER of Florida. Is that the present law?

Mr. DANIELS. That is the present law.

Mr. COOPER of Florida. It mentions only the initialing, and not the numbering.

Mr. DANIELS. That applies to the initialing and not to the numbering. The declaration in the present law is simply that the judge of election shall not deposit in the ballot box a ballot which does not contain these two initials. And that is the extent of the prohibition. Now, the law as it has been construed by the courts of Missouri——

Mr. McCALL. If the gentleman will permit me, I will say that that injunction is simply directed to the judge of election.

Mr. COOPER of Florida. I was simply getting at the facts.

Mr. COBB of Alabama. If the voter were supplied with a ballot which did not contain the initials, what would he do? Would he go back and have the initials supplied?

Mr. DANIELS. Yes, he could.

Mr. MAGNER. Does the gentleman contend that without a specific direction in the law, the omission on the part of the election officers to do their duty would in no case invalidate the ballot?

Mr. DANIELS. I do, unless the law has gone further and declared that the vote shall be void without it, or else that the vote shall not be counted.

Mr. MAGNER. Is not the gentleman familiar with the Onondaga cases, and the decision of the court of appeals, in which they held directly this way?

Mr. DANIELS. The gentleman is mistaken as to the effect of that decision. That decision, and all the decisions upon the subject are fully referred to in this case of Bowers against Smith, in 111 Missouri, page 46 to 61, in which this language is used——

Mr. MAGNER. If the gentleman will examine the Onondaga cases, he will see that there was an omission to comply with the law, even a willful omission by the election officials themselves, in which the voters had no part; and in that case the court of appeals held that, notwithstanding the willful act of transferring the ballots, it was incumbent upon the voter to show that he did not carry it out for himself.

Mr. DANIELS. Because the law provided that a vote not numbered according to the law was not a legal vote. That was the decision.

Mr. MAGNER. That is the provision of this law.

Mr. DANIELS. There is no such provision in this law.

Mr. MAGNER. That it shall be initialed?

Mr. DANIELS. That it shall be numbered and initialed, and that it shall then be voted. There is only one instance under that part of the law.

Mr. HAYES. Then I understand the other side claims that there is no such provision.

Mr. DANIELS. That is in the old law. The present law provides for one ballot, and then it declares:

Ballots other than those printed by the respective clerks of the county courts, according to the provisions of this article, shall not be cast or counted in any election.

If these ballots were not in form, according to the language

of this statute, they could not be voted or counted; but there is no evidence that these ballots were not made in the form prescribed by this law. The law did not require the ticket to be initialed in order to make it regular.

Mr. MAGNER. The question included the initialing of the ballot, and the neglect to put in the correct number of the district in the Onondaga cases.

Mr. DANIELS. Which the Legislature declared should invalidate the ticket.

Mr. MAGNER. The Legislature did not.

Mr. DANIELS. I beg your pardon.

Mr. MAGNER. I think the gentleman is mistaken about that.

Mr. DANIELS. That was the ground upon which the court of appeals decided.

Mr. DUNPHY. Will the gentleman allow me to read what the court of appeals said in that case?

Mr. DANIELS. The gentleman will please defer that. The supreme court of the State of Missouri have held this to be the law in the case to which I have already referred. The language of that court is:

If the law itself declares a specified irregularity to be fatal, the courts will follow that command irrespective of their views of the importance of the requirement.

In the absence of such declaration the judiciary endeavor, as best they may, to discern whether the deviation from the prescribed forms of law had, or had not, so vital an influence on the proceeding as to probably prevent a free and full expression of the popular will. If it had, the irregularity is held to vitiate the entire returns, otherwise it is considered immaterial.

And that is the situation under which this election was held. There was not a dishonest vote polled in one any of these precincts, unless it was in one of the precincts where it was claimed there was improper registration, and where all the forms of the law were observed.

But it will not do for me to consume the time of gentlemen who are behind me; and, therefore, I shall leave this subject in the hands of the members of the House, asking them only to consider these various provisions of the statutes and say whether it was not the intention of the Legislature when they passed the law of 1889 and 1891 to break away from this old system, so far as the form of the vote and the manner of voting were concerned, and to provide an entirely new system, which was in conformity with the language of the Constitution of the State of Missouri, which was adopted after this law was enacted, declaring that the vote should not be counted unless the registration and the number of the vote were indorsed upon it, that constitution being adopted in August, 1875, and these laws being enacted in March, 1875.

I reserve the balance of my time.

Mr. PAYNTER. Mr. Speaker, this contest involves the construction of the statutes of Missouri under which the election was held. Congress has left to the States, where it properly belongs, to furnish the necessary legislation relating to the conduct of elections. During this Congress all Federal election statutes have been repealed. Under the statutes of Missouri, until 1891, there were statutes relating to the conduct of elections in the cities of a certain class and statutes for the regulation of elections in the balance of the State. In 1883 the Legislature passed an act the title of which was, "An act to provide for the registration of all voters in cities having a population of more than 100,000 inhabitants, and to govern elections in such cities," etc.

A part of that act is section 1005 of the Revised Statutes of the State of Missouri. It is as follows:

Section 1005, Revised Statutes 1889, provides:

The recorder of voters shall provide two ballot boxes for each election precinct, one of which shall be numbered No. 1, and the other No. 2, and it shall be the duty of the judges of election to select from their number two who shall be designated and known as "receiving judges," and two who shall be designated and known as "counting judges." The two receiving judges shall receive the ballots of each elector, and shall, upon receipt thereof, pronounce in an audible voice the name of the voter, and if the judges shall be satisfied that the person offering to vote is a legal voter, his ballot shall be taken and numbered in the order he offers to vote, and the ballot shall be folded, and one of the judges shall place the registration number on the back of the ballot, and then draw a horizontal line under it, and shall place the number of the ballot in the order in which it was voted, thus: $\frac{1}{1}$; said numbers shall be announced in a plain and audible voice by the judges, loud enough to be heard by the bystanders outside the polling place, and the ballot shall then be deposited in the ballot box, which shall be securely closed for the period of one hour after the opening of the polls.

The clerks of the election shall enter the voting number of the ballot, and the word voted, or rejected, as the case may be, opposite the voter's name on the registration lists furnished to them. At the expiration of such hour the receiving judges shall deliver said ballot box No. 1 to the counting judges, who shall immediately deliver over to the receiving judges ballot box No. 2, which shall, thereupon, be securely closed, in which all ballots received, until the ballots in ballot box No. 1 are counted, shall be deposited; and after the counting judges have counted the ballots in ballot box No. 1, they shall deliver the box to the receiving judges, and the counting judges shall count the ballots in ballot box No. 2, and so on alternating whenever the counting judges complete the count of the ballots in any box until all the ballots cast are counted.

All ballots shall be taken out and counted in the presence of all the judges and clerks, and party representatives, in the manner provided by law, and it shall be the duty of the counting judges to announce to the electors present the total number of votes polled at the close of each hour, but no information or statement of any kind shall be given or made by the judges or clerks of election revealing the number of votes received by any candidate at such election, or the name of any person who has not voted, or any information tending to show the state of the polls: *Provided*, That each political party shall have the right to select one representative to be present with the judges of election from the opening to the closing of the polls, who may challenge any person offering to vote, but shall not interfere with the judges or clerks in the discharge of their duties. Said representatives shall make oath before the judges of election that they will not directly or indirectly give any information showing the state of the polls: *Provided further, That no ballot not numbered as herein provided shall be counted*, and that the judges shall, in the presence of the electors, examine the ballot boxes at the opening of the polls, and before any ballots are received, to see that they are empty; and at the close of the polls the judges shall continue to count until all the ballots are counted without removing from the polling place.

This section makes provision for furnishing ballot boxes for the various precincts.

It designates the character of the judges of election by naming two of the four judges provided by law as "receiving judges" and two as "counting judges."

A clause is in the section regulating the reception of the ballots and the numbering thereof, and directs how the ballots shall be counted.

It is further declared that "no ballot not numbered as herein provided shall be counted."

Section 1010, Revised Statutes of Missouri, being part of the act of 1883, declares in substance that all elections in said cities shall be conducted in all respects as provided in this article, subject to all provisions of the Revised Statutes entitled "Elections," so far as the same do not conflict with this article.

Section 4747, Revised Statutes, in substance says that except as otherwise provided by law all provisions of this chapter (which is 60) shall be applicable to the city of St. Louis, the same as the counties.

This chapter, 60, is the one entitled "Elections," referred to in sections 1010 and 4747.

Section 4671 is part of chapter 60, which is as follows:

Each voter at any election, shall in full view, deliver to one of the judges of election a single ballot, which shall be a piece of white paper, on which shall be written or printed the names of the persons voted for, with a designation of the office which he or they may be intended to fill. Said ballot shall not bear upon it any device whatever, nor shall there be any writing or printing thereon, except the names of persons and the designations of the office to be filled, leaving a margin on either side of the printed matter for substituting names. Each ballot may bear a plain written or printed caption thereon, expressing its political character, but on all such ballots the caption or head lines shall not in any manner be designed to mislead the voter as to the name or names thereunder. *Any ballot not conforming to the provisions of this chapter shall be considered fraudulent and the same shall not be counted.*

There is a distinct clause in this section, as follows:

Any ballot not conforming to the provisions of this chapter shall be considered fraudulent, and the same shall not be counted.

It is readily seen that the terms of section 4747 make the language just quoted apply to the city of St. Louis, as there is nothing in the act of 1883 and the preceding acts relating to elections in St. Louis which are in conflict with the foregoing provision.

We assume, then, that at the time of the passage of what is known as the Australian ballot law the provision declaring ballots fraudulent and shall not be counted was in force and applicable to the city of St. Louis, because, as stated, it is not in conflict with any preceding statutes relating to St. Louis nor section 1005, which only provides the penalty of exclusion from the count of any ballot not numbered, while this provision excludes the ballot from the count for any substantial variance from the provisions of this chapter—not article or section, but chapter.

Before proceeding to discuss the effect of the acts of 1889 and 1891, I call your attention to sections 4672 and 4673 of article 1, chapter 60, Revised Statutes, which apply to the State of Missouri outside of St. Louis.

Section 4672 among other things provides for the numbering of the ballots the same as section 1005, and declares that "no ballot not so numbered shall be counted."

Section 4673 is substantially the same as section 1005.

One was intended to apply to the city of St. Louis and the other to the balance of the State, each system requiring four judges of election.

Thus the law stood in 1889 when the Australian ballot law was passed.

This act is article 3, chapter 60, Revised Statutes, being thus incorporated by the thirty-fifth General Assembly of Missouri: This act is an amendment to the then existing laws in the State of Missouri relating to elections. It provides for an official ballot together with numerous details unnecessary to mention. It was made applicable to cities and towns of 5,000 inhabitants and over.

It repeals all acts and parts of acts inconsistent with it.

It is not, nor does it purport to create a complete system of laws for the conduct of elections in Missouri. It makes changes in the laws in some respects, and additions thereto.

The act of 1891 has the following title, to wit:

An act to amend article 3, chapter 60, Revised Statutes of 1889 of the State of Missouri, entitled, "Elections in cities and towns of 5,000 inhabitants and over, and extending the Australian system of voting to all voting precincts in the State."

Section 1 is as follows:

SECTION 1. That sections Nos. 4762, 4766, 4773, 4775, 4776, 4779, 4780, 4781, 4784, 4785, 4792, 4794, of article 3 of chapter 60 of the Revised Statutes of the State of Missouri be, and the same are hereby repealed, and the following sections substituted therefor.

Then there is a general repealing clause of all inconsistent acts, and it is made to apply to all election precincts in the State.

I will consider briefly the effect of the acts of 1889 and 1891 on the laws then in force in Missouri in relation to elections so far as this case is affected thereby.

By the terms of this law the State furnished the elector with a ballot instead of the elector furnishing it himself. The effect of this was to repeal so much of the law then in force as allowed the elector to furnish it.

Section 1004, Revised Statutes, provided for four judges of election. This was amended by the Australian ballot law by providing in section 4777 for appointment of two additional judges of election "at the same time and in the same manner as judges of election are appointed or elected," etc., thus recognizing as still in force the provision of the law in relation to the appointment of judges of elections, thus evincing a purpose to retain in force parts of sections of the existing laws.

Section 1005, I have said designates two of the judges of election as "receiving judges" and two as "counting judges." Section 4777 is amendatory of section 1005 in providing that "the judges of election shall designate two of their number * * * to have charge of the ballots."

Thus you see that part of section 1005 relating to receiving and counting judges is still in force. That part of section 1005 is repealed which required one of the judges to place the registration number on the back of the ballot, because there is a repugnant provision in section 4780, which requires the two judges having charge of the ballots to write their names or initials on the back of the ballots with ink or indelible pencil, "and no other writing shall be on the back of the ballot, except the number of the ballot."

There is a declaration in section 4785 that "every ballot shall be numbered in the order in which it is received." This is simply cumulative, as section 1005 has substantially the same provision, but neither this nor any other section in acts of 1889 and 1891 states who shall do the numbering, nor do they state who shall make the corresponding number on the poll or registration list.

Section 1005 provides that one of the judges shall enter the number on the ballot, and that the clerk shall enter the voting number on the registration list.

Section 1005 contains the only provision relating to the count of the ballots cast at an election in St. Louis.

Thus the purpose of the legislation is evidenced to retain parts of sections which are not repugnant to the subsequent statute.

Part of section 4671 has been repealed, not in terms, but by implication, the same as parts of section 1005. That part of it has been repealed which describes the ballot that shall be used.

That part of the section which declares "Any ballot not conforming to the provisions of this chapter shall be considered fraudulent and the same shall not be counted," has not been repealed.

Neither the acts of 1889 or 1891 in terms refer to it, nor is there a word or clause in these acts repugnant thereto. The act of 1891, as heretofore stated, enumerates the sections which it repeals, and section 4671 is not one of them.

The tendency of the legislation in Missouri has been not to relax mandatory provisions of the election laws, but to make them more stringent in their operation, that the purity of the ballot might be preserved.

If the acts of 1889-1891 had provided that the voting should be *viva voce* and not by ballot, then section 4671 would have been repealed, as there would not have been any ballots used at an election, and no condition could have arisen under which to enforce the clause against "fraudulent ballots."

The acts of 1889 and 1891 are still providing for the use of the ballot with a different method from that theretofore in use for furnishing it, which acts, being amendatory of chapter 60, did not intend to repeal that part of the chapter which declared that "any ballot not conforming to the provisions of this chapter shall be considered fraudulent, and the same shall not be counted."

The acts of 1889 and 1891 are amendments to the then existing law of Missouri relating to elections.

It follows that every section and every part of a section of the Missouri statutes relating to elections remain in force except such as are repealed in terms or by implication.

It is not contended that this part of section 4671 is by the terms of the acts repealed, but by implication.

This part not being repugnant to any part or parts of the acts of 1889 and 1891 remains in force.

Repeals by implication are not favored.

In Wood *vs.* The United States, 16 Peters, 362, Justice Story, speaking for the court upon a question of the repeal of the statute by implication, said:

That it has not been expressly nor by direct terms repealed is admitted, and the question resolves itself into the more narrow inquiry, whether it has been repealed by necessary implication. We say by necessary implication, for it is not sufficient to establish that subsequent laws cover some or even all of the cases provided for by it, for they may be merely affirmative or cumulative, or auxiliary. But there must be a positive repugnance between the provisions of the new law and those of the old law, and even then the old law is repealed by implication only *pro tanto* to the extent of the repugnancy.

In the State *vs.* Stoll, 17 Wallace, 431, the language of the court was that—

It must appear that the latter provision is certainly and clearly in hostility to the former. If by any reasonable construction the two statutes can stand together, they must so stand. If harmony is impossible, and only in that event, the former law is repealed in part or wholly as the case may be.

The same doctrine is laid down in Daviess *vs.* Fairbairn, 3 Howard, 646. The same rule is recognized in Chew Heong *vs.* United States, 112 U. S., 536: *Ex parte* Crow Dog, 109 U. S., 556.

In *Ex parte* Yerger, 8 Wall., 105, it is said:

Repeals by implication are not favored. They are seldom admitted except on the grounds of repugnancy; and never, we think, when the former act can stand together with the new act.

My friend from New York, Judge DANIELS, contends that the statute which declares ballots not numbered shall be excluded from the count is repealed. He also contends that that part which declares ballots not conforming to chapter 60 are fraudulent and shall not be counted is likewise repealed. He cites the case of Fox's Administrator *vs.* The Commonwealth, 16 Grattan, 1–11, in which the court said:

Where it is manifest that the law is intended to embrace and include the whole legislation on the subject to which it refers, provisions of the former laws on the subject not embraced in it are repealed by implication.

He also cites the case of Tracy *vs.* Tuffly, 134 U. S., in which the court said:

While repeals of statutes by implication are not favored by the courts, it is settled, without express words of repeal, a previous statute will be held to be modified by subsequent ones if the latter was plainly intended to cover the whole subject embraced by both, and to prescribe the rules in respect to that subject which are to govern.

Before applying the rule laid down in these cases we would have to conclude that the acts by the terms of which these provisions were repealed were intended to and did embrace the entire subject regulating elections in Missouri. The act does not do this.

Article 1, chapter 60, provides for the election of State officers, the election of Congressmen, the establishment and designation of precincts, defining of election districts, the method of furnishing poll books, the administration of the oath to officers of election, the opening and closing of the polls. It defines the qualification of the voters. It provides for the appointment of the judges of election, states their qualifications and the method of ascertaining and announcing the result of the election. It defines the duties of the clerks of the county courts. It has a provision in relation to the certification and transmission of election returns. It imposes penalties of certain kinds upon certain officers, confers jurisdiction upon the circuit and county courts in contested-election cases; and many other things too numerous to mention, which are not even referred to in the acts of 1889 and 1891.

SEC. 4780. * * * Before delivering any ballot to the elector the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballot with ink or indelible pencil. * * *

SEC. 4785. * * * No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear.

It might be argued with a good deal of reason that this section is mandatory without reference to any other part of the statute. It must be admitted that if the receiving judges deposit a ballot which does not contain the names or initials of the ballot judges, the ballot voted does not conform to the provision of chapter 60. If my contention is correct that the clause is not repealed which declares ballots not conforming to the forms of that chapter are fraudulent and shall not be counted, then such ballots should be excluded from the count, as I will hereafter show.

Mr. Speaker, it is conceded in the views of the minority that if certain votes in certain precincts are excluded under the operation of the statute which has been referred to here, then Mr. O Neill, and not Mr. Joy, is entitled to this seat. The gentleman from New York [Mr. DANIELS] has admitted, in response to my question, that if the statute which declares that every ballot which does not conform to "the provisions of this chap-

ter" is fraudulent and shall not be counted, is not repealed, then these ballots should be excluded. I think I have shown the statute by the terms of which it is claimed that these ballots should be excluded is still in force.

Except in these sections of the old law you find no method provided for counting a ballot in the State of Missouri, because the Australian ballot law, to which the gentleman has invited attention, does not provide a method of counting the ballots. It does, however, recognize the existing statute as to judges, and it amends that statute by providing that, instead of four judges as under the former law, there shall be an additional one, thus showing that the Legislature recognized as still in force that provision of the statute which was in existence at the time of the passage of the Australian ballot law.

The act expressly refers to the sections that it undertakes to repeal, and therefore it is clear that those sections alone are repealed. But even if that were not so, this would only repeal that part of the law which was in conflict with the provisions of the subsequent section. There is no conflict. The laws are in perfect harmony. Examine the law as amended and you will find that nowhere in it is there employed any language showing a purpose to repeal the penalty clauses of the old statute. There is a penalty denounced for failure to number the ballots, to wit, they shall not be counted: there is a penalty denounced against using any ballot not printed by the county clerk, to wit, they shall not be counted; there is a penalty denounced against placing in the box any ballot not conforming to the statute, which covers a case of failure to properly initial ballots.

The Legislature made an effort to provide for every contingency that might arise, with the view of making effective its purpose to preserve the purity of the ballot. The ballots when folded by the elector are required to display the names or initials of these judges. At precinct 98 the ballots were not properly initialed or numbered; 198 ballots were cast before any of them were numbered, and the only initial placed upon them was that of one judge—not the judge required by law, but a receiving judge. Therefore, in those cases there was a violation of the statute in two particulars.

Mr. PENCE. Will the gentleman permit a question?

Mr. PAYNTER. I do not believe I have time. Even as it is I have to hurry through so that I fear I can hardly make myself understood.

At precinct 98 Joy's majority was 75. At precinct 61 Joy's majority was 271. But 5 ballots were properly initialed, 3 for Joy and 2 for O'Neill. At precinct 39 there were 16 ballots for Joy improperly initialed. If my contention is correct this would take from Joy 361 votes, the effect of which is to make O'Neill entitled to the seat instead of Joy; Joy's certified majority being only 67.

THE STATUTE IS MANDATORY—NOT DIRECTORY.

It has been the uniform opinion of the House that the regulation of the matter of voting should be left to the State exclusively. The Committee on Elections have uniformly followed the decisions of the courts of the State wherein the election was held; and it has followed the interpretation of the law as given by the highest court of that State. The statute in relation to the numbering ballots has been passed upon by the supreme court of Missouri more than once.

A contest arose growing out of an election for county clerk; some ballots cast for the successful candidate were not numbered. It was conceded there was no fraud, but the failure to number the ballots resulted from the inadvertence of the inspectors. It also appeared that the number of ballots counted corresponded with the number of votes appearing on the poll list. The question involved the interpretation of the statute, and in passing upon the question in West *vs.* Ross (53 Missouri, 350) the court held the unnumbered ballots should not be counted, and said:

> This case may be a hard case, and doubtless it is, but the legislative enactment is clear, and although it may deprive a portion of the citizens of the county of their right to be heard in the election of a clerk at one election, it is better that they should suffer this temporary privation than that the court should habituate themselves to disregard or ignore the plain law of the land in order to provide for hard cases.
>
> In the present case the Legislature has provided and required that the ballots should be numbered, and then provides in express terms that no ballots not numbered shall be counted. Can we say that such ballots shall be counted without an attempt at judicial legislation? I think not, and it would be a misapplication of terms to say that such a statute is only directory.

In Ledbetter *vs.* Hall (62 Missouri Rep., 422), the court says:

> By the terms of section 15 of the chapter already under discussion, it is made the duty of the judges to cause to be placed on each ballot the number corresponding with the number of the voter offering the same; and no ballot not numbered shall be counted. All other grounds of contest were abandoned at the trial, except that the judges of election in Miller Township failed to do their duty in the particular just adverted to. The evidence adduced established this neglect of duty.
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> * * * * * * *
>
> The statutory prohibition must be enforced.

In this case the whole vote of a township was excluded.

In Gumm *vs.* Hubbard (97 Missouri Rep., 311), Judge Black, delivering the opinion of the court, says:

> The statute (section 5493) furnishes an absolute rule of evidence. It makes the ballot fraudulent without regard to intent when it has thereon any writing or printing except that specified.

In the case of Bowers *vs.* Smith (111 Missouri, 45) it is said:

> If the law itself declares a specified irregularity to be fatal, the courts will follow that command irrespective of their views of the importance of the requirement. (Ledbetter *vs.* Hall, 62 Missouri, 422.) In the absence of such declaration, the judiciary endeavor as best they may to discern whether the deviation from the prescribed forms of law had or had not so vital an influence on the proceedings as probably prevented a free and full expression of the popular will. If it had, the irregularity is held to vitiate the entire returns otherwise it is considered immaterial.

The law of New York requires the clerk of the court to have the ballots printed, and among other things the number of the precinct must be printed on the ballot.

In distributing the ballots the clerk had those for precinct No. 1 placed at No. 2 and those for No. 2 placed at No. 1. They were voted in that way.

In Nichols *vs.* Board of Canvassers (129 New York), the question was as to the right of counting these ballots which did not comply with the requirements of the law. The court said:

> The Legislature has forbidden the electors to cast such a ballot.
>
> It has prohibited the inspectors from placing it in the box and the canvassers from counting it. The case could be no stronger had it in terms declared such a ballot absolutely void for all purposes, but it is said that this result will disfranchise the electors who cast these ballots in good faith, believing that they were the proper official ballots. The answer is that when an elector attempts to express his will at an election by the use, through either design or accident, of ballots which the law declares shall not be counted, the courts have no power to help him.
>
> The law contemplates that the electors will not thereby rely upon anyone, not even the election officers, in the preparation of the ballot. If he is handed an official ballot with a distinguishing mark upon it or an improper indorsement he is not obliged to vote it, but may procure a proper ballot.
>
> In this case it can not be said that the electors were obliged to use these ballots or omit to vote at all.

While Chief Justice Ruger concurred in the opinion in the case of Nichols *vs.* Board of Canvassers, he gave his views, and, among other things, said:

> It imperatively requires that every ballot cast (with an unimportant exception) shall be of the same shape, size, and color, and have the same indorsement. The purpose of the act seems to require that these provisions should be held to be mandatory, and that a disregard of them upon any pretense whatever should constitute a violation of the law and cause a forfeiture of any benefits sought to be derived from such illegal ballots.

The Connecticut statute requires that a ballot shall have the names of the candidates, the officer voted for, and the name of the political party issuing the ballot.

The statute also provided that all ballots cast in violation of the statute, or which do not conform to the requirements of the statute, should "not be counted."

In Talcott *vs.* Philbrick (59 Conn., 477) the question was raised as to the counting of certain ballots which were issued by the Republican party with the word "citizen" on the ballot.

The court held the ballots should not be counted.

Among other things the court said:

> We are relieved of any obligation to inquire as to the necessity or reason of this or that requirement, and we are not at liberty to dispense with anything that is required, whether the reason for it may be—or even if without any apparent reason at all.
>
> The Legislature has spoken, and obedience is our first and only duty. It is at liberty to throw around the ballot box such safeguard and regulations as it may deem proper, and it is the duty of the citizens to conform thereto. Some inconvenience is not too great a price to pay for an honest, pure ballot.

There was a dissenting opinion in this case, but the judge who delivered it gave an expression of opinion that is so forcible and pertinent to this case that we here quote it, as follows:

> And when the Legislature has in clear and explicit words said that a ballot shall be void for any cause the courts must so declare, even though the cause seems to them unreasonable.

In California there is a statute which provides, substantially, that if the ballots are voted not of the kind that are required by law then they are to be rejected.

The court held when the ballots were not of the size required by the statute they should be rejected. (Reynolds *vs.* Snow, 67 Cal., 497.)

The Legislature intended that there should be no fraudulent ballots cast at elections in that State; that no ballot box should be stuffed. If there was a contested election and a question should arise as to the legality of a vote, by turning to the registration list his name and voting number can be found. By looking in the ballot box the ballot can be found, because if the law has been complied with there is a number on it corresponding to the one at his name on the poll or registration list. If the judges have complied with the law their names or initials are on the ballot in ink or indelible pencil. Fraudulent ballots can not be substituted unless the "ballot judges" the "receiving judges," and the clerk of the election are parties to the transaction. Then it would require the ballot judges to write their names or initials on the substituted ballot. In fact it is almost impossible to perpetrate a fraud by substituting ballots.

The Legislature regarded the writing of the names or initials by the judges so important, it required the voter to so fold his ballot that it should be seen when the ballot was placed in the box. These are wholesome provisions of the law. If they are not, an argument against them should be addressed to the lawmaking power in Missouri.

To give the seat to Mr. Joy, the law of Missouri must be nullified. We in effect say to the Legislature of Missouri, "You can not pass any law which seeks to preserve the purity of the ballot that we will respect or obey."

It seems to me in these days of ballot reform this body should show its respect for and obedience to a law which the Constitution of the United States—which we swore to obey—authorized the State of Missouri to enact. This body has attempted to enact no law to regulate the conduct of election of Representatives in Congress. The right to enact such laws is conceded to belong to the States.

It indeed comes with bad grace from this body to refuse to follow the law enacted by the States in relation to the election of its members. While we are made the judge of the election and qualification of members, yet in the exercise of this authority we must follow the laws which were intended to enable the people of the several States to enjoy their constitutional right of representation in this body.

To disregard them a chaotic condition must follow.

Mr. DANIELS. I yield ten minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, in rising to discuss this question, I do so neither as a lawyer (for I am no lawyer) nor as a Republican, because, in my judgment, election cases are not questions of party, but questions of right, such as appeal to the noblest instincts of justice and the highest sense of honor on the part of those called upon to decide them.

But as a Representative from St. Louis, that great and good city in which both the contestant and the contestee reside, I desire to make a few statements of fact, which the people of my city want this House and the country to understand before a vote is taken on the report of the Committee on Elections.

The proposition of the majority of the committee is, I notice, to unseat my colleague, Mr. Joy, a Republican, and to give his seat to the contestant, Mr. O'Neill, a Democrat. Those signing the majority report, it should be remembered, are all Democrats, but I shall draw no conclusions from this fact until the House has heard my statements.

Missouri has 15 Representatives on this floor, 13 Democrats and 2 Republicans, as the result of a gerrymander on the part of the Democratic Legislature such as has never been attempted in any State or by any party. To fully comprehend the scope of this political wrong, it suffices to say that the present Democratic executive head of the State is a minority governor by nearly 5,000 votes, although the vote of the third party amounted to only one-twelfth of the total vote cast. In other words, while the Republican vote is 83 per cent of the Democratic vote, our political arithmeticians on the other side have graciously condescended to let us have 15 per cent of their representation. Instead of 7 Republican Representatives, to which we are entitled according to our party strength, we have but two; and not satisfied with that, the majority of the Elections Committee now come and propose to relieve us even of one-half of that representation.

To unseat my colleague [Mr. Joy] will be a gross injustice, as I shall endeavor to show later on, and by unseating him unjustly you serve notice on the people of Missouri that the abuse of power by the dominant party there, as exemplified by the gerrymander, is to be sanctioned and continued by the same party here, and in supplementing the gerrymander by a political guillotine, the Democracy proclaims the maxim of the middle ages "might for right" as a new political principle in State and nation. [Applause on the Republican side.]

Let me mention another fact before going into the merits of the case. The election machinery of Missouri is entirely in the hands of the Democratic party. And reverting to St. Louis, in which the Eleventh Congressional district is wholly situated, her half a million inhabitants, because of their Republican predilections, are denied the right of home rule by the Democratic governor stepping in and appointing for them a recorder of voters, who autocratically manages each and every election. Like himself, all his subordinates are Democrats, and he not only appoints all judges and clerks of election, but also locates at will all polling places. What latitude for political advantage this affords to the Democratic managers I leave to the imagination of the political minds of this House to determine.

An old citizen of St. Louis expressed it in this way some years ago: "The Republicans will have to elect their ticket by 6,000 majority in order to be credited with 2,000." With the very best intentions the recorder is unable to prevent the corrupt elements of his party from committing frauds under this system, such as were unearthed this spring, for instance, when in one case the tally sheets were forged by a corrupt election official, so as to give the office of president of the board of assessors to the Democrat, while the Republican candidate was clearly elected and since declared so by the courts after the fraud had been detected.

However, it is not the recorder, but the system which we attack, and which ought to be changed so as to allow us to manage our own elections without the interference of the State or to provide for a nonpartisan election board, such as exists in Brooklyn and other large cities. I shall not go into a history of recent election frauds in St. Louis; but, as a matter of fact, I may be permitted to state that all persons recently convicted of such crimes were Democrats, and all the contests for local offices instituted in the last ten years upon the allegation of frauds had to be instituted by Republican candidates against Democrats.

The Congressional elections of 1892 were held under the very system I have just described. A canvassing board, consisting of two Democrats and one Republican, returned Mr. Charles F. Joy elected by 67 majority. A Democratic recorder of voters certified his election to a Democratic secretary of state, and this official issued the certificate of election to the gentleman now occupying the seat. Then the contestant, Mr. John J. O'Neill, gave notice of a contest; an official recount was had, and the result of this recount was, mind you, not a wiping out of the contestee's official majority, but an increase of it from 67 to 212 votes and a corresponding loss to the contestant. In view of this important fact it is certainly very significant, to say the least, that the majority report is absolutely silent on the recount, while in the light of this statement, upon the other hand, it will appear less surprising that contestant should be so much inclined, as I understand he is, to deny the fact of the recount altogether.

It ought also to be stated in this connection that during the progress of the recount both parties agreed as to the salient points in doubt, and that the votes were counted or not counted, as the case may be, in accordance with such agreements, so that the outcome of the recount, *i. e.*, the increased majority for Mr. Joy, was actually the result of the operation of rules and principles laid down and mutually agreed upon by conestant and contestee during its progress. To show precisely the form of such agreements, I ask the clerk to read the following lines from page 56 of the record.

Mr. O'NEILL. I am willing to take the intention of the voter right through.

Again, on page 70:

Mr. O'NEILL. It is agreed and announced that where the intention of the voter is apparent, that vote will be counted for the person for whom he intended to vote. It applies all through the entire ballots.

And again, on page 755:

Mr. O'NEILL. * * * wherever a ballot appears described in the record before the adoption of the rule, shall be now counted as if the rule had been adopted at first, if there are any such. Mr. Killoran's ballot is counted upon the unders anding that ballots described prior to the adoption of the rule between the contestant and the contestee shall be coun ed as they would have been counted had the rule been adopted at first—that is, at the beginning. This agreement shall go to all tickets described in the record.

These declarations of the contestant, Mr. Speaker, are most important, not only because they show how the count proceeded upon mutual concessions and agreements, but also because of their bearing upon the vital point of this controversy, which is whether certain ballots, alleged to be deficient in legal form, should be counted or not. There is no other way to unseat my colleague than to throw these ballots out, and consequently the majority of the committee decide that they shall be thrown out, thus practically proposing to disfranchise the voters of whole precincts.

The majority proceed upon the theory that the election laws of Missouri forbid the counting of ballots which are defectively numbered or initiated. It is true that our old election law contained such a provision, but it applied to a system under which the voter brought his own ballot with him, while under the present Australian system, which superseded the old one, all ballots are furnished by the State and under the absolute control of its officers. It is undoubtedly due to this very material difference that the old provision which declared unnumbered and deficiently initialed ballots void was not revived and incorporated in the new system. While it was a proper safeguard under the old law, it was practically superfluous under the new, and eminent jurists hold that it is not now in force.

But aside from that it is justly claimed that it could not have been the intention of the lawmakers to disfranchise any voter because of the neglect or inefficiency of any election official. Election laws are never framed for the purpose of preventing an honest expression of the voice of the people or of depriving any honest voter of his franchise, but they are framed for the sole

purpose of preventing fraud and corruption. In this case no fraud is charged by the committee, and therefore I say these ballots should be counted on the side of the contestant as well as of the contestee. There is no doubt about the intention of the voters in these cases, consequently the votes should count, or in the language of the contestant himself: "Where the intention of the voter is apparent, that vote will be counted for the person for whom he intended to vote."

But these points, and how the majority of the committee propose to unseat my colleague from St. Louis upon a mere technicality, are more fully elaborated in the minority report, which I recommend to the closest scrutiny of the House. A few words more about the possible implication by which the majority might attempt to justify their findings, namely, that the ballots in question might have been fraudulently cast. In answer to that I say that one essential element for the commission of fraud was lacking on the Republican side, and that is the motive. The district was considered Democratic by about 2,000 majority, and consequently no great exertions were made to carry it.

My colleague, Mr. JOY, was nominated against his will; he declined the nomination, even after it was made; but being declared the nominee, in spite of his declination, was compelled to make the race. He did not himself believe in the probability of success, and therefore declined all offers of assistance. His expenditures of time and money and energy were perhaps smaller than ever incurred by anybody and in any struggle for so honorable a position as a seat in this House, because, as I intimated before, the feeling was general among Republicans that the contestant, Mr. O'Neill, would be re-elected.

The fact is, we had no idea of the extent of the disaffection in Democratic ranks, and the contestant himself seems to have been ignorant of the true state of affairs, or he would not have left his district in the midst of the campaign to make speeches elsewhere. Now then, under these circumstances, Mr. Speaker, was it at all likely that anybody should hope, from the casting of a few hundred fraudulent ballots, for a change of the result which was considered a foregone conclusion? Is it not more natural to assume that the absence of hope and money deterred the bad elements, if there are any in the Republican party—which is a question of very serious doubt—from the employment of their corrupt methods? Is it at all probable that anybody should run the risk of breaking the law in favor of a candidate who would not even himself use all the honorable and legitimate means at his command to achieve success? These questions answer themselves; they also answer most forcibly, I think, all possible insinuations of fraud in favor of the contestee, and this being the case, remove the last prop from under the platform so artfully constructed by the eight lawyers composing the majority of the Election Committee.

Nowhere in their report, Mr. Speaker, do the majority of the committee deny that the contestee, Mr. Joy, has received more votes than the contestant, Mr. O'Neill; by their own arithmetic they admit that he has. Now, should not this be conclusive according to our American idea of majority rule? I tell you, gentlemen, it is conclusive with the people of St. Louis, who have watched this contest with an interest unusual even in such important cases. They had made up their minds when the recount was completed, and no amount of legal quibbling will now change their opinion that Charles F. Joy was fairly elected to the seat he now occupies.

I go so far as to repeat on this floor the assertion a prominent St. Louis Democrat made here a few weeks ago, that "if the Democrats of the Eleventh Congressional district were the judges of the right of possession in this case instead of the majority on this floor, they would render a verdict for Joy by a large majority." They would do that in the interest of justice and the future of their party. They know that the best way to help a man and his cause is to make a martyr of him. As Democrats, they fear the answer of the people of St. Louis and Missouri to the wrong of ousting a member of this House who was elected by an honest majority of votes. As good citizens they would rather see their party do right and go down than to do wrong and be successful. They would rather see you sacrifice the doubtful advantage of an additional member than to profit by ill-gotten gains. They appeal to you to maintain your honest majority of 95 rather than to increase it to 97 by an act which you can not defend at the next elections.

And right in line with this, let me read here what another very prominent Democrat from our city said here only a few weeks ago: "It is foolish," said he, emphasizing the "foolish" by an additional word, "to get a vote we do not deserve when we do not need it and thereby give to the other side a vote at a time when we need it badly," again with the emphasis on the word between "it" and "badly." The Democracy of the gentleman who uttered these words has never been doubted; he evidently thinks of the future and refers to the next Congress and its political complexion.

Gentlemen on the other side may remind us of what they call similar sins committed by Republican majorities here; but let me say in answer to that that a majority of nearly 100 can, it strikes me, much rather afford to be generous than a majority of 3, and that if my party has sinned it has paid dearly for it. But we do not even expect you to be generous; all we ask is justice. We point to the fact that in the very precincts whose vote you throw out the contestant ran ahead of President Cleveland and the contestee behind President Harrison, and we ask you how you can possibly reconcile the recommendations of the majority report with the fact that both Mr. Harrison and Mr. Warner, the Republican candidates for President and governor, carried this same district, where the contestee justly enjoys an extraordinary popularity and where hundreds and hundreds of Democrats who stood by their Presidential and State tickets declared for and actually voted for him? You simply can not make the people believe that under the circumstances of the case he should have failed where others succeeded.

Now, Mr. Speaker, in conclusion, I beg to submit that personalities should have as little to do with a case like this as party politics. It is well known that my personal relations are as friendly to the contestant as to the contestee, but that is not the question. It is immaterial to me, and, I believe, to the House, too, who occupies a seat upon this floor, whether Mr. Joy or Mr. O'Neill. I even go further and say that if I were to consult party advantage, the martyrdom of Mr. Joy is worth to us thousands and thousands of votes not only in St. Louis, but in the whole State of Missouri, and will result this fall not only in his re-election without an effort, but in that of three or four more Republicans from Missouri. So we will gain more than what we lose, and you will lose more than what you gain; but this, too, is irrelevant now.

The only question before us is, who has received the majority of honest votes, and in determining this question we exercise the highest constitutional functions of the lawmaker. We sit in judgment over one of our peers, and we owe it to him, to ourselves, to the dignity of our position, we owe it to the people and our own consciences, that our votes should be cast irrespective of personal feelings or party considerations, and with a sole view to doing justice and right. Remember that honesty is the best policy; remember, also, that that party is not worthy to live which would exact from any of its adherents the obligation to vote against the dictates of his conscience; and do not mistake the temper of the American people, whose sense of right and justice always has been, and I hope always will be, stronger than their party fealty. It is neither a political nor a legal question that confronts us, but a question of fact, and woe to him who in deciding it occupies the bench of partisanship instead of the high and lofty platform of a just, independent, and honorable man! [Applause.]

Mr. PATTERSON. I yield six minutes to the gentleman from Alabama [Mr. DENSON].

[Mr. DENSON withholds his remarks for revision. See Appendix.]

Mr. DANIELS. I yield five minutes to the gentleman from Michigan [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker, I have begged five minutes from the other side of the House, as I can not conscientiously vote for the majority report, and I ask unanimous consent that I may have ten minutes more, if I need the time.

Mr. THOMAS. I ask that the time be granted.

Mr. GRIFFIN. I wish to justify myself before my party for the vote which I shall cast unless I receive further light hereafter from the gentleman from Tennessee.

The SPEAKER *pro tempore* (Mr. OUTHWAITE). The gentleman from Michigan [Mr. GRIFFIN] asks unanimous consent that his time be extended ten minutes.

Mr. PATTERSON. I object. There are any number of men here begging to be heard.

Mr. GRIFFIN. Inasmuch as I expect to cast a vote against the prevailing views of the party to which I belong, I hope the gentleman will withdraw his objection to five or ten minutes more than the five minutes I am already allowed.

Mr. PATTERSON. I will consent to ten minutes to be added to each side.

Several MEMBERS. That is all right.

Mr. REED. Why not extend the time an hour? [Cries of "No!" "No!"]

The SPEAKER *pro tempore*. Unanimous consent is asked that the time be extended for ten minutes on each side. Is there objection?

There was no objection.

Mr. HULICK. Is it understood that that time is given to the gentleman from Michigan [Mr. GRIFFIN]?

Mr. SPRINGER. Ten minutes of it.

The SPEAKER *pro tempore*. The time of the gentleman from Michigan [Mr. GRIFFIN] is extended ten minutes.

Mr. GRIFFIN. Mr. Speaker, I disagree with the minority report, and concede that section 1005 of the statutes of Missouri is now in force. That law provides that no ballot shall be counted which is not numbered; and the supreme court of Missouri, in West *vs.* Ross, 53 Missouri Reports, has decided that inasmuch as the law itself declares that the ballot should not be counted, the count would hold this provision of the statute mandatory. But as my learned friend, the gentleman from Tennessee [Mr. PATTERSON], says, there are but a few votes which are affected by this decision, and these votes will not change the result. Therefore I pass that question, except that I ask the attention of the gentleman from Tennessee [Mr. PATTERSON] to that case which decides substantially, by implication, that if the statute itself had not said in so many words that the votes should not be counted, then it would have been proper to count them, and not disfranchise the voters.

I am asked now to vote to disfranchise 937 of the citizens of Missouri; the question involved rises above any consideration to be extended to the parties to this contest. These citizens put in their ballots in good faith and honestly. There is no suspicion even of fraud. If this can be done, point the statutes or law of the State which will authorize it.

I ask my friend if I am not correct when I say that he bases his right to reject votes upon which there is only found the initials of one of the judges of election on the provision of the statute found in section 4671. It is said in the case in 111 Missouri that when the Australian ballot was adopted it was adopted only for cities of over 5,000 inhabitants, and that it was not until 1891 that the Legislature regarded it as a sufficiently successful experiment to extend it throughout the State.

Prior to 1891 there was a law providing for the method of voting in the country precincts and a different law providing for the method of voting in cities of over 5,000 inhabitants. The ballot that was to be cast in the country precincts is controlled by section 4671. As respects this ballot the statute, among other things, provides:

> Any ballot not conforming to the provisions of this chapter shall be considered fraudulent and the same shall not be counted.

This ballot was furnished by the voter himself, and the object of this statute was to guard against any device or writing put upon the ballot by the voter himself, whereby the ballot might be distinguished. Now, the provision with reference to voting in cities under the Australian ballot system is careful to omit this provision because the ballot is furnished by the proper authorities and at public expense.

Mr. BOATNER. Will the gentleman allow me to ask him a question right there?

Mr. GRIFFIN. Yes, sir.

Mr. BOATNER. Do you contend that this provision of section 4671 which reads:

> Any ballot not conforming to the provisions of this chapter shall be considered fraudulent, and the same shall not be counted—

does not apply to the election in the city of St Louis?

Mr. GRIFFIN. Certainly, I do. The ballot provided for the cities is mentioned in section 4680.

> On any day of election of public officers in any election district each qualified elector shall be entitled to receive from the judges of the election one ballot. It shall be the duty of such judges of election to deliver such ballots to the elector, etc.

I show you Revised Statutes of Missouri, 1889. Here is section 4671, headed in capitals, Ballot. To contain what? And here is section 4680, applying and headed in the same way—Ballot. To contain what? But it will be observed that the sections are quite different in their provisions. The Legislature itself with good sense substantially says we will not disfranchise the voter under this Australian ballot system by reason of the fault of the judges if the will of the voter can be ascertained by his ballot and was cast in good faith.

We have a statute of this kind in Michigan, which was passed in 1891. It provides, among other things, that each ballot shall have a vignette at the head of the ticket, and expressly provides that the ballot shall not be counted if any other device or writing appear. The provision that a ballot shall be fraudulent or shall not be counted if there is an absence of the initials of the judges is purposely omitted in the Missouri law where the Australian ballot is used. In two of the counties of Michigan another vignette was put upon the county tickets, in addition to the regular vignette, and the supreme court was asked to throw out the vote. The learned judge delivering the opinion says:

> The question presented is whether the voter who votes a ticket appearing upon the official ballot, duly certified by legal authority, can be disfranchised by the failure of the election commissioners to comply strictly with the statute, and whether a candidate who is not shown to have participated in any fraud can be defeated on his election on the same ground.
>
> It may be stated, as a general rule, that the provisions of law relating to the manner of conducting elections will not be held so far mandatory as that a departure therefrom will result in the disfranchisement of a district or a class of voters, or the defeat of a candidate himself free from fraud, except in cases where the legislative intent that such departure shall have that effect is clearly and unequivocally expressed.

There is no clearly and unequivocally expressed legislative intent appearing in the Missouri statute that the voter is to be disenfranchised or the vote not counted because it is initialed by only one of the judges. Indeed, as before observed, I regard this as purposely omitted. It turns out, in the case before us, that the ballots which the majority report in favor of rejection were initialed by only one judge. The ballot was received in good faith and voted in good faith. The ticket was handed to the judges and the judges announced the name of the voter and put the ticket in the ballot box. To say now that it should be rejected because it contained only the initial of one judge would be no more reasonable than to say that it should be rejected because the voter did not fold his ticket so as to show the initial of either judge.

I contend, therefore, that there is no law in the State of Missouri, and I hope there never will be a law anywhere, that will disfranchise 936 citizens who are otherwise entitled to vote, and who have voted in good faith, by reason of the neglect or inadvertence of the judges or inspectors in not writing the initials of both upon the ballot.

I have trespassed thus far upon the attention of the House simply to explain the reason of my vote, unless I can secure some further light upon the question. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. DANIELS. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman from New York has twenty minutes remaining.

Mr. DANIELS. I yield fifteen minutes to the gentleman from Missouri [Mr. JOY].

Mr. JOY. Mr. Speaker, I feel some hesitancy in rising to speak in a case in which I am personally to some extent involved, but as it has been deemed best that I should say something, I will confine myself to one or two suggestions only. The discussion of the law of the case has been had to as great an extent as time will allow, and the question as to whether, under the law of Missouri, ballots which are not strictly numbered in accordance with the statute or strictly initialed in accordance with the provisions of the statute shall be counted, or whether, if they are not to be counted, it is the desire of this House to disfranchise those voters, is a question that I can not discuss any more fully.

I desire to assume, for the purposes of the argument which I shall make, that the law is either mandatory or is not mandatory.

Take either horn of the dilemma you choose, the law is mandatory or it is not. But, to go into another phase of the case, I will state the point that I desire to make. On the 9th day of January, 1893, the contest between the contestant and myself was commenced by the service upon me of two notices—one a notice to take testimony at the office of the contestant's attorney, and the other in the following words:

[John J. O'Neill *vs.* Charles F. Joy, Eleventh Congressional district of Missouri.]

To the Hon. CHARLES F. JOY or his attorney:

SIR: You are hereby notified that I shall, on Saturday, January 14, at 10:30 o'clock, at the office of James L. Carlisle, recorder of votes, in the city hall, city of St. Louis and State of Missouri, before Andrew Dugan, a notary public, ask that the ballot boxes containing the ballots cast for members of Congress in the Eleventh Congressional district of Missouri at the election held on the 8th day of November, 1892, shall be opened and the ballots therein counted.

Yours, respectfully,

JOHN J. O'NEILL.

Pursuant to that notice the parties met at the office of the recorder of voters at the hour named, and the recount of the ballots was commenced. The first question put to the recorder of voters immediately upon the opening of the ballot box was, as appears from this record:

> I will ask you now to open the box in precinct 98 and produce the ballots at that election contained in that box.
>
> The witness opened box and produced ballots.

Then follows the record of the recounting of every ballot in that ninety-eighth precinct. That was the notice served by the contestant. What I have read is taken from his own record and this was his own witness. That precinct having been completed, we reach, on page 53 of the record, precinct 82. There the form is again gone through, to prove that the ballots and the ballot box are in the same condition as when the votes were returned. The question is asked of the recorder of voters by the attorney for the contestant:

> Now, I will ask you to open the box and proceed to count the ballots that

were cast for Member of Congress for the Eleventh Congressional district of Missouri for the Fifty-third Congress, on the 8th day of November, 1892.

Following that is a complete recount of every ballot in the box. So with the one hundred and twenty-eight ballot boxes in the Eleventh Congressional district, only eight ballot boxes being left uncounted. One hundred and twenty-eight were recounted, and every ballot in them was recounted and put in the record which is offered here by the contestant. Finally, over one-half the time of the contestant having been consumed, he ceased counting the ballots further, and after the close of the count of the one hundred and twenty-eight ballot boxes, this announcement is made in the record by the contestant himself:

The absolute necessity for using every moment of time remaining will prevent my continuing the further counting of the boxes. There are about four boxes remaining which I hope my friends on the other side, who will have ample time, will open, and so complete the final count of the vote.

Now, I say there was a recount had of every ballot in the district with the exception of these few precincts, and they were omitted for lack of time. It has been already stated by my colleague that the result of that recount did not wipe out the paltry majority of the contestee, 67 votes, but, on the contrary, built it up to 212. That is in the record produced by the contestant before this body. The point has been made by the majority of the Committee on Elections that the law is mandatory, and that therefore the votes in the three precincts can not be counted. I desire to read just three lines of law applying to contested-election cases.

And any such notice [of contest] shall specify particularly the grounds upon which he [the contestant] relies in the contest. (United States Revised Statutes, section 105.)

Now, Mr. Speaker, there is not a line nor a word nor a syllable in the notice of contest presented in this case and served upon me by the contestant which complains of a single ballot not having been properly initialed. More than that, this may seem a little outside of the record, but it is on record at St. Louis and it is true, very few precincts were shown to have the ballots initialed: there are four others where there was only one initial upon the ballots. Why did not they bring that into the contest? Let me tell you; but I will preface what I have to say upon this point by a word. A day or two of the recount had passed. Ballots which were a little informal, the scratching not having been perfect, and containing other little informalities, had to be described in the record. The record was being built up unnecessarily, as those ballots were evidently intended to be cast either for me or for the contestant.

So on page 56, the third day of the recount, the following agreement was made, which will be found in the record presented to this House by the contestant:

Mr. O'NEILL. I am willing to take the intention of the voter right through.

That was where a ballot had been scratched.

Mr. JOY. When I can see the plain intention of the voter I am perfectly willing to take it.

That was the first agreement. The matter ran on until page 70 of the record was reached—four days afterwards—when the agreement was repeated and strengthened. I quote from the record as made and presented by the contestant to this House:

By Mr. O'NEILL. It is agreed and announced that where the intention of the voter is apparent, the vote will be counted for the person for whom he intended to vote. It applies all through the entire ballots.

By Mr. JOY. Both parties agree to it.

Not only was that agreement made, but from that time on, until the last box was closed and locked, every ballot was counted in accordance with the agreement. And for that reason the initials upon other ballots are not presented in this record. To strengthen this still more, as I have stated, during the first three days these ballots were described. In the rebuttal testimony, however, a witness, Mr. Patrick Killoran, was called to prove how he intended to vote, whose ballot had been described in the record. He was called by the contestant, placed on the witness stand, and sworn, when the following colloquy took place:

By Mr. JOY: It is agreed that the witness, Patrick Killoran, cast his ballot properly, and that the ballot was described in the record, and that this witness's ballot so described would have been counted for the contestant—

Not for Mr. Joy, but for the contestant—

under the rule adopted later between the contestant and contestee. And it is further agreed that all described ballots during the first three days and prior to the adoption of the rule shall be counted in accordance with the rule adopted afterwards in the count, as appears by the record.

By Mr. O'NEILL: I would strike out the words "the first three days." Wherever a ballot appears described in the record before the adoption of the rule shall be now counted as if the rule had been adopted at first, if there are any such. Mr. Killoran's ballot is counted—

Now, observe this statement by the contestant—

upon the understanding that the ballots described prior to the adoption of the rule between the contestant and the contestee shall be counted as they would have been counted had the rule been adopted at first; that is, at the beginning. This agreement shall go to all tickets described in the record.

I therefore have reason to state with some positiveness that there was a recount of the ballots, although a majority of the committee have not deemed best to mention the fact in their report. I will leave that question, if the gentleman from Kentucky [Mr. PAYNTER] will rise and answer it. I would like to have his statement, whether there was or was not a recount. There was a recount; and ballots were taken even in the rebuttal upon the basis of the agreement and counted under the agreement which was to relate back to all described tickets.

Now, I will state another thing; and the record offered by contestant shows it. The recount gave to the contestee, not a plurality of 67, but a plurality of 212; and although the law cited by the majority of the committee may be mandatory, I say there is no pleading that entitles this testimony to be introduced; but if the pleading were ample, the question has been entirely and repeatedly waived by the contestant; and again, if it had not been waived, the recount had by him and presented by him to this House gives the contestee, even under the majority report, a majority of 2 votes over the contestant. After disfranchising 937 voters they still seat him by only 210; and taking the testimony of the contestant himself the contestee is entitled to be seated upon the report of the majority of this committee by a majority of 2 votes. I thank the House for the kind attention it has given to me. [Applause.]

Mr. PATTERSON. I yield ten minutes to the gentleman from Iowa [Mr. HAYES].

Mr. HAYES. Mr. Speaker, the reports in this case, majority and minority, mainly deal with the questions growing out of the Australian ballot laws of the State of Missouri, and this for the reason that it is conceded that if the contention of the contestant in this regard is sustained, he is entitled to the seat. In the minority report it is distinctly said that if the ballots claimed to be invalid under this law are to be excluded, "then it is a conceded fact that Mr. O'Neill, and not Mr. Joy, has been elected to this seat in Congress."

On account of these views, and the fact that upon its full consideration the majority of the committee unanimously came to the conclusion that the law of the case was with the contestant—from this point of view—the other material facts of the case from Mr. O'Neill's standpoint have been lost sight of, and he done an in us ice and made to appear as standing upon the technical construction of a law with in fact a minority of voters only in his favor, whereas in fact, in my opinion, he has not only a strong but an overwhelming case outside of these questions and voters; and before I conclude I shall call attention at least briefly to some of these other points, so that the record may be complete and the position of Mr. O Neill at least stated.

The first question in this contention is naturally as to what the law actually is as it stands upon the statute books of the State of Missouri and, parodoxical as it may seem, this is a disputed and even a vital point in the correct dete mination of the issue here; and then this being settled, there remain questions of construction and correct practice under the law.

The reasons underlying Australian ballot laws and their necessity should not be lost sight of, and these have been so concisely and forcibly stated in the report of the committee and the law as it stands set out, that I will adopt its language as a preface to the discussion of the points as before stated by me:

In recent years there has been a growing necessity for legislation securing more perfectly the sanctity and purity of the ballot. In former times, when the population of cities was not so large, when corporate influences were not so great, when class legislation was practically unknown, and the intelligence and independence of the voters secured a larger proportion of their number from sinister influences than now, laws were considered entirely adequate for the protection of the ballot which are now admitted to be ineffectual.

The large influx of foreign population during the last twenty-five years, the extension of the elective franchise to the colored people, and the congregation in the cities of heterogeneous masses, together with the fierce struggles for advantages which often take place at elections, have resulted in an epidemic of election frauds unknown before in our history and which are rightfully considered hurtful if not dangerous to the permanency of our free institutions. This condition of affairs has been fruitful of much legislation in the respective States looking to the protection, the purity, and the intelligence of the ballot. This legislation marks a distinctive era in our legislative history, and while in the process of development it has often been crude and ill advised, it has in the main been in the right direction and productive of much good.

The State of Missouri, in respect to the better protection and security of the ballot, especially in the cities, is in advance of many of the other States. It is not necessary for the purposes of this report to call attention to the various laws enacted from time to time on this subject. It is sufficient to say that the State of Missouri, by successive attempts at ballot reform, has at length evolved a system of voting in large cities which, perhaps, as nearly approaches perfection as that of any other State. In such cities there is an officer appointed by the governor, called the recorder of voters, whose business it is to register the voters in the municipality. The office is kept open at all times for this purpose. The registration is sufficiently descriptive as to furnish the identity of the voter and the exact place of his residence.

There is no second or other registration required for subsequent elections, but the recorder from time to time, in cases of death or removal, or other disqualification, corrects the registration. Where a voter moves out of one percinct into another, he can, on application to the recorder, have the transfer made on the registration books. Prior to an election registrars are appointed in each of the several voting precincts of the city to register such

voters as have not applied to the recorder for registration, and these registrars make returns of the voters registered by them to the recorder.

When this is done the recorder proceeds to make a registration list for each voting precinct in alphabetical order, which is forwarded to the officers of the election before the polls are opened.

Aside from the necessary clerks and officers holding the election there are six judges of election appointed in each precinct, three of whom are selected from each of the two leading political organizations. Two of these judges, one a Democrat and the other a Republican, are designated as distributing judges. They are the custodians of the official ballots, charged with the duty of distributing them to the voters. When a citizen presents himself as a voter and asks for a ballot, the judges can see at a glance whether he appears on the registration list, and if so the distributing judges take one ballot, and after writing their respective signatures or initials on the back of the ballot, they deliver it to the voter. The voter then retires to a booth, where, unmolested and unobserved, he prepares his ballot to suit himself. If by accident or carelessness he so mutilates his ballot as to render it useless he can return it to the distributing judges and receive another, indorsed in like manner. In this way the distributing judges are required to keep track of every ballot.

When the voter has prepared his ballot and folded the same he is prepared to vote, and it is offered by him to two other judges who also belong to opposing political parties, called the receiving judges. The ballot is by them examined to see if it is indorsed by the signatures or the initials of the distributing judges. It is proper to observe in this connection that the requirement of the law is that both judges shall write their signatures or initials on the ballot, otherwise one of the judges might collude with fraudulent voters. The requirement is that judges opposed to each other politically shall concur in issuing the ballot.

If the ballot is legally indorsed by the distributing judges it is received by the receiving judges, who are required to call out in an audible voice the name of the voter. Then the receiving judges indorse on the back of the ballot the voting number, or the number of the ballot in the order in which it is offered, this being the only writing which the law permits them to indorse on the ballot; and at the same time the voting number is entered on the registration list opposite the name of the voter with the word "voted." Then the receiving judges, or one of them, call out the voting number in a voice sufficiently loud to be heard by the bystanders and the ballot is placed in the box.

There are two other judges, called the counting judges, belonging in like manner to opposite parties. In order to facilitate the counting of votes there are two ballot boxes provided for by law. When the polls are opened the counting judges, who have the custody of the boxes, deliver box No. 1, empty and securely locked, to the receiving judges, and ballots voted are deposited in this box for one hour and then it is delivered to the counting judges, who in like manner deliver box No. 2 to the receiving judges, and thus the boxes alternate every hour from the counting to the receiving judges and back from the receiving to the counting judges until the polls are closed. In the meantime, while the ballots are going into one box, the ballots in the other box are being counted, but the result of the counting is withheld from the public until the election is over.

So under this system, when the polls are closed the ballots are all practically counted. When the election is concluded and the returns made out the ballots are all placed in a box securely locked, and this box, properly labeled and identified, is turned over to the recorder. He is required to keep the ballots securely for the period of twelve months, to be offered, if required, in evidence should there be a contest. Should there be no contest instituted within twelve months the ballots are then destroyed.

The efficiency and simplicity of this system is apparent. By requiring the distributing judges to write their signatures or initials on the ballot before delivering it to the voter the election is protected from the use of any but an official ballot by properly and duly registered voters.

By numbering the ballots in the order in which they are voted and then writing the number of each ballot at the time it is cast opposite the name of the voter on the registration list with the word "voted," the identity of the voter and the exact place of his residence is made susceptible of easy proof. In this way the ballot is so hedged about that fraud on the part of the voter is almost impossible. Should the counting judges be corrupt the voter can trace his ballot and see that it is counted as voted. If the receiving judges place any other ballot than the one voted in the box the absence of the signatures or initials of the distributing judges, on the substituted ballot, would at once expose the fraud. So not only is fraud almost impossible on the part of the voter, but it would be necessary, in order to accomplish fraud in the election, to have all six of the judges, belonging to opposite political parties, to act in collusion.

It is plain that the imposition of fines on officers of election who violate the law by designedly or carelessly omitting its formalities would not make a system such as this effective. The officers elected through a violation of the law would often be able to screen their confederates from punishment. Where the voter and the officers of the election are all interested in understanding and conforming to the law the result will be different. The system can only be made effective by peremptorily declaring that the legality of the ballot shall depend on the observance of the law in vital particulars. This is precisely what the State of Missouri has done. In section 988, revised statutes, 1889, it is provided that the voter—

"Shall not vote elsewhere but in the election precinct where his name is registered and whereof he is registered as a resident."

In section 4785, revised statutes, 1889, as amended by section 11 of the act of April 4, 1891, it is expressly provided that—

"Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear."

In section 1005, revised statutes, 1889, it is provided that—

"No ballot not numbered as herein provided shall be counted."

In section 4671, revised statutes, 1889, chapter 60, it is further enacted—

"Any ballot not conforming to the provisions of this chapter shall be considered fraudulent and void."

Section 4780, Revised Statutes, 1889, chapter 60, as amended by section 8 of the act of April, 4, 1891, reads as follows:

"On any day of election of public officers in any election district, each qualified elector shall be entitled to receive from the judges of election one ballot. It shall be the duty of such judges of election to deliver such ballot to the elector. Before delivering any ballot to the elector the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballot with ink or indelible pencil, and no other writing shall be on the back of the ballot except the number of the ballot."

Now, these provisions of the law of Missouri are plainly and emphatically mandatory. This is too clear for discussion, and we refrain from citing authorities or quoting decisions in support of a proposition so free from doubt. It may be said that to enforce these statutes according to their plain intent and purpose will work injustice to the voter, and that he ought not to be held responsible for the failure of the distributing judges to write their signatures or initials on his ballot, or the failure of the receiving judges to number it.

But it must be borne in mind that no man has the natural or inherent right to vote. The voter is an agency of the State, clothed by the State with the elective franchise, and the same power which prescribes who shall have the franchise can also prescribe the manner of its exercise and throw such safeguards around the ballot as will protect it from fraud and dishonesty. Again, the voter is presumed to know something of the law which secures to him the elective franchise and prescribes the conditions on which it is to be exercised. When he receives his ballot he can plainly see whether it bears the names or initials of the distributing judges. The receiving judges are required to announce the number of his ballot in a voice sufficiently audible as to be heard by the bystanders.

As the voter is the nearest bystander it may well be presumed he will hear the announcement of his number, and as the numbering is required to be consecutive there is neither temptation nor opportunity to write other than the proper number and announce it to the bystanders. The opportunity of the voter to inform himself and to guard against the loss of his ballot by complying with the law is ample. Especially is this true in view of the fact that at least one of the judges is his political associate and friend and is there to protect him. But aside from all this we have nothing to do with the severity or the hardships of the law. It is plainly mandatory, and precedent and sound public policy alike demand that it should be enforced and obeyed.

(See Ledbetter *vs.* Hall, 62 Missouri, 422; State *ex rel vs.* Cook, 41 Missouri, 693; West *vs.* Ross, 53 Missouri, 350; Gumm *vs.* Hubbard, 97 Missouri, 311. McCrary on Elections, section 126.)

The election in controversy took place on the 8th day of November, 1892, and the district was entirely in the city of St. Louis, which had a population of several hundred thousand people, all of which facts have a bearing upon what the law actually is or was.

The provisions of the constitution of Missouri, adopted in 1875, bearing upon the qualifications of voters, conduct of elections, registration, etc., are as follows:

ARTICLE VIII.

SEC. 2. "Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of 21 years, possessing the following qualifications, shall be entitled to vote at all elections by the people:

First. "He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second. "He shall have resided in the county, city, or town where he shall offer to vote at least sixty days immediately preceding the election.

SEC. 3. "All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted, unless required to do so as witnesses in a judicial proceeding: *Provided*, That in all cases of contested election the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law.

SEC. 5. "The General Assembly shall provide by law for the registration of all voters in cities and counties having over 100,000 inhabitants, and may provide for such registration in cities having a population exceeding 25,000 inhabitants and not exceeding 100,000, but not otherwise."

The laws upon these questions are contained in the Revised Statutes of Missouri of 1889 and the act of April 4, 1891, which last law was passed to extend Australian ballot provisions to the State at large, it having previously been confined to cities of 5,000 inhabitants and over. These laws, so far as material to this inquiry, are as follows:

REGISTRATION—WHERE HAD.

Section 987 of the Revised Statutes, 1889:

In all cities of the first class and all cities whose population entitles them to become cities of the first class, there shall be a registration of all the qualified voters, and the registration of the voters, and the conduct of the elections held in such cities shall be governed by the following provisions, subject to the general law concerning elections:

QUALIFICATION OF VOTERS.

Section 988, Revised Statutes, 1889:

Every male citizen of the United States and every person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of 21 years, who has resided in this State one year next preceding the election at which he offers to vote, and during the last sixty days of that time shall have resided in the city, and during the last twenty days of that time in the precinct at which he offers to vote, who has not been convicted of bribery, perjury, or other infamous crime, nor serving at the time in the regular Army or Navy of the United States, shall be entitled to vote at such election for all officers, State or municipal, made elective by the people, or at any other election held in pursuance of the laws of this State; but he shall not vote elsewhere but in the election precinct where his name is registered, and whereof he is registered as a resident.

Section 989, Revised Statutes, 1889:

The register of any such city, not in a county, and the county clerk of the counties in which all other such cities are located, shall provide a suitable registration book for each election precinct in the city, which shall have written or printed thereon the following oath: "We, the undersigned, do solemnly swear (or affirm) that we will support the Constitution of the United States and of the State of Missouri. We do, furthermore, swear (or affirm) that we have registered in no other election precincts; that we and each of us have given our true names (as hereto subscribed); that we live at the places herein designated by us, and that we and each of us have truly answered all questions propounded us touching our registration;" and it shall be the duty of the recorder of voters and his deputies to call the special attention of each person who may offer to register to the nature of this oath.

The registration books and the registration lists of poll books, as herein-

after provided to be delivered to the judges of election, shall be in the following form:

Registration No.	Number of the ballot in the order in which it was received.	Name and residence.	Rejected.	Voted.	Peculiar marks of identification.

BALLOT BOXES—ENUMERATION AND MARKING OF BALLOTS—PROCESS OF VOTING.

Section 1005, Revised Statutes, 1889:

The recorder of votes shall provide two ballot boxes for each election precinct, one of which shall be numbered No. 1, and the other No. 2, and it shall be the duty of the judges of election to select from their number two who shall be designated and known as "receiving judges," and two who shall be designated and known as "counting judges." The two receiving judges shall receive the ballots of each elector, and shall upon receipt thereof, pronounce in an audible voice the name of the voter, and if the judges shall be satisfied that the person offering to vote is a legal voter, his ballot shall be taken and numbered in the order he offers to vote, and the ballot shall be folded, and one of the judges shall place the registration number on the back of the ballot, and then draw a horizontal line under it, and shall place the number of the ballot in the order it was voted, thus: 308-12; said numbers shall be announced in a plain and audible voice by the judges, loud enough to be heard by the bystanders outside the polling place, and the ballot shall then be deposited in the ballot box, which shall be securely closed for the period of one hour after the opening of the polls.

The clerks of the election shall enter the voting number of the ballot, and the word voted, or rejected, as the case may be, opposite the voter's name on the registration lists furnished to them. At the expiration of such hour, the receiving judges shall deliver said ballot box No. 1 to the counting judges, who shall immediately deliver over to the receiving judges ballot box No. 2, which shall thereupon be securely closed, in which all ballots received, until the ballots in ballot box No. 1 are counted, shall be deposited; and after the counting judges have counted the ballots in ballot box No. 1 they shall deliver the box to the receiving judges, and the counting judges shall count the ballots in ballot box No. 2, and so on, alternating whenever the counting judges complete the count of the ballots in any box until all the ballots cast are counted.

All ballots shall be taken out and counted in the presence of all the judges and clerks, and party representatives, in the manner provided by law, and it shall be the duty of the counting judges to announce to the electors present the total number of votes polled at the close of each hour, but no information or statement of any kind shall be given or made by the judges or clerks of election revealing the number of votes received by any candidate at such election, or the name of any person who has not voted, or any information tending to show the state of the polls: *Provided*, That each political party shall have the right to select one representative to be present with the judges of election from the opening to the closing of the polls, who may challenge any person offering to vote, but shall not interfere with the judges or clerks in the discharge of their duties. Said representatives shall make oath before the judges of election that they will not directly or indirectly give any information showing the state of the polls: *Provided, further*, That no ballot not numbered as herein provided shall be counted, and that the judges shall, in the presence of the electors, examine the ballot boxes at the opening of the polls, and before any ballots are received, to see that they are empty; and at the close of the polls the judges shall continue to count until all the ballots are counted, without removing from the polling place.

ADDITIONAL JUDGES TO BE APPOINTED.

Section 4777, Revised Statutes, 1889, chapter 60:

At the same time and in the same manner as judges of election are appointed or elected, two additional judges of election for each election district in the State shall be appointed or elected; three of the judges shall be taken from the political party that polled the largest number of votes at the last preceding election, and three of the judges from the party that polled the next largest vote. The judges of election shall designate two of their number, not of the same party, whose duty it shall be to have charge of the ballots, and to furnish them to voters in the manner hereinafter provided.

Section 4671, Revised Statutes, 1889, chapter 60:

Each voter at any election, shall in full view, deliver to one of the judges of election a single ballot, which shall be a piece of white paper, on which shall be written or printed the names of the persons voted for, with a designation of the office which he or they may be intended to fill. Said ballot shall not bear upon it any device whatever, nor shall there be any writing or printing thereon, except the names of persons and the designations of the office to be filled, leaving a margin on either side of the printed matter for substituting names. Each ballot may bear a plain written or printed caption thereon, expressing its political character, but on all such ballots the caption or head lines shall not in any manner be designed to mislead the voter as to the name or names thereunder. Any ballot not conforming to the provisions of this chapter shall be considered fraudulent, and the same shall not be counted.

FRAUDULENT BALLOTS.

Section 4677, Revised Statutes, 1889, chapter 60:

Where two or more ballots are found placed or folded together, such ballots shall be considered as fraudulent and shall be rejected; and if two or more ballots appear corresponding with the same number, all such ballots shall be rejected as fraudulent; and in all cases where there are two ballots corresponding to the same number it shall be the duty of the judges of election to have the party called and the question determined upon his evidence under oath.

BALLOTS.

Section 4780, Revised Statutes, 1889, chapter 60, as amended by section 8, act of April 4, 1891, reads as follows:

On any day of election of public officers in any election district, each qualified elector shall be entitled to receive from the judges of election one ballot. It shall be the duty of such judges of election to deliver such ballot to the elector. Before delivering any ballot to the elector, the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballot with ink or indelible pencil, and no other writing shall be on the back of the ballot, except the number of the ballot.

Section 4785, Revised Statutes, 1889, chapter 60, as amended by section 11 of the act of April 4, 1891, reads as follows:

Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for, does not appear.

The election law of 1891 in direct terms and in its first section repeals sections 4762, 4766, 4773, 4775, 4776, 4779, 4780, 4781, 4784, 4785, 4792, and 4794 of the Revised Statutes, and substitutes sections of the same numbers therefor, and instead of containing the usual clause repealing inconsistent laws, amends that section, 4794 of the Revised Statutes, by providing that it shall read "all acts or parts of acts inconsistent with this act are hereby repealed," clearly indicating that this 1891 act of itself repealed nothing but what was stated in direct terms, and that this usual clause was adapted to the old or then existing law, except as specially repealed, and which law contained sections 4671 and 4672, neither of which was mentioned in repealing clause.

The argument made before the committee for contestee and the minority report very ingeniously contend that section 4671, Revised Statutes, with its provision, "any ballot not conforming to the provisions of this chapter shall be considered fraudulent and the same shall not be counted," is repealed, and that the provision in law of 1891, that a ballot not numbered as provided shall not be deposited, does not take its place or carry any penalty except as against the judge.

In other words, that it does not affect the voter, and that his ballot is to be counted.

I do not controvert this provision. The provision just quoted was not a part of the law at the time of the election. This argument is founded upon the idea that said section applied when passed to those portions of the State that did not have the Australian system, and where the voter furnished his own ballot, and that when this system was applied to the whole State this provision became obsolete, and that the punitive part before quoted fell with it. There is no doubt but that the provisions of this section preceding the punitive provision had become obsolete; but it is equally as clear that the punitive provision remained and is a part of the Australian system of Missouri.

I think a fair consideration and application of the following reasons will demonstrate this:

1. The fact that certain provisions of a law become obsolete does not necessarily make them repugnant to the new law, and a distinct portion of a section may be inconsistent and go out of use and another distinct provision of the same section not do so. It might be awkward, but not illegal.

2. The latter provision of section 4671, quoted, making fraudulent the ballots mentioned, does not limit the condemnation to those not conforming to that section, but to those "not conforming to the provisions of this chapter."

3. In the law of 1891 the sections repealed are expressly stated and this section is not mentioned, and a repeal by implication by the passage of a later law only repeals where repugnant or inconsistent, and no more necessarily repeals a whole section than a whole chapter of a law, and only those portions obnoxious to the later law are affected, and there is no legal or other reason why one distinct portion of a section may not fall and another stand.

4. It is said in the printed argument for contestee that "by the act of 1891 all acts and parts of acts inconsistent therewith are repealed." This is a mistake. As I have before mentioned the usual provision of this kind in laws is utterly lacking, but in place thereof a section in the revised statutes is amended so as to make this repealing provision apply to that chapter of the revised statutes in which this section was left and to which a provision that any ballot not conforming to its provisions shall be considered fraudulent and not counted is not in any wise inconsistent or repugnant, but possibly and presumably very harmonious, proper, and salutary.

5. The courts of Missouri have so decided, and held these very provisions mandatory. In the case of The State *vs.* Dennerlein, St. Louis criminal court, the defendant was indicted under several counts for abstracting from a ballot box ballots for the purpose of changing the lawful result of an election, contrary to a statute upon that subject. Upon the trial it appeared that the ballots were initialed by both judges, but not on the back. It is not quite clear from the record I have of the case, but I think one judge put his initials on the back of the ballot and the other on the inside corner, but possibly both so on the inside. It was contended that a conviction could not be had because these bal-

lots, not conforming to the law, could not be counted, and so their abstraction could not change the result of the election, and this point was sustained and a verdict of acquittal ordered.

In this case it is sought to count ballots for the contestee so illegal and against the provision of the statutes of Missouri, as held in this case, that it is no offense to steal them out of the ballot box. I have the complete record of this case—indictment, pleas, testimony, rulings, etc.—but with the brief statement I have given it is not necessary to incorporate or specially call attention further to the indictment, or at all to the evidence; but the objections made, the arguments, and rulings are not only important, but interesting and easily understood and applied in connection with what I have said, and are as follows:

Mr. KRUM. I object to the testimony on the ground that it is immaterial, for this reason: That neither of these ballots is a lawful ballot; that neither of them could lawfully be deposited in a ballot box; consequently, even if they were in a ballot box, not being lawful ballots, there is no offense in their abstraction by anybody; there is no offense in one's countenancing their abstraction by anybody; there is no offense in one's aiding their abstraction on the part of anybody. Your honor will see by an inspection the point of the objection.

(Mr. Dyer handed the ballots to the court.)

Mr. KRUM. It will be conceded by the prosecution that they are all alike and that there is only one initial.

The COURT. Is that conceded, Col. Dyer?

Mr. DYER. I have not examined the ballots myself to see whether the names of the judges are written across the ballots or not.

Mr. KRUM. It is not there; there is only one initial on the ballot, and that is all there is.

Mr. Dyer said he had not offered them yet. When that time came, the objection might be more properly made. He (Mr. Dyer) admitted that these ballots were the ballots that are claimed to have been abstracted from the box.

The COURT. Do you claim that this is a legal ballot?

Mr. DYER. I do. I claim it is a legal ballot for all the purposes for which it is used here; that when that ballot went into the box, with the number of the voter placed thereon, it became a legal ballot.

The COURT. Do you claim it was a legal ballot and should have been counted by the judges in casting up the votes cast and declaring the result of the election?

Mr. DYER. I am not going into that now.

The COURT. Col. Dyer, this charge is for illegally, willfully, and fraudulently abstracting, or aiding in it, or assenting to it, from any ballot box any legal ballot for the purpose of changing the result of any election. That necessarily implies that the ballot should be a legal ballot, and that it should be one which ought to be counted and which must be counted. If you admit that the ballot should not be counted, then it could not possibly change or affect the result of the election.

Mr. DYER. I have not examined every provision of the statute in reference to this matter. These ballots, I find, have the initials of some one person, and the numbers written by two judges required, but I do not find that they have the name of any judge or the initials of any judge on the back of any of the ballots. That is the first time I discovered that. Inasmuch as this is about the hour of your honor's adjournment, I would like time to look at the statute, if your honor will permit me or give me until 2 o'clock.

Q. By the COURT. Did you state that this Eichelberger was one of the judges?

ANSWER. Yes, sir.

The COURT. I suppose that "C. E." stands for Chris. Eichelberger?

Mr. DYER. No; in my judgment it does not. "C. E." were the initials that were selected by Weule, was not put on by one of the judges. I will state to your honor that that is my information. I don't know that that is true.

At this point court cautioned the jury and took a recess until 2 o'clock p. m.

AFTER RECESS.

Further proceedings in the case at bar were had, as follows:

Mr. DYER. Unless your honor shall hear no argument on the question that was a little prematurely brought to your honor's attention, I desire to say that from conference with those who understand this matter, and upon an examination of these ballots that were before your honor awhile ago, I find that the initials of two of the judges are upon these ballots—not 2 inches exactly from the top of the ballot, but we shall be able to show that the initials of two of the judges of election are indorsed upon these ballots, and so I shall proceed with this examination, but this question may be raised at the time I offer the ballots.

The COURT. Col. Dyer, only this, if you concede that those are the ballots?

Mr. DYER. Yes, sir.

The COURT. And the court has seen those ballots and is supposed to know what is on them.

Mr. DYER. Your honor will see that on the reverse side of those is this "C. E." I suppose it was written by the clerk. It turns out to be, as I can establish, it turns out was written by one of the judges of election, Eichelberger. And on the corner is the initials of Fricki, another one of the judges. I find that on each of those ballots are indorsed not only "C. E.," but are indorsed also with the intials of Frederick Fricki.

Mr. KRUM. That I deny.

Mr. DYER. I know you deny it, but if I do not show it you are entitled to an acquittal.

Mr. KRUM. Where is the theory of the secrecy of the ballot, if that is a compliance with the law?

Mr. DYER. What do you mean?

Mr. KRUM. I mean, when a ballot is given to the voter it is not opened by the judge in that way. That's what I mean.

Mr. DYER. The gentleman now says that notwithstanding the initials of the two judges appear upon the ballot, because it don't appear exactly on the back of the ballot within 2 inches of the top of the ballot, therefore the ballot is illegal. It being conceded, for the purposes of this argument, that these ballots had been indorsed before or at the time of receiving the ballots by the initials of the two judges, then the point is made on the statute, that they have to be within 2 inches of the top.

Mr. KRUM. I don't make that point.

Mr. DYER. The law is peremptory as to one as to the other. The only question now presented to your honor is the fact that they bear the initials of two of the judges of election, as I will show you.

Mr. KRUM. What I mean by that is this, that they must be indorsed upon the back.

Mr. DYER. And it says 2 inches from the top. You might as well claim that, too.

Mr. KRUM. No; I do not care about that. And because the ballot is secret, the judge has no right to see what he gives to the voter. For the purpose of the election, all he has to do is to indorse his initials on the ballot. It is upon the back of it, the statute says.

Mr. DYER. Such a strained construction of the law would lay wide, and very wide the door for every ballot-box stuffer that might care to be elected in this city. To contend that it is not a legal ballot because the initials are written on the corner and not on the back, would not be held by any court of justice.

Mr. KRUM. The gentleman has only the supreme court and the Legislature to blame, and any diatribe as to them will not avail. There is the law, and it is as plain as the nose even on Col. Dyer's face.

Mr. DYER. I may also call your honor's attention to the statute in reference to the elections in cities of this class, and that while the election is to be held under the general election laws of the State of Missouri passed in 1889, that the law is especially applicable to cities of this class, as you will find under section 1005, "Of city elections;" that no such requirement is made of the judges of election appointed by the recorder to hold city elections in the city of St. Louis; that under the other section, 1005, it is required of them to number the ballot in the manner indicated on the back of that ballot. No further requirement is held of them. The section itself provides that the election shall be held under the provisions of the statute in regard to general elections.

Mr. KRUM. Your honor will also see that the statute makes the law in relation to holding of elections in cities having over 5,000 inhabitants applicable to the cities having over 100,000 inhabitants.

The COURT. I think that section of the statute is mandatory. It says that it shall be the duty of the judge of election to deliver such ballot to the elector. Before delivering the ballot to the elector, the two judges having charge of the ballot shall write their names or initials on the back of the ballot, within 2 inches of the top thereof. The other section says no judge of election shall permit the deposit of any ballot upon which the names or initials of the judges, as hereinbefore provided for, do not appear.

Mr. DYER. Then, if I understand your honor's decision, it is, the statute itself is mandatory, requiring either the name or initials of the judge of election to be indorsed on the back of the ballot, within 2 inches of the top of the ballot?

The COURT. Well, I do not know about 2 inches of the top; but it does not use the word "indorsed." It says, "shall be written on the back of the ballot." And the other section states that the names or initials of the judges, as hereinbefore provided for, shall appear on the back of the ballot. It practically says, it shall appear or be written as required by the preceding section.

Mr. DYER. Then, if a judge of election shall put his initials, as these were put, on the inside corner of the ballot, at the time and before he delivers it to the voter, without ascertaining or finding out or knowing anything of what the voter intended to vote—if that name is put on by the judge of election, when the voter comes and applies for the privilege of voting, that if the judge puts his initials on the corner, on the inside of this thing, before the ballot is delivered to the voter, that, therefore, that is not a sufficient compliance with the statute?

The COURT. I think not, sir.

Mr. DYER. Your honor has the ballots before you. That is the question.

The COURT. If these are the ballots that the State intends to offer as having been abstracted by the ballot box.

Mr. DYER. Yes, sir; these are the ballots that the State intends to offer at the proper time, that were illegally abstracted on the day of election, by the judge of election in the seventy-seventh precinct of the Sixteenth ward of this city. Those are the ballots that we expect to offer.

Mr. KRUM. Then, the inquiry is irrelevant.

The COURT. The question with me is, whether this court should pass upon that point, or whether a higher court should pass upon it?

Mr. DYER. The question is not properly raised; and my view of this matter is that the statute having in effect—in reality, if not in letter—been complied with by these two judges of election on those ballots, with a view of the identification of the ballot, so that they must bear the initials somewhere on the ballot of the judge of election, so that if the ballots are undertaken to be counted thereafter that they must show the initials of the judges somewhere on that ballot, with the view of the identification; that that was the purpose and object of the Legislature in requiring the names to be put there, so that they could not be substituted by those who abstracted from the ballot boxes the ballots with other ballots bearing initials of the judges of election. Whether it be on the top or bottom, on the inside or outside of the ballot, it was made by the Legislature out of great precaution for the purpose of protecting the purity of the ballot, in that it must be identified by the judge who wrote his name upon it.

And here, if your honor takes that view of the statute which says that it must be upon the back of that ballot—the identification of this ballot written upon the front part of it, written in the corner of it, written probably before it was delivered to the voter, that that is not a sufficient compliance with the statute—I call your honor's attention to the fact that while we can not weigh the legal proposition in the manner presented to your honor, that in the manner and in the idea of these elections it has been the purpose and intent of the Legislature to throw such safeguards around the ballot that the man is assured who cast the ballot that upon proper application his ballot should be identified by the judge of election.

The COURT. If the Legislature intended that the names should be written on the ballot, they would have so stated. And, in addition to that, after the judge has indorsed his name on the ballot and received it, then the other judge, on the pretense of having the right to open the ballot and write his name over the face of it—if he had the right to write his name on the face of it—he could claim that privilege, and so find out how the voter voted, which would be a good reason for having it written on the back. The custom in voting is, one judge writes his name on the back and hands it to another, who writes his name on the back and who delivers it to the voter, etc. The law is very clear, and anybody that can read could see it was the duty of a judge of election to write his name on the back of the ballot. The statute does not use the word "indorse"—the word "indorse" would have the same meaning—but it says that the name shall be written on the back of the ballot. That is my view of the matter, and it is based on that ground.

As I understand you, you want to offer testimony to the effect—so that you will thoroughly understand the court—testimony to this effect: That those ballots were properly voted and properly deposited in the ballot box, and that the defendant either abstracted them or assisted in abstracting them or assented to their being abstracted. That being the case, and it refers to these ballots, the court holds that the offense is not committed, as charged.

Mr. DYER. Then your honor can give such directions as you please to the jury. I do not know how this question could be raised. Your honor said something about whether your honor should pass upon it now.

The COURT. It struck me that way at first: perhaps the Court should decide in favor of the State here and let the case be taken up to the Supreme

Court; but I believe it is such a clear case as not to call for that, and that an injustice would be done to the defendant by bringing the case to the Supreme Court, even if the facts were made out.

Mr. DYER. We submit to your honor's ruling.

The COURT (to jury). Gentlemen, the court gives you this instruction: The court instructs the jury that under the evidence in this cause they must acquit the defendant.

Mr. PENCE. Is there no general repealing language?

Mr. HAYES. No.

Mr. GRIFFIN. There is no claim that there was anything repealed by the act of 1891. The claim is that there were two acts, one adapted to the country precincts and the other to cities of over 5,000 inhabitants.

Mr. HAYES. The gentleman is mistaken about that. Another reason why it may be said that this was not repealed grows out of the fact of the entire absence, in this law of 1891, of the usual provision repealing all laws inconsistent with the law then passed.

This law has no such provision, although it was stated in the printed argument upon behalf of the contestee before the committee. That is a mistake. What this law does is this: It repeals a certain section in the law of 1889, which was a section saying that all acts or parts of acts inconsistent with that should be repealed, and re-enacts in its place these words:

All acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

That is, not inconsistent with the act of 1891, but that were inconsistent with the law of 1889, as amended by this law. In other words, it says that all acts or parts of acts inconsistent with that chapter are repealed, and still it in no wise repeals this portion of section 4671, and that is not inconsistent with any other provision in the law, for it is certainly just as competent for the Legislature of the State of Missouri to determine that a ballot should be fraudulent and not counted that did not comply with the provisions of that law as it would be to say that it was so if it did not comply with the provisions of the latter law.

Mr. HUDSON. Will my friend allow me to ask him a question?

Mr. HAYES. Certainly.

Mr. HUDSON. Did the committee find any evidence which warranted them in assuming that there were fraudulent votes cast at this election, or that the judges of election had acted fraudulently?

Mr. HAYES. Well, that is a very difficult question to answer, for this reason: There was a voluminous record in this case, a great amount of testimony, covering questions of fraud, covering cases of men that had voted on other men's numbers and names, men that were registered from livery stables, vacant lots, lumber yards, and such places; and, as I said, the committee lost sight of all that in the discussion of the other question, and upon the concession that if it was found that these ballots were in the condition that they actually turned out to be, and if it was found that this provision of the law was in force, that it would settle the case, and the majority of the committee so held; and consequently the other questions were lost sight of.

Mr. HUDSON. Then, as I understand you, the committee proposes now, by its report, to disfranchise over 900 voters, simply on the ground that a technical mistake has been made in voting?

Mr. HAYES. Not at all; but on the ground that the law was not complied with, a law of the State of Missouri that was made for the purpose of protecting the voter, a law that was made in the interest of honest and pure elections, on the ground that those provisions had not been complied with.

Mr. HUDSON. One more question now.

Mr. HAYES. Let me finish my answer. I will say that if the result had been carried out which the gentleman speaks of, simply saying that all these things must be brushed aside because they would disfranchise voters, then we might just as well abolish entirely all laws relating to the Australian ballot system.

Mr. BARTHOLDT. Do you not agree with me that under the new law, under which all the ballots are furnished by the State, that provision is practically superseded which requires the judges to initial and number the ballot?

Mr. HAYES. No; and in the criminal courts of St. Louis they have held to the contrary.

It follows from what I have said that I believe the provision declaring votes fraudulent and noncountable that do not conform to the terms and provisions of the Australian ballot law is in force, and that a failure to initial by the two judges giving out the ballot is such a failure, and that these ballots can not be counted, and the same result follows as to those not numbered as provided by the law.

On the face of the returns the contestee had 67 majority over the contestant, and a table made a part of the majority report shows the effect of applying these principles to this case, and I quote it in full, as follows:

	Joy.	O'Neill.
Precinct 98.		
Ballots with only one initial	119	106
Ballots with no number and one initial	66	38
Ballots with no number and two initials	43	45
Ballots with no number and no initial	1	2
Ballots with number and no initials	0	1
Total illegal ballots	229	192
Precinct 61.		
Ballots with only one initial	302	138
Precinct 39.		
Ballots with only one initial	16	.....

RECAPITULATION.

Aggregate vote for contestee, according to returns		14,969
Deduct votes illegally counted for him:		
Precinct 98	229	
Precinct 61	302	
Precinct 39	16	
		607
True vote for contestee		14,362
Aggregate vote for contestant		14,902
Deduct illegal votes:		
Precinct 98	192	
Precinct 61	138	
		330
True vote of contestant		14,572
Deduct true vote of contestee		14,362
Majority for contestant		210

I have said that I would like, in justice to Mr. O'Neill, to call attention to other points showing that his claim was not entirely technical, but time forbids any extension on these points, and I will incorporate a statement used before the committee on behalf of Mr. O'Neill, and which at least states some of the claims made, as follows:

MEMORANDA.

Precinct 98, where the unnumbered ballots are found, furnishes a most extraordinary spectacle, not alone of irregularity, but of deliberate intention to perpetrate fraud. An examination of the poll book in this precinct shows that the first 191 voting numbers are distributed throughout the entire poll book, and yet follow in regular order beginning at the top of the first page with No. 2, and then interspersed throughout the book but following one another, a condition which could only happen where the first 192 voters had formed in line, arranged themselves in alphabetical order, even to the extent of having the names vowelized and then voting one after the other without any other voter coming between them—a thing that in the element of chance might happened about once in a million years.

The judges attempted to explain that by stating that the first 191 ballots they did not number at all, but fixed the box and the tickets after the polls closed at night; but stated that following 192 they numbered all the ballots, and the arrangement of the numbers of the poll books bears out the theory that the ballots were numbered as they state.

Singular as it may seem, every numbered ballot between 191 and 394 has disappeared from the ballot box, and we find in place of them tickets without any number whatsoever. In this precinct 14 voters who are credited with ballots for Mr. Joy testified that they voted for Mr. O'Neill and that their ballots must have been changed. One voter testifies that when he went to vote in the morning they did not deposit his ballot in the box, but threw it on a pile of tickets already voted lying on the table.

Another states that the judges of election were asleep, and he deposited the ticket in the box himself. Several others who went to vote found their names already voted upon. It is charged in the testimony that all of the ballots in that precinct seemed to have been marked by the same person, and not by the voter, and the description on the ballots as appears in the record bears out that idea.

All of the counting and tallying of the votes was done by Republicans; the judge that issued the ballot to the voter testified that not in a single instance did they initial a ballot that they issued, and the only ballots that have double initials are those that are affixed by the Republican judge and the Republican clerk after the polls closed.

Precinct 61. It is fortunate that rascality usually leaves some trail by which it is detected. In precinct 61, where the single initial formed such an important feature, a glance at the testimony furnishes conclusive evidence as to how that election was conducted. The printed testimony on page — discloses the fact that a bundle of unused ballots already fixed with the one initial on them were found in the box ready for use. It is evident that it was not necessary to find names upon the poll books of legitimate voters; but that these tickets were already for whoever might come in and be willing to use them.

The minority of the committee in their report have evidently taken most of their figures from the contestee's brief, and, like the Chinese tailor, copied the patches into their own report.

The statement in the contestee's brief, which is copied into the minority report, of his alleged gains by an examination of the ballots, is untrue. On the contrary, when the ballots rejected by the judges, and those that are proven to be duplicates are deducted his entire alleged majority disappears, there being not less than 125 voters who are credited with 2 ballots for Joy after offsetting all duplicates found for Mr. O'Neill with a corresponding number for Mr. Joy; and if you add to that the described ballots that appear in the record, gives Mr. O'Neill a substantial majority, there appearing in the record the testimony of more than 40 persons, voters, accredited with ballots for Mr. Joy, who testified that they voted for Mr. O'Neill.

These duplicate ballots represent in many cases the ballots of Democratic voters that have disappeared, and have probably been substituted for them. In other cases an examination of the poll books shows a disappearance of ballots marked "voted." Two precincts will serve as examples. In precinct 144 there are 18 less ballots returned by judges than are marked "voted" on the books; in precinct 14 there are some 17 less ballots found in the box than were returned by the judges as having been cast.

The record furnishes the testimony of about 30 Democrats who voted for Mr. O'Neill whose names are marked "voted," and whose ballots have mysteriously disappeared. The testimony gives the names of 50 votes cast for Mr. Joy by parties registering from vacant lots, stables, lumber yards, etc.

Many instances are given of repeating, one voter, F. W. Peters (page 234), a reputable merchant, testifying that when he went to vote at 8:30 in the morning he found his name voted upon, and was informed by the judge of election that that was the seventh case of that kind that had occurred that morning.

The railway postal clerks out of the city (St. Louis) were attended to, and in two instances ballots were found in the box deposited for Mr. Joy. Some voted on lapsed declarations to become citizens; ballots were deposited in the boxes and counted for Joy, where the names did not appear at all upon the books, and the judges simply added the numbers on the ballots to the poll books.

The gentleman from Missouri [Mr. BARTHOLDT] took a large portion of his time in condemning an alleged gerrymander in his State in the interest of the Democratic party, and mourning over the fact that his party was not given districts according to its per cent of votes. If this is true it is unfortunate and unjust, but has very little application here, in fact no bearing upon this question. We have to deal with the district as we find it. Then, if this charge is true the Republican party, as a whole, have nothing to complain of. Missouri is certainly no worse off than is Iowa or probably most other States where the Republican party have controlled and formed the districts.

Mr. THOMAS. Mr. Speaker, local self-government is threatened in the house of its friends. In an election so well guarded that fraudulent ballots could not have been cast; on a pure technicality which has no apology in justice and no strength in law; by an order of priesthood that has burned incense at the altar of State rights for more than a century, it is now proposed to disfranchise the people of the Eleventh Congressional district of Missouri. If this attempt was made to right some wrong, or even to correct some mistake, the worthy motive might mitigate the political offense. But it is conceded by the committee that every vote was cast by a qualified elector, that every ballot was furnished and marked by a judge for identification and consecutively numbered on the books of the poll list. It is a case where there not only was no fraud, but where the ample safeguards that were complied with made fraud impossible. Because there was not two identification marks instead of one on every ballot a confessed majority vote is to be dishonored and dethroned.

If this disfranchisement was proposed by the Republican party, which in a sense believes in a far-away central government, it would not be so strange. But when that other party, whose every heart-beat is for State rights, whose exuberance of ardor for local self-government has carried it sometimes to the extreme of nullification, sometimes to popular sovereignty, and sometimes to rebellion itself, when such a party slips its bands, flies from its bearings, and goes tearing down the corridors of the empyrean, we may be pardoned for our amazement and excused for our lack of faith in the whole mechanical outfit.

By the report of the committee this case is made to turn on a single technical point that involves the validity of 937 votes, and the point is whether these ballots were sufficiently marked for identification so as to entitle them to be counted. In other words, whether the initials of one judge were sufficient, or whether the initials of both judges were indispensable, it being conceded that in every other respect the votes were genuine, and that the simple addition of one initial more on each ballot would have entitled the contestee to retain his seat in this House.

If this point is well taken the first thought that naturally arises is that the greater the number of safeguards provided the greater the danger, since the accidental omission of one would defeat the end for which all safeguards were provided. But the courts have never taken such a disastrous view, and from the days of Lord Mansfield till now the rule has been "that whether a statutory direction must be literally followed or may be omitted depends on whether the thing directed to be done was of the essence of that required." Applying this rule to the case in hand it may be said that the essence of the transaction was the casting of ballots furnished by the judges and that the identification of these ballots by indorsed marks was not of the essence of the transaction. Or, again, if the essence of the transaction was the identification by marks, then this identification was accomplished by one initial, for more than that would be cumulative and not essential to the essence of the transaction.

That this is the law is clearly implied in the case of West *vs.* Ross, 53 Missouri, 350, where Judge Vories held "that unnumbered tickets could be counted notwithstanding the statute of 1855 required them to be numbered."

I read from this report at bottom of page 353, as follows:

It is admitted by the respondent in this suit that the ballots cast in Miller Township were not numbered as required by this statute; and that the ballots so unnumbered were counted; and that, without counting them, the appellant would have been elected; but it is contended by him that the statute requiring the ballots to be numbered is merely directory in its provisions, directing the judges of the election in a matter of form which does not form an essential ingredient in the right of the judges to count the votes, and therefore these ballots could be lawfully counted, notwithstanding they were not numbered.

This might be true if the statutes, as the statutes of 1855 did, in reference to elections in St. Louis County, simply directed the judges of elections to number the tickets, without declaring what consequences should result in cases where the ballots were not numbered.

But it is claimed that by the Revised Statutes of Missouri of 1889 it is provided—

that any ballot not conforming to the provisions of this chapter shall be considered fraudulent and void.

And again—

No ballot not numbered as herein provided shall be counted.

And therefore a line of decision are relied upon to the effect that where the statute provides expressly that an irregularity shall be fatal the law will be enforced accordingly.

Our reply is that the statutes cited were superseded in 1891 by the Australian system which was adopted in the State. The new law consists of entirely new and distinct sections, provides a complete system of voting, in itself radically differing from the old system, which is no longer in force.

The new law provides "that all acts or parts of acts inconsistent with this act are hereby repealed." But were there no repealing clause still we hold that where one system of law is enacted as a substitute for a preceding law the rule of construction is that the preceding law is repealed. This being the fact the new law omits these old provisions and fails to declare the consequences which are to follow any irregularity.

It is, therefore, clear, and we believe no case can be found where the omission of an officer in reference to any particular act in the absence of fraud vitiates the ballot, unless the law so expressly provides.

Again, it should be remembered that when the Australian ballot was first adopted in 1889 it only applied to cities of over 5,000 inhabitants. So that from that period to April, 1891, there were two kinds of ballots in the State—the Australian ballot for large cities, and the old ballot with the penalty for nonconformity for the balance of the State. In 1891 the law was passed extending the Australian ballot throughout the entire State. This ballot not only had no penalty for nonconformity, but the reason for any such penalty ceased in view of the multiplicity of safeguards which were thrown around the new ballot. Thus the old ballot disappeared with all of its belongings, and no election has been conducted in pursuance of it since 1891.

But, it may be said that it is provided that unless the ballot contains certain initials it shall not be deposited by the judge, and that this is equivalent to saying it shall not be counted. This construction will not do. The act of depositing the ballot is only one of a series of acts. A violation in this particular is no more and no less than a violation in any other particular. A ballot wrongfully deposited may just as well be counted as one wrongfully unnumbered, and this we have seen would have been allowed by the supreme court of that State in the case of West *vs.* Ross had there been no penalty for the omission. In New Hampshire it was decided in the case of Morrill *vs.* Haines (2 N. H., 299) that a judge of election might be fined for violation of duty and still the vote be rightfully counted.

In the present case we do not believe the failure to reënact the provision that "any ballot not conforming to the provisions of this act shall be fraudulent and void," was the result of oversight. They were about to adopt the Australian system with at least twelve safeguards against fraudulent voting. They knew the law of their own State as laid down in Ledbetter *vs.* Hall (92 Mo., 422), and preferred to leave the enforcement of their election law to the good sense of the people and the construction of the courts rather than to make mere aids and helps to justice formidable instruments in the hands of politicians for the defeat of justice. And that brings me to say that if there is any fraud in this case it must have reference to the omission of one of these judges to write his initials on the ballot.

If that will defeat an election then 937 votes may have been nullified intentionally, and the defeated candidate counted in without corrupting a single voter. Such a system might be entitled, "Political chicanery made easy and comparatively safe; for particulars see case of O'Neill *vs.* Joy." With such a construction of the law the corrupting of a single officer would make it possible to defeat any election, and the greater the number of safeguards to be complied with the greater the opportunity for manipulation and fraud.

Turning now from this particular view let us take a more comprehensive survey of the case and of its surroundings. It was

tried before the returning board at the city of St. Louis, a city which is not only the commercial but the legal metropolis of the State of Missouri. That that board had before it the statutes of the State, the Supreme Court decisions, and all the law that is contained in McCreary on Elections, together with all the facts in the case, can easily be presumed. The candidates and the electors not only had every opportunity to be heard before the board, but access to the highest courts of the State. For reasons satisfactory to themselves the returning board have decided that every ballot was sufficiently identified and marked. From this decision no appeal was taken, and the certificate of election was awarded to Charles F. Joy.

The defeated candidate comes here and asks that the unquestioned majority vote of his district shall be turned down, and that the honest vote of nearly 1,000 electors of the State be thrown out, through no fault of their own, but upon the most barren and bloodless technicality that ever floated into the House of Representatives. If there was any pretense of fraud, if there was any merit whatever in this contention, this House, as a part of a supervising government, charged with constitutional duties, might properly inquire at least to ascertain whether a fair trial had been had. But I submit that it is beneath the dignity of this House to take from the Missouri waste basket a case thrown there, because it was without merit, and spit upon because it was an outrage on justice, and grant it a hearing here that it dare not risk in the courts of its own State.

In surveying the field of American politics it is obvious that too much care can not be bestowed upon maintaining the just balance between the local and general governments. The right of local self-government, properly defined, is as essential to the preservation of our liberties as the supremacy of the General Government. For it is possible to conceive of a civilization that shall center, not in armies or navies, but around the home, the church, and the school.

The extent to which man in his individual capacity can be trusted and honored is the true measure of that advancing civilization. To disfranchise the great metropolis of Missouri on a quibble is to turn back the hands of progress on the dial of the Republic; is to emphasize the Capitol at Washington and ignore Jefferson City; is in effect to put a new battalion in the field and spread discouragement over unfortunate provinces; is to put on the records of this House a precedent, the citation of which may some day help a tyrant to establish a throne.

Two principles which are indeed correlative, but which have been unfortunately used in antagonism, are fundamental in this Republic: One is great, powerful, and central; the other kind, beneficent, and universal. One executes the will of man as lightning does the will of God; the other descends like a summer shower upon hill and valley and mountain-side. One is Power, clad in armor, standing in the van of a new civilization; the other is Liberty, unawed by dictation, seated upon the white throne of Peace, and most radiant at the noonday hour of human progress.

Hannibal, when a prisoner at Rome, was allowed to visit Carthage on his promise that he would return again to prison. When he began his preparations to return his countrymen besought him to remain, urging that a promise made under such circumstances was not binding; but he would not violate his word of honor and returned to prison and to death.

The contestant in this case entered into a solemn agreement at the time of the recount, and pleged himself that no ballot should be thrown out on account of informality, and that he would abide by the intention of the voter throughout the entire count. (See Record, pp. 56 and 70.) To-day the temptation is strong to trample the votes of his countrymen under his feet and rise on their supposed mistake to a seat in this House. If he possesses the Carthagenian spirit he will scorn the temptation, stand by his agreement, and win for himself a name of honor. But if, in a moment of weakness, his itching hand takes the partisan gift, he will learn too late that beyond the Mississippi dwell a people who, in their determination to avenge the outrage, will break down all party lines, and teach the offender that none can escape—

> The patient search and vigil long.
> Of him who treasures up a wrong.

Mr. WAUGH. Mr. Speaker, at the Congressional election held in November, 1892, in the Eleventh Congressional district of the State of Missouri, Joy and O'Neill were opposing candidates for Congress, which resulted in Joy's receiving, as shown by the official returns, a majority of 67 votes over O'Neill, upon which a certificate of election was duly issued to him. This constitutes his title to the seat now occupied by him in this Congress. To destroy Joy's title to his seat O'Neill prosecutes this contest. The first step taken in the contest proceedings was to have a recount of the ballots. This met the approval of both parties, who seemed at the time to be willing to accept the result of the recount as a settlement of this contest, neither desiring to claim a seat in this House unless based upon the majority vote of the electors of their district. This was certainly commendable in both parties, and should meet the approval of all men who esteem right and justice above victory.

The ballots cast at sixty-two voting precincts, being all the precincts in the district but four, were opened and counted. It is conceded the ballots counted were the ballots cast, the result of which was to increase Joy's majority from 67 to 212. This increase of his majority over the official count arises from the fact that during the recount it was found that a great many ballots were scratched. It was therefore agreed by Joy and O'Neill that the intention of the voter should be taken in all cases where from the face of the ballot it could be determined for whom the voter intended to vote, and his vote should be counted for Joy or O'Neill as the case might be. This resulted in counting a great many votes that were not counted by the precinct officers.

This agreement was called by the parties, as appears from the record, "agreed intentions." It seems, however, that after the recount the contestant became possessed of a second thought to accomplish his object, and that was to throw out of the count 1,649 ballots that were cast by legally constituted voters at precincts 98, 95, 61, and 39, not for any act of commission or omission of the parties casting the ballots, but for the innocent technical omission of the two judges of election to write their names or initials or number the ballots in the order in which they were received upon the back of each ballot before they were deposited. The failure of the election officers to do one or all of these things the contestant insists, under the law of Missouri, forfeits the ballot and disfranchises the voter. The majority of the committee seem not to be willing to go quite so far, but are willing to compromise and join O'Neill in throwing out of the count 937 ballots, as shown by the following table taken from the fifth page of their report, as follows:

Number of ballots received by the contestant and contestee, which were either not properly signed by the distributing judges or not numbered by the receiving judges, as required by law.

	Joy.	O'Neill.
Precinct 98.		
Ballots with only one initial	119	106
Ballots with no number and one initial	64	38
Ballots with no number and two initials	43	45
Ballots with no number and no initial	1	2
Ballots with number and no initials	0	1
Total illegal ballots	229	192
Precinct 61.		
Ballots with only one initial	362	138
Precinct 39.		
Ballots with only one initial	16	.....
	607	330

In this indiscriminate slaughter of the right of suffrage O'Neill loses 330 votes and Joy loses 607 votes, a gain for O'Neill of 277 votes, which gives him a majority of 210 on the basis of the official count. This result is required, we are told by the majority, in order to satisfy the mandatory provisions of the election laws of Missouri, which are attempted to be collated on page 4 of the report of the majority for the information of the House, as follows:

In section 11 of the act of April 4, 1891, it is expressly provided that—

> Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear.

In section 1005, Revised Statutes, 1889, it is provided that—

> No ballot not numbered as herein provided shall be counted.

In section 4671, Revised Statutes, 1889, chapter 60, it is further enacted:

> Any ballot not conforming to the provisions of this chapter shall be considered fraudulent and void.

Section 8 of the act of April 4, 1891, reads as follows:

> On any day of election of public officers in any election district, each qualified elector shall be entitled to receive from the judges of election one ballot. It shall be the duty of such judges of election to deliver such ballot to the elector. Before delivering any ballot to the elector the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballot with ink or indelible pencil, and no other writing shall be on the back of the ballot except the number of the ballot.

The majority say—

> These provisions of the law of Missouri are plainly and emphatically mandatory. This is too clear for discussion, and we refrain from citing authorities or quoting decisions in support of a proposition so free from doubt.

It is at this point in the case that the committee divides. If

we are to ignore the will of the electors and decide this case upon the technicalities of the Missouri law, and I believed the law of Missouri to be as stated in the majority report and as insisted by my distinguished colleague on the committee, Col. PATTERSON, I would not stand on this floor for a single moment in defense of Joy's election. It is of importance to note at this time that this was the first election held throughout the State under the new election law known as the Australian system, to which we will call attention further on. Upon a careful study of the Missouri statutes governing elections, keeping in view the radical changes in the system of holding elections introduced by the new law, I am forced to the conclusion that sections 1005 and 4671 and the mandatory provisions of the statutes referred to by the majority, being a part of the sections just referred to, were superseded and repealed by the provisions of the new law and were not in force at the time of the holding of the election in controversy.

It appears that prior to 1889 Missouri had substantially two election systems—one applied to the city of St. Louis and to all other cities containing a population of 100,000 and over, and the other to the remainder of the State. The elections were all held under the old system, where each party or set of candidates furnished their own ballots, and the voter procured his own ticket and prepared it to suit himself. Now, section 1005 is a part of the old local law that applied to elections held in the city of St. Louis, and never applied to the general election system of the State. It reads as follows:

SEC. 1005. Ballot boxes—Process of voting.—The recorder of voters shall provide two ballot boxes for each election precinct, one of which shall be numbered No. 1, and the other No. 2, and it shall be the duty of the judges of election to select from their number two who shall be designated and known as "receiving judges," and two who shall be designated and known as "counting judges." The two receiving judges shall receive the ballots of each elector, and shall, upon receipt thereof, pronounce in an audible voice the name of the voter, and if the judges shall be satisfied that the person offering to vote is a legal voter, his ballot shall be taken and numbered in the order he offers to vote, and the ballot shall be folded, and one of the judges shall place the registration number on the back of the ballot, and then drew a horizontal line under it, and shall place the number of the ballot in the order in which it was voted, thus: ⅟; said numbers shall be announced in a plain and audible voice by the judge, loud enough to be heard by the bystanders outside the polling place, and the ballot shall then be deposited in the ballot box, which shall be securely closed for the period of one hour after the opening of the polls.

The clerks of the election shall enter the voting number of the ballot, and the word "voted," or "rejected," as the case may be, opposite the voter's name on the registration list furnished to them. At the expiration of such hour, the receiving judges shall deliver said ballot box number one to the counting judges, who shall immediately deliver over to the receiving judges ballot box number two, which shall thereupon be securely closed, in which all ballots received, until the ballots in ballot box number one are counted, shall be deposited; and after the counting judges have counted the ballots in ballot box number one, they shall deliver the box to the receiving judges, and the counting judges shall count the ballots in ballot box number two, and so on, alternating whenever the counting judges complete the count of the ballots in any box, until all the ballots cast are counted.

All ballots shall be taken out and counted in the presence of all the judges and clerks, and party representatives, in the manner provided by law, and it shall be the duty of the counting judges to announce to the electors present the total number of votes polled at the close of each hour, but no information or statement of any kind shall be given or made by the judges or clerks of election revealing the number of votes received by any candidate at such election, or the name of any person who has or the name of any person who has not voted, or any information tending to show the state of the polls: *Provided*, That each political party shall have the right to select one representative to be present with the judges of election from the opening to the closing of the polls, who may challenge any person offering to vote, but shall not interfere with the judges or clerks in the discharge of their duties. Said representatives shall make oath before the judges of election that they will not, directly or indirectly, give any information showing the state of the polls: *Provided further*, that no ballot not numbered as herein provided shall be counted, and that the judges shall, in the presence of the electors, examine the ballot boxes at the opening of the polls, and before any ballots are received, to see that they are empty; and at the close of the polls the judges shall continue to count until all the ballots are counted, without removing from the polling place.

The majority takes the expression "No ballot not numbered as herein provided shall be counted," just ten words, from this section containing over five hundred words, and puts those into their report as the law applicable to the official ballot under the new law of Missouri, which requires a very different indorsement on the back of the ballot than that required by the section just read, to which we will call attention further on. The words as used in this section, "A ballot not numbered as herein provided," can have but one meaning, and that is the number of the ballot, the horizontal line, and the registration number. No amount of jugglery with words can give it any other.

Section 4671 is a part of the old law that was of general application throughout the State. It reads as follows:

SEC. 4671. Ballot shall contain, what.—Each voter at any election shall, in full view, deliver to one of the judges of election a single ballot, which shall be a piece of white paper, on which shall be written or printed the names of the persons voted for, with a designation of the office which he or they may be intended to fill. Said ballot shall not bear upon it any device whatever, nor shall there be any writing or printing thereon, except the names of persons and the designations of the office to be filled, leaving a margin on either side of the printed matter for substituting names. Each ballot may bear a plain written or printed caption thereon, expressing its political character, but on all such ballots the caption or headlines shall not in any manner be designed to mislead the voter as to the name or names thereunder. Any ballot not conforming to the provisions of this chapter shall be considered fraudulent, and the same shall not be counted. (*Revised Statutes 1879*, section 5193—*d*.)

This section defines a ballot, what shall be printed on the face of it. Section 1005 prescribes what shall be put upon the back of it. This constitutes an old law ballot complete. "Any ballot not conforming to the provisions of this chapter shall be considered fraudulent" means a ballot not conforming to the definition in the section just read where these words are found, and not to the new law ballot as claimed by the majority. I have given these sections of the old laws in full in order that the House may see their import and the connection and meaning of the quotations therefrom in the majority report. The form of ballot provided by the new law is set out in section 4773, as follows:

SEC. 4773. Ballots to contain, what.—Every ballot printed under the provisions of this article shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this article, and no other names. The names of candidates nominated by each party shall be grouped together upon the proper ballot, and each group be headed by the name of the political party by which the candidates composing said groups are placed in nomination. Every ballot shall also contain the name of the party or principle which the candidates represent, as contained in the certificates of nomination. Underneath the name of each candidate shall be left a blank space large enough to contain a written name. (Amended, Laws 1891, page 134.)

This constitutes a complete ballot under the new law; that is, so far as the face of the ballot is concerned.

It is also provided by section 4785 "that every ballot shall be numbered in the order in which it shall be received;" and section 4780 requires "that the two judges of election having charge of the ballots shall write their names or initials upon the the back of the ballot with ink or indelible pencil, and no other writing shall be on the back of the ballot except the number of the ballot. These sections give the form of the ballot, and what indorsements shall be placed upon the back of the ballot under the new Australian law. We see that the form of ballot required by the new law is very different from the form required by the old law. It would have been a fraudulent ballot under the old law, and the forms of ballot required under the old law would be a fraudulent ballot under the new law as well.

Hence, the absurdity of the contention that the provisions of of the old law as to the form of ballot and writing on the back thereof, to which I have called attention, are still in full force and applicable to the ballot under the present election system in Missouri is apparent. Were it not wicked, I would be almost persuaded at times to believe the chief strength of the very able report of the majority lies not in the law, but innocently concealed in the fifth line of the report, in the following words: "The contestant a Democrat and the contestee a Republican." In 1889 the Legislature of Missouri passed an act substituting what is known as the Australian ballot system in all cities and towns containing a population of 5,000 and upward for the old system, which act was amended in certain of its sections in 1891, and as amended was made to apply to the whole State and repealing all acts and parts of acts inconsistent therewith, thus giving to Missouri for the first time so far as the history of this case is concerned a complete and uniform system of elections throughout the State.

This new law provides a complete system, from the nomination of candidates, the furnishing of tickets, their form, what they shall contain on their face and back, to and including the duties of the several officers of election, which we have heretofore stated. I insist that the new system is a plain substitute for the old system and repeals the old law so far as it is in conflict with the new law, and therefore repeals sections 1005 and 4671. I know that the repeal of statutes by implication is not favored by the courts, yet courts universally hold where there is a new system created by legislation, as in this case, for the accomplishment of a given purpose in place of an old or prior system it operates as a repeal of the prior law; and it is not necessary that the new enactment should cover the entire ground of the preceding law to be considered exclusive. (Traly *vs.* Tuffy, 134 U. S., 207–223; 16 Gratton, 1–11.)

Section 4785 of the new law prescribes the duty of the judges of election as to the depositing of the ballots, which reads as follows:

SEC. 4785. Ballot not to be deposited without names of judges. Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges, as hereinbefore provided for, does not appear. (Amended Laws 1891, p. 135.)

Now, if we are correct in our conclusions that the new system suspends the old system so far as they cover the same subject-matter or are in conflict with each other, we have no affirmative legislative declaration as to what consequences shall follow the failure of the judges of election to write their names or initials and the number on the back of the ballot as required by the provisions of the section just read other than the punishment that

may be imposed upon such judges which may be, if the neglect is willful, imprisonment in the county jail for a term not less than six months, or by fine of not less than $250 and not more than $3,000, or both such fine and imprisonment.

The proper construction to be given section 4785 is the vital and controlling question in the case. Are the provisions of that section mandatory in the sense that the failure of the election judges to write their names or initials on the back of the ballot operates as a forfeiture of the ballot and a disfranchisement of the voter? I do not think the new statute will warrant such construction: or that the Legislature ever intended that such consequences should follow; if so, it would have so stated in the law. The majority feeling that that result does not follow by force of the provisions of the new law, have gone to the dead letter of the old law for that power, as we have seen.

The old law when in life imposed the penalty of forfeiture and disfranchisement, which the supreme court of Missouri characterized as a harsh and unjust provision. With this decision as a part of the contemporaneous history before the Legislature at the time of the enactment of the new law, and the absence of such a provision in all of its sections, it must be presumed it was intentionally omitted by the lawmaking power, and that the new law fully expresses the legislative intent, and matters not expressed therein must be deemed to have been excluded.

I submit that the supreme court of Missouri, in the case of Bowers *vs.* Smith, 111 Missouri, 45, has given a rule of construction of the Missouri election law that is applicable to this case. If we are correct in this, the contestant is without remedy. The case referred to was a statutory contest to determine the rights of the parties to the office of sheriff of Pettis County, Mo. The contestant in that case contended that the ballots cast in the city of Sedalia should be thrown out and not counted, for the reason that the official ballots furnished by the county clerk, and used at the voting places in that city, contained the names of the candidates of the Union Labor party, and that that political party had not polled 3 per cent of the vote cast at the last general election, as required by law, and was therefore illegal and should not be counted. The statute on this subject makes it the duty of the county clerks to provide printed ballots, and that the ballots shall contain the names of the candidates of all political parties that cast 3 per cent of the vote at the last general election, which names shall be grouped together upon each ballot, and that ballots other than those printed by the respective clerks of the county courts, according to the provision of the statute, should not be cast or counted.

In passing upon this case it was conceded that the ballots were liable to the infirmity charged; that they did not conform to the requirements of the statute in that they contained the names of the candidates of the Union Labor party, which did not cast 3 per cent of the votes at the last general election; hence they were in the face and in violation of the strict letter of that mandatory provision of the statute, "should not be cast or counted." Yet the supreme court, in considering the question whether this omission of the clerk should work a forfeiture of the ballots and disfranchise the voter, said, in course of its opinion, "that the living question was what construction should be given the Missouri statute and to what extent the constitutional rights of voters depends upon the correctness of the county clerk in preparing the official ballot; and it might be proper to note just here that the right to vote is guaranteed by the constitution of Missouri.

The court further says in the same opinion:

That the ballot reform law was intended to improve the methods for giving expression to the popular will in the choice of public officers and should be construed to promote, not destroy, the great object in view in its passage. If for every error of a county clerk, or harmless irregularity in election proceedings, citizens having no control over are to lose their right of choosing public officers, the "reform ballot" instead of being found an improvement of the machinery of popular government will justly be denounced as a snare to entrap the unsuspecting voter. While it is well enough to insist on a proper and strict performance of duty by officers conducting elections, we are not of the number of those who imagine that such performance will be promoted by disfranchising the whole body of electors in any locality for errors such as here charged, and the court held these ballots valid under their new election system.

This would be a stronger case, upon the strict letter of the law, for the contestant than his own now before us. In this case the ballots asked to be rejected did not contain the names or initials of both judges or number it is claimed. This naming or initialing and numbering of the ballot is done by the election officers, and not by the voters. All the voter is required to do is to prepare the face of his ballot in the way he desires to cast it, and fold it so the names or initials of the judges may appear, and hand it to the judges to be deposited. Now, the only command of the statute in this case is, "No judge of election shall deposit any ballot upon which the names or initials of the judges do not appear." No mention is made of the number. The command in the Bowers case is much stronger: "Shall not be cast or counted," if it did not conform to the requirements of the law.

The reasons for a strict construction in the case of Bowers, in addition to the imperative command of the statute, is also much stronger than in this case; in that case it was to prevent fraudulent ballots from being published and voted during the election; in this, it is simply to preserve their identity after the election. We must not forget in this case the statute does not state what shall be the effect if the judges of election do deposit a ballot that does not contain the names or initials of both judges. To reject the ballots and disfranchise the parties casting them we must add that power to the statute by construction. On this subject the supreme court of Missouri has also spoken, as follows:

When the Legislature has not plainly declared such a purpose, we think it should not be imported into the statute by construction.

I feel like I am safe in saying that no case can be found where the voter has been deprived of his vote by the omission of an election officer to perform a duty imposed by law where no injury has resulted to anyone as in this case, unless the statute in terms provide that such omissions shall render the ballot void or prohibits its being counted. The chief purpose of our elective system is to obtain a fair expression of the popular will, as paramount in importance to the formal steps to reach that end. That purpose has been accomplished in this case. The suffrages of a free people whose government derives its just powers from the consent of the governed should be guarded with a jealous care, and should be so regarded by their Representatives and by all who are intrusted with the power of preserving their sovereign rights.

Speaking for myself I would, from the standpoint of good conscience, that justice might be done, brush aside all technicalities of the law and stand by the will of the majority of the electors of the Eleventh Congressional district of Missouri, as expressed at the ballot box. In this case, where it is conceded the election was fair, no one voted who was not entitled to vote and no one deprived of a vote that was entitled to vote. I believe this House, before it commits the unconscionable act of disfranchising 937 legal voters, should rise up and assert its constitutional prerogative of judging of the elections, returns, and qualifications of its own members, and duplicate by its act the certificate issued by the governor of Missouri to Joy of his election to a seat in the Fifty-third Congress of the United States. The wisdom of this suggestion may not be apparent to the House. We may turn Joy out if we will, and let O'Neill take his seat. But uneasy must rest his crown when he reflects that he won it by the assassination of the suffrages of 937 free American citizens. We may turn Joy out, but the people of his district will rebuke the act by returning him again not with a majority of 67, but with a majority equal at least to the number whose political rights we have denied as the price of our injustice.

Mr. DANIELS. I now yield two minutes to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, I should like to have the attention of the House for just one moment, to present one idea in addition to that which I presented in the consideration of the rule.

The House will see, after having listened to the gentleman from Iowa [Mr. HAYES], that he has absolutely made no addition to the facts which I originally presented to the House, nor any contradiction of them. I desire to add to what I have already said a suggestion arising out of a copy of the statutes of the State of Missouri which has been scattered broadcast over the House. Section 4780 of the statutes provides:

Before delivering any ballot to the elector, the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballot with ink or indelible pencil.

In section 4785 it is provided:

No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear.

So that every voter whose ballot it is proposed to cast out here was presented by the judges of the election with a ballot which contained the initials of but one of the judges, the fault, not of the electors, but of the judge. When the voter presented it to the judge whose duty it was to receive it that judge was forbidden to deposit that ballot because it lacked the initials of the two judges.

Why was that statute couched in that language? It does not say that he shall not count the ballot. It says that he shall not deposit the ballot. If he refused to deposit the ballot the voter would at once have known that he had an improper ballot, and might have an opportunity to rectify his mistake and deposit a suitable ballot. When the judge failed to notify the elector, and deposited the ballot, the elector had every reason to believe that he had cast a proper vote. If the judge had handed him back his ballot, refusing to deposit it, there would have been an opportunity offered him to obtain the signature or initials of the other judge.

Now, the elector being entirely guiltless of anything but mis-

take, the judge having misdirected him, the judge who is to receive the ballot having failed to comply with the law, this House is asked to disfranchise 900 voters in that contest. It seems to me that it is impossible to be believed.

Mr. DENSON. Look at this [exhibiting a paper] and read it, and it will show you whether they are going to do it or not.

The SPEAKER *pro tempore*. The gentleman from New York has two minutes remaining.

Mr. DANIELS. I yield that to the gentleman from Massachusetts [Mr. MCCALL].

[Mr. MCCALL withholds his remarks for revision. See Appendix.]

The SPEAKER. The gentleman from Tennessee has thirteen minutes.

Mr. PATTERSON. Has the other side exhausted its time?

The SPEAKER. It has

Mr. PATTERSON. I yield the remainder of my time to the gentleman from Indiana [Mr. BROWN].

Mr. BROWN. Mr. Speaker, the right to vote is not a natural right. It is purely a conventional regulation, which society has adopted in organizing itself into a state. The state creates laws and makes regulations for its safety and its comfort. The prime object of society is to provide some mode by which laws can be created and enforced, and government established and maintained for the safety, happiness, and prosperity of all the people.

In this country the election has been resorted to as the primary means of accomplishing these purposes.

An election is a special proceeding. The law providing for it is a special act, and is always to be strictly construed. The law is the offspring of the government, binding upon the citizen and the government alike, and if the citizen in attempting to vote loses his vote without neglect on his part, it is the government's fault and responsibility. Let us look at this case in the light of these principles. All that has been complained of by the very able gentleman from Maine [Mr. REED] and by others about electors being disfranchised in Missouri, if it is true, is attributable to the law of the State of Missouri, and to the officers that Missouri has selected to administer her law. We can not make or unmake the law of Missouri, but we must administer it as we find it.

The minority of the committee have stated this case, Mr. Speaker, and I invite the attention of the House to that statement in order that it may be seen how far some gentlemen who have spoken here have drifted away from the real point in controversy. The very able and accomplished gentleman from New York [Mr. DANIELS], in stating the views of the minority of the Committee on Elections, says:

> The law of the State of Missouri required each vote to be indorsed with the initials of the two judges—

Not the initials of one judge, but the initials of the two judges—

> who were required to pass it to the person appearing and intending to vote.

It was the business of the elector when he received his ballot to look and see that it contained the initials of the two judges. Such was the law of the State of Missouri, and it was the bounden duty of the elector to obey that law. It was his duty to be careful that he did not lose his vote. Again, the gentleman from New York says in the minority report:

> There was a failure in precinct 98 and precinct 61 to place this indorsement upon the ballots.

Mr. REED. Suppose the judge had placed the wrong initials on the ballot?

Mr. BROWN. It would not have changed the case from what it would have been if he had put none on the ballot.

Mr. REED. And the ballot would have to be rejected?

Mr. BROWN. Undoubtedly so, in the opinion of every man who believes in the proper administration of the law of elections.

Mr. REED. So that the voter must take notice of the initials?

Mr. BROWN. Exactly. Is the gentleman from Maine so forgetful that he does not know that when he goes to the election officer to get his ballot that it is his duty to look and see that the ballot has been prepared according to law?

Again, Mr. Speaker, calling attention to the duty that the law of Missouri imposes upon all electors of that great and good State, I refer to section 9 of the act of 1891. All agree that this act was in force at the election in question, and is in force now. This act provides, in speaking of the duty of the elector, that—

> After preparing his ballot the elector shall fold the same so that the face of the ballot will be concealed and the initials of the judges may be seen.

This is another duty enjoined by law upon all the voters of the State of Missouri. It is the business of the voter of Missouri to discharge this duty according to law. This is a duty enjoined by law upon all electors of the State, and each voter owed it to the State whose citizen he was as well as to himself to see that he cast a ballot free from all suspicion, a ballot which could not be afterwards called in question. And this he could only do by being careful to see that his ballot was properly numbered and had the initials of the judges on it.

Mr. Speaker, it is conceded by the very able gentleman from New York [Mr. DANIELS] that these statutes are mandatory and not merely advisory or directory; so that question is out of the way. It is conceded that the words that I am now about to read are a part of the statute of 1891, and are and were applicable to the election in controversy. The language of the statute is:

> Every ballot shall be numbered in the order in which it is received. No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear.

We all agree that this law is and was applicable to the election under consideration. "But," says the gentleman from New York [Mr. DANIELS], able and ingenious as he is, "that simply imposes a duty upon the election officers, and the elector is in no wise connected with the performance of that duty." I have already shown, I think, that the elector was connected with the performance of that duty; that the elector owed it to the State to be connected with the performance of that duty—owed it to the State as well as to himself in the exercise of the great right which the State had conferred upon him. But I suggest, Mr. Speaker, that the point that my friend from New York makes is too small to live long. He says that the judge should not put that ballot in the box. Why? Because the ballot was not a legal ballot according to the law of Missouri.

Very well; but an illegal, false, fraudulent, spurious ballot has found its way into the ballot box. It is clearly discernible from the legal ballot. But, says the gentleman from New York, this bastard ballot is here; it is without parentage or respectability, but you must count it all the same in determining the election of a Representative to Congress. As I said before, upon the mere statement of the matter that is too small a point to grow to any great dimensions. It is fundamental that the ballot box must be purged of all fraudulent or illegal ballots.

The remarks of my friend from Iowa [Mr. HAYES] have made it a matter of supererogation that I should speak upon the subject of the repeal of these statutes; but just a word in addition to what he has said. So far as the provisions of this act of 1889 which might be applicable to this case are concerned, the contention of the other side is that these provisions of that act have been repealed by implication of law. On the contrary, we contend that they are in full force and effect. There is no general repealing clause to the act of 1891. In addition to that our contention is strengthened by the fact that this act of 1891, in its first section, explicitly recites certain sections of the act of 1889 that it intends to repeal, beginning with section 4762 and ending with section 4794.

In the case of each of these enumerated sections intended to be repealed the act substitutes another section and gives it the very number of the repealed section. Therefore I contend that this act of 1891 embodied itself in the act of 1889, and is part and parcel of that act.

Mr. DANIELS. Does not the act of 1891, by the last or next to the last section, provide that all laws inconsistent with it are thereby repealed?

Mr. BROWN. The gentleman is right as to that. The next to the last section provides that—

> All acts or parts of acts inconsistent with this act are hereby repealed.

Now, if I am correct in saying that this act of 1891 is embodied in the act of 1889 (and I think there can be no mistake about that), then the two acts, so to speak, form but one; and wherever words are found in this act referring to the election laws of Missouri, they refer to chapter 60 of the act of 1889 of Missouri's election laws. Now, let me state very briefly what the law is on the subject of repeal by implication. Where the subsequent act legislates upon the same subject-matter contained in the former law, without an express repealing clause, only so much of the former law is repealed as stands in a position of antagonism and absolute repugnancy to the last act. It is the duty of the courts to construe the former act and the amendatory or repealing act as being in *pari materia*, and to make all parts of each law stand, except where there is an absolute repugnancy between the last and the former law. In each case the former law must give way.

Let us see if the parts of the election law of 1889 of Missouri were not in force at the time the election was held, as is contended for by the contestant.

In section 1005 of the Revised Statutes of Missouri it is provided:

> No ballot not numbered as herein provided shall be counted.

This is a part of the act to which the act of April 4, 1891, is

supplementary or amendatory. Will the contestee or any of his friends point out wherein these words of the act of 1889 are antagonistic or repugnant to the act of 1891? The act of 1891 is entirely silent on the subject of numbering ballots. It is idle to say that the act of 1891 covers the entire subject-matter contained in the act of 1889. It is worse than idle to say that the act of 1891 creates an entirely new system of conducting elections. It simply adds some new features to the election law of 1889, and repeals so much of that law only as is in conflict with the new features added.

The honorable gentleman from New York, Judge DANIELS, says these words of the act of 1889 which I have quoted have reference to the ballot used before the act of 1891 was passed; that they have reference to the ballots which the political parties prepared for and furnished to the voters. So they did so long as those ballots were in use, but when an official ballot by reason of the act of 1891 took their place, then these words became applicable to the official ballot. If the Legislature of Missouri had not so intended it would have repealed them by the act of 1891. The same reasons with additional ones exist for the numbering of the official ballots that existed for the numbering of the ballots formerly used.

In section 4671 of the Statutes of Missouri, 1889, it is stated:

Any ballot not conforming to the provisions of this chapter shall be considered fraudulent and void.

For reasons already stated these words of the act of 1889 are still in force. The act of 1891, as I have shown, is a part of the act of 1889. It has placed itself in the very body of the act of 1889. Therefore the ballots not properly numbered and not containing the initals of the judges are fraudulent and void. The friends of the contestee must insist on counting ballots which are fraudulent and void in their efforts to maintain contestee in his seat here.

Section 4780 of the Revised Statutes of Missouri, 1889, chapter 60, as amended by section 8 of the act of April 4, 1891, reads as follows:

On any day of election of public officers in any election district, each qualified elector shall be entitled to receive from the judges of election one ballot. It shall be the duty of such judges of election to deliver such ballot to the elector. Before delivering any ballot to the elector the two judges of election having charge of the ballots shall write their names or initials upon the back of the ballot with ink or indelible pencil, and no other writing shall be on the back of the ballot except the number of the ballot.

It is plain to be seen what the duties of the electors and officers are in respect to the conduct and holding of elections in Missouri. The ballots must be numbered and the initials of the judges must be written on them. There is a concurrent duty resting on the voters and election judges to see that this is done, and if the election fails, or the result of it is otherwise from what it would have been, the fault, if any there be, is with Missouri, her laws, her people, and her election officers. Congress can not intervene to strike down the laws Missouri has made for herself, nor relieve her people and election officers from the duties her laws impose.

My friend, Judge DANIELS, further says in his report for the minority of the Committee on Elections:

The law of the State of Missouri also required each vote to be indorsed with the initials of the two judges, who were required to pass it to the person appearing and intending to vote. There was a failure in precinct 98 and precinct 61 to place this indorsement upon the ballots. But they were indorsed with the initials of one of the judges, and placed in the ballot box after the return of the ballot by the voter, with only this single initial upon the vote. In precinct 39 there were also 16 ballots indorsed in the same manner, with the initials of but one of the judges, and if these ballots, in addition to those not numbered at all, are all to be rejected, then it is a conceded fact that Mr. O'Neill, and not Mr. Joy, has been elected to this seat in Congress.

All else, says Judge DANIELS, must be resolved in favor of Contestant O'Neill except the mere question as to whether the ballots not numbered and not containing the initials of the judges shall be rejected, and if that question stands in his favor that he and not Joy has been elected to this seat in Congress.

In section 4785, Revised Statutes, 1889, as amended by section 11 of the act of April 4, 1891, it is expressly provided that—

"Every ballot shall be numbered in the order in which it shall be received. No judge of election shall deposit any ballot upon which the names or initials of the judges as hereinbefore provided for does not appear."

I submit with great deference and respect to the House that the laws and parts of laws of the State of Missouri, set out in the report of the Committee on Elections in that case and referred to by me at this time, are in full force and effect, and that they clearly stamp the ballots in question as being fraudulent and void, and that they should be rejected from the count.

This being so, in the language of the very able lawyer, judge, and gentleman from New York, Judge DANIELS, "then it is a conceded fact that Mr. O'Neill and not Mr. Joy has been elected to this seat in Congress."

[Here the hammer fell.]

The SPEAKER. By order of the House, the debate is now closed. The first question is upon the resolutions offered by the gentleman from Indiana [Mr. WAUGH] as a substitute for the resolutions reported by the Committee on Elections.

Mr. DANIELS. I ask unanimous consent that two gentlemen who have not had the opportunity to address the House, the gentleman from Indiana [Mr. WAUGH] and the gentleman from Michigan [Mr. THOMAS], may be allowed to insert their remarks in the RECORD, and that the gentleman from Massachusetts [Mr. MCCALL] may be allowed to extend the remarks delivered by him.

There being no objection, leave was granted.

Mr. WAUGH. I ask that the gentleman from Illinois [Mr. WHEELER] also have leave to print remarks in the RECORD.

There was no objection.

Mr. PATTERSON. I request that gentlemen who have spoken in support of the majority report may be permitted to extend their remarks.

There was no objection.

The SPEAKER. The Clerk will now read the substitute offered by the gentleman from Indiana.

The Clerk read as follows:

Resolved, That Charles F. Joy was legally elected to a seat in the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to retain his seat in this House.

Resolved, That John J. O'Neill was not legally elected to a seat in the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to a seat in this House.

Mr. REED. I ask for a division of the question.

The SPEAKER. A division of the question being called for, the vote will first be taken on the first of these resolutions.

Mr. PATTERSON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 147, not voting 105; as follows:

YEAS—100.

Aldrich,	Dunphy,	Hull,	Ray,
Apsley,	Ellis, Oregon	Johnson, N. Dak.	Reed,
Avery,	Everett,	Kiefer,	Reyburn,
Babcock,	Fletcher,	Lacey,	Robinson, Pa.
Baker, N. H.	Funk,	Lefever,	Russell, Conn.
Bartholdt,	Funston,	Loud,	Ryan,
Blair,	Gardner,	Loudenslager,	Scranton,
Boutelle,	Gillett, Mass.	Mahon,	Sibley,
Bowers, Cal.	Griffin,	Marsh,	Smith,
Broderick,	Grosvenor,	Marvin, N. Y.	Stephenson,
Brosius,	Grow,	McCall,	Stone, C. W.
Bryan,	Hager,	McCleary, Minn.	Stone, W. A
Bundy,	Hainer,	McKeighan,	Sweet,
Cannon, Ill.	Hall, Mo.	Meiklejohn,	Tawney,
Chickering,	Harmer,	Mercer,	Thomas,
Childs,	Hartman,	Milliken,	Updegraff,
Cooper, Tex.	Henderson, Ill.	Morgan,	VanVoorhis, Ohio
Cousins,	Hepburn,	Morse,	Wanger,
Curtis, Kans.	Hermann,	Moses,	Waugh,
Curtis, N. Y.	Hilborn,	Outhwaite,	Wever,
Daniels,	Hitt,	Payne,	Wheeler, Ill.
De Armond,	Hooker, N. Y.	Perkins,	White,
Dingley,	Hopkins, Ill.	Phillips,	Wilson, Ohio
Doolittle,	Hopkins, Pa.	Pickler,	Wilson, Wash.
Draper,	Hulick,	Quigg,	Woomer,

NAYS—147.

Abbott,	Cox,	Lane,	Reilly,
Alexander,	Crain,	Latimer,	Richards, Ohio
Allen,	Crawford,	Lawson,	Richardson, Mich.
Bailey,	Culberson,	Layton,	Richardson, Tenn.
Baldwin,	De Forest,	Lester,	Ritchie,
Bankhead,	Denson,	Lockwood,	Robbins,
Bartlett,	Dinsmore,	Lynch,	Robertson, La.
Barwig,	Dockery,	Magner,	Sayers,
Bell, Tex.	Donovan,	Maguire,	Schermerhorn,
Black, Ga.	Dunn,	Mallory,	Shell,
Black, Ill.	Durborow,	McAleer,	Sipe,
Bland,	Edmunds,	McCreary, Ky.	Somers,
Branch,	English,	McCulloch,	Springer,
Breckinridge, Ark.	Enloe,	McDearmon,	Stockdale,
Brickner,	Epes,	McEttrick,	Stone, Ky.
Brookshire,	Erdman,	McGann,	Strait,
Brown,	Fielder,	McKaig,	Straus,
Burnes,	Geissenhainer,	McLaurin,	Swanson,
Burrows,	Goldzier,	McMillin,	Talbert, S. C.
Bynum,	Grady,	McNagny,	Talbott, Md.
Cavinus,	Gresham,	McRae,	Tate,
Caminetti,	Haines,	Meredith,	Taylor, Ind.
Campbell,	Hall, Minn.	Meyer,	Terry,
Cannon, Cal.	Hammond,	Money,	Tucker,
Capehart,	Hare,	Montgomery,	Turner, Ga.
Caruth,	Hatch,	Mutchler,	Turner, Va.
Catchings,	Hayes,	Neill,	Turpin,
Clancy,	Henderson, N. C.	Oates,	Tyler,
Clark, Mo.	Hines,	O'Neil,	Weadock,
Clarke, Ala.	Hooker, Miss.	Page,	Wells,
Cobb, Ala.	Hunter,	Paschal,	Wheeler, Ala.
Cobb, Mo.	Hutcheson,	Patterson,	Williams, Ill.
Cockrell,	Ikirt,	Paynter,	Williams, Miss.
Coffeen,	Jones,	Pearson,	Wise,
Cooper, Fla.	Kilgore,	Pendleton, Tex.	Wolverton,
Cornish,	Kribbs,	Pendleton, W. Va.	Woodard,
Covert,	Kyle,	Pigott,	

NOT VOTING—105.

Adams, Ky.	Cooper, Ind.	Houk,	Russell, Ga.
Adams, Pa.	Cooper, Wis.	Hudson,	Settle,
Aitken,	Cummings,	Johnson, Ind.	Shaw,
Alderson,	Dalzell,	Johnson, Ohio	Sherman,
Arnold,	Davey,	Joy,	Sickles,
Baker, Kans.	Davis,	Kem,	Simpson,
Barnes,	Dolliver,	Lapham,	Snodgrass,
Belden,	Ellis, Ky.	Linton,	Sperry,
Bell, Colo.	Fithian,	Lisle,	Stallings,
Beltzhoover,	Forman,	Livingston,	Stevens,
Berry,	Fyan,	Lucas,	Storer,
Bingham,	Gear,	Maddox,	Strong,
Boatner,	Geary,	Marshall,	Tarsney,
Boen,	Gillet, N. Y.	Martin, Ind.	Taylor, Tenn.
Bower, N. C.	Goodnight,	McDannold,	Tracey,
Brattan,	Gorman,	McDowell,	Van Voorhis, N. Y.
Breckinridge, Ky.	Graham,	Moon,	Wadsworth,
Bretz,	Grout,	Murray,	Walker,
Bunn,	Harris,	Newlands,	Warner,
Cabaniss,	Harter,	Northway,	Washington,
Caldwell,	Haugen,	Pence,	Whiting,
Causey,	Heard,	Post,	Wilson, W. Va.
Cockran,	Heiner,	Powers,	Wright, Mass.
Cogswell,	Henderson, Iowa	Price,	Wright, Pa.
Compton,	Hendrix,	Randall,	
Conn,	Hicks,	Rayner,	
Coombs,	Holman,	Rusk,	

So the resolution was rejected.

The following additional pairs were announced:

Mr. LIVINGSTON with Mr. GILLET of New York.

Mr. DAVEY with Mr. DOLLIVER.

Mr. WASHINGTON with Mr. SHERMAN.

Mr. TRACEY with Mr. WADSWORTH, on the election cases.

Mr. BURROWS. Mr. Speaker, I desire to change my vote from "aye" to "no."

The SPEAKER. The change will be noted in accordance with the suggestion of the gentleman.

Mr. HAUGEN. I am paired with the gentleman from Kentucky [Mr. ELLIS]. If he has not voted, I withdraw my vote.

Mr. McCLEARY of Minnesota. I forgot that I was paired, and ask to withdraw my vote.

Mr. LACEY. I object.

The result of the vote was then announced as above recorded.

Mr. BURROWS. Mr. Speaker, I move to reconsider the vote by which the resolution was rejected.

Mr. SPRINGER. I move to lay that motion on the table.

The question was taken: and on a division there were—ayes 124, noes 3.

Mr. BURROWS. No quorum.

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 8, not voting 185; as follows:

YEAS—150.

Abbott,	Covert,	Kyle,	Reilly,
Alexander,	Cox,	Lane,	Richards, Ohio
Allen,	Crain,	Latimer,	Richardson, Mich.
Bailey,	Crawford,	Lawson,	Richardson, Tenn.
Baldwin,	Culberson,	Layton,	Ritchie,
Bankhead,	De Forest,	Lester,	Robbins,
Bartlett,	Denson,	Lockwood,	Robertson, La.
Barwig,	Dinsmore,	Lynch,	Sayers,
Bell, Tex.	Dockery,	Magner,	Schermerhorn,
Black, Ga.	Donovan,	Maguire,	Shell,
Black, Ill.	Dunn,	Mallory,	Sipe,
Bland,	Dunphy,	McAleer,	Somers,
Boatner,	Durborow,	McCreary, Ky.	Springer,
Bower, N. C.	Edmunds,	McCulloch,	Stallings,
Branch,	English,	McDearmon,	Stockdale,
Breckinridge, Ark.	Enloe,	McEttrick,	Stone, Ky.
Bretz,	Epes,	McGann,	Strait,
Brickner,	Erdman,	McKaig,	Straus,
Brookshire,	Everett,	McLaurin,	Swanson,
Brown,	Fielder,	McMillin,	Talbert, S. C.
Burnes,	Geary,	McNagny,	Talbott, Md.
Bynum,	Geissenhainer,	McRae,	Tate,
Cadmus,	Goldzier,	Meredith,	Taylor, Ind.
Caminetti,	Grady,	Meyer,	Terry,
Campbell,	Gresham,	Money,	Tucker,
Cannon, Cal.	Haines,	Montgomery,	Turner, Ga.
Capehart,	Hall, Minn.	Moses,	Turner, Va.
Caruth,	Hammond,	Mutchler,	Turpin,
Catchings,	Hare,	Neill,	Tyler,
Causey,	Hatch,	Oates,	Warner,
Clancy,	Hayes,	O'Neil,	Washington,
Clark, Mo.	Henderson, N. C.	Page,	Weadock,
Clarke, Ala.	Hines,	Paschal,	Wells,
Cobb, Ala.	Hooker, Miss.	Patterson,	Wheeler, Ala.
Cobb, Mo.	Hunter,	Paynter,	Williams, Ill.
Cockrell,	Hutcheson,	Pearson,	Williams, Miss.
Coffeen,	Ikirt,	Pendleton, Tex.	Wise,
Cooper, Fla.	Jones,	Pendleton, W. Va.	Wolverton,
Cooper, Tex.	Kilgore,	Pigott,	Woodard.
Cornish,	Kribbs,	Price,	

NAYS—8.

Bryan,	Hall, Mo.	Morgan,	Ryan,
De Armond,	McKeighan,	Outhwaite,	Sibley.

NOT VOTING—185.

Adams, Ky.	Aldrich,	Babcock,	Bartholdt,
Adams, Pa.	Apsley,	Baker, Kans.	Belden,
Aitken,	Arnold,	Baker, N. H.	Bell, Colo.
Alderson,	Avery,	Barnes,	Beltzhoover,
Berry,	Funston,	Kiefer,	Russell, Conn.
Bingham,	Fyan,	Lacey,	Russell, Ga.
Blair,	Gardner,	Lapham,	Scranton,
Boen,	Gear,	Lefever,	Settle,
Boutelle,	Gillet, N. Y.	Linton,	Shaw,
Bowers, Cal.	Gillett, Mass.	Lisle,	Sherman,
Brattan,	Goodnight,	Livingston,	Sickles,
Breckinridge, Ky.	Gorman,	Loud,	Simpson,
Broderick,	Graham,	Loudenslager,	Smith,
Brosius,	Griffin,	Lucas,	Snodgrass,
Bundy,	Grosvenor,	Maddox,	Sperry,
Bunn,	Grout,	Mahon,	Stephenson,
Burrows,	Grow,	Marsh,	Stevens,
Cabaniss,	Hager,	Marshall,	Stone, C. W.
Caldwell,	Hainer,	Martin, Ind.	Stone, W. A.
Cannon, Ill.	Harmer,	Marvin, N. Y.	Storer,
Chickering,	Harris,	McCall,	Strong,
Childs,	Harter,	McCleary, Minn.	Sweet,
Cockran,	Hartman,	McDannold,	Tarsney,
Cogswell,	Haugen,	McDowell,	Tawney,
Compton,	Heard,	Meiklejohn,	Taylor, Tenn.
Conn,	Heiner,	Mercer,	Thomas,
Coombs,	Henderson, Ill.	Milliken,	Tracey,
Cooper, Ind.	Henderson, Iowa	Moon,	Updegraff,
Cooper, Wis.	Hendrix,	Morse,	Van Voorhis, N. Y.
Cousins,	Hepburn,	Murray,	Van Voorhis, Ohio
Cummings,	Hermann,	Newlands,	Wadsworth,
Curtis, Kans.	Hicks,	Northway,	Walker,
Curtis, N. Y.	Hilborn,	Payne,	Wanger,
Dalzell,	Hitt,	Pence,	Waugh,
Daniels,	Holman,	Perkins,	Wever,
Davey,	Hooker, N. Y.	Phillips,	Wheeler, Ill.
Davis,	Hopkins, Ill.	Pickler,	White,
Dingley,	Hopkins, Pa.	Post,	Whiting,
Dolliver,	Houk,	Powers,	Wilson, Ohio
Doolittle,	Hudson,	Quigg,	Wilson, Wash.
Draper,	Hulick,	Randall,	Wilson, W. Va.
Ellis, Ky.	Hull,	Ray,	Woomer,
Ellis, Oregon	Johnson, Ind.	Rayner,	Wright, Mass.
Fithian,	Johnson, N. Dak.	Reed,	Wright, Pa.
Fletcher,	Johnson, Ohio	Reyburn,	
Forman,	Joy,	Robinson, Pa	
Funk,	Kem,	Rusk,	

No quorum voting.

Mr. PATTERSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5184) for the relief of Maria T. Karge, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. PIGOTT: A bill (H. R. 6466) to punish the failure to destroy certain anonymous letters received by every officer, agent, employee, servant, or other person engaged in the service of the United States, and the imparting of any information so received by any such person—to the Committee on the Judiciary.

By Mr. WASHINGTON: A bill (H. R. 6467) authorizing the appointment of a district judge for the middle district of Tennessee—to the Committee on the Judiciary.

By Mr. McCREARY: A bill (H. R. 6468) to amend section 1674 of the Revised Statutes of the United States relative to consular offices—to the Committee on Foreign Affairs.

By Mr. HENDERSON of North Carolina: A bill (H. R. 6469) to amend the Revised Statutes of the United States relating to the internal-revenue system of legislation, and for other purposes—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: A bill (H. R. 6477) to amend section 3 of an act making appropriations for the Post-Office Department for the year ending June 30, 1886—to the Committee on the Post-Office and Post-Roads.

By Mr. CADMUS: A joint resolution (H. Res. 152) granting a gold medal to Capt. Charles A. de Arnaud—to the Committee on the Library.

By Mr. ROBERTSON of Louisiana: A resolution to pay six months' salary and funeral expenses to the widow of James P. Hickman, deceased, late an employé of the House—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CADMUS (by request): A bill (H. R. 6470) for the relief of the heirs of Phillip Francis Renaut—to the Committee on Patents.

By Mr. FLYNN: A bill (H. R. 6471) to remove the charge of desertion against Leopold Zipf—to the Committee on Military Affairs.

By Mr. HOLAMN :A bill (H. R. 6472) for the relief of John N. Quackenbush—to the Committee on the Judiciary.

By Mr. McALEER: A bill (H. R. 6473) for the removal of the charge of desertion against James Lanahan—to the Committee on Military Affairs.

Also, a bill (H. R. 6474) for the relief of Timothy A. Sloan—to the Committee on Military Affairs.

By Mr. McCALL (by request): A bill (H. R. 6475) for the relief of Samuel M. Blair—to the Committee on War Claims.

By Mr. McGANN: A bill (H. R. 6476) for the relief of John Rustman—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AITKEN: Petition of the Michigan Knights of the Grip, asking for the removal of restrictions against railroad companies selling 5,000-mile tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Marine Engineers' Benefit Association, asking for the establishment of a telegraph system by the Government—to the Committee on the Post-Office and Post-Roads.

Also, petition of B. J. Lawrence and 60 others, of Waterford, asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER: Petition of H. B. Adams and T. D. Winchester and 34 other citizens of Monroe, N. C., in favor of the Manderson-Hainer bill, S. 1353, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. AVERY: Two petitions of the Plasterers' Operative Union, the Marine Engineers' Union, and Steam Fitters' Union, all of Detroit, Mich., asking for Government ownership and control of telegraph and telephone lines—to the Committee on the Post-Office and Post Roads.

By Mr. BAKER of New Hampshire: Memorial of John W. Farr and 63 others, in favor of applying State laws to oleomargarine and other imitation products of the dairy whenever they are brought within any State—to the Committee on Agriculture.

By Mr. BURROWS: Resolutions of Detroit Steam Fitters' Union, No. 8, and Marine Engineers' Benefit Association, of Detroit, Mich., for the establishment of Government system of telegraphs—to the Committee on the Post-Office and Post-Roads.

By Mr. CARUTH: Additional papers to accompany House bill 532, for the relief of George E. Cousins—to the Committee on War Claims.

Also, petition of Monon Division, No. 89, Order of Railroad Conductors, of Louisville, Ky., in favor of the passage of an act forbidding the sale of railroad tickets by scalpers—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Louisville Leaf-Tobacco Exchange of Louisville, Ky., regarding the internal-revenue taxes affecting tobacco—to the Committee on Ways and Means.

Also, petition of Fall City Club, No. 418, Knights of Labor, in favor of the establishment of governmental telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of members of Marshall Lodge, No. 113, Ancient Order of United Workmen, of Marshalltown, Iowa, favoring the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: Petition of Harbor No. 1, American Association of Masters and Pilots of Steam Vessels of the City of New York, in support of a bill placing the masters of tugs at the Brooklyn navy-yard on the list of warrant officers in the United States Navy—to the Committee on Naval Affairs.

By Mr. FUNSTON: Petition of the Union Veteran League, for the passage of the per diem pension bill—to the Committee on Invalid Pensions.

Also, remonstrance of Cigar Markers' Union, of Kansas City, against the additional tax on cigars—to the Committee on Ways and Means.

Also, petition of citizens of Ottawa and Lawrence, Kans., for the passage of House bill 4897, relating to postage on newspapers of fraternal organizations—to the Committee on the Post-Office and Post-Roads.

By Mr. GEISSENHAINER: Petition of Walter Damrosch, Theodore Thomas, Robert Brown, and George F. Root, and many others, in favor of the passage of the bill to incorporate the American College of Musicians—to the Committee on Education.

By Mr. HARE: Petition of 120 members of Dickinson Tent and Protection Tent, No. 7, Knights of the Maccabees, of Tremont and Sandusky, Ohio, for the passage of the Manderson-Hainer bill, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON of Iowa: Petition of D. McErlain and 8 others, together with resolution of Dyersville Lodge, No. 72, I. L. of H., Dyersville, Iowa, favoring the passage of the Manderson-Hainer bill, S. 1353, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLMAN: Papers relating to the bill for the relief of John N. Quackenbush—to the Committee on the Judiciary.

By Mr. HOPKINS of Pennsylvania: Petition of 77 citizens of Hebron, Potter County, Pa., asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post Roads.

By Mr. IKIRT: Petition and resolution from T. B. Bender and 90 other citizens of Massillon, Ohio, and members of Massillon Tent, No. 10, Knights of the Maccabees, asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McETTRICK: Petition of T. H. Temple and others, that college and fraternal society journals be admitted to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McGANN: Petition of Court Frederick, No. 245, Independent Order of Foresters, numbering 55 members, Court Active, No. 145, consisting of 136 members, and of 85 other citizens, of Chicago, for the passage of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolution of Knights of Labor Assembly, No. 3526, Grand Rapids, on the financial situation and policy of the country—to the Committee on Ways and Means.

Also, resolutions of Detroit Steam Fitters' Union, No. 8, and of the Marine Engineers' Benefit Association, of Detroit, Mich., favoring Government system of telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Tennessee: Petition of F. M. Jackson and 30 other citizens of Rutherford County, Tenn., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, evidence to accompany House bill 1506—to the Committee on War Claims.

By Mr. RITCHIE: Petition of Lodge No. 140, Brotherhood of Boiler Makers and Iron Ship Builders, protesting against House bill 2655—to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Illinois: Petition of citizens of Randolph, Ill., to Congress for a Christian amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Harrisburg Lodge, No. 187, Ancient Order United Workmen; Harrisburg Lodge, No. 325, Ancient Free and Accepted Masons, and Arrow Lodge, No. 386, Independent Order of Odd Fellows, Harrisburg, Ill., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WELLS: Petition of John Roth and 67 others, protesting against increase of internal-revenue tax on cigars—to the Committee on Ways and Means.

Also, resolution of Camp No. 1287, Modern Woodman of America, of Winneconne, Wis., and petition of W. L. Miller and 168 others, praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *March 29, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The enrolled bill (S. 260) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri," approved March 3, 1887, was signed by the Vice-President, it having previously received the signature of the Speaker of the House of Representatives.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from Brig. Gen. D. W. Flagler, Chief of Ordnance, United States Army, calling attention to an estimate of $4,000 to be paid Mr. Frank Goodwin, contractor for the construction of certain buildings at the Columbia Arsenal, Tennessee, and inclosing a copy of the estimate and his explanatory letter, dated May 28, 1892; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of "Our Building Association" of Philadelphia, Pa., praying for the retention in the Wilson tariff bill of the clause exempting building and loan associations from the operation of the income tax; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of the United States, remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented a petition of the Transmississippi Commercial Congress, praying for the establishment of a uniform system of bankruptcy; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of the Produce Exchange of Toledo, Ohio, and a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the adoption of an amendment to the interstate-commerce law, to compel carriers by rail to extend to all shippers uniform and reasonable rates of freight, equitably adjusted to the protection of all localities and communities; which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented the petition of J. F. Ingalls and 8 other citizens of Lynn, Mass., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

He also presented the petition of Madison Weaver and 19 other citizens of Worcester County, Mass., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

He also presented the memorial of William F. Mahar and 25 other cigar manufacturers of Boston, Mass., and the memorial of Frederick F. Dougherty and 44 other cigar manufacturers of Boston, Mass., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. McMILLAN presented petitions of Lodge No. 132, Ancient Order of United Workmen, of Sherwood; of Council No. 93, Order of United Friends, of Bay City; of Council No. 103, National Union, of Detroit; and of T. H. Hervey and 30 other citizens of Detroit, all in the State of Michigan, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 284, Cigar Makers' International Union, of Detroit, Mich., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented a petition of Local Union No. 10, National Longshoremen's Association, of Detroit, Mich., praying for the Governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Robinson & Carter and 10 other business firms of Lansing, Mich., remonstrating against the imposition of an income tax, and against an increase of the tax on distilled spirits; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Detroit, Mich., praying for the passage of House bill 4182, providing for an international conference to secure the better care and protection of animals in transit; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Emory Lumber Company and 13 other manufacturers of lumber, of Bay City, Mich., praying for the adoption of an amendment to the Wilson tariff bill to prevent foreign countries from imposing an export duty on logs; which was ordered to lie on the table.

He also presented a petition of the Knights of the Grip, of Grand Rapids, Mich., praying for the enactment of legislation removing any restriction on the issuance of mileage books for 5,000 miles travel, the coupons interchangeable over any and all railroads, with special privilege as to the amount of baggage carried free; which was referred to the Committee on Interstate Commerce.

Mr. SQUIRE presented a petition of Puget Sound Harbor, No. 16, American Association of Masters and Pilots of Steam Vessels, of Seattle, Wash., and a petition of the Commercial Club of Tacoma, Wash., praying that an appropriation be made for the publication of a North Pacific pilot chart, to be issued by the Hydrographic Office, Bureau of Navigation, Navy Department; which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Coupeville, Wash., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS presented petitions of Lookout Brotherhood of Blacksmiths, No. 16; of Lookout Lodge, No. 57, Brotherhood of Railway Carmen, and of Typographical Union, No. 89, all of Chattanooga, in the State of Tennessee, praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW presented the petition of J. T. Smith and sundry other citizens of Yankton, S. Dak., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHOUP presented a petition of 38 mine owners of the State of Idaho, praying for the suspension of the performance of annual assessment work on mining claims during the year 1894; which was referred to the Committee on Mines and Mining.

Mr. HOAR presented the petition of M. L. Curtis and 53 other citizens of Berkshire County, Mass., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

He also presented the petition of George Robinson and 13 other citizens of Massachusetts, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John Ewing and 35 other citizens of Beaver Falls, Pa., praying for the repeal of the so-called Geary Chinese exclusion law; which was referred to the Committee on Foreign Relations.

He also presented the petition of Dr. R. A. Clark and 36 other citizens of Springfield, Mass., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

Mr. WILSON presented a petition of the Christian Arbitration and Peace Society, of Philadelphia, Pa., praying for the annexation of the Hawaiian Islands to the United States; which was referred to the Committee on Foreign Relations.

Mr. QUAY presented a memorial of 1,324 farmers of Washington County, Pa., remonstrating against placing wool on the free list; which was ordered to lie on the table.

He also presented the petition of Rev. J. S. McKee and 196 other citizens of Butler, Pa., and the petition of W. W. Miller and 86 other citizens of Allegheny, Pa., praying that the preamble to the constitution of the United States be so amended as to recognize the Deity; which were referred to the Committee on the Judiciary.

He also presented petitions of William H. Shoemaker and 18 other citizens of Philadelphia, Pa.; of J. B. Gillespie and 27 other citizens of Pennsylvania; of Harry A. Jacobs and 67 other citizens of Pennsylvania, and of Charles Wissinger and 48 other citizens of Grant, Pa., praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Grocers and Importers' Exchange of Philadelphia, Pa., praying that in the proposed tariff legislation adequate protection be given to the sugar growers and refiners of the country; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was submitted an amendment submitted by Mr. TELLER on the 5th instant, intended to be proposed to the fortifications appropriation bill, reported it favorably, and moved that it be printed and referred, with the accompanying papers, to the Committee on Appropriations; which was agreed to.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 1295) to reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion, reported it without amendment and submitted a report thereon.

Mr. GORMAN (for Mr. BRICE), from the Committee on Appropriations, to whom was referred the bill (H. R. 5482) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1895, and for other purposes, reported it with amendments.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 471) to relieve John Friedlin from the charge of desertion, reported it with an amendment, and submitted a report thereon.

Mr. DANIEL. I am instructed by the Committee on Claims, to whom was referred the bill (S. 421) for the relief of the legal representatives of Calvin B. Cunningham, to report it with the recommendation that it be indefinitely postponed without prejudice.

The VICE-PRESIDENT. If there be no objection, it will be so ordered.

SEALER OF WEIGHTS AND MEASURES.

Mr. McMILLAN. I move that the bill (H. R. 3246) for the appointment of a sealer and assistant sealer of weights and

measures in the District of Columbia and for other purposes be taken from the Calendar and recommitted to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MCMILLAN. I am directed by the Committee on the District of Columbia, to whom was recommitted the bill (H. R. 3246) for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia and for other purposes, to report it with amendments. I ask that the bill be restored to its place as Order of Business No. 140 on the Calendar.

The VICE-PRESIDENT. The Chair hears no objection, and the bill will be restored to its former place on the Calendar.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 1826) giving the Court of Claims jurisdiction to hear and determine the rights of certain white people who claim to be citizens of the Cherokee Nation of Indians with all the rights of citizenship; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PUGH introduced a bill (S. 1827) to define the boundaries of the three judicial districts in the State of Alabama and to regulate therein the jurisdiction of the courts of the United States and the powers and duties of the judges thereof, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WASHBURN introduced a bill (S. 1828) to increase the navigability of the St. Louis and Cloquet Rivers, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCMILLAN introduced a bill (S. 1829) for the relief of D. McEacheran, of Detroit, Mich.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. HOAR introduced a bill (S. 1830) granting a pension to Sewall A. Parmenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 1831) to improve the methods of accounting in the Department of the Treasury, and for other purposes; which was read twice by its title, and referred to the Joint Commission to Inquire into the Status of the Laws Organizing the Executive Departments, etc.

Mr. GEORGE introduced a bill (S. 1832) to refund to the producers of cotton the internal-revenue tax collected thereon; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOLPH introduced a bill (S. 1833) granting a pension to Hannah Howard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 1834) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the Peninsula of Florida," approved August 4, 1842; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 1835) to amend an act approved September 25, 1890, extending the limits of the collection district of Hartford, Conn.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. KYLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MARTIN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. COKE, it was

Ordered, That the papers relating to the bill for the relief of William Ludgate, in the Fifty-first Congress, be withdrawn from the files of the Senate, subject to the rules, and transmitted to the House of Representatives.

IMPORTS FROM COUNTRIES WITH DEPRECIATED CURRENCY.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate with a statement of the cash value, determined by the average price of the New York and London markets, of all imports classified under their respective heads from all countries having a depreciated paper as a circulating medium during the fiscal year ending June 30, 1893; and also a table showing by months the rate of exchange with those countries during the same period.

CAPT. SCRIVEN'S REPORT ON NICARAGUAN CANAL.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is directed to send to the Senate a report on the Nicaraguan Canal in its military aspects, made by Capt. George P. Scriven, now on file in the office of the Chief Signal Officer of the Army.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2561) for the relief of Moses W. Carpenter, of Johnson County, Ark., Mexican war veteran;

A bill (H. R. 4720) to pension Lucy Brown, dependent foster mother;

A bill (H. R. 4780) to pension Thankful Robbins;

A bill (H. R. 5860) to amend sections 4, 6, and 10 of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (S. 574) for the relief of Dwight Hall;

A joint resolution (S. R. 8) authorizing the Secretary of the Interior to cause the settlement of the accounts of Special Agents Moore and Woodson, under the treaty of 1854, with the Delaware Indians, etc.; and

A joint resolution (S. R. 37) to provide for the printing of a history and digest of the international arbitrations to which the United States was a party, and for other purposes.

ISSUE OF BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PEFFER, as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained.

Mr. PEFFER. I ask that the resolution may lie over until the next legislative day and retain its place.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

LABOR UPON PUBLIC WORKS.

Mr. GORMAN. I move to reconsider the vote by which the Senate yesterday adopted the resolution offered by the Senator from Maine [Mr. FRYE].

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. FRYE, as follows:

Resolved, That the Secretary of War be, and is hereby, directed to transmit to the Senate copies of all correspondence between the Secretary of War and the Chief of Engineers and engineers in charge of works of public improvement being prosecuted by the General Government relating to the discharge or employment of individuals upon such works where such discharge or employment has been ordered against the recommendation of the local engineer in charge, and that the Secretary of War and the Chief of Engineers be directed to report whether in their opinions the discharge and employment of subordinate officers and laborers upon works of public improvement should be made for political reasons.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maryland to reconsider the vote by which the Senate adopted the resolution which has been read.

The motion to reconsider was agreed to.

DONATION LAND CLAIMS.

Mr. DOLPH. Yesterday morning I reported from the Committee on Public Lands House bill No. 69, which is purely a local matter, and I ask unanimous consent that it may be considered now.

The VICE-PRESIDENT. The bill will be announced by title.

The SECRETARY. A bill (H. R. 69) prescribing limitations of

time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "donation act," and for the protection of purchasers and occupants on said lands.

The VICE-PRESIDENT. The bill will be read at length for information.

Mr. DOLPH. As the bill is reported with an amendment in the nature of a substitute, striking out all after the enacting clause, I ask that the amendment simply may be read, which is the bill to be acted upon.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. The Committee on Public Lands report to strike out all after the enacting clause of the bill and to insert:

That in all cases where persons under the provisions of the act of Congress entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands," approved September 27, 1850, or the various acts amendatory and supplemental thereto, have made proof of settlement on tracts of land in either of the States of Oregon, Washington, or Idaho, and given notice, as required by law, that they claimed such lands as donations, but have failed to execute and file in the proper land offices proof of their continued residence on and cultivation of the lands so settled upon and claimed, so as to entitle them to patents therefor, such claimants shall have, and they are hereby given, until the 1st day of January, 1896, the right to make and file their final proofs and fully establish their rights to donations of lands under the aforesaid act of Congress, and no longer; and all claimants who shall fail to make and file final proof and perfect their claims to lands, as donations under the acts aforesaid, before the said 1st day of January, 1896, shall thereafter be held to have abandoned their claims to the lands embraced in their notices: *Provided*, That as soon as practicable after the passage of this act notices shall be mailed to all such donation claimants, their heirs, devisees, and grantees, where their names and residences are known or by reasonable diligence can be ascertained by the register and receiver of the land office for the district in which the donation claims are situated, and shall be published at least once a week for four consecutive weeks in at least three newspapers of general circulation published in the land district, requiring such donation claimants, their heirs, devisees, and grantees, and all persons making claim to such donation claims, describing such claims, to appear and make final proof for such claims within the time herein provided, and that in default of such final proof such donation claims will be held to have been abandoned.

SEC. 2. That all such donation claims held to have been abandoned for failure to make and file final proof as hereinbefore provided shall be restored to the public domain and shall be subject to disposal under the then existing laws providing for the disposition of the public lands: *Provided*, That where any such donation claims or any part thereof are claimed by descent, devise, judicial sale, grant, or conveyance, in good faith under the original claimant, and are at the date of this act, and for twenty years prior thereto have been, in the quiet adverse possession of such heir, devisee, grantee, or purchaser, or those under whom they claim, such heirs, devisees, grantees, or purchasers, upon making proof of their claims and adverse possession as aforesaid, shall be entitled to patents for the land so claimed and occupied by them: *Provided further*, That where any portion of any such abandoned donation claim shall have been settled upon prior to January 1, 1894, by any person under an erroneous claim of right and has been used as a bona fide residence by such settler where final proof shall not be made by the original claimant, and such settler has exhausted his or her homestead right, such settler may, within ninety days from the 1st day of January, 1896, file with the register of the land office of the district within which the lands are situate their affidavit and the affidavits of at least two disinterested witnesses establishing the facts of their bona fide settlement, occupancy, and improvement of said lands, and pay to the receiver of the proper land office $1.25 per acre for the land so settled upon, occupied, and improved, not exceeding 160 acres, and shall thereupon receive patent therefor.

SEC. 3. That nothing in this act shall be so construed as to deprive the Commissioner of the General Land Office, under the regulations governing contests in land cases, of his right to allow or direct hearings to be instituted to show that a donation claimant has abandoned the lands described in his notice, or prevent the Commissioner, when it is proven that such a claim is invalid or abandoned, from canceling the same upon the official records and thereafter disposing of the lands as a part of the public domain: *Provided*, That where hearings are allowed contestants shall pay the expenses incident thereto in the same manner that costs are paid in other contested land entries; and this act shall not be construed to affect any case now pending before the Land Department in which final proof has been furnished.

SEC. 4. That the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, shall issue the necessary rules and regulations to give full force and effect to the provisions of this act.

Before the reading of the amendment was concluded,

Mr. TURPIE. Mr. President, how is the bill now before the Senate?

The VICE-PRESIDENT. The Senator from Oregon [Mr. DOLPH] asks the unanimous consent of the Senate for the present consideration of the bill, and the bill is being read for information.

Mr. TURPIE. I object. I object to the further reading.

The VICE-PRESIDENT. There is objection to the present consideration of the bill.

Mr. DOLPH. I desire unanimous consent to say to the Senator from Indiana that it is purely a local measure, and it is required by the Land Office to wind up some old claims that were settled on forty years ago. It is nothing of general interest.

Mr. TURPIE. The bill is exclusively local. It ought to go back to the courts instead of being here in the Senate; and it has no privilege to be made special or to take the place of the unfinished business.

Mr. DOLPH. I can not hear a word the Senator says.

Mr. TURPIE. I object to the consideration of the bill.

Mr. DOLPH. The bill being objected to, I move that the Senate proceed to its consideration. It is merely a local matter and the amendment has been half read.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon, that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Public Lands, which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. TURPIE. Mr. President, I do not think anything but a perusal of this bill is necessary to show the objections to it upon its face. The fourth section relates wholly to the disposition of lawful rights of parties under the entry laws of the United States. It proposes to make adverse possession and to make the proofs of adverse possession under the act conclusive evidence in the issuing of patents.

All entries made under the land laws of the United States are presumed to be lawful entries. If they are not lawful, then the question of their legality is one for the courts and not for this body. I admit that it would be a great deal more expeditious and much easier to get a majority vote here on the trial of land cases than to take them into the courts of the States where the lands are situate and try them there; but I do not think such is the theory of our Government. We have all along insisted on the division of the Government into different departments, the executive, the legislative, and the judicial. The legislative decides no case; it determines no rights; it does not perform, and should not perform, any of the offices of the court.

The principal section of the bill converts this Senate into a court for the purpose of trying and determining ejectment cases and for the purpose of quieting title.

I take it that there can be no consideration and has been no such consideration of this bill and no evidence in relation to the facts to be determined in it submitted here upon which the Senate could act if it had jurisdiction in the trial of titles of real estate. That is the reason I think the interest, as the Senator from Oregon says, in this bill is purely local. As I remarked, it is exclusively local; it does not belong to the Congress of the United States at all; it belongs to the courts and the juries of the States of Oregon, Idaho, and others which are recited in this bill, to determine the questions apparent in it upon the principal sections.

I hope, therefore, the bill will not pass.

Mr. BERRY. Mr. President, the Senator from Oregon [Mr. DOLPH], the Senator from Florida [Mr. PASCO], and the Senator from Nebraska [Mr. ALLEN] were the subcommittee having charge of this bill.

Mr. DOLPH. Mr. President——

Mr. BERRY. I see the Senator from Oregon is present, and I yield the floor to him to explain the provisions of the bill.

Mr. DOLPH. Mr. President, this bill is to carry out the recommendations of the Land Department of the Government. It relates only to claims which were taken up forty years ago and segregated from the public domain, and affects not a foot of the public domain aside from these claims.

The principal object of the bill is to get rid of abandoned claims, that is of claims where parties under the donation act of September 27, 1850, went upon land in Oregon and gave notice of settlement, and then failed to make their final proof of four years residence and cultivation, which is required by the act. The main object of the bill is to get rid of those claims and have them declared abandoned, so that the land will be restored to the public domain and made subject to settlement. All the other provisions of the bill are to prevent any injustice being done to any claimant who has neglected to make his final proof, as the original law provided no time in which that should be done. So here is a provision that after notice all these claims shall be declared abandoned and restored to the public domain, that is providing the final proof is not made within the time named in the bill.

Then follows a provision that if a man has resided upon and has cultivated for twenty years such a donation claim, claiming under a judicial sale or deed from the original claimant, who may now be in his grave, shows a chain of title from the original donation claimant, he may show these facts in lieu of the special proof that the original claimant resided four years upon the land. This provision applies only to the case of a cultivated farm now worth probably from $10 to $40 an acre; and there is

another provision that if anybody has gone in possession under an erroneous claim of title to an abandoned claim or a portion of one he may obtain title to 160 acres by paying for it. That is all there is in the bill.

The bill only, in the first place, applies to old donation claims which must have been taken up forty years ago. I think there could have been no settlement after 1854, and that would make forty years now since any claim could have been initiated. It only refers to claims taken up forty years ago upon which final proof has not been made. The object of the bill is to terminate private title to claims and declare the claims abandoned and restore the land to the public domain.

The only other provisions of the bill are to prevent injustice being done to a man who is equitably entitled to the land and who has had a home upon it being turned out and somebody else getting it. That is all there is in the bill.

The bill passed the House of Representatives without opposition, and came here, but there was so much repetition in some of the sections that the committee thought it best to substitute a new bill, and it will have to go to conference with the House.

Mr. TURPIE. Mr. President, I think I understood the honorable and learned Senator from Oregon to say that these claims were initiated over forty years ago. That is only an additional reason why there should be no legislation at this time. After claims have become so stale and antiquated, certainly there should be ample provision in the ordinary laws of the country in the limi ation of actions, and especially of real actions, to determine them without bringing them here for legislation.

The honorable and learned Senator from Oregon affects to feel great anxiety about injustice being done to actual settlers on these lands. What I propose is that the actual settlers shall be sent back to the courts of their own creation and to juries of their own selection to try the cases which are pending in this bill.

I wish to refer for a few moments to the actual language of the bill. These people can certainly suffer no injustice in the administration of the law in their own country. They are more apt to get full justice and a better administration of justice for their claims there than here.

There has nothing been heard here except the very general statement before the committee, nothing in respect to the particular cases, nothing upon which the Senate can base an adjudication in regard to the matters which the Senate, under the terms of this bill, are bound to adjudicate and to determine the title to real estate. If this title be questioned, why is any legislation needed here?

The substitute provides, beginning in section 1, line 11, after the word "Idaho," that notice shall be given—

as required by law, that they claimed such lands as donations, but have failed to execute and file in the proper land offices proof of their continued residence on and cultivation of the lands so settled upon and claimed, so as to entitle them to patents therefor, such claimants shall have, and they are hereby given, until the 1st day of January, 1896, the right to make and file their final proofs and fully establish their rights to donations of lands under the aforesaid act of Congress, and no longer; and all claimants who shall fail to make and file final proof and perfect their claims to lands, as donations under the acts aforesaid, before the said 1st day of January, 1896, shall thereafter be held to have abandoned their claims to the lands embraced in their notices: *Provided*, That as soon as practicable after the passage of this act notices shall be mailed to all such donation claimants, their heirs, devisees, and grantees, etc.

It is further provided:

That where any such donation claims or any part thereof are claimed by descent, devise, judicial sale, grant, or conveyance, in good faith, under the original claimant, and are, at the date of this act and for twenty years prior thereto have been, in the quiet adverse possession of such heir, devise, grantee, or purchaser, or those under whom they claim, such heirs, devisees, grantees, or purchasers, upon making proof of their claims and adverse possession as aforesaid, shall be entitled to patents for the land so claimed and occupied by them.

Other provisions go on to make the decision of the Department in this case a finality and strip the courts of their lawful, customary, and usual jurisdiction in trying title to real estate. I do not know that I have ever heard in the Senate a bill so fully serried and saturated with objections to the jurisdiction. How can these claims be adverse except to each other? Who else has title, except those who forty years ago made some settlement there? If A holds land and B claims having made a prior settlement, who is to determine between these two claimants? Is the Senate of the United States to make such determination? Granting that we have capacity to do it, granting that we could make a better settlement, granting that we could make a juster settlement, a more equitable settlement of these claims than could the courts, are we to determine as to the title either in the individual owners or their devisees or heirs or assigns? I answer that it is simply not our province—neither our province nor our duty to make any adjustment of these adverse titles or hear or determine anything in relation to them.

This is not the ordinary language of an act of Congress in relation to the public lands. Questions in relation to the lawfulness of entry or in relation to the legality of donation or in relation to adverse possession or actual use of the premises are strictly questions at law so far as they are not modified by questions of equity, and they are no such issues as may properly be determined by the action either of a committee of the Senate or of the whole body.

I think this bill is dangerous as a precedent. I think it destroys and erases those lines between the legislative and judicial provinces and the Departments of the Government which were so wisely drawn and have been so sacredly observed both by the courts and the people of the United States under the provisions of the Federal Constitution.

I therefore renew as well as I can and as earnestly as I may my protest against even the consideration of legislation of this kind. So far from being entitled to special consideration, so far from having any claim to set aside the unfinished business and be made the special order, it is a bill, sir, which is entitled to no consideration at any time by any member of this body.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. TURPIE. On that question I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON].

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE]. I do not know how he would vote on this question, but if he were present I should vote "yea."

The roll call was concluded.

Mr. HARRIS (after having voted in the affirmative). I am paired with the Senator from Vermont [Mr. MORRILL], whom I do not see in his seat, and therefore withdraw my vote. I wish also to announce while on the floor that my colleague [Mr. BATE] is absent under the order of the Senate, and that he is paired, but I do not remember with whom.

The result was announced—yeas 40, nays 7; as follows:

YEAS—40.

Allen,	Dubois,	Manderson,	Quay,
Berry,	Faulkner,	Martin,	Ransom,
Blackburn,	Gorman,	Morgan,	Smith,
Blanchard,	Hale,	Murphy,	Squire,
Call,	Hansbrough,	Pasco,	Stockbridge,
Chandler,	Higgins,	Peffer,	Teller,
Cockrell,	Hoar,	Pettigrew,	Vest,
Cullom,	Hunton,	Platt,	Vilas,
Davis,	Lodge,	Power,	Washburn,
Dolph,	McPherson,	Pugh,	Wilson.

NAYS—7.

Camden,	George,	Kyle,	Turpie.
Coke,	Gray,	Roach,	

NOT VOTING—37.

Aldrich,	Frye,	Lindsay,	Sherman,
Allison,	Gallinger,	McLaurin,	Shoup,
Bate,	Gibson,	McMillan,	Stewart,
Brice,	Gordon,	Mills,	Vance,
Butler,	Harris,	Mitchell, Oregon	Voorhees,
Caffery,	Hawley,	Mitchell, Wis.	White,
Cameron,	Hill,	Morrill,	Wolcott.
Carey,	Irby,	Palmer,	
Daniel,	Jones, Ark.	Perkins,	
Dixon,	Jones, Nev.	Proctor,	

So the bill was passed.

Mr. DOLPH. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. DOLPH, Mr. PASCO, and Mr. ALLEN were appointed.

EXCLUSION OF CHINESE.

Mr. COCKRELL. I am instructed by the Committee on Appropriations to report back favorably House joint resolution 146, providing for a special deficiency, and to ask for its present consideration. It simply appropriates, in the language of the law, $10,000 additional to aid in the Chinese exclusion service, which the Secretary of the Treasury says is absolutely necessary to enable him to complete it within the time prescribed by law.

The VICE-PRESIDENT. The Senator from Missouri asks for the present consideration of the joint resolution the title of which will be stated.

The SECRETARY. A joint resolution (H. Res. 146) providing for the payment of salaries and expenses of additional deputy collectors of internal revenue to carry out the provisions of the Chinese exclusion act of May 5, 1892, as amended by the act of November 3, 1893.

The VICE-PRESIDENT. The joint resolution will be read at length.

The joint resolution was read, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TEXARKANA AND FORT SMITH RAILWAY.

Mr. BLANCHARD. I ask the unanimous consent of the Senate for the present consideration of the bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 22, after the words "to such direction and," to strike out "as nearly as practicable."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SCHOOL TRUSTEES IN THE DISTRICT OF COLUMBIA.

Mr. MARTIN. Yesterday I reported from the Committee on the District of Columbia a bill to authorize the appointment of women as public school trustees in the District of Columbia. It provides for the appointment by the Commissioners of the District of Columbia of three women as school trustees. The bill has been examined and reported favorably by the Committee on the District of Columbia, and it has the indorsement of the Commissioners of the District of Columbia. I ask unanimous consent for its present consideration. It is only a half dozen lines in length, and can be disposed of in less than five minutes.

The VICE-PRESIDENT. The Senator from Kansas asks for the present consideration of the bill (S. 1717) to authorize the appointment of women as public school trustees in the District of Columbia, which will be read for information.

The Secretary read the bill.

Mr. HOAR. I should like to ask the Senator who reported the bill what is the present number of trustees?

Mr. MARTIN. I am not prepared to state the present number of trustees. The bill was prepared by the Commissioners of the District of Columbia, and at their request it was presented here. It has been passed upon by the Committee on the District of Columbia, and I see no objection to it at all.

Mr. HOAR. There certainly can be no objection to the appointment of women as school trustees. I do not know what is the number of school trustees in the District of Columbia and what is the proportion here proposed.

Mr. HARRIS. I can not give the Senator accurate information, but I can state to him that the three women as trustees would be a very small minority of the board.

Mr. HOAR. That is my objection. It has been said, and I suppose truly—I have never seen it contradicted—that of the whole number of teachers in all the schools in my own State 95 per cent are women. At any rate there is a vast preponderance of women among our teachers, and I suppose the same thing is true or will be true everywhere where there is a common school system in which women take their ordinary share. If that be true, I do not think the number of three, if we are going to make a provision for women as trustees, ought to be fixed as a limit, when, as the Senator from Tennessee thinks, that is a very small minority of the board.

I move to strike out the words "not exceeding three," so as to leave the matter to the discretion of the Commissioners. They are all men, and are likely to have the feeling which prevails so extensively in regard to keeping the ordinary functions of government in the hands of men. So there is no danger of their abuse of the power. I do not think there should be a legislative declaration that there shall be only a very small minority of women on the board. Let the thing take its own natural course. If it is abused we can correct it hereafter. I move to strike out the words "not exceeding three." Let the amendment be stated.

Mr. FAULKNER. I ask the Senator from Kansas to let the bill go over for this morning. There is a matter I should like consider in reference to it.

Mr. HOAR. Will the Chair be good enough to entertain my motion to amend the bill?

The VICE-PRESIDENT. The Chair will entertain the motion of the Senator from Massachusetts.

Mr. HOAR. Let the amendment be stated from the desk, and then the bill can go over if there is objection.

The VICE-PRESIDENT. The Chair will state to the Senator from Massachusetts that unanimous consent has not been given for the consideration of the bill.

Mr. HOAR. I beg the Chair's pardon; I thought the bill had been taken up.

The VICE-PRESIDENT. The bill was read for information. Is there objection to the present consideration of the bill?

Mr. GORMAN. I object.

Mr. HOAR. Will the Senator from Maryland allow the present consideration of the bill to proceed so far as to have my amendment moved?

Mr. HARRIS. The Senator from Massachusetts can offer the amendment and have it pending when the bill comes up.

Mr. HOAR. I may not be here when the bill comes up. I should like to have the amendment appear with the bill.

The VICE-PRESIDENT. The Secretary will state the amendment of the Senator from Massachusetts.

The SECRETARY. In line 4, after the word "appoint," strike out the words "not exceeding three;" so as to read:

Authorized to appoint women as members of the board.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GORMAN. There is.

The VICE-PRESIDENT. There is objection.

Mr. HOAR. I understand the Senator from Maryland did not mean to object to the bill so far as to have my amendment moved and pending, and then let the bill go over.

Mr. GORMAN. There is no objection to that, of course.

The VICE-PRESIDENT. The question is upon the amendment proposed by the Senator from Massachusetts.

Mr. HARRIS. The amendment is simply pending, and the bill goes over with the amendment pending.

Mr. HOAR. That is all right.

Mr. HARRIS. I object to the consideration of the bill.

The VICE-PRESIDENT. There is objection to the present consideration of the bill.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2561) for the relief of Moses W. Carpenter, of Johnson County, Ark., Mexican war veteran;

A bill (H. R. 4720) to pension Lucy Brown, dependent foster mother; and

A bill (H. R. 4780) to pension Thankful Robbins.

The bill (H. R. 5860) to amend sections 4, 6, and 10, of the act of February 9, 1893, entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," was read twice by its title, and referred to the Committee on the Judiciary.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. GORMAN. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HARRIS. I ask the Senator from Maryland to withhold the motion for one moment.

Mr. GORMAN. Certainly, I withdraw it.

Mr. TELLER (to Mr. GORMAN). Withdraw it for the present.

Mr. GORMAN. I will withdraw the motion altogether if the Senator desires.

Mr. HARRIS. There was a unanimous consent agreement that a certain matter should come up to-morrow, and I think it very important that it should be disposed of before Monday.

Mr. GORMAN. I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn. The Calendar under Rule VIII is in order.

ALBERT E. REDSTONE.

Mr. KYLE. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1105) for the relief of Albert E. Redstone.

Mr. COCKRELL. Let it be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,800, to Albert E. Redstone, of Tulare County, Cal., for loss sustained by the incorporation of his preëmption claim within the limits of the Sequoia Park Reservation, Tulare County, Cal.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The SECRETARY read the following report, submitted by Mr. PETTIGREW March 14, 1894:

The Committee on Public Lands have had the bill (S. 1105) for the relief of Albert E. Redstone under consideration, and report the same back without amendment, and recommend that the bill do pass.

The bill appropriates $2,800 to pay Albert E. Redstone for damages resulting from the passage of the act of Congress of 1890, establishing the Sequoia Park Reservation in Tulare County, Cal.

Albert E. Redstone, on the 6th of April, 1889, at the land office at Visalia, Cal., filed his preëmption declaratory statement, No. 10184, upon the north,

east quarter and the south half of the northeast quarter, and the northwest quarter of the southeast quarter of section 28, township 24, range 31 east, containing 160 acres, and afterwards made extensive improvements thereon; building a house, barn, and other buildings; planting trees, shrubbery, and crops of various kinds; building a ditch over a mile long for irrigation and water power, and putting up a 12-foot water wheel, and resided upon said land with his family.

After said reservation was created, embracing the land occupied by said Redstone, the Interior Department caused said Redstone and his family to be removed therefrom, and refused to allow him to perfect his title to the same.

The committee believe the loss resulting to said Redstone by reason of these acts of the Government is fully $2,800.

The papers hereto attached are made a part of this report.

CITY OF WASHINGTON, *District of Columbia, ss:*

I, Albert E. Redstone, being duly sworn, on oath depose and say, that I am the identical person who, on the 6th day of April, A. D. 1889, in the Visalia land office in the State of California, did file declaratory statement No. 1016, embracing the land described as follows: NE. ¼ NE. ¼, S. ½ NE. ¼, NW. ¼, SE. ¼ of sec. 28, T. 24 S., R. 31 E., Mount Diablo meridian, containing 160 acres of land, according to the United States Government survey.

That from the day of filing my declaratory statement, No. 1016, on the 6th day of April, A. D. 1889, until the reservation known as the Sequoia National Park was made, myself and my family resided thereon continuously; that during the time of my residence thereon I built a frame cottage 14 by 36 feet, containing three separate rooms, with porch attached; also a frame storehouse 10 by 12 feet; also a log stable with hayloft, 20 by 24 feet, 2 miles of post and rail and picket fence, an overshot water wheel to drive a mill (mill was not quite complete and finished). I planted and had growing about 4,000 vines and trees of different varieties; also 60,000 hills of choice strawberries, and a great number of other varieties of berries. I built and dug an irrigating ditch, fully a mile in length; also an improved water power. Had all necessary farm and garden implements, and wagons, mules, horses, cattle, chickens, etc.

Deponent further says, that for reason that the Sequoia National Park reservation having been made to embrace the NE. ¼ NE. ¼, S. ½ NE. ¼, and NW. ¼ SE. ¼ of section 28, T. 24 S., of R. 31 E., Mount Diablo meridian, the lands held by virtue of declaratory statement No. 1016, issued by the Visalia land office on the 6th day of April, A. D. 1889, to Albert E. Redstone, that all the foregoing described property became a loss and great ruin to himself and family.

ALBERT E. REDSTONE. [SEAL.]

Sworn to and subscribed before me this 12th day of February, 1894.

JOHN H. ROGERS,
Notary Public, District of Columbia.

WHITE RIVER, *March 5, 1894.*

I, the undersigned, depose and say that I have been on the premises owned by Albert E. Redstone, a preëmption now within the limits of the Sequoia National Park Reservation; that I saw the following improvements made by the said Albert E. Redstone, viz: A cottage house, a stone house, a stable, 12-foot overshot water wheel, picket dooryard fence, corral, rail fences, irrigating ditch, fruit trees, grapevines, strawberries, blackberries, raspberries, barley, wheat, and many kind of vegetables; that he owned mules, horses, and cattle, farming utensils, wagons, etc., and that the said Redstone was continually making improvements on the said reservation up to the time that the said reservation was made.

That the above preëmption is in the county of Tulare and State of California.

W. D. PARSON.

Subscribed and sworn to before me, a notary public, this 5th day of March, 1894.

[SEAL.] J. E. SHUEY,
Notary Public in the County of Tulare, State of California.

WASHINGTON, D. C., —— ——, *1893.*

Senator J. H. KYLE:

Please find the amounts of actual loss to me and my family when the "Park Reservation" was made in Tulare County, Cal., that rendered my house worthless. I had worked on this preëmption for about two years as hard as any man ever worked, and had nearly everything improved to suit us for a homestead when the reservation was made and the land incorporated in the 7,000 sections, for no just reasons of benefit to the United States and to the detriment of many actual settlers, and I hope a bill will be presented by you or Senator S. M. WHITE for my relief, as a precedent, that the other settlers injured in like manner and same cause may find relief for their loss.

House and storehouse	$550
Barn	100
Vines and trees	600
Fences	300
Water wheel	100
Loss on stock and implements	500
Ditch, 1 mile long	150
Water power	500
Total	2,800

No labor is valued, as the ranch was self-supporting and could produce a good living; soon would have been a source of considerable profit, and a good home.

If I could be placed back on my ranch as when I was compelled to leave it, I would not willingly leave it for $5,000.

The land-office entry inclosed will show the quarter section, and that it was all done according to law. I should have proved up the month the reservation was made; had resided on the land constantly for two years up to the time the reservation was made.

This, at my age, was the hardest blow I have ever felt. I had made a great effort to beautify a home and subdue the wild land. But the ruthless and savage disregard of the rights and interests of citizens at the representations and request of a corporation, or their manipulation, robbed us and drove us from our rightful heritage. Let the Government now show a disposition to redeem its honor in doing justice to all these injured citizens, as good citizens as the United States affords in all respects.

Hoping you will draft a bill and secure a speedy settlement in these cases,

I am, with great respect, yours, etc.,

ALBERT E. REDSTONE.

83.] LAND OFFICE, VISALIA, CAL., *April 6, 1889.*

Mr. Albert E. Redstone has this day paid $3, the register's and receiver's fees, to file a declaratory statement, the receipt whereof is hereby acknowledged.

T. H. BELL, *Receiver.*

No. 10164.]

Mr. Albert E. Redstone, having paid the fees, has this day filed in this office his declaratory statement, No. 10164, for NE. ¼ and S. ½ of NE. ¼, and NW. ¼ of SE. ¼, section 28, township 24 S. of range 31 E., containing 160 acres; settled upon April 6, 1889, being unoffered.

Under the provisions of the preëmption laws, the time within which final proof is required to be made on unoffered lands expires in thirty-three months from date of settlement, or from date of filing of township plat in district land office in case of settlement on unsurveyed lands, and on offered lands in twelve months from date of settlement, and under act of March 3, 1879, notice of intention to prove up must be given by publication in a newspaper, to be designated by the register, for a period of thirty days, or in six consecutive issues of said paper, which notice must also contain the names of the witnesses by whom the necessary facts will be established.

Notice is, therefore, hereby given that this preëmption filing expires on January 6, 1892, after which date the tract will be subject to the claim of any other qualified party.

Very respectfully,

E. O. MILLER, *Register.*

Mr. COCKRELL. I must object to the present consideration of the bill; and I shall object to it whenever it comes up until it has been referred to the Interior Department and we have a report from it, and until we have some additional evidence to sustain the value of the property aside from a letter of the claimant himself.

Mr. KYLE. We have an affidavit here sworn to March 5, 1894, by Mr. W. D. Parson, of White River, Cal., as to the property that Mr. Redstone had upon the land. My own personal judgment in the matter is that the sum due him is more nearly $5,000 than $2,800.

Mr. COCKRELL. The matter does not come to the Senate in a proper way. Here is a reservation made, and a man claims, and it is proposed to pay him, $2,800 for improvements made on a preëmption upon which he had simply filed his declaration. It is within the range of a reservation. The report discloses the fact that there are other claimants here. It may be the entering wedge for claims to the amount of a million dollars. We have no report from the Department. The report of the Committee on Public Lands does not give us any information as to how many claims there are of the same class that originated as this has done. There has been no investigation made by the Government. I must object to the present consideration of the bill.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). There is objection to the present consideration of the bill.

Mr. KYLE. Will the Senator from Missouri withdraw his objection in order that I may make a brief statement?

Mr. COCKRELL. The Senator may make his statement, but I shall object to the consideration of the bill.

Mr. KYLE. Mr. President, the claim which is now before the Senate brings to mind a series of injustices that have been practiced upon the citizens in this section of California. Most of the parties who settled within the present limits of the Sequoia National Park Reservation and in the Yosemite National Park Reservation filed, not under the preëmption law, but under the timber law of June 3, 1878. I believe there have been only about nine claims filed within the Sequoia Park under the preëmption law, which required them to make final proof within thirty-three months. The claim before us is that of a wealthy man from the city of Indianapolis, Ind., who went down in the crash of 1873. He took what little he had, went to the State of California, and settled upon land which was offered by the Government of the United States.

Mr. COCKRELL. I beg pardon; the committee state in the report here and the man swears that they were unoffered lands.

Mr. KYLE. They had never been offered to anybody, but were opened to settlement under the preëmption law. He went and made his filing, as is shown in the report of the committee, and it was accepted. He went upon the land and lived there for a period of more than two years, nearly thirty-three months, complied with the law in every particular, built his house and his barn, dug an irrigating ditch a mile long, built his overshot water wheel, planted out 4,000 vines of different kinds, strawberry plants, grape, blackberry, and raspberry vines, expending in all, in my judgment, more than $2,800. Now, after he had done this the Government of the United States, by the act of October, 1890, withdrew the land from settlement and drove off the settlers who had not secured patents for their land. These men are helpless under the laws of the United States. They are put off their lands by no fault of their own.

Mr. President, I was out in that section of the country a year ago as a member of the committee to investigate these troubles. The committee, of which Mr. Felton, then a Senator from California, was chairman, and of which the Senator from Alabama [Mr. MORGAN] and I were members, for a period of two weeks listened to the testimony of these poor settlers who are subjected

to this injustice. I know of the hardships these men have undergone from the testimony they have given. Now, when a bill is brought before Congress to pay one of them a mere pittance, only about one-quarter, perhaps, of what is due him, with no claim whatever for the preëmption itself or the time he has spent upon the land, then the objection is raised that there is nothing due him or any of these settlers. Let the matter go by for one, two, or three years, and then it will appear here as one of the old claims which will be objected to because it is old. We know how these things go. We have had hundreds of such cases before us, and in my judgment the greatest injustice is practiced on the part of the United States Government toward poor and helpless claimants. I think there should be no objection to the bill.

Mr. COCKRELL. The remarks of the Senator from South Dakota show that the bill ought to be objected to. Here he is picking one man out of a dozen sufferers and showing him some personal preference. Why did not the Senator, after he had been in California with the special committee, bring before the Senate the claims of all these men who, he says, have been so outraged, so that we could consider the whole of them at once, and not bring in here one individual claim as a mere entering wedge without having all the facts before the Senate and without enabling the Senate to vote intelligently and conservatively upon the question? The Senator's own report shows the bill ought not to be considered.

Mr. KYLE. I will answer the Senator from Missouri. A bill has already been introduced and referred to the Committee on Public Lands for the appointment of a commission to appraise and pay the damages which have been sustained by the settlers.

Mr. COCKRELL. Why does not the Senator wait until that is done?

Mr. KYLE. The fact is, it brings in a large number of claims within the Sequoia Park of Kaweah colonists, a coöperative colony which settled upon these lands, and against whom there has been a great deal of objection on the part of the Secretary of the Interior and the Committee on Public Lands. Therefore it is thought best not to bring in at this time the whole of these objected claims. But this claim is one to which there was absolutely no objection on the part of the Secretary of the Interior or the Committee on Public Lands. There is not one Senator on the Committee on Public Lands to-day who will object to the bill.

The PRESIDING OFFICER. There is objection to the present consideration of the bill.

Mr. KYLE. I move to take up the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota to take up the bill, notwithstanding the objection.

Mr. COCKRELL. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LODGE (when his name was called). I am paired with the Senator from New York [Mr. HILL]. I do not know how he would vote if present, and I withhold my vote.

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER].

Mr. SHOUP (when his name was called). I again announce my pair with the senior Senator from California [Mr. WHITE]. Not knowing how he would vote, I withhold my own vote.

The roll call was concluded.

Mr. CULLOM. I inquire if the senior Senator from Delaware [Mr. GRAY] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. CULLOM. I have a general pair with that Senator, and I will therefore withhold my vote.

Mr. HIGGINS. I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. Not knowing how he would vote, I withhold my vote.

Mr. VILAS. I am paired with the Senator from Oregon [Mr. MITCHELL]. I therefore withhold my vote.

Mr. BLACKBURN (after having voted in the affirmative). I inquire if the senior Senator from Nebraska [Mr. MANDERSON] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. BLACKBURN. I am paired with that Senator, and withdraw my vote.

The PRESIDING OFFICER (Mr. DUBOIS in the chair, after having voted in the affirmative). The Chair will announce his pair with the junior Senator from New Jersey [Mr. SMITH]. The Chair does not see the Senator from New Jersey in his seat, and therefore withdraws his vote.

Mr. BLACKBURN. In the absence of the junior Senator from New Jersey [Mr. SMITH] I ask leave to transfer my pair with the senior Senator from Nebraska [Mr. MANDERSON] to the Senator from New Jersey [Mr. SMITH], so as to allow the present occupant of the chair and myself to vote. I vote "yea."

The PRESIDING OFFICER. The Chair votes "yea."

Mr. VILAS. I do not think, perhaps, in view of the arrangement made between the Senator from Oregon [Mr. MITCHELL] and myself, that I ought to withhold my vote if no quorum has voted. I will therefore vote "yea."

The result was announced—yeas 37, nays 6; as follows:

YEAS—37.

Allen,	Daniel,	Martin,	Ransom,
Allison,	Davis,	Mitchell, Wis.	Roach,
Berry,	Dubois,	Morgan,	Squire,
Blackburn,	Faulkner,	Morrill,	Teller,
Blanchard,	Frye,	Pasco,	Turpie,
Cafferv,	George,	Peffer,	Vilas,
Call,	Hansbrough,	Pettigrew,	Wilson.
Camden,	Hunton,	Platt,	
Chandler,	Kyle,	Pugh,	
Coke,	McLaurin,	Quay,	

NAYS—6.

Cockrell,	Gorman,	Harris,	Vest.
Dolph,	Hale,		

NOT VOTING—41.

Aldrich,	Gray,	McPherson,	Smith,
Bate,	Hawley,	Manderson,	Stewart,
Brice,	Higgins,	Mills,	Stockbridge,
Butler,	Hill,	Mitchell, Oregon	Vance,
Cameron,	Hoar,	Murphy,	Voorhees,
Carey,	Irby,	Palmer,	Washburn,
Cullom,	Jones, Ark.	Perkins,	White,
Dixon,	Jones, Nev.	Power,	Wolcott.
Gallinger,	Lindsay,	Proctor,	
Gibson,	Lodge,	Sherman,	
Gordon,	McMillan,	Shoup,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1105) for the relief of Albert E. Redstone.

Mr. COCKRELL. I desire to call attention to this claim.

WASHINGTON, D. C., ——— —, *1893*.

Senator J. H. KYLE:

Please find the amounts of actual loss to me and my family when the "Park Reservation" was made in Tulare County, Cal., that rendered my house worthless. I had worked on this preëmption for about two years as hard as any man ever worked, and had nearly everything improved to suit us for a homestead when the reservation was made and the land incorporated in the 7,000 sections, for no just reasons of benefit to the United States and to the detriment of many actual settlers.

There were "many actual settlers" there—

and I hope a bill will be presented by you or Senator S. M. WHITE for my relief, as a precedent, that the other settlers injured in a like manner and same cause may find relief for their loss.

House and storehouse.....$550

Five hundred and fifty dollars is the charge for it. The house in the affidavit of Mr. Redstone is stated to have been—

a frame cottage 14 by 36 feet, containing three separate rooms, with porch attached; also a frame storehouse 10 by 12 feet.

That is, $550; I read from his account:

Barn.....$100

The only barn he describes in his affidavit is "a log stable with hay loft, 20 by 24 feet. For that barn (he calls it a barn in his account to the Senator from South Dakota) he claims $100.

Two miles of post and rail and picket fence, an overshot water wheel to drive a mill (mill was not quite complete and finished).

Again I read from his account:

Vines and trees.....$600

He says in his affidavit:

I planted and had growing about 4,000 vines and trees of different varieties; also 60,000 hills of choice strawberries, and a great number of other varieties of berries.

For that there is claimed $600. I read again from his account:

Fences	$300
Water wheel	$100
Loss on stock and implements	$500

Five hundred dollars for loss on stock and implements! The stock was not taken by the Government. The stock was not dedicated to the use of the park. I have seen a great many claims come before Congress, and I have seen them reported, but I have never yet seen where an imaginary injury or an inconsequential loss upon mere personal property which was movable has been compensated for by act of Congress; and if the Senator from South Dakota can point to one solitary instance I will thank him or any other Senator to do so. I read from his account:

Loss on stock and implements	$500
Ditch, 1 mile long	150
Water power	500

Mr. BERRY. My understanding is that the last item is not in the bill.

Mr. COCKRELL. My good friend from Arkansas says it is not in the bill. That is exactly why I wanted to make an explanation, and to have the bill go over. The distinguished chairman of the Committee on Public Lands, who is so watch-

ful and careful, now states that it is his understanding the item is not in the bill. It is in the bill.

Mr. BERRY. Will the Senator from Missouri permit me a moment?

Mr. COCKRELL. Certainly.

Mr. BERRY. This claim was referred to a special committee. My understanding of what the committee intended was to allow for the actual damages to the property taken. This man, under the laws of the United States, took this preëmption claim, which he had a right to take. He invested all that he had. He built the house; he built the fences; he put out the fruit trees and smaller fruit, and made the improvements of the water wheel, and had his barn. It was every dollar that he had on earth. The United States, after he had occupied the land some two years, passed a law reserving the land for a park. He was forced away from there by the soldiers of the United States and not permitted to remain on it. I believe that the Government ought to pay him his actual losses. My understanding was, however, as I said, that when the bill was reported back by the Senator from South Dakota he had taken out the damages that referred to the injury to the stock and also for the water power to which the Senator refers; at least there was some conversation to that effect in the committee and I was under the impression that the allowance had been reduced by that amount.

I think the Government ought to pay him for the balance of the property. I think it was an outrage for the Government to destroy the man's property in that way, turn him out of house and home when he had entered the land under the laws of the United States, when he had a right to go there under the preemption laws. He went there and complied with every law in force at the time. The land was afterwards reserved, and when he was removed in the manner he was I think he ought to be paid what he was actually damaged. But if the items mentioned by the Senator from Missouri go to make up the total of the bill I think the Senator from Missouri is right and that part ought to be stricken out, because I think the actual damages are all he ought to be compensated for.

Mr. COCKRELL. I indorse everything the Senator from Arkansas says, as I knew I would do.

Mr. GEORGE. I wish to ask the Senator from Arkansas a question.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. COCKRELL. Certainly.

Mr. GEORGE. I wish to ask the Senator from Arkansas if this man was rightfully on the land under the law of the United States how could the United States put him off?

Mr. BERRY. My information is that the courts have held that in preëmption claims until the patent is issued the party has no such vested right that the law would protect him; that the Government afterwards reserved the land, and under the decisions of the court they had the power to remove him and destroy his property. That is my information as to the law.

Mr. COCKRELL. Before the word "dollars," in line 6, I move to strike out "2,800" and insert "1,800." That will correspond exactly with what the Senator from Arkansas has said and to which I make no objection. I am not raising the point and denying that a fair, equitable, and just compensation should be made for actual losses, but not for inconsequential or remote damages. I hope the Senator from South Dakota will agree to the amendment.

Mr. GEORGE. What item does the Senator from Missouri propose to strike out?

Mr. COCKRELL. I propose to strike out two items which are included and make the amount $2,800, one for water power, $500, and the other loss on stock and implements, $500.

Mr. KYLE. If I could have my way I would move an amendment to put in $1,000 more, instead of striking out $1,000. I believe in justice to the settlers of the United States who go upon the public lands. This man has not referred to the equity in his case, as far as the land is concerned. The claimant had gone upon that land according to the invitation of the United States Government, and had lived there for a period of two years and more. He has a right, therefore, in addition to his movable property, to bring in a bill of equity against the United States for his right in the land itself. So that there can be no question in regard to the amount named in the bill.

Mr. CALL. How about the water power?

Mr. KYLE. Well, in regard to that, he puts in $100 for a water wheel, which is a very low estimate indeed for an overshot water wheel, and $500 for his water power. The water was a part of his vested right in consequence of having filed upon the land under the laws of the United States; and in addition to that, getting water to the wheel ready to operate the mill is sufficient to warrant the amount charged.

Mr. GEORGE. He puts that cost at $500.

Mr. KYLE. He puts that at $500, including labor expended in securing the water necessary to run the wheel. I do not think that $500 for the water power and $100 for the wheel is an overcharge.

Mr. BERRY. The wheel is all right.

Mr. KYLE. Now, as to the moving of the stock, we learned a few things about stock removals on our trip to California one year ago. We found that settlers had filed upon lands within the Sequoia and Yosemite National Parks, and that when the law of 1890 was passed they were driven off by the bayonets of the United States troops, and were forbidden under direction of the United States Government to cross the reservation either to or from their claims, whether patented or not.

This is the injustice practiced by the United States Government. More than that, they not only drove their cattle off the lands, but drove them across the mountains, according to the testimony given. Several hundred cattle were driven across the mountains, which have not been heard from since. They were driven by the soldiers.

Mr. GEORGE. Did this man lose his cattle?

Mr. KYLE. This man was driven off his claim by the soldiers of the United States. He was forced to take his cows and his chickens, his horses and mules, and move them forthwith somewhere. He did not know where he was to go. Nobody knew where he could go; and before it was possible to dispose of the property in a legitimate way in order to realize from it or to get upon land again, he lost a valuable team of mules and also certain small stock to the value, in his judgment, of more than $500; but he has been considerate enough here to place the damage at $500.

Mr. ALLISON. I desire to ask the Senator from South Dakota whether this claim has been investigated by the Interior Department or by any Department of the Government, and if so what report has been made upon it. I have glanced over the report, but I failed to see any statement from the Interior Department or the Land Office, which it seems to me should give us some information upon the question which we could perhaps regard as sufficient.

Mr. KYLE. The Interior Department can give no further examination than we have here. The Land Office has given its sanction in the report to the effect that these settlers filed upon the land according to the invitation of the Government April 6, 1889. The Interior Department would be able perhaps to send special agents out to California and investigate the matter and take affidavits as to the amount of property he had. We furnish here the affidavit of the claimant himself and other citizens as to the amount of the property.

Mr. COCKRELL. One other.

Mr. KYLE. There is the affidavit of Mr. W. D. Parson right underneath his own.

Mr. COCKRELL. That is one affidavit. The Senator said "other affidavits."

Mr. KYLE. There can be a hundred gotten from that immediate community.

Mr. COCKRELL. But they have not been gotten.

Mr. PETTIGREW. I wish to say in this connection that a committee was appointed by the Senate of the United States, the committee being composed of the Senator from South Dakota [Mr. KYLE], the Senator from California [Mr. Felton], and the Senator from Alabama [Mr. MORGAN], who went out and looked into this matter in a general way. I presume that my colleague can give some information in that direction in regard to this case. I do not in the report——

The PRESIDING OFFICER. The Senator from South Dakota will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

Mr. KYLE. I should like to proceed with the bill which has been under consideration. I think it would not take more than ten minutes perhaps to finish it.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the unfinished business be laid aside temporarily for the purpose of continuing the consideration of the bill which was before the Senate at the expiration of the morning hour. Is there objection?

Mr. HARRIS. I do not see the Senator from Colorado [Mr. TELLER] in his seat, who is in charge of the unfinished business.

Mr. COCKRELL. The Senator from Colorado, in charge of the bill, is in the Chamber, but he is not giving attention to what is going on.

Mr. TELLER. I think I shall have to insist upon going on

with the regular order. I know the bill which has been under consideration is bound to take some time. The Senator from South Dakota thinks it could soon be disposed of, but I know it will take time. I think I shall have to call for the regular order.

The PRESIDING OFFICER. Objection is made to the request of the Senator from South Dakota. The bill which has been before the Senate will retain its place on the Calendar, and the unfinished business will be proceeded with.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice-President:

A joint resolution (H. Res. 144) authorizing and directing the Secretary of the Treasury to receive at the subtreasury in the city of New York, from R. T. Wilson & Co., or assigns, the money amounting to $6,740,000, to be paid to the Cherokee Nation, and to place the same to the credit of the Cherokee Nation; and

A joint resolution (H. Res. 147) to transfer furniture to United States courts at Chicago, Ill.

WILLIAM M'GARRAHAN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes, the pending question being on the amendment submitted by Mr. MORRILL.

Mr. VILAS. Mr. President, I have no desire to make any record in respect to this bill or to make any speech in opposition to it; but it became my duty to examine it, and I found myself forced to a certain conclusion in regard to it. I desire to ask the attention of the Senators to the nature of the bill, as it is written with a view to considering certain amendments which, I think, should be made before it is passed, if it is to be passed, as seems indicated.

No one of us who has met day after day for years the unobtrusive, gentle, and kindly-looking old man who is interested in this bill but feels moved—at least I do very much—toward him as a long claimant of what he esteems to be his rights; and I could not take the position I am obliged to assume without having made a careful examination of the case—indeed, an examination entered upon rather with the hope that it would lead to a conclusion different from that which has been forced upon me.

Let me say another thing. The Judiciary Committee consented to the report of this bill as an old matter with which the Senate is very familiar, and although no minority report was made, it was understood that members who did not agree with the report were not bound by it in any sense.

Mr. TELLER. Will the Senator from Wisconsin allow me to state that at a former session of Congress the Judiciary Committee made a thorough examination, through a subcommittee, of the bill, but at this last session we did not do so; we acted upon it as having been formerly reported favorably.

Mr. VILAS. As I said, the only object I have in making any observations at all upon it is in the hope that, old as this claim is, long hammered as it has been before Congress, hackneyed and trite as it is, it may yet be possible to gain attention sufficient to cause those amendments to be made to this proposed measure which certainly ought to be made before it is enacted by Congress.

Let me state, in a word, the first proposition that I think must challenge every one's attention who listens to me. This claim has been in regular and due form of law litigated before the courts of the United States from beginning to end. The Supreme Court of the United States, upon an investigation of the evidence presented in support of it, decided that no grant was made by the governor of that portion of Mexico in which this land lay before it became parcel of the territory of the United States; or, to speak a little more exactly, they decided that the proofs which were presented did not prove any grant to have been made. Therefore they ordered the petition to be dismissed; a final judgment which, if it had been rendered between two private citizens, would have been so effectually a bar against the reconsideration of any question involved that Congress would have possessed no power to reinstate that litigation.

Mr. GEORGE. What was the date?

Mr. VILAS. The decision was made in 1865, I believe. I will presently call attention to it.

Mr. HUNTON. The Senator means the last decision.

Mr. VILAS. I mean the decision in the case of Gomez against the United States, in which under the statute enacted by Congress he prosecuted in regular form of law his petition for this grant.

I presume the proposition will be disputed by no one. It can not be disputed successfully, and I have no idea that any of the Senators who represent Mr. McGarrahan's interest in this matter will dispute it. But it is said that inasmuch as the United States were one of the parties to the litigation, then Congress does possess the power, for one of the parties to waive the benefit of the judgment which has been rendered in favor of the United States, and even to grant this land in controversy to the claimant. Mr. President, perhaps as matter of power there may be no doubt about that proposition, and yet it ought to be remembered that in the exercise of that power Congress is the trustee of the people of the United States and is bound to deal with this subject and their interests in a faithful manner.

But what, then, is the claim of right of Mr. McGarrahan or the claim to the grace of the United States on the part of Mr. McGarrahan? It is that a mistake was made in that judgment whereby his just rights were denied to him. Mr. President, a challenge of that kind on the part of the claimant, in the first place, is a challenge of the Supreme Court of the United States. It challenges the intelligence with which they considered the case if it does not (and I am sure that will be disavowed) challenge the fairness with which they considered it.

I doubt if the Senate, with a due sense of self-respect, is likely to indulge the notion that the Supreme Court of the United States failed to give to that case, with all the interests which it involved, argued before it by as able counsel as those great interests could secure, an intelligent examination, and have so far failed as that the Senate can be warranted in overthrowing their judgment, especially upon such an examination as is likely to be given to the case by individual Senators. Surely there ought to be a plain reason for such a view. However, I shall not enter at any particular length into that. For one, although I do not think this proposed legislation ought to be passed, I should care very little; I would make no observation against it, provided only the one method were pursued in the bill upon which alone, as it seems to me, the Senate of the United States can decently proceed, and not arraign impliedly the intelligence, wisdom, or fairness of the Supreme Court, the greatest judicial tribunal perhaps in the world, certainly unexcelled by any.

The proposition from the claimant ought to be only that he asks a perfectly open, fair, retrial of the case *de novo*. I am willing he should have it in deference to the opinions of those Senators who have expressed themselves in the past as well as in the present Congress, in favor of the idea that some right may have been denied the claimant. I would be quite willing that there should be no risk that any right was denied him, and, therefore, that he should have this extraordinary measure given him after the full and complete judicial investigation of which I have spoken, notwithstanding the perfect bar upon his claim in law—if it be a reëxamination upon the merits. All that I propose to urge in respect to the bill is that it shall be so amended as that that reëxamination shall be fair upon the merits, and it certainly seems to me that no Senator can reasonably object to that proposition.

Now, let me observe, first, that the second section of the bill, instead of turning this case over to the tribunal to which it is to be committed unfettered and unprejudiced, declares that that tribunal shall accept as evidence, what? Not only the documents which would unquestionably be evidence in themselves, but all the various affidavits, all the various *ex parte* representations, proofs, depositions, or what not, that have been taken at any time in the course of all the protracted litigation and consideration of this subject for forty years, whether taken before any notary public or before any committee of the Senate or House of Representatives, thus turning upon the tribunal to which is committed the task of reinvestigating an ancient controversy like this a stream of testimony which is from its very nature polluted and stands opposed to every principle of evidence by which causes are examined in court and the truth ascertained.

I shall move, therefore, to amend the second section of the bill. I do not care to enter at any length upon the discussion of the detail of it beyond what I have said. I shall ask the Senate to amend it so that instead of its being a mandate to the court to receive as evidence (for that is the present language of it) these matters of the nature indicated, it shall simply provide that the court may admit in evidence all of those documents and papers with an addition to the effect that the court shall ascribe to any and all such evidence only such weight and effect as it shall, in the judgment of the court, require, the purpose of this act being only to afford a fair trial of the claim to said land and not to either make a grant or create any presumption in favor of one.

I can conceive of no objection to that language which can be urged by any friend of the bill who is ready to say that all that is sought by this litigation is to ascertain the truth.

I also most cordially support the proposition for an amendment to the bill submitted by the distinguished Senator from Vermont [Mr. MORRILL], and I think that no one of his fellow

Senators here but must have felt in a greater or less degree the admiration which his sturdy conduct in the defense of the public interests has excited in me, at his age and under his weight of years contesting with the vigor and power he has shown in presenting his objections to the passage of this bill. Enough has been said by that Senator; but let me add this: The supreme court of California has passed upon this very proposition, and they held that the survey which the claimant procured himself, and paid for under a law of Congress which permitted it, is not a survey such as finally determines the boundaries and limits of the grant, but is to be accepted as merely *prima facie* evidence. The survey so procured, which has no other quality than that of *prima facie* evidence, this bill proposes to incorporate into the very bone of the case, which ought to be submitted to the court for a trial *de novo*, for original investigation.

The proposition of the distinguished Senator from Vermont is to strike out the clause which thus commands the acceptance of that survey and to insert instead the regular procedure which the law in regard to the land claims coming with our Mexican conquest requires, namely, that when a grant shall have been established so that it is entitled to be located, the proper method shall be pursued by which that location shall be determined, not at the instigation and cost merely of the claimant, but according to the regular procedure of the General Land Office by its proper surveyors, and with the understanding that it is to determine the boundaries and limits of the grant.

Strangely, sir, a map exists in which this same grant is found twice located, as I am advised, and in one instance it was placed in a different quarter from that where it was fixed by the survey which the claimant obtained to be made.

Mr. TELLER. That was the New Idria Mining Company's map, and not the map of the claimant. The claimant is not responsible for their map.

Mr. VILAS. It is enough. The Senator from Colorado may be correct in that. I am charging the claimant with no responsibility for the map of the New Idria Mining Company, but I am observing that the uncertainty in reference to the true location of the grant is evidenced by that map, and if there be opportunity given to contest the claim of this claimant, a survey which he procured as a private survey, and which has no other quality than merely *prima facie* evidence, ought not to be fixed by the pending bill as a thing into which the court can not inquire.

Mr. President, those two propositions with reference to the pending bill appear to me to be absolutely unanswerable. I do not understand how anyone with all the sympathy he may feel for the claimant, should be unwilling when granting the extraordinary privilege of an entire new trial of this claim which the Supreme Court has decided absolutely and forever against him as a matter of law, to provide simply that the trial shall be a fair one.

The late Chief Magistrate, Gen. Harrison, vetoed a bill, among other reasons, because it contained provisions giving arbitrary directions in respect to an examination which ought to be free and open. It seems to me that no Executive could take a different view in respect to a measure which, professing to institute an inquiry in the interest of justice, accompanies that profession with such directions as foreclose the inquiry from the beginning. All I ask in respect to this bill is that in dealing with this old rejected claim the United States shall be given a chance to prove what the Supreme Court has once decided as a fact—that there never was a grant made, or that no evidence justifies taking from the Government its possessions; and that the claimant shall have only what he shows clear right to.

My distinguished friend from Virginia [Mr. HUNTON] yesterday discussed, as if this case involved it, the proposition that the United States ought to observe the faith of its treaties. Nobody has the slightest objection. It is in no sense involved; there is no question of the faith of a treaty. Nobody contends for an instant that if there was a grant, the United States shall withhold from the grantee his right to the land contained in that grant. The whole proposition is that there never was a grant. It is only another instance, so it is said, of those numerous claims which were fixed upon the United States and prosecuted by fraud hardly ever surpassed in the history of the world, arising out of the treaty of Guadalupe-Hidalgo, by which grants made prior to the Mexican cession were to be confirmed by the United States. Here is a case in which only one man testified before the board of commissioners to investigate it that he had seen anything which was claimed to be a grant. No grant has been produced; the terms of no grant have been recounted; the contents of a paper containing an alleged grant have never been revealed by any witness; but only a statement has been made that a witness had seen a paper which the Mexican claimant, Gomez, said to him was a grant of land, and that was for 4 leagues of land, when the written request for the grant, which does abide, was for 3 leagues. Such is the testimony.

That witness testified also to the fact that he saw affixed to that grant the diseño, or map, which is in fact found affixed to the expediente, or application, which does survive. No wonder the Supreme Court said there was nothing of evidence to warrant the idea of a grant.

There have been in this business many charges made. Our distinguished friend, the Senator from Virginia, made a somewhat extraordinary statement, I suppose a casual slip. He said:

> In the mean time a man by the name of Ogier was judge of the district court in California, and he became a violent partisan of the New Idria Mining Company, I suppose for reasons sufficient unto himself. He set aside the order confirming the grant, after he had made it more than five years preceding. When the case had gone to the Supreme Court of the United States and had there been affirmed by dismissal of the decree and the issuing of a mandate, Judge Ogier undertook to set aside his own decree. I need not tell the lawyers of the Senate that no judge on earth, no court under the canopy of heaven, has the right to interfere even with his own orders after the term in which the order was made is ended. But Judge Ogier, more than five years after the rendition of the decree, set it aside and ordered a new trial.

The distinguished Senator from Virginia has been a long time counsel for Mr. McGarrahan in the prosecution of this claim, and of course meant to state the fact correctly, but his recollection, I think, failed him somewhat.

Judge Ogier was the judge not "in the mean time," but to whom the case first was addressed in the court where the decree was entered, the district judge of the United States for the southern district of California. When that case came before him it was in this wise: The petition for the confirmation of this grant was made for Vincente P. Gomez, the original claimant, by Pacificus Ord, his attorney. That attorney had an arrangement with Gomez by which he was to have half the land. It was the old illustration of *campum partire*, by which the attorney prosecuting the claim was to divide the field which was to be recovered. It was therefore obnoxious to the common-law objection of champerty. Such was the aspect of the case before the Board of Land Commissioners, all perfectly regular otherwise, so far as I have had my attention called to it. He presented the evidence before the commissioners. They rejected the claim. In a note by the clerk stating why they rejected the claim, it is said that the evidence of the grant was satisfactory, but there was no evidence of any occupation.

Mr. MILLS. What was the date of the application for the land?

Mr. VILAS. To the Mexican Government?

Mr. MILLS. Yes, sir.

Mr. VILAS. Eighteen hundred and forty-four; and it is claimed that Gov. Micheltorena left Monterey in 1845, or within a year, if I remember rightly, and there is much opportunity for doubt whether he ever undertook any step in regard to it, except to direct the original inquiry.

But to return to the conduct of Judge Ogier, which is urged as a reason for the passage of this bill by the Senator from Virginia. After the appeal from the decision of the Board of Land Commissioners the case stood in the district court of the United States, as all such cases stood, and among a great number of others. There is no very certain evidence that any other attorney was ever employed than Mr. Ord; but before the case came on for hearing, Mr. Ord had been made the district attorney of the United States. So he stood representative of the United States to defend a claim which the commissioners had rejected and which had been appealed by himself for his client from their rejection, of the fruit of which he was to share. He says in exculpation of his conduct that he represented to the Attorney-General's Office the necessity for some other person to act on behalf of the United States, and they gave no heed and made no provision, which matters not, except to show that he knew he ought not to act.

But he did act, and one day, on the 5th of June, 1857, he asked an attorney of the name of Hartman, of the firm of Sloan & Hartman, to represent the claimant on that appeal by presenting the record to the court, stating that there would be no contest over it, and nothing more would be required to be done. Mr. Hartman did present that record, and thereupon the district attorney, knowing he had no right to act for the United States, said to the court that the United States did not desire to contest the case; that the Land Commissioners thought there was evidence of a grant; that the objection that occupation was necessary had been overruled by the Supreme Court, and therefore there was no contest. Thereupon Judge Ogier ordered a minute to be entered, as of course, directing that a decree of confirmation should be entered. That minute was entered by the clerk on the 5th of June, 1857, which counsel spoke of as the date for the beginning of the statute of limitations on appeals to run.

Subsequently Mr. Ord, who had represented to the court that the United States has no objection to the confirmation of the grant, took some steps as if to enter an appeal on behalf of the United States, but what happened was, that after that alleged

appeal was entered by Mr. Ord, the papers, or a transcript, were filed in the Supreme Court as if a return to that appeal. Application was made to the Supreme Court by Gomez to docket and dismiss the appeal for want of prosecution, and the Supreme Court entered an order docketing and dismissing that appeal accordingly.

Subsequently the Attorney-General of the United States, Judge Black, moved the Supreme Court to vacate that order and recall that mandate, because the whole proceeding was a fraud, no appeal had been taken by the United States, no appeal had been allowed in the court below, and the Supreme Court had no jurisdiction. That motion was granted by the Supreme Court, being another one of the instances of want of intelligence and judicial wisdom imputed to that body in order to secure the passage of this bill. Meantime Judge Ogier had become aware of the fact that he had been imposed upon. A motion had been entered before him in the term at which he made this minute and before the decree was entered, when he had only directed it, that motion was postponed by him, and thereby he retained jurisdiction to deal with the case after the term; and when subsequently to the term he ascertained how he had been imposed upon, like an upright judge, not, as the distinguished Senator from Virginia said, as a partisan of the New Idria Mining Company, but as a judge who felt himself outraged by the manner in which a judicial decree had been wrung from him, he ordered a new trial of the case.

Mr. HUNTON. Will the Senator allow me to ask him a question?

Mr. VILAS. Certainly.

Mr. HUNTON. Do I understand the Senator to state to the Senate that the motion before Judge Ogier for a new trial was made at the term during which the judgment was rendered?

Mr. VILAS. No, sir.

Mr. HUNTON. If it was not, I ask the Senator the question whether he as a lawyer does not know that a judge upon the bench, whatever may be the grade of the court, has no power to interfere with a judgment which he himself rendered at a preceding term?

Mr. VILAS. Mr. President, I need not speculate with my distinguished friend from Virginia in a matter of professional opinion, for I happen to hold in my hand an authority upon the very point we are discussing. The Supreme Court has dealt with the particular instance of which we are speaking, and I will ask the Senator's attention to page 337 of 23 Howard's Reports. This is what was stated by the court. I shall read but a part, though the court reviews the whole matter:

> But Judge Ogier, feeling and thinking that he had improvidently given a judgment of confirmation, did continue the hearing of the motions to obtain proofs, if any could be had, concerning the contrivance by which he had been imposed upon. A commission was issued by him for that purpose, and under it Mr. Sloan made the affidavit denying all connection and attorneyship for Gomez, as has already been recited in this opinion. The case then remained in the district court as it was when the motions which were made, without any further action upon that for an appeal.
>
> This narrative has been given from documents, depositions, and declarations of the parties concerned in the case, and also by other persons, apparently disinterested, in respect to the land. They will be found either on the record upon which the cause was docketed and dismissed in this court or in the book of exhibits sent to this court by Judge Ogier, which were obtained to enable him to act understandingly upon the merits of the case. The *case being still before the court*—

The italics are of Mr. Justice Wayne's own making; at least they are in the report—

> we do not perceive any irregularity in the proceedings.

Mr. President, if the Supreme Court perceived no irregularity in the proceedings of Judge Ogier, if they ascribe to him the exercise of the duty of an upright judge who had improvidently made an order by reason of some contrivance placed upon him—I am using the language of the Supreme Court—it would seem to me that sufficiently answers the suggestion of our distinguished friend from Virginia, that—

> In the meantime a man by the name of Ogier was judge of the district court in California, and he became a violent partisan of the New Idria Mining Company, I suppose for reasons sufficient unto himself. He set aside the order confirming the grant, after he had made it more than five years preceding.

Let me observe that in respect of the matter of time the distinguished Senator from Virginia was far off. Long before the expiration of the five years Judge Ogier was dead. He made this order for a new trial within a year—I can not remember the exact time—but within a year, if I am not mistaken, of the entry of the minute when he had directed a decree.

After Judge Ogier died, and while the new trial was depending which he had ordered, a new man came to judgment as his successor, and certainly of that new judge it can be safely said that he was no "partisan of the New Idria Mining Company," for he determined then, upon a motion made by the attorneys for Mr. McGarrahan, who had become the owner of the claim, that Judge Ogier did not possess the power which the Supreme Court afterwards said he did possess; that he had no power to grant a new trial after the term, under whatever conditions.

Then an appeal was taken in August, 1862, the litigation in the Supreme Court and various motions below having consumed the mean time. After that appeal and an order made allowing it, motions were made to vacate that order, on the ground that more than five years had passed from the date of the rendition of the decree, and that it lay with the judge below to determine the jurisdiction of the Supreme Court of the United States; and under his direction, or at least in pursuance of such a decision, his clerk refused to the attorney of the United States, yea, to the Attorney-General of the United States, a transcript of the record in order that the Supreme Court could investigate the case; but after a time, Mr. Bates being the Attorney-General of the United States under President Lincoln, the clerk did graciously bestow upon the Attorney-General a copy of each of the several papers which were upon the files of the court relating to the case, not as a certified transcript, not as a return to the appeal, but as a matter of information. The Attorney-General of the United States entered in the court those papers as the record on the appeal. A motion was made to dismiss it, and the Supreme Court decided that, in view of the refusal of the clerk of the court, it was a good record, accepted it as sufficient, and supported their jurisdiction.

As to the five years limitation, again the Supreme Court indulged in the misfortune of a disagreement upon the proposition urged here, for they held distinctly, on the motion to dismiss that appeal, that the time did not begin to run with the entry of the minute directing a decree, but it began to run when the decree was entered. Therefore the appeal was taken in time. The court proceeded to the consideration of the merits of the claim—that is their language—and their consideration resulted in the decision of which I have spoken.

Mr. President, this shows how mistaken the distinguished Senator was in the statement which he made in regard to the time and the motion for a new trial and all the action by Judge Ogier, as well as in the imputation of motives to that deceased judge.

Upon one other matter I wish to briefly state the facts. It has been said that Mr. McGarrahan had a patent. That claim is provable in only the same manner as that Gomez had a grant originally from the Mexican Government. The patent had never been delivered to him; he never had it in his possession; it never parted from the keeping of the United States; it was never so completed as to be valid as a patent so far as any evidence known to exist discloses; but a record was found of what was supposed to be this patent in the General Land Office, and that record was made the basis of a suit by Mr. McGarrahan to recover the land.

Thus the case came before the Supreme Court in that aspect also, and they decided that no title passed by the record of the patent or by the patent itself so far as the record tended to prove what it was.

Mr. TELLER. When did the Supreme Court pass upon the question of the patent?

Mr. VILAS. I will find it for the Senator. It is in the case of McGarrahan *vs.* the Mining Company, in the 6th of Otto, on page 316, in the year 1877, at the October term. I do not know what is the exact date of the decision.

Mr. GEORGE. I should like to ask the Senator a question if he will yield?

Mr. VILAS. Certainly.

Mr. GEORGE. I wish to ask the Senator in reference to the statement made by the Senator from Virginia [Mr. HUNTON], that when the appeal was up, when Judge Black was the Attorney-General, and argued, it was decided, if I understood the Senator from Virginia, that the appeal ought to be dismissed.

Mr. VILAS. I do not know what the facts are in regard to that. It was extra-official, or extra-judicial at least, and there is no record in regard to it. I believe there was a controversy, in which Judge Black took one side, and some of those people took the other, in regard to what took place before him, and in consequence of the fact that there was a controversy, I have made no statement about it.

Mr. HUNTON. I can refresh the Senator's memory.

Mr. GEORGE. Then the Senator from Wisconsin does not controvert that, nor does he admit it?

Mr. VILAS. I neither admit it nor controvert it. I am only speaking of the facts about which there is no opportunity for dispute.

Mr. HUNTON. The proof discloses the fact that in the record of the Attorney-General's Office there was an entry of a dismissal of the appeal.

Mr. VILAS. I suppose, if we stated it all, the truth is that Judge Black contended that he had also been made the victim of a fraudulent misrepresentation, and that he permitted that

thing to be done heedlessly, and afterwards went himself to the court and redressed it.

Mr. President, I was speaking in respect to that patent. I merely want to state in a word as to the manner in which that patent came to be issued, for we have heard a great deal in regard to it from our distinguished friend, the Senator from Virginia. I hold here the opinion of Mr. Caleb B. Smith, the Secretary of the Interior, who first came to the conclusion that a patent ought to be issued. Upon what ground did he go? He put the case entirely upon the ground that after recounting these proceedings which I have stated—

No appeal appears to have been subsequently taken—

He says—

until the 25th of August last—

That was August, 1862, the time when the appeal was taken—

when an order for an appeal to the Supreme Court of the United States was made by the district court of California. On the 4th of the present month the district court vacated the order allowing the appeal—

That is the lower judge of whom I have spoken—

and set aside the motion of the district attorney asking leave on behalf of the United States to take an appeal to the Supreme Court from the final decree of confirmation, and denied the same.

This proceeding appears to me to be final and conclusive in the case. The time within which by law an appeal may be taken has elapsed, and the decree of confirmation made by the district court, therefore, fixes and determines the rights of the claimant.

So, taking that view of the law, before the case had been heard by the Supreme Court, before a motion had been made even to dismiss the appeal or any step taken there, the Secretary of the Interior arrived at a conclusion upon a point of law in respect to which he showed how differently a Secretary of the Interior can view the law from what the Supreme Court can view it.

Mr. GEORGE. And that was prior to the decision of the Supreme Court?

Mr. VILAS. Precisely. That was the basis upon which the patent went. If he had been right and there were a finality of the judicial proceeding at that time, clearly his conclusion was correct. The trouble is that he was proceeding upon a mistaken view of the facts and the law, a mistake which, although he made it, the Supreme Court corrected, and if under that mistake he had granted a patent the Supreme Court would have corrected that also. The patent could have had no more validity than it was justified in possessing by the grounds upon which it was issued. So that the idea that Mr. McGarrahan has in some way been deprived of a right by virtue of his never having had the patent, which it is said was once issued, is an error.

Mr. President, I have already taken more time than I meant to take in the discussion of this question.

Mr. GEORGE. I wish to ask the Senator a question before he sits down. I ask which was anterior, the date of Mr. Lincoln's signature to the patent or the decision of the Supreme Court?

Mr. VILAS. The decision of the Supreme Court was anterior, I think.

Mr. HUNTON. I beg pardon.

Mr. VILAS. If the Senator wants to have it the other way, he is welcome to it. I was stating the fact with the utmost fairness to him, and I think it is the fact.

Mr. HUNTON. The Senator is mistaken as to the time Caleb Smith gave his opinion.

Mr. VILAS. I withdraw the statement. I am mistaken. Mr. Lincoln's life terminated before the decision was made.

Mr. HUNTON. That is true. The decision of Smith and Usher had been made and the Supreme Court had the case before it at the same time.

Mr. VILAS. The decision had been made by Mr. Smith and Mr. Usher, who followed him, and by Mr. Lincoln, who indicates in what is reported of his utterances concerning the case the distress of mind imposed upon him by this persistency of application for a grant, reënforced by men of influence interested with the claimant, at a time when the war occupied all his thoughts, as it ought to have done. Mr. Lincoln did, it seems, direct something to be signed, but Mr. Lincoln's patent at that time was only the same, or he went upon the same ground, if it had been issued, that Mr. Smith and Mr. Usher did. This presents this simple statement of the case——

Mr. MORRILL. Will the Senator allow me a moment?

Mr. VILAS. With pleasure.

Mr. MORRILL. The evidence as to Mr. Lincoln's action in the case was given by a Mr. Stevens, who then had a proprietary interest of one-sixth in the McGarrahan corporation.

Mr. VILAS. Oh, Mr. President, I do not myself believe in the patent, but I wanted to state this case with the utmost advantage to the claimant. Assuming the utmost that can be stated in respect to it, while the case was depending in the Supreme Court, the Secretary of the Interior and his successor, and the President under whom they both served, held that the Supreme Court had no jurisdiction by reason of their opinion, that the time for taking an appeal had expired, and that, therefore, it was a finality of judicial decision in favor of McGarrahan; and therefore the patent should go to him; but the patent never did go to him, and the whole substructure was taken away by the decision of the Supreme Court, who held that they did possess jurisdiction and that Gomez did not show a grant. There is nothing, therefore, in this talk about the patent.

I do not object, as I said, and for myself I do not care—I am willing to take that sort of risk about what is right—if this bill is so passed as to submit fairly *de novo* the entire facts to any judicial tribunal touching the claim of this old man, I will not object. But if that is to be done, if we are to submit again to a judicial tribunal a question which has once been litigated, until as between any other suitors there would be an absolute and eternal bar, let us at least do it so that there is fairness in the mode in which it is submitted toward that one of the parties whose advantage is to be given away.

Mr. GEORGE. I ask the Senator if, having conceded so much, he will indicate the specific points in the bill which are unfair to the United States?

Mr. VILAS. I have already done so.

Mr. GEORGE. I noticed that, but I did not catch them exactly.

Mr. VILAS. I think the second section of the bill ought to be stricken from it, or if the second section of the bill is to remain it ought to be made to conform to the statute which was passed for the creation of the Court of Private Land Claims with a view to the presentation of evidence where witnesses are dead. The statute in respect to the Court of Private Land Claims contains a section applicable to all other claims of this character. I see no reason why that statute does not fully meet all the demands of justice in favor of this claimant, but this section of the bill is a very singular one as it is now written.

Mr. GEORGE. Is the Senator referring to the second section?

Mr. VILAS. Yes, sir; to the second section of the bill. I have here now the chapter of the statutes for the establishment of the Court of Private Land Claims, which was passed in the Fifty-first Congress.

Mr. TELLER. To what section does the Senator refer?

Mr. VILAS. Section 5, which reads:

That the testimony which has been heretofore lawfully and regularly received by the surveyor-general of the proper Territory or State or by the Commissioner of the General Land Office, upon any claims presented to them, respectively, shall be admitted in evidence in all trials under this act when the person testifying is dead, so far as the subject-matter thereof is competent evidence; and the court shall give it such weight as, in its judgment, under all the circumstances, it ought to have.

I think that would be a fair section to substitute for this section of the bill, and I do not see why this claimant ought to ask of the consideration of the Senate more than that. I purpose, therefore, to move to amend the second section. In answer to the Senator from Mississippi, he will observe that it provides for the admission of the original expediente presented by Gomez to Governor Micheltorena:

And the diseño or map accompanying same, or a copy thereof, the depositions and other evidence produced before said Board of Land Commissioners, or copies thereof, and all depositions, proofs, testimony, or affidavits taken before any circuit or district court of the United States in the State of California, or the clerks of such courts, or any commissioner appointed by said courts, or before any notary public, or before any committee of the Senate and House of Representatives of the Congress of the United States, or of any map or deed of record of any Department of the Government of the United States, or of any act of Congress through which the boundaries set forth in said expediente and the title of said McGarrahan to the said lands can be shown, protected, and established—

As if the object were to protect the title of McGarrahan. I take it the object of Congress in that, and all that can be claimed by the friends of the claimant, is that, inasmuch as a great lapse of time has occurred, it is necessary, in the interest of justice, that when a witness can not be produced, his testimony already once given in the proceedings shall be received.

Mr. GEORGE. Would it not remove the objection of the Senator if after the word "established" in line 20, page 4, the words "or disproved" were inserted?

Mr. VILAS. No; because the Senator from Mississippi will observe the preliminary words in the third line of the section, which are that "the said court shall receive as evidence."

Mr. GEORGE. But it does not say what weight the court shall place upon it.

Mr. VILAS. No, but it would remove the objection——

Mr. GEORGE. Only as to its competency.

Mr. VILAS. It would remove the objection sufficiently for my purpose to change the words so as to read, "the said court may admit in evidence," and add at the end, as in the other statute, not the same words, but words sufficient to carry the idea that the court shall ascribe to all such evidence such weight

and effect as it shall in the judgment of the court require, the purpose of this act being only to afford a fair trial.

Mr. MILLS. What is the necessity in this case of making new rules for the production and introduction of testimony? Is there any?

Mr. VILAS. I know of none; but if this bill is to be passed—and that seems to be the idea of the friends of it—without much regard to the original judgment in favor of the United States, I do say that I think they can not deny some amendment to make it certain that it is not the purpose of Congress to legislate indirectly a grant of this land or to bind the court so that its judgment will be a predetermined one.

Answering still further the Senator from Mississippi, I call his attention again, if he did not hear it before, to the language in the third section of the act by which it is declared that the survey which was made for Mr. McGarrahan, and at his cost, not under orders of the Department, but by the surveyor-general, it is true, though not in the way of a survey upon a determined grant, shall be absolute and conclusive upon the court. I desire to have the clause amended as to the boundaries and location of the grant. That ought to be qualified so that the court, if it shall finally determine that there was a grant in favor of McGarrahan, may direct proper procedure, or the Department of the Interior proceed to a disposition of the question in accordance with law.

Mr. President, I have occupied more time than I intended, and shall not longer detain the Senate.

Mr. GEORGE. I have an amendment, which I think will not be objected to, to come in at the end of section 4, which is intended to remove what possibly may be a doubt.

Mr. TELLER. Let the amendment be read.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Mississippi will be read for information.

The SECRETARY. At the end of section 4 it is proposed to add—

But nothing herein contained shall be construed as acknowledging any liability on the part of the United States to pay for the land, substances, and materials referred to in this section, or as assuming any obligation in that behalf.

Mr. TELLER. I think that amendment is strictly in accordance with the very purpose of the bill. At the proper time, so far as I am concerned, I shall not object to it.

Mr. President, the time is so short between now and the period when other business which is regarded as more important must come before the Senate, and as there are a large number of cases on the Calendar which Senators are anxious to consider, I am impelled to address the Senate very briefly on this subject. There are a great many things that I should like to touch upon if I did not feel that by so doing I should crowd out other business which ought to be disposed of between this time and Monday next.

This case in some form has been before Congress and before the courts for a great many years. It commenced in 1857 and it has been either before Congress or the courts in some form ever since. A bill for Mr. McGarrahan's relief has passed the House of Representatives four times and passed the Senate twice. A resolution for his relief passed the House of Representatives in 1870 or 1871 with great unanimity, but it did not pass the Senate. The case is exceedingly old, and I assume that most Senators know something about it. A fair statement of the condition of the case and its history would take at least six or eight hours. I shall not attempt to make such an extended statement.

In the first place, the Senator from Vermont [Mr. MORRILL] complains that it is proposed to submit this claim to an inferior court after the Supreme Court has passed upon and decided it. The bill proposes to submit the claim in the first instance to a tribunal created for the express purpose of settling claims of this character. It provides that the United States may, if it chooses, take the opinion of the Supreme Court upon whatever judgment the Court of Private Land Claims may render. So it can not be said that this case is being remitted to an inferior court.

If, as the Senator from Wisconsin [Mr. VILAS] and other Senators insist, this is a matter which the Supreme Court has passed upon in such a way that it ought not to be touched, nobody ought to be afraid to let it go again to that court, committed, as it is, against the proposition of the claimant that he is the owner of the grant.

Mr. VILAS. I have already agreed to that proposition, provided it not be sent there in such a way that it is not open to consideration.

Mr. TELLER. The Government of the United States was under obligation, both by the law of nations and by the treaty with Mexico, to recognize the right of this claimant to this grant, if the grant was a valid one. The Government of the United States provided how the title should be settled and adjudicated; and, in accordance with that, this claimant, or rather his grantor, proceeded, because Mr. Gomez started the proceeding, and Mr. McGarrahan bought into it after any sensible and reasonable man would have supposed that Gomez's title had been practically established.

The testimony was taken in the first case, and the grant was defeated upon a question of law which subsequently the court overruled. The Senator from Wisconsin and the Senator from Vermont both complain that now this question, which was determined in 1857 in favor of the claimant, shall be again submitted to a court. It rather seems to me if anybody has the right to complain it is the claimant in this case, and not the Government of the United States.

The Senator from Wisconsin says that we assume that there is a grant. Mr. President, *ex industria* this bill provides that as the first question to be established; the first thing the court has to deal with is, was there a grant? That is what was provided for in the bill which President Harrison vetoed, but we did not provide in the bill that McGarrahan could prove that he was the legitimate owner of the grant if Gomez had the grant; and because we did not provide for that, and because we provided also that if it should be found that the title to the minerals was in him and had been taken from him wrongfully by the United States or by the action of the United States, a judgment might be rendered against the United States, the then President of the United States vetoed that bill.

The Senator from Wisconsin says a similar bill has been vetoed by the President. The only provisions assigned as the reason for vetoing the previous bill have been omitted from this bill. We provide now, in addition, that Gomez must prove a title; that McGarrahan must show he is now the owner of the Gomez grant, if a grant there ever was.

What difference does it make whether McGarrahan may have deeded the grant at some time to somebody else? The question is, does he now own it? If it has been reconveyed to him, then he is entitled to it. If Gomez had a grant to the land the claimant now claims, then has the claimant succeeded to that title, and does he now hold it?

Mr. President, this is not any attack upon the Supreme Court, unless it shall be asserted here, which I do not think it will be, that the supreme national power of Congress can not remove a bar established by a decision of the Supreme Court where it and a citizen only are concerned. The power undoubtedly exists in the State Legislatures, and has been exercised again and again. I believe myself it is always a doubtful policy to exercise such a power, but the Legislature of a State may set aside a judgment between individuals when it sees fit, and it has been done over and over again. Whether that is so or not, however, it is not worth while now to discuss, because that is not the question.

We have time and again exercised the right to set aside judgments which were rendered, and granted a new trial where nobody but the United States was interested. The Senator said he admitted we had that power, and so I need not discuss that question.

The only question is, do we bring a case here in which it seems reasonable why what is proposed should be done, and have we come here with a bill which provides that the Government of the United States shall have an opportunity to be amply protected? If we have, nobody ought to complain.

The bill which is now before the Senate was before the Senate at the close of the last session of Congress, and I think that every amendment which was then proposed by the Senator from Wisconsin and by other Senators who are opposed to the bill was incorporated in it, and the bill was then supposed to be acceptable to them.

Mr. President, the bill is not acceptable because there is somewhere in this country, and has been for many years, an influence which has been exerted against this claimant, an influence which was backed by millions and millions of money, until it became difficult for anybody to stand up anywhere and defend this claim outside of the tribunals which had examined it; and yet, notwithstanding that tremendous influence of money and other influences as well, which were brought to bear against this claim, there have been fifteen reports made by committees of this body and of the other in favor of the absolute validity of the grant. There have been, in my judgment, enough to authorize this Congress to assume that the grant existed and was a valid grant. It was not in its inception questioned by anybody. The Senator from Vermont says that some witness swore he lived in the neighborhood and that he never heard of the grant. The Senator from Wisconsin says there was but one witness who testified to the grant. The Senator is mistaken.

Mr. VILAS. I meant before the Board of Land Commissioners.

Mr. TELLER. That was probably all that was necessary.

There was an abundance of evidence produced, not only before the Board of Land Commissioners but ever since before committees and courts of the validity of the grant. But after all, what difference does it make, when that is the question now submitted to the court? That is the question the court must now pass upon; it is the question the court will pass upon.

Mr. President, some Senator said yesterday that the New Idria mining property, concerning which there is to be testimony taken by this court as to the value of the material, is not within the grant, and is not within the survey. The evidence submitted to Congress repeatedly declared by the witnesses produced by the New Idria Mining Company people that it is within the survey, and that it is within the grant as claimed. I have it here before me from their own witnesses. The trouble is that some Senators who talk about this matter have not studied the case, and they know but little about it.

Now, what is the bill? The second section it is said is bad. What does it provide? That the map shall be evidence, a map that has been in the files of the Government for forty years and never disputed by anybody. It is true the Senator from Wisconsin says there is another map, another map filed by the New Idria Mining Company when they were controverting this case. No other maps were ever filed by the claimant or anybody on his behalf. It would be difficult to prove that that was a valid map after forty years or more. It is fifty years since the map was made. There is nobody living, probably, who was present. All the actors in that transaction died long ago.

Mr. GEORGE. Is it a map made by an officer of the United States?

Mr. TELLER. No, this is the Mexican map, the diseño or map.

Mr. HUNTON. Filed with the petition in the Land Office.

Mr. TELLER. Now, we come to the other part that is so distressing, that all of the evidence that has been taken everywhere concerning this case is to go before the court. The most of that language was put in by the enemies of the bill. They insisted that it should go in. Then they put in amendments that everyting else that the court thought might throw any light upon this subject should also be admitted, and we allowed that provision to go in the bill on the motion of those who did not vote for the bill a year ago last March.

Now, let us read the second section which is so tremendously bad, the Senator says, that he wants to strike it all out.

The said court shall receive as evidence—

The Senator says if it read "shall admit as evidence" it would be different. That is a play upon words. There is not a lawyer here, except the Senator from Wisconsin, who will insist that there is the slightest difference between the word "admit" and the word "receive." I can see none.

The said court shall receive as evidence on the part of the petitioner or of the United States—

The United States is put on a perfect equality.

Mr. VILAS. The Senator from Colorado is very fond of assumptions of superior intelligence——

Mr. TELLER. Oh, no; I do not claim that.

Mr. VILAS. And the ignorance of everybody else; and I am entirely ready to concede it. But I should like to ask him if he sees no difference between the words "may admit in evidence" and "shall receive as evidence."

Mr. TELLER. Oh, I do. Of course, the court may receive and then the court might not receive.

Mr. VILAS. Of course, the Senator can make a great deal better argument if he misstates the position of his adversary than if he states it correctly.

Mr. TELLER. I did not understand that the Senator proposed to insert "may admit."

Mr. VILAS. That is the language I propose.

Mr. TELLER. That of course leaves the matter discretionary with the court. That we ought not to do. Of course Congress has the right to fix what shall go before the court, leaving the court to determine what weight it will give to it. If Congress were to say that John Smith (who was perhaps disqualified to appear because under the old system, for instance, relatives were excluded from coming before a jury) having an interest or having such relation to the claimant that he was excluded by the common law should be admitted as a witness, does the Senator mean to say that the court is bound then to accept and believe John Smith's testimony? Certainly not. It belittles a court to say that the court shall give to his testimony such weight as it deserves. That is one of the things that permeates and hangs around and lingers in a court. The court must give to it such influence and weight as it sees it is entitled to. It would be a monstrous thing to say that a court could not do that, and it would be equally absurd, in my opinion, to say that the court must do it. It would be a reflection, I should say, upon the sense and judgment and integrity of the court.

Mr. VILAS. I dislike to interrupt the Senator from Colorado, but I wish to call his attention to the fact that that reflection is precisely why the Congress which created the Court of Private Land Claims imposed that on the court in all cases.

Mr. TELLER. Yes; I remember there was a great deal of trouble in getting that bill up, and there were some things in it that went out of it. There was a provision in it, the provision of which the Senator speaks, which went out subsequently. It was a provision for letting in certain evidence that never got in when the bill finally reached its conclusion. I had something to do with it and some knowledge of it, and I know all about it.

Mr. DOLPH. I should like to ask the Senator what is the utility of lines 3, 4, 5, and 6:

The said court shall receive as evidence on the part of the petitioner or the United States the original expediente presented by the said Gomez to the said Governor Manuel Micheltorena, and the diseño or map accompanying same, or a copy thereof.

Would not those, if they are original and genuine applications and maps, be evidence anyway?

Mr. TELLER. I do not suppose they would, unless they had been made so by some record which would recognize them as entitled to be treated as evidence afterwards.

Mr. DOLPH. The question is, first, whether there is a grant.

Mr. TELLER. Yes.

Mr. DOLPH. Now, would not those papers be evidence to show the boundaries of the grant?

Mr. TELLER. The Senator from Oregon knows very well that papers coming from a foreign country, unless they had been on file and made so by some statute, are not of themselves evidence, and they must be proved. We know that it is impossible at this hour to prove these existing documents, but they have never been questioned up to the present time. We could have proved them then. You can not prove them to-day, but they have been accepted and considered by the courts and committees.

Mr. DOLPH. Then the effect of this language is to require the court to receive whatever is presented as the original expediente without questioning it.

Mr. TELLER. Of course. There is no question about it.

Mr. DOLPH. Whatever the claimant chooses to present the court is to receive as such.

Mr. TELLER. There is no doubt that the court on behalf of the United States will call for the expediente which has been on file in the court here for thirty or forty-odd years, or nearly that length of time. So, if the claimant brings a false map into court, the United States Government can immediately call for the map which is on file here as evidence.

Mr. DOLPH. How was it proved that it is genuine?

Mr. TELLER. There never was any question about it. It was proved in the proper way at the proper time or it never would have been admitted. But that proof does not exist, and those witnesses have died.

Now, I will go on with the second section, which is so bad. The Senator from Oregon has read it and I need not read it in full. The court shall receive as evidence—

All depositions, proofs, testimony, or affidavits taken before any circuit or district court of the United States in the State of California, or the clerks of such courts, or any commissioner appointed by said courts, or before any notary public, or before any committee of the Senate and House of Representatives of the Congress of the United States, or of any map or deed of record of any department of the Government of the United States, or of any act of Congress through which the boundaries set forth in said expediente and the title of said McGarrahan to the said lands can be shown, protected, and established, or of any oral or written testimony or deposition or copies thereof, concerning said record touching said grant—

I remember very distinctly that the words "touching said grant" were put in the bill by somebody who harped on the language, and thought that it was necessary to bring it close to the grant—

from said Governor Manuel Micheltorena to said Vicente P. Gomez, or any patent or record of a patent.

Mr. DOLPH. May I interrupt the Senator again?

Mr. TELLER. Certainly.

Mr. DOLPH. I should like to ask the Senator if it is not an extraordinary proposition that *ex parte* affidavits taken before a notary public may be introduced in evidence in the trial of a case?

Mr. TELLER. It is; but this is an extraordinary case. The purpose of the bill is to put the whole matter before the court, to take everything that has been aggregated both by the claimant and by the Government and bring it before the court.

Mr. President, I state here as a fact that there are seven times as much record of this irregular character on behalf of the United States as there is on behalf of the claimant. For every affidavit that the claimant presented to anybody, either to the court, to the committee, or anywhere else, the record will show there are seven and a half times as many presented on behalf of

the contestant, the New Idria Mining Company, and ostensibly in behalf of the Government of the United States. I say, all of these things ought to go before the court in the interest of determining what is the truth. The testimony was taken at the time it was fresh in the minds of the people who made it, and I do not suppose there is any court in the world that would give to an *ex parte* affidavit taken before a notary public the weight that it would give to a deposition taken according to the strict rules of the court. But it is no unusual thing to settle great questions in courts by *ex parte* affidavits. Questions of injunctions, involving large sums of money, are settled in that way. Receivers are appointed and dismissed simply on *ex parte* affidavits, and the court takes them and gives to them just such weight as in its judgment the conditions under which they were taken, the surroundings and the character of the men who made them entitled them to, and no more.

Mr. President, there can be no proper solution of this question unless the Government shall put in what it has made in the way of defense heretofore and the claimant shall put in what he has made in the way of sustaining his claim before courts and committees.

Mr. DOLPH. In order that I may not be misunderstood, if the bill should pass as it has been reported, I desire to state that I did not agree with the Senator from Colorado about the expediente and the map being received when presented without any inquiry as to whether it is the true or original map. I think it would be the duty of the court to ascertain that it was the original expediente and the original map before admitting it, even under this language. Therefore I think it is uncertain.

Mr. TELLER. And therefore the term "original expediente" is used.

Mr. DOLPH. I did not want to be understood as assenting to that.

Mr. TELLER. Perhaps the Senator is right about that matter, but the very purpose of the bill, and there is no intention of disguising it, is to open to the court the fullest possible opportunity that equity may be done.

This is not a case that goes to a jury. This goes in the first place to a court composed of five men, of whom the Senator from Vermont [Mr. MORRILL] speaks somewhat in derision, as I have heard him before, but they are five men who I think are equals of any five circuit judges almost anywhere in the United States.

Mr. MORRILL. I merely spoke of them, if the Senator from Colorado will pardon me, as inferior to the Supreme Court of the United States and as having had less experience.

Mr. TELLER. The tribunal to which this case is submitted has come under my notice and observation, and with at least some of its members I have personal acquaintance. One of them I have known for thirty odd years. I wish to say here, because I do not wish to have any reflection on this tribunal go upon the record, that it is a competent, capable tribunal to settle these questions which it is proposed, after a lapse of half a century nearly, to submit to them when they ought to have been submitted and determined within a few years after the admission of California and New Mexico into our territory.

Mr. HOAR. I should like to ask the Senator from Colorado a question at some time during his remarks.

Mr. TELLER. Certainly.

Mr. HOAR. If it is convenient I will ask him now. I was not present when the Senator began his remarks, and I was absent from the Chamber yesterday; so very likely the question which I shall put has been fully answered already either to day or yesterday. The point which I have heard made by persons for whose integrity and legal capacity I have the highest respect, who have had some occasion in one way or another to deal with this case, has been that the claim which it is asserted was made for the applicant originally, through which he now seeks to benefit, did not apply to the tract of land which he now applies for, but applied for a grant some miles off, 20 miles, I think.

Mr. TELLER. No.

Mr. HOAR. What was the exact distance I do not know. That is one of the things which is most often said about this case. Now, what I wish to know is, whether the bill carefully opens that question to the court, so that if the court should be of opinion that the claim did not attach to the land now sought, they would find nothing in the bill to embarrass them in so doing. Very likely, as I said, the honorable Senator from Colorado has answered the question, but I was not present.

Mr. TELLER. I will come to that point. I do not think there is anything in the bill that will embarrass the court in dealing with that question, but I wish to say to the Senator from Massachusetts that there is no claim made for any other ground.

Mr. HOAR. The Senator from Vermont [Mr. MORRILL], since I have put the question to the Senator from Colorado, has handed me 28 California Reports, 1865; and here is a passage which I will read.

Mr. TELLER. What is the case?

Mr. HOAR. It is the case of McGarrahan *vs.* Maxwell. It contains this language:

> The plaintiff applied to the surveyor-general for the survey of the rancho according to the decree of confirmation entered by the United States district court, and the surveyor-general instructed his deputy to survey the rancho according to that decree, and he approved the survey as made in accordance with the decree. In the petition the land is described as a "certain tract of land called Panoche Grande of the extent of 4 square leagues (now lying and being in the county of San Joaquin), bounded as follows: On the south by the lands of Francisco Aryas, on the north by the lands of Julien Urzua and the low hills, and to the east by the barren hills, as explained by the maps hereto annexed." And in the decree the land is described as "the tract of land situate in the county of Fresno, State of California, known by the name of Panoche Grande, bounded northerly by the lands of one Julien Urzua, southerly by the hills, easterly by the valley of the Tulare, and westerly by the lands of Don Francisco Aryas, containing 4 square leagues of land and no more; and for a more particular description of which said land reference is hereby made to the maps and surveys in the transcript in this case." It is apparent that the two descriptions are essentially different. The survey was not applied for nor made nor approved as the survey of the plaintiff's claim or grant of land, but as the survey of land as finally confirmed by the decree of confirmation; and hence it was not admissible in evidence as an official survey of the plaintiff's claim or grant of land.

I do not know what bearing that has on the question, but the Senator from Vermont called my attention to it.

Mr. TELLER. I can not say about the misdescriptions in the grant. The grant is one of boundaries fixed within which the limited amount of land is to be taken.

Mr. HOAR. If the Senator from Colorado will allow me one moment——

Mr. TELLER. Certainly.

Mr. HOAR. The question is not whether there is a misdescription of the land in the grant. The only question is whether the Senator is sure he has the bill in such shape that there is nothing in it which prevents the court from going fully into the merits of that matter. That is all.

Mr. TELLER. The petition was made for this ground. The decree was entered for this ground, and in 1858 Gen. Beale, who was then the surveyor-general of California, fixed the boundaries of course of this piece of ground. It was a grant within fixed boundaries. At that time the value of the grant was inconsiderable. It was practically worth nothing, and had the claimant, I suppose, known of its immense value he would have had a patent before any squatters got on it. If a grant was made it was made for the ground within the survey, for with the survey the grant was complete as to location.

Mr. DOLPH. Right in this connection will the Senator be kind enough to yield to me again?

Mr. TELLER. Certainly.

Mr. DOLPH. I see on page 5, beginning in line 14, it is provided that if the court finds a grant that has been transferred to McGarrahan instead of rendering judgment for the lands within the boundaries of the grant, the judgment is to be for the land within the boundaries of the expediente. I suppose the expediente to be the application for a grant. The provision in the bill is that the court shall render a judgment for the land within the boundaries described in the application and not in the grant. Has the Senator any objection to striking out "as set forth in said expediente," and inserting "the boundaries as described in the grant?"

Mr. TELLER. I think it would be safer to leave it as it is; but I will look into that if the Senator will let me go on.

Mr. DOLPH. It is very strange, it seems to me, for the court to render judgment on the land applied for and not the land granted.

Mr. TELLER. The boundaries in the expediente and in the grant are the same. I do not care to occupy the attention of the Senate with any matters that are not absolutely important to this controversy. As I was saying, when this survey was made—it was made by Gen. Beale—I suppose it may have drifted a little one way or the other, because that was the condition of all those grants, but the survey located the land with the grant, but when the survey was made it was regarded as segregated from the public land. The survey established the boundary of the grant, and from that time no entries could be made within the survey or located grant, although the grant was not fully confirmed. Whenever the survey had been made and established by the surveyor-general and approved by the Interior Department, then it was by virtue of that survey withdrawn from occupation. That is what I wish to have understood. So the boundaries of this grant have been known now since 1858, when the survey was approved, and in all the controversy, if the Senators will take the pains to look, when the question was raised as to who was entitled to the minerals, when the New Idria Company was pouring out a vast amount of valuable minerals from it that the claimant was claiming, they universally admitted that they were within the survey.

Mr. GEORGE. Has the Interior Department recognized the boundaries fixed by that survey from that time up to the present?

Mr. TELLER. It has, unquestionably. The survey was approved; there is no question about it. It is entered upon the records of the Land Office, and it is there recognized as if a patent had been issued. I mean, so far as the boundaries are concerned, and that was the land the claimant claimed was granted to Gomez by his grant.

Mr. President, I wish for a moment to get back to section 2. In addition to what has been read is a provision that the court may inquire into the issue of a patent. If at the time Mr. McGarrahan had known the fact, which I do not know that anybody will deny, that President Lincoln had signed the patent, and had gone to the Land Office and asked for it, he would have got it. That would have ended all controversy, and the case would have been forever settled. Whether President Lincoln did sign a patent or not has been a disputed question. There can really be no question of the fact. Mr. Caleb Smith left on record the fact that the patent was to issue; that the case had reached a point where it was determined that McGarrahan was entitled to the patent. The order was made, and it is in writing on the record. Mr. John P. Ushur, afterwards Secretary of the Interior, testified before a committee of the House that the patent did issue. Mr. Beard, a clerk in the office, testified that it was understood the patent had issued. Mr. Stoddard, who was the clerk who signed the patent, testified that he did so sign. The Supreme Court, in the only case where the patent was ever brought into controversy, admitted that the patent had been signed by the President of the United States, but declared it had not been countersigned by Mr. Stoddard, and therefore because it lacked that it was not an effective and valid patent.

When the court passed upon this patent, in the case the Senator referred to, in which he said the court had decided that the patent was not valid, let us see upon what ground it did decide it. Here is the conclusion the court arrived at:

> We are of the opinion that because this record does not show the patent countersigned by the recorder, it is not sufficient to prove title in the party under whom McGarrahan claims. This makes it unnecessary to consider the other questions which have been argued; and the judgment is affirmed.

Mr. DAVIS. I should like to ask the Senator if Stoddard's testimony was before the court in that case.

Mr. TELLER. I can not say whether it was or not. It was before the committee. I have the testimony here. I do not know whether it was before the court. I have not that testimony, and I can not say. At all events Mr. Stoddard signed as secretary and did not countersign as recorder. That is what the countersigning means. The court said he must have signed in two capacities. He must say I am secretary to the President to sign patents, or to prove the President's signature if the President did sign it to witness it, and then he must sign as recorder also.

Mr. HUNTON. My friend is mistaken in that respect. The recorder of the Land Office countersigned, and not the private secretary to the President.

Mr. TELLER. Whoever it was, it was not countersigned by the recorder. That is the point they make. Stoddard was the private secretary and not the recorder. So everything has been done, unless it was a mere formal transaction, and if that had been a mere nothing, then of course the title would have been perfect and complete. Now, we say that that is to be gone into by the courts, because we contend, and it has always been contended by McGarrahan, that the patent was also approved by the recorder and entered upon the records of the Department.

Mr. President, if any Senator had the curiosity to go and examine this matter I think he would be willing to admit that the contention of the claimant that the record has been tampered with is a true claim. There is not any doubt whatever about that in my judgment. It is not worth while years afterwards to go into an examination of how these things were done. The testimony shows that there is a difference in two sheets of that patent, a difference in the texture of the material which ought not to have existed.

Mr. MITCHELL of Oregon. I should like to ask the Senator from Colorado if he, while Secretary of the Interior, looked into that matter and found it to be as he states it now?

Mr. TELLER. As Secretary of the Interior it became my duty to pass upon this question with reference to the issuing of a patent to a claimant inside of this survey. I went into it as a great many other men have gone into it, with the belief that it was one of those old trumped-up claims. I found it was not in my province to grant relief to this claimant. I have never had since such examination a doubt about the justice of his claim. I have never had a doubt that there is a chapter connected with it the most disgraceful in the history of this or any other country. I do not for the credit of my country and its administration care about developing it and bringing it out. The Senator from Virginia [Mr. HUNTON] yesterday touched upon it, and gave enough to the Senate when he said that thirty-five men who had held public offices and had contested this claim in their capacities as public officers, turned up as the paid officials of the New Idria Mining Company in its contest against this patent and this claim. Nothing will be gained by going into that matter and discussing it.

Mr. GEORGE. Is that settled beyond controversy?

Mr. TELLER. In my judgment it is. The question is whether there is around this case enough to make the people of the United States believe, as thousands of them do believe, that the Government of the United States has used its great power and its great influence to give to a great corporation that which belongs to an humble citizen of the United States. That is what I believe, Mr. President. All we ask now is that after a lapse of forty years that the evidence Mr. McGarrahan has accumulated from time to time at the expense of his own fortune and his health and his life shall be accepted by the court, with such weight and such value as an intelligent court would give to it, to be reviewed ultimately by the highest judicial tribunal in this country. That is all. Heretofore we provided for a judgment. In my judgment that is what we ought to have done now. I think that when the court says there is a claim, the court should render against the Government of the United States a judgment, and that it should be paid. Senators object to that, and we have omitted it from the pending bill, and we have left it so that there is no obligation on the part of the Government to pay a cent, although the fact shall be established beyond question according to the claim of the claimant.

The President of the United States vetoed the bill passed in the last Congress for the relief of Mr. McGarrahan. We have removed from the bill every objection that he mentioned in his veto message. We have guarded the bill in such a way that no harm can come to the Government of the United States. We provide that the Attorney-General shall look after the claim; we provide, also, that counsel may be employed in addition to look after the claim and to see that no hurt comes to the Government of the United States.

Mr. President, it seems to me we ought to be willing when the interest of the Government of the United States is called into question to trust our own tribunal, to trust our own Attorney-General, to trust our own agencies that we provide for the settling of claims between individuals. Nobody doubts our power.

Mr. President, I am tempted before I quit to read what was said by a distinguished member of this body when a claim of like character was before the Senate. I read it because in my judgment it expresses exactly what ought to be the position of the Government of the United States upon such questions. I read from the speech from the Senator then representing in part the State of Florida, Mr. Jones. I adopt what I am about to read because it is better than I could say it. It was a case that was before the Senate coming from the Committee on Claims called the Warren-Mitchell claim. The Senator from Florida said:

> Mr. President, I am not unmindful of the character of the tribunal that I am addressing to-day. I am not here before a court which strains itself on tiptoe to measure the phraseology of a sentence in a statute. I am here before a body representing the sovereignty and the power of a great people. I am here before a body that has authority to set aside the law if the interests of justice or humanity demand it. I am not addressing myself to the creature of the statute. I am making no appeal to the Court of Claims or to any other inferior tribunal which has no power to move a step unless it finds it in the authority of the written law. I am here addressing myself to the great power of the Senate, representing in part the sovereignty of this Government, from which there is no appeal.
>
> This question has been argued as though it was a question of law presented to a court of limited jurisdiction, bound down and tied down by the narrow and technical rules of jurisprudence. We are in no such body, sir; and this I would say to my much esteemed friend from Alabama [Mr. MORGAN] is not, in my judgment, the kind of a case in which it can be said that the Supreme Court has made the law on the subject, as I understand him to assert.

Mr. President, that is the character of this tribunal. We are here with ample power to do justice. We must do it in accordance with established rules of law, because there is no other method that we may be sure and certain will bring out truth. So we come here and say now, without reference to the lapse of time, without reference to what may have been done, we submit this question to our tribunals to sift it and determine and report to us what are the facts in this case. That is all this bill does.

If the Senate of the United States or if Congress is afraid thus to trust the tribunals of its own creation, in my judgment, there would hardly be much respect entertained for the court.

Mr. President, I promised the Senator from Nevada [Mr. STEWART] that I would offer an amendment, which I will now offer. I ask that it may be adopted, as it is but an enlargement of the words that are at present in the bill. In section 3, after

the word "land," in line 33, he asked me to move to insert the following:

Are possessed and claimed under laws of the United States, or.

Now let the Secretary read the clause as it would read if amended.

The SECRETARY. In section 3, line 33, after the word "land," insert:

Are possessed and claimed under laws of the United States, or.

So as to read:

To forthwith ascertain in such manner as may seem to him the most certain and expeditious what tracts of land are possessed and claimed under laws of the United States, or have been conveyed or disposed of by the Government to other persons, etc.

Mr. TELLER. That is for the purpose of protecting the rights of any squatter that may be upon any of this land, because, under the provisions of the bill, if the court should find that the grant was a valid grant, that Mr. McGarrahan is the legal successer in interest of Gomez, then the court will enter a decree, and so far it becomes final as to the land. The desire is to except from it everything that has been occupied, or shall be occupied, up to the time the judgment shall be rendered.

The VICE-PRESIDENT. The pending question is upon the amendment proposed yesterday by the Senator from Vermont [Mr. MORRILL].

Mr. MITCHELL of Oregon. Let the amendment proposed by the Senator from Colorado be adopted now.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from Colorado? The Chair hears none, and the amendment will be considered agreed to.

Mr. TELLER. Now, I want to say one word as to the amendment of the Senator from Vermont. It cuts out the real equity of the bill. It requires of this claimant proof that will be impossible for him to procure. It requires him to produce the evidence of men long since dead, or if not dead, long since departed from the regions where he formerly found them.

The VICE-PRESIDENT. Is the Senate ready for the question on the amendment proposed by the Senator from Vermont?

Mr. MORRILL. Mr. President, I hardly think there is a quorum present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Kyle,	Roach,
Berry,	Faulkner,	McMillan,	Shoup,
Blackburn,	Frye,	Martin,	Smith,
Brice,	George,	Mitchell, Oregon	Squire,
Caffery,	Gorman,	Morgan,	Stewart,
Call,	Gray,	Morrill,	Stockbridge,
Camden,	Hansbrough,	Murphy,	Teller,
Cockrell,	Harris,	Pasco,	Turpie,
Coke,	Hawley,	Platt,	Vilas,
Cullom,	Hoar,	Power,	Washburn,
Daniel,	Hunton,	Pugh,	Wilson.

Mr. HARRIS. I wish to announce that my colleague [Mr. BATE] is absent under the order of the Senate.

The VICE-PRESIDENT. Forty-four Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Vermont [Mr. MORRILL], which will be read.

The SECRETARY. It is proposed to amend section 3 by striking out after the word "expediente," in line 14, down to the proviso beginning in line 22, in the following words:

And that the survey made by the United States surveyor-general for the State of California and approved by said surveyor-general on the 11th day of September, 1862, which survey was approved by the Secretary of the Interior December 29, 1862, and is now on file in the General Land Office, shall be considered as forming part of the lands embraced within said boundaries.

The amendment was rejected.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Vermont [Mr. MORRILL] will be read.

The SECRETARY. It is proposed to strike out all of section 3 after the word "forthwith," in line 32, and insert:

Cause a survey to be made of the tract of land aforesaid, under and in accordance with the provisions of the act entitled "An act to expedite the settlement of titles to lands in the State of California," approved July 1, 1854, and upon the return and approval of such survey by him it shall be his duty to ascertain, in such manner as may seem the most certain and expeditious, what tracts of land, if any, within the boundaries so ascertained have been conveyed and disposed of by the Government to other persons than the said William McGarrahan, and for the residue of said land embraced within said boundaries shall issue to the said William McGarrahan, as hereinbefore provided.

Mr. MORRILL. I shall not call for the yeas and nays, but ask for a division. I want to see whether the United States is to have any chance at all, and if there are any friends of the United States here.

The VICE-PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Vermont.

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from California [Mr. WHITE]. If he were present I am informed that he would vote "nay," I should vote "yea."

Mr. FAULKNER (when his name was called). On this bill I am paired with the senior Senator from Virginia [Mr. DANIEL], who, if present, would vote "nay" on the pending amendment. I should vote "yea" if at liberty to vote.

Mr. GRAY (when his name was called). I am paired with the junior Senator from Colorado [Mr. WOLCOTT].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. I should vote "nay" if he were present.

Mr. McLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "nay."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. Not knowing how he would vote, I withhold my vote.

Mr. MORRILL (when his name was called). On the bill and amendment I am paired with the Senator from Indiana [Mr. VOORHEES], and therefore I withhold my vote.

Mr. VEST (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present I should vote "yea."

The roll call was concluded.

Mr. McPHERSON. I am paired with the Senator from New York [Mr. HILL]. If he were present I should vote "yea."

Mr. CHANDLER. During the present week I am paired with the junior Senator from Tennessee [Mr. BATE]. If he were present I should vote "nay."

Mr. CAMDEN. I am paired with the Senator from South Dakota [Mr. PETTIGREW].

Mr. CHANDLER. With the consent of the senior Senator from Tennessee [Mr. HARRIS] I transfer my pair with his colleague [Mr. BATE] to the Senator from Nevada [Mr. JONES].

Mr. HARRIS. It is perfectly agreeable to me to make the transfer.

Mr. CHANDLER. I vote "nay."

Mr. HANSBROUGH. I inquire if a quorum has voted.

The VICE-PRESIDENT. A quorum has not voted.

Mr. HANSBROUGH. Then I feel at liberty to vote. I vote "nay."

Mr. COCKRELL (after having voted in the affirmative). Has the senior Senator from Iowa [Mr. ALLISON] voted?

The VICE-PRESIDENT. He has not voted.

Mr. COCKRELL. I do not know how he would vote on this question. I am paired with him and withdraw my vote.

The result was announced—yeas 7, nays 36; as follows:

YEAS—7.

Caffery,	Frye,	Pasco,	Vilas.
Dolph,	Hale,	Stewart,	

NAYS—36.

Allen,	George,	Manderson,	Roach,
Berry,	Gibson,	Martin,	Shoup,
Brice,	Gorman,	Mitchell, Oregon	Smith,
Call,	Hansbrough,	Mitchell, Wis.	Squire,
Chandler,	Harris,	Morgan,	Stockbridge,
Coke,	Hawley,	Murphy,	Teller,
Cullom,	Hunton,	Platt,	Turpie,
Davis,	Kyle,	Power,	Washburn,
Dubois,	Lodge,	Pugh,	Wilson.

NOT VOTING—41.

Aldrich,	Dixon,	Lindsay,	Quay,
Allison,	Faulkner,	McLaurin,	Ransom,
Bate,	Gallinger,	McMillan,	Sherman,
Blackburn,	Gordon,	McPherson,	Vance,
Blanchard,	Gray,	Mills,	Vest.
Butler,	Higgins,	Morrill,	Voorhees,
Camden,	Hill,	Palmer,	White,
Cameron,	Hoar,	Peffer,	Wolcott.
Carey,	Irby,	Perkins,	
Cockrell,	Jones, Ark.	Pettigrew,	
Daniel,	Jones, Nev.	Proctor,	

So the amendment was rejected.

The VICE-PRESIDENT. The question now is upon the amendment proposed by the Senator from Mississippi [Mr. GEORGE]. The amendment will be read.

The SECRETARY. It is proposed to add at the end of section 4:

But nothing herein contained shall be construed as acknowledging any liability on the part of the United States to pay for the land, substances, and materials referred to in this section or as assuming any obligation in that behalf.

Mr. MORRILL. I should like to inquire of the Senator from Colorado why this provision should be put into the bill unless it is to lay a valid claim for the claimant hereafter to come to Congress with another claim against the United States?

Mr. GEORGE. I will answer the question propounded by the Senator from Vermont in this way: I desire to remove any shade of a doubt about the meaning of the bill. I believe that the bill means the same thing without the amendment as with it, but to remove all doubt on the subject, on consultation with some friends I offered the amendment for that purpose, so that, when the report came from the court, if it ever did, fixing the value of the land and the materials and the minerals, it could not be argued that we had by implication foreclosed the free deliberation of the Senate upon that subject, and when that question shall come, if it ever does, the Senate may be entirely free to acknowledge the liability or to refuse its acknowledgment.

Mr. TELLER. I think that is the present status of the bill. As far as I am concerned I do not object to the amendment.

Mr. COCKRELL. Let the amendment be read again.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. It is proposed to add at the end of section 4, on page 6:

But nothing herein contained shall be construed as acknowledging any liability on the part of the United States to pay for the land, substances, and materials referred to in this section, or as assuming any obligation in that behalf.

Mr. MORRILL. Here it is proposed to subject the New Idria Mining Company to an examination. It seems to me that there is no machinery provided by which the examination can be made, and if it is to be made, it is to be made to furnish a claim that may amount to $5,000,000 when it is in fact based upon a speculative claim. Instead of being established, as the Senator from Colorado stated, in 1857 it was sold out by Gomez. One half of it was given to one Mr. Ord, an attorney, for his services as attorney; and then the other half was sold out to McGarrahan for $1,100. If this provision is put in for anything at all it is put in as a basis for a claim hereafter to be presented that may amount to $5,000,000 or more. Of course nobody objects to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was agreed to.

Mr. DOLPH. I move to strike out in line 14, section 3, the words "as set forth in said expediente," and to insert in lieu thereof the words "of said grant." Let the Secretary state the amendment and then I desire to state my reasons for offering it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out in line 14, section 3, after the word "boundaries" the following:

As set forth in said expediente.

And to insert in lieu thereof:

Of said grant.

So as to read:

And who shall cause a patent to be issued therefor to said William McGarrahan, as the successor of the said Vicente P. Gomez, or his heirs or assigns, for the land embraced within the aforesaid boundaries of said grant, etc.

Mr. DOLPH. The expediente was the application of the original grantor, or supposed grantor, for a grant. It does not follow that a grant was given him according to his application. It might be with boundaries very much less. This is a fair sample of the way the bill is drawn. It is provided that if the court finds that there was a valid grant and finds that the title to the grant has been transferred to McGarrahan, the claimant mentioned in the bill, the court shall then proceed to adjudge to him not the lands granted to him, not the lands within the boundaries of his grant, but the lands described in his application, his expediente. That is the reason why it is provided in the bill with so much care that the original expediente shall be admitted in evidence. Evidently the draftsman of the bill supposed without proof as to its genuineness. That was the first view taken by the Senator from Colorado.

But, Mr. President, as it seems this bill is to pass, I want to tell the Senate what was done by the vote just taken on the amendment of the Senator from Vermont. A court of California was imposed upon. We heard the history of it from the Senator from Wisconsin [Mr. VILAS]. A confirmation of this grant was made, or an order was made, and the minutes entered. In pursuance of that fraudulent judgment a survey was made—a survey according to the boundaries of the grant as confirmed in that fraudulent judgment. But the court ascertained it had been imposed upon. The court stayed the entry of judgment. An appeal was taken from that to the Supreme Court of the United States and there the action of the court was sustained and the fraudulent judgment was set aside. But the Senate has just said that, so far as the boundaries of this grant are concerned, that judgment shall be reinstated and made in force. Under a pretense of referring to the court the validity of the title and the lands granted by it, to ascertain what lands are granted, the bill takes that question from this court and says it shall receive as conclusive a survey made in pursuance of the fraudulent grant of a district court of California, afterwards set aside and held to be fraudulent by the Supreme Court of the United States.

Mr. TELLER. Mr. President, there never has been any question about the expediente and the survey being absolutely the same thing, no matter what the Senator from Oregon may say.

Mr. DOLPH. But the expediente is not the grant. It is the mere application for it.

Mr. TELLER. It is the foundation for the grant, and the grant followed it.

Mr. DOLPH. Why not prove the grant?

Mr. TELLER. We do prove the grant.

Mr. DOLPH. Then why say that the expediente shall confirm the land in the application?

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired on all questions upon the bill with the senior Senator from Virginia [Mr. DANIEL].

Mr. McLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. I should vote "nay" if he were present.

Mr. McPHERSON (when his name was called). I am paired with the Senator from New York [Mr. HILL]. If he were present I should vote "yea" and he would vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I should vote "yea" if he were here.

The roll call was concluded.

Mr. McMILLAN. I have a general pair with the Senator from North Carolina [Mr. VANCE].

Mr. HARRIS. I will announce for all that my colleague [Mr. BATE] is paired with the Senator from Nevada [Mr. JONES]. I do not know how either Senator would vote if present.

Mr. COCKRELL. Has the senior Senator from Iowa [Mr. ALLISON] voted.

The VICE-PRESIDENT. He has not voted.

Mr. COCKRELL. I am paired generally with him, and not knowing how he would vote on this question, I shall not vote. I should vote "yea" if he were present.

Mr. CAMDEN. I will announce my pair with the Senator from South Dakota [Mr. PETTIGREW].

Mr. McMILLAN. Understanding that there is lack of a quorum, I will vote. I vote "yea."

Mr. McPHERSON. I will vote to make a quorum. I vote "yea."

Mr. COCKRELL. As my vote will not change the result, I will cast it. I vote "yea."

The result was announced—yeas 11, nays 34; as follows:

YEAS—11.

Caffery,	Dolph,	McPherson,	Stewart,
Cockrell,	Frye,	Pasco,	Vilas.
Cullom,	McMillan,	Platt,	

NAYS—34.

Aldrich,	Gibson,	Martin,	Smith,
Allen,	Gorman,	Mitchell, Oregon	Squire,
Berry,	Hansbrough,	Mitchell, Wis.	Stockbridge,
Brice,	Harris,	Morgan,	Teller,
Call,	Hawley,	Murphy,	Turpie,
Coke,	Hunton,	Power,	Washburn,
Davis,	Kyle,	Pugh,	Wilson.
Dubois,	Lodge,	Roach,	
George,	Manderson,	Shoup,	

NOT VOTING—39.

Allison,	Dixon,	Jones, Ark.	Proctor,
Bate,	Faulkner,	Jones, Nev.	Quay,
Blackburn,	Gallinger,	Lindsay,	Ransom,
Blanchard,	Gordon,	McLaurin,	Sherman,
Butler,	Gray,	Mills,	Vance,
Camden,	Hale,	Morrill,	Vest,
Cameron,	Higgins,	Palmer,	Voorhees,
Carey,	Hill,	Peffer,	White,
Chandler,	Hoar,	Perkins,	Wolcott.
Daniel,	Irby,	Pettigrew,	

So the amendment was rejected.

Mr. HARRIS. This morning I asked the Senator from Maryland [Mr. GORMAN] to withdraw a motion that when the Senate adjourn to-day it be to meet on Monday next. I made the request because of the consent agreement. The Senator at whose instance that agreement was made desires the matter to go over. I therefore now move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. TELLER. I ask the Senator from Tennessee if he will not wait to see whether we can dispose of the pending bill to-night.

Mr. HARRIS. The motion that I make can be disposed of in half a minute. I do not propose to move to adjourn now. However, I will withdraw the motion if the Senator prefers.

Mr. TELLER. I wish the Senator would withdraw it until we see whether we can get a vote on the pending bill.

Mr. HARRIS. I withdraw my motion.

The VICE-PRESIDENT. The motion is withdrawn. If no other amendment be proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. VILAS. I move to amend the bill by inserting at the end of section 2:

But nothing herein shall be taken as directing that the court shall ascribe to any such evidence any other or further effect than in the judgment of the court it ought under all the circumstances to have otherwise.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. VILAS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL]. If he were present he would vote "nay" and I should vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from New York [Mr. HILL].

Mr. VEST (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present I should vote "yea."

The roll call was concluded.

Mr. BLACKBURN. I am paired with the Senator from California [Mr. WHITE]. If he were present I should vote "yea."

Mr. CHANDLER. My pair with the junior Senator from Tennessee [Mr. BATE] having been transferred to the Senator from Nevada [Mr. JONES], I vote "nay."

The result was announced—yeas 13, nays 30; as follows:

YEAS—13.

Berry,	Frye,	Pasco,	Vilas.
Caffery,	George,	Platt,	
Coke.	Harris,	Quay,	
Dolph,	McMillan,	Stewart,	

NAYS—30.

Allen,	Gorman.	Mitchell, Oregon	Squire,
Brice,	Hansbrough,	Mitchell, Wis.	Stockbridge,
Call.	Hawley,	Morgan,	Teller.
Chandler,	Hunton,	Murphy,	Turpie,
Cullom,	Kyle,	Power,	Washburn,
Davis,	Lodge,	Pugh,	Wilson.
Dubois,	Manderson,	Roach,	
Gibson,	Martin,	Sloup,	

NOT VOTING—41.

Aldrich,	Dixon,	Jones, Nev.	Ransom,
Allison,	Faulkner,	Lindsay,	Sherman,
Bate,	Gallinger,	McLaurin,	Smith.
Blackburn,	Gordon,	McPherson,	Vance,
Blanchard,	Gray,	Mills,	Vest,
Butler,	Hale,	Morrill,	Voorhees,
Camden,	Higgins,	Palmer,	White,
Cameron,	Hill,	Peffer,	Wolcott.
Carey,	Hoar,	Perkins,	
Cockrell,	Irby,	Pettigrew,	
Daniel,	Jones, Ark.	Proctor,	

So the amendment was rejected.

Mr. VILAS. I wish to ask attention for a moment to the peculiar language of section 3 and to an amendment that I desire to offer. This section reads, shortened—

That if the court shall find there was a valid grant within the protection of the treaty, and McGarrahan is now the owner of it, the court shall render final judgment, and on reporting it to the Secretary of the Interior he shall cause a patent to be issued therefor to said William McGarrahan for the land embraced within the aforesaid boundaries as set forth in said expediente.

There has certainly been a great deal of controversy as to where that land lay. Some very excellent men who have examined this question have been of the opinion that the land did not lie within the boundaries ascribed to it, but was otherwise granted. So I desire to amend simply by inserting after the word "same," in line 7 of section 3:

and that the land so granted is the same as that included in the survey hereinafter mentioned.

The effect of it will be simply that if the court shall find there was a valid grant protected by the treaty and McGarrahan is the owner thereof, and that the land granted is the same as that surveyed, the patent shall issue.

Mr. TELLER. I hope that the amendment will be voted down. The bill is carefully guarded, and I think if there are any further amendments to be made they might come from the friends of the bill. We have taken pretty nearly everything that its enemies wanted to have adopted.

Mr. HOAR. I should like to ask the Senator from Colorado again if he thinks that is the legal effect of the bill as it now stands?

Mr. TELLER. That is what I think it is.

Mr. HOAR. I think that statement ought to go on record.

Mr. TELLER. I have gone over the bill very carefully, and so did the committee originally, and nobody can tell what will be the effect of the amendments which are sprung upon us at this time. They may throw the bill out of shape and render it inharmonious. It is utterly impossible to preserve the harmony of the bill if amendments are put upon it in this way which may destroy it. I ask Senators to let the bill go as it stands. Every Senator has the bill before him and can determine for himself how to vote upon it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin [Mr. VILAS], which will be read.

The SECRETARY. In section 3, line 7, after the word "same," it is proposed to insert:

and that the land so granted is the same as that included in the survey hereinafter mentioned.

Mr. HOAR. I was not present at the meeting of the Judiciary Committee in the last Congress when this bill was considered, and I happened to be absent at this Congress when the bill was under consideration by the committee, and I have had no opportunity to give any attention to the language of the bill. When the bill was up for passage in the last Congress I came to the conclusion, on the whole, that it was best that it should pass. There have been, it is true, three or four, or perhaps more, judicial decisions on this grant against McGarrahan. Most of the gentlemen who have investigated it think that those decisions were obtained, perhaps not by misrepresentation or by wrong, but at any rate under circumstances which make it proper, in the exercise of its discretion, that the Government of the United States, in dealing justly with a citizen, should give him an opportunity to have the matter heard again before the court.

While there have been three or four judicial decisions against the claimant, there have been some fifteen or seventeen—I forget the exact number—of reports of committees in one or the other House of Congress in his favor. I think it would be going a great way to impute to the gentlemen who made those reports and to the two Houses of Congress who have supported them indifference to justice or willingness to aid or weakness in being influenced by fraud. I think, therefore, it is reasonable that there should be an opportunity for the courts to reconsider this matter. If it be true, as one court has said, that the lost patent was founded upon a claim which describes one piece of land, and that Mr. McGarrahan, or those claiming under him, now seek a piece of land 20 miles off, it will be a gross outrage on all justice and decency, under the guise of giving him a new trial, to tie up the court in that respect. I have not been able to study this bill enough to satisfy myself whether that question is open to the court or not; but if the Senator from Colorado [Mr. TELLER], who has not only studied, but, I suppose, has drawn the bill, at any rate has given direction to the draft of it, asserts that the bill in his judgment is clear in that respect, as I understand him to do, and that he does not want an amendment put in which may perhaps have more meaning than he can himself understand, I have no doubt that that assertion will be a part of the contemporaneous history of the bill, and that the courts will so construe it, and they will not say they are tied up.

I rose, therefore, mainly for the sake of obtaining an assurance from the Senator, and to call the attention of the Senate to the fact that that understanding is here as a part of the bill.

Mr. VILAS. I should like to ascertain if we understand that correctly. Does the Senator from Colorado agree that the proper interpretation of this bill as it is written is, that if the court should find there was a grant they are to inquire what was the land granted, and that the patent shall go for such land as they find to have been granted?

Mr. TELLER. I do not think it is possible for any other interpretation to be put upon the bill.

Mr. HOAR. Very well.

Mr. TELLER. I think when the court determines the grant they have got to practically locate the grant: that is, they have to say, "You have a grant for what?" "For a piece of land." "Where?" What I complain of is that the bill is harmonious upon that theory, and it would be thrown out of joint by the adoption of the amendments which are being offered.

Mr. VILAS. If that is the interpretation which this bill is to have, and the friends of the bill now so understand it, I shall withdraw, with the leave of the Senate, the amendment which I proposed.

The VICE-PRESIDENT. The amendment of the Senator

from Wisconsin being withdrawn, the bill is in the Senate and open to amendment.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. TELLER. Had there been a call of the yeas and nays on the passage of the bill, I should have announced the pair of the Senator from California [Mr. PERKINS], who is absent, with the Senator from Wyoming [Mr. CAREY], who is also absent. The Senater from California would have voted against the bill, and the Senator from Wyoming would have voted in favor of its passage. I agreed to announce the pair.

ALBERT E. REDSTONE.

Mr. KYLE. I wish to say that we have adjusted our difficulties in regard to the bill (S. 1105) for the relief of Albert E. Redstone, and I therefore ask that the bill be now considered, as it is ready for passage.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. COCKRELL. There is an amendment pending to the bill to strike out "$2,800" and insert "$1,800." It is agreed that that amendment shall be adopted, and then I hope the bill will be passed.

Mr. KYLE. I agree to that.

The VICE-PRESIDENT. The question is on the amendment; which will be stated.

The SECRETARY. In line 5, before the word "thousand," it is proposed to strike out "two" and insert "one;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $1,800 to Albert E. Redstone, of Tulare County, Cal., for loss sustained by the incorporation of his preemption claim within the limits of the Sequoia Park Reservation, Tulare County, Cal.

The amendment was agreed to.

Mr. KYLE. I move to further amend in line 4, after the word "authorized," by inserting "and directed," so that the Secretary of the Treasury will be "authorized and directed" to pay the money.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Dakota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. HARRIS. I move that when the Senate adjourn to-day, it be to meet on Monday next.

The motion was agreed to.

THE FIVE CIVILIZED TRIBES.

Mr. CAMDEN. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Colorado [Mr. TELLER] on the 22d instant, to report it favorably and without amendment. As it is important that the resolution should be promptly passed, I ask for its immediate consideration.

By unanimous consent, the Senate proceeded to consider the resolution, as follows:

Resolved, That the Committee on the Five Civilized Tribes of Indians, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the present condition of the five civilized tribes of Indians, and of the white citizens dwelling among them, and the legislation required and appropriate to meet the needs and welfare of such Indians; and for that purpose to visit Indian Territory, to take testimony, have power to send for persons and papers, and examine witnesses under oath; and shall report the result of such inquiry, with recommendations for legislation; the actual expenses of such inquiry to be paid on approval of the chairman out of the contingent fund of the Senate.

Mr. HARRIS. I suggest that the resolution ought to authorize the administration of oaths by the chairman or some member of the committee.

Mr. PLATT. I move to change the language of the resolution after the words "to send for persons and papers," by inserting the words "to administer oaths."

Mr. HARRIS. That will cover the point of my suggestion.

The amendment was agreed to.

Mr. HOAR. I should like to say that unless I am very much mistaken that is provided for in the general statutes. That is the reason of the form of resolutions in these cases which has been lately adopted by which any subcommittee appointed by a committee becomes itself a committee of the Senate for that purpose, but there is no harm in adopting the amendment.

Mr. HARRIS. Do I understand the Senator from Massachusetts to state that there is a general statute authorizing committees and subcommittees to administer oaths?

Mr. HOAR. No.

Mr. HARRIS. That is the point I suggest, that that authority ought to be given the committee.

Mr. HOAR. There is a general statute, if I mistake not, authorizing the chairman of committees of either House of Congress to administer oaths. We established some years ago—I taink I drew and introduced the first resolution which furnishes the form—a form of resolution in such cases, saying that a committee or any subcommittee of their number may examine witnesses. The effect of that form of resolution is to make a subcommittee a committee of the Senate, so that its chairman may administer oaths under the general law.

Mr. HARRIS. I was not aware of the existence of the statute to which the Senator refers.

Mr. HOAR. There is such a statute, and as it would be well for Senators to understand it, I ask that section 101 of the Revised Statutes be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. CAMDEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. JONES of Arkansas, on the 20th instant, reported it without amendment, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, have power to employ a stenographer to report hearings in connection with Senate bill 1585, "to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to make appropriation for carrying the same into effect;" the compensation of said stenographer to be paid out of the contingent fund of the Senate upon vouchers properly approved by the chairman of said committee.

THE RUSSIAN THISTLE.

Mr. HANSBROUGH. I ask that Senate bill 1545 be laid before the Senate as the unfinished business in accordance with the agreement entered into on the 22d instant.

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *salsola kali tragus*.

Mr. HARRIS. I object.

Mr. MANDERSON. I call the attention of the Senator from Tennessee to the fact that by the unanimous consent of the Senate this bill becomes the unfinished business.

Mr. HARRIS. If there be a unanimous-consent agreement I do not object to carrying it out, but I was not aware of any such agreement.

Mr. MANDERSON. There was on the 22d of March a unanimous agreement that the bill referred to by the Senator from North Dakota should become the unfinished business at the conclusion of the McGarrahan bill.

Mr. HARRIS. I was not aware of that, and I withdraw the objection. Let the bill become the unfinished business.

Mr. TURPIE. What effect will this have upon the special order made for Monday next, if any? There was a previous special order made for the consideration of the tariff bill on Monday next, if I am correct.

Mr. MANDERSON. I think there was no special order. There was simply a notice given by the chairman of the Committee on Finance that on that day he would move the consideration of the tariff bill, but there was no unanimous consent that it be made a special order.

Mr. TURPIE. I understand that there was unanimous consent that it be made a special order.

Mr. HANSBROUGH and Mr. MANDERSON. Oh, no.

Mr. HARRIS. I am afraid my friend from Indiana is mistaken. I said the other day that there was an agreement of the Committee on Finance that the tariff bill should be taken up on next Monday, but I am not aware of any unanimous consent of the Senate in respect to the taking of it up. I give notice now, however, that if the bill referred to by the Senator from North Dakota or any other bill becomes the unfinished business, a majority of the Senate will determine whether it shall remain as the unfinished business for Monday or during Monday.

Mr. MANDERSON. Of course.

Mr. TURPIE. That is all very well, but what effect will the taking up of the bill referred to by the Senator from North Da-

kota and making it the unfinished business have upon the status of the tariff bill, which I think was made the special order for Monday next?

Mr. FAULKNER. I should like to hear again stated the request of the Senator from Nebraska.

Mr. MANDERSON. I made no request. I was simply correcting a misapprehension. The unfinished business, by the action of the Senate, is the bill referred to by the Senator from North Dakota, it so appearing by the Calendar. As to the tariff bill, there was a statement made by the Senator from Tennessee that his understanding was that the Committee on Finance had agreed that the bill should be taken up on the 2d of April; but as to that bill there is no special order and no unanimous consent of the Senate.

Mr. FRYE. But the unfinished business can be displaced at any moment.

Mr. MANDERSON. Of course it can, by a vote of the Senate.

Mr. FAULKNER. I inquire how the bill to which reference is made became the unfinished business, and when it was made?

Mr. MANDERSON. It was made by unanimous consent of the Senate on the 22d instant.

Mr. FAULKNER. If there was a unanimous agreement it can be made the unfinished business, but it can not be so made unless by a unanimous agreement.

Mr. MANDERSON. That is what I stated to the Senate.

Mr. HARRIS. I withdrew my objection because several Senators stated to me that there was a unanimous agreement.

Mr. HANSBROUGH. So there was.

Mr. MANDERSON. There is no doubt about it.

The VICE-PRESIDENT. The Chair so understands.

Mr. HARRIS. Then let the unfinished business be stated, and then we shall dispose of it on Monday.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *salsola kali tragus*.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, April 2, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 29, 1894.

MEMBERS OF CALIFORNIA DÉBRIS COMMISSION.

Col. George H. Mendell, Corps of Engineers; Lieut. Col. William H. H. Benyaurd, Corps of Engineers; Maj. William H. Heuer, Corps of Engineers, members of the California Débris Commission, to date from November 4, 1893.

SUPERINTENDENT OF MINT.

J. W. Adams, of Nevada, to be superintendent of the mint of the United States at Carson, in the State of Nevada, to succeed Theodore R. Hofer, removed.

MELTER AND REFINER.

Hirsch Harris, of Nevada, to be melter and refiner at the mint of the United States at Carson, in the State of Nevada, to succeed E. B. Zabriske, resigned.

COLLECTORS OF CUSTOMS.

Daniel G. Brent, of Florida, to be collector of customs for the district of Pensacola, in the State of Florida, to succeed John R. Mizell, removed.

J. L. Cottrell, of Florida, to be collector of customs for the district of St. Marks, in the State of Florida, to succeed J. H. Pinkerton, whose term of office has expired by limitation.

George H. Houck, of New York, to be collector of customs for the district of Genesee, in the State of New York, to succeed Henry Hebing, whose term of office has expired by limitation.

W. A. Fitch, of Texas, to be collector of customs for the district of Saluria, in the State of Texas, to succeed Francis A. Vaughan, whose term of office has expired by limitation.

SURVEYORS OF CUSTOMS.

Clay C. MacDonald, of Missouri, to be surveyor of customs for the port of St. Joseph, in the State of Missouri, to succeed James Limbird, whose term of office has expired by limitation.

J. N. Harris, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee, to succeed Emerson Etheridge, resigned.

PENSION AGENTS.

Henry B. Lovering, of Lynn, Mass., to be pension agent at Boston, Mass., vice William H. Osborne, whose term of office will expire May 27, 1894.

Thomas Cogswell, of Gilmanton, N. H., to be pension agent at Concord, N. H., vice Thomas P. Cheney, whose term of office will expire June 24, 1894.

REGISTERS OF LAND OFFICES.

Irving H. Mulholland, of Independence, Cal., to be register of the land office at Independence, Cal., vice Christian W. Craig, resigned.

Edward H. French, of Casper, Wyo., to be register of the land office at Douglas, Wyo., vice John E. Evans, to be removed.

Willard C. Hall, of Sundance, Wyo., to be register of the land office at Sundance, Wyo., vice Joseph L. Stotts, to be removed.

RECEIVERS OF PUBLIC MONEYS.

Thomas A. Dunn, of Sundance, Wyo., to be receiver of public moneys at Sundance, Wyo., vice Alpheus P. Hanson, to be removed.

Edward W. Madison, of Douglas, Wyo., to be receiver of public moneys at Douglas, Wyo., vice Merris C. Barrow, to be removed.

PROMOTION IN THE ARMY.

Artillery arm.

Second Lieut. Alfred M. Hunter, Fourth Artillery, to be first lieutenant, March 22, 1894, vice Runcie, First Artillery, retired from active service.

POSTMASTERS.

Herman Herzberg, to be postmaster at Gadsden, in the county of Etowah and State of Alabama, in the place of Walter D. Standifer, removed.

Septimus D. Rice, to be postmaster at Florence, in the county of Lauderdale and State of Alabama, in the place of Felix G. Lambeth, whose commission expired December 19, 1894.

Benjamin C. Black, to be postmaster at Searcy, in the county of White and State of Arkansas, in the place of Robert J. Rogers, whose commission expires April 16, 1894.

E. B. Daingerfield, to be postmaster at Pacific Grove, in the county of Monterey and State of California, in the place of Robert G. Mitchell, removed.

W. T. Duncan, to be postmaster at Salinas, in the county of Monterey and State of California, in the place of John G. Joy, whose commission expired March 20, 1894.

Frank G. Letters, to be postmaster at Putnam, in the county of Windham and State of Connecticut, in the place of Patrick O'Leary, whose commission expired February 12, 1894.

John L. Thompson, to be postmaster at Georgetown, in the county of Sussex and State of Delaware, in the place of John W. Messick, removed.

Charles H. Leggett, to be postmaster at Fernandina, in the county of Nassau and State of Florida, in the place of Oliver S. Oakes, whose commission expired February 12, 1894.

Jerry Donahue, to be postmaster at Decatur, in the county of Macon and State of Illinois, in the place of John T. Hubbard, removed.

Amasa Clark, to be postmaster at Farmington, in the county of Fulton and State of Illinois, in the place of George Woodruff, whose commission expired March 24, 1894.

John H. Engel, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois, in the place of Franklin F. Dysart, whose commission expired January 16, 1894.

John R. Johnson, to be postmaster at Sterling, in the county of Whiteside and State of Illinois, in the place of Thomas Diller, removed.

Clyde M. Snow, to be postmaster at Earlville, in the county of Lasalle and State of Illinois, in the place of William H. Norton, whose commission expired December 21, 1893.

George P. Walker, to be postmaster at Warsaw, in the county of Hancock and State of Illinois, in the place of Edward P. Becker, whose commission expired December 21, 1893.

Irvin H. Wangelin, to be postmaster at Belleville, in the county of St. Clair and State of Illinois, in the place of James A. Willoughby, whose commission expired February 20, 1894.

Robert E. Whitlock, to be postmaster at Roodhouse, in the county of Greene and State of Illinois, in place of William C. Roodhouse, whose commission expired December 21, 1893.

Daniel Drischel, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana, in the place of Mrs. Harriet Kiess, whose commission expires April 19, 1894.

Joseph A. Hixson, to be postmaster at Fowler, in the county of Benton and State of Indiana, in the place of Thomas L. Merrick, whose commission expired January 8, 1894.

George F. Ritze, to be postmaster at Brookville, in the county of Franklin and State of Indiana, in the place of Robert J. Cain, whose commission expires April 12, 1894.

Oscar Williamson, to be postmaster at Vevay, in the county of Switzerland and State of Indiana, in the place of Alfred Shaw, whose commission expires April 19, 1894.

George C. Pearce, to be postmaster at Shenandoah, in the county of Page and State of Iowa, in the place of Thomas N. Pace, whose commission expired January 8, 1894.

Thomas A. McCleary, to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas, in the place of Luther M. Axline, whose commission expired February 12, 1894.

W. W. Smith, to be postmaster at Colby, in the county of Thomas and State of Kansas, in the place of Daniel Bradbury, whose commission expired January 9, 1894.

Alfred B. Urick, to be postmaster at Baxter Springs, in the county of Cherokee and State of Kansas, in the place of William March, whose commission expired January 9, 1894.

Melville M. Folsom, to be postmaster at Old Town, in the county of Penobscot and State of Maine, in the place of Charles W. Bosworth, whose commission expired February 14, 1894.

F. E. Gillchrest, to be postmaster at Thomaston, in the county of Knox and State of Maine, in the place of Thomas S. Singer, whose commission expired February 14, 1894.

Patrich H. Leighton, to be postmaster at Hallowell, in the county of Kennebec and State of Maine, in the place of Denny K. Jewell, whose commission expired December 19, 1893.

Al J. Rowe, to be postmaster at Norway, in the county of Oxford and State of Maine, in the place of Lucius I. Bartlett, whose commission expired February 14, 1894.

John H. Twombly, to be postmaster at Auburn, in the county of Androscoggin and State of Maine, in the place of John C. Blake, whose commission expired February 14, 1894.

B. H. Blackston, to be postmaster at Frederick, in the county of Frederick and State of Maryland, in place of Harry C. Keefer, whose commission expired February 21, 1894.

Edward L. Smith, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania, in the place of John J. Spaulding, whose commission expired December 20, 1893.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 29, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

TRANSPORTATION CLAIMS—PACIFIC RAILROADS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting schedules of claims in favor of the Southern Pacific and Central Pacific Railroad companies and leased lines for transportation, etc.; which was referred to the Committee on Appropriations.

HOUSE BILL 6167.

The SPEAKER also laid before the House a letter from the Assistant Secretary of the Treasury, transmitting a communication from the Treasurer of the United States in regard to House bill 6167; which was referred to the Committee on Appropriations.

NEW MACHINERY, TREASURY BINDERY.

The SPEAKER also laid before the House a letter from the Assistant Secretary of the Treasury, transmitting a communication from the chief of the division of stationery of the Treasury Department, in relation to procuring new machinery for the Treasury bindery; which was referred to the Committee on Appropriations.

FINDINGS, COURT OF CLAIMS.

The SPEAKER also laid before the House copies of findings of the Court of Claims in the following cases, namely: Alpheus Meuillon, administrator, *vs.* The United States, and M. C. Vinton, administrator, *vs* The United States; which were severally referred to the Committee on War Claims.

IMPROVED METHODS OF ACCOUNTING, TREASURY DEPARTMENT.

Mr. DOCKERY, by unanimous consent, introduced a bill (H. R. 6478) to improve the methods of accounting in the Department of the Treasury, and for other purposes; which was read a first and second time, referred to the joint commission appointed to investigate the Executive Departments of the Government, etc., and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER, RED WING, MINN.

Mr. HALL of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6110) to authorize the construction of a bridge across the Mississippi River at Red Wing, Minn.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the city of Red Wing, in the State of Minnesota, a municipal corporation existing under the laws of the State of Minnesota, is hereby authorized and empowered to erect, establish, and maintain, or authorize the erection, establishment, and maintenance of a foot and wagon bridge across the Mississippi River at a point suitable to the interests of navigation, from a point near Bluff street, in the city of Red Wing, State of Minnesota, so as to connect with the opposite shore of said river in the State of Wisconsin; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in which any portion of said bridge or obstruction touches. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be fixed by the said city of Red Wing from time to time and approved by the Secretary of War.

SEC. 2. That any bridge built under the provisions of this act shall be constructed as a high bridge, with a channel span giving a clear width of water way of not less than 360 feet and a clear headroom of not less than 55 feet above high-water mark, as understood at the point of location, and the clear headroom under other than channel spans may be reduced to 10 feet above high-water mark; and the piers of said bridge shall be parallel with the current of the river.

SEC. 3. That any bridge constructed under this act and according to its provisions and conditions shall be a lawful structure, over which may be transmitted the mails, troops, and munitions of war of the United States free of charge; and the United States shall have the right of way for postal telegraph purposes across said bridge.

SEC. 4. That the structure herein authorized shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe, and to secure that object the corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving, for the space of 1 mile above and 1 mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plans and location of the bridge are decided by the Secretary of War to be such as will not materially affect the interest of navigation the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War; and the said structure shall at all times be so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribed by the the Light-House Board; and the said structure shall be changed or removed, at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation any modification by law when the public good shall, in the judgment of Congress, so require, without any expense or charge to the United States.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date thereof.

The committee recommend the following amendment:

Amend by striking out, in line 31 of section 4, the word "any," and substituting therefor the word "and."

There being no objection, the bill was considered, the amendment recommended by the committee agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. HALL of Minnesota, a motion to reconsider the last vote was laid on the table.

WILLIAM B. CHAPMAN AND OTHERS.

Mr. CURTIS of New York. Mr. Speaker, I ask unanmious consent to call up for present consideration the bill (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke so much of Special Orders numbered 229, Headquarters Department of Virginia and North Carolina, dated August 21, 1864, as dismissed First Lieut. William B. Chapman, First Lieut. George W. Street, First Lieut. John W. Hoes, First Lieut. Emmet C. Tuthill, and First Lieut. Joseph H. Curtis, Third New York Infantry Volunteers, from the service of the United States, and to issue to each of these officers a certificate of honorable discharge as of the date of the order of dismissal: *Provided*, That nothing in this act shall be construed to allow to any officer named therein, or his heirs, any pay or allowances to which said officer would not have been entitled if he had been honorably discharged on August 21, 1864.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman from New York if this is simply a restoration of these parties to the roll.

Mr. CURTIS of New York. It is simply to take away the charge of dismissal.

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of New York, a motion to reconsider the last vote was ordered to be laid on the table.

LOT 8, BLOCK 93, HOT SPRINGS, ARK.

Mr. BRECKINRIDGE of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6042) to authorize sale of lot 8, block 93, city of Hot Springs, by school directors thereof, and use of proceeds for school purposes.

The SPEAKER. The gentleman from Arkansas [Mr. BRECKINRIDGE] asks unanimous consent for the present consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

Be it enacted, etc., That the directors of the school district of the city of Hot Springs, Ark., are hereby authorized to sell and convey, at private or public sale, lot 8, in block 93, on Ouachita avenue, in said city, as shown by the survey and plat of the United States Commissioners for Hot Springs, heretofore designated and set apart by the Secretary of the Interior as a site for a schoolhouse under act approved June 16, 1880, and to apply the proceeds of such sale for the benefit of the common schools of said city.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. BRECKINRIDGE of Arkansas, a motion to reconsider the last vote was laid on the table.

JESSE S. MORRISON.

Mr. FLYNN and Mr. HUNTER addressed the Chair.

The SPEAKER. The gentleman from Oklahoma [Mr. FLYNN] is recognized. The Chair must alternate in recognitions.

Mr. FLYNN. I ask unanimous consent for the present consideration of the bill (H. R. 2710) for the relief of Jesse S. Morrison.

The SPEAKER. The gentleman from Oklahoma [Mr. FLYNN] asks unanimous consent for the present consideration of the bill which the Clerk will report, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

Be it enacted, etc., That a patent in fee simple be issued to Jesse S. Morrison, his heirs and assigns, for the northeast quarter of the southwest quarter and lot 7, section 8, township 12 north, range 7 west, Indian meridian; the south half of the southeast quarter, section 29, township 13 north, range 7 west, Indian meridian; the southeast quarter of the southwest quarter and lot 8, section 8, township 12 north, range 7 west, Indian meridian; and the north half of the southeast quarter, section 29, township 13 north, range 7 west, Indian meridian, Oklahoma Territory, said patent being in lieu of patents issued on March 6, 1882, to "Ben-nank" (or Edward Morrison) and to "Wo-ca-sa now-ka" (or Nellie Morrison), now deceased, the children of said Jesse S. Morrison and allottees under section 13 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," approved March 3, 1891.

The Committee on Public Lands recommended the following amendments:

In lines 3 and 4, after the word "to," strike out the words "Jesse S. Morrison, his," and after the word "heirs," strike out the words "and assigns," and insert after the word "to," in line 3, the word "the," and after the word "heirs," the words "of Edward Morrison and Nellie Morrison, late of Oklahoma Territory, now deceased."

Also, in line 18, strike out the words "the children of said Jesse S. Morrison."

The SPEAKER. Is there objection to the request for the consideration of this bill?

Mr. HOLMAN. Mr. Speaker, it was impossible to understand that bill from the reading. I hope the report will be read.

Mr. FLYNN. I think the gentleman is familiar with the case. It is reported by the Committee on Public Lands.

Mr. HOLMAN. Let the report be read.

Mr. PATTERSON. Regular order, Mr. Speaker.

Mr. FLYNN. I hope the gentleman from Tennessee [Mr. PATTERSON] will permit this to be considered.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] demands the regular order, which is equivalent to an objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. HOLMAN, for the rest of this day, on account of sickness.

To Mr. JOHNSON of Indiana, for two days, on account of sickness.

To Mr. COOMBS, for the rest of this day, on account of sickness.

METHODS OF ACCOUNTING IN THE TREASURY DEPARTMENT.

Mr. DINGLEY. Before the regular order is called up I ask that the gentleman from Tennessee [Mr. PATTERSON] yield to allow me to present a privileged report, and to have it recommitted and printed.

Mr. PATTERSON. I will yield to the gentleman for that purpose.

Mr. DINGLEY. By instructions of the joint commission to inquire into status of laws organizing the Executive Departments, I desire to present a privileged report on bill H. R. 6478 for the purpose of having the bill and accompanying report printed and recommitted to the joint commission.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6478) to improve the methods of accounting in the Department of the Treasury, and for other purposes.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] asks to have this bill and report printed and recommitted to the joint commission, and it will be so ordered in the absence of objection.

There was no objection.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On March 19, 1894:

An act (H. R. 2627) granting an increase of pension to Andrew Franklin, alias Andrew McKee;

An act (H. R. 1133) to remove the charge of desertion standing against John W. Wacker.

On March 22, 1894:

An act (H. R. 5258) granting a pension to Hannah Lyons.

On March 24, 1894:

An act (H. R. 4831) to amend an act entitled "An act authorizing the construction of a high wagon bridge at or near Sioux City, Iowa," approved March 2, 1889, as amended by acts of April 30, 1890, and February 7, 1893.

On March 29, 1894:

An act (H. R. 5530) to regulate the making of property returns by officers of the Government;

An act (H. R. 5529) to repeal section 311 of the Revised Statutes of the United States, relating to accounts of the Treasury of the United States; and

An act (H. R. 5425) for a charter for the Iowa and Nebraska Pontoon Bridge Company.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 146) providing for the payment of salaries and expenses of additional deputy collectors of internal revenue to carry out the provisions of the Chinese exclusion act of May 5, 1892, as amended by the act of November 3, 1893.

The message also announced that the Senate had passed with an amendment the bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou near Shreveport, La.; in which the concurrence of the House was requested.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 144) authorizing and directing the Secretary of the Treasury to receive at the subtreasury in the city of New York from R. T. Wilson & Co. or assigns, the money, amounting to $6,740,000, to be paid to the Cherokee Nation, and to place the same to the credit of the Cherokee Nation; and

Joint resolution (H. Res. 147) authorizing the transfer of furniture and carpets to the rooms now occupied by the United States courts at Chicago.

CONTESTED ELECTION CASE, O'NEILL VS. JOY.

The SPEAKER. The regular order is the contested election case of O'Neill *vs.* Joy. The gentleman from Michigan [Mr. BURROWS] on yesterday moved to reconsider the vote by which the House disagreed to the first part of the substitute offered by the minority of the Committee on Elections, and the gentleman from Illinois [Mr. SPRINGER] moved to lay that motion on the table. The yeas and nays were ordered. A vote was taken and no quorum appeared. The vote will now be taken upon the

motion to lay upon the table the motion to reconsider entered by the gentleman from Michigan [Mr. BURROWS].

The question was taken; and there were—yeas 154, nays 11, not voting 187; as follows:

YEAS—154.

Abbott,	Cox,	Kribbs,	Reilly,
Alexander,	Crawford,	Kyle,	Richards, Ohio
Allen,	Culberson,	Lane,	Richardson, Mich.
Bailey,	De Forest,	Latimer,	Richardson, Tenn.
Baldwin,	Denson,	Lawson,	Ritchie,
Bankhead,	Dinsmore,	Layton,	Robbins,
Barwig,	Dockery,	Lester,	Robertson, La.
Bell, Tex.	Donovan,	Lynch,	Rusk,
Black, Ga.	Dunn,	Magner,	Sayers,
Bland,	Dunphy,	Maguire,	Schermerhorn,
Boatner,	Durborow,	Mallory,	Shell,
Bower, N. C.	Edmunds,	McAleer,	Sickles,
Breckinridge, Ark	English,	McCreary, Ky.	Springer,
Bretz,	Enloe,	McCulloch,	Stallings,
Brickner,	Epes,	McDearmon,	Stevens,
Brookshire,	Erdman,	McEttrick,	Stockdale,
Brown,	Fielder,	McGann,	Stone, Ky.
Bynum,	Geary,	McKaig,	Strait,
Cadmus,	Geissenhainer,	McMillin,	Straus,
Caminetti,	Goldzier,	McRae,	Talbert, S. C.
Campbell,	Gorman,	Meredith,	Talbott, Md.
Cannon, Cal.	Grady,	Meyer,	Tate,
Capehart,	Gresham,	Money,	Taylor, Ind.
Caruth,	Haines,	Montgomery,	Terry,
Catchings,	Hall, Minn.	Moses,	Tucker,
Causey,	Hammond,	Mutchler,	Turner, Ga.
Clancy,	Hare,	Neill,	Turner, Va.
Clark, Mo.	Hatch,	Oates,	Turpin,
Clarke, Ala.	Hayes,	O'Neil,	Tyler,
Cobb, Ala.	Henderson, N. C.	Page,	Weadock,
Cobb, Mo.	Hendrix,	Paschal,	Wells,
Cockrell,	Hines,	Patterson,	Wheeler, Ala.
Coffeen,	Holman,	Paynter,	Williams, Ill.
Conn,	Hooker, Miss.	Pearson,	Williams, Miss.
Cooper, Fla.	Hudson,	Pendleton, Tex.	Wise,
Cooper, Ind.	Hunter,	Pendleton, W. Va.	Wolverton,
Cooper, Tex.	Hutcheson,	Pigott,	Woodard.
Cornish,	Jones,	Price,	
Covert,	Kilgore,	Rayner,	

NAYS—11.

De Armond,	Hall, Mo.	Morgan,	Sibley,
Everett,	Harter,	Outhwaite,	Warner.
Griffin,	McKeighan,	Ryan,	

NOT VOTING—187.

Adams, Ky.	Curtis, Kans.	Hull,	Ray,
Adams, Pa.	Curtis, N. Y.	Ikirt,	Reed,
Aitken,	Dalzell,	Johnson, Ind.	Reyburn,
Alderson,	Daniels,	Johnson, N. Dak.	Robinson, Pa.
Aldrich,	Davey,	Johnson, Ohio	Russell, Conn.
Apsley,	Davis,	Joy,	Russell, Ga.
Arnold,	Dingley,	Kem,	Scranton,
Avery,	Dolliver,	Kiefer,	Settle,
Babcock,	Doolittle,	Lacey,	Shaw,
Baker, Kans.	Draper,	Lapham,	Sherman,
Baker, N. H.	Ellis, Ky.	Lefever,	Simpson,
Barnes,	Ellis, Oregon	Linton,	Sipe,
Bartholdt,	Fithian,	Lisle,	Smith,
Bartlett,	Fletcher,	Livingston,	Snodgrass,
Belden,	Forman,	Lockwood,	Somers,
Bell, Colo.	Funk,	Loud,	Sperry,
Beltzhoover,	Funston,	Loudenslager,	Stephenson,
Berry,	Fyan,	Lucas,	Stone, C. W.
Bingham,	Gardner,	Maddox,	Stone, W. A.
Black, Ill.	Gear,	Mahon,	Storer,
Blair,	Gillet, N. Y.	Marsh,	Strong,
Boen,	Gillett, Mass.	Marshall,	Swanson,
Boutelle,	Goodnight,	Martin, Ind.	Sweet,
Bowers, Cal.	Graham,	Marvin, N. Y.	Tarsney,
Branch,	Grosvenor,	McCall,	Tawney,
Brattan,	Grout,	McCleary, Minn.	Taylor, Tenn.
Breckinridge, Ky.	Grow,	McDannold,	Thomas,
Broderick,	Hager,	McDowell,	Tracey,
Brosius,	Hainer,	McLaurin,	Updegraff,
Bryan,	Harmer,	McNagny,	Van Voorhis, N. Y.
Bundy,	Harris,	Meiklejohn,	Van Voorhis, Ohio
Bunn,	Hartman,	Mercer,	Wadsworth,
Burnes,	Haugen,	Milliken,	Walker,
Burrows,	Heard,	Moon,	Wanger,
Cabaniss,	Heiner,	Morse,	Washington,
Caldwell,	Henderson, Ill.	Murray,	Waugh,
Cannon, Ill.	Henderson, Iowa	Newlands,	Wever,
Chickering,	Hepburn,	Northway,	Wheeler, Ill.
Childs,	Hermann,	Payne,	White,
Cockran,	Hicks,	Pence,	Whiting,
Cogswell,	Hilborn,	Perkins,	Wilson, Ohio
Compton,	Hitt,	Phillips,	Wilson, Wash.
Coombs,	Hooker, N. Y.	Pickler,	Wilson, W. Va.
Cooper, Wis.	Hopkins, Ill.	Post,	Woomer,
Cousins,	Hopkins, Pa.	Powers,	Wright, Mass.
Crain,	Houk,	Quigg,	Wright, Pa.
Cummings,	Hulick,	Randall,	

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. BLACK of Illinois with Mr. ALDRICH.

Mr. ALDERSON with Mr. RANDALL.

Mr. MCDANNOLD with Mr. LEFEVER.

Mr. SNODGRASS with Mr. HOUK.

Mr. RUSSELL of Georgia with Mr. STORER.

Mr. TARSNEY with Mr. GEAR.

Mr. GOODNIGHT with Mr. WALKER.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. CABANISS with Mr. NORTHWAY.

Mr. FITHIAN with Mr. MOON.

Mr. ELLIS of Kentucky with Mr. HAUGEN.

Mr. LIVINGSTON with Mr. GILLET of New York.

Mr. FORMAN with Mr. LUCAS.

Mr. MADDOX with Mr. GROUT.

Mr. BUNN with Mr. STRONG.

Mr. HEARD with Mr. TAYLOR of Tennessee.

Mr. BERRY with Mr. CALDWELL.

Mr. ARNOLD with Mr. COGSWELL.

For this day:

Mr. MARTIN of Indiana with Mr. BINGHAM.

Mr. DAVEY with Mr. POWERS.

Mr. BELTZHOOVER with Mr. WRIGHT of Massachusetts.

Mr. COMPTON with Mr. HENDERSON of Iowa.

Mr. FYAN with Mr. LINTON.

Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.

Mr. CRAIN with Mr. HOOKER of New York.

Mr. BRATTAN with Mr. WRIGHT of Pennsylvania.

Mr. WHITING with Mr. SCRANTON.

Mr. TRACEY with Mr. WADSWORTH, on the election cases.

Mr. SOMERS with Mr. SHERMAN.

The SPEAKER. On this question the yeas are 154, the nays 11; no quorum has voted.

Mr. PATTERSON. I move a call of the House, Mr. Speaker.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. REED. Division.

The House divided; and there were—ayes 114, noes none.

Mr. REED. Better have tellers, Mr. Speaker.

Mr. PATTERSON. I demand the yeas and nays.

Mr. REED. Why can not we vote by tellers?

Mr. PATTERSON. I withdraw the motion.

Mr. REED. Oh, no; it is carried.

Mr. O'NEIL. I renew the demand.

The SPEAKER. The demand is renewed on this side.

Mr. O'NEIL. I withdraw the demand.

The SPEAKER. The question, then, is on the demand for tellers.

Mr. REED. What became of the demand for the yeas and nays?

The SPEAKER. It was withdrawn. [After counting.] Sixty-six gentlemen have arisen; a sufficient number, and tellers are ordered. The gentleman from Tennessee [Mr. PATTERSON] and the gentleman from Maine [Mr. REED] will please take their places as tellers.

Mr. PATTERSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 1, not voting 176; as follows:

YEAS—175.

Abbott,	Conn,	Hendrix,	Moses,
Alexander,	Cooper, Fla.	Hines,	Mutchler,
Allen,	Cooper, Ind.	Holman,	Neill,
Bailey,	Cooper, Tex.	Hooker, Miss.	Oates,
Baker, Kans.	Cornish,	Hudson,	O'Neil,
Baldwin,	Covert,	Hunter,	Outhwaite,
Bankhead,	Cox,	Hutcheson,	Page,
Bartlett,	Crawford,	Jones,	Paschal,
Barwig,	Culberson,	Kem,	Patterson,
Bell, Colo.	Davis,	Kilgore,	Pearson,
Bell, Tex.	De Armond,	Kribbs,	Pendleton, Tex.
Black, Ga.	Denson,	Kyle,	Pendleton, W. Va.
Bland,	Dingley,	Lane,	Pigott,
Boatner,	Dinsmore,	Latimer,	Price,
Boen,	Dockery,	Lawson,	Rayner,
Bower, N. C.	Donovan,	Layton,	Reilly,
Branch,	Dunphy,	Lester,	Richards, Ohio
Breckinridge, Ark.	Durborow,	Lynch,	Richardson, Mich.
Bretz,	Edmunds,	Magner,	Richardson, Tenn.
Brickner,	Enloe,	Maguire,	Ritchie,
Brookshire,	Epes,	Mallory,	Robbins,
Brown,	Erdman,	Marshall,	Robertson, La.
Bryan,	Fielder,	McAleer,	Rusk,
Bynum,	Geary,	McCreary, Ky.	Ryan,
Cadmus,	Geissenhainer,	McCulloch,	Sayers,
Caminetti,	Goldzier,	McDearmond,	Schermerhorn,
Campbell,	Gorman,	McEttrick,	Shell,
Cannon, Cal.	Grady,	McGann,	Sibley,
Capehart,	Gresham,	McKaig,	Sickles,
Caruth,	Griffin,	McKeighan,	Sperry,
Catchings,	Haines,	McLaurin,	Springer,
Causey,	Hall, Minn.	McMillin,	Stallings,
Clancy,	Hall, Mo.	McNagny,	Stevens,
Clark, Mo.	Hammond,	McRae,	Stockdale,
Clarke, Ala.	Hare,	Meredith,	Stone, Ky.
Cobb, Ala.	Harter,	Meyer,	Strait,
Cobb, Mo.	Hatch,	Money,	Straus,
Cockrell,	Hayes,	Montgomery,	Swanson,
Coffeen,	Henderson, N. C.	Morgan,	Talbert, S. C.

Tate,	Turner, Ga.	Washington,	Williams, Miss.
Taylor, Ind.	Turner, Va.	Weadock,	Wise.
Terry,	Turpin,	Wells,	Wolverton,
Tracey,	Tyler,	Wheeler, Ala.	Woodard.
Tucker,	Warner,	Williams, Ill.	

NAYS—1.

Brosius.

NOT VOTING—176.

Adams, Ky.	Davey,	Hulick,	Randall,
Adams, Pa.	DeForest,	Hull,	Ray,
Aitken,	Dolliver,	Ikirt,	Reed,
Alderson,	Doolittle,	Johnson, Ind.	Reyburn,
Aldrich,	Draper,	Johnson, N. Dak.	Robinson, Pa.
Apsley,	Dunn,	Johnson, Ohio	Russell, Conn.
Arnold,	Ellis, Ky.	Joy,	Russell, Ga.
Avery,	Ellis, Oregon	Kiefer,	Scranton,
Babcock,	English,	Lacey,	Settle,
Baker, N. H.	Everett,	Lapham,	Shaw,
Barnes,	Fithian,	Lefever,	Sherman,
Bartholdt,	Fletcher,	Linton,	Simpson,
Belden,	Forman,	Lisle,	Sipe,
Beltzhoover,	Funk,	Livingston,	Smith,
Berry,	Funston,	Lockwood,	Snodgrass,
Bingham,	Fyan,	Loud,	Somers,
Black, Ill.	Gardner,	Loudenslager,	Stephenson,
Blair,	Gear,	Lucas,	Stone, C. W.
Boutelle,	Gillet, N. Y.	Maddox,	Stone, W. A.
Bowers, Cal.	Gillett, Mass.	Mahon,	Storer,
Brattan,	Goodnight,	Marsh,	Strong,
Breckinridge, Ky.	Graham,	Martin, Ind.	Sweet.
Broderick,	Grosvenor,	Marvin, N. Y.	Talbott, Md.
Bundy,	Grout,	McCall,	Tarsney,
Bunn,	Grow,	McCleary, Minn.	Tawney,
Burnes,	Hager,	McDannold,	Taylor, Tenn.
Burrows,	Hainer,	McDowell,	Thomas,
Cabaniss,	Harmer,	Meiklejohn,	Updegraff,
Caldwell,	Harris,	Mercer,	Van Voorhis, N. Y.
Cannon, Ill.	Hartman,	Milliken,	Van Voorhis, Ohio
Chickering,	Haugen,	Moon,	Wadsworth,
Childs,	Heard,	Morse,	Walker,
Cockran,	Heiner,	Murray,	Wanger,
Cogswell,	Henderson, Ill.	Newlands,	Waugh,
Compton,	Henderson, Iowa	Northway,	Wever,
Coombs,	Hepburn,	Payne,	Wheeler, Ill.
Cooper, Wis.	Hermann,	Paynter,	White.
Cousins,	Hicks,	Pence,	Whiting,
Crain,	Hilborn,	Perkins,	Wilson, Ohio
Cummings,	Hitt,	Phillips,	Wilson, Wash.
Curtis, Kans.	Hooker, N. Y.	Pickler,	Wilson, W. Va.
Curtis, N. Y.	Hopkins, Ill.	Post,	Woomer,
Dalzell,	Hopkins, Pa.	Powers,	Wright, Mass.
Daniels,	Houk,	Quigg,	Wright, Pa.

The SPEAKER. On this question the yeas are 174; the nays 1. The yeas have it, and a call of the House is ordered.

The roll was called, when the following-named members failed to respond:

Aitken,	Coombs,	Johnson, Ind.	Scranton,
Alderson,	Cooper, Wis.	Johnson, Ohio	Settle,
Aldrich,	Cummings,	Kem,	Sherman,
Apsley,	Dalzell,	Kiefer,	Simpson,
Barnes,	Davey,	Lapham,	Sipe,
Bartholdt,	Dolliver,	Lefever,	Snodgrass,
Beltzhoover,	Ellis, Ky.	Linton,	Somers,
Berry,	Fithian,	Lisle,	Sperry,
Bingham,	Forman,	Livingston,	Storer,
Black, Ill.	Fyan,	Lucas,	Strong,
Boatner,	Gillet, N. Y.	Maddox,	Swanson,
Bowers, Cal.	Goldzier,	Martin, Ind.	Tarsney,
Brattan,	Goodnight,	McCleary, Minn.	Taylor, Tenn.
Breckinridge, Ky.	Graham,	McDannold,	Van Voorhis, N. Y.
Bunn,	Harmer,	McDowell,	Walker,
Burrows,	Heard,	McKeighan,	Wever,
Cabaniss,	Heiner,	Moon,	Whiting,
Caldwell,	Henderson, Iowa	Newlands,	Wilson, W. Va.
Cockran,	Hermann,	Northway,	Wright, Mass.
Cogswell,	Hopkins, Ill.	Ritchie,	Wright, Pa.
Compton,	Houk,	Robinson, Pa.	

The SPEAKER. The doors will now be closed, and the Clerk will call the names of gentlemen who failed to respond on the first call.

Mr. BOEN (when the name of Mr. KIEFER was called). Mr. Speaker, my colleague [Mr. KIEFER] was called away by a telegram, and he desired me to obtain leave of absence for him for two days.

The SPEAKER. The gentleman can not be excused for more than one day at this time, but the Chair will submit the request later.

The call was completed.

The SPEAKER. Upon this call 268 gentleman have answered to their names.

Mr. PATTERSON. Mr. Speaker, I move to dispense with all further proceedings under the call.

The question being taken on the motion of Mr. PATTERSON, the Speaker announced that the ayes seemed to have it.

Mr. REED. I ask for a division.

The House divided; and there were—ayes 101, noes 4.

Mr. REED. I ask for tellers.

Mr. PATTERSON. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 0, not voting 193; as follows:

YEAS—159.

Abbott,	Covert,	Kyle,	Pigott.
Alexander,	Cox,	Lane,	Reilly,
Bailey,	Crain,	Latimer,	Richards, Ohio
Baldwin,	Culberson,	Lawson,	Richardson, Mich.
Bankhead,	Davis,	Layton,	Richardson, Tenn.
Bartlett,	De Armond,	Lester,	Ritchie,
Barwig,	De Forest,	Lockwood,	Robbins,
Bell, Colo.	Denson,	Magner,	Robertson, La.
Bell, Tex.	Dinsmore,	Maguire,	Ryan,
Black, Ga.	Dockery,	Mallory,	Russell, Ga.
Bland,	Donovan,	Marshall,	Sayers,
Boatner,	Dunn,	McAleer,	Schermerhorn,
Boen,	Durborow,	McCreary, Ky.	Shell,
Bower, N. C.	Edmunds,	McCulloch,	Sibley,
Branch,	Enloe,	McDearmon,	Sickles,
Breckinridge, Ark.	Epes,	McEttrick,	Springer,
Bretz,	Erdman,	McGann,	Stallings,
Brickner,	Everett,	McKaig,	Stockdale,
Brookshire,	Fielder,	McKeighan,	Strait.
Brown,	Geary,	McLaurin,	Straus.
Bryan,	Geissenhainer,	McRae,	Swanson,
Burnes,	Goldzier,	Meredith,	Talbert, S. C.
Bynum,	Gorman,	Meyer,	Talbott, Md.
Cadmus,	Grady,	Money,	Tate,
Caminetti,	Gresham,	Montgomery,	Taylor, Ind.
Cannon, Cal.	Haines,	Morgan,	Terry,
Capehart,	Hall, Minn.	Moses,	Tracey,
Caruth,	Hall, Mo.	Mutchler,	Tucker,
Catchings,	Hammond,	Neill,	Turner, Ga.
Causey,	Hare,	Oates,	Turner, Va.
Clancy,	Harter,	O'Neil,	Washington,
Clark, Mo.	Hatch,	Outhwaite,	Weadock,
Clarke, Ala.	Hayes,	Page,	Wells,
Cobb, Ala.	Henderson, N. C	Paschal,	Wheeler, Ala.
Cobb, Mo.	Hendrix,	Patterson,	Williams, Ill.
Cockrell,	Hooker, Miss.	Paynter,	Williams, Miss.
Coffeen,	Hunter,	Pearson,	Wise.
Cooper, Ind.	Ikirt,	Pence,	Wolverton,
Cooper, Tex.	Jones,	Pendleton, Tex.	Woodard.
Cornish,	Kilgore,	Pendleton, W. Va.	

NAYS—0.

NOT VOTING—193.

Adams, Ky.	Davey,	Hutcheson,	Reyburn,
Adams, Pa.	Dingley,	Johnson, Ind.	Robinson, Pa.
Aitken,	Dolliver,	Johnson, N. Dak.	Rusk.
Alderson,	Doolittle,	Johnson, Ohio	Russell, Conn.
Aldrich,	Draper,	Joy,	Scranton,
Allen,	Dunphy,	Kem,	Settle,
Apsley,	Ellis, Ky.	Kiefer,	Shaw,
Arnold,	Ellis, Oregon	Kribbs,	Sherman,
Avery,	English,	Lacey,	Simpson,
Babcock,	Fithian,	Lapham,	Sipe,
Baker, Kans.	Fletcher,	Lefever,	Smith,
Baker, N. H.	Forman,	Linton,	Snodgrass,
Barnes,	Funk,	Lisle,	Somers,
Bartholdt,	Funston,	Livingston,	Sperry,
Belden,	Fyan,	Loud,	Stephenson.
Beltzhoover,	Gardner,	Loudenslager,	Stevens,
Berry,	Gear,	Lucas,	Stone, C. W.
Bingham,	Gillet, N. Y.	Lynch,	Stone, W. A.
Black, Ill.	Gillett, Mass.	Maddox,	Stone, Ky.
Blair,	Goodnight,	Mahon,	Storer,
Boutelle,	Graham,	Marsh,	Strong.
Bowers, Cal.	Griffin,	Martin, Ind.	Sweet,
Brattan,	Grosvenor,	Marvin, N. Y.	Tarsney,
Breckinridge, Ky.	Grout,	McCall,	Tawney,
Broderick,	Grow,	McCleary, Minn.	Taylor, Tenn.
Brosius,	Hager,	McDannold,	Thomas,
Bundy,	Hainer,	McDowell,	Turpin,
Bunn,	Harmer,	McMillin,	Tyler,
Burrows,	Harris,	McNagny,	Updegraff,
Cabaniss,	Hartman,	Meiklejohn,	Van Voorhis, N. Y.
Caldwell,	Haugen,	Mercer,	Van Voorhis, Ohio
Campbell,	Heard,	Milliken,	Wadsworth,
Cannon, Ill.	Heiner,	Moon,	Walker,
Chickering,	Henderson, Ill.	Morse,	Wanger,
Childs,	Henderson, Iowa	Murray,	Warner,
Cockran,	Hepburn,	Newlands,	Waugh,
Cogswell,	Hermann,	Northway,	Wever,
Compton,	Hicks,	Payne,	Wheeler, Ill.
Conn,	Hilborn,	Perkins,	White,
Coombs,	Hines,	Phillips,	Whiting,
Cooper, Fla.	Hitt,	Pickler,	Wilson, Ohio
Cooper, Wis.	Holman,	Post,	Wilson, Wash.
Cousins,	Hooker, N. Y.	Powers,	Wilson, W. Va.
Crawford,	Hopkins, Ill.	Price,	Woomer,
Cummings,	Hopkins, Pa.	Quigg,	Wright, Mass.
Curtis, Kans.	Houk,	Randall,	Wright, Pa.
Curtis, N. Y.	Hudson,	Ray,	
Dalzell,	Hulick,	Rayner,	
Daniels,	Hull,	Reed,	

The following additional pair was announced:

Mr. STEVENS with Mr. VAN VOORHIS of New York, until further notice.

The SPEAKER. On this question the yeas are 157 and the nays are none. The ayes have it, and all further proceedings under the call are dispensed with, but no quorum is present.

Mr. PATTERSON. I move a call of the House, Mr. Speaker.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Aitken,	Cummings,	Holman,	Randall,
Alderson,	Dalzell,	Hooker, N. Y.	Scranton,
Aldrich,	Davey,	Houk,	Settle,
Allen,	Dolliver,	Hudson,	Sherman,
Apsley,	Ellis, Ky.	Hunter,	Simpson,
Arnold,	Everett,	Johnson, Ohio	Snodgrass,
Bailey,	Fithian,	Kiefer,	Sperry,
Barnes,	Fletcher,	Lefever,	Storer,
Beltzhoover,	Forman,	Linton,	Strong,
Berry,	Fyan,	Lisle,	Tarsney,
Bingham,	Geary,	Livingston,	Taylor, Ind.
Black, Ill.	Gillet, N. Y.	Lucas,	Taylor, Tenn.
Brattan,	Goodnight,	Maddox,	Van Voorhis, N. Y.
Breckinridge, Ky.	Graham,	Maguire,	Walker,
Bunn,	Gresham,	Martin, Ind.	Waugh,
Cabaniss,	Grosvenor,	McCleary, Minn.	Wever,
Cadmus,	Harris,	McDannold,	White,
Caldwell,	Haugen,	McDowell,	Whiting,
Cochran,	Heard,	Milliken,	Wilson, Wash.
Cogswell,	Heiner,	Money,	Wilson, W. Va.
Compton,	Henderson, Iowa	Moon,	Wright, Mass.
Coombs,	Hendrix,	Newlands,	Wright, Pa.
Cooper, Wis.	Hermann,	Northway,	

The SPEAKER. The doors will now be closed and the Clerk will call the names of members who failed to respond on the first call.

Mr. HARTMAN. Mr. Speaker, I desire to have the gentleman from Minnesota, Mr. McCLEARY, excused. He left the House ill about an hour ago.

There was no objection, and it was so ordered.

Mr. TAWNEY (when the name of Mr. KIEFER was called). Mr. Speaker, I ask that my colleague [Mr. KIEFER] be excused. He has been called away from the city by a telegram.

The SPEAKER. If there be no objection, the gentleman will be excused for this day's session.

There was no objection, and it was so ordered.

The SPEAKER. Upon this call 249 gentlemen have answered to their names.

Mr. PATTERSON. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without leave of the House. This order shall continue in force beyond the adjournment of the session of to-day, and until the further order of the House. The Sergeant-at-Arms is directed to employ a sufficient number of deputies to execute this order, and to take into custody such absentees wherever they may be found, and all leaves of absence, except for sickness, are hereby revoked.

Mr. PATTERSON. Upon that I demand the previous question.

Mr. REED. Is that in order, Mr. Speaker?

The SPEAKER. It is.

The question being taken on ordering the previous question, the Speaker declared that the ayes seemed to have it.

Mr. REED. I ask for a division.

Mr. PATTERSON demanded the yeas and nays, but subsequently withdrew the demand.

The House divided on ordering the previous question; and there were—ayes 104, noes 3.

Mr. REED. There is no quorum, Mr. Speaker.

The SPEAKER. A quorum is not required.

Mr. REED. Will the Chair hear me a moment on that point?

The SPEAKER. The Chair will hear the gentleman if he desires to discuss a question that has been repeatedly decided.

Mr. REED. This resolution contains four propositions——

The SPEAKER. All looking to the obtaining of a quorum.

Mr. REED. Precisely; but it also continues from day to day. Now, it must take a quorum of the House to do that, because our rules do not in any way provide for anything except the obtaining of a quorum by this method, while the proposition here is to continue the order from day to day. I respectfully submit to the Chair that nothing but a quorum of the House can make an order of that kind.

The SPEAKER. The question is not new. Under the Constitution and the rules of the House, fifteen members with the Speaker, if there be one, may compel the attendance of absent members; and in the absence of a quorum nothing can be done except to adjourn or to adopt measures relating to obtaining a quorum. The proposition of the gentleman from Maine is that less than a quorum can not continue from day to day an order for the arrest of absent members. The practical effect of that suggestion, if it were adopted, would be that the members who might be here, constituting less than a quorum—fifteen or eighteen or twenty perhaps—would be forced to stay in session (because they could not take a recess) if they desired to obtain the attendance of absentees; until such absentees were brought in, and if any of such absentees lived, for instance, in California or Texas, the members engaged here in the endeavor to obtain a quorum would be obliged to remain in session continuously four, five, six, seven, or eight days and nights until the Sergeant-at-Arms should return with the members who had been absent.

A recess can not be taken under such circumstances; and if by reason of an adjournment the proceeding to secure the attendance of absentees falls, then the House would be utterly powerless to secure the presence of a quorum. The Chair submits that it has been repeatedly held in the history of the House that no such absurd contention as that could be right or ought to be enforced. [Applause.] On the contrary, it has been uniformly held that the House in the absence of a quorum may do anything looking to obtaining a quorum. The present proposition is nothing more than a revocation of leaves of absence and an effort to compel the attendance of absent members by ordering the Sergeant-at-Arms to arrest them, it being further provided that the proceeding shall not fall by reason of an adjournment. It seems to the Chair that this resolution suggests the only practical method of obtaining the presence of a quorum.

Mr. GROSVENOR. If the previous question is ordered on this resolution, will it be debatable?

The SPEAKER. Under the rules, a proposition upon which the previous question has been ordered is open to debate for fifteen minutes on each side after the ordering of the previous question, if there has been no debate prior thereto. The Chair does not now see any reason why the ordinary rule would not apply here. There may be some reason to the contrary, but it does not occur to the Chair now.

Mr. REED. I ask for tellers.

The SPEAKER. The Chair had determined some time ago that the ayes had it.

Mr. REED. I ask for tellers. I made, in the first place, the point that there was no quorum; the Chair decided that a quorum was not necessary. I now ask for tellers on the count.

The SPEAKER. In the opinion of the Chair, the demand comes too late.

Mr. REED. If the Chair will reflect a moment, I think it will clearly appear that I am not too late.

The SPEAKER. The Chair will hear the gentleman. The Chair is inclined to adopt a liberal ruling. As the gentleman seems to think that he has a right to make the demand for tellers, the Chair will hear him in behalf of that proposition.

Mr. REED. I am quite sure the Chair upon reflection will perceive that I had two rights. One was to make the point that there was no quorum; and then I had also the right to call for tellers upon the count. If I had in the first instance called for tellers on the count I would have waived my point of no quorum, because the point of no quorum must be made at once; but by having made that point, I can not be held to have waived my other right—the right to call for tellers. The question is now upon the count. On that I ask for tellers. The Chair will see, I think, that if I had demanded yeas and nays that demand would have been recognized; and the demand for tellers is also within my right, provided the demand is sustained by one-fifth of a quorum. The Chair will perceive that the suggestion which would deny my right to tellers would on the same ground prevent me from demanding the yeas and nays, which certainly can not be maintained.

The SPEAKER. The Chair thinks the gentleman from Maine is right about this matter. The question is on the demand for tellers.

Tellers were ordered: and Mr. PATTERSON and Mr. REED were appointed.

The House divided; and the tellers reported—ayes 136, noes 14.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 2, not voting 186; as follows:

YEAS—164.

Abbott,	Burnes,	De Armond,	Griffin,
Alexander,	Bynum,	De Forest,	Haines,
Bailey,	Cadmus,	Denson,	Hall, Minn.
Baker, Kans.	Caminetti,	Dinsmore,	Hall, Mo.
Baldwin,	Cannon, Cal.	Dockery,	Hammond,
Bankhead,	Capehart,	Donovan,	Hare,
Bartlett,	Catchings,	Dunn,	Hatch,
Barwig,	Clancy,	Dunphy,	Hayes,
Bell, Colo.	Clark, Mo.	Durborow,	Henderson, N. C.
Bell, Tex.	Clarke, Ala.	Edmunds,	Hendrix,
Black, Ga.	Cobb, Ala.	Enloe,	Hines,
Bland,	Cockrell,	Epes,	Hooker, Miss.
Boatner,	Coffeen,	Erdman,	Hudson,
Boen,	Conn,	Everett,	Hunter,
Bower, N. C.	Cooper, Fla.	Fielder,	Hutcheson,
Branch,	Cooper, Ind.	Geary,	Jones,
Breckinridge, Ark	Cooper, Tex.	Geissenhainer,	Kem,
Bretz,	Covert,	Goldzier,	Kilgore,
Brickner,	Cox,	Gorman,	Kribbs,
Brookshire,	Crawford,	Grady,	Kyle,
Bryan,	Davis,	Gresham,	Lane,

Lapham,	McRae.	Rayner,	Talbert, S. C.
Latimer,	Meredith,	Richards, Ohio	Talbott, Md.
Lawson,	Meyer,	Richardson, Mich.	Tate.
Layton,	Money,	Richardson, Tenn.	Taylor, Ind.
Lester,	Montgomery,	Ritchie,	Terry,
Lockwood,	Morgan,	Robbins,	Tucker,
Lynch,	Moses,	Robertson, La.	Turner, Ga.
Maguire,	Mutchler,	Rusk,	Turner, Va.
Mallory,	Neill,	Russell, Ga.	Turpin,
Marshall,	Oates,	Ryan,	Tyler,
McAleer,	O'Neil.	Sayers,	Warner,
McCreary, Ky.	Outhwaite,	Schermerhorn,	Washington,
McCulloch,	Page,	Shell,	Weadock,
McDearmon,	Paschal,	Sibley,	Wells,
McEttrick,	Patterson,	Springer,	Wheeler, Ala.
McKaig,	Paynter,	Stallings,	Williams, Ill.
McKeighan,	Pearson,	Stockdale,	Williams, Miss.
McLaurin,	Pendleton, Tex.	Stone, Ky.	Wise,
McMillin,	Pendleton, W. Va.	Strait,	Wolverton,
McNagny,	Pigott,	Swanson,	Woodard.

NAYS—2.

Cobb, Mo.	English.

NOT VOTING—186.

Adams, Ky.	Curtis, Kans.	Hulick,	Reilly,
Adams, Pa.	Curtis, N. Y.	Hull.	Reyburn,
Aitken,	Dalzell,	Ikirt,	Robinson, Pa.
Alderson,	Daniels,	Johnson, Ind.	Russell, Conn.
Aldrich,	Davey,	Johnson, N. Dak.	Scranton,
Allen,	Dingley,	Johnson, Ohio	Settle,
Apsley,	Dolliver,	Joy,	Shaw,
Arnold,	Doolittle,	Kiefer,	Sherman,
Avery,	Draper,	Lacey,	Sickles,
Babcock,	Ellis, Ky.	Lefever,	Simpson,
Baker, N. H.	Ellis, Oregon,	Linton,	Sipe,
Barnes,	Fithian,	Lisle,	Smith,
Bartholdt,	Fletcher,	Livingston,	Snodgrass,
Belden,	Forman,	Loud,	Somers,
Beltzhoover,	Funk,	Loudenslager,	Sperry,
Berry,	Funston,	Lucas,	Stephenson,
Bingham,	Fyan,	Maddox,	Stevens,
Black, Ill.	Gardner,	Magner,	Stone, C. W.
Blair,	Gear,	Mahon,	Stone, W. A.
Boutelle,	Gillet, N. Y.	Marsh,	Storer,
Bowers, Cal.	Gillett, Mass.	Martin, Ind.	Straus,
Brattan,	Goodnight,	Marvin, N. Y.	Strong,
Breckinridge, Ky.	Graham,	McCall,	Sweet,
Broderick,	Grosvenor,	McCleary, Minn.	Tarsney,
Brosius,	Grout,	McDannold,	Tawney,
Brown,	Grow,	McDowell,	Taylor, Tenn.
Bundy,	Hager,	McGann,	Thomas,
Bunn,	Hainer,	Meiklejohn,	Tracey,
Burrows,	Harmer,	Mercer,	Updegraff,
Cabaniss,	Harris,	Milliken,	Van Voorhis, N. Y.
Caldwell,	Harter,	Moon,	Van Voorhis, Ohio
Campbell,	Hartman,	Morse,	Wadsworth,
Cannon, Ill.	Haugen,	Murray,	Walker,
Caruth,	Heard,	Newlands,	Wanger,
Causey,	Heiner,	Northway,	Waugh,
Chickering,	Henderson, Ill.	Payne,	Wever,
Childs,	Henderson, Iowa	Pence,	Wheeler, Ill.
Cockran,	Hepburn,	Perkins,	White,
Cogswell,	Hermann,	Phillips,	Whiting,
Compton,	Hicks,	Pickler,	Wilson, Ohio
Coombs,	Hilborn,	Post,	Wilson, Wash.
Cooper, Wis.	Hitt,	Powers,	Wilson, W. Va.
Cornish,	Holman,	Price,	Woomer,
Cousins,	Hooker, N. Y.	Quigg,	Wright, Mass.
Crain,	Hopkins, Ill.	Randall,	Wright, Pa.
Culberson,	Hopkins, Pa.	Ray,	
Cummings,	Houk,	Reed.	

So the previous question was ordered.

Mr. BRETZ. Mr. Speaker, I desire to ask that my colleague, Mr. MARTIN, be excused on account of sickness.

There was no objection.

The SPEAKER *pro tempore* (Mr. STONE of Kentucky). On this question the yeas are 164, nays 2. No quorum has voted.

Mr. PATTERSON. It does not require a quorum, Mr. Speaker; this is a proceeding under the call of the House.

The SPEAKER *pro tempore*. The Chair stands corrected. The previous question is ordered, and under the rules of the House thirty minutes are allowed for debate, fifteen minutes on each side. The Chair will recognize the gentleman from Maine [Mr. REED] to control one-half of the time, and the gentleman from Tennessee [Mr. PATTERSON] the other half.

Mr. PATTERSON. I ask for a vote on the resolution unless some gentleman desires to debate it.

Mr. REED. I yield five or ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, I want to appeal to the gentleman having in charge the performance on this occasion, to withdraw this piece from the stage, and proceed to some other business of some importance to the people of this country.

In the first place I want to point out to the other side that, in my judgment, there can be no greater invasion of the rights of a member of this House than that which is embodied in the resolution now pending before it and which we are asked to adopt. There is no greater breach of good faith, no more distinct and unqualified repudiation of all that is due between gentlemen, than the attempt to adopt and enforce such a resolution as that now before us, and offered for a purpose to which I will address myself very briefly.

The members of this House—and we may as well accept it, for we all understand that as a matter of fact a great many members of Congress are compelled, on occasions, to leave Washington City and go somewhere else throughout the country on matters of importance to themselves or their constituents. I can say to some gentlemen on the other side that during the ensuing ninety days a good many of them will have important business, and business of such importance that I do not think they can satisfactorily adjust it even if they left here now, went to their homes, and devoted the whole of the intervening time to its settlement. [Laughter and applause on the Republican side.]

Now, what is the proposition? A member of Congress respectfully asks leave of absence of this body for a given number of days, upon the ground of important business. It is granted to him by the unanimous consent of this body, and trusting to that good faith and that unanimous consent of the House, he takes the train and goes to a distant State. Suddenly, and without any notice to him, he finds that all leaves of absence are revoked, and that the Sergeant-at-Arms, or his deputy, has been ordered to take him into custody and bring him before the bar of the House. Why, we do not treat the commonest criminals in that way.

Mr. HOPKINS of Illinois. Even out in Ohio.

Mr. GROSVENOR. Neither in Ohio nor anywhere else. It is simply a breach of good faith on the part of the House, and a decided breach of good manners. Now, I do hope that such a resolution will not be adopted.

But what do we find in connection with the present proceedings? I call the attention of the gentlemen on the other side of the House to the fact that on yesterday 27 Democrats—and that is something which seldom occurs in this House—voted against the report of the majority of their Committee on Elections. Why did they do it? They did it because they knew, and the country knows, and there are not ten men in the House that do not know, that the adoption of that majority report is a crime against the elective franchise of this country. It is simply an overriding and disregard of the expressed opinions of the voters of the Congressional district from which these gentlemen come.

Can we go before the people of the United States and say to them that we have turned out a member of Congress, and in doing so have taken 937 ballots, absolutely proper in form, cast under a law about which there is no controversy, and simply because certain initials of the judges of election were not placed on them—a mere technical informality—we have concluded to set aside the wishes of the voters and elect another man who was not only repudiated by the political majority of his district, but was repudiated by a personal failure of himself in the contest? And to bring this about what have we before us? For the purpose of doing what the Committee on Elections has suggested they are endeavoring to force the Democratic majority of the House to do that which they are reluctant to do. For the gentleman in charge of this measure can not deny that there is a manifest reluctance on the part of his side of the House to commit this outrage upon the people of this country.

The gentleman from Maine [Mr. REED], when he stated on yesterday that he would not consent to believe that that side of the House would do this thing until he heard the vote announced, was not very far wrong in his estimate of the sentiment on the Democratic side of the House on the question; for when the vote was called last night a number of gentlemen were absent who might as well have been present, and 27 of the number voted against the report of the majority of the committee.

Several MEMBERS. And three from his own State.

Mr. GROSVENOR. And three Democrats from the State of Missouri, with a full knowledge of the law of that State, very much to the mortification, no doubt, of the gentleman from Indiana [Mr. BROWN], who has suddenly become such a pronounced advocate of the enforcement of the law, the technical pound of flesh, against the expressed will of the people—three distinguished gentlemen from Missouri have voted against his report, showing that they know something about the law of Missouri, something about the spirit of that law, and something about the effect that this sort of transaction will have.

Mr. BROWN. Will my friend from Ohio tell me how many gentlemen from Missouri voted in favor of the report?

Mr. GROSVENOR. I have no doubt the gentleman from Indiana [Mr. BROWN] found with himself a majority of the Missouri delegation. There is a strong pressure in favor of the report of the majority, but the significant vote of gentlemen from that State I point to as showing that these gentlemen know something about the law of Missouri, and that the particular argument of the gentleman from Indiana [Mr. BROWN] did not weigh with them. What effect it may have had upon the judgment of the other members from Missouri I am not here to say.

I know nothing about it; nor do I impugn the motives of those gentlemen.

Mr. BROWN. Will my friend allow me——

Mr. GROSVENOR. The gentleman has time of his own, and a voice of his own also.

Mr. BROWN. No; I have no time.

Mr. GROSVENOR. In order to perpetrate this outrage, in order to do all this, the public business of the country is suspended. The Treasury is almost empty, and the President is appealing here again for more bonds to carry on the Government, and when that is the case we stand here occupying the time of the House, occupying the time of the country, and spending the money of the country, for the purpose of doing that which, I repeat and close by saying, is a complete repudiation of every principle of elective government in this country.

Mr. PATTERSON. Mr. Speaker, in reply to the gentleman from Ohio [Mr. GROSVENOR] I will say that if I should go anywhere to learn good manners, I should not consult the gentleman who has just taken his seat.

Now, the resolution which has been offered, and which is now under consideration, is precisely the resolution which was adopted a few days ago by this House. Therefore I shall not comment further upon the substance of the resolution; but I desire to say a few words in reply to the gentleman from Ohio [Mr. GROSVENOR], to the Democratic side of this House, in respect to the main question.

There is, Mr. Speaker, a principle involved in this controversy which at least ought to be dear to every Democratic heart. Only a few weeks ago we repealed what were known as the election laws. Now, there are two ideas prevalent in this House. One idea is that this House is the exclusive judge of the elections and qualifications of its own members, and that it is not bound by the statutes of the States, or by the decisions of the States construing their statutes. There is another idea, and it is the Democratic idea, and that is that the matter of the election of members of Congress is peculiarly within the jurisdiction of the several States: that they have the right to say who shall exercise the franchise: that they have the right to throw such safeguards around the ballot and the franchise as they may think proper in the exercise of their sovereignty.

Now, the simple question presented to this House is this: The State of Missouri has enacted a law. It is a mandatory law in respect to elections in that State; and the only question to be determined is, whether this Democratic House will stand by Democratic precedents, whether it will stand by a cardinal doctrine of Democracy, to the effect that the States have the right to regulate elections, that the States are supreme in enacting election laws which not only govern their own people, but govern Congress in construing them. That is the question. Now, the gentleman from Ohio [Mr. GROSVENOR] goes on and argues this case on its merits. The report of the majority of the committee does not touch the facts of this case, and I said distinctly on yesterday that the majority of the committee did not do it, because the legal question was so perfectly satisfactory to the majority, and it must be so perfectly satisfactory to every lawyer, at least to every Democratic lawyer, that it was unnecessary to go into the voluminous record of facts. But I have examined the facts.

Other members of the committee have done so, and I desire to say to my Democratic friends that in my humble judgment John J. O'Neill received a majority of the legal votes cast at that election, but independent of that, the sovereign State of Missouri has enacted this statute. It has solemnly declared upon its statute books that, unless these ballots are initialed or the signatures of the distributing judges are signed on the backs of the ballots, they are not legal ballots; that they should not be received and put into the ballot box. That is a plain mandatory statute.

Mr. LACEY. I should like to ask the gentleman a question.

Mr. PATTERSON. I can not yield. I desire to impress upon you that this plain mandatory statute enacted by the sovereign State of Missouri is, in my humble judgment, binding upon the American Congress; and if it is binding upon the American Congress, there is no other alternative but to seat John J. O'Neill. [Applause on the Democratic side.]

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes.

Mr. PATTERSON. I reserve the balance of my time.

Mr. REED. How much time have I, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman from Tennessee has ten minutes remaining.

Mr. PATTERSON. I have ten minutes remaining.

Mr. REED. Perhaps some other gentleman would like to speak on your side?

Mr. PATTERSON. No; go ahead.

Mr. LACEY. Perhaps the gentleman will answer a question right now in his own time?

Mr. PATTERSON. Answer it in your own time.

Mr. LACEY. You have plenty of time.

Mr. BROWN. I object.

Mr. REED. How much time have I, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has five minutes.

Mr. REED. Mr. Speaker, I am quite satisfied with the conduct of the gentleman from Tennessee [Mr. PATTERSON] in addressing his remarks entirely to his side of the House. It showed the appreciation on his part and others of precisely where the difficulty is. The difficulty which confronts us is really upon the other side. Since the foundation of this Government there has never been any occasion to pass any general statute, as it were, allowing the Sergeant-at-Arms to have control and command of the members. The exigency must be very great which causes that to be done. But I am not one of those who criticise the measures which gentlemen seem to think necessary to compel the action of their own friends. Doubtless they know them better than I possibly could.

The Speaker has decided that less than a quorum can compel the attendance of members of this House, notwithstanding any adjournment of the House; and when I ventured to raise the point on his action, in language which I thought was not chosen, he regarded my objection as absurd, because, he says, if you keep this House in session until you can get a man from California it is an absurdity to say that, and also that you can not adjourn; while, at the same time, he is not in the least penetrated by the absurdity of going 3,000 miles, to California, and getting a man and bringing him here, and then being powerless to count him after you have got him here. [Laughter and loud applause on the Republican side.]

Then I beg leave to make one other suggestion, not as to the general situation, due to the other side, but as to this particular situation, which is also due to them. I can give them no praise for their conduct upon the general conduct of affairs; but I do give them unstinted praise, some of them, for their conduct in this particular affair. It is a fine sense of propriety which causes them to refuse to give a quorum which is necessary for the perpetration of the outrage which the gentleman from Tennessee [Mr. PATTERSON] has so aptly described—a refusal to allow a member of this House a seat here who has the certificate of the "sovereign" State of Missouri. [Laughter and applause.] He has added new dignity to that outrage. I think it was no small outrage to deprive the citizens of Missouri of their votes, honestly cast, and the intention of whom can not for an instant be disputed; but it seems that it is more than that. It is not only the rights of 900 citizens of the State of Missouri that have been violated, but it is the rights of that "sovereign" State. [Laughter.] I wish I could give to the word "sovereign" State the dignity and magnificence with which it fills the mouth of a Southern gentleman while he is trying to perpetrate some outrage upon the Union. [Laughter and loud applause on the Republican side.]

I reserve the balance of my time.

The Speaker, on rising, was greeted with loud applause on the Democratic side.

Mr. CRISP. I have no purpose, Mr. Speaker, of entering into a controversy with the gentleman from Maine [Mr. REED] as to any ruling I have made. I have no purpose to urge that side of the House to the discharge of their duties as Representatives of the people.

Mr. MILLIKEN. You do not need to do that. We will do that without other intervention.

Mr. CRISP. Often have I heard the gentleman from Maine [Mr. REED] and other distinguished gentlemen on that side of the House talk about the iniquity, the absolute outrage of members of the House who were present sitting in their seats and refusing to vote when their names were called. We have been denounced time and time again for doing that.

Mr. REED. Oh, no; I counted you. [Laughter on the Republican side.]

Mr. CRISP. Yes, when the gentleman from Maine had by his course of conduct in the chair put his party in a position where they either had to vindicate his action or denounce him, they sustained his action in counting a quorum. [Loud applause on the Democratic side.] And the gentleman knows as well as he sits in that chair that prior to that time he never could get a Republican caucus to authorize a rule to count a quorum.

Mr. REED. I never tried.

Mr. CRISP. Ah, the matter was up. Of course I was not in the caucus, but that is history. However, I do not care to dwell upon that. The gentleman from Maine is known to the country as having a hobby, and gentlemen on that side blindly follow him, no matter how their own convictions may differ from his.

He is the great leader on that side. You will hear them privately saying "REED ought not to do that," or "This is wrong," but when REED says "Do it" they all step up and do it. [Laughter and applause on the Democratic side.] In this case which is pending the Committee on Elections had made an agreement to have six hours' debate, and thereafter when the matter was called up the member of the Committee on Elections who had previously been raising the question of consideration sat silent in his seat. Prior to that the gentleman from Indiana [Mr. WAUGH], a member of the minority of the committee, whenever the case was called up, had raised the question of consideration, but on that occasion he did not raise it; the gentleman from Maine, the chief supervisor of all that side, raised the question of consideration on the case.

Mr. BOUTELLE. What you want is a chief supervisor on your side, and then you can get your men here. [Laughter.]

Mr. CRISP. What we possess, and what you want, is independence of thought and purpose. [Applause on the Democratic side.] There never has been a chief supervisor on this side who could wave his hand and have everyone do as he directed; the very fact that gentlemen on this side vote against the report of the Committee on Elections is evidence of what I say, that members over here follow the dictates of their own consciences.

Mr. BOUTELLE. I suggest that you will hear from the chief supervisor of your side when you have that message which is on the desk read. [Laughter.]

Mr. CRISP. I suppose the gentleman's remark was wise and witty; I did not hear it. But now I want to say a word to this side of the House. As I said a moment ago, we can do nothing with those gentlemen over there. [Laughter.] The leader that they follow without question has one great thought, one great idea in his mind, and that is to force this side to count a quorum. [Laughter and applause on the Democratic side.] Every other question, no matter how great, no matter how important it may be, sinks into insignificance. With that gentleman the great point is that this side shall be forced to count a quorum, and he is in a position where every single member on that side feels bound to follow him. No; I take that back. There are one or two exceptions; but the gentleman from Maine is in a position where nearly every gentleman on that side, without regard to any other considerations, obeys his behest in respect to voting or not voting.

Now, I want to remind this side of the House—for that is my main concern—that we are responsible for the business of the House. We are not responsible for gentlemen on the other side failing to discharge their duty. They sit here day after day and refuse to vote, and do all they can to embarrass this side. Not only on election cases, but on every kind of question that arises, they seek to embarrass us by refusing to do their duty as members of the House. There is a mistake in the public mind as to the condition here with relation to a quorum. You hear people saying that the Democrats have 80 or 90 majority, and the inference is drawn that we have that number more than a quorum, but of course we have not. There are only about thirty-five Democrats more than a quorum in the membership of this House. Four or five of our members are absent because of sickness; six are absent in accordance with an order of the House attending a funeral. So that we are compelled to keep here nearly all the time almost all of our membership to meet the situation which is forced upon us.

Now, what I want to suggest to members on this side is, that the most important duty of a man who accepts the trust of a member of Congress is to come to this Hall at the daily hour of meeting and to stay here until the House adjourns; and if some particular constituent desires an office and the member has an engagement with somebody to aid that constituent in getting that office, let him recollect that all his constituents are concerned in his presence here. [Applause on the Democratic side.]

I am not discussing the merits of this contested-election case. That is not the real question here. The real question is beyond that. It is as to the power of the majority of this House to conduct its business. Every single member of the majority ought to feel responsible for that. Every single Democrat ought to vote on every proposition whether he opposes it or favors it. [Applause on the Democratic side.] If he opposes it, let him exercise the time-honored Democratic right of voting against it, but let him not aid and assist gentlemen on the other side who are seeking in every possible way to embarrass the majority here.

If members on this side of the House—the Democrats of this body—will attend the sessions of the House there will be no difficulty. My friend from Ohio [Mr. GROSVENOR] complains of the hardship of revoking leaves of absence. Who is responsible for that? Why, sir, in the ordinary course of events we might allow fifty, sixty, or seventy gentlemen to be absent and still have amply enough members left to transact business, provided gentlemen on the other side are to be counted—I mean relied on to take part. [A laugh on the Republican side.] Ah, "still harping on my daughter." [Laughter on the Democratic side.]

But that is not the question. These leaves of absence are granted on the assumption that gentlemen who are present will participate in the business of the House. When by their action in failing to participate they leave this side without a quorum, I submit to my friend from Ohio that if there be any discourtesy, any want of such treatment as one gentleman should extend to another, the gentleman and his friends who refuse to vote and who thus break a quorum are responsible—not this side, who must go on with the business of the House. [Applause on the Democratic side.]

All that I care to say is what I have said. I desired to make this appeal to members on this side of the House to rely upon themselves and their brother Democrats, and to announce what they must realize from their experience during this Congress that in no case can we rely on the other side of the House to aid in transacting in an orderly manner the public business which we have been sent here to dispose of. [Loud applause on the Democratic side.]

Mr. REED. Mr. Speaker, how much time have I?

The SPEAKER *pro tempore* (Mr. STONE of Kentucky). The gentleman has no time left. [Laughter and applause on the Democratic side.] [Cries of "Vote!" "Vote!"]

Mr. REED. The gentleman from Ohio had five minutes; and I spoke but five minutes.

The SPEAKER *pro tempore*. The gentleman from Ohio spoke ten minutes by authority of the gentleman from Maine.

Mr. REED. He did not consume ten minutes?

The SPEAKER *pro tempore*. He consumed ten minutes, and the gentleman from Maine five minutes.

Mr. REED. I think it was judicious to put these remarks of the gentleman from Georgia into the last ten minutes. The House will understand that I have no opportunity to reply.

The SPEAKER *pro tempore*. The question is upon the adoption of the resolution.

Mr. REED. I ask unanimous consent to address the House for five minutes.

[Cries of "Oh, no!"]

The SPEAKER *pro tempore*. The gentleman from Maine asks unanimous consent to address the House for five minutes.

Mr. NEILL and Mr. O'NEIL objected.

The SPEAKER *pro tempore*. Gentlemen will resume their seats. The House will be in order.

Mr. REED. I desire a division of this question—the first division to end with the word "House;" the second to end with the word "found," and the third to end with the word "revoked."

Mr. SPRINGER. Let the proposition be read.

Mr. REED. I call for the reading of the first proposition.

The SPEAKER *pro tempore*. The Clerk will read the pending resolution.

The resolution was again read.

Mr. REED. I call for a division of the question.

Mr. SPRINGER. I make the point of order that this proposition is not divisible.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Illinois [Mr. SPRINGER] on that question.

Mr. SPRINGER. My point is that this is a single proposition for revoking leaves of absence and sending for absentees. No part of it is complete without the other parts; and therefore it must stand as a single proposition. If you adopt any one of these clauses alone it would have no effect—would accomplish nothing. The whole resolution or order is necessary to accomplish the desire of the House. It does not embrace several separate and independent propositions; the different clauses constitute one proposition, and need not even have a period between them; a comma would be sufficient.

The SPEAKER *pro tempore*. Does the gentleman from Maine desire to be heard?

Mr. REED. I do, unless the Chair is of my opinion and does not care to hear me.

The SPEAKER *pro tempore*. The Chair is ready to rule unless the gentleman from Maine wants to be heard.

Mr. REED. I wish to call attention to the sixth paragraph of Rule XVI:

> On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

Each of the propositions I have indicated is a distinct and substantive proposition, and would be effectual if the others were taken away. I hardly know how to argue this question, it seems so entirely plain and simple. "Ordered" is the enacting word.

The first clause is:

That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without leave of the House. This order shall continue in force beyond the adjournment of the session of to-day and until the further order of the House.

I think that probably might be said to contain two propositions; but I desire to be entirely safe, because I know that the rulings are sometimes strict.

The Sergeant-at-Arms is directed to employ a sufficient number of deputies to execute this order, and to take into custody such absentees wherever they may be found.

That is a substantive and distinct proposition.

And all leaves of absence, except for sickness, are hereby revoked.

That is another substantive proposition.

Mr. SPRINGER. My understanding, Mr. Speaker, of a substantive proposition is one that will stand by itself and make sense by itself. Now, if you adopt this last order and reject the others, as the House might do, it would make no sense at all. If you begin to adopt them separately, every gentleman knows that you might succeed in producing only confusion out of an order that is in itself clear, explicit, and complete. So you must adopt the whole, taking all of the proposition as one. It means one thing, namely, to secure the presence of the members of the House for the transaction of the public business.

Mr. REED. This is a very simple proposition; there can be no question about it.

Mr. SPRINGER. But what would it mean if you adopted only the last provision?

Mr. REED. Why, it would mean that all leaves of absence are revoked. That has been repeatedly done.

Mr. SPRINGER. But take the last proposition and read it.

Mr. REED. Very well:

And all leaves of absence, except for sickness, are hereby revoked.

Mr. SPRINGER. That is the last paragraph?

Mr. REED. That is it.

Mr. SPRINGER. What is the second?

Mr. REED. It is:

The Sergeant-at-Arms is directed to employ a sufficient number of deputies to execute this order and to take into custody such absentees wherever they may be found.

Mr. SPRINGER. What does that mean?

Mr. REED. That he is ordered by the House to take enough people to arrest and hold in custody and bring before the bar of the House the members who are absent without leave.

Mr. SPRINGER. But suppose you do not adopt the first part of the resolution?

Mr. REED. Then he would still have the right to take into custody all absent members.

The SPEAKER *pro tempore*. The Chair is ready to rule upon the question.

This is a proposition to compel the attendance of all absent members, those in the city as well as out of it, and the Chair sustains the point of order made by the gentleman from Illinois [Mr. SPRINGER] that the question is not divisible.

The question now is on the adoption of the resolution as a whole.

Mr. PAYNE. I appeal from the decision of the Chair.

[Cries of "Too late!"]

Mr. REED. Not at all. It was not possible to make the appeal before now.

Mr. PAYNE. The question has not been put, and I had the right to make the appeal.

The SPEAKER *pro tempore*. The question on the adoption of the resolution had been stated, but not submitted to the House.

Mr. REED. And pending that the appeal was taken.

The SPEAKER *pro tempore*. The Chair stated that there had been no vote taken on the pending question, and he thinks the gentleman from New York was in time.

The gentleman from New York appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. SPRINGER. I move to lay the appeal on the table.

The SPEAKER *pro tempore* (putting the question). All who believe that the decision of the Chair should stand as the judgment of the House say "aye."

Mr. BROWN. I rise to a parliamentary inquiry. I understand the question before the House is whether the appeal shall be laid on the table.

The SPEAKER *pro tempore*. No; the pending question on the appeal is whether or not the decision of the Chair shall stand as the judgment of the House.

Mr. SPRINGER. But I have moved to lay the appeal on the table.

Mr. PAYNE. How can the gentleman do that when we are proceeding to divide on the question of sustaining the decision of the Chair?

Mr. BROWN. Because the motion was made before that vote was taken.

The SPEAKER *pro tempore*. The gentleman from Illinois made the motion before the House began to divide.

Mr. PAYNE. But the Chair did not recognize the gentleman from Illinois, but proceeded to put the question on sustaining the decision.

The SPEAKER *pro tempore*. The Chair would have put the question if the gentleman from New York had not interrupted him.

Mr. PAYNE. It is too late now.

The SPEAKER *pro tempore*. The Chair decides that it is not too late, because the division has not commenced. The question is upon the motion to lay the appeal on the table.

Mr. PAYNE. But the question had been taken, and the Chair announced that the ayes seemed to have it, and I had called for a division.

The SPEAKER *pro tempore*. As many as favor laying the appeal on the table will say "aye;" those opposed, "no."

The question was taken; and the Speaker *pro tempore* announced that the "ayes" seemed to have it.

Mr. PAYNE. Division.

The House divided; and there were—ayes 156, noes none.

Mr. REED and Mr. PAYNE demanded tellers.

Mr. PATTERSON. Yeas and nays.

The yeas and nays were ordered.

Mr. PAYNE. I move that the House do now adjourn.

The question was taken on the motion to adjourn, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. PAYNE. Division.

The House divided; and there were—ayes 78, noes 161.

Mr. PAYNE. Tellers, Mr. Speaker.

Mr. PATTERSON. Yeas and nays, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. PATTERSON] demands the yeas and nays. As many as favor ordering the yeas and nays will rise and be counted. Evidently a sufficient number, and the yeas and nays are ordered.

Mr. PAYNE. I demand tellers on the yeas and nays. [Cries of "Too late!"]

Mr. PATTERSON. That demand comes too late. The Chair has announced the result.

Mr. PAYNE. Of course the Chair had announced the result. I could not make the demand for tellers until the Chair announced the result.

The SPEAKER *pro tempore*. The roll call had not commenced.

Mr. SPRINGER. Tellers on the yeas and nays are never called for when the yeas and nays are ordered, but only when they are refused.

The SPEAKER *pro tempore*. The Chair announced that the yeas and nays were ordered

Mr. PAYNE. I could not demand tellers until the Chair made that announcement.

The SPEAKER *pro tempore*. We are required to take the vote by yeas and nays when one-fifth of those present vote in favor of taking the question by yeas and nays.

Mr. PAYNE. But I have the right to have two members count those who favor ordering the yeas and nays, as they pass between the tellers, to see whether one-fifth of those present demand the yeas and nays, and I made my demand immediately upon the announcement by the Speaker *pro tempore* that a sufficient number had evidently risen. I have a right to have the count made by two members of the House. I have already made this demand during this session when the Speaker of the House was in the chair, and he has recognized it and was compelled to appoint tellers.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. PAYNE] demands tellers upon the yeas and nays. The gentleman from New York [Mr. PAYNE] and the gentleman from Tennessee [Mr. PATTERSON] will take their places. All those in favor of ordering the yeas and nays will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 131, noes 6.

The SPEAKER. The tellers report that 131 gentlemen second the demand for the yeas and nays, and that 6 oppose it. The yeas and nays are ordered. The question is on the motion that the House do now adjourn.

The question was taken; and there were—yeas 68, nays 175, not voting 109; as follows:

YEAS—68.

Adams, Ky.	Baker, N. H.	Boutelle,	Cannon, Ill.
Adams, Pa.	Bartholdt,	Broderick	Chickering,
Aitken,	Belden,	Brosius,	Cousins,
Avery,	Blair,	Bundy,	Curtis, N. Y.

Daniels,	Hepburn,	Marvin, N. Y.	Smith,
Doolittle,	Hermann,	Meiklejohn,	Stephenson,
Draper,	Hicks,	Mercer,	Stone, C. W.
Ellis, Oregon	Hilborn,	Moras,	Sweet,
Funk,	Hitt,	Murray,	Tawney,
Gardner,	Hopkins, Pa.	Payne,	Thomas,
Gear,	Hulick,	Perkins,	Updegraff,
Gillett, Mass.	Hull,	Post,	VanVoorhis, Ohio
Grosvenor,	Johnson, N. Dak.	Quigg,	Wever,
Grow,	Joy,	Reed,	Wheeler, Ill.
Hager,	Lacey,	Reyburn,	White,
Hainer,	Loudenslager,	Russell, Conn.	Wilson, Ohio
Harmer,	Mahon,	Shaw,	Woomer.

NAYS—175.

Abbott,	Crain,	Kilgore,	Price,
Alexander,	Crawford,	Kribbs,	Rayner,
Bailey,	Culberson,	Kyle,	Reilly,
Baker, Kans.	Cummings,	Lane,	Richards, Ohio
Baldwin,	Davis,	Lapham,	Richardson, Mich.
Bankhead,	De Armond,	Latimer,	Richardson, Tenn.
Bartlett,	De Forest,	Lawson,	Ritchie,
Barwig,	Denson,	Layton,	Robbins,
Bell, Colo.	Dinsmore,	Lester,	Robertson, La.
Bell, Tex.	Dockery,	Lockwood,	Russell, Ga.
Black, Ga.	Donovan,	Lynch,	Ryan,
Boatner,	Dunn,	Maguire,	Sayers,
Boen,	Dunphy,	Mallory,	Schermerhorn,
Bower, N. C.	Durborow,	Marshall,	Shell,
Branch,	Edmunds,	McAleer,	Sibley,
Breckinridge, Ark.	English,	McCreary, Ky.	Springer,
Bretz,	Enloe,	McCulloch,	Stallings,
Brickner,	Epes,	McDearmon,	Stockdale,
Brookshire,	Erdman,	McEttrick,	Stone, Ky.
Brown,	Everett,	McKaig,	Strait,
Bryan,	Fielder,	McKeighan,	Straus,
Burnes,	Geary,	McLaurin,	Swanson,
Bynum,	Geissenhainer,	McMillin,	Talbert, S. C.
Cadmus,	Goldzier,	McNagny,	Talbott, Md.
Caminetti,	Gorman,	McRae,	Tate,
Campbell,	Grady,	Meredith,	Taylor, Ind.
Cannon, Cal.	Gresham,	Meyer,	Terry,
Capehart,	Griffin,	Money,	Tracey,
Caruth,	Haines,	Montgomery,	Tucker,
Catchings,	Hall, Minn.	Morgan,	Turner, Ga.
Causey,	Hall, Mo.	Moses,	Turner, Va.
Clark, Mo.	Hammond,	Mutchler,	Turpin,
Clarke, Ala.	Hare,	Neill,	Tyler,
Cobb, Ala.	Harris,	Oates,	Warner,
Cobb, Mo.	Hatch,	O'Neil,	Washington,
Cockrell,	Hayes,	Outhwaite,	Weadock,
Coffeen,	Henderson, N. C.	Page,	Wells,
Conn.	Hendrix,	Paschal,	Wheeler, Ala.
Cooper, Fla.	Hines,	Patterson,	Williams, Ill.
Cooper, Ind.	Hooker, Miss.	Paynter,	Williams, Miss.
Cooper, Tex.	Hudson,	Pearson,	Wise,
Cornish,	Hunter,	Pendleton, Tex.	Wolverton
Covert,	Ikirt,	Pendleton, W. Va.	Woodard.
Cox,	Jones,	Pigott,	

NOT VOTING—109.

Alderson,	Davey,	Kiefer,	Scranton,
Aldrich,	Dingley,	Lefever,	Settle,
Allen,	Dolliver,	Linton,	Sherman,
Apsley,	Ellis, Ky.	Lisle,	Sickles,
Arnold,	Fithian,	Livingston,	Simpson
Babcock,	Fletcher,	Loud,	Sipe,
Barnes,	Forman,	Lucas,	Snodgrass,
Beltzhoover,	Funston,	Maddox,	Somers,
Berry,	Fyan,	Magner,	Sperry,
Bingham,	Gillet, N. Y.	Marsh,	Stevens,
Black, Ill.	Goodnight,	Martin, Ind.	Stone, W. A.
Bland,	Graham,	McCall,	Storer,
Bowers, Cal.	Grout,	McCleary, Minn.	Strong,
Brattan,	Harter,	McDannold,	Tarsney,
Breckinridge, Ky.	Hartman,	McDowell,	Taylor, Tenn.
Bunn,	Haugen,	McGann,	Van Voorhis, N. Y.
Burrows,	Heard,	Milliken,	Wadsworth,
Cabaniss,	Heiner,	Moon,	Walker,
Caldwell,	Henderson, Ill.	Newlands,	Wanger,
Childs,	Henderson, Iowa	Northway,	Waugh,
Clancy,	Holman,	Pence,	Whiting,
Cockran,	Hooker, N. Y.	Phillips,	Wilson, Wash.
Cogswell,	Hopkins, Ill.	Pickler,	Wilson, W. Va.
Compton,	Houk,	Powers,	Wright, Mass.
Coombs,	Hutcheson,	Randall,	Wright, Pa.
Cooper, Wis.	Johnson, Ind.	Ray,	
Curtis, Kans.	Johnson, Ohio	Robinson, Pa.	
Dalzell,	Kem,	Rusk,	

Mr. GROUT. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. MADDOX, and inadvertently voted. I wish to withdraw my vote.

Mr. CLARK of Missouri. I ask leave of absence for my colleague, Mr. HEARD. He has gone to attend the burial of his father.

The SPEAKER. The gentleman from Missouri is absent by leave of the House.

Mr. PAYNE. There is so much confusion that I ask for a recapitulation of the vote.

The vote was recapitulated.

Mr. POWERS. Mr. Speaker, my name was called. I did not vote. I am paired.

The SPEAKER. On this question the yeas are 72, the nays 175. The noes have it, and the House refuses to adjourn. The question now recurs upon the motion to lay on the table the appeal from the decision of the Chair; and upon that question the yeas and nays are ordered.

The question was taken; and there were—yeas 177, nays 64, not voting 111; as follows:

YEAS—177.

Abbott,	Crawford,	Kyle,	Reilly,
Alexander,	Culberson,	Lacey,	Richards, Ohio
Allen,	Cummings,	Lane,	Richardson, Mich.
Bailey,	Davis,	Lapham,	Richardson, Tenn.
Baldwin,	De Armond,	Latimer,	Ritchie,
Bankhead,	De Forest,	Lawson,	Robbins,
Bartlett,	Denson,	Layton,	Robertson, La.
Barwig,	Dinsmore,	Lester,	Russell, Ga.
Bell, Colo.	Dockery,	Lockwood,	Ryan,
Bell, Tex.	Donovan,	Lynch,	Sayers,
Black, Ga.	Dunn,	Maguire,	Schermerhorn,
Bland,	Dunphy,	Mallory,	Shell,
Boatner,	Durborow,	Marshall,	Sibley,
Boen,	Edmunds,	McAleer,	Sickles,
Bower, N. C.	English,	McCreary, Ky.	Springer,
Branch,	Enloe,	McCulloch,	Stallings,
Breckinridge, Ark.	Epes,	McDearmon,	Stockdale,
Bretz,	Erdman,	McEttrick,	Stone, Ky.
Brickner,	Everett,	McKaig,	Strait,
Brookshire,	Fielder,	McKeighan,	Straus,
Brown,	Geary,	McLaurin,	Swanson,
Bryan,	Geissenhainer,	McMillin,	Talbert, S. C.
Bynum,	Gorman,	McNagny,	Talbott, Md.
Cadmus,	Grady,	McRae,	Tate,
Caminetti,	Gresham,	Meredith,	Taylor, Ind.
Campbell,	Griffin,	Meyer,	Terry,
Cannon, Cal.	Haines,	Money,	Tracey,
Capehart,	Hall, Minn.	Montgomery,	Tucker,
Caruth,	Hall, Mo.	Morgan,	Turner, Ga.
Catchings,	Hammond,	Moses,	Turner, Va.
Causey,	Hare,	Mutchler,	Turpin,
Clancy,	Harris,	Neill,	Tyler,
Clark, Mo.	Hatch,	Oates,	Warner,
Clarke, Ala.	Hayes,	O'Neil,	Washington,
Cobb, Ala.	Henderson, N. C.	Outhwaite,	Weadock,
Cockrell,	Hendrix,	Page,	Wells,
Coffeen,	Hines,	Paschal,	Wheeler, Ala.
Conn.	Hooker, Miss.	Patterson,	Williams, Ill.
Cooper, Fla.	Hudson,	Paynter,	Williams, Miss.
Cooper, Ind.	Hunter,	Pearson,	Wise,
Cooper, Tex.	Hutcheson,	Pence,	Wolverton,
Cornish,	Ikirt,	Pendleton, Tex.	Woodard.
Covert,	Jones,	Pendleton, W. Va.	
Cox,	Kilgore,	Pigott,	
Crain,	Kribbs,	Price,	

NAYS—64.

Adams, Ky.	Curtis, N. Y.	Hulick,	Reed,
Avery,	Daniels,	Johnson, N. Dak.	Reyburn,
Baker, Kans.	Doolittle,	Loud,	Russell, Conn.
Barthold,	Ellis, Oregon	Loudenslager,	Shaw,
Belden,	Funk,	Mahon,	Smith,
Blair,	Gardner,	Marvin, N. Y.	Stephenson,
Boutelle,	Gillett, Mass.	McCall,	Stone, C. W.
Bowers, Cal.	Grosvenor,	Meiklejohn,	Stone, W. A.
Brosius,	Grow,	Mercer,	Sweet,
Bundy,	Hager,	Payne,	Tawney,
Burrows,	Hainer,	Perkins,	Van Voorhis, Ohio
Chickering,	Hartman,	Phillips,	Wever,
Childs,	Hepburn,	Pickler,	Wheeler, Ill.
Cobb, Mo.	Hermann,	Post,	White,
Cousins,	Hicks,	Quigg,	Wilson, Ohio
Curtis, Kans.	Hitt,	Ray,	Woomer.

NOT VOTING—111.

Adams, Pa.	Dingley,	Hull,	Robinson, Pa.
Aitken,	Dolliver,	Johnson, Ind.	Rusk,
Alderson,	Draper,	Johnson, Ohio	Scranton,
Aldrich,	Ellis, Ky.	Joy,	Settle,
Apsley,	Fithian,	Kem,	Sherman,
Arnold,	Fletcher,	Kiefer,	Simpson,
Babcock,	Forman,	Lefever,	Sipe,
Baker, N. H.	Funston,	Linton,	Snodgrass,
Barnes,	Fyan,	Lisle,	Somers,
Beltzhoover,	Gear,	Livingston,	Sperry,
Berry,	Gillet, N. Y.	Lucas,	Stevens,
Bingham,	Goldzier,	Maddox,	Storer,
Black, Ill.	Goodnight,	Magner,	Strong,
Brattan,	Graham,	Marsh,	Tarsney,
Breckinridge, Ky.	Grout,	Martin, Ind.	Taylor, Tenn.
Broderick,	Harmer,	McCleary, Minn.	Thomas,
Bunn,	Harter,	McDannold,	Updegraff,
Burnes,	Haugen,	McDowell,	Van Voorhis, N. Y.
Cabaniss,	Heard,	McGann,	Wadsworth,
Caldwell,	Heiner,	Milliken,	Walker,
Cannon, Ill.	Henderson, Ill.	Moon,	Wanger,
Cockran,	Henderson, Iowa	Morse,	Waugh,
Cogswell,	Hilborn,	Murray,	Whiting,
Compton,	Holman,	Newlands,	Wilson, Wash.
Coombs,	Hooker, N. Y.	Northway,	Wilson, W. Va.
Cooper, Wis.	Hopkins, Ill.	Powers,	Wright, Mass.
Dalzell,	Hopkins, Pa.	Randall,	Wright, Pa.
Davey,	Houk,	Rayner,	

Mr. LACEY. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. LACEY. I desire to change my vote from "nay" to "yea."

The name of Mr. LACEY was called, and he voted "yea."

The SPEAKER. On this question the yeas are 177; the nays 64. The yeas have it, and the appeal is laid upon the table.

Mr. LACEY. I move to reconsider the vote by which the appeal was laid on the table.

Mr. SPRINGER. That vote was upon the motion to lay the appeal upon the table itself.

Mr. REED. That is not the gentleman's motion.

The SPEAKER. The gentleman from Iowa moves to reconsider the vote by which the appeal was laid on the table.

Mr. SPRINGER. How did he vote on that question?

The SPEAKER. The gentleman from Iowa changed his vote from nay to yea.

Mr. PENDLETON of West Virginia. I move to lay the motion to reconsider on the table.

Mr. SPRINGER. I move to lay the motion to reconsider on the table.

Mr. PATTERSON. I submit that it is not in order.

Mr. REED. Quite so.

The SPEAKER. The Chair will hear any suggestion. [After a pause.] The gentleman from Iowa moves to reconsider the vote by which the appeal was laid on the table. The Chair does not see why it is not in order.

Mr. PENDLETON of West Virginia. I move to lay that motion on the table.

Mr. SPRINGER. I move to lay the motion to reconsider on the table.

Mr. PAYNE. I move that the House do now adjourn.

Mr. PATTERSON. Is that in order?

The SPEAKER. It is. The House is in a call; and any matter is in order which looks to the obtainment of a quorum; and the House may adjourn if it sees proper to do so. The gentleman from New York moves that the House now adjourn.

Mr. PATTERSON. That is evidently a dilatory motion.

Mr. PAYNE. Why, it is after 5 o'clock now.

The SPEAKER. The House can vote the motion down if they desire to do so. The question is on the motion of the gentleman from New York, that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PAYNE. Division, Mr. Speaker.

The House divided; and there were—ayes 61, noes 120.

Mr. PAYNE. Tellers.

Mr. PATTERSON. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. DOCKERY. On what motion?

The SPEAKER. On the motion to adjourn.

Mr. DOCKERY. I desire to raise a question of order against the motion submitted by the gentleman from Iowa, to reconsider the vote by which the appeal was laid on the table.

Mr. PAYNE. That has been decided once.

Mr. REED. That has been decided. It is too late.

The SPEAKER. Is there any suggestion offered that the decision is wrong?

Mr DOCKERY. I do not raise the question on this motion.

The SPEAKER. This is a motion to adjourn.

The question was taken; and there were—yeas 58, nays 160, not voting 134; as follows:

YEAS—58.

Baker, Kans.	Everett,	Hitt,	Ray,
Bartholdt,	Funk,	Hulick,	Reed,
Bartlett,	Gardner,	Kem,	Reyburn,
Belden,	Gillett, Mass.	Lacey,	Russell, Conn.
Brosius,	Griffin,	Loud,	Sickles,
Bundy,	Grosvenor,	Loudenslager,	Smith,
Chickering,	Grow,	Marvin, N. Y.	Stone, C. W.
Childs,	Hager,	McCall,	Stone, W. A.
Cousins,	Hainer,	Meiklejohn,	Sweet,
Covert,	Harris,	Milliken,	Tawney,
Curtis, Kans.	Hendrix,	Payne,	Van Voorhis, Ohio
Curtis, N. Y.	Hepburn,	Perkins,	Wever,
Daniels,	Hermann,	Pickler,	Wilson, Ohio
Doolittle,	Hicks,	Post,	
Ellis, Oregon	Hilborn,	Quigg,	

NAYS—160.

Abbott,	Caruth,	Edmunds,	Kribbs,
Alexander,	Catchings,	English,	Kyle,
Allen,	Causey,	Enloe,	Lane,
Avery,	Clark, Mo.	Epes,	Lapham,
Bailey,	Cockrell,	Erdman,	Lawson,
Baker, N. H.	Coffeen,	Fielder,	Layton,
Baldwin,	Clarke, Ala.	Geary,	Lester,
Bankhead,	Cobb, Ala.	Geissenhainer,	Lockwood,
Barwig,	Cobb, Mo.	Goldzier,	Lynch,
Bell, Tex.	Conn,	Gorman,	Maguire,
Black, Ga.	Cooper, Fla.	Grady,	Mallory,
Bland,	Cooper, Tex.	Gresham,	McAleer,
Boatner,	Cornish,	Haines,	McCreary, Ky.
Boen,	Cox,	Hall, Minn.	McCulloch,
Bower, N. C.	Crain,	Hall, Mo.	McDearmon,
Branch,	Crawford,	Hammond,	McEttrick,
Breckinridge, Ark.	Davis,	Hare,	McKaig,
Bretz,	De Armond,	Hatch,	McKeighan,
Brickner,	De Forest,	Henderson, N. C.	McMillin,
Brookshire,	Denson,	Hines,	McNagny,
Brown,	Dinsmore,	Hooker, Miss.	McRae,
Bryan,	Dockery,	Hudson,	Meredith,
Bynum,	Dolliver,	Hunter,	Meyer,
Caminetti,	Donovan,	Hutcheson,	Money,
Campbell,	Dunn,	Ikirt,	Montgomery,
Cannon, Cal.	Dunphy,	Jones,	Morgan,
Capehart,	Durborow,	Kilgore,	Moses,
Mutchler,	Reilly,	Springer,	Turner, Ga.
Neill,	Richards, Ohio	Stallings,	Turner, Va.
O'Neill,	Richardson, Mich.	Stockdale,	Turpin,
Outhwaite,	Richardson, Tenn.	Stone, Ky.	Tyler,
Page,	Ritchie,	Strait,	Warner,
Paschal,	Robbins,	Swanson,	Washington,
Patterson,	Robertson, La.	Talbert, S. C.	Weadock,
Paynter,	Russell, Ga.	Talbott, Md.	Wells,
Pearson,	Ryan,	Tate,	Wheeler, Ala.
Pendleton, Tex.	Sayers,	Taylor, Ind.	Williams, Ill.
Pendleton, W. Va.	Schermerhorn,	Terry,	Wise,
Pigott,	Shell,	Tracey,	Wolverton,
Price,	Sibley,	Tucker,	Woodard.

NOT VOTING—134.

Adams, Ky.	Culberson,	Johnson, Ohio	Scranton,
Adams, Pa.	Cummings,	Joy,	Settle,
Aitken,	Dalzell,	Kiefer,	Shaw,
Alderson,	Davey,	Latimer,	Sherman,
Aldrich,	Dingley,	Lefever,	Simpson,
Apsley,	Draper,	Linton,	Sipe,
Arnold,	Ellis, Ky.	Lisle,	Snodgrass,
Babcock,	Fithian,	Livingston,	Somers,
Barnes,	Fletcher,	Lucas,	Sperry,
Bell, Colo.	Forman,	Maddox,	Stephenson,
Beltzhoover,	Funston,	Magner,	Stevens,
Berry,	Fyan,	Mahon,	Storer,
Bingham,	Gear,	Marsh,	Straus,
Black, Ill.	Gillet, N. Y.	Marshall,	Strong,
Blair,	Goodnight,	Martin, Ind.	Tarsney,
Boutelle,	Graham,	McCleary, Minn.	Taylor, Tenn.
Bowers, Cal.	Grout,	McDannold,	Thomas,
Brattan,	Harmer,	McDowell,	Updegraff,
Breckinridge, Ky.	Harter,	McGann,	Van Voorhis, N. Y.
Broderick,	Hartman,	McLaurin,	Wadsworth,
Bunn,	Haugen,	Mercer,	Walker,
Burnes,	Hayes,	Moon,	Wanger,
Burrows,	Heard,	Morse,	Waugh,
Cabaniss,	Heiner,	Murray,	Wheeler, Ill.
Cadmus,	Henderson, Ill.	Newlands,	White,
Caldwell,	Henderson, Iowa	Northway,	Whiting,
Cannon, Ill.	Holman,	Oates,	Williams, Miss.
Clancy,	Hooker, N. Y.	Pence,	Wilson, Wash.
Cockran,	Hopkins, Ill.	Phillips,	Wilson, W. Va.
Cogswell,	Hopkins, Pa.	Powers,	Woomer,
Compton,	Houk,	Randall,	Wright, Mass.
Coombs,	Hull,	Rayner,	Wright, Pa.
Cooper, Ind.	Johnson, Ind.	Robinson, Pa.	
Cooper, Wis.	Johnson, N. Dak.	Rusk,	

The SPEAKER. On this question the yeas are 58 and the nays 158; so the House refuses to adjourn. The Chair desires to call attention to the fact that a few moments ago the gentlemen from Iowa [Mr. LACEY] moved to reconsider the vote by which the House laid on the table an appeal from the decision of the Chair. The gentleman from Tennessee [Mr. PATTERSON] made the point that that was not in order. The Chair stated that he thought it was, that he knew nothing to the contrary. The Chair has since examined the question——

Mr. LACEY. Did not the Chair rule upon it?

The SPEAKER. The Chair would not stand on any technicality as to his ruling before any action had been taken by the House.

Mr. LACEY. The point of order was made by the gentleman from Tennessee and overruled: then a motion to adjourn was made, and then the point was renewed.

The SPEAKER. How is the gentleman from Iowa hurt by having the matter considered now?

Mr. LACEY. That is not the question.

The SPEAKER. That is the question with the Chair. The Chair holds that the motion to reconsider the vote by which the appeal from the decision of the Chair was laid on the table can not be considered during a call of the House.

Mr. LACEY. From that decision I appeal.

The SPEAKER. The Chair declines to entertain the appeal of the gentleman. The question now is on agreeing to the resolution offered by the gentleman from Tennessee.

Mr. PAYNE. Pending that, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair declines to entertain that motion.

Mr. REED. On what ground?

Mr. PAYNE. I appeal from the decision of the Chair.

The SPEAKER. The gentleman from New York will take his seat. All gentlemen will be seated. The question is on agreeing to the resolution.

Mr. REED. On what ground does the Chair decline to entertain the appeal from his decision? I should like to argue the proposition——

The SPEAKER. The Chair declines to make any further statement——

Mr. REED. I think I can satisfy the Chair even——

The SPEAKER. There has been no transaction of business since the motion was made before. The Chair declines to hear from the gentleman further.

Mr. REED. The Chair will permit me to explain——

The SPEAKER. The Chair will not permit the gentleman to explain——

Mr. REED. The Chair will permit me——
The SPEAKER. The gentleman from Maine [Mr. REED] will be seated. The Sergeant-at-Arms will see that the gentleman takes his seat.
Mr. BOUTELLE. If I were the Speaker I would not call on the Sergeant-at-Arms every four minutes——
The SPEAKER. And the Sergeant-at-Arms will force the other gentleman from Maine to be seated.
Mr. BOUTELLE. Oh, no; he will not. The gentleman from Maine will seat himself.
[Great confusion in the Hall.]
Mr. PAYNE. Mr. Speaker, I rise to a question of order.
The SPEAKER. The Chair declines to recognize the gentleman for any purpose.
Mr. PAYNE. On a question of order?
The SPEAKER. The question is on the resolution of the gentleman from Tennessee [Mr. PATTERSON].
Mr. REED. I rise to a question of privilege.
The SPEAKER put the question on the resolution and declared that the ayes seemed to have it.
Mr. PAYNE. I ask for a division.
The House divided; and there were—ayes 149, noes 18.
Mr. PAYNE. I demand tellers; and pending that I move that the House do now adjourn.
The SPEAKER. The gentleman from New York demands tellers. Those who are in favor of ordering tellers will rise and stand until they are counted.
Mr. PAYNE. And pending that I move that the House do now adjourn.
The SPEAKER. The Chair declines to entertain that motion. The question is upon ordering tellers.
Mr. PAYNE. I rise to a point of order.
The SPEAKER. The question is upon ordering tellers.
Mr. PAYNE. I rise to a question of order, Mr. Speaker——
Mr. REED. Mr. Speaker——
The Speaker continued to count the vote upon ordering tellers, and announced that there were 42 in the affirmative.
Mr. PATTERSON. I ask for the yeas and nays.
The question was taken on ordering the yeas and nays, and the Speaker announced that 133 gentlemen had voted in favor thereof.
Mr. PAYNE. I demand tellers on ordering the yeas and nays.
Mr. SPRINGER. Mr. Speaker, I make the point that the yeas and nays have just been ordered, because the Constitution says that one-fifth of the members can order the yeas and nays. The gentleman may call for the other side if he desires, but the yeas and nays have been ordered.
Mr. PAYNE. Notwithstanding that, Mr. Speaker, I have the right under the rules to have tellers.
The SPEAKER. The gentleman from New York has the right to have a count by tellers. He is not bound by the count of the Speaker. The question is upon ordering tellers on the demand for the yeas and nays. [The question on ordering tellers having been put.] Forty-odd gentleman have voted in favor of ordering tellers. A sufficient number. Tellers are ordered. The gentleman from New York [Mr. PAYNE] and the gentleman from Tennessee [Mr. PATTERSON] will act as tellers. As many as are in favor of taking the vote on the resolution of the gentleman from Tennessee by yeas and nays will now pass between the tellers.
Mr. PAYNE (not having taken his place as teller). I move that the House do now adjourn.
The SPEAKER. The Chair can recognize no motion while the House is dividing.
Mr. PAYNE. I rise to a question of order.
The SPEAKER. The Chair will not hear the gentleman.
Mr. PAYNE. The Chair ought to be in order as well as the House.
The SPEAKER. The gentleman from New York will be in order.
Mr. PAYNE. I rose respectfully on a question of order. I am entitled to do so.
The SPEAKER. The Chair declines to recognize the gentleman.
Mr. PAYNE. I have a right to be heard on a question of order.
The SPEAKER. The Chair declines to hear the gentleman upon any question while the House is dividing.
Mr. PAYNE. A question of order is always recognized by the Chair. That has been decided over and over again.
The SPEAKER. The gentleman from New York will take his seat.
Mr. PAYNE. I rise to a question of order, and claim that I am entitled to recognition.
The SPEAKER. The gentleman will take his seat.
Mr. PAYNE. Pending the appointment of tellers, I rise to a question of order and demand my rights.
The SPEAKER. The Chair appoints the gentleman from Maine [Mr. REED] as a teller in place of the gentleman from New York.
Mr. PAYNE. I would like to know by what rule the Speaker refuses to hear a question of order?
The SPEAKER. The gentleman from Maine will please act as teller.
Mr. REED. "The gentleman from Maine" declines to act as teller. The gentleman from New York has a right——
The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] will act alone. [Applause on the Democratic side.]
Mr. PAYNE. Oh, this is a fine House of Representatives!
A MEMBER. You are making it so.
Mr. PATTERSON (having concluded the count). Mr. Speaker, 127 members have voted in the affirmative.
The SPEAKER. A sufficient number. The yeas and nays are ordered.
Mr. PAYNE. I make the point of order that only one teller has acted. The rule requires two.
The SPEAKER. The Chair, in reply to that, states that he appointed the gentleman from New York [Mr. PAYNE] as a teller and he declined.
Mr. PAYNE. There were other members——
The SPEAKER. The Chair then appointed the recognized leader of the Republican party, and he declined.
Mr. PAYNE. There were other members that might have been appointed. The Chair might have appointed a member of the majority. Under the rule two tellers are required.
Mr. REED. The rules of the House require two tellers.
The SPEAKER. The Chair did not care to have thrown in his face the fact of appointing two tellers from the same side.
Mr. REED. That does not make any difference.
Mr. PAYNE. If the Chair had exercised his prerogative as supervisor of the House he might have appointed some gentleman on the other side.
The Clerk (under the direction of the Speaker) proceeded to call the roll.
The SPEAKER (after a few names had been called). Gentlemen will please resume their seats and the House will come to order.
Mr. REED. The rules require two tellers, and the Speaker can not dispense with that requirement.
The SPEAKER. The House understands the circumstances.
Mr. REED. But the Speaker does not seem to understand them.
The SPEAKER. The Speaker is ready to take all the consequences. [Applause on the Democratic side.]
The Clerk resumed the call of the roll, Mr. BOUTELLE and Mr. REED endeavoring to make themselves heard.
The SPEAKER. The reporter will not take down any remarks that are now being made.
The call of the roll having been resumed,
The SPEAKER. The Clerk will suspend for a moment. The Sergeant-at-Arms will request all gentlemen to be seated. The gentleman from New York and the gentleman from Ohio will be seated. [Referring to Mr. PAYNE and Mr. OUTHWAITE, who were engaged in earnest conversation in the middle aisle.]
The conversation between the two members continuing,
The SPEAKER repeated: The gentleman from New York and the gentleman from Ohio will be seated.
Mr. PAYNE, amid much confusion, was understood to say: I will take my seat when I get ready.
Mr. HOOKER of Mississippi. The Speaker should require every member to take his seat.
The SPEAKER. If some gentleman will submit a motion in respect to the contumacy of the gentleman from New York the Chair will entertain it. The Chair has specifically ordered the gentleman to take his seat, and he states that he will do so when he gets ready. If the House is willing to permit——
Mr. PAYNE. I want to say in justice to myself——
The SPEAKER. If the House is willing to permit the gentleman——
Mr. WISE. I move that the gentleman from New York be brought to the bar of the House for reprimand.
The SPEAKER. The gentleman from Virginia [Mr. WISE] will please put his motion in writing. The Chair would like to ascertain whether the House is willing to permit the gentleman from New York to refuse defiantly to conform to the wish of the House as expressed by the rules of the House.
Mr. BOUTELLE. Mr. Speaker——
The SPEAKER. For what purpose does the gentleman rise?
Mr. BOUTELLE. To make a point of order.
The SPEAKER. About what?
Mr. REED. I want to make a point of order.

Mr. BOUTELLE. I thought the Speaker was liable to a point of order himself.

The SPEAKER. The Chair was endeavoring to keep order.

Mr. BOUTELLE. The Chair was chiding some of the members of the House for not preserving order on the floor, when the Chair has violated the rules himself by accepting a report contrary to the rules of the House.

The SPEAKER. The gentleman from Maine will be seated.

Mr. BOUTELLE. I suppose of course you have the power to make that order.

Mr. OUTHWAITE. I move that the gentleman from Maine be brought to the bar of the House and reprimanded.

Mr. BOUTELLE. I submit that the gentleman from Ohio should sit down himself when he demands that I take my seat.

Mr. WISE. Mr. Speaker, I will offer a resolution——

The SPEAKER. The Chair will not interrupt the roll call to consider the resolution now; but the gentleman may offer it afterwards if he desires. The Clerk will proceed with the roll call.

The roll call was resumed and concluded, there being—yeas 163, nays 33, not voting 156; as follows:

YEAS—163.

Abbott,	Crain,	Hutcheson,	Pigott,
Alexander,	Crawford,	Ikirt,	Price,
Allen,	Culberson,	Kribbs,	Reilly,
Bailey,	Cummings,	Kyle,	Richards, Ohio
Baker, Kans.	De Armond,	Lane,	Richardson, Mich.
Baldwin,	De Forest,	Lapham,	Richardson, Tenn.
Bankhead,	Denson,	Latimer,	Ritchie,
Bartlett,	Dinsmore,	Lawson,	Robbins,
Barwig,	Dockery,	Layton,	Robertson, La.
Bell, Tex.	Donovan,	Lester,	Russell, Ga.
Black, Ga.	Dunn,	Lockwood,	Ryan,
Bland,	Dunphy,	Lynch,	Sayers,
Boatner,	Durborow,	Maguire,	Schermerhorn,
Bower, N. C.	Edmunds,	Mallory,	Shell,
Breckinridge, Ark.	English,	Marshall,	Sibley,
Bretz,	Enloe,	McAleer,	Springer,
Brickner,	Epes,	McCreary, Ky.	Stallings,
Brookshire,	Erdman,	McCulloch,	Stockdale,
Brown,	Everett,	McDearmon,	Stone, Ky.
Bryan,	Fielder,	McEttrick,	Swanson,
Bynum,	Geary,	McKeighan,	Talbert, S. C.
Cadmus,	Geissenhainer,	McMillin,	Talbott, Md.
Caminetti,	Goldzier,	McNagny,	Tate,
Campbell,	Gorman,	McRae,	Taylor, Ind.
Cannon, Cal.	Grady,	Meredith,	Terry,
Capehart,	Gresham,	Meyer,	Tracey,
Caruth,	Griffin,	Money,	Tucker,
Catchings,	Hainer,	Montgomery,	Turner, Ga.
Causey,	Haines,	Morgan,	Turner, Va.
Clark, Mo.	Hall, Minn.	Moses,	Turpin,
Clarke, Ala.	Hall, Mo.	Mutchler,	Tyler,
Cobb, Ala.	Hammond,	Neill,	Warner,
Cobb, Mo.	Hare,	O'Neill,	Weadock,
Cockrell,	Hatch,	Outhwaite,	Wells,
Coffeen,	Hayes,	Page,	Wheeler, Ala.
Conn,	Henderson, N. C.	Paschal,	Williams, Ill.
Cooper, Fla.	Hendrix,	Patterson,	Williams, Miss.
Cooper, Ind.	Hines,	Paynter,	Wise,
Cooper, Tex.	Hooker, Miss.	Pearson,	Wolverton,
Cornish,	Hudson,	Pendleton, Tex.	Woodard.
Cox,	Hunter,	Pendleton, W. Va.	

NAYS—33.

Boutelle,	Gillett, Mass.	Marvin, N. Y.	Stephenson,
Bowers, Cal.	Hager,	McCall,	Stone, C. W.
Broslus,	Harris,	Meiklejohn,	Stone, W. A.
Burrows,	Hartman,	Payne,	Van Voorhis, Ohio
Chickering,	Henderson, Ill.	Perkins,	Wever,
Childs,	Hepburn,	Pickler,	Wilson, Ohio.
Curtis, N. Y.	Hulick,	Ray,	
Doolittle,	Lacey,	Reed,	
Gardner,	Loudenslager,	Smith,	

NOT VOTING—156.

Adams, Ky.	Cannon, Ill.	Grosvenor,	Lisle,
Adams, Pa.	Clancy,	Grout,	Livingston,
Aitken,	Cockran,	Grow,	Loud,
Alderson,	Cogswell,	Harmer,	Lucas,
Aldrich,	Compton,	Harter,	Maddox,
Apsley,	Coombs,	Haugen,	Magner,
Arnold,	Cooper, Wis.	Heard,	Mahon,
Avery,	Cousins,	Heiner,	Marsh,
Babcock,	Covert,	Henderson, Iowa	Martin, Ind.
Baker, N. H.	Curtis, Kans.	Hermann,	McCleary, Minn.
Barnes,	Dalzell,	Hicks,	McDannold,
Bartholdt,	Daniels,	Hilborn,	McDowell,
Belden,	Davey,	Hitt,	McGann,
Bell, Colo.	Davis,	Holman,	McKaig,
Beltzhoover,	Dingley,	Hooker, N. Y.	McLaurin,
Berry,	Dolliver,	Hopkins, Ill.	Mercer,
Bingham,	Draper,	Hopkins, Pa.	Milliken,
Black, Ill.	Ellis, Ky.	Houk,	Moon,
Blair,	Ellis, Oregon	Hull,	Morse,
Boen,	Fithian,	Johnson, Ind.	Murray,
Branch,	Fletcher,	Johnson, N. Dak.	Newlands,
Brattan,	Forman,	Johnson, Ohio	Northway,
Breckinridge, Ky.	Funk,	Jones,	Oates,
Broderick,	Funston,	Joy,	Pence,
Bundy,	Fyan,	Kem,	Phillips,
Bunn,	Gear,	Kiefer,	Post,
Burnes,	Gillet, N. Y.	Kilgore,	Powers,
Cabaniss,	Goodnight,	Lefever,	Quigg,
Caldwell,	Graham,	Linton,	Randall,
Rayner,	Simpson,	Sweet,	Washington,
Reyburn,	Sipe,	Tarsney,	Waugh,
Robinson, Pa.	Snodgrass,	Tawney,	Wheeler, Ill.
Rusk,	Somers,	Taylor, Tenn.	White,
Russell, Conn.	Sperry,	Thomas,	Whiting,
Scranton,	Stevens,	Updegraff,	Wilson, Wash.
Settle,	Storer,	Van Voorhis, N. Y.	Wilson, W. Va.
Shaw,	Strait,	Wadsworth,	Woomer,
Sherman,	Straus,	Walker,	Wright, Mass.
Sickles,	Strong,	Wanger,	Wright, Pa.

So the resolution was agreed to.

The following additional pairs were announced:

Mr. COVERT with Mr. HENDERSON of Illinois.

Mr. WASHINGTON with Mr. ELLIS of Oregon, for the rest of the day.

Mr. HAINER of Nebraska (who had voted in the negative). Mr. Speaker, I change my vote to "aye."

The SPEAKER. The change will be noted.

Mr. HENDERSON of North Carolina. My colleague, Mr. BRANCH, is detained from the House on account of sickness, and I ask that he be excused for the remainder of the day.

There was no objection.

Mr. BAKER of Kansas. Mr. KEM left this afternoon quite sick, and asked to be excused for the remainder of the day.

There was no objection.

Mr. DOCKERY. I desire to ask that the gentleman from Illinois [Mr. HOPKINS] be excused for the remainder of the day on account of sickness.

There was no objection.

Mr. MCETTRICK. I ask that Mr. STEVENS of Massachusetts be excused. He was taken sick during the afternoon and was compelled to leave.

There was no objection.

The result of the vote was then announced as above recorded.

Mr. HAINER of Nebraska. I move to reconsider the vote just taken.

Mr. PATTERSON. I move to reconsider and lay that motion on the table.

The SPEAKER. The gentleman from Nebraska has moved to reconsider the vote; the gentleman from Tennessee moves to lay that motion on the table.

The question was taken; and on a division there were—ayes 148, noes 29.

Mr. HAINER of Nebraska. Let us have tellers.

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HAINER of Nebraska. Mr. Speaker, pending the question on the motion to lay on the table, I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 40, noes 110.

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 30, nays 151, not voting 171; as follows:

YEAS—30.

Baker, N. H.	Gardner,	Loudenslager,	Smith,
Bartholdt,	Gillett, Mass.	Mahon,	Stone, C. W.
Broslus,	Grow,	McCall,	Van Voorhis, Ohio
Bundy,	Hainer,	Perkins,	Wever,
Childs,	Hartman,	Pickler,	Wheeler, Ill.
Daniels,	Hepburn,	Quigg,	White.
Doolittle,	Hulick,	Ray,	
Funk,	Lacey,	Reyburn,	

NAYS—151.

Abbott,	Clarke, Ala.	Goldzier,	McCreary, Ky.
Alexander,	Cobb, Ala.	Gorman,	McCulloch,
Allen,	Cobb, Mo.	Grady,	McDearmon,
Bailey,	Cockrell,	Gresham,	McEttrick,
Baker, Kans.	Coffeen,	Haines,	McKaig,
Baldwin,	Conn,	Hall, Mo.	McKeighan,
Bankhead,	Cooper, Fla.	Hammond,	McMillin,
Bartlett,	Cooper, Ind.	Hare,	McNagny,
Barwig,	Cooper, Tex.	Hatch,	McRae,
Bell, Tex.	Cornish,	Hayes,	Meredith,
Black, Ga.	Cox,	Henderson, N. C.	Meyer,
Bland,	Crain,	Hendrix,	Money,
Boatner,	Crawford,	Hines,	Montgomery,
Boen,	Culberson,	Hooker, Miss.	Morgan,
Bower, N. C.	Cummings,	Hudson,	Moses,
Breckinridge, Ark.	De Armond,	Hunter,	Mutchler,
Bretz,	Denson,	Ikirt,	Neill,
Brickner,	Dinsmore,	Jones,	O'Neill,
Brookshire,	Dockery,	Kribbs,	Outhwaite,
Brown,	Donovan,	Kyle,	Paschal,
Bryan,	Dunn,	Lane,	Patterson,
Bynum,	Dunphy,	Lapham,	Paynter,
Cadmus,	Durborow,	Lawson,	Pearson,
Caminetti,	Edmunds,	Layton,	Pendleton, Tex.
Campbell,	English,	Lester,	Pigott,
Cannon, Cal.	Enloe,	Lockwood,	Price,
Capehart,	Epes,	Lynch,	Richards, Ohio
Caruth,	Erdman,	Maguire,	Richardson, Mich.
Catchings,	Fielder,	Mallory,	Ritchie,
Causey,	Geary,	Marshall,	Robbins,
Clark, Mo.	Geissenhainer,	McAleer,	Robertson, La.

Russell, Ga.	Stallings,	Terry,	Wheeler, Ala.
Ryan.	Stockdale,	Tucker,	Williams, Ill.
Sayers,	Stone, Ky.	Turner, Ga.	Williams, Miss.
Schermerhorn,	Swanson,	Turner, Va.	Wise,
Shell,	Talbert, S. C.	Turpin,	Wolverton,
Sibley,	Tate,	Tyler,	Woodard.
Springer,	Taylor, Ind.	Warner,	

NOT VOTING—171.

Adams, Ky.	De Forest,	Joy,	Rusk,
Adams, Pa.	Dingley,	Kem,	Russell, Conn.
Aitken,	Dolliver,	Kiefer,	Scranton,
Alderson,	Draper,	Kilgore,	Settle,
Aldrich,	Ellis, Ky.	Latimer,	Shaw,
Apsley,	Ellis, Oregon	Lefever,	Sherman,
Arnold,	Everett,	Linton,	Sickles,
Avery,	Fithian,	Lisle,	Simpson,
Babcock,	Fletcher,	Livingston,	Sipe,
Barnes,	Forman,	Loud,	Snodgrass,
Belden,	Funston,	Lucas,	Somers,
Bell, Colo.	Fyan,	Maddox,	Sperry,
Beltzhoover,	Gear,	Magner,	Stephenson,
Berry,	Gillet, N. Y.	Marsh,	Stevens,
Bingham,	Goodnight,	Martin, Ind.	Stone, W. A.
Black, Ill.	Graham,	Marvin, N. Y.	Storer,
Blair,	Griffin,	McCleary, Minn.	Strait,
Boutelle,	Grosvenor,	McDannold,	Straus,
Bowers, Cal.	Grout,	McDowell,	Strong,
Branch,	Hager,	McGann,	Sweet,
Brattan,	Hall, Minn.	McLaurin,	Talbott, Md.
Breckinridge, Ky.	Harmer,	Meiklejohn,	Tarsney,
Broderick,	Harris,	Mercer,	Tawney,
Bunn,	Harter,	Milliken,	Taylor, Tenn.
Burnes,	Haugen,	Moon,	Thomas,
Burrows,	Heard,	Morse,	Tracey,
Cabaniss,	Heiner,	Murray,	Updegraff,
Caldwell,	Henderson, Ill.	Newlands,	Van Voorhis, N. Y.
Cannon, Ill.	Henderson, Iowa	Northway,	Wadsworth,
Chickering,	Hermann,	Oates,	Walker,
Clancy,	Hicks,	Page,	Wanger,
Cockran,	Hilborn,	Payne,	Washington,
Cogswell,	Hitt,	Ponce,	Waugh,
Compton,	Holman,	Pendleton, W. Va.	Weadock,
Coombs,	Hooker, N. Y.	Phillips,	Wells,
Cooper, Wis.	Hopkins, Ill.	Post,	Whiting,
Cousins,	Hopkins, Pa.	Powers,	Wilson, Ohio
Covert,	Houk,	Randall,	Wilson, Wash.
Curtis, Kans.	Hull,	Rayner,	Wilson, W. Va.
Curtis, N. Y.	Hutcheson,	Reed,	Woomer,
Dalzell,	Johnson, Ind.	Reilly,	Wright, Mass.
Davey,	Johnson, N. Dak.	Richardson, Tenn.	Wright, Pa.
Davis,	Johnson, Ohio	Robinson, Pa.	

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs——

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that the motion to reconsider be laid on the table without taking a yea-and-nay vote.

Mr. REED. With the understanding that the House thereupon adjourn?

Mr. PATTERSON. I will make that motion. I ask unanimous consent——

Mr. WILLIAMS of Mississippi. I object. [Cries of "Oh, no!"]

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] can withdraw the motion to lay on the table, and the gentleman from Nebraska [Mr. HAINER] can withdraw the motion to reconsider.

Mr. HAINER of Nebraska. I will do so if the understanding is that we are to adjourn.

Mr. PATTERSON. Yes; I withdraw the motion to lay on the table.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] withdraws the motion to lay on the table the motion to reconsider, and the gentleman from Nebraska [Mr. HAINER] withdraws the motion to reconsider.

Mr. PATTERSON. I now move to reconsider, and move to lay that motion on the table.

The SPEAKER. Without objection the latter motion will be agreed to.

There was no objection.

Mr. PATTERSON. I move that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. ENGLISH. Division.

The House divided; and there were—ayes 80, noes 4.

Accordingly (at 6 o'clock and 50 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. MOSES, from the Committee on Pensions, reported the bill (H. R. 5194) to pension G. O. Greiner; which, with the accompanying report (No. 638), was ordered to be printed and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6460) for the relief of Pleasant G. Decker, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. STORER: A bill (H. R. 6479) continuing the investigations and tests of American timber—to the Committee on Agriculture.

By Mr. POWERS: A bill (H. R. 6480) for ascertaining the feasibility of constructing a ship canal from the Great Lakes to the navigable waters of the Hudson River—to the Committee on Railways and Canals.

By Mr. HENDERSON of North Carolina: A bill (H. R. 6481) directing the coinage of the silver bullion held in the Treasury—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER of Illinois: A bill (H. R. 6482) to amend section 3341, chapter 5, of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. RICHARDSON of Tennessee: A joint resolution (H. Res. 153) to change the name of Sixteenth street to Executive avenue, in the city of Washington, District of Columbia—to the Committee on the District of Columbia.

By Mr. CRAWFORD: A joint resolution (H. Res. 154) directing the Secretary of the Treasury to withhold a pro rata part of the amount due the Cherokee Indians for the Cherokee Outlet to be paid to the Eastern Cherokee Indians—to the Committee on Indian Affairs.

By Mr. CAMPBELL: A resolution for the relief of J. Martin McKay—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BUNDY: A bill (H. R. 6483) granting a pension to Daniel Boyles—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 6484) for the relief of John D. Lanahan, late first lieutenant of Company G, Fifteenth Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. CALDWELL: A bill (H. R. 6485) donating a condemned cannon to the Charles S. Hayes Post, No. 224, Department of the Ohio, Grand Army of the Republic—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 6486) to remove the charge of desertion standing against Theodore Sterling—to the Committee on Military Affairs.

By Mr. HOOKER of Mississippi: A bill (H. R. 6487) for the relief of Catherine Crisler—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 6488) to increase the pension of George C. Church—to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 6489) for the relief of M. A. Lanford, Phillips County, Ark.—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 6490) for the relief of L. B. O'Bannon—to the Committee on War Claims.

By Mr. PRICE: A bill (H. R. 6491) for the relief of the estate of Henry E. Ledet—to the Committee on War Claims.

By Mr. PATTERSON: A bill (H. R. 6492) for the relief of William Loftie, Fayette County, Tenn.—to the Committee on War Claims.

By Mr. PAYNTER (by request): A bill (H. R. 6493) for the relief of the heirs of Harrison Gill, deceased—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 6494) for the removal of the charge of desertion against Aaron Reynolds—to the Committee on Military Affairs.

By Mr. WISE: A bill (H. R. 6495) for the relief of Ellen Tompkins, widow of C. Q. Tompkins, late captain Third Artillery, United States Army—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AITKEN: Petition of Sol Aberdee and 96 other citizens of Flint, Mich., asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BLAIR: Petition of G. S. Joslyn and 151 others, citizens of Lebanon, N. H., praying for legislation against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: Memorial of citizens of Hampden, Me., for legislation against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Petition of Machine Wood Workers' Union, for the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. CHILDS: Nine petitions, as follows: Of H. J. Kiekhoefer and 127 others; of William Hefferon and 81 others; of G. K. Boughorne and 34 others; of G. H. Eickhoff and 43 others; of W. J. Campbell and 29 others; of B. C. Hitchcock and 111 others; of Henry Bellinghousen and 60 others; of Charles A. Hurd and 37 others, and of F. G. Arntzen and 18 others, citizens of Illinois, urging the passage of the Manderson-Hainer bill, admitting to the mails as second-class matter fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Summit Camp, No. 715, Modern Woodmen of America, Minooka, Ill., of B. L. Bonar and 108 other citizens of Streator, Ill.; of W. B. Davison and 30 other citizens of Utica, Ill., and of W. E. Kinnett and 23 other citizens of Yorkville, Ill., asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of William Orr and 161 others, urging the adoption of a religious amendment to the preamble of the Constitution—to the Committee on the Judiciary.

Also, petition of 25 citizens of Topeka, Kans., urging an amendment to the preamble of the Constitution, recognizing God as the source of our civil and political and religious liberty—to the Committee on the Judiciary.

By Mr. COMPTON: Petition of W. D. Cook and others, asking for favorable consideration of the Manderson-Hainer bill in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Texas: Petition of citizens of Texas, for the removal of the charge of desertion pending against Theodore Sterling—to the Committee on Military Affairs.

By Mr. ENLOE: Petition of Herbert Cissey, of Hardin County, Tenn., asking the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROSVENOR: Memorial from Toledo, Ohio, in favor of amendment to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: Petition of C. D. Ellis and others, against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDRIX: Petition of residents of Brooklyn and of Henry Witte and others, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Protest of St. Paul Boiler Makers' Union against the passage of the Fithian free-ship bill—to the Committee on Merchant Marine and Fisheries.

By Mr. KEM: Petition of 140 citizens of Phila, Mass., protesting against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. LAYTON: Memorial of the Toledo (Ohio) Produce Exchange, asking for certain amendments to the existing laws regulating commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. McALEER: Petition of H. G. Bender and others, of Enterprise Harbor, National American Association of Masters and Pilots, asking that captains of certain United States tugboats be given a permanent rating such as tugboat captains of United States Navy with retirement pay, when incapacitated from active duty, through age or other causes—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petitions of the Methodist and Baptist Preachers' Associations of Boston and vicinity, praying for the passage of the bill to punish the crime of seduction in the District of Columbia—to the Committee on the Judiciary.

By Mr. NEILL: Petition of David U. White, of Prairie County, Ark., asking the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. O'NEIL: Petition of Henry D. W. Morris and others, in favor of the passage of an act to amend the postal laws in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON: Petition of citizens of Memphis, Tenn., in the interest of fraternal and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. PIGOTT: Petition of Robert Crawford and others, of Clinton, Conn., for the suppression of lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of citizens of Tioga County and Guilford, Chenango County, N. Y., for a law regulating the sale of bogus butter—to the Committee on Agriculture.

By Mr. RITCHIE: Resolutions adopted by the Toledo (Ohio) Produce Exchange, favoring amendment of the act regulating commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Thomas C. Cornell, of Yonkers, N. Y., in favor of the Manderson-Hainer bill and amendments thereto—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Memorial of Herman Klepper and 25 other citizens of Zenobia, Ill., praying for the passage of a law which will permit publications of fraternal societies to be sent through the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Petition of citizens of Massachusetts for foreman of presswork in the Government Printing Office—to the Committee on Printing.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 30, 1894.*

The House met at 12 o'clock noon, and was called to order by the Speaker amid general applause.

Prayer by the Chaplain, Rev. E. B. BAGBY.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. REED. Mr. Speaker, I notice that the ruling of the Chair, that one teller could do the counting under our rules, has been left out of the Journal, and also the refusal to hear from Mr. PAYNE the point of order which he rose and stated to the Chair he purposed or desired to make.

The SPEAKER. If the gentleman has any amendment to the Journal, he can send it up.

Mr. REED. I move that the Journal be amended so as to recite those facts which appear in the RECORD.

The SPEAKER. The gentleman will please put it in writing and send it up.

Mr. SPRINGER. And upon that I move the previous question.

Mr. REED. I should like to have the Reporter's notes——

The SPEAKER. The Chair can not delay the business of the House.

Mr. REED. The Chair should have examined the Journal, and I presume he has. The Chair knows what facts I refer to.

Mr. SPRINGER. Let that part of the Journal be read again.

Mr. OUTHWAITE. There was considerable confusion in the House at the time——

Mr. REED. There was no confusion, as to those things, on the floor.

[The Speaker examined the manuscript copy of the Journal.]

The SPEAKER. Does the gentleman from Maine [Mr. REED] refer to the proceedings as to tellers?

Mr. REED. The RECORD shows that Mr. PAYNE said:

Mr. PAYNE. I make the point of order that only one teller has acted. The rule requires two.

The SPEAKER. The Journal on that subject states:

Mr. PAYNE demanded that the vote on ordering the yeas and nays be taken by tellers.
The SPEAKER appointed Mr. PAYNE and Mr. PATTERSON as tellers.
Mr. Payne declined to act as teller.
The Speaker thereupon appointed Mr. REED, who also declined to act.
The Speaker then directed the other teller [Mr. PATTERSON] to count the vote on ordering the yeas and nays.

Mr. TALBOTT of Maryland. I suggest to the Chair that, although nobody from the other side appeared to act as a teller, yet they kept the count. We noticed that.

Mr. OUTHWAITE. The Journal is perfectly accurate as to what transpired at that time. There is no occasion for any amendment.

Mr. REED. I have some difficulty in proposing the amendment when I come to this point:

Mr. PAYNE made the point that but one teller had acted. The Chair overruled the point, for the reason—

I do not know what the reason of the Chair was.

The SPEAKER. The Chair did not understand the gentleman.

Mr. REED. Mr. PAYNE made the point of order that but one teller had acted. The Chair overruled the point for some reason or other, which I do not know, and if the Chair will now state the reason——

The SPEAKER. The Journal ought to be a correct transcript of what took place.

Mr. REED. Precisely.

The SPEAKER. And if no reason was given then, no reason ought to be inserted in the Journal.

Mr. REED. Then the Chair overruled the point for "no reason stated."

The SPEAKER. If the gentleman will send up any amendment the Chair will submit it.

Mr. REED. This is the amendment which, under the suggestion of the Chair, I send up. I also have another amendment in regard to the point of order made by Mr. PAYNE.

The Clerk read as follows:

Mr. PAYNE made the point that but one teller has acted.
The Chair overruled the point for no reason stated.

Mr. SPRINGER. On the approval of the Journal I demand the previous question.

Mr. REED. I desire to make one other amendment, if the gentleman will kindly withdraw his motion.

Mr. SPRINGER. If the gentlemen will state his amendment, and it is an amendment that ought to be made, I will withdraw the motion; if it is not, I will insist on the motion.

Mr. REED. Here is the other one:

Mr. PAYNE rose to the point of order that the Chair refused to permit the point of order to be stated.

The SPEAKER. Does the gentleman yield to this amendment?

Mr. SPRINGER. I would like to hear the amendment.

Mr. REED. I had already offered amendments to both parts, and the Chair requested me to reduce them to writing. Of course I must have the necessary time to do it. I did not know that the Journal would omit such important action by the Speaker as that.

Mr. SPRINGER. I make the point that but one amendment can be offered at a time.

The SPEAKER. Only one amendment can be offered at a time. Does the gentleman from Illinois yield to this amendment?

Mr. SPRINGER. No, I do not.

The SPEAKER. Then the question is on ordering the previous question.

Mr. REED. Mr. Speaker, I insist that I proposed the amendments before the demand for the previous question, and that I only took the necessary time to prepare them.

The SPEAKER. The gentleman is aware that he can not propose two amendments at one time to different parts of the Journal. He may offer an amendment, an amendment to that, and offer a substitute, with one amendment to the substitute.

Mr. REED. I know; but I proposed amendments covering both those points.

The SPEAKER. Which can not be done, except by unanimous consent.

Mr. REED. I do not think, upon reflection, the Speaker will want to do this.

The SPEAKER. The question is on ordering the previous question on the amendment and the approval of the Journal.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. REED. Division.

The House divided; and there were—ayes 136; noes none.

Mr. REED. No quorum.

Mr. PATTERSON. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 1, not voting 174; as follows:

YEAS—178.

Abbott,	Causey,	Everett,	Lawson,
Alderson,	Clark, Mo.	Geary,	Layton,
Alexander,	Clarke, Ala.	Geissenhainer,	Lester,
Allen,	Cobb, Ala.	Goldzier,	Lockwood,
Bailey,	Cobb, Mo.	Gorman,	Lynch,
Baker, Kans.	Cockrell,	Grady,	Mallory,
Baldwin,	Coffeen,	Gresham,	Marshall,
Bankhead,	Coombs,	Griffin,	Martin, Ind.
Bartlett,	Cooper, Fla.	Haines,	McAleer,
Barwig,	Cooper, Ind.	Hall, Minn.	McCreary, Ky.
Bell, Tex.	Cooper, Tex.	Hall, Mo.	McCulloch,
Black, Ga.	Cornish,	Hare,	McDannold,
Bland,	Cox,	Harris,	McDearmon,
Boatner,	Crawford,	Hatch,	McEttrick,
Boen,	Culberson,	Hayes,	McGann,
Breckinridge, Ark.	Cummings,	Henderson, N. C.	McKaig,
Breta,	Davis,	Hendrix,	McKeighan,
Brickner,	De Armond,	Hines,	McLaurin,
Brookshire,	De Forest,	Holman,	McMillin,
Brown,	Denson,	Hooker, Miss.	McNagny,
Bryan,	Dinsmore,	Hudson,	McRae,
Bunn,	Dockery,	Hunter,	Meredith,
Burnes,	Donovan,	Hutcheson,	Meyer,
Bynum,	Dunn,	Dirt,	Money,
Cadmus,	Dunphy,	Jones,	Montgomery,
Caminetti,	Durborow,	Kilgore,	Morgan,
Campbell,	Edmunds,	Kribbs,	Moses,
Cannon, Cal.	English,	Kyle,	Mutchler,
Capehart,	Enloe,	Lane,	Neill,
Caruth,	Epes,	Lapham,	Oates,
Catchings,	Erdman,	Latimer,	O'Neil,
Outhwaite,	Richardson, Mich.	Stallings,	Warner,
Page,	Richardson, Tenn.	Stone, Ky.	Washington,
Paschal,	Robbins,	Strait,	Weadock,
Patterson,	Robertson, La.	Straus,	Wells,
Paynter,	Rusk,	Swanson,	Wheeler, Ala.
Pearson,	Russell, Ga.	Talbert, S. C.	Whiting,
Pence,	Ryan,	Talbott, Md.	Williams, Ill.
Pendleton, Tex.	Sayers,	Tate,	Williams, Miss.
Pendleton, W. Va.	Schermerhorn,	Taylor, Ind.	Wise,
Pigott,	Shell,	Terry,	Wolverton,
Price,	Sickles,	Tucker,	Woodard.
Rayner,	Sipe,	Turner, Ga.	The Speaker.
Reilly,	Sperry,	Turner, Va.	
Richards, Ohio.	Springer,	Tyler,	

NAYS—1.

Tracey.

NOT VOTING—174.

Adams, Ky.	Dalzell,	Houk,	Reyburn,
Adams, Pa.	Daniels,	Hulick,	Ritchie,
Aitken,	Davey,	Hull,	Robinson, Pa.
Aldrich,	Dingley,	Johnson, Ind.	Russell, Conn.
Apsley,	Dolliver,	Johnson, N. Dak.	Scranton,
Arnold,	Doolittle,	Johnson, Ohio	Settle,
Avery,	Draper,	Joy,	Shaw,
Babcock,	Ellis, Ky.	Kem,	Sherman,
Baker, N. H.	Ellis, Oregon	Kiefer,	Sibley,
Barnes,	Fielder,	Lacey,	Simpson,
Bartholdt,	Fithian,	Lefever,	Smith,
Belden,	Fletcher,	Linton,	Snodgrass,
Bell, Colo.	Forman,	Lisle,	Somers,
Beltzhoover,	Funk,	Livingston,	Stephenson,
Berry,	Funston,	Loud,	Stevens,
Bingham,	Fyan,	Loudenslager,	Stockdale,
Black, Ill.	Gardner,	Lucas,	Stone, C. W.
Blair,	Gear,	Maddox,	Stone, W. A.
Boutelle,	Gillet, N. Y.	Magner,	Storer,
Bower, N. C.	Gillett, Mass.	Maguire,	Strong,
Bowers, Cal.	Goodnight,	Mahon,	Sweet,
Branch,	Graham,	Marsh,	Tarsney,
Brattan,	Grosvenor,	Marvin, N. Y.	Tawney,
Breckinridge, Ky.	Grout,	McCall,	Taylor, Tenn.
Broderick,	Grow,	McCleary, Minn.	Thomas,
Brosius,	Hager,	McDowell,	Turpin,
Bundy,	Hainer,	Meiklejohn,	Updegraff,
Burrows,	Hammond,	Mercer,	Van Voorhis, N. Y.
Cabaniss,	Harmer,	Milliken,	Van Voorhis, Ohio
Caldwell,	Harter,	Moon,	Wadsworth,
Cannon, Ill.	Hartman,	Morse,	Walker,
Chickering,	Haugen,	Murray,	Wanger,
Childs,	Heard,	Newlands,	Waugh,
Clancy,	Heiner,	Northway,	Wever,
Cockran,	Henderson, Ill.	Payne,	Wheeler, Ill.
Cogswell,	Henderson, Iowa	Perkins,	White,
Compton,	Hepburn,	Phillips,	Wilson, Ohio.
Conn,	Hermann,	Pickler,	Wilson, Wash.
Cooper, Wis.	Hicks,	Post,	Wilson, W. Va.
Cousins,	Hilborn,	Powers,	Woomer,
Covert,	Hitt,	Quigg,	Wright, Mass.
Crain,	Hooker, N. Y.	Randall,	Wright, Pa.
Curtis, Kans.	Hopkins, Ill.	Ray,	
Curtis, N. Y.	Hopkins, Pa.	Reed.	

So the previous question was ordered.

Pending the announcement of the result,

Mr. CULBERSON said: Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall of the House when his name was called and did he fail to hear it?

Mr. REED. One moment, Mr. Speaker; was the gentleman here when his name should have been called?

Mr. CULBERSON. I was in the Hall during the call, and did not hear my name called.

Mr. CULBERSON'S vote was recorded.

Mr. WELLS. Mr. Speaker, I desire to inquire whether I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. WELLS. I desire to vote.

The SPEAKER. Was the gentleman in the Hall during the roll call, and did he fail to hear his name called?

Mr. WELLS. Yes, sir.

Mr. WELLS'S vote was recorded.

Mr. TUCKER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall when his name was called, and did he fail to hear it?

Mr. TUCKER. I was not here on the first roll call, but I was on the second, and my name was not then called.

Mr. TUCKER'S vote was recorded.

The SPEAKER. The Clerk will call my name.

The vote of Mr. CRISP was recorded.

Mr. OUTHWAITE asked for a recapitulation of the vote, but immediately withdrew the request.

Mr. REED. Mr. Speaker, I ask for a recapitulation.

The vote was recapitulated.

Mr. GROSVENOR. Mr. Speaker, I think there is an error in regard to the vote of the gentleman from New York, Mr. DANIELS.

Mr. DANIELS. Mr. Speaker, I supposed that this was a call of the House, and I answered "here." I did not intend to vote upon the pending question.

The SPEAKER. The Chair thinks that, under the circum-

stances, the gentleman's name ought to be stricken from the roll.

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.
Mr. LISLE with Mr. RANDALL.
Mr. BLACK of Illinois with Mr. ALDRICH.
Mr. SNODGRASS with Mr. HOUK.
Mr. STEVENS with Mr. VAN VOORHIS of New York.
Mr. TARSNEY with Mr. GEAR.
Mr. GOODNIGHT with Mr. WALKER.
Mr. GRAHAM with Mr. STRONG.
Mr. BARNES with Mr. MCCLEARY of Minnesota.
Mr. CABANISS with Mr. NORTHWAY.
Mr. FITHIAN with Mr. MOON.
Mr. ELLIS of Kentucky with Mr. HAUGEN.
Mr. FORMAN with Mr. LUCAS.
Mr. MADDOX with Mr. GROUT.
Mr. HEARD with Mr. TAYLOR of Tennessee.
Mr. BERRY with Mr. CALDWELL.
Mr. LIVINGSTON with Mr. STORER.
Mr. ARNOLD with Mr. COGSWELL.

The following for this day:

Mr. DAVEY with Mr. BOWERS of California.
Mr. BELTZHOOVER with Mr. WRIGHT of Massachusetts.
Mr. COMPTON with Mr. HENDERSON of Iowa.
Mr. FYAN with Mr. LINTON.
Mr. CRAIN with Mr. HOOKER of New York.
Mr. BRATTAN with Mr. WRIGHT of Pennsylvania.
Mr. SOMERS with Mr. HARMER.

The following on this vote:

Mr. STOCKDALE with Mr. BINGHAM.
Mr. TUCKER with Mr. WANGER.
Mr. TRACEY with Mr. WADSWORTH, on election cases.

Mr. TUCKER. Mr. Speaker, I desire to state that I am paired with the gentleman from Pennsylvania [Mr. WANGER], but with the understanding that I may vote to make a quorum.

The SPEAKER. On this question the yeas are 178 and the nays are 1. The ayes have it, and the previous question is ordered.

Mr. REED. There is debate, I believe; fifteen minutes on each side.

Mr. SPRINGER. I ask unanimous consent that a vote be taken without the yeas and nays upon the amendments offered by the gentleman from Maine separately.

Mr. REED. I have other amendments that I desire to offer.

Mr. PATTERSON. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Maine is recognized.

Mr. REED. Rule No. 1 of this House, fourth clause, declares that the Speaker shall decide all questions of order subject to an appeal by any member. That right, given under the rules of this House, is entirely without qualification or limitation. Twice yesterday that right was refused to a member of the House without any reason being given by the Speaker for such refusal. There is no reason that can be given under the law governing parliamentary bodies except that the processes of the House are being used to obstruct business. The Speaker has repeatedly stated it to be the principle which governed this House and which is contained in the rules that such a reason was not a valid one and that he could not refuse to entertain an appeal for any such reason as that. Nevertheless he has twice refused to entertain an appeal, one instance being recorded in the Journal and the other misrecorded. I merely call the attention of the House to this because it seems to be a plain case where the Speaker has adopted the principle, in actual practice, of refusing to entertain an appeal because he thought it was made for dilatory purposes and at the same time has not seen fit to say so in the Journal.

Now, what is the object of a journal so far as parliamentary proceedings are concerned? The object of it is to afford guidance in matters of parliamentary law to the House upon future occasions, and it has been the custom of Speakers, except in very obvious cases, to give their reasons. I submit to the House that there is no reason given, and yet, under the ruling of the Chair and his construction of the rules of this House, a right was twice denied to a member of the House. However, this is not the proceeding on which to reach that. This is simply a proposition to correct the Journal. The previous question has been ordered, and if the Journal is approved, it is approved with three plain errors in it, and that is neither just to the minority nor to the majority. The following colloquy occurred, according to the RECORD:

Mr. PAYNE. Pending that, Mr. Speaker, I move that the House do now adjourn.
The SPEAKER. The Chair declines to entertain that motion.
Mr. REED. On what ground?
Mr. PAYNE. I appeal from the decision of the Chair.
The SPEAKER. The gentleman from New York will take his seat. All gentlemen will be seated. The question is on agreeing to the resolution.

Now, your Journal that you propose to adopt without examination says:

Mr. PAYNE appealed from the decision of the Chair in declining to recognize him on the motion to adjourn.
The Speaker declined to entertain the appeal.
The question was put on agreeing to the order proposed by Mr. PATTERSON while the House was dividing.
Mr. PAYNE submitted a motion to adjourn.
The Speaker declined to entertain the motion at that time.
The yeas and nays having been demanded,
Mr. PAYNE demanded that the vote on ordering the yeas and nays be taken by tellers.

The House will also recollect the actual state of affairs which is embodied in the amendment which I offer.

Mr. PAYNE made the point that but one teller has acted.
The Chair overruled the point, for no reason stated.

Whether this amendment will be adopted or not I do not know; but the other correction will be impossible if the House proceeds to vote "aye" upon the main question. Now, what the House may choose to do is perhaps of very little consequence to any of us except so far as it may set an example of misstating in a solemn document, the Journal of the House, what actually occurred.

I reserve the remainder of my time.

Mr. SPRINGER. Mr. Speaker, it is not necessary to make any remarks on this side. I reserve my time and ask for a vote.

The SPEAKER. The question is upon the amendment offered by the gentleman from Maine. [The question was put.] The noes seem to have it.

Mr. REED. Division.

The question being again taken, there were—ayes 67, noes 148.

Mr. REED. Tellers—two of them.

Mr. SPRINGER. Yeas and nays.

The yeas and nays were ordered, 107 voting in favor thereof.

The question was taken; and there were—yeas 1, nays 179, not voting 172; as follows:

YEAS—1.

Tracey.

NAYS—179.

Abbott,	Cox,	Ikirt,	Pendleton, Tex.
Alderson,	Crain,	Jones,	Pendleton, W. Va.
Alexander,	Crawford,	Kilgore,	Pigott,
Allen,	Culberson,	Kribbs,	Price.
Bailey,	Cummings,	Kyle,	Reilly.
Baldwin,	Davis,	Lane,	Richards, Ohio
Bankhead,	De Armond,	Lapham,	Richardson, Mich.
Bartlett,	De Forest,	Latimer,	Richardson, Tenn.
Barwig,	Denson,	Lawson,	Robbins,
Bell, Colo.	Dinsmore,	Layton,	Robertson, La.
Bell, Tex.	Dockery,	Lester.	Russell, Ga.
Black, Ga.	Donovan,	Lockwood,	Ryan.
Bland,	Dunn,	Lynch.	Sayers,
Boatner,	Dunphy,	Maguire,	Schermerhorn,
Bower, N. C.	Durborow,	Marshall,	Shell,
Branch,	Edmunds,	Martin, Ind.	Sibley,
Breckinridge, Ark.	English,	McAleer,	Sickles,
Bretz,	Enloe,	McCreary, Ky.	Sperry,
Brickner,	Epes,	McCulloch,	Springer,
Brookshire,	Erdman,	McDannold,	Stallings,
Brown,	Everett,	McDearmon,	Stone, Ky.
Bryan,	Fielder,	McEttrick,	Strait.
Bunn,	Geary,	McGann,	Swanson,
Burnes,	Geissenhainer,	McKaig,	Talbert, S. C.
Bynum,	Goldzier,	McKeighan,	Talbott, Md.
Cadmus,	Gorman,	McLaurin,	Tate,
Caminetti,	Grady,	McMillin,	Taylor, Ind.
Campbell,	Gresham,	McNagny,	Terry,
Cannon, Cal.	Griffin,	McRae,	Tucker,
Capehart,	Haines,	Meredith,	Turner, Ga.
Caruth,	Hall, Minn.	Meyer,	Turner, Va.
Catchings,	Hall, Mo.	Money,	Turpin,
Causey,	Hammond,	Montgomery,	Tyler,
Clark, Mo.	Hare,	Morgan,	Warner,
Clarke, Ala.	Harris,	Moses,	Washington,
Cobb, Ala.	Hatch,	Mutchler,	Weadock,
Cobb, Mo.	Hayes,	Neill,	Wells,
Cockrell,	Henderson, N. C.	Oates,	Wheeler, Ala.
Coffeen,	Hendrix,	O'Neil,	Whiting,
Coombs,	Hines,	Outhwaite,	Williams, Ill.
Cooper, Fla.	Holman,	Page,	Williams, Miss.
Cooper, Ind.	Hooker, Miss.	Paschal,	Wise,
Cooper, Tex.	Hudson,	Patterson,	Wolverton,
Cornish,	Hunter,	Paynter,	Woodard.
Covert,	Hutcheson,	Pearson,	

NOT VOTING—172.

Adams, Ky.	Belden,	Brosius,	Conn,
Adams, Pa.	Beltzhoover,	Bundy,	Cooper, Wis.
Aitken,	Berry,	Burrows,	Cousins,
Aldrich,	Bingham,	Cabaniss,	Curtis, Kans.
Apsley,	Black, Ill.	Caldwell,	Curtis, N. Y.
Arnold,	Blair,	Cannon, Ill.	Dalzell,
Avery,	Boen,	Chickering,	Daniels,
Babcock,	Boutelle,	Childs,	Davey,
Baker, Kans.	Bowers, Cal.	Clancy,	Dingley,
Baker, N. H.	Brattan,	Cockran,	Dolliver,
Barnes,	Breckinridge, Ky	Cogswell,	Doolittle,
Bartholdt,	Broderick,	Compton,	Draper,

Ellis, Ky.	Hitt,	Mercer,	Snodgrass,
Ellis, Oregon	Hooker, N. Y.	Milliken,	Somers,
Fithian,	Hopkins, Ill.	Moon,	Stephenson,
Fletcher,	Hopkins, Pa.	Morse,	Stevens,
Forman,	Houk,	Murray,	Stockdale,
Funk,	Hulick,	Newlands,	Stone, C. W.
Funston,	Hull,	Northway,	Stone, W. A.
Fyan,	Johnson, Ind.	Payne,	Storer,
Gardner,	Johnson, N. Dak.	Pence,	Straus,
Gear,	Johnson, Ohio	Perkins,	Strong,
Gillet, N. Y.	Joy,	Phillips,	Sweet,
Gillett, Mass.	Kem,	Pickler,	Tarsney,
Goodnight,	Kiefer,	Post,	Tawney,
Graham,	Lacey,	Powers,	Taylor, Tenn.
Grosvenor,	Lefever,	Quigg,	Thomas,
Grout,	Linton,	Randall,	Updegraff,
Grow,	Lisle,	Ray,	Van Voorhis, N. Y.
Hager,	Livingston,	Rayner,	Van Voorhis, Ohio
Hainer,	Loud,	Reed,	Wadsworth,
Harmer,	Loudenslager,	Reyburn,	Walker,
Harter,	Lucas,	Ritchie,	Wanger,
Hartman,	Maddox,	Robinson, Pa.	Waugh,
Haugen,	Magner,	Rusk,	Wever,
Heard,	Mahon,	Russell, Conn.	Wheeler, Ill.
Heiner,	Mallory,	Scranton,	White,
Henderson, Ill.	Marsh,	Settle,	Wilson, Ohio
Henderson, Iowa	Marvin, N. Y.	Shaw,	Wilson, Wash.
Hepburn,	McCall,	Sherman,	Wilson, W. Va.
Hermann,	McCleary, Minn.	Simpson,	Woomer,
Hicks,	McDowell,	Sipe,	Wright, Mass.
Hilborn,	Meiklejohn,	Smith,	Wright, Pa.

The following pair was announced:

Mr. STOCKDALE with Mr. BINGHAM, on this vote.

Mr. BRETZ (before the result of the vote was announced). My colleague, Mr. CONN, has just sent me word that he is ill and desires to be excused. I ask that he be excused.

There being no objection, Mr. CONN was excused.

Mr. CHARLES W. STONE. I ask that my colleague, Mr. DALZELL, be excused on account of sickness.

There being no objection, Mr. DALZELL was excused.

Mr. TRACEY. I am paired with my colleague from New York, Mr. WADSWORTH, but I have voted so as to make a quorum.

Mr. CARUTH. My colleague, Mr. LISLE, is confined to his room by illness. I ask that he be excused.

There being no objection, Mr. LISLE was excused.

Mr. HARRIS. My colleague, Mr. SIMPSON, is detained from the House by sickness. I ask that he be excused.

There being no objection, Mr. SIMPSON was excused.

Mr. HAUGEN. My colleague from Wisconsin, Mr. COOPER, is confined to his house by illness. I ask that he be excused.

There being no objection, Mr. COOPER of Wisconsin was excused.

Mr. BURROWS. Mr. Speaker, before the announcement of the vote, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. This vote has been taken upon an amendment to the Journal after the previous question was supposed to have been ordered on such amendment by a quorum of the House. I see that the roll call on the motion for the previous question discloses 178 votes in the affirmative, 1 in the negative, making a quorum. Among those recorded as voting is the gentleman from Pennsylvania [Mr. SIPE], who, as I am informed, left the House last night for Pittsburg; and upon inquiry from many sources I do not find that he was in the House or present during the roll call.

It leaves the House without a quorum on that vote, as shown by the roll; and my parliamentary inquiry is now how can that be corrected? If there was no quorum voting on the demand for the previous question, of course the previous question was not ordered; and not being ordered, the vote upon this amendment could not be regularly taken.

Mr. SPRINGER. I make the point of order that no point of that kind can be raised until after the announcement of the result of the vote just had. Let that be first announced.

Mr. REED. But the presence of a quorum on ordering the previous question, and before the vote on the amendment could be taken, was absolutely vital.

Mr. SPRINGER. But a roll call has just been had on the amendment. That has not yet been announced. The Chair can entertain the point of order, subject to appeal and all motions incident to it, for future consideration, but yet the result of the vote on this roll call must first be announced before anything can be interposed.

Mr. BURROWS. I am sure the Chair will not decide that a new roll call should not be had where a manifest error has been shown. Of course the vote should not have been taken on the amendment until the previous question had been actually ordered by a quorum of the House as developed by the roll call.

I make no criticism upon the clerks of the House. There is so much confusion on the floor that mistakes are very liable to occur; but beyond any question no quorum voted on the demand for ordering the previous question, and so the vote could not have been properly taken on the amendment. This vote, then, is irregular, and in fairness the vote on ordering the previous question should be taken over again in order that the error may be corrected, because manifestly no quorum voted. That is all I ask.

The SPEAKER. That raises another question as to what constitutes a quorum of the House.

Mr. BURROWS. That is true, but if the roll call is incorrect, it ought to be repeated, for the purpose of correction, in some way.

The SPEAKER. There is no doubt as to that, but it would be immaterial for the purpose of the point the gentleman now makes if, eliminating the name of Mr. SIPE from the roll, there was still left a quorum of the House.

Mr. BURROWS. If the Chair holds that less than one-half of 356 members or less than 179 constitutes a quorum, then on that question I would like to be heard.

But I ask unanimous consent that the vote on ordering the previous question may be again taken to settle all disputes and end the controversy. There is evidently a quorum of the House present.

The SPEAKER. The Chair will submit the gentleman's request for unanimous consent. Is there objection to taking the vote on ordering the previous question over again?

Mr. SPRINGER. Let this vote be first announced before that is submitted to the House. That is the first business in order.

The SPEAKER. The Chair will announce the result of the vote——

Mr. REED. Mr. Speaker, either there was a quorum voting or there was not. If there was no quorum, then no proceeding that took place is in order, and these corrections have been made often in the House after days have elapsed, where such errors have been discovered.

The SPEAKER. There is no question of that, and no one has suggested any objection. The only question is whether the point of the gentleman from Michigan can be made before the announcement of the vote just taken is made.

Mr. BURROWS. I have no objection, Mr. Speaker, to that. I only make the point now because I do not wish to waive any rights to which I may be entitled.

The SPEAKER. The Chair understands the gentleman that way.

On this question the yeas are 1, the nays 179. So that on this vote the noes have it, and the amendment is rejected.

Mr. BURROWS. Now I ask unanimous consent that the roll call on ordering the previous question may be repeated.

Mr. BLAND. I demand the regular order.

Mr. SPRINGER. I make the point that a quorum is now developed on this vote in the House, and the only question in order is on the approval of the Journal. A quorum has voted. We are ready to do business, and the only question before the House is on the approval of the Journal.

The SPEAKER. But the previous question has been ordered on an amendment and upon the approval of the Journal. The gentleman from Michigan makes the point that by an error, when that vote was announced one less than a quorum had actually voted as he has stated, for it seems to be conceded that the gentleman from Pennsylvania was not in his seat and did not vote; at least there is no suggestion to the contrary.

Mr. OUTHWAITE. Mr. Speaker, the request of the gentleman from Michigan will only consume thirty minutes, and I hope the House will grant the request, and have another vote on ordering the previous question.

Mr. DOCKERY. That ought to be done.

The SPEAKER. The Chair was going on to say that the point of the gentleman from Michigan brings up the question whether a quorum has voted on that roll call without the name of the gentleman from Pennsylvania.

Mr. SPRINGER. I ask unanimous consent that the previous question may be considered as ordered. That ought to be satisfactory to all.

Mr. REED. Oh, no; that is avoiding the whole question.

The SPEAKER. The Chair will submit the request of the gentleman from Michigan, that the roll be again called on the demand for the previous question on the amendment and the approval of the Journal.

Mr. McRAE. I object. It only requires 178 members to make a quorum of the House as now constituted.

Mr. BURROWS. Then I make the point that no quorum voted on the motion for the previous question.

The SPEAKER. The Chair will hear the gentleman on that point.

Mr. SPRINGER. I renew the request for unanimous consent that the vote be taken on ordering the previous question again.

Mr. BURROWS. That was my request, and I have no ob-

jection to the matter taking that course. I think it is the shortest way out of it.

The SPEAKER. The Chair submitted the request, and objection was made.

Mr. SPRINGER. I ask that the Chair again submit the request. I think there will be no objection.

The SPEAKER. Is the objection withdrawn to the request that the vote be taken again on ordering the previous question? If it is, the Chair will order the vote taken again, in the absence of objection. [After a pause.] The Chair hears no objection. The roll will again be called on ordering the previous question.

Mr. McRAE. I withdraw the objection; but I want it to be understood that I do not waive the point that there was a quorum after the correction is made.

Mr. BURROWS. I trust that question will be held in abeyance.

The SPEAKER. As many as favor ordering the previous question on the approval of the Journal will, when their names are called say "aye;" those opposed, "no."—

Mr. BURROWS. Now, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. I have no criticism to pass on the clerks. I am surprised that they make the roll so accurate; but I do insist upon order during this roll call.

The SPEAKER. The Chair thinks the point is well taken. The House will please be in order. The Clerk will now call the roll. As many as favor ordering the previous question will, when their names are called, say "aye;" those opposed, "no."

The question was taken; and there were—yeas 183, nays 1, not voting 168; as follows:

YEAS—183.

Abbott,	Crawford,	Kribbs,	Price,
Alderson,	Culberson,	Kyle,	Rayner,
Alexander,	Cummings,	Lane,	Reilly,
Allen,	Davis,	Lapham,	Richards, Ohio
Bailey,	De Armond,	Latimer,	Richardson, Mich.
Baldwin,	De Forest,	Lawson,	Richardson, Tenn.
Bankhead,	Denson,	Layton,	Robbins,
Bartlett,	Dinsmore,	Lester,	Robertson, La.
Barwig,	Dockery,	Lockwood,	Rusk.
Bell, Colo.	Donovan,	Lynch,	Russell, Ga.
Bell, Tex.	Dunn,	Maguire,	Ryan,
Black, Ga.	Dunphy,	Mallory,	Sayers,
Bland,	Durborow,	Marshall,	Schermerhorn,
Boatner,	Edmunds,	Martin, Ind.	Shell,
Boen,	English,	McAleer,	Sibley,
Bower, N. C.	Enloe,	McCreary, Ky.	Sickles,
Branch,	Epes,	McCulloch,	Sperry,
Breckinridge, Ark.	Erdman,	McDannold,	Springer,
Bretz,	Everett,	McDearmon,	Stallings,
Brickner,	Fielder,	McEttrick,	Stockdale,
Brookshire,	Geary,	McGann,	Stone, Ky.
Brown,	Geissenhainer,	McKaig,	Strait,
Bryan,	Goldzier,	McKeighan,	Straus,
Bunn,	Gorman,	McLaurin,	Swanson,
Burnes,	Grady,	McMillin,	Talbert, S. C.
Bynum,	Gresham,	McNagny,	Talbott, Md.
Cadmus,	Griffin,	McRae,	Tate,
Caminetti,	Haines,	Meredith,	Taylor, Ind.
Campbell,	Hall, Minn.	Meyer,	Terry,
Cannon, Cal.	Hall, Mo.	Money,	Tucker,
Capehart,	Hammond,	Montgomery,	Turner, Ga.
Caruth,	Hare,	Morgan,	Turner, Va.
Catchings,	Harris,	Moses,	Turpin,
Causey,	Hatch,	Mutchler,	Tyler,
Clark, Mo.	Hayes,	Neill,	Warner,
Clarke, Ala.	Henderson, N. C	Oates,	Washington,
Cobb, Ala.	Hendrix,	O'Neil,	Weadock,
Cockrell,	Hines,	Outhwaite,	Wells,
Coffeen,	Holman,	Page,	Wheeler, Ala.
Coombs,	Hooker, Miss.	Paschal,	Whiting,
Cooper, Fla.	Hudson,	Patterson,	Williams, Ill.
Cooper, Ind.	Hunter,	Pearson,	Williams, Miss.
Cooper, Tex.	Hutcheson,	Pence,	Wise,
Cornish,	Ikirt,	Pendleton, Tex.	Wolverton,
Covert,	Jones,	Pendleton, W. Va.	Woodard.
Cox,	Kilgore,	Pigott,	

NAYS—1.

Tracey.

NOT VOTING—168.

Adams, Ky.	Brattan,	Curtis, Kans.	Gillett, Mass.
Adams, Pa.	Breckinridge, Ky.	Curtis, N. Y.	Goodnight,
Aitken,	Broderick,	Dalzell,	Graham,
Aldrich,	Brosius,	Daniels,	Grosvenor,
Apsley,	Bundy,	Davey,	Grout,
Arnold,	Burrows,	Dingley,	Grow,
Avery,	Cabaniss,	Dolliver,	Hager,
Babcock,	Caldwell,	Doolittle,	Hainer,
Baker, Kans.	Cannon, Ill.	Draper,	Harmer,
Baker, N. H.	Chickering,	Ellis, Ky.	Harter,
Barnes,	Childs,	Ellis, Oregon	Hartman,
Bartholdt,	Clancy,	Fithian,	Haugen,
Belden,	Cobb, Mo.	Fletcher,	Heard,
Beltzhoover,	Cockran,	Forman,	Heiner,
Berry,	Cogswell,	Funk,	Henderson, Ill.
Bingham,	Compton,	Funston,	Henderson, Iowa
Black, Ill.	Conn,	Fyan,	Hepburn,
Blair,	Cooper, Wis.	Gardner,	Hermann,
Boutelle,	Cousins,	Gear,	Hicks,
Bowers, Cal.	Crain,	Gillet, N. Y.	Hilborn,
Hitt,	Magner,	Quigg,	Strong,
Hooker, N. Y.	Mahon,	Randall,	Sweet,
Hopkins, Ill.	Marsh,	Ray,	Tarsney,
Hopkins, Pa.	Marvin, N. Y.	Reed,	Tawney,
Houk,	McCall,	Reyburn,	Taylor, Tenn.
Hulick,	McCleary, Minn.	Ritchie,	Thomas,
Hull,	McDowell,	Robinson, Pa.	Updegraff,
Johnson, Ind.	Meiklejohn,	Russell, Conn.	Van Voorhis, N. Y.
Johnson, N. Dak.	Mercer,	Scranton,	Van Voorhis, Ohio
Johnson, Ohio	Milliken,	Settle,	Wadsworth,
Joy,	Moon,	Shaw,	Walker,
Kem,	Morse,	Sherman,	Wanger,
Kiefer,	Murray,	Simpson,	Waugh,
Lacey,	Newlands,	Sipe,	Wever,
Lefever,	Northway,	Smith,	Wheeler, Ill.
Linton,	Payne,	Snodgrass,	White,
Lisle,	Paynter,	Somers,	Wilson, Ohio
Livingston,	Perkins,	Stephenson,	Wilson, Wash.
Loud,	Phillips,	Stevens,	Wilson, W. Va.
Loudenslager,	Pickler,	Stone, C. W.	Woomer,
Lucas,	Post,	Stone, W. A.	Wright, Mass.
Maddox,	Powers,	Storer,	Wright, Pa.

So the previous question was ordered.

The SPEAKER. On this question the yeas are 183, and the nays 1. The question now is on the approval of the Journal.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. REED. Division.

The SPEAKER. As many as favor the approval of the Journal will rise and remain standing until counted.

The House divided; and there were—ayes 117, noes none.

Mr. REED. No quorum.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 0, not voting 178; as follows:

YEAS—174.

Alderson,	De Forest,	Lawson,	Richards, Ohio
Alexander,	Denson,	Layton,	Richardson, Mich.
Bailey,	Dinsmore,	Lester,	Richardson, Tenn.
Baker, Kans.	Donovan,	Lockwood,	Robbins,
Baldwin,	Dunn,	Lynch,	Robertson, La.
Bankhead,	Dunphy,	Maguire,	Rusk.
Bartlett,	Durborow,	Mallory,	Russell, Ga.
Bell, Colo.	Edmunds,	Marshall,	Ryan,
Bell, Tex.	English,	Martin, Ind.	Sayers,
Black, Ga.	Enloe,	McAleer,	Schermerhorn,
Bland,	Epes,	McCreary, Ky.	Shell,
Boatner,	Erdman,	McCulloch,	Sibley,
Boen,	Everett,	McDannold,	Sickles,
Bower, N. C.	Fielder,	McDearmon,	Springer,
Branch,	Geary,	McEttrick,	Stallings,
Breckinridge, Ark.	Geissenhainer,	McGann,	Stockdale,
Bretz,	Goldzier,	McKaig,	Stone, Ky.
Brickner,	Gorman,	McKeighan,	Strait,
Brookshire,	Grady,	McLaurin,	Straus,
Brown,	Gresham,	McMillin,	Swanson,
Bryan,	Haines,	McNagny,	Talbert, S. C.
Bunn,	Hall, Minn.	McRae,	Talbott, Md.
Burnes,	Hall, Mo.	Meredith,	Tate,
Bynum,	Hammond,	Meyer,	Taylor, Ind.
Cadmus,	Hare,	Money,	Terry,
Caminetti,	Harris,	Montgomery,	Tracey,
Campbell,	Hatch,	Morgan,	Tucker,
Cannon, Cal.	Hayes,	Moses,	Turner, Ga.
Capehart,	Henderson, N. C.	Mutchler,	Turner, Va.
Clark, Mo.	Hendrix,	Neill,	Turpin,
Clarke, Ala.	Hines,	Oates,	Tyler,
Cobb, Ala.	Holman,	O'Neil,	Warner,
Cobb, Mo.	Hooker, Miss.	Outhwaite,	Washington,
Cockrell,	Hudson,	Page,	Weadock,
Coffeen,	Hunter,	Paschal,	Wells,
Cooper, Fla.	Hutcheson,	Patterson,	Wheeler, Ala.
Cooper, Ind.	Ikirt,	Paynter,	Whiting,
Cooper, Tex.	Jones,	Pearson,	Williams, Ill.
Cornish,	Kilgore,	Pendleton, Tex.	Williams, Miss.
Covert,	Kribbs,	Pendleton, W. Va	Wise,
Cox,	Kyle,	Pigott,	Wolverton,
Crawford,	Lane,	Price,	Woodard.
Culberson,	Lapham,	Rayner,	
De Armond,	Latimer,	Reilly.	

NAYS—0.

NOT VOTING—178.

Abbott,	Breckinridge, Ky.	Curtis, Kans.	Goodnight,
Adams, Ky.	Broderick,	Curtis, N. Y.	Graham,
Adams, Pa.	Brosius,	Dalzell,	Griffin,
Aitken,	Bundy,	Daniels,	Grosvenor,
Aldrich,	Burrows,	Davey,	Grout,
Allen,	Cabaniss,	Davis,	Grow,
Apsley,	Caldwell,	Dingley,	Hager,
Arnold,	Cannon, Ill.	Dockery,	Hainer,
Avery,	Caruth,	Dolliver,	Harmer,
Babcock,	Catchings,	Doolittle,	Harter,
Baker, N. H.	Causey,	Draper,	Hartman,
Barnes,	Chickering,	Ellis, Ky.	Haugen,
Bartholdt,	Childs,	Ellis, Oregon,	Heard,
Barwig,	Clancy,	Fithian,	Heiner,
Belden,	Cockran,	Fletcher,	Henderson, Ill.
Beltzhoover,	Cogswell,	Forman,	Henderson, Iowa
Berry,	Compton,	Funk,	Hepburn,
Bingham,	Conn,	Funston,	Hermann,
Black, Ill.	Coombs,	Fyan,	Hicks,
Blair,	Cooper, Wis.	Gardner,	Hilborn,
Boutelle,	Cousins,	Gear,	Hitt,
Bowers, Cal.	Crain,	Gillet, N. Y.	Hooker, N. Y.
Brattan,	Cummings,	Gillett, Mass.	Hopkins, Ill.

Hopkins, Pa.	Marvin, N. Y.	Reed,	Tarsney,
Houk,	McCall,	Reyburn,	Tawney,
Hulick,	McCleary, Minn.	Ritchie,	Taylor, Tenn.
Hull,	McDowell,	Robinson, Pa.	Thomas,
Johnson, Ind.	Meiklejohn,	Russell, Conn.	Updegraff,
Johnson, N. Dak.	Mercer,	Scranton,	Van Voorhis, N. Y.
Johnson, Ohio	Milliken,	Settle,	Van Voorhis, Ohio
Joy,	Moon,	Shaw,	Wadsworth,
Kem,	Morse,	Sherman,	Walker,
Kiefer,	Murray,	Simpson,	Wanger,
Lacey,	Newlands,	Sipe,	Waugh,
Lefever,	Northway,	Smith,	Wever,
Linton,	Payne,	Snodgrass,	Wheeler, Ill.
Lisle,	Pence,	Somers,	White,
Livingston,	Perkins,	Sperry,	Wilson, Ohio
Loud,	Phillips,	Stephenson,	Wilson, Wash.
Loudenslager,	Pickler,	Stevens,	Wilson, W. Va.
Lucas,	Post,	Stone, C. W.	Woomer,
Maddox,	Powers,	Stone, W. A.	Wright, Mass.
Magner,	Quigg,	Storer,	Wright, Pa.
Mahon,	Randall,	Strong,	
Marsh,	Ray,	Sweet,	

Mr. SWANSON. Mr. Speaker, I was in the Hall of the House and did not hear my name called.

Mr. REED. Was the gentleman in the Hall of the House at the time his name was called?

Mr. SWANSON. I was.

The name of Mr. SWANSON was called, and he voted "yea."

Mr. PAGE. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall of the House and failed to hear his name called?

Mr. PAGE. I was.

The name of Mr. PAGE was called, and he voted "yea."

Mr. DOCKERY. Mr. Speaker, I desire to state that I was not in the Hall of the House and did not hear my name called, being absent in connection with the business of the Committee on Appropriations.

Mr. COOMBS. I wish to make the same statement, Mr. Speaker.

The SPEAKER. On this question the yeas are 174; the nays are none. No quorum has voted.

Mr. SPRINGER. I move that the House do now adjourn, and hope gentlemen will vote it down. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 2, nays 178, not voting 173; as follows:

YEAS—2.

Hall, Minn.	Ray.

NAYS—178.

Abbott,	Covert,	Kribbs,	Richards, Ohio
Alderson,	Cox,	Kyle,	Richardson, Mich.
Alexander,	Crawford,	Lane,	Richardson, Tenn.
Allen,	Culberson,	Latimer,	Robbins,
Bailey,	Cummings,	Lawson,	Robertson, La.
Baker, Kans.	De Armond,	Layton,	Rusk,
Baldwin,	De Forest,	Lester,	Russell, Ga.
Bankhead,	Denson,	Lockwood,	Ryan,
Bartlett,	Dinsmore,	Lynch,	Sayers,
Barwig,	Dockery,	Maguire,	Schermerhorn,
Bell, Tex.	Donovan,	Mallory,	Shell,
Black, Ga.	Dunn,	Marshall,	Sibley,
Bland,	Dunphy,	Martin, Ind.	Sickles,
Boatner,	Durborow,	McAleer,	Sperry,
Boen,	Edmunds,	McCreary, Ky.	Springer,
Bower, N. C.	Enloe,	McCulloch,	Stallings,
Branch,	Epes,	McDannold,	Stone, Ky.
Breckinridge, Ark.	Erdman,	McDearmon,	Strait,
Bretz,	Everett,	McEttrick,	Straus,
Brickner,	Fielder,	McGann,	Swanson,
Brookshire,	Geary,	McKaig,	Talbert, S. C.
Brown,	Geissenhainer,	McKeighan,	Talbott, Md.
Bryan,	Goldzier,	McMillin,	Tate,
Bunn,	Gorman,	McNagny,	Taylor, Ind.
Burnes,	Grady,	McRae,	Terry,
Bynum,	Gresham,	Meredith,	Tracey,
Cadmus,	Griffin,	Meyer,	Tucker,
Caminetti,	Haines,	Money,	Turner, Ga.
Campbell,	Hall, Mo.	Montgomery,	Turner, Va.
Cannon, Cal.	Hammond,	Morgan,	Turpin,
Capehart,	Hare,	Moses,	Tyler,
Caruth,	Harris,	Mutchler,	Warner,
Catchings,	Hatch,	Neill,	Washington,
Causey,	Hayes,	Oates,	Weadock,
Clark, Mo.	Henderson, N. C.	O'Neil,	Wells,
Clarke, Ala.	Hendrix,	Outhwaite,	Wheeler, Ala.
Cobb, Ala.	Hines,	Page,	Whiting,
Cobb, Mo.	Holman,	Paschal,	Williams, Ill.
Cockrell,	Hooker, Miss.	Patterson,	Williams, Miss.
Coffeen,	Hudson,	Paynter,	Wise,
Coombs,	Hunter,	Pearson,	Wolverton,
Cooper, Fla.	Hutcheson,	Pendleton, Tex.	Woodard,
Cooper, Ind.	Ikirt,	Pendleton, W. Va.	The Speaker.
Cooper, Tex.	Jones,	Pigott,	
Cornish,	Kilgore,	Reilly,	

NOT VOTING—173.

Adams, Ky.	Babcock,	Berry,	Breckinridge, Ky.
Adams, Pa.	Baker, N. H.	Bingham,	Broderick,
Aitken,	Barnes,	Black, Ill.	Brosius,
Aldrich,	Bartholdt,	Blair,	Bundy,
Apsley,	Belden,	Boutelle,	Burrows,
Arnold,	Bell, Colo.	Bowers, Cal.	Cabaniss,
Avery,	Beltzhoover,	Brattan,	Caldwell,
Cannon, Ill.	Grout,	Lucas,	Sherman,
Chickering,	Grow,	Maddox,	Simpson,
Childs,	Hager,	Magner,	Sipe,
Clancy,	Hainer,	Mahon,	Smith,
Cockran,	Harmer,	Marsh,	Snodgrass,
Cogswell,	Harter,	Marvin, N. Y.	Somers,
Compton,	Hartman,	McCall,	Stephenson,
Conn,	Haugen,	McCleary, Minn.	Stevens,
Cooper, Wis.	Heard,	McDowell,	Stockdale,
Cousins,	Heiner,	McLaurin,	Stone, C. W.
Crain,	Henderson, Ill.	Meiklejohn,	Stone, W. A.
Curtis, Kans.	Henderson, Iowa	Mercer,	Storer,
Curtis, N. Y.	Hepburn,	Milliken,	Strong,
Dalzell,	Hermann,	Moon,	Sweet,
Daniels,	Hicks,	Morse,	Tarsney,
Davey,	Hilborn,	Murray,	Tawney,
Davis,	Hitt,	Newlands,	Taylor, Tenn.
Dingley,	Hooker, N. Y.	Northway,	Thomas,
Dolliver,	Hopkins, Ill.	Payne,	Updegraff,
Doolittle,	Hopkins, Pa.	Pence,	Van Voorhis, N. Y.
Draper,	Houk,	Perkins,	Van Voorhis, Ohio
Ellis, Ky.	Hulick,	Phillips,	Wadsworth,
Ellis, Oregon	Hull,	Pickler,	Walker,
English,	Johnson, Ind.	Post,	Wanger,
Fithian,	Johnson, N. Dak.	Powers,	Waugh,
Fletcher,	Johnson, Ohio	Price,	Wever,
Forman,	Joy,	Quigg,	Wheeler, Ill.
Funk,	Kem,	Randall,	White,
Funston,	Kiefer,	Rayner,	Wilson, Ohio
Fyan,	Lacey,	Reed,	Wilson, Wash.
Gardner,	Lapham,	Reyburn,	Wilson, W. Va.
Gear,	Lefever,	Ritchie,	Woomer,
Gillet, N. Y.	Linton,	Robinson, Pa.	Wright, Mass.
Gillett, Mass.	Lisle,	Russell, Conn.	Wright, Pa.
Goodnight,	Livingston,	Scranton,	
Graham,	Loud,	Settle,	
Grosvenor,	Loudenslager,	Shaw,	

The SPEAKER *pro tempore* (Mr. MCMILLIN). On this question the yeas are 2, the nays 178. The noes have it, and the House refuses to adjourn. The question recurs on the motion to approve the Journal, upon which the previous question has been ordered and the yeas and nays have been ordered.

The question was taken; and there were—yeas 186, nays 0, not voting 166; as follows:

YEAS—186.

Abbott,	Crain,	Kribbs,	Price,
Alderson,	Crawford,	Kyle,	Reed,
Alexander,	Culberson,	Lane,	Reilly,
Allen,	Cummings,	Lapham,	Richards, Ohio
Bailey,	Davis,	Latimer,	Richardson, Mich.
Baker, Kans.	De Armond,	Lawson,	Richardson, Tenn.
Baldwin,	De Forest,	Layton,	Robbins,
Bankhead,	Denson,	Lester,	Robertson, La.
Bartlett,	Dinsmore,	Lockwood,	Rusk,
Barwig,	Dockery,	Lynch,	Russell, Ga.
Bell, Colo.	Donovan,	Maguire,	Ryan,
Bell, Tex.	Dunn,	Mallory,	Sayers,
Black, Ga.	Dunphy,	Marshall,	Schermerhorn,
Bland,	Durborow,	Martin, Ind.	Shell,
Boatner,	Edmunds,	McAleer,	Sibley,
Boen,	English,	McCreary, Ky.	Sickles,
Bower, N. C.	Enloe,	McCulloch,	Sperry,
Branch,	Epes,	McDannold,	Springer,
Breckinridge, Ark.	Erdman,	McDearmon,	Stallings,
Bretz,	Everett,	McEttrick,	Stockdale,
Brickner,	Fielder,	McGann,	Stone, Ky.
Brookshire,	Geary,	McKaig,	Strait,
Brown,	Geissenhainer,	McKeighan,	Straus,
Bryan,	Goldzier,	McLaurin,	Swanson,
Bunn,	Gorman,	McMillin,	Talbert, S. C.
Burnes,	Grady,	McNagny,	Talbott, Md.
Bynum,	Gresham,	McRae,	Tate,
Cadmus,	Griffin,	Meredith,	Taylor, Ind.
Caminetti,	Haines,	Meyer,	Terry,
Campbell,	Hall, Minn.	Money,	Tracey,
Cannon, Cal.	Hall, Mo.	Montgomery,	Tucker,
Capehart,	Hammond,	Morgan,	Turner, Ga.
Caruth,	Hare,	Moses,	Turpin,
Catchings,	Harris,	Mutchler,	Tyler,
Causey,	Hatch,	Neill,	Warner,
Clark, Mo.	Hayes,	Oates,	Washington,
Clarke, Ala.	Henderson, N. C.	O'Neil,	Weadock,
Cobb, Ala.	Hendrix,	Outhwaite,	Wells,
Cobb, Mo.	Hines,	Page,	Wheeler, Ala.
Cockrell,	Holman,	Paschal,	Whiting,
Coffeen,	Hooker, Miss.	Patterson,	Williams, Ill.
Coombs,	Hudson,	Paynter,	Williams, Miss.
Cooper, Fla.	Hunter,	Pearson,	Wise,
Cooper, Ind.	Hutcheson,	Pence,	Wolverton,
Cooper, Tex.	Ikirt,	Pendleton, Tex.	Woodard.
Covert,	Jones,	Pendleton, W. Va.	
Cox,	Kilgore,	Pigott,	

NAYS—0.

NOT VOTING—166.

Adams, Ky.	Black, Ill.	Clancy,	Doolittle,
Adams, Pa.	Blair,	Cockran,	Draper,
Aitken,	Boutelle,	Cogswell,	Ellis, Ky.
Aldrich,	Bowers, Cal.	Compton,	Ellis, Oregon
Apsley,	Brattan,	Conn,	Fithian,
Arnold,	Breckinridge, Ky.	Cooper, Wis.	Fletcher,
Avery,	Broderick,	Cornish,	Forman,
Babcock,	Brosius,	Cousins,	Funk,
Baker, N. H.	Bundy,	Curtis, Kans.	Funston,
Barnes,	Burrows,	Curtis, N. Y.	Fyan,
Bartholdt,	Cabaniss,	Dalzell,	Gardner,
Belden,	Caldwell,	Daniels,	Gear,
Beltzhoover,	Cannon, Ill.	Davey,	Gillet, N. Y.
Berry,	Chickering,	Dingley,	Gillett, Mass.
Bingham,	Childs,	Dolliver,	Goodnight,

Graham,	Johnson, Ohio	Northway,	Stone, W. A.
Grosvenor,	Joy,	Payne,	Storer,
Grout,	Kem,	Perkins,	Strong,
Grow,	Kiefer,	Phillips,	Sweet,
Hager,	Lacey,	Pickler,	Tarsney,
Hainer,	Lefever,	Post,	Tawney,
Harmer,	Linton,	Powers,	Taylor, Tenn.
Harter,	Lisle,	Quigg,	Thomas,
Hartman,	Livingston,	Randall,	Turner, Va.
Haugen,	Loud,	Ray,	Updegraff,
Heard,	Loudenslager,	Rayner,	Van Voorhis, N. Y.
Heiner,	Lucas,	Reyburn,	Van Voorhis, Ohio
Henderson, Ill.	Maddox,	Ritchie,	Wadsworth,
Henderson, Iowa	Magner,	Robinson, Pa.	Walker,
Hepburn,	Mahon,	Russell, Conn.	Wanger,
Hermann,	Marsh,	Scranton,	Waugh,
Hicks,	Marvin, N. Y.	Settle,	Wever,
Hilborn,	McCall,	Shaw,	Wheeler, Ill.
Hitt,	McCleary, Minn.	Sherman,	White,
Hooker, N. Y.	McDowell,	Simpson,	Wilson, Ohio
Hopkins, Ill.	Meiklejohn,	Sipe,	Wilson, Wash.
Hopkins, Pa.	Mercer,	Smith,	Wilson, W. Va.
Houk,	Milliken,	Snodgrass,	Woomer,
Hulick,	Moon,	Somers,	Wright, Mass.
Hull,	Morse,	Stephenson,	Wright, Pa.
Johnson, Ind.	Murray,	Stevens,	
Johnson, N. Dak.	Newlands.	Stone, C. W.	

Mr. REED (before the announcement of the result). Mr. Speaker, I desire to change my vote from no to aye.

The SPEAKER. On this question the ayes are 186 and the noes are none. The ayes have it——

Mr. REED. I move to reconsider——

Mr. SPRINGER. Mr. Speaker, I move to reconsider, and I also move to lay the motion to reconsider on the table.

The SPEAKER. The gentleman from Maine moves to reconsider and the gentleman from Illinois moves to lay that motion on the table.

Mr. REED. Pending that, Mr. Speaker, I move that the House adjourn.

Mr. LYNCH. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LYNCH. I desire to inquire whether a motion to reconsider is in order while the House is proceeding under the special rule?

Mr. REED. We were only proceeding under that last evening.

The SPEAKER. What special rule does the gentleman refer to?

Mr. LYNCH. I understand that we are proceeding under a special order submitted by the Committee on Rules the other day and adopted by the House, which provides for the consideration of the contested-election cases, and says that no intervening motion shall be entertained.

Mr. REED. The Chair will remember that we are now under a call of the House.

Several MEMBERS. Oh, no.

Mr. SPRINGER. We have not had a call of the House.

Mr. REED. Excuse me. We are under yesterday's call, which was projected into futurity.

Mr. SPRINGER. The adjournment, though, dispenses with all further proceedings under the call.

The SPEAKER. The gentleman from Wisconsin makes the point that the motion to adjourn is not in order under the special order. The Clerk will report the special order, to which the Chair understands the gentleman to refer.

The Clerk read as follows:

Resolved, That immediately upon adoption of this order the House proceed to consider the contested-election case of O'Neill against Joy from Missouri; that after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee.

That immediately after said case is disposed of the House shall proceed to consider the contested-election case of English *vs.* Hilborn from California; that after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may then be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee. This order to continue from day to day until both cases therein mentioned are disposed of.

Mr. REED. The Chair has entertained a motion for the previous question, the Chair has entertained a motion for amendment, and the Chair has entertained a motion to approve the Journal. Now, if that special order was in force or applicable in any way the Chair has been neglectful of his duty.

The SPEAKER. No point of order was raised.

Mr. REED. No point of order was raised, and nobody ever dreamed of raising such a point as that, I should imagine. The Chair undertook to submit the Journal to the House. In addition to that, when we adjourned last evening we adjourned with an unexecuted order of the House for the bringing here of a quorum, which order the Speaker decided could be passed without a quorum. The officers have not discharged their duty and we are still under the influence of that call of the House, and consequently can not be under the influence of the special order. Of course I do not know what may be decided.

Mr. SPRINGER. No point of order was made against the motion to approve the Journal, nor against the motion for the previous question; but I contend that if there had been, still we can not proceed to business until the House has met and a quorum appears and the Journal is approved. Now, the Journal has been approved and we have a quorum present, and we are ready to proceed to the execution of the special order, which continues from day to day. Therefore the business now before the House, the Journal having been approved——

Mr. REED. The Journal has not been approved. A motion to reconsider the vote by which it was approved is now pending, and the idea that we can be deprived of the right to reconsider is——

Mr. SPRINGER. But you moved to adjourn?

Mr. REED. Precisely. Pending the motion to reconsider, the House has a right to adjourn—at least I suppose it has.

Mr. LYNCH. The point I make is that no intervening motion can be entertained when the House is proceeding under this special order.

Mr. REED. If the Speaker decides that the motion is dilatory that is another question, but he has announced that he never will so decide.

Mr. SPRINGER. The Chair does not decide anything of the kind.

Mr. REED. I hope there will be no attempt made to force the Speaker to decide against his will.

The SPEAKER. The Chair will not be forced.

Mr. REED. Because the case is painful enough as it is now.

Mr. TUCKER. To the gentleman from Maine and his friends.

The SPEAKER. This order providing for the consideration of the two contested-election cases itself nominates what motions are in order, and expressly excludes any motions not mentioned in the order. The motions mentioned in the first case are, a vote on the substitute and then a vote on the resolution reported from the Committee on Elections. There is a similar provision as to the California case, and then a provision that this order shall continue to operate from day to day until the cases are fully and finally disposed of.

Yesterday there was a failure of a quorum; a call of the House was ordered; and the House adopted a resolution to send for absentees. In that resolution was a provision that the adjournment of the House should not affect or destroy the force of that order. Everything relating to the call of the House, except so far as preserved by the terms of that resolution, fell by reason of the adjournment. If there had not been an express provision in the resolution to prevent the order of arrest from falling, that too would have fallen by the adjournment of the House with the other proceedings under the call. The House then adjourned. This morning when the House met the Chair directed the reading of the Journal. The contested-election cases were not called up; the Chair does not say whether they might have been, but they were not.

Under the direction of the Chair the Journal was read. The question was then upon the approval of the Journal. No point was made against that or against the motion to amend. The House has voted that the Journal be approved. The gentleman from Maine has entered a motion to reconsider the vote by which the House approved the Journal, and pending that motion moves that the House adjourn. Now, the gentleman from Wisconsin makes the point that the motion to adjourn is not in order, because of the terms of the order which has been adopted; and the Chair is inclined to sustain the view of the gentleman from Wisconsin——

Mr. REED. I desire to make a single suggestion. That order says "from day to day."

The SPEAKER. "From day to day."

Mr. REED. Does that imply an adjournment, or does it not?

The SPEAKER. It says: "This order to continue from day to day until both cases therein mentioned are disposed of."

Mr. REED. Exactly. That implies an adjournment whenever the House chooses to adjourn. If there were no such thing as adjournment contemplated, the language would not be "from day to day."

The SPEAKER. The adjournment on yesterday was when the House found itself without a quorum——

Mr. REED. Very well——

The SPEAKER. It was under a call, when no motion was in order except to adjourn or some motion in relation to the call.

Mr. REED. I am afraid I am not making myself clear. The order which has been adopted by the House provides that it shall continue in force from day to day. That is appropriate language if it is contemplated that while these questions are pending the House shall have perfect power to adjourn if it chooses. But if

the point of order is sustained, then we can not adjourn this House until we have disposed of all these questions, which, if I may borrow an expression of the Speaker, would be "unsuitable."

Mr. PATTERSON. I call for the regular order.

The SPEAKER. The Chair sustains the point of order raised against the motion of the gentleman from Maine that the House adjourn.

Mr. PAYNE. I appeal from that decision.

The SPEAKER. The Chair declines to entertain the appeal.

Mr. REED. Upon what ground?

The SPEAKER. The Chair declines to answer except in his own terms.

Mr. REED. I do not wonder the Chair is unwilling to do so.

The SPEAKER. The Chair desires to state to the House now, so that members may understand it, that no member on the floor has any right, when the Chair has made a decision, to rise and ask "upon what ground?" [applause on the Democratic side] any more than a gentleman would have such right in a court or any similar body after a ruling had been made against him.

It is the privilege of the Chair to state the ground of his decision if he desires to do so. If, in making a decision, he states reasons which are insufficient in the judgment of any member, or decides without stating reasons at all, no member has the right, and can not in a body where parliamentary law is observed and order and decorum maintained, rise in his place and ask, "What are the grounds of that decision?" [Applause on the Democratic side.]

Mr. PATTERSON. I call for the regular order.

The SPEAKER. The regular order is the vote on the motion to reconsider.

Mr. SPRINGER. I make the point of order that the motion to reconsider the vote by which the Journal was approved is simply a part of the ordinary business of the House; and if the gentleman from Tennessee now calls up the election case, it takes precedence.

The SPEAKER. But no point was made upon the motion; and the motion to reconsider is part of the vote on approval; pending that motion, the vote on approval is incomplete.

Mr. SPRINGER. But that motion can be passed upon at any time in the future when the House may desire to determine it.

The SPEAKER. The Chair thinks that the motion to reconsider having been made, the vote on the approval of the Journal is incomplete, and it must be completed if there is a demand that it be completed.

Mr. SPRINGER. I move to lay the motion to reconsider on the table.

The SPEAKER. The question is upon the motion to lay on the table the motion to reconsider.

Mr. REED. The Chair has announced that he declines to give any reasons for his ruling, and that I had no right to ask the question; and the gentleman from New York [Mr. PAYNE] has appealed from the decision of the Chair, and the Chair declines to entertain the appeal. I think that looks like "tyranny." [Laughter and applause on the Republican side.]

Mr. SPRINGER. Mr. Speaker, there is no man in this country who knows better what constitutes tyranny than the gentleman from Maine himself.

The SPEAKER. Of course, the House understands that what takes place under the rulings of the Chair and the action of the House is determined by conditions as they arise, and not by the characterization that may be given to them by any member on the floor. [Applause on the Democratic side.]

The question is on the motion to lay on the table the motion of the gentleman from Maine to reconsider the vote ordering the previous question.

The question was taken.

Before the announcement of the vote,

Mr. PATTERSON. I ask for the yeas and nays.

The yeas and yeas were ordered.

The question was taken; and there were—yeas 180, nays 0, not voting 172; as follows:

YEAS—180.

Abbott,	Branch,	Causey,	De Armond,
Alderson,	Breckinridge, Ark.	Clark, Mo.	De Forest,
Alexander,	Brets,	Clarke, Ala.	Denson,
Allen,	Brickner,	Cobb, Ala.	Dinsmore,
Bailey,	Brookshire,	Cobb, Mo.	Dockery,
Baker, Kans.	Brown,	Cockrell,	Donovan,
Baldwin,	Bryan,	Coffeen,	Dunn,
Bankhead,	Bunn,	Coombs,	Dunphy,
Bartlett,	Burnes,	Cooper, Fla.	Durborow,
Barwig,	Bynum,	Cooper, Ind.	Edmunds,
Bell, Colo.	Cadmus,	Covert,	English,
Bell, Tex.	Caminetti,	Cox,	Enloe,
Black, Ga.	Campbell,	Crain,	Epes,
Bland,	Cannon, Cal.	Crawford,	Erdman,
Boatner,	Capehart,	Culberson,	Everett,
Boen,	Caruth,	Cummings,	Fielder,
Bower, N. C.	Catchings,	Davis,	Geary,
Geissenhainer,	Latimer,	Moses,	Sperry,
Goldzier,	Lawson,	Mutchler,	Springer,
Gorman,	Layton,	Neill,	Stockdale,
Grady,	Lester,	Oates,	Stone, Ky.
Gresham,	Lockwood,	O'Neil,	Strait,
Griffin,	Lynch,	Outhwaite,	Straus,
Haines,	Maguire,	Page,	Swanson,
Hall, Minn.	Mallory,	Paschal,	Talbert, S. C.
Hall, Mo.	Marshall,	Patterson,	Talbott, Md.
Hammond,	Martin, Ind.	Paynter,	Tate,
Hare,	McAleer,	Pearson,	Taylor, Ind.
Harris,	McCreary, Ky.	Pendleton, Tex.	Terry,
Hatch,	McCulloch,	Pendleton, W. Va.	Tracey,
Hayes,	McDannold,	Pigott,	Tucker,
Henderson, N. C.	McDearmon,	Price,	Turner, Ga.
Hendrix,	McEttrick,	Reilly,	Turpin,
Hines,	McGann,	Richards, Ohio	Tyler,
Holman,	McKaig,	Richardson, Mich.	Warner,
Hooker, Miss.	McKeighan,	Richardson, Tenn.	Washington,
Hudson,	McLaurin,	Robbins,	Weadock,
Hunter,	McMillin,	Robertson, La.	Wells,
Ikirt,	McNagny,	Rusk,	Wheeler, Ala.
Jones,	McRae,	Russell, Ga.	Whiting,
Kilgore,	Meredith,	Ryan,	Williams, Ill.
Kribbs,	Meyer,	Sayers,	Williams, Miss.
Kyle,	Money,	Schermerhorn,	Wise,
Lane,	Montgomery,	Shell,	Wolverton,
Lapham,	Morgan,	Sibley,	Woodard.

NAYS—0.

NOT VOTING—172.

Adams, Ky.	Davey,	Hutcheson,	Reyburn,
Adams, Pa.	Dingley,	Johnson, Ind.	Ritchie,
Aitken,	Dolliver,	Johnson, N. Dak.	Robinson, Pa.
Aldrich,	Doolittle,	Johnson, Ohio	Russell, Conn.
Apsley,	Draper,	Joy,	Scranton,
Arnold,	Ellis, Ky.	Kem,	Settle,
Avery,	Ellis, Oregon	Kiefer,	Shaw,
Babcock,	Fithian,	Lacey,	Sherman,
Baker, N. H.	Fletcher,	Lefever,	Sickles,
Barnes,	Forman,	Linton,	Simpson,
Bartholdt,	Funk,	Lisle,	Sipe,
Belden,	Funston,	Livingston,	Smith,
Beltzhoover,	Fyan,	Loud,	Snodgrass,
Berry,	Gardner,	Loudenslager,	Somers,
Bingham,	Gear,	Lucas,	Stallings,
Black, Ill.	Gillet, N. Y.	Maddox,	Stephenson,
Blair,	Gillett, Mass.	Magner,	Stevens,
Boutelle,	Goodnight,	Mahon,	Stone, C. W.
Bowers, Cal.	Graham,	Marsh,	Stone, W. A.
Brattan,	Grosvenor,	Marvin, N. Y.	Storer,
Breckinridge, Ky.	Grout,	McCall,	Strong,
Broderick,	Grow,	McCleary, Minn.	Sweet,
Brosius,	Hager,	McDowell,	Tarsney,
Bundy,	Hainer,	Meiklejohn,	Tawney,
Burrows,	Harmer,	Mercer,	Taylor, Tenn.
Cabaniss,	Harter,	Milliken,	Thomas,
Caldwell,	Hartman,	Moon,	Turner, Va.
Cannon, Ill.	Haugen,	Morse,	Updegraff,
Chickering,	Heard,	Murray,	Van Voorhis, N. Y.
Childs,	Heiner,	Newlands,	Van Voorhis, Ohio
Clancy,	Henderson, Ill.	Northway,	Wadsworth,
Cockran,	Henderson, Iowa	Payne,	Walker,
Cogswell,	Hepburn,	Pence,	Wanger,
Compton,	Hermann,	Perkins,	Waugh,
Conn,	Hicks,	Phillips,	Wever,
Cooper, Tex.	Hilborn,	Pickler,	Wheeler, Ill.
Cooper, Wis.	Hitt,	Post,	White,
Cornish,	Hooker, N. Y.	Powers,	Wilson, Ohio.
Cousins,	Hopkins, Ill.	Quigg,	Wilson, Wash.
Curtis, Kans.	Hopkins, Pa.	Randall,	Wilson, W. Va.
Curtis, N. Y.	Houk,	Ray,	Woomer,
Dalzell,	Hulick,	Rayner,	Wright, Mass.
Daniels,	Hull,	Reed,	Wright, Pa.

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. HUTCHESON. Mr. Speaker, I was not in the Hall when my name was called, but was in the Hall during the progress of the roll call. I wish to have my vote recorded.

The SPEAKER. The Chair thinks the spirit of the rule requires the gentleman to be in the Hall when his name was called.

Mr. HUTCHESON. I was not in the Hall at that time.

Mr. BRYAN. I would like to be recorded on this vote, Mr. Speaker.

The SPEAKER. Was the gentleman in the Hall at the time his name was called?

Mr. BRYAN. I was.

The SPEAKER. The gentleman's name will be called.

[Mr. BRYAN'S vote was recorded as above.]

Mr. PAYNE. Was the gentleman from Nebraska in the Hall or in the gallery?

Mr. BURROWS. The question is whether the gallery is considered a part of the Hall of the House.

Mr. BRYAN. I had come down from the gallery in time to respond.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1105) for the relief of Albert E. Redstone; and

A bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the

title of William McGarrahan to the Rancho Panocho Grande, in the State of California, and for other purposes.

The message also announced that the Senate had passed with amendment the bill (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "Donation act," and for the protection of purchasers and occupants on said lands, had asked a conference with the House on the bill and amendment, and had appointed Mr. DOLPH, Mr. PASCO, and Mr. ALLEN as the conferees on the part of the Senate.

VETO MESSAGE, SEIGNIORAGE BILL.

The SPEAKER. The Chair lays before the House a message from the President of the United States, which the Clerk will read.

Mr. BOUTELLE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I make the point of order that under the ruling of the Chair, heretofore made, such a document as a message from the President of the United States can not be submitted or acted upon by the House or entertained by it, pending the consideration of any question under a special order such as is now before us.

The SPEAKER. It will not be acted upon.

Mr. BOUTELLE. But it can not be received, under the Chair's ruling.

The SPEAKER. They are always received.

Mr. BOUTELLE. I would like to have the Speaker consider a ruling made by himself——

(The Clerk proceeded to read the President's message.)

Mr. BOUTELLE. I trust the Clerk will not interpose between the Speaker and the orderly transaction of the business of the House.

I desire to call the attention of the Speaker to his ruling on a recent occasion.

There are a number of them, running, I think, through a period of several weeks, in which a question of privilege was frequently called up by me before the House. During that time, I think the Chair will recollect that I repeatedly called the attention of the Speaker to what seemed to me to be the impracticability or the impossibility of enforcing the Speaker's view of the rules that would exclude the reception of questions of privilege during the time that the House was operating under a special order.

Mr. BROWN. I rise to a question of order. I make the point of order as against the gentleman from Maine, and call for the regular order.

The SPEAKER. The gentleman from Maine rises to a point of order, which he will please state.

Mr. BOUTELLE. I was about to call the attention of the Chair——

The SPEAKER. The Chair hopes the gentleman will do so briefly.

Mr. BOUTELLE. I was about to do so, Mr. Speaker, with as much brevity and clearness as is possible with my limited command of language.

On the 10th day of January I had the honor to call the attention of the Speaker to what seemed to me to be some of the perplexing consequences of his ruling in regard to the exclusive operation of an order of the Committee on Rules, and I included in those to which I called the attention of the Speaker the embarrassment that would arise from refusing to entertain messages of this character. I referred repeatedly to the possibility of the reception of a message from the Chief Magistrate under circumstances that might be of the greatest public gravity.

The Speaker will find on page 631 of the RECORD, the following colloquy. I said:

Now, it makes no difference, Mr. Speaker, as to the operation of these rules, or as to the duty of the House, whether this usurpation is a little one or a big one. It makes no difference whether it goes to one degree or another, and just exactly as it is impossible to conceive that this House has bound itself so that it can not act upon a call of the Executive to declare war, even if it were to enable the Government of the United States to repel invasion, so I insist that it is impossible that this resolution or question of privilege can be out of order.

Then there was a little further colloquy, on page 632, and the Speaker said:

The SPEAKER. The Chair thinks under the order adopted by the House *the Chair must submit to the House only that business which is provided for in the order.* Now, so far as the immediate question is concerned—that called up by the gentleman from Maine [Mr. BOUTELLE]—the gentleman from Maine himself can not dispute the power of the House if it had been considering the resolution offered by the gentleman from Maine, to postpone its further consideration until the 29th day of January or until the 15th day of February.

Mr. BOUTELLE. But if the Speaker please——

The SPEAKER. The House might have done that by a vote. The Chair understands this order—

That is, the special order from the Committee on Rules—

to be not only that that proposition, but every other proposition, not provided for in the order, is postponed until after the House has disposed of the revenue bill which is now pending before it. That is the whole question, as the Chair understands it. The Chair is forced, then, to direct the Clerk to call the committees for reports.

Now, Mr. Speaker, I make the point of order that under that very clear and very explicit, if not to my mind satisfactory, ruling of the Chair, "no intervening motion" and no intervening business can be entertained by the House pending the operation of this kind of special order which the Speaker has so explicitly declared is imperative in its exclusion of everything but the business specifically indicated in the order of proceedings reported from the Committee on Rules and adopted by the House.

Mr. SPRINGER. Mr. Speaker, I fully agree with the gentleman——

Mr. BOUTELLE. The Speaker went so far as to hold that he could not even submit a question which he had himself ruled was a question of the highest privilege—that he could not even submit that question to the House under that pending order.

Now, Mr. Speaker, we have an absolutely identical condition of things to that prevailing during some three or four weeks, in which the Speaker held that no interruption or interposition of any matter or proceeding not immediately specified and provided for in the special order could be permitted, no matter how pertinent, no matter how imperative, no matter how grave the exigency might be. Therefore, Mr. Speaker, while I desire to say in parenthesis that I have no personal objection to the exploiting of the message, which is a remarkably satisfactory document to emanate from a Democratic President, yet I must call the Speaker's attention to his previous ruling, and thereby do my duty in giving him an opportunity to avoid what would seem to me to be very inconsistent action.

Mr. SPRINGER. Mr. Speaker, I fully agree with the gentleman from Maine [Mr. BOUTELLE], and I think his point of order is well taken. It is very gratifying, Mr. Speaker, to be able sometimes to agree with the gentleman's conclusions. [Laughter.]

The SPEAKER. The instance cited by the gentleman from Maine [Mr. BOUTELLE] is not at all parallel to that now before the House. The proposition of the gentleman from Maine [Mr. BOUTELLE] was to consider a privileged resolution. It was to call it up for consideration by the House.

Mr. BOUTELLE. Mr. Speaker, I asked the Speaker to submit it.

The SPEAKER. Which is precisely the same—to submit it for consideration. The gentleman wanted action by the House upon it, and the Speaker declined at that time to submit the question to the House, because the order expressly provided what should be done. Now, the Chair will call the attention of the House to the Constitution of the United States, which ought to have some binding force, and to the rule of the House.

The Constitution says that—

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States. If he approve he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large upon their Journal and proceed to reconsider it.

That is the provision of the Constitution of the United States. In the Twenty-eighth, Twenty-ninth, Thirty-third, and Thirty-fourth Congresses it was held that—

Whenever a bill is returned to the House with the objections of the President, it is usual to have the message containing his objections *immediately* read.

Mr. BOUTELLE. "Usual!"

The SPEAKER. *Immediately* read. It does not follow because this message is immediately read that therefore it can, under this order, be immediately considered.

There are two or three things to be done. The message must be read, and it must be entered upon the Journal; and it may be considered by a committee, may lie on the table; it may be called up at any time. And the Chair, in pursuance of what he has regarded as the practice, when a quorum appeared, has presented a veto message of the President.

Mr. BOUTELLE. Will the Speaker kindly permit me to remind him of the very specific language he used. He said:

The Chair thinks, under the order adopted by the House, the Chair must submit to the House only that business which is provided for in the order.

The SPEAKER. Precisely; and the proposition of the gentleman was to consider a resolution.

Mr. BOUTELLE. It was to submit the resolution. The Speaker is submitting a message.

The SPEAKER. The Chair was dealing with a motion the gentleman made; and the Chair stated that he could not submit a motion.

Mr. BOUTELLE. I beg the Speaker's pardon. We are a little at cross-purposes. I am speaking about the proposed action of the Speaker. He proposes now to submit a Presidential message.

The SPEAKER. He does.

Mr. BOUTELLE. And I remind him that he held before that the Speaker could not submit——

The SPEAKER. Could not submit a motion.

Mr. BOUTELLE. A question of privilege.

The SPEAKER. But the gentleman had made a motion. The language may be very general, but what was the case? The gentleman had made a motion.

Mr. BOUTELLE. The language is specific.

The Chair thinks, under the order adopted by the House, the Chair must submit to the House only that business which is provided for in the order.

The SPEAKER. Precisely. The gentleman made a motion to call up a resolution, which the Chair declined to submit. The Clerk will read the message.

Mr. BOUTELLE. Does the Speaker overrule the point of order?

The SPEAKER. The Chair overrules the point of order.

Mr. BOUTELLE. The Chair overrules the point of order?

The SPEAKER. He does.

Mr. BOUTELLE. I appeal from the ruling of the Chair.

The SPEAKER. The Chair declines to entertain the appeal. [Laughter and applause on the Democratic side.] The Clerk will read the message.

Mr. BOUTELLE. I hope the gentleman from Illinois [Mr. SPRINGER] will come to my relief!

The Clerk proceeded to read the message.

Mr. OUTHWAITE. Mr. Speaker, I rise to a point of order. There is so much disorder in the House that we can not hear the reading of the message.

The SPEAKER. The House will be in order.

The Clerk proceeded further with the reading, when

Mr. REED said: I rise to a point of order. It is impossible to hear the message.

The SPEAKER. The House will be in order.

Mr. REED. It is impossible to hear it.

The SPEAKER. The occupants of the galleries will please cease conversation. Gentlemen on the floor will cease conversation or retire to the cloak room.

Mr. REED. I hope the message will be read distinctly, because it is of great importance.

The reading of the message was resumed and concluded.

VETO MESSAGE.

The message is as follows:

To the House of Representatives:

I return without my approval House bill numbered 4956, entitled "An act directing the coinage of the silver bullion held in the Treasury, and for other purposes."

My strong desire to avoid disagreement with those in both Houses of Congress who have supported this bill would lead me to approve it if I could believe that the public good would not be thereby endangered, and that such action on my part would be a proper discharge of official duty. Inasmuch, however, as I am unable to satisfy myself that the proposed legislation is either wise or opportune, my conception of the obligations and responsibilities attached to the great office I hold forbids the indulgence of my personal desire, and inexorably confines me to that course which is dictated by my reason and judgment, and pointed out by a sincere purpose to protect and promote the general interests of our people.

The financial disturbance which swept over the country during the last year was unparalleled in its severity and disastrous consequences. There seemed to be almost an entire displacement of faith in our financial ability and a loss of confidence in our fiscal policy. Among those who attempted to assign causes for our distress it was very generally conceded that the operation of a provision of law then in force which required the Government to purchase monthly a large amount of silver bullion and issue its notes in payment therefor, was either entirely, or to a large extent, responsible for our condition. This led to the repeal, on the 1st day of November, 1893, of this statutory provision.

We had, however, fallen so low in the depths of depression, and timidity and apprehension had so completely gained control in financial circles, that our rapid recuperation could not be reasonably expected. Our recovery has, nevertheless, steadily progressed, and though less than five months have elapsed since the repeal of the mischievous silver-purchase requirement, a wholesome improvement is unmistakably apparent. Confidence in our absolute solvency is to such an extent reinstated and faith in our disposition to adhere to sound financial methods is so far restored as to produce the most encouraging results both at home and abroad. The wheels of domestic industry have been slowly set in motion and the tide of foreign investment has again started in our direction.

Our recovery being so well under way, nothing should be done to check our convalescence; nor should we forget that a relapse at this time would almost surely reduce us to a lower stage of financial distress than that from which we are just emerging.

I believe that if the bill under consideration should become a law, it would be regarded as a retrogression from the financial intentions indicated by our recent repeal of the provision forcing silver-bullion purchases; that it would weaken, if it did not destroy, returning faith and confidence in our sound financial tendencies, and that as a consequence our progress to renewed business health would be unfortunately checked and a return to our recent distressing plight seriously threatened.

This proposed legislation is so related to the currency conditions growing out of the law compelling the purchase of silver by the Government, that a glance at such conditions and a partial review of the law referred to, may not be unprofitable.

Between the 14th day of August, 1890, when the law became operative, and the 1st day of November, 1893, when the clause it contained directing the purchase of silver was repealed, there were purchased by the Secretary of the Treasury more than 168,000,000 ounces of silver bullion. In payment for this bullion the Government issued its Treasury notes of various denominations, amounting to nearly $156,000,000, which notes were immediately added to the currency in circulation among our people. Such notes were by the law made legal tender in payment of all debts, public and private, except when otherwise expressly stipulated, and were made receivable for customs, taxes, and all public dues, and when so received might be reissued. They were also permitted to be held by banking associations as a part of their lawful reserves.

On the demand of the holders these Treasury notes were to be redeemed in gold or silver coin in the discretion of the Secretary of the Treasury; but it was declared as a part of this redemption provision that it was "the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law." The money coined from such bullion was to be standard silver dollars, and after directing the immediate coinage of a little less than 28,000,000 ounces, the law provided that as much of the remaining bullion should be thereafter coined as might be necessary to provide for the redemption of the Treasury notes issued on its purchase, and that "any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury."

This gain or seigniorage evidently indicates so much of the bullion owned by the Government as should remain after using a sufficient amount to coin as many standard silver dollars as should equal in number the dollars represented by the Treasury notes issued in payment of the entire quantity of bullion. These Treasury notes now outstanding and in circulation amount to $152,951,280, and although there has been thus far but a comparatively small amount of this bullion coined, yet the so-called gain or seigniorage, as above defined, which would arise from the coinage of the entire mass, has been easily ascertained to be a quantity of bullion sufficient to make when coined 55,156,681 standard silver dollars.

Considering the present intrinsic relation between gold and silver the maintenance of the parity between the two metals, as mentioned in this law, can mean nothing less than the maintenance of such a parity in the estimation and confidence of the people who use our money in their daily transactions. Manifestly the maintenance of this parity can only be accomplished, so far as it is affected by these Treasury notes, and in the estimation of the holders of the same, by giving to such holders, on their redemption, the coin, whether it is gold or silver, which they prefer. It follows that while in terms the law leaves the choice of coin to be paid on such redemption to the discretion of the Secretary of the Treasury, the exercise of this discretion, if opposed to the demands of the holder, is entirely inconsistent with the effective and beneficial maintenance of the parity between the two metals.

If both gold and silver are to serve us as money and if they together are to supply to our people a safe and stable currency the necessity of preserving this parity is obvious. Such necessity has been repeatedly conceded in the platforms of both political parties and in our Federal statutes. It is nowhere more emphatically recognized than in the recent law which repealed the provision under which the bullion now on hand was purchased. This law insists upon the "maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts."

The Secretary of the Treasury has therefore, for the best of reasons, not only promptly complied with every demand for the redemption of these Treasury notes in gold, but the present situation, as well as the letter and spirit of the law, appear plainly to justify, if they do not enjoin upon him, a continuation of such redemption.

The conditions I have endeavored to present may be thus summarized:

First. The Government has purchased and now has on hand sufficient silver bullion to permit the coinage of all the silver dollars necessary to redeem, in such dollars, the Treasury notes issued for the purchase of said silver bullion and enough besides to coin, as gain or seigniorage, 55,156,681 additional standard silver dollars.

Second. There are outstanding and now in circulation Treasury notes issued in payment of the bullion purchased amounting to $152,951,280. These notes are legal tender in payment of all debts public and private except when otherwise expressly stipulated; they are receivable for customs, taxes, and all public dues; when held by banking associations they may be counted as part of their lawful reserves, and they are redeemed by the Government in gold at the option of the holders. These advantageous attributes were deliberately attached to these notes at the time of their issue; they are fully understood by our people to whom such notes have been distributed as currency and have inspired confidence in their safety and value, and have undoubtedly thus induced their continued and contented use as money, instead of anxiety for their redemption.

Having referred to some incidents which I deem relevant to the subject, it remains for me to submit a specific statement of my objections to the bill now under consideration.

This bill consists of two sections, excluding one which merely appropriates a sum sufficient to carry the act into effect. The first section provides for the immediate coinage of the silver bullion in the Treasury which represents the so-called gain or seigniorage, or which would arise from the coinage of all the bullion on hand, which gain or seigniorage this section declares to be 55,156,681. It directs that the money so coined or the certificates issued thereon shall be used in the payment of public expenditures, and provides that if the needs of the Treasury demand it, the Secretary of the Treasury may in his discretion issue silver certificates in excess of such coinage, not exceeding the amount of seigniorage in said section authorized to be coined.

The second section directs that as soon as possible after the coinage of this seigniorage the remainder of the bullion held by the Government shall be coined into legal-tender standard silver dollars and that they shall be held in the Treasury for the redemption of the Treasury notes issued in the purchase of said bullion. It provides that as fast as the bullion shall be coined for the redemption of said notes, they shall not be reissued but shall be canceled and destroyed in amounts equal to the coin held at any time in the Treasury derived from the coinage provided for, and that silver certificates shall be issued on such coin in the manner now provided by law. It is, however, especially declared in said section that the act shall not be construed to change existing laws relating to the legal-tender character or mode of redemption of the Treasury notes issued for the purchase of the silver bullion to be coined.

The entire bill is most unfortunately constructed. Nearly every sentence presents uncertainty and invites controversy as to its meaning and intent. The first section is especially faulty in this respect, and it is extremely doubtful whether its language will permit the consummation of its supposed purposes. I am led to believe that the promoters of the bill intended in this section to provide for the coinage of the bullion constituting the gain or seigniorage, as it is called, into standard silver dollars; and yet there is positively nothing in the section to prevent its coinage into any description of silver coins now authorized under any existing law.

I suppose this section was also intended, in case the needs of the Treasury called for money faster than the seigniorage bullion could actually be coined, to permit the issue of silver certificates in advance of such coinage; but its language would seem to permit the issuance of such certificates to double the amount of seigniorage as stated, one-half of which would not represent an ounce of silver in the Treasury. The debate upon this section in the Congress developed an earnest and positive difference of opinion as

to its object and meaning. In any event, I am clear that the present perplexities and embarrassments of the Secretary of the Treasury ought not to be augmented by devolving upon him the execution of a law so uncertain and confused.

I am not willing, however, to rest my objection to this section solely on these grounds; in my judgment sound finance does not commend a further infusion of silver into our currency at this time unaccompanied by further adequate provision for the maintenance in our Treasury of a safe gold reserve.

Doubts also arise as to the meaning and construction of the second section of the bill. If the silver dollars therein directed to be coined are, as the section provides, to be held in the Treasury for the redemption of Treasury notes, it is suggested that, strictly speaking, certificates can not be issued on such coin "in the manner now provided by law," because these dollars are money held in the Treasury for the express purpose of redeeming Treasury notes, on demand, which would ordinarily mean that they were set apart for the purpose of substituting them for these Treasury notes. They are not, therefore, held in such a way as to furnish a basis for certificates according to any provision of existing law.

If, however, silver certificates can properly be issued upon these dollars, there is nothing in the section to indicate the characteristics and functions of these certificates. If they were to be of the same character as silver certificates in circulation under existing laws they would at best be receivable only for customs, taxes, and all public dues; and under the language of this section it is, to say the least, extremely doubtful whether the certificates it contemplates would be lawfully received even for such purposes.

Whatever else may be said of the uncertainties of expression in this bill, they certainly ought not to be found in legislation affecting subjects so important and far-reaching as our finances and currency. In stating other and more important reasons for my disapproval of this section I shall, however, assume that under its provisions the Treasury notes issued in payment for silver bullion will continue to be redeemed as heretofore in silver or gold at the option of the holders; and that if when they are presented for redemption, or reach the Treasury in any other manner, there are in the Treasury coined silver dollars equal in nominal value to such Treasury notes, then and in that case the notes will be destroyed, and silver certificates to an equal amount be substituted.

I am convinced that this scheme is ill advised and dangerous. As an ultimate result of its operation Treasury notes which are legal tender for all debts public and private, and which are redeemable in gold or silver, at the option of the holder, will be replaced by silver certificates which, whatever may be their character and description, will have none of these qualities. In anticipation of this result, and as an immediate effect, the Treasury notes will naturally appreciate in value and desirability. The fact that gold can be realized upon them, and the further fact that their destruction has been decreed when they reach the Treasury must tend to their withdrawal from general circulation to be immediately presented for gold redemption, or to be hoarded for presentation at a more convenient season. The sequel of both operations will be a large addition to the silver currency in our circulation and a corresponding reduction of gold in the Treasury. The argument has been made that these things will not occur at once, because a long time must elapse before the coinage of anything but the seigniorage can be entered upon.

If the physical effects of the execution of the second section of this bill are not to be realized until far in the future, this may furnish a strong reason why it should not be passed so much in advance; but the postponement of its actual operation can not prevent the fear and loss of confidence and nervous precaution which would immediately follow its passage and bring about its worst consequences. I regard this section of the bill as embodying a plan by which the Government will be obliged to pay out its scanty store of gold for no other purpose than to force an unnatural addition of silver money into the hands of our people. This is an exact reversal of the policy which safe finance dictates if we are to preserve parity between gold and silver and maintain sensible bimetallism.

We have now outstanding more than $338,000,000 in silver certificates issued under existing laws. They are serving the purpose of money usefully and without question. Our gold reserve, amounting to only a little more than $100,000,000, is directly charged with the redemption of $346,000,000 of United States notes. When it is proposed to inflate our silver currency it is a time for strengthening our gold reserve instead of depleting it. I can not conceive of a longer step toward silver monometallism than we take when we spend our gold to buy silver certificates for circulation, especially in view of the practical difficulties surrounding the replenishment of our gold.

This leads me to earnestly present the desirability of granting to the Secretary of the Treasury a better power than now exists to issue bonds to protect our gold reserve when for any reason it should be necessary. Our currency is in such a confused condition and our financial affairs are apt to assume at any time so critical a position that it seems to me such a course is dictated by ordinary prudence.

I am not insensible to the arguments in favor of coining the bullion seigniorage now in the Treasury, and I believe it could be done safely and with advantage, if the Secretary of the Treasury had the power to issue bonds at a low rate of interest under authority in substitution of that now existing and better suited to the protection of the Treasury.

I hope a way will present itself in the near future for the adjustment of our monetary affairs in such a comprehensive and conservative manner as will accord to silver its proper place in our currency; but in the meantime I am extremely solicitous that whatever action we take on this subject may be such as to prevent loss and discouragement to our people at home, and the destruction of confidence in our financial management abroad.

GROVER CLEVELAND.

EXECUTIVE MANSION, *March 29, 1894.*

ORDER OF BUSINESS.

Mr. PATTERSON. Regular order.

Mr. BLAND. Mr. Speaker, I desire to give notice that on Tuesday next, immediately after the reading of the Journal, I will ask that that bill be passed, the objection of the President to the contrary notwithstanding.

Mr. BOUTELLE. Mr. Speaker, I rise to move that the House proceed, under the provisions of the Constitution recently cited by the Speaker, to reconsider to the bill referred in the veto message of the President.

The SPEAKER. The question now before the House is——

Mr. SPRINGER. I make the point of order on that.

The SPEAKER. The gentleman from Illinois makes the point of order.

Mr. REED. The Constitution provides——

Mr. BOUTELLE. I desire to call the attention of the Speaker to the rulings on that subject——

Mr. SPRINGER. Regular order.

The SPEAKER. The House will please be in order.

Mr. BOUTELLE. I read from the House Journal of the first session of the Forty-ninth Congress, on page 2397, a ruling by Speaker Carlisle on a case of this kind where a message had been received and had already gone to a committee:

Mr. BURROWS, as a privileged question, moved to discharge the Committee on Invalid Pensions from the further consideration of the message of the President of the United States returning with his objections the bill of the House (H. R. 4058) for the relief of Joel D. Monroe, and that the House now consider the same.

Mr. SPRINGER made the point of order that the said motion was not in order, for the reason that the said message and bill had been referred under the rules to said committee for consideration.

The Speaker overruled the said point of order on the ground that the Constitution provided that when the President returned a bill to the House in which it originated with his objections that House shall—

And the Speaker emphasized the word "shall"—

proceed to reconsider it and determine whether or not the bill shall pass, the objections of the President to the contrary notwithstanding, and that under the unbroken practice of the House it has been held that such a message, like a contested-election case, presented a question of the highest privilege, and that the motion to discharge a committee from its further consideration was always in order.

Under that ruling I call up as a question of highest privilege the bill referred to in the message of the President, and move that the House proceed to reconsider the question involved in the message.

The SPEAKER. There is before the House a question of the highest privilege, a question relating to the right of a member of the House to his seat. The Constitution provides that each House shall determine the qualifications, returns, and election of its members. The House is now discharging that duty, considering that question. Pending that, the House has received and there has been read a message from the President of the United States containing his objections to a bill which has been passed by the House. The situation is this: The House is considering a matter of the highest privilege, made so by the Constitution, and is considering that matter also under a rule of its own, which provides that until it disposes of the matters mentioned in that rule it will consider no other business. Therefore the Chair overrules the motion to take up at this time the matter to which the President's message relates, and holds that it can be taken up after the disposition of the contested-election cases.

Mr. BOUTELLE. In view of the fact that the Speaker himself has referred to the constitutional provision which makes this mandatory, I respectfully appeal from the ruling of the Chair.

The SPEAKER. The Chair declines to entertain the appeal. The question now is upon laying on the table the motion to reconsider made by the gentleman from Michigan [Mr. BURROWS], and upon that question the yeas and nays have been ordered.

Mr. BURROWS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. I desire to know what disposition has been made of the message of the President.

The SPEAKER. It is on the table.

Mr. BURROWS. Under what rule is it placed on the table? There is no Speaker's table. Some action must be taken in some way, either by referring it to a committee or by postponing it to a day certain.

The SPEAKER. It has been laid before the House. The question is on the motion——

Mr. PAYNE. Mr. Speaker, I rise to a parliamentary inquiry——

The SPEAKER. The question is on the motion to lay on the table the motion to reconsider the vote by which the House rejected the resolution presented by the minority of the Committee on Elections. The gentleman from Michigan [Mr. BURROWS] moves to reconsider that vote, and the gentleman from Illinois [Mr. SPRINGER] moves to lay the motion to reconsider on the table. On that question the yeas and nays have been ordered. Those who are in favor of laying the motion to reconsider on the table will say aye and those opposed no, and the Clerk will call the roll.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry——

Mr. BOUTELLE. Mr. Speaker, is this respectful treatment of a message from the Chief Magistrate of the United States——

The SPEAKER. Gentlemen will be seated.

Mr. PAYNE. Mr. Speaker——

The SPEAKER. Gentlemen will be seated and the Clerk will call the roll.

Mr. WILSON of Washington. What are you going to do when 5 o'clock comes?

The SPEAKER. The Clerk will call the roll. The House will be in order and gentlemen will please take their seats.

Mr. REED (standing in the area to the right of the Clerk's desk). Mr. Speaker, I would like to be permitted to see the roll call taken.

The SPEAKER. The gentleman must take his seat under the rule. There is no provision which permits any member to stand near the desk.

Mr. REED. It is evident from the experience that we have had that there ought to be some such provision.

The SPEAKER. The gentleman will take his seat.

Mr. REED (moving up an aisle). I am going to do it.

The SPEAKER. The Sergeant-at-Arms will ask the gentleman to take his seat.

Mr. REED. That is entirely unnecessary.

The SPEAKER. It is not. Instead of taking your seat you respond to the Chair every time.

Mr. REED. Certainly I do, because the Chair has attacked me.

The SPEAKER. The gentleman will now take his seat.

Mr. REED (walking slowly across the area toward his own seat). Certainly he will. The gentleman always obeys.

The SPEAKER. The gentleman will resume his seat, and public business will be suspended until the gentleman from Maine conforms to the order of the Chair in the execution of the rules of the House. [Laughter.]

Mr. REED having arrived at his own seat, sat down.

The SPEAKER. The Clerk will resume the call.

Mr. PAYNE. Mr. Speaker, I hope the order will be impartially enforced, as I observe several gentlemen on the other side who have not taken their seats. [Cries of "Sit down!" "Sit down!" on the Democratic side.]

The SPEAKER. The House will be in order.

Mr. REED. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman can not interrupt the roll call.

Mr. REED. There are other gentlemen who are occupying precisely the position which I occupied when the Chair ordered me to my seat.

The SPEAKER. All gentlemen will please resume their seats. The House will be in order, and the Clerk will proceed with the call.

Mr. LACEY (during the roll call). Mr. Speaker, the hour of 5 o'clock having arrived, I desire to inquire whether the House is not in recess under the rule?

The SPEAKER. The practice ever since the Forty-eighth Congress has been to finish the roll call before rising.

When the hour previously fixed for taking a recess arrives, it is the duty of the Chair, unless the yeas and nays are being taken, to announce that the House is in recess until the hour previously fixed.

Where the roll call has begun the practice has always been to finish it. The Clerk will resume the call.

Mr. REED (when the call of the roll had proceeded for some time). I hope the order which was started by the Speaker will be strictly maintained. I hope the Speaker did not mean to single me out for his action.

The SPEAKER. All gentlemen will please be seated.

Mr. REED. I desire to call the attention of the Speaker to the fact that there are gentlemen occupying precisely the position which I occupied.

Mr. PAYNE. And there are some gentlemen at the Speaker's desk. I call attention to the fact. [Referring to Mr. CATCHINGS and Mr. WILLIAMS of Mississippi, who were in consultation with the Speaker.]

Mr. ENLOE. I would like to have the Speaker state what position the gentleman from Maine occupied in order that we may understand the privileges of members.

The SPEAKER. The House will please be in order. All gentlemen will be seated.

Mr. REED. The gentleman from Mississippi [Mr. CATCHINGS] is not taking his seat.

The SPEAKER. Gentlemen will please take their seats.

Mr. CATCHINGS (returning to his seat). "The gentleman from Mississippi" was conferring with the Speaker, which he has the right to do.

Mr. REED. I want this thing done decently——

Mr. CATCHINGS. Whatever I do, I do decently.

The SPEAKER. The point was made awhile ago because gentlemen were about the Clerk's desk. The rules provide that no gentleman shall stay there during a roll call. The Chair understood the gentleman from Maine to say he was staying there for the purpose of verifying the count or observing the count, which implied, as the Chair thought, some idea or suggestion that some one about the desk might willfully make a wrong count. The Chair thought that was improper and offensive. He stated, "The gentleman will please be seated." That was the whole of that incident.

Mr. REED. I was occupying a position there a long distance from the Clerk's desk. I was observing what was going on, as I think I had a right to do. The Chair called upon me by name to take my seat. I intimated to the Chair the purpose for which I was there. The Chair then insisted, in a way that it seems to me was entirely unsuitable, upon my taking my seat. I did so, because I have always been responsive to the request of the Chair under such circumstances. I simply desired to say that gentlemen are now occupying the same position without attracting the attention of the Chair in the slightest degree.

The SPEAKER. The gentleman and the House understand that it has been the common practice for gentlemen to walk about the Hall during a vote—not with any avowed purpose or suggestion that they were standing at a certain point to watch the roll call—simply walking about conversing with each other.

Mr. REED. Why should not a member of the House undertake to watch the roll call, if he does not——

The SPEAKER. When the Chair requested gentlemen to take their seats, the gentleman from Maine replied that he was occupying that particular place for the purpose of watching the roll call, which the Chair thinks was offensive toward the officers of the House.

Mr. REED. If the Chair pleases, I did not make that reply. What I said was—I asked permission of the Chair, respectfully as a member of the House ought to do when addressing the Speaker of the House——

The SPEAKER. Permission for what?

Mr. REED. Permission to stand where I was.

The SPEAKER. The Chair has not understood any such request.

Mr. REED. I made it twice—three times—distinctly.

The SPEAKER. The Chair did not understand such a request. The Chair understood——

Mr. REED. The request was made plainly, and was repeated most respectfully.

The SPEAKER. However plainly made it may have been, it was not heard. The Clerk will resume the call.

The Clerk resumed the call.

Mr. BOUTELLE (when the name of Mr. WADSWORTH was called). Mr. Speaker——

The SPEAKER. The Clerk will suspend for a moment.

Mr. BOUTELLE. As it is growing a little late, I hope the Clerk will proceed a little more rapidly. He is rather more deliberate than he is accustomed to be.

The SPEAKER. The Clerk will resume the call of the roll.

The Clerk resumed and completed the call of the roll, and there were—yeas 164, nays 8, not voting 180; as follows:

YEAS—164.

Abbott,	Cornish,	Kribbs,	Price,
Alderson,	Covert,	Kyle,	Reilly,
Alexander,	Cox,	Lane,	Richards, Ohio
Allen.	Crain,	Lapham,	Richardson, Mich.
Bailey,	Crawford,	Latimer,	Richardson, Tenn.
Baker, Kans.	Culberson,	Lawson,	Robbins,
Baldwin,	Cummings,	Layton,	Robertson, La.
Bankhead,	De Forest,	Lester,	Russell, Ga.
Bartlett,	Denson,	Lockwood,	Sayers,
Barwig,	Dinsmore,	Lynch,	Schermerhorn,
Bell, Colo.	Dockery,	Maguire,	Snell,
Bell, Tex.	Donovan,	Mallory,	Sibley,
Black, Ga.	Dunphy,	Martin, Ind.	Springer,
Bland,	Durborow,	McAleer,	Stallings,
Boatner,	Edmunds,	McCreary, Ky.	Stockdale,
Boen,	English,	McCulloch,	Stone, Ky.
Bower, N. C.	Enloe,	McDannold,	Strait,
Branch,	Epes,	McDearmon,	Straus,
Breckinridge, Ark.	Erdman,	McEttrick,	Swanson,
Bretz,	Fielder,	McGann,	Talbert, S. C.
Brickner,	Geary,	McKaig,	Talbott, Md.
Brookshire,	Goldzier,	McKeighan,	Tate,
Brown,	Gorman,	McLaurin,	Taylor, Ind.
Bunn,	Grady,	McMillin,	Terry,
Burnes,	Gresham,	McRae,	Tracey,
Bynum,	Haines,	Meredith,	Tucker,
Cadmus,	Hall, Minn.	Meyer,	Turner, Ga.
Campbell,	Hammond,	Money,	Turner, Va.
Cannon, Cal.	Hare,	Montgomery,	Turpin,
Capehart,	Hatch,	Moses,	Tyler,
Caruth.	Hayes,	Mutchler,	Warner,
Catchings,	Henderson, N. C.	Neill,	Washington,
Causey,	Hendrix,	Oates,	Wendock,
Clark, Mo.	Hines,	O'Neil,	Wells,
Clarke, Ala.	Holman,	Outhwaite,	Wheeler, Ala.
Cobb, Ala.	Hooker, Miss.	Page,	Whiting,
Cobb, Mo.	Hunter,	Patterson,	Williams, Ill.
Cockrell,	Hutcheson,	Paynter,	Williams, Miss.
Coffeen,	Ikirt,	Pearson,	Wise,
Coombs,	Jones,	Pendleton, Tex.	Wolverton,
Cooper, Ind.	Kilgore,	Pigott,	Woodard.

NAYS—8.

Bryan,	Everett,	Hudson,	Morgan,
DeArmond,	Hall, Mo.	Marshall,	Ryan.

NOT VOTING—180.

Adams, Ky.	Davis,	Hulick,	Rayner,
Adams, Pa.	Dingley,	Hull,	Reed,
Aitken,	Dolliver,	Johnson, Ind.	Reyburn,
Aldrich,	Doolittle,	Johnson, N. Dak.	Ritchie,
Apsley,	Draper,	Johnson, Ohio	Robinson, Pa.
Arnold,	Dunn,	Joy,	Rusk,
Avery,	Ellis, Ky.	Kem,	Russell, Conn.
Babcock,	Ellis, Oregon	Kiefer,	Scranton,
Baker, N. H.	Fithian,	Lacey,	Settle,
Barnes,	Fletcher,	Lefever,	Shaw,
Bartholdt,	Forman,	Linton,	Sherman,
Belden,	Funk,	Lisle,	Sickles,
Beltzhoover,	Funston,	Livingston,	Simpson,
Berry,	Fyan,	Loud,	Sipe,
Bingham,	Gardner,	Loudenslager,	Smith,
Black, Ill.	Gear,	Lucas,	Snodgrass,
Blair,	Geissenhainer,	Maddox,	Somers,
Boutelle,	Gillet, N. Y.	Magner,	Sperry,
Bowers, Cal.	Gillett, Mass.	Mahone,	Stephenson,
Brattan,	Goodnight,	Marsh,	Stevens,
Breckinridge, Ky.	Graham,	Marvin, N. Y.	Stone, C. W.
Broderick,	Griffin,	McCall,	Stone, W. A.
Brosius,	Grosvenor,	McCleary, Minn.	Storer,
Bundy,	Grout,	McDowell,	Strong,
Burrows,	Grow,	McNagny,	Sweet,
Cabaniss,	Hager,	Meiklejohn,	Tarsney,
Caldwell,	Hainer,	Mercer,	Tawney,
Caminetti,	Harmer,	Milliken,	Taylor, Tenn.
Cannon, Ill.	Harris,	Moon,	Thomas,
Chickering,	Harter,	Morse,	Updegraff,
Childs,	Hartman,	Murray,	Van Voorhis, N. Y.
Clancy,	Haugen,	Newlands,	Van Voorhis, Ohio
Cockran,	Heard,	Northway,	Wadsworth,
Cogswell,	Heiner,	Paschal,	Walker,
Compton,	Henderson, Ill.	Payne,	Wanger,
Conn,	Henderson, Iowa	Pence,	Waugh,
Cooper, Fla.	Hepburn,	Pendleton, W. Va.	Wever,
Cooper, Tex.	Hermann,	Perkins,	Wheeler, Ill.
Cooper, Wis.	Hicks,	Phillips,	White,
Cousins,	Hilborn,	Pickler,	Wilson, Ohio
Curtis, Kans.	Hitt,	Post,	Wilson, Wash.
Curtis, N. Y.	Hooker, N. Y.	Powers,	Wilson, W. Va.
Dalzell,	Hopkins, Ill.	Quigg,	Woomer,
Daniels,	Hopkins, Pa.	Randall,	Wright, Mass.
Davey,	Honk,	Ray,	Wright, Pa.

The following additional pair was announced:

Mr. GEISSENHAINER with Mr. SCRANTON, on this vote.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. The roll has now been called. I make the point of order that no further proceedings can be had until after the recess, provided by the rules.

Mr. OUTHWAITE. The roll call is not completed until the result is announced.

The SPEAKER. The practice has always been to announce the result of the call.

Mr. GROSVENOR. I insist that the call is complete when the last name is called by the Clerk on the second call. All else is a question of what has been done under the roll call. We might as well entertain a motion to reconsider——

The SPEAKER. The practice has been to finish the roll call and announce the result. Gentlemen who rise relating to the roll will be heard.

Several members inquired how they were recorded.

Mr. GROSVENOR. I desire to be heard on my point.

The SPEAKER. Does the gentleman from Ohio [Mr. GROSVENOR] make the point that gentlemen can not ascertain whether they are recorded?

Mr. GROSVENOR. I am not making that point.

The SPEAKER. The Chair will now announce the result. On this question the yeas are 164, and the nays are 8. No quorum has voted. In accordance with the rules of the House, the Chair now declares the House in recess until 8 o'clock, the evening session to be devoted to the consideration of private bills reported from the Committee on Pensions and the Committee on Invalid Pensions——

Mr. BOUTELLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the Chair at the evening session.

Mr. BOUTELLE. Mr. Speaker——

The SPEAKER. The Chair can do nothing but declare the recess.

The House accordingly (at 5 o'clock and 25 minutes p. m.), under the rule, took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read clause 3 of Rule XXVI.

The Clerk read as follows:

3. The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, which evening session shall be devoted to the consideration of private bills reported from the Committee on Pensions and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only: said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar, under the rule just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar.

WARREN ALONZO ALDEN.

The first business on the Private Calendar was a bill (H. R. 2108) to perfect the military record of Warren Alonzo Alden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and required to enter the name of Warren Alonzo Alden upon the roll of Company H of the Ninety-second Ohio Volunteer Infantry, with a statement of the fact that he faithfully served the United States in said organization, commencing August 15, 1862, and continuing until January 5, 1863.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and required to complete the record as to the services of Warren Alonzo Alden in Company C, Fourth Independent Battalion Ohio Volunteer Cavalry, in which he served from July 10, 1863, to October 10, 1863.

The CHAIRMAN. The Clerk will read the report.

The report was read at length. It has been published heretofore in the RECORD.

Mr. TALBERT of South Carolina. Mr. Chairman, I desire just here and now to submit a few remarks on the general subject of pensions. I have been criticised, and criticised unjustly, by the newspapers of the country in regard to my position on the question of pensioning the Union soldiers. It has been stated that I am unfriendly to the old soldiers and that I am prejudiced against them. That is not in any sense of the word a fact. It has been also charged by members on the floor of the House that I have been guilty of practical demagogy in connection with the matter, for the purpose of getting up some cheap notoriety, by opposing the granting of pensions here at these Friday night sessions. That, too, is a most unjust statement for which I care nothing, and I want to say here in answer to all such assertions that I am not unfriendly toward the granting of pensions to any honest, true, and brave soldier who bared his bosom to the storm of battle and stood by the flag of his country as he thought it to be his duty to do.

But, Mr. Chairman, I know still further that it is the policy of this nation, as it is the policy of all civilized nations, to pursue a liberal system of treatment in the matter of pensions toward its soldiers who took up arms in its defense and who suffered loss or injury in consequence of it. I want to say that I think it is the true policy for all nations to pursue, because if they are not willing to pension the men who stood by their flag and risked their lives for the safety of the nation in time of war, they will find it to be a difficult matter when danger comes to raise armies for their own protection. Hence I am not foolish enough to stand here and oppose any laws that pension the soldiers of our late war. That is just laws giving pensions only to soldiers who deserve it but not laws or measures that will pension parties not entitled to the same. But, sir, from 1865 to 1890, and from that period on down it can not be said that this country has not been liberal toward pensioning the soldiers of the Union Army, amounting to millions upon the top of millions, heaped upon the honest toilers and tax payers of the whole country.

But the question of granting pensions wears a different aspect when the people of a country have fallen out among themselves and have had a brotherly fight. And in this connection let me say that in my judgment both sections of our country were to blame for the war, because of differences of opinion and sentiments on account of certain features in the Constitution and the Articles of Confederation which brought about the dispute. But I repeat, I am not foolish enough to stand here and deny the justice and the wisdom of granting pensions. Nor would I be so foolish as to ask a pension for a Confederate soldier at this time, still I believe they are entitled to consideration in having the burden taken from their shoulders by relieving them from paying pension frauds and irregularities to such enormous extent.

But the point I wish to make, Mr. Chairman, and what I say to-night is said from a pure motive, and I care not for adverse criticism upon it. It makes no difference to me when I stand here as an humble Representative from the sunny South what may be the criticism that gentlemen may express as to my views and opinions in the matter. I will never be driven from an honest expression upon any question that may come before this body so long as I shall have the honor to be a member. They are honest

convictions, and I think can be enforced by logical argument, and I speak not alone as a Southerner, but as a representative of the American people, yea the laboring people of this great country of ours.

But, sir, when I stand here, as I have said, as a representative of the sunny South I stand here not only to represent that section of the country, but as a representative of the people of the North and the East and the West as well. And I say in their behalf that the time has come when we should look at this matter from a nonpartisan standpoint, and get together and discuss it as business men from a business standpoint as representatives of all sections of this great nation of ours. As representatives of the taxpayers as well as soldiers of all classes as well.

Now, then, let us consider for a few moments the immense amount of money that has been expended in pensioning the Union soldiers from 1865 down to the present time. If I mistake not, in 1865 something over eight or nine millions of dollars was appropriated for that purpose. From 1865 along down to the present time that amount has steadily increased year by year until, I believe, in 1893, it reached the enormous sum of $166,000,000. Just think of that for a moment! I am not begrudging the expenditures on account of pensions, but I say that the country has done its share in that direction, and that, in my judgment, no honest soldier who deserves a pension can fail to get it if he goes before the Pension Bureau under the laws already in existence. If he is deserving he will get recognition there, and I think that is the place for him to go.

Total estimates for 1888	$83,167,500.00
Total estimates for 1889	76,312,400.00
Total estimates for 1890	81,758,700.00
Total estimates for 1191	98,587,252.00
Total estimates for 1892	135,263,085.00
Total estimates for 1893	147,064,550.00
Total estimates for 1894	166,831,350.00
Total estimates for 1895	162,631,570.00
Total appropriations for 1887	76,075,200.00
Total appropriations for 1888	*88,667,500.00
Total appropriations for 1889	*89,758,700.00
Total appropriations for 1890	*107,080,607.35
Total appropriations for 1891	*127,793,059.34
Total appropriations for 1892	*143,189,117.00
Total appropriations for 1893	*160,581,787.00
Total appropriations for 1894	166,531,350.00

But just think of it! One hundred and sixty-six millions of dollars in one year. Enough to buy a number of the sovereign States of the United States at their assessed valuation of property to-day. When you remembor that this has been going on for near thirty years, amounting in round numbers to our two billions of hard earned money, I think it will hardly be claimed that this Government has not been liberal, or as liberal as it ought to be, toward the Union soldiers. The expenditures on that account have run up into the billions. Now, I ask you as business men if it does not bear pretty hard on the taxpayers of this great country of ours to raise that great sum? Let us consider the condition of the people who have to earn the money to pay these pensions. They are already overburdened with debt and are being daily deprived of the necessaries of life with mortgaged homes, and under a financial policy which is calculated to further increase their poverty by constantly falling prices.

As I said, I do not oppose the granting of any pension to a brave soldier who deserves it. But let us look and see the different kinds of soldiers who fought in that war. I recollect well an instance which may be used to illustrate what I desire to show, that took place when I was across the Potomac River here during the war on the good old soil of Virginia, fighting as a beardless boy for what I deemed to be right, and what I still believe to be right, where I saw much of the hardships of the soldier's life. And there is to-day a feeling of brotherly love between the soldiers of the North and the soldiers of the South which will last as long as one of them lives from either side. Many are the recollections of that war now as I contemplate upon the tented field, the bloody carnage, and the dreadful loss of life and property as the result, but will only mention now one incident by way of illustration.

On one occasion a number of prisoners had been captured from the Northern army, and we were guarding those prisoners. As was wont to be the custom, as they were going through the country questions were asked them and they entered into conversation. I remember being present when they began talking about this question and that question, and a number of questions were asked of these soldier prisoners. I remember of one gentleman from Illinois, an intelligent soldier and a clever man, and the man who was questioning him said, "Well, my friend, what are you fighting for?" "Well," he says, "I am fighting for the Union; I am standing by the flag of the United States, and trying to perpetuate this grand Union and to prevent its destruction." Well, he was a grand man. Now, that soldier, no doubt, if he was disabled in the war, is now receiving a pension; and God knows I would not begrudge it to him. If he is dead, his widow is receiving a pension; and she ought to have it. The conversations went on, and one of the guard said to another one, from Indiana: "My friend, what are you fighting for?" "Well," he says, "I think a great deal of the United States, but my main object was to strike the shackles from the slaves of the South. I am fighting for the abolition of human slavery. I do not believe it is right." He was a good man, and a clever fellow; and if that man is living to-day, and was disabled, or received a wound, he is doubtless drawing a pension; and he ought to draw it; and if he is dead, his widow and children under the laws that have been passed are drawing a pension; and I do not object to it and no special plea is necessary.

*Including deficiencies.

But there was another man, a kind of a foreigner, sitting off and humped up together and you know the North had the world for a storehouse from which to draw recruits. He was asked, "Well, little fellow; what are you fighting for?" "Oh, be jabbers, I am fighting for dirteen dollars a month." Now, all that that man was fighting for was "dirteen" dollars a month. He was a substitute, a bounty jumper, hired to go into the war. Now, I ask you if there was any patriotism in his bosom, that he and such as he should deserve a pension? But no doubt numbers of them are getting pensions under the law; and we can not help that. I would not drop anybody off except as investigations showed the existence of frauds or when the soldier was a deserter. I just tell you of this to show you the different kinds of soldiers who fought in the last war.

Now then, again, as I took occasion to say here on one or two other occasions, there are a number of deserters who are drawing pensions to-day, and numbers coming in here on Friday nights and asking that the charge of desertion be removed from their records so that they can draw pensions. They pretend that they do not want to do it, but they want the charge of desertion taken from them so that they may get into a position to draw a pension.

Now, I will read to you a portion of the speech of Gen. Bragg, the gallant commander of the Iron Brigade, who met Stonewall Jackson out beyond Manassas, at the bend of the railroad. I will give you his own words, and you can think what you like about it. I will read a portion of his speech touching upon that matter. He was discussing the subject of pensions in the Forty-ninth Congress. I use this method because no one can say that this is the sentiment of rebel brigadiers from the South; but it is the language of a Union general who fought on that side.

Mr. BRAGG. There were one hundred and forty regiments, and a number of battalions in all, of colored troops raised during the war. A large portion of these troops were engaged in guarding railway stations in the rear; and a few regiments, three or four, were regiments of heavy artillery. This pension clause opens the door for a pension to every one of the soldiers of the seven regiments that were organized into battalions for the purpose of caring for them, men picked out as being physically unable to do soldier's duty. It opens the opportunity to place upon the roll, out of the whole one hundred and thirty regiments, every single man and regiment that was not engaged in active service in the presence of the enemy. It permits a pension for every hundred-day man who come out to have a pleasant and jaunty excursion when he thought that if the "rebs" only heard that he was coming they would run away from Bull Run.

It places or gives an opportunity to place upon the pension roll the hundred-day men who closed the war with a blaze of glory in April, May, and June, 1865. It permits an opportunity to go upon the roll 202,000 men, 11,000 of whom afterwards were deserters—202,000 men that were organized under the call of the President in December, 1864. Only three months before the war was terminated in fact a call came, and under that call during the months of January and February there were organized, in response to it, troops consisting of 202,000. Some 13,000 of these were discharged, even at the original camp of rendezvous, because there was no occasion to demand the assignment of them to any regiment. Now, who were these men?

Now, "who were these men?" This is Bragg's own language and not mine:

I say to gentlemen who talk about soldiers, who were these men? Do not stand here in your place and talk about the devotion of the country to its defenders, to the men who heard the shriek of the bullet and shot and shell and battle, and covered with blood and carnage carried the flag to victory. Who were the majority of those men that found themselves in the service of the United States from December, 1864, to February, 1865, that Congress should sit up nights to pass pensions to provide for them? They were the scum of the earth. They were men who would not enlist and were not drafted.

Mr. MOSES. Will the gentleman allow me to ask him one question right there?

Mr. TALBERT of South Carolina. Certainly, sir.

Mr. MOSES. Do you believe "the scum of the earth" could ever have whipped the South?

Mr. TALBERT of South Carolina. That question is not relevant. [Laughter.] I want to say to the gentleman from Georgia that I am reading from the speech of Gen. Bragg, and this is not my language. He is alluding to the 12,000 or 13,000 men who were in this command, whom he says he knew were deserters, who towards the last of the war were picked up from the jails and grog shops and around towns. They are the men he is alluding to. The gentleman has shot and missed the mark, just as one of my hands said the corn shot last year and missed. So you will have to shoot again. [Laughter and applause.] And I want to say to the distinguished gentleman from Georgia that I deny that the South has ever been whipped; but as I have twice said in speeches upon this floor we were not whipped, but wore

ourselves out trying to whip the Yankees while you were a boy riding corn-stalk horses around your father's yard.

Mr. MOSES. What gentleman do you refer to?

Mr. TALBERT of South Carolina. To the gentleman from Georgia, sir, who seems to think the South was whipped.

Mr. THOMAS. The gentleman is reading this and making it a part of his own remarks.

Mr. TALBERT of South Carolina. I insert these remarks of Gen Bragg for what they are worth, and he is one of your own men and he is a mighty good witness.

Mr. THOMAS. As your opinion.

Mr. TALBERT of South Carolina. I am giving the opinion of Gen. Bragg of Wisconsin, the noble grand commander of the Iron Brigade. And, mind you, he does not attack the old soldiers, the good soldiers. Far from it. If I had time I would go back and read you some things that he says here in their praise, and you know he is telling the truth and it hurts you.

Mr. MOSES. You say that Congress sits here night after night to pension such soldiers as are described there. I deny that any such soldier has ever been pensioned by special legislation of this Congress. [Applause.]

Mr. TALBERT of South Carolina. This is Gen. Bragg's language; but I want to say to the gentleman from Georgia that the Committee on Military Affairs have time and again during this session brought in claims for deserters, asking to have the charge removed from them and you know it.

Mr. MOSES. I deny that.

Mr. TALBERT of South Carolina. Well, the records will show it night after night, and I refer you to the records. The gentleman from Georgia is fighting for deserters, it seems. [Laughter.]

Mr. MOSES. Well, produce them in your speech.

Mr. PICKLER. The committee of the gentleman from Georgia has no jurisdiction of any such cases growing out of the last war.

Mr. TALBERT of South Carolina. Pile in your questions, gentlemen. I stand here to defend what I say. Pile in your questions, but I am responsible for everything I say, and no truer friend lives to the soldiers who wore the blue and those who wore the gray than I am myself. I referred to the Committee on the Military, and Mr. PICKLER knows it was. He wants to get into my speech, but he shall not do it.

Now, to go on from the point where I was interrupted, Gen. Bragg says further:

They were men who stayed until those who did not want to go to the front raised money by vote and taxation upon the property in the municipalities and counties had funds placed in their hands to hire and buy things to go that could fill the quota and enable them to escape the draft. They were, I said, the scum; yes, and the dregs. They stood in their holes until they were bought—bought by substitute brokers, bought by men who were speculating in blood, paid from $100 to $800 apiece, feeling assured that they were physically so defective that all they had to do was to go to a hospital and there was no danger to their precious carcasses, so that they could pocket their $100 and go without fear of any injury befalling them.

There are gentlemen on the other side of the House who I trust are with me on this question, and who know just as well as I do that the prisons were emptied, that the poorhouses were emptied, that the slums were all emptied by the proffer of $200 at the door to bring out the inmates that they might be put as a paper credit on the Army roll of the United States, and the men who brought this about pocketed the difference made in the trade. I have seen them coming down with ambulances in the rear by scores trying to get people of that class, called soldiers, to march from the shores of the Potomac to the banks of the Rappahannock, and the attempt to get them to the front was a failure.

There is another class. And I might say in that connection, when you talk about poorhouses, the men you find there as a rule are the men who came from the poorhouses to go to the Army, and when they came back they lapsed into their natural condition. No genuine soldier in any patriotic community that I have ever seen ever needed to go to the poorhouse to be provided with all that was necessary to care for him. We know, Mr. Speaker, that it is not in that way that the patriotic people of the North treat their soldiers. These men that go to the poorhouse go because they are native there; they are drones; they have lived from hand to mouth. They have got no enterprise; they have got no self-respect; they have got no character. They lie down and open their mouths for a teat to suck, and it does not make much matter what animal has the teat so long as they can suck anything from it.

Now, that is the evidence of a man from the North, a gallant soldier, and I will ask if anybody here will accuse Gen. Bragg of being unfriendly to the Union soldiers. Will the gentleman from Georgia, who has so much South Carolina blood in him, as he says, will he say that Gen. Bragg was unfriendly to the soldiers because he used this language? I would like to hear the gentleman answer that question. That is the false position I have been placed in myself, of being unfriendly to the soldiers, but I stand here to deny it. I am unfriendly, however, to a coward, to a sneak, to a deserter, who did not have the manhood to fight like a man for what he thought was right, and I hope the gentleman from Georgia [Mr. MOSES] will not undertake longer to defend that class, but will go back home to riding corn stalk-horses again in his father's yard. [Laughter.]

Now, there has been a great deal said about fraud. No one can stand here and say that fraud has not crept into the management of the Pension Bureau. We know that fraud has crept in, and it would have been a matter of impossibility to have avoided it entirely; yea, it is honeycombed with fraud, and I say that all these fraudulent pensions ought to be investigated and every fraudulent pensioner ought to be deprived of what he is getting, if he can be found out. That is the only honest way to go at this matter, and the only way to do justice to the taxpayer and the soldier too. I have received letters denouncing me for opposing pensions and some complimenting me and actually showing up fraud plain and simple.

Now, Mr. Chairman, I would like to read a letter that I received a short time ago from Marion, Ind., in evidence to establish fraud. I do not know who wrote it, but that is the postmark upon it, and I received it only a few days ago; it is poetry.

Mr. TAYLOR of Indiana. What is the writer's name?

Mr. TALBERT of South Carolina. There is no name signed to it. It is just a piece of poetry sent to me from Indiana [laughter], and I would like to read it. The writer says: "Please place this on your reference file." [Laughter.] And I only produce this because it comes from a Northwestern State, and not from the South; and it evidently shows that even the old soldiers themselves and their friends are tired of this wholesale fraud in matters of pensions. It shows that the country is alive to the great injustice done the taxpayers of the nation. Now, before I read it I want to say to the gentleman from Georgia [Mr. MOSES], before he jumps on me again, that I am not responsible for this; I make this statement because he nearly frightened me awhile ago, though I am not very scary. [Laughter.]

Mr. CURTIS of New York. Does the gentleman think that he can read an anonymous communication to the House of Representatives and not be responsible for what it contains.

Mr. TALBERT of South Carolina. I show where I got it from.

Mr. CURTIS of New York. But that does not relieve you from the responsibility. You read the language of Gen. Bragg here just now and you indorsed it. There can not be any objection to your bringing in this other matter if you choose, but you will be responsible for it.

Mr. TALBERT of South Carolina. I simply put Gen. Bragg on the stand. I am not a lawyer or the son of a lawyer; I am an honest man [laughter]; but I put Gen. Bragg on the stand to testify as a witness. Is not that legitimate? Are you responsible for all the witnesses that you put upon the stand to make out your case? I hope that gentlemen will not hold me responsible for all the witnesses I put upon the stand, still I believe what Bragg said to be true, and that's what's the matter.

Mr. LACEY. When you put a witness upon the stand you vouch for his trustworthiness.

Mr. TALBERT of South Carolina. No, sir. Although I am only an old fool farmer, you can not make me swallow that. [Laughter and applause.]

Mr. LACEY. A lawyer who would go into court and say: "Gentlemen of the jury, here is an infernal scoundrel whose testimony I want you to believe," would not have much standing in court.

Mr. TALBERT of South Carolina. Does the gentleman call Gen. Bragg an infernal scoundrel?

Mr. LACEY. Not at all.

Mr. TALBERT of South Carolina. You intimate that he is, and I hope, my friend, that you will take it back and ask pardon of this House for such language. [Laughter and applause.]

Mr. MOSES. The gentleman seems to be a great admirer of Gen. Bragg. Now, I remember that Gen. Bragg said he loved Mr. Cleveland for the enemies he had made, and I understand that you are one of Mr. Cleveland's enemies, so I suppose that is the reason that you love Gen. Bragg so. [Laughter.]

Mr. TALBERT of South Carolina. I want to say that if he will look over the RECORD he will not find the gentleman from South Carolina following Mr. Cleveland in any of his recommendations. He will not find me a cuckoo or anything of that sort, and if he will look into the newspapers of this morning he will see that I said that the President and his party were worshiping the golden calf, not serving the true God, and that I wanted them brought back to the true faith, or there would be a parting of the waves and that pretty soon. And the gentleman from Georgia has not said a word about the veto and seems to be very well pleased with it, but when he gets back down into Georgia he will find the boys after him with a sharp stick.

I want these old battle-scarred fellows to get what they ought to have; but I am unalterably opposed to a skulking deserter or fraudulent pensioner having a cent. Now, if that is treason this House may make the most of it, and I would say to my friend from Georgia I said nothing about loving Bragg.

Now, with the permission of the House, I will read this poetry.

A SPECIMEN OF A PENSION FRAUD.

Of the wideawake kind, within a thousand miles of Indianapolis one may find;
Who by several boards of medicated stoolpigeons has been declared to be totally blind.
On total blindness he has been pensioned at seventy-two dollars a month;
Which snug sum of money to freely spend among the neighbors is his wont.

For the sake of gain, they hope, that always in their midst he would remain;
And consequently every muscle they do strain, his good will to maintain.
The postmaster, who sells whisky, pork, and bread, smiles pleasantly upon this old vet,
When, at regular intervals, he hands to him the letter with his pension check.
Strange to say, this much disabled vet has a penchant for hunting almost every day;
And loaded down with game, homeward bound, one may oft see him wend his way.
From Uncle Sam he has received, as first pension payment, a very large amount of money;
Which all has found its way to his Congressman, doctors, and to his shrewd attorney.
These thrifty business men had pushed with might and main, his pension claim;
And on such compatriots, for the existence of the pension frauds, one must lay the blame.
This pension business is a swindle, pure and simple, rotten to the very core;
An imposition upon the American people, a fact one can not but deplore.
It has been the means of swelling to a frightful extent, the army of bribe-takers, perjurers, and dead-beats;
And has contributed greatly, toward having made truth and honor, a hiss and a byword on the streets.

Mr. TALBERT of South Carolina. Now, here is a straw showing which way the wind blows; saying in substance that a man gets a pension from blindness, and yet hunts every day; shooting and fishing, and coming home each day loaded with game.

Mr. CURTIS of Kansas. Do you give the soldier's name?

Mr. TALBERT of South Carolina. There is no name signed to it.

Mr. CURTIS of Kansas. You do not give the soldier's name?

Mr. TALBERT of South Carolina. No, sir; I do not give the soldier's name, because he did not sign it himself.

Mr. CURTIS of Kansas. No such case exists, and you know it.

Mr. TALBERT of South Carolina. I do not know any such a thing. Here is a letter postmarked "Marion, Ind." You may see it.

Mr. CURTIS of Kansas. Do you believe it?

Mr. TALBERT of South Carolina. I am not here to stand a civil-service examination upon what I believe. I have given this to you for what it is worth. I do not know it is not true, and the gentleman does not know it either, because he does not live in Indiana; he lives in Kansas, and Kansas people hardly ever go out of Kansas. I believe there are just such cases drawing pensions to-day, and it ought to be stopped at once.

Mr. CURTIS of Kansas. Kansas people go farther away from home and travel more than South Carolinians.

Mr. TALBERT of South Carolina. That is possible. South Carolinians can stay at home; they are not obliged to leave on account of bad conduct. I hope the gentleman will accept this as a piece of pleasantry and allow me to go on. I am a young member and very timid. [Laughter.] I hope the gentleman will not try to interrupt me, as I have told the gentleman from Georgia I was scary.

Mr. THOMAS. Do you declare that to be poetry?

Mr. TALBERT of South Carolina. Well, I used to study rhyme and meter and foot measure, and all that sort of thing; but I will go into a discussion with the gentleman some other time about matters of that kind, but I doubt if the gentleman knows the difference between prose and poetry.

A MEMBER. It is blank verse.

Mr. TALBERT of South Carolina. Like the member's head.

A MEMBER. Oh!

Mr. TALBERT of South Carolina. Now, my friends, so much for that. I want to say here now from a business standpoint that thousands and thousands of people in the United States are to-day, according to the accounts we receive, at the point of starvation, friendless, homeless, almost naked, with no money, no food. It is to this class of citizens that I would have the gentleman from Kansas, and the gentleman from Georgia, and this House direct their attention for a few moments. I would have them take a business view of this question and ask themselves whether under the laws that already exist enough pensions can not be obtained to take care of the honest soldiers while at the same time paying due regard to the taxpayers—not increasing the number of our paupers—not increasing this army of tramps that are to-day marching upon the capital of the United States for want of employment and want of bread. Justice demands it.

Mr. CURTIS of Kansas. You voted for the Wilson bill, did you not?

Mr. TALBERT of South Carolina. Yes, sir; and I would vote for it again, because it was the best I could get. What of it?

Mr. CURTIS of Kansas. That and the policy of your party is responsible for all these hard times.

Mr. TALBERT of South Carolina. Well, my friend, I deny that. This trouble had come before the Wilson bill was heard of. The trouble came from you and your party—from the iniquitous McKinley bill and from the other trickery and rascality which your party has put into law in this country. I charge the whole of it upon your party. We as Democrats have inherited this trouble from you and your party, but we are getting out of it in our own way.

Mr. CURTIS of Kansas. How?

Mr. TALBERT of South Carolina. Well, wait and see.

Mr. CURTIS of Kansas. The hard times did not begin until after it was known that Cleveland was elected. You are getting deeper in the mire all the time.

Mr. TALBERT of South Carolina. Be patient; do not hurry. Watch, wait, and pray, but Kansans hardly ever do the latter.

Mr. THOMAS. Does the gentleman regard the Democratic party as responsible for the Chicago platform?

Mr. TALBERT of South Carolina. Yes, sir; but I am sorry to say that all the members of the party do not stand upon it. I am sorry to say that a great many members of the Democratic party in this very House have, in my humble judgment, violated the pledges upon which they were elected, by voting for the unconditional repeal of the Sherman act, and against the Bland bill, and the President has never been on the platform since his election. If they would stand or will yet stand upon the Chicago platform it will give us a great, grand, and prosperous country, provided some of the Alliance demands are supplemented. What next, sir?

Mr. THOMAS. Was it not the fear of the fulfillment of the promises of that platform that made the hard times?

Mr. TALBERT of South Carolina. Now, my friend, you ask me to go back into that discussion. But let me discuss pensions to-night. That is the point I am driving at, not the tariff bill. However, I will say, no, sir; no, sir. See for yourself.

Mr. THOMAS. Well, you precipitated it yourself.

Mr. TALBERT of South Carolina. Now, let us come to the subject before us, a subject some of the members would like to avoid; but I did not precipitate it.

I have here, Mr. Chairman, also an article which I would like to put in evidence, an extract from the New York Times, a paper from the State from which my distinguished friend, Mr. CURTIS, comes, in regard to pensions. With the courtesy and permission of the House I would like to read this, although it is a pretty long article. [Cries of "Go on!"] Well, here it is, and it will make some of the advocates of fraudulent pensions mighty sick, however it came from the North and not the rebel South. Here it is:

THE NATION'S GREAT SCANDAL—FRAUDS THAT SWELL THE PENSION ROLL BEYOND ALL REASON—THE NEW YORK TIMES EXPOSES THEM—A NEW PLAN FOR INVESTIGATING ABUSES OF THE PENSION SYSTEM—STAINS ON THE "ROLL OF HONOR"—THIRTY YEARS AFTER THE WAR THE PENSION LIST IS STILL GROWING RAPIDLY—MORE THAN ONE HUNDRED AND SIXTY MILLION DOLLARS WILL BE NEEDED TO MEET THE DEMAND THIS YEAR, AND THERE ARE MANY THOUSANDS OF APPLICATIONS STILL WAITING TO BE PASSED UPON—LAWS AND BUREAU RULINGS HAVE BEEN STEADILY GROWING MORE LIBERAL, RATES HAVE BEEN INCREASED, AND METHODS OF PROCEDURE MADE MORE AND MORE LAX, UNTIL THE DEMAND FOR PENSION MONEY HAS EMPTIED THE NATIONAL TREASURY—MANY DETAILS OF THE PENSION BUSINESS NEVER BEFORE MADE PUBLIC WILL BE PRESENTED BY THE NEW YORK TIMES.

The amount of money asked to pay pensions this year is $160,000,000.

A little stream of pure gold was set flowing from the Treasury thirty years ago to repay the sacrifices of the heroes of the war. A patriotic gratitude forced the current on. Common honesty dug its channels toward those whose honest service gave claim to its beneficence.

The little stream has become a rushing, mighty torrent. Partisan greed has usurped the place of patriotic gratitude. The stream has been polluted that it may fertilize the pastures of the politicians. The taxpayer stands frightened as the receding millions threaten to leave the Treasury a barren, sandy beach when the tide is out.

The amount paid for pensions in 1865 was $8,525,153.11.

The amount paid in 1893 was $156,740,467.14.

The number of pensioners in 1865 was 85,986.

The number in 1893 was 966,012.

The total disbursements for pensions for the period 1861–'93 was $1,574,088,079.05.

The applications for new pensions are coming in at as rapid a rate as ever. In the seven months ended last October they numbered 65,399, or nearly as many as were on the rolls one year after the war closed. The cash which the people contribute is being paid out at the rate of nearly half a million dollars a day.

The original idea—the idea which Abraham Lincoln had—of granting pensions to those soldiers who had suffered because of their services in the defense of their country has long since been abandoned.

Politics has taken the place of patriotism.

The laws granting pensions have been made more and more liberal as the influence of pensions on votes has been developed.

The Pension Bureau has become, in the minds of those who have been charged with making and executing the laws, the central office through which they have attempted to call up "the soldier vote."

The general laws granting pensions have been amended and supplemented by laws relating to particular disabilities until almost every conceivable ill has been provided for. Every change in the law has been one of increase.

Discretion in fixing the rates for disabilities has been given to officials appointed by the party in power. Almost without exception, every change in the rate of pension has been an increase.

Notice the upward tendency of everything pertaining to the granting of pensions regardless of any sense of justice or fair play.

Thousands of pensions have been granted by special acts of Congress providing for cases where a pension could not be secured under the general laws.

It has been made fashionable to become a pensioner.

The pension roll has lost all semblance of a "roll of honor."

In the alarm which all thoughtful people have felt at the disastrous drain on the Treasury, the cry of "fraud" has been often heard. The facts and figures as to the pension business are not new, and statisticians have exercised their mathematics to show that by all the probabilities the number on the lists was swollen far and away beyond its legitimate bounds.

The statisticians' work has been taken up by the people, frightened by the magnitude of the draft of cash on their pockets, and they have cried "fraud." To this cry there has come back the reply of the demagogue, the politician, the pensioner, and whoever else was interested: "Show us the fraud in specific cases."

The specific information has not been forthcoming. It is locked up in the gigantic building in Washington, where the public may not see it. It has been barricaded there behind a wall built by men who have wrought the trouble.

One-half of it only is there at that. The other half is scattered in a million houses the length and breadth of the country.

Specific cases of fraud have rarely came to light. It has been hard for those who would let daylight on them to tear away the covering. It has been easy for those who are interested in concealing them to do it.

But frauds do exist.

The plainest, shortest words of the English language are null and void of meaning, or the Government has been plundered systematically, steadily, and on a gigantic scale.

If these statements have been made before, the interested demagogue has cried out, "Show us specific cases; general cases are valueless."

The New York Times has been making an investigation of the pension business along the lines which have never before been attempted.

It has secured information concerning pensioners which has heretofore been unknown, save to the men themselves and their immediate neighbors.

It has secured information as to how pensions have been obtained in specific cases, which has heretofore been a secret of the claim agent.

The New York Times has in its possession these facts:

The names of about 8,000 pensioners in this State.

The company, regiment, and rank held in the service by these pensioners.

The disabilities which were sworn to when the claim for a pension was filed.

The date of the application for a pension.

The date when the pension certificate was issued.

The amount of pension granted.

The dates when applications for increases were filed and when such increases were granted.

These facts should open the eyes of all who want a pure and honorable Government, a Government that will be just before generous.

The names of those who draw pensions under the act of June 27, 1890, as distinguished from those who draw under the general invalid pension laws, showing those whose disabilities were incurred in the service and those who are "unable to earn a support at manual labor" because of any disabilities "not the result of their own vicious habits."

The names of widows who receive pensions under either the general laws or the act of June 27, 1890.

The names of dependents other than widows drawing pensions under these different laws.

Nearly 1,000 of these cases have been investigated, and information which has heretofore been regarded as inaccessible will be given to the public.

In brief, this state of things has been found to exist:

First. Men are drawing pensions under the old laws for "disabilities incurred in the service and in the line of duty" who give no evidence of the existence of the disabilities alleged when they filed their claim. They never existed or they have ceased to exist since the pension was granted.

Second. Men are drawing pensions under the old laws for disabilities "incurred in the service" who were for twenty years after the close of the war notably strong and able-bodied. In one instance a man who boasted for fifteen years that he was physically the strongest man in the village in which he lived, now wrecked by dissipation, draws a large pension "for disabilities incurred in the service."

Third. More than 25 per cent of those pensioners who draw under the old laws for disabilities incurred in the service have been granted increases during the last five years. Many of the men who draw these increased pensions are apparently no more disabled now than they were five years ago. They are doing the same work and getting the same pay for it.

Fourth. Many of those who draw the maximum amount of $12 a month under the act of June, 1890, for disabilities which, according to law, prevent them from "earning a support at manual labor," are earning their living at manual labor precisely as they have been doing for the last twenty-five years. The notorious "order 164," issued by Commissioner Raum is responsible for the distribution of enormous amounts of money to able-bodied men.

Fifth. Many who have been for years idle, loafers, intemperate, and given to all excesses are drawing pensions under the act of June 27, 1890, which provides that the inability to earn a support shall not be "the result of their own vicious habits."

Sixth. In some cities the number of pensioners who draw money from the Treasury because of the act of June 27, 1890, is nearly as large as the number who draw under all the laws enacted during the previous twenty-five years.

Seventh. There is machinery accessible to pension attorneys for procuring discharges for men who left their companies and went to Canada during the war. Deserters are on the pension rolls.

Eight. Women are drawing widows' pensions who have children born years since the death of their husbands. They have refused to marry because their pension would then cease.

Astounding facts! Eye openers to all who are concerned about the welfare of this country.

Ninth. Many men who are rated the wealthiest in the towns where they live are drawing pensions. In many instances they were rich before they asked for pensions.

Tenth. In the majority of instances the men whose names are improperly or fraudulently on the pension rolls are honest and free of any intention of taking a dollar from the Government to which they are not entitled. They have been put in a false position by the "pension sharks," the men who devote their energies to securing pensions at all hazards, that they may fatten themselves on the fees.

Eleventh. Machine politicians during the last Administration used the Pension Office for partisan purposes. They promised pensions for votes, and in some cases delivered the goods. They have threatened the pensioner with the loss of his pension if he voted the Democratic ticket.

Twelfth. The politicians and the pension agents, rather than the pensioner, have planned the raid on the Treasury. The Pension Bureau has helped them execute the raid.

Specific cases, illustrating each one of the foregoing statements, will be given in detail.

Information as to who the pensioners are and what their condition is, such as has never before been given to the public, will be presented.

Many significant things have been developed during the investigation. Several hundreds of old soldiers who draw pensions have been visited by reporters for The New York Times, and the ideas of the pensioners have been asked on all sides of the question.

These interviews have developed, among other things, that many pensioners, particularly those who draw under the act of June 27, 1890, have been interested to keep the fact a secret.

There is a feeling that the publication of the entire pension roll would be of value.

The recent prevalent talk of protest on the part of pensioners against investigation of the pension rolls is rot, coming from partisan demagogues or from men who know they are drawing money to which they are not entitled. It does not come from honest soldiers. No men have protested to New York Times reporters more emphatically against pension abuses than honest pensioners themselves. No men have given so much assistance in the investigation which the New York Times has carried on as old soldiers themselves. The protests against revision of the rolls come from men who are afraid that if daylight be let in on their cases they will lose what they are getting. Instead of being a "roll of honor," on which a soldier may rejoice to point out his name, the term "pensioner" has become almost a reproach in some communities. Some pensioners have apologized for drawing pensions.

In some instances men whose names are on the pension rolls have simply said, when asked on what grounds they secured a pension: "The agent got it for me. I was told I was as much entitled to a pension as a lot of men who were getting them."

The looseness in the forms of affidavits and the latitude given in the interpretation of the laws have conspired with the pension agent to make it easy to drain the Treasury.

WHO MAY DRAW PENSIONS—THE CASES SPECIFIED BY LAW AS BENEFICIARIES OF THE GOVERNMENT.

In considering the subject of pensions, as it has been investigated by the New York Times, the answers to these questions will be of interest:

Who may draw pensions under the existing laws?

Why may they draw them?

How much may they draw?

These are very important queries, and more important still the answers.

And in answering these questions from the laws and statutes alone it is brought out with a vividness that is startling.

The list has been constantly increased.

The causes for which pensions have been granted have been steadily and rapidly increased.

The amounts have kept even pace with the length of the list and the grounds on which pensions are granted.

The plot to break into the Treasury has been constantly broadening.

It has succeeded beyond the expectation of those who planned it.

It has in the last few years grown to be nothing less than an organized system of pillage.

The list of pensioners of the United States on account of the war of the rebellion is, in the practice of the Bureau and its agencies, divided into three general classes:

Invalid pensioners—that is, soldiers who have been more or less disabled by wounds or diseases.

The widows and minor children of deceased soldiers.

The dependent mothers or fathers or minor brothers and sisters of deceased soldiers who have left neither widows nor minor children.

The list of invalid pensioners is made up of those who have served in the Army or Navy of the United States, and who have been disabled under the conditions provided for in the laws and have made proof of the fact according to the prescribed forms and regulations. The following classes of persons may draw invalid pensions under existing laws:

1. Any officer, including regulars, volunteers, and militia, or any officer of the Marine Corps, or any enlisted man, however employed in the military or naval services of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received or disease contracted while in the service of the United States and in the line of duty.

2. Any master serving on a gunboat or any pilot, engineer, sailor, or other person not regularly mustered, serving upon a gunboat or war vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated while in the line of duty for procuring his subsistence by manual labor.

3. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered, for the time being, to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. (But such claims of State militiamen or nonenlisted persons must have been prosecuted to a successful issue prior to July 4, 1874.)

4. Any acting assistant or contract surgeon disabled by any wound or injury received or disease contracted in the line of duty while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field or, *in transitu*, or in hospital.

5. Any provost-marshal, deputy provost-marshal, or enrolling officer disabled by reason of any wound or injury received in the discharge of his duty, to procure subsistence by manual labor.

6. By the act of June 27, 1890, all soldiers and sailors of the war of the rebellion who served ninety days and were honorably discharged the service, and who are incapacitated for performance of manual labor, provided the disability is not the result of their own vicious habits.

THE LAWS GROW LIBERAL—MARKED INCREASE IN THE RATES GRANTED TO THE PENSIONABLE CLASSES.

There has been a steady and marked increase in the rates of pension granted by the laws for the different degrees and classes of disabilities.

Everything is being increased without proper regard for those who have the bills to pay out of their hard-earned goods.

Prior to July 4, 1864, the highest rate for any disability was the total of rank, which is: For lieutenant-colonel and all officers of higher rank, $30 per month; for major, surgeon, and paymaster, $25 per month; for captain, provost-marshal, and chaplain, $20 per month; for first lieutenant, assistant surgeon, deputy provost-marshal, and quartermaster, $17 per month; for second lieutenant and enrolling officer, $15 per month, and for private and noncommissioned officer, $8 per month. The most utterly helpless pensioners could obtain no more than the above rates. But by section 4697 of the Revised Statutes there was provided, for the period from June 6, 1866, to June 3, 1872, a rate of $20 per month for those who were "so disabled as to

be incapacitated for the performance of any manual labor, but not so much as to require regular personal aid and attention." A rate of $25 was established for those who were "so totally and permanently disabled as to render them utterly helpless, or so nearly so as to require regular personal aid and attendance of another person."

The rate for the later degree of utter helplessness requiring regular attention was advanced to $31.25 per month from and after June 4, 1872, and by the act of June 18, 1874, was again advanced to $50 per month, and yet again advanced to $72 per month by the act of June 16, 1880. This is the rate now allowed, and is the highest rate granted, with the exception of the special rate of $100 per month for loss of both hands, granted by act of February 12, 1889.

The rate of $20 per month for the next lower degree of helplessness, that which "incapacitates for performing any manual labor, but not so much as to require regular personal aid and attention," was advanced to $24 per month from and after June 4, 1872, and again advanced to $30 per month, the present rate, by act of March 3, 1883.

Still another degree of "total disability," intermediate between that rated at $30 and the highest degree, at $72, was established by the act of July 14, 1892, which provides that disability "to such a degree as to require frequent and periodical, though not regular and constant, personal aid and attendance of another person" shall be rated at $50 per month.

The act of July 27, 1868, included in section 4697 of the Revised Statutes, granted a rate of $15 per month for such disability as to render "inability to perform manual labor equivalent to the loss of a hand or a foot." From and after June 4, 1872, this rate was increased to $18, and the act of March 3, 1887, again increased it to $24 per month.

The legislation of July 4, 1864, and afterwards, not only established different degrees of total disability and higher rates for all of them, but also began the establishment of rates for "permanent and specific disabilities."

The first rates established for specific disabilities less than total were: For loss of both hands, $25 per month; for loss of both feet, $20 per month, and for loss of sight of both eyes, $25 per month. For loss of one hand and one foot, $20 per month was granted by the act of March 3, 1865. All of these rates were advanced by law a few years later, by the act of June 4, 1872, and some of them more than once after that by different acts. A number of additional specific disabilities had been enumerated and rates attached to them in the act of June 6, 1866, and these rates also were advanced by the act of June 4, 1872, above referred to, and again by subsequent legislation.

The following table shows the advancement in the rates made by successive acts. The rates for the disabilities mentioned are given under the dates of the acts providing them, and the table, while it does not include all the rates advanced, gives an idea of the whole course of the advancement of pension rates at successive intervals since the close of the war:

Here you have an idea of gradual advancement of every consideration in every department of the proceedings in granting pensions.

Rates established by law.

Disabilities.	Act of—				
	July 4, 1864.	June 4, 1872.	June 4, 1874.	June 17, 1878.	Feb. 12, 1889.
Loss of both hands	$25.00	$31.25	$50.00	$72.00	$100.00
Loss of both feet	20.00	31.25	50.00	72.00	.....
Loss of sight of both eyes	25.00	31.25	50.00	72.00	.....
	June 6, 1866.				
Total disability in both hands	25.00	31.25	50.00	72.00	.....
Total disability in both feet	20.00	31.25	.....	.....	.....
				March 3, 1885.	Aug. 4, 1886.
Loss of an arm at shoulder joint	15.00	18.00	24.00	37.50	45.00
				March 3, 1883.	
Loss of a hand or a foot	15.00	18.00	.....	24.00	30.00
Total disability in one hand or one foot	15.00	18.00	.....	24.00	30.00
Loss of an arm above the elbow or a leg above the knee	15.00	18.00	24.00	30.00	36.00
					Aug. 27, 1888.
Total deafness	.....	18.00	.....	.....	30.00

COMMISSIONERS GREW LIBERAL—THE DISCRETIONARY POWER WAS WIELDED AT THE TREASURY'S EXPENSE.

The law originally provided pensions for "total disability." For many specific disabilities, such as the loss of a hand or foot, special acts of Congress were enacted. For other inferior disabilities, the amount of pension was left to the discretion of the Pension Commissioner, and authority for the exercise of this discretion was specifically given by law.

This power, placed in the hands of politicians, has cost the Treasury millions upon millions of dollars.

Successive Pension Commissioners, lawyers and political managers, have apparently being trying to outdo each other in estimating what proportion of "total disability" the loss of a forefinger is, or what proportion of total disability a double hernia constitutes.

These increases in ratings are startling.

A degree of deafness, which originally entitled the pensioner to $1 a month, now entitles him to $10, while for such a degree of deafness as originally entitled the sufferer to $6 a month, he now receives $27 a month. Originally, for the loss of a thumb, the index, and middle and ring fingers, the rating was $8. Since 1884 it has been $17.

Originally, "severe deafness" of both ears gave the pensioner $4 a month. Since August 27, 1888, it has given him $22.

These increases have been based on the increased rate for "total disability" provided by law.

The original was $8 for a private, and the Bureau of Pensions was authorized to determine what proportion of "total" a minor disability constituted. When an act had been passed granting $18 a month for the loss of a hand or foot, the Commissioner was authorized to determine when other minor disabilities became equivalent to the loss of a hand or a foot, and rate them proportionately.

See the adroitness of such management allowing the Bureau to say what is equivalent to loss of hand, foot, eye, etc., thereby opening wide the door to all sorts of frauds.

Under this system a forefinger doubled its value by act of Congress, and an inguinal hernia assumed such a relation to an amputated arm as the Commissioner of Pensions dictated.

A case of malarial poisoning was rated according to its importance as compared with the loss of a foot, while hemorrhoids were paid for on the same basis.

It is not strange that the veteran whose arm was shot off at Gettysburg complains of inequalities in the system which gives to the man who develops some deafness or stomach trouble twenty years later almost as large a pension as he gets himself.

One of the most striking things in the whole subject is the rapid and steady increase in importance which has been placed on so-called "inferior disabilities." The ratings have been increasing in a regular progression.

The following table shows some of the rates established by the Pension Bureau under the authority of the original law, the changes subsequently made, and the dates from which they were allowed. The rates are for privates:

Rates fixed by office rulings.

Disabilities.	Old rates.	From—			
		March 3, 1873.	April 3, 1834.	Nov. 15, 1887.	Dec. 4, 1891.
Anchylosis of ankle	$6	.....	$8	.....	.....
Anchylosis of wrist	6	.....	8	.....	.....
Anchylosis of elbow joint	8	.....	10	.....	.....
Anchylosis of knee joint	8	.....	10	.....	.....
Anchylosis of shoulder joint	8	$12	.....	.....	.....
Loss of palm of hand and all the fingers, the thumb remaining	8	16	17	.....	.....
Loss of thumb, index, middle, and ring fingers	8	16	17	.....	.....
Loss of all the fingers, thumb and palm remaining	8	16	.....	.....	.....
Loss of thumb, index, and middle fingers	8	14	.....	$16	.....
Loss of thumb, index, and little fingers	8	14	.....	16	.....
Loss of thumb and index finger	8	12	.....	.....	.....
Loss of index, middle, and ring fingers	8	12	.....	16	.....
Loss of middle, ring, and little fingers	8	12	.....	14	.....
Loss of thumb	4	.....	8	.....	.....
Loss of index finger	3	.....	4	.....	.....
Loss of all the toes of one foot	8	10	.....	.....	.....
Loss of great and second toes	6	.....	.....	8	.....
Loss of great toe	4	.....	.....	6	.....
Loss of any other toe and metatarsal	4	.....	.....	6	.....
Loss of sight of one eye	4	.....	8	.....	$12
Double inguinal hernia	6	.....	12	.....	$8–14
Inguinal hernia	4	.....	8	.....	6–10

Disabilities.	Old rates.	From—			
		April 3, 1884.	Nov. 15, 1887.	Aug. 27, 1888.	Dec. 4, 1891.
Nearly total deafness of one ear	$1	$2	$4	$10	$6
Total deafness of one ear	1	2	4	10	10
Slight deafness of both ears	2	4	6	15	6
Severe deafness of one ear and slight of other	2	6	8	20	10
Nearly total deafness of one ear and slight of other	2	6	8	20	15
Total deafness of one ear and slight of other	2	6	8	20	20

Disabilities.	Old rates.	From—			
		March 3, 1873.	Oct. 7, 1885.	Aug. 27, 1888.	Dec. 4, 1891.
Severe deafness of both ears	$4	$8	$12	$22	$22
Total deafness of one ear and severe of other	4	9	12	25	25
Deafness of both ears, nearly total	6	10	12	27	27

Examine well these schedules and study their enormity.

THE ACT OF JUNE 27, 1890—IT OPENED THE TREASURY TO AN ALTOGETHER NEW CLASS OF BENEFICIARIES.

The passage of the act of June 27, 1890, created a distinctly additional class of pensioners and a very burdensome one. Prior to this time no rates of pension had been granted for disabilities unless they were proved to the satisfaction of the Bureau to have been incurred in the service. The act of 1890 granted a pension to "all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support."

Rates were granted of not exceeding $12 per month, and not less than $6 per month, proportioned to the degree of inability to earn a support."

This act and the looseness with which it was first administered have resulted in placing upon the pension roll a very large number of new names, and in further depleting an already overtaxed Treasury.

At the close of the fiscal year 1892 about three-sevenths of the invalid pensioners on the rolls on account of the war of the rebellion were there under the provisions of the act of 1890.

The amount of disbursements for all pensions, which had been, in round numbers, $106,500,000 for the fiscal year ending June 30, 1890, advanced by leaps and bounds after June 27 of that year, when the act took effect, until it had become, in round numbers, $160,000,000 for the fiscal year 1893.

The disabilities for which pensions are granted under this act may be of any origin except the vicious habits of the pensioner.

They may be the result of accidents or exposure under any circumstances or of the general feebleness of old age.

They may, in fact, have existed prior to the outbreak of the war.

The liberality of this act was further increased by the rulings of the Bureau of Pensions.

The boards of examining surgeons were instructed in examining claimants under this act to rate the disabilities and degrees of disabilities found exactly as they rated them for claimants under the old laws, and these rates, when submitted to the Bureau for review and correction, were allowed as far as the limitations of the law would permit.

The boards of examining surgeons under Commissioner Raum were instructed to make a rating which did not take into the account the degree of inability to earn a support at manual labor.

See how effectively this inability clause is disregarded, so that many are now drawing pensions who are well able to earn a living by performing hard manual labor.

For convenience, the rates allowed under the act of 1890 were graded $6, $8 $10, and $12. The claimant's rank does not enter into the account.

Widows of soldiers whose deaths resulted from their army service were, pensioned at $8 per month, with an allowance of $2 extra for each child under 16 years of age, under the provisions of sections 4702 and 4703 of the Revised Statutes.

By the act of March 19, 1886, the rate was increased to $12 per month, and the allowance of $2 for each minor child was maintained.

The act of June 27, 1890, grants $8 per month to the widow of any soldier who served ninety days or more, no matter what the cause of his death, and the same allowance of $2 for each child under 16 years of age is made as under the former laws.

Dependent relatives of soldiers who had died as a result of their army service, leaving neither widow nor legitimate child, were pensioned by the provisions of section 4707 of the Revised Statutes. The rate granted was $8 per month. It was increased to $12 by the act of March 19, 1886. It is given to the mother of the soldier first, or, if she be dead, to the father; or, if both mother and father be dead, to the soldier's orphan brothers and sisters under 16 years of age, who are pensioned jointly.

Under these laws dependent parents were required to prove that they were actually, to some extent, dependent for support upon the soldier son at the time of his death.

The act of June 27, 1890, dispenses with this requirement, and provides that it shall be necessary only to show "that such parent, or parents, are without other present means of support than their own manual labor or the contributions of others not legally bound to their support."

HOW THE MILLIONS HAVE GONE—THE STEADY AND RAPID INCREASE IN THE PENSION LIST.

Under the operation of the laws and the departmental rulings and ratings, the number of pensioners and the amount of money paid for pensions each year since 1865 has been this:

Year.	Number.	Amount.	Year.	Number.	Amount.
1865	85,986	$6,525,153.11	1880	250,802	$57,240,540.14
1866	126,722	13,459,996.43	1881	268,830	50,026,538.51
1867	153,183	18,619,956.46	1882	285,697	54,296,280.54
1868	169,643	24,010,981.99	1883	303,658	60,431,972.85
1869	187,963	28,422,884.08	1884	322,756	57,273,536.74
1870	198,686	27,780,811.81	1885	345,125	65,693,706.72
1871	207,495	33,077,383.63	1886	355,783	64,584,270.45
1872	232,229	30,169,341.00	1887	406,007	74,815,486.85
1873	238,411	29,185,289.62	1888	452,557	79,646,146.37
1874	236,241	30,593,749.56	1889	489,725	89,131,968.44
1875	234,821	29,083,116.63	1890	537,944	106,493,890.19
1876	232,137	28,351,599.69	1891	676,160	118,548,959.71
1877	232,104	28,580,157.04	1892	876,068	141,086,948.84
1878	223,998	26,844,415.18	1893	966,012	156,740,467.14
1879	242,755	31,780,529.19			

This includes the pensions paid to survivors of the war of 1812 and widows of soldiers in that war.

Ponder, gentlemen of the House, to-night these startling facts, complete in one of your own papers from the great State of New York. Deny them if you can. You know they are only too true. Gentlemen will you not have some consciences and relent, and help to stop these leaks?

Now, gentlemen, I make no special plea for the South, only as the Southern people are citizens of this common country, bearing their portion of the burdens of government, and as such should be recognized with all others. I do not stand here as a representative of the South in particular, but of the whole people in general—yea, the burden bearers, the tax payers and laborers. I say we should know no South, no East, no North, or West in considering this question, or in great public questions, but we should look at them all from a purely business standpoint, and that we should have some compassion and mercy on the taxpayers of this great nation when we are piling up these billions of dollars of expense upon them, men who are already overburdened and losing their homes by the thousand. Of course, it is worse in the South than it is in the North. There in the North they pay it out with one hand and get it back again with the other. In the South it goes out from us never to come back again, and it is a hardship to be thus burdened and they are tired of it.

I am perfectly willing to be governed by majorities, but here on these Friday night sessions legislation is often asked for the soldier, and great love and great regard is expressed for him, and is said to be in the bosoms of gentlemen on that side for the old soldiers, and yet strangely enough they can not attend these night sessions in their behalf. If they have such a regard for the old soldier, why is it that they can not come up here on Friday nights to advocate his claim and try to get his pension through? Look at this crowd here now, a handful of members. Why, this pretended love of the soldier is all a pretense, and you know it. You pretend to be working for him, but when it comes to the test you are not on hand. What is the meaning of that? It is just like many other false pretenses made in reference to the voters of the country. Just let me say that the eyes of the American people are upon you, and you will be held responsible, and don't you forget it.

Your action in regard to the soldiers reminds me of what the little boy said about his father on one occasion. Some one asked him if his father was a Christian. "Oh, yes," said the boy, "he is a good Christian, but he is not working at it much now." [Laughter.]

So it is with your love for the soldiers. The present company is always excepted, of course, because these gentlemen who are around me are in the habit of attending every night. But where are the others? Where are those who express so much love for the soldiers? It seems to me that they are not working at it very much now. These gentlemen appear to be quite anxious for pension legislation, but they are not here working at it to-night. Gentlemen should put up or shut up.

Now, in conclusion, Mr. Chairman——

Mr. LACEY. Will the gentleman be kind enough to say whether or not he thinks the bill now pending before this committee to perfect the military record of Warren Alonzo Alden is subject to the criticism he has been making, or ought to pass?

Mr. TALBERT of South Carolina. Well, I will come to that after awhile; but will say to the gentleman from Iowa that my remarks are general and not specific. This claim may be a just one. My remarks are not specific in his case.

I wish to call your attention as Representatives to the Constitution of the United States.

Article I, section 5, provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

Now, I think the gentlemen ought to be willing to stand by the Constitution of the United States. And here let me read the oath which each and every one of you has taken when you were sworn in as members of this body to support that Constitution:

I (A. B.) do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and will well and truly discharge the duties of the office on which I am about to enter, etc.

Each and all of you took that solemn obligation to support the Constitution, and you ought not to be unwilling to abide by it on Friday nights and refuse to come here and transact the business under that feature of the Constitution which you are sworn to obey. The rules of the House say the same thing. They provide:

2. In the absence of a quorum, 15 members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Now, if there is not a quorum present to-night, why, you have the remedy—send for them and bring them here; yes, take them from their entertainments even.

Now, I want to call your attention to all those. In regard to the soldiers I want to say we should not exhibit any partisan spirit in the discussion of these questions. God knows the war has been over for more than twenty-five years, and it is only the wicked interference of a great many men to-day that keeps it up, men who are invisible in war and invincible in peace. They are the people who stir up strife and wave the bloody shirt and all that sort of thing. Many of the old soldiers—Lee and Grant and Sheridan and Stonewall Jackson—have crossed over the river and are resting to-day under the shade of the trees, and they have been followed by numbers of the humbler comrades and privates, where they will rest until the archangel shall sound the final reveille and summon them to the last grand dress parade upon the eternal plains by the final bugle blast. Let them rest together in peace, and let those of us who are left behind here shake hands, as I said on another occasion here, across the bloody chasm, and agree to bury sectionalism and the bloody shirt, and to plant upon its grave the white rose of

peace, with the prayer, as I said before, that it may bring forth fruit for the upbuilding of this great country of ours. [Applause on the Democratic side.]

Let our friends here, if they want to vote these pensions, come here and attend to the business of the people. Let them deny themselves a little pleasure for one night in the week; let them give up their clawhammer coats and their entertainments, let them give up the theaters; let them give up their other parades; let them give up the euchre party and the card party, and come here as the representatives of these old soldiers and the young soldiers, to stand by the people of this great country, the soldiers and the taxpayers, too, and we will have better times. [Applause.] I think they might do this much, as it is their bounden duty. [Applause.]

Now, my friends, let us come together and make this one of the greatest and grandest nations upon the face of God's green earth, which it ought to be. Let us have but one ambition, that laudable ambition to once more see this great nation of ours a happy, united, prosperous, and fraternal people. [Applause.]

Now, in conclusion, I want to ask you here if you are willing to go on night after night without a quorum, and transact business against the Constitution of the United States, in violation of the oath you have taken to support that Constitution, and in violation of the rules that Mr. REED and Mr. BOUTELLE talked about so much to-day and yesterday? I ask you whether you are willing to go on in this way? If you are, I hope somebody besides myself will raise the point of no quorum to-night, for if I raise it my brother from Kansas [Mr. CURTIS] is ready to jump on me, and even my friend from Georgia [Mr. MOSES], who loves the soldiers so well, may do so, too. I have had my say and leave the matter with you.

Mr. CURTIS of Kansas. Are we not justified, when you object to every bill that comes up?

Mr. TALBERT of South Carolina. I do not object except it is an unfair request for pension, and the gentleman knows it. Now, let us, in conclusion, be fair to the soldier and at the same time just to the taxpayer. [Applause.]

Mr. MARTIN of Indiana. Mr. Chairman, I desire to make a point of order as to the jurisdiction of this committee to pass upon this bill. Let me say to the Chair that the rule under which we are working to-night strictly confines our deliberations to four classes of bills, namely: Bills reported from the Committee on Invalid Pensions, bills reported from the Committee on Pensions, bills reported from the Judiciary Committee for the purpose of removing political disabilities, and bills reported from the Committee on Military Affairs for the purpose of removing charges of desertion. I make the point that this bill does not fall within any of these classes, and that therefore we have no jurisdiction.

The CHAIRMAN. The Chair has examined the bill, and quite agrees with the suggestion of the gentleman from Indiana [Mr. MARTIN] that it is not in order under the special rule under which the House is operating to-night. The Chair will sustain the point of order; and if there be no objection the bill will be laid aside, to retain its place on the Calendar. The Chair hears no objection, and that order will be made. The Clerk will report the next bill.

LUCINDA C. WHEELER.

The next business on the Calendar was the bill (H. R. 1463) granting a pension to Mrs. Lucinda C. Wheeler, widow of John H. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Lucinda C. Wheeler, widow of John H. Wheeler, late private in Company L, Seventh Regiment Tennessee Cavalry, in the war of 1861, and grant her a pension at the rate of $12 per month, subject, however, to the limitations of the pension laws.

The report, as published in the proceedings of Friday, March 16, was read.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. PICKLER. Mr. Chairman, I only want to detain the committee for a few minutes. I should not do that if it were not for one or two assertions made by the gentleman from South Carolina [Mr. TALBERT], which I do not care to see go unanswered. He says that there are skulking deserters drawing pensions. Now, the gentleman is mistaken. He may be honest, but he is entirely mistaken in that.

Mr. TALBERT of South Carolina. Mr. Chairman, I have given the evidence of another man.

Mr. PICKLER. There is no such evidence.

Mr. TALBERT of South Carolina. But you are misstating facts.

Mr. PICKLER. Do not interrupt.

Mr. TALBERT of South Carolina. You are misstating facts and I will interrupt you.

Mr. PICKLER. No, I am not misstating facts.

Mr. TALBERT of South Carolina. You shall not misquote me.

Mr. PICKLER. There are no such facts. There are no such cases.

Mr. TALBERT of South Carolina. I read from the RECORD.

Mr. PICKLER. What record?

Mr. TALBERT of South Carolina. I read from the RECORD a speech of Gen. Bragg, and I refer the gentleman to the RECORD.

Mr. PICKLER. Gen. Bragg does not say any such thing. Gen. Bragg, brave as he was, was in poor business when he was berating the Union soldiers with whom he fought. No skulking deserters draw pensions.

Mr. TALBERT of South Carolina. Here is his language in the RECORD.

Mr. PICKLER. I want to say once for all in regard to this deserter question—and I hope the gentleman from South Carolina [Mr. TALBERT] will remember it, because it is the law—there is no deserter drawing a pension. No deserter can draw a pension in this country under the laws of the United States unless for genuine bona fide service rendered before he deserted.

That is to say, if he was a soldier and performed good service and incurred disabilities and was discharged, and after that enlisted and deserted from the second enlistment, if they find that this disability was incurred while he was a good soldier and performing duty, he can be pensioned. Otherwise he can not, and that is all there is to this deserter business. There is no such thing as the general proposition of deserters drawing pensions. Deserters are not drawing pensions. We might pension one here by a private bill, but that would be by special act. Under the general laws deserters are not pensioned.

The gentleman from South Carolina [Mr. TALBERT] has also spoken about the short-service men. I want to say that any man who held up his hand and swore to support the Constitution of the United States and to go where he was ordered in that war, I believe that thirty years having elapsed, is entitled to a pension.

I want to say to the gentleman, as he is in favor of pensioning the Mexican soldier, that there was not one out of twenty now drawing pensions on account of the Mexican war that saw as much service as the short-service men in the last war.

There is another fact that the gentleman ought to remember, and that is that all the survivors of the Mexican war are drawing pensions.

Now, one other thing as to this lecturing of members who do not come here on Friday night sessions. Gentlemen talk about there being no quorum. It is the merest subterfuge. The fact that there is no quorum present is not ascertained until some one raises the point. Now, if somebody raises the point we can not get a quorum, and we have to go out of court because the point of no quorum is raised. We never have had a quorum at the Friday night sessions, and we never will; and it would make no difference if we had every one of the 200 Democratic members present and all the members on the Republican side, any gentleman who could get the floor is entitled to an hour. And so, as the sessions are only two hours and a half, three men, or two men and a half, could consume the whole of the time. [Laughter.]

Mr. TALBERT of South Carolina. I will ask the gentleman if he has not been here for a week trying to break a quorum and lending his assistance and aid to break a quorum?

Mr. PICKLER. I did not understand the gentleman's question.

Mr. TALBERT of South Carolina. I asked you if you had not been here for the last week lending your aid and assistance, and abetting the breaking of a quorum?

Mr. PICKLER. I believe the gentleman said awhile ago that he was not standing a civil-service examination. [Laughter.] I feel a little that way myself. [Renewed laughter.]

Mr. TALBERT of South Carolina. I stand corrected, my friend. [Laughter.]

Mr. PICKLER. I am only seeking to answer these talkings and these lectures that we have about members not attending. It would not make any difference if we were all here, and I am here, when three men can occupy the whole time of the session. If any gentleman is disposed to oppose the bills and not allow them to pass, he can do it without making the point of no quorum, and just as easily, by talking.

Mr. STALLINGS. You could have the previous question ordered on the bills, and then three men could not control them.

Mr. PICKLER. Three men could occupy the whole time by debate, is my point, if they chose to consume so much of the time.

Mr. STALLINGS. You could have the previous question ordered.

Mr. PICKLER. Then you would have a roll call and occupy the time. You gentlemen have had some experience as to how long it takes.

Now, one point more and I am through. The gentleman from South Carolina says, and it is very often asserted, that the people of the South are paying the pensions and not getting anything back. For the benefit of the gentleman from South Carolina, I want to give the figures. The State of South Carolina, in the fiscal year ending June 30, 1893, paid to the Government $56,875, and the State of South Carolina drew out as pensions $224,875. You drew out four times and more for pensions than you paid into the Treasury.

Mr. TALBERT of South Carolina. That is not a true statement of the case, sir. South Carolina paid five times that much indirectly under your McKinley tariff, and you know it, and your figures——

Mr. PICKLER. But, Mr. Chairman——

Mr. TALBERT of South Carolina. I want to say to you, my friend, that it is said that figures do not lie, but sometimes figures are made to lie.

Mr. PICKLER. The gentleman is still more unfortunate when he appeals to the facts as to the tariff. Who is it that is paying the tariff, if the tariff was a tax; because if that is so, which we deny, then the North pays a largely greater proportion than the South, and the gentleman is further behind on that line than he is on internal revenue.

Mr. TALBERT of South Carolina. I would like to ask the gentleman a few questions there. I would like to put him through a civil service examination.

Mr. PICKLER. I want to say to the gentleman if the tariff were a tax, which we deny, the North pays a largely greater proportion than the South does. I am talking about the internal revenue, and I desire to print in the RECORD, so that we may see, just what our States are paying into the Treasury and what we are drawing out for pensions. And this is every dollar that the States pay directly to the Treasury.

Mr. MOSES. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Yes, sir.

Mr. MOSES. Do you mean to take up the time of the old soldiers to-night in talking about the tariff?

Mr. PICKLER. I did not thrust the tariff in; but gentlemen on that side can not argue about the soldier being pensioned without talking about the tariff and about the "bloody shirt," and I did digress to reply.

I want to say to you gentlemen of the Southern States that the old Union soldiers you have in your States are the best investments you have. They bring in a great deal of money without costing you anything.

The figures to which I have referred are as follows:

Internal revenue paid and pensions received for the year ending June 30, 1893.

	Internal revenue.	Pensions.
Alabama	$107,147.14	$456,102.15
Arkansas	102,563.30	1,523,308.58
California and Nevada	2,194,048.21	2,117,293.40
Colorado and Wyoming	370,138.94	1,015,227.39
Connecticut	1,025,458.19	1,809,155.45
Florida	481,618.53	376,496.07
Georgia	449,677.30	365,573.01
Illinois	34,317,541.64	11,019,932.98
Indiana	6,459,722.23	11,703,434.01
Iowa	551,361.05	6,175,811.71
Kansas, Indian and Oklahoma Territories	361,761.12	8,038,993.71
Kentucky	26,618,820.36	4,890,817.13
Louisiana and Mississippi	758,158.78	1,293,662.52
Maryland, District of Columbia, and Delaware	3,627,345.56	4,256,673.78
Massachusetts	2,563,928.48	6,881,243.00
Michigan	2,346,427.77	7,760,227.02
Minnesota	2,610,225.83	2,605,437.50
Missouri	8,975,110.66	8,846,521.92
Montana, Idaho, and Utah	196,246.86	409,229.32
Nebraska, South Dakota, and North Dakota	3,817,479.94	4,073,504.64
New Hampshire, Maine, and Vermont	532,912.58	6,697,667.48
New Jersey	4,457,608.90	3,280,172.94
New Mexico and Arizona	48,886.68	271,101.89
New York	19,696,554.78	13,817,895.87
North Carolina	2,435,783.28	631,740.24
Ohio	13,415,456.55	17,326,682.81
Oregon	362,802.43	1,371,906.74
Pennsylvania	12,470,224.11	15,177,339.44
South Carolina	56,821.49	224,825.44
Tennessee	1,311,893.94	2,922,002.57
Texas	295,396.66	1,025,377.80
Virginia	2,912,548.23	1,199,388.62
West Virginia	854,634.66	2,130,009.72
Wisconsin	4,228,740.35	4,378,353.50
Total	161,004,989.67	156,073,500.10

Mr. STALLINGS. I would like the gentleman to give us the proofs in the case that he spoke of last Friday night—the affidavits.

Mr. PICKLER. That is the case of the gentleman from Illinois [Mr. SMITH], and I refer you to him. I do not think it would be in order at this time, however. I spoke to the gentleman from Illinois about it, and he said that he was fully prepared.

Mr. STALLINGS. That bill has been up twice already. A very similar bill was passed here last Friday night, but only after a statement and the introduction of the proofs by the gentleman from Georgia [Mr. LIVINGSTON]. The gentleman from South Dakota [Mr. PICKLER] stated last Friday night that this case was very similar to that one, and I then suggested that we ought to have the affidavits produced here to show whether this was the identical man that had served in the Army.

Mr. PICKLER. The Committee on Invalid Pensions have fully examined that question, and they say that the evidence establishes the fact that this man was in the Army.

Mr. SMITH of Illinois. I understand that this question is asked with reference to the Wheeler bill?

Mr. STALLINGS. Yes, sir.

Mr. SMITH of Illinois. I will say to the gentleman that I was not here at last Friday night's meeting, which I believe was the first time that this bill has come up during this Congress.

Mr. STALLINGS. It was up two weeks ago, but I do not think the gentleman from Illinois was present.

Mr. SMITH of Illinois. No; I was not. With reference to that bill, I will say that in the Fifty-second Congress it was reported favorably by the Committee on Invalid Pensions, and now, with the permission of the committee, I will make a brief statement of the case. The husband of the beneficiary of this bill was a recruit in the United States service, as the evidence before the Committee on Invalid Pensions shows.

The company was in Tennessee. He drew his clothing, his accouterments, everything that a soldier draws, and served his country for about six months, performing all the duties of a soldier. The evidence before the committee shows that he was regularly enlisted, and that after he had served about six months he, together with the remainder of his company, was captured by the Confederate forces. It seems that there was no record of the members, the recruits of that company furnished to the War Department before the company and its records were captured by the Confederates.

Mr. STALLINGS. Was this man regularly mustered into the service?

Mr. SMITH of Illinois. So the evidence shows, the affidavits of two men who were enlisted at the same time as himself.

Mr. STALLINGS. Then, how is it that his name does not appear on the rolls in the War Department?

Mr. SMITH of Illinois. Simply because after he was enlisted and after all these recruits were enlisted they were captured, with their records, and sent to Andersonville prison. They had been enlisted, but they were not mustered in.

Mr. STALLINGS. Did the gentleman say that this man had served six months or a little longer before he was captured?

Mr. SMITH of Illinois. He served six months without being mustered into the service. He was enlisted and sworn into the service, as the evidence shows, and performed the duty of a soldier, until he, with the rest of the company, was captured, together with the records of the company. He died in Andersonville prison, as the evidence shows, and as appears from a record in the Bureau of Pensions.

Mr. STALLINGS. Who makes the proof that he died in Andersonville?

Mr. SMITH of Illinois. Several gentlemen who knew the fact. The evidence is before the Committee on Invalid Pensions. The gentleman from Indiana, Mr. MARTIN, the chairman of the committee, knows that to be so.

Mr. LACEY. A record captured at Andersonville gives an account of his death and burial, but the middle letter of his name is omitted.

Mr. SMITH of Illinois. Yes; I believe that is the case. That record shows "John Wheeler" when it should be "John H. Wheeler." But the evidence before the committee establishes the fact that this man served as stated, was captured, and died in Andersonville, leaving a wife and a number of children. The widow struggled along and raised her children, and she has never received a penny of pension. Under the general law she could not receive a pension. The Committee on Invalid Pensions in the last House considered the case a meritorious one and reported the bill favorably, but it was introduced only toward the close of the Congress and it could not be acted upon in that Congress, and now again it is reported favorably by the Committee on Invalid Pensions of this House. There is no politics in it.

Mr. STALLINGS. I wish to say to the gentleman that I never make an objection here on the ground of politics. In the case of any bill to pension an honest soldier who fought for the preservation of the Government, I certainly would not make an objection on political grounds.

Mr. SMITH of Illinois. I understand that.

Mr. STALLINGS. And I do not believe there is any Democrat here who would do it.

Mr. SMITH of Illinois. He ought not at least.

Now, I will simply say that this bill has been carefully considered by the appropriate committee in this Congress as in the last Congress and has been favorably reported. There is no question about its being a meritorious measure, and I trust that it may be favorably acted upon by the House. I do not care to go into any further argument.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation. Is there objection?

Mr. STALLINGS. Yes, sir. I wish to state to the gentleman from Illinois [Mr. SMITH] that I will insist on seeing the evidence in this case. There is trouble about the name——

Mr. SMITH of Illinois. If the gentleman will pardon me a moment.

Mr. STALLINGS. Certainly.

Mr. SMITH of Illinois. Of course, the report is based upon the evidence; but I have not the evidence with me; it is on file in the committee room.

Mr. STALLINGS. I suggest that it is a very easy matter to get all this evidence from the room of the Committee on Invalid Pensions. On last Friday night, when a question of this kind was up, the gentleman from Georgia [Mr. LIVINGSTON] procured without any trouble and very readily the evidence upon which the report had been made. I do not see why the same thing can not be done in this case. It is important we should have the evidence here, because there is a question as to the identity of the man. If this man died in prison at Andersonville, no one will be more ready than myself to grant to his widow and children a pension. But we ought first to know that this is the man. Whenever that is established I shall not have a singel word to say against the bill.

The proof, as I have said, is easily obtained. It is right here in this Capitol. There can be no trouble in bringing all those affidavits here and letting the House see them. Only last Friday night we were obliged to pass a bill in order to repeal a bill in reference to which there had clearly been a fraud practiced upon the House. The fraudulent bill had passed the Pension Committee, the Committee of the Whole, and the House. Now, we ought not to make mistakes of that kind if they can possibly be avoided. We ought to provide pensions in meritorious cases; but we ought not to permit fraud to creep into the pension roll by the passage of special bills. It is only fraudulent bills or bills of doubtful merit that I object to. I do not oppose any application on behalf of the honest soldier or those who were dependent with him.

Mr. TAWNEY. The gentleman will allow me to ask, What is the purpose of referring bills of this kind to the Committee on Invalid Pensions, if it is not that the committee may ascertain the facts and report their conclusions to the House?

Mr. STALLINGS. I was not sent here, Mr. Chairman, to accept the report of any committee without being satisfied of the correctness of that report. It is my duty to look out for the interests of the people that I represent, because they pay in part these pensions. Now, it is very easy to bring here the proof in this case. The clerk of the committee is right here, and the proof can be obtained in a few moments.

Mr. LACEY. He has gone after it.

Mr. STALLINGS. That is satisfactory to me. Let us pass over this case, then, for the present.

Mr. MARTIN of Indiana. If I may be allowed a word——

Mr. STALLINGS. Certainly.

The CHAIRMAN. Is it suggested that this bill be passed over informally?

Mr. SMITH of Illinois. I do not desire to have it passed over.

Mr. MOSES. It might be laid aside temporarily till the papers can be brought from the committee room.

Mr. MARTIN of Indiana. Mr. Chairman, I desire to make a statement about the proof in this case. The gentleman from Alabama [Mr. STALLINGS] is entirely mistaken in supposing that the proof is here in this Capitol. The proof in this case was filed in the Pension Office. The bill was introduced in the Fifty-second Congress and referred to the Committee on Invalid Pensions. The proof was brought from the Pension Office, and upon examination of that proof our committee filed a favorable report. The proof was then sent back to the Pension Office, where it is regularly on file—where it belongs and will be kept.

Now, the bill not having been reached in the Fifty-second Congress, a similar bill was introduced into this Congress——

Mr. STALLINGS. Did you send for the same evidence in this Congress and have it before your committee?

Mr. MARTIN of Indiana. Certainly.

Mr. STALLINGS. Then it can be readily obtained; there is no trouble about that.

Mr. MARTIN of Indiana. Now, let me put a question—and I desire to speak with the greatest respect and kindness—when a committee has carefully examined the proof in a case, and acting in a judicial capacity has brought its conclusions here in the shape of a report, would it not be a strange thing if, whenever such a case is brought here from the Committee on Invalid Pensions or any other committee, some gentleman on this floor should insist that he will not permit the bill to pass unless the proof upon which the report of the committee was based is brought in and read before this House?

One of the very objects, as it seems to me, of a committee is in order that a bill may be sent there and the proofs in its support examined, and, as in this case, examined by a committee in which I think I am justified in saying that the House has confidence as to their findings of what that evidence shows and sustains; and on that statement it seems to me that it would be asking too much, on the part of the gentleman from Alabama, to now insist that this bill be laid aside until we can send to the Pension Office and bring the papers here and have them read from the Clerk's desk in the hearing of the House.

Now, here is a simple, plain statement of fact. Here is a soldier who was enlisted and sworn in, but before his company was full, so that it could be mustered in, he and his comrades were captured, as the proof shows and as your committee have reported. He was taken to Andersonville prison and there he died. In the Pension Office, of course, they can not allow a pension in this case, because under the law they can not go behind the records of the War Department, which fail to show that he was regularly mustered in.

This is one case that comes to our committee by reason of this very condition of things. It is because the Bureau of Pensions can not give the relief. A bill is introduced here, referred to this committee; the committee examines the proofs, takes into consideration all of the facts in the case, and the committee, after this examination and presentation of the facts as filed in the Pension Bureau, believe the proof to justify the granting of the pension, and so report to this House. They state to you that the facts are proven as claimed, and that, these facts being true, the widow ought to be pensioned when she can not obtain the pension for her husband's death in the regular form at the office, as provided by law.

Mr. STALLINGS. Mr. Chairman, I presume the proof in the case the other evening, that we had to have in order to get a bill through this House, was no more easy of access than the proof in the pending case, and that it could be brought before this committee just as it was then. That proof satisfied the Committee on Pensions in the case to which I refer, and yet it was developed here that the case was a fraud and we had to repeal the bill.

Now I wish to say to the gentleman from Indiana, for whom I have the very highest respect, that while I have this respect for him and his judgment, and for the committee over which he presides, yet I do not think that I am justified in surrendering my own judgment in such cases; not by any means. The question is above that and beyond it, and before I am called upon to vote on any bill I ought to know that it is a meritorious one. I do not know it in this case, not as I would like to know a matter of that kind, and I shall be compelled to object to it unless the proof is brought in as I have suggested. This is a case where there is a question of identity involved.

We are told that this man went into the Army and served six months, was captured and sent to some Southern prison; and still his name does not appear on any record of the Department anywhere. He is said to have died in a Southern prison. It seems most strange and remarkable to me that a man who had served so long, and who had died after a service of six months in a Southern prison, is not recognized by name in any official document bearing upon this subject. Nowhere can there be found in the records of the War Department anything to show his service; and until something is shown to supplement the proof that has already been given, I shall feel compelled to object.

Mr. CUMMINGS. Mr. Chairman, if the gentleman from Alabama will listen to me for a few moments I will suggest something to him that may possibly overcome his objection. In the Fifty-first Congress the gentleman who is now the governor of

Missouricarefully scanned all of the pension bills that were upon the Calendar. He spent five months in going to the Pension Office and looking over the proofs himself; and when these cases came up for action before the House he was thoroughly posted upon them—those that he supposed were unfairly granted or reported by the committee—and he certainly did defeat a great many pension bills. I have no doubt in my own mind that some of them were pension bills that ought not to have passed the House; and I would suggest to my friend from Alabama that if he intends to take the same position with reference to these bills, that he go to the Pension Office, as Governor Stone, of Missouri, went, and look over the proofs himself.

The committee has been intrusted with the preparation and care of these matters and they have told him that they reported this bill to the House favorably on the testimony in the Office. But if the gentleman from Alabama prefers it he might go to the Office himself and look over the proofs and be prepared for action upon the bills as they come up on the Friday evening sessions.

Mr. SMITH of Illinois. Mr. Chairman, I desire to ask the attention of the gentleman from Alabama, who spoke a few moments ago, simply to the details in reference to this case. While I do not want to insist or to be understood as making any personal appeal, yet I know these parties myself. I know the witnesses in the case. They are men with whom I have been acquainted since my boyhood, and I would accept their word or oath as soon as that of any other man or men in the United States.

Mr. STALLINGS. Now you are getting at the facts. You say you know these parties who made the affidavits yourself?

Mr. SMITH of Illinois. Yes, sir.

Mr. STALLINGS. Did you know the soldier?

Mr. SMITH of Illinois. I did not personally.

Mr. STALLINGS. You know the widow?

Mr. SMITH of Illinois. I do, and her family.

Mr. STALLINGS. Now, have you seen the affidavits of these parties you speak of?

Mr. SMITH of Illinois. I have, all of them.

Mr. STALLINGS. And read them yourself?

Mr. SMITH of Illinois. Yes, sir.

Mr. STALLINGS. And do they swear that this man served in the army?

Mr. SMITH of Illinois. Certainly.

Mr. STALLINGS. And that he died at Andersonville?

Mr. SMITH of Illinois. That he died in Andersonville, as the records show.

Mr. STALLINGS. But that he actually served in the Army, and died somewhere in the Army.

Mr. SMITH of Illinois. That he actually served in the Army and, as the records show, died in Andersonville.

Mr. STALLINGS. And you have read those records and affidavits yourself?

Mr. SMITH of Illinois. Yes; and they are on file in the Pension Office.

Mr. STALLINGS. That is perfectly satisfactory, Mr. Chairman.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CORNELIA DE PEYSTER BLACK.

The next business on the Private Calendar was the bill (H. R. 3156) granting a pension to Cornelia de Peyster Black, widow of Henry M. Black, late colonel of the United States Army, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia de Peyster Black, widow of Henry M. Black, late colonel of the United States Army, and to pay the said Cornelia de Peyster Black a pension of $100 per month from the date of the passage of this act.

The Committee on Pensions recommended the following amendment:

In line 8, strike out the words "one hundred" and insert the word "fifty."

Mr. WILLIAM A. STONE. Mr. Chairman, I offer an amendment to meet the objections of the minority of the committee.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

In line 8, strike out the word "fifty" and insert the words "twenty-five."

So that it will read:

A pension of $25 per month.

Mr. JONES. Mr. Chairman, I should like to have both the majority and minority reports read.

The CHAIRMAN. The Clerk will read the reports.

The report (by Mr. LISLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3156) granting a pension to Cornelia de Peyster Black, have considered the same, and the majority respectfully submit the following report:

The claimant is the widow of the late Col. Henry M. Black, United States Army, whose military record, as reported by the War Department, is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 20, 1893.

Statement of the military service of Henry M. Black, of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from July 1, 1842, to July 1, 1847, when he was graduated, and appointed brevet second lieutenant, Fourth Infantry, July 1, 1847; second lieutenant, Seventh Infantry, August 20, 1847; first lieutenant, Ninth Infantry, March 3, 1855; captain, September 10, 1856; colonel, Sixth California Infantry, February 1, 1863; honorably mustered out October 27, 1865; major, Seventh Infantry, July 25, 1863; lieutenant-colonel, Fourth Infantry, October 7, 1868; unassigned March 15, 1869; assigned to Eighteenth Infantry July 1, 1870; colonel Twenty-third Infantry, February 6, 1882.

He received the brevet of lieutenant-colonel and colonel March 13, 1865, for faithful and meritorious services during the war.

SERVICE.

He joined his regiment December, 1847, and served with it in Mexico to July 7, 1848; at Jefferson Barracks, Mo., to August 31, 1849; in Florida to June 15, 1850; at Jefferson Barracks, Mo., to August 14, 1850; at Fort Leavenworth, Kans., to September 15, 1850; at Jefferson Barracks, Mo., to April 17, 1851; at Fort Gibson, Ind. T., to May, 1855; at Fort Monroe, Va., to July, 1855; on recruiting service to April, 1856; with regiment in Washington Territory to May, 1856; on recruiting service to May, 1857; with regiment in Washington Territory to May, 1859; in Oregon to June, 1861; at Fort Vancouver to November, 1861; in California to January 1, 1863; organizing and commanding Sixth California Volunteers, in California, to August, 1864; commandant of cadets at the Military Academy, West Point, N. Y. (mustered out of volunteer service October 27, 1865), to July 1, 1870; on delay to November 1, 1870; with regiment at Atlanta, Ga., to January 9, 1871; at Charleston, S. C., to April 10, 1871; at Columbia, S. C., to January 1, 1876; member of board at Philadelphia, Pa., to June 7, 1876; with regiment at Columbia, S. C., to July 24, 1877; at Grafton, W. Va., and Allegheny Arsenal, Pa., during labor strikes, to November 1, 1877; at Atlanta, Ga., to April 12, 1879; at Fort Assinniboine, Mont., to October 1, 1879, and in command of regiment and that post to June 2, 1881; commanding depot at Davids Island, N. Y., to June 14, 1882; on delay and on leave to October 16, 1882; commanding regiment and post of Fort Union, N. Mex., to June 2, 1884, and at Fort Wayne, Mich., to November 10, 1884; on court-martial duty at Washington, D. C., to February 24, 1885; commanding regiment and post of Fort Wayne, Mich. (being a member of court of inquiry at Fort Cœur d'Alene, Idaho, March 7 to April 19, 1887, and president of board of judges at national drill encampment, Washington, D. C., May 15 to June 4, 1887; also in command of international encampment at Chicago, Ill., September 27 to October 21, 1887), to May 8, 1890, and post of Fort Sam Houston, Tex., to January 15, 1891, when he was retired. Unemployed to August 5, 1893, on which date he died at Chicago, Ill.

GEO. D. RUGGLES,
Adjutant-General.

As will be seen from the foregoing official report the active service of Col. Black covered a period of nearly half a century. The distinguished character of this long service is fully attested by the record and also by Gen. D. S. Stanley, United States Army (retired), and others who appeared personally before your committee.

Mrs. Black is now well advanced in years and without sufficient property or income to provide her with a comfortable support. She has an unmarried daughter dependent upon her and there is no one upon whom she can legally rely for a maintenance. In addition to being the widow of a distinguished officer, Mrs. Black is the daughter of the late Col. Joseph Plympton, United States Army, who entered the service in 1812, and who, after serving in the war of 1812, the Seminole and Black Hawk Indian wars, and the Mexican war, died in 1860.

It may be said that Mrs. Black is in all respects a military woman; she was born in a military post, and two of her three daughters are the wives of officers of the Army.

There are many precedents for the granting of relief in cases of this character, and in the light of all the facts and circumstances your committee recommend the passage of the bill, with an amendment striking out the words "one hundred" in line 8 and substituting in lieu thereof the word "fifty."

Mr. LANE. There is a minority report.

Mr. WILLIAM A. STONE. Do you wish the minority report read?

Mr. LANE. Yes.

The Clerk read as follows:

The views of the majority of the Committee on Pensions, respecting the propriety of the passage of the bill granting a pension to Cornelia de Peyster Black, are, for the following reasons, respectfully dissented from:

There are several general acts of Congress under which Mrs. Black can make application to the Pension Bureau and be allowed a pension. She would probably have no difficulty in substantiating a claim under the Mexican war pension act of January 29, 1887, or, if for any reason she could not meet the requirements of that act, she could still (if her circumstances are as represented) have recourse to an application under the late war act of June 27, 1890. The only reason given why this method of securing relief has not been followed is that the rating allowed by these acts is not large enough, but if this reason is to be accepted as sufficient to warrant the allowance of an original pension by special act in this case there is no just ground upon which similar action can be denied in thousands of other cases.

It is neither shown nor claimed that Col. Black's death was due to wounds or disease originating in the service, yet the bill as reported grants the

widow a higher rate of pension than is allowed by law to the widows of officers of similar or higher rank who die in the service and line of duty.

The distinguished character of the service of the soldier is fully understood, but no especially urgent necessity or unusual circumstance is advanced as good ground upon which to base the proposed action in the case of the widow. She has no young children to support, and she has some $4,000 from which to derive an income; and this income can be materially increased through an application to the Pension Bureau under one of the acts above cited.

If there is any justice in the granting of these large pensions to the widows of regular army and navy officers, to the exclusion of the widows of the volunteer soldiers who lost their lives in defense of the Union, the allowance should be made by general enactment, and thus relieve Congress of the necessity for giving time and labor to the consideration of bills framed in the interest of a favored class.

ARTHUR H. TAYLOR.
CHAMP CLARK.

Mr. WILLIAM A. STONE. Mr. Chairman, I move that the bill be laid aside, with a favorable recommendation, after the adoption of the amendment.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], which the Clerk will report.

The Clerk read as follows:

In line 8, strike out the word "fifty" and insert the words "twenty-five."

Mr. WILLIAM A. STONE. That amendment is offered in accordance with the suggestion of the gentlemen who framed the minority report. It is entirely in accordance with their views. It seems to me this bill ought to pass. This widow is very old, and the Government will only have to pay her this pension a very short time.

Mr. JONES. Mr. Chairman, this case is very similar to one which we had up here a few Friday nights ago, the only difference being that it is not quite so meritorious as that case was. That was the proposition to pension the widow of Gen. Hitchcock. The committee refused to pass that bill, and I think if they understand this bill, and if they propose to be consistent, they will refuse to pass this also.

This bill, as it is amended, proposes to give to this lady $25 per month. If she was the widow of a general of the very highest rank——

Mr. MEREDITH. Will my friend allow me to ask him one question?

Mr. JONES. Certainly.

Mr. MEREDITH. Do I understand the gentleman to say that he would vote for every pension claim that came up?

Mr. JONES. I do not know what the gentleman understands; I am not responsible for his understanding. But I want to say, Mr. Chairman, that this bill as amended proposes to give to this widow $25 per month pension. It is not claimed, it is not asserted that her husband died from wounds received or from any disease that was contracted in the Army; and if her husband, under the general law, had been a general of the very highest rank in the Army, and had died in line of duty, $30 a month would have been the highest pension she could have received.

This widow is not dependent. She has $4,000 worth of property, as shown by this minority report; and she can increase her means by applying for a pension under the Mexican pension act or under the act of June 27, 1890. She can by applying for a pension under either of these acts promptly increase her income by $8 a month in addition to her $4,000 worth of property. If she is as old a lady as the gentleman from Pennsylvania says she is, certainly she does not need any more than that. The report also says that she has no children, and no body in the world dependent upon her; and yet Congress is asked to give this lady $25 a month. It was stated here when the Hitchcock case was up that that was an exceptional case, and that there probably would not be any more such cases here: yet in two weeks another bill of the same character and description is reported here.

I do not think, Mr. Chairman, that the fact that Gen. Logan's widow, Gen. Hancock's widow, and Gen. Blair's widow were given $100 a month is any precedent for giving a pension in a case like this; and I shall object to the granting of any such pension as this.

Mr. TAYLOR of Indiana. Mr. Chairman, I do not desire to withdraw anything on this matter that is in the report of the minority; but at the same time I desire to say to the gentleman from Virginia [Mr. JONES] that this and the case of the widow of Gen. Hitchcock are not parallel in any respect. I opposed the granting of that pension and also joined in a minority report; and did so for the reason that the widow was not, in my judgment, entitled to special legislation, nor was her condition such as would appeal to one's sympathy. She had married the soldier in the last few years of his life, and consequently had never suffered any of the hardships incumbent upon a soldier's wife At his death she was left with quite a large estate. It is therefore, not similar at all with the case before the committee at this time. I said to the gentleman who presented this bill that I was perfectly willing, notwithstanding I had joined in the minority report just read, to concede that $25 was a fair amount to be granted this widow, and it should be given her, taking into consideration the life that she led, one that was filled with hardships, having followed her husband's fortunes from early life until his death at an advanced age. Some recognition is due her, notwithstanding the fact that he did not die from disabilities incurred in the service.

Mr. STALLINGS. May I ask the gentleman a question?

Mr. TAYLOR of Indiana. Yes, sir.

Mr. STALLINGS. Can not she get that under the general pension law?

Mr. TAYLOR of Indiana. She can only receive $8 per month.

Mr. STALLINGS. What was the rank of her husband?

Mr. TAYLOR of Indiana. He was a lieutenant-colonel, colonel by brevet.

Mr. STALLINGS. Does not the general pension act give her more than $8 a month?

Mr. TAYLOR of Indiana. As a widow she can only receive $8 a month under the act of 1890, and she is further required to show her dependence.

Mr. STALLINGS. Can not she draw $17 a month under the act of 1890?

Mr. TAYLOR of Indiana. No, sir.

Mr. STALLINGS. She can not prove that the disability was incurred in the service?

Mr. WILLIAM A. STONE. He died of old age.

Mr. STALLINGS. But she can get $8 a month?

Mr. TAYLOR of Indiana. She can get $8 a month by showing that she is dependent.

Mr. STALLINGS. To add to her income from $4,000 worth of property?

Mr. TAYLOR of Indiana. I am informed by the gentleman from Alabama that the deceased was a colonel.

Mr. WHEELER of Alabama. He was a full colonel.

Mr. TAYLOR of Indiana. My remarks, Mr. Chairman, have been made in justice to myself and in justice to the gentleman who presented the bill, inasmuch as before the matter was called up he came and asked me what my objections were. I referred him to the minority report, and at the same time I informed him that I had no objection to this bill being passed at $25 a month. I said the same about the Hitchcock bill, when it was before the committee; but the gentleman in charge of that bill was not willing that that amount should be taken, and submitted the matter to the House upon the bill as presented by the majority of the committee, and I therefore felt justified in opposing that bill.

Mr. WILLIAM A. STONE. Mr. Chairman, if this $4,000 worth of property alluded to in the report of the minority were income-producing property, at the most it could only give her about 6 per cent, which would be $240 a year. Now, if she makes an application for pension under the act of 1890, not being able to prove that Gen. Black died from disabilities incurred while in the service, she can only obtain a pension of $8 a month; and it is doubtful whether she could obtain any pension at all, inasmuch as it appears she has some $4,000 worth of property.

Under the Mexican law she might obtain $8 a month, but that is the most she could get. Col. Black, having entered the Military Academy in 1842, must have been about 69 or 70 years of age when he died, and his widow is probably nearly as old as that, and having lived, as the report says, practically all the time in the military service, being accustomed to such a manner of life as an officer in the rank of lieutenant-colonel or colonel would be able to give her, and having endured the hardships of the service with her husband through all those years, nearly half a century, it seems to me it is asking too much to relegate her now in her old age to an income amounting, at the utmost, to $333 a year. I trust that gentlemen will not insist on the objection. I know nothing about the Hitchcock case. I was not here when it was considered, but this case ought to stand on its own merits, and, inasmuch as the majority of the committee have recommended $50 a month, and as the amendment which I have offered meets the approbation of the committee, I think this bill stands before the House with the approval of both the minority and the majority of the committee, and ought to pass, and I do wish that gentlemen would not not insist upon their objections.

Mr. JONES. Mr. Chairman, I must insist that if this bill passes it will establish a most dangerous precedent. If the widow of every lieutenant-colonel and colonel who has not more than $4,000 worth of property and who is drawing $8 a month pension can come to Congress and get that pension increased to $25 a month, there will be hundreds and thousands of such bills introduced here within the next twelve months.

Mr. MOSES. I think there already are about twenty-five widows of officers drawing a hundred dollars a month.

Mr. JONES. I have never heard of the twenty-five who are drawing that much. I do know, however, that there are several who are drawing a hundred dollars a month.

Mr. MOSES. Why does the gentleman talk, then, about this bill at $25 a month establishing a dangerous precedent?

Mr. JONES. There are several widows who are drawing a hundred dollars a month, but they are the widows of such distinguished officers as Hancock and Blair and Logan, and others that I have mentioned. The others who are drawing such amounts are the widows of men who died in the line of duty or from disease contracted in the line of duty. I have never heard of any case of this sort, and if this bill is passed I maintain that it will create a new departure and will establish a dangerous precedent. I do not claim to be particularly familiar with the pension law. I do not claim to be particularly well acquainted with the bills that have been passed or the precedents that have been established here, but I have made some inquiry on this subject and I understand that the facts are as I have stated. The gentleman from Indiana says this is not a parallel case to that of Mrs. Hitchcock. The only difference seems to be that the wife in this case married the deceased soldier a number of years earlier than the widow in the Hitchcock case did.

Mr. TAYLOR of Indiana. I will state to the gentleman that this lady bore her husband three children. In the Hitchcock case the lady had married him after he had attained the age of 70 years.

Mr. JONES. That may be a very material difference.

Mr. TAYLOR of Indiana. It is.

Mr. JONES. It may be, and there may be other differences. I have not gone into all those domestic matters, but I maintain that in their general features the bills are similar, and if either one of them becomes a law, it will establish a precedent that I want to avoid. As I have already said the pension proposed in this case would be very disproportionate to the pension allowed in other cases. The highest possible pension that could be drawn by this widow under the general law would be $30 a month. But I maintain, Mr. Chairman, that this is not merely a question of dollars and cents. If this bill pass and this pension be fixed at $25, it may not be a week before we shall have a case here in which the widow will be in destitute circumstances compared with the beneficiary in this case, and then this bill will be used as the precedent and we shall be asked to increase the amount of the pension in the other case upon the ground of the more urgent needs of the pensioner.

Mr. WILLIAM A. STONE. Question, Mr. Chairman.

The question being taken on the amendment of Mr. WILLIAM A. STONE, fixing the amount at $25 a month, it was agreed to—ayes 34, noes 3.

The amendment of the committee as amended was then agreed to.

The CHAIRMAN. Without objection this bill will be laid aside——

Mr. JONES. Mr. Chairman, that last vote was upon the adoption of the amendment as amended. I object to the bill being reported favorably.

Mr. WILLIAM A. STONE. I make the point of order that the objection comes too late.

Several MEMBERS. Oh, no!

The CHAIRMAN. The question now is upon laying the bill as amended aside to be reported to the House with the recommendation that it do pass.

The question being taken, the Chairman declared that the ayes seemed to have it.

Mr. STALLINGS. Division.

The committee divided; and there were—ayes 37, noes 11.

Mr. JONES. No quorum.

The CHAIRMAN (Mr. CUMMINGS). The point of no quorum being made, tellers will be appointed.

Mr. WILLIAM A. STONE. I ask permission to withdraw the bill for the present, or that it be laid aside without prejudice.

Mr. JONES. I object to that.

The CHAIRMAN. The gentleman from Virginia [Mr. JONES] and the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] will take their places as tellers.

Mr. MOSES. It is evident there is no quorum here to-night. I ask unanimous consent that the bill be laid aside without prejudice. If that can not be agreed to we may as well adjourn.

The CHAIRMAN. The gentleman from Georgia [Mr. MOSES] asks unanimous consent that this bill be laid aside without prejudice. Is there objection?

Mr. JONES. I object.

The committee again divided; and the tellers reported—ayes 32, noes 6.

Mr. WILLIAM A. STONE. I again ask unanimous consent that the bill be laid aside without prejudice.

Mr. JONES. I object.

Mr. MOSES. I move that the committee rise.

The CHAIRMAN. As the tellers have reported no quorum, the Clerk will call the roll.

Several MEMBERS. Oh, no.

Mr. MARTIN of Indiana. Under the rules, I ask that the roll be called.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Abbott,	Covert,	Hopkins, Pa.	Post,
Adams, Ky.	Cox,	Houk,	Powers,
Adams, Pa.	Crain,	Hudson,	Price,
Aitken,	Crawford,	Hulick,	Quigg,
Alderson,	Culberson,	Hull,	Randall,
Aldrich,	Dalzell,	Hutcheson,	Ray,
Alexander,	Daniels,	Ikirt,	Rayner,
Allen,	Davey,	Johnson, Ind.	Reed,
Apsley,	De Armond,	Johnson, N. D.	Reilly,
Arnold,	De Forest,	Johnson, Ohio	Reyburn,
Avery,	Denson,	Joy,	Richards, Ohio
Babcock,	Dingley,	Kem,	Richardson, Tenn.
Baker, N. H.	Dinsmore,	Kelfer,	Ritchie,
Baldwin,	Dolliver,	Kilgore,	Robbins,
Bankhead,	Doolittle,	Kyle,	Robertson, La.
Barnes,	Draper,	Lapham,	Robinson, Pa.
Bartlett,	Dunn,	Latimer,	Rusk,
Barwig,	Dunphy,	Lefever,	Russell, Conn.
Belden,	Durborow,	Lester,	Russell, Ga.
Bell, Colo.	Edmunds,	Linton,	Ryan,
Bell, Texas	Ellis, Ky.	Lisle,	Sayers,
Beltzhoover,	English,	Livingston,	Schermerhorn,
Berry,	Enloe,	Lockwood,	Scranton,
Bingham,	Epes,	Loud,	Settle,
Black, Ill.	Everett,	Lucas,	Shaw,
Bland,	Fithian,	Lynch,	Shell,
Boatner,	Fletcher,	Maddox,	Sherman,
Boen,	Forman,	Magner,	Sibley,
Boutelle,	Funk,	Maguire,	Sickles,
Bowers, N. C.	Funston,	Mahon,	Simpson,
Bowers, Cal.	Fyan,	Mallory,	Sipe,
Branch,	Gear,	Marshall,	Snodgrass,
Brattan,	Geary,	Marvin, N. Y.	Somers,
Breckinridge, Ark.	Geissenhainer,	McAleer,	Sperry,
Breckinridge, Ky.	Gillet, N. Y.	McCall,	Springer,
Brickner,	Gillett, Mass.	McCleary, Minn.	Stephenson,
Broderick,	Goldzier,	McCreary, Ky.	Stevens,
Brosius,	Goodnight,	McDannold,	Stockdale,
Brown,	Grady,	McDearmon,	Stone, C. W.
Bundy,	Graham,	McDowell,	Stone, Ky.
Bunn,	Gresham,	McGann,	Storer,
Burnes,	Griffin,	McKaig,	Strait,
Burrows,	Grosvenor,	McLaurin,	Straus,
Bynum,	Grout,	McMillin,	Strong,
Cabaniss,	Grow,	McNagny,	Swanson,
Cadmus,	Hager,	McRae,	Sweet,
Caldwell,	Haines,	Mercer,	Talbott, Md.
Campbell,	Hall, Minn.	Meyer,	Tarsney,
Cannon, Cal.	Hall, Mo.	Milliken,	Taylor, Tenn.
Cannon, Ill.	Hammond,	Money,	Terry,
Capehart,	Harmer,	Montgomery,	Thomas,
Caruth,	Harter,	Moon,	Turner, Ga.
Catchings,	Hartman,	Morgan,	Turpin,
Causey,	Hatch,	Morse,	Tyler,
Chickering,	Haugen,	Murray,	Updegraff,
Childs,	Hayes,	Mutchler,	Wadsworth,
Clancy,	Heard,	Neill,	Walker,
Cobb, Ala.	Heiner,	Newlands,	Wanger,
Cobb, Mo.	Henderson, Ill.	Northway,	Washington,
Cockran,	Henderson, Iowa	Oates,	Weadock,
Cockrell,	Henderson, N. C.	O'Neil,	Wells,
Coffeen,	Hendrix,	Outhwaite,	Wever,
Cogswell,	Hepburn,	Page,	Wheeler, Ill.
Compton,	Hermann,	Paschal,	White,
Conn,	Hicks,	Patterson,	Williams, Miss.
Coombs,	Hilborn,	Payne,	Wilson, Wash.
Cooper, Fla.	Hines,	Paynter,	Wilson, W. Va.
Cooper, Ind.	Hitt,	Pence,	Wise,
Cooper, Texas,	Holman,	Pendleton, Tex.	Woodard,
Cooper, Wis.	Hooker, Miss.	Pendleton, W. Va.	Woomer,
Cornish,	Hooker, N. Y.	Perkins,	Wright, Mass.
Cousins,	Hopkins, Ill.	Pigott,	Wright, Pa.

The roll call being concluded, the committee rose; and, Mr. BROOKSHIRE having resumed the chair as Speaker *pro tempore*, Mr. CUMMINGS reported that the Committee of the Whole, having had under consideration sundry bills on the Private Calendar, had found itself without a quorum, whereupon he had directed the roll to be called, and now reported the names of the absentees to be recorded on the Journal.

Mr. MARTIN of Indiana. I move that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock p. m.) the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5866) granting a pension to Julia E. Lock, formerly widow of the late Gen. Daniel McCook, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. WILLIAM A. STONE: A bill (H. R. 6496) directing that all contested elections of Members and Delegates of the House of Representatives be referred to the Judiciary Committee—to the Committee on Elections.

By Mr. ENLOE: A bill (H. R. 6497) to authorize and empower the white citizens of the Cherokee Nation to file a suit or suits in the Court of Claims for the purpose of having their legal and equitable rights as citizens of said Cherokee Nation determined by said court—to the Committee on the Judiciary.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 6498) to amend the charter of the District of Columbia Suburban Railway Company—to the Committee on the District of Columbia.

By Mr. HENDERSON of Iowa: A bill (H. R. 6499) to establish a national military park at the battlefield of Shiloh—to the Committee on Military Affairs.

By Mr. CHARLES W. STONE: A bill (H. R. 6500) to define and establish the units of electrical measure—to the Committee on Coinage, Weights, and Measures.

By Mr. CURTIS of Kansas: A bill (H. R. 6501) allowing trustees to certain pensioners—to the Committee on Invalid Pensions.

By Mr. LATIMER: A bill (H. R. 6502) to refund certain fines to the State of South Carolina—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 6503) to provide for the closing of an alley in square 622 in the city of Washington, D. C., and for the relief of the president and directors of Gonzaga College—to the Committee on the District of Columbia.

By Mr. HATCH: A resolution to amend Rule XVI—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN: A bill (H. R. 6504) for the relief of the estate of Mary H. Moore, deceased, of Iuka, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 6505) for the relief of Susan C. Robinson, of Iuka, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 6506) for the relief of Thomas C. Jones, of Corinth, Miss.—to the Committee on War Claims.

By Mr. ADAMS of Kentucky: A bill (H. R. 6507) for the relief of William Hobbs—to the Committee on Military Affairs.

Also, a bill (H. R. 6508) for the relief of L. D. Hutchison—to the Committee on Claims.

By Mr. DANIELS: A bill (H. R. 6509) for the relief of Fayette Hungerford—to the Committee on War Claims.

By Mr. HENDERSON of Iowa (by request): A bill (H. R. 6510) for the relief of C. S. Lobdell, of Parkersburg, Iowa—to the Committee on War Claims.

By Mr. KRIBBS: A bill (H. R. 6511) granting a pension to Harriet C. Gregg, widow of Gen. John I. Gregg, late of the United States Army, retired—to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 6512) granting a pension to Ellen Miles Brown—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 6513) granting a pension to Sarah C. Gibson—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 6514) for the relief of Hampton W. Kelley, Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 6515) for the relief of Hiram Peters—to the Committee on War Claims

Also, a bill (H. R. 6516) for the relief of Meredith King—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Kentucky: Petition of citizens of Kentucky in behalf of Mrs. Martha Noe, née Blanton, of Walins Creek, Harlan County, Ky.—to the Committee on Invalid Pensions.

By Mr. ALLEN: Papers to accompany claim of Henry W. Long, of Tishomingo County, Miss.—to the Committee on War Claims.

By Mr. BURROWS: Petition of Ira J. Hunt and others, of Kalamazoo, Mich., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Shoe Cutters Union, No. 141, of Detroit, Mich., for the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. CORNISH: Petition of Rev. E. P. Gardner and 17 other citizens of Chatham, Union County, and E. R. Murgatroyd and 26 other citizens of New Vernon, Morris County, N. J., praying the enactment of legislation to prevent the circulation of lottery advertisements—to the Committee on the Post-Office and Post-Roads.

By Mr. FUNK: Petition of J. F. Holt and others, of Farmer City, Ill., favoring the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. FUNSTON: Petition of citizens of Edgerton, Kans., for the passage of House bill 4897, relating to postage on fraternal newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Petition of W. S. Barrett and others, against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. HAUGEN: Petition of Paul Peterson and others, of Dunn County, Wis., and a memorial of Excelsior Lodge, No. 29, Ancient Order of United Workmen, of Menomonie, Dunn County, Wis., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDRIX: Petition of masters and pilots, in respect to masters and tugs—to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: Petition of citizens of Hollidaysburg, Pa., for enactment of the Manderson-Hainer bill for relief of fraternal societies from a higher rate of postage than is charged on other societies of like character—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER of Mississippi: Affidavit and account, to accompany House bill 6487—to the Committee on War Claims.

By Mr. JOSEPH: Petition of members of the Brotherhood of Boiler and Iron Shipbuilders of America, and residing at Albuquerque, N. Mex., protesting against the passage of House bill 2655, commonly known as the free ship bill—to the Committee on Merchant Marine and Fisheries.

By Mr. JOY: Petition of Edmund Brown and 40 others, for the passage of House bill 3775—to the Committee on Military Affairs.

By Mr. MERCER: Resolution of Washington Council, No. 1, Junior Order United American Mechanics, of Omaha, Nebr., in favor of House bill 5246—to the Committee on Immigration and Naturalization.

By Mr. MEREDITH: Papers to accompany House bill 6490—to the Committee on War Claims.

By Mr. MONTGOMERY: Petition of R. A. Bostick, for passage of bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. PATTERSON: Papers to accompany claim of Silas M. Luck, of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. PAYNE: Resolutions and petition of Warwick Lodge, No. 152, Ancient Order United Workmen, of Penn Yan, Yates County, N. Y., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolution of the Machine Wood Workers' Union, of Detroit, and of Shoe Cutters' Union, No. 141, of Detroit, Mich., in favor of governmental control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of the Grand Lodge of the Ancient Order of United Workmen, N. J. Horton, grand recorder, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Petition of Shoe Cutters' Union, of Machine Wood Workers' Union, of Marine Engineers' Beneficial Association, and of Detroit Steam Fitters' Union, No. 8, all of Detroit, Mich., favoring governmental ownership and control of the telegraph systems of the country—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS: Petition of 29 citizens of Lawrence, Mass., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STORER: Memorial of citizens of Caldwell County, Ky., praying for the passage of the bill for paying the claim of John M. Higgins—to the Committee on War Claims.

By Mr. WILSON of Washington: Memorial of the Commercial Club of Tacoma, Wash., relative to the continuance of the publication by the United States of the Pilot Chart of the North Pacific Ocean, and that an appropriation be made for the purpose—to the Committee on Appropriations.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 31, 1894.*

The House met at 12 o'clock m. and was called to order by the Speaker, amid general applause.

Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read.

The SPEAKER. If there be no objection the Journal as read will be approved.

Mr. SPRINGER. Mr. Speaker, I think the Journal ought to show when the message of the President was received which was laid before the House on yesterday, and in reference to which the ruling of the Chair was made. It ought to show that it was the message transmitting his veto of House bill 4956, directing the coinage of the silver bullion held as seigniorage in the Treasury.

The SPEAKER. That is shown in the RECORD of the previous day.

Mr. SPRINGER. But the Speaker made a ruling upon it yesterday that it was a message of a high public character and that it was necessary to lay it before the House at once. The title ought to be inserted so as to identify the message as one relating to a bill of that character when this question shall arise in the future.

The SPEAKER. The gentleman from Illinois will observe that the message in the first line states:

I return without my approval House bill numbered 4956, entitled "An act directing the coinage of the silver bullion held in the Treasury, and for other purposes."

Mr. SPRINGER. But, if the Speaker please, the Journal will not show that. The RECORD does, of course.

The SPEAKER. The title, of course, can be inserted if the gentleman thinks it is necessary.

Mr. SPRINGER. I do; because only that part of the Journal will be referred to in future which relates to the ruling, and the message will not be inserted in the Journal, so that the title ought to be shown.

The SPEAKER. Without objection that insertion will be made, and the Journal, if there be no objection, will be approved.

There was no objection.

CHANGE OF REFERENCE.

Mr. WEADOCK. By direction of the Committee on Mines and Mining, I ask that the report of the California Débris Commission be referred to the Committee on Rivers and Harbors.

The SPEAKER. Where is the report now?

Mr. WEADOCK. It has been referred to the Committee on Mines and Mining.

The SPEAKER. If there be no objection, the change of reference will be made as indicated by the gentleman from Michigan.

There was no objection, and it was so ordered.

PERSONAL EXPLANATION.

Mr. PAYNE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Mr. Speaker, the RECORD of yesterday, in describing the proceedings of the House on Thursday, contains the following language, which I will send to the Clerk's desk and ask to have read.

The SPEAKER. The Clerk will read as indicated.

Mr. SPRINGER. Mr. Speaker, is this a personal explanation or a question of privilege?

The SPEAKER. The Chair understood the gentleman to say that it was a question of privilege.

Mr. PAYNE. I ask the Clerk to read from the RECORD what I have marked.

The Clerk read as follows:

The call of the roll having been resumed,

The SPEAKER. The Clerk will suspend for a moment. The Sergeant-at-Arms will request all gentlemen to be seated. The gentleman from New York and the gentleman from Ohio will be seated. [Referring to Mr. PAYNE and Mr. OUTHWAITE, who were engaged in earnest conversation in the middle aisle.]

The conversation between the two members continuing.

The SPEAKER repeated: The gentleman from New York and the gentleman from Ohio will be seated.

Mr. PAYNE, amid much confusion, was understood to say: I will take my seat when I get ready.

Mr. HOOKER of Mississippi. The Speaker should require every member to take his seat.

The SPEAKER. If some gentleman will submit a motion in respect to the contumacy of the gentleman from New York, the Chair will entertain it. The Chair has specifically ordered the gentleman to take his seat; and he states that he will do so when he gets ready. If the House is willing to permit——

Mr. PAYNE. I want to say in justice to myself——

The SPEAKER. If the House is willing to permit the gentleman——

Mr. WISE. I move that the gentleman from New York be brought to the bar of the House for reprimand.

The SPEAKER. The gentleman from Virginia [Mr. WISE] will please put his motion in writing. The Chair would like to ascertain whether the House is willing to permit the gentleman from New York to refuse defiantly to conform to the wish of the House as expressed by the rules of the House.

Mr. PAYNE. Mr. Speaker, the House will remember that this proceeding followed an attempt on my part to make a motion to adjourn, a motion that had been repeatedly recognized by the Chair during the proceedings of that day, and which was also subsequently recognized when made by the gentleman from Nebraska [Mr. HAINER]. The Chair decided that the motion I submitted was out of order, and I undertook to appeal from the decision of the Chair. Whereupon the Chair stated that it declined to entertain the appeal. Then I tried to make a point of order—having been appointed one of the tellers on a demand for the yeas and nays. In response to my point of order I was directed by the Chair to take my seat, and I did so at once.

Shortly after that, and when the roll call had commenced and while I was sitting here in one of the front seats, the gentleman from Ohio [Mr. OUTHWAITE], sitting in his place, addressed some remarks to this side of the House which attracted my attention. He was looking towards me, and I thought that he was addressing himself to me. Not being able to hear what he said, owing to the confusion in the House, and desiring to do so, I went over into the center aisle, and engaged in a discussion with him in reference to the disorder in the House and also on the question as to who was responsible for the disorder.

I have no objection in stating that conversation in full, and yet it is hardly necessary for the purpose of the correction which I desire to make.

After this conversation, or during this conversation, some gentlemen who sat near the gentleman from Ohio—I think one of them was the gentleman from Mississippi [Mr. WILLIAMS], if I mistake not, and several others—directed me to go back to my own side of the House. I told them that I would go back when I got ready, and they making so much noise that I could hardly hear the further remarks of the gentleman from Ohio [Mr. OUTHWAITE], I went nearer to him to get into a position where I could hear what he was saying, because I was interested in his conversation.

Mr. OUTHWAITE. Did you hear what I said?

Mr. PAYNE. I did. I will repeat it if you desire it.

Mr. OUTHWAITE. Oh, no; you need not do that.

Mr. PAYNE. And also what I said in reply. I have no secret about it. After that the gentleman from Ohio [Mr. OUTHWAITE] ordered me to take my seat. I replied at once to the gentleman from Ohio, not recognizing that, although he was a member of the Committee on Rules, he had any authority to stand himself and order me to take my seat. I replied to him that I would take my seat when I was ready. About that time, or shortly after, one of the deputies of the Sergeant-at-Arms, I suppose, who occupied a seat near the desk usually, came through the aisle and said that the Speaker desired members to be seated.

That was the first time that my attention had been directed to what the Speaker was saying or doing, and I did not know that I had been mentioned so conspicuously in the House by the Speaker or anybody else until that moment, and learning that the Speaker had desired gentlemen to take their seats, I immediately took the first vacant seat, when I was astounded by being charged by the Speaker, in the language contained in the RECORD, that in answer to the demand of the Speaker that I take my seat, I had contumaciously replied that I would take my seat when I was ready.

As the RECORD shows, I appealed to the Speaker that, "in justice to myself"—when I was cut off by the further demand of the Speaker that some gentleman should offer a resolution whereby the House might protect itself and its dignity, and that the Speaker would immediately recognize such resolution.

Seeing that I was condemned by the Speaker without the action of the House, and without the Speaker understanding the facts and the circumstances, of course I smarted under this injustice from the Chair, but still was obliged to take my seat. Then I heard my friend from Virginia [Mr. WISE] get up and move that the gentleman from New York be brought before the bar of the House to be reprimanded by the Speaker. By the way, I have not heard of that resolution since.

Now, Mr. Speaker, I think, having stated this much, having stated the facts in this case, I have stated all that is necessary perhaps upon this subject. I ought to add, however, perhaps, in justice to the gentleman from Ohio [Mr. OUTHWAITE], that after I had taken my seat, and during the roll call, some gentleman upon the other side came up and said he heard the remark made by the gentleman from Ohio when he told me to take my seat, and the quick reply that I made that I would take my seat when I got ready, and he said the gentleman from Ohio [Mr. OUTHWAITE] added to his remarks: "Take your seat; the Speaker has told you to take your seat." I presume of course it is so, because the gentleman says so, although I did not hear it.

And yet I have wondered why the gentleman from Ohio [Mr. OUTHWAITE] did not take his seat if he heard the remark of the Speaker.

Mr. REED. A Democrat!

Mr. PAYNE. I have wondered why the wrath that came upon my head from the Speaker's chair was not part of it directed toward the gentleman from Ohio. I have wondered why it was that I had not as much right, as a member of this House representing a constituency, to be heard for my rights as the gentleman who sits across the aisle; and I wonder, Mr. Speaker, why he was not compelled to take his seat, and why some one was not appealed to to bring him before the bar of the House to receive the reprimand of the House for his conduct. [Applause on the Republican side.]

Mr. OUTHWAITE. Mr. Speaker, I am not aware of any disorderly conduct that I was engaged in that should lead the gentleman from New York [Mr. PAYNE] to express his wonder that I was not reprimanded. I made no remarks to the Chair. I did not attempt to disturb the orderly proceedings of this House. I did not refuse to take my seat as soon as I had been called or named by the Chair. I did not hear that I had been named by the Chair, and did not know it until I was informed by the RECORD the next morning. I suppose it occurred in the confusiok, that was very great upon the floor at the time. The conversation did occur between the gentleman from New York and myself, to which he has alluded. I did not know for what purpose he came around here to address himself to me and moved up like a great ship of war against this side of the House.

I was simply standing here, observing what was going on, as many other gentlemen were standing up. The colloquy between myself and the gentleman from New York perhaps was so loud as to attract the attention of the Speaker and to justify the Speaker in naming both the gentleman from New York and myself.

Mr. WISE. Mr. Speaker, just one word. I think that if the gentleman from New York had seen himself as others saw him he would not have arisen here this morning to impose upon anyone by his mock show of indignation. I heard the Speaker repeatedly order him to take his seat. I heard expressions from his lips which should never be used upon the floor of the House of Representatives; and I will say to the honorable gentleman from New York, that if he will read the reports in the papers of his own State, furnished yesterday, he will see sufficient cause for my action.

Mr. CANNON of Illinois. The gentleman ought to recollect that we are not all so even-tempered as he. [Laughter on the Republican side.]

Mr. PAYNE. I want to say one word further, in reply to the gentleman from Virginia. It is because this injustice was done to me by the Speaker of the House, in making that remark, and not recognizing me to correct it at once, that the reports of the proceedings went to the newspapers in New York as they did. That is the only reason; and it is because I have labored under this statement made by the Speaker, that I had said that in reply to his command to take my seat, that those remarks have gone into the papers; and that is one of the things that I complain of.

The SPEAKER. The Chair will state in relation to the incident referred to, so far as the Chair is involved in it, there was quite an excited state of feeling upon the floor, and the Chair observing that the gentleman from New York had left the side of the House where he usually sits and had gone to the other side and was engaged in what appeared a heated altercation with the gentleman from Ohio, the Chair's attention was attracted. The Chair apprehended, from the fact that the gentlemen were very near each other, there might be some personal difficulty. Thereupon the Chair ordered both gentlemen, the gentleman from New York, as well as the gentleman from Ohio, to take their seats.

As the RECORD shows, that order was repeated more than once. The Chair then heard the gentleman from New York say he would take his seat when he got ready. The Chair naturally presumed that that remark was in reply to the order of the Chair requiring the gentleman to take his seat, because, of course, no other authority in the House would have the right to order a gentleman to take his seat when in violation of the rules. The Chair understood that to be the condition. Whereupon the Chair stated that the gentleman from New York not only was in disorder, but contumacious, and appealed to the House to know whether it was their wish and desire that such contumacy should pass unnoticed. The other incidents have been already described, and the Chair has no remark to make upon them.

ALEXANDER M. WINSTON.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney-General submitting for an appropriation the accounts of Alexander M. Winston, for services rendered, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

ALLEGED VIOLATIONS OF ARMOR CONTRACTS.

The SPEAKER laid before the House a letter from the Secretary of the Navy, making corrections in a proof of a letter mailed to the House March 26, in reply to resolution of the House calling for information regarding the alleged violations of armor contracts by Carnegie, Phipps & Co.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled the joint resolution (H. Res. 146) "providing for the payment of salaries and expenses of additional deputy collectors of internal revenue to carry out the provisions of the Chinese exclusion act of May 5, 1892, as amended by the act of November 3, 1893;" when the Speaker signed the same.

ORDER OF BUSINESS.

The SPEAKER. The Chair will lay before the House the following House bills with Senate amendments——

Mr. BOUTELLE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. My attention was diverted for a moment. I ask the Speaker how it is in order for this business to come up under the operation of this special order. I make the point of order that under the ruling of the present occupant of the chair—the Speaker—no business can come in here under the operation of the special order.

The SPEAKER. Does the gentleman object to this order?

Mr. BOUTELLE. Why, I do not understand that there is any discrimination made in regard to any morning hour in this order. It is very exclusive.

The SPEAKER. Does the gentlemen ask that these bills shall not be laid before the House?

Mr. BOUTELLE. I make the point of order that under the ruling of the Speaker it is not in order. That nothing can be in order, under the Speaker's ruling, except the special order.

The SPEAKER. The Chair understands that to be equivalent to an objection.

Mr. BOUTELLE. I can not control the manner in which the Chair will deal with the point of order; but I desire the RECORD to show that I make the point of order that under the rulings of the Chair nothing can be considered except the special order.

Mr. SPRINGER and others. Regular order.

Mr. BOUTELLE. Whether the Chair will deal with that in an orderly manner is for him to determine.

The SPEAKER. The regular order is demanded. The regular order is the consideration of the contested-election case.

Mr. HATCH. I ask, before that is taken up, to present a request for the excuse of a member. I have received a note from Mr. SIBLEY, who is confined to his bed by sickness, and he asks to be excused for the day.

The SPEAKER. The Chair has several other requests on the ground of sickness, which he will, without objection, submit to the House.

The Clerk read as follows:

Mr. ADAMS of Kentucky requests indefinite leave of absence, on account of sickness in his family.

Mr. HARTER requests leave of absence, on account of sickness in his family.

Mr. SOMERS requests leave of absence, for ten days, on account of sickness in his family.

Mr. BUNDY requests leave of absence, for ten days, on account of sickness in his family.

Mr. RAYNER requests leave of absence, for four days, on account of sickness in his family.

Mr. PAGE requests leave of absence, for one week, on account of sickness in his family.

The SPEAKER. Without objection these several requests will be granted.

There was no objection, and it was so ordered.

The SPEAKER. The regular order is demanded.

Mr. OUTHWAITE. Mr. Speaker, there is a special order at 1 o'clock to-day, providing for eulogies upon the late member from Pennsylvania, Mr. O'Neill. It is now within thirty minutes of that time, and as I know it is the general wish of the House that the obsequies shall take place at that hour, I ask unanimous consent that the House proceed, with general unanimous consent, until 1 o'clock, and that the special order, the contested-election case, be set aside until Monday next.

There was no objection, and it was so ordered.

Mr. PATTERSON. I desire to give notice, Mr. Speaker, that on Monday next the case of O'Neill against Joy will be called up and pressed to a final determination under the continuing order of the House.

THE DONATION ACT.

The SPEAKER laid before the House a bill (H. R. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "Donation act," and for the protection of purchasers and occupants on said lands, with an amendment of the Senate thereto.

The SPEAKER. This is a House bill with Senate amendments, and it is in order to dispose of it at this time.

Mr. McRAE. I move that the House nonconcur in the Senate amendment and agree to the conference asked for by the Senate.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in all cases where persons under the provisions of the act of Congress entitled 'An act to create the office of surveyor-general of the public lands in Oregon and to provide for the survey and to make donations to settlers of the said public lands,' approved September 27, 1850, or the various acts amendatory and supplemental thereto, have made proof of settlement on tracts of land in either of the States of Oregon, Washington, or Idaho, and given notice, as required by law, that they claimed such lands as donations, but have failed to execute and file in the proper land offices proof of their continued residence on and cultivation of the lands so settled upon and claimed, so as to entitle them to patents therefor, such claimants shall have, and they are hereby given, until the 1st day of January, 1896, the right to make and file their final proofs and fully establish their rights to donations of lands under the aforesaid act of Congress, and no longer; and all claimants who shall fail to make and file final proof and perfect their claims to lands as donations under the acts aforesaid, before the said 1st day of January, 1896, shall thereafter be held to have abandoned their claims to the lands embraced in their notices: *Provided*, That as soon as practicable after the passage of this act notices shall be mailed to all such donation claimants, their heirs, devisees, and grantees, where their names and residences are known or by reasonable diligence can be ascertained by the register and receiver of the land office for the district in which the donation claims are situated, and shall be published at least once a week for four successive weeks in at least three newspapers of general circulation published in the land district, requiring such donation claimants, their heirs, devisees, and grantees, and all persons making claim to such donation claims, describing such claims, to appear and make final proof for such claims within the time herein provided, and that in default of such final proof such donation claims will be held to have been abandoned.

"SEC. 2. That all such donation claims held to have been abandoned for failure to make and file final proof as hereinbefore provided shall be restored to the public domain and shall be subject to disposal under the then existing laws providing for the disposition of the public lands: *Provided*, That where any such donation claims or any part thereof are claimed by descent, devise, judicial sale, grant, or conveyance, in good faith, under the original claimant, and are, at the date of this act and for twenty years prior thereto have been, in the quiet adverse possession of such heir, devisee, grantee, or purchaser, or those under whom they claim, such heirs, devisees, grantees, or purchasers, upon making proof of their claims and adverse possession as aforesaid, shall be entitled to patents for the land so claimed and occupied by them: *Provided, further*, That where any portion of any such abandoned donation claim shall have been settled upon prior to January 1, 1894, by any person under an erroneous claim of right and has been used as a bona fide residence by such settler where final proof shall not be made by the original claimant, and such settler has exhausted his or her homestead right, such settler may, within ninety days from the 1st day of January, 1896, file with the register of the land office of the district within which the lands are situate their affidavit and the affidavits of at least two disinterested witnesses establishing the facts of their bona fide settlement, occupancy, and improvement of said lands, and pay to the receiver of the proper land office $1.25 per acre for the land so settled upon, occupied, and improved, not exceeding 160 acres, and shall thereupon receive patent therefor.

SEC. 3. That nothing in this act shall be so construed as to deprive the Commissioner of the General Land Office, under the regulations governing contests in land cases, of his right to allow or direct hearings to be instituted to show that a donation claimant has abandoned the lands described in his notice, or prevent the Commissioner, when it is proven that such a claim is invalid or abandoned, from canceling the same upon the official records and thereafter disposing of the lands as a part of the public domain: *Provided*, That where hearings are allowed contestants shall pay the expenses incident thereto in the same manner that costs are paid in other contested land entries; and this act shall not be construed to affect any case now pending before the Land Department in which final proof has been furnished.

SEC. 4. That the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, shall issue the necessary rules and regulations to give full force and effect to the provisions of this act.

The SPEAKER. The question is on the motion of the gentleman from Arkansas to nonconcur in the Senate amendment, and agree to a conference.

Mr. DINGLEY. Mr. Speaker, before that is done I wish to ask a question for information. The Senate seem to have struck out the House bill entire and to have substituted a new bill.

Mr. McRAE. That is exactly what they have done. It is not at all unusual for the Senate to make amendments of this kind.

Mr. DINGLEY. Is the new bill in the same general line as the House bill?

Mr. McRAE. It is.

Mr. BURROWS. Is there any change in the phraseology of the House bill?

Mr. McRAE. There is, but I can not tell you just what the change is. So far as I am personally concerned, if the mover of the bill desires to have it go to the committee where we can consider the amendment, I have no objection, but I thought this was the most expeditious way of disposing of the matter; and besides, the Senate has asked for a conference upon the amendment. I am not prepared to vote for the amendment nor to explain the difference between it and the House bill.

Mr. BURROWS. Your motion is to nonconcur?

Mr. McRAE. Yes, sir.

Mr. WILSON of Washington. Mr. Speaker, as this is an entirely new bill and as it affects my State, I desire to ask the chairman of the committee [Mr. McRAE] whether, if the bill goes to a conference, members representing the States affected by the bill will have an opportunity to be heard; because, if not, I think the bill ought to go back to the Committee on Public Lands, where we can be heard.

Mr. McRAE. I can not of course make any agreement about that. This is a bill introduced by the gentleman from Oregon [Mr. HERMANN], and it is a matter that I know very little about, except from the investigation that we gave it when it was before the committee. If the gentleman from Washington wants to have the bill go to committee again, let him make such a motion. I have made the motion to nonconcur and agree to a conference simply because I thought that was a respectful way to treat the request of the Senate and the only practical way of reconciling the differences between the two Houses.

Mr. WILSON of Washington. Well, let it be that way.

Mr. DINGLEY. Before that is done, Mr. Speaker, I desire to say that after the House has fully considered a bill and sent it to the Senate, this practice of the Senate substituting an entirely new bill and sending it back here, and then having it go to a conference committee where it will not be open to amendment, seems to be not exactly just to the House.

Mr. McRAE. I repeat, Mr. Speaker, that personally I have no objection to this bill going back to the committee. I do not care personally what is done with it. I have moved to nonconcur and agree to a conference, because that seems to me the most respectful way to treat the Senate, and is what ought to be done if we want to legislate upon this subject.

Mr. WILSON of Washington. Mr. Speaker, I am informed that the changes in the phraseology of the bill are very slight and are simply intended to make it more lawyer-like, and perhaps it had better be disposed of as proposed by the gentleman from Arkansas.

Mr. DINGLEY. Here is an entirely new bill of eight or ten pages, and the House has no information as to the effect of the changes.

The SPEAKER. Unless there be objection this bill will be referred to the Committee on Public Lands.

Mr. McRAE. I do not agree to that, Mr. Speaker, and have made what I think is the proper motion; but if, when the Senate have asked for a conference, the House chooses to treat the request in that way, that is for the House to say. This is a bill that deals with a law applicable only in the State of Oregon.

Mr. DINGLEY. If there are no material changes from the House bill, I do not object to the motion of the gentleman from Arkansas.

Mr. WILSON of Washington. The gentleman says that the bill deals entirely with the State of Oregon, but it names specifically Washington, Oregon, and Idaho.

Mr. PICKLER. This bill does.

Mr. WILSON of Washington. Yes, this bill does; and I think my State has some slight interest in it.

Mr. McRAE. My understanding was that the old "donation act" applied only to Oregon.

Mr. PICKLER. It applies to those three States.

Mr. McRAE. If it applies to Washington and Idaho, my statement was incorrect, and I ask to correct it.

The motion of Mr. McRAE to nonconcur and agree to a conference was adopted.

The SPEAKER appointed as conferees on the part of the House Mr. McRAE, Mr. HARE, and Mr. LACEY.

TEXARKANA AND FORT SMITH RAILWAY.

The SPEAKER laid before the House, with an amendment of the Senate, the bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake, at or near Morningsport, La., and Cross Bayou, near Shreveport, La.

The SPEAKER. The amendment of the Senate will be read.

The Clerk read as follows:

On page 1, in line 21, strike out the words "as nearly as practicable."

Mr. ROBERTSON of Louisiana. This amendment of the Senate is merely verbal. I move that it be concurred in.

The motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER laid before the House Senate bills of the following titles; which were read twice and referred as stated:

A bill (S. 1105) for the relief of Albert E. Redstone—to the Committee on Claims.

A bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes—to the Committee on Private Land Claims.

PUNISHMENT OF BARRATRY.

Mr. EVERETT. I ask unanimous consent for the consideration of House bill No. 4606, which has been favorably reported by the Committee on the Judiciary.

The bill was read, as follows:

A bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5365 of the Revised Statutes is hereby amended to read as follows:

"SEC. 5365. Every person who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or in part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be punished by imprisonment for life, or for any term of years."

SEC. 2. That section 5366 of the Revised Statutes is hereby amended so that it will read as follows:

"SEC. 5366. Every person, not being an owner, who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel to which he belongs, being the property of any citizen, shall be punished by imprisonment for life, or for any term of years."

Mr. EVERETT. I ask consent to make a statement.

Mr. DINGLEY. I reserve the right to object until I have heard the gentleman's explanation.

Mr. EVERETT. Mr. Speaker, the Committee on the Judiciary has unanimously reported this bill with a recommendation that it pass. It was introduced by me at the instance of the marine insurers of Boston, New York, and Philadelphia. This crime of wilfully casting vessels away—commonly called the crime of barratry—is under existing statutes punishable with death; and marine insurers represent to me that because of this penalty, juries steadily refuse to convict. Therefore gentlemen interested in marine insurance ask that the Revised Statutes be amended so that the penalty for this crime may be imprisonment for life, or for a term of years.

Mr. DINGLEY. Then I understand that the only change proposed in the law is that this crime of barratry shall be punishable by imprisonment for life, instead of the death penalty.

Mr. EVERETT. That it shall be punishable by imprisonment for life, or for a term of years.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. EVERETT, a motion to reconsider the last vote was laid on the table.

HALL OF RECORDS.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back with an amendment in the form of a substitute the bill (S. 22) making appropriation for the purchase of ground and the erection thereon in the city of Washington, D. C., of a building to be used as a hall of records; which was referred to the Committee of the Whole on the state of the Union, and, with the accompaning report, ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CATCHINGS, from the Committee on Rivers and Harbors, reported a bill (H. R. 6518) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ADDITIONAL DISTRICT JUDGE IN ILLINOIS.

Mr. CHILDS, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 5649) providing an additional district judge in the northern district of Illinois; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

LAW BOOKS FOR CIRCUIT COURTS OF APPEALS.

Mr. TERRY, from the Committee on the Judiciary, reported back favorably the bill (H. R. 6396) to provide for purchase of law books for use of the circuit courts of appeals of the United States; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSION BILLS.

Mr. MARTIN of Indiana. I ask unanimous consent that bills reported at Friday night sessions of the House, and which are now on the Private Calendar as unfinished business, may be considered as having the previous question ordered upon them to the engrossment, third reading, and passage, with the right of fifteen minutes' debate on each side, subject, however, to all existing orders.

The SPEAKER having restated the request of Mr. MARTIN—

Mr. SMITH of Illinois. I desire to ask whether this request includes the bill acted on favorably last night by the Committee of the Whole?

Mr. MARTIN of Indiana. It does not, for the reason that, as we did not have a quorum when the Committee of the Whole rose, no bill acted on in the committee was reported to the House.

Mr. SMITH of Illinois. But when that bill was laid aside for favorable report there was a quorum, so far as the record shows.

Mr. MARTIN of Indiana. My proposition does not include that bill, because it is still in the Committee of the Whole.

Mr. BURROWS (to Mr. SMITH of Illinois). Your bill can be taken care of later.

Mr. SMITH of Illinois. I should be very glad if my bill which was acted on favorably last night could be included in this motion.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. MARTIN]?

Mr. BAILEY. I desire to make a parliamentary inquiry. If this request should be granted and the previous question ordered on these bills they would then become the regular order?

The SPEAKER. And would come up immediately after the reading of the Journal.

Mr. BAILEY. So that upon a call for the regular order the consideration of these bills would supersede all other business.

The SPEAKER. With the exception of existing orders, which the gentleman from Indiana reserves from the terms of his request.

Mr. BAILEY. In view of that fact I must object.

MARGARET ENGLISH.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1686) "granting a pension to Margaret English."

This bill was objected to by the gentleman from Alabama [Mr. STALLINGS], but he is willing now to have it considered.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll the name of Margaret English, widow of William English, late of Company A, Ninety-fifth New York Infantry Volunteers, and to pay her a pension at the rate of $12 a month.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I would ask the gentleman from New York if there is a report accompanying this bill?

Mr. TRACEY. There is.

Mr. McMILLIN. I will not ask for the reading of the report, but ask that it be inserted in the RECORD to show the evidence sustaining the bill.

Mr. TRACEY. I hope that will be done.

The report (by Mr. HAINES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1686) granting a pension to Margaret English, submit the following report:

This case was favorably reported by the committee near the close of the Fifty-second Congress, but failed of action in the House from want of time. The facts are as follows:

The petitioner is the widow of William English, alias William Quinn, to whom she was married September 2, 1851. This soldier, as is shown in a satisfactory manner, served under the name of Quinn in Company A, Ninety-fifth New York Volunteers, from November 23, 1861, until August 24, 1863, when he died of *mania a potu* (delirium tremens), as shown by the records of the hospital at Philadelphia.

The records of the War Department further show that he was present from enrollment (November, 1861) to August 31, 1862; properly accounted for until June 30, 1863; admitted to hospital at Philadelphia July 10, 1863, because of gunshot wound of hand received at Gettysburg July 2, 1863.

The official report of the death of the soldier also shows that the soldier was reported as a deserter (presumably from the hospital) from July 25 to August 19, 1863, having been on a spree. August 21 he first showed symptoms of delirium and jumped twice out of a window (15 feet), probably causing fracture of the internal table or base of the brain.

The evidence shows that the petitioner still remains his widow, and that she has no property except $500 equity in a dwelling, from which she has an income of $7 per month, and that she lives with a daughter and contributes by her own labor to her support.

This widow can not be pensioned under the general law, because the soldier's death did not occur in line of duty; she can not be pensioned under act June 27, 1890, because he was never discharged, although it is true that if he had died of the same disease one day after being honorably discharged his widow would be pensionable under that act.

Under date of July 13, 1893, Charles F. Poinsel and William Carmody, of Cohoes, N. Y., testify that the claimant has not remarried since the soldier's death, and that she has no income except from her own manual labor, and $60 from a small tenement.

This seems to be such a case as special acts of Congress are designed to relieve, and your committee therefore recommend that the bill do pass after being amended by striking out all after the word "pension," in line 7, and inserting in lieu thereof the words, "subject to the provisions and limitations of the act approved June 27, 1890," and also by inserting the words "alias William Quinn" after the name William English in line 5.

There being no objection, the bill was considered, the amendments recommended by the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TRACEY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will call the committees for reports.

There was no objection.

FOG SIGNAL, SUPERIOR, WIS.

Mr. BRICKNER, from the Committee on Interstate and Foreign Commerce, reported back the bill (H. R. 6234) for the establishment of a fog signal at Superior pier-head light station, Superior, Wis.; which was referred to the Committee of the Whole House on the state of the Union.

APPRAISEMENT OF IMPROVEMENTS, CHEROKEE NATION.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6013) making an appropriation to complete the appraisement of improvements of intruders in the Cherokee Nation.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. SAYERS. Reserving the right to object, I would like to address a question to the gentleman who asks this consent. Has this bill ever been reported by a committee?

Mr. HUNTER. No, sir.

Mr. SAYERS. Then I object.

EULOGIES ON THE LATE REPRESENTATIVE O'NEILL OF PENNSYLVANIA.

The SPEAKER. The Clerk will report the special order for to-day.

The Clerk read as follows:

Resolved, That Saturday, March 31, beginning at 1 o'clock p. m., be set apart for eulogies to the late Hon. Charles O'Neill.

The SPEAKER *pro tempore* (Mr. WOLVERTON in the chair). The Clerk will now report the pending resolutions.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of the Hon. Charles O'Neill, late a Representative from the State of Pennsylvania;

Resolved, That the Clerk communicate these proceedings to the Senate;

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased; and,

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House at the conclusion of these memorial proceedings shall stand adjourned—

The resolutions were unanimously adopted.

Mr. WISE. Mr. Speaker, I rise to ask that the resolutions which I hold in my hand be printed with the proceedings of this occasion as an expression of the esteem and friendship with which the late Charles O'Neill, of Pennsylvania, was regarded by his associates of the Committee of Interstate and Foreign Commerce, of which he was an honored member.

The announcement of his death was received by us with profound sorrow, and we wish to place upon record this imperfect estimate of his life and character.

Mr. O'Neill came to Washington to attend the first session of this Congress, which began under the proclamation of the President on the 7th day of August, 1893. One of his last official acts in the House of Representatives was the administration of the prescribed oath to its Speaker. It was then apparent that his strength and vital energies were being gradually destroyed by disease. The light had departed from the eyes, the step was no longer quick and elastic. Being in the waning age of life, his friends saw that he could not continue long in the discharge of his duties.

He was soon compelled by sickness to return to his home in Philadelphia, and there died on the 25th day of November, 1893. The end came suddenly and it seemed to be peaceful and almost painless. In the morning of his last day he rose from his couch, and having dressed himself passed down the stairs to his accustomed place at the breakfast table. The day was passed in reading and social intercourse with friends. No one dreamed that before its close the final stroke would fall. Only two hours before the hand of death was laid upon him he was talking of his early return to the capital and the work there before him. In the family circle the immediate future with its stirring scenes and sharp conflicts was the subject of conversation. While thus engaged he complained to his niece and brother of a sudden tightness of the chest and difficulty of breathing. This caused him to go to his room and retire to his bed. The last words he spoke were "I will sleep," and then laying himself back upon the pillow fell into eternal rest. There was only a momentary struggle, and then "that change which never changes."

Having met him here for the first time and known him only as a Representative, I must leave to others the task of relating the story of his life. Being the oldest in years and service, he was known as the father of the House. If he had lived to the end of this Congress the duration of his service would have been measured by the term of thirty years. Few men have held so long the high and responsible position of Representative, and in this fact we have the best proof that he was worthy of the distinguished honor.

Such instances of repeated popular approval happen only when there is the solid foundation of merit and worth. The best results are not always produced by those who possess the greatest intellectual power. To men of plodding habits we are often indebted for the most valuable achievements. The most solid benefits are secured by the Representative for his people by regular and methodical work. Mr. O'Neill was not a strong debater, nor was he a man of uncommon vigor of intellect, but was laborious, systematic, and conscientious in the performance of all his duties.

In the possession of these qualities we find his chief strength. He was indefatigable in efforts to promote the prosperity of his constituents, and they showed in a marked degree their appreciation of his services. Such success as he won comes only to those who deserve it.

It has been told of him that he never missed a day from the sessions of the House during all the years he remained here, until compelled by his last illness to return to his home for medical treatment. So much can be spoken in praise of but few of his colleagues. It was his habit not to postpone the work of to-day for performance to-morrow. Life is duty, and every man should consecrate himself to its fulfillment. From his conviction of it Mr. O'Neill derived his rule of action.

He was a faithful Representative and devoted to the interests of his people. He was quick to enter the arena of debate when Philadelphia or Pennsylvania required a champion.

He was a man of warm and generous impulses, of such gentle and kindly disposition as led him to do things agreeable to others. While at times warm and earnest in the expression of convictions, he was always fair and courteous. He caused no wounds by bitter reproaches or harsh words, but was regarded by all with warm friendship and will long be held in affectionate remembrance.

The resolutions referred to are as follows:

"Your committee appointed at the meeting held December 8, 1893, to prepare a suitable memorial in honor of the memory of the late Charles O Neill, of Pennsylvania, late a member of the Committee of Interstate and Foreign Commerce, respectfully report the following:

"We, the Committee on Interstate and Foreign Commerce of the House of Representatives of the Fifty-third Congress, have heard with deep regret the announcement of the death of our associate, Hon. Charles O'Neill, of Pennsylvania.

The loss of our oldest member, both in service and in age, would in itself call for respectful action on the part of this committee.

"But in the case of Charles O'Neill, in addition to his crown of years and length of service, his character, his abilities, his devotion to his duties on the committee have earned for near a score of years the respect of his associates, while his courtesy, his kindness of manner and of heart have inspired them always with personal regard and affection.

"Pursuant, therefore, to action of this committee heretofore taken, it is hereby

"*Resolved*, That this memorial be entered on the minutes as a mark of enduring respect to the memory of a courteous associate, a distinguished and laborious Representative, and an upright and God-fearing gentleman, whose death has been a lasting loss to his fellow-members in this committee and the House, to his constituents whom he served justly and faithfully, and to his country.

"*And further resolved*, That this memorial and resolutions be reported from this committee by its chairman to the House on the day set apart by special order for eulogies on Hon. Charles O'Neill, in order that they may form a part of the permanent record of the proceedings on that occasion."

Mr. STORER. Mr. Speaker, when I came to the House of Representatives, at the beginning of the Fifty-second Congress, I was honored by being placed upon the Committee on Interstate and Foreign Commerce. The first day that I entered that committee I met a gentleman who had been well known to me by name and reputation for many years. He was the senior member of the minority of that committee, and well as I had

known his reputation I still was struck by the respect and personal regard that all the members who had known him before showed Charles O'Neill. I found that he, himself, had been made a member of that committee upon his first entrance into Congress, at the beginning of the Thirty-eighth Congress, in December, 1863. I found that he had served on that Committee on Commerce down to the end of the Forty-first Congress without intermission, and with distinguished usefulness to his constituency and to the work of the committee.

On his re-entering the Forty-third Congress, the Republican party, to which he from its birth belonged, being then in the majority, he was not put on this committee again, but on a committee at that time of much greater importance and much greater labor, that on Appropriations, on which he served through the Forty-fourth and Forty-fifth Congresses. At the assembling of the Forty-sixth Congress, I learned, as the party now in majority in the House was at that time in control of its organization, he was again the senior member of the minority upon his old Committee on Commerce. The Forty-seventh Congress once more showing Republican control, Mr. O'Neill was again on Appropriations, but when the Forty-eighth Congress met, and from that time down to the date of his death he became and remained the senior member of the minority on his old committee.

To a young member, looking up almost with veneration to men who had served their people and the country faithfully and well for such a length of time, it seemed a thing to be very proud of to look back upon such a career as Charles O'Neill's. It was not long before I, myself, came to know him, and I looked upon him with the same feeling of entire respect, perfect confidence, and affection, if I may use the word, with which those who had known him longer always spoke of him. Of his usefulness to his State and his constituency, his State and his city can best speak through their Representatives; of his distinguished and devoted services on the floor of the House a hundred men can speak with more experience and information than myself.

But, Mr. Speaker, upon the Committee on Commerce there are but two of us, fellow-members of the minority with Mr. O'Neill, left over from the Fifty-second Congress, and one of these two is necessarily absent to-day. It is on this account and under this excuse that I feel justified in taking part of the time allotted by the House for remarks in remembrance and in respect of our deceased colleague. If there was anything that his fellow-members on the committee knew it was that Mr. O'Neill looked faithfully and well after the interests of everything and everyone, however remotely connected with the constituency that sent him here. He was, in the fullest sense of the word, a faithful representative of his people. Just to all men, trampling on no man's rights, interfering with no other man's prerogatives, he was all the time looking out for the interests of his people and his home.

In national matters he was not careless nor narrow-minded. In affairs that belonged to the business and commerce of the whole country he was not unmindful nor provincial, but when anything came near touching for good or for ill the welfare of the city that he loved so well, he was preëminently on the alert; then his mind seemed to quicken, his intelligence to brighten, he became aggressive, fearless, persuasive, emphatic, whatever the occasion seemed to require. He was a man of entire integrity of character, great experience in the routine business of committees, knowing well when to let a matter alone which did not necessarily demand his attention or his time, but never allowing anything to pass which it was his business to inquire into, to watch over, to oppose, or to press.

But with all this, Mr. Speaker, what endeared him to the men he was thrown with in almost daily work upon our committee was his never-failing courtesy and geniality of manner, his ready smile, his instant willingness to apologize for any offense given without intention (and he never gave offense otherwise), and the kindly spirit with which he accepted contradiction, argument, and dissent. He had that rarest of mental and physical attributes, a sunny temper. I think for a man of his age he was the most cheerful man and the most cheerful company that I have seen for many years. His conscience seemed at rest at all times with himself, with his fellow-men, and with his Maker. He was a man of kind heart. He was a man of deep religious conviction, and while his kindness of heart never showed itself in loose or inconsiderate way, his religious convictions, so far as I could learn, never degenerated into bigotry, bitterness, or narrowness.

The serene and cheerful spirit that he had was so strongly characteristic, and I might say absolutely the strongest characteristic of his mind, that grief or sorrow in the ordinary sense of the words, even in those very close to him, are not the feelings or the words that are naturally called to mind or which fitly describe our loss. It is not tears, it is not mourning that are suggested by his departure, but rather a confident hope and expectation of seeing again that cheerful smile, that kindly manner, that serene, sunny, and peaceful old age.

Without gloom, without solemn ceremony, without conventional melancholy of manner or of words, I say, "Good bye, dear old Charlie O'Neill."

Say not "Good night,"
But in some brighter clime
Bid me "Good morning."

Mr. BROSIUS. Mr. Speaker, it is a proverb among the Arabs that death is a camel that kneels at every man's door. He has knelt with sad and sorrowful frequency at the doors of the Pennsylvania delegation on this floor in the last five years; and we are again called to pay our respect to the memory of another distinguished Pennsylvanian, whose period of service in this House has established his title to the distinction of being the father of the House.

I therefore crave a brief indulgence to mingle my voice with the swelling anthem of affectionate and eloquent eulogy on this occasion, because I respected and honored our departed friend while living, and dead I feel a sincere and reverential regard for his memory.

The duration of his life, the usefulness of his labors, the benevolence of his feelings, the elevation of his sentiments, and the nobility of his character united to form an attractive and interesting personality and a career instructive and admirable in a high degree.

Those who wrought with him and observed him through the long period of years in which he served an appreciative and confiding constituency upon this floor are commissioned to speak of those excellencies of character which found their illustration in his extended and distinguished career in the service of his country, a service which he decorated and adorned with the finest fidelity and most disinterested devotion to every detail of duty.

My own acquaintance with him and observation of his career prompts me to say that Mr. O'Neill was in some respects an ideal Representative. He made no pretension to greatness. He never masqueraded as a leader or a master. He knew that in the lottery of faculties all men could not draw first prizes; that all members of Congress could not be front-rank statesmen—that in the gladiatorial contests of statesmanship a great majority of this body can only be helpers to the principal actors in the drama. He had no pride that made him ashamed to take a second place. He believed in the adage "the tools to those who can best use them; the floor to those who possess the highest aptitude for intellectual encounter in the arena of debate." Still he did not abstain from participating in discussion when impelled by a sense of duty to take part.

A local measure affecting his constituents, or in which the city of Philadelphia was concerned, awakened in him an enthusiasm of loyalty which overcame his reluctance and brought him to his feet. When he took the floor, he spoke with a clearness, force, and fervor which rarely failed to awaken interest in his views. But he never wasted the public time in needless words, and always ceased speaking when done—an example which statesmen of high and low degree might imitate with profit to their own and their country's fame.

To see others toiling and achieving in fields of action above his range never grieved him. He was content to serve where he could be most serviceable. If he was employed in an honorable, necessary, and useful task—though humble—though but cutting a face in a cherry stone, in the true spirit of patriotic service and dutiful endeavor, it did not trouble him that another was carving a colossus out of a rock. His kindly soul never knew the taint of jealousy or envy.

This quality helped him to usefulness within the limits which he prescribed for his exertions and furnished an example quite worthy of imitation.

A most notable characteristic of Mr. O'Neill was his kindly and sympathetic nature. His graces of mind and heart, amiability of character, sweetness of disposition, gentleness of manner, and fine courtesy made conquest of universal esteem and placed him high in the hearts of all who knew him.

He had a punctilious delicacy for the feelings of others, upon which he never inflicted an intentional wound. His heart was full of the healing balm of sympathy. In his breast was a perennial spring of the milk of human kindness, and he found delight in helping and serving others.

His devotion to his constituents was a conspicuous feature of of his public life. He was to them a father. It is said that he knew most of them personally. He took them into his capacious affections, watched their interests, guarded their rights, anticipated their wants, and served them in all needful ways

with a fidelity as beautiful as his industry was tireless. The jocular observation of some one that he answered every letter from a constituent within twenty-four hours and then went home to see if the answer had arrived safely, was a hyperbolic expression of the prevailing sense and universal appreciation of the energy and promptitude with which he performed the duties of his representative office. That his constituents appreciated him, loved him, and reciprocated his affection and devotion by keeping him in Congress for more than a quarter of a century is not surprising. They knew his diligence in their service; they knew that the command of duty was to him a "thus saith the Lord;" that no draft made upon him in any matter whose claim he recognized would ever go to protest. So they trusted him, and were never betrayed; confided in him and found him worthy; continued him in their service and were always well served.

The lesson such a career teaches appeals to all of us; that the only way for a Representative to securely hold the confidence and affection of his constituents is in the demonstration of his worthiness by integrity, fidelity, industry, and efficiency in their service.

Our brother reached and passed the bounds of man's appointed years. The mysterious clock which the angel of life wound up to run three-score years and ten then closed the case and gave the key to the angel of the resurrection, as beautifully suggested by Dr. Holmes, ran a little beyond the appointed time. As the clock at his bedside struck the hour for the November sun to fling his goodnight kisses of crimson upon the pale cheek of the expiring day and sink to rest, his sun went down in the evening glories of his well-spent day to rise in the radiant light of a new morn.

How suddenly death came. They heard the rustle and saw the shadow of his wings, and it was over. He said to his attendant and affectionate niece, "I think I will sleep." In a moment he slept the dreamless slumber of the dead. In the words of another, "As the shadows steal at evening over the earth, softly closing the flowers and touching them to sleep, silently and lovingly in the promise of a bright waking," so he fell asleep. Nature, with no rudeness in her touch, but softly and gently disengaged the vital cord and he passed serenely into rest on the other shore of that mysterious sea "that never yet has borne on any wave the image of a homeward sail."

He is gone, but he left behind him for our instruction the lesson of his beautiful life of sympathy and service. To contemplate it and emulate it is the only way to make it profitable to us. Death comes like a faithful schoolmaster with the open book of a closed life and assigns the lesson which we must study or lose its teaching. I borrow the lines of a poet to express what I desire to accentuate as the "golden text" in the lesson of this dutiful and beautiful life:

The bravest lives are those to duty wed,
Whose deeds, both great and small,
Are close-knit strands of an unbroken thread
Where love ennobles all.

The world may sound no trumpets, ring no bells,
The book of life the shining record tells.

Mr. MORSE. Mr. Speaker, there is to my mind always a tinge of sadness about the "last time," and when I hear that one of our members is dead, I frequently turn to the CONGRESSIONAL RECORD and see what was his last utterance on this floor.

And though it may only be a motion to adjourn or a call for division, there is a tinge of sadness about it. It is sad to think of the last day of school in our childhood, the last time you saw a friend, the last day of a Legislature, of a Congress, when we break up never all to meet again.

The last appearance of Mr. O'Neill in this Hall occurred only a short time before his death, and the last words uttered by him, which appear in the CONGRESSIONAL RECORD are found on page 302:

Mr. O'NEILL of Pennsylvania. Mr. Speaker. I move to strike out the proviso.

He had been for twenty-eight years a member of this House; these Halls had echoed with his voice, participating in the debates in all those years. These were his last uttered words in debate on this floor.

On page 1003, August 28, is recorded his last vote, where he responded "aye" in favor of the repeal of the purchasing clause of the Sherman act, never to vote again.

His last speech was delivered August 14, on the question of mileage. His last question in debate was addressed to Mr. HOLMAN of Indiana, "I would like to ask the gentleman from Indiana a question."

His last petition was filed October 23, and was a resolution of the Union League of Pennsylvania.

Did you ever think what it was that gave the pathos to that little couplet, which you used to recite when a boy at school, about—

The last rose of summer
Left blooming alone,
All her lovely companions
Are faded and gone.
* * * * *
I'll not leave thee, thou lone one,
To pine on the stem,
Since the lovely are sleeping,
Go sleep thou with them.

It is the fact that it is the last rose of summer that gives its pathos to this little couplet.

Our friend, in whose honor we have met, remained on duty here almost to the last. He died at the post of duty. You remember when the surgeons gathered around Mr. Garfield in yonder depot when he was stricken down by the vilest assassin that ever cursed the earth, you remember he asked the doctor if the wound was mortal? And the surgeon replied, "We fear the worst," and Mr. Garfield replied, "Doctor, I am not afraid to die." Why not? Because he was at the post of duty. Are you and I at the post of duty?

One of my illustrious and distinguished predecessors in this House, who represented the same district which I have the honor to represent, for sixteen years, John Quincy Adams, the old man eloquent, died in yonder hall.

He died, like our brother, at the post of duty. His last words were, "This is the last of earth; I am content."

Some of the oldest people who live in New England will tell you that in their boyhood they heard their parents tell about a dark day. It occurred on the 19th day of May, in the year 1780. It began to grow dark at 10 o'clock in the morning. At noon it was so dark that people could not see to read outdoors.

Our fathers had very few books besides the Bible. In that book they read that God had appointed a day in which he would judge the world, and in that day "the sun should be darkened." Very many of the good people of New England thought the day of judgment was at hand.

Indeed the strange prenomenon has never been explained. The only explanation ever offered was that the smoke from burning forest fires in the West met a dense fog from the east. Anyhow, on the 19th day of May, in the year 1780, the people in New England could not see to read outdoors at noon time.

This dark day overtook the Connecticut House of Assembly in session and amidst a profound stillness and silence and gloom a member arose in his place and said, "Mr. President, it is evident, sir, that a strange and wonderful providence of God is upon us, by which we can not see to read at noon time. It may be, sir, that the day of judgment is at hand. In view of this strange providence, I move you, sir, that the Connecticut House of Assembly do here and now adjourn."

There was a member of the House who was a Quaker, and whose name was Abraham Davenport, and he arose in his place and said, "Mr. President, I am opposed to the motion to adjourn, I am utterly unable to explain the darkness; it may be as my brother has said, that the day of judgment is at hand, but as I know of no better place to be overtaken by death and the judgment than at the post of duty, I move you, sir, that the candles be brought in and the act be read again;" and they were and the business of the House went on. Are you and I at the post of duty in the larger sense of those words? Then, like John Quincy Adams, James Abram Garfield, like Abraham Davenport, like our brother O'Neill, who has left us, we may not fear death or the judgment, and it will be well with us in time, and well with us in eternity.

Mr. Speaker, it was my pleasure to know quite intimately Charles O'Neill. When I became a member of the Fifty-first Congress, the kindly, benevolent face of this good man at once attracted me, and my later intercourse with him, as we went out and came in together during the Fifty-first and Fifty-second Congresses, confirmed my first impression of Mr. O'Neill.

It is recorded in the book that "Darius, king of Medes and Persians, after the fall of Babylon, thought to set Daniel over the whole realm, and made him chief of the three presidents, who should have charge of the affairs of the kingdom, because an excellent spirit was in him."

A similar reason might have been assigned for the honors that were paid Charles O'Neill by the great empire State of Pennsylvania during his long and eventful life, and during his long service, extending over a generation, on the floor of the National House of Representatives.

Mr. O'Neill was a modest, unassuming, honest, able servant of Pennsylvania and the people who honored him. In his death the nation has lost a statesman, the people have lost a champion, philanthropy, virtue, and religion have lost a consistent and earnest supporter, and I have lost a friend.

We shall all miss his pleasant smile and his cheery good morning. We shall see him no more. Farewell Charles O'Neill, a long, last farewell.

Mr. O'Neill was a religious man. I had several conversations with him upon matters pertaining to concerns of the soul. He made no boast or exhibition of his religion, and was rather inclined to distrust his own acceptance and preparation for the great hereafter; but I am fully persuaded that he was a thoroughly good man, that he leaned fully on the "Crucified One," and that he has now gone to see the "King in his beauty," and has exchanged his home on earth for a brighter and a better home in Heaven.

What is the lesson of the life and public services of Charles O'Neill, of Pennsylvania? First, it ought to be an inspiration to every American youth; his honesty, industry, patriotism, earnestness, and ability in his chosen calling proves to the youth of our land that these qualities carry in their hand the sure prestige of victory and success.

The honors showered upon this man by the great State of Pennsylvania, his long and eventful life, are but a demonstration of the fact that in this favored land of ours, "There is no royal road to learning," and "Honor and shame from no condition rise."

The youth of our land want to be impressed with the importance of laying the foundation of their character well, and that honesty, virtue, and religion are the only enduring foundations of character.

It has been said that character is a creature of slow growth; it buds in infancy, blossoms in childhood and has its fruitage in later years. I have seen young men who had a fear that they would not be appreciated, but my observation is that in the long run people pass for about what they are. Calumny or aspersion may for a time shadow a life, but in the long run we each and every one of us are sized up about right.

"And when the fitful fever is ended and the foolish wrangle of the market and forum is closed, and grass heals over the scar which our descent into the bosom of the earth made, and the carpet of the infant becomes the blanket of the dead," then, if not till then, justice will be done us, and with an iron pen a record will be made that is just and true.

I know little of the family life and home life of our dead brother, but I presume he had the usual allotment of joys and sorrows, of cloud and sunshine, of thorns and roses in his path.

I ran across a little piece the other day with the title "What is your life?"

A little crib beside the bed,
A little face above the spread,
A little shoe upon the floor,
A little frock behind the door,
A little lad with dark brown hair,
A little blue-eyed face and fair,
A little lane that leads to school,
A little pencil, slate, and rule,
A little winsome, blithsome maid,
A little hand within his laid—

That is where he got married—

A little family gath'ring round
A little turf-heaped, tear-dewed mound—

That is where the child died—

A little cottage and acres four,
A little old-time fashioned store,
A little added to his soil,
A little rest from hardest toil,
A little silver in his hair,
A little stool and easy chair,
A little night of earth-lit gloom,
A little cortége to the tomb—

That is what life is.

And I thought when I read those verses, "Oh, how sad they were without the light of immortality to shine upon them."

I attended church in St. Paul's Episcopal Church in London once; there were 15,000 people in the church. Canon Stubbs recited the Episcopal prayer, which says: "Oh, Lord, have mercy upon any that are afflicted in any manner, in body, in mind, or estate."

And I said to myself, is there a single person in this vast concourse that does not need to say that prayer; certain, sure, I was one there that needed to say it.

And do you know, the longer I live and the more I mingle with my fellows, the more I think that if this world is all there is to it, the game for the average man and woman is not worth playing, and in this sad circumstance I find an argument in favor of the immortality of the soul, and an argument in favor of the gospel, that points to a place and a tribunal where the inequalities and injustices of this world are made right.

Plato, a heathen philosopher, thanked God for three things: First, that he was born a rational soul; second, that he was born a Greek; third, that he lived in the days of Socrates. If this poor benighted philosopher, who knew nothing of God, of heaven, of Jesus, and of eternal life, had that for which to thank God, surely what have we, who stand in this apex of the nineteenth century, and who by a knowledge of the gospel, and who by repentance and faith in the Lord Jesus Christ may look away from the disappointments and sorrows and vexations of this mortal life to that city which John saw in the island of Patmos, whose streets are gold, whose gates are pearl, whose walls are sapphire; a city that infinitely outrivals in its beauty and magnificence the almost fabled White City that recently sat on the shore of Lake Michigan; a city that has no need of the sun, and where there is no sickness, sorrow, or crying!

To that beautiful city our brother O'Neill has gone, and for aught I know looks down on us here and now, as we have assembled to do him honor.

The great dramatist has said "All the world's a stage, and all the men and women merely players," of which Washington life, with its ever-changing panorama, is a fit illustration. A gentleman called my attention to the worn condition of one of the thresholds of solid stone of one of the gates leading to the White House from Pennsylvania avenue. Where are the feet that wore that stone? For a hundred years Presidents, Cabinet officers, Senators, members of Congress, statesmen, and thousands of citizens have passed over it.

Of this great army, most of them have long since played their part in the drama of life. With them life's fitful fever is o'er, and they have left the shores of time for that "bourne from whence no traveler returns."

They have had their little day of fame, of honor, of pleasure, and have joined the silent majority. Across this threshold passed in and out John Adams, the second President of the United States; followed later by that proud-spirited military chieftain Gen. Andrew Jackson, Gen. William Henry Harrison, Gen. Zachary Taylor.

Over that threshold, in and out, went our brother O'Neill for more than a quarter of a century; in the terrible days of the war went Abraham Lincoln. Over it, arm in arm with Secretary Blaine, went the lamented Garfield to his death by the hand of the vilest assassin who ever cursed the earth. It clanked with the arms of the British soldiers who sacked the capital in the war of 1812.

Over it have passed untold thousands of visitors. Oh, what a story of the drama of life could that threshold tell! Abraham Lincoln's favorite poem, which he loved to repeat was, "Oh, why should the spirit of mortal be proud?" This city is less than one hundred years old, but it has witnessed the triumphs of peace, the pomp and circumstance of war, has been sacked by a foreign enemy, and was the scene of the final review of our returning victorious armies from the greatest war of all history.

In Westminster Abbey in London I saw a cenotaph to Gray, the author of "An elegy in a country churchyard," and I thought how he himself, like all the great men who have ever lived in this city and are a part of our history, was but an illustration of his immortal words, "The paths of glory lead but to the grave."

When we have the sad reflection that all worldly honor and fame, pleasure and riches are transitory and fleeting; when we reflect how fleeting are the great events in history, and how transient are the lives of individuals and sometimes of nations, it is refreshing to turn away to something that is enduring and abiding; to think of honors that will never grow dim, and of joys that will never end, so well expressed in the grand old hymn:

Great God, how infinite art Thou,
What worthless worms are we,
Let the whole race of creatures bow,
And pay their praise to Thee.

Thy throne eternal ages stood,
Ere seas or stars were made,
Thou art the ever living God,
Were all the nations dead.

What is the lesson that we should learn from what I have here recited? We should learn to—

So live, that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach thy grave
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

The longer I live and the more I mingle with my fellows, the more I am impressed with the fact that vastly greater and more enduring than the pleasures of wealth, of military or civil honor, of which you are so often reminded here, is the honor and satisfaction that comes to those, no matter what their station in life, who exemplify in their walk and conversation the teachings of the lowly Nazarene, and who have treasure laid up that will

abide when these canvas paintings in Washington have faded, when the marble of this beautiful city has crumbled, and when its granite has turned to dust.

The truly great are those who—

> Departing, leave behind them, footprints on the sands of Time,
> Footprints that perchance another,
> Sailing o'er life's solemn main,
> A forlorn and shipwrecked brother,
> Seeing, may take heart again.

For Daniel said, "They that be wise shall shine as the brightness of the firmament; and they that turn many to righteousness as the stars forever and ever."

So, once more I say farewell, Charles O'Neill, we shall feel the warm grasp of your hand no more, we shall hear your cheery, pleasant voice no more. It is still and hushed in death. We shall look up into your kindly, benevolent face no more. Farewell, Charles O'Neill. A long and last and sad farewell.

Mr. ENGLISH. Mr. Speaker, I had overlooked the fact that this day was set apart for paying tribute to the memory of my late friend Charles O'Neill. I am not in that condition, fortunately for the rest of the House, that I can occupy your time long; but I can not allow this occasion to pass without saying something of my old friend.

Fifty years ago, in front of the State House in Philadelphia, there stood seven gentlemen whose ages ranged, as my memory serves me now, from under forty to twenty-two years. I was one of these. The oldest of them, I think, was Robert T. Conrad, the jurist, orator, poet, and playright, whose name still lives in American literature.

There was George W. Barton, the judge, who when on the bench was always listened to with attention by the bar, and when at the bar was listened to with attention by the bench. There was Henry S. Patterson, who died too young. He was a man of the clearest ideas, with the power to couch them in the most vigorous and forcible language of any man I have ever known. There was William D. Kelley, who for a long time was known as the father of this House, and whose memory is still fresh in the minds of many members. There was Benjamin H. Brewster, afterwards Attorney-General of the United States, and there was the youngest of all then, only 22 years of age—Charles O'Neill.

They met together by accident, and, as men will, began to talk—at least the younger members did—of their hopes for the future, and they were chaffed not a little by their elders in the group. I remember very well what O'Neill and Brewster and partly what I myself said. They were the words uttered by young men of ambition and hope.

To-day I stand here, the sole survivor of the seven, to pay a tribute to the memory of the youngest of them all.

Charles O'Neill and I were boys together. He was younger than I by two years, and consequently, as we grew up, I somewhat lost sight of him until we became young men together, and then I lost sight of him after that for years.

I came to Washington on one occasion and took breakfast with William D. Kelley. Mr. O'Neill came in and made himself known to me, and recalled then many instances of our boyhood which he, being younger than I, had kept more vividly in his memory. We had a pleasant interview and it lasted for hours.

Although I remembered his early character, his early habits, and the pleasant times we had together as young men, I saw little of him after, until I became a member of this body, when we renewed our old acquaintance and strengthened our friendship. I learned to love him then, as most of the members of this House who knew him learned to love him.

He was truly a lovable man. There was a touch of feminine softness in his nature that made it difficult for him to do harm to anyone, even a foe; but it must not be supposed from that that he lacked firmness, or the power to defend, to oppose, or to attack, if need be.

He came of a race that has lived in history as one of the boldest and bravest of its kind, and there was never one of that lordly strain of the *ua* Nial, however great he may have been at counsel, or however mighty he may have been on the field, that had more real firmness when the need arose than the humble descendant who filled his place in this Hall. I have known him time and again when some one would presume on that kindly soft nature of his to show that he had an iron hand within the velvet glove. He was a man of courage, and stood up for his convictions manfully.

His views on public affairs were entirely different from mine. We never agreed; but it never broke our social relations, it never interfered with our friendship. I respected and loved him, as I believe he respected me.

I do not propose to waste time to speak of the long public service of Charles O'Neill. His colleagues who sat with him here and who come from his own State have done and will do justice to that part. I have only to say this, that his loss to me was something more than an ordinary loss, because it carried me back to the old days in Philadelphia when we were boys together, when we played together, and sometimes avoided our school together. It bears me back to many pleasant scenes of young manhood, when I had fire and ambition, and so had he.

He embarked on a different course of life than mine. He entered into the law and remained there until his fellow-citizens determined to have his services in a public capacity, and there he maintained his position well, while I went to follow a more erratic life, without a single purpose fulfilled, and without that fixity of purpose which marked him.

But though he made no great and commanding figure here, though he did not stand here as the leader of his party or as one who molded those around him to his will, his name will not perish because of that. There are men—and men. There are great men whom the world does not always recognize, and the greatest man of all is he who does his duty to his fellows and himself; and Charles O'Neill was preëminently that man. As the gentleman who spoke before me has said, men around us make their mark on the sands of time, but the waves of oblivion speedily efface them. Charles O'Neill did not make a deep mark on the sands of time, but he carved his name without effort on the rocks above, where the storm does not reach; and when men of more pretense are forgotten, those who knew him and loved him, and those to whom the story is told, will keep his memory green in their souls.

Mr. HICKS. Mr. Speaker, to properly observe and faithfully commemorate the life and public services of one who had for so many years occupied so exalted a position as the Representative of a large district of one of the most flourishing and largest manufacturing cities of the world, as did Hon. Charles O'Neill, of Pennsylvania, requires more thought, and should receive a more careful review, in order to do proper honor and pay that meed of respect that is justly due to the deceased and his people, than can be given in the few moments of time allotted to me by the courtesy of the House in the brief space of time set apart for this service. And while the ceremonies of the occasion are solemn and impressive, it must be remembered that they are due, and the good man whose memory we honor was one of the trusted and true men of this great nation before the present generation was born; and the high and distinguished appellation placed upon him by naming him the "father of the House," was not won alone by long and continuous service, but gentleness of disposition, urbanity of manner, kindness of heart, and cheerful and polite deportment to all, placed him upon a pedestal of love and honor that is rarely reached by man among his fellows.

This Hall is in many respects, Mr. Speaker, like its marble exterior, cold and repelling. This is a place in which all of us find but a temporary residence. Our real friendships are elsewhere. This is a busy hive of concentrated thought, the workshop of the representatives of a great nation, whose duty it is to legislate for all, care for all; in which each Representative in his own way works for the interest of his own particular district, as well as for the country at large. In the inevitable bustle and struggle incident to such work we scarcely note one falling in the contest, and the death of a member is soon effaced from memory, and the note made upon the record passes with the day, and is soon lost to sight and mind. Yet when the death of this sweet-spirited man, this noble exemplar of God's handiwork, was announced, this active mass of active minds and of active work halted, yea, even stopped, and with one accord all was stilled, and the acknowledgment went forth that a good citizen, a true man, a patriot and statesman had fallen; and so long as memory lives and history inscribes its scroll the honored name of Charles O'Neill of Pennsylvania will be engraved upon its tablets as one of the ideal men of the generation. Not only will he be remembered as one who loved and served his country, but as one "who also loved his fellow-man."

The good people of the good city of Philadelphia, that seat of loyalty to country and the home and birthplace of American freedom and liberty, knew his worth, and as the coworker and colleague of that energetic and earnest defender of American industries, the untiring William D. Kelley, and the brave, vigorous, manly, and determined defender of the interests of his city and State, and leader of men, the honored Samuel J. Randall, he was the survivor, and fittingly so, of the work and services of these three of Pennsylvania's best and ablest contributions to the cause of "liberty, equal rights, and human progress" of the generation. And so long as the name of one of these great men shall live, so long will the three survive. They stand linked in-

separably together as three of our country's best citizens and statesmen who, in all they did, never lost sight of those duties which should be ever uppermost in the mind of every true lover of his country, namely: "Loyalty to home, loyalty to State, and loyalty to country."

These three great thoughts controlled the mind and actions of these three great men and their names are inseparably united, and the great city of Philadelphia, true to its traditions and to the memory of its great name and fame, honored itself at each returning election in the election of this most unselfish of men to his honored place here. As the associate of Lincoln, the supporter of Grant, the colleague of Kelley and Randall, the trusted guardian of his city's honor and his State's fair name, he was faithful in all his undertakings and zealous in every good cause that interested his city, State, and country, and he had an abiding faith in "ultimate America," and firmly believed that ours was a destiny that had been intended from the beginning to ameliorate the condition of the human family and place it upon a higher plane of civilization and of happiness, and with that energy and purpose, characteristic of his Scotch-Irish ancestry, his efforts tended firmly yet certainly in that direction, and with as true and fixed a purpose as is the magnet to the pole, his eye, voice, thought, and labor was always in the direction and for the betterment of the human race. Conservative in thought and in action, yet he was among those who earnestly advocated the cause of the liberation of the slave, and when that great work was consummated he felt that the last blot upon the world's fairest banner, our own "Stars and Stripes," was through the providence of God obliterated.

In the legislation subsequent to the great civil war, when the passions of men were yet heated from the effects and memories of that great strife, his voice and vote was for moderation, and with open hands and a forgiving spirit he welcomed back to the Union of States our brethren of the South, and his earnest desire was that the great American Union should be a union of hearts as well as a Union of States. From his lips there never fell harsh criticism or unkind words of the erring men of that time, and in word and deed he carried out the prayer and spirit of Lincoln, "with malice towards none and charity for all, and with the high resolve and purpose that our dead shall not have died in vain, and that the nation shall under God have a new birth of freedom;" and in all his public acts as well as in private life he did all he could to bind up and heal the wounds of that unhappy struggle. He was a model of kindness, sympathy, and love, and richly deserved the title of "father." Such, Mr. Speaker, in brief was the public history of this good man, and during his entire career as a member of this House for thirty years, he stood pre minently as a faithful Representative, a pure-minded man, and a sincere lover of his country. He hath—

Left a name and fame above the blight
Of earthly breath;
Beautiful, beautiful, and bright,
In life and death.

The long-continued public service of our deceased friend had made him familiar with the details of that service that are so necessary to its proper conduct, and in public as well as in private affairs he believed in justice; and the least as well as the greatest was entitled to this consideration, and always received it from him; and he firmly believed that in the practice of justice was the only true road to success in all governments, and this practice meant "in doing injury to no man;" and as justice and judgment are the habitation of the throne of the living God, so were they ever present in the mind and life of our friend, and by this rule of life, and the practice of this principle, and his steady adherence to its cause, he enriched his long and useful life with contentment and insured a painless and happy death, and the promised reward that has been given us from the beginning to such as he, is now surely his.

Mr. Speaker, honor to our friend was the reward well earned by his fidelity, and of this ennobling trait of his character too much can not be said. Unto him no trust was committed to which he proved faithless or unworthy; and to him and his memory honor is as true gold that passes without other recommendation than its own purity. Self-respect, which is the corner stone and foundation of all virtues, was peculiarly his, and modesty resided within his breast to such an extent that his manner plainly indicated an enrichment from the enjoyment of all the nobler virtues, and his expressions always impressed one with his talent and genius. He had in a bountiful degree that God-given talent of industry, and by the use of this most excellent gift he was crowned by his own merits; and by its proper use success in life became to him a certainty, and by this blessed talent of being always employed it was to him a tower of both strength and defense.

Of integrity, which is manhood's true honor, let his constituency speak for him. For thirty years they kept him as their Representative in the fore front of one of the foremost districts in one of the foremost cities of the foremost country of the world, and in all these years not even a whisper or breath of suspicion of faithlessness, defection, betrayal, or even faltering in duty has been heard of or known to exist, nor did aught occur to mar or tarnish his good name and fame. The humblest citizen of his district knows of his good deeds and of his noble, pure, and stainless life as well as of his unselfishness and charity; he was a generous and faithful follower of the truth, and always kept his eye upon his guide, never deceiving either himself or others, and by his discernment and practice of the good in his daily life, he proved his commission to be from a higher than earthly source, and his belief in the Giver of all Good and in a just and merciful providence was evinced by his weekly presence in God's sanctuary on each returning Sabbath day, and there from God's acknowledged minister he received the message of peace and love that he carried into his daily life, and the lessons there learned from the sacred desk were beautifully exemplified in his daily walk with men.

It is well and we believe truthfully said, that the valiant never taste of death but once, and we who had the honor of knowing our friend knew that he was valiant, and death came to him, not with terrors, but like the serene and peaceful hour of a closing summer day, and the spirit of this good man when it passed into eternal and blissful rest, found a sweet repose from the labors of a useful and busy life, and when that great beyond and quiet haven known as death, which is but the tyrant of our imagination, was reached by him whose memory we honor to-day, we can not for a moment think or believe that he felt that his future was—

To die, and go we know not where:
To lie in cold obstruction and to rot.

Nay, nay. He went through "gates ajar," welcomed into a land of beauty and promise, a land of "pure delight," and there he found a cure-all for the fatigue of years. By death the gates of fame to him were opened, and the doors of envy forever closed. All competitions and rivalships were at an end, and our friend but used the path—

That must be trod
If man would ever pass to God.

In his death, as in the death of every good man, we look from time into the vale of eternity, and from a life of ache, imprisonment, and the infirmities of age, into a new life of eternal youth and blissful immortality. Death to such as he is but the opening of life, the life that lives forever.

Such, Mr. Speaker, was the peaceful and blissful end of one who had been faithful in all his doings, and it is an honor to this body to have it said he was one of us; his end was peace, the sure reward of a life of devotion to duty. Fidelity, integrity, and honesty were the marked characteristics of this good man. These speak louder than words of eulogy. Like unto a ripened shock of corn, like wheat ready for the garner, after the fulfillment of the allotment of years allowed by God to man he was gathered to his fathers. Of such we can truly say:

There are no dead, we fall asleep,
To waken where they never weep.
We close our eyes on pain and sin,
Our breath ebbs out, but life flows in.

And of our illustrious dead whose memory we this day honor we can say as was truthfully said and written of another of America's great men:

Of him no envious tongue upbraids,
His name a nation's heart shall keep
Till morning's latest sunlight fades
On the blue tablet of the deep.

His memory is sweet as the essence of the purest of flowers, and his example is one worthy of the emulation of each one of us.

[Mr. ROBINSON of Pennsylvania withholds his remarks for revision. See Appendix.]

[Mr. REILLY withholds his remarks for revision. See Appendix.]

[Mr. SPRINGER addressed the House. See Appendix.]

Mr. ADAMS of Pennsylvania. Mr. Speaker, among all civilized peoples from immemorial times it has been a beautiful custom to mingle with laments for the dead eulogies of their well-spent lives. The Greek elegy, the resounding prose of the Roman orators, the limpid speech and incisive phrase of the French Academy, and the lofty and pathetic verse of Milton and Tennyson have been alike in the one great purpose of teaching the lesson that the highest life is that which is lived for others. The public servant has this reward, that as the tendency of his

toil and labor is to take him out of himself and set before him the public good as his highest aim, so the popular heart is willing to condone his faults and errors and to remember only that he was one who had in his way striven to serve his fellow-man. But when such a public servant has brought uncommon physical energy, blessed with long life and large faculties of head and heart, to the tasks and obligations of political life, we must feel it to be a sad, yet sacred, duty to bring our unavailing regrets, mingled with words of commendation, to his bier.

Mr. Speaker, a good man has fallen; a valuable public servant has gone from among us. A representative of some of the best elements of our national progress, a tried and trusted legislator has answered at a higher roll call than this.

Charles O Neill came of old Revolutionary stock. His grandfather handled a musket in the war for Independence as a member of Capt. Helm s company of the New Jersey line. When the war was over he laid down his gun and took up the more peaceful occupation of teaching school at New Castle, in the State of Delaware.

His son afterwards removed to the city of Philadelphia, where his son, Charles O'Neill, was born on the 21st day of March, 1821, in a house built during the Revolutionary war on ground owned by the venerable parish of St. Peter's Church, on the north side of Spruce street, between Fourth and Fifth streets, and in it passed his youthful days. His preparatory education was received at the celebrated school of the Society of Friends on Fourth street in the said city, under the charge of John Sanderson, a scholar who has left his impress on many of his pupils. Thus, well grounded, young O'Neill entered Dickinson College at Carlisle, in the State of Pennsylvania, without difficulty in the year 1837, and while there that patient industry was developed which so characterized his later life.

During his stay in college the president wrote his mother that he had seen enough of the boy to know that he would make his mark in the world if given a chance, and advised on graduation that he should pursue the study of the law. This letter was the turning point of his life, for on taking his degree in the year 1840, he entered the office of that distinguished barrister, the Hon. George M. Dallas, afterward Vice-President of the United States, and in the year 1843 was admitted to the practice of law in the courts of his native city.

Mr. O'Neill soon developed a taste and aptitude for public affairs, and in the year 1850, while still a young man was honored by his fellow-citizens by an election to the house of representatives of the State of Pennsylvania on the Whig ticket, and was complimented by a reëlection in the years 1851 and 1852. So well did he fulfill his duties as a representative that his constituents in the next year promoted him to the State senate, where he was noted for the same strict attention to the interests of his district, which now covered a larger field and more diversified interests. In the year 1860 he was again returned to the house of representatives of his State as a Republican.

The career of Charles O Neill in public life was no sudden streak of fortune or of happy accident, as has characterized the beginning of so many men distinguished in the history of our country, but was founded and continued upon a conscientious performance of duty which gradually impressed itself upon the people of his city, and who showed their appreciation by his steady advancement at their hands, at the same time moved by a conviction that it was for their own advantage to retain the services of so faithful a public servant.

He was nominated by the Republicans for Congress in the year 1861. That party had not the hold upon the people at that date that it afterward acquired; and Col. Charles T. Biddle, a gallant soldier, was his Democratic opponent. Despite these facts so great was O'Neills' popularity that he was defeated by only 218 votes, and for the following term he defeated Col. Biddle by 2,546 votes. Mr. O Neill's majorities increased steadily during his nearly thirty years of service, his last being in the year 1892 6,405. He was returned as a Representative to Congress continuously except one term, when he was defeated by John V. Creely, an independent Republican supported by the Democrats.

The history of Mr. O'Neill for the nearly thirty years of his Congressional career is intimately interwoven with the history of the period of that service, and the student will find the record of his acts in harmony with the loyal efforts to preserve the Union and with the best interests of the financial management of the country and on the vital questions of currency, tariff, and commerce were conservative and sound, as propounded by the best minds and the closest thinkers of his party.

His chief and marked characteristic was his regular attendance upon the sessions of this House, his strict attentions to the questions under consideration, and to the wants of his people. No constituent ever had to write him a second time to secure attention to his request, and no interview was ever denied an applicant in Washington or at his home. The services of no Sergeant-at-Arms was ever necessary to notify him that the public business was being delayed on account of his absence, and but few quorums failed for the lack of his vote.

Mr. O'Neill did not pose as an orator, and never spoke unless he had something to say bearing on the question at issue. He never failed to command the respect and attention of his colleagues because they knew that peculiarity. His talk was always vigorous, concise, and accurate. In committee he was a most useful and indefatigable worker and always alert to advance or protect the interest of Philadelphia; and to him as much as to any member is she indebted for the appropriations made from time to time for the harbor improvements and also the appropriation for the new mint to be built in the city of Philadelphia.

The average citizen does not realize the requirements of legislative bodies and of governments as to details; both would become so clogged that the frame of society would dissolve if it were not for the patient, unassuming, industrious public servant like Charles O'Neill, who for forty years served his people so well. Through this long term of service no breath of dishonest scandal ever touched his name, and when it is remembered that great men, his colleagues and friends, were besmirched with the "Credit Mobilier" and "Star Route" frauds, to say nothing of lesser corrupt legislation, it adds the luster of unassailed integrity as another laurel to lay in his bier.

Mr. O'Neill was not ambitious, unless it was for the continued approval and acknowledgment of services advantageous to his constituents. His aspirations never led him to wish for or to seek the Speakership of the House, although his long service and great knowledge of parliamentary law gave him a claim to that honorable position. His idea of Congressional service was upon the floor of the House, continued by successive elections, showing the undiminished confidence of his district. He had his wish and died the "father of the House," and will take his place in history beside his colleagues who also attained similar honor, and the names of Kelley, Randall, and O'Neill will ever stand out brilliantly from among the sons of Pennsylvania who shed luster upon their native State by their able representation in the National Legislature.

During his course in Congress he had as colleagues Thaddeus Stevens, James K. Moorhead, Edward McPherson, and GALUSHA A. GROW, so recently returned a member, full of years and honors, but alas, to find but few of his former associates left. From other States were seated JUSTIN S. MORRILL, Henry L. Dawes, John A. Logan, William Windom, Elihu B. Washburne, Roscoe Conkling, James G. Blaine, James A. Garfield, Nathaniel P. Banks, Samuel S. Cox, and WILLIAM S. HOLMAN, who is still a member, and succeeds Mr. O'Neill as "father of the House."

It is given to but few of a member's constituents to know of his home life, but it was there that some of the strongest and loveliest traits of the one we mourn to-day showed themselves. It was in his library, crowded with documents of every sort that related to Philadelphia, that his great knowledge of her affairs and of all things that concerned her citizens was demonstrated. He was familiar with every measure, public or private, relating to Philadelphia, and his information was at the disposal of all.

One of the marked traits of the deceased was his gentle nature and kindness toward his associates. A beautiful compliment was once paid to a Senator that "the consciousness of having unintentionally used a discourteous expression would bring a blush to his face." It might with equal propriety be said of Representative O'Neill that the consciousness of having wounded a brother member would have given a much deeper wound to his own heart. One who knew him well thus described his character to me: "He had great determination and was sympathetic to a wonderful degree: duty was his greatest characteristic. No personal pleasure nor thought of self ever interfered with his public service. To his country and his family he was faithful the same. Truthfulness was another trait; he could not tolerate even in jest the least deviation from the truth. He had the simplicity of a child, the tenderness of a woman, with the strength of a man, and all that was most beautiful in him was thrown out most in his home life." His death was in keeping with his life.

The fatigue of the extra session in the summer was beyond his failing health. His last act was to administer, as the oldest member, the oath of office to the new Speaker. He returned to Philadelphia, where his vitality rapidly waned, and on November 25, 1893, he laid down for rest and it proved to be everlasting, for he never woke. His burial, too, was simple, save the official presence of the Congressional delegation, it might have been thought a plain citizen was being given the final rites. But as one looked around the Presbyterian Church he would have been impressed with the sad faces of the many gathered to do him honor.

Rich and poor were assembled there, for all classes knew they

had lost a faithful Representative and friend, and as the plain coffin that held all that was left of Charles O'Neill was borne down the aisle but few of the eyes that beheld it were undimmed with tears, and yet all felt they could find some consolation in Cicero's eloquent words: "His end was not unfortunate, for he died mature in years and full of honors and at a moment happy for his fame, but unfortunate for his country."

[Mr. HOLMAN withholds his remarks for revision. See Appendix.]

Mr. WRIGHT of Pennsylvania. Mr. Speaker, we are assembled in a historic Chamber whose walls during the long decade since its foundation have echoed and reëchoed infinite sounds as they reflected the roar of the lawmaking machinery of a great nation—the angry notes of heated partisanship and the persuasive plea of eloquence. Here, we are more accustomed to listen to the conclusive facts of the statistician, the logical argument of debate; to present stirring pleas for right or to hurl flaming denunciation of wrong.

But to-day no voices such as these resound. Argument has been stilled and genius employs its powers only to lay eloquent tribute at the feet of the dead. With sadness and the awed accents which we use toward the one who has performed his last earthly work and learned the final, the mightiest secret that nature withholds from mortals, we, his friends and colleagues, gather to give testimonial to the life work and character of the man who has recently passed from our midst. For every dead, some tear is let fall. The millionaire is wept by his retinue of beneficiaries; the ashen face of the beggar is fawned upon by his faithful dog; but the cynic complains that this grief is seldom sincere, that these trappings and suits of woe are but a mockery and that eulogy too frequently consists of fulsome encomiums, uttered in compliance with the dictates of empty formality and sounding with a hollow ring.

Human nature is indeed weak, but it has enough mingling of the Divine essence to appreciate what is good and admirable in man, and, when called upon to mourn a truly noble character, its grief is real, for its loss is genuine.

With such grief do we pay tribute to the memory of Charles O'Neill, a member of this House from the city of Philadelphia, and who was serving his fifteenth term in Congress when removed by the decree of the dread destroyer.

The announcement of his death last November was received with lamentations throughout the country, for he had gained a national reputation by a long and exemplary life devoted to the service of the people. The highest eulogium which can belong to anyone was paid to him when the people and their public exponent, the press, burned the incense of their sorrow around his bier, uttering voluntary praise of his virtues.

As private citizens we then mourned over his grave; it now remains for us to give official recognition of his character and to record in our archives the deep regret which we feel for the loss from our body of one who was for so many long years hailed as its Nestor.

The historical associations which so richly cluster around the city of Philadelphia are an inexhaustible theme for eloquence and reflection. Philadelphia gave birth to American liberty and proudly nourished the child into strength: there was framed the wonderful document which bound us into an indissoluble Union, and there the early years of our Government, presided over by Washington and Adams, were spent in building firm foundations for the greatest nation on the globe.

With such associations was Mr. O'Neill's whole life closely intertwined. Born in Philadelphia in 1821, his elder townsmen had heard the bell proclaiming liberty to all the world; had listened to John Nixon read the Declaration in the State House yard, and taken part in ratification, celebration, and inauguration ceremony. He himself passed daily under the shadow of that most notable State House and learned lessons in good citizenship and good government from the traditions of Penn and Franklin.

How sincerely he appreciated the great deeds of great men was shown in 1871 when, as the Representative of his city in the Forty-first Congress, he advocated the bill providing for the celebration in Philadelphia of the one hundredth anniversary of American Independence, and in an eloquent and effective speech said:

> The people want it [the celebration] where the events occurred, where the Continental Congress held its sessions, Carpenter's Hall, although surrounded by commercial warehouses, still standing and destined to remain forever a monument to the patriotic men who there assembled; where, too, as you all know, is Independence Hall, the very room in which the Declaration was agreed upon, unaltered in its interior arrangement, and the building itself consecrated to the end of time as the temple of American freedom, never to be closed to visitors, who ever delight to enter its sacred portals. Why, then [he asked] should we hesitate about the passage of this bill? Let us show to the world that we can compete with every nation in the arts, sciences, and in manufactures; and, more than all, let us declare that, at the distance of one hundred years from the day of the Declaration and from the very spot upon which we were made free, the men of America still cherish the memory of those who laid the foundations of our greatness and of our unequaled prosperity.

Mr. O'Neill soon realized his expectations of the Centennial Exposition; within a score of years thereafter he also saw his country so increase in wealth and power that it could give, to celebrate the four hundredth anniversary of its discovery, another World's Exposition surpassing in beauty and wonder any previous human conception.

One of the most striking features of Mr. O'Neill's public life was his untiring devotion to the city of Philadelphia and its interests. Let but the word "Philadelphia" be uttered by a member in any part of this House and he was instantly on the alert watching proceedings, and always championing the cause of his city, no matter what the question might be; defending her when attacked, lauding her when criticised, and always guarding her fair name and fame with a true lover's devotion until we had all come to look upon him as the especial champion of Philadelphia.

No lover was ever more devoted to the object of his affection than was Charles O'Neill to the city he represented and which he loved so well. Even to have lived in Philadelphia was sufficient to secure for any such person his kindest consideration, and this affection for his native city was not that of the demagogue, but sprung from the heart, and as he grew older in years it seems his love for the city which he had honored became more and more intense, and none of us who sat with him during his last few years in Congress have failed to note the fact that his life seemed bound up in the interests and welfare of his native city. Never having been married, and having no family of his own, it seemed that the love which might have gone to wife and children was bestowed upon the city and people of Philadelphia, and it can be truly said that while that city honored him with such a long period of continuous service, yet he in return by his undying devotion and splendid championship conferred an equal honor upon the city he represented.

Mr. O'Neill's education at Dickinson College had strengthened his ties to his State, and when, after his admission to the bar, he proved himself not only an able forensic pleader, but a citizen alive to the public needs, his native city, whose hearth he never deserted, sent him as one of her representatives to the State Legislature. For two years from this time (1860) he served in one or the other of the branches of the Pennsylvania Legislature, a period memorable in our history for the heated discussion arising from the sectional differences existing north and south of Mason and Dixon's line, a boundary which the famous surveyors had dated from Mr. O'Neill's own city.

True to the traditions of that State which had been the keystone of our early Union, he was staunchly faithful to the National Government, and when the awful throes of civil war racked the country his townsmen recognized his loyalty and sterling worth by sending him as one of their Representatives to the Thirty-eighth Congress. From this year (1862) up to his death in 1893 the name of Charles O'Neill was omitted from the roll call of this House for but one term, that of the Forty-second Congress, when the gallant war record of Mr. Creely aroused the enthusiasm of a people just mustered out of a victorious army.

Faithful to his constituents, fully awake to the public welfare, steadfastly upright in all his aims, he conscientiously and ably performed his duties as a representative of the people for nearly thirty years, a term of service equaled only by one now with us and far distancing all others.

Among the ancients such length of time devoted to the people and to the nation would have been deified in their temples. They would have believed the gods to be the direct coadjutors of a man who could for such long years, through varying epochs of social and political progress, retain the unshaken respect and confidence of his constituents. Among the first to enlist in the ranks of that party who took "The Republic" as its banner cry, he forever remained unwaveringly true to its tenets. He was a firm believer in and teacher of its liberal conservatism, of its care for the people's industries and interests. In witness of its wisdom, he saw it safely guide his country through the perils of a tremendous civil war, and healing and strengthening, increase the Union from thirty-three to fourty-four States, the greatest nation in history.

A typical gentleman in habits, manner, and tastes, the influence of Mr. O'Neill's quiet personality was always for good. His were not the rhetorical soarings of the loud-voiced orator, nor the blatant leadership of the demagogue. He spoke to speak well, whether for or against the question in debate, and his words always received that attention which they deserved, since his absolute integrity and his knowledge of the principles and details of his duties in this body secured him a respectful and

attentive hearing made more voluntary by his uniform courtesy and genial disposition.

"Mild in manner, resolute in conviction," his name is permanently written in the annals of our nation as an exemplary type of citizen—a benefactor to his fellows, a lover of his country, an honest man.

The legions of heaven had watched him perform, day after day, year after year, the work laid to his hands, with never a shirking of responsibility nor a diminution of fidelity. At last they cried: "This man is unimpeachable; we have tried him well and found him not wanting;" and, as he was again about to put his shoulder to the wheel, yet unbent by the weight of more than his allotted three score and ten years, they called to him: "Rest, thou good and faithful servant."

Mr. REYBURN. Mr. Speaker, before the House adjourns I desire to ask leave that all gentlemen who desire to do so may print remarks upon this subject. I have received telegrams from my colleagues [Mr. DALZELL and Mr. BINGHAM] who were to be here to-day, but who are sick and unable to be present. I ask leave to print, not only for these gentlemen, but for such other members of the House as may desire it.

Mr. HENDERSON of Illinois. I hope that request will be granted. I myself had intended to submit some remarks on this occasion, but on account of sickness have been unable to prepare any. I desire to pay some tribute to the memory of our departed friend.

The SPEAKER *pro tempore*. The request will be granted in the absence of objection.

There was no objection.

And then, in accordance with the terms of the resolutions (at 2 o'clock and 43 minutes p. m.), the House adjourned until Monday, April 2, at 12 o'clock noon.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. COFFEEN: A bill (H. R. 6517) to provide for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. COGSWELL: A bill (H. R. 6521) to provide for the support of bastard children in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 6522) to provide for the support of wives and minor children in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. HOLMAN: A resolution authorizing the payment of $200 to Isaac F. Smith for services as messenger of the House—to the Committee on Accounts.

By Mr. BAILEY: A resolution inquiring of the Secretary of the Treasury regarding certain interest-bearing Treasury notes—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COX: A bill (H. R. 6519) for the relief of Shields and H. Bryant, executors of J. Youngblood, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6520) for the relief of Thomas J. Lawson, sr.—to the Committee on War Claims.

By Mr. GROSVENOR: A bill (H. R. 6523) authorizing the President to appoint and retire John B. Turchin as a brigadier-general in the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 6524) to place the name of John B. Turchin on the pension rolls at the rate of $100 per month—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6525) for the relief of Josiah R. Allen—to the Committee on War Claims.

Also, a bill (H. R. 6526) for the relief of Robert Coombes, of Harrisonville, Ohio—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AITKEN: Petition of C. H. Taylor and 18 others, of New Hudson, and A. J. Beller and 40 others, of Orion, Mich., asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Resolutions of the Forestry Congress, favoring the policy of national protection to the public forests—to the Committee on the Public Lands.

By Mr. COGSWELL: Letter of S. T. Thomas, in favor of a law to provide for the support of wives and minor children, and for other purposes—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of 15 citizens of Mason City, Iowa, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of New York: Resolution in favor of a Christian amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. CUMMINGS: Petition of 5,000 citizens, residents of the city of New York, N. Y., in favor of the passage of House bill 4457, to provide for a new grade of letter-carriers in cities whose postal revenues shall exceed the sum of $500,000—to the Committee on the Post-Office and Post-Roads.

By Mr. DURBOROW (by request): Petition of Charles William Zaremba, praying for reimbursement for voluntary expenses incurred in connection with the World's Fair—to the Committee on Appropriations.

By Mr. HENDRIX: Petition of T. T. Williams and others, citizens of Rock Falls, Ill., and P. H. Smith and others, citizens of Harmon, Ill., for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Tobacco Exchange, in respect to sale of untaxed leaf tobacco—to the Committee on Ways and Means.

By Mr. MILLIKEN: Petition of Walden Otis and others, for a law to enable States to enforce laws regulating the sale of substitutes for dairy products—to the Committee on Agriculture.

By Mr. PICKLER: Petition of J. L. Flynn and 22 others, of Sioux Falls, S. Dak., protesting against the raising of the internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. RICHARDSON of Michigan: Petition of Paul J. Averill and 47 others, of Grand Rapids, Mich., asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Iron Molders' Protective Association of Detroit, and of Goldsmith Lodge, No. 167, Ancient Order of United Workmen, of Grand Rapids, in favor of the Government control of telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition against Louisiana lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: Petition of the Rev. Carleton F. Brown and 90 others, citizens of St. Charles, Minn., in favor of the passage of antilottery legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER of Alabama: Letter from J. C. Jamison relative to House bill 6021, regulating representation of Oklahoma Legislature—to the Committee on the Territories.

By Mr. WILLIAMS of Illinois: Petition of Sarah C. Gibson for pension (House bill 6513)—to the Committee on Invalid Pensions.

By Mr. WILSON of Washington: Petition of 68 citizens of Port Townsend, 44 of Port Angeles, and 20 of South Bend, Snohomish, and of the State of Washington, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *April 2, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Thursday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 69) prescribing limitations of time for completion of title to certain lands disposed of under the act of Congress approved September 27, 1850, and the acts amendatory and supplemental thereto, and commonly known as the "Donation act," and for the protection of purchasers and occupants of said lands, and had appointed Mr. MCRAE, Mr. HARE, and Mr. LACEY managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis;

A bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;

A bill (H. R. 6042) to authorize sale of lot 8, block 3, city of Hot Springs, by school directors thereof, and use of proceeds for school purposes; and

A bill (H. R. 6110) to authorize the construction of a bridge across the Mississippi River at Red Wing, Minn.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 146) providing for the payment of salaries and expenses of additional deputy collectors of internal revenue to carry out the provisions of the Chinese exclusion act of May 5, 1892, as amended by the act of November 3, 1893; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. HAWLEY presented the petition of E. A. Hopkins and 14 other citizens of Litchfield County, Conn., and the petition of M. Falrey and 25 other citizens of Litchfield County, Conn., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which were referred to the Committee on Interstate Commerce.

Mr. DAVIS presented a memorial of Capital City Lodge, No. 3, Brotherhood of Boilermakers and Iron Shipbuilders, of St. Paul, Minn., remonstrating against the passage of House bill 2655, granting American registry to foreign-built ships; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's National Indian Association, of St. Paul, Minn., praying that an increased appropriation be made for the better education of Indian children; which was referred to the Committee on Indian Affairs.

He also presented petitions of St. Croix Lodge, No. 14, Ancient Order of United Workmen, of Stillwater; of Invincible Union, No. 785, of Winona, and of Lodge No. 63, Ancient Order of United Workmen, of Worthington, all in the State of Minnesota, praying that fraternal college and society journals be admitted to the mails as second class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY. The fact that I am a resident during the winter of the pineapple district of Florida is my apology to the Florida Senators for presenting a memorial of the Legislature of that State; which I send to the desk and ask to have it read.

The memorial of the Legislature of Florida was read, and ordered to lie on the table, as follows:

House joint resolution relating to duty on foreign pineapples.

Whereas the production of the pineapples is rapidly assuming proportions of magnitude in the semitropical portions of the United States; and

Whereas the large territory adapted to the growth of this fruit which is now being provided with transportation facilities is sufficient to supply the demands of our own country, if put under cultivation; and

Whereas our people can not successfully compete with foreign producers who have the advantage of more fertile soils, much cheaper labor and less transportation rates; and

Whereas this industry, by being husbanded, will rapidly multiply, affording rich fields for investing capital, and giving profitable employment to a large class of our citizens: Therefore

Be it resolved by the Legislature of the State of Florida, That our Senators and Representatives in the Congress of the United States be requested to use every effort to secure the passage of a law imposing a duty of $2 per barrel crate of 4 cubic feet, or, when shipped in bulk, $3 per 100, on all foreign pineapples imported into the United States; and that the secretary of state be requested to furnish a copy of this resolution to our Senators and Representatives in Congress.

Approved May 11, 1893.

Mr. QUAY presented a petition of sundry citizens of Indiana County, Pa., praying for the enactment of legislation granting arrears of pension to Henry Sohnetberg, a veteran of the Mexican war; which was referred to the Committee on Pensions.

Mr. WILSON presented a petition of the United Presbyterian Church, of Castorville, Cal., praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Trade and Labor Congress of Dubuque, Iowa, remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented a petition of the Burlington (Iowa) Division, Order of Railway Conductors, praying for the adoption of an amendment to the interstate-commerce law, prohibiting the sale of transportation tickets by brokers, scalpers, or any unauthorized agent; which was referred to the Committee on Interstate Commerce.

He also presented petitions of 97 citizens of Keokuk; of 77 citizens of State Center, and of Root Camp, No. 282, Modern Woodmen of America, of Monticello, all in the State of Iowa, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER presented a memorial of sundry citizens of Shawnee County, Kans., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pittsburg, Pa., praying for the enactment of legislation providing for the improvement of the public roads throughout the country; which was referred to the Committee on Education and Labor.

Mr. McMILLAN presented a petition of Standard Lodge No. 138, Brotherhood of Locomotive Firemen, of Detroit, Mich., and a petition of the Operative Plasterers' Union, of Detroit, Mich., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Edmund F. Auger, and sundry other citizens of Detroit, Mich., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

He also presented the petition of J. S. Roberts and sundry other citizens of Richmond; of Tent No. 217, Knights of the Maccabees, of Durand; of Arcade Tent No. 155, Knights of the Maccabees, of Richmond, all in the State of Michigan, praying that fraternal college and society journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented sundry petitions of citizens of Los Angeles, Biggs, Fowler, San Francisco, Ione, Forest City, and Golden Gate, all in the State of California, praying that fraternal college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of sundry citizens of Dummerston, Vt., and a petition of sundry citizens of Sharon, Conn., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which were referred to the Committee on Interstate Commerce.

He also presented sundry petitions of citizens of New Haven, Conn., praying for the enactment of legislation to suppress the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Ansonia, Conn., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of Lodge No. 46, Ancient Order of United Workmen, of Hopkins, Mo., and a petition of Founders' Lodge, No. 224, Ancient Order of United Workmen, of Steelville, Mo., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a memorial of the Elliott-Loeffler Company and sundry other wholesale liquor dealers, of Lacrosse, Wis., remonstrating against an increase of the tax on distilled spirits; which was ordered to lie on the table.

He also presented the memorial of Metzler, Sacks & Co. and sundry other importers and dealers in leaf tobacco, of Milwaukee, Wis., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

Mr. TURPIE presented the petition of Catharine Clark, of Indianapolis, Ind., praying that she be granted a pension as one of the heirs of Louis Glass, late quartermaster sergeant, Company C, Thirteenth Regiment Indiana Cavalry Volunteers; which was referred to the Committee on Pensions.

Mr. ALLEN presented a petition of sundry citizens of Rising City, Nebr., praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

He also presented a memorial of 74 citizens of Philadelphia, Pa., remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States, recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. LODGE. I present a memorial of wool merchants of Boston, Mass., signed by nearly all the merchants engaged in that business in Boston, without distinction of party, remonstrating against the passage of the Wilson tariff bill, and especially against the woolen schedule of that bill, and praying that a duty be placed on wool. I move that the memorial be printed as a document with other memorials on the same subject which have already been ordered printed, and that it lie on the table.

The motion was agreed to.

Mr. LODGE presented the petition of B. H. Welsh and 24 other citizens of Somerville, Mass., and the petition of Charles S. Gibbs and 28 other citizens of Lawrence, Mass., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present resolutions adopted by Sub-Lodge No. 32, of the Brotherhood of Boilermakers and Iron Ship builders of America, and indorsed by the Industrial Council, of Kansas City, Mo., remonstrating against the passage of the bill pending in the House of Representatives providing for free ships. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PASCO presented the petition of B. F. Hall and 22 other orange and lemon-growers of Florida, praying that such provision be made in the pending tariff bill as will enable them to overcome the difference in the values of labor between the old country and the new, and which will preserve their industry from destruction; which was ordered to lie on the table.

Mr. DOLPH. I have received a communication from a constituent of mine, residing at Bly, Klamath County, Oregon, inclosing a resolution favoring a reform in spelling, and for the calling of an international convention to effect that end. I do not like to introduce a bill to be printed, but I should like to have the matter go before the Committee on Education and Labor. I present the communication and accompanying resolution, and move that they be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. PROCTOR presented the petition of R. M. Pratt and 29 other citizens of Dummerston, Vt., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Appropriations, to whom was referred the petition of Dr. Philip S. Wales, late medical director, United States Navy, praying that he be granted certain relief by Congress, asked to be discharged from its further consideration and that it be referred to the Committee on on Naval Affairs; which was agreed to.

He also, from the Joint Commission of Congress to Inquire into the Status of Laws Organizing the Executive Departments, to whom was referred the bill (S. 1831) to improve the methods of accounting in the Department of the Treasury, and for other purposes, reported it without amendment and submitted a report thereon, and moved that the bill and report be referred to the Committee on the Organization, Conduct, and Expenditures of the Executive Departments; which was agreed to.

Mr. BERRY. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 3135) granting to the University of Utah a site off the public domain, to report it back and recommend that it be referred to the Committee on Military Affairs. The bill relates to a reservation which has not been abandoned and properly belongs to the Committee on Military Affairs.

The VICE-PRESIDENT. Without objection, the Committee on Public Lands will be discharged from the further consideration of the bill, and it will be referred to the Committee on Military Affairs.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 1127) for the relief of Francis M. Tomlin, reported it without amendment.

Mr. ALLEN, from the Committee on Public Lands, to whom was referred an amendment submitted by himself on the 19th ultimo, intended to be proposed to the sundry civil appropriation bill, relating to the resurvey of the lands of Grant and Hooker Counties, Nebr., reported it favorably with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1583) for the relief of Wesley Montgomery, reported it without amendment, and submitted a report thereon.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred an amendment submitted by Mr. KYLE on the 28th ultimo, intended to be proposed to the sundry civil appropriation bill, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. PASCO, from the Committee on Public Lands, to whom was referred the bill (S. 680) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia, asked to be discharged from its further consideration and that it be referred to the Committee on Private Land Claims; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 684) for the relief of the heirs of the late Mrs. Catherine P. Culver, reported it with amendments and submitted a report thereon.

Mr. DOLPH. I report, by direction of the Committee on Public Lands, the bill (S. 76) for the relief of William P. Keady, which may be indefinitely postponed, as such action has been taken in the Interior Department as renders the passage of the bill unnecessary.

The VICE-PRESIDENT. The bill will be indefinitely postponed.

Mr. DOLPH. Also, by direction of the Committee on Public Lands, to whom was referred the bill (H. R. 889) for the relief of William P. Keady, I report it back, and for the same reason I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. DUBOIS, from the Committee on Public Lands, to whom was referred the amendment submitted by him on the 28th ultime, intended to be proposed to the sundry civil appropriation bill, providing for an appropriation for surveys and resurveys of public lands, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HANSBROUGH. I am directed by the Committee on the District of Columbia to report a substitute for the bill (H. R. 3740) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," heretofore reported from that committee and now on the Calendar.

The VICE-PRESIDENT. The amendment will be printed, under the rule.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1772) extending the time for the completion of a railroad bridge over the Columbia River at or near Vancouver, in the State of Washington, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1808) to amend the act of June 22, 1892, entitled "An act to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak," reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across the Tennessee River at Clifton, Tenn., reported it with an amendment.

Mr. VILAS, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. POWER on the 28th ultimo, intended to be proposed to the sundry civil appropriation bill, reported it favorably and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BOOK-MAKING IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to report an amendment in the nature of a substitute for the bill (S. 1680) to more effectually suppress gambling in the District of Columbia, heretofore reported by the committee. I ask for the present consideration of the bill.

The VICE-PRESIDENT. The Senator from Michigan reports an amendment in the nature of a substitute. The proposed amendment will be read for information.

The SECRETARY. The Committee on the District of Columbia report to strike out all after the enacting clause of the bill and insert:

That the provisions of the act of Congress approved the 31st day of January, 1893, entitled "An act to more effectually suppress gambling in the District of Columbia," and also the provisions of the act of Congress approved the 21 day of March, 1891, entitled "An act to prevent book-making and pool-selling in the District of Columbia," shall not apply to book-making at the spring and fall meetings, at the Bennings and Ivy City race tracks when such meetings are held by organizations duly incorporated under the laws of the District of Columbia: *Provided*, That such meetings shall be held only between the 1st day of March and the 15th day of December in any year, and shall not exceed a period of eighteen days each: *And provided further*, That there shall be but one spring meeting and but one fall meeting at each of the above-named tracks in any one year.

The VICE-PRESIDENT. The Senator from Michigan asks for the present consideration of the bill.

Mr. PEFFER. I object to the consideration of the bill.

The VICE-PRESIDENT. There is objection to the request of the Senator from Michigan.

AGRICULTURAL REPORT FOR 1893.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 139) to print the Agricultural Report for 1893, to report it without amendment; and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the

Whole, proceeded to consider the joint resolution. It proposes to appropriate $300,000 to print 500,000 copies of the Annual Report of the Secretary of Agriculture for the year 1893; 110,000 copies for the use of the Senate, 360,000 copies for the use of the House of Representatives, and 30,000 copies for the use of the Department of Agriculture.

Mr. HARRIS. I should like to ask the Senator from Maryland why it is that only 110,000 copies are appropriated for the Senate and there are 360,000 copies provided for the House of Representatives? My recollection is that with respect to the printing of documents generally, one-half of the number usually given to the other House is given to the Senate.

Mr. GORMAN. The Senator from Tennessee is quite correct in his statement as to the usual order, but in the matter of the agricultural report, after a very long controversy in both Houses in years past, this proportion was finally determined upon, and it was so fixed in the printing bill which passed the Senate in the last Congress and is now pending in the other House. The joint resolution is in exact conformity with the numbers ordered printed in the last two or three years.

Mr. HARRIS. I shall raise no question in regard to the matter.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL WOOLGROWERS' ASSOCIATION.

Mr. GORMAN, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 2,500 copies of Senate Miscellaneous Document No. 124, Fifty-third Congress, second session, being an "Appeal of the National Woolgrowers' Association, etc.

Mr. GORMAN, from the Committee on Printing, to whom was referred a concurrent resolution submitted by Mr. POWER, March 6, 1894, providing for the printing of 500 copies of Senate Miscellaneous Document No. 77, a memorial of the National Woolgrowers' Association, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. GORMAN. I present reports to accompany the joint resolution and the resolution just passed, and ask that they be printed in the usual form.

The VICE-PRESIDENT. It will be so ordered.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 1837) providing for an international humane conference; which was read twice by its title.

Mr. CULLOM. The bill is accompanied by a number of petitions of boards of trades in its behalf. I introduce the bill without knowing whether it is right in every particular, and therefore do not care to be entirely responsible for it. I move that the bill, with the accompanying papers, be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PLATT introduced a bill (S. 1838) to increase the pension of Caroline B. Andrews; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCPHERSON (by request) introduced a bill (S. 1839) to incorporate the American College of Musicians; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. GRAY introduced a bill (S. 1840) to establish a department of public health; which was read twice by its title.

Mr. GRAY. I ask that the bill, with the accompanying papers, be referred to the Committee on the Judiciary.

Mr. HARRIS. It is a bill proposing to create a department of public health. Every bill or petition upon that general subject since the winter of 1878–'79 has been referred to the Committee on Epidemic Diseases, and I move that this bill take the same direction. That is the committee which has had jurisdiction of the subject-matter for a number of years, and there is no other committee of the body which can legitimately take charge of the bill.

Mr. GRAY. I wish merely to state my reasons for asking the reference of the bill to the Committee on the Judiciary. I, of course, know there is such a standing committee as the Committee on Epidemic Diseases, and certainly intended no disrespect to that committee, but it occurred to me and to those who are interested in the bill, that inasmuch as it has no reference to any of those subjects which are generally supposed to occupy the attention of that committee, and does contemplate the creation of a new department in the Government, to wit, a secretary of public health, making a new department, just as the Department of Agriculture, it ought to be considered gravely by the committee to which we refer all bills that propose to make any material or serious change in the organization of our Government. I introduce the bill at the request of respectable medical authorities and societies and not as my own bill or as in all respects representing my own views; and for the reasons I have stated I think it ought to have the consideration of the Committee on the Judiciary.

Mr. HARRIS. Will the Senator from Delaware allow me to suggest to him that there are two bills already introduced upon the same subject and for the same purpose that have gone to the Committee on Epidemic Diseases? That committee has charge of the subject-matter now by the introduction and reference of two bills during the present session of Congress.

Mr. CHANDLER. I am not now a member of the Committee on Epidemic Diseases, but I certainly think the Senator from Delaware ought to consent to have the bill go in the first instance to that committee. If it should turn out in the consideration of the question that there are grave legal matters or matters so connected with the organization of the Departments of the Government that it ought to go to the Committee on the Judiciary, I know the Senator from Tennessee well enough to believe that when he reports the bill to the Senate he will himself ask that it shall have further consideration before the Committee on the Judiciary.

If the Senator from Delaware were to introduce a bill to create a Department of Agriculture, he would not think of sending that bill in the first instance to the Committee on the Judiciary. It would necessarily first go to the Committee on Agriculture and Forestry for consideration by that committee, and if it were thought advisable it could be further considered by the Committee on the Judiciary or any other committee of this body. The bill for the creation of the Department of Agriculture was considered and reported by the Committee on Agriculture and Forestry. If the Senator from Delaware makes objection to the reference I will move that the bill be referred to the Committee on Epidemic Diseases.

Mr. GRAY. That motion has already been made. I will state that I have no personal feeling in regard to the reference of the bill to the Committee on the Judiciary rather than the Committee on Epidemic Diseases. I am inclined to believe that the sense of the Senate is that it ought to go to the latter committee, in the first instance, and therefore I will accede to the proposition made by the Senator from Tennessee.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee that the bill be referred to the Committee on Epidemic Diseases? The Chair hears none, and the bill is so referred.

Mr. MCMILLAN introduced a bill (S. 1841) to provide that all persons employing female help in stores, shops, offices, or manufactories shall provide seats for the same when not actively employed; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 1842) granting a pension to Eliza E. Reed; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1843) to authorize the Philadelphia and Camden Bridge Company to construct a bridge across the Delaware River, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WOLCOTT introduced a bill (S. 1844) granting an honorable discharge to Jacob L. Neighbarger; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLEN introduced a bill (S. 1845) granting a pension to Isaac D. Gregg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 1846) granting a pension to J. M. Swift; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1847) for improving the Yamhill River; which was read twice by its title, and, with the accompany paper, referred to the Committee on Commerce.

Mr. CHANDLER introduced a bill (S. 1848) granting a pension to Julia Weeks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 1849) for the relief of H. A. Eldred; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. HIGGINS introduced a bill (S. 1850) making an appropriation to complete the appraisement of improvements of intruders in the Cherokee Nation and to ascertain and adjudicate their rights therein, and for other purposes; which was read twice by its title.

Mr. HIGGINS. I desire to say that I have not prepared the bill and do not wish to be held responsible for all its provisions. But it is a subject that needs consideration and I have consented

to introduce the bill. I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HIGGINS introduced a bill (S. 1851) for the relief of Samuel V. B. Strider; which was read twiceby its title, and referred to the Committee on Claims.

Mr. LODGE introduced a joint resolution (S.R. 72) to permit Capt. T. O. Selfridge, United States Navy, to receive a decoration conferred upon him by the President of the Republic of France; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. VILAS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GRAY submitted sundry amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

HOWARD'S PAPER ON THE LABOR PROBLEM.

Mr. KYLE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Committee on Education and Labor 1,000 copies of Miscellaneous Document No. 95, entitled, A Solution of the Labor Problem.

COINAGE OF STANDARD MEXICAN DOLLARS.

Mr. WOLCOTT submitted the following resolution; which was read:

Resolved, That the President of the United States with a view to encourage and extend our commercial relations with China and other Asiatic countries, be requested to enter into negotiations with the Republic of Mexico, looking to the coinage by the United States, at its mints, of standard Mexican dollars, under some proper agreement with the said Republic of Mexico as to seigniorage, method and amount of said coinage; and that he be further requested to report the result of his negotiations to the Senate.

Mr. WOLCOTT. The resolution may lie over until to-morrow, when I shall call it up at the proper time.

The VICE-PRESIDENT. The resolution will lie over.

EXTRADITION TREATY WITH RUSSIA.

Mr. TURPIE submitted the following resolution; which was read:

Resolved, That the Committee on Foreign Relations be requested to consider the expediency of considering the undertaking of further negotiations upon the subject of procuring certain modifications of the existing extradition treaty with the Russian Empire concerning the arrest and extradition of persons charged with offenses designated in said treaty as not political.

Mr. TURPIE. I ask that the resolution lie on the table and be printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 4954) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 6042) to authorize sale of lot 8, block 3, city of Hot Springs, by school directors thereof, and use of proceeds for school purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 6110) to authorize the construction of a bridge across the Mississippi River at Red Wing, Minn., was read twice by its title, and referred to the Committee on Commerce.

ISSUE OF BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from Kansas [Mr. PEFFER], which will be read.

The resolution submitted by Mr. PEFFER March 28, 1894, was read, as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained.

Mr. MORGAN. I am directed by the Committee on Foreign Relations to make a report, which I ask leave to submit at this time.

The VICE-PRESIDENT. The Chair recognizes the Senator from Alabama to make a report.

BERING SEA AWARD.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations to report a bill, which originated with the committee, to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of fur seals.

I ask that the bill may now receive its first reading in the Senate at length.

The VICE-PRESIDENT. The bill will be read the first time at length.

The bill (S. 1836) to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals, was read the first time at length, as follows:

Whereas the following articles of the award of the Tribunal of Arbitration constituted under the treaty concluded at Washington the 29th of February, 1892, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, were delivered to the agents of the respective Governments on the 15th day of August, 1893:

ARTICLE 1.

The Governments of the United States and Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue, at any time and in any manner whatever, the animals commonly called fur seals within a zone of 60 miles around the Pribilov Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geopraphical miles, of 60 to a degree of latitude.

ARTICLE 2.

The two Governments shall forbid their citizens and subjects respectively to kill, capture, or pursue, in any manner whatever, during the season extending, each year, from the 1st of May to the 31st of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Behring Sea, which is situated to the north of the thirty-fifth degree of north latitude, and eastward of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article 1 of the treaty of 1867 between the United States and Russia, and following that line up to Behrings Straits.

ARTICLE 3.

During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

ARTICLE 4.

Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

ARTICLE 5.

The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two governments to the other at the end of each fishing season.

ARTICLE 6.

The use of nets, firearms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Behring Sea, during the season when it may be lawfully carried on.

ARTICLE 7.

The two governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

ARTICLE 8.

The regulations contained in the preceding articles shall not apply to Indiansdwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars or sails and manned by not more than five persons each in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons, and provided that when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

ARTICLE 9.

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

Now, therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilov Islands within a zone of 60 geographical miles (60 to a degree of latitude) around said islands, exclusive of the territorial waters.

SEC. 2. That no citizen of the United States, or person above described in section 1 of this act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, in any manner whatever, during the season extending from the 1st day of May to the 31st day of July, both inclusive, in each year, any fur seal on the high seas outside of the zone mentioned in section 1, and in that part of the Pacific Ocean, including Behring Sea, which is situated to the north of the thirty-fifth degree of

north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in Article 1 of the treaty of 1867, between the United States and Russia, and following that line up to Behring Straits.

SEC. 3. No citizen of the United States or person above described in the first section of this act shall, during the period and in the waters in which by section 2 of this act the killing of fur seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed, in carrying on or taking part in fur-seal fishing operations, other than a sailing vessel propelled by sails exclusively, and such canoes or undecked boats, propelled by paddles, oars, or sails as may belong to and be used in connection with such sailing vessel; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the Government for that purpose, and without carrying a distinctive flag prescribed by the Government for the same purpose.

SEC. 4. That every master of a vessel licensed under this act to engage in fur-seal fishing operations shall accurately enter in his official log book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port, and before landing cargo, the master shall verify, on oath, such official log book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States.

SEC. 5. That no person or vessel engaging in fur-seal fishing operations under this act shall use or employ in any such operations, any net, firearm, airgun, or explosive: *Provided, however*, That this prohibition shall not apply to the use of shotguns in such operations outside of Behring Sea during the season when the killing of fur seals is not there prohibited by this act.

SEC. 6. That the foregoing sections of this act shall not apply to Indians dwelling on the coast of the United States, and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, or manned by more than five persons, in the manner heretofore practiced by the said Indians: *Provided, however*, That the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands.

SEC. 7. That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this act and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient.

SEC. 8. That, except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this act, every person guilty of a violation of the provisions of this act, or of the regulations made thereunder, shall for each offense be fined not less than $200, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, at any time used or employed in violation of this act, or of the regulations made thereunder, shall be forfeited to the United States.

SEC. 9. That any violation of this act, or of the regulations made thereunder, may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 10. That if any unlicensed vessel of the United States shall be found within the waters to which this act applies, and at a time when the killing of fur seals is by this act there prohibited, having on board seal skins or bodies of seals, or apparatus or implements suitable for killing or taking seals; or if any licensed vessel shall be found in the waters to which this act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this act until it is otherwise sufficiently proved.

SEC. 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this act is applicable to enforce its provisions, and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this act, or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this act, there to be dealt with according to law.

SEC. 12. That any vessel or citizen of the United States, or person described in the first section of this act, offending against the prohibitions of this act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: *Provided, however*, That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this act.

Mr. MORGAN. Mr. President, this bill is reported by the unanimous vote of all of the members of the Committee on Foreign Relations who were present at the meeting this morning. It is important, and it is so considered by the Government, that action on the bill should be taken at a very early period of time. I ask that the bill may lie on the table and be printed, and I give notice that, after the conclusion of the remarks of the Senator from Indiana [Mr. VOORHEES] upon the tariff bill, I shall ask unanimous consent of the Senate to take the bill up for consideration to-day.

Mr. HARRIS. Has the bill been read the second time?

Mr. MORGAN. It has not been read the second time.

Mr. SHERMAN. As the bill simply proposes to carry into effect the conditions prescribed in the award, it seems to me that there will be no controversy about it; there was none whatever in the committee, and I hope the Senator from Alabama will allow the bill to be considered and the vote taken now, unless he desires to make some remarks upon it.

Mr. DOLPH. There is no objection.

Mr. MORGAN. If there be no objection to that course on the part of any Senator, I shall be very glad indeed to have the Senate consider and pass the bill now.

Mr. SHERMAN. Every Senator has been provided with a copy of this bill substantially as it is now reported, with some slight amendments in harmony with its general purpose.

The VICE-PRESIDENT. Will the Senator from Alabama indicate the course he desires the bill to take?

Mr. MORGAN. I ask unanimous consent that the bill be read a second time by title, and that the Senate then proceed to its consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama for the second reading and consideration of the bill?

Mr. PEFFER. I have no objection to that if the resolution which I offered a few days ago is permitted to retain its place, so that it will be laid before the Senate to-morrow morning.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas that the resolution referred to by him shall retain its place and be laid before the Senate to-morrow morning? The Chair hears no objection, and it is so ordered.

Mr. MORGAN. Now I ask that my request may be stated by the Chair.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama, that the bill reported by him be now read the second time and considered as in Committee of the Whole.

There being no objection, the bill was read the second time by its title, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HARRIS. The bill having been read at length, there is no use in having it again read as in Committee of the Whole.

The VICE-PRESIDENT. The bill has been read at length and is now before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. HOAR. I should like to ask the Senator from Alabama what would be the condition of an American vessel seized by a British vessel for violation of this proposed act and handed over to the authorities of the United States? Section 12 provides that the seized vessel—

Shall be handed over as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States.

Is there at present an existing law which authorizes a naval officer—this would be done at sea ordinarily—to receive such a vessel and to bring it home for trial? Should there not be a clause making it the duty of the proper officer to whom the vessel was delivered to bring the seized vessel into port?

Mr. MORGAN. I will say to the Senator that the bill, as I understand it, carefully provides for the case which he mentions. The seizure, of course, is an act of the executive department of the Government in the execution of law, and that gives to the court of admiralty, or the court designated in this bill, the jurisdiction of the ship, tackle, apparel, and furniture, and also of the persons found upon it, and the court can proceed under the general laws for the confiscation and condemnation of vessels which violate the laws of the United States to the condemnation and sale of such ship.

I will say further to the Senator that, of course, this legislation is expected to be supplemented by corresponding legislation on the part of Great Britain in her Parliament, and that that subject is to-day to be considered in the Parliament of Great Britain. We take it for granted, of course, that the Parliament will enact laws of equal stringency, and conferring upon the courts of Great Britain equal jurisdiction with that conferred by the provisions of this bill. If in any respect that confidence should be disappointed, the Government of the United States will find itself amply provided with laws for the purpose of executing this award; but we have no expectation that Great Britain will in any respect recede from the execution of this award, especially in view of the high example which the Congress of the United States is now about to set, of its willingness in good faith to execute every part and parcel of the award of that tribunal.

Mr. HOAR. Mr. President, I do not wish to indicate any over-refinement in this matter, but at the same time I want to be quite sure that the committee, who are primarily responsible for this bill, see the point.

The bill provides in section 11, in the first instance, for the seizure and bringing into port of any offender caught red-

handed, found in the commission of the offense. It provides that "The commanding officer of any vessel belonging to the naval or revenue service of the United States" may "seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this act," and take it "to the most convenient port in any district of the United States mentioned in this act, there to be dealt with according to law."

That is all plain sailing. Then, the provision is for the detention in certain cases by the officers of Her Majesty, the Queen of Great Britain, and they are authorized to seize the vessel and to deliver it "to any naval or revenue officer or other authorities of the United States."

That would be done frequently, and perhaps ordinarily, on the high seas. Most nations have cruisers on the sealing grounds. Now, where does the naval officer of the United States in this proceeding, which is a criminal one, and therefore to be construed pretty strictly, get authority to detain until he can bring into port a vessel which he has not seized, which he has not found in the commission of the offense, but which has only been delivered to him by a British officer? Should not section 12 repeat the language of section 11 where it provides that it shall be the duty of such officer to take the vessel "with all persons on board thereof to the most convenient port * * * to be dealt with according to law"?

It seems to me those words should be inserted unless there is some existing provision of law I do not know of which covers it.

Mr. GRAY. I should like to call the attention of the Senator from Massachusetts a little more closely to the language of the two sections which he has just read. Section 11 provides that—

All vessels of the United States found by him—

That is, by any officer of the United States—

to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this act—

Shall be dealt with in a certain way. Section 12 says that—

Any vessel or citizen of the United States offending against the prohibitions of this act—

That is, a vessel in precisely the same circumstances which are described in section 11 taken by a British officer shall be handed over to a United States cruiser, and when handed over the vessel, having been taken in violation of the provisions, of this act, will be in precisely the same situation, it seems to me, that she would have been in the case of an original seizure by the officer of the United States, and that the duty devolved upon them—which is the important thing—will be the same that is prescribed in section 11.

Mr. HOAR. That is undoubtedly the meaning of the bill, but the question is whether that meaning is expressed.

Mr. GRAY. It seems to me it necessarily is so.

Mr. HOAR. My difficulty is—if it be a difficulty—that neither officer has the right to seize any person for a past offense. That can only be done when he finds the offender "engaged, used, or employed in the waters." If the commander of a British cruiser finds such a thing, he seizes the vessel; but suppose he meets an American cruiser on the high seas afterwards, there is no authority to take possession given to the American ship if it has not found the vessel engaged in the criminal and prohibited acts. So it seems to me there should be an express authority.

Mr. MORGAN. I think I can point out to the Senator from Massachusetts that the express authority is this: Section 7 of the bill provides—and that language is also followed up in other subsequent sections:

That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this act and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations as in his judgment may seem expedient.

That is a power given under the laws of the United States in a great many instances to correspond with the powers which are conferred by the acts of Parliament really upon the privy council, the power to establish regulation. If there is any difficulty at all in the interpretation of this act, if there should be the slightest hesitancy in its execution, it is quite easy for the Secretary of the Treasury to make a regulation to cover the precise state of case which the Senator from Massachusetts supposes.

Moreover, I should like to say that the committee in considering this bill and all those who have had conferences about it—and they have been very numerous and very close, including some of the ablest lawyers in the United States, and one of the gentlemen who was most eminent in conducting the case before the Tribunal of Arbitration has been consulted about this matter, and he has passed a very critical judgment upon every word in this bill—have found it necessary to leave open several matters that might be suggested in the way of administration under this bill for regulations to be adopted by the Secretary of the Treasury. The bill must have, of course, that degree of flexibility, so that the regulations can be accommodated to a number of questions and a number of persons who are included within the purview of its provisions; for instance, in regard to the Indians on the coast of North America, both in the British Possessions and in the United States, who have rights guaranteed to them under this award of hunting for fur seal under certain specific conditions and at certain times and places, regulations are very essential, of course, to accommodate this bill to the peculiarities of these different tribes, and also to provide in respect of our own laws such changes as may be found necessary in the nature of restrictions upon the different tribes of Indians, so as to permit them to go out and exercise the privileges which they enjoy under this bill. So that we have left included quite a number of matters which fell within the power of regulation to the discretion of the President and the Secretary of the Treasury.

Mr. HOAR. Mr. President, I have observed in my humble professional experience when one good lawyer, like the honorable Senator from Alabama [Mr. MORGAN], is responsible for the drafting of an instrument it is always more thoroughly done; but when ten of the best lawyers that can be found put their heads together, there is almost always some defect in the instrument, each of them abating a good deal of his own circumspection because of his reliance on the others. I therefore am not in the least impressed by the suggestion of the honorable Senator from Alabama, that a good many other gentlemen whom he has consulted think this bill is all right. If he had said he had examined it himself, or drawn it himself, and was responsible for its being all right, I should take it almost without criticism, but as it is, I think I shall venture to move an amendment at the end of line 5, of section 12, which certainly can not do any harm, and can not be objected to. I move, after the words "on board," to insert "to be dealt with as hereinbefore provided."

Mr. MORGAN. I have not the slightest objection to that amendment, but I think it is included in the language of the bill.

Mr. HOAR. It may be.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from Massachusetts?

Mr. ALLISON. I thought the bill had passed beyond the third reading.

The VICE-PRESIDENT. The amendment can be made only by unanimous consent.

Mr. HOAR. I understood the Chair to announce that the bill was in the Senate. I did not understand that it had been passed to a third reading.

The VICE-PRESIDENT. The Chair has so announced.

Mr. HOAR. Then I move to reconsider.

Mr. FRYE. That can be done by unanimous consent.

The VICE-PRESIDENT. The Chair had announced the third reading of the bill. The amendment of the Senator from Massachusetts can be considered only by unanimous consent.

Mr. MORGAN. I ask unanimous consent for that purpose.

The VICE-PRESIDENT. Is there objection?

Mr. SHERMAN. I should like the amendment to be again stated.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. In section 12, line 5, after the words "on board," it is proposed to insert "to be dealt with as hereinbefore provided."

Mr. MORGAN. And a comma to be inserted after the word "provided."

Mr. HOAR. Yes.

Mr. CHANDLER. I have been waiting for an opportunity to interpose an objection to the passage of so important a bill as this to-day. I have not been able to hear the colloquy between the learned chairman of the Committee on Foreign Relations [Mr. MORGAN] and the Senator from Delaware [Mr. GRAY], also a member of that committee, and the Senator from Massachusetts [Mr. HOAR]. No doubt that colloquy was interesting to them, but it could not be heard in this part of the Chamber. I inquired for a copy of the bill in order that I might acquire a knowledge by reading which I was unable to get by the ear, but I find the bill has not been printed for the use of the Senate.

I suggest to the Senator from Alabama, the chairman of the committee, after such amendments as Senators choose to offer and find acceptance with the committee are adopted, it will be more satisfactory to the whole Senate. I doubt not, if the bill can be printed and allowed to go over until to-morrow, when a final vote can be taken thereon. It does not seem to me that so utterly unprecedented action ought to be taken by the Senate in reference to a bill which contains penal clauses of the most stringent character applicable to citizens of the United States. It is a bill making regulations in connection with the fisheries,

creating crime, and declaring statutory penalties against American citizens.

I do not wish to unduly delay a body which is so noted as the Senate is for the celerity with which it transacts business, but I do feel that I should like to see a copy of the bill before the final vote is taken thereon. Therefore, if at this time an objection can be interposed to the request for unanimous consent, I wish to interpose an objection.

The VICE-PRESIDENT. The Chair will state the condition of the bill. The bill has been read the third time and the question now is upon its passage. The Senator from Massachusetts asks unanimous consent for the consideration of the amendment proposed by him.

Mr. CHANDLER. I shall not object to that amendment, but I shall ask that the bill go over.

The VICE-PRESIDENT. Is there objection?

Mr. MANDERSON. I do not desire to object, but it seems to me a better form for the request for unanimous consent would be, that the vote by which the bill was ordered to a third reading be reconsidered, so that the bill may be open to amendment.

Mr. FAULKNER. That is right.

Mr. MANDERSON. I ask unanimous consent that the vote whereby the bill was passed to a third reading be reconsidered, and that the bill be open to amendment.

Mr. FRYE. I object.

Mr. CHANDLER. It is barely possible some other Senators may desire to offer amendments.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska [Mr. MANDERSON]?

Mr. FRYE. I object.

The VICE-PRESIDENT. There is objection.

Mr. MORGAN. When I had the honor to report the bill this morning, I found myself upon a sort of tidal wave of Senatorial anxiety to have the bill immediately considered. It was not my purpose when I brought the bill in here to have it considered at this hour of to-day, but to ask the unanimous consent of the Senate that it might be considered at some time during the day. All Senators, I think, have been provided with copies of the substantial parts of the bill and have had an opportunity to consider it. The case, as I have stated, is in an international sense an emergency case, and therefore I have very quietly gone along with the Senate in permitting the consideration of a measure all the features of which and the necessity for the enactment of which are perfectly understood by this body.

Mr. CULLOM. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. CULLOM. I wish simply to make an inquiry. I see in the beginning of the twelfth section these words:

> Any vessel or citizen of the United States offending against the prohibitions of this act or the regulations thereunder may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain.

I desire to inquire whether that is an authority usually given to a foreign country, to arrest and detain American citizens. It seems to me it is rather an unusual provision of law.

Mr. GRAY. Let me refer—if the Senator will allow me——

Mr. CULLOM. I make the inquiry merely for the purpose of ascertaining whether it is a character of legislation such as is usually enacted by Congress.

Mr. MORGAN. Mr. President, this is a very unusual proceeding, through and through. Some great publicists have styled it as an epoch in the history of diplomatic association or relation between foreign governments, having for its object the substitution of methods of settlement of great international controversies that will be peaceable and satisfactory and will not lead to war. A very similar condition existed about the time of the establishment of the Constitution, when the slavery question was taken up in the Constitution itself and a provision was made against bringing slaves into this country after the year 1808. The Governments of Great Britain and the United States entered into treaties with each other for the suppression of the slave trade, and they went on with a series of treaties. In the course of their diplomatic agreements they made provisions very similar to the one which is contained in the pending bill—provisions which are necessary in all cases where concurrent action, whether by convention or by legislation between two governments, is found to be necessary in order to execute a common purpose.

It will be seen by the third article of the treaty with Great Britain as late as 1870, that before that time this same thing had occurred at various times:

> It is agreed that in case of an American merchant vessel searched by a British cruiser, being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent to New York or Key West, whichever shall be most accessible for adjudication, or shall be handed over to an United States cruiser, if one should be available in the neighborhood of the capture: and that in the corresponding case of a British merchant vessel searched by an United States cruiser, being detained as having been engaged in the African slave trade, or as having been fitted out for the purposes thereof, she shall be sent for adjudication to the nearest or most accessible British colony, or shall be handed over to a British cruiser, if one should be available in the neighborhood of the capture.

Now, in this particular section of the proposed act in execution of the general purposes of this award, which are the protection and preservation of the fur seal (that is the great purpose of this treaty and of the award; in fact, it is the only purpose), this method of arrest has been adopted corresponding to those provisions which attended the effort of these two great governments to suppress the slave trade. The bill, however, contains a provision that this part of the proposed act shall not be in force until Great Britain shall have authorized the seizure by American ships of British vessels, to be carried into British ports. We, of course, expect that that will be done. If it is not done this provision of section 12 will be null and nugatory. I hope that is a satisfactory explanation, both upon principle and upon precedent, of the question asked me by the Senator from Illinois.

I wish to state what I understand to be the status of the bill. The bill passed its third reading. Thereupon the Senator from Massachusetts [Mr. HOAR] asked unanimous consent that he might move an amendment to the bill. That consent was granted, and the amendment was made without objection. That is what I understand to be the situation.

The VICE-PRESIDENT. The Chair will state that when the Chair inquired if there was objection, the Senator from New Hampshire [Mr. CHANDLER] obtained the floor and, without stating that he objected, addressed the Senate. That left the matter somewhat undetermined in the mind of the Chair. The Chair has not yet announced that the amendment has been agreed to.

Mr. SHERMAN. I know the importance of passing the bill, and I suggest to my friend from Alabama, that I do not believe any Senator here, when he reads the bill as it stands, will object to it. It was reported unanimously by the Committee on Foreign Relations, and I may say it meets the entire approval of the Secretary of State. Still, there is a little feeling on this side of the Chamber that Senators have not yet had an opportunity to read the bill. I think, under the circumstances, he had better consent, whether the rule requires it or not, that the bill go over until to-morrow, to be taken up immediately after the Journal is read, because I think every Senator must feel the importance of acting upon these regulations under the award which has been made.

Mr. MORGAN. In the course of four hours, at any rate, I can have the bill printed and back on the desks of Senators.

Mr. GEORGE. That will do.

Mr. MORGAN. It is very important, as we all understand, that the bill should be passed to-day.

Mr. SHERMAN. Then let it go over.

Mr. TELLER. Why not pass it this afternoon?

Mr. CHANDLER. I ask the Senator from Alabama to allow me to say a word. I did not intend to criticise him for urging the consideration of the bill at this hour, because the suggestion that he should proceed with it at this time came from the Senator from Ohio. I do not see any reason why the bill can not be considered later in the afternoon, or even this evening, but I do protest against the passage of a penal statute of this kind without an opportunity on the part of Senators to read the bill.

Mr. MANDERSON. Will the Senator from Alabama permit an interruption for a moment? I do not know what was done with the request for unanimous consent made by myself a few minutes ago, that the vote by which the bill was passed to a third reading be reconsidered.

Mr. GRAY. It was objected to.

The VICE-PRESIDENT. The Chair will state that an objection was interposed to the request of the Senator from Nebraska.

Mr. MANDERSON. I desire simply to state that in my brief experience in this body I have known but two instances where, a bill having passed to a third reading without a yea-and-nay vote, a request for unanimous consent for the reconsideration of the vote made instantly afterwards was refused. One instance occurred a few days ago with reference to what is termed the seigniorage bill, and the effort there I need not refer to except to say that the purpose of the motion to reconsider was that the bill might be rid of some of its ambiguities, which certainly was desirable in view of the veto message which has been lately received. This is the second effort in that regard.

The pending bill was called up without many Senators upon the floor realizing its full import, its effect, its great importance. It is, as the Senator from New Hampshire [Mr. CHANDLER] has stated, a statute with penal clauses, designed undoubtedly to carry out an existing treaty; I am in accord with the general

purposes of the bill. I see the necessity for dispatch in its passage; but I knew nothing of the bill until this morning, and then I received in the usual envelope of the State Department a copy of the bill marked "confidential, subject to amendment." The bill, I understand, has received certain amendments, but what their character is I do not know. There was a colloquy here almost in an undertone that certainly those who were within easy distance did not appreciate or understand.

It seems to me it is no more than fair that the bill shall be placed where it may yet be open to amendment, back to the amendment stage of all bills, and that it be passed over until a later hour in the day, that we may have a chance to examine it and see whether amendments should be proposed. I do not think the Senator from New Hampshire or myself can be charged with any desire to cause a delay that is unnecessary, but we do desire on legislation so important as that proposed in the pending bill that we may have an opportunity to consider it and not take the mere word of the Secretary of State that it is desirable, or even the word, without report, of the Committee on Foreign Relations.

Mr. HARRIS. Will the Senator from Alabama allow me to make a suggestion?

Mr. MORGAN. Certainly.

Mr. HARRIS. I understand the Senator from Alabama is willing to allow the bill to go over for the present and be printed with the hope of getting it up later this evening. The Senate having given unanimous consent for its consideration, however, I think relieves it from any objection to going on with it. I need not suggest to my friend from Nebraska that he has no occasion to ask unanimous consent to reconsider the vote by which the bill was ordered to be read a third time.

Mr. MANDERSON. Of course I can move to reconsider the vote.

Mr. HARRIS. A motion by the Senator to that effect will be in order, as he knows very well.

Mr. MANDERSON. Of course.

Mr. HARRIS. The Senator knows that quite as well as I. But it seems to me all the trouble is obviated by the consent of the Senator from Alabama to allow the bill to go over until a later hour this evening, and be printed.

Mr. MORGAN. I was going to make that suggestion, Mr. President. The Senate has seen of course that I have not been pressing the bill with this very remarkable haste, as it is termed, to its passage, nor has any Senator pressed it without due consideration and without there being a great public necessity, as is conceived, for the early action of the Senate upon the bill.

I ask unanimous consent that at the conclusion of the remarks of the Senator from Indiana [Mr. VOORHEES] upon the tariff bill, and after the Senator from Iowa [Mr. ALLISON] shall have taken the floor, as I believe he intends to do, the Senate proceed to the further consideration of the bill, leaving it precisely in the attitude it is now until that time shall have arrived.

The VICE-PRESIDENT. The Chair will first inquire if there is objection to the amendment to the bill proposed by the Senator from Massachusetts?

Mr. ALDRICH. It seems to me, Mr. President, that that is a question which ought to be considered on a little broader plane than just one single amendment. I suggest that the bill be understood as being open to amendment.

Mr. MORGAN. I shall not consent to that. I have been forced into an attitude that I can not recede from.

Mr. ALDRICH. Then I move to reconsider the vote by which the third reading of the bill was ordered.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island.

Mr. HOAR. I should like to understand whether the amendment I proposed has been acceded to?

The VICE PRESIDENT. Is there objection to the amendment proposed by the Senator from Massachusetts?

Mr. CHANDLER. I ask that it be read, so that we may have some idea of it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the bill by adding after the words "on board," in the fifth line of section 12, the following:

To be dealt with as hereinbefore provided.

Mr. CHANDLER. Now I object. I have no bill before me, and I can not tell what is the effect of the amendment.

The VICE-PRESIDENT. There is objection. The question is on the motion of the Senator from Rhode Island [Mr. ALDRICH] to reconsider the vote by which the bill was ordered to a third reading.

Mr. HOAR. I suggest, as the Senator from Alabama proposes to have the bill printed and go over, that the question on the motion to reconsider had better be taken after the bill is printed and again called up, and not now.

Mr. ALDRICH. My motion will be pending then.

Mr. HOAR. With the Senator's motion pending. I understand that is agreeable to everybody.

Mr. ALDRICH. I have no objection to the bill going over with the motion to reconsider pending.

Mr. MORGAN. I have no objection to that course.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. CHANDLER. When do I understand the Senator from Alabama intends to have the bill taken up?

Mr. MORGAN. At the conclusion of the remarks of the Senator from Indiana on the tariff bill and after the Senator from Iowa [Mr. ALLISON] shall have taken the floor.

THE REVENUE BILL.

Mr. QUAY. Before the Senator from Indiana proceeds with his remarks, I desire to inquire of him whether the bill upon which he is about to address the Senate has been printed in the form in which it was promised it should be printed before the bill came up for discussion?

Mr. VOORHEES. Yes. I will state to the Senator from Pennsylvania and to the Senate that the bill has been printed in comparison with existing law and with the bill as it came from the other House. The bill in that form is now in the room of the Committee on Finance and can be supplied to any Senator who wishes a copy. I presume it is on the desk of every Senator.

Mr. ALDRICH. If the chairman of the committee will permit me, I do not think the comparison has yet been printed. At least, I have not seen it.

Mr. VOORHEES. I beg pardon, I think the Senator from Rhode Island will find it.

Mr. MILLS. I have it here.

Mr. ALDRICH. That is not the comparison; it is simply the bill itself.

Mr. VOORHEES. I myself am in error, then, as to the information which the Senator will find in the Finance Committee room. I think the messenger of the committee will inform him that it is there.

Mr. ALDRICH. It may be in the Finance Committee room, but I have never seen it, and it has not been laid on the desks of Senators.

Mr. VOORHEES. As the Senator from Rhode Island is a member of the Finance Committee, he can very easily see it if he goes to the committee room.

Mr. HOAR. What is this copy?

Mr. ALDRICH. That is not a comparison with existing law. It is merely a comparison of the rates of the bill, not a comparison of the text with existing law.

Mr. ALLISON. If I may have the attention of the Senator from Indiana, the chairman of the committee, I will state that I think the comparison contemplated last week has not yet been printed. I understand it requires some little time to prepare it.

Mr. VOORHEES. Then I have been misinformed.

Mr. ALLISON. I understand that within a day, probably, the original text of the present law, with the bill as it came from the other House and the Senate amendments, will be printed in form.

Mr. VEST. That is right.

Mr. ALLISON. I think that has not been prepared and will not be perhaps for a day.

Mr. VOORHEES. Will the Senator from Iowa be kind enough to call a page and send him to the room of the Committee on Finance and ask for the publication which arrived there this morning? I have not examined it myself, but I am under the impression that it is the comparison referred to.

Mr. ALLISON. Is this to what the Senator from Indiana refers? [Exhibiting].

Mr. VOORHEES. It is not that.

Mr. HOAR. Here it is. I have just sent to the committee room for it, and this is the publication brought me.

Mr. ALLISON. I was about to state to the Senator in charge of the bill that I called at the Finance Committee room and found this is the only document printed. So I think the Senator is mistaken as to the comparative text.

Mr. VOORHEES. Very well; I have been misinformed, then. I do not wish to interfere with the matter which the Senator from North Dakota [Mr. HANSBROUGH] has in hand, although I do desire to go on with the discussion of the tariff bill at 2 o'clock.

Mr. HANSBROUGH. All I desire is that the unfinished business, the bill to provide for the destruction and extermination of the Russian thistle, shall not lose its place on the Calendar as the unfinished business.

The VICE-PRESIDENT. The Chair will at the proper time lay before the Senate the unfinished business. The hour has not yet arrived. The Calendar, under Rule VIII, is in order, and the first bill on the Calendar will be announced.

VOLUNTEERS IN INDIAN WAR.

The bill (S. 743) for the relief of the citizens of the States of Oregon, Idaho, and Washington who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes, was announced as the first in order on the Calendar.

Mr. DUBOIS. In the absence of the Senator from Oregon [Mr. DOLPH] I ask that the bill go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice.

SEALER OF WEIGHTS AND MEASURES.

The bill (H. R. 3246) for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, was announced as next in order.

Mr. PROCTOR. In the absence of the Senator from Michigan [Mr. MCMILLAN], who reported the bill, I suggest that it go over, retaining its place on the Calendar.

The VICE-PRESIDENT. It is so ordered.

ALLEYS IN THE DISTRICT OF COLUMBIA.

The bill (S. 971) to open, widen, and extend alleys in the District of Columbia was announced as next in order.

The VICE-PRESIDENT. The bill has heretofore been read at length. It has been amended, and it is now before the Senate as in Committee of the Whole.

Mr. HALE. Let it be read again for the information of the Senate.

Mr. QUAY. I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill goes over, retaining its place on the Calendar.

FORMS OF DEEDS IN THE DISTRICT OF COLUMBIA.

The bill (S. 832) to simplify the form of deeds of conveyance, trust, and releases of land in the District of Columbia was announced as next in order.

Mr. FAULKNER. Let the bill go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the joint resolution (S. R. 37) to provide for the printing of the history and digest of international arbitrations to which the United States was a party, and for other purposes.

THE RUSSIAN THISTLE.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be read by title.

The SECRETARY. A bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *Salsola kali tragus*.

Mr. HANSBROUGH. I ask unanimous consent that the unfinished business may be temporarily laid aside in order that the Senator from Indiana [Mr. VOORHEES] may address the Senate.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee.

Mr. ALLISON. I know the motion is not debatable, but I wish to make a suggestion to the Senator from Tennessee. The bill which has been the unfinished business for some days will probably not take a very great length of time, and I hope the Senator from North Dakota and the Senator from Tennessee will make some reasonable adjustment about it, so that it may be understood that the bill can be reached at an early day.

Mr. HARRIS. I am unalterably opposed to the bill the Senator from North Dakota has in charge, but if there shall be a gap at any time during the consideration of the tariff bill where the bill for the destruction of the Russian thistle can be considered and disposed of, I will cooperate with the Senator from North Dakota to give him his day in court. My object, however, is to make the tariff bill the unfinished business.

Mr. ALLISON. I understand the Senator's object.

Mr. HARRIS. It is my object to hold it as such, and that whatever other bills may be considered shall be considered by consent of the Senate. I will cooperate with the Senator from North Dakota at any moment that can be conveniently spared to complete the consideration of the bill in his charge.

Mr. HANSBROUGH. I suggest to the Senator from Tennessee that the unfinished business be allowed to remain upon the Calendar as the unfinished business, so that I may ask unanimous consent at the conclusion of the routine business to-morrow morning, before 2 o'clock, to take it up and consider it.

Mr. HARRIS. Mr. President, I can not afford to allow the great tariff bill to play second fiddle to the thistle bill. I shall interpose no objection if the Senator from North Dakota will get the floor during the morning hour to-morrow and ask for the consideration of the bill. I will cooperate with him to secure its consideration at that time.

Mr. VOORHEES. So will I.

Mr. MILLS (to Mr. HANSBROUGH). You will have no trouble about it.

Mr. HARRIS. But the tariff bill must become the unfinished business now or a majority of the Senate must decide that it shall not so become.

The VICE-PRESIDENT. The debate is proceeding by unanimous consent.

Mr. ALDRICH. I suggest to the Senator from North Dakota, if he will permit me, that he ask unanimous consent that the thistle bill be taken up to-morrow morning at the conclusion of the routine business.

Mr. BLACKBURN. Not to-morrow morning.

The VICE-PRESIDENT. The question is upon the motion of the Senator from Tennessee that the Senate proceed to the consideration of the bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. HANSBROUGH. Mr. President, in view of the fact that the Russian thistle bill is a measure intended to preserve and foster the institution of agriculture in this country, and that the bill the Senator from Tennessee refers to, the tariff bill, is a measure which, in my judgment at least, is intended to destroy it, I yield to superior force.

THE REVENUE BILL.

The VICE-PRESIDENT. The Senator from Tennessee moves that the Senate proceed to the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. VOORHEES. Mr. President——

Mr. ALDRICH. Will the Senator from Indiana allow me a single second?

Mr. VOORHEES. Certainly.

Mr. ALDRICH. In accordance with his suggestion, I have inquired at the Finance Committee room and I there found that the bill printed in the form suggested by the Senator the other day, that is, a comparison of the text of the bill as reported from the committee with the existing law, has not yet been received by the committee and they do not know when it will be received.

Mr. HARRIS. In this connection, if the Senator from Indiana will allow me, I will state that I was informed by one of the experts who is engaged on this particular matter, that within the next day or two the work will be completed and the print upon our desks.

Mr. VOORHEES. I think that is very well understood.

Mr. HOAR. I think the pending bill should be read in full.

Mr. ALDRICH and others. Oh; no.

Mr. MILLS. I hope we may have order in the Chamber.

The VICE-PRESIDENT. The Chair requests Senators to refrain from conversation. The Chair was unable to hear the request of the Senator from Massachusetts.

Mr. COCKRELL. The Senator from Massachusetts requested the reading of the bill at length.

Mr. HOAR. I made no request. I called for the enforcement of the ordinary rule of the Senate, that when a bill is taken up it shall be read. If the Senator from Indiana desires to proceed with his remarks at this time I shall make no objection to a request for unanimous consent that the reading be postponed until he shall have concluded; but after what we have heard I think we are entitled to proceed in an orderly way.

Mr. HARRIS. I ask consent that the first formal reading of the bill be dispensed with, which is very often done.

Mr. HOAR. I object.

Mr. HARRIS. Very well.

The VICE-PRESIDENT. There is objection.

Mr. HARRIS. Then let the Senator from Indiana proceed, and afterwards the bill may be read line by line and word by word.

Mr. HOAR. That is what I proposed, if the Senator from Indiana prefers that course. He has not stated whether that course will be more agreeable to him.

Mr. VOORHEES. Of course I prefer to go on now.

The VICE-PRESIDENT. Is there objection to the request

that the Senator from Indiana shall proceed with his remarks and that the bill shall be read at length after he has concluded?

Mr. ALDRICH and Mr. TELLER. Or at some other time.

The VICE-PRESIDENT. Or at some other time. Is there objection? The Chair hears none; and the Senator from Indiana will proceed.

Mr. VOORHEES. Mr. President, great abuses in government, strong by the sanction and growth of years, embedded in the powerful interests of privileged classes, created, fostered, encouraged, and protected by the laws themselves, have rarely, if ever in any age, been promptly and totally eradicated except by forcible revolution and bloodshed. Such is the concurrent and unbroken testimony of history. The spirit of peaceful and practical reform, on the other hand, is a reasoning and progressive spirit, moving forward, step by step, no matter how radical and thorough its ends and aims may be, and overcoming the most gigantic evils with patient wisdom and courage, rather than by violent and wholesale assault.

The protective system of tariff taxation as developed and fastened upon the business and labor of the American people, especially during the third of a century past, growing worse at every stage, is a system of indescribable injustice and oppression; and yet who will contend that all its vicious principles and workings, ramified as they are through every branch of trade and commerce, can be annihilated by a single blow, or totally wiped out by a single legislative enactment? For the bill now under consideration no such claim is made, but in its behalf can be truthfully asserted, and will be successfully maintained, that it accomplishes a vast work in the field of tariff reform, embodies a great relief to the people from iniquitous existing burdens, and constitutes a long stride, though not a final one, towards the approaching day of a full and perfect deliverance.

Sir, I challenge the attention of the Senate and the country to the great and commanding fact that by the provisions of this bill the seeming paradox of a reduction of taxes and at the same time an increase of public revenues will be reconciled when it becomes a law. I will not stop to consider at this point the vast individual robberies committed in protected markets, the untold and incalculable millions of blackmail levied by American manufacturers for their own pockets on their enforced customers when cut off from all outside competition; it is enough for my present purpose to say that we have liberalized American markets, made them more accessible to the traffic of the world, and, while not establishing free trade, we have made trade freer and more even-handed between the manufacturer and the consumer. But over and above and beyond this wide and well-known field of extortion and injustice, it will be found from the schedules of this bill that tariff taxes now officially ascertained and paid under existing law on the wants, necessities, and daily consumption of the laboring men, women, and children of the United States, have been reduced more than seventy-six millions per annum. These reductions are as follows:

On chemicals	$1,000,000
On pottery	1,900,000
On glass	1,500,000
On metals	12,500,000
On wood	300,000
On tobacco	3,300,000
On agricultural products	3,300,000
On spirits, wines, etc	1,500,000
On cotton manufactures	3,450,000
On flax, hemp, and jute manufactures	6,000,000
On woolen manufactures	23,500,000
On silk manufactures	3,500,000
On paper and pulp	300,000
On sundries	2,450,000
Transferred to the free list	12,170,000
Total	76,670,000

To this must be added the further imposing fact that the bill provides for a full and ample revenue, largely in excess of present supplies, with which to meet all the requirements of the public credit. Such a consummation as this, so full of relief to the people and of strength, safety, and honor to the Government, may well atone for the imperfections and shortcomings alleged against the pending measure, and will constitute the rock on which the temple of tariff reform will be built, and against which, in the ameliorated future, the gates of avarice, oppression, and fraud shall not prevail. With such a beneficent and stupendous result now plainly within the reach of the American people, and almost ready for their eager enjoyment, I envy not the fate of the party, nor the man, nor the set of men who shall constitute themselves a hindrance and an obstruction to its speedy fulfillment.

Faults and imperfections can, of course, be alleged and pointed out; concessions are apparent which have been unwillingly made, and only when found absolutely necessary, in order to secure its passage; articles on the free list as they came from the House have been made dutiable under the duress of a small majority here, yet, deeply as I regret the necessity for these changes, and earnestly as I opposed them, I do not hesitate to say that the bill, taken as a whole as it now stands, with its combination of lower taxes on the necessaries of life, and at the same time increased revenues for the Government, will be hailed as a substantial measure of reform and relief by the great producing masses of the American people.

In fact, the average rate of duty, advalorem, on all articles made dutiable in the pending Senate bill, and in spite of all changes made by the Senate Committee on Finance, is lower than in the Wilson bill when it left the House and came to this body. This officially ascertained fact is overwhelming in its character and shall not be lost sight of.

At this point I submit an estimate of the expenses of the Government for the fiscal year 1895, made in official quarters from the best data obtainable up to date. It may be stated as follows:

Civil and miscellaneous	$90,000,000.00
War	55,000,000.00
Navy	33,000,000.00
Indians	9,000,000.00
Pensions	145,000,000.00
Interest	29,000,000.00
Postal service, including $5,971,736.89 deficiency in postal revenues	90,399,485.33
Making a total of	451,399,485.33

To meet the appropriations made necessary by the foregoing estimates, I here place before the Senate the estimated revenues which are expected to accrue under the provisions of the bill now before us:

Internal revenue under present law	$160,000,000
Additions made by the pending bill:	
Income tax	30,000,000
Spirits	20,000,000
Cards	3,000,000
Customs	163,361,000
Miscellaneous	20,000,000
Postal service	84,427,766
Total	480,788,766

Sir, it will here be seen that the Committee on Finance of this body has taken a bond of fate, as it were, that no harm shall come to the credit and financial honor of the Government. The criticisms which assailed the bill as it came from the House because it created a deficiency in the Treasury no longer apply. We present a measure full freighted with revenue for every call that can be made on the Republic at home and abroad, and with a surplus besides of $20,389,245. Sir, there is no terror to me in a surplus like this. On the contrary, it is a source of safety, and can at any time be wisely and honorably devoted to the best purposes of good government, the payment of debts, and the stoppage of interest. It can also be reduced by a revision of tariff rates whenever found necessary. My greatest apprehension in public affairs is a deficiency in the finances and consequently in the power of the Government to maintain its honor and to hold its head high among the nations of the earth. On this point we feel that we have made the future secure, while at the same time we have made lighter the burdens of the people. Nor do we disguise from ourselves the fact that we are under very positive instructions in regard to the reform of tariff taxation.

The appalling legislation of 1890, known as the McKinley law, unlimited in its scope and purposes of spoliation and plunder, created a necessity for relief more immediate and absolute than was ever before known in American history, and the people issued their instructions at the ballot box accordingly. At the same time the riotous extravagance of the party then in power, taking an overflowing Treasury from an outgoing Democratic Administration in March, 1889, and leaving it practically bankrupt four years later, imposed upon those who are now responsible for the support of the Government the imperious duty of providing against ugly deficiencies and impending national dishonor. In reaching results of such magnitude and importance as these, and in carrying out the interests and declared wishes of toiling millions as contradistinguished from powerful and favored classes, obstacles have of course been encountered gigantic in size, arrogant, insolent, dictatorial, and in some instances sinister, perfidious, and dishonest in character. This fact could not be otherwise under the protective system which has for so many years prevailed in this country. The natural selfishness of the human heart, prone to avarice and greed as

sparks to fly upward, has been educated, developed, fed, nourished, pampered here on American soil by the Government itself, until it now stands not only revealed, but confessed as a giant robber, a predatory monster, obstructing the highways of legislation, and challenging legislators themselves to stand and deliver.

Manufacturing interests, which a hundred years ago were indeed and in fact in their infancy, and were nursed and fostered while yet in the cradle of their birth, are now the colossal taskmasters of the whole people, commanding tribute from every day's labor beneath the sun, haughtily striding the corridors of this Capitol, and issuing their edicts in the tones of dictators for or against the enactment of pending measures in the Halls of Congress. Those who own and represent these swollen and arrogant interests do not hesitate to declare on what terms a bill vitally affecting 70,000,000 of people will be permitted to become a law, and in default of what provisions for financial profits to themselves they will insure its defeat. In the hard-working days of attempted tariff reform they are met everywhere, and, as a rule, bear themselves as favorites of power generally do.

A great specialty is their persistent and imperious demand to be heard. It is true they and their predecessors have been heard on the same monotonous topic of monopoly in trade for more than a century; they themselves have said at this session and at the other end of the Capitol all they could possibly say in behalf of their huge gains, and it is printed for public use. The old stereotyped theme of Government protection for the lust of riches has long since been exhausted; not a new word or thought on the subject from their standpoint is now possible; time is precious and delay ruinous on the subject of tariff legislation to the business of the whole country; yet in spite of all these things they assume an injured air, and raise a dismal clamor because they have not been allowed to occupy from January to November of the present year in giving dictatorial instructions and edicts to the Senate Committee on Finance in behalf of their own unworthy, unmanly, unchristian desires to commit extortion in markets protected from free and open competition. They are also wholly and absolutely unmindful of the fact that every laboring man and woman in the United States, numbering millions while the protected few number only by thousands, has a vastly higher right and interest to be heard in his or her self-defense against iniquitous taxation than any manufacturer can possibly have in favor of the right to plunder by law.

The farmer, the mechanic, the wage-worker, and the manifold producers of every kind come not here; they have neither time nor money to spare from their busy, overworked lives; they can not visit the lobbies of Congress to argue their side of the case; their careworn, sunburnt faces have never been seen in the purlieus or in the hurried, heated, anxious haunts of unhallowed avarice; their hard, toil-worn hands are not grasped or felt in salutation as we struggle through waylaying crowds from committee room to the door of the Senate; the labor element, on which protected monopoly preys ravenously and unceasingly, is absent from the precincts of this Capitol, and well the millionaire beneficiaries of protection know that their victims on farm, field, and ranch; in workshop, mine, and furnace; on railroads, rivers, and in every toiling pursuit in which bread is honestly earned, can never confront them here and demand a division of time in discussion before the committee. The favorites of fortune, pets of vicious legislation; those to whom the Government has farmed out the power of oppression over others, take no heed of the rights, the protests, the sufferings, or the servitude of the mighty masses who constitute the nation's strength and glory.

To the thoroughly protected and self-complacent American manufacturer, sole master of his own market and incarnation of human selfishness, his enforced customers, those to whom he sells at his own protected price, have a value, as slaves once had to their owners. Not more than four days in the week belong to the laborer himself under tariff laws as they now stand; every hour of the other two days are absorbed in paying the manufacturer's increased prices on the necessaries of life which a protective tariff guarantees.

Sir, can there be any wonder that protected classes, and protected individuals, who have been, as it were, taken into partnership by the Government, every one of them, should break out into vehement protest and angry outcry when touched and disturbed by the spirit of reform and equitable legislation? The only policy, the only request of a practical protectionist is to be let alone in the enjoyment of the highest duty and the fattest bounty the Government can give. He makes himself an obstacle to change from no other or higher consideration than sordid, brutal selfishness.

Whatever may be his line of manufacture, from hooks and eyes to machinery for ships, from pins and needles to the wearing apparel of the human race, he cries out against all competition or interference with his prices, not that his love of country or of humanity is shocked or offended, but simply that his lust for riches takes alarm. Nothing in the condition of his fellowmen, or even in the laws of nature, ever deters or diverts him from his intense pursuit of worldly gain. It is told by an old chronicler as an incident of the great fire which swept London almost out of existence in 1666, that when the flames were in their fiercest wrath, carrying consternation and ruin into every quarter and every home, and the people, pale-faced and panic-stricken, were struggling to and fro in the crowded streets, a thrifty, economical-looking huckster was seen with his basket, diligently inquiring the price of kidney beans, which he had to sell. The only fault he found with the fire was that it interfered with his trade. This is the only fault which a protected manufacturer ever finds with anything. He must sell his kidney beans at a high price whatever else may happen.

It is perhaps no more than just, however, to state in this connection that there is one circumstance which mitigates, to some extent at least, the obstructive avarice, at all times and everywhere so vehemently displayed by the protected manufacturer. The Government itself, or rather the party leaders who have administered it during the past generation, are more to blame than he is. By bad laws they have tempted him beyond his power to resist and by an elaborate and skillful system for the benefit of the few at the expense of the many, they have opened the way for him to commit crime with impunity every day and hour of his existence by robbing his fellow beings under the forms of law. He has the license of the Government for monopoly and extortion—a license issued and reissued, multiplied and supplemented in a thousand ways, authorizing him to rule markets, oppress labor, and get enormously rich.

The enactment of the McKinley law in 1890 was a gigantic crime, not only against every working man and working woman in the United States, but also against every individual manufacturer, and against all manufacturing interests. It was not so designed by its authors, but such was its real and inevitable character. It declared a policy so flagitious in principle, so rotten in morality, and so ravenous in its exactions on the absolute wants of life, that its possible duration was only a question of time when the next election by the people should occur, and yet the vast manufacturing interests of the country were tempted and seduced into accepting its delusive bribes, and into an eager adjustment of themselves to its alluring, though evanescent, and short-lived provisions.

The most needed feature of tariff taxation is permanency, at reasonable rates for revenue, and with a due regard to the business and commerce of the country. The McKinley law was necessarily an unstable, unsafe measure; it was a reckless, foolhardy experiment on the forbearance of the American people; it had no precedent in American history for its rash and insolent assault on the toiling masses; it dealt in dizzy heights and in profound depths, and placed tariff duties on foreign goods, seeking our markets for sale to our people, at prohibitory rates; it provoked the wrath of the people, and the condemnation of Divine justice. And now that we are compelled to repeal and tear down this odious structure of evil legislation, it is some compensation for intense labor and anxiety to hear it often bitterly cursed by the most intelligent business men we meet as having been to them a delusion and a snare. Our purpose is to replace the law of 1890 with a measure of reform, safe, conservative, and harmonious in itself, and to which all the wholesome and legitimate industries of the country will speedily adapt themselves, and tenaciously cling for secure development and undisturbed growth in the future. If this can be done without needless delay, an era of prosperity will dawn upon all the diversified interests of the country such as has never been surpassed in our history.

In considering, however, the obstacles which assail every effort at tariff reform, the specious plea made by the manufacturer for the alleged protection of his employed labor can not be ignored or overlooked. Brazen as the manufacturing classes have become, after a hundred years of Government caress, endearment, and untinted bounty, they are at last ashamed to plead infancy any longer or to ask further protection and Government alms as minors in the manufacturing manhood of the world. Like the Greek soothsayers of old, who laughed in each other's faces when they met, American manufacturers can not keep straight countenances when talking together of infant industries. They have, in the main, abandoned that old, stale, worn-out plea, and adopted another more enticing in sound but equally deceptive and false in substance. They are now masquerading here and all over the United States as missionaries in the cause of labor; they make most earnest appeals to Congress to protect them in a monopoly of trade and in amassing great riches in order, as they declare, that they can, and will, pay increased wages, and give a more generous care to those who work in their employment.

Nothing could be more sublime than benevolent professions

like these, if they were found to be sincere and true; but on the other hand, the lowest depths of human depravity may be raked in vain for a baser or more infamous scheme by which to obtain money dishonestly, when it is found after thorough investigation and long experience that the pretense of benevolence, or even of justice to labor, is absolutely and corruptly false.

Sir, I stand here to deny that it can be shown anywhere since the Republican party came into power thirty-three years ago, that the wages of a working man or woman, in furnace, factory, or delving mine, has ever kept pace with increased tariff rates, or indeed had any increase at all, on account of high protective tariff legislation. I challenge any Senator, or any workingman, or any assumed representative of workingmen, to show a single instance in the history of a protective tariff, where labor was ever recognized in a division of profits, where it was recognized in proportion to increased tariff duties, or where it was ever taken into consideration at all on pay day on account of the highest protective tariff legislation ever known.

Millionaire manufacturers now profess a deep concern for the wages and the welfare of their employés, but will anyone in their behalf point out what law or provision of law, during a century's experience, they have ever suggested for the protection of their employed people in the duration of their contracts, their right to living wages, or even for the certain payment of what they earn? We are asked here to enable the manufacturer to amass money unjustly from farmers and their families in order that he can pay another class of workers better wages. On the contrary, all history shows that not a dollar extorted by the tariff ever goes beyond the pocket of the protected manufacturer, or reaches the cheerless home and stinted income of his employed wage-worker.

If the reward of labor had ever been increased as an incident or consequence of increased tariff duties on foreign imports, nothing would be easier or more gracious to the advocates and beneficiaries of protection than to show that fact. The very reverse, however, is true. It can never be forgotten that the enactment of the McKinley law in October, 1890, was followed almost immediately by a reduction of the wages of all workers in iron and steel, beginning at Homestead, in Pennsylvania, under Carnegie, resulting in bloodshed and wholesale murder, and extending to all parts of the country and to almost every branch of manufacturing industry.

Manufacturers of iron and steel were especially favored by the law of 1890, and they talked then, as they do now, about the necessity of high protection for themselves in order to enable them to better pay their hired labor. They plead then, as they do now, for more money for themselves on the pretense that they would divide with the men and women who toiled in their service. The whole world has taken notice, not only of their falsehood and perfidy, but also of the ghastly results which followed. Wage reductions, strikes, lockouts, and labor strifes of all kinds contending for fair treatment at the hands of capital in every branch of manufacturing, have never been so prevalent in American history as since October 4, 1890, when the McKinley bill became a law.

A compilation of facts on this subject, of the most remarkable and startling character, has been made by the Hon. JOHN DE WITT WARNER, an able and distinguished member of the House of Representatives from the State of New York. It is shown by him in chronological order, beginning in October, 1890, that within the next two years, the McKinley law all the while prevailing, more than five hundred strikes and violent contentions between labor and capital on the subject of wages took place in various States in the Union; almost an average of one strike or collision for each and every working day during that entire period.

Such have been the hideous fruits borne for labor by the highest protective tariff ever known in this country. Uproar and strife, from day to day, have marked the relations between protected capital and unprotected labor, while the homes of the industrious poor have been filled with distress, often with actual want, and sometimes with murder. The most needed legislation in our statute books now is a strong and carefully prepared chapter giving legal security in the courts and before boards of arbitration, to helpless, oppressed, and outraged labor in its dealings with capital; capital made oppressive, insolent, intolerant, and intolerable by the protection it receives from the Government. An enactment like this, by reason of its overshadowing importance, must be a separate work, and can not be long delayed. In the mean time, I arraign those who hinder and obstruct tariff reform in the name of protection to labor, as shams and betrayers of the people and of the truth.

Of the more than six millions of people employed in the manufacturing establishments of the entire country from ocean to ocean, not one has ever appeared before Congress, or any committee of Congress, or made response in any public meeting, stating that his employer, upon the enactment of higher rates of duty on imports, ever gave or suggested to give him a farthing's increase of pay for his work. What the wage-worker wants, and of right should have, is not the false promise and false pretense of manufacturers pleading in his name for their own enrichment, but the solid protection of law against the instability of his contracts, the uncertain duration of his employment, and the fluctuating rates of his wages.

SHALL DUTIES BE MADE SPECIFIC OR AD VALOREM?

Another objection, however, persistently urged against the pending bill as it has been reported from the Finance Committee of the Senate claims attention at this point. There are two directly opposing policies in regard to the proper method of levying import duties which fall as a tax on purchasers and consumers. One policy demands that specific rates, as they are known shall be levied on importations without reference to their value, but according to quantity or mere description. This is the favorite device of high protection. It completely covers from the plain tax paying people the actual amount they have to pay. For instance, who except a tariff expert with pencil in hand can tell how much per cent on actual value the purchaser pays when he buys matting made of cocoa fiber or rattan, with a duty on it of 12 cents per square yard, or mats made of the same material with a duty of 8 cents per square foot?

How much light does it throw on the subject of equitable taxation to inform the day laborer as he smokes his pipe in the evening that there is a duty of 15 cents per gross on all common tobacco pipes of clay? What kind of an idea does the purchaser obtain of the amount of tariff tax he pays on cotton cloth when he finds that on one kind of cotton cloth, not exceeding 50 threads to the square inch, counting the warp and filling, the duty assessed is 2 cents per square yard; or another kind exceeding 50, and not exceeding 100 threads to the square inch, counting the warp and filling, the duty is 2½ cents per square yard; if bleached, 3 cents per square yard; if dyed, colored, stained, painted, or printed, 4 cents per square yard?

These illustrations, taken from the McKinley law as it now exists, might be continued indefinitely. The object in laying specific duties like these and others is plainly manifest. It is not desirable on the part of protected wealth that the people should know how much tribute they pay, or to what extent they are plundered. Specific duties are therefore assessed, not according to the well-known methods of purchase and estimate of values in daily practice by the plain, laboring people, but by arbitrary rules which have no intelligent meaning except to expert manufacturers who profit by them. When the farmer goes to town and amongst other things for his household gets a supply of pearl buttons for their home-made shirts, he is informed, if the subject is mentioned at all, that the tariff tax on them is only 2½ cents per line. It sounds like a very small thing, and though he does not understand how it is done, yet he is not startled or indignant as he would be if he knew the real facts in the case.

Under that little clause of 2½ cents per line there is concealed from view a tax of more than 143 per cent on those buttons according to their actual value. The farmer has paid for them at the rate of $2.43 for a dollar's worth of buttons for his wife and children, and he returns home as unconscious and contented a victim of robbery as one who has had his pocket picked by a thief and has not yet found it out. Under such a system as this duties as high as 400 per cent on the value of the goods assessed have been successfully hidden from ordinary observation by a small, harmless-looking specific duty: and such is the case now in the McKinley law on our statute books.

I turn, however, from this dangerous policy, this chief instrument of high protection and unbridled extortion, to another policy of tariff assessment which a schoolboy can comprehend. An ad valorem system of duties on imports was never a delusion or a snare to even the humblest and most uneducated in the land. A given per cent on the value of goods bought can never deceive or cheat the consumer. With a piece of chalk on a board he can figure out for himself what he pays for the goods and what in addition he pays as a tax. Light and instruction for the people are to be found in every line of an ad valorem tariff, while darkness and deception lurk in the very principle of specific rates of duty. It is true that exceptional instances sometimes compel the use of specific duties, but it may be stated as a rule that tariff reform never adopts them if it can be avoided, and that the protectionist, on the other hand, shuns ad valorem rates as guilt shuns discovery.

THE WALKER TARIFF.

In the history of tariff legislation in this Government, from the first act in 1789 to the present day, there is one enactment which stands out in its wisdom, its success, and its glory over all others. The Democratic tariff of 1846, devised by Robert J. Walker, ad valorem in its rates from beginning to end, with not

a specific duty in it, has had no peer, no rival even, in the prosperity it secured for the American people during its existence as a law. The protective tariff of 1842, enacted during the ascendency of the Whig party, was in force when the Administration of James K. Polk came into power and Robert J. Walker took the portfolio of the Treasury. The friends and beneficiaries of protection were deeply enamored of the law of 1842, and claimed for it a greater degree of prosperity, confidence, and happiness throughout the country than had been known since 1828; but the new Secretary of the Treasury assailed it at once and in unsparing terms. Mr. Blaine, in his brilliant book entitled Twenty Years of Congress, speaking of the tariff of 1842, and Mr. Walker's course in regard to it, says:

Robert J. Walker was a Senator from Mississippi when the act was passed and was bitterly opposed to it. He was a man of great originality, somewhat speculative in his views, and willing to experiment on questions of revenue to the point of rashness. He was not a believer in the doctrine of protection, was persuaded that protective duties bore unjustly and severely upon the planting section with which he was identified; and he came to his office determined to overthrow the tariff act which he had been unable to defeat in the Senate. Mr. Walker was excessively ambitious to make his term in the Treasury an era in the history of the country. He had a difficult task before him—one from which a conservative man would have shrunk. The tariff was undoubtedly producing a valuable revenue, and as the Administration of Mr. Polk was about to engage in war, revenue was what they most needed. Being about to enter on a war, every dictate of prudence suggested that aggressive issues should not be multiplied in the country. * * *

Mr. Walker made an elaborate report on the question of revenue, and attacked the tariff of 1842 in a manner which might well be termed savage. He arraigned the manufacturers as enjoying unfair advantages—advantages held, as he endeavored to demonstrate, at the expense and to the detriment of the agriculturist, the mechanic, the merchant, the shipowner, the sailor, and, indeed, of almost every industrial class. In reading Mr. Walker's report a third of a century after it was made, one might imagine that the supporters of the tariff of 1842 were engaged in a conspiracy to commit fraud, and that the manufacturers who profited by its duties were guilty of some crime against the people. But extreme as were his declarations and difficult as were the obstructions in his path, he was able to carry his point.

Sir, the glowing tribute here paid by the most distinguished apostle of protection to the great Democratic Secretary is amply justified by the results which followed and the work accomplished by Mr. Walker. With the courage and daring of a self-reliant, creative genius, he followed a financial chart and compass of his own, and did indeed "make his term in the Treasury an era in the history of the country." The law of 1846, which bears his name and immortalizes his memory, is a most interesting and instructive piece of legislation for examination at the present time. Brief, condensed, and comprehensive, containing less than 5,000 words in all; terse, vigorous, and explicit in language; bold, fearless, and commanding in tone, this old act of Congress will never cease to be an object of admiration to the student of American legislation. But the policy which it embodies, still more than its mere structure, will remain through distant years for the study of the statesman and the historian.

All the goods, wares, and merchandise of the world liable to be imported from foreign countries to our shores are classified under the Walker tariff in eight short schedules, each schedule being marked by an ad valorem rate of duty, which applies alike to every article it contains. The whole field is covered by a system which lays taxes according to the value of the article taxed, and enables the purchaser to know how much he is paying for the article and how much he is paying as a tax. The ad valorem rates fixed in the law of 1846, the Walker law, range from 100 per cent, the highest, down to 5 per cent, the lowest, and they were all imposed for revenue only and in no instance for protection. Not a single specific duty is to be found in the entire law; every ambuscade wherein protection and indefinite taxation lie hidden together under specific duties was destroyed, and the burdens which toiling millions have to bear for the support of their Government were made easy of comprehension.

The opposition to such a daring and sweeping measure of reform was necessarily most vehement and resentful. Its attack on existing abuses was bold and peremptory, and the strongholds of avarice were startled to their foundations. Indeed the circumstances and proceedings connected with the enactment of the tariff of 1846 have a peculiar interest for tariff reformers now. The bill was reported to the Senate from the House on Monday, the 6th day of July, whereupon a motion was made that it be printed and made the special order of the day for Monday, the 13th, at 12 o'clock. There ensued at once a most strenuous demand for its reference to the Committee on Finance, but the motion to make it a special order with only seven days' delay and without any reference at all, prevailed after an earnest discussion. The bill was taken up for consideration July 13, and the debate in the Senate closed on the 27th by its passage through this body. It was approved by the President and became a law July 30, 1846.

Sir it must have been a rich compensation for hard work in the discharge of public duty to have lived in a day of such prompt and wholesome action in a good cause. The public men of fifty years ago were not controlled or embarrassed by entangling alliances with great riches and giant monopolies; they moved forward in their work, not as men wearing manacles and subject to masters, but with the free gait of conscious rectitude and absolute liberty of thought and action. The coercive power of consolidated and organized millions did not obstruct their patriotic efforts at every step nor impede their achievement of speedy and glorious results. The debate which took place in the Senate on the Walker tariff, although lasting but fifteen days, was of the most powerful and commanding character.

This was more especially true of the opponents of the measure, since its supporters, to a great extent, refrained from taking part in the discussion. The opposition was led by Daniel Webster, Reverdy Johnson, John M. Clayton, George Evans of Maine, Willie P. Mangum, and others of great note in the councils of the Government at that time. Their speeches were characterized by impassioned eloquence, powerful argument from their standpoint, bitter assault on the proposed measure, and the most intense predictions of ruin by wholesale and in detail of the business interests of the entire country in the event of its passage.

The speech made by Mr. Webster, occupying two days in its delivery, was one of the ablest and most remarkable of his great intellectual career. In the full prime of his majestic powers, he launched them all against the pending bill. As an enactment for revenue, the object for which it was devised, he said it would fail, declaring it would "deceive the hopes of those who expect to derive from it that measure of abundant revenue which has been stated." He was unsparing, inflammatory, and, as it would seem now, unparliamentary in his language towards those who supported it. At one point in his speech he was so carried away as to exclaim:

I must say, sir, that the notions which prevail in the Treasury Department, and in the Executive Government appear to me to be almost insane. We were told at the early part of the session that the taxed portion of the community paid fifty millions to the manufacturers; it has now got up to ninety-four millions! Mr. President, if intelligent men, of patriotic purposes, good intentions, and great respectability, in many walks of life, private and public, ever were seized with a monomania, that disease has taken a strong hold on those who come to us with such statements and sentiments as these. How else can we account for such a zeal for overimportation, a zeal which looks for a paradise on earth, if we can only be surrounded by British manufacturers without stint and without count. The love of importation has become a sort of passion with those at the head of affairs—an unthinking, headlong passion.

Mr. Webster then proceeded to a very elaborate discussion of the bill under four propositions: First, as a measure for making all duties on imported goods ad valorem duties; secondly, its effects on certain interests, supposed to be protected by former and then existing laws; thirdly, its effects on the navigation and commercial interests of the country; and fourthly, its effects on the great industrial employments and labor of the people. In every aspect presented by the bill to his mind he saw nothing but disaster and ruin. In its enactment he beheld widespread bankruptcy and national dishonor; paralyzed industries at home, and our armies in Mexico at that time put in peril by the loss of revenue which its provisions were certain, in his judgment, to entail on the Treasury. There was not a gleam of light to his eye in a single word or line it contained. The woes and afflictions foretold by Isaiah and Jeremiah of the guilty city of Jerusalem were hardly more dismal or terrible than the evils prophesied of his own country by the great New England orator in the event the bill he was discussing should become a law.

Sir, I have thus dwelt on the ad valorem tariff law of 1846, and in some detail on the remarkable speech of Mr. Webster, in order, at this point, to say that not a single word of evil prophesy uttered by him or his able associates ever came true—not one. Their arguments were reduced to absurdity by swift-coming results, their frantic predictions of ruin became a scoff and a byword in the midst of the swelling and unparalleled prosperity which immediately followed and remained so long after the law went into force. So overwhelming was the success of the new law, and so absolute and universal was the satisfaction of the people with its workings, that the subject of the tariff ceased to be an issue between parties during the next four Presidential elections. Controversy ceased in the presence of demonstration, peace and contentment between labor and capital prevailed throughout the country, strikes and disturbances such as have since been the last resort of oppressed labor were unknown, the homes of working men and women were not darkened by the presence of armed force in the employment of monopoly and brutal avarice, no one was shot down in the presence of his wife and children in a dispute over his wages, nor on the other hand did millionaires multiply so rapidly or wax so fat and insolent as they have in later years. Indeed, the doctrine of Government protection, gratuity, and gain for one class of citizens at the expense of all other classes would never again have been asserted, had not the war between the sections fifteen years

later given it another and a tremendous opportunity to curse the land.

The political campaigns of 1848, 1852, 1856, and 1860 were devoid of tariff issues and tariff debates, because of the great and general business prosperity which then existed under the ad valorem, revenue, Democratic tariff law then in operation. The only tariff discussion to be found from 1846 to 1861 occurred in 1857. At that time more revenue was being obtained under the Walker tariff than was necessary for the economical administration of the Government, and duties on imports were therefore again reduced, and made lower than they had been at any time during forty-five years of our previous history. Mr. Blaine, in commenting on the enactment of the Walker tariff and the extraordinary results which followed, says:

The Whig victory of 1848 was not sufficiently decisive to warrant any attempt, even had there been desire, to change the tariff. Gen. Taylor had been elected without subscribing to a platform or pledging himself to a specific measure, and he was therefore in a position to resist and reject appeals of the ordinary partisan character. Moreover, the tariff of 1846 was yielding a buoyant revenue, and the business of the country was in a flourishing condition at the time his Administration was organized. Money became very abundant after the year 1849; large enterprises were undertaken, speculation was prevalent, and for a considerable period the prosperity of the country was general and apparently genuine. After 1851 the Democrats had almost undisputed control of the Government, and had gradually become a free-trade party.

The principles embodied in the tariff of 1846 seemed for the time to be so entirely vindicated and approved that resistance to it ceased not only among the people, but among the protective economists, and even among the manufacturers to a large extent. So general was this acquiescence, that in 1856 a protective tariff was not suggested or even hinted by any one of the three parties which presented Presidential candidates. It was not surprising, therefore, that with a plethoric condition of the National Treasury for two or three consecutive years, the Democratic Congress, in the closing session of Pierce's Administration, enacted what has since been known as the tariff of 1857. By this law the duties were placed lower than they had been at any time since the war of 1812. The act was well received by the people, and was, indeed, concurred in by a considerable proportion of the Republican party.

Sir, a higher, stronger tribute to the triumph of a tariff composed solely of ad valorem rates of duty, imposed for revenue only, can nowhere be found in the entire range of economic literature than is here presented by the most brilliant antagonist that system has encountered in the last forty years. It is true Mr. Blaine does not in words surrender the doctrine of protection and embrace the principles of the Walker tariff, but as a historian he states facts which not only justify, but demand such a course on the part of all impartial readers and thinkers. I commend this notable chapter of his writings, together with the jeremiads of Mr. Webster in 1846, to those dismal croakers who are now in our midst, and every day and hour are shedding pretended tears over the anticipated ruin that will befall the country when the bill now before the Senate shall become a law. It is to be regretted that this bill is not more nearly an exact counterpart of the Walker tariff than it is, but it has the great merit of being framed on the same principles and devoted to the same end as far as possible under existing circumstances. We therefore invoke the confidence of the American people, and ask them to believe, in the light of history, that its enactment as a law will be followed by a full share of those national blessings which so signally immortalized its great prototype, the tariff of 1846.

SUGAR.

And now, Mr. President, coming to a closer look into the details of the pending bill, I propose to briefly discuss a few of its provisions which have in certain quarters provoked comment and attack. On the subject of sugar the McKinley law is a juggle and a fraud, and was intended as such; it was framed to deceive, and in thoughtless minds it has succeeded. Its authors had the hardihood, the audacity to mention it as an article on the free list and unthinking people have dreamed of free sugar ever since, while in point of fact the meanest, the most odious, unjust, unequal, un-American, and unconstitutional tax ever known in our history is the sugar-bounty tax now paid by the American people. It is not necessary for me to say that I would rejoice to make sugar free from taxation had I alone the power; but the provisions of the bill now before us on that subject, in comparison with the vicious principles and vicious results of the McKinley law, are as equity is to corruption, and as integrity is to crime.

Absolute free trade in sugar is an attractive theme, but no such thing has ever existed for a single hour since the organization of this Government. A moderate duty has always been imposed on sugar, and it has always been a stanch revenue support to the Government. In that great model of a Democratic tariff for revenue only—the tariff of 1846—it was declared in short and simple phrase that "sugar of all kinds" and "sirup of the sugar" were subject to a duty-laid tax of 30 per cent ad valorem. The fact that the duty tax on sugar has inured more to the benefit of the revenues of the Government and less to the profits of private parties than any other tax known to tariff legislation may be stated as the main reason why the Democratic party has never made an issue against it. Every dollar collected from a tariff tax on sugar and paid into the Treasury relieves some other article of even higher necessity in the economy of life from the imposition of tariff taxation.

It is conceded by all parties that the duty paid on imported sugar goes more fairly and squarely into the Treasury than any other duty provided by law, and it follows, as light follows darkness, that tariff taxation can therefore be reduced in proportion on other things which the people have to buy and use. The McKinley bill, on the contrary, by pretending to take sugar off the dutiable list, was intended to reduce the revenues of the Government, and thus make an apparent necessity, a fraudulent excuse for higher rates of duty on woolens, on iron, on tin plate, on salt, on binding twine, on cotton ties, and on all other articles of prime necessity in agricultural life. It must be remembered, too, that the chief outrage of the sugar-bounty tax consists in the fact that not a dollar of it ever goes to the assistance of the Government. It is taken from the pockets of one class of people and paid directly, without anything in return, to another class.

During the present fiscal year, ending June 30, there will be paid by the Treasury $12,300,000 as bounty to the producers of sugar, and every dollar of this vast sum is first collected from those who plant corn, raise wheat, and engage in all the various pursuits of labor. Nearly thirty millions of bounty money have been handed over to the sugar-makers of the United States since the law went into operation, and each year the sum is rapidly increasing. It was thought when the law was under discussion that the bounty would not exceed $8,000,000 per year, but the stimulating influence of such an enormous donation to the manufacturers of sugar was greatly underrated. If the law is to remain unrepealed the time is near at hand when it will confer as a mere gratuity more than $50,000,000 per year on a small fraction of our population, engaged in no public service, but in their own private enterprises.

That such an enactment is in harmony with the Constitution can not, of course, be maintained for a moment. The speech of the present Secretary of the Treasury, then a Senator, on the unconstitutionality of the sugar bounty was not answered at the time of its delivery, and it never will be. No further argument is now needed, and yet I can not forego the pleasure of reading one of the many decisions cited by Mr. Carlisle. It is the case of The People *vs.* Salem, decided by that great jurist Judge Cooley. Amongst other things he said:

But it is not in the power of the State, in my opinion, under the name of a bounty, or under any other cover or subterfuge, to furnish the capital to set private parties up in any kind of business, or to subsidize their business after they have entered upon it. A bounty law of which this is the real nature is void, whatever may be the pretense on which it may be enacted. The right to hold out pecuniary inducements to the faithful performance of public duty in dangerous or responsible positions stands upon a different footing altogether; nor have I any occasion to question the right to pay rewards for the destruction of wild beasts and other public pests, a provision of this character being a mere police regulation. But the discrimination by the State between different classes of occupations, and the favoring of one at the expense of the rest, whether that one be farming or banking, merchandising or milling, printing or railroading, is not legitimate legislation, and it is an invasion of that equality of right and privilege which is a maxim in State government. When the door is once opened to it there is no line at which we can stop and say with confidence that thus far we may go with safety and propriety, but no further.

Every honest employment is honorable; it is beneficial to the public; it deserves encouragement. The more successful we can make it the more does it generally subserve the public good. But it is not the business of the State to make discriminations in favor of one class against another, or in favor of one employment against another. The State can have no favorites. Its business is to protect the industry of all, and to give all the benefits of equal laws. It can not compel an unwilling minority to submit to taxation in order that it may keep upon its feet any business that can not stand alone.

Here in this brief but glorious decision is contained the whole doctrine of free government in its exercise of the taxing powers granted to it in the Constitution. How like an oracle of truth and justice the last sentence rings out on an atmosphere impregnated with the odor of protective tariff jobs, trusts, monopolies, bounties, and all manner of ill-gotten gains! I repeat:

It can not compel an unwilling minority to submit to taxation in order that it may keep upon its feet any business that can not stand alone.

This great declaration of constitutional law and of Democratic principle ought to be repeated whenever and wherever the policy of protection and bounty is asserted; and over the portals of every department of this Government—legislative, executive, and judicial—it ought to be engraved in letters of ever-living light as a fundamental maxim of liberty and equality in the enjoyment of individual rights, public and private.

Sir, in the light of the Constitution as judicially interpreted by the wisest minds of the country, it may be safely asserted that worse legislation, on principle and in practice, than the bounty tax now being paid on sugar never before cursed the people of a government calling itself free, upright, and enlightened. In this connection, however, arises a very proper demand to know the exact nature and effect of the measure pro-

posed in its place and stead. I propose to the best of my ability to meet that demand. The duty on sugar as placed in the bill now pending before the Senate may be stated at 1 cent per pound on raw sugar, and one-eighth of 1 cent per pound additional on refined sugar. If this specific duty should be changed to an ad valorem rate, as I think would have been better, it will be found to be about 35 per cent on the value of the goods assessed.

I have already pointed out the fact that under the Walker tariff all sugars were made dutiable at 30 per cent ad valorem, but it must also be borne in mind that forty-eight years ago the consumer paid 12 cents a pound for sugar, while at the present time he pays only 4 or 5 cents per pound at the most. It may be estimated that 8 pounds of sugar, when the Walker tariff was enacted, cost the purchaser $1, while that amount of money will now buy 24 pounds. In 1846 the consumer of sugar paid 30 cents tax on 8 pounds; by the provisions of the pending bill he will now pay 35 cents tax on 24 pounds; showing a reduction in favor of the bill before us of nearly 60 per cent even when compared with the great Democratic tariff of nearly a half century ago. In other words, owing to the difference in the value of sugar then and now, the duty proposed by the Committee on Finance is but slightly more than one-third the amount imposed by the Walker tariff, of blessed and glorious memory.

On the subject of refined sugar, the committee courts the closest scrutiny into its methods and its motives, and into everything it has done. Under the McKinley law the duty on all refined sugars above No. 16 Dutch standard in color is one-half of 1 cent per pound. In the pending bill we have reduced that duty to one-eighth of 1 cent per pound, thus wiping out three-fourths of the entire amount and would gladly have wiped it all out. If to some peculiar minds this action of the committee appears to be a compliance with the demands of the sugar trust, it must also be apparent that the demands of that institution were of the most extraordinary character—demands for a very deep cut in its rates of duty, for a strong downward slope in its profits, and for an almost total annihilation of all the protection it ever had.

Let the sugar question be not misunderstood or misstated. The issue here and before the country is between the McKinley law, with its unconstitutional individual bounty plunder, already amounting to over twelve millions a year, and rapidly increasing, together with its high protection for the trust, on the one hand, and an old-fashioned tariff duty, two-thirds less than the duty on sugar in the tariff of 1846, every dollar raised for revenue, and going into the Treasury as revenue, together with its sweeping reduction against the trust, on the other hand. Nor must the reciprocity features of the McKinley law be overlooked in connection with this issue. The so-called reciprocity contained in that law may much more properly be styled an act for the punishment of our own people by retaliating on them the offenses committed by foreign countries in keeping our goods out of their markets by the imposition of high tariff duties. That unparalleled and clearly unconstitutional piece of legislation reads as follows:

SEC. 3. That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever, and so often as the President shall be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country, as follows, namely:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic tests, as follows, namely:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, syrups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75° seven-tenths of 1 cent per pound; and for every additional degree or fraction of a degree shown by the polariscopic test, two-hundredths of 1 cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely: All sugar above No. 13 and not above No. 16 Dutch standard of color, 1¼ cents per pound.

All sugar, above No 16, and not above No. 20, Dutch standard of color, 1½ cents per pound.

All sugars above No. 20, Dutch standard of color, 2 cents per pound.

Molasses testing above 56°, 4 cents per gallon.

Sugar drainings and sugar sweepings shall be subject to duty either as molasses or sugar, as the case may be, according to polariscopic test.

On coffee, 3 cents per pound.

On tea, 10 cents per pound.

Hides, raw or uncured, whether dry, salted, or pickled; Angora goat skins, raw, without the wool, unmanufactured, asses' skins, raw or unmanufactured, and skins, except sheepskins, with the wool on, 1½ cents per pound.

Sir, here is a tariff schedule containing five articles of prime necessity to the American people which are to be heavily taxed, and their cost to the consumer largely increased, at the mere will and pleasure of the President of the United States, whoever he may happen to be, and as often as he pleases. The Executive can not, in my judgment, be clothed with the power thus to legislate by proclamation, and I regard this entire enactment as an unconstitutional freak in our statutes. I cite it now, however, in order to show that under the McKinley law an average duty of at least 1½ cents per pound, or over 60 per cent ad valorem, is authorized to be placed on sugar by the edict of the Executive alone, and at his individual discretion.

With the same stroke of his pen he can, by virtue of this law, put a tariff tax of 3 cents per pound on coffee, 10 cents per pound on tea, and 1½ cents per pound on raw and uncured hides of nearly every description known to the uses of civilized people. These burdens, when imposed as they are authorized, will have to be borne by the American consumer and taxpayer, and by no one else. The inhabitants of the offending country against whom proclamation is made are indifferent or perhaps amused spectators of our retaliatory proceedings against our own citizens. I commend this pernicious and unconstitutional section of a bad enactment to the careful consideration of such, if any there be, who, claiming to be tariff reformers, have declared their preference for the McKinley law over the bill now under discussion.

Sir, I fear not the day when I shall be called to answer on this subject before the people of that great State which has so long honored me with a seat on this floor. The people of Indiana, at least, will be slow to believe that I have been guided in my conduct by any other thought than a supreme and sincere devotion to their interests, and to the interests of the laboring people of every State in the Union. I have had their confidence during the average lifetime of man; I have never had their distrust.

THE TAX ON DISTILLED SPIRITS AND THE EXTENSION OF THE BONDED PERIOD.

In turning to another subject on which much ignorant and some malevolent criticism has expended itself, my task is easy and the way smooth. In securing a sufficient revenue for the support of the Government with as light a tax as possible on the necessaries of life, I have at all times earnestly favored an increased tax on whisky. I would be glad to day if the pending bill provided for a tax of $1.20 per gallon, instead of $1.10, as it does. Revenue raised from distilled spirits, the purchase and consumption of which is never a necessity of life, is a deep gratification to me, and the fact that twenty millions of the surplus accruing under this bill will be furnished by the tax on whisky is a genuine joy to my mind. My sincere regret is that more money for the Government was not obtained from the same source, and consequently less from other sources of a different character.

As to the extension of the period during which distilled spirits may remain in bond before being required to pay the Government tax, it is proper to say that there is no new privilege given by such a provision in the bill before us. The owner of distilled spirits has the right now, and at all times, to export his goods to foreign countries for an indefinite period, hold them there as long as he pleases and until they acquire the age he wants them to have, or until a profitable market revives here at home, then import them back to his own country for sale, paying a customs duty equal to the revenue tax, and securing a still further delay in making payment if he so desires by placing his spirits in a customs bonded warehouse on their return.

The customs duty on such reimported spirits is, of course, collected only on the quantity actually contained in the casks or packages when they start back, the owner being subjected to loss on account of the inevitable leakage and waste of an ocean voyage and storage in a foreign warehouse and the Government being at considerable expense in connection with the exportation of that portion of the spirits which is never returned to this country and consequently never tax-paid. Here is a loss to the Government which I am authorized by the Commissioner of Internal Revenue to say will not occur under the extension provided for in the pending bill, and that such extension, with the safeguards provided for in this bill, will not increase the cost of collecting the revenue from distilled spirits.

The claim that certain classes of spirits require more time than others in which to pass through all the necessary manufacturing processes, and thereby to become marketable, is admitted to be true and just in all quarters where this question is dealt with. It is but just also to the officials and to the owners of distilled spirits, as well as to those who framed the extension clause of the pending bill, to say that the privilege of completing the process of manufacture before payment of tax is accorded to the producers of all other articles, tobacco and the like, which are subject to tax under the internal-revenue laws, including spirits other than the classes needing the aging process; and that the tax on each of said articles becomes due and payable only upon the removal of the article from the place of manufacture for consumption or sale.

Under existing laws there is a discrimination against distillers on this point for which there is no reason whatever. Those

who produce the finer grades of spirits are required not only to remove their spirits before their manufacture is finished, before the aging process is perfected, but frequently at a time when the market is broken down, and no sale is possible except at a heavy loss. An order for the compulsory removal of spirits out of bond under circumstances like these, especially during seasons of financial depression, not only works great hardships, but in very many cases compels the distiller to export his spirits, as I have already stated, in order to get time for the aging and maturing of his goods and for the recurrence of a market at home which will enable him to sell and pay his tax.

If I am reminded that speculation by private parties is made possible by the pending legislation, my answer is, that no increase of tax on any article known to man can ever be made without a temporary benefit to the holders of the article at the time the increase is made, who manufactured or purchased it while the lower tax prevailed. All the benefit, however, which the distillers can secure in this instance must be by paying their taxes and removing their spirits from bond prior to the 30th of June next, when the increased rate of tax is to take effect. All remaining in bond after that date, of course, pays the increase. It is a fact also to be considered that the bulk of the spirits now in distillery warehouses is not owned by the distillers, but by persons in business in all parts of the country, many, I am officially informed, owning from 1 to 5 barrels only; others, with more capital, such as bankers, owning or controlling much larger quantities. As the tax which is imposed on the manufacturer is really paid by the consumer so also the benefit which the tax confers is equally widespread.

Sir, I have no hesitation in declaring, upheld as I am by the Secretary of the Treasury and by the Commissioner of Internal Revenue, who have both recommended every step taken on this subject, that one of the wisest, safest, most useful, and necessary provisions in the pending bill is that increasing the tax on distilled spirits and granting an extension of the time they may remain in bond without being driven out of the country.

On this point I quote from the report of the present very able and efficient Commissioner of Internal Revenue made in November, 1886, under a former Administration. It will be seen that he held then, as he does now, that the same "principle of taxation which applies to all other articles taxed under the internal-revenue laws should be made to apply to distilled spirits; and that, as in the case of tobacco and beer, and of the new subject of taxation, oleomargarine, the tax be levied upon the spirits which shall be manufactured and sold or removed for consumption or use." His full statement on the point is as follows:

The above table and other statements heretofore made show that, although the tax was paid during the fiscal year ending June 30, 1886, on more than 1,000,000 gallons of bourbon and rye whiskies in excess of the quantity on which tax was paid during the next preceding fiscal year, the production in 1886 was so much greater than the withdrawals as to leave a net balance in warehouse June 30, 1886, of 4,000,000 gallons greater than was on hand July 1, 1885. It will also be seen from a table on a following page that the production of all kinds of spirits was 2,000,000 gallons greater during the months of July, August, and September, 1886, than during the corresponding months of 1885, while the tax-paid withdrawals were half a million gallons less.

A glance at the table of exportations to foreign ports shows that the bulk of the bourbon and rye whiskies in 1886 went to swell the stocks in the warehouses of Bremen, Hamburg, and Bermuda. The tendency since June 30, 1885, has been, up to the present time, to increase the stock of bourbon and rye whiskies in distillery warehouses. The bulk of the assessments made in 1886 was to enforce the collection of the overdue gallon-tax on spirits of these classes, and the increased production indicates that heavy assessments of this character, which empower the collector to distrain for the tax with 5 per cent penalty and 1 per cent per month interest, must be made during the present and future years.

It has come to my notice that many distillers have organized themselves into associations, each member of which has agreed to limit his production so that the entire product of all will be not greater than that demanded by the communities supplied by them. But it is evident that unless all distillers of one kind of spirits, say bourbon whisky, were associated, such distillers would be liable to find themselves unable to sell their spirits when the taxes become due, and therefore unable to pay the tax at that time. From the nature of things it is hardly to be expected that such a union will occur. Nor am I sure that even if all were so united the combined wisdom of the association would be sufficient to foretell the state of the markets three years hence. I am therefore constrained to again recommend to Congress that the principle of taxation which applies to all other articles taxed under internal-revenue laws be made to apply to distilled spirits; and that, as in the case of tobacco and beer, and of the new subject of taxation, oleomargarine, the tax be levied upon the spirits which shall be manufactured and sold or removed for consumption or use.

In connection with the foregoing I submit also another most important communication written by the Hon. Hugh McCulloch when Secretary of the Treasury for the last time in his long and able career in the service of his Government, and recommending the passage of a bill "to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses and the withdrawal of the same therefrom." It will be seen that he earnestly concurs with the Commissioner of Internal Revenue, and indorses in forcible terms the policy of the pending bill. His communication is as follows:

TREASURY DEPARTMENT, *January 12, 1885.*

SIR: Herewith I hand you a bill, prepared by the Commissioner of Internal Revenue, to amend the laws relating to the entry of distilled spirits in distilleries in special bonded warehouses, and the withdrawal of the same therefrom, which I will thank you to present for the favorable consideration of the House.

The manufacture of whisky is one of the largest and most important branches of domestic industry in the United States, and is at the present time, like other manufacturing interests, greatly suffering from overproduction. A legitimate business from which large revenues are derived, it is not only depressed by overproduction, but by being burdened by heavy taxes the payment of which, as is the case with no other article, is required within a fixed period, whatever may be the condition of the market. In other words, the present whisky tax is a tax upon production, and is thus in contravention of the general policy of our own Government, and of the policy of other enlightened nations which derive large revenues from articles of a similar character.

Under existing laws the manufacturers or holders of whisky are compelled to pay a tax amounting to nearly five times its cost upon an article before it is withdrawn from warehouse for consumption, or to export it, at great expense, to be held in foreign countries until there is a home demand for it, or to be sold in such countries, to the prejudice of our public revenues. Some nations have been unwise enough to resort for revenue to export duties upon their own productions. The United States stands alone in enforcing the payment of tax upon one of its chief productions before there is a demand for it for consumption.

These considerations, in my judgment, should be sufficient to warrant such a change in existing laws as is contemplated by the bill herewith presented; but I should not feel at liberty at the present time to recommend the subject to the consideration of Congress if the general trade of the country were in a healthy condition. There are now in bond about 48,000,000 gallons of whisky, on about 20,000,000 gallons of which a tax of 90 cents a gallon must be paid, under the existing laws, before the next session of Congress, unless the payment is avoided by exportation. On a large part of this whisky the banking institutions of the Western States hold liens which stand in the way of its export, and the indications now are that unless the laws are changed the general distress which prevails throughout the country will be greatly aggravated by forced sales, which might not even cover the taxes.

On the other hand, the relief proposed by this bill would, in my judgment, tend to remove the despondency which so generally prevails, and open the way for the gradual improvement of other languishing industries. The relief can be granted without detriment to the public revenues by merely putting whisky on the same footing with tobacco and beer; by an exaction of duties upon consumption instead of production—the only policy which is consistent with justice and sound economic principles. Whisky is manufactured for sale, and it will always be sold as soon as there is demand for it. There would be no gain to the Government by compulsory sales, while the revenues would suffer by its exportation. It is securely held, and every gallon will contribute 90 cents to the public revenues if it is left subject to the laws of trade. Ought anything more to be required?

The question thus briefly presented is a very important one in its bearings upon public revenues and business generally. In the consideration of it the cause of temperance (worthy as that cause is of hearty approval) ought not to be involved. It will neither be aided nor retarded by the proposed change in existing laws. As long as the manufacture of whisky is lawful, it should be treated with even-handed justice. It can not be otherwise treated without detriment to the public welfare.

I recommend the passage of this bill as a measure of simple justice to the manufacturers and holders of whisky, which could hardly fail to be beneficial to general trade, and, consequently, to the Treasury.

Very respectfully,

H. MCCULLOCH, *Secretary.*

The SPEAKER *of the House of Representatives.*

THE INCOME TAX.

Mr. President, the proposition contained in the pending bill to levy a tax of 2 per cent on all net incomes of corporations and of individuals in excess of $4,000 per annum is so just and equitable towards the hard-working taxpayers of meager resources throughout the entire country that not a word in its defense or explanation would seem necessary here or anywhere else. But the narrow and corroding selfishness of riches has been aroused by this simple measure of justice into fierce resentment and contention. We hear on all hands the dictatorial voice of individual and corporation wealth demanding that it shall not be disturbed by the slightest touch of the taxgatherer, whatever may be the demands of the Government, or the oppression of the toiling masses.

On all the wants and necessaries of life the man of wealth, with a heavy income, pays less rates of tariff tax under existing laws than the laboring man or laboring woman whose wearing apparel is of coarser material, and whose household living is supplied with cheaper goods bearing higher rates of duty. His bonds, his accumulated riches of all kinds, and all incomes arising from them, are exempt from all Government burdens, remaining not only undiminished and unmolested amidst darkened homes and flagrant distress, but growing fatter, stronger, and more defiant as the days and the years go by. He who has spent his life in making an amassment of wealth looks out upon the poor, tired, toiling world as if from a fortified castle. He feels himself sumptuously provisioned against all wants, and amply protected against all contact or concern with the labor-stained millions who struggle from one ocean to the other for the means of existence.

Sir, for no earthly consideration would I paint an unjust or overwrought picture of the dangerous pretensions and intolerable arrogance of accumulated wealth now manifest in this country, but, speaking in the fear of my Maker, I devoutly believe that the limit of endurance has been reached; that the time has come for a test to be made between the power of hoarded money and the power of productive labor; that the people from this time forward, more than ever before, will organize and take rapid and heroic measures against the continued and brutal dictation of the plutocracy, against the paramount

influence of wealth, against the rule and supremacy of the rich in shaping the financial policy of this Government in their own interests.

Let no man imagine, or lay the flattering unction to his soul, that party names or party ties will bind the American people on this question, or compel their submission to the financial servitude sought to be fastened on them by the power of colossal wealth. And when the contest comes, as it will speedily, and in many ways and forms, the bankers, money-changers, usurers, and possessors of millions who have provoked it will stand aghast at the consequences of their own folly: they will figuratively, if not literally, cry out for the rocks and hills to hide them from the wrath of an outraged people. A 2 per cent tax on a portion of their incomes will appear, in the hour of reckoning, a very small and trifling matter compared to others more serious. But unto that day, now near at hand, I remit the further discussion of what it may bring forth, and proceed with the point immediately in hand.

In considering an income tax the most extraordinary and startling fact we discover, is the very small number of people to whom it applies. I well remember when the able Senator from Colorado [Mr. TELLER] in 1890 declared on this floor that while the population of the United States would at that time reach 65,000,000, yet at least one-half of the entire wealth "of this, the richest country on the globe," was owned by not more than 100,000 of its inhabitants. The wealth of the world has in all ages been condensed into the hands of the privileged and favored few, who thereby seek to become the governing class; and this has been more especially true and striking during the last thirty years in this country than in any other known to history.

The Commissioner of Internal Revenue in a recent communication to the Ways and Means Committee of the House estimates the present population of the United States at not less than 65,000,000 and the wealth of the country at $65,000,000,000, or an average of $1,000 per capita, if there was an equal distribution. His further estimate, however, is that so great has been the condensation of capital into the ownership of a small and powerful class that the tax here proposed on incomes of over $4,000 will reach only about 85,000 individuals and corporations out of the more than 65,000,000 who now inhabit this land of boasted liberty and equality.

Sir, these figures may well give the country pause. They recall the worst days of Rome, and of other governments, both ancient and modern, whose liberties were lost by the accumulation and power of wealth in the hands of patrician aristocracies. How small in number is the income class in the United States, yet how potent! How few in comparison with the great body of the people, but little more than one in a thousand, yet how aggressive and strong! How pretentious, how presumptuous in dictation to the Government in regard to all its policies, yet how unpatriotic in the hour of peril, how mean in the face of danger to the country! The income class, based upon the principal ownership of the entire wealth of the country, is mainly the illegitimate offspring of Government paternalism and Government support, yet neither gratitude nor love of country has ever moved it to respond in aid of the Government in an hour of emergency and need. From no other class could the payment of the whole pension roll be required so justly.

Sir, I am loth to say these things, but so destructive to human happiness, so unjust, relentless, unsparing, insolent, and brutal has been the money power in these later days, and indeed for years past that rather than leave them unsaid I would cheerfully leave my seat on this floor to be occupied by someone else.

What shall be said of one of the leading arguments always urged against the enactment of an income tax? We are gravely informed that such a tax can not be collected because of the wholesale perjury which income owners will commit in order to evade the law. I was a member of the House when the income-tax law of 1862 was repealed. I listened to this plea of infamy at that time, and it increased the pleasure with which I voted to keep the law on our statute books, as it will now to vote to put it back again. If the criminal classes of the country or those of assumed respectability can defeat the enactment of laws by threatening to commit crime in their violation, then, indeed, have we reached a depth of degradation far beyond the hand or the power of resurrection.

I will believe nothing so infamous of the Congress of the United States as its submission to a threat so atrocious, or an argument so revolting. It is also seemingly incredible that the owners of taxable incomes should allow such an argument to be made in their behalf; and yet all is silent, and no word of protest is heard when in their very presence it is declared and urged that they will commit felony, general and widespread, and for which the convict stripes of a penitentiary are the only punishment, in order to defeat the execution of a law taxing incomes, if one should be enacted. What a spectacle is here presented! I mourn and lament to look upon it. In the course of a life, now no longer a short one, I have believed in the predominating good, rather than the predominating evil of the human race.

I have looked with a hopeful, trustful eye upon the efforts of my fellow-beings to become better, wiser, kinder, purer; and with a helping hand, though feeble it has been, I have tried to aid them forward. I confess that I am shocked, inexpressibly shocked, to be assured now by gentlemen of great ability and high position that the principal property holders and income owners of the United States are ready, for the sake of defrauding the Government out of a small pittance, to blacken their souls with the detestable crime of false swearing; to render themselves fit associates for thieves, housebreakers, forgers, and cutthroats in the prison houses of this world, and to become everlasting inhabitants of hell in the world to come.

My great and only consolation is in the fact that the income class, thus stigmatized and depicted by its friends, in colors so dark, foul, and hideous, is so few in number and bears so small a proportion to the mighty mass of glorious men and women who live under the flag and uphold its honor. Judas Iscariot could not discredit the apostles of the blessed Master; Benedict Arnold failed to tarnish the honor of the Revolution, and those who are willing to perjure themselves to escape taxes can not shake my faith in the integrity of my countrymen, or in the predominating virtue, goodness, and purity of the human race.

But I deny that an income tax law, properly adjusted and guarded, can be rendered incapable of execution by the most expert villainy that may be threatened or practiced against it. The experience of the Government is the other way. Under a law of this kind, the records in the Treasury show that the collections from 1862 to 1870, for the support of the Government, amounted to the sum of $346,000,000, an average of $43,250,000 per annum during the eight years of its existence. This does not look like a general escape from the operations of the law had been at all successful. It was a large and gratifying sum of money, paid no doubt amidst cursings and gnashing of teeth, but with a wholesome regard for the open doors of Sing Sing and other convenient criminal resorts.

We hear also the unmeaning, senseless, inane cry that an income tax is undemocratic, un-American. This argument is based on the noisy and resounding charge that an income tax is inquisitorial in its character and operations. Permit me to ask what tax was ever collected without inquiry and inquisition into the nature or value of the article taxed? Without such inquiry no tax, whether in Federal or State government could ever be collected. If there is to be no inquiry or inquisition into property interests subject to taxation, the taxgatherer can be entirely at once and forever dispensed with. The Ways and Means Committee of the House in reporting on this point very justly said:

> In the collection of our customs duties the packages, boxes, and baggage of the citizens are taken, opened, and inspected. The citizen, whether male or female, is often taken into a room and searched. In the collection of State, county, and municipal taxes in most of the States of the Union the citizen is required to make sworn returns concerning his property—its value, nature, and whereabouts. Nothing in this bill is more inquisitorial than the provisions of law now enforced every day. To guard against improper disclosures of the taxpayers' business the bill provides that no officer is allowed to disclose any fact he ascertains concerning the property or business of the taxpayer. If he does so he is liable to removal, and is fined and imprisoned.

If all other classes of men and women in the United States can submit to the laws of their country on the subject of taxation, there is no reason to my mind why the owner of a net income of over $4,000 a year should fail to obey. A man with a large fortune has more need of protection by law than his impoverished neighbor; hence, he owes more to the support and the enforcement of the law. It is pure and simple equity that he should pay a tax on his realized wealth in return for the Government care and protection against lawlessness, which he incessantly claims, and which is incessantly bestowed. Why should such a system be stigmatized as un-American, undemocratic? What is there in our system of government, or in the democratic principles on which it is founded, that exempts the rich from contributing to its support according to their means? Those in poverty have to do this: why not those who have a net surplus of wealth at the end of every year? Is justice un-American? Is equality before the law, and in the enjoyment of natural rights, undemocratic?

Sir, the first income tax known to history was of a higher origin "than aught assigned to earth," nor was it a feather-weight enactment such as we now propose. For the support of his own government among the children of men in the beginning, the Supreme Ruler of the universe tithed His whole people—taxed them one-tenth of their entire possessions: nor did statesmen

and lawgivers of the school of Moses, Aaron, and Joshua, and of Abraham, Isaac, and Jacob denounce its principles, or threaten it with criminal violation. From that high and ancient day to the present time a tax on incomes has been no novelty or mere experiment in the history of governments. Such a tax has always been regarded as a measure of relief to the working classes, while at the same time inflicting no injustice on those best able to pay it, and having the greatest interest in the stability of government and the supremacy of law.

Mr. HILL. Will the Senator from Indiana allow me to ask him a question?

Mr. VOORHEES. I decline to yield, I will say to the Senator from New York with the utmost possible respect. Before beginning my remarks, I went to the Presiding Officer and told him I was not feeling at all well to-day and begged to be excused from interruptions. I will answer any question hereafter.

Mr. HILL. I simply desired to ask the Senator a question that I might understand his position on the subject of the income tax.

Mr. VOORHEES. I should be very glad to yield to the Senator under other circumstances.

WOOL AND MANUFACTURES OF WOOL.

Sir, I come next to talk for a few moments to woolgrowers and to the wearers of wool. This is an old theme, but one that will never lose its interest for civilized people. In the higher and colder latitudes of the earth's surface, sunlight, air, fire, salt, and water are hardly of more prime necessity to human existence than wearing apparel made of wool. A tax on the breath of life would not more surely exact its own payment or be of more universal application. A tax on the only spring in a wide desert of burning sand or on the only salt well in a wilderness would hardly be a worse monopoly, or lead to extortions more oppressive in the hands of a private protected individual, than a tax on woolen goods in use by the human family.

How vividly every stage of human life appears to the reflective mind, and how absolutely and universally this one great article is interwoven with them all! From the new-born babe in soft, warm flannel, on through all the years, until the gray-haired grandfather or grandmother sinks to rest in the grave, the fabric made of wool is never absent from the domestic uses of men, women, and children. Duties on manufactures of wool, their enormous rates often obscured and hidden by the specific system, have always constituted the very Gibraltar of high protection in this country.

With this fortress of greed and gain, dedicated now to the plunder and spoliation of the people, once overthrown the whole system of tariff protection will receive its death blow and totter to its early fall. A mighty advance towards such a result is made by the bill now before the Senate. In the list of reductions proposed by the bill it is most gratifying to be able to announce that the reduction of duties on woolen wear leads all others, and that wool itself is transferred to the free list. The reductions on iron, steel, lead, copper, zinc, and other metals are placed at $12,500,000, while a reduction of $23,500,000 is placed to the credit of the people on their woolen clothing and woolen household supplies.

Sir, we are traveling in the right direction, and though we may not finish our journey in a single day, as some eager and inexperienced guides think we might, still we are in the right road and far on the way, in spite of all the obstacles and dangers by which we have been beset. By the passage of the pending bill many millions of hard-earned money will be saved to the pockets of the people. We hear much in these days about pledges which were made to the people by the Democratic party in 1892. We promised a reduction of tariff taxation, and we are making it in no stinted measure. Edmund Burke defined statesmanship as the science of circumstances, and when this bill becomes a law all I shall ask is that it shall be judged by the fruits it will bear for the homes and happiness of the people, as well as by the circumstances under which it was brought forth.

But another point in connection with wool remains to be noticed. While making a heavy reduction on manufactures of wool, the raw material, or wools on the skin as they are described, have in the pending bill been put on the free list, and we are informed that thereby serious injury has been inflicted on the farmer and sheep-raiser. If I believed so I would not vote for the bill. My heart is very tender toward the farmer. I was born in one of his humble pioneer homes, near the edge of the wilderness. I engaged in all his daily work until I approached the estate of manhood, and my hand has not now lost its cunning. I can yet go into the field, and sometimes do with some comrade of my youth, and plow and sow, and reap, and mow, for a brief spell, in memory of working days long ago. I love the farmer, and am more at home with him than with any other class of people the sun shines on. I love to wander over old homesteads, and hear him talk of his horses, his cows, his oxen, his sheep, his hogs, his barnyard poultry, his swarming bees, and of his growing corn, his ripening wheat, his meadow lands, his orchards, and his gardens, and indeed of everything that pertains to farm life.

Sir, I repeat that if I believed wool on the free list would hurt the farmer I would not vote for the pending bill. It is a matter of actual demonstration, however, which has been often made, that free wool, accompanied by such reduced rates as can then be placed on manufactures of wool, and which are placed on them in this bill, is one of the greatest blessings that can befall the farmer. If the farmer should get an increased price for his wool by reason of a tariff for its protection, he will pay it all out, and much more, to the manufacturer as a duty on woolen goods when he next buys a flannel shirt, an overcoat, or a pair of trousers. Some years ago I stated my views on this point, and I may be pardoned for repeating a few lines of what I then said.

Take the case of a farmer with fifty head of sheep which at shearing time yield him 250 pounds of wool. The duty proposed by the bill before us on imported wool of the same grade is 11 cents per pound. If that wool can be sold for 35 cents per pound, it will bring the farmer $87.50 all told, $27.50 of which sum will constitute the protection afforded by the 11 cents per pound tariff duty on foreign wool. But when the farmer in the fall or winter purchases back $87.50 worth of the wool he sold, and of his neighbors' protected wool, now manufactured into blankets, flannels, and clothing of all kinds, he will find himself not only refunding the $27.50 which he swallowed as a most alluring bait, but he will pay in addition all the way from 38 to 238 per cent ad valorem on every article of woolen goods he is compelled to have, and this enormous plunder of his hard earnings he is coolly informed is for the protection of the manufacturer who has worked his 250 pounds of wool into cloth.

A bill of untaxed goods which he could buy for $87.50, the amount received originally for his wool, will be rendered to him over the protected counter where he trades at from $125 to $300, according to the articles he calls for. While he is interested and entertained with the so-called protection he receives on his wool he is at the same time robbed of five times the amount for the benefit of a far different class from himself. While this bill seeks to tickle the farmer's fancy and divert his attention by putting $10 into one of his pockets, the privileged and adroit monopolist will be taking $50 out of his other pocket.

But I deny that a high tariff on wool has ever even temporarily been a benefit to the woolgrower, or the sheep-raiser. Twenty-seven years ago the woolgrowers and the manufacturers of wool throughout the United States formed a sort of mutual benefit association and secured the passage of the act of 1867, putting an all-round, ironclad, high-protective tariff on wool. The mutual benefit, however, of the scheme totally failed. There was no mutuality about it. The manufacturer's class in general has grown rich; the farmer's class in general has remained poor. The price of wool has in the main steadily declined ever since the act of 1867. In 1867 the price of wool was 68 cents per pound; in 1888, twenty-one years later, it had made a decline of just one-half, and stood at 34 cents per pound; all this time under high Republican tariff protection.

Under the operations of the McKinley law the condition of the farmer is infinitely and indescribably worse. How can the advocate of protection explain that with a tariff of 11 cents per pound wool is selling now not only lower than ever before in the markets of the United States, but at less than one half the amount of the duty paid for its protection, the outside price to the manufacturer in New York being 7¾ cents per pound. This is the most miserable and disgraceful showing to be found in all the wretched history of tariff protection! What farmer does not feel its shame and humiliation?

But what has also been the effect on the sheep-raiser as well as on the woolgrower? Have the flocks increased on a thousand hills by virtue of the combination between wool producers and manufacturers of wool in behalf of a high tariff so many years ago? On the contrary, in 1867 the farmers of the four States of Pennsylvania, Ohio, Illinois, and Michigan owned 16,846,750 head of sheep. Twenty-one years afterwards, in 1888, the people of these same four great States owned but 6,018,784 head of sheep, a loss of 10,827,966, and were selling their wool at exactly one-half the price it formerly realized. I have not examined the census returns for 1890 on this subject, but the whole world knows that the situation has not been improved but deeply degraded by Republican high-tariff legislation, so far as the farmer is concerned, during the last seven years and during many years prior thereto. His fortunes have been downward, and with every tariff law now in existence of Republican design and origin they will continue in the same direction.

It seems to be out of the eternal fitness of things for the farmer, the tiller of the soil, the inhabitant of the fields, canopied by the free open heavens, and the intimate associate of nature, to prosper by the artificial and unfair processes of protection, whether the protection is aimed in his favor or against him. He belongs to a wholly different system; he is the offspring of more natural and more upright influences than were ever known to dwell in the scheming schedules of a protective tariff. The principle of tariff protection, come in what shape it may, is to him a poison

and a curse. He sells his produce in the unprotected markets of the world, and it is his right to buy in the same. What he most needs is the lowest taxation possible on everything he touches, and the nearest approach to an absolute freedom of trade consistent with a proper revenue for the support of his government.

When the day shall dawn in which the farmer, the mechanic, and the wage-worker shall alike have the right and the privilege to go into the open, liberated markets of the land and buy where their hard-earned money will buy most for their wants, with none to molest, to assess, to levy, to take toll, or to tax, then indeed will the millenium of labor have come, and all the sons and daughters of toil shall rise up and call their Government blessed.

Sir, this is the birthday of Thomas Jefferson. One hundred and fifty-one years ago to-day he came into the world the greatest emancipator of thought, philosopher of liberty, and teacher of the natural rights of man ever known in human history. The blows he struck for freedom, justice, and equality in government are yet resounding throughout the earth, and they will never cease to be heard until the last shackle of privilege and tyranny is broken. Ten days before his soul took flight from his mountain home he wrote his parting words to his own countrymen and to all the races of mankind. With this great dying message before us, and in its spirit, we take new courage and go on with our work. "All eyes are open, or opening," he said, "to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately by the grace of God." Hail, mighty message, and hail its speedy and certain fulfillment! All hail the counsels of Thomas Jefferson in this hour of caste based on wealth, of privilege granted by law, and of monopoly fastened on the slavery of labor! [Applause in the galleries.]

The VICE-PRESIDENT. The Chair desires to remind the occupants of the galleries that any demonstrations of approbation or disapprobation are in violation of the rules of the Senate and will not be permitted. If the offense is repeated the Chair will feel compelled to order the galleries to be cleared.

Mr. ALLISON obtained the floor.

Mr. CALL. I ask the Senator from Iowa if it will be agreeable to him to give way to me that I may move an executive session?

Mr. ALLISON. It will be agreeable to me to yield to the Senator for that purpose.

Mr. CALL. Then I move that the Senate proceed to the consideration of executive business.

Mr. GRAY. Before that motion is put, I should like unanimous consent to remind the Senator from Florida that the Senator from Alabama [Mr. MORGAN], who is not now in his seat, had asked unanimous consent to bring to the attention of the Senate an important matter at this hour.

Mr. MORGAN entered the Chamber.

Mr. GRAY. The Senator from Alabama is now here.

The VICE-PRESIDENT. Does the Senator from Florida withdraw his motion?

Mr. CALL. I will withdraw the motion if the Senator from Alabama desires me to do so.

Mr. MORGAN. I am informed by the clerks that the bill which was reported this morning by me from the Committee on Foreign Relations, and partly acted upon, will be printed and delivered here in the course of probably ten minutes. If the executive session desired by the Senator from Florida is to be a brief one, of course it will make no difference.

I understand that the order of the Senate this morning, by unanimous consent, was that the Bering Sea bill should be taken up at this hour. I am willing to yield, however, for a few moments of executive session if that will answer the purposes of the Senator from Florida. How much time will the Senator desire?

Mr. CALL. I can not tell how long the executive session will last, but I suppose there will be time enough after its conclusion for the Senator's bill to come up and be disposed of.

Mr. MORGAN. I am ready to go on with the bill, and I ask that it be laid before the Senate.

Mr. HOAR. Has the bill come from the Printer?

Mr. MORGAN. I understand it will be here in a few moments.

The VICE-PRESIDENT. The Chair will state to the Senator from Alabama that the bill was sent to the Printing Office to be printed and has not yet been returned.

Mr. MORGAN. I suppose we shall be compelled to await the arrival of the bill, and so I yield to the Senator from Florida for an executive session.

EXECUTIVE SESSION.

Mr. CALL. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Florida.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-one minutes spent in executive session the doors were reopened, and (at 5 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 3, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 2, 1894.

UNITED STATES ATTORNEY.

Andrew Jackson Sawyer, of Nebraska, to be attorney of the United States for the district of Nebraska, vice Benjamin S. Baker, whose term expired January 20, 1894.

PUBLIC PRINTER.

Thomas E. Benedict, of New York, to be Public Printer, vice Frank W. Palmer, resigned.

INTERSTATE COMMERCE COMMISSIONER.

James D. Yeomans, of Iowa, to be an Interstate Commerce Commissioner, for the term ending December 31, 1898, vice James W. McDill, deceased.

RECORDER OF DEEDS.

Charles H. J. Taylor, of Kansas, to be recorder of deeds in the District of Columbia, vice Blanche K. Bruce, resigned.

COLLECTORS OF CUSTOMS.

Charles R. Bisbee, of Florida, to be collector of customs for the district of St. Johns, in the State of Florida, to succeed Joseph E. Lee, whose term of office has expired by limitation.

Emil Olund, of Minnesota, to be collector of customs for the district of Duluth, in the State of Minnesota, to succeed Charles F. Johnson, whose term of office has expired by limitation.

John A. Wilson, of New Jersey, to be collector of customs for the district of Burlington, in the State of New Jersey, to succeed Alfred C. Barwis, whose term of office has expired by limitation.

John D. Davis, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina, to succeed Edward C. Duncan, whose term of office has expired by limitation.

CONSULS.

John Bidlake, of North Dakota, to be consul of the United States at Barranquilla, to fill a vacancy.

Richard M. Burke, of Illinois, to be consul of the United States at Chihuahua, to fill a vacancy.

James H. Dinsmore, of Texas, to be consul of the United States at Cienfuegos, Cuba, vice Henry A. Ehninger, recalled.

George R. Ernst, of Wisconsin, to be consul of the United States at Reichenberg, Bohemia, vice C. Hugo Jacobi, resigned.

William C. Foster, of Arizona, to be consul of the United States at Trinidad, West Indies, vice William P. Pierce, recalled.

Walter R. Henry, of North Carolina, to be consul of the United States at Curacao, West Indies, vice Leonard B. Smith, recalled.

Clifford Smyth, of New, York, to be consul of the United States at Cartagena, Colombia, vice Clayton I. Croft, recalled.

REGISTER OF LAND OFFICE.

Joseph F. Heiner, of Gunnison, Colo., to be register of the land office at Gunnison, Colo., vice Henry C. Olney, whose term of office will expire April 14, 1894.

RECEIVERS OF PUBLIC MONEYS.

Louis Grasmuck, of Gunnison, Colo., to be receiver of public moneys at Gunnison, Colo., vice Henry F. Lake, term expired.

James A. Munday, of Vancouver, Wash., to be receiver of public moneys at Vancouver, Wash., vice Scott Swetland, term expired.

POSTMASTERS.

John H. Dyer, to be postmaster at Winchester, in the county of Scott and State of Illinois, in the place of Harry Sanderson, whose commission expired December 21, 1893.

Edward L. Simpson, to be postmaster at Carrollton, in the county of Greene and State of Illinois, in the place of James Lynn, whose commission expired December 21, 1893.

Charles F. Duncombe, to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, in the place of Cyrus C. Carpenter, whose commission expired January 8, 1894.

Richard B. Hall, to be postmaster at Red Oak, in the county of Montgomery and State of Iowa, in the place of Henry H. Palmer, whose commission expired December 21, 1893.

Patrick Morrissey, to be postmaster at Alta, in the county of Buena Vista and State of Iowa, in the place of John E. Pickering, whose commission expired January 8, 1894.

George A. Collett, to be postmaster at Ellsworth, in the county

of Ellsworth and State of Kansas, in the place of George Huycke, whose commission expired February 19, 1894.

A. J. Davis, to be postmaster at Wa Keeney, in the county of Trego and State of Kansas, in the place of Andrew J. Harlan, whose commission expired March 4, 1894.

George W. Farrelly, to be postmaster at Chanute, in the county of Neosho and State of Kansas, in the place of Cyrus T. Nixon, removed.

George Hill, to be postmaster at Independence, in the county of Montgomery and State of Kansas, in the place of Ebenezer E. Wilson, whose commission expired January 9, 1894.

George Innes, to be postmaster at Lawrence, in the county of Douglas and State of Kansas, in the place of E. F. Goodrich, whose commission expired January 9, 1894.

Ebenezer M. Lockwood, to be postmaster at Burlington, in the county of Coffey and State of Kansas, in the place of Squire M. Lane, whose commission expired December 19, 1893.

Frank B. Ober, to be postmaster at Washington, in the county of Washington and State of Kansas, in the place of Hardy C. Robinson, whose commission expired January 9, 1894.

Will E. Stoke, to be postmaster at Great Bend, in the county of Barton and State of Kansas, in the place of Morgan Caraway, whose commission expired February 12, 1894.

Christina D. Fosdick, to be postmaster at Groton, in the county of Middlesex and State of Massachusetts, in the place of Christina D. Fosdick, whose commission expired January 20, 1894.

James Ingalls, to be postmaster at Methuen, in the county of Essex and State of Massachusetts, in the place of John E. Sawyer, whose commission expired February 28, 1894.

Frank E. Nichols, to be postmaster at Warren, in the county of Worcester and State of Massachusetts, in the place of Frank E. Nichols, whose commission expired January 16, 1894.

Reuben K. Lawyer, to be postmaster at Wellesley, in the county of Norfolk and State of Massachusetts, in the place of Reuben K. Lawyer, whose commission expired January 28, 1894.

James S. Wallace, to be postmaster at Rockport, in the county of Essex and State of Massachusetts, in the place of Andrew F. Clark, whose commission expired February 14, 1894.

William J. Wallace, to be postmaster at Norwood, in the county of Norfolk and State of Massachusetts, in the place of William J. Wallace, whose commission expired March 7, 1894.

Theron L. Arnold, to be postmaster at Three Rivers, in the county of St. Joseph and State of Michigan, in the place of George A. Cook, whose commission expires April 11, 1894.

Hiram W. George, to be postmaster at Pipestone, in the county of Pipestone and State of Minnesota, in the place of Ebenezer A. Rice, whose commission expired December 21, 1893.

Otto A. Kohler, to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota, in the place of Oliver D. Hutchinson, whose commission expired March 7, 1894.

Dennis McLaughlin, to be postmaster at Waseca, in the county of Waseca and State of Minnesota, in the place of James A. Claghorn, whose commission expired March 29, 1894.

Thomas Keenan, to be postmaster at Brookhaven, in the county of Lincoln and State of Mississippi, in the place of Jennie R. Tyler, whose commission expired December 21, 1893.

Emerson S. Beeman, to be postmaster at Miles City, in the county of Custer and State of Montana, in the place of Charles W. Syde, whose commission expired March 20, 1894.

Robert J. Coles, to be postmaster at York, in the county of York and State of Nebraska, in the place of Horton M. Detrick, whose commission expired December 21, 1893.

Emma J. Grafft, to be postmaster at Orleans, in the county of Harlan and State of Nebraska, in the place of Patrick W. Fennessey, whose commission expired February 12, 1894.

A. T. Hill, to be postmaster at Lyons, in the county of Burt and State of Nebraska, in the place of Walter D. Smith, resigned.

Frank H. Daniell, to be postmaster at Franklin Falls, in the county of Merrimack and State of New Hampshire, whose commission expired January 28, 1894.

Edward Finerty, to be postmaster at Milford, in the county of Hillsboro and State of New Hampshire, in the place of John W. Crosby, whose commission expired February 25, 1894.

Thomas E. Fletcher, to be postmaster at Tilton, in the county of Belknap and State of New Hampshire, in the place of Otis C. Wyatt, whose commission expired February 4, 1894.

Thomas L. Wadleigh, to be postmaster at Meredith, in the county of Belknap and State of New Hampshire, in the place of Francis H. Cram, whose commission expired February 4, 1894.

John G. Smith, sr., to be postmaster at Boundbrook, in the county of Somerset and State of New Jersey, in the place of William B. R. Mason, whose commission expired December 20, 1893.

John W. Thompson, to be postmaster at Cape May, in the county of Cape May and State of New Jersey, in the place of F. L. Richardson, whose commission expired December 20, 1893.

Frederick G. Wiese, to be postmaster at Bordentown, in the county of Burlington and State of New Jersey, in the place of J. W. Allen, whose commission expired March 4, 1894.

Horatio Judah, to be postmaster at Port Richmond, in the county of Richmond and State of New York, in the place of Frank Foggin, whose commission expired December 19, 1893.

Clarence S. McClellan, to be postmaster at Mount Vernon, in the county of Westchester and State of New York, in the place of Henry Huss, whose commission expired December 21, 1893.

George H. Perkins, to be postmaster at Rochester, in the county of Monroe and State of New York, in the place of John A. Reynolds, whose commission expired March 20, 1894.

George F. Van Dam, to be postmaster at Tompkinsville, in the county of Richmond and State of New York, in the place of Andrew H. Bowman, whose commission expired March 13, 1894.

William E. Harrison, to be postmaster at Rockingham, in the county of Richmond and State of North Carolina, in the place of Daniel M. Morrison, removed.

Enoch F. Lamb, to be postmaster at Elizabeth City, in the county of Pasquotank and State of North Carolina, in the place of Charles Guirkin, whose commission expired February 6, 1894.

Lebbens Belford, to be postmaster at Caldwell, in the county of Noble and State of Ohio, in the place of Azariah C. Cooper, whose commission expired December 19, 1893.

John L. Davis, to be postmaster at Shawnee, in the county of Perry and State of Ohio, in the place of Roger Richards, deceased.

William T. Haviland, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio, in the place of Isaac N. Zearing, whose commission expired January 16, 1894.

Oscar N. Marihugh, to be postmaster at Middleport, in the county of Meigs and State of Ohio, in the place of William A. Barringer, whose commission expired February 14, 1894.

George H. Moody, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio, in the place of Charles T. Baxter, whose commission expired February 25, 1894.

John W. Morrow, to be postmaster at Ada, in the county of Hardin and State of Ohio, in the place of John M. Bentley, resigned.

Patrick H. Murphy, to be postmaster at Ashland, in the county of Ashland and State of Ohio, in the place of Milton B. De Shong, whose commission expired March 24, 1894.

Ulrich B. Newman, to be postmaster at Greenfield, in the county of Highland and State of Ohio, in the place of Jeremiah Kerr, whose commission expired March 20, 1894.

Oscar D. Pocock, to be postmaster at Camden, in the county of Preble and State of Ohio, in the place of Oliver P. Brown, resigned.

G. Frew Pollock, to be postmaster at Cardington, in the county of Morrow and State of Ohio, in the place of Charles S. Warren, whose commission expired February 28, 1894.

C. L. Russell, to be postmaster at Mount Gilead, in the county of Morrow and State of Ohio, in the place of Alfred H. Breese, whose commission expired March 20, 1894.

James Trotter, to be postmaster at Steubenville, in the county of Jefferson and State of Ohio, in the place of James F. Sarratt, whose commission expired March 4, 1894.

Harry E. Bonsall, to be postmaster at Mifflintown, in the county of Juniata and State of Pennsylvania, in the place of James McCauley, whose commission expired December 21, 1893.

Enoch Enochs, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania, in the place of Henry Andrews, resigned.

John L. Garrett, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania, in the place of Robert Chadwick, whose commission expired December 20, 1893.

James M. Goodhart, to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania, in the place of Joseph L. McKinney, whose commission expired December 20, 1893.

Lewis C. Moses, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania, in the place of Herbert P. Worth, whose commission expired January 21, 1894.

George W. Semans, to be postmaster at Uniontown, in the county of Fayette and State of Pennsylvania, in the place of Robert J. Patterson, whose commission expired February 27, 1894.

William K. Wright, to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania, in the place of W. Kipp Chestnut, whose commission will expire April 16, 1894.

Joseph S. McKenzie, to be postmaster at Florence, in the county of Florence and State of South Carolina, in the place of Joshua E. Wilson, whose commission expired March 24, 1894.

Lewis M. Moore, to be postmaster at Greenwood, in the county of Abbeville and State of South Carolina, in the place of Robert R. Tolbert, removed.

Alfred D. Tinsley, to be postmaster at Sioux Falls, in the

county of Minnehaha and State of South Dakota, in the place of B. F. Campbell, whose commission expired December 21, 1893.

James R. Neely, to be postmaster at Franklin, in the county of Williamson and State of Tennessee, in the place of C. S. Moss, whose commission expired March 20, 1894.

J. D. Bates, to be postmaster at Denton, in the county of Denton and State of Texas, in the place of Charles H. Clement, whose commission expired February 11, 1894.

John H. Crawford, to be postmaster at Alvarado, in the county of Johnson and State of Texas, in the place of George W. Cotter, whose commission expires April 11, 1894.

J. W. Ramsey, to be postmaster at Gonzales, in the county of Gonzales and State of Texas, in the place of William C. Baquet, whose commission expires April 11, 1894.

William J. Russell, to be postmaster at Brownsville, in the county of Cameron and State of Texas, in the place of John W. Hoyt, whose commission expired February 10, 1894.

Richard C. Cordell, to be postmaster at Park City, in the county of Summit and Territory of Utah, in the place of Frank E. Harding, whose commission expired December 21, 1893.

L. P. Carr, to be postmaster at Fairmont, in the county of Marion and State of West Virginia, in the place of Thomas Reed, whose commission expired March 20, 1894.

George H. Flagg, to be postmaster at Charlestown, in the county of Jefferson and State of West Virginia, in the place of Samuel H. Higinbothom, whose commission expired February 25, 1894.

William Mearns, to be postmaster at Buckhannon, in the county of Upshur and State of West Virginia, in the place of Clark W. Heavener, whose commission expires April 11, 1894.

J. E. B. Budlong, to be postmaster at Clinton, in the county of Rock and State of Wisconsin, in the place of Ralph W. Cheever, whose commission expired January 27, 1894.

Moses J. Downey, to be postmaster at Portage, in the county of Columbia and State of Wisconsin, in the place of George W. Morrison, whose commission expired December 20, 1893.

Gottfried H. Ely, to be postmaster at Mauston, in the county of Juneau and State of Wisconsin, in the place of Daniel C. Remington, whose commission expired March 29, 1894.

Arnold Wagener, to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin, in the place of Joseph Harris, jr., whose commission expired March 20, 1894.

Thomas J. Dayton, to be postmaster at Laramie, in the county of Albany and State of Wyoming, in the place of Richard Butler, whose commission expired April 17, 1894.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 2, 1894.

Oney Carstarphen, of Denver, Colo., to be receiver of public moneys at Leadville, Colo., vice Willis L. Thompson, to be removed, which was sent to the Senate March 21, 1894, he having declined.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 28, 1894.

RECEIVERS OF PUBLIC MONEYS.

Aaron W. Eibes'utz, of Independence, Cal., to be receiver of public moneys at Independence, Cal.

John C. Neher, of Eauclaire, Wis., to be receiver of public moneys at Eauclaire, Wis.

REGISTERS OF THE LAND OFFICE.

Charles P. Blakeley, of Bozeman, Mont., to be register of the land office at Bozeman, Mont.

James Graham, of Coeur d'Alene, Idaho, to be register of the land office at Coeur d'Alene, Idaho.

Oliver H. Gallup, of Nevada, to be register of the land office at Carson City, Nev.

POSTMASTERS.

Jonah T. Howe, to be postmaster at Trumansburg, in the county of Tompkins and State of New York.

William R. Turney, to be postmaster at Greensburg, in the county of Westmoreland and State of Pennsylvania.

Creed F. Middlecoff, to be postmaster at Akron, in the county of Washington and State of Colorado.

Walter T. Lyon, to be postmaster at Selma, in the county of Fresno and State of California.

Executive nomination confirmed by the Senate April 2, 1894.

POSTMASTER.

Thomas Keenan, to be postmaster at Brookhaven, Lincoln County, Miss.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 2, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Saturday last was read and approved.

ELECTION CONTEST—O'NEILL VS. JOY.

The SPEAKER. Without objection, the Chair will submit several executive communications.

Mr. PATTERSON. I call for the regular order.

The SPEAKER. Does the gentleman object to the putting in of these executive communications?

Mr. PATTERSON. No, sir.

Mr. REED. If we are going to have the regular order, we may as well have it regularly.

Mr. PATTERSON. Very well.

The SPEAKER. The regular order is the further consideration of the contested election case of O'Neill against Joy. The gentleman from Michigan [Mr. BURROWS] moved to reconsider the vote by which the House disagreed to the first substitute resolution. The gentleman from Illinois [Mr. SPRINGER] moved to lay the motion on the table; and on that the yeas and nays were ordered. The question now before the House is on the motion to lay on the table the motion to reconsider entered by the gentleman from Michigan. The Clerk will call the roll.

Mr. BURROWS. A parliamentary inquiry before the roll call commences. Is it in order for members to have their names entered on this roll call or any roll call, unless they actually answer during the call, or unless, being present, they fail to hear their names called?

The SPEAKER. It is not. The rule is very clear that no gentleman can have his name entered as voting upon a pending proposition unless he votes in the open House. Under a call of the House members, in accordance with the rule, may have their names entered by the Clerk after the roll call. But that is an entirely different case from this. Sometimes, perhaps, there has been some want of distinction in the minds of some members in regard to these two cases. But on a roll call on a pending proposition a member is only entitled to have his name recorded when he votes in the House at the time his name is called, or when, after the roll call, he states that he was present during the call and failed to hear his name. The Chair has given direction to the clerks that they shall not in any instance violate this rule, because it is a rule that every member is entitled to have strictly observed. The Clerk will call the roll.

Mr. REED. If I may say so without disrespect, such has not been the custom of the clerks at the desk; and it was precisely that which I was trying to prevent when the Speaker acted as he did.

The SPEAKER. The Chair was not informed of any violation of this rule. The Clerk will call the roll.

The question was taken; and there were—yeas 147, nays 12 not voting 193; as follows:

YEAS—147.

Abbott,	Cooper, Tex.	Kribbs,	Richardson, Tenn.
Alderson,	Cox,	Kyle,	Ritchie,
Alexander,	Crawford,	Lane,	Robbins,
Allen,	Culberson,	Latimer,	Russell, Ga.
Bailey,	Cummings,	Lawson,	Sayers,
Baker, Kans.	Davey,	Layton,	Schermerhorn,
Baldwin,	Davis,	Lester,	Shell,
Bankhead,	Denson,	Lockwood,	Sickles,
Barwig,	Dinsmore,	Lynch,	Sperry,
Bell, Tex.	Dockery,	Mallory,	Springer,
Berry,	Dunn,	Martin, Ind.	Stallings,
Black, Ga.	Dunphy,	McCreary, Ky.	Stevens,
Bland,	Durborow,	McCulloch,	Stralt,
Boatner,	Edmunds,	McDannold,	Straus,
Bower, N. C.	English,	McDearmon,	Swanson,
Breckinridge, Ark.	Epes,	McEttrick,	Talbert, S. C.
Bretz,	Erdman,	McGann,	Talbott, Md.
Brickner,	Fielder,	McKaig,	Tate.
Brookshire,	Geary,	McLaurin,	Taylor, Ind.
Brown,	Geissenhainer,	McNagny,	Terry,
Bynum,	Goldzier,	McRae,	Tracey,
Cadmus,	Gorman,	Meredith,	Tucker,
Caminetti,	Grady,	Meyer,	Turner, Ga.
Cannon, Cal.	Gresham,	Money,	Turner, Va.
Capehart,	Haines,	Montgomery,	Turpin,
Caruth,	Hall, Minn.	Moses,	Tyler,
Catchings,	Hammond,	Oates,	Warner,
Causey,	Hare,	O'Neil,	Weadock,
Clark, Mo.	Hatch,	Outhwaite,	Wells,
Clarke, Ala.	Henderson, N. C.	Patterson,	Wheeler, Ala.
Cobb, Ala.	Hendrix,	Paynter,	Whiting,
Cobb, Mo.	Hines,	Pendleton, Tex.	Williams, Ill.
Cockrell,	Holman,	Pendleton, W. Va.	Williams, Miss.
Coffeen,	Hunter,	Pigott,	Wise,
Conn,	Hutcheson,	Reilly,	Wolverton,
Coombs,	Ikirt,	Richards, Ohio	Woodard.
Cooper, Fla.	Jones,	Richardson, Minn.	

NAYS—12.

Bryan,	Hall, Mo.	Kem,	Morgan,
De Armond,	Harris,	Marshall,	Ryan,
Everett,	Hudson,	McKeighan,	Sibley.

NOT VOTING—193.

Adams, Ky.	Daniels,	Johnson, Ind.	Ray,
Adams, Pa.	De Forest,	Johnson, N. Dak	Rayner,
Aitken,	Dingley,	Johnson, Ohio	Reed,
Aldrich,	Dolliver,	Joy,	Reyburn,
Apsley,	Donovan,	Kiefer,	Robertson, La.
Arnold,	Doolittle,	Kilgore,	Robinson, Pa.
Avery,	Draper,	Lacey,	Rusk,
Babcock,	Ellis, Ky.	Lapham,	Russell, Conn.
Baker, N. H.	Ellis, Oregon	Lefever,	Scranton,
Barnes,	Enloe,	Linton,	Settle,
Bartholdt,	Fithian,	Lisle,	Shaw,
Bartlett,	Fletcher,	Livingston,	Sherman,
Belden,	Forman,	Loud,	Simpson,
Bell, Colo.	Funk,	Loudenslager,	Sipe,
Beltzhoover,	Funston,	Lucas,	Smith,
Bingham,	Fyan,	Maddox,	Snodgrass,
Black, Ill.	Gardner,	Magner,	Somers,
Blair,	Gear,	Maguire,	Stephenson,
Boen,	Gillet, N. Y.	Mahon,	Stockdale,
Boutelle,	Gillett, Mass.	Marsh,	Stone, C. W.
Bowers, Cal.	Goodnight,	Marvin, N. Y.	Stone, W. A.
Branch,	Graham,	McAleer,	Stone, Ky.
Brattan,	Griffin,	McCall,	Storer,
Breckinridge, Ky.	Grosvenor,	McCleary, Minn.	Strong,
Broderick,	Grout,	McDowell,	Sweet,
Brosius,	Grow,	McMillin,	Tarsney,
Bundy,	Hager,	Meiklejohn,	Tawney,
Bunn,	Hainer,	Mercer,	Taylor, Tenn.
Burnes,	Harmer,	Milliken,	Thomas,
Burrows,	Harter,	Moon,	Updegraff,
Cabaniss,	Hartman,	Morse,	Van Voorhis, N. Y.
Caldwell,	Haugen,	Murray,	Van Voorhis, Ohio
Campbell,	Hayes,	Mutchler,	Wadsworth,
Cannon, Ill.	Heard,	Neill,	Walker,
Chickering,	Heiner,	Newlands,	Wanser,
Childs,	Henderson, Ill.	Northway,	Washington,
Clancy,	Henderson, Iowa	Page,	Waugh,
Cockran,	Hepburn,	Paschal,	Wever,
Cogswell,	Hermann,	Payne,	Wheeler, Ill.
Compton,	Hicks,	Pearson,	White,
Cooper, Ind.	Hilborn,	Pence,	Wilson, Ohio
Cooper, Wis.	Hitt,	Perkins,	Wilson, Wash.
Cornish,	Hooker, Miss.	Phillips,	Wilson, W. Va.
Cousins,	Hooker, N. Y.	Pickler,	Woomer,
Covert,	Hopkins, Ill.	Post,	Wright, Mass.
Crain,	Hopkins, Pa.	Powers,	Wright, Pa.
Curtis, Kans.	Houk,	Price,	
Curtis, N. Y.	Hulick,	Quigg,	
Dalzell,	Hull,	Randall,	

No quorum voting.

The following pairs were announced:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. GOODNIGHT with Mr. CALDWELL.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. BRATTAN with Mr. ADAMS of Kentucky.

Mr. ARNOLD with Mr. HOOKER of New York.

Mr. PAGE with Mr. MORSE.

Mr. LIVINGSTON with Mr. STORER.

Mr. HEARD with Mr. TAYLOR of Tennessee.

Mr. MADDOX with Mr. GROUT.

Mr. FORMAN with Mr. LUCAS.

Mr. ELLIS of Kentucky with Mr. HAUGEN.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. GRAHAM with Mr. STRONG.

Mr. TARSNEY with Mr. GEAR.

Mr. STEVENS with Mr. VAN VOORHIS of New York.

Mr. COMPTON with Mr. LEFEVER.

Mr. SNODGRASS with Mr. HOUK.

Mr. BLACK of Illinois with Mr. ALDRICH.

Mr. LISLE with Mr. RANDALL.

Mr. VAN VOORHIS of Ohio, with Mr. PEARSON.

Mr. BARTLETT with Mr. DANIELS.

Mr. SOMERS with Mr. HARMER.

Mr. FYAN with Mr. LINTON.

Mr. BELTZHOOVER with Mr. WRIGHT of Massachusetts.

Mr. MUTCHLER with Mr. WRIGHT of Pennsylvania.

Mr. CRAIN with Mr. SCRANTON.

Mr. FITHIAN with Mr. BINGHAM.

Mr. CABANISS with Mr. POWERS.

Mr. RUSK with Mr. GILLET of New York.

Mr. COBB of Alabama. Mr. Speaker, I am paired, but with the distinct understanding that I have the right to vote to make a quorum. I have accordingly voted on this question with that understanding.

Mr. STEVENS. I am also paired under the same circumstances.

Mr. ENLOE. I was detained at the Department and did not get into the Hall in time to vote on this question.

Mr. RICHARDSON of Tennessee. My colleague, Mr. WASHINGTON, is detained from the Hall by reason of sickness, and asks indefinite leave of absence.

The SPEAKER. The Chair has several requests for leaves of absence, and before the announcement of this vote will submit them to the House.

By unanimous consent, leave of absence was granted accordingly as follows:

To Mr. WASHINGTON, indefinitely, on account of sickness.

To Mr. TARSNEY, indefinitely, on account of sickness in his family.

To Mr. GILLET of New York, for three days, on account of sickness.

To Mr. HOOKER of New York, indefinitely, on account of sickness in his family.

The result of the vote was then announced as above recorded.

Mr. PATTERSON. I move that the House do now adjourn, and on that I demand the yeas and nays.

Mr. LACEY. I make the point of order on that motion.

The SPEAKER. What is the point of order the gentleman makes?

Mr. LACEY. That the motion is not in order.

The SPEAKER. Why?

Mr. LACEY. Because the Speaker has heretofore held, under similar circumstances that the motion could not be received.

The SPEAKER. The gentleman does not seem to understand the distinction in the rules of the House. A House for the transaction of business means a quorum of the House. If a quorum of the House is not present on any question, there are only two things that the House can do. One is to adjourn, and the other to order a call of the House for the purpose of securing the attendance of absent members. The fact that a quorum was not present has been developed on this roll call.

There is no difficulty about the matter whatever.

Mr. PAYNE. The Speaker will remember that I undertook to submit the same motion under similar circumstances, and was refused.

The SPEAKER. The Speaker does not remember. The Speaker remembers that there was a repetition of the motion, or an attempted repetition of it, at a time when there had been no intervening business to justify it.

Mr. PAYNE. If the Speaker will remember all that occurred, he will remember that there had been intervening business.

Mr. BOUTELLE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I desire to call the attention of the Chair to the fact, which is clearly disclosed in the RECORD, that the Chair declined to entertain a motion to adjourn when there was less than a quorum present—declining to entertain the motion the gentleman from New York [Mr. PAYNE].

The SPEAKER. Has the gentleman accomplished his purpose?

Mr. BOUTELLE. I have, in calling the attention of the Chair to the fact that this motion was refused under similar circumstances.

The SPEAKER. Then the business of the House will proceed.

The question is on ordering the yeas and nays on the motion of the gentleman from Tennessee, that the House do now adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 1, nays 168, not voting 183; as follows:

YEAS—1.

Mallory.

NAYS—168.

Abbott,	Clarke, Ala.	Geissenhainer,	Lynch,
Alderson,	Cobb, Ala.	Goldzier,	Marshall,
Alexander,	Cobb, Mo.	Gorman,	Martin, Ind.
Allen,	Cockrell,	Grady,	McAleer,
Bailey,	Coffeen,	Gresham,	McCreary, Ky.
Baker, Kans.	Conn,	Griffin,	McCulloch,
Baldwin,	Coombs,	Haines,	McDannold,
Bankhead,	Cooper, Fla.	Hall, Minn.	McDearmon,
Barwig,	Cooper, Tex.	Hall, Mo.	McEttrick,
Bell, Tex.	Covert,	Hammond,	McGann,
Berry,	Cox,	Hare,	McKaig,
Black, Ga.	Crawford,	Harris,	McLaurin,
Bland,	Culberson,	Hatch,	McMillin,
Boatner,	Cummings,	Hayes,	McNagny,
Boen,	Davey,	Henderson, N. C.	McRae,
Bower, N. C.	Davis,	Hendrix,	Meredith,
Branch,	De Armond,	Hines,	Meyer,
Breckinridge, Ark.	Denson,	Hudson,	Money,
Bretz,	Dinsmore,	Hunter,	Montgomery,
Brickner,	Dockery,	Hutcheson,	Morgan,
Brookshire,	Dunn,	Ikirt,	Moses,
Brown,	Dunphy,	Jones,	Mutchler,
Bryan,	Durborow,	Kilgore,	Oates,
Bynum,	Edmunds,	Kribbs,	O'Neil,
Cadmus,	English,	Kyle,	Outhwaite,
Caminetti,	Enloe,	Lane,	Paschal,
Cannon, Cal.	Epes,	Latimer,	Patterson,
Caruth,	Erdman,	Lawson,	Paynter,
Catchings,	Everett,	Layton,	Pendleton, Tex.
Causey,	Fielder,	Lester,	Pendleton, W. Va.
Clark, Mo.	Geary,	Lockwood,	Pigott,

Price,	Schermerhorn,	Swanson,	Tyler,
Reilly,	Shell,	Talbert, S. C.	Warner,
Richards, Ohio	Sibley,	Tate,	Weadock,
Richardson, Mich.	Sickles,	Tawney,	Wells,
Richardson, Tenn.	Sperry,	Taylor, Ind.	Wheeler, Ala.
Ritchie,	Springer,	Terry,	Whiting,
Robbins,	Stallings,	Tracey,	Williams, Ill.
Robertson, La.	Stockdale,	Tucker,	Williams, Miss.
Russell, Ga.	Stone, Ky.	Turner, Ga.	Wise,
Ryan,	Strait,	Turner, Va.	Wolverton,
Sayers,	Straus,	Turpin,	Woodard.

NOT VOTING—183.

Adams, Ky.	Dalzell,	Hulick,	Randall,
Adams, Pa.	Daniels,	Hull,	Ray,
Aitken,	De Forest,	Johnson, Ind.	Rayner,
Aldrich,	Dingley,	Johnson, N. Dak.	Reed,
Apsley,	Dolliver,	Johnson, Ohio	Reyburn,
Arnold,	Donovan,	Joy,	Robinson, Pa.
Avery,	Doolittle,	Kem,	Rusk,
Babcock,	Draper,	Kiefer,	Russell, Conn.
Baker, N. H.	Ellis, Ky.	Lacey,	Scranton,
Barnes,	Ellis, Oregon	Lapham,	Settle,
Bartholdt,	Fithian,	Lefever,	Shaw,
Bartlett,	Fletcher,	Linton,	Sherman,
Belden,	Forman,	Lisle,	Simpson,
Bell, Colo.	Funk,	Livingston,	Sipe,
Beltzhoover,	Funston,	Loud,	Smith,
Bingham,	Fyan,	Loudenslager,	Snodgrass,
Black, Ill.	Gardner,	Lucas,	Somers,
Blair,	Gear,	Maddox,	Stephenson,
Boutelle,	Gillet, N. Y.	Magner,	Stevens,
Bowers, Cal.	Gillett, Mass.	Maguire,	Stone, C. W.
Brattan,	Goodnight,	Mahon,	Stone, W. A.
Breckinridge, Ky.	Graham,	Marsh,	Storer,
Broderick,	Grosvenor,	Marvin, N. Y.	Strong,
Brosius,	Grout,	McCall,	Sweet,
Bundy,	Grow,	McCleary, Minn.	Talbott, Md.
Bunn,	Hager,	McDowell,	Tarsney,
Burnes,	Hainer,	McKeighan,	Taylor, Tenn.
Burrows,	Harmer,	Meiklejohn,	Thomas,
Cabaniss,	Harter,	Mercer,	Updegraff,
Caldwell,	Hartman,	Milliken,	Van Voorhis, N. Y.
Campbell,	Haugen,	Moon,	Van Voorhis, Ohio
Cannon, Ill.	Heard,	Morse,	Wadsworth,
Capehart,	Heiner,	Murray,	Walker,
Chickering,	Henderson, Ill.	Neill,	Wanger,
Childs,	Henderson, Iowa	Newlands,	Washington,
Clancy,	Hepburn,	Northway,	Waugh,
Cockran,	Hermann,	Page,	Wever,
Cogswell,	Hicks,	Payne,	Wheeler, Ill.
Compton,	Hilborn,	Pearson,	White,
Cooper, Ind.	Hitt,	Pence,	Wilson, Ohio
Cooper, Wis.	Holman,	Perkins,	Wilson, Wash.
Cornish,	Hooker, Miss.	Phillips,	Wilson, W. Va.
Cousins,	Hooker, N. Y.	Pickler,	Woomer,
Crain,	Hopkins, Ill.	Post,	Wright, Mass.
Curtis, Kans.	Hopkins, Pa.	Powers,	Wright, Pa.
Curtis, N. Y.	Houk,	Quigg,	

So the motion to adjourn was rejected,

The result of the vote was then announced as above recorded.

Mr. PATTERSON. I move a call of the House.

The question was taken on ordering a call of the House, and the Speaker announced that the ayes seemed to have it.

Mr. REED. Division.

The House divided; and there were—ayes 70, noes 52.

Mr. REED. Tellers, Mr. Speaker.

Mr. PATTERSON. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 1, not voting 180; as follows:

YEAS—171.

Abbott,	Coffeen,	Hall, Mo.	McKeighan,
Alderson,	Conn,	Hammond,	McLaurin,
Alexander,	Coombs,	Hare,	McMillin,
Allen,	Cooper, Fla.	Harris,	McNagny,
Bailey,	Cooper, Tex.	Hatch,	McRae,
Baker, Kans.	Covert,	Hayes,	Meredith,
Baldwin,	Cox,	Henderson, N. C.	Meyer,
Bankhead,	Crain,	Hendrix,	Money,
Barwig,	Crawford,	Hines,	Montgomery,
Bell, Tex.	Culberson,	Hudson,	Morgan,
Berry,	Cummings,	Hunter,	Moses,
Black, Ga.	Davey,	Hutcheson,	Newlands,
Bland,	De Armond,	Ikirt,	Oates,
Boatner,	Denson,	Jones,	O'Neil,
Boen,	Dinsmore,	Kem,	Paschal,
Bower, N. C.	Dockery,	Kilgore,	Patterson,
Branch,	Donovan,	Kribbs,	Payne,
Breckinridge, Ark.	Dunn,	Kyle,	Pendleton, Tex.
Bretz,	Dunphy,	Lane,	Pendleton, W. Va.
Brickner,	Durborow,	Latimer,	Pigott,
Brookshire,	Edmunds,	Lawson,	Price,
Brown,	English,	Layton,	Reilly,
Bryan,	Enloe,	Lester,	Richards, Ohio
Burnes,	Epes,	Lockwood,	Richardson, Mich.
Bynum,	Erdman,	Lynch,	Ritchie,
Cadmus,	Everett,	Maguire,	Robbins,
Caminetti,	Fielder,	Mallory,	Robertson, La.
Cannon, Cal.	Geary,	Martin, Ind.	Russell, Ga.
Capehart,	Geissenhainer,	McAleer,	Ryan,
Caruth,	Goldzier,	McCreary, Ky.	Sayers,
Catchings,	Gorman,	McCulloch,	Schermerhorn,
Causey,	Grady,	McDannold,	Shell,
Clark, Mo.	Gresham,	McDearmon,	Sibley,
Clarke, Ala.	Griffin,	McEttrick,	Sickles,
Cobb, Mo.	Haines,	McGann,	Sperry,
Cockrell,	Hall, Minn.	McKaig,	Springer,
Stallings,	Talbott, Md.	Turner, Va.	Whiting,
Stockdale,	Tate,	Turpin,	Williams, Ill.
Stone, Ky.	Taylor, Ind.	Tyler,	Williams, Miss.
Strait,	Terry,	Warner,	Wise,
Straus,	Tracey,	Weadock,	Wolverton,
Swanson,	Tucker,	Wells,	Woodard.
Talbert, S. C.	Turner, Ga.	Wheeler, Ala.	

NAYS—1.

Marshall.

NOT VOTING—180.

Adams, Ky.	Daniels,	Hulick,	Ray,
Adams, Pa.	Davis,	Hull,	Rayner,
Aitken,	De Forest,	Johnson, Ind.	Reed,
Aldrich,	Dingley,	Johnson, N. Dak.	Reyburn,
Apsley,	Dolliver,	Johnson, Ohio	Richardson, Tenn.
Arnold,	Doolittle,	Joy,	Robinson, Pa.
Avery,	Draper,	Kiefer,	Rusk,
Babcock,	Ellis, Ky.	Lacey,	Russell, Conn.
Baker, N. H.	Ellis, Oregon	Lapham,	Scranton,
Barnes,	Fithian,	Lefever,	Settle,
Bartholdt,	Fletcher,	Linton,	Shaw,
Bartlett,	Forman,	Lisle,	Sherman,
Belden,	Funk,	Livingston,	Simpson,
Bell, Colo.	Funston,	Loud,	Sipe,
Beltzhoover,	Fyan,	Loudenslager,	Smith,
Bingham,	Gardner,	Lucas,	Snodgrass,
Black, Ill.	Gear,	Maddox,	Somers,
Blair,	Gillet, N. Y.	Magner,	Stephenson,
Boutelle,	Gillett, Mass.	Mahon,	Stevens,
Bowers, Cal.	Goodnight,	Marsh,	Stone, C. W.
Brattan,	Graham,	Marvin, N. Y.	Stone, W. A.
Breckinridge, Ky.	Grosvenor,	McCall,	Storer,
Broderick,	Grout,	McCleary, Minn.	Strong,
Brosius,	Grow,	McDowell,	Sweet,
Bundy,	Hager,	Meiklejohn,	Tarsney,
Bunn,	Hainer,	Mercer,	Tawney,
Burrows,	Harmer,	Milliken,	Taylor, Tenn.
Cabaniss,	Harter,	Moon,	Thomas,
Caldwell,	Hartman,	Morse,	Updegraff,
Campbell,	Haugen,	Murray,	Van Voorhis, N. Y.
Cannon, Ill.	Heard,	Mutchler,	Van Voorhis, Ohio
Chickering,	Heiner,	Neill,	Wadsworth,
Childs,	Henderson, Ill.	Northway,	Walker,
Clancy,	Henderson, Iowa	Outhwaite,	Wanger,
Cobb, Ala.	Hepburn,	Page,	Washington,
Cockran,	Hermann,	Paynter,	Waugh,
Cogswell,	Hicks,	Pearson,	Wever,
Compton,	Hilborn,	Pence,	Wheeler, Ill.
Cooper, Ind.	Hitt,	Perkins,	White,
Cooper, Wis.	Holman,	Phillips,	Wilson, Ohio
Cornish,	Hooker, Miss.	Pickler,	Wilson, Wash.
Cousins,	Hooker, N. Y.	Post,	Wilson, W. Va.
Curtis, Kans.	Hopkins, Ill.	Powers,	Woomer,
Curtis, N. Y.	Hopkins, Pa.	Quigg,	Wright, Mass.
Dalzell,	Houk,	Randall,	Wright, Pa.

So a call of the House was ordered.

The result of the vote was then announced as above recorded.

Mr. PAYNE. I move to reconsider the vote by which a call of the House was ordered.

Mr. PATTERSON. I move to lay that motion on the table, and upon that I demand the yeas and nays.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves to reconsider the vote by which a call of the House was ordered, and the gentleman from Tennessee [Mr. PATTERSON] moves to lay that motion on the table.

Mr. CATCHINGS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CATCHINGS. Is the motion of the gentleman from New York [Mr. PAYNE] in order, under the special order under which we are proceeding? Is not that an "intervening motion"?

The SPEAKER. But we are now without a quorum.

Mr. CATCHINGS. Still is not that an intervening motion? We have voted to have a call of the House, have we not?

The SPEAKER. That has been the vote.

Mr. CATCHINGS. Now the proposition is to reconsider that. Does not that come within the terms of the order? It is true the House is without a quorum, but this is an intervening motion. Why shall we not have a call of the House without this intervening motion?

The SPEAKER. The Chair does not see that the order would affect it. Unless there is some——

Mr. PATTERSON. I withdraw my motion to lay on the table, and I call for the yeas and nays on the motion of the gentleman from New York [Mr. PAYNE] to reconsider.

Mr. PAYNE. Pending that I move that the House do now adjourn.

The SPEAKER. Pending that the gentleman from New York [Mr. PAYNE] moves that the House do now adjourn. The vote will be taken on the latter motion.

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. PAYNE demanded a division.

The House divided; and there were—ayes 8, noes 50.

Mr. PATTERSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 1, nays 165, not voting 186; as follows:

YEAS—1.

Mallory,

NAYS—165.

Abbott,	Crain,	Kyle,	Richardson, Mich.
Alderson,	Crawford,	Lane,	Richardson, Tenn.
Alexander,	Culberson,	Latimer,	Ritchie,
Allen,	Davey,	Lawson,	Robbins,
Bailey,	Davis,	Layton,	Robertson, La.
Baker, Kans.	De Armond,	Lester,	Russell, Ga.
Baldwin,	Denson,	Lockwood,	Ryan,
Barwig,	Dinsmore,	Lynch,	Sayers,
Bell, Tex.	Dockery,	Maguire,	Schermerhorn,
Berry,	Donovan,	Marshall,	Shell,
Black, Ga.	Dunn,	Martin, Ind.	Sibley,
Bland,	Dunphy,	McAleer,	Sickles,
Boatner,	Durborow,	McCreary, Ky.	Sperry,
Boen,	Edmunds,	McCulloch,	Springer,
Bower, N. C.	English,	McDannold,	Stallings,
Branch,	Epes,	McDearmon,	Stockdale,
Bretz,	Erdman,	McEttrick,	Stone, Ky.
Brickner,	Everett,	McGann,	Strait,
Brookshire,	Fielder,	McKaig,	Swanson,
Brown,	Geary,	McKeighan,	Talbert, S. C.
Bryan,	Geissenhainer,	McLaurin,	Talbott, Md.
Burnes,	Goldzier,	McMillin,	Tate,
Bynum,	Gorman,	McRae,	Taylor, Ind.
Cadmus,	Grady,	Meredith,	Terry,
Caminetti,	Gresham,	Meyer,	Tracey,
Cannon, Cal.	Haines,	Money,	Tucker,
Capehart,	Hall, Minn.	Montgomery,	Turner, Ga.
Caruth,	Hall, Mo.	Morgan,	Turner, Va.
Catchings,	Hammond,	Moses,	Turpin,
Causey,	Hare,	Neill,	Tyler,
Clark, Mo.	Harris,	O'Neill,	Weadock,
Clarke, Ala.	Henderson, N. C.	Outhwaite,	Wells,
Cobb, Mo.	Hendrix,	Page,	Wheeler, Ala.
Cockrell,	Holman,	Paschal,	Whiting,
Coffeen,	Hudson,	Patterson,	Williams, Ill.
Conn,	Hunter,	Paynter,	Williams, Miss.
Coombs,	Hutcheson,	Pendleton, Tex.	Wise,
Cooper, Fla.	Ikirt,	Pendleton, W. Va.	Wolverton,
Cooper, Ind.	Jones,	Pigott,	Woodard.
Cooper, Tex.	Kem,	Price,	
Covert,	Kilgore,	Reilly,	
Cox,	Kribbs,	Richards, Ohio	

NOT VOTING—186.

Adams, Ky.	Daniels,	Houk,	Rayner,
Adams, Pa.	De Forest,	Hulick,	Reed,
Aitken,	Dingley,	Hull,	Reyburn,
Aldrich,	Dolliver,	Johnson, Ind.	Robinson, Pa.
Apsley,	Doolittle,	Jounson, N. Dak.	Rusk,
Arnold,	Draper,	Johnson, Ohio	Russell, Conn.
Avery,	Ellis, Ky.	Joy,	Scranton,
Babcock,	Ellis, Oregon	Kiefer,	Settle,
Baker, N. H.	Enloe,	Lacey,	Shaw,
Bankhead,	Fithian,	Lapham,	Sherman,
Barnes,	Fletcher,	Lefever,	Simpson,
Bartholdt,	Forman,	Linton,	Sipe,
Bartlett,	Funk,	Lisle,	Smith,
Belden,	Funston,	Livingston,	Snodgrass,
Bell, Colo.	Fyan,	Loud,	Somers,
Beltzhoover,	Gardner,	Loudenslager,	Stephenson,
Bingham,	Gear,	Lucas,	Stevens,
Black, Ill.	Gillet, N. Y.	Maddox,	Stone, C. W.
Blair,	Gillett, Mass.	Magner,	Stone, W. A.
Boutelle,	Goodnight,	Mahon,	Storer,
Bowers, Cal.	Graham,	Marsh,	Straus,
Brattan,	Griffin,	Marvin, N. Y.	Strong,
Breckinridge, Ark.	Grosvenor,	McCall,	Sweet,
Breckinridge, Ky.	Grout,	McCleary, Minn.	Tarsney,
Broderick,	Grow,	McDowell,	Tawney,
Brosius,	Hager,	McNagny,	Taylor, Tenn.
Bundy,	Hainer,	Meiklejohn,	Thomas,
Bunn,	Harmer,	Mercer,	Updegraff,
Burrows,	Harter,	Milliken,	Van Voorhis, N. Y.
Cabaniss,	Hartman,	Moon,	Van Voorhis, Ohio
Caldwell,	Hatch,	Morse,	Wadsworth,
Campbell,	Haugen,	Murray,	Walker,
Cannon, Ill.	Hayes,	Mutchler,	Wanger,
Chickering,	Heard,	Newlands,	Warner,
Childs,	Heiner,	Northway,	Washington,
Clancy,	Henderson, Ill.	Oates,	Waugh,
Cobb, Ala.	Henderson, Iowa	Payne,	Wever,
Cockran,	Hepburn,	Pearson,	Wheeler, Ill.
Cogswell,	Hermann,	Pence,	White,
Compton,	Hicks,	Perkins,	Wilson, Ohio
Cooper, Wis.	Hilborn,	Phillips,	Wilson, Wash.
Cornish,	Hines,	Pickler,	Wilson, W. Va.
Cousins,	Hitt,	Post,	Woomer,
Cummings,	Hooker, Miss.	Powers,	Wright, Mass.
Curtis, Kans.	Hooker, N. Y.	Quigg,	Wright, Pa.
Curtis, N. Y.	Hopkins, Ill.	Randall,	
Dalzell,	Hopkins, Pa.	Ray,	

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). On this question the yeas are 1, the nays 165. The nays have it, and the motion to adjourn is not agreed to. The question now is on the motion to reconsider the vote by which a call of the House was ordered.

Mr. REED. I move to lay that motion on the table.

Mr. HATCH. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER *pro tempore*. On the last call?

Mr. REED. Regular order.

Mr. HATCH. Yes.

The SPEAKER *pro tempore*. The gentleman is not recorded. The question is on the motion to lay on the table the motion to reconsider the vote by which a call of the House was ordered.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. REED. Division.

Mr. PATTERSON. The yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. A motion was made to reconsider the vote by which a call of the House was ordered. The gentleman from Maine [Mr. REED] moves to lay that motion on the table, and on that the yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 3, not voting 202; as follows:

YEAS—147.

Abbott,	Davis,	Kyle,	Richardson, Mich.
Alexander,	De Armond,	Lane,	Richardson, Tenn.
Allen,	Denson,	Latimer,	Ritchie,
Bailey,	Dinsmore,	Lawson,	Robbins,
Baker, Kans.	Dockery,	Layton,	Robertson, La.
Baldwin,	Donovan,	Lester,	Russell, Ga.
Bankhead,	Dunn,	Lynch,	Ryan,
Barwig,	Dunphy,	Maguire,	Sayers,
Bell, Tex.	Durborow,	Mallory,	Schermerhorn,
Berry,	Edmunds,	Marshall,	Shell,
Black, Ga.	English,	Martin, Ind.	Sperry,
Bland,	Enloe,	McAleer,	Springer,
Boatner,	Epes,	McCreary, Ky.	Stallings,
Branch,	Erdman,	McCulloch,	Stockdale,
Breckinridge, Ark.	Everett,	McDannold,	Stone, Ky.
Bretz,	Fielder,	McDearmon,	Strait,
Brickner,	Geary,	McEttrick,	Straus,
Brookshire,	Geissenhainer,	McKaig,	Talbert, S. C.
Bryan,	Gorman,	McKeighan,	Talbott, Md.
Burnes,	Grady,	McLaurin,	Tate,
Bynum,	Gresham,	McMillin,	Terry,
Caminetti,	Griffin,	McRae,	Tracey,
Cannon, Cal.	Haines,	Meredith,	Tucker,
Capehart,	Hall, Minn.	Money,	Turner, Ga.
Caruth,	Hall, Mo.	Montgomery,	Turner, Va.
Clark, Mo.	Hare,	Morgan,	Turpin,
Cobb, Mo.	Harris,	Moses,	Warner,
Cockrell,	Hatch,	Neill,	Weadock,
Coffeen,	Hayes,	Oates,	Wells,
Coombs,	Henderson, N. C.	O'Neil,	Wheeler, Ala.
Cooper, Fla.	Hines,	Paschal,	Whiting,
Cooper, Tex.	Holman,	Patterson,	Williams, Ill.
Covert,	Hudson,	Paynter,	Williams, Miss.
Cox,	Hunter,	Pendleton, Tex.	Wise,
Crain,	Hutcheson,	Pendleton, W. Va.	Wolverton,
Culberson,	Ikirt,	Pigott,	Woodard.
Cummings,	Kilgore,	Richards, Ohio	

NAYS—3

Alderson,	Cadmus,	Crawford.

NOT VOTING—202.

Adams, Ky.	Dalzell,	Johnson, N. Dak.	Rayner,
Adams, Pa.	Daniels,	Johnson, Ohio	Reed,
Aitken,	Davey,	Jones,	Reilly,
Aldrich,	De Forest,	Joy,	Reyburn,
Apsley,	Dingley,	Kem,	Robinson, Pa.
Arnold,	Dolliver,	Kiefer,	Rusk,
Avery,	Doolittle,	Kribbs,	Russell, Conn.
Babcock,	Draper,	Lacey,	Scranton,
Baker, N. H.	Ellis, Ky.	Lapham,	Settle,
Barnes,	Ellis, Oregon	Lefever,	Shaw,
Bartholdt,	Fithian,	Linton,	Sherman,
Bartlett,	Fletcher,	Lisle,	Sibley,
Belden,	Forman,	Livingston,	Sickles,
Bell, Colo.	Funk,	Lockwood,	Simpson,
Beltzhoover,	Funston,	Loud,	Sipe,
Bingham,	Fyan,	Loudenslager,	Smith,
Black, Ill.	Gardner,	Lucas,	Snodgrass,
Blair,	Gear,	Maddox,	Somers,
Boen,	Gillet, N. Y.	Magner,	Stephenson,
Boutelle,	Gillett, Mass.	Mahon,	Stevens,
Bower, N. C.	Goldzier,	Marsh,	Stone, C. W.
Bowers, Cal.	Goodnight,	Marvin, N. Y.	Stone, W. A.
Brattan,	Graham,	McCall,	Storer,
Breckinridge, Ky.	Grosvenor,	McCleary, Minn.	Strong,
Broderick,	Grout,	McDowell,	Swanson,
Brosius,	Grow,	McGann,	Sweet,
Brown,	Hager,	McNagny,	Tarsney,
Bundy,	Hainer,	Meiklejohn,	Tawney,
Bunn,	Hammond,	Mercer,	Taylor, Ind.
Burrows,	Harmer,	Meyer,	Taylor, Tenn.
Cabaniss,	Harter,	Milliken,	Thomas,
Caldwell,	Hartman,	Moon,	Tyler,
Campbell,	Haugen,	Morse,	Updegraff,
Cannon, Ill.	Heard,	Murray,	Van Voorhis, N. Y.
Catchings,	Heiner,	Mutchler,	Van Voorhis, Ohio
Causey,	Henderson, Ill.	Newlands,	Wadsworth,
Chickering,	Henderson, Iowa	Northway,	Walker,
Childs,	Hendrix,	Outhwaite,	Wanger,
Clancy,	Hepburn,	Page,	Washington,
Clarke, Ala.	Hermann,	Payne,	Waugh,
Cobb, Ala.	Hicks,	Pearson,	Wever,
Cockran,	Hilborn,	Pence,	Wheeler, Ill.
Cogswell,	Hitt,	Perkins,	White,
Compton,	Hooker, Miss.	Phillips,	Wilson, Ohio
Conn,	Hooker, N. Y.	Pickler,	Wilson, Wash.
Cooper, Ind.	Hopkins, Ill.	Post,	Wilson, W. Va.
Cooper, Wis.	Hopkins, Pa.	Powers,	Woomer,
Cornish,	Houk,	Price,	Wright, Mass.
Cousins,	Hulick,	Quigg,	Wright, Pa.
Curtis, Kans.	Hull,	Randall,	
Curtis, N. Y.	Johnson, Ind.	Ray,	

The following additional pair was announced:

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois, on this vote.

The SPEAKER *pro tempore*. On this question the yeas are 147; the nays are 3; the ayes have it; the motion to reconsider is laid on the table, and a call of the House is ordered.

The roll was called, when the following-named members failed to respond:

Adams, Pa.	Cooper, Fla.	Hines,	Rayner.
Aitken,	Cooper, Wis.	Hitt,	Reyburn,
Aldrich,	Cornish,	Hooker, Miss.	Robinson, Pa.
Alexander,	Covert,	Hooker, N. Y.	Rusk,
Apsley,	Dalzell,	Hopkins, Ill.	Scranton,
Arnold,	Davey,	Hopkins, Pa.	Settle,
Baker, Kans.	De Forest,	Houk,	Shell,
Barnes,	Denson,	Johnson, Ohio	Sherman,
Bartholdt,	Dingley,	Joy,	Simpson,
Bartlett,	Dinsmore,	Kem,	Sipe,
Belden,	Dolliver,	Kiefer,	Snodgrass,
Bell, Colo.	Donovan,	Lapham,	Somers,
Beltzhoover,	Durborow,	Lefever,	Sperry,
Bingham,	Ellis, Ky.	Linton,	Stevens,
Black, Ill.	Fithian,	Lisle,	Stockdale,
Boatner,	Fletcher,	Livingston,	Stone, C. W.
Bower, N. C.	Forman,	Loudenslager,	Storer,
Branch,	Fyan,	Lucas,	Strait,
Brattan,	Geissenhainer,	Maddox,	Strong,
Breckinridge, Ky.	Gillet, N. Y.	Magner,	Tarsney,
Brookshire,	Goodnight,	Mahon,	Tawney,
Brosius,	Graham,	McCall,	Taylor, Tenn.
Brown,	Gresham,	McCleary, Minn.	Updegraff,
Bundy,	Griffin,	McDowell,	Van Voorhis, N.Y.
Bunn,	Grosvenor,	McKaig,	Van Voorhis, Ohio
Burrows,	Hager,	McNagny,	Wadsworth,
Cabaniss,	Hainer,	Milliken,	Washington,
Caldwell,	Hammond,	Mutchler,	White,
Campbell,	Harmer,	Newlands,	Williams, Miss.
Catchings,	Harter,	Oates,	Wilson, W. Va.
Causey,	Hayes,	Page,	Woomer,
Childs,	Heard,	Paynter,	Wright, Mass.
Clancey,	Heiner,	Pearson,	Wright, Pa.
Cockran,	Henderson, Ill.	Pence,	
Cockrell,	Henderson, Iowa	Powers,	
Compton,	Hicks,	Randall,	

The SPEAKER *pro tempore*. On this call 210 gentlemen have answered to their names. The doors will now be closed, and the Clerk will call the names of members who failed to respond on the first call. On this call excuses for absentees may be offered.

Mr. REED (when the name of Mr. ADAMS of Pennsylvania was called). Mr. Speaker, I ask that the gentleman from Pennsylvania [Mr. ADAMS] be excused.

Mr. BROWN. I object, unless some good reason is given.

Mr. REED. Objection is made. I now move that he be excused.

The question was taken on the motion of Mr. REED, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. REED. I ask for a division.

The House divided; and there were—ayes 104, noes 0.

Mr. REED. I ask for tellers.

Mr. BROWN. Mr. Speaker, having assisted my friend from Maine as much as I desire, I withdraw the objection.

Mr. REED. But there has been a vote on the question.

The SPEAKER *pro tempore*. It has not been completed; but if the gentleman from Maine makes the point——

Mr. REED. Oh, I leave it to the decision of the Chair. The gentleman from Indiana [Mr. BROWN] is very kind, and I am very much obliged to him.

The SPEAKER *pro tempore*. The gentleman from Maine asks that the gentleman from Pennsylvania [Mr. ADAMS] be excused, and if there be no objection the gentleman will be excused.

There was no objection, and it was so ordered.

Mr. PATTERSON. Mr. Speaker, I move that further proceedings under the call be dispensed with.

Mr. REED. Why? I suggest to the gentleman from Tennessee that we have not gone very far yet. [Laughter.]

The question being taken on the motion of Mr. PATTERSON, the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. REED. I ask for a division.

Mr. PATTERSON. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 4, not voting 186; as follows:

YEAS—162.

Abbott,	Bland,	Cannon, Cal.	Cooper, Fla.
Alderson,	Boatner,	Capehart,	Cooper, Tex.
Alexander,	Bower, N. C.	Caruth,	Covert,
Allen,	Branch,	Catchings,	Cox,
Bailey,	Breckinridge, Ark.	Causey,	Crain,
Baker, Kans.	Bretz,	Clark, Mo.	Crawford,
Baldwin,	Brookshire,	Clarke, Ala.	Culberson,
Bankhead,	Brown,	Cobb, Mo.	Cummings,
Barwig,	Bryan,	Cockran,	Davey,
Bell, Colo.	Burnes,	Cockrell,	Davis,
Bell, Tex.	Bynum,	Coffeen,	De Armond,
Berry,	Cadmus,	Conn,	Denson,
Black, Ga.	Caminetti,	Coombs,	Dinsmore,
Dockery,	Hunter,	Money,	Stallings,
Donovan,	Hutcheson,	Montgomery,	Stockdale,
Dunn,	Ikirt,	Morgan,	Stone, Ky.
Dunphy,	Jones,	Moses,	Storer,
Durborow,	Kyle,	Neill,	Strait,
Edmunds,	Lane,	Oates,	Straus,
Enloe,	Latimer,	O'Neil,	Swanson,
Epes,	Lawson,	Paschal,	Talbert, S. C.
Erdman,	Layton,	Patterson,	Talbott, Md.
Fielder,	Lester,	Paynter,	Tate,
Geary,	Lockwood,	Pendleton, Tex.	Taylor, Ind.
Geissenhainer,	Lynch,	Pendleton, W. Va.	Terry,
Goldzier,	Maguire,	Pigott,	Tracey,
Gorman,	Mallory,	Price,	Tucker,
Grady,	Marshall,	Reilly,	Turner, Ga.
Gresham,	McAleer,	Richards, Ohio	Turner, Va.
Haines,	McCreary, Ky.	Richardson, Mich.	Turpin,
Hall, Minn.	McCulloch,	Richardson, Tenn.	Tyler,
Hall, Mo.	McDannold,	Ritchie,	Warner,
Hammond,	McDearmon,	Robbins,	Weadock,
Hare,	McEttrick,	Robertson, La.	Wheeler, Ala.
Harris,	McGann,	Russell, Ga.	Whiting,
Hatch,	McKaig,	Sayers,	Williams, Ill.
Hayes,	McMillin,	Schermerhorn,	Williams, Miss.
Henderson, N. C.	McNagny,	Sibley,	Wise,
Hendrix,	McRae,	Sickles,	Woodard,
Hines,	Meredith,	Sperry,	
Holman,	Meyer,	Springer,	

NAYS—4.

Brickner,	Kribbs,	Ryan,	Wanger.

NOT VOTING 186.

Adams, Ky.	Dolliver,	Johnson, N. Dak.	Ray,
Adams, Pa.	Doolittle,	Johnson, Ohio	Rayner,
Aitken,	Draper,	Joy,	Reed,
Aldrich,	Ellis, Ky.	Kem,	Reyburn,
Apsley,	Ellis, Oregon	Kiefer,	Robinson, Pa.
Arnold,	English,	Kilgore,	Rusk,
Avery,	Everett,	Lacey,	Russell, Conn.
Babcock,	Fithian,	Lapham,	Scranton,
Baker, N. H.	Fletcher,	Lefever,	Settle,
Barnes,	Forman,	Linton,	Shaw,
Bartholdt,	Funk,	Lisle,	Shell,
Bartlett,	Funston,	Livingston,	Sherman,
Belden,	Fyan,	Loud,	Simpson,
Beltzhoover,	Gardner,	Loudenslager,	Sipe,
Bingham,	Gear,	Lucas,	Smith,
Black, Ill.	Gillet, N. Y.	Maddox,	Snodgrass,
Blair,	Gillett, Mass.	Magner,	Somers,
Boen,	Goodnight,	Mahon,	Stephenson,
Boutelle,	Graham,	Marsh,	Stevens,
Bowers, Cal.	Griffin,	Martin, Ind.	Stone, C. W.
Brattan,	Grosvenor,	Marvin, N. Y.	Stone, W. A.
Breckinridge, Ky.	Grout,	McCall,	Strong,
Broderick,	Grow,	McCleary, Minn.	Sweet,
Brosius,	Hager,	McDowell,	Tarsney,
Bundy,	Hainer,	McKeighan,	Tawney,
Bunn,	Harmer,	McLaurin,	Taylor, Tenn.
Burrows,	Harter,	Meiklejohn,	Thomas,
Cabaniss,	Hartman,	Mercer,	Updegraff,
Caldwell,	Haugen,	Milliken,	Van Voorhis, N. Y.
Campbell,	Heard,	Moon,	Van Voorhis, Ohio
Cannon, Ill.	Heiner,	Morse,	Wadsworth,
Chickering,	Henderson, Ill.	Murray,	Walker,
Childs,	Henderson, Iowa	Mutchler,	Washington,
Clancey,	Hepburn,	Newlands,	Waugh,
Cobb, Ala.	Hermann,	Northway,	Wells,
Cogswell,	Hicks,	Outhwaite,	Wever,
Compton,	Hilborn,	Page,	Wheeler, Ill.
Cooper, Ind.	Hitt,	Payne,	White,
Cooper, Wis.	Hooker, Miss.	Pearson,	Wilson, Ohio
Cornish,	Hooker, N. Y.	Pence,	Wilson, Wash.
Cousins,	Hopkins, Ill.	Perkins,	Wilson, W. Va.
Curtis, Kans.	Hopkins, Pa.	Phillips,	Wolverton,
Curtis, N. Y.	Houk,	Pickler,	Woomer,
Dalzell,	Hudson,	Post,	Wright, Mass.
Daniels,	Hulick,	Powers,	Wright, Pa.
De Forest,	Hull,	Quigg,	
Dingley,	Johnson, Ind.	Randall,	

Mr. COBB of Alabama voted, but, being paired, withdrew his vote.

The SPEAKER *pro tempore*. Upon this question the yeas are 162 and the nays are 4. The ayes have it, and all further proceedings under the call are dispensed with.

Mr. PATTERSON. Mr. Speaker, I move that the House do now adjourn, and ask that that motion be voted down. [Laughter.]

Mr. REED. I ask for a division. I am surprised at the conduct of the gentleman from Tennessee. [Laughter.]

Mr. PATTERSON. I ask for the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. PATTERSON] moves that the House do now adjourn, and upon that question the yeas and nays are demanded.

Mr. BOUTELLE. I do not think it is generally understood in the House that the gentleman from Tennessee has asked to have his motion voted down. [Laughter.]

The question being taken on ordering the yeas and nays, the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. REED. I ask for tellers on ordering the yeas and nays.

Tellers were ordered, and the Speaker *pro tempore* appointed Mr. PATTERSON and Mr. REED.

The House divided; and the tellers reported—ayes 88, noes 57.

So the yeas and nays were ordered.

Mr. REED. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair has some doubt——

Mr. REED. The Chair must not make any mistake. That motion is correct.

The SPEAKER *pro tempore*. The Chair will hear the gentleman upon that question.

Mr. REED. Well, if the Chair wants to go wrong I shall not undertake to prevent him, but the motion to reconsider is certainly admissible.

Mr. DOCKERY. I think that motion is in order, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman from Tennessee moved that the House adjourn, and upon that the yeas and nays were ordered.

Mr. REED. Tellers were requested on ordering the yeas and nays, and the yeas and nays were ordered. I voted in favor of the yeas and nays, but, having thought the matter over, I now move to reconsider the vote by which they were ordered. [Laughter.]

Mr. SPRINGER. That motion can be made, but we can not take the yeas and nays upon it.

Mr. REED. I have no desire to embarrass the Chair, and in order to allow him full opportunity for an examination of the question I will withdraw the motion.

A MEMBER. That motion is sound.

Mr. REED. Entirely sound, but unless the Chair is quite satisfied of that I will not insist on the motion.

The SPEAKER *pro tempore*. The Chair would, of course, be willing to entertain the motion if it be in order, but there is some doubt in the mind of the Chair on that point.

Mr. REED. In my opinion the motion to reconsider is admissible.

The SPEAKER *pro tempore*. The Chair understands the gentleman to withdraw the motion.

Mr. REED. Well, I will not withdraw it.

The SPEAKER *pro tempore*. The question then is on the motion to reconsider, if the gentleman insists upon it.

Mr. BURROWS. There is no question that the motion is in order.

Mr. REED. None whatever.

The SPEAKER *pro tempore* (having put the question on the motion to reconsider). The noes seem to have it.

Mr. REED. Division.

The question being again taken, there were—ayes 37, noes 114.

So the motion to reconsider was rejected.

The SPEAKER. The question is now upon the motion of the gentleman from Tennessee [Mr. PATTERSON] that the House adjourn, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 4, nays 161, not voting 187; as follows:

YEAS—4.

Kribbs,	Lockwood,	Mallory,	McGann.

NAYS—161.

Abbott,	Cooper, Tex.	Latimer,	Ritchie,
Alderson,	Covert,	Lawson,	Robbins,
Alexander,	Cox,	Layton,	Robertson, La.
Allen,	Culberson,	Lester,	Russell, Ga.
Bailey,	Cummings,	Lynch,	Ryan,
Baker, Kans.	De Armond,	Marshall,	Sayers,
Baldwin,	Denson,	Martin, Ind.	Schermerhorn,
Bankhead,	Dinsmore,	McAleer,	Shell,
Barwig,	Dockery,	McCleary, Minn.	Sibley,
Belden,	Donovan,	McCreary, Ky.	Sickles,
Bell, Colo.	Dunn,	McCulloch,	Sperry,
Bell, Tex.	Durborow,	McDannold,	Springer,
Berry,	Edmunds,	McDearmon,	Stockdale,
Black, Ga.	Enloe,	McEttrick,	Stone, Ky.
Bland,	Epes,	McKaig,	Strait,
Boatner,	Erdman,	McKeighan,	Straus,
Bower, N. C.	Everett,	McLaurin,	Swanson,
Branch,	Fielder,	McMillin,	Talbert, S. C.
Breckinridge, Ark.	Geissenhainer,	McNagny,	Talbott, Md.
Bretz,	Goldzier,	McRae,	Tate,
Brickner,	Gorman,	Meredith,	Taylor, Ind.
Brookshire,	Grady,	Mayer,	Terry,
Brown,	Gresham,	Money,	Tracey,
Bryan,	Haines,	Montgomery,	Tucker,
Burnes,	Hall, Minn.	Morgan,	Turner, Ga.
Bynum,	Hall, Mo.	Moses,	Turner, Va.
Cabaniss,	Hare,	Neill,	Turpin,
Cadmus,	Harris,	Oates,	Tyler,
Caminetti,	Hatch,	O'Neil,	Warner,
Cannon, Cal.	Hayes,	Outhwaite,	Woodcock,
Capehart,	Henderson, N. C.	Paschal,	Wells,
Caruth,	Hendrix,	Patterson,	Wheeler, Ala.
Catchings,	Hines,	Paynter,	Whiting,
Causey,	Holman,	Pendleton, Tex.	Williams, Ill.
Clark, Mo.	Hudson,	Pendleton, W. Va.	Williams, Miss.
Clarke, Ala.	Hunter,	Pigott,	Wise.
Cockrell,	Hutcheson,	Price,	Wolverton,
Coffeen,	Ikirt,	Reilly,	Woodard.
Conn.	Jones,	Richards, Ohio	
Coombs,	Kyle,	Richardson, Mich.	
Cooper, Fla.	Lane.	Richardson, Tenn.	

NOT VOTING—187.

Adams, Ky.	Davey,	Hopkins, Pa.	Randall,
Adams, Pa.	Davis,	Houk,	Ray,
Aitken,	De Forest,	Hulick,	Rayner,
Aldrich,	Dingley,	Hull,	Reed,
Apsley,	Dolliver,	Johnson, Ind.	Reyburn,
Arnold,	Doolittle,	Johnson, N. Dak	Robinson, Pa.
Avery,	Draper,	Johnson, Ohio	Rusk,
Babcock,	Dunphy,	Joy,	Russell, Conn.
Baker, N. H.	Ellis, Ky.	Kem,	Scranton,
Barnes,	Ellis, Oregon	Kiefer,	Settle,
Bartholdt,	English,	Kilgore,	Shaw,
Bartlett,	Fithian,	Lacey,	Sherman,
Belknhoover,	Fletcher,	Lapham,	Simpson,
Bingham,	Forman,	Lefever,	Sipe,
Black, Ill.	Funk,	Linton,	Smith,
Blair,	Funston,	Lisle,	Snodgrass,
Boen,	Fyan,	Livingston,	Somers,
Boutelle,	Gardner,	Loud,	Stallings,
Bowers, Cal.	Gear,	Loudenslager,	Stephenson,
Brattan,	Geary,	Lucas,	Stevens,
Breckinridge, Ky.	Gilet, N. Y.	Maddox,	Stone, C. W.
Broderick,	Gillett, Mass.	Magner,	Stone, W. A.
Brosius,	Goodnight,	Maguire,	Storer,
Bundy,	Graham,	Mahon,	Strong,
Bunn,	Griffin,	Marsh,	Sweet,
Burrows,	Grosvenor,	Marvin, N. Y.	Tarsney,
Caldwell,	Grout,	McCall,	Tawney,
Campbell,	Grow,	McDowell,	Taylor, Tenn.
Cannon, Ill.	Hager,	Meiklejohn,	Thomas,
Chickering,	Hainer,	Mercer,	Updegraff,
Childs,	Hammond,	Milliken,	VanVoorhis, N. Y.
Clancy,	Harmer,	Moon,	VanVoorhis, Ohio
Cobb, Ala.	Harter,	Morse,	Wadsworth,
Cobb, Mo.	Hartman,	Murray,	Walker,
Cockran,	Haugen,	Mutchler,	Wanger,
Cogswell,	Heard,	Newlands,	Washington,
Compton,	Heiner,	Northway,	Waugh,
Cooper, Ind.	Henderson, Ill.	Page,	Wever,
Cooper, Wis.	Henderson, Iowa	Payne,	Wheeler, Ill.
Cornish,	Hepburn,	Pearson,	White,
Cousins,	Hermann,	Pence,	Wilson, Ohio
Crain,	Hicks,	Perkins,	Wilson, Wash.
Crawford,	Hilborn,	Phillips,	Wilson, W. Va.
Curtis, Kans.	Hitt,	Pickler,	Woomer,
Curtis, N. Y.	Hooker, Miss.	Post,	Wright, Mass.
Dalzell,	Hooker, N. Y.	Powers,	Wright, Pa.
Daniels,	Hopkins, Ill.	Quigg,	

So the motion to adjourn was rejected.

Mr. PATTERSON. I move a call of the House.

The SPEAKER *pro tempore* (having put the question on the motion for a call). The ayes seem to have it.

Mr. REED. Division.

The question being again taken, there were—ayes 96, noes 2.

Mr. REED. I shall have to ask for tellers.

Mr. PATTERSON. Yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 86.

The SPEAKER *pro tempore*. A sufficient number.

Mr. REED. I call for tellers on the yeas and nays.

Tellers were ordered, 38 voting in favor thereof; and Mr. REED and Mr. PATTERSON were appointed.

The House again divided; and the tellers reported—ayes 79, noes 42.

So the yeas and nays were ordered.

Mr. REED. I move a reconsideration.

The SPEAKER *pro tempore*. The gentleman from Maine moves to reconsider the vote by which the yeas and nays were ordered.

The question being taken, there were on a division (called for by Mr. REED)—ayes 32, noes 94.

Mr. REED. Tellers.

Tellers were ordered, 39 voting in favor thereof; and Mr. PATTERSON and Mr. REED were appointed.

The House again divided; and the tellers reported—ayes 109, noes 0.

So the motion to reconsider the vote ordering the yeas and nays was agreed to.

The question recurring on ordering the yeas and nays, there were—ayes 46, noes 123.

The SPEAKER *pro tempore*. A sufficient number having voted in the affirmative, the yeas and nays are ordered.

Mr. PAYNE. I demand tellers on ordering the yeas and nays.

Several MEMBERS. Too late.

The SPEAKER *pro tempore*. The Chair thinks the gentleman is not too late.

Tellers were ordered, 46 voting in favor thereof; and Mr. PATTERSON and Mr. REED were appointed.

The House again divided, and the tellers reported—yeas 57, noes none.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 1, not voting 183; as follows:

YEAS—163.

Abbott,	Allen,	Bankhead,	Black, Ga.
Alderson,	Bailey,	Barwig,	Bland,
Aldrich,	Baker, Kans.	Bell, Tex.	Boatner,
Alexander,	Baldwin,	Berry,	Boen,

Boutelle,	Durborow,	Lester,	Richards, Ohio
Bower, N. C.	Edmunds,	Lockwood,	Richardson, Mich.
Branch,	English,	Lynch,	Richardson, Tenn.
Breckinridge, Ark.	Enloe,	Maguire,	Ritchie,
Bretz,	Epes,	Mallory,	Robbins,
Brickner,	Erdman,	Marshall,	Robertson, La.
Brookshire,	Everett,	Martin, Ind.	Russell, Ga.
Bryan,	Fielder,	McAleer,	Ryan,
Bynum,	Geary,	McCreary, Ky.	Sayers,
Cabaniss,	Geissenhainer,	McCulloch,	Schermerhorn,
Cadmus,	Goldzier,	McDannold,	Shell,
Caminetti,	Gorman,	McDearmon,	Sibley,
Cannon, Cal.	Grady,	McEttrick,	Springer,
Capehart,	Gresham,	McGann,	Stallings,
Caruth,	Haines,	McKaig,	Stone, Ky.
Catchings,	Hall, Minn.	McLaurin,	Strait,
Clark, Mo.	Hall, Mo.	McMillin,	Straus,
Clarke, Ala.	Hammond,	McNagny,	Swanson,
Cobb, Mo.	Hare,	McRae,	Talbert, S. C.
Cockrell,	Harris,	Meredith,	Talbott, Md.
Coffeen,	Hatch,	Meyer,	Tate,
Conn.	Hayes,	Milliken,	Taylor, Ind.
Coombs,	Henderson, N. C.	Money,	Terry,
Cooper, Fla.	Hendrix,	Montgomery,	Tracey,
Cooper, Tex.	Hines,	Morgan,	Tucker,
Covert,	Holman,	Moses,	Turner, Ga.
Cox,	Hudson,	Neill,	Turner, Va.
Crain,	Hunter,	Oates,	Turpin,
Crawford,	Hutchinson,	O'Neil,	Tyler,
Culberson,	Ikirt,	Outhwaite,	Warner,
Davey,	Jones,	Paschal,	Wells,
Davis,	Kilgore,	Patterson,	Wheeler, Ala.
De Armond,	Kribbs,	Paynter,	Whiting,
Dinsmore,	Kyle,	Pendleton, Tex.	Williams, Ill.
Dockery,	Lane,	Pendleton, W. Va.	Williams, Miss.
Donovan,	Latimer,	Pigott,	Wise,
Dunn,	Lawson,	Price,	Wolverton,
Dunphy,	Layton,	Reilly,	Woodard.

NAYS—1.

Weadock.

NOT VOTING—183.

Adams, Ky.	Daniels,	Hull,	Reed,
Adams, Pa.	De Forest,	Johnson, Ind.	Reyburn,
Aitkins,	Denson,	Johnson, N. Dak.	Robinson, Pa.
Apsley,	Dingley,	Johnson, Ohio	Rusk,
Arnold,	Dolliver,	Joy,	Russell, Conn.
Avery,	Doolittle,	Kem,	Scranton,
Babcock,	Draper,	Kiefer,	Settle,
Baker, N. H.	Ellis, Ky.	Lacey,	Shaw,
Barnes,	Ellis, Oregon,	Lapham,	Sherman,
Bartholdt,	Fithian,	Lefever,	Sickles,
Bartlett,	Fletcher,	Linton,	Simpson,
Belden,	Forman,	Lisle,	Sipe,
Bell, Colo,	Funk,	Livingston,	Smith,
Belthoover,	Funston,	Loud,	Snodgrass,
Bingham,	Fyan,	Loudenslager,	Somers,
Black, Ill.	Gardner,	Lucas,	Sperry,
Blair,	Gear,	Maddox,	Stephenson,
Bowers, Cal.	Gillet, N. Y.	Magner,	Stevens,
Brattan,	Gillett, Mass.	Mahon,	Stockdale,
Breckinridge, Ky.	Goodnight,	Marsh,	Stone, C. W.
Broderick,	Graham,	Marvin, N. Y.	Stone, W. A.
Brosius,	Griffin,	McCall,	Storer,
Brown,	Grosvenor,	McCleary, Minn.	Strong,
Bundy,	Grout,	McDowell,	Sweet,
Bunn,	Grow,	McKeighan,	Tarsney,
Burnes,	Hager,	Meiklejohn,	Tawney,
Burrows,	Hainer,	Mercer,	Taylor, Tenn.
Caldwell,	Harmer,	Moon,	Thomas,
Campbell,	Harter,	Morse,	Updegraff,
Cannon, Ill.	Hartman,	Murray,	Van Voorhis, N. Y.
Causey,	Haugen,	Mutchler,	Van Voorhis, Ohio.
Chickering,	Heard,	Newlands,	Wadsworth,
Childs,	Heiner,	Northway,	Walker,
Clancy,	Henderson, Ill.	Page,	Wanger,
Cobb, Ala.	Henderson, Iowa.	Payne,	Washington,
Cockran,	Hepburn,	Pearson,	Waugh,
Cogswell,	Hermann,	Pence,	Wever,
Compton,	Hicks,	Perkins,	Wheeler, Ill.
Cooper, Ind.	Hilborn,	Phillips,	White,
Cooper, Wis.	Hitt,	Pickler,	Wilson, Ohio
Cornish,	Hooker, Miss.	Post,	Wilson, Wash.
Cousins,	Hooker, N. Y.	Powers,	Wilson, W. Va.
Cummings,	Hopkins, Ill.	Quigg,	Woomer,
Curtis, Kans.	Hopkins, Pa.	Randall,	Wright, Mass.
Curtis, N. Y.	Houk,	Ray,	Wright, Pa.
Dalzell,	Hulick,	Rayner,	

So a call of the House was ordered.

The result of the vote was then announced as above recorded.

Mr. BOUTELLE. Mr. Speaker, I move to reconsider the vote by which the call of the House was ordered.

Mr. SPRINGER. Did the gentleman from Maine vote with the majority on that question?

Mr. BOUTELLE. The "gentleman from Maine" did. He knows enough to do that, strange as it may appear to the gentleman from Illinois.

Mr. PATTERSON. Mr. Speaker, it is evident we can not get a quorum this afternoon, and I wish to give notice that this case will be called up to-morrow——

Mr. BOUTELLE. Regular order.

Mr. PATTERSON (continuing). At the opening of the session of the House——

Mr. BURROWS. Let us have the regular order.

Mr. PATTERSON (continuing). And will be pressed to a conclusion, the House being asked to remain in continuous session for that purpose.

Mr. BOUTELLE. Mr. Speaker, I have demanded the regular order.

The SPEAKER *pro tempore*. What motion does the gentleman from Tennessee submit?

Mr. PATTERSON. I move that the House do now adjourn.

Mr. BOUTELLE. I have no objection to that.

The SPEAKER *pro tempore*. The Chair, if there be no objection, will direct the Clerk to announce a committee appointment of the Speaker before submitting the motion to adjourn.

The Clerk read as follows:

The Speaker appoints Mr. STALLINGS of Alabama on the Committee on Pensions.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La.; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. Res. 139) to print the Agricultural Report for 1893.

The motion of Mr. PATTERSON was then agreed to; and accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. STONE of Kentucky, from the Committee on War Claims, reported with amendment the bill (H. R. 2288) for the relief of W. H. Dupre; which, with the accompanying report (No. 644), was ordered to be printed and referred to the Committee of the Whole House.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. CATCHINGS: A bill (H. R. 6527) to incorporate the National Rapid Transit Company—to the Committee on the Judiciary.

By Mr. TUCKER (by request: A bill (H. R. 6528) to amend the jurisdiction act of 1887 so as to abrogate Federal jurisdiction in State corporations—to the Committee on the Judiciary.

By Mr. HAUGEN: A bill (H. R. 6529) to authorize the construction of a bridge across the St. Croix River between Wisconsin and Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER: A bill (H. R. 6533) donating the United States Marine Hospital in the city of New Orleans, La., to the corporation of said city—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BLAIR: A bill (H. R. 6530) to remove the charge of desertion from the record of Charles T. Hurd, formerly a landsman in the United States Navy—to the Committee on Military Affairs.

By Mr. BRODERICK: A bill (H. R. 6531) to pension Nancy Gabrilla Anderson—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 6532) granting an honorable discharge to William B. Barnes—to the Committee on Military Affairs.

By Mr. MEREDITH (by request): A bill (H. R. 6534) granting a pension to Thomas J. O'Roark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6535) for the relief of Sarah A. Skinner—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 6536) to remove the charge of desertion against James E. Gray—to the Committee on Military Affairs.

By Mr. NORTHWAY: A bill (H. R. 6537) to remove the charge of dishonorable dismissal of W. H. Castle from the military service of the United States—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6538) for the relief of Mary C. Daigre, East Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6539) for the relief of Mary C. Daiges, of East Baton Rouge, La.—to the Committee on War Clams.

By Mr. SWANSON: A bill (H. R. 6540) for the relief of W. B. Scales—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAPEHART: Evidence to accompany H. R. 6453, for relief of J. S. Henson—to the Committee on War Claims.

Also, evidence to accompany H. R. 6455, for relief of Taply Beckwith—to the Committee on War Claims.

Also, evidence to accompany H. R. 6456, for the relief of William Seicks—to the Committee on Military Affairs.

Also, evidence to accompany H. R. 6454, granting a pension to Cynthia Powell—to the Committee on Invalid Pensions.

By Mr. COUSINS: Petition of members of Center Camp, No. 892, Modern Woodmen of America, of Center Junction, Iowa, favoring the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads

By Mr. COX: Petition of Thomas J. Lawson, sr., Wayne County, Tenn., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Shield Simms and Harmon Bryant, estate of Josiah Youngblood, deceased, of Wayne County, Tenn., to accompany House bill 6519—to the Committee on War Claims.

By Mr. FUNK: Petition of the faculty of Illinois Wesleyan University and of W. B. Merrill and others, students of said university, praying for the passage of the Manderson-Hainer bill, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. GEAR: Resolution and petition of Lee Lodge, No. 38, of Iowa Legion of Honor, signed by 100 persons, asking for the passage of the Manderson-Hainer bill, admitting to the mails as second-class matter college and fraternal papers—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT of Massachusetts: Petition of A. J. McIntosh, Alfred Rowe, Bradley Gilman, and 41 other citizens of Springfield, Mass., in behalf of the Indians—to the Committee on Indian Affairs.

Also, petition for the suppression of lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. GORMAN: Petition by resolution of the Michigan Knights of the Grip, asking for the passage of the bill for the issuance of 5,000-mile tickets or books interchangeable on all railroads and giving special privileges to baggage—to the Committee on Interstate and Foreign Commerce.

Also, petition of 28 citizens of York, Mich., asking for the passage of the Manderson-Hainer bill, for admitting fraternal society publications to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of 33 citizens of Saline, Mich., asking for the passage of the Manderson-Hainer bill, in favor of admitting fraternal society publications to the mails as second-class matter—to the Committee on the Post Office and Post-Roads.

Also, petition of Detroit Steam Fitter's Union, No. 8; of Marine Engineers' Benevolent Association; of the Machine Woodworkers' Union; of the Shoe Cutters' Union; of the Iron-Workers' Protective Union; of the Bricklayers and Stonemasons' Union, and of the Journeymen Stonecutters' Union, all of Detroit, Mich., asking for Government ownership and control of the telegraph systems of the country—to the Committee on the Post-Office and Post-Roads.

By Mr. HAGER: Resolutions of the Iowa State Veterinary Medical Association, recommending that appointment of veterinarians in the Bureau of Animal Industry be made on the merit system, etc.—to the Committee on Agriculture.

By Mr. HENDERSON of Iowa: Petition of Alba Miller and 15 others, of Mason City, Iowa, favoring the passage of the Manderson-Hainer bills, S. 1353, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

Also, paper from the Iowa State Veterinary Medical Association, Oskaloosa, Iowa, favoring the recommendation of the Secretary of Agriculture that the appointment of veterinarians in the Bureau of Animal Industry be made in the merit system and under the control of the Civil Service Commission—to the Committee on Agriculture.

By Mr. HULL: Petition of I. H. Merrill and 59 other citizens of Des Moines, Iowa, asking the passage of more stringent laws to suppress lotteries—to the Committee on the Post-Office and Post-Roads.

Also, petition of Walnut Camp, No. 1695, Modern Woodmen of America, Tracy, Iowa, asking that the fraternal press be admitted to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of L. E. Pack and 12 other citizens of Marion County, Iowa, asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LOCKWOOD: Petition of citizens of Buffalo, to amend the interstate commerce law to insure steady, stable, and equitable freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. MEIKLEJOHN: Petition from Clark, Nebr., for admission to the mails as second-class matter publications of fraternal and benevolent societies—to the Committee on the Post-Office and Post-Roads.

By Mr. PICKLER: Petition of R. T. Payne and 19 others, of Henry, S. Dak., and William T. Jones and 77 others, of Madison, S. Dak., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. POST: Petition of the Illinois Blue Label League, with a membership of over 4,000 cigar-makers, against an increased revenue tax upon cigars made in this country—to the Committee on Ways and Means.

Also, petition of 36 citizens, together with Phœnix Lodge, No. 65, O. M. P., 165 members, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolution of Carpenters' Union No. 42, of Detroit, in favor of governmental control of telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Tennessee: Petition of W. H. Weakley, grand recorder, Ancient Order of United Workmen, of Tennessee, for the passage on the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of citizens of Hartford, Conn., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENSON: Petition of Bricklayers and Stonecutters' Union and of Iron Workers' Protective Union, in favor of governmental ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. TYLER: Claim of First Baptist Church, Suffolk, Va., for damages to property by Federal troops in 1862 and 1865—to the Committee on War Claims.

By Mr. WILSON of Ohio: Petition of Trades and Labor Assembly of Springfield, Ohio, against increased internal-revenue tax on cigars—to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 3, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1686) granting a pension to Margaret English; and

A bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport La., and Cross Bayou, near Shreveport, La.; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented the petition of W. H. Meadow, W. P. Rogers, and 20 other citizens of Waverly, Humphreys County, Tenn., praying that building and loan associations be exempted from the operation of the proposed income tax; which was ordered to lie on the table.

Mr. PETTIGREW. I present a petition of the chiefs, headmen and members of the Yankton tribe of Sioux Indians, praying the passage of the bill affecting their treaty with the United States Government for the relinquishment of their surplus land; which I move be printed as a document to accompany the bill (S. 1538) to ratify and confirm an agreement with the Yankton tribe of Sioux or Dakota Indians in South Dakota, and to make appropriations for carrying the same into effect, which is now on the Calendar.

The motion was agreed to.

Mr. PETTIGREW presented a petition of citizens of Alcester, S. Dak., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the speedy settlement of the tariff question; which was ordered to lie on the table.

He also presented a petition of 100 citizens of St. Charles, Minn., praying for the enactment of legislation suppressing the lottery traffic; which was referred to the Committee on the Judiciary.

Mr. BATE presented a petition of sundry citizens of Tennessee, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PASCO presented the petition of N. Burck and 88 others, residents of White City, Fla., favoring an appropriation for improving the St. Lucie River in that State; which was referred to the Committee on Commerce.

Mr. CALL. I present a memorial signed by J. J. Sullivan, mayor; Joshua Mizell, E. P. Ault; K. B. Harvey, president of the board of trade, and A. K. Demmary and Col. Isaac H. Trabue, of the Democratic executive committee, all prominent citizens of the State of Florida, remonstrating against the trivial appropriation made for the improvement of Charlotte Harbor and Peace River, in that State, and calling attention to resolutions adopted by the Florida Pebble Phosphate Miners' Association, praying that suitable appropriations be made for the improvement of this river and harbor, since they are the natural outlet of the vast phosphate traffic of South Florida. I move that the memorial be referred to the Committee on Commerce, and that it be printed as a miscellaneous document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. 1142) directing the parting and refining of bullion to be carried on at the United States assay office at Helena, Mont., reported it without amendment.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. MARTIN on the 29th ultimo, intended to be proposed to the District appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 5276) to authorize Commander F. W. Dickens, of the United States Navy, to accept a decoration of the cross of naval merit of the third class from the King of Spain, reported it without amendment.

Mr. CAREY, from the Committee on Territories, to whom was referred the bill (S. 166) to provide for the punishment of offenses committed in the Yellowstone National Park, reported it with an amendment and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 679) to provide for the location and satisfaction of outstanding military bounty land warrants and certificates of location, under section 3 of the act approved June 2, 1858, reported it with an amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the bill (S. 512) to provide for a commission on the subject of the alcoholic liquor traffic, reported it with amendments and moved that it be referred to the Committee on Appropriations as an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was agreed to.

BILLS INTRODUCED.

Mr. BLANCHARD introduced a bill (S. 1852) to provide an American register for the steamer S. Otori: which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS introduced a bill (S. 1853) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman act; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 1854) to increase the efficiency of the foreign service of the United States, and to provide for the reorganization of the Department of State and the consular and diplomatic service; which was read twice by its title.

Mr. MORGAN. This bill was prepared by a gentleman who is and has been for some time in the employment of the State Department, and has made a very thorough study of the matter. He has accompanied it with a report. He calls it a report. It is a paper full of very valuable suggestions. I move that the bill be printed, and, with the accompanying paper, be referred to the Committee on Foreign Relations.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the invalid pension appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted two amendments intended to be proposed by him to the District appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORDON submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was read, referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

To enable the ambassadors of the United States at London, Paris, and Berlin each to employ a stenographer and typewriter at an expense not exceeding $1,500 per year, $4,500.

AMENDMENTS TO THE REVENUE BILL.

Mr. ALLEN submitted sundry amendments intended to be proposed by him to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes; which were ordered to lie on the table and be printed.

Mr. VEST submitted sundry amendments intended to be proposed by him to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes; which were referred to the Committee on Finance, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. WILSON, it was

Ordered, That George W. Hardwick have permission to withdraw the papers filed in connection with the bill to remove the charge of desertion against his military record, said charge of desertion having been removed by the War Department.

STATISTICS RELATING TO WHEAT.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas the following resolutions were adopted by the Senate on February 12, 1894, to wit:

"Whereas a number of leading commercial newspapers like Bradstreets' Weekly, the Cincinnati Price Current, and many others, persistently dispute the reports of the Agricultural Department relating to the yearly wheat crops of this country and its estimates of the amount of wheat there is in this country at different periods, usually largely increasing these quantities beyond those published in the reports and estimates of said Department; and

"Whereas such printed statements from unauthorized sources largely control the market price of wheat, and thereby reduce its price to American wheat producers, to their great injury if the reports and estimates of the Agricultural Department are correct: Therefore

"*Resolved*, That the Secretary of Agriculture be, and he is hereby, requested to send to the Senate at his earliest convenience—

"First. A statement of all the wheat, including the visible and invisible, there was in this country on March 1, 1893, together with the entire wheat crop harvested in this country during that year.

"Second. The amount of wheat that has been used for food and seed purposes between March 1, 1893, and February 1, 1894, the amount of wheat that will be required for like purpose in this country between February 1 and July, 1894, together with the amount of wheat and flour as wheat that has been exported out of this country since March 1, 1893, with the surplus that will be available for export between February 1 and July 1, 1894, after deducting the above amounts from the estimated surplus on March 1, 1893, and the entire wheat crop of that year, according to the latest information and most reliable experience found in this department;" and

Whereas, Over six weeks have elapsed without eliciting any reply to said inquiries; Therefore

Be it now further resolved, That the Secretary of Agriculture be, and he is hereby, directed to send his answers to said resolutions to the Senate within three days from this date.

PUBLIC LANDS IN OREGON AND WASHINGTON.

Mr. MITCHELL of Oregon submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate at his earliest convenience a list of all public lands located in odd sections in the States of Oregon and Washington, such list to state specifically the State and land district in which such lands respectively lie, giving the number of each quarter section and township, which were included within both of the limits of the two Congressional land grants, namely, that to the Northern Pacific Railroad Company by act of Congress approved July 2, 1864, and subsequent resolutions of Congress, and that to the Oregon Central Railroad Company by act of May 4, 1870, such list to include only such lands as lie within the limits of both of such grants; and, further, a separate list of so much of the above-described lands, if any, as were not affected by the forfeiture act, approved January 31, 1885, declaring forfeited so much of the lands granted to the Oregon Central Railroad Company by the act of March 4, 1870, as were adjacent to and coterminous with the uncompleted portions of that company's road and not embraced within the limits of the grant to that company for the completed portions.

HOUSE BILLS REFERRED.

The bill (H. R. 1686) granting a pension to Margaret English was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 4606) to amend sections 5365 and 5366 of the Revised Statutes was read twice by its title, and referred to the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 2?th ultimo approved and signed the act (S. 260) to amend an act entitled "An act to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri," approved March 3, 1887.

The message also announced that the President of the United States had on April 2 approved and signed the following acts and joint resolution:

An act (S. 1749) to authorize the construction of a bridge over the Monongahela River at Glenwood, Pa.;

An act (S. 574) for the relief of Dwight Hall; and

The joint resolution (S. R. 8) authorizing the Secretary of the Interior to cause the settlement of the accounts of Special Agents Moore and Woodson, under the treaty of 1854, with the Delaware Indians, etc.

ISSUE OF BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Kansas [Mr. PEFFER], coming over from a previous day.

The Secretary read the resolution submitted by Mr. PEFFER March 28, 1894, as follows:

The Senate having under consideration the following resolution:

"*Resolved*, That the Committee on Finance be, and it is hereby, instructed to prepare and report, as soon as practicable, a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained"—

Mr. PEFFER. I ask for the adoption of the resolution.

Mr. SHERMAN. I think the resolution ought to be referred to the Committee on Finance. I do not think we should instruct the committee, but it should be referred. The committee would no doubt report upon it. I move the reference of the resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio to refer the pending resolution to the Committee on Finance.

Mr. STEWART. Mr. President, I hope the resolution will not be referred, but that it will be passed. The United States has no occasion for gold. It owes no gold, and there is no occasion to increase the national debt to buy gold. A false impression has been created by brokers and others interested in selling United States bonds that such bonds are payable in gold. Such is not the fact. The United States has no bonds, circulating notes, or other obligations payable in gold. Every obligation of the United States of any name or nature, except gold certificates, is payable in coin of either gold or silver, at the option of the Government.

In 1878 a claim was made by interested parties that United States bonds were gold obligations. All the bonds then and now outstanding, including the $50,000,000 loan of February 1, 1894, are payable in coin, not gold coin. To correct the erroneous impression then existing, the late Judge Stanley Matthews, of the Supreme Court of the United States, at that time Senator in Congress, introduced the following resolution:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment, in coin or its equivalent, of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas, at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued, or authorized to be issued, under the said acts of Congress hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

This resolution, after exhaustive debate, passed the Senate on the 25th of January, 1878, by a vote of 42 to 20.

And the resolution was concurred in by the House of Representatives on the 28th of the same month by a vote of 227 to 85. (CONGRESSIONAL RECORD, volume 7, part 1, Forty-fifth Congress, second session, pages 564 and 626.)

The outstanding interest-bearing debt of the United States, according to the Treasury statement of the public debt of March 1, 1894, is as follows:

Title of loan.	Authorizing act.	Rate.	Outstanding March 1, 1894.
		Per ct.	
Funded loan of 1891	July 14, 1870, and Jan. 20, 1871	4[*]	$25,364,500
Funded loan of 1907	July 14, 1870, and Jan. 20, 1871	4	559,615,250
Refunding certificates	February 26, 1879	4	61,100
Loan of 1904	January 14, 1875	5	40,831,150
Total			625,872,000

[*] Continued at 2 per cent.

The act of July 14, 1870, provides, as stated in the foregoing resolution, for redemption in coin of the then standard value, which consisted of gold dollars containing 25.8 grains of standard gold, and silver dollars containing 412½ grains of standard silver. The act of January 20, 1871, relates to the amount of bonds to be issued under the funding act of July 14, 1870, and does not change the character of the bonds. The act of February 26, 1879, authorizes the issuance of certificates for the deposit of lawful money, not gold coin, and also provides that such certificates may be converted into 4 per cent bonds issued under the funding act of July 14, 1870. The loan of 1904, mentioned in the foregoing table, was made under the resumption act of January 14, 1875, which provides for the sale of bonds issued under the funding act of July 14, 1870.

From this statement it will be seen that the entire bonded debt of the United States is redeemable in either silver or gold coin, according to the provisions of the funding act of 1870. The coin with which the Treasury notes called "greenbacks" were to be redeemed under the resumption act was to be obtained by the sale of bonds issued under the funding act, and was therefore gold or silver coin. The Treasury notes issued under the act of 1890 are expressly redeemable in gold or silver coin. The act declares that the Secretary of the Treasury shall redeem such notes in gold or silver coin at his discretion, and that "he shall coin of the silver bullion purchased under the provisions of this act as much as may be necessary to provide for the redemption of the Treasury notes herein provided for." The statutes of the United States will be searched in vain to find any provision of law authorizing the holder of any United States bond, note, or other obligation, except gold certificates, to demand payment or redemption in gold.

Congress has *ex industria* excluded from every provision of law any promise, express or implied, to pay gold. This is well understood in the United States, and foreign investors must not be deceived by representations of brokers and others interested in the sale of bonds or any other paper issue of the United States, that the Government has undertaken to pay gold, except for the gold certificates.

The United States has no necessity for gold to pay debts. It has an ample supply of silver coin to meet the obligations of the Government. The only danger to the credit of the country arises from official usurpation and unauthorized representations that the United States is under obligations to pay gold. Former raids on the gold in the Treasury by interested parties, with the connivance or consent of the Secretary, must not be taken as evidence that such unlawful proceedings will be tolerated in the future as they have been in the past.

Now is a very good time to consider this question. I notice in the morning press that Guatemala has refused to tax her people to pay in gold what was contracted to be paid in other money. The obligations, she says, have been doubled by the creditor nation, and the people of Guatemala must suffer. Great Britain has by her act doubled the obligations of Guatemala, and she says she can not destroy her industries for the purpose of paying that double obligation which was created by destroying silver. I notice that the patriotic and brave President of Mexico, in his message a few days ago, said that they would not destroy the industries of Mexico by burdening the people with taxes that they are unable to pay; that they would do all they could to pay their foreign debt, but it had been so increased by the action of Great Britain and Germany (and by the United States, in fact, co perating) that it made the interest on their foreign obligations a great burden, but that the industries would not be destroyed by increased taxation.

Now, it is proposed here, and the process has been pursued, to pay in gold the obligations of the United States which were contracted to be paid in silver, and that is proposed to be done by the construction of the law in the Treasury Department. At the dictation of the bondholders these obligations have been doubled, and now it is proposed to borrow gold and increase the national debt, to issue interest-bearing bonds to borrow gold

to pay obligations payable in silver according to the legislation and policy of Congress.

It is time that this was stopped. If the creditors have changed the obligations so as to compel other countries to pay more than they contracted to pay, and they refuse to pay because they are unable, well may the United States, when Congress has continuously adhered to the contract to pay in either gold or silver, refuse to pay in gold contracts payable in silver.

The Congress of the United States has never been induced to consent to the change of the obligation of the United States. Congress not having changed it, it can not be changed by the unauthorized issuance of bonds now. It is time that we should pass a law to prevent the Administration from paying other than what was contracted to be paid. It is enough for the people of this country to pay their honest debts according to the contract, and it is unjust for the bondholders, if they have power to do it, to control the Government and make the people pay what they have not agreed to pay.

The borrowing of gold will double the obligations the people agreed to pay under the act of Congress. The people are honest and propose to stand on the obligation of the contract; and all that threatens the stability of our Government and of our finances is a change of the contract by administration and not by law.

It is time that the people of the United States were allowed to stand by their contracts. Those who wreck the finances are those who change contracts. There is no trouble in paying the obligations according to the contract and maintaining the stability of our finances. The only danger to the stability of finances is the changing of contracts. We have a contract with the bondholders; we have a contract with the bill-holders; and the people of the United States ought not to be taxed to pay more than the contract calls for. It is dishonest to repudiate contracts. It is honest to pay according to the contract. All I ask is honesty and fair dealing. The issuance of bonds to buy gold when the United States owes no gold is oppression. It is extorting from the people what they did not agree to pay, what in justice they ought not to pay, and what they can not pay without great detriment to their industries, which are now prostrated by the schemes of this gold combination.

Mr. PEFFER. Mr. President——

Mr. WOLCOTT. May I interrupt the Senator a moment?

Mr. PEFFER. Certainly.

COINAGE OF STANDARD MEXICAN DOLLARS.

Mr. WOLCOTT. There is a resolution which I introduced yesterday which went over until to-day, and which I had intended to call up this morning.

The VICE-PRESIDENT. The Chair will state to the Senator from Colorado that the resolution to which he has referred will be laid before the Senate after the pending resolution shall have been disposed of.

Mr. WOLCOTT. I am obliged to the Chair; I so understood. It is evident, however, that the morning hour is going to be practically consumed with the pending resolution. I had desired to say something upon the subject of the resolution which I introduced, looking to some arrangement with Mexico as to the using of our mints for the coinage of Mexican dollars. There are other members of the Senate who desire to briefly speak upon the same subject. As I shall be compelled to be away to-morrow, and as the morning hour this morning will be consumed by the pending resolution, I ask that the resolution submitted by me may go over until Friday morning, when I shall call it up, if there be nothing in its way.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado that the resolution named by him shall be laid before the Senate on Friday next? The Chair hears none, and it is so ordered.

TOWN SITES IN OKLAHOMA TERRITORY.

Mr. BLACKBURN. I am directed by the conferees on the part of the Senate on the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department, to report to the Senate that the conferees of the House and Senate have been unable to agree, and to move that the Senate insist upon its amendments to the House bill, and ask for a further conference.

Mr. BERRY. The conference committee in regard to one of the amendments adopted to the bill have been unable to agree, and I am confident will not be able to agree. I do not think that the members of the conference committee on the part of the House of Representatives will agree to the amendment which authorizes an election to be held in the Territory of Oklahoma. A majority of the Senate conferees insist upon that amendment. My own judgment is that the Senate ought to recede from that amendment and not encumber the bill with a matter which does not belong to it, which is in no way connected with it, which is so bitterly opposed by so many citizens of the Territory, and which the governor of the Territory in a telegram to me says will cause great trouble, possibly bloodshed, and universal disturbances throughout the Territory. I therefore move that the Senate recede from that amendment. I do not know which motion would take precedence, the motion to continue the conference or to recede, but if the motion is in order, I should like the Senate to recede because I do not think it is possible to agree upon the amendment.

Mr. BLACKBURN. I desire simply to say in reply to what has been submitted by the Senator from Arkansas——

Mr. PEFFER. I yielded to the Senator from Kentucky for the purpose of making a report.

Mr. BLACKBURN. I beg the Senator's pardon, a conference report is a privileged question and did not require his yielding.

Mr. PEFFER. I understand that. I was going to suggest that if there is to be any discussion upon the adoption of the report, it be delayed until after I have concluded my remarks.

Mr. BLACKBURN. I am very sure that the discussion upon this question will not last as long as the discussion of the resolution to which the Senator from Kansas desires to address himself.

Mr. PEFFER. I yield.

Mr. BLACKBURN. I simply wanted to say, Mr. President, that if it be proper and competent for a member of a conference committee to express an opinion as to what is likely to result from a conference, as the Senator from Arkansas [Mr. BERRY] has seen fit to do, I beg to dissent from his conclusions. I am quite sure that there will be an agreement and that agreement will be based upon the concession of the House to the amendment offered by the Senate. Further, I want to say that we have been flooded with telegrams by the hundred and letters more numerous for the last three months contradicting one another, the same parties signing different and conflicting telegrams as to what the effect of the Senate amendment to this bill would be. I have turned over to the Senator from Arkansas a dozen or more.

The bill as it passed the House of Representatives made certain requirements upon the railroads through that Territory as to the building of depots and the furnishing of facilities for passengers and traffic. That bill stands to-day with one amendment of the Senate on it. So far as the railroads are concerned, the bill now in conference stands precisely as it passed the House. The Senate did not alter or change or modify a single demand upon the railroad companies; that stands precisely as the House passed it and as the Secretary of the Interior and the Senator from Arkansas want it. The only change made in the bill is an amendment, put on by the Senate by a yea-and-nay vote and a positive majority, declaring that the people of that Territory in these two counties of O and L, on notice to be given within twenty days after the passage of the law and thirty days' notice to be given before the election shall be held, shall have the right by a popular vote of the bona fide citizens of those two counties to choose and locate their county seats in those two counties. That is the whole issue. There is nothing between the Senate and the House to-day upon this bill except the one question as to whether the people of those two counties shall have the right by a popular vote of the bona fide citizens of those counties to locate their respective county seats, or whether the Secretary of the Interior, by arbitrary act, shall locate them where he pleases. That is the only issue between us.

The Senator from Arkansas does not believe that the conferees will agree. I am quite sure that I have at least equally good authority for expressing the conviction that they will agree.

As to the protests and threats of bloodshed, that Territory is to be inundated with blood provided the people are allowed by popular vote to select their own county seats! I hold in my hand a petition, signed by 2,667 inhabitants and residents of those two counties, praying for the enactment of this bill with the Senate amendment attached. I have already filed at the Secretary's desk a memorial signed by more than 4,000 of the citizens of that Territory protesting against the passage of the House bill unless the right to select their county seats is given, which is covered by the amendment that the Senate by a yea-and-nay vote has put upon the bill.

Furthermore, I have here in my hand, and I shall file them, the affidavits of, I would say, 20 people, sworn to, properly acknowledged, and certified, stating that the protests against the amendment of the Senate to which the Senator from Arkansas has referred, signed by thousands of people, was gotten up after the following fashion:

That the said Goodwin—

He himself circulated the petition; was the source of these

affidavits; he was one of the circulators of the remonstrance which the Senator from Arkansas refers to, and here he is, Mr. William L. Goodwin, swearing that he was one of the circulators of that paper—

That the said Goodwin did on the 21st day of February, 1894, circulate one of said petitions and secured names of taxpayers and residents, together with the names of large numbers of fictitious persons not residing in this city or Territory; that at least three-quarters of said signatures were fictitious and fraudulent and written by said residents and circulators.

And so he goes through with all of these affidavits.

I have filed with the Senator from Arkansas telegrams from gentlemen reported to us to be of the highest character and responsibility, the telegrams themselves embodying their affidavits, in which they state and swear that a mass meeting was held at the Government town itself, composed of citizens of both the rival towns, and that resolutions were adopted unanimously demanding the passage of the bill as amended by the Senate. Under this state of case it is that I move, and I am so instructed by a majority of the Senate conferees that the Senate insist, upon its amendments and ask for a further conference with the House of Representatives.

Mr. WOLCOTT. Mr. President, there have been handed me also a number of petitions from inhabitants in County O, signed by several hundred citizens of that county, urging the Senate to permit the residents of the Territory of Oklahoma and of those counties to settle their own differences, and that we shall not assume to determine for them where their side tracks and water tanks and railroad stations shall be located. The petitions are supported by certifications from notaries public that the signers to the petitions are bona fide residents of the county. They are supported by other affidavits showing changes now going on as to the occupancy of the different towns and indicating somewhat their shifting character.

In view of the fact that the Territory of Oklahoma is fully empowered by Congress to settle this whole matter, it does seem to me astounding that Congress should assume to determine where a system of railroad shall establish its water tanks and passenger stations. Anybody familiar with the shifting character of such towns, with the short life that often attends boom settlements, knows that in these very towns where we now compel by law a railroad company to erect its station at great expense and trouble to itself, in a few months the owls and the bats will be the only inhabitants. It does seem extraordinary that we can not permit the people of Oklahoma to settle their own differences in a lawful and legitimate way. I present the petitions, to be filed.

Mr. BERRY. Mr. President, in answer to what the Senator from Colorado says, the Senator from Kentucky [Mr. BLACKBURN] has already correctly stated that both Houses of Congress have agreed upon a bill requiring the railroads to stop their trains. The bill has been passed. That question is not submitted to the conference committee in any way whatever. The question, as was correctly stated by the Senator from Kentucky, is whether the Senate will insist upon its amendment compelling an election to take place there in regard to the location of a county seat. The other House objects to that amendment. The Senate placed it upon the bill. The question in conference and pending before the conferees is, will the Senate recede from that amendment or will the House recede from its disagreement to the amendment? That is the question at issue.

Now, in regard to what was said by the Senator from Kentucky to the effect that parties in that section of the country have signed conflicting telegrams. I have here the telegram sent to the Senator from Kentucky, as well as those as sent to me. A telegram came to him, which I have here, purporting to come from Mr. Spaulding, who is president of the board of trade at South Enid, signed with his name, in which it is stated that they had held a meeting there and that the people of South Enid had agreed that the election should take place. I have Mr. Spaulding's sworn affidavit, certified to by the judge of a court, that that telegram is a forgery; that no such meeting was ever held, and that he sent no telegram of any character or description to the Senator from Kentucky.

Not only that, but the newspapers are here: there is affidavit after affidavit from a number of reputable citizens there that no such meeting ever took place in South Enid, and that the people were unanimous and of one voice opposed to this amendment. Mr. Spaulding's name was forged to a telegram in order to try to induce the House of Representatives to agree to the amendment. It is shown to be a forgery, and he has sworn that he never sent the telegram, and that no such meeting whatever took place.

Mr. President, the question is narrowed down merely to whether we shall force those people to have an election when the governor of the Territory and numerous petitioners, numbering thousands, say it would disturb the conditions there, and that the Legislature of Oklahoma will determine whether a vote shall be taken upon that question.

But the Senator from Kentucky says he thinks the conferees, if the matter is submitted to them, will agree. I did not know that he held that opinion. I was of the opinion that we all thought we could not agree. We have had two meetings and have failed in both, but if the Senator from Kentucky thinks the conferees will agree, then let it go back and we will try it again. If we fail then, I shall desire to have a yea-and-nay vote in the Senate to determine whether the Senate will insist upon that amendment or will recede from it. Inasmuch as the Senator from Kentucky thinks there is a chance to agree, I am perfectly willing that the matter shall go back to the conference committee, and let us try it over.

Mr. BLACKBURN. I am perfectly willing to have the Senate decide by a yea-and-nay vote right now as to whether it will recede from the amendment which, by a liberal majority on a yea-and-nay vote, it put on the bill.

So far as concerns the Senator's statement that a meeting was not held, and the denial by telegram of Spaulding's dispatch to me, I very much doubt whether among the hundreds of telegrams that have come either to him or to me, there has not been another denouncing the first one as a forgery. That the meeting was held at the Government town there can not be a question, and that the people passed resolutions unanimously insisting upon the Senate amendment can not be questioned. Among the many papers which I filed at the clerks' desk is a sworn statement of the United States commissioner bearing out that assertion.

Mr. BERRY. Will the Senator from Kentucky permit me to interrupt him for a moment?

Mr. BLACKBURN. Certainly.

Mr. BERRY. The Senator says there can be no question that such a meeting was held and that such resolutions were adopted. I say the evidence in my possession, to my mind, is conclusive that the telegrams were an absolute forgery, that there is not a man in South Enid to-day who is in favor of the amendment, and that no such meeting whatever was held. There is a large number of these telegrams. Since the question has been raised in this way I think it would be well to let the matter go back for the present to the conference committee. The conferees will take the question up, put the matter in shape, and we shall present the matter accurately before the Senate and see whether this is a forgery and whether any such meeting was held.

The VICE-PRESIDENT. The Chair desires to inquire of the Senator from Arkansas whether he withdraws his motion?

Mr. BERRY. I withdraw the motion and consent that the bill be recommitted to the conference committee.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kentucky that the Senate insist upon its amendments and ask for a further conference with the House of Representatives.

The motion was agreed to.

ISSUE OF BONDS.

The VICE-PRESIDENT. The Senate resumes the consideration of the resolution of the Senator from Kansas [Mr. PEFFER], on which that Senator is entitled to the floor.

Mr. MORGAN. If I can get the consent of the Senator from Kansas and of the Senate also that his resolution may go over until to-morrow without losing its place or its privileges I will ask that consent in order that we may proceed with the consideration of the Bering Sea regulations bill.

Mr. PEFFER. I have no objection to the request of the Senator from Alabama, provided, of course, the resolution retains its place. I have no disposition at all to be in the way of any important proceeding of the Senate; but as a motion has been made to refer to the Committee on Finance the resolution which I introduced, I desire to be heard upon the resolution before the question is put on that motion. That is all I ask for.

Mr. SHERMAN. In order to allow the Senator from Kansas to submit his remarks, I will withdraw the motion to refer, although the motion is debatable.

Mr. PEFFER. The Senator from Alabama asks that the resolution may lie over another day, and I have no objection if it retains its place.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the resolution will go over, retaining its place.

BERING SEA AWARD.

Mr. MORGAN. I ask the Senate, under the order, to proceed to consider the bill to give effect to the award of the Tribunal of Arbitration at Paris concerning the preservation of the fur seals.

The VICE-PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 1836) to give effect to the award

rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals.

The VICE-PRESIDENT. The bill is before the Senate, and the pending question is on the motion of the Senator from Rhode Island [Mr. ALDRICH] to reconsider the vote by which the bill was ordered to a third reading. [Putting the question.] The noes seem to have it. The noes have it, and the motion to reconsider is not agreed to.

Mr. HOAR. I hope no Senator will refuse a reconsideration of a bill which has passed the amendable stage when it was not understood by the Senate and was hastily done. I do not understand the chairman of the committee to ask for any such thing. I am quite sure there would be no detention of the measure. It would go through very quickly, and there would be no amendment insisted upon, in all probability, that would not be agreeable to the chairman of the committee, nor probably to any member of the committee. But to have in the Senate the custom when a measure is taken up, whether Senators are in fault or not, without the attention of the Senate when it gets past the amendable stage, to insist on such a snap judgment, would turn the Senate into a legislative assembly of a character such as has never yet been supposed to belong to it.

Mr. MORGAN. The bill has got into the shape in which we find it not by the slightest pressure on my part. Senators who, of course, witnessed the progress of the bill through the Senate seemed to have no amendments to offer. Thereupon it was read the third time, and the parliamentary question rose: Shall the bill pass? Then the Senator from Massachusetts desired to offer an amendment, which I understand he does not now care to press. I have made inquiry this morning to know whether there are Senators who have amendments to offer, and I can hear of none.

I shall not be at all responsible for any informality or any impropriety in legislation upon a provision of this character, or, indeed, upon any bill. But if the Senate will sustain me in it, I ask unanimous consent that the vote by which the bill was ordered to a third reading be reconsidered, in order that all the formalities of legislation may be observed in the passage of the bill.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for a reconsideration of the vote by which the pending bill was ordered to a third reading. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOAR. I desire to say that while I think my amendment would improve the bill a little, out of deference to the Senator from Alabama, the chairman of the Committee on Foreign Relations, who has examined it and who thinks the bill is entirely sufficient without it, I withdraw the amendment.

The bill was ordered to a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. MORGAN. Mr. President, I ask the indulgence of the Senate for a very few moments to make a presentation of certain facts in relation to the bill and this subject which have not as yet become official in any of the archives of the United States, for the reason that the final record of the arbitration tribunal has not as yet been officially certified to the Government of the United States. Nevertheless the Government, through its agent, has been put in possession of the final decree of the tribunal and also of all of the protocols which led up to it, and even beyond that, the discussions of counsel orally at the bar of the tribunal during more than four months of the investigation.

Since the adjournment of the tribunal, and within a few days one of the most eminent of the gentlemen who comprise that body has died, Lord Hannen, whose name when mentioned in the United States will carry with it a remembrance of his illustrous history. I feel very free to speak of him as a man not only of eminent abilities, but of broad, elevated character, splendid judicial bearing and grand statesmanship. I desire to pay this little tribute to his lordship as he has just passed away from the world. In order that the Senate of the United States and the American people may understand the terms of confidence and of friendship that existed between the American arbitrators and his lordship, and indeed all the members of the tribunal, and with a view of getting before the Senate in authentic form a statement of the feeling and opinions of the several arbitrators at the close of this very anxious and long-protracted period of discussion, both before the bar of the tribunal and in their sessions with closed doors, I desire to have read the concluding proceedings on the 15th day of August, which I have handed to the Secretary. I ask him to read the matter between the places I have marked.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

"At 11 o'clock the meeting with closed doors came to an end, and was immediately followed by a public meeting.

"All the arbitrators were present, also the agents of the Governments of the United States of America and of Great Britain.

"Upon the request of the president, Mr. Imbert, secretary of the tribunal, handed to the Hon. John W. Foster, agent of the Government of the United States of America, the signed copy of the award of the tribunal intended for the Government of the United States.

"Mr. Imbert then handed to the Hon. Charles H. Tupper, agent of Her Britannic Majesty, the signed copy of the award of the tribunal intended for the Government of Her Britannic Majesty.

"The two copies of the declarations of the arbitrators, signed by them and intended for the Governments of the United States of America and of Great Britain, were handed in the same form to the agents of the two Governments."

"The President then spoke as follows:

"'Gentlemen, now we have come to the end of our task. We have done our best to accomplish it, without concealing from ourselves the difficulties which complicated it, nor the heavy responsibilities which it has imposed upon us. Selected from various nationalities we have not considered ourselves the representatives of any one in particular nor of any Government or any human power, but, solely guided by our conscience and our reason, we have wished only to act as one of those councils of wise men whose duties were so carefully defined by the old capitularies of France.

"'To assist us, we have had at our disposition a library of documents, compiled with extreme care, and in order that we might not lose our way among so many sources of information, men holding a high rank among the most learned jurists and eloquent orators of which the Old or New Worlds could boast, have been willing so liberally to bestow upon us their advice.

"'During weeks and months our labors have been prolonged, and it constantly appeared that some new matter had arisen before us and that some new problem pressed upon our attention.

"'To-day, on this great holiday, we are assembled to inform you of the result of our labors, hoping with all our hearts that they may be profitable to man and conformable to the designs of Him who rules his destiny.

"'We know that our work is not perfect; we feel its defects, which must be inherent in all human efforts, and are conscious of its weakness, at least in certain points as to which we had to base our action on circumstances necessarily liable to change.

"'The declarations which we offer to-day to the two agents and which we hope will be taken into consideration by their Governments, indicate some of the causes of the necessary imperfection which we have mentioned.

"'We have felt obliged to maintain intact the fundamental principles of that august law of nations, which extends itself like the vault of heaven above all countries, and which borrows the laws of nature herself to protect the peoples of the earth one against another, by inculcating in them the dictates of mutual good will.

"'In the regulations which we were charged to draw up, we have had to decide between conflicting rights and interests which it was difficult to reconcile. The Governments of the United States of America and Great Britain have promised to accept and execute our decisions. Our desire is that this voluntary engagement may not cause regret to either of them, though we have required of both sacrifices which they may, perhaps, regard as serious. This part of our work inaugurates great innovation.

"'Hitherto the nations were agreed to leave out of special legislation the vast domain of the seas, as in times of old, according to the poets, the earth itself was common to all men, who gathered its fruits at their will, without limitation or control. You know that even to-day dreamers believe it possible to bring back humanity to that golden age. The sea, however, like the earth, has become small for men who, like the hero Alexander, and no less ardent for labor than he was for glory, feel confined in a world too narrow. Our work is a first attempt at a sharing of the products of the ocean, which has been hitherto undivided, and at applying a rule to things which escaped every other law but that of the first occupant. If this attempt succeeds it will doubtless be followed by numerous imitations, until the entire planet, until the waters as well as the continents, will have become the subject of a careful partition. Then, perhaps, the conception of property may change amongst men.

"'Before laying down the mandate which we have received in trust from two great governments, we desire to offer our gratitude to all those whose efforts had for their object to facilitate the accomplishment of our task, and especially to the agents and

counsel of the two Governments of the United States of America and Great Britain.

"'And now, a Frenchman may be permitted to use a word which his ancestors employed when they sung the lay of their great Emperor, and to say to all of you, 'Gentlemen, may you retain a kind remembrance of sweet France!'

"Lord Hannen, then addressing the president, said:

"'Mr. de Courcel, on behalf of your late colleagues I have to express my great regret that the absence of the President of the French Republic and Mr. Develle from Paris prevents our waiting upon them before leaving this city, where we have been so kindly treated. We must therefore beg you, as the French member of the late Tribunal of Arbitration, to convey to the President and to the French Government the expression of our sentiments of profound gratitude for the gracious reception and generous hospitality which they have extended to us. Our thanks are specially due to Mr. Develle, who, so much to his own inconvenience, has provided us in this palace with so splendid a domicile, and we offer him our apologies for having so long, though involuntarily, trespassed on his kindness.

"'And now, Mr. de Courcel, I have to discharge a duty which gives me peculiar satisfaction. I have to express to you our high appreciation of the manner in which you have presided over our deliberations. The public has had the opportunity of witnessing the sagacity, the learning, and the courtesy with which you have guided the proceedings during the arguments. Your colleagues only can know how greatly those qualities have assisted us in our private conferences. Let me add that our intimate relations with you have taught us to regard you with the warmest esteem and affection. Permit me to say that you have won in each of us an attached friend.

"'I must not conclude without an allusion to the remarkable occasion which has brought us together. We trust that the result will prove that we have taken part in a great historical transaction, fruitful in good for the world. Two great nations, in submitting their differences to arbitration, have set an example which I doubt not will be followed from time to time by others, so that the scourge of war will be more and more repressed. Few can be so sanguine as to expect that all international quarrels will be speedily settled by arbitration instead of by the dread arbitrament of war. But each occasion on which the peaceful method is adopted will hasten the time when it will be the rule and not the exception.

"'One of our poets has said that every prayer for universal peace avails to expedite its coming.

"'We have done more than join in such a supplication; we may hope that we have been the humble instruments through whom an answer has been granted to that prayer which I doubt not ascended from the hearts of these two kindred nations that peace may for ever prevail between them.

"'I bid you heartily farewell.'

"Senator MORGAN then addressed the following remarks to express his share in the sentiments which Lord Hannen had just interpreted:

"'The arbitrators on the part of the United States most sincerely unite in the very happy expressions that have fallen from Lord Hannen of grateful appreciation of the splendid hospitality of the French Government and people. We have been their guests for many months, and have been under the shelter of their laws and in the presence of their grand and beautiful civilization, and during all that time we have felt that our welcome did not cease to be cordial.

"'If we should take a narrow view of the results of this arbitration, the United States would have a regret that the important judicial questions we have been considering were not stated in a broader form in the treaty between these great powers. The opportunity was offered when the treaty was in process of formation to have presented in a more equitable light the rights of the nations to whose islands and coasts the fur seals habitually resort for places of abode and shelter in the summer season to control and protect them under the legal rules and intendments that apply universally to the animals that are classed as domestic, or domesticated animals, because of their usefulness to men.

"'My colleague and I concurred in the view that the treaty presented this subject for consideration in its broadest aspect. Our honorable colleagues, however, did not so construe the scope of the duty prescribed to the tribunal by the treaty. They considered that these questions of the right of property and protection in respect to the fur seals were to be decided upon the existing state of the law, and, finding no existing precedent in the international law they did not feel warranted in creating one.

"'As the rights claimed by the United States could only be supported by international law in their estimation, and inasmuch as that law is silent on the subject, they felt that, under the treaty, they could find no legal foundation for the rights claimed that extended beyond the limits of the territorial jurisdiction of the United States.

"'This ruling made it necessary to resort to the power conferred upon the tribunal to establish, by the authority of both Governments, regulations for the preservation and protection of the fur seals, to which the treaty relates. In this new and untried field of experiment much embarrassment was found in conflicting interests of an important character, and yet more difficulty in the uncertainty as to the facts upon which regulations could be based that would be at once just to those interests, and would afford to the fur seals proper preservation and protection.

"'The United States will fully understand and appreciate those difficulties, and will accept the final award as the best possible result under existing conditions. A very large measure of protection is secured by the regulations adopted by the tribunal to the Alaskan herd of fur seals: and the virtual repression of the use of firearms in pelagic sealing is an earnest and wise guaranty that those common interests may be pursued without putting in serious peril the peace of the two countries.

"'It is a great pleasure to the arbitrators appointed on the part of the United States that they can bear the highest testimony to the ability, integrity, patience, industry, and judicial impartiality of their colleagues in this tribunal.

"'Our labors have been arduous and protracted, but have been attended with uniform courtesy and good feeling on the part of all the members of the tribunal.

"'We hope for still broader and better results from the foundations we have laid in this new field of international agreements.

"'To the president of the tribunal we owe a debt that we gratefully acknowledge, that he has so patiently and with such distinguished ability discharged the difficult duties of his position.

"'The agents of the respective governments have prepared, at great expense of labor, and with unusual skill and industry, every available fact that would throw any light upon the matters in controversy, and the counsel have dealt with the great masses of evidence so prepared with that marked ability for which they have become renowned upon other occasions. Conscious of having done all we could to reach conclusions that are just and will be salutary, we close our labors in the hope that they will be acceptable to all nations.'

"The president thereupon said that he cheerfully accepted the mission to transmit to the President of the French Republic and to Mr. Develle the thanks of the members of the tribunal.

"He thanked personally Lord Hannen and Senator MORGAN for the sentiments which they had expressed concerning himself."

Mr. MORGAN. Mr. President, the Senate will see there an expression on the part of the American arbitrators of their very high appreciation of the beautiful hospitality of France toward the tribunal while we were the guests of that Republic. The Senate will also see the amicable spirit which characterized the close of that very protracted examination, differing somewhat in that respect from a former occasion of great magnitude in which the two Governments, the United States and Great Britain, had participated. We have had many arbitrations with Great Britain, and in most of them I believe the communities of both Governments have been practically satisfied.

What the judgment of the American people may be upon this award it is not for me to say. I can only state that I have been very agreeably surprised that the award has so far escaped severe criticism at the hands of publicists in the United States or in any of the American States or of Europe; from which I infer that it is reasonably satisfactory as a solution of the question that was committed to the tribunal.

I have ventured to put these facts upon the record to-day with a view of giving to the Senate and the people of the United States an authentic statement of the manner in which the award found its way into the possession of the respective Governments, and the conclusive effect of it, according to the treaty of the 29th of February, 1892, in being so delivered into the hands of the agents of the Governments. The award became operative instantly upon its being so delivered in all the breadth and scope in respect of which the tribunal had any authority to speak anything whatever. That award, however, contemplates some additional action by legislation, as I consider, and it seems that the Government of Great Britain also has the same opinion, because I am informed that at this hour perhaps a bill similar in its substance is pending in the Parliament of Great Britain. I think when this bill is passed we shall have a very firm assurance that the award will be carried out to the satisfaction of both the great Governments, and that this long existing and very irritating subject will have had its final solution and perfect repose. I ask that the bill be put on its passage.

The bill was passed.

The preamble was agreed to.

BOOK-MAKING IN THE DISTRICT OF COLUMBIA.

Mr. MCMILLAN. I again ask the unanimous consent of the Senate to consider the bill (S. 1680) to more effectually suppress gambling in the District of Columbia. The Senator from Kansas [Mr. PEFFER] objected to it yesterday, but this morning he said he would withdraw his objection. It is a short bill and will take but a few moments.

The VICE-PRESIDENT. The Senator from Michigan asks unanimous consent for the present consideration of the bill the title of which will be stated.

The SECRETARY. A bill (S. 1680) to more effectually suppress gambling in the District of Columbia.

Mr. GALLINGER. I do not rise to object to the request of the Senator from Michigan for the immediate consideration of the bill, but simply to put on record the fact that on a somewhat similar bill a minority report signed by the Senator from Vermont [Mr. PROCTOR] and myself was presented and is in print. I am opposed to the proposed legislation in toto, but I shall content myself with voting against the bill with the understanding that the minority report may be printed in the RECORD in connection with the action about to be taken to-day.

The VICE-PRESIDENT. The Committee on the District of Columbia has reported an amendment in the nature of a substitute, which will be read for information.

The SECRETARY. Strike out all after the enacting clause and insert:

That the provisions of the act of Congress approved the 31st day of January, 1893, entitled "An act to more effectually suppress gambling in the District of Columbia," and also the provisions of the act of Congress approved the 24 day of March, 1891, entitled "An act to prevent book-making and pool-selling in the District of Columbia," shall not apply to book-making at the spring and fall meetings at the Bennings and Ivy City race tracks when such meetings are held by organizations duly incorporated under the laws of the District of Columbia: *Provided*, That such meetings shall be held only between the 1st day of March and the 15th day of December in any year, and shall not exceed a period of eighteen days each: *And provided further*, That there shall be but one spring meeting and but one fall meeting at each of the above-named tracks in any one year.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. I trust the passage of the bill will not be pressed at this moment. I have sent out for the minority report which was made on a similar bill two or three weeks ago, and I desire to have it read before the question on the passage of the bill shall be put. It will be here in a moment.

Mr. MCMILLAN. I suggest to the Senator from New Hampshire that the report be printed in the RECORD without being read.

Mr. MCPHERSON. I think I shall have to object to the consideration of the bill to-day. I have no objection to its going over until to-morrow, or to its being taken up then.

The VICE-PRESIDENT. The Senator from New Jersey objects to the present consideration of the bill.

THE RUSSIAN THISTLE.

Mr. HANSBROUGH. I ask unanimous consent for the consideration during the remainder of the morning hour of Senate bill 1545 for the extermination of the Russian thistle.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *Salsola kali tragus*.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. GEORGE. I believe I shall object, in the absence of the Senator from Texas [Mr. MILLS]. He expected to address the Senate on this subject, and left the Chamber some minutes ago with the understanding that the bill would not come up this morning.

Mr. COCKRELL. Perhaps the Senator from North Dakota desires to speak upon the bill?

The VICE-PRESIDENT. Does the Senator from Mississippi object to the present consideration of the bill?

Mr. GEORGE. I shall, if it is apparent that it will come to a vote before the Senator from Texas (Mr. MILLS) can be notified.

Mr. HANSBROUGH. I am willing that the bill shall go over on that account. I was not aware that the Senator from Texas desired to address the Senate this morning.

Mr. GEORGE. The Senator from Texas was here and had some documents which he desired to read to the Senate, but he has left the Chamber.

Mr. HARRIS. Does the Senator from North Dakota desire that the bill shall go over until to-morrow?

Mr. HANSBROUGH. I am willing it shall go over on that account, so that the Senator from Texas may address the Senate.

Mr. CALL. I suggest that the Senator from Texas may be in the cloak room. I have sent there to see.

Mr. GEORGE. No; he has gone to his committee room.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

ALICE K. POTTER.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 491) granting a pension to Alice K. Potter, widow of Gen. Joseph H. Potter, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with amendments: In line 8, before the word "dollars," to strike out "one hundred" and insert "fifty;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll the name of Alice K. Potter, widow of the late Gen. Joseph H. Potter, United States Army, subject to the provisions and limitations of existing laws, and pay her a pension of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF THE REVENUE BILL.

The VICE-PRESIDENT. The Calendar, under Rule VIII, will be called.

Mr. HARRIS. Before proceeding to the Calendar I wish to give notice that after the consideration of the bill for the extermination of the Russian thistle, which the Senate has consented to consider during the morning hour to-morrow, I shall ask the Senate to consent from day to day to the consideration of the tariff bill immediately after the routine business of the morning hour. I simply wish to give the notice now, so that the Senate may understand that after the disposition of the bill in charge of the Senator from North Dakota I shall ask the Senate to consider the tariff bill each day immediately after the conclusion of the routine morning business.

VOLUNTEERS IN INDIAN WAR.

The bill (S. 743) for the relief of the citizens of the States of Oregon, Idaho, and Washington who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes, was announced as first in order on the Calendar.

Mr. PLATT. I should like to inquire of some one why these State troops, as I suppose they were, are to be paid any more than United States troops? I do not know who is in charge of the bill.

Mr. COCKRELL. The Senator from Nebraska [Mr. MANDERSON] reported the bill.

Mr. MANDERSON. During the absence of the Senator from Minnesota [Mr. DAVIS], who is entirely familiar with it, I reported the bill for him. The bill might be passed over temporarily.

The VICE-PRESIDENT. Does the Senator from Nebraska make that request?

Mr. MANDERSON. I ask that the bill may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. It is so ordered, in the absence of objection.

SEALER OF WEIGHTS AND MEASURES.

The bill (H. R. 3246) for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That from and after the passage of this act the sealer of weights and measures shall receive a salary of $2,500 per annum in lieu of fees. Such officer shall be appointed by, and shall be under the direction and control of, the Commissioners of the District of Columbia. He shall have the custody and control of such standard weights and measures of the United States as now are, or as shall hereafter be, provided by the District of Columbia, which shall be the only standards for weights and measures in said District.

SEC. 2. That the sealer of weights and measures shall give bond to the United States in the penalty of $5,000, with two sureties, or with the guarantee of a company incorporated under the laws of the District of Columbia, to be approved by the Commissioners, conditioned on the faithful discharge of the duties of his office, and shall take and subscribe an oath or affirmation before the Commissioners that he will faithfully and impartially discharge the duties of his office, which bond or guarantee and oath shall be deposited with the Commissioners of the District of Columbia.

SEC. 3. That the Commissioners of the District of Columbia, on the recommendation of the sealer of weights and measures, be, and they are hereby, authorized to appoint one assistant sealer of weights and measures, at a salary of $1,200 per annum. The said Commissioners shall appoint such as-

ditional employés as may be, in the judgment of the Commissioners of the District of Columbia, temporarily required for operations of the sealer of weights and measures at an aggregate expense of not exceeding $600 in any one year. The said Commissioners shall provide for use of the sealer and the assistant sealer of weights and measures a suitable room or rooms to be used for an office; and the said Commissioners shall also provide a horse and wagon for the use of the sealer and assistant sealer of weights and measures at such times as the business of their office shall require.

SEC. 4. That the Commissioners of the District of Columbia are hereby empowered and directed to prescribe a schedule of fees to be charged by the sealer of weights and measures for his services, in lieu of the fees now charged, which schedu e shall be printed and conspicuously displayed in the office of the sealer of weights and measures. Such schedule of fees shall be so arranged as to provide as nearly as may be for all the salaries and expenses connected with the office of the sealer of weights and measures, and no more. All fees collected by the sealer or assistant sealer of weights and measures shall be paid over to the collector of taxes of the District of Columbia, under regulations to be prescribed by the Commissioners of the District of Columbia, and be covered into the Treasury of the United States as other revenues of the District are now.

SEC. 5. The assistant sealer of weights and measures shall take the same oath his principal is required to take, and may, during the continuance of his office, discharge and perform any of the official duties of his principal, and any default or misfeasance in office by the assistant surveyor, or other assistant or helper of the sealer of weights and measures, shall be deemed a breach of the official bond of his principal.

SEC. 6. The sealer of weights and measures and, under his direction, the assistant sealer of weights and measures shall have the exclusive power to perform all the duties of their office. They shall from time to time try and prove all scales, weights, beams, and measures of every kind whatsoever used in the District of Columbia for the purpose of buying and selling, and such as shall be found to conform to the standards kept in their office they, or either of them, shall stamp with the word "approved," or with the letter "W," and the year in which said inspection is made; and such as are found not to conform to the standards in their office they, or either of them, shall stamp with the word "condemned" and the year in which the inspection is made. Upon the written request of any resident of the District of Columbia the sealer of weights and measures shall test, or cause to be tested, within a reasonable time after the receipt of such request the weights, scales, beams, or other instruments used in buying or selling by the person, firm, or corporation designated in such request: *Provided*, That nothing herein contained shall be construed to prevent any manufacturer or other person from keeping for sale scales, beams, weights, or measures; but on the written request of such manufacturer or other person the sealer of weights and measures shall test, or cause to be tested, and shall stamp as herein provided all such scales, beams, weights, or measures offered for sale: *And provided further*, That nothing herein contained shall be construed to require or to authorize the sealer of weights and measures to test any scales belonging to the United States.

SEC. 7. That the Commissioners of the District of Columbia shall furnish the sealer of weights and measures a book to be kept in his office, in which book he shall register, in alphabetical order, the name of each person whose measures, scales, beams, or other instruments he or his assistant has inspected, together with the number and size of the same, and what number of each was approved and what condemned, with the time of inspection; and such book shall be open to the inspection and examination of the public at all reasonable times.

SEC. 8. No person shall neglect or refuse to exhibit any weights, scales, measures, beams, or other instruments used by him or her in weighing or measuring to the sealer or assistant sealer of weights and measures when and whenever demanded by them, or either of them, for the purposes of inspection and stamping: *Provided*, That no fees shall be collected for examinations made in excess of the number of examinations prescribed in the schedule of fees hereinbefore provided for.

SEC. 9. No person shall use, for buying or selling, any weights, measures, scales, beams, or other instruments, unless the same has been inspected and stamped "approved," or with the letter "W," by the sealer or assistant sealer of weights and measures.

SEC. 10. No person shall sell, or offer for sale, in any market, or in the public streets or alleys, or anywhere in the District of Columbia, any fruits, vegetables, or berries, in crates, baskets, or other measures, or any butter in prints, or any ice or coal, at or for a greater weight or measure than the true weight or measure thereof; and all ice, coal, meats, poultry, and provisions (excepting vegetables sold by the head or bunch) of every kind sold in the markets, streets, alleys, or elsewhere in the District of Columbia, shall be weighed or measured by scales, weights, or balances, or in measures duly tested and stamped by the sealer or assistant sealer of weights and measures: *Provided*, That poultry may be offered for sale and sold in other manner than by weight; but, in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed as hereinbefore provided.

SEC. 11. Any person who shall neglect or refuse to exhibit his weights, measures, scales, beams, or other instruments used for the purpose of weighing or measuring to the sealer or assistant sealer of weights and measures; or any person who shall use, in buying or selling, any weights, measures, scales, beams, or other instruments used for weighing or measuring, which shall have been inspected and condemned by the sealer of weights and measures, or which, upon examination, shall not be conformable to the standards in the office of the sealer of weights and measures; or any person who shall violate, or fail to comply with, any of the foregoing provisions of this act, shall be punished by a fine not to exceed $100 and costs of prosecution; and the court may make a further sentence that the offender be imprisoned in the district jail till the payment of such fine and costs: *Provided*, That such imprisonment shall not exceed the period of six months.

SEC. 12. That no person shall sell or deliver any coal within the limits of the District of Columbia unless there shall be delivered to the person in charge of the wagon or conveyance used in delivering such coal a certificate duly signed by the person selling the same and showing the weight of the coal purporting to be delivered, the weight of the wagon or conveyance used in such delivery, the total weight of coal and conveyance, and the name of the purchaser.

SEC. 13. That no person in charge of the wagon or conveyance used in delivering coal, to whom the certificate mentioned in section 6 of this act has been delivered, shall neglect or refuse to exhibit such certificate to the sealer or the assistant sealer of weights and measures, or to any person designated by them, or to the purchaser or intended purchaser of the coal being delivered; and when said officers, person so designated, or such purchaser or intended purchaser shall demand that the weight shown by such certificate be verified, it shall be the duty of the person delivering such coal to convey the same forthwith to some public scale of the District, or to any private scale the owner whereof shall consent to such use, and to permit the verifying of the weight shown, and shall after the delivery of such coal, return forthwith, with the wagon or conveyance used, to the same scale and verify the weight of the wagon or conveyance.

SEC. 14. That it shall be the duty of the sealer of weights and measures to inspect, or cause to be inspected and tested, the weight of coal sold or delivered as aforesaid within the District of Columbia, and to take the proceedings necessary to enforce the provisions of this act.

SEC. 15. That any person who shall violate or who shall neglect or refuse to comply with the provisions of sections 6, 7, and 8 of this act, or any person who shall deliver or attempt to deliver coal of less weight than that set down in the certificate hereinbefore mentioned, shall be punished with a fine not to exceed $100 and costs of prosecution; and the court may make a further sentence that the offender be imprisoned in the District jail until the payment of such fine and costs: *Provided*, That the term of such imprisonment shall not exceed six months.

SEC. 16. That all laws and ordinances inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLEYS IN THE DISTRICT OF COLUMBIA.

The bill (S. 971) to open, widen, and extend alleys in the District of Columbia was announced as next in order on the Calendar.

Mr. QUAY. I object to the consideration of that bill at this time.

Mr. HARRIS. Does the Senator want the bill to go over under Rule IX or to go over without prejudice?

Mr. QUAY. It may go over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

FORM OF DEEDS IN THE DISTRICT OF COLUMBIA.

Mr. PASCO. I suggest that the same order be made in reference to the next bill on the Calendar, being the bill (S. 832) to simplify the form of deeds of conveyance, trust, and releases of land in the District of Columbia. The Senator from West Virginia [Mr. FAULKNER], who has charge of the bill, is not in the Chamber at present.

The VICE-PRESIDENT. Without objection, the bill will be passed over without prejudice.

PENITENTIARY IN NORTH DAKOTA.

The joint resolution (S. R. 41) relative to the erection of a penitentiary in the State of North Dakota, and for other purposes, was announced as next in order on the Calendar.

Mr. PLATT. I think the Senator from North Dakota [Mr. HANSBROUGH] is in the Chamber, and I wish to have his attention called to the bill.

Mr. COCKRELL. Let the bill be passed over until the attention of the Senator can be called to it, and in the mean time we can go to something else.

Mr. PLATT. I think that the bill had better be passed over, for when it was last under consideration the Senator from North Dakota asked that it might lie over.

Mr. COCKRELL. Let the bill be passed over.

The VICE-PRESIDENT. The bill will be passed over, and the next bill on the Calendar will be stated.

CORPORATIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 1305) to amend "An act relating to the incorporation of certain corporations within the District of Columbia," approved October 1, 1890, was announced as next in order on the Calendar.

Mr. PUGH. Let that bill go over. The Senator who has it in charge is not present, and the main subject is before the Committee on the Judiciary.

The VICE-PRESIDENT. The bill will go over under the objection of the Senator from Alabama.

ENLISTMENTS IN THE ARMY.

The bill (S. 1209) to regulate enlistments in the Army of the United States was announced as next in order on the Calendar.

Mr. BATE. That bill was reported from the Committee on Military Affairs. I see that two or three members of the committee who feel an interest in the bill are absent, and I suggest that it be passed over, retaining its place on the Calendar.

The VICE-PRESIDENT. Without objection, it will be so ordered.

JUSTICES OF THE PEACE IN THE DISTRICT OF COLUMBIA.

The bill (S. 1655) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate proceedings before them, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment in section 23, line 8, after the word "claim," to strike out "and shall also notify the plaintiff in such writ, or his agent or attorney, of such claim;" so as to make the section read:

SEC. 23. That when personal property is taken on execution or attachment issued by a justice of the peace, and such property is claimed by a person other than a defendant therein, or is claimed by the defendant to be

property exempt from execution, and such claimant shall give notice in writing to the constable of his claim to such property, or that it is exempt as aforesaid, the constable shall notify the plaintiff in such writ, or his agent or attorney, of such claim, and shall also notify such plaintiff and the claimant before what justice and at what time and place a trial of the right of property shall be had.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BERING SEA AWARD.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith report from the Secretary of State, inclosing the final report of the agent of the United States before the Paris Tribunal of Arbitration; also the protocols thus far received, and certain other papers relating to that arbitration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, April 3, 1894.*

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. LODGE. I desire to give notice that on Tuesday next at 2 o'clock, after the close of the morning business, with the indulgence of the Senate, I shall submit some remarks on the pending bill.

Mr. ALLISON addressed the Senate over two hours, when he was interrupted by

Mr. CALL. I ask the Senator from Iowa if it will be entirely agreeable to him to yield to a motion to proceed to the consideration of executive business?

Mr. HARRIS. I hope the Senator from Iowa will proceed and conclude his remarks this evening if he can do so with personal convenience to himself.

Mr. ALDRICH. I hope that the convenience of the Senator from Iowa will be consulted in the matter.

Mr. HARRIS. The Senator from Rhode Island certainly did not hear my remarks or he would not have volunteered the remark he has made.

Mr. ALDRICH. I did understand the remark of the Senator from Tennessee, I think, perfectly well.

Mr. HARRIS. That remark submitted the matter to the Senator from Iowa.

Mr. ALDRICH. And I have never heard any remarks of a similar nature when a Senator was addressing the Senate and a question of that kind has been asked him by a brother Senator.

Mr. CALL. I should be glad to know from the Senator from Iowa if it is entirely agreeable to him to yield?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Florida?

Mr. ALLISON. Mr. President, after the intimation of Senators I think I shall conclude what I have to say to-night.

Mr. CULLOM. The Senator from Iowa evidently indicates that he would prefer not going on longer to-night. As the Senator from Iowa has been speaking for two or three hours, I hope Senators on the other side will not object to laying the bill aside and allowing the Senator to finish his remarks to-morrow.

Mr. HARRIS. I am perfectly satisfied that the Senator from Iowa can speak for himself, and I shall, so far as I am concerned, be glad to accommodate any wish of his in respect to the matter; but if entirely convenient to the Senator, I think it important that we should proceed with the consideration of this bill as rapidly as we conveniently may.

Mr. CALL. I desire to say that it was my purpose to consult the convenience of the Senator from Iowa. If it is entirely agreeable to him I shall make the motion indicated, but not otherwise.

Mr. ALLISON. I should be glad, of course, in the near future to have the Senate adjourn or attend to other business and finish my remarks to-morrow, but I do not wish to do so if it is distasteful to those who are in charge of the bill, I will say to the Senator from Tennessee.

[The speech of Mr. ALLISON is withheld for revision. It will be found in the Appendix.]

Mr. HARRIS. In view of the statement of the Senator from Iowa, I am sure that it is the wish on this side of the Chamber to accommodate as far as possible every Senator on this floor in respect to such matters; but believing, as I do, that it is vitally important that the business interests of the country should be informed at the earliest moment possible as to what the import duties are to be in the future, I shall hereafter insist upon proceeding as rapidly as possible. In deference, however, to the expressed wish of the Senator from Iowa, I consent that the Senator from Florida may make his motion.

Mr. HALE. Mr. President, I have never known in my service in the Senate in the discussion of any measure, however important, on the second day of general debate, when a Senator had spoken earnestly and forcibly for two hours, as the Senator from Iowa has—not reading listlessly from manuscript, and 4 o'clock had been reached and a suggestion had been made by a Senator on either side that the Senator speaking suspend in order that an executive session be had—any such suggestion made as that which was made a few minutes ago by the Senator from Tennessee, thereby thrusting upon the Senator from Iowa the imputation that he would be consenting to an adjournment when the other side desired him to go on whether he would or not. I do not believe that that kind of moral duress will prevail if it is attempted hereafter.

Mr. HARRIS. Will the Senator from Maine allow me?

Mr. HALE. Certainly.

Mr. HARRIS. I wish to ask him if he thinks he finds cause of complaint when I left the whole question to the convenience of the Senator from Iowa?

Mr. HALE. The whole thing was left in the most courteous manner to the convenience of the Senator from Iowa by the suggestion which the Senator from Florida made, that he desired to interpose a motion to proceed to other business if the Senator from Iowa would yield: and the Senator from Tennessee, not content with that, sought to spur on the Senator from Iowa, and, as any Senator would naturally feel hesitation about giving up when it was said that he might as well go on——

Mr. HARRIS. I must ask the Senator to yield again for a second.

Mr. HALE. Certainly I shall.

Mr. HARRIS. The object and purpose of my suggestion was that, as a mere matter of courtesy to the Senator from Florida, the Senator from Iowa should not yield the floor if he proposed or preferred to proceed with his argument: and therefore I referred the whole question to his convenience. The Senator can make whatever complaint he pleases of the course I have pursued in respect to the matter. I am indifferent as to his criticism.

Mr. HALE. Might it not have been well in the well-conceded and well-understood courtesy of the Senate if that suggestion had been left to the Senator from Iowa to make himself? The proposition was made by the Senator from Florida, as it is made every day before Senators have spoken two hours, that we should have an executive session, which it is known is desired by some Senators, and why could not the Senator from Tennessee have left the Senator from Iowa to say, if he preferred to go on, that he should go on?

If, Mr. President, this is a sample of the way in which the Senator from Tennessee proposes to railroad this bill through the Senate, not granting the customary courtesies, we shall take notice of that here and now.

Mr. HARRIS. I am greatly obliged to the Senator from Maine for the lecture he habitually has to deliver about once a week, and I am glad that he has got it off this early in the week, as possibly we may have no occasion to have another during the week.

I shall not be found wanting in courtesy to any Senator upon this floor now or hereafter, and I should a great deal rather submit the question as to the propriety of my conduct to the Senator from Iowa than to the strained construction the Senator from Maine chooses to put upon it.

Mr. HALE. Now, Mr. President, let me say to the Senator from Tennessee that whether or not he shall be submitted to what he is pleased to call a lecture from me—and I fancy I speak for other Republican Senators—will depend greatly upon the course that is pursued by the other side with reference to this bill.

Here is a bill of the greatest importance of any that has come before the country for many years. We have just opened the general debate upon it; it has not been proceeded with in a dilatory fashion for weeks and weeks as debate has proceeded in matters years ago on other subjects in the Senate; but on the second day of debate we are twice during the day notified by the Senator from Tennessee that extraordinary motions and methods will be resorted to to drive this bill through.

It is no lecture, I can tell the Senator from Tennessee, whatever he may term it, to be informed that this side is aware of its rights on this subject and will endeavor to maintain them.

EXECUTIVE SESSION.

Mr. CALL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After one hour and fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 4, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 3, 1894.

ASSISTANT REGISTER OF THE TREASURY.

John B. Brawley, of Pennsylvania, to be assistant register of the Treasury, to succeed Henry H. Smith, resigned.

AUDITOR OF THE TREASURY FOR THE POST-OFFICE DEPARTMENT.

George A. Howard, of Tennessee, to be Auditor of the Treasury for the Post-Office Department, to succeed John B. Brawley, resigned.

PROMOTION IN THE NAVY.

Passed Assistant Engineer James H. Perry, United States Navy, to be a chief engineer in the Navy from April 1, 1894, vice Chief Engineer Nathan P. Towne, resigned.

POSTMASTERS.

John H. Stotesbury, to be postmaster at Leadville, in the county of Lake and State of Colorado, in place of William W. Old, whose commission expires April 11, 1894.

Charles I. Balch, to be postmaster at Manchester, in the county of Hartford and State of Connecticut, in the place of Levi Drake, whose commission expired February 25, 1894.

Samuel E. McElroy, to be postmaster at Chicago Heights, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

James J. Pearson, to be postmaster at Pontiac, in the county of Livingston and State of Illinois, in the place of Ralph T. Bradford, removed.

Alonzo B. Poole, to be postmaster at Rochelle, in the county of Ogle and State of Illinois, in the place of Alfred W. Hartong, whose commission expires April 11, 1894.

George R. Howard, to be postmaster at Neola, in the county of Pottawattamie and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

Benjamin F. Wintersteen, to be postmaster at Akron, in the county of Plymouth and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

Lida J. Cooper, to be postmaster at Uniontown, in the county of Union and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

James H. McKeeman, to be postmaster at Rumford Falls, in the county of Oxford and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

George R. Theobald, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine, in the place of John H. Fellows, whose commission expired March 24, 1894.

Elihu B. Pond, to be postmaster at Ann Arbor, in the county of Washington and State of Michigan, in the place of Eugene E. Beal, whose commission expires April 17, 1894.

Weston Dawson, to be postmaster at New Madrid, in the county of New Madrid and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

John W. Jamison, to be postmaster at Vandalia, in the county of Audrain and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

Calvin D. Van Cleave, to be postmaster at Irvington, in the county of Essex and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

Hosea E. Doughty, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey, in the place of H. A. Clement, whose commission expired April 3, 1894.

Forrest A. Rice, to be postmaster at Flemington, in the county of Hunterdon and State of New Jersey, in the place of James I. Fisher, whose commission expired February 19, 1894.

L. K. McGaffey, to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

James A. Lodge, to be postmaster at Montgomery, in the county of Orange and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

Percival B. Salisbury, to be postmaster at Theresa, in the county of Jefferson and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

George T. Roof, to be postmaster at Corning, in the county of Perry and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

William W. Smith, to be postmaster at Leipsig, in the county of Putnam and State of Ohio, in the place of John C. McClung, whose commission expires April 11, 1894.

James W. Bennett, to be postmaster at East Brady, in the county of Clarion and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

James S. Crawford, to be postmaster at Duquesne, in the county of Allegheny and State of Pennsylvania, in the place of Howard L. Black, resigned.

G. E. Donehoe, to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

Emmet W. Gibson, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania, in the place of Thomas D. Alexand, whose commission expired February 19, 1894.

John T. Killeen, to be postmaster at Luzerne, in the county of Luzerne and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April, 1, 1894.

Harry Marietta, to be postmaster at Connellsville, in the county of Fayette and State of Pennsylvania, in the place of Josephine Reid, whose commission expired March 13, 1894.

John J. McDonald, to be postmaster at Kingston, in the county of Luzerne and State of Pennsylvania, in the place of David S. Clark, whose commission expires April 16, 1894.

J. Evans Wright, to be postmaster at Parkesburg, in the county of Chester and State of Pennsylvania, in the place of William J. Galloway, whose commission expired December 21, 1893.

Gustavus Schnasse, to be postmaster at Rapid City, in the county of Pennington and State of South Dakota, in the place of John M. Blakely, whose commission expired March 12, 1894.

S. S. Turner, to be postmaster at Yankton, in the county of Yankton and State of South Dakota, in the place of Wheeler S. Bowen, whose commission expired December 21, 1893.

Richard H. King, to be postmaster at Alvin, in the county of Brazoria and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 29, 1894.

PROMOTIONS IN THE NAVY.

Ensign Houston Eldredge, to be a lieutenant (junior grade).

Ensign Henry B. Wilson, to be lieutenant (junior grade).

APPRAISER OF MERCHANDISE.

Henry J. Schulte, of Ohio, to be appraiser of merchandise for the port of Cincinnati, in the State of Ohio.

SURVEYOR OF CUSTOMS.

Henry D. Lemon, of Ohio, to be surveyor of customs for the port of Cincinnati, in the State of Ohio.

PENSION AGENT.

Americus V. Rice, of Ottawa, Ohio, to be pension agent at Columbus, Ohio.

REGISTERS OF THE LAND OFFICE.

John G. Newbill, of Springfield, Mo., to be register of the land office at Springfield, Mo.

Herman Von Langen, of Topeka, Kans., to be register of the land office at Topeka, Kans.

POSTMASTERS.

Ernest F. Kelley, to be postmaster at Bath, in the county of Sagadahoc and State of Maine.

Parker T. Fuller, to be postmaster at Rockland, in the county of Knox and State of Maine.

Peter Weigerding, to be postmaster at Defiance, in the county of Defiance and State of Ohio.

Howard E. Perkins, to be postmaster at Sanford, in the county of York and State of Maine.

Frank W. Cowden, to be postmaster at Red Cloud, in the county of Webster and State of Nebraska.

Charles Hammond, to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho.

A. G. Moderow, to be postmaster at Stanton, in the county of Stanton and State of Nebraska.

Frank H. Stratton, to be postmaster at Blossburg, in the county of Tioga and State of Pennsylvania.

William T. Sharp, to be postmaster at Brooklyn, in the county of Poweshiek and State of Iowa.

J. A. Ladd, to be postmaster at Traer, in the county of Tama and State of Iowa.

Oliver C. Jackson, to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania.

John A. Fry, to be postmaster at Ephrata, in the county of Lancaster and State of Pennsylvania.

Alexander M. Dick, to be postmaster at West Newton, in the county of Westmoreland and State of Pennsylvania.

Evan T. McGaw, to be postmaster at Reynoldsville, in the county of Jefferson and State of Pennsylvania.

Patrick J. Langan, to be postmaster at Hawley, in the county of Wayne and State of Pennsylvania.

Willis W. Kitch, to be postmaster at Sharpsville, in the county of Mercer and State of Pennsylvania.

Charles Schmitt, to be postmaster at Homestead, in the county of Allegheny and State of Pennsylvania.

Albert R. Saylor, to be postmaster at Royersford, in the county of Montgomery and State of Pennsylvania.

R. J. O'Donnell, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 3, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read, corrected, and approved.

Mr. GROSVENOR. Mr. Speaker, there were certain very interesting public telegrams in the newspapers this morning, and I rise to inquire whether a motion would be in order to have them read at the Clerk's desk for the information of the House? They relate to the elections which took place on yesterday.

The SPEAKER. If there be no objection, the Chair will lay before the House certain executive and other communications

ELECTION CONTEST—O'NEILL VS. JOY.

Mr. BURROWS. Mr. Speaker, I am constrained to call for the regular order.

The SPEAKER. The gentleman from Michigan demands the regular order. The regular order is the further continuation of the contested-election case of O'Neill against Joy.

Mr. REED. Mr. Speaker, the House adjourned a few evenings ago after having adopted a resolution for the arrest of absent members. Is that not the first business in order?

The SPEAKER. It is not. No report has been made.

The question is on the motion to lay on the table the motion of the gentleman from Michigan to reconsider the vote by which the House rejected the first substitute resolution of the minority of the committee. On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 167, nays 12, not voting 174; as follows:

YEAS—167.

Alderson,	Catchings,	Erdman,	Latimer,
Alexander,	Clancy,	Everett,	Lawson,
Allen,	Clark, Mo.	Fielder,	Layton,
Bailey,	Clarke, Ala.	Geary,	Lester,
Baker, Kans.	Cobb, Ala.	Geissenhainer,	Lockwood,
Baldwin,	Cobb, Mo.	Goldzier,	Lynch,
Bankhead,	Cockrell,	Gorman,	Maguire,
Bartlett,	Coffeen,	Grady,	Mallory,
Barwig,	Conn,	Gresham,	Martin, Ind.
Bell, Colo.	Coombs,	Griffin,	McCreary, Ky.
Bell, Tex.	Cooper, Fla.	Haines,	McCulloch,
Berry,	Cornish,	Hall, Minn.	McDannold,
Black, Ga.	Cox,	Hare,	McDearmon,
Bland,	Crawford,	Hatch,	McEttrick,
Boatner,	Culberson,	Hayes,	McGann,
Bower, N. C.	Cummings,	Henderson, N. C.	McKaig,
Branch,	Davey,	Hendrix,	McLaurin,
Breckinridge, Ark.	Davis,	Hines,	McMillin,
Bretz,	Denson,	Holman,	McNagny,
Brickner,	Dinsmore,	Hooker, Miss.	Meikle,
Brookshire,	Dockery,	Hudson,	Meredith,
Brown,	Donovan,	Hunter,	Meyer,
Bynum,	Dunn,	Hutcheson,	Money,
Cabaniss,	Dunphy,	Ikirt,	Montgomery,
Cadmus,	Durborow,	Jones,	Moses,
Caminetti,	Edmunds,	Kilgore,	Mutchler,
Cannon, Cal.	English,	Kribbs,	Neill,
Capehart,	Enloe,	Kyle,	Oates,
Caruth,	Epes,	Lane,	O'Neill,
Outhwaite,	Robbins,	Strait,	Turpin,
Paschal,	Robertson, La.	Straus,	Tyler,
Patterson,	Rusk,	Swanson,	Warner,
Paynter,	Russell, Ga.	Talbert, S. C.	Weadock,
Pendleton, Tex.	Sayers,	Talbott, Md.	Wells,
Pendleton, W. Va.	Schermerhorn,	Tarsney,	Wheeler, Ala.
Pigott,	Shell,	Tate,	Whiting,
Price,	Sickles,	Taylor, Ind.	Williams, Miss.
Reilly,	Sperry,	Terry,	Wise,
Richards, Ohio	Springer,	Tracey,	Wolverton,
Richardson, Mich.	Stallings,	Tucker,	Woodard,
Richardson, Tenn.	Stockdale,	Turner, Ga.	The Speaker.
Ritchie,	Stone, Ky.	Turner, Va.	

NAYS—12.

Boen,	De Armond,	Harter,	Morgan,
Bryan,	Hall, Mo.	Marshall,	Ryan.
Cooper, Ind.	Harris,	McKeighan.	Sibley.

NOT VOTING—174.

Abbott,	Daniels,	Johnson, Ind.	Rayner,
Adams, Ky.	De Forest,	Johnson, N. Dak.	Reed,
Adams, Pa.	Dingley,	Johnson, Ohio	Reyburn,
Aitken,	Dolliver,	Joy,	Robinson, Pa.
Aldrich,	Doolittle,	Kem,	Russell, Conn.
Apsley,	Draper,	Kiefer,	Scranton,
Arnold,	Ellis, Ky.	Lacey,	Settle,
Avery,	Ellis, Oregon	Lapham,	Shaw,
Babcock,	Fithian,	Lefever,	Sherman,
Baker, N. H.	Fletcher,	Linton,	Simpson,
Barnes,	Forman,	Lisle,	Sipe,
Bartholdt,	Funk,	Livingston,	Smith,
Belden,	Funston,	Loud,	Snodgrass,
Beltzhoover,	Fyan,	Loudenslager,	Somers,
Bingham,	Gardner,	Lucas,	Stephenson,
Black, Ill.	Gear,	Maddox,	Stevens,
Blair,	Gillet, N. Y.	Magner,	Stone, C. W.
Boutelle,	Gillett, Mass.	Mahon,	Stone, W. A.
Bowers, Cal.	Goodnight,	Marsh,	Storer,
Brattan,	Graham,	Marvin, N. Y.	Strong,
Breckinridge, Ky.	Grosvenor,	McAleer,	Sweet,
Broderick,	Grout,	McCall,	Tawney,
Brosius,	Grow,	McCleary, Minn.	Taylor, Tenn.
Bundy,	Hager,	McDowell,	Thomas,
Bunn,	Hainer,	Meiklejohn,	Updegraff,
Burnes,	Hammond,	Mercer,	Van Voorhis, N. Y.
Burrows,	Harmer,	Milliken,	Van Voorhis, Ohio
Caldwell,	Hartman,	Moon,	Wadsworth,
Campbell,	Haugen,	Morse,	Walker,
Cannon, Ill.	Heard,	Murray,	Wanger,
Causey,	Heiner,	Newlands,	Washington.
Chickering,	Henderson, Ill.	Northway,	Waugh,
Childs,	Henderson, Iowa	Page,	Wever,
Cockran,	Hepburn,	Payne,	Wheeler, Ill.
Cogswell,	Hermann,	Pearson,	White,
Compton,	Hicks,	Pence,	Williams, Ill.
Cooper, Tex.	Hilborn,	Perkins,	Wilson, Ohio
Cooper, Wis.	Hitt,	Phillips,	Wilson, Wash.
Cousins,	Hooker, N. Y.	Pickler,	Wilson, W. Va.
Covert,	Hopkins, Ill.	Post,	Woomer,
Crain,	Hopkins, Pa.	Powers,	Wright, Mass.
Curtis, Kans.	Houk,	Quigg,	Wright, Pa.
Curtis, N. Y.	Hulick,	Randall,	
Dalzell,	Hull,	Ray,	

So the motion to reconsider was laid on the table.

Mr. MONTGOMERY. Mr. Speaker, I call for a recapitulation.

The SPEAKER. The Clerk will recapitulate the vote. The House will please be in order, so that gentlemen may hear how they are recorded.

The Clerk recapitulated the names of those voting.

The SPEAKER. The Clerk will call my name.

The Clerk called the Speaker, who voted in the affirmative.

The Clerk announced the following pairs:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. GOODNIGHT with Mr. CALDWELL.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. BRATTAN with Mr. ADAMS of Kentucky.

Mr. ARNOLD with Mr. HOOKER of New York.

Mr. PAGE with Mr. MORSE.

Mr. LIVINGSTON with Mr. STORER.

Mr. HEARD with Mr. TAYLOR of Tennessee.

Mr. MADDOX with Mr. GROUT.

Mr. FORMAN with Mr. LUCAS.

Mr. ELLIS of Kentucky with Mr. HAUGEN.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. GRAHAM with Mr. STRONG.

Mr. STEVENS with Mr. VAN VOORHIS of New York.

Mr. COMPTON with Mr. LEFEVER.

Mr. SICKLES with Mr. WADSWORTH.

Mr. SNODGRASS with Mr. HOUK.

Mr. BLACK of Illinois with Mr. ALDRICH.

Mr. LISLE with Mr. RANDALL.

Until April 9:

Mr. VAN VOORHIS of Ohio with Mr. PEARSON.

For this day:

Mr. SOMERS with Mr. HARMER.

Mr. FYAN with Mr. LINTON.

Mr. BELTZHOOVER with Mr. WRIGHT of Massachusetts.

Mr. FITHIAN with Mr. BINGHAM.

Mr. CRAIN with Mr. WRIGHT of Pennsylvania.

Mr. CAMPBELL with Mr. GILLET of New York.

Mr. COBB of Alabama. Mr. Speaker, I am paired with the gentleman from Massachusetts [Mr. MCCALL], but with the understanding that I may vote to make a quorum. The question of a quorum is involved in this call, and I therefore have voted.

The result of the vote was then announced as above recorded.

The SPEAKER. The motion to reconsider is laid on the table. The Clerk will now report the second resolution of the majority, for which there is pending a substitute. The Clerk will first report the second resolution offered by the majority of the committee.

The Clerk read as follows:

Resolved, That John J. O'Neill was elected a Representative to the Fifty-third Congress from the Eleventh district of Missouri, and that he is entitled to the seat.

The SPEAKER. The minority of the committee offer a substitute for that, on which the vote will first be taken. The Clerk will now report the substitute for what has just been read.

The Clerk read as follows:

Resolved, That John J. O'Neill was not legally elected to a seat in the Fifty-third Congress from the Eleventh district of Missouri, and is not entitled to a seat in this House.

The SPEAKER. That is the resolution upon which the vote will now be taken.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. REED. Division.

Mr. PATTERSON. Yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Evidently a sufficient number——

Mr. REED. Tellers on the yeas and nays.

Tellers were ordered.

The House divided; and the tellers reported, on the demand for the yeas and nays, 107 in the affirmative.

Accordingly the yeas and nays were ordered.

Mr. GROSVENOR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. If this vote is decided in the negative, will there be another vote upon the question of the right of Mr. O'Neill to the seat.

The SPEAKER. There will.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. GILLETT of Massachusetts, indefinitely, on account of sickness.

CONTESTED-ELECTION CASE—O'NEILL VS. JOY.

The SPEAKER. The question is on agreeing to the substitute offered by the minority of the committee, which has just been read, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 23, nays 160, not voting 168; as follows:

YEAS—23.

Bryan.	Geary,	Hudson,	Moses,
Cooper, Ind.	Griffin,	Hutcheson,	Outhwaite,
Cooper, Tex.	Hall, Mo.	Kem.	Pendleton, Tex.
De Armond,	Harris,	Marshall,	Ryan,
Dunphy,	Harter,	McKeighan,	Sibley.
Everett,	Hendrix,	Morgan.	

NAYS—160.

Abbott,	Cockrell,	Hayes,	Mutchler,
Alderson,	Coffeen,	Henderson, N. C.	Neill,
Alexander,	Conn,	Hines,	Oates,
Allen,	Coombs,	Holman,	O'Neil,
Bailey,	Cooper, Fla.	Hooker, Miss.	Paschal,
Baldwin,	Cornish,	Hunter,	Patterson,
Bankhead,	Covert,	Ikirt,	Paynter,
Bartlett,	Cox,	Jones,	Pendleton, W. Va.
Barwig,	Crawford,	Kilgore,	Pigott,
Bell, Tex.	Culberson,	Kribbs,	Price,
Berry,	Cummings,	Kyle,	Rayner,
Black, Ga.	Davey,	Lane,	Reilly,
Bland,	Davis,	Latimer,	Richards, Ohio
Boatner,	Denson,	Lawson,	Richardson, Mich.
Bower, N. C.	Dinsmore,	Layton,	Richardson, Tenn.
Branch,	Dockery,	Lester,	Ritchie,
Breckinridge, Ark.	Donovan,	Lockwood,	Robbins,
Bretz,	Dunn,	Lynch,	Robertson, La.
Brickner,	Durborow,	Maguire,	Rusk,
Broousshire,	Edmunds,	Mallory,	Russell, Ga.
Brown,	English,	Martin, Ind.	Sayers,
Bynum,	Enloe,	McCreary, Ky.	Schermerhorn,
Cabaniss,	Epes,	McCulloch,	Shell,
Cadmus,	Erdman,	McDannold,	Sickles,
Caminetti,	Fielder,	McDearmon,	Sperry,
Cannon, Cal.	Geissenhainer,	McEttrick,	Springer,
Capehart,	Goldzier,	McKaig,	Stallings,
Caruth,	Gorman,	McLaurin,	Stockdale,
Catchings,	Grady,	McMillin,	Stone, Ky.
Causey,	Gresham,	McNagny,	Strait,
Clancy,	Haines,	McRae,	Straus,
Clark, Mo.	Hall, Minn.	Meredith,	Swanson,
Clarke, Ala.	Hammond,	Meyer,	Talbert, S. C.
Cobb, Ala.	Hare,	Money,	Talbott, Md.
Cobb, Mo.	Hatch,	Montgomery,	Tarsney,
Tate,	Turner, Va.	Weadock,	Williams, Ill.
Taylor, Ind.	Turpin,	Wells,	Williams, Miss.
Terry,	Tyler,	Wever,	Wise.
Tucker,	Warner,	Wheeler, Ala.	Wolverton,
Turner, Ga.	Washington,	Whiting,	Woodard.

NOT VOTING—168.

Adams, Ky.	Dalzell,	Hulick,	Quigg,
Adams, Pa.	Daniels,	Hull,	Randall,
Aitken,	De Forest,	Johnson, Ind.	Ray,
Aldrich,	Dingley,	Johnson, N. Dak.	Reed,
Apsley,	Dolliver,	Johnson, Ohio	Reyburn,
Arnold,	Doolittle,	Kiefer,	Robinson, Pa.
Avery,	Draper,	Lacey,	Russell, Conn.
Babcock,	Ellis, Ky.	Lapham,	Scranton,
Baker, Kans.	Ellis, Oregon	Lefever,	Settle,
Baker, N. H.	Fithian,	Linton,	Shaw,
Barnes,	Fletcher,	Lisle,	Sherman,
Bartholdt,	Forman,	Livingston,	Simpson,
Belden,	Funk,	Loud,	Sipe,
Bell, Colo.	Funston,	Loudenslager,	Smith,
Beltzhoover,	Fyan,	Lucas,	Snodgrass,
Bingham,	Gardner,	Maddox,	Somers,
Black, Ill.	Gear,	Magner,	Stephenson,
Blair,	Gillet, N. Y.	Mahon,	Stevens,
Boen,	Gillett, Mass.	Marsh,	Stone, C. W.
Boutelle,	Goodnight,	Marvin, N. Y.	Stone, W. A.
Bowers, Cal.	Graham,	McAleer,	Storer,
Brattan,	Grosvenor,	McCall,	Strong,
Breckinridge, Ky.	Grout,	McCleary, Minn.	Sweet,
Broderick,	Grow,	McDowell,	Tawney,
Brosius,	Hager,	McGann,	Taylor, Tenn.
Bundy,	Hainer,	Meiklejohn,	Thomas,
Bunn,	Harmer,	Mercer,	Tracey,
Burnes,	Hartman,	Milliken,	Updegraff,
Burrows,	Haugen,	Moon,	Van Voorhis, N. Y.
Caldwell,	Heard,	Morse,	Van Voorhis, Ohio
Campbell,	Heiner,	Murray,	Wadsworth,
Cannon, Ill.	Henderson, Ill.	Newlands,	Walker,
Chickering,	Henderson, Iowa	Northway,	Wanger,
Childs,	Hepburn,	Page,	Waugh,
Cockran,	Hermann,	Payne,	Wheeler, Ill.
Cogswell,	Hicks,	Pearson,	White,
Compton,	Hilborn,	Pence,	Wilson, Ohio
Cooper, Wis.	Hitt,	Perkins,	Wilson, Wash.
Cousins,	Hooker, N. Y.	Phillips,	Wilson, W. Va.
Crain,	Hopkins, Ill.	Pickler,	Woomer,
Curtis, Kans.	Hopkins, Pa.	Post,	Wright, Mass.
Curtis, N. Y.	Houk,	Powers,	Wright, Pa.

The following additional pair was announced:

Mr. TRACEY with Mr. POWERS, for the rest of the day.

The SPEAKER. On this question the yeas are 23, nays 160. The nays have it, and the substitute is not agreed to.

The Clerk will now report the resolutions of the majority.

Mr. WEVER. I move to reconsider the vote by which the substitute was not agreed to.

Mr. OUTHWAITE. I make the point of order that the motion to reconsider is not in order under the rule.

Mr. SPRINGER. How did the gentleman vote?

The SPEAKER. The gentleman from Ohio makes the point that the motion to reconsider is not in order under the special order. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That immediately upon adoption of this order the House proceed to consider the contested-election case of O'Neill against Joy from Missouri; that after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee.

That immediately after said case is disposed of the House shall proceed to consider the contested-election case of English *vs.* Hilborn from California; that after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may then be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee. This order to continue from day to day until both cases therein mentioned are disposed of.

Mr. REED. We have already had one vote upon a motion to reconsider.

Mr. OUTHWAITE. No point of order was made against it.

Mr. REED. And the rules——

Mr. RICHARDSON of Tennessee. The point of order was not made.

Mr. REED. The rules of the House show very clearly that the right to a motion to reconsider exists.

Mr. OUTHWAITE. They do not override a special order which provides just what votes shall be taken.

Mr. REED. The rules of the House do not seem to override anything.

Mr. BURROWS. If the Chair will indulge me a moment.

Under the very terms of the special order, while it restricts the vote to the resolutions and the substitute, I contend that all legitimate motions relating to the substitute would be in order; and therefore a motion to reconsider would be in order. Any "intervening motion" not connected with the subject-matter of the resolution would clearly not be in order; but any legitimate motion in connection with the substitute or with the main proposition would be in order, like this motion to reconsider.

Mr. OUTHWAITE. The very same might be said equally of a motion to adjourn or a motion to take a recess.

Mr. BURROWS. Not at all. This is a legitimate motion, arising under the rules, upon a vote upon the substitute, and is as much in order as the vote on the substitute itself. The House certainly is not to be deprived of its legitimate right to reconsider the vote by which this resolution was rejected. It is one of the motions permitted under the order. Suppose the House voted under a mistake or misunderstanding of the resolution, is it contended the vote could not be reconsidered with a view of correcting the error?

Mr. REED. If these rules are made——

Mr. OUTHWAITE. The rule is very explicit, clear, and distinct. It leaves no room for doubt, it seems to me. The language of the resolution not only presents the subject-matter that shall be considered, but presents distinctly and definitely what votes shall be taken upon that subject-matter, and goes so far, in addition to that, as to say—no intervening motions shall be entertained.

Mr. BURROWS. Of course.

Mr. OUTHWAITE (continuing). And the point of order would be well taken if the gentleman from Michigan made the motion immediately on the motion to lay on the table, but we have passed beyond that.

Mr. BURROWS. And does the gentleman believe that this would be an intervening motion within the meaning of the order.

Mr. OUTHWAITE. Any motion between two others is an intervening motion, if I understand the English language.

Mr. BURROWS. Then the motion to agree to this last resolution would be an intervening motion. Any vote on the substitute, whether upon its passage or to reconsider, is certainly within the terms of the special order.

Mr. OUTHWAITE. Any such motion as provided for in the special order.

Mr. BURROWS. A motion to take a recess, or to fix a day to which the House shall adjourn, would be an intervening motion, and not in order under the special order; but under the special order it seems to me that any motion connected with the subject-matter would be in order, and a motion to reconsider that vote also in order under the special order.

Mr. OUTHWAITE. Then a motion to recommit this subject to the Committee on Elections would also be in order.

Mr. REED. It would depend upon who made the motion whether it would be admissible or not.

The SPEAKER. The Chair sustains the objection; and the Clerk will report the resolutions of the majority.

The Clerk read as follows:

Resolved, That Charles F. Joy was not elected a member of the House of Representatives of the Fifty-third Congress——

Mr. LACEY. I appeal from the decision of the Chair.

Mr. OUTHWAITE. I make the point of order as to that, too. [Cries of "Too late!" on the Democratic side.]

The Clerk proceeded to read the resolutions:

from the Eleventh Congressional district of Missouri, and is not entitled to the seat.

Resolved, That John J. O'Neill was elected a Representative to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to the seat.

Mr. REED (during the reading). The House ought to be allowed to express its opinion on a matter like this. I respectfully addressed the Chair. I think——

The SPEAKER. The gentleman addressed the Chair while the Clerk was reading a matter before the House.

Mr. REED. The gentleman from Iowa has appealed from the decision of the Chair; and it seems to me, on a question like this, a proposition to refuse the House the right of reconsideration, a point which has never been decided before, that the opinion of the House ought to be taken, especially as the rules guarantee to us the right of appeal. I will read the rule that I refer to.

Mr. SPRINGER. Was not it too late? [Cries of "Too late" on the Democratic side.]

The SPEAKER. It was too late, of course.

Mr. REED. The gentleman from Iowa stood at his seat and endeavored to attract the attention of the Chair at once.

Mr. OUTHWAITE. The gentleman from Iowa came in about two minutes late.

The SPEAKER. The House will be in order.

Mr. REED. Here is the fourth clause of Rule I:

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpœnas of, or issued by order of, the House, and decide all questions of order, subject to an appeal by any member.

The language is absolutely explicit and conclusive; and the statement that a gentleman can be deprived of his right of appeal is utterly excluded by anything that has ever happened in the House.

Mr. LACEY. Will the Chair permit me to make a suggestion——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LACEY. I want to make a suggestion as to the ruling of the Chair. The Chair held that a motion to reconsider was a part of the main question, and as such could not be stopped. That the House must proceed to the end, because it was a part of the main question. This is a motion to reconsider——

The SPEAKER. The Chair intends to refer to that now.

Mr. LACEY. Now, that being the case, under the same rule why should the Chair stand up and say that the House shall not, in a question where the right of a member to his seat is involved, have the right of appeal?

The SPEAKER. The Chair is responsible to the House for whatever he does.

Mr. BOUTELLE. The Chair has refused to accept the responsibility.

Mr. LACEY. I took the appeal as promptly as I could.

Mr. OUTHWAITE. I call the gentleman from Maine to order.

The SPEAKER. All gentlemen will take their seats. The Chair is going to decide the question, and does not desire to hear further.

The gentleman from Iowa will take his seat.

Mr. LACEY sat down.

The SPEAKER (continuing). Some days ago the House adopted a special order relating to the consideration of this contested election case. That special order particularly named what motions might be made. It took this case out of the rules of the House, and it did so for the express purpose of preventing any gentleman from obstructing a vote on the case by a majority of the House. The language of the special order is:

That immediately upon the adoption of this order the House proceed to consider the contested-election case of O'Neill against Joy from Missouri; that after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee.

On the demand of the gentleman from Maine [Mr. REED] a division of the substitute was had. The first branch of it was voted upon. The gentleman from Michigan [Mr. BURROWS] entered a motion to reconsider. No point was made against it, and the attention of the Chair was not addressed to it at the moment. There was a motion made to lay that motion on the table. Subsequently the point was raised that the motion was not in order. The Chair stated that the point not having been made at the time, it could not be entertained then, and the Chair was in some doubt as to whether the motion to reconsider was not legitimately a part of the vote.

Mr. LACEY. May I ask the Chair a question right there?

The SPEAKER. The Chair will not be interrupted. The Chair was in some doubt whether the motion to reconsider was not a part of the vote upon the resolution within the spirit of the rule, but subsequent examination has satisfied the Chair that that motion is no part of the vote. It is a distinct privilege which is granted to the House under the rules whereby they may review a vote, whereby a member may again invite the opinion of the House upon the question, and, if the special order did not prevent it, the motion would be in order now. But the motion to reconsider is distinctly, in the opinion of the Chair, an intervening motion. It intervenes between the motion which has just been disposed of and the next resolution which comes before the House. Therefore, the Chair submits to the House the other question provided for in the special order, and the Clerk will report the resolutions reported by the majority of the Committee on Elections.

Mr. LACEY. Mr. Speaker, I again appeal.

The SPEAKER. The Chair again declines to entertain the appeal, because that, too, is an intervening motion. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Charles F. Joy was not elected a member of the House of Representatives to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to the seat.

Resolved, That John J. O'Neill was elected a Representative to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to the seat.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SPRINGER. Upon that I ask for the yeas and nays.

Mr. BURROWS. Is not the question divisible, Mr. Speaker?

The SPEAKER. Does the gentleman demand a division?

Mr. BURROWS. I do.

Mr. SPRINGER. The question was already put to the House, and the House was voting upon it.

The SPEAKER. The gentleman from Michigan demands a division. The Clerk will report the first resolution.

The Clerk read as follows:

Resolved, That Charles F. Joy was not elected a member of the House of Representatives to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and is not entitled to the seat.

Mr. PATTERSON. On that I demand the yeas and nays.

The question being taken by count, the Speaker declared that there was a sufficient number.

Mr. REED. I demand tellers.

Tellers were ordered, and the Speaker appointed Mr. PATTERSON of Tennessee and Mr. REED.

The House divided, and the tellers reported 100 in the affirmative.

The SPEAKER. A sufficient number, and the yeas and nays are ordered.

Mr. REED. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER. The Chair declines to entertain that motion.

Mr. REED. That is an intervening motion?

The SPEAKER. The Chair declines to entertain the motion, and the Chair has heretofore stated that unless he chose to give reasons for a decision at the time he makes it he would not give them. The yeas and nays are ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 156, nays 24, not voting 172; as follows:

YEAS—156.

Abbott,	Covert,	Lane,	Ritchie,
Alderson,	Cox,	Latimer,	Robbins,
Alexander,	Crawford,	Lawson,	Robertson, La.
Allen,	Culberson,	Layton,	Rusk.
Bailey,	Davey,	Lester,	Russell, Ga.
Baldwin,	Denson,	Lockwood,	Sayers,
Bankhead,	Dinsmore,	Lynch,	Schermerhorn,
Bartlett,	Dockery,	Maguire,	Shell,
Barwig,	Donovan,	Mallory,	Sickles,
Bell, Tex.	Dunn,	Martin, Ind.	Sperry,
Berry,	Durborow,	McCreary, Ky.	Springer,
Black, Ga.	Edmunds,	McCulloch,	Stallings,
Bland,	English,	McDannold,	Stockdale,
Bower, N. C.	Enloe,	McDearmon,	Stone, Ky.
Branch,	Epes,	McEttrick,	Strait,
Breckinridge, Ark.	Erdman,	McGann,	Swanson,
Bretz,	Fielder,	McKaig,	Talbert, S. C.
Brickner,	Geissenhainer,	McLaurin,	Talbott, Md.
Brookshire,	Goldzier,	McMillin,	Tarsney,
Brown,	Gorman,	McRae,	Tate,
Bynum,	Grady,	Meredith,	Taylor, Ind.
Cabaniss,	Gresham,	Meyer,	Terry,
Cadmus,	Haines,	Money,	Tucker,
Caminetti,	Hall, Minn.	Montgomery,	Turner, Ga.
Cannon, Cal.	Hammond,	Mutchler,	Turner, Va.
Capehart,	Hare,	Neill,	Turpin,
Caruth,	Hatch,	Oates,	Tyler,
Catchings,	Hayes,	O'Neil,	Warner,
Causey,	Henderson, N. C.	Paschal,	Washington,
Clancy,	Hines,	Patterson,	Weadock,
Clark, Mo.	Holman,	Paynter,	Wells,
Clarke, Ala.	Hooker, Miss.	Pendleton, W. Va.	Wheeler, Ala.
Cobb, Ala.	Hunter,	Pigott,	Whiting,
Cobb, Mo.	Hutcheson,	Price,	Williams, Ill.
Cockrell,	Ikirt,	Rayner,	Williams, Miss.
Coffeen,	Jones,	Reilly,	Wise.
Conn,	Kilgore,	Richards, Ohio	Wolverton,
Coombs,	Kribbs,	Richardson Mich.	Woodard,
Cornish,	Kyle,	Richardson, Tenn.	The Speaker.

NAYS—24.

Broderick,	Dunphy,	Harter,	Moses,
Bryan,	Everett,	Hendrix,	Outhwaite,
Cooper, Ind.	Geary,	Hudson,	Pendleton, Tex.
Cooper, Tex.	Griffin,	Marshall,	Ryan,
Cummings,	Hall, Mo.	McKeighan,	Sibley,
De Armond,	Harris,	Morgan,	Straus.

NOT VOTING—172.

Adams, Ky.	Cockran,	Hager,	Maddox,
Adams, Pa.	Cogswell,	Hainer,	Magner,
Aitken,	Compton,	Harmer,	Mahon,
Aldrich,	Cooper, Fla.	Hartman,	Marsh.
Apsley,	Cooper, Wis.	Haugen,	Marvin, N. Y.
Arnold,	Cousins,	Heard,	McAleer,
Avery,	Crain,	Heiner,	McCall,
Babcock,	Curtis, Kans.	Henderson, Ill.	McCleary, Minn.
Baker, Kans.	Curtis, N. Y.	Henderson, Iowa	McDowell,
Baker, N. H.	Dalzell,	Hepburn,	McNagny,
Barnes,	Daniels,	Hermann,	Meiklejohn,
Bartholdt,	Davis,	Hicks,	Mercer,
Belden,	De Forest,	Hilborn,	Milliken,
Bell, Colo.	Dingley,	Hitt,	Moon,
Belzhoover,	Dolliver,	Hooker, N. Y.	Morse,
Bingham,	Doolittle,	Hopkins, Ill.	Murray,
Black, Ill.	Draper,	Hopkins, Pa.	Newlands,
Blair,	Ellis, Ky.	Houk,	Northway,
Boatner,	Ellis, Oregon	Hulick,	Page,
Boen,	Fithian,	Hull,	Payne,
Boutelle,	Fletcher,	Johnson, Ind.	Pearson,
Bowers, Cal.	Forman,	Johnson, N. Dak.	Pence,
Brattan,	Funk,	Johnson, Ohio	Perkins
Breckinridge, Ky.	Funston,	Kem,	Phillips,
Brosius,	Fyan,	Kiefer,	Pickler,
Bundy,	Gardner,	Lacey,	Post,
Bunn,	Gear,	Lapham,	Powers,
Burnes,	Gillet, N. Y.	Lefever,	Quigg,
Burrows,	Gillett, Mass.	Linton,	Randall,
Caldwell,	Goodnight,	Lisle,	Ray,
Campbell,	Graham,	Livingston,	Reed,
Cannon, Ill.	Grosvenor,	Loud,	Reyburn,
Chickering,	Grout,	Loudenslager,	Robinson, Pa.
Childs,	Grow,	Lucas,	Russell, Conn.
Scranton,	Stephenson,	Thomas,	Wever,
Settle,	Stevens,	Tracey,	Wheeler, Ill.
Shaw,	Stone, C. W.	Updegraff,	White,
Sherman,	Stone, W. A.	Van Voorhis, N. Y.	Wilson, Ohio
Simpson,	Storer,	Van Voorhis, Ohio	Wilson, Wash.
Sipe,	Strong,	Wadsworth,	Wilson, W. Va.
Smith,	Sweet,	Walker,	Woomer.
Snodgrass,	Tawney,	Wanger,	Wright, Mass.
Somers,	Taylor, Tenn.	Waugh,	Wright, Pa.

So the resolution was adopted.

The SPEAKER at the conclusion of the roll call, having directed the Clerk to call his name, voted in the affirmative.

Mr. TRACEY. Mr. Speaker, I am paired, but have voted to make a quorum. I would like to withdraw my vote.

Mr. SPRINGER. There is no objection if there is a quorum without the gentleman's vote.

The SPEAKER. The gentleman asks consent to withdraw his vote.

Mr. PENDLETON of West Virginia. Will it interfere with a quorum?

The SPEAKER. One hundred and eighty members have voted. In the absence of objection the gentleman from New York will be permitted to withdraw his vote.

There was no objection.

The SPEAKER. On this question——

Mr. REED. I ask for a recapitulation of the vote.

The SPEAKER. The Clerk will recapitulate the vote.

The vote having been recapitulated—

Mr. HUTCHESON. Mr. Speaker, how am I recorded?

The SPEAKER. In the negative.

Mr. HUTCHESON. I wish my vote recorded in the affirmative.

The SPEAKER. The change will be made.

The result of the vote was announced as above stated.

The SPEAKER. The Clerk will now report the next resolution.

The Clerk read as follows:

Resolved, That John J. O'Neill was elected a Representative to the Fifty-third Congress from the Eleventh Congressional district of Missouri, and that he is entitled to the seat.

The SPEAKER. The question is upon agreeing to this resolution.

Mr. SPRINGER. I call for the yeas and nays.

The question having been taken on ordering the yeas and nays—

The SPEAKER. Evidently a sufficient number.

Mr. REED. I call for tellers.

Tellers were ordered, and Mr. PATTERSON and Mr. REED were appointed.

The House divided; and the tellers reported—ayes, 82.

The SPEAKER. A sufficient number; and the yeas and nays are ordered.

Mr. REED. I move a reconsideration of the vote just taken.

The SPEAKER. The Chair declines to entertain the motion. The yeas and nays are ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 155, nays 28, not voting 168; as follows:

YEAS—155.

Abbott,	Covert,	Latimer,	Ritchie,
Alderson,	Cox,	Lawson,	Robbins,
Alexander,	Crawford,	Layton,	Robertson, La.
Allen,	Culberson,	Lester,	Rusk.
Bailey,	Davey,	Lockwood,	Russell, Ga.
Baldwin,	Denson,	Lynch,	Sayers,
Bankhead,	Dinsmore,	Maguire,	Schermerhorn,
Bartlett,	Dockery,	Mallory,	Shell,
Barwig,	Donovan,	Martin, Ind.	Sperry,
Bell, Tex.	Dunn,	McCreary, Ky.	Springer,
Berry,	Durborow,	McCulloch,	Stallings,
Black, Ga.	Edmunds,	McDannold,	Stevens,
Bland,	English,	McDearmon,	Stockdale,
Boatner,	Enloe,	McEttrick,	Stone, Ky.
Bower, N. C.	Epes,	McGann,	Strait,
Branch,	Erdman,	McKaig,	Swanson,
Breckinridge, Ark.	Fielder,	McLaurin,	Talbert, S. C.
Bretz,	Geissenhainer,	McMillin,	Talbott, Md.
Brickner,	Goldzier,	McNagny,	Tarsney,
Brookshire,	Gorman,	McRae,	Tate,
Brown,	Grady,	Meredith,	Taylor, Ind.
Bynum,	Gresham,	Meyer,	Terry,
Cabaniss,	Haines,	Money,	Tucker,
Cadmus,	Hall, Minn.	Montgomery,	Turner, Ga.
Caminetti,	Hammond,	Mutchler,	Turner, Va.
Cannon, Cal.	Hare,	Neill,	Turpin,
Capehart,	Hatch,	Oates,	Tyler,
Caruth,	Hayes,	O'Neil,	Warner,
Catchings,	Henderson, N. C.	Paschal,	Washington,
Causey,	Hines,	Patterson,	Weadock,
Clancy,	Holman,	Paynter,	Wells,
Clark, Mo.	Hooker, Miss.	Pendleton, W. Va.	Wheeler, Ala.
Clarke, Ala.	Hunter,	Pigott,	Whiting,
Cobb, Ala.	Ikirt,	Price,	Williams, Ill.
Cobb, Mo.	Jones,	Rayner,	Williams, Miss.
Cockrell,	Kilgore,	Reilly,	Wise.
Coffeen,	Kribbs,	Richards, Ohio	Wolverton,
Conn,	Kyle,	Richardson, Mich.	Woodard.
Cornish,	Lane,	Richardson, Tenn.	

NAYS—28.

Bryan,	Dunphy,	Hendrix,	Moses,
Cockran,	Everett,	Hudson,	Outhwaite,
Coombs,	Geary,	Hutcheson,	Pendleton, Tex.
Cooper, Ind.	Griffin,	Kem,	Ryan,
Cooper, Tex.	Hall, Mo.	Marshall,	Sibley,
Cummings,	Harris,	McKeighan,	Sickles,
De Armond,	Harter,	Morgan,	Straus.

NOT VOTING—168.

Adams, Ky.	Dalzell,	Houk,	Quigg,
Adams, Pa.	Daniels,	Hulick,	Randall,
Aitken,	Davis,	Hull,	Ray,
Aldrich,	De Forest,	Johnson, Ind.	Reed,
Apsley,	Dingley,	Johnson, N. Dak.	Reyburn,
Arnold,	Dolliver,	Johnson, Ohio	Robinson, Pa.
Avery,	Doolittle,	Kiefer,	Russell, Conn.
Babcock,	Draper,	Lacey,	Scranton,
Baker, Kans.	Ellis, Ky.	Lapham,	Settle,
Baker, N. H.	Ellis, Oregon	Lefever,	Shaw.
Barnes,	Fithian,	Linton,	Sherman,
Bartholdt,	Fletcher,	Lisle,	Simpson,
Belden,	Forman,	Livingston,	Sipe.
Bell, Colo.	Funk,	Loud,	Smith,
Beltzhoover,	Funston,	Loudenslager,	Snodgrass,
Bingham,	Fyan,	Lucas,	Somers,
Black, Ill.	Gardner,	Maddox,	Stephenson,
Blair,	Gear,	Magner,	Stone, C. W.
Boen,	Gillet, N. Y.	Mahon,	Stone, W. A.
Boutelle,	Gillett, Mass.	Marsh,	Storer,
Bowers, Cal.	Goodnight,	Marvin, N. Y.	Strong,
Brattan,	Graham,	McAleer,	Sweet,
Breckinridge, Ky	Grosvenor,	McCall,	Tawney,
Broderick,	Grout,	McCleary, Minn.	Taylor, Tenn.
Brosius,	Grow,	McDowell,	Thomas,
Bundy,	Hager,	Meiklejohn,	Tracey,
Bunn,	Hainer,	Mercer,	Updegraff,
Burnes,	Harmer,	Milliken	Van Voorhis, N. Y.
Burrows,	Hartman,	Moon,	Van Voorhis, Ohio
Caldwell,	Haugen,	Morse,	Wadsworth,
Campbell,	Heard,	Murray,	Walker,
Cannon, Ill.	Heiner,	Newlands,	Wanger,
Chickering,	Henderson, Ill.	Northway,	Waugh,
Childs,	Henderson, Iowa	Page,	Wever,
Cogswell,	Hepburn,	Payne,	Wheeler, Ill.
Compton,	Hermann,	Pearson,	White,
Cooper, Fla.	Hicks,	Pence,	Wilson, Ohio
Cooper, Wis.	Hilborn,	Perkins,	Wilson, Wash.
Cousins,	Hitt,	Phillips,	Wilson, W. Va.
Crain,	Hooker, N. Y.	Pickler,	Woomer,
Curtis, Kans.	Hopkins, Ill.	Post,	Wright, Mass.
Curtis, N. Y.	Hopkins, Pa.	Powers,	Wright, Pa.

So the resolution was adopted.

Mr. COCKRAN (when his name was called). Mr. Speaker, if it be in order, I ask to be excused from voting.

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). The Chair can not entertain that request now. The roll call can not be interrupted. The gentleman must vote or not vote.

Mr. COCKRAN. Then I vote "no."

The following additional pair was announced:

Mr. MCALEER with Mr. VAN VOORHIS of New York.

Mr. SICKLES. Mr. Speaker, I am paired with my colleague, Mr. WADSWORTH. I voted to make a quorum, having reserved that right.

Mr. COBB of Alabama. The gentleman from Massachusetts (Mr. MCCALL), with whom I am paired, if present would vote "no," and would vote for the contestee on all these questions. I voted simply to make a quorum, having that understanding with him.

The result of the vote was then announced as above recorded.

The SPEAKER. The gentleman from Missouri will come forward and take the oath of office.

Mr. O'Neill of Missouri, having appeared at the bar of the House, was duly qualified, taking the oath of office prescribed by law. [Applause on the Democratic side.]

ENROLLED JOINT RESOLUTION SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 139) to print Agricultural Report for 1893; when the Speaker signed the same.

CONTESTED ELECTION, ENGLISH VS. HILBORN.

The SPEAKER. The Clerk will now report the second part of the special order.

The Clerk read as follows:

That immediately after said case is disposed of the House shall proceed to consider the contested-election case of English *vs.* Hilborn from California; that after two hours' debate thereon the previous question be considered as ordered on the resolution reported from the Committee on Elections and on any substitute that may then be pending therefor; that then, without intervening motion, the vote be taken first on the substitute and then on the resolution reported from the committee. This order to continue from day to day until both cases therein mentioned are disposed of.

The SPEAKER. The Clerk will report the resolutions recommended by the Committee on Elections.

The Clerk read as follows:

Resolved, That Samuel G. Hilborn was not elected a Representative in the Fifty-third Congress from the Third Congressional district of California, and is not entitled to a seat therein.

Resolved, That Warren B. English was elected a Representative in the Fifty-third Congress from the Third Congressional district of California, and is entitled to a seat therein.

Mr. WAUGH. Mr. Speaker, I desire to submit a substitute for the resolutions just read.

The Clerk read as follows:

(1) *Resolved*, That Samuel G. Hilborn was legally elected to a seat in the Fifty-third Congress from the Third Congressional district of California, and entitled to retain his seat in this House.

(2) *Resolved*, That Warren B. English was not legally elected to a seat in the Fifty-third Congress from the Third Congressional district of California, and is not entitled to a seat in this House.

The SPEAKER. The Chair will recognize the gentleman from Indiana [Mr. BROWN] to control the hour in support of the report of the committee, and the gentleman from Indiana [Mr. WAUGH] in support of the minority resolutions.

Mr. COBB of Alabama. I ask unanimous consent that the time of the debate be extended in this case.

The SPEAKER. For how long?

Mr. COBB of Alabama. For an additional hour on each side.

Mr. REED. Is that satisfactory to the members of the committee on this side?

Mr. BROWN. It will be satisfactory if members on that side will vote on this case all the way through.

Mr. REED. Well, this side is not prepared to enter into any such conditional agreement as that.

Mr. GROSVENOR. Suppose we have the regular order.

Mr. COBB of Alabama. Is there objection to my request, Mr. Speaker?

The SPEAKER. The gentleman from Ohio has objected, and the matter is not before the House.

Mr. BROWN. Mr. Speaker, this case comes from the Third Congressional district of California. The district is composed of seven counties. On the face of the returns, certified to the secretary of state under the law of California, it appears that the contestant received 13,138 votes at the election in controversy and the contestee received 13,163 votes, giving the contestee on the face of the returns a plurality of 25 votes.

Clarksburg precinct, in the county of Yolo, was not included in the returns. That precinct gave contestee 8 plurality.

The law of California requires that as soon as the polls are closed some one selected by the election board must carry the returns to the county seat and file them with the county clerk. When the board of election meets at the county seat it must canvass the returns if they are all in. If they are not all in the board must adjourn from day to day until all of the election returns are received or six adjournments are had, and then the county board makes up the returns for the county and the county clerk forwards them to the secretary of state. In the case of Clarksburg precinct, Yolo County, there was no such adjournment of the board as the law required. There was but one adjournment, and the vote of Yolo County forwarded to the secretary of state did not include the vote of Clarksburg precinct.

The committee thought, in view of the fact that the law had not been complied with respecting Clarksburg precinct, and that the contestee had received a plurality of 8 at that precinct that this plurality should be counted for him, and in the report made by the committee that was accordingly done, which increased his plurality from 25 to 33, making it incumbent upon the contestant to overcome the contestee's plurality of 33 votes before he can be entitled to a seat on the floor of the House of Representatives.

This case is in a very narrow compass. It is agreed by all connected with it, the parties to it and their attorneys, and by all the members of the Committee on Elections, that the Altamont precinct, in Alameda County, is the only precinct to be considered in the determination of the case. That precinct is a small one, there being but 70 votes in all cast in it, and but 51 of these votes were cast for the parties to this contest. On the face of the returns at Altamont precinct it appears that the contestant had received but 15 votes, while the contestee had received 37. This created a great surprise in the mind of the contestant and all his friends, for the reason that that precinct is composed of an unchanging population almost exclusively of farmers, with a few laborers. There is not a town within the boundaries of the precinct. It had invariably given a Democratic majority, not only for Democratic candidates to Congress, but for all who were candidates on the Democratic ticket until the last election.

In 1876 the Democratic candidate for Congress received 4 majority. In 1880 he received 5 majority; in 1884, 8 majority; in 1888, 27 majority; while in 1892 the unaccountable thing occurred and there was returned for the Republican candidate a majority of 22.

The contestant immediately proceeded to take affidavits touching the validity of the returns from this precinct, and the honesty of the conduct of the election there. As before said, but 70 votes in all were polled, and but 51 of these votes were cast

for the contestant and contestee. Thirty-five of these voters made affidavits that they had voted for the contestant. That led to the commencement of this contest, and during the taking of the testimony in support of it 47 out of the 51 electors who voted for contestant and contestee at that election came forward and testified as to how they had voted. Thirty-seven of them testified that they had voted for the contestant; 6 for J. L. Lyons, People's candidate; 2 for L. B. Scranton, Prohibition candidate; and 2 for no candidate at all.

This left but 23 of the 70 voters of the precinct unaccounted for. How they voted no one knows. If you take the testimony of the voters who testified for whom they had voted, the returned plurality for the contestee in the entire district is overthrown and a plurality of 3 for the contestant is made to appear.

This statement is made on the hypothesis, however, or rather the presumption that all the voters of the precinct who did not come forward and testify as to how they had voted are counted as having voted for the contestee, a presumption which ought not to be indulged, for it is the duty of persons claiming votes in a contest to prove their votes before they are entitled to receive them.

Mr. PENCE. Did they have the Australian ballot system there?

Mr. BROWN. Yes.

Mr. PENCE. How long ago was that system adopted there?

Mr. BROWN. Only a short time. Perhaps this election was the first one held under the Australian system of voting. My friend from California knows all about that and need not ask me.

Mr. PENCE. I am not from California; I am from Colorado.

Mr. BROWN. You are out in that Western country and know all about it.

Mr. PENCE. I am about as far from California as I am from Indiana, and that is a long distance.

Mr. BROWN. In the case of Langston *vs.* Venable, a contested-election case heard and determined by the Fifty-first Congress, it was declared in the report and affirmed by the House that—

> Where the returns were rejected for fraud, and the only votes proved aside from the returns were for contestant, held, that no others could be counted, for it is evident that giving to contestee the vote not accounted for would be a direct encouragement to election frauds, as it would give him the benefit of every fraudulent vote which his friends made it impossible for the opposition to expose, even after the proof clearly established fraud to such an extent as to destroy absolutely the integrity of the official returns. In no case has such a rule been adopted.

And again, in Featherstone *vs.* Cate, the House decided as follows (Contested-election cases Fifty-first Congress, page 75):

> Where the evidence shows a return to be false and not a true statement of the votes cast, such return is impeached and destroyed as evidence. But the rejection of a return does not necessarily leave the votes actually cast at a precinct uncounted. The return being shown to be false, the parties are thrown back on such evidence as it may be in their power to produce, to show how many votes were cast, and for whom. All the votes may thus be proved and counted, but if only a part is proved those proved are to be counted and the rest disregarded.

In the same case it is also said:

> The return having been overthrown, and the contestee having failed to prove any vote in the township, is not allowed the 61 returned for him.

Mr. HOPKINS of Illinois. Will the gentleman allow a question there?

Mr. BROWN. Yes.

Mr. HOPKINS of Illinois. In this case, as I understand, they had the Australian system.

Mr. BROWN. Yes.

Mr. HOPKINS of Illinois. And the ballots were preserved?

Mr. BROWN. I am coming to that.

Mr. HOPKINS of Illinois. And counted?

Mr. BROWN. I am coming to that point.

Mr. LACEY. In the case of Langston *vs.* Venable did not the Democrats all disagree with this report?

Mr. BROWN. I am not yielding to the gentleman from Iowa [Mr. LACEY].

The SPEAKER *pro tempore*. The gentleman can not be interrupted without his consent.

Mr. BROWN. To overcome this testimony the contestee applied to one of the judges of the county court of Alameda County, the judge before whom the testimony was being taken, for a recount of the ballots. The recount was had, and the result of the recount was that the contestant had received 29 votes and the contestee but 22 votes, a striking difference between the returns made by the board and the result ascertained by the clerk who made the recount upon the application of the contestee.

Mr. TAWNEY. Were the officers of the election Democrats or Republicans?

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield to the gentleman from Minnesota?

Mr. BROWN. I do not. [Laughter.]

This recount gives the contestant a plurality at this precinct of 7; and if the recount stands and governs the case the contestee is elected by 4 plurality. That is all the contention that the contestee, his counsel, and his friends on the committee make for him.

The contestee concedes that the returns made by the Altamont precinct board of election are false, worthless, and wholly unreliable. He stakes his case exclusively upon the result of the recount, and insists that the law is that the ballot is the best evidence; that it is the primary and controlling evidence, and that it must be heard in opposition to the testimony of the voters as well as all other testimony in the case, and govern and control. To some extent the contention of the contestee is true, but not in the broad sense he claims. In connection with the claim that the ballot is the primary and best evidence, a duty is imposed upon him who makes this claim, and that duty is to show that the ballots have been safely and securely kept; that there has not been tampering with the ballots, nor has there been an opportunity afforded by which tampering with them could have taken place.

When the rule grew up that the ballot was the best evidence, the present system of voting, which now prevails in almost every State of the Union, did not exist. An entirely different system of voting existed then, as I will show presently. The committee reached the conclusion, on consideration of all of the evidence given, and all circumstances connected with the case, that the ballots were evidence, proper and legitimate evidence, and should be taken and considered honestly and fairly with all the other evidence, surroundings, and circumstances connected with the case, but that they should not arbitrarily overthrow all the other evidence and absolutely dictate the decision of the case.

A word in reference as to whether the ballots in question had been safely and securely kept, as to whether they had been tampered with, and whether opportunity had been afforded by which they might have been tampered with, and whether if they are the identical ballots cast, whether they are in the same condition they were when cast. They were not safely kept; they were not securely kept. No man of common sense, in the light of the testimony in this case, will affirm that they were safely kept. They were sent in a package to the Clerk's office in Alameda County, and loosely thrown, along with a large number of other packages of the same kind, on the floor in one of the rooms of the public office, and there they lay and remained for several days, until after the question of inquiry into the validity of the election at Altamont precinct was fully known throughout the entire district.

Then they were gathered up and carried into the recorder's office, and there they were hermetically sealed in the safe of that office; I venture to say no case can be found where election returns were so safely and securely sealed up and kept as were these in the recorder's office after it was known that an inquiry respecting their integrity was to be made. But for more than a week or ten days before, they had been subject to the inspection and risk of being improperly interfered with by everybody about the clerk's office who chose so to do. A registration of voters had taken place, and several young men had been employed to assist the clerk of Alameda County in making the registration; and these young men came forward, or at least several of them did, and testified that they had kept guard watch over the packet containing the ballots by day and by night, and that it was in the precise condition when the recorder's safe was opened and it was put into it that it was when received by the county clerk and filed with him in the manner in which I have stated.

But the testimony makes it plainly appear that at least on one night the packet containing the Altamont ballots was left without this remarkable guard of young gentlemen who styled themselves deputy clerks, watching over it, and that the packet of ballots was left on the floor of the room all day and all night in the manner I have stated. No one will controvert but that I have stated the testimony correctly as to the manner in which this packet of ballots was kept.

"No opportunity," says the law, "shall be given for the ballot to be tampered with."

The board of Altamont precinct was called and every member of it save one, Mr. Udy, the Republican clerk, came forward and testified. Why that gentleman did not testify is unknown to the committee, and will remain a mystery in the minds of all except those who are closely connected with him. They testified that when the packet of ballots was opened it was in the precise condition it was when it was received by the county clerk, and two members of the board testified that these ballots had their initials on them; that they had put their initials on the ballots as the voters came in to get the ballots. Why were these initials put on the ballots by these worthy members of the board? The law of California did not require it to be done. Nothing required it to be done. There was too much method, precision, and arrangement, in guarding this packet by the deputy clerks

and in the preparation of these ballots by that board of election which stands confessed as having made a false, fraudulent, and worthless return, to give much value to their testimony concerning the matter. I have, in brief, stated all that I care to say at this time, and perhaps at any time, concerning the keeping of these ballots.

Referring to what I said a moment ago as to the system of voting which prevailed when the rule was established that the ballot, if properly, safely, and securely kept, was the best evidence, I desire to call attention to the fact that at that time there was no such thing known as an official ballot. Every man who desired to cast his vote voluntarily procured his ballot and prepared it or had it prepared by his own voluntary action.

There was nothing compulsory upon him in respect to obtaining a special or official ticket, or as to how it should be made out. The tickets were furnished by the political parties, and were distributed to the voters outside of the polls. If the voter was an illiterate person he received his ticket outside of the precinct, away from the polls, and he could give it to any person in whom he had confidence, or to any number of persons in whom he had confidence, to be prepared for him to vote. It was prepared according to the directions which he voluntarily gave for its preparation, and if he had the slightest doubt as to whether his directions had been correctly followed, he could make further inquiry, and when fully satisfied that no imposition had been practiced upon him, he carried his ballot to the polls and saw it deposited in the box. That freedom of choice is not accorded to the illiterate voter now in any State, and especially in the State of California. There an official ballot is prepared for the voter. All the ballots are kept inside the polling place. The illiterate voter goes inside the polling place, and if he votes at all he must take the official ballot, which he receives from the hands of some officer or officers of the board, with the selection of whom he has not had the slightest thing to do. He must submit to have his ballot made out, not by the man of his choice, but by the man the law has chosen for him; who may be a man in whom he has confidence, or may be a man in whom he has no confidence. He has no opportunity to inquire and ascertain whether the ballot has been prepared as he directed. He must vote it as the officer has prepared it or not vote at all. Such was the case at Altamont precinct at this election, where some 10 or 12 illiterate voters voted. They went into the voting place, and from this board, which stands confessed as having made a false, fraudulent, and spurious return, they were compelled to receive their ballots and have them made out by members of that board. Well may we come to the conclusion, as the committee did, that the rule that the ballots are the best evidence, whatever force it may formerly have had, should now be relaxed to some extent at least.

In opposition to these ballots, which were kept in the manner I have described, and passed through the hands and custody of a board whose official conduct stands stamped with falsehood and uncertainty, the contestant puts the testimony of the voters at Altamont precinct. As I have already said, they are a class of voters not shifting and changing from place to place, but they are people who have lived there for many years, and if you will look at the record of this case and ascertain from it the places of their nativity, you will find that they belong to the better classes of population. It was an easy matter to ascertain how 51 men voted. Thirty-seven of them came forward, those who made out the ballots for themselves and those who had had them made out by some of the members of this board, and swore that they had voted for the contestant.

In view of all the facts and circumstances surrounding the case the committee reached the conclusion, and I think wisely and justly, that these ballots, passing through the hands of such a board as the contestee admits this board to have been, and afterwards kept in the manner in which they were, ought not to be permitted to brand the brows of these voters with falsehood and perjury and condemn their souls to perdition. If the voters who voted at Altamont precinct are to be believed, there is no question but that the contestant has been elected to this Congress by a majority of 26.

A moment or two upon the subject of the admissibility of the testimony of the voters, and then I am done. There never was a time, so far as my limited information concerning the law is concerned, but that where the integrity of the ballot itself was called in question, where the question was whether it was the ballot which the voter had cast, and if so, whether it was still in the condition in which it was when he cast it—there never was a time, I say, when that was the question that the law did not say that the voter was a competent witness to testify as to how and for whom he had voted. So, in any view of this case, the testimony of these men, unimpeached and unimpeachable, is admissible, and should be given the value the House may deem it entitled to in connection with all the other facts and circumstances of the case.

In the case of Bisbee *vs.* Finley (in the Forty-seventh Congress, I think) it was held that—

Where the evidence shows a return to be false and not a true statement of the votes cast, such return is impeached and destroyed as evidence, and the true vote may be proven by calling the electors whose names are on the poll books as voting at such poll, and no votes not otherwise proven should be counted. (6 Congressional Election Cases, page 62.)

This case was affirmed by the Fifty-first Congress in the case of Featherstone *vs.* Cate, and that Congress has gone into history to the great gratification and glory of the gentleman from Maine who presided over it with such grace and beauty.

In that case the testimony of the voters who testified as to how they had voted overthrew all ballots and everything else, and seated the contestant.

Mr. REED. Were the ballots in that case preserved?

Mr. BROWN. I can only suppose that they were, from the fact that the law required them to be preserved. I know nothing about it.

Mr. REED. Were they produced here in evidence?

Mr. BROWN. I can not say. My friend from Maine had more to do with that Congress than I had.

Mr. REED. But I did not have much to do with the elections.

Mr. BROWN. Perhaps not; but you had much to do with the seating of contestants during that Congress.

Mr. REED. Now, will my friend from Indiana reply to me on that point—because that is the vital point here—were the ballots preserved?

Mr. BROWN. I was not on the Committee on Elections in that Congress, and, speaking truthfully and sincerely, I do not know whether they were or not. But I am now informed by the gentleman from Arkansas now representing that district that the ballots in that case were kept.

Mr. REED. Now, if the gentleman will allow me another question, is not that the vital point? Is not the issue here between the ballots which were absolutely produced and the testimony of the voters, while in the Featherstone case that was not the point?

Mr. BROWN. I do not agree with the gentleman from Maine that that is the vital point in this case. I agree that it is a point to be considered, and I have referred to it; but in view of the fact that under our present system of voting the illiterate voter is compelled to take some one not of his own choosing to prepare his ballot for him, or not vote at all—in view of the fact that he does not and can not now exercise that freedom of action and voluntary conduct connected with his vote that he could formerly—the ballots should not be so strongly held to be the best evidence as they formerly were.

Mr. REED. That is not apropos to the St. Louis case?

Mr. BROWN. We have, thank Providence, got through with that case.

Mr. REED. I would not say "thank Providence." I would say thanks to the "intervening motion" theory! [Laughter.]

Mr. BROWN. That was an instrument of Providence by which we got through with the case.

Mr. REED. In the nature of a "special Providence."

Mr. BROWN. McCrary on Elections, section 539, says:

If an officer of the election is detected in a willful and deliberate fraud upon the ballot box, the better opinion is that this will destroy the integrity of his official acts, even though the fraud discovered is not of itself sufficient to affect the result.

Again, in the case of McDuffie *vs.* Turpin, in the Fifty-first Congress, it was stated:

If these officers would falsify the returns, it follows that no reliance could be placed in the contents of the ballot boxes left in their hands after the election.

Payne on Elections, 596, says:

When the proceedings are so tarnished by fraudulent, negligent, or improper conduct on the part of the officers that the result of the election is rendered unreliable, the entire returns will be rejected, and the parties left to make such proof as they may of the votes legally cast for them.

The action and conduct of the Fifty-first Congress answers, it seems to me, the question which my friend from Maine has suggested.

In the contested election case of McGinnis *vs.* Alderson, in the Fifty-first Congress—in which case my friend from Iowa [Mr. LACEY] made the report, the report which was not acted upon by the House, though undoubtedly it would have been if it had ever been brought in—it was held:

The recount in Kenawha County showed a change of 9 votes in Alum Creek precinct, and 25 votes in Charleston precinct.

In the West Virginia election cases in the present Congress, and in the famous case in the gubernatorial contest between Fleming and Goff, we have had striking illustrations of the dangers of a recount of the ballots where a change of a few tickets may affect the result. The law of West Virginia, whilst it provides for such recount, attempts to throw around the recount such elements of safety as will prevent a fraudulent change of the ballots. Such recount is always viewed with suspicion, and is full of danger.

I subscribe to that, and that is the contention here. I say to my friend from Maine [Mr. REED] that I am not one of those

who kick, cuff, and condemn everything the Fifty-first Congress did. Here is one thing it did which I approve.

I now refer to the case of Clayton *vs.* Breckinridge—another contested-election case in the Fifty-first Congress—in which case also my friend from Iowa [Mr. LACEY] made the report, which however, was not voted on in the House.

Mr. LACEY. Oh, yes it was.

Mr. BROWN. So it was. I thank my friend for correcting me.

Mr. STOCKDALE. And Mr. BRECKINRIDGE was unseated.

Mr. LACEY. The gentleman from Indiana [Mr. BROWN] voted against the correctness of that report, and now he is citing it.

Mr. BROWN. Well, "the light of experience" ought to be worth something, ought it not?

Mr. LACEY. "While the lamp holds out to burn."

Mr. BROWN. While, perhaps, I did not agree with my friend from Iowa at that time, yet under the rules of the Fifty first Congress I was compelled to surrender while he carried the flag to victory. Here is what that report said, and it is well said:

> If the returns have been falsified by the election officers, it a well-settled rule of law that they cease to have any prima facie effect, and each party can only be credited with such votes at the box in question as he may show by other evidence. This rule is one of long standing. It works no hardship upon contestee which does not fall as heavily on the contestant. The contestant is required, in the first instance, to show the fraud in the return, and then must follow that up by proving his vote: or, in some instances, the proof of the fraud is connected with the proof of his vote.

Mr. REED. Does the gentleman from Indiana notice the words used there—"falsified" and "fraud"?

Mr. BROWN. Undoubtedly.

Mr. REED. Is there any such thing charged here?

Mr. BROWN. Undoubtedly.

Mr. REED. Against whom?

Mr. BROWN. If fraud is shown, it is immaterial who committed it. No one knows that better than the gentleman from Maine.

Mr. REED. Then nobody is charged with this fraud?

Mr. BROWN. I am not charging any particular individual with the fraud.

Mr. REED. On what basis do you make the charge of fraud?

Mr. BROWN. My friend well knows——

Mr. REED. Do not tell me what I know; I am trying to find out what I do not know. [Laughter.]

Mr. BROWN. Very well, I will tell the gentleman from Maine what he does not know——

Mr. REED. Thank you.

Mr. BROWN. But what he ought to know; and if he will listen to me, he will know hereafter.

Mr. REED. Well, perhaps the gentleman had better not listen to the suggestions of some of those quite near him.

Mr. BROWN. Now, my friend ought to know that fraud lies in circumstantiality always.

Mr. GROSVENOR. Not always.

Mr. BROWN. Well, nearly always. It is as difficult to prove a fact counted on as fraud as it is to prove that someone saw the felon sneak into the house at night to steal. Yet circumstantial evidence may prove him guilty beyond a reasonable doubt. So it is with the question of fraud. The article in this contest referring to Altamont precinct declares against the validity of the conduct of the election at that precinct and the truth of the returns. It questions the honesty of the election and all connected with it; and whether it is mistake, inadvertence, fraud, or anything else, if the returns are impeached for any of these causes in such way as to call in question the integrity of the conduct of the men who made the returns—the men who constituted the election board—in that event I say that all that went through the hands of this election board is spurious and fraudulent, and of no value.

Mr. REED. But that——

Mr. BROWN. Let me continue. And I put the testimony of the honest and incorruptible voters of that precinct against the testimony and conduct of this election board, which, the contestee admits, made a false, unreliable, and worthless return. Against this election return, and the ballots which passed through the hands and custody of this disreputable election board, I put the unimpeached testimony of the voters, and leave it for this House to say whether it will put most confidence in the testimony of these voters or in the oath and conduct of this impeached election board.

Mr. REED. But the gentleman accepts these men as voters.

Mr. BROWN. And now, to weaken the credibility of most of the men composing this election board in the mind of the gentleman from Maine, I will say that to give force and effect to their testimony they swore that they voted for the contestant.

Mr. REED. That is precisely the point I wanted to get at.

Mr. BROWN. It is a fact that they so swore.

Mr. REED. That is what I wanted to ask, whether they were not all opposed to Mr. Hilborn?

Mr. BROWN. That was their statement. They said so, but I would no more believe them on their oaths as to who they voted for than I would believe them on their oaths respecting a return that is confessed by all to be false and fraudulent, so admitted by the contestee.

Mr. REED. Still, you count them to make a plurality.

Mr. BROWN. Not at all. We can dispense with them and still have the plurality.

Mr. REED. But you indorse them in your report.

Mr. BROWN. The gentleman from Maine knows that an impeached witness is always counted, unless the opposite party calls him in question.

Mr. REED. But in order to reduce the plurality of the contestee you proceed to say these men are scoundrels, and then count their votes, although you attack them from your side on account of this election.

Mr. BROWN. It is immaterial whether they are counted or not. They can be cast out of the count and the contestant will have a plurality of 19.

And as much as I admire the skill and adroitness of my friend from Maine in attempting to draw the attention of the House away from the actual question, I again say that the question, and the only question here is, will the House rely upon a return which is false and made false by the same men who had the custody and control of the ballots, and also in view of the further fact that ten or twelve illiterate voters were compelled to have their ballots made out by this board or some member of it, or will the House take the testimony of thirty-seven gentlemen who voted for contestant at the precinct, and against whom not a word of suspicion has ever been uttered?

Now, with all due deference to my friend [Mr. REED], I must decline to yield further. I have done an injustice to our side by having taken all the time but fifteen minutes in opening the case.

Mr. REED. The gentleman has a right to decline, of course.

Mr. BROWN. I decline from the want of time only.

The SPEAKER *pro tempore*. The gentleman has fifteen minutes remaining.

Mr. BROWN. I reserve that.

Mr. WAUGH. I yield ten minutes to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, right here I venture to ask the attention of the House, because the gentleman from Indiana [Mr. BROWN] was kind enough to permit a sufficient amount of interruption to get before the House in a general way a proposition which is very astonishing to me.

The House will recollect that at this precinct there were only two men out of the election board who were favorable to Mr. HILBORN, the sitting member. The other six were against him; two for him and six against him. A return was made, not a false return as the gentleman from Indiana [Mr. BROWN] says, but an incorrect and mistaken return was made. This return was made by this election board, six of whom were against the sitting member and two of whom were for him. Apparently there was no element of fraud there. When fraud is committed it is by partisans of the same side, and not by partisans upon the opposite side. There is an utter absence of any proof of misconduct on the part of these men, except what arises from the error in the returns.

Now fraud, notwithstanding the very luminous description which was given of it by the gentleman from Indiana [Mr. BROWN], notwithstanding the haziness of fraud, it must be proved. Fraud is one of the things which the law never infers. It must be proven. Now, the sole proof that is offered here is the fact of a mistaken return. When that was discovered, and it was apparent from the other votes that there had been a mistaken return, recourse was had to the next best evidence. What is that? It is the ballots themselves, which were preserved, which could not have been falsified: for everybody testifies to facts which show that they could not have been falsified. When those ballots were counted, a sufficient vote was given and found there to elect Mr. Hilborn, and above all things the ballots as counted were perfectly congruous with all the rest of the votes.

That is, the vote for Mr. Hilborn and the vote for the gentleman who is contesting his seat was of normal size, compared with other party votes, thus plainly negativing the idea of fraud, and showing simply that a mistake was made, and that a mistake was made in favor of Mr. Hilborn by his opponents. Now, you are asked to regard that as evidence of fraud. You are asked to infer fraud when the absence of fraud is absolutely proved. Now, let me tell you what was done——

Mr. BROWN. Will my friend allow me to interrupt him?

Mr. REED. Let me finish my point and then I will answer the gentleman. The majority of the committee absolutely take

the testimony of five of these fellows whom they charge with fraud. They take their testimony that they voted for this contestant and give full credit to that testimony, and count their votes in favor of the contestant. They were scoundrels when they testified that nothing had been done to stuff the ballot boxes, but they are honest citizens when they testify that they voted against Mr. Hilborn. This committee have given them a certificate of good character by counting their votes; and at the same time they ask you to reject their testimony that nothing dishonest was done. They ask you to reject the fact that they were partisans against Mr. Hilborn. And why? Simply because Mr. Hilborn is only elected by 4 votes. That is the only reason on earth that can be given.

Mr. BROWN. Will my friend explain this matter: The record shows that there were two Congressional elections held at that time, one for the short term and one for the long term, and this same falsity respecting the returns occurred exactly the same in each of the elections, the one for the long term and the one for the short term.

Mr. REED. Now, you will perceive very plainly that this is a charge made that the partisans of the contestant have done something wrong; and it is simply a mere inference, nothing else. There is no proof of fraud, such as will enable you to go back of the ballots. There is no testimony to show that the ballots are not there just as they were cast. On the contrary, the evidence is plenary that the ballots were in the pouches just as they were cast, and you are asked to go back, under the Australian system, or a system similiar to that, and take the testimony of voters as to their votes, when you have the votes themselves. In other words, you are substituting oral testimony for written, you are to substitute the word of mouth for a deed which proves itself.

As I said as to the last case, my belief that this injustice will be perpetrated is going to be reluctant. If it had not been for the doctrine of the "intervening motion," I have no doubt it would have been as reluctant as it has been on the previous case; but you can not afford to discredit yourselves twice. The news from outside would not encourage this method of election.

I reserve whatever time I have remaining.

The SPEAKER *pro tempore*. The gentleman has used seven minutes.

Mr. WAUGH. Yield me the remainder of the time that you have not consumed.

Mr. REED. I yield to the gentleman such time as I have not consumed.

Mr. WAUGH. Does any gentleman on the other side desire to address the House at this time?

The SPEAKER *pro tempore*. The gentleman from Indiana is recognized.

Mr. WAUGH. Mr. Speaker, the whole question in this case turns upon the vote of Altamont precinct. It has narrowed down to the legal question. There is no question of fraud in this case; but there was a mistake made, and I believe honestly made, by the election officers of Altamont precinct. It is conceded on both sides that there was a mistake in the count of the vote and the return of the vote between the contestant and the contestee at the Altamont precinct. Now, let us see the situation we are in from a legal standpoint. The contestant brings before us the testimony of thirty-seven persons who he claims voted for him. This he asks the House to take in correction of the mistake in the returns, and to determine the state of the ballot between him and the contestee. Upon the other hand, the contestee brings into the House the ballots that were actually cast by the electors at that precinct, properly preserved as I will show further on, and asks that the ballots cast by the electors, the voters, be accepted in correction of the mistake in the returns made by the election board of Altamont precinct as determining the correct state of the vote between him and the contestant.

Now, at this point I desire to read so much of the California statutes, together with a decision, or an extract from a decision of the supreme court of California, giving the interpretation and meaning to the sections that I will read, so that as we go along in the history of the case we may bring the facts and the law up face to face and see the application of the facts to the law and the law to the facts in the case at hand.

The law provides that at the close of the balloting the ballots shall be counted in the presence of the bystanders.

The law also provides by section 1259 that the ballots as they are counted shall be handed to one of the members of the election board, who shall string them upon a string. The law further provides when they are thus strung upon a string they shall be securely placed in a cloth envelope, which shall be sealed securely, and the names of the election officers shall be written across this sack or envelope, up against the seal of the package; that this sealed package shall be delivered to one of the members of the board, and that he shall deliver it to the clerk of the circuit court. Now, upon the subject of the preservation of the ballots I want to read, so that we may get the idea the supreme court of California has as to the meaning of the preservation of the ballots and the intent of their preservation.

The question is not the "opportunity" to meddle with them. That is a circumstance, I will admit; but the controlling question is, was that opportunity "improved," and were the ballots meddled with? That is the question. Why, the gentleman from Indiana [Mr. BROWN] says the question was whether there was an "opportunity." That is only a circumstance, but does not go to the essence of this case. The question is, was that opportunity improved, and the ballots tampered with? The law of California requires the ballots to be sealed up in a package and returned to the county clerk, whose duty is prescribed by the code of California:

> Upon the receipt of the packages the clerk must file the one containing ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package, without opening or examining its contents. (Cal. Political Code, sec. 1265.)
>
> If within twelve months there is such a contest commenced, he must keep the package unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy it.

Now, I call attention to the following extract from the opinion of the supreme court of California upon the proper interpretation and meaning to be given to the two sections I have read:

> The Legislature could have had no other design in thus providing for the preservation of the ballots than to make them evidence of their own contents and a test of the correctness of the returns made up from them by the officers of the election.
>
> * * * Thus they are recognized by the law not only as a part of the election returns, and therefore evidence of what transpired at the election, but as evidence of a higher and more satisfactory grade than the tally paper. Intrinsically considered, it must be conceded by all that the ballots themselves are more reliable, and therefore better evidence than a mere summary made from them. Into the latter errors may find their way; but with the former this can not happen. The relation between the two is at least analogous to that of primary and secondary evidence.

I read from California, on page 306:

> In case of a contest the ballots are the primary and best evidence of the number of votes received by any candidate, provided they have not in any way been tampered with; and the burden is upon the contestant to show that fact.

Now, I desire to call attention for a short time to the facts in the case. The Third district of California is Republican. The county of Alameda is Republican. Altamont precinct is slightly Democratic. It cast but 70 votes at the last election, only 51 votes as between candidates for Congress. The evidence shows conclusively that there was no general interest taken at Altamont precinct in the election for Congressman. The evidence shows conclusively that there was not a voter who cast his ballot at Altamont who even knew Hilborn. Hilborn was not in that precinct during that entire canvass; neither did he have anyone looking after his interests on the election day or the day preceding the election.

The election board at this precinct consisted of Edward Gunn, inspector, John Campbell, judge, W. H. Donohoe, clerk, and Timothy Ryder, clerk, all Democrats; W. R. Thomas, judge, Prohibitionist, William B. Faulkner, clerk, Independent, T. M. Shaffer, inspector, Republican, and Henry Udy, clerk, Republican.

There was not a Republican who touched a single ballot that was cast at that precinct except Shaffer, and he touched them only for the purpose of writing his name upon the back of them along with Gunn's. After the close of the voting the count proceeded, Thomas reading the ballots. He voted against Hilborn. Mr. Gunn, who voted against Hilborn and for English, was looking over over his shoulder to see that he read them right. Campbell, a Democrat, who voted for English, strung them on a string and Gunn and Shaffer indorsed their names upon the backs of the ballots. The clerks who kept the tally were Donohoe and Faulkner, both of whom voted for English. Mr. Campbell was the member of the board who was selected to transmit the packages, after they were sealed, to the county clerk. He was a Democrat. Every one of these six men voted against Hilborn and five of them voted for English, Mr. Thomas, the Prohibitionist, voting for his Prohibition candidate; and every one of them swore that the ballots put into the envelope at the close of the election were the identical ballots that were cast on that occasion.

The ballots were sealed up in the cloth envelope, and the Democratic clerk of that election, in the presence of all the members of the board, did the sealing. Every member of that board said that the election there was conducted upon that occasion in such a way that those ballots could not have been tampered with or even touched by any outside hand. They were put in an envelope and sealed up. Every member of the election board proper—I mean the judges and inspectors, there being two of each—wrote their names across the lapel of the envelope. The

packages thus sealed up were handed to Mr. Campbell on the evening of the 8th of November, at the close of the election, and were taken to the clerk's office on the 9th day of November, and the canvassing board did not meet until the 14th of November.

These ballots were placed in a pile with all the other ballots of the county. This was the first election held under the Australian system, and the ballots and other election papers made such an immense pile that they could not be put in the safe, but they were piled up in a corner, under the eye of a clerk, were guarded every night by two election officers, and were never out of sight of a Democratic officer. On the 16th of November the canvass had concluded, and on the 17th the package to which I have called attention, inclosing the ballots cast at the precinct in question, was put into another sack in the presence of quite a number of parties, including the secretary of the Democratic board of Alameda County, and put into the safe and securely sealed. All the persons watching this second wrapping and sealing, together with the Democratic clerk, signed their names upon the outer wrapper. When the contest was had, and the ballots were brought into court, the secretary of the Democratic committee of that county, and all the gentlemen who had indorsed their names on the outer wrapper, came into court and identified their signatures and swore that the package had not been tampered with.

The outside wrapper had been torn off and it disclosed the envelope which had been sealed up at Altamont precinct. The members of that board, the inspectors and judges, were present and they identified their signatures on the back of the envelope as genuine. They testified that the package was in the same condition that it was in when it left their hands after Donahoe had completed his work of sealing it up. The little sack was opened and it disclosed 70 ballots strung upon a string, the same number that was cast at Altamont precinct. Shafer and Gunn and Campbell and Thomas were there, the two inspectors and the two judges, and Gunn and Shafer identified their signatures on the back of the 70 ballots and identified them as the ballots cast at that precinct. The ballots were then opened and read, and the result was 29 votes for English and 22 for Hilborn, which would give Mr. Hilborn the election by 4 majority.

Of the men who swore as to the integrity of the ballots and the preservation of the ballots in the sack, all except one voted against Hilborn.

Mr. EVERETT. I wish to ask a question for information. The gentleman says there were 70 votes, and that 29 were for one candidate and 22 for the other. What became of the remaining votes?

Mr. WAUGH. There were 11 voters who did not vote at all for Congressman.

Mr. STOCKDALE. What mistake is it that the gentleman says it is admitted the committee made?

Mr. WAUGH. Well, I will give the facts. The official return shows 37 votes for Hilborn and 15 for English. The recount shows 29 for English and 22 for Hilborn. In my judgment there can be no question about these being the ballots counted. I might almost challenge any man to show any state of facts more positive and convincing as to the preservation of the ballots than we have in this case.

Now, let me call attention to another thing which is very strange. The majority of the committee ask that these votes be impeached because they come from an impeached custody. Who had the custody of these ballots, let me ask? Why, the six men who voted against Hilborn had. And who is it we are now asked to believe in order to impeach those ballots? The six men who swore that those ballots were preserved, although they voted against Mr. Hilborn.

Mr. COX. I would like to ask the gentleman one question.

Mr. WAUGH. Very well; be quick, please.

Mr. COX. I will be. I understand the gentleman's argument in regard to the ballots. Now, how does he account for the mistake which the officers made in making the returns? How is that explained?

Mr. WAUGH. That is unexplained in this testimony except by two witnesses; the testimony of those two witnesses furnishes the only explanation of the mistake. This was a farming community. I intimate nothing against the intelligence of the farmers of the country; but these men were voting for the first time under a new system—the Australian voting system. The entire vote was cast by farmers except the vote of the young man who put these ballots into the sealed package; he was the schoolteacher. Upon cross-examination one witness was asked, "Can you account for the mistake?" This witness was Mr. Faulkner, one of the clerks. He answered, "Yes, we clerks made mistakes. In counting those 37 votes we got behind one another, so that there was a difference between us of as much as 2 votes." "Well, how did you do?" "Why, we stopped until the other fellows caught up."

Now, I want to call attention to another matter as accounting for the mistake which was made. When the Democratic clerk was on the stand he was asked, on cross-examination by Mr. Hilborn, "Did you see anything wrong that day, or anything that might cast a doubt upon the result of your count?" "Well," replied he, "I do not know what you might call a doubt." "Well, what occurs to your mind as a matter which might raise some doubt or some question?" "I do not think," said he, "that Mr. Thomas was a competent man to read those ballots; for he could not see."

What motive was there for those five men to perpetrate a fraud in connection with those ballots and render themselves liable to be sent to the penitentiary? Instead of perpetrating a crime and running the hazard of punishment, why in the world should they not have cast their five votes for Hilborn? What was the inducement for them to tamper with the ballots and try to change the vote? This district was Republican by 2,000 majority.

Could it occur to any mortal man that a change of 5 or 6 votes at that precinct would elect English. Was there any inducement in the world for them to perpetrate a fraud? None at all.

Mr. PENCE. After the recount showing a vote of 29 on the one side and 22 on the other, did that still leave a majority for Hilborn?

Mr. WAUGH. Yes, sir, a majority of 4, and the majority of this committee has not the courage to contradict it. Gentlemen on the other side will not deny what is shown upon the testimony of Democratic witnesses, that the votes counted were the ballots cast. They ask this House to act upon a sheer suspicion as against positive unmistakable evidence. [Applause.]

Mr. Speaker, how much time have I occupied?

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). Twenty-three minutes. To whom does the gentleman yield?

Mr. WAUGH. Does the other side want to occupy any time at this point?

The SPEAKER *pro tempore*. The other side has only fifteen minutes remaining.

Mr. WAUGH. I yield five minutes to the gentleman from New York, Judge DANIELS.

[Mr. DANIELS addressed the House. [See Appendix.]

The SPEAKER *pro tempore*. To whom does the gentleman from Indiana [Mr. WAUGH] yield?

Mr. WAUGH. Does not some gentleman upon the other side desire to address the House?

The SPEAKER *pro tempore*. There are only fifteen minutes remaining on the opposite side, while the gentleman's side has twenty-five minutes.

Mr. WAUGH. I yield to the gentleman from California, Mr. HILBORN.

Mr. HILBORN. Mr. Speaker, the result of the vote on this resolution is not of supreme importance to the country or to myself. The addition of one to the majority of this House and the subtraction of one from the minority will not seriously change the current of legislation.

It is desirable, however, that no bad precedent be here established which may rise up to trouble the House hereafter, that no wrong and dangerous principle be engrafted upon this branch of the law, which is already unsightly enough. As for myself, the disagreeable ordeal through which I am now passing will soon be over, and its ill effect will be as transient as the passing cloud.

But there are members on both sides of this House who have honored me with their friendship and their confidence, and I desire to call their attention to the facts of this case, which will tend to show the honesty of my claim to this seat, and that I am not an intruder in this House.

I invite your attention particularly to one feature of this case. If any fraud was committed at any precinct in that district at the last election, no one has charged or intimated that it was with my knowledge or connivance. I might go further and say that no one has charged that any friend of mine, personal or political, participated in any fraud upon the ballot box at that election.

The contestant bases his claim to my seat on this startling proposition, that certain of his political friends and associates, after working for his election and voting for him, committed a felony by falsifying the election returns of that precinct in my favor, and therefore he ought to have my seat; that certain officers of that election board who counted and canvassed the votes of the precinct, all but one of whom voted for him, and not one of whom voted for me, stuffed the ballot box in my favor, without my knowledge or connivance, or that of my friends, and therefore I ought to be unseated.

I submit, it is hard enough to be held responsible for the acts

of one's political friends; but it is the refinement of cruelty to make him suffer for the acts of his political enemies. [Laughter and applause.]

If there was fraud at the election in that precinct, it was not committed by my supporters, for no man who voted for me was in a position to miscount a vote or to change a ballot. Of the eight election officers of that precinct, only two voted for me. Six of them swear they voted against me, and five of them swear that they voted for the contestant. And yet the contestant bases his claim to this seat upon the charge that his Democratic friends and supporters deliberately and intentionally returned a fraudulent tally sheet, committed a felony, braved the terrors of the penitentiary in my interest.

If his contention is correct, all the members of that board, including his Democratic friends, were in the conspiracy. They were all ballot-box stuffers and perjurers, whose oaths are to be rejected except when they swear that they voted for him, and then they are to be believed. The committee, in order to make up the 37 votes which they say they find for the contestant in that precinct, are compelled to include these five men. They can not get the 37 votes without them, and they are compelled to include them.

In their report the committee say:

> Thirty-seven of these electors swore unmistakably that they voted for the contestant. * * * The character of these voters has much to do in determining the confidence to be placed in their testimony.
> They are unimpeached and unimpeachable. * * *
> The committee believes that they spoke the truth, and that their testimony ought to be relied on.

The Democratic members of that board are made in this case to play the double part of Dr. Jekyll and Mr. Hyde; an official character which is satanic, and a private character which is saintly. As officers of the election they committed crimes against the ballot so flagrant, and perjuries so rank, that the ballots themselves are tainted with their leprous touch and must be rejected; but the scene changes when their votes are necessary to make up the plurality for the contestant, and then they appear, cleansed of all their sins, with their faces glowing with such a halo of virtue that is an affront to doubt their veracity.

As officers they are felons; as Democratic affidavit makers they are saints. [Laughter on the Republican side.] The crime committed by these Democratic officials must be sternly and severely rebuked; and the way to do that is to turn out a Republican Congressman and put in a Democrat.

Mr. CANNON of Illinois. Will the gentleman allow me to ask him a question? I ask for inormation.

Mr. HILBORN. Certainly.

Mr. CANNON of Illinois. If I understand the gentleman, it is alleged that these five election officers committed perjury, to say the least?

Mr. HILBORN. Yes.

Mr. CANNON of Illinois. In falsifying the returns, so that the ballots are rejected?

Mr. HILBORN. Yes.

Mr. CANNON of Illinois. And then these same five men go on the stand and swear that they voted for the contestant?

Mr. HILBORN. Yes.

Mr. CANNON of Illinois. So they reject them as officers and take their evidence as individuals, and their evidence is necessary to seat the contestant?

Mr. HILBORN. Yes.

But these men are not perjurers, are not ballot-box stuffers. They are good citizens of that community, who have the respect of their neighbors. Every one of them, Democrats, Prohibitionists, Republicans, and Independents alike swear that that ballot box was not stuffed and that there was no opportunity to commit such a crime.

This contest hinges upon the vote of Altamont precinct. The contestant relies entirely upon the oaths of the voters. I rely entirely upon the ballots themselves.

The question is whether the ballots, which have been carefully kept, according to law, in the hands of the proper custodian, and are perfectly identified as the ballots cast in the precinct on that day, shall be received as the best evidence of the vote of that precinct, or whether the uncertain depositions of the voters shall be accepted as the best evidence of the vote.

The law governing the case is well established and has been unquestioned for years. It is that the ballots are the primary and best evidence; that the deposition of the voter is secondary evidence, and can not overcome the force of the ballot.

This rule is so well established and the reasons for the rule so evident that it seems unnecessary to discuss it.

It can not be better stated than by Mr. O'Ferrall, in the case of Greevy *vs.* Scull. It is proper here to state that the contestant relied upon the testimony of the voters' oaths to show for whom they cast their ballots.

In that case Mr. O'Ferrall says:

> It is a well-established principle that the ballot of a voter which has been safely preserved by some authorized custodian is the best evidence as to how or for whom he voted and must be produced, and that the testimony of the voter himself is secondary and inadmissible.

And again:

> The ballots were papers pertaining to the election; * * * they were the best evidence; they were mute witnesses, yet they told their own story and were unimpeachable; they could not be bribed nor corrupted.

This rule is long established. In Otero *vs.* Gallegos (1 Bartlett, 177), decided in 1856, the committee say:

> It would be productive of unending frauds and perjuries to permit parties to come forward, after an election by ballot, and swear they voted differently from what the ballots themselves exhibit. * * * The only proof which ought to be admitted to establish a fraud, such as that charged in this case, would be to show by affirmative testimony that the judges, clerks, or some other persons actually withdrew the tickets given by the voters and substituted others for them; the oath of the voters should not be received to contradict the record and the ballots themselves. The very nature of the ballot renders this principle a necessity; otherwise, every election might be tried over a second time by the oath of the voters instead of the ballots deposited in the boxes.

I invoke another rule of law which is also well settled, and may be stated as follows:

> The ballots are the primary and best evidence. The tally list is only secondary evidence, and the mere fact that it is incorrect does not destroy the weight of the ballots as the best and primary evidence.
> When the statute expressly provides for the preservation of the ballots by a particular officer for the specific purpose of determining the right to a public office, the ballots are the highest and best evidence for that purpose, and, if preserved as the law requires, are the only conclusive evidence of the result of the election. The certified statement and declaration of the officers of election are prima facie evidence only. (Paine on Elections, section 780, citing Reynolds *vs.* State, 61 Indiana, 392; Hudson *vs.* Solomon, 19 Kansas, 177.)

In California the ballots are preserved for the very purpose of correcting the tally sheets.

> Upon the receipt of the packages the clerk must file the one containing ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package, without opening or examining its contents. (California Political Code, section 1265.)
> If within twelve months there is such a contest commenced, he must keep the package unopened and unaltered until it is finally determined, when he must, as provided in the preceding section, destroy it, unless such package is, by virtue of an order of the tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of its contents, in which event the package and contents are in the custody of such tribunal. (California Political Code, section 1266.)

These sections have been construed by the Supreme Court of California in the case of People *vs.* Holden, 28 California, 136, in which case the court says:

> The Legislature could have had no other design in thus providing for the preservation of the ballots than to make them evidence of their own contents and a test of the correctness of the returns made up from them by the officers of the election.
> * * * Thus they are recognized by the law not only as a part of the election returns, and therefore evidence of what transpired at the election but as evidence of a higher and more satisfactory grade than the tally paper. Intrinsically considered, it must be conceded by all that the ballots themselves are more reliable and therefore better evidence than a mere summary made from them. Into the latter errors may find their way, but with the former this can not happen. The relation between the two is at least analogous to that of primary and secondary evidence.

In the case of Hudson *vs.* Solomon, 19 Kansas, 177, Judge Brewer, now justice of the Supreme Court of the United States, speaking for the court said:

> As between the ballots cast at an election, and a canvass of those ballots by the election officers, the former are the primary, the controlling evidence.

In this case there was a difference of 23 votes between the ballots and the tally list, and it was not considered that the returns or election officers were impeached thereby.

The same rule is again laid down in the same court in Dory *vs.* Lynn, 31 Kansas, 753; and Reynolds *vs.* State, 61 Indiana, 392; and State *vs.* Judge, 13 Alabama, 805.

In a very late case (*Ex-parte* Brown, 97 California, 83) decided in December, 1892, the supreme court of California discussed the question of the ballots as evidence in a case where a fraudulent tally list had been made by the election officers, and said the ballots were still the best evidence. That the fact that some member or members of the board had been able to return a fraudulent tally list did not impeach the board or the ballots, but the latter were preserved to be resorted to in just such a case.

In that case Napthaly, one of the election officers, was on trial, charged with having intentionally committed a fraud in counting the ballots, so that the tally list returned was false and fraudulent. The magistrate examining the criminal case ordered the registrar, the legal custodian of the ballots, to produce them before him to prove the crime. The registrar refused to obey the order on the ground that the law required the ballots to be preserved for evidence in contested-election cases only, and that he could not give them up even to be used in criminal proceedings. The supreme court sustained this contention, and in the decision the court said:

> Ever since the system of voting by ballot came into use it has, of course, been possible for election officers to commit frauds in counting, the best evidence of which would be furnished by an inspection of the ballots them-

selves. * * * It was to preserve the best evidence of the actual vote for the trial of contested elections, and to protect it by all the safeguards that could be conveniently thrown around it. * * * The object of the law being to afford the means of impeaching the returns of the election officers, not only all candidates, but the entire public, is interested in preserving the integrity of the sealed packages of ballots.

Bear in mind that this language is used by the court in a case wherein some of the officers of election had intentionally counted the ballots incorrectly and returned a fraudulent tally list, and the court holds that the ballots are still the best evidence.

The law does not impeach an entire election board of eight members because some one or two of their number, unintentionally or even intentionally, returned what is admitted to be an incorrect tally list.

I claim the ballots are fully identified, are the best evidence, and the recount should be taken as showing the correct vote of the precinct, giving English 29 and Hilborn 22 therein.

On the taking of testimony on the part of contestant in this precinct he called 47 witnesses, which included all those who were opposed to me, and took their depositions as to whom they voted for.

On cross-examination my attorney, in order to find out about the fairness of the election and the credit to be given the ballots, questioned each of the six members of the election board who were opposed to me, as to those matters. All six of the officers—five of whom had just testified that they voted for English and one for the Prohibition candidate—testified that the election was fair and legal, and the ballots could not have been changed or tampered with.

All the officers questioned on the subject swore that the ballots taken from the ballot box, read, tallied, sealed up by the board, and delivered to John Campbell, Democratic judge, to be by him delivered to the county clerk, were the identical ballots cast in that precinct that day, and were, when so sealed up and delivered, in the same condition as when cast. There is not anywhere the slightest contradiction of this testimony. All the witnesses agreed perfectly as to that. Nowhere in all the testimony does any witness intimate that the ballots were in any way changed or tampered with, but all the witnesses, of all parties, testify that there was no opportunity for any changing or tampering with them.

John Campbell, Democratic judge of election, on cross-examination testified as follows (page 11 of testimony):

Q. Did anybody at that election have an opportunity of stuffing that ballot box?
A. None whatever; it would have taken a smarter man than I know to do it.
Q. Then you don't believe, Mr. Campbell, that the ballot box in this case was stuffed?
A. No; I don't believe it was.
Q. Then, Mr. Campbell, you believe that the ballots that you counted when you canvassed the election returns were the ballots that were cast by the voters at that election?
A. It could not be any other.
Q. The ballots were duly sealed up, were they not, as soon as counted, in an envelope, and placed in your custody?
A. Yes, sir.
Q. And by you delivered in the same condition to the county clerk of Alameda County?
A. Yes, sir.
Q. And you believe that the ballots delivered by you to the county clerk were the identical ballots cast by the voters of Altamont precinct?
A. Yes, sir.

Again, on pages 97 and 98, Campbell testifies to the same thing in stronger language; and to the question, "Mr. Campbell, did you deliver to the county clerk in that envelope, on November 9, the very same ballots that were cast by the electors at the election in Altamont precinct on November 8?" answers, "They must have been the same ballots, because they were in there. I could not see that they could change themselves. They could not turn over in their coffin. They were all sealed up."

To the same effect is the testimony of W. H. Donohue, election clerk (page 23).

W. R. Thomas, election judge, testifies to the same effect as fully and completely as Mr. Campbell (page 30):

Q. Was there any opportunity for any person to change those ballots or any of them from the time they were cast until they were sealed up in the envelope and placed in the hands of Mr. John Campbell to be delivered to the county clerk?
A. No, sir.

The above was on cross-examination, and afterwards when called as a witness by contestee (page 94) he reiterates the same thing.

Edward Gunn, Democratic inspector of election (page 32), testifies on cross-examination:

Q. Do you believe, Mr. Gunn, that the ballots which were counted, canvassed by the election board in the evening, were the same ballots cast by the electors?
A. Yes, sir.
Q. Was there any opportunity for those ballots to be changed from the time they were cast to the time they were placed in an envelope and sealed up by the board?
A. No, sir.

And again (page 95), when called by contestee, he testifies to the same effect.

W. B. Faulkner, clerk (page 39), saw nothing illegal or unfair about the election, but saw two irregularities: First, that Mr. Thomas, who called off the ballots, was an incompetent reader; and, second, that Mr. Campbell was selected by lot to take the returns to the county clerk.

Timothy Ryder, clerk (page 46), says he saw nothing irregular or illegal, and there was no opportunity for any person to stuff the ballot box.

All the above are witnesses called and examined by English. All but Thomas swear they voted for English, and none for me; and on the testimony of each and every one of them contestant relies for the vote he claims.

Afterwards, on the opening of the ballots, my attorney called T. M. Shaeffer, Republican inspector on the board, who corroborated the other officers (page 96):

Q. Do you know, Mr. Shaeffer, whether the ballots which were cast at that election are the same ballots which were sealed up in that envelope that evening?
A. The same ballots.
Q. Was there any opportunity of their being changed during the day?
A. None whatever.

In short, contestant complains in his brief on page 8 that contestee "surfeited the record with this kind of evidence," and then complains that we did not call Udy, Republican clerk, to testify he did not change the ballots, when Udy is shown by good Democratic witnesses to have had nothing to do with the ballot box and no opportunity to change the ballots.

All the election officers were present when the ballot box was opened after the polls closed. The box was opened publicly on a long table around which the election officers sat. As soon as the ballots were taken out of the ballot box they were first counted and numbered on the back from 1 to 70 by the inspectors, and the Republican and Democratic inspectors both wrote their initials thereon.

The ballots were then canvassed upon the long table spoken of, Thomas calling them all off, Gunn looking at each ballot to see they were called correctly, Donohue and Faulkner acting as tally clerks and Campbell stringing the ballots. All these men were opposed to and swear they voted against me.

When the ballots had been canvassed they were strung upon a string, placed in an envelope, the envelope sealed with sealing wax, and each member wrote his name against the seal. The sealed package of ballots and the other election papers were then delivered to John Campbell, Democratic judge, selected by lot to deliver them to the county clerk. From the time this package went into the hands of Campbell, the Democratic judge, to the time the package of ballots was opened in the court room in Oakland, and the ballots counted in this contest in the presence of contestant and contestee, it is carefully and completely traced by the evidence.

Campbell delivered the sealed package in the same condition he received it to the county clerk of Alameda County, the proper custodian, on the next day, the 9th of November, 1892 (page 97, 98, 99). This package, with the packages from the other precincts, remained in the custody of the county clerk, guarded by deputies, until the supervisors of the county examined the tally lists and declared the official result, when they were sealed up in a vault, and remained in a vault, of which the county clerk held the combination, until produced in the court room and recounted (testimony pages 99, 100, 101). Before the package of Altamont ballots was placed in the vault by the county clerk, it was inclosed in an additional wrapper, which outer wrapper was securely tied and sealed by representatives of the Republican and Democratic parties, including the secretary of the Democratic county committee.

When the package was produced in court to be opened these witnesses were present and testified the package was in the same condition as when the outer wrapper was put on and sealed up, all the wrappings, fastenings, and seals being intact (testimony, pages 103, 104). Afterward the outer wrapper was taken off and the inspectors and judges of election—Gunn, Shaeffer, Campbell, and Thomas, the four principal election officers—were produced and testified the package was in the same condition as when sealed up at Altamont, the seals and signatures being intact, so that it could not have been opened (testimony, page 112 to question 30, page 113, page 114 to question 23, page 115). The envelope containing the ballots, being a strong cloth bag covered with paper, was then opened and the ballots of Altamont precinct, 70 in number, found folded up, strung upon a string at both ends, the strings being tied so as to hold the ballots together (testimony, page 107). The ballots were then counted in the presence of the parties and their attorneys and 29 found to be for English, 22 for Hilborn, 6 for Lyon, 2 for Scranton, and 11 blank (testimony, pages 107, 108, 109, 110, 111, and 112). Each ballot was found to be numbered on the back and to bear the initials

"T. M. S." and "E. G.," being the initials of T. M. Shaeffer and Edward Gunn, the Republican and Democratic inspectors of election in the precinct, placed thereon in the presence of the election board as soon as the ballots were taken out of the ballot box on the evening of the election, and before they were read, as before stated. In doing this the inspectors had followed a requirement of the law which is only considered compulsory in San Francisco. Being recalled, after the ballots had been taken from the envelope and recounted, they identified their initials and the number in their respective handwritings on the back of each and every one of the 70 ballots (testimony, pages 112, 115), conclusively identifying the ballots, if we believe their testimony.

Contestant did not attempt by any direct testimony to show the ballots produced in court and recounted were not the identical ballots voted at Altamont, or that they were not in the same condition they were in when cast by the electors. He offered no direct evidence at all upon the subject, and he could not well do so, for all his supporters and witnesses who were in a position to know the facts, testified to the integrity of the ballots. Their identity and integrity was demonstrated beyond a reasonable doubt by seven of the eight members of the election board (all but one of them opposed me), by the county officers, the secretary of the Democratic county committee, and others.

I claim that the testimony proves this: That the ballots counted were the identical ballots cast at Altamont precinct; that there had been no opportunity for tampering with them; that they had been properly preserved by the proper custodian, as required by law. And therefore they are the best evidence for whom the vote of the precinct was cast.

IMPOSSIBILITY OF CHANGING THE BALLOTS.

I want to call your attention to the impossibility of changing the ballots in this election. Suppose one of the officers of the election had attempted it. How could he have carried it out? In the first place, he would have had to open the ballot box, which was always in sight of the eight election officers and the bystanders. He would have had to pick out and open the ballots until he got one of the kind he wanted. Then the difficulty would just commence, because he could not change the ballot, as the cross is stamped opposite the name of the person voted for. There would have to be an entirely new ballot. He could not change the cross from one name to another. There would have to be a change in the paper itself.

Now, there is only one place where he could get a ballot and that is from the ballot clerk. He has got to get the new ballot from the ballot clerk, and it must be torn from his book of ballots when they are bound and numbered. He must stamp the ballot opposite the names of the candidates, and fold it and place it in the ballot box without being discovered. I say that that would be a feat of legerdemain more wonderful than has ever been seen on the stage.

Another difficulty would occur when the ballots were returned to the county clerk, for all the tickets missing from the ballot book must be accounted for. Fraud or mistakes in counting those ballots was possible, but a change of the ballots of that precinct was impossible.

There was no intentional fraud practiced in that precinct. The high character of the election officers negatives that. The fact that six of the eight election officers were opposed to me adds to the improbability. If the ballots were changed in the interest of Mr. English they would have been made to correspond with the affidavits of the voters. If they had been tampered with in my interest they would have been changed to correspond with the tally sheet.

Mr. COX. With the returns.

Mr. HILBORN. With the returns. The ballots as recounted show just the normal vote for that precinct for Congressman. We both get just the vote which might naturally be expected. Here is the proof of it. The Democratic candidates for the county officers in that precinct, got an average of 29 votes, and Mr. English gets 29 votes in this recount. The average of the Republican votes for county officers was 26 votes and I got 22, 4 less. Do you suppose that if that had been done in my interest they would have allowed me to fall 4 ballots behind all the local candidates? This was the first election held under the Australian ballot.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HILBORN. Have I consumed all the time allotted to me?

The SPEAKER *pro tempore*. The gentleman has consumed all the time allotted to him. There are ten minutes remaining to that side.

Mr. WISE. I ask unanimous consent that the gentleman from California may have ten minutes. He is the contestee, and he should be allowed further time.

The SPEAKER *pro tempore*. The Chair can not hear the gentleman.

Mr. WISE. I ask unanimous consent that the gentleman be allowed ten minutes more, and that it be extra time.

The SPEAKER *pro tempore*. The gentleman from Virginia asks unanimous consent that ten minutes' additional time be given to the gentleman from California.

Mr. BRYAN. I ask the same for the other side.

The SPEAKER *pro tempore*. And that it be given to him without being charged to the minority side.

Mr. BROWN. I object to that.

Mr. BRYAN. I ask that the debate be extended ten minutes on each side.

The SPEAKER *pro tempore*. The Chair will submit the request. The gentleman from Nebraska asks unanimous consent that the time be extended ten minutes on each side. Is there objection?

There was no objection.

Mr. HILBORN. In that district and all over the State of California, it being the first time that we had voted under the Australian ballot, it seems that thousands of men, not understanding it, went into the booths and got confused and voted only for the head of the ticket. In this one district there were forty-five hundred voters who voted for the Presidential electors and for nobody else. The local county officers suffered in the same way, and in the country precincts in Alameda county, adjoining and abutting upon Altamont, Mr. English ran behind the Cleveland electors 17 per cent. Now, Mr. Cleveland received at that precinct 36 votes, and deducting 17 per cent from that, it leaves a fraction over 29.

There is another thing about this to which I ask your attention. I was never in Altamont precinct in my life until after that election. I had never heard of it. My district is a Republican district and I and everybody else thought there was no danger of my election. I went through that canvass without asking a single man to vote for me. In all the speeches that I made I never, with one exception, mentioned the fact that I was a candidate for office, so certain was I that I was to be elected. Now, is it probable that under such conditions I would go up into that Democratic precinct where there were Democratic election officers and try to perpetrate a fraud for the sake of 70 votes? Why if they had offered me the 70 votes I don't think I would have accepted them. [Laughter.]

Mr. Speaker, as I said before, I never was in that precinct until this contest commenced. On the day of the election there was not a man in Altamont precinct who knew me or whom I knew. If there was anything wrong in the election there it was the gratuitous act of men who were strangers to me and of a different political party. Now, ought I to suffer under those circumstances?

It is just possible that the smallness of my plurality may have invited this contest, but I can not think that will weigh with this House. I believe this House has too much respect for the genius of our institutions to disregard a majority, no matter how small it may be.

I believe, gentlemen, that you will not ruthlessly unseat a member of this House who has been lawfully elected, even though it be by the small plurality of 4 votes. The smallness of the plurality does not palliate the wrong. I am not here asking favors. All I want is justice. I have done nothing in this matter of which I am ashamed. I hope every member of this House will be able to say the same thing after this vote is taken.

I would not change places with the man who would do an injustice to another because he had him in his power. I pity the position of the honest man who feels constrained by party fealty to do an unworthy act, the recollection of which will bring to his cheeks the blush of shame. I thank you, gentlemen, for your kind attention. I yield the balance of my time to the gentleman from Indiana [Mr. WAUGH]. [Applause.]

Mr. WAUGH. Mr. Speaker, gentlemen on the other side have twenty-five minutes remaining, and they ought to occupy some of that time now.

The SPEAKER *pro tempore*. There are twenty-five minutes remaining on the side of the majority, and fifteen on the side of the minority.

Mr. BROWN. I yield ten minutes to the gentleman from California [Mr. MAGUIRE].

Mr. MAGUIRE. Mr. Speaker, this contest has been practically reduced to a single simple question of fact, namely: Were the ballots offered in evidence by contestee as the ballots cast in Altamont precinct, Alameda County, so far discredited as to justify a resort to the parol evidence of the voters to determine the vote cast for member of Congress in that precinct? All other questions are practically eliminated.

Contestant concedes Mr. Hilborn is entitled to have the 8 votes claimed in Clarksburg precinct counted for him, and the returns from all other precincts, except Altamont, are accepted by both parties.

The official returns from Altamont precinct showing the vote of Mr. Hilborn to be 37 and Mr. English 15 are admitted by contestee to be incorrect.

Contestee claims that the ballots produced on this contest should be received as conclusive evidence of the vote cast for Representative in Congress in that precinct, while the contestant claims that the ballots so produced have been so far discredited that the vote ought not to be determined by them, but should be determined by the testimony of the voters of the precinct.

If the ballots produced are to be received as conclusive evidence of the vote, then contestee is shown to have been elected by a plurality of 4 votes. If the ballots are rejected, and the vote proved by the testimony of the voters, then contestant is shown to have been elected by a plurality of 26 votes. There are 23 votes cast in the precinct that are unaccounted for in the testimony. If it be conceded that they were all cast in favor of Mr. Hilborn, Mr. English would still have a plurality of 3 according to the testimony. But under the uniform decisions of this House, when resort is had to the testimony of electors to determine how they voted at the election in question, votes not proved can not be considered. There is no presumption that they were cast for the sitting member. I refer to the cases of Featherstone *vs.* Cate, Fifty-first Congress, page 103; and Bisbee *vs.* Finley, 6 Congressional Election Cases, page 62.

THE BALLOTS WERE DISCREDITED.

Were the ballots produced and offered in evidence by contestee as the ballots cast at Altamont precinct so far discredited as to justify their rejection and a resort to parol evidence to show how the electors voted for Representative in Congress? It seems to me that the ballots were overwhelmingly discredited. In the first place it must be remembered that the burden of proof is upon the party offering the ballots as evidence to satisfactorily prove that they are the identical ballots cast at the election in question, and that they are, when produced, in the same condition in which they were when cast and counted.

How was that proof made in this case? Contestee called all of the election officers in the precinct, except Mr. Henry Udy, the Republican clerk of the board of election, who could not be found or subpœnaed by either contestant or contestee, as appears from the record. The officers of election identified the ballots produced as those cast at Altamont precinct, basing their identification of the ballots upon their recognition of the initials of two members of the election board on the back of each ballot, these initials having been placed on the back of the ballot without any requirement or authority of law. The officers also testified that the package containing the ballots was in the same condition when produced as evidence that it was in when sealed up by the board at Altamont.

Contestee also introduced the testimony of officers connected with the county clerk's office to prove that the package containing the ballots had been safely kept, after delivery to that officer by the representatives of the election board conveying the ballots from the precinct polling place to the county clerk's office. But it appeared from their testimony that the package containing the ballots was thrown upon the floor of one of the rooms of the county clerk's office with other similar packages, and remained on the floor of that room, which was open to the public during the day and to a number of deputy clerks during the night, for several days after the election, when the package was placed in another cover, sealed up, and deposited in a safe.

The evidence of safe-keeping from the time of this final sealing and deposit in the safe is fairly satisfactory. But the evidence of safe-keeping from the time the ballots were cast until they were put in the safe of the county clerk is most inconclusive and very unsatisfactory. The proof of safe-keeping required by the laws of California as the condition precedent for the introduction of ballots in evidence to prove the vote cast was insufficient under the laws of California to entitle the ballots to be received in evidence, even if they were not otherwise discredited. But they were otherwise positively discredited by evidence both direct and circumstantial.

In the first place, sir, the evidence shows that there were two elections for Representative in Congress held on the same day in that district and voted upon in the precinct of Altamont. One election was for Representative in Congress for the short term, made vacant by the resignation of Hon. Joseph McKenna, and the other for Representative in Congress for the full term, commencing March 4, 1893. Mr. English and Mr. Hilborn were respectively the Democratic and Republican candidates for both terms. Under the Australian ballot law of California, the elections were not only held on the same day, but the candidates, both for the short term and the full term, were voted for on the same official ballot. They were, however, separate elections as truly as if they had been held on different days.

Now, it appears conclusively and confessedly that the election officers, who were the first custodians of the ballots in question, not only defrauded contestant out of 29 votes, by mistake or otherwise, for the long term, but that they also defrauded contestant out of 31 votes for the short term, giving contestee the benefit and advantage in both cases of every vote taken from the contestant. The mistake in the returns concerning one election only might be accounted for upon the theory that the election officers, or some of them, had honestly blundered, but it is absolutely impossible to conceive that the mistake against contestant and in favor of contestee in both elections could have been honest, or could have been otherwise than willfully fraudulent.

It is impossible to explain both of those wrongs against the contestant upon any theory consistent with the honesty of all members of the election board. Yet the ballots, if received as evidence, must depend for their value upon the testimony of the very men who confessedly defrauded contestant out of 29 votes in one election and 31 votes in the other election upon the same day.

Another circumstance is that Altamont is a small precinct, in which but 70 ballots were cast altogether, and easily accessible to the county seat of Alameda county by rail. The ballots could have been easily counted within a short time after midnight of election day, but the returns were among the last to be delivered at the county clerk's office.

Mr. HILBORN. Where does the gentleman find evidence of that? They were not the last returns that came in. The returns from Altamont were in the open court-house at 5 o'clock.

Mr. MAGUIRE. Well, I do not mean to say that the evidence shows that they were the last to come in; but it does show that, considering the small number of ballots to be counted, they were very tardy in coming in, and several hours before they did come in it was well known that the vote for the full term at least was very close in the district. The returns should have been in the county clerk's office by 9 o'clock on the morning after the election at latest, and they were not delivered there until 5 o'clock in the afternoon. In the meantime there was ample opportunity for men who had confessedly certified and presented false and worthless returns in both elections to tamper with the ballots if they were so disposed and if they deemed it necessary to the accomplishment of their ends.

Mr. HILBORN. I am sure the gentleman does not want to misrepresent.

Mr. MAGUIRE. No, sir; but I have only ten minutes in which to present my views and I wish you would wait and answer what I say in your own time. I do not wish to be abrupt in refusing to answer the gentleman from California [Mr. Hilborn], but I must have more time, Mr. Speaker, or I must not be interrupted.

The SPEAKER *pro tempore*. The gentleman declines to be interrupted.

Mr. MAGUIRE. The ballots, when opened, disclosed another peculiar condition. They purported to show a vote very widely at variance not only with the returns, but with the testimony of the voters as to how they had voted. The testimony of 37 voters was positive and direct that they had voted for the contestant, while the ballots produced showed only 29 votes for the contestant, and the returns made by the election officers, upon whose testimony the value of the ballots as evidence must rest, showed that contestant had received only 15 votes.

Again, it appears from the evidence that there were several illiterate voters in the precinct who were obliged to rely in the marking of their ballots upon members of the very board of election who had made such glaring and inexplicable mistakes against the contestant and in favor of the contestee in counting the votes for them respectively in the matter of both elections. The presumption may well be indulged from all the evidence on this subject, that some of the election officers in marking the ballots of these illiterate voters falsified them. I do not claim that the testimony of the voter, standing alone, without any other circumstance to discredit the ballots, ought to be taken to overturn the showing made by the ballots, even when marked by an election officer for illiterate voters under the law.

I am not prepared to go so far as the majority of the committee has gone in the matter of discrediting the ballots as evidence of the votes cast by illiterate voters. But it is wholly unnecessary to discuss the question thus raised by the committee, because in this case the substitution of parol evidence for the ballots does not rest upon the mere oath of the voter against the ballot as found in the box, but upon overwhelming evidence of fraud committed by the election officers, upon whose official oaths the presumption ordinarily arises that they have done their duty, and that the ballots truly represent the will of the voters as expressed in writing at the election.

It is urged that five of the election officers testified that they had voted for Mr. English and against Mr. Hilborn; and gen-

tlemen on the other side seem to attach great importance to this testimony given by the election officers. Indeed, no circumstance appearing in the evidence seems to be given so much weight by the gentlemen on the other side as this testimony of the election officers that they voted for Mr. English; and they speak of our allegations of fraud as an attempt to prove that Democratic election officers had defrauded a Democratic candidate for Congress. Some of these election officers were appointed as Democrats and some of them were appointed as representatives of other parties; but the so-called Democrats were selected by a Republican board of supervisors to represent the Democratic party in that precinct.

But the gentleman from Maine [Mr. REED] says we are playing hot and cold in this matter; that we are asking the members of this House to discredit the ballots, because of willful fraud committed by the election officers against the contestant and in favor of the contestee, while in the same breath we are asking the House to accept the testimony of these same election officers that they voted for Mr. English and that we counted the votes of those election officers for Mr. English upon their testimony. The criticism is unjust. We are not bound to reject the testimony of these men in so far as it bears in our favor, simply because we charge some of them with having committed a great fraud, involving a violation of their oath of office, against contestant in another matter.

I do admit, however, that the gentlemen on the other side have a right to ask that the testimony of these witnesses to the effect that they voted for English be discredited or even rejected, upon the ground that the testimony concerning their conduct in the count and in the keeping of the ballots absolutely discredits them. Yet, if their votes for Mr. English, as shown by their testimony, be thrown out entirely, Mr. English would still appear to be elected by a plurality of 21 votes.

Mr. HULICK. What motive had those election officers to commit a fraud?

Mr. MAGUIRE. What motive prompts any election officer to commit a fraud? I do not know, nor is it necessary that we should know.

Mr. BROWN. To get their party in.

Mr. MAGUIRE. I do not charge that Mr. Hilborn was a party to this fraud. I have known him for twenty years as an honorable and upright man, incapable of engaging in any such fraud. But he had interests behind him in that election in which I have not the same faith that I have in Mr. Hilborn personally. Behind Mr. Hilborn was the Republican party, and behind the Republican party there was the most powerful and corrupt combination of specially privileged interests that ever sought to pervert or subvert the popular will anywhere in the world. Those interests had built up for themselves, through the Republican party, a protective system of special privileges, for the enrichment of classes by the robbery of the masses, and they relied upon the Republican representatives in Congress to sustain their special privileges by sustaining that system.

Those interests have in every national election spent millions of dollars in support of the Republican party by means and methods which Mr. English asserts were resorted to in order to deprive him of the right accorded him by the votes of his fellow-citizens of the Third district of California. Those beneficiaries of the Republican protective system were a thousand times more interested in the election of Mr. Hilborn than Mr. Hilborn was himself, and the fact as stated by Mr. Hilborn (and I accept his statement), that he was practically unacquainted with the precinct and did no canvassing there, cuts but little figure.

Mr. HULICK. Then you charge that those election officers were bribed to commit fraud?

Mr. MAGUIRE. I do not charge anything. I state the facts as they appear from the evidence now before the House. If to your mind those facts show that the officers in question were bribed, draw your own conclusions. You have drawn that conclusion from the facts which I have stated without any statement from me of the conclusions which I have drawn.

One of the judges of election at Altamont, Mr. John Campbell, seems to have been inclined to reach the same conclusion. On page 11 of the testimony I find the following questions and answers. In the course of his examination contestee's attorney asked:

Q. Do you think that any of them would stuff a ballot box or make a false return of an election?
A. There is a shadow of a doubt in my mind as to that question, and I can not answer it.
Q. What is that shadow of a doubt?
A. That is as far as I want to answer the question.

Mr. HULICK. That is the conclusion you wish us to come to, that they were bribed.

Mr. MAGUIRE. It is not necessary for me to state what I desire you to conclude. I have stated the facts; you have suggested the conclusion. That is your affair.

Mr. LACEY. Were there two sets of tickets?

Mr. MAGUIRE. No; one set. The names of the candidates for the long and the short terms were separately printed on a single ballot, but the counting was as separate as it would have been if there had been two sets of ballots.

There is a sample ballot of reduced size attached to the testimony here, the part relating to both Congressional elections being in the following form:

Representative in Congress.		Vote for one.
46	Warren B. English.....Democrat	
47	Samuel G. Hilborn.....Republican	
48	J. L. Lyon.....People's party	
49	L. B. Scranton.....Prohibition	
50		

Representative in Congress (to fill unexpired term).		Vote for one.
51	Warren B. English.....Democrat	
52	Samuel G. Hilborn.....Republican	
53	J. L. Lyon.....People's party	
54		

Mr. MARSHALL. How many votes did Cleveland get in that precinct?

Mr. MAGUIRE. Thirty-six.

Mr. MARSHALL. How many did Harrison?

Mr. MAGUIRE. Twenty-two.

This reminds me of another circumstance—the circumstance, in fact, that first discredited the returns from the precinct and which also discredits the ballots. Neither the ballots nor the returns conform at all to the known political views of the voters of that precinct. The precinct is made up of citizens who are permanent residents, conservative farmers whose political views are not subject to the sudden changes that frequently appear in communities having a floating or comparatively transient population.

In 1888 the Democratic vote for President in that precinct, with the same population, was for Cleveland, 48; for Harrison, 19; and for Representatives in Congress: Democratic, 47; Republican, 20. This, I take it, is also a circumstance against the ballots, as it was a most striking circumstance to discredit the returns when they were publicly announced.

[Here the hammer fell.]

Mr. BROWN. I yield the gentleman five minutes more.

Mr. MAGUIRE. I thank the gentleman from Indiana [Mr. BROWN] for this courtesy, and will avail myself of this opportunity to sum up my statement.

I have practically said all that I desire to say upon the question.

Mr. STOCKDALE. Who handed out those tickets?

Mr. MAGUIRE. Two of the election clerks.

Now, Mr. Speaker, it seems to me that the unquestioned circumstances which I have detailed, and which are fully supported by the evidence, in connection with the direct testimony of the 37 voters of Altamont precinct, who upon the stand as witnesses, with the full right of the contestee to cross-examine them, testified that they voted for the contestant, Mr. English, are entirely sufficient to absolutely discredit the ballots produced as evidence of the votes cast for contestant and contestee at the election in November, 1892.

I can not imagine how in the nature of things, considering the conditions under which elections must be conducted and the absolute control which election officers must be given of the ballots until they are delivered to the county clerk, or other depositary designated by law, the ballots can ever be more completely discredited than they have been in this case. There is no dispute about these circumstances, and there is no denial that 37 voters testified that they voted for Mr. English. It is simply denied that the circumstances which I have stated, and which are conclusively proved, are sufficient, in connection with the testimony of the voters, to justify the rejection of the ballots.

But these circumstances, in connection with the legal requirement that the party seeking to introduce the ballots in evidence shall make satisfactory proof of their identity and safe-keeping, and the striking circumstance that the election officers who had the custody of these ballots made a false return of the votes cast

for Representative in Congress for the unexpired term against Mr. English and in favor of Mr. Hilborn, just as they did in the matter of the election under consideration, makes it absolutely necessary in order to determine the rights of the parties by anything like reliable evidence to reject the ballots. This circumstantial evidence, complete as it is, seems to me to be more conclusive than would be the direct testimony of any witness that he saw the election officers commit the fraud charged, because the circumstances are proved by entirely satisfactory and unquestionable evidence and concur in indicating the fraud beyond reasonable question, while a witness might wilfully lie about his observation of the fact.

Mr. LACEY. Did you not run several thousand votes behind Mr. Cleveland in your district, and was not the case similar in other districts in California?

Mr. MAGUIRE. The vote for member of Congress in my district was less on both sides than for Presidential electors. That resulted from the failure of many voters to place the marks required by law opposite the names of all candidates for whom they desired to vote. Many of them marked opposite the electors and failed to mark opposite the names of any other candidates, evidently having the idea that the mark opposite the Presidential electors of either party carried the party ticket, as in many States such a mark legally does.

But I can not see how any confusion on the part of the voter in the matter of marking his ballot could possibly account for any of the suspicious circumstances relating to the returns and ballots in Altamont precinct upon which I have commented or upon which contestant relies. It does not in any way tend to explain what I conceive to be the principal fact, namely, that the election officers made false returns against Mr. English and in favor of Mr. Hilborn in both elections, giving Mr. Hilborn 14 votes to which Mr. English was entitled in the election for the long term, and 15 votes to which Mr. English was entitled in the election for the short term.

Mr. LACEY. It shows, if the gentleman will permit me, that the voters did not mark their ballots as they thought they did.

Mr. MAGUIRE. That is probably true of the illiterate voters and it may be true of others, but it does not in any way change the fact that the ballots, as produced, show that in both elections Mr. English was deprived of votes that should have been counted for him even according to the ballots, and that Mr. Hilborn was credited with votes in both cases which should not have been counted for him, and that the number of votes so miscounted in each case constituted a very large proportion of the entire vote cast in the precinct.

Mr. HUTCHESON. Will the gentleman allow me to ask him a question?

Mr. MAGUIRE. Certainly.

Mr. HUTCHESON. If there was a change in the returns, why did not they change the ballots so as to correspond with the returns and make the whole thing conform?

Mr. MAGUIRE. I do not know, nor would it shed any light upon this discussion to state my theory of that matter. If the election officers, or some of them, sought to accomplish a purpose by fraudulently tampering with the ballots, as well as by falsifying the returns, it is probable that difficulties may have arisen in the matter of manipulating the ballots, and that such work must, almost of necessity, have been done in a hurry. Enough of changes to accomplish the desired result would probably satisfy their desires. Fraud generally leaves a track by which it can be traced. Rarely does fraud cover all of its tracks. But this is all conjecture.

It is not necessary that we should develop theoretically a complete scheme of fraud by which the result was or might have been accomplished. It is enough that we show fraudulent acts which discredited the evidence ordinarily relied upon to justify the receipt of the ballots as evidence, and that we show other circumstances indicating a probable willingness on the part of the persons connected with the keeping of the ballots to commit fraud, and some sort of opportunity for its commission. This has been done in the case of Altamont precinct very conclusively. These things have been shown affirmatively by Mr. English, although the law requires from him only a negative showing in order to defeat the right of the contestee to use the ballots as evidence.

Mr. COX. I would like to ask the gentleman a question. I understand the ballots called in question were marked ballots?

Mr. MAGUIRE. Yes, sir; marked with the initials of certain of the election officers. These initials as shown by the majority of the committee on elections in its report, were superfluous and were neither authorized nor required by law.

Mr. COX. Why were they marked if there was no law requiring it? What was the object in marking them?

Mr. MAGUIRE. I do not know upon what theory the election officers marked the ballots.

Mr. COX. Who did mark them?

Mr. MAGUIRE. That I do not know, but they purported to be marked by two of the five men whose testimony has been referred to in this discussion.

Mr. COX. I can not see their object, I must confess.

Mr. LOUD. It should be stated that the law always required the ballots to be so marked prior to this election.

Mr. REED. That is to say, the previous law required it?

Mr. LOUD. Yes, sir.

Mr. MAGUIRE. I think that is correct. My impression is that the law prior to the adoption of the Australian ballot system required the ballots to be marked. That has been for many years the rule established by the laws governing elections in San Francisco, and I think it was general prior to 1892. I have had no occasion to examine that question particularly.

Mr. REED. Will the gentleman from California allow me to ask him a question?

Mr. MAGUIRE. Certainly.

Mr. REED. If the ballots were tampered with, how can the gentleman account for the fact that they were not made to correspond with the returns? Why should there, in other words, be two tamperings to produce this result?

Mr. BROWN. But the "Democrats can't read" you know.

Mr. REED. The gentleman suggests that the Democrats can not read.

Mr. MAGUIRE. The gentleman from Maine asks me to explain why the ballots were not made to correspond with the returns, if they were in fact tampered with after the election. In effect he asks me why it was that men preparing a fraud did not proceed to do it in a particular way. I am not able to give the gentleman any information on that point. It may be that their opportunities for making their fraudulent acts correspond with each other were limited, or it may be that they did not have time to complete the job.

Mr. REED. Do you not think, in view of that fact and the other evidence in the case, that there was no fraud? Is it not an indication that there was no fraud, that this act was done in such a way as that?

Mr. MAGUIRE. I do not think that the failure to make the ballots correspond with the returns is any evidence that there was no fraud committed.

Mr. REED. And the gentleman insists that there was fraud?

Mr. MAGUIRE. Nothing could convince me that the men who made false returns against Mr. English and in favor of Mr. Hilborn in the two elections, could have made those false returns through any honest mistake. The falsity of the returns in the matter of both elections is the controlling circumstance, to my mind, indicating fraud, and satisfying me that a willful wrong was committed by at least some of the election officers of that precinct against Mr. English and in favor of Mr. Hilborn. It is that circumstance more than all the rest of the evidence that convinces me that the ballots, the integrity of which depends so entirely upon the testimony of those election officers, ought not to be received as evidence superior to the testimony of the voters. It is quite unnecessary now to discuss the uniform rule of this House so mercilessly followed in the contested-election cases of the Fifty-first Congress, namely, that whenever the election returns and the ballots are discredited, this House will resort to the testimony of the voters for the purpose of determining the election of a Representative.

The majority report of the Committee on Elections cites a number of these cases, notably Featherston *vs.* Cate, affirming the case of Bisbee *vs.* Finley; also the case of McGinnis *vs.* Alderson and Clayton *vs.* Breckinridge.

In the case of McGinnis *vs.* Alderson (Contested Election Cases of the Fifty-first Congress, page 635) the report of the Republican majority of the Committee on Elections, relating to the rejection of ballots and a resort to parol evidence, says:

> The recount in Kanawha County showed a change of 9 votes in Alum Creek precinct and 25 votes in Charleston precinct.
>
> In the West Virginia election cases in the present Congress and in the famous case in the gubernatorial contest between Fleming and Goff we have had striking illustrations of the dangers of a recount of the ballots where a change of a few tickets may affect the result. The law of West Virginia, whilst it provides for such recount, attempts to throw around the recount such elements of safety as will prevent a fraudulent change of the ballots. Such recount is always viewed with suspicion, and is full of danger.

This report was submitted to the Fifty-first Congress by the distinguished gentleman from Iowa [Mr. LACEY].

In the case of Bisbee *vs.* Finley, Sixth Congressional Election Cases, page 62, it was held—

> Where the evidence shows a return to be false, and not a true statement of the votes cast, such return is impeached and destroyed as evidence, and the true vote may be proven by calling the electors whose names are on the poll books as voting at such poll and no votes not otherwise proven should be counted.

In McCrary on Elections, section 539, the rule is stated as follows:

If an officer of the election is detected in a willful and deliberate fraud upon the ballot box, the better opinion is that this will destroy the integrity of his official acts even though the fraud discovered is not of itself sufficient to affect the result.

In Paine on Elections, section 596, it is said:

When the proceedings are so tarnished by fraudulent, negligent, or improper conduct on the part of the officers that the result of the election is rendered unreliable, the entire returns will be rejected and the parties left to make such proof as they may of the votes legally cast for them.

In McDuffie *vs.* Turpin (Fifty-first Congress, 299) it was held—

If these officers would falsify the returns, it follows that no reliance could be placed in the contents of the ballot boxes left in their hands after the election.

The case of McDuffie *vs.* Turpin, which certainly ought to be recognized as the highest possible authority by the gentlemen on the Republican side of this House, seems to be pretty conclusive of the present case. We submit that a vindication of the purity of the ballot and of the sacredness of the elective franchise requires that the ballots, as well as the returns, from Altamont precinct should be rejected, and that the testimony of the legally qualified voters of that precinct who voted at the election in question should be received and accepted as the best evidence, under the circumstances, of the votes cast by them at that election. Upon that evidence the contestant, Mr. English, has a plurality of 26 votes and is entitled to the seat now occupied by the contestee.

Mr. WAUGH. I yield five minutes now to the gentleman from California [Mr. BOWERS].

Mr. BOWERS of California. Mr. Speaker, I desire first to allude to a remark which my colleague from California [Mr. MAGUIRE] made, that there were two elections held. There was but one election that day, and there was but one ballot for all the offices. That ballot read, "For Congress, long term, Samuel G. Hilborn." Immediately under it, "For Congress, short term, Samuel G. Hilborn." And Mr. English's name was the same. There was but one election and one ballot.

Mr. NORTHWAY. And one piece of paper went into the ballot box for the whole. It was all on one ballot?

Mr. BOWERS of California. Yes.

Now, Mr. Speaker, I think I as a Republican apprehend as well as any Democrat can the necessity which exists for the Democratic party to add to its present majority a sufficient number to enable it do business. It is a laudable desire. But, sir, I want to caution my Democratic friends that while the people of this country are quick to condone a mistake of judgment, they will resent a deliberate wrong and sin against one of their dearest rights, the elective franchise. The history of this country makes this fact plain, that sooner or later every person who subverts an honest election comes to grief; and to do a great wrong for a temporary advantage, never pays in the end.

The alternative presented in this case is, Shall the ballot, as freely cast by the voter on the day of election, or shall affidavits made weeks or months after the election, govern as evidence of the election of a Representative in Congress? This is all there is of this case.

The ballots cast at the election in question, not one of which, I want you to remember, has been impeached, elected Mr. Hilbron, the sitting member, and he was sworn in as a member of this House. If some affidavits, procured some time after the election, by the contestant, are to be held as setting aside the ballots, and to be the better evidence, then the sitting member must give way, for he has no affidavits. He was under the impression that the majority of legal ballots cast at the election was to decide.

In this case the contestant procured, in the precinct of Altamont, the affidavits of thirty-seven persons, resident therein, that they voted for the contestant; whereas the ballots themselves testified that but 29 votes were cast in that precinct for the contestant. Which of these are best entitled to credence?

Gentlemen of the other side, are you ready to adopt this precedent, this practice that affidavits shall govern and not ballots determine the elections of members of Congress?

Have you stopped and considered for a moment where this will lead, and the momentous consequences that may ensue?

Mr. STOCKDALE. How does the gentleman account for this mistake?

Mr. BOWERS of California. I have only five minutes. I have not interrupted anybody and I can not allow myself to be interrupted.

Let me suggest a possible case. It is charged that in many of the Congressional districts many voters are allowed to vote, but that their votes are not counted to any great extent. Now, my friends, it must be apparent to you that the signs all portend that the majority will soon; very soon, swing to this side. You believe it. You come very near knowing it. And in view of this fact that stares you in the face every day, are you quite ready to establish this practice of counting affidavits instead of votes? If the majority that is soon to take your place follow this practice, which it seems you have determined on, they could, by affidavits that would be true, unseat half the delegation from several States, and you could not elect a baker's dozen of members from States that now have 50 members. And if that majority see fit to adopt the practice now to be inaugurated by you, are you not estopped from complaining by your own acts? What think you of the facility with which such affidavits by the thousands can be procured in several States, affidavits that will be true.

If you gentlemen desire to establish this practice, I think this side can well afford to lose one member now by your act, which will give us a gain of fifty members in the next Congress by doing as you do now.

Will you say to the voters of the United States that their rights in respect to electing Congressmen are wholly at the mercy of and subordinate to any ignorant, malicious, or rascally judge, inspector, or clerk of election, and from such malicious rascality, or from any unintentional mistake of theirs, no appeal will be entertained by this House? This is the question to be decided by the vote on this case: Shall affidavits or legal ballots determine?

[Here the hammer fell.]

The SPEAKER *pro tempore*. There are ten minutes remaining on each side.

Mr. WAUGH. I ask unanimous consent that all gentlemen who have spoken, or who may speak on this case, have leave to extend their remarks in the RECORD.

Mr. MAGUIRE. It is understood that that request applies to both sides?

Mr. WAUGH. Yes.

The SPEAKER *pro tempore*. Unanimous consent is asked that all gentlemen who have spoken or who speak upon this subject have leave to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. WAUGH. I yield ten minutes to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Speaker, in ten minutes it is hardly possible to argue this election case, and I am therefore compelled to confine myself to just one point in the case. Before coming to that point, however, I desire to answer one or two suggestions made by my colleague from California [Mr. MAGUIRE]. He first stated that the returns from the Altamont precinct had been mysteriously withheld. Now the facts in the case are that the returns from the Altamont precinct were received at half past 4 on the next day, and that those returns were among the first country precinct returns that were received. The gentleman, swelling with assumed patriotic pride, seemed to give a reason to this House why an object existed for counting Mr. Hilborn in, and proceeded to say that there were millions behind this gentleman, behind the policy that he would enunciate if he came to Congress. The gentleman forgets that when this precinct came into controversy, there was not a man, woman, or child in the United States who did not well know that this House was overwhelmingly Democratic and that Mr. Hilborn's presence here would have no effect to change any condition that existed. So much for that.

Now then, the question was asked the gentleman about the mysterious method or manner of marking these ballots. My friend from Tennessee asked the question why these ballots were marked. I will tell the gentleman. The law in California for twenty years has required the officers to mark the ballots. It was changed in so much of California as lay outside of San Francisco by the last election law, so we can easily dispose of that question as to why the ballots were marked. But look for a moment. You proposed to unseat, and did unseat, Mr. Joy, because, under the law, the ballots were not marked, and it is here an important factor in this case, because the ballots were marked.

You have proceeded in this case to impeach the testimony, the reliability, and the truthfulness of six of the election officers of this precinct who are Democrats; five of whom in the testimony given in their affidavits swear that they voted for Mr. English. Now, you hold that in their returns, as officials, they rendered false returns, that they laid themselves liable to be sent to the penitentiary of the State of California, but when it comes to taking their affidavits, then, of course, their testimony must be believed.

Let me present to this House one feature that the members of the committee have never taken into consideration. This was the first time that we had ever voted under the Australian ballot system. It was a new system, it was a confusing system to us. The gentleman from California well knows that, and I would

not make oath to-day, sir, as to who I voted for on the ticket I cast in the last election. They had but one ticket, containing the names of 480 candidates for office, and you were obliged to go into an obscure, dark stall in a booth and select about 80 names on that ticket.

Mr. MAGUIRE. But there were not 480 candidates for office in Alameda County.

Mr. LOUD. There were not that many candidates in Alameda County, but there were 60 or 80 names on their tickets, and it was quite a lengthy ticket.

Now then, there was a falling off in the Congressional vote in the whole of the State of California, permeating every district and every precinct. There was a falling off of nearly 30,000 votes—a falling off of 10 per cent as compared with the Presidential vote. The falling off in that district was nearly 4,000—more than 10 per cent, nearly 17 per cent; and you will find that that same falling off went throughout the districts.

Mr. PENCE. That many less for Congressmen than for the President?

Mr. LOUD. Yes; that many less for Congressmen than for President. Now, what have you done under this peculiar system of affidavits that you have here adopted?

Mr. MAGUIRE. You mean depositions?

Mr. LOUD. Well, then, depositions; I do not care what you call them. You have been compelled to give Mr. English, the contestee, one more vote than Mr. Cleveland received. Now, is that a possible contingency, when you know that there has been a falling off in every precinct of more than 10 per cent on the Congressional vote?

Mr. GROUT. Highly improbable, to say the least.

Mr. LOUD. Now, you have taken one vote from the People's party candidate, whereas the result shows all through the State of California that the People's party candidate for Congress ran ahead of their candidate for President, and on the Republican and Democratic sides they fell behind by from 10 to 17 per cent. That may appear strange to you, but I can explain it. The names of the Republican and Democratic candidates for Congress came at the bottom of the column in which were contained the names of the Presidential electors. There was a group of four tickets, and at the bottom there was just room for the names of the Republican and Democratic candidates for Congress. Turning to the top of the next column, you came to the Populist, or People's party candidate for Congress. It was very naturally assumed by parties who cast these ballots, as this was the first election held under this system, that when they put their cross opposite their group of electors they had completed that column.

I believe that is the reason why the vote fell off so far below the vote for President. Now, I do not believe, and there are reasons why no reasonable person can be made to believe that the Democratic candidate for Congressman in that precinct received over 30 votes. This whole case hinges upon this one point. Five Democratic officers of election, whose whole conduct had been discredited up to this moment, until the moment when they were brought forward to give their depositions or affidavits as to how they voted, and then we are called upon to place reliance and confidence in their testimony there, and to discredit every action on their part that had taken place before that.

Mr. HULICK. Has the reputation of any of these officers ever been questioned in the community in which they live?

Mr. LOUD. No gentleman from California upon this floor will dare to do that. These are gentlemen above reproach, honest farmers. That is not the kind of place where you find crooked politics. My colleague from San Francisco knows that very well.

Mr. MAGUIRE. Do you refer to the voters?

Mr. LOUD. I refer to the voters of that precinct, who are honest farmers of the State of California.

Mr. MAGUIRE. Yes; that is true.

Mr. KYLE. How long is a voter allowed to remain in the booth?

Mr. LOUD. Ten minutes. This new system of voting was most confusing to the voters. I never was more confused in my life.

Mr. MAGUIRE. How does my colleague account for the difference against English and in favor of Hilborn in both the election contests?

Mr. LOUD. I do not know that I understand the point the gentleman desires to make. Will he please repeat the question?

Mr. MAGUIRE. English was credited with 14 votes less than he was entitled to, and——

Mr. LOUD. Oh, I do not believe that the returns were correct at all.

Mr. MAGUIRE. But how do you account for the discrepancy in both the elections?

Mr. LOUD. They were on the same ticket. They succeeded one another.

The SPEAKER *pro tempore*. The time of the gentleman has expired. There are ten minutes remaining on the other side.

Mr. BROWN. Mr. Speaker, if I can get the attention of the House I will try and call the minds of gentlemen back to the point in question. The returns of Altamont precinct gave a plurality of 22 votes for the contestee. The recount gave a plurality of 14 for the contestant. The recount of the ballots elected the contestee by 4 votes. He concedes that the returns are unreliable and can not be trusted for any purpose, but he maintains, or seeks to maintain, that the ballots are the best evidence and that they must control and overthrow all other evidence in the case. Now, I concede that if there were no question before the House but that the ballots recounted were the ballots cast and were in precisely the same condition when they were recounted that they were in when voted, his point would be well taken. But the burden of proof is on him to show this fact.

The burden of proof is on him and he has utterly failed to show the fact, because the exhibit made as to how these ballots were kept clearly shows that they were liable to be tampered with.

Mr. MILLIKEN. Are not the ballots themselves prima facie evidence, and is not the burden of proof upon the other side?

Mr. BROWN. Not at all; unless it is first shown that they have been safely and securely kept. The case put by my friend from Maine does not exist "way down in Maine."

Mr. MILLIKEN. Well, the gentleman will find it so if he comes down to Maine, and he will get some good instruction on the subject of voting, too. [Laughter.]

Mr. BROWN. Now, I will ask my friend to allow me to go on, for we want to get away from here as soon as we can. But, Mr. Speaker, aside from that question, if these ballots are to be relied upon by the contestee, the *onus probandi* is upon him to show that the ballots recounted were the identical ones that were cast. The integrity of these ballots is called in question. Nobody disputes that. This record shows that there were from 12 to 14 illiterates who voted at that precinct; why has not the contestee produced his Republican clerk, Mr. Udy, and proved by him that those illiterates were not defrauded and their votes stolen by the whelps who made out the ballots for them? If you will take the votes of those illiterates and count them for the Democratic ticket it just about makes out the case according to contestant's contention.

Mr. WAUGH. Will the gentleman allow me a suggestion at this point, so that the whole facts may be before the House?

Mr. BROWN. I can not yield.

Mr. WAUGH. Well, I will ask the gentleman who prepared the ballots for the illiterate voters? I say every one of them was prepared by a Democrat, by a man who voted for English.

Mr. BROWN. If I were to set out to perpetrate a fraud and forgery on the ballot box by which I am to be benefited I would hire Republicans to do it, and not Democrats; because the Republicans would have the power to aid me, while the Democrats would not. So it was out there. If these Democrats—for whom I have no respect if they were guilty of this thing, if they committed this wrong—had the power to aid the contestee it shows the shrewdness of the Republican managers in perpetrating this election fraud by employing these men instead of their own political kith and kin.

I call attention to the fact that while this contest was going on, the testimony of thirty-seven voters of Altamont precinct was taken. Every one of them was subject to cross-examination by a most adroit and skillful lawyer. If they were not honest men, if they did not speak the truth, if their testimony is not to be relied on, why has not the contestee, whose residence is in the same county with these voters, cast suspicion on them? May I not say that they were unimpeached and unimpeachable?

One thing more and I am done. There seems to be confusion in the minds of some members as to what the result of this election would be if we exclude the election board, whose members testify that they voted for the contestant.

As I said before, if, in considering the testimony of the voters of Altamont precinct, you assume that the 23 voters in that precinct who were not sworn voted for the contestee, then contestant's plurality is but 3; and if you then exclude the members of the election board of course his plurality would be overcome. But no gentleman has disputed or will dispute that when you depart from the returns and also from the ballots, and the parties are obliged to prove their votes aside from the returns and aside from the ballots, each man is credited with the votes he proves. Mr. Hilborn proved none; therefore, the contestant's plurality is 26. But you may take these Democrats of this election board and hug them to your bosoms dear and throw their votes out of the count, and the contestant is elected by 19 plurality.

[Here the hammer fell.]

The SPEAKER. The time allowed for debate has expired. The previous question is now ordered. The Clerk will report

the resolutions submitted as a substitute by the minority of the committee.

The Clerk read as follows:

Resolved, That Samuel G. Hilborn was legally elected to a seat in the Fifty-third Congress from the Third Congressional district of California, and entitled to retain his seat in this House.

Resolved, That Warren B. English was not legally elected to a seat in the Fifty-third Congress from the Third Congressional district of California, and is not entitled to a seat in this House.

The SPEAKER. The question is upon adopting, as a substitute for the resolutions of the majority of the Committee on Elections the resolutions just read.

Mr. BURROWS. I call for a division, so that the two resolutions embraced in this substitute may be voted on separately.

The SPEAKER. A division being called for, the question is now upon the first of the resolutions just read.

The question having been put——

The SPEAKER. The noes seem to have it.

Mr. WAUGH. Division.

Mr. BROWN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 155, not voting 112; as follows:

YEAS—85.

Abbott,	Davis,	Johnson, N. Dak.	Ray,
Aitken,	Dingley,	Kiefer,	Reed,
Apsley,	Doolittle,	Lacey,	Reyburn,
Avery,	Draper,	Latimer,	Ryan,
Baker, N. H.	Ellis, Oregon	Loud,	Shell.
Bartlett,	Fletcher,	Loudenslager,	Smith,
Bell, Colo.	Funk.	Marsh,	Stephenson,
Blair	Gardner.	Marvin, N. Y.	Stone, C. W.
Boen,	Grosvenor,	McKeighan,	Stone, W. A.
Boutelle,	Grow,	McLaurin,	Storer,
Bowers, Cal.	Hager,	Meiklejohn,	Strait.
Breckinridge, Ark.	Hainer,	Mercer,	Sweet,
Broderick,	Hall, Minn.	Milliken,	Tawney,
Burrows,	Harris,	Moon,	Walker,
Cannon, Ill.	Hartman,	Northway,	Wanger,
Chickering,	Henderson, Ill.	Payne,	Waugh,
Childs,	Hepburn,	Pence,	Wever,
Coombs,	Hermann,	Perkins,	Wheeler, Ill.
Cousins,	Hicks,	Phillips,	Wilson, Wash.
Crawford,	Hitt,	Pickler,	
Curtis, Kans.	Hopkins, Ill.	Post,	
Daniels,	Johnson, Ind.	Quigg,	

NAYS—155.

Alderson,	Covert,	Jones,	Pigott,
Alexander,	Cox,	Kilgore,	Price,
Allen,	Culberson,	Kribbs,	Reilly,
Bailey,	Cummings,	Kyle,	Richards, Ohio
Bankhead,	Davey,	Lane,	Richardson, Mich.
Barwig,	De Armond,	Lawson,	Richardson, Tenn.
Bell, Tex.	Denson,	Layton,	Ritchie,
Berry,	Dinsmore,	Lester,	Robbins,
Black, Ga.	Dockery,	Livingston,	Rusk,
Bland,	Donovan,	Lockwood,	Russell, Ga.
Boatner,	Dunphy,	Lynch,	Sayers,
Bower, N. C.	Durborow,	Maguire,	Schermerhorn,
Branch,	Edmunds,	Mallory,	Springer,
Bretz,	English,	Martin, Ind.	Stallings,
Brickner,	Enloe,	McCreary, Ky.	Stockdale,
Brookshire,	Epes,	McCulloch,	Stone, Ky.
Brown,	Erdman,	McDannold,	Straus,
Bryan,	Everett,	McDearmon,	Swanson,
Bynum,	Fielder,	McEttrick,	Talbert, S. C.
Cabaniss,	Geary,	McGann,	Tarsney,
Cadmus,	Geissenhainer,	McKaig,	Tate,
Caminetti,	Goldzier,	McRae,	Taylor, Ind.
Campbell,	Gorman,	Meredith,	Terry,
Cannon, Cal.	Grady,	Meyer,	Tracey,
Capehart,	Gresham,	Money,	Tucker,
Caruth,	Haines,	Montgomery,	Turner, Ga.
Catchings,	Hall, Mo.	Morgan,	Turner, Va.
Causey,	Hare,	Moses,	Tyler,
Clancy,	Harter,	Mutchler,	Warner,
Clark, Mo.	Hatch,	Neill,	Weadock,
Clarke, Ala.	Hayes,	Oates,	Wells,
Cobb, Mo.	Henderson, N. C.	O'Neil, Mass.	Wheeler, Ala.
Cockran,	Hendrix,	O'Neil, Mo.	Whiting,
Cockrell,	Hines,	Outhwaite,	Williams, Ill.
Coffeen,	Holman,	Paschal,	Williams, Miss.
Cooper, Fla.	Hooker, Miss.	Patterson,	Wise,
Cooper, Ind.	Hunter,	Paynter,	Wolverton,
Cooper, Tex.	Hutcheson,	Pendleton, Tex.	Woodard.
Cornish,	Ikirt,	Pendleton, W. Va.	

NOT VOTING—112.

Adams, Ky.	Burnes,	Gear,	Hulick,
Adams, Pa.	Caldwell,	Gillet, N. Y.	Hull,
Aldrich,	Cobb, Ala.	Gillett, Mass.	Johnson, Ohio
Arnold,	Cogswell,	Goodnight,	Kem,
Babcock,	Compton,	Graham,	Lapham,
Baker, Kans.	Conn,	Griffin,	Lefever,
Baldwin,	Cooper, Wis.	Grout,	Linton,
Barnes,	Crain,	Hammond,	Lisle,
Bartholdt,	Curtis, N. Y.	Harmer,	Lucas,
Belden,	Dalzell,	Haugen,	Maddox,
Beltzhoover,	De Forest,	Heard,	Magner,
Bingham,	Dolliver,	Heiner,	Mahon,
Black, Ill.	Dunn,	Henderson, Iowa	Marshall,
Brattan,	Ellis, Ky.	Hilborn,	McAleer,
Breckinridge, Ky.	Fithian,	Hooker, N. Y.	McCall,
Brosius,	Forman,	Hopkins, Pa.	McCleary, Minn.
Bundy,	Funston,	Houk,	McDowell,
Bunn,	Fyan,	Hudson,	McMillin,
McNagny,	Robinson, Pa.	Snodgrass	Van Voorhis, N. Y.
Morse,	Russell, Conn.	Somers,	Van Voorhis, Ohio
Murray,	Scranton,	Sperry,	Wadsworth,
Newlands,	Settle,	Stevens,	Washington,
Page,	Shaw,	Strong,	White,
Pearson,	Sherman,	Talbott, Md.	Wilson, Ohio
Powers,	Sibley,	Taylor, Tenn.	Wilson, W. Va.
Randall,	Sickles,	Thomas,	Woomer,
Rayner,	Simpson.	Turpin,	Wright, Mass.
Robertson, La.	Sipe,	Updegraff,	Wright, Pa.

So the resolution was rejected.

Before the result of the vote was announced—

Mr. GROUT. I am paired with the gentleman from Georgia [Mr. MADDOX]. I find on inquiry that he has not returned. I therefore withdraw my vote.

The following additional pairs were announced:

Mr. DE FOREST with Mr. RUSSELL of Connecticut, until further notice.

Mr. BALDWIN with Mr. CURTIS of New York, for the rest of the day.

The result of the vote was announced as above stated.

The SPEAKER. The Clerk will report the next branch of the substitute on which the vote will be taken.

The Clerk read as follows:

(2) *Resolved*, That Warren B. English was not legally elected to a seat in the Fifty-third Congress from the Third Congressional district of California, and is not entitled to a seat in this House.

The question was taken. The House proceeded to divide.

Mr. BROWN. I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 11, nays 159, not voting 182; as follows:

YEAS—11.

Abbott,	Breckinridge, Ark.	Hall, Minn.	Ryan,
Bartlett,	Cobb, Mo.	Hutcheson,	Strait.
Bell, Colo.	Crawford,	McKeighan,	

NAYS—159.

Alderson,	Cox,	Kyle,	Price,
Alexander,	Culberson,	Lane,	Reilly,
Allen,	Cummings,	Latimer,	Richards, Ohio
Bailey,	Davey,	Lawson,	Richardson, Mich.
Bankhead,	De Armond,	Layton,	Richardson, Tenn.
Barwig,	De Forest,	Lester,	Ritchie,
Bell, Tex.	Denson,	Livingston,	Robbins,
Berry,	Dinsmore,	Lockwood,	Rusk,
Black, Ga.	Dockery,	Lynch,	Russell, Ga.
Bland,	Donovan,	Maguire,	Sayers,
Boatner,	Dunphy,	Mallory,	Schermerhorn,
Bower, N. C.	Durborow,	Marshall,	Sickles,
Branch,	Edmunds,	Martin, Ind.	Springer,
Bretz,	English,	McCreary, Ky.	Stallings,
Brickner,	Enloe,	McCulloch,	Stockdale,
Brookshire,	Epes,	McDannold,	Stone, Ky.
Brown,	Erdman,	McDearmon,	Straus,
Bryan,	Everett,	McEttrick,	Swanson,
Bynum,	Geary,	McGann,	Talbert, S. C.
Cabaniss,	Geissenhainer,	McKaig,	Tarsney,
Cadmus,	Goldzier,	McMillin,	Tate,
Caminetti,	Gorman,	McRae,	Taylor, Ind.
Campbell,	Grady,	Meredith,	Terry,
Cannon, Cal.	Gresham,	Meyer,	Tracey,
Capehart,	Haines,	Money,	Tucker,
Caruth,	Hall, Mo.	Montgomery,	Turner, Ga.
Catchings,	Hare,	Morgan,	Turner, Va.
Causey,	Harter,	Moses,	Turpin,
Clancy,	Hatch,	Mutchler,	Tyler,
Clark, Mo.	Hayes,	Neill,	Warner,
Clarke, Ala.	Henderson, N. C.	Oates,	Weadock,
Cobb, Ala.	Hendrix,	O'Neil, Mass.	Wells,
Cockran,	Hines,	O'Neil, Mo.	Wheeler, Ala.
Cockrell,	Holman,	Outhwaite,	Whiting,
Coffeen,	Hooker, Miss.	Paschal,	Williams, Ill.
Cooper, Fla.	Hunter,	Patterson,	Williams, Miss.
Cooper, Ind.	Ikirt,	Paynter,	Wise,
Cooper, Tex.	Jones,	Pendleton, Tex.	Wolverton,
Cornish,	Kilgore,	Pendleton, W. Va.	Woodard.
Covert.	Kribbs,	Pigott,	

NOT VOTING—182.

Adams, Ky.	Bunn,	Fielder,	Henderson, Ill.
Adams, Pa.	Burnes,	Fithian,	Henderson, Iowa
Aitken,	Burrows,	Fletcher,	Hepburn,
Aldrich,	Caldwell,	Forman,	Hermann,
Apsley,	Cannon, Ill.	Funk,	Hicks,
Arnold,	Chickering,	Funston,	Hilborn,
Avery,	Childs,	Fyan,	Hitt,
Babcock,	Cogswell,	Gardner,	Hooker, N. Y.
Baker, Kans.	Compton,	Gear,	Hopkins, Ill.
Baker, N. H.	Conn,	Gillet, N. Y.	Hopkins, Pa.
Baldwin,	Coombs,	Gillett, Mass.	Houk,
Barnes,	Cooper, Wis.	Goodnight,	Hudson,
Bartholdt,	Cousins,	Graham,	Hulick,
Belden,	Crain,	Griffin,	Hull,
Beltzhoover,	Curtis, Kans.	Grosvenor,	Johnson, Ind.
Bingham,	Curtis, N. Y.	Grout,	Johnson, N. Dak.
Black, Ill.	Dalzell,	Grow,	Johnson, Ohio
Blair,	Daniels,	Hager,	Kem,
Boen,	Davis,	Hainer,	Kiefer,
Boutelle,	Dingley,	Hammond,	Lacey,
Bowers, Cal.	Dolliver,	Harmer,	Lapham,
Brattan,	Doolittle,	Harris,	Lefever,
Breckinridge, Ky.	Draper,	Hartman,	Linton,
Broderick,	Dunn,	Haugen,	Lisle,
Brosius,	Ellis, Ky.	Heard,	Loud,
Bundy,	Ellis, Oregon	Heiner,	Loudenslager,

Lucas,	Page,	Shaw,	Thomas,
Maddox,	Payne,	Shell,	Updegraff,
Magner,	Pearson,	Sherman,	Van Voorhis, N.Y.
Mahon,	Pence,	Sibley,	Van Voorhis, Ohio
Marsh,	Perkins,	Simpson,	Wadsworth,
Marvin, N. Y.	Phillips,	Sipe,	Walker,
McAleer,	Pickler,	Smith,	Wanger,
McCall,	Post,	Snodgrass,	Washington,
McCleary, Minn.	Powers,	Somers,	Waugh,
McDowell,	Quigg,	Sperry,	Wever,
McLaurin,	Randall,	Stephenson,	Wheeler, Ill.
McNagny,	Ray,	Stevens,	White,
Meiklejohn,	Rayner,	Stone, C. W.	Wilson, Ohio
Mercer,	Reed,	Stone, W. A.	Wilson, Wash.
Milliken,	Reyburn,	Storer,	Wilson, W. Va.
Moon,	Robertson, La.	Strong,	Woomer,
Morse,	Robinson, Pa.	Sweet,	Wright, Mass.
Murray,	Russell, Conn.	Talbott, Md.	Wright, Pa.
Newlands,	Scranton,	Tawney,	
Northway,	Settle,	Taylor, Tenn.	

No quorum voting.

The result of the vote was then announced as above recorded.

Mr. BROWN. I think it is evident that there will be no quorum to-night, and I move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (S. 6188) granting a pension to Eleanor Shea, dependent mother of William J. V. Shea, late a private in Company H, Nineteenth Regiment United States Infantry, and the same was referred to the Committee on Pensions.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MORGAN, from the Committee on Military Affairs, the bill (H. R. 3032) to remove the charge of desertion from the record of John A. Jack. (Report No. 645.)

By Mr. BOWERS of California, from the same committee, the bill (H. R. 1461) to remove the charge of desertion from the record of Andrew L. Grugett, as a former member of Company E, Sixth Tennessee Cavalry, in war of the rebellion, and to grant him an honorable discharge therefrom. (Report No. 646.)

By Mr. BRETZ, from the same committee, the bill (H. R. 1110) to correct the military record of Calvin Daniel. (Report No. 647.)

By Mr. STONE of Kentucky, from the Committee on War Claims, the bill (S. 1412) for the relief of Fanny B. Randolph and Dora L. Stark. (Report No. 648.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. WOLVERTON: A bill (H. R. 6541) to provide for the appointment of United States commissioners, and to define their jurisdiction, powers, and duties—to the Committee on the Judiciary.

By Mr. WOODARD: A bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina and fixing time for holding courts in said eastern district—to the Committee on the Judiciary.

By Mr. FLYNN: A bill (H. R. 6543) to remove restrictions upon the taxation and alienation of the lands of certain Indians in Oklahoma Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. HAUGEN: A bill (H. R. 6552) to amend section 550 of the Revised Statutes relating to the judicial districts of the State of Wisconsin—to the Committee on the Judiciary.

By Mr. SHERMAN: A joint resolution (H. Res. 165) for the proper enrollment of Thomas R. Proctor in the Navy—to the Committee on Naval Affairs.

By Mr. BAILEY: A resolution to print 3,000 copies of the complete compilation of all the annual, special, and veto messages—to the Committee on Printing.

By Mr. BOATNER: A resolution calling on the Attorney-General for information relative to receiverships of Union Pacific Railroad—to the Committee on the Pacific Railroads.

By Mr. GROSVENOR: A resolution authorizing the Committee on Interstate and Foreign Commerce to make investigations of certain interruptions to interstate and foreign commerce—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BLAND: A bill (H. R. 6544) for the relief of M. C. Vinton, administrator of the estate of Samuel S. Vinton, deceased—to the Committee on War Claims.

By Mr. GILLETT of Massachusetts: A bill (H. R. 6545) for the relief of Johanna Fitzgerald—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 6546) for the relief of F. W. Lewis—to the Committee on War Claims.

Also, a bill (H. R. 6547) for the relief of the administrator of J. L. Combs—to the Committee on Claims

Also, a bill (H. R. 6548) to place Maj. Robert P. Barry on the retired list of the Army—to the Committee on Military Affairs.

By Mr. McKAIG: A bill (H. R. 6549) for the relief of I. Calvin Fox—to the Committee on War Claims.

By Mr. McDEARMON: A bill (H. R. 6550) for the relief of the legal representatives of Massalon Whitten—to the Committee on Claims.

By Mr. NORTHWAY: A bill (H. R. 6551) for the relief of the Enterprise Manufacturing Company, Akron, Ohio—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Resolution of Typographical Union, No. 49, of Denver, Colo., favoring the establishment of postal telegraph system and Government control of telegraph lines—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Grand Army Executive and Memorial Association of the State of Colorado, in favor of the ceding by the United States to the State of Colorado of the Fort Lyon reservation, to be used for the establishment of a soldiers and sailors' home thereon—to the Committee on the Public Lands.

By Mr. BRODERICK: Petition of F. G. Berger and 50 others, of Seneca, Kans., together with resolutions of Seneca Camp, No. 644, Modern Woodmen of America, in favor of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. COMPTON: Petition of R. H. Wilbur and others, in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: Petition of the New York Tobacco Exchange in favor of amending section 26 of the tariff law of 1890—to the Committee on Ways and Means.

By Mr. EVERETT: Petition of Red Rock Council, O. U. F., of Lynn, Mass., in favor of admitting fraternal journals to the same privileges as other second class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAINER of Nebraska: Memorial of Clay Center (Nebr.) Camp, No. 1760, of Modern Woodmen of America, praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of citizens of Center Junction, Iowa, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Papers to accompany bill for the relief of William B. Barnes—to the Committee on Military Affairs.

By Mr. McCALL: Petition of B. H. Welsh and 21 other citizens of Somerville, Mass., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McKAIG: Petition to accompany bill for the relief of J. Calvin Fox—to the Committee on War Claims.

By Mr. MEREDITH: Papers to accompany claim of Sarah A. Skinner—to the Committee on War Claims.

By Mr. RYAN: Petition of 70 citizens of Williamsburg, N. Y., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS of New York: Resolutions of Monroe Union, No. 738, E. A. H.; of Toronto Union, No. 859, E. O. U.; of the Grand Lodge Ancient Order United Workmen; of American Lodge, No. 205, Ancient Order United Workmen, and petitions of 24 members of Friends' Council, No. 6, Royal Templars of Temperance; of Webster Tent, No. 193, Knights of the Maccabees, and 39 other residents of the Thirty-first Congressional district of the State of New York, praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of 51 residents of South Greece, praying for the passage of an act for the regulation of the traffic in oleomargarine—to the Committee on Agriculture.

Also, petition of 115 members of Webster Grange, No. 436,

signed by master and secretary, praying for the passage of an act regulating the traffic in oleomargarine—to the Committee on Agriculture.

Also, petition signed by the faculty of the University of Rochester, N. Y., requesting that the United States prohibit lottery matters being brought within the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHINGTON: Petition of citizens of Waverly, Humphreys County, Tenn., requesting that the National Building and Loan Association, etc., be exempt from operation of income tax—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *April 4, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

STATISTICS RELATING TO WHEAT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, in response to a resolution of the Senate of February 12, 1894, relative to the wheat supply in the United States on March 1, 1893, and other information in regard to the export and consumption of that article; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BATE presented a petition of Tullahoma Lodge, No. 75, Ancient Order of United Workmen, of Tullahoma, Tenn., and a petition of the Royal Arcanum of Tennessee, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN presented petitions of A. W. Jacobs and sundry other citizens of Delavan; of W. W. Dehler and sundry other citizens of Sylvan Grove; of J. D. Smith and sundry other citizens of Newton; of J. F. Hooper and sundry other citizens of Fairview; and of J. H. Williams and sundry other citizens of Leoti, all in the State of Kansas, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of J. H. Cushenberry, E. W. Majors, and sundry other citizens of Girard, Kans., praying for the imposition of a tax on corporate and individual incomes, and that the tax on distilled spirits be increased to $1.50 per gallon; which was ordered to lie on the table.

He also presented the petition of Alfred Pratt, T. H. Williams, and sundry other citizens of Hamilton County, Kans., praying for the passage of House bill No. 5245, providing for an irrigation survey of the Great Plains; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. MARTIN. I present the petition of Le Grand Byington, of Iowa City, Iowa, praying for the adoption of sundry constitutional amendments in the interest of a better form of Government. I move that the petition be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. GORDON presented a memorial of the pastors of the Baptist churches of Atlanta, Ga., remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of Camp No. 1021, Modern Woodmen of America, of Bloomington, Ill., and a petition of sundry citizens of Bloomington, Ill., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of Centralia Lodge, No. 190, Ancient Order of United Workmen, of Centralia, Mo., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a petition of sundry citizens of Denver, Colo., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY presented a petition of the Manufacturers' Club of Philadelphia, Pa., praying for the adoption of an amendment to the interstate-commerce law, to prohibit the fining and imprisonment of individuals for violations of such law; which was referred to the Committee on Interstate Commerce.

PETITION OF PHILADELPHIA BOARD OF TRADE.

Mr. QUAY. I present a petition of the Board of Trade of Philadelphia, Pa., praying for the imposition of adequate duties on sugar. As Philadelphia has some $30,000,000 invested in this industry, and as the petition is very brief, I should be glad to have it read and printed in the RECORD.

The VICE-PRESIDENT. Without objection, the petition will be read.

Mr. HARRIS. What is the request?

The VICE-PRESIDENT. The Senator from Pennsylvania asks for the reading of a petition.

Mr. QUAY. It is a petition of the Board of Trade of the city of Philadelphia relative to the imposition of additional duties upon sugar, refined and raw.

Mr. HARRIS. If the Senator wants it printed as a document I have no objection, but I object to its being read at the desk or printed in the RECORD.

Mr. QUAY. I desire, if the Secretary will return it to me, to explain the petition, which I will do by reading it.

Mr. PLATT and Mr. CULLOM (to Mr. QUAY). You will not be allowed to do that.

Mr. QUAY. I have a right to explain the contents of the petition. It is a petition of the Board of Trade of the city of Philadelphia, an association of gentlemen of the very highest respectability, engaged in mercantile and other business in that city. It reads thus:

PHILADELPHIA BOARD OF TRADE,
Drexel Building, Philadelphia, March 31, 1894.

The Philadelphia Board of Trade, through its committee on domestic productions, respectfully asks the attention of the Senators and Representatives of Pennsylvania to the fact——

Mr. HARRIS. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Pennsylvania will suspend until the question of order is disposed of.

Mr. HARRIS. The rule requires that a brief statement of a petition or memorial shall be made to the Senate. It can not be read at length, neither by the Senator presenting it nor by the Secretary; nor can it be printed in the RECORD without unanimous consent. If it is yielded to in one instance, I should not feel warranted in objecting to every memorial being read and the RECORD being encumbered by all the petitions and memorials that come to us.

Mr. CHANDLER. I ask for the reading of the rule to which the Senator from Tennessee refers.

Mr. ALDRICH. The rule is undoubtedly exactly as stated by the Senator from Tennessee, but I suggest to the Senator from Pennsylvania that immediately after the routine morning business is concluded he can make some remarks on anything which happens to be before the Senate, and read the petition as part of his remarks.

Mr. HARRIS. That is an ingenious method of evading and violating the rule, but I think the Senator from Rhode Island is right. That course may be resorted to if any Senator chooses to do it.

Mr. CHANDLER. I ask that the rule be read.

The VICE-PRESIDENT. The Chair will have the rule read.

The Secretary read the fourth paragraph of Rule VII, as follows:

Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate. But no petition or memorial, or other paper, signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

Mr. CHANDLER. If the Chair and the Senator from Tennessee will allow me, I do not see that the rule states that petitions shall not be read. It simply says that a petition shall be presented and referred without debate. The Senator from Pennsylvania has attempted no debate. The rule does not say that a petition shall not be read. It says that a petition shall have indorsed upon it a brief statement of its contents, and so far as we know that is the case with this petition. I should like to have the Senator from Tennessee point out where the rule is which he announces with such gravity——

Mr. HARRIS. The rule that has just been read.

Mr. CHANDLER. If the Senator will wait a moment, I ask him to point out anything in the rule which has just been read which says that if a petition is properly signed and briefly indorsed the Senator presenting it shall not read it. I do not see it in the rule.

Mr. HARRIS. There is no express prohibition, I grant, but the rule prescribes the method of dealing with a petition, which is by a brief statement, and not by reading it either at the clerk's desk or by the Senator presenting it.

Mr. CHANDLER. Will the Chair allow me one word further?

The VICE-PRESIDENT. The Chair will hear the Senator from New Hampshire.

Mr. CHANDLER. The rule being complied with, that there shall be a brief statement upon the petition of its contents, which it is to be presumed was done in this case, the Senator from Pennsylvania is not prohibited by any rule whatever from reading the petition. He is prohibited from debating it after it has been read. While I am willing to take the commentary of the Senator from Tennessee under ordinary circumstances the same as a rule itself, I am not willing to do so in this case. I submit that under the rule, so far as the language of the rule goes every Senator has a right to read a petition in full if it has the proper indorsement.

Mr. QUAY. I ask for a decision of the question raised as to my right to read the petition, it being properly indorsed.

The VICE-PRESIDENT. The Chair will hear the views of Senators on the question.

Mr. PLATT. May I be permitted a word?

The VICE-PRESIDENT. The Chair will be very glad to hear the Senator from Connecticut.

Mr. PLATT. I see no order in the rule that a petition shall not be read, nor do I suppose that a single objection can prevent the reading of a petition. If an objection is made, it seems to me it is a question for the Senate to determine whether the petition shall be read.

Mr. VEST. It is never a very pleasant thing to object to the request of a Senator that a petition from his constituency may be read. It has been my duty on one or two occasions—one, I distinctly remember, to object because a Senator saw proper to enter into an argument as to a pending issue before the Senate under the guise of presenting a petition. I take it for granted that the meaning of the rule is very distinct. It is in the interest of saving time and to prevent an abuse that could be easily inflicted by any Senator upon this body.

The rule requires that a petition shall be accompanied by a brief statement of the nature of the petition. Anyone can appreciate very easily how an abuse of the rule would absorb all the time and attention of this body. Petitions have been brought here which would fill a wheelbarrow.

Is it possible that a Senator could stand here and read or require the officers of the body to read such petitions with all the signatures, and take up one week's time of the body? Is that the meaning of the rule? What did the framers of it mean when they said a brief statement of the contents should be indorsed upon every petition or memorial? It was based upon the idea of the sacred right of petition, as our fathers termed it; not that this abuse should be inflicted upon the Senate; not that the Senator should make it a vehicle for a speech on presenting a petition from his constituency, but that any citizen of the United States, or any number of citizens, could come here and petition this body for legislation and their representatives could in a brief statement bring the matter before the attention of the Senate.

Now, the rule ought to be observed or it ought to be abrogated. If one Senator can do this, as a matter of course every member of the body can avail himself of the same privilege. The Senator from Pennsylvania presents a petition. I do not know what it is, but coming from that locality I take it that it is an attack upon the pending tariff bill. I could present to-morrow and have read a petition from my constituency in favor of the bill, or as the Senator from Kentucky [Mr. BLACKBURN] says, 40 or 100 petitions; and so we would indulge in this game of shuttlecock from one side of the Chamber to the other under the pretense of presenting petitions for legislation from our constituents.

Mr. ALDRICH. There are some circumstances at the present time surrounding this class of petitions which, while it does not take them out of the strict letter of the rule, certainly should lead the Presiding Officer and the Senate to construe the rule in its spirit very liberally. The majority of the Senate Finance Committee have selected certain interests of their own to be heard upon the tariff question, and have by their action precluded any possibility of any other class of people being heard, either before the committee or before the Senate. Under these circumstances to deny the right of the reading of the petitions in the Senate is to deny the right of petition. I hope that the Senate—a majority of the Senate at least—will be extremely liberal in their construction of the rule.

Mr. BLACKBURN. Mr. President, I am very glad to see the Senator from Rhode Island exercising that candor for which he is justly proverbial, when he admits that under the rule the Senator from Pennsylvania has no right to demand the reading of the petition. As a member of the Committee on Rules, I expected nothing less from the Senator from Rhode Island. He is too good a parliamentarian and too expert in the interpretation of plain Anglo-Saxon not to know, and too honest not to admit, that under the rule a Senator has no right to demand the reading of a petition.

I would warn the Senate of the dilemma into which it might be betrayed, amounting to an absurdity. I could now send to the clerk's desk, upon the call for petitions and memorials under the order of morning business, enough petitions and memorials upon the subject of the pending tariff bill to keep the Senate here listening to the clerk's reading them for the next four days. If it were the purpose of anybody here to resort to dilatory tactics, or what is denominated filibustering maneuvers, this would be the most efficacious method that could possibly be suggested; for I doubt not that I am inside of the mark when I say that if all the petitions pro and con upon the pending tariff bill were read *in extenso* from the desk the ides of June would be here before the Senate would ever have one hour or one minute to devote to any other business.

It can not be denied that the rule does not say in express terms that a petition shall not be read at the clerk's desk. There is no necessity for any inhibition of the sort. The rule does provide what shall be done with a petition when presented, and the limitation ends with the privilege granted by the express terms of the rule, and that is, as stated by the Senator from Tennessee and the Senator from Missouri, that it shall be accompanied by a brief statement, simply indicating to the Senate the purpose and drift of the petition. Then it is referred to the committee that appropriately has charge of the measure to which it relates, and there it receives its proper consideration. But the Senator from Rhode Island admits, what I take it every parliamentarian will have to admit, that under the rule as it stands to-day it is not the right of the Senator from Pennsylvania to demand the reading of the petition.

Mr. MANDERSON. Mr. President, I have no question in my mind at all but that the rule which has been read in the hearing of the Senate prohibits the reading at length, either by a Senator or at the desk, of any petition that may be presented to the body. By inference that is prohibited, and the Senator presenting a petition is confined to the making of a brief statement of its contents. Of course, what is a brief statement of the contents of a petition must be left very largely to the discretion of the Senator who presents it. I know of no method by which he can be curtailed even if in the opinion of Senators or of the Senate or of the Presiding Officer his statement should be verbose rather than brief. I have no question but that the rule is that he shall confine himself to a brief statement, and a desire to conform to the rule would prevent any violation of the rule by indirection.

But when a paper of this kind is presented to the body as this has been, and handed to the clerks, it is a paper the reading of which I think can be called for by any member, and if objection is made to the reading of the paper, then it can be decided by a vote of the Senate. The President of the Senate now in the Chair will undoubtedly remember a discussion over this very matter during the extra session, in which the question as to what another rule might mean came up. That the papers when objected to might be read by a vote of the majority of the Senate is the substance of the rule. Now, what are the papers that may be read in this fashion? Not a newspaper article. That can only be read by the Senator himself, making it a part of his remarks. Not an extract from a book. That is not a paper within the meaning of the rule to which I advert. The paper must be something that is incident to the business of the body, or it must be something of a public nature—an act of Congress—some paper that is official from one of the Departments, or a paper incident to the business of the body; and that I take this to be. I think it then comes under the rule laid down very closely by Cushing:

> Besides papers of the description above referred to—

That is to say, bills and resolutions that are up for a vote of the body—

> which in fact make a part of the question before the House, there are other documents of a public nature, accessible to everybody, as acts of Parliament, journals of the House, proclamations and papers, private or official, received or ordered by the House, etc., which members desire to have read for the information of the House, either with reference to some question then pending, or for the purpose of laying a foundation for further proceedings; and, in all such cases, as well as in reference to papers, involved in a pending question, which have already been once read, the reading must be on motion and vote.

It seems to me that this petition, being presented to the body by the Senator from Pennsylvania and handed to the Secretary, is one of the papers the reading of which can not be had when objected to except by a majority vote of the Senate.

Mr. HARRIS. Mr. President, I do not quite agree with my friend from Nebraska. Rule VII prescribes the exact method of dealing with a petition or memorial. Another rule refers to the reading of papers, evidently papers other than petitions and memorials. I do not know what the memorial which the Senator from Pennsylvania has proposed to read is. So far as the Senator read it, he read it in so low a tone that I could not hear a word of what he said. But my object and purpose were to maintain and enforce the rule, and not to encumber the RECORD with that or any other petition or memorial in violation of what I

conceive to be the proper construction of the rule. I want to state, and I do so with absolute distinctness and certainty, that during the seventeen years which I have been here I have never heard the construction of this rule questioned until to-day. One objection to the reading of a memorial or petition has been invariably recognized as fatal to the proposition to read it or print it in the RECORD; until this hour I have never heard that construction of the rule questioned by anybody upon this floor; and I think I can state with absolute confidence that it has been the uniform ruling of the Chair that an objection to the reading of such a paper is fatal.

Mr. MANDERSON. Before the Senator takes his seat I wish he would address himself to a further proposition. I think he is perfectly right as to the construction of the rule that, if objected to, it being a paper filed with the Senate pertaining to a question involving legislation and part of the files, as it becomes when it is handed to the Secretary, such paper can not be read if objected to, but is it not subject to be read under the other rule by a vote of a majority of the Senate?

Mr. HARRIS. I think not in the case of a petition or memorial, for the reason that the rule specifically prescribes the method of dealing with such a paper. Then, another rule prescribes what shall be done when papers other than petitions are sought to be read. I think one rule applies to petitions and memorials and the other rule applies to papers other than petitions and memorials.

Mr. PLATT. I can not believe that the Senate by any rule it may have adopted has intended to cut itself off or has cut itself off from the reading of any petition which it may desire to have read in this body. That it has passed a rule, the general effect of which is to have petitions presented without reading, is undoubtedly true, because the business of the Senate could not stop for the reading of all petitions; but the Senate has left to itself the power to discriminate as to what petitions it will have read, and it has always discriminated in that it has universally had read memorials and resolutions of the Legislature of a State.

Mr. HARRIS. That is under the rule.

Mr. PLATT. There is no rule which requires the reading of memorials of a State Legislature or resolutions passed by a Legislature any more than the memorial or resolution of a board of trade in Philadelphia; and if this rule cuts off the reading of a petition, it cuts off the the reading of the memorial of a State Legislature. If it has the construction to prevent the Senate from having the resolution of a board of trade read, it has the construction of preventing the Senate from having the memorial of the Legislature of a State read upon a single objection. These two documents stand in no different position with regard to the rule.

This rule has not been invariably observed, for I remember that within three days the Senator from Oregon [Mr. MITCHELL] presented resolutions of the Chamber of Commerce of the city of Portland, if I am not mistaken, and asked to have them read; and they were read without objection. The resolutions of a board of trade or chamber of commerce in an important city or of a large number of people in a State stand upon somewhat different grounds than the petition of a single individual. Nobody has any desire to have every petition of every individual read here, and the Senate would not permit it; but there is nothing in this rule which prohibits it any more than there is which prohibits the reading of a memorial of a Legislature.

What I claim is, that when objection is raised, the Senate must certainly be held to have reserved to itself the right, if it chooses, to have the petition read. Otherwise we should scarcely have any right of petition here; otherwise we might have the motion to prevail at once to throw all petitions in the waste basket, and never have them referred to committees. I do not think the Senate has intended to deal with the right of petition in this way. I do think that it has intended not to allow its record to be encumbered by all petitions and every petition which may be presented here; but I think it must have reserved to itself the right to have a petition read, if it so desires, and I do not see why, under this rule, it is not expressely provided that the Senate can determine that this petition or any petition to which objection is made shall be read.

RULE XI.

OBJECTION TO READING A PAPER.

When the reading of a paper is called for and objected to, it shall be determined by a vote of the Senate, without debate.

When this petition has been presented by the Senator from Pennsylvania, is it not an official paper of the Senate? There is nothing in the rule which refers to the memorial of a Legislature which requires it to be read. That rule refers to the printing of papers, and is as follows:

RULE XXIX.

PRINTING OF PAPERS, ETC.

1. Every motion to print documents, reports, and other matter transmitted by either of the Executive Departments, or to print memorials, petitions, accompanying documents, or any other paper, except bills of the Senate or House of Representatives, resolutions submitted by a Senator, communications from the Legislatures or conventions, lawfully called, of the respective States, and motions to print by order of the standing or select committees of the Senate, shall, unless the Senate otherwise order, be referred to the Committee on Printing.

All that rule says is that when a motion is made to print the memorial of a State Legislature the question of printing need not to be referred to the Committee on Printing. We have invariably read, notwitanding this rule, the memorials of Legislatures of States, because, I suppose, it was taken for granted that a majority of the Senate thought in all such instances it was proper that such memorials and resolutions should be read. I can not conceive that any rule has been passed here by which the Senate has deprived itself of the power of having read a resolution, a memorial, or a petition when it thinks that that resolution or memorial or petition is of sufficient importance to have it read.

Mr. MILLS. Mr. President, we are now proceeding under Rule VII, in the regular order of business as laid down by that rule and that is "the presentation of petitions and memorials." We have not reached that order of business when it becomes a part of the consideration to have a paper read; we are only in that part of the morning business for "the presentation of petitions and memorials." What can be done in this order of proceeding? Nothing, but receive petitions and memorials under the rule prescribed for the reception and disposition of petitions and memorials. The part of the rule which refers to the reading of a paper is therefore not intended to apply to the reception of petitions and memorials, because no paper can be offered to be read during this order of business set apart for the reception of petitions and memorials.

The reading of papers, when objected to or not objected to, arises in a different order of business as laid down by the rules, and petitions can not be presented in that part of the order of business prescribed by the rules providing for the reading of a paper. Therefore, that part of the rule which provides that a paper may be read, and, if objected to, read by order of the Senate, does not apply to petitions at all. When the Senate by its rules provides how petitions shall be received and disposed of, it follows under the universal rule of construction of all laws, parliamentary, constitutional, and statutory, that the expression of one thing excludes every other thing.

A petition can not be presented in this body except in the manner pointed out by the laws of the body. It is not a sound argument to say that the rules do not prohibit a petition being read. A petition can not get into the body except in the manner prescribed by its own rule. When it gets here, it is subject to the rules prescribed—that is, it must be referred in obedience to the manner prescribed. It must be received, a brief explanation of the Senator offering it be had, and then it must be appropriately referred.

Mr. CHANDLER. Mr. President, I regret that my brief inquiry should have occasioned such a lengthy debate or made such a learned discussion necessary.

It may be that the practice has grown up under this rule of prohibiting Senators from reading petitions, but certainly it is a construction of the rule, and nothing in the language of the rule itself. The rule itself has one affirmative proposition and one negative proposition. The negative proposition is that the petition shall be presented without debate. That means nothing in addition to what is contained in the petition; it means nothing else, and it excludes nothing else.

The affirmative proposition of the rule is that the petition shall have a brief statement of its contents indorsed thereon. That is clearly for the convenience of the clerks of this body, in order that there may be, so to speak, a brief title to the petition contained on the petition, which is the only descrptiion of the petition which is to go into the RECORD.

Mr. President, that is all there is to the rule—an affirmative statement that there shall be an indorsement upon the petition, and a negative statement that there shall not be debate in connection with its presentation. But I say now, as I said when I interrupted the Senator from Tennessee [Mr. HARRIS], that there is nothing in the rule itself which provides that a petition shall not be read upon presentation.

I repeat what I said in the beginning. It may be that such a custom has grown up under the rule, but it is not in the rule itself; it is something which has grown out of the enforcement of the rule.

I was induced to rise, Mr. President, only because the Senator from Tennessee, as I understood, in that oracular way of his, which becomes him so much and which pleases and gratifies us all, announced that the rule forbade the reading of a petition. I did not understand that it forbade the reading of a petition then, and I do not understand that it forbids the reading of a petition now.

The VICE-PRESIDENT. The decision of this question de-

ponds upon the construction given to the fourth clause of the Rule VII, which provides:

4. Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate.

This rule of the Senate was evidently enacted in the interest of economizing the time of the Senate. The Chair in construing the rule is compelled to sustain the point of order made by the Senator from Tennessee.

Mr. QUAY. Is it the decision of the Chair that I am permitted to make a brief statement of the contents of the memorial?

The VICE-PRESIDENT. The Chair thinks the custom has been for a Senator presenting a petition or memorial to make a brief statement of its contents if he desires to do so.

Mr. QUAY. Waiving all question, then, Mr. President, of the right of petition and bowing without appeal to the decision of the Chair, I will mention briefly that this is a petition from the Philadelphia Board of Trade, one of the strongest commercial organizations in the country, composed of gentlemen of high intelligence, large wealth, and great respectability. It relates to the duties upon sugar. It sets forth the ideas of these gentlemen that under the proposed tariff of $1.38½ per 100 pounds all sugar above 95 degrees polariscope test, or above No. 16 Dutch standard, can be imported, and that this, in their judgment, would stimulate this importation of loaf and granulated sugars in large quantities.

The petitioners mention also the fact that under the tariff of 1890 granulated sugar to-day is being supplied to the citizens of the United States at 4¼ cents per pound, a price below that of any other country in the world, with the possible exception of England, which may be slightly lower. They say further that the capital, as I have already stated——

Mr. HARRIS. Will the Senator from Pennsylvania allow me to ask him if he thinks the reading of that memorial, after the ruling of the Chair, is the "brief statement" required by the rules? I simply want the Senator to decide that question for himself.

Mr. QUAY. It is a very brief statement that I am about to make, as the Senator from Tennessee will bear me witness when I have concluded; and I beg to say that I am not literally reading the memorial which I hold in my hand.

Mr. HARRIS. I supposed the Senator was reading it.

Mr. QUAY. No, sir.

As I have already stated when presenting the petition, the capital invested in the refining of sugar in the city of Philadelphia is in excess of $ 0,000,000, and by means of the industry employment is given to 6,000 workmen, with families averaging five or six persons apiece depending upon them for support. Therefore there are some 30,000 people dependent upon the industry in that city, whose interests are represented to some extent by these gentlemen in the presentation of this memorial.

In view of that fact, the committee of the board of trade say that they are of the opinion that the duty chargeable on all sugar above 95 degrees polariscope test, or No. 16 Dutch standard, should not be less than 1.26 cents, and one-quarter of a cent per pound in addition, or say, $1.51 per hundred pounds.

They mention that in their judgment any less duty than this will destroy the business of refining sugar at the port of Philadelphia, where, as I say, there are $30,000,000 capital invested, and through which port 500,000 tons of sugar pass annually.

If the destruction of American refineries is accomplished, there will be sudden advances in the price of loaf and granulated sugar to a very large extent. The petitioners suggest also that whereas other countries are now paying an export bounty on sugar and are actively exerting themselves in this body and elsewhere to secure the American markets, any bill passed by this Congress should contain a clause providing that the additional bounty paid by any nation should be met by a sufficient duty upon export bounty sugar when imported into this country.

This Mr. President, is the sum and substance of the petition which I have the honor to present.

Mr. CHANDLER. I ask, if in order, to have the indorsement on the petition read.

The VICE-PRESIDENT. The indorsement on the petition will be read.

The Secretary read as follows:

Petition of the Board of Trade of Philadelphia, Pa., favoring the imposition of adequate duties on sugars.

The VICE-PRESIDENT. The bill to which the petition refers having been reported, the petition will lie on the table.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 1442) to provide for the enlargement and improvement of the United States Naval Hospital, Brooklyn, N. Y., submitted a report thereon, and asked to be discharged from the further consideration of the bill, and that it be referred, with the accompanying papers, to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1201) for the relief of the sufferers by the wreck of the United States steamship Tallapoosa, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 203) for the relief of John F. W. Dette, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Public Lands, to whom was referred the bill (S. 1834) to require patents to be issued to land actually settled under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 210) for the relief of Wetmore & Bro., of St. Louis, Mo., reported it without amendment, and submitted a report thereon.

Mr. ROACH, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 313) appropriating funds for investigations and tests of American timber, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 310) reconveying to the original grantors the title to certain lands in the State of Louisiana conveyed by them to the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

Mr. DOLPH, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 1st of March last, intended to be proposed to the diplomatic and consular appropriation bill, reported it favorably and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MARTIN. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 819) providing for the survey of the land described in an act of Congress approved July 5, 1866, granting the land therein mentioned to the State of Oregon, to aid in the construction of a military wagon road, which land was subsequently, on the 24th day of October, 1866, granted by the State of Oregon to the Willamette Valley and Cascade Mountain Wagon Road Company, to submit an adverse report thereon and to move the indefinite postponement of the bill for the reason that another bill has been recommended by the committee covering the same matter.

The report was agreed to.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 72) to permit Capt. T. O. Selfridge, jr., United States Navy, to receive a decoration conferred upon him by the President of the Republic of France, reported it without amendment.

He also, from the same committee, to whom was referred an amendment submitted by Mr. HOAR, on the 3d instant, intended to be proposed to the diplomatic and consular appropriation bill, reported it without amendment, and moved that it be printed and referred to the Committee on Appropriations; which was agreed to.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (H. R. 894) for the relief of Robert Travila for loss of carbine in the late war, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1319) for the relief of E. Douglass, late Indian agent at White Earth Indian Agency, reported it with amendments, and submitted a report thereon.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred an amendment submitted by himself, March 12, 1894, intended to be proposed to the sundry civil appropriation bill, reported it without amendment, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

BILLS INTRODUCED.

Mr. GIBSON introduced a bill (S. 1855) to provide for the closing of part of an alley in square 622, in the city of Washington, D. C., and for the relief of the president and directors of Gonzaga College; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BATE introduced a bill (S. 1856) granting a pension to Mary Ann Lafferty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON introduced a bill (S. 1857) granting an honorable

discharge to William B. Barnes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 1858) to grant an honorable discharge to George S. Raymond, late captain Company G, Sixty-fifth Regiment New York Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORDON introduced a bill (S. 1859) for the relief of the owners of the steamer Leesburg; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also presented an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. COCKRELL (by request) submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. PEFFER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. COKE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BERING SEA AWARD.

Mr. MORGAN. I ask that the vote be reconsidered by which an order was made yesterday to print certain papers coming from the President of the United States in regard to the Bering Sea tribunal; and I ask that the papers may be allowed to be referred to the Committee on Foreign Relations without an order to print, as they have to be edited before the printing can be done.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it will be so ordered.

TOWN SITES IN OKLAHOMA TERRITORY.

Mr. BLACKBURN. I ask an order from the Senate for the Vice-President to appoint the conferees that were directed yesterday at the further conference upon the disagreeing votes of the two Houses on the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. BERRY, Mr. BLACKBURN, and Mr. PETTIGREW were appointed.

ISSUE OF BONDS.

The VICE-PRESIDENT. If there be no further morning business that order is closed and the Chair lays before the Senate a resolution of the Senator from Kansas [Mr. PEFFER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PEFFER March 28, 1894, as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained.

Mr. MCMILLAN. Yesterday, on my request, the Senate took up the bill (S. 1680) to more effectually suppress gambling in the District of Columbia, and after the bill and the amendment reported by the committee had been read its further consideration was objected to by the Senator from New Jersey [Mr. MCPHERSON], and it went over until this morning. The Senator from New Jersey has withdrawn his objection, and as the bill is short and has been read I ask that it may now be considered.

Mr. PEFFER. I yield for that purpose.

BOOKMAKING IN THE DISTRICT OF COLUMBIA.

Mr. MCMILLAN. I ask unanimous consent for the consideration of the bill I have indicated.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1680) to more effectually suppress gambling in the District of Columbia.

The VICE-PRESIDENT. The bill has been read at length, and the question is on the amendment reported by the Committee on the District of Columbia, which was read yesterday.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire rise to the amendment?

Mr. GALLINGER. No; but I desire to discuss the merits of the bill, and I can do that, perhaps, quite as well upon the question of the passage of the bill if the amendment shall be adopted.

The VICE-PRESIDENT. Without objection, the amendment will be considered as agreed to.

Mr. TELLER. What is the amendment?

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That the provisions of the act of Congress approved the 31st day of January, 1883, entitled "An act to more effectually suppress gambling in the District of Columbia," and also the provisions of the act of Congress approved the 2d day of March, 1891, entitled "An act to prevent bookmaking and pool-selling in the District of Columbia," shall not apply to bookmaking at the spring and fall meetings at the Bennings and Ivy City race tracks when such meetings are held by organizations duly incorporated under the laws of the District of Columbia: *Provided*, That such meetings shall be held only between the 1st day of March and the 15th day of December in any year, and shall not exceed a period of eighteen days each: *And provided further*, That there shall be but one spring meeting and but one fall meeting at each of the above-named tracks in any one year.

Mr. TELLER. It seems to me that amendment ought to be printed, and then we ought to have an opportunity to examine it. If the consideration of the bill can be objected to now, I shall object.

Mr. MCMILLAN. The bill has been twice read, yesterday and the day before, and the amendment has been read. It is necessary for the bill to pass the House of Representatives, and if passed at all it should be done at once.

Mr. TELLER. If I understand it, the bill comes in with an amendment in the nature of a substitute.

Mr. MCMILLAN. Yes; and the amendment has been printed for two days.

Mr. DOLPH. Is it a committee amendment?

Mr. MCMILLAN. It is a committee amendment. The purpose of the amendment is to regulate racing in the District of Columbia, so that bookmaking will be allowed on the tracks and nowhere else, and it prohibits winter racing in the District of Columbia. The committee has carefully considered the subject, and thinks it very important that the bill should pass.

Mr. DOLPH. Do I understand the amendment which has been read is a committee amendment, to be substituted for the bill?

Mr. MCMILLAN. Yes.

Mr. TELLER. I do not know much about this bill, but it seems to be an important one. I did not know of the amendment until this moment.

Mr. MCMILLAN. The subject has been given a great deal of care by the committee, and they have gone over it two or or three times. The committee think the bill covers the ground thoroughly.

Mr. HARRIS. I think I can make a brief statement to the Senator from Colorado that will be satisfactory to him.

Mr. TELLER. All right.

Mr. HARRIS. This bill simply authorizes racing by organized associations in the spring and fall, no meeting extending beyond eighteen days, and but the two meetings annually on each of the race tracks in the District known as Bennings and Ivy City. That is all of the bill except that it authorizes pool selling on the track pending the races.

Mr. TELLER. I shall withdraw my objection; for I do not know anything about the bill and will let it go.

The VICE-PRESIDENT. The question is on the amendment which has been read.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. PEFFER. Mr. President——

The VICE-PRESIDENT. Does the Senator rise to the question of concurring in the amendment?

Mr. PEFFER. I object to the amendment. I objected to the consideration of the bill in the first place, but concluded to withdraw my objection with the expectation of repeating my reasons for it when the bill should be presented to the Senate.

I am not sufficiently familiar with the nomenclature of the race track to express myself intelligently perhaps upon the bill, but as I regard it, Mr. President, it proposes to relieve two classes of gamblers from the operation of existing statutes relating to the general subject of gambling. That being my understanding of the object of the bill, I should not feel that I was doing my duty properly if I sat quietly by and let such a bill pass without entering my protest against it.

I do not believe that the respectability of a gambler should shield him from the due penalties of the law. The little fellow who gambles for $10 or $20 around about the hotel corridors we send to prison, we ostracise him from society, we regard him as a man not worthy to be associated with; but men who will gamble for hundreds and thousands and even for millions of dollars are esteemed honest. It seems to me that the whole country is becoming debauched with this spirit of gambling, and I simply enter my protest against the passage of a bill which in any way recognizes it.

Mr. GALLINGER. Mr. President, a few weeks ago the Committee on the District of Columbia, of which I have the honor to be a member, ordered reported a bill very similar to the bill that is now under consideration. I took exception to the report at the time and filed a minority report in behalf of the Senator from Vermont [Mr. PROCTOR] and myself, which I shall ask to have read in a moment as part of my remarks.

I do not think that the present bill in any wise overcomes the objection I then found to the bill that the committee acted favorably upon, and I will say that the vote in committee on the present bill, or the amendment to the bill that was then ordered to be reported, was taken at a time when I was absent from the committee by my own fault, it is true, and I had not an opportunity to enter my protest against this report when it was made.

I shall now ask that the views of the minority of the Committee on the District of Columbia be read, after which I desire to add a single word.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read the views of the minority, submitted March 13, 1894, as follows:

The undersigned, a minority of the Committee on the District of Columbia, beg leave to respectfully dissent from the favorable report on the bill (S. 1680) "to more effectually suppress gambling in the District of Columbia," for the following reasons:

On the 31st day of January, 1883, an act was approved which provides—

"That every person who shall in the District of Columbia set up or keep any gambling table, or any house, vessel, or place on land or water for the purpose of gaming, or gambling device commonly called A. B. C., faro-bank, E. O., roulette, equality, keno, thimbles, or 'little joker,' or any kind of gambling table or gambling device adapted, devised, and designed for the purpose of playing any game of chance for money or property, or who shall induce, entice, or permit any person to bet or play at or upon any such gaming table or gambling device, or on the side or against the keeper thereof, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment for a term of not more than ten years."

That law is still in force, and doubtless does much toward suppressing gambling in the District of Columbia.

On the 21 day of March, 1891, an act was approved entitled "An act to prevent bookmaking and pool selling in the District of Columbia," the first section of which provides—

"that it shall be unlawful for any person or association of persons in the cities of Washington and Georgetown, in the District of Columbia, or within said District within 1 mile of the boundaries of said cities, to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election or any contest of any kind, or game of baseball."

It is claimed that it was the intention of the last-named act to permit bookmaking and pool selling on race tracks located more than 1 mile from the boundaries of the cities of Washington and Georgetown, and the language of the act seems to justify that construction. It did not, however, modify or repeal the act of January 31, 1883, and bookmaking and pool selling continue to be prohibited under that act. The present bill in its amended form will modify the act in question sufficiently to permit gambling on race tracks situated 1 mile from the boundaries of said cities.

We are of opinion that the principle embodied in the act of January 31, 1883, is a wholesome and wise provision. It absolutely prohibits gambling by cards and otherwise in all parts of the District of Columbia. The poor man who is caught at a game of policy, keno, roulette, or any other of the well-known devices of the common gambling fraternity, is punished severely; but in the face of that the present bill, misnamed "A bill to more effectually suppress gambling in the District of Columbia," proposes to legalize gambling on race tracks in the interest of the rich and the professional sporting element of the community. We believe the proposed legislation is vicious in principle, and for that reason dissent from the report of the committee, and recommend that adverse action be taken on the bill when it comes before the Senate for consideration.

J. H. GALLINGER.
REDFIELD PROCTOR.

Mr. GALLINGER. Mr. President, I desire to occupy the attention of the Senate but a single moment in further opposition to the pending bill. My views are so clearly expressed in the minority report that it is unnecessary for me to add more than a single word.

We have in the District of Columbia a very strict and efficacious law against gambling. It prohibits the poor man from engaging in games of chance under very severe penalties. I have reason to believe that the law is being very successfully administered and that the vice of gambling is reduced to a minimum in the District. The law applies not only to the ordinary games such as policy, and roulette, and keno, and I suppose poker (games with which other Senators are perhaps more familiar than I am), but it likewise prohibits gambling on race tracks, gambling by rich men, the society men and women, the people who stake large sums of money upon the chance of horse races, not one race in a hundred of them very likely being honestly conducted, which encourages vice and, in my judgment, does more to sap the foundations of morality so far as this question is concerned than all the gambling that is engaged in by the poor men of this District.

It is proposed by the pending bill to name two certain associations which may for the space of thirty six days in each year permit gambling on race tracks, and hence to that extent it is a repeal of the existing statute. I do not believe the people of the District of Columbia are prepared to encourage legislation of this kind. There has been no petition praying for this change in the law. The citizens of the District have not asked for it, and I do not believe the citizens of the District desire it. But, certain racing corporations, certain men who are interested in trials of speed, more particularly as I look upon it for the reason that it encourages what they call a good time and permits, if this legislation is enacted, gambling in its worst form, are here urging that the law shall be amended as is proposed. New Jersey has driven from its borders this class of men. Almost every State in the American Union is prohibiting this sort of thing.

Mr. BLACKBURN. Will the Senator from New Hampshire name any State in the Union of forty-four States, except New Jersey, that prohibits it?

Mr. GALLINGER. I am very clear that I could do so if I should refer to the statutes. I know that my own State prohibits it.

Mr. PLATT. And Connecticut.

Mr. GALLINGER. I think Connecticut prohibits it, and I am very sure almost all the States of the North do. New Jersey has driven from its borders this class of men. They came here a few months ago and flaunter before the citizens of the District their purpose to conduct winter racing here in violation of law. The very track they occupied is included in the bill, and it is proposed now to legalize this gambling device.

Mr. President, I believe it is vicious legislation; I believe it is wrong legislation, and I believe the Senate of the United States ought not to give it its approval. It is proposed that the races shall occur in May and December each year, which comes very near being winter racing, and that even the racing fraternity, I believe, concede ought not to be permitted. I read in the Star an evening or two ago, I think last evening, an editorial bearing on this question; and I submit that the newspapers of the District are very fair in dealing with all matters which concern the welfare of the city of Washington and the District of Columbia. The editorial to which I refer is as follows:

Members of the National Legislature who are really interested in the welfare of the District of Columbia might well, in some of the frequent modifications of the race-track bookmaking bill, amend it by limiting the bookmaking to months suitable for racing. December is unfit; so, ordinarily, is March. There should be absolute prohibition of bookmaking except during months when pleasant racing weather may reasonably be expected. Racing that is merely an excuse for bookmaking operations should be stopped completely. Washington does not want and will not endure the location here, even on the fringe only of winter, of that all-the-year-around race gambling gang which was ignominiously defeated last winter by the United States district attorney.

Mr. President, I go further than the editor of that paper, because I oppose the matter *in toto*, and trust the bill will be rejected by the Senate. Having said this much, I shall content myself by recording my vote against it, trusting that the Senate will second my demand for a yea-and-nay vote on this important question.

Mr. LODGE. I should like to ask the Senator from New Hampshire, before he takes his seat, what is the present condition of the law? Does the law now prevent bookmaking and winter racing?

Mr. GALLINGER. Absolutely, I will state to the Senator from Massachusetts.

Mr. LODGE. Under the existing law there is no possibility for legal bookmaking at any season of the year?

Mr. GALLINGER. There is none whatever.

Mr. LODGE. Then the bill proposes to legalize bookmaking during the period when it could not otherwise be carried on?

Mr. GALLINGER. It amends the existing law to that extent.

Mr. ALLEN. Mr. President, it occurs to me the bill ought not to pass the Senate. I move to strike out all of the substitute from the third line down to and including the word "provided" in the thirteenth line; in line 13 to strike out the word "such" and insert in lieu thereof the word "racing;" in the same line to strike out the word "shall" and insert "may;" in line 14 to strike out the word "March" and insert "April;" in the same line to strike out the word "fifteenth" and insert "first;" in the fifteenth line to strike out the word "any" and insert "each;" in the same line, after the word "year," to insert "within the District of Columbia," and after the word "each" in line 16 to strike out the additional proviso in the following words:

And provided further, That there shall be but one spring meeting, and but one fall meeting at each of the above-named tracks in any one year.

So as to make the bill read:

Be it enacted, etc., That racing meetings may be held only between the 1st day April and 1st day of December in each year within the District of Columbia, and shall not exceed a period of eighteen days each.

That, I understand, would leave the present law in force against bookmaking and prohibit all gambling upon the race tracks and in connection with racing. I know of no reason why a monopoly of racing in the racing season should be conferred upon some corporations organized under the laws of this District.

Mr. BLACKBURN. Will the Senator from Nebraska allow me to interrupt him for a moment?

Mr. ALLEN. Certainly.

Mr. BLACKBURN. Neither of the racing associations named in the bill was organized under the laws of the District. They were chartered by act of Congress.

Mr. ALLEN. I stand corrected. I meant to say that they were chartered by act of Congress. I know of no reason why Congress should grant a monopoly of horse-racing to those associations. It strikes me that about the only thing Congress should do with reference to horse-racing is to prohibit gambling in connection with it, to prevent cruelty to the animals engaged in it, and to hedge in that kind of amusement by laws making it as harmless as possible. The amendment would leave the existing laws in force in the District so that they could be enforced against bookmaking and all species of gambling in connection with race tracks.

Mr. LODGE. I ask for the reading of the amendment offered by the Senator from Nebraska.

The VICE-PRESIDENT. The Chair will state the question. The question is upon the amendment proposed by the Senator from Nebraska [Mr. ALLEN] to the amendment agreed to as in Committee of the Whole. The amendment proposed by the Senator from Nebraska will be read.

The SECRETARY. It is proposed to amend the amendment so as to make the bill read:

That racing meetings may be held only between the 1st day of April and 1st day of December in each year within the District of Columbia, and shall not exceed a period of eighteen days each.

Mr. MCPHERSON. I wish to inquire of the Senator from Nebraska if the amendment he proposes will leave the present law intact. I understand that the law now prohibits pool-selling anywhere in the District of Columbia, and these race tracks are located within the District.

Mr. ALLEN. That is precisely right.

Mr. MCPHERSON. The amendment allows race meetings simply and purely.

Mr. ALLEN. Yes, sir.

Mr. MCPHERSON. And confers upon the associations no power to sell pools or conduct book-making at the race tracks?

Mr. ALLEN. It prohibits book-making and every species of gambling in connection with racing.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment made as in Committee of the Whole.

Mr. ALLEN called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY]. If he were present I should vote "yea" on the amendment.

Mr. SHOUP (when his name was called). I have a general pair with the senior Senator from California [Mr. WHITE]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. QUAY. I am paired with the Senator from Alabama [Mr. MORGAN], who is absent.

Mr. DUBOIS. I ask if the junior Senator from New Jersey [Mr. SMITH] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. DUBOIS. Unless his colleague [Mr. MCPHERSON] can tell me how he would vote I will withhold my vote.

Mr. MCPHERSON. I can not inform the Senator from Idaho.

Mr. DUBOIS. I withhold my vote.

Mr. PUGH (after having voted in the negative). I inquire if the senior Senator from Massachusetts [Mr. HOAR] has voted?

The VICE-PRESIDENT. The Chair is informed that he has not voted.

Mr. PUGH. I have a standing pair with the Senator from Massachusetts [Mr. HOAR], and as I do not know how he would vote, I withdraw my vote.

Mr. CAREY (after having voted in the affirmative). I should like to inquire whether the junior Senator from South Carolina [Mr. IRBY] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is informed.

Mr. CAREY. I ask permission to withdraw my vote. I am paired with the Senator from South Carolina [Mr. IRBY].

The result was announced—yeas 24, nays 21; as follows:

YEAS—24.

Aldrich,	Dolph,	McPherson,	Perkins,
Allen,	Frye,	Mills,	Pettigrew,
Berry,	Gallinger,	Mitchell, Oregon	Platt,
Chandler,	George,	Morrill,	Proctor,
Cockrell,	Kyle,	Pasco,	Roach,
Colse,	Lodge,	Peffer,	Teller.

NAYS—21.

Bate,	Camden,	Jones, Ark.	Ransom,
Blackburn,	Davis,	McMillan,	Stewart,
Blanchard,	Gibson,	Manderson,	Vest.
Brice,	Gorman,	Martin,	
Butler,	Harris,	Mitchell, Wis.	
Call,	Hunton,	Power,	

NOT VOTING—30.

Allison,	Gray,	McLaurin,	Stockbridge
Caffery,	Hale,	Morgan,	Turpie,
Cameron,	Hansbrough,	Murphy,	Vance,
Carey,	Hawley,	Palmer,	Vilas,
Cullom,	Higgins,	Pugh,	Voorhees,
Daniel,	Hill,	Quay,	Washburn,
Dixon,	Hoar,	Sherman,	White,
Dubois,	Irby,	Shoup,	Wilson,
Faulkner,	Jones, Nev.	Smith,	Wolcott.
Gordon,	Lindsay,	Squire,	

So the amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole as amended.

Mr. PLATT. Let the bill be read as amended.

The VICE-PRESIDENT. The amendment as amended will be read.

The SECRETARY. Strike out all after the enacting clause of the bill and insert:

That racing meetings may be held only between the 1st day of April and 1st day of December in each year within the District of Columbia, and shall not exceed a period of eighteen days each.

The amendment made as in Committee of the Whole as amended was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. BLACKBURN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the junior Senator from South Carolina [Mr. IRBY], and withhold my vote. If he were present I should vote "yea."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present I should vote "yea."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE], and withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. MCLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "yea."

Mr. SHOUP (when his name was called). I again announce my pair with the senior Senator from California [Mr. WHITE].

The roll call having been concluded, the result was announced—yeas 32, nays 11; as follows:

YEAS—32.

Aldrich,	Gallinger,	McPherson,	Perkins,
Allen,	George,	Martin,	Platt,
Bate,	Gordon,	Mills,	Proctor,
Berry,	Harris,	Mitchell, Oregon	Ransom,
Call,	Hawley,	Morgan,	Roach,
Chandler,	Jones, Ark.	Morrill,	Teller,
Colse,	Kyle,	Pasco,	Vilas,
Frye,	Lodge,	Peffer,	Wilson.

NAYS—11.

Blackburn,	Camden,	McMillan,	Quay,
Blanchard,	Gibson,	Manderson,	Vest.
Butler,	Hunton,	Mitchell, Wis.	

NOT VOTING—41.

Allison,	Dubois,	Lindsay,	Stewart,
Brice,	Faulkner,	McLaurin,	Stockbridge,
Caffery,	Gorman,	Murphy,	Turpie,
Cameron,	Gray,	Palmer,	Vance,
Carey,	Hale,	Pettigrew,	Voorhees,
Cockrell,	Hansbrough,	Power,	Washburn,
Cullom,	Higgins,	Pugh,	White,
Daniel,	Hill,	Sherman,	Wolcott.
Davis,	Hoar,	Shoup,	
Dixon,	Irby,	Smith,	
Dolph,	Jones, Nev.	Squire,	

So the bill was passed.

The title was amended so as to read: "A bill to amend an act approved January 31, 1883, entitled 'An act to more effectually suppress gambling in the District of Columbia,'" and so forth.

ISSUE OF BONDS.

Mr. PEFFER. I ask that the resolution submitted by me some days ago be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Kansas [Mr. PEFFER]; which will be read.

The Secretary read the resolution submitted by Mr. PEFFER March 28, 1894, as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained.

Mr. PEFFER. Mr. Prdsident, the time has come when it is necessary for the people to lay heavy hands on their public agents. It has become fashionable for men to procure office by means of false pretenses, and it has resulted in vicious legislation and destructive government.

A national convention representing a great political party, in 1888, pledged itself, its voters, its candidates, and its policy in these words:

The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

Bimetallism was proclaimed to be an American doctrine—one that we had inherited and that we had adopted and practiced because it was to our interest to do so. And this great party organization, through its regularly chosen channels of communication with the voters of the country, says:

We demand "the use of both gold and silver as standard money."

As "standard," remember—standard money, which means the lawful money of the country, one standard made of two metals, as we had it continuously from the beginning of our Government until 1873—a bimetallic standard, gold and silver as one equal, full legal-tender money of ultimate payment.

The people were taught to believe that this was a free-coinage platform, and they were led to believe that with the success of the Republican party would come a restoration of the monetary system we had before the fatal act of silver demonetization, February 12, 1873.

In a speech delivered in this Chamber on the 17th day of June, 1890, the junior Senator from Colorado [Mr. WOLCOTT] used the following words, when referring to the attitude of his party in 1888, with respect to the restoration of silver to its old place as a money metal:

The open and avowed views of ex-President Cleveland, while they convinced nobody apparently, either in the Democracy or out of it, were yet sufficient to paralyze the efforts of the friends of silver in both political parties to secure its full recognition. The day star of hope did not rise for us until the national convention of 1888. Then the Republican convention declared for silver. It seems droll now to recall the enthusiasm created in the far West in the last campaign. The Republican candidate for the Presidency had been in public life, but his utterances had not been many or particularly important. * * * But we hunted up the CONGRESSIONAL RECORD, and being ardent and sanguine, and our hearts being illumined with hope, many of us found here and there a phrase or a sentence which indicated a friendly feeling for silver. And we labored among the farmers in the valleys and on the plains and with the toilers in the mining camps in the mountain gulches and canyons with these as texts.

The party was successful at the polls and its candidate for the Presidency was inaugurated March 4, 1889. An attempt was made to carry a silver-coinage bill through Congress and it ended in the enactment of what became known as the Sherman law, because of a few words which the Senator of that name succeeded in getting incorporated in the body of the law which took out of it about all that there was vital in it. The great Senator whose name the law now bears can take to himself all the credit that is due for openly, and in the very face of the people's protests, thrusting aside his party pledges, and again defeating the popular will.

When it was proposed in August, 1893, to repeal so much of the Sherman law as authorized the purchase of silver, a large majority of Republican Senators were found voting with their venerable leader to complete the work of destruction which he began twenty years before, and thus get rid of the last bit of legislation that authorized the coinage of standard silver money.

In 1892, with its platform record favoring silver money, this powerful party, then in power, and having violated its pledges by the enactment of the Sherman law, held another national convention, and announced its position on the money question in these words:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of gold and silver as standard money.

The party vote in both Houses of Congress on the repeal of the Sherman law is sufficient by way of comment.

The party promises and pledges in favor of silver money, but the party votes against it—an open, bold defiance of the popular will in the interest of speculators who prey upon the substance of the people.

In 1884, the Democratic party in national convention assembled, officially said to the people:

We believe in honest money, the gold and silver coinage of the Constitution, and a circulating medium convertible into such medium without loss.

With those words in its platform and with the free-silver coinage oratory of its speakers and the "honest-money" editorials of its newspapers writers, the party was successful in the election of that year. But the Administration of President Cleveland was so hostile to the coinage and use of silver as money that not a word was said on the subject in the party platform of 1888, and the party was defeated.

Profiting by experience, the party pledged itself strongly in 1892, when it declared its monetary policy in these words:

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver, without discrimination against either metal and without charge for minting.

That was intended to be construed and it was construed to mean a free and unlimited gold and silver coinage declaration, and the party made a successful campaign with it. But within four months after the new President's inauguration he called Congress together in extraordinary session for the single purpose of repealing the purchasing clause of the Sherman law, which the Ohio Senator had himself proposed to do by bill only a short time before.

A Democratic House, elected on a free-coinage platform, gave a large majority vote in favor of supporting the President's gold monometallic doctrine and a Democratic Senate, alike pledged to a free-coinage policy, violated its solemn party pledges and gave one-half its party vote in favor of discarding a policy which had descended to it from the fathers of the Republic. The President and both Houses of Congress—all Democratic—united in an open betrayal of the people who intrusted them with power.

In view of these facts, it is not surprising that the present Administration, aided and abetted by the able and trusted financial leader of the Republicans—that subtle financier and monetary diplomat, whose footprints are clearly traceable in our fiscal legislation since 1869—the distinguished Senator from Ohio [Mr. SHERMAN] should brush the laws aside and issue interest bearing obligations of the Government with which to replenish a gold reserve that has been maintained without the mandate of law nearly twenty years and used as a fund for speculators to gamble with.

After the approval of the act of May 31, 1878, there was no need of any redemption fund, and there has not been any legal requirement for such a fund since.

That law was a short one, easily understood, and enacted in compliance with the almost unanimous desire of the people of the United States that our greenback currency should not be retired.

That law reads:

[PUBLIC—No. 65.]

An act to forbid the further retirement of United States legal-tender notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

All acts and parts of acts in conflict herewith are hereby repealed.

Approved May 31, 1878.

There has at all times been money enough in the Treasury to exchange for United States notes (greenbacks) as they were presented for exchange.

I have here a table copied from the Statistical Abstract for 1892, showing the amount of gold money, coin and bullion, in the Treasury on the 1st day of July in each year from 1879 to 1892, inclusive, showing that there was at all times an abundance of money with which to redeem the greenbacks as they were presented without any extra draft for gold whatever, and these figures will show that over and above the amount of the $100,000,000 reserve, that is so frequently spoken of, there was an abundance of gold with which to make this redemption.

The table is as follows:

Amount of gold coin and bullion in the Treasury and gold certificates in the United States on July 1 of each year from 1879 to 1892, inclusive.

[From the report of the Secretary of the Treasury.]

July 1—	Gold in Treasury, including bullion.	Gold certificates—		
		In Treasury.	In circulation.	Total.
1879	$135,230,475	$133,880	$15,279,820	$15,413,700
1880	126,145,427	40,700	7,963,900	8,004,600
1881	163,171,661	23,400	5,759,520	5,782,960
1882	148,506,390	8,100	5,029,020	5,037,120
1883	198,078,568	22,571,270	59,807,370	82,378,640
1884	204,876,584	27,246,020	71,146,640	98,392,660
1885	247,028,625	13,593,410	126,729,730	140,323,140
1886	232,554,896	85,129,870	76,044,375	131,174,245
1887	277,979,054	30,261,380	91,225,437	121,486,817
1888	314,704,822	20,928,500	121,094,650	142,023,150
1889	303,581,937	36,918,323	117,130,229	154,048,552
1890	321,304,106	26,732,120	130,830,859	157,562,979
1891	239,263,089	32,423,360	120,063,069	152,486,429
1892	255,700,511	15,530,310	141,093,619	156,623,929

Mr. President, I see that the hour of 2 o'clock is about to arrive, and I ask unanimous consent that the resolution may lie over, to be called up again to morrow.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before Senate the unfinished business. The Senator from Kansas [Mr. PEFFER] requests that the resolution may lie over, and that it be again laid before the Senate to-morrow.

Mr. PEFFER. And that I may conclude my remarks then, during the morning hour.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. HARRIS. Certainly there ought to be no objection to the request.

Mr. GALLINGER. Before the resolution goes over I give notice of an amendment to the resolution. I propose to insert after the word "practicable," in the second and third lines of the resolution, the words, "if they shall deem it expedient."

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. HARRIS and others. No objection.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered. The unfinished business will be proceeded with.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

The VICE-PRESIDENT. The Senator from Iowa [Mr. ALLISON] is entitled to the floor.

[Mr. ALLISON resumed the floor and concluded the speech begun by him yesterday. See Appendix.]

Mr. PEFFER and Mr. MILLS addressed the Chair.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kansas, if he desires to address the Senate.

Mr. CALL. I ask the Senator from Kansas to yield to me.

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Texas or the Senator from Florida?

Mr. PEFFER. For what purpose?

The VICE-PRESIDENT. The Chair is unadvised.

Mr. PEFFER. Mr. President, I do not desire to proceed with the discussion of the pending bill at this hour; but I wish to retain the floor, so that in the morning, when the proper time comes, I shall be permitted to proceed. With that understanding I yield to the Senator from Florida [Mr. CALL].

Mr. MILLS. If the Senator from Kansas will yield to me this evening, my friend from Florida agrees to yield, I shall yield the floor after I conclude my remarks, and the Senator from Kansas can take the floor again in the morning.

Mr. PEFFER. That will be agreeable to me.

The VICE-PRESIDENT. The Chair recognizes the Senator from Texas.

Mr. MILLS. Mr. President, I wish to call the attention of the Senate to only one subject discussed by the Senator from Iowa [Mr. ALLISON] this afternoon, and that is the question of the specific as against the ad valorem system of taxation.

I have no quarrel with Republican Senators or members of the House of Representatives, or Republican people who believe in a protective tariff, who favor duties so imposed upon articles as to exclude importations, and give a monopoly of the American market to the American producer. I say I have no quarrel with them because the specific system of taxation is the most efficient instrument for the execution of that policy.

What is the specific system which has been so extolled by my friend from Iowa? It is a tax levied on the article by specific quantities, disregarding value. The Democratic system of taxation is a taxation levied ad valorem, interpreted into English "according to value."

No other tax imposed by law, either national, State, or local, is a just and equal tax upon the taxpayer. The specific system of taxation is un-American, unequal, unjust, and un-Democratic. It is in perfect harmony with Republican principles. It is in perfect harmony with that policy that would build up a rich, a powerful, a governing class in the community.

But, sir, the institutions which have been established by our fathers in this country, and established primarily to secure and perpetuate the liberties of the people, are based upon the fundamental rock of ages, that all legislation of the Government must rest upon the principle of the absolute equality of the citizens in the Government. Equality of right is the fundamental principle upon which all free people associate wherever they do associate in the compacts of government.

Hence a tax by value and not the tax by quantity is the tax of equality. A tax on an acre of land of $1 when the land is worth $100 an acre, and on another acre of land at $1 when the land is worth $1 an acre, is a tax to burden the poorer part of the community one hundred times more than it does the richer part of the community. How can any man stand in the blaze of the civilization of the nineteenth century and in the midst of a legislative assembly of a free people demand that a tax shall be imposed whose purpose is, first, to conceal from the taxpayer the burden which is being placed upon him; and, second, a tax that from the day of imposition grows day by day more burdensome as long as it lasts? These are the two distinguishing features of the specific system of taxation.

Mr. President, the values of all products made by human labor, and especially those made by machinery, are falling all over the world and have been falling for fifty or sixty years. Therefore, when a tax of a dollar per pound is to-day placed on an article that is worth $1, as the article falls by the decreasing of the cost of production, by the multiplying of the forces of production, the tax grows and becomes more burdensome; and the distinguished Senator from Iowa in his speech commended it for that very feature. He indorsed that feature, a feature that makes the tax grow more burdensome year by year.

Mr. President, it is a principle acknowledged in all our courts that a tax is a burden on the taxpayer, and a people who believe in just taxation to support the necessary wants of the Government maintain that that burden ought to be made by the Government as light as possible to meet the necessary wants of the Government. But the Senator from Iowa commends the other principle of taxation, that makes the burden grow heavier and heavier from the moment of its imposition.

If a specific tax is the tax, and the only tax that is right, why does my friend from Iowa and my other friends on the other side of the Chamber insist on having so many ad valorem articles in their existing tariff law?

Mr. MITCHELL of Oregon. Will the Senator from Texas allow me to ask him a question?

Mr. MILLS. I was going to answer that question myself.

Mr. MITCHELL of Oregon. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Oregon?

Mr. MILLS. Certainly.

Mr. MITCHELL of Oregon. If a specific duty is un-American, un-Democratic, oppressive, and wrong, as the Senator has characterized it, why is it that the bill contains within its provision between two and three hundred items upon which specific duties are laid?

Mr. MILLS. As my friend from Oregon and I are both Yankees, I will answer his question by asking him another. The Senator from Iowa said the doctrine of ad valorem duty is an ignorant and an antiquated doctrine. If that be true, why did he and why did the Senator from Oregon put so many ad valorem duties in the existing law?

Mr. ALLISON. Will the Senator from Texas allow me to make a suggestion?

Mr. MILLS. Certainly; with pleasure.

Mr. ALLISON. I said the ad valorems were put in because the people who made tariffs were ignorant necessarily of the relations as to quantity, and therefore, where tariffs were made in pursuance of expert knowledge, as in France, Germany, and England, there are few or no ad valorem duties.

Mr. MILLS. Now I will answer my friend from Oregon. I want to be frank and honest about all these things. I do not wish to deceive anybody. All legislation is a compromise. I am giving my opinion now, not the opinion of anybody else on this side of the Chamber. There are gentlemen on this side of the Cham-

ber who are protectionists. There are gentlemen here who believe in specific duties, and who believe in them for the same reason you believe in them and who advocate them for the same reason you advocate them. But I believe that taxation can only justly be imposed upon a people for the purpose of raising a sufficient amount of money to run an honest administration of the Government, and that when so imposed it must be imposed upon the people so as to fall equally upon the taxpayers. That can only be done when you tax by value.

I should like to know if there ever has been a man in any State in this Union since the organization of the Federal Government who has ever intimated any such thing in a State Legislature as the imposition of taxation upon property according to quantity. How are your State governments supported? By taxation alone. There is not a community in any State in this Union that would not overturn any party at the first time it had an opportunity under its law that dared to impose such a taxation as is now advocated for the Federal Government. No such system has ever been imposed in any State, in any county, in any community. All the vast and complicated systems of taxation in our Government are by value. But it is contended that the ad valorem system opens up a door to undervaluation and fraud. Certainly; any system does. The thing that multiplies the frauds, the smuggling, the undervaluations, the underweightings, the under-descriptions, all these things arise out of the intensity of the burden placed upon the shoulders of the taxpayer.

The venerable Senator from Ohio [Mr. SHERMAN], whom I do not now see in his seat, came before the Committee on Ways and Means when my friend from Maine [Mr. FRYE] and I were on it, and we had a long struggle with the sugar duties. They were specific, but the Government was losing heavily under their operation. The Secretary of the Treasury said the Government Treasury was being robbed of millions by this specific system of taxation that we are taught is infallible and can not err. The committee studied over the proposition a long time until they abandoned the color test and adopted a new system that would point out more nearly the actual value of the sugar to be taxed.

You have a tax on opium by the pound, an enormous tax, not imposed this time to build up an American industry, because there is no opium industry in the United States, but imposed this time to moralize people and correct their bad habits. What has been the result? We have recently passed through one of the most shameless scandals that has ever occurred in our Government, which showed that nearly every officer on our Pacific coast in the Northwestern territory was involved in that scandal. Bribery and corruption ran rampant through the specific system that did not secure the Treasury against smuggling and fraud.

A few years ago while I was a member of the Committee on Ways and Means of the House of Representatives a distinguished manufacturer from Pennsylvania, himself one of the members of the tariff commission selected by President Arthur, Mr. Oliver, came before the committee and said: "There are great frauds in the importation of iron. The finest Swedish bars, taxed by specific duties so much per pound, are cut up, thrown into salt and water and rusted, and brought in as old scrap iron," when the Swedish bars were valued at perhaps five times as much as scrap iron. I could stand here and enumerate any number of instances: I have a list of them here, but I will not take up the time of the Senate. Why is it? It is because the people want the trade. It is because the owners of these products want to get them into a market and make a profit, and it is because you say to them by your specific duties, intended so to operate, "You shall not enter. We have made these duties purposely to keep you out. We have made these duties purposely to give a monopoly to the American manufacturers of these articles. We intend to keep you out."

Then the man tries to beat the law. But if you put a low duty the man will pay the duty. He will have no object in trying to smuggle and undervalue if he can come in, because if he can come in at all he transfers to the shoulders of the consumer the burden of taxation which he pays for entering. If you want to stop undervaluations reduce your duties; and if you reduce your duties and put them on an ad valorem basis so that the people can all see them, the goods will all come in and the people will know just exactly what amount of burden they are bearing to support their Government.

Mr. President, I have here an official report from the Secretary of the Interior in relation to the wealth of the United States. I was struck with this table when I saw it the other day. The Secretary gives us the assessed valuation for taxation in 1850, 1860, 1870, 1880, and 1890. Notwithstanding the very low revenue tariff of 1850, a tariff every item of whose duty was ad valorem and a tariff that had the indorsement of the distinguished Senator from Iowa as having been the best tariff that has ever been made in the history of the Government, the assessed valuation of property for taxation in the United States was $6,000,000,000. The true valuation was $7,000,000,000. It was valued at 84.43 per cent of its true value. In 1860, when the duties were still lower by the tariff of 1857, the taxes still more easy to pay, the assessed valuation was 74.79 of the true valuation. In 1870 a change had come over the spirit of the dreams of the taxpayers of the United States. The burden was harder to bear. Now come your frauds and your undervaluations in the States as well as in the imports from foreign countries, and the assessed valuation was 47.59 per cent of the true valuation. In 1880 it was 39.28 per cent of the true valuation and in 1890 it is shown to be 39.17 of the true valuation. Why is it that the people of the United States have so far undervalued their property? It is because of the depression of the country. It is because the chief occupation of the laboring people of this country has been to pay taxes, and not taxes to support the Government that protects them in the enjoyment of their natural and acquired rights, but taxes to build up a powerful and controlling class that is to put its foot upon their neck. That is why it is that the barometer is falling so fast and so far.

Sir, when we had the tariff of 1846 the country never saw such a period of prosperity. There was but little talk about undervaluations. The people were trading, our imports were increasing, our exports were increasing, and the value of all the property of the country rose at the rate of 12.6 per cent per annum for ten years. Who has ever seen such an exhibition of the prosperity of a country?

But my friend from Iowa calls attention to the ad valorem system adopted, and shows how it would work on hay from Canada, and he quotes a provision of the bill. He said:

> Let me illustrate some of the items in this bill. I notice that the Committee on Finance have changed hay from rate of duty in the existing law of $4 a ton and from the House bill which reduces the duty to $2 a ton, to 20 per cent ad valorem. There is laid down in section 40 of the bill a principle of dutiable value which declares that the values shall be ascertained by the appraiser in the principal markets of the country whence exported. Here is hay, which comes from the Dominion of Canada into our country on a shore line with an artificial boundary of more than 4,000 miles. Therefore it is opening up to the Dominion of Canada the market for hay in competition with our farmers at 20 per cent ad valorem. That hay will come from Nova Scotia; it will come from New Brunswick; it will come from the upper and lower provinces of Canada; it will come from Manitoba. Is this 20 per cent ad valorem to be levied upon hay at Halifax or at St. Johns or at Montreal?

I will answer the Senator's question by giving him the language of the existing law, of which he is the father:

> That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States in the principal markets of the country whence the same has been imported.

My friend arraigns the Democratic committee in the other House for adopting a new principle, when he is slaughtering his own offspring, for they copied that part of it from his own bill, the existing law.

Mr. ALDRICH. When it is convenient to the Senator from Texas I should like to ask him a question.

Mr. MILLS. I do not want to take the time of my friend from Kansas [Mr. PEFFER] and my friend from Florida [Mr. CALL]. I suppose I had better conclude.

Mr. ALDRICH. I will wait until the Senator is through, but whenever it is convenient to him or whenever he is through I should like to ask him a question or two.

Mr. MILLS. We will have lots of time to answer questions. There will be questions on both sides before we get through.

I wish to confine myself very closely to the question of specific and ad valorem duties. My distinguished friend from Iowa says there has been but one Secretary of the Treasury who has favored ad valorem duties. He is mistaken. Ad valorem duties have been favored by Secretaries Walker, Guthrie, Cobb, and Carlisle. I will give extracts from all of them, but before doing so I will give an extract from the message of President Polk, December 2, 1845.

In that message he says:

> I recommend to Congress the abolition of the minimum principle, or assumed, arbitrary, and false values, and of specific duties, and the substitution in their place of ad valorem duties as the fairest and most equitable indirect tax which can be imposed. By the ad valorem principle all articles are taxed according to their cost or value, and those which are of inferior quality or of small cost bear only the just proportion of the tax with those which are of superior quality or greater cost. The articles consumed by all are taxed at the same rate.
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> A system of ad valorem revenue duties, with proper discriminations and proper guards against frauds in collecting them, it is not doubted will afford ample incidental advantages to the manufacturers, and enable them to derive as great profits as can be derived from any other regular business. It is believed that such a system, strictly within the revenue standard, will place the manufacturing interests on a stable footing and inure to their permanent advantage; while it will, as nearly as may be practicable, ex-

tend to all the great interests of the country the incidental protection which can be afforded by our revenue laws. Such a system, when once firmly established, would be permanent and not subject to the constant complaints, agitations, and changes which must ever occur when duties are not laid for revenue, but for the "protection merely" of a favored interest.

In the deliberations of Congress on this subject it is hoped that a spirit of mutual concession and compromise between conflicting interests may prevail, and that the result of their labors may be crowned with the happiest consequences.

The next I will give is from the report of the Secretary of the Treasury, Hon. Robert J. Walker, made to Congress December 3, 1845, in which he says:

Minimums are a fictitious value, assumed by law, instead of the real value and the operation of all minimums may be illustrated by a single example. Thus, by the tariff of 1842, a duty of 30 per cent ad valorem is levied on all manufactures of cotton; but the law further provides that cotton goods "not dyed, colored, printed, or stained, not exceeding in value 20 cents per square yard, shall be valued at 20 cents per square yard." If, then, the real value of the cheapest cotton goods is but 4 cents a square yard, it is placed by the law at the false value of 20 cents per square yard, and the duty levied on the fictitious value, raising it five times higher on the cheap article consumed by the poor than upon the fine article purchased by the more wealthy. Indeed, by House Document No. 308, of the first session of the Twenty-eighth Congress, this difference, by actual importation, was 65 per cent between the cheaper and the finer article of the 20 per cent minimum, 131 per cent on the 30 per cent minimum, 48½ per cent on the 35 per cent minimum, 84 per cent on the 60 per cent minimum, and 84 per cent on the 75 per cent minimum.

This difference is founded on actual importation, and shows an average discrimination against the poor on cotton imports of 83 per cent beyond what the tax would be if assessed upon the actual value. The operation of the specific duty presents a similar discrimination against the poor and in favor of the rich. Thus, upon salt the duty is not upon the value, but it is 8 cents a bushel, whether the article be coarse or fine, showing by the same document, from actual importation, a discrimination of 64 per cent against the cheap and in favor of the finer article; and this, to a greater or less extent, is the effect of all specific duties. When we consider that $2,892,621.74 of the revenue last year was collected by minimum duties, and $13,311,035.46 by specific duties, the discrimination against the cheaper article must amount, by estimates founded on the same document, to a tax of $5,103,422 exacted by minimums and specific duties annually from the poorer classes by raising thus the duties on the cheaper articles above what they would be if the duties were assessed upon the actual value.

If direct taxes were made specific, they would be intolerable. Thus, if an annual tax of $30 was assessed on all houses, without respect to their actual value, making the owner of the humble tenement or cabin pay a tax of $30 and the owner of the costly mansion a tax of but $30 on their respective houses, it would differ in degree, but not in principle, from the same unvarying specific duty on cheap as on fine articles. If any discrimination should be made, it should be the reverse of the specific duty, and of the minimum principle, by establishing a maximum standard, above which value the duties on the finer article should be higher, and below which they should be lower on the cheaper article. The tax upon the actual value is the most equal, and can only be accomplished by ad valorem duties.

Again from the report of Secretary Walker, December 9, 1846, in which he says:

At the date of the repeal of the tariff of 1842, the revenue was declining. The receipts under it into the Treasury were less by the sum of $815,444.83 during the last fiscal year terminating on the 30th June, 1846, than the receipts during the fiscal year ending on the 30th June, 1845.

That this decline was progressive, and arose from the prohibitory character of the specific duties, is proved by the table hereto annexed (marked G), from which it appears that, for the fiscal year ending 30th June, 1844, the excess of revenue produced by specific over ad valorem duties was $81,860.74; whereas, during the fiscal year ending 30th June, 1845, the ad valorem exceeded the specific duties $1,737,379.57; and, during the last fiscal year, the ad valorem exceeded the specific duties $2,663,534.91. As the specific duties in their practical operation were becoming every day more prohibitory, the revenue under the tariff of 1842 must have continued to sink so rapidly as soon to have caused a great deficit, even in time of peace, and thus have required ultimately a resort to direct taxes or excises to support the Government.

Also I quote from his report December 8, 1847, as follows:

It is not only the reduced duties that have produced these happy results, but the mode of reduction—the substitution of ad valorem for unequal and oppressive minimum and specific duties. The higher duty was thus always imposed, by the very nature of the duty, upon the articles of the lowest value consumed by the poor, and the lower duty assessed upon the articles of higher value, used by the more wealthy, often operating at a duty of 10, 20, or 30 per cent upon the higher priced goods, and of 100 or 200 per cent ad valorem upon articles of lower price. Nearly the entire burden of the tariff was thus thrown upon labor, by whose wages, chiefly, the cheaper articles were purchased, whilst capital, with whose profits the more costly goods were bought, was almost exempt from the tax. It never would have been tolerated to have imposed a duty of 10, 20, or 30 per cent by name upon costly articles, and 100 or 200 per cent upon cheaper fabrics, when the ad valorem rates would have exhibited the injustice and inequality of the duty; but it was accomplished by minimum and specific duties, which assessed a higher duty in proportion to value upon the cheaper articles and the lower duty upon similar articles more costly in price, thus imposing the higher duty upon labor and the wages of labor as effectually as though the tax-gatherer had collected from the workingman a third or fourth of his wages every day, whilst capital was comparatively exempt from taxation.

Such is the system which has been overthrown by the substitution of the reduced ad valorem, operating the reverse of the former system, in favor of the poor and the wages of labor as far as any tariff can so operate, and, as we see, even with lower duties collecting a larger revenue. A tax in proportion to the value of imports or property must always be more productive than one which is the reverse of that rule, or which disregards it altogether. Thus, if we impose a tax of $10 each upon all houses, it must produce less revenue than the ad valorem tax in proportion to value, because the former tax would fall most heavily upon the poor, who are least able to bear it, and more lightly upon the wealthy, who had greater means of payment; and thereby revenue would be diminished. Thus, if the tax of $10 were imposed alike on the cabin and the costly dwelling, it would bring less revenue than if the same rate ad valorem, beginning with the lowest, at the rate of $10, were assessed in proportion to the value upon all houses. Indeed, the tax upon the cabin might be reduced to a dollar, or say 1 per cent, and applied ad valorem to all dwellings, and it would yield a larger revenue than the anti ad valorem specific tax of $10 upon all houses, irrespective of their value, which is no more unjust or unequal than the same minimum or specific duties upon hats, caps, boots, shoes, etc., and like articles of import, without regard to their value. The ad valorem duty incorporates itself inseparably with the exact value of the article, and collects the tax in exact proportion to the value—the form which, of all others, must yield the largest revenue.

Again, in the same report:

Pennsylvania, surpassingly rich in coal and iron, and but a year since so unanimous for protection, has tried low duties. Her coal and iron pour forth their treasures in increasing abundance; her breadstuffs and provisions find a better and more abundant market; her agriculture, commerce, her manufactures and navigation, her mines, farmers, and merchants and seamen, manufacturers and mechanics, and above all, her toiling workmen, with enhanced wages, and every pursuit of industry blessed with increased prosperity, rise up in favor of the new and more liberal commercial policy; and her people, by a majority unprecedented, largest in the counties where her iron and coal do most abound, recall their former verdict in favor of protection, and Pennsylvania becomes the very keystone of the arch of commercial freedom, which must span the hemisphere we inhabit and unite the interests of mankind.

Also from the report of Hon. James Guthrie, Secretary of the Treasury, December 4, 1854:

The present tariff has eight schedules, or different rates of duties, as follows: The first of 100 per cent, the second of 40 per cent, the third of 30 per cent, the fourth of 25 per cent, the fifth of 20 per cent, the sixth of 15 per cent, the seventh of 10 per cent, and the eighth of 5 per cent. The bill prepared by the committee of the House of Representatives has five schedules, as follows: The first of 100 per cent, the second of 30 per cent, the third of 15 per cent, the fourth of 10 per cent, and the fifth of 5 per cent. And the bill prepared at this Department, and which is substantially the one reported by the minority of the committee of the House of Representatives, has but two rates of duty: The first of 100 per cent, and the second of 25 per cent. There are difficulties in the execution of the present tariff growing out of the required classification under the eight schedules; and these difficulties continue to increase by the acts of manufacturers in assimilating one class of goods to another, and in ascertaining the material of chief value in the fabrics. The difficulties would be reduced under the bill of the committee, and would entirely disappear under that proposed by the Department.

Secretary Guthrie says also in his Report on Finances, December 3, 1855:

In remodeling the tariff act of 1846, I think it would be proper to retain Schedule A of that act, and constitute another schedule to include iron, manufactures of iron, steel, manufactures of steel, sugar, wines, and all fabrics of which silk, wool, cotton, flax, or hemp is a component part, whether manufactured in whole or in part, and to impose a duty on the same of 25 or 30 per cent, except flannels and cloths costing less than $2 per yard, and blankets, and to reconstruct the free list so as to include all the raw material used in our manufactures as proposed in my last report; and to impose on all articles not in the above schedules, or in the free list, a duty of not less than 15 nor more than 20 per cent.

Under a tariff act so constructed there would be little or no difficulty in carrying it into execution in the same way in all the ports, and in properly classing the articles under the schedules in the same port; nor in the collecting officers understanding exactly what duty was to be levied upon each article, nor the importer the amount required to be paid; and would certainly take less time at the port of entry, and require fewer officials to execute the law. The rate of duty under the proposed schedule, and of all other articles except Schedule A and the free list, could be so fixed as to make the necessary reduction, and leave the annual revenue to increase or diminish, as the imports of duty-paying merchandise should increase or diminish.

After the passage of the act of 3d of March 1857, the country was visited by a panic. Importations fell off, and the revenues were greatly reduced. Hon. Howell Cobb, then Secretary of the Treasury, in his report to Congress of December 6, 1858, recommended an increase of duties on imports, and in his recommendation adhered to the principles of the then existing ad valorem tariff of 1857. In that report he says:

Adhering to the principles of the present tariff act, I would recommend such changes as will produce the amount required for the public service. In accordance with the suggestion contained in my last annual report, I recommend that Schedules C, D, F, G, and H be raised respectively to 25, 20, 15, 10, and 5 per cent. I see no good reason for having departed in the act of 1857 from the system of decimal divisions. The present state of things affords a fit opportunity of correcting the error.

I also call the attention of the Senator from Iowa to the report of the present Secretary of the Treasury made to the present Congress:

The equal distribution of the burdens of taxation—

Says Secretary Carlisle—

depends not alone upon the rates of duty imposed upon the different articles, but largely upon the manner in which the amount of the duty is ascertained and fixed by the law. The basis of the duty must be a unit in some form, and the question whether it shall be computed upon the weight, quantity, number, or dimensions of the article, or upon its actual value, is one which lies at the very foundation of every proposition to impose taxes, and upon its determination depends to a great extent the justice or injustice of every revenue measure.

The imposition of specific or compound rates of duty is so inconsistent with the true principles of just taxation that nothing but the plainest necessity can justify it in any case, unless it be in a few exceptional instances where all the articles taxed at the same specific rate are so nearly equal in value that the danger of unjust discrimination is not greater than it would be if an official valuation were required. It is manifestly unjust to compel one citizen to pay the same amount of tax on a yard of cloth worth $1 that another citizen pays on a yard of cloth worth $5. In such a case it is evident that one has been taxed too much for the support of the Government or the other has been taxed too little, and the law has not dealt fairly with them in a matter which affects the equality of their rights and duties as citizens.

A tariff is a tax upon consumption, and the condition of those who are compelled by poverty of means to purchase and use the coarser and cheaper grades of goods should certainly protect them against unjust discriminations, even if it does not entitle them to some measure of exemption from the exactions of the Government. Taxation according to value does injustice to no one, unless the rates are too high or are unequally adjusted upon articles of the same general character and utility. It is distinctly the

American system of taxation, and is recognized as just and equitable by the people in all the States in their laws for the assessment and collection of local revenues upon the ad valorem basis. It is not probable that any other method would be tolerated in any State of the Union where the tax is imposed solely for the purpose of raising revenue with no incidental or ulterior object in view affecting the public health or morals; and it would never have been tolerated in our Federal legislation, except in rare instances, if the use of the taxing power had been limited to the real purpose for which it was delegated. As a means of concealing from the taxpayer the actual proportion which the charge upon his earnings bears to the value of the taxed article, specific and compound rates have been for many years ingeniously employed to mask and perpetuate a system which subordinates the interests of the Government to the exactions of private individuals and corporations engaged in particular industries and trades.

But the objections urged against the ad valorem system of tariff taxation are not generally based upon the proposition that it lacks the element of justice or equality, but usually upon the grounds that it is difficult of administration, and that it furnishes strong inducements for the commission of frauds and perjuries in order to secure false valuations of imported goods. While there is some force in this contention, I am not able to see how unequal taxation can be justified upon the ground that the burdens upon the people ought to be increased in order that the labors of public officials may be diminished, or that the honest citizen should be punished in order to prevent the dishonest one from attempting to violate the law. But the difficulties of administration have always been greatly exaggerated, and so far as they really existed in former times, have now been much diminished by our increased facilities for ascertaining market values in other countries, and by the improved organization of our customs service. The markets of the world have been brought so near to each other by the use of steam and electricity that, as to all staple articles especially, it is not now much more difficult to find their cost or value abroad than at home; and if under these circumstances it shall be demonstrated that official intelligence and integrity can not be safely relied upon for an honest collection of the revenues under the existing system of indirect taxation, it will become necessary to consider whether some other method can not be devised to raise moneys for the support of the Government.

So far as the inducements to commit frauds and perjuries constitute objections, the slightest examination of the subject will show that they are much greater under the system of compound rates, which is one of the most prominent features of our existing legislation, than they could possibly be under a purely ad valorem arrangement of duties. The tariff law now in force imposes compound rates of duty upon a great many important articles in common use among the people, and which are largely imported from abroad, and in every such case a tempting premium is offered for fraudulent undervaluations by the importer or consignee. For instance, on woolen or worsted cloths, shawls and certain other manufactures of wool, worsted or hair of the camel, goat, alpaca, or other animals, valued at more than 30 cents, and not more than 40 cents per pound, the tax per pound is three and a half times the duty imposed upon a pound of unwashed wool of the first class (38½ cents), and in addition 40 per cent ad valorem; but if the goods are valued at more than 40 cents per pound the tax is four times the duty imposed upon a pound of unwashed wool of the first class 44 cents) and 50 per cent ad valorem.

Upon an importation of 100,000 pounds of such goods under this law, an undervaluation to the extent of one-half of 1 cent per pound, so as to reduce the appraisement below 40 cents a pound, would result in a clear gain to the importer and a loss to the revenue of $9,725, whereas if the compound rate imposed upon the first classification mentioned, exorbitant as it is, had been made purely ad valorem and applied to all the goods of like character and description, such undervaluation would have resulted in a gain to the importer and a loss to the revenue of only $685, being a difference of $9,040, or more than 22 per cent upon the whole cost of the importation.

This is only one provision out of a great number in the present law under which substantially the same result can be accomplished by a very small undervaluation of imported goods; and it would seem difficult to devise a scheme better calculated to encourage frauds upon the revenue and make their prevention or detection next to impossible.

Mr. Secretary Walker was during the late war the financial agent of the Government of the United States, and in an open letter written by him November 30, 1867, and addressed to the people of the United States, he says:

But there was another reason why the tariff of 1846 so soon tripled our revenue, and that was the mode of collecting the duties. The tables annexed to the Treasury reports of 1846-'47 will show, even under the tariff of 1842, that the ad valorem duties produced 20 per cent more that the specific duties. And how can it be otherwise in the absence of fraud? It may as well be said that a direct tax of 1 cent an acre on all lands or $5 on all houses will produce as large a revenue as a tax in proportion to their value. In all cases of direct or indirect taxation, the tax, in proportion to value, incorporates itself proportionately with the price, and must necessarily increase the revenue.

And now as to frauds. When there are but five or six duties, as under the tariff of 1846, and hundreds of different duties under the specific system, it is much easier to perpetrate frauds by changing names and classification of articles than by reducing their values. That there were comparatively no frauds under the tariff of 1846 is proved by the immense augmentation of revenue, but still more by the favorable balance of our foreign trade, as compared with previous systems. Thus, with imports under the tariff of 1846 valued at the custom-house at $350,000,000, if there had been an undervaluation of only 10 per cent, as compared with real values and consequent sales here, it would have turned the balance against the country from that cause alone $35,000,000 in gold a year. There is another insuperable objection to the specific system, viz, that it unnecessarily and invariably taxes labor vastly more than capital, and the poor in a much greater proportion than the rich upon the goods consumed. Under the system of specific duties of so much per pound or yard or gallon, etc., the specific duty is the same.

The rich, who purchase the costly article bearing only the same specific duty, pay, in proportion to value, less than one-half what is paid by the poor, who purchase a cheaper and less costly article. If we take all the costly articles purchased by the rich bearing, under the present tariff, the same specific duty as the inferior article bought by the poor, we will find the difference against them exceeds $25,000,000 a year. Such is the immense additional tax exacted from labor under the system of specific duties. I know how fashionable it was to denounce the entire ad valorem system of 1846 as a novelty, but the experiment was comparatively successful, and the reason why it was a novelty was that Europe is ruled by kings and oligarchies, that the laws are made by the wealthy few, and so framed as to exact the largest duty from labor and the least from capital. Switzerland, a republic, is with us on this question.

But the tariff of 1846, although it remained much longer in operation than any other tariff and produced much more beneficial results, was susceptible of great improvements, especially in its application to the present condition of our country.

I ask my friends who constructed the existing law, if the specific tax is sufficient for the collection of the revenues of the Government, why did they resort to the ad valorem duty all through the woolen schedules? The value duty is in almost all its provisions. It is on yarns, cloths, blankets, hats, flannels, dress goods, and clothing of every kind. On goods valued at not exceeding 30 cents per pound the duty is one rate, valued at not more than 40 cents another rate is prescribed, and these classifications run through the schedule.

Why is it, if your specific system is sufficient to raise the revenues, that you have resorted to the ad valorem?

Then, there is a more important question than that. If it is impossible, as my friends contend, that the appraisers can not ascertain the true value so as to reach the correct duties, how can they obtain the true value to make these classifications? And they run all through your schedules. You have got first to determine upon sufficient evidence what is the foreign value in order to make your classifications; and yet you contend that frauds will arise under that, and that there is nobody of sufficient intelligence and sufficient integrity to be trusted with the administration of that law.

Mr. President, I want to call attention a little more pointedly to the fact of the injustice of the specific system. Take the cotton schedule, and you will find that the highest duties are upon the lowest priced and the cheapest goods, and the lowest duties are upon the highest priced goods. I want to know if my friends indorse that principle of imposing taxation; and it runs throughout the entire system, and must necessarily run mathematically so; and mathematics, they tell us, is an exact science? When you say that a certain kind of goods shall pay by the yard or by the number of threads, or by any other specific designation, 25 cents or 40 cents or 50 cents, you place that tax upon the highest priced article. Then the next under that goes up, and the next still goes up. The tax goes up as the value of the thing goes down, and the tax goes up because the value goes down. It is a logical result and it can not be otherwise.

Therefore, you must contend for the un-American proposition to tax the great body of our people upon a confessed principle that the richest people in the country must pay the lowest rate of taxation and the poorest people in the country must pay the highest taxation. You can not escape it, and I am very glad that my friend has so frankly indorsed that as a correct principle of taxation.

Mr. President, I do not care to go further into this question this evening, as my friend from Florida wants to have an executive session. I suppose we shall have some considerable debate on all these questions as we go along, and we will drop a word here and a word there on each side of the Chamber. So I will yield the floor, after hearing what my friend from Rhode Island wants to say.

Mr. ALDRICH. As the Senator from Texas is swift in his championcy of this measure, and as he was a member of the somewhat celebrated subcommittee which prepared the bill, at least in its earliest stages, and has had a great deal to do with its production here in the Senate, I desire to ask him, if he is so strenuous in his opposition to specific rates, how it is and by what influences all, or nearly all, the great articles of prime necessity that are used in this country (the only exception I know of being woolen cloths) are assessed by this measure with specific duties? I should like to have him tell the Senate and the country frankly why it is, for instance, that sugar has a specific duty in this bill, why window glass has specific duties in the bill, why lumber, lead, tin plate, iron ore, rice, and all the great necessaries of life——

Mr. MILLS. And cotton goods.

Mr. ALDRICH. And cotton cloths are assessed by the bill by a mode and manner which he says is un-Democratic? Who are the men, I should like to have him tell me, who are responsible for these duties, and how does it happen that a measure is brought here and has his advocacy which contains such an un-American and un-Democratic method of assessing duties?

Mr. MILLS. I will answer my friend with a great deal of pleasure, as I expect to answer with a great deal of pleasure a number of questions of that sort, and I will answer him again as one Yankee will answer another.

A few years ago there was a tremendous agitation in the State of Iowa for protection of hides, for a duty of 15 per cent on hides; and they even quoted me all over the State of Iowa as having gone back on my free trade views on account of the fact that Texas produced a great many hides. The campaign, as my friend knows, was run over Iowa for a duty of 15 per cent on hides. When the question came up here the Iowa people struggled as though it was a case of life and death to have incorporated in the McKinley law a tax of 15 per cent on hides, and the

committee at one time reported 15 per cent on hides. Now, tell me how it got out of that bill. I will tell you how. The New England people said to the committee and the party, "You shall not do it." That is all there was about it. They said, "You shall not pass any such bill here;" and the Iowa people had to submit and take in all of their campaign thunder on the subject of protection to hides. That is what is the matter with those items.

Now, we will come right down to brass tacks about this thing. You come to the confessional, and I will come to the confessional. You had gentlemen in your party who would not permit you to do that and vote with you to pass your bill. Now, as honest men, we have to admit those things. We can not pass our bill unless we make concessions.

I say again, what I said a while ago, the bill does not suit me. I am between the devil and the deep sea; and when a question is presented to me whether I shall go to the devil and sustain the McKinley law or go to sea, I am going to sea with the hope that some fair wind or tide will bring me ashore again. [Laughter.] I am going to vote for the bill, and I am going to vote for it I do not care what changes are made, so you do not make it as bad as the McKinley law.

EXECUTIVE SESSION.

Mr. CALL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-two minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 5, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 4, 1894.

JUDGES OF PROBATE.

Samuel Francis, of Utah Territory, to be judge of probate in the county of Morgan, in the Territory of Utah, vice Lars P. Edholm, whose term expired March 14, 1894.

E. G. De Freize, of Utah Territory, to be judge of probate, in the county of Uintah, in the Territory of Utah, vice Isaac Burton, whose term expired March 14, 1894.

Joshua Greenwood, of Utah Territory, to be judge of probate, in the county of Midland, in the Territory of Utah, vice George C. Veile, whose term expired March 14, 1894.

Henry L. Steed, of Utah Territory, to be judge of probate, in the county of Boxelder, in the Territory of Utah, vice Edward B. Kirk, whose term expires April 4, 1894.

POSTMASTERS.

George S. Haines, to be postmaster at Savannah, in the county of Chatham and State of Georgia, in the place of Joseph F. Doyle, removed.

J. W. F. Lowrey, to be postmaster at Dawson, in the county of Terrell and State of Georgia, in the place of Jacob M. Alexander, whose commission expires April 16, 1894.

Dennis S. Sheppard, to be pos master at Washington, in the county of Tazewell and State of Illinois, in the place of Samuel C. Zinser, whose commission expires April 19, 1894.

Harry D. Caskey, to be postmaster at Austin, in the county of Potter and State of Pennsylvania, in the place of William T. Lewis, removed.

David F. Fortney, to be postmaster at Bellefonte, in the county of Center and State of Pennsylvania, in the place of James A. Fiedler, whose commission expired January 21, 1894.

Samuel M. Totten, to be postmaster at Vermillion, in the county of Clay and State of South Dakota, in the place of Silas W. Kidder, whose commission expired December 20, 1893.

Isaac Ardis, to be postmaster at Greenville, in the county of Hunt and State of Texas, in the place of Henry Wagner, whose commission expired February 28, 1894.

Thomas H. Haynie, to be postmaster at Lampasas, in the county of Lampasas and State of Texas, in the place of Wilber H. Webber, whose commission expires April 16, 1894.

C. C. Carlin, to be postmaster at Alexandria, in the county of Alexandria and State of Virginia, in the place of Park Agnew, whose commission expired March 12, 1894.

Drummond G Craig, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin, in the place of Matthew H. Taylor, whose commission expires April 19, 1894.

CONFIRMATIONS.

Executive nomination confirmed by the Senate March 29, 1894.

POSTMASTER.

W. F. Daley, to be postmaster at Du Bois, in the county of Clearfield and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 4, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal will be approved.

Mr. LACEY. I object.

Mr. SPRINGER. I move that the Journal be approved, and on that I demand the previous question.

The question was taken; and on a division there were—ayes 67, noes 0.

Mr. LACEY. No quorum.

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 0, not voting 184; as follows:

YEAS—168.

Alderson,	Coombs,	Ikirt,	Pigott,
Alexander,	Cooper, Fla.	Jones,	Rayner,
Allen,	Cooper, Tex.	Kem.	Reilly,
Arnold,	Cornish,	Kilgore,	Richards, Ohio
Bailey,	Covert,	Kribbs,	Richardson, Tenn.
Baker, Kans.	Cox,	Kyle,	Ritchie.
Baldwin,	Culberson,	Lane,	Robbins,
Bankhead,	Cummings,	Latimer,	Robertson, La.
Bartlett,	Davey,	Lawson,	Russell, Ga.
Barwig,	Davis,	Layton,	Sayers,
Bell, Colo.	De Armond,	Lester,	Schermerhorn,
Bell, Tex.	De Forest,	Livingston,	Shell,
Berry,	Dinsmore,	Lockwood,	Sibley,
Black, Ga.	Dockery,	Lynch,	Snodgrass,
Bland,	Dunphy,	Mallory,	Springer,
Boatner,	Durborow,	Martin, Ind.	Stallings,
Branch,	Edmunds,	McAleer,	Stockdale,
Breckinridge, Ark.	English,	McCreary, Ky.	Stone, Ky.
Bretz,	Epes,	McDannold,	Strait,
Brickner,	Erdman,	McDearmon,	Straus,
Brookshire,	Everett,	McEttrick,	Swanson,
Brown,	Fielder,	McGann,	Talbert, S. C.
Bryan,	Geary,	McKaig,	Talbott, Md.
Bynum,	Geissenhainer,	McLaurin,	Tate,
Cabaniss,	Goldzier,	McNagny,	Taylor, Ind.
Cadmus,	Grady,	McRae,	Terry,
Caminetti,	Gresham,	Meredith,	Tracey,
Campbell,	Haines,	Meyer,	Tucker,
Cannon, Cal.	Hall, Minn.	Money,	Turner, Ga.
Capehart,	Hall, Mo.	Montgomery,	Turner, Va.
Caruth,	Hammond,	Morgan,	Turpin,
Catchings,	Hare,	Moses,	Tyler,
Causey,	Harris,	Mutchler,	Warner,
Clancy,	Hatch,	Neill,	Washington,
Clark, Mo.	Henderson, N. C.	O'Neil, Mass.	Wells,
Clarke, Ala.	Hendrix,	O'Neill, Mo.	Wheeler, Ala.
Cobb, Ala.	Hines,	Outhwaite,	Whiting.
Cobb, Mo.	Holman,	Paschal,	Williams, Ill.
Cockran,	Hooker, Miss.	Patterson,	Williams, Miss.
Cockrell,	Hudson,	Paynter.	Wise.
Coffeen,	Hunter,	Pendleton, Tex.	Wolverton,
Conn,	Hutcheson,	Pendleton, W. Va.	Woodard.

NAYS—0.

NOT VOTING—184.

Abbott,	Daniels,	Hilborn,	Page,
Adams, Ky.	Denson,	Hitt,	Payne,
Adams, Pa.	Dingley,	Hooker, N. Y.	Pearson,
Aitken,	Dolliver,	Hopkins, Ill.	Pence,
Aldrich,	Donovan,	Hopkins, Pa.	Perkins,
Apsley,	Doolittle,	Houk,	Phillips,
Avery,	Draper,	Hulick,	Pickler,
Babcock,	Dunn,	Hull,	Post.
Baker, N. H.	Ellis, Ky.	Johnson, Ind.	Powers,
Barnes,	Ellis, Oregon	Johnson, N. Dak.	Price,
Bartholdt,	Enloe,	Johnson, Ohio	Quigg,
Belden,	Fithian,	Kiefer,	Randall,
Beltzhoover,	Fletcher,	Lacey,	Ray,
Bingham,	Forman,	Lapham,	Reed.
Black, Ill.	Funk,	Lefever,	Reyburn,
Blair,	Funston,	Linton,	Richardson, Mich.
Boen,	Fyan,	Lisle,	Robinson, Pa.
Boutelle,	Gardner,	Loud,	Rusk.
Bower, N. C.	Gear,	Loudenslager,	Russell, Conn.
Bowers, Cal.	Gillet, N. Y.	Lucas,	Ryan,
Brattan,	Gillett, Mass.	Maddox,	Scranton,
Breckinridge, Ky	Goodnight,	Magner,	Settle,
Broderick,	Gorman,	Maguire,	Shaw,
Brosius,	Graham,	Mahon,	Sherman,
Bundy,	Griffin,	Marsh,	Sickles,
Bunn,	Grosvenor,	Marshall,	Simpson,
Burnes,	Grout,	Marvin, N. Y.	Sipe,
Burrows,	Grow,	McCall,	Smith,
Caldwell,	Hager,	McCleary, Minn.	Somers,
Cannon, Ill.	Hainer,	McCulloch,	Sperry,
Chickering,	Harmer,	McDowell,	Stephenson,
Childs,	Harter,	McKeighan,	Stevens,
Cogswell,	Hartman,	McMillin,	Stone, C. W.
Compton,	Haugen,	Meiklejohn,	Stone, W. A.
Cooper, Ind.	Hayes,	Mercer,	Storer,
Cooper, Wis.	Heard,	Milliken,	Strong,
Cousins,	Heiner,	Moon,	Sweet,
Crain,	Henderson, Ill.	Morse,	Tarsney,
Crawford,	Henderson, Iowa	Murray,	Tawney,
Curtis, Kans.	Hepburn,	Newlands,	Taylor, Tenn.
Curtis, N. Y.	Hermann,	Northway,	Thomas,
Dalzell,	Hicks,	Oates,	Updegraff

Van Voorhis, N.Y.	Wanger,	Wheeler, Ill.	Wilson, W. Va.
Van Voorhis, Ohio	Waugh.	White,	Woomer.
Wadsworth,	Weadock,	Wilson, Ohio	Wright, Mass.
Walker,	Wever.	Wilson, Wash.	Wright, Pa

No quorum voting.

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. WEADOCK with Mr. HOOKER of New York.

Mr. MCKEIGHAN with Mr. RANDALL.

Mr. LISLE with Mr. HOUK.

Mr. BRATTAN with Mr. ADAMS of Kentucky.

Mr. GOODNIGHT with Mr. CALDWELL.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. PAGE with Mr. MORSE, except on silver.

Mr. HEARD with Mr. TAYLOR of Tennessee.

Mr. MADDOX with Mr. GROUT.

Mr. FORMAN with Mr. LUCAS.

Mr. ELLIS of Kentucky with Mr. HAUGEN.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. GRAHAM with Mr. STRONG.

Mr. COMPTON with Mr. LEFEVER.

Mr. BLACK of Illinois with Mr. ALDRICH.

Mr. SICKLES with Mr. WADSWORTH.

Mr. MCALEER with Mr. HOPKINS of Pennsylvania.

Mr. VAN VOORHIS of Ohio with Mr. PEARSON.

For this day:

Mr. CRAIN with Mr. WRIGHT of Pennsylvania.

Mr. FITHIAN with Mr. BINGHAM.

Mr. FYAN with Mr. LINTON.

Mr. SOMERS with Mr. HARMER.

Mr. BELTZHOOVER with Mr. GILLET of New York.

Mr. ABBOTT with Mr. VAN VOORHIS of New York.

Mr. OATES. Mr. Speaker, I desire to vote on this question.

The SPEAKER. Was the gentleman in the Hall of the House and failed to hear his name?

Mr. OATES. I was in the Hall of the House during the roll call up to the time it was interrupted by the message from the Senate, and just stepped inside the door of the cloak room when my name was called. I heard my name, but could not answer on the call.

The SPEAKER. The gentleman from Alabama, of course, knows the rule.

Mr. OATES. I think I was in the Hall of the House. I so consider it.

Mr. REED. Does the gentleman from Alabama say that he was in the Hall of the House?

Mr. OATES. I stated that I was in the Hall up to the time the message from the Senate interrupted the roll call. While that was being delivered I stepped into the cloak room. Immediately afterwards my name was called. I heard it called, and I consider that I was in the Hall of the House. But from the position I was in I could not answer.

The SPEAKER. The Chair thinks the gentleman hardly brings himself within the rule.

Mr. OATES. I do not think the gentleman from Maine stands in the position to object to my voting, because I remember distinctly that he counted me on one occasion when I was in the cloak room.

Mr. REED. I think the gentleman from Alabama was in the proper place. I am not objecting to his voting at all. I think he had the right to answer on the call from where he was. I only complain that he did not answer.

Mr. OATES. I think I was in the Hall of the House at the time.

The SPEAKER. The Chair does not think the gentleman comes within the spirit of the rule.

Mr. COBB of Alabama. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. MCCALL, but voted under an understanding with him to make a quorum.

Mr. CULBERSON. I ask that my colleague, Mr. ABBOTT, be excused from attendance on account of illness.

There was no objection.

Mr. BURROWS. I am requested by my colleague, Mr. GRIFFIN, to ask that he be excused to-day on account of sickness.

There was no objection.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. I move that the House do now adjourn, and ask the House to vote the motion down.

Mr. REED. I trust the gentleman from Illinois will not debate the question.

The question was taken, and the House proceeded to divide on the demand of Mr. LACEY.

Mr. SPRINGER. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 0, nays 185, not voting 167; as follows:

YEAS—0.

NAYS—185.

Alderson,	Covert,	Kem,	Rayner,
Alexander,	Cox,	Kilgore,	Reilly,
Allen,	Crawford,	Kribbs,	Richards, Ohio
Arnold,	Culberson,	Kyle,	Richardson, Mich.
Bailey,	Cummings,	Lane,	Richardson, Tenn.
Baker, Kans.	Davey,	Latimer,	Ritchie,
Baldwin,	Davis,	Lawson,	Robbins,
Bankhead,	De Armond,	Layton,	Robertson, La.
Bartlett,	De Forest,	Lefever,	Russell, Ga.
Barwig,	Dinsmore,	Lester,	Ryan,
Bell, Colo.	Dockery,	Livingston,	Sayers,
Bell, Tex.	Donovan,	Lockwood,	Schermerhorn,
Berry,	Dunphy,	Lynch,	Sibley,
Black, Ga.	Durborow,	Maguire,	Sickles,
Bland,	Edmunds,	Mallory,	Snodgrass,
Boatner,	English,	Marshall,	Sperry,
Boen,	Enloe,	Martin, Ind.	Springer,
Branch,	Epes,	McCreary, Ky.	Stallings,
Breckinridge, Ark	Erdman,	McCulloch,	Stockdale,
Bretz,	Everett,	McDannold,	Stone, Ky.
Brickner,	Fielder,	McDearmon,	Strait,
Brookshire,	Forman,	McEttrick,	Straus,
Brown,	Geary,	McGann,	Swanson,
Bryan,	Geissenhainer,	McKaig	Talbert, S. C.
Bynum,	Goldzier,	McLaurin,	Talbott, Md.
Cabaniss,	Gorman,	McMillin,	Tate,
Cadmus,	Grady,	McNagny,	Taylor, Ind.
Caminetti,	Gresham,	McRae,	Terry,
Campbell,	Haines,	Meredith,	Tracey,
Cannon, Cal.	Hall, Minn.	Meyer,	Tucker,
Capehart,	Hall, Mo.	Money,	Turner, Ga.
Caruth,	Hammond,	Montgomery,	Turner, Va.
Catchings,	Hare,	Morgan,	Turpin,
Causey,	Harris,	Moses,	Tyler,
Clancy,	Harter,	Mutchler,	Warner,
Clark, Mo.	Hatch,	Neill,	Washington,
Clarke, Ala.	Hayes,	Oates,	Wells,
Cobb, Ala.	Henderson, N. C.	O'Neil, Mass.	Wheeler, Ala.
Cobb, Mo.	Hendrix,	O'Neill, Mo.	Whiting,
Cockrell,	Hines,	Outhwaite,	Williams, Ill.
Coffeen,	Holman,	Paschal,	Williams, Miss.
Conn	Hooker, Miss.	Patterson,	Wise,
Coombs,	Hudson,	Paynter,	Wolverton,
Cooper, Fla.	Hunter,	Pendleton, Tex.	Woodard.
Cooper, Ind.	Hutcheson,	Pendleton, W. Va	
Cooper, Tex.	Ikirt,	Pigott,	
Cornish,	Jones,	Price,	

NOT VOTING—167.

Abbott,	Dingley,	Johnson, Ind.	Reyburn,
Adams, Ky.	Dolliver,	Johnson, N. Dak.	Robinson, Pa.
Adams, Pa.	Doolittle,	Johnson, Ohio	Rusk,
Aitken,	Draper,	Kiefer,	Russell, Conn.
Aldrich,	Dunn,	Lacey,	Scranton,
Apsley,	Ellis, Ky.	Lapham,	Settle,
Avery,	Ellis, Oregon	Linton,	Shaw,
Babcock,	Fithian,	Lisle,	Shell,
Baker, N. H.	Fletcher,	Loud,	Sherman,
Barnes,	Funk,	Loudenslager,	Simpson,
Bartholdt,	Funston,	Lucas,	Sipe,
Belden,	Fyan,	Maddox,	Smith,
Beltzhoover,	Gardner,	Magner,	Somers,
Bingham,	Gear,	Mahon,	Stephenson,
Black, Ill.	Gillet, N. Y.	Marsh,	Stevens,
Blair,	Gillett, Mass.	Marvin, N. Y.	Stone, C. W.
Boutelle,	Goodnight,	McAleer,	Stone, W. A.
Bower, N. C.	Graham,	McCall,	Storer,
Bowers, Cal.	Griffin,	McCleary, Minn.	Strong,
Brattan,	Grosvenor,	McDowell,	Sweet,
Breckinridge, Ky.	Grout,	McKeighan,	Tarsney,
Broderick,	Grow,	Meiklejohn,	Tawney,
Broslus,	Hager,	Mercer,	Taylor, Tenn.
Bundy,	Hainer,	Milliken,	Thomas,
Bunn,	Harmer,	Moon,	Updegraff,
Burnes,	Hartman,	Morse,	Van Voorhis, N.Y.
Burrows,	Haugen,	Murray,	Van Voorhis, Ohio
Caldwell,	Heard,	Newlands,	Wadsworth,
Cannon, Ill.	Heiner,	Northway,	Walker,
Chickering,	Henderson, Ill.	Page,	Wanger,
Childs,	Henderson, Iowa	Payne,	Waugh,
Cockran,	Hepburn,	Pearson,	Weadock,
Cogswell,	Hermann,	Pence,	Wever,
Compton,	Hicks,	Perkins,	Wheeler, Ill.
Cooper, Wis.	Hilborn,	Phillips,	White,
Cousins,	Hitt,	Pickler,	Wilson, Ohio
Crain,	Hooker, N. Y.	Post,	Wilson, Wash.
Curtis, Kans.	Hopkins, Ill.	Powers,	Wilson, W. Va.
Curtis, N. Y.	Hopkins, Pa.	Quigg,	Woomer,
Dalzell,	Houk,	Randall,	Wright, Mass.
Daniels,	Hulick,	Ray,	Wright, Pa.
Denson,	Hull,	Reed,	

So the motion to adjourn was rejected.

The result of the vote was then announced as above recorded.

Mr. SPRINGER. Mr. Speaker, what is the question now before the House?

The SPEAKER. The Journal was read, and the gentleman from Illinois [Mr. SPRINGER] moved the previous question upon the approval of the Journal. The vote was taken upon ordering the previous question, and, no quorum appeared, whereupon a motion to adjourn was made.

Mr. SPRINGER. A quorum having appeared, Mr. Speaker, I

make the point that no intervening motion can prevent proceeding with the election case.

Mr. BURROWS. The election case has not been called up.

Mr. SPRINGER. It comes over under the rule. It is the order from day to day, without being called up.

Mr. BURROWS. That is absurd.

Mr. REED. We are in the midst of a division. We have divided once. It is too late to make that point.

Mr. BROWN. Has the Journal been approved?

The SPEAKER. It has not.

Mr. BROWN. I make the point of order that the special order should be proceeded with notwithstanding the Journal has not been approved, and I call up the contested-election case.

The SPEAKER. The gentleman from Indiana [Mr. BROWN] calls up the pending contested-election case.

Mr. REED. But, Mr. Speaker, we are dividing on a proposition for the previous question on a motion to approve the Journal.

The SPEAKER. We are not dividing.

Mr. REED. We have taken one vote on it, and discovered no quorum. We have moved to adjourn, and discovered a quorum, and it seems very plain sailing that we should go on now to renew the vote to ascertain what the House will determine on the question which is before it, and on which it has divided or tried to divide, and is now trying to divide.

Mr. BROWN. I take it, Mr. Speaker, that if it is insisted upon the special order must be executed, no matter whether the Journal has been approved or not.

The SPEAKER. The Chair has no doubt at all that under the terms of the special order the gentleman might call up the contested-election case at any time before the reading of the Journal. The special order continues from day to day, and no motion can intervene to prevent the consideration of the case. That was the object and purpose of framing the order, so that gentlemen who desired by any sort of motion to delay legislation would be prevented from having an opportunity to do it; and while the Chair thinks that of course the House must approve the Journal, yet the Chair decides that if the election case is called up the House must first vote upon that election case, and that other motions can not intervene so as to prevent the House from voting upon that question.

Mr. REED. Mr. Speaker, I simply desire to call the attention of the Chair, before the matter is closed, as to the suggestion of gentlemen making motions for the purposes of delay, that for my part I do not think that ought to be charged upon the gentleman from Illinois [Mr. SPRINGER], whose motion we are now passing upon, and I do not think that he intended it for delay; but perhaps the Speaker does not regard the question of intention at all, but simply takes the result of the action of the gentleman from Illinois.

Mr. SPRINGER. The gentleman from Illinois has no apologies to make.

The SPEAKER. The Clerk will report the substitute resolution.

Mr. LACEY. I appeal from the ruling of the Chair.

The SPEAKER. The Chair declines to entertain the appeal. The Clerk will report the substitute resolution.

The Clerk read as follows:

Resolved, That Warren B. English was not legally elected to a seat in the Fifty-third Congress from the Third Congressional district of California, and is not entitled to a seat in this House.

The SPEAKER. The yeas and nays were ordered upon this resolution. As many as favor agreeing to the substitute resolution just read will, when their names are called, say aye, those opposed no.

The question was taken; and there were—yeas 12, nays 167, not voting 174; as follows:

YEAS—12.

Bartlett,	Coombs,	Harris,	McLaurin,
Bell, Colo.	Crawford,	Hudson,	Ryan,
Breckinridge, Ark	Hall, Minn.	Kem,	Shell.

NAYS—167.

Alderson,	Bryan,	Coffeen,	Edmunds,
Alexander,	Bynum,	Conn,	English,
Allen,	Cabaniss,	Cooper, Fla.	Enloe,
Arnold,	Cadmus,	Cooper, Ind.	Epes,
Bailey,	Caminetti,	Cooper, Tex.	Erdman,
Baldwin,	Campbell,	Cornish,	Fielder,
Bankhead,	Camson, Cal.	Covert,	Forman,
Barwig,	Capehart,	Cox,	Geary,
Bell, Tex.	Caruth,	Culberson,	Geissenhainer,
Berry,	Catchings,	Cummings,	Goldzier,
Black, Ga.	Causey,	De Armond,	Gorman,
Bland,	Clancy,	De Forest,	Grady,
Boatner,	Clark, Mo.	Dinsmore,	Haines,
Branch,	Clarke, Ala.	Dockery,	Hall, Mo.
Bretz,	Cobb, Ala.	Donovan,	Hammond,
Brickner,	Cobb, Mo.	Dunn,	Hare,
Brookshire,	Cockran,	Dunphy,	Harter,
Brown,	Cockrell,	Durborow,	Hatch,
Hayes,	Martin, Ind.	Paynter,	Swanson,
Henderson, N. C.	McCreary, Ky.	Pendleton, Tex.	Talbert, S. C.
Hendrix,	McCulloch,	Pendleton, W. Va.	Talbott, Md.
Hines,	McDannold,	Pigott,	Tate,
Holman,	McDearmon,	Price,	Taylor, Ind.
Hooker, Miss.	McEttrick,	Reilly,	Terry,
Hunter,	McGann,	Richards, Ohio	Tracey,
Hutcheson,	McKaig,	Richardson, Mich.	Tucker,
Ikirt,	McMillin,	Richardson, Tenn.	Turner, Ga.
Jones,	McNagny,	Ritchie,	Turner, Va.
Kilgore,	McRae,	Robbins,	Turpin,
Kribbs,	Meredith,	Robertson, La.	Tyler,
Kyle,	Money,	Russell, Ga.	Warner,
Lane,	Montgomery,	Sayers,	Washington,
Latimer,	Morgan,	Schermerhorn,	Wells,
Lawson,	Moses,	Sibley,	Wheeler, Ala.
Layton,	Mutchler,	Sickles,	Whiting,
Lester,	Neill,	Snodgrass,	Williams, Ill.
Livingston,	Oates,	Springer,	Williams, Miss.
Lockwood,	O'Neil, Mass.	Stallings,	Wise,
Lynch,	O'Neill, Mo.	Stockdale,	Wolverton,
Maguire,	Outhwaite,	Stone, Ky.	Woodard,
Mallory,	Paschal,	Strait,	The Speaker.
Marshall,	Patterson.	Straus,	

NOT VOTING—174.

Abbott,	Denson,	Johnson, Ind.	Reed,
Adams, Ky.	Dingley,	Johnson, N. Dak.	Reyburn,
Adams, Pa.	Dolliver,	Johnson, Ohio	Robinson, Pa.
Aitken,	Doolittle,	Kiefer,	Rusk,
Aldrich,	Draper,	Lacey,	Russell, Conn.
Apsley,	Ellis, Ky.	Lapham,	Scranton,
Avery,	Ellis, Oregon	Lefever,	Settle,
Babcock,	Everett,	Linton,	Shaw,
Baker, Kans.	Fithian,	Lisle,	Sherman,
Baker, N. H.	Fletcher,	Loud,	Simpson,
Barnes,	Funk,	Loudenslager,	Sipe,
Bartholdt,	Funston,	Lucas,	Smith,
Belden,	Fyan,	Maddox,	Somers,
Beltzhoover,	Gardner,	Magner,	Sperry,
Bingham,	Gear,	Mahon,	Stephenson,
Black, Ill.	Gillet, N. Y.	Marsh,	Stevens,
Blair,	Gillett, Mass.	Marvin, N. Y.	Stone, C. W.
Boen,	Goodnight,	McAleer,	Stone, W. A.
Boutelle,	Graham,	McCall,	Storer,
Bower, N. C.	Gresham,	McCleary, Minn.	Strong,
Bowers, Cal.	Griffin,	McDowell,	Sweet,
Brattan,	Grosvenor,	McKeighan,	Tarsney,
Breckinridge, Ky	Grout,	Meiklejohn,	Tawney,
Broderick,	Grow,	Mercer,	Taylor, Tenn.
Broslus,	Hager,	Meyer,	Thomas,
Bundy,	Hainer,	Milliken,	Updegraff,
Bunn,	Harmer,	Moon,	Van Voorhis, N. Y.
Burnes,	Hartman,	Morse,	Van Voorhis, Ohio
Burrows,	Haugen,	Murray,	Wadsworth,
Caldwell,	Heard,	Newlands,	Walker,
Cannon, Ill.	Heiner,	Northway,	Wanger,
Chickering,	Henderson, Ill.	Page,	Waugh,
Childs,	Henderson, Iowa	Payne,	Weadock,
Cogswell,	Hepburn,	Pearson,	Wever,
Compton,	Hermann,	Pence,	Wheeler, Ill.
Cooper, Wis.	Hicks,	Perkins,	White,
Cousins,	Hilborn,	Phillips,	Wilson, Ohio
Crain,	Hitt,	Pickler,	Wilson, Wash.
Curtis, Kans.	Hooker, N. Y.	Post,	Wilson, W. Va.
Curtis, N. Y.	Hopkins, Ill.	Powers,	Woomer,
Daizell,	Hopkins, Pa.	Quigg,	Wright, Mass.
Daniels,	Houk,	Randall,	Wright, Pa.
Davey,	Hulick,	Ray,	
Davis,	Hull,	Rayner,	

The SPEAKER. The Clerk will call my name.

The name of the Speaker was called, and he voted nay.

The SPEAKER. On this question the yeas are 12; the nays 167; the nays have it, and the substitute is not agreed to. The Clerk will now report the resolutions reported from the majority of the committee.

The Clerk read as follows:

Resolved, That Samuel G. Hilborn was not elected a Representative in the Fifty-third Congress from the Third Congressional district of California, and is not entitled to a seat therein.

Resolved, That Warren B. English was elected a Representative in the Fifty-third Congress from the Third Congressional district of California, and is entitled to a seat therein.

Mr. PAYNE. Mr. Speaker, I ask for a division of the propositions.

Mr. OUTHWAITE. I rise to a parliamentary inquiry. Is not that such a motion as should not be entertained under this rule?

The SPEAKER. These are distinct substantive propositions.

Mr. OUTHWAITE. But the substance of the first resolution has virtually been passed upon just now by a vote of the House.

The SPEAKER. The Chair thinks that the right to have a separate vote upon this resolution must exist. The Clerk will report the first resolution.

The Clerk read as follows:

Resolved, That Samuel G. Hilborn was not elected a Representative in the Fifty-third Congress from the Third Congressional district of California, and is not entitled to a seat therein.

The SPEAKER. The question is on agreeing to this resolution.

Mr. BROWN. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 13, not voting 169; as follows:

YEAS—170.

Alderson,	Cox,	Kyle,	Richards, Ohio
Alexander,	Culberson,	Lane,	Richardson, Mich.
Allen,	Cummings,	Latimer,	Richardson, Tenn.
Arnold,	Davey,	Lawson,	Ritchie,
Bailey,	De Armond,	Layton,	Robbins,
Baldwin,	De Forest,	Lester,	Robertson, La.
Bankhead,	Dinsmore,	Livingston,	Russell, Ga.
Barwig,	Dockery,	Lockwood,	Sayers,
Bell, Tex.	Donovan,	Lynch,	Schermerhorn,
Berry,	Dunn,	Maguire,	Sibley,
Black, Ga.	Dunphy,	Mallory,	Sickles,
Bland,	Durborow,	Marshall,	Snodgrass,
Boatner,	Edmunds,	Martin, Ind.	Sperry,
Branch,	English,	McAleer,	Springer,
Bretz,	Enloe,	McCreary, Ky.	Stallings,
Brickner,	Epes,	McCulloch,	Stockdale,
Brookshire,	Erdman,	McDannold,	Stone, Ky.
Brown,	Everett,	McDearmon,	Strait,
Bryan,	Fielder,	McEttrick,	Straus,
Bynum,	Forman,	McGann,	Swanson,
Cabaniss,	Geary,	McKaig,	Talbert, S. C.
Cadmus,	Geissenhainer,	McMillin,	Talbott, Md.
Caminetti,	Goldzier,	McRae,	Tate,
Campbell,	Gorman	Meredith,	Taylor, Ind.
Cannon, Cal.	Grady,	Meyer,	Terry,
Capehart,	Haines,	Money,	Tracey,
Caruth,	Hall, Mo.	Montgomery,	Tucker,
Catchings,	Hammond,	Morgan,	Turner, Ga.
Causey,	Hare,	Moses,	Turner, Va.
Clancy,	Harter,	Mutchler,	Turpin,
Clark, Mo.	Hatch,	Neill,	Tyler,
Clarke, Ala.	Hayes,	Oates,	Warner,
Cobb, Ala.	Henderson, N. C.	O'Neil, Mass.	Washington,
Cobb, Mo.	Hendrix,	O'Neill, Mo.	Wells,
Cockran,	Hines,	Outhwaite,	Wheeler, Ala.
Cockrell,	Holman,	Paschal,	Whiting,
Coffeen,	Hooker, Miss.	Patterson,	Williams, Ill.
Conn,	Hunter,	Paynter,	Williams, Miss.
Cooper, Fla.	Hutcheson,	Pendleton, Tex.	Wise,
Cooper, Ind.	Ikirt,	Pendleton, W. Va.	Wolverton,
Cooper, Tex.	Jones,	Pigott,	Woodard.
Cornish,	Kilgore,	Price,	
Covert,	Kribbs,	Reilly,	

NAYS—13.

Bartlett,	Crawford,	Kem,	Shell.
Bell, Colo.	Hall, Minn.	McLaurin,	
Breckinridge, Ark.	Harris,	McNagny,	
Coombs,	Hudson,	Ryan,	

NOT VOTING—169.

Abbott,	Denson,	Johnson, Ind.	Reyburn,
Adams, Ky.	Dingley,	Johnson, N. Dak.	Robinson, Pa.
Adams, Pa.	Dolliver,	Johnson, Ohio	Rusk,
Aitken,	Doolittle,	Kiefer,	Russell, Conn.
Aldrich,	Draper,	Lacey,	Scranton,
Apsley,	Ellis, Ky.	Lapham,	Settle,
Avery,	Ellis, Oregon	Lefever,	Shaw,
Babcock,	Fithian,	Linton,	Sherman,
Baker, Kans.	Fletcher,	Lisle,	Simpson,
Baker, N. H.	Funk,	Loud,	Sipe,
Barnes,	Funston,	Loudenslager,	Smith,
Bartholdt,	Fyan,	Lucas,	Somers,
Belden,	Gardner,	Maddox,	Stephenson,
Beltzhoover,	Gear,	Magner,	Stevens,
Bingham,	Gillet, N. Y.	Mahon,	Stone, C. W.
Black, Ill.	Gillett, Mass.	Marsh,	Stone, W. A.
Blair,	Goodnight,	Marvin, N. Y.	Storer,
Boen,	Graham,	McCall,	Strong,
Boutelle,	Gresham,	McCleary, Minn.	Sweet,
Bower, N. C.	Griffin,	McDowell,	Tarsney,
Bowers, Cal.	Grosvenor,	McKeighan,	Tawney,
Brattan,	Grout,	Meiklejohn,	Taylor, Tenn.
Breckinridge, Ky.	Grow,	Mercer,	Thomas,
Broderick,	Hager,	Milliken,	Updegraff,
Brosius,	Hainer,	Moon,	VanVoorhis, N. Y.
Bundy,	Harmer,	Morse,	VanVoorhis, Ohio
Bunn,	Hartman,	Murray,	Wadsworth,
Burnes,	Haugen,	Newlands,	Walker,
Burrows,	Heard,	Northway,	Wanger,
Caldwell,	Heiner,	Page,	Waugh,
Cannon, Ill.	Henderson, Ill.	Payne,	Weadock,
Chickering,	Henderson, Iowa	Pearson,	Wever,
Childs,	Hepburn,	Pence,	Wheeler, Ill.
Cogswell,	Hermann,	Perkins,	White,
Compton,	Hicks,	Phillips,	Wilson, Ohio
Cooper, Wis.	Hilborn,	Pickler,	Wilson, Wash.
Cousins,	Hitt,	Post,	Wilson, W. Va.
Crain,	Hooker, N. Y.	Powers,	Woomer,
Curtis, Kans.	Hopkins, Ill.	Quigg,	Wright, Mass.
Curtis, N. Y.	Hopkins, Pa.	Randall,	Wright, Pa.
Dalzell,	Houk,	Ray,	
Daniels,	Hulick,	Rayner,	
Davis,	Hull,	Reed,	

Mr. LACEY. I ask to have the vote recapitulated.

The vote was recapitulated.

The SPEAKER. On this question the yeas are 170, the nays 13; the yeas have it, and the resolution is agreed to. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That Warren B. English was elected a Representative in the Fifty-third Congress from the Third Congressional district of California, and is entitled to a seat therein.

The question was taken on agreeing to the resolution, and the Speaker announced that the ayes seemed to have it.

Mr. LACEY. Division.

Mr. BROWN. I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Evidently a sufficient number.

Mr. REED. Tellers.

The question was taken on the demand for tellers on ordering the yeas and nays.

The SPEAKER. A sufficient number, and tellers are ordered. The gentleman from Indiana [Mr. BROWN] and the gentleman from Maine [Mr. REED] will please take their places as tellers.

The House again divided; and the tellers reported 74 in the affirmative.

The SPEAKER. That is one-fifth of the whole House, and the yeas and nays are ordered.

The question was taken; and there were—yeas 165, nays 17, not voting 170; as follows:

YEAS—165.

Alderson,	Cox,	Kyle,	Reilly,
Alexander,	Culberson,	Lane,	Richardson, Mich.
Allen,	Cummings,	Latimer,	Richardson, Tenn.
Arnold,	Davey,	Lawson,	Ritchie,
Bailey,	De Armond,	Layton,	Robbins,
Baldwin,	De Forest,	Lester,	Robertson, La.
Bankhead,	Dinsmore,	Livingston,	Russell, Ga.
Barwig,	Dockery,	Lockwood,	Sayers,
Bell, Tex.	Donovan,	Lynch,	Schermerhorn,
Berry,	Dunn,	Maguire,	Sibley,
Black, Ga.	Dunphy,	Marshall,	Sickles,
Bland,	Durborow,	Martin, Ind.	Snodgrass,
Boatner,	Edmunds,	McAleer,	Sperry,
Branch,	English,	McCreary, Ky.	Springer,
Bretz,	Enloe,	McCulloch,	Stallings,
Brickner,	Epes,	McDannold,	Stockdale,
Brookshire,	Erdman,	McDearmon,	Stone, Ky.
Brown,	Fielder,	McEttrick,	Strait,
Bryan,	Forman,	McGann,	Swanson,
Bynum,	Geary,	McKaig,	Talbert, S. C.
Cabaniss,	Geissenhainer,	McMillin,	Talbott, Md.
Cadmus,	Goldzier,	McNagny,	Tate,
Caminetti,	Gorman,	McRae,	Taylor, Ind.
Campbell,	Grady,	Meredith,	Terry,
Cannon, Cal.	Gresham,	Meyer,	Tracey,
Capehart,	Haines,	Money,	Tucker,
Caruth,	Hall, Mo.	Montgomery,	Turner, Ga.
Catchings,	Hammond,	Morgan,	Turner, Va.
Clancy,	Hare,	Moses,	Turpin,
Clark, Mo.	Hatch,	Mutchler,	Tyler,
Clarke, Ala.	Hayes,	Neill,	Washington,
Cobb, Ala.	Henderson, N. C.	Oates,	Wells,
Cobb, Mo.	Hendrix,	O'Neil, Mass.	Wheeler, Ala.
Cockran,	Hines,	O'Neill, Mo.	Whiting,
Cockrell,	Holman,	Outhwaite,	Williams, Ill.
Coffeen,	Hooker, Miss.	Paschal,	Williams, Miss.
Conn,	Hunter,	Patterson,	Wise,
Cooper, Fla.	Hutcheson,	Paynter,	Wolverton,
Cooper, Ind.	Ikirt,	Pendleton, Tex.	Woodard.
Cooper, Tex.	Jones,	Pendleton, W. Va.	
Cornish,	Kilgore,	Pigott,	
Covert,	Kribbs,	Price,	

NAYS—17.

Baker, Kans.	Crawford,	Kem,	Straus,
Bartlett,	Everett,	McLaurin,	Warner,
Bell, Colo.	Hall, Minn.	Richards, Ohio	
Breckinridge, Ark.	Harris,	Ryan,	
Coombs,	Harter,	Shell,	

NOT VOTING—170.

Abbott,	Denson,	Johnson, Ind.	Reed,
Adams, Ky.	Dingley,	Johnson, N. Dak.	Reyburn,
Adams, Pa.	Dolliver,	Johnson, Ohio	Robinson, Pa.
Aitken,	Doolittle,	Kiefer,	Rusk,
Aldrich,	Draper,	Lacey,	Russell, Conn.
Apsley,	Ellis, Ky.	Lapham,	Scranton,
Avery,	Ellis, Oregon	Lefever,	Settle,
Babcock,	Fithian,	Linton,	Shaw,
Baker, N. H.	Fletcher,	Lisle,	Sherman,
Barnes,	Funk,	Loud,	Simpson,
Bartholdt,	Funston,	Loudenslager,	Sipe,
Belden,	Fyan,	Lucas,	Smith,
Beltzhoover,	Gardner,	Maddox,	Somers,
Bingham,	Gear,	Magner,	Stephenson,
Black, Ill.	Gillet, N. Y.	Mahon,	Stevens,
Blair,	Gillett, Mass.	Mallory,	Stone, C. W.
Boen,	Goodnight,	Marsh,	Stone, W. A.
Boutelle,	Graham,	Marvin, N. Y.	Storer,
Bower, N. C.	Griffin,	McCall,	Strong,
Bowers, Cal.	Grosvenor,	McCleary, Minn.	Sweet,
Brattan,	Grout,	McDowell,	Tarsney,
Breckinridge, Ky.	Grow,	McKeighan,	Tawney,
Broderick,	Hager,	Meiklejohn,	Taylor, Tenn.
Brosius,	Hainer,	Mercer,	Thomas,
Bundy,	Harmer,	Milliken,	Updegraff,
Bunn,	Hartman,	Moon,	Van Voorhis, N. Y.
Burnes,	Haugen,	Morse,	Van Voorhis, Ohio
Burrows,	Heard,	Murray,	Wadsworth,
Caldwell,	Heiner,	Newlands,	Walker,
Cannon, Ill.	Henderson, Ill.	Northway,	Wanger,
Causey,	Henderson, Iowa	Page,	Waugh,
Chickering,	Hepburn,	Payne,	Weadock,
Childs,	Hermann,	Pearson,	Wever,
Cogswell,	Hicks,	Pence,	Wheeler, Ill.
Compton,	Hilborn,	Perkins,	White,
Cooper, Wis.	Hitt,	Phillips,	Wilson, Ohio
Cousins,	Hooker, N. Y.	Pickler,	Wilson, Wash.
Crain,	Hopkins, Ill.	Post,	Wilson, W. Va.
Curtis, Kans.	Hopkins, Pa.	Powers,	Woomer,
Curtis, N. Y.	Houk,	Quigg,	Wright, Mass.
Dalzell,	Hudson,	Randall,	Wright, Pa.
Daniels,	Hulick,	Ray,	
Davis,	Hull,	Rayner,	

So the resolution was adopted.

During the roll call the following proceedings took place:

Mr. BURROWS. Mr. Speaker, I ask that the rule of the House be observed by the Clerk calling the name of a member but once and not repeating it in a manner that is a reprimand.

The SPEAKER *pro tempore* (Mr. MONTGOMERY). The Clerk will proceed.

Mr. McMILLIN. There has been no ruling requiring the roll to be called in a manner different from the call which is now going on.

Mr. RICHARDSON of Tennessee. There is no rule which provides that the name of a member shall be but once called.

Mr. McMILLIN. No. There was some controversy on that point recently, but the Speaker did not rule that the call should be in any manner different from the call which is now being made. The ruling was that the roll should be called as had been customary, and the custom had been to call a name twice in some instances when the member's attention seemed to have been accidentally withdrawn.

Mr. BURROWS. I think the gentleman is in error about that.

Mr. McMILLIN. That was the ruling.

Mr. BURROWS. That was not the ruling.

The Clerk resumed, and completed the call, as above.

The SPEAKER. Upon this question the yeas are 165 and the nays are 17. The ayes have it, and the gentleman from California [Mr. English] will come forward and take the oath.

Mr. English then appeared at the bar of the House and was sworn in by the Speaker.

ORDER OF BUSINESS.

The SPEAKER. The question now is upon the approval of the Journal. The yeas and nays have been ordered upon ordering the previous question.

Mr. SPRINGER. I ask unanimous consent that the Journal be approved.

Mr. BURROWS. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Michigan demands the regular order, which is equivalent to an objection.

Mr. SPRINGER. I move to reconsider the vote by which the yeas and nays were ordered on the previous question.

The SPEAKER. The yeas and nays have been ordered on the previous question upon the approval of the Journal. Those who are in favor——

Mr. BURROWS. What is the motion before the House?

The SPEAKER. It is on ordering the previous question on the approval of the Journal.

Mr. BURROWS. On that the yeas and nays have been ordered?

The SPEAKER. Yes.

Mr. SPRINGER. I ask unanimous consent——

Mr. BURROWS. Regular order, Mr. Speaker.

Mr. SPRINGER. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER. The question is upon ordering the previous question on the approval of the Journal. Upon this question the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 179, nays 0, not voting 174; as follows:

YEAS—179.

Alderson,	Clancy,	Geary,	Livingston,
Alexander,	Clark, Mo.	Geissenhainer,	Lockwood,
Allen,	Clarke, Ala.	Goldzier,	Lynch,
Arnold,	Cobb, Ala.	Gorman,	Maguire,
Bailey,	Cobb, Mo.	Grady,	Mallory,
Baker, Kans.	Cockrell,	Gresham,	Marshall,
Baldwin,	Coffeen,	Haines,	Martin, Ind.
Bankhead,	Conn,	Hall, Minn.	McAleer,
Bartlett,	Coombs,	Hall, Mo.	McCreary, Ky.
Barwig,	Cooper, Fla.	Hammond,	McCulloch,
Bell, Colo.	Cooper, Ind.	Hare,	McDannold,
Bell, Tex.	Cooper, Tex.	Harris,	McDearmon,
Berry,	Cornish,	Harter,	McEttrick,
Black, Ga.	Covert,	Hatch,	McGann,
Bland,	Cox,	Hayes,	McKaig,
Boatner,	Crawford,	Henderson, N. C.	McMillin,
Boen,	Culberson,	Hendrix,	McNagny,
Bower, N. C.	Cummings,	Hines,	McRae,
Branch,	Davey,	Holman,	Meredith,
Breckinridge, Ark.	Davis,	Hooker, Miss.	Meyer,
Bretz,	De Armond,	Hunter,	Money,
Brickner,	De Forest,	Hutcheson,	Montgomery,
Brookshire,	Dinsmore,	Ikirt,	Morgan,
Bryan,	Donovan,	Jones,	Moses,
Bynum,	Dunphy,	Kem,	Mutchler,
Cabaniss,	Durborow,	Kilgore,	Neill,
Cadmus,	Edmunds,	Kribbs,	Oates,
Caminetti,	English,	Kyle,	O'Neil, Mass.
Campbell,	Enloe,	Lane,	O'Neill, Mo.
Cannon, Cal.	Epes,	Latimer,	Outhwaite,
Capehart,	Erdman,	Lawson,	Paschal,
Caruth,	Everett,	Layton,	Patterson,
Catchings,	Fielder,	Lester,	Paynter,
Pendleton, Tex.	Ryan,	Swanson,	Warner,
Pendleton, W. Va.	Sayers,	Talbert, S. C.	Washington,
Pigott,	Schermerhorn,	Talbott, Md.	Wells,
Price,	Shell,	Tate,	Wheeler, Ala.
Reilly,	Sibley,	Taylor, Ind.	Whiting,
Richards, Ohio	Snodgrass,	Terry,	Williams, Ill.
Richardson, Mich.	Spranger,	Tracey,	Williams, Miss.
Richardson, Tenn.	Stallings,	Tucker,	Wise,
Ritchie,	Stockdale,	Turner, Ga.	Wolverton,
Robbins,	Stone, Ky.	Turner, Va.	Woodard,
Robertson, La.	Strait,	Turpin,	The Speaker.
Russell, Ga.	Straus,	Tyler,	

NAYS—0

NOT VOTING—174.

Abbott,	Dockery,	Johnson, Ind.	Reyburn,
Adams, Ky.	Dolliver,	Johnson, N. Dak.	Robinson, Pa.
Adams, Pa.	Doolittle,	Johnson, Ohio	Rusk,
Aitken,	Draper,	Kiefer,	Russell, Conn.
Aldrich,	Dunn,	Lacey,	Scranton,
Apsley,	Ellis, Ky.	Lapham,	Settle,
Avery,	Ellis, Oregon	Lefever,	Shaw,
Babcock,	Fithian,	Linton,	Sherman,
Baker, N. H.	Fletcher,	Lisle,	Sickles,
Barnes,	Forman,	Loud,	Simpson,
Bartholdt,	Funk,	Loudenslager,	Sipe,
Belden,	Funston,	Lucas,	Smith,
Beltzhoover,	Fyan,	Maddox,	Somers,
Bingham,	Gardner,	Magner,	Sperry,
Black, Ill.	Gear,	Mahon,	Stephenson,
Blair,	Gillet, N. Y.	Marsh,	Stevens,
Boutelle,	Gillett, Mass.	Marvin, N. Y.	Stone, C. W.
Bowers, Cal.	Goodnight,	McCall,	Stone, W. A.
Brattan,	Graham,	McCleary, Minn.	Storer,
Breckinridge, Ky.	Griffin,	McDowell,	Strong,
Broderick,	Grosvenor,	McKeighan,	Sweet,
Brosius,	Grout,	McLaurin,	Tarsney,
Brown,	Grow,	Meiklejohn,	Tawney,
Bundy,	Hager,	Mercer,	Taylor, Tenn.
Bunn,	Hainer,	Milliken,	Thomas,
Burnes,	Harmer,	Moon,	Updegraff,
Burrows,	Hartman,	Morse,	Van Voorhis, N. Y.
Caldwell,	Haugen,	Murray,	Van Voorhis, Ohio
Cannon, Ill.	Heard,	Newlands,	Wadsworth,
Causey,	Heiner,	Northway,	Walker,
Chickering,	Henderson, Ill.	Page,	Wanger,
Childs,	Henderson, Iowa	Payne,	Waugh,
Cockran,	Hepburn,	Pearson,	Weadock,
Cogswell,	Hermann,	Pence,	Wever,
Compton,	Hicks,	Perkins,	Wheeler, Ill.
Cooper, Wis.	Hilborn,	Phillips,	White,
Cousins,	Hitt,	Pickler,	Wilson, Ohio
Crain,	Hooker, N. Y.	Post,	Wilson, Wash.
Curtis, Kans.	Hopkins, Ill.	Powers,	Wilson, W. Va.
Curtis, N. Y.	Hopkins, Pa.	Quigg,	Woomer,
Dalzell,	Houk,	Randall,	Wright, Mass.
Daniels,	Hudson,	Ray,	Wright, Pa.
Denson,	Hulick,	Rayner,	
Dingley,	Hull,	Reed,	

So the previous question was ordered.

The SPEAKER *pro tempore* (Mr. MONTGOMERY). The question now is on the approval of the Journal.

Mr. LACEY. Mr. Speaker, I desire to be recognized.

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. LACEY. To speak on this question.

The SPEAKER *pro tempore*. The previous question has been ordered.

Mr. LACEY. But there has been no debate.

Mr. REED. We are entitled to debate—fifteen minutes on each side.

The SPEAKER *pro tempore*. The gentleman from Iowa is recognized.

Mr. LACEY. Mr. Speaker, it is an old adage among lawyers that "that which has never been done never ought to be done," and we may look absolutely in vain through all the parliamentary books for a ruling such as was made yesterday and is embodied in the Journal which we are now called upon to approve. The Speaker within the last few days has ruled both ways. On page 3338 of the RECORD certain proceedings relating to this matter appear. I made a motion to reconsider a vote, and the Speaker said he did not see why it was not in order. An objection was made. That motion to reconsider was held by the Chair to be in order. A motion was then made to adjourn, which motion was voted upon. Then someone renewed the point of order. The Speaker made the remark, "Is there any suggestion offered that the decision is wrong?" and then, upon a reconsideration of the matter, he ruled the other way. Now, sir, it seems to me that a question which is so doubtful that an eminent parliamentarian like the distinguished Speaker of this House decides it one way at the first blush, and upon second thought decides it another way, ought at least to be entitled to so much consideration as to be submitted to the House when an appeal is taken by a member of this body.

The appeal was made in good faith, not merely for delay, because the question involved the right of a member to his seat in this House, a seat to which beyond controversy he was elected. The majority report admitted that he was elected, but owing to the failure of some of the judges to properly indorse some of the

ballots, those ballots, they reported, should be thrown out, and another man, who was not elected, should be counted in. In the report on the next case—the Hilborn case—the committee stated that the ballots were indorsed by the initials of the judges of election, and therefore should be thrown out. In other words, that one gentleman should be unseated because the ballots were not indorsed, and another unseated because they were indorsed. Now, an appeal upon a question like this ought to be submitted to the House, so that the Chair might have the satisfaction of having his ruling in a case of this kind passed upon by the action of this House.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRINGER. Mr. Speaker, I reserve all the time on this side. I think the ruling of the Chair was sufficiently understood yesterday, and there is no necessity for making any remarks now.

The SPEAKER. The question is upon approving the Journal.

The question being taken; there were on a division (called for by Mr. LACEY)—ayes 128, noes 1.

Mr. LACEY rose.

The SPEAKER. The gentleman from Iowa makes the point, as the Chair understands, that no quorum has voted.

Mr. SPRINGER. Then let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 0, not voting 170; as follows:

YEAS—183.

Alderson,	Cornish,	Ikirt,	Price,
Alexander,	Covert,	Jones,	Rayner,
Allen,	Cox,	Kilgore,	Reilly,
Arnold,	Crawford,	Kribbs,	Richards, Ohio
Bailey,	Culberson,	Kyle,	Richardson, Mich.
Baker, Kans.	Cummings,	Lane,	Richardson, Tenn.
Baldwin,	Davey,	Latimer,	Ritchie,
Bankhead,	Davis,	Lawson,	Robbins,
Bartlett,	DeArmond,	Layton,	Robertson, La.
Barwig,	DeForest,	Lester,	Russell, Ga.
Bell, Colo.	Dinsmore,	Livingston,	Ryan,
Bell, Tex.	Dockery,	Lockwood,	Sayers,
Berry,	Donovan,	Lynch,	Schermerhorn,
Black, Ga.	Dunn,	Maguire,	Shell,
Bland,	Dunphy,	Mallory,	Sibley,
Boatner,	Durborow,	Marshall,	Sickles,
Bower, N. C.	Edmunds,	Martin, Ind.	Snodgrass,
Branch,	English, Cal.	McAleer,	Sperry,
Breckinridge, Ark	English, N. J.	McCreary, Ky.	Springer,
Bretz,	Enloe,	McCulloch,	Stallings,
Brickner,	Epes,	McDannold,	Stockdale,
Brookshire,	Erdman,	McDearmon,	Stone, Ky.
Bryan,	Everett,	McEttrick,	Strait,
Bynum,	Forman,	McGann,	Straus,
Cabaniss,	Geary,	McKaig,	Talbert, S. C.
Cadmus,	Geissenhainer,	McLaurin,	Talbott, Md.
Caminetti,	Goldzier,	McMillin,	Tate,
Campbell,	Gorman,	McNagny,	Taylor, Ind.
Cannon, Cal.	Grady,	McRae,	Terry,
Capehart,	Haines,	Meredith,	Tracey,
Caruth,	Hall, Minn.	Meyer,	Turner, Ga.
Catchings,	Hall, Mo.	Money,	Turner, Va.
Causey,	Hammond,	Montgomery,	Turpin,
Clancy,	Hare,	Morgan,	Tyler,
Clark, Mo.	Harris,	Moses,	Warner,
Clarke, Ala.	Harter,	Mutchler,	Washington,
Cobb, Ala.	Hatch,	Neill,	Wells,
Cobb, Mo.	Hayes,	Oates,	Wheeler, Ala.
Cockran,	Henderson, N. C.	O'Neil, Mass.	Whiting,
Cockrell,	Hendrix,	O'Neill, Mo.	Williams, Ill.
Coffeen,	Hines,	Outhwaite,	Williams, Miss.
Conn,	Holman,	Paschal,	Wise,
Coombs,	Hooker, Miss.	Patterson,	Wolverton,
Cooper, Fla.	Hudson,	Pendleton, Tex.	Woodard,
Cooper, Ind.	Hunter,	Pendleton, W. Va.	The Speaker.
Cooper, Tex.	Hutcheson,	Pigott,	

NAYS—0.

NOT VOTING—170.

Abbott,	Caldwell,	Gillet, N. Y.	Johnson, Ind.
Adams, Ky.	Cannon, Ill.	Gillett, Mass.	Johnson, N. Dak.
Adams, Pa.	Chickering,	Goodnight,	Johnson, Ohio
Aitken,	Childs,	Graham,	Kem,
Aldrich,	Cogswell,	Gresham,	Keifer,
Apsley,	Compton,	Griffin,	Lacey,
Avery,	Cooper, Wis.	Grosvenor,	Lapham,
Babcock,	Cousins,	Grout,	Lefever,
Baker, N. H.	Crain,	Grow,	Linton,
Barnes,	Curtis, Kans.	Hager,	Lisle,
Bartholdt,	Curtis, N. Y.	Haines,	Loud,
Belden,	Daizell,	Harmer,	Loudenslager,
Beltzhoover,	Daniels,	Hartman,	Lucas,
Bingham,	Denson,	Haugen,	Maddox,
Black, Ill.	Dingley,	Heard,	Magner,
Blair,	Dolliver,	Heiner,	Mahon,
Boen,	Doolittle,	Henderson, Ill.	Marsh,
Boutelle,	Draper,	Henderson, Iowa	Marvin, N. Y.
Bowers, Cal.	Ellis, Ky.	Hepburn,	McCall,
Brattan,	Ellis, Oregon,	Hermann,	McCleary, Minn.
Breckinridge, Ky.	Fielder,	Hicks,	McDowell,
Broderick,	Fithian,	Hitt,	McKeighan,
Broslus,	Fletcher,	Hooker, N. Y.	Meiklejohn,
Brown,	Funk,	Hopkins, Ill.	Mercer,
Bundy,	Funston,	Hopkins, Pa.	Milliken,
Bunn,	Fyan,	Houk,	Moon,
Burnes,	Gardner,	Hulick,	Morse,
Burrows,	Gear,	Hull,	Murray,
Newlands,	Reed,	Stone, C. W.	Walker,
Northway,	Reyburn,	Stone, W. A.	Wanger,
Page,	Robinson, Pa.	Storer,	Waugh,
Payne,	Rusk,	Strong,	Weadock,
Paynter,	Russell, Conn.	Swanson,	Wever,
Pearson,	Scranton,	Sweet,	Wheeler, Ill.
Pence,	Settle,	Tarsney,	White,
Perkins,	Shaw,	Tawney,	Wilson, Ohio,
Phillips,	Sherman,	Taylor, Tenn.	Wilson, Wash.
Pickler,	Simpson,	Thomas,	Wilson, W. Va.
Post,	Sipe,	Tucker,	Woomer,
Powers,	Smith,	Updegraff,	Wright, Mass.
Quigg,	Somers,	Van Voorhis, N. Y.	Wright, Pa.
Randall,	Stephenson,	Van Voorhis, Ohio	
Ray,	Stevens,	Wadsworth,	

So the Journal was approved.

BERING SEA AWARD.

Mr. McCREARY of Kentucky. I ask unanimous consent that the House take up for consideration now the bill (S. 1836) to give effect to the award rendered by the Tribunal of Arbitration at Paris under the treaty between the United States and Great Britain concerning the preservation of fur seals.

Mr. PAYNE. I demand the regular order.

The SPEAKER. The gentleman from New York demands the regular order, which is equivalent to an objection.

Mr. McCREARY of Kentucky. I would like to make an explanation, if my friend from New York will allow me. This bill has passed the Senate unanimously, and it comes here——

The SPEAKER. The gentleman from New York demands the regular order, and the Chair can not indulge discussion on the matter. The regular order is the call of committees for reports.

The Clerk proceeded to call the committees.

URGENT DEFICIENCY BILL.

Mr. SAYERS, from the Committee on Appropriations, reported a bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS NIOBRARA RIVER.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 1403) to authorize the reconstruction of a bridge across Niobrara River, near the village of Niobrara, Nebr., and making appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE HUDSON RIVER.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back the bill (H. R. 6448) to authorize the New York and New Jersey Bridge Companies to construct a bridge across the Hudson River between New York City and the State of New Jersey; which was referred to the House Calendar.

BRIDGE ACROSS THE COLUMBIA RIVER.

Mr. GEARY, also from the Committee on Interstate and Foreign Commerce, reported back the bill (S. 1759) to amend an act entitled, "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road:" which was referred to the House Calendar.

PROTECTION OF BIRDS AND ANIMALS, YELLOWSTONE PARK.

Mr. LACEY, from the Committee on Public Lands, reported back the bill (H. R. 6442) to protect the birds and animals in the Yellowstone National Park, to punish crimes in said park, and for other purposes; which was referred to the House Calendar.

ADVERSE REPORT.

Mr. SAYERS. In the absence of my colleague on the committee [Mr. DOCKERY] I desire to present another report.

The Clerk read as follows:

Adverse report on the concurrent resolution to increase the Capitol police force.

The SPEAKER. This resolution will lie on the table.

UNCOMPAHGRE AND UINTAH RESERVATIONS.

Mr. LYNCH, from the Committee on Indian Affairs, reported a bill (H. R. 6557) providing for the opening of the Uncompahgre and Uintah Indian Reservations in lieu of House bill 4511; which was referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The bill (H. R. 4511) will lie on the table.

OTOE AND MISSOURIA INDIANS.

Mr. LYNCH, also from the Committee on Indian Affairs, reported back the bill (H. R. 5428) with an amendment to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria Indians in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1881; which was referred to the Committee of the Whole House on the state of the Union.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 491) granting a pension to Alice K. Potter, widow of Gen. Joseph H. Potter, deceased;

A bill (S. 655) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate the proceedings before them: and

A bill (S. 1846) to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals.

The message also announced that the Senate had passed, with amendment, the bill (H. R. 3246) for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes; in which the concurrence of the House was requested.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate further insists upon its amendment to the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of railroads established by the Interior Department disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BERRY, Mr. BLACKBURN, and Mr. PETTIGREW as the conferees on the part of the Senate.

COINAGE OF THE SEIGNIORAGE.

Mr. BLAND. Mr. Speaker, I call up for present consideration the seigniorage bill and move that it pass, the objections of the President to the contrary notwithstanding.

The SPEAKER. The bill will be read.

Mr. SICKLES. I raise the question of consideration.

The SPEAKER. The bill will be first reported.

The bill was read, as follows:

A bill (H. R. 4956) directing the coinage of the silver bullion held in the Treasury, and for other purposes.

Be it enacted, etc., That the Secretary of the Treasury shall immediately cause to be coined as fast as possible the silver bullion held in the Treasury, purchased under the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issuing of Treasury notes thereon, and for other purposes," to the amount of the gain or seigniorage of such bullion, to wit: The sum of $55,156,081, and such coin or the silver certificates issued thereon shall be used in the payment of public expenditures, and the Secretary of the Treasury may, in his discretion, if the needs of the Treasury demand it, issue silver certificates in excess of such coinage: *Provided*, That said excess shall not exceed the amount of the seigniorage as herein authorized to be coined.

SEC. 2. After the coinage provided for in the first section of this act, the remainder of the silver bullion purchased in pursuance of said act of July 14, 1890, shall be coined into legal-tender standard silver dollars as fast as possible, and the coin shall be held in the Treasury for the redemption of the Treasury notes issued in the purchase of said bullion. That as fast as the bullion shall be coined for the redemption of said notes, the notes shall not be reissued but shall be canceled and destroyed in amounts equal to the coin held at any time in the Treasury, derived from the coinage herein provided for, and silver certificates shall be issued on such coin in the manner now provided by law: *Provided*, That this act shall not be construed to change existing law relating to the legal-tender character or mode of redemption of the Treasury notes issued under said act of July 14, 1890.

SEC. 3. That a sufficient sum of money is hereby appropriated to carry into effect the provisions of this act.

The SPEAKER. The gentleman from New York raises the question of consideration.

Mr. BAILEY. I submit the point of order, Mr. Speaker, that the question of consideration can not be raised against a bill in this condition, for the reason that the Constitution requires the House to proceed to reconsider it.

Mr. SICKLES. But it does not prescribe any time when it shall be considered.

Mr. BAILEY. Well, if the question of consideration could be raised now it could be repeated every time the bill is called up, and thus a rule of the House might defeat the plain mandate of the Constitution.

Mr. SICKLES. The question of consideration may be raised at any time on any question or any motion pending before the House. I refer the Chair to Rule XVI, which permits that question to be raised now.

The SPEAKER. There does not seem to have been, so far as the Chair has been able to ascertain by hasty examination of the Journal as to Executive vetoes, any question of consideration raised or any ruling upon that point. The Chair finds that in every instance to which its attention has been referred the House either proceeded to consider or voted to postpone the consideration of the bill.

Mr. SICKLES. If it is competent for the House to postpone the consideration, then it is, of course, competent for the House to say that it will not consider it now.

The SPEAKER. But the trouble is in the language of the Constitution, to which the Chair calls attention:

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.

That is the language of the Constitution.

Mr. SICKLES. But whether the House will proceed to reconsider it now or at some specified time is for the House itself to determine. The Constitution does not prescribe that it shall be done at a specific time. It is for the House to say when it will do so. Now, if it is competent for the House to postpone consideration of a vetoed bill, as it has done in the case of the present bill, it is competent also for the House to determine whether it will consider it now or at some future time. It is always competent, and must be, for the House to determine whether it will now consider a question or will consider it to-morrow, or on some future day.

The SPEAKER. The gentleman from New York will bear in mind that a postponement is a form of consideration.

Mr. SICKLES. Precisely. And this is equivalent to a motion to postpone.

The SPEAKER. But the point the gentleman from Texas [Mr. BAILEY] makes, is that the question of consideration can not be raised.

Mr. SICKLES. The question of consideration only raises the question whether it shall be considered now. The House may vote with me to-day on that proposition, but they may nevertheless consider the bill to-morrow, or at some other time. I do not move the indefinite postponement of the subject. I do not think that would be consistent with the Constitution. I do not move to lay the bill on the table. I simply raise the question whether the House will now consider it, and this is allowed by the rules of the House. No precedent is cited against me.

Mr. ENLOE. Mr. Speaker——

Mr. BOUTELLE. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee.

Mr. ENLOE. Mr. Speaker, it seems to me that the language of the Constitution is very explicit, that the House shall proceed to the consideration of this measure. The gentleman from New York [Mr. SICKLES] can accomplish his purpose just as well, if he desires to postpone the consideration, by making a motion in that form; but it seems to me that he can not raise the question of consideration. He may make a motion to postpone the consideration, and reach his object in that way.

Mr. SICKLES. If it is obligatory on the House to consider the question at once, then it was obligatory on the House to consider it as soon as the veto message was read. That was not done. The House proceeded to the consideration of other business, and it is just as much in order now to proceed to the consideration of other business as it was then.

Mr. ENLOE. There was a special order then.

Mr. BOUTELLE. I desire to remind the Chair that a few days ago I brought up the constitutional provision which required the House to proceed to reconsider this bill; and if the Speaker remembers, he ruled against that question of privilege on the ground that a certain special rule of the House would intervene; that the order under which we were then acting, the report of the Committee on Rules, took precedence of, or rather, as I understood it, put in abeyance the constitutional provision. Now, it seems to me that if the order of business under which we were then acting, which was simply a rule adopted by the House, could be interposed against the constitutional requirement, then this rule of the House, which admits of the raising of the question of consideration, might also be interposed, while, of course, I believe that neither of them could properly be.

Mr. ENLOE. Mr. Speaker, in reply to what the gentleman says, I call the attention of the Chair to the fact that the House was then considering a privileged matter, the question of the right of a member to his seat, a question of the highest privilege, and was considering it under a special order of the House.

Mr. BOUTELLE. But it would take a long time for the gentleman and myself to discuss the relative privilege under the rulings in this Congress of the proposition to proceed under a

constitutional requirement to reconsider an Executive veto and another question of high privilege.

Mr. ENLOE. It might take some time for us to agree about it, but it seems to me that to the ordinary mind there would be no difficulty in determining that the first question to be considered, as a matter of privilege, is the right of a member of the House to his seat.

Mr. SPRINGER. Mr. Speaker, at the time indicated by the gentleman from New York [Mr. SICKLES] there was another question of higher privilege than the veto message pending. Therefore it was incumbent upon the House to complete the order upon which it was engaged, which was of a higher privilege than this; but when we have reached the question of the consideration of this measure, which is provided for under the Constitution, it seems to me that it can only be displaced in one of two ways: First, by a question of higher privilege, which does not now come before the House; and, secondly, by a motion to postpone its consideration, or to commit, or to put the question upon the passage of the bill, the objections of the President to the contrary notwithstanding.

We are guided in this case by a rule fixed in the Constitution, not by our own rule which is to this effect, that when we do reach the place where it is in order to consider it, it must then be considered; and consideration means that one member can not move that we do not consider it, but that we take up something else. If there were a question of equally high privilege pending, it might determine the question as to which should be considered, but there is no such question now pending, and therefore this question before us demands the consideration of the House, its consideration being provided for by the Constitution. It seems to me that it can only be disposed of by a motion that amounts to consideration, and a motion that prohibits consideration would not be in order.

Mr. SICKLES. If the Constitution makes this a privileged question, then it is a question of the highest privilege, and this House can not put any question above it, because it can not supersede the Constitution. Now this House has regarded this as an ordinary question, and not as a privileged question. The House gave precedence over it to a privileged question, and if it has done it once it can do it again.

The SPEAKER. The Chair is ready to decide. The Chair has not been able to find, by a hurried examination of the precedents, that there has been at any time a question of consideration raised against a veto message. The Constitution of the United States declares that the message shall be sent to the House in which the bill originated, which House shall proceed to reconsider the bill. The present message was sent to the House a few days ago, at which time the House had under consideration a contested-election case, and was operating under a rule which might fairly be held to postpone the consideration of any other question until that question had been disposed of. Undoubtedly the House would have the right, as has been the precedent, to postpone the consideration of a veto message, although the question of consideration might not be raised.

Postponement is itself consideration; and it may be fairly held that the order adopted by the House, under which they were considering the contested-election case, was a postponement of any question that might come in to interfere with the measure until the House had fully disposed of it. Treating it in that way, it is regarded as a postponement of this veto message until that order had exhausted itself. The order has now exhausted itself; the message is before the House. The Constitution says the House must proceed to consider it; the House the other day ordered a postponement until that order was exhausted, and that time has come. Therefore, the Chair holds that the question of consideration can not now be raised.

Mr. BOUTELLE. How could there be any postponement of consideration before the message was written or sent in to the House?

The SPEAKER. The Chair has heretofore, on occasions when he has made a decision, held that no gentleman had the right to ask for any other and further reasons than those stated.

Mr. BOUTELLE. I suppose that is a later innovation?

The SPEAKER. That is one of the rulings that has been made to resent what the Chair regards as impertinence. [Loud applause on the Democratic side.] The gentleman from Missouri——

Mr. BOUTELLE. Mr. Speaker [loud cries of "Sit down!" on the Democratic side], I hope the Chair will incorporate these new inhibitions that he has established as to the rights of members in the printed rules, so that we may know what our rights are now held to be.

[Great confusion in the Hall.]

Mr. BLAND. Mr. Speaker, as soon as I can have order I would like to state that on Saturday at 3 o'clock I shall demand the previous question on the motion, hoping that if that is not satisfactory to the gentlemen in opposition some agreement may now be made. [Very loud cries of "Vote!"]

Mr. TRACEY. Mr. Speaker, in behalf of the minority members of the Committee on Coinage, Weights, and Measures, I would say that [cries of "Vote!"] so far as the Democratic members who are in favor of sustaining the veto message are concerned, we would like to take the vote immediately; but I am not satisfied that that will be acceptable to the minority members, who are the Republicans, on that committee. I would like to hear the views of the gentleman who made the minority report [Mr. CHARLES W. STONE of Pennsylvania].

Mr. BLAND. I have no objection to taking the vote now. [Renewed cries of "Vote!"]

Mr. CHARLES W. STONE. Mr. Speaker, so far as I am advised——

Mr. TRACEY. So far as I am concerned, it would be very agreeable to me to take the vote at once. [Applause.]

Mr. COCKRAN. That is right.

Mr. CHARLES W. STONE. The House will probably remember that on the discussion of this bill the disposition was such that even the members of the committee were prevented from expressing their views upon it. Some of the members of the committee were absent, and I am unwilling at this time to make any agreement that would result in preventing them from having an opportunity to express their views.

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding? On this the Constitution requires that the yeas and nays be entered upon the Journal. The Clerk will call the roll.

The Clerk called the name of Mr. ABBOTT.

Mr. DINGLEY. Mr. Speaker, do I understand that the Chair proposes immediately to have the roll called without debate?

The SPEAKER. No gentleman desired it. The Chair can not interrupt the call of the roll.

Mr. TRACEY. A parliamentary inquiry——

Mr. REED. Mr. Speaker——

Mr. TRACEY. If the Chair will permit—those members who desire to sustain the veto of the President will, then, vote "no," as I understand it?

The SPEAKER. The Chair can not interrupt the roll call.

Mr. REED. Mr. Speaker——

The SPEAKER. The Chair can not interrupt the roll call. The first name has been called, and the Clerk will call the roll. [Cries of "Vote!"]

The Clerk proceeded with the call.

During the roll call the following proceedings took place:

Mr. BURROWS. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. This is a very important matter, and it is impossible to hear the Clerk call the roll, owing to the disorder.

The SPEAKER. The House will please be in order.

Mr. PAYNE. Mr. Speaker, there was so much confusion at the time the Chair stated the question that a great many gentlemen do not understand what is the question before the House. It ought to be stated again. I presume that is the reason——

The SPEAKER. The question is, Will the House on reconsideration agree to pass this bill, the objections of the President to the contrary notwithstanding?

Mr. REED. Mr. Speaker, my colleague [Mr. DINGLEY] was ready to address the House upon this question before the roll call began.

The SPEAKER. The gentleman [Mr. DINGLEY] made no such statement until after the first name on the roll had been called. [Cries of "Regular order!" on the Democratic side.]

Mr. REED. The reason why he did not was because the gentleman from Missouri [Mr. BLAND] was entitled to the floor. I submit to the Speaker and to the House that this is not suitable, because my colleague was ready to address the Chair, and if he did not do so it was because, in the confusion, the first name on the roll was called before an opportunity was afforded to the House to know what the situation was. [Cries of "Regular order!"] The discussion that was going on was in reference to an arrangement for time for debate, and before anybody had an opportunity to understand what the situation was the first name was called. [Renewed cries of "Regular order!"]

The SPEAKER. The House will bear the circumstances in mind. The gentleman from Missouri [Mr. BLAND] was recognized, whereupon some suggestion was made as to an agreement between that gentleman and the gentleman from New York [Mr. TRACEY], who called upon the gentleman from Pennsylvania [Mr. CHARLES W. STONE], one of his colleagues in the minority on the committee. There was a general call throughout the House of "Vote!" "Vote!" whereupon, the agreement fail-

ing, the gentleman from Missouri [Mr. BLAND] stated that he was willing to have the vote taken now, and no gentleman rose to address the Chair.

Mr. BURROWS. Mr. Speaker——

Mr. DINGLEY. Mr. Speaker——

Mr. BURROWS. Will the Chair listen——

The SPEAKER (continuing). The Chair stated the question, and stated that under the Constitution the yeas and nays must be entered upon the Journal. Still no gentleman rose to address the Chair. The Chair then directed the Clerk to call the roll, and the first name was called, and then, for the first time, the Chair had any intimation that the gentleman from Maine [Mr. DINGLEY] desired to address the House.

Mr. DINGLEY. A single statement in this connection, Mr. Speaker. [Cries of "Vote!" "Vote!"]

Mr. DINGLEY. An arrangement was made between the gentleman from Missouri [Mr. BLAND] and myself. He was to open the debate and I supposed that it was——

Mr. WILLIAMS of Mississippi. Mr. Speaker, I rise to a question of order. I make the point that gentlemen can not interrupt the roll call. [Confusion in the Hall.]

Mr. REED. I want the Speaker to understand this matter. My colleague states——

The SPEAKER. The Speaker does understand it, and the Speaker directs the Clerk to resume the call of the roll. [Applause on the Democratic side.]

Mr. REED. Mr. Speaker, my colleague——

The SPEAKER. The Chair will not allow the roll call to be interrupted.

Mr. REED. My colleague states, Mr. Speaker——

The SPEAKER. The gentleman can not interrupt the roll call.

Mr. REED. I think the Speaker has not heard my colleague's statement.

The SPEAKER. The gentleman will take his seat.

Mr. REED. Certainly I will.

The SPEAKER. The gentleman will take his seat. All gentlemen will be seated. Nothing will be accomplished by this persistence.

Mr. REED. There is no resistance, Mr. Speaker, but——

The SPEAKER. The gentleman will take his seat and the Clerk will call the roll.

Mr. REED sat down, but immediately rose again and said: Now, Mr. Speaker, I ask to be heard.

The SPEAKER. The Chair declines to hear the gentleman. The Clerk will call the roll.

Mr. TRACEY. Mr. Speaker——

The SPEAKER. The Clerk will call the roll.

Mr. REED. Mr. Speaker——

The SPEAKER. The gentleman must not interrupt the roll call.

Mr. REED. Will the Speaker hear a word?

The SPEAKER. The Chair will not.

Mr. REED. My colleague states——

The SPEAKER. The Chair will not hear the gentleman. The Clerk will call the roll.

Mr. BOUTELLE. I shall decline to cast my vote in such a condition of confusion as this.

The Clerk proceeded with the call.

Mr. BURROWS. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman can not interrupt the roll call.

Mr. BURROWS. I rise to a question of order. Nobody can hear, owing to the confusion.

The SPEAKER. The House will please be in order.

Mr. WILSON of Washington. Tyranny! Tyranny!

The SPEAKER. Until order is restored public business can not be transacted. Members can not hear their names when they are called. The House will be in order.

Mr. TRACEY. Mr. Speaker, I think unanimous consent should be given—the House should understand—it is not proper——

The SPEAKER. The gentleman will take his seat. The Chair will hear nothing. The roll call has been entered upon and must be concluded. The House will be in order and the Clerk will call the roll.

Mr. REED. Mr. Speaker, I am sure the Speaker can not have heard my colleague——

The SPEAKER. The Chair has twice said to the gentleman from Maine that he declines to permit the roll call to be interrupted. If the gentleman persists in this violation of the rule as determined by the Chair, the Chair can only appeal to the fairness and justice of the House.

Mr. REED. Will the Chair permit me?

The SPEAKER. The Chair will *not* permit the gentleman to interrupt the roll call. The Chair hopes the gentleman will understand that. The Clerk will call the roll.

The Clerk resumed and concluded the call of the roll. The question being taken, there were—yeas 144, nays 114, not voting 95; as follows:

YEAS—144.

Aitken,	Cox,	Lane,	Pickler,
Alderson,	Crawford,	Latimer,	Post,
Alexander,	Culberson,	Lawson,	Richards, Ohio
Allen,	Curtis, Kans.	Layton,	Richardson, Mich.
Arnold,	Davis,	Lester,	Richardson, Tenn.
Bailey,	De Armond,	Livingston,	Ritchie,
Baker, Kans.	Dinsmore,	Maguire,	Robbins,
Bankhead,	Dockery,	Mallory,	Russell, Ga.
Bell, Colo.	Doolittle,	Marsh,	Sayers,
Bell, Tex.	Edmunds,	Marshall,	Shell,
Black, Ga.	Ellis, Oregon	Martin, Ind.	Sibley,
Bland,	Enloe,	McCleary, Minn.	Simpson,
Boatner,	Epes,	McCreary, Ky.	Snodgrass,
Boen,	Funston,	McCulloch,	Springer,
Bower, N. C.	Geary,	McDannold,	Stallings,
Bowers, Cal.	Grady,	McDearmon,	Stockdale,
Branch,	Gresham,	McGann,	Stone, Ky.
Breckinridge, Ark.	Hall, Mo.	McLaurin,	Strait,
Bretz,	Hammond,	McMillin,	Sweet,
Broderick,	Hare,	McNagny,	Talbert, S. C.
Brookshire,	Harris,	McRae,	Tate,
Brown,	Hartman,	Meredith,	Taylor, Ind.
Cabaniss,	Hatch,	Money,	Terry,
Caminetti,	Henderson, N. C.	Montgomery,	Tucker,
Cannon, Cal.	Hepburn,	Moon,	Turner, Ga.
Capehart,	Hermann,	Morgan,	Turner, Va.
Catchings,	Holman,	Moses,	Tyler,
Clark, Mo.	Hooker, Miss.	Neill,	Washington.
Clarke, Ala.	Hudson,	Oates,	Wheeler, Ala.
Cobb, Ala.	Hunter,	O'Neill, Mo.	Whiting,
Cockrell,	Hutcheson,	Paschal,	Williams, Ill.
Coffeen,	Ikirt,	Patterson,	Williams, Miss.
Conn,	Jones,	Paynter,	Wilson, Wash.
Cooper, Fla.	Kilgore,	Pence,	Wise,
Cooper, Ind.	Kyle,	Pendleton, Tex.	Woodard,
Cooper, Tex.	Lacey,	Pendleton, W. Va.	The Speaker.

NAYS—114.

Adams, Pa.	Cummings,	Hitt,	Ray,
Apsley,	Curtis, N. Y.	Hopkins, Ill.	Rayner,
Avery,	Davey,	Hulick,	Reed,
Babcock,	De Forest,	Hull,	Reyburn,
Baker, N. H.	Dingley,	Johnson, N. Dak.	Russell, Conn.
Baldwin,	Dunn,	Kiefer,	Ryan,
Bartlett,	Dunphy,	Kribbs,	Schermerhorn,
Barwig,	English, N. J.	Lefever,	Sherman,
Belden,	Erdman,	Lockwood,	Sickles,
Berry,	Everett,	Loudenslager,	Smith,
Blair,	Fletcher,	Lynch,	Stephenson,
Brickner,	Funk,	Marvin, N. Y.	Stone, C. W.
Brosius,	Gardner,	McAleer,	Straus,
Burrows,	Gear,	McEttrick,	Talbott, Md.
Bynum,	Geiss-nhainer,	McKaig,	Tawney,
Cadmus,	Goldzier,	Meiklejohn,	Thomas,
Campbell,	Gorman,	Mercer,	Tracey,
Cannon, Ill.	Grout,	Meyer,	Turpin,
Caruth,	Grow,	Milliken,	Updegraff,
Causey	Hager,	Morse,	Walker,
Chickering,	Hainer,	Mutchler,	Wanger,
Childs,	Haines,	Northway,	Warner,
Clancy,	Hall, Minn.	O'Neil, Mass.	Wells,
Cobb, Mo.	Harter,	Outhwaite,	Wever,
Cockran,	Hayes,	Payne,	Wilson, Ohio
Coombs,	Henderson, Ill.	Perkins,	Wolverton,
Cornish,	Hendrix,	Phillips,	Wright, Mass.
Cousins,	Hicks,	Pigott,	
Covert,	Hines,	Quigg,	

NOT VOTING—95.

Abbott,	Donovan,	Johnson, Ohio	Scranton,
Adams, Ky.	Draper,	Kem,	Settle,
Aldrich,	Durborow,	Lapham,	Shaw,
Barnes,	Ellis, Ky.	Linton,	Sipe,
Bartholdt,	English, Cal.	Lisle,	Somers,
Beltzhoover,	Fielder,	Loud,	Sperry,
Bingham,	Fithian,	Lucas,	Stevens,
Black, Ill.	Forman,	Maddox,	Stone, W. A.
Boutelle,	Fyan,	Magner,	Storer,
Brattan,	Gillet, N. Y.	Mahon,	Strong,
Breckinridge, Ky.	Gillett, Mass.	McCall,	Swanson,
Bryan,	Goodnight,	McDowell,	Tarsney,
Bundy,	Graham,	McKeighan,	Taylor, Tenn.
Bunn,	Griffin,	Murray,	Van Voorhis, N. Y.
Burnes,	Grosvenor,	Newlands,	Van Voorhis, Ohio
Caldwell,	Harmer,	Page,	Wadsworth,
Cogswell,	Haugen,	Pearson,	Waugh,
Compton,	Heard,	Powers,	Weadock,
Cooper, Wis.	Heiner,	Price,	Wheeler, Ill.
Crain,	Henderson, Iowa	Randall,	White,
Dalzell,	Hooker, N. Y.	Reilly,	Wilson, W. Va.
Daniels,	Hopkins, Pa.	Robertson, La	Woomer,
Denson,	Houk,	Robinson, Penn.	Wright, Pa.
Dolliver,	Johnson, Ind.	Rusk,	

So (two-thirds not voting in the affirmative) the bill was not repassed.

Mr. PAYNE (before the result of the vote was announced). call for a recapitulation.

The vote was recapitulated.

The following additional pairs were announced:

Until further notice:

Mr. BRYAN with Mr. HENDERSON of Iowa.

Mr. MADDOX with Mr. WILLIAM A. STONE.

Mr. DENSON with Mr. WOOMER.

Mr. MAGNER with Mr. LUCAS.

Mr. ROBERTON of Louisiana with Mr. COGSWELL.
Mr. SWANSON with Mr. MCCALL.
Mr. TARSNEY with Mr. GILLETT of Massachusetts.
On this question:
Mr. NEWLANDS with Mr. MAHON.

The SPEAKER. The gentleman from Pennsylvania, Mr. BINGHAM, asks leave of absence on account of sickness. If there be no objection this leave will be granted.

There was no objection.

Mr. HARRIS. The gentleman from Nebraska, Mr. KEM, was called home on account of sickness. I ask that he be excused.

There was no objection.

The SPEAKER. On this question the yeas are 144, the nays 114. Two-thirds not having voted on reconsideration to repass the bill, it is lost.

And then, on motion of Mr. CATCHINGS (at 5 o'clock p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STONE of Kentucky, from the Committee on War Claims: A bill (H. R. 5980) for the relief of Alfred M. Burnham, of Lynn, Mass. (Report No. 649.)

Also, a bill (H. R. 6190) for the relief of James M. Newman. (Report No. 650.)

Also, a bill (H. R. 532) for the relief of George Lewis Cousens. (Report No. 651.)

By Mr. OUTHWAITE, from the Committee on Military Affairs: A bill (H. R. 4012) for the aid of Thorwald Olsen. (Report No. 652.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: A bill (H. R. 3487) granting a pension to Eliza K. Starr. (Report No. 662.)

By Mr. MONEY, from the Committee on Naval Affairs: A bill (H. R. 5371) for the relief of certain enlisted men of the Marine Corps. (Report No. 663.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HUDSON of Illinois: A bill (H. R. 6553) providing for the sale of certain lands in the Pawnee Reservation, Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. WAUGH: A bill (H. R. 6554) to repeal an act entitled "An act to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes," approved May 9, 1892—to the Committee on Military Affairs.

By Mr. DUNPHY: A bill (H. R. 6555) to appoint a commission to determine the advisability of constructing a transcontinental boulevard—to the Committee on the Revision of the Laws.

By Mr. SWEET: A bill (H. R. 6558) to amend section 2324 of the Revised Statutes of the United States, relating to mining claims—to the Committee on Mines and Mining.

By Mr. GORMAN: A joint resolution (H. Res. 156) authorizing the Secretary of War to recognize Frank D. Baldwin as lieutenant-colonel of the Nineteenth Michigan Infantry Volunteers from the 15th day of May, 1865—to the Committee on Military Affairs.

By Mr. CAMINETTI: A joint resolution (H. Res. 157) providing for a conference at the city of Washington of representatives of the American republics on the silver question—to the Committee on Foreign Affairs.

By Mr. BRECKINRIDGE of Arkansas: A concurrent resolution to print 11,000 copies of report of Bureau of Statistics of imports for consumption and domestic exports from 1884 to 1894—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BABCOCK: A bill (H. R. 6559) granting a pension to Margaret Derry—to the Committee on Invalid Pensions.

By Mr. BAKER of New Hampshire: A bill (H. R. 6560) to remove the charge of desertion against Mason W. Presby—to the Committee on Military Affairs.

By Mr. CADMUS: A bill (H. R. 6561) granting a pension to Lydia Ann Haskin Cole—to the Committee on Pensions.

By Mr. CORNISH: A bill (H. R. 6562) for the relief of Henry Lane—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 6563) to refer to the Court of Claims the claim of William T. Scales for compensation for the loss of his flouring mill and contents, located at California, Ky., on the 10th day of September, 1862, by order of Gen. Lew Wallace—to the Committee on War Claims.

Also, a bill (H. R. 6564) to pay Mary Galley $5,503, with interest from the 21st day of March A. D. 1864, for the destruction of property by the Seventy-fourth Regiment Ohio Volunteer Infantry—to the Committee on War Claims.

By Mr. HICKS: A bill (H. R. 6565) granting a pension to Mary Jane Lynn, daughter of John R. Lynn, who served as a private soldier from Pennsylvania in the war of the Revolution—to the Committee on Pensions.

By Mr. JOSEPH: A bill (H. R. 6566) granting an honorable discharge to Cyrus Payne—to the Committee on Military Affairs.

By Mr. MCCREARY of Kentucky: A bill (H. R. 6567) for the relief of Mrs. M. L. Piper and Mrs. E. A. Hawkins—to the Committee on War Claims.

Also, a bill (H. R. 6568) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughn—to the Committee on War Claims.

Also, a bill (H. R. 6569) for the relief of Mary A. Lewis—to the Committee on War Claims.

By Mr. RUSSELL of Connecticut: A bill (H. R. 6570) for the relief of James L. Townsend—to the Committee on Military Affairs.

By Mr. SIBLEY: A bill (H. R. 6571) granting a pension to Bridget Turley—to the Committee on Pensions.

By Mr. SHERMAN: A bill (H. R. 6572) for the relief of Mary J. Houck—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 6573) for the relief of A. A. Braden—to the Committee on War Claims.

Also, a bill (H. R. 6574) to donate certain lands in Alabama for educational purposes—to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Banking and Currency was discharged from the consideration of resolution of the Wholesale Lumber Dealers' Association, favoring the enactment of a national bankruptcy law, and the same was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of inmates of the Soldiers' Home at Monte Vista, Colo., asking for the passage of House bill 6168, providing for the ceding to the State of Colorado of the Fort Lyon reservation, and further prays for the removal of the home from Monte Vista—to the Committee on the Public Lands.

By Mr. BURROWS: Petition of Carpenters' Union, No. 689, of Detroit, Mich., for the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPEHART: Evidence to accompany House bill 225, to license persons living on boats—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNPHY: Petition of John H. Rogers, printing and bill clerk of the House of Representatives, for increased compensation—to the Committee on Accounts.

By Mr. GORMAN (by request): Two petitions of citizens of Michigan, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the faculty of the University of Michigan, against lotteries—to the Committee on the Post-Office and Post-Roads.

Also (by request), petition of citizens of Ann Arbor, and Carpenters' Union, No. 689, of Detroit, Mich., asking the establishment of a Government telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON of Iowa: Petition of Z. W. Montague and 17 others, members of Center Camp, No. 892, Modern Woodmen of America, Center Junction, Iowa, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of citizens of Boulder Creek, Cal., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MCETTRICK: Resolutions of the Wholesale Lumber Dealers' Association, favoring the enactment of a national bankruptcy law—to the Committee on the Judiciary.

By Mr. MEREDITH: Papers relating to the claim of John L. Combs, of Loudoun County, Va.—to the Committee on Claims.

Also, papers to accompany bill for the relief of F. W. Lewis—to the Committee on War Claims.

By Mr. MORSE: Petition of J. J. Whipple, mayor; Ziba C. Keith, ex-mayor; Albert R. Wade, ex-mayor; and 98 other citizens of Brockton, Mass., praying for national legislation against the lottery evil and crime, especially the Louisiana lottery, ostensibly moved to Honduras—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDS: Petition of citizens of Wayne County, Ohio, for a Federal act to enable States to enforce State laws regulating the sale of substitutes for dairy products—to the Committee on Agriculture.

By Mr. RICHARDSON of Michigan: Resolution of Carpenters' Union, No. 689, of Detroit, in favor of the governmental control of telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Petition of H. D. Pixley and 79 others, citizens of Utica, N. Y., asking for the passage of an act regulating the sale of oleomargarine—to the Committee on Agriculture.

By Mr. STONE of Kentucky: Petition of Patrick G. Meath, of Tennessee—to the Committee on War Claims.

Also, resolution of House of Representatives, referring claim of Patrick G. Meath to Court of Claims—to the Committee on War Claims.

SENATE.

THURSDAY, *April 5, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

CLAIM OF IRWIN TUCKER.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in accordance with law, the claim of Irwin Tucker, late postmaster at Newport News, Va., for credit on account of losses resulting from burglary of the post-office at that place February 9, 1894, with the recommendation that a bill authorizing the allowance of the credit claimed be passed: which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. GEORGE presented a memorial of sundry building and loan associations of Mississippi, remonstrating against the imposition of an income tax upon such associations; which was ordered to lie on the table.

Mr. GORMAN presented the petition of Joseph German and 8 other citizens of Lauraville, Md., praying for the passage of Senate bill No. 1586, providing for the free coinage of silver and directing the issuance of $500,000,000 in legal-tender notes to pay the outstanding debts of the Government, etc.; which was referred to the Committee on Finance.

Mr. LODGE presented the petition of C. E. Morrison & Co. and 17 other merchants of Boston, Mass., praying that the duty on potatoes and onions be restored to the rates existing prior to the passage of the McKinley law; which was ordered to lie on the table.

He also presented the petition of M. C. Grier and 14 other citizens of Malden, Mass., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HANSBROUGH presented a memorial of the Trades Council of Tacoma, Wash., remonstrating against the passage of the Wilson tariff bill; which was ordered to lie on the table.

Mr. WASHBURN presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for an early settlement of the tariff question; which was ordered to lie on the table.

Mr. JONES of Arkansas presented a petition of members of the colored Presbyterian Church and sundry citizens of Hot Springs, Ark., praying that a certain parcel of ground in the city of Hot Springs, Ark., be donated them for church purposes; which was referred to the Committee on Public Lands.

Mr. BUTLER presented the petition of Justin McCarthy, of Washington, D. C., praying that damages be granted him in the construction of the dry dock at Port Royal, S. C., caused by the cyclone of August, 1893; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Lancaster County, S. C., and a petition of sundry citizens of Yorkville, S. C., praying that one or more terms of the circuit and district courts be held at Yorkville, S. C.; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the amendment submitted by Mr. PERKINS on the 4th instant, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 168) granting to the State of Wyoming certain lands in the Fort D. A. Russell military reservation for agricultural fair and industrial exposition grounds, and for other purposes, reported it without amendment, and submitted a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MANDERSON. I am directed by the Committee on Military Affairs to report back favorably an amendment intended to be proposed by me to the sundry civil appropriation bill. I move that the amendment, with the accompanying report from the Quartermaster General's office and the War Department, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 1482) to relieve John Holbrook from the charge of desertion, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1483) to correct the military record of Elisha B. Bassett, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3135) granting to the University of Utah a site off the public domain, reported it without amendment, and submitted a report thereon.

Mr. GORMAN, from the Committee on Interstate Commerce, to whom was referred the bill (S. 1778) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, reported it with an amendment.

Mr. KYLE. Yesterday I reported from the Committee on Education and Labor an amendment relating to Howard University, intended to be proposed to the sundry civil appropriation bill. I now submit a report upon the amendment, which I move be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MURPHY, from the Committee on Commerce, to whom was referred the bill (H. R. 6073) to extend the limits of the port of New York, reported it without amendment.

Mr. DOLPH. I report back, by direction of the Committee on Commerce, the bill (S. 1192) making an appropriation for the establishment of range lights at the mouth of the Willamette River, in the State of Oregon, with a recommendation that it be indefinitely postponed. It seems that legislation providing for erecting lights at the mouth of the Willamette River has already been enacted, and all that is required is an appropriation.

The VICE-PRESIDENT. The bill will be indefinitely postponed.

Mr. DOLPH. By direction of the Committee on Commerce, I report an amendment to the sundry civil appropriation bill to carry out the object intended to be accomplished by the bill which has just been postponed indefinitely. I move that the amendment be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 1191) making an appropriation for the completion of the light-house at Cape Arago, in the State of Oregon, reported it with an amendment.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred an amendment submitted by himself March 22, relating to the Eastern Shawnees, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. CAREY on the 21st of February, relating to the Big Wind River Bridge on the Shoshone Indian Reservation, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BUTLER. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 1587) to open the naval reservation in Lafayette County, Fla., to settlement and entry, to submit an adverse report thereon. I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

PROCEEDINGS OF PAN-AMERICAN MEDICAL CONGRESS.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GORMAN, January 4, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth, of the proceedings of the Pan-American Medical Congress, held in Washington City, in September, 1893, under the authority of a joint resolution of Congress approved July 18, 1892, 10,000 copies; of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for distribution by the Department of State, the same to be indexed under the direction of the Committee on Printing.

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. WASHBURN (by request) introduced a bill (S. 1861) for the relief of George F. Brott; which was read twice by its title, and referred to the Committee on Claims.

Mr. KYLE introduced a bill (S. 1862) to prevent the manufacture of clothing in unhealthy places and the sale of clothing so manufactured; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MURPHY introduced a bill (S. 1863) to provide for and to regulate the admission of attorneys and solicitors to practice in the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 1864) for the relief of George W. Harbaugh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 1865) for the relief of certain Pottawatomie Indians, of Michigan; which was read twice by its title, and referred to the Committee on Indian Affairs.

PROPOSED REDUCTION OF OFFICIAL INCOMES.

Mr. GEORGE. I submit the following resolution, and ask its reference to the Committee on the Judiciary:

Resolved, That in view of the present depressed financial condition of the people, the low price of agricultural and other products, the indebtedness of many of the people, and the increased value of money, the Committee on the Judiciary be instructed to prepare and report to the Senate a bill reducing 20 per cent all official incomes payable out of the Treasury of the United States not protected from reduction by the Constitution of the United States.

The VICE-PRESIDENT. The resolution will be referred to the Committee on the Judiciary, if there be no objection.

Mr. PLATT. Why should it be referred to the Committee on the Judiciary? I have no special objection to make to its reference to that committee, but it seems to me it would be more appropriate to refer it to the Finance Committee. I know the Senator from Mississippi is upon the Judiciary Committee, and I shall not object to a reference of the resolution to that committee if he desires it to go there.

Mr. GEORGE. I desire the resolution to go to the Judiciary Committee, because I think that is the appropriate committee to consider it.

The VICE-PRESIDENT. The resolution will be so referred, in the absence of objection.

PROPOSED REPEAL OF BOND PROVISION.

Mr. ALLEN. I submit a resolution, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance, to whom was referred the bill (S. 1457) to repeal a part of section 3 of an act entitled "An act to provide for the resumption of specie payments, approved January 14, 1875, and for other purposes," be, and is hereby, discharged from the further consideration thereof, and said bill is ordered to be placed on the Calendar for consideration by the Senate in its regular order.

Mr. SHERMAN. I think the resolution had better go over. I do not see present any member of the Committee on Finance upon the other side of the Chamber.

The VICE-PRESIDENT. The resolution will go over under the rule.

INTERSTATE COMMERCE COMMITTEE HEARINGS.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Committee on Interstate Commerce 700 copies of all hearings had before said committee during the year 1893, and during each year subsequent thereto, including the hearings had during the present session of Congress.

THE REVENUE BILL.

Mr. HILL. Mr. President, I desire to give notice that if it is agreeable to the Senate, on Monday next at 2 o'clock I will submit some remarks on the subject of the pending tariff legislation.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, communicated to the Senate resolutions passed by the House commemorative of the life and services of Hon. Charles O'Neill, late a Representative from the State of Pennsylvania.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 139) to print the Agricultural Report for 1893; and it was thereupon signed by the Vice-President.

ISSUE OF BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Kansas [Mr. PEFFER], coming over from a previous day.

The Secretary read the resolution submitted by Mr. PEFFER March 28, 1894, as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in the future without express authority by act of Congress first had and obtained.

Mr. PEFFER. Mr. President——

Mr. HANSBROUGH. I ask the Senator from Kansas if he will not be kind enough to yield until I make a request for unanimous consent to take up a Senate bill.

Mr. PEFFER. I have no objection to complying with the request of the Senator from North Dakota provided the resolution goes over and retains its place.

Mr. HARRIS. I hope that order will be made and that the resolution will retain its place.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE RUSSIAN THISTLE.

Mr. HANSBROUGH. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *Salsola kali tragus*.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. GEORGE. The Senator from South Dakota [Mr. KYLE] has an amendment which he desires to offer to the bill. I do not see him in the Chamber. I will object until the Senator from South Dakota is present.

The VICE-PRESIDENT. There is objection.

Mr. HANSBROUGH. I hope the Senator from Mississippi will withdraw the objection. The Senator from South Dakota was in the Chamber a few moments ago. I see the Senator from Texas [Mr. MILLS] in his seat, and I understand he desires to be heard on the bill.

Mr. GEORGE. Very well; if the Senator from Texas desires to occupy the floor I withdraw my objection. I can send for the Senator from South Dakota.

Mr. CALL. If the Senator from North Dakota does not object, I will with his consent move that the Senate proceed to the consideration of executive business. I wish to have a short executive session.

Mr. HANSBROUGH. I hope the Senator from Texas will be permitted to address the Senate on the bill.

Mr. MILLS. I care very little about talking on it. I should like to accommodate my friend from Florida for a little while; if he wants the Senate to go into executive session I will give way entirely.

Mr. CALL. I hope the Senator from North Dakota will not object.

Mr. HANSBROUGH. I trust the Senator from Florida will allow us to proceed with the bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. MILLS. Mr. President, the objection that I have to the present bill is that it does not appear before the proper government that has charge of the matter submitted by the bill. I know the bill is in the line with other measures which have been adopted by Congress in invading the territorial jurisdiction of the local sovereignties and taking upon the Federal Government the discharge of duties which have been reserved by the compacts of the Constitution to the several States. I think it is a fundamental truth, at the bottom of our whole system of Government, that the best possible government over any people is that which is most closely within the control of each separate local-

ity. It is upon that principle that our complicated system of Government was founded by our fathers.

The Government of the United States was established by its founders for the purpose of regulating affairs between the whole body of our people and foreign people and the concerns of the several States, being international and interstate in its operation. Here comes a measure proposing to Congress that it shall go into a State of the Union and regulate the digging up of weeds, extirpating grasses and noxious growths, directing how farms are to be tilled, what improvements are to be made, and taking upon the National Government and the people who support it by a national system of taxation all the expenditures that are necessary to clear the farms of individual farmers in the several States of the Russian thistle, crab grass, foxtail, cactus, and all of the things that hinder the cultivation of the soil.

I have simply taken the floor, Mr. President, to recall this body (not so much our friends on the other side as our friends on this side) back to the old truths of our fathers. My friend on the other side yesterday rather taunted us with Jeffersonian Democracy, and I come to talk a little more Jeffersonian Democracy, or to permit Mr. Jefferson himself to talk to us, who claim to be the disciples and followers of him, and to those who believe in the principles which he taught, the party that for a hundred years has walked in the precepts and the faith of Mr. Jefferson. In discussing some of these collateral questions in his seventy-seventh year, in his autobiography, in speaking of a decision, I believe, of the Supreme Court of the United States, which in his judgment had assumed legislative functions instead of judicial, he says:

> We have seen too that, contrary, to all correct example, they are in the habit of going out of the question before them, to throw an anchor ahead, and grapple further hold for future advances of power.

That is what legislatian has been doing. Jefferson dreaded the encroachments of the two departments of the Government, the judiciary and the legislative. In all foreign governments the dread had been of the encroachments of the executive upon the liberties and rights of its people; but he foretold, with the correctness of a prophet of the ancient days, that the rights and the liberties of the people of this country would be invaded by the judiciary and by the legislative departments of the Government, and that they would do it by throwing out anchors and catching hold and pulling up, and, as he said, making a violation of one right a precedent for the violation of another. Now, listen:

> They are then, in fact, the corps of sappers and miners, steadily working to undermine the independent rights of the States, and to consolidate all power in the hands of that Government in which they have so important a freehold estate.

Now, he lays down a principle:

> But it is not by the consolidation or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every State again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by its individual proprietor.

Not by Congress, but in the subdivision of power it goes down and down until each farm is governed by its owner. Let him dig up his Russian thistle, and not come to Congress to have Congress direct how he is to dig his thistles and at what time of the year he is to dig his thistles, and assume the burden of the expense.

I call the attention of my friends to this:

> Were we directed from Washington when to sow and when to reap, we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all.

That is Democracy; that is the gospel in which we have been taught; and I ask my Democratic friends on this side of the Chamber where do they find a resting place in the Constitution of this Government, by appropriation or otherwise, to invade the territorial jurisdiction of a State and assume to control the internal concerns of its people?

They come now with an appropriation of a million dollars. Yes, Mr. President, that is the Greeks coming bearing gifts. It is a million dollars to be given to the people for the privilege of breaking down their constitutional rights to take care of their own liberties. A million dollars is the prize offered to tempt the people to accept this infringement of State authority; but when they get inside of the gates, then it is a Trojan horse. After a while the effort will be made to regulate your elections, to regulate the succession and descent and distribution of property, to regulate your taxation, and to do everything else that Congress or the party in power may wish to do.

I received, sir, a printed pamphlet the other day, some new paper established for the purpose of inculcating a new idea, in which it is boldly taught that State lines ought to be abolished; that there should be but one legislative assembly in this whole country, and that should be here in Washington, and that this legislature should legislate for everything in which the whole 65,000,000 American people are interested. We are going along on that line. If we go on in that line, if we continue to follow it, we shall be running over all the landmarks and all the principles our fathers have laid down as absolutely essential to the preservation of the liberties of the people.

Again, I will call attention to what the same great founder said in 1816. He was talking about schools. He believed in local self-government in schools; he believed that the ward republic, as he termed the little district, understood how to build up schools, and would do it better and would control them better than the schools would be controlled by the whole State; and I believe Mr. Jefferson is correct in that, for we have schools of that sort in my own State, where we control them in our own towns, levy our own taxation, build up our own schoolhouses, and select our own teachers, and they are the pride of each locality, and are the very best schools we have in the State.

> But if it is believed that these elementary schools will be better managed by the governor and council, the commissioners of the literary fund, or any other general authority of the Government, than by the parents within each ward, it is a belief against all experience. Try the principle one step further, and amend the bill so as to commit to the governor and council the management of all our farms, our mills, and merchants' stores. No, my friend, the way to have good and safe government is not to trust it all to one, but to divide it among the many, distributing to everyone exactly the functions he is competent to. Let the National Government be intrusted with the defense of the nation, and its foreign and Federal relations; the State governments with the civil rights, laws, police, and administration of what concerns the State generally; the counties with the local concerns of the counties, and each ward direct the interests within itself.
>
> It is by dividing and subdividing these republics from the great national one down through all its subordinations, until it ends in the administration of every man's farm by himself; by placing under everyone what his own eye may superintend, that all will be done for the best. What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France, or of the aristocrats of a Venetian senate. And I do believe that if the Almighty has not decreed that man shall never be free (and it is a blasphemy to believe it), that the secret will be found to be in the making himself the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process, to higher and higher orders of functionaries, so as to trust fewer and fewer powers in proportion as the trustees become more and more oligarchical. The elementary republics of the wards, the county republics, the State republics, and the Republic of the Union, would form a gradation of authorities, standing each on the basis of law, holding every one its delegated share of powers, and constituting truly a system of fundamental balances and checks for the Government.

This is the doctrine which I wish to recall to our friends on this side of the Chamber, that we have no right to make a law to regulate the Russian thistle in any State of the Union. If the Russian thistle comes to the District of Columbia, under the Constitution we are empowered to exterminate it or to exterminate any other foe here, but beyond the boundaries of the District of Columbia we have no power to go.

Mr. KYLE. Mr. President, it is not my purpose to make any extended remarks this morning upon the pending bill or to discuss its constitutionality. I recognize the objection raised by the Senators on this side of the Chamber to the bill, and therefore I will move the amendments which I now send to the Secretary's desk to be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read the amendments intended to be proposed by Mr. KYLE, as follows:

Strike out all of section 1, after "make," in line 17, page 2, and insert the following:

"As fair an estimate as practicable of the total cost of exterminating said thistle in each of the States in which it exists. He shall, thereupon, divide the sum hereinafter appropriated among said States in the proportion that the cost of exterminating said thistle in each shall bear to the aggregate cost of such extermination in all the States."

Strike out section 2, and insert the following:

"SEC. 2. That the sum of $1,000,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out this act, and the same shall be paid out of the Treasury to the Secretary of Agriculture on warrants made by him."

Strike out section 3, and insert the following:

"SEC. 3. That the Secretary of Agriculture shall, after deducting the expenses to be incurred on account of the agents provided for in the first section of this act, pay the remainder of said sum of $1,000,000 to the governors of the several States in which said thistle is found to exist, in the proportion hereinbefore provided for, taking from each of said governors an obligation in writing that the sum received by him will be expended in connection with any other sum or sums which may be provided in his State, either by taxation or voluntary contribution, for that purpose in exterminating said thistle in his State. If any governor shall refuse to execute said obligation, then the quota of his State shall be covered into the Treasury."

Mr. KYLE. Mr. President, personally I believe it is competent for Congress to legislate upon all matters of public concern. I do not think there can be any question in regard to that. It has been the practice of Congress in cases preceding this, when cholera and other contagious diseases have approached the shores of the United States, to make appropriations for the purpose of stamping them out. A short time ago, when pleuro-

pneumonia made its appearance, a law very similar to that now proposed was enacted and put into operation.

I do not see the parallel between the bill before us and the teachings from the works of Jefferson read by the Senator from Texas [Mr. MILLS], who has just preceded me; but to avoid the difficulty which may arise before us now in regard to this question I have prepared this amendment. It does not provide that the Government shall send its officers into the various States of the Union to dig up the Russian thistle or other noxious weeds; but that the money shall be appropriated outright from the United States Treasury to the States, to be used by the governors as they or the State Legislatures may direct.

Whether it be constitutional or not to operate in the States in the way indicated by the Senator from Texas, I believe in this instance it is the duty of the United States Government to cooperate with the States interested in stamping out the Russian thistle, which has become a matter of public concern in a large section of the Mississippi Valley.

The Russian thistle was brought to this country only about fifteen or twenty years ago, and first appeared in the city of Yankton, in my State. It has spread since that time as far south as Kansas, as far north as the British possessions, as far west as Montana, and as far east as Wisconsin, covering, I believe, about seven or eight States.

As to the duty of the Government to coöperate in extirpating this noxious weed, I have this to say: If we, by State legislation, should attempt to extirpate the thistle, we should be confronted with the difficulty that in the several States named the United States holds a very large acreage of public lands. Were this weed removed, therefore, from the cultivated farms, it would immediately appear upon the public lands.

Let me give you the acreage of public and private lands of the States interested. The State of North Dakota has 45,561,600 acres of land, of which the United States Government holds at the present time 19,590,555 acres, nearly half the land in the State.

South Dakota has 50,643,200 acres, of which the Government holds 13,003,396 acres, a little more than a quarter of the whole. Nebraska has 49,077,359 acres, of which the Government holds 10,799,332 acres, nearly a fourth. The State of Iowa has 35,228,800 acres; the United States Government holds none. The State of Minnesota has 53,459,840 acres, of which the Government still holds 6,510,611 acres. Montana has 92,016,640 acres, of which the Government holds 74,558,143 acres, more than three-fourths of the amount being public land. Wisconsin has 34,511,360 acres, of which the Government holds 871,087. The total acreage in these States is thus shown to be 370,498,799, of which 125,246,124 acres belong to the United States.

Mr. President, this has become an important question for us in the West. This weed is not like the foxtail and crab grass, as stated by the Senator from Texas. It is entirely different. It is not like the measles and the whooping cough, mentioned by some Senator, as compared with other contagious diseases. It is as different from foxtail and crab grass as the measles and the whooping cough are different from Asiatic cholera.

The Russian thistle is peculiarly of the noxious class. It grows from a single small tap root, and on coming up looks no more destructive than a spear of asparagus; but it begins to branch out in boll shape until it is 2 or 3 feet in diameter at the top. It becomes woody, and then thorny. By and by the root becomes loosened, and the weed goes tumbling over the prairies for a distance of 20 miles, scattering its seed on every side.

There are in the State of South Dakota, where I live, whole farms, of which every acre was cultivated a few years ago, and from which abundant crops of wheat were raised, which have been abandoned in consequence of this weed. The same is true of North Dakota; and it is a serious question as to how we are going to eradicate the evil.

As I stated a moment ago, suppose we should extirpate the weed from cultivated farms, the seeds become scattered over the public lands, and they take root on every sandy molehill, where they grow, and are carried back again upon private lands.

The Government, therefore, is obliged to this extent—certainly morally, if not legally—of removing the weed from the public lands; and hence an appropriation should be made for the purpose of coöperating with the States.

Mr. MCPHERSON. I will ask the Senator how this weed, which he describes so graphically, ever obtained a foothold? Is it indigenous to the soil?

Mr. KYLE. I will answer the Senator by saying that the seed was brought here by virtue of the immigration laws established by Congress. As stated before the Senator came in, citizens of my State who came from Russia some years ago brought the seed with their goods, or in some other way. It obtained a foothold in Yankton, S. D., and has spread within fifteen years over about seven States.

Mr. MCPHERSON. Why was the weed permitted to spread by the people who own the farms which the Senator declares are so valuable? Why did the farmers in that section of country permit this weed, so destructive in its nature and character, to spread over such an area of territory that to-day the Government of the United States is called upon to suppress it?

Mr. KYLE. I presume the reason may be explained in this way. Nobody at first seemed to pay any attention to it; it was a new weed; they knew nothing of it, and almost before we were able to discover what it was, it had spread over the States named.

I have already explained how the seed is scattered over the country. A weed, when it is grown and the seed has ripened, becomes loosened at the roots and goes tumbling across the prairies, scattering the seed for 15 or 20 miles, so that in a single year a section that did not have a weed before becomes entirely covered so as to render the land valueless.

I think, therefore, Mr. President, the amendment I have offered provides the best solution of the question. Under it there will be distributed in the neighborhood of $200,000 to the States affected, which will be placed in the hands of the governor. He can then coöperate with the State authorities in stamping out the noxious weed. The sum is not too large. At the same time the amendment removes the objection raised by the Senator from Texas and other Senators on this side of the Chamber in regard to the constitutionality of the measure.

Mr. ALLEN. Mr. President, the report of the committee accompanying this bill shows briefly these historical facts. In speaking of the Russian thistle the committee say:

> In them we find that the Russian thistle was transplanted to the United States by Russian immigrants who came here under the provisions of our national immigration laws. The seed was brought from Russia about 1878 in some black flaxseed which was sown and the plant was first discovered to be growing upon our soil about 1880, in the southern portion of South Dakota. From there it has spread, according to official reports, over an area of 70,000 square miles, covering two-thirds of the grain-growing regions of South Dakota, almost one-third of the arable land of North Dakota, and it is to be found in many parts of Minnesota, Wisconsin, Iowa, Nebraska, and Wyoming.

On page 2 of the report I read:

> The Russian thistle is like no other pest which has in the past threatened the material interests of our institutions. The danger to agriculture from its ravages is now far greater than were the dangers to the live-stock interests of the country from pleuro-pneumonia in 1884. In that year Congress enacted a law establishing a Bureau of Animal Industry, making it a part of the Department of Agriculture and empowering the Department, through the Bureau, to make a campaign against the malignant disease then decimating our cattle herds. As a result, pleuro-pneumonia has been completely extirpated in the United States. The expense of the work of extirpating pleuro-pneumonia has been twice as great as the amount now asked by your committee to exterminate the Russian thistle, but it is conceded by all that the expenditure was a most economical one.

I read these extracts from the report of the committee for the purpose of showing the ravages the Russian thistle is making in the agricultural lands of this country. That there is a necessity for some action upon the part of the Federal and the State governments to extirpate this weed it seems to me but few, if any, will deny. The only objection made to such action by the Senator from Texas goes to the constitutional power of the Government to take charge of this matter and eradicate this weed from the agricultural lands of the Missouri Valley. The Senator from Texas, in my judgment, is wrong in his construction of the Constitution so far as the power of Congress is concerned in this respect.

I agree with much that was said by the Senator from Texas. I agree with him in the necessity of preserving distinctly the line of demarcation between the powers of the nation and the State governments. This line must be preserved.

But every similitude in the history of this country, the entire practice of the Government, so far as I am informed, from which deductions are to be drawn in support of this measure, are in favor of the existence of the power of the General Government to deal with this question and employ its men and means in extirpating this noxious, foreign, and destructive weed.

The weed, it must be remembered by Senators, is not indigenous. It is not something that was found in this country when the State and National Governments were established. It is a weed that has come to our shores as a public enemy, coming in disguise. It is a weed that threatens the life of our agriculture; and, in my judgment, the Congress of the United States not only has the power under the Constitution, but it becomes its duty to protect the agricultural interests and agricultural lands against the invasion of this public enemy by the means provided in this bill as well as any other public enemy.

Suppose, in answering the argument of the Senator from Texas [Mr. MILLS], that by some means a person, a foreign immigrant who under our law is prohibited from coming into this country and finding lodgment here, should slip across the line and come within the territory of the United States in violation of the law; would the Senator from Texas say that the moment

he got across the line and located in some particular State the jurisdiction of the General Government ceased and the jurisdiction of the State government alone attached to him? Suppose a foreign enemy with flags and with munitions of war was assailing some portion of our country, and by secrecy should find lodgment in the State of Texas; would have passed from the common seas into our territory and into the territory of the State of Texas before being discovered, would the Senator from Texas claim, would he for a minute claim that this Government would be powerless to take the matter in hand and drive from our shores an enemy of that kind simply because through secrecy he had crossed the line of some particular State? If he was a public enemy before he landed, if he threatened the integrity and sovereignty of this nation, whether upon land or upon sea, it would be a subject over which this Government would have complete jurisdiction and with which it would be compelled to deal.

Suppose again, that articles of merchandise are smuggled into this country, we will say across the Canadian line, across our Northern border, in violation of the revenue laws of the country. I suppose the Senator from Texas would say that if we knew the smuggler was coming across the line, and could meet him at the line between this country and Canada, the General Government would have power to prevent his coming, but if by cunning or art he should cross the line with the prohibited articles, the moment he would cross the line the General Government would be powerless to deal with him or the articles he had imported in violation of our statute. If the General Government has power to enact a law to prevent the importation of certain articles or to prevent their importation unless certain duties are paid, and that law is violated by smuggling, the Government has power likewise to follow the smuggler and the goods he smuggles from Maine to Texas if need be. That was the decision of our Supreme Court early, in the Maryland case, and it has been the law from that time to this moment.

It may be said that this is not a general subject with which the General Government is to deal in the sense of the Constitution, but does not the preservation of our agriculture lie at the very foundation of our Government? If anything threatens the life or the health of our people, such for instance as cholera, or if any foreign disease threatens invasion of this country, we all admit the power and the duty of the Government to meet and suppress it. Suppose that cholera, for instance, should cross into this country, should be brought to some of our ports, and by some process should be carried into the interior of the country, would any Senator stand here to say that this Government would not have power to follow and extirpate it because it had located in some particular State?

Mr. President, the same law which aims at keeping from our country the invasion of disease, the preservation of the health of our people, the same law of self-preservation and self-defense inherent in every government, that gives us power to meet a common enemy at the border of our country and repel him, and a power that is implied in this Government as much as it is in a natural individual, gives us not only the power to meet this foreign enemy in the form of a formidable weed that threatens the destruction of our agriculture, but it gives us power to follow that weed wherever it goes in this country and destroy it in the interest of our agriculture. No one disputes the fact that this Government may by proper appropriation, aid the carrying commerce of the nation. We have power to grant subsidies, to encourage the carrying of our products across the ocean, and encourage the building of ships. Is it true that we may expend money in this respect; is it true that we may expend money in the construction of railroads and other enterprises of that kind for the convenience of commerce and the benefit of our people, and yet when a seed or a plant is brought from a foreign country by stealth or by accident, which threatens to overrun and destroy a great portion of our country, it is said that we are powerless under the Constitution to meet and destroy it? I have no faith in the constitutional position of my friend from Texas on this question.

Mr. GEORGE. Mr. President, I believe it to be my duty to say something about the amendments proposed and about the bill generally. I have given some attention in the last few days to the subject of the Russian thistle. I find that it is a most terrible pest. I find that it is of that peculiar nature where a man owning a farm can not eradicate it on that land unless it also be eradicated on the neighboring lands. It is a very singular weed. That the Senate may understand it fully, I propose to make some statements upon the subject.

When it is very young, probably for two months after it comes up in the spring of the year—it is an annual—the weed is a very fine pasturage. I have before me some letters from gentlemen who claim that on account of its value as a pasturage and on account of its value as hay when mowed for that purpose, they object to having it exterminated on their land. Yet the proof also is that when it matures, which it does about the 1st of September up in the latitude where it prevails now, and when it has had a fair chance to grow, it becomes an enormous weed, full of what I might call thorns; they are pricks that nobody can handle. Where the weeds are thick a horse ridden or driven through them is injured by contact with the thorns.

I find that it is spread in the way I shall state, and I wish to have the Senate understand this matter. When the frost comes and then the winds afterwards—and that is a country in which winds prevail—it breaks off at the ground. Then these large weeds are blown by the wind for miles, and at every step of their progress they deposit some of their seed, so that in a prairie country and in a level country like the country up there is with this process existing no man can protect himself against the weed by his own unaided exertions. Some of the persons who have written here say that the weed has already cost the farming interest of that country several million dollars. I admit that it is a very serious pest, and the question which engages my attention now is how we may deal with it.

The bill as drawn up can not be enforced, so as to make an effectual extirpation of the weed, and I should like to call the attention of Senators who desire to have the weed exterminated to that fact. Now, if the United States are to undertake by their own machinery to extirpate the weed, the United States, by their agent, will have to go upon every quarter section of land in which the weed is found (and I understand that there are about 45,000 square miles now in which it is found) and commence a process either of plowing them up or of cutting them up. I wish to call the attention of Senators to the question whether, under the Constitution, the United States can enter upon private property, and there, against the will of the owner, plow or dig up or perform any other operation in respect to this weed? I confess I can not see how that can be done.

So, I say, if the bill is passed as reported by the Senator from North Dakota [Mr. HANSBROUGH] it will be utterly inefficient to produce the result which he desires and which I desire and which the people of the Northwest desire. You can not go upon a man's land and cut and plow and dig without his consent, and there is no authority in the Constitution of the United States which allows Congress to invest one of its agents with power to enter upon land for this purpose.

Mr. HANSBROUGH. Will the Senator from Mississippi yield to me for a moment?

Mr. GEORGE. Certainly.

Mr. HANSBROUGH. I desire to call the attention of the Senator to the fact that what he says can not be done has been done repeatedly and was done explicitly in the pleuro-pneumonia act of 1884, and that Federal officials went into cattle pastures all over the country and exterminated pleuro-pneumonia just as we propose they shall exterminate this poison to agriculture.

Mr. GEORGE. Does the Senator know of an instance in which they went upon a man's land against his consent?

Mr. HANSBROUGH. They went into his stable.

Mr. GEORGE. Did they go into his stable without his consent? That is the point. Of course the United States can send its agent upon any man's land if the man will consent to it.

Mr. HIGGINS. Will the Senator from Mississippi allow me to ask him a question?

Mr. GEORGE. I would rather develop this idea a little more fully, and then I will answer the Senator's question.

I have evidence here that some of the landholders believe the weed is a blessing. Here it is. The Senator from North Dakota smiles, but I will read it. Here is a letter addressed to the Department from Winnipeg, Manitoba, in which the writer says it is a blessing. Here is an article from the Dakota Farmer, an agricultural paper, from which I believe I will read a sentence or two.

Mr. HANSBROUGH. It is not an editorial article.

Mr. GEORGE. It says:

> I object to any law compelling me to destroy an article that is a benefit to me because it is a damage to other men who wish to follow a system of farming that will ruin any man and any country.

That is from an article taken from the Dakota Farmer. Then here is another from the Northwest Farmer, an agricultural paper, in which the writer advocates the idea that it is a blessing. I believe as far as I can learn that it is a curse rather than a blessing. I believe that whilst it is a blessing in some small degree, yet taking the whole together it is a very great curse. But yet there are men who believe it is a benefit. How can an agent of the United States go upon the land of that man and perform his operations without his consent? I wish to call the serious attention of the lawyers of the Senate to that proposition. You can not do it.

There is, however, a jurisdiction which the United States have, and which they may properly exercise in this matter, and that is

the mere power of appropriation. Since the days of Mr. Monroe as President of the United States the distinction between the power to appropriate money and jurisdiction over the subject of which the appropriation is made has been well understood and well recognized. The United States may grant money to the States to enable them to do certain work, as they *have* done, but that does not mean that the United States themselves may take the money and go into the States and do the work and have jurisdiction over it. That is the point to which I desire to call the attention of Senators who wish to have a law on this subject which is worth something.

Mr. MITCHELL of Oregon. May I ask the Senator from Mississippi a question on that point?

Mr. GEORGE. Certainly.

Mr. MITCHELL of Oregon. Does the Senator from Mississippi believe that if an appropriation were made by Congress to a State in order to enable the State to do what is now proposed to be done by the United States the State in that case would have any more power to go on the land of a private person than the United States has?

Mr. GEORGE. I have no doubt about that, because that is within the jurisdiction of the States. The destruction of a noxious weed is entirely within the jurisdiction of the States. It comes within the police power of the States.

Mr. MITCHELL of Oregon. What does the Senator say in regard to the public lands of the United States?

Mr. GEORGE. I will come to that. The destruction of noxious animals, noxious weeds, and all that sort of thing is peculiarly within the jurisdiction of a State. It may do what it pleases on that subject, and many of the States have laws on the subject already; some of the Northwestern States have laws upon the subject. I should like the Senator from Oregon to point out under what clause of the Constitution of the United States the United States may by one of their agents or employés enter upon a man's land against his consent to destroy a noxious weed. He will find trouble on that subject.

Mr. MITCHELL of Oregon. If the Senator will allow me, after all it comes back to the question as to whether Congress has power to legislate on the subject.

Mr. GEORGE. Exactly.

Mr. MITCHELL of Oregon. Congress has power to levy taxes, for instance; to license breweries, distilleries, and all that kind of thing. Having that power the United States has the authority, without the consent of the owner of the private property, to enter upon that private property and do all that the law requires to be done in order to execute the law. If the power exists in this case, as I believe it does under the general clause, to legislate against this noxious weed, then the authority to do everything that is necessary to be done in order to execute legislation under that power exists, and you can go on private property or any other property in order to extirpate the weed and execute the law.

Mr. GEORGE. Now, I agree with the Senator exactly. If the power exist on the part of Congress to declare the weed a noxious weed and to destroy it, then Congress may enter upon the land for the purpose of the destruction. But that is the very point in dispute. I never before heard it contended that the United States may declare any particular weed or grass growing upon the farms of this country a noxious weed or grass, and thereupon proceed, without the consent of the State and without the consent of the owner, to extirpate that weed or grass. That is a proposition which I undertake to say the Senator from Oregon in his cool moments will not assert.

I endeavored to draw a distinction between the power of jurisdiction over a matter and the power to appropriate. That distinction is plain in our history. If it were not, if we had no power to appropriate money except where we had jurisdiction and control of the thing to which it is appropriated, you would wipe out the Agricultural Department entirely; you would wipe out the Geological Survey entirely; you would wipe out a great many other institutions which we have kept up by appropriations made under the general power of Congress to appropriate money where it has no jurisdiction over the thing.

Mr. President, I wish to say that I am anxious to have this weed extirpated. I believe it is a great curse to that part of the country, and I believe it will become a greater curse the longer we delay or the longer there is delay in working it out. Now, what are we going to do? Here are some people—how many I do not know—who believe the weed is a blessing and not a curse. You can not, by authority of Congress, go on the land of such a man. Your agent would be sued for trespass; he could not enter.

Then what are we to do? There is a way out of it, I think, and that way is pointed out by the amendments offered by the Senator from South Dakota [Mr. KYLE]. There is this equity in favor of the adoption of his amendments. In the seven States in which this weed exists there are public lands to the amount of 125,246,124 acres. These lands are affected by the weed. The interests and rights of the United States as landed proprietor are affected by the prevalence of the weed. The United States may, in virtue of their proprietorship of these lands, make an appropriation to rid those lands from this pest in common with the lands of private persons in the same neighborhood or in the same State, and the United States may authorize the States to do it as is proposed by the amendments offered by the Senator from South Dakota.

Mr. HUNTON. Will my friend read that amendment, so that I may understand what it is?

Mr. GEORGE. It requires the Secretary of Agriculture to make—

as fair an estimate as practicable of the total cost of exterminating said thistle in each of the States in which it exists. He shall, thereupon, divide the sum hereinafter appropriated among said States in the proportion that the cost of exterminating said thistle in each shall bear to the aggregate cost of such extermination in all the States.

Another amendment provides—

That the sum of $1,000,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out this act, and the same shall be paid out of the Treasury to the Secretary of Agriculture on warrants made by him.

Then the third section proposed requires the Secretary of Agriculture to pay to the governor of each of the several States in which the thistle is found the quota of the State, and the governor shall enter into a contract in writing that the money shall be appropriated to this purpose. Those are the amendments. There is no jurisdiction assumed. The United States, as the proprietor of 125,000,000 acres of land in the seven States, contributes $1,000,000 for the purpose of exterminating the weed. No question of jurisdiction will arise. The State then takes control of it, and does the work. The total cost of exterminating the weed will amount to several million.

There is another point to which I desire to call the attention of the Senate, and especially of the Senator from North Dakota, who is in charge of the bill. It is shown in the evidence which I have here that the weed comes up in the wheat fields, and that the only way to exterminate the weed when it has thus infested a wheat field is to destroy the wheat. If you allow it to seed, then all work in the way of killing it or exterminating it is put off until the next season when the new plant comes up. So under the bill the very extraordinary spectacle is witnessed of a mere agent of the United States going on a man's farm and plowing up his wheat for the purpose of destroying a weed which the man may say, "I prefer to have." I call the attention of the Senator to that clause; whereas under the amendment offered by the Senator from South Dakota [Mr. KYLE] the money is given to the State, and the State, through its local organization, will proceed in its own way to spend the money, together with its own money and the money that may be contributed either by taxation or by voluntary contributions, to exterminate it.

Mr. HARRIS. Will the Senator from Mississippi allow me to ask him if he concedes the power to appropriate money from the Federal Treasury to a State for such a purpose?

Mr. GEORGE. I have no doubt we have the power to appropriate this money, and that it is justified upon the ground that we are landed proprietors in those States to the amount of 125,000,000 acres of land, and that our lands are as much affected by the weed as the lands of any private individual. In addition to that it, would be impossible, according to all proof here, for the citizens who own land to exterminate the weed upon their land if it is allowed to grow upon adjoining public lands.

Mr. HARRIS. If the Senator will allow me to make a suggestion, I am very glad he finds an excuse in the idea of improving the lands that the Government owns. There may be some plausibility in that doctrine.

Mr. GEORGE. I am not making a speech to make it plausible to the Senator from Tennessee. I know very well his views on these subjects, and I know his views are not in accord either with the Constitution of the United States or the practice of the Government under it.

Mr. HARRIS. I am very glad to have that oracular announcement. Let it go of record.

Mr. GEORGE. Whether it be oracular or not, it is the truth. That is all.

Mr. President, the Secretary of Agriculture has been consulted upon this subject, and I think his views are entitled to some weight. I will read some questions that he propounds.

Will the owners of these lands—

Says the Secretary of Agriculture—

unanimously consent to their invasion at any and all times and seasons by the hired weed-killers of the General Government?

Some of them will not, and if you leave any of them untouched, then all your expenditure amounts to nothing, because that little

will seed all the lands adjoining and then the next will seed the other lands, and soon it would be the same thing it is now. You have to exterminate every one of them.

Will landowners and railroads submit to a Federal authority at Washington, thousands of miles away, invading their real property and interfering with its tillage?

There is another question. Then says the Secretary:

Do you believe that the Federal Government can legally empower the Department of Agriculture, through its agents, to enter upon private lands for the purposes mentioned?

Then he asserts:

The successful extirpation of this thistle depends upon the virtual confiscation of all infested crops, or upon the abandonment of the lands which bear those crops, during the process of extermination.

How are we going to force men to do that? I think the best disposition to make of this question is contained in one of the amendments proposed by the Senator from South Dakota. We will give the States the money and let them exterminate the weed themselves.

I wish to call attention to another point in the bill. The Secretary of Agriculture is required—

To make written contracts with residents of said districts for the destruction and extermination of all Russian thistle or Russian cactus wherever found growing upon the highways, in cultivated fields.

There is the express authority given here to enter into a man's field to destroy his property in order to destroy the thistle. I say the Government of the United States can not do that, but we can give the money to a State and allow the State to expend it in its own way for this purpose.

Upon abandoned lands—

Whatever that may be. I do not know what it is. Will the Senator from North Dakota explain what the bill means by "abandoned lands?"

Mr. ALLEN. If the Senator from Mississippi will permit me I will explain what it means. It means the agricultural lands that are so thickly overgrown with this thistle that the owners can not do anything with them, and therefore abandon them.

Mr. HANSBROUGH. That is precisely what it means.

Mr. GEORGE. Very well; then I understand that. That is one thing the Government may do. If the lands are so bad that they are abandoned, of course it is all right; but what about the cultivated fields? Now, I ask my friend from Nebraska, who is a good lawyer, where in the Constitution he finds the authority for Congress to authorize one of the agents of the Government to go into a man's wheat field and destroy the wheat in order to destroy the thistle?

Mr. ALLEN. If the Senator from Mississippi will allow me I will answer the question, because there is the gist of the whole argument. If the Government has the power to follow a common enemy of the race through this country, it has the power to follow him into the house of any individual upon the land of any individual; and because this weed, which is not indigenous to this country but was brought here, is destructive of the agriculture of the country, not of one farm simply but a whole section of country, and is a weed that is passing from State to State, as this weed is, the power of the Government is ample to go into the field of any particular individual and extirpate the weed or cause the owner of the land to do so. I never yet have discovered anything in the Constitution or in the constitutional history of this country that would in the slightest degree prohibit the Government from doing that.

Mr. HANSBROUGH. Will the Senator from Mississippi yield to me?

Mr. GEORGE. Certainly.

Mr. HANSBROUGH. The Senator has laid great stress upon the lack of power in the Government to go upon private premises for the extermination of the weed. I call his attention to section 2 of the proposed act. I further call his attention to the fact that this matter was discussed in the Committee on Agriculture and Forestry, and that at the suggestion of the Senator from Mississippi, section 2, which is identical with section 2 of the pleuro-pneumonia act, was inserted in the bill. I think, if the Senator will read it, he will find it fully covers his objections. I will ask the Secretary to read at the desk, for the information of the Senate, section 2 of the bill.

Mr. GEORGE. It may be read after a while. I have read it. The Senator is mistaken in supposing that I am the author of the idea of placing section 2 in the bill. I declined to have anything to do with the bill in the committee, except that I was willing the United States, on account of their proprietorship of public lands in those States, should contribute a liberal quota for the purpose of exterminating the weed.

Mr. HANSBROUGH. The Senator will remember that in the discussion in the committee, he raised the question that he raises here, and that I called his attention——

Mr. GEORGE. I do not care to waste my time in discussing what took place in the committee.

Mr. HANSBROUGH. Very well.

Mr. GEORGE. I wish to state that whatever is said to the contrary is not correct.

Mr. HANSBROUGH. I beg the Senator's pardon.

Mr. GEORGE. I never gave my assent to the bill in the committee in any shape, manner, or form. On the contrary, I dissented from it, and the Senator when he reported the bill was directed by me to state (and he complied with the direction) that it was a majority report only.

Of course, Mr. President, I would not be guilty of the absurdity of taking section 2 as wiping out the constitutional objection to which I have alluded. Section 2 is absurd on its face as applied to the bill. Section 2 speaks, you understand, of regulations to be prepared by the Secretary of Agriculture and submitted to the States for their coöperation, and it also provides for the acceptance by the Secretary of Agriculture of rules and regulations formed by the States. It provides for coöperation, but if section 2 is to be considered as the limit of the power of the Secretary of Agriculture on this subject it contains a very remarkable provision. He is authorized—

To expend so much of the money appropriated by this act as may be necessary in the execution of said plans and methods, and—

Following the pleuro-pneumonia law—

to prevent the spread of Russian thistle or Russian cactus from one State or Territory to another.

That seems to confine the power of the Secretary of Agriculture to the simple duty of preventing the spread of this thistle from one State to another; but the point is, if the Senator relies upon section 2 as giving the authority to the Secretary of Agriculture to enter upon lands, then he can not enter until the States have formulated their rules or agreed to his rules, and that can only be done by the Legislatures, and it destroys the groundwork as set out in the Senator's report for action now by the Senate. He says the Legislatures do not meet for a year. So if you rely upon the coöperation authorized by section 2 as giving authority to the Secretary of Agriculture to enter upon the lands, he can not go on the lands until the Legislatures shall have met and given him authority to do so. I admit when the Legislatures do meet and give him authority he can do it, but he goes there then not in virtue of Federal law, but in virtue of State law.

That is one of the great defects in the bill. It is that whilst it seemingly authorizes immediate action upon the part of the Secretary of Agriculture, it in legal and constitutional effect prevents his action until the Legislatures of the several States shall meet and authorize him to do it.

Mr. President, I have said about all I desire to say on this subject, with one more remark, that it would be a very remarkable spectacle that the local authorities of a State infested by this pest should be utterly ignored, and that the business of exterminating the thistle by plowing, and digging, and fire, and the destruction of crops should be confided to the Secretary of Agriculture when the people interested are not to be consulted, when they are to do nothing, and are not to have any agency whatever in destroying the pest. With these remarks I submit the case.

Mr. ALLEN. Before the Senator from Mississippi takes his seat I should like to ask him a question. Certainly there would be no constitutional objection to the Government passing a law prohibiting the importation of this weed or the seed of the weed. Would there be?

Mr. GEORGE. No.

Mr. ALLEN. Now, if we had a law prohibiting the importation of this weed, preventing it from being brought into the country, attaching proper penalties thereto, and it was brought here in violation of that law, would not the Government have the right to follow it and the weeds that it reproduced throughout the entire country until it was exterminated? Would there not be clear constitutional power on the part of the Government to do so?

Mr. GEORGE. There would not. It could follow the seed where it could find it imported into a State in violation of law and seize it as smuggled goods; but after it has changed its nature and become something else, I should take it there is not an earthly basis for the Senator's statement. For instance, to show how absurd the position is (if I may use that term, as I do with the greatest respect), the United States has the right to prohibit the introduction of wheat into this country under the commerce clause, and to prohibit the introduction of any article of commerce. It has done so. Sometimes it is done directly; sometimes it is done by a prohibitory tariff. Does the Senator from Nebraska say that if Congress could in its wisdom decide that the introduction of a particular kind of wheat into this country should be prohibited, and then if it were smuggled and planted Congress could go to the field in which it was planted and extirpate the growing wheat. If it could do that, then, according to the argument of the Senator, when that crop is gathered and

another crop is sown, as long as you can trace the crop to the original prohibited introduction of the seed, the Government of the United States would have a right to go in and destroy the crop.

Of course the Senator does not mean anything of that sort. Besides, that is purely a hypothetical inquiry and has nothing to do with this case. Congress has not prohibited the introduction of the seed. It came here without any prohibitory law on the part of the United States, and therefore any argument based upon the suggestion of the Senator is worthless.

Mr. ALLEN. I think the Senator from Mississippi is clearly wrong upon this proposition. We have laws authorizing a quarantine against cholera, for instance, and diseases of that character. The Government gets its power to pass those laws in consequence of those diseases being the common enemy of our people, and its duty to preserve every material interest of the Union.

Mr. GEORGE. Under the power to regulate commerce.

Mr. ALLEN. And because they are of foreign origin, and destructive of our commerce and the health of our people. Now, would the Senator from Mississippi deny that if a patient suffering with the Asiatic cholera should by any secret means gain a footing upon the shores of this country in violation of the law of the Government, that Congress, as a necessary incident of the power to pass that law, would not only have a right to quarantine that patient, but would have the further right of quarantining every other patient to whom the disease might be communicated by the first? It strikes me that there can be no question about that power.

Mr. GEORGE. The Senator's argument fails in this, that no law of Congress ever prohibited the introduction of this seed.

Mr. ALLEN. But the question is a constitutional question, not a statutory question. Here is a weed that is a native of Russia. It is not indigenous to this country at all. It is conceded to be destructive to the agriculture of the country. It is a foreign enemy to the commerce and agriculture of this country. Now, if it is destructive to the agriculture of the country I ask the Senator from Mississippi if the Government does not possess implied power to destroy it and its consequences when it is brought here?

Mr. GEORGE. Now, let me ask the Senator from Nebraska a question. He is a good lawyer. If there is anything settled in constitutional exegesis in this country, it is that there must be either an expressed grant of power or you must have an implied power, and when you have the implied power, says the Supreme Court, you must put your finger upon the express power from which the implication comes. Will the Senator put his finger upon the express grant of power which authorizes Congress to interfere in this matter?

Mr. ALLEN. I do not take the definition of the Senator from Mississippi in the language in which he puts it. The Supreme Court have held, and jurists and statesmen have held from the organization of the Government, that although a power may not be expressed in the Constitution in words, if it is a power essential to the life and welfare of the Government, a power such as the Government could not refuse to execute and at the same time sustain itself, that power is granted by implication, by irresistible and conclusive implication, as conclusively and fully as though it were expressed.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. GEORGE. No court in the world ever held any such doctrine as is stated by the Senator; and if it did, it amounts to just this, that whatever Congress would think would be necessary for the life of the nation Congress might do; and of course that amounts simply to destroying all constitutional limitations whatever.

Mr. ALLEN. With all due deference to my distinguished friend from Mississippi, whose legal judgment I highly appreciate, I must say to him that not only the Supreme Court of the United States have held the doctrine that I state in substance, but there is not a court of last resort of any of the States of the Union where this question has been presented that has not held substantially the same thing.

Mr. GEORGE. If the Senator can find a case of that kind I will be much obliged to him.

Mr. ALLEN. It is that power which goes to the foundation of every government itself. It is the inherent power of self-preservation, the power to preserve itself against the common enemy, whether that enemy be an army of invasion, a deadly disease, or a destructive weed which destroys its agriculture.

Suppose our Constitution were silent as the grave upon the subject of raising armies to repel an invading foe. Suppose there were nothing said in the Constitution upon that subject, would the Senator from Mississippi claim that this Government would be powerless to raise armies and equip navies and repel invasion simply because there was no word conferring that power in the Constitution? It is an implied power that this Government possesses; an implied power that every government possesses. In fact, it is impossible to conceive of the existence of a government without that power.

Mr. GEORGE. Will the Senator allow me a moment?

Mr. ALLEN. Certainly.

Mr. GEORGE. We are here construing the Constitution as it is written and not as it might have been written.

Mr. ALLEN. I understand that quite well.

Now, Mr. President, this weed, the ravages of which I think the Senator from Mississippi fails to fully comprehend, is more destructive of the agriculture of this country than the pleuro-pneumonia is of the cattle interest. It aims directly at the very foundation of our agriculture. It destroys the chief industry of this nation. It is a common and foreign foe, not invading directly our commerce, but indirectly, in consequence of invading our agriculture; and yet we are told when this common enemy is brought from the shores of a foreign country, and is invading State after State and ruining its agricultural lands, that under the Constitution the Government has no power to check and eradicate it.

Mr. GEORGE. No; not exactly. The Senator is not answering my argument. I have said that the Government has the right to appropriate money to States to aid them to do it, and that ought to satisfy the Senator.

Mr. ALLEN. Then I call the attention of the Senator from Mississippi to another rule which he will recognize, that if the Government has not the power to meet this thing directly it has no constitutional power to meet it indirectly by the appropriation of money, for nothing is better settled in our law than the doctrine that you can not accomplish by indirection that which can not be accomplished directly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 1836) to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals.

The message also announced that the House insisted upon its disagreement to the amendment of the Senate to the bill (H. R. 3603) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WHEELER of Alabama, Mr. KILGORE, and Mr. AVERY managers at the further conference on the part of the House.

THE REVENUE BILL.

The PRESIDING OFFICER (Mr. VILAS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. PEFFER and Mr. CALL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. CALL. I ask the Senator from Kansas to yield to me.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. PEFFER. For what purpose.

Mr. CALL. I ask the Senator from Kansas to yield to me that I may move to proceed to the consideration of executive business. I desire a short executive session.

Mr. HARRIS. I hope the Senator from Kansas will not yield at this time. I think the Senator from Florida and the Senate can come to an agreement with respect to a time when he may have an executive session, but I hope it will not be held now.

Mr. PEFFER. I had taken the floor for the purpose of engaging in the discussion of the pending bill and would prefer not to yield at this time.

The PRESIDING OFFICER. The Senator from Kansas declines to yield the floor. The Senator from Kansas will proceed.

Mr. CALL. Do I understand that the Senator from Kansas declines to yield?

Mr. PEFFER. If the executive session would not require much time, and the Senator from Florida is prepared to assure me upon that point, I should not object to yielding; but I prefer not to pass over three or four hours and begin my remarks this evening.

Mr. WASHBURN. I suggest to the Senator from Kansas to commence his speech to-morrow morning.

Mr. CALL. If the Senator from Kansas will allow me, I will move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Does the Senator from Kansas yield for that purpose?

Mr. PEFFER. I will yield on condition that I shall have the floor after the executive session.

Mr. HARRIS. I hope, if the motion is made, it will be voted down at this hour. There are times——

Mr. CHANDLER. Mr. President, I rise to a question of order. Is a motion to go into executive session debatable?

The PRESIDING OFFICER. There is no motion yet entertained by the Chair to go into executive session. The Senator from Kansas has not yielded to the Senator from Florida.

Mr. CHANDLER. I understood the Senator from Florida to make the motion.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. PEFFER. I will yield for the purpose of allowing the Senator from Florida to make a motion to go into executive session.

The PRESIDING OFFICER. The Senator from Kansas yields the floor.

EXECUTIVE SESSION.

Mr. CALL. I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and being taken resulted—yeas 31, nays 19; as follows:

YEAS—31.

Aldrich,	Gallinger,	Kyle,	Proctor,
Allen,	George,	Lodge,	Pugh,
Bate,	Hale,	Manderson,	Quay,
Call,	Hansbrough,	Morrill,	Roach,
Chandler,	Hawley,	Perkins,	Stewart,
Davis,	Higgins,	Pettigrew,	Teller,
Dubois,	Hill,	Platt,	Washburn.
Frye,	Irby,	Power,	

NAYS—19.

Berry,	Harris,	Mitchell, Oregon	Peffer,
Blackburn,	Jones, Ark.	Mitchell, Wis.	Turpie,
Caffery,	McLaurin,	Morgan,	Vest,
Coke,	McPherson,	Palmer,	Vilas.
Dolph,	Mills,	Pasco,	

NOT VOTING—34.

Allison,	Daniel,	Jones, Nev.	Squire,
Blanchard,	Dixon,	Lindsay,	Stockbridge,
Brice,	Faulkner,	McMillan,	Vance,
Butler,	Gibson,	Martin,	Voorhees,
Camden,	Gordon,	Murphy,	White,
Cameron,	Gorman,	Ransom,	Wilson,
Carey,	Gray,	Sherman,	Wolcott.
Cockrell,	Hoar,	Shoup,	
Cullom,	Hunton,	Smith.	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 6, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 5, 1894.

SURVEYOR OF CUSTOMS.

Robert Calvert, of Wisconsin, to be surveyor of customs for the port of Lacrosse, in the State of Wisconsin (reappointment), his former term of office having expired by limitation.

ASSISTANT APPRAISERS OF MERCHANDISE.

Alexander Hamill, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to succeed John F. Henry, jr., resigned.

Henry W. Hart, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to succeed Cyrus A. Stevens, removed.

PROMOTION IN THE ARMY.

Cavalry arm.

Second Lieut. P. D. Lochridge, Second Cavalry, to be first lieutenant April 2, 1894, vice McAnaney, Eighth Cavalry, deceased.

POSTMASTERS.

Edward C. Holt, to be postmaster at Anamosa, in the county of Jones and State of Iowa, in the place of Elihu J. Wood, whose commission expires April 30, 1894.

Charles H. Scott, to be postmaster at Farmington, in the county of Van Buren and State of Iowa, in the place of William Thero, removed.

August Bondi, to be postmaster at Salina, in the county of Saline and State of Kansas, in the place of Wallace H. Johnson, removed.

Gilman L. Arnold, to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine, in the place of Charles S. Ham whose commission expires April 19, 1894.

Michael A. Barrett, to be postmaster at Caribou, in the county of Aroostook and State of Maine, in the place of Joseph W. Gary, whose commission expired March 29, 1894.

Ernest E. Pinkham, to be postmaster at Freeport, in the county of Cumberland and State of Maine, in the place of Henry C. Brewer, whose commission expires April 11, 1894.

James A. Shaw, to be postmaster at Chestertown, in the county of Kent and State of Maryland, in the place of Hiram Brown, whose commission expired January 21, 1894.

Henry Timmich, to be postmaster at Ellicott City, in the county of Howard and State of Maryland, in the place of Hamilton Oldfield, whose commission expired January 9, 1894.

Adeline Edwards, to be postmaster at Durant, in the county of Holmes and State of Mississippi, in the place of Robert A. Carson, whose commission expires April 11, 1894.

James W. Owsley, to be postmaster at Palmyra, in the county of Marion and State of Missouri, in the place of Henry W. Koch, whose commission expired February 17, 1894.

George Schmelzel, jr., to be postmaster at Humboldt, in the county of Richardson and State of Nebraska, in the place of August Frank, whose commission expired December 21, 1893.

John F. Sherman, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska, in the place of J. Robert Kenney, removed.

John W. Alsop, to to postmaster at Galion, in the county of Crawford and State of Ohio, in the place of Morris Burns, whose commission expired March 29, 1894.

John H. Thomas, to be postmaster at Marion, in the county of Marion and State of Ohio, in the place of Schiller Fogleson, whose commission expired February 11, 1894.

John D. Black, to be postmaster at Marshfield, in the county of Coos and State of Oregon, in the place of Alonzo D. Border, whose commission expires April 12, 1894.

W. B. Cunningham, to be postmaster at Athens, in the county of McMinn and State of Tennessee, in the place of E. H. Matthews, whose commission expired December 20, 1893.

Allen M. Beville, to be postmaster at Clarendon, in the county of Donley and State of Texas, in the place of Charles J. Lewis, removed.

John Robinson, to be postmaster at Bennington, in the county of Bennington and State of Vermont, in the place of Charles A. Pierce, removed.

C. B. Tilden, to be postmaster at Northfield, in the county of Washington and State of Vermont, in the place of J. H. Orcutt, whose commission expired March 29, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 5, 1894.

POSTMASTERS.

Frank H. Lalor, to be postmaster at Trenton, in the county of Mercer and State of New Jersey.

Herman Herzberg, to be postmaster at Gadsden, in the county of Etowah and State of Alabama.

Benjamin C. Black, to be postmaster at Searcy, in the county of White and State of Arkansas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 5, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read, corrected, and approved.

SWEARING IN OF A MEMBER.

The SPEAKER having laid before the House the credentials of Mr. James F. Izlar, elected to fill the vacancy for the unexpired term from the First district of the State of South Carolina, Mr. Izlar appeared at the bar of the House and was duly qualified, taking the oath of office prescribed by law.

DEFICIENCY APPROPRIATION, PRINTING AND BINDING, STATE DEPARTMENT.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of the deficiency in the appropriation for printing and binding for the State Department for the fiscal year ending June 30, 1894; which was referred to the Committee on Appropriations.

MONOGRAPH, HIGHER EDUCATION, TENNESSEE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a letter from the Commissioner of Education, in response to House resolution inquiring by what authority the Commissioner of Education had published, at public expense, a monograph on higher education in Tennessee, containing an attack on said State; which was referred to the Committee on Education.

SAM YUEN VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting certain papers in the case of Sam Yuen in the United States circuit court for the northern district of California, and recommending an appropriation therefor; which was referred to the Committee on Appropriations.

INDIAN SCHOOL, CHEROKEE, N. C.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of the Interior for the support of the Indian school at Cherokee, N. C., for the fiscal year ending June 30, 1895; which was referred to the Committee on Indian Affairs.

INDIAN SCHOOL, FORT SHAW, MONT.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimate from the Secretary of the Interior of appropriation necessary for the support of the Indian school at Fort Shaw, Mont., for the fiscal year ending June 30, 1895; which was referred to the Committee on Indian Affairs.

CHARLES JOHNSON.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a statement showing the personal losses sustained by Charles Johnson, assistant keeper of the light-house at Sand Island, Ala., during the hurricane of October 1, 1893; which was referred to the Committee on Claims.

BURGLARY, NEWPORT NEWS POST-OFFICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting papers in the claim of the late postmaster at Newport News, Va., for credit on account of losses sustained by him by burglary of the post-office; which was referred to the Committee on Claims.

PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, with accompanying documents, in response to House resolution adopted March 16, 1894, relative to plans and specifications for public buildings; which was referred to the Committee on Public Buildings and Grounds.

DONATION OF CONDEMNED CANNON.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, relating to Senate bill 810, donating a certain cannon to the Naval Veteran Association of Baltimore, Md.; which was referred to the Committee on Military Affairs.

FINDINGS OF THE COURT OF CLAIMS.

The SPEAKER also laid before House findings of the Court of Claims in the cases of George Case, deceased, *vs.* The United States; F. N. Gaddy *et al. vs.* The United States, and G. C. Harper *vs.* The United States; which were severally referred to the Committee on War Claims.

COLUMBIA ARSENAL, TENNESSEE.

The SPEAKER also laid before the House a communication from the Acting Secretary of War, transmitting estimate of deficiency in the appropriation for Columbia Arsenal, Tenn.; which was referred to the Committee on Appropriations.

PATENT OFFICE REPORT.

The SPEAKER also laid before the House a letter from the Commissioner of Patents, transmitting the annual report for the calendar year of 1893.

The SPEAKER. This communication has heretofore been presented to the House and was referred to the Committee on Patents. It should have been sent to the Committee on Printing, and the change of reference will now be made.

RAILROAD STATIONS IN THE TERRITORIES.

The SPEAKER laid before the House the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government, to establish stations and depots at all town sites on the line of said roads established by the Interior Department, with an amendment thereto, upon which the Senate asked a further conference with the House on the disagreeing votes of the two Houses, having appointed Mr. BERRY, Mr. BLACKBURN, and Mr. PETTIGREW as conferees on the part of the Senate.

Mr. WHEELER of Alabama. I move that the House insist upon its disagreement to the Senate amendment to this bill, and agree to the further conference asked by the Senate.

Mr. DINGLEY. Before that is done will the gentleman from Alabama [Mr. WHEELER] please state the point of the disagreement?

Mr. WHEELER of Alabama. The House passed a bill providing that railroad companies operating railroads in the Territories, over a right of way, obtained by grants from Congress, should be required to stop their trains at all town sites established along the lines of said railroads by the Interior Department.

I think the House understands that this law only applies to two railroads in Oklahoma. The officers of these two railroads refuse to stop their trains at town sites which have from three to four thousand inhabitants, and the purpose of the bill was to prevent the continuance of this wrong and injustice.

The Senate passed the House bill with an amendment which provided that within twenty days after the passage of the act the governor of Oklahoma should, after thirty days' notice, hold an election in two of the counties of Oklahoma for the purpose of determining a permanent county seat for said counties.

The House by a very decided vote refused to concur in the Senate amendment, and the conferees on the part of the House seek to carry out the will of the body of which they are members.

There are many objections to the Senate amendment. One objection is that there is no registration in the two counties where it is proposed to hold the election. Another is that it appears to be admitted that the purpose of tacking on the amendment was to defeat the bill——

Mr. HOPKINS of Illinois. Then you have made no progress since the conferees were appointed?

Mr. WHEELER of Alabama. No, we have held several conferences, but no agreement has been reached.

Mr. HOPKINS of Illinois. The bill is in the same situation as when the first conference was ordered?

Mr. WHEELER of Alabama. Yes: the conferees can only report that no agreement has been reached.

Mr. HOPKINS of Illinois. What is the object of reporting and asking for a further conference?

Mr. WHEELER of Alabama. We have some very full information which has been received since the last conference. It is evidence from Oklahoma. We shall be able to show——

Mr. HOPKINS of Illinois. Could not you use that evidence before the conference committee without bringing the bill back into the House?

Mr. WHEELER of Alabama. After the Senate conferees reported the bill back to the Senate and asked for a further conference, we thought our power as conferees was at an end, and that we could not proceed and hold another conference without further instructions or orders from the House. I think that is the correct parliamentary view of the situation.

The SPEAKER. The question is upon agreeing to the further conference asked for.

The further conference was agreed to, and the Speaker appointed as conferees on the part of the House Mr. WHEELER of Alabama, Mr. KILGORE, and Mr. AVERY.

SEALER OF WEIGHTS AND MEASURES, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 3246) for the appointment of a sealer and assistant sealer of weights and measures for the District of Columbia, and for other purposes, with a Senate amendment thereto; which was referred to the Committee on the District of Columbia.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the following Senate bills, which were severally read a first and second time, ordered to be printed, and referred to the committees named.

A bill (S. 655) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate the proceedings before them—to the Committee on the Judiciary.

A bill (S. 491) granting a pension to Alice K. Potter, widow of Gen. Joseph H. Potter, deceased—to the Committee on Invalid Pensions.

BERING SEA AWARD.

The SPEAKER laid before the House the bill (S. 1836) to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concerning the preservation of fur seals.

Mr. McCREARY of Kentucky. Mr. Speaker, the bill the title of which has just been read passed the Senate unanimously, and a bill exactly like it has been considered by the Committee

on Foreign Affairs of the House, and I was directed to report that bill favorably to the House.

There are important reasons why this bill should be acted upon immediately. It is to give effect to the award rendered by the Tribunal of Arbitration in Paris under the treaty between the United States and Great Britain, concerning the preservation of fur seals, and the bill is drawn exactly in accordance with the treaty made between the United States and Great Britain, in February, 1892, and in accordance with the award. I hope therefore that unanimous consent will be given for its present consideration.

The SPEAKER. The gentleman from Kentucky [Mr. MCCREARY] asks unanimous consent for the present consideration of this bill.

Mr. PAYNE. When this matter was brought up yesterday I objected to its consideration, not because I did not understand the importance of the bill, and that it was a good bill; but I thought then that, being a good bill, it would probably pass the House by suspension of the rules, substantially by action of the Committee on Rules or otherwise, and that there would be no particular delay. For that reason I objected to its consideration on yesterday. On subsequent reflection, I thought that this was the first really good bill of a general nature that was liable to pass this House, and thought I ought to withdraw the objection I had made. I went to the gentleman from Mississippi [Mr. CATCHINGS] last evening, when he proposed to make the motion to adjourn, and told him if he would withhold the motion I would withdraw the objection then. Now, then, being a good bill, I hope it will pass this House, and yet I suppose it is useless to hope that. We will wait and see.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was read, as follows:

A bill (S. 1836) to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals.

Whereas the following articles of the award of the Tribunal of Arbitration, constituted under the treaty concluded at Washington the 29th of February, 1892, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, were delivered to the agents of the respective Governments on the 15th day of August, 1893;

ARTICLE 1.

The Governments of the United States and Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time, and in any manner whatever, the animals commonly called fur seals, within a zone of 60 miles around the Pribilov Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of 60 to a degree of latitude.

ARTICLE 2.

The two governments shall forbid their citizens and subjects respectively to kill, capture, or pursue, in any manner whatever, during the season extending, each year, from the 1st of May to the 31st of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude, and eastward of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in Article 1 of the treaty of 1867 between the United States and Russia, and following that line up to Berings Straits.

ARTICLE 3.

During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will, however, be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

ARTICLE 4.

Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry a distinguishing flag to be prescribed by its Government.

ARTICLE 5.

The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two governments to the other at the end of each fishing season.

ARTICLE 6.

The use of nets, firearms, and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Bering Sea, during the season when it may be lawfully carried on.

ARTICLE 7.

The two governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

ARTICLE 8.

The regulations contained in the preceding articles shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars or sails, and manned by not more than five persons each, in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons, and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Bering Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur-sealing vessels as heretofore.

ARTICLE 9.

The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

Now, therefore, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilov Islands within a zone of 60 geographical miles (60 to a degree of latitude) around said islands, exclusive of the territorial waters.

SEC. 2. That no citizen of the United States, or person above described in section 1 of this act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, in any manner whatever, during the season extending from the 1st day of May to the 31st day of July, both inclusive, in each year, any fur seal on the high seas outside of the zone mentioned in section 1, and in that part of the Pacific Ocean, including Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich, till it strikes the water boundary described in Article 1 of the treaty of 1867, between the United States and Russia, and following that line up to Bering Straits.

SEC. 3. No citizen of the United States or person above described in the first section of this act shall, during the period and in the waters in which by section 2 of this act the killing of fur seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed in carrying on or taking part in fur-seal fishing operations, other than a sailing vessel propelled by sails exclusively, and such canoes or undecked boats propelled by paddles, oars, or sails, as may belong to and be used in connection with such sailing vessel; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the Government for that purpose, and without carrying a distinctive flag prescribed by the Government for the same purpose.

SEC. 4. That every master of a vessel licensed under this act to engage in fur-seal fishing operations shall accurately enter in his official log book the date and place of every such operation, and also the number and sex of the seals captured each day; and on coming into port, and before landing cargo, the master shall verify, on oath, such official log book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number and sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States.

SEC. 5. That no person or vessel engaging in fur-seal fishing operations under this act shall use or employ in any such operations, any net, firearm, airgun, or explosive: *Provided, however*, That this prohibition shall not apply to the use of shotguns in such operations outside of Bering Sea during the season when the killing of fur seals is not there prohibited by this act.

SEC. 6. That the foregoing sections of this act shall not apply to Indians dwelling on the coast of the United States, and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, or manned by more than five persons, in the manner heretofore practiced by the said Indians: *Provided, however*, That the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands.

SEC. 7. That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this act and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations, as in his judgment may seem expedient.

SEC. 8. That, except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this act, every person guilty of a violation of the provisions of this act, or of the regulations made thereunder, shall for each offense be fined not less than $200, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, at any time used or employed in violation of this act, or of the regulations made thereunder, shall be forfeited to the United States.

SEC. 9. That any violation of this act, or of the regulations made thereunder, may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 10. That if any unlicensed vessel of the United States shall be found within the waters to which this act applies, and at a time when the killing of fur seals is by this act there prohibited, having on board seal skins or bodies of seals, or apparatus or implements suitable for killing or taking seals; or if any licensed vessel shall be found in the waters to which this act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements in the other was or were used in violation of this act until it is otherwise sufficiently proved.

SEC. 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this act is applicable to enforce its provisions, and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or employed in the waters last aforesaid in violation of any of the prohibitions of this act, or of any regulations made thereunder, and to take the same, with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this act, there to be dealt with according to law.

SEC. 12. That any vessel or citizen of the United States, or person described in the first section of this act, offending against the prohibitions of this act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same;

Provided, however, That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this act.

Mr. McCREARY of Kentucky. Mr. Speaker, a treaty was concluded at Washington February 29, 1892, between the Governments of the United States and of Great Britain, submitting to arbitration certain questions which have arisen between those Governments concerning the jurisdictional rights of the United States in the waters of Bering Sea.

The articles of the award of the tribunal of the arbitration are set forth in the bill, and the bill is drawn in accordance with the stipulations of the treaty and in accordance with the award, the object of the bill being to give effect to the award rendered by the Tribunal of Arbitration at Paris, held under the treaty of 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of fur seals.

The treaty to which I have referred provides in the fourteenth article that—

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration, as a full, perfect, and final settlement of all the questions referred to the arbitrators.

This bill should pass immediately; our Government is pledged to stand by the award, and I hope there will be no opposition to the immediate passage of the bill.

Mr. DINGLEY. Mr. Speaker, before the gentleman sits down I would like to call his attention to the last section of this bill.

By the way, I may say that the bill is exceedingly important, and should be passed at once; but there is a provision in the last section——

Mr. HITT. Section 12?

Mr. DINGLEY. Section 12. Authorizing a naval or other commissioned officer of Great Britain to seize vessels or to detain vessels of the United States, on condition, of course, that a reciprocal law shall be passed by Great Britain.

What I desire to know is whether there was a provision in the award for such legislation as this, and whether it is copied, somewhat perhaps, from the provisions in the treaty with other nations with reference to the suppression of the slave trade. This provision in the twelfth section of course is exceptional, where a British officer is authorized to seize an American vessel.

Mr. McCREARY of Kentucky. The section was drawn in accordance with the award, indeed the whole bill is drawn in accordance with the award and the stipulations of the treaty, and is somewhat similar to a provision in the treaty of 1870, to which he refers. The authority given to a naval or other commissioned officer of Great Britain to seize vessels or detain vessels of the United States is on condition that a reciprocal law shall be passed by Great Britain.

Mr. HITT. The section was drawn as it is in order to carry out in good faith the award of the Tribunal of Arbitration. It has been revised by the gentlemen who represented the United States before that tribunal, and is similar to a provision in the treaty of 1870, authorizing a search of our ships by British armed vessels, and a search of British ships by our armed vessels, for the suppression of the slave trade. That is the purpose and that is the precedent, and it was thought by those who drew the bill that this was absolutely essential in order to carry out the regulations to protect the seals contained in the award, which both this Government and the Government of Great Britain have promised by the treaty to accept and execute.

Mr. DINGLEY. But it does not go into effect until Great Britain shall pass a similar law?

Mr. HITT. It does not go into effect until a like act of Parliament is passed, which we are now waiting, which was introduced, but was withdrawn last Friday, and which will probably not be passed until we act. Nor could we with much grace reproach them for delay, for they may say "If you will not take care of your own seals you can not reproach us with being tardy."

Mr. McCREARY of Kentucky. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOPKINS of Pennsylvania, for one week, on account of important business

To Mr. GROSVENOR, for one week, on account of important business.

To Mr. McKEIGHAN, for ten days, on account of important business.

To Mr. DAVEY, for ten days, on account of important business.

To Mr. MORSE, for two weeks, on account of sickness.

To Mr. MAHON, for five days, on account of important business.

To Mr. BROSIUS, for one week, on account of important business.

To Mr. JOHNSON of Indiana, for two weeks, commencing on Monday, April 9, on account of important business.

To Mr. SCHERMERHORN, for ten days, on account of important business.

PERSONAL EXPLANATIONS.

Mr. BRYAN. Mr. Speaker, I was absent yesterday afternoon when the vote was taken upon the motion to pass the seigniorage bill over the veto of the President. I was called away by an important engagement about 4 o'clock, but before going I conferred with the gentleman from Missouri [Mr. BLAND], who had charge of the bill, and was informed that he would not ask for a vote until Saturday. Thinking it impossible that any vote could be taken, I left the Hall. I was fully protected by a pair with the gentleman from Iowa [Mr. HENDERSON], but I desire to say, that the RECORD may show my position, that if present I would have voted to pass the bill over the veto, and would have favored a reasonable debate upon the proposition. I would not have been absent under any circumstances if it had seemed possible to reach a vote.

Mr. BOUTELLE. You would not have had an opportunity to say that much if you had been here.

Mr. BLAND. I wish to say the gentleman is correct in his statement. I had no idea that a vote would be taken; but the whole House seemed anxious to vote.

Mr. SWANSON. Mr. Speaker, I desire to make a personal explanation. After the election case of Hilborn and English was disposed of, I received a telegram which necessitated my leaving the House. I was very anxious to be present and vote upon the Bland seigniorage bill. I was informed, in conversation with various gentlemen, that no vote would be asked for by the gentleman from Missouri until Saturday. I was very desirous of having my views upon that question distinctly understood. I was in favor of the passage of this bill. If present, I would have earnestly and cheerfully voted to pass the bill over the veto of the President, and would have liked an opportunity to express my reasons for so voting. The gentleman with whom I was paired would have voted to sustain the veto.

Mr. ALLEN. I did not mislead the gentleman, did I? [Laughter.]

Mr. BARTHOLDT. Mr. Speaker, I was unavoidably absent yesterday afternoon when the vote was taken on the seigniorage bill. I desire to say that if I had been present I would have voted "no" on the question of passing the bill over the President's veto.

Mr. DRAPER. Mr. Speaker, since explanations of this kind seem to be in order, I will say that I left the House yesterday afternoon supposing that the vote on that bill would not be taken until Saturday. Had I been present I should have voted "no."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound in cloth, of the proceedings of the Pan-American Medical Congress, held in Washington City, in September, 1893, under the authority of a joint resolution of Congress approved July 18, 1892, 10,000 copies; of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for distribution by the Department of State; the same to be indexed under the direction of the Committee on Printing.

The message also announced that the Senate had passed the bill (S. 1680) to amend an act approved January 31, 1893, entitled "An act to more effectually suppress gambling in the District of Columbia," etc.; in which the concurrence of the House was requested.

UNION PACIFIC RAILROAD.

Mr. BOATNER. Mr. Speaker, I desire to present the privileged report which I send to the desk, and ask for its present consideration.

The report was read, as follows:

Whereas by a communication to the House of Representatives under date of October 20, 1893, the Attorney-General of the United States informed the House that there is grave doubt as to the validity of the proceedings taken by the management of the Union Pacific Railway Company to place that road in the hands of receivers appointed by the United States circuit court, and that in their practical, if not their technical, operation and effect, such proceedings must be regarded as tending to seriously prejudice the interests of the United States as protected and secured by existing laws; and

Whereas the Attorney-General further reported that he had employed special counsel for the United States to represent the interests of the Government in said proceedings, which require, as he states, the continuous and almost exclusive attention of competent counsel, and that it is more than probable that the proper protection of the United States will be found to call for special legislation by Congress: Therefore,

Be it resolved by the House of Representatives, That the Attorney-General of the United States be, and is hereby, requested to inform the House what action, if any, has been taken by the special counsel employed by him to test the validity of the proceedings aforesaid, so far as they affect the United States, whether any effort has been made to secure the appointment of receivers to represent the interest of the United States in the management of said road, and what steps, if any, such counsel have taken to protect the same, and whether the receivers in charge of the said Union Pacific Railway were not appointed on the suggestion of the officers and directors thereof.

Finally, whether existing laws are sufficient to enable the Department of Justice to secure and protect the indebtedness due by said company to the United States.

The Committee on Pacific Railroads having had under consideration a resolution, introduced on the 3d instant, requesting certain information from the Attorney-General in regard to the action taken by the Department of Justice to protect the rights and interests of the United States in the Union Pacific Railroad Company, now in the hands of receivers, report the same favorably and recommend that the same do pass.

Mr. BOATNER. I ask for the adoption of the resolution.

The resolution was adopted.

On motion of Mr. BOATNER, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

ISSUE OF CERTAIN TREASURY NOTES.

Mr. BAILEY, from the Committee on the Judiciary, submitted the following as a privileged report:

IN THE HOUSE OF REPRESENTATIVES, *April 2, 1894.*

Mr. BAILEY submitted the following, which was referred to the Committee on the Judiciary:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to communicate to the House of Representatives the amount of Treasury notes bearing interest at the rate of 7.3 per cent per annum, which were issued by the United States from June 30, 1861, to June 30, 1865; the dates on which they were issued, and the amount outstanding at the close of each fiscal year between the above-named dates and the date of their retirement."

The Committee on the Judiciary having had under consideration a resolution of inquiry addressed to the Secretary in reference to the issue of Treasury notes bearing interest at the rate 7.3 per cent per annum, respectfully recommend its adoption with the following amendment:

Strike out all after the word "resolved" and insert the following:

"That the Secretary of the Treasury be, and he is hereby, requested to communicate to the House of Representatives the amount of Treasury notes bearing interest at the rate of 7.3 per cent per annum issued by the United States from 1861 to 1870; the years when they were issued, the acts under which and the denominations in which they were issued, and the amount outstanding at the end of each fiscal year prior to 1870; the years when they were redeemed, and the manner in which they were redeemed. Also if the issues under each act could be distinguished from all other issues, and if so, how."

Mr. BAILEY. Mr. Speaker, I suppose there is no objection to the resolution, and I therefore ask for a vote.

The amendment recommended by the committee was agreed to.

The resolution as amended was then adopted.

On motion of Mr. BAILEY, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

BRIDGE OVER ST. LOUIS RIVER.

Mr. BALDWIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota.

The SPEAKER. The bill will be read.

The Clerk proceeded to read the bill.

Mr. HAUGEN (interrupting the reading). Mr. Speaker, some mornings ago this bill was called up and unanimous consent was asked for its consideration. The bill was then read at length. The gentleman from Iowa [Mr. UPDEGRAFF] objected to its consideration at that time, but has since withdrawn his objection, being satisfied that the measure is meritorious. The bill having been read in full once I ask unanimous consent that the further reading of it now be dispensed with.

Mr. PAYNE. Is it in the usual form of bridge bills?

Mr. HAUGEN. It is in the usual form and has been approved by the Secretary of War.

The SPEAKER. The Clerk states that this bill has been read twice.

Mr. HAUGEN. It may have been. I know it has been read once.

There being no objection, the further reading of the bill was dispensed with.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BALDWIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE OVER ST. LOUIS RIVER.

Mr. HAUGEN. I ask unanimous consent for the consideration of another bridge bill, which I send to the desk.

The SPEAKER. These two bills have been considered together, and the Chair submits the request of the gentleman from Wisconsin that this bill be now considered by unanimous consent.

The bill (H. R. 4765) to authorize the St. Louis River Bridge Company and the Duluth Transfer Railway Company to construct, maintain, and operate a bridge over the St. Louis River from a point at or near Grassy Point, in the village of West Duluth, Minn., to the most available point opposite, in the State of Wisconsin, was read.

There being no objection, the House proceeded to the consideration of the bill.

The following amendment, reported by the Committee on Interstate and Foreign Commerce, was read and agreed to:

Strike out, on page 2, lines 30 to 33, the following:

"That the right to charge tolls for the passage of wagons, carriages, vehicles of all kinds, animals, foot passengers, and travelers shall not extend beyond a period of twenty years from the passage of this act."

And insert the following:

"That said bridge and its approaches shall be made free of tolls to wagons, teams, foot passengers, and street railways at the end of twenty years from the passage of this act if not made free before the end of said time."

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the last vote was laid on the table.

ADDITIONAL DISTRICT JUDGE IN ILLINOIS.

Mr. CHILDS. I ask unanimous consent for the consideration of the bill (H. R. 5649) providing an additional district judge in the northern district of Illinois.

The bill, with the amendment reported by the Committee on the Judiciary, was read.

Mr. McMILLIN. Reserving the right to object, let us have the report read.

The SPEAKER. Without objection, the report will be read.

Mr. HOPKINS of Illinois. The report is long; would not the gentleman from Tennessee consent to hear a statement?

Mr. CHILDS. The report itself is very short, though there is considerable additional matter appended.

Mr. HOLMAN. I think we ought to take further time for the consideration of this measure.

Mr. CHILDS. This will take only a moment. The report is very brief.

Mr. HOLMAN. I think we shall have to have some further time to examine the measure.

The SPEAKER. The gentleman from Indiana, as the Chair understands, objects.

Mr. CHILDS. I ask the gentleman from Indiana whether he will not give me an opportunity to explain this measure.

Mr. HOLMAN. I should be very glad to hear the gentleman; but I feel constrained to ask for further time to consider the bill.

LOAN OF ORDNANCE, ETC., TO HIGH SCHOOLS.

Mr. MERCER. I ask unanimous consent for the consideration of the joint resolution which I send to the desk.

The joint resolution, authorizing the Secretary of War to loan ordnance and ordnance stores for military instruction in high schools, was read.

Mr. MERCER. I hope there will be no objection to the present consideration of this resolution.

Mr. McMILLIN. Has it been reported favorably by any committee?

Mr. MERCER. This resolution seeks to carry out the policy adopted by the present Secretary of War in introducing military training into the high schools of the United States. Though just entered upon, this policy where already tried has proved a great success.

Mr. McMILLIN. What I wish to know is whether this bill has been reported favorably by any committee?

Mr. MERCER. It has not been referred to any committee.

Mr. McMILLIN. It strikes me the measure is of sufficient importance to require consideration by a committee before action by the House is asked.

Mr. MERCER. It does not require any appropriation.

Mr. McMILLIN. But it practically appropriates property which has been paid for by the money of the Government.

Mr. MERCER. There are thirty thousand guns which have been turned in, and which are not required for use by the War Department.

Mr. McMILLIN. I presume the gentleman's proposition is right; but a measure which deals so extensively and in so many different places with property which may be of great value to the Government in case of an emergency, ought at least to have the consideration of the Commitee on Military Affairs.

Mr. MERCER. This is a very urgent case. The students are now being drilled in different parts of the country; and they need these guns for the purpose of military training. I have consulted the War Department——

Mr. McMILLIN. Vacation will be here before they can get the guns at any rate. I have no objection to the introduction and reference of the resolution. It may be a very proper measure; but I think bills of this class ought to be considered by a committee; and in the present case the committee itself would do well to call on the Secretary of War concerning the subject.

The SPEAKER. The present consideration of the joint resolution is objected to. It will be referred.

The joint resolution (H. Res. 158) was read twice, referred to the Committee on Military Affairs, and ordered to be printed.

MARY LEVANS.

Mr. MOSES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5925) granting a pension to Mary Levans.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILSON of Washington. I do not wish to object to a pension bill, but I would like the privilege of asking the gentleman a question.

The SPEAKER. Without objection, that may be done.

Mr. WILSON of Washington. The gentleman, I believe, is chairman of the Committee on Pensions?

Mr. MOSES. I am.

Mr. WILSON of Washington. Now, I understand this is a bill for a pension to the widow of a soldier of the war of 1812, or some Indian war?

Mr. MOSES. The war of 1817, the Seminole war. There is no general law, I will state, to cover this case.

Mr. WILSON of Washington. I am not going to object to the gentleman's measure, but I want to say that there are numbers of the same class of people, who were participants in the war of 1856, in the States of Oregon and Washington, who endured hardships in the service of the country, and yet the gentleman's committee will not report their bill. He comes here asking pensions for his people when he declines to report a bill absolutely just and fair to the people I have the honor in part to represent. Now I never object to a pension bill and shall not object to this one.

Mr. MOSES. Your bill has never been brought to my attention.

Mr. STALLINGS. Has this bill been passed on in Committee of the Whole in the Friday night session?

Mr. MOSES. We have not reached it yet; and I ask unanimous consent to make an exception in this case. The committee unanimously reported the bill.

Mr. STALLINGS. I think it ought to take the same course as other bills of this character.

The SPEAKER. Objection is made, and the regular order being demanded, the Clerk will now call the committees for reports.

RAILROAD INDEMNITY LANDS IN CALIFORNIA.

Mr. BRODERICK, from the Committee on the Judiciary, reported a joint resolution (H. Res. 159) to authorize the intervention of the United States in a suit to determine rights to lands in railroad indemnity limits in California; which was referred to the House Calendar.

Mr. BRODERICK. The gentleman from Missouri [Mr. DE ARMOND] asks leave to submit a minority report.

The SPEAKER. The minority report may be filed and printed with the report of the committee, if there be no objection.

There was no objection.

ACCEPTANCE OF CERTAIN DECORATIONS.

Mr. McCREARY of Kentucky, from the Committee on Foreign Affairs, reported back the bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decoration of the "Busto del Libertador" of the third class from the President of Venezuela; which was referred to the House Calendar.

PENSIONS.

Mr. ERDMAN, from the Committee on Invalid Pensions, reported a bill (H. R. 6578), in lieu of House bill 3566, to pension certain persons not regularly mustered, their widows, children, and dependent relatives; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

PRINTING FOR COMMITTEE ON PACIFIC RAILROADS.

On motion of Mr. REILLY, by unanimous consent, it was ordered that the Committee on Pacific Railroads be authorized to have printed such matters as are necessary for the consideration of subjects pending before the committee.

ORDER OF BUSINESS.

Mr. SAYERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering appropriation bills, and pending that, I ask unanimous consent that the urgent deficiency bill be considered.

Mr. REED. I think we had better have the rules complied with.

The SPEAKER. Objection is made.

The gentleman from Texas moves that the House resolve itself into the Committee of the Whole to consider general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, Mr. HATCH in the chair.

Mr. SAYERS. I should like to have permission to make a short explanation.

Mr. REED. If the same privilege is accorded to gentlemen upon this side.

Mr. SAYERS. It is very important that the urgent deficiency bill should pass as soon as possible, for the reason that the terms of the Federal courts will begin to be held in many of the States next week, and it is necessary that appropriations should be made for witness fees, jurors' fees, marshals' fees, and also for the support of prisoners.

Mr. REED. Why were not these appropriations made at the regular time?

Mr. SAYERS. Because in the last Congress the usual practice was followed of only appropriating about one-half the amount that was necessary for the support of the courts.

Mr. REED. How long has that been the custom?

Mr. SAYERS. Ever since I have been on the committee, and through the Fiftieth, Fifty-first, Fifty-second, and the present Congress, and I suppose for many years previous.

Mr. REED. Is this something that was saddled onto you by the Fifty-first Congress?

Mr. SAYERS. By the Fifty-second Congress.

Mr. REED. How much is the amount that you fell short of providing for the needs of the Government?

Mr. SAYERS. Well, I can not tell. I suppose about ten or twelve million dollars.

Mr. REED. And this after you had surpassed the billion dollar Congress, was it not?

Mr. SAYERS. I am not responsible for the appropriations of the last Congress.

Mr. REED. You have got to supply a deficiency of $12,000,000 after exceeding all that you clamored against, have you?

Mr. SAYERS. Well, Mr. Chairman, I simply desire to ask unanimous consent——

Mr. REED. I have no doubt the gentleman from Texas [Mr. SAYERS] would like to get it through as quietly as possible.

Mr. SAYERS. Certainly.

Mr. REED. And I sympathize with him; but from a sense of public duty, I want in a pointed way to call the attention of the House to it, because there are some questions which, thank Heaven, are still debatable in the House of Representatives, or in the Committee of the Whole at least.

The CHAIRMAN. What is the request of the gentleman from Texas [Mr. SAYERS]?

Mr. SAYERS. Since the gentleman from Maine has called the attention of the committee to that question, I will state that these deficiencies, so far as the courts are concerned, are just about the same as the deficiencies which were made by the Fifty-first Congress.

Mr. REED. I know, but they are at the end of a set of appropriations that were in excess of those of the Fifty-first Congress; an excess so bad that an actual change took place in the chairmanship of the Committee on Appropriations on account of them.

Mr. SAYERS. Oh, no.

Mr. REED. What was the reason——

Mr. SAYERS. The reason was——

Mr. REED. The reason for the change in the chairmanship of the Committee on Appropriations?

Mr. SAYERS. The Appropriations Committee are observing the same policy in regard to the support of the courts that has been observed for the past ten years.

Mr. REED. Does the gentleman know the reason for the change that was made in the chairmanship of the Committee on Appropriations, if it was not made for the extravagance of the last committee?

Mr. SAYERS. I do not know that there was any change made on that account.

Mr. REED. There was a change made in the chairmanship, and the gentleman [Mr. HOLMAN] who had been chairman of the committee before was noted for his frugality all over the

country, and it seems that notwithstanding he had exceeded the billion-dollar Congress in his appropriations, yet the gentleman from Texas [Mr. SAYERS], who is virgin soil, comes here to claim ten or twelve millions of dollars more in addition to that enormous excess over what was denounced as wickedness by the Democratic party from one end of the country to the other. I see the gentleman from Illinois [Mr. SPRINGER] is listening, and perhaps his case will be brought up before we get much farther. [Laughter on the Republican side.]

Mr. SAYERS. The gentleman from Indiana [Mr. HOLMAN] is here to speak for himself.

Mr. REED. I hope we shall have an explanation of both cases, for they were very extraordinary and astonished the country, to see such able men deposed for the work which they did, which, however, has not met the approval of the nation to any considerable extent.

Mr. HOLMAN rose.

Mr. REED. I see the gentleman from Indiana [Mr. HOLMAN] is anxious for an opportunity to speak, and I yield to him. [Laughter.]

Mr. HOLMAN. I will only occupy for a few minutes the time of the committee. For many years it has been customary for the Committee on Appropriations of the House, whether Democratic or Republican, to seek to retrench expenditures of our Federal judiciary. This effort has been made for years. There has been an opinion upon the part of the Appropriations Committee of the House that the expenses of the Federal judiciary were very excessive and unnecessary, and it is for that reason and others that many members of the House object to the enlargement of the Federal judiciary system and would be glad to see its jurisdiction greatly reduced. This state of affairs and growth of its expenditures has existed for a number of years under both Republican and Democratic Administrations, and I fear will continue to exist: but my friend from Texas is certainly mistaken as to the amount of deficiencies.

The expenditures for the Federal judiciary will have been of unexampled extravagance if so large an amount of increased appropriation is found to be necessary, as stated by him, to carry on the system for the present fiscal year.

Mr. SAYERS. I understand the gentleman from Maine asked me what would be the total amount of the deficiency, and I responded to that question, I thought it would be $10,000,000 or $12,000,000.

Mr. REED. What I wanted to say was——

Mr. SAYERS. I did not say $10,000,000 or $12,000,000 deficiency for the support of the United States courts.

Mr. HOLMAN. Of course that is correct.

Mr. REED. What I wanted to say——

Mr. HOLMAN. It is a well-known fact that within a comparatively few years there have been only $3,000,000 or $4,000,000 necessary to carry on our Federal judicial system. The increase is enormous, and that is why gentlemen propose to reduce its jurisdiction; but of course it is absurd to talk about $10,000,000 or $12,000,000 of deficiencies.

Mr. REED. What I wanted to say was, that after the appropriations that were so "bad," that the chairman of the committee was, so to speak, cashiered [laughter] for so exceeding the "bad Congress," called the Fifty-first Congress, called the "billion-dollar Congress;" for being in excess of a billion-dollar Congress, if I may so say, why is it that we have this $12,000,000 deficiency? After so bad a record, why should $12,000,000 be plastered on the country in addition, "gilding," as it were, "refined gold, and painting the lily?" [Laughter.] The statement of the gentleman from Indiana did not give any explanation as to whether he was punished on that account or not.

Mr. HOLMAN. Why, I do not mean to assert "that the gentleman from Indiana" has been punished for anything.

Mr. REED. I do not mean to say that he had.

Mr. HOLMAN (continuing). The Speaker of the House had the right to appoint whoever he thought well to appoint, and he exercised that privilege.

Mr. REED. That is so.

Mr. HOLMAN. I do not think the gentleman from Maine will find in that a matter for comfort or consolation.

Mr. REED. I do not.

Mr. HOLMAN. Changes will occur all the time in the organization of this House.

Mr. REED. Yes.

Mr. HOLMAN. I was succeeded years ago as chairman on not coming back to Congress.

Mr. REED. Yes.

Mr. HOLMAN. The gentleman will meet the same experience the next time. [Laughter on the Democratic side.]

Mr. REED. It may be. The pitcher that goes often to the fountain is liable to be broken; but I think the holding powers of the gentleman are still good.

Mr. HOLMAN. How was it that the change was made in the case of the gentleman from Pennsylvania [Judge Kelley], one of the greatest political economists the House had for years. He was substituted. Will the gentleman give a reason for that?

Mr. REED. A reason! I am perfectly willing to give reasons for my conduct, but some of my predecessors and successors are not willing to do so.

Mr. HOLMAN. Can you give the reason why that change was made?

Mr. REED. Yes; I will very cheerfully give the reason. Judge Kelley had reached a period of years which the gentleman from Indiana, I am happy to say, has not yet reached, when his physical condition was not equal to the task. Now, I could wish gentlemen in my position would always be ready to give reasons as I do, and perhaps I may, without vanity, hope as good a reason. [Laughter.] And now, I have no doubt, in due course of time we will get an explanation, and I hope it will be more full and satisfactory, from the other gentleman [the gentleman from Illinois].

Mr. SAYERS. The gentleman complains of the deficiency for the support of the United States courts. The estimates for deficiencies in the appropriations for the United States courts which the present House will have to provide for do not exceed $1,000,000. If any gentleman will take this book which I hold in my hand, he will find that the deficiencies for United States courts heretofore have amounted to largely more than the deficiencies which the present House will have to appropriate. Now, for instance——

The CHAIRMAN. The Chair must insist that the gentleman from Texas shall either make some motion or suggestion which the Chair can put to the committee.

Mr. REED. The gentleman from Texas is proceeding by unanimous consent, and very happily, I think.

Mr. NEILL. Regular order.

The CHAIRMAN. The regular order is demanded.

Mr. SAYERS. I ask that the committee will——

Mr. REED. The gentleman asks for the regular order, and I hope we will have it, he asks for the regular order.

Mr. NEILL. I withdraw the demand for the regular order.

The CHAIRMAN. The gentleman withdraws it.

Mr. SAYERS. I ask unanimous consent that we now proceed to the consideration of the urgent deficiency bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. REED. One question——

The CHAIRMAN. The Chair will state the proposition and then will hear the gentleman from Maine. The gentleman from Texas asks unanimous consent that the committee shall now proceed to the consideration of the bill known as the urgent deficiency bill. Is there objection?

Mr. REED. I object unless I can hear from the gentleman in charge of the bill some reasons for that course of procedure.

Mr. SAYERS. I make the request for the reason that there are several appropriation bills before it on the Calendar and it is quite important that this bill should be passed at this time.

Mr. REED. The public necessities require it, do they?

Mr. SAYERS. I think so.

Mr. REED. Well, this side of the House always yields to that consideration. [Derisive cries on the Democratic side.]

There being no objection, the Clerk proceeded to read the bill.

Mr. CANNON of Illinois. Mr. Chairman, this is the first reading of the bill, as I understand.

The CHAIRMAN. It is the first reading of the bill.

The reading being concluded,

Mr. SAYERS. Mr. Chairman, if there is no desire for general debate I ask that the committee proceed to consider the bill by paragraphs.

Mr. CANNON of Illinois. Mr. Chairman, I desire to occupy a few minutes. This bill reported by the committee carries $1,237,255.66. It is reported as an urgent deficiency bill. Calling it a deficiency bill is in some respects misleading. It is a bill that is made necessary by insufficient appropriations made during the last Congress, known to be insufficient when they were made, known to be insufficient for the public service in branches of it where the service must cease unless the money is appropriated. Therefore the bill might properly be called "additional appropriations for the public service for the current year where expenditures are not allowed unless appropriations are previously made." There is a class of expenditures that the law calls for, liabilities for which can be incurred in certain instances, whether the money has been appropriated or not; but this bill does not apply to that class. Those items will follow later, in the regular deficiency bill, but I believe nothing is included in this bill except matters where additional appropriations are necessary in order to have the public service continued.

Mr. SAYERS. The gentleman is correct.

Mr. CANNON of Illinois. The history of urgent deficiency bills in this Congress is peculiar. Ordinarily heretofore—in the Fifty-first Congress especially, but quite generally heretofore—an urgent deficiency bill has been passed by Congress before the regular deficiency bill came up, but in this Congress we began early with urgent deficiencies and have broken the record. Number 1 of these urgent deficiency bills was enacted on the 7th day of last September and carried $306,000. Number 2, for assistant custodians, janitors, etc., was enacted on the 21st day of last December and carried $370,588. Number 3, for the customs service, census, etc., was enacted on the 21st day of last December and carried $1,889,455.86. Number 4, for the United States courts and various other items, was enacted on the 12th day of last March and carried $768,278; and now comes number 5, carrying, as reported from the committee, for the Printing and Engraving Bureau, the courts, and the War, Navy, and Treasury, $1,237,555.66; making a total of urgent deficiencies, or more properly speaking, additional appropriations for the current fiscal year of $4,571,577.52.

It would be well enough for gentlemen to understand that if there is no additional deficiency appropriation bill for service during the current year where the law does not call for the service with or without appropriations the service will stop. I think it is fair that gentlemen should know on this side, and for that matter on the other side also, that they ought to examine this bill and see whether they know of any branch of the service that reasonably requires additional appropriation and for which such appropriation should be made rather than have the service stop for the remainder of this fiscal year. It may be that number 6 of these urgent deficiency bills will come in later. I do not know, but I should think it probable that it would not.

Mr. WILSON of Washington. Do I understand the gentleman to say that in all probability there will be no further deficiency bill? The reason I ask the question is this: I have quite a number of constituents who have performed service for the Government; as, for instance, in the survey of the public lands. The work has been performed about a year and has been approved at the Land Office, but the money has lapsed into the Treasury, and the men who have done the work can not get their pay except by a deficiency bill.

Mr. CANNON of Illinois. The gentleman at the head of the committee can speak more certainly about this matter than I can. This bill, I will say to the gentleman, only carries appropriations for the public service for the remainder of this fiscal year where the public service would stop if the appropriations were not made.

Mr. WILSON of Washington. Referring to page 4 of the bill, I find a paragraph entitled "Public land service" appropriating $25,000. This is not a case where the service would stop if the appropriation were not made, because this particular service seems to have been already performed. I do not see why in connection with this service an appropriation should be made for paying rent. The Government in no other instance of this kind pays rent. This appears to be an appropriation for clerk hire, rent, and other incidental expenses connected with opening up the Cherokee Outlet, a matter which has already been appropriated for (and this continues the appropriation) by the deficiency act approved December 21, 1893.

Mr. SAYERS. This is only to authorize——

Mr. WILSON of Washington. The expenditure of the money?

Mr. SAYERS. No, sir.

Mr. WILSON of Washington. What is it for?

Mr. SAYERS. It authorizes the auditing of the accounts connected with expenditures already made; that is all.

Mr. CANNON of Illinois. An appropriation in these exact terms—for payment of expenses connected with the opening of the Cherokee Strip—was made in the act of December 21, 1893. The Department detailed a number of clerks and sent them out in connection with the land service. The object of this item, as I understand, is to utilize that appropriation for the payment of those clerks, their payment being fairly contemplated in the appropriation made in the former bill.

Mr. WILSON of Washington. That part is correct; but this appropriation goes further and says, "For clerk hire, rent, and other incidental expenses."

Mr. CANNON of Illinois. Oh, certainly.

Mr. WILSON of Washington. Now, I contend that the Department had no right to depart from the uniform practice and allow rent for land offices in the Cherokee Outlet.

Mr. CANNON of Illinois. When that item is reached the gentleman, if he thinks it subject to a point of order, can of course raise that point.

Mr. WILSON of Washington. Rent has never been allowed under similar circumstances anywhere else.

Mr. CANNON of Illinois. I am not defending the appropriation. While I think it probable it is apt and proper, I have no objection to its going out on a point of order or being stricken out on a vote.

Mr. WILSON of Washington. I contend that if the Secretary of the Interior or the Commissioner of the General Land Office allows rent for United States land offices in the Cherokee Outlet, he has the same right and is in duty bound to allow rent to registers and receivers in Oregon, Washington, Nebraska, or wherever else they may be located. But in no instance where the office is a maximum office—that is to say, where it returns fees amounting to as much as $3,000—is the register or receiver allowed rent. And that being so, rent ought not to be allowed in this case.

I bring up this matter for the purpose of showing that whenever any opportunity is given to the Commissioner of the General Land Office or the Secretary of the Interior to give something to the people down South, the opportunity is always embraced; but when the matter involves simply the people in my part of the country, no such allowance is made.

Mr. McRAE. Do you call the Cherokee Strip "South"?

Mr. WILSON of Washington. Yes.

Mr. McRAE. You do not know the geography of your own country.

Mr. WILSON of Washington. I know as much about my country as the gentleman from Arkansas does.

Mr. CANNON of Illinois. I will say that it is no part of my purpose to defend the administration of the Secretary of the Interior. Hot weather is coming on, and I do not want to shoulder any heavy burdens. At any rate that duty does not fall upon me. There is much in this Administration that is, I apprehend, subject to very severe censure; so that I do not know but I shall strengthen the arms of my friend from Washington or hold up his hands as certain Israelites held up the hands of Joshua——

Several MEMBERS. Oh, no.

Mr. CANNON of Illinois. I think it was Joshua in my Bible. [Laughter.] The gentleman from Maine [Mr. REED] who sits beside me says that they held up the hands of Moses.

Mr. REED. That settles it.

Mr. CANNON of Illinois. Well, let it be Moses. The object was that he should have strength while he was smiting the Philistines or the Canaanites. [Laughter.]

A MEMBER. The Malachites.

Mr. CANNON of Illinois. I have no objection to any fighting that my friend may do; I think there is ample room for it. And I will say I am delighted to be able to verify the fact that my colleagues here in the House are so familiar with the history of the Lord's chosen people as recorded in the Old Testament.

There are some amendments, as I understand it, to be moved to this bill, when we come to the consideration of it by paragraphs, in connection with the work of the Census Bureau. Perhaps some other amendments adding other items will be presented. The gentleman from Texas has them in charge and they can be discussed when they are offered.

I do not know, Mr. Chairman, that I desire to state anything more touching the bill at this time. It carries not a very large amount of money, but added to the bills heretofore passed, the regular bills for the service of this fiscal year, and the deficiency bills heretofore passed, and those that are to follow, it is evident to the intelligent student of this question, touching the appropriations and expenditures of money by the people of the United States, that this Government and this country is growing.

I suspect that we have nearly 70,000,000 people now. I did think possibly at the close of the Fifty-first Congress, when I had the honor to be chairman of this committee, and after it had made recommendations for the public service according to the best of its ability, and after they had been considered in the grand aggregate all told, definite and indefinite, including the Post-Office appropriation, amounting up to nearly a thousand millions of dollars—I thought then that perhaps the criticism that was received from the other side of the House, under the leadership of the gentleman from Indiana [Mr. HOLMAN], and by the Democratic press throughout the length and breadth of the land, that we had come to a time when the population of this country would cease to increase and the country would cease to grow, and that from the expiration of that Congress on, at least for the rest of this century, there would be no increase of expenditures, but rather a decrease.

That was the natural inference to be drawn from their assertions. But, strange to say, with our friends on the other side coming in with the Fifty-second Congress, and later on with their control of the Fifty-third Congress, somehow it appeared that the population was still increasing. Somehow or other, notwithstanding the hard times, notwithstanding the hundreds of thousands of men out of employment, notwithstanding the

less amount that is being expended for the construction of the Navy, notwithstanding the great economy that our Democratic friends exercised, holding the purse strings of the country as they did in this House during the Fifty-second Congress—notwithstanding all of these facts, strange to say, in the Fifty-second Congress there was an increase, and this year the expenditures do not decrease.

The gentleman from Indiana made provision to decrease them absolutely, because under his leadership the appropriations were made for this and the last fiscal year. I was not in the last Congress, but read the debates and knew pretty well what was going on, as attention was called to the fact that there was going to be an era of economy and a great reduction in expenditures; and yet, strange to say, men are contrary enough throughout the length and breadth of the country to refuse to serve the Government unless they are paid for it. Still it is necessary that the Navy should be utilized in some manner. True, owing to the shortness of appropriations, or extravagance, whichever you choose to call it, many ships of our magnificent new Navy are tied up for want of repairs, absolutely as useless as if they had never been constructed. Still, notwithstanding all of these conditions, these expenses have continued to increase. And I suspect maybe that the country will still continue to grow.

I am not here to charge extravagance where the charge will not lie against this Congress and against this Democratic Administration, except where it ought to be criticised. I am not here merely to show that they have broken the record we made in the Fifty-first Congress, because that would be a cheap kind of buncombe, we made apt and proper appropriations. I call attention that under the lead of the gentleman from North Carolina [Mr. HENDERSON] the Post-Office appropriation bill this year breads the record of any since the Government was organized, notwithstanding it has been cut down many millions of dollars below what the service will cost, and confessedly so where the law calls for the service and the appropriation should be made.

Now, having said this much, I yield the remainder of the time to the gentleman from Iowa.

Mr. HENDERSON of Iowa. Mr. Chairman, it must be borne in mind that the basis for appropriations is laid by the heads of the various Departments of the Government. Under the law each Secretary makes estimates in advance of the fiscal year for the amount of money that will be required for his particular Department during the coming fiscal year. He bases that estimate upon his experience in the Department. He knows what it has cost in the past and what will be necessary to continue it in the future, and is therefore well qualified to enlighten Congress as to what appropriation should be made for its support. These estimates, made up by the heads of the Departments under the law, are sent to Congress through the Secretary of the Treasury, who, adding his own Department, makes up what is called the Book of Estimates for the information of Congress.

These estimates are made quite extensively and in detail. I make this statement for the information of those not on the Committee of Appropriations, to show that we have one strong guide to start with—the experience of the heads of the various Departments.

Now, there are two classes of people that need a little attention in connection with appropriations. Frequently I see statements made out of the deep fountain of ignorance in the large daily papers of the country, attacking the extravagance of Congress. That Congress does some, I might say many, extravagant things I will not deny; but the general assaults made by many of the leading journals of the country about the extravagance of Congress are not merited.

There is another class that need attention, and that class is composed of those legislators who, with a full blaze of light touching appropriations, take the paring knife and cut down below all reason, and in the face of absolute knowledge of what the future will demand.

Now, for the purpose of treating these two classes a little, I want to enter into a few of the details of this deficiency bill. The discussion that has already been had tells us that these are deficiencies for the current fiscal year, caused by the insufficiency of appropriations contained in our appropriation bills of last year for the fiscal year which ends on the 30th of June next. We are now confessing in this bill that we did not appropriate what was needed.

Now, in order to be perfectly fair, let me say that while we have the guidance of the estimates of the heads of the great Departments, still Congress is bound to exercise its judgment, and does so, and we can not always go to the extent of the recommendations of the heads of the Departments. Sometimes questions of policy are involved. Sometimes the question whether they can be compelled to do it for less is involved, and sometimes we cut in these appropriation bills when we know we are doing it a little too closely to the line, perhaps, for the purpose of warning the heads of these great Departments to practice economy; and I believe that every committee, Republican and Democratic, since my connection with this body, has gone to the extreme of economy in the main. I will not touch certain extravagances. I am not here entering into what might be termed a political discussion. That may come later on, when we come to sum up the work. Now, for the purpose of throwing a little light upon the details of this bill, the aggregate of which has been stated to you, I want to call your attention to a few items, and to show what the estimates were, what we appropriated last year for this year, and what we are compelled now to give, confessing that we did not give enough.

Take, for instance, the Treasury Department. In the matter of suppressing counterfeiting, this bill carries a deficiency of $10,000. How much did the Secretary of the Treasury estimate as the amount which would be needed? Seventy thousand dollars. We only gave $60,000. We cut $10,000 below the estimates of the Secretary of the Treasury, and this bill now brings it up to what was estimated by the Secretary. I give that as one instance.

Now, comes the Bureau of Printing and Engraving. For salaries of clerks and employés, the estimate for 1894 was $425,000. We gave $378,000. This bill carries $62,549 as a deficiency, which is $15,549 above the estimate of the Treasury Department as to what would be needed. I say that I believe that in the two cases now given we cut too closely to the line, and in that and many instances, I believe with my colleague from Illinois [Mr. CANNON] that the last Congress was trying to demonstrate that the Fifty-first Congress was extravagant, a demonstration that has most signally failed.

Now, come to the wages of plate printers, etc., in the Bureau of Printing and Engraving. The estimate of the Department was $538,500. We only gave $409,469. We are now compelled to come in and appropriate $72,665.92 in addition, bringing the appropriation above the estimate to the extent of $3,165.92.

Under the head of the War Department, for a vessel called the Nimrod, to be used in the harbor of New York to keep deposits cleared away, the estimate was $10,000. We shaved that $2,000. Here we come with a deficiency of $2,000, bringing it right up to the estimate. The Department could tell, within a very few dollars, what would be needed.

Come to the Interior Department. For postage to postal union countries with which we have agreements they asked $2,500. We sliced them $500. In this bill we give them $750, or $250 above the estimate. In that way we have to repair the effect of the pruning knife.

Now, take the work on this very Capitol. For general repairs, including wages of mechanics, laborers, etc. They asked $30,000, and we gave them $20,000. In this bill we give $8,000. We are compelled to come close up to the estimates of the Department.

Now, take the Department of Justice. For the expenses of Territorial courts in Utah Territory they asked $70,000, and made out a good case. We cut them down to $35,000. That was all we gave them. This bill carries that $35,000 which we refused to appropriate before, and brings it up to the estimates of the Department.

For deficiencies of Indian depredation claims they asked $30,000, and we gave them only $22,500. One deficiency bill has already given them $2,500, and this gives them $9,000 additional; so that we are $4,000 above the estimates of the Department.

Now for fees of jurors. I would like the members of Congress to give especial attention to this, for your districts are all interested; and since I have been in Congress we have seen the Federal courts at times compelled to stop business for the want of money to pay jurors and to carry on the business of the Federal courts. They asked $650,000. We gave them only $600,000, cutting them $50,000.

This bill carries that $50,000 we cut a year ago, and brings it up to the estimate. Take the support of United States prisoners. They asked for $450,000. We slashed them $150,000, only giving them $300,000. This bill carries $275,000 deficiency, $125,000 more than the Department asked. We knew well when we were making up the bill that it would be less than needed.

Mr. LOUD. Will the gentleman yield to me for a question there?

Mr. HENDERSON of Iowa. Yes, sir.

Mr. LOUD. Does not this portrayal totally destroy the record of our economical Fifty-second Congress?

Mr. HENDERSON of Iowa. The gentleman will have to draw his own conclusion. I am giving the facts.

Mr. LOUD. It makes me feel sad to see my record destroyed in this way

Mr. HENDERSON of Iowa. Facts are "chiels that winna ding." I will give you the facts and you must make your own inference. Take the printing and binding. In the Department

of Justice they asked $10,000 for printing. We slashed off $1,000. This bill gives that $1,000. Now, we will come to the House of of Representatives. I will confess that there is a matter where you can not always foresee amounts needed; but you will see that the Committee on Appropriations errs on the safe side in keeping down the appropriations, especially if they want to draw a comparison with the past. Take the miscellaneous items first. They asked for $20,000, and we gave them $20,000. We have heretofore given $28,000 deficiency, and this carries $2,500, so that we are $30,500 above the estimates for that alone. Take furniture. They asked $12,000, and we only gave them $9,000. They have had $2,500 in another urgent deficiency bill, and now we give them $1,500; so that we have $1,000 above the estimate; to say nothing about the appropriations for material for folding, and that is pretty hard to estimate, because we can not tell how many speeches we are going to blow off during the session; but we kept pretty safe. They estimated for $17,000, we gave them $10,000. Already we have given them $5,000 in another urgency deficiency bill, and this carries $10,500 more; being $14,500 above the estimates.

Now, I call attention to these few items in detail in this little urgency deficiency bill so that you can see how this thing works. And this, as I said at the opening, will reach two classes of men that say we are extravagant, when we are in fact cutting down below what we ought to give and have got to come in and repair it or the wheels of the Government stop; and the class of men who condemn the Fifty-first Congress because we did not do well enough, and they can not do as well to save their souls.

[Mr. HOLMAN withholds his remarks for revision. See Appendix.]

Mr. CANNON of Illinois. I believe I have a little time left. At the proper time, near the close of this Congress, when the appropriations made by the first and second sessions of this Congress are completed, I have no doubt that a full statement will be made by the gentleman from Texas [Mr. SAYERS] of the aggregate result, and that a statement will be made by somebody on our side of the House, and by such other members of the House as desire to make statements. Until that time comes, the work of this session of Congress can not be fully and intelligently criticised as to appropriations. I will await that time before I seek to make the statement, if I make it at all.

Now, the gentleman from Indiana [Mr. HOLMAN]—and I speak respectfully, because I have served many years with him in this House—with all his ability and devotion to the public service, is as apt as any man I know to play the cuttlefish, and after he has muddied the water, to swim away. [Laughter.] He has criticised the Fifty-first Congress, when I had the honor to be chairman of the Committee on Appropriations. Now, all the appropriations made in the Fifty-first Congress were not good. All the appropriations of any Congress have not been good, and never will be. There were appropriations in that Congress that I combated with all the feeble power that I had, and some of them amounting to a good many millions of dollars. I have one in mind which in my judgment was vicious, and I will so say to the gentleman from Indiana

I refer to the claim of three millions of dollars in round numbers, the money that was appropriated to pay what was called the Choctaw claim. If I recollect correctly, that was carried through this House near the close of the session, late at night. It was carried against the most determined opposition that I could make, and the great majority of this side of the House stood with me in opposing it. The other side of the House stood substantially a unit in favor of it, and the gentleman from Indiana [Mr. HOLMAN] himself, who is a watchman upon the tower touching expenditures, as gentlemen will see by examining the RECORD, was neither paired, nor did he vote for or against the appropriation. Since that time much criticism has been made of this appropriation. The President of the United States refused to expend it, and it was not expended until long afterward, when the Fifty-third Congress, two thirds of the House being Democratic, directed its expenditure by another act. Now, that is an appropriation in which I had no pride.

But after all is said and done, having replied to the gentleman from Indiana [Mr. HOLMAN] touching his manner of presenting this question, I will not take my seat without saying that substantially the appropriations of the Fifty-first Congress were clean and liberal.

The Republicans believe that whatever is worth doing should be well done, and that true economy abounds in liberal, not extravagant or parsimonious appropriation of money for the public service.

Mr. DINGLEY. I did not intend to make any remarks with reference to the subject which has been launched upon the House, but some statements have been made by the gentleman from Indiana [Mr. HOLMAN] which I can not allow to go uncontradicted.

This question of appropriations by the Fifty-first and Fifty-second Congresses was gone over thoroughly in the last Congress, and at the close the simple result, as officially stated by the clerk of the committee, was found to be that the appropriations by the Fifty-first Congress were $988,417,183 and by the Fifty-second Congress $1,027,104,547, or $38,637,364 more by the Fifty-second than the Fifty-first Congress.

But in determining the expenditures of this Government, statements of total appropriations by any Congress afford very little light. When estimating appropriations you may proceed upon the basis of including all appropriations, both for deficiencies and otherwise, or you may deduct deficiencies at one end and fail to add them at the other, or you may deduct at one end and appropriately add them at the other. The gentleman from Indiana [Mr. HOLMAN] has pursued the course of deducting from the appropriations of the Fifty-second Congress all appropriations for deficiencies for previous fiscal years, and has omitted to add the necessary deficiencies at the other end.

Now, I am not now disposed to spend any time on this question of comparative appropriations by different Congresses. I think that whatever the Congress may be, whether of one party or the other, the appropriations for the most part are only such as are necessary for carrying on the Government properly, and completing the particular permanent public works that may be undertaken at that particular period. When there are no permanent public works being carried on, and no appropriations therefor, the appropriations, of course, decline. When the Government is building a new Navy, is erecting fortifications, is enlarging its river and harbor improvements, is purchasing lands from Indians afterwards to be sold to actual settlers, is constructing a large number of public buildings, all permanent works, necessarily the appropriations and the expenditures increase.

Mr. PAYNE. The refund of direct taxes to the States.

Mr. DINGLEY. The refund of direct taxe to the States, as the gentleman from New York says, is an appropriation once for all time. There are times when certain expenditures are made that do not occur at other periods. In the decennial year, for example, there is an expenditure of $10,000,000 for taking the decennial census. It happened in 1893 we had a World's Exposition at Chicago, and the Government undertook to aid that exposition. So there was an appropriation for it. That was necessarily added to the other expenditures. There was a large increase in expenditures for pensions during certain years.

Now, when these permanent works are entered upon, and payments for pensions are enlarged, inevitably there is an increase both of appropriations and expenditures; but for the ordinary work of the Government there is little difference from year to year, except such as grows out of the increase in population and enlargement of the public objects undertaken. You may take any of the recent years after the close of the war, and deduct the expenditures growing out of the war, such as pensions, bounty, and back pay, and payment of certain war claims, and you will find that the expenditures run along year by year, per inhabitant, with great similarity. It is only when we extend our operations and enlarge the expenditures on permanent works that these appropriations run up.

The Fifty-first Congress undertook to make appropriations for certain important permanent works. We were building a new navy, we were entering upon a system of coast fortifications, we were enlarging somewhat our expenditures for rivers and harbors; were purchasing a large quantity of land from the Indians to be resold to settlers, and we were constructing public buildings. When permanent work is done of course appropriations are increased, and when Congress refuses to enter upon any public works, why of course the expenditures go down. But that has nothing to do with the question of economy. These public works are to be done at some time, and when undertaken the bills must be paid.

Now, one further remark with reference to the question of appropriations. When the gentleman from Indiana [Mr. HOLMAN] was at the head of the Committee on Appropriations the distinct policy which he pursued, from beginning to end, was to appropriate less for the current work of the Government than he knew, and every member of the Committee on Appropriations knew, would be required, in order to cut down the apparent figures of the appropriations for the current year, in the face of the fact that everybody knew that the reduction would have to be made good in deficiency bills of the succeeding year. Now, all of that amounts to nothing. You may deceive some persons outside of this House, but you will not deceive them long; and we shall not deceive ourselves by such a process as that. If we desire to compare the relative expenditures from

year to year we shall not compare the appropriations. The appropriation may be made and not used; it may be larger than is found ultimately to be required for the purpose; and it may be less and necessitate a deficiency appropriation in the succeeding year.

Now, the test of economy, if you are going to apply it at all, in disregard of the permanent work or exceptional objects subserved, is in the expenditures. If you will follow the expenditures from year to year you will find that, setting aside those expenditures that grew out of the war, such as pensions, back pay, bounty, etc., there has been very little change, as I have already said, except when these great public permanent works were entered upon.

How is it as to the present fiscal year, nine months of which have expired? A great deal was said in the last Congress by the gentleman from Indiana about how he was going to reduce the expenditures for the present fiscal year, when a Democratic Senate and a Democratic Administration would be in. Well, we have had a Democratic Administration and a Congress Democratic in both Houses now all through the present fiscal year, nine months of which have expired. How do the expenditures stand?

I have before me the official statement of expenditures from July 1 last to April 1 of the present year. Here are the expenditures for the first three quarters, or nine months of the present fiscal year, as compared with the nine months of the last fiscal year, when it was said that there was so much extravagance. Outside of pensions the expenditures in nine months of the present fiscal year, beginning July 1 and ending April 1, are over $1,000,000 more than they were last year for the same period. There has been a reduction of about $13,000,000 in the amount of expenditures, but it has all been in the reduction of pensions. Fourteen million dollars have been cut off from the boys in blue for pensions, and if any credit is to be taken for having saved money, there, and there only it has been done; the expenditures in every other direction have increased.

Mr. GEAR. It was suggested in the beginning that this Administration was going to save $20,000,000 by reductions in pensions.

Mr. DINGLEY. That will be done the present year, if it can be called saving. There will be twenty millions, or at least eighteen millions less paid to the boys in blue in this fiscal year for pensions than was paid last year, and here is where all the so called saving is found. We all know how that has been done; at least I know how it has been done in my district. We all know of the many deserving men who have had their pensions suspended, and of the delay that is occurring in the adjudication of pension claims, and if there is any credit to be taken for the reduction of expenditures, let it be taken just at the point where it belongs and nowhere else. There has not been a dollar of reduction anywhere else, but, on the contrary, there has been an increase.

Mr. Chairman, I should not have brought up this question if the gentleman from Indiana [Mr. HOLMAN] had not undertaken to make some political capital out of the great "economy" which he practiced last year. There was no economy. There was simply an attempt to deceive the country by appropriating less than the gentleman himself knew would be required to meet the necessary expenditures of the Government. Why, sir, for all the great purposes of Government we can not change the expenditures unless we change the laws. The expenditures go on whether we appropriate or not. The gentleman from Indiana last year cut the appropriation for the Federal courts $250,000 below what he knew would be necessary, but that appropriation comes in this year as a deficiency, and if we should now do as he did then, the result would be the same.

Is there any saving? He had all the credit of the saving last year, and now he is not willing to take account of the deficiency which we are called upon to appropriate for at this time. Why, my friends, there is nothing in all these suggestions of economy which have been made by reducing appropriations for necessary objects of Government. When we get through, no matter what may be your appropriations, the expenditures of this Government for all ordinary purposes will go on at substantially the same rate, no matter what party is in power, and all this attempt to make capital out of the appropriations by appropriating less than the necessities of the Government demand is simple nonsense.

Now, I want to say before I sit down—and I say it to the credit of the gentleman from Texas [Mr. SAYERS], the present chairman of the Committee on Appropriations—that there has been no attempt on his part, so far as I have observed, to repeat the deceptive operations to which I have alluded. There has been an honest endeavor on his part to appropriate what seemed to be required to meet the real necessities of the Government, and there has been no attempt to play politics with appropriation bills. That, I think, should be said to his credit. It is other gentlemen who have attempted to drag in and claim great credit for the kind of "economy" which I have described.

Mr. PAYNE. The gentleman from Texas did not report the Post-Office appropriation bill, and the remark of the gentleman from Maine does not apply to that.

Mr. DINGLEY. He did not report that bill. Let me say that my remark applies to the appropriation bills which come under the gentleman's charge and the other bills that are under the charge of the Committee on Appropriations. It does not apply at all to some of the other appropriation bills that have been reported here containing amounts which are known to be less than will be required to meet the necessary current expenditures of the Government.

Mr. REED. Mr. Chairman, I do not desire to dissent from anything which has been said by my colleague [Mr. DINGLEY] with regard to the chairman of the Committee on Appropriations. I do wish the House would give a little bit of consideration to the significance of the debate which has taken place today. No charge is made that the gentleman from Indiana [Mr. HOLMAN], as chairman of the Committee on Appropriations, permitted himself to indulge in unsuitable appropriations. Whether he did or not is beyond my ken, but there is no charge of that sort, and, so far as I have heard, there is no suspicion of it.

The point involved is this. The gentleman from Indiana and his friends, the gentlemen upon the other side, day in and day out, denounced the Fifty-first Congress as a spendthrift Congress and delighted themselves with calling it a "billion-dollar Congress." They commenced the Fifty-second Congress, of which they had control, with a scene in which they passed a pious self-denying ordinance, announcing that they were in favor of economy, and then they proceeded with one accord to get up appropriation bills which surpassed in amount the appropriation bills which those same gentlemen had so vigorously denounced from every stump.

The point at issue here is not the propriety of the appropriations in either case. The point is as to the moral dishonesty, if I may use such a term without offense—and I do not mean to be offensive—the moral impropriety, of declaiming on the stump against appropriations made by men of another party and then going into the business yourselves and making still larger appropriations. There is the gist of the charge. We have pretty well cleared the skirts of the Fifty-first Congress of a certain class of charges that were made against it, and now it seem appropriate that we should take up another set.

The charge was continually made, reiterated and reiterated again, that the Fifty-first Congress was extravagant, and yet the man who led in that charge himself, as chairman of a Committee on Appropriations, contrived to pass a more enormous set of appropriations than those against which he had declaimed. I want to get the idea into his mind that for a man to charge another man with crime in doing a thing which he afterwards repeats himself to excess is unsuitable. [Laughter.] I do not know whether I can make the impression upon his mind that I desire to make or not. I want to make the impression not only upon his mind, but upon the minds of his party, so that they may live in a certain degree cleanly hereafter, and not permit themselves, when the next Republican Congress comes in, to indulge in the kind of talk which has so discredited them with the community in times past. [Laughter.] In other words, I want them to learn the lesson that mere abuse is in time discovered and denounced, and it reflects discredit upon the abusers. Now, if by any means—by careful iteration and reiteration—that idea can be brought home to them, the politics of this country will be so much the purer.

The gentleman from Indiana undertakes to make up a lot of figures. He has tried it so many times that I have the charity to believe he will some time or other credit them himself if he keeps on. [Laughter.] Again and again he has eliminated this set of figures and that set of figures; he has tried all the expedients which have been denounced by my friend from Illinois [Mr. CANNON] and depicted by the gentleman from Iowa. Yet the plain fact remains that the appropriations in the Congress in which he was chairman of the Committee on Appropriations were greater than those in the Congress whose appropriations he so bitterly denounced.

Now, if he and his friends would come up manfully, acknowledge they had been mistaken, say they were wrong, or if they would even exhibit the penitence of silence, we would be reasonably satisfied with them, because it would be assurance of good conduct in the future—a shining contrast with their conduct in the past. [Laughter.] In time we shall bring them to it. In time we shall bring them to a full private acknowledgment on the subject, as we have done upon the matter of a quorum and the rules of the Fifty-first Congress. They will do it privately; they will do everything except make a public ac-

knowledgment. What is really good for their souls is a public admission. [Laughter.] I had entertained the hope that they might make it some time or other.

A MEMBER. That is hoping too much.

Mr. REED. Well, it is only a slight hope. I do not want to be blamed for it. It arises out of the welling charity of my nature; [laughter] the disposition to think kindly even of those who have "despitefully used us and persecuted us." [Laughter.] But the world is beginning to understand the matter; and when the gentleman from Indiana (who is entitled to be in the forefront on this occasion) gets up and undertakes to hugger-mugger with the figures, the country is beginning to understand it; and even some members of the House of Representatives are beginning to catch hold of it.

Why not just frankly say, "Yes, we were wrong in making this assault on you; we were excited, stirred up, disturbed in our minds; something had happened that we did not want to happen: we felt exasperated, and we went around and said all sorts of loose and unkindly things." Now, let us go on hereafter upon a different basis; and when the next Republican Congress takes control and does its duty by the country fairly and faithfully, let us have at least a reasonable degree of judicious silence on the other side, remembering what has happened to you when you broke silence. [Laughter and applause.]

Mr. SAYERS. Now that gentlemen have spoken who desire to speak, I ask unanimous consent that general debate be considered as closed.

The CHAIRMAN. In the absence of objection general debate will be regarded as closed.

There was no objection.

Mr. SAYERS. I now ask that the bill be read by paragraphs for amendment.

The Clerk, proceeding to read the bill, read the following:

Public Land Service: That all the traveling and incidental expenses of the clerks detailed from the General Land Office to assist in the opening of the Cherokee Outlet, in Oklahoma Territory, shall be paid from the sum of $25,000, for clerk hire, rent, and other incidental expenses of the several land offices, appropriated by deficiency act approved December 21, 1893.

Mr. SAYERS. Mr. Chairman, I have a very important amendment to offer by authority of the subcommittee, and ask the attention of the committee while it is being read.

The Clerk read as follows:

At the end of page 4 insert the following:

"ELEVENTH CENSUS.

"The Commissioner of Labor in charge of the Eleventh Census is hereby directed to prepare forthwith an abstract giving the State and other totals of the main facts collected at the Eleventh Census with comparative data, which abstract shall not exceed 250 octavo pages and shall be printed at the Government Printing Office and be ready for distribution on or before the 1st day of August next. There shall be printed and bound in cloth of such abstract 100,000 copies, of which 60,000 copies shall be for the use of the members of the House of Representatives, 30,000 copies for the use of the members of the Senate, 7,500 copies for the use of the Department of the Interior, and 2,500 copies for the use of the Census Office.

"The provisions of section 17 of the act of Congress approved March 1, 1889, entitled, 'An act to provide for the taking of the Eleventh and subsequent censuses,' and of subsequent acts relating to the publication of the names, organizations, and length of service of those who had served in the Army, Navy, or Marine Corps of the United States in the war of the rebellion and who were survivors at the time of the Eleventh Census, and of the widows of soldiers, sailors, or marines at that time, are hereby repealed, and the Commissioner of Labor in charge of the Eleventh Census is hereby directed to transfer to the Commissioner of Pensions, for use in the Army and Navy survivors' division, the special schedules collected at the Eleventh Census, containing such names, organizations, and length of service.

"He is also authorized to bind the report on Fish and Fisheries with the Report on Agriculture, instead of as a separate volume, as provided for in 'An act to provide for the publication of the Eleventh Census,' approved February 23, 1893.

"The provision of the act entitled 'An act to provide for the taking of the Eleventh and subsequent censuses,' approved March 1, 1889, for the collection from official sources of information relating to animals not on farms, is hereby repealed.

"The time provided in the act entitled 'An act to extend the time for completing the work of the Eleventh Census and for other purposes,' approved October 3, 1893, is hereby extended from the 30th day of June, 1894, to and including the 4th day of March, 1895."

Mr. SAYERS. Mr. Chairman, I should like to have the attention of gentlemen on both sides while I explain briefly the amendment which I have just offered. The amendment has been submitted to the Acting Superintendent of the Census, and has the unanimous indorsement of the subcommittee in charge of the deficiency bill.

During the present session of Congress the time for the abolishment of the Census Bureau was extended to the 1st of July next. But upon consultation with the Acting Superintendent of the Census we were advised that it would be absolutely impossible to complete that work by the 1st day of July, and he recommended, and the subcommittee in charge of the deficiency bill also recommend to this Committee that the time should be extended to the 4th day of March next. The Acting Superintendent of the Census informs us that, with the exception of proofreading, all of the work of the census will certainly be completed by that date.

Another paragraph in the amendment directs that the Superintendent of the Census shall prepare an abstract of the Eleventh Census, to consist of not more than 250 pages. No gentleman present would undertake to go through the entire census reports for the purpose of gathering the information which they contain. They will be very large volumes, some amounting to more than a thousand pages; and the object of the abstract is to print only such matters as are of prime importance, so that they may be easily accessible to members of Congress and to whomever they may be sent. We believe that this clause should be adopted, because it will not only facilitate the publication and distribution of these important facts, growing out of the taking of the census, but also because they will come in so convenient a form as will make them more accessible.

There is another clause of the amendment to which I will call the attention of the committee. In the original act directing the taking of the census a provision was made requiring the enumeration of all those who served in the Union Army during the late civil war, and also of the surviving widows of such soldiers. It is believed now, in fact the Acting Superintendent of the Census so advised us, that in order to publish the names and give their addresses seven large volumes of about a thousand pages each would be required, costing near $250,000. Now it is recommended by the Superintendent of the Census, and by the committee, that the Superintendent of the Census be required to deliver to the Pension Office all the names that have been taken, with their addresses, etc., so that the Pension Office may be able to utilize the work that has been done.

There was another provision in the original act, Mr. Chairman, which required that a census of all animals not upon farms should also be taken. We are informed that it has been impossible to comply with this provision; and that the census thus far had of animals not belonging to farms, or upon farms has been very incomplete; and that the officials of the different counties and States have not been able to furnish the Census Office with the information asked of them upon the subject. So we recommend the repeal of that clause in the original act.

The final clause provides that the report on fish and fisheries should be incorporated in the report on agriculture. It was first intended that the report on fish and fisheries should be published as a separate volume. But the former Superintendent of the Census was unable to gather statistics upon the subject of fish and fisheries that would amount to more than fifty or sixty pages, if printed, and the committee thought it an unnecessary and unwise expenditure of the public money to publish this small report in a separate volume. We therefore recommend in this amendment that the report on fish and fisheries, amounting, as I have said, to not more than fifty or sixty pages, shall be incorporated with the report on agriculture.

Mr. GROUT. Was that with the consent of the Commissioner of Fish and Fisheries?

Mr. SAYERS. We did not consult the Commissioner of Fish and Fisheries, because he has nothing to do with the taking of the census.

Now, I yield to my friend from Illinois, if he desires to say anything upon the subject.

Mr. CANNON of Illinois. Perhaps I can ask a question or two of my friend from Texas, and we can discuss certain facts connected with one or two matters in a conversational way, better than for me to make a speech upon the subject.

Touching the abstract of not exceeding 250 pages, the gentleman from Texas speaks of——

Mr. GROUT. Is that what is ordinarily known as the Compendium?

Mr. CANNON of Illinois. No. The Compendium will consist of three volumes, and probably two or three years will expire before it will be completed.

Mr. SAYERS. And some six or seven hundred pages to the volume.

Mr. CANNON of Illinois. There is an abstract authorized by law not yet completed; and my recollection is in accord with that of the gentleman from Texas, that the abstract now provided for by law would require certain reports yet to be perfected; and it is not practicable to get it ready before the 1st day of January next.

Mr. SAYERS. That accords with my recollection.

Mr. CANNON of Illinois. Further, I believe, if I recollect aright, that Mr. Wright—Mr. Carroll D. Wright, in charge of the Bureau—stated that this abstract would be practically as useful as the one that is to come in January.

Mr. SAYERS. I so understood him.

Mr. CANNON of Illinois. And that there would be only slight additions on rather unimportant reports.

I concur in what the gentleman from Texas has said, and state further that the 1st of August next is the shortest time within which he said he could get the proposed abstract, ready

but he said he could get it ready by that time, so that it could not only be prepared but could be printed and bound and put in the folding room by that time. That gives the members of Congress and the people at large practical possession of the important matters to be embodied in these twenty or twenty-one reports, three of which have been published and the remainder of which will be published in the next two or three or four years. In other words, this will give us the result of the late census and a comparative statement as well, by the 1st of August, for use in this life.

Mr. PICKLER. How many copies do you provide for?

Mr. SAYERS. One hundred thousand copies, 60,000 for the use of the House, 30,000 for the use of the Senate, and 10,000 for the use of the Departments.

Mr. CANNON of Illinois. If I am correct in my recollection, the cost of this abstract will be 25 cents per copy, bound. That is, the 100,000 copies will cost $25,000.

Mr. SAYERS. Let me say here that the material in the abstract which is to be first published will be used as a part of the material of the abstract already authorized.

Mr. CANNON of Illinois. That is correct.

Mr. SAYERS. So that really the expense of it does not amount to $25,000 exclusively.

Mr. CANNON of Illinois. I have no doubt in the world about the exceeding value of this abstract, and the wisdom of this amendment that the gentleman proposes.

Now, one other matter that the gentleman refers to, that I will be glad to have a little more fully stated. That is the repeal of the portion of the census law requiring the publication of the names of the soldiers of the late war and their widows.

Mr. SAYERS. I will state to my friend that I intended to leave the explanation of that paragraph to the gentleman from Iowa [Mr. HENDERSON].

Mr. CANNON of Illinois. If the gentleman from Iowa [Mr. HENDERSON] makes the explanation, I will not pursue that matter, except to say that I am in harmony with the amendment, which was recommended by Mr. Wright, and it seems to me the reasons for it are sufficient, and that the amendment is wise. I do not know that I desire to say anything further if the gentleman from Iowa [Mr. HENDERSON] will cover that point.

Mr. HENDERSON of Iowa. Mr. Chairman, it is proper that the House should understand this amendment affecting the soldiers. The census law now contemplates the publication of a number of volumes giving the names, service, and residence of the soldiers of the late war, and members of the Navy and the Marine Service, and the names of the widows and their location at the time the census was taken.

In making these data some of the enumerators omitted a great deal of information that should have been taken. In many instances the residence was given, and not the regiment and company to which a soldier belonged. It would require a vast amount of correspondence to perfect this. A great deal of correspondence has been conducted on the part of the Pension Office in trying to complete these data.

The object of the original legislation was twofold. I remember participating in it to some extent. The double purpose was that the lawmakers and the Pension Office could know how many survivors there were, and where they were located, and this further motive governed the soldiers who advocated this matter, viz, to get the information by which one soldier seeking to prove his claim could find out where a bunk mate or comrade was located, so that he could correspond with him to get the affidavit that he might need in order to perfect his claim. These two considerations governed Congress in putting that enactment into law as a part of the fundamental law of the Eleventh Census.

Now we find that it will probably be two years before this will be perfected. It will take seven large volumes, costing from $225,000 to $250,000, an item of expense, however, which the committee will not hesitate to incur if, when done, the work would meet the end for which the original legislation was enacted; but so many soldiers have died, so many have changed their residences, and so imperfect are the data, and it will be so long before the information will become at all useful, that it will utterly fail of the purpose for which it was enacted.

In the Pension Office there is a special division that has charge of looking up the records and residences of the survivors of the late war. They have accomplished a great deal in that direction. I recall many instances where I wrote to the Pension Office and tried to get the residence of soldiers to help out some correspondent, and I never yet failed to get the name and the residence, and any member here in the House who has had a similar experience will, I think, sustain me.

Now this amendment will put all the data that the Census Office has immediately into the hands of the Pension Office and of that division, and we require them in that amendment to utilize it to perfect that record. By this means, therefore, we attain the end originally sought at once, and at the same time save the Government an expense of $225,000 to $250,000. I want to say that those upon the subcommittee and the committee have unanimously recommended this to the House. I have consulted quite a number of soldiers of the House, and all are in accord with the expression that this is the wise thing to do.

Passing from that point, I want to say a word about the census matter. I had some confusion as to what rights we had as to documents for distribution; and yesterday, when we had Gen. Wright before us, I pressed him a little on this point. I find we will have twenty-four large volumes of the census when completed, which, as the gentleman from Illinois [Mr. CANNON] says, will be two to four years hence. Three of them are now ready for distribution.

Mr. WALKER. How many copies of each will we have?

Mr. HENDERSON of Iowa. It varies. On some the number is 10,000 copies, and in some 50,000 are authorized to be printed.

Mr. WALKER. Of each book?

Mr. HENDERSON of Iowa. There are different numbers on different volumes. Three of these are now ready for distribution; and if you designate the library or a county auditor's office these will now be sent under your designation. And those three are the only documents that are now ready for distribution, except the first volume of the Compendium, or ready for the orders of members of Congress. In addition to that, we will have the Compendium, consisting of three volumes, which will be quite heavy and cumbersome, but a condensation of these great quarto volumes. This Compendium will not be ready, except as just stated, for a long time.

Now, this is all fixed by the original law. In addition to that we will have a digest of the census, but that will not be ready for some time to come. It will be two or three years hence before the digest is ready. All the data must be compiled before that is completed. In addition to that there is to be an atlas with shaded indications of the development of the country. That will be something attractive to the eye and desirable to libraries, and give a sort of condensation of that feature of the census. These will include all that we will finally have under the law. All of them are far from completion, except the four volumes now ready.

This abstract which we have provided for in this bill will give in a nutshell, in a little volume of 250 pages, the meat of the Eleventh Census; and it will be on your desks, ready for distribution, on the 1st of July next. My judgment is that this little abstract will furnish the information of the census which will be most desired. The other great volumes, when they come out, will be for students and statisticians, and for the editor to take and delve in them, and so will the statesman and politician, if such a distinction exists. But it is the little abstract you want to fight for, for it will contain almost everything you need.

Mr. SAYERS. I now ask for a vote on the amendment, Mr. Chairman.

Mr. HULICK. Will the gentleman allow me to ask him a question?

Mr. SAYERS. Certainly.

Mr. HULICK. I understand you propose to extend the period of operation of this department until the 1st of March next?

Mr. SAYERS. Until the 4th of March next.

Mr. HULICK. To what extent will the clerical force of the Census department be affected? Will it be reduced?

Mr. SAYERS. It will be reduced as the work is completed between now and the 4th of March. The law now requires a reduction of the force as the work is being finished: but the Superintendent of the Census said it was of exceedingly great importance, and that it would be a grave error not to provide in this bill for the extension of the time until the 4th of March next.

Mr. HULICK. I understand that under the law as it now stands the clerical force will be practically disbanded on the 1st of July. Am I correct?

Mr. SAYERS. Yes; but we propose to extend the time.

Mr. HULICK. The amendment you suggest will extend that to the 4th of March, the same as if no provision in the present law affected the clerical force.

Mr. SAYERS. The gentleman is correct.

Mr. HULICK. Then those in the department can rest assured that there will be no radical change in the clerical force until the 4th of March. [Laughter.]

Mr. TUCKER. We will want to have a hearing on that.

Mr. HAINER of Nebraska. Mr. Chairman, I desire to call the attention of the committee to a paragraph in this amendment. It is that which proposes to bind the report of the Fish and Fishery Commission with the Agricultural Report. This, I think, is a movement in a right direction. A bill has been introduced and is now pending which purposes to transfer the

Fish Commission to the Agricultural Department. I think every member of the House and of the committee who will give the matter a moment's thought will easily reach the conclusion that this Fish and Fisheries Commission should be transferred to that Department.

Mr. SAYERS. I will state to my friend that the amendment does not propose anything affecting the Fish Commission. It simply requires that the statistics and information gathered by the Superintendent of the Census shall be published in the report of the Department of Agriculture instead of being published separately.

Mr. HAINER of Nebraska. Very properly; and I do not seek to antagonize that proposition. On the contrary, the observations I am making will give some additional reasons why that should be done. Now, Mr. Chairman, that Commission of Fish and Fisheries has to do with a great food product, it has to do with the propagation and distribution of animal life, and this being so the Commission should be transferred to the Department of Agriculture. Such being the case, it is highly proper that this committee anticipate somewhat this action and give to the farmers, among whom the agricultural reports mainly circulate, the benefit of reports of this Commission. I trust the committee will bear this in mind and that when the bill is reported, as I trust it will be soon, that transfer will be made. A similar bill has been favorably reported by two committees of the Senate, and I trust that the House will approve the proposition.

The amendment offered by Mr. SAYERS was agreed to.

The Clerk read as follows:

For printing and binding, including materials therefor, to be executed at the Government Printing Office, as follows:

Mr. SAYERS. I offer the amendment which I send to the desk.

The amendment was read, as follows:

After line 10 insert:
"For the Department of State, $5,000."

The amendment was adopted.

Mr. SAYERS. Mr. Chairman, I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the fiscal year 1894, and for other purposes, had made sundry amendments thereto, and had directed him to report the bill as amended to the House, with the recommendation that it do pass.

Mr. SAYERS. Mr. Speaker, I demand the previous question on the amendments and the bill to its passage.

The previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to. The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. HENDERSON of North Carolina. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of general appropriation bills. The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 6016) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895.

Page 3, line 18:

"OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

"For inland mail transportation, namely: Inland transportation by star routes, $6,000,000."

Mr. WILSON of Ohio. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

At the end of line 20, page 3, add:

"*Provided*, That the Postmaster-General, when application is made for such purpose, and under such regulations as he shall establish, may authorize the placing of private mail boxes along the line of any inland mail route; and when such boxes are established, the mail-carriers over such routes shall deposit therein the mail of such persons as are authorized and desire to use such boxes, and receive such mail as is found therein duly stamped for mailing, and deliver the same to the postmaster of the nearest post-office on his route, or at the beginning or terminus thereof, who shall mail the same as soon as practicable.

"Such mail boxes shall be erected without expense to the United States, and for the privilege hereby authorized the persons using such mail boxes shall pay to such postmaster as the Postmaster-General shall designate, for the use of the United States, for each such box not exceeding $3 annually, two-thirds of which shall be paid to the person having the contract for carrying the mail over such route as full compensation for the extra duty required of mail-carriers on routes where such boxes are established. And all sums received under this provision in excess of the amounts allowed the contractors for extra services imposed by this act shall be applied in payment of transportation of inland mail, and the appropriations therefor shall be reduced to the extent of such receipts."

Mr. WILSON of Ohio. Mr. Chairman, we had the other day a discussion with reference to the free delivery of mails throughout the country. It seemed that that proposition was not acceptable at this time, beyond the extent of making an appropriation for the purpose of experimenting with reference to free delivery in rural districts. My proposition, contained in the amendment which I have sent to the desk, is that the inland mail may be delivered along the routes between post-offices and that, on application to the Postmaster-General, authority may be given to individuals along the line to erect boxes such as the Postmaster-General shall prescribe for the purpose of receiving mail matter from the carriers as they go along their routes.

Mail is delivered now through many of the rural districts in that way, but there is no law authorizing it to be done, and I maintain that we ought to try this experiment, which is without any expense to the Government, and ascertain whether or not the system can be made to operate to the satisfaction and the advantage of the people. If a gentleman lives quite a distance from a post-office and the mail-carrier passes his house every day, I see no reason why there should not be erected on that mail route, near that man's house, a box where his family may deposit their mail matter, and there the mail-carrier may take it up and carry it to the nearest post-office and there mail it; and into which box the mail-carrier may deliver the mail matter addressed to such person or members of his family. My proposition is that this shall be done without any expense to the Government. Indeed, the amendment provides for some revenue to the Government, although I have introduced that feature simply for the purpose of making the amendment come within the rules of this House.

My judgment is that there ought to be no such provision in it. I believe that the man who is willing to pay for a box such as the Postmaster-General shall prescribe, and have it placed near his house along the road, or any man living off the road who desires to erect a box on the road, that his mail may be deposited therein and is willing to pay the cost of erecting the boxes authorized in this amendment, ought to be permitted to have this facility for sending and receiving his mail matter.

Mr. HOOKER of Mississippi. What is the amount?

Mr. WILSON of Ohio. Not to exceed $3 a year. This provision would enable any person who is willing to expend $3 a year for this purpose, to have his mail delivered to him without his being compelled to go to the post-office for it. It would not cost the Government one dollar, while it would be a great convenience to people throughout the country, enabling them to send and receive their mail without being obliged in every case to go to the post-office.

It seems to me that one of the greatest necessities of the present time is that the people who live in places remote from post-offices should have greater mail facilities. It is important they should receive promptly the newspapers, which add so much to general intelligence and promote so highly the comfort and happiness of the rural homes.

If it is impracticable at this time to have free delivery throughout the country (as I believe it is, on account of the expensiveness of such an arrangement where the population is sparse), it is not impracticable to have on these inland mail routes collection and delivery of the mail in the manner proposed in this amendment. I think there would be scarcely any addition to the present expense. I believe that the prices charged by contractors for carrying the mails would not be appreciably increased; but whether such would or would not be the case, there is a provision in the amendment that two-thirds of the amount paid for these boxes shall go to the contractor in order to compensate him for the extra duties devolving upon him by reason of this arrangement.

[Here the hammer fell.]

Mr. LOUD. I ask that the gentleman from Ohio be allowed ten minutes more.

There was no objection.

Mr. WILSON of Ohio. In the carrying out of this amendment the details would depend upon regulations to be established by the Postmaster-General. He would prescribe a regulation mail box, the cost of which to the Government would be perhaps very small. Whoever desired a mail box at his residence or at any point along the route would make application to the Postmaster-General, who would adopt such regulations as

would protect the Government, protect the contractor, and protect the people in the execution of this system, so that nobody would suffer from it.

Locks would doubtless be provided for these boxes; and the mail carriers would carry the keys to each of these locks, so that they might open the boxes to take out mail matter which they would carry with them for deposit in the nearest post-office and to deposit mail intended for the owner of the boxes. Perhaps a box might have two compartments; and it might be used for the mail of a single family or for that of a neighborhood, that matter depending upon the wishes of those making application to the Department. This would be a great convenience to people along these mail routes.

There was much interest expressed during the discussion on a former day in devising some means for enlarged mail facilities. In many parts of the country the post-offices are 5 or 10 miles apart. I can at this moment think of a mail route where it would be a great convenience if the people living along that route could have these boxes provided. The expense ought not to be great, and if the experiment proves a success the probabilities are that the expense will eventually be not to exceed the cost of the private box.

I can not conceive of any objection whatever to the amendment. There can be none on the ground of expense to the Government. There is no objection of insecurity to those who are to have the mail boxes. There is no objection in the world except that it would be an experiment, and we can not tell how many people will want to use the boxes or whether many would desire to have them.

Mr. MOSES. My interest is the same as the gentleman's in that regard but in my section of the country the people who live along the routes get the mail service now for less than $3 a year. Now, I wish to ask the gentleman whether this amendment would add anything to what the people can already get under the decision of the Postmaster-General? He allows these contractors to take the mail out and deliver it to the people along the line. As I understand this amendment, it would make the expense greater than it is now.

Mr. WILSON of Ohio. This provides that the cost shall not exceed $3 a year. If the Postmaster-General could make it less of course he would do so. But the trouble now is, I think, that the delivery of the mail under the present system is contrary to or rather is unauthorized by law. I think the sureties on the bond of the mail carriers, or any person handling the mail, would not be responsible for loss of mail or the misuse of any power now exercised in that regard. The arrangement whereby mail is delivered, as the gentleman says is practiced, is a private matter, and there is no security in such a practice. It is not authorized by law, and, as I understand, it is a violation of the law.

Mr. MOSES. But it is done at all events.

Mr. WILSON of Ohio continuing). If such permission is given it is without authority of law. There is no safety in that way of doing it. This amendment, if adopted, will legalize the transaction and afford a system which would be perfectly safe and convenient to the people, and legalize the acts of the mail carriers. The extra labor imposed upon mail carriers would not be great, and the delay caused by stopping to receive or deposit mail in the boxes would not be more than the horses ought to have for rest and a breathing spell.

The project is entirely feasible, and would benefit large numbers of persons. One of the chief objections to country life is the lack of proper mail facilities. If letters and newspapers could be brought to the country homes daily I believe the pleasures of home would be largely increased. This is an age of progress and enlightenment, and I would afford all people the very best facilities for growth and advancement which are attainable considering their circumstances and surroundings.

Mr. HENDERSON of North Carolina. Mr. Chairman, I must insist upon the point of order. This amendment changes existing law and does not reduce expenditures. It is obnoxious to the provisions of Rule XXI, clause 2, page 263, of the Digest.

The CHAIRMAN. The Chair will direct the Clerk to read that portion of the rule.

The Clerk read as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amount of money covered by the bill.

The CHAIRMAN. Under this rule the Chair thinks the amendment not in order. It certainly changes existing law. The Chair can see no provision in the amendment, after a careful rereading of it, that would justify the Chair in holding that it would in any sense reduce expenditures.

The Chair sustains the point of order.

Mr. WILSON of Ohio. May I be permitted to call the attention of the Chair to the last provision of the amendment? This amendment provides that there shall be not to exceed $3 collected annually for each box, and that two-thirds of that sum shall be paid to the contractor as compensation for the extra duty of depositing and receiving the mail, and that the other fraction shall go to the Government and shall reduce the appropriation for this inland mail service to the extent of the receipts from these boxes. I think that it does reduce the appropriation. It was put in for that purpose. I did not think it ought to be there, but it does reduce it. If there should be a thousand boxes there is a thousand dollars, and the probability is that there will be ten thousand or a hundred thousand; and this provides that the boxes shall be erected without expense to the Government. It does not add a dollar to the expense, while it gives one-third for every box that is erected, and of course if there were a hundred thousand boxes there would be a hundred thousand dollars to be applied to the reduction of the appropriation for the inland mail service.

Mr. HENDERSON of North Carolina. There is nothing in this bill about the revenue to be derived from boxes, or the reduction of expenditures on account of revenues from boxes. It is the reduction of the amount of money covered by the bill that the rule applies to.

The CHAIRMAN. The amendment requires extra work to be done on the part of the Postmaster-General and other officers, and it changes existing law in many respects, so that the Chair is compelled to adhere to his former ruling. It does not reduce expenditures, so far as the Chair can determine.

Mr. CRAWFORD. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In line 20, page 3, add the words, "of which sum, $30,000 shall be used under the direction of the Postmaster-General in supplying temporary service to newly established offices, in cases where the establishment of star routes is contemplated."

Mr. CRAWFORD. Mr. Chairman, it is well known that when new post-offices are established, the Postmaster-General has no authority to use a single dollar of this appropriation to aid the people who are to be benefited by the new offices in establishing route service; and this amendment seeks to divert $30,000 of the $6,000,000 appropriated for the star route service, for this purpose, and gives the Postmaster-General the discretion and authority to use it as he may see fit and deem necessary for the benefit of those people who have no service, by making such allowance as will enable him to supply service until the permanent service is established.

It is well known that that is one of the chief grievances of the people who live in remote sections of the country, in new settlements, where they have pushed out beyond the established lines of postal communications, and have no means whatever of securing this service except they hire a carrier at their own expense, and this is a hardship no Government should impose upon its citizens. As I understand it, it is not the purpose of the Government to make money out of the mail system, for we know that large sums are appropriated for general objects that do not pay anything back to the Government, not even expenses. We know that quite a sum was diverted the other day—$20,000, I believe—for the purpose of making an experiment in the free-delivery system. Every gentleman upon this floor knows that the free-delivery system does not pay any profit, that is to say, a large per cent of the offices pay absolutely nothing. Taking it as a whole it does pay expenses, some of the offices, like New York, Philadelphia, and Chicago, pay large profits, but quite a number do not pay any profit to the Government, but on the contrary are an actual burden upon the Treasury of the United States.

Now, if that be true, why should not a small sum be appropriated to help these people who live out in the remote sections of the country to get service upon contemplated routes? They must make an experiment first, to show to the Government that there is a possibility of its paying in the future. Now, that is not a fair test, because business men who live in out of the way places can not afford to wait from one to three years and risk the contingency of picking a fellow up once or twice a week to go after the mail to see whether or not an office will pay, and the consequence is that many of these offices are abolished and the people have to go from 3 to 5 miles to get their mail as before, if they get it at all, for they can not pay a carrier to carry the mail daily or tri-weekly, as you very well know. And the consequence is when a carrier is regularly employed they have to wait from one to three years to get the Government to establish service upon these routes, and frequently it is not done at all.

Now, there is no gentleman upon this floor who believes that these people ought to be subjected to this inconvenience and to this long delay. If there is any such gentleman, I should like to hear the reason which he has to offer. If justice were done

a daily route with full service would be established to every post-office in the land.

As it is now, the Postmaster-General can not use this money for this purpose, because section 3971 of the Revised Statutes provides that the Postmaster-General shall not use any more than two-thirds of the cancellation of the new offices established to aid the special service for carrying the mail. Therefore he has no power to use any of this fund. Now, I ask simply that this $30,000 be diverted for this purpose.

This bill carries $155,000 more for star-route service than the corresponding bill in the Fifty-second Congress. Now, if all you gentlemen who live in cities, or who live in country places where there are daily routes, which are ready to receive the benefits of free-delivery experiments in the rural districts, will contrast your advantages with ours, I do not believe there is a single one who will object to a provision of this kind for our districts which are in less favored sections of the country and which have not been provided with the mail facilities they are entitled to. I ask for no special privileges. They want none. I ask for justice and fair play—and I am sure you will grant it. That is my opinion about it.

Mr. LOUD. Will the gentleman yield for a question?

Mr. CRAWFORD. Certainly. I invite it.

Mr. LOUD. Do you hold that the Postmaster-General has not now the power to establish new routes or temporary routes, and to establish new star service and new post-offices?

Mr. CRAWFORD. I have not been contending that he has not. If I have, I have made myself badly understood.

Mr. LOUD. That seems to be about all your amendment covers.

Mr. CRAWFORD. This is the difficulty I desire to obviate. Whenever there are new post-offices established the Postmaster-General has no power to establish routes or to supply service until an experiment is made, except two-thirds of the cancellation of the stamps in these new offices.

Mr. LOUD. I think the gentleman must be mistaken about that.

Mr. CRAWFORD. I am not mistaken. I have examined the subject thoroughly. I know how much my people are interested in it. I know how much they have suffered on account of this law. There is no mistake about it. It is two-thirds of the salaries of the new post-offices, and that is two-thirds of the cancellation, because they can not get any more.

Mr. LOUD. I can show the gentleman where there are star routes now in existence, where the contract service calls for $2,500, and the receipts of the whole route are not over $8.

Mr. CRAWFORD. I can show the gentleman where offices return from $20 to $30 per annum, and have been in existence for three years, and no service has been supplied. Your people are more fortunate than mine, or stood in better with the Postmaster-General.

Mr. LOUD. That is the fault of the Post-Office Department.

Mr. CRAWFORD. Well, I want to make the Department do its duty, or enable it to see its duty more clearly.

Mr. LOUD. This will not accomplish that purpose.

Mr. CRAWFORD. Yes it will. The Postmaster-General declares that he can not divert any of the sum appropriated for this purpose. This will set it apart and provide that he shall use it, in his discretion, for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAWFORD. I should like five minutes more.

Mr. BROOKSHIRE. I ask that the gentleman's time be extended five minutes.

There was no objection.

Mr. MOSES. I would like to ask the gentleman a question, if he will yield.

Mr. CRAWFORD. Certainly.

Mr. MOSES. You refer to those offices denominated "special"?

Mr. CRAWFORD. Yes; "special service."

Mr. MOSES. Is there any law requiring that all offices established in the country shall be "special" until it is shown that the receipts pay for the service of those offices?

Mr. CRAWFORD. They are to be established as an experiment. It is held by the Post-Office Department that the experiment must be made before the establishment of permanent service upon those routes, in order to determine whether or not there is sufficient demand for establishing routes with permanent service.

Mr. MOSES. Is there a general law to that effect?

Mr. CRAWFORD. Section 3971 of the Revised Statutes provides that in establishing offices the Postmaster-General shall not use more than two-thirds of the cancellation for each established office for this purpose, as I have already explained. It does not say for any specified time. It is entirely indefinite, and runs all along from one to three years. I have examined into the matter and know that to be the fact. I investigated the whole matter at the Department.

Mr. LOUD. Do you mean to say that that applies to the transportation in the country on the star routes?

Mr. CRAWFORD. I do not. Where no routes have been established, but new post-offices. It is not the routes with permanent service we are now speaking of.

Mr. LOUD. Get the statutes and see.

Mr. CRAWFORD. Where new offices are established the Postmaster-General can not establish the service without first making an experiment, and it is to be a special service for a time. That time is indefinite: it is in his discretion. He may not do it at all. Frequently he does not do it and the consequence is that those people who have petitioned the Department and worked for these offices for years have to have them abolished and go back to the old point and the old way to get their mail. That is poor encouragement to the people who are going into new countries and settling wherever it is inhabitable. These are the people who are pushing our civilization into every nook and corner of the country. It seems to me perfectly fair and just that they should be supplied with the best possible mail facilities. Is it right, and is it proper, that a great Government like this should require the citizens to go from three to six miles to get their mail? I do not think it is. You provide by appropriations that free delivery shall be established under certain circumstances in certain towns, so that the mail carrier takes the letters right to the doors of the people, and they do not pay the Government a single cent, but we go into the Treasury and take money out of the general fund of the people and pay for that free delivery service.

Now, then, is it fair to require the people who live in the newly settled country of the West and South, or anywhere else in the United States, to go this long distance to get their mail when it can be supplied at so little cost? You can not expect these people to be much interested in building up any business enterprise so long as you withhold from them their just rights as citizens of a common country. But you look at it away from the great central points, and fail in a large measure to appreciate our situation. I insist that it is right and necessary for this amendment to be adopted. I have no doubt that the Postmaster-General will be very glad to use this money for this specific purpose. I think the merits of the case are so generally understood and appreciated that there will be no objection to the application of this amount for this purpose.

Mr. PICKLER. Mr. Chairman, I do not wish to detain the committee, but this proposition is so eminently fair to the sparsely settled portion of the country that I hope it will be accepted by the committee without further argument.

Mr. HENDERSON of North Carolina. Mr. Chairman, I have no objection to the amendment. It should be adopted.

The CHAIRMAN. Without objection the amendment will be considered as adopted.

Mr. LOUD. I would like to ask the chairman of the committee if he does not believe and know that the law at present covers this entire subject?

The CHAIRMAN. Does the gentleman object to the adoption of the amendment?

Mr. LOUD. It is putting two tails on one horse.

Mr. HENDERSON of North Carolina. I will say to the gentleman from California that I was under the impression at first that the law was ample to cover this very question; but the practice of the Department is certainly against it. The Department now rules that you can not get a new mail route before you establish the post-offices along the route; so that the post-offices have to be created before the route can be established.

Mr. LOUD. You want to establish the route before you establish the offices?

Mr. HENDERSON of North Carolina. I would rather do that. Of course the route is always between two points.

The CHAIRMAN. Without objection the amendment will be considered as agreed to.

There was no objection, and it was so ordered.

The Clerk read as follows:

For mail messenger service, $1,285,000.

Mr. HOOKER of Mississippi. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

After the words "eighty-five thousand dollars," in line 24, page 3, of the bill, insert:

"*Provided*, That hereafter no discrimination shall be made in the rate of postage on books transmitted through the mails by publishers and authors. But all such mail matter shall be transported at the rate now provided by law for books transmitted by publishers through the mails."

Mr. HENDERSON of North Carolina. I reserve the point of order on that, Mr. Chairman.

Mr. HOOKER of Mississippi. What is the point of order?

Mr. HENDERSON of North Carolina. That it changes ex-

isting law and does not reduce expenditures, but, on the contrary, rather increases them.

The CHAIRMAN. The Chair will hear the gentleman from Mississippi [Mr. HOOKER] on the point of order.

Mr. HOOKER of Mississippi. Mr. Chairman, the amendment which I have sent to the Clerk's desk proposes to equalize the rates of charge for transportation through the mails of the classes of matter referred to therein so as to make them bear equally upon publishers and authors. The gentleman in charge of the bill makes the point of order that this amendment changes existing law. It does not change existing law. It simply makes it the duty of the Postmaster General, in establishing rates of postage upon second and third class mail matter, to make no discrimination in favor of publishers or against authors

That is all. There is no law which gives publishers a preference over authors in the transmission of the matter which they desire to send through the mails. There is no statute which does that. It is done by a regulation of the Department. Now, this practice of putting rates of postage upon books transmitted by their authors through the mails as compared with the rates upon the same books when transmitted by the publishers does a very great injustice to the authors, and it rests solely upon a regulation of the Department. I raised this question in the last Congress and had occasion to call attention, as I now call attention, to the injustice of this Department regulation. Let me refer to the provision in the postal laws and regulations under which this inequitable distinction is enforced:

Third-class matter defined, and the rate.—That mail matter of the third class shall embrace books, transient newspapers, periodicals, circulars, and other matter wholly in print (not included in section 12), proof sheets, corrected proof sheets and manuscript copies accompanying the same; and postage shall be paid at the rate of 1 cent for each 2 ounces or fractional part thereof; and shall be fully prepaid by postage stamps affixed to said matter.

Now, sir, the right of authors to their productions was secured by the original provision of the Constitution of the United States. That provision, which is found in section 8, Article I, empowers Congress "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

The CHAIRMAN. The Chair will be obliged to the gentleman from Mississippi [Mr. HOOKER] if he will read the existing law upon this subject.

Mr. HOOKER of Mississippi. It is quoted on page 4978 of the RECORD, under the date of June 2, 1892, and is as follows:

THIRD-CLASS MATTER DEFINED.

That mail matter of the third class shall embrace books, transient newspapers, periodicals, circulars, and other material in print not included in section 12, proof sheets, corrected proof sheets and manuscript copies accompanying the same, and postage shall be paid at the rate of 1 cent for each 2 ounces or fractional part thereof, and shall be fully prepaid by postage stamps affixed to said matter.

Now, it will be observed that while the publisher, under the regulations of the Department, can transmit these books at a cost of 1 cent, the author, if he desires, for any purpose whatever, to transmit them through the mails, is required to pay 8 cents.

This, I say, is manifest injustice to the author, to the mind which creates the book, to the thought which pervades it, and which desires to impress itself upon other minds. In this way the publishers are granted a special privilege which does not belong to the authors, the creators of the works. It seems to me that a post-office appropriation bill ought to deal primarily, not so much with the question of what amount shall be appropriated, as with the question of the rates of postage upon letters, pamphlets, and periodicals. That is a subject which a post-office committee ought specially to consider. Many petitions have come into this House and been referred to that committee in favor of reducing the rate of postage on letters from 2 cents to 1 cent. There is a very widely extended sentiment in this country in favor of that change, making our rate like that which prevails in many of the European countries.

Whether we have reached the point where we can do that I am not at present prepared to say, but certainly it is a subject-matter which the Committee on the Post-Office ought seriously to consider, and the very first object of their consideration ought to be equality in the rates of postage upon matters passing through the mail, whether it belongs to the first, the second, or the third class. In the instance to which I have called attention a manifest inequality exists which ought to be remedied, and if that can not be done here I do not know how it is to be remedied. I have offered this amendment at the end of the general appropriation, "for mail messenger service, $1,285,000." Here is an enormous amount of money to be appropriated to all these various matters to be transported through the mails, and certainly the Department ought to be required, in adopting its regulations in reference to the expenditure of so large an amount of money, to make the postal tax bear equally upon the publisher and the author. I think the point the gentleman makes that this amendment changes existing law is not well taken, and that the amendment would certainly reduce expenditures, if not to the Government, at least to the authors of the works.

Mr. HENDERSON of North Carolina. The amendment is not germane. It proposes to amend the paragraph contained in lines 23 and 24, "for mail messenger service, $1,285,000." Now, there is nothing in that paragraph in regard to the rates of postage, and the amendment is not germane. Besides, it is obnoxious to Rule XXI.

Mr. HOOKER of Mississippi. In reply to the position taken by the gentleman from North Carolina [Mr. HENDERSON], that this amendment is not germane to the subject-matter of the paragraph under consideration, I call attention to the fact that the paragraph has relation to the very messengers who on trains and steamers and mail routes carry this mail, and it makes a large appropriation for such service. It seems to me that if there is any portion of the bill to which the amendment could be appropriate, this is the one.

Besides, I do not think the gentleman from North Carolina ought to interpose this objection. He ought to be willing to have these charges equalized. How can it be to the interest of the Committee on the Post-Office and Post-Roads that there should be unequal charges to different citizens for the same class of mail service—a low rate to one class of citizens and a high rate to another—a low rate to the man who prints and publishes and distributes a book, and a high rate to the man whose brains have created the book? I submit that this objection, even if there be anything in it, ought not to be interposed. The gentleman certainly ought to be willing that this inequality should be cured. It would be an honor to his committee and to him as its chairman to be instrumental in curing this inequality which has so long existed under the regulations of the Post-Office Department.

Mr. HENDERSON of North Carolina. I am perfectly willing to have equality of rates established wherever justice may demand it; but I am opposed to tacking legislation of this sort upon an appropriation bill. The gentleman can not accomplish what he desires in this way.

The CHAIRMAN. So far as concerns the second point made by the gentleman from North Carolina, the Chair overrules it, because it has been held repeatedly that an amendment offered to an appropriation bill need not necessarily be germane to the pending paragraph, but must be germane to the general provisions of the bill. The citations will be found in the Digest. The only question then for the Chair to determine is whether the amendment offered by the gentleman from Mississippi changes existing law without reducing expenditures. The amendment is peculiarly worded; and unless the gentleman from Mississippi and the gentleman from North Carolina can agree as to what the existing law is the Chair will have to examine the law before the point can be determined. The amendment offered by the gentleman from Mississippi to be added at the close of this paragraph provides—

That hereafter no discrimination shall be made in the rate of postage on books transmitted through the mails by publishers and authors; but all such mail matter shall be transported at the rate now provided by law for books transmitted by publishers through the mails.

Now, what the Chair desires to know is whether there is one rate of postage for books transported through the mails by publishers, and another rate for books transmitted through the mails by authors.

Mr. HOOKER of Mississippi. I presume the gentleman from North Carolina will raise no question on that matter at all. This subject was debated very largely in the last Congress when I offered a similar amendment, and no one then disputed, as I think no one will dispute now, my statement of the law. If the Chair will send to the Library for the Postal Guide for 1894 he will find the law quoted just as I have stated it to be.

Mr. LOUD. If, as I understand the gentleman to say, the present law covers the subject and allows authors to send their books through the mails at the same rates as publishers, what is the necessity for this amendment?

Mr. HOOKER of Mississippi. Because we want to inhibit the Post-Office Department from adopting any regulations which shall give, as I understand is now given, a preference to publishers, allowing them to send books through the mails at the rate of 1 cent a pound, while the author of the book is not allowed to transmit it through the mails unless he pays 8 cents a pound.

Mr. LOUD. But, as I understand, the gentleman says this question is settled by the law, not by any regulation of the Department.

Mr. HOOKER of Mississippi. It is the regulations made by the Post-Office Department under the law and which favor the publisher while doing injustice to the author that I want to get at. I think the amendment is perfectly germane; for, as the Chair has very well remarked, if not germane to the pending

paragraph it is certainly so to the subject-matter, which ought to be included in a bill coming from the Post-Office Committee.

The CHAIRMAN. The Chairman has no hesitation on that point. The only point on which the Chair is in doubt, and upon which he asks the gentleman in charge of the bill for information, is as to whether the existing law provides that one rate of postage shall be required upon books transmitted through the mails by the author, and another rate upon similar books transmitted by publishers?

Mr. HOOKER of Mississippi. The gentleman from North Carolina, I think, will not question that.

Mr. HENDERSON of North Carolina. The law permits publishers to send books through the mails at a certain rate, and does not permit authors to send their books through the mails at the same rate. If this amendment be adopted, authors will be permitted to send their books through the mails at a lower rate than now allowed, so that the amendment instead of reducing will increase expenditures, and at the same time change the law.

Mr. HOOKER of Mississippi. The amendment reduces the cost to the people and brings about an equality of rate as between publishers and authors.

The CHAIRMAN. Does the gentleman from Mississippi accept the statement of the gentleman from North Carolina as to the provision of existing law?

Mr. HOOKER of Mississippi. Under the law as it now exists the great publishing corporations of the United States are permitted to send any book through the mails at 1 cent a pound, while the author of that very book under the law and regulations of the Department can not transmit it by mail unless he pays 8 cents a pound.

The CHAIRMAN. Then the amendment of the gentleman from Mississippi changes existing law and does not retrench expenditures. The Chair sustains the point of order.

Mr. HOOKER of Mississippi. I desire to give notice to the chairman of the committee, since he has objected to my amendment, on account of it being obnoxious to the rules of the House, that I am going to introduce a bill and have it referred to his committee to have the law changed, and we will see what sort of a report he makes upon it.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For inland transportation by railroad routes, of which a sum not exceeding $10,000 may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, $25,500,000.

Mr. SPRINGER. I offer the amendment I send to the desk.

The Clerk read as follows:

After line 16, page 4, insert:

"*Provided*, That hereafter all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order, organized under the lodge system, and having a bona fide membership of not less than a thousand persons, or a regularly incorporated institution of learning, shall be admitted to the mail as second-class matter, and the postage thereon shall be the same as on other second-class matter and no more.

Mr. HENDERSON of North Carolina. Mr. Chairman, I wish to reserve the point of order on that amendment.

Mr. SPRINGER. Mr. Chairman, this does not change the existing law, but it changes a ruling of the Department. The Post-Office Department has ruled that publications which are embraced in the proviso are not the publications which are entitled to be admitted to the mails as second-class matter, but come under a different class, for some reason which I do not understand. These publications referred to in the amendment are newspapers issued by fraternal societies, sometimes weekly, sometimes monthly, and sometimes quarterly; but they are frequently taken by a very large number of persons. I know of one publication myself that has over a hundred thousand subscribers, which contains general literature and the news of the day, and all matters that are given in the ordinary publications, while at the same time it is devoted to the interest of a particular order, and is published for the benefit of those who are members of the society.

It seems to me that there can be no reason for compelling such publications to pay a higher rate of postage. But the Third Assistant Postmaster-General has decided that they are not admissible to the mails under the second-class rates.

We have received during this Congress petitions from all over the United States, embracing hundreds of thousands of people. I suppose there are at least a million persons everywhere throughout the Union who have been petitioning for the passage of this law.

Mr. TUCKER. Is this the same as the Hainer bill?

Mr. SPRINGER. Yes. There is a bill pending, in substance the same, both in the Senate and the House.

Mr. Chairman, this does not change existing law, but only a ruling of the Department; and I have stated and argued the question to the Department myself. It is my opinion that the Department is wrong in its ruling, and that the law is just as is provided now in this amendment.

Mr. HAYES. Will the gentleman allow a question?

The CHAIRMAN. The Chair will state that this is a very important matter. The gentleman from North Carolina makes a point of order on the amendment that it changes existing law, and that it not only does not reduce expenditures, but will have a tendency to vastly increase them for mail transportation. The Chair desires the gentleman from Illinois and other gentlemen addressing the Chair to confine themselves to the point of order.

Mr. SPRINGER. I was doing so, Mr. Chairman, and endeavoring to show that this amendment does not change the existing law, but only a ruling of the Department about which there is a considerable difference of opinion. Having myself examined the law in regard to the subject, it is my opinion that the Department is wrong in its ruling, and that the amendment embodies the law. It therefore amounts to an instruction on the part of Congress to the Department to carry out the law as it stands, and not change it. It is not a change of the existing law, but requires the Department to correct its ruling. That is the purpose of the amendment, to enforce the law against the improper ruling which has been given to it.

Mr. TAYLOR of Indiana. To more particularly call the attention of the Department to the fact that it is the law.

Mr. SPRINGER. Yes, sir. And to declare that it is the law as construed by Congress.

Mr. COOMBS. Interpreted by Congress.

Mr. SPRINGER. Yes.

Mr. HAYES. The gentleman from Illinois has practically answered the question I desired to ask him a few moments ago, that the amendment does not change existing law, but is a notice to the Department that it has misconstrued existing law.

Mr. SPRINGER. That is my understanding of the case: that the law has been misconstrued, and a vast number of people are of the same opinion. The object of the amendment, as I have said, is to enforce the law as it exists.

Mr. CANNON of Illinois. I have listened, Mr. Chairman—I just came in and have been informed what the point of order is, and what the amendment is—I have listened with some interest to my colleague and wish to say to him by way of reinforcement, if the Chair will indulge me, that I agree with him that under this law this class of publications is entitled to go at the pound rates in the mails. It seems to me that it is perfectly competent, notwithstanding the rule that prohibits legislation on general appropriation bills, for us to place a limitation on the expenditure of this money, namely, that an official who misconstrues the law and refuses to comply with the law shall in the future expenditure of the money be made to comply with it as a condition of the appropriation. Therefore I am in harmony with my colleague and his remarks on this amendment, and if it would be in order I should like to say that the gentleman is reinforced almost universally throughout the length and breadth of the country, by thousands upon thousands of people who are interested in these publications, and who understand the law to be this way, and who have been surprised at the misconstruction of it given by the head of the Department.

The CHAIRMAN. The Chair will state to gentlemen who desire to discuss this point that the Chair would be very glad to hear any gentleman who will address the Chair on the point of order.

Mr. HAYES. It is certainly a very interesting question as to whether or not this does change existing law. It seems to me that the position is well taken that where there is a doubt about the law, and where a Department has construed the law differently from the general acceptation of it, and differently than the public generally construe it, it can not be said that it is a violation of this rule to say that Congress may declare what the law is. That is all this amendment is. It declares what the law is, rather than seeking to change existing law. If we could not do that by reason of this rule, it would certainly be a very strange proceeding, and would be entirely out of keeping with what we ought to do. Certainly in the case of a dispute as between the text of the law and the application of it in the Department, we ought to have the right to here declare what the existing law is.

Mr. SPRINGER. That is as I understand it.

Mr. DINGLEY. That is an act of legislation.

Mr. TERRY. Will the gentleman's amendment cover the case of journals issued by medical associations?

Mr. HAINER of Nebraska. No.

Mr. TERRY. I should like to offer such an amendment.

Mr. SPRINGER. If I could submit to the committee copies of publications which have been submitted to me, and I have no doubt to many gentlemen here, they could not tell those publications by the reading and all the contents of those papers from

any other newspapers that pass through the mails every week as second-class matter, and why they are excluded from the mails is a mystery to me and to everybody outside of the office of the Second Assistant Postmaster-General.

Mr. EVERETT. May I ask the gentleman a question?

Mr. SPRINGER. Certainly.

Mr. EVERETT. When was the ruling made that these publications do not come within the law?

Mr. SPRINGER. There have been a number of rulings as to particular publications, and as I understand it, it is not the effect of a general ruling upon all, but upon each publication when it is submitted, and that has been going on for several years.

Mr. EVERETT. Arbitrarily, without any general rule?

Mr. SPRINGER. Yes.

Mr. SWANSON. There is a rule of the last Administration.

The CHAIRMAN. The Chair again requests the committee to maintain order. This argument is addressed to the Chair, upon the point of order, and the Chair desires to hear it.

Mr. SPRINGER. To show that this is simply declaratory of the law, and to show that we who appropriate the money have a right to declare what the law is, and the purposes for which we make the appropriation, without violating this rule, I will say that the practice of the Department is to take two publications and rule one out and the other in, and no man can tell why one was ruled out and the other ruled in.

Mr. EVERETT. What officer of the Department makes the ruling?

Mr. SPRINGER. The Third Assistant Postmaster-General.

Mr. LIVINGSTON. Is not this the law, that every paper which has a bona fide subscription list comes in at the cheap rate, but where it is simply a mode of advertising, then it comes in at the higher rate? Is not that the law?

Mr. TAYLOR of Indiana. That ought to be the law.

Mr. LIVINGSTON. Is not that the law, and is not that the difficulty which the gentleman's objection meets now?

Mr. SPRINGER. There should be a distinction, and the Department makes no distinction.

Mr. LIVINGSTON. Does not the rule of the Department rest upon that law that I have quoted, and can the rule of the Department be changed without the law being changed?

Mr. SPRINGER. I beg the gentleman's pardon. I do not agree with him as to his construction.

Mr. LIVINGSTON. I am making no construction. I am asking for information.

Mr. HAYES. As I understand it, there is this distinction: where there is a specific subscription list of subscribers, and where the publication is sent out to the members of a society, although it may have all the elements, by way of advertisements and otherwise, of a newspaper, there is that distinction.

Mr. SPRINGER. That is the pretext for this ruling, which has no foundation, it seems to me, in fact.

Mr. LYNCH. I desire to ask the gentleman this question, Was this law ever construed by the Department different to what it is now?

Mr. HAYES. Practically yes, and specifically no. [Laughter.]

Mr. SPRINGER. The gentleman may answer both ways.

Mr. HAYES. They let them go through the mails. The first ruling was in the case of the publication called Printer's Ink, and that was the other way.

Mr. SPRINGER. The gentleman has answered it.

Mr. HAYES. It is practically one way and specifically another.

Mr. SPRINGER. That is all I desire to say upon the point of order.

Mr. HAINER of Nebraska. Mr. Chairman, I desire to address myself briefly to the point of order. With respect to the justice of this amendment there can be no question. The only question arising here is technical; and it is urged that this amendment violates a rule of the House which provides that no amendment shall be allowed or shall be in order which changes existing law. Will this amendment change existing law? We have a right, as the gentleman from Iowa has suggested, to correct an erroneous ruling of the Department.

The inhibition of the rule is not against making this correction, but is against making a new law or changing the law. In construing this rule we should bear in mind the familiar canon of construction that any rule in derogation of the right of the committee to transact its proper business in its own way should be itself strictly construed, while we should incline to that construction which without doing violence allows the committee to perfect legislation. Technicality in method of procedure should not be allowed to defeat a meritorious amendment. It should be employed only to defeat vicious legislation. But the inhibition of the rule is not against a change in construction of existing law. This amendment in fact simply declares what the law is and always has been. It simply overrules a line of bad departmental precedents and does not seek to change any law. The construction of a Department does not rise to the dignity of law. The whole trouble in the case arises from an unfortunate bias in the early decisions made in the Post-Office Department, and these have been accentuated and increased from time to time down to the present Administration. The reasons upon which these publications have been excluded are these: First, it is alleged by the Department that the subject-matter contained is not of a "public character." If the same rule should be applied, or if the same reasoning be applied, to every publication all would be ruled out on the same ground. For instance, one man may take the American Economist, which is a paper published in New York to disseminate the principles of protection. That may be held of interest simply to a certain class of people who believe in that theory. Then the same thing is true in respect to the American Industries, which is a publication issued by the so-called Tariff Reform Club, which also may be said to interest simply a certain class of readers.

Mr. TAYLOR of Indiana. It is interesting to everybody.

Mr. HAINER of Nebraska. Take again, a party political paper, or a county paper, which contains simply the local news. Each is of interest to a number, and not all people; but there is no newspaper which goes into every family and that interests the entire public. Would you say the Staats Zeitung, of Illinois, published in German; the Pokrok Zapadu, of Omaha, published in Bohemian, which only a small fraction of our people can read, contain matter of public character, and these fraternal papers, reaching many more, do not contain such matter? The Criminal Law Magazine reaches but a few lawyers, yet it is allowed pound rates. I make no objection to this. The papers I mention are properly admitted under the law. I cite them simply to show that the trouble is not with the law, but with the absurd construction which has been placed upon it. Then the next objection is that they have not a legitimate list of subscribers. That, also, is not true. With all of these publications, I think nearly every one of them, the cost of publication is paid by someone, either by an association in its corporate capacity, by societies, or aggregations of individuals. So their subscription price or cost price is in reality paid. How can it affect the Government or its revenues who pays it? I may subscribe for my neighbor, and the paper passes without question. Every other man may do the same, but if they do it as a society it is all wrong. Is there not a strange lack of reason in this distinction? A "legitimate list of subscribers" should be held to mean an honest list—one free from fraud.

These publications are issued and disseminated not for the purpose of making a pecuniary profit, but for the dissemination of information; and here we have the Government and a great Department, presumably founded on intelligence, which seems to me ought to foster and encourage the distribution of information, expressly inhibiting the dissemination of useful knowledge, tabooing the publications of schools, colleges, learned societies, and fraternal and benevolent institutions, but allowing publications issued for pecuniary profit, including the Police Gazette, special privileges!

Mr. HAYES. Why should there be any distinction as to a paper for which subscription is taken. Is not the subscription incorporated in the dues to the society.

Mr. HAINER of Nebraska. There is absolutely no reason for making the distinction, but that was the point I was undertaking to illustrate.

Mr. HAYES. In the dues are included the subscription to the paper.

Mr. HAINER of Nebraska. Certainly. In the majority of cases that is the precise method. So it seems to me that there is no basis for the objection made by the Department. I say that the present rulings of the Department are due to an unfortunate bias in the first decision upon this subject. It did not receive the consideration which it should have received and which it would receive if it were a new question.

Mr. DOLLIVER. Does the Post-Office Department discriminate only against that class of papers not regularly subscribed for by their readers?

Mr. HAINER of Nebraska. It does not even do that. There are a great number of books which are put in pamphlet form, and which circulate throughout the country, which are not similarly discriminated against. The attention of the Department has recently been called to the fraternal and educational publications, and they have been excluded.

Mr. DOLLIVER. Are not these paid for or subscribed for?

Mr. HAINER of Nebraska. Not simply as readers and individuals, but the subscription is paid in the shape of dues to the society, and it amounts to the same thing.

Mr. DOLLIVER. I think the discrimination is absolutely wrong.

Mr. TAYLOR of Indiana. And by the individuals belonging to that society.

Mr BRYAN. Instead of collecting the subscription from each individual the society pays it all and then collects from each person.

Mr. TAYLOR of Indiana. In some instances they do.

Mr. HAINER of Nebraska. I will say to my colleague and the committee that the usual way is where a society publishes a paper, for the society to pay for the paper and collect it along with other dues.

They pay for these papers, either in their organized or corporate capacity, and each individual pays his proportion just the same as gentlemen may subscribe for a paper in a club, and each individual pays his proportionate price, but it is paid by the individuals in the end. The club or society acts simply as an intermediary.

Mr. BRYAN. Are not Sunday school papers subscribed for in much the same way?

Mr. HAINER of Nebraska. Certainly.

Mr. COOPER of Indiana. They are sent to the superintendent and he distributes them.

Mr. HAINER of Nebraska. Yes, sir.

Mr. SWANSON. There are two conditions, as I understand the rule, under which a paper can be admitted at the pound rate. One is that the matter must be for the public good, and the second is that the publication must have a bona fide list of subscribers who are voluntary.

Mr. HAINER of Nebraska. Yes, sir.

Mr. SWANSON. Now, these papers that are excluded are admitted to be for the public good, for the general interest, and not for a special interest; but the ground on which they are excluded is that their subscribers are not voluntary. The men who appeared before the committee testified that their subscriptions were collected by the society instead of by the individual members, so that it is simply a technical distinction which excludes these publications from the mails, while a paper like the New York Herald or the New York World is admitted, although the subject-matter may not be so much for the public interest as what is contained in these other publications.

Mr. HAINER of Nebraska. That is true; and, as a matter of fact, there are petitions here showing that many a million of people are interested in this question.

Mr. GEAR. Five millions.

The CHAIRMAN. The Chair desires to hear the gentleman from North Carolina in support of his point of order, but will ask the gentleman to first read the existing statute on the subject.

Mr. HENDERSON of North Carolina. It is the act of March 3, 1879:

That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued, at stated intervals, as frequently as four times a year, and bear a date of issue and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguishes printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: provided, however, that nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

Now, of course, I contend that this amendment is obnoxious to the point of order, for the reason that it is intended to change existing law. It is not intended to change any ruling of the Department. It is not framed in such a way as to construe the meaning of this particular statute. Publications that are entitled to go through the mails at the pound rate all go through if they comply with the terms of the law. As to the fraternal journals, there are 125 of them in the United States, and at least 115 go through the mails at the pound rate, and of the other 10 the probabilities are that there are only 4 or 5 that have been rejected by the Department. Now, I am not going to argue whether it is desirable to change the law or not—that is another question—but I say the effect of this amendment is to change existing law and make it obnoxious to the rule; and, while upon that subject, I will have read a letter of the Postmaster-General, which I send to the desk. The letter was read, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., October 31, 1893.

SIR: I have the honor to acknowledge receipt of your communication of the 16th instant, transmitting copy of bill H. R. 4003, "to admit to the mails, as second-class matter, periodical publications issued by or under the auspices of regularly incorporated benevolent societies and orders and institutions of learning," and asking me for "such information and suggestions" as the subject may warrant.

In reply, I regret to say that this measure is one that does not commend itself to my favor. The reasons upon which my objection is founded are these:

First. Just at this time I believe it to be unwise to make any reduction of postage rates or any change in the classification of mail matter that would bring about either a loss of revenue or an increase of postal expenditure. The fact that the Department's annual income is $7,000,000 short of its expenditure affords sufficient warrant for this belief.

Second. The law and the regulations of the Department regarding second-class matter are now too liberal. Many publications that ought to be paying third-class postage, go through the mails at a cent a pound; and the list of these, owing to the precedents that have been made and the practice growing out of them that seems too deep-rooted to get rid of, is annually getting larger. I am very strongly inclined to think that the whole subject of second-class matter ought to be carefully examined, with a view not to enlarge the scope of the law, but to curtail it. This would be in the direction of real reform; it would enlarge the postal revenue, and it would be only fair to the publishers of legitimate second-class matter, who are the proper beneficiaries of the liberal provisions of the law governing this kind of matter, and whose rights are too often invaded by what are really bogus publications.

Third. If this bill should pass, the amount of matter that would be let into the second class by it would, either immediately or eventually, be enormous. Let us see, generally, about what its terms would induce:

First. The benevolent or fraternal societies or orders in this country amount to many thousands. Masons, Odd Fellows, Knights of Pythias, and other secret orders; the extensive class of insurance organizations, with a fraternal or benevolent feature; probably all mutual insurance companies or societies; the many charitable societies in the great cities; the innumerable societies connected with the churches, and, indeed, all the religious organizations of the country could, if they chose, avail themselves of the benefaction conferred by the bill; and that they would, whenever it suited their purpose to do so, is certain. Many of these bodies, I know, do not now issue periodicals, but under the stimulus of the privilege given by the bill many of them would do so, and all that would be needed would be a charter of incorporation, which in most of the States can be had for a trifling fee.

Second. The institutions of learning in this country amount to thousands. Looking casually over the last report of the United States Bureau of Education, I find that the colleges and universities, the schools of theology, medicine, law, and science; the technological, normal, commercial, and business colleges, and other classes of schools—not, of course, including the public schools—aggregate over 3,000. To these should be added scientific and historical societies; medical and law societies; agricultural, art, and scientific societies; and other societies the object of which is to advance learning in all its great departments. When it is considered that any publication issued four times a year by these institutions and societies may, under the terms of the bill, go through the mails at the rate of a cent a pound, the burden that would be imposed eventually upon the postal service would be enormous.

Third. Among the present safeguards provided by law against an inundation of the mails by publications claiming second-class privileges, are that they shall not be issued to advance the other interests of the publishers; that they shall have a list of subscribers; that they shall not be intended primarily for advertising purposes, or for gratuitous distribution; and these conditions have been found by experience to be in the interest of the Government as well as of legitimate publications. In the case of the publications covered by the terms of the bill under consideration, all these barriers are removed, and the strange provision is substituted that the periodicals shall be "originated and published to further the objects and purposes" of the publishers.

Thus catalogues, prospectuses, reports, calls of meetings—everything, in a word, that is of an advertising character or calculated to help the society, or order, or institution—could come in. It needs but a moment's reflection to see that, under such a provision as this, the amount of mere advertising matter—such as now pays when sent by mail 8 cents a pound—that would be mailed at a cent a pound, would be almost incalculable. In the great cities this mass of matter would in many cases be so great that the letter-carriers could not handle it without a great increase of force.

Altogether the bill is so objectionable that I trust your committee will not hesitate to report it adversely.

Yours, very respectfully,

W. S. BISSELL, *Postmaster-General.*

Hon. JOHN S. HENDERSON,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

Mr. QUIGG. Mr. Chairman, can we have the amendment read in connection with that letter of the Postmaster-General?

The CHAIRMAN. The Chair will have the amendment read later. This letter of the Postmaster-General is largely an argument as to the merits of the bill to which it relates, and the Chair desires to examine the existing law as presented by the gentleman from North Carolina with the amendment submitted by the gentleman from Illinois [Mr. SPRINGER], which the Chair is unable to read in the gentleman's handwriting? [Laughter.]

Mr. HENDERSON of Iowa. I desire to ask the gentleman in charge of the bill whether this question was considered by the committee?

Mr. HENDERSON of North Carolina. It is being considered now.

Mr. HENDERSON of Iowa. We have sent you more petitions on that subject than have ever been sent in on any other subject except, perhaps, the antioption bill. [Laughter.]

Mr. HENDERSON of North Carolina. There are a great many.

Mr. HENDERSON of Iowa. And were they not in the hands of your committee before you made up your bill?

Mr. HENDERSON of North Carolina. A good many. Most of them, however, have come in since the bill was made up.

Mr. HAINER of Nebraska. Does the letter of the Postmaster-General, which you have just had read, refer to this bill or to another one which is not either before the House by way of an amendment or before your committee?

Mr. HENDERSON of North Carolina. I can not remember at this moment which bill it refers to. But that is not material.

The Postmaster-General's letter applies to one bill as well as the other.

Mr. HAINER of Nebraska. Well, I state as a matter of fact that this letter of the Postmaster-General refers to a bill which was introduced in October, and since that time I have introduced another bill, obviating the objections which the Postmaster-General makes there, so that the letter does not relate to this at all.

Mr. HENDERSON of North Carolina. I move that the committee rise.

The resolution was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 6016) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KRIBBS, for one week, on account of important business.

To Mr. BRICKNER, indefinitely, on account of sickness.

And then, on motion of Mr. HENDERSON of North Carolina (at 5 o'clock and 2 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LOUD, from the Committee on Claims): A bill (S. 499) to provide for the adjustment and payment of the claim of Thomas Rhys Smith for work done and materials furnished for the breakwater at Bar Harbor, Me. (Report No. 664.)

By Mr. PENDLETON of West Virginia, from the Committee on Military Affairs: A bill (H. R. 4671) to remove the charge of desertion standing against the name of Joseph G. Utter. (Report No. 665.)

By Mr. GORMAN, from the same committee: A bill (H. R. 4531) for the relief of George H. Jewett, Arlington, Washington County, Nebr. (Report No. 669.)

By Mr. STONE of Kentucky, from the Committee on War Claims: A bill (H. R. 546) for the relief of Henry S. Saunders. (Report No. 670.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 6575) to quiet the title to Anastasia Island, Florida, and to relinquish all claim of the United States thereto—to the Committee on Private Land Claims.

By Mr. SPRINGER: A bill (H. R. 6576) to provide for the closing of part of an alley in square 622 in the city of Washington, District of Columbia, and for the relief of the president and directors of Gonzaga College—to the Committee on the District of Columbia.

By Mr. OATES: A bill (H. R. 6577) to authorize the construction of a wagon and foot bridge across the Chattahoochee River at or near the town of Columbia, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. HULICK: A bill (H. R. 6579) for the relief of telegraph operators during the war—to the Committee on War Claims.

By Mr. JOHNSON of North Dakota (by request): A bill (H. R. 6592) for Sunday rest—to the Committee on Education.

By Mr. MERCER: A joint resolution (H. Res. 158) authorizing the Secretary of War to loan ordnance and ordnance stores for military instruction in high schools—to the Committee on Military Affairs.

By Mr. DRAPER: A joint resolution (H. Res. 160) to print 10,000 copies of the special report of the Eleventh Census on the textile manufactures of the United States—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD (by request): A bill (H. R. 6580) for the relief of Elizabeth Cluly—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 6581) granting a pension to Louis Stoehr—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 6582) for the relief of Anthony McAndrew, of Louisville, Ky.—to the Committee on Claims.

By Mr. HENDERSON of Iowa: A bill (H. R. 6583) granting a pension to Martelia Selby—to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 6584) to pension Capt. Peter Heckert, late captain Company B, Second Iowa Infantry, of Independence, Kans.—to the Committee on Invalid Pensions

By Mr. LOUDENSLAGER: A bill (H. R. 6585) granting a pension to Elizabeth Moore English—to the Committee on Pensions.

By Mr. McDANNOLD: A bill (H. R. 6586) to grant a pension to William Kemper—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 6587) for the relief of J. A. Mellon, of Yuma, Ariz.—to the Committee on Claims.

By Mr. STONE of Kentucky (by request): A bill (H. R. 6588) for the relief of the Indian Sabine soldiers of 1836—to the Committee on Pensions.

By Mr. CAMINETTI: A bill (H. R. 6589) to pay the claim of the Pacific Paving Company—to the Committee on Claims.

By Mr. HULL: A bill (H. R. 6590) for the relief of Barney McKay—to the Committee on Military Affairs.

By Mr. McMILLIN: A bill (H. R. 6591) for the relief of William F. Cowan—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of George Kimberly, heir of M. P. Kimberly, deceased, of Tishomingo County, Miss., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Mathilda H. Reed, of Tishomingo, Miss., asking that her claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BARTHOLDT: Petition of Louis Stoehr for the passage of the bill to grant him a pension—to the Committee on Invalid Pensions.

By Mr. BLAIR: Remonstrance of W. S. Greenleaf and others, of Littleton, N. H., against lotteries—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lasters' Protective Union and Progress Knights of Labor Union, of Dover, N. H., for the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Kansas: Petition of F. R. French and 23 other citizens of Kansas, asking speedy action on H. R. 5245 and Senate bill 1450—to the Committee on Irrigation of Arid Lands.

Also, petition of G. A. Dodds, W. S. Davies, and 32 other citizens of Kansas, asking speedy action on House bill 5245 and Senate bill 1450—to the Committee on Irrigation of Arid Lands.

By Mr. DOLLIVER: Petition of W. E. Butler and 31 other citizens of Vail, Iowa, asking for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DONOVAN: Petition of S. P. Dodge and 27 other citizens of West Unity, Ohio, asking favorable consideration of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. EVERETT: Petition of wholesale liquor merchants and importers of Boston, against the proposed changes in the internal-revenue schedule—to the Committee on Ways and Means.

By Mr. HEARD: Petition of citizens of Sturgeon, Mo., and resolution adopted by Lodge 74, Ancient Order of United Workmen, of that place, in favor of the Manderson-Hainer bill, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

Also, petition of John H. Alexander, asking that his claim be referred to the Court of Claims for a finding of facts under the Bowman act—to the Committee on War Claims.

Also, petition of Centralia (Mo.) Lodge, No. 199, Ancient Order of United Workmen, in favor of the Manderson-Hainer bill, in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON of Iowa: Petition of E. P. Fogg and 69 other citizens of Epwith, Iowa, opposing the Louisiana lottery, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. J. Leffring and 18 others, citizens of New Hampton, Iowa, favoring the passage of the Manderson-Hainer bill, S. 1353, H. R. 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of the Boiler-Makers' Brotherhood, of Creston, Iowa, praying that House bill 2655 be not enacted into law—to the Committee on Merchant Marine and Fisheries.

By Mr. HOLMAN: Remonstrance of Hobart Smith and 25 other citizens of Baltimore, Md., against the removal of the

Southern Utes to the Territory of Utah—to the Committee on Indian Affairs.

Also, resolution of the Central Labor Union, in favor of the ownership of the telegraph lines by the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. HUDSON: Petition and affidavit of Capt. Peter Heckert, Company B, Second Iowa Infantry, for special pension—to the Committee on Invalid Pensions.

By Mr. McDANNOLD: Petition of J. W. Roberts and 85 other citizens of Jerseyville, Ill., and of E. R. Burnham and 38 other citizens of Barry, Ill., asking for the passage of the Mandersonr Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McMILLIN: Petition of W. F. Cowan, praying that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STONE of Kentucky (by request): Petition of Susan M. Boswell, of Leesburg, Harrison County, Ky., for relief—to the Committee on Pensions.

By Mr. TALBOTT of Maryland: Petition of Thomas Kelbaugh and 30 others, citizens of Maryland, praying the passage of House bill 5246—to the Committee on Immigration and Naturalization.

By Mr. UPDEGRAFF: Petition of S. S. Troy and 125 other citizens of Nashua, Iowa, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER: Remonstrance of the printers and envelope manufacturers of the city of Worcester, Mass., against the habit of furnishing printed and stamped envelopes to the public without extra charge for the printing—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *April 6, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, and was interrupted by

Mr. CHANDLER. Mr. President, I notice that there is not a quorum in the Chamber listening to the reading of the Journal.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Berry,	Dubois,	Irby,	Peffer,
Blackburn,	Gallinger,	Jones, Ark.	Perkins,
Butler,	George,	Lodge,	Pettigrew,
Call,	Gibson,	McPherson,	Platt,
Carey,	Gorman,	Manderson,	Proctor,
Chandler,	Hale,	Martin,	Quay,
Cockrell,	Hansbrough,	Morrill,	Teller,
Coke,	Harris,	Murphy,	Vest,
Cullom,	Hoar,	Palmer,	Voorhees,
Davis,	Hunton,	Pasco,	Washburn.

The VICE-PRESIDENT. Forty senators have answered to their names. There is not a quorum present. What is the pleasure of the Senate?

Mr. MANDERSON. I move that the Sergeant-at-Arms of the Senate be instructed to request the attendance of absent Senators.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

Mr. FRYE, Mr. SHERMAN, Mr. DOLPH, and Mr. MORGAN entered the Chamber and answered to their names.

The VICE-PRESIDENT (at 12 o'clock and 12 minutes p. m.). Forty-four Senators have answered to their names. A quorum is present.

Mr. MANDERSON. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The Secretary resumed and concluded the reading of the Journal of yesterday's proceedings.

The VICE-PRESIDENT. Without objection, the Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the concurrent resolution of the Senate to print and bind 10,000 copies of the proceedings of the Pan-American Medical Congress held in Washington City in September, 1893.

LIQUOR LICENSES IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the excise board for the District of Columbia, transmitting, in compliance with section 2 of the act of Congress approved March 3, 1893, entitled, "An act regulating the sale of intoxicating liquors in the District of Columbia," the report of the operations of the board from the date of the passage of that act; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present the memorial of Otis E. Weld & Co. and 31 other wholesale liquor merchants and importers of Boston, Mass., in which the memorialists state that the ultimate result of the provisions of the internal-revenue tax on distilled spirits as now arranged in the Wilson tariff bill will be, in their opinion, a reduction of revenue to the Government and a gradual absorbing of their business by distillers, and, in fact, virtually the creation of another trust. They therefore remonstrate against the bill and against those clauses in the bill which relate to the direct tax on liquors. I move that the memorial lie on the table.

The motion was agreed to.

Mr. LODGE presented the petition of Hiram J. Townsend and 24 other citizens of Massachusetts, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of sundry citizens of Manito, Ill., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES. I present a large number of petitions from the Saving and Loan Association League of Indiana, praying that such associations be exempt from the operation of the income-tax provision of the tariff bill. I wish to state that the prayer of the petition has been complied with by the Committee on Finance in making their report to this body. I ask that the petitions may lie on the table.

Mr. HOAR. Do I understand that such exemption is contained in the bill as it now stands reported?

Mr. VOORHEES. It is in the bill as reported, and the bill was made so largely by the Senator from Ohio [Mr. SHERMAN] sitting on the right hand of the Senator from Massachusetts, and myself. The Senator from Ohio can bear witness about the exemption of loan and building associations. I wish all such petitioners to understand that their prayer for the exemption of loan and building associations from the income tax has been granted by the Committee on Finance.

Mr. HOAR. There are a good many of such institutions in my neighborhood which are not included in the phraseology of the bill.

Mr. VOORHEES. If a copy of the bill is handed me, I think I can point out to the Senator from Massachusetts the provision exempting such associations.

Mr. ALDRICH. I was not listening to the Senator from Indiana. I desire to know what the paper purports to be.

Mr. COCKRELL. I wish to present some petitions.

The VICE-PRESIDENT. The petitions presented by the Senator from Indiana will lie on the table.

Mr. VOORHEES. I do not want to take up the time now.

Mr. COCKRELL presented petitions of sundry millers, merchants, and manufacturers of St. Louis, Mo., and a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., praying that section 104, which proposes to abrogate certain reciprocity treaties with the Latin-American States, be stricken from the pending tariff bill; which were ordered to lie on the table.

Mr. GALLINGER presented the memorial of D. M. Hildreth and 9 other citizens of the District of Columbia, remonstrating against granting to the Metropolitan Railroad Company the right to extend its tracks around Lincoln Square, in the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

Mr. VEST presented a petition of sundry millers and merchants of St. Louis, Mo., praying for the retention of what are known as the reciprocity provisions of the McKinley law; which was ordered to lie on the table.

Mr. HOAR presented a memorial of the Worcester Typothetæ, of Worcester, Mass., remonstrating against a renewal of the contract of the Post-Office Department whereby stamped envelopes are furnished to consumers without extra charge for printed addresses thereon; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Red Rock Council, No. 229, of Lynn, Mass., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Forestry Association, praying for the passage of House bill No. 119, to protect public forest reservations; which was referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented a petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of Lodge No. 105, International Association of Machinists, of Toledo, Ohio, remonstrating against a reduction of the internal-revenue tax on cigars; which was ordered to lie on the table.

He also presented a petition of Mount Nebo Grange, No. 664, of Columbiana County, Ohio, praying for the retention of the duty on wool; which was ordered to lie on the table.

Mr. HARRIS presented the petition of J. J. R. Walker, jr., and sundry other citizens of Wartrace, Tenn., and the petition of T. J. Moore and sundry other citizens of Sharon, Tenn., praying that national and local building and loan associations be exempted from the income-tax provision of the Wilson tariff bill; which were ordered to lie on the table.

He also presented a memorial of the faculty of Cumberland University, Lebanon, Tenn., remonstrating against the passage of the bill to abolish the Coast and Geodetic Survey and to transfer its work to the Navy and Geological Survey; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (H. Res. 5) authorizing the Secretary of the Treasury to transfer a certain piece of land in the State of Michigan to the city of Saginaw, reported it without amendment.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1233) for the relief of Henry Lane, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 925) granting an honorable discharge to John Russell, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1513) for the relief of Maj. Gen. George S. Greene, reported it without amendment, and submitted a report thereon.

CUSTOM-HOUSE BUILDING AT ERIE, PA.

Mr. QUAY. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1757) to provide for the sale of the old custom-house building in the city of Erie, Pa., to report it without amendment. It is a bill but ten lines in length, is recommended by the Treasury Department, and I ask for its present consideration.

The Secretary read the bill, and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole. It directs the Secretary of the Treasury to sell on the most advantageous terms, either at private or public sale, with or without public advertisements in the local newspapers for proposals, the old United States custom-house building and property of the United States connected therewith and appertaining thereto, in the city of Erie and the State of Pennsylvania, and to give a quitclaim deed to the purchaser thereof, and to deposit the proceeds of the sale to the credit of the Treasurer of the United States as "miscellaneous receipts derived from the sale of Government property."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERSONAL EXPLANATION.

Mr. GEORGE. Mr. President, I ask the indulgence of the Senate for a few moments on a question of personal privilege.

Upon reading the RECORD this morning I find some errors in the remarks I submitted yesterday which are of a very material character in my opinion. I do not often care to make corrections of mistakes which I find in my remarks, but in this instance I am made in at least a dozen instances or more to use contrary to my universal practice the words "United States" in the singular number. I understand from the Reporter that the cause of these violations of what I regard as the proper nomenclature of the Constitution to have occurred in this way: That inadvertently when I first used the words "United States" I used them in the singular number, and he afterwards made all that I said upon that subject conform to that expression.

To show that the error is material, and very material, I desire to read to the Senate from the opinion of one of the eminent justices of the United States Supreme Court. He took occasion in a very recent case to animadvert upon the improper and unconstitutional practice of using the phrase or the words "United States" in the singular number. In the case of Stanley and others *vs.* Schwalby and others, decided at the October term, 1892, Mr. Justice Field used this language:

> The defendant, Davis S. Stanley, and his codefendants were officers of the Army of the United States, and as such were in possession of and held the land, and, answering for himself and them, he says that as individuals they do not claim, and have no title to, the land in controversy, but claim that they are lawfully in possession thereof as officers and agents of the United States, and that the United States "*holds in herself*" complete title to the property in controversy.

The learned justice proceeds:

> The designation thus given to the United States as "*herself*" in a pleading drawn by one of their attorneys is open to criticism, as, in the Constitution, both before and since the civil war, the United States have always been designated in the plural—

In the Constitution—

> thus, Article III, section 3, declares that "treason against the United States shall consist only in levying war against *them*, or in adhering to *their* enemies, giving them aid and comfort—

The learned justice proceeds to show, as I will read in a moment, that this nomenclature of the Constitution has been continued in the amendments adopted since the war. He says:

> And Article XIII, adopted since the civil war, declares that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States or any place subject to *their* jurisdiction.

I desire to say in reference to these quotations that in every single instance in which the United States are referred to in the Constitution, where it became necessary to designate the number as singular or plural, the plural number is always used. In addition to what Mr. Justice Field says, in Article II of the Constitution it is said:

> The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Not any of it. Then, in the article on the judiciary, Article III, we have this language:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

So that for myself I desire to disclaim any intention or any power even to use the words "United States" in a sense different from that in which they are used in the Constitution. In every instance, as I have before remarked, in which the United States are used in the Constitution they are used in the plural and never in the singular.

Up to within a very recent period the nomenclature of the Constitution has been universally followed by our public men. I know of no state paper, though there may have been, prior to the message of President Cleveland upon the subject of Hawaii, which departs from the language of the Constitution on that subject. Mr. Calhoun universally used United States in the plural and so did his great antagonist Mr. Webster. In the Hawaiian message (if I am right in supposing that to be the first one) I find for the first time a departure in a grave state paper from the language of the Constitution, and I regret to say that in a paper so able and so clear, both in the statement of facts and law, there exists the blemish of using the words "United States" in the singular number.

I now ask to have the correction made in the RECORD.

Mr. PLATT. Mr. President, I do not know how much significance may attach to the grammatical question as to how the United States of America should be spoken of, whether in the plural or singular in addressing the Senate; but I do not wish to let this occasion pass without saying for myself that I consider this country to be one Government, one nation, one people.

The VICE-PRESIDENT. Without objection, the correction will be made in accordance with the request of the Senator from Mississippi.

Mr. HARRIS. Is the introduction of bills in order?

Mr. HOAR. Let the request be stated from the Chair, so that the Senate may understand it.

Mr. GEORGE. The request is to correct the RECORD.

The VICE-PRESIDENT. The Senator from Mississippi rose to a personal explanation, and requests that certain corrections in his remarks be made in the manner he has indicated.

Mr. HOAR. I should like to ask the Senator from Mississippi one question before that is granted, if there be no objection. I ask him whether in his judgment in *E pluribus unum*, "unum" is in the singular or plural number?

The VICE-PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. DOLPH. What is the request?

Mr. GEORGE. I want to answer the question of the Senator from Massachusetts. "Unum" is singular and "pluribus" is plural.

Mr. DOLPH. The request is to correct the RECORD, is it not?

The VICE-PRESIDENT. The request is to correct the remarks of the Senator from Mississippi in the RECORD.

Mr. DOLPH. No one objects, I think, to the correction of the grammar of the Senator.

The VICE-PRESIDENT. The Chair has submitted the request to the Senate.

Mr. CHANDLER. I ask that the remarks as corrected may be read to the Senate.

Mr. HARRIS. I hope the Senator from New Hampshire will not insist upon that, for it would involve the reading of the Senator's whole speech.

Mr. CHANDLER. In deference to my friend from Tennessee I withdraw the request.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the corrections will be made.

BILLS INTRODUCED.

Mr. HARRIS (by request) introduced a bill (S. 1866) for the relief of Isaac L. Musselman, of Tennessee; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PALMER introduced a bill (S. 1867) supplementary to an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 1868) to pension Catherine B. Marshall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN (by request) introduced a bill (S. 1869) for the relief of Edgar H. Bates; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 1870) for the relief of the heirs of Gallus Kirchner, deceased; which was read twice by its title, and, with accompanying paper, referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILL.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

THE SAMOAN ISLANDS.

Mr. GRAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interests, to inform the Senate as to the present condition of affairs in the Samoan Islands, and to communicate to the Senate copies of any correspondence with the Governments of Great Britain and Germany throwing light upon the same.

REPORT ON TEXTILE MANUFACTURES.

Mr. HAWLEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the special report of the Eleventh Census on the textile manufactures of the United States, 10,000 copies, of which 3,000 copies shall be for the use of the Senate and 7,000 copies for the use of the House of Representatives.

WOMAN SUFFRAGE COMMITTEE HEARING.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 5,000 copies of the arguments before the Committee on Woman Suffrage, February 21, 1894, and index, be printed for the use of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

J. FLOYD JOHNSTON.

Mr. PLATT. I move that the bill (S. 1420) for the relief of J. Floyd Johnston, administrator, which has been reported and is now upon the Calendar, be recommitted to the Committee on Claims.

The motion was agreed to.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. HILL. I move that when the Senate adjourn to-day it adjourn until Monday next.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New York.

Mr. HARRIS. Mr. President——

Mr. ALDRICH and Mr. HOAR. No debate.

Mr. HARRIS. Will the Senator withdraw the motion long enough for me to make a statement a minute and a quarter long?

Mr. ALDRICH. I have made no motion.

The VICE-PRESIDENT. The motion was made by the Senator from New York [Mr. HILL].

Mr. HILL. What is the request?

Mr. HARRIS. It is that the motion be withdrawn until I can make a very brief statement.

Mr. ALDRICH. I suggest to the Senator from Tennessee that probably his brief statement would lead to other brief statements upon the other side of the question.

Mr. HARRIS. Possibly it might; I can not tell.

Mr. ALDRICH. I think we had better have the vote.

Mr. HARRIS. I hope, in view of the present condition of the country and the pending measures here, the vote will be in the negative.

Mr. ALDRICH. I hope it will be in the affirmative.

Mr. CHANDLER. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. Debate is not in order. The question is on agreeing to the motion of the Senator from New York.

Mr. VEST and Mr. HARRIS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. GIBSON (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE], and therefore withhold my vote.

Mr. MCLAURIN (when his name was called). I am paired on this question with the Senator from Rhode Island [Mr. DIXON]. I should vote "nay" if he were present.

Mr. PALMER (when his name was called). I am paired on this question with the Senator from Ohio [Mr. BRICE]. If he were present, he would vote "yea" and I should vote "nay."

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. TELLER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. LINDSAY]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. HARRIS (after having voting in the negative). Has the Senator from Vermont [Mr. MORRILL] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. HARRIS. Being paired with that Senator, and not knowing how he would vote on this question, I must withdraw my vote.

Mr. COCKRELL (after having voted in the negative). I am paired with the senior Senator from Iowa [Mr. ALLISON], who is necessarily detained from the Senate. I have no doubt he would vote "yea." I have already voted "nay;" and I will pair the Senator from Iowa with the Senator from Georgia [Mr. GORDON].

Mr. DUBOIS. I will transfer my pair with the junior Senator from New Jersey [Mr. SMITH] to the Senator from Delaware [Mr. HIGGINS], and vote "yea."

The result was announced—yeas 25, nays 26; as follows:

YEAS—25.

Aldrich,	Gallinger,	Lodge,	Quay,
Carey,	Hale,	Manderson,	Sherman,
Chandler,	Hansbrough,	Mitchell, Oregon	Stewart,
Davis,	Hawley,	Murphy,	Washburn.
Dolph,	Hill,	Platt,	
Dubois,	Hoar,	Power,	
Frye,	Irby,	Proctor,	

NAYS—26.

Allen,	Coke,	Mills,	Roach,
Bate,	George,	Mitchell, Wis.	Turpie,
Berry,	Gorman,	Morgan,	Vest,
Blackburn,	Hunton,	Pasco,	Vilas,
Blanchard,	Jones, Ark.	Peffer,	Voorhees
Caffery,	Kyle,	Pugh,	
Cockrell,	Martin,	Ransom.	

NOT VOTING—33.

Allison,	Faulkner,	McMillan,	Stockbridge,
Brice,	Gibson,	McPherson,	Teller,
Butler,	Gordon,	Morrill,	Vance,
Call,	Gray,	Palmer,	White,
Camden,	Harris,	Perkins,	Wilson,
Cameron,	Higgins,	Pettigrew,	Wolcott.
Cullom,	Jones, Nev.	Shoup,	
Daniel,	Lindsay,	Smith,	
Dixon,	McLaurin,	Squire,	

So the motion was not agreed to.

CAPT. SCRIVEN'S REPORT ON THE NICARAGUAN CANAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a

resolution of the Senate of March 29, 1894, a report on the Nicaragua Canal in its military aspects, made by Capt. George P. Scriven, Signal Corps, to the Chief Signal Officer; which, with the accompanying papers was referred to the Committee on Foreign Relations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4765) to authorize the St. Louis River Bridge Company and the Duluth Transfer Railway Company to construct, maintain, and operate a bridge over the St. Louis River from a point at or near Grassy Point, in the village of West Duluth, Minn., to the most accessible point opposite, in the State of Wisconsin; and

A bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1836) to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals; and it was thereupon signed by the Vice-President.

COINAGE OF STANDARD MEXICAN DOLLARS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Colorado [Mr. WOLCOTT], coming over from a previous day; which will be read.

The Secretary read the resolution submitted by Mr. WOLCOTT on the 2d instant, as follows:

Resolved, That the President of the United States with a view to encourage and extend our commercial relations with China and other Asiatic countries, be requested to enter into negotiations with the Republic of Mexico, looking to the coinage by the United States, at its mints, of standard Mexican dollars, under some proper agreement with the said Republic of Mexico as to seigniorage, method and amount of said coinage; and that he be further requested to report the result of his negotiations to the Senate.

Mr. TELLER. Mr. President, my colleague [Mr. WOLCOTT] asked that the resolution which has just been read lie over until to-day with a view of submitting some remarks on it; but he has been unavoidably detained from the Senate, and I desire to speak very briefly upon it. After that, if no other Senator desires to speak upon the resolution, I ask that it may go over until Monday in order that my colleague may have an opportunity of submitting his remarks at that time.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it will be so ordered. The Chair recognizes the Senator from Colorado to speak at this time upon the resolution.

Mr. TELLER. Mr. President, since the passage of the act known as the silver-purchase repealing act of last October, silver in this country has disappeared as a money metal. It is a commodity, in the proper sense of that term, and the pending resolution recognizes it, so far as the United States is concerned as a commodity. The purpose of the resolution is to advance its price as a commodity, and not as a money metal.

I need not state that in this country very large interests have grown up in the production of silver, and that those interests have been very seriously injured by the recent legislation to which I have referred. The Government of the United States was a purchaser of 54,000,000 ounces of silver per annum. That was practically the product of this country. The market for that silver was destroyed by the act passed in October last. Since that time the producers of silver have been compelled to seek a market in other sections of the world. The Government by that repealing act declared that it would no longer attempt to maintain the price of silver.

Just before the passage of the repealing act India, the great consumer of American and other silver, closed its mints to that metal, and thus another great market for silver was destroyed. The nations of Europe have closed their mints to silver, and the only mints which are open to it to day are the mints of Mexico, China, and Japan. In every other part of the world silver is a commodity, and not a money metal. The demand, as we all know, for its consumption as a commodity is inconsequential. We are all aware that the great demand for silver in all time has been for money, and that the demand for its use in the arts and sciences is so inconsiderable that one of two things must happen either the silver-miner must cease to produce silver or he must sell it at a price so exceedingly low that he will be unable for any considerable length of time to produce it.

Mr. President, the product of silver in this country has been one of the great products which have enabled us for several years to maintain apparently a balance of trade in our favor. Every dollar of this despised white metal which has been produced at the market value has been as good as gold in export and has, in my judgment, very largely taken the place of gold. It can not therefore be denied by even those who are opposed to the use of silver as money that the people of the United States are as largely interested in the production of silver as they are in every other product which may swell our exports and enable us to properly settle our balances with foreign countries.

As I said, the demand for the use of silver in the arts is so small that it may be set aside and not considered. The demand in India has been shut off, first, by closing her mints, and secondly, as I understand, by an import duty upon silver which may be sent to that country. So we are left very largely to China and Japan and that section of Asia not included in India for our market for silver.

The proposition of my colleague in this resolution is that the Government of the United States shall do with the Mexican dollar what it attempted to do with the trade dollar, that it shall be coined for the purpose of commerce and not for the purpose of domestic circulation.

I suppose I need not say there could be no possible danger if our mints were opened to the coinage of the Mexican silver dollars, that they would enter into circulation in this country. Not being a legal tender they would have, of course, only the value of the bullion in the dollar. The only question is whether we can by this method make a market for our silver. If we can, nobody ought to object. It seems to me that the effort is worth making.

While I do not desire to detain the Senate more than a few moments on this subject, I wish to state why I believe we can make a market for our silver. Of course the Mexican mints are open to the coinage of our silver, but the delay and expense of sending silver to Mexico and returning it, and the delay that would be occasioned by its manufacture into dollars, are so great that I think it may be safely said that no portion of the American product—I mean the United States product when I say "the American product"—has gone to Mexico for coinage. So our silver has gone mainly to Europe. We have sent very little silver in bars to Asia.

It is almost impossible to find a market for bar silver in China. I shall not say the same of Japan, because there can be some market found for it in Japan, but only to a small amount probably. But in China bar silver is not favored. The Mexican silver dollar, with the cactus, eagle, and snake stamped upon it, is thoroughly understood all over that great kingdom, and it has been demonstrated that those people are conversant with its value—I am speaking now of its purity as silver—and they are ready to take the Mexican dollar when they decline to take silver in any other form because of their fear that it is not sufficiently fine.

We attempted, as is known, to make a dollar heavier even than the Mexican dollar, because we believed by making it a trifle heavier we could secure the Asiatic trade—that is, the trade of China and of the English Straits Settlements, Ceylon, and that section. We utterely failed. Those people would not take it. The French made a dollar which they undertook to circulate in Asia, and they failed.

Mr. MANDERSON. Will the Senator, if he has the figures at command, give us, not precisely but in general terms, the number of trade dollars issued and the number which were kept in Asia?

Mr. TELLER. I can not now give the figures.

Mr. SHERMAN. I can state approximately that the total coinage of trade dollars was about $35,000,000, of which $7,000,000 was subsequently redeemed by the United States; so that about $28,000,000 was absorbed in the China or foreign trade.

Mr. TELLER. I think that statement is substantially correct. We were several years in disposing of that amount of silver, and that amount of silver was undoubtedly taken in China and melted up, because it did not enter into circulation. I will say that the Japanese also had a trade dollar of the exact weight of the Mexican dollar, and the Chinese declined to take that dollar.

Thus the Government of the United States, the French Government, and the Japanese Government all tried to force their dollars on the Chinese without success. A few years since the Government of Mexico changed the device upon its dollar and sent this dollar, which was of exactly the same purity and fineness as the old Mexican dollar, to China, but they found that the Chinese declined to take that dollar. Consequently they returned to the old-fashioned Mexican dollar, with the cactus, eagle, and snake.

So I think it may be assumed, without any further discussion or argument, that the Chinese will not take any other coin or any silver in any other form so readily as they will take the

Mexican dollar. Then, it becomes a question whether, having put our silver in that form, we can not obtain a new market for it. Of course we can only do that by the consent of Mexico, and, I think, by practically allowing Mexico something for the privilege of so doing, and I shall state the reason for that presently.

It is suggested that while we sent 28,000,000 silver dollars to China, those silver dollars never entered into Chinese circulation, but were simply treated as so much bullion. They were a little heavier than the Mexican dollars, and quite as fine.

Mr. SHERMAN. They were stamped by the Chinese with a "yen," and then I think they became Chinese coins and circulated as such.

Mr. TELLER. It is certain that such efforts were never successful. A number of years elapsed before we repealed the act for the coinage of the trade dollar, and yet we only succeeded in getting into China the small amount I have mentioned, while undoubtedly China takes in some years from Mexico from eighteen or twenty to twenty-five million silver dollars. I can not say exactly how much China takes of the whole issue, of which I shall speak in a moment, but China takes a large proportion of it, and the balance is taken in that immediate section of the world.

When the Mexican dollar went to China some years since it was stamped by the merchant who first took it and then passed on to another merchant who stamped it, and so on, till it became so marked that it was almost impossible to tell what it was; but I am informed by those who are familiar with that country that that system has largely ceased, and that the Mexican silver dollar now circulates there as money the same as it does in Mexico and other sections of the world, and as silver dollars do here.

The question is whether China will take the silver if we put it into Mexican dollars. Last year the Mexican Government coined 26,000,000 of these dollars. Of that sum it is estimated that $25,000,000 were exported. Between six and seven millions of that amount of money went by the way of the Suez Canal to China and the Strait Settlements, and about eight and a half millions went by the way of San Francisco, making a little over $15,000,000 which we can trace directly into China. The balance went perhaps largely into the hands of returning Chinamen and was used in various ways which are not so easily accounted for. It is, however, pretty certain that of the $26,000,000 coined in Mexico, $25,000,000 found their way into Asia.

Is that the full demand of China and of that section of the world for silver? If so, it would seem that it would not be worth while to coin these dollars. That, however, is not the fact, and that is not the demand. For a number of years China took at about the rate of $15,000,000 worth of silver a year, largely in bullion. Then the import of bullion into China fell off very largely, and for a number of years there has been very little silver imported into China, except in the shape of the silver dollar.

It is claimed by those who are familiar with this subject that China has exported to other portions of Asia within the last ten years more silver than she has taken; in other words, that China has been losing silver for a number of years, and that there is no considerable amount of silver now in circulation in China, but that that dearth or lack of silver can now be made up if it is put in the form the Chinese prefer to have it.

Mr. President, I desire to call the attention of the Senate for a few moments to the fact that China is still on a silver basis; that is to say, neither gold nor silver in China is legal-tender money; that it is a mere matter of choice which may be offered and taken. A man may take gold or he may take silver, but silver is the circulating medium and the transactions of China are almost exclusively in silver. Gold, of course, is treated as a commodity. Silver has lost none of its purchasing power in that country.

At the last session of Congress I took pains to have inserted in the RECORD—and I shall not detain the Senate by repeating them now—some tables carefully prepared in China, showing a large number of articles, the prices of which had somewhat fallen and not risen, that is, that the purchasing power of silver in China was in 1893 more than it was in 1873, and the same is the case to-day.

I have before me a copy of a report to the English foreign office, made by Acting Consul-General Jamieson to the Earl of Rosebery, dated August 5, 1893, from which I shall take occasion to read a few brief extracts to show that the statement I have made is correct—that the purchasing power of silver has not fallen in China. That being so, the price of silver remaining stationary and the prices of Chinese goods being what they were twenty years ago, while prices in other portions of the world have fallen, everyone may see at once that is a great stimulus to export, because while in England the prices of China teas have fallen materially, the prices, measured by silver, have not fallen at all in China on account of the depreciation of silver.

There has been a fall in Chinese teas because of the great popularity of and the increased demand for Indian teas and the decreased demand for Chinese teas, but no fall whatever to be attributed to the depreciation of silver. That may be said of all other products. Consequently they are sent abroad and sold at the gold price, and silver is returned at the Eastern or gold price and used in China at the old original price, thus acting as a bounty upon exports. That was also true of India up to the time that the English gave fictitious value to the rupee.

The foreign trade of China for a people so numerous is rather small, it being only £52,000,000 for the last year; but it is very much more than it was thirty years ago; it is much more than it was ten years ago; it is continually growing, and is bound to grow and increase; and, in my judgment, the more silver that can be sent there in a form that will be acceptable to those people, the greater will be the increase of their foreign trade.

There are in the report which I hold in my hand, and from which I propose to read some extracts, a number of tables, which I do not care to insert in the RECORD, because they support the view I advanced on a former occasion, and the tables I had then inserted are very much more complete than those I have here.

I desire to read a few extracts from the report of Acting Consul General Jamieson:

An examination of those tables will, I think, establish the following conclusions:

I ask the Senate to follow me while I read these extracts, because they refer to a matter of great interest touching the monetary situation not only of China, but of our own country:

1. As regards articles which are both produced and consumed in China, silver prices have on the whole tended to decline. There is a moderate rise in a few articles, principally food stuffs, but all over there is a decline of about 9 per cent.

In other words, the purchasing power of silver is 9 per cent more in China now than it was 20 years ago.

2. As regards articles of native origin exported to foreign countries the silver price has not advanced with the fall in exchange. Prices, on the whole, are almost exactly on the level of the years 1870 to 1874.

3. As regards articles of foreign manufacture or production imported for sale in China the average price in silver has declined very considerably.

That statement is so different from what is the understanding of the average man who discusses this question that I shall venture to read it again:

3. As regards articles of foreign manufacture or production imported for sale in China the average price in silver has declined very considerably.

Although they must pay in gold, prices have not advanced in China.

Chinese can now obtain their supplies at a less cost even in silver than they could twenty years ago by some 25 per cent.

Mr. GRAY. That refers to foreign supplies?

Mr. TELLER. Foreign supplies.

In other words, the purchasing power of silver has not declined in respect to any of the classes of commodities, and has even considerably increased in respect of the first and last classes.

The first class are commodities which are made and consumed in China, and the last class those brought from foreign countries.

The purchasing power of gold, on the other hand—that is, its local market value—has steadily advanced with every successive fall in the rates of exchange on London, till now 4s. will purchase what formerly required 6s. 6d., or £60 will now do what used to require £100. This is best illustrated by putting the gold and silver prices side by side as follows:

The several quantities of commodities enumerated in the tables could have been bought as below.

Then follow some tables. After giving the tables, Acting Consul-General Jamieson says—and here is a proposition which I think will not be denied:

The only way, it would seem, in which foreign trade or the fluctuations of foreign exchanges can affect internal prices, *i. e.*, prices of articles which are not in demand for foreign trade, is by drawing away or bringing in one or other of the precious metals. If the result of foreign trade is to cause a flow of silver into or out of the country the value or the purchasing power of silver will tend to fall or rise as the case may be, and so with gold; but, as we have seen, there has been no great addition to the stock of silver in China during the period under review—

That is nine years—

and consequently we ought not to expect a general rise in prices. The fluctuations which we find in the prices of commodities in Table A can, indeed, be shown to coincide closely with the greater or less supply of silver. From 1870 to 1880 there was a continuous favorable balance of trade, indicating a flow of silver into China.

Accordingly we find there is during this period a tendency of prices to advance. From 1880 onwards there has been no silver coming to China, and as without this extraneous supply the stock in the country is insufficient to meet the growing wants of commerce, the price of commodities tends to fall.

Skipping some portions of the report which are interesting, but which I shall not detain the Senate by reading, it continues:

The experience of the last twenty years shows that with every fall in the gold price of silver there has invariably been a simultaneous lowering in the gold price of commodities in Europe. This has variously been ascribed to the scarcity of gold or to the greater strain thrown upon existing stocks by its extended use, or to a reduction in the cost of production, but may it not be ascribed principally or entirely to the competition of the produce of silver-using countries? If it is a fact that there has been no general rise in

the silver price of produce in India or China and other silver-using countries, or a less rise than the fall in silver should produce, then the gold price of such produce when imported into Europe must necessarily have fallen with the fall in exchange.

From this point of view it is really silver that rules the world; it is the purchasing power of the cheaper metal that determines the price all over. Just as in a bimetallic country the cheaper metal will drive out the dearer towards her monometallic neighbors, so, as between countries of different standards, will the prices prevailing in the country of the cheaper metal drag down prices all over to their own level. And reasoning forward from the experience of the past it would not, perhaps, be too rash to conclude that prices of commodities in Europe, so far as these can be drawn in any fair quantity from silver-using countries, must continue to decline with every further fall in silver.

In regard to the third matter of inquiry which I propose to discuss, viz, how far the fall in silver has stimulated exports from China, an answer has in effect been supplied by the foregoing remarks. There has been a stimulus, but not such a stimulus as might have been expected. The stimulus has been a readiness on the part of foreign merchants to buy native produce of all sorts at current quotations, but not the stimulus which comes from offering higher prices.

Mr. Jamieson then goes on to argue the question whether there will be an increase of Indian exports, and how much the country will take of silver, etc. Of course, if the export is increased it will make a market for silver. Summing up, he says:

Viewing the situation from the Chinaman's point of view, he finds that his tael or ounce of silver is just as valuable to him as it ever was. He can buy the same amount of all the ordinary necessaries of life for the same money as formerly, and of foreign articles he can buy a great deal more. If he has things to sell to the foreigner, he can usually get rather a better price than he used to get, and he finds the foreigner mostly ready to buy, always excepting tea.

He has spoken in another place of the fall in the price of tea.

His wages, rent, and taxes have remained unaltered, as has also the price of land. He can get the same interest on his spare capital if he has any.

The only thing greatly changed is the price which foreigners are willing to pay for gold, and their strong desire to get it. Formerly the price of gold was 15 ounces to 16 ounces weight of silver for 1 of gold, and there was not much demand for it. Now there is a universal desire to get it and send it out of the country at prices which have gradually risen from 16 taels to 18 taels, 20 taels, 24 taels, and even 30 taels for 1 tael's weight of gold.

Reverting to the questions which I proposed to myself at the outset of this paper, the conclusions may be thus summarized:

1. China has not been within the memory of the present generation a great absorber of silver. From 1870 to 1880 she did take off about £3,000,000 per annum, but since 1880 this process has ceased, and there has even been of late years a slight export.

2. (a) The fall in the gold price of silver appears to have produced no effect on the general level of prices of articles produced and consumed in China.

(b) As regards articles produced in China and commonly exported to gold-using countries, there is a slight tendency to a general rise. This will probably be enhanced in the near future.

3. The fall in the price of silver has stimulated exports by making it possible for foreign merchants to purchase and export at a profit a large variety of miscellaneous articles which formerly would have yielded no return at all. The value of such miscellaneous articles has quadrupled within the last ten years. Tea has declined very largely both in volume and price, but for this there are no special reasons.

That is all I care to read on that subject. If I felt disposed, and had the time, I think it would be a very interesting question to look a little further into the reason why silver-using countries have maintained a stability of value of their products, while in gold-using countries the value of products has fluctuated immeasurably.

Mr. GRAY. Before the Senator from Colorado closes, I should like to have him explain why it is that if the purchasing power of silver in China has not fallen, as it is generally supposed that it had fallen—I understand from the statement just read in regard to articles of merely domestic consumption the purchasing power of silver had remained nearly the same——

Mr. TELLER. Practically the same.

Mr. GRAY. There being a difference of about 9 per cent, and in regard to even foreign articles of consumption it is only about 26 per cent below the purchasing power in 1870. That the consul attributes in some degree to the fact (as I understood the Senator to read) that silver had not been imported into China in any very large quantities during a recent period; that China had not been the great absorber of silver that it had been in her past. How does the Senator explain the fact that that state of things has not attracted silver into that Empire, and that it has not been profitable and gainful for the traders of the world to take the silver there and buy cheaply in places where commodities can be bought cheaply and turn it into commodities which they may use for international trade? I ask for information. That point rather puzzles me in the exceedingly interesting statement of the consul.

Mr. TELLER. That point would require considerable attention and some discussion. I will tell the Senator briefly why I think that is the case. In the first place, China has been practically for many years, until very recently, an exporter and importer in about equal quantities. We were formerly purchasers of tea from China to a great extent, and had not Ceylon and that section of the world in India gone to raising a valuable and rather a superior tea, I suppose China would have been filled up with silver to a much larger extent than has been the case. But the taste in tea, or the fashion in tea, if I may use the term, has been the other way. So, one of the great exports of China, which would have been stimulated by this condition, fell off for lack of demand, because the goods were not as acceptable to the world as the goods of another section of country. That is one thing that has probably caused it.

Another, I suppose, has been because whatever the merchant bought in China he had to sell in a foreign country on a gold basis. While he might dispose of his silver in China at a profitable venture, and while the price of commodities in China remained as they did for twenty years, stationary, when he reached Europe with his goods he found that he had to sell them on a gold basis, and that sale had no reference whatever to what he had paid for them in China. So the difficulty has been that the profit was not as great to him as it would be to a Chinese merchant who sent the goods out, because the latter must receive his profits at home. The Chinese merchant who sent out his goods would realize a profit that the European merchant would not. The Senator can readily see that that would be the case, because the Chinaman took his silver and converted it into money or into bars and treated it as money at the old price, while if the other man got silver he had to convert it into gold.

Mr. GRAY. Then, if the Senator will pardon me for a moment, the obvious situation would still remain with the condition described in the exceedingly interesting statement of the consul, that a person who wishes to buy silver in London for gold can take the silver to China and purchase with it a quantity of goods that are valuable commodities——

Mr. TELLER. Tea and silk.

Mr. GRAY. Articles that are valuable, and he would get nearly as many as he could purchase with gold. Then he can take the goods into the countries wanting those articles and get a gold price nearly equal to the silver price. Is not that the situation?

Mr. TELLER. No; that is where the Senator from Delaware is in error. The English merchant, we will say, goes to China with a quantity of silver. It may be Mexican dollars for which he has paid 48 cents. He buys silk. His dollar is a dollar when he gets there. He has 52 cents on every dollar in advance. But he finds that he can realize no more on what he has purchased with his dollar in China than he could with his 48 cents in gold in Europe. There is the trouble.

Mr. GRAY. That is not the statement in the consul's report.

Mr. TELLER. Oh, yes; it is. That is the result. When the merchant buys his goods in China and pays for them in dollars he takes them into Europe and turns them in, not at the price he bought them, but whatever the price may be measured in gold. Instead of getting what he paid for them, he sells them very much below, because he sells them upon the gold price. Let me illustrate that by supposing he took a bushel of wheat.

Mr. GRAY. If the Senator will allow me one moment, I shall not interrupt him further. I understand the statement to be that the purchasing power of silver in China is much greater than it is generally supposed to be; that in twenty or twenty-five years it was only 9 per cent less than it had been. So the purchasing power being greater than it is here or in England, why would it not always be a profitable transaction to buy the silver and go to China and buy the commodities with it?

Mr. TELLER. That would be the case if you could sell the commodities in silver, but you have to sell them at gold prices, because silver has ceased to be a money, although you can take silver and treat it as gold.

Mr. GRAY. What is the name of the consul who made the report the Senator has referred to? I have forgotten it.

Mr. TELLER. Mr. Jamieson. He says here:

As regards articles which are both produced and consumed in China, silver prices have on the whole tended to decline. There is a moderate rise in a few articles, principally food stuffs, but all over there is a decline of about 9 per cent.

That is, the purchasing power of silver is 9 per cent higher on those articles than it was twenty years ago, and on foreign articles it is 26 per cent higher—not lower, as the Senator from Delaware says.

I dislike to start in upon a proposition that involves so much, and that is not a part of what I intended to say; but in discussing this question a great many people say to me, "How can it be possible that silver purchases just as much in Mexico as it ever did," as is the case; "that silver purchases just as much in China as it ever did," as is the case, as the Senator will see, and it purchases a little more. It arises probably from the fact that China has had a dearth of silver, and a scarcity of money of course always means a decreased price of commodities and an increased purchasing power of silver, the same as gold would have an increased purchasing power. Now, we will take, for instance, the trade of the world, which after all is barter. I go to China and buy a shipload of goods and take them to England and sell them. Then I take on board another cargo of goods and take them back to China and sell them. There is an exchange of the commodities of one country for the commodities

of another. That is done almost invariably. The balances, as we all know, are very rarely settled in gold or in money. It is only where there is a great balance of trade, where one country has something that some other country must have that it pays in money, like England takes our wheat and our cotton, because she can not get them anywhere else, and so settles the balance practically in money. But that is not the general business of the world. It is an exchange of commodities. The commodities in China sell for just what they have been selling for. The ship is loaded at the old silver prices. The owner of the cargo goes to Europe and sells the merchandise at the gold price, and apparently he has made a great loss.

I will illustrate it by supposing he goes to India and buys a shipload of wheat. He buys wheat there at $1.10, say, no matter what the price is. He gets to England and it is worth 60 cents. But he has paid for it in silver. He sells it for 60 cents, and if he buys silver and carries it back and coins it there it is apparently a profitable transaction. But if, on the contrary, he buys goods that are demanded in India, he buys them at the gold price and consequently while he has paid for his goods in India or China at the old price, yet he gets as many goods in exchange when he gets to Europe as he did twenty years ago. Consequently when the goods are transported to India and China the merchant can sell them for the same he could when he made the exchange twenty years ago.

That is rather foreign to what I intended to say this morning. As I am going to leave the city to-day I did not intend to open up the question. At some other time I shall be very glad to deal with the question, because it seems to me that it is pretty important. The only thing I wanted to say this morning (and I did not mean to be diverted into saying half I have said) is that there is a probability that we may not have a currency transaction with China, but a commercial transaction by means of these dollars. If so, and if we can get the permission of the Mexican Government to coin them, I should think it would be profitable for us to encourage trade in that way. We paid last year to China seventeen or eighteen million dollars more than she bought from us. We paid it in gold by the way of Great Britain. Now, if we can pay that indebtedness hereafter in silver we shall be so much the better off.

If there is not a balance of trade in our favor we can send as many more silver dollars as will offset the indebtedness we have incurred by purchasing from them. We can purchase gold bills from London, and we can turn our silver into account in that way. It seems to me the question is large enough to attract the attention of the Senate, and I believe on a proper showing to the Mexican Government they will allow us, upon proper terms and proper restrictions (and, of course, we would not think of doing it in any other way), to coin American silver into Mexican dollars and send them to China or wherever we can find a market.

I will state also that it is very possible that we may find a market for these Mexican silver dollars in India. The Indian government has put an import duty on silver. These dollars will not go to India as bullion, but as money, and they can take them in that way, and I think they will be more popular in India than silver would be in the form of bullion, because they can use them in trade with China, and the silversmith of that country, who is generally a comparatively poor man, and can not buy a large amount of silver, and who does not want to buy big bars, can buy a few of these dollars to make spangles and bangles and ornaments of silver. He would not have to purchase a large amount of money. He could get what he wanted, and it would be in a convenient form. It is barely possible that a good market might be found for our silver in that way also.

Mr. GRAY. How does this proposition differ from the old trade dollar?

Mr. TELLER. It differs in this respect: The old trade dollar was a 420 grain dollar, and this dollar will contain 416 grains.

Mr. GRAY. But the object is the same?

Mr. TELLER. The object is the same. The only difference is that this is the popularized dollar of China, the Strait Settlements and all that part of Asia, up and down, and no other dollar has ever been popular; and, in my judgment, it would take a generation or two to make a dollar that would be popular. The question is whether we shall avail ourselves of the prejudice in favor of this dollar to secure the opportunity to coin our silver into such dollars and send them to that country.

Mr. LODGE. Mr. President, I understand this resolution to be a proposition to put our silver in the most available form for export to China. I do not understand it has any bearing on the currency question at all. In fact, it can not have any bearing on that question, for the Mexican dollar will of course pass here simply at its bullion weight. But the Mexican dollar, as the Senator from Colorado [Mr TELLER] has pointed out, is the recognized dollar of China. The Chinese are a conservative people. Dollars in other forms have not been acceptable there, and the Mexican dollar is.

The Mexican dollar at this moment, I understand, sells for a small premium in London for the purposes of the China trade. The demand is greater than the supply. Now, if we can make an arrangement by which we can put our silver into the form acceptable in China, we facilitate its export. We also enable ourselves, it seems to me, to make our payments directly through San Francisco in our own commodity, put into this most desirable form, for the teas or the silks or whatever else it may be that we import from China.

As it now is, we pay for our China teas very largely by way of London; that is, by the purchase of bills upon London. If we can put our silver into these dollars in this convenient form, dollars on which there is to-day a premium, it seems to me on the chances, indeed on all reasonable expectation, we shall open a method by which we can send our silver directly from San Francisco into China to pay for our imports from that country. At all events the experiment is well worth trying. It can do no possible harm, and it may add largely to the market for our silver product.

But it seems to me there is another side to this matter which also makes this experiment worth a trial. If we can pay China direct from San Francisco it will throw into our hands a certain amount of trade that now passes by way of London, leaving there a profit. This seems to me an important consideration.

However we may differ as to what is our best domestic policy in regard to silver, there is one thing I think all are agreed on, whether they favor immediate free coinage or the effort to restore silver by means of an international agreement, and that is that it is England which is to-day the great enemy of any effort for the restoration of silver to the world's currency. I do not mean the whole of England, but the bankers and the mighty moneyed interests of London. They are the people who to-day stand across the path of any intelligent movement for the restoration of silver. The people of England are divided among themselves. There is a great cry to-day from all engaged in the Eastern trade, from all the manufacturers of Lancashire, that something should be done for silver.

England is held in her present position by the banking and moneyed interests of London, speaking in a broad and general way. She is in great difficulty with her Indian exchanges; she is in great difficulty with her manufactures. She needs relief. No one who has followed the English newspapers or the discussion of the Indian currency question can fail to see that the movement in favor of silver is growing in England all the time. But England is governed in her attitude towards silver solely by her own interests. She is not engaged in maintaining the gold monometallic standard because she is in love with what some persons declare to be an economic truth. She is engaged in maintaining it because her bankers and her capitalists believe it pays. The rest of the world stands either ready or anxious to do something for silver, and the gold monometallic policy of Great Britain now in force among all great civilived nations is, I believe, the great enemy of good business throughout the world at this moment.

Therefore it seems to me if there is any way in which we can strike England's trade or strike her moneyed interest it is our clear policy to do it in the interest of silver. Nothing, in my judgment, as the Senator from Iowa [Mr. ALLISON] pointed out the other day, can help England so much in her present difficulties as to open the markets of this country to her under the proposed tariff bill. But, I suppose the evidences of popular delight with that bill are so great that we can not hope for any relaxation in the effort of the Democratic party to press it to a conclusion. Nevertheless, wholly apart from the question of free trade or protection involved in the Wilson bill, or from the merits of the bill, it seems to me it is to the American interest, if we can reach English business or English interests in any point, to strike at that point.

I think the experiment contemplated in this resolution is worth trying. I think we may injure her in that way. But I would go very much further than that. I would strike her on those points where she would feel it most, on her colonial trade. In the interest of silver (I am not speaking now with the slightest reference to protection or free trade) I would strike her with prohibitive duties, if necessary, on her Cape diamonds. I would strike her in the same way on her Assam and Ceylon teas. I would put discriminating duties on her Australian wool. We want, if we can, to force England to take the view of the silver question which we believe is not only for our interest, but for the interest of trade, of good prices, of better wages all over the world.

There is only one way to deal with England on this question, and that is to make her feel it in her pocket. If, on the other hand, we help her by opening to her wider markets, we shall

simply confirm her in her present attitude in favor of gold monometalism and against all efforts to widen the use of silver among the nations of the world. She has closed the mints of India. I do not know whether it is by her influence that the mints of Persia have been closed, but as it is we can see in her own Indian exchanges, in her failure to sell the council bills, the effect of her policy. We can see in the failure of Guatemala to pay her bonds, in the threatened failure of Mexico to meet her interest, what is coming from gold monometallism carried to the extreme to which it is now being carried. It seems to me that if any opportunity offers for us in any direction to attack England, which is the only way we have ever found it possible in the past to come to any agreement with her, either by discriminating duties or by an effort like this to open a wider market to silver, it is clearly in the best interests of the United States to do it.

Mr. DUBOIS. Mr. President, I shall not pretend to make any extended remarks. As I am going away from the city and will probably not be here on Monday, I desire simply to record my wish that the resolution may pass. I think it is of much more advantage in every direction than the seigniorage bill or any legislation of that kind.

So far as I am concerned, I hope that no legislation like the seigniorage bill will be brought before the Senate or the House again. I think the silver advocates should stand squarely for free coinage and accept no intermediate legislation.

I have not much faith in England agreeing to an international arrangement. We are, I think, unfortunately placed in this country. Almost all of the Republican party, at least the leaders of that party, and a great many Democrats of standing and influence, agree with England in her financial policy, while the whole Democratic party agrees with her in regard to her trade propositions. On the one hand, England benefits by our gold standard; on the other hand, she is benefited by the free-trade proclivities of our Democratic friends. She is gaining the advantage, no matter which party is in power in this country. She has been struggling ever since 1816 to put the world on a gold basis. Now that she has succeeded and is reaping the benefits of it, it does not seem to me probable that she will give up this advantage and agree with us as to bimetallism. Therefore, I think we must fight this battle out alone. We must either make an arrangement with the silver-using countries or take a firm stand ourselves in favor of bimetallism.

This proposition does not at all interfere with our financial laws. It has no effect whatever on our financial system. The Mexican Government of course will be responsible for these Mexican dollars. Almost all of our silver mines are closed. I do not see any prospect of their being opened soon, unless through some such arrangement as the one now proposed.

It does not occur to me that any possible harm can come. I do not believe any one financial interest will suffer at all by passing such a measure; and I am rather inclined to think that it would make a market for all of the silver which is produced in the West and restore prosperity in a measure to that part of the country.

I am inclined to believe that the Mexican Government would agree to this proposition. They would collect their seigniorage of 4½ cents on the 100 cents, and as we could take our silver now to their mints and have it coined, I do not believe they would object to opening our mints to the coinage of their dollars.

Last year, as the Senator from Colorado has said, some 25,000,000 Mexican dollars were used chiefly in the Chinese trade. Some seven or eight million dollars were so used in Singapore and the Strait Settlements. He has no doubt correctly stated that there is not a great deal of silver in China; and with the great mass of people there it is altogether probable, it seems to me, that they could use 50,000,000 or 60,000,000 of these Mexican dollars.

The Chinese do not care for bars of silver bullion. They do not like to use it in that form, but they will accept and use the Mexican dollars. Perhaps the reason why they will use the Mexican dollars and will not use our trade dollars is that the Mexican mints are opened to the unlimited coinage of silver. I am rather inclined to think that is the reason why those countries prefer those dollars to our trade dollars or to the French trade dollars.

Mr. President, this is all I desire to say, as I see the hour of 2 o'clock has arrived.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce.

A bill (H. R. 4765) to authorize the St. Louis River Bridge Company and the Duluth Transfer Railway Company to construct, maintain, and operate a bridge over the St. Louis River, from a point at or near Grassy Point in the village of West Duluth, Minn., to the most accessible point opposite, in the State of Wisconsin; and

A bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota.

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. PEFFER addressed the Senate. After having spoken for some time,

Mr. QUAY said: Mr. President, I rise to suggest——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Kansas yield to the Senator from Pennsylvania?

Mr. PEFFER. I will yield for a suggestion, Mr. President.

Mr. QUAY. I rose to suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Jones, Ark.	Platt,
Allen,	Gallinger,	Kyle,	Proctor,
Bate,	George,	McPherson,	Quay,
Berry,	Gibson,	Martin,	Ransom,
Caffery,	Gorman,	Morrill,	Shoup,
Call,	Gray,	Murphy,	Teller,
Camden,	Hale,	Palmer,	Vest,
Carey,	Harris,	Pasco,	Vilas,
Chandler,	Hoar,	Peffer,	Voorhees,
Cockrell,	Hunton,	Perkins,	Wilson.
Cullom,	Irby,	Pettigrew,	

The PRESIDING OFFICER. Forty-three Senators having answered to their names, there is a quorum present. The Senator from Kansas will proceed.

Mr. PEFFER resumed his speech, and having spoken altogether for over two hours—

Mr. GALLINGER said: If the Senator from Kansas will yield to me for a moment, I desire to suggest that he has now in a very earnest and interesting way discussed this question for two hours and ten minutes; and while we all know him to be a man of great endurance, I feel sure he must be very much fatigued. If agreeable to him, I will ask that he be permitted to discontinue his remarks this evening and continue them at the next meeting of the Senate, or at such other time as may suit his convenience.

Mr. PEFFER. To that I have no objection, Mr. President.

Mr. HARRIS. Does the Senator from Kansas desire to suspend his remarks at this time and continue them to-morrow?

Mr. GALLINGER. The Senator from Kansas has suggested that such a course would be agreeable to him.

Mr. HARRIS. If the Senator from Kansas desires it, of course I shall be glad to accommodate his wishes.

Mr. PEFFER. Let me state my own view of the matter. Now that I have begun, I should like to conclude in a reasonable time. I have spent a great deal of time and thought upon this subject, and my object is to continue the discussion somewhat upon a new line. I should like to be permitted to conclude my remarks regularly; not to-day, but at the first meeting of the Senate after to-day, if I can conclude them, and if not then, at the next meeting of the Senate. I wish to accommodate myself to the convenience of the Senate, and at the same time I do not desire to have my remarks dribble along, a little to-day and a little to-morrow, so that I shall not have concluded until the end of two or three weeks.

I am not speaking against time. I am trying to present something that is interesting. I have a good deal more yet to come. I wish to devote a good deal of time to two particular articles—wool and sugar—and I think it is important to the Senate and to the country and to all the interests concerned that whatever any of us have to say seriously and earnestly, upon those two subjects especially, ought to be permitted to be said in a reasonable time. I am perfectly willing to accommodate myself to the convenience of the Senate now or in the hereafter.

Mr. HARRIS. I take it for granted the Senate wishes to accommodate itself to the convenience of the Senator. If he prefers to go on at the next meeting of the Senate, I apprehend there will be no objection to his discontinuing his remarks now and continuing them at the next meeting.

Mr. PEFFER. I do so desire.

Mr. ALDRICH. That, I presume, will not interfere with the notices that have been given heretofore by other Senators.

[Mr. PEFFER'S speech will be published entire after it shall have been concluded. See Appendix.]

Mr. MORGAN. I move that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. On that motion I ask that the vote be taken by yeas and nays.

Mr. HARRIS. I beg the Senator from Alabama to withdraw the motion for a single moment.

The VICE PRESIDENT. Does the Senator from Alabama insist upon his motion?

Mr. MORGAN. I do not.

Mr. ALDRICH. I did not understand what the Senator from Alabama said.

Mr. HARRIS. The Senator from Alabama has withdrawn the motion.

Mr. ALDRICH. The Chair asked whether the Senator from Alabama insisted upon his motion.

The VICE-PRESIDENT. The Chair was perhaps unable to hear the Senator from Alabama distinctly.

Mr. MORGAN. I withdrew my motion in favor of the Senator from Tennessee.

Mr. HARRIS. The pending bill is before the Senate as in Committee of the Whole and has not been read. When I asked that the formal reading be dispensed with, it was objected to. I now ask that the reading of the bill may proceed.

Mr. ALDRICH. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HALE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. LODGE (when his name was called). I am paired with the senior Senator from New York [Mr. HILL]. Not knowing how he would vote, I withhold my vote.

Mr. MITCHELL of Oregon (when his name was called). I am paired with the senior Senator from Wisconsin [Mr. VILAS], who is absent. I do not know how he would vote, and I do not know how I should vote if he were here.

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE]. I transfer my pair to the Senator from Nevada [Mr. JONES], and vote "yea."

The roll call was concluded.

Mr. CHANDLER. Upon this question I am paired with the junior Senator from New York [Mr. MURPHY].

Mr. GALLINGER. I have a general pair with the junior Senator from Texas [Mr. MILLS], whom I do not see in his seat. Hence I have not voted. If he were present, I should vote "yea."

Mr. FRYE. I am paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. COCKRELL. I am paired generally with the senior Senator from Iowa [Mr. ALLISON], but I have paired him with the Senator from Georgia [Mr. GORDON], who is now absent, and they will stand paired. I vote "nay."

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. MORRILL], who I see is absent. The Senator from New Hampshire [Mr. GALLINGER] announced a pair. Will it be convenient to him that we transfer our pairs and both vote?

Mr. GALLINGER. I have no objection.

Mr. HARRIS. I vote "nay."

Mr. GALLINGER. I vote "yea."

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. BLACKBURN. I have a general pair with the senior Senator from Nebraska [Mr. MANDERSON]. In his absence I will transfer my pair to my colleague [Mr. LINDSAY], and vote "nay."

Mr. DANIEL. I am paired with the Senator from Washington [Mr. SQUIRE]. If he were here, I should vote "nay." If any Senator on the other side of the Chamber wishes to transfer pairs, I shall be glad to know it.

Mr. ALDRICH. Did the Senator from Missouri [Mr. COCKRELL] announce that the Senator from Iowa [Mr. ALLISON] is paired with the Senator from Georgia [Mr. GORDON]?

Mr. COCKRELL. I did.

Mr. ALDRICH. The junior Senator from Iowa [Mr. WILSON] is paired with the Senator from Georgia [Mr. GORDON], and was so paired this morning. Both Senators from Iowa were paired with the Senator from Georgia this morning upon one vote.

Mr. GALLINGER. The junior Senator from Iowa [Mr. WILSON] informed me to day that he has a standing pair with the Senator from Georgia [Mr. GORDON].

Mr. COCKRELL (after having voted in the negative). I was told by our friend who keeps the list of pairs that the Senator from Georgia [Mr. GORDON] was not paired with anybody, and therefore I announced the pair. I withdraw my vote.

Mr. CAREY (after having voted in the affirmative). I should like to inquire whether the junior Senator from South Carolina [Mr. IRBY] has voted.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. CAREY. I am paired with that Senator, and withdraw my vote.

Mr. MCPHERSON (after having voted in the negative). I voted "nay," but I am reminded that I am paired with the Senator from Delaware [Mr. HIGGINS], who does not seem to be present. I wish, therefore, to withdraw my vote.

The result was announced—yeas 9, nays 18; as follows:

YEAS—9.

Aldrich,	Davis,	Gallinger,	Shoup,
Allen,	Dolph,	Hoar,	Washburn.
Cullom,			

NAYS—18.

Bate,	Gorman,	Palmer,	Turpie,
Berry,	Gray,	Pasco,	Vest,
Blackburn,	Harris,	Pugh,	Voorhees.
Coke,	Jones, Ark.	Ransom,	
George,	Morgan,	Stewart,	

NOT VOTING—57.

Allison,	Frye,	McMillan,	Quay,
Blanchard,	Gibson,	McPherson,	Roach,
Brice,	Gordon,	Manderson,	Sherman,
Butler,	Hale,	Martin,	Smith,
Caffery,	Hansbrough,	Mills,	Squire,
Call,	Hawley,	Mitchell, Oregon	Stockbridge,
Camden,	Higgins,	Mitchell, Wis.	Teller,
Cameron,	Hill,	Morrill,	Vance,
Carey,	Hunton,	Murphy,	Vilas,
Chandler,	Irby,	Peffer,	White,
Cockrell,	Jones, Nev.	Perkins,	Wilson,
Daniel,	Kyle,	Pettigrew,	Wolcott.
Dixon,	Lindsay,	Platt,	
Dubois,	Lodge,	Power,	
Faulkner,	McLaurin,	Proctor,	

The VICE-PRESIDENT. No quorum has voted.

Mr. ALDRICH. No quorum appearing, I move that the Senate adjourn.

Mr. HARRIS. Upon that motion I ask for the yeas and nays; and I shall not take the time to suggest that I did not suppose the filibustering would commence so early.

Mr. HOAR. The Senator from Tennessee is out of order. I did not suppose this disorder would commence so early.

The VICE-PRESIDENT. The Chair desires to state that debate is not in order.

Mr. ALDRICH. Debate is not in order, but the Senator from Tennessee has debated the question, and I wish to state that there is no filibustering on this side of the Chamber.

Mr. BLACKBURN. By what name do you call it?

Mr. ALDRICH. The absence of a quorum on the other side has forced the situation.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island, that the Senate do now adjourn.

The motion was not agreed to.

Mr. HARRIS. Let the call of the roll take place.

The VICE-PRESIDENT. The roll will be called for the purpose of ascertaining whether a quorum is present.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Harris,	Perkins,
Allen,	Davis,	Hawley,	Pettigrew,
Bate,	Dolph,	Hoar,	Pugh,
Berry,	Frye,	Jones, Ark.	Ransom,
Blackburn,	Gallinger,	Lodge,	Shoup,
Call,	George,	McPherson,	Stewart,
Carey,	Gibson,	Mitchell, Oregon	Turpie,
Chandler,	Gorman,	Morgan,	Vest,
Cockrell,	Gray,	Palmer,	Voorhees,
Coke,	Hale,	Pasco,	Washburn.
Cullom,	Hansbrough,	Peffer,	

The VICE-PRESIDENT. Forty-three Senators have answered to their names. A quorum is present. The question recurs upon the motion of the Senator from Rhode Island that the Senate proceed to the consideration of executive business; on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. CHANDLER (when his name was called). I am paired with the junior Senator from New York [Mr. MURPHY].

Mr. GALLINGER (when his name was called). I again announce my pair with the junior Senator from Texas [Mr. MILLS].

Mr. LODGE (when his name was called). I am paired with the senior Senator from New York [Mr. HILL], and therefore withhold my vote.

Mr. MITCHELL of Oregon (when his name was called). I am paired with the senior Senator from Wisconsin [Mr. VILAS].

Mr. POWER (when his name was called). Has the senior Senator from Louisiana [Mr. CAFFERY] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. POWER. I am paired with the Senator from Louisiana [Mr. CAFFERY], and withhold my vote.

Mr. RANSOM (when his name was called). I am paired with

the senior Senator from Maine [Mr. HALE]. I should vote "nay" if he were here.

The roll call was concluded.

Mr. HARRIS (after having voted in the negative). I voted inadvertently. I am paired with the Senator from Vermont [Mr. MORRILL], who is absent. The junior Senator from Massachusetts [Mr. LODGE] announced a pair with the Senator from New York [Mr. HILL]. Will it be agreeable to him to transfer our pairs?

Mr. LODGE. I am perfectly willing to transfer my pair to the Senator from Vermont [Mr. MORRILL].

Mr. HARRIS. Then I will let my vote stand.

Mr. LODGE. I vote "yea."

Mr. RANSOM. The Senator from Montana [Mr. POWER] announced his pair with the Senator from Louisiana [Mr. CAFFERY], and I announced mine with the Senator from Maine [Mr. HALE]. I propose that we transfer our pairs.

Mr. POWER. Very well.

Mr. RANSOM. I vote "nay."

Mr. POWER. I vote "yea."

Mr. GIBSON. I have a general pair with the Senator from Michigan [Mr. STOCKBRIDGE]. I transfer my pair to the junior Senator from Louisiana [Mr. BLANCHARD], and I vote "nay."

Mr. CAREY. I have a general pair with the junior Senator from South Carolina [Mr. IRBY], and I withhold my vote.

Mr. McPHERSON. While I am paired with the Senator from Delaware [Mr. HIGGINS], I am permitted to vote upon such questions, and I vote "nay."

The result was announced—yeas 11, nays 22; as follows:

YEAS—11.

Aldrich,	Davis,	Hoar,	Power,
Allen,	Dolph,	Lodge,	Washburn.
Cullom,	Hansbrough,	Perkins,	

NAYS—22.

Bate,	Gibson,	Morgan,	Stewart,
Berry,	Gray,	Palmer,	Turpie,
Blackburn,	Harris,	Pasco,	Vest.
Coke.	Jones, Ark.	Peffer,	Voorhees.
Daniel,	McPherson,	Pugh,	
George,	Martin,	Ransom.	

NOT VOTING—51.

Allison,	Faulkner,	Lindsay,	Roach,
Blanchard,	Frye,	McLaurin,	Sherman,
Brice,	Gallinger,	McMillan,	Shoup,
Butler,	Gordon,	Manderson,	Smith,
Caffery,	Gorman,	Mills,	Squire,
Call,	Hale,	Mitchell, Oregon	Stockbridge,
Camden,	Hawley,	Mitchell, Wis.	Teller,
Cameron,	Higgins,	Morrill,	Vance,
Carey,	Hill,	Murphy,	Vilas,
Chandler,	Hunton,	Pettigrew,	White,
Cockrell,	Irby,	Platt,	Wilson,
Dixon.	Jones, Nev.	Proctor,	Wolcott.
Dubois,	Kyle,	Quay,	

The VICE-PRESIDENT. The roll call discloses the lack of a quorum.

Mr. HARRIS. It is obvious there is no voting quorum here at present, and there is but one of two things that we can do with propriety, as it seems to me, at this hour of the evening—either to move that the Sergeant-at-Arms be directed to request the attendance of absent Senators or to adjourn. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 7, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 6, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

REPORT OF EXCISE BOARD, WASHINGTON, D. C.

The SPEAKER laid before the House the report of the excise board for the District of Columbia, transmitted in compliance with section 2 of the act approved March 3, 1893; which was referred to the Committee on the District of Columbia.

SENATE BILL REFERRED.

The SPEAKER also laid before the House the bill (S. 1680) to amend an act approved January 31, 1881, entitled "An act to more effectually suppress gambling in the District of Columbia," etc.; in which the concurrence of the House was requested; which was referred to the Committee on the District of Columbia.

PAN-AMERICAN MEDICAL CONGRESS.

The SPEAKER also laid before the House the following concurrent resolution of the Senate:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth, of the proceedings of the Pan-American Medical Congress, held in Washington City, in September, 1893, under the authority of a joint resolution of Congress approved July 18, 1892, 10,000 copies; of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for distribution by the Department of State; the same to be indexed under the direction of the Committee on Printing.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask consent for the present consideration of that resolution.

There being no objection, the resolution was considered and agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CAUSEY, for three days, on account of important business.

To Mr. TALBOTT of Maryland, for to-morrow, on account of important business.

BRIDGE ACROSS MISSISSIPPI RIVER, HASTINGS, MINN.

Mr. HALL of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5803) to authorize the city of Hastings, Minn., to construct and maintain a wagon bridge over the Mississippi River.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read at length.

The committee recommend the following amendment:

On page 1, section 1, line 9, after the word "Minnesota," insert "or at such point in said city as the city council thereof, with the approval of the Secretary of War, may direct."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was accordingly considered, the amendment agreed to and the bill as amended ordered to be engrossed and read a third time, and being engrossed it was accordingly read the third time, and passed.

On motion of Mr. HALL of Minnesota, a motion to reconsider the last vote was laid on the table.

NOTIFICATION TO PENSION CLAIMANTS.

Mr. BRODERICK. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution which I send to the desk.

The SPEAKER. The title of the joint resolution will be read.

The Clerk read as follows:

A joint resolution (H. R. 161) requiring attorneys and claim agents having offices in the District of Columbia, who have undertaken or shall undertake to prosecute claims for pensions, to advise each of the claimants once every three months as to the condition of his or her claim.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The joint resolution was read at length.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. SAYERS. Mr. Speaker, I wish to ask the gentleman if this resolution has been referred to and reported by a committee?

Mr. BRODERICK. No, sir. I ask unanimous consent for its present consideration.

Mr. SAYERS. This seems to be a very important resolution. I think it ought to go to a committee so as to have a report upon it.

Mr. BRODERICK. I hope there will be no objection, but if there is I suppose it should go to the Committee on Invalid Pensions.

The SPEAKER. That would be a proper reference.

Is there objection to the present consideration of the resolution?

Mr. SAYERS. There is.

The SPEAKER. The resolution will be referred to the Committee on Invalid Pensions.

YELLOWSTONE NATIONAL PARK.

Mr. HAYES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5293) concerning leases in the Yellowstone National Park.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to lease to any person, corporation, or company, for a period not exceeding ten years, parcels of land in the Yellowstone National Park, of not more than 10 acres in extent for each tract and not in excess of 20 acres in all to any one person, corporation, or company, on which may be erected hotels and necessary outbuildings: *Provided*, That such lease or leases shall not include any of the geysers or other objects of curiosity or interest in said park, or exclude the public from free and convenient approach thereto or include any ground within one-eighth of a mile of any of the geysers or the Yellowstone Falls, the Grand Canyon, or the Yellowstone River, Mammoth Hot Springs, or any object of curiosity in the park: *And provided further*, That such leases shall not convey, either expressively or by implication, any exclusive privilege within the park except upon the premises held thereunder and for the time therein granted. Every lease hereafter made for any property in said park shall require the lessee to ob-

serve and obey each and every provision in any act of Congress, and every rule, order, or regulation made, or which may hereafter be made and published by the Secretary of the Interior concerning the use, care, management, or government of the park, or any object or property therein, under penalty of forfeiture of such lease, and every such lease shall be subject to the right of revocation and forfeiture, which shall therein be reserved by the Secretary of the Interior: *And provided further*, That persons or corporations now holding leases of ground in the park may, upon the surrender thereof, be granted new leases hereunder, and upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as the Secretary of the Interior may prescribe.

This act, however, is not to be construed as mandatory upon the Secretary of the Interior, but the authority herein given is to be exercised in his sound discretion.

That so much of that portion of the act of March 3, 1883, relating to the Yellowstone Park as conflicts with this act be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I reserve the right to object——

Mr. BURROWS. I would like to ask the gentleman from Iowa if this bill has been reported from a committee?

Mr. HAYES. Yes, sir.

Mr. DINGLEY. Let it be understood that objection is reserved.

Mr. BURROWS. What committee reports it?

Mr. HAYES. The Committee on the Public Lands.

Mr. BURROWS. Is it a unanimous report?

Mr. HAYES. It is.

Mr. HENDERSON of Iowa. If my colleague will permit me, I will state that this is unanimously reported by the committee and approved by the Secretary of the Interior and everyone connected with the park. I know all of the facts in this case.

Mr. BURROWS. I will reserve the right of objection until the gentleman from Iowa makes such statement as he may desire to make in connection with it.

Mr. HAYES. I will explain briefly what this bill is. It relates to the leasing of land for hotel purposes in the Yellowstone Park. Under existing law only 10 acres can be leased. That ground is already leased, and it fails to provide for the comfort and convenience of tourists, there being 130 miles of traveled roads in the park, and as a result more leases are needed and more hotel accommodations. This is primarily asked by the superintendent of the park.

Mr. BURROWS. Under existing law, then, only 10 acres can be leased?

Mr. HAYES. Yes; and that is already leased, and fails to provide the necessary accommodations.

Mr. BURROWS. And this is to enlarge the powers of the Secretary, so that he may lease other ground?

Mr. HAYES. Yes, not exceeding 20 acres to any one person. As I have stated, this relief was asked by the superintendent. This bill is prepared so as to protect the Government in all its rights, and to provide for the convenience of tourists and travelers in the park. The Secretary of the Interior reports that the interests of the Government covered by the bill are amply protected, and upon that report is based the unanimous report of the committee. It is something that there seems to be no doubt about.

Mr. BURROWS. I have no objection.

Mr. DINGLEY. Is there any provision for the payment of rental to the Government?

Mr. HAYES. Yes, the Secretary of the Interior imposes such conditions as he sees fit about that.

Mr. DINGLEY. As a matter of fact is there any rental paid?

Mr. HENDERSON of Iowa. There is a nominal rental charged.

Mr. McRAE. Only a nominal rental.

Mr. COOMBS. I understand that only 10 acres in all can now be rented in the park?

Mr. HAYES. Twenty, under the present bill.

Mr. COOMBS. You said 20 to one individual.

Mr. DINGLEY. It seems to me that the Yellowstone Park is too important a public reservation to be trenched upon without the utmost care, and I hope the gentleman will let this bill go over until to-morrow.

Mr. DUNN. I should like to inquire what number of 20-acre leases may be granted?

Mr. HENDERSON of Iowa. The bill authorizes the Secretary of the Interior to increase the area from 10 to 20 acres. The hotels now fully occupy the 10 acres, and two more hotels are needed to complete the circuit for the accommodation of the public.

Mr. DUNN. How many leases would there be altogether?

Mr. HAYES. That is in the discretion of the Secretary of the Interior. I have a letter from the president of the Yellowstone Park Association to the Committee on Public Lands, which explains these questions, and I will put it in the RECORD.

WASHINGTON, D. C., *January 29, 1894.*

To the House of Representatives Committee on Public Lands:

GENTLEMEN: The bill concerning leases in the Yellowstone Park is so short and simple as not to require any particular elucidation. It grants no right directly, except the authority given to the Secretary of the Interior; that is, after the bill becomes a law nothing is conferred upon any person, corporation, or company by it.

Shortly after the park was opened, I think in 1883, certain lessees of the Government claimed the exclusive right to the whole park. It was a subject of debate in Congress and resulted in a declaration by act of Congress declaring all exclusive rights void that had been granted, and confining and restricting the amount that might be leased to any one person to 10 acres of ground. When the park came to be developed this amount was found to be obviously insufficient. All visitors to the park go there for the purpose of seeing its many and celebrated objects of interest. To do so, they have to travel around a circle of 130 miles, and this requires a series or chain of hotels at convenient points along the circuit.

The hotels at these different localities of the dimensions required by all tourists will in every case cover more than 10 acres. If these hotels are owned by different persons or corporations they can not be operated with advantage, either to the owners or to the public. This, I believe, is uniformly conceded by the persons going to the park. But there has been an extreme jealousy, owing probably to the claim of original lessees to the exclusive right in the whole park, against granting any large amount of land in any one lease. The Yellowstone Park Association own six leases made to it in 1889, and its hotels now cover the entire 10 acres allowed to it by law. It is very clear that it can not legally hold any more land, yet everybody who has ever visited the park, I believe without exception, considers that another hotel ought to be built at Upper Geyser Basin, and that it should be built as soon as possible.

In addition to this, while the park was still in its wild state, a law was passed forbidding any lease within one-quarter of a mile of any geyser or other object of curiosity. The local situation of the Upper Geyser is such that this distance precludes the building of a hotel at that place as long as this law exists. During the past six years a number of acts have been introduced in each House of Congress reducing the prohibited distance to one-eighth of a mile. In all the contentions which have arisen regarding the granting of leases within the park or its management and control, or the actions of the Yellowstone Park Association, or any other lessees, and in all the controversies concerning the park, no objection has been made, so far as I know, against the restriction of the prohibited distance to one-eighth instead of one-quarter mile, nor is there any diversity of opinion among all those who have visited the park, that the proper place to build a hotel at Upper Geyser Basin is where the present old hotel, or shack, stands, and which is within the present prohibited distance of one-quarter of a mile.

This short bill simply authorizes the Secretary of the Interior to make leases for ten years to the extent of 20 acres in all, and not to be within one-eighth of a mile of any of the curiosities of the park. I will say here that while the Yellowstone Park Association has exhausted the limit allowed to it by the present law of 10 acres, which are covered by its buildings and can not in law hold, nor can the Secretary of the Interior grant to it any right whatever to the hotel site at Upper Geyser Basin, it controls a lease for 10 acres of ground to the Hendersons, at Mammoth Hot Springs. If this bill is passed it expects to give up the greater part of that lease to the Government and to obtain for the portion surrendered a new location at Upper Geyser Basin. In short it is not the intention to ask the Secretary of the Interior to lease to it any more than is now leased by the Government.

This can not be said to be a bill for the relief of the association, although it would obtain relief from it, because any other person or corporation would have the same rights to new leases before the Secretary of the Interior that the association would have. Except the curtailment of the prohibition as to distance and the enlargement of the total amount allowed to be leased, the present bill is the same as the existing law of Congress. The matter was before this committee on an investigation ordered by the House about eighteen months ago. On page 65 of the evidence taken by this committee and reported to the House, Secretary Noble says that a hotel is needed at the Upper Geyser Basin and admits that it should be built on the site of the present shack hotel, and which is now used as a dinner station. The association has repeatedly and in writing assured the Department of the Interior, and during the said investigation it assured this committee, that it would make no objection whatever to any other person or corporation building the required new hotel at Upper Geyser Basin.

I reiterate that statement now. But for the past three years no person would come forward to do anything of the kind. The association would not propose to do anything of the kind. The association would not propose anything of the kind now, but for the fact that the hotel is necessary to its system or chain of hotels in the park. I state also the important fact that, while this hotel has been so badly needed and the demand is unanimous and emphatic, that not a lease has been taken out or applied for, nor has a hammer been struck in the park on any material improvement for the last three years. On the contrary, the development of the park has been completely paralyzed by contentions between the association and Secretary Noble and by the inaction of Congress in changing the present law as to the prohibited distance of one-quarter of a mile. And I think I may safely say it will remain in that condition until something is done by Congress.

This bill appears here with the approval of the Department of the Interior, and I am ready to answer any questions concerning it, or any objections to its recommendation by this committee. I will state for the information of the committee that for seven years past various bills providing for the improvement of the park and other matters concerning it have been before Congress at every session, but not one of them has been passed. As far as I know other parties having propositions concerning the park in other directions have no opposition to the passage of this bill. If they have I would like to know what the objections are in order that I may answer them. If no objection is made I request the committee to recommend the bill for passage without delay.

This bill is recommended by the present Secretary of the Interior, both in his annual report for 1893, and in his special letter to this committee.

CHARLES GIBSON,
President Yellowstone Park Association.

Mr. DINGLEY. I hope this will go over for a day.

Mr. HENDERSON of Iowa. I hope the gentleman from Maine will not ask for delay. This is very necessary, and needed now.

Mr. DUNN. I think there should be further time for consideration, and I object.

Mr. HENDERSON of Iowa. They have been suffering for this right for a long time, and this is proposed for the benefit of the public. It does not carry a dollar of appropriation. It is simply to give them room to build hotels where they are needed. I was all over the ground last summer and know the necessity for this. We had to travel 20 miles extra for the want of a hotel at the Upper Geyser Basin. A hotel is badly needed there.

Mr. DINGLEY. I think, in passing bills of this nature by

unanimous consent without an opportunity to consider them, we are sometimes in danger of failing to make proper provision for the protection of the public interest in such a great public reservation as this. Such failure may be without any intention. I should be glad to have this bill lie over until to-morrow, until further opportunity is given to examine it. But at the same time, if there is no one else who desires to object, I will take the statement of my friend from Iowa [Mr. HENDERSON] that the interests of the public and the Government are protected.

Mr. COOMBS. I should like to have the bill lie over.

Mr. HENDERSON of Iowa. I will say to the gentleman that the interests of the Government are thoroughly protected. I have examined the matter with great care, and it is approved by the Secretary of the Interior. The superintendent of the park recommended this. Secretary Noble recommended the same thing when he was Secretary of the Interior, and there is no conflict of opinion in respect to the necessity. I am personally familiar with the matter, and I hope that no objection will be made to its present consideration.

Mr. DINGLEY. I will not delay it on my own account, but will take the statement of the gentleman from Iowa.

Mr. DUNN. I will withdraw my objection.

Mr. COOMBS. While I should be glad to have further opportunity to examine the matter, I will not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. REED. Now that the bill is up for consideration, I should like to hear an explanation of it.

Mr. HENDERSON of Iowa. I will be glad to make a further statement.

The SPEAKER. The gentleman from Iowa [Mr. HENDERSON] is recognized.

Mr. HENDERSON of Iowa. Mr. Speaker, at present there are four large hotels in the park. I wish this map I hold in my hand were large enough to exhibit them so that all the members could see. The first one, at the entrance to this great park, is called the Mammoth Hotel, at the Hot Springs, at the Grand Terraces. It is an immense hotel, almost equal in size and accommodations to the best hotels you will find in Long Branch, Cape May, or Atlantic City. They have expended over $500,000 on those hotels. Starting from that hotel in coaches that can not be surpassed in comfort by anything on the American continent, you pass through the Golden Gate, a place of wonder, where men of courage even close their eyes in passing over the bridge, although you would be as safe as the babe in the lap of its mother. Then you come to the Norris Basin, where there is a lunch house, and on the evening of the first day's ride you reach the Fountain Hotel, where you enter the Great Basin of the Geysers. On this day's trip you can drink from springs of pure Apollinaris water.

I remember as we were riding immediately on the top of a mountain before descending to this hotel and looking over that vast valley, it seemed as though 100,000 camp fires were burning. The steam of these geysers gives you something of the idea of a great army encamped and the smoke arising from their camp fires. The next day, leaving the Fountain Hotel, you go 10 miles to the upper geyser. Earth has no wonders or beauties approaching this region. "Hell's Half Acre" itself will hold you for days examining the wonders and splendors of that park. [Great laughter.]

Mr. RAY. Is that the Democratic park?

Mr. HENDERSON of Iowa. You may be in hell before you will appreciate the wondrous beauty of that park unless you can see it. [Great laughter.]

"Hell's Half Acre" has a fearful sound, but it is a congregation of beauties. Here is a lake of hot water containing in its bed all the beauties of the rainbow, with each hue intensified in its beauty. One spring constantly throws up a chain of bells perfect in form. Here, too, is found the monster geyser of the Yellowstone. It only speaks at the end of a six-year period, but then it speaks in thunder tones and continuously for six months, throwing up water in such great volume as to carry terror to the looker on. It casts great bowlders, weighing many tons, into the air for hundreds of feet, playing with them as if they were little pebbles. The waters from this geyser forms a boiling river and flows continuously, even when the geyser is not in action.

At the end of a 10-mile ride we come to "Old Faithful" Geyser, that throws water up every fifty-five minutes, and so high that you fancy the top of the column touches the clouds. There, too, you find the "Lion," the "Lioness," and "The Cubs," and other geysers. It is simply a wonderful field of attractions, that human language can not describe. This hotel, or shack rather, where we take lunch, is where they want the new hotel; and this bill is to provide for building it. The 10 acres, now the limit, are occupied by the other four hotels. This is to enable them to build a hotel at the Upper Geyser. Now, you have to go over the same track and back to the Fountain Hotel to spend the second night, and have to go over the same ground the next morning, making the trip three times, which would only have to be done once if you had a hotel at the Upper Geyser Basin. From that you go to the Great Lake, and when I tell you that that is a vast lake nearly 30 miles in length, on the top of a great mountain range miles higher than New York City, and where you can stand and fish and catch trout——. [Cries of "Oh, no;" and laughter].

Mr. GEAR. It is 6,000 feet.

Mr. HENDERSON of Iowa. Did I say six miles? [Great laughter.] There was only one gentleman who knew it. [Renewed laughter.] It is, I think, 6,000 feet higher than New York. When I tell you that there is a lake there 30 miles in length, and that I have stood on the edge of it and caught trout and thrown them over into a crater [great laughter], you gentlemen are learning something you will never learn again without you go there. [Renewed laughter.] You can catch trout in the lake and swing them into the crater and boil them on your hook [great laughter] and cook them to suit your taste. [Laughter.] I want to say to the fishermen here, and there are many water ducks in this House, that you can throw a line into the Yellowstone River with six hooks and bring out six trout at once. [Boisterous laughter.] I have done it [renewed laughter], and that is no fish story [Great laughter.] You gentlemen who do not know the glory of fine fishing do not believe this. Go and see, and you will find how dense your ignorance is touching the wonders of your own country.

But I want to tell you of something else that I found on that lake that gave me especial pleasure. I found there a steamboat equal in accommodations and splendor to any that you will find upon the Potomac or the Chesapeake, which was taken through the Golden Gate in sections and which was made, every particle of it, in the foundries of my own city. I had the pleasure of riding on that steamboat in that great lake on the top of the mountain. Passing from this, you come to the hotel by the wonder of the world, the Grand Cañon. To describe that human language has proved inadequate. [Cries of "Try it."] I have stood by that Grand Cañon at an elevated point and I have looked down and seen the eagles standing by their nests far above the bottom of the cañon below, and they looked like sparrows, although their wings from tip to tip measured 7 feet. The Yellowstone River passing along at the bottom of the cañon was like a quivering thread, though it had all the ambition and impetus of Niagara, lacking only its volume. On every side there are beauties in the sand along the face of this cañon that baffle the pencil of the greatest artist. At one place rocks that look like veiled nuns are grouped together as though worshiping the God that created that wonderful cañon. [Applause.] Oh, I can go on explaining this bill for hours if you want me to. [Laughter.]

At the Grand Cañon there is only one difficulty: You are liable to lose your fresh meat for breakfast sometimes, because the bears come there with their cubs and break open the meat boxes and eat up the meat.

Mr. DOLLIVER. Tell us a bear story. [Laughter.]

Mr. HENDERSON of Iowa. My friend has just returned from Rhode Island and he wants something fanciful. [Laughter.]

Mr. SICKLES. He wants a *bare* story—the naked truth. [Laughter.]

Mr. HENDERSON of Iowa. He is getting it straight now. I was about to say, Mr. Speaker, when I was interrupted by my overflowing colleague from Iowa, that these hotels furnish all the accommodations that you can get in the hotels of our best cities. The best class of waiters, with "claw-hammer coats" and perfect deportment, together with the choicest things to eat, are found at these hotels, and this bill is for the sole purpose of granting such facilities as will permit the building of hotels sufficient in number to accommodate the public demand.

I want to say to you, gentlemen, that few of you know what the Yellowstone Park is. It is well named "Wonderland." I have visited the World's Fair, and we all know something of what that was; but, great as it was, that was only the work of simple, powerless man. The Yellowstone Park stands there a marvelous creation, as though God himself were a competitor for the first prize for wonderful productions, and earth furnishes no parallel to the splendors of that wonderful park. One of the noblest men in my own State, Mr. Henry L. Stout, a man who shoved a jackplane years ago in Dubuque for a living, and who is now the richest millionaire in Iowa, becoming so by honest industry, not by trusts or combinations or thieving—a man more silent than Grant, but with a heart that began to grow where the big heart of Grant stopped growing—Henry L. Stout, a man of few words, when he heard that I was going to visit the park last summer said: "It is the most wonderful thing on earth, and if it was anywhere in Europe they would build an impassable wall around it and open their treasuries to protect and beautify it."

The marvels of that park defy description, and I am glad that this House has had the wisdom to let this bill come up for consideration, in order that additional comforts may be provided for the people who visit that region, so that millions may enjoy a trip which will give them pleasure, education, and powers of language which even my friend from Maine [Mr. REED], who asked for this explanation, does not yet dream of. [Laughter and applause.]

Mr. REED. Mr. Speaker, I desire to say that I am satisfied with the explanation of the bill. [Laughter.]

Mr. ADAMS of Pennsylvania. Mr. Speaker, I rise out of sympathy for my friend from Iowa [Mr. HENDERSON], because twenty years ago I felt exactly as he feels to-day; for, as a member of the Geological Survey under Prof. Hayden, I stood on the verge of that same lake and fished in it and drew a trout out at that same spot and threw it into the same hot pool. [Laughter.]

Mr. HENDERSON of Iowa. Now, will you gentlemen believe it? [Laughter.]

Mr. ADAMS of Pennsylvania. When I returned from that expedition, I know that every man to whom I undertook to describe it questioned my veracity [laughter], and my only object in rising now is to uphold the testimony of the gentleman from Iowa, although I must frankly confess that I caught only one trout instead of six at a cast. [Laughter.]

Mr. DINGLEY. I desire to offer an amendment.

The SPEAKER. There are some commttee amendments which should be voted on first. If there be no objection, the amendments of the committee will be agreed to.

There was no objection.

The SPEAKER. The Clerk will now read the amendment sent to the desk by the gentleman from Maine [Mr. DINGLEY].

The Clerk read as follows:

On page 1, after the word "years," in line 5, insert, "at such annual rental as the Secretary of the Interior may determine."

The amendment was agreed to.

Mr. DINGLEY. I move further to amend by striking out the last proviso on the second page.

The SPEAKER. The Clerk will read the proviso which the gentleman from Maine moves to strike out.

The Clerk read as follows:

And provided further, That persons or corporations now holding leases of ground in the park may, upon the surrender thereof, be granted new leases hereunder, and upon the terms and stipulations contained in their present leases, with such modifications, restrictions, and reservations as the Secretary of the Interior may prescribe.

Mr. DINGLEY. It will be noticed, Mr. Speaker, that all leases which may be granted hereafter of land within the Yellowstone Park are by this bill subject to revocation and forfeiture at the discretion of the Secretary of the Interior. In the proviso which I move to strike out it is further provided that leases now existing may be renewed. Now, there is not attached to the continuation of existing leases any provision for revocation by the Secretary of the Interior. It seems to me that, whatever leases may be renewed as well as those that may be originally granted should, considering the public nature of this park, be subject to revocation by the Secretary of the Interior. The first proviso covers all cases of leases that may hereafter be granted.

Mr. HOPKINS of Illinois. If a lease is renewed it seems to me that is practically a new contract——

Mr. DINGLEY. But I fear that this provision for revocation might not apply to existing leases which may be renewed.

Mr. HAYES. I think the gentleman is mistaken in that construction.

Mr. DINGLEY. If that is the fact I should be glad to be informed of it.

Mr. HAYES. This proviso contemplates that existing leases may be revoked and new leases granted "hereunder," which would make these new leases subject to all the provisions of this bill. Under these provisions the existing conditions may be carried into the new leases.

Mr. DINGLEY. What, then, is the object of authorizing the renewal of the leases?

Mr. HAYES. So that they may be entirely subject to the provisions of law proposed in this bill.

Mr. DINGLEY. Why not leave the granting of leases to be determined by the other provisions of this bill, which expressly include the right of revocation? What I desire is that all leases which may be granted or renewed shall be subject to revocation by the Secretary of the Interior. Here is a great national park; and we ought not to grant to private persons any rights there which the Government may not at any time resume.

Mr. HAYES. Whenever the existing leases are surrendered and new ones taken, those new ones will become subject to this provision for revocation. It is provided that the holders of existing leases may be "granted new leases hereunder"—that is, under the provisions of this bill.

Mr. DINGLEY. If that is the construction given to the language of the bill—and I desire that it shall go into the RECORD—if it is understood that existing leases which may be renewed, as well as new leases which may be granted, shall be subject to the provision for revocation, I withdraw my amendment.

Mr. HAYES. I think there is no doubt about that.

Mr. HENDERSON of Iowa. The bill as it stands provides thoroughly for all forfeitures and protects every possible interest.

The SPEAKER. The amendment of the gentleman from Maine being withdrawn, the question is on ordering the bill as amended to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON of Iowa, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON of North Carolina. I call for the regular order.

The SPEAKER. The Chair would like to recognize the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 6442) to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes, was read.

Mr. COFFEEN. I desire to introduce an amendment to this bill.

The SPEAKER. The first question is on granting unanimous consent for its consideration.

Mr. STORER. If there is a report, I hope it will be read before the question is taken on granting consent.

The SPEAKER. Without objection the report will be read.

Mr. HOLMAN. I hope the amendment which the gentleman from Wyoming [Mr. COFFEEN] proposes to introduce may be read before consent is given.

Mr. COFFEEN. I should be glad to state the substance of my amendment; and I must object to the consideration of the bill unless this amendment can be considered.

The SPEAKER. That is a matter for private agreement. The question is upon granting unanimous consent for the consideration of the bill. In the absence of objection the amendment can be read.

Mr. HOLMAN. I hope it may be read.

The SPEAKER. And the report can also be read.

Mr. HOLMAN. If the amendment has reference to the boundaries of this park, I shall have to object.

Mr. COFFEEN. It has not. It has reference to holding a term of the Federal court for the State of Wyoming at the town of Sheridan, in the northern part of the State, near to this park, so that the facilities for reaching the Federal court may be increased.

The SPEAKER. The report will be read.

The Clerk read the report.

The SPEAKER. Is there objection to the request for unanimous consent for the consideration of the bill?

Mr. STORER. I object.

Mr. HENDERSON of North Carolina. Regular order.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On March 30, 1894:

An act (H. R. 2640) for the relief of Brig. Gen. John R. Brooke, United States Army; and

Joint resolution (H. Res. 147) authorizing the transfer of furniture and carpets to the rooms now occupied by the United States courts at Chicago.

On March 31, 1894:

Joint resolution (H. Res. 144) authorizing and directing the Secretary of the Treasury to receive at the subtreasury in the city of New York, from R. T. Wilson & Co., or assigns, the money, amounting to $5,750,000, to be paid to the Cherokee Nation, and to place the same to the credit of the Cherokee Nation.

On April 2, 1894:

An act (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers in the States of Louisiana and Texas;

An act (H. R. 4013) to release and turn over to Mrs. Mary O. Augusta certain property in the District of Columbia; and

An act (H. R. 913) for the relief of Louis L. Williams.

On April 4, 1894:

Joint resolution (H. Res. 146) providing for the payment of salaries and expenses of additional deputy collectors of internal revenue to carry out the provisions of the Chinese exclusion act of May 5, 1892, as amended by the act of November 3, 1893.

On April 5, 1894:

An act (H. H. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La.

ENROLLED BILL SIGNED.

Mr. LATIMER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 1836) to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals; when the Speaker signed the same.

MESSENGER FOR THE COMMITTEE ON AGRICULTURE.

Mr. RUSK. Mr. Speaker, I desire to submit a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved by the House of Representatives of the Fifty-third Congress. That the Doorkeeper of the House be, and he is hereby, authorized and directed to increase his present force by the employment of one additional messenger for the remainder of the present session, at the rate of $100 per month, and assign him as messenger to the Committee on Agriculture.

The Committee on Accounts, to whom was referred the foregoing resolution relating to the appointment of a messenger to the Committee on Agriculture, having considered the same, respectfully recommend its passage.

Mr. RUSK. The chairman of the Committee on Agriculture having reported to the Committee on Accounts that it is absolutely essential that he should have a messenger at the committee door during the balance of the session pending the consideration of matters before that committee, and in view of the fact that the Doorkeeper is not able to assign a messenger for duty there during the entire day, the committee have reported favorably the resolution.

I yield to the gentleman from Missouri.

Mr. HATCH. Mr. Speaker, it is only necessary to say to the House that this action by the Committee on Accounts was indorsed in the early part of this session by unanimous resolution of the Committee on Agriculture, and it is absolutely necessary for the performance of the work of that committee that we should have a messenger who can be assigned to that room during the entire day. The committee has leave of the House to sit during the sessions of the House; the subcommittees are employed in their work, and it is utterly impossible for the committee to get along without the assignment of a messenger. At present we can only get one up to fifteen minutes of the assembling of the House.

We had a messenger assigned to the committee in the last Congress for the same reasons, and it is just simply a matter of absolute necessity in the performance of the business of the committee.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division there were—ayes 71, noes 20.

Mr. BYNUM. No quorum.

The SPEAKER appointed Mr. BYNUM and Mr. RUSK as tellers.

The House again divided; and the tellers reported—ayes 117, noes 28.

Mr. BYNUM. I withdraw the point of no quorum.

Mr. STONE of Kentucky. I renew it.

Mr. HATCH. I hope the gentleman from Kentucky will not insist on that.

Mr. STONE of Kentucky. I can not withdraw the point.

The SPEAKER. The gentleman makes the point that no quorum has voted.

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 42, not voting 150; as follows:

YEAS—161.

Abbott,	Bryan,	Draper,	Grady,
Adams, Pa.	Campbell,	Dunphy,	Gresham,
Aitken,	Carmth,	Edmunds,	Griffin,
Alexander,	Catchings,	Ellis, Oregon	Grout,
Allen,	Chickering,	English, Cal.	Grow,
Apsley,	Childs,	Enloe,	Hager,
Arnold,	Clancy,	Epes,	Hainer,
Avery,	Clark, Mo.	Erdman,	Haines,
Babcock,	Clarke, Ala.	Everett,	Hall, Mo.
Baker, Kans.	Cobb, Mo.	Fletcher,	Harmer,
Baker, N. H.	Cockrell,	Forman,	Hartman,
Bankhead,	Coombs,	Funk,	Hatch,
Bartholdt,	Cousins,	Funston,	Hayes,
Bartlett,	Cummings,	Gardner,	Henderson, Iowa
Barwig,	Curtis, N. Y.	Gear,	Henderson, N. C.
Branch,	De Forest,	Geissenhainer,	Hepburn,
Breckinridge, Ark.	Dinsmore,	Gillet, N. Y.	Hicks,
Broderick,	Donovan,	Goldzier,	Hines,
Brookshire,	Doolittle,	Gorman,	Hitt,
Holman,	McMillin,	Pigott,	Talbott, Md.
Hooker, Miss.	McNagny,	Post,	Tarsney,
Hopkins, Ill.	McRae,	Powers,	Tawney,
Hudson,	Meiklejohn,	Quigg,	Terry,
Hull,	Meredith,	Ray,	Tracey,
Ikirt,	Money,	Reed,	Turpin,
Johnson, N. Dak.	Montgomery,	Reilly,	Tyler,
Kiefer,	Moon,	Richardson, Mich.	Van Voorhis, N. Y.
Kyle,	Morgan,	Robbins,	Walker,
Lacey,	Morse,	Robertson, La.	Wanger,
Layton,	Neill,	Rusk,	Waugh,
Livingston,	Northway,	Russell, Ga.	Wever,
Lockwood,	Oates,	Sayers,	Wheeler, Ala.
Marshall,	O'Neil, Mass.	Shaw,	Wheeler, Ill.
Martin, Ind.	O'Neill, Mo.	Sibley,	Whiting,
Marvin, N. Y.	Outhwaite,	Smith,	Wilson, Ohio
McAleer,	Paschal,	Springer,	Wise,
McCreary, Ky.	Patterson,	Stockdale,	Woodard,
McCulloch,	Pence,	Stone, C. W.	Wright, Mass.
McDannold,	Perkins,	Stone, W. A.	
McDowell,	Phillips,	Storer,	
McEttrick,	Pickler,	Sweet,	

NAYS—42.

Bailey,	Cox,	Latimer,	Stallings,
Bell, Tex.	Crawford,	Lawson,	Stone, Ky.
Black, Ga.	Davis,	Lester,	Strait,
Bland,	De Armond,	Lynch,	Talbert, S. C.
Bretz,	Dockery,	Maddox,	Tate,
Bynum,	Hare,	Mallory,	Taylor, Ind.
Cabaniss,	Hunter,	McDearmon,	Turner, Ga.
Cannon, Cal.	Hutcheson,	McKaig,	Washington,
Capehart,	Jones,	Moses,	Williams, Ill.
Cooper, Fla.	Kem,	Pendleton, Tex.	
Cooper, Tex.	Lane,	Snodgrass,	

NOT VOTING—150.

Adams, Ky.	Cooper, Wis.	Izlar,	Ritchie,
Alderson,	Cornish,	Johnson, Ind.	Robinson, Pa.
Aldrich,	Covert,	Johnson, Ohio	Russell, Conn.
Baldwin,	Crain,	Kilgore,	Ryan,
Barnes,	Culberson,	Kribbs,	Schermerhorn,
Belden,	Curtis, Kans.	Lapham,	Scranton,
Bell, Colo.	Dalzell,	Lefever,	Settle,
Beltzhoover,	Daniels,	Linton,	Shell,
Berry,	Davey,	Lisle,	Sherman,
Bingham,	Denson,	Loud,	Sickles,
Black, Ill.	Dingley,	Loudenslager,	Simpson,
Blair,	Dolliver,	Lucas,	Sipe,
Boatner,	Dunn,	Magner,	Somers,
Boen,	Durborow,	Maguire,	Sperry,
Boutelle,	Ellis, Ky.	Mahon,	Stephenson,
Bower, N. C.	English, N. J.	Marsh,	Stevens,
Bowers, Cal.	Fielder,	McCall,	Straus,
Brattan,	Fithian,	McCleary, Minn.	Strong,
Breckinridge, Ky.	Fyan,	McGann,	Swanson,
Brickner,	Geary,	McKeighan,	Taylor, Tenn.
Brosius,	Gillett, Mass.	McLaurin,	Thomas,
Brown,	Goodnight,	Mercer,	Tucker,
Bundy,	Graham,	Meyer,	Turner, Va.
Bunn,	Grosvenor,	Milliken,	Updegraff,
Burnes,	Hall, Minn.	Murray,	Van Voorhis, Ohio
Burrows,	Hammond,	Mutchler,	Wadsworth,
Cadmus,	Harris,	Newlands,	Warner,
Caldwell,	Harter,	Page,	Weadock,
Caminetti,	Haugen,	Payne,	Wells,
Cannon, Ill.	Heard,	Paynter,	White,
Causey,	Heiner,	Pearson,	Williams, Miss.
Cobb, Ala.	Henderson, Ill.	Pendleton, W. Va.	Wilson, Wash.
Cockran,	Hendrix,	Price,	Wilson, W. Va.
Coffeen,	Hermann,	Randall,	Wolverton,
Cogswell,	Hooker, N. Y.	Rayner,	Woomer,
Compton,	Hopkins, Pa.	Reyburn,	Wright, Pa.
Conn,	Houk,	Richards, Ohio	
Cooper, Ind.	Hulick,	Richardson, Tenn.	

So the resolution was passed.

After the first roll call the following proceedings took place:

Mr. HATCH. Mr. Speaker, there seems to be a misapprehension, and I desire to ask unanimous consent to correct it.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HATCH. I rise to ask unanimous consent to make a brief statement, that this is not an additional messenger——

The SPEAKER. It can only be done by unanimous consent.

Mr. HATCH. I ask unanimous consent.

Mr. REED. Is this a roll call?

The SPEAKER. This is the end of the first call.

Mr. REED. There is a roll call going on, and after the severe treatment of the other day it would look rather queer to see it interrupted even by a request for unanimous consent.

The SPEAKER. The gentleman from Maine objects.

Mr. REED. The "gentleman from Maine" did not object.

The SPEAKER. The gentleman can not assume the attitude he does and then say he does not object, because he did.

Mr. REED. My statement is in the record and shows for itself.

The SPEAKER. And so is the statement of the Chair.

Mr. REED (continuing). And the people will be able to understand it.

The SPEAKER. The gentleman can not assume that attitude——

Mr. REED (continuing). It is simply a question of veracity.

The SPEAKER. The gentleman can not assume that attitude and at the same time avoid responsibility.

The Clerk will proceed with the call of the roll.

The roll call was resumed and concluded as above.
The following pairs were announced:
Mr. WILSON of West Virginia with Mr. DALZELL.
Mr. DENSON with Mr. WOOMER.
Mr. KRIBBS with Mr. BROSIUS.
Mr. MCKEIGHAN with Mr. RANDALL.
Mr. WEADOCK with Mr. HOOKER of New York.
Mr. LISLE with Mr. HOUK of Tennessee.
Mr. BRATTAN with Mr. ADAMS of Kentucky.
Mr. GOODNIGHT with Mr. CALDWELL.
Mr. COBB of Alabama with Mr. MCCALL.
Mr. ELLIS of Kentucky with Mr. HAUGEN.
Mr. PAGE with Mr. MORSE.
Mr. BARNES with Mr. MCCLEARY of Minnesota.
Mr. GRAHAM with Mr. STRONG.
Mr. BLACK of Illinois with Mr. ALDRICH.
Mr. SICKLES with Mr. WADSWORTH.
Mr. MAGNER with Mr. LUCAS.
Mr. BELTZHOOVER with Mr. TAYLOR of Tennessee.
Mr. BRICKNER with Mr. CHICKERING.
Mr. VAN VOORHIS of Ohio with Mr. PEARSON.
Mr. DURBOROW with Mr. GROSVENOR.
Mr. FITHIAN with Mr. BINGHAM.
Mr. FYAN with Mr. LINTON.
Mr. ALDERSON with Mr. GILLETT of Massachusetts.
Mr. CRAIN with Mr. HOPKINS of Pennsylvania.
Mr. MADDOX with Mr. BELDEN.
Mr. HARTER with Mr. HENDERSON of Illinois.
Mr. COMPTON with Mr. BOWERS of California.
Mr. SOMERS with Mr. SHERMAN.

The result of the vote was then announced as above recorded.

On motion of Mr. RUSK, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON of North Carolina. I call for the regular order.

The SPEAKER. The gentleman from North Carolina [Mr. HENDERSON] calls for the regular order.

QUESTION OF PERSONAL PRIVILEGE.

Mr. O'NEILL of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. O NEILL of Missouri. I rise to a question of privilege.

The SPEAKER. The gentleman states that he rises to a question of privilege.

Mr. O'NEILL of Missouri. In the St. Louis Republic of yesterday, in a published interview with Congressman MORGAN of Missouri, the following statement appears:

Besides, it was agreed by O'NEILL and Joy that where the intention of the voter could be ascertained his vote should be counted. Why should we violate the solemn agreement of Mr. O'NEILL? He could not break this agreement without dishonor, and he asked too much of Congress to do what his sense of personal honor precluded him from doing.

Concerning that statement, Mr. Speaker, the only agreement ever entered into between Mr. Joy and myself was, that when we found ballots where the voter had scratched simply the caption of the ticket or portions of the ticket, we would take that to be the intention of the voter to have erased that ticket and voted for the one that remained intact. In the brief furnished by Mr. Joy, on page 19, he gives a list of the described ballots that were to be counted according to that rule. (See page 755.)

On page 755 of the testimony, the rule that he refers to is mentioned in the testimony of Patrick Killoran, where Mr. Joy states:

It is agreed that the witness, Patrick Killoran, cast his ballot properly, and that the ballot was described in the record, and that this witness's ballot so described would have been counted for the contestant under the rule adopted later between the contestant and the contestee. And it is further agreed that all described ballots during the first three days and prior to the adoption of the rule shall be counted in accordance with the rule adopted afterwards in the count, as appears by the record.

An examination of the ballots, in number amounting to 21, claimed by Mr. Joy under that rule, will be found to bear out my statement. All of those ballots are of this class. Ballot 349–422 is claimed by me.

On the Democratic, People's, and Prohibition tickets, on each one of them there is a cross mark in the middle of the ticket: on the Republican ticket the name of M. Kotenay is scratched by horizontal lines, and there are no other scratches on the ticket.

On the other ballots you will find the same description. When I noticed this interview I telegraphed my attorney at St. Louis, Charles S. Broadhead, and I have just received from him the following telegram:

ST. LOUIS, MO., *April 6, 1894.*

To Hon. JOHN J. O'NEILL,
Washington:

In the O'Neill-Joy case the agreement to abide by the intention of the voter, as testified by him, related only to those cases where the caption or some portion of the face of the ballot was scratched, and did not relate to anything except what appeared on the face of the ballot. There was never an agreement that the intention of the voter should or might be taken as to all the ballots or any large proportion of them.

The agreement related wholly to the face of the ballot; that is, when the witness Maroney could not determine from the face of the ballot who it should be counted for, and the contestant and contestee could not agree, it was agreed to call and abide by the declared intention of the voter. The number of the ballot, where there was an agreement to take the intention of the voter, was taken down by the contestant and contestee, and when either party introduced the voter who was supposed to have voted that ballot, the party calling the witness announced: "This is one of the cases in which it was agreed to take and stand by the intention of the voter;" and in scarcely any such case was the witness cross-examined. He was simply asked who he intended to vote for, answered, and was discharged.

CHARLES S. BROADHEAD.

Now, Mr. Speaker, when the statement was made before the committee that I had agreed to be bound by the intention of the voters according as the tickets were found in the box, I stated to the committee that there was no such agreement. On the 23d of last October, immediately after that statement appeared, I published in the St. Louis Republican of that date the following:

Joy's statement that I had agreed to count every fraudulent ballot is such a stupid falsehood that it answers itself.

There is not in the entire record one iota of an agreement or statement that I have not lived up to. There is not in that record the testimony of a single witness that shows where a single fraudulent practice was used in my interest.

In the brief that I furnished to the committee I furnished instances of every conceivable kind of fraud that could be practiced at an election, and those instances were sufficiently frequent that the committee need never have referred to the laws of Missouri. They need never have discarded one single ballot on account of having not been initialed or numbered. If they had simply taken the overwhelming mass of proof of fraudulent votes, it would have given me my seat upon this floor.

I have borne patiently not only the misrepresentations and falsehoods in regard to this contest, but I have borne what is more. Under the surface my record on this floor as a Representative has been attacked in a cowardly and contemptible manner. I have been branded here—not openly, but covertly and quietly—as a firebrand, as a labor agitator, as one who, if seated in this House, would cause disturbances here. With one exception, there is not a bill that I ever presented in this House that did not pass the House by an almost unanimous vote, and to-day those bills are on the statute books of your country. The convict labor bill alone failed to pass, and that bill went to engrossment by an overwhelming vote. I want my status in this House established. I have been a representative of my people for over twenty years, and I have never been charged with either falsehood or dishonor.

My people for twelve years have unanimously nominated me for Congress. The people of my city know me. They have known me from the time when I traversed the streets of that city as a newsboy. They know me there as the son of an humble Irish laborer; and if to advocate the cause of the people from whom I sprung is to put me under the ban, then I am willing to retire from public life. [Applause on the Democratic side.]

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

Mr. O'NEILL of Missouri. I will yield to the gentleman for any question he desires to ask.

Mr. MORGAN. Mr. Speaker——

Mr. BOUTELLE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I simply desire to ask the Chair if this is a question of privilege?

The SPEAKER. The gentleman stated that he rose to a question of privilege.

Mr. BOUTELLE. Does the Chair hold that the gentleman has presented a question of privilege?

The SPEAKER. The gentleman has finished his remarks, and no point has been made.

Mr. BOUTELLE. I supposed that the Chair sometimes took cognizance of the proceedings and admonished members as to whether a question of privilege had been presented.

The SPEAKER. The Chair is not responsible for the gentleman's supposition.

Mr. MORGAN. Mr. Speaker, it seems to me we have heard about enough of the O'Neill contested election case; and the gentleman, now having his seat, would do well to devote himself to the discharge of his Congressional duties for the performance of which Mr. Joy was elected by the voters of the Eleventh Congressional district of Missouri. [Loud applause on the Republican side.]

Now I have been referred to, and I think that I can speak on a question of personal privilege. I read from the election case of O'Neill vs. Joy, and I find this unmodified independent proposition made by Mr. O'NEILL:

Mr. O'NEILL. I am willing to take the intention of the voter right through.
Mr. JOY. When I can see the plain intention of the voter I am perfectly willing to take it.

I am not surprised that Mr. O'NEILL declined to take the intention of the voter.

Mr. O'NEILL of Missouri. Read the next line.

Mr. MORGAN (continuing). In this case.

Mr. O'NEILL of Missouri. Read the next line.

Mr. MORGAN (reading):

By Mr. BATES. Either do that or describe it.

Mr. O'NEILL of Missouri. That is it.

Mr. CAMPBELL. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL. I ask the Chair if this debate is in order?

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] rose and had read an extract from a paper, and stated that he rose to a question of privilege that covered the statement made in an interview purporting to be given by the gentleman's colleague [Mr. MORGAN]. The gentleman from Missouri [Mr. O'NEILL] was permitted to make his statement, and the gentleman from Missouri [Mr. MORGAN], his colleague, is making his statement in reply.

Mr. CAMPBELL. Now, Mr. Speaker, the gentleman has just stated that we have had sufficient of the O'Neill and Joy contested-election case, and I object.

The SPEAKER. But there has been a question raised, and the gentleman has been recognized to make a personal statement.

Mr. MORGAN. I admit that the interview was correct, as published in the St. Louis Republic.

Mr. CAMPBELL. I insist on my point of order, Mr. Speaker, which is that the question under consideration is not in order. Mr. O'NEILL has made his statement of the question of privilege, and that is the end of the case.

The SPEAKER. The gentleman from Missouri [Mr. O'NEILL] has had suggested some controversy as to the accuracy of the statement made.

Mr. CAMPBELL. I desire to have a ruling of the Chair. If I am right, I object.

The SPEAKER. The gentleman will proceed in order, and confine himself to the question.

Mr. MORGAN. I will. I will read from the election case to show that what I stated was correct.

By Mr. O'NEILL. It is agreed and announced that where the intention of the voter is apparent, that the vote will be counted for the person for whom he intended to vote. It applies all through the entire ballot.

[Applause on the Republican side.]

That is the language of Mr. O'NEILL.

By Mr. JOY. Both parties agree to it.

[Renewed applause.]

And that is followed by other testimony, sustaining, as I understand, the proposition.

I did state that in that interview, when I was called upon to explain my vote, for having discarded the report of a Democratic committee. I never criticised its conclusions of law. I was called upon to explain the reason I voted against the unseating of Mr. Joy, being a Democrat, and I gave them. The gentleman did not read all the interview. I will read the remainder, as it is short.

I voted against turning Joy out because it appeared clear to me that he was fairly elected and received the certificate of election from the Democratic official of the State, who carefully canvassed the returns. No fraud was subsequently shown to set aside this solemn and authoritative action. It is a poor argument to say the Republican majority in former Congresses have disregarded the votes of the legal electors, overthrown the certificates of State boards of canvassers and turned out Democratic Representatives fairly elected. We should avoid the wrongs of the Republicans rather than repeat them.

[Applause on the Democratic side].

It is bad politics to take advantage of mere technicalities to defeat the will of the people. We have had too much of this in election cases. We ought to do right, and the right thing was to allow Joy to remain in his seat.

I still adhere to those declarations. They are true. [Loud applause on the Republican side].

Now, Mr. Speaker, I beg pardon of the House for referring to this matter, and I hope we are done with the O'Neill contested-election case, because I think it more than we can stand. [Laughter and applause on the Republican side.]

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for reports.

CERTIFICATION OF CERTAIN CLAIMS.

Mr. BAILEY, from the Committee on the Judiciary, reported back with a favorable recommendation a joint resolution (H. Res. 121) authorizing proper officers of the Treasury Department to examine and certify claims in favor of certain counties in Arizona; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PARTIAL PAYMENTS FOR WORK FOR REVENUE-MARINE SERVICE.

Mr. BAILEY also, from the Committee on the Judiciary, reported back with an amendment a joint resolution (H. Res. 150) providing for partial payments for work, etc., for Revenue-Marine Service; which was referred to the Committee on the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PROTECTION OF THE FLAG OF THE UNITED STATES.

Mr. LAYTON, from the Committee on the Judiciary, reported back with a favorable recommendation a bill (H. R. 5315) to prevent desecration of the United States flag; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BELT RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. RICHARDSON of Tennessee, from the Committee on the District of Columbia, reported a bill (H. R. 6596) as a substitute for the bill (H. R. 5933) to amend the act approved February 18, 1893, changing the name of the Capitol, North O Street, and South Washington Railway Company to the Belt Railway Company, and granting additional powers to said company; which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 5933) for the same purpose was laid on the table.

The call of committees was completed.

TAXATION OF LEGAL-TENDER NOTES.

Mr. HALL of Missouri, from the Committee on Banking and Currency, reported back with amendments the bill (H. R. 4326) to subject to State taxation National bank-notes and United States Treasury notes, and asked that the bill and report be printed, together with the views of the minority, and recommitted to the committee.

Mr. COX. Mr. Speaker, I desire to make a parliamentary inquiry in regard to that. The bill that came to the committee from the House is not the one that is reported back. That bill was amended by the committee, and it is the amended bill that is authorized to be reported to the House.

The SPEAKER. Well, the gentleman, the Chair understands, has reported the bill that he was authorized to report.

Mr. SPRINGER. The report shows that the committee have recommended amendments. Of course the committee had to report back the bill that was referred to it by the House, but it is reported back with amendments, which appear in the report.

The bill, with the report and the views of the minority, was ordered to be printed, and recommitted to the committee.

ORDER OF BUSINESS.

Mr. LOCKWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution reported a while ago by the gentleman from Texas from the Committee on the Judiciary in regard to partial payments for work for the Revenue Marine Service.

The SPEAKER. The regular order is demanded. If that demand is withdrawn, the Chair will entertain the gentleman's request.

Mr. HENDERSON of North Carolina. I will withdraw the demand for the regular order, Mr. Speaker, with the understanding that if the matter which the gentleman from New York desires to call up occasions debate, it will be withdrawn.

Mr. LOCKWOOD. I do not think it will occasion any debate.

PARTIAL PAYMENTS FOR WORK FOR REVENUE MARINE SERVICE.

Mr. LOCKWOOD. Now, Mr. Speaker, I ask unanimous consent for the present consideration of that joint resolution.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Treasury be, and he hereby is, authorized to make partial payments from time to time upon all contracts for the construction of vessels for the Revenue Marine Service, but not in excess of the amount of the value of the work already done; and that the contracts shall provide for a lien upon such vessels for all advances so made.

Mr. REED. Mr. Speaker, how does this come before the House?

The SPEAKER. The gentleman from New York asks unanimous consent for its consideration at this time. Is there objection?

Mr. REED. I want to understand what it is before I consent.

Mr. LOCKWOOD. I shall be happy to inform the gentleman. For a great many years it has been the custom of the Treasury Department, on contracts for revenue marine vessels and other vessels constructed for that Department, to make partial payments. Under the contracts as they have been made heretofore the Gov-

ernment obtained no lien whatever upon a vessel by these partial payments, but had to rely entirely upon the bondsmen of the contractor. It was formerly understood that under section 3648 of the Revised Statutes authority was given to make these partial payments, but from a late opinion given by the Attorney-General it appears that partial payments can not be legally made; the Government does not acquire any property in the vessels. I have a letter from the Secretary of the Treasury requesting that this joint resolution be passed by Congress in order that these partial payments may be made from time to time as work progresses upon vessels which are being constructed for the Revenue Marine Service, the Light-House Service, and other branches of service connected with the Treasury Department.

It has been the regular custom of the Department for many years to make payments of this kind, but owing to the failure of one of the contractors the question has lately arisen whether partial payments should be made to the bondsmen who had been subrogated to the rights and obligations of contractors. The Treasury Department asked for the opinion of the Department of Justice on this question, and the Department of Justice has held that under the law as it exists to-day these payments can not be made.

This joint resolution simply provides that partial payments not exceeding 75 per cent of the work done may be made to the contractors as the work on these vessels progresses. As I have said, there has been a regular custom of making such payments, but these payments apart from the sanction which custom gave have been entirely outside of the law.

This resolution will not vary the practice which has prevailed for a great many years in the Treasury Department, but will simply make plain as a matter of law and right what the Treasury Department should do.

Mr. REED. Does this resolution provide that there shall be a lien for the amounts advanced?

Mr. LOCKWOOD. Yes, sir. It is provided that hereafter upon any vessel on which partial payments are made the Government shall have a lien for the amount advanced.

Mr. REED. And this does not in any way release the bondsmen?

Mr. LOCKWOOD. In no way.

Mr. REED. Does this resolution provide for any such case as where the bondsmen take possession of the vessel for the purpose of completing the contract?

Mr. LOCKWOOD. It does not.

Mr. BAILEY. Let me suggest to the gentleman from Maine that one of the amendments offered by the committee would cover that precise point.

Mr. REED. So that, under this provision, advances could be made to the bondsmen when they undertake the fulfillment of the contract?

Mr. BAILEY. Whenever they undertake the work in place of the original contractors, they become subrogated to the rights of the contractors; and consequently these payments could be made to them.

There being no objection, the House proceeded to the consideration of the joint resolution.

The amendments reported by the committee were agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

On motion of Mr. LOCKWOOD, a motion to reconsider the last vote was laid on the table.

PRIVATE PENSION BILLS.

Mr. HENDERSON of North Carolina. I call for the regular order.

Mr. MARTIN of Indiana. I ask the gentleman from North Carolina [Mr. HENDERSON] to yield to me for a moment. I do not wish to call up any bill, but simply to submit a request.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. MARTIN of Indiana. I have expressed my request in writing. I send the paper to the Clerk's desk.

The Clerk read as follows:

I ask unanimous consent that the previous question be considered as ordered on the consideration, third reading, engrossment, and passage of all private bills on the Calendar of Unfinished Business which have been reported to the House by the Committee of the Whole at Friday night sessions; subject to the reading and approval of the Journal, the calling of committees for reports, executive communications, messages from the Senate, the right of way of general appropriation bills, and also to existing special orders for eulogies; and fifteen minutes' debate on each side may be had on each bill; provided that this order shall not interfere with the regular order at Friday night sessions.

The SPEAKER. The gentleman from Indiana asks unanimous consent that this order be made. Is there objection?

Mr. McMILLIN. Reserving the right to object, I wish to inquire whether the order, if adopted, will take precedence of all questions except those therein mentioned, and the appropriation bills?

Mr. MARTIN of Indiana. I suppose it would.

Mr. McMILLIN. I see that the gentleman excepts from the operation of the order the very night set apart for the consideration of these bills. It strikes me that it is peculiar. It is a matter of questionable propriety to order the previous question on forty different measures at one time. I do not think it a good method of proceeding. Yet I dislike to make an objection which may seem to prevent the orderly consideration of these measures. If half an hour be devoted to each of these bills, assuming that the yeas and nays are not called, then whatever may be the exigency of other business, twenty hours would be devoted to the disposition of these bills.

Mr. MARTIN of Indiana. I have tried to make this order broad enough to allow the taking up of these measures when no others are regularly before the House. I intend to observe entire good faith in that particular in asking the enforcement of the order. I do not wish to antagonize other business.

Mr. DOCKERY. Does the gentleman except from the operation of the order privileged reports?

Mr. McMILLIN. I ask that the order be again read.

The Clerk again read the request.

Mr. DOCKERY. I ask the gentleman to except also privileged bills or privileged reports.

Mr. MARTIN of Indiana. I accept that, and modify the resolution accordingly.

Mr. STALLINGS. I would like to have the gentleman give an explanation of the effect of this resolution.

Mr. MARTIN of Indiana. It simply means that the previous question shall be ordered upon the various bills that have been already considered and reported from the Committee of the Whole, with a view to taking them up for consideration when there is no business before the House of the kind specified in the exception.

Mr. CANNON of Illinois. Had not the gentleman better broaden the resolution, and let it apply to bills that shall be considered on Friday night sessions in the future, as well as those already considered?

Mr. MARTIN of Indiana. I think we had better not undertake to do that.

Mr. REED. It probably could not be got through the House. The same influences that are against general pension bills would be against that.

Mr. PICKLER. I do not think this will help the matter very much.

Mr. REED. It is the best that could be done in this House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. HUTCHESON. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLACK of Illinois until April 10, on account of important business.

POST-OFFICE APPROPRIATION BILL.

Mr. HENDERSON of North Carolina. I move that the House now resolve itself into Committee of the Whole House on the state of the Union to further consider general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HATCH in the chair.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 6016) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895.

The CHAIRMAN. The Clerk will report the pending amendment of the gentleman from Illinois, against which the point of order is made by the gentleman from North Carolina [Mr. HENDERSON].

Mr. SPRINGER. I desire to modify the amendment which is now pending, offered by myself last evening, so as to read as follows.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Provided, That from and after the passage of this act all periodical publications, issued from a known place of publication at stated intervals and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than one thousand persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional or scientific societies shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter and no more: *Provided further*, that such matter shall be originated and published to further the objects and purposes of such society, order, trades union, or institution of learning, and shall be formed of printed paper sheets without

board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications.

Mr. HENDERSON of North Carolina. I make the same point of order, Mr. Chairman, against the modified amendment as I made against the original.

The CHAIRMAN. The gentleman will state it.

Mr. HENDERSON of North Carolina. This amendment is not germane to the subject-matter of the bill. The effect of the amendment is to make a permanent law. It is bound to change existing law; and if it is not for that purpose, it is an idle amendment.

In addition to that it does not reduce expenditures. On the contrary, it will greatly increase them.

The gentleman from New York [Mr. QUIGG] desires to be heard on the point of order, and I will give way to him for the present.

Mr. QUIGG. Mr. Chairman, I desire to address the Chair on the point of order which was made on yesterday by the chairman of the Committee on Post-Offices and Post-Roads against the original amendment introduced by the gentleman from Illinois, and is now renewed against the modified amendment, which point of order, if I understand it correctly, is that the amendment changes existing law without retrenching expenditure.

The gentleman from Illinois urges that it does not change existing law at all, and in order that the committee may understand that this is the view of the publishers of this class of periodicals, and that they contend now, and have always contended, that their newspapers are entitled to admission as second-class matter, I desire to read from a letter that I have received from the recorder of the Grand Lodge of the Ancient Order of United Workmen, in which it is stated:

First, I beg to assure you that fraternal beneficial societies, like the Ancient Order of United Workmen, the Royal Arcanum, the Knights of Honor, and many others, do not find so much fault with the ruling of the Post-Office Department, only that we feel that a wrong construction has been put on the law relating to newspapers published in the interests of this society.

Their claim is identical with the claim of the gentleman from Illinois. Incidentally, I desire to say that it seems to me that the Chair is placed in an unfortunate position by this point of order, for he is called upon to do precisely that of which we are complaining of the Post-Office Department. We are complaining that these newspapers have been subjected, not to the operation of the law as it exists, but to the operation of bureau-made law; and I think that most members of this House will agree with me that there is a good deal too much of bureau made law anyhow. The Third Assistant Postmaster-General, and the Assistant Attorney-General who serves in connection with the Department, and the Postmaster-General himself, know a good deal more about law in general than they do about newspapers: and if the observations which I shall bring to the attention of the Chair assist him in deciding this point of order, they may be of service, because I know a little about law and a little about newspapers, too.

The CHAIRMAN. Will the gentleman from New York [Mr. QUIGG] suspend for a moment? The Chair will take it as a personal favor, and a very great courtesy on the part of the committee, if members of the committee who are engaged in conversation on the floor will allow the Chair to hear the gentleman from New York.

Mr. QUIGG. Now, I am going to confine myself strictly and literally to this point of order, and not to the contention whether or not it is desirable to send newspapers through the mails at a cheap rate of postage, not to the point whether the papers will burden the mail, not to the point whether too much money is being expended by the Government in this way, but strictly to the point of order. Those are questions that are quite aside from this.

I may say, in passing, that these publications must be admitted to be newspapers. They contain news. If anybody doubts that, I have a lot of them that are subject to examination. They are newspapers. They fulfill every requirement of the law, unless one, and it is to that one I am coming. I will inquire if the Chair has before him the law upon this subject?

The CHAIRMAN. The Chair has the law before him, and is following the question closely.

Mr. QUIGG. If the Chair will look at the law, he will see that the first statutory requirement is that the newspaper must be regularly issued at stated intervals, as frequently as four times a year; that it must bear a date of issue and be numbered consecutively. These newspapers fulfill all those conditions, do they not?

Second. It must be issued from a known office of publication. Well, there is no trouble about that. They are all issued from well-defined places of business.

Third. They must be formed of printed paper sheets without board, cloth, leather, or substantial bindings, such as distinguish printed books for preservation from periodical publications.

Well, they are not books or anything like books.

Fourth. It must be originated and published for the dissemination of information of a public character or devoted to literature, the sciences, arts, or some special industry, and have a legitimate list of subscribers.

Now, it may be said by some people, though it is not said by the Department, that these newspapers do not have a legitimate list of subscribers.

Mr. HENDERSON of North Carolina. That is just what the Department does say.

Mr. QUIGG. That claim is not urged by the Department.

Mr. HENDERSON of North Carolina. You are mistaken about that. That is one of the points the Department makes. I will call the gentleman's attention to the opinion of Mr. Tyner, Assistant Attorney-General under Mr. Harrison, and of Mr. Thomas, Assistant Attorney-General under Mr. Cleveland.

Mr. QUIGG. Then the Department has gone a long way farther from the law than I supposed it had. The Department is bound to the facts than I supposed it was.

There is no question here about these newspapers having legitimate lists of subscribers. That question ought not to be raised; but if it is going to be raised, I will speak about that. They all have subscribers, and those subscribers are furnished by a society. A society supplies a list of subscribers, who agree to receive the paper, and who pay the society for the paper.

Mr. DUNPHY. Is not the paper published by the society?

Mr. QUIGG. It may or may not be. In some instances it is not.

Mr. DUNPHY. The question that has come up in the Post-Office Department is whether the members of the society publishing the paper become legitimate, bona fide subscribers without paying anything else except their annual dues. They pay nothing except their annual dues, and the society, in consideration of those dues, sends them this fraternal journal.

Mr. QUIGG. That is what I am talking about. That is merely a method of collecting. The society acts as middleman, and collects the subscriptions from these subscribers, either by means of the regular dues of the society or by any other means that the society chooses to adopt, and forwards the subscriptions to the publisher of the paper, who may or may not be in the employ of the society. Sometimes it is an entirely independent concern. Many of these newspapers are published by individuals. The paper is the individual property of one man, and not the property of a society at all in some cases; but because he is a member of the society, and stands well with the society, that society adopts his newspaper as its organ. That is the case in several instances. In other cases the papers are published by the societies themselves, and the question raised by the gentleman is merely as to a method of collection.

Mr. LOUD. Will the gentleman yield for a question there?

Mr. QUIGG. Yes.

Mr. LOUD. Do you not understand that this amendment proposed here will go beyond the cases you are arguing for and make it compulsory upon the Department to admit as second-class matter any journals published by the societies or organizations mentioned in this amendment, whether they have a legitimate circulation or not, or any circulation?

Mr. QUIGG. Why certainly not. If they have no circulation, they will not want to go through the mails.

Mr. LOUD. I mean legitimate circulation. I can issue a journal under this amendment simply as an advertising medium for a commercial college.

Mr. QUIGG. Oh, no.

Mr. LOUD. I can, under this proposed law, simply as an advertising medium, and not have a single subscriber.

Mr. QUIGG. Oh, no. I want to call the attention of the Chairman to this.

The CHAIRMAN. The Chair would be obliged to members of the committee if they would allow the gentleman from New York [Mr. QUIGG] to address the Chair to the conclusion of his remarks without interruption. The Chair will then recognize any gentleman who desires to present his views on this point of order. The Chair is very anxious to hear the gentleman from New York without further interruption.

Mr. QUIGG. The point made by the gentleman from California is that he can issue (and this bears on the question of order) a paper, and it does not make any difference whether he has any legitimate list of subscribers or not; it may simply be an advertising sheet, intended for the purpose of promoting his business, and that he can send it through the mails under this resolution. He can not do anything of the kind, for the simple reason that the law says very distinctly that no journal which is issued as an advertising medium, nor which has not a regular list of subscribers, can thus go through the mails.

That disposes of his supposititious case at once. Now, then, I come down to the point of whether a newspaper has a legitimate list of subscribers. What significance attaches to the use of the word "legitimate?" It is legitimate if they have to pay for them, is it not? Well, it makes no difference how they pay for them, then, provided they do pay for them. If they pay a middleman, and he transfers it to the office, that is paying for it. If they pay an agent of the newspaper, and the agent goes to the newspaper and pays it and takes off his commission, that is legitimate.

Suppose they pay it to the secretary of a society and he pays it into the fund, and the fund goes out to pay the expenses of the paper, what difference does it make? Is it not a legitimate list of subscribers? Of course it is. Then the final point is this, and I desire particularly to call the attention of the Chair to the preliminary expression which introduces this report:

Provided, however—

And I wish the gentleman in charge of the bill would do me the honor of listening to me at this point—

Mr. HENDERSON of North Carolina. I did not understand the gentleman.

Mr. QUIGG. I say I will be obliged if the gentleman would give me his attention at this point. I want to make the point, and bring it closely to the gentleman's attention, that in the four statutory provisions in regard to these newspapers, after saying that the paper must be originated and published for the dissemination of information of a public character, must be devoted to literature, science, or art, or special industries, and have a legitimate list of subscribers, before we come to the last qualification there are the words, "provided, however." In other words, sir, this last qualification is simply a qualification of that which has gone before:

Provided, however, That nothing herein contained shall be so construed as to admit to second-class rates regular publications designed primarily for advertising purposes—

Will the gentleman from California give heed to that—

or for free circulation—

And that is not involved here, because it is a paid circulation—

or for circulation at nominal rates.

Now, sir, this last qualification, "nominal rates," is all there is in this point of order; absolutely all. This is the law. Whatever else is in this subject, what the gentleman may insist is the law, necessarily may or may not be as we choose to decide. This is the Department view. That view is shown in a series of regulations, in which they have provided as to how a publisher shall define his newspaper in offering it for circulation at pound rates.

It appears that they have construed this provision in these words. "That the paper must be circulated when the publication is controlled by a society, association, or club, and is distributed among its members upon the payment of regular dues or of an assessment covering the cost of publication." Now, that is the construction of the Department as to the meaning of nominal rates. I want to say to the Chair again that that construction illustrates the fact with which I introduced my observations—that these lawyers in the Post-Office Department know a great deal more about law than they do about newspapers.

The CHAIRMAN. Will the gentleman please read that construction again?

Mr. QUIGG. Yes, sir.

When the publication is controlled by a society, association, or club, and is distributed among its members upon the payment of regular dues or an assessment covering the cost of publication.

Now, Mr. Chairman, the gentleman in charge of the bill says that the Department contends now, and he proposes to submit something in which the contention is urged, that these newspapers have no legitimate circulation. But that is an afterthought. That is the point which the Department has been relying upon, the reason it has been furnishing to these advertisers and publishers for keeping their publications out of the mails, and that is the last construction as to nominal rates. That is what it has been doing, whatever it may be saying to the House; and now that the subject is up, in its desire to prevent the House from doing what it may wish to do, is an afterthought. It does not put that in the design, or at least does not put it in the regulation. The regulation on the subject is what I have read to the Chair.

Now, as I say, these gentlemen know more about law than they do about newspapers, or they would see the point that if a literal construction were to be given to this word "nominal" it would bar out of the mails nearly every newspaper in the United States. Take, for instance, such newspapers as we have in New York—the Herald, the Tribune, the World, the Sun; the bills for the white paper on which they are printed amount at the end of the year to nearly as great a sum as they receive from subscriptions, so that their subscriptions are really all "nominal" in one sense. Mr. Chairman, when a man undertakes to argue about what Congress intended when it used certain language in making some expression of its will, the field for speculation is very wide. But if Congress meant anything sensible by the use of this word "nominal," in view of the fact that literally all the newspapers are circulated at nominal rates, it meant, and it must have meant, simply to provide that none of the newspapers that are included in these four classes should be allowed to sneak into the mails by charging a very trifling sum for subscription. That was what was meant by the use of the word "nominal," and that is what must have been meant, for it is used as a qualification of what goes before. The intention was to shut out advertising sheets, sheets designed to promote individual interests——

Mr. CUMMINGS. Ayer's Sarsaparilla, for instance.

Mr. QUIGG. Yes; any publication that is designed to promote the interests of a particular business. There are large dry-goods firms in New York City that issue papers and try to get them through the mails, although their sole purpose is to advertise the business of those firms. My colleague from New York [Mr. CUMMINGS] has mentioned another concern that does the same thing.

Mr. CUMMINGS. Yes. They print a million copies.

Mr. QUIGG. I believe so. Now, the law was intended to prevent the accomplishment of any such thing as that, to prevent those papers from getting access to the mails at newspaper rates by making a slight charge for subscription and circulating as newspapers, when they were really advertising sheets intended to be circulated free. But these newspapers that have been excluded do not circulate for nothing. It costs a great deal of money to print them. Here is one of them, the fraternal kind, against which this prohibition is being urged.

You see it is an 8-page paper almost entirely composed of news. It has general advertisements on the back, and anybody in the world can get into it as an advertiser if he has a legitimate industry to advertise. That is the character of all these publications. They are newspapers if there ever was a newspaper. They are just as much newspapers as the religious publications that are circulating through the mails at pound rates, and obviously the only intention of the law in using the word "nominal," which is used as a qualification of what precedes it, was to provide against the evasion of the law by publications of the several characters described—to provide that a publication which does not appear at stated intervals, that a publication which is not published as often as four times a year, that a publication which does not bear a date, that a publication which is not numbered consecutively, that a publication which is not issued from a known office, that a publication which is not printed as a newspaper but as a book, that a publication which is not originated and published for the dissemination of information of a public character or devoted to literature, the sciences, arts, or some special industry—the intention, I say, was to provide that none of these so-called newspapers should gain access to the mails at the pound rate by simply sticking on some trifling charge for subscription. That is the meaning and the whole meaning of the word "nominal" as there used.

Now, Mr. Chairman, I submit that it must be clear to you, as it certainly ought to be clear to the committee, that these papers to which I have heretofore called attention have been forbidden access to the mails upon a narrow and an incorrect construction of the law. The lawyers who read that word "nominal" did not know what it meant as there used. That is all there is of it, and it is nothing unusual for lawyers not to know what things mean. [Laughter.] They make mistakes all the time, like other people.

Mr. LOUD. Does the gentleman say that this paper, the Fraternal Times, is denied access to the mails as second-class matter?

Mr. QUIGG. I am so informed.

Mr. LOUD. The gentleman is mistaken. Here is a statement printed right on the face of the journal itself: "Entered as second-class matter at the New York post-office July 18, 1889."

Mr. QUIGG. It may have printed that on its face, and yet may have been denied access to the mails afterward.

Mr. LOUD. There are only two papers that are denied access to the mails, and this, as I have said, is not one of them, for it bears the inscription I have just read.

Mr. SPRINGER. That does not necessarily show that it is allowed to go through the mails, though.

Mr. CUMMINGS. The official organ of the National Typographical Union is denied the privilege of the mails.

Mr. LOUD. That is all right.

Mr. CUMMINGS. It is all wrong, and you know it.

Mr. QUIGG. Now, Mr. Chairman, I dare to say that the

gentleman from California is mistaken in what he has just stated.

The gentlemen who have sent me these papers as samples of the papers that have been denied access to the mails are not lying to me or imposing upon me; they are honorable gentlemen; and the gentleman from California [Mr. LOUD] is mistaken in his statement. They know whether their papers have been denied access to the mails much better than the gentleman from California does.

Mr. CANNON of Illinois. Will the gentleman allow me a single statement?

Mr. QUIGG. With pleasure.

Mr. CANNON of Illinois. The legislation now in question originated in the first session of the Forty-third Congress. I was at that time a member of the Committee on the Post-Office and Post-Roads, was chairman of the subcommittee having this matter under consideration, and I had charge of the legislation during its passage through this House. The matter was discussed very fully at that time in the committee and in the House; and it never entered the minds of that committee to suppose that the legislation would be so construed as to exclude from the mails this class of papers.

Mr. QUIGG. I hope the Chair will give due heed to what has just been stated on the personal knowledge of the chairman of the subcommittee that originally had charge of this legislation.

Mr. SWANSON. These papers were all admitted at one time under the existing law.

Mr. BOWERS of California. The gentleman from New York [Mr. QUIGG] will allow me to suggest that I am in receipt of many communications in regard to this very paper to which he has referred. I am a member of that organization, and members of it have written to me that their paper is denied passage through the mails as second class matter.

Mr. QUIGG. I am sure it will not be supposed that I entertain a single thought of disrespect to the intelligence or good humor of the Chair in this matter, but I am very anxious that the Chair, in deciding this point, should keep out of its mind any other question than the point of order raised here.

If the occupant of the chair thinks that the mails are now too largely burdened with newspapers, and that there ought to be a retrenchment of expenditures in this respect, I trust he will not allow any such consideration to have anything to do with the determination of the question of order. Such considerations have had a great deal to do with the ruling adopted in the Post-Office Department and a great deal to do with this bureau-made law. We are the judges—not the Third Assistant Postmaster-General—of how much money we want to spend in circulating newspapers through the mails. He will do us a favor if he will allow us to express our opinion on that subject. He is our servant to carry out our will—not our master to qualify it and narrow it down. This is all I have to say. [Loud applause.]

Mr. AITKEN. Mr. Chairman, this question of order, as I understand, turns solely on the question whether it is a rule of the Department or a law that is to be changed in this case. I have had some experience with the Department, which I think will show that it is merely a rule of the Department. I happen to be interested in the circulation of one of these fraternal journals which have been ruled out of the mails, although it was labeled as having been entered as second-class matter. I appeared before the Third Assistant Postmaster-General in connection with this question—and I will say it was not during the present Administration. That officer immediately rang a bell, sent down into the basement, and brought up a young man who listened to what I had to say on this question. Then turning to the young man, the Third Assistant Postmaster-General asked him whether I had satisfied him that he had made a mistake in his ruling. The young man stated that he was not convinced; and so the Third Assistant told me that the matter would have to rest as it was.

As I wanted an authoritative determination of the Department on the question, I went with the case to the Postmaster-General; for I took it for granted it was a ruling of the Department that we wanted to have changed. We finally got the question before Judge Tyner as attorney for the Post-Office Department. The question was argued pro and con. Those who were contending for the construction adopted by the Department brought in rulings of Judge Tyner's which they claimed, if applied to this paper, would rule it out as second class matter. After a long discussion, lasting some two days, Judge Tyner ruled in this particular case that the paper was entitled to pass through the mails as second-class matter, thus setting aside the ruling of the gentleman in the basement and that of the Third Assistant Postmaster-General.

Now, I take it, it is simply a rule that we wish to establish in the Post-Office Department. We claim, as the gentleman from New York has said, that the law admits these papers as second-class matter, and that these societies which represent millions of people in this country, should not have their legal rights denied because of the opinion or prejudice of those in authority in the Post-Office Department.

Many of us know how these papers are circulated. These fraternal orders are not organized for profit. They have been designated by the courts all over this country as charitable institutions rather than institutions for profit. They make their laws by representatives chosen by members of the local bodies; when those representatives get together they decide whether it is best that each of the membership should receive a copy of the society paper in order that information relating to the society may be properly promulgated. If they make up their minds that the interests of the society require the circulation of these papers they instruct the committee, or some officer representing them, to go to some publisher and contract with him to furnish to each member of the order a copy of the journal in question, which is designated by their laws as the official organ of the order.

In the case I have mentioned, even those gentlemen in the Department who were opposed to admitting this journal as second-class matter said, "If you received your subscriptions directly from the individuals composing your order, the paper would be entitled to the mails as second class matter." "Well, then," said I, "it makes a difference whether we as individuals instruct some one as our agent to make contracts for these subscriptions, or whether we go as individuals and subscribe ourselves." In the basement they said it did, and in the attic they said it did not. [Laughter.]

Now, if it was not a ruling, how did we get the change? And if these gentlemen will show you one ruling of that Department that has barred one of these journals, and will bring you in all of the rulings on the subject, I will show you three for every one that admits them. They are precisely the same. There is no difference in them. It is just merely a question of the construction of the law.

Now, the gentleman from North Carolina [Mr. HENDERSON] will doubtless bring in the decision of Judge Tyner on one of these cases, where it was held up before him by the Third Assistant as a reason why this paper I speak of should be ruled out of the mails, and Judge Tyner said: "We have got to consider every one of these as individual cases; we can not make any rules to govern all of them;" and when it came to ruling on this paper he simply made a memorandum with a lead pencil, saying "Admit this to the mails as second-class matter." That is all of the ruling in that Department.

I talked with Judge Thomas about it, and he said that under a strict construction of the law every one of them must be denied the mails; and the only reason why they were not put out was because there had been no objection made to them all. And when the gentleman from California undertakes to say that only two are now denied admission to the mails, he is in error, because I can show him that there are ten that are now denied access to the mails, and they have as much right to go through the mails as the hundred of those now going through. It is simply a question of whether we are going to construe the law ourselves or whether they are going to construe it for us. I believe the law should be construed liberally, as the amendment contemplates, and not left to the prejudice or caprice of some official who by accident or mistake may be in position to decide. The question of expense is not at issue; if second-class matter does not pay enough, that is another question; all we ask is that the Department be notified not to discriminate against this class of journals.

Mr. TERRY was recognized.

The CHAIRMAN. The Chair will be very much obliged to the gentleman from Arkansas if he will confine himself strictly to the point of order. The debate has taken a somewhat wide range.

Mr. TERRY. I propose to do so, Mr. Chairman. I shall address myself to the point of order and desire to confine my remarks to that point. I ask at this time to have a communication from the Third Assistant Postmaster-General, which I hold in my hand, read from the Clerk's desk.

The Clerk read as follows:

POST-OFFICE DEPARTMENT, *April 4, 1894.*

DEAR SIR: The case of the Journal of the Arkansas Medical Society was reopened at your request. After a careful examination and consideration of a new application for entry with explanations by the publisher, this office finds that the Journal is issued by the Arkansas Medical Society and furnished to its 238 members "whose annual dues are paid in the nature of subscriptions." It is therefore held to be primarily designed to furnish members with the proceedings of the society, and therefore under paragraph 4, section 277—as construed by paragraph 4, section 280, Postal Laws and Regulations—is not entitled to the second-class rates of postage.

I can see no good reason for modifying my previous action in the case, and

therefore am obliged to deny the request for its admission to the mails at the second-class rates of postage.

Very respectfully,

KERR CRAIGE,
Third Assistant Postmaster-General.

Hon. W. L. TERRY,
House of Representatives, Washington, D. C.

Mr. TERRY. Now, sir, I desire briefly to call the attention of the committee and the Chair to the law upon this subject. Omitting the first, second, and third subdivisions of section 277, the whole controversy turns on the fourth subdivision, and when you come to the fourth subdivision it is made to turn on this language:

Having a legitimate list of subscribers.

And then the following:

Provided, That nothing herein contained shall be so construed as to admit to the second-class matter regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

Now, it is not contended here that this medical journal, referred to in the letter I have just had read—and I use it just by way of illustrating my position—is "designed primarily for advertising purposes." Nor is it contended that it is issued for "free circulation" or "for circulation at nominal rates." But the Third Assistant Postmaster-General bases his ruling on that. He says:

It is therefore held to be primarily designed to furnish members with the proceedings of the society.

Now, sir, there is not a syllable of law here that would authorize him to exclude from the mail a publication of this kind because it is "designed to furnish members with the proceedings of the society." Because the law itself says in the very beginning of the fourth subdivision:

It must be originated and published for the dissemination of information of a public character or devoted to literature and science.

The publication referred to in this letter is devoted to the science of medicine, and therefore it is clearly within the purview of the fourth subdivision, unless it can be excluded on the ground that it is "designed to furnish members with the proceedings of the society."

Mr. OUTHWAITE. Will the gentleman allow an interruption?

Mr. TERRY. Certainly.

Mr. OUTHWAITE. If that be so, then why is any legislation necessary at all?

Mr. HAINER of Nebraska. It is simply changing a construction.

Mr. TERRY. Why, the real point in dispute is whether it is provided for under existing law. The gentleman from Ohio, I think, misapprehends the point. If we are not able to show that this is provided for under existing law, the point of order made by the gentleman from North Carolina would be well taken. So the effort is to show that it is authorized under the law, but was ruled out under a construction of the Department.

Mr. OUTHWAITE. If there is such law, can not those persons who claim to be injured by the ruling of the Department go into the courts and compel the Department to execute the law?

Mr. TERRY. Well, they might go into the court; and they can also come to the Congress of the United States! [Applause.]

Mr. HAINER of Nebraska. They have chosen a more expeditious way.

Mr. OUTHWAITE. The duty of Congress is to legislate. Then if they come to Congress, they come to secure legislation, or to secure a change of existing law, do they not?

Mr. TERRY. For a long time it has been the practice of Congress to give construction to legislative enactments, or pass declaratory laws.

Mr. HUDSON. Is it not true that the Department has made a great many different rulings upon this question?

Mr. TERRY. Yes.

Mr. HUDSON. And that they are inconsistent and uncertain?

Mr. TERRY. Yes. I will state that in submitting the case of the Arkansas Journal to the Post-Office Department, I also sent along other medical journals, which were admitted as second-class matter, and circulated through the mails.

Mr. EVERETT. Will my friend from Arkansas yield to me for one moment?

Mr. TERRY. Certainly.

Mr. EVERETT. Mr. Chairman, the gentleman from Arkansas yields to me for a moment. In answer to the gentleman from Ohio [Mr. OUTHWAITE] I wish to say that this clause would be in the nature of a declaratory act, such as the Legislatures of this country and of the old country have recognized for years. When Mr. Fox's great law of libel was passed, which declared that juries in libel cases were judges of the law and of the fact, that was not new legislation, but was declaratory of what the law always had been, against the false decisions of all the courts for years; and this, in the same way, is not new legislation; it is an act declaratory of what is and has been the law, but has been misapprehended by the executive department.

The CHAIRMAN. Has the gentleman from Arkansas [Mr. TERRY] finished what he has to say?

Mr. TERRY. Just one word more, Mr. Chairman.

The CHAIRMAN. The Chair hopes that the gentleman will not be further interrupted until he concludes his statement to the Chair, for the Chair desires to rule upon this question.

Mr. TERRY. It will be noted, in this communication that has just been read, that the honorable Third Assistant Postmaster-General says that the decision is based upon paragraph 4 of section 277, "as construed by paragraph 4 of section 280." I apprehend that is a mistake in the number of the section. It must mean section 281, because the fourth subdivision of section 280 relates to "market quotations, business cards," etc.

The CHAIRMAN. The Chair has the law before him.

Mr. TERRY. Now, turning to the fourth subdivision of section 281, which is the one manifestly intended, that provides that when a publication is controlled by a society, association, or club, and is distributed among its members upon the payment of regular dues or assessments covering the cost of publication, it shall not be subject to second-class rates.

Now, I undertake to say, without the fear of successful contradiction, that there is nothing in the fourth subdivision of section 277 that authorizes the ruling contained in subdivision 4 of section 281 there referred to.

Mr. LOUD. I will be very brief, Mr. Chairman. I desire to present to the Chairman one or two points in this case. I do not care to argue the merits of the question. I might by way of parenthesis say that probably there is not a man on the floor who has had more and closer relations with fraternal societies than I myself have had for a great number of years, and I also recognize the fact that our law probably needs some revision, but I recognize the fact also, beyond that, Mr. Chairman, that the revision of this law should be carefully digested by a committee.

Now, as to whether this changes existing law or not, I will ask the Chairman, if it does not change existing law, then why is there any necessity for the amendment at all?

It must be apparent to the Chair upon its face that it does change existing law, because it wipes out, in regard to the societies herein enumerated, one of the most important safeguards now in existence upon the statute books regulating the admission of newspapers at second-class rates. It prescribes that in this particular these publications of these organizations or societies herein enumerated shall have admission to the mails at second-class rates regardless of whether they have any subscription or not. That is the most important point in this question as to the change of existing law. Now, then, there has been an endeavor in the argument on the point of order possibly to create sympathy. A paper was presented here and it was claimed that it was denied the right of second class rates. I will stake my word as a member of this House that that is not correct.

I will state to the gentleman from New York a fact that he well knows, and if he does not he ought to know, that it is an offense against the laws of this land to place anything of that character at the head of a newspaper unless it be a fact—that it is admitted at second-class rates. I do not care particularly to dwell upon the merits of the case. As I said to the Chairman, I believe that this changes existing law. As I said before, if it does not there is no necessity for it. But there is one point beyond that on which the Chair incidentally ruled upon yesterday to which I desire to call his attention. I think one of the most important points in this case is that it is not germane. While I recognize that the Chair did incidentally hold on yesterday that it must not necessarily be germane to the paragraph but that it must be germane to the bill, if the Chair will look at the decisions he will find that they have been rendered both ways.

On page 254 of the Digest a ruling was made upon an amendment which was offered on an item in the sundry civil appropriation bill making appropriation for building a mint, directing the coinage of bullion on deposit in the Treasury, that that would come under the supervision of the Treasury Department, the coinage of the bullion, just as much as the erection of a United States mint. It was ruled that that was not germane. Now, we have a question proposing to appropriate a certain sum of money, $25,000,000, for carrying the United States mails upon railroads. This department of the Post-Office is under the supervision of the Second Assistant Postmaster-General, and if this matter were germane at all to this question, it would properly come under the Third Assistant Postmaster-General. I believe that one of the prime objects of departmental law is to promote harmony in the working of the Department, and I desire

particularly to call the attention of the Chair to this last point, that this amendment would make this paragraph meaningless and not in harmony with the paragraph, and that it is not germane to this subject.

Mr. RAY. Mr. Chairman——

Mr. SPRINGER. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman from New York for three minutes. The Chair will be compelled to limit gentlemen, and will recognize the gentleman from New York.

Mr. RAY. It very frequently happens, Mr. Chairman, that when laws are placed upon the statute books you find in them words and phrases in the construction of which men differ; the meaning is a matter of controversy. That seems to be the case here. We have a law upon the statute book with certain words and phrases used therein, and men differ as to their proper construction. In such cases it has always been the practice to go to the courts or to the legislative body and ask and procure the enactment of a declaratory act; an act specifying the construction that shall be given by the courts or by the bodies charged with the duty of executing the law. Now, the only question that arises in this case is that a proposition is made to have, by way of amendment to this bill, a declaratory act passed by this House setting forth what construction shall be given to the present law, and is or is not this legislation changing existing law.

I insist that it is not legislation changing existing law, but simply legislation which is declaratory, which defines the meaning of words and phrases already in the law, designed and intended to make the meaning clear, so that there shall be no difficulties hereafter in giving construction to existing law. It seems to me that right there hinges this whole controversy; and if the Chair shall feel bound to hold that a declaratory act, specifying the construction that shall hereafter be given to these words and phrases is a change of existing law, then it must sustain this point of order, otherwise not. The ruling of the Post-Office Department may be considered for some purposes a part of the law, but not when the question comes up on a proposition to define the meaning of the statute itself as written in the statute book.

Mr. HAYES. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman for one minute.

Mr. HAYES. Mr. Chairman, just one word in regard to this point of order, and strictly confined to that. The gentleman from Massachusetts [Mr. EVERETT] stated his proposition not only very clearly, but it is exceedingly pat to this proposition. It would leave us, unless his idea is correct, in this anomalous position. We pass a law with a specific idea and intent, and when we come to appropriate money for carrying out the purpose of the law, we may be met by some ruling in a Department that nullifies our intent or idea in regard to the law, as is the case here, and it makes it so that the very appropriation of money we make goes to a different purpose and is used in a different way than we intended to have it go and that we desired to have it go unless we can put on record, in connection with the appropriation, a declaratory statement of what we meant and intended by the law and the appropriation. It seems to me there can be no question about it.

In other words, we are bound hand and foot either to pass some new law that may be again misinterpreted or misconstrued by the officials of the Department, or here in a declaratory way say how our appropriations shall go, or how our enactment is to be construed. Congress is the controlling power and ought to have and has the power to interpret its own laws, and can so do under the rules. It is in no wise new legislation or the changing of any existing law, but rather the correction of a misinterpretation of existing law to carry out original legislative intent and give right construction of law.

The CHAIRMAN. The Chair will hear the gentleman from North Carolina if he desires to make any further suggestion.

Mr. HENDERSON of North Carolina. The matter has been very fully argued. I will only say this, that if the amendment does not change existing law it is entirely unnecessary, and, furthermore, if it does not change existing law it can not accomplish what the gentlemen desire, because the fourth section of the law will still remain, providing that a paper to be entitled to this privilege must be "originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers; provided, however, that nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates."

The very language of the existing law which gentlemen say they wish stricken out is left untouched by this amendment. Therefore, I say if the amendment does not change existing law it is incompetent to accomplish what they desire. But it seems to me, of course, that it does change existing law, and, at the same time, that it can not accomplish the object which the gentlemen are trying to accomplish. I do not wish to argue the merits of the question further, but I would like to have published in the RECORD two rulings by two Assistant Attorneys-General for the Post-Office Department, one by Mr. Tyner and the other by Mr. Thomas. I do not undertake to say whether these rulings are correct or not, but I think they ought to be published for the information of the House and the country. They are certainly very able opinions, and speak for themselves.

The rulings referred to are as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., October 15, 1891.

SIR: I return herewith all the papers, including a copy of the publication entitled The Equitable League, published monthly by a company composed of the officers of the supreme court of the order of the Equitable League of America, submitted with your letter of the 25th ultimo.

Your inquiry is whether this publication is entitled to admission into the mails as second-class matter. It is admitted that subscriptions are not collected direct from those whose names appear on the subscription lists, but are levied as assessments on the membership. In the issue of September 1, 1891, which you furnish for my inspection, it is announced in an editorial that "the supreme court adopted this paper as a means of sending the assessments to the membership direct from the supreme office, and at the same time to provide a means of furnishing information directly to each member of the order, independent of the local court officers."

It, therefore, seems to be treated by the organization as a circular used in the enforcement and collection of assessments, and for the notification to the members of the amounts or conditions of the assessments. One of the essentials of a legitimate periodical is a bona ide list of subscribers, representing persons who voluntarily and willingly subscribe, including those who accept the publication as the gift of others. Collecting the subscription in the nature of an assessment is a compulsory collection, and can not be considered as constituting "a legitimate list of subscribers" within the meaning of the law.

The pound rate should be denied to "The Equitable League."

Very respectfully,

JAS. N. TYNER,
Assistant Attorney-General.

Hon. A. D. HAZEN,
Third Assistant Postmaster-General.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL
FOR THE POST-OFFICE DEPARTMENT,
August 16, 1893.

SIR: The opinion rendered by Judge Tyner on the 15th day of October, 1891, in which I fully concur, covers the question presented by you verbally to me on the 15th instant, in regard to the mailability of the Good Fellow as second-class matter.

It appearing that the Good-Fellow's subscription list consists of 500 or 600 outside of lodge subscriptions and about 10,000 paid for by the lodge, without cost to the members beyond regular dues, it has not a "legitimate list of subscribers" within the meaning of section 277, Postal Laws and Regulations. If, as Judge Tyner held in the opinion referred to, the collection of subscriptions in the nature of an assessment from members of a fraternal society does not constitute a "legitimate list of subscribers," *a fortiori* does it not constitute such a list when it is made by the lodge without any assessment whatever for that purpose, and payment for which is made out of funds arising from the regular dues?

I will add that if it appears to you that this paper was not originated and is not published for the dissemination of information of a public character, or devoted to literature, the sciences, or arts, or some special industry, then it can not be admitted to the mails as second-class matter though it have a legitimate list of subscribers. I presume it will not be contended that this paper is devoted to literature, the sciences, or arts, or to a special industry, and, if it comes within the purview of the statute at all, it must be because it was originated and is published for the dissemination of information of a public character. Information of a public character, as here used, I take it, means information that would be of interest to the public generally. Information for the members of a secret society would not, in my opinion, be information of a public character within the meaning of the law. And even though a paper may contain some information of a public character, yet if it was not originated and is not published for the purpose of disseminating such information, but for another purpose, then it is not admissible to the mails as second-class matter.

To be more explicit: If the paper was originated and is published for the purpose of disseminating information of a public character, and the information it contains, which is intended exclusively for the members of the Royal Society of Good Fellows, is thrown in as an incident only, and it has a legitimate list of subscribers, then it is mailable as second-class matter; but, on the other hand, if it was originated and is published primarily for the purpose of giving information to the members of such society, and the poetic and literary gems contained in it are thrown in as sidelights only, then it is not mailable as second-class matter, though it have a legitimate list of subscribers.

I herewith hand you a copy of the opinion of Judge Tyner, referred to above.

Respectfully submitted.

JOHN L. THOMAS,
Assistant Attorney-General.

The POSTMASTER-GENERAL.

The CHAIRMAN. The Chair has given to the point of order raised by the gentleman from North Carolina [Mr. HENDERSON] to the amendment offered by the gentleman from Illinois [Mr. SPRINGER] the most careful consideration. The Chair has listened with a great deal of interest to every statement that has been made upon the floor by gentlemen who have addressed themselves to the point of order. In the mind of the Chair there is but a single question to be determined in passing upon this point of order, and that is as to whether the amendment

offered by the gentleman from Illinois does in fact and in effect change an existing law, or whether it simply declares what the existing law is; in other words, whether it makes a change of existing law or merely a change of the interpretation and construction of that law by the Post-Office Department.

The Postmaster-General, as the executive officer of that Department, having the responsibility of the execution of all laws relating to the Department has, in the judgment of the Chair, the same right of interpretation and construction of an existing statute that a court of competent jurisdiction has in passing upon a law, and that construction or interpretation becomes a part of the law until the law is repealed, modified, changed, or declared to be otherwise, by the one power that has the right to overrule a construction or interpretation made by an Executive Department, the Congress of the United States. The House having jurisdiction of this appropriation bill, and this amendment being, in the judgment of the Chair, germane to the bill, it seeks, in the opinion of the Chair, to declare what the existing statute is. It is simply declaratory in its terms, and it differs, of course, from the construction and interpretation placed upon the statute by the Postmaster-General. Holding this view, the Chair overrules the point of order, and will submit the amendment upon its merits to the committee. The Clerk will report the modified amendment. [Applause.]

The modified amendment as printed above was again read.

Mr. HENDERSON of North Carolina. Mr. Chairman, I do not rise to oppose this amendment, but I ask to have read for information of the House a statement which has come to me in the form of a petition, and which I now send to the desk.

The statement was read, as follows:

During the fiscal year ended June 30, 1893, there was carried in the mails 255,634,213 pounds of second-class mail matter, on which postage was paid at the rate of 1 cent per pound. Many experts estimate the cost of handling and transporting this character of mail at 10 cents per pound, while none place it at less than 8. If that is true, then the loss sustained by the Post-Office Department amounted to $17,894,401.91, a sum of money that is sufficiently large to cause a halt in its further expenditure.

Second-class matter embraces newspapers, magazines, trade papers, story papers, novelettes, advertising sheets, and an endless tonnage of literary rubbish sailing under the name of art, historical, and educational "Portfolios."

The bulk of second-class matter emanates from the large cities. New York furnished last year 60,914,149 pounds; Chicago, 34,077,601; Boston, 16,136,840; Philadelphia, 13,009,418, and St. Louis 12,515,182. The gain in New York over 1892 was over 17 per cent; in Chicago, 21; St. Louis, 23; Boston, 13, and Philadelphia, 7. The new publications started last year and entered as second-class matter reached the enormous number of 5,492.

Putting these facts together, it is plain to be seen that unless something is done to remedy the evil the efficiency of the service will be greatly crippled if not permanently injured.

It is a cardinal Democratic principle to sustain no enterprise, however worthy, at the expense of the National Treasury, and yet you go on, year after year, donating untold millions of dollars to the publishing interests of the United States by carrying its product in the mails at a rate of postage so low that it can not be regarded other than as an out and out gift. We are aware that it is being done in the name of "education," "progress," the "spread of intelligence," and all that sort of humbuggery, but it is time that the farce should cease and the printing industry stand upon its own merits, the same as all others where capital is invested and labor employed.

Why, in the name of common sense, do not you make a slash at the privileges accorded second-class mail matter and cut off a useless expenditure now rapidly approaching $20,000,000 a year? From the fact that the rate on this rubbish is but 1 cent a pound while it is eight on school books, no further argument is needed to show the falsity of the claim that it is done to promote "education" among the masses.

Almost all the daily papers in the larger cities have gone into the business of selling paper-covered novels, World's Fair, and an endless variety of other "Portfolios." Printing presses in New York, Chicago, and St. Louis are running night and day to fill the orders for these publications, all of which have been granted the privilege of second-class matter, and at the present rate of progress the tonnage of this stuff will exceed 200,000,000 pounds before June 30, 1894, and plunge the Department so deep into the mire of deficiency, that it will stagger Congress to raise the funds to liquidate it.

We do not want the privileges accorded country weekly papers to be interfered with, as they are a positive and distinct benefit to the communities where published, but we do hope that Congress will have sufficient courage to pass a bill to raise the rate on all other second-class matter to 8 cents per pound.

Mr. SPRINGER. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. EVERETT], who desires to offer an amendment to the amendment, and I ask unanimous consent that all debate upon this proposition close in ten minutes from this time.

The CHAIRMAN. The Chair will state that there are several gentlemen who have notified the Chair that they would like to occupy a few minutes, as they did not have an opportunity to be heard upon the point of order, and therefore the Chair suggests to the gentleman that less than thirty minutes for debate will be insufficient to accommodate them.

Mr. SPRINGER. Then I ask unanimous consent that debate on this proposition close in thirty minutes, unless otherwise ordered by the committee.

Mr. REED. I object.

Mr. SPRINGER. Well, I will move to close debate after the five-minute debate has progressed under the rule.

Mr. REED. I think the debate will most naturally close when members have gotten through with it.

Mr. SPRINGER. Does the gentleman object?

Mr. REED. I do.

Mr. EVERETT. Mr. Chairman, I merely wish to amend the amendment of the gentleman from Illinois by inserting, after the word "professional," the words "literary, historical;" so that it shall read, "professional, literary, historical, or scientific."

The Clerk read the amendment of Mr. EVERETT.

Mr. SPRINGER. So far as is in my power, I accept that amendment. I hope it will be agreed to.

The question being taken on the amendment of Mr. EVERETT, it was agreed to.

Mr. WASHINGTON. I desire to amend the amendment of the gentleman from Illinois [Mr. SPRINGER] by adding a few words.

The amendment of Mr. WASHINGTON was read, as follows:

After the words "scientific societies" add the following: "Including the bulletins issued by the State boards of health."

Mr. WASHINGTON. There are not, of course, more than forty State boards of health in the United States. To-day the bulletins issued by these important organizations have (with the exception of perhaps about three) been denied by the ruling of the Post-Office Department admission to the mails as second-class matter. This amendment will not very greatly increase the expenditure of the Department; and I think it is in accordance with humanity and justice and a proper interpretation of the law.

The question being taken, the amendment of Mr. WASHINGTON was agreed to.

Mr. LOUD. Mr. Chairman, I can see that it is useless to attempt to oppose an amendment of this character in this House. "The sacred right of petition" has evidently done its work. [Laughter.] But I desire to point out the danger of adopting in this manner a measure of this character. I call attention to the fact that the bill on this subject as originally introduced in this House has been withdrawn and reintroduced twice. The gentleman from Illinois [Mr. SPRINGER], evidently afraid that he might "get left" on this proposition—evidently afraid that the committee might report a bill on the subject, or that the honorable Senator from Nebraska [Mr. MANDERSON] or the gentleman from Nebraska [Mr. HAINER] might possibly get the credit of this proposition—comes in and offers upon an appropriation bill an amendment dangerous in form and character.

This country is now being taxed to the extent of more than $16,000,000 a year for the transmission of periodicals and journals through the mails. Now you not only propose to open the mails further, to the extent suggested by the gentleman from Illinois, but two amendments widening still further his proposition have already been adopted; and I can see there will be no end to amendments. The gentleman from Tennessee [Mr. WASHINGTON] has proposed to admit documents issued by State boards of health. That would necessarily admit the reports of such boards, which may assume the magnitude of millions of pounds. [A laugh and cries of "Oh, no!"] Well, you may laugh, but I venture the prophecy here—time will demonstrate whether I am wrong or not—that if you adopt this amendment of the gentleman from Illinois, with such amendments as may be put upon it, you will increase the expenditures of the Post-Office Department at least $10,000,000 within the next two years.

The Committee on the Post-Office and Post-Roads have had this matter under consideration and are now investigating it. In due time they will present to the House a well-digested measure. I believe that to be the proper method of proceeding, if we wish well-considered legislation on this subject. I do not believe it proper to adopt a measure of so much importance, when many members do not understand its full purport and effect. I believe if members of the House could have the opportunity of soberly considering this matter, they might perhaps take a different view of it. I am not opposed to a revision of the law on this subject, but I believe it should be made with care; that any measure we may adopt should be digested in a committee and duly considered by the House upon a deliberate report.

Mr. BRYAN. Mr. Chairman, the objection raised by the gentleman from California [Mr. LOUD] is easily answered. We propose simply to declare what the law is. The gentleman's committee can go ahead and bring in a bill revising the whole law on this subject. There is nothing to prevent his committee from reporting any measure which it may deem necessary.

But I do insist that this law while it stands ought to be so construed that no higher privileges or greater rights shall be given to such a paper as the Police Gazette than to papers which are educational in their purpose and beneficent in their influence. We desire by this amendment to change the construction which has recently been placed upon the law, so that these newspapers and periodicals may enjoy the privileges which it was designed to give them. The committee to which the gentleman belongs

can, as I have said, take up this subject later and deal with it as a whole.

Mr. LOUD. This act would evidently take effect subsequently to any bill we might bring in.

Mr. BRYAN. That need not be so.

Mr. LOUD. It naturally would be.

Mr. BRYAN. The gentleman intimates that the cost of carrying these papers through the mails is more than the amount which the Government receives for carrying them, and possibly objects to the amendment on that ground.

Mr. LOUD. I do not intimate it; I know it. It costs 7½ cents a pound more than they get for it.

Mr. BRYAN. Then, if that is true, the committee of which the gentleman is a member ought at once to report a measure that will correct the wrong, a bill which will deal with the whole subject comprehensively, and not attempt to discriminate against papers like the Modern Woodman organ and similar ones, which are, under the ruling of the office, prohibited from enjoying the rights that are accorded to less meritorious publications. It seems only fair and just that the House should act promptly upon this proposition.

Mr. HAINER of Nebraska. Mr. Chairman, I venture to make another suggestion to the Committee of the Whole in addition to those which have already been submitted. If it be true, as the gentleman from California [Mr. LOUD] has stated, that this is one of the last bills to be passed by the House, it affords simply another reason for the adoption of the amendment; for evidently if this is one of the last bills, we can not hope to get anything from the committee of which he is a member.

Further than that, I desire to say that no member need hesitate a moment to vote in favor of this amendment by reason of the fact that it was proposed formally by the gentleman from Illinois [Mr. SPRINGER], as all of the friends of this measure have acted heartily in co operation in the effort to incorporate this amendment in the bill. It is not a question of "glory" for any member. It is a question of justice to a very deserving class of papers and millions of deserving people—the very best in the land.

Mr. PICKLER. Let me ask the gentleman whether the language of the amendment covers the provisions of the Manderson-Hainer bill?

Mr. HAINER of Nebraska. The amendment does fully and thoroughly cover the substance of that bill; in fact, the language is that of the bill.

Mr. PICKLER. Then this is practically the Hainer bill?

Mr. HAINER of Nebraska. It is in the exact language of the bill, and in addition embodies an amendment which I proposed to the gentleman from Illinois on yesterday, and two minor amendments just adopted by the committee.

Mr. WILSON of Washington. If the gentleman will permit an interruption, I may have misunderstood what he said, but I thought he stated that nothing could be hoped for from the Committee on the Post-Office and Post Roads.

Mr. HAINER of Nebraska. No; I did not say that.

Mr. WILSON of Washington. I hope the gentleman from Nebraska will explain that statement then, because the committee, I am satisfied, are favorable to reporting a bill covering this ground, and I do not wish the committee to be placed in a wrong position.

Mr. HAINER of Nebraska. I have no desire to place it in any attitude of that kind. I suggested merely that if the information of the gentleman from California [Mr. LOUD] was correct as to this being one of the last bills to be passed by the House, it was useless to hope for anything from the Post-Office Committee.

Mr. WILSON of Washington. I merely wanted to place the committee, and myself particularly, in the right, because the people whom I have the honor to represent are disposed to be very favorable to some such action as is contemplated on this proposition; and a majority of the Committee on the Post-Office and Post-Roads favor the measure.

Mr. LOUD. Will the gentleman from Nebraska please explain what he means in reference to a statement of mine, to which he has referred?

Mr. HAINER of Nebraska. I referred to what the gentleman had said about this being one of the last bills.

Mr. LOUD. I said this would be the last bill, and of course I referred generally to appropriation bills. We all know that appropriation bills coming from the Senate are usually the last things acted upon by Congress.

Mr. HAINER of Nebraska. The gentleman gave us to understand that there would be no further legislation.

Mr. LOUD. Not at all.

Mr. HAINER of Nebraska. I am perfectly willing to accept the gentleman's disclaimer.

Mr. CARUTH. Mr. Chairman, I do not think that there ought to be any hesitation upon the part of the committee in passing the amendment proposed by the gentleman from Illinois. It is well enough for the gentleman from North Carolina to say that it is the purpose of the Committee on the Post-Office and Post-Roads to report to this House a well-matured measure covering the objects proposed to be covered by this amendment. But we all know the difficulty in getting consideration for independent bills of such a character.

Now, this proposition is one which has attracted a great deal of attention throughout the length and breadth of the land, and the petition box of this Congress has been filled by requests from all sections of the country for the passage of a measure like that now proposed. I have always thought that a fair construction of the law would entitle these papers to pass at the same rates through the mails as papers devoted to any other interest.

I have long been identified with fraternal organizations in this country, and take a great deal of interest in the prosperity of such orders, because I know the facts, and because I know the vast amount of good accomplished by them. I know the suffering that they have relieved, the want they have alleviated; I know the blessings they have brought to the widows and orphans of this land; and knowing that, I think it desirable to spread these institutions amongst the poorer classes of the country so as to enable the heads of families everywhere to provide, through these organizations, an insurance fund for their benefit, or for their wives and children when the hand that supported them is palsied in death, and the husband and father can no longer labor for their support. Anything of that sort ought to receive the encouragement of this House and of the country.

I am glad that the gentleman from Illinois has introduced this amendment. This is not a question as to who is to derive the glory or renown from the amendment, whether it is to be ascribed to the gentleman from Illinois or to the gentleman from Nebraska, or to the Senator from Nebraska. The question is to effect this desired and needed legislation—not to effect it, but to declare the intent of legislation already upon the statute books. I hope this amendment will pass this House by an overwhelming vote. [Applause.]

Mr. CUMMINGS. Mr. Chairman, I must say that I have been somewhat surprised, not only now, but for years past, at the ruling of the Postmaster-General on this question. I know that such papers as the African Colonization Journal, the Christian Intelligencer, the Christian Inquirer, the Methodist, and all other religious and denominational papers have been carried for years at second-class rates, without any protest on the part of the Post-Office Department. I will also mention the Army and Navy Journal, the Army and Navy Register, and other papers of that kind, to which no objection has been raised.

For fifty years, Mr. Chairman religious newspapers have established club rates for the circulation of their journals. These club rates have been paid by the members of the churches in the various towns and cities of the United States. These members have received the papers at lower rates than the advertised price, and nobody has made any objection. Now, when a trades union publishes a newspaper, and the different trades unions throughout the country take copies of that newspaper, the same as those clubs take the church papers, sending the subscription to the publisher, I can not see why they should be ruled out, while these religious papers are admitted. All I ask for is equality before the law in this matter, that the workingmen shall have the same rights in the use of the mails that the religious organizations have; that the workingman shall have the same right that an association of capitalists would have in receiving the Financial Chronicle, or any of the other newspapers published in Wall street.

I must compliment the chairman upon the ruling which he has made here, for it is evidently clear from the law itself that the Post-Office Department had made a wrong interpretation of it; and it is to the credit of this Committee of the Whole that it has a chairman who has the integrity to make a right ruling, and virtually to reverse the interpretation of the Post-Office Department.

Sir, I believe that the House of Representatives will almost unanimously pass this amendment, because I know that it is right, and that the House itself feels satisfied that it is righting a wrong when it votes affirmatively upon this question. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentlemen from Illinois as amended by the amendment offered by the gentleman from Massachusetts, and the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

For inland transportation by railroad routes, of which a sum not exceeding $30,000 may be employed to pay freight on postal cards, stamped en-

velopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, $25,509,000.

Mr LOUD. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In lines 15 and 16 strike out the words "twenty-five million five hundred thousand dollars" and insert the words "twenty-six million nine hundred thousand dollars."

Mr. LOUD. Mr. Chairman, I have simply offered an amendment providing for the amount covered by the recommendations of the Post-Office Department. I do not think the chairman of the committee, or any member of the committee, will attempt to hold that this amount of money will not be required during the next fiscal year to pay for the transportation of mails over railroads.

Of course I understand the object of the committee in cutting off $1,400,000. It is simply to make the aggregate amount of the appropriations at the end of this session so much less. But by referring to the report of the chairman of the committee you will find that there has been a steady and constant deficiency in this item, by reason principally of the cutting off of so large an amount: but the committee this year have cut off a larger amount than was ever attempted before. The reductions heretofore have been from $500,000 to $750,000. I desire to call the attention of the House to the fact that there will in a few days be a deficiency bill here calling for $1,200,000 to cover a deficiency for transportation on the last appropriation bill. I simply desire to say that it is honest, fair, and decent: that it is simply providing the amount of money that will necessarily be used during the coming fiscal year.

Mr. HENDERSON of North Carolina. Mr. Chairman, I do not think the amendment ought to prevail, and I will say to the committee that the items of an appropriation bill either create a deficiency every year or they create a surplus. Heretofore—that is, previous to 1893—there has always been a very large surplus every year of unexpended balances of different items.

Mr. LOUD. Not on this item.

Mr. HENDERSON of North Carolina. On different items in the appropriation bill.

Mr. LOUD. Not on this item?

Mr. HENDERSON of North Carolina. No; not on this item. Now, what the Committee on the Post-Office and Post-Roads has proposed to do is to try and arrange it so that when we make appropriations all around for the Post-Office Department, the deficiencies shall about equalize the unexpended balances of the appropriation.

In my opinion, the money that will be required for railroad transportation during the next fiscal year, proposed by this bill, is amply sufficient. It is true that there may be a deficiency, but the deficiency for 1893 has not yet come in. I do not believe that there will be a very great deficiency next year. I think we have recommended very nearly the amount that will be required. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For railway post-office clerks, $7,186,000, of which sum not to exceed $15,000 may be used to pay necessary traveling expenses of chief clerks and railway postal clerks traveling on duty under order of the Postmaster-General.

Mr. SMITH of Illinois. Mr. Chairman, I desire to offer an amendment.

Mr. HENDERSON of North Carolina. Mr. Chairman, it has been agreed that the next paragraph shall be passed over until the bill is concluded.

Mr. SMITH of Illinois. This is the paragraph preceding that of which the chairman of the committee spoke.

The Clerk read as follows:

On page 4, line 22, after the word "Postmaster-General," add the following: "When any railway postal clerk who shall, without his fault, be injured by accident in the line of his duty as such clerk so as to render him unable to continue work for a limited time, such clerk shall be entitled to a leave of absence for a period not to exceed two years from the date of such injury, with the same pay as though actually engaged in his work. Such leave with pay to be granted by and under the direction of the General Superintendent of the Railway Mail Service, under such reasonable regulations as may be necessary to carry into effect the intent of this provision."

Mr. HENDERSON of North Carolina. I reserve the point of order on that amendment.

The CHAIRMAN. The gentleman makes the point of order. The gentleman will please state his point of order.

Mr. HENDERSON of North Carolina. That it changes existing law and does not reduce expenditures.

The CHAIRMAN. The Chair will hear the gentleman from Illinois upon the point of order.

Mr. SMITH of Illinois. I desire to ask the chairman of the committee a question, if he will give me his attention.

The CHAIRMAN. The gentleman from North Carolina will please give his attention.

Mr. SMITH of Illinois. I understand the point of order raised against this amendment is that it changes existing law.

Mr. HENDERSON of North Carolina. And does not reduce expenditures.

Mr. SMITH of Illinois. Well, I understand your objection is that it changes existing law and does not reduce expenditures.

Mr. HENDERSON of North Carolina. That is right.

Mr. SMITH of Illinois. Will you tell me what the law is in reference to this particular point, so that I may answer your point intelligently.

Mr. HENDERSON of North Carolina. I did not exactly understand the reading of the amendment.

Mr. SMITH of Illinois. I would like to have it read again, because I think the chairman will not insist on his point of order when he understands the amendment.

Mr. HENDERSON of North Carolina. I will insist on the point of order: but I would like to hear the gentleman.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. SMITH of Illinois. I think the chairman will not object to that.

Mr. HENDERSON of North Carolina. I must insist upon the point of order. It certainly changes existing law.

Mr. SMITH of Illinois. Then, Mr. Chairman, I desire to make a statement of my reasons for offering this amendment.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. SMITH of Illinois. I understand that under the existing rulings in the Post-Office Department when a railway mail clerk has been injured by accident on a railroad, and it is not the fault of the clerk at all, so that he is unable to perform his duties, the Post-Office Department allows him a leave of absence, not for any specific time, but a leave of absence with pay not exceeding one year, although, as I understand, there is no specific law on that subject; but that is the ruling of the Department. So much with reference to that.

Then I desire to say that my object in offering this amendment is this. We have in the Railway Mail Service 6,645 railway postal clerks. They have received the attention of the Post-Office Department, and there is in the report of the Second Assistant Postmaster-General a recommendation made for legislation in the interest of those who are killed.

During the last fiscal year there were four hundred and three wrecks in which postal clerks were involved as shown by the reports of the Second Assistant Postmaster-General. In those wrecks ten of the postal clerks were actually killed; sixty-six were seriously injured, and one hundred and fifteen were slightly injured. The report of the Second Assistant Postmaster-General suggests and urges this House to pass some legislation during this session for the relief of those clerks. I desire to say to the chairman of the committee on Post-Office and Post-Roads, of which I am a member, that this amendment is not offered for buncombe, but is in my judgment in the interest of a deserving class of our people. Its benefits would reach every Congressional district in the United States, and would reach a class of men, of young men, who are the flower of the people.

I know, as is stated in the report of the Second Assistant Postmaster-General, that this class of Government employés is engaged in probably the most hazardous work of any other class of Government employés. The postal car is next to the tender on the railroad train. These employés are kept from their homes. They have not an opportunity to look out for danger. They are attending to the business of 67,000,000 people of the United States, facilitating the transportation of our mails, and their correct distribution.

There is, in my judgment, no class of Government employés who are entitled to more consideration than are the railway-mail postal clerks in the service of the United States. When an accident occurs, when a train has been run into by another train and a postal clerk has been injured, he is often laid up and unable to perform his duties for a long period, and in such cases he is granted by the Post-Office Department pay for a limited time——

Mr. TAWNEY. What is that period?

Mr. SMITH of Illinois. Under a postal regulation it is not to exceed one year. The purpose of the amendment which I offer is to provide that in case of accident without the fault or negligence of the postal clerk himself, where the accident results in disabling him for the performance of his duties, he may be given—not that he shall be, but that he may be given—leave of absence for a term not to exceed two years, and the Superintendent of the Railway Mail Service is to grant him such leave in his discretion and in view of all the circumstances of the case.

Suppose a clerk is so injured that he is unable to continue his duties in three months, or four months, or six months, or a year, this amendment provides that his salary shall be paid to him just as though he were able to do his work, for whatever period his disability may last, not to exceed two years: but if at the end of that period he is unable to resume work, then of course he may be dropped from the rolls and receive no further compensation. I present this amendment to the House and ask, in justice to this worthy class of employés, that Congress will concede to them what I consider an honest and fair allowance in cases where they are disabled from accidents without any neglect or fault on their own part. I hope the amendment will prevail. In conclusion I repeat that this amendment does not compel the Department to pay any clerk who is injured for a period of two years, but simply to pay him for such time as, under the rules and regulations and in view of the circumstances of the case, the Postmaster-General may think proper, and it does seem to me that any gentleman on this floor will not object to these clerks, under such circumstances, receiving compensation while they are unable to perform their duties or to engage in any other business.

Mr. LIVINGSTON. Why no include all Government employés and pension them all?

Mr. HOPKINS of Illinois. Mr. Chairman, I desire to add a word on the point of order. I indorse fully everything that has been uttered by my colleague [Mr. SMITH of Illinois] respecting the merits of the pending amendment and the character of the employés whom it seeks to serve, and it seems to me that the point of order as taken by the chairman of the committee [Mr. HENDERSON of North Carolina] is not well founded, for this reason: Under existing law, as the Postmaster-General has construed it, he has a right to pension employés of this class who are injured under the conditions mentioned in the amendment for various lengths of time: in some instances the period has been only four months, in others six months, and in still others twelve months. Under the interpretation put upon the law by the Post-Office Department there is no limitation of the period.

The CHAIRMAN. Will the gentleman please read the existing law on this subject so that the Chair may know what it is?

Mr. HOPKINS of Illinois. I have not the law before me. There is no controversy among members upon the floor as to the right of the Department under existing law to pension employés who are injured under the circumstances mentioned in the amendment. The amendment limits the time during which this benefit can be conferred upon such employés by providing that it shall not exceed a period of two years. Now, as I have already said, under existing law there is no limitation, and it seems to me that the limitation contained in the amendment brings it clearly within the requirement of the rule. I trust, therefore, the Chair will hold that the point of order is not well taken. I have used the word "pension" because it was used by my colleague: what I mean by it is the continuation of the pay which the employé was receiving at the time he was injured.

The CHAIRMAN. Will the gentleman from North Carolina [Mr. HENDERSON] state whether there is any existing law upon this subject?

Mr. HENDERSON of North Carolina. I know of no existing law upon this subject.

The CHAIRMAN. If there is no existing law, the proposition of the gentleman from Illinois is new legislation.

Mr. SMITH of Illinois. But the point of order which the gentleman made was that the amendment changed existing law.

The CHAIRMAN. New legislation would come within the prohibition of the rule. The Chair would like to know the fact as to the existing law before he passes upon the point of order.

Mr. SMITH of Illinois. I will state to the Chair that I have made inquiry in reference to that matter, and have been informed that there is no actual law on this subject, but that the Post Office Department does give leaves of absence with pay for periods not exceeding one year. That is simply granted by the Department without any law directly authorizing it. In those cases, leave of absence with pay is granted by the Post-Office Department without any specific law authorizing it. Here is the regulation, as contained in the report of the Second Assistant Postmaster-General.

The CHAIRMAN. The gentleman will please read it.

Mr. SMITH of Illinois (reading):

Clerks so seriously injured in accidents while on duty as to prevent them from making their regular runs are granted leaves of absence with pay in periods of thirty days each for one year, unless able to resume duties sooner. If unable to resume duty at the expiration of one year from the date the injuries were received, they are retired from the service. During the time they are off duty the Department provides for their runs by employing acting clerks at its own expense.

That is the Post-Office regulation; there is no statute on the subject.

Mr. HOPKINS of Illinois. I suggest further to the Chair that such a regulation as has just been read could not be adopted by the Department unless in accordance with existing law; and if there is such a regulation fixing the time within which an injured employé of the Department may draw salary, the amendment now proposed is a limitation upon the power of the Department.

The CHAIRMAN. If there is any law on the subject the amendment is clearly subject to the point of order, because it changes the existing law. As the Chair sees this proposition, this matter, under the general law, is within the discretion of the Postmaster-General; and if he can legally adopt a rule giving to these clerks twelve months' leave of absence, he can give them leave for five years. If he has any discretion at all, there is no limit to his discretion, unless the gentleman who presents the amendment can show that there is some limit fixed by existing law.

Mr. MARSH. The point is that this is a limitation upon that discretion of the Postmaster-General.

The CHAIRMAN. Then it changes any law on the subject that may exist.

Mr. MARSH. But as a limitation upon the power of the Postmaster-General it is in the line of economy. If he now can grant leave of absence with pay for five years, this cuts down the exercise of his discretion to a period of two years. Hence it is a limitation, and in the line of economy.

Mr. HOPKINS of Illinois. In other words, it retrenches expenditures, and in that way comes clearly within the provision of the rule under which any amendment changing existing law is admissible if it retrenches expenditures.

The CHAIRMAN. Neither the report submitted to the Chair, nor any statement made by either of the gentlemen from Illinois has shown that the leave granted by the Department has ever been extended beyond two years.

Mr. HOPKINS of Illinois. The point I made was based upon the statement of my colleague [Mr. SMITH] that the law now permits the Department to allow the salary to go right on month after month while the employé is not actually rendering service to the Government, having been injured under the conditions suggested in the amendment. As the Chair has very properly suggested, under the present law allowing the Postmaster-General a discretion, he has the same authority to grant leave with pay for five years as for twelve months. But this amendment is a limitation upon that discretion, and operates as a retrenchment of expenditures, because it denies to the Postmaster-General the authority of extending such leave beyond the period of two years.

Mr. SMITH of Illinois. One of the objects of the amendment is to fix a time beyond which the Post-Office Department shall not go in granting these leaves. It is a limitation upon the existing law.

The CHAIRMAN. Upon the last statement of the gentleman from Illinois, the Chair thinks that whatever discretion the Postmaster-General now has in adopting a rule or regulation to carry into effect this most beneficent provision, the amendment would so change the law that if an extreme case should arise, when in the judgment of the Postmaster-General or the Superintendent of the Railway Mail Service a railway mail clerk, badly crippled while faithfully discharging his duties, ought to receive leave with pay for three years or five years, this amendment would deprive the Postmaster-General absolutely of the right of extending this beneficence to such postal clerk. The Chair sustains the point of order and rules the amendment out.

Mr. SMITH of Illinois. I feel constrained, with all due respect, to take an appeal from the decision of the Chair, because the action of the Department shows that it will not extend the provision in these cases beyond one year.

The CHAIRMAN. The question is, Shall the opinion of the Chair stand as the judgment of the committee?

The question being taken; there were on a division (called for by Mr. SMITH of Illinois)—ayes 101, noes 6.

Mr. SMITH of Illinois. I call for tellers.

Tellers were not ordered, only 5 members voting in favor thereof.

Mr. SMITH of Illinois. No quorum.

The CHAIRMAN. It is too late to make the point that no quorum voted upon the appeal; and upon ordering tellers no quorum is necessary.

Mr. SMITH of Illinois. I simply felt it my duty to raise the point. If the Chair overruled it, of course I cheerfully submit.

The CHAIRMAN. On the question of sustaining the opinion of the Chair the ayes have it, and the opinion of the Chair stands as the judgment of the committee.

Mr. KYLE. Mr. Chairman——

The CHAIRMAN. The Chair will state that the next paragraph is the one that was excepted until the bill is completed, and the Clerk will begin reading with line 6 on page 5.

Mr. KYLE. I desire now to offer the amendment that I submitted the other day.

The CHAIRMAN. Under the rule, this matter is not under consideration until after the remainder of the bill has been passed upon. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

For manufacture of adhesive postage and special-delivery stamps, $243,000.

Mr. HENDERSON of North Carolina. I desire to offer an amendment to this part of the bill, which I send to the desk.

The Clerk read as follows:

Amend the paragraph on page 5, line 20, by striking out the words "two hundred and forty-three" and insert "one hundred and sixty-three;" so that the paragraph in lines 19 and 20 shall read:

"For manufacture of adhesive postage and special-delivery stamps, $163,000."

Mr. HENDERSON of North Carolina. I desire to have read a letter from the Postmaster-General, which gives the reason for the change.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 24, 1894.

SIR: The estimate submitted by this Department for the cost of manufacture of adhesive postage and special-delivery stamps for the fiscal year beginning July 1, next, was based upon the prices paid under the existing contract.

Under the favorable proposal of the Bureau of Engraving and Printing, which has been accepted, to furnish postage stamps for the ensuing fiscal year, the cost to the Department for the manufacture of the stamps is so largely reduced that I desire to submit a revised estimate as follows:

For the manufacture of adhesive and special-delivery stamps..	$163,000.00

This estimate is $80,000 less than the estimate heretofore submitted through the Secretary of the Treasury.

The calculations showing the cost of furnishing the stamps under the arrangement with the Bureau of Engraving and Printing are as follows:

3,207,941,859 ordinary stamps, at 5 cents a thousand	$160,397.03
4,115,140 special delivery stamps, at 11.4 cents a thousand	469.03
4,885,160 newspaper and periodical stamps, at 11.4 cents a thousand	554.63
21,114,125 postage-due stamps, at 6.05 cents a thousand	1,277.40
Total cost	162,698.15
Or, in round numbers	163,000.00
Former estimate	243,000.00
Reduction	80,000.00

Very respectfully,

W. S. BISSELL, *Postmaster-General.*

Hon. JOHN S. HENDERSON,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

Mr. REED. What is this: a reduction on the amount of the appropriation?

Mr. HENDERSON of North Carolina. Yes; on the amount proposed to be appropriated.

Mr. DINGLEY. This reduction is based on the assumption that the Bureau of Engraving and Printing is to do the work of preparing these stamps?

Mr. HENDERSON of North Carolina. I imagine so.

Mr. DINGLEY. Why, it is so stated in the letter that you have just had read.

Mr. DUNPHY. If the gentleman from Maine will wait a moment, my amendment goes to that point.

The CHAIRMAN. The amendment to the amendment proposed by the gentleman from New York [Mr. DUNPHY] will now be read.

The Clerk read as follows:

Amend page 5, line 20, by striking out the words "two hundred and forty-three thousand dollars," and in place thereof insert the words "one hundred and sixty-three thousand dollars;" and no part of these stamps shall be manufactured, engraved, or printed by the Bureau of Engraving and Printing.

Mr. HENDERSON of North Carolina. I make the point of order on that amendment. And I ask that the substitute be divided. The proposition is divisible.

Mr. O'NEIL of Massachusetts. On what ground?

Mr. HENDERSON of North Carolina. The point of order is that the amendment changes existing law, and does not reduce expenditures.

Mr. O'NEIL of Massachusetts. Not at all.

Mr. CANNON of Illinois. It is a limitation on the expenditure of the money.

Mr. LIVINGSTON. It is new legislation.

The CHAIRMAN. The Chair understands the gentleman from New York [Mr. DUNPHY] has offered the amendment as a substitute to that of the gentleman from North Carolina?

Mr. DUNPHY. No; as an amendment to the amendment.

Mr. LIVINGSTON. I suggest that if the gentleman offers it as an amendment he ought to strike out the first part.

Mr. DUNPHY. This adopts the figures as they appear in the printed bill and in the amendment of the gentleman from North Carolina.

Mr. LIVINGSTON. It seems to be a substitute.

Mr. DUNPHY. Very well, I have no objection. Let it be considered as an amendment in the nature of a substitute.

Mr. HENDERSON of North Carolina. The amendment that I propose will reduce the amount of the appropriation to $163,000. The gentleman from New York proposes——

Mr. DUNPHY. To reduce it to the same amount.

Mr. HENDERSON of North Carolina. Yes; so that his amendment, or that part of it, is surplusage, and I do not see how it can be an amendment to mine.

The CHAIRMAN. The gentleman from New York now states to the Chair that he offers it as an amendment in the nature of a substitute. And to that substitute the Chair understands the gentleman from North Carolina makes the point of order.

Mr. HENDERSON of North Carolina. Yes, sir.

The CHAIRMAN. Now, will the gentleman please state the point of order.

Mr. HENDERSON of North Carolina. It is that the second clause of the amendment is new legislation. It is bound to change existing law because the proposition is that the Postmaster-General shall be deprived of the power that he now possesses, or a discretion that he has, under existing law. You want to take it away from him; and the only way you can do it is by changing the law; so that this amendment, if it seeks to accomplish that, is subject to a point of order.

Mr. HAYES. Does the gentleman from North Carolina claim that the law would now permit the Postmaster-General to have this work done at the Bureau of Engraving and Printing?

Mr. HENDERSON of North Carolina. Certainly.

Mr. LOCKWOOD. There is no question about that.

Mr. HAYES. I think there is a question. But I wanted to get the position of the gentleman from North Carolina.

Mr. DUNPHY. The reason the amendment is offered, Mr. Chairman, just at this time and to this section, is in order to put into this bill the declaration of just what the law on the subject is.

There is no intention whatsoever of changing the existing law. I have gone through all the sections of the statute conferring authority on the Bureau of Engraving and Printing, and I do not find a single paragraph or sentence in any paragraph that permits the Bureau of Engraving and Printing to print these stamps. It is a well-known fact, however, that notwithstanding there is no authority of law authorizing it to be done, the Postmaster-General and the Secretary of the Treasury have concluded and determined to authorize the Bureau of Printing and Engraving to do this work.

Mr. LOCKWOOD. They did that upon the opinion of the Solicitor-General.

Mr. DUNPHY. I will get at that in a moment, if my colleague will allow me. I have no objection at all to allowing the Department to execute the laws in full. The objection that I have is in permitting the heads of Departments and chiefs of bureaus to make laws; and that is just what they seem to have done in this case.

It is true that the Solicitor of the Treasury has rendered an opinion in which he decides that there is authority for the Bureau of Printing and Engraving to do this work. He has arrived at his decision in this patchwork sort of way: He takes the section of the statute numbered 3577, which authorizes the Secretary of the Treasury to have the notes engraved and printed, and he supplements that by the appropriation acts which appropriate money for work and materials for the Bureau. Then he takes another section—section 5413—and he finds there the definition of what are the obligations and securities of the Government, and he finds that stamps are included in those. Therefore he says that the Bureau of Printing and Engraving has the authority to print the stamps.

Now, Mr. Chairman, and I wish to call the attention of the Chair particularly to this, the answer to the Solicitor of the Treasury is to be found in this fact, that heretofore, whenever it was attempted to do this thing, the matter was submitted to Congress and the authority of Congress was asked.

Mr. REED. It has been repeatedly asked, has it not?

Mr. DUNPHY. It has been asked repeatedly. It has been asked of four Congresses. Four Congresses have had the matter up, and have discussed it, and after discussion have refused to allow it to be done. Notwithstanding that, Mr. Chairman, notwithstanding that the Solicitor of the Treasury may be a gentleman learned in the law, I think that the present Secretary of the Treasury, when he puts his mind upon a law question, is just as safe a person to follow, just as safe a judge to follow, as the Solicitor of the Treasury.

Mr. REED. The present Secretary has asked the authority of Congress to do it, has he not, which he would not have done if he thought he had the authority already?

Mr. DUNPHY. Exactly. And now I want to read what the present Secretary in his report to Congress says on this point.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

At present this Bureau executes all of the work of engraving and printing required by the Treasury Department, and much of that required by the other Departments of the Government. The most considerable work of this kind now executed outside of the Bureau is the postage stamps and postal notes required by the Post-Office Department. It might be well for Congress to consider the advisability of having this portion of the work of the Government also executed by this Bureau.

Mr. DUNPHY. Mr. Chairman, there is the report of the Secretary of the Treasury to this Congress, in which he says it would be well for this Congress to consider this question, and yet the Secretary of the Treasury and the Postmaster-General, without any consideration of this question by Congress, and without any authority from Congress, have determined to have this work done in the Bureau of Engraving and Printing. The reason I put the amendment in is, that they may be made to understand just what the law is on the subject, and that Congress will not permit such things to be done without special authority given by it.

Mr. SAYERS. May I ask the gentleman a question before he sits down?

Mr. DUNPHY. Yes, of course.

Mr. SAYERS. I should like to have the gentleman from New York point out to the committee the law which requires the Postmaster-General to contract with private parties for the printing of these stamps. Is there any law upon the subject?

Mr. DUNPHY. I will tell you what the law is upon the subject of advertising.

Mr. SAYERS. What I want to know is the law bearing upon the printing of these postage stamps. I want to know what law there is that provides for the printing of these postage stamps under contract with private parties.

Mr. HAYES. I can tell you what you desire to know.

Mr. REED. There has got to be a positive provision of law authorizing this to be done.

Mr. DUNPHY. But permit me to say that I do not see what this has got to do with the question of order before the Chairman now. I know to what the gentleman from Texas [Mr. SAYERS] refers, and if he will permit the debate to go on a little further, I think I can satisfy him on that point when we reach it in the debate.

[Here the hammer fell.]

Mr. BARTLETT. Mr. Chairman, the question of law which now arises for consideration, to be submitted to the chairman and to the committee, is whether under the existing law the Secretary of the Treasury can allow the Bureau of Engraving and Printing to print adhesive postage stamps; the point of order being raised that the amendment submitted by my colleague changes existing law.

I shall endeavor to confine my remarks to the law and show to you, gentlemen, and to you, Mr. Chairman, that the existing law does not permit this Bureau of Engraving and Printing of the Treasury to do this work.

Mr. HUTCHESON. Then what is the use of the amendment?

Mr. BARTLETT. The necessity for the amendment is found in the expressions made by the Secretary of the Treasury and the Postmaster-General that they propose to violate the existing law.

Mr. LOCKWOOD. What law?

Mr. BARTLETT. They propose to violate irregularly and by indirection that which is now existing law.

Mr. LOCKWOOD. Can you name any statute that they would violate by having this printing of stamps done at the Bureau of Engraving and Printing?

Mr. HAYES. Yes; section 3709.

Mr. BARTLETT. I propose to argue the question in my own way, and then I will answer the question of the gentleman.

Mr. LOCKWOOD. Very well.

Mr. BARTLETT. I say under the construction of the law now advocated by me there has not been since the foundation of the Government, at any time since the question could possibly have arisen, such authority claimed by the Postmaster-General, or by the chief of the Bureau of Engraving and Printing, or recognized by the Congress of the United States. Now for the first time it is sought to deprive us of our power, to take away from Congress the right to grant this privilege.

Bear with me for a moment, and I will add, in the first place, when these first opinions were delivered. The Solicitor of the Treasury, F. A. Reeve, has submitted an opinion in which he holds that this power already exists. That opinion was written on the 16th day of January. I shall ask to go back a little to show how this question arose, and in order to do so I must state some antecedent circumstances. In October last, under the provisions of section 3709 of the Revised Statutes, which provides for advertising for contracts for supplies or purchases, the Postmaster-General advertised for bids for the printing of postage stamps for the ensuing four years. A special provision of law exempts this species of contracts from the rule that they can only obtain for one year. They advertised in October, and on the 15th day of November the bids were opened.

There were bids by the American Bank Note Company, by the Hamilton Bank Note Company, and by Charles F. Steele, of Philadelphia, ranging from $179,000 to $146,000. Up to that time it had been assumed by the Postmaster-General that that was the way they should be obtained. He had failed to secure any authorization from Congress to give this work to the Bureau of Engraving and Printing. Five days later, after all the bids had been opened, after the competition had ceased, when these private individuals had submitted their bids, the Bureau of Engraving and Printing comes in and says "We will do this work for $139,000." Finding that the lowest bid was $5.25 a thousand, they come in and bid "five cents," without any security and giving no bond. A coordinate branch of the Government comes in and tries to take this work from the public competitors.

That is all right; but you must have some authority of law for such action. What is their authority? Mr. Claude M. Johnson, chief of this Bureau, then wrote to Mr. Reeve, Solicitor of the Treasury, asking his opinion on the existing law. Mr. Reeve wrote back saying that there was no express statute which sanctioned it, but that there was no prohibition of law as to work of that nature. That the printing of pension certificates and patent certificates had been assigned to this Bureau at the request of heads of Departments: and that under the same rule this work could be assigned to the Bureau of Engraving and Printing. He said, "I assume that the provisions of section 3709 (that is as to advertising for contracts for supplies) have been duly complied with; and I assume that the Bureau of Engraving and Printing is the lowest and the best bidder."

That assumption was not correct. Mr. Reeve ascertained subsequently that the Bureau of Engraving and Printing had made no bid whatever. There his opinion fell. It was based on the assumption that the Bureau of Engraving and Printing was a competitor in the bidding, and that assumption being faulty, that opinion had to be abandoned. Then we have another opinion, an opinion sent to us in answer to a resolution of the House, an opinion of the Secretary of the Treasury, in which an entirely new view of the law is taken. He gives a construction, rather, of the statutory provisions diametrically different, and based on entirely new views of the law; and that is sent only seven weeks after the Solicitor of the Department had rendered his former opinion.

Now, what is this new view of Mr. Carlisle as to the existing power to give this printing to the Bureau of Engraving and Printing? He draws attention first to that section of the Revised Statutes which provides that the Secretary of the Treasury may cause "notes" to be printed and engraved. Then he goes on and takes an excerpt from the sundry civil appropriation bill of March 3, 1877, where there is a provision making an appropriation for engraving and printing "notes, bonds, and other securities," and he says that the words there used by the Congress of the United States in that sundry civil appropriation bill were meant to cover postage stamps.

Why, gentlemen, have you ever heard of such an extraordinary interpretation of a law? Bear in mind that on that same day, the 3d day of March, 1877, in the Post-Office appropriation bill, which was passed by the Congress on that identical day, there was an appropriation of $150,000 made for adhesive postage stamps. Now, can it be contended that Congress, in the sundry civil appropriation bill, meant to refer to postage stamps under the term "securities" when they had passed another measure on the same day providing specifically for the manufacture of postage stamps. I say that in every statute of the United States where reference is intended to be made to postage stamps, the words "postage stamps" or "adhesive postage stamps" have been invariably used. But how is the web woven together?

The Secretary of the Treasury then goes a step further. He turns to the criminal statutes, to the Revised Statutes, chapter 70, as to crimes against the operations of the Government, and in section 5413 he finds a definition of what an obligation or other security of the United States is, and in that definition he finds a long enumeration of certificates, notes, bonds, checks, and stamps. Now, gentlemen, it is a familiar principle in the construction of statutory law that you can take no definition from a criminal statute and embody it in, or apply it in any way to, a statute regarding civil matters.

The definitions of crimes, as Sir James Fitz-James Stephen, the great English writer on criminal law who has just passed away, says the definitions are purposely made broad enough to

cover and include all crimes of a cognate nature, and the only reason for making a distinction in the definition of such similar crimes is found in cases where the mode of trial, or the punishment would be different. So the definitions of crimes are often broadened beyond their ordinary meaning, just as we see the definition of "larceny" expanding and broadening from year to year, until it now includes many offenses which formerly were not comprehended under that term. I repeat, therefore, that a definition in a criminal statute, in an act referring entirely to forgery and counterfeiting, can not be legitimately taken from that criminal statute and made to apply in a case of this kind.

It is a forced, an unnatural, and unsound construction. I have never known an instance where a definition has been taken from a criminal statute and embodied in any act relating to a civil matter like this. I know of no decision of any court where such a view has been taken of the law, and I submit that this opinion of the Secretary of the Treasury is unsound. Now, let us see, aside from this, whether I am not right in my assertion that Congress has always taken the view for which I am now arguing. Bear in mind that this matter of printing adhesive postage stamps has come up for consideration before Congress on several occasions.

In 1879 it was proposed to allow these stamps to be printed by the Bureau of Engraving and Printing. The proposition was not agreed to either in the Senate or in the House, but through some error of an enrolling clerk it apparently became law and remained on the statute book for two years, until 1881, when it was repealed. The desired permission has never been granted since that time. An effort in that direction has been made on one or two occasions, in 1885 and in 1886. In the one instance such a provision was incorporated in the statute, but it failed to pass. In the other instance the Postmaster-General recommended that such permission be granted. In the report of the Secretary of the Treasury at the beginning of the last session will be found a suggestion that Congress should pass such legislation. Now, if the power existed in the Department at the time, that suggestion would have been entirely inapposite and inappropriate.

Mr. LIVINGSTON. I desire to submit just one proposition, Mr. Chairman. If there is no existing law touching this matter the amendment is out of order because it is new legislation. If there is a law, it is out of order because it changes that existing law. So let the fact be either way he pleases, the gentleman is "out in the cold" on this proposition.

Mr. HENDERSON of North Carolina. There is another point in regard to this matter to which I wish to call attention, and that is that a contract has been made with the Bureau of Engraving and Printing.

The CHAIRMAN. The Chair submits to the gentleman that that relates to the merits of the proposition and does not affect the point of order.

Mr. HENDERSON of North Carolina. It affects the law.

Mr. CANNON of Illinois. What is the measure of damages if the Government makes a contract and then turns round and breaks it?

A MEMBER. Six cents.

Mr. HENDERSON of North Carolina. The question here is whether this amendment is a new law or a change of law. It seems to me it must to be one or the other; and it is not only a new law or a change of law, but it is in violation of a contract made under the law.

Mr. DUNPHY. All that we claim is that the amendment is a declaration of the existing law.

Mr. HAYES. Mr. Chairman, the question of order is very largely determined, of course, by the question whether there is any existing law on this subject, and if so, what the law is.

The CHAIRMAN. The Chair will be very glad to hear the gentleman on that point and to receive any information he can give.

Mr. HAYES. Now, the position I take, from the examination I have made of this subject, is that there is no law authorizing the printing of these stamps by the Bureau of Engraving and Printing. Consequently, in my view, the amendment offered by the gentleman from New York is simply declaratory of the view of Congress in regard to the existing law; so that the point of order is governed by precisely the same principles that applied in the settlement of the question decided to-day with regard to the admission of fraternal journals in the mails as second class matter.

Mr. LIVINGSTON. I wish to ask the gentleman a question for information. Does the law authorize the Postmaster-General to let this contract to any party or parties?

Mr. HAYES. Yes, sir.

Mr. LIVINGSTON. I suggest the gentleman is mistaken. The section of the Revised Statutes does not name any party at all.

Mr. HAYES. I do not know that I understood the gentleman's question.

Mr. LIVINGSTON. Does the present law authorize the Postmaster-General to let this contract to any specified party?

Mr. HAYES. The present law provides in section 3914 of the Revised Statutes that—

The Postmaster-General shall prepare postage stamps of suitable denominations, which, when attached to mail matter, shall be evidence of the payment of the postage thereon.

Mr. LIVINGSTON. Now, if the gentleman will refer——

Mr. HAYES. Section 3709 of the Revised Statutes, under which all these things are done where power is given as in the section I have just read, provides—

All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service.

Mr. LIVINGSTON. Now, to bring out the point which I have suggested, I will ask the gentleman this question: Could not the Postmaster-General, under the law, award this contract to a railroad company, a mercantile company, a steamboat company, or any other company or person in the world?

Mr. HAYES. I presume so.

Mr. LIVINGSTON. Then could he not award it to the Bureau of Engraving and Printing?

Mr. HAYES. No, sir; because the Bureau of Engraving and Printing is simply a bureau of the Government itself; and the idea which the gentleman suggests in its legitimate consequences would lead to the conclusion that the Government, through its various Departments, can do anything that it sees fit; that it need not advertise at all; need not let contracts at all, but can set up all kinds of manufacturing establishments and do business incident to the manufacture of everything that the Government may need in all its Departments, from the greatest to the smallest. It would simply manufacture and pay what it cost, which might be more or less than private parties would do it for. There would be no occasion to advertise for bids, and this law would be nugatory and useless.

Mr. LIVINGSTON. The Government is now carrying on its own manufacturing in the case of guns, ammunition, etc.

Mr. HAYES. So far as I am concerned, I agree with the organized labor of this country, which protests against the Government going into these various branches of business or interfering with private enterprise. I certainly would not extend a system of this kind, and wherever possible I would restrict it, even where it now exists by law or custom.

Mr. McCREARY of Kentucky. Does the gentleman contend that there should be a positive enactment of law before the Bureau of Engraving and Printing can do this work?

Mr. HAYES. Yes, sir.

Mr. McCREARY of Kentucky. Where does the gentleman find any authority for that position?

Mr. HAYES. In the utter absence of any law allowing the Bureau of Engraving and Printing to do this work, and in the fact that universally, or at any rate generally, where Congress has thought it proper that work of this kind should be performed in that Bureau a specific provision to that effect has been adopted; and here, as showing understanding, I will say that the Post-Office Department has several times asked for this authority and never before has attempted to exercise it under any existing law. I have here a compilation of various laws passed on this subject from time to time, as well as practice; and I will ask unanimous consent to incorporate them with my remarks in the RECORD, as they are material in the consideration of this question. They are as follows:

What is now the Bureau of Engraving and Printing of the Treasury Department had its origin in section 2 of chapter 142 of the Thirty-seventh Congress, session 3, passed July 11, 1862, which is embodied in the Revised Statutes as follows:

"SEC. 3677. The Secretary of the Treasury may cause notes to be engraved, printed, and executed at the Department of the Treasury in Washington, and under his direction, if he deems it inexpedient to procure them to be engraved and printed by contract, and he may purchase and provide all the machinery and materials, and employ such persons and appoint such officers as are necessary for this purpose."

The other statutes relating to the work of the Bureau are as follows:

Chapter 123, Fortieth Congress, session 3, March 3, 1869, contains the following proviso:

"*Provided*, That no work shall be done in the Engraving and Printing Bureau for private parties."

This is the first mention of a "bureau."

Chapter 338, Forty-third Congress, session 1, June 20, 1874, appropriates money for the "Bureau of Engraving and Printing." This is the first time that the Bureau is designated by that name and the first time that appropriations are made specifically for its use.

Chapter 287, Forty-fourth Congress, session 1, August 15, 1876, appropriates, under heading of Commissioner of Internal Revenue, as follows:

"For dies, paper, and stamps, $165,000; said engraving and printing to be done in the Bureau of Engraving and Printing of the Treasury Department, provided the cost does not exceed the price paid under existing contracts."

Chapter 18, Forty-fourth Congress, session 2, December 28, 1876, enacts:

"That such sum as may be necessary be, and the same is hereby, appropri-

ated out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to have engraved and printed a portrait of Hon. Henry H. Starkweather, of Connecticut, deceased, late a member of the House of Representatives, as authorized by the resolution of the House of Representatives of May 5, 1876, and concurred in by the Senate May 20, 1876; said portraits to accompany the eulogies ordered to be printed by the same resolution."

Mem.: The resolution referred to does not appear in the Statutes at Large as published. This act is the first of a long series of acts and joint resolutions directing the Secretary of the Treasury to engrave portraits and appropriating money therefor.

Chapter 102, Forty-fourth Congress, session 2, March 3, 1877, appropriates for internal-revenue stamps in the same language as the act of August 15, 1876.

Chapter 329, Forty-fifth Congress, session 2, June 19, 1878:

Do. do., except amount is $375,000.

Chapter 359, Forty-fifth Congress, session 2, June 20, 1878, appropriates money for new building "to be devoted to the use of the Bureau of Engraving and Printing of the Treasury Department, to the mechanical purposes of other bureaus and branches of said Department, and to like purposes of bureaus of other Departments."

Chapter 182, Forty-fifth Congress, session 3, March 3, 1879, appropriates:

"For payment of expenses of printing pension checks for fiscal year 1879, $8,500, and for the fiscal year 1880, $9,000."

Chapter 180, Forty-fifth Congress, session 3, March 3, 1879, appropriates:

"For the manufacture of adhesive postage stamps, of official stamps, and of newspaper and periodical stamps, $92,000. If said stamps can be furnished by the Bureau of Engraving and Printing of the Treasury Department at less than the same now cost, the work of printing the same shall be given to said Bureau when not in violation of existing contracts."

Repealed March 1, 1881, chapter 96, Forty-sixth Congress, session 3.

Chapter 183, Forty-fifth Congress, session 3, March 3, 1879, appropriates:

"To adjust the settled account of the Bureau of Engraving and Printing, Treasury Department, for printing commissions of revenue-marine officers, involving no expenditure of money from the Treasury, being for the service of the fiscal year 1877, $63.80.

"To adjust the settled account of the Bureau of Engraving and Printing for engraving, printing, and similar necessary expenses, disbursing officers' transfer and interest checks, involving no expenditure of money from the Treasury, being for the year 1878, $1,392.80."

Chapter 2, Forty-sixth Congress, session 2, December 22, 1879, provides:

"That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a Department or bureau, art association or library, be, and he is hereby, authorized to furnish impressions from any portrait or vignette which is now or may hereafter be a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests."

Chapter 225, Forty-sixth Congress, session 2, June 15, 1880:

Appropriates $375,000 for internal-revenue stamps in language of act of August 15, 1876.

Chapter 130, Forty-sixth Congress, session 3, March 3, 1881, appropriates for the internal revenue:

"For dies, paper, and stamps, $442,000, but not exceeding $49,000 of this amount may be expended in the payment of persons employed in connection with the manufacture of paper and the production of stamps and their custody and issue; the engraving and printing to be done in the Bureau of Engraving and Printing of the Treasury Department, to be expended under the direction of the Secretary of the Treasury: *Provided*, That the cost does not exceed the price paid under existing contracts."

Chapter 433, Forty-seventh Congress, session 1, August 7, 1882, appropriates for the internal revenue:

"For dies, paper, and stamps, $500,000; the engraving and printing to be done in the Bureau of Engraving and Printing of the Treasury Department, to be expended under the direction of the Secretary of the Treasury."

Chapter 143, Forty-seventh Congress, session 2, March 3, 1883, appropriates for the Bureau of Engraving and Printing as follows:

"For salaries of all necessary clerks and employés, and for labor (by the day, piece, or contract), including labor of workmen skilled in engraving, transferring, plate printing, and other specialties necessary for carrying on the work of engraving and printing, the pay for such labor to be fixed by the Secretary of the Treasury, at rates not exceeding the rates usually paid for such work; and for other expenses of engraving and printing; for materials required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of same and for expenses of operating macerating machines for the destruction of the United States notes, bonds, national-bank notes, and other obligations of the United States authorized to be destroyed, $485,700, and from said sum work may be executed by the Bureau of Engraving and Printing for the following purposes, namely:

"For engraving, printing, and finishing United States notes, gold and silver certificates, registered bonds for transfers, and other securities, $361,000.

"For engraving (except face-plates), printing, and finishing circulating notes for national banking associations, $105,000.

"For engraving, printing, and finishing checks for the Treasurer of the United States and disbursing officers, and for the purchase of paper for the same, $7,000.

"For engraving, printing, and finishing checks for the payment of pensions, $12,000.

"For engraving, printing, and finishing certificates of letters patents, $700."

Chapter 332, Forty-eighth Congress, session 1, July 7, 1884, appropriates:

"For paper and stamps for the Bureau of Internal Revenue, $410,000, the engraving and printing of said stamps to be done in the Bureau of Engraving and Printing of the Treasury Department, under the direction of the Secretary of the Treasury."

And for the Bureau of Engraving and Printing substantially as in the act of March 3, 1883.

Chapter 359, Forty-eighth Congress, session 2, March 3, 1885, deficiency appropriation:

"To pay amounts found due by the accounting officers of the Treasury on account of labor and expenses of engraving and printing, being for the service of the fiscal year 1882, $234.67."

Chapter 360, Forty-eighth Congress, session 2, March 3, 1885, appropriates:

Substantially as in the act of July 7, 1884.

Chapter 902, Forty-ninth Congress, session 1, August 4, 1886:

"*Provided*, That hereafter receipts for miscellaneous work authorized by law to be performed by the Bureau of Engraving and Printing for the several Departments of the Government, and the amounts properly chargeable to national banks for engraving their plates shall be deposited and covered into the Treasury as miscellaneous receipts."

Chapter 903, Forty-ninth Congress, session 1, August 4, 1886:

"To supply a deficiency in the appropriation for engraving, printing, and finishing certificates of letters patent the sum of $435, or so much thereof as may be necessary, of the unexpended balance of the general appropriation for labor and expenses of engraving and printing for the current year is hereby authorized to be used for the object herein specified."

Chapter 1069, Fiftieth Congress, session 1, October 2, 1888, appropriates for the Bureau:

"*Provided*, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau."

Chapter 411, Fiftieth Congress, session 2, March 2, 1889:

"*Provided further*, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau * * *

"*Provided*, That unless the patentees of said steam presses shall accept the $500 already paid as royalty on each press and the rate per thousand sheets herein provided [1 cent] the said presses shall not be used by the Government after the close of the present fiscal year."

Chapter 381, Fifty-second Congress, session 1, as amended March 3, 1893, by chapter 208, Fifty-second Congress, session 2, provides as follows:

"SEC. 3. That not to exceed 50,000 bronze medals, and the necessary dies therefor, with appropriate devices, emblems, and inscriptions commemorative of the said exposition celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus, shall be prepared under the supervision of the Secretary of the Treasury; and the Bureau of Engraving and Printing, under the supervision of the Secretary of the Treasury, shall prepare plates and make therefrom not to exceed 50,000 impressions for diplomas at a total cost not to exceed $103,000. Said medals and diplomas shall be delivered to the World's Columbian Commission, to be awarded to exhibitors in accordance with the provisions of said act of Congress approved April 25, 1890; and there is hereby appropriated from any moneys in the Treasury not otherwise appropriated the sum of $103,000, or so much thereof as may be necessary, to pay the expenditures authorized by this section."

Mr. MCCREARY of Kentucky. But there is no statute prohibiting this work from being done by that Bureau.

Mr. LIVINGSTON. No, nor by anybody else.

Mr. MCCREARY of Kentucky. And the Bureau of Engraving and Printing is one of the bureaus of the Government, and the stamps are needed by the Government. Why should they not be printed there?

Mr. HAYES. I will say in response to that, rather than by answering yes or no, that the law is explicit and will show what the statutes are in regard to this very question.

The opinion of the Solicitor of the Treasury was asked in regard to this matter by the Chief of the Bureau of Engraving and Printing, and the letter was written which was referred to by the gentleman from New York [Mr. BARTLETT] and in which he states what the authority is, so far as he finds it under the law, and as that authority is given by the law officer of the Treasury Department it is probably unnecessary to go further. I think the proper construction, from the standpoint on which he bases it, will show the utter fallacy of his position and demonstrate that there is no law, existing on the statute books today or outside, that allows the Bureau of Engraving and Printing to enter into competition for doing this work.

Mr. MCCREARY of Kentucky. But why should not the Government, if it has a Bureau of Engraving and Printing equipped for all purposes, run it for this purpose just as it has a bureau of public printing to do the printing for the Departments and for Congress?

Mr. HAYES. Why, under the same reasoning, should not the Government do all kinds of business where it has needs and enter into competition with private business through all parts of the country for all its needed supplies?

Mr. MCCREARY of Kentucky. But the gentleman does not answer my question. Why does the Government support a Government Printing Office and a Bureau of Engraving and Printing if it can not use them for doing its own work?

Mr. HAYES. We support a Bureau of Engraving and Printing for the purpose of doing certain specified printing for the Treasury and other Departments, and a Printing Office because in the very nature of things we are compelled to have some work done with a celerity and under circumstances that can not be accomplished by any private office. But this is a matter that is obviously in a different category, and, in any event, I am opposed to the extension of governmental business and competition with private business enterprise. It tends toward centralization and paternalism.

Mr. BARTLETT. Let me ask the gentleman if it is not a fact that all of the internal-revenue stamps are now printed by express authority of Congress?

Mr. HAYES. Yes, sir; and that is in the compilation of the laws which I put into the RECORD.

Mr. COX. Let me ask the gentleman a question: Does not the Bureau of Engraving and Printing propose to do the printing of these stamps at a less price than anybody else proposes?

Mr. HAYES. Well, I think not. The Bureau put in a bid after the advertised time at a less price, and this was met by a private bidder and a still lower offer made.

Mr. COX. That is a very important point.

Mr. HAYES. But whether it did or not is not material for the purpose of this discussion. In the first place, we would never know what it did cost the Government.

Mr. LOCKWOOD. Oh, yes.

Mr. HAYES. It could not be ascertained whether it was done at a profit or at a loss. They would have to get the plant for the work, purchase machinery, and all that sort of thing, and this

work would run along in connection with all of the other work of the Bureau, so that it could not possibly be accurately separated for the purpose of determining the cost. Wear and tear, cost of machinery and plant, and various such matters would debar accuracy in this regard.

Mr. LOCKWOOD. You say we could not know what the cost would be. Does not that Bureau make a bid for the work at 5 cents per thousand?

Mr. HAYES. Yes; but suppose it costs 10? There is no restriction. They can spend the whole appropriation on this work if they think it necessary, and its bid cuts no figure. It would be just the same, with same result, whether bid was 1 cent or $1 a thousand. When a man works for himself it makes no difference what he calls his wages.

Mr. COOMBS. Mr. Chairman, I rise to a question of order. It seems to me that gentlemen are drifting away from the point of order to the merits of the question.

The CHAIRMAN. The Chair would be very glad to hear gentlemen on the point of order.

Mr. HAYES. The ground on which the Solicitor of the Treasury puts this right, so far as the Bureau of Engraving and Printing is concerned, is section 3577 of the Revised Statutes, which reads:

SEC. 3577. The Secretary of the Treasury may cause notes to be engraved, printed, and executed at the Department of the Treasury, in Washington, and under his direction, if he deems it inexpedient to procure them to be engraved and printed by contract; and he may purchase and provide all the machinery and materials, and employ such persons and appoint such officers as are necessary for this purpose.

That is the Bureau of Engraving and Printing. This is a bureau of the Treasury Department, and it finds authority in this statute, according to the Solicitor of the Treasury, by which postage stamps can be printed there.

Now, in the first place to arrive at such a conclusion the Solicitor has to say that postage stamps are notes, when everybody knows the meaning of that word as used in the section I have read is essentially different. This word referred to the currency of the Government. That construction is entirely farfetched, and has no merit of any name or nature; is a mere subterfuge. In addition to that, after speaking of the matter as it has been up before Congress from time to time, the Solicitor says that the repeal of a certain provision, which I will refer to in a few minutes, had the effect of putting it back *in statu quo*, where it was, and that it stands now as though Congress had not done anything, either passed the section or repealed it. That proposition I entirely deny and dissent from, either as a matter of reason or of law or statutory construction.

This matter has been up before Congress upon three different occasions. In the first place, in 1879 a provision was inserted in the law which gave the Bureau of Engraving and Printing the power to do this very thing; but it has always been claimed that it never passed Congress; in other words, that it was an interpolation, that it was stricken out by the action of Congress and that it got in by a mistake of the enrolling clerks. In any event, that was very soon repealed, and I say that shows a legislative intent in regard to this matter that entirely brushes away the idea that the Solicitor of the Treasury seeks to convey as his legal proposition in the letter that he submits to the Superintendent of the Bureau of Engraving and Printing. It shows of itself a legislative intent and meaning.

Then again, in 1886, the Postmaster-General recommended the attachment to the Post-Office appropriation bill of a provision of this kind. I believe it was passed in one House, and finally, upon conference, was lost. In any event, without being absolutely certain as to the details of it, as a matter of fact it did not pass Congress; so that the recommendation of the Postmaster-General was not carried into effect.

Mr. SAYERS. What House did it pass?

Mr. HAYES. It passed the House of Representatives.

Mr. SAYERS. But was defeated in the Senate?

Mr. HAYES. Defeated in the Senate. Then, in 1888, the Postmaster-General again recommended an amendment to an appropriation bill, providing for this same thing, and that failed to pass; and now the present Postmaster-General has asked and recommended the same legislation here. In the face of the treatment of this law by the various Departments of the Government, how it can be claimed that there does exist upon the part of the Department the power to have this work done in the Bureau of Engraving and Printing, is beyond my comprehension. We have, so far as the action of Congress is concerned, a legislative interpretation of its intention in passing such laws as it has passed, including laws for the organization and management of the Bureau of Engraving and Printing.

Now, I do not know that I care to say anything more upon this question, but I ask unanimous consent to extend in the RECORD, as a part of my remarks, an argument prepared by the American Bank Note Company, which gives a full and comprehensive statement of the surroundings and reasons governing the question and also extracts from previous debates, showing how it has been considered in Congress, and which has an important bearing upon the question of what the law actually is; that is, showing intent when passed, as follows:

STATEMENT OF SITUATION.

Congress has imposed upon the Postmaster-General the duty of providing postage stamps for the payment of postage on mail matter by legislation which is embodied in section 3914 of the Revised Statutes, as follows:

"The Postmaster-General shall prepare postage stamps of suitable denominations which, when attached to mail matter, shall be evidence of the payment of postage thereon."

In like manner the Postmaster-General has been authorized to procure stamped envelopes and postal cards by sections 3915 and 3916 of the Revised Statutes, and provision has subsequently been made for the procurement by him of stamped letter sheets, return envelopes, and reply postal cards. All these supplies have been heretofore invariably procured by the Postmaster-General under the requirements of section 3709 of the Revised Statutes, as follows:

"All purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of the service."

By joint resolution of March 24, 1874, it is provided that the limitation of one year for letting contracts for supplies in the Executive Departments "shall not be held or construed to be applied to or include mail bags, mail locks or keys, postal cards, postage stamps, newspaper wrappers, or stamped envelopes."

It had been the custom of the Post-Office Department before the adoption of this joint resolution, and it has since been its custom, to make contracts for supplies of this character for the period of four years after advertisement inviting proposals therefor, published in the newspapers for a period of four weeks prior to the date fixed for the receipt of such proposals.

In pursuance of the requirements of law and the custom of the Department, in October, 1893, when the then-pending contract for the supply of adhesive postage stamps was about to expire, the Postmaster-General published an advertisement inviting sealed proposals for furnishing stamps under detailed specifications to be opened on the 15th day of November, 1893, and upon the opening of the bids the bidders and the amounts of their respective bids, based upon the actual issue of postage stamps for the year ending June 30, 1893, were found to be as follows:

The Hamilton Bank Note Company, of New York	$179,294.00
The American Bank Note Company, of New York	162,401.51
Charles F. Steele, of Philadelphia	146,454.71

Five days after the receipt and opening of these bids, submitted in compliance with the law, on the 20th day of November, 1893, the Chief of the Bureau of Engraving and Printing of the Treasury Department submitted to the Postmaster-General an estimate of the cost of furnishing the adhesive postage stamps, if manufactured in his Bureau, amounting to $139,487.52. This offer, submitted in the light of the figures given by the bidders under the advertisement, it will be observed, is a mere shade less than the lowest bid submitted under the advertisement.

Subsequently, by an order of the Postmaster-General, all the bids received under the advertisement therefor were rejected and an arrangement has been made under which, if carried out, the postage stamps are to be manufactured and furnished to the Post-Office Department on and after the 1st of July, 1894, by the Bureau of Engraving and Printing.

THE PROPOSED ACTION IS WITHOUT AUTHORITY OF LAW.

This proposed action on the part of the Post-Office Department and the Treasury Department is wholly unauthorized by existing law; the Postmaster-General proposing to procure supplies practically without advertisement, and therefore in disregard of law, by assigning the work to another Department of the Government. Clearly, if this action is authorized by law, the Postmaster-General could with equal propriety have awarded the contract to a private party proposing to do the work at a cost lower than that of the lowest competing bidder, and this proposition is manifestly untenable; certainly, if this course can be pursued, the head of an Executive Department can subvert the whole purpose of the law respecting advertisement for proposals, and there would be no longer any occasion for such provision.

This proposed arrangement also involves a defiance of law on the part of the Secretary of the Treasury, as well as of the Postmaster-General, because an examination of the statute books will fail to find the least authority for the Bureau of Engraving and Printing to undertake the performance of this work.

REFUSAL OF CONGRESS IN THE PAST TO AUTHORIZE MANUFACTURE OF POSTAGE STAMPS BY THE BUREAU.

Not only is there no authority in the statutes, but the whole course of legislation by Congress indicates that it has never been willing to throw this work into this already overcrowded and overworked Bureau of the Treasury Department.

The Bureau of Engraving and Printing had its origin, unlike the other bureaus of the various Executive Departments which have been erected by specific acts of Congress, in legislation which permitted the Secretary of the Treasury, if he deemed it expedient, to cause notes to be engraved, printed, and executed in his Department, and authorized him to purchase and provide all the necessary machinery and materials and to employ such persons and appoint such officers as were necessary for this purpose. This legislation has been embodied in the Revised Statutes, in section 3577, which is as follows:

"SEC. 3577. The Secretary of the Treasury may cause notes to be engraved, printed, and executed at the Department of the Treasury in Washington, and under his direction, if he deems it inexpedient to procure them to be engraved and printed by contract, and he may purchase and provide all the machinery and materials and employ such persons and appoint such officers as are necessary for this purpose."

From time to time Congress has provided that other work should be performed in this Bureau, nearly the whole of which, however, has been work for the Department of the Treasury itself, and the Bureau of Engraving and Printing has been accustomed to do for other Departments of the Government certain work of insignificant amount and trifling cost.

Not only is there no authority conferred by Congress upon the Bureau for doing this work, but such action as Congress has taken with respect to the Post-Office matters shows that it has taken the position not only that the Bureau without legislation has not the authority to do the work but that it will withhold such authority whenever asked. This is shown by the fact that when Congress provided for the issue of postal notes and for a revision of the money-order system, it required the Public Printer and the Chief of

the Bureau of Engraving and Printing to submit estimates of the cost of furnishing such printed and engraved matter as might be required for use in the money-order business, and should furnish such matter whenever upon their estimates of costs the expenditures therefor would be less than upon proposals received from private bidders. (See chapter 123, Forty-seventh Congress, second session, volume 22, page 527, United States Statutes at large.)

The public records show that three several efforts have been made to throw this work into the hands of the Bureau of Engraving and Printing and that such efforts have failed. The history of these three several efforts is as follows:

First. In the Post-Office appropriation act passed March 3, 1879, Congress appropriated for the manufacture of postage stamps $92,000, with the proviso that "if such stamps can be furnished by the Bureau of Engraving and Printing of the Treasury Department at less than the same now cost, the work of printing the same shall be given to said Bureau when not in violation of existing contracts." This proviso was not reported by the Committee on Appropriations, but was attached to the bill on motion of a Representative from the State of Illinois.

The language of this proviso was modified in the Senate, but upon a reference of the bill to the committee of conference of the two Houses the whole matter was stricken out. But, as was subsequently shown, probably through an error of the enrollment clerk, the proviso found its way into the statute book, and accordingly two years later was expressly repealed by chapter 96 of the Forty-sixth Congress, session 3, passed March 1, 1881, it appearing in the debate that it never had been the intention of Congress to enact the proviso.

Second. In the Post-Office appropriation act for the service of the year ending June 30, 1883, the House of Representatives, upon the recommendation of the Postmaster-General, attached a clause to the appropriation for adhesive stamps requiring "that at the future lettings of contracts for the manufacture of postage stamps, stamped envelopes, and postal cards the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, and postal cards by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties; but provided that the Postmaster-General may award the contracts, or any of them, upon the bids of the Secretary of the Treasury without reference to the bids of private parties, if, in his judgment, it shall be for the best interest of the Government to do so." This provision was, after an exhaustive debate, stricken from the bill when the same was under consideration by the Senate, and the action of the Senate was confirmed by the committee of conference on the disagreeing votes of the two Houses and by the two Houses themselves separately on the conference report.

In this case Congress expressly refused to authorize the line of action which has been followed by the Post-Office and the Treasury Departments in the case of the postage-stamp contract.

Third. The Postmaster-General in his annual report for the fiscal year ending June 30, 1883, recommended that an amendment be inserted in the appropriation bill for the next fiscal year providing that "the work of manufacturing postage stamps, stamped envelopes, and postal cards, now performed by contract under public advertisement, shall hereafter be done by the Government itself, the Bureau of Engraving and Printing, and the Treasury Department, at a cost not to exceed the prices in the present contract and without resort to the system of competitive bidding now in force."

This recommendation, however, failed to receive any attention from either branch of Congress.

It will thus be seen that it has always been the intention of Congress that this work of manufacturing and supplying postage stamps, postal cards, stamped envelopes, etc., for the Post-Office Department, which had always been satisfactorily performed by private parties, should not be done in the Bureau of Engraving and Printing, and by reference to the debates in Congress when the question has come up it will be found that the objection has proceeded upon the broad ground of public policy, which, under our institutions, should prevent the Government from engaging in this work of administration.

Citations from these debates are appended hereto, to which special attention is respectfully invited.

THE BUREAU OF ENGRAVING AND PRINTING HAS NEVER BEFORE CLAIMED TO HAVE AUTHORITY TO MANUFACTURE POSTAGE STAMPS.

The foregoing statement of the various attempts to procure Congressional authority for the manufacture of postage stamps by the Bureau of Engraving and Printing clearly indicates that without further legislation such authority was supposed to be wholly wanting, and the records show that it has never before been claimed on behalf of the Bureau that it had such authority.

In 1885, when Congress was asked to require the Bureau to submit estimates or bids in competition with private bidders, it was assumed by the chief of the Bureau in a letter addressed to the Third Assistant Postmaster-General, which is printed in Ex. Doc. No. 202, H. R. Forty-eighth Congress, second session, as follows: "This Bureau is organized to execute the work of engraving and printing securities of the United States required by the Treasury Department. It has no wish to extend its work beyond the purpose of its organization, unless it be to the advantage of the Government and unless the officers of the Government specially charged with the supervision of work of this kind desire it to be done here."

In the same year, 1885, the chief of the Bureau, in submitting his report and estimates to Congress, complains of the condition of the appropriations; asks that his department be recognized as a regular bureau, and states that "should new work at any time be by law assigned to the Bureau, there could be added to the appropriation an amount sufficient to pay the operatives and purchase the materials required to produce it."

It is evident that when the report of the Secretary of the Treasury was transmitted to Congress at the present session (Fifty-third Congress, second session) it was well understood by the Department that the Bureau did not have authority to manufacture postage stamps, for in speaking of the work of engraving and printing executed in the Bureau he makes the following recommendation:

"The most considerable work of this kind now executed outside of the Bureau is the postage stamps and postal notes required by the Post-Office Department. It might be well for Congress to consider the advisability of having this portion of the work of the Government also executed by this Bureau, as it has all the facilities for executing it and would afford perfect security to the Government. It would seem to present an anomalous condition of affairs for the Government to maintain a large establishment for the execution of this character of work and yet have a part of it done in private establishments."

THE PRESENT CLAIM OF AUTHORITY FOR THE BUREAU IS WITHOUT FOUNDATION.

It now appears from the answer of the Secretary of the Treasury to the resolution of the House of Representatives inquiring under authority of what law the Bureau proposes to manufacture adhesive postage stamps, that he professes to find authority in section 3577 of the Revised Statutes, quoted above, supplemented by the appropriation acts providing for labor and expenses of printing notes, bonds, and other securities of the United States, claiming that under these laws the Bureau is organized for the engraving, printing, and finishing of the securities and other obligations of the United States, and is authorized to execute the work that falls within this designation, and inasmuch as "obligations or other securities" are by section 5413, Revised Statutes, held to mean, among other things, "stamps," that the Bureau has authority to manufacture postage stamps.

A sufficient answer to this proposition would seem to be a reference to the past attempts at legislation and the record of the attitude of the Departments on the question; for if the Bureau has the authority now to manufacture postage stamps, it had the same authority when legislation therefor was specially sought and was advisedly withheld by Congress.

A slight consideration of the statutes relied upon will suffice to show that they do not support the proposition advanced. Without urging that the language of section 5413 is intended to apply only to crimes and so might be held not to have been intended as a definition of obligations and securities applicable to all cases and circumstances, it is sufficient to say that an appropriation act providing money for the purpose of the manufacture of such securities as the Bureau is lawfully engaged in making is far from requiring or authorizing the Bureau to manufacture all the securities of the Government.

In order to give the statutes cited by the Secretary of the Treasury the effect claimed for them it is necessary to find in the appropriation acts some requirement, or at least authority, for the Bureau to perform the work of making (besides and in addition to the notes, bonds, and securities for which money is thereby provided) all of the securities of the Government, and this is evidently impossible. This pretense of authority is so manifestly unwarranted by the statutes that it is difficult to consider it seriously or treat it with patience.

PRESENT INABILITY OF THE BUREAU TO PERFORM THE WORK.

But, besides and beyond the want of legal authority to carry out the proposed undertaking to furnish postage stamps by the Bureau of Engraving and Printing, it is practically impossible for the Secretary of the Treasury lawfully to put the Bureau in a position to perform the work, it appearing by the estimates submitted that under present appropriations, and with the present accommodations of the Bureau, it is unable satisfactorily to perform the work upon which it is now employed.

Section 3679 of the Revised Statutes provides that "No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year or involve the Government in any contract for the future payment of money in excess of such appropriations."

Section 3732 provides that "No contract or purchase on behalf of the United States shall be made unless the same is authorized by law, or is under an appropriation adequate to its fulfillment, except in the War and Navy Department," etc.

The Treasury Department, therefore, not having sufficient money for its present purposes, will be unable under the limitations of these sections of the Revised Statutes to make the necessary provision to equip the Bureau for the performance of the proposed work or to procure the workmen and provide the material therefor. The supply of stamps must be commenced on the 1st of July, 1894, and to provide therefor will require machinery, labor, and supplies to be procured long in advance of that date, which is coincident with the termination of the current fiscal year, the appropriations for which are all required for the needs of the Bureau for the performance of the work now done by it.

In submitting estimates for the Bureau for the fiscal year ending June 30, 1895, the Treasury Department has asked for $130,000 for buildings, and $1,111,400 for expenses, and has represented that its present accommodations are wholly insufficient for the performance of the work now intrusted to it and that an additional building is required for that reason.

These estimates were submitted by the Chief of the Bureau of Engraving and Printing in a letter dated October 16, 1893, in which letter no mention is made of any intention to do the work of printing and furnishing postage stamps.

The estimate was based on the then existing needs of the Bureau, and it was not concurred in by the Committee on Appropriations, which has fixed the amounts in the sundry civil appropriation bill at a less amount than was asked for and without providing money for the erection of the new building desired.

With these estimates and appropriations for the present needs of the Bureau how will it be possible for it to equip itself to perform this great additional amount of work? The Bureau of Engraving and Printing is confessedly without equipment to perform this work, and if the Government is going to provide the Post-Office Department with stamps by their manufacture in the Bureau of Engraving and Printing, it will be necessary to expend a large sum of money for equipment besides the estimated cost of providing the stamps, and thereby the expense to the Government of procuring postage stamps through the Bureau will be increased by that amount over and above its estimated cost of production.

This additional money required to procure a plant for the performance of the work will largely exceed the difference between the Bureau's estimate of cost and that of the private bidders under the advertisement for proposals.

The Secretary of the Treasury, in his communication to the House of Representatives above referred to, states that no additional appropriation will be made necessary by the manufacture of postage stamps by the Bureau over and above the amount to be paid by the Post-Office Department under the terms of the proposal therefor.

It is difficult to understand how this can be, when the performance of the work, which will involve an increase of the work of the Bureau of about 20 per cent, will require the procurement of additional machinery and materials and the employment of a largely increased force of employés. To provide for the cost of additional plant and materials and of increased force will require the immediate use of large sums of money over and above the estimated cost of production, and before there will be any receipts from the Post-Office Department, if such can be obtained and used.

But, assuming that there is lawful authority for the Post-Office Department to make payments to the Bureau for postage stamps furnished by it, as to which there is grave question, it is not competent for the Secretary of the Treasury under existing provisions of law to devote any such payments to the procurement of machinery and materials and the hiring of labor for the purposes of the Bureau, for such use of money is expressly forbidden by Congress by chapter 902, Forty-ninth Congress, first session, passed August 4, 1886, which contains the following proviso:

"*Provided*, That hereafter receipts for miscellaneous work authorized by law to be performed by the Bureau of Engraving and Printing for the several departments of the Government and the amounts properly chargeable to national banks for engraving their plates shall be deposited and covered into the Treasury as miscellaneous receipts."

A further difficulty in the way of the performance of this work by the Bureau is that it is proposed to print the stamps on steam presses, which, indeed, is the only practicable way in which they can be produced, and that

to do this it will be necessary to procure additional steam presses, which is now expressly forbidden by law, Congress having provided in chapter 1009, Fiftieth Congress, first session, passed Oct. 2, 1888, as follows:

Provided, That there shall not be an increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

THE OFFER OF THE BUREAU DOES NOT REPRESENT THE ACTUAL COST TO THE GOVERNMENT OF DOING THE WORK.

Even after provision is made for the performance of this work by the procurement of additional plant and material and employes it will not be possible for the Bureau to furnish and distribute the postage stamps as required by the specifications of the Post-Office Department, at the estimated cost of 5 cents per thousand.

The figures and estimates of the Bureau as furnished by itself conclusively show that the cost to the Government of procuring the manufacture and distribution of the postage stamps would be far in excess of the estimate of 5 cents per thousand. On the only occasion when the Bureau ever estimated before on the stamp contract, when it competed with private bidders in 1885, its estimate of cost was 7.75 cents per thousand, which was higher than that of the American Bank Note Company, to which the contract was awarded under its bid of 6.99 cents per thousand. Its present estimate is more than 55 per cent less, and it is impossible to suppose that there has been in the meantime any such reduction in the cost of the performance of the work of the Bureau as to justify and sustain it.

The estimates made by the Bureau of the cost of the work actually performed by it are, however, the best evidence of its inability to furnish and distribute the stamps at the cost now estimated, and conclusively establish the truth of that proposition. In the Book of Estimates submitted to the present session of Congress (Fifty-third Congress, second session,) the chief of the Bureau estimates that the average cost per thousand printings for the year ending June 30, 1895, will be $17.26.

The estimate of the average cost of the finished product of the Bureau per thousand sheets is much higher; but as a great deal of the work, the currency and bank-notes for instance, is subjected to two or more printings, the average cost, for purposes of estimate and comparison, is very properly reduced from sheets to printings. Postage stamps require but one printing and are produced in sheets containing 200 stamps each, so that 200,000 stamps will represent a thousand printings—the basis of the Bureau's estimate of cost of its present work. The cost of 5 cents per thousand stamps reduced to the basis of thousand printings makes the Bureau's estimate of cost of stamps $10 per thousand printings, as against the cost of $17.26 of its other work, a difference of over 42 per cent.

It is utterly impossible to believe that the Bureau can turn out postage stamps at any such cost. Nor does this comparison tell the whole story. It is impossible for the Bureau to manufacture postage stamps at as low a cost as it produces other work, much less to manufacture and distribute them to over 70,000 post-offices, as required by the specifications of the Post-Office Department contract. In the first place, a large amount of the work of the Bureau consists of type printing, a cheaper method than the plate printing required for postage stamps, and a very large proportion of such work consists of sheets of smaller size than those upon which stamps are printed; and in the second place, the estimate of $17.26 per thousand printings includes no charge for paper and practically none for gumming, perforating, packing, and distribution, a charge for all of which must enter into any proper estimate of the cost of performing the stamp contract.

To arrive, then, at an accurate estimate of the cost of postage stamps to the Government there must be added the cost of paper, gumming, perforating, and packing for distribution, each operation in itself entailing no inconsiderable expense and requiring many employés to perform under a contract requiring the average daily manufacture and distribution of some ten millions of stamps. The private contractor has, of course, to add to these items of cost rent, insurance, taxes, and interest on cost of plant, which are not out-of-pocket expenses for the Government Bureau, but the expenses of which have to be met in one way or another so long as there is an interest-bearing debt and which, it might fairly be urged, should be taken into account in arriving at the true cost to the Government of doing the work.

To summarize this comparison we have:

Bureau's estimate of cost per thousand printings, including labor, materials and administration only	$17.26
Bureau's estimate of cost of furnishing a thousand sheets of postage stamps, which should cover cost of paper, gumming, perforating, packing, and distribution, which are actual expenses, and rent, insurance, taxes, and interest on plant, which must be met in one shape or another	10.00
Difference in estimates over 42 per cent	7.26

Another mode of presenting a comparison of these estimates by reducing the Bureau's estimate of average cost per thousand printings for the year ending June 30, 1895, to the basis of the stamp contract price gives the following:

	Cents.
Cost per thousand stamps on basis of Bureau's estimate, for printing alone	8.63
Bureau's estimate of cost, including paper, gumming, etc.	5
Difference, over 42 per cent	3.63

In the foregoing comparisons no account has been made of the different estimates of cost of different kinds of stamps, but the cost of the ordinary stamps for the use of the public has been used, as the other kinds of stamps form but about one per cent of the total amount of the contract, and the difference in cost plays no important part.

A fair estimate of the number of stamps which will now be required annually is 3,000,000,000, although this amount is likely to be increased about 3 per cent each year. Under this estimate, if the stamps are furnished by the Bureau, and its estimate of the average cost per thousand printings for the year ending June 30, 1895, is to be relied upon, it will cost the Government to print its stamps $258,900 a year, and this amount will be increased by whatever sum is required to cover the cost of paper, gumming, perforating, packing, distribution, and the other items above enumerated.

CHEAPER TO PROCURE POSTAGE STAMPS BY COMPETITIVE BIDDING THAN FOR THE GOVERNMENT TO MANUFACTURE THEM.

It is no reflection upon the administration of the affairs of the Bureau to claim that it is impossible for it to turn out work at as cheap a cost as can be done by private manufacturers, though the latter reap a profit. It is a notorious and well-recognized fact that the cost of Government work is greater than that of private enterprise, and this in the very nature of things must necessarily be the case. The work is superintended and performed by those who have no personal pecuniary interest in economizing or in taking advantage of improvements, while the private manufacturer, stimulated by competition and the desire for profits, is ever on the alert to invent and make use of new and improved machinery and methods, and to discover ways and means for economizing cost.

Government employés work shorter hours than do those employed by private parties, their pay is higher, and those in the Bureau have thirty days vacation and thirty days sick leave with pay. The result of competition in reducing the cost of production by private concerns can not be better shown than by the reduction in the price of postage stamps from 25 cents per thousand less than thirty years ago to 5.83, the price now bid by the American Bank Note Company, and, although reductions in cost from year to year are shown by the estimates of the Bureau, nothing approaching such a reduction is or can be claimed on its behalf in respect of the work performed by it.

The legitimate work of the Bureau of Engraving and Printing was never provided to be performed by it because it could be done by the Government cheaper than it could be procured from private parties. The origin of the Bureau was in the supposed greater security with respect to its currency and bonds if the work of their manufacture were performed by the Treasury Department itself, and it has always been recognized that this desired security was obtained, if at all, at the expense of an increased cost of production. In 1875 a memorial was presented to Congress by the American Bank Note Company, the National Bank Note Company, and the Continental Bank Note Company, then the three largest and most important bank-note concerns in the country, offering to do the entire work of engraving and printing then performed by the Bureau of Engraving and Printing for $250,000 less than the same was costing the Government. (See Report No. 150, House of Representatives, Forty-third Congress, second session, Committee on Banking and Currency, February 16, 1875, pages 137, 139, 297.)

Upon a hearing before the Secretary of the Treasury and the Postmaster-General on the 25th day of January, 1894, on the question of accepting the offer of the Bureau of Engraving and Printing to perform the stamp contract, counsel for the American Bank Note Company was authorized by it to offer to perform the entire work of the Bureau for 25 to 30 per cent less than the amount expended by the Government therefor.

PRESENT SYSTEM AFFORDS AMPLE SECURITY.

As has been stated above, the reason for the performance by the Government of the work originally intrusted to the Treasury Department and now performed by the Bureau of Engraving was the supposed security afforded thereby, and the Secretary of the Treasury now asks to make the postage stamps upon the plea of safety and security.

There is nothing in the past history of the performance of the contracts for the supply of stamps by private contractors to justify such a plea. Not only have these contracts been performed with entire satisfaction to the Post-Office Department and so as to elicit public commendation, but there has never been any loss to the Government therefrom. A system of checks against loss by carelessness or fraud that would be adopted by any responsible private contractor would be quite as efficacious as any employed by the Bureau, and, indeed, the private contractor can be relied upon to use the utmost efforts to protect itself against such loss, for independently of the heavy penalties of the bonds required it would result in utter ruin to any responsible private concern to have any serious misadventure occur with the postage stamps while in its custody.

But if any misadventure should occur the Government is amply protected by the bond of the private contractor, while if the work is done by the Bureau of Engraving and Printing any loss must be borne by the Government itself; so that there is, in reality, greater security in the performance of the work by private contract.

For the reasons above stated it is insisted that the furtherance of the public interests and justice to the interests of private enterprise require that Congress should refuse to sanction the proposed action of the Bureau of Engraving and Printing with respect to the manufacture of postage stamps, which is not only without the authority but is in direct violation of the provisions of existing law.

THE AMERICAN BANK NOTE COMPANY OF NEW YORK.

NEW YORK, *March 15, 1894.*

APPENDIX.

[Extracts from CONGRESSIONAL RECORD containing debates on subject of proposed manufacture of postage stamps by the Bureau of Engraving and Printing of the Treasury Department.]

In the Committee of the Whole of the House of Representatives, January 29, 1879, the Post-Office appropriation bill being under consideration (CONGRESSIONAL RECORD, Forty-fifth Congress, third session, volume 33, pages 820, 821).

* * * * * * *

The Clerk resumed the reading of the bill and read the following:

Office of the Third Assistant Postmaster-General: For manufacture of adhesive postage stamps, of official stamps, and of newspaper and periodical stamps, $92,000.

Mr. LATHROP. I move to amend the paragraph just read by the Clerk, by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

"If said stamps can be furnished by the Bureau of Engraving and Printing of the Treasury Department at less than the same now cost, the work of printing the same shall be given to said Bureau when not in violation of existing contract."

Mr. BLOUNT (in charge of the bill). I raise the point of order on that amendment, that it is a change of existing law.

Mr. WILLIAMS of Oregon. It proposes to reduce expenditure.

Mr. BLOUNT. It does not appear that it retrenches expenditures.

Mr. LATHROP. My proposition is to give this work to the Bureau of Engraving and Printing only when so doing will save money to the Government. If that is not in the direction of economy, I would like to know what is.

The CHAIRMAN (Mr. COX in the chair). The Chair is unable to determine by the amendment whether it would save money or not.

Mr. BAKER of Indiana. The very words of the amendment will show that.

Mr. BLOUNT. The amendment may be unobjectionable, but we have no information from the Department on the subject; and I must insist upon my point of order.

The CHAIRMAN. The Chair will not rule the amendment out of order; there may be economy in it.

The question was taken on the amendment; and it was agreed to.

The clerk read as follows:

"For the manufacture of postal cards, $200,000."

Mr. LATHROP. I offer another amendment of the same character as the one just adopted. I move to insert at the end of the clause just read the following:

"If such postal cards can be produced and furnished by the Bureau of Engraving and Printing of the Treasury Department at less than the same now cost, the work shall be given to said Bureau when not in violation of existing contracts."

Mr. CANNON of Illinois. Before this amendment is voted upon I wish to submit a single suggestion. I intended to say something upon a similar amendment touching stamps, but the vote was taken before I could get an opportunity. These amendments provide that the work shall be given to

the Bureau of Engraving and Printing if it can be done by that Bureau at "less than the same now cost." Now, take the item of stamps under the contract prior to the present one.

Mr. BLOUNT. Can the gentleman state when the present contract will expire?

Mr. CANNON of Illinois. I think in about a year; I am not sure as to that, however. Under the former contract for stamps, as I now recollect, the compensation paid for furnishing them was 14 cents a thousand. It is now a little less than 10 cents a thousand. What the contract is for postal cards I can not just now state; but no doubt, as in the case of stamps, it is much less than the price under the former contract. Now, for one, I am not willing to say that when the existing contract expires the Government shall not invite competition for a new contract, provided the Bureau of Engraving and Printing will do the work for a shade less than the price now paid. I think it very likely that upon proposals for a new contract, the stamps may be printed and the postal cards manufactured at less than the present rate. I am not willing, therefore, to tie the hands of the Department by the adoption of the amendment.

Mr. BLOUNT. I would like to ask the gentleman whether he considers that the hands of the Department would be tied by the proposition?

Mr. CANNON of Illinois. As I understand you can not by the amendment interfere with any contract now in existence; but when the existing contract expires, if the Bureau of Engraving and Printing will do the work for a thousandth part of a cent less than is now paid by contract, the Department will be prohibited from having the work done even at a cheaper price by an outside party upon a new contract.

Mr. FINLEY. How are we to know that the Bureau of Engraving and Printing can not do the work for less? How is that to be ascertained?

Mr. CANNON of Illinois. I accept the gentleman's question as an argument against the amendment. I think it is a very pertinent one.

The amendment was not agreed to.

In the Senate of the United States, February 20, 1879. The Post-Office appropriation bill being under consideration (CONGRESSIONAL RECORD, Forty-fifth Congress, third session, volume 8, page 1067).

Mr. PADDOCK. On page 8, after line 167, I move to insert:

"And the work shall be awarded to the Bureau of Engraving and Printing if it shall appear that the same can be done in said Bureau and delivered at the Post-Office Department at a less cost than if done elsewhere."

So as to make the proviso read:

"That in all propositions for contracts hereafter made for said stamps, bids from the Bureau of Engraving and Printing of the Treasury Department shall be received and acted upon on the same basis as the bids of other parties; and the work shall be awarded to the Bureau of Engraving and Printing if it shall appear that the same can be done in said Bureau and delivered at the Post-Office Department at a less cost than if done elsewhere."

Mr. DORSEY. I think there is no objection to that amendment.

The amendment was agreed to.

In the House of Representatives, January 25, 1881 (CONGRESSIONAL RECORD, Forty-sixth Congress, third session, pages 924 and 925), the Post-Office appropriation bill being under consideration by the Committee of the Whole.

The Clerk read as follows:

"Office of the Third Assistant Postmaster-General: For manufacture of adhesive postage stamps, of official stamps, and of newspaper and periodical stamps, $105,500: *Provided*, That the condition attached to the item of appropriation for the 'manufacture of adhesive postage stamps,' etc., in the first section of the 'act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes,' approved March 3, 1879, which condition is in the following words, namely, 'If said stamps can be furnished by the Bureau of Engraving and Printing of the Treasury Department at less than the same now cost, the work of printing the same shall be given to said Bureau when not in violation of existing contracts,' be, and the same is hereby, repealed."

Mr. HUNTON. I move to strike out the proviso of the paragraph beginning in line 104 and terminating at the end of the paragraph. My purpose in moving this amendment is to obtain an understanding of what is designed by the proviso. According to its language it would appear that the effect would be to exclude the Bureau of Engraving and Printing of the Treasury Department from obtaining this work, even though it should be the lowest bidder. It does seem to me that if the Government can do this work more cheaply than it can have it done, the work ought to be done by the Government. If the Bureau of Engraving and Printing can do the work at less than would be paid for it done elsewhere, then I think that Bureau ought to have an opportunity to bid for it. But I make the motion merely for the purpose of obtaining an explanation of the proviso.

Mr. BLACKBURN. Upon the amendment offered by the gentleman from Virginia [Mr. HUNTON], let me say that the condition attached to a former Post-Office appropriation bill which this proviso seeks to repeal was never (as shown by the Journal and the RECORD) passed a law at all; it never had the sanction of either House of Congress. When that appropriation bill went to the enrolling clerk for enrollment the proviso or condition which we seek here to repeal was not in it. While it stands in the statutes, it was never agreed to by either House of Congress. I will say, further, that it never ought to have been agreed to by either House, for it had not the effect of permitting the Bureau of Engraving and Printing to come in as an equal bidder for the making of these adhesive stamps; but its effect was to exclude all other competitive bidders, and simply require the Bureau of Engraving and Printing to bid against existing rates.

Now I take it that the gentleman from Virginia does not want to sanction such a thing as that. I take it that no gentleman wants to give an exclusive privilege like that to the Bureau of Engraving and Printing. It already has advantages enough. If it comes in as a bidder upon the same terms with the competitive bidders of the country, it still has advantages over each and all of them. It has its rent all free: it has its gas and fuel free. The Government furnishes all these, which other bidders must supply for themselves. There are advantages enough to be enjoyed by the Bureau of Engraving and Printing. The Committee on Appropriations by inserting this proviso means simply to repeal a condition in a former bill which permitted the Bureau of Engraving and Printing to be the only bidder, provided it would undertake to do the work at less than 10 cents per thousand, which, in round numbers, is the present rate. That, I hold, nobody wants to sanction.

More than that, if I had the power I would not permit the Bureau of Engraving and Printing to compete at all for this work. Even if it should be the lowest bidder, who is to be responsible for the deficit if the Bureau should bid too low to make the work remunerative? The Government of the United States is responsible; this Bureau can not lose a dollar. It might undertake to do the work at 5 cents a thousand and lose 3 cents on every thousand, yet the Government itself would be the loser. There is no responsible party to insure that the work shall be done at the bid of the Bureau without loss to the Government. I repeat: All that this proviso does is to repeal a provision in the former bill, which condition was never agreed to by either House of Congress. It crept in by mistake; it has worked so inequitably and unfairly as to shut out all competitive bidding throughout the country and give the contract to the Bureau of Edgraving and Printing, provided it would bid lower than existing rates. I hope that the amendment of the gentleman from Virginia will not be adopted, and that the proviso in the bill will remain.

Mr. HUNTON. I know nothing of the manner in which this original provision was adopted. It is a law of the land, and this proviso seeks to repeal it. But I desire to put to my friend from Kentucky this question: If the proviso in this paragraph should be retained, can the Bureau of Engraving and Printing be a competitor for the printing of these adhesive stamps?

Mr. BLACKBURN. I will say to the gentleman from Virginia my construction of the law would be——

Mr. HUNTON. Will the gentleman answer my question?

Mr. BLACKBURN. What is it that the gentleman wants? Does he want me to give him some other man's opinion? I think that the Bureau of Engraving and Printing, under the operation of this proviso, stands exactly upon an equality with other competitive bidders of the country, save and except that the Government furnishes its rent, its fuel, and its light free.

Mr. HUNTON. If this proviso be retained, can the Bureau come in as a competitor for this work?

Mr. BLACKBURN. I should say that it could, but I hope it would not.

Mr. HUNTON. I hope it would; and believing that it would, I withdraw the amendment.

The Senate of the United States, February 23, 1885, the Post-Office appropriation bill being under consideration (CONGRESSIONAL RECORD, Forty-eighth Congress, second session, pages 2007 to 2012):

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in section 1, to strike out the following clause, from line 139 to line 151, inclusive:

"That at the future lettings of contracts for the manufacture of postage stamps, stamped envelopes, postal cards, and other postal securities the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities, by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties: *But provided*, That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if in his judgment it shall be for the best interests of the Government to do so."

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Mr. PLUMB. The committee recommended the striking out of this provision for two reasons: In the first place, because it is legislation, and in the next place, because, as they believe, it is bad legislation. I hope every Senator will take the bill and read this provision now in order to understand fully its scope. I will read it:

"That all the future lettings of contracts for the manufacture of postage stamps, stamped envelopes, postal cards, and other postal securities"—

I hope the Senate will note the full scope of the provision. It not only refers to the manufacture of postage stamps, but of stamped envelopes, postal cards, and other postal securities—

"the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties: *But provided*, That the Postmaster-General may reject any or all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so."

It will be observed that that is a very peculiar provision. In the first place it would permit the Government, if a contract was awarded for the manufacture of envelopes, not to the mere printing of a stamp upon them, but to the manufacture of the envelope and the manufacture of postal cards and of every other form of postal security as well as postage stamps. In addition to that it requires that the Secretary of the Treasury shall make a bid, not stating the cost to the Government of doing this work, but he shall make such bid as he sees fit, and after he has made the bid the Postmaster-General, without considering the question of the relative cost to the Government under the bids of the Secretary of the Treasury and under bids of private parties, may, if in his judgment he thinks it best, without reference to the question of cost at all, or considering that also, if he pleases, give the bid to the Secretary of the Treasury instead of to private parties.

In other words, the Postmaster-General is to pass upon the general questions of public policy as to whether he thinks it is a good idea for the Government to erect paper mills and enter on the manufacture of envelopes. There is not to be found so wide a discretion in the statute book conferred on any executive officer; but, Mr. President, it is obnoxious even if it were guarded on that point. In the first place, there is practically no way of telling exactly what the cost of any article is that is manufactured at the Bureau of Engraving and Printing. We can tell the gross cost of all the work done there, but no estimate can properly be made by the head of that Bureau or by anybody else which will state to a fraction the cost of doing any part of that work, because all the elements can not be separated.

The elements of cost on account of the use of capital, the wear and tear of machinery engaged in the manufacture of a particular thing covering a brief period of time, can not be told: and even if it could be told there is no guaranty that it will be told in a bid of this kind. The Secretary of the Treasury might inadvertently or designedly bid one-half the price that private parties would bid for this work and the Government would not be the gainer thereby, because that one-half the cost would have to be made up by appropriations which would nominally go into the expense of printing other securities of the Government that that Bureau is engaged in printing now.

Mr. President, I think I speak for the entire committee when I say that not a single member of it believed, in the absence of any allegation, that we were paying too much for the postal securities we are getting now. In the absence of any allegation that we are paying too much for stamped envelopes, which are being furnished the Government now, is it wise for the Government to enter upon this experiment under any circumstances whatever? I believe I may go further and say that the committee is unanimously of the opinion that the Government ought not to undertake the manufacture of this or any other thing where private capital and private skill are willing and able to do a good job, at a fair price. I do not see any reason why the Government should manufacture paper in competition with private capital carrying on that same business, and neither did any other member of the committee, and so, for all these reasons, any one of which is conclusive to my mind, the committee reported in favor of striking out the provision.

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Mr. HAWLEY. I hope the Senate will give some attention to the provision, because I regard it as one of considerable importance. I am heartily in favor of striking it out. In the first place, upon the ground of general pol-

icy, it is not well for the Federal Government to enlarge its already vast number of employés—of workmen alone, I mean. The necessary enlargement due to the growth of the country is quite sufficient. The proposition is here to let the Government be a bidder against private manufacturers in a matter which private manufacturers understand perfectly well, and in which there is no difficulty whatever.

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The Government officers in making this bid will take no account of rent, and yet there will be really a charge against this work of rent or should be. They will find it necessary to enlarge their public buildings in order to do it. The officers of the Treasury in making a bid will take no account of insurance. The Government is its own insurer. It will take no account of taxes; it will take no account of the depreciation of machinery, which is 10 per cent a year upon a very costly set of machinery. It will take no account of the percentage of the compensation of supervising officers that ought to be charged to the envelope agency. The Government can not be holden to any particular sum if it bids to do the work at certain rate, because it must go on and finish the work whether it costs twice that or not. There is nobody to sue upon a bond; nobody to keep within certain fixed limits.

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Mr. DAWES. I have always understood it to be considered a matter of regret that we were under the necessity of maintaining such a vast establishment as the Printing Office, but the considerations that enter into the maintenance of that are such that it can not be obviated, and it is a necessity to carry on that vast establishment because of the nature of the work. But none of those considerations enter into this matter. The stamped envelopes, the postal cards, and the stamps themselves that are made separately can be, so far as convenience, or necessity, or use is concerned, made at one place as well as another. It is only a question of cost. Now, the Government does not save at all, because it does not charge to the cost of the manufacture of an envelope the cost of the plant, or the interest on the plant, or the insurance, or anything like that. It does not save that because it pays it in another way; it all comes out of the Treasury although it is not charged off against the cost of each envelope; so while the Government by thus disregarding what must in the end come out of the Treasury, as an element of cost, can put upon the market envelopes so much cheaper than the private person can that they at once must take the whole business and must, as I have said, gather all this plant.

* * * But I wish to know what the last clause in the paragraph means if it does not mean that you offer to the public an invitation to bid for the doing of this work, and you invite them to put themselves down to the lowest possible point, and to accommodate their machinery, their capital, and their investment to it, and when it is done we will do as we have a mind to; we will crush you out entirely and go into the manufacture of private production along with you.

* * * * * * *

It seems to me that when you embark in the manufacture of all these postal cards and envelopes and work of that kind you might just as well set up a woolen mill, a hatter's shop, a shoemaker's shop, and turn the city of Washington into a grand center of manufacturing of which the Government will furnish the capital and the Government will furnish the employés.

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Mr. PLUMB. It is not cognate to that of the public printing generally, because there, after great experience, Congress determined that it would be practicable to always have on hand the facilities to do this work and not to submit to the general scuffle of bidding; but in this case there has been no complaint anywhere either of the quality of the work or the price at which it was done. Private parties have not only been ready and willing to do this work, as they have been to carry the mails, and do other things, at a reasonable price, but there have been built up great establishments which the Government would now practically break up if it were to enter upon the matter in this way.

I do not mean to say that necessarily it would result in that being done by the Government, but by the dangerous power vested in the Secretary of the Treasury and the Postmaster-General by this section. It does not limit them to accepting the lowest bid or the best bid, but simply says to the Postmaster-General, "If you think on the whole, without reference to what private parties may have bid, that the Government ought to enter upon this manufacture as a public policy, then you can give the bid to the Secretary of the Treasury and reject those of all the private parties."

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Mr. BECK. Mr. President, I did not examine this question with very great care because it impressed me in committee, as I believe it did the whole committee, that the work was being done pretty cheaply now. We heard of no combinations. It seems there was fair competiton and very open competition in regard to all these matters, and it was thought we should not undertake it, especially under the latter clause of the paragraph which provides that the Postmaster-General may reject any or all bids of private parties and award the contracts, or any of them, upon the bid of the Secretary of the Treasury if, in his judgment, it shall be for the best interests of the Government to do so. That would be giving a power to the Secretary of the Treasury and to the Postmaster-General to increase the employés of this Government almost *ad infinitum*.

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My experience has been that nothing is ever as cheaply done when it is administrative as when it is done by competition as a commercial transaction. The Government never does carry on anything as cheaply as private people can do it.

The committee were advised further, and I believe it will turn out to be so, that before a plant sufficient can be put down to start this business, a building twice as large as that of the Bureau of Engraving and Printing will have to be built, and five or six hundred, perhaps a thousand, employés will have to come in. I, for one, believe that no greater calamity can happen to poor people that to tempt them to come here to work for the Government under influences that may change every two or three years, and to be dependent upon patronage and upon the power of political men or political parties. Whenever work can be done otherwise, I want to see it done.

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You must recollect that in any private establishment making stamps the cost of the building is a very great item, and the cost of the machinery is a great item. All these things enter into the calculation in that case; but when you merely compare the pay of the employés and give the building for nothing, give the machinery for nothing, the fuel and all the other things, with no rent charged, perhaps the comparison may be in favor of the Government. I am not so sure in regard to that. However, I know the fact, and we all know it, that we ought not, unless we are compelled by self-protection, to drive out the competition of our citizens by having Government employés here to convert such business into administration.

There is enough of administration, there is enough of embarrassament, and there are enough people drawn here, who, according to my experience, become more and more dependent, less and less self-reliant, less and less useful citizens the longer they stay here, dependent, as many of them are, upon the changes of the wheel of fortune in politics. We ought not to encourage any great increase of those classes of people if we can help it; and we can keep a very large number away by allowing this competition to go on in the manufacture of envelopes, which has been done satisfactorily before, and I think it will be done satisfactorily again.

The last clause of the paragraph, I say, alarmed me more than any other provision in it. I do not want the Postmaster-General or the Secretary of the Treasury, I do not care whether he is a Democrat or a Republican, to have the right to disregard bids and say what shall be abolished. At any rate I was in favor of striking it out after all the information we had, so that we may hear from the House as to why it was put in, and that our conferees may hear in regard to it; whereas if we agree to retain the clause now we shall hear nothing and it will have passed out of our hands altogether. * * *

Mr. PLUMB. It ought to be stated here as a fact, as it is, that this work has been done for the Government at a lower price every year, showing that competition has its full effect in this as it has in ordinary branches of business. If the statement with which the Senator from Alabama concluded his speech is to apply, then the Government ought to have horses and wagons so that in cases where it should be necessary to enlarge the star-route service it may supply from headquarters at Washington or elsewhere, the mail service with the necessary machinery to carry it on.

If we can not rely upon private competition, let us carry it out to the logical conclusion; let the Government have all these things on hand and a plant ready to carry on the manufacture not only in regard to mail matter, but, as the Senator from Kentucky says, the clothing for the Army, and things of that sort, if private parties do not meet its expectations.

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The PRESIDING OFFICER (Mr. HARRIS in the Chair). The question is on agreeing to the amendment recommended by the Committee on Appropriations.

Mr. GORMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted, yeas, 32; nays 20.

Mr. BERRY. Mr. Chairman, I have listened with a great deal of patience to the gentleman who has just presented some remarks which I presume to be an argument on behalf of the bank-note companies of the United States to retain this printing under their control, which as I am informed is profitable to the extent of perhaps $40,000 or $50,000 per year, rather than have it transferred to a Department of the Government where it can be done, according to the proposition already made by that Department, for many thousands of dollars less than it has been done heretofore, or is offered to be done for at the present time.

The Bureau of Engraving and Printing had its origin in the fact that the Government was imposed upon by the bank-note companies of the United States. In 1861 or 1862, Mr. Chase, then Secretary of the Treasury, with but two bank-note companies in the United States, found that they were the only bidders in the market for the execution of the work of printing the securities and obligations of the Government, and Mr. Chase came before the Congress of the United States and asked authority that the printing be done in the Treasury Department. There it was done, and most of the bonds and obligations of the Government were printed under the roof of the present Treasury building. Eighteen or twenty years ago, prosecuting that idea still further, the Bureau of Engraving and Printing was established, and a handsome building was constructed in which to do this work.

But by the adroit management of the bank-note companies of this country, when the matter was brought before Congress from time to time, by people who had the interests of the country at heart, they have always succeeded in defeating the proposition that the Government should do its own printing, and have kept it in the hands of these contractors in the city of New York who, I think, always understand when they have a good thing and are anxious to retain it.

This Bureau of Engraving and Printing comes here, represented by a competent man, the Chief of the Bureau, who says that the Department can do the printing for $40,000 a year less than it has been done in the city of New York, and he says that in the interest of economy it ought to be done in the Bureau of Engraving and Printing.

My understanding is that an expenditure of $20,000 or $25,000 will furnish the necessary presses, and that these dies from which the stamps are printed belong to the Government, and the moment the Government concludes to do this printing that these parties must surrender these dies to the Government, and then the printing can be done in its own establishment, and with the best possible checks against fraud. This is now done with all our internal-revenue stamps, our money, and other securities, under a system which is certain to protect the Government against fraud.

Now, our postage stamps are printed in the city of New York. They never pass through the Post-Office Department in the city of Washington, but we send an agent to New York, and these stamps are distributed from that point, and sent to the different points in the United States where they are needed, under the auspices of this agent, without passing under the scrutiny of the Department here.

This is a plain sort of work, more easily done than bank notes; and why should not the Government save this money? There is nothing to exclude the labor unions from having their men in the Bureau of Engraving and Printing, where as good wages are paid as by outside parties; and if a profit is to be made on this job let the Government make the profit in the interest of economy, which the Democratic party is pledged to. [Applause.]

Mr. HENDERSON of North Carolina. In view of the fact that it is getting near 5 o'clock, when we will have to take a recess, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. HATCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 6016), had come to no resolution thereon.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that the House take a recess as if at 5 o'clock, until 8 o'clock this evening.

The SPEAKER. One moment. The Chair will lay before the House several personal requests.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HICKS, for the rest of the week, on account of important business.

To Mr. OATES, indefinitely, on account of important business.

To Mr. COBB of Alabama, from attendance at this evening's session.

TAXATION OF UNITED STATES LEGAL-TENDER NOTES, ETC.

Mr. HENDERSON of Illinois, by unanimous consent, submitted the views of the minority on the bill proposing the taxation of the United States legal-tender notes for State, Territorial, and municipal purposes; which were ordered to be printed with the views of the majority.

REPRINT OF BILLS.

By unanimous consent, at the request of Mr. MAGUIRE, the bills H. R. 5501, 5502, 5503, 5504, 5505, 5506, and 5803 were ordered to be reprinted, the original editions being exhausted.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House now take a recess instead of waiting until 5 o'clock, the evening session to be devoted to the consideration of bills under the rules. Without objection, that order will be made, and the gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the Chair at the evening session.

There was no objection.

And accordingly (at 4 o'clock and 55 minutes p. m.) the House was declared in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read clause 3 of Rule XXVI.

The Clerk read as follows:

3. The House shall, on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, which evening session shall be devoted to the consideration of private bills reported from the Committee on Pensions and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar, under the rule just read.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar, and the Clerk will report the first bill.

CORNELIA DE PEYSTER BLACK.

The first business on the Private Calendar was the bill (H. R. 3156) granting a pension to Cornelia De Peyster Black, widow of Henry M. Black, late colonel United States Army, deceased.

Mr. MOSES. Mr. Chairman, I ask unanimous consent, at the request of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], that that bill be passed over without prejudice to-night.

The CHAIRMAN. Without objection, that order will be made.

There was no objection, and it was so ordered.

CALEB HUSE.

The next business on the Private Calendar was the bill (H. R. 5735) a bill to remove the political disabilities of Caleb Huse.

The bill was read, as follows:

Be it enacted, etc., That, two-thirds of the Senate and the House of Representatives concurring therein, all political disabilities imposed upon and incurred by Caleb Huse, formerly of the State of Alabama and now of the State of New York, by virtue of the fourteenth amendment of the Constitution, be, and are hereby, removed.

The CHAIRMAN. Without objection, this bill will be laid aside with a favorable recommendation.

Mr. JONES. I would like to have the report read.

Mr. WHEELER of Alabama. The report was read Friday night two weeks ago.

Mr. JONES. I would like to ask the gentleman whether the removal of the disabilities in this case is to enable the party to get a pension, or something of that nature?

Mr. WHEELER of Alabama. No; I can assure the gentleman that no such purpose is sought to be accomplished. This gentleman was a graduate of West Point, and was the assistant professor of chemistry at the Military Academy until 1859. He then resigned from the Army and went to Alabama, where he was made the superintendent of the military school at Tuscaloosa. He afterwards became an officer in the Confederate army, and he now requests that his political disabilities be removed. This is one of the few cases remaining unacted upon. The applicant is a cultivated and distinguished educator. There is a petition here for the removal of the disabilities. I trust that no objection will be interposed to the passage of the bill.

The bill was ordered to be laid aside with a favorable recommendation.

ELIZA HOLMES.

The next business on the Private Calendar was the bill (H. R. 1717) granting a pension to Eliza Holmes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Eliza Holmes, widow of John Holmes, deceased, late of Company A, Seventy-ninth Regiment New York Volunteers, and whose pension claim is numbered 13513.

Mr. MARTIN of Indiana. I ask for the reading of the report.

The report by (Mr. HAINES) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 1717) granting a pension to Eliza Holmes, and submit the following report:

The petitioner, whose address is No. 343 West Seventeenth street, New York City, is the widow of John Holmes, deceased, late a member of Company A, Seventy-ninth New York Volunteers, to whom she was married September 22, 1860, as shown by the affidavit of the officiating clergyman and other evidence; the fact that she has remained a widow since the soldier's death is also established by satisfactory testimony.

The records of the War Department show that John Holmes enlisted in Company A, Seventy-ninth New York Volunteers, May 13, 1861, and was "found dead in High street, Georgetown, D. C., on the morning of July 2, 1861; deceased had been stabbed by some person or persons unknown."

In an affidavit dated July 20, 1804, William Manson (since deceased), who was captain of soldier's company, testifies that when the regiment left Georgetown, about July 1, 1861, a portion of the regiment was left behind to guard the regiment property; that said Holmes was one of such guard and was on the following day found dead, having been stabbed during the night by some person unknown, and that he was in the performance of his duty at the time of his death.

John H. Sheppard, in affidavit executed September 24, 1885, testifies that he was a comrade of John Holmes, and that they together were placed on guard duty at the observatory in Georgetown on the morning of July 2, 1861 (probably meaning, however, July 1), and continued on that duty until 8:30 p. m., when they returned to the college and found that the regiment had moved, leaving a guard consisting of Lieut. McNee and about 12 men; the officer told them there was no food for them and gave them permission to go and get something; they went to a grocery store and got some cheese and crackers; while there three men, apparently civilians, used some abusive language toward them, which they did not resent, but left. Holmes, however, decided to go back alone to get something more, and was never seen again alive; next morning affiant learned that Holmes was murdered; he was perfectly sober when he left affiant.

The Georgetown Evening Star of July 2, 1861, contained the following account of the murder:

"John Holmes, a private in Company A, Seventy-ninth New York Regiment, was murdered this morning at an early hour near the corner of High and West streets. He received two stabs in the left breast. * * * The coroner's inquest is now in progress, and the evidence of those in the neighborhood shows that deceased was in an altercation with one or two other men, habited in the uniform of his regiment, and from them received the wound that caused his death. * * * Several members of the regiment were arrested, and one is strongly suspected."

The War Department records do not, however, show that any member of the regiment was under arrest for this murder or anything further in the matter.

The widow's claim was rejected on the ground that the soldier's death did not occur in the line of duty, and she can not be pensioned under the act of June 27, 1890, for the reason that the soldier was not honorably discharged from the service.

While the action of the Pension Bureau is doubtless proper, this seems to be just such a case as special acts of Congress are designed to relieve. While it can not be proved that the soldier met his death in line of duty, it is equally true that he died in service and that there is no sufficient reason to assume that it was through any fault of his own that he was murdered.

Your committee recommend the passage of the bill.

Mr. JONES. Mr. Chairman, it seems to me that this is not a bill that ought to be favorably reported by this committee. The report itself admits that there is no evidence to show that this

soldier died in line of duty. This *ex parte* evidence, I take it, goes to show that he died in the service. I do not agree with the committee as to the evidence. It seems to me that it is very clear that this man was killed in some brawl in Georgetown. He had been to a store with a number of his companions and they had some difficulty, according to the affidavit of one of his comrades, and they left.

The soldier for whose widow a pension is asked returned to the store, and that was the last that was ever seen of him alive. Now, this was a grocery store. I do not know whether they were "dry" groceries or "wet" groceries that were sold there, but I am inclined to think they were "wet" groceries; and I am further inclined to think that the soldier's death was brought about by his own misconduct while at this place. There is no evidence to the contrary here; and I do not think we have a right to presume anything to the contrary. I shall certainly object, for one, to the passage of this bill under these circumstances.

Mr. WARNER. Mr. Chairman, this is one of the pension cases, out of a great number that I have been requested to introduce, which seems to me to be of unquestioned merit.

This is a case where a young man and woman were married in the autumn of 1860. In the spring of 1861 the man enlisted, leaving his wife and going into the Union Army. His record is a perfectly clear and straight one. He accompanied his regiment to the field of operations. It was stationed at Georgetown. He was assigned to guard duty. The circumstances were such that before he returned to his company the company had moved on. He was given special permission by his superior officer to go and get something to eat. All else that is known in regard to that man is that, entirely sober, with the permission of his officer, he, after one of his comrades had been rebuffed at the grocery store to which they had applied for provisions, returned in the hope of securing what was necessary, and was found dead next morning in the streets of Georgetown with two stabs in his body.

The only evidence, the only suggestion, that he was engaged in any altercation is in a newspaper paragraph which carries in the body of it the proof of its own erroneous character. Being a local paper of Georgetown, naturally endeavoring—for we all know the state of feeling there at that time—to throw upon the soldiers there stationed the responsibility for anything out of the way that may have occurred, this paper stated that the soldier's comrades were under arrest for having caused his death. An inspection of the records of the War Department show that no man was arrested on that charge. That was a definite statement for which the paper was responsible, which it had opportunity to know the truth of; and, therefore, if that statement is effectually discredited, as it is, there can be no reliance placed upon the remainder of the article.

As to the suggestion of my friend from Virginia [Mr. JONES] that the poor hungry soldier went for "wet" groceries instead of dry ones; that he may be presumed to have engaged in an altercation when he alone was left, or he and his comrades were left, away from their company amid a hostile population, I think I can leave that to the gentleman himself, and that even he will not claim that any such lame assumption is any reason why this man's widow should not be recognized by Government as the widow of one who died in the line of duty.

Now, I have no fault to find with the Pension Office. The entire record has been put before us by that office. It was left with the committee and the bill has worked out its own salvation. In the proceedings of the Pension Office there was not, from beginning to end, even a suggestion of a doubt but that the circumstances narrated in the report of the committee were all that could be produced, and I respectfully submit, sir, that if there ever was a case which came within the spirit of the pension laws, but which, on account of its not coming within the letter of them, it was proper to bring before Congress instead of before the Pension Bureau, it is this case.

Mr. TAWNEY. The gentleman from Virginia has objected to the consideration of this bill. I desire to ask the gentleman from New York if it is not true that under the present law, had this widow's husband been killed after having obtained an honorable discharge, she could have obtained a pension under the act of June 29, 1890?

Mr. WARNER. That is the case; and it is the case that if this poor man had survived two days and had been sent home because he was not able to go on in the service, his widow would have been entitled to a pension.

Mr. TAWNEY. Then the fact that he was killed in the service is the only reason why his widow can not obtain a pension under the law?

Mr. WARNER. That is the only reason. She does not come within the precedents established by the old law, and she does no come within the letter of the law of 1890.

Mr. HULICK. Did this soldier go to that grocery store to purchase provisions, or to get them as soldiers are sometimes compelled to get them, without purchase?

Mr. WARNER. The evidence is that, upon finding that the company had moved on, their officer gave these men permission to go and get some crackers: suggested it, in fact. They went to the store to procure some crackers.

Mr. HULICK. To purchase them?

Mr. WARNER. To purchase them. There is no suggestion to the contrary even in the imagination of the reporter of this Georgetown newspaper.

Mr. HULICK. There was no attempt to take them by force?

Mr. WARNER. Not the slightest. I may add that this case has been investigated repeatedly. All the facts that have been discovered are set out in the report. Further, I may say that in the report transmitted from the Pension Office there is no suggestion of any reason why this pension should not be granted, except the doubt as to whether it was not more properly a case to be provided for here instead of there.

Mr. HULICK. Oh, this case is all right.

Mr. JONES. Mr. Chairman, I differ from the gentleman from New York [Mr. WARNER] as to the credit that ought to be attached to the evidence in this case. I have just obtained a copy of this report. It is very difficult to take in the whole purport of a report when it is read hastily from the Clerk's desk; but I have glanced over this report during the last few minutes and I find that the pension claim in this case is based upon the statements contained in two affidavits and a newspaper clipping. Now, the affidavits do not agree with each other, nor do they agree with the account given of the altercation in which the soldier lost his life, in the newspaper clipping. One of these affidavits is made in 1864, the other twenty-one years thereafter, in 1885.

The first affidavit states that this soldier was one of a body of soldiers left to guard property in Georgetown. The affidavit of the comrade, made nearly a quarter of a century after the soldier's death, does not make any such statement, but says that he came into camp and found an officer and twelve men there detailed to take care of this property. This affidavit says that the officer in charge told these men to go to a grocery and get some crackers and cheese; that they went there and that there was an altercation between them and some civilians. The exact language employed in the report is:

> Three men, apparently civilians, used some abusive language toward them which they did not resent, but left. Holmes, however, decided to go back alone to get something more.

The report does not state what that "something more" was, but I think the presumption is very clear as to what it was. The man was never seen again alive.

Now, the newspaper clipping also states that there was an altercation; but it was not between the soldier and civilians, but, according to the newspaper account, he was killed in a broil with his own comrades. "That the deceased was in an altercation with one or two other men habited in the uniform of his regiment," is the language of the newspaper account.

Now, I prefer to take this newspaper account, which was given the very morning after this man was found dead, rather than take the affidavit of this comrade given twenty-two or twenty-three years afterwards. And I think it is clear, from this newspaper clipping, that this man was not only killed in an altercation with soldiers of his own regiment, but while he was on a drunken spree.

I think that a claim of this kind ought not to be favorably reported upon bare presumptions drawn from loose and contradictory affidavits. This evidence would not be received in any court of law. Remember that at best these are mere affidavits which state it may be fairly presumed everything that could be regarded as favorable toward obtaining a pension, whilst everything that would hurt the case is carefully omitted. The man making the affidavit was not asked, it may be supposed, to state anything more than what is here given: he was probably told by the party desiring the affidavit, "This is the only fact I want you to state," so that he testified to nothing else.

It seems to me that no lawyer would accept this testimony as worth anything anywhere. It is self-contradictory; and it is in the form of mere *ex parte* affidavits and newspaper articles. I do not think that an affidavit taken after a lapse of twenty-one years, and as unsatisfactory as this one is, ought to be accepted by this committee as sufficient to justify us in putting this woman on the pension roll.

Mr. PICKLER. The gentleman, of course, admits that if this man had been discharged, his widow would have been entitled to a pension at the Pension Office. Now, instead of being discharged he was killed while in the service; and I submit he was killed in the line of duty. Now, I submit it would be a very

technical lawyer who would decline to recognize the equities of this case and to allow this man a pension.

Mr. JONES. If the testimony in this case were in a form to be relied upon, the case might be different. The proof here is no proof at all; the facts are mere presumptions. This kind of testimony ought not to be worth much here, and would not be worth anything in a court of law.

Mr. PICKLER. But it seems to me that is met by the proposition that if the man had been discharged from the service and then killed in any sort of an altercation (as the gentleman assumes was the case) the widow would have received her pension.

Mr. JONES. The gentleman is proceeding upon the assumption that this man was killed in the line of duty——

Mr. PICKLER. No.

Mr. JONES. While the report explicitly states that such was not the case.

Mr. PICKLER. If this soldier had been discharged before meeting his death, he might afterwards have been hanged for murder or come to his death in any manner whatever, and his widow would still have been allowed a pension under existing law without coming to Congress for it. I submit there is no evidence to show that this man did not die in the line of duty; and certainly it seems to me very technical to say that his widow should not be allowed a pension. I think the gentleman from Virginia in his cooler moments must acknowledge that such an objection is extremely technical.

Mr. MARTIN of Indiana. There seems to be some little misunderstanding about one phase of this case. This soldier did not serve ninety days; and the act of June 27, 1890, does not apply to the case at all. In order to obtain a pension under that act there must have been service for ninety days and an honorable discharge.

Now, there is neither an honorable discharge in this case, nor was there ninety days' service. So that I think the act of June 27, 1890, may be entirely eliminated from the consideration of the case. But I do think, Mr. Chairman, that taking all the circumstances in the case, it is not a violent thing for this committee to take this death as one that occurred really in the line of duty. I do not think there is the discrepancy between the two affidavits, to which the gentleman from Virginia [Mr. JONES] alludes, which he thinks there is. One is the testimony of the captain who went away with the regiment, saying that a portion of the regiment had been left behind on guard. Taking that into consideration with the other affidavit of a comrade, it shows that when the regiment moved away these men were already out on guard. When they were relieved from duty and called back to camp they found the lieutenant in charge of that guard there, guarding Government property.

This was in the early part of the war. This soldier was informed that there was nothing to eat, and this officer having charge and command over this man and over his comrades, informed them of the fact that there was nothing to eat. That was word, coming to a man just relieved from all night or all day duty on guard, finding nothing to eat, to go some place and get something to eat. He went away with his comrade for the purpose of getting something to eat. Now, if the gentleman from Virginia [Mr. JONES] had been of an age then to have been one of the comrades on that occasion, and if he had been with John Holmes, I do not think that twenty-two or twenty-three years later a particle of what occurred there that night would have escaped his memory.

This comrade testifies that he was along; that he went to a grocery to obtain something to eat, and that some citizens there had something harsh to say to them. Be it remembered that this was near the very outbreak of the war, the night of the 1st of July, 1861. He says that when they started away this soldier went back, and afterwards he was found murdered. Now the committee, in order that all the evidence should be before the House, have put in this newspaper clipping. We wanted the committee to see all the evidence that we acted upon; and when you take the uncertainty of a newspaper statement, particularly one made in the exciting times that were then common in Georgetown, in Washington, and in fact throughout all this portion of the country, it is no wonder that inaccuracies should creep into the newspaper statements of what occurred there that night, and the means which caused the death of this soldier.

Now, the statement that the soldier was probably in an altercation, and that several members of his regiment had been arrested, and that one was strongly suspected, is, it seems to me, entirely overthrown by the record of the War Department, which shows nothing of that kind to have occurred.

Taking it altogether, just as it is, the newspaper statement, the testimony of the captain, the testimony of the comrade who was with him, it seems to me that there is nothing in the whole case but what would justify the Committee of the Whole and the House of Representatives and Congress, under all the circumstances, in treating this soldier as having died in the line of duty, because he had gone for food which he could not find at quarters when he returned from his guard duty.

Mr. JONES. Mr. Chairman, one word more. The gentleman from Indiana [Mr. MARTIN] has answered the gentleman from South Dakota [Mr. PICKLER] much better than I could have done on the question of the law.

Mr. PICKLER. You made no point about the time of the service. You were making a point about the way he died.

Mr. JONES. I supposed that when the gentleman made the assertion he had read the report. I did not suppose he would say that if the soldier had lived two days longer he would have gotten his pension, unless he had some evidence to sustain that statement; and therefore I did not question what he said. But looking at the report. I find that this soldier enlisted May 13, 1861, and was killed on the morning of July 2, 1861, after only about fifty days of service.

Now, the report of the committee of which my friend from Indiana [Mr. MARTIN] is the distinguished chairman, states emphatically that the Pension Department rejected this claim upon the ground that the soldier did not receive his death wound in the line of duty. I assume that the Pension Department, which examined all the testimony and was perfectly familiar with the law relating to the subject, having rejected this claim upon the ground that the soldier was not killed in the line of duty, I can say with a great deal of propriety that this man did not die in the line of duty.

Now, the claim is made upon the testimony of these two soldiers, given twenty-one years apart, and upon a newspaper account of the affair, which was published the very next morning. The newspaper states that several members of the regiment were arrested, and that one of them was strongly suspected of killing this man. That was the account given the very morning after this affair took place. I take it for granted that the newspaper account, given the morning afterward, is more apt to be correct than the statement of this soldier, given twenty-two or twenty-three years after the occurrence; and as I have already said, the soldier probably did not go into all the facts of the case. He was called upon to make this affidavit, and he made it for the purpose of helping this poor woman to get a pension. He stated nothing, I imagine, that would have operated against her.

Now, it is said that the records of the War Department do not show that this soldier came to his death at the hands of his comrades in an altercation with them, and that therefore what is said in the newspaper is not correct. I submit to my friend from New York [Mr. WARNER] that that is entirely negative evidence. It proves nothing at all. The records do not say that anybody was arrested, and therefore we are asked not to believe that anybody was. They simply say nothing about it. They are merely silent, as I understand, upon the subject. I do not think the fact that the records of the War Department are silent upon the subject is testimony to overcome the statement in the newspaper published the next morning.

I do not put the utmost reliance in newspaper statements; but this statement is published as a part of the record, as a part of the evidence upon which the report in this case is founded, and as gentlemen have accepted this as evidence and bring it in here in support of this claim, it does not lie in their mouths to question its correctness. And taking that evidence, as we must if we accept any, it shows conclusively that this man did not die in line of duty. The Commissioner of Pensions rejected the claim upon that ground, and the gentleman from Indiana [Mr. MARTIN] has said that if the soldier did not die in line of duty this woman is not entitled to be pensioned.

Mr. LANE. Mr. Chairman, I desire to suggest that this case strikes me as rather meritorious, and I want to suggest some few ideas in connection with the case. I know that a great many cases of this kind have been allowed by the Pension Office, and I am surprised that this woman was not allowed a pension by the Pension Office. I remember several cases where comrades were at play and one of them killed another, and the Pension Office allowed pensions in those cases. They might well take this case and dispose of it in that way. In that line it appears to me unanswerable. There is testimony bearing directly as to how this man came by his death. There is a presumption of law also, when you find a man as they found this man in the morning in the condition he was, that he was killed, that he was murdered.

To sustain the gentleman's contention he must show that this man brought on the altercation himself. There is not a particle of proof of that given here. The soldier had permission to go where he was. Supposing a soldier walks along the street and somebody attacks him, and in self-defense he assaults him and the party who assaulted the soldier absolutely kills him. Was he not in line of duty when he was defending himself? He is

just as much in line of duty as if he were in battle when he defended himself. When this assault occurred he was in line of duty, just as much as if he were engaged in a battle. Who brought on this altercation? There is no testimony to show who brought it on. The other party may have brought it on, and this man was killed in self-defense. This soldier defended himself, but the next morning he was found dead.

Now, under these circumstances the presumption of law is that he was murdered; and if he had the permission of his superior officer to be where he was, he was in the line of duty, and this claim could be admitted properly at the Pension Office. But they having refused to do so, we have the power, in the same line, to allow this claim; and it seems to me that all the presumptions are in favor of the soldier, as they ought to be, and the claim ought to be allowed.

Mr. WARNER. Mr. Chairman, as to the ruling of the Pension Office, I find no fault with that. It is true that had he been engaged in an athletic game with his comrades and suddenly fallen dead, he would have been considered as having died in line of duty. It is true that had he dropped dead at the commissary's office, to which he had been sent for the very rations he was sent to this very place in Georgetown for, he would have been considered as having died in line of duty. So far as I know, however, I believe that the Pension Office has acted right in making a ruling to accept nothing as death in line of duty until it has ascertained precisely what the circumstances of that death were.

Now, sir, that may be right or it may be wrong, but I am inclined to think that as we in this House can right the action of the Pension Office wherever the spirit of the law requires it, the Pension Office is right in holding very strictly to the strict letter of the law.

Now, as to the nature of this evidence. The gentleman from Virginia appears to forget that even if this man was slain by his own comrades—as, however, is not shown—it is none the less death in line of duty for the soldier, for which, unless he is shown to have brought it upon himself by his own crime, he is not responsible.

Now, sir, we all know the condition of things existing in this district at that time. Here is a soldier with a few comrades, separated from their company in an essentially and thoroughly hostile community. He is found murdered when the morning light enables his form to be discovered. The local paper—what would it do in every case? What did it do here? It stated, not what the editor knew, not what he could have ascertained the truth in regard to, but a report that there was an altercation in which members of the soldier's own regiment, or men wearing the uniform, were engaged.

That statement, sir, is an improbable one on its face; but it would naturally be the very first statement that would be made on behalf of the populace, who would naturally be afraid of vengeance being exacted from the community in which the soldier had been killed. Then the paper adds a statement, the truth of which it might have ascertained, that a number of his comrades had been arrested for causing his death; but upon examination that alleged fact is found not to exist. Now, the youth of the gentleman from Virginia [Mr. JONES] (he being, I suppose, not older than myself) excuses his not knowing that in the Union Army, at least the records were so complete as to the disciplinary record of every soldier in the service, that if any one of that man's comrades had been arrested at that time the fact would be found on record at the War Department to-day.

Now, sir, as to the length of service of this man; he did not serve throughtout the war, but I trust the gentleman from Virginia will accept his death as an excuse for that. [Laughter.] It is true, also, that Col. Ellsworth did not serve throughout the war. It is true, also, that a local Alexandria paper might have described him as having been shot down in an altercation, and as he was surrounded by his comrades it might have added that men dressed in the Federal uniform took part in that altercation.

In this case we have this Georgetown paper stating certain things as to which it could not have had knowledge except from rumor, and certain other matters as to which it could have ascertained the truth, and the only fact as to which the truth could have been ascertained is shown to have been the reverse of the statement contained in that paper. But there is other evidence. There are the records of the War Department, which are to the effect that, under date of July 2, 1861, John Holmes, Company A, Seventy-ninth Volunteers, was found dead on the streets of Georgetown, stabbed by some person or persons unknown. There is another affidavit, which was not made twenty years afterwards—the affidavit of the captain of this soldier's company, who testifies to a number of the facts which we have been discussing here, and who testifies that the soldier died in the line of duty.

Now, sir, this was a man who volunteered—who was not drafted into the service, who volunteered at a date when there were no bounties given that could either be an attraction to him or any support for the wife he left behind him—a man who went promptly to the front and entered upon the service, and whose service was cut short by death. I believe, sir, that upon consideration of all the evidence, there is not a gentleman present, not even my friend from Virginia [Mr. JONES], who will insist upon it, as to a soldier who volunteered to defend his country, who did not wait for the inducement of the bounty but went voluntarily and promptly into the service, who is shown to have been performing laborious and faithful service and against whom no suggestion is made—I believe there is no man present who, in order to defeat the claim of that man's widow for recognition by this Government will assume, without even a suggestion of evidence, that he must have committed some crime which induced somebody else to kill him.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

Mr. JONES. I ask for a division.

The committee divided; and there were—ayes 44, noes 5.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY E. TRICKEY.

The next pension business on the Private Calendar was a bill (H. R. 1196) to restore Mary E. Trickey and children of Hartwell M. Trickey to the pension rolls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War of the United States be, and he is hereby, directed to restore Mary E. Trickey, widow of Hartwell M. Trickey, late of Company I, One hundred and sixth New York Volunteer Infantry, and their children, to the pension rolls as of the date of December 1, 1891.

An amendment in the nature of a substitute, recommended by the Committee on Invalid Pensions, was read, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act approved June 27, 1890, the name of Mary E. Trickey, as widow of Hartwell M. Trickey, late of Company I, One hundred and sixth Regiment New York Volunteer Infantry.

Mr. JONES. I ask that the report be read.

The report (by Mr. HARE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1196) to pension Mary E. Trickey, have carefully considered the same, and submit the following report:

A similar bill was favorably reported in the Fifty-second Congress, but failed of passage. The facts shown are as follows:

Hartwell M. Trickey served as a private in Company I, One hundred and sixth New York Infantry, from July 22, 1862, until June 22, 1865. He was pensioned at $4 per month for gunshot wound of left forearm, and died June 14, 1889.

Mary E. Trickey applied for pension as his widow, and proved to the satisfaction of the Pension Bureau that she was married to the soldier July 2, 1872, and pension was allowed her under act of June 27, 1890, at $8 per month, plus $2 for each of four children from July 2, 1890. Payment of pension was suspended August 15, 1891, on information tending to show that she was not the legal widow of the soldier, and a special examination was had to determine the facts, which are as follows, as is fully shown by evidence now on file in the Pension Bureau:

The soldier, while home on furlough, was married November 12, 1863, at Ogdensburg, N. Y., to one Jane Ritchey, and remained with her one or two weeks at that time. Again, after his discharge, he lived with her as his wife for about one and a half years, when he went to Pennsylvania and she did not accompany him, and never afterward did they live together. The reasons for this separation do not appear. This separation seems to have been about 1867.

In 1868 the present claimant, Mary E. (Montgomery), met the soldier at Pottsville, Pa., and on July 2, 1872, they were married at Wilkesbarre, Pa., and lived together continuously as man and wife from that time until his death, and they had five children. It appears, however, that the soldier was never divorced from Jane, his first wife, and hence his so-called marriage to Mary E. was not legal. Some two or three years after the separation above referred to Jane commenced to live with one William Rogers, and they had lived and cohabited as man and wife, openly and publicly, since that time, and have a family of four children, one of whom is 20 years of age, and she is commonly known as Jane Rogers. All this is shown by her own admissions and by other evidence.

On November 29, 1890, Jane filed a claim for the accrued pension due the soldier at the date of his death, and although this had already been paid to Mary E., it was determined in the light of all the facts that it must be paid to Jane, as the former payment to Mary E. was illegal; this was accordingly done, and the name of Mary E. was permanently dropped from the rolls. The amount of accrued pension which was thus twice paid seems to have been not more than $13, and possibly not more than $1, if the soldier himself lived to draw the pension for the quarter ending June 4, 1889.

Although it has been determined that Jane was legally entitled to the accrued pension, it does not follow that she is entitled to a continuous pension as widow. It is evident that she has lived as wife with Rogers both before and since the soldier's death, and even if a common-law marriage does not arise on the death of a former husband, her relations with Rogers are clearly such as to defeat a claim by reason of the act of August 7, 1882, as to open and notorious adulterous cohabitation.

Inasmuch as the object of this bill is to pension the beneficiary as an act of justice rather than of strict legal right, and inasmuch as a considerable sum of money has already been paid her illegally, though perhaps through no conscious fault of her own, pension, if allowed, should date from the approval of the act.

Your committee therefore return the bill and recommend that the bill do pass, after being amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act approved June 27, 1890, the name of Mary E. Trickey, as widow of Hartwell M. Trickey, late of Company I, One hundred and sixth Regiment New York Volunteer Infantry."

Also amend the title so as to read "A bill to pension Mary E. Trickey."

Mr. OUTHWAITE. I move that the amendment reported by the committee be adopted.

A MEMBER. For what time will the widow then receive pension?

Mr. OUTHWAITE. From the passage of the bill.

Mr. JONES. As a substitute for the motion, I move that the bill be reported to the House with the recommendation that it lie on the table. [A pause.] I am informed that there are amendments pending; and I withdraw my motion till those are disposed of.

Mr. NEILL. I would like to ask the gentleman from Ohio [Mr. OUTHWAITE] a question. If this bill should pass, will not both these women receive pensions?

Mr. OUTHWAITE. No; it pensions simply the woman who met this man in 1872, and not knowing that he was married, married him lawfully, lived with him until his death in 1889, bearing him children. The other woman does not get any pension.

Mr. NEILL. I thought I understood from the reading of the report that she would.

Mr. OUTHWAITE. No, sir.

Mr. NEILL. She is not now on the pension roll?

Mr. OUTHWAITE. She is not. She can not get a pension because of the law of 1882. She had been living with a man named Rogers as his wife for over twenty years, and borne him five children who pass by that name. But by a technical decision of the Pension Bureau it was held that in law she should be regarded as the widow, the Bureau not having at that time the information subsequently obtained as to her cohabitation with Rogers.

Mr. LANE. It seems to me that it is not a matter of the least importance to pass this amendment. I think it clear that this woman is not the widow of the soldier; and that is the question before the House. That is the point on which this case must turn.

Mr. OUTHWAITE. The bill without the amendment proposes that the pension date back to the time of the death of the soldier, but the amendment of the committee proposes to grant a pension under the law of June 27, 1890, simply from the time of the passage of the bill.

Mr. LANE. I understand that the bill proposes to pension her from the time that it becomes a law, but my proposition is that she ought not to be pensioned at all.

Mr. OUTHWAITE. I apprehend gentlemen who are objecting to this bill have not heard the report.

Mr. LANE. Let us see, then, whether I understand this case. I understand that this man was married at some former time; that he and his wife parted without any legal divorce; that he afterward met the applicant in this bill; they were married, lived together for many years, and had borne to them a family. In the mean time the other woman committed adultery; she went off and lived with some other man, without the marriage tie ever having been severed, and she is still living.

Now, when this woman married the soldier, there was an impediment in the way, and the marriage was in law a nullity. It was an adulterous cohabitation. So far as the testimony shows, all these children were born in adultery. The other wife afterward applied for a pension and received it. The Government paid her a pension, as it was compelled to do.

Mr. OUTHWAITE. Paid her $13 arrears.

Mr. CURTIS of New York. Her husband's arrears of pension, not hers.

Mr. LANE. They recognized the first wife as the widow of the soldier. There is no doubt in the world that she was the widow of the soldier. There is no question to-day but what she is the widow, in law.

It is proposed now to bring in the law of 1882, which provides that a widow may forfeit her pension by adultery; but that is in the discretion of the Pension Department. There are a great many cases where they do not forfeit their pensions. I know of the case of a widow, which case came into this House two or three years ago. They struck the name of a poor widow from the roll because she happened to have been caught in a single act. Gen. Black, when he was Commissioner, dropped her name from the roll. A bill was introduced in the House to place her on the roll again. I was then chairman of the committee, and I reported the bill favorably, and it passed this House. She was put back on the roll, notwithstanding the fact that she was caught in adultery.

Now, my contention in this case is that this claimant is not the widow of the soldier, and it is of doubtful propriety to attempt to legalize this marriage by this act, and to recognize these children as the offspring of a lawful marriage.

We have plenty of soldiers' widows in this country who ought to be pensioned. There are hundreds and hundreds of claims in the Pension Office awaiting action, and it seems to me that those widows ought to be pensioned before you take up the cases of doubtful propriety. If the real widows, the real orphans, and the real soldiers were all pensioned, then there might be some equitable ground for taking up the cases of others.

I am not disposed to blame this woman. She may have been deceived in this marriage, but the fact remains. Now, if the soldier had lived, and the first wife had died, the second marriage might have become lawful by a change of relations: but the real widow is still living, and there is this impediment in the way, and it seems to me that a pension can not be allowed to this claimant, without a great injustice to the pension roll.

Mr. STALLINGS. I should like to ask the gentleman from Ohio [Mr. OUTHWAITE] a question.

Mr. OUTHWAITE. Certainly.

Mr. STALLINGS. From what county in Ohio are these people?

Mr. OUTHWAITE. They are not from Ohio at all. Mr. Trickey was born in the northern part of New York, and went into the army from the northern part of New York, and married in the northern part of New York.

Mr. STALLINGS. That was the first marriage?

Mr. OUTHWAITE. That was the first marriage. Afterwards, in 1867, he left New York and went down into the mining regions of Pennsylvania, where he met this woman, Miss Montgomery, who had no knowledge whatever of his previous marriage.

Mr. STALLINGS. How far was it from the place where he first married to the place of his second marriage?

Mr. OUTHWAITE. About 500 miles.

Mr. STALLINGS. She had no way of knowing about the other marriage.

Mr. OUTHWAITE. She had no way of knowing anything about it, and had no knowledge of the marriage, and married this man in good faith, lived with him as a good wife, raised his children as a good mother, and is now in poverty, and asks through this bill that she may be allowed, from the time of the passage of the bill, $8 per month as the supposed widow of this soldier. That is all there is in it.

Mr. HUDSON. How long did she live with him?

Mr. OUTHWAITE. Twenty-one years.

Mr. CABANISS. Mr. Chairman, I think this is a very meritorious case. It appeals to our sense of fairness. It appears from the statement of the gentleman from Ohio [Mr. OUTHWAITE] that this good woman is clearly not to blame. She had no knowledge of the previous marriage of her husband. According to the strict letter of the law, the Pension Office could not regard her as the legal wife of the deceased soldier; but it is just such a case as we ought to legislate for, and pass a private bill for the relief of the applicant. Therefore I hope this bill will be reported favorably. [Applause.]

Mr. JONES. Mr. Chairman, I can not think that my friend from Georgia [Mr. CABANISS] has read this report carefully or I think he would not say that it is a meritorious case. In the first place, I want to say, Mr. Chairman, to the gentleman from Ohio [Mr. OUTHWAITE] that if there is any evidence that the lawful wife of this soldier is not now drawing a pension at the hands of the Government, it is not to be found in this report. On the contrary——

Mr. OUTHWAITE. I have my information from the Pension Bureau, and this report was drawn by the committee; and if there be any question about it I will step over to the Pension Bureau to-morrow and have it stopped. But under the law of August 7, 1882, she can not draw a pension.

Mr. JONES. I will ask the gentleman what he proposes to stop when he steps over to the Pension Bureau to-morrow?

Mr. OUTHWAITE. I would stop any pension illegally drawn, if she be drawing any. I have my information from the Pension Bureau: and if she be drawing any pension she can only be drawing it illegally.

Mr. JONES. I have no information from the Pension Bureau. All the evidence I have is contained in this report. I confess that these reports are exceedingly meager and unsatisfactory. I believe that when you can deduce anything from the reports themselves which goes to show that the claimant ought not to have a pension that the committee ought to accept that testimony.

Now, what do we find in this report. In the first place, the committee will understand that this woman who now seeks to have her name put upon the pension roll as the widow of this

dead soldier has drawn the accrued pension due to him at his death, and that the actual widow, the legal wife of this dead man, afterwards applied to the Pension Bureau and also drew that accrued pension.

Mr. TATE. It was only $13.

Mr. JONES. I do not know what the amount was. Whether it be large or small does not make any difference. If it had been $10,000 the principle would have been exactly the same. Both women have drawn the accrued pension; and the report goes on to say that "although it has been determined that Jane was legally entitled to the accrued pension, it does not follow that she is entitled to a continuous pension as widow." Now, I take that language to mean that she is drawing a pension which it does not follow she is entitled to.

Mr. TATE. You take that language in opposition to the statement of the gentleman from Ohio, who has information from the Pension Department that she is not drawing a pension.

Mr. JONES. I am putting aside entirely the statement of the gentleman from Ohio.

Mr. TATE. Ought we not to take the statement of the gentleman when he states that he gets his information from the Department.

Mr. JONES. Well, the gentleman may take that view of it if he chooses. I am not questioning the statement of the gentleman from Ohio. I am arguing this case from the testimony furnished us by the Committee on Invalid Pensions, whose duty it was to investigate this matter and to get all obtainable information from the Pension Department.

Mr. TATE. If the gentleman will allow me. Do I understand the gentleman to say to this House that when the Pension Department does not furnish the proper proof to that committee that it may not be furnished by others?

Mr. JONES. I mean to say this, that it is a very bad practice to base a pension claim upon the testimony as set forth in the report made by the committee and then disregard that testimony when it is found to be insufficient upon examination here and base it upon a statement made by a gentleman on the floor of this House, without at all questioning the statement of the gentleman from Ohio, because I am satisfied that he obtained that statement from the Pension Department when he says he did. I may be permitted to say that the Committee on Invalid Pensions which reported, and which is supposed to have examined the evidence in the case, should have put this testimony in the record. It is of vital importance and could not have been considered otherwise by that committee.

Mr. TATE. I want to understand the gentleman. Do I understand you to say that when a member of this House comes before the House and states that he has received certain information from the Pension Department that this House is not to take that statement as absolutely true in the absence of anything to the contrary.

Mr. JONES. I say this: That in a case of that sort, in my opinion, the report ought to be recommitted to the committee that reported it, and I do not think that it ought to be spread upon the record and that it should go to the world that a pension was granted upon it, when in fact it did not justify the granting of a pension.

Now, we are asked to discredit the report of the committee; and that is why I repeat what I said when another case was up before this committee this evening, that we can not rely upon the evidence set forth in these meager and unsatisfactory reports. We are called upon every few days to pass upon pension claims upon the testimony set forth in these reports, and nearly always that testimony has to be supplemented by the statements of gentlemen on the floor before the claim can be favorably considered.

Mr. BRETZ. If the gentleman will allow me. Suppose the gentleman from Ohio should go before the Committee on Invalid Pensions and make the same statement that he has made to the House, and that fact was found in the RECORD, would it make any practical difference to the House in what connection the statement was made?

Mr. JONES. It would be a part of the record in this case then.

Mr. BRETZ. What is the difference between that and now? It goes into the RECORD.

Mr. JONES. It is not a part of the testimony in the case. Of course the statement goes into the RECORD as a part of the remarks of the member.

Mr. BRETZ. It goes into the RECORD in connection with this case.

Mr. HARE. Will the gentleman permit a question?

Mr. JONES. Certainly.

Mr. HARE. What particular defect is excepted to or complained of in this report?

Mr. JONES. The particular defect that I complain of is that the report seems to convey the idea, or to bear the construction, that the woman who was the lawful wife of this dead soldier but who is living in adultery is drawing to-day a pension from the Government, and that if we pass this bill two persons will be drawing pension on account of this dead soldier. He will be given just one more widow than a good soldier is entitled to leave behind him.

Mr. CABANISS. Could not the difficulty upon the gentleman's mind be obviated by providing that this woman should not receive a pension if the other wife was drawing pension?

Mr. JONES. Possibly; but that question is not now before the committee. Now I, for one, have been looking somewhat into these reports, and when I examine one of them I want to feel that it contains all the evidence that is necessary to justify the granting of the pension, or at least all the evidence that is obtainable.

Mr. OUTHWAITE. Will the gentleman permit a question?

Mr. JONES. Yes, sir.

Mr. OUTHWAITE. The gentleman will admit that Jane Rogers is not entitled to a pension under the law?

Mr. JONES. I will answer that by asking the gentleman another question.

Mr. OUTHWAITE. Oh, that is the law, plainly and clearly, that the soldier's widow who is living in adultery shall not continue to draw the pension. The very moment the Bureau is informed of that fact it is the duty of the Commissioner to suspend that pension, and it is very often done in such cases. Now that certainly ought not to operate against any wish of this House to do justice to the other woman. She is not to blame for the conduct of Jane Rogers. Since she has been living in my district she has been living at least 1,500 miles away from Jane Rogers, and is not responsible for her in any way.

Mr. LANE. Has this woman had a chance to be heard before the committee? Because if she had she might disprove these statements.

Mr. OUTHWAITE. Disprove the evidence before the committee?

Mr. LANE. Certainly. She might be able to do it. She certainly ought to have been heard before she was condemned.

Mr. OUTHWAITE. The evidence was that she admitted that she had been living with Rogers for twenty years, and had had children by him.

Mr. LANE. Was she there before the committee?

Mr. OUTHWAITE. No; but in the papers before the committee was her admission of the fact, and upon that same ground her pension was stopped.

Mr. JONES. The gentleman from Ohio asked me a question, and my answer to it is this, that whether or not Jane Rogers, the lawful widow, can now draw a pension, she did go to the Pension Office and did draw the accrued pension of her dead husband after the other woman had already drawn the same amount. The woman whose name is now sought to be put upon the rolls had already drawn the accrued pension. Whether or not she knew of the existence of the lawful wife and informed the Department of it when she drew the pension I do not know, but I do know that she drew the accrued pension and that afterwards the actual widow of the dead man came and drew the same amount of money out of the Treasury. Now, it may be that this woman, when she drew that accrued pension, knew of the existence of the lawful widow, and it was her duty in that case to have disclosed the fact to the Pension Office.

Mr. CURTIS of New York. Mr. Chairman, I think my friend from Virginia fails to properly comprehend the practice of the Department. It does not anywhere appear, nor is it reasonable to suppose, that this widow, as she is now claimed to be the beneficiary of this bill, had any knowledge of her husband's previous marriage, and upon the presentation of proof by her that she was the widow of the soldier, which presentation she made honestly, the Department paid her the accrued pension. Then, on the further presentation of the case by the actual legal widow, it was found that she was entitled to the pension and it was paid to her. Further investigation disclosed the fact that she was living in such a manner as not to be entitled to a pension, and she received no more, nor can she receive any more under the law.

Mr. JONES. The report does not show that.

Mr. CURTIS of New York. No matter whether it does or not. It is to be assumed, I think, that an existing law continues to operate, and that it does not necessarily have to be expressed in every report of this kind, and my friend from Virginia, being a lawyer, knows that the law of 1882 prohibits the payment of pension to a woman under such circumstances, and that it is not necessary to set out the law in the committee's report.

Mr. JONES. The objection is not that the law is not set out in the report. It is that the fact ought to be shown that the lawful wife is not actually drawing a pension; that fact ought to be stated if it is actually a fact. It ought certainly to appear

in the report. On the contrary the report states, if it states anything on that subject, that she is enjoying a pension. That is my construction of the language employed, and no gentleman has said that it is not a fair and just construction.

Now, the gentleman from New York presumes that the woman who is now applying for a pension did not know of the existence of this true widow. No such presumption is raised by any statement contained in the report.

Mr. CURTIS of New York. That is the natural presumption which everyone would adopt; and the Department has acknowledged it.

Mr. JONES. All these pensions are granted on that sort of presumption. That is what I object to. I want the conclusions that are drawn here to be based upon facts. I am not willing to stand here and vote away the public money to a woman who was never the lawful widow of this man, but who has drawn the accrued pension that the Department decided to belong to another, and which has actually been paid to that other, who is unquestionably the lawful and only widow, whatever may have been her conduct.

Mr. CURTIS of New York. Thirteen dollars!

Mr. JONES. I do not care whether the amount is $13 or $13,000, the character of the act is precisely the same. If the sum were 13 cents the case would not be any better. That circumstance would simply show the eagerness of this woman to get what she could as the widow of a man, when she was not in fact his widow. That, it seems to me, fully answers the question that the gentleman has asked.

But what are th eequities in this case? In the first place, you are asking the Secretary of the Interior to do an impossibility. You are asking him by this amendment to put the name of this woman on the pension roll as the widow of Hartwell M. Trickey, when she never was his widow and can not be under any circumstances. You are requiring him to falsify the well-established and well-admitted facts in this case.

Mr. CURTIS of New York. The object of this bill is to supply a defect in the provisions of the general law.

Mr. JONES. The object of this amendment seems to be to contradict what is an absolute fact and to state as true that which could not by any possibility be true—that this woman is the widow of a man to whom she could not have been lawfully married and whose lawful wife she never was.

Mr. CURTIS of New York. We do not propose to declare that she is the widow; but to pension her as the widow.

Mr. JONES. She is to be placed upon the roll as the widow of Hartwell M. Trickey when she is not and never can be made his widow, even by an act of Congress.

Mr. CURTIS of New York. Why is not that all right? She is not declared to have been his widow.

Mr. JONES. Now, I want to speak of the equities in this case.

Mr. STALLINGS. Would not the marriage which appears to have taken place in this case be a good common-law marriage? If they announced themselves as man and wife, are they not to be considered as such under the common law, although there may have been no formal ceremony?

Mr. JONES. With the legal wife living?

Mr. STALLINGS. But this woman did not know that.

Mr. JONES. Whether she knew it or not, I say it would not be a good common-law marriage; and I do not think there can be any two opinions between lawyers on that point.

But I want to discuss the so-called equities of this case. This soldier married this claimant July 2, 1872, at Wilkesbarre, Pa. She never was his wife, because at the date of that marriage and up to the moment of his death he was the husband of Jane Rogers. During the time that he served in the army she never shared any of his hardships, or privations, or discomforts, but long after the war, when he had a legal wife living, married him; and although that woman is living to-day, and although my friend from Ohio says that if he finds out upon investigation at the Pension Office that she is drawing a pension he will stop that pension, I say that this committee ought not to go ahead and put this woman on the pension roll as the widow of this man when she never was his lawful wife, and never could have been such. In the face of that fact she went to the Pension Bureau and demanded the accrued pension which his legal wife was entitled to, and obtained it. Why should she be placed upon the pension rolls?

It seems to me this case is too plain for discussion; that there are no equities that can appeal to any member in behalf of this bill, that can appeal to the sense of justice and fairness of anybody in the world. I insist that this bill should not be passed upon favorably. There is nothing in the case that commends it to my judgment. The claimant married the soldier long after the war, and whether she knew that he then had a lawful wife or not, there can not be two lawful, actual widows of one man. The line must be drawn somewhere. Congress can not undertake to pension everybody who is poor and needy.

Mr. MARTIN of Indiana. I desire to say just a few words. I do not desire to detain the committee long. Let me say in the first place that I take with the utmost kindness any criticism of any report made by our committee, and I invite criticism on every proper occasion; but I wish any gentleman who criticises the committee could be present at our meetings and see the care and the time taken by that committee in the discussion of these questions, going into all the evidence that can be obtained, in every shape and form, and oftentimes after we have considered all the evidence before us, seeing if we can not find still more, calling on the Pension Office, and calling on the member who introduced the bill, with a view, as far as we can, to conscientiously report all the facts with our honest judgment.

Another thing. I think in every case reported from the Committee on Invalid Pensions we have placed in the report all the facts, whether they be for or against the claim, as it might seem to a casual observer. We feel that the House and the Committee of the Whole are entitled to a statement or a finding of the same facts ascertained by us.

Now, what are the facts in this case? The soldier was married to some woman away in Northern New York. He served about three years in the war. The marriage, I believe, occurred in the town of Ogdensburg. He came home, and after living a short time with the woman he had married, with whom he had never lived previous to that for more than a few weeks, he went away down into Pennsylvania, a distance of some hundreds of miles, and there he met this other woman. He met her in 1868. An acquaintance sprang up. In 1872 she married him. He was drawing a pension as a soldier. She lived with him as his wife. She bore him five children. She lived with him and cared for him in his wounded condition for a period of seventeen years.

Now, Mr. Chairman, I submit to every member of this committee that the taint of wrong does not come near this woman's garments. We must look at her as she is and look at this case not only from our standpoint, but look at it as she did when she, in good faith, as she supposed she had the right to do, married this man, as she believed, and as far as she is concerned, in the eyes of her neighbors, and in the eyes of the great God himself, did marry him, and lived with him as a true and virtuous wife, caring for him and bearing him children.

Now, another point in the case. After he died this woman, still supposing herself to be his widow, made an application to the Pension Office, proved her marriage, proved his death, obtained the pension, all indicating the best of faith on her part.

After the soldier died, the woman whom he first married heard of it in some way, and she made application to the Pension Office, not for a pension, because she could not obtain that, and if she had obtained one as his widow and had then began the course of life which the evidence in this case shows she did begin, the very moment she began that kind of life the pension would not simply be suspended, but would terminate under the provisions of the law. Upon the information given by her the Pension Office was obliged to pay her under the act of March 1, 1869, the arrears of her husband's pension, amounting probably to $1, possibly to $13, and no more. There is no law upon the statute book that could keep her out of that, no difference how far she may have been sunken in the depths of her own degradation.

But, Mr. Chairman, under another law, the act of August 7, 1882, although she may draw the arrears due to her husband regardless of how she was living, yet when she comes to place her own case before the Pension Bureau, she has no standing. If she had succeeded and the facts had become known to the Pension Bureau, at that moment her pension would have terminated; and had the facts come to the Pension Bureau before they passed upon the case, no pension could be granted to her.

Now, another thing. I will not undertake to go into the question of what constitutes a common-law marriage. It is sufficient to say that this first wife of the dead soldier has been living for twenty years or more with another man, has borne him four children, and that that fact shuts her out for all time to come from the pension roll.

But let us see another fact. If in point of fact, the marriage relationship existing between her and her second so-called husband has continued from the date of the soldier's death until now, I ask if that would not raise a common-law marriage or some presumption of it, which, aside from the question of adultery, would cut her out of a pension in the Pension Office? Now, then, briefly, here is a woman who appeared before the Committee on Invalid Pensions, through the evidence obtained from the Pension Office, obtained not by *ex parte* affidavits, but by special examination into all the facts made under the law by a special examiner.

These facts came before the Committee on Invalid Pensions.

They are now before the House, perfectly or imperfectly described as they may be in the reports, in support of this claim.

The fact of the matter is that this soldier rendered more than three years' service, that he came home wounded, that he took this woman in and took her to his arms as his wife, that she went to him and lived with him as his wife, cared for him, reared his children in the honest belief that they were the lawful children of that woman and this soldier. What is there in equity that stands between her and granting her a pension? Let me say, further, before this report was made, although it does not seem to appear specifically in the report, the matter was carefully examined as to whether any pension had ever been granted to this so-called first wife.

I desire to say to the committee now, upon the most positive information, that that woman has never drawn or applied for a pension, and if she does she can never receive it. In common justice what stands between the granting to this woman, pure in her life, needy as she is in her old days with this soldier's children to support—what stands between her and our sense of right in granting her a pension under the act of June 27, 1890? [Applause.]

Mr. MEREDITH. Mr. Chairman, I have no disposition to criticise the Committee on Invalid Pensions, and I certainly do not criticise the honorable chairman of that committee; but I do think that this is a case in which the committee should have followed the good advice given by Mr. Weller to his son Samuel when he told him, "Beware of the vidders."

Now, Mr. Chairman, there is a principle underlying this whole thing which is shown by the report of the committee. This report asks us to subscribe to a principle which I can not subscribe to, upon the ground that a woman must first have been a wife before she can be a widow. This report says that this woman was never the wife of this man Trickey; and, therefore, she can not be his widow. I think it is stretching it a little far when we are asked by the committee, and by the patron of the bill, or by anyone else, to put upon the pension rolls a woman as the widow of a man who never was her husband. The question may be asked when these people have passed away, as was asked on a former occasion, whose wife will this woman be when they are all under ground.

But, Mr. Chairman, let me say to my friend who has asked what stands between this woman and a pension in equity, that there is something which stands between them which was necessary. That was a marriage, a legitimate, not a bigamous marriage, as occurred between these parties. That is what stands between them; and it is sufficient to bar her from pension. And while in these little difficulties between Jane and Mary we may sympathize with Mary, the bigamous wife, this committee can not now join in wedlock that man who has died and this woman who is claiming a pension and make them man and wife, because he did not seek the only remedy he could have sought in life by obtaining a divorce from his first wife before he committed the bigamous marriage. I say that is a principle to which I can not subscribe.

I have sympathy for this unfortunate woman, but I can not subscribe to such a principle as will allow this committee, by this action to-night, to grant a pension to a woman who never was the wife of this man. That is the underlying principle which controls me. I know of no principle of law which will recognize a woman as a widow until she has been a wife.

Mr. MARTIN of Indiana. I desire to ask the gentleman a question.

Mr. MEREDITH. I will answer it with great pleasure.

Mr. MARTIN of Indiana. Suppose that we were a State Legislature having jurisdiction and an application were made in this case to pass a bill to declare, for property purposes, that these children were the lawful children of this soldier and this woman his lawful widow, would the gentleman from Virginia hesitate a moment under the circumstances to vote for the passage of such a bill?

Mr. MEREDITH. I certainly would hesitate, not only for a moment, but for a lifetime. I would not vote for such a bill, and believing, as I do, that it is wrong in principle, however much I may sympathize with this woman, I can not vote for the passage of this bill. ["Cries of "Vote!" "Vote!"]

Mr. SMITH of Illinois. Mr. Chairman, I desire to say a few words upon this question.

Mr. OUTHWAITE. I hope the gentleman from Illinois will let us have a vote.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. SMITH of Illinois. If the gentleman from Ohio desires to have a vote regardless of whether there is a quorum or not, I have no objection. I never make the point of no quorum myself upon these pension bills.

Mr. OUTHWAITE. Mr. Chairman, I ask for a vote.

Mr. SMITH of Illinois. Well, I will yield to the request of the gentleman from Ohio and withhold the remarks I desired to submit upon the bill.

The question being taken on the substitute reported from the committee, it was adopted.

The CHAIRMAN. The question now is on laying the bill as amended aside to be reported to the House with the recommendation that it do pass.

The question being taken, the Chairman declared that the ayes seemed to have it.

Mr. JONES. I ask for a division.

The committee divided; and there were—ayes 49, noes 4.

Mr. JONES. No quorum.

The CHAIRMAN. The point of no quorum is made, and the Chair will appoint as tellers the gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from Virginia [Mr. JONES].

Mr. OUTHWAITE. Mr. Chairman, I am very much obliged to the gentleman from Virginia for his courtesy. I withdraw the bill.

Mr. JONES. The gentleman is very welcome, if he puts it upon that ground.

MARTHA A. HOLT.

The next business on the Private Calendar was a bill (H. R. 3971) for the relief of Martha A. Holt, the widow of Thomas C. Holt.

The bill was read.

Mr. TAWNEY. Mr. Chairman, the introducer of that bill is not present this evening, and I ask unanimous consent that it be passed over without prejudice.

There was no objection, and it was so ordered.

PICKENS T. REYNOLDS.

The next pension business on the Private Calendar was a bill (H. R. 5802) to increase the pension of Pickens T. Reynolds, of Hall County, Ga.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Pickens T. Reynolds, of Hall County, Ga., a soldier of the Indian war of 1837 and 1838, from $8 to $20 per month.

An amendment reported from the committee, striking out "twenty" before the word "dollars" and inserting "twelve" was adopted.

The CHAIRMAN. The question is on laying the bill as amended aside, to be reported to the House with a favorable recommendation.

Mr. PICKLER. In what war did this soldier serve?

Mr. TATE. He served in the Cherokee Indian war in 1836–'37, and lost one of his eyes.

The bill as amended was laid aside, to be reported to the House with the recommendation that it do pass.

WIDOW AND HEIRS OF MARCELLUS PETTITT.

The next pension business on the Private Calendar was a bill (H. R. 3722) for the relief of the widow and heirs of Marcellus Pettitt.

The bill was read, as follows:

Be it enacted, etc., That in adjudicating the pension claim of the widow and heirs of Marcellus Pettitt, of Company G, Twenty-first Missouri Infantry Volunteers, the fatal disease of the soldier, contracted in active service with the State troops prior to muster into the United States service, shall be deemed and admitted as having been contracted in the line of duty in the United States service.

The report (by Mr. MARTIN of Indiana) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 3722) granting a pension to the widow and heirs of Marcellus Pettitt, and submit the following adverse report:

There is no record of the military service of this soldier, Marcellus Pettitt. A special act was passed in 1891 to place his name on the rolls of the Twenty-first Missouri Infantry, to date from February 1, 1862. The widow's claim for pension was then rejected by the Pension Bureau on the ground that the disease (measles) of which soldier died, February 10, 1862, was contracted prior to his entering the service, as fixed by the special act.

The widow has long since remarried to a Mr. Ruth, who is living. The one daughter of the soldier is over 30 years of age and also married. The purpose of this bill is to give pension to the former widow for the period between the death of the soldier and her remarriage, and to the daughter from the mother's remarriage until she became 16 years of age. This would be an aggregate sum of considerable amount in each case. It would be arrears of pension, pure and simple, and not in any sense a present pension for relief of present necessity—in fact it does not appear that any present necessity exists.

The law (section 4720, Revised Statutes) provides that pension under special act, unless otherwise provided in the act itself, shall begin from the approval of such special act, and it has long been the policy of Congress not to favorably consider any private legislation the effect of which would be to grant arrears of pensions in any form whatever.

For these reasons, which appear to be well founded, your committee recommend that the bill do lie on the table.

The views of the minority were read, as follows:

The minority of the Committee on Invalid Pensions have considered the bill to pension the widow and heirs of Marcellus Pettitt (H. R. 3722) and submit the following report:

In 1891, by special act of Congress, the name of Marcellus Pettitt was placed on the muster rolls of the Twenty-first Missouri Infantry, to date from Feb-

ruary 1, 1862, on the following statement of facts in the report of the Committee on Military Affairs:

"In 1861 two regiments of Missouri Home Guards were called into active service and performed considerable active duty. They were called the First and Second N. E. Missouri Volunteers. These two regiments were consolidated in 1862 and mustered into the United States service as the Twenty-first Missouri Volunteers.

"Marcellus Pettitt enlisted in the First N. E. Missouri Volunteers about October 1, 1861, and served in said regiment until the last week in January, 1862. On or about February 1, 1862, said regiment was mustered in as a part of the Twenty-first Missouri Volunteer Infantry. That said Marcellus Pettitt, at the time his regiment went to Canton, Mo., to be mustered in, was left behind at Memphis, Mo., in hospital sick with measles, and that he was unable to go to Canton, Mo., for muster with his regiment. That said Marcellus Pettitt died of measles February 10, 1862, at Memphis, Mo., in hospital. That he was not mustered in with his comrades because of his illness. These facts appear from evidence filed in the Pension Office and supplemented by statement of Mr. LACEY, member of the House of Representatives."

The widow's claim for pension was rejected November 3, 1891, on the ground that the soldier's fatal disease, "measles," originated prior to commencement of his service as fixed by the special act of Congress, there being no record of his service in the organizations which were consolidated to make the Twenty-first Missouri Infantry.

It thus appears that the special act referred to has failed of its purpose, to give the soldier's widow and children a pensionable status, and the purpose of this present bill is to carry into effect the intent of the former act.

The widow having remarried to one Ruth, the pensionable status would cease at date of remarriage. She filed her claim in due time, and the only reason why her claim was not allowed under the general law was because of the failure of her husband to be formerly mustered into the United States service before contracting his disease, although he had for several months been engaged in actual service in the field with his command.

We, the minority, respectfully recommend the passage of the bill, as it only carries out the manifest intention of the Fifty-first Congress.

JOHN F. LACEY.
J. A. PICKLER.
L. M. STRONG.

The CHAIRMAN (Mr. CLARK of Missouri). The question is on laying this bill aside to be reported to the House with the recommend tion that it do pass.

Mr. JONES. The report of the committee is unfavorable.

The CHAIRMAN. That does not make any difference. The bill having a place on the Calendar, the question is on laying it aside with a favorable recommendation.

Mr. TATE. I move that the bill be laid aside to be reported to the House with the recommendation that it lie on the table.

Mr. LACEY. I think it is due to the Chair and to the committee that this bill should be explained. I admit that there is an unfavorable report of the majority of the committee, but there is a favorable report by the minority, and I crave the attention of gentlemen to this case, because I think it appeals to their good judgment and their favorable consideration. It is not a case where the parties are asking charity; they are asking simply a legal right which they ought to have under the laws of the land.

In June, 1861, there were organized in North Missouri a number of militia companies who entered active service and served faithfully during that season and during the winter of 1861. They were engaged in battle at various places; many of them were killed. And, Mr. Chairman, I feel some special interest in this case because of the fact that I served in immediate conjunction with these particular men, although I did not know the soldier in question. The first Union soldiers I ever saw dead were men of this organization. I remember seeing five of these men lying by the roadside stiff in death, with their faces covered with their hats. It was anything but a cheerful sight as we passed by.

Now, my recollection is that the soldiers of these organizations served as faithfully as any soldiers from Iowa, Illinois, or any other State. But they were not mustered until the following February. They were ordered to report at the town of Canton, Mo., for muster. This particular soldier on the way was taken sick with the measles, and was left in the hospital at Memphis, Mo., where he died without ever having been mustered in. This matter was laid before Congress several years ago, and a bill was passed, which I will read:

Be it enacted, etc., That the Secretary of War is empowered and directed to enter the name of Marcellus Pettitt upon the muster roll of Company G, Twenty-first Missouri Infantry Volunteers, from the first day of February, 1862, to the tenth day of February, 1862, the latter being the date of his death, and his muster having been prevented by his fatal illness.

Now, Mr. Chairman, this act was not carried into effect by Gen. Raum, as Commissioner of Pensions, for the reasons which I will state. It is said that the records of the two organizations which were consulted failed to show that the soldier belonged to either of them, and that in the absence of such record his services can not be recognized prior to February 1, 1862.

I have here evidence which was presented to the Committee on Invalid Pensions, in which it is stated that under an act of Congress passed in 1862 the men of these regiments were formally enrolled for payment and their pay and allowances were paid to them prior to the muster in. It appears, however, that Mr. Pettitt, by reason of his death, was not put upon the rolls, although he served just the same as the others did. In other words, he lost his pensionable status by his death and by the failure of the officers to put upon the rolls a record of the services which he in fact did perform.

His widow filed a claim for pension soon after his death, and his minor child also filed a claim after the remarriage of the widow. There would be several years of pension due them; this bill, which proposes simply to carry out the purpose of the act of the Fifty-first Congress, would give to these two persons that which in law they ought to have and of which they have been deprived only by the failure of the officers to make a proper record upon the roll of that regiment respecting the soldier's services.

These being the facts the minority of the committee have instructed me to present this matter to the Committee of the Whole. I believe it is an absolutely just and righteous claim.

It is said, however, that it ought not to be allowed because the Government did not pay it long ago. Well, there is no interest claimed. The payment we now propose ought to have been made in 1863 or 1864 or 1865. It was not made at that time because of the defect in the rolls, which was no fault of Mr. Pettitt; for he died in the service; he sacrificed his life for the benefit of the country, leaving his widow and child behind him; and they ought to receive the benefit proposed to be granted by this bill.

Mr. WILSON of Washington. Is it not a fact also that the services of the Missouri Home Guard were recognized by the Government of the United States in issuing to them military bounty land warrants?

Mr. LACEY. Yes; and this particular regiment became afterward Col. Moore's regiment, the Twenty-first Missouri, the same regiment that commenced the battle at Shiloh, bringing on the engagement there and doing the most distinguished service.

The members of this body from the State of Missouri who happen to be here to-night will bear witness with me to the distinguished services of the Twenty-first Missouri, both before and after the mustering. The honorable gentleman who now sits in the chair [Mr. DOCKERY] I see nods his head approvingly. He lives in the locality where that regiment was raised, and knows that the service of these men, performed prior to the muster, was just as honorable and just as much entitled to consideration as that of any troops from any other part of the State.

Mr. PICKLER. They were the safeguard of Southern Iowa.

Mr. LACEY. They were the safeguard of Southern Iowa. They threw themselves into the service without uniforms, armed with their shotguns and squirrel rifles, and they served faithfully until February, 1862.

Mr. HULICK. Was this soldier under the command and pay of the Government of the United States?

Mr. LACEY. This soldier was not, because he died before he was mustered in, but after his death Congress passed an act directing the roll to be made up. A commission was appointed which sat at St. Louis and made up the rolls, and upon these rolls these regiments, including the Twenty-first Missouri, were paid for the service that they rendered prior to the muster, but this man had no one to speak for him then, and as a matter of fact was not put upon the roll.

Mr. HULICK. Have his heirs or any persons interested been paid for his services to the Government?

Mr. LACEY. No.

Mr. WEVER. They could not be, because he was not mustered.

Mr. LACEY. They could not be, because of this defect in the muster. Now, Congress attempted to act upon this case, but because of a technical ruling of Gen. Raum that action was ineffectual. I do not complain of the action of Gen. Raum, because I believe he did what he believed to be right and what the rules of his office technically required him to do; but by a technical ruling upon his part the act of Congress was made inoperative. Congress directed that this man be mustered, so as to give the benefit of his service to his heirs; but he was not put upon the pension rolls because of the failure to have his name recorded on the pay roll; and he could not have that done, because he was dead. Now, I ask that we report this bill back to the House with a favorable recommendation. Let it be said that this House views these cases with liberality and justice.

Mr. MARTIN of Indiana. I think it is but due to this committee, as well as to the majority of the Committee on Invalid Pensions, to make a very short statement.

I have before me here the report, made September 26, 1890, but the bill was not passed until some time in 1891. That was a bill reported from the Committee on Military Affairs, and the object of it was to place the name of this soldier upon the muster roll. It seems that he had enlisted and started with his comrades for the purpose of being mustered in, but before he got more than started, he was taken sick and left at Memphis, where, ten days later, he died. His term of service was, all told, ten days. He died of the measles.

Now, the effect of this act of 1891, reported from the Committee on Military Affairs, was simply to direct that his name be entered on the muster roll; but here is the trouble about the bill: Suppose that in point of fact he had actually been mustered in; his widow and children could not have drawn a pension under the law anyhow, because, as the record in the Pension Office shows, he had contracted the disease from which he died before the date of the muster.

Mr. LACEY. Certainly; but they put it upon the ground, though, that the rolls failed to show his prior service; but if the rolls had shown him to be entered as a member of that organization prior to the muster, then he would have been entitled to a pension. The records of the two organizations failed to show his service prior to February 1; and yet this report to which attention is called said that he enlisted on or about October 1. He served four months.

Mr. PICKLER. He was good enough to fight, and good enough to die.

Mr. LACEY. As a matter of fact, I will say to the gentleman from Indiana [Mr. MARTIN] that Col. Ainsworth reports that some members of this company were enrolled as early as June 15, 1861. We do not know the exact date of this man's enrollment, but we do know he was enrolled as early as October 1.

Mr. MOSES. Was this gentleman at the battle of Shiloh?

Mr. LACEY. No; he died before that.

Mr. MOSES. Was he ever in any battle?

Mr. LACEY. Oh, yes; his command was in several battles.

Mr. MOSES. During the ten days?

Mr. LACEY. They were at Blue Mills. That is the only fight I know personally of their being in. I know five of them were killed just before entering the battle of Blue Mills.

Mr. MARTIN of Indiana. Now, Mr. Chairman, the fact nevertheless remains that by this special act with reference to muster his name was entered on the rolls February 1, 1862.

Mr. LACEY. That is the date the others were mustered.

Mr. MARTIN of Indiana. Now, then, suppose that in point of fact he had actually been mustered at that date and that no special bill was necessary, his widow and child could not have received the pension at any rate.

Mr. LACEY. Oh, yes, they could, if the rolls showed his real service; but the rolls failed to show it. That is what the Commissioner of Pensions says.

Mr. MARTIN of Indiana. I take it as a matter of law that they can not go beyond that, because the disease was contracted prior to entering the service and he was reported as mustered.

Mr. PICKLER. Will the gentleman allow me?

Mr. MARTIN of Indiana. Now, then, let me state another fact, if the gentleman from South Dakota will excuse me just a little. This is not a bill putting the widow and child upon the pension roll. It is not a pension bill of that kind at all. This is a bill simply to pay arrears from the date of the death of the soldier until the child became 16 years of age, in the one case, and in the other case until the widow remarried. Both the widow and the daughter have married. The daughter is now a woman of 30 years of age. Supposing that the widow had remained single, it might possibly have been made a stronger case in this committee and the House; but here is a question purely and squarely as to whether this House will grant arrears.

It has been, so far as I know, universally the practice of this House, under all administrations, no difference who constituted the Committee on Invalid Pensions, not to recommend, if they knew it, the passage of any bill the effect of which would simply be to carry arrears. If you pass this bill this widow will receive no pension and the daughter will receive no pension; but in the one case the widow and her husband will receive a lump sum, and in the other case the daughter and her husband will receive a lump sum, representing what would be coming to them under the general pension laws of the United States from the date of the death of the soldier up to the time the widow remarried and up to the time the daughter became 16 years of age.

Mr. STALLINGS. How much would that sum be?

Mr. MARTIN of Indiana. Not a very large sum. I do not place it on the ground of the sum of money it would be, but it would be somewhat of a sum. I desire to call the attention of the committee simply to it on account of the fact that the precedents are against the allowance of arrears in this House. I have no fault to find with the gentleman from Iowa, and his colleagues who joined him, but I bring it to your attention to determine whether you are willing now, by the passage of this bill, to establish a precedent which in the future will invite bill after bill for the payment of arrears of pension.

Mr. PICKLER. Now, while the gentleman talks about arrears, that is not exactly the fact. This claim was filed in 1863, and all that is sought here is to adjudicate this claim as if the record showed that this man was really in the service. Was not the object and the sole object, the only object of the act of 1891 to give this pensionable status to these people, and to that soldier; and was not that the object of that act, and the sole object of that act, and ought not this Congress in good faith to carry out the intent of that act?

Mr. MARTIN of Indiana. I can not say what was in the mind of the committee.

Mr. PICKLER. The very object of the act was to give a pensionable status to these people.

Mr. MARTIN of Indiana. I will tell you what was the object, and a very laudable one. I take it that any widow or any child of a soldier who died in the service would not want to lose the honor of the fact that the father or husband had died, had, in point of fact, died in the service; and that they would desire the records of the War Department should show that fact, if by some misfortune or sickness or negligence of an officer his name was left off the roll. It was something that they would have the right to complain of, and they would have the right to have a bill passed showing what his military status really was.

Mr. STALLINGS. We have passed bills of that very kind, to put their names on the rolls.

Mr. MARTIN of Indiana. Another fact, in answer to the question of my friend as to the amount of the arrears. I see I made a mistake when I said the amount would be small. I did not think that the question whether it was a large or a small amount cut much of a figure in the matter; but since I made the statement that it would be a small amount, I desire to be correct in my statement. This is the bill.

That in adjudicating the pension claim of the widow and heirs of Marcellus Petdit, of Company G, Twenty-first Missouri Infantry Volunteers, the fatal disease of the soldier, contracted in active service with the State troops prior to muster into the United States service, shall be deemed and admitted as having been contracted in the line of duty in the United States service.

Now, then, I take it, unless I am mistaken, that the effect of that would be to give arrears of pension from the date of the soldier's death until remarriage.

Mr. LACEY. Let me ask my colleague on the committee if it is not a fact, under the act of 1873, if the service had been proved upon the 4th of July, 1874, it would have carried arrears?

Mr. MARTIN of Indiana. Possibly.

Mr. LACEY. So that this only carries out the intention of that law. They could not prove it up on account of this want of record of service. They were not to blame for it. That should be considered as only delaying the claim. I think they ought to have it; and it is absolutely right.

Mr. PICKLER. It is a misnomer to call it arrears.

Mr. MARTIN of Indiana. I am perfectly willing that the gentleman shall have a direct vote.

Mr. LACEY. I move that the committee report this bill back to the House with a favorable recommendation.

The CHAIRMAN. The gentleman withdraws the motion to lay the bill on the table, and the gentleman from Iowa moves that the bill be reported back to the House with a favorable recommendation.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LACEY. Division.

The committee divided, and there were—ayes 19; noes 20.

Mr. LACEY. I ask for tellers.

Mr. PICKLER. What is the motion?

The CHAIRMAN. The motion was made to lay the bill aside with a favorable recommendation.

Mr. LACEY. I will not make the point of no quorum. Evidently the committee seems to be interested in this bill, as the vote is so close, and I will ask that the bill be laid aside without prejudice.

Mr. STALLINGS. I object to that.

The CHAIRMAN. The gentleman asks unanimous consent that the bill be laid aside without prejudice, retaining its place on the Calendar. Was that the request of the gentleman from Iowa?

Mr. LACEY. That is it, sir.

Mr. STALLINGS. I object.

Mr. LACEY. Then, Mr. Chairman, I ask unanimous consent that we take a vote on this bill in the House.

The CHAIRMAN. That request can not be submitted. The bill can only get into the House either on a favorable or adverse report from the Committee of the Whole.

Mr. PICKLER. The bill will have to be disposed of in some way. It can not remain on the Calendar.

The CHAIRMAN. Undoubtedly it will have to be disposed of. The motion of the gentleman from Iowa that the bill be laid aside with a favorable report has been rejected, 19 gentlemen voting in the affirmative and 20 in the negative.

Mr. MARTIN of Indiana. Mr. Chairman, I rise to a parliamentary inquiry. If this bill is laid aside with an adverse report it will come up in the House in that way, will it not?

The CHAIRMAN. It will.

Mr. MARTIN of Indiana. Then I move that the bill be laid aside to be reported to the House with the recommendation that it do lie on the table.

Mr. PICKLER. Mr. Chairman, I desire to say that this seems to me pretty hard treatment for this widow and these children. If the committee lay this bill aside to be reported adversely to the House, they simply say that although this man died in the service, although he went into the army and served four months and met his death there, yet, on account of the failure of the Government officers to do their duty, his children are to suffer.

Further than that, this committee puts itself on record as unfriendly to the legislation of 1891. The former Congress passed upon this very question, and now this House takes the unfriendly position of undertaking, by this recommendation, to repeal the action of that Congress. I want to say further in connection with what the gentleman from Iowa [Mr. LACEY] has said—because I live upon the Iowa border and know what this Twenty-first Missouri Regiment was—that it saved Southern Iowa from being overrun by the guerrillas and others who were in the field from Northern Missouri and were adverse to the Union cause. These were brave soldiers, and not only in the State of Missouri, where so many loyal men volunteered to defend the Union, but all over the West the fame of Col. Moore and the Twenty-first Missouri Volunteers is as a household word. Now, although one Congress has passed upon this question, and although that act was designed to give these people only what was honestly due them, yet now this House undertakes to reverse that action and to say that they were not entitled to what that Congress gave them.

Mr. WILLIAMS of Illinois. If the other Congress gave it to them why can not they get it under that legislation?

Mr. PICKLER. Because of the technicality which was explained by the gentleman from Iowa. Simply because the Government officers did not place their names upon the rolls as they ought to have done. It is not arrearage. It is simply adjudicating the case as filed in 1863. There is no arrearage about it, but it is simply paying what is honestly and justly due. If we are to stand here upon such technicalities: if it has come to this, that after a service like this and the death of the soldier in the service this widow and orphans can not have consideration here, then I think there is very little hope for any of these pension bills. I believe that if this committee thoroughly understood the service of that regiment they would not hesitate, especially in a case like this where the soldier lost his life, to grant these heirs what is honestly and justly due.

Mr. WILLIAMS of Illinois. How much pension would be granted by this bill if it should pass?

Mr. PICKLER. The chairman of the committee has stated that. I do not know the exact amount, and I do not care. The chairman of the committee has very well said that it is not a question of amount. Whatever the amount is, it would not break the Government; it would not be as much as the increase allowed to the widow of a soldier of the Indian war of 1837 by this committee not more than ten minutes ago.

Mr. WILLIAMS of Illinois. Mr. Chairman, I call for the regular order. I enjoy these speeches very much, but I call for the regular order.

Mr. PICKLER. Well, I have the floor. The gentleman from Illinois interrupted me, and I want to say to him in all friendliness that in dealing with the claims of these soldiers' widows it seems to make all the difference in the world what war the husband fought in.

Mr. WILLIAMS of Illinois. I throw back to the gentleman his remark in the same spirit in which he makes it.

Mr. PICKLER. Well, the gentleman can throw it back.

The CHAIRMAN. The committee will be in order. The regular order is demanded. The motion to report the bill with the recommendation that it lie on the table is not debatable.

Mr. STALLINGS. But it has already been debated on the other side.

The CHAIRMAN. The gentleman from South Dakota was proceeding by consent, and no point of order was made.

Mr. STALLINGS. But the regular order was called several times.

Mr. MEIKLEJOHN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MEIKLEJOHN. To make a motion which takes precedence of the motion now before the committee, I move to reconsider the vote by which this bill was laid aside with an unfavorable recommendation.

Mr. MEREDITH. How did the gentleman vote?

Mr. MEIKLEJOHN. I did not vote on the proposition.

Mr. STALLINGS. I make the point of order that the gentleman has not the right to make the motion to reconsider.

The CHAIRMAN. There was no record vote; and the rule which ordinarily requires a motion to reconsider to be made by some gentleman who voted on the prevailing side does not apply.

Mr. MEIKLEJOHN. I make a motion which under Rule XVIII takes precedence of the motion now before the committee.

Mr. LANE. There is another motion pending, however—an intervening motion.

The CHAIRMAN. The Chair hardly thinks the motion to reconsider is in order at this moment. The Chair had put the other motion; and the gentleman from South Dakota was proceeding by unanimous consent.

Mr. MEIKLEJOHN. Do I understand the Chair to rule that the motion I make does not take precedent of the motion now pending?

The CHAIRMAN. The Chair will submit the question on the motion to reconsider the vote by which the Committee of the Whole decided to report the bill to the House with an unfavorable recommendation.

The question being taken, there were—ayes 27, noes 21.

Mr. STALLINGS. No quorum.

The CHAIRMAN. The gentleman from Alabama [Mr. STALLINGS] makes the point of no quorum; the Chair will appoint tellers.

Mr. PICKLER. I move that the committee rise.

The CHAIRMAN. Pending the point of no quorum, the gentleman from South Dakota moves that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BROOKSHIRE, having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House having had under consideration certain bills on the Private Calendar, the point of "no quorum" was made, and the committee, on motion, determined to rise.

Mr. MARTIN of Indiana. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 20 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 836) for the relief of Prentice Holmes. (Report No. 672.)

Also, a bill (H. R. 2133) to correct the military record of Capt. E. M. Ives. (Report No. 673.)

Also, a bill (H. R. 854) to correct the record of H. Lofland. (Report No. 674.)

By Mr. JOSEPH, from the same committee: A bill (H. R. 962) for the relief of Capt. Ceran St. Vrain's company of New Mexico Volunteers. (Report No. 675.)

By Mr. BRETZ, from the same committee, with amendment: A bill (H. R. 1112) to correct the military record of Madison N. Thomas. (Report No. 679.)

By Mr. MCDANNOLD, from the committee on Invalid Pensions: A bill (H. R. 3033) granting a pension to Amanda J. Lane. (Report No. 681.)

By Mr. APSLEY, from the same committee: A bill (H. R. 4561) granting a pension to Harriet T. Vosburg. (Report No. 682.)

By Mr. LACEY, from the same committee: A bill (H. R. 6206) granting a pension to A. F. Neely. (Report No. 683.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (H. R. 4749) granting a pension to W. A. Hayes. (Report No. 684.)

Also, a bill (H. R. 4712) granting a pension to Almira Johnson (Report No. 685.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6533) donating the United States marine hospital in the City of New Orleans, La., to the corporation of said

city—the Committee on Naval Affairs discharged, and referred to the Committee on Naval Affairs.

The bill (H. R. 4656) to execute the findings of the Court of Claims in the matter of William B. Isaacs & Co.—the Committee on the Judiciary discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. LIVINGSTON: A bill (H. R. 6593) to authorize and encourage the holding of a cotton States and international exposition at Atlanta, Ga., in the year 1895, and making an appropriation therefor—to the Committee on Appropriations.

By Mr. CURTIS of New York: A bill (H. R. 6594) to provide for the management of the jail in the District of Columbia—to the Committee on the Judiciary.

By Mr. COBB of Alabama: A bill (H. R. 6595) to quiet the titles to land in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HALL of Minnesota: A bill (H. R. 6597) to amend chapter 1 of Title LX of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. PICKLER: A bill (H. R. 6598) to provide for the destruction and extermination of the noxious weed known as Russian thistle (technically, *Salsola kali tragus*)—to the Committee on Agriculture.

By Mr. BRODERICK: A joint resolution (H. Res. 161) requiring attorneys and claim agents having offices in the District of Columbia, and who have undertaken or shall undertake to prosecute claims for pensions, to advise each of the claimants once every three months as to the condition of his or her claim—to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COBB of Missouri: A bill (H. R. 6599) granting a pension to Mrs. Lena Peinemann—to the Committee on Invalid Pensions.

By Mr. DINSMORE: A bill (H. R. 6600) for the relief of the estate of Charles Crowell—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 6601) for the relief of G. W. Evans—to the Committee on War Claims;

Also, a bill (H. R. 6602) for the relief of the heirs of D. G. Nave—to the Committee on War Claims.

By Mr. McDEARMON: A bill (H. R. 6603) for the relief of J. M. Hines, Gibson County, Tenn.—to the Committee on War Claims.

By Mr. McCULLOCH: A bill (H. R. 6604) for the relief of Theophilus M. Hamilton, of Cross County, Ark.—to the Committee on War Claims.

By Mr. NEILL (by request): A bill (H. R. 6605) for the relief of Charles T. Hyde, Clarendon, Ark.—to the Committee on War Claims.

By Mr. PATTERSON: A bill (H. R. 6606) for the relief of Benjamin Hahn, Fayette County, Tenn.—to the Committee on War Claims.

By Mr. REILLY: A bill (H. R. 6607) for the relief of William W. Clemens, late second lieutenant, United States Army Signal Corps—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 6608) for the relief of J. E. Welborn, of Clarke County, Miss.—to the Committee on Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 6609) for the relief of Mrs. J. J. Flanagan—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of the Shoe Cutters' Union, Carpenters' Union, Iron Workers' Union, and the Bricklayers and Stone Masons' Union of Detroit, Mich., and of F. A. Baldwin, E. J. Blanding, S. W. La Du, Abram N. Shook, R. A. Owen, and 31 other citizens of Coral, Mich., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CARUTH: Petition and papers of Anthony McAndrew, to accompany House bill 6587, for his relief—to the Committee on Claims.

By Mr. COOPER of Indiana: Petition of Dr. J. P. D. John, president of De Pauw University, and 100 others, in behalf of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Petition of citizens of Fort Dodge and Vail, Iowa, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of H. J. Townsend and others, of Hyde Park, Mass., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of citizens of Muscatine, Iowa, in favor of allowing fraternal journals to go in the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: Petition of citizens of Tower Hill, Ill., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McDEARMON: Petition of F. M. Newhouse, administrator of W. W. Newhouse, deceased, of Gibson County, Tenn., asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NORTHWAY: Petition of Charles H. Lambert and 124 members of Ravenna Council, No. 376, Royal Arcanum, and of 26 others, of Ravenna, Ohio; of the faculty of Hiram College, Hiram, Ohio; of American Order of Home Protection, of Helena, Ohio; of L. Crittenden and 32 others, of Burton, Ohio; of E. B. Taylor and 45 others, of Warren, Ohio; of T. C. Cowles and 39 others, of Chardon, Ohio; of J. W. Brewer and 20 others, of Hubbard, Ohio; of W. G. Hurbert and 19 others, of Niles, and of J. D. Burnett and 28 others, asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON: Petition of citizens of Memphis, Tenn., in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. PHILLIPS: Seven petitions, signed by 461 citizens of Newcastle, Pa.; five petitions, signed by 750 citizens of Lawrence County, Pa.; four petitions, signed by 479 citizens of Butler and Allegheny Counties, Pa., in favor of an amendment to the Constitution of the United States recognizing God and Jesus Christ—to the Committee on the Judiciary.

Also, petition of 33 citizens of the Twenty-fifth district of Pennsylvania, in favor of an amendment to the Constitution of the United States recognizing God and Jesus Christ—to the Committee on the Judiciary.

Also, petition of 251 citizens of West Middlesex, Mercer County, Pa., in favor of the Blair Sunday-rest bill—to the Committee on the Judiciary.

Also, a resolution adopted by 150 members of the Presbyterian Church of Wampum, Pa., in favor of an amendment to the Constitution of the United States recognizing God and Jesus Christ—to the Committee on the Judiciary.

Also, a petition of 694 citizens of Beaver County, Pa., in favor of an amendment to the United States Constitution recognizing God and Jesus Christ—to the Committee on the Judiciary.

By Mr. REED: Petition of Fred. A. Springer and 37 other petitioners, for the favorable consideration of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Tennessee: Petition of B. F. Cleveland, C. B. Murphy, and 60 other citizens of Wartrace, Tenn., asking that there be no tax placed upon national and local building and loan associations—to the Committee on Ways and Means.

By Mr. RUSSELL of Connecticut: Petition of citizens of New London, Conn., in favor of the Manderson-Hainer bill, admitting to the mails as second-class matter publications of fraternal benevolent associations—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Two petitions of citizens of Pennsylvania in favor of the admission of publications of fraternal and beneficial associations and college societies to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TURPIN: Resolutions of Birmingham (Ala.) Division, No. 186, Order of Railroad Conductors; of Iron Molders' Union No. 130; of Liberia Council, United Mine Workers of America; of the United Mine Workers of Alabama; of Enterprise Council, No. 12, United Mine Workers of America; of Light-House Council, No. 10, United Mine Workers of America, of Adger, Ala.; of Morning Star Council, United Mine Workers of America, of Corona, Ala., and of Atlas Council, No. 11, United Mine Workers of America, of Johns, Ala., in favor of Senate bill 1136 and House bill 4478, providing for telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. WAUGH: Papers to accompany House bill 4919—to the Committee on Military Affairs.

SENATE.

SATURDAY, *April 7, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SQUIRE presented a petition of the Commercial Club, of Tacoma, Wash., praying for the early completion of the Nicaragua Canal; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of New Whatcom, Wash., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL presented the petition of G. Castellanos, A. R. Hernandez & Co., M. Rodriguez, Y. E. dela Cuesta, José Morales & Co., J. A. Rowell, J. Vidal Cruz & Co., and others, representing cigar manufacturers doing business at Ocala, Marion County, Fla., praying that the act of Congress regulating the transportation and delivery in bond of imported merchandise into the United States be extended in its provisions to the city of Ocala, Fla.; which was referred to the Committee on Commerce.

Mr. VILAS presented the petition of Thomas Johnson and sundry other citizens of Lacrosse County, Wis., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

Mr. QUAY. I present a petition of the Pittsburg Presbytery of the Reformed Presbyterian Church, of New Galilee, Pa., praying for the prompt repeal of the McCreary Chinese exclusion law, and for the regulation of Chinese immigration according to the sacred obligations of the treaties made with China, and according to the golden rule of Christ. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. QUAY presented the petition of A. J. Perry and 29 other citizens of Carbondale, Pa., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLANCHARD. I present a memorial of sundry citizens of Alexandria, La., favoring the exemption of national building and loan associations and local building and loan or homestead associations from the operation of the income tax, and especially remonstrating against exempting from the operation of the tax only such building and loan associations as lend to their members for the purpose of enabling the members to provide homes for themselves. I also present a memorial of citizens of Plaquemine, La., to the same purport, and like memorials from citizens of Monroe and Lake Charles, in the State of Louisiana. I move that the memorials lie on the table.

The motion was agreed to.

Mr. TURPIE presented a petition of the Farmers' Mutual Benefit Association of Logansport, Ind., and a petition of the Journeymen Butchers' Union of Logansport, Ind., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Oregon presented a memorial of sundry citizens of Washington County, Oregon, remonstrating against the adoption of an amendment to the preamble of the Constitution recognizing the Deity; which was referred to the Committee on the Judiciary.

COLUMBIAN SYSTEM OF QUESTION BALLOT AND VOTING.

Mr. PEFFER. I have here a paper which is peculiar in its nature and exceedingly interesting. It is entitled "The Columbian System of Question Ballot and Voting." It is a short treatise on a new system of voting, proposing to use the mails for certain purposes in connection with taking the sense of the people upon particular questions instead of the ballot box, and has for its object the simplifying of our electoral customs and also the saving of expense, and in addition to that the security of secrecy. While I have not examined it all, and while I have not carefully examined much of its phraseology, yet from an interview with its author, I am confident that it would be very interesting to the members of the Senate and to every person for the sake of the philosophy that he gives on the subject of suffrage. I present the paper, and move that it be printed as a miscellaneous document and lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 837) for the relief of Albert Locke, alias Shipley, reported it with an amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 1360) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Sciences of France, reported it without amendment.

EASTERN BRANCH BRIDGE.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1112) to provide for a survey for a bridge across the Eastern Branch of the Potomac River, to report it with an amendment. As the bill is recommended by both the War and Navy Departments and the committee were unanimous in its recommendation, I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the District of Columbia was, in line 9, after the word "report," to strike out "thereof" and insert "thereon;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to make a survey, plan, and estimate of the cost of the construction of a substantial and suitable bridge, with necessary approaches, from the foot of South Capitol street, or below it at the most available point, across the Eastern Branch of the Potomac River, in the District of Columbia, and to report thereon to the Congress of the United States with such recommendations as he may deem proper; and for said purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SULPHUR RIVER BRIDGE.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of the bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River, in the State of Arkansas or in the State of Texas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 32, before the words "the said opening," to strike out "as nearly as practicable;" so as to read:

And if the bridge over the said river shall be constructed as a draw or pivot bridge, the draw or pivot pier shall be over the main channel of the river at an accessible, navigable point, and the openings on each side of the pivot pier shall not be less than 100 feet in the clear, unless otherwise expressly directed by the Secretary of War, and if so directed, shall be according to such direction, and the said opening shall be accessible at all stages of water.

The amendment was agreed to.

The next amendment was, in section 5, line 19, before the word "approval," to insert "the;" so as to read—

and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CAREY. I ask unanimous consent for the present consideration of the bill (S. 166) to provide for the punishment of offenses committed in the Yellowstone National Park.

Mr. HARRIS. I ask for the regular order. The routine morning business must be concluded before bills can be considered.

The VICE-PRESIDENT. The regular order is demanded. The introduction of bills and joint resolutions is next in order.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 1871) for the relief of the heirs of James Glover; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1872) for the relief of David T. Hayton; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 1873) granting jurisdiction to the Court of Claims, notwithstanding any statutory bar, of the claims of H. E. Collins & Co., and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL of Oregon introduced a bill (S. 1874) to define the crimes of murder in the first and second degrees, and manslaughter and rape, mutiny and desertion, and providing punish-

ment therefor, and to abolish the death penalty for other crimes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 1875) for the relief of Joseph Pennig; which was read twice by its title, and referred to the Committee on Indian Depredations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL of Oregon, it was

Ordered, That the papers in the case of Joseph Pennig, of Linkville, Oregon, be taken from the files and referred to the Committee on Indian Depredations, there having been no adverse report.

PUBLIC BUILDING AT SALEM, OREGON.

Mr. DOLPH. I submit a resolution, which I ask may be printed and go over under the rule.

The resolution was read, and ordered to lie over and to be printed, as follows:

Resolved, That the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 65) to provide for the construction of a public building at Salem, Oregon, be, and is hereby, discharged from the further consideration thereof; and said bill is ordered to be placed on the Calendar for consideration by the Senate in its regular order.

ISSUE OF BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Kansas [Mr. PEFFER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PEFFER March 28, 1894, as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in the future without express authority by act of Congress first had and obtained.

Mr. PEFFER. Inasmuch as I expect to address the Senate this afternoon at some length, I prefer not to speak twice during the day, and therefore ask that the resolution may go over and retain its place.

Mr. HARRIS. Let the resolution go over.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

Mr. QUAY. If the routine business is concluded, I wish to call up a bridge bill, on which there will be no debate.

PROPOSED REPEAL OF BOND PROVISION.

The VICE-PRESIDENT. As part of the morning business, the Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

The Secretary read the resolution submitted by Mr. ALLEN on the 5th instant, as follows:

Resolved, That the Committee on Finance, to whom was referred the bill (S. 1457) to repeal a part of section 3 of an act entitled "An act to provide for the resumption of specie payments, approved January 14, 1875, and for other purposes," be, and is hereby, discharged from the further consideration thereof; and said bill is ordered to be placed on the Calendar for consideration by the Senate in its regular order.

Mr. ALLEN. As I am assured by the chairman of the Committee on Finance that the bill to which my resolution refers will be promptly reported, I ask that the resolution be passed over.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1750) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township. I do not think there will be any objection to the bill, and it will not take ten minutes to dispose of it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. QUAY. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township to report it with amendments, and I am also instructed by the committee to ask that this bill be substituted in place of the Senate bill which has just been taken up.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and the House bill is before the Senate as in Committee of the Whole. The first amendment of the Committee on Commerce will be stated.

The SECRETARY. In section 4, line 11, after the word "bridges," the committee report to insert "in the vicinity;" so as to read:

The said corporation shall submit to the Secretary of War for his examination and approval the plans and drawings of said bridge, and a map of the proposed location, giving, for the space of 1 mile each way the topography of the banks of the river and the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges in the vicinity, and shall furnish such other information as may be required, etc.

The amendment was agreed to.

The next amendment was, at the end of section 4, to add the following proviso:

Provided, That the channel span of said bridge shall be in length not less than 400 feet in the clear.

The amendment was agreed to.

The next amendment was, in section 8, line 4, after the word "date," to strike out "hereof" and insert "of the approval of this act;" so as to make the section read:

That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. QUAY. I move that Senate bill 1750 be indefinitely postponed.

The motion was agreed to.

TENNESSEE RIVER BRIDGE.

Mr. BATE. I ask the Senate to proceed to the consideration of the bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across Tennessee River at Clifton, Tenn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment to strike out all after the enacting clause, and insert:

That the St. Louis and Birmingham Railway Company, being a corporation created and organized under the laws of the State of Tennessee, and to which authority was given by an act of Congress entitled "An act to authorize building a bridge over Tennessee River," approved June 6, 1892, is hereby given the right to begin the construction of the bridge therein authorized according to the terms of said act within twelve months from the approval of this act, the said bridge to be completed within three years from said date. It is hereby further provided that if the construction of said bridge be not commenced and the structure completed within the times hereinbefore mentioned, then this act, and that approved June 6, 1892, to which reference is hereinbefore made, shall be null and void.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved without any liability on the part of the United States for any damages on account of such alteration, amendment, or repeal.

Mr. FRYE. That is the amendment reported by the Committee on Commerce?

Mr. BATE. Yes, sir; it was prepared by the committee and is acceptable to those interested.

Mr. FRYE. All right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BERING SEA AWARD.

Mr. HOAR. I ask the consent of the Senate to put a question to the Senator from Alabama [Mr. MORGAN], the chairman of of the Committee on Foreign Relations, and as preliminary to it I desire the Secretary to read a dispatch which is in the morning papers.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

SHIPS NOT RECEIVING NOTICE NOT LIABLE.

LONDON, *April 6*.

Many inquiries have been received here from Canada concerning the status of a vessel under the proposed Bering Sea act in case that vessel shall have proceeded on its sealing voyage before the publication of the act at the port of departure. The exact language of the Bering Sea bill on this point is as follows:

"Where, upon any proceeding against a person and ship in respect of any offense against the act, it is proved that the ship sailed from its port of departure before the scheduled provisions were published there, and that such a person or master of a ship did not, after sailing and before the alleged offense, receive notice of those provisions, such a person shall be acquitted and the ship shall be released and not forfeited."

Mr. HOAR. Mr. President, I desire to ask the Senator from Alabama if he has any information whether that dispatch recites correctly the text of the British act of Parliament on that

subject? If that be a correct recital, then any sealing vessel which should sail before the passage of the British act and keep out at sea purposely or by design, it seems to me might easily avoid the whole matter for this season, and probably hundreds of thousands of these creatures be destroyed in a single year without any restraint.

It is true that the act requires the shipmaster to show in some way that he had not notice of the provisions of the act, but Canadian sealers had notice of the claim of the United States and had notice of the treaty, so that eight or ten months ago they knew that the two Governments had agreed that there should be some prohibition and limitation of the destruction of these creatures, and were bound to expect legislation in both countries to prevent it.

Therefore, it seems to me that it is a pure evasion of the act and of the treaty to allow a Canadian sealer to be protected in his business for this year by simply showing that when he sailed—it may have been yesterday or a week ago, the whole thing depending on that—he did not know that the British act had actually passed, or what its provisions were. Of course, nobody here would wish to utter any language which would impute a breach of faith to the administration in England which prepared the treaty, but rather that some language has been used the effect of which they did not duly weigh; but if that is to be the whole protection for this season it would seem to me that we need some prompt supplemental legislation and that we should take the matter into our own hands for this season.

Mr. MORGAN. Mr. President, the Senator from Massachusetts is quite right in his estimate of the danger to the Alaskan seal herds from the attitude which appears to be taken by the British Government in the act to which he refers.

During the last seal-hunting season, when the tribunal was in session at Paris, there was no provision of law and no arrangement between the two Governments by which pelagic hunting in the North Pacific Ocean could be in any way controlled. The tribunal, of course, had no power to make any arrangement or declaration on that branch of the subject. So fur-seal hunting went on without restraint in the North Pacific Ocean last year; and my information is that over 90,000 pelts were taken by the Canadian and other poachers out of those waters, the hunters not going into Bering Sea at all, and that they were worth probably $10 apiece at the time they were taken. If there was 90,000 of them, it is safe to say that involved the destruction of at least 500,000 seals, destroyed by the cruel and exterminating character of that hunting.

During the present season, I am informed by the newspapers, and I think there is some official information in the State Department to the same effect, that about forty or more Canadian sealers have outfitted from Vancouver, Victoria, and perhaps Port Townsend and other places there, and some American sealers have also gone out to raid the fur-seal herds, acting upon the idea that the agreement between the two Governments which was crystallized into an award, which award became an obligation of an international character between the two governments as obligatory as any feature of international law, was not operative or effectual until legislation had occurred in the Congress of the United States, and also in the Parliament of Great Britain, of a concurrent character, to prohibit this pelagic hunting, and also to punish violations of the award.

That view of the subject has never been adopted by the American arbitrators, nor do I understand that it has ever been insisted upon by more than one of the arbitrators composing that tribunal, if by any one. The view taken by the American arbitrators is and was that the award spoke from the moment of its delivery, with full effect in regard to the prohibition which it declared against pelagic hunting, at specified periods, and within certain defined areas; that is to say, as to the area north of the thirty-fifth meridian, up to Bering Straits—that means the Arctic Ocean—and east of the one hundred and eightieth meridian of longitude. The interpretation which the two governments have given to this particular feature of the award as to its obligatory nature from the time of its delivery and the extent and character of that obligation, has not been as yet established perfectly by an agreement between the two governments.

So we must now take our own view of it, and we have to act upon that view so far as may be necessary. I shall not stop now in answering the question put to me by the Senator from Massachusetts, to state my own position in regard to that matter or the reasoning of the state of facts upon which it is founded; it is not necessary that I should do so, but with these preliminary observations I shall now try to answer the question of the Senator from Massachusetts so far as I can.

Some two weeks ago the precise language which the Senator has read, as far as I am now capable of recalling, the substance of it unquestionably, was submitted to the State Department by Sir Julian Pauncefote, that being a part of a general measure which it was proposed to introduce into the Parliament of Great Britain for the enforcement on the part of Great Britain of this award.

There were some other features in the bill also which were even more opposed—I use the phrase with deliberation—to a full and complete and fair execution of this award and treaty upon which it was founded, than that part which the Senator from Massachusetts has just quoted.

Those provisions in that proposed measure of legislation were, as I am informed, distinctly, formally, firmly, and finally rejected by the Secretary of State, and the British Government was so informed. About the time that the information on that subject should have reached London, I saw in the newspapers that the British Government had introduced into Parliament a bill for the purpose of carrying into effect this award.

Of course I did not know, nor do I suppose that even the State Department knew, all of the provisions of that bill, whether it exactly coincided with the programme or formulated bill which Sir Julian Pauncefote had submitted to the inspection of the Secretary of State, but within a day or two after that, perhaps after the bill had passed to its second reading—I do not know now which—that bill was withdrawn from the Parliament by Sir Charles Russell, the attorney-general, who was also one of the counsel before the tribunal of arbitration. I infer from the fact of its having been withdrawn, that the objection stated to it by the United States Government had prevailed, and that it had been withdrawn to be remodeled upon the basis of those objections. I still hope that that is the fact, and that the telegraphic account, which has gotten out in some way, refers to the first proposition of legislation and not to the one which would naturally be in answer to the legislation taken by the Congress of the United States in the last few days, our bill having been completed, I believe, in its passage through the two bodies only on yesterday.

It became necessary, Mr. President, that the Government of the United States should define in a measure of legislation what is its attitude in respect of the enforcement of this award. That attitude was presented correctly and fully in the bill which has just passed the Congress of the United States, and which I suppose is now in the hands of the President for consideration.

It was esteemed by everyone concerned in this business to be a matter of necessity, of propriety, and of duty that the Government of the United States should, without any equivocation, manifest in its legislation its full intent and purpose to carry into effect this award in perfect good faith, and its equal intention, of course, to require from Great Britain a compliance in the same spirit with the duties imposed upon that Government by the award of this tribunal.

In some remarks I had the honor to submit when that bill was introduced here, I mentioned the fact that the state of legislation in the United States was completed by the act passed in 1893. After the Paris tribunal had been agreed upon and appointed and the commissioners were about to set out for the discharge of the duties of that tribunal, an act of Congress was passed for the purpose of placing in full effect all the existing laws of the United States then controlling the subject of fur-seal hunting or fishing in Bering Sea in the area of the North Pacific Ocean, which should be included in such regulations as that tribunal might establish.

Our legislation, it will be remembered, antecedent to the meeting of this tribunal, in respect of Bering Sea had been predicated on the assumption on our part that we had a right to exercise jurisdiction within what we called the dominion of Bering Sea as described in the treaty of cession of 1867 from Russia to the United States; and in the exercise of that right and power of legislation we had prescribed penalties upon all persons, without any regard to nationality, who should go into those waters and there capture seals contrary to our statutes. I need not go into any description of those statutes. Senators will remember what they comprehend and remember also the severe nature of the penalties which attend them; but the act of 1893, to which I have referred, which was passed just before the members of the tribunal went across the water to participate in its labors, provided, as I have pointed out, that in respect of any area of the North Pacific Ocean that might be included within the purview of the award, so as to give to any government a right of jurisdiction there to prohibit fur-seal fishing, the laws of the United States having relation to Bering Sea and controlling fur-seal fishing there should have full application to that area.

Those laws are to be put in force upon a proclamation by the President of the United States; those are the only laws now upon the statute book which authorize the President of the United States to send out fleets of war ships for the purpose of protecting the fur-seal herds and preventing raids upon them. Whatever action is now being taken by the Government of the

United States in that regard, is taken in virtue of our own statute, and that action doubtless will not transcend in the slightest degree the limitations which are imposed upon the Government of the United States by the award of the Paris tribunal; but within those limitations, and controlled by those restraints, the power is conferred upon the President of the United States to make arrests and to bring to punishment all persons who may violate those laws.

In the event that Great Britain should pass a statute which we consider to be concurrent and coöperative with the law that we passed the other day and effectual for the purpose of protecting the seal herds, the Government of the United States of course would not attempt to exercise any of the powers which are reserved in our statutes and which are not touched by our recent legislation in respect of the protection of the fur seals.

Of course, the act which was presented to the Secretary of State by Sir Julian Pauncefote is not a full compliance with the terms of that award, and it would scarcely need a suggestion on the part of the United States Government to satisfy Great Britain that such was the fact. But I have not any doubt, and have no reason to doubt, that in the event of a statute of that sort passing the Parliament of Great Britain, as being a compliance with the requirements of that award, the Government of the United States would have to consider what its rights are under the award, or what its rights are in the event that the Government of the United States should regard the concurrent execution of the award as having been abandoned by Great Britain.

That is a ground, of course, Mr. President, which I do not propose to touch upon in any manner that might be considered in the least as going beyond a mere suggestion of my own, for I represent no person but myself in what I now utter upon that question; yet I have not any doubt. I will repeat, that the Government of the United States will find itself in a full state of legal preparation, and animated with a very sincere determination that all the benefits and advantages of that award shall be realized by our Government.

It may be, Mr. President, that we did not get in that award an affirmative declaration of every principle of law for which we had contended, but we got, as I believe—yes, I may say that I am quite sure that we got—all the necessary regulations which are requisite for the protection and preservation of the seal herds, so as that we can go on and realize upon the Pribilof group of islands all the advantages of that seal herd, which naturally belong to us and have been confirmed by the award. Good faith now requires Great Britain to come forward and assist as freely, as fully, as liberally, and as firmly as we have done and intend to insist upon, in the full and perfect completion of this award.

I believe, sir, that is a full answer to the question which has been propounded to me.

Mr. HOAR. Mr. President, the Senator from Alabama, the chairman of the Committee on Foreign Relations and a member of the International Tribunal at Paris, makes very clear his understanding that the provision to which I have referred, which purports to be an official statement of the actual language of the bill proposed by the Government of Great Britain, allows an entire evasion of the obligation of the award for the present season, and exposes our seal interests to great injury, if not total destruction.

If that be true, and that bill be all that the English Parliament will enact at present, I should be very sorry to leave our interests to the power of the Administration to protect ourselves at once against these sealers, if there be any possible doubt in the mind of the President, or of the Secretary of State, or of the Attorney-General, that the existing legislation is sufficient. I think, therefore, it will be well within the next few days to introduce a measure making the powers of the President clear and distinct in that particular and removing all doubt about it. If it shall turn out that the bill passes the British Parliament in the form now proposed, if nobody else introduces such a measure as I have indicated, I shall introduce one and submit it to the committee of which the Senator from Alabama is chairman.

Mr. GRAY. Before the Senator takes his seat I wish to ask him whether he has any other information on the subject than that contained in the daily newspapers?

Mr. HOAR. No, I have not; but the dispatch which I caused to be read purports to be a verbatim extract from the proposed British law.

Mr. GRAY. I have no doubt that it is, as the chairman of the Committee on Foreign Relations has suggested, a copy of the bill originally introduced in the British Parliament and objected to by our State Department.

Mr. HOAR. The statement read from the Secretary's desk, I think before the Senator from Delaware came in, is a little more than that. It says that, the Canadians being in doubt as to their rights, a message has been sent to Great Britain to learn the exact terms of the law as it is now proposed, and that they have received, apparently from the Government itself, this information, which purports to be a verbatim extract from the bill introduced in the British Parliament.

Mr. GRAY. I have no doubt that information is as to the bill originally introduced.

The VICE-PRESIDENT. The morning business is closed, and the Calendar under Rule VIII is in order.

VOLUNTEERS IN INDIAN WAR.

The bill (S. 743) for the relief of the citizens of the States of Oregon, Idaho, and Washington who served with the United States troops in the war against the Nez Perces and Bannock Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes, was announced as first in order on the Calendar.

Mr. DOLPH. That bill has been twice read at length and only remains to be voted upon. It simply proposes to pay the State and Territorial troops who were called out at the time of the Nez Perces war and served under Gen. Howard for the number of days they were in the service. It is limited to less than a month to all of them, I think. And where members of the volunteer troop were wounded or killed, they and their heirs are given the benefit of the pension laws. Where they lost horses or arms they are to be compensated for them provided the records of the War Department show the loss. The bill passed the Senate in the last Congress on the same statement. It does not involve a large amount.

Mr. BATE. I think the bill ought not to be taken up now. It will lead to discussion. I think perhaps it had better go over.

The VICE-PRESIDENT. Does the Senator from Tennessee object to the consideration of the bill?

Mr. BATE. The bill was reported from the Committee on Military Affairs after considerable discussion before the committee, and I see that some of the members of that committee, the Senator from Missouri [Mr. COCKRELL] particularly, who feel an interest in the bill are not here. I believe it is a bill that will draw forth a good deal of discussion and take some time, and I think it ought not to be considered now.

Mr. DOLPH. The bill has been twice passed over when the Calendar was called, retaining its place. I was absent, and I was told it was passed over on that account. The bill is very short, and it is very simple in its provisions. There is a full report accompanying it; that is to say, there is a report giving the names of the persons who served, the number of days they served, etc.

Mr. BATE. It involves a great deal of money, as the Senator from Oregon knows.

Mr. DOLPH. I think the Senator from Tennessee is mistaken about the bill. This is not the bill proposing to pay the claims of Oregon, California, and Nevada. It is a bill for the relief of the volunteers who served in the Nez Perces war, and it does not involve much money. I will send the report to the Senator.

Mr. BATE. I should like to see it.

Mr. DOLPH. There is a bill for the relief of California, Oregon, and Nevada, which involves a good deal of money, but this is not the bill. This is a different case entirely.

Mr. BATE. I understood this to be the bill to pay the claims of California, Oregon, and Nevada.

Mr. DOLPH. Oh, no; it is not the bill.

Mr. BATE. It seems to bear pretty much the same title as that bill does, and I assumed it to be the same.

Mr. DOLPH. The report contains the names of all the volunteers. I see by it that the number of days served by one company is given as eighteen. It is proposed to pay the men for each day's service and for the loss of animals and guns, if they lost any, and to place upon the pension roll the heirs of those who were killed and wounded in the service, who served under Gen. Howard in the Army of the United States. This is not the bill the Senator from Tennessee referred to.

Mr. BATE. Has the bill ever been before the Committee on Claims?

Mr. DOLPH. No. It was reported by the Committee on Military Affairs. It was reported from the Committee on Military Affairs during the last Congress, and passed by the Senate. It does not involve a large amount of money.

Mr. BATE. Very well; I was mistaken in the bill. The bill I referred to involves an appropriation of a million or two million dollars. I supposed this was the bill.

Mr. COCKRELL. Oh, no.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BATE. I withdraw any objection I made.

The VICE-PRESIDENT. If there be no objection the bill is

before the Senate as in Committee of the Whole. The Chair understands that it has heretofore been read at length.

Mr. SHERMAN. The bill is not long, and I should like to have it read. The title does not convey any idea of the purport of the measure.

Mr. DOLPH. Let the bill be read.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That each volunteer who joined the forces of the United States from the State of Oregon, or from the Territories of Washington and Idaho, during the wars with the Nez Perces, Bannock, and Shoshone Indians in such Territories and in the Territory of Montana, shall be paid $1 per day during the term of such service, from the time that he left his home until he was returned thereto, including all time spent in hospital under treatment by such as received wounds or other injuries in such service.

SEC. 2. That all persons who were wounded or disabled in such service, and the heirs of all who were killed in such service, shall be entitled to all the benefits of the pension laws, in the same manner and to the same extent as if they had been duly mustered into the regular or volunteer forces of the United States.

SEC. 3. That all horses and arms lost in such service shall be paid for at their actual value: *Provided*, That no payment shall be made for such losses or for such service as a volunteer except upon the statement of the commanding officer of the United States troops, or such other officer of the regular Army as might be in control of the volunteers at the time of such loss or service, or upon record proof thereof now in the Departments, and such other proofs as may be required to establish the fact that such losses were made in the service of the United States.

Mr. SHERMAN. I very rarely interfere with matters of this kind coming from the Military Committee or any other committee having charge of them, but I appeal to Senators to reflect a moment until this precedent is examined. It is proposed to pay a dollar a day for troops called into service to protect their own homes more especially, and to extend that pay during all the sickness that may have been caused by their enlistment. Suppose that principle had been applied to the citizens of Ohio in her early period, when our people were out constantly defending themselves and their homes, and so to all the West that was gradually subdued and taken from the hands of the Indians?

It does seem to me that it is a very dangerous bill; but unless some Senators who are familiar with it as members of the Committee on Military Affairs see proper to arrest its passage and consider it further, I do not feel that I can do more than simply enter my protest. I can not vote for such a bill.

Mr. DOLPH. Such volunteers have been paid in every State in the Union where there are Indians, and some of them have been paid more than $1 a day. In the first place, I see here that no officer or member of one company served over eighteen days. As Gen. Howard passed through with the troops after the outbreak of the war, they were never in Oregon at all. There are very few Oregon people who are beneficiaries of the bill. These people joined the army and put themselves under Gen. Howard. They took their horses and their arms and helped him to follow the Indians across the continent until they were met by Gen. Miles and captured. In the report there is a statement of every man and every officer who performed service, the number of days he served, the number of horses that were lost, and every detail from the records in the War Department.

I undertake to say that Ohio has been reimbursed every dollar she expended for suppressing savage insurrection, and almost every other State in the Union has been reimbursed. This is in the line of legislation that has prevailed for a hundred years.

The bill has been examined twice by the Committee on Military Affairs, and it was reported at the present session by the Senator from Minnesota [Mr. DAVIS]. It is but a small acknowledgment of the debt the people of the United States owe to those people who risked their lives and joined the service of the United States to suppress this Indian outbreak.

Mr. HARRIS. I wish to ask the Senator from Oregon what committee reported the bill?

Mr. DOLPH. The Committee on Military Affairs reported it at the present Congress and at the last Congress. It passed the Senate during the last Congress. I will send to the Senator from Tennessee the report, which will show him the name of every volunteer, the number of days of service, and everything else that could be added to give full information on the subject.

Mr. HARRIS. I wish to ask the Senator from Oregon if the bill does not also make pensionable a class of persons who are not pensionable under any law of the United States?

Mr. DOLPH. That question can be answered in two ways. It does make pensionable a class of persons who were wounded in this service.

Mr. HARRIS. Without regard to the length of service?

Mr. DOLPH. Without regard to the length of service. But that has been done in regard to other Indian wars. This Indian war occurred in 1878. I believe all persons who served in Indian wars down to 1855 are entitled to the benefit of the pension laws.

The bill does not pension anybody for service. It pensions merely for disability on account of wounds.

Mr. HARRIS. And the dependents of persons who served.

Mr. DOLPH. Yes; the heirs of those who were killed. As I remember, all persons who served in Indian wars to 1855 are entitled to the benefit of the pension laws, and therefore I may say the bill does not pension a new class.

Mr. HARRIS. Is that done by general law or by special act?

Mr. DOLPH. It is now a part of the statutes of the United States.

Mr. HARRIS. I should rather have the bill go over for the present, so that we may look at it a little more carefully than we can do at this time.

The VICE-PRESIDENT. There is objection to the present consideration of the bill, and it goes over.

Mr. DOLPH. The bill has been thoroughly examined by the committee, and the report is here. I ask to have the report printed in the RECORD. I wish Senators to have an opportunity to see it.

Mr. HARRIS. I have no objection to that being done, if the Senator from Oregon desires it.

Mr. DOLPH. Let the report be printed, so that Senators may be informed about it.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The report (submitted by Mr. MANDERSON, on behalf of Mr. DAVIS, December 14, 1893) is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 743) for the relief of the citizens of the States of Oregon, Idaho, and Washington, who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service, having duly considered the same, respectfully report:

This bill is identical in terms with the amended bill before the committee at the last Congress, and which, as amended, received the favorable report of the committee. That report, hereto annexed, is readopted and the passage of the bill is recommended.

Senate Report No. 559, first session Fifty-second Congress.

The Committee on Military Affairs, to whom was referred the bill (S. 876) for the relief of the citizens of the States of Oregon, Idaho, and Washington, who served with the United States troops in the war against the Nez Perces, Bannock, and Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes, having duly considered the same, respectfully report:

A bill similar in its provisions was introduced in the Forty-eighth, Forty-ninth, and Fiftieth Congresses, but no action by Congress seems to have been taken thereon.

The object of this bill is to provide compensation for those persons who performed military service in conjunction with the United States troops during the Nez Perces, Bannock, and Shoshone Indian wars in Oregon, Washington, and Idaho in 1877-'78, who furnished supplies to said troops, who lost horses therein, who were wounded, and for the heirs of those who were killed in battle.

The act of Congress approved March 3, 1881 (United States Statutes, volume 21, page 611), provided for the relief only of those citizens of Montana who served in conjunction with the United States troops in the wars of 1877-'78 with the Nez Perces, no provision being made therein for citizens of Oregon, Washington, and Idaho who served in the same wars.

From sundry correspondence, attached to and submitted with this report, it will be seen that the volunteers provided for in the bill now under consideration served with the regular troops of the United States Army, under the command of Gen. O. O. Howard, United States Army, in said wars, and the omission to provide for them in the Montana act must have been an oversight. The amended bill herewith reported seeks to do equal justice to those volunteers not included or provided for in said act, and thus place them all on an equal footing.

The bill as introduced, however, gives to the beneficiaries a much greater measure of relief than was afforded to the Montana volunteers by the act above referred to. Your committee recommend that the bill be amended by striking out all after the enacting clause and inserting the following:

"That each volunteer who joined the forces of the United States from the State of Oregon or from the Territories of Washington and Idaho during the wars with the Nez Perces, Bannock, and Shohone Indians in such Territories and the Territory of Montana, shall be paid $1 per day during the term of such service, from the time that he left his home until he was returned thereto, including all time spent in hospital under treatment by such as received wounds or other injuries in such service."

SEC. 2. That all persons who were wounded or disabled in such service, and the heirs of all who were killed in such service, shall be entitled to all the benefits of the pension laws, in the same manner and to the same extent as if they had been duly mustered into the regular or volunteer forces of the United States.

SEC. 3. That all horses and arms lost in such service shall be paid for at their actual value: *Provided*, That no payment shall be made for such losses or for such services as a volunteer except upon the statement of the commanding officer of the United States troops, or such other officer of the regular Army as might be in control of the volunteers at the time of such loss or service, or upon record proof thereof now in the Departments and such other proofs as may be required, to establish the fact that such losses were made in the service of the United States.

This amendment is substantially the same with the act of 1881 for the relief of the Montana volunteers, except that in this act the Bannock and Shoshone wars are named in addition to the war with the Nez Perces.

The committee recommend the passage of the bill as amended.

WAR DEPARTMENT, *Washington, March 26, 1890.*

SIR: I return herewith Senate bill 87, "For the relief of the citizens of the State of Oregon and the Territories of Idaho and Washington who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes," which was referred to this Department by your indorsement of the 7th instant, and invite your attention to

the inclosed reports of the Adjutant-General, dated the 22d instant, and of the officer in charge of the Record and Pension Division of this office, submitting the lists of such citizen volunteers from Oregon, Idaho, and Washington who performed military services during the Nez Perce, Bannock, and Shoshone Indian wars of 1877 and 1878.

In view of the many calls upon this Department for the information herewith furnished, I recommend that these papers be printed.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

Hon. WILLIAM M. STEWART,
Subcommittee of Committee on Military Affairs,
United States Senate.

Lists of names of Idaho and Washington Territories Volunteers in Nez Perces Indian war of 1877.

M. BRAYMAN,
Governor and Commander-in-chief Idaho Volunteers:

I herewith submit my report for Company A, Idaho Volunteers.

BOISE CITY, IDAHO, *July 7, 1877.*

No.	Rank.	Name.	Service.	Horses.	Expenses on trip.
			Days.	*No.*	
1	Captain	O. Robbins	18	2	From Indian Valley to Boise, $25.
2	First lieutenant	John Hailey	18		
3	Second lieutenant	John S. Gray	18	1	Horseshoeing, $5.
1	First sergeant	Charles Himrod			
2	Second sergeant	James Stout	18		
4	Third sergeant	Elias Downs	18	1	Flour, ferriage, and horseshoeing, $6.
4	Fourth sergeant	D. L. Green	18	1	
5	Second corporal	E. R. Leonard	18	1	
6	Third corporal	Joseph Joyce	18	1	
7	Fourth corporal	John Paynton	18	1	
8	Private	E. B. Gaylord	18		
9	do	Isaac B. Cleek	18	1	
10	do	Owin Thompson	18		
11	do	John Campbell	18		
12	do	Charles Nelson	18		
13	do	Harry Russell	18	1	
14	do	E. A. Hollister	18		
15	do	A. Jewell	18	1	
16	do	H. Mures	18		
17	do	T. S. Beebe	18		
18	do	August Smith	18	1	
19	do	E. B. Comley	18		
20	do	W. H. Oglesby	18	1	
21	do	A. Rosse	18		
22	do	B. Frere	18		
23	do	Charles Green	18	1	
24	do	George White	18	1	
25	do	Peter Carney	18		
26	do	M. T. Dowling	18		
27	do	T. E. Logan	18	1	
28	do	A. P. Turner	18		
29	do	J. M. Munden	18	1	
30	do	George Bayley	18		
31	do	Thomas B. Smith	18	1	
32	do	E. W. Beemer	18	1	
33	do	G. W. Gess	18	2	
34	do	C. J. Small	18	1	
35	do	Jo. Rill	18	1	
36	do	Bryan Farley	18	1	
37	do	P. H. Klussman	19		
38	do	Nelson Walling	18	1	
39	do	L. S. Owens	18	1	
40	Private	J. H. Porttock	15	1	
41	do	W. Hammersley	15	1	
		Joseph Perault		1	
		John Lemp		1	
		Jo. Misseld		1	
		J. D. Agnew		1	

ORLAND ROBBINS,
Captain Company A, Idaho Volunteers.

OFFICE ASSISTANT QUARTERMASTER,
Boise City, Idaho, July 18, 1877.

A true copy.

G. W. BRADLEY,
Captain and Assistant Quartermaster.

GRANGEVILLE, IDAHO, *June 15, 1877.*

We, the undersigned, citizens of the United States, residing at Grangeville, Idaho, and vicinity, do hereby individually and collectively agree to enroll ourselves as a body or company of volunteers, under the direction and command of his excellency M. Brayman, Governor of Idaho Territory, and in conformity with his proclamation for that purpose.

1. A. H. Gordon.
2. C. P. Clingan.
3. A. Shumway.
4. I. T. Silverwood.
5. John Johnson.
6. F. M. Hughes.
7. C. M. Redman.
8. S. Weaver.
9. W. M. Williams.
10. James Fienne.
11. J. M. Crooks.
12. John Fields.
13. J. H. Ranch.
14. G. W. Hastagen.
15. V D. Remington.
16. W. C. Pearson.
17. W. H. Sebastian.
18. J. Brown.
19. J. B. Crooks.
20. W. B. Bloomer.
21. J. J. Remington.
22. Chas. Bentz.
23. Jas. W. Crooks.
24. Saml. Harty.
25. S. W. Reynolds.
26. Chas. Crooks.
27. E. S. Remington.
28. John Byram.
29. D. C. Crooks.
30. Jas. L. Crooks.
31. M. P. Crooks.
32. James Spence.
33. Robert Wilmot.
34. John Flynn.
35. Patk. Cardin.
36. Frank Weichel.
37. E. W. Roble.
38. John Healy.
39. John Weaver.
40. C. H. Robinson.
41. C. H. Brown.
42. Albert Benching.
43. John Mitchell.

I hereby certify the foregoing to be a correct list of the officers and men duly enlisted and entered into service as the "Grangeville Volunteers," of which company I am captain.

W. B. BLOOMER,
Captain, Grangeville Volunteers.

GRANGEVILLE, IDAHO, *June 15, 1877.*

The following officers were unanimously elected at a meeting of the company held June 15, 1877: W. B. Bloomer, captain; W. S. Williams, first lieutenant; C. P. Clingan, orderly sergeant.

MOUNT IDAHO, IDAHO, *August, 1877.*

I certify that this is a true copy of the original roll of officers and volunteers enrolled at Grangeville, Idaho, June 15, 1877.

JAMES P. CANBY,
Major and Paymaster, United States Army.

Roll of officers, noncommissioned officers, and privates enrolled at Mount Idaho, Idaho, June 15, 1877.

Officers.	Remarks.	Value.
Randall, D. B., captain	1 horse	$150
Carley, James, first lieutenant		
Wilmot, L. P., second lieutenant		
McPherson, John, sergeant	Horse, $150; Henry rifle, $50	200
Rainey, J. W., sergeant	Horse, bridle, and pistol	150
Oliver, F., sergeant		
Eastman, J. W., sergeant		
Nugent, Robert, corporal		
Smith, George, corporal		
Bower, John, corporal		
Martin, M. S	Horse, musket, and pistol	100
White, R. W	Horse and pistol	
Riggins, George		
Auchinole, Jno		

Privates.

1. Aram, J. T.
2. Aram, John.
3. Adkinson, John K.
4. Adkinson, P. D.
5. Hemelspak, Joseph.
6. Barber, J. O.
7. Brown, R. C.
8. Beamer, W. B.
9. Boeber, L.
10. Bartley, A. D.
11. Bunker, T. J.
12. Buchanan, James.
13. Clark, W.
14. Crea, John.
15. Crea, Thomas.
16. Chapman, J.
17. Croasdale, H. E.
18. Dalles, Green.
19. Day, C. M.
20. Erskin, C. H.
21. Eastman, J. W.
22. Eaton, C. T.
23. Flynn, Charles.
24. Faxon, H. A. (Horse, pistol, and carbine.)
25. Grottie, William.
26. Hall, George.
27. Harrison, Joseph.
28. Harris, J. C.
29. Hansen, John.
30. Howser, D. H.
31. Jarrett, M. V.
32. Jerome, M. E.
33. King, Peter.
34. King, F. B.
35. Leland, A. B.
36. Morris, B. F. (2 horses, $400; Henry rifle, $60; $450.)
37. McPherson, Daniel.
38. Overman, C.
39. Ott, Larry.
40. Ousterholt, D.
41. Peasley, Joseph.
42. Plummer, A. F.
43. Poe, J. W. (Horse, $100; pistol, $25; $125.)
44. Riggins, John.
45. Rice, F. M.
46. Rice, M. H.
47. Rice, C. L.
48. Rice, James.
49. Rice, J. N.
50. Rowton, J. G.
51. Swarts, J. A.
52. Shissler, T.
53. Swarts, T. D.
54. St. Clair, T. M.
55. Smith, Marion.
56. Snodgrass, J. M.
57. Sears, George. (Horse, $200, and Henry rifle, $50; $250.)
58. Tellis, Vince.
59. Truscott, M. H.
60. Vansise, Frank.
61. Wilmot, B. R.
62. West, Wesley.
63. Watson, J. A.
64. Wall, T.
65. Miller, J. A.
66. Shearer, Geo. M.
67. Girton, T. W.
68. Woodward, Geo.
69. Smith, Ernest.
70. Kennedy, Hugh.
71. Price, P.
72. Mallick, P.
73. Penny, B.
74. Ready, P. H.
75. Pilcher, D. H.
76. Noyse, F.
77. Gano, T.
78. Markham, N.
79. Watkins, E. (Springfield rifle.)
80. Crea, James.
81. Harris, A. A.
82. Adkinson, Elijah. (Horse, $100.)
83. Ward, T. L. (Horse, $200.)
84. Fenn, S. S.
85. Brown, L. P. (Horse, $200.)
86. Brown, Sydney B. (Horse, $150; Henry rifle, $50, $200.)
87. Mitchell, William
88. Fenn, Walter B.
89. Faikington, A.
90. Johnson, H. C.
91. Bagan, James.
92. Woods, C. B.
93. Sherwin, E. K.
94. Sherwin, Elbert.
95. Sherwin, Perry.
96. Johnson, Charles.
97. Odle, James.
98. Dormein, J. M.
99. Fountain, Clyde.
100. Surridge, Thomas.
101. Peterson, John.
102. Shepley, Elias.
103. Gaddy, William.
104. Sears, C. W.
105. Van Buren, Henry.
106. Richards, Joseph.
107. Myers, Henry.
108. Gould, Norman.
109. Heimer, Phillip.
110. Cone, H. W.
111. Gibbons, John.
112. Orcutt, Isaac.
113. Getter, J. H.
114. Mallory, N. B.
115. Cone, Charles F.
116. Cone, C. P.
117. Van Sicle, A.
118. Large, Samuel.
119. Kelley, John S.
120. Carey, James.
121. Wood, John.
122. Howard, M. B.
123. Trebilcock, William.
124. Ramsey, John.
125. Stuart, John.
126. Smith, Abner.

MOUNT IDAHO, IDAHO, *August 8, 1877.*

I certify that this is a true copy of the original roll of officers and volunteers enrolled at Mount Idaho, Idaho, June 15, 1877.

JAMES P. CANBY,
Major and Paymaster, United States Army.

Lewiston Volunteers.

Name.	Rank.	Residence.	Date of enrollment.	Muster out of service.
Ed. McConville	Captain	Lewiston	June 28	Aug. 28
Martin Williams	First lieutenant	do	June 28	Aug. 28
Randolph Keen	First sergeant	do	June 28	Aug. 28
Wm. Denny	Corporal	do	June 28	July 29
Henry Archer	Private	do	June 28	July 20
W. S. Stafford	do	do	June 28	Aug. 28
James Mustard	do	Union Flat	June 28	Aug. 28
Geo. Pitt	do	Sacramento Valley, Cal.	June 28	Aug. 28
J. Carlton	do	Lewiston	June 28	Aug. 28
Henry Pohlson	do	do	June 28	July 20
W. G Ritchie	do	do	June 28	July 20
G. E. Colwell	do	do	June 28	July 20
Oliver Wishart	do	do	June 28	July 20
Albert Wisner	do	do	June 28	Aug. 28
Thomas Norman	do	Paradise Valley	June 28	Aug. 28
George Gaunt	do	Lewiston	June 28	July 20
Robert Bruce	do	Colfax, Wash	June 28	Aug. 28
George Bickle	do	Watertown, N. Y.	June 28	Aug. 28
Ridgely Howard	do	Wallawalla	July 20	Aug. 28
John Maxin	do	Lewiston	July 20	Aug. 28
Charles Adams	do	Humboldt Bay, Cal	July 20	Aug. 28
George Ogiesby	do	Paradise Valley	July 20	July 29
James Salle	do	Dayton, Wash	July 20	Aug. 28
J. S. Pentier	do	do	June 28	Aug. 28
Richard Roberts	do	Lewiston	Aug. 3	Aug. 28
Raymond Arrant	do	do	July 29	Aug. 28
Perry Sherwin	do	Slate Creek, Idaho	July 29	Aug. 28
Peter Davis	do	Lewiston	July 20	Aug. 28

Company A, Columbia County Volunteers.

Name, etc.	Residence.	Age.
Capt. George Hunter	Dayton, Wash	42
First Lieut. Sime Watrous	do	44
Second Lieut. John T. Ford	do	28
Orderly Sergt. Thomas H. Crawford	do	29
Second Sergt. Charles N. Clark	do	25
Third Sergt. Milton F. Morgan	do	26
Fourth Sergt. John H. Ling	do	32
Fifth Sergt. Joseph F. Haff	Paradise Valley, Wash	22
First Corpl. Isaac J. Schrivner	Dayton, Wash	33
Second Corpl. Fred Kenyon	do	22
Third Corpl. William C. Vaughn	do	28
Fourth Corpl. George P. Bickers	do	36
Privates.		
Martin R. Adams	do	23
Wiley Baldwin	do	22
James W. Butler	Dayton, Wash	25
Jerome R. Castle	do	21
Samuel Dillma	Paradise Valley, Wash	23
Newton Davis	Dayton, Wash	22
Dennis L. C. Edmondson	do	20
Thomas S. Edmondson	do	22
Willis E. L. Ford	Wallawalla, Wash	21
Clarence N. L. Ford	do	19
Latham P. Freeman	Paradise Valley, Wash	23
William L. Grote	Dayton, Wash	17
Byron L. Gates	do	22
Nineveh Hately	Wallawalla, Wash	31
Andrew J. Harris	Dayton, Wash	29
George C. Kenyon	do	20
Theodore Lowery	do	18
Thomas Norman	do	23
Jasper N. McLain	do	22
Linga G. Sparks	do	24
Salathael Stephens	do	22
Alfred B. Standiford	do	23
Howard B. Kleigley	do	19
James W. Turner	do	36
Louis M. Tielwell	do	25
James A. Woodward	do	20
Frank C. White	do	22
John C. Zumult	do	28
H. S. Thomas	do	42
John Weiss	do	37

Palaha Rangers, Washington Territory Volunteers.

John W. Elliot.	John M. Salle.	Newton Thomas.
Eugene S. Wilson.	Danl. McKay.	Henry C. Able.
Ambrose A. Owsley.	John Campbell.	Henry Vaughn.
Thornton W. Owsley.	Saml. Shawlay.	I. N. Elidge.
Homer Bounds.	Chas. Shearer.	Geo. Pitt.
Willard Bounds.	Edward Coe.	John Bale.
Robert Short.	W. B. Tweedy.	Dan Williams.
—— Elliot.	Robert Bruce.	Frank Cartwright.
Frank McBreardy.	Lewis Tewalt.	
John M. Williams.	Thomas Cumpacker.	

Official copies to accompany letter to the Secretary of War of this date (3547 A. G. O., 1890).

J. C. KELTON,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *March 22, 1890.*

The Grand Ronde and Wallowa Rangers, Oregon Volunteers, which came into service in June, 1877.

Names of members.	Days' service.	Names of members.	Days' service.
1. W. R. Boothe (captain)	33	20. J. I. Sturgell	33
2. J. W. Cullen (first lieutenant).	33	21. L. Wright	33
		22. Thomas Graham	33
3. A. C. Smith (second lieutenant).	33	23. L. Craig	33
		24. T. A. Rinehart	14
4. Thomas Barrett	21	25. A. Weekley	18
5. William McCumsey	21	26. J. Slack	15
6. George McCumsey	21	27. Harvey Rinehart	21
7. James Masterson	21	28. B. Thomas	33
8. D. C. Davis	21	29. C. F. Chattin	17
9. James Morrison	10	30. A. Terwilliegar	10
10. T. M. Fine	10	31. James Tully	22
11. Isaac Chrisman	15	32. William Hudson	20
12. George Richardson	15	33. J. W. Wood	22
13. Logan Schaffer	15	34 Nat. Gray	8
14. Henry Schaffer	15	35. George Gray	8
15. Eli Ostrander	33	36. Thomas Chandler	8
16. Amos Gibbs	10	37. William Macon	8
17. William Masterson	15	38. Stowell Paine	8
18. William Richardson	15	39. E. B. Morelock	10
19. J. T. Ward	33		

Capt. A. J. Bowland's company of scouts, Idaho Volunteers, which came into service in July, 1878.

Names of members.	Days' service.	Names of members.	Days' service.
1. A. J. Bowland (captain)	67	11. James Sutton (private)	59
2. Albert Heed (private)	67	12. William Allison (private)	59
3. Harry Warbertson (private)	67	13. Nelson Buel (private)	59
4. John Hart (private)	67	14. John Atwell (private)	59
5. Alonzo Jewell (private)	30	15. Edward Jewell (private)	38
6. William F. Bair (private)	67	16. George Hopteller (private)	18
7. H. M. Freeman (private)	67	17. William South (private)	18
8. Amos Nettleton (private)	67	18. Thomas Lyons (private)	18
9. Joseph Joice (private)	30	19. S. Fry (private)	18
10. H. P. Linder (private)	59		

EXECUTIVE SESSION.

Mr. MORGAN. I move that the Senate proceed to the consideration of executive business.

Mr. CAREY rose.

Mr. MORGAN. Does the Senator from Wyoming desire me to withdraw the motion for the present?

Mr. CAREY. I wish to call up a bill for consideration. I think it will take but a few minutes.

Mr. MORGAN. I can not withdraw the motion for that purpose.

The VICE-PRESIDENT. The Senator from Alabama moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and two minutes spent in executive session the doors were reopened, and (at 4 o'clock and 23 minutes p. m.) the Senate adjourned until Monday, April 9, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 7, 1894.

COMMISSIONER FOR ALASKA.

Lycurgus R. Woodward, of Ferndale, Cal., to be a commissioner in and for the District of Alaska, to reside at Unalaska, vice Louis H. Tarpley, resigned; Lafayette F. Conn, who was appointed and commissioned to said office, having failed to qualify.

POSTMASTERS.

Xelpho F. Beidler, to be postmaster at Mount Pulaski, in the county of Logan and State of Illinois, in the place of Frank V. Nicholson, whose commission expires April 12, 1894.

John M. Higgs, to be postmaster at Connersville, in the county of Fayette and State of Indiana, in the place of James H. Fearis, whose commission expired January 8, 1894.

John Lynch, to be postmaster at Liberty, in the county of Union and State of Indiana, in the place of S. D. Byram, whose commission expired January 9, 1894.

William Clardy, to be postmaster at Purcell, in the Chickasaw Nation, Indian Territory, in the place of Robert Y. Mangum, whose commission expires April 19, 1894.

Bushnell Danforth, to be postmaster at Williamstown, in the county of Berkshire and State of Massachusetts, in the place of James H. Eldridge, jr., whose commission expires April 11, 1894.

Henry Roeser, to be postmaster at Marietta, in the county of Washington and State of Ohio, in the place of Eli R. Alderman, whose commission expired January 21, 1894.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 7, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

ACCOUNT OF CHINESE INSPECTOR J. D. M'COY.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting for an appropriation the account of Chinese Inspector J. D. McCoy; which was referred to the Committee on Appropriations and ordered to be printed.

PATRICK MAHONEY AND ANDREW GLEASON.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the First Comptroller relative to the payment by the United States of a judgment of the Court of Claims in favor of Patrick Mahoney and Andrew Gleason; which was referred to the Committee on Appropriations and ordered to be printed.

WILLIAM L. TAYLOR, ADMINISTRATOR, VS. THE UNITED STATES.

The SPEAKER also laid before the House a copy of the findings of the Court of Claims in the case of William L. Taylor, administrator of William M. Powell, deceased, *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SICKLES for three days, on account of sickness.

SUMMONING OF ABSENT MEMBERS.

The SPEAKER. The Chair lays before the House a report from the Sergeant-at-Arms.

The Clerk read as follows:

OFFICE SERGEANT-AT-ARMS, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 2, 1894.

SIR: I report herewith my action under warrant of the House of Representatives, dated March 29, 1894.

The absentees were all summoned by telegrams except those known to be in the city, and those sick and excused.

The following have been present in their seats:

Mr. NEWLANDS, Mr. SPERRY, Mr. DAVEY, Mr. WALKER, Mr. BERRY, Mr. MOON, Mr. SHERMAN.

The following are sick or excused:

Mr. COOPER of Wisconsin, Mr. LISLE, Mr. SIMPSON, Mr. RANDALL, Mr. HEARD, Mr. BINGHAM.

The following are reported as on their way to this city:

Mr. FITHIAN, Mr. MCDOWELL.

The following are still absent, some of whom are reported away from home, and others have not responded to telegrams:

Mr. ALDRICH, Mr. ARNOLD, Mr. DOLLIVER, Mr. JOHNSON of Ohio, Mr. LUCAS, Mr. SCRANTON, Mr. VAN VOORHIS of New York, Mr. CALDWELL, Mr. HOUK, Mr. LINTON, Mr. SNODGRASS, Mr. STORER, Mr. WRIGHT of Massachusetts.

Respectfully submitted,

H. W. SNOW,
Sergeant-at-Arms, House of Representatives.

Hon. CHARLES F. CRISP,
Speaker of the House of Representatives.

Mr. REED. I would like to ask, Mr. Speaker, if the Sergeant-at-Arms has obeyed the orders of the House directing him to take into custody absent members?

The SPEAKER. He has made a report.

Mr. REED. I came in as it was being read, and would be glad to know if the Sergeant-at-Arms reports that he has taken any members into custody?

The SPEAKER. The report speaks for itself.

Mr. REED. Will the Chair cause the Clerk to read it again?

The SPEAKER. It has just been read.

Mr. REED. I ask unanimous consent that it be again read.

Mr. STALLINGS. I object.

Mr. SPRINGER. I move that all further proceedings under this order be terminated.

Mr. STALLINGS. I will not insist upon the objection to the reading.

The SPEAKER. Objection being withdrawn, the Clerk will again read the report from the Sergeant-at-Arms.

The report was again read.

Mr. REED. Is there any statement of fees there; any further statement in connection with the enforcement of the order?

The SPEAKER. That is the whole report.

Mr. REED. Then a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REED. Does that discharge the order?

The SPEAKER. The Chair thinks it would require some further order of the House to do that.

Mr. REED. And we are still operating under the former order?

The SPEAKER. The Chair thinks so, and that an order of the House will be necessary to terminate it.

Mr. SPRINGER. I move to dispense with all further proceedings under the order.

The question was taken: and on a division (demanded by Mr. REED) there were—ayes 62, noes 0.

Mr. REED. No quorum.

Mr. SPRINGER. I will withdraw the motion, then.

Mr. REED. Can it be withdrawn in the present situation?

Mr. SPRINGER. I think so. No action has been taken upon it.

The SPEAKER. But the House has just voted upon it.

Mr. SPRINGER. But no quorum voted, and no action was taken.

The SPEAKER. The Chair thinks it can not be withdrawn without consent.

Mr. SPRINGER. Then I will insist on the motion.

The SPEAKER. The gentleman from Maine makes the point that no quorum has voted, and the Chair will order tellers.

Mr. REED and Mr. SPRINGER were appointed tellers.

Mr. KILGORE. Mr. Speaker, I make the point of order that it does not require a quorum to adopt the motion proposed by the gentleman from Illinois. This is a proceeding under a call of the House.

The SPEAKER. The House is not now in call, and the House of course can not do any business without a quorum.

Mr. KILGORE. Still, this is disposing of business that was inaugurated without a quorum.

The SPEAKER. The Chair thinks it would require a quorum to pass the order. The tellers will please take their places.

The House again divided; and the tellers reported—ayes 85, noes none.

Mr. REED. No quorum.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 7, not voting 214; as follows:

YEAS—132.

Abbott,	Cooper, Fla.	Hunter,	Paynter,
Alderson,	Cooper, Tex.	Jones,	Pence,
Alexander,	Cox,	Kem,	Pendleton, W. Va.
Bailey,	Culberson,	Kyle,	Pigott,
Baker, Kans.	Davis,	Lane,	Reilly,
Baldwin,	De Armond,	Lawson,	Richardson, Mich.
Bankhead,	Denson,	Layton,	Robbins,
Barwig,	Dinsmore,	Lester,	Robertson, La.
Bell, Colo.	Dockery,	Lockwood,	Russell, Ga.
Bell, Tex.	Dunphy,	Maddox,	Sayers,
Berry,	Edmunds,	Mallory,	Settle,
Black, Ga.	Ellis, Oregon	Marshall,	Shell,
Bland,	English, N. J.	Martin, Ind.	Snodgrass,
Boatner,	Enloe,	McCreary, Ky.	Sperry,
Boen,	Epes,	McCulloch,	Springer,
Bower, N. C.	Erdman,	McDannold,	Stallings,
Bretz,	Everett,	McDowell,	Stockdale,
Brookshire,	Goldzier,	McEttrick,	Storer,
Burrows,	Gorman,	McKaig,	Strait,
Bynum,	Grady,	McLaurin,	Swanson,
Cabaniss,	Gresham,	McNagny,	Talbert, S. C.
Cannon, Cal.	Haines,	McRae,	Tarsney,
Caruth,	Hall, Minn.	Meredith,	Tate,
Catchings,	Hall, Mo.	Meyer,	Taylor, Ind.
Clark, Mo.	Hare,	Money,	Terry,
Clarke, Ala.	Harris,	Moon,	Tucker,
Cobb, Ala.	Hatch,	Morgan,	Turner, Ga.
Cobb, Mo.	Hayes,	Moses,	Turpin,
Cockran,	Heard,	Mutchler,	Warner,
Cockrell,	Henderson, N. C.	Neill,	Washington,
Coffeen,	Holman,	O'Neil, Mass.	Wheeler, Ala.
Conn.	Hudson,	Page,	Williams, Ill.
Coombs,	Hull,	Patterson,	Wise.

NAYS—7.

Hutcheson,	Kilgore,	Livingston,	Outhwaite.
Izlar,	Latimer,	Lynch,	

NOT VOTING—214.

Adams, Ky.	Bryan.	Davey,	Grout,
Adams, Pa.	Bundy,	De Forest,	Grow,
Aitken.	Bunn,	Dingley,	Hager,
Aldrich,	Burnes,	Dolliver,	Hainer,
Allen.	Cadmus,	Donovan,	Hammond,
Apsley,	Caldwell,	Doolittle,	Harmer,
Arnold,	Caminetti,	Draper,	Harter,
Avery,	Campbell,	Dunn,	Hartman,
Babcock,	Cannon, Ill.	Durborow,	Haugen,
Baker, N. H.	Capehart,	Dilis, Ky.	Heiner,
Barnes,	Causey,	English, Cal.	Henderson, Ill.
Bartholdt,	Chickering,	Fielder,	Henderson, Iowa
Bartlett,	Childs,	Fithian,	Hendrix,
Belden,	Clancy,	Fletcher,	Hepburn,
Beltzhoover,	Cogswell,	Forman,	Hermann,
Bingham,	Compton,	Funk,	Hicks,
Black, Ill.	Cooper, Ind.	Funston,	Hines,
Blair,	Cooper, Wis.	Fyan,	Hitt,
Boutelle,	Cornish,	Gardner,	Hooker, Miss.
Bowers, Cal.	Cousins,	Gear,	Hooker, N. Y.
Branch,	Covert,	Geary,	Hopkins, Ill.
Brattan,	Crain,	Geissenhainer,	Hopkins, Pa.
Breckinridge, Ark.	Crawford,	Gillet, N. Y.	Houk,
Breckinridge, Ky.	Cummings,	Gillett, Mass.	Hulick,
Brickner,	Curtis, Kans.	Goodnight,	Ikirt,
Broderick,	Curtis, N. Y.	Graham,	Johnson, Ind.
Brosius,	Daizell,	Griffin,	Johnson, N. Dak.
Brown,	Daniels,	Grosvenor,	Johnson, Ohio

Kiefer,	Morse,	Rusk,	Turner, Va.
Kribbs,	Murray,	Russell, Conn.	Tyler,
Lacey,	Newlands,	Ryan,	Updegraff,
Lapham,	Northway,	Schermerhorn,	Van Voorhis, N. Y.
Lefever,	Oates,	Scranton,	Van Voorhis, Ohio
Linton,	O'Neill, Mo.	Shaw,	Wadsworth,
Lisle,	Paschal,	Sherman,	Walker,
Loud,	Payne,	Sibley,	Wanger,
Loudenslager,	Pearson.	Sickles,	Waugh,
Lucas,	Pendleton, Tex.	Simpson,	Weadock,
Magner,	Perkins,	Sipe,	Wells,
Maguire,	Phillips,	Smith,	Wever,
Mahon,	Pickler,	Somers,	Wheeler, Ill.
Marsh,	Post,	Stephenson,	White,
Marvin, N. Y.	Powers,	Stevens,	Whiting,
McAleer,	Price,	Stone, C. W.	Williams, Miss.
McCall,	Quigg,	Stone, W. A.	Wilson, Ohio
McCleary, Minn.	Randall,	Stone, Ky.	Wilson, Wash.
McDearmon,	Ray,	Straus,	Wilson, W. Va.
McGann,	Rayner,	Strong,	Wolverton,
McKeighan,	Reed,	Sweet,	Woodard,
McMillin,	Reyburn,	Talbott, Md.	Woomer,
Meiklejohn,	Richards, Ohio	Tawney,	Wright, Mass.
Mercer,	Richardson, Tenn	Taylor, Tenn.	Wright, Pa.
Milliken,	Ritchie,	Thomas,	
Montgomery,	Robinson, Pa.	Tracey,	

No quorum voting.

The following pairs were announced:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. MCKEIGHAN with Mr. RANDALL.

Mr. BROWN with Mr. BELDEN.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. KRIBBS with Mr. BROSIUS.

Mr. WEADOCK with Mr. HOOKER of New York.

Mr. LISLE with Mr. HOUK.

Mr. HARTER with Mr. ADAMS of Kentucky.

Mr. MCMILLIN with Mr. BURROWS.

Mr. GOODNIGHT with Mr. CALDWELL.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. ELLIS of Kentucky with Mr. HAUGEN.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. OATES with Mr. POWERS.

Mr. BLACK of Illinois with Mr. ALDRICH.

Mr. SICKLES with Mr. WADSWORTH.

Mr. MAGNER with Mr. LUCAS.

Mr. BELTZHOOVER with Mr. TAYLOR of Tennessee.

Mr. BRICKNER with Mr. CHICKERING.

Mr. VAN VOORHIS of Ohio with Mr. PEARSON.

Mr. DAVY with Mr. STRONG.

Mr. DURBOROW with Mr. GROSVENOR.

Mr. FITHIAN with Mr. BINGHAM.

Mr. FYAN with Mr. LINTON.

Mr. CRAIN with Mr. HOPKINS of Pennsylvania.

Mr. SOMERS with Mr. SHERMAN.

Mr. REILLY with Mr. HICKS.

Mr. CAUSEY with Mr. GILLETT of Massachusetts.

Mr. COMPTON with Mr. WOOMER.

Mr. SCHERMERHORN with Mr. MORSE.

Mr. STONE of Kentucky with Mr. VAN VOORHIS of Ohio.

Mr. HARRIS. I desire to state that my colleague, Mr. SIMPSON, is confined to his house by sickness. I ask that he be excused.

The SPEAKER. The gentleman already has leave of absence.

Mr. JOHNSON of Ohio. Mr. Speaker, I desire to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. JOHNSON of Ohio. I have not voted. This is a question on which I can not vote, because I am interested, but I desire to be recorded as present.

The SPEAKER. There is no rule by which that can be done.

Mr. ARNOLD. I have not voted on this roll call, because I was informed that I was not entitled to vote, being interested. I desire to say that on the 19th of March, on page 3095 of the RECORD, will be found an entry that leave of absence was granted to Mr. ARNOLD, on motion of Mr. CLARK of Missouri, for two weeks, on account of important business. As soon as I received notice that leaves of absence had been revoked I returned to Washington, and have been here for the last three or four days.

Mr. COBB of Alabama. Mr. Speaker, I am paired, but with the right reserved to vote to make a quorum. I have accordingly voted for that purpose.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum has voted.

Mr. SPRINGER. I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, Ky.	Belden,	Blair,	Brickner,
Adams, Pa.	Beltzhoover,	Boutelle,	Brosius,
Aldrich,	Bingham,	Brattan,	Brown,
Barnes,	Black, Ill.	Breckinridge, Ky.	Bryan,
Bundy,	Goodnight,	McMillin,	Sibley,
Bunn,	Graham,	Milliken,	Sickles,
Burnes,	Grosvenor,	Montgomery,	Simpson,
Cadmus,	Hager,	Morse,	Sipe,
Caminetti,	Harmer,	Murray,	Somers,
Causey,	Harter,	Newlands,	Sperry,
Clancy,	Heiner,	Northway,	Stevens,
Cogswell,	Hendrix,	Oates,	Stone, C. W.
Compton,	Hermann,	O'Neill, Mo.	Stone, W. A.
Cooper, Ind.	Hicks,	Paschal,	Straus,
Cooper, Wis.	Hines,	Pearson,	Strong.
Cornish,	Hooker, N. Y.	Pendleton, Tex.	Talbott, Md.
Covert,	Hopkins, Pa.	Post,	Tawney,
Crain,	Houk,	Price,	Taylor, Tenn.
Cummings,	Ikirt,	Quigg,	Tracey,
Dalzell,	Johnson, Ind.	Randall,	Tyler,
Daniels,	Kribbs,	Rayner,	Updegraff,
Davey,	Lacey,	Reed,	Van Voorhis, Ohio.
De Forest,	Lapham,	Reilly,	Wadsworth,
Dunn,	Linton,	Reyburn,	Wanger,
Durborow,	Lisle,	Richardson, Tenn.	Weadock,
Ellis, Ky.	Lucas,	Ritchie,	White,
Fielder,	Magner,	Robinson, Pa.	Whiting,
Fithian,	Maguire,	Rusk,	Wilson, W. Va.
Funston,	McAleer,	Ryan,	Wolverton,
Fyan,	McCall,	Schermerhorn,	Woodard.
Gardner,	McCleary, Minn.	Scranton,	Woomer,
Geissenhainer,	McGann,	Sherman,	Wright, Pa.

The SPEAKER. The doors will now be closed. The Clerk will call the names of absentees.

The Clerk again called the names of absentees.

Mr. BLAND. I ask that my colleague, Mr. FYAN, be excused indefinitely, on account of sickness.

The SPEAKER. The gentleman has been excused.

Mr. BLAND. He was excused for ten days, but I do not know but that that time has expired. I ask indefinite leave of absence for him.

The SPEAKER. On this call he can only be excused for to-day. He can be excused indefinitely afterwards.

Mr. PERKINS. I ask that my colleague, Mr. LACEY, be excused to-day, on account of sickness.

There was no objection.

Mr. COX. I am informed that my colleague, Mr. RICHARDSON of Tennessee, is confined to his bed by sickness. I ask that he be excused.

There was no objection.

Mr. DUNPHY. My colleague, Mr. STRAUS, requested me to secure leave of absence for him until Tuesday, on account of very important business.

The SPEAKER. On this call he can be excused only for to-day. Without objection, leave will be granted.

There was no objection.

Mr. BRODERICK. I understand that the gentleman from Pennsylvania, Mr. WOOMER, is absent to-day, on account of important business. I ask that he be excused.

There was no objection.

Mr. APSLEY. I ask that the gentleman from South Carolina, Mr. MURRAY, be excused, on account of sickness.

There was no objection.

Mr. APSLEY. I also ask that my colleague, Mr. MCCALL, be granted leave of absence, on account of important business.

There was no objection.

Mr. HAUGEN. I ask that my colleague, Mr. COOPER of Wisconsin, be excused, on account of sickness.

There was no objection.

Mr. O'NEIL of Massachusetts. I ask that my colleague, Mr. STEVENS, be excused. He is sick in bed.

There was no objection.

The SPEAKER. Two hundred and twenty-three gentlemen have answered to their names.

Mr. SPRINGER. I move to dispense with all further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois [Mr. SPRINGER], to discharge the order heretofore made by the House. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 152, nays 3, not voting 198; as follows:

YEAS—152.

Alderson,	Branch,	Cobb, Mo.	Dockery,
Alexander,	Bretz,	Cockran,	Donovan,
Allen,	Broderick,	Cockrell,	Dunphy,
Bailey,	Brookshire,	Coffeen,	Edmunds,
Baker, Kans.	Bryan,	Conn,	English, Cal.
Baldwin,	Bynum,	Coombs,	English, N. J.
Bankhead,	Catchings,	Cooper, Fla.	Epes,
Bartlett,	Cannon, Cal.	Cooper, Tex.	Erdman,
Barwig,	Capehart,	Cox,	Everett,
Bell, Tex.	Caruth,	Crawford,	Forman,
Berry,	Catchings,	Culberson,	Gear,
Black, Ga.	Chickering,	Davis,	Goldzier,
Bland,	Childs,	De Armond,	Grady,
Boatner,	Clark, Mo.	De Forest,	Gresham,
Boen,	Clarke, Ala.	Denson,	Griffin,
Bower, N. C.	Cobb, Ala.	Dinsmore,	Haines,

Hall, Minn.	Lester,	Moses,	Stone, W. A.
Hall, Mo.	Livingston,	Mutchler,	Stone, Ky.
Hammond,	Lockwood,	Neill,	Swanson,
Hare,	Lynch,	O'Neill, Mass.	Talbert, S. C.
Harris,	Maddox,	Page,	Tarsney,
Hatch,	Mallory,	Patterson,	Tate,
Hayes,	Marshall,	Pendleton, W. Va.	Taylor, Ind.
Heard,	Martin, Ind.	Phillips,	Terry,
Henderson, Ill.	Marvin, N. Y.	Pigott,	Tracey,
Henderson, N. C.	McCreary, Ky.	Richards, Ohio	Tucker,
Holman,	McCulloch,	Richardson, Mich.	Turner, Ga.
Hooker, Miss.	McDannold,	Robbins,	Turner, Va.
Hudson,	McDearmon,	Robertson, La.	Van Voorhis, N. Y.
Hunter,	McDowell,	Russell, Conn.	Warner,
Hutcheson,	McEttrick,	Russell, Ga.	Washington,
Izlar,	McKaig,	Sayers,	Wells,
Jones,	McLaurin,	Shell,	Wheeler, Ala.
Kiefer,	McNagny,	Snodgrass,	Whiting,
Kribbs,	Meredith,	Sperry,	Williams, Ill.
Lane,	Money,	Springer,	Wise,
Lawson,	Moon,	Stallings,	Woodard,
Layton,	Morgan,	Stone, C. W.	Wright, Mass.

NAYS—3.

Kilgore,	Latimer,	Williams, Miss.

NOT VOTING—198.

Abbott,	Davey,	Johnson, Ohio	Reilly,
Adams, Ky.	Dingley,	Kem,	Reyburn,
Adams, Pa.	Dolliver,	Kyle,	Richardson, Tenn.
Aitken,	Doolittle,	Lacey,	Ritchie,
Aldrich,	Draper,	Lapham,	Robinson, Pa.
Apsley,	Dunn,	Lefever,	Rusk,
Arnold,	Durborow,	Linton,	Ryan,
Avery,	Ellis, Ky.	Lisle,	Schermerhorn,
Babcock,	Ellis, Oregon	Loud,	Scranton,
Baker, N. H.	Enloe,	Loudenslager,	Settle,
Barnes,	Fielder,	Lucas,	Shaw,
Bartholdt,	Fithian,	Magner,	Sherman,
Belden,	Fletcher,	Maguire,	Sibley,
Bell, Colo.	Funk,	Mahon,	Sickles,
Beltzhoover,	Funston,	Marsh,	Simpson,
Bingham,	Fyan,	McAleer,	Sipe,
Black, Ill.	Gardner,	McCall,	Smith,
Blair,	Geary,	McCleary, Minn.	Somers,
Boutelle,	Geissenhainer,	McGann,	Stephenson,
Bowers, Cal.	Gillet, N. Y.	McKeighan,	Stevens,
Brattan,	Gillett, Mass.	McMillin,	Stockdale,
Breckinridge, Ark.	Goodnight,	McRae,	Storer,
Breckinridge, Ky.	Gorman,	Meiklejohn,	Strait,
Brickner,	Graham,	Mercer,	Straus,
Brosius,	Grosvenor,	Meyer,	Strong,
Brown,	Grout,	Milliken,	Sweet,
Bundy,	Grow,	Montgomery,	Talbott, Md.
Bunn,	Hager,	Morse,	Tawney,
Burnes,	Hainer,	Murray,	Taylor, Tenn.
Burrows,	Harmer,	Newlands,	Thomas,
Cadmus,	Harter,	Northway,	Turpin,
Caldwell,	Hartman,	Oates,	Tyler,
Caminetti,	Haugen,	O'Neill, Mo.	Updegraff,
Campbell,	Heiner,	Outhwaite,	Van Voorhis, Ohio
Cannon, Ill.	Henderson, Iowa	Paschal,	Wadsworth,
Causey,	Hendrix,	Payne,	Walker,
Clancy,	Hepburn,	Paynter,	Wanger,
Cogswell,	Hermann,	Pearson,	Waugh,
Compton,	Hicks,	Pence,	Weadock,
Cooper, Ind.	Hines,	Pendleton, Tex.	Wever,
Cooper, Wis.	Hitt,	Perkins,	Wheeler, Ill.
Cornish,	Hooker, N. Y.	Pickler,	White,
Cousins,	Hopkins, Ill.	Post,	Wilson, Ohio
Covert,	Hopkins, Pa.	Powers,	Wilson, Wash.
Crain,	Houk,	Price,	Wilson, W. Va.
Cummings,	Hulick,	Quigg,	Wolverton,
Curtis, Kans.	Hull,	Randall,	Woomer,
Curtis, N. Y.	Ikirt,	Ray,	Wright, Pa.
Dalzell,	Johnson, Ind.	Rayner,	
Daniels,	Johnson, N. Dak.	Reed,	

The following additional pair was announced:

Mr. PAYNTER with Mr. VAN VOORHIS of Ohio, for the rest of this day.

The SPEAKER. On this question the ayes are 152, the nays 3. No quorum has voted.

Mr. SPRINGER. I move a call of the House.

The question was taken.

The SPEAKER. The noes seem to have it. The noes have it, and a call of the House is not ordered.

Mr. SPRINGER. I ask unanimous consent that the special order set for 2 o'clock may now be entered upon.

The SPEAKER. There can be no unanimous consent in the absence of a quorum.

Mr. SPRINGER. Then I call for a division on the motion for a call of the House.

The SPEAKER. It is too late; the Chair has announced the result.

Mr. SAYERS. I move that the House do now adjourn.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SPRINGER. Division.

The House divided; and there were—ayes 81, noes 43.

Mr. REED. Tellers.

The question was taken on ordering tellers.

The SPEAKER. Thirty gentleman have arisen in support of the demand for tellers; not a sufficient number, and tellers are refused.

Mr. REED. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 82, not voting 175; as follows:

YEAS—96.

Abbott,	Cockrell,	Hatch,	Paschal,
Alderson,	Coffeen,	Hayes,	Patterson,
Alexander,	Conn,	Heard,	Pigott,
Arnold,	Coombs,	Henderson, N. C.	Russell, Ga.
Bailey,	Cox,	Hudson,	Sayers,
Baker, Kans.	De Forest,	Hunter,	Shell,
Bankhead,	Denson,	Izlar,	Snodgrass,
Barwig,	Dinsmore,	Jones,	Sperry,
Bell, Colo.	Dockery,	Kilgore,	Stockdale,
Bell, Tex.	Donovan,	Lane,	Stone, Ky.
Berry,	Dunphy,	Latimer,	Strait,
Bower, N. C.	English, Cal.	Layton,	Swanson,
Branch,	English, N. J.	Lockwood,	Talbert, S. C.
Bretz,	Epes,	Lynch,	Tarsney,
Brookshire,	Erdman,	Maddox,	Tate,
Bynum,	Forman,	Mahon,	Terry,
Cabaniss,	Goldzier,	McCulloch,	Tucker,
Campbell,	Gresham,	McDannold,	Turner, Va.
Cannon, Cal.	Griffin,	McLaurin,	Turpin,
Capehart,	Hall, Minn.	Meredith,	Warner,
Catchings,	Hall, Mo.	Mutchler,	Whiting,
Clark, Mo.	Hammond,	O'Neil, Mass.	Williams, Miss.
Clarke, Ala.	Hare,	Outhwaite,	Wise,
Cobb, Mo.	Harris,	Page,	Woodard.

NAYS—82.

Apsley,	Funk,	Martin, Ind.	Reed,
Avery,	Gear,	Marvin, N. Y.	Robbins,
Baker, N. H.	Gillet, N. Y.	McCleary, Minn.	Robertson, La.
Bartholdt,	Grady,	McCreary, Ky.	Russell, Conn.
Black, Ga.	Grout,	McEttrick,	Shaw,
Bland,	Grow,	McKaig,	Smith,
Boatner,	Hainer,	McRae,	Springer,
Boen,	Haines,	Mercer,	Stone, C. W.
Boutelle,	Henderson, Ill.	Meyer,	Stone, W. A.
Bryan,	Hitt,	Milliken,	Tawney,
Burrows,	Hoiman,	Moon,	Tracey,
Cannon, Ill.	Hooker, Miss.	Morgan,	Turner, Ga.
Caruth,	Hulick,	Moses,	Van Voorhis, N. Y.
Chickering,	Kem,	Neill,	Walker,
Cousins,	Kiefer,	Payne,	Wever,
Crawford,	Kyle,	Pence,	Wheeler, Ala.
Curtis, N. Y.	Lawson,	Perkins,	Wilson, Ohio
Davis,	Lefever,	Phillips,	Wilson, Wash.
Doolittle,	Loud,	Pickler,	Wright, Mass.
Draper,	Marsh,	Price,	
Everett,	Marshall,	Ray,	

NOT VOTING—175.

Adams, Ky.	Curtis, Kans.	Ikirt,	Richards, Ohio,
Adams, Pa.	Dalzell,	Johnson, Ind.	Richardson, Mich.
Aitken,	Daniels,	Johnson, N. Dak.	Richardson, Tenn.
Aldrich,	Davey,	Johnson, Ohio	Ritchie,
Allen,	De Armond,	Kribbs,	Robinson, Pa.
Babcock,	Dingley,	Lacey,	Rusk,
Baldwin,	Dolliver,	Lapham,	Ryan,
Barnes,	Dunn,	Lester,	Schermerhorn,
Bartlett,	Durborow,	Linton,	Scranton,
Belden,	Edmunds,	Lisle,	Settle,
Beltzhoover,	Ellis, Ky.	Livingston,	Sherman,
Bingham,	Ellis, Oregon	Loudenslager,	Sibley,
Black, Ill.	Enloe,	Lucas,	Sickles,
Blair,	Fielder,	Magner,	Simpson,
Bowers, Cal.	Fithian,	Maguire,	Sipe,
Brattan,	Fletcher,	Mallory,	Somers,
Breckinridge, Ark.	Funston,	McAleer,	Stallings,
Breckinridge, Ky.	Fyan,	McCall,	Stephenson,
Brickner,	Gardner,	McDearmon,	Stevens,
Broderick,	Geary,	McDowell,	Storer,
Brosius,	Geissenhainer,	McGann,	Straus,
Brown,	Gillett, Mass.	McKeighan,	Strong,
Bundy,	Goodnight,	McMillin,	Sweet,
Bunn,	Gorman,	McNagny,	Talbott, Md.
Burnes,	Graham,	Meiklejohn,	Taylor, Ind.
Cadmus,	Grosvenor,	Money,	Taylor, Tenn.
Caldwell,	Hager,	Montgomery,	Thomas,
Caminetti,	Harmer,	Morse,	Tyler,
Causey,	Harter,	Murray,	Updegraff,
Childs,	Hartman,	Newlands,	Van Voorhis Ohio
Clancy,	Haugen,	Northway,	Wadsworth,
Cobb, Ala.	Heiner,	Oates,	Wanger,
Cockran,	Henderson, Iowa	O'Neill, Mo.	Washington,
Cogswell,	Hendrix,	Paynter,	Waugh,
Compton,	Hepburn,	Pearson,	Weadock,
Cooper, Fla.	Hermann,	Pendleton, Tex.	Wells,
Cooper, Ind.	Hicks,	Pendleton, W. Va.	Wheeler, Ill.
Cooper, Tex.	Hines,	Post,	White,
Cooper, Wis.	Hooker, N. Y.	Powers,	Williams, Ill.
Cornish,	Hopkins, Ill.	Quigg,	Wilson, W. Va.
Covert,	Hopkins, Pa.	Randall,	Wolverton,
Crain,	Houk,	Rayner,	Woomer,
Culberson,	Hull,	Reilly,	Wright, Pa.
Cummings,	Hutcheson,	Reyburn,	

So the motion to adjourn was agreed to.

Mr. BRODERICK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall when his name was called, and did he fail to hear it?

Mr. BRODERICK. I was near the door, but I do not know on which side of the door I was when my name was called.

The SPEAKER. Under the gentleman's statement the Chair can not entertain the gentleman's request.

Mr. MEYER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The Chair can not entertain a parliamentary inquiry. The vote has not been announced.

Mr. WHEELER of Alabama. Mr. Speaker, I ask that the vote be recapitulated.

The Clerk recapitulated the names of members voting.

Mr. WASHINGTON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall, and did he fail to hear his name called?

Mr. WASHINGTON. I do not think I had got inside the door.

The SPEAKER. The Chair can not entertain the gentleman's request.

Mr. ALLEN of Mississippi. Mr. Speaker, would it be in order for me to ask unanimous consent to have my vote recorded? [Laughter.]

The SPEAKER. The Chair is not allowed, under the rule, to submit the request.

The result of the vote was then announced as above recorded, and the House accordingly (at 2 o'clock and 11 minutes p. m.) adjourned.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. BLAND: A bill (H. R. 6610) to authorize the construction of a bridge across the Missouri River at some point within 1 mile below and 1 mile above the present limits of the city of Jefferson, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Indiana: A bill (H. R. 6611) providing for the purchase of additional ground at the city of Evansville, Ind., adjoining the marine hospital site, and to cover additional expenditures thereby occasioned and appropriating $25,000 therefor—to the Committee on Public Buildings and Grounds.

By Mr. MEYER: A bill (H. R. 6612) to provide for the coinage of standard silver dollars, and for the issue of bonds in lieu of bonds heretofore authorized, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. MEREDITH: A concurrent resolution authorizing the printing of the report of the health office of the District of Columbia—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CARUTH: A bill (H. R. 6613) increasing the pension to Isaac Stephens—to the Committee on Pensions.

By Mr. PAYNTER (by request): A bill (H. R. 6614) for the relief of John S. May—to the Committee on War Claims.

Also (by request): A bill (H. R. 6615) for the relief of Milton Smith—to the Committee on War Claims.

Also (by request), a bill (H. R. 6616) for the relief of Thomas R. Hill—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 6617) for the relief of William Jack Haines—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DOOLITTLE: Petition of Independent Order of Good Templars, praying for investigation of alcoholic liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Ellsworth Post, Grand Army of the Republic, of Vancouver, Wash., making the 12th of February a national holiday—to the Committee on the Judiciary.

Also, petition of Lodge No. 42 of Ancient Order of United Workmen, of Kalama, Wash., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. EVERETT: Petition of the officers of American Humane Association, in aid of House bill 4182—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Ohio: Petition of journeymen cigar makers of Cleveland, Ohio, against proposed increase of internal-revenue tax on cigars—to the Committee on Ways and Means.

By Mr. McCALL: Petition of Upholterers' Union, No. 63, of Boston, Mass., in favor of Government ownership and control of the telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNTER: Petition of James H. Landreth for pension and discharge—to the Committee on Invalid Pensions.

By Mr. PENCE: Memorial of the Grand Army Executive and Memorial Association, of Denver, Colo., urging upon Congress the necessity of passing the bill granting by the United States to the State of Colorado the lands and buildings known as Fort Lyon military reservation—to the Committee on the Public Lands.

Also, resolution of Fisher's Peak Division, No. 247, Order of Railway Conductors, in favor of the anticalpers' law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the letter-carriers of the Denver post-office, favoring House bill 5294—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Denver Post-Office Clerks' Association and a letter from James S. McGinnis, favoring the passage of House bill 56—to the Committee on the Post-Office and Post Roads.

Also, resolution of the citizens of Pueblo, Colo., and protest of Rev. T. H. Juengel, against the so-called Christian amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. REILLY: Evidence to accompany bill for the relief of William W. Clemmens—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Petition of Manito, Ill., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. TYLER: Petition for survey and to remove obstructions from Lyons River, Isle of Wight County, Va.—to the Committee on Rivers and Harbors.

By Mr. WHEELER: Petition of I. J. Flanagan, of Tick Ridge, Limestone County, Tenn., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Caleb Huse for removal of his political disabilities—to the Committee on the Judiciary.

By Mr. WILSON of Washington: Petition of 42 citizens of the State of Washington for the improvement of North River in said State—to the Committee on Rivers and Harbors.

Also, petition of 32 citizens of Whatcom County, Wash., together with resolution of Whatcom Lodge, No. 19, Ancient Order of United Workmen, favorable to the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Spokane Typographical Union, No. 193, of Spokane, Wash., favoring passage of bill for Governmental system of telegraph—to the Committee on the Post-Office and Post-Roads.

Also, petition of 70 citizens of the State of Washington, to reject the proposed God in-the-Constitution amendment—to the Committee on the Judiciary.

Also, resolution of the Commercial Club, favoring the construction and early completion of the Nicaragua Maritime Canal—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *April 9, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR FROM GEORGIA.

Mr. GORDON presented the credentials of Patrick Walsh, appointed by the Governor of Georgia a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy in the term ending March 3, 1895, occasioned by the death of Alfred H. Colquitt; which were read, as follows:

STATE OF GEORGIA.

By His Excellency W. J. Northen, governor of said State.

To the Hon. PATRICK WALSH, greeting:

Whereas, by the death of the Hon. Alfred A. Colquitt, a vacancy exists in the representation of this State in the Senate of the United States; and

Whereas, in conformity with the Constitution of the United States, you have this day been appointed a Senator of Georgia, to fill the vacancy aforesaid until the next meeting of the General Assembly of this State:

These are therefore to commission you, the said Patrick Walsh, to take immediate session in the Senate of the United States, as a Senator of Georgia, in place of the said Alfred H. Colquitt, deceased, and to use and exercise all and every the privileges and powers which of right you may or can do in and by virtue of the Constitution of the United States in behalf of this State.

This commission to continue of force until the next meeting of the General Assembly of the State of Georgia.

Given under my hand and the great seal of the State, at the capitol, in Atlanta, this the 2d day of April, in the year of our Lord 1894, and of American Independence the one hundred and eighteenth.

[SEAL.] W. J. NORTHEN, *Governor.*

By the governor:

PHILIP COOK, *Secretary of State.*

The VICE-PRESIDENT. The credentials will be placed on file.

Mr. GORDON. The Senator appointed is present, and I ask that he be now sworn in.

The VICE-PRESIDENT. The Senator appointed will please come forward and receive the oath of office.

Mr. Walsh was escorted to the Vice-President's desk by Mr. GORDON, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

Mr. HOAR. I desire to make a suggestion before the credentials go on file. I have no doubt whatever of the due appointment of the Senator who has just taken the oath, but it seems very desirable indeed that the State authorities should conform to the forms which have become the custom of the Senate, and which have been repeatedly held to be valid. Otherwise, when the Senate is organized at the beginning of a Congress in times of party heat and excitement there are likely to grow up uncomfortable questions which will delay and interfere with Senators in entering upon their office.

These credentials are not even addressed to the Senate of the United States, and they are not at all in the accustomed form. Some little while ago a form was prepared by the Secretary of the Senate and sent to the various State executives, and that form has since been very generally adopted. I have no objection to the credentials being filed.

The VICE-PRESIDENT. The Senator from Massachusetts submits no motion, the Chair understands.

Mr. HOAR. No, sir.

INDIAN AGENCIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of the 28th ultimo, a letter from the Commissioner of Indian Affairs, giving the names of all Indian agents, the compensation of each, his location, and the number of Indians at each agency, etc.: which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5293) concerning leases in the Yellowstone National Park;

A bill (H. R. 5806) to authorize the city of Hastings, Minn., to construct and maintain a wagon bridge over the Mississippi River; and

A joint resolution (H. Res. 150) providing for partial payments for work, etc., for vessels constructed under the direction of the Secretary of the Treasury.

PETITIONS AND MEMORIALS.

Mr. WILSON presented a petition of Atgus Lodge, No. 17, Legion of Honor, of Muscatine, Iowa, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER. I present the petition of Ellen I. Sanger and 45 other citizens of Littleton, N. H., praying for the passage of a bill to give efficiency to the moral legislation of the governments of all the States for the prohibition of lotteries. This is accompanied by a petition, signed by Rev. Dr. Lyman Abbott, President C. K. Adams, Rev. Dr. George Alexander, and many others, making the same prayer. I move that the petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SHERMAN. I present a memorial of the professors of the Ohio State University, remonstrating against the passage of the bill to transfer the Coast and Geodetic Survey from the Treasury Department to the Navy and Interior Departments. I am at a loss to know to which committee the memorial should be referred, but I suppose it should go to the Committee on Commerce.

The VICE-PRESIDENT. The memorial will be so referred, in the absence of objection.

Mr. PALMER presented memorials of John R. Ross and sundry other citizens of Gibson City; of R. N. Dodds and sundry citizens of Springfield; of E. Williamson and sundry citizens of Carterville; of F. N. Albers and sundry citizens of Blue Island; of W. H. Rohe and sundry citizens of Crete; of David G. Plummer and sundry citizens of Bradford; of R. H. Traill and sundry citizens of Austin, and of Benjamin H. Donne and sundry citizens of Breese, all in the State of Illinois, remonstrating against the imposition of an income tax and also against an increase of the tax on distilled spirits; which were ordered to lie on the table.

He also presented sundry petitions of citizens of Sonomauk, Paris, Harvey, Ivanhoe, Hanover, Belleville, Quincy, Marseilles, Knoxville, and Jerseyville, all in the State of Illinois, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS presented petitions of sundry citizens of Huntingdon, Tenn., praying that national building and loan associations and local building and loan associations be exempted from the operation of the proposed income tax; which were ordered to lie on the table.

Mr. VILAS presented the memorial of George C. Comstock, director of the Washburn Observatory, and other members of the faculty of the University of Wisconsin, Madison, Wis., remonstrating against the abolishment of the United States Coast and Geodetic Survey; which was referred to the Committee on Commerce.

Mr. FRYE presented the petition of Nancy Allen and 27 other citizens of Nebraska, praying that the preamble to the Constitution of the United States be so amended as to recognize the Diety; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. VEST. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 150) for the erection of a monument and statue of Gen. Ulysses S. Grant on ground belonging to the United States Government, in the city of Washington, D. C., to ask to be discharged from its further consideration, and that it be referred to the Committee on the Library. The bill came to our committee by mistake.

The report was agreed to.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 4419) to authorize the Commissioner of the General Land Office to issue a patent for Mace Clements's survey, No. 386, in the Virginia military district of Ohio, reported it without amendment and submitted a report thereon.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred an amendment submitted by himself on the 4th instant, intended to be proposed to the sundry civil appropriation bill, reported it favorably and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

BILL INTRODUCED.

Mr. PALMER introduced a bill (S. 1876) to provide for the payment of accrued pensions in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COKE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. MILLS. I submit a resolution proposing to amend the rules, which I ask be read and referred to the Committee on Rules.

The resolution was read and referred to the Committee on Rules, and ordered to be printed, as follows:

Resolved, That Rule XXII be so amended as to read as follows:

"RULE XXII.

"PRECEDENCE OF MOTIONS.

"When a question is pending no motion shall be received but—
"To adjourn,
"To adjourn to a certain day, or that when the Senate adjourn, it shall be to a day certain,
"To take a recess,
"To proceed to the consideration of executive business,
"To lay on the table,
"For the previous question,
"To postpone indefinitely,
"To postpone to a day certain,
"To commit,
"To amend;
"which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, and for the previous question shall be decided without debate. And when any proposition shall have been considered by the Senate for ten days, and a motion for the previous question shall be made, it shall not be in order for the President to entertain any other motion, except one motion to adjourn, until the subject-matter upon which the previous question is moved shall be finally disposed of by the Senate."

CONSIDERATION OF THE REVENUE BILL.

Mr. ALLEN. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That on Monday, June 4, 1894, at 2 o'clock p. m., general debate on the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes, shall cease and the Senate shall begin the consideration of said bill and the amendments thereto under the five-minute rule, and that on Thursday, the 7th day of June, 1894, at 2 o'clock p. m., the final vote shall be taken by the Senate on said bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I object.

The VICE-PRESIDENT. There is objection. The resolution will go over under the rule.

HOUSE BILLS REFERRED.

The bill (H. R. 5293) concerning leases in the Yellowstone National Park was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 5806) to authorize the city of Hastings, Minn., to construct and maintain a wagon bridge over the Mississippi River was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 150) providing for partial payments for work, etc., for vessels constructed under the direction of the Secretary of the Treasury was read twice by its title, and referred to the Committee on Commerce.

COINAGE OF STANDARD MEXICAN DOLLARS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Colorado [Mr. WOLCOTT], coming over from a previous day.

The Secretary read the resolution submitted by Mr. WOLCOTT on the 2d instant, as follows:

"*Resolved*, That the President of the United States with a view to encourage and extend our commercial relations with China and other Asiatic countries, be requested to enter into negotiations with the Republic of Mexico, looking to the coinage by the United States, at its mints, of standard Mexican dollars, under some proper agreement with the said Republic of Mexico as to seigniorage, method and amount of said coinage; and that he be further requested to report the result of his negotiations to the Senate."

Mr. WOLCOTT. Mr. President, when this resolution first came up for hearing it was unavoidably crowded over. I was necessarily detained from the Senate on Friday last when the resolution came up again in due course, and the remarks made by my colleague [Mr. TELLER] and others leave but little to say upon this question. There are, however, a few suggestions which I desire to make.

The resolution does not in the slightest degree touch or affect the general question of bimetallism. It is simply a suggestion to a friendly sister republic that our idle mints in the West might be utilized upon fair terms for the coinage of the only dollars which have secured the confidence of the Orient as the medium of commercial exchange, to the advantage and profit of the three different nations concerned. If the seigniorage bill had become a law this resolution could not have been introduced, because our idle mints would have been busy. The veto of the seigniorage bill leaves us free to act.

While the seigniorage bill was utterly unimportant the lessons of its veto are many. It was unimportant because the only end it could hope to accomplish in the interest of bimetallism was the coinage into dollars of the idle bullion now lying in the Treasury. It has been claimed by European countries that the vast mass of bullion in the Treasury of the United States might at any time be dumped by this country upon Europe, and therefore that it stood as a bar and an obstacle to the shaping of the silver question upon some renewed basis looking to international bimetallism.

The seigniorage bill proposed further to provide for this country some $55,000,000 or more of adequate good, lawful money, which a great many people of the country thought would be better to meet the gap caused by the impending deficit than that money should be borrowed by the people of the United States and interest paid upon it.

Although, however, the measure was unimportant, yet its veto left a deep impress upon the country, and has shown in a clear light the position of the different sections of the country respecting our financial policy. Last summer in this Chamber and in another, members rose in their places and declared their undying faith in the friendship of the President of the United States for silver.

We were told by Senators upon this floor, including members of the Finance Committee, that as soon as the infamous Sherman act should be brushed aside, the first moment would be utilized in reintroducing a bill for the free and unlimited coinage of silver, for which the President of the United States would undoubtedly stand as sponsor. That position has been somewhat cleared. If any one thing has been made by this veto clear to the minds of the people of the United States, it is that its Chief Executive is the consistent and implacable and eager enemy of silver. He has been consistent throughout, and he has had the courage of the convictions of the national banks and the trust companies of the United States, to all of which the name of silver is a stench and an offense.

The veto has further shown us that the silver sentiment of the country is local and not political. In the New England States and in the Northeast both parties have vied with each other in adulation and praise of the President's action, while in the rest of the country the veto has been viewed with sorrow and with indignation. In the New England States and in the Northeast the unanimous feeling is that the President of the United States is infinitely better than his party. So universal is this the prevailing sentiment that the Democracy of that section apparently intend to indorse the openly expressed contempt of the President of the United States for the Democratic party at large by voting overwhelmingly in favor of the Republican ticket; while in the West and South, irrespective of party, there is a prevailing and a unanimous sentiment that the President of the United States has betrayed not only the platform of his party but the interests of his people, and that he has treated the just claims of those great States of the Union, which are devoted to mining and to agriculture, which are borrowers and not lenders, with scorn and with derision.

The veto has further taught us that during the incumbency of the present Executive there is no hope whatever for the cause of bimetallism. And the self-respect of those of us who believe that the day of prosperity will never come to this country again until silver is rehabilitated and restored to its place as a money metal should require of us that we advocate and vote for no makeshift and no temporary expedient. If the lesson is to be learned it may as well be learned during the present Administration as at any other time; and we owe it to our own dignity, and the respect due the cause, that we oppose upon this floor every measure which does not follow upon the lines of the free and unlimited coinage of silver at the ratio of 15½ or 16 to 1.

I speak especially for those of us who believe that the United States alone can undertake and maintain the double standard. There have lately arisen in the Eastern States a number of bimetallic leagues and societies, which in their way are doing an infinite amount of good. They are educating the people to believe that the welfare and the prosperity of the world must hereafter rest upon the use of silver as well as gold. They are of no immediate benefit to us who believe that the United States alone could maintain the double standard, and in a way they are an enemy within our gates. But the lessons they are imparting, the beliefs that they are inculcating that prosperity will never return until silver is restored as a standard of value is doing an infinite amount of good throughout this country; and for one, I am ready to say to them that during the present unfortunate Administration we do not propose to advocate or vote for any half-hearted measure which does not reach the principle of bimetallism, and which does not look to the reëstablishment and the reinstatement of silver as a standard of value equally with its sister metal.

Whatever may happen, Mr. President, we want no further dallying with so-called seigniorage bills. We have been lately told through the public press that in another Chamber a measure has been introduced which shall reconcile all parties, which shall convince their silver-loving constituents at home that its advocates are at heart the friends of silver, which shall couple with seigniorage that grotesque suggestion of the President in his veto message, that if the Congress of the United States would let the Government borrow what money it wanted on its interest-bearing bonds, then the country could afford a further issue of silver money which requires no redemption, except silver itself.

Such a suggestion, Mr. President, is too paltry to be fairly considered. If we are to have bonds, let us meet a bond issue like men. I for one need no sop thrown to me of a seigniorage bill in consideration that I shall give the Secretary of the Treasury my vote to issue unlimited bonds to meet unknown and uncertain deficits. We will cross that stream when we reach it.

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China, like all other nations doing business on a silver basis, and owing no debts the principal and interest of which are payable in gold, is in a most prosperous and happy condition, with a rapidly increasing commerce and largely increasing exports. There has not been a period in the history of that nation when its internal affairs and its foreign commerce were in as good a condition as now. That condition has been largely facilitated by the attitude of Great Britain toward India, to which I shall hereafter refer, but it is a fact that the trade of China, internal and with the outer world, was never as prosperous as now.

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Mr. HIGGINS. Will the Senator answer a question at that point?

Mr. WOLCOTT. With pleasure.

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Mr. WOLCOTT. It is owing to the Chinese demand—not the Indian, but the Asiatic demand for dollars.

Mr. HIGGINS. They are not to be used in this country?

Mr. WOLCOTT. They are wholly for shipment to Asia.

Our commerce with China is already great. Our exports to China last year were $3,900,000; our imports were upwards of $20,000,000; of which sum $5,000,000 were dutiable and some $15,000,000 were free.

If these dollars shall be coined at our mints at Carson City and at San Francisco, it will create something of an active silver market on the Pacific coast, and where the dollars are the facilities for shipment and commerce will go also. There will be a demand for these dollars from London merchants and from English and from Scotch merchants. They will send gold to this country in exchange for the dollars which will be shipped direct, and it will add much to the steamship commerce between the Pacific coast and Asia. Many of these dollars will find their way into the Indian market. They are handy; they will go up country be remelted and made into bangles and ornaments. There is always a certain demand in India also for Mexican dollars.

The total commerce of China has of late years assumed enormous importance. Her foreign commerce last year consisted of £27,000,000 of imports and £25,000,000 of exports. These exports are rapidly increasing in volume and in value and are very much facilitated, as I have said, by the action of England toward her colonies in India.

The attitude of Great Britain is most pregnant with interest in this country, for no matter what may be our legislation, the attitude of Great Britain toward India, the prices at which her wheat and jute and cotton are to be sold, the facilities of the exchange into English money, must ever materially affect the prices of those products in this country which we raise in competition with that great people.

The silver difficulty in India which has followed from the closing of the Indian mints is of this nature: The Indian government collects its revenue in silver rupees; the revenue collected since last June and remaining in the treasury amounts to some 20 crores of rupees—in other words, to some 80,000,000 ounces of silver. There are some 4,000,000 ounces to the crore. The crore is an East Indian word signifying 10,000,000, and 10,000,000 rupees mean something over 4,000,000 ounces of silver. These 80,000,000 ounces of silver are now locked up in the English treasury in India, making a scarcity of actual rupees for commerce in India.

Now, the demand for these rupees, through sales of so-called "council drafts" in London, is the demand of English importers of Indian wheat, cotton, and jute, who require silver rupees to pay for their purchases from Indian farmers. But the government of India by closing the mints has said: "You can not any longer pay rupees by buying silver from America or elsewhere and coining it in Bombay, therefore you must now buy these rupees from our government treasuries, and at whatever price we fix. True, the value of the silver in the rupee is now only 22 cents per rupee, but we will not sell our coins, our council drafts, for less than 28 cents per rupee; either take them at that price or leave and go out of business." This result has followed from this policy of coercion. China, for example, is getting silver—is getting Mexican dollars—for what she sells in Europe at their bullion value, but the Indian exporter is finding that the present artificially high price charged by the govern-

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I object.

The VICE-PRESIDENT. There is objection. The resolution will go over under the rule.

HOUSE BILLS REFERRED.

The bill (H. R. 5293) concerning leases in the Yellowstone National Park was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. 5803) to authorize the city of Hastings, Minn., to construct and maintain a wagon bridge over the Mississippi River was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 150) providing for partial payments for work, etc., for vessels constructed under the direction of the Secretary of the Treasury was read twice by its title, and referred to the Committee on Commerce.

COINAGE OF STANDARD MEXICAN DOLLARS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Colorado [Mr. WOLCOTT], coming over from a previous day.

The Secretary read the resolution submitted by Mr. WOLCOTT on the 2d instant, as follows:

"*Resolved*, That the President of the United States with a view to encourage and extend our commercial relations with China and other Asiatic countries, be requested to enter into negotiations with the Republic of Mexico, looking to the coinage by the United States, at its mints, of standard Mexican dollars, under some proper agreement with the said Republic of Mexico as to seigniorage, method and amount of said coinage; and that he be further requested to report the result of his negotiations to the Senate."

Mr. WOLCOTT. Mr. President, when this resolution first came up for hearing it was unavoidably crowded over. I was necessarily detained from the Senate on Friday last when the resolution came up again in due course, and the remarks made by my colleague [Mr. TELLER] and others leave but little to say upon this question. There are, however, a few suggestions which I desire to make.

The resolution does not in the slightest degree touch or affect the general question of bimetallism. It is simply a suggestion to a friendly sister republic that our idle mints in the West might be utilized upon fair terms for the coinage of the only dollars which have secured the confidence of the Orient as the medium of commercial exchange, to the advantage and profit of the three different nations concerned. If the seigniorage bill had become a law this resolution could not have been introduced, because our idle mints would have been busy. The veto of the seigniorage bill leaves us free to act.

While the seigniorage bill was utterly unimportant the lessons of its veto are many. It was unimportant because the only end it could hope to accomplish in the interest of bimetallism was the coinage into dollars of the idle bullion now lying in the Treasury. It has been claimed by European countries that the vast mass of bullion in the Treasury of the United States might at any time be dumped by this country upon Europe, and therefore that it stood as a bar and an obstacle to the shaping of the silver question upon some renewed basis looking to international bimetallism.

The seigniorage bill proposed further to provide for this country some $55,000,000 or more of adequate good, lawful money, which a great many people of the country thought would be better to meet the gap caused by the impending deficit than that money should be borrowed by the people of the United States and interest paid upon it.

Although, however, the measure was unimportant, yet its veto left a deep impress upon the country, and has shown in a clear light the position of the different sections of the country respecting our financial policy. Last summer in this Chamber and in another, members rose in their places and declared their undying faith in the friendship of the President of the United States for silver.

We were told by Senators upon this floor, including members of the Finance Committee, that as soon as the infamous Sherman act should be brushed aside, the first moment would be utilized in reintroducing a bill for the free and unlimited coinage of silver, for which the President of the United States would undoubtedly stand as sponsor. That position has been somewhat cleared. If any one thing has been made by this veto clear to the minds of the people of the United States, it is that its Chief Executive is the consistent and implacable and eager enemy of silver. He has been consistent throughout, and he has had the courage of the convictions of the national banks and the trust companies of the United States, to all of which the name of silver is a stench and an offense.

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Now, the demand for these rupees, through sales of so-called "council drafts" in London, is the demand of English importers of Indian wheat, cotton, and jute, who require silver rupees to pay for their purchases from Indian farmers. But the government of India by closing the mints has said: "You can not any longer pay rupees by buying silver from America or elsewhere and coining it in Bombay, therefore you must now buy these rupees from our government treasuries, and at whatever price we fix. True, the value of the silver in the rupee is now only 22 cents per rupee, but we will not sell our coins, our council drafts, for less than 28 cents per rupee; either take them at that price or leave and go out of business." This result has followed from this policy of coercion. China, for example, is getting silver—is getting Mexican dollars—for what she sells in Europe at their bullion value, but the Indian exporter is finding that the present artificially high price charged by the govern-

ment of India for the rupee is giving the China exporter a great advantage he never got before.

Let me illustrate this point carefully. In India the government has fixed the value of the rupee at 28 cents, while the value of a corresponding weight of silver in China, say two-fifths of an ounce, is 22 cents. Now, if we suppose 1 pound of tea in India costs 1 rupee, then the Indian grower can sell some 17 pounds of tea for the gold sovereign. But the Chinaman can afford to sell 23 pounds of tea for the sovereign. As this argument applies to most of India's exports, the balance of trade since the closing of the mints has gone strongly against India, and is greatly favoring China; and just as the rise in the Indian rates of exchange and the fall in the China rates has thrown the balance of trade against India and is favoring China, so also the fall in the rate of exchange between the silver-using countries and Europe since 1873 has tended to destroy our favorable balance of trade with gold-using Europe, by stimulating the trade in wheat and cotton from Asia at the expense of our exports of these staples.

So, following this, I desire to call the attention of the Senate briefly to an Indian opinion as to the effect which is being produced in India by the floundering policy of the English Government towards India. I read very briefly from some recent remarks by Hon. Robert Steel, who is the commercial member of the viceroy's council in India. In an address which he delivered at the meeting of the Bengal Chamber of Commerce he says:

> We may now judge of the result of the closing of the mints. The secretary of state can not sell his council bills. The balance of trade has disappeared. Exchange is falling, and there seems to be no chance of the downward course being arrested until we reach the metallic value of the rupee. Money is at 9 per cent, and may go much higher, but the exchange banks, in view of the further expected fall in exchange, will not bring out one rupee more than the amount they absolutely require to pay for the bills they have bought. By the presence of dear money and the prospect of still dearer money trade is paralyzed. The fact is that the action of government in closing the mints has caused silver to fall to a lower point than it otherwise would have done, and yet it appears that whether the mints be closed or open there is no chance that council bills can be sold on the scale of our requirements until exchange reaches the bullion point.
>
> Our trade is paralyzed in the hope of relieving the embarrassments of government, and yet the departure from a sound currency system is making the position of government worse than it was before. The present course can not be persevered in long. We can not go on borrowing gold and heaping up money in our treasuries here The day of reckoning must come, and can not be far off. We find English statesmen are already pressing the unanswerable charge that the Indian Government has entered into a gigantic speculation in silver. This is serious enough in itself, but when it appears that the speculation is certain to be a losing one, the clamor against it will be irresistible. What then must be done? We are, perhaps, on the eve of a crisis which may give a terrible shock to industry, to commerce, and to credit. We can not prosper without a sound currency acting automatically. Let us open our mints, and we shall again see a wave of prosperity flowing over the land like that which followed in gold-using countries the discoveries of gold in California and Australia fifty years ago.

This, Mr. President, is an intelligent Indian opinion of the present policy which Great Britain is following towards India. She is animated naturally by her own selfish interest.

The products of India and the products of China are much alike, and whatever we can do to upbuild the commerce of Asia at the expense of the commerce of India must be to our advantage as showing England where her interests lie.

We are met with the threat that England may sell her silver bullion on hand. It has been recently suggested by the English press that the 20 crores of bullion, or the 80,000,000 ounces of silver, which England has on hand in India may be sold. If that unfortunate occurrence should take place, there is no doubt that the price of silver would be further depreciated; there is no doubt that it would add to the already untold disasters which have overtaken the world because of the abandonment of silver; but I venture the prediction that England will never take that step, for when she does that she makes valueless hundreds and thousands of millions of dollars of bonds, the principal and interest of which are payable in gold, which silver-using countries have borrowed of her. Let her sell her silver on hand in India and add another attempt to degrade the metal, and you will find every silver-using country on earth repudiate every gold payment it owes; and 90 per cent of those payments are due to Great Britain.

The question of the production of silver is not to be settled by Great Britain and by this country by selling silver in bulk, or by attempting to further degrade and dishonor it. Many of us have taken the position here on the floor of the Senate for years, that even if we rehabilitated silver and restored the old free coinage at the ratio of 16 to 1, the production of silver would not be increased. We have said that the rise in prices, the rise in wages, the limited and narrowing area for the discovery and development of silver mines, would prevent in any event the further and larger development and output of silver ores. But, Mr. President, there has lately been borne in upon us a different condition of facts.

We now face another proposition. Every one of these estimates has been based upon the assumption that silver alone depreciated. But one lesson that we are painfully and slowly, but surely, learning to-day, is that not only has the price of silver depreciated or the price of gold appreciated, but that wages are decreasing, that the cost of the necessaries of life is decreasing, that the food the miner eats and the clothes he wears are growing less in cost, that the cost of machinery for the development of mines is less, that the cost of making roads is less, that the traffic upon the railroads will bear less, and out of the misery of it all there must come the inevitable fact that as silver declines in value, so men with mouths to feed will be found to produce it for less wages.

Our furnaces are cold, our fires are out, our mines are most of them closed; those which are kept open are kept open in order to prevent the timbers from rotting and the waters from flooding the mines; yet when these miners—intelligent men who have up to this time found work at prices which remunerated them and enabled them to add to the glory of American manhood, to educate their children, to feed them and to own their own homes—find that the monetary policy of this country prevents their receiving these wages, and that it is starvation or nothing, we shall inevitably find that silver will continue to be produced at some price.

Great Britain, with the United States attending upon its policy, seems willing to destroy four thousand millions of existing silver coinage in order that it may prevent the output of about one hundred millions of silver a year available for coinage. They are waiting for a river to run by that will be fed by the eternal spring of man's necessities. As you degrade silver you degrade American manhood, American wages, American labor, American prices; but you will find that silver will continue to be produced as long as that metal is found within the bowels of mother earth.

This resolution, Mr. President, may come to nothing, but it is worth the trying, and out of the general impoverishment and stagnation which prevail throughout this country, I, for one, am glad to seek even some small measure of relief from countries whose faith in silver has never wavered, and whose people are prosperous and happy, because they have clung to the white metal through evil as well as through good report.

If no other Senator desires to speak to the resolution, I trust it may be put upon its passage.

Mr. SHERMAN. Mr. President, I do not intend to participate in any debate on this question, because I am inclined to think that the passage of the resolution and the undertaking by the President of the United States to negotiate some measure of relief to silver would be at this time a wise measure to pass. I certainly would favor any proposition which would tend to give silver a larger use for commercial or financial purposes. It would be a great benefit to the human race, it would be of vast benefit to all the nations of the world if, in some way or other, silver and gold might be put in such relation to each other that they would stand at par with each other at a given ratio. There is no doubt about that.

There will be no opposition among any portion of our people to the use of silver to the extent where it will not demonetize gold. Every one of those who are commonly classed by the popular feeling as goldites would be glad to see silver and gold placed upon a fixed parity, so that they could be maintained at par with each other among all the nations of the world, and be used everywhere as the standards of money. Those of us who believe that the gold standard should be maintained also believe that the silver standard should be maintained, but it can be maintained only when the market value of silver at a given ratio is equal to the market value of gold at the same ratio. That is our belief.

This proposition is, I think, a very taking one. If it is possible for the President of the United States to negotiate a treaty with Mexico, by which the United States might issue practically the silver coin now known as the Mexican dollar, and that coin can be used for a commercial dollar to be exported, not made a legal tender and not to be coined to an unlimited extent except for exportation, then I can see that it would give employment to probably a vast amount of silver.

No man can estimate the amount which might be used in such a country as China. China contains a population, it is said, of 400,000,000, and many of them are very intelligent people. They are shrewd, active people, who understand precisely the value of the dollar, and measure it to the last grain. If we can secure by a treaty stipulation an arrangement with Mexico, by which a dollar may be coined in our mints for exportation, then undoubtedly we should be able to give employment to a considerable amount of silver; we should relieve Mexico from the burden, and probably the expense, of coining that silver, and if we can send $100,000,000 or as much as can be produced in this country to China or the eastern countries, it will tend to ad-

vance the price of silver; and there is no one who does not desire to advance the price of silver nearer and nearer to the standard of gold. I shall, therefore, vote for the resolution.

I wish, however, to call the attention of my friend from Colorado to the fact that he has probably overlooked the ordinary language which is used in addressing resolutions to the President. There should be inserted in the resolution the words, "if not incompatible with the public interests." Those words should be inserted in the proper place in the resolution. I will ask the Secretary to read the resolution.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. WOLCOTT.

Mr. WOLCOTT. I suggest to the Senator from Ohio that if we were calling for information from the President of the United States, it would be perfectly proper and most courteous that we should say, "if, in his opinion, not incompatible with the public interests;" but we do a great many things here which, in the opinion of the President of the United States, are probably quite incompatible with the public interests. I suggest, therefore, that in a resolution directing something to be done, if it should not happen to meet with the view of the President and he did not want to do it, under the terms of the resolution he would not be required to do it. I am subject to correction if I am wrong.

Mr. SHERMAN. The President of the United States has the sole power to make treaties, but we may express our opinion of the expediency of his making a treaty of a particular kind. That would be right enough, and, therefore, we embody in such resolutions the ordinary terms. We merely ratify a treaty by a two-thirds vote, but the President makes the treaty. I am, however, rather indifferent about the form of the resolution, though I think the form I have suggested would be more courteous.

Mr. WOLCOTT. I certainly want to do whatever is proper in the matter.

Mr. McPHERSON. I understood the Senator from Ohio [Mr. SHERMAN] to say that he proposed to offer an amendment providing that the Mexican dollar should be coined for the purpose of export. Did I understand him correctly?

Mr. SHERMAN. I did not propose that. That would be left open to negotiation. As stated by the Senator from Colorado, these dollars are for export, and the treaty, as a matter of course, would be based upon that idea. It could not be otherwise.

Mr. McPHERSON. So also the trade dollars were intended for export, and the law providing for the coinage of the trade dollars expressly stated the purpose and use of those dollars to be for export to foreign countries. The Senator from Ohio knows full well what the result was in regard to the trade dollars. We were obliged to take them back and recoin them, under the idea and impression which obtained possession of the people, that the Government was in some way bound to redeem dollars which had been coined at its mints.

As I read the pending resolution it seems that it is for the purpose of increasing commerce. It says:

> That the President of the United States, with a view to encourage and extend our commercial relations with China and other Asiatic countries, be requested to enter into negotiations with the Republic of Mexico looking to the coinage by the United States, at its mints, of standard Mexican dollars.

Sir, to me it is a very humiliating admission to be found in an act of Congress that the Government of the United States, containing forty-four great States, its commerce greater by a hundredfold than that of the Republic of Mexico, having commercial relations with China, Japan, and with the islands of the sea, are not able to put into circulation trade dollars of 420 grains bearing the stamp or superscription of the United States. With all our commercial power and all our commerce with those nations we were not able to circulate trade dollars and keep them in circulation in those countries, but, at the expiration of a short time, found the coin returned to the United States and the Government felt obligated to redeem them, and did redeem them in standard silver dollars.

I do not understand, though perhaps the Senator from Colorado can instruct me, how it is possible by the coinage of Mexican dollars to increase our trade with China. If to-day a New York merchant buys a cargo of tea in China, he is obliged to pay for it by draft on England. The Chinese Government do not receive our silver coin. Why should they receive the coins of the Republic of Mexico? If a Chinese merchant owes a merchant in India a balance of trade, he is bound and obliged to pay the balance to the Indian merchant by a gold draft on London. So far even the silver countries themselves in making their exchanges of products refuse to settle their balances in other than gold.

Now, I can not conceive of any plan whereby an American merchant taking the Mexican dollars into China will be able to purchase goods in China to any better advantage than he would be with American dollars, to say nothing of the great humiliatoin which I think the American people must feel that we must add to our money, consisting to-day of eight different kinds of currency, gold and silver coins and their certificates, national-bank notes, Treasury notes, and United States notes, regardless of the fractional currency, another kind of currency having no legal status under the laws of the United States, which must of necessity return from China, and Japan, and India. If it is sent there for the purchase of Chinese goods it will inevitably return here for the purchase and payment of American goods. Therefore we are simply issuing another kind of currency not recognized by our laws, not a legal tender, which it is very probable the Government of the United States will in the immediate future be obliged by all honorable considerations to redeem.

I agree, so far as I can agree, with the wish of the honorable Senator from Colorado [Mr. WOLCOTT], to increase so far as we can without harm and without injury to the financial condition of this country as it exists to-day the use of silver in our circulation, but it seems to me that the plan contemplated by the resolution will not make a demand or a market for very much silver, except we are willing to admit at the same time that it will return to the United States to plague us.

I have been so busy with other things that I have not been able even to read the resolution of the honorable Senator from Colorado until it was laid upon my desk this morning. I inquire of him if it would interfere with his purpose, plan, and wish if I should ask to have the resolution go over until to-morrow? I should like to present some observations on the subject.

Mr. STEWART. I should like to submit some observations before the resolution goes over.

Mr. McPHERSON. Very well; then I yield the floor to the Senator from Nevada. I am not prepared this morning to state the case as fully as I wish to state it.

Mr. STEWART. Mr. President, the Senator from Ohio [Mr. SHERMAN] made an observation which may be misleading. He says the advocates of gold are also the friends of silver, and that all they desire is to maintain the parity. I wish to repeat what I have often said, that bimetallism is not the result of parity, but parity follows bimetallism. It followed it for thousands of years on the simplest principle in the world, that as long as you can get a given number of dollars or other units of money for a given quantity or weight of silver for another and different weight of gold, the amount of gold required and the amount of silver required to obtain that number of dollars are always of the same value and at a parity. Parity was maintained for thousands of years in that way, and whenever one of the metals became scarce, so that it was inconvenient to get it, they used the other, and the demand fell on the other until the parity was restored. It was automatic and worked for thousands of years.

Those who say they are in favor of parity and refuse the only legislation which can produce parity are either ignorant of what they say or they do not mean what they say. Everybody who has any sense at all knows if you cut off the market for silver it is just like anything else. It will fall. The market for silver at the mints was unlimited through all the ages until the fatal act of 1873, and while the market was unlimited it made no difference whether there was more silver produced or more gold; the parity regulated itself. From the discovery of America until 1803, von Humboldt tells us there were 44 ounces of silver produced for every ounce of gold, and it continued nearly the same up to 1850. There was a great preponderance of silver through all the ages; but from 1850 to 1860 there were not more than 4 or 5 ounces of silver produced to 1 of gold. The parity remained. If they could not get silver they used gold. As long as we had bimetallism we had parity. Nobody expects that we will have a parity while we have no bimetallism, which admits both metals to coinage. We do not coin silver. It is idle to talk about silver demonetized competing with gold monetized. We have made gold dear, and we have made labor and property cheap and produced stagnation because we have deprived the people of their money.

As to the pending resolution, I know no reason why it should not be adopted, except the fact that no opposition comes from the gold advocates. That makes it suspicious. But I am willing to act on my judgment. I fear, however, that Mexico will not consent, and it will amount to nothing. If they do consent and we coin some of these dollars and they are sent to China, they will augment the circulation of that kind of money in China, and it may possibly do some good. The mover of the resolution does not expect any great benefit from it. It has nothing at all to do with the silver question in this country.

But the Senator from New Jersey [Mr. McPHERSON] speaks of humiliating this country. Financially, it can be no more humiliated than to be at the beck and call of an English syndicate. We have reached the depth of humiliation when we have become

a financial colony of Great Britain. That is degradation enough. He says further that he does not wish to disturb the present status. I think the majority of people in this country desire the present status of things disturbed. They desire a change for the better. We see discontent everywhere. We see a condition of things prevailing that has prevailed in every country before a great catastrophe happened—discontent; men tramping over the country starving for bread in this land of plenty. We may deride them, we may make fun of them, we may put them in our jails, but that experiment is not a new one. They were put in jails in Paris. The authorities put in jail as many as they could, until the prisons were full. The starving multitude moved on. Death marked their progress to Paris until they came in such numbers that they made resistance impossible. Force against universal insurrection has always failed. A Frenchman, whose name I do not remember, when this multitude was coming, exclaimed, "Force against universal insurrection is impossible." We may go on contracting the currency; we may go on depriving the people of money; we may go on reducing prices; we may go on inflicting calamities upon the country; but we already hear the murmurings coming up here.

When any one speaks of the present satisfactory condition of the country, I ask to whom is it satisfactory? It is only satisfactory to the owners of gold, and bonds resting upon undoubted security, and holders of office whose salaries have not been reduced. Those with fixed incomes may rejoice at cheap men and cheap labor and cheap property and stagnation, because they can realize what others have lost. This thing may go on; the gold party may be triumphant; they may be triumphant in the coming election. Some of the elections we have had indicate that it will be; but let me tell Senators right here and now that if the gold party are triumphant in the next election they will have to select a man for standard-bearer whom the gold party knows and the people do not know.

No man can go before the country in its suffering condition and ask for their votes in the next Presidential election on account of the repeal of the Sherman law and the adoption of the gold standard. If the gold party go forward they must put forth a man whom they know and can use. They dare not put forth a man who has fallen on his face before the money power. They dare not do it on either side; neither party will do it. The gold party may be successful by the destruction of the Democratic party or otherwise. By the destruction of the Democratic party the gold party may succeed. It may be that the chains of slavery can never be broken in this country. That is possible. But the people must be kept in ignorance. It must be done by subterfuge, and other issues than the real one must be kept before the country.

You must contend over the tariff question or something that does not affect the world generally. You must not let them know what is the matter. Then, by putting an equivocal candidate before the people who can make promises in public and break them when he gets into the White House, you may succeed with the gold party; and when you get into power you may have Federal election laws which will prevent the people from uprising. You may have those laws; you may bind the people hand and foot; you may create insurrection and the necessity for a stronger Government; you may change the form of government; but you can not do it if you will tell the people beforehand what you intend to do.

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is on agreeing to the resolution. Does the Senator from New Jersey [Mr. MCPHERSON] wish to be further heard upon the subject?

Mr. GORMAN. The Senator from New Jersey suggested that the resolution go over until to-morrow.

Mr. MCPHERSON. I understand the Senator from Colorado [Mr. WOLCOTT] agrees that it shall go over.

Mr. SHERMAN. I offer the amendment which I suggested a few moments ago, so that it will read "the President of the United States, if not incompatible with the public interests," etc. I think those words ought to be inserted in the resolution as they are ordinarily in such resolutions.

The PRESIDING OFFICER. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. It is proposed to insert after the words "United States," in the first line, the words:

If not incompatible with the public interests.

The PRESIDING OFFICER. Does the Senator from Ohio desire to press his amendment now, or that it shall go over with the resolution?

Mr. SHERMAN. I think there will be no objection to the amendment.

Mr. GORMAN. There is no objection to it.

Mr. QUAY. I understood the Senator from Colorado to object to the amendment.

Mr. SHERMAN. He acquiesces in it.

Mr. MCPHERSON. I should like to offer an amendment to be considered when the resolution comes up. I do not ask a vote on it now. After the word "dollars," in line 6, I move to insert the words "for exportation."

The PRESIDING OFFICER. The amendment will be stated.

Mr. MCPHERSON. I do not wish a vote upon the amendment now, but I will wait until the resolution comes up to-morrow.

Mr. HARRIS. Has the resolution gone over?

The PRESIDING OFFICER. It has not. The Senator from New Jersey asks that the resolution with the pending amendment and proposed amendment go over. Is there objection?

Mr. WOLCOTT. I have no objection to the resolution going over until to-morrow. I hope that then, if there are no further Senators to speak upon it, a vote may be had upon the resolution and the amendment. It is very possible that I shall be glad to accept the amendment to-morrow. I should like to look it over, however.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

HOUR OF MEETING.

Mr. HARRIS. Mr. President, believing as I do that there is no one question in which the 70,000,000 people whom we represent here are so deeply and directly interested as that of the early determination and final conclusion as to what the import duties of merchandise to this country are to be in the future, I am exceedingly anxious to reach some agreement by which we can devote much more time to its consideration day by day than we have done in the past. There is certainly no one question more important, and in my opinion no one question half as important, as that the business of the country shall know, and know at the earliest hour possible for us to inform them, what the rate of duties to be paid in the future are to be. In view of that fact I am tempted to ask the unanimous consent of the Senate that we come to some agreement as to the hours that shall be devoted to the consideration of this question each day without interruption. Consulting my own wishes and opinion and that of a large number of Senators upon this side of the Chamber, I will ask unanimous consent that after to-day the Senate meet at 11 o'clock instead of 12.

Mr. QUAY. I object, Mr. President.

Mr. HARRIS. The objection comes very early. I have not finished, but it appears that I need not finish. However, I will proceed. The Senator might have withheld his objection until he heard the full statement.

Objection being made, I now ask the other side of the Chamber to tell me, and to tell this side, whether there is any agreement possible to devote more time, day by day, to the consideration of this great and vitally important question.

I submit my proposition in order that it may be considered, and am ready to hear counter propositions, if counter propositions are to be made. I apprehend there is no Senator on the other side or on this side who does not appreciate the importance of prompt action and the earliest decision that can be had, consistent with a full discussion and consideration of the question, being more important, as I think it is, than all other questions pending.

My proposition is, that we meet at 11 o'clock and devote one hour to the consideration of morning business, and that we take up the tariff bill promptly at 12 o'clock, and for the present week at least devote the whole time from 12 o'clock until 5 o'clock in the afternoon to general debate of the bill. Now, if such a suggestion is not agreeable to the other side of the Chamber, I shall be glad to hear any suggestions from that side of the Chamber as to what agreement would be acceptable to them.

Mr. FRYE. Mr. President, I can state what agreement would be acceptable to me; and that is, that the further consideration of the tariff bill should be postponed until next December.

Mr. HARRIS. That I understand.

Mr. FRYE. Believing, as I do, that its enactment into law would do more harm to the industries and the people of this country than the war did, I shall, whenever I am present, object to any unanimous consent whatever touching the progress of the bill in the Senate.

Mr. QUAY. Mr. President, I do not assume to speak for this side of the Chamber, but in reply to the Senator from Tennessee I will state that I, for one, shall not voluntarily sit in the Senate Chamber upon days when ordinarily no session is held, nor during extraordinary hours, simply to expedite the passage of legislation which I believe will bring ruin to the State of Pennsylvania.

Mr. HARRIS. Mr. President, I see that no agreement is possible after the declarations of the Senators from Maine and Pennsylvania.

Mr. ALDRICH rose.

Mr. HARRIS. I yield to the Senator from Rhode Island.

Mr. ALDRICH. Mr. President, it does not seem to me that there is anything in the present situation of affairs in the Senate that should call for the adoption of unusual methods in the conduct of the public business. The Senators in opposition to the pending tariff bill appreciate as fully as the Senator from Tennessee can the importance of the discussion upon which we are about to enter. They are desirous, and only desirous, that the discussion shall proceed in an orderly manner, in a manner worthy of the traditions of the Senate and the importance of the subject. There have been no obstructive or dilatory or filibustering motions made upon this side of the Chamber, and there will be none unless we are forced by attempts to adopt some unusual methods in the conduct of the business of the Senate.

We have had two speeches upon this question during the week which has passed, and we are now entering upon a third speech. There are some considerations pertinent to this question which make it impossible for the Senators in opposition to the bill to discuss it intelligently at the present time. There has been no explanation from any one familiar with the measure as to its effects or results so far as revenue is concerned, or so far as the details of the bill are concerned. We, upon this side of the Chamber, know nothing as to what form the bill is finally to take. Within the past two or three days something like thirty or forty amendments have been suggested by the majority members of the Finance Committee. We know from common rumor and from statements of interested parties that changes in rates and in the phraseology of the bill are now being made from day to day for the purpose, apparently, of rewarding the friends of the measure or gaining the votes necessary to pass it, or for punishing those who are presumptious enough to oppose its provisions.

I think the gentlemen on the other side of the Chamber, the friends of the measure, are bound at the outset of the discussion to tell us what in their opinion will be its effect upon the revenues, to explain its extraordinary provisions, applicable to every paragraph and to every section of the bill. They are bound to tell us or give us some sort of an idea as to the exact and definite provisions of the bill in the form in which they shall ask the Senate to pass it. Until that is done there can be no intelligent answer from this side of the Chamber and no intelligent criticism about a bill whose provisions we do not as yet know.

So it seems to me it comes with ill grace from the Senator from Tennessee or any other Senator to say at this stage of the discussion that we should adopt any unusual hours or any unusual methods. We on this side of the Chamber (and I think that is true of the opponents of the bill, whether upon one side of the Chamber or the other) intend to treat this matter in a spirit which is worthy of this great question, affecting as it does vitally the interests of every man, woman, and child in the United States.

Mr. HARRIS. Mr. President, it is the fact——

Mr. CHANDLER. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from New Hampshire will state his question of order.

Mr. CHANDLER. I call for the regular order.

Mr. HARRIS. It is because of the fact that it is a question of vital interest to every man and woman in the United States that I have urged that we shall determine the question at the earliest possible moment.

The PRESIDING OFFICER. The Chair directs the attention of the Senator from Tennessee to the fact that there is no motion pending. It is simply a request for unanimous consent.

Mr. HARRIS. I have asked for unanimous consent, which met with objection.

Mr. CHANDLER. I rise to a question of order. I desire to know whether the Senator from Tennessee is in order?

The PRESIDING OFFICER. The discussion is proceeding by unanimous consent, as the Chair understands.

Mr. CHANDLER. I leave it to the Senator from Tennessee himself whether he is in order. We always submit to his decisions on questions of order. If he says he is in order I shall not object to his going on.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. HARRIS. The Senator from New Hampshire was very patient while the Senator from Rhode Island [Mr. ALDRICH] was discussing the merits of this question, as to which I have not said a word. But I am going to make a motion to which the Senator from New Hampshire can raise no question of order. Of course he will oppose it. I move that on and after to-morrow, until otherwise ordered, the Senate meet at 11 o'clock a. m.

I wish to say that I have no desire to enter upon the discussion of the merits or demerits of the tariff bill at this time. I was only urging the point that it is vitally important to the business of the country to know at the earliest moment that we can inform them what the policy in respect to taxation is to be in the future. No Senator on the other side of the Chamber or on this side can for one moment doubt the absolute importance of letting the country know so soon as we can. I do not desire to subject any Senator on the other side or on this to the slightest inconvenience. I desire to accommodate the convenience of Senators just as far as is consistent with the great importance of an early disposition of the question pending before the Senate.

To accomplish this result I am ready to subject myself to the inconvenience of coming here at earlier hours and sitting here to later hours.

I, of course, do not know whether the bill will pass or not. That is a question to be determined in the future, and the sooner it is determined the better it will be for the business of the country and the whole people of the country. That is my point, and the only point that I propose to make at this time. Whatever its fate is to be let us reach it at the earliest hour that we can.

Mr. LODGE. I desire to inquire of the Chair whether under the rule the motion does not go over under one objection?

The PRESIDING OFFICER. It does.

Mr. LODGE. Then I make the objection.

The PRESIDING OFFICER. The motion will go over, under the rule.

Mr. HARRIS. That is proper.

ISSUE OF BONDS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from Kansas [Mr. PEFFER].

The Secretary read the resolution submitted by Mr. PEFFER March 28, 1894, as follows:

Resolved, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in the future without express authority by act of Congress first had and obtained.

Mr. PEFFER. Inasmuch as I expect to yield the floor to the Senator from New York [Mr. HILL] at 2 o'clock for the discussion of the tariff bill, I shall occupy the remainder of the time until 2 o'clock with the discussion of the pending resolution.

Mr. DOLPH. The Senator from Kansas does not expect to conclude his remarks this morning?

Mr. PEFFER. If I am not interrupted, I shall probably conclude before 2 o'clock. This matter has been passed over so long that I object to its being passed over any longer.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. PEFFER. No, sir; not for the present.

The PRESIDING OFFICER. The Senator from Kansas will proceed.

Mr. PEFFER. Mr. President, thirty-two members of this body will complete their present terms of service within one year from the 4th day of last month, and their successors will be chosen by Legislatures to be elected in the mean time.

It is reasonable that these Senators should desire to be returned, and that renders it proper that the voters of the States they represent should have some fresh and official testimony tending to show the attitude of the candidates toward the Government's bond-issuing policy, for that is going to be a leading issue in the election campaigns of this year. This resolution affords Senators a good opportunity to testify in their own behalf touching that important matter.

The Secretary of the Treasury has once, and as a great many people believe, and as I believe, without authority of law, issued a block of $50,000,000 in 5 per cent ten-year bonds when there was plenty of money in the Treasury to meet every lawful and legitimate demand against the Government. That, to my mind, is evidence conclusive that, unless Congress interferes to prevent it, that officer will again resort to the same method of pledging the public credit whenever in his opinion it ought to be done.

It is not at all difficult to foresee that, in pursuing the policy which the Government has adopted, the condition of our finances will soon move the Secretary to sell another large amount of bonds.

The President, in his message vetoing the seigniorage bill, foreshadowed the situation which is soon to appear unless wise counsels prevail in the deliberations of this body. The President suggests his willingness to approve any measure providing for silver coinage if the bill also provides that the silver coin may be permitted to lie idle in the Treasury and bonds be sold for gold to defray the public expenses. The President uses these words:

This leads me to earnestly present the desirability of granting to the Secretary of the Treasury a better power than now exists to issue bonds to protect our gold reserve when for any reason it should be necessary. Our cur-

rency is in such a confused condition and our financial affairs are apt to assume at any time so critical a position that it seems to me such a course is dictated by ordinary prudence.

The President understands the situation perfectly, and it is unfortunate that he does not acquaint the country with the fact that the Government finances are at the mercy of bankers and speculators. This great, humiliating fact the President leaves the people to learn as best they may, while he proceeds to pledge their credit though they have provided an abundance of money to meet all demands and have just offered to furnish $55,000,000 more.

That the President does not speak as plainly in his public utterances as he is reported to have spoken privately in relation to this matter, and that he is not as prompt to act in the public interest as the situation seems to require, is particularly hurtful.

The President is reported to have said, in an interview with a Southern Congressman recently, that the banks have the Government within their control. I do not quote the exact words, but they are substantially the words reported, that the banks could drain the Treasury in twenty-four hours. I have said the same thing in this Chamber and was laughed at, my language being taken as the wild vagaries of a Populist. Now, the President of the United States, speaking from the most exalted position among men, tells the people the same thing; and I do not believe that there is one well-informed man in every thousand in the country who does not believe that the President speaks truly. I have repeatedly charged upon this floor and elsewhere that the Government of the United States is in partnership with Wall street.

I do not know but that I shall have to revise my estimate and say that the Government of the United States is absolutely at the mercy of Wall street. And now we are informed that a bill has been introduced into the House of Representatives providing for the issuance of bonds and the coinage of some silver dollars. Heretofore it was to coin silver and to issue bonds. Now the object is to issue bonds and coin silver, and not only permit but require that the silver coin shall lie idle and unused in the Treasury, and that the public business shall be transacted on gold borrowed from the banks of New York City.

The trend is toward a bond policy, and it is only because, to use the language imputed to the President, "the banks have got the country by the leg. They can drain the Treasury in forty-eight hours."

If Congress will perform its duty the hold of the banks will soon be loosened. If Congress is derelict, the people will take the matter in hand and the day of a just retribution will have come.

It is an astounding declaration, sir, to come from the President of the United States that the Government is at the mercy of bankers; it is more astounding that, knowing our condition, the President suggests nothing by way of relief. It is amazing beyond measure that the Senate, knowing the terrible facts as well as the President does, is not moved promptly to defensive action.

Let us pass this resolution and require the Finance Committee to bring in a bill to stop this dangerous proceeding.

But there is another matter, Mr. President. We are now discussing a revenue bill. It involves great and permanent interests. It is important that the people know what is to be the permanent financial policy of the Government so that we may conform our tariff legislation to it. If we are to go permanently on a gold basis and to become subservient to gold speculators, then it is a question whether we should not repeal all our tariff laws, abolish all our custom-houses, and open our harbors freely to the trade of the world.

I am frank to say for myself, Mr. President, and the people whom I have the honor to represent here that if it is to be the policy of the Government of the United States that we shall pay all of our debts in gold, whether we have the gold or not, that we are to measure all of our money of seven or eight different kinds by a gold standard, that we are no longer to use silver as money, I am then not only ready, but anxious to go at once to the other experiment. If we are to compete with the gold money and the gold labor of Europe, let us have trade free. If the farmers of Kansas are compelled to sell their surplus grain, cattle, and wool in a market where the prices are dictated by gold, then let us have the benefit of the other side of the proposition; let us have gold prices for clothing, and gold prices for all the supplies of the farmer and the farmer's family.

But, Mr. President, if we are to have the old policy continued, the policy that has descended to us from our fathers, with the difference between the gold and silver and what the people need to be made up by Government paper, then we can continue our protective policy. Then we can continue to pay good wages to labor. Then we can continue to so regulate our commercial legislation as that our people and our interests shall bear share and share alike.

Hence I submit that as another view of this case. It is important from every point of view that we understand what is going to be the permanent policy of the Government. If, whenever a little flurry arises in Wall street, we are to issue bonds and pledge the credit of the people, have a little discussion of a few days and the passing backward and forward of a few dollars in gold, a few dollars in paper, and then continue the old revolution over again, it is time the country should know it.

The PRESIDING OFFICER. The question is on the adoption of the resolution of the Senator from Kansas.

Mr. HARRIS. Let the resolution be read.

The Secretary again read the resolution.

Mr. HARRIS. That is a positive direction to the committee to report a particular kind of bill.

Mr. PEFFER. That is just what was intended, Mr. President.

Mr. HARRIS. That is what I understand. I want the yeas and nays upon agreeing to the resolution.

The yeas and nays were ordered.

Mr. MORRILL. I move that the resolution be referred to the Committee on Finance.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont.

Mr. STEWART. Upon that motion I ask for the yeas and nays.

Mr. PEFFER. And I demand the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the junior Senator from South Carolina [Mr. IRBY], who is not in the Chamber, and for the present I withhold my vote.

Mr. GIBSON (when his name was called). I am paired with the senior Senator from Michigan [Mr. STOCKBRIDGE], and withhold my vote.

Mr. MCLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "yea."

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. I do not see him in the Chamber, and therefore withhold my vote.

The roll call was concluded.

Mr. FAULKNER (after having voted in the affirmative). I voted inadvertently, believing the Senator from Colorado [Mr. WOLCOTT] to be present. I was paired with him while he was absent last week, and I suppose he regards the pair as continuing to-day. I therefore withdraw my vote.

Mr. GRAY. I have a general pair with the senior Senator from Illinois [Mr. CULLOM], but being informed that he would vote "yea" on this question, I will vote. I vote "yea."

Mr. BRICE. I had a general pair with the junior Senator from Colorado [Mr. WOLCOTT]. My place having been taken by the Senator from West Virginia [Mr. FAULKNER], I vote "yea."

Mr. BERRY. I am paired with the Senator from Colorado [Mr. TELLER].

Mr. GALLINGER. A few days ago, when the Senator from Michigan [Mr. MCMILLAN] left the city, he requested me to announce that he is paired with the Senator from North Carolina [Mr. VANCE]. I neglected to state the pair on two or three votes that occurred in the Senate, and I desire to make the announcement now.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], but I think under the circumstances I shall be justified in voting on this question, and I vote "yea."

The result was announced—yeas 37, nays 13; as follows:

YEAS—37.

Aldrich,	Davis,	Jones, Ark.	Sherman,
Bate,	Dolph,	Lindsay,	Squire,
Blackburn,	Frye,	Lodge,	Turpie,
Blanchard,	Gallinger,	McPherson	Vest.
Brice,	George,	Manderson,	Vilas,
Butler,	Gorman,	Morrill,	Voorhees,
Cameron,	Gray,	Murphy,	Washburn.
Cockrell,	Harris,	Pasco,	
Coke,	Higgins,	Proctor,	
Daniel,	Hill,	Ransom,	

NAYS—13.

Allen,	Mills,	Power,	Stewart
Call,	Mitchell, Oregon	Pugh,	
Irby,	Peffer,	Quay,	
Martin,	Perkins,	Shoup,	

NOT VOTING—35.

Allison,	Faulkner,	Kyle,	Smith,
Berry,	Gibson,	McLaurin,	Stockbridge,
Caffery,	Gordon,	McMillan,	Teller,
Camden,	Hale,	Mitchell, Wis.	Vance,
Carey,	Hansbrough,	Morgan,	Walsh,
Chandler,	Hawley,	Palmer,	White,
Cullom,	Hoar,	Pettigrew,	Wilson,
Dixon,	Hunton,	Platt,	Wolcott,
Dubois,	Jones, Nev.	Roach,	

So the resolution was referred to the Committee on Finance.

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 4864.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. PEFFER. I have been requested to yield the floor to the senior Senator from New York [Mr. HILL], with which request I have great pleasure in complying.

Mr. HILL. Mr. President——

Mr. HARRIS. Will the Senator from New York yield to me one second?

Mr. HILL. Certainly.

Mr. HARRIS. I simply desire to say that the debate has thus far proceeded by unanimous consent without reading the bill that is now submitted to the Committee of the Whole. I shall, upon the conclusion of the remarks of the Senator from New York, ask for the reading of the bill.

Mr. ALDRICH. I do not consent to the statement of the law as laid down by the Senator from Tennessee, but I do not care to discuss that point now.

Mr. HARRIS. The RECORD will show the accuracy of my statement, that the debate has gone on thus far by unanimous consent; and after the conclusion of the remarks of the Senator from New York I shall object to further debate until the bill has been read.

The VICE-PRESIDENT. The Senator from New York will proceed.

Mr. HILL. Mr. President, the political revolution which commenced in 1890 and culminated in 1892 was an emphatic expression of the popular will in behalf of certain governmental policies. Measures, and not men, were largely the issues involved in that movement. Rightly interpreted, it indicated the public sentiment in opposition to intrenchment upon the reserved rights of the States through odious Federal election laws, some proposed and others then existing; it voiced the general demand for a discontinuance of the unwise and indefensible financial system of silver-bullion purchases by the Government, instead of the coinage contemplated by the Constitution, a system equally a hindrance to the return to bimetallism as well as a menace to a sound and stable currency; it manifested the desire for a better administration of public affairs, greater economy in governmental expenditures, and the exaction of higher official standards in the execution of public trusts; it demanded a more safe, dignified, and consistent foreign policy; and it condemned that abuse or perversion of the taxing power of the Government which is known as the policy of protection "for protection's sake alone," and declared in favor of a tariff for revenue.

Invested with the responsibility of government, the prompt enforcement of these policies devolved upon the party in power. The wisdom of its action in discharging the duties thus assigned it by the suffrages of the people, may at least be partially conceded, even by its opponents.

OUR FOREIGN POLICY.

It is not denied that some mistakes have occurred. Our foreign policy, especially that relating to Hawaii, it must be admitted, has not met the expectations of the people. A sense of humiliation prevailed when the project for the restoration of a deposed monarchy was unfolded by the Administration, and gratification ensued when its abandonment or failure was reluctantly announced, influenced largely by an aroused public sentiment.

That unfortunate contemplated policy was a blunder, and a blunder is sometimes worse than a crime. It was, however, the natural consequence which might well have been anticipated from that other mistake in placing the Department of State in charge of a Republican statesman, distinguished and estimable though he may be, whose public services have always been identified in opposition to the Democratic party, who was without sympathy for its traditions and purposes, and whose political convictions upon the disputed public questions of the day, if changed at all, are carefully concealed.

It is to be regretted that the President should not have been able to find in his own party some safe and honored statesman in whom he and his party could have placed confidence, one of Democratic instincts and training, whose management of foreign affairs would have reflected credit upon the country, and would have avoided the promulgation of that un-American policy—a departure from Democratic precedents—which was sought to be forced upon an unwilling people. In this view of the situation our opponents must accept some share of the responsibility for the blunders committed in our foreign affairs.

GOOD GOVERNMENT.

In other respects the present administration of our Government affords scant grounds for ust criticism.

The various Departments under Democratic control are rigidly enforcing economy and the pledges to the people are being reasonably fulfilled. In the main we are enjoying an era of good government.

REPEAL OF FEDERAL ELECTION LAW.

That last relic of *post bellum* legislation known as the Federal election law has been repealed by the present Congress, thus promptly carrying out one of the important promises of the Chicago platform. The power to control all their elections without Federal interference or dictation, which the States always enjoyed from the foundation of the Government down to 1871, has been restored to them. It is a triumph for the just doctrine of State rights, under constitutional limitations; it is a tribute to the unselfishness and patriotism of the Democratic party, which, discarding the patronage incident to the enforcement of this law, and insured to it by at least three more years control of the Federal administration, unhesitatingly asserts its devotion to a principle, and thereby relieves the people at once from further unnecessary annoyances, useless offices, and prodigal expenditures.

REPEAL OF THE SHERMAN LAW.

The repeal of the Sherman silver bullion purchase law within the first eight months after its advent to power marked the fulfillment of another pledge by the Democratic party. It evidenced our sincerity as well as prudence. It met the just demands of public sentiment. While there were honest and respectful differences of opinion among many good Democrats here and elsewhere as to what other or further legislation ought to take the place of the repealed law, or to precede, accompany, or follow such repeal, there were never any substantial differences as to the inadequate, illogical, and indefensible character of the Sherman law itself and the desirability of the redemption of the party pledge for its abolition.

That result has been accomplished. Whether that high degree of prosperity has ensued from such action which some of our officials anticipated and others predicted is another and a different question, not now necessary to be considered. It is sufficient that we have speedily removed the objectionable legislation which our opponents had fastened upon the country.

REVENUE REFORM.

The duty which now especially confronts us is the revision of the sum and methods of Federal taxation, consequent upon a transfer of the political control of the Federal Government from the custody where it had been lodged for thirty-two years.

That revision should be approached with circumspection, and with a realizing sense of the changed condition of the country since 1887 and 1890.

An extreme reduction of tariff duties at a time when the Treasury was swollen with a surplus of a hundred million dollars, when the country was reasonably prosperous, when all our industries were in motion, and all our workingmen were employed, assumes a different aspect and presents a different question when proposed now with a large and growing Treasury deficit, instead of a surplus, staring us in the face, with our industries paralyzed, our manufactories closed, our workingmen idle, and following upon the heels of one of the most disastrous financial panics in our history.

What was safe and prudent and wise then it would be criminal folly to attempt now.

THE RECENT MONETARY PANIC.

A month prior to his inauguration the President was forewarned of the approaching monetary panic. He convened Congress six months later, when the panic was subsiding which should have been averted.

It is feared that this Congress does not keenly appreciate the awful devastation which the financial cyclone of last summer has inflicted upon the business interests of our country. It has made havoc of our prosperity, private and public. It has slaughtered private incomes. It has paralyzed private industries. It has forced bankruptcies without precedent in number and sum. It has diminished all domestic and interstate trade, until a fifth of our railroad mileage is in the hands of receivers, and all our banks are gorged with money unemployed. It has struck down by hundreds the captains of our industry who have been wont to organize profitable enterprises, borrow capital, and lead the great army of labor.

The past savings of our skilled workmen are drawn down. They think themselves lucky to get half-time employment in these dark days; and less skilled laborers by the hundred thousand are suffering hunger, willing but unable to earn their daily bread. It is heartbreaking as a pestilence.

NO TIME FOR PARTISANSHIP.

This is no time for partisan reproaches, however just. This is no time for Democrats to say to Republicans, "Your bad laws did it." This is no time for Republicans to say to Democrats, "Your remedies would increase trouble." It is a time to fling

partisanship to the winds if that will speed the deliverance of our fellow-countrymen and revive our prostrate business interests.

This Senate is nearly equally politically divided, and it is apparent that if prompt remedial legislation is expected, then radicalism in any direction must be discarded. The critical situation demands wise and conservative action speedily secured. The extreme features of the McKinley bill must be eradicated in obedience to the people's mandate, but patriotism alike demands that extremes in the opposite direction must also be avoided.

On the 4th of March, 1893, the President became vested with exclusive power to convene Congress earlier than the law day, for the purpose reaffirmed in his election. He decided to prolong the operation of the McKinley tariff for at least another year. The delay thus imposed upon the people's reforming zeal it is vain to regret. In the mean time the monetary panic unfortunately precipitated upon us has not only made havoc of our private industries, but has dried up the public revenues.

THE TREASURY DEFICIT.

The size of the Treasury deficit at the close of the current fiscal year has twice been estimated by the Secretary of the Treasury.

On the 19th of December he took its measure. On the 15th of January he took its measure, the measure of the same deficit, to accrue on the 30th of June, 1894.

These two measures of the same thing, taken twenty-seven days apart, are not perfectly identical. In his annual report the Secretary of the Treasury informed Congress of a deficit for the current fiscal year of $28,000,000.

A short month later, in his letter to the chairman of the Senate Finance Committee, the same Secretary of the Treasury finds the same deficit to be $78,000,000.

It may be unjust to the Secretary of the Treasury, as well as absurd in itself, to assume that suggestions in his annual report made when he thought the deficit of the current fiscal year to be $28,000,000 stand good after his discovery a month later that the size of the deficit is $78,000,000.

The same observation would apply to the President's message last December 4, dealing as he said with "existing conditions," which in fact have ceased to exist, and prefiguring a bill "on the lines herein suggested" (to wit, in his message), warranted by him "to produce sufficient revenue to meet the needs of the Government," when those needs were underestimated $50,000,000. Yet the Wilson bill, framed originally upon the theory suggested by these high officials in their annual communications to Congress, underwent no material change during its progress through the House, notwithstanding the altered situation. The theory survived its conditions.

In the face of the prostration of private industries, and in the presence of such a paralysis of all general business as the Treasury deficit attests and prolongs, this bill as framed by its authors and as passed by the House sought to double the deficit by discarding customs revenue and to fill the void with an income tax.

THE PROTEST OF NEW YORK.

Against such a scheme—unnecessary, ill-timed, and mischievous—suddenly sprung upon the country in the hour of its distress, un-Democratic in its nature and socialistic in its tendencies—I enter the protest of the people of the State of New York. They utterly dissent from any proposal to get revenue for the General Government by taxing incomes. Their dissent is practically unanimous and altogether implacable.

Neither am I satisfied that the people of the country agree with the President in desiring the undebated change, sudden reversal, and complete transformation in the character of our Federal taxation, from indirect to direct, involved in the proposed plan to establish a sort of taxation not now championed by either of the parties who would have to administer it; by all parties for three-fourths of a century justly believed to be inhibited; then after trial in the war stress, denounced by one party and discarded by the other party; and found odious throughout the Northern States without distinction of party.

NOT RECOMMENDED BY THE PRESIDENT.

The recommendation in the President's annual message is cited in justification of the proposed tax. It is as follows:

> A measure has been prepared by the appropriate Congressional committee embodying tariff reform *on the lines herein suggested* which will be promptly submitted for legislative action. * * * The committee after full consideration * * * have wisely embraced in their plan a few additional internal-revenue taxes, including a small tax upon incomes *derived from certain corporate investments.* * * * In my great desire for the success *of this measure* I can not restrain the suggestion, etc.

It will strike the thoughtful observer familiar with the history of the Government as a strange and unusual procedure that the President of the United States should seriously inform Congress of what one of its own committees has been doing in the preparation of a bill. It might be safely assumed that Congress already had such information unless the bill had been prepared in the executive department and had been submitted to the committee concurrently with the transmission of the message to Congress. In these latter days the distinctions between the functions and prerogatives of the executive department on the one hand and the legislative department on the other do not seem to be always observed. The truth is that the first information which Congress had of the alleged details of the proposed bill was in the message itself.

But the strangest part of this unprecedented proceeding was that in fact at the very date of the message, to wit, December 4, 1893, neither the full Committee of Ways and Means nor the Democratic members thereof had agreed upon any income tax or upon other internal taxation. The President's information was therefore inaccurate as well as premature. This awkward situation was not improved by the President's expression of his "desire for the success of *this measure*," being a measure not yet perfected, a bill in an inchoate state.

But aside from any question of impropriety involved in the recommendation of a particular measure or of an incomplete measure, instead of a general recommendation of tariff reform, leaving details to the discretion of Congress, and while conceding that the President in the first suggestion of a limited income tax injected the poison which has now spread until it has developed into a general income tax, nevertheless the latter scheme can not find any real justification in the President's message.

He does not recommend a general income tax upon all the income of individuals, but only a tax upon such limited income as may be "derived from certain corporate investments."

NEITHER BY SECRETARY CARLISLE.

Secretary Carlisle in his annual report is equally guarded and insists upon the same limitation. His report assumed that there was no possibility of the adoption of a general income tax such as formerly existed, and while apparently conceding the odious and inquisitorial character of such tax and its liability to evasion, he defends a limited tax upon incomes derived from corporate investments, upon the plausible ground that—

> The assessments or returns need not be based upon information extorted by the law from the persons charged with their payment, *but upon the public records and the regular and authentic accounts of the corporations and companies* in which the investments have been made; and they have the additional merit of being imposed entirely upon that part of the citizen's income *which is not earned by his labor or skill*, but which in the cases of legacies and successions, is acquired by mere operation of law, or by gratuitious bequests, and in the case of incomes from investments in corporations and joint stock companies, by the simple earning capacity of his capital as such, *without personal effort on his part.*

Yet disregarding or exceeding the recommendations of the President and the Secretary of the Treasury this bill proposes to tax all the income of an individual, whether "earned by his labor or skill," or otherwise, and to obtain the necessary information not from an inspection of public records, but from an investigation of all his private books and papers.

A Federal income tax, whether limited as suggested by the President and the Secretary of the Treasury or general, as provided in this bill, is equally objectionable.

THE "FRANCHISE" ARGUMENT.

The argument that a Federal tax upon incomes derived from corporate investments may with propriety be imposed, because corporations are invested by law with valuable franchises not enjoyed by the individual citizen, would have more weight if such franchises were usually granted by Federal instead of State authority. The reverse is just the fact, however, and while State authorities might with much reason upon such ground tax the franchises as well as the earnings and dividends of such corporations for the support of their State governments, the Federal Government has no particular standing or equities for such purpose. It is immaterial to the General Government whether it is an individual or a corporation that is in receipt of income, as the right or propriety of taxing such income is no greater in one case than in the other, except in the rare instances where the corporation may have received its charter through national favor. This bill taxes both individual and corporate incomes alike.

In New York and in several other States a "franchise" tax is imposed upon the earnings of certain corporations, and an income tax, such as is proposed in this measure, would duplicate the taxation already imposed and compel the States to abandon their State taxation. This is a most important and serious objection to this feature of the bill.

In New York alone there was last year received from State taxation on the capital and earnings of corporations the sum of $1,006,047.45, excluding, of course, the taxation of their real estate and personal property, and any local taxation. In the same State there was also received last year the sum of $3,071,687.09 from the State inheritance and gift tax. These taxes from

which the State derives these enormous sums could not well be maintained or collected without the most extreme hardship in the event of the enactment of this bill, which taxes the same sources 2 per cent.

It follows that the State taxes would necessarily have to be abandoned, and the amounts heretofore received would have to be collected from real estate or in other ways. New York's interest in opposition to this feature of the proposed bill can thus be appreciated.

THE INJUSTICE NOT MITIGATED.

Neither is the injustice of the proposed corporate tax mitigated by the fact that it is against corporations rather than against individuals, because, although in form imposed upon the corporations, the amount thereof is deducted from the dividends paid to the individual stockholders, and it is virtually a tax upon individuals, for all practical purposes.

The individual stockholders are not necessarily the rich, but they usually include all classes, and frequently among them are found widows, orphans, trustees, and executors, and persons of ordinary means who have invested their all in these corporate securities, relying upon their dividends for their support.

If the suggestion for the taxation of incomes "derived from corporate investments" was largely based for its acceptability to the people upon the well understood popular prejudice against corporations, the proposition has a very weak moral support, because after all it is the individual stockholders whose dividends would be diminished, and who would be seriously injured by the proposed tax.

A Federal tax upon the earnings or dividends of corporations is no more defensible than such tax upon the earnings of individuals.

THE TAX TOO LARGE.

This bill neither follows the recommendations of the President and the Secretary of the Treasury as to the kind of income tax desired nor as to the amount or rate of the tax itself.

The President preferring not to be specific, but cautious, recommended simply "a small tax upon incomes." The Secretary suggested a tax of 1 per cent. The bill repudiates both suggestions and adopts a tax of 2 per cent on all incomes over $4,000, no matter how large the excess may be.

AN INDEFENSIBLE EXEMPTION.

This exemption of so much as $4,000 necessarily leads to considerable criticism. If an income tax is justifiable at all, it is difficult upon theory to defend any exemptions, at least of any material amount. Exemptions are merely a matter of governmental charity or favor, and not a matter of strict right; and being in derogation of a general principle, they should not be unreasonably enlarged. If incomes are properly taxable, then all incomes should be taxed, of whatever amount, taxed proportionally, without favoritism to any individual or class. The man of moderate means should pay as well as the man of wealth, both according to what income they actually receive, no more and no less, and no matter what the amount may be, great or small. This must be the correct theory of an income tax, if any it has.

Such a tax being largely of foreign origin and having been imported into this country and injected into this bill, it might be expected that the exemptions would follow foreign precedents. Prussia only tolerates an exemption of $225. In Germany the exemption varies from $70 to $600. In Denmark it is $215, and in Austria, $113, and in England $750. Yet here the proposed exemption is to be the liberal sum of $4,000, a figure for which there is no precedent anywhere in the world. So large an exemption necessarily creates a numerous class receiving a respectable income, twice as much as is ordinarily necessary to furnish a fair living, who pay no tax whatever. This necessarily creates a privileged or exempted class on the one hand as against a taxpaying class on the other.

When real estate is taxed all that the individual owns is taxed without the exemption of any part. So with personal property aside from a few unimportant exceptions. So with the earnings of corporations—all are taxed, or none at all. The same principle applies to the oleomargarine and the State-bank tax—there are no exemptions tolerated. But in the strenuous effort to popularize this war tax in time of peace every just principle of taxation is either violated or unreasonably extended.

DAVID A. WELLS'S VIEWS.

The Hon. David A. Wells, of Connecticut, contributes an able and interesting article in the Forum of last month in opposition to an income tax. His attitude upon this question may create a suspicion of his loyalty to the cause of tariff reform in the minds of a select coterie of overzealous professional reformers with which the country is afflicted, but not in the minds of the American people. Mr. Wells was a sincere and radical friend of revenue reform many long years before any politician or official selfishly sought to monopolize it as his own particular hobby, and his sentiments will carry much weight with thinking men. Upon the precise point which I am discussing, he writes as follows:

> The authors of the proposed income tax now before Congress especially proclaim that the chief object sought by them in this measure is to transfer the burdens of the State from the shoulders of the poor to those of the rich. It is, therefore, interesting to note where they propose to draw the line in respect to charity and as to the amount of property the possession or enjoyment of which, in their opinion, constitutes riches.
>
> If we assume 5 per cent as about the present annual average profit on money, land, or other property in the United States over and above all charges and taxes, then an exemption of $4,000, in an assessment under an income tax, would represent an accumulation, or business, or profession, of the value of $80,000. If we take the rate at which the United States can borrow money, namely, 3 per cent, then an exemption of $4,000 would represent an accumulation of a citizen invested in United States securities of $133,333. And according to any fair interpretation of the action of the committee reporting a $4,000 exemption, a citizen who is worth less than $80,000 of ordinary property yielding income, or $133,000 of property invested in United States bonds, is a legitimate object of national charity; the above sums representing the dividing line in the United States between those who are entitled to be regarded as poor and those who are entitled to be considered rich. Such an assumption finds no precedent in fiscal history. Such an exemption is unwarranted favoritism to nine-tenths of the well-to-do people of the United States, who are abundantly able to pay any just proportion of the taxes which the Government finds it necessary to impose for its support.
>
> No man is a freeman whose industry and capital are subject to exaction and from which his immediate competitors are entirely exempt. Equality of taxation of all persons and property brought into open competition under like circumstances is necessary to produce equality of condition for all, in all production, and in all the enjoyments of life, liberty, and property. And government, whatever name it may assume, is a despotism, and commits acts of flagrant spoliation, if it grants exemption or exacts a greater or less rate of tax from one man than from another man, on account of the one owning or having in his possession more or less of the same class of property which is subject to the tax.
>
> If it were proposed to levy a tax of 2 per cent on annual incomes below $4,000 in amount and exempt all incomes above this sum, the unequal and discriminating character of the exemption would be at once apparent; and yet an income tax exempting all incomes below $4,000 is equally unjust and discriminating. In either case the exemption can not be founded or defended on any sound principles of free constitutional government, and is simply a manifestation of tyrannical power under whatever form of government it may be enforced. The great republican principle of equality before the law and constitutional law itself alike preclude any exemption of income derived from like property.

I can add nothing to the force of these observations.

IT IS INQUISITORIAL.

An income tax is objectionable because from its very nature it must be inquisitorial in its imposition and collection. The senior Senator from Indiana [Mr. VOORHEES] calls this allegation a "noisy and resounding charge." Let me tell him that it is not half so noisy as the constant vituperations which we hear on every hand from blatant demagogues who are abroad in the land loudly inveighing against the wealth of the country and impudently demanding its confiscation through every means which their devilish ingenuity can invent.

The charge is indeed a "resounding" one! It was heard years ago in France against unjust and arbitrary taxes when Talleyrand and others declared that "every system of taxation which necessitates personal and arbitrary inquisitions for its execution is inconsistent with the maintenance of a free people." The charge has "resounded" all over the world whenever despotisms have attempted to enforce similar taxes to the annoyance and detriment of the people. The charge that this tax is inquisitorial is scarcely denied even by the distinguished Senator from Indiana, and is only attempted to be palliated by the pretense that other taxes are equally so; but there is no foundation even for this pretense.

Real estate is open and aboveboard; its value is easily ascertainable, and its taxation presents no offensive features. Under ordinary laws the assessors have no right to enter and ransack your premises. Your home is your castle and it is sacred from intrusion. The taxation of personal property presents difficulties, of course, but visible personalty may be readily reached without annoyance to the owner. The taxation of corporate property is easily effected by general inquiry and an inspection of public or other records usually accessible.

The fact that in a few States of the Union tax laws have been adopted which unnecessarily pry into the taxpayers' private affairs and are unusually harsh and offensive furnishes no argument why they should be selected as models for the whole United States. They are exceptional in their character and should not be followed.

If they are cited to show their acceptability to the people, I might, on the other hand, point to the fact that income taxes are so distasteful that they have been tolerated in only a very limited number of States.

Neither does the circumstance that the Government in the collection of our customs duties insists upon the inspection of the baggage of passengers entering the country, in order to prevent frauds upon the revenue—and sometimes searches their persons—afford any justification for the enactment of an income tax, the collection of which must largely depend upon inquisitorial proceedings. One procedure is necessary and unavoidable,

the other is not. One law is framed principally to reach foreigners and strangers entering the country, while the other applies almost entirely to our own citizens. One has the safe precedents of centuries to support it, the other is the modern or at least the bad invention of monarchical governments.

A municipality has the right to compel individual vaccination in the interest of the public health, but this reasonable and indispensable exercise of authority would afford no excuse for the establishment of an elaborate system for the enforced general attendance of public physicians upon individual citizens and their families. There is reason in all things, and one necessary and proper encroachment upon the absolute personal freedom of the citizen should not be made the pretext for other and more extensive ones, which are obnoxious to a free people and consistent only with despotism.

ITS BAD FEATURES.

This bill compels the taxpayer, under severe pains and penalties, to make a return under oath of his income, whereby he discloses all his private affairs and business to the agents of the Government; and if in the opinion—*the mere belief*—of such agents the return is false, fraudulent, or contains any misstatement, they may arbitrarily summon the citizen before them with all his books and papers, and compel him to submit to examination under oath. They may question, cross-examine, and annoy him to their heart's content. There is no limit fixed anywhere.

The hearing is conducted in secret; there is no tribunal or judge to regulate or check them; no one to prevent improper, impertinent, or insulting questions; no one to protect the witness in his rights—he refuses to answer at his peril. Neither is that all; they may "enter into and upon his premises," and presumably into the very sanctity of his home to obtain "from their own view," as the statute says, any additional information they may desire.

All this is to be tolerated and sanctioned by a free people to enable the Government in time of peace to extort from a limited class engaged in laudable occupations, who, by reason of their good fortune, their brains, their enterprise, or their pluck, have accumulated a little more of this world's goods than their fellows, when other and ample and better sources of revenue are always accessible. The provisions of this bill are dangerous in the extreme. What temptations they offer; of what abuses they are capable; what vast powers they confer!

These officials of the Government, intrusted with these enormous powers, would not hold their positions for life or during good behavior as in European countries where income taxes are fostered, but they would be partisans, subservient and anxious to please—removable at pleasure.

What opportunities such laws and such officials would afford to an unscrupulous administration desiring to assail and injure its political adversaries or to build up a personal faction of its own!

This bill also provides for the official supervision of the business of corporations by requiring *all their transactions* to be spread upon their books and to be open to the inspection at *all* reasonable times of "*any* internal-revenue officer or agent." The House bill sought to restrict such inspection so that it should only be had whenever necessary for the purpose of verifying the returns made by such corporations, and at no other time, but the Finance Committee, presumably under the lead of the Senator from Indiana [Mr. VOORHEES], whose zeal in behalf of this tax seems to have outrun his discretion, have amended the House bill so as to remove all such restrictions and to place the books of such corporations absolutely at the disposal of the officials *at all times*.

ITS POWERS WILL BE ABUSED.

But it is said that these extraordinary powers and privileges may not be abused, and it is also urged that the provisions punishing by a fine not exceeding $1,000, or by imprisonment not exceeding a year, or both, at the discretion of the court, any official who makes public any information obtained by him in the discharge of his duties, are sufficient to prevent disclosures of the citizen's business and private affairs.

Experience has demonstrated that such penal provisions afford little protection to the people. There are statutes which forbid the disclosure of the contents of telegrams, but leaks are constantly discovered. Grand juries are sworn to secrecy, but their proceedings often prematurely reach the public ear. The executive sessions of our Senate are secret, but the newspapers generally manage in some mysterious way to find out all they ought to know.

Our post-office officials are human and curious, and hence severe statutes do not prevent frequent complaints of the opening of letters. It is evident that the chief reliance of the citizen for the secrecy of his business and private affairs must be upon the absence of any law, no matter how strict, compelling their disclosure to any one.

The people of this country nearly everywhere enjoy the privilege of a secret ballot, but they would regard that privilege as abridged and that secrecy as absolutely destroyed if the contents of their ballot were required to be exhibited to the inspectors, although such inspectors were sworn to secrecy and a disclosure were made a penal offense. It is immaterial to me how Senators, unmindful of the personal rights and liberties of the people, may regard the conceded inquisitorial features of this bill But it is a satisfaction to know that the best thought and the fairest minds of the nation are opposed to them.

The Supreme Court of the United States, in the case of Boyd *vs.* United States (116 U. S. Rep., 631) expressed its opinion of similar legislation in the following vigorous language:

> Any compulsory discovery, by extorting the party's oath or compelling the production of his private books and papers to convict him of a crime or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman. It is abhorrent to the instincts of an American. It may suit the purposes of despotic power, but it can not abide the pure atmosphere of political liberty and personal freedom.

I commend these patriotic and pertinent utterances to the attention of the apologists for this bill.

The provisions of this bill violate the spirit of the constitutional provision which declares that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated."

The appliances of compulsory examination and inspection which the bill invokes render its provisions extremely odious and antagonize the citizens' sacred right of privacy. The recent experiences in South Carolina illustrate the difficulties often attending the enforcement of an unpopular law.

ELEMENTS OF INJUSTICE AND INEQUALITY.

The public should not be misled into the belief that only those whose incomes exceed $4,000 are affected by this bill. That is a mistaken idea.

In the first place, all those having incomes less than $4,000 but more than $3,500 are put to the annoyance of making sworn returns, and they neglect it at their peril. (See section 56.)

In the second place, it may reasonably be apprehended that some portion of the tax paid will reimburse itself by an increase of rents where the income was derived from that source. State taxes upon land regulate to some extent the amount of the rent demanded by the landlord. So poor tenants may be affected in some degree as well as rich landlords. The bill seriously affects the rights and interests, as they have been heretofore enjoyed, of building and loan associations throughout the country incorporated under State laws. The Senate amendments do not cure the defects complained of.

The salaries of State, county, and municipal officers are exempt (necessarily so, as is alleged), while the salaries of faithful employés in private employment—their next-door neighbors perhaps—are subject to the tax.

The professional man will feel more keenly the tax upon his salary than one whose income is derived from invested property.

At every point there is an element of injustice and inequality which renders an income tax indefensible except as a war tax. That portion of the act which provides for a tax upon live-stock, wool, butter, cheese, beef, etc., and general productions from real estate, "less the amount expended in the purchase or production of said stock or produce," and which allows "necessary expenses actually incurred in carrying on any business, occupation or profession," to be deducted in estimating the income, opens the door for evasions, virtual frauds, fictitious or extravagant expenses, overcharges, and a hundred different means whereby the income will be reduced, without actual fraud or perjury, and there is no practical remedy. The enforcement of the law will descend into a system of favoritism, will lead to endless litigations, and the revenues derived will be disappointing.

IT IS UNDEMOCRATIC AND UNJUST.

Let me inquire whence came this recent and unnecessary clamor for the imposition of an income tax as the policy of the Government? Nothing was heard in its behalf on the part of either of two great political parties in the campaign of 1892. Neither the Republican nor Democratic platform proposed any such method of raising revenues. No prominent Democrat or Republican suggested any such measure. Its approval was limited to the platform of the newly formed Populist party, and its advocacy was restricted to Populist orators.

But no sooner was the campaign of 1892 ended than we find it seriously proposed by a Democratic Congress to steal the thunder of the Populist party by adopting one of its principles. I object to becoming a *particeps criminis* in any such larceny. I protest against the Democratic party being made a tail to the Populist kite. I deny the right of a Democratic Congress to make new principles for our party not sanctioned by its representatives in national convention duly assembled.

We must look in vain to find a single utterance in favor of the scheme of Federal income taxation in any Democratic national platform from the organization of the Government down to the present hour. Yet in spite of this record this scheme has been injected into a revenue-tariff bill (so called) and the support of the measure as a whole is sought to be made the test of our Democracy. For one I repudiate any such doctrine and decline to recognize any such test.

The Constitution of the United States may well be invoked in this discussion.

A careful perusal of that instrument shows that its framers contemplated that the revenues of the Government should be mainly derived from duties upon imports.

It is true that the power to impose internal taxes and direct taxes was conferred upon Congress, together with the power to collect import duties, yet it was only the latter field of taxation that the States were forbidden to encroach upon.

Article I, section 10, subdivision 2, of the Constitution, provides as follows:

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports. * * *

This source of revenue being thus expressly and exclusively reserved for the General Government, while all other sources were permitted to remain open to the States, it indicates the intention of our early statesmen that the needs of the Government should be or were expected to be supplied practically from tariff taxation alone.

From that sole source they have always been supplied during all Administrations from the early history of the country, save during the war period, with the addition, however, since then of internal taxes upon liquors and tobacco (and one or two minor articles or sources), which for exceptional reasons, apparent to all, have been approved or tolerated. But aside from these exceptions the policy of the Government has been uniform in favor of taxation upon imports rather than internal taxation or direct taxes, as a means of supplying the necessary revenues.

PRESIDENT CLEVELAND ON RECORD.

President Cleveland in his second annual message in 1886 approved this course in the following language:

It has been the policy of the Government to collect the principal part of its revenues by a tax upon imports; *and no change in this policy is desirable.*

Yet the fact can not be disguised that notwithstanding these accumulated evidences of Democratic sentiment, the authors of this bill in the House deliberately set themselves at work to make extreme reductions, unnecessary changes, and violent alterations in existing tariff rates—rates not warranted by existing business conditions and lower than in the Mills bill—for the very purpose of creating a necessity for the imposition of a tax upon incomes.

DESIGNED AS A PERMANENT POLICY.

This proposed tax is not advocated as a temporary expedient; there is no limitation fixed to its duration, but it is boldly proposed as a permanent policy of the Government; its injustice is vigorously defended, its discriminations are heartily approved, and its illy-concealed sectionalism is unblushingly excused.

The Ways and Means Committee of the House, as well as the House itself and the Senate Finance Committee, refused to fix a definite term for the continuance of this tax.

It is clear that it was not designed for temporary relief merely, but if once enacted will stand, like every other portion of the bill, until repealed.

The country should not be deceived upon this subject, nor be misled by specious promises of relief not contained in the measure itself, nor indulge in the vain hope that if once established the clamor for its continuance will soon die out. The character of the speeches made in the House in its favor, the appeals of that portion of the press which favor it, and all the reasons which are publicly and privately urged for its enactment, proceed upon the theory that it ought to become and is intended to become a part of our permanent system of Federal taxation. That is the goal for which its friends are struggling, and they will be satisfied with nothing less.

The plain issue which we are to meet is indirect versus *direct* taxation.

Mr. Thomas G. Shearman, of Brooklyn, a theoretical reformer and an intelligent and earnest disciple of Mr. Henry George's single-tax theory, as well as an advocate of an income tax, began his able address before the Ways and Means Committee on October 16 last, as follows:

It is high time that some form of practically direct taxation should be resorted to by the Federal Government.

It should, however, be stated that Mr. Shearman opposed an individual income tax, but favored the taxation of incomes from certain corporate investments. I have not been informed who, if anybody, favored an *individual* income tax before that committee.

We do not contend that the system of taxation upon imports absolutely prevents all inequality or injustice. It is of course not a perfect system. Equal and exact justice to each individual citizen is not possible under any method of taxation likely to be devised. But Federal taxation upon foreign importations—taxation upon consumption, if you please—indirect taxation imposed upon what you buy and use—is preferable to direct taxation of any kind. The fathers of the Republic so regarded it when they adopted tariff taxation as the best means for securing Federal revenues. They may have been mistaken, and possibly we are wiser than they were.

But it has proved reasonably satisfactory for over a hundred years, producing ample revenues for the national necessities, except during the crisis of war, and no political party has ventured openly to declare for its total abandonment, and to propose direct taxes in place thereof. It answers a twofold purpose, to wit: First, the direct or principal purpose of providing revenue; second, the indirect or incidental purpose of protecting home producers, manufacturers, and laborers from ruinous foreign competition.

Revenue is the primary object of a tariff, and all else is merely secondary or incidental thereto.

I do not propose at this time to discuss the difference or the merits of the two policies arising out of tariff taxation, to wit, a tariff for revenue and a tariff for protection, the one the Democratic, the other the Republican policy. These points of dispute I am not now considering, but expect to do so at a future day.

The point which I am now endeavoring to make is that under tariff taxation in general, ample revenues have not only been derived, but at the same time the industries of the country have augmented, manufactures have prospered, workingmen have found remunerative employment, labor has been properly shielded from foreign competition, and the best and highest interests of the whole country have been subserved; many of which beneficent results would have been impossible under any system of internal or direct taxation.

In fact, I am here to declare my belief that the complete substitution of internal, direct, or income taxes for tariff taxes would prove utterly ruinous to the business interests of this country under existing conditions abroad. A partial substitution at this time would be proportionately disastrous.

This bill proposes a suicidal policy when it seeks by its extreme provisions to discard numerous reasonable tariff duties and thereby imperil many industries and create a deficiency in necessary revenues, simply for the purpose of affording an opportunity or excuse for the substitution of an income tax. There is an ample field for genuine tariff reform without a resort to such an unwise and dangerous experiment. Innumerable reductions in existing rates—reasonable and necessary reductions—are perfectly feasible, such as will not create any further deficiency nor jeopard a single industry.

WHAT IT MEANS.

The substitution of internal or direct taxes for custom-house taxation, means the reduction of the wages of American workmen to the European standards. It means the degradation of American labor; it means the deprivation to our workmen of the comforts and luxuries of life to which they have been accustomed.

Deny it or disguise it as we may, no other result is possible under existing European conditions. It is a self-evident proposition that well-paid labor can not successfully compete with underpaid labor. In Europe wages are low and labor is degraded; in America wages are high and labor is prosperous, elevated, and dignified. The General Government being vested with the exclusive power of custom-house taxation and the States being prohibited from resorting to it, the Government should exhaust that field before intrenching upon others.

Let me not be misunderstood. Not one dollar of tariff taxation should be imposed except what is necessary for the needs of the Government, economically administered; but whatever those needs are, the necessary revenues therefor should be supplied from tariff taxation and that alone, save and except the taxes upon liquors, oleomargarine, and tobacco, to which the country has long been accustomed, and which for obvious reasons need not be disturbed.

Such a policy is a reasonably consistent one, and should be continued. It would be manifestly unfair to the States to diversify Federal taxation. It is now condensed, simplified, and practically exclusive, and should remain so.

IT DUPLICATES TAXATION.

A Federal income tax involves multiple taxation in several States, where State income taxes already exist. This bill also proposes to tax the dividends of corporations and gifts and inheritances, which are already taxed under State laws in New

York and many other States, thereby compelling such States to either abandon such form of taxation altogether or to enforce and sanction what would clearly be oppressive taxation. The duplication of taxes is always objectionable.

The threadbare argument is urged that wealth escapes taxation and that it can best be reached through an income tax. If this be true it does not necessarily require a *Federal* income tax. Let those States where wealth is believed to be insufficiently taxed reach that wealth through State income taxes or any other methods which their ingenuity can suggest, and no one outside of those States will be heard to object. Surely States which refuse to apply the means within their power to equalize, diminish, or render more equitable their own State and local taxation ought not to ask the assistance of the General Government to relieve them.

State and local taxation rather than Federal taxation comprises the principal burden of our taxpayers, and to each State is conceded the right to frame and execute its own tax laws, whereby it can compel the wealth within its own borders to contribute whatever share of taxation it may determine in its discretion to be proper.

This is all that any State can reasonably ask. Certainly no State can consistently demand that its own prerogatives shall be encroached upon and its own revenues imperiled by the General Government in order that the State's own wealth may not escape taxation.

FEDERAL VERSUS STATE AND LOCAL TAXATION.

The records of the Census Bureau show that in 1890 the State, county, and local taxation of the several States of the Union amounted in the aggregate to $470,476,927. The total Federal taxation (ord nary expenditures) for the last completed fiscal year (1893) only amounted to $383,477,954.49, and including extraordinary expenditures amounted to $461,916,561.94. Of this last sum only $205,355,016.73 were realized from customs. It is the custom-house taxation particularly which the friends of direct Federal taxation claim is not paid equally by the people, and is so burdensome to the poor man; and yet such taxation is not equal to one-half of the State and local taxation.

WHAT STATES WILL PAY THE TAX.

From 1863 to 1873 the former income tax extorted from the people an aggregate sum of $347,220,897.86. Of this sum the Eastern States paid 18 per cent, the Middle States 53 per cent, and together they paid 71 per cent. New York alone paid 3 per cent. It has not been claimed that these percentages will be materially changed if this bill becomes a law.

These figures speak louder than words. They are significant of the selfish purposes of this bill, the real motives behind it, and the source or section from which the votes necessary for its passage are expected to be secured.

Further comment becomes unnecessary. I will only add that I am not ashamed of the fact—on the contrary, I am proud of the fact—that New York is the wealthiest State in our Union; but I protest that this circumstance should not make her citizens the target of every vicious scheme which discriminates against her interests, and especially that the blow should not be struck by those political friends who have never appealed to her in vain when they have needed evidences of her friendship.

A STEP TOWARD SOCIALISM.

It is charged against the friends of a Federal income tax that they are artfully driving in the thin edge of a wedge to effect a forced redistribution of property.

Toward such a purpose, were it fixed in the minds of a majority of voters, the efficiency of every kind of an income tax is undeniable, whether applied in State laws to the profit of classes, or in a Federal law to the profit of sections.

I feel bound to concede that the sincere object of the great body of the friends of a Federal tax on incomes is not an experiment in socialism, is not a swift political suicide, but is the straightforward furtherance, after great discouragement and long delay—the furtherance of tariff reform.

The choice of a pivot for tariff reform in this bill responds to the firm tenacity of the people for relief, but not wisely. The choice follows, to be sure, a notable British precedent, but that precedent is quite irrelevant for America, where Federal and State taxes present no analogy to the foreign agglomeration of imperial and local taxation.

The British Kingdom is straining to-day in the pangs of decentralization. A Federal income tax would lay in the United States the great corner stone of future centralization. The choice of some pivot of tariff reform in the United States—that is, obtaining revenue from one source in order to discard revenue from another source—is a necessity. What pivot had best be chosen is pure expediency. The British choice may have been expedient in Great Britain. An identical or different choice in the United States needs to be shown expedient here. Alone serving the purpose, or best serving the purpose, of a pivot for tariff reform, must be the test of expediency for an income tax in the United States, even by those who deem it an inoffensive and lawful Federal tax.

It is obviously inexpedient, if unnecessary. Evidence that it is unnecessary for the purpose of its friends has been and is now offered to their consideration.

THE ENGLISH PRECEDENT.

Praises of an income tax which are quoted in the CONGRESSIONAL RECORD from British books will be found upon inspection to be relative to the demerit of the discarded taxes. Mr. Gladstone himself desired to renounce the income tax after it had served its turn, conceding thus its injustice and inequality.

I do not misstate his position. The following letter written by him in 1892 to a London newspaper explains itself:

GLADSTONE'S OPINION OF THE INCOME TAX.

[From the London Pall Mall Gazette.]

I am not aware of any practicable method of reforming the inequalities and injustices of the income tax. For this reason, I with my colleagues proposed its abolition in 1874; but the country decided otherwise.

W. E. GLADSTONE.

JANUARY, 1892.

That statesman's act praises good tariff taxation over bad tariff taxation, and over income taxation, too. The United States can find, upon reflection, a better pivot of tariff reform, and one which will not need to be renounced for its own demerits. Praises of an income tax and theoretical arguments for it, quoted in the RECORD from the British treatises of political economy, will be found to rest on the assumption that it be the sole and single tax—that it be the exclusive means of defraying government expense, from the highest imperial to the lowest police functions, and that it tolerate no exemptions.

All such quoted arguments are obviously irrelevant here. No British statesman of rank, so far as I know, differs from Mr. Gladstone's opinion that, as a supplementary tax, the income tax in Great Britain, where upon constitutional grounds it is eligible, it is as indefensible as it is odious in time of peace, and that there it must find its only warrant in the necessities of war.

No American statesman of rank, except Mr. Cleveland, has deemed it eligible, since our war experience of an income tax made manifest that here too, in the Northern States, it was generally odious. It is a novelty in American politics to make its conclusions and procedures deliberately offensive. It is like making religion immoral and urbanity noisy, in order to commend and propagate them.

IT VIOLATES STATE RIGHTS.

No such Federal aggrandizement was ever projected—no such insidious and deadly assault upon State rights, State powers, and State independence, as a Federal income tax.

Mr. Calhoun would have thought it wasted breath to discuss the autonomy of States or the limits of their sovereignty under an income tax put up and put down by the Congress in Washington.

Praises of an income tax on the ground that it reaches accumulated wealth assume that such wealth goes untaxed unless reached by Federal laws. The assumption is absurd.

Arguments for a Federal income tax drawn from the existence of State taxes on incomes admit that accumulated wealth is reached without Federal laws and confess incroachment upon State sources of revenue.

Accumulated wealth looms up large in the imagination of the foreign socialist. His estimate of individual fortunes, published in New York newspapers, is always absurdly excessive. His moral quality is frankly betrayed in his constant preoccupation with the least noble possession of his fellow-creatures.

A better point of view for the American legislator is the fact that the total realized material wealth of the human race is computed by the best economists at less than four times its annual consumption. Every step of progress destroys wealth to recreate more. Old printing presses, old cotton-mill machines are worthless.

The constant personal redistribution of realized accumulated wealth is a commonplace of the moralists. But its physical and economical redistribution is even more swift and general. It can not escape taxation in the ceaseless consumption and reproduction which are the condition of its continuing to be wealth.

THE HOUSE ARGUMENTS.

To these income-tax arguments sifted from the debate in the House, I pay the respect of refutation, because of my entire sympathy with the tenacious purpose to advance tax reform, which is ostensibly behind them. But I must also beg permission very respectfully to warn the devoted champions of every Democratic aspiration not to neglect principles constitutional and economic which are deep-seated in the lifelong convictions of Northern Democrats, merely because of the omission of the present Exec-

utive to wholly share, remember, or represent them. No honest and clear-headed man can possibly define a direct tax in terms which shall be capable to exclude any sort of income tax from the circumscription of the definition.

Nobody ever had a doubt before the war that the constitutional inhibition, upon that ground alone, was peremptory and conclusive. I do not quarrel with the decision of the Supreme Court in the Springer case; but the doctrine may hereafter be repudiated by the present court. Such things have happened before.

The income tax proposed by the President, or that incorporated in the House bill, or any other sort of Federal income tax, is unsuitable for apportionment among the several States according to the census of their populations; and neither pretends to be uniform, applied to all the net income of each and every citizen, nor can be. Direct taxation, by definition, making argument superfluous, is taxation not shifted, distributed, and divided by repercussion.

A single tax on land has enlightened advocates on the ground that it would be distributed, divided, and repercussed with freedom and therefore with equity; that being advanced by the occupier of the land it would be distributed according to the use of the land, which use is variable while universal—thus resembling in this point a tax on sugar, for example, which being advanced by the importer, would be distributed according to consumption—another form of use, variable while universal.

Direct taxation, on the other hand, of which the poll tax and the tax on all incomes at one per centage are perfect illustrations, is like an acid which must eat where it falls.

Arguments for an income tax assert moreover that Congress is empowered to apply a rule of inequality and a principle of injustice in order to distribute the rewards of industry and thrift otherwise than they are distributed among men acting with individual freedom under equal laws. Such a grant of power to Congress has not yet been cited. But if such a grant of power, after long litigation were found there, or after the long process of constitutional amendment were put there, nevertheless the test first to be applied just now in the search for sources of revenue would preclude income taxation.

It is not the most immediate and most adequate remedy for the existing lack of revenues and would not aid the revival of our prostrate industries. It is not the best pivot of tariff reform. It jeopards genuine tariff reform for another decade.

AN UNWISE COURSE.

To double the deficit of $78,000,000 by way of ending it; to discard $76,000,000 of annual revenue in order to collect twice as much in other ways; to "embody tariff reform" as the President imagined himself to be doing in his scheme to substitute direct taxes for the tariff taxes which were to be reformed; to reconstruct all the schedules instead of amending or discarding one group at a time, the worst first and each upon its own demerits; to disturb and distress as many business men as possible and all at once, instead of few at a time, is not a programme perfectly matured and suited to conduct the policy and principle of tariff reform unimpaired through a period of general business prostration, public deficit, and private bankruptcy.

For my own part, as a Democrat, I prefer indirect taxation and tariff reform above direct taxes and tariff extinction. I prefer taxing foreign products rather than taxing home products. I follow Jefferson in regarding even the species of indirect taxation on home products by internal revenue war taxes as not good to be extended and the first to be rid of when their need is past.

In the language of the Democratic national platform of 1884:

> From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be.

In the language of the New York Chamber of Commerce, January 12, 1894:

> The Chamber of Commerce * * * believe without distinction of party lines * * * that in addition to an internal-revenue tax now in force, the necessary expenses of the Government should be collected through the custom-house.

The President's proposal to invert the method of our Federal taxation runs precisely counter to the principle and the practice preferred by the founders of our Republic, and to which after every aberration the apostles of Democracy have led the return. But were all this otherwise, nevertheless, I would first and foremost consider how to add sufficient revenue best and soonest.

I would remember the captains of industry. I would remember the breadwinners. And if our Federal revenues, bottomed heretofore upon customs duties on foreign products, were hereafter to be bottomed upon taxes on home products and a few incomes, I could never counsel a President or a Congress to sound the tocsin of that revolution in the black midnight following a general slaughter-day of all private incomes.

THE FOREIGN PRECEDENTS.

The State Department through our consuls in Europe has made a collection of income-tax laws—every hideous octopus that is sucking out the life-blood of the people of Europe to support war navies and war armies—and fetches them over for model examples to this land of liberty, this continent of industrial peace. Fit models, fine examples! They have taught the draftsmen of this bill one lesson too many. They have taught the draftsmen of this bill with just what form of words to constitute a class of official highwaymen for blackmailing or plundering every man of property in the United States. Is that harsh? Then I say that were the teachers angels and the pupils better than the best of men, no form of words their wit could contrive would fail of spawning just that infamy. It is inherent, intrinsic; it sticks in the very nature of any Federal income-tax law whatever.

JEFFERSON'S SENTIMENTS.

Jefferson's Fontainebleau letter has been quoted in this discussion. That letter was written on the eve of the French Revolution. It was written in the presence of those awful social wrongs and the political inequality, injustice, and oppression from which that historic convulsion ensued. It is actually quoted as helpful authority by men favoring an income tax, in a century, a hemisphere, and a state where exists not one of all the affecting circumstances that Jefferson's kind heart grieved over, and his philosophic mind scanned all the darkening sky for peaceful methods to relieve.

The Fontainebleau letter reveals him anew in those powerful yet winning traits which make his life and character the admiration of every American. Indeed the most impressive argument against an American income tax is foreshadowed from his thrilling page. It is a fit "prologue to the swelling act of the imperial theme" of the great inaugural address.

OUR AMERICAN PRINCIPLES OF GOVERNMENT.

The United States of America have hitherto received and are now receiving from the best races of other States, nations, and empires, the tribute of a surpassing praise, without precedent in history—the praise of the desire of their young men and young women to assimilate their lives to ours, and their children's blood with the blood of our children, the praise of their desire to escape the burdens of past and future wars and be at peace, the praise of their desire to escape from the inequalities of privilege to an equality of rights, from European thrones, dominations, hierarchies, classes, and castes, political, ecclesiastical, or social, to an American individual liberty and civil equality, to our forms of government, founded upon popular elections, expressed in written constitutions, embodied in a permanent union of permanent States.

It may be impracticable that our distinctively American experiment of individual freedom should go on. Its novelty, as known by experience to the earlier immigration, can hardly be expected to receive full appreciation even from the most intelligent immigrants of the present generation. Our separation from the traditions and habits of thought of the Old World was so complete that the Declaration of Independence ratified an old fact rather than accomplished a new fact. The Constitution of the United States confirmed us in the possession of that independent tradition and a complete individual freedom.

The States which it united, the Federal Government which it established, are chiefly remarkable for their inhibitions of power, for their limitation of granted powers, for the strength and multiplicity of their safeguards of individual freedom. The sovereignty of the people, incontestible, possessed, fresh like the dew of morning in the beginning of our day and not like the dust and sweat of centuries of strife, was here first asserted and made manifest throughout the whole area of its jurisdiction, in its reservations and self-denials, in those limits set to its control, in those fortified safeguards of civil equality and individual liberty.

Perhaps it is a dream that such a paradise as we have possessed could be secure from change. The pick of the foremost races of mankind still are streaming hither, but now they bring another tradition. They come from that group of crowded, contiguous armed camps called Europe. They have not had training for generations in self-government. Some few have had a little training in getting possession of large governmental powers, existing and long used in disregard of popular rights. They have not had the habitude of popular sovereignty uncontested, popular rights enjoyed like air and water; they have not lived in civil equality and individual liberty like ours, guarded with eternal vigilance against the very governments our fathers' hands and our own have made, and put bounds to, and unweariedly repressed.

Across the water, among European peoples, human freedom enlarges, if it is enlarging, slowly. Out of armed camps not yet has grown a civil polity which refuses powers to the state in order to guard freedom for the man. State powers grow. If individual freedom anywhere is broadening there, its growth is subject to an inheritance from which we completely at one stroke escaped, and to hazards hitherto unknown by us. The growth of human freedom in Europe is subject to hazards from extensive, minute, searching, inquisitorial governmental powers, existing, organized, and predominant.

It is that sort of an inheritance, not our New World sort, which the peoples of Europe are called to administer, as one by one, after long wrestling with intermarried dynasties, through wars and revolutions, they succeed to the substance of sovereignty. Interferences with individual freedom are customary, and breed their own tradition. The governments are of militant and not industrial pattern. Their machinery is organized for repression; has had interference and control for means and end. That which was and is the interest of monarchies and aristocracies, in becoming the inheritance becomes the temptation and the hazard of their democracies.

THE WEAPON OF MONARCHIES.

Taxation of all sorts, taxation at every turn, taxation upon incomes, with all the necessary bureaucracy, machinery, and inquisition, has long been the appropriate and most perfected instrument with which European governments have multiplied their functions and prolonged their supervision, their control, their repression of the people's doings. While the founders of our democratic Republic, hiding the taxgatherers in a few seaboard custom-houses, bade them remember they were the people's servants and stick to an inoffensive obscurity, the taxgatherers of Europe became a fat official class, leaders of the local society, parasites, pupils, and servants to every occupant of a throne.

The leaders of the democracies who are approaching sovereignty slowly and clutching for the handle of every power whose edge they have felt, dreading the reaction that has followed confiscation of privileged estates, perceive, or think they see, in the taxation of incomes a safer and attractive weapon of redress. Instead of the settled supremacy here of man *versus* the state, there we see survivals of an earlier, almost a barbaric, phase of human progress, and the war of a class—the poor and the unprivileged—to capture the state in order to make reprisals upon another class, the privileged and the rich.

Taxation is even the favorite organ of more advanced Europeans who would bottle into the political and corporate structures of society those innumerable limitless fountains of social beneficence which here have found their widest, deepest flow through free lives from the free hearts of free men. So it happens that local troubles and a passing phase of the secular progress of Democracy in the Old World take on the aspect of socialism, whereas in this new world of United States our democracy has always been freedom.

OUR EUROPEAN ADVISERS.

The nonmigrating European feels a parental superiority and duty toward us. European professors announce to American professors, who publish and believe it, the birth of a brand new political economy for universal application. From the midst of their armed camps between the Danube and the Rhine, the professors with their books, the socialists with their schemes, the anarchists with their bombs, are all instructing the people of the United States in the organization of society, the doctrines of democracy, and the principles of taxation. Little squads of anarchists, communists, and socialists cross the ocean and would have us learn of them. No wonder, if their preaching can find ears in the White House.

An editor residing in Europe, of Hungarian birth, in his New York newspaper advocates an income tax designed ultimately to put upon nine States between Cape Cod and the Mississippi 77 per cent, and upon New York alone 30 per cent of the expenses of the Federal Government.

That taxation of incomes in the United States would be sectional and class taxation is precisely why it commends itself to some men of the European tradition. Their advocacy is sincere, and has one small excuse, that through our own stupidity and negligence some parts of our tariff schedules have been shaped to enrich a few Carnegies with texts for sermons on triumphant democracy and the best use of wealth.

If McKinleyism is socialism for the benefit of the rich, and income taxing is socialism for the benefit of the poor, no true American Democrat will look to the hair of the dog to cure his bite. American Democrats will reject socialism of both kinds.

THE AGGRANDIZEMENT OF GOVERNMENTS.

It is not to be overlooked, moreover, that the chief cost of our war of secession is accruing now, not so much in the pension list as in the usual war expansions and war aggrandizements of governmental power first usurped in the name of patriotic necessity, defended in the unrighteous decisions of courts, unrenounced by Congress, and tolerated because customary by the people.

Yet if all the expense of the Federal Government could be assessed upon the income of two hundred and fifty multimillionaires who would never know the difference, and if all their fortunes had been acquired otherwise than by free competition under equal laws, there could be no compensation for wrecking our American experiment of individual freedom by giving to the officers and taxgatherers of the Federal Government contact with the contracts, business, or property of individuals within the States.

In the official class our fathers saw the natural magnifiers of government and expanders of its functional areas. They eschewed its systematic domination and espionage. They gave the Federal taxgatherers no mission to draw up all things to a central head at this Capitol. They virtually dissolved that Old World institution, the standing army of tithe-takers. They eschewed direct taxes to punish thrift and penalize prosperity. They derived the revenues of the Federal Government from taxes levied at the seaboard upon things of foreign origin brought for consumption here. Thus avoiding every risk of duplicated or overlapping taxation, they left to the undiminished State, city, county, neighborhood authority, also undiminished all the great sources of revenue.

Europeanizing this America, the lovely cynosure of nations, would soon make it worth no man's while to climb the sea wall of our paradise. Its natural, almost unavoidable, invasion by foreign traditions, unfamiliar to our vital air of perfect liberty, is already great, continuous, increasing. While we welcome the immigrant, let us keep safe the inestimable though unvalued jewel of our great state. If we owe that which is unique in our American freedom to that which is unique in the partition, the limitation, the inhibition of government powers, let us now stand fast for the confines of that sovereignty "within whose circuit is Elysium."

THE PRACTICAL QUESTIONS.

The House bill created a deficiency in the revenues necessary for the Government.

It then became the duty of the Senate Finance Committee to supply that deficiency, which they proceeded to discharge. What were the questions which presented themselves to that committee at the outset of their endeavors and which now confront this Senate in its final action?

I conceive them to be these:

What imported articles, if tariffed, will best and soonest end the growing Treasury deficit, and so remove a chief hindrance to the release of capital and employ of labor? Can one or more be found from which revenue will be immediate, continuous, sufficient, of unquestioned legality so as not to be delayed by years of strife in the courts, of use and distribution universal, if possible, so that the burden may be least felt? Can the revenue therefrom be collected in the lump at the seaboard, and final payment made by 66,000,000 consumers at the most convenient time and way, namely, just before consumption in a small addition to its price?

Can the whole addition to the price of the tariffed article beyond its price if not tariffed, being all the tax, go to the Federal Treasury, without abatement, stop the growing deficit and release the deadlock of our industrial energies? I would hazard no steps in the mere revision of taxation except secure and solid steps, each one justified by the result of the previous step, and accompanied every one by the confidence of the mass of the people instead of by their dread and fear. If my counsels were heeded I would surprise and satisfy the country by the conservatism of our progress in revenue reform. The McKinley bill lost the country to our opponents by its extreme features in one direction, and we should avoid the opposite extreme.

TAX ON CONSUMPTION.

"Tax on consumption" is another current phrase that shuts off light. It puts blinders on men and prevents their seeing how many considerations should have weight in choosing a tariff tax, and that if a tax be a tax on consumption, that is no reason for rejecting it, even if there were twenty good reasons for rejecting it on other grounds.

All tariff taxes, and ninety-hundredths of all possible internal-revenue taxes, are taxes on consumption. The time of consumption varies. An anchor may take twenty years—an orange two minutes. Just as the correlative of buying is selling, just as the counterpart of money is commodity, so the correlative of consumption is production, and in each of these two correlatives is the other's being, end, and aim. It is to consume that we produce; it is to produce that we consume. Neither process can be stayed, yet a man live, or a state, or the race.

Whereabouts in the eternal round shall we tap for taxation?

How plain it is now, when a mere phrase no longer shuts off vision, that for purposes of taxation toward the public expense and general welfare, consumption should be tapped and not production. Increased production of whatever is good and necessary for consumption is palpably everybody's interest. Other things being equal, price falls as production increases, making consumption less costly. Wants are satisfied by production, and nobody can contract himself out of everybody's similar interest in its increase.

But there is no such universal and similar interest of everybody in anybody's consumption. That is the individual's affair, and his consumption offers the least injurious point of taxation for him in every individual case. Another merit of taxes on consumption is that they are surmounted in detail, and paid at the will of the consumer in the enhancement of price. If noted, they are self-assessed, with the least inconvenience at the best time, in the smallest sum; or they are declined and avoided without illegality.

If a thing were homogeneous, and its consumption were universal, if its bulk were considerable but its cost small, such qualities combined would make that thing the most perfect distributor, through voluntary consumption, of an equitable taxation. Assuredly in our Federal Government we may well regard a distributive equality as the best character of its taxation, leaving to State, municipal, and local taxation exemptions of burdens which, as varying from the general mass of our citizenship and property, or for reasons apart from revenue, or for considerations other than common and equal to all, local authorities with local knowledge and closer watch-care for any exceptional purpose may impose.

THE HOUSE VERSUS THE SENATE.

The Finance Committee, in their effort to modify the House bill so as to realize a *sufficiency* rather than a *deficiency* of revenue, selected sugar as one of such articles deemed proper for tariff taxation, and provided for a moderate duty thereon. I do not question the wisdom of their present action. But such conclusion should have been followed by an elimination of the income tax rendered doubly unnecessary by the imposition of a sugar duty.

It is difficult to reconcile the House bill with correct principles of revenue reform or with the previously expressed sentiments of some of its authors. The cultured chairman of the Ways and Means Committee [Mr. WILSON] in his article published in the North American Review of January last, criticising the McKinley bill, said as follows:

> Raw sugars were our chief revenue-producing articles on the customs list, and so it (the McKinley law) wiped out the duties upon them with the virtuous cry of "a free breakfast table for the workingmen." *Both these taxes (tobacco and sugar) were in a just and proper sense revenue taxes.* The tobacco tax should not have been touched, because it went directly into the Treasury from the pocket of the taxpayer and was burdensome upon no one. The sugar tax might very properly have been reduced, *but should not have been entirely abolished*, because of all the items in the tariff it carried the largest proportionate amount of what the people paid into the Treasury.

Yet the House bill which bears Mr. WILSON'S honored name actually followed the McKinley bill in rejecting a duty upon raw sugars.

In that same article Mr. WILSON mildly advocated a corporate income tax, but did not favor an individual income tax. In speaking of the latter he admitted that it would be "universally evaded" and "easily lend itself to fraud, concealment, and perjury," and its administration would be "necessarily accompanied by some exasperating and some demoralizing incidents." He favored a corporate income tax because "*such a tax would not be a tax upon individual thrift, energy, or enterprise*, but in the main upon the earnings of invested capital."

Mr. WILSON, in his eloquent speech in the House on February 1 last, admitted that he "had some doubt as to the expediency of a personal income tax at this time," and expressly stated that he "did not concur in the policy of attaching an income tax to the tariff bill."

Yet in spite of his own personal judgment and evidently sincere protestations, an individual income tax, which taxed not only "invested capital" but also "individual thrift, energy, and enterprise"—was actually attached to this tariff bill, and Mr. WILSON was persuaded to support it.

NO CLASS SHOULD PAY ALL THE TAXES.

I have no patience with the demagogic clamor which is constantly demanding that the rich shall pay all the taxes.

Those who thoughtlessly repeat this cry need to be reminded that this Government is not a plutocracy, but a Republic. Here manhood suffrage almost universally prevails, and property qualifications for political positions of honor and trust are nearly everywhere prohibited. The highest positions in the land are open to the aspirations of the poorest and most obscure youth anywhere to be found.

It is fitting that it should be so. But the poor man who owns no real estate or personal property pays nothing directly toward State, county, or municipal taxation—nothing toward the free schools which his children attend, nothing toward the maintenance of the highways over which he travels, nothing toward the expenses of the courts where his rights are vindicated and his wrongs redressed, nothing for lighted streets, police protection, public hospitals, jails, or almshouses, and nothing for the church at which he worships, because here we have no established religion; and if it were not for custom-house taxation—taxation upon consumption—he would pay not a farthing toward the support of the Government which protects him and under which he enjoys the blessings and privileges of a free and independent citizen.

It is through this much-abused system of tariff taxation—much abused by its enemies, and misused or carried to extremes sometimes by its friends—that we are enabled to equalize somewhat the burdens of government. It may be safely asserted as an equitable principle, involving no hardship to anyone, that citizens without ownership of real estate or taxable personal property, constituting the most numerous class in every community, and who pay no State or local taxes, ought to contribute something toward the expenses of the General Government under which they live; and to enforce the performance of such patriotic obligation the system of indirect taxation based on duties upon foreign imports affords the least offensive method.

If the contention that the rich should pay all the taxes and the poor be exempted therefrom is well founded, then it may well be urged that the rich should monopolize the suffrages and offices of the country.

The very fact that every citizen is obliged to contribute something, no matter how little, toward the expenses of government, whether he owns property or not, fortifies his right to the elective franchise and augments his claim for political preferment. He should regard it as a privilege conferred upon him, a shield against political ostracism; it increases his dignity and influence; and he naturally takes a keener interest in public affairs. The true welfare of the community is subserved by this system of indirect taxation which reaches all, but oppresses none.

I am opposed to any income tax which wholly or in part proposes to supersede this wise and useful method of taxation.

In the year 1875–'76 a commission of most distinguished and reputable gentlemen appointed by the governor of New York reported to the Legislature of that State in favor of a scheme of municipal government whereby only those who owned property and paid local taxes should be entitled to vote for the municipal officers vested with the control or disbursement of public funds.

It was plausibly argued that citizens who contribute nothing to the support of the municipality ought not in common fairness to be permitted to control its improvements, to authorize its public works, or to spend its revenues, while the class who pay all the municipal taxes, if in the minority, are compelled to acquiesce. The argument, if carried out to its legitimate conclusion, would favor a plutocratic, rather than a democratic, form of government, and additional weight would attach to it if citizens who pay no local taxes should also be exempt from all Federal taxation.

It is a significant fact that the Constitution, which requires no property qualification and recognizes manhood suffrage, should at the same time provide for tariff taxation as a source of revenue which is set apart exclusively as the property or function of the General Government, and conveying the idea that such suffrage and indirect tariff taxation were intended to be inseparable—one to mitigate or to justify the other.

THE POPULATION VERSUS THE TAXPAYERS.

The comptroller of the city of New York semiofficially informs me that the number of individual taxpayers in the city of New York is about 109,000. Yet that city has a population of 1,801,739 according to the State census of 1892, and of 1,515,301 according to the Federal census of 1890.

The disproportion between taxpayers and population may not be so large in some other cities, but it is believed that in almost every city and section of the country the population is ten times greater than the number of individual taxpayers. The fact that nine-tenths of our population pay nothing directly toward State, county, and local taxation adds force to the argument that they should continue to be reached indirectly through tariff legislation.

NO NEED OF AN INCOME TAX.

The next point which I desire to submit is that the necessities of the Treasury do not require an income tax. This proposition can be easily and clearly demonstrated.

The Secretary of the Treasury in his annual report estimates

that the amount needed for the support of the Government for the next fiscal year will be $448,306,789.93. He also estimates that *upon the basis of existing laws* the revenues for the same period will be as follows:

From customs	$190,000,000.00
From internal revenue	160,000,000.00
From miscellaneous sources	20,000,000.00
From postal service	84,427,748.44
Total estimated revenues	451,427,748.44

Permit me to observe at the outset that this (Wilson) bill as it passed the House, discarded existing tariff revenue to the amount of $73,680,418 80, as accurately figured by Treasury experts. Senator VOORHEES in his speech states the amount to be $76,670,000, and for the purposes of this discussion we will assume the latter amount to be correct. This large reduction created a deficiency in the amount absolutely necessary to be realized for the support of the Government. The Ways and Means Committee recognized that fact and in their report to the House accompanying the tariff portion of this bill declared that they intended thereafter to provide "internal-revenue taxation, which will make up any deficit of public revenue." (*See their report of December 19, 1893.*)

Thereafter and before the bill passed the House, the income tax ($30,000,000) and an additional tax on spirits ($10,000,000) were added, but even this increase left a large deficiency, according to then official estimates.

Yet many overzealous friends and impatient newspapers demanded that the Senate should *immediately* pass this bill—with its conceded defects—exactly as it came from the House, regardless of the embarrassments to the Government which it might hereafter create.

With them a surplus or deficiency was an entirely immaterial consideration.

The Senate Finance Committee, realizing the insufficiency or inadequacy of this bill, proceeded to amend it by making provision for additional revenue. The able chairman of that committee, in his recent speech, said:

> The criticisms which assailed the bill as it came from the House *because it created a deficiency* in the Treasury no longer apply. We present a measure full freighted with revenue for every call that can be made on the Republic at home and abroad, and with a surplus besides of $29,389,345.

According to this statement the bill has "jumped out of the frying pan into the fire." From a deficiency there has arisen an immoderate surplus. One extreme has been succeeded by another. The committee made many changes, taking sugar, iron, coal, lead, and other articles from the free list and making them dutiable, and providing for a tax upon sugar estimated by official experts to realize $41,822,623.61, and an additional tax on spirits from which $10,000,000 is anticipated. Yet, notwithstanding these large additions of revenue sources to the bill, the committee still retained the income tax.

Let us see how the figures now stand. Secretary Carlisle's estimate in his annual report was as follows:

Expenditures.

Civil and miscellaneous	$86,795,460.92
War	47,173,203.65
Navy	27,875,914.02
Indians	6,931,156.61
Pensions	162,631,570.00
Interest	26,500,000.00
Postal service, etc	90,399,485.33
Total	448,306,789.93

Here are the revenues expected to be realized under this bill:

Receipts.

Internal revenue (under existing laws)	$160,000,000.00
Postal (under existing laws)	84,427,766.00
Miscellaneous (under existing laws)	20,000,000.00
Customs under pending bill as estimated by Treasury experts, including $41,822,623.61 for sugar duties	103,331,000.00
Additional internal revenue to pending bill, as follows:	
Income tax	30,000,000.00
Spirits	20,000,000.00
Cards	3,000,000.00
Total	480,788,766.00

Summary statement.

Receipts	$480,788,766.00
Expenditures	448,306,789.00
Balance	32,481,977.00

These figures thus show an excess of revenue over expenditures of $32,481,977, being $3,092,732 larger surplus than admitted in Senator VOORHEES's unofficial statement.

They establish the fact that the proposed income tax, estimated at $30,000,000, is not required for any legitimate purposes of the Government.

An amendment to the bill striking out that tax would still leave a surplus of $2,481,977.

Besides, it is now apparent that the estimate of $162,631,570 for pensions contained in Mr. Carlisle's report was inaccurate, and may be safely reduced to $140,000,000 or $145,000,000. Senator VOORHEES's speech virtually concedes as much, and his own statement of the sum required reduces the amount to $145,000,000 (see CONGRESSIONAL RECORD, volume 26, No. 92, page 4157), being $17,631,570 less than previous estimates, which sum added to the $32,481,977 surplus before mentioned makes a total surplus of $50,113,547 under this bill as amended by the Finance Committee.

Upon reflection it may be confidently asserted that the pension expenditure for the next fiscal year will not exceed $140,000,000, as there has been a steady decrease of late under the present vigilant administration of our pension laws. The expenditures for the first nine months of the present year have been only $107,151,496, and at that rate for the remaining three months the amount for the whole year will be only $142,858,661. A conservative estimate, therefore, would deduct the further sum of $5,000,000 (over and above the $17,631,570 previously deducted) from the amount originally announced, which should be added to the surplus already assured ($50,113,547), making a grand total of $55,113,547. Mr. Edward Atkinson estimates that the amount required for pensions for 1894–'95 will not exceed $135,000,000.

The situation, then, may be summarized as follows:

Receipts under Senate bill	$480,788,766.00
Expenditures for fiscal year 1895	425,675,219.00
Total surplus	55,113,547.00
Deduct income tax	30,000,000.00
Surplus without income tax	22,113,547.00

If Mr. Atkinson is correct, then, $5,000,000 more may be added to this surplus.

Two points should not be overlooked bearing upon the question of increased revenues: First, that under these figures no allowance has been made for the possibility of increased importations under reduced duties; second, no allowance has been made for the probability of such increase under anticipated revived conditions of trade. Neither of these important considerations can well be ignored.

The estimates of importations anticipated under this bill are based upon the actual importations during the last complete fiscal year ending June 30, 1893. The extreme duties imposed under the existing McKinley law during that year are alleged to have largely prevented importations which would otherwise have been received or at least been possible under lower duties. Of course, enormous duties—oftentimes styled prohibitory duties—tend to prevent importations, while experience has shown that frequently the imposition of lower duties has increased the revenues by materially increasing the importations.

Commercial depression naturally diminishes importations, as it blocks the wheels of trade and invites economies of every character. The latter half of the fiscal year 1892–'93 was largely affected by the monetary panic, and it is not unreasonable to believe that the business disturbances incident thereto may have materially diminished the importations from what they otherwise would likely have been.

No official nor semiofficial estimates have been furnished us—nor have I undertaken to make any figures at this time—of the increased revenues which may reasonably be anticipated under this bill, as now amended, on account of the two considerations which I have mentioned. It is sufficient, however, to declare that large increases of revenue are probable, which will swell the surplus to huge proportions if the income tax or the sugar tax shall still be retained. Neither have I ventured to consider the economies and reforms which are likely to be instituted in the various departments of the Government, and which are always probable under a Democratic Administration, from which large reductions in expenditures may be expected.

Mr. President, these figures which I have submitted speak for themselves. They demonstrate that the only plausible ground upon which the income tax was first sought to be imposed, to wit, that it was actually needed to meet the necessities of the Government, has been thoroughly exploded.

This is not my individual conclusion alone. The country so regards it.

Mr. Edward Atkinson, of Massachusetts, a distinguished political economist, in a recent article to the Boston Herald, in speaking of the Senate amendments to this bill says:

> The pretext that an income tax may be needed to cover a deficiency that would otherwise occur therefore falls to the ground.

Concerning this tax, he then adds that—

> Economically considered, I deem it a war tax of last resort when all the other sources have failed.

If in the face of these facts—if in the light of these figures—if in spite of the honest and sincere opposition which this tax naturally engenders from the people of that great section of the

country which I have the honor in part to represent on this floor—a people as patriotic, as loyal, as generous, and as philanthropic as those of any other section, I repeat if notwithstanding these things which ought surely in common fairness to lead to the elimination of this obnoxious feature of this bill, its retention shall still be insisted upon by the unwise and misguided and assumed champions of tariff reform in this Congress, and defeat shall await the whole bill, let the responsibility fall upon the heads of those where it properly belongs.

A DEFENSE OF NEW YORK'S BUSINESS MEN.

I listened the other day with considerable interest to the distinguished Senator from Indiana in his fierce denunciations of the people in this country who have been fortunate enough to accumulate a competence. He nearly exhausted the vocabulary of abuse in the anathemas which he hurled against them.

He rebuked their "narrow and corroding selfishness," their "dangerous pretensions and intolerable arrogance;" he described their "brutal dictation;" he upbraided "their unjust, relentless, unsparing, and insolent" conduct; he pictured their wealth as the "illegitimate offspring of governmental paternalism," and characterized them as without "gratitude or love of country;" he imputed to them an intention and willingness to commit perjury and other crimes "for which the convict stripes of the penitentiary are the only punishment," and then having summarily adjudged them guilty without court or jury he declares them to be "fit associates for thieves, housebreakers, forgers, and cutthroats," and not satisfied with this terrible humiliation which he inflicted upon them, and notwithstanding his well-known amiable and forgiving disposition, with one fell swoop he consigned them all "to everlasting hell."

Then, Mr. President, he calmly and seriously said to us, "I am loth to say these things." He need not have given us that assurance; of course, we all keenly realized it. We knew with what reluctance he assumed his unpleasant task, and with what lack of eagerness he embraced the afforded opportunity. Mr. President, these violent and unseemly denunciations—these arguments, if they can be dignified as such—may answer for the hustings of Indiana, but I regret to hear them in the Senate of the United States.

Notwithstanding this terrible arraignment of the men of wealth, to which I have briefly alluded, I venture to speak a few words in their defense. I speak more especially of the men of means of my own State. I can not, of course, speak for those of Indiana—they may be all that they are painted by the senior Senator from that State. While, however, I doubt that fact, I have such respect for him and his statements that I can not safely contradict him. The men of wealth of New York, as a general rule, are among our best, most esteemed, and reputable citizens. They are not the vile rascals they have been depicted, and their riches have not been acquired by questionable means, governmental favors, usury, nor extortion.

Some inherited their wealth from honorable ancestors, others obtained it by fortunate investments; others by great business ability, tremendous industry, and remarkable sagacity. They have largely contributed to the greatness and glory of the State, building up its industries, augmenting its commercial supremacy, sustaining its finances, and assisting its great and varied undertakings.

The strong and solid financial institutions which they control, the great life and fire insurance companies which they manage, the admirable loan and trust associations which they direct, the magnificent lines of railroads which they operate, not only in New York, but elsewhere, the splendid manufactories which they conduct, wherein tens of thousands of working men and women are employed in honest labor, the immense shipping interests which they represent, the tremendous wholesale and retail establishments of trade which they maintain, and the hundreds of other business enterprises of vast magnitude which they honorably and successfully manage, are the evidences of their ability, their genius, their prudence, and their integrity.

The institutions of learning which they have founded, of which Cornell University, Vassar College, Cooper Institute, Vanderbilt University are conspicuous instances; the public libraries which they have endowed, of which the Astor Library, the Lenox Library, the Tilden Library are notable examples; the free hospitals which they have instituted, of which the Roosevelt Hospital, the Arnot-Ogden Hospital, and scores of others throughout my State which do not now occur to me—all these benefactions attest their widespread and noble generosity, and disprove the contemptible charge of their supreme "selfishness."

Whenever famine, pestilence, or fire has afflicted their countrymen in any locality or section of the Union, the wealthy business men of New York always speedily came to the rescue and liberally responded.

In great political campaigns, when the life of political parties has been deemed to be at stake, even Indiana and some portions of the South have not refused assistance from the wealthy partisans of New York.

When the nation's credit is in peril and funds are needed to meet the daily wants of its Treasury, and it must borrow from its citizens, where else except to the bankers of New York does your Secretary of the Treasury with confidence apply?

When the country's very life was in danger, when the fate of the Government hung trembling in the balance, when money was sorely needed to defend the Union, what subscribers to the nation's securities more quickly and cheerfully responded in the hour of emergency than the moneyed men of my State?

Mr. President, I need say no more. This speaking in defense of wealth is a new *rôle* to me. The record of my official life shows that my public utterances as well as services have usually been in other directions—in defense of the poor, in vindication of the oppressed, and for the amelioration of labor. I have no entangling alliances nor particular sympathies with those at whom this income-tax scheme is principally aimed; they have never been any especial friends of mine. But I trust that I am fair-minded and broad-minded enough to defend any class of my fellow-citizens—rich or poor, high or low, white or black, native or naturalized—whose fair fame is unjustly assailed, or whose rights are threatened, and whose interests are endangered by what I believe to be hostile and vicious legislation.

I have yet to learn that poverty is a cardinal virtue and that wealth is an abominable crime. All classes have their rights, and one class must not be permitted to encroach upon the other. The demagogue who seeks to stir up class prejudices and class resentments in order to win the gratitude or the applause of the mischievous and the unthinking, who are essentially his dupes, deserves only execrations at the hands of all right-minded men.

THE TILDEN INCOME-TAX CASE.

A moment since I mentioned the Tilden library. This reminds me of the fact that the distinguished citizen and Democrat—whose memory we all revere—Samuel J. Tilden, one of the wealthy men of New York who generously donated his millions to the establishment of a great free public library—a portion of which fund, however, it was only deprived through the technicalities of the law—was himself the victim of the injustice, the oppression, and the persecution permissible under an income tax.

We have not forgotten the annoyances to which this venerable apostle of Democracy was subjected, the opprobrium which he endured, the bitter litigations and prosecutions which he encountered at the hands of a few unscrupulous political opponents vested with a little brief authority, in their pretended enforcement of the law, endangering his feeble health and embittering his old age.

It was not enough that he had been deprived of the Presidency, to which a majority of a quarter of a million of the popular vote had desired to elevate him—deprived because of the crimes of fraudulent and purchased returning boards in three States, but he must be branded and denounced as a wealthy and selfish politician seeking to fraudulently evade the payment of his just share of governmental taxation.

And now, within less than ten years after his lamented death, we are told by these new apostles of Democracy that this Populist rider to a revenue tariff bill, with all the enormities and inquisitorial features which pertain to it, is the very quintessence of modern Democracy, and without which all else is valueless.

THE TRUE ENEMIES OF TARIFF REFORM.

The enemies of tariff reform are those who imperil the passage of this bill by arbitrarily insisting upon the retention of an income tax therein. They refuse to present a separate measure embracing this feature. They even decline to fix any date—one, two, or three years—when the income tax shall cease, but they seek to incorporate and establish it as a permanent policy of the Government.

They shut their eyes to the fact that a believer in tariff reform is not *necessarily* a believer in an income tax. A tariff tax is altogether a different matter from an income tax. They are neither identical, homogeneous, nor consistent with each other. Tariff reform means tariff reduction—not tariff extinction nor direct nor internal taxation. These widely divergent methods should not be confused nor conglomerated. The first notable effort for tariff reform since the war was embodied in the Morrison bill; but there was no suggestion of an income tax.

Then came the famous tariff message of President Cleveland, which simply invited a reduction of tariff duties to prevent a further surplus, but there was no recommendation for the restoration of war taxes, to wit, taxes upon incomes. Then followed the Mills bill, which passed a Democratic House of Representatives, and was distinctly approved by the national Democratic convention of 1888, but nothing was heard of any income

tax. But now at this late day, after a third party has adopted it as its shibboleth, we are told that it is the *sine qua non* of tariff reform and true Democracy. I deny the right of any man, without the sanction of a national convention, to add this new tenet to the Democratic faith.

OUR DUTY.

Mr. President, I do not need to be reminded that it is the duty of the present Congress to revise the tariff. I appreciate that fact as keenly as any Senator here. We are pledged to that course; the country expects it. We are pledged to a tariff for revenue; we are not pledged to pass an income tax. We are pledged to pass a tariff measure which will produce sufficient revenue for the support of the Government, not one insufficient for that purpose.

We have no moral right to deliberately discard seventy-six millions of tariff revenue and thereby create a deficiency to be supplied by other and more objectionable taxation. That is not reform; it is folly, it is impotency, it is scarcely less than criminal under the existing conditions of the country. It is experimenting with and hazarding all our vast and varied business interests now demanding our watchful care.

MY POSITION BRIEFLY STATED.

I stand ready to support any reasonable measure for tariff reform framed within the lines and based upon the principles which I have here partially indicated, and which were fully set forth in my speech in opening the political campaign in Brooklyn on September 19, 1892. I stand to-day where I stood then. I have nothing to add and nothing to retract.

I will cheerfully vote for the Mills bill, and join with you in making many material reductions of duties therein. I am ready to waive all minor differences of details which do not involve a question of principle.

Having spoken to-day especially upon the income-tax feature of this bill, I reserve the expression of my views upon its other features until near the close of the discussion.

CONCLUSION.

Mr. President, this is an important crisis in the history of the Democratic party. The failure of tariff revision at this time means the defeat, the demoralization, if not the division and annihilation of our party. Moreover, it means, as we believe, injury to the best interests of the country. Let those who insist upon injecting into this bill this odious and un-Democratic feature of an income tax—a relic of war legislation—pause and reflect upon the possible consequences of their unwarrantable demands.

They should realize that it means the loss of the control of this Senate, now nearly equally divided between the two great parties; it means the loss of the next House of Representatives; it means the loss of the electoral votes of New York, New Jersey, Connecticut, and probably every Northern State; and finally, it means the loss of the next Presidency and all that it implies. They should recollect that this income-tax feature is justly regarded in New York and many other Northern States as a scheme of spoliation, an unwarranted sectional attack upon their citizens of means.

They should consider whether there is anything about an income tax so sacred, so desirable, so popular, so just, and so defensible that its maintenance is worth the risk which they are precipitating. Let them remember 1860 and the ultra demands then made upon the Democratic party, to which it could not honorably accede; demands which led to our division and defeat; let them remember the triumphs of our opponents, the civil war that followed, the devastation, the suffering, the humiliation which ensued, the military and carpet-bag governments which flourished, the force bills which threatened, and all the incidents of the terrible years which darkened our party's and our country's history from 1860 to 1884, when, through wiser counsels, moderate action, conciliatory methods, and restored confidence, we were intrusted with power again; and, reflecting upon all these things, let them say whether it is the part of wisdom, by the insistence upon extreme demands, to imperil the success of our party again, and thereby tend to retard the progress, diminish the glory, and endanger the best and highest interests of our common country.

Mr. HARRIS. Mr. President, I ask that the bill may now be read.

Mr. GRAY. Let the bill be read.

The VICE-PRESIDENT. The bill will be read.

Mr. ALDRICH. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Rhode Island will state his parliamentary inquiry.

Mr. ALDRICH. I desire to ask of the Chair what reading of the bill it is that is called for by the Senator from Tennessee, and then I desire from the Chair and from the Senator from Tennessee their idea of the statns of the bill at the present moment.

The VICE-PRESIDENT. The Chair will answer the Senator. The bill is before the Senate as in Committee of the Whole. The Senator from Tennessee heretofore asked unanimous consent that the first reading of the bill be dispensed with, to which objection was interposed. The debate thus far has proceeded by unanimous consent, without the reading of the bill. The Senator from Tennessee now calls for the reading of the bill, which the Chair holds to be in order.

Mr. ALDRICH. Does the Chair decide that it is the first reading of the bill which is now to be had?

Mr. HARRIS. Will the Chair allow me to make a suggestion?

The VICE-PRESIDENT. The Chair will hear the Senator.

Mr. HARRIS. I suppose there has not been an instance in the history of this Government where the Senate has considered a bill until the bill has been read to the Senate. It is true that the pending bill has been read by title a first and second time, that it was referred to the Committee on Finance, and was reported back to the Senate; but the experience of the Senator from Rhode Island every hour of every day since he has been in the Senate has been that when a bill is to be considered, the Chair announces that "the bill is before the Senate, as in Committee of the Whole, and will be read at length." The Senate is not presumed to proceed to consider a bill until it has been read.

There are many instances in voluminous appropriation bills where unanimous consent has been asked to dispense with the formal reading of the bill, but except in cases where unanimous consent has been obtained, bills are always read as in Committee of the Whole. When the pending bill was laid before the Senate just a week ago to-day, I asked that its formal reading be dispensed with, in order that the Senator from Indiana [Mr. VOORHEES] might at once proceed with the remarks he proposed to submit. That request was objected to by the Senator from Massachusetts [Mr. HOAR]. Then I asked that the Senator from Indiana might proceed and the bill be read after he concluded his remarks, for which request unanimous consent was granted, and the debate has proceeded by unanimous consent up to this hour.

I now demand, according to the uniform custom of the Senate, that the bill be read.

Mr. HALE. Before the Senator sits down let us see what he is trying to get at and what he gains by this formal reading. Every bill before it passes is entitled to three readings. It takes its first and second readings formally, nominally, and is reported to the Senate, as this bill has been. Rule XV provides, and I ask the attention of the Chair to it:

1. All bills and joint resolutions which shall have received two readings—

As this bill has—

shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed.

All to be done before the third technical parliamentary reading is reached. Does the Senator from Tennessee, an old and accomplished parliamentarian, expect by a formal reading of this bill now to put it in such a state that it can not be amended afterwards?

Mr. HARRIS. By no means, nor is any such thing possible.

Mr. HALE. I wanted to get that answer, because, crediting the Senator not only with a knowledge of parliamentary law, but with candor and fairness in his methods, it did not seem possible that that was what he sought. Then the Senator does not claim that the reading of this bill now will be in any sense one of the three technical readings?

Mr. HARRIS. I do not, but the Senator from Maine knows, as I know and as every other Senator knows, that the third and last reading of a bill is invariably by title, as are the first and second readings.

Mr. HOAR. That is only by consent.

Mr. HARRIS. Of course, by consent. But when the pending bill shall have been read, as all bills are read as in Committee of the Whole, then there is not a line of it that is not open to amendment.

Mr. HALE. Does the Senator claim that, by the formal reading on the part of the Secretary any right to offer or consider amendments as reached would be wholly cut off?

Mr. HARRIS. On the contrary, I wholly disclaim any such idea.

Mr. HALE. Then what does the Senator gain by his demand?

Mr. HARRIS. When the bill has once been read, every line of it, as I before stated, will be open to amendment, and then every Senator will be at liberty to select the precise line or point

at which he proposes to amend. We shall have accomplished that much, however. When the bill has been formally read, as all bills are formally read when considered as in Committee of the Whole, it will be read no more except by title, but every Senator will have a right to offer amendments to any section, to any provision, to any line of the bill. The suggestion I have made does not affect the right of amendment in the slightest degree.

Mr. HOAR. The Senator has two or three times stated that the future readings of the bill will be by title and that is, of course, according to the ordinary custom of the Senate; but I wish to ask the Senator from Tennessee if he claims that any reading of a bill whatever can be by title if its full reading is demanded by any Senator?

Mr. HARRIS. Mr. President, I quite agree with the Senator from Massachusetts. If that Senator shall upon the third reading of the bill demand that every line of it be read, I think he has the right to make the demand, and it will be the duty of the Chair to so order; but the bill must be read. In every appropriation bill, where the formal reading has been dispensed with by unanimous consent, the reading has proceeded line by line and paragraph by paragraph, and amendments have been considered generally by unanimous consent while the bill was being read. All of that, however, is by unanimous consent.

I now demand that the pending bill be read. When it has been read, the Chair doubtless will announce that "the bill is before the Senate as in Committee of the Whole, and open to amendment," and every line of it will be subject to amendment. Senators need not apprehend the remotest possibility of my undertaking to object to any legitimate amendment or any amendment which is in order, for I concede to the fullest and broadest extent that the bill is amendable.

Mr. ALDRICH. If the Chair will permit me, before he makes a final decision upon this question, I should like to say a few words upon what has been uniformly the practice of the Senate in cases of this kind.

I will say that perhaps on the surface the rules and the practice of the Senate are somewhat in conflict. I have had, as the Senator from Tennessee has had, more or less experience in the treatment of tariff bills in the Senate, and without exception, within my knowledge, which goes back to 1883, whenever bills of this nature have been before the Senate, they have always been considered by paragraphs for amendment the first formal reading of the bill having always been dispensed with by unanimous consent for that purpose; but I supposed that when that stage was reached, when what is called in the other House "general debate" should be closed, this bill would be taken up and read by paragraphs, dispensing with the first formal reading for amendments, and then that the amendments suggested by the committee and amendments offered by individual Senators would be considered as the bill was being read. That course has not only always been adopted with tariff bills, but with all the great appropriation bills. It is eminently proper, it seems to me, that that course should be pursued in this case.

I do not understand that there is any rule which permits the Senator from Tennessee, or any other Senator, to demand that, as a matter of right, this bill shall be read at any particular time in the course of the discussion. Parlimentary rules prescribe that a bill shall be read on three different days, but this bill apparently has had two readings by title, and now it is proposed to read the bill through for the information of the Senate and for amendment.

I will suggest to my friend from Tennessee that that course be followed with this bill. It certainly will suit the convenience, it seems to me, of Senators on both sides of the Chamber, because, if the bill is read through now it will be open to amendment at every stage, and no particular progress will be made in the reading of the bill. We can offer amendments to the first paragraph now and discuss those amendments *ad infinitum*, if we please; and the Senator from Tennessee gains nothing in the discussion of the bill. The first paragraph may be read, and we can offer amendments and the discussion can proceed, if we please, upon those amendments as long as we choose to carry it on. It seems to me, however, the more orderly manner, which has been followed heretofore, would be, after general discussion was exhausted, for the bill to be read through by paragraphs for amendment.

Mr. HARRIS. Mr. President——

Mr. MANDERSON. Will the Senator allow me a suggestion?

Mr. HARRIS. Yes, sir.

Mr. MANDERSON. Are we to understand by the reading of the bill that the Senator asks that the bill is to be read as it came from the House of Representatives, or as reported by the Committee on Finance?

Mr. HARRIS. The usual course on a bill, under the practice of the Senate, is to read the bill as it comes to the Senate, whether from the other House or from a Senator by direction of a committee; and when the bill has been read through, the Chair announces, according to rule and according to practice, that "the bill is in the Senate as in Committee of the Whole, and open to amendment."

When the debate shall have practically closed I shall ask that the first committee amendment be reported, and when reported by the Secretary it is amendable. Any Senator on either side of the Chamber may move to amend the amendment reported by the committee, and may test the sense of the Senate upon an amendment to the committee amendment. Finally, when the amendments to the committee amendment have been agreed to or rejected, and that amendment has been agreed to or rejected, the Senate passes on to the next committee amendment. The same rule will be applied to that and to every other committee amendment; and when the committee amendments have been disposed of, the whole bill, except those amendments which have been disposed of in Committee of the Whole, will be open to amendment. When the bill is reported to the Senate, every amendment made as in Committee of the Whole, and every other feature of the bill, will be open to amendment in the Senate. So there is not the slightest shadow of possibility, by carrying out my suggestion and reading the bill now, of excluding any legitimate amendment any Senator desires to offer. Certainly I shall interpose no objection, nor will any Senator on this side, I take it for granted, interpose an objection to any amendment that is not out of order for some other reason than the fact that the bill has been read.

Mr. MANDERSON. Do I understand the Senator from Tennessee to propose to impose upon this bill an additional consumption of time, which is not usual with tariff bills heretofore considered, or with the general appropriation bills: that is, that the bill as it came to the Senate before its reference to the Committee on Finance shall be read at length, and then be read by paragraphs for amendments of the committee?

Mr. HARRIS. I made no such suggestion.

Mr. MANDERSON. Then I misunderstood the Senator, and I think he was generally misunderstood on this side.

Mr. HARRIS. I was answering the suggestions of the Senator from Rhode Island. I do not care to say more than this: Neither the Senator from Rhode Island, nor the Senator from Nebraska, nor any other Senator can name a time when any bill has been considered as in Committee of the Whole without first being read to the Committee of the Whole, unless the reading was dispensed with by unanimous consent. I asked that consent when the bill was first laid before the Senate, and the Senator from Massachusetts [Mr. HOAR] objected. I then asked consent that the reading might be dispensed with until the Senator from Indiana [Mr. VOORHEES] could submit his remarks and that it might then be read, and that consent was given.

Mr. HALE. Let me ask the Senator whether the course has not been that the general debate has gone on until terminated either by agreement or the exhaustion of the Senate; and when the real contest upon the bill comes up, has it not then been customary for the Senator in charge of the measure to ask that the formal reading of the bill be dispensed with in order that it may be considered for amendment, and then whatever arrangement is to be made for the conduct of debate during the consideration of the bill is done at that time? If the Senator will allow me to make a suggestion, if instead of projecting this question now he would wait until the general debate has terminated, and then make the proposition, I think he would find no difficulty in the same course being agreed upon that has been pursued on other tariff bills; and he and the Senate would, by reason of the reading of the bill being dispensed with, save the time which would be taken up by the reading. If the Senator is willing to withdraw that point at present and content himself with bringing it up, with all his rights, when the general debate is ended, everybody will be satisfied.

Mr. HARRIS. If the Senator from Maine will refer to his own experience (for he has long been a very prominent member of the Committee on Appropriations, and has often been in charge of very large and voluminous appropriation bills), he will find the RECORD shows that immediately upon his asking the consideration of the appropriation bill he and every other Senator similarly situated has asked unanimous consent that the formal reading be dispensed with, and that the committee amendments be acted upon as reached in the reading of the bill.

Mr. HALE. But there is a distinction between the two cases. In the first place, we have no system or practice of general debate upon appropriation bills. We plunge at once *in medias res*, and there is no such course pursued as upon a tariff bill. Besides, the Senator will find—and perhaps on the whole it would

be better—that this matter should go over to-day in order that the precedents may be examined——

Mr. ALDRICH. I have them here and will have them read.

Mr. HALE. The Senator will find that the course is not the same upon tariff bills that it is upon appropriation bills. I do not mean to say the courses are so different that we should have any difficulty in coming together on an agreement, for I believe we should come to an agreement; but I think the Senator from Tennessee will find—the Senator from Rhode Island perhaps has the precedents here—that the course in relation to amendments is not precisely the same on tariff bills that it is on appropriation bills.

Mr. HOAR. With great deference to the Senators who have this matter more immediately in charge, it seems to me that there is one question to be considered, and only one; and that is the practical difference between an appropriation bill and a tariff bill.

I suppose there is no doubt whatever that the Senator from Tennessee has a right to have the bill read whenever he demands it, as it has not yet been read, and the right has been reserved. When it is read, does he expect that the committee amendments upon all parts of the bill are to be voted on first before an amendment offered by any Senator is considered at all? I understand that is the course on appropriation bills, and for obvious reasons the Senate always consents to it. If the Senator from Tennessee has an amendment to the first line of an appropriation bill of 100 pages, he waits until the one hundredth page has been amended by the committee, if they want to amend it. But in tariff legislation, as far as I remember (and I have been in this and the other House nearly twenty-six years), the course is the other way. It is not convenient to amend, for instance, the income-tax provision, or the metallic schedule, without knowing somewhat how much revenue the Senate expect to raise, or what principle they are going to apply in the early sections of the bill. We might strike out at the end of the bill a duty, or legislate in regard to it, so that it would result in a decrease of $10,000,000 of revenue.

It seems to me, therefore, that the true way is the course suggested by the Senator from Rhode Island, which is the usual way always, and that is, that everybody shall have his opportunity to move amendments in regard to one paragraph or schedule or portion of the bill before we proceed to another paragraph. I suggest to the Senator from Tennessee that he had better let this matter go over. It is now 5 o'clock, and he had better, if he can, come to some agreement with the members of his committee on our side of the Chamber. None of us on this side of the Chamber want to let so important a matter be disposed of in two minutes or five minutes when we only half understand it; but of course I suppose the Senators on this side of the Chamber would expect to follow advice on this point in regard to which the committee is in substantial accord. I therefore suggest to the Senator that instead of insisting on a proceeding which we do not half understand and do not see the effect of at this moment, he let it go over until he can have some understanding with his associates on the committee.

Mr. HARRIS. If the Senator from Massachusetts just a week ago had entertained the same opinion that he seems to entertain now, the formal reading of the bill would have been dispensed with. It was his objection, and his objection only, that prevented it.

Mr. HOAR. If the Senator will pardon me, I understand that he wanted to do then what he is trying to have done now, without an agreement with those who have the special charge of our interests on this side of the Chamber; he wanted, as a two minutes' question, to have this whole matter disposed of.

I entertained then the same opinion I entertain now. I thought then that it was better to save the Senate a day's fatigue by having to listen to the reading of the bill, which would take several hours, and I objected to anything being done. I object now, but I expect, unless there is something which is objectionable to my own judgment, to follow the advice of the Senators on this side of the Chamber who have this matter specially in charge.

Mr. ALDRICH. Mr. President——

Mr. HARRIS. I only yielded a moment to the Senator from Massachusetts.

Mr. President, I know of no reason why the consideration of a tariff bill should be treated differently from the consideration of an appropriation or other bills. The reading of the bill is not going to change a punctuation mark or a word in it, and we will have accomplished that much.

In answer to one clause of the inquiry of the Senator from Massachusetts, I will state that the usual custom is to go through with the committee amendments, each one of which is amendable, after which every word and every line in the bill is subject to amendment.

Mr. SHERMAN. Will my friend from Tennessee allow me to say a word? I am assured, and it is in accord with my recollection for thirty-odd years, that in the consideration of tariff bills the bill has been taken up and read, not clear through, but whenever an amendment is offered by a Senator at any stage it is considered and voted upon. No preference whatever is given to amendments from the Committee on Finance. Nor would it be just and fair to have that done, because if preference were given to amendments by the Committee on Finance alone we would run through the whole bill, and then we would have to go back and go all through it again, in order to give other Senators a chance to offer amendments.

If the Senator from Tennessee will let the matter go over until to-morrow and look at the precedents he will find that in all the debates on tariff bills, and we have had several of them in a comparatively recent period, the usual course has been, if I am not mistaken, to take up the bill: the Secretary reads one item, and if there is no amendment offered he goes on to another, and so on until he comes to a committee amendment. Then the vote is taken on the amendment; and so he goes on through the whole bill. But a Senator has at any time a right to offer an amendment, especially an amendment to a committee amendment, and those are often the most important questions in dispute.

Mr. HARRIS. I will state to the Senator from Ohio that whatever conclusion may be arrived at as to the order of amendments does not affect the present question. That comes up subsequently. The usual and uniform practice has been, and Jefferson's Manual lays down the rule, that the committee amendments are first to be acted upon.

Mr. ALDRICH. Oh, no.

Mr. HARRIS. But I undertake to say to the Senator from Ohio, as I have said to other Senators, you can not find an instance where the formal reading of a bill has been dispensed with except by unanimous consent. It has usually been done on appropriation bills I grant, and it may have been done on tariff bills, in view of which fact I proposed a week ago that it be done in this case, but it was objected to. Now we are asked to sit here and debate and consider a bill no line or word of which has ever been read to the Senate except the title.

The uniform practice of the Senate has been to read the bill. It is not for time-comsuming that I ask for the reading of the bill; that is the vocation of my friend; I will not name him; he is in my eye, however. It is with a view of economizing time that I ask it, and I shall insist upon it.

Mr. ALDRICH. In order that the Senate may be advised as to what has been done in similar cases I ask that the RECORD may be read showing the proceedings on the act of 1890. I ask the Secretary to read the portion which I have marked.

Mr. BUTLER. Will the Senator from Rhode Island, before that is read, allow me a moment?

Mr. ALDRICH. Certainly.

Mr. BUTLER. I should like to inquire, if I have a right to inquire, what his object is in objecting to the reading of the bill? He put a question of that kind a while ago to the Senator from Tennessee, and I should be obliged to him if he would state his object in objecting to the reading of the bill.

Mr. ALDRICH. My object is that the Senate shall follow the practice which it has followed invariably from the commencement of the Government, in my opinion. It certainly has followed the practice within my knowledge, and the Senator from Ohio [Mr. SHERMAN] says it has done so within his knowledge, which goes back to 1853; that is, to have the bill, when it is read, read by paragraphs for amendment.

Mr. BUTLER. Is that the proposition of the Senator from Rhode Island now?

Mr. ALDRICH. That is my proposition now.

Mr. BUTLER. To take up the bill and read it by paragraphs for amendment.

Mr. ALDRICH. That whenever it is taken up it shall be taken up and read by paragraphs for amendment.

Mr. BUTLER. Do I understand the Senator from Rhode Island to consent to the bill being taken up?

Mr. ALDRICH. It is up now, and my proposition is that it shall be proceeded with by paragraphs whenever the general debate is closed. I ask for the reading of what I send to the desk.

Mr. PASCO. I think there is a misapprehension as to the views of Senators on the different sides of the Chamber. I think that what the Senator from Tennessee asks is exactly what the Senator from Rhode Island is willing to concede, that there shall be no formal reading of the bill, but that the matter shall go over until the Senate is ready to take up the bill by paragraphs.

Mr. ALDRICH. That is my position exactly.

Mr. PASCO. I think that is exactly what the Senator from Rhode Island desires to accomplish and I understand that is what the Senators on this side are willing to concede. It seems

to me that a waiver of the formal reading of the bill will accomplish all the results desired, and that there need be no further misunderstanding about the matter.

Mr. GORMAN. Mr. President——

Mr. ALDRICH. If Senators will allow the debate on the tariff act of 1890 to be read, it seems to me it is so instructive that there will then be no question between the two sides of the Chamber.

Mr. GORMAN. Will the Senator from Rhode Island permit me for a moment?

Mr. ALDRICH. Certainly.

Mr. GORMAN. I think with the Senator from Florida, that there is a misapprehension on both sides. I understood the Senator from Tennessee to ask that the formal reading of the bill be waived——

Mr. MANDERSON. Oh, no; he asked for the reading of the bill.

Mr. GORMAN. And that when we come to consider it in detail and the reading begins, we shall pursue the same course we have always pursued in reference to tariff bills; that when the first item is read it is subject to amendment by any Senator.

Mr. ALDRICH. That is right.

Mr. HARRIS. Will the Senator allow me to state that he misapprehends what I ask? I did ask a week ago that the formal reading of the bill be dispensed with. It was objected to. I now ask that the bill be read.

Mr. ALDRICH. I ask for the reading of the matter I have sent to the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

Mr. GORMAN. I merely want to finish my sentence. I understand the Senators on the other side are now willing to make that arrangement.

Mr. ALDRICH. We are perfectly willing.

Mr. GORMAN. The very arrangement suggested by the Senator from Tennessee.

Mr. HARRIS. I prefer to have the bill read.

Mr. CHANDLER. I hope we will not prevent the Senator from Tennessee from filibustering against the passage of the bill if he wants to do it.

The VICE-PRESIDENT. The Chair recognizes the Senator from Rhode Island. The Secretary will read as indicated.

The Secretary read from the proceedings of the Senate July 25, 1890, as follows:

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

Mr. VANCE. Mr. President——

Mr. ALDRICH. Before the Senator from North Carolina proceeds, I ask that the formal reading of the bill be dispensed with, and that it be read by paragraphs for amendment.

Mr. SHERMAN. The amendments of the Committee on Finance to be considered first?

Mr. ALDRICH. The amendments of the committee to be considered first.

Mr. MCPHERSON. Does the Senator ask unanimous consent that the formal reading of the bill be dispensed with and that the committee's amendments be acted upon?

Mr. ALDRICH. I ask that the bill be read by paragraphs for amendment, the committee amendments to be considered first. That is the course which has been followed in the consideration of every tariff bill within my knowledge, and it is the course which is always followed in the consideration of appropriation bills.

Mr. MCPHERSON. I still do not understand the Senator. Do I understand his request to be that the bill be read by paragraphs for amendment before the committee amendments are considered?

Mr. ALDRICH. The bill to be read by paragraphs, and the committee amendments to be considered first, and then other amendments in order.

Mr. SHERMAN. After that?

Mr. ALDRICH. After that, of course. Every paragraph of the bill will be open to amendment both in Committee of the Whole and in the Senate.

Mr. MCPHERSON. Then it is the purpose of the Senator to have the bill read by paragraphs in order to amend the paragraphs as we go along?

Mr. ALDRICH. For the purpose of acting upon the committee amendments as we go along. That is the course which has always been followed with tariff bills and with appropriation bills invariably.

Mr. MCPHERSON. Then, I submit to the Senator, why is it necessary to proceed with the reading of the bill by paragraphs if the purpose be to take up the committee amendments and consider them first? The Senator will not fail to observe how difficult it will be for the Senate to understand this tariff bill by first considering the committee amendments. The action of the Senate and the judgment of the Senate upon the committee amendments should be and will be entirely dependent upon something which precedes. If we are not permitted to amend each paragraph as we go along, taking up the committee amendments in their order as they come, we certainly can make no very intelligent revision of the tariff.

Mr. ALDRICH. As nearly as I could state it, that was my object in making the request which I did, that the bill should be read by paragraphs, the committee amendments to be acted upon first, and then any other amendments which might be offered.

Mr. ALLISON. The whole bill will be open to amendment.

Mr. ALDRICH. The whole bill is open to amendment at every stage.

Mr. MCPHERSON. If it be the purpose, then, to consider the committee amendments first—if that be the determination—why not consider the committee amendments first, and omit the reading of the bill for information?

Mr. ALDRICH. That is exactly my proposition.

Mr. MCPHERSON. And then go back and take up the entire bill for amendment by paragraphs?

Mr. ALDRICH. That is exactly the proposition which I made.

Mr. MCPHERSON. Then I want to say that I do not understand how the Senate can make any intelligent revision of the tariff by considering a subject first which depends upon some other preceding subject. For instance, a very large increase is made here in the duty upon carpets. Carpets, as we know, are made from a cheap quality of wool. Now, the duty has been raised to an inordinate extent upon the raw wool. How can we intelligently act upon the carpet schedule until we know what the purpose of the Senate is touching the wool schedule?

Mr. ALDRICH. Wools will be acted upon first. The paragraphs relating to wools will certainly be read first, subject to amendment.

Mr. MCPHERSON. But the committee amendments do not touch it.

Mr. ALDRICH. Subject to amendment. The Senator from New Jersey or any other Senator can move any amendment he chooses to the paragraph with regard to the duties upon carpet wools. I am only suggesting what the Senator from New Jersey, so far as I can understand, desires and is anxious to have done.

Mr. MCPHERSON. If I understand the Senator his purpose is to take up the bill and first to consider the Senate Finance Committee amendments. He proposes to omit the formal reading of the bill until the committee amendments are considered.

Mr. ALDRICH. Not at all.

Mr. MCPHERSON. Then to begin the reading of the bill by paragraphs in the beginning.

Mr. ALDRICH. Yes, sir.

Mr. MCPHERSON. And all the paragraphs will be subject to amendment?

Mr. ALDRICH. Certainly.

Mr. MCPHERSON. And committee amendments will be reached in their order?

Mr. ALDRICH. Certainly.

Mr. MCPHERSON. I am perfectly content, Mr. President.

Mr. PLUMB. There is one other inquiry that I should like to make, and that is whether after a paragraph has been amended it can be amended in the same particular again, or whether there would have to be a motion to reconsider the adoption of that amendment in case some member of the Senate should desire to move to amend what had already been amended?

Mr. ALDRICH. Undoubtedly; the rules of the Senate would apply to that. If an amendment to a paragraph had been agreed to the same thing could not be changed except by a reconsideration in Committee of the Whole. It would be open to amendment in the Senate.

Mr. HISCOCK. It will be open to amendment.

Mr. PLUMB. Open to amendment in the Senate?

Mr. HISCOCK. Certainly.

Mr. PLUMB. The whole of it?

Mr. ALDRICH. Certainly.

Mr. MCPHERSON. Under the rules of the Senate, after two days have passed, when an amendment has been agreed to, to wit, if you please, a committee's amendment, it will not be in order even to move a reconsideration.

Mr. SPOONER. You do not have to move a reconsideration.

Mr. MCPHERSON. If, then, general consent be given that all the amendments will be subject again to amendment as they are reached in proper order, I have no objection.

Mr. ALDRICH. That is the understanding, I think, fully.

Mr. VANCE. Mr. President——

Mr. ALLISON. If the Senator will excuse me a moment, I should be glad to understand, for my own convenience respecting this bill, whether or not we have reached the point suggested by the Senator from Rhode Island, which I understand to be that the formal reading of the bill shall be dispensed with, and that it shall be read by paragraphs for amendment, the committee amendments being first considered.

Mr. SHERMAN. All through?

Mr. ALLISON. All the committee amendments. That is the usual course, and I think it might as well be understood now as at any time.

Mr. MCPHERSON. Why not let the committee amendments be reached in their order and considered then?

Mr. ALLISON. That is what I propose.

Mr. HARRIS. That is it exactly.

Mr. ALDRICH. That is exactly the proposition which I have made, as clearly and as plainly as I could state it, that the paragraphs be read *seriatim*, and that when a committee amendment was reached it should be acted upon first, and if any other amendment were proposed, of course that would have to be acted upon.

Mr. PADDOCK. We can not hear the Senator over here.

Mr. ALDRICH. The amendments of the Finance Committee are open to amendment themselves, and then the paragraphs are open to amendment without any limit whatever. It is not the intention of the committee to limit amendments in any form, but merely to follow the course which has been invariably followed in the consideration of bills of this nature.

Mr. MCPHERSON. Then, Mr. President——

Mr. HARRIS. Will the Senator from New Jersey allow me to make a suggestion to him?

Mr. MCPHERSON. Certainly.

Mr. HARRIS. Under the rules the bill would have to be read, every line of it, before any action is taken upon any amendment. The Senator from Rhode Island asks unanimous consent that the formal reading of the bill be dispensed with; that the bill be read from the first line down to the first committee amendment, and that that amendment be acted upon when reached, and so on through the entire reading of the bill——

Mr. MANDERSON. There seems to be a great deal of this matter. Had we not better have it printed in the RECORD of to-morrow morning so that we can all read it at our convenience? And, if the Senator from Tennessee will yield to me, I will move that the Senate adjourn.

Mr. HARRIS. I hope that we shall dispose of this matter.

The VICE-PRESIDENT. The question is on the motion of the Senator from Nebraska, that the Senate do now adjourn.

Mr. QUAY and Mr. VEST called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present, I should vote "nay."

Mr. GIBSON (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. STOCKBRIDGE]. In his absence I withhold my vote.

Mr. GRAY (when his name was called). I withhold my vote for the present, as I am paired with the senior Senator from Illinois [Mr. CULLOM], unless my vote becomes necessary to make a quorum, when I shall cast it.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "nay" if he were here. I do not know how he would vote.

Mr. HUNTON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here I should vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. HARRIS. I suggest to the Senator from Nebraska that we transfer our pairs and both vote.

Mr. MANDERSON. I am perfectly willing to do so. The Senator from Kentucky [Mr. BLACKBURN] will then stand paired with the Senator from Vermont [Mr. MORRILL]. I vote "yea."

Mr. HARRIS. I vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

The roll call was concluded.

Mr. BUTLER (after having voted in the negative). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I therefore withdraw my vote.

Mr. GALLINGER. I am paired with the junior Senator from Texas [Mr. MILLS]. I should vote "yea" if he were present. I will state further that I was requested by the Senator from Michigan [Mr. MCMILLAN] to announce that he stands paired with the Senator from North Carolina [Mr. VANCE].

Mr. GORDON (after having voted in the negative). I have a general pair with the Senator from Iowa [Mr. WILSON]. He is not present, and I therefore withdraw my vote.

Mr. CHANDLER (after having voted in the affirmative). I am paired with the junior Senator from New York [Mr. MURPHY], and therefore withdraw my vote.

Mr. COCKRELL (after having voted in the negative). I am paired with the senior Senator from Iowa [Mr. ALLISON], and presuming that he might vote "yea" if present I will withdraw my vote. I should vote "nay" if he were here.

The result was announced—yeas 13, nays 31; as follows:

YEAS—13.

Aldrich,	Hawley,	Pettigrew,	Washburn.
Carey,	Higgins,	Power,	
Frye,	Manderson,	Proctor,	
Hansbrough,	Perkins,	Sherman,	

NAYS—31.

Allen,	Daniel,	Lindsay,	Ransom,
Bate,	Faulkner,	McPherson,	Stewart,
Berry,	Gorman,	Martin,	Turpie,
Brice,	Gray,	Morgan,	Vest,
Caffery,	Harris,	Palmer,	Vilas,
Call,	Irby,	Pasco,	Voorhees,
Camden,	Jones, Ark.	Peffer,	Walsh.
Coke,	Kyle,	Pugh,	

NOT VOTING—41.

Allison,	Dubois,	McLaurin,	Smith,
Blackburn,	Gallinger,	McMillan,	Squire,
Blanchard,	George,	Mills,	Stockbridge,
Butler,	Gibson,	Mitchell, Oregon	Teller,
Cameron,	Gordon,	Mitchell, Wis.	Vance,
Chandler,	Hale,	Morrill,	White,
Cockrell,	Hill,	Murphy,	Wilson,
Cullom,	Hoar,	Platt,	Wolcott.
Davis,	Hunton,	Quay,	
Dixon,	Jones, Nev.	Roach,	
Dolph,	Lodge,	Shoup,	

So the Senate refused to adjourn.

Mr. ALDRICH. I ask that the Secretary proceed with the reading of the extract from the CONGRESSIONAL RECORD.

The VICE-PRESIDENT. The reading will be continued.

Mr. DANIEL. Will the Senator from Rhode Island yield to me for a moment?

Mr. ALDRICH. I can not yield now.

The VICE-PRESIDENT. The reading will proceed.

The Secretary read as follows:

Now, when the committee amendments have been acted upon and the bill read from beginning to end, and all of them acted upon as the Senate may choose to act upon them, by agreeing to them, disagreeing, or amending them, then the bill will still be in Committee of the Whole and open to amendment, and the right of every Senator recognized to go back to the first line of the bill and offer amendments to every part of it.

Mr. DAWES. That is the ordinary way, but I understood the Senator from Rhode Island to suggest a modification of that way.

Mr. HARRIS. I did not so understand the Senator from Rhode Island.

Mr. ALDRICH. I ask that the committee amendments may be acted upon first.

Mr. DAWES. And go through the bill with the committee amendments?

Mr. ALDRICH. Yes.

Mr. HISCOCK. Go through the bill acting upon the committee amendments. Then the bill is perfected that far, and then that becomes the groundwork for amendment by the Senate.

Mr. PLUMB. In acting upon appropriation bills that has been the usual course, but it was not the course pursued in regard to the last tariff bill, as Senators will well remember. Amendments were offered, long before the close of the bill was reached, to the intervening paragraphs. Whatever may be done about appropriation bills is done by common consent, which exists at the time, which any member of the Senate may refuse to agree to.

I object now to binding the Senate to a course of proceeding which it may find hurtful to the public interests and its own proceeding, for the Senate will undoubtedly accommodate itself to whatever is the best way of doing business as it goes along. I have no objection to reading the bill in the manner stated, and it will undoubtedly happen that as a paragraph is reached the amendments of the committee will be first disposed of and the discussion will ensue with relation to them; but that we should drop that paragraph so far as amendments individually are concerned, and go on to the next, and then on clear through the bill, creating a necessity to go back in an irregular way through the bill again for the purpose of individual amendment, seems to me to be against the proper way of doing things and liable to make a great deal of confusion.

I object to so much of the request as relates to the consideration of amendments. That can be determined after we arrive at them from time to time.

Mr. ALDRICH. Then I ask that the formal reading of the bill be dispensed with, and that it be read by paragraphs. Of course then it will be open to amendment, the committee amendments coming before all others.

Mr. PLUMB. That is right.

Mr. HISCOCK. I understand the Senator from Kansas objects that the committee amendments should be acted upon first.

Mr. PLUMB. As to a particular paragraph?

Mr. HISCOCK. Yes.

Mr. PLUMB. Not at all.

Mr. HISCOCK. Does he consent that the committee amendments shall be acted upon first in respect to each paragraph, and then other amendments to follow?

Mr. PLUMB. That will be subject to this qualification: There might be an amendment which some one would desire to propose to take the place of the entire paragraph.

Mr. HISCOCK. But the suggestion I make is that the paragraph should be perfected, if the Senate choose to perfect it, by the adoption of the committee amendment, and that should be the basis of further amendment then and there to be offered by Senators.

Mr. PLUMB. This matter will adjust itself according to the convenience of Senators as we go along; and I think the fewer hide-bound rules we have in the beginning the better we shall be off. I shall object to that, because there may be cases in which it would not be the easiest way to proceed and it might get us into parliamentary embarrassment.

Mr. ALDRICH. I should like to have the request I made submitted to the Senate to see if there are other objections. I ask that the formal reading of the bill be dispensed with and that it be read for consideration by paragraphs.

The VICE-PRESIDENT. Is there objection?

Mr. HARRIS. Let me understand exactly what the Senator means by being "read for consideration by paragraphs." Does he desire that each paragraph shall be open to amendment, or that the committee amendments shall first be acted upon?

Mr. ALDRICH. I desire that the committee amendments should first be acted on. My present request is that the formal reading of the bill be dispensed with and that the bill be read by paragraphs for consideration. Of course, in the presence of objection, I know of no way by which the committee amendments can be necessarily acted upon first or by which we can go on in the usual course.

Mr. HARRIS. I have no objection to either method, but I desire to understand exactly what method the Senator proposes to adopt.

Mr. ALDRICH. I preferred the method suggested by the Senator from Tennessee himself, but the Senator from Kansas objected to that.

Mr. HARRIS. I have no objection to the other.

Mr. ALDRICH. I now ask simply that the formal reading of the bill be dispensed with, and that the bill be read by paragraphs for consideration.

Mr. MCPHERSON. And when read by paragraphs for consideration the Senator means by that the paragraphs will be open to amendment as they are reached?

Mr. ALDRICH. Certainly; under the rules of the Senate they are open to amendment.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Rhode Island? The Chair hears none.

Mr. ALDRICH. Those are the precedents which were established in 1890. I now ask to have the debate on the act of 1883 read to show——

Mr. HARRIS. Will the Senator from Rhode Island allow me to call his attention to the fact that he himself recognized the exact rule I have insisted upon here, according to that record? He stood here for one hour asking the unanimous consent of the Senate and reasoning to get that unanimous consent to dispense with the formal reading of the bill so that the bill could be read for amendment. Does the Senator want to go further in consuming the time of the Senate in reading the CONGRESSIONAL RECORD?

Mr. ALDRICH. If the Senator from Tennessee, and the Senators he represents, will accept the rule which was adopted in 1890, I shall have nothing more to say upon the subject.

Mr. HALE. That is fair.

Mr. HARRIS. The Senator from Rhode Island is insisting now upon controlling the methods of considering this bill. I prefer that the bill shall be read. That will not limit general debate; it will not change a line of the bill, and there is not one word or line in it which will not be open to amendment afterwards.

Mr. ALDRICH. The Senator from Rhode Island is not attempting to control the action of the Senate upon this question.

Mr. HARRIS. Then I should like to know what he is attempting to do?

Mr. ALDRICH. I am calling the attention of the Senate to the precedents which have been adopted and to the rule which has been laid down in the discussion of every tariff bill for the last thirty years.

Mr. HARRIS. Only by unanimous consent.

Mr. ALDRICH. Only by unanimous consent, the Senator from Tennessee says. The RECORD shows that there was no Senator on either side of this Chamber who at that time did not concede the fairness of the rule. It was done by unanimous con-

sent every time, and I am only surprised that the Senator from Tennessee should not agree to follow the rule which he assisted in making in 1890, and that this debate should go on forever upon a question, if I understand the Senator from Tennessee, which is of no consequence at all; but if he has any meaning behind it it is of the utmost consequence to the discussion of this question, and we shall stay here until it is decided properly.

Mr. HARRIS. Very well.

Mr. PALMER. Mr. President——

Mr. ALDRICH. I have not yielded the floor. I am asking to have a paper read.

Mr. PALMER. Ordinarily——

Mr. ALDRICH. I will yield to a question, or if the Senator desires to make a motion I will yield.

Mr. PALMER. I do not ask the Senator to yield for a question.

Mr. ALDRICH. The Senator from Illinois seems to be under a misapprehension. I had the floor.

The VICE-PRESIDENT. The Chair had recognized the Senator from Rhode Island. The Senator from Rhode Island asks that a certain portion of the CONGRESSIONAL RECORD be read.

Mr. PALMER. I object to the reading of the RECORD.

Mr. ALDRICH. Then I shall read it myself.

Mr. HALE. Will the Senator from Rhode Island yield to me for a formal motion?

Mr. ALDRICH. I will.

Mr. HALE. I move that the Senate proceed to the consideration of executive business; and upon that motion I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present, I should vote "nay." I am at liberty, however, to vote if my vote be necessary to make a quorum.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HUNTON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT], and shall not vote unless my vote be necessary to make a quorum.

Mr. IRBY (when his name was called). I am paired with the Senator from Wyoming [Mr. CAREY].

Mr. MCLAURIN (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present, I should vote "nay."

Mr. PERKINS (when his name was called). Upon this question I am paired with the junior Senator from North Dakota [Mr. ROACH]. Not knowing how he would vote, I withhold my vote.

Mr. HARRIS. Will the Senator transfer his pair? I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PERKINS. Certainly.

Mr. HARRIS. That will leave the Senator from Vermont paired with the Senator from North Dakota, and I will record my vote. I vote "nay."

Mr. PERKINS. I vote "nay."

The roll call was concluded.

Mr. HOAR. I rise to inquire if the Senator from Tennessee [Mr. HARRIS] has voted?

The VICE-PRESIDENT. The Senator from Tennessee has voted, the Chair understands.

Mr. HOAR. I should like to have the attention of the Senator from Tennessee. I understood the Senator to announce that he was paired with the Senator from Vermont [Mr. MORRILL], and that he had transferred that pair to a Senator who voted the same way he did.

Mr. HARRIS. I do not know how the Senator would vote.

Mr. HOAR. I think the Senator should find out how the other Senator would vote before he transfers his pair.

Mr. HARRIS. I always desire to do so. Can the Senator from Massachusetts tell me how the Senator from Vermont would vote?

Mr. HOAR. I have no doubt he would vote "yea." He has gone home, and I think, therefore, he would like the Senate to go home.

Mr. HARRIS. Does the Senator from Massachusetts know that the Senator from Vermont would vote "yea" if here?

Mr. HOAR. I have no doubt whatever of it. The Senator from Tennessee, when announcing that he was paired with that Senator and transferring the pair, ought undoubtedly to know how the Senator would vote.

Mr. HARRIS. I do not know. I announced my pair because I did not know how the Senator would vote; but when I took the liberty of transferring the pair I will say to the Senator from Massachusetts that I was very much surprised to find that he would agree with me in anything. I shall, however, have no question about the propriety of my pair, and withdraw my vote.

The VICE-PRESIDENT. The Senator from Tennessee withdraws his vote.

Mr. PERKINS. I withdraw my vote, and stand paired with the Senator from North Dakota.

Mr. RANSOM (after having voted in the negative). I voted inadvertently. I am paired with the Senator from Maine [Mr. HALE], and withdraw my vote.

Mr. BLACKBURN. I desire to know whether the senior Senator from Nebraska [Mr. MANDERSON] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BLACKBURN. Then I withdraw my vote, because I am paired with that Senator.

Mr. GALLINGER. I again announce my pair with the junior Senator from Texas [Mr. MILLS].

Mr. BUTLER. I announce my pair with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay," and he, I suppose, would vote "yea."

Mr. CAFFERY. I am paired with the Senator from Montana [Mr. POWER], and withhold my vote.

Mr. CALL (after having voted in the negative). I desire to know if the Senator from Vermont [Mr. PROCTOR] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. CALL. I am paired with that Senator, and therefore withdraw my vote.

Mr. GORDON (after having voted in the negative). I voted inadvertently. I withdraw my vote, as I am paired with the Senator from Iowa [Mr. WILSON].

Mr. GIBSON. I desire to again announce my pair with the senior Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "nay."

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], who has been called away from the Senate for a few days. If he were present, I should vote "nay."

Mr. HILL. I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. GORDON. If a quorum has not voted, I reserved the right with my pair to vote to make a quorum.

The VICE-PRESIDENT. No quorum has voted.

Mr. GORDON. Then I vote "nay."

Mr. GEORGE. The Senate being without a quorum, I have a right under the terms of my pair to vote. I vote "nay."

Mr. MCLAURIN. Under the agreement with the Senator with whom I am paired, I have the right to vote to make a quorum. I vote "nay."

Mr. HUNTON. I understand that no quorum has voted, and for the purpose of making a quorum I vote "nay."

Mr. CALL. I do not know whether I have the right to vote or not. As announced, I am paired with the Senator from Vermont [Mr. PROCTOR]. I will leave the question to the Senators on the other side. If any of them object to my voting to make a quorum, I shall not feel at liberty to vote.

Mr. QUAY. It seems to me, Mr. President, if the Senator from Florida has no reservation as to his right to vote in the absence of a quorum, he ought not to vote.

Mr. ALDRICH. I insist upon the point of order I made some time ago, that during the roll call debate is not in order.

Mr. HARRIS. Let the result be announced. No debate is in order now.

The VICE-PRESIDENT. The Chair is not entertaining debate. The Senator from Florida will have to determine for himself as to whether or not he will vote.

Mr. CALL. I do not feel at liberty to vote without some further understanding with the Senator from Vermont.

The result was announced—yeas 2, nays 31; as follows:

YEAS—2.

Mitchell, Oregon	Squire.		

NAYS—31.

Allen,	Faulkner,	McLaurin,	Pugh.
Bate,	George,	McPherson,	Stewart,
Berry,	Gordon,	Martin,	Turpie,
Blanchard,	Gray,	Mitchell, Wis.	Vest,
Brice,	Hunton,	Morgan,	Vilas,
Camden,	Jones, Ark.	Palmer,	Voorhees,
Coke,	Kyle,	Pasco,	Walsh.
Daniel,	Lindsay,	Peffer,	

NOT VOTING—52.

Aldrich,	Dolph,	Irby,	Quay,
Allison,	Dubois,	Jones, Nev.	Ransom,
Blackburn,	Frye,	Lodge,	Roach.
Butler,	Gallinger,	McMillan,	Sherman,
Caffery,	Gibson,	Manderson,	Shoup,
Call,	Gorman,	Mills,	Smith,
Cameron,	Hale,	Morrill,	Stockbridge,
Carey,	Hansbrough,	Murphy,	Teller,
Chandler,	Harris,	Perkins,	Vance,
Cockrell,	Hawley,	Pettigrew,	Washburn,
Cullom,	Higgins,	Platt,	White,
Davis,	Hill,	Power,	Wilson,
Dixon,	Hoar,	Proctor,	Wolcott.

The VICE-PRESIDENT. No quorum has voted.

Mr. HARRIS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. ALDRICH. Does the Chair refuse to entertain the motion of the Senator from Tennessee?

The VICE-PRESIDENT. What is the motion to which the Senator refers?

Mr. HARRIS. The Chair having announced that no quorum had voted, I moved that the Sergeant-at-Arms be directed to request the attendance of absent Senators; but perhaps under the rule a call of the Senate should first be had.

The VICE-PRESIDENT. The Chair ordered the roll call, which, under the rule of the Senate, is imperative, as the Chair understands, when the absence of a quorum is shown.

Mr. HARRIS. The Chair is correct.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Coke,	Kyle,	Pettigrew,
Allen,	Daniel,	Lindsay,	Pugh,
Bate,	Gallinger,	McLaurin,	Quay,
Berry,	George,	McPherson,	Ransom,
Blackburn,	Gibson,	Martin,	Squire,
Blanchard,	Gordon,	Mitchell, Oregon	Stewart,
Brice,	Gorman,	Mitchell, Wis.	Turpie,
Butler,	Gray,	Morgan,	Vest,
Call,	Harris,	Murphy,	Vilas,
Camden,	Higgins,	Palmer,	Voorhees,
Carey,	Hunton,	Pasco,	Walsh.
Chandler,	Irby,	Peffer,	
Cockrell,	Jones, Ark.	Perkins,	

The VICE-PRESIDENT. Fifty Senators have answered to their names. A quorum is present.

Mr. HARRIS. The last roll call shows that there is a voting quorum present. There is no doubt a quorum present, and the question therefore recurs on the motion made by the Senator from Maine. I will withdraw my motion, to see if we have a voting quorum upon the question.

The VICE-PRESIDENT. The question recurs upon the motion of the Senator from Maine [Mr. HALE], that the Senate proceed to the consideration of executive business, upon which the yeas and nays have been ordered.

Mr. ALDRICH. I rise to a parliamentary inquiry, which I desire to make now. I have noticed the habit of the Senator from Tennessee——

Mr. HARRIS. The question is not debatable.

Mr. ALDRICH. At odd intervals when the rules of the Senate provide that no debate shall be had, of getting up and addressing the Senate, giving notice of what he intends to do and what he does not intend to have somebody else do in the future. I desire that hereafter the rules of the Senate be enforced.

Mr. HARRIS. I will undertake to enforce them now. I rise to a question of order.

The VICE-PRESIDENT. The Chair will state that the pending motion is not debatable. The Senator from Rhode Island stated to the Chair that he rose to a parliamentary inquiry.

Mr. ALDRICH. I did, and that was that debate was not in order.

Mr. HARRIS. The question is not debatable. No debate is in order on a motion to go into executive session.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. ALDRICH. The question I desire to put to the Presiding Officer——

Mr. HARRIS. The Senator from Rhode Island is out of order. I call for order.

The VICE-PRESIDENT. The Chair will hear a parliamentary inquiry.

Mr. HARRIS. Then it must be a parliamentary inquiry.

Mr. HOAR. The Senator from Tennessee is out of order.

The VICE-PRESIDENT. If the Senator from Rhode Island has a parliamentary inquiry to propound to the Chair, the Chair will hear it; but the Chair will not hear debate.

Mr. ALDRICH. The Senator from Rhode Island desired to know whether the remarks made by the Senator from Tennessee pending the roll call upon the pending question were in order?

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from Maine.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. COCKRELL (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON], and therefore can not vote. I should vote "nay" if at liberty to do so.

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from Texas [Mr. MILLS].

Mr. GIBSON (when his name was called). I again announce my pair with the senior Senator from Michigan [Mr. STOCKBRIDGE], and therefore withhold my vote. If I were not paired I should vote "nay."

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON]. If he were present, I should vote "nay."

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM], but I had an understanding with him that where my vote is necessary to make a quorum I may vote, and I therefore vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HILL (when his name was called). I will state, once for all, as I do not care to repeat it again, that I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. HUNTON (when his name was called). I shall vote on this question, notwithstanding my pair with the Senator from Connecticut [Mr. PLATT], the understanding being that either one of us is at liberty to vote to make a quorum. I vote "nay."

Mr. PERKINS (when his name was called). I am paired with the Senator from North Dakota [Mr. ROACH].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I should vote "nay" if he were here.

Mr. BLACKBURN (after having voted in the negative). I withdraw my vote, as the senior Senator from Nebraska [Mr. MANDERSON], with whom I am paired, is not present.

The result was announced—yeas 2, nays 32, not voting 51; as follows:

YEAS—2.

Mitchell, Oregon Squire.

NAYS—32.

Allen,	Daniel,	McLaurin,	Peffer,
Bate,	George,	McPherson,	Pugh,
Berry,	Gray,	Martin,	Stewart,
Blanchard,	Hunton,	Mitchell, Wis.	Turpie,
Brice,	Irby,	Morgan,	Vest,
Camden,	Jones, Ark.	Murphy,	Vilas,
Carey,	Kyle,	Palmer,	Voorhees,
Coke,	Lindsay,	Pasco,	Walsh.

NOT VOTING—51.

Aldrich,	Dubois,	Hoar,	Ransom,
Allison,	Faulkner,	Jones, Nev.	Roach,
Blackburn,	Frye,	Lodge,	Sherman,
Butler,	Gallinger,	McMillin,	Shoup,
Caffery,	Gibson,	Manderson,	Smith,
Call,	Gordon,	Mills,	Stockbridge,
Cameron,	Gorman,	Morrill,	Teller,
Chandler,	Hale,	Perkins,	Vance,
Cockrell,	Hansbrough,	Pettigrew,	Washburn,
Cullom,	Harris,	Platt,	White,
Davis,	Hawley,	Power,	Wilson,
Dixon,	Higgins,	Proctor,	Wolcott.
Dolph,	Hill,	Quay,	

The VICE-PRESIDENT. A quorum has not voted.

Mr. QUAY (at 5 o'clock and 58 minutes p. m.). I move that the Senate do now adjourn.

Mr. BLACKBURN. I suggest that the Senator from Pennsylvania [Mr. QUAY] is not here to make a motion.

Mr. QUAY. The Senator from Pennsylvania, I presume, has the privilege of appearing after the roll call.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania that the Senate do now adjourn. [Putting the question.] The "noes" have it, and the motion is not agreed to.

Mr. QUAY. I call for the yeas and nays.

Mr. BLACKBURN. The Chair has announced his decision.

Mr. VEST and others. Too late.

Mr. QUAY. I do not think it is too late to call for the yeas and nays.

Mr. BUTLER. Mr. President——

The VICE-PRESIDENT. The Chair will state that debate is not in order. The last roll call disclosed the lack of a quorum. The Secretary will call the roll for the purpose of ascertaining whether a qurom be present.

Mr. QUAY. Do I understand that the Chair refuses to entertain my motion?

The VICE-PRESIDENT. The Chair did not refuse to entertain the motion, but, under the rule, the Chair had made the announcement before the yeas and nays were called for. The Chair is simply enforcing the rules of the Senate.

Mr. BLACKBURN and others. That is right.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Coke,	Jones, Ark.	Perkins,
Allen,	Daniel,	Kyle,	Pettigrew,
Bate,	Gallinger,	Lindsay,	Pugh,
Berry,	George,	McLaurin,	Quay,
Blackburn,	Gibson,	McPherson,	Ransom,
Blanchard,	Gordon,	Martin,	Squire,
Butler,	Gorman,	Mitchell, Oregon	Stewart,
Caffery,	Gray,	Mitchell, Wis.	Turpie,
Call,	Harris,	Morgan,	Vest,
Camden,	Higgins,	Murphy,	Vilas,
Carey,	Hill,	Palmer,	Voorhees.
Chandler,	Hunton,	Pasco,	
Cockrell,	Irby,	Peffer,	

The VICE-PRESIDENT. Fifty Senators have responded to their names. A quorum is present. The question recurs on the motion of the Senator from Maine [Mr. HALE] that the Senate proceed to the consideration of executive business; upon which motion the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Nebraska [Mr. MANDERSON]. In his absence I withhold my vote. If he were here I should vote "nay."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAFFERY (when his name was called). I am paired generally with the Senator from Montana [Mr. POWER], with the understanding, however, that whenever his or my vote may make a quorum, or may tend to it, either may vote. I vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present I should vote "nay."

Mr. GIBSON (when his name was called). I again announce my pair with the senior Senator from Michigan [Mr. STOCKBRIDGE]. If he were present I should "nay."

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

The roll call was concluded.

Mr. GALLINGER. I again announce my pair with the junior Senator from Texas [Mr. MILLS].

Mr. GORDON. I inquire if a quorum has voted?

Mr. ALDRICH. I object. Debate is not in order.

Mr. GORDON. I have decided to vote to make a quorum. I vote "nay."

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON]. If he were present I should vote "nay." I do not know how he would vote.

The result was announced—yeas 3, nays 32; as follows:

YEAS—3.

Mitchell, Oregon	Pettigrew,	Squire.

NAYS—32.

Allen,	Daniel,	Lindsay,	Pasco,
Bate,	George,	McLaurin,	Peffer,
Berry,	Gordon,	McPherson,	Pugh,
Blanchard,	Gorman,	Martin,	Stewart,
Brice,	Hunton,	Mitchell, Wis.	Vest,
Caffery,	Irby,	Morgan,	Vilas,
Camden,	Jones, Ark.	Murphy,	Voorhees,
Coke,	Kyle,	Palmer,	Walsh.

NOT VOTING—50.

Aldrich,	Dubois,	Jones, Nev.	Sherman,
Allison,	Faulkner,	Lodge,	Shoup,
Blackburn,	Frye,	McMillan,	Smith,
Butler,	Gallinger,	Manderson,	Stockbridge,
Call,	Gibson,	Mills,	Teller,
Cameron,	Gray,	Morrill,	Turpie,
Carey,	Hale,	Perkins,	Vance,
Chandler,	Hansbrough,	Platt,	Washburn,
Cockrell,	Harris,	Power,	White,
Cullom,	Hawley,	Proctor,	Wilson,
Davis,	Higgins,	Quay,	Wolcott.
Dixon,	Hill,	Ransom,	
Dolph,	Hoar,	Roach,	

The VICE-PRESIDENT. No quorum has voted.

Mr. QUAY. I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania, that the Senate do now adjourn.

Mr. QUAY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Nebraska [Mr. MANDERSON], who is absent, and I withhold my vote.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. GRAY (when his name was called). I am paired with the senior Senator from Illinois [Mr. CULLOM], but believing there is not a voting quorum present, I vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PERKINS (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. ROACH].

The roll call was concluded.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], or I should vote "nay."

The result was announced—yeas 5, nays 30; as follows:

YEAS—5.

Aldrich, Mitchell, Oregon	Pettigrew,	Quay,	Squire.

NAYS—30.

Allen,	George,	McLaurin,	Pugh,
Bate,	Gorman,	McPherson,	Stewart,
Berry,	Gray,	Martin,	Vest,
Blanchard,	Hunton,	Mitchell, Wis.	Vilas,
Brice,	Irby,	Morgan,	Voorhees,
Camden,	Jones, Ark.	Palmer,	Walsh.
Coke,	Kyle,	Pasco,	
Daniel,	Lindsay,	Peffer,	

NOT VOTING—50.

Allison,	Dubois,	Jones, Nev.	Sherman,
Blackburn,	Faulkner,	Lodge,	Shoup,
Butler,	Frye,	McMillan,	Smith,
Caffery,	Gallinger,	Manderson,	Stockbridge,
Call,	Gibson,	Mills,	Teller,
Cameron,	Gordon,	Morrill,	Turpie,
Carey,	Hale,	Murphy,	Vance,
Chandler,	Hansbrough,	Perkins,	Washburn,
Cockrell,	Harris,	Platt,	White,
Cullom,	Hawley,	Power,	Wilson,
Davis,	Higgins,	Proctor,	Wolcott.
Dixon,	Hill,	Ransom,	
Dolph,	Hoar,	Roach,	

So the Senate refused to adjourn.

Mr. HARRIS. I know it is not in order at this stage of the proceeding to enter upon anything in the form of debate, but I trust I may be allowed to make a statement a minute or a minute and a half long.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Tennessee will proceed.

Mr. HARRIS. Under Rule V, when the Senate votes upon a question and less than a quorum votes, it is the duty of the Chair to order a call of the Senate. Upon that call if there appears to be less than a quorum, then it is in order to move that the Sergeant-at-Arms be directed to request the attendance of absent Senators. But if upon the call of the Senate a quorum is present, then, under Rule V, it is not in order to make that motion. Now, we find ourselves in a condition at this hour of the evening where there is not a quorum voting upon any question on which the Senate divides, but upon a call of the Senate there are seven Senators more than a quorum. Therefore we can not send for absent Senators, because a quorum is present.

In view of that condition of affairs I intend to-morrow morning to notify my pair that I can stand paired no longer, unless it is with the distinct understanding that I have a right to vote whenever I apprehend there is a want of a quorum. I think the only thing left for us to do is to give notice that our pairs exist no longer, so that we who are here and stay here shall all be free to vote.

After making that statement as to the present condition of affairs (and I hope before to-morrow night there will be a very different condition of affairs), I move that the Senate do now adjourn, as I do not wish to vibrate between the call of the roll upon the pending question and then a call of the Senate which develops the presence of a quorum.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 10, 1894, at 12 o'clock m.

CONFIRMATION.

Executive nomination confirmed by the Senate April 7, 1894.

AUDITOR OF THE TREASURY FOR POST-OFFICE DEPARTMENT.

George A. Howard, of Tennessee, to be Auditor of the Treasury for the Post-Office Department.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 9, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Saturday was read and approved.

PAY OF ASSISTANT ATTORNEYS.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General submitting an estimate of deficiency in the appropriation for pay of special assistant attorneys, 1894; which was referred to the Committee on Appropriations, and ordered to be printed.

CHARLES DEAL.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Commissioner of Customs submitting the claim of Charles Deal, late deputy collector, and recommending an appropriation therefor; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STRAUS, until next Tuesday next, on account of important business.

To Mr. COOPER of Florida, indefinitely, on account of important business.

To Mr. CANNON of Illinois, for one week, on account of important business.

To Mr. GOLDZIER, for eight days, on account of public business.

To Mr. CORNISH, for one week, on account of sickness in family.

To Mr. ENGLISH of New Jersey, for one week, on account of ill health.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for reports.

The committees were called, but no reports were submitted.

REPRINT OF THE RIVER AND HARBOR BILL.

On motion of Mr. CATCHINGS, a reprint of House bill 6518, making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was ordered, the supply being exhausted.

ORDER OF BUSINESS.

Mr. HEARD. Mr. Speaker, I call for the regular order. This is District day under the rules, and I understand the regular order to be the consideration of business reported from the Committee on the District of Columbia.

The SPEAKER. The Chair is in some doubt as to whether the regular order is not the proceedings that we had on Saturday. There is a motion pending.

Mr. HEARD. Well, if the Chair holds that that is the regular order, of course it will have to be disposed of first, but my impression was that that being a contest as to whether or not we should have a quorum as to the business of that day, it died with the proceedings of the day.

The SPEAKER. There was a motion made by the gentleman from Illinois [Mr. SPRINGER] to discharge an order previously made for the arrest of absent members.

Mr. CATCHINGS. Mr. Speaker, I would like to submit that that is not necessarily the regular order. I understand the rule to be that a motion may be withdrawn at any time prior to a decision upon it.

The SPEAKER. There has been no suggestion to withdraw this motion.

Mr. CATCHINGS. I was merely using that statement as a predicate for what I was about to say. If it be true that the mover of that motion could withdraw it at this stage—and I think it is quite clear that he could do so—it would seem to follow that it is not such a matter of privilege as the House must necessarily pass upon unless it is withdrawn. In other words, it may be such a proceeding that the gentleman who made the motion could insist upon the House acting upon it by calling it up, but if he chooses to withdraw it, or not to call it up, then I submit that it does not stand as a question of privilege which necessarily presents itself to the House for action at this time.

Mr. BURROWS. The gentleman from Illinois is not present to withdraw his motion, even if the suggestion of the gentleman from Mississippi is one that he would acquiesce in; and I suggest to the gentleman from Mississippi and to the Chair that if there be no objection this matter might go over for the present, and the House proceed with the District business.

The SPEAKER. If there be no objection, the matter may go over without any decision of the question.

There was no objection, and it was so ordered.

METROPOLITAN RAILWAY COMPANY.

Mr. HEARD. Now, Mr. Speaker, I call for the regular order.

The SPEAKER. Will the gentleman from Missouri indicate the bill which he desires to call up?

Mr. HEARD. I desire to call up the unfinished business.

Mr. RICHARDSON of Tennessee. The bill that is pending.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

The bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

Mr. RICHARDSON of Tennessee. It will be found on examination that the amendment pending on last District day was one offered by the gentleman from Massachusetts [Mr. WALKER], to insert the word "electric" after the word "underground" in the first section of the bill, line 11.

Mr. DINGLEY. Mr. Speaker, is this bill in the House or in committee?

Mr. RICHARDSON of Tennessee. This bill was being considered in the House by unanimous consent, under agreement that the debate should be limited to five minutes on each amendment. The amendment that I have indicated was pending when the House adjourned.

The SPEAKER. The arrangement to which the gentleman refers was by unanimous consent.

Mr. RICHARDSON of Tennessee. It was. The debate had progressed for fifteen or twenty minutes under that agreement when the House adjourned.

The SPEAKER *pro tempore* (Mr. DOCKERY). The Clerk will report the pending amendment.

The Clerk read as follows:

Between the word "underground" and the word "system," in section 1, page 1, line 11, insert "electric."

The SPEAKER *pro tempore*. The question is on this amendment offered by the gentleman from Massachusetts.

Mr. HEPBURN. I would like to hear an explanation from some gentleman of the committee as to their reason for opposing the insertion of this word "electric." They have told us in their report and the arguments they have made that of the two permissible methods of propulsion—the underground trolley and the cable system—the cable system could in no event be used, leaving only the other. Now, in view of those statements what is the objection to this amendment?

Mr. HEARD. Mr. Speaker, as I stated when this bill was up for consideration on the last District day, the only object of the committee in recommending striking out the word "electric" was that while the committee believed, and continue to believe, that the underground system of propulsion as contemplated to be used is feasible, yet by striking out this word the company would be enabled, without coming to Congress for further authority, to use the cable on the Ninth street line if the other system should be demonstrated to be a failure.

The gentleman from Iowa has repeated a statement which was made on the last District day, that this company has insisted it is not practicable to use the cable system on this line. On that point I wish to say the gentleman is in error. The contention is, and always has been, that by reason of the great number of curves in the main line running from Georgetown to the Capitol it is impracticable to use the cable; but it is considered by the engineers feasible to use the cable on the Ninth street line.

But allow me to add that the committee is not here to-day resisting the insertion of the word "electric." On the contrary, I state to the House that there is not a single member of the committee who objects to an amendment which will limit this company to the use of underground electric propulsion. There is no opposition on the part of the committee to this amendment, and I hope it will be adopted unanimously.

Mr. COOMBS. Mr. Speaker, I decidedly approve of inserting the word "electric" after the word "underground" in this bill, for the reason——

A MEMBER. We all agree to the amendment.

Mr. COOMBS. Very well; if there is no opposition to the amendment, I waive further remarks.

The question being taken, the amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read as follows:

On page 3, strike out the seven last words of line 5, all of line 6, and three words of line 7 and insert——

The SPEAKER *pro tempore*. The section to which this amendment applies has not been reached, as it was agreed that the bill should be considered in the House as in Committee of the Whole.

Mr. HEPBURN. I move to amend by striking out the last word. I make this amendment for the purpose of giving notice of a motion which I desire to make and shall make at the proper time to recommit the bill with instructions to report a measure resuming all the rights that the Government conferred upon this company and providing some method for the use of the franchise.

I do this (and I may refer to the matter now, as it is a month since the subject was under discussion) because I believe this company has shown absolute and wanton contempt of the legislation of Congress. It has been the effort of Congress for five years to compel this company to furnish the people of this District adequate street-car facilities. Under various pretenses the company has refused to do this; and it now comes here asking for a further extension of time within which, as it says, it expects to comply with the mandates which were put upon it five years ago and which it ought to have obeyed four years ago. It has refused to pay a debt due to the District, not a debt, as has been said, of $147,000, but a debt of $234,000—a debt that has been adjudicated and determined to be due—a debt which, in my humble judgment, any man who investigates the question must decide that this company owes to the District.

You will remember that during the progress of the debate four weeks ago on this subject a gentleman during that discussion claimed that there was not the shadow of even an equitable claim against this company.

A MEMBER. Who was it?

Mr. HEPBURN (continuing). And yet here is the unquestioned fact of the existence of a statute that declares that they shall do certain work, which they have utterly refused to do, or at least omitted to do, that was done by the city and that they up to this time under various pretexts have repudiated.

These gentlemen told us the other day that these improvements made were made in streets mainly before the roadbed was laid. That is true. But when they were laid the company was then in default. This incorporating act was passed in 1864. The company was required to build the various street railways within a year. They secured an extension of the time, and when that expired they secured another extension, aggregating in all nearly five years, bringing the time when they should have furnished these facilities to the year 1869. These improvements were not made by the District until 1870, 1871, 1872, and 1873—years afterwards. There was during all of this time an obligation on the company to give the facilities and build the road which had not been complied with.

Now, they set up the fact of their own default as a reason why they should not be required to participate in the expense of the paving of these streets, notwithstanding that at their request their stringers and ties were laid in the pavement as it was being laid.

Mr. COBB of Alabama. Will the gentleman allow me a moment?

Mr. HEPBURN. Well, I have but a short part of five minutes remaining, but will be glad to hear the gentleman.

Mr. COBB of Alabama. I suppose the gentleman from Iowa would hardly take the position that a duty was on this company to do the work (after Congress had extended the time) within the time for which the extension had been allowed; and, second, the gentleman is utterly mistaken in the assertion that it was wholly done at the expense of the company. It was a suggestion that came primarily from the board of public works, and when the improvement was made, on streets not occupied by the company, it was done under a solemn contract between the company and the board of public works that they were not to do it

The SPEAKER *pro tempore* (Mr. DOCKERY). The time of the gentleman from Iowa has expired.

Mr. COBB of Alabama. I ask that the time of the gentleman from Iowa be extended for ten minutes.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama?

Mr. HEARD. Mr. Speaker, I am forced to object.

Mr. TAYLOR of Indiana. You will not save any time by it.

Mr. HEARD. I am perfectly willing to yield to the gentleman an additional five minutes; but in response to the gentleman from Indiana let me say we do not propose to make anything by objecting. We desire if possible to keep this debate strictly within the rule that we have agreed upon. I am perfectly willing that the gentleman from Iowa may have an additional five minutes.

The SPEAKER *pro tempore*. The gentleman from Alabama requested that he be allowed ten minutes' additional time.

Mr. RICHARDSON of Tennessee. Does the gentleman from Iowa ask an extension of ten minutes?

Mr. HEPBURN. I should like to have that time.

Mr. RICHARDSON of Tennessee. I hope there will be no objection to that.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Missouri to object.

Mr. HEARD. I did object, but did not know the gentleman had made application for the extention or desired it, in fact. I have no objection to that if he wishes it.

But I hope I may be permitted to suggest to the House, in the consideration of this question, that I shall feel compelled to object hereafter to any extension beyond the time allowed by the rule.

The SPEAKER *pro tempore*. The gentleman from Iowa is recognized for ten minutes.

Mr. HEPBURN. Mr. Speaker, four weeks ago when the discussion of this question was had three gentlemen of the committee occupied nearly all of the day in presenting the railroad side of the question. In view of that fact, I think it only fair that we may have an opportunity to give the other side of it.

Mr. HEARD. Mr. Speaker, I hope the gentleman will allow this correction. I, as chairman of the committee, occupied less than ten minutes that day, but the gentleman from Iowa [Mr. HEPBURN], when I was about to move that the House proceed under the five-minute rule, indicated that he wanted more time, and he was permitted to proceed for an hour if he wanted to. He had no limit, and he certainly can not complain.

Mr. HEPBURN. Well, I am not complaining now.

Mr. RICHARDSON of Tennessee. I do not want to take issue with my friend, but I do not think he ought to say that the gentleman who spoke on that day presented the railroad side of the case. I tried in the time that I occupied to present both sides of the case.

Mr. HEPBURN. I did not observe the latter part of the gentleman's remarks.

Mr. RICHARDSON of Tennessee. The gentleman admitted that he was not in the Hall, paying attention to what I said, because I had to correct him on that day.

Mr. HEPBURN. Very well; we shall not quarrel about that if we can get the case presented now. The gentleman from Tennessee in a sense is correct, in the correction that he made. In another he is not. This road came to Congress in 1864 and asked for these franchises. They were granted. They were exclusive. For more than eight years a portion of them were held in this way, they refusing to go on with the improvements, refusing to give the facilities for travel, and prohibiting anybody else from getting in. Again the gentleman is partially correct. It is true that the Commissioners, for fear that there might be some pretense on the part of the company that they were not consulted, notified them, and then they made the request that they be permitted, or that the authorities of the District should lay the stringers and the cross-ties in the pavement as it was being constructed.

Mr. COBB of Alabama. Right there, if the gentleman will permit me, that was done under a solemn contract between the road and the board of public works, that no part of the work then done should be at the expense of the road.

Mr. HEPBURN. There was no contract at that time at all, if the gentleman will permit me.

Mr. COBB of Alabama. But the record shows it.

Mr. HEPBURN. The president of the road, in one of the letters, put in that proposition. There was never any acceptance of that at all. There was no waiver, and there never has been a waiver, on the part of the authorities of the District, of the duty of the company to put in this pavement, and there could be none.

Mr. COBB of Alabama. But the letters to which the gentleman refers constitute the contract.

Mr. HEPBURN. They do not.

Mr. COBB of Alabama. In law they do.

Mr. HEPBURN. They do not. There is no agreement of that kind.

Mr. COBB of Alabama. And that agreement was that the road should proceed, provided it should not be held responsible for any of the paving.

Mr. HEPBURN. And the court has passed upon that matter, and has refused to recognize that. They could not have done it if they had wanted to. Here was an act of Congress requiring them to pave their tracks, imposing upon the railroad company that duty, but that is a part and parcel of all the other special pleadings that we have heard here in behalf of this railway company. There is no foundation in fact for it, nor is there in law, nor is there in justice. They are here simply pleading now the effect of their default for all these years.

Now, Mr. Chairman, in my judgment they ought not to be permitted to have this benefit for themselves. Other railway companies have responded to the obligation of the law, and they have made payment. I can not exactly tell you the amount of the payments they have made, but one corporation, the Washington and Georgetown Railroad, has paid $60,000. Others have paid sums

aggregating in all, with the interest, perhaps, $100,000. These other companies stand in precisely the same attitude toward the taxpayers of this District as does the Metropolitan road. Now, if you wipe out this indebtedness, if you say it shall not pay, why in justice and in equity are you not required to make restitution to the companies that have paid? If this thing is done, it will be but a little while——

Mr. KYLE. Will the gentleman yield to me for a question?

Mr. HEPBURN. Yes.

Mr. KYLE. Is it not a fact that the Commissioners of the District, and the District attorney, and everybody connected with the government of this city and its affairs, is protesting against the passage of this bill?

Mr. HEPBURN. The gentleman is correct. They are all protesting against it. It is the District Committee against the whole people of the District. That is the issue.

Mr. RICHARDSON of Tennessee. The gentleman ought not to make as broad a statement as that. That is not the case.

Mr. HEPBURN. Who else is on your side of the contention?

Mr. RICHARDSON of Tennessee. I want to state that what the gentleman has said is not the case at all. I do not wish to occupy his time now.

Mr. HEPBURN. I will be very glad to be corrected if I am wrong.

Mr. KYLE. Has not the gentleman a copy of a letter from the attorney of the District here protesting against it?

Mr. PAYNE. The gentleman has said the amount involved is $234,000, instead of $147,000. I should like an explanation of that.

Mr. HEPBURN. The original debt at the time judgment was rendered was $147,000, with ten or eleven years' interest. The interest amounts to more than $80,000.

It is true that in the efforts toward compromise, I believe, nothing was said about that interest; and yet it is as much due to the District and to the Government as anything else.

Mr. KILGORE. Will the gentleman allow me to ask him a question for information?

Mr. HEPBURN. If I can answer it I will.

Mr. KILGORE. I understand that there is a proposition in this bill to extend the time fixed for requiring this road to change its motive power?

Mr. HEPBURN. Yes, sir.

Mr. KILGORE. From mule to some other power?

Mr. HEPBURN. Yes.

Mr. KILGORE. And coupled with that is a proposition to pay a debt it owes to the city?

Mr. HEPBURN. There is nothing of that kind in this bill.

Mr. KILGORE. And you contend that there ought to be?

Mr. HEPBURN. There ought to be a proposition of that kind in it. Heretofore there has been legislation of that kind.

Mr. KILGORE. Is there question in the courts bearing on that question?

Mr. HEPBURN. Not now; that has all been adjudicated. It was lost to the District, because of the plea of the statute of limitation. Now, there was a time, Mr. Chairman (and allow me to explain that), when the authorities of the District did not believe the three years' statute of limitation applied to the District; that there was some element of sovereignty in the District as the representative of the Federal Government that prevented the operation of the bar of the statute. They went on under that theory until the three years elapsed.

Again, there is a reason for the failure to bring suits at the proper time. There was an attempt being made by the city authorities and the railroad corporation to secure an amicable adjudication and to secure an agreed statement of facts. One of the attorneys for the Government says that the facts were agreed upon; and there was a belief that there would be no difficulty about securing an authoritative agreement in writing; but after a time the authorities on the part of this railroad company refused to make that agreement, waiving the bar of the statutes. Gentlemen tell us that there has been no litigation on the matter. My understanding is that every question has been properly investigated and that upon every question except that of the statute of limitation the city authorities have recovered in the actions that have been brought.

Mr. JOHNSON of Indiana. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. JOHNSON of Indiana. And was not the case taken to the Supreme Court, and upon one of the propositions was not the decision of the court below reversed by the Supreme Court?

Mr. HEPBURN. The Supreme Court reversed on the point of the statute of limitation.

Mr. JOHNSON of Indiana. And if the court below made an error in one proposition, is it not possible that they made errors with reference to other parts of the question?

Mr. HEPBURN. Of course, I take it for granted that all courts may possibly commit errors.

Mr. COBB of Alabama. Without taking the time of the gentleman, I simply desire to enter a denial.

Mr. HEPBURN. A denial of what?

Mr. COBB of Alabama. That there has been an adjudication agreed upon by the courts.

Mr. HEPBURN. Do you say that there was no adjudication?

Mr. COBB of Alabama. There was no adjudication.

Mr. HEPBURN. Did not the court below pass upon every one of the twelve questions presented to them?

Mr. COBB of Alabama. Yes, it was passed upon by the court withdrawing the main question from the jury and preventing substantially any adjudication upon it.

Mr. HEPBURN. The court adjudicated it. It was one of the questions that the court could withdraw from the jury, but there was no reversal of that action.

Mr. COBB of Alabama. That is where we differ.

Mr. HEPBURN. There has been no conflict in the evidence between these parties until within these latter days. When they were attempting to agree upon a statement of the facts there was no controversy about the facts. The refusal upon the part of the railroad company was based upon the waiver of the plea of the statute of limitation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BAKER of New Hampshire. Mr. Chairman, in consideration of the interruptions, I ask that the gentleman be allowed ten minutes more.

Mr. HEARD. I hope that the gentleman will not press that motion until the Committee may have an opportunity to be heard. The House knows that the gentleman has been treated liberally with regard to time.

Mr. BAKER of New Hampshire. I will withdraw it with the understanding——

The CHAIRMAN. The Chair is unable to hear the statement of the gentleman.

Mr. BAKER of New Hampshire. I will withdraw the motion, with the understanding that I may renew it at a later period.

Mr. HEARD. The gentleman from Iowa asks for a few minutes more time to conclude his remarks.

Mr. HEPBURN. I do not ask it now. I will ask it later.

Mr. HEARD. Mr. Speaker, I am now going to ask an indulgence of the House which I rarely ask. I feel, however, impelled by a sense of duty to the District Committee, and to myself as a member of that committee, to ask the House to indulge me for ten minutes, or for as much time as it gave to the gentleman from Iowa [Mr. HEPBURN], who is not a member of the committee, in order that I may present the side which the committee desire to have presented to the House. I ask ten minutes.

There was no objection.

Mr. JOHNSON of Indiana. Mr. Speaker, I desire to ask the gentleman a question for my own information and the information of other gentlemen sitting around me. Is it not a fact that, owing to the decision of the higher court not one cent of this $147,000 can be collected from the railway company?

Mr. HEARD. That is true. There has been a decision of the Supreme Court based upon the plea of the statute of limitation, and that has never been denied by anybody. That is the present status of the case.

Mr. JOHNSON of Indiana. Then I understand there is no power to collect that money from the company, as the case now stands.

Mr. HEARD. I think that is generally conceded.

Mr. JOHNSON of Indiana. How, then, I ask the gentleman if it is not true that this company has offered, in the event of its charter being extended, to waive the plea of the statute of limitations, and go into court and let the whole question be determined irrespective of that plea?

Mr. HEARD. That is correct.

Mr. JOHNSON of Indiana. Is it not true, further, that the District Commissioners, relying upon their power to use Congress to squeeze something out of this company that it is not legally liable for, declined that proposition?

Mr. HEARD. I decline to answer that question. The gentleman can draw his own inference.

Mr. JOHNSON of Indiana. Is it not a fact that the company offered to submit the question to the courts, waiving the plea of the statute of limitations, and that that offer has been refused by the District Commissioners?

Mr. HEARD. That is true. Now, Mr. Speaker, in that connection I desire to read a proposition submitted by the railway company to the District Commissioners and their attorney. I hope gentlemen will give me their attention, for if the District Commissioners and their attorney rely upon the equities as

established in this suit which they talk of so much, then this ought to be acceptable to them. Here is the proposition:

Whereas, in the case of the District of Columbia against the Metropolitan Railway Company, defendant at law, No. 23458 on the docket of the supreme court of the District of Columbia, the Supreme Court of the United States reversed the judgment entered in said case by the said supreme court of the District of Columbia and gave judgment in favor of the said Metropolitan Railway Company on the pleas of the statute of limitations, but did not pass upon or express any opinion as to the other pleas filed in said case:

The said court of appeals of the District of Columbia is hereby authorized and empowered and is given jurisdiction to consider and determine all the pleas filed in said case by the said railroad company, except the said pleas relating to and setting up the statute of limitations, and to consider, determine, and adjudicate all the issues raised by said pleas, except the issues relating to the statute of limitations, as presented by and contained in the record of the Supreme Court of the United States; a copy of said record, duly authenticated, shall be certified by the supreme court of the District of Columbia to the said court of appeals, which said court shall have jurisdiction thereof, as though the same came before the said court of appeals upon appeal duly taken from the judgment of the supreme court of the District of Columbia holding a special term.

The company further proposed to file a written waiver of all rights accruing to said company by the decision of the Supreme Court of the United States upon the statute of limitations, and admitting and acknowledging the jurisdiction of the court of appeals under the act of reference, thus reëstablishing this case in the courts of the District with full jurisdiction in them to try it upon the record, on which it is claimed that the District is entitled to a judgment. That proposition was rejected by the District Commissioners and their attorney. Then they said they wanted an arbitration. The railroad company said, "Very well, we will have an arbitration," and the stipulation prepared by the Commissioners and the railroad company is in the hands of the gentleman from Tennessee [Mr. RICHARDSON]; but the Commissioners demanded, as a preliminary to agreeing to an arbitration, or the attorney of the District demanded, that the company should waive their right to plead the question of notice, and, practically, the question of original liability, and should also agree to pay, in any event, the sum of $39,000.

Now, in view of that fact, and in view of the fact that the Commissioners demanded that the $147,000, the whole amount of which the committee did not believe was justly due, should be paid, the committee declined to recommend the payment of any sum of money by the railroad company, because we could not conscientiously recommend the full amount, and the recommendation of any less amount would put us in the position of trying to scale down what the Commissioners said was due; so we reported this bill back with the provision that the legislation herein contained should not interfere with any pending rights of the District, thus leaving the matter as we knew it would be left, in the hands of Congress to amend the bill in any way it should deem proper and require this company to pay $39,000 or $50,000, or the whole $147,000, or any other sum that they should finally believe to be due.

The gentleman from Iowa proposes to recommit this bill, and I would ask him in whose interest such a motion can be made? It is conceded by everybody that the legislation which is asked here ought to be enacted if it can be passed without injury to the public interests. Now, if the gentleman from Iowa wants to serve the public by improving the transportation facilities of this District, why does not he propose to amend this bill so as to compel the company to pay all the money which he says is due, and let the public get the benefit of the improvement in transportation facilities which will result from this legislation? The committee agrees, the House agrees, the District Commissioners agree that the company should be authorized to make the change proposed in motive power, and all that anybody has demanded is that the money claimed to be due should be paid by the company; therefore, why is not the gentleman's motion to make this company pay all this money, or whatever sum the House may think proper, and let the public get the benefit of the proposed change in motive power which the bill was originally designed to give them?

Mr. LACEY. I will ask the gentleman whether he thinks the clause that he has just read would be sufficient in and of itself to carry out the purpose?

Mr. HEARD. Certainly not.

Mr. LACEY. Would it not be proper to require the company to file a stipulation of waiver?

Mr. HEARD. We made that suggestion and the railroad company assented to it, and the gentleman from Massachusetts [Mr. COGSWELL] preferred this amendment to the one we recommended. The company said they were willing to amend this proposition so that it should compel the company to file that waiver and also to acknowledge the jurisdiction of the court, as before stated.

Mr. BLAIR. I would like to know why it is that this company, if it has rights under the judgments of the courts, is to be compelled to surrender them in order to get useful and legitimate legislation

Mr. HEARD. Here is the record upon which the District authorities claim that they were entitled to a judgment and upon which a judgment was obtained in the supreme court of the District; but that judgment was avoided in the Supreme Court of the United States, to which the case was carried on appeal, upon the plea of the statute of limitations. Now, the proposition presented by the railroad company in our committee, and to which the gentleman from Indiana [Mr. JOHNSON] has referred, was that Congress in connection with this bill shall confer upon the court of appeals full jurisdiction to try this controversy upon all pleas except the statute of limitations; and in order that there may be no question about the authority of the court to try the issues, it is proposed that the company shall come in and waive the rights secured to them under former litigation; and this the company is willing to do.

Mr. BLAIR. Was the case tried upon the pleas to the merits?

Mr. HEARD. That is a matter which I must leave to my learned colleague on the committee, the gentleman from Alabama [Mr. COBB]. I will simply say that according to his opinion all discretion on the part of the jury was taken away by the instructions of the court. I must be excused, however, from going further into that question.

Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore*. One minute.

Mr. HEPBURN. If the gentleman will allow me, I think I can answer the question of the gentleman from New Hampshire [Mr. BLAIR].

Mr. HEARD. The gentleman may do so in his own time. Having but one minute left I have no time to pursue this discussion now; I will resume it later. I now surrender the floor.

Mr. COOMBS. Mr. Speaker, I opposed this bill when it was under consideration by the House heretofore; and subsequent investigation has convinced me that I was right in taking that position. The more this question is investigated the more indefensible seems to be the position of the committee, which is urging Congress to waive certain rights that the District of Columbia has in relation to this railroad company, and to give life again to the charter that the company has forfeited.

I find that the Fifty-second Congress appointed a committee to investigate the franchises of the District; and that committee, in closing their partial report, said in relation to street railways:

Pending the conclusion of this investigation, they strongly urge that no new legislation be had on any of the following matters—granting any new charter or extending charters to existing lines.

I find also in the tabulation of that committee a statement to which I beg to call attention, because of its importance. The Washington and Georgetown Railroad Company—in other words, the cable road—which has issued stock to the amount of $500,000, received into its treasury only $200,000 for that $500,000 worth of stock; in other words, only 40 per cent of the amount of the stock was paid into the treasury.

A MEMBER. And the stock is now worth 400.

Mr. COOMBS. The stock is worth, as the gentleman suggests, 400. We find that in ten years that stock has paid an *annual* dividend of over 50 per cent on the amount invested. The interests of the District have certainly not been preserved in this case.

I find that the company that is before us now asking certain favors, the Metropolitan, with stock issued to the amount of $735,000, received into its treasury only $435,000; in other words, about $300,000 went into the pockets of somebody. That road has paid, on the amount of the money paid in, an annual dividend of over 12½ per cent. I find that the Columbia Railroad Company, which has issued stock to the amount of $400,000, received into its treasury for that stock only $100,000, and it has paid dividends of 8.6 per cent per annum for the last ten years. We find that the Capitol and North O Street Railroad, which has issued $500,000 worth of stock, has received into its treasury only $223,144, and it has paid dividends of 7½ per cent on the amount paid in. Then follows a list of roads which have made no report and paid, so far as we can understand, no dividends.

Now, I claim, Mr. Speaker, that we have come to the dividing issue, which is of immense interest to the District of Columbia, in determining what shall be the future of these franchises. It is undoubtedly the policy of these men, whose stock is worth 400, 300, and 225, to buy up these railroads which are now paying no dividend, to make a consolidation, and then issue millions of dollars' worth of stock and bonds. As a result of this, the city of Washington will be in the same condition in which many of the cities of this country find themselves to-day.

I say that members of Congress owe it to the District of Columbia to listen to the voice of the people and the voice of the Commissioners, and see that the wrong now contemplated is not

perpetrated. And, gentleman, I call upon you not only to vote for the amendment I have offered, that this company be compelled to pay its honest debt to the city for which a judgment has been rendered, but that, finally, the bill shall be sent back to the committee until the joint committee of the House and Senate shall be heard in relation to this matter of the franchises, and some policy decided upon which shall, while dealing fairly by the companies and paying reasonable returns upon their investments, secure to the District all remaining advantages.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. COOMBS. May I have about two minutes more?

The SPEAKER *pro tempore*. In the absence of objection the gentleman will proceed.

There was no objection.

Mr. COOMBS. This investigation is going on and it will soon be completed; and I say that this House should stop where it is, give no new rights to this railroad which it does not now possess, nor settle any difficulties in which it is involved until the whole question can come up *de novo* before the House, and the attitude of all these transportation companies be settled in the interest of the people of the District of Columbia.

We have a city that is growing rapidly. It is fast becoming the center of the polite and scientific population of the country. It is increasing rapidly in numbers and wealth, and in a very few years these charters will be of enormous value. Let us then reserve for the people of the District of Columbia, as has been the case with some few other cities throughout the country, these rights and benefits, and not, as in the majority of cases, surrender them into the hands of private corporations regardless of the just rights of the citizens.

Mr. ALLEN was recognized.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to call the attention of the Chair to the fact that we are proceeding under the five-minute rule, reading the bill by sections for debate and amendment. There is no amendment pending.

The SPEAKER *pro tempore*. The gentleman is correct. The gentleman from Iowa [Mr. HEPBURN] withdraws the pro forma amendment.

Mr. ALLEN. I move to strike out the last word.

I just desire to be heard for a few moments on what seems to have been elaborated somewhat during this discussion—the squeezing system—an expression which gentlemen are using while engaged in the discussion of this bill.

I have been here as a member of this body for several years, and I have been watching with much interest this Washington street-railway system. I remember when I first came here there was a proposition made to incorporate a competing line to the two great street railways now in existence and running east and west through the city, and we saw the influence of these roads in this House that prevented that line from ever being constructed.

Mr. HEARD. Will the gentleman allow me a suggestion for his own information? This House passed a bill after a hard fight, by 20 votes more than 2 to 1, granting a charter to this new road.

Mr. ALLEN. It has never become a law.

Mr. HEARD. No; we passed it, but it did not get through the Senate.

Mr. ALLEN. And there was a great deal of filibustering in the House to keep it from passing.

Mr. HEARD. It passed all the same, though.

Mr. ALLEN. Then they undertook to make the roads give the people of the District of Columbia better facilities, and they passed this bill that required them originally, within a certain length of time, to improve their traction system and give the facilities that the people required. Neither of them complied with the requirements of the law. Both of them were compelled to have some extension of time; and one of them finally did establish a different system. This railroad, the Metropolitan road, is here now for the second or third time, asking an extension of time, while it has done nothing towards carrying out the provisions of the bill that Congress passed requiring it, under pain of forfeiture of its charter, to do this work many years ago.

Now, there has been some talk of the "squeezing" process on these roads during this discussion. But, Mr. Speaker, the street railways of this District, and all over the country, are employing that method towards the people, and have obtained from the authorities charters for their roads worth millions and millions of dollars; and still they go on with their squeezing process. This road is in a condition now that it must have further legislation or its rights will disappear; and the proposition is to make them do what in justice they should have done years ago, in building up the streets in this city, in order to entitle them to their franchise. They went into the courts. They are very anxious to do the right thing now.

> When the devil was sick the devil a monk would be;
> When the devil got well the devil a monk was he.

[Laughter.]

When this railroad gets sick then it becomes quite saintly and is willing to waive all statutes of limitation. We do not want anything of the kind. There is no necessity for having any further trial about the matter. I have no disposition as one member of this House to oppress this road or any other road, but I am unwilling to see the bill pass the House until they have shown an effort to comply with their obligations and restored to the people of the District the rights to which they were entitled under the law. I do not care about their technicalities now—and they are standing on many of them—as to whether they owe the money or not. They have a franchise from Congress worth much more than the money they owe the people of the District. They have practically forfeited the charter to Congress, in failing to do what the law required them to do. Now, I say, without considering the value of the franchise—you may call it squeezing if you wish—if anybody had known what the value of the franchise would be, probably they would not have gotten it as easily as they did. But they did get the franchise, and I am not disposed to take it away from them.

But I do say it is the business of this Congress, before any further privileges are extended to them, before any further rights are given to them, to see that they be made to do what they ought in equity and good conscience to do, and what the bill incorporating them required them to do.

Mr. JOHNSON of Indiana. I want to congratulate the gentleman from Mississippi [Mr. ALLEN] upon the accuracy of his quotation. He seems to be about as correct in respect to that as he is with respect to his knowledge of the facts of the matter now before the House.

The gentleman's opposition to the extension of time asked for this street railway company seems to be predicated upon a general antipathy to corporations, rather than upon any particular knowledge of the circumstances of this case.

Mr. Speaker, I confess that I started out in this inquiry with my prejudices against this railway company; but when I came to examine the facts with some little care, I was obliged, in justice to myself, to reverse my opinion.

The gentleman talks about the company having failed to take any step toward complying with the law passed five years ago. I understand the fact to be that this company was given three ways in which it might apply its motive power. In endeavoring to apply one of these methods it has expended nearly $400,000, about one-fourth of which sum is absolutely lost to it. This as the result of attempting to put in what is known as the storage-battery system.

I understand also that experts who are conversant with this subject say that on the larger part of the line of the company it is absolutely impossible for it to operate a cable system and at the same time to make anything in running its cars. Does the gentleman expect the company to run its road at a loss; are either the private or the public interests to be subserved by requiring it to run its cars without profit?

This leaves simply the third method. It has made a bone fide effort to comply with the law, and it is not simply to the interest of the company and the stockholders—many of whom I understand to be persons in ordinary circumstances in life—but it is to the interests of the traveling public that this company should not be stopped, but that it shall have its time extended in which to comply with the law.

Now, from the way gentlemen talk upon this floor, it would be imagined that this company is attempting to escape a legal liability to the District of Columbia. It is true that an inferior court of the District decided against the company upon all points, in a suit brought against it to recover for these street assessments; but it is also true that when the question came before the the higher court on appeal, that higher court reversed the decision of the court below, and held that the company did not owe the District of Columbia a single solitary dollar. I know it is said that this decision was put upon the ground that the plea of the statute of limitations which the company had plead would lie; but I want gentlemen to understand that the lower court which made a mistake in one matter of law, as to the statute of limitations, would be very likely to make a mistake upon other questions of law which involved the other facts and the merits of the case.

The truth about the matter is, that there is no equity in this claim that is made against this company for $147,000 for street improvements. Under what was known as the Boss Shepherd régime the company's line, with the cobble-stones that it laid between the rails, which was a good and serviceable pavement, was taken up and a block pavement put down without the con-

sent of the company—a substituted pavement which was worthless, and which in less than two years had to be taken up, and the company was put to an enormous expense to replace it.

Mr. COOMBS. Were not the people of the District——

Mr. JOHNSON of Indiana. I hope the gentleman will pardon me. I have but five minutes.

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. JOHNSON of Indiana. I understand further that the District of Columbia, without the request of the company, put down this same worthless pavement on those streets which were not then occupied by the company; and when the company came to put down its line and run along those streets, it lost the benefit of those improvements because of their worthless character, as they had to be taken out, and at an enormous expense to them the company had to put down a good pavement. And yet the court below held, and this Congress is asked virtually to sustain that holding, that this company in justice and equity is bound to pay for those improvements which were absolutely worthless to it, and which in at least one instance has actually taken a large sum of money out of its treasury. The long and short of the whole thing is that the Commissioners of the District of Columbia have come before this committee, and have sought to take an unconscionable advantage of this company. The company has offered to do everything that was right and fair.

Now, I have confidence in the manhood and integrity of the committee which has had this bill in charge and which brought it before this House. This committee tell us that it is a fact that the street railway company has said to the District, "We do not owe you a dollar; the courts have held that you can not hold us for a cent, but we are willing to do what is reasonable and right by way of a compromise with you. Permit us to have our time extended, and we are willing to waive the question of the statute of limitations, and to go into the courts and let the whole question as to whether or not we owe you be settled and determined." They have said more than that. They have said, "If you will not accept this proposition, then we will pay you about $35,000 or $40,000 by way of settlement;" but these District Commissioners, expecting that prejudice against corporations can be used here to aid them in their nefarious purposes, have said "No; we will not take one dollar from you by way of compromise, but we will squeeze the life out of you, now that we have an opportunity. No compromise will be accepted. You must pay every dollar and dime of this money for this street paving from which you got scarcely any benefit, and which money the courts have held you do not owe, or else we will come in and ask the American Congress to be small enough and contemptible enough and unconscionable enough to refuse and extension of your charter.

I am against any such infamous and unconscionable proposition as that, and will neither give my vote nor my influence to support it.

Mr. RICHARDSON of Tennessee. I ask that the next section be read.

Mr. HEPBURN. I want to say a word here. I move to strike out the last word.

The SPEAKER *pro tempore*. The Chair will state that further debate is not in order on this amendment. Does the gentleman from Mississippi withdraw the *pro forma* amendment?

Mr. ALLEN. I do.

Mr. HEPBURN. I desire to renew it.

The SPEAKER *pro tempore*. The gentleman from Tennessee is recognized.

Mr. RICHARDSON of Tennessee. I will yield to the gentleman if he wants to be heard, but I wanted to read the next section.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee desire to offer an amendment?

Mr. RICHARDSON of Tennessee. I want to go on with the bill, but if the gentleman wants to be heard I will yield.

The SPEAKER *pro tempore*. The Chair has agreed to recognize the gentleman from Mississippi next. Does the gentleman offer an amendment?

Mr. WILLIAMS of Mississippi. I move to strike out the last word.

Mr. Chairman, I listened with a great deal of interest to the remarks made by my colleague from Mississippi [Mr. ALLEN] and also to the remarks made by the gentleman from Indiana [Mr. JOHNSON]. My colleague made two statements which have not been controverted, and which I desire to say will not be controverted here. The first statement is to the effect that this company has a very valuable franchise, and that it has now been before Congress two, three, or four times for the purpose of getting an extension of the time within which to do things which Congress ordered it to do long since, and which long since ought to have been done. That is the first statement. The second statement is that they are now here for a valuable franchise, an extension of time; and when they come here they are not proposing anything at all as a *quid pro quo* so far as the public are concerned.

Now, I heard the gentleman from Indiana say that the company had been imposed upon, and that the District Commissioners were trying to squeeze money out of it that the District was not entitled to; and he made the usual plea, and I for one have become tired of that plea, sick of it, sick of fancy and sick of hope. Whenever a corporation is brought into this Congress and anything is said about it, some gentleman rises and pleads for it as if a lot of widows and orphans and decent people, in ordinary circumstances, are being affected. I do not think that that has anything to do with this; but if it has, I want to bring out these plain facts, which are true, because the facts were given to me by the president or secretary—one of the Metropolitan Company.

This stock, the par value of which is $50, was obtained by the present stockholders for the payment of $30 in cash, and that is all it has ever cost. The market value of it is ninety odd cents on the market; and in addition to the fact that the company has increased its facilities and added to its plant very much and has spent three hundred and odd thousand dollars experimenting on the storage-battery system, it has paid an average of 12½ per cent dividend right along. Now, I do not think that they have been abused to any large extent.

Mr. Chairman, I for one do not consider that a man standing in his place here as a Congressman has any right to give away the public property for nothing. He would not give away his own property for nothing; and he should treat the public in the same manner. It is an idea of mine that whenever a franchise is granted, whether it shall be an increase, an extension, or an original franchise, it should be granted upon conditions that the party receiving it should pay a higher proportion of the gross receipt of income from the operation of that franchise than anybody else is willing to give; that they should come in and bid, and the bidders who tax themselves, or the party who voluntarily gives the highest amount, should receive the franchise. But gentlemen reply that this company already has its franchise. They say it has been granted. Are you going to take it away from them? Gentlemen, it has not the franchise that it is asking. It has a certain franchise, and that franchise is in litigation. That franchise has been virtually forfeited. Now, to enter into the facts of the case——

Mr. VAN VOORHIS of New York. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. In a moment.

The gentleman from Indiana [Mr. JOHNSON] says that it is an inequitable claim, because the pavement which the District ordered put down in the place of the old one was a worse one than the old pavement, and ultimately they had to take it up and put down the old pavement in its place. What does that argument amount to, Mr. Chairman? It means, if it means anything, this: that when the law provides that these people shall pave within their tracks and 2 feet outside in such a manner as shall be determined by the District Commissioners that it does not mean what it says, but means simply that they shall obey the order unless they think that it is inadvisable, unless they think that the pavement ordered to be laid is worse than the old one.

Mr. KYLE. Mr. Chairman, I ask that the time of my colleague be extended for five minutes.

There was no objection.

Mr. VAN VOORHIS of New York. I wish to ask the gentleman from Mississippi a question. How does he claim that the franchise is forfeited?

Mr. WILLIAMS of Mississippi. Well, sir, I claim that the franchise was forfeited in this way: There was a plain provision of law with which the company were compelled to comply. At the time they were called upon to comply with that provision they either refused, or failed, or omitted to do so; I care not which.

Mr. VAN VOORHIS of New York. But can a franchise be forfeited without a judgment of a court?

Mr. WILLIAMS of Mississippi. Just wait till I get through.

Mr. VAN VOORHIS of New York. No. I would like to have an answer now. Can a franchise be forfeited without a judgment of a court?

Mr. WILLIAMS of Mississippi. Oh, well; what I meant was not that there had been a judgment of forfeiture, but that there had been an equitable forfeiture, that there was ground for forfeiture.

Mr. VAN VOORHIS of New York. You do not mean, then, anything more than that the company are in a situation where

the Attorney-General may file a bill and ask for a judgment of the court declaring the franchise forfeited?

Mr. WILLIAMS of Mississippi. What I mean is that we are in exactly the same position that I would be in if I stood in court with the right to demand the foreclosure of a mortgage whether the court had actually decreed the foreclosure or not.

Mr. VAN VOORHIS of New York. But would not the mortgagor have the right to come into court and show that he had paid the mortgage?

Mr. WILLIAMS of Mississippi. Yes.

Mr. VAN VOORHIS of New York. There might possibly be a defense, and if there was a defense the party would have a right to present it.

Mr. WILLIAMS of Mississippi. Now, are you through with your questions?

Mr. VAN VOORHIS of New York. Yes, sir; I want to treat you respectfully and I want you to treat me in the same way.

Mr. WILLIAMS of Mississippi. I am trying to do it, but you ask me one question after another before I have answered the preceding ones, and I have not completed my answer to any of them yet.

Mr. VAN VOORHIS of New York. I know you have not.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, Congress undertook to make a legislative forfeiture of that franchise, thereby showing the understanding of this matter by Congress. Then the matter went into court and two successive courts held that the franchise was forfeited, or rather decided against the company, and then, and then only, the company got the statute of limitation considered in its favor and the case went off on that plea.

Mr. RICHARDSON of Tennessee. What is the gentleman talking about when he says that two courts have held that this charter was forfeited?

Mr. WILLIAMS of Mississippi. I refer to the District court and the supreme court.

Mr. RICHARDSON of Tennessee. There never was any such decision of the courts.

Mr. WILLIAMS of Mississippi. The court held that this company owed the District that $147,000, and if the company owed the $147,000 for that paving and has not paid it, then there would have followed a legislative forfeiture upon proper proceedings for that purpose.

Mr. RICHARDSON of Tennessee. But my friend said that the courts had decreed a forfeiture.

Mr. WILLIAMS of Mississippi. I did not mean that. I meant that the courts had decreed facts and conditions upon which a forfeiture necessarily would have followed.

Mr. COBB of Alabama. But the existence of a debt, if that debt did exist, was not the foundation of a forfeiture, and could not be.

Mr. WILLIAMS of Mississippi. The fact that the company had refused to comply with the requirements of the law and lay this pavement, was a proper foundation for the forfeiture of the charter upon a proper proceeding.

Mr. COBB of Alabama. But the pavement had been laid, and the only question was one of indebtedness.

Mr. WILLIAMS of Mississippi. It had been laid by the District and not by the company.

Now, Mr. Speaker, I was proceeding when I was interrupted to show the fallacy of the argument of the gentleman from Indiana [Mr. JOHNSON]. If this company could be allowed to judge for itself and to say that a given pavement which it was ordered to lay down was not the right sort of pavement, and that therefore they would not lay it, if they could be the judge of that matter in one case they could be the judge in all cases, and thus they would have power to nullify the very law under which their franchise exists. Now, the gentleman from Alabama [Mr. COBB] says that the charter could not have been forfeited under these proceedings, and yet the gentleman from Alabama and the other members of the committee come in here and offer, as a condition from the company, that they will agree to pay this money provided the courts decide in this litigation that the charter is forfeited.

Mr. COBB of Alabama. That is an entirely different litigation. The gentleman evidently does not understand the facts of this case.

Mr. WILLIAMS of Mississippi. Oh, yes; I do.

Mr. COBB of Alabama. The proceedings are entirely separate, different, and distinct.

Mr. WILLIAMS of Mississippi. What, then, does your argument on the floor mean, and your proposed amendment providing that this company shall pay the $147,000 if the courts decide that the charter is forfeited?

Mr. COBB of Alabama. That refers to an entirely different proceeding from that to which the gentleman is directing his attention now—just as different as night is from day.

Mr. WILLIAMS of Mississippi. If it applies to an entirely different proceeding, the gentleman can not be correct in his other contention that the fact of the company never having paid this money could not be made a cause of forfeiture. The gentleman says they can not be made to forfeit their charter because of that failure to pay; yet he has offered an amendment providing *that if the court shall decide the charter to be forfeited the company may be permitted to pay the money and escape the forfeiture.*

Mr. RICHARDSON of Tennessee. Mr. Speaker, I did not care to go into the merits of this question again. I discussed it four weeks ago when this bill was up. But so many statements have been made which do not fit this case at all nor the facts connected with it, that I feel constrained to occupy a moment or two in going back and restating the merits of this proposition.

There have been two acts of Congress in reference to this railroad company. One, the act of March 3, 1889, requires the substitution of grooved rails on all these roads. This company has literally and absolutely complied with that act of Congress; and it took $209,084.23 to do it. Here is the affidavit of the president of the company to that effect; and the truth of the statement is not controverted. The law in that respect, then, was complied with.

Mr. HEPBURN. Will the gentleman allow me——

Mr. RICHARDSON of Tennessee. I can not be interrupted now. I can not make any sort of an argument if I permit myself to be interrupted.

Mr. HEPBURN. In regard to the matter to which the gentleman is now referring, I want to make an inquiry.

Mr. RICHARDSON of Tennessee. If it is in regard to this matter I yield.

Mr. HEPBURN. I want to ask the gentleman whether that expenditure was not made from the proceeds of certain bonds that the company was authorized to issue? And I will ask the gentleman further in this connection whether every other expenditure that this company has made in these later days has not been the expenditure of the proceeds of bonds that the company was authorized to sell on the market?

Mr. RICHARDSON of Tennessee. The issue which the gentleman makes is that this company——

Mr. HEPBURN. I ask for a statement of the facts.

Mr. RICHARDSON of Tennessee. I am going to answer the gentleman. The issue that he makes is that this company obtained this $209,084 by issuing bonds, and that thus the company was enabled to comply with the act of Congress. What if that be true? The gentleman will not insist that the money paid to the company for these bonds was a mere gift. The bonds represent a debt for which the company is liable. There was no donation; no gift. The company incurred a liability for the amount of the bonds, and in this way complied literally with the act of Congress.

Now, another act of Congress, which gentlemen do not seem to understand fully and clearly, was passed August 6, 1890, requiring the substitution of mechanical power for horse power. It required these companies to do away with horses and adopt mechanical means of propulsion. There were but three kinds of power they could use—one the cable, another the storage battery, another the underground electric system. Now, I showed by incontrovertible evidence that the line of this company is so crooked that it can not use the cable upon it; that the cable is a physical and financial impossibility. They thought they could use the storage battery; and within thirty days after Congress passed the act I have just mentioned, this company through its board of directors began its experiments with the storage-battery system; they made an honest effort to use that system and in this effort expended $384,713. I stated four weeks ago in detail how the company expended this money.

Mr. HEARD. Of that amount $100,000 will be a loss.

Mr. RICHARDSON of Tennessee. I do not insist and never have insisted that this whole sum of $384,713 would be a loss to the company; but I do insist that this expenditure shows that the company was in earnest in its efforts to adopt the storage battery and thus comply with the requirements of the act of Congress.

Mr. WASHINGTON. Will my colleague allow me——

Mr. RICHARDSON of Tennessee. I can not now. Of the $384,713 expended by this company in an honest effort to use the storage battery, it is proved by the officers of the company that nearly $100,000 has been an absolute loss to the company.

Mr. COOMBS. Will the gentleman allow me to ask a question?

Mr. RICHARDSON of Tennessee. No, sir. This loss has arisen because the storage battery has proved a complete failure; after expending this vast sum the company was unable to use the storage battery. I mention these facts to show that the company has been honestly endeavoring to conform to the act of Congress. It has been only recently developed that the storage

battery can not be used; and $100,000 of the amount expended will be an absolute loss to them, as they find themselves obliged to adopt some other system.

In this condition of affairs, the company comes to Congress and asks for additional time in which to adopt some other power. What other power? They can not use the cable system; the storage-battery system has proved to be unsuccessful. They are not permitted to use the overhead trolley, and only one other system remains, because they can not emply horses under the law. So they must turn to the underground electric current system. All that they ask, then, is additional time to enable them to make experiments to ascertain the best method of applying that system.

The SPEAKER *pro tempore*. The time of the gentleman from Tennessee has expired.

Mr. RICHARDSON of Tennessee. I should like very much to have a few minutes longer.

Mr. HEARD. I ask unanimous consent that my colleague may be permitted to proceed for five minutes.

Mr. COOMBS. There will be no objection to that if the gentleman will allow me to ask him a question or two.

Mr. RICHARDSON of Tennessee. The gentleman has had his ten minutes. He has argued his side of the question and yet did not touch the case after all.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COOMBS. Now, if the gentleman will permit me——

Mr. RICHARDSON of Tennessee. I can not yield in the few moments I have. The gentleman has presented the question from his standpoint. He is probably interested in, or is in favor of overhead trolleys or something else. I do not know what the gentleman prefers and do not undertake to say, but all of that has nothing whatever to do with the question that I am presenting.

I ask again what has this road done? It has expended the sums already mentioned, and in addition to that it has paid since 1878 up to 1890 for special assessments and street paving $103,171.08. Since 1878 it has paid in general taxation $153,552.62, making a total, with the items I have already suggested, of $850,520.95 paid by them. In addition to all this the company pays annually into the District treasury about $16,000 for taxes on its gross receipts.

Now, it is insisted that there is a judgment against this company which they ought to pay. Gentlemen talk of forfeiture suits. We are perfectly willing for the bill to pass Congress reserving all the rights of the District as against the company for forfeiture on any ground whatever. Nobody seeks to get rid of the forfeiture suits. It is simply to give them additional time to comply with the act of Congress and change their motive power.

It is argued by gentlemen that before the company asks anything at the hands of Congress it must pay what it owes. The company is willing to do that. It has paid what it owes, and there is nothing against the company now of any kind of assessment except the sum of about $300, which was presented to them within the last ten days. Not a dollar of taxation or assessment for any purpose, except this small sum just presented, stands on the books of the District of Columbia against this company which has not been paid in full. We must not allow ourselves to get confused with reference to the attitude of the company on this question, and accept the suggestion of gentlemen that the company is dodging some of its obligations. They tell us that there is a judgment against the company of $147,000. I wish to address myself to that briefly. I undertook to answer that when this question was up four weeks ago, and dislike very much to go through it again, because it seems wholly unnecessary, but briefly, for the information of gentlemen who do not seem familiar with the subject, let me state exactly what the condition is.

There is no judgment against the company. It is improper to call it so because the Supreme Court of the United States decided that the company did not owe the debt. Hence there is no judgment. But you say the company got rid of it by pleading the statute of limitations. My colleague on the committee from Alabama, Judge COBB, made that perfectly plain the other day, and I do not like to repeat his arguments for I can not make them as clearly as he did. But the company insisted that it did not owe the debt and submitted ten meritorious pleas, and two additional pleas which were the bar of the statute of limitations. The Supreme Court of the United States, after the case got there, decided in favor of the company, not considering the meritorious pleas, because, as the courts usually do, when they find the plea of the statute of limitations in favor of the company, they do not consider the others.

Mr. WILLIAMS of Mississippi. But the two lower courts did consider the merits and decided against the company.

Mr. COBB of Alabama. Oh, no; they did not.

Mr. RICHARDSON of Tennessee. That is just the trouble. I can not get the gentleman to understand.

Mr. WILLIAMS of Mississippi. I stated that the two lower courts had decided against the company on the merits of the case. In order to reach that decision they had to consider the merits.

Mr. COBB of Alabama. I deny the proposition absolutely.

Mr. RICHARDSON of Tennessee. The judgment below was rendered for $147,000. But what did it grow out of? It grew out of paving between the rails and 2 feet outside the tracks of the company. The company insisted that it ought not to be called on to pay it. Why? It was between the years of 1871 and 1874 that the paving was done to which that reference is made.

It was done not only on the streets alone occupied by this company, but it was done on the streets of this city where the company had its chartered right to go, but where it had not then gone and where it did not go for years afterwards. The amount claimed for the pavement upon the streets where the company was then running its road is about $39,000. That was on the line from Seventeenth street through F street and up to this Capitol building. The whole amount of that paving comes to $39,000.

Now, Mr. Speaker, in equity and good conscience, would gentlemen here insist, if you have the power to "squeeze" them, that this road shall pay for laying down that pavement on streets which they did not then occupy, and which they did not occupy for years afterwards?

A MEMBER. Did they pay the $39,000?

Mr. RICHARDSON of Tennessee. No, they did not pay the $39,000. The District would not accept that, but went into court with a claim for the whole amount, and under the statute of limitations the company were relieved from paying.

Mr. HEPBURN. Do you say the company did not occupy these streets for years afterwards?

Mr. RICHARDSON of Tennessee. I do.

Mr. HEPBURN. Did they not occupy those streets with their stringers and their cross-ties concurrently with the laying of the pavement?

Mr. RICHARDSON of Tennessee. I understood the gentleman to argue that a few minutes ago.

Mr. HEPBURN. Is not that true?

Mr. RICHARDSON of Tennessee. They did, and with the distinct stipulation that they should not be liable, and would not incur the expense of the paving. Now, here is the letter of the president of the company, which I hold in my hand. It is dated October 26, 1871, and signed by J. W. Thompson, president of the Metropolitan Railroad Company. I will not read all of it, but he was discussing that very question, and he says:

> We are willing to anticipate the putting down of the sleepers and the cross-ties of our contemplated extension, provided the paving be done by your contractor, without charge against us, and should be pleased if the suggestions herein contained should meet with the favor of your board.

Mr. HEPBURN. Is it your contention that the act of Congress imposing upon them the duty to lay these pavements could be waived by an agreement?

Mr. RICHARDSON of Tennessee. Why, there was no act of Congress, and the gentleman can not produce it between the lids of any book. There was no act of Congress that required them to do it. It was a ruling of the old board of public works.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr SAYERS. Before the gentleman takes his seat I should like to ask him a question.

The SPEAKER *pro tempore*. But the gentleman's time has expired.

Mr. SAYERS. I ask unanimous consent that the gentleman's time be extended five minutes longer.

There was no objection.

Mr. SAYERS. Now, Mr. Speaker, I should like to ask the gentleman from Tennessee this question: I understood the gentleman to say that in order to make up this sum of $147,000 against the railroad it was necessary to make charges against the railroad for pavement upon streets not then occupied by the road.

Mr. RICHARDSON of Tennessee. Yes.

Mr. SAYERS. This is the question I wish to propound to the gentleman: Did not the railroad have a charter to construct its line along the streets which were so improved?

Mr. RICHARDSON of Tennessee. Yes.

Mr. SAYERS. The gentleman answers yes. Now, in view of the charter that had been granted to that railroad to construct its line along those streets, could Congress have granted a charter to any other company to construct a road along the same street?

Mr. RICHARDSON of Tennessee. I think it could. They do it constantly, requiring the two companies to use the same track.

Mr. SAYERS. You think that could have been done after this company had already been chartered?

Mr. RICHARDSON of Tennessee. Certainly. They use the same lines concurrently in many places.

Mr. SAYERS. But they could not take the street away from this company?

Mr. RICHARDSON of Tennessee. No.

Mr. WASHINGTON. I should like to ask the gentleman a question.

Mr. RICHARDSON of Tennessee. I have only a very little time.

Mr. WASHINGTON. We will give you plenty of time if you will discuss this question.

Mr. RICHARDSON of Tennessee. I will do my best.

Mr. WASHINGTON. You have read a letter from the president of this company, making a proposition to the District Commissioners, as I understand, that they shall pave certain streets in advance of the occupation of those streets by this railroad company upon the condition that the railroad company shall not be assessed for that paving. Is not that clearly an effort on the part of this company to avoid their proper responsibility, and the proper charge for the paving of those streets when the track was laid?

Mr. RICHARDSON of Tennessee. That is a proper question.

Mr. WASHINGTON. That is the milk in the whole thing.

Mr. RICHARDSON of Tennessee. Now, right upon that point, if the gentleman will examine all the facts in this case he will find that when these steps were taken in 1871, this railroad had complied absolutely and perfectly with the laws of Congress which required them on the line where they were running cars to put down cobblestones between the rails. That cobblestone pavement was in perfect order, but this old board of public works, not Congress, said to them, "You must take up your cobblestones and must put down this wooden Nicholson pavement," that was then substituted.

They protested against it, and said, "We have complied with the act of Congress and have got our road in perfect order." The board of public works, without their consent, tore up their tracks and substituted the old wooden pavement, and, as we all know, in two years it had rotted to such an extent that this company had to go to work and pave again with these cobblestones.

Mr. JOHNSON of Indiana. Is it not also a fact that the company never did get any benefit from that pavement?

Mr. RICHARDSON of Tennessee. Never.

Mr. JOHNSON of Indiana. On the streets that they did not then occupy?

Mr. RICHARDSON of Tennessee. Never; and they got no benefit of those cross-ties which my friend from Iowa refers to, on those tracks where they contemplated running their road in the future.

Mr. JOHNSON of Indiana. That is the point I wanted to bring out.

Mr. RICHARDSON of Tennessee. They got no benefit from it, because by the time they were ready to run their tracks on those streets the wood pavement which had been put down was rotten and gone, and they were compelled to incur the expense of putting down this rock.

Mr. WASHINGTON. Will my colleague yield to me for a question again?

Mr. RICHARDSON of Tennessee. Yes, sir.

Mr. WASHINGTON. Has the statement of facts been carried to the court, and has the question been adjudicated as to whether or not the company is liable for the pavement of those streets? Has that question been settled in courts?

Mr. RICHARDSON of Tennessee. It has not.

Mr. WASHINGTON (continuing). Irrespective of the question as to whether this charter shall be forfeited unless this company does certain things?

Mr. RICHARDSON of Tennessee. It has not.

Mr. WASHINGTON. Then you should amend your bill and allow the proper law officer to institute suits in the court, and make them pay every dollar.

Mr. JOHNSON of Indiana. That is the very thing the company offered to do.

Mr. RICHARDSON of Tennessee. One at a time.

Mr. WASHINGTON. That is far better than to forfeit charters, because Congress does not want the charter of any road; but we do want to make this company, as well as every other company in this District, pay every dollar it owes on every tax properly assessed against its property.

Mr. RICHARDSON of Tennessee. We had that very identical proposition, word for word as the gentleman has made it, before the Committee on the District of Columbia. We had before us the representative of the District, Mr. Thomas, the District attorney; the representative of the United States who brought this forfeiture suit, Mr. Birney; we had the officers of the railroad corporation; and there and then this proposition was made, to submit it to the courts, waiving the plea of the statute of limitations; and the officers of the District of Columbia, and the Commissioners of the District of Columbia declined to do it.

Mr. WASHINGTON. It should go to the court, because the court has the power to summon witnesses and determine the matter. You can not get at the facts and dispose of the matter in a committee.

Mr. RICHARDSON of Tennessee. That is right; but the representatives of the District of Columbia refused to do it.

Mr. HEARD. Then there was talk about arbitration.

Mr. RICHARDSON of Tennessee. Then a proposition was made of arbitration.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. WASHINGTON. Mr. Speaker, as much of the gentleman's time has been taken up by interruptions, I ask that his time be extended.

Mr. JOHNSON of Indiana. I ask that it be extended ten minutes.

The SPEAKER *pro tempore*. The gentleman from Tennessee asks unanimous consent that the time of his colleague be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. REED. Would it not be a good idea to make a proviso that nobody should plead the statute of limitations?

Mr. RICHARDSON of Tennessee. It looks a little that way. The old board of public works tore up the old pavement, which was a good one, conforming exactly with the requirements of the charter of this company, and put down a wooden pavement, which in a few years became rotten, and then they took that up and required this railroad to again put down cobblestones, which they did, and paid every dollar of it.

Now, then, it seems to me that inasmuch as they got no benefit from the extension of the line of cross-ties on the streets where they contemplated extending their road, they ought not to be required to pay for it. What does it amount to? The whole amount incurred by the city in taking up their good track and in substituting a bad one along the line where they have actually operated the railroad was $39,000, and the District of Columbia paid it. Now, the very utmost that can be required, under any circumstances, it seems to me, would be to make this railroad pay that $39,000. They offered to do that. They offered in the presence of this District Committee, if the committee would agree to it, to pay this $39,000. They offered to do that in the presence of the full committee, in presence of the representative of the District of Columbia, Mr. Thomas, in the presence of the representative of the Government, Mr. Birney, the Assistant Attorney-General. Was not that fair?

Mr. SAYERS. I had information that they were willing to pay $50,000.

Mr. RICHARDSON of Tennessee. I will answer the gentleman on that point. I am sure I do not want anything except what is right in this matter, and I have given, and the District Committee have given, more attention to this question than to any other single question pending before them in this Congress. Now as to the $50,000, some gentlemen present had suggested a payment of $39,000, and Mr. Thomas, the attorney of the District, an able lawyer, said to the representatives of the company, "You ought to pay $50,000 to get this bill through." The District Committee, after hearing those gentlemen and discussing the matter, agreed to require the company to pay $50,000 by way of compromise.

We went to the officers of the company and they said: "If you gentlemen, representing the interests of the United States, if the District Committee fix the amount at $50,000 we will endeavor to comply with the requirement and pay that amount." The attorney for the District, Mr. Thomas, was willing, the Assistant Attorney-General, Mr. Birney, was willing, and publicly, in the presence of the committee, those gentlemen agreed that the amount was sufficient. The committee were willing to recommend that amount, and those gentlemen agreed to it, but the Commissioners of the District alone said: "We do not think the case ought to be compromised in that way." Mr. Birney, representing them, said: "You will get nothing if you go on with your litigation; you will lose not only this $50,000 which the company are now willing to pay, but you will lose the whole $147,000, and not a dollar of that money will go into the Treasury at all."

The gentleman now facing me, Mr. COGSWELL, my colleague on the committee, and others, said: "Let us leave it to arbitra-

tion; in other words, let us leave it to the court of appeals of the District of Columbia." The third proposition was to refer the whole question to the court of appeals of the District, the plea of the statute of limitations being withdrawn.

Mr. WASHINGTON. That is where it ought to go, to be tried upon its merits.

Mr. RICHARDSON of Tennessee. The railroad company said they would agree to that; but again the District Commissioners interposed and said they would not agree to it. After all three of these propositions were rejected, then this provision, the third section, was put into the bill by the committee.

This bill, if you pass it as it is, leaves them free to go and pursue their legal remedy in the courts of the District. On the other hand, if Congress believes that the company ought to be made to pay the $39,000 or the $50,000, I, for one, speaking for myself only, will not object to that amendment.

Mr. WILLIAMS of Mississippi. Why not the $147,000?

Mr. RICHARDSON of Tennessee. Because they do not owe that amount.

Mr. WILLIAMS of Mississippi. If they owe anything at all why do not they owe that amount?

Mr. RICHARDSON of Tennessee. They do not owe that amount, and I have tried to show you why. The $147,000 is arrived at by charging this company for paving streets that they did not occupy.

Mr. WILLIAMS of Mississippi. How is the $50,000 computed, which you are willing to accept as a compromise?

Mr. RICHARDSON of Tennessee. On the basis of the streets that the company did occupy.

Mr. WILLIAMS of Mississippi. Have you figures showing that that is the proper proportion?

Mr. RICHARDSON of Tennessee. Certainly; and we have submitted them.

Mr. ALLEN. The gentleman says that the company did not occupy certain streets, but did they not have a charter authorizing them to occupy those streets; were they not required to occupy them before that time, and were they not permitted to leave them unoccupied merely as a matter of grace?

Mr. RICHARDSON of Tennessee. No, sir; the charter, according to my recollection of it, was merely permissive. At that time there was no period fixed in the charter within which the company should construct the road. They were merely given permission to occupy those streets. Congress could have taken the right away from them, but did not.

Mr. COOMBS. The gentleman has claimed that because this company were not occupying certain streets which they had a right under their charter to occupy, they should not be required to pay for the paving. I would ask the gentleman if it is not true that property holders on those streets whose property at that time was unavailable on account of the lack of grading and other facilities were obliged to pay for the pavement; and what right has this railroad company to be exempted from burdens which fell upon the private citizen? I have in my hand a letter from a gentleman stating that he was compelled to pay $1,400 of assessment on property which did not come into the market until years afterwards.

Mr. RICHARDSON of Tennessee. The gentleman from New York asks me whether certain citizens were not compelled to pay for these pavements——

Mr. COOMBS. Whether all the property owners were not compelled to pay.

Mr. RICHARDSON of Tennessee. I suppose property holders in all parts of this city were compelled to pay for pavements upon streets upon which their property was situated and where pavements were laid down; but why charge this company for a pavement that was absolutely worthless and which was laid down upon streets which the company did not use?

Mr. COOMBS. The gentleman made another point—that the company had suffered a loss of $100,000 out of nearly $400,000 that it had spent in introducing the storage-battery system. Now, is not the gentleman aware that the larger part of this money was spent upon a motor which the company itself owned and out of which they expected to make a large amount of money? In other words, was not this an outside speculation on the part of this company?

Mr. RICHARDSON of Tennessee. No, there was no evidence of that kind before the committee—not a particle.

Mr. COOMBS. I have that evidence before me.

Mr. RICHARDSON of Tennessee. What evidence has the gentleman of that fact?

Mr. COOMBS. The evidence of persons who were themselves stockholders in the company at that time.

Mr. RICHARDSON of Tennessee. Will the gentleman give me the name of some man who will testify to such a thing?

Mr. COOMBS. No; I will not, because I am not permitted to do so.

Mr. RICHARDSON of Tennessee. I believe there is nothing in any such allegation. I do not know any facts sustaining it. In my remarks four weeks ago I set out in detail how this company had expended $384,713 in an earnest effort to use the storage battery, and had failed to make it a success.

Mr. HUDSON. I would like to ask the gentleman one question.

Mr. RICHARDSON of Tennessee. I will yield.

Mr. HUDSON. Is it not a fact that the United States courts in this District tried the question between the city and the Metropolitan Railroad Company, and that it was determined on due trial in a court of competent jurisdiction that this Metropolitan Railroad Company owed the District of Columbia $147,000?

Mr. RICHARDSON of Tennessee. Now, I will say this——

[Here the hammer fell.]

Mr. HUDSON. I hope the gentleman's time will be extended.

Mr. ABBOTT obtained the floor.

Mr. JOHNSON of Indiana. The point which the gentleman from Kansas [Mr. HUDSON] undertakes to make has been answered half a dozen times already.

Mr. RICHARDSON of Tennessee. If I am to answer the gentleman categorically, I say "No," that there is no judgment in any court of the United States against this railroad company for a dollar.

Mr. HUDSON. Why? Because the company interposed as a legal defense the statute of limitations.

Mr. RICHARDSON of Tennessee. Because the cases were never tried on the meritorious pleas.

Mr. HUDSON. I beg the gentleman's pardon; I can show that he is mistaken. I have just sent for the book.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. ABBOTT] has been recognized.

Mr. RICHARDSON of Tennessee. I will not occupy further time; I did not intend to consume so much time as I have occupied.

Mr. ABBOTT. Mr. Speaker, there seems to be some confusion and misunderstanding in regard to the vital question involved in this case. I believe that I can explain in a few minutes the situation and the issues as now presented to this House. I am a member of this committee, and while some gentlemen have been disposed to criticise the committee I wish to say that I am the only member in the minority.

Now, that this case may be perfectly understood, I wish to state that there is now pending before the court of appeals of the District of Columbia a suit for the forfeiture of this charter. That suit is based upon two grounds. The first is—

1. For failure to so change its motive-power within one year from the joint resolution of July 22, 1892.

There was a joint resolution passed requiring this company within the period of one year to change its motive power. Subsequently, I believe, the time was extended. The second ground upon which this suit is based is—

2. For failure to pay a certain canceled judgment obtained by the District of Columbia against it for paving between and adjoining its tracks in the years 1871–'75, in accordance with the provisions of the appropriation act of March 3, 1891.

This suit was instituted in the supreme court of the District of Columbia, and Judge Bradley, of that court, rendered a decision adverse to the Government. From that judgment an appeal was taken to the court of appeals, where the case is now pending.

Now, my position is that if we pass this bill in its present form it will necessarily waive the rights of this Government as against the company. In my judgment, we might as well pass a charter unqualified in its terms as to pass this bill. The provision which says that the forfeiture shall depend upon the action of the court of appeals of this District is in itself inconsistent with the other provisions of the bill.

Now, the majority of the committee was frank enough to admit that if this bill be passed, it will vacate the forfeiture proceedings in so far as the first ground of forfeiture is concerned. The language of the committee is:

The passage of the pending bill will necessarily vacate the suit pending on the first cause of forfeiture, that is for failure of the railroad to change its motive power within the time mentioned.

Now, Mr. Speaker, this is the only ground upon which this suit can rest. The other ground of forfeiture is not sound, in my judgment, and such is the opinion of able lawyers on this floor. If, therefore, we pass this bill we thereby vacate the only ground upon which forfeiture may be had in this case; and hence we might just as well pass a straightforward bill vacating the court proceedings at once. Now I wish to call attention for a moment to the opinion of Judge Bradley, of the supreme court of the District of Columbia, as delivered in this case, and to the authorities which he cited:

In the case of the Attorney-General *vs.* the Petersburg and Roanoke R. R. 6 Ired., 436, the court says upon this subject:

"If the sovereign, with us the lawmaking power, with a distinctive knowl-

edge of the breach of duty by the corporation, knowledge declared by the Legislature, or so clearly to be inferred from its own archives that the contrary can not be, thinks proper by an act to remit the penalty, or to continue the corporate existence, or to deal with the corporation as lawfully and rightfully existing, notwithstanding such known default, such conduct must be taken as in other cases of breaches of conditions to be intended as a declaration that the forfeiture is not insisted on, and therefore as a waiver of the previous defaults."

To the same effect are the following cases:

People *vs.* President, etc., Manhattan Company, 9 Wend., 351.

The State *vs.* Fourth New Hampshire Turnpike Company, 15 N. H., 162.

Central Cross Town Railroad Company *vs.* Twenty-third Street Railroad Company, 54 How. Pr., 186.

White Creek Turnpike Company *vs.* Davidson County, 8 Tenn. Ch., 226.

Now, if you recognize the right of this company, as is proposed to be done in this bill, I do not care how many qualifications you may place on it, it will be a recognition of the existence of the corporation and of its right to continue in power, and indeed we establish their right to continue on a condition, and therefore the Supreme Court of the United States would doubtless hold, in any event, that this legislation would mean a vacation of any forfeiture proceedings.

I wish now, Mr. Speaker, to call my colleagues' attention—the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Alabama [Mr. COBB]—especially to the decision of the Supreme Court of the United States in this very case.

[Here the hammer fell].

Mr. CULBERSON. I ask unanimous consent that my colleague be allowed ten minutes additional time.

There was no objection.

Mr. ABBOTT. I want to call attention to the language of Judge Bradley in rendering the decision of the Supreme Court of the United States in this case and reported in 132 United States Supreme Court Reports:

The defendant filed twelve several pleas to the action, the eleventh and twelfth being pleas of the statute of limitations. Issue was taken upon all the pleas except these two—

Why, gentlemen have been asserting that the issues were not tried in this case—

Issue was taken upon all the pleas except these two, and they were demurred to. The court sustained the demurrer and the case was tried on the other issues, and a verdict found for the plaintiff.

Now, that is the language of Judge Bradley himself in rendering the decision in that case. I am reminded by the discussion had to-day, especially by the position taken by my friend from Tennessee [Mr. RICHARDSON], that his argument amounts to just as much as might be made in a collateral proceeding before a court of justice, wherein he undertakes to go behind the judgment taken, and the facts on which the judgment was rendered.

Why, any lawyer knows that whatever facts may be involved in the trial of the cause, when the cause is settled on the facts they cease to be facts any longer as having any bearing on the case. They are, so to speak, *functus officio*. Everything is merged and gone into judgment, and the judgment is the highest, best, and only authority. It is conclusive.

But I will go back for a moment and state that this suit was brought originally in the district court of the District of Columbia and tried in that court with a jury in the box, on ten issues presented, two of them having been eliminated by the demurrer. The case was tried on the other ten issues. The jury heard the evidence, heard the case tried, and they rendered a judgment against the company for $147,000.

An appeal was taken from that judgment of the district court of the District of Columbia to the supreme court of the District of Columbia, and there that judgment was affirmed, as may be found in 4th Mackey's Reports, which was referred to by Judge Bradley in rendering his opinion in the case. That is the whole question; and I say, therefore, without going back to the facts as to whether the company occupied the streets at that time or did not occupy them, or whether the work done by the District of Columbia for the benefit of the company was of value to them or not, that is not the question. These facts were adjudicated and settled by the district court and by the supreme court of the District, and we have no right to go behind the judgment and gather up the facts which we may gather from the attorneys in the case.

It has been said by my friends from Tennessee and Alabama that the jury was not properly instructed. I ask my friends from Alabama and Tennessee how do they know that?

Mr. COBB of Alabama. From the record.

Mr. ABBOTT. Have you presented the record?

Mr. COBB of Alabama. Yes, sir.

Mr. ABBOTT. If you will show that I will be very much obliged.

Mr. COBB of Alabama. That was an admitted fact before the committee.

Mr. ABBOTT. The supreme court of the District affirmed the judgment of the court below, and after this lapse of time we can not go back and criticise the judgment of the courts of the District, especially in the absence of the record. Everything merged in that judgment of the court, and we have nothing to do with the facts behind it.

Now, I want to further read from the same decision of Judge Bradley, of the Supreme Court of the United States, who says:

The case is brought here by writ of error, which brings up for consideration the bill of exceptions at the trial, and the ruling upon the demurrer to the pleas of the statute of limitations. It is conceded that if the court below erred in sustaining the demurrer the judgment must be reversed. That question will therefore first be considered.

Now, they never considered the issues in the case. They merely passed upon the ruling of the court below in sustaining the demurrer to the statute of limitations.

The officers of the District of Columbia had always heretofore held to the old rule, that the statute of limitations did not run against the sovereign. *Nullum tempus occurrit regi.* So you see that was the only question that was considered. The equities involved in the case were untouched by the Supreme Court of the United States.

Mr. ALLEN. The only courts that have passed on the merits of the case decided against the railroad company and in favor of the District?

Mr. ABBOTT. Yes; two courts of the District decided against the railroad, and that judgment stands unsatisfied.

Mr. VAN VOORHIS of New York. How could that judgment stand unsatisfied if it was reversed by the Supreme Court?

Mr. ABBOTT. It was reversed on the statute of limitations.

Mr. VAN VOORHIS of New York. Then there is no judgment in force?

Mr. ABBOTT. It is not such a judgment as an execution could be issued upon. My friend and I understand that. I am too good a lawyer not to know that.

Mr. VAN VOORHIS of New York. The judgment is utterly worthless now, is it not?

Mr. ABBOTT. The judgment is dead as a judgment; but here is a railroad company coming in and asking valuable franchises at the hands of this Congress, and we say to them, "You have taken advantage of a technical exception and have secured a reversal of a judgment; but you have not answered upon the merits of the case."

Mr. VAN VOORHIS of New York. Then if we are proposing to give them a new franchise that is worth something, why not let them pay for it and let past history go?

Mr. ABBOTT. If they will pay off this judgment without interest, I would vote to recharter them.

Mr. VAN VOORHIS of New York. But there is no judgment. Let us have them pay for what they are getting now, and let the dead past bury its dead, and get rid of this litigation.

Mr. ABBOTT. I know that is a railroad lawyer's plea.

Mr. VAN VOORHIS of New York. Oh, no.

Mr. JOHNSON of Indiana. Were there not errors assigned by the railroad company on other grounds than the plea of the statute of limitations, which errors the court above did not examine?

Mr. ABBOTT. That is true. I believe they assigned ten errors.

Mr. JOHNSON of Indiana. In other words the company, outside of the statute of limitations, was insisting to the court above that repeated errors had been committed by the court below under the other pleas.

Mr. ABBOTT. Yes, but those were not passed upon.

Mr. RICHARDSON of Tennessee. Will it interrupt my colleague upon the committee if I ask him a question?

Mr. ABBOTT. No.

Mr. RICHARDSON of Tennessee. I understand my colleague to say he would be in favor of allowing the bill to pass, provided they would pay the $147,000?

Mr. ABBOTT. Yes.

Mr. RICHARDSON of Tennessee. Upon the ground that that is the exact amount that they would owe for this pavement. Now, I should like to ask my colleague upon what principle he would seek to charge them with any more than the paving on the lines of road at that time in operation?

Mr. ABBOTT. My colleague does not seem to understand me. That is a matter that has already been adjudicated. I am not going behind the judgment to ascertain the facts. I simply rely upon the judgment. That is the way lawyers do, rely upon the judgment, and not go behind it.

Mr. REED. If the gentleman from Texas will allow me, would not a lawyer recognize the right, or rather the duty, of the attorney of a corporation to plead the statute of limitations?

Mr. ABBOTT. Certainly.

Mr. REED. Would it not be his absolute duty?

Mr. ABBOTT. Yes.

Mr. REED. Then why should that be brought into the case? If this company are asking for a franchise which Congress con-

siders valuable, and if Congress wants to charge them for it, why should not that be done, and this matter of the statute of limitations be buried? In other words, is the statute of limitations a right given to anybody to be exercised at his peril, or is it a right to be exercised necessarily, by the attorney of a corporation? Would a corporation officer have any right to do anything but plead the statute of limitations under such circumstances?

Mr. ABBOTT. I think not.

Mr. REED. Then ought not that to be ancient history, instead of being rehashed into modern history?

Mr. ABBOTT. I will answer that by saying that this company is seeking a very valuable franchise, and it is seeking to avoid another statute which in my judgment will forfeit its charter. Now, if it wants to save its life, let it go and do equity, because the statute of limitations ought not to run against equitable claims——

Mr. REED. I know the gentleman will be kind enough to allow me to make the point——

Mr. ABBOTT. Yes.

Mr. REED. Supposing there was no other defense except the statute of limitations, there is no connection between the amount which is barred by that statute and the value of the proposed franchise, is there? And one is not in any sense the measure of the other, is it?

Mr. ABBOTT. No, accurately speaking, it is not.

Mr. REED. Now this being the case, why should you insist upon their paying an amount which has no relation whatever to the transaction under consideration? If you believe——

Mr. ABBOTT. Let me answer that. I do that because I know of no other measure of damages for the failure of the company to comply with the requisites of the act of Congress. And while this may not be an accurate measure of damage, I know of no other way by which to put it in the situation that it ought to have been in if it had done justice.

Mr. REED. Do not you think that that matter beclouds the thing and narrows it too much——

Mr. ABBOTT. No, I think not.

Mr. REED. And therefore, is it not rather unfair to present it?

Mr. ABBOTT. I do not think it is unfair.

Mr. REED. If you have any sum that you think the company ought to pay before Congress should grant further franchise, that is one matter; but why should you tell them they must waive the statute of limitations, which they had a right to plead, and which they did plead successfully?

Mr. ABBOTT. I think that if a company is to be rechartered it ought to do justice before asking further favors.

Mr. REED. You are assuming that in pleading the statute of limitations it did not do justice, and that is an assumption contrary to law. The presumption of law is that the plea of the statute of limitations is a proper thing to do, it being the duty of the attorney to plead it.

Mr. ABBOTT. The gentleman will not contend, because he loans his neighbor $1,000 and he permits the statute of limitations to be perfected against him, that the neighbor ought not in some way to remunerate him for his indulgence. His neighbor would not be honest if he took advantage of the statute.

Mr. REED. The law says not.

Mr. ABBOTT. I am talking about your conscience as well as the law.

Mr. REED. A corporation attorney is obliged to plead the statute.

Mr. ABBOTT. The lawyer is.

Mr. REED. And the corporation officers are obliged to plead the statute.

Mr. ABBOTT. But the stockholders and officers behind them ought to do justice to the public before they demand anything from the Government.

Mr. REED. But the presumption of law is that they did do justice.

Mr. ABBOTT. Oh, no; not in pleading the statute of limitations.

Mr. REED. Certain it is that that is the presumption of law, or else the law is unjust.

Mr. ABBOTT. The gentleman must know that all the law books tell us the plea of the statute of limitations is not a meritorious plea.

[Here the hammer fell.]

[Mr. COBB of Alabama withholds his remarks for revision. See Appendix.]

Mr. BAKER of New Hampshire. Mr. Speaker, in the discussion of this question we are too apt to get aside from the fundamental matter—the act of incorporation of this company. In order to discuss the question intelligently we need to know the initial rights of this company; and knowing those rights we can proceed with proper knowledge in the consideration of subsequent events. This company was incorporated July 1, 1864; and the first corporator mentioned in that act was the chairman of the board of public works, who thus appears to have made a contract with himself according to the statement of the gentleman from Alabama. Mr. Alexander R. Shepherd is the first incorporator——

Mr. COBB of Alabama. The fact is that this work was given out by contract. There was a board of public works that let out work of this kind by contract.

Mr. BAKER of New Hampshire. And the board of public works superintended the contractor, did it not?

Mr. COBB of Alabama. Yes, sir; I suppose so. I do not know; but I think that is the truth.

Mr. BAKER of New Hampshire. Section 4 of this act of incorporation is as follows:

And be it further enacted, That said corporation hereby created shall be bound to keep said track, and for the space of 2 feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order without expense to the United States or to the city of Washington.

Observe the language—

Without expense to the United States or the city of Washington.

Mr. COBB of Alabama. Certainly; but the gentleman should remember in this connection that they had already paved the whole route that they had occupied.

Mr. BAKER of New Hampshire. Not in 1864, because this pavement was not laid until eight or nine years later. Now, section 5 of this act goes farther and says:

Nothing in this act shall prevent the Government at any time at their option from altering the grade or otherwise improving the avenues and streets occupied by said roads, or the city of Washington from so altering or improving such streets and avenues and the sewerage thereof as may be under their respective authority and control; and in such event it shall be the duty of said company to change their railroad so as to conform to such grade and pavement.

Now, there is one other section, Mr. Speaker, which I will read here in connection with this matter—section 6:

And be it further enacted, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Again, it has been stated in the discussion before the House to-day that there was no limit of time in this original act of incorporation. But section 17 of the act provides as follows:

And be it further enacted, That unless said corporation shall make and complete their street railways between the Capitol and Seventeenth street west within four months after the company shall have been organized, and the railways on the other routes herein described within one year after the company shall have been organized, then this act shall be null and void, and no rights whatever shall be acquired under it.

Now, they did not do the work within the time specified.

Mr. COBB of Alabama. Will the gentleman allow me just there?

Mr. BAKER of New Hampshire. I will state the matter plainly first. They came before Congress in 1865, by the act of January 3, 1865, and got an extension of time for one year with a proviso—

That the line from Seventeenth street to the Capitol be completed, occupied, and running within thirty days from the passage of this act.

Did they do that? Not at all. Again they came on March 3, 1865, with still another amendment, and in section 3 of the act of March 3, 1865, we find this language:

That section 17—

That is the original act of incorporation—

be and hereby is so amended as to allow said corporation three years from the date of the approval of this act in which to complete the railways herein described and those described in the act to which this is amendatory.

Mr. COBB of Alabama. Will the gentleman allow a question?

Mr. BAKER of New Hampshire. Certainly.

Mr. COBB of Alabama. Do you suppose that Congress would have allowed the extension of time if the company had not been able to show good reason; and does not this extension of time to the company put it in the same position as if in the original act the same time had been given for the completion of the work as was given to them by the new act of extension?

Mr. ALLEN. It has been stated during the discussion of this question that there was no limitation at all.

Mr. COBB of Alabama. That was a mistake of my colleague. But it did not put the company at any disadvantage that there was an extension. It was the presumption that the extension was granted to them for good reasons, and it puts them in precisely the same position as though the extension had been embodied in the original act.

[Here the hammer fell.]

Mr. HEPBURN. I ask unanimous consent that the gentleman from New Hampshire may be permitted to proceed for ten minutes.

There was no objection.

Mr. BAKER of New Hampshire. In response to the gentleman from Alabama, let me state that this act certainly does show that the Congress of the United States, at that period at least, was dealing with care and with favor towards the Metropolitan Railroad.

Now, what is this claim in regard to the $147,000, when it is divested of all mysticism, and brought down to plain, legitimate facts, and not fancies? The facts are these: that the railroad had not, in any of these extensions of time, completed the road west of Seventeenth street, and that it was not completed when the board of public works came into power; for then they were simply claiming that they were about to do it, and under that authority Mr. Thompson wrote the letter which has been read here on the floor, asking permission to put in the cross-ties and sleepers, provided the pavement was not to be charged to the company.

But the board of public works then in authority had no right or power to make any such contract; and if they had had authority to do so it would not in the slightest degree disturb the equities of the case, for the reason that the only purpose of the suggestion was that there should not be an additional expense to the District of Columbia, which otherwise would result from the delay.

Mr. COBB of Alabama. Will the gentleman permit another question? Do you suppose, if nothing had been said, and the board of public works had gone on paving the unoccupied streets, that they could have come on the company finally and made them pay for this work in advance of the occupation of the streets?

Mr. BAKER of New Hampshire. That is not a question which pertains to the subject at all.

Mr. COBB of Alabama. Oh, yes.

Mr. BAKER of New Hampshire. For if the contract, as you call it, which was illegal in its inception and illegal in its purpose, had not been made, and the company had gone on at any time to complete the tracks, it would have torn up the pavements right through the center of the streets, and the whole cost would have been charged to them and not to the city, exactly as the preliminary matter was assessed, the only difference being that the methods adopted were less expensive to the railroad company. It was for the benefit of the railroad company that that was done, and I understand that that reduced charge is just what the court passed upon when they found that this company owed the District $147,000.

Now, still further, the company has already been granted every privilege which it has asked for. It has not come before Congress for one thing which it has not received. It has been permitted to go dawdling along, in defiance of the act of 1890. Why? Under the pretext that it was trying to introduce a storage-battery car. Now, so long as the gentleman has been in the city he has not seen more than one or two storage-battery cars ever run on the route of the Metropolitan road. He never has seen that more than once or twice a week; and more than two years ago the company knew just as well as it knows now that the storage-battery system was a failure. And yet it has kept up this pretext of running a car now and then, in order that it might make before Congress just exactly the claim that it is making here to day.

Now, why did the statute of limitation run out? Because all the three years during which the statute ran in this District, the company was suggesting this and suggesting that to the authorities of the District of Columbia, and in the change of those authorities they let the three years lapse, a mere neglect on their part. Now, should we come in here and give this company, which has not done or attempted in good faith to do what the Congress of the United States has demanded of it, the right to go scot free from the expense which the District of Columbia has been put to on its account? There is not a solitary instance where the authorities of the District of Columbia have done an injurious act toward the Metropolitan Railroad Company, and the gentleman can not point out any.

Mr. COBB of Alabama. I can point out half a dozen.

Mr. BAKER of New Hampshire. Let us have them. If you will extend my time I will be glad to hear of them here and now.

Mr. COBB of Alabama. Was it not imposing on the company to make them tear up a good track and make them put down one that was not worth putting down, and which they had to take up in a year or two and put down the old track again?

Mr. BAKER of New Hampshire. I answer the gentleman's question by saying that there was not any track there.

Mr. COBB of Alabama. Oh, yes; that was on the line of track which they were occupying with their cars from Seventeenth street to the Capitol.

Mr. BAKER of New Hampshire. If that is not satisfactory, I will say to the gentleman one thing in direct answer, and that is that the Metropolitan Railroad Company suffered in conjunction with every property holder in the city of Washington, no more and no less, and that it was no more of a fraud and no more of a hardship on the Metropolitan Railroad Company than it was upon every property holder along the line where that pavement was laid, and if you propose to relieve the Metropolitan Railroad Company, it is high time that you propose to relieve the citizens of the District of Columbia.

Mr. COBB of Alabama. But you are shifting your ground now. You said I could not point to a single instance in which there was an imposition upon the railroad, and now you say the imposition was the same as upon the citizens of the District of Columbia.

Mr. BAKER of New Hampshire. But I have not admitted that it was an imposition upon the railroad company, or upon the citizens. It was an honest attempt upon the part of the board of public works of the District of Columbia to make this city a beautiful city, and put upon the streets the very best pavement that the board of public works knew of at that time.

Mr. HEARD. Will the gentleman allow me to ask him a question?

Mr. BAKER of New Hampshire. Yes.

Mr. HEARD. Does the gentleman from New Hampshire know that at the time that wooden pavement was put down the law required that the cost of putting down the pavement should be assessed, one-third against the abutting property owners (one-sixth on each side) and two-thirds against the District of Columbia?

Mr. BAKER of New Hampshire. Yes; I am aware of that.

Mr. HEARD. Now, does the gentleman know further that the assessment was made according to law, and that the property holders on either side of the street paid that assessment, and that the law fixed the other part on the District of Columbia? That was the law at that date and the law was pursued.

Mr. BAKER of New Hampshire. Now, if in pursuance of that law the authorities of the District of Columbia did not deduct from the whole expense of that pavement the amount which was chargeable to the Metropolitan Railroad or any other railroad running through the streets of Washington or anywhere in the District of Columbia, it committed a fraud upon the Government and the people, and the Metropolitan Railroad Company is not entitled to the benefit of it.

Mr. HEARD. The gentleman will not insist that they committed a fraud under the law; the law did not authorize them to do it; the law did not authorize the assessment of the amount against the company.

Mr. ALLEN. Read the charter.

Mr. HEARD. The charter authorized them to do what they had done; and the record affirmatively shows that they did make a pavement, according to the requirements of the charter, and kept the pavement in repair.

Mr. BAKER of New Hampshire. But this very charter which I have read shows that the authorities had the right to change that pavement as often as they wished. It is also evident that they made a mistake in putting down the wooden pavement, and that subsequently they had to put in some other pavement. In accordance with section 5, which I have read, of the charter of the Metropolitan Company, and under section 4, that company was bound to keep the space between its tracks at all times well paved and in good order without expense to the United States or to the city of Washington, and a space of 2 feet from the outer rail on either side.

Mr. HEARD. The pleadings show that the District authorities admit that the company had, in compliance with the provisions of the charter, put in a pavement and kept it in repair. Now, the District, through the board of public works, took up that pavement and put in a wooden pavement, and within two or three years that was rotten, and then the company again had to repave between its tracks, which it did, and paid for it.

Mr. BAKER of New Hampshire. Now, I will ask the gentleman a question. Does he claim that under the charter or any provision of law the Metropolitan Company could dictate to the authorities of the District of Columbia what kind of pavements they should use?

Mr. HEARD. I contend that under the provisions of the law they had complied with their charter requirements, and that when this wooden pavement was put in by the board of public works, about which it has been stated there was some job and which turned out to be of no account, they then required the company to put in another pavement. They required them to put in the same pavement that they had laid before.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. I ask that the gentleman's time be extended so that he may answer that question.

Mr. HEARD. I ask that the gentleman be given as much time as I have taken from him.

The SPEAKER *pro tempore*. How much time does the gentleman ask?

Mr. HEARD. I ask that he have five minutes.

There was no objection.

Mr. BAKER of New Hampshire. Now, it does not matter what the mistakes of twenty-five years ago were or were not. The rights of the company are established by their charter and by subsequent acts of Congress. The charter required them to do this paving, and there is no subsequent act of Congress which relieves them from it. That is my answer.

Now, I want to ask the gentleman from Missouri another question. It is usual to hear the report from the Commissioners read when a bill reported from the Committee on the District of Columbia is pending in the House. I would like to know if the Commissioners of the District have reported on this bill, and if so, why their report has not been given to the House?

Mr. HEARD. I will state to the gentleman from New Hampshire that the Commissioners' report, I suppose, has been read to the House. If it has not been it is the privilege of the gentleman from New Hampshire, or anybody else, to have it read in his time.

Mr. COBB of Alabama. I will say to the gentleman that the Commissioners when before the committee said they were perfectly willing and wanted this improvement done. They said we do not want to interfere with this company; we do not want to forfeit their charter; we do not want to organize a new company; we want this company to remain as it is, and we want them to do this work, but we want them to pay us the $147,000.

Mr. BAKER of New Hampshire. And that $147,000 is simply the amount that the government of the District of Columbia has expended on this railroad company, a company which has always paid good dividends, a company whose stock is away above par, two or three times, and a company which can well afford to pay its honest debts to the District of Columbia; and if the company can not pay its honest debts to the District, its charter ought to be repealed.

Mr. COBB of Alabama. It is willing to pay its honest debts, and the question is whether this amount is an honest debt.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I call attention to the fact that there is no amendment pending.

Mr. HUDSON. Mr. Speaker, I move to strike out the last word. I do not know whether I can say what I want to say in five minutes, but I will try. As I understand this question, without going over the legal grounds that have been stated to the House, the charter of this company, which was granted in 1864, I believe, provided that it should be subject to the police regulations of this District, and the company accepted its charter with that condition, and it is a part of the contract between the company and the District. An effort has been made here by gentlemen defending this company in its efforts to have its elapsed time extended, to argue that an injustice has been done the company, and to claim that it was perfectly justifiable in pleading the statute of limitations against the claim of the District government. There are courts in the District, properly organized, and there is no question but that they are presided over by just, fair, honest judges.

The matters in dispute between the District and this company were brought before the courts by a suit against this company for a certain amount of money claimed to be due to the District. Twelve grounds of defense were set up by the company. The last two grounds were based on the statute of limitations. The court overruled that plea and the issue was tried upon its merits. Now, I do not think it can be charged that there was anything wrong done by the District. The court was a fair court, and its judgment on the main question unimpeached. Of course, it may be argued, as attorneys on one side or the other will argue, that the matter was not tried fairly, but the decision has not been reversed by the Supreme Court, nor has there been any unfavorable comment upon that decision. Consequently I feel justified in saying that it was determined by the court that this company did owe the District $147,000.

Mr. HOLMAN. The District and the United States together.

Mr. HUDSON. Yes; the District and the United States.

Mr. RICHARDSON of Tennessee. Oh, no; not one dollar to the United States.

Mr. HUDSON. Well, I do not want my time taken up by a side discussion. Now, Mr. Speaker, it is claimed that the company had a perfectly legal right to plead the statute of limitation. That is granted upon our side. But, upon the other hand, it has always been considered that when a man pleads the statute of limitations against a neighbor, he contemplates going out of business relations with that neighbor, and ordinarily where a man has plead the statute of limitations as a defense in a suit for money borrowed, he does not go to the same source to borrow money again, because if he did the party would not lend him until he had paid the old debt.

Mr. VAN VOORHIS of New York. Who made that statute of limitation?

Mr. HUDSON. The State of Maryland, as I understand; but that makes no difference. Now, I want to answer another proposition. It is contended that the plea of the statute of limitations was a proper legal plea, and further it has been claimed here that such a plea raises a presumption of payment. That is not so at this time in the United States. It is not so held by any court of respectable jurisdiction in this country. Under the common law the period was a long one, not less than twenty-one years, and the English courts did hold that the lapse of such a long period, bringing a case under the statute of limitations, presupposed payment, but in this country the statute of limitations has not that effect. It is simply a statute of repose, by which the law says to the claimant, "You have lost your remedy by delay."

The courts everywhere deal with it in that way, holding it to be simply a statute of repose, carrying with it no presumption of payment. Now sir, it may be true that this company had the right to plead the statute; but if that be so, then it ought not to complain of this Congress when we exercise the right to invoke a statute of limitation against it, nor ask us to refrain from doing so unless it is willing to waive its plea and pay the debt which it owes this District. If a man undertakes to vindicate his rights in the courts he has to stand or fall by the law; but when a corporation comes in here and asks a mere gift as a matter of grace, asks this Congress to grant it an extension of time within which to do something which it is required by law to do, it ought to come with clean hands, and I will never consent to the passage of a bill of this kind until this company agrees to pay what it owes the District.

Mr. COGSWELL. Mr. Speaker, as a member of the District Committee I yielded a reluctant assent to the reporting of this bill; I yielded that assent because I thought some legislation was imperatively demanded in the interest of the public business. The bill was not fully satisfactory to me, and I reserved the right to vote for any amendments which might be offered to it. If this bill passes, in my judgment the result will be that the public will get the legislation and facilities which it requires, and this corporation will escape entirely and forever from the payment of any money that it now owes this District, if it does owe anything. In my judgment the saving clause in this bill which allows those proceedings for forfeiture now pending to go on is absolutely worthless, because I do not think that those proceedings are of any value at all. They are based upon an amendment to an appropriation bill passed in the Fifty-first Congress, an attempt to collect the debt which the court had said, in view of the statute of limitations, this company did not owe, and I do not believe that by legislation of the kind we can revive a judgment of the court below and compel the company to pay this money.

The saving clause in this bill provides that those proceedings for forfeiture may go on, but, as I have said, I regard that as wholly worthless, and for that reason I repeat that if this bill passes the result will be to give the public the legislation that is needed, but the company will escape from the payment of what it owes this District, if it owes the District anything. Now there is a fair contention, to put it mildly, that this road does owe the District a considerable sum of money. As has been stated several times in this debate, two courts have held that that sum was one hundred and forty-seven thousand and odd dollars. Those courts have so held on the merits of the case, and there has been no reversal of that judgment on the merits.

The Supreme Court, however, gave judgment for the road on the technical plea that the suit was barred by the statute of limitations. My own idea is that possibly—yes, probably—this company owes the District something, and a considerable amount; but it is a question so involved in matters of law and matters of fact and matters of ancient history that no committee of this body, with the time at its disposal for the consideration of these questions, can fairly consider and adjust and report upon the equities of the case and the amount which may justly be claimed; and it is much more difficult for this House to do it in the way that we discuss bills here. My own position in the committee was, as it is now in the House, that if this company owes the District a dollar it should pay every cent that it owes.

[Here the hammer fell.]

Mr. HENDERSON of Iowa. If I may be recognized, I will yield my time to the gentleman.

The SPEAKER *pro tempore*. How much more time does the gentleman from Massachusetts [Mr. COGSWELL] wish?

Mr. COGSWELL. Ten minutes.

Mr. HEARD. I ask unanimous consent that the gentleman, who is a member of the committee, have ten minutes additional.

There was no objection.

Mr. COGSWELL. My own position is that this company, if it owes the District of Columbia anything, should pay every dollar of its indebtedness. On the other hand if it does not owe the District a dollar, we should not take advantage of this opportunity to make the company pay a dollar.

Now, I understand there is to be submitted a proposition—it

was originally suggested by the corporation itself—that jurisdiction be given to the new court of appeals to consider a case which shall be made up, leaving it to that court to determine whether this company owes the District anything and if anything how much, and that the amount found due by the court shall be paid by this company before this legislation takes effect.

Mr. HEARD. The plea of the statute of limitations being barred and there being filed also a written waiver of all rights accruing to the company by virtue of the judgment rendered heretofore.

Mr. HEPBURN. Does that also waive this question of notice?

Mr. COGSWELL. As I understand, it does. The amendment is in the hands of the gentleman from Iowa [Mr. LACEY], who changed in some respects the proposition as submitted by the company. Of course, the proposition ought to be as carefully drawn and as well guarded as possible. This was one of the original propositions of the road; but whether it were or not, it seems to me it is a fair way to solve this question. I do not see any reason why this company should not be given this additional legislation. I am opposed to forfeiting the charter of the company. There is scarcely ground for such action; and it seems to me it will be fair to the company and fair to the District if we give the new court of appeals jurisdiction to try these questions of fact and determine the case upon its merits, as was not done when the Supreme Court of the United States rendered a judgment in favor of the company upon the purely technical plea of the statute of limitations. That is my position in regard to this bill.

Mr. RICHARDSON of Tennessee. Does the gentleman say that proposition will be offered?

Mr. COGSWELL. The gentleman from Iowa [Mr. LACEY] showed me a while ago a proposition to that effect—similar to the one which was before the committee, but with some modifications added by himself. I understood him to say that this proposition would be offered as an amendment. If it should be adopted there ought to be no further opposition to the passage of this bill.

Mr. RICHARDSON of Tennessee. That is substantially the amendment which my colleague supported in the committee.

Mr. COGSWELL. It is; but includes additional safeguards. If this amendment should be adopted there will be no need of the third section; and there will be no need of the amendment providing for the payment of the sum of $50,000. No one of us in this House knows whether $50,000 is within $90,000 or $30,000 or $10,000 of what this company ought to pay. It may be that the company ought not to pay anything. I confess that upon hearing the last statement, I thought there was strong merit in the argument of this road against the payment of this large amount; yet the fact stared me in the face that two courts of competent jurisdiction had declared the company liable. With such an amendment as the gentleman from Iowa proposes to offer, I think, as I have said, that the bill should pass without further objection.

Mr. HENDERSON of Iowa. Will the gentleman allow me a question?

Mr. COGSWELL. Certainly.

Mr. HENDERSON of Iowa. I have not heard all the discussion on this matter, and I wish information upon a few points, on which, no doubt, my colleague can answer me. As I understand, this company was required to abandon horse power and adopt a new system of propulsion. I would like to know whether it has been shown by the investigations of the committee that this company has acted in good faith in trying to comply with that requirement?

Mr. COGSWELL. I think the committee was unanimous in the belief that the company had made a fair explanation for their delay. They showed that they were obliged to adopt within a limited time one of three systems—the cable, the storage battery, or the underground electric system. They found, or thought they found, that there were mechanical objections to the adoption of the cable system.

Mr. HENDERSON of Iowa. By reason of their meandering line?

Mr. COGSWELL. Yes, sir. They also thought at that time that the underground electric system was not sufficiently developed to warrant them in attempting it. So I think it may be fair to say that in good faith they took the remaining alternative—the storage-battery system.

Mr. HENDERSON of Iowa. Did they test it?

Mr. COGSWELL. They tested that system for two or three years, about three times as long, in my opinion, as they ought to have tested it, for they were about the only persons in this country who did not know that the storage-battery system up to this day was a dead failure. But all the same they took their money to the extent of about $400,000 and put it into that experiment. Not all of it is waste, because a great part of the expenditure can be used for other purposes. But it is a fact that they did expend something like $400,000 in experimenting with this storage system.

So I repeat to my friend from Iowa that I think I can say the committee were unanimous in believing that they offered a fairly reasonable explanation for their delay in not changing the motive power of the road. For one I am perfectly willing on their statement to acquit them.

Mr. HENDERSON of Iowa. I do not know when the time expires within which they must change the mode of propelling their cars; but I would ask the gentleman from Massachusetts if it is possible, in his opinion, to complete the change within the time required by the law?

Mr. MEREDITH. It is impossible.

Mr. HENDERSON of Iowa. I ask if it is possible or impossible?

Mr. HEARD. The time has expired.

Mr. COGSWELL. The time is up. They are now in contempt of Congress.

Mr. HENDERSON of Iowa. Then another question: Was the corporation, and also the city, represented before the committee in respect to this question?

Mr. COGSWELL. Yes.

Mr. HENDERSON of Iowa. And the committee looked into the matter thoroughly?

Mr. COGSWELL. We did, thoroughly, patiently, and at great length.

Mr. HENDERSON of Iowa. Then, if I understand your position, you believe that the company acted in good faith, trying to comply with the law without being able to do so; that the time has expired without a compliance with it; that they ought to be given additional time, or time enough to allow them to supplement their past experiments with an experiment to determine the best mode of using the remaining systems of car propulsion, leaving the matter of any claim against the company in abeyance.

Mr. COGSWELL. That is about my position.

Mr. HENDERSON of Iowa. It seems to me to be a sound one.

Mr. RICHARDSON of Tennessee. Who will object to that?

Mr. COGSWELL. I do not know.

Mr. HEPBURN. Mr. Speaker, I wish to make a suggestion to the gentleman reporting this measure, and that is that the bill be for the present withdrawn. Let it then come up two weeks from to-day, and in the meantime the parties interested could agree to a statement of facts which may be acceptable to both of them for the trial of this case. It must be evident to the company that they can not get the extension here, at least to-day, without something of the kind being done.

Mr. RICHARDSON of Tennessee. What is the objection to the suggestion made by my colleague on the committee from Massachusetts?

Mr. HEPBURN. I do not think it is possible for an amendment, that would be prepared by any person here not familiar with all the facts, to cover all the propositions that ought to be covered in an agreed statement of facts.

Mr. RICHARDSON of Tennessee. Then allow this suggestion: The proposition my colleague [Mr. COGSWELL] has suggested was carefully drawn, and was discussed at least three, four, or five different times in the committee; it is full and complete and is in print. The gentleman can read it if he desires. What is the objection to that?

Mr. HEPBURN. A statement was made a little while ago that this company objected to a waiver of certain questions of notice. Now, I think that might be important. I do not know that it would be, but I want it waived for the reason that the gentleman who first appears in the list of incorporators, and who I understand was largely interested in this corporation, at the time was chairman of the board of public works of this District; that he had a divided interest in the matter, and without impugning him or anything of the kind, it may be that there has been a neglect on the part of some one to give such notice that a court may regard as important; and I want to guard all these points. It will not create any delay in the passage of the bill. It can be withdrawn now and properly prepared, to be presented on the next District day.

Mr. RICHARDSON of Tennessee. If my friend will permit me, the gentleman from New Hampshire [Mr. BAKER] stated that Mr. Shepherd was mentioned as an incorporator when this company was chartered in 1864——

Mr. HEPBURN. Yes, sir.

Mr. RICHARDSON of Tennessee. And you must remember that it was seven or eight years after that that this legislation occurred when he was president of the board of public works.

Mr. HEPBURN. I am remembering it.

Mr. RICHARDSON of Tennessee (continuing). Whether he was connected with the Metropolitan road then, nobody believes now. I do not know.

Mr. COGSWELL. I ask the gentleman from Iowa [Mr. HEPBURN] if, at the next District day, we present an amendment which shall leave this to the court of appeals, sufficiently guarded, will that satisfy his opposition to the bill?

Mr. HEPBURN. So far as I am concerned, it will. If there can be an adjudication of the real merits of this matter——

Mr. RICHARDSON of Tennessee. Of the indebtedness?

Mr. HEPBURN. Of the indebtedness, without the interposition of any technical defense, for the want of notice or the statute of limitations, etc.

Mr. RICHARDSON of Tennessee. Now, I want to say, and if these gentlemen represent the opposition to this bill on the floor of the House——

Mr. HEPBURN. I merely represent myself.

Mr. RICHARDSON of Tennessee. If they make that proposition, I do not object to it, so far as I am concerned, as a member of this committee; because, if this road owes the District $147,000, they ought to be made to pay. We all concede that. But if we are to be met here on the next District day with the same kind of opposition—not from these gentlemen, but from other gentlemen—it seems to me that it would be hardly fair to ask that the bill go over now. If other gentlemen, on this side of the House particularly, will make the same agreement, I believe I am authorized to say for the committee that they will consent that the bill be laid aside until the next District day.

Mr. COGSWELL. Let that be the understanding.

Mr. RICHARDSON of Tennessee. But if gentlemen have other objects in view, if it is intended to defeat all legislation on the subject, then it will do no good to let the matter go over. I, of course, do not intend to impugn the motives of anybody when I say this.

Mr. WASHINGTON. Mr. Speaker, before any kind of agreement is had to withdraw this bill to-day and present it two weeks from now, I want to call the attention of the House to another feature which has not as yet been discussed, at least not while I have been on the floor, and that is the proposition, as I understand it, from the reading of this bill, to extend for nearly three years the time in which this company are allowed to put on an electric motor.

Mr. COGSWELL. One year, on Ninth street.

Mr. WASHINGTON. And then two years more on the balance of the line.

Mr. HEARD. Does the gentleman think one year on the other part of the line will be sufficient?

Mr. WASHINGTON. Nearly two years ago this same company came into this House and asked an extension of one year in order to be allowed to change from its present horse power to the storage-battery system. I predicted then that they would only waste their money and their time, and they would not get rapid transit, but that at the end of that extension they would come and ask another year for the same purpose.

Now, I do not claim to be a prophet, but my words have proved absolutely true; and now, more than two years afterwards, they ask a further extension. They ask for three years more in which to disgrace the capital of the United States by running a horse car line from this Capitol to the most populous and improved parts of the city.

Now, I say that when this bill is withdrawn it should come back here with an amendment, allowing the Metropolitan road, if you please, the underground system of electric propulsion; I have no objection to that for one, but we ought not to give them more than one year in which to apply it. They can do it just as well in twelve months as they can do it in twelve years. The entire Washington and Georgetown system was cabled in a little over twelve months.

I am not an electrical engineer nor an expert in the propulsion of street cars, but I believe that the Metropolitan system could have applied a cable to their road if they had earnestly desired to do so; but instead of that they preferred to experiment with a storage battery, which all the world knew was a failure, save and except the directory of that road. They experimented with it for nearly three years. They threw away the money of their stockholders, and they fooled with the Congress of the United States. Now it is time to make them put on the proper system of propulsion.

I believe that the underground system is practicable. I have believed it for two years, and it is not open to the objections which have been urged to the overhead trolley, which I then said could be used for two years or eighteen months, and then taken away without detriment to anybody. But I insist that it is an outrage on the traveling public of this District to allow this street-car company three years longer in which to put a little electrical appliance on a railroad not more than 3 or 4 miles long.

A MEMBER. The combined mileage is greater than that.

Mr. WASHINGTON. Take your combined mileage, and how long is it?

Mr. RICHARDSON of Tennessee. About 8 miles.

Mr. WASHINGTON. How long is the road from here to Georgetown? Not over 3 miles, and twice 3 miles are 6 miles; and up and down Ninth street it may be 3 or 4 miles. But whether it be 3 miles or 30 miles, a corporation of that size, and certainly with its command of capital, can put in an underground system in less than three years.

Mr. ALLEN. Coxy's army will be here next month. [Laughter.]

Mr. WASHINGTON. And we want to get it out of the city as rapidly as possible.

Now, when this bill is withdrawn I hope it will be with the understanding that there will be an amendment presented by the committee and offered to this House cutting down the time from three years to twelve months. I want to see this line prosper just as well as the Avenue car line prospers. We ought to have some such system applied to all the car lines in the District. There is not a city of the size of Washington to-day that is cursed with so abominable a system of slow horse street cars as this city, and there is no place where the time is a greater object to those who are compelled to use those cars. Now, if this bill is to be withdrawn, let it be withdrawn with a perfect understanding that I for one, like my friend from Mississippi [Mr. WILLIAMS], do not desire to see the company pay a dollar into the District treasury unless it properly and justly owes it to the District, but if it does owe it to the District of Columbia, then it ought to be made to pay to the uttermost farthing. And, also like my friend from Mississippi, I believe that the best tribunal to try that question is a court, like the court of appeals of this District, and not a committee of this House, and not the House in Committee of the Whole.

Mr. ALLEN. As I have had some connection with the opposition to this bill, so far as any agreement on my part is concerned, I want to state that before any more legislation favorable to this road is granted it should do justice to the District of Columbia; and I am going to be the judge of that when the proposition comes in. I think we can come nearer arriving at a proper conclusion as to that when the committee meets again than we can to-day. I do not think there is any probability of this bill passing this evening; and therefore I think it would be a good suggestion to lay it aside.

Mr. RICHARDSON of Tennessee. I only want to say one word. Gentlemen have stated the grounds upon which they are willing that this bill should go over.

Mr. WILLIAMS of Mississippi. I desire to interrupt the gentleman there.

Mr. RICHARDSON of Tennessee. And as I understand, it is agreed to on the ground contained in the proposition submitted by the gentleman from Massachusetts [Mr. COGSWELL], who is a member of the committee.

Mr. WILLIAMS of Mississippi. I want to interrupt the gentleman only for the purpose of not having you mislead yourself. So far as my opposition is concerned, whether it would cease would depend upon the character of the amendment offered to the bill.

Mr. RICHARDSON of Tennessee. What would satisfy the gentleman?

Mr. WILLIAMS of Mississippi. I do not know that I am prepared to state what would exactly meet my views, but I will state in a few words what I think about the matter. I am unalterably opposed to Congress dealing with these matters seriatim, corporation by corporation. I believe that that is a corrupt and wrong principle, but I also believe in recommitting this bill to the committee with instructions that they shall bring into the House a general bill—applicable to all the street railroad companies seeking a new franchise or an increase of franchise or an extension of franchise, or any further benefit from the public—providing that such privilege shall be granted, such further franchise extended after being put up at public auction and sold to the highest bidder, to that one who will pay the largest percentage of the gross receipts to the District of Columbia. I am unalterably opposed to giving away public property, and I am opposed to this bill for that reason among others.

Mr. RICHARDSON of Tennessee. The gentleman's position is based upon a reasonable ground; but I want to say——

Mr. WILLIAMS of Mississippi. I only said that because I do not want you to understand that I had agreed to anything.

Mr. RICHARDSON of Tennessee. There is already a bill pending in the Senate which has in view the ascertainment of and providing for all the equities of the United States, if there be any, and of the District of Columbia as against these corporations. There is a general bill like that pending at the other end, and it seems to me that the gentleman will find it utterly

impracticable to apply such a general bill, with these general provisions, to this individual case, and I submit to my friend that if this bill passes and this additional time be given this road, that the general bill which he speaks of will cover every point that he has mentioned, and will apply to this the same as to all other railroads.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. WILLIAMS of Mississippi. It would apply to this railroad only after this extension had been granted and after it had gained a new vested right. I am willing that any bill which is produced here shall do nothing but what is just and right; and that a bill shall contain provisions for safeguarding the interests and the equities you want to protect. I am willing that a bill shall be introduced regulating all. I want a bill regulating this particular corporation and the balance of the railroads corporations exercising valuable franchises; and we can not do that if we pass this bill, which would be discriminating in favor of this corporation, because it is asking substantially a new franchise in the way of an extension or an increase in the time. That would be unjust to the other roads involved in the general bill.

Mr. RICHARDSON of Tennessee. I would remind my friend from Mississippi that in every single charter that has heretofore been granted, in every charter which is upon the statute books of the United States granting franchises to these railroads, the express right is reserved to alter, to modify, and change them, or to repeal them.

Mr. WILLIAMS of Mississippi. I understand that.

Mr. RICHARDSON of Tennessee. Congress has plenary power over them.

Mr. WILLIAMS of Mississippi. I understand that, and I understand, on the other hand, that although Congress would have power to come in after this bill was passed and repeal this very charter, yet, as a matter of human nature and as a matter of fact, Congress would not do it. The gentleman knows that as well as I. And Congress would be right in not doing so, because it would see that after having vested these people with certain privileges upon certain conditions it would be wrong now to divest them of those privileges. Therefore I would have the law to apply to as many corporations as possible, and this being one of the chiefest, as St. Paul says, I would frame it so as to apply to this corporation.

Mr. RICHARDSON of Tennessee. Mr. Speaker, in view of all that has been said, I ask that this bill be laid aside until the next District day.

Mr. SIBLEY. Mr. Speaker, I would like to explain briefly why I am found in the ranks of the opposition to this measure. I have examined the question without prejudice, and it seems to me that this is very clearly a case wherein we can exercise a vast amount of caution with great benefit to the public interest. There is something in average human nature which revolts at the idea of a great corporation being permitted to willfully defy the opinion of the public, the decrees of Congress, and the judgment of the courts, and I hold that the plea of the statute of limitation is one of the weakest pleas ever interposed in any just cause.

If there was $147,000 due to this District—and two courts have found such to be the fact upon a trial of the cause upon its merits—that raises presumption enough in my mind that the claim was a just one; and further, this corporation dared not appeal to the higher court upon alleged errors of fact or of law, but were constrained to go to the Supreme Court pleading the baby act—the statute of limitations. Under this liability of $147,000, with, as I understand, eleven years' interest, there is a vast fund coming to this District. I am not anxious or willing to see this Congress step in and divest these people of any rights or any equities they may possess, but it is a matter of notoriety within the knowledge of every member of this House that the rights to the streets now occupied by this railway company are immensely valuable.

If they would take away their rails and their cars, and the franchise was placed at public auction, it would be worth at least a half a million dollars. The city of Buffalo put up at public auction in the way that is suggested by the gentleman from Mississippi [Mr. WILLIAMS] a franchise inferior to this, and the traction companies bid 14 per cent of the gross receipts.

Mr. WILLIAMS of Mississippi. As high as 43 per cent has been bid in New York.

Mr. SIBLEY. Yes. But the lamentable fact in the Buffalo case is, that although those people did offer 14 per cent of the gross receipts, competing with legitimate bidders, when it came to settling the matter they went to the city council and got the franchise, paying practically nothing for it. [Laughter.]

Now, Mr. Speaker, I think this bill had better go over, and if this company comes here and asks for a valuable franchise, or for the extension of a valuable franchise, let them first show their confidence in the justice of Congress by paying into the hands of the courts the amount of the judgment which the District obtained against them. When they have done that, they can come here with better grace and ask for this extension. Let the matter be settled in any form that will protect the interests of the people of this District, but let this company not come in here and plead the statute of limitations as a ground for condoning their past misdoings. I shall oppose this measure in its present form.

Mr. HOLMAN. Mr. Speaker, I desire to have read for information the amendment I send to the Clerk's desk.

The amendment was read for information, as follows:

Add at the end the following: "*Provided, however*, That this act shall not take effect until the said company shall have paid into the Treasury of the United States the assessment of $147,000, made against it by authority of the District of Columbia for street improvements, the said sum to be placed to the credit of said District."

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask permission to have an amendment read for information.

The amendment was read for information, as follows:

Mr. WILLIAMS of Mississippi moves to recommit with instructions to report a general bill applicable to all street-railway corporations seeking franchises, renewal of franchises, extensions of franchises, increase of franchises, or amendment of charters, providing for the sale at public caution for terms of years, to the highest bidders, after due advertisement, of all such street-railway franchises to be hereafter exercised within the District, subject to provisions for existing equities.

Mr. RICHARDSON of Tennessee. Mr. Speaker, if on next District day we are to have the same fight that we have had here to-day, what is the use of having this matter laid over? I do not understand that gentlemen who have been antagonizing the bill express themselves as satisfied with the substitute proposed by my colleague on the committee [Mr. COGSWELL]. I understand that some gentlemen do, but a number of other gentlemen do not, and I now ask them what will satisfy them? If nothing will be satisfactory, we ought to know it at this time.

Mr. ABBOTT. I will say to the gentleman that I will be satisfied when the company pay the money that they owe the District.

Mr. RICHARDSON of Tennessee. Are you willing for the court of appeals to ascertain what the amount is?

Mr. ABBOTT. I am.

Mr. RICHARDSON of Tennessee. Now, if other gentlemen agree to that we can arrange this without difficulty.

Mr. HUDSON. I wish to ask the gentleman a question. Do the committee think they can offer an amendment to this bill that will be legally binding upon the company?

Mr. RICHARDSON of Tennessee. I will state in reply to my friend's question that the company agreed to this in the presence of the whole District committee. They agreed to the very proposition which my colleague on the committee [Mr. COGSWELL] has suggested; they were perfectly willing to agree to a reference of the controversy to the court of appeals for any sort of investigation, promising to abide by the judgment of the court on the merits, withdrawing the plea of the statute of limitations.

Mr. HUDSON. That is not my question.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Pennsylvania [Mr. SIBLEY] to take the position that if the plea of the statute of limitations (which is odious to him) be waived, and if the case be tried by the court of appeals upon its merits, that will be satisfactory to him. I would like to know whether that is his position?

Mr. SIBLEY. If the company will deposit the money, subject to the decision of the court.

Mr. RICHARDSON of Tennessee. Oh, the company is solvent.

Mr. SIBLEY. So is the Government.

Mr. HEARD. I wish to say a few words for the benefit more especially of my friend from Kansas [Mr. HUDSON]. When this matter was before the committee an amendment was presented which has been read here to-day providing in substance for sending this matter to the court of appeals for trial upon the record, barring the plea of the statute of limitations. Under this amendment the company is to go into court and waive all rights under the judgment rendered by the Supreme Court of the United States; in addition to that they are to consent in court to the jurisdiction so that there may be no question about the authority of the court to render judgment for or against them on the record.

Mr. HUDSON. And if the plea of the statute of limitations is interposed, it is not to avail?

Mr. HEARD. There will be no difficulty on that ground; the condition in regard to the waiver of the plea of the statute of limitations is to be put into the bill.

Mr. HUDSON. In the gentleman's judgment, can we legally bind the railroad company, even if they agree to it?

Mr. HEARD. I have no question on the earth that if they file such an agreement as I have referred to, an agreement waiving their rights under the decision of the Supreme Court of the United States, withdrawing their plea of the statute of limitations, and binding themselves further to consent to the jurisdiction of the court and acknowledge the binding force of the judgment to be rendered, such an agreement would be effectual to bind the company.

Mr. HUDSON. I have no captious objection to permitting this company to operate its road. On the other hand, I want it understood that I am willing to consent—and will not consent unless the majority be against me—to a further extension of time in behalf of this company unless they pay what they justly and equitably owe this District or the United States.

Mr. HEARD. I will say to the gentleman from Kansas that his position is not different, I hope, from that of every member of the committee.

Mr. HUDSON. I hope not.

Mr. HEARD. The difficulty, as the gentleman from Massachusetts [Mr. COGSWELL] has aptly said, is that no member of the committee and no member of the House can tell at present how much this company does equitably owe. Therefore, I was not in favor of reporting from the committee of the proposition allowing the company to pay $50,000. As I have already stated, if such a proposition had been presented by us, captious critics would say that we were offering to accept from this company less than it was right they should pay. On the other hand, we were unwilling to recommend the amount insisted on by the Commissioners, because we did not believe the company owed so much.

If the case be referred to the court of appeals under the arrangement suggested, the company binding themselves to accept the decision of the court, we can ascertain just what this company should pay; and no man should stand before this House or anywhere else and ask that the company should be permitted to pay any less amount than would thus be adjudged against it.

Mr. WILLIAMS of Mississippi. But why should we stand here upon this new proposition when two courts have already decided the question?

Mr. COOMBS. And why should the interests of the District be put in peril by another adjudication?

Mr. HEARD. The gentleman from Alabama has shown, as I think, very clearly and satisfactorily that in the trial had before the supreme court of the District, the discretion of the jury on material points was instructed away; and I believe that if the case had been reviewed by the Supreme Court of the United States upon the eight meritorious pleas instead of the two pleas of the statute of limitations, the judgment of the court below would have been overruled on said pleas to the merit, as it was in the two pleas considered.

Mr. WILLIAMS of Mississippi. Why did not the company try it on those meritorious pleas?

Mr. HEARD. The gentleman from Mississippi [Mr. WILLIAMS], who is a lawyer, knows that when the case went to the Supreme Court it was the duty of the court to first consider those pleas of the statute of limitations, because if they were sustained the court would not have jurisdiction to render judgment upon the other pleas.

Mr. WILLIAMS of Mississippi. I understand that.

Mr. HEARD. Now, the gentleman asks me why the case was not tried upon those meritorious pleas. The reason was this: The company insisted that the judgment in the court below was for an exorbitant amount, which it did not owe, and therefore took advantage of this plea of the statute of limitations.

Mr. WILLIAMS of Mississippi. The gentleman did not understand me. I was criticising not the court but the railroad company for not submitting the case upon the meritorious pleas.

Mr. HEARD. I ask the gentleman whether he would not have done the same if he felt that the judgment was oppressive?

Mr. WILLIAMS of Mississippi. Undoubtedly, whether I thought the judgment oppressive or not, if I had been a railroad company I would have interposed any plea that I considered might be effectual.

Mr. HUDSON. Is it not true that the Supreme Court, in passing upon the decision of the lower court, does not attempt to criticise any other portion of the decision?

Mr. HEARD. There was no opportunity for the Supreme Court of the United States to pass upon any other question. The pleas of the statute of limitations being sustained there was nothing left for the court to act upon.

Mr. HUDSON. The gentleman does not answer my question. I say is it not a fact that this company had a right to raise any other question that was at issue in the lower court——

Mr. ABBOTT. Judge Bradley, in rendering the decision of the Supreme Court in this case, said that the case was tried on its merits on the issues presented on the other pleas.

Mr. HEARD. Certainly, but it does not affirm the correctness of the judgment below, but overruled the lower court on the pleas considered. It overruled the decision as to the plea of the statute of limitations, and thereby nullified the judgment of the court below.

Mr. ABBOTT. But the point is that it was tried also on the merits in the court below.

Mr. HEARD. And as Judge COBB of Alabama insists, and justly in my opinion, the case was killed below by the instructions of the court, and the case was not properly tried on its merits——

Mr. ABBOTT. The Supreme Court says it was.

Mr. HEARD (continuing)—and was not correctly or justly disposed of under the instructions of the court below.

Mr. ABBOTT. There is a difference of opinion about that. The Supreme Court says that it was tried on its merits.

Mr. HEARD. Of course, this is a matter of history, and there need be no question about it.

Mr. HUDSON. I desire to ask the gentleman from Missouri this question: Is it not true that the railroad company had the right to go to the Supreme Court of the United States on every question submitted to the court below?

Mr. HEARD. Not after the plea of the statute of limitations was sustained. The sustaining of that plea determined the whole question.

Mr. HUDSON. The gentleman does not understand me. I ask if the company did not have the right to go to the Supreme Court and ask a ruling on every question submitted to the court below?

Mr. HEARD. In answer to my friend I will say that no lawyer ever saw such a proceeding in the Supreme Court.

Mr. HUDSON. The gentleman evidently does not get my question correctly.

Mr. HEARD (continuing). Because if they ruled against the company, and for the city on all the other pleas, and then for the company on the two pleas of the statute of limitations, of course the case would be thrown out of court.

Mr. HUDSON. I understand that, but I wish the gentleman would answer the question in the form I put it: whether it is not a fact that the company had a right to raise any question at issue in the lower court, and that they did not raise any question except on the statute of limitations?

[Here the hammer fell.]

Mr. SIBLEY. I hope the time of the gentleman will be extended.

Mr. HEARD. I do not care to submit anything further, Mr. Speaker.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I now renew the proposition that I made a short time ago.

The SPEAKER *pro tempore*. What is the suggestion of the gentleman?

Mr. RICHARDSON of Tennessee. I propose to withdraw this bill from consideration to-day, to be called up again on the next District day, two weeks from now, with the understanding that in the mean time the Committee on the District of Columbia will mature as fully as it can and as carefully as possible the substitute or amendment proposed by the gentleman from Massachusetts [Mr. COGSWELL] to refer the whole question at issue to the court of appeals of the District of Columbia, the railroad company to waive any benefit that it may have by reason of the statute of limitations in the pending case; and that the question be there tried by the court of appeals on its merits.

We propose to draw an amendment in the general form I have stated, with the understanding that it is acceptable to gentlemen; at least to those who have said so on the floor of the House, and we hope it will be acceptable to all others. Of course gentlemen who have not said so will not be bound by the agreement.

I withdraw the bill, then, with that understanding.

The SPEAKER *pro tempore*. In the absence of objection, the bill will be withdrawn.

There was no objection, and the bill was withdrawn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 112) to provide for a survey for a bridge across the Eastern Branch of the Potomac River; in which the concurrence of the House was requested.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House was requested:

A bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River, in the State of Arkansas or in the State of Texas.

A bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across Tennessee River at Clifton, Tenn.

A bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township.

The message also announced that the Senate had passed the bill (S. 1757) to provide for the sale of the old custom-house building in the city of Erie, Pa., in which the concurrence of the House was requested.

GAMBLING IN THE DISTRICT OF COLUMBIA.

Mr. HEARD. I now call up for consideration the bill H. R. 6109, to amend an act approved January 31, 1883, entitled "An act to more effectually suppress gambling in the District of Columbia."

The SPEAKER *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved the 31st day of January, 1883, entitled "An act to more effectually suppress gambling in the District of Columbia," shall not apply to bookmaking at the spring and fall meetings of any jockey club or other racing association conducted beyond 1 mile from the limits of the cities of Washington and Georgetown. *Provided, however*, That such meetings occur between the 1st day of March and the 15th day of December, and do not exceed the period of eighteen days each.

The Committee on the District of Columbia recommend the following amendment:

Insert after the word "beyond" in line eight, the words, "three-fourths of."

Mr. BURROWS. This, I understand, is a bill to authorize gambling at horse races?

Mr. RICHARDSON of Tennessee. It is a bill amending the bill for the suppression of gambling.

Mr. BURROWS. Is not that the object? The title is very shrewdly drawn.

Mr. RICHARDSON of Tennessee. I do not know about that. I did not draw it. It is drawn by the Commissioners of the District.

Mr. BURROWS. I will say now that you need not spend any time with that bill, for it will not pass to-day.

Mr. RICHARDSON of Tennessee. It is drawn by the District Commissioners and recommended by them.

Mr. BURROWS. Well, I am sorry.

The SPEAKER *pro tempore*. Does the gentleman withdraw the bill?

Mr. RICHARDSON of Tennessee. I suppose the gentleman understands that the bill simply authorizes horse racing at Bennings and at Ivy City?

Mr. BURROWS. Horse races and betting and gambling.

Mr. RICHARDSON of Tennessee. I think they ought to have the right to run horses if they wish. I never go to races myself. [Laughter.]

Mr. BURROWS. I have no objection to debating the bill.

Mr. RICHARDSON of Tennessee. I do not care to debate it at all. I have never been to the races at Bennings or at Ivy City. I do not attend them, but here is a bill reported unanimously from the committee, I believe, drawn and recommended by the District Commissioners, and it simply authorizes that which is authorized, I believe, in the State of Michigan. I know it is in the State of Tennessee, and I believe in every other State of the Union. If there is a State in the Union that prohibits horse racing on regular tracks, I do not know it. This simply provides that horses shall be run, as in all the States, and it locates it three-quarters of a mile from the District line in order to limit it to the two places, Bennings and Ivy City, as I understand it.

Mr. BURROWS. What did the original statute do, which this seeks to amend?

Mr. RICHARDSON of Tennessee. I am not prepared to say.

Mr. BURROWS. It prohibited certain things, did it not?

Mr. RICHARDSON of Tennessee. No; they have had racing all the time, but there has been some decision, I believe. I am not informed about it. I understood that there has been some decision of the courts in some way affecting the question of horse racing, and this statute was deemed necessary in order to obviate that decision of the court, whatever it was.

Mr. BURROWS. What was that decision?

Mr. RICHARDSON of Tennessee. I am not prepared to say.

Mr. COOMBS. I suggest that the gentleman withdraw the bill until he has further information about it.

Mr. GROSVENOR. I should like to ask the gentleman from Tennessee a question.

Mr. RICHARDSON of Tennessee. I will answer it if I can; but I hope some of those gentlemen who are horse racers will do it. [Laughter.]

Mr. GROSVENOR. The distinguishing provision of this bill is to make it lawful to bet on horse racing at certain times as I understand. At what special time is it to be lawful to bet, and at what special times criminal to bet on horse racing?

Mr. RICHARDSON of Tennessee. It provides for racing during the spring and fall, two meetings a year.

Mr. GROSVENOR. It actually proposes to legalize betting. That is the effect of the bill.

Mr. RICHARDSON of Tennessee. Have you no race tracks in Ohio? I do not think this is any different from the laws of the other States.

Mr. GROSVENOR. Does it provide for recovering the money when the pool seller does not happen to have it? Does it provide for any lien on the property?

Mr. RICHARDSON of Tennessee. Does your law in Ohio provide that?

Mr. GROSVENOR. No.

Mr. RICHARDSON of Tennessee. This does not either, in my opinion.

Mr. BURROWS. Let us vote.

Mr. RICHARDSON of Tennessee. The gentleman from Michigan [Mr. BURROWS] has stated positively that the bill can not pass this evening.

Mr. BURROWS. We can tell by voting.

Mr. RICHARDSON of Tennessee. Because we have no quorum, and if that is true——

The SPEAKER *pro tempore*. Does the gentleman withdraw the bill?

Mr. RICHARDSON of Tennessee. No, I do not.

The SPEAKER *pro tempore*. The question, then, is on the amendment reported by the committee.

The question was taken on the amendment, and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. HEPBURN. Division.

The House divided; and there were—ayes 18, noes 1.

Accordingly, the amendment recommended by the committee was agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. CARUTH. Division.

The House divided; and there were—ayes 35, noes 27.

Mr. BURROWS. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Michigan [Mr. BURROWS] and the gentleman from Tennessee [Mr. RICHARDSON].

Pending the division,

Mr. RICHARDSON of Tennessee said: Mr. Speaker, I withdraw this bill from consideration, and the gentleman from Michigan withdraws the point of no quorum.

HARBOR REGULATIONS IN THE DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I call up for consideration the bill (H. R. 5443) to establish harbor regulations for the District of Columbia. This is a bill which has been drawn by the District Commissioners and sent to the House with the request that it be introduced. It was introduced by the gentleman from West Virginia [Mr. ALDERSON].

The bill was read, as follows:

Be it enacted, etc., That every vessel coming to anchor in the Potomac River between the junction of the Washington and Georgetown channels of said river and the extension of the south line of P street southwest, in the city of Washington, shall anchor as near the flats in said river as possible, so that the channel of said river will not be obstructed; and if such vessel is to remain over twelve hours it shall be moored with both anchors, so as to give room for passing vessels and so as not to swing and obstruct said channel.

No vessel shall be permitted to anchor in the Washington channel of the Potomac River between the extended lines of P or K street south. Vessels coming to anchor above the lines of K street south aforesaid shall come to anchor as near the flats as possible and so that the channel will not be obstructed; and all vessels coming to anchor shall be so moored by the use of both anchors as to prevent obstruction of the channel within 400 feet of the nearest wharf, the said anchorage to continue only twenty-four hours, unless otherwise ordered or directed by the harbor master.

No vessel shall be permitted to lie in Seventeenth street canal, New Jersey avenue canal, or James Creek canal, or at the entrance thereof, so as to obstruct the passage of any vessel going into or out of the same or moving from one place to another therein, unless such obstructing vessel is actually engaged in loading or unloading, and shall then, if deemed expedient by the harbor master, be removed to such place as shall be necessary to give room to passing vessels. Any captain or owner of, or anyone in charge of, any barge, sand scow, or any vessel that may sink in said canals shall raise and remove the same in five days.

Any vessels at the end of wharves or in docks shall, when required by the harbor master, haul either way to accommodate vessels going in or coming out from such wharves or docks. They shall not occupy regular steamers' or sailing packets' berths without permission from the recognized occupants of such wharves and docks. And they are required to rig in all fore and aft spars, have boats hoisted up under the bow, and davits turned up, as the harbor master may direct.

Vessels, when not engaged in loading or discharging cargo, shall give place to such vessels as are ready to receive or deliver freights. And if the captain or person in charge of any vessel refuse to move said vessel when notified by the occupant of the wharf at which she is lying, the harbor master shall order him to haul to some other berth or into the stream.

The powers and authority herein conferred upon the harbor master may, in his absence or temporary disability, be exercised by the pilot of the harbor police boat.

Any person refusing to obey the instructions of the harbor master, or, in

case of his absence or temporary disability, the said pilot of the harbor police boat, or any person failing to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court of the District of Columbia shall be punished by a fine not exceeding $100, or by imprisonment not exceeding six months, or by both such punishments, in the discretion of the court.

SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. HEARD. I ask that the report, containing a letter from the Commissioners, be read. It is very short.

The report (by Mr. HEARD) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5443) to establish harbor regulations for the District of Columbia, report the same back with recommendation that the bill do pass.

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, January 24, 1894.

DEAR SIR: The Commissioners of the District of Columbia have the honor to submit herewith a draft of a bill entitled "A bill to establish harbor regulations for the District of Columbia," and recommend its early enactment. The present laws on the subject are too meager to give the harbor master power to regulate movements of vessels in the harbor for the due protection of the public and private interests involved. The regulations contemplated by this bill are substantially those that prevail in nearly every port of entry in the United States.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Hon. JOHN T. HEARD,
Chairman Committee on the District of Columbia,
House of Representatives.

Mr. HEARD. Mr. Speaker, there is no amendment to the bill, and I desire to say just a few words. The Commissioners report that the District laws are not sufficiently strong to enable the harbor master properly to protect life and property in the harbor. The harbor master himself was before our committee and explained the bill fully to us, and in such a manner that our committee was convinced of the absolute necessity for the adoption of the amendment to the law which is embodied in this bill. It is especially important that during the summer season, when there are so many excursion boats running, and when there is so much risk of loss of life and property, that the harbor master shall be furnished with sufficient authority to insure their protection. I hope the bill will pass without opposition.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

ILLUMINATING GAS IN THE DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I call up the next bill on the Calendar, which is the bill (H. R. 4279) relating to the sale of gas in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Washington Gaslight Company is authorized to charge and collect, after the passage of this act, for illuminating gas furnished to and paid for by the Government of the United States and other consumers in the District of Columbia, at the rate of $1 per thousand cubic feet: *Provided*, That if consumers other than the Government shall not pay monthly any gas bill within ten days after the same shall have been presented said company may charge and collect from said consumer so failing to pay said bill as aforesaid $1.25 per thousand cubic feet for the gas furnished to said consumer during said month.

The first amendment was read:

In line 7 of section 1, after the word "of," insert the words, "not exceeding."

Mr. OUTHWAITE. I wish to offer an amendment or two to this bill. I suppose this is just the first reading of the bill.

The SPEAKER *pro tempore*. There are the amendments of the committee that have not yet been reported. The Clerk will first report the amendments of the committee.

Mr. OUTHWAITE. The amendment I wish to offer is to the first section.

The SPEAKER *pro tempore*. The gentleman will have an opportunity to offer his amendment.

The SPEAKER *pro tempore*. The bill appears to be on the House Calendar; but it should be considered in the Committee of the Whole House on the state of the Union. Without objection, it will be considered in the House as in Committee of the Whole.

Mr. HEARD. The point was not raised.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Ohio to say that he has an amendment to the first section.

Mr. HEARD. I ask that the committee amendment be first disposed of.

The Clerk read as follows:

Amend in line 7 by inserting the words "not exceeding;" so as to read: "At a rate of not exceeding $1 per thousand."

The SPEAKER *pro tempore*. Without objection, this amendment will be considered as agreed to. [After a pause.] The Chair hears none. The Chair would suggest that the gentleman from Ohio now offer his amendment to the first section.

Mr. OUTHWAITE. I am prepared to offer my amendment.

The Clerk read as follows:

Insert after the word "company" in line 3, the words "And all other gaslight companies doing business in the District of Columbia;" so as to read: "That the Washington Gaslight Company, and all other gaslight companies doing business in the District of Columbia."

The SPEAKER *pro tempore*. Without objection, this amendment will be considered as agreed to.

There was no objection, and it was so ordered.

Mr. COFFEEN. Mr. Speaker, before we leave that section, I notice that it is necessary, to make it grammatically accurate, that the word "is" should be changed to "are."

The SPEAKER *pro tempore*. Does the gentleman from Ohio yield to the amendment?

Mr. OUTHWAITE. Oh, certainly. I desire it to be grammatically correct.

The SPEAKER *pro tempore*. Without objection, the grammatical construction will be improved in the direction suggested by the gentleman from Wyoming.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Clerk will report the other committee amendments.

The Clerk read as follows:

Add after section 1 the following additional sections:

"SEC. 2. That section 1 of an act entitled 'An act regulating gas works,' approved June 23, 1874, is amended so as to read as follows: 'That from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to sixteen candles by the Bunsen photometer, using the English parliamentary standard Argand burner, having fifteen holes and a 7-inch chimney, consuming 5 cubic feet of gas per hour; and such gas shall not contain more than 30 grains of sulphur in any form in 100 cubic feet, nor more than 5 grains of ammonia in any form in 100 cubic feet, and shall be free of the impurity known as sulphureted hydrogen, said impurity to be determined by passing the gas through a glass vessel containing strips of bibulous paper moistened with a solution of the acetate of lead, and if any discoloration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphureted hydrogen in the gas. When the illuminating gas supplied by any company, person or persons in the District of Columbia shall at any one time be of less illuminating power or of less purity than according to the standard just heretofore given, it shall be so reported by the inspector of gas and meters to the company, person, or persons supplying the same, who shall be subject to a penalty of $100, to be recovered before the proper tribunal and paid into the treasury of the District of Columbia aforesaid for each and every day during which such violation shall continue: *Provided, however*, That if it shall appear that such deviation from the above-named standards could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable cause, then the said penalty shall not be enforced.'

"SEC. 3. That any gas company or person placing a gas meter in service in the District of Columbia that has not been inspected, proved, and sealed, as provided for by the act of March 3, 1873, entitled 'An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1874, and for other purposes,' for each and every such violation of said act shall be subject to a penalty of $100, to be recovered before the proper tribunal of the District of Columbia.

"SEC. 4. That a clerk shall be appointed by the Commissioners of the District of Columbia to perform clerical services and assist generally in the work required in the laboratories of the inspector of gas and meters, and his compensation shall be $1,000 per annum. That an additional inspector of lamps shall be appointed by said Commissioners, and his compensation shall be $900 per annum."

The SPEAKER *pro tempore*. Sections 2, 3, and 4 are all amendments, and have just been reported. Without objection, the second section will be considered as agreed to. [After a pause.] The Chair hears none.

Mr. OUTHWAITE. I desire to offer an amendment to it.

The Clerk read as follows:

On page 2, line 7, in section 2, strike out "sixteen," and insert "twenty-two," so as to read:

"The illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to 22 candles by the Bunsen photometer."

Mr. OUTHWAITE. My reason for offering that amendment is this——

The SPEAKER *pro tempore*. Without objection, the amendment will be considered as agreed to.

Mr. HEARD. I want to hear the explanation of the gentleman.

Mr. OUTHWAITE. The explanation of my amendment is this: The gas company has been furnishing us, that is, the people of the District of Columbia, of whom I am one, with gas which measured according to this measure, and according to their statement averages about 17 candle power. Now, we are paying for 17 candle power, and I have never seen a week, or six days in succession, in which the light was sufficient to read by; and I think that by making a little higher requirement as to the candle power we will get gas that we can use and gas that will be satisfactory to the people.

I have not complained about the price fixed in this bill. It is $1 per thousand feet. I saw it stated in the Scientific American some official connected with the manufacture of the gas furnished in Boston had recently said that the actual cost of that gas, with the cost of distribution added, amounted to 60 cents

per thousand feet. I believe that this company can make a very nice profit at a dollar a thousand, and furnish us with a better quality af gas, gas with more illuminating power than we now get.

Mr. MILLIKEN. How many candle power did the gentleman say this Washington gas represented?

Mr. OUTHWAITE. It is said to average about 17 candle power.

Mr. MILLIKEN. I should say that the gas furnished where I board is about 3 candle power, or 2½. [Laughter.]

Mr. OUTHWAITE. If the gentleman desires to increase the requirement up to 24 candle power, I will accept that amendment.

Mr. CARUTH. Do I understand the gentleman from Maine to say that he has to use a candle to see the gas? [Laughter.]

Mr. HEARD. Mr. Speaker, after a careful examination of the question of the cost of making gas, and the operation of this company, the committee concluded and reported to the House that they believed it to be practicable for the company to furnish gas of the quality which they now furnish, at $1 per thousand feet. I feel it my duty to say that the majority of the committee, and I think the entire committee, believe that this is as cheap as the company can furnish gas of the present quality.

Now, if we are going to raise the standard to so great an extent as the gentleman from Ohio proposes, that necessarily increases the cost of the manufacture, and I feel it my duty to say here that I do not believe it will be fair or just to the company. I believe that the regulation proposed in this bill, reducing the present price 20 per cent, bringing it down to a dollar per thousand feet, is as great a reduction as, in justice to all parties concerned, the committee can recommend or as the House ought to adopt. It is only just to the company to say that according to the statement submitted by Dr. Ford, the Government gas inspector, and by other witnesses, Mr. Lansden, Mr. Dickson, and Mr. Dodge, the quality of the gas furnished in this city is at least equal to the average of the gas furnished in other cities. The statement of Mr. Lansden, who is an expert in the business, who has had charge of making gas in this city, in St. Louis, and elsewhere, is that if the company reduces the price to $1 a thousand, and furnishes as good gas as it now supplies, there will be no reasonable ground for complaint, and I believe that is true.

The Government inspector, Dr. Ford, is an officer appointed by the President and confirmed by the Senate, and he gives an official bond in double the amount of his salary. He impressed the committee as being a perfectly fair and intelligent witness, and his statement was, and the concurrence of testimony was, that a large majority of the complaints about the gas were due to local obstructions in the pipes, and not to the quality of the gas where there was a sufficient supply. Dr. Ford also states that in his opinion at least one-fourth of the cases of complaint are due to defective burners. I think the evidence before the committee justifies the statement which is contained in the committee's report, that the quality of gas furnished in this city is reasonably good, and, according to the testimony of these witnesses, is as good as the average gas furnished in other cities, and that when the price is reduced, as it will be if this bill becomes a law, to $1 per thousand feet, it will then be lower than the price at which an equal quality of gas is furnished in other cities of the country, with three or four exceptions.

I believe, therefore, Mr. Speaker, that it would be unjust to compel the company to reduce the price of their gas to this extent, and at the same time to raise the quality up to 22 candle power from 16 candle power, which the law now requires. The gentleman from Ohio says it is in evidence that the gas now furnished equals 17 candle power. That is true. The statement of Dr. Ford shows that it has averaged for about two years 18 candle power; but when you fix the standard as high as 22, four points above 18, which is the present maximum, and attach a penalty to the failure to supply that quality, then you are likely to largely increase the cost of manufacture, and I think that as a matter of justice to the company and to the public, who, in my judgment, will be satisfied with gas of the present quality at a dollar per 1,000 feet, we ought not to adopt the amendment, but ought to be content with the maintenance of the present quality and the reduction of price which the committee recommends.

Mr. HEPBURN. What is the value of the stock of this company now?

Mr. HEARD. The quotations, I think, are about $46.50 a share. The par value is $20 a share.

Mr. HEPBURN. Supposing the par 100, that is equivalent to nearly 300.

Mr. HEARD. Oh, no; over 200, but less than 250.

Mr. HEPBURN. What dividend did the company pay last year?

Mr. HEARD. I can not give the gentleman the figures, but if he will send to the document room and get the report made by the committee accompanying this bill it will give him all these details.

Mr. HEPBURN. Does that report show the entire payments by the stockholders into this company?

Mr. HEARD. I think it does. It was intended to be absolutely complete upon that point.

Mr. HEPBURN. The amount paid in is about $100,000, is it not?

Mr. HEARD. More than that.

Mr. HEPBURN. I believe the entire amount paid in in cash by the stockholders is something over $100,000, and that all the betterments have been made out of the earnings of the company.

Mr. RICHARDSON of Tennessee. The gentleman is mistaken. He will find that at one time when the stock was increased the stockholders paid in $500,000.

Mr. HEPBURN. In cash?

Mr. RICHARDSON of Tennessee. Yes, sir, in cash; that is what the officers of the company state.

Mr. HEARD. I do not need to state (for the observation of every member here makes the statement unnecessary) that it is a very thankless task for a member of a committee to rise here and make a statement (even when such a statement is necessary as one of the duties of his position) where the interests of any corporation are supposed to conflict with those of the general public, and he feels obliged to defend the interests of such corporation. I hope I need not say that the committee tried to make, and did make, a full and fair investigation of this subject. I believe that members who may examine the report made by the committee will be satisfied by the efforts which we made in that direction. The report states our belief that to reduce the price of gas 20 per cent—that is to $1 per thousand feet—and require the gas to be equal to that which is now furnished, is as far as we can properly and justly go in that direction at this time.

Mr. COOMBS. What is the present price?

Mr. BABCOCK. One dollar and twenty-five cents.

Mr. MILLIKEN. Mr. Speaker, I have not had, as my friend from Missouri [Mr. HEARD] has had, an opportunity to investigate the details of this subject in committee, but I believe we should not cut down the price to be paid for this gas if at the same time we are going to reduce the quality. I do not know whether the trouble is in the obstruction of the burners or in the quality of the gas itself; but judging by the amount of light actually produced, I think my friend from Missouri has stated the candle-power of this gas quite as high as it is entitled to be stated.

Of course, considering the amount of the material produced in this House, gas ought to be pretty cheap in the city of Washington.

Several MEMBERS. "Oh, no!"

Mr. MILLIKEN. But at the same time I believe it would be better for us to pay a fair price for an article of good quality and have gaslight that we can see by, rather than reduce the amount paid and have lights which are such only in name.

Mr. Speaker, I believe that we, as a Congress, should provide good light for this city. Here is where members of Congress get light; and judging from the effect which we see all over this country from the legislation of this Congress since our sessions commenced, I believe that if there is anybody on God's footstool that needs light it is the American Congress; and I believe the people will vote to pay all the money that may be necessary to give light to this House and to the other.

Mr. BABCOCK. Mr. Speaker, I desire to refer in a few words to the testimony taken by the committee in reference to the quality of the gas furnished in this city. Numerous complaints had been made to the Commissioners, to the gas company, and to the committee on the subject; but investigation showed that in nearly all cases the fault was either in the supply pipe or in the burner. I can speak from experience in my own house, where on some of the fixtures there are new burners, giving as strong and clear a light as any gaslight I ever saw, while the light supplied by the old burners is dim and hardly so good as 3 candle-power.

As shown before the committee, there is used in some of the Government buildings here an economical arrangement for regulating the flow of gas. Now, the gas company claims that where this arrangement is used it is impossible to get the full benefit of the volume of gas furnished. It simply takes off the pressure and regulates the supply. If the pressure is a certain number of pounds, this reduces it to a minimum and keeps it there, regardless of pressure, and it is impossible to get the pressure on the burners that would otherwise be supplied through the gas main. In the Arno Hotel, for instance, where the gas was so poor at one time, it was found on an investigation, when complaint was made, that it was supplied from an old pipe which had been put in years and years ago, and not sufficient in size to supply one-half of the gas that was used in the house.

Mr. HEARD. And if the gentleman will allow me, in that connection, I would say that when the complaint was made, the gas company sent their men up there, made a new connection and put in two new meters, and for some time the lights were good; and when complaint was again made further investigation showed that the proprietor of the hotel had cut off both of the new meters and half of the supply from the old one. That was the case in some other complaints which were investigated. It was want of supply and not the quality of the gas.

Mr. BABCOCK. Now a word as to the illuminating power. Here the standard is 16 candle-power.

Mr. COOMBS. Is that the usual standard throughout the country?

Mr. BABCOCK. No, sir. The illuminating power of gas is measured by different standards. In New York the standard I understand, according to their mode of measurement, would be between 27 and 28 candle power for about 17 candle power according to our standard. There are different standards. The one which we use here is the most rigorous and arbitrary, because, as I have said, it would show between 27 and 28 candle power by the New York standard. My experience here is that with a good burner the gas is just as good, burns as bright and clear, and furnishes as good light as the gas in any other city which I have visited.

Mr. OUTHWAITE. You have not been in many cities.

Mr. BABCOCK. Yes; quite a number.

Mr. OUTHWAITE. Because I think it is the meanest gas that I have ever seen in the United States.

Mr. BABCOCK. As to the earnings of the company, a question has been made here. I will state that it was 22.7 per cent last year on the capital stock.

Mr. WILSON of Washington. How much did they want? [Laughter.]

Mr. BABCOCK. That I am unable to say.

Mr. WILSON of Washington. I would like very much to know what else they want. I am surprised. Only 22 per cent! [Laughter.]

Mr. BABCOCK. That was at the rate of $1.25 per thousand feet for their gas. This reduction, proposed by the Committee on the District of Columbia, in price would reduce the earning power of the stock to about 11 per cent on the original capital, after paying interest on bonds.

Mr. MILLIKEN. Will the gentleman allow me to say that if the quality of the gas represents the capital stock at my house, 22 per cent would be a small amount.

Mr. BABCOCK. I would suggest to the gentleman from Maine that if he invests in a few new burners he will probably change his mind as to the quality of the gas.

Mr. MILLIKEN. I have the best I can get.

Mr. BABCOCK. The committee after duly considering the reduction and after thinking on it for many sessions were of the unanimous opinion that, admitting the 16 candle power to be the test, putting the gas at $1 per thousand feet was as great a reduction as they could justly recommend at this time.

Mr. OUTHWAITE. Mr. Speaker, I do not relish very much giving my own personal experience with regard to this question, but as I have learned from those about me that a large number of other members of Congress hold the same opinions, and have had the same experience, I feel that there is no special objection to my doing it.

Frequently the gas supply at my home is so poor that I have to give up either reading or writing or else get a lamp to light the house with. I have called the attention of the company to the inferiority of the gas, and they have come and put new burners in; they have come and blown out the pipes, and they have come and supplied me with a Welsbach burner, which remains on approval, and sometimes the gas is sufficiently bright to read by and sometimes to write by upon a table situated within 2 feet below the burner. At other times it is impossible to see to either read or to write.

Now, it can not be that the defect is in the pipes; for that has been tested. Nor can it be in the burners, but it is in the kind and quality of the gas supplied to the burners.

The gentleman from Missouri, the chairman of the Committee on the District of Columbia, extols the virtues and ability of the public gas inspector of this city, Dr. Ford. I find in their own report he states that it might be well to raise the legal standard for gas to 20 candle power by the new Argand gas burner. This is his report.

Mr. HEARD. Not the present Argand burner, but the new Argand burner, which is considerably different from the old.

Mr. OUTHWAITE. Or 25 candle power with the flat-flame burner.

Mr. HEARD. Which is equivalent to about 18 of the other.

Mr. OUTHWAITE. There is nothing in this report to indicate that.

Mr. HEARD. I am sure there is.

Mr. OUTHWAITE. What does he mean by saying "raise it to 20 candle power?" If he meant simply a change of figures, to deceive somebody, if he meant simply that it was calling 20 candle power by some other standard, he would not have used the expression "raise."

Mr. HEARD. Most clearly not, and nobody, unless it is the gentleman from Ohio, wants to mislead anybody. I am sure I do not. The statement of Dr. Ford is to raise, that is, to increase this power, and he suggests 20 candle power by the new Argand burner. Now, if the gentleman from Ohio [Mr. OUTHWAITE] were to propose to raise this to 20 candle power by the new Argand burner, then he would have the authority of Dr. Ford for the practicability of the suggestion; but his proposition is 22 candle power by the old Argand burner, which is a much more severe test.

Mr. OUTHWAITE. My proposition is that we shall increase the illuminating capacity of this gas at least one-third. That is my proposition, clear and straight. It shall be measured just as it is now, and it shall be one-third better than it is now, and then it will not be any too good for use, nor for the price we are paying.

I do not care to go into the question of the profits made by this company. I want them to have reasonable profits. I do not care to go into the question of the savings that have been made, and the investments that have been made by this company out of their surplus earnings; but now we have reached the time when we are shown by the investigation of this committee, as far as it went, that this company is making water gas, pouring water onto something hot and dissolving it into its constituent gases, and running it through some naphtha, probably, or something of that kind, and conveying it off and selling it. That kind of gas can be made for 38 cents a thousand, and it can be distributed for 22 cents per thousand, and still make money. This Congress legislates for the people of the District of Columbia, 26,000 of whom are patrons of this company, and legislates for the Government, which uses this gas in all the offices, where the employés have suffered in their eyesight for years from the inferior gas; and there is no reason why, when you come to reform this thing, you should not go to a reasonable length. All I ask is that we shall require them to improve the quality of their gas, as well as to reduce the price to a figure which is sufficient.

Several MEMBERS. That is right.

Mr. HEARD. Mr. Speaker, I desire the attention of the House for just one minute. I regret being obliged to take issue with my friend from Ohio, but on a matter of fact I deem it my duty to state to the House that the gentleman, in my judgment, has not been entirely fair in his statement of the case.

Mr. OUTHWAITE. In what respect?

Mr. HEARD. In regard to his own experience. The gentleman has made a statement with regard to his own experience, with which he certainly is familiar; and so far as he has stated it I have no doubt he has stated it correctly. He stated that he had had occasion to make frequent complaints about the quality of the light, and that the gas company have sent to his house repeatedly and have looked over his pipes and put in burners, etc., and that still the light is insufficient. The gentleman has further stated that it is not the fault of the burners or of the pipes in the house.

Now, the gentleman knows that it was stated before the committee, and the gentleman himself stated it, I think, certainly confirmed it, that the company told him that the fault was not in the pipe in the house, after they had tested the matter, or in the burners, but that it was inadequate service pipe outside of the house. And when they had offered to put him in a new pipe, the gentleman refused it, because he said he did not want his front yard torn up to put in the pipe which the gas company thought necessary and offered to put in to give him an adequate supply.

Mr. OUTHWAITE. If the gentleman will permit me. The company had not stated at any time that it was on account of that. But in doing something to have me accept it, as an excuse, they proposed to do that thing; and I did not let them do it. Some of the complaints have been made since my testimony was taken; and have been made necessary because they are still furnishing an inferior quality and an insufficient supply of gas. I have called their attention to it, and they wanted to send a man there, but I told them no; that I merely wished them to furnish better gas, and until they did it was no use, and they need not send a man there.

Mr. HEARD. I have nothing to say so far as that is concerned. I have no interest any further than I am charged with it as a matter that comes before our committee, and I desire to discharge my duty in that respect without regard to anything else. As a member of that committee I made an investigation,

and during that investigation it was developed and stated to the committee by the officials, not the officials of the gas company, but the officials of the United States in charge of inspecting the gas, that the complaint as to the insufficiency of the light was on account of the inadequacy of the supply. As to that I think Mr. Ford and all the other witnesses were agreed. The remedy they suggested was an increase in the size of the supply pipes. Now, when the company discovered this they attempted to correct that trouble in the house of my friend from Ohio, where there was an inadequate supply, and they suggested putting in a new pipe for him, and he would not permit it, but still complains.

Mr. OUTHWAITE. If the gentleman will just pardon an interruption there?

Mr. HEARD. Certainly.

Mr. OUTHWAITE. Will you explain to me, if there was not an inadequate amount to give good light, how it happens that two or three days in the week there is a sufficient supply and two or three other days in the week it is not sufficient?

Mr. HEARD. I would say to the gentleman that, of course, the pressure varies at different times, and what might be a sufficient pressure to give an adequate supply at one time might not be at another. As stated before the committee by Mr. Ford, the larger the pipes the lower pressure required. The pressure migh be sufficient to give ample light with a pipe of adequate size, but it might not supply it if the pipe was of an inadequate size.

Mr. OUTHWAITE. I would say, just to dispose of any suggestion of that kind when advanced, that I went out the last night when the gas was poor, went around to the stores in the neighborhood and looked at their gas supply and the gas supply in the lamps on the street, and I found that they were all bad. The lights were all about as miserable as in my own house.

Mr. HEARD. Of course, I know nothing about that. I know that at times the light everywhere is worse than at other times; whether it is from inadequate pressure or not, I do not know. But I want to say that the statements made by the witnesses before our committee induced the committee to believe, and convinced us, that with adequate pipe service and good burners there was no reasonable ground for complaint. When I lived at the Arno for awhile, and Governor SAYERS, Mr. COBB, and other members were there, complaint was made that the gas was poor. The company sent a man there and found that the service pipe from the street was grossly inadequate, and they put in a new service pipe; and after that was done I never saw a better light anywhere than we had up to the time I left there.

But later a similar complaint was made about poor lights, and it was testified before our committee, on oath, that when the company's man went back there he found that the proprietor had cut off two of the new meters, which it had been necessary to put in to make a sufficient supply, and half cut off the old one; and you might just as well talk about getting sufficient light from any incombustible substance as of getting it through pipes where there is not a sufficient space for an adequate supply of gas to flow. I am not a defender of this company; but as a member of the committee, and having ascertained these to be the facts, I state them simply as a matter of duty to all concerned.

Mr. COOMBS. Mr. Speaker, I do not think it can be denied that at many times the gas in the city of Washington is very poor. I think, however, that in many instances it results from the bad pressure. There is one other thing I am afraid we shall find, and that is that the lowering of the price of the gas will not necessarily lower the size of bills. I know that in the city of Brooklyn, when we had the price of gas lowered from $1.80 to $1.35 a thousand, the bills were just the same, and in some cases a little more, the reason being, I think, that putting on an extraordinary pressure forced the gas through so that it could not be consumed.

The cost of gas is so small that they can afford to do that. Now, it seems to me that the jump from 16-candle power to 22-candle power, proposed by the gentleman from Ohio, is too large. If we had the information before us to guide us in that matter, if we knew just what the additional cost would be, we might take the proposed step; but we have not that knowledge, and just because this company is in the power of Congress we do not desire to take extreme measures with it, or to treat it unfairly. We desire to consider all the company's rights. Now, I repeat, we have nothing to guide us in making so large an advance in the candle power, as is proposed by the gentleman from Ohio. I have listened to the discussion and tried to get definite information as to the actual cost, but I haved failed to obtain it, and while I think that the candle power that is now required should not be reduced, I am afraid that the amendment of the gentleman from Ohio proposes a jump which is altogether too large under the circumstances, in justice to all parties concerned.

Mr. HEPBURN. Mr. Speaker, my sympathies are always excited by a struggling corporation, making its best endeavor to exist under adverse circumstances, and of course they must be very actively moved in this case in view of the statement furnished in report number 629, second session Fifty-third Congress, to which I now direct the attention of the House. This report was made by the gentleman from Missouri [Mr. HEARD]. I find on page 60 a statement of the receipts and expenditures of the company for the year 1889. I find three items which indicate the net profit of the company for that year, aggregating a total of $401,000. For the next year the same three items, which indicate the net profits, aggregate $370,000. For the next year they aggregate $484,000, and in the fourth year they amount to $380,000. The total of the net profits made by this corporation on a capital of $2,000,000 (much of it I have heard never paid in) is $1,653,000, made in four years of time. It seems to me that that showing does not appeal very urgently to our sympathies.

Mr. HEARD. I will say to the gentleman that the reduction which the committee propose amounts, on the basis of last year's receipts, to about $237,000.

Mr. HEPBURN. That would still leave a profit, on the basis of last year reported in this document, of $187,000 on a capital of $2,000,000, or 9 per cent, which it seems to me would be pretty good. Remember, this net profit that I have spoken of is arrived at after deducting $72,000 to pay the interest on the company's debt at 6 per cent. This report shows that they are able to procure the capital they need in their business at 6 per cent, yet they are exacting from the people of this District 18 per cent on the capital that they claim to have actually invested, thus making the public first repay the interest that they pay on their debt, and then pay about 18 per cent on the capital invested.

Mr. COOPER of Indiana. Mr. Speaker, I hope the amendment of the gentleman from Ohio will prevail. The testimony taken by the investigating committee convinced them that it would be possible to furnish a satisfactory light to the citizens according to the present test. It appeared that in some places there was sufficient light, while in others there was not sufficient light furnished to consumers. I think that a special effort was made by the company during the time the investigation was going on to furnish good light. I think that undoubtedly a higher pressure was put on. There were times when the gas fairly whistled through the burners, and when the ceilings were blackened by the carbon which escaped without being consumed. That was evidently done for the purpose of furnishing a good light to those who had an insufficient supply. I think a higher quality of gas ought to be required. I will read an extract from the statement on this subject of an expert, Mr. Ford, who appeared before the committee:

The CHAIRMAN. In the resolution under which we are working, one of the allegations is that the gas is of inferior quality. It is only justice to the community, and the gas company, that the public should know the facts, and I ask you as one not only qualified, but authorized and directed by reason of your official duty, to state the facts as to the quality of the gas furnished here.

Mr. FORD. The gas burned by the Bray burners, which is a flat flame, averages about 21 to 21.50 candles. The burners now used in New York and in Baltimore are the same. They give a high candle power. We have run as high as 25 candles by a flat-flame burner.

The CHAIRMAN. That is the kind of test made in other cities?

Mr. FORD. Yes, sir.

The CHAIRMAN. Then would your 18-candle test here make an equivalent in power to the other burners? Is that your statement?

Mr. FORD. It would make 21 to 22.50 candles. I have made a test in the last two days.

Now, the recommendation made by this gentleman is to make the gas from 21 to 22½ candle power; and I understand that the amendment of the gentleman from Ohio is to make it 22, and I hope that amendment will be adopted.

Mr. SMITH of Illinois. In the five minutes that I have I do not expect to enter deeply into the discussion of this gas question, but I do desire to say that I am in favor of the amendment offered by the gentleman from Ohio. I have no sympathy, individually speaking, with any gas company or with any individual furnishing gas unless it gives a sufficient light. I do know from personal experience that the gas furnished in the District of Columbia during the last five years is not equal, so far as giving satisfactory light is concerned, to the old grease lamp that we used back in my boyhood days. Possibly not many of you gentlemen know anything about that, but I would cheerfully take the old grease lamp, stuck up in the corner of the jamb of the fireplace, in exchange for the gas lights that we have in this city.

Mr. PAYNE. Why do not you do it? [Laughter.]

Mr. SMITH of Illinois. Oh, I can not talk satisfactorily to a man from New York on this subject. [Laughter.] I presume my friend belongs to the class of gentlemen who have spoken here about the kind of light they get in the fine hotels. I have never been able to find shelter within the portals of those establishments since I have been in Congress, but I presume that in the large hotels, well kept and well supplied in every way, good gas is furnished. I do know, however, the character of the gas

in the ordinary boarding houses that I have been compelled to frequent since I have been in Congress. And although in my efforts to secure better light I have bought burners which were larger than those furnished by the boarding-house keepers, yet so far as my individual experience has gone, I can say that our lights in the boarding houses are very poor, and I would willingly exchange them for the old tallow candle or the grease lamp in the corner of the jamb.

Now I think the amendment offered by the gentleman from Ohio is a proper one to be adopted. All of us want light of good quality at a reasonable price; and I believe it is a matter of experience, confirmed by the testimony of gas companies in various cities, that 20 candle-power gas can be furnished at $1 per thousand cubic feet, and allow 40 per cent profit on the investment. This I believe to be a fact from the statements of those engaged in the business; and if this be true there is no reason why Congress should not so legislate as to secure to the people of this District better light at a reasonable price.

I understand the bill of the committee proposes a 16 candle-power light, while the amendment is for a 22 candle-power light, at $1 per thousand cubic feet. Without taking time to discuss the subject in detail, I believe from statements of those engaged in this business, that while it is the interest of citizens that such an amendment should be adopted, it will still leave a large profit to the gas company.

[Here the hammer fell.]

The question being taken on the amendment of Mr. OUTHWAITE, it was agreed to.

No further amendments being offered to the first or subsequent sections, the bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the last vote was laid on the table.

NEW TICKETS ON STREET CARS, ETC.

Mr. HEARD. I now call up the bill (S. 443) to provide for the sale of new tickets by the street railway companies of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act no street railway ticket received for fare on any street railway in the District of Columbia shall again be sold to any passenger, but shall be canceled by the company issuing such ticket.

SEC. 2. That any street railway company doing business in the District of Columbia which shall violate the provisions of this act shall be liable to a fine of not to exceed $10 for each offense, to be recovered in any court of competent jurisdiction.

Mr. HEARD. I ask that the amendment reported by the committee to the first section be read.

The Clerk read as follows:

Strike out all of the first section after the enacting clause and insert the following:

"That from and after the passage of this act, each street railway and street herdic transportation company in the District of Columbia shall issue its own tickets, and sell no tickets issued by any other company. Such tickets shall be printed and sold in sheets of six tickets each, and after having been once used shall be canceled by the company which issued the same."

Mr. HEARD. This amendment in the form of a substitute for the first section makes the provisions of the bill applicable to the herdic lines as well as the street-car lines.

Mr. DINGLEY. Will the gentleman from Missouri [Mr. HEARD] explain the necessity for this measure?

Mr. HEARD. The purpose of the bill is to require the street-car and herdic companies to sell their tickets in clean new sheets and to provide that when tickets have been once used they shall not be sold again. Under our present system tickets sold originally in clean sheets are, after being thus used, put again in envelopes and sold again and again until they become filthy and unfit to handle. There are some companies in the city that sell tickets in new clean sheets and do not sell the tickets after having been once used. The object of this bill is to compel all the street-car and herdic companies to do the same.

Mr. DINGLEY. Will not this measure necessitate the preparing of tickets on much thinner paper?

Mr. HEARD. Not at all.

Mr. DINGLEY. The expense of furnishing tickets on cardboard must be considerable.

Mr. HEARD. The railroad companies now print their own tickets, I believe. The herdic companies have not been in the habit of doing so, but have been using tickets printed by the street-car companies. Now, it is the opinion of persons qualified to know that disease is frequently communicated by the handling of old and filthy tickets. The requirement of this bill will be no great tax upon the railroad and herdic companies. They should furnish their customers with clean tickets, which should be canceled when once used.

Mr. DINGLEY. I notice that the bill takes effect from its passage or approval. It would not give any time for the preparation of these tickets.

Mr. HEARD. They will have time enough.

Mr. POST. They are all ready now.

Mr. FUNK. Will the gentleman allow a question?

Mr. HEARD. Certainly.

Mr. FUNK. Do you know of any case where any disease has been communicated from the handling of unclean street-car tickets?

Mr. HEARD. I do not know of any such record. I am neither an expert nor a physician; but many men of good sense and information believe that disease is communicable by filthy tickets. I do not see why it is not. I think it is conceded by all that disease is sometimes communicated by handling unclean paper money.

Mr. FUNK. I apprehend that the street-car companies have an interest in furnishing the community with respectably clean tickets. I do not believe they will impose on the public by reissuing their tickets until they become filthy or diseased, impure, or unfit to be circulated. I have never seen any street-car tickets but what were fairly clean. In other words, it seems to me to be an imposition on the street-car companies and an unnecessary hardship to force them to comply with this law.

Mr. BOWERS of California. I want to say that everyone that travels on the cable road here, as I do every day, knows that he gets these little packages of unclean, dirty tickets over and over again. There is nobody who does not know it. They are used again and again, and come back to the company and are put up in these little packages and again sold to the public; whereas if you go up on the F street line and call for a package of tickets, you get new tickets every time. They do not use them but once. They are punched then, and are kept or destroyed by the company; whereas on the cable line you are very apt to get these dirty tickets that have been used so often that they are not fit to handle.

Now, occasionally you do get a package of clean tickets, or a strip of them, on the cable road, which shows that they are able to print their own tickets and have the facilities. It does not impose, then, any hardship on the cable company or the other street-car companies, for they all print their own tickets anyhow. They ought to be required to furnish clean tickets, and therefore there is no reason in the world why the bill should not pass. [Cries of "Vote!" "Vote!"]

The question being taken on the amendments proposed by the committee, they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the last vote was laid on the table.

ADOPTION OF CHILDREN IN DISTRICT OF COLUMBIA.

Mr. HEARD. I yield to the gentleman from Alabama [Mr. COBB], who desires to call up a bill which was agreed to by the committee, and a report authorized upon it, but which has not been formally reported at this time.

Mr. COBB of Alabama. I ask unanimous consent to consider and pass the bill which I send to the desk, the bill (H. R. 5711) to authorize the adoption of children in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on any judge of the supreme court of the District of Columbia to hear and determine any petition that may be presented by a person residing in the District of Columbia, praying the privilege of adopting any minor child as his or her own child, and make such minor child an heir at law. If the judge shall find, upon the hearing of such petitioner, that the petitioner is a proper person to have custody of such child, and that the parent or parents or guardian of such child have given their permission for such adoption, he shall enter an order upon the records of the court, legalizing such adoption and making such child an heir at law of such petitioner, the same as if such child was born to such petitioner. If the child has no parent or guardian the judge may appoint a guardian *ad litem*.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CULBERSON. I would like to have an explanation of this bill.

Mr. COBB of Alabama. The only object is to provide, as is provided in most of the States, that children may be adopted and made heirs at law of the petitioner.

Mr. CULBERSON. I did not notice that anybody was required to have notice of the proceedings.

Mr. COBB of Alabama. The guardian or parent, and if there be none, the court appoints a guardian *ad litem*.

Mr. CULBERSON. I would like to have that bill read again.

The bill was read at length.

Mr. CULBERSON. I do not observe that there is any notice provided for.

Mr. SPRINGER. It requires the consent of the parent or guardian.

Mr. CULBERSON. Suppose it is an orphan.

Mr. SPRINGER. Then the court appoints a guardian *ad litem*.

Mr. PICKLER. Where has the jurisdiction been heretofore?

Mr. SPRINGER. There has been no power to do it.

Mr. BROSIUS. I would like to ask whether there has been any legislation in the District on this subject heretofore?

Mr. COBB of Alabama. None in the District.

Mr. SPRINGER. There is no law on the subject.

Mr. BROSIUS. Certainly then some such provision should be enacted.

Mr. RAY. I would ask the gentleman from Alabama if the bill could not be so amended as to permit a man and wife both to adopt a child?

Mr. COBB of Alabama. That, I think, would be covered by the provisions of the bill as it is reported.

Mr. RAY. As I understand it, the bill says "any person" may adopt a child.

Mr. COBB of Alabama. Anybody who has the qualification for adoption.

Mr. RAY. But the bill is in the singular. It says "any person."

Mr. SPRINGER. That would mean person or persons.

Mr. RAY. I know in New York State we have a similar law, and it reads almost like this, "any person," and this question has come up. I applied to the court within the last month, in behalf of a man and wife, that they might both adopt a child, so that it might become the child of both, and inherit the property of both.

Mr. POST. Move an amendment.

Mr. RAY. The question was raised by the court, and the court held that under our statute the child could only be adopted by one. I think it very wise, in cases where the husband and wife both desire to adopt the child, so that it shall be the child of both, and be adopted by the survivor in case of the death of one, and so that it may inherit the property of both, that there should be a provision that the child may be adopted by both. If there is any doubt about the bill in that respect, I should like to have it amended.

Mr. SPRINGER. The committee have followed the legislation of the States. Perhaps a judicial construction has made it necessary that this amendment should be adopted. Certainly there is no objection to it.

Mr. RAY. If the bill is broad enough to cover that, I am heartily in favor of it.

Mr. WANGER. I move to strike out the word "may" in the last line and to insert the word "shall."

Mr. SPRINGER. That means the same thing. The courts have construed that.

Mr. WANGER. That would make it more clear.

Mr. COBB of Alabama. We do not object to that amendment.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

In line 16 strike out the word "may" and insert in lieu thereof the word "shall;" so that it will read, "the judge shall appoint a guardian *ad litem*."

The amendment was agreed to.

Mr. RAY. Now, I offer the amendment which I suggested. In line 5, after the word "person," insert the words "or husband and wife."

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, after the word "person," insert the words "or husband and wife."

Also, in line 7, after the word "her," insert "or their;" so that it will read: "That jurisdiction is hereby conferred on any judge of the supreme court of the District of Columbia to hear and determine any petition that may be presented by a person or husband and wife residing in the District of Columbia, praying the privilege of adopting any minor child as his or her or their own child, and make such minor child an heir at law."

Mr. BROSIUS. I ask that the bill be reported again, as it will read when amended.

The SPEAKER *pro tempore*. Without objection the Clerk will report the bill as it will read if amended by the amendment offered by the gentleman from New York [Mr. RAY].

The bill, as proposed to be amended, was read.

Mr. COBB of Alabama. We accept the amendment.

The amendment offered by Mr. RAY was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. COBB of Alabama, a motion to reconsider the last vote was laid on the table.

PERSONAL EXPLANATION.

Mr. HUNTER. Mr. Speaker, I desire to ask unanimous consent to publish some letters and a statement, in addition to what I have already published, in reference to a personal explanation I made some time ago.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois [Mr. HUNTER]?

There was no objection.

The letters and statement referred to are as follows:

COMMITTEE ON MINES AND MINING,
HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., March 22, 1894.

DEAR SIR: My attention having been called to the statement that you voted against the Alderson amendment to increase the duty on diamonds, in justice to you I will simply state that, being interested in the fate of the amendment, I took pains to notice the vote, and can say I know you voted in favor of the Alderson amendment to increase the duty.

I am, very respectfully, yours,

GEO. P. IKIRT,
Member, Eighteenth Ohio District.

Hon. A. J. HUNTER.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., February 16, 1894.

I was present at the time of passing through the tellers on the question of increasing the tariff on diamonds, and my recollection is that the Hon. A. J. HUNTER passed through the tellers with me, and thereby voted in favor of increasing this tariff.

Very respectfully,

U. S. HALL,
Member of Congress, Second District of Missouri.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., February 16, 1894.

MY DEAR SIR: I am much surprised to learn that some question has been raised as to your vote on the amendment raising the duty on diamonds from that proposed in the Wilson bill. I was sitting near you at the time, and was specially attracted to the question, and I do not hesitate to say that you voted for it, and do not think I can be mistaken in my recollection.

Truly, your friend,

H. S. G. TUCKER,
Member, Tenth Virginia District.

Hon. ANDREW J. HUNTER.

HOUSE OF REPRESENTATIVES UNITED STATES,
WASHINGTON, D. C., *February 20, 1894.*

MY DEAR SIR: In response to your inquiry as to my recollection as to how you voted on the question known as the Alderson amendment to the Wilson bill, I have to say that when the vote was taken by tellers you went down the aisle with me and passed between the tellers as I did. On that vote I am positive that you voted for the amendment increasing the duty on diamonds. And from frequent conversations with you during the pendency of the bill I know that your inclinations and sympathies were in perfect accord with that vote.

Sincerely yours,

ARTHUR H. TAYLOR,
Member Congress, First District of Indiana.

Hon. A. J. HUNTER,
Washington D. C.

HOUSE OF REPRESENTATIVES UNITED STATES,
WASHINGTON, D. C., *February 21, 1894.*

DEAR SIR: Referring to the question of your voting for the Alderson amendment to raise the rate of duty on diamonds, I am surprised that anyone should question the fact. Sitting next to you while the amendment was pending, I remember that you voted for the amendment, and favored it with more than ordinary case during the close vote that threatened for a time the defeat of the amendment.

HENRY A. COFFEEN,
Member Congress for Wyoming.

Hon. A. J. HUNTER.

Mr. HUNTER. Mr. Speaker, I voted to reduce the duty on farm implements, the tools of the carpenter, blacksmith, brickmason, painter, plasterer, plumber, the tools of all mechanics and laboring people to a revenue duty. I voted against making any discrimination between taxpayers. I hold that the people should pay taxes according to the amount of property they own; that wealth, not want, should pay the expenses of the Government. I believe that taxation should be uniform. In every instance I have voted for a tariff for revenue only, as commanded by the people and directed by the Democratic platform. The people can judge from this record whether I am a Democrat or a demagogue.

PROPOSED AMENDMENT TO THE RULES.

Mr. SPRINGER. I ask leave to introduce a rule, and that it be referred to the Committee on Rules, and printed in the RECORD.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] asks leave to introduce a rule, and that it be printed in the RECORD, and referred to the Committee on Rules. Is there objection?

There was no objection.

The proposed amendment is as follows:

RULE XLVI.

CONCERNING A QUORUM.

1. Whenever, on a yea-and-nay vote upon any question, the record shows that no quorum has voted, the Clerk shall again call the names of those not

voting. When the name of any member who is present is called the Speaker shall state the question to him and ask him how he desires to vote. If he votes his vote shall be recorded, but if he refuses to vote his name shall be entered on the Journal as "present and not voting." In determining the result of the vote those present and not voting shall be counted with those voting in the negative. If those voting and those present and not voting shall be a majority of the whole House, a quorum shall be deemed as constituted and the question shall be decided by the record as thus ascertained.

2. If those voting and those present and not voting shall not constitute a quorum the Speaker shall immediately issue his warrant to the Sergeant-at-Arms for the arrest of all members who may be absent without the leave of the House, who, when arrested, shall be brought to the bar of the House, and the Speaker shall state to each member thus brought to the bar of the House the question pending and ask the member how he desires to vote. If he votes his vote shall be recorded, but if he refuses to vote he shall be recorded as present and not voting; and when a quorum is thus constituted the result shall be announced.

3. If a quorum is not constituted as provided herein when the House shall have adjourned, the question pending shall be the first business in order when the House meets again. And the members who have not voted, or who have not been recorded as present and not voting, and those who may be brought to the bar of the House, shall be called upon to vote as if originally present, and the same course shall be pursued as in the first instance until a quorum is constituted.

4. After a quorum appears and the subject-matter which was pending is disposed of, the House may require any member whose arrest was ordered as provided in this rule to show cause at the bar of the House why he should not be punished for being absent without leave of the House.

MESSENGER FOR COMMITTEE ON AGRICULTURE.

The SPEAKER *pro tempore*. The Chair desires to state to the House that on the 6th of the present month a resolution was adopted allowing an additional messenger for the Committee on Agriculture; but the resolution failed to provide in the usual terms that the money should be paid out of the contingent fund. If there be no objection, the words "to be paid out of the contingent fund of the House" will be inserted after the word "month" in the resolution. Is there objection?

Mr. REED. Does the chairman of the Committee on Agriculture regard that as important?

Mr. HATCH. I make it as a personal request.

The SPEAKER *pro tempore*. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. EVERETT, for ten days, on account of important family business.

To Mr. DRAPER, for ten days, on account of sickness.

To Mr. RUSSELL of Connecticut, indefinitely, on account of sickness in his family.

To Mr. WHEELER of Illinois, for two weeks, on account of important business.

To Mr. CAMINETTI, for three days, on account of sickness.

REPRINT OF A REPORT.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. PAYNTER] requests a reprint of Report No. 337, the same having been exhausted. Without objection, that order will be made.

There was no objection.

And then, on motion of Mr. HEARD (at 5 o'clock and 10 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MEYER, from the Committee on Naval Affairs: A bill (H. R. 2629) for the relief of Augustus G. Kellogg. (Report No. 688.)

By Mr. OUTHWAITE, from the Committee on Naval Affairs: A bill (H. R. 1578) for the relief of the legal representatives of Henry W. Freedley, late major in the United States Army. (Report No. 689.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. HENDERSON of North Carolina: A bill (H. R. 6618) to provide for the maintenance in the Treasury of a safe gold reserve, for the coinage of standard silver dollars, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. RICHARDS: A bill (H. R. 6619) to forbid contracts making debts payable in gold only—to the Committee on the Judiciary.

By Mr. DE ARMOND: A resolution to amend paragraph 1 of Rule XV—to the Committee on Rules.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bills (H. R. 6433) granting a pension to Julia Weeks, and (H. R. 6433) for the relief of William Jack Haines; and the same were referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. PRICE: A bill (H. R. 6620) for the relief of G. A. Harris, St. Marys Parish, La.—to the Committee on War Claims.

By Mr. RICHARDS: A bill (H. R. 6621) granting a pension to Anna E. Botsford, widow of Eli W. Botsford, late major of the Sixteenth Regiment Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 6622) for the relief of the heirs of Henry Erskine, deceased—to the Committee on Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 6623) for the relief of W. B. Olive, of Florence, Ala.—to the Committee on War Claims.

By Mr. WANGER: A bill (H. R. 6624) to enable Henry Hemelright and Edmond Guest, of Pottstown, Pa., to make application to the Commissioner of Patents for extension of letters patent for improvement in nut locks—to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Protest of citizens of Colorado Springs against any amendment to the Constitution tending to the commingling of the church with the state—to the Committee on the Judiciary.

Also, resolutions of Fisher's Peak Division, No. 247, Order of Railway Conductors, of Trinidad, Colo., in favor of the passage of what is known as the antiscalper law—to the Committee on Interstate and Foreign Commerce.

By Mr. BURROWS: Petition of Brewers' Union, of Detroit, Mich., for a governmental system of telegraphs—to the Committee on the Post-Office and Post-Roads.

By Mr. CATCHINGS: Petition of Joseph Bogen, J. Alexander, N. Goldstein, Theodore Pohl, H. Wilczinski, and many other citizens of Greenville, Miss., protesting against the proposed amendment to the Constitution by inserting God in it—to the Committee on the Judiciary.

By Mr. COGSWELL: Petition of S. L. Sawyer and others, of Danvers, Mass., for legislation favorable to the fraternal beneficiary press—to the Committee on the Post-Office and Post-Roads.

By Mr. CRISP: Petition asking that building and loan associations be exempt from income tax—to the Committee on Ways and Means.

By Mr. DAVIS of Kansas: Petition of 36 members of the Lutheran Church at Herrington, Kans., protesting against the proposed amendment to the preamble of the Constitution—to the Committee on the Judiciary.

By Mr. HITT: Petition of Roger Brown and 40 other citizens of Rockford, Ill.; of H. S. Morrison and 20 other citizens of Scales Mound, Ill.; together with memorial and resolution of Star Camp, No. 1130, Modern Woodmen of America, of Scales Mound, Ill., praying for the passage of the Manderson-Hainer bill, to admit to the mails as second-class matter fraternal society journals—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER of New York: Petition of 29 residents of Sheridan, and 16 of Haskel, N. Y., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. IZLAR: Papers to accompany House bill 4621—to the Committee on War Claims.

By Mr. KIEFER: Petition of Fred Schweizer, Andrew Gilderman, Derpe Brothers, and other citizens of St. Paul, Minn., protesting against raising the tax on cigars—to the Committee on Ways and Means.

By Mr. McDANNOLD: Petition of J. M. Babb, and 40 other citizens, of Clayton, Ill., asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Petition of Henry Baar, J. Vanderveen, and 27 other citizens, of Grand Haven, Mich., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Bricklayers and Stonemasons' Union, of

Detroit, Mich., in favor of governmental control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTSON of Louisiana: Petition of Rapids Parish and town of Alexandria, La., protesting against the application of provisions of income tax to building and loan associations—to the Committee on Ways and Means.

By Mr. STEPHENSON: Petition of the Brewers' Union and Carpenters' Union, of Detroit, Mich., in favor of governmental ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Resolution of the Grocers and Importers' Exchange, in favor of the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, resolution of Philadelphia Typographical Union, in favor of the establishment of governmental telegraph lines—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Grocers and Importers' Exchange, protesting against an income tax—to the Committee on Ways and Means.

Also, resolution of the State board of agriculture of Pennsylvania, in favor of continued appropriations to agricultural experimental stations—to the Committee on Agriculture.

By Mr. WELLS: Petition of George C. Comstock and 70 others, protesting against the passage of House bill 6338—to the Committee on Education.

SENATE.

TUESDAY, *April 10, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. PASCO. I notice at the foot of page of 4363 of to-day's RECORD that my name is omitted from the list of those voting in the negative on the motion to proceed to the consideration of executive business, and I presume the same mistake appears in the Journal. I was not occupying my seat, but was sitting back of it when I responded to my name, and probably I did not respond loud enough for the Secretary to hear me. I desire to have the correction made.

The VICE-PRESIDENT. The Journal will be corrected in accordance with the suggestion of the Senator from Florida.

Mr. PASCO. At the foot of page 4363 the nays should be 32 instead of 31, and the number not voting should be 50 instead of 51.

The VICE-PRESIDENT. Without objection the Journal as amended will stand approved.

STATISTICS RELATING TO SUGAR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 28th ultimo, a letter from the Department of Justice relative to prosecutions under the act of July 6, 1892, together with a letter from the Commissioner of Labor in charge of the census in regard to the prosecution of sugar refiners, persons, or corporations engaged in refining sugar in the United States for refusal or neglect to comply with the requirements of the act of March 1, 1889, to provide for the taking of the eleventh and subsequent censuses, etc.; which, with the accompanying papers, was ordered to lie on the table, and to be printed.

PETITIONS AND MEMORIALS.

Mr. QUAY presented a memorial of the faculty of Lehigh University, South Bethlehem, Pa., remonstrating against the proposed transfer of the Coast and Geodetic Survey to the Navy Department; which was referred to the Committee on Commerce.

He also presented a petition of Council No. 129, Junior Order of United American Mechanics, of Philadelphia, Pa., praying for the passage of House bill No. 5246, providing for the inspection of immigrants by United States consuls; which was referred to the Committee on Immigration.

Mr. TURPIE presented a petition of Union No. 744, United Brotherhood of Carpenters and Joiners, of Logansport, Ind., and a petition of Local Union No. 78, National Union of the United Brewery Workmen, of Logansport, Ind., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LINDSAY presented the petition of Jefferson K. Clark, of Kentucky, praying that an increase of pension be granted to Julia L. Davidson Clark, widow of Meriwether Lewis Clark, a soldier of the Black Hawk Indian war, and the Mexican war; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Hickman, Ky., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of Upholsterers' Local Union No. 53, of Boston, Mass., praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of S. L. Sawyer and 31 other members of Arcadian Council, No. 249, Royal Arcanum, of Danvers, Mass., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER presented a petition of the Chamber of Commerce of Charleston, S. C., praying for the maintenance of the United States Naval War College and Torpedo School, as a means of insuring the efficiency of the Navy and continuing its prestige among the nations; and also a petition of the Charleston (S. C.) Chamber of Commerce, praying for the purchase of a site for a depot and for the erection of buildings thereon for a light-house depot at Charleston, S. C.; which were referred to the Committee on Naval Affairs.

Mr. GORDON presented the memorial of John K. Donaldson, of Donaldsonville, Ga., remonstrating against the passage of the Wilson tariff bill; which was ordered to lie on the table.

He also presented the memorial of Dan Talmadge's Sons, of New York City, N. Y., remonstrating against the passage of the clause in the Wilson tariff bill relating to rice; which was ordered to lie on the table.

He also presented memorials of 21 druggists of Georgia, remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. BRICE presented a petition of Pressmen's Union No. 62, of Columbus, Ohio, praying for the appointment of a foreman of presswork in the Government Printing Office; which was referred to the Committee on Printing.

He also presented a petition of Hiawatha Council, No. 308, Junior Order of United American Mechanics, of Martins Ferry, Ohio, praying for the enactment of legislation regulating foreign immigration into the United States; which was referred to the Committee on Immigration.

He also presented a memorial of Mount Nebo Grange, No. 664, of Columbiana County, Ohio, remonstrating against placing wool on the free list; which was ordered to lie on the table.

He also presented memorials of 21 cigar manufacturers of Cleveland; of International Association of Machinists, of Toledo, and of the Trades and Labor Assembly of Springfield, all in the State of Ohio, remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of 10 citizens of Champaign County, Ohio, praying for the enactment of legislation to suppress the lottery traffic; which was referred to the Committee on the Judiciary.

He also presented a memorial of the faculty of the Ohio State University, Columbus, Ohio, remonstrating against the proposed transfer of the Coast and Geodetic Survey to the Navy Department; which was referred to the Committee on Commerce.

He also presented a petition of Lodge No. 175, Brotherhood of Railroad Trainmen, of Columbus, Ohio, and a petition of Division No. 292, Order of Railway Conductors, of Chicago Junction, Ohio, praying for the enactment of legislation to abolish ticket scalping; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Produce Exchange of Toledo, Ohio, praying for the adoption of an amendment to the interstate-commerce law, to give greater power of enforcement to its primary objects, especially that carriers be required to extend to all shippers uniform reasonable public rates of freight, equitably adjusted to the protection of all localities and communities; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Bee Hive Tent, No. 53, Knights of the Maccabees, of Spencer; of Gustavus A. Hyde, of Cleveland, and of 31 citizens of Spencer, all in the State of Ohio, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Joseph P. Keating, of Akron, Ohio, praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented petitions of the Machine Wood-

workers' Union; of the Shoe Cutters' Union; of the Marine Engineers' Benefit Association; of the Steamfitters' Union; of the Ironworkers' Protective Union, and of the Bricklayers and Stonemasons' Protective Union, all of Detroit, Mich., praying for a governmental telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of S. M. Wright, and sundry other citizens of Grand Haven; of Tent No. 399, Knights of the Maccabees, of Shabbona; of Unity Tent, No. 82, Knights of the Maccabees, of York, and of Lodge No. 25, Ancient Order of United Workmen, of Saginaw, all in the State of Michigan, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN (for Mr. STOCKBRIDGE) presented a petition of Goldsmith Lodge, No. 167, Ancient Order of United Workmen, of Grand Rapids, Mich., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. STOCKBRIDGE), presented a petition of the Shoe Cutters' Union, of Detroit, Mich., and a petition of the Carpenters' Union, of Detroit, Mich., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. STOCKBRIDGE), presented a petition of 41 citizens of Oakland County, Mich., praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

Mr. CALL. I present a petition of the Board of Trade of the County of Duval, State of Florida, setting forth that they have bonded the county for $300,000 for the improvement of the navigation of the St. Johns River, and also stating that it is the duty of the Federal Government to make the improvement, and praying that an appropriation of $100,000 be made for the improvement of the St. Johns River. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CALL. I present a petition, sent to me from Florida, of the Indiana Yearly Meeting of the Religious Society of Friends, of Richmond, Ind., praying for the repeal of the so-called Geary Chinese law. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. PEFFER. I have two letters in the form of petitions. They are really letters to my colleague in the House of Representatives [Mr. BRODERICK of Kansas], but they request certain action in relation to the tariff bill. I move that the letters be laid on the table with the petitions and other matters relating to that subject.

The motion was agreed to.

METLAKAHTLA INDIANS IN ALASKA.

Mr. MANDERSON. I appreciate that some of the Senate are familiar—but I know that other Senators are not familiar—with the history of a settlement in Alaska known as New Metlakahtla. I think there is nowhere an account of greater self-abnegation, indeed of utter self-sacrifice than that of William Duncan, an Englishman, who nearly forty years ago went to a barbarous tribe of Indians in British Columbia and started the work of their reformation and civilization; nor is there anywhere an account of greater religious bigotry and of strait-laced oppression than some persons in high places in British America were guilty of towards Duncan and those interesting Indians which compelled them to take refuge in Alaska.

The Government of the United States granted to the Indians what is known as Annette Island, and they have formed there a prosperous Christian community. There are no better people in the district of Alaska than the Metlakahtla Indians. While they have been permitted to acquire the land upon the island and to embark in many industries, even extending their sawmills and canning establishments to places outside of Annette Island, by the construction of the law by the courts of Alaska they have been refused admission to citizenship, for the enjoyment of the rights of which and the performance of the duties of which they are so well fitted.

I have in my hand a communication from Dr. Sheldon Jackson, a gentleman of repute, who has devoted many years to excellent service in Alaska among the natives, setting forth briefly the action of the courts in this regard and giving a brief history of this most interesting people, and important subject-matter. I ask unanimous consent that I may be permitted to have the paper printed as a document and that it be referred to the Committee on Indian Affairs, with instructions to that committee, if in their wisdom it seems best, to bring in a bill for the consideration of the Senate providing that these Indians may be admitted to citizenship if the present law is indeed insufficient.

The VICE-PRESIDENT. Without objection the paper will be printed as a document and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. VEST. I am directed by the Committee on Finance, to whom were referred certain amendments intended to be proposed to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes, to report them favorably. I move that the proposed amendments be printed, and that they may lie on the table.

The motion was agreed to.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (H. R. 3318) granting a pension to Mrs. Fannie M. Norman, reported it without amendment.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the bill (S. 1563) to prevent the abuse of the writ of injunction and other legal process, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1628) to protect the first day of the week, commonly called Sunday, as a day of rest and worship in the District of Columbia, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1787) to provide for public improvements and employment of the citizens of the United States, asked to be discharged from its further consideration and that it be referred to the Committee on Finance; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1788) to provide for the improvement of public roads, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 459) for the relief of B. F. Myers, reported it with an amendment, and submitted a report thereon.

Mr. WOLCOTT, from the Committee on the Library, to whom was referred the joint resolution (S. R. 66) providing additional clerical force for the Librarian of Congress, reported it without amendment.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 1876) to provide for the payment of accrued pensions in certain cases, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. HANSBROUGH (by request) introduced a bill (S. 1877) to authorize the purchase of a site for the Government Printing Office; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WOLCOTT introduced a bill (S. 1878) for the relief of Meyer B. Haas; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 1879) to amend an act to regulate the sittings of the courts of the United States within the district of South Carolina; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MCMILLAN introduced a bill (S. 1880) to authorize the Metropolitan Railroad Company to change the motive power for the propulsion of the cars of said railroad company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HUNTON introduced a bill (S. 1881) for the relief of Edward H. Murrell; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MITCHELL of Wisconsin submitted sundry amendments relating to the National Soldiers' Home, intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

TARIFF HEARING.

Mr. QUAY. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Senate will hold a session on Saturday, 21st instant, from 12 o'clock noon until 1 p. m., to hear a committee of the workingmen's organizations of the United States in opposition to the bill (H. R. 4864) entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes."

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it go over, Mr. President.

The VICE-PRESIDENT. There is objection, and the resolution will go over under the rule.

SUSPENDED PENSIONS.

Mr. ALLEN. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed and required to inform the Senate of the names and post-office address of all pensioners of the Government whose pensions have been suspended or canceled since the 4th of March, 1893, and the cause of such suspension or cancellation.

Mr. COCKRELL. Let that go over, Mr. President.

The VICE-PRESIDENT. There is objection, and the resolution will go over under the rule.

COINAGE OF STANDARD MEXICAN DOLLARS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Oregon [Mr. DOLPH], coming over from a previous day.

Mr. WOLCOTT. I ask for information whether that resolution takes precedence of the resolution which I hope to have disposed of to-day, and which I think can be disposed of merely by a vote. I refer to the resolution respecting the coinage of standard Mexican dollars.

Mr. HALE. And which is the first resolution in order.

Mr. WOLCOTT. It is the first resolution.

The VICE-PRESIDENT. The Chair will state that the resolution to which the Senator from Colorado refers went to the Calendar under the rule. Unanimous consent was not asked that it should be continued.

Mr. DOLPH. My resolution will occupy only about five minutes.

Mr. WOLCOTT. I ask unanimous consent that the resolution submitted by me (which if it went to the Calendar went by inadvertence) may be taken up for the purpose of being put upon its passage.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. DOLPH. The Senator simply desires a vote on it? He does not understand that it is to be further discussed?

Mr. WOLCOTT. I understand that it is not to be discussed further.

Mr. DOLPH. I do not object.

Mr. WOLCOTT. I may state that the Senator from New Jersey [Mr. MCPHERSON] with very great consideration has stated that he will not press his amendment, and as I believe there is nothing more to be said on the resolution, I ask that it may be put upon its passage.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none. The resolution will be read.

The Secretary read the resolution submitted by Mr. WOLCOTT on the 2d instant, as modified yesterday, as follows:

Resolved, That the President of the United States, if not incompatible with the public interests, with a view to encourage and extend our commercial relations with China and other Asiatic countries, be requested to enter into negotiations with the Republic of Mexico, looking to the coinage by the United States, at its mints, of standard Mexican dollars, under some proper agreement with the said Republic of Mexico as to seigniorage, method and amount of said coinage; and that he be further requested to report the result of his negotiations to the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. GALLINGER. Mr. President, before the vote is taken on the pending resolution, in favor of which I shall be very glad to cast my vote, I desire to ask permission, without reading, to have printed in the RECORD a communication which I find in yesterday's New York Press from the pen of Moreton Frewen, a noted bimetallist of England, discussing this question very interestingly and intelligently, and giving his adherence to the proposition of the Senator from Colorado.

The VICE-PRESIDENT. Is there objection to printing the matter referred to in the RECORD?

Mr. GORMAN. I trust the Senator from New Hampshire will not make that request.

Mr. GALLINGER. It is a brief and exceedingly interesting communication.

Mr. GORMAN. I know, but ——

Mr. ALDRICH (to Mr. GALLINGER). Read it yourself.

Mr. GALLINGER. I will read it myself. The Senate will be interested in hearing it read, and then it will go into the RECORD.

Mr. President, before reading the paper I will say that while I cast a very reluctant vote in favor of the repeal of the purchasing clause of the Sherman silver law, I felt then, as I feel now, that the time is near at hand when some action will have to be taken by the national Congress to give the country more currency than there is in circulation at the present time. When business revives in this country, as it will sooner or later revive, the country will need more currency, and it will then become a very serious question for the Congress of the United States to determine in what form it shall be granted.

When that time comes I may have some thoughts on the subject which I shall desire to put on record, even though they may be to a certain extent in opposition to the public sentiment of my own State. I believe most thoroughly in bimetallism, and will never give my consent to any legislation in favor of gold monometallism in the United States. This country widely differs from England, France, and Germany in its monetary wants. Those countries are, so far as population is concerned, practically finished countries, while this country is constantly increasing its population at the rate of nearly 2,000,000 a year. That increasing population will demand and should receive increased currency with which to carry on the business operations of the people. The repeal of the purchasing clause of the Sherman law contracted the currency, and it is evident to every thoughtful mind that that contraction must in due time give way to an expansion of our currency. But I will not discuss that now. The communication to which I have referred is dated Washington, April 6, and is as follows:

MEXICAN DOLLARS IN AMERICAN MINTS—MORETON FREWEN, THE ENGLISH BIMETALLIST, WRITES THE PRESS—FUTURE OF SILVER AND FOREIGN TRADE—HE EXPLAINS THE POSSIBLE INTERNATIONAL SIGNIFICANCE OF SENATOR WOLCOTT'S RESOLUTION INTRODUCED IN THE SENATE LAST WEEK.

To the editor of the Press:

SIR: A resolution was moved in the Senate to-day by Senator TELLER for his colleague, Mr. WOLCOTT, that by agreement with the Mexican Government the free coinage of Mexican dollars should be permitted at the United States mints of Carson City, Nev., and San Francisco. Asthe immense area over which these dollars are to-day legal tender is not very generally appreciated by those interested in the silver question, will you allow me to point out the several trade developments likely to follow if this proposal is agreed to?

Your readers will bear in mind that while the French trade dollar and the American trade dollar have failed to obtain circulation in China, the Mexican dollar, on the other hand, is the current legal-tender money of a large portion of China and the Malay peninsula, as also of England's straits settlements, Borneo and Ceylon. The Mexican mint reports show that during 1892 the coinage of these dollars aggregated twenty-six millions, of which mass all but a million were exported from Mexico. Messrs. Page & Gwyther's report for 1893 shows that some five millions of these coins passed via Suez to Singapore, while not less than eight and a half millions took ship at San Francisco for China. It becomes important, in view of the Colorado Senator's proposal, to know what became of the $12,000,000 exported from Mexico, but not accounted for. Doubtless a considerable portion went west from your Pacific ports in the trunks of home-going Chinese.

SILVER MONEY IN GREAT DEMAND.

It must be borne in mind that the mint charge or "seigniorage" on silver dollars levied by the Government of Mexico is 4½ per cent. The export duty on bar silver is only 2 per cent. It says much therefore for the demand of silver in the form of coin rather than bars that, while some 21,000,000 ounces left Mexico as dollars, only 4,000,000 ounces left as bars. The direction of Senator WOLCOTT's proposal now becomes evident. The great fall in silver causes the Mexican dollar, which used to be exchanged at the rate of 4½ silver dollars for 1 gold sovereign, to now exchange at the rate of 10 silver dollars for a gold sovereign. This operates as a great stimulus to China's exports to Europe and as a contraction of her imports from Europe and America. This revolution in the Chinese and Indian trade, which has followed from the British Government's recent "tampering with" the Indian standard, promises to be the most interesting economic and social problem of the coming years.

China, favored as against India by the present very low rates of exchange with gold-using nations, is about to increase very largely her exports, and will therefore import silver on an unprecedented scale.

It seems probable, then, that with the mints of Carson and San Francisco open to the free coinage of Mexican dollars the silver product of the Rocky Mountains to-day hunting an outlet at heart-breaking prices may go directly west across the Pacific to find a ready demand in China in return for imports of tea, silk, jute, and many other commodities.

CHINA'S GREED FOR SILVER.

That there is a great scarcity of currency in China is not doubtful, as also that the Chinese can absorb silver in the form of coin very rapidly. The imperial mint at Canton, its operations jealously guarded from all scrutiny, appears to be the monopoly of certain high place mandarins, who run it when they require a supply of pocket money. This mint coined last year for all China less than 3,000,000 ounces, of which two-thirds was issued in the shape of 19,000,000 ten-cent pieces. These coins also were probably used for buttons. As suggesting the amount of currency which China might absorb if she could get it, contrast this coinage of only 3,000,000 ounces with the 40,000,000 ounces British India, a poorer and less populous country, has frequently coined in a single year.

Senator WOLCOTT'S proposal may therefore prove to be of international importance. It must make of San Francisco an important exchange center, and with such a dearth of Mexican dollars in China as prevails to-day, it is likely that London merchants importing from China may order these dollars by cable and give gold bills on London in exchange for dollars to be shipped direct from San Francisco to Hong Kong and elsewhere. I am assured here that San Francisco banks would gladly make loans on the security of coined dollars, which are wanted at high rates of interest in China, whereas with the silver market in its present condition, mere bar silver is by no means a negotiable security.

EFFECT IN INDIA.

It may perhaps be worth while to consider the British Indian interest in this new development of your silver policy. The Government of India has recently imposed a duty of 5 per cent upon imports of silver bullion—a duty unprecedented, I believe, in the history of civilized governments. But would this bullion duty be payable also on Mexican dollars? I think not, and if not, then these dollars will be imported in great quantities into India for melting, the 4½ per cent seigniorage leaving the coins still one-half per cent cheaper than bullion silver. But even if the duty should still be collected, these dollars might supply the raw material of the Indian silversmith's trade, seeing that the rupee being now worth more than its bullion value, just as your dollars pass for twice their actual value in silver, has become too valuable to be sent to the melting pot.

And, further than this, it is not impossible that the government of India, now in sore straits as to her currency condition in India, might do worse than make the same proposal to the Mexican Government that Senator WOLCOTT proposes the United States Senate should make.

IS HISTORY REPEATING?

I have ventured to write to you very fully as to this new silver departure, because it seems to foreshadow results that may become of international importance. Your silver party, after defeat at home, after repeated disappointments at Paris and Brussels, is now looking for help westward across the Pacific to that mysterious nation which, if it would absorb even an ounce of silver per capita, can at least mitigate for the world of trade the disaster threatened by the present exchange convulsions of Europe with Asia.

But what a strange commentary it all is upon the conditions of modern "progress" that this stream of abundant money, rejected by Europe, although in the very throes of a currency contraction, should be diverted to flow westward, and be destined, perhaps, to awaken China from a sleep of ages, even as that immense flow of silver from Potosi vivified the industries of Europe and in the short period of sixty years quadrupled all prices. As Prof. Cairnes has written of that mighty flow of silver during the sixteenth century from Potosi, "it rendered possible the remarkable expansion of Oriental trade which forms the most striking commercial fact of the age that followed."

Yours faithfully,

MORETON FREWEN.

WASHINGTON, *April 6.*

Mr. President, I rose simply to secure the insertion in the RECORD of this valuable contribution to the pending question, and this is all I now say on the subject. I trust the resolution submitted by the Senator from Colorado may be adopted.

Mr. DOLPH. I should like to ask the Senator from Colorado a question which I did not ask him when he was addressing the Senate yesterday, because I did not care to interrupt him. I presume everybody here understood what the Senator meant, but for fear there might be some misunderstanding elsewhere or among the people, I desire to ask him if, when he said yesterday that Mexican silver dollars are at a premium of from 1 to 3 per cent, he did not refer to the premium over the commercial value of the silver bullion they contained, and did not compare the Mexican dollar with any dollar of our issue?

Mr. WOLCOTT. Oh, certainly, above the present bullion value of silver, or above silver coin in any other form except in the country where circulated; for instance, as above rupees they would be at a premium.

Mr. DOLPH. That is, above the silver coin of the countries which are upon the silver basis?

Mr. WOLCOTT. Yes.

Mr. DOLPH. One more question. As I understand the Senator's resolution, the proposition is simply for the United States to contract with Mexico to do the work of coining Mexican dollars?

Mr. WOLCOTT. Turning over the mechanical portion of our mints for the purpose of increasing the silver circulation under their supervision.

Mr. DOLPH. It is not supposed or intended that the United States will in any manner assume any responsibility for the value of or for the circulation of the Mexican dollar?

Mr. WOLCOTT. Not the slightest in any way.

Mr. DOLPH. I understood that, but I desired before the vote to make it plain.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from New Jersey [Mr. MCPHERSON]. Is the amendment which he proposed withdrawn?

Mr. MCPHERSON. I do not insist on my amendment. I think the amendment offered by the Senator from Ohio [Mr. SHERMAN], which was accepted by the author of the resolution, will cover the whole ground, and therefore I shall not press my amendment.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified on motion of the Senator from Ohio [Mr. SHERMAN].

The resolution as modified was agreed to.

COINAGE LAWS OF THE UNITED STATES.

Mr. GORMAN. I am directed by the Committee on Printing to report a concurrent resolution, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of the fourth edition of the document entitled "Coinage Laws of the United States, 1792 to 1894," prepared under the direction of the Committee on Finance, United States Senate, with the Appendix, of which number 1,500 copies shall be for the use of the Senate and 3,500 copies for the use of the House of Representatives.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. DOLPH. I should like to ask the Senator from Maryland a question and to make a proposition. I think about a month ago the Senate ordered the usual number of this publication printed. It was then suggested that it would be more valuable with an index, and it was ordered to be printed with an index. The gentleman who has, I understand, prepared the document, and who is expected to prepare the index, has been so much engaged over other important and pressing matters, the tariff bill and matters connected with it, that he has been unable to prepare the index. I have received a great many requests for the document, and I ask the Senator from Maryland whether it would not be well to modify the resolution which ordered the usual number printed, so that the usual number may be printed without the index, and we may have some copies for immediate distribution before the index is prepared. I suggest that it would relieve the situation somewhat, as I think the Senate would get 400 copies, which might be sent out to those who request them.

Mr. GORMAN. It is true, as stated by the Senator from Oregon, that the resolution ordering the printing of the usual number, 1,900 copies, did require an index, and that index has not yet been prepared, and I do not think it will be prepared for the next two weeks. I understand it will require about two weeks longer to complete it.

Mr. DOLPH. All the type is set up, and the document is ready to be struck off, but it is held up until the index is furnished.

Mr. GORMAN. The document itself is in type and could be furnished at once. Does the Senator from Oregon make the motion, or does he desire me to do it?

Mr. DOLPH. If no one objects to the request, let it be done by unanimous consent.

Mr. GORMAN. I ask that the usual number be printed without the index.

The VICE-PRESIDENT. In the absence of objection it will be so ordered.

Mr. GORMAN. I now move to amend the pending resolution so that the 5,000 copies of the document ordered by it shall be indexed.

The VICE-PRESIDENT. The resolution will be so amended, if there be no objection.

Mr. COCKRELL. In the pending resolution I move to insert "6,000" instead of "5,000," and to give the Senate, according to the usual rule, 2,000 copies and the House 4,000. The resolution proposes only 1,500 copies for the Senate and 3,500 copies for the House. I think we ought to stick to the old rule, and I hope that change will be made.

Mr. GORMAN. I have no earthly objection to that amendment.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from Missouri? The Chair hears none, and it is agreed to.

Mr. SHERMAN. I ask that the resolution be read as amended.

The concurrent resolution as amended was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the fourth edition of the document entitled "Coinage laws of the United States, 1792 to 1894," prepared under the direction of the Committee on Finance, United States Senate, with the Appendix and an index to the same, of which number 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Mr. SHERMAN. I supposed the Senator from Maryland had joined in the resolution the loan laws and the currency laws. They ought to be printed either together or separately, I do not care which.

Mr. COCKRELL. That is the very point I wanted to call the attention of the Senate to. We should have one publication containing all the laws in regard to loans and currency, all the laws in regard to the United States bank, and national banks, and all the laws in regard to coinage, and they ought all to be in one volume. I brought that matter up when the first resolution was introduced, and I understood the chairman of the Committee on Finance to say that they were preparing that kind of a document. It ought to be prepared, and all these laws ought to be together.

We have one volume, which has been printed twice, entitled "Loan, Currency, and Coinage Laws." It contains most of the laws in regard to the loans and currency and most of the laws in regard to the United States Bank and the national banks, and also in regard to coinage, but it is not complete. Some few of the laws are left out. I know I have a copy of it, and I have obtained the old laws which were omitted, and inserted them in it. It is a very valuable document, but it is not well arranged.

We ought to have one volume containing all these laws. It would not make a large volume, it would be a volume of ordinary size. Some committee—the Committee on Finance is the proper committee—it seems to me, ought to take charge of the work and have it done.

Mr. SHERMAN. I think the proper authority to codify these laws would be the Treasury Department, because all the laws are there being administered upon daily. If it would be agreeable to the Senator from Maryland, I hope he will ask the Secretary of the Treasury to make such a codification. It could be very readily done. All the laws have been codified except for the last ten or twelve years, and those are but few in number, comparatively. Then they could all be put in a volume and it would be of immense value. I think the circulation of such a book among the people of the United States would be a better distribution of public documents than hundreds of those that are now being distributed, because the whole public mind is now directed to our coinage and currency, and every intelligent man would be happy to have an opportunity to get one of these books. Probably it would be the most instructive document that could be furnished to the people at this time and would be the most gratefully received.

Mr. GORMAN. I quite agree with the Senator from Missouri and the Senator from Ohio, but the Senate will remember that the distinguished Senator from Indiana, the chairman of the Committee on Finance, presented this codification of the laws relating to the coinage. I will say to the Senate that I understood the remainder of the laws referred to by the Senator from Ohio and the Senator from Missouri were being prepared under the direction of the Committee on Finance. So when a resolution was referred for the printing of the usual number of this document the Committee on Printing reported in favor of it.

The only difficulty now is that the index has not yet been prepared by the compiler, and the Senator from Oregon and other Senators have urged me to have the original order providing for the index rescinded, so that 1,900 copies may be printed without the index. I should be very glad to have the remainder of the laws compiled, but I do not want to interfere with the matter under the charge of the Committee on Finance, of which the distinguished Senator from Ohio [Mr. SHERMAN] is a member.

Mr. SHERMAN. I understand the gentleman who has charge of that subject-matter has been constantly at work, and is now employed in dealing with the tariff question and making indexes for the tariff bill and other documents necessary in the discussion of that measure, so that he probably will not be able for a couple of weeks, at least, to undertake the work.

Mr. GORMAN. I have no complaint to make of that. If the Senator from Ohio desires the resolution to lie over and wait for the compilation of the laws relating to the currency, I have no objection; but there is a very great demand now for the particular publicat on referred to in the resolution.

Mr. COCKRELL. I suggest, as this matter is already in type, that we print it.

Mr. GORMAN. The matter will be stereotyped.

Mr. COCKRELL. Yes, it will be stereotyped.

Mr. SHERMAN. The great trouble in separating these laws is that the same law often contains provisions about coinage and about currency; for instance, the resumption act has certain provisions which have been omitted in the volume already published.

Mr. COCKRELL. Each law should be printed in full. That is one of the criticisms I made of the volume already in existence, that section after section has been taken out, which leaves the whole thing indefinite and uncertain, and we have to turn to another volume to ascertain what is the law. Wherever there is contained in one law provisions which embrace currency and coinage, the law should be published in full in each place. That will not take any considerable additional space, but only a few additional pages. Each law should be perfect in whatever place it is printed, and discretion should not be exercised in editing these things.

I shall introduce a resolution, as soon as I can have it prepared, providing that the publication shall be made under the direction of the Secretary of the Treasury, but I hope that the laws covered by this resolution will be printed. I suggest to the Senator from Oregon that we had better have all these laws printed with an index. If we send one applicant a copy of this volume without an index, and he should see another man have a copy with an index, he will write immediately and ask for a second copy. That is my experience.

Mr. GORMAN. The Senator from Oregon, as I understand, only requests that 1,900 copies may be printed without the index, and that the 6,000 copies provided for in the resolution shall have an index.

Mr. DOLPH. I shall not discuss that proposition if the Senator from Missouri objects to it. The only object I had was to get a few copies to be sent out before the indexed edition was published.

Mr. COCKRELL. I know that. I have applications for it also, but I think we had better have the index with this publication.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to.

Mr. GORMAN. I send to the desk a report, with an estimate of the cost of printing, to accompany the resolution, which I ask may be printed in the usual form.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

THE REVENUE BILL.

Mr. MCPHERSON. I desire, according to the custom which has grown up in this body, to give notice that my colleague [Mr. SMITH], with the indulgence of the Senate, desires to submit some observations upon the tariff bill on Monday next at 2 o'clock, provided it does not interfere with the notice given by any other Senator.

Mr. COCKRELL. Let me suggest to the Senator from New Jersey that it is probable that the tariff bill on Monday will be taken up at 1 o'clock.

Mr. MCPHERSON. Then, I will say at whatever hour the tariff bill is taken up for consideration on Monday next.

Mr. ALDRICH. I ask unanimous consent to submit a suggestion to the Senate in regard to the order of business.

Mr. DOLPH. I hope, if the Senator refers to the tariff bill, that he will first allow morning business to be transacted.

Mr. HARRIS. This matter will take but a few moments.

Mr. DOLPH. Very well.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island? The Chair hears none.

Mr. ALDRICH. Mr. President, Senators upon this side of the Chamber are very anxious to proceed to the discussion of the pending tariff bill in an orderly manner, in a manner which will at the same time consult the convenience and comfort of Senators, and in response to a suggestion made yesterday by the Senator from Tennessee [Mr. HARRIS], and after conference with the Republican members of the Finance Committee, I suggest that we are willing upon this side of the Chamber for the present, at least for a week, that the Senate shall meet at 12 o'clock, the regular hour; that the tariff bill shall be taken up for consideration at 1 o'clock and remain before the Senate until 5 o'clock each day; that there shall be no dilatory motions and no votes of any kind, and that the discussion shall proceed within those hours.

In view of this suggestion, I trust the Senator from Tennessee, who is in charge of the bill, will consent, for the present at least, not to call up his motion to change the hour of meeting to 11 o'clock, and that he will also withdraw his demand for the reading of the bill, with the hope and belief that when that matter comes up again there may be some arrangement made between the two sides upon the subject.

Mr. HARRIS. If we can have unanimous consent to take up the tariff bill at 1 o'clock each day for a week, as suggested by the Senator from Rhode Island [Mr. ALDRICH], and proceed with the general debate upon the question until 5 o'clock each day without interruption, I shall consent to let my motion made yesterday, changing the hour of meeting from 12 to 11 o'clock, lie over, and I shall also consent to withdraw my request for the present reading of the bill, and let those matters go over, to be determined hereafter, not to be, however, suggested during the pendency of this consent agreement.

I think, all things considered, that it is a fair and reasonable adjustment; and so far as I am personally concerned, I hope the Senate will give unanimous consent to it.

Mr. COCKRELL. I desire the attention of the Senator from Rhode Island as well as of the Senator from Tennessee. Let us see if we exactly understand the proposition. The proposition, as I understand, is for this week and not for one week from this day.

Mr. ALDRICH. I stated for "at least a week," but I am not very particular about that.

Mr. COCKRELL. I wanted to understand it, because neither Senator specified with sufficient definiteness to my mind; but I understood the agreement was for this week.

Mr. HARRIS. I am perfectly satisfied to limit the agreement to the present week. I should not object, however, if it were to be for one week from to-day.

Mr. ALDRICH. I suggest that it be one week from to-morrow, if that is perfectly agreeable to the Senator.

Mr. BUTLER. Make it one week from to-day.

Mr. ALDRICH. To begin to-morrow. The arrangement will have to begin to-morrow in any event. I am not, however, particular about that.

Mr. HARRIS. Very well. Let the arrangement be until next Monday.

The VICE-PRESIDENT. Is there objection?

Mr. DOLPH. Before the sense of the Senate is taken on the question, I ask if that agreement will exclude executive sessions?

Mr. HARRIS. It will exclude executive sessions except after 5 o'clock.

Mr. COCKRELL. And before 1 o'clock.

Mr. HARRIS. And before 1 o'clock.

Mr. DOLPH. It will exclude for a week any business that may be now pending in executive session.

Mr. BUTLER. Not at all.

Mr. HARRIS. By no means. It would exclude a motion for an executive session, unless it was made before 1 o'clock or after 5 o'clock.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island [Mr. ALDRICH]? The Chair hears none, and it is so ordered.

PUBLIC BUILDING AT SALEM, OREGON.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Oregon [Mr. DOLPH], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. DOLPH on the 6th instant, as follows:

Resolved, That the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 65) to provide for the construction of a public building at Salem, Oregon, be, and is hereby, discharged from the further consideration thereof; and said bill is ordered to be placed on the Calendar for consideration by the Senate in its regular order.

Mr. COCKRELL. I should like to hear some reason why the committee should be discharged from the further consideration of the bill named in the resolution and the bill be brought before this body for passage without any report and without any action of the committee? It is a very strange proceeding.

Mr. DOLPH. I am going to state the reason for the resolution.

Mr. President, I wish to disclaim any disrespect for or discourtesy to the Committee on Public Buildings and Grounds. So far as I know, there has never been any opposition in the committee to the bill referred to in the resolution, and there has been substantially no opposition to it in the Senate.

The bill referred to was introduced in the Fiftieth Congress; it was then Senate bill 21, introduced by me December 12, 1887, reported March 19, 1888, and passed the Senate April 17, 1888. It was not reported in the Fiftieth Congress in the House of Representatives. In the Fifty-first Congress the bill was again introduced by me; it was then Senate bill 78. It was introduced December 4, 1889; reported February 10, 1890; passed the Senate March 13, 1890; reported to the House of Representatives April 22, 1890. In the Fifty-second Congress it was Senate bill 534, introduced by me on December 10, 1891, reported January 12, 1892, and passed the Senate January 20, 1892. A similar bill was introduced by my colleague in the other House, and was reported in the Senate March 24, 1892.

The bill was again introduced by me on the 8th of August last, more than eight months ago, and was referred to the Senate Committee on Public Buildings and Grounds. It has not been reported by that committee at the present Congress. It will be seen that the bill has been heretofore three different times favorably reported by that committee, and has passed the Senate three times.

There have been seventy public building bills introduced in the Senate at this session and referred to the Committee on Public Buildings and Grounds. None of them, I believe, has been reported, and what the committee proposes to do in regard to the reporting of bills for public buildings at the present session of Congress or during the present Congress I am not advised.

I do not propose to quarrel with the committee about any policy they may think it necessary to adopt in regard to the seventy bills providing for the erection of public buildings which are now before the committee. There are four bills relating to public bills in Oregon before the committee. One is to increase the further limit of cost of the public building at Portland, Oregon; another is the bill referred to in the resolution, for the construction of a public building at Salem, Oregon; another is for the construction of a public building at Baker City, Oregon, a bill introduced by myself, and reported favorably during the last Congress; and still another is for a public building at The Dalles, Oregon, introduced by my colleague.

The bill which I have selected, with which to test the sense of the Senate, is a bill which has not only been three times favorably reported in the Senate and twice favorably reported in the House of Representatives, but has three times passed the Senate. Besides, it is a bill for the erection of a public building at the capital of the State.

The senior Senator from Missouri [Mr. COCKRELL], when I was discussing the bill for a public building at Salem during the last session, said in the Senate—or if not, he said to me privately afterwards, I think he made the statement in the Senate—that the rule of the Senate had always been to authorize the construction of a public building at a State capital.

Mr. President, of course my constituents hold me responsible for the success of this measure and for other similar measures which I have presented to the Senate.

The object of the resolution is to ascertain whether the policy of the Committee on Public Buildings and Grounds, which has been followed for the eight months since the bill referred to was introduced, is to be the policy of a majority of the Senate. I desire a vote of the Senate upon the resolution, without any desire to cast any reflection whatever upon the committee. I do not quarrel with any policy the committee may see fit to adopt owing to the condition of the Treasury or otherwise.

Mr. VEST. Mr. President, this is an extraordinary resolution; and I ask the attention of the Senate to the statement I am about to make, as there are a great many of these bills authorizing the construction of public buildings pending before the Joint Committee on Public Buildings and Grounds of the two Houses of Congress.

When I became chairman of the Committee on Public Buildings and Grounds of the Senate, the Secretary of the Treasury, Mr. Carlisle, called upon the chairman of the Committee on Public Buildings and Grounds of the House and upon me, and requested, if compatible with our views of the necessities of the public service, we should not recommend the passage of bills which made original appropriations for new public buildings until the monetary depression, which was then threatening the country, should either pass away or its extent be ascertained. He apprehended then—and subsequent events showed that he was correct—a large deficiency in the Treasury of the United States, a deficiency which he afterwards estimated at $20,000,000, and subsequently at $70,000,000, and the extent of which to-day can not be definitely stated by anyone.

How long this is to continue, and what is to be the effect of legislation had by Congress in regard to taxation, no one who does not possess the gift of prescience can possibly state with any exactness to the country.

We know very well the condition of business; we know the condition of the Treasury; we know the financial uncertainty as to the future, and I perfectly agree with the Secretary of the Treasury that, until the clouds have passed away, until we can see our pathway with some sort of certainty, it will be reckless and almost criminal to pile up additional indebtedness when we do not know the sources from which the money can be had with which to meet it.

If the Committee on Public Buildings and Grounds had been guilty of discrimination against the bill of the Senator from Oregon, there would be some sort of pretext for his action here to-day. No bill for an original appropriation has been reported from that committee; no discrimination has been had. We are simply waiting to know what will be the financial legislation of Congress and the probable condition of the Treasury before we assume the pecuniary obligation which would arise from passing any of these bills.

There has been a rule adopted by our committee—and one which has my entire assent—that the capital of every State in the Union shall have a Federal building. It is just as certain as the existence of this Government, that the capital of Oregon will have a Federal building in the near future; but until we know how much money will be in the Treasury, until we can see our way, as any ordinarily prudent business man would in the transaction of his own business, it would, I repeat, be not only reckless, but almost criminal for us to pile up enormous indebtedness on this or any other account, unless it be absolutely necessary.

As to the public buildings which are in course of construction or for which Congress has already made appropriations, as a matter of course we are compelled to furnish enough money to preserve those buildings in their present condition, in order that the effects of the weather and the wear and tear will not destroy the investments already made in that regard by the United States.

Mr. President, I am glad that the resolution of the Senator from Oregon gives me an opportunity to make an official exhibit in regard to the condition of the public buildings of the United States, those already constructed and those which we propose to construct hereafter.

I have in my hand a paper sent to me from the Treasury Department by the Supervising Architect, giving the number of public buildings finished and paid for by the United States. They amount to 251 now completed, for which the Government has expended $109,798,187.97.

Mr. FRYE. What is the total number of buildings?

Mr. VEST. The total number is 251, excluding the buildings in Alaska, which are inconsiderable in number.

I ask that this statement be printed as a miscellaneous document for the convenience of Senators.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

Mr. VEST. Mr. President, now I come to a question more pertinent to the resolution offered by the Senator from Oregon.

I have also here a list of buildings now on the books of the Supervising Architect of the Treasury Department, embracing buildings not commenced and those in course of erection, giving the limit of cost under existing legislation, and the total amount appropriated. There are of those buildings in number 104, and I have a list of them in the respective States, with the limit of appropriation as to cost and the amount already appropriated. Congress has appropriated for the erection of these buildings the sum of $22,802,317.69.

Mr. PASCO. Is that the amount appropriated or the limit of the appropriation?

Mr. VEST. That is the amount appropriated.

Mr. PASCO. What is the limit of appropriation?

Mr. VEST. The limit of appropriation is $32,827,664.69.

I call the attention of the Senate to the fact that we have one hundred and four buildings, some of which have been commenced and some of which have not been commenced, for which the Government has already pledged its credit to the amount of $32,827,664.69. Is it prudent, is it safe, with this enormous indebtedness already incurred by us, and the money—it is true not taken out of the Treasury, but liable to be taken out at any time—to rush blindly forward, without any immediate and actual necessity for it, in a time of the greatest possible distress, governmental and personal, to make appropriations until we have ascertained the exact policy and resources of the Government in the near future? That is the whole of this question.

Mr. DOLPH. Will the Senator have that statement published with the other?

Mr. VEST. Certainly. I shall ask that this statement be published as a separate document.

Mr. DOLPH. Will it not be better to have them published together?

Mr. VEST. Very well, let them be published together.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

Mr. VEST. Let me say to the Senator from Oregon that the claims of his State will be fairly and equitably met. There has been no discrimination on the part of our committee, and no such intention. I know but one rule in regard to my public action, and that is to conduct the business of this Government, its importance and magnitude considered, upon the same principles of prudence and discretion which I would apply to my own. If I found myself in embarrassed circumstances, with a limited amount of money at my command, and contemplated the erection of a residence or a business house, and a great panic like that from which the country is now suffering should come, I should consider myself unworthy of the name of a prudent business man if I rushed on blindly and incurred obligations which I saw no immediate chance of meeting.

If the Senator from Oregon will but wait, it is the intention of the committee, as soon as we find out exactly how much money we are to raise and what is the condition of the country and the Government financially, to meet the demands for other public buildings, and in the mean time, at all events, to preserve those buildings which are now in process of construction and to redeem the promises of the Government as to appropriations already made.

Mr. FRYE. Mr. President, I call the attention of the Senator from Missouri to the promise he makes to the Senator from Oregon, which may not be acceptable to that Senator, and that is, that justice, and only that, shall be done to the State of Oregon. With the persistence, energy, and determination of the Senator from Oregon in behalf of appropriations for that State, if the Senator from Missouri succeeds in preventing the Senator from Oregon from getting more than twice what justly his State may be entitled to, he will be smarter than I think he is. [Laughter.]

Mr. DOLPH. Mr. President, I of course duly acknowledge and duly appreciate the compliment intended to be paid to me concerning my energy; but I think the Senator from Maine is doing me an injustice. I never ask anything but justice, and the Senator from Missouri will bear me witness that I did not complain of any discrimination by the Committee on Public Buildings and Grounds. I stated that there were seventy bills before that committee for public buildings, and I procured copies of them in order that I might know that fact. I have been treated precisely like the Senators who introduced those seventy bills. I said it was simply a question of policy, and all I desired to ascertain was whether a majority of the Senate agreed with the majority of the Committee on Public Buildings and Grounds that all appropriations for public buildings must for the time being be stopped.

I ask for the yeas and nays on the resolution.

Mr. QUAY. Before the question is put, as a member of the minority of the Committee on Public Buildings and Grounds, I think it proper to mention that I agree with the policy adopted by the committee, and do not believe that committee should be discharged from the consideration of this bill. There is certainly no reason why a discharge should be effected such as that proposed by the Senator which would not apply to almost every one of the public building bills before the committee.

I assented to this policy, Mr. President, because in view of the imbecile financial management of the present Administration, the apparent inability of the majority in the other House of Congress and in this to get together upon any satisfactory financial agreement, and the probable passage of what is known as the Wilson tariff bill, I believe there will be a vacuum in the Treasury, and it will be safer not to go forward with any new public improvements, but to husband our resources for the protection of those already in the course of construction; in other words, that we should not load up a probably bankrupt Treasury with appropriations not certainly necessary.

I shall therefore vote against the resolution of the Senator from Oregon.

Mr. VEST. I wish to make one statement somewhat personal to myself and simply to accentuate my sincerity in what I have stated.

There are three towns in the State of Missouri, all equally anxious for the erection of public buildings, and their people consider it a great outrage that such buildings have not been commenced. At a former session of Congress bills were passed for the erection of those buildings. Under existing circumstances, I have declined to reintroduce those bills. I have stated to my constituents frankly the condition of the Treasury, and that I could not, with my views in regard to official duty, ask Congress under the circumstances to enter upon new appropriations.

In addition to that, there is a public building now being erected in the city where I live. I have not asked any additional appropriation to carry on that work. I simply mention this to acquit myself of having any selfish or sinister design or object, either now or hereafter, in regard to this matter.

The VICE-PRESIDENT. The question is on agreeing to the resolution proposed by the Senator from Oregon.

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. I think the pending resolution had better be referred to the Committee on Public Buildings and Grounds. At the last meeting of the committee we were not able to have a majority present; but I think it was very clearly indicated by those present that before the adjournment of the present Congress there will be appropriations for buildings at the capitals of States which have not buildings already, and also for buildings in process of construction where further money is necessary to complete them. I therefore move that the resolution be referred to the Committee on Public Buildings and Grounds.

Mr. PASCO. Mr. President, I was a member of the Committee on Public Buildings and Grounds during the extra session of Congress and for the most part of the present session, although I am not now a member of that committee, and I rise to state that I agree entirely with the views expressed by the chairman of the committee.

There are two buildings in my own State in which we are very much interested, and bills for their erection have passed the Senate at previous sessions; yet the committee has taken no action whatever, either favorable or unfavorable, with reference to those buildings simply because of the existing condition of the Treasury.

There has been no disposition on the part of the committee to discriminate against the Senator from Oregon, and I think if the list of the public buildings now in process of erection had been read through, it would have been seen that Oregon certainly has secured her share, if not more than that.

Under these circumstances, I shall be compelled to vote against the resolution. Oregon has been treated as fairly as any other State, and the Senator from Oregon has been treated with the same courtesy that other Senators have been.

Mr. COCKRELL. The Senator should vote, then, to have the resolution referred to the Committee on Public Buildings and Grounds.

Mr. VEST. I thought the motion was to discharge the com-

mittee from the further consideration of the bill referred to by the Senator from Oregon.

Mr. COCKRELL. The Senator from Vermont [Mr. MORRILL] has moved to refer the resolution to the Committee on Public Buildings and Grounds, and that is the pending motion.

Mr. PASCO. I did not understand that to be the motion.

Mr. DOLPH. On that motion I ask for the yeas and nays.

Mr. BATE. We do not understand in this part of the Chamber what is the proposition under consideration, whether to discharge the committee or to refer the resolution.

The VICE-PRESIDENT. The Chair will state the condition of the question. The question is on the motion of the Senator from Vermont [Mr. MORRILL] that the pending resolution be referred to the Committee on Public Buildings and Grounds. Upon that motion the Senator from Oregon asks for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I am not usually in very hearty accord with the ambition of the Senator from Oregon, especially upon the question of appropriations; but there is a principle involved in his motion which I think ought to be considered by the Senate.

I say, with all due respect to the Senate and its rules, that in the year I have been here I have been constantly impressed with the thought that the rules of this body are so constructed as to impede rather than to facilitate the public business. A bill introduced in the Senate when it once leaves the hand of the Senator who introduces it passes hurriedly into the possession of the committee organized to receive it. That committee very rarely, if a majority of it are against the measure, report it or report progress upon it until they are called upon by a resolution such as the Senator from Oregon has introduced in this case.

I have introduced a number of bills, which to me at least have some importance, whether they have to other Senators or not. Those bills have been referred to committees, and I suppose pigeonholed months ago. I have never been able to obtain thus far even an unfavorable report upon them so that I might have an opportunity to place the bills upon the Calendar with the unfavorable report attached to the end that they can be considered by the Senate. These bills seem to be suspended in the air. There is no possibility of getting a favorable report and no possibility of getting an unfavorable report; but the purpose seems to be to have them die a quiet death in the pigeonholes of the committee room, so that the country will not know what has become of them.

While I say that ordinarily I should not be in sympathy with the motion of the Senator from Oregon, I am in favor of it in this instance, because I want to see the rule introduced here of reporting some time in an ordinary lifetime upon bills that may be introduced and referred to committees.

Mr. DOLPH. I wish to say again that the purpose of this resolution is not to gain advantage over any other Senator or over any other public building bill. It is simply to get a vote of the Senate to see if a majority of the Senate approve of the policy of the committee.

Mr. HOAR. I was sorry to hear the announcement of the policy of the committee by the Senator from Missouri, and I hope Congress will proceed in its ordinary way providing for the public wants and the reasonable expenditures of the Government. I am sorry that that Senator seems to think that the mischievous schemes which he is supposed to be favoring, and is to some extent the father of, are going to keep the country in its present condition for a long time. I suppose these public buildings will not be built by very large expenditures during the present year. It takes some time to get the designs from the Supervising Architect, some time to purchase the land and to agree upon the site. I think we had better act as if we all hoped and believed that the threats which are now filling the people of the country with alarm will soon pass by, and we had better legislate as if the country was going to recover its accustomed prosperity very speedily.

Mr. VEST. It is absolutely impossible for the Senator from Massachusetts [Mr. HOAR] to discuss any sort of measure here without injecting his partisan feelings and opinions. The "mischievous schemes" which I am advocating could be very well discussed when the tariff bill comes before the Senate. Everybody who knows the Senator from Massachusetts knows that no rules of the Senate will insure his silence upon that or any other question. When the tariff bill comes up for discussion I shall be very glad to discuss the question submitted. I care nothing for that sort of talk.

I wish to say, in answer to the Senator from Nebraska [Mr. ALLEN] that he seems to be under the impression that there is a system of stifling legislation going on in the Committee on Public Buildings and Grounds and other committees. He is very much mistaken.

We do not wish to report against these public buildings. We have an indebtedness of $32,000,000 now upon us, and we simply want to wait to see what will be the financial legislation of Congress, which will very soon be determined, and what will be the financial condition of the country, in order to decide whether we shall recommend so many buildings equitably distributed amongst the States and with a view to their importance and need in the respective States. That is all. Does the Senator want us to report the bills back now without recommendation or adversely? We are unwilling to do that. There is no great necessity for these buildings and the country will not suffer because they are not commenced. We are now trying to complete those which we have commenced.

If the doctrine advocated here to-day, or which seems to be advocated, should prevail, we should go on and make appropriations without looking at the condition of the Treasury, without considering the probabilities of the future, and pass every bill which has an appropriation in it. I do not understand why we should do that, and I shall certainly not act upon any such assumption or argument.

I hope that the motion of the Senator from Vermont will prevail.

Mr. HOAR. I wish to remind the always garrulous and voluble Senator from Missouri [Mr. VEST] that the form of argument which he himself says ought not to be introduced was introduced by him. It was he who suggested that the Senate could not go on with the ordinary provisions for the convenient transaction of the public business because of certain very painful and disturbing conditions of the public finances. I observed in answer to that only that I thought those conditions would pass away. I had said nothing about the tariff, and the Senator, like a small boy who is defeated in a contest, runs off and hurls back a personality as he disappears.

Mr. PEFFER. While this subject is before the Senate, I wish to again call the attention of the Committee on Public Buildings and Grounds to the fact that there is a resolution now before that committee, referred perhaps five months ago, in relation to the backwardness of work in the Supervising Architect's Office, where they are several years behind as to some buildings, and especially as to one in the State of Kansas, where they are some five or six years behind in the matter of preparing designs and specifications for the building, for which appropriations were made long ago. I think if the committee would exercise a spirit of inquiry in that direction perhaps some good would result from it; at any rate I think it would help us a little in our part of the country.

Mr. VEST. I wish to say, in reply to the Senator from Kansas, that the matter to which he refers is under consideration by the Supervising Architect and the Secretary of the Treasury. I have had interviews with them and correspondence with them. The difficulty seems to be in regard to the method by which relief can be given to the Bureau of the Supervising Architect. It is a mere question of method and of detail. I agree with the Senator from Kansas that that Bureau should be thoroughly reorganized. There is a joint committee now at work, appointed by the two Houses of Congress to investigate the methods of business in the Executive Bureaus and Departments, and we have been awaiting their report, especially upon the Supervising Architect's Bureau, hoping that we could agree in regard to the remedy that should be applied.

Mr. PEFFER. I am very glad to hear it.

Mr. VEST. As soon as possible that matter will be attended to.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont [Mr. MORRILL] that the pending resolution be referred to the Committee on Public Buildings and Grounds. Upon that motion the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If his colleague will state how the Senator from Pennsylvania would vote, if present, I shall be obliged to him.

Mr. QUAY. I do not know, but I take it for granted that my colleague would vote "yea."

Mr. BUTLER. Then I vote "yea."

Mr. GORDON (when his name was called). I have a general pair with the Senator from Iowa [Mr. WILSON]. I do not know how he would vote upon this question, and I withhold my vote on that account.

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote, and I withhold my vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], who is absent.

Mr. POWER (when his name was called). I am paired with the senior Senator from California [Mr. WHITE], and withhold my vote.

The roll call was concluded.

Mr. MCMILLAN. My colleague [Mr. STOCKBRIDGE] is paired with the Senator from Maryland [Mr. GIBSON].

Mr. BERRY. I am paired with the Senator from Colorado [Mr. TELLER].

The result was announced—yeas 29, nays 14; as follows:

YEAS—29.

Bate,	Faulkner,	McPherson,	Proctor,
Blanchard,	George,	Martin,	Pugh,
Brice,	Gorman,	Mitchell, Wis.	Quay,
Butler,	Harris,	Morrill,	Ransom,
Call,	Hill,	Murphy,	Vest.
Camden,	Irby,	Palmer,	
Cockrell,	Jones, Ark.	Pasco,	
Coke.	Lindsay,	Peffer,	

NAYS—14.

Aldrich,	Frye,	Higgins,	Sherman,
Allen,	Gallinger,	Hoar,	Washburn.
Chandler,	Hansbrough,	Lodge,	
Dolph,	Hawley,	Perkins,	

NOT VOTING—42.

Allison,	Gibson,	Mitchell, Oregon	Teller,
Berry,	Gordon,	Morgan,	Turpie,
Blackburn,	Gray,	Pettigrew,	Vance,
Caffery,	Hale,	Platt,	Vilas,
Cameron,	Hunton,	Power,	Voorhees,
Carey,	Jones, Nev.	Roach,	Walsh,
Cullom,	Kyle,	Shoup,	White,
Daniel,	McLaurin,	Smith,	Wilson,
Davis,	McMillan,	Squire,	Wolcott.
Dixon,	Manderson,	Stewart,	
Dubois,	Mills,	Stockbridge,	

So the resolution was referred to the Committee on Public Buildings and Grounds.

CONSIDERATION OF THE REVENUE BILL.

Mr. HANSBROUGH. Mr. President, I ask that the short time before 2 o'clock be devoted to the consideration of the bill (S. 1545) to provide for the destruction and extermination of the noxious plant or weed known as Russian thistle or Russian cactus, technically *Salsola kali tragus*.

Mr. ALLEN. Mr. President——

The VICE-PRESIDENT. The Chair will state that morning business has not yet been completed. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN] coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 9th instant, as follows:

Resolved, That on Monday, June 4, 1894, at 2 o'clock p. m., general debate on the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes, shall cease and the Senate shall begin the consideration of the bill and the amendments thereto under the five-minute rule, and that on Thursday, the 7th day of June, 1894, at 2 o'clock p. m., the final vote shall be taken by the Senate on said bill.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. ALLEN. Mr. President——

Mr. HANSBROUGH. Will the Senator from Nebraska yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. ALLEN. Yes, sir; for a moment.

Mr. HANSBROUGH. I desire to ask the Senator if it would not be convenient for him to have the resolution considered at some other time, so that the bill I have indicated may be considered?

Mr. ALLEN. I prefer to have the resolution disposed of this morning. I shall occupy the time of the Senate for but a few minutes.

Mr. President, I was induced to offer this resolution for the purpose of fixing a time when the very important measure that is now pending before the Senate can be finally considered. I am well persuaded that under the rules of the Senate as they now exist it is impossible to reach a final conclusion or a final vote upon any measure pending before the Senate as long as anything like reasonably active opposition may be interposed.

Mr. ALDRICH. I desire to make an objection to the resolution on a question of order; but I do not care to do it now. Whenever it comes up again I desire to object to it on that ground.

Mr. ALLEN. That there is a necessity of disposing of the bill within a reasonable time I think there can be no doubt. The condition of the country is such as to require reasonably prompt and efficient action upon the part of the Senate, and after a sufficient time has been granted to Senators to discuss the measure as fully as may be proper or necessary, I think a time ought then to be fixed, or it ought to be fixed now, when the final vote upon the bill shall be taken, and the country relieved in some degree from its present distressed condition.

Mr. President, I desire to repeat in substance what I had occasion to say a few minutes ago upon another measure: that in the short time I have had the honor of occupying a seat in this Chamber I have been convinced more and more of the fact that the rules of this body are so constructed as to obstruct rather than to expedite the public business. There are introduced in the Senate a great many measures of considerable importance, or at least their authors think them important and a respectable portion of the people of the country think them important, and they suddenly go out of sight. They go into some committee organized and constructed for their reception. They go into a pigeonhole in the committee room and the people are never informed, either by a favorable or an adverse report upon them, of their destiny unless they meet the approval of a majority of the committee.

I wish to enter my protest against the rightful authority of any committee to pigeonhole a measure and refuse or neglect to report it. When a bill is introduced to the Senate and is sent to a committee, it is the duty of that committee, in my judgment, to make a report upon it one way or the other within a reasonable time after its reference. The people have a right to know what has become of the measure; they have a right to know what action the committee will take upon it; they have a right to have it brought back to the full Senate and to take the sense of the Senate upon it.

But as business is transacted here, if a bill introduced by me or by any other Senator, reaches a committee, a majority of whom are not favorable to it, they do not do us the honor and justice of reporting adversely upon it; they will not give us an opportunity to place it before the Senate and take a vote upon it; they will not put it in the arena of debate here, where the country can understand its merits and the disposition to be made of it. It is run into a committee room, into a closet, or a pigeonhole where no Senator in this Chamber can reach it unless he shall arise here and introduce a resolution to discharge the committee from the further consideration of the bill and have it returned to the Senate.

It is evident that the people of this country want prompt and efficient action upon the tariff measure. I do not say that they want the bill passed or that they want it defeated. They want action. I do not commit myself to the bill, nor am I committed against its passage. I do believe that the people of this country want and I think they are entitled to a decisive vote in this Chamber upon this important measure after the lapse of a month or two for its proper consideration and debate. If there is any expectation upon the part of the party in power in this Chamber to reach a vote upon the measure, prompt action must be taken now looking to the consummation of that vote.

Last summer when we had under discussion the bill to repeal the purchasing clause of the Sherman act, the Senator from Connecticut [Mr. PLATT], the senior Senator from Massachusetts [Mr. HOAR], and the senior Senator from New York [Mr. HILL] all introduced resolutions or propositions to amend the rules looking to a prompt vote upon that measure. I take it for granted that the Republican side of the Chamber is committed to the doctrine of the revision of the rules, so that within a reasonable time after debate the Senate may come to a vote upon this or any other important measure pending before it. That there is an unalterable determination upon the part of the other side of the Chamber to defeat the tariff measure I have not the slightest doubt. I would not say there is any disposition, or will be, to filibuster, but there is a disposition to lengthen out the debate and to prolong it to such an extent that there can not be a final vote upon it during this Congress.

On the 25th day of October, 1893, the Hon. THOMAS B. REED, of Maine, an apostle of the doctrine of high protection and one of the chief actors in one of the greatest shows upon earth at this time, in delivering a speech in Boston used this language:

And let me tell you—

Speaking to his audience—

right here, that there is no State so deeply interested as the State of Massachusetts.

He was then talking upon the question of the tariff and the industrial prosperity of New England.

If it were not for its condition I should say: "Let these men try it. Let us have the lesson of free trade burned into the quick; and then let us have peace." But when Massachusetts sits around to mourn her destroyed factories, her ruined industries, her ruined machine shops, she sits around to mourn for eternity; for if they are once destroyed, the omnivorous West will do the manufacturing for the country. You have the start, you have the power, you have the prestige. You can keep it, or you can throw it away; and the only way in which you can keep it is by making the voice of the majority of your people to be heard, and to be heard across the country.

This expression was met by applause by the audience.

Mr. President, I cite this excerpt from the speech of Mr.

REED for the purpose of showing the bitter opposition that is to be offered to every measure that has for its purpose the reduction of the tariff, and to every measure that is designed in any respect to modify the existing law. There the people were told, at that great meeting, that New England had it in her power in effect to crush out the ambition of the West; that if she did not look out for her interests in keeping the act of high protection a law the great, "omnivorous West" would destroy her, and would become the manufacturing center of this country.

When this question is looked upon in that light, when it has become a sectional question, when New England and the Eastern States are told that they have the entire manufacturing interest of the country in their own hands, that they have all of the glory and the prosperity which result from it, are we not to expect bitter, determined, and relentless opposition upon the part of the other side of this Chamber to the pending tariff bill?

Now, it strikes me that it is the part of wisdom for us to fix early in the discussion, by proper resolution or amendment of the rules, a time when the final vote upon the pending bill shall take place.

Mr. ALDRICH. In the absence of the chairman of the Committee on Rules, I do not intend to enter upon a defense of that committee in regard to any action or want of action which they may have taken or failed to take upon certain amendments to the rules which have been referred to them. Neither do I now intend to answer the suggestions made by the Senator from Nebraska [Mr. ALLEN] as to the position of New England in regard to this question. I will merely say to that Senator, for his information, that he is entirely mistaken as to the attitude of the people of New England upon this question and as to the effects of the proposed legislation upon them in comparison with its effects upon the other sections of the country.

However, I rose simply to enter my objection to the resolution, which proposes, in the form of a resolution, a change in the rules. Such a change can be made only by notice as provided by the fortieth rule.

Mr. CHANDLER. Mr. President——

Mr. ALDRICH. I ask that the point I raise be decided by the Chair.

Mr. CHANDLER. I should like to submit a motion to amend the resolution first.

Mr. ALDRICH. I do not care about a motion to amend. I think it can be disposed of. I ask for a ruling of the Chair upon the point of order.

Mr. CHANDLER. I do not understand the Senator's question of order.

Mr. ALDRICH. I think the Chair understands it.

Mr. CHANDLER. If the Chair or the Senator will state the point of order, I may want to speak upon the question.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Chair understands the Senator from Rhode Island to make the point of order that the resolution now under consideration by the Senate proposes to change the rules of the Senate, and that under Rule XL it is not in order.

Mr. ALDRICH. That is the point exactly.

The PRESIDING OFFICER. The Chair will have Rule XL read.

The Secretary read as follows:

RULE XL.

SUSPENSION AND AMENDMENT OF THE RULES.

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

Mr. COCKRELL. I do not think the resolution is a proposition to change or amend the rules. It is entirely an independent resolution, as I understand it. I move that it be referred to the Committee on Rules. Prior to that motion I suggest to the Senator from Nebraska certain amendments. He fixes Thursday, the 4th day of June, 1894, at 2 o'clock post meridian, as the time when the general debate on the bill shall cease. I move to strike out "Monday, June 4," in the first line, and insert "Monday, April 30"; so that it will read: "That on Monday, April 30, 1894, at 2 o'clock post meridian, general debate on the bill," etc. Then, in line 7, I move to strike out "Thursday, the 7th day of June," and insert "Monday, the 14th day of May." I hope the Senator from Nebraska will accept the amendments and let the resolution be referred to the Committee on Rules.

Mr. ALLEN. I will accept the amendments, if I understand them correctly.

Mr. ALDRICH. I ask for a ruling upon the point of order I raised. I have no objection to the resolution going to the Committee on Rules, but if it is to be considered I shall insist upon my point of order.

Mr. ALLEN. The amendments are acceptable to me.

Mr. COCKRELL. The Senator from Nebraska has a right to accept the amendments. Then my motion is to refer the resolution to the Committee on Rules.

The PRESIDING OFFICER. The Chair understands the Senator from Nebraska to accept the amendments, and the Senator from Rhode Island withdraws the point of order. The Senator from Missouri moves to refer the resolution to the Committee on Rules.

Mr. CHANDLER. I rose to move certain amendments to the resolution. I waited to have the point of order decided by the Chair. Pending its decision the Senator from Missouri obtained the floor and moved to refer the resolution to the Committee on Rules. After moving to refer it to the Committee on Rules he offered certain amendments to the resolution, and secured their acceptance by the mover of the resolution. That, I think, is the parliamentary status of the resolution, the Chair not yet having ruled upon the point of order raised by the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair understood the Senator from Rhode Island to withdraw the point of order made, as the Senator from Missouri had moved the reference of the resolution to the Committee on Rules.

Mr. ALDRICH. If unanimous consent can be given now to have the resolution go to the Committee on Rules I will waive the point of order.

Mr. CHANDLER. I only desire to move my own amendment, and then I shall be willing to have the resolution with the proposed amendment go to the committee. I have been a little disconcerted, as I am apt to be, by the Senator from Missouri getting the floor and amending the resolution with the consent of the Senator from Nebraska, so that I am put rather in the background in offering my amendment. Senators will excuse the dilatoriness; I know the Chair will do so.

Now, if my amendment can be received and be referred with the resolution to the Committee on Rules I shall be entirely satisfied with that disposition of the subject.

Mr. COCKRELL. Unquestionably the Senator from New Hampshire has a right to offer an amendment and have it go to the Committee on Rules.

Mr. CHANDLER. I am only explaining my own momentary disturbance that before I could offer my amendment the Senator from Missouri succeeded in getting the resolution amended. I move to strike out in line 6 the words "under the five-minute rule," and in the seventh line to strike out "Monday, May 14," and insert "Thursday, the 22d day of November," as the date when the final vote shall be taken upon the bill. With that amendment I have no objection to the resolution.

Mr. HARRIS. I desire to inquire of the Senator whether he meant November, 1894, or November, 1895?

Mr. CHANDLER. I was proposing 1894, but I am entirely willing, if the Senator from Tennessee desires it, to substitute 1895. I always like to accommodate the Senator from Tennessee.

Mr. HARRIS. My desire has been to understand the Senator from New Hampshire, if possible. I do not desire the postponement to either date.

The PRESIDING OFFICER. Is there objection to the request that the resolution and the amendment shall be referred to the Committee on Rules? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the act (S. 1836) to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals.

THE REVENUE BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill H. R. 4864.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. LODGE. Mr. President, two questions are involved in this bill. One is the effect upon our business prosperity, the wages of our workingmen, and the welfare of our people of a given set of tariff schedules and duties on imports. The other is a much wider and deeper question and involves nothing less than a conflict between two hostile theories of government upon the outcome of which is staked the social and political fabric which embodies our modern civilization. The first question is domestic and of the gravest and most immediate importance. But it neither be-

litties nor underrates it to say that it falls far short of the second in its scope and in its influence upon the fortunes of civilized man.

In what I shall say I propose to discuss the second and larger question first, for on that I think the cause in which I believe most surely rests. Protection and free trade are merely expressions in one direction of the theories of society and government which have been struggling for recognition and acceptance during this century with the control of the affairs of the civilized world as the great prize set between them. They serve, however, to illustrate and exhibit the conflict of the contending forces of which they are only the outward sign and manifestation. In examining the history of these two opposed tariff policies we are able as readily as in any other way to reach the great principles which underlie them, and of which, as I have said, they are merely one expression.

At the outset in treating of protection and free trade, it is well to clear our minds of cant. A tariff policy in its largest sense as a part of a general theory and system of government, and in its farthest results may affect a nation socially, morally, and politically; it may so modify the distribution of wealth as to give it a wider and better scope and by defending wages and standards of living may influence the whole arrangement and growth of society. On the other hand a tariff policy in the usual and narrow sense and especially from the standpoint of the free trader, is purely an economic matter, a question of the pocket, of dollars and cents, and of the national method of doing business. In this latter aspect there is nothing sacred or moral about a tariff system.

I have had the pleasure in recent years of hearing a number of persons discourse about free trade as a great moral issue. This attitude of mind has all the imperishable charm of springtime, and these same people have been very fond of likening themselves to the early Abolitionists and Free Soilers, as the forerunners and, if need be, the noble but not suffering martyrs of a great moral movement for the redemption of mankind. No one likes to lay an irreverent hand upon such beatitude as this, but it seems unavoidable to do so. There is nothing moral about the tariff question, in the narrow sense just described, nor is the morality of free trade greater than that of protection. It seems hardly necessary to quote authority on this point, but if authority is needed, we have that of the great hero of the free traders, Adam Smith. That eminent man wrote the "Wealth of Nations," a very remarkable book, containing much of great value and pointing out the pathway to be pursued by enlightened selfishness in its search for national prosperity.

That book has been widely read and greatly admired. Its author however looked upon it as covering only half of the scheme of human society and human action, for seventeen years before the publication of the "Wealth of Nations" he had written another book which was complementary to the "Wealth of Nations" and which covered what that omitted. This earlier book he entitled "Moral Sentiments." It is quite forgotten now. I have never met a free trader who had read it and very few who had heard of it. The "Moral Sentiments" have not proved as attractive as the methods of enlightened selfishness for getting rich, but the book demonstrates that Adam Smith knew that moral sentiments were not necessarily involved in a mere system of money-making and established the distinction so broadly and clearly that he was justified perhaps in hoping that his followers and worshipers would understand it.

Let us rest, then, if we need to do so, on the authority of Adam Smith, that "moral sentiments" are a thing apart from the "wealth of nations" or from tariff policies merely as such. To suppose otherwise, indeed, is as great an error as another theory which I have seen advanced, to the effect that the American manufacturer is a "robber baron," who ought to be as destitute of rights as a black man under the Dred Scott decision, while the New York importer, generally of foreign birth and often with "no fatherland but the till," is a disinterested being so pure and good that if it were not for the imperfection of our earthly state we might expect to see angel wings springing from his shoulders. The truth is that both are men with the usual supply of human nature and of enlightened selfishness about them, although I greatly prefer the American manufacturer, because his enlightened selfishness is more profitable to his own countrymen than that of the importer.

It is always well to look at things as they are, even if the thing be free trade, to which some persons in beautiful language have consecrated themselves. It is best, if we would treat it intelligently, to know that by itself and of itself the tariff is a business question and that protection and free trade only take on a different and far deeper meaning when they are considered as parts of a question between far-reaching principles, which I believe involves the future of our race and the existence and progress of the highest civilization. It is in the latter and far graver aspect, as I have already said, that I prefer first to treat them.

To the practical man of affairs the theoretical and convinced free trader is generally extremely exasperating. But to the student of history and to the disinterested observer, to men of philosophic minds and blessed with a sense of humor, he is one of the most interesting and entertaining of human phenomena. These convinced free traders generally have some education and invariably think they have a great deal. They are provided with a set of little sayings and aphorisms which can be carried without intellectual strain in a very small compass and which to their thinking are complete solutions of all social and economic questions. These they draw forth on all occasions and present them to the world with entire confidence in the finality of their little sentences and a profound contempt for all persons who venture to differ with them and who do not think that the difficulties of humanity can be so easily dealt with. Their attitude reminds one of Touchstone, who unlike them was both a wit and a humorist but who had a similar way of sententiously disposing of the troubles of mankind. Everyone remembers the description of Touchstone by the melancholy Jaques:

> And then he drew a dial from his poke;
> And looking on it with lack-lustre eye,
> Says, very wisely, "It is ten o'clock;
> "Thus we may see," quoth he, "how the world wags:
> 'Tis but an hour ago since it was nine;
> And after an hour more 'twill be eleven;
> And so, from hour to hour, we ripe and ripe,
> And then from hour to hour, we rot and rot,
> And thereby hangs a tale."

And so the free trader, not in the forest of Arden, but in the busy, eager days of the nineteenth century pulls out his little memorandum and says "The tariff is a tax," "You can not become rich by taxing yourself any more than you can lift yourself by your boot-straps," and so on, and so on. It is very interesting to know that there are men who really think that the complex affairs of humanity can be disposed of by a collection of epigrammatic half truths and watch-pocket memoranda, and who firmly believe that they can regulate the vast mechanism of modern society with a latch-key because that simple instrument suffices to open their own front doors. They are interesting also in another way, for to use the expressive slang of the day, "They know it all." The curious thing about it is that they really do know it all, if by "it" you mean free trade. It is possible for anyone to know everything about free trade, because its doctrines reached maturity fifty years ago and have stood still ever since, untaught by history and unchanged by facts.

The only condition necessary to this complete knowledge, besides being able to read, is that you should know nothing else except free trade. You must close your eyes and shut your ears to everything that has happened since the time of the Manchester school; you must take English opinion as the ultimate expression of human wisdom, and then you know all about free trade, and that is all you will know. Thus the free trader and his doctrine stand stationary and immovable. You can not affix to them Galileo's sentence, which an American wit declared to be the proper motto for Italian locomotives, "And yet it moves." There is no motion about the free trader or his doctrine. To him human wisdom culminated and found its complete expression in the free-trade measures of the Manchester school—doctrines which Thomas Carlyle irreverently christened "The Dismal Science" and the "Calico Millenium."

To the average free trader nothing has happened since. His mind is as tightly shut to new ideas or new facts as that of the average Englishman on the currency question, or as a rock barnacle at low tide. He still believes that his doctrine is not only as scientifically true as the law of gravitation, but that it is absolutely new, although it is wrinkled with age and bent by the failures of fifty years. When the astronomer, calculating the orbit of Uranus, finds perturbations for which no known conditions account, he reasons that there must be some hidden cause which is the origin of these uncalculated deviations. He observes and watches, and presently a new planet swims within his ken. His problem is solved, and he adjusts his calculations to meet the new conditions.

Not so the free trader. The orbits that he calculates are full of variations, and facts conflict with his theories. He folds his arms and says, "So much the worse for the facts if they do not conform to my doctrines." Look at anything they write or say, and you will find that they always begin by telling us what Sir Robert Peel did, what laws were passed in England from 1841 to 1846, or what Cobden said, or what were the views of the league against the corn laws. To them that was and now is both the beginning and end of all wisdom, and yet it was all a half century back. Much has happened since then; many facts have appeared which contradict all their theories; many of their prophecies have failed of fulfillment. They neither know nor care. The world has been moving steadily forward, with many struggles and much suffering, along the dusty high road of human progress ever since 1840; but the free trader, perched like a wee

bird on the fence rail by the roadside, chirps and twitters his little song in bland unconsciousness of the great procession which has been marching steadily onward for fifty years in a direction quite different from that upon which the Manchester school decided that it must move.

Let us try, without prejudice and frankly confessing the enormous complexity of the social and economic difficulties which face and perplex humanity—let us try, I say, to trace the course of the movement of mankind upon the great bottom principles involved in this question, and see whether we can not get some light upon the particular phase of it which is now before us.

The breakdown of the feudal system was the defeat of the forces of separatism, disorder, and petty tyrannies. The force which prevailed over feudalism was that which made for order and the consolidation of power. Law and order were in the interests of the Crown, which was the central authority, and of the great lower and middle classes of the population, who wished peace and quiet and who preferred one ruler to many. At the same time the great feudal nobility, with all their vices, had in their day acted as an important check upon the power of the Crown, and their overthrow meant the removal of this check.

The danger to be apprehended from the destruction of the feudal system, a destruction so necessary to human progress, was that the central authority would become too powerful, and that for a tyrranous oligarchy would be substituted a personal despotism. On the continent of Europe, and in England as well, this was the line of development which followed upon the fall of the feudal system. The powers of the Crown began to grow with great rapidity, freed as they were from the resistance which the great nobles had formerly made, while the people were not ready to appreciate the situation or offer any opposition to the growth of royal power. In England the body of the people, who were by nature independent and impatient of control, soon learned their lesson. When the power of the Crown reached the point where Charles I undertook to set up a personal monarchy the people were ready for the conflict. The great rebellion ensued, and all danger of the establishment of a personal despotism in England disappeared with the execution of Charles at Whitehall and in the smoke of Cromwell's guns, when he won the "crowning mercy" at Worcester. From that period the English-speaking people everywhere have advanced steadily and with but little bloodshed to the complete control of their own Governments.

On the continent of Europe the case was widely different. There, personal despotism was established almost unchecked, and Louis XIV was able to say truthfully that he was an absolute King—that he was the state. Such a development could have but one result, and the abuses of despotism went on until no remedy remained but a social and political convulsion. This came in the French revolution, which shook the civilized world from one end to the other and plunged all Europe into war for a quarter of a century. It not only revolutionized government and society, but thought and opinion as well, and we still feel its effects. These personal governments which then were overthrown were, of course, paternal in their character; that is, they interfered with the lives and the property and the affairs of their subjects in every possible way. The physical revolt against them carried with it an intellectual revolt against state interference of any kind, and paternalism came to be regarded as the equivalent of the hideous despotisms which the French revolution destroyed.

The confusion of the two things was natural and perhaps at the time wholesome. In any event it had an immense effect upon the philosophy and theory of government, for out of this period came the doctrine that the least government is the best, and the economic theory known as *laissez faire* and *laissez aller*. The pendulum under the influence of this great movement against personal government, as was to have been expected, swung with corresponding violence to the opposite extreme. Men swiftly concluded that, because the interference of the state under the monarchies of the eighteenth century was evil, the true secret of freedom, happiness, and success was to be found in going as far as possible in the opposite direction, in reducing government to its lowest terms, and in getting as near as possible to no government at all.

In other words, the world in its political and economic theories rushed from the system of tyrannous interference by a personal government, under which it had sorely suffered, to extreme individualism and unrestrained competition as a sure haven where all would be peace, gentleness, and prosperity. All this was very natural, but like all extremes very dangerous, and like all Utopias in practice very uncertain and disappointing. The theory that state interference is always and necessarily a wholly bad thing, of which we must have as little as possible, was in reality a too hasty generalization. It depended on the proposition that state interference and paternalism as shown in the case of a personal monarchy were wholly bad. On this precise state of facts the let alone theory in politics rested, and from it the same theory in economical questions took its widest extension.

The foundation was insecure and the glittering formula soon began to break down. It could not do otherwise, for it depended on a half truth. Men began to perceive as time went on and the steady progress of the democratic movement was assured, that there was more than one kind of state, and that it did not at all follow because the meddling tyranny of a personal monarchy was bad that the limited and intelligent interference of every other kind of government must be bad too. The wide difference between the action of a state composed of Louis XIV and a state composed of the people themselves began to be apparent. In proportion as this truth has grown visible to men, so has the reaction against state interference which began at the close of the last century and culminated in the adoption of free trade by England declined.

Except to the English free trader and his imitators in this country, for whom history ended fifty years ago, and to whom the observation of historic and economic facts which do not fit their theory appears a mere impertinence, this change of opinion and advance of knowledge are very obvious. Men and nations have alike discovered that unrestrained individualism and unrestricted competition are capable of producing a social system more cruel and oppressive than the darkest forms of feudalism, to which some free-trade orators are fond of likening protection, apparently with the notion that feudalism was an economic policy. Having made this discovery men have revolted against the doctrine which denied that any relief could be obtained by invoking the strength of the whole community united in government to remedy the glaring evils and miseries which unrestricted individualism and unrestrained competition were helpless to modify or cure.

This revolt has been successful at various points, yet its importance rests not on its success, but on the fact that the let-alone theory has been proved in this way to be unsound in many directions. This fact is fatal, for if the general let-alone doctrine is not sound and correct at all points, it can not be assumed to be correct at any. It is no longer sufficient to say that any given social or economic policy rests on the let-alone theory, for that theory has broken down completely as a general truth, and therefore no part of it and no expression of it is necessarily correct.

Free trade rests entirely on the let-alone doctrine—that is, upon the doctrine that the least interference of the state is best; or in other words, that the state ought not to interfere at all in the affairs of its individual members, except to maintain order at home or abroad, or in defense of public morals and public health, and even these are logically infractions of the doctrine of absolute individualism. Free trade, comparatively speaking, is not a very large question. It is merely the expression in one limited direction of a much broader principle. If the let-alone theory is correct as a general economic principle, and if the experience and practice of mankind show that it is correct, then free trade is of course correct as one of its parts. But if, on the other hand, the let-alone doctrine can be proved in many directions to be incorrect, if it has been abandoned again and again in practice by the most civilized nations, then the presumption is against free trade or any other single expression of the central principle. Let us see, first, how far this let-alone doctrine has been invaded since it found its last expression in England a half century ago.

In the direction of free trade itself the case is very readily summed up. England has maintained that tariff system since she adopted it. France, under the Second Empire, perhaps the worst government which that country has ever had, made a spasmodic effort to imitate England's example. It was, however, quickly abandoned, and France is to-day a country of high protection. It may be added that France is the strongest country in the world, except our own and Great Britain, both financially and economically. The wealth of the people was demonstrated in a most marvelous manner when the French, out of their own savings, paid the enormous indemnity to Germany after the Franco-Prussian war, so that to-day the public debt of France is practically held by her own citizens. Without going into details, it may be said that no civilized nation has adopted the English system. All are protectionist countries.

England's own colonies, where her doctrines might be supposed to have peculiar strength, have all one after another abandoned the free-trade system and are to-day protectionist. I am quite aware that the free trader sets aside all opinion that is not English as quite worthless, but I do not think that intelligent persons who are unswayed by the provincial subservience to English opinion characteristic of most American free traders

can afford to do this. The general opinion of mankind to which Jefferson appealed in the Declaration of Independence must always be regarded and has great weight in determining what men think is practically best for their respective countries. If that opinion is considered, it shows that the experience and the practice of civilized men are adverse to the let-alone doctrine as expressed in free trade.

But, as I have said already, free trade is only a part of a principle and, if free trade is founded upon the rock of everlasting truth, the doctrine of which it is the expression must hold good in every direction. Looked at in this way the practical abandonment of the theory, which is proof that it is not an economic truth and that it does not in human opinion work beneficially, is overwhelming. It is not necessary to enter into the long list of legislation, which in its very being flatly contradicts the soundness of the let-alone doctrine. A very few examples will suffice. I will take England for consideration, because England is still the great exemplar of the theory. If the let-alone theory is correct, why does England pass factory acts and mine acts? It may be said that this is done for moral or sanitary reasons, but this explanation is insufficient. It is perhaps possible to stretch it so as to cover the labor of young children, but it certainly can not cover the regulation of the hours of labor for adults. It is a monstrous invasion of the let-alone doctrine to say that it is economically correct for government to interfere with the number of hours that a man or woman should work either in mines or factories. Surely, under that doctrine people should have the right to sell their labor when and how they please. Yet the English Government is interfering in this precise direction, and the free trader does not live in England who is hardy enough to rise up and demand the repeal of these acts because they interfere with individual freedom or the doctrine on which free trade is founded.

At this very moment the English Parliament is discussing the employers liability act. Either the let-alone doctrine is radically unsound or this legislation is as gross an invasion of it as ever was attempted. On the theory of the free trader, what right has the Government to interfere between the employer and the employed? By so doing they set at naught one of their most precious shibboleths of "supply and demand." Yet the Liberal party, led until recently by the venerable statesman who believed that all financial and economic knowledge culminated fifty years ago in the Manchester school, is endeavoring to force through this very act of employers liability. What becomes of the let-alone doctrine in the Irish land legislation, where the Government takes land from the landlord and sells it to the tenant? No greater interference of government was ever undertaken, no more gaping breach in the let-alone theory was ever made—yet both political parties in Great Britain have supported or enforced in turn this land legislation of Ireland.

Let us come a little nearer to free trade. There is no form of protection so extreme as a bounty. Yet England has fostered and built up her shipping by a system of bounties, under the name of mail subsidies, which has been of the most extreme character.

I shall give elsewhere a table which shows in detail what she has done in this direction. It is enough to say here that from 1848 to 1889, inclusive, England spent in mail subsidies $190,027,789. It is perfectly idle, it is worse than begging the question, to say that these are not protective bounties because they are called mail subsidies. To pretend indeed that these subsidies are not protection in a high form is not merely a subterfuge, it is a pure falsehood. Such vast sums for such a purpose are an absurdity on any other theory. If proof were needed of their true character it may be found in the discussion which arose when under the last Administration we entered on a policy of mail subsidies and the encouragement of American steamships as an auxiliary naval force. Our measures were identical with those of England, the Republican party adopted them as measures of protection to develop our merchant marine and would not have enacted them if they had not been of that character.

All the American free traders who had been eagerly saying that England did not protect her commerce or give it bounties, that she only paid mail subsidies, cried out against our mail subsidies as another example of Republican protection. If England's mail subsidies are not protective bounties, then ours were not and they should have been cordially supported by English-minded and free-trade persons in this country. But our mail subsidies were protective and so are England's, and no one knew it so well as England, who found in our policy fresh cause for hostility to the Republican and affection for the Democratic party. The only difference between the two systems was that we honestly declared our subsidies to be protection, while England canted about hers in order that the faith of those who work in her interests in other countries might not be shaken.

If you would have further light on this, contrast what we have paid for carrying the mails with what England has paid and you will see what the actual cost of mail transportation is. The vast sums spent by England in addition to the actual cost of mail transportation are protective bounties and high at that. I think her policy in this direction has been very wise. While she maintains free trade, because she thinks it will pay, and proclaims in the name of truth and righteousness that everybody else should have free trade and open their markets to her goods because she knows that will pay, too, she is very careful to use protection in its most extreme form where she is sure that it will pay her best of all. Nothing is more laughable, it may be said in this connection, than to see the way in which the convinced American free trader is taken in by this English cant shrewdly used for business purposes. England is always talking in a strident voice about her generosity and her anxiety that other nations should adopt this or that system because it will be beneficial to them. The truth is that England as a nation is selfish, as every other nation is. She masks her selfishness in loud protestations of complete disinterestedness, but why anybody should believe these protestations who was not born in England, I have never been able to see. If, however, her general theory on which she rests free trade is correct, then her system of subsidies for steamships lines is all wrong. If the theory is incorrect, as she proves it in practice, then it does not lie in the mouth of the nation that protects commerce to talk about the eternal verity of her free-trade policy.

You can find laws in other civilized countries similar to those in England to which I have referred, but I will not dwell upon them. I will come nearer home. The public-school system and the post-office are absolute violations of the let-alone theory. Yet who disputes their value or who proposes to give them up? In almost every State of the Union there are statutes regulating the hours of labor, employers' liability, the management of railroads, and a thousand other acts great and small which interfere more or less directly with all the force of the Government in the affairs of individuals. It is the same with the nation as with the States. Our statute book is filled with provisions which utterly disregard the let-alone theory of government, and every time we dredge a harbor or deepen a river or open a canal we set it at naught.

There is no need to go on and pile up examples. They occur every day, and stare at us from every page of our constitutions and statutes. If the let-alone doctrine on which free trade rests is correct, then these laws from those providing for public education down are all wrong. They should be swept from the statute books. In the jargon of the Democratic orator, they are fetters upon freedom. They set at defiance the darling epigrams that the free trader carries in his pocket and produces year in and year out, with the comfortable belief that they are both new and true, instead of being the damaged utterances of half a century ago.

Let us look for a moment at two of these precious aphorisms, these beautiful expressions of the let-alone doctrine to the effect that you must "buy in the cheapest and sell in the dearest market," and that everything must be settled by the unrestrained and unqualified economic law of supply and demand. Let us see how these profound antitheses bear the test of actual legislation in the United States. We have upon our statute books at this moment a law to prevent the importation of contract labor, a law very imperfectly enforced I am sorry to say. What put that law upon the statute book? The demand of the laboring men of the United States that they should be protected against that form of competition. The workingmen of the United States called for and secured this legislation in order to prevent the lowering of their rates of wages by the introduction of large masses of labor, which brought with them by contract the rate of wages of other countries where wages were lower than in the United States.

On what portion of the let-alone doctrine do you rest the economic correctness of these laws supported by both political parties and questioned in their soundness by no one? If the free-trade doctrine be sound, by what principle do you step in and say to the employers of the United States, "You shall not buy your labor in the cheapest market." If that principle of buying in the cheapest market is a sound principle, it is just as applicable to a manufacturer or an employer of labor as it is to anyone else. But we properly deny them the unrestricted right because in this instance we recognize in practice that the doctrine is absurd. No grosser violation of the general principle on which free trade rests can be found than this, and yet there is not a Democrat or a free trader with any responsibility who would dare to rise in this Senate or anywhere else and ask for the repeal of these contract-labor laws. If the let-alone principle is right these laws are wrong. If these laws are right—and they

are thoroughly right—then the let-alone principle is fatally wrong in that direction; and if it is wrong in one direction there is no reason to suppose that it is right in any other.

Take another case. Some years ago, in response to the workingmen of California, this country entered upon a policy of Chinese exclusion. The men who began it were denounced. The scholars, the economists, the philanthropists, the professors, the colleges at the start were all against it; but the workingmen triumphed and to-day no party and no representative of any party dares to suggest the free admission of the Chinese. I have heard free traders say that we kept out the Chinese because they were not clean and their habits were not good. Never in the world was there a great popular uprising to keep men out of a country because they were dirty or because their habits were unattractive. The trouble was that the Chinese brought with them a rate of wages with which our workingmen with their standard of living could not compete. The instinct of the laboring men of California was right. They saw in the Chinaman a competitor who would drag them down. They demanded his exclusion and we shut him out. Australia, an English colony, where the labor organizations have exercised a greater influence perhaps than anywhere in the world—Australia, too, has shut him out. How do you make it agree with the doctrine of buying in the cheapest market to exclude the Chinese labor from this country?

In China, as the cheapest labor market and the greatest reservoir of low-priced labor in the world, on the theory of free trade we should have the right to buy our labor; and yet everybody is agreed that it is well to put a stop to it by law. What becomes of the precious theory of free trade in the face of a fact like that? We are right to exclude the Chinaman, who brings his cheap labor with him and lowers our standard of living and degrades our working people. If it is right to do so, then by what theory do you admit free of duty the product of this same Chinaman made in his own country to compete with our product here? The product brings its rate of wages with it just as much as the man, and ocean freight no longer gives protection. If it is right to exclude the Chinaman, it is right to exclude the chair cane which he makes and which brings his rate of wages and standard of life to compete with our workingmen just as surely as if the Chinaman came over himself and made his chair cane in New York or Philadelphia.

The underlying proposition of the free trader is that it is idle to attempt to modify by legislation the working of immutable economic laws. He forgets, or has never learned, that scarcely anything is immutable into which enters the heart and mind and emotions of humanity. The personal equation plays a large part in all things which human beings affect by their own actions. "Raise wages by law, make yourself richer by taxation," says the free trader, bringing out again his little collection of epigrams, "It is like lifting yourselves by your boot straps." And then he fancies that he has answered the whole case. And while he thinks he has settled the universe in this simple fashion, the plain sense of the American workingmen has shut out Chinese labor and contract labor, and will in no long time shut out the imported products of that same labor.

Let us pass beyond the action of the Government in regard to the let-alone theory and consider the action of men. Let us look for a moment at the attitude of the individual man when the let-alone doctrine meets him in practice. Do workingmen wait and rely upon the operation of these so-called economic laws on which free trade rests to regulate their affairs? They combine, as they ought to combine, to bring about an increase in their wages, to elevate their own condition, to prevent by artificial means destructive competition. Every labor union that is formed flies in the face of the doctrine of free trade. But none the less men are going to form them. They wield to-day a vast power, they will keep on growing, and they exist because they represent the instinct of human nature to unite for self-protection. No free trader dares to denounce them as infractions of his theory. His theory, then, is either false or cowardly when it faces a trades union; in reality it is both.

I am aware that one wiseacre repeating what another wiseacre has said, will reply, "You admit labor free, while you cry for protection against manufactured goods." It is almost as easy to answer this statement as to make it. In the first place, it is not true that we admit all labor free. Some we exclude absolutely, like contract and Chinese labor. In the second place, the labor that we do admit free comes from Europe, and the immigrant from Europe does not bring his rate of wages with him. On the contrary, a few weeks or a few months make him as anxious for good wages as his American brethren. Our standard of living becomes his and he ceases to lower our rate of living and modes of life. The European immigrant does not bring his rate of wages with him; but the bale of goods from Europe does bring its rate of wages, and the bale of goods is not susceptible to the influences of association or to standards of living. The bale of goods brings its rate of wages with it and keeps it, and works in that way towards the lowering of all American rates.

Lastly, it is no argument to say that because you do not have protection in one direction where it would be good you should give it up in another where it is also good. So I freely admit that our failure to give suitable protection against the labor which comes in the human being is a grave defect. The principle embodied in the contract-labor law should be enlarged, because the protection we now give by the duty on the bale of goods should be extended. There is no greater need at this time than stringent laws to sift and restrict the immigration to this country for the protection of our rates of wages and of the quality of our citizenship. This protection against excessive European immigration will come as the exclusion of the Chinese and contract labor came, from the good sense and unerring instinct of the people, which will lead them to measures to guard their homes, their future, their race, and their civilization against forms of competition which they can not meet if it is left unrestricted.

What, then, becomes of a doctrine which all the legislatures in the world continually evade? What becomes of a doctrine with a hundred violations staring it in the face from every statute book, violations which even its devotees support or accept? What becomes of a doctrine that the instinct of mankind in his efforts for improvement sets at naught? All history proves that the let-alone doctrine can not stand the shock of facts or the ordeal of practice. The truth is that in these modern times the civilized world is entering upon a new period. The temperate zone, in which experience shows that the most highly civilized races to which we belong can alone thrive and multiply, is very nearly absorbed. If there is still much to be converted to the uses of man, the limits are well within sight. Over against us are the crowded masses of the tropics. Relieved in many instances by the rule of our superior races from the effect of the wars, famines, and floods which formerly decimated them, they are multiplying with enormous rapidity.

In Natal, for example, when the English first took possession, the proportion of blacks to whites was something like 3 to 1. To-day, under the strong British rule, and after a large British immigration, the blacks are to the whites as 13 to 1. The same rule holds good everywhere, and the crowded masses of the tropical regions are becoming ever more crowded. They have standards far below ours. They live under conditions of climate and habits impossible to us. Millions of men in India subsist on from fourteen to twenty dollars a year, and those men in India as well as in Japan are beginning to manufacture, thus closing to us their own markets and threatening our markets with an industrial competition which is deadly if you do not shut it out. You may lower wages and reduce costs beyond the wildest dreams of the free-trade orator, and in this temperate zone, where we and those like us dwell, you never can meet that tropical standard of living.

Are we to sit down with our great civilization and bring about free trade in order to be gradually overwhelmed by the labor of the tropics after a desperate struggle with the overcrowded people of our own race in Europe? Are we to be told that the laws of supply and demand, of buying in the cheapest and selling in the dearest markets are eternal truths and that everything would be right if we only adhered to them? Are we to accept these shattered dogmas of fifty years ago and yield without a struggle to the ruin of our labor and the degradation of our standards of living?

Very fortunately there is a sound instinct in the great races who have made civilization, which protects them from such visions as these. They will not submit; they have already begun to resist. They have excluded the Chinaman from Australia and the United States. They will exclude every sort of low labor brought by the man himself and they will in process of time equalize that same labor with their own by proper duties when it is brought down the ship's gangway, not in the form of a human being but in the form of a bale of goods and carrying the same low rate of wages. The law of self-preservation is a higher law than any that political economy has ever invented, and, although it is the outcome of human nature, it is immutable. That law will in the lapses of the years, if not now, give us the protection which the free trader playing with his wrinkled little puppets would deny.

The fundamental error of the supporters of the let-alone theory, as I have already said, is that they believe that what they call economic laws are fixed and certain, like those which govern the motions of the stars. But, although men like stars may differ from one another in glory, they are unlike stars in most other respects. Laws which are grounded upon the action of humanity are not fixed, but empirical. With rare exceptions, the most that we can hope for in this field is an approximation, some general rule with many exceptions. Human policies of

society or government are subject to infinite variations. That which is most wise at one time may be most unwise at another. That which is excellent for one people would be ruin to another. Soil, climate, situation, the size of the country, the race and character of the people, the conditions of the moment, and the possibilities of the future must all be considered in the adoption of any policy. The States and the people who have recognized this great controlling truth and have put *a priori* theories behind them, have been the successful and governing races of the world.

The Abbé Sieyès drew one ideal constitution after another for France. They were all perfect in theory and they all perished from the face of the earth. Washington and his associates made but one constitution. It embodied few theories and much practice. It had inconsistencies and compromises, but it met the wants of the time and of the people, and it has stood strong and flourishing for a hundred years. The free trader is like the French Abbé; he would bind human development in the tight bandages of a theory without regard to the infinite complexity of all things pertaining to humanity. He may by so doing attain symmetry, but it will be the symmetry of the Egyptain mummy and the result will be quite as lifeless. That which applies to constitutions and government applies also to economic policies. We must look for guidance not to closet theories, but to the great book of history and experience and see what has been done and attempted and what results have been achieved.

Men are learning the lessons of history. They have long since put those lessons into practice. They are now beginning to formulate them as a theory and to understand the philosophy which underlies them. It is apparent to all whose eyes are not hermetically sealed by the traditions of a fading past that, because a personal monarchy or state socialism is bad and oppressive, it does not therefore follow that unrestrained individualism and unrestricted competition are always and everywhere the only good things. Because some state interference is hurtful, all forms of it are not necessarily so. It is a question of degree, not of kind. Somewhere between the extremes of unlimited individualism on the one hand and personal monarchy or state socialism on the other can be found the golden mean in which it is possible to use the united power of the community expressed in the state for the benefit of mankind and the protection of civilization.

Just how far we can go profitably in the use or in the refusal to use the powers of the state can be determined only by patient and cautious experiment through which all the slow steps of civilization have been thus far painfully won. It is no doubt true that it is a grievous mistake to suppose that we can cure by law every evil which afflicts humanity and that it is a weakness to look helplessly to legislation for everything we desire. But it is equally true, and has been proved in practice, that legislation and government can in many cases be employed with advantage to help the affairs of men.

In other words, the aggregate power of the community can sometimes bring beneficial results which individuals by their divided efforts can never reach. If it be said, as it always is said, that this is a futile attempt to overbear natural laws by artificial devices, the answer is that the so-called economic laws are neither natural nor final; that statute law can often modify or call into action economic laws, and is constantly doing so, and that the whole fabric of human civilization to which those supposed laws are thought to apply is artificial. If we put away from us everything that is artificial, everything which man has established by means of law and custom, we should sink back to the condition of the men of the caves and the river drift.

> As we see those animals whose instinct compels them to live in society and obey a chief are most capable of improvement, so it is with races of mankind. Whether we look at it as a cause or a consequence, the more civilized always have the most artificial governments. In Tierra del Fuego, until some chief shall arise with power sufficient to secure any acquired advantage, such as the domesticated animals, it seems scarcely possible that the political state of the country can be improved.—*Voyage of the Beagle*, volume 1, page 206.

These are the words of Charles Darwin, a very great man, and one who has exercised a more profound influence upon human thought than probably any man who has lived in the nineteenth century. He marks here as characteristic of savages in the very lowest scale of humanity an absolutely unrestrained individualism, and points out that all civilization is highly artificial. Speaking with the unimpassioned voice of science, he formulates a great truth.

Everything that we have which makes up our civilization is the outcome of custom hardened into law and public opinion, or of law, pure and simple, embodying the aspirations and the hopes of men. Government and property, the sanctity of the family, the bonds of marriage, the education of children, the punishment of crimes, are all artificial, the slow upbuilding by man through ages of weary experiment and disheartening failures. From the most sacred rights of humanity to trivial questions of manners and of dress, all is artificial; all is the work of man's brains seeking to do by the concentrated force of society what the poor scattered atoms of individuals could never accomplish alone.

In view of the marvelous work which men by their union with other men have been able to achieve, how pitiful is a doctrine which would hold that this united force, which has raised us slowly from the deep darkness of prehistoric times, must be reduced to its lowest proportions and that the less we employ the agency which has raised us, the agency of the united force of a nation or community, the better it will be for us. How more than absurd to stand in the midst of civilization, the work of our hands, artificial throughout, created by men acting in large masses and represented by States and governments, and say that the laws of that civilization made in this way and with such a history demand the entire negation and abandonment of the very power which created the entire fabric, merely because that power is capable of abuse and can be forced to an evil extreme like personal despotism or state socialism.

It is a marvel that such a doctrine should have had any measure of success for fifty years even in theory, for it has never been accepted, except in a small degree, by any people in practice. Men have always employed their united force, which for convenience we call the State, sometimes wisely, sometimes unwisely, to secure or to try to secure ends for which their individual strength was unequal. There has never been a time when they have not done so. There never will be, for the instinct which first united a band of naked savages for mutual defense is undying, and is as strong to-day as ever and far more intelligent. The let-alone theory, as a complete guide, when tried by the broad history of man, fails utterly. It has no support. Tried even by the standards of the limited application of it attempted in this century in new directions, it fails and can have no other fate, for it gives the lie to all that men have done and suffered in order to reach the point they have now attained and sets at naught all the teachings of history.

If, then, as I have said, the general doctrine breaks down, no single expression of it can stand except on its own merits. The general doctrine of let-alone in government has been invaded, abandoned, and disproved in hundreds of cases even since it reached its highest point fifty years ago. Free trade is one expression of the let-alone doctrine. The general theory can not sustain it. It must, therefore, stand on its own merits alone as one expression of a principle broken at a hundred points, and must prove by the benefits it confers, its right to exist as an exception to the great law of human development through which all civilization has been reached.

The next point, therefore, is to determine whether free trade, contrary as it is to the general principles on which human society has been built up, can justify its existence. We can settle this by examining the results of free trade, and, as only one civilized country has adopted it, that is easily done.

England took up free trade, not because she was suddenly convinced of its scientific truth and believed that it ought therefore to prevail, even if the heavens fell. She adopted it, as nations generally adopt an economic policy, because she was satisfied after much discussion that it would pay. It is important to us to know under what conditions she adopted it, whether our conditions are like hers, and whether in the long run free trade has proved such a benefit to England as to make it obvious that it must be beneficial to every other nation.

First, as to the conditions. England is a small country with a limited agricultural area and no great variety of natural resources. The United States is a very large country with an enormous agricultural area and an almost unequalled variety of natural resources. The population of England fifty years ago was dense. It is still more so to-day. The population of the United States at large, tried by European standards, is sparse. Thus we see at the outset that the natural conditions and those of population also in England and the United States are wholly different.

At the time of the free-trade movement England had been living and had built up her industries and her merchant marine under a system of high protection, which had endured for centuries. All the industries practically which she could hope to have were firmly established and the skilled labor necessary to carry them on had been developed. We, on the other hand, have had protection of a varying kind and with some large intervals of low tariff for less than a century. Many of our industries are not yet firmly established nor the necessary labor for them fully developed, and many others to the flourishing existence of which there are no natural obstacles do not exist at all. England invented the steam engine, and in 1840 had carried the application of steam power to industrial production far beyond the point reached at that time by any other nation. This lead in the ap-

plication of steam power gave her an enormous advantage in cheapness of production and put her far beyond the reach of competition. We to-day have no such advantage, for the application of steam power to industrial production is now at the equal command of all the great civilized nations.

The most important difference, however, still remains to be considered. England to-day and fifty years ago was unable to feed herself. She was obliged to import food products or starve her people. At the same time she had corn laws, which levied a heavy tax on the great food staples. This tax, for, as I shall presently show, it was not a protective duty, benefited only the land owners of England, a small and in the main an aristocratic and very rich class. It put a heavy burden upon all the people of England and especially upon the industrial classes. The great popular agitation, which ended with the establishment of free trade, began in the attack on the corn laws and at the time the repeal of the corn laws was regarded as the leading feature of the free-trade movement. In reality that repeal was demanded and would be demanded to-day as part of the policy of protection.

The protectionist theory is to discriminate by duties in favor of every article which can be grown or manufactured in the protected country in sufficient quantities for the use of the people, and everything which can not be grown or manufactured in sufficient quantities according to the protectionist should be placed upon the free list. Corn could not be raised in England in sufficient quantities to feed her people. There was no ground for giving a bounty as has been done so largely by European nations to stimulate the production of sugar, for it was a physical impossibility to raise corn and wheat beyond certain well-defined limits. A certain proportion of food products had to be imported and, as the importation could not be avoided, there was no possibility of lowering the prices by developing a home competition, and the duties imposed became a direct tax which no one could escape.

Therefore, according to the protectionist theory, better understood to-day than it was then, the English corn laws ought to have been swept away long before it was actually done. There is no defense for their existence in protection. If it is possible to defend a tax upon food products which can not be raised in the country in sufficient quantities for its needs, that defense is not to be found in protection, but in free trade, which in England to-day taxes coffee and tea. Hence it follows that the repeal of the corn laws, which established free trade in England, has absolutely no bearing on the question now before us, except as an example of the soundness of the protectionist theory. Moreover it must be remembered that we are in no way dependent as England was on outside supplies of food products. We not only raise all we need and all we ever shall be likely to need, but we are large exporters.

There is still another side to this matter, which must not be passed over, as it has an important bearing upon the action of England. The English manufacturer had reached the point where the miseries of the industrial population were such that it was necessary either to raise wages or run the risk of revolution, which was foreshadowed in the Chartist movement. The English manufacturer raised wages by repealing the corn laws, and thus cheapening the food supply. It was an easy matter to excite popular feeling against the corn laws, for there never was a subject so susceptible of successful popular agitation. The class against which it was directed and which benefited by the corn laws was unpopular, numerically small, and, although still powerful, was so crippled politically by the reform bill of 1832 that it could not oppose a successful resistance.

The manufacturer raised his wages at the expense of the English landowner. The industrial population was directly benefited. The manufacturer was not obliged to increase wages out of his own pocket, and the farmer and the agricultural laborer were no worse off, because the corn laws were not protective duties to them and they received none of the benefit which accrued to the comparatively few landowners of England. The manufacturers having carried their point on the corn laws and with a full sense of the advantage of their position owing to centuries of protection and to their early application of steam power, were not only ready but willing to remove all other duties, believing that their home market was safe and that free trade would give a wider circulation and hence an increased value to their products.

Thus it was that the manufacturers of England with practical unanimity petitioned Parliament for the removal of all protective duties. These English manufacturers did not take this step because they thought that a scientific truth ought to prevail, but because they believed it to be for their own best interests in the direction of a money profit. Their opinion deserved to be and was regarded by Parliament. Contrast their attitude with that of our own manufacturers to-day. Our manufacturers with practical unanimity favor protection, and are opposed to free trade, and their opinion ought to be regarded by us as of great importance in the wisest business settlement of this question. The reply to this always is that our manufacturers sustain protection because they are selfish and make money by it. It is undoubtedly true that the manufacturer sustains protection because he hopes to make money. That is the object of business, and the number of persons who are in business with any other purpose is, I think, extremely small. If, however, the American manufacturer does not make money it is quite certain that he will not employ labor, and therefore the workingmen will not make money either. Our manufacturers believe that under free trade they must either go out of business or reduce labor costs. They naturally do not care to do the former, for that is ruin, and they are very unwilling to try the latter, because reducing labor costs means lowering wages, which means in turn vast industrial disturbances; and that is ruin too, or something very near it. How widely different is our situation to-day from that of England fifty years ago, so far as the manufacturers are concerned. Most striking of all these differences, moreover, is the fact that while the English Parliament listened to English manufacturers, a majority of the American Congress not only turns a deaf ear to American manufacturers, but treats them as if they were enemies of their country.

Having found that the conditions in England at the time of the adoption of free trade were wholly unlike our conditions here to-day, it now remains to inquire whether the English policy has produced results which make it beyond question the proper policy for every other country.

After the adoption of free trade those who brought it about immediately proclaimed, in the fashion of the English when they have entered upon some scheme which they think profitable, that the new scheme was a great and eternal truth; that every other nation ought to adopt it; that everyone who did not agree with them was either vicious or ignorant, and probably both. This outcry had but little effect upon other nations, but in the United States there is a class of persons who are still intellectually in the colonial stage of development and who are sadly distressed by any disagreement with the views of England. Hence has arisen among us a free-trade propaganda. It was sustained at first by the existence of slave labor, which condemned a large section of our country to the production of a single great staple, and which, where it flourished, checked all industrial development. With the fall of slavery the gospel of free trade passed out of sight, and only in late years has regained its lost ground. But now that, sustained by a desire for sectional retaliation, it again has a political standing, we have a right to demand, when it asks us to imitate the British policy, an exhibition of British results.

I have referred to the acclamation with which the adoption of free trade was hailed in England. The clamor grew so loud that it seemed as if one general feeling of delight and satisfaction pervaded the whole people. The classes who were directly benefited, or thought they were benefited, by free trade were loudly vocal, while the masses were silent. Yet with all this apparent unanimity, one of the greatest men then living in England, unbribed by mercantile profits, unawed by the noise of Birmingham and Manchester, and looking with prescient eyes beyond the passing day, announced to the unheeding world about him that there was no divine salvation in free trade. Here is what Thomas Carlyle said in the very heyday of the Manchester school, and his words may well be pondered, as showing how far short the new movement came even at that moment of fulfilling its promises:

> The world, with its Wealth of Nations, Supply and Demand, and such like, has of late days been terribly inattentive to that question of work and wages. We will not say the poor world has retrograded even here; we will say rather, the world has been rushing on with such fiery animation to get work and ever more work done, it has had no time to think of dividing the wages; and has merely left them to be scrambled for by the law of the stronger, law of supply and demand, law of *laissez faire*, and other idle laws and un-laws, saying, in its dire haste to get the work done, "That is well enough."—*Past and Present*, page 26.
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> All this dire misery, therefore; all this of our poor workhouse workmen, of our chartisms, trade strikes, corn laws, Toryisms, and the general downbreak of *laissez faire* in these days—may we not regard it as a voice from the dumb bosom of nature, saying to us; "Behold, supply and demand is not the one law of nature; cash payment is not the sole nexus of man with man—how far from it. Deep, far deeper than supply and demand, are laws, obligations, sacred as man's life itself; these also, if you will continue to do work, you shall now learn and obey. He that will learn them, behold Nature is on his side, he shall yet work and prosper with noble rewards. He that will not learn them, nature is against him, he shall not be able to do work in Nature's sempire—not in hers. Perpetual mutiny, contention, hatred, isolation, execration, shall wait on his footsteps, till all men discern that the thing which he attains, however golden it look to be, is not success, but the want of success."—*Past and Present*, page 232.
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> With our present system of individual Mammonism and government by *laissez faire* this nation can not live. And if in the priceless interim some new life and healing be not found, there is no second respite to be counted on. The shadow on the dial advances thenceforth without pausing. What government can do? This, that they call "organizing labor" is, if well understood, the problem of the whole future, for all who will in future pretend to govern men.—*Past and Present*, page 318.

England has many more doubters of the truth of free trade now than she had then. If Thomas Carlyle were to come back to life, instead of crying in the wilderness against the "calico millenium," he would find many allies even in his native land. Among others no less a person than a late prime minister of England, Lord Salisbury, who has not hesitated to sneer in public at the dogmas of free trade. And if Carlyle were to look across the North Sea to the land of one of his heroes, he would find another German, Prince Bismarck, worthy to stand by the side of the great Frederick, declaring that the prosperity of the United States was largely due to the policy of protection, and himself embodying that policy in the legislation of the mighty empire which he has created.

According to the Manchester school free trade was to become straightway universal, and was to bring in the place of war peace on earth and good will among men. Free trade has not become universal, for no nation but England has adopted it, and England herself has had a war on her hands on an average of about once a year ever since. As prophets of peace and universal free trade the Manchester school has been a failure.

Let us turn now to the immediate effect upon England. That the repeal of the corn laws, which was in accordance with protectionist theories, was of great benefit to the English industrial population can not be questioned. But the important point is to know whether free trade by itself has been able to maintain wages and to keep the working people of England more contented and better provided than they are elsewhere.

On this subject I propose to quote the testimony of Mr. J. C. Fielden before the royal commission on the precious metals in 1887. Mr. Fielden is a peculiarly valuable witness, for he is an expert on the subject of labor, a free trader, and attributes the facts to which he testifies solely to the currency question. Mr. Fielden went into a cotton mill at 13 years of age, and in 1887 he had been connected with the cotton trade for thirty-six years. He is a cotton manufacturer, the manager of a large mercantile business in Manchester, has been connected with all movements in the cotton districts among the working classes since 1859, and has also been the arbitrator for the operatives in all the great wage questions where the question has been settled by arbitration. I now give some extracts from his testimony showing the condition of wages and labor in England in 1887:

7349. CHAIRMAN. You mean the present selling prices of these companies, compared with what was put into them?

Answer. Not only the present selling price; they are nearly all at a discount, some of them at a very considerable discount; but the average yearly dividends are only about 1 per cent during ten years, and during this time some very large dividends have been paid in Bombay out of the work that should be done in Oldham, because they are very much better and cheaper producers in Oldham than in Bombay.

7645-7646. This second report is a report made by Mr. John Fielding, secretary of the Operatives Spinners' Provincial Association, Bolton: "Wages," he says, "or rather prices, in every department of a spinning mill have been reduced 15 per cent since 1874, and stand at that point to-day. Generally speaking, the mills have been kept on full time during this period, except in 1879, 1885, and 1886, when short time and total stoppage were resorted to in a great many instances. Until 1880 none but loafers need be out of work many weeks together, but since then work has gradually been more difficult to obtain, and it is quite common for a spinner to be out of employment twelve, eighteen, and even twenty-four months at a spell. Work was never so bad to find as at present." Bolton is the chief center of fine spinning. It governs practically the whole of the fine spinning trade.

I come next to the coarse, which is the spinning most affected, and heavy coarse counts. The mills spinning coarse counts of yarn are so scattered about in every little village that there is scarcely any large town from which a return could be had of any value as representative of the state of this branch of spinning. But I may state that no branch of the cotton trade has suffered more. Mills engaged in this business can be had at almost any price. You can have a mill to-day and I can sell a mill to-day at one-twentieth part of its cost. That is, a mill engaged in the manufacture of these counts and working now.

7654. Q. What age would the mill be?

A. A good mill in working order at the present time. The valleys running through Rossendale, Todmorden, and Hebden Bridge have, with rare exceptions, been practically ruined so far as capital is concerned, and in addition the want of employment has been most severely felt during the past twelve years throughout these districts. In fact, it is as if a simoon had swept over these valleys. You can see mill after mill with the roof off, never having been turned around for years; and as to the state of the operatives, there are some of the finest operatives in the kingdom in these valleys, they have had to disperse portions of their families in all directions.

7655. Q. Then has the population diminished?

A. Yes, I have no doubt, if you get the population returns of the whole of the district from Waterfoot, Bacup, up to Todmorden and Hebden Bridge. Perhaps the wealthiest firm of cotton manufacturers in the world is at Todmorden, and with the exception of one other firm in Todmorden, every other concern has been swept away, has had to compound or go out of business. Some of them have compounded two or three times; this refers to firms who were in business before 1874.

7682. His returns of the unemployed were (quoting Mr. R. Knight, general secretary of the boiler-makers and iron shipbuilders):

1879	89	1883	115
1874	223	1884	2,946
1875	607	1885	7,197
1887	170	1886	6,480

7685. The report of Mr. Day, the secretary of the britannia-metal smiths, concluded by saying: "In 1885 our trade was even more depressed than in the previous year, 1886; as you will see by the return of the unemployed, there are eighty for whom employment can not be found. Still the depression exists with almost equal severity with the 72 per cent now in employment, who, although considered in work, in many cases barely exist. Those who are at work, many of them, are only working part time." I have the next report for the trades of Wolverhampton and district, from Mr. W. F. Mee, the secretary to the trades councils, Wolverhampton.

7686. Q. Does that cover all the trades in Wolverhampton?

A. It does practically. He gives a general description of how bad they are first, and then he goes on to say that "wages have been reduced in the building trades 4s. 6d. per week during the last ten years." That is a considerable reduction. He says, "In the tin-plate trades wages have been reduced by a process of discounts" that is, taking a discount of wages, so much per cent off his list prices of work; "locksmiths are the same, only the trade is worse. The average wages of a locksmith will not exceed from 12s. to 14s. per week, and not that for fifty-two weeks in the year." In the coal and iron trades things are worse now than they ever were, so far as wages go. Well, of course, I need not mention the case of the chain-makers—which is worse than slavery; it is, as far as wages go, about 6s. or 8s. a week for men and women—and the nailworkers of the district, embodying about 30,000 people. Putting these two trades together, the average wages for a long day's work is about 1s. to 13d. and 14d. a day. He says: "In the iron trade, millmen, who roll the iron into sheets for galvanizing, are about the best off for trade, but I believe their wages are regulated by either the selling prices of iron, or by the pudlers' wages." Then he goes on to compositors: "Compositors have had a reduction of about 10 per cent during the last two years. Shoemakers are pretty fair for trade, but prices have gone down. I can not give any figures of the number employed in the various trades, as I have no means of obtaining the statistics in the limit of time.

"The number of unemployed is far in excess of what it was ten years back and although it is not so bad, the number is increasing. There are also a considerable number on short time. This information in greater part I obtained from a member of the Burslem school board. It applies to the principal branches of the pottery trade."

7700. The report of Mr. John Weir, of the Fife and Clackmannan Miners' Association, says: "In 1874 our men were earning between 6s. and 7s. per day. At present they are only getting between 3s. and 4s. I could not venture a comparative statement as to employment."

7955. (Mr. Chaplain.) Q. I think you said last time that the population was growing four times as fast as employment.

A. In Lancashire, in the cotton districts.

981. Q. Of course, you are aware that quite apart from any currency questions there are other causes which are suggested may have contributed to that, such as increase of industrial activity in Germany, and of late years greatly increased activity in America, too, and consequently more competition?

A. Well, I have paid a very great amount of attention to foreign competition and I may say this, that we have never had a successful competitor in a neutral market for the cotton trade before this silver difficulty. Germany may manufacture under her tariffs, the United States may manufacture under their tariffs; that is the point to consider. The United States, like India, grow their own cotton, but they are obliged to protect themselves by a 35 per cent duty against our goods or else we should invade them completely.

8003. Q. Amounting I think you said to 700,000 or 900,000 unemployed out of 9,000,000 employed altogether?

A. My estimate of 700,000 is based on the strict proportion of the ten societies put in; but at the trades conference at Wolverhampton the delegates representing all the principal trades estimated those out of work at 900,000, and I think they are very much nearer right than I am.

8004. In the case of commodities the wholesale fall does not represent the retail benefit, and I say also that upon a large proportion of the expenditure there has been no economy whatever, and that therefore the actual reductions and loss in wages that have taken place are fully equivalent to any cheapening of commodities to them. That is my case as far as the workingmen are concerned.

8005. Q. It practically comes to this, that on the balance you think the working class are the losers?

A. I think on the balance they are the losers, and I think, to show this clearly, that on considering the question for the working classes, whenever you consider cheapness, which is a very important thing, you must also consider that employment is much more important. Cheapness is a very important thing, but employment is more important.

From Mr. Fielden's testimony, drawn as it is from the secretaries of the great labor organizations and from manufacturers, and which can not be questioned, we find that during the last twenty years there has been a serious decline in wages in England, amounting to from 12 to 15 per cent, and a large falling off in business. In this country, during the same period, the Aldrich report shows that there has been an advance in industrial wages of about 14 per cent. Mr. Fielden attributes the decline in England to the demonetization of silver, which on his theory affected wages and prices all over the world. Yet our wages, assuming that Mr. Fielden is correct in his theory, despite this currency difficulty, which was pushing them downward all the time, nevertheless rose 14 per cent.

Thus we see that if it is the abandonment of silver which has forced down wages and prices, free trade was helpless to resist the decline, while in the United States protection was able not only to resist the adverse force, but to keep wages on an ascending scale. During the debates of last summer many free traders who were eagerly supporting the gold standard claimed that it had not lowered prices, because wages in the United States had been rising since 1873. They are therefore estopped from now denying the fact of the rise. On the other hand, the friends of silver met this argument, drawn from our increasing wages, by saying that they formed an exception to the general decline on account of the labor organizations and the protective tariff, both infractions of the let-alone theory on which free trade rests.

If, however, we assume that Mr. Fielden's theory as to the cause of the decline is incorrect, and that it had nothing to do with the state of the currency, then we find that during the last twenty years English wages have gone down 15 per cent under free trade, while American wages have risen 14 per cent under protection. It makes no difference whether we accept Mr. Fielden's view as to silver or deny with the gold monometallist that silver had anything to do with the general decline of wages

in England. So far as the question of free trade or protection is concerned, the result is the same and in favor of protection. If silver caused declining wages the statistics show that protection was able to resist the decline. If silver had nothing to do with the decline in wages then, according to statistics, wages have been rising for twenty years past under American protection and falling under English free trade.

I will not bring forward any additional testimony in support of the evidence of Mr. Fielden. There is no need to do so. The general facts more than sustain all the details. The London dock strike of a few years ago, followed as it was last summer by the strike of 300,000 miners, against a reduction of wages, demonstrates the continued decline of wages in England. No general decline of wages took place in the United States until the protective tariff was threatened with destruction. Most significant of all is the fact that the stream of immigration flows from England to the United States. English immigrants come here to better their condition, and the instinct which leads them to do so is conclusive proof that the people who live by wages know them to be higher in protected America than in free-trade England. Thus we see that in fifty years free trade has proved utterly unable to maintain wages in England, much less to increase them. At this point, also, free trade as a practical system has broken down.

Turn from industry to agriculture. Has English agriculture benefited by free trade, as Cobden and others of his school predicted? It is a matter of public notoriety that the record of agriculture in England of late years is little but a record of disaster. It is estimated that 2,500,000 acres of land have been driven out of cultivation. Rents have fallen from 30 to 50 per cent and the market value of farming land has decreased in like proportion. In 1862 England grew 17,000,000 quarters of wheat, and in 1892, 7,000,000 quarters. Within six months the landowners and farmers of Essex have been obliged to reduce the wages of their laborers to 8s. a week. How would our farmers and farm laborers like to live on $104 a year? But of course, according to the free trader, the agricultural laborers go into some more profitable employment. Let us see how they go, and where:

The London Truth says:

A vast number of agricultural laborers found it difficult to get work and so became coal-miners. In 1886 there were 619,105 miners; in 1892 there were 903,000. In order that this large number should find work the working days of the week, were reduced, with a consequent reduction of wages.

To this movement of labor from the field to the mines the great coal strike of last summer was the terrible answer. This is what would happen here if our industrial wage-earners were forced out of their present position by increased foreign importations on to the lands or into the mines. It is not a pleasant picture to contemplate, and yet a great party in this country is actually struggling to bring it about. But in England, while her newspapers are urging us to adopt free trade and her manufacturers, like Mr. Fielden, are waiting breathlessly to rush into our markets, some Englishmen are once more recalling the words of one of England's great prime ministers, uttered to deaf ears in the hour of the free-trade triumph.

On the third reading of the repeal bill in 1846, Mr. Disraeli said:

It may be vain now, in the midnight of their intoxication, to tell them there will be an awakening to bitterness. It may be idle now, in the springtide of their economic frenzy, to warn them that there will be an ebb of trouble. But the dark and inevitable hour will arrive; then, when their spirit is softened by misfortune, they will recur to those principles which made England great, and in our belief can alone keep England great. They may then perchance remember, not with unkindness, those who, betrayed and deserted, were neither ashamed nor afraid to struggle for the good old cause—the cause with which are associated principles the most popular, sentiments the most utterly national—the cause of labor, the cause of the people, the cause of England.

Nothing remains but the free-trade promise to increase trade. From official figures, which I will give in detail in a table, I will show the percentage of increase in English exports from decade to decade since 1830. I will also place by the side of this table a similar one showing the percentage of increase in American exports during the same period:

Decade.	Increase of exports over preceding decade.	
	English.	American.
	Per cent.	*Per cent.*
1820–1830		
1830–1840	25.0	68.0
1840–1850	38.1	20.3
1850–1860	88.8	95.2
1860–1870	39.3	8.7
1870–1880	26.5	129.0
1880–1890	5.5	39.7
Average increase	42.2	58.5
Average increase, excluding 1860–1870		66.4

These tables, which exhibit accurately the volume of trade, require but little comment. It must be remembered in considering them that the principal argument of the free trader is that by his system we shall expand trade and increase the volume of exports, thereby widening the circulation of our products, and thus stimulate and enlarge production. A glance at these tables shows that the average rate of increase in British exports during six decades was 42.2 per cent, while for the same decades (five of which were under a high and one under a low tariff, but none under absolute free trade) the average rate of increase in the exports of the United States was 58.5 per cent. In these six decades I have included the war decade from 1860 to 1870, which was of course wholly abnormal and ought not to be included in getting the true average increase. Excluding the war decade, the average increase of exports from the United States by decades since 1830 is 68.4 per cent against 42.2 per cent in free-trade England.

In other words, on the most vital point made by the free trader we find that under protection the United States has beaten England over 25 per cent in the rate of increase in exports. What becomes of the free trader's promises, that by his system we are to get larger markets and wider circulation for our products, when for sixty years we have increased our exports under protection so much more rapidly than free-trade England? If we can increase our exports more rapidly under protection than England can hers under free trade, how absurd it is to ask us to adopt free trade in order to enlarge our market. It will also be observed from these tables that the decline in English exports has been steady since the decade from 1850 to 1860, when all trade was so enormously stimulated by the gold discoveries of California and Australia, and that during the last decade all increase has practically ended.

I will now give a series of tables showing how England raises her revenue. I will not pause to comment upon them. Anyone who will take the trouble to examine them can see how much more the English methods of raising revenue burden the poorer classes of the population than our methods do under our existing system:

[Whittaker's Almanack, 1894.]

Public net revenue of Great Britain, 1893, and the sources from which it is derived.

Customs	$208,575,000
Excise	126,800,000
Stamps (excluding fee, etc., stamps)	69,025,000
Land tax	5,200,000
House duty	7,050,000
Property and income tax	67,350,000
Post-office	52,000,000
Telegraph service	12,400,000
Crown lands (net)	2,150,000
Stamps in lieu of fees	44,162,810
Interest on advances	1,101,980
Interest on Suez shares	994,145
Miscellaneous	4,343,570
Allowance from the Bank of England	854,860
Local taxation	36,071,010
The total revenue of Great Britain for 1892–'93	488,018,395

The custom duties are collected as follows:

Beer, etc	66,955
Chicory	206,445
Cocoa, 10 cents per 100 pounds	594,456
Coffee, 4 cents per pound	987,135
Currants	501,340
Figs, plums and prunes	271,350
Raisins	967,815
Spirits—	
Rum	16,390,310
Brandy	6,071,105
Gin	764,490
Other spirits	2,629,350
Tea, 9 cents per pound	17,031,125
Tobacco, 80 cents to $1.25 per pound	50,622,175
Wine	6,351,240
All other	15,840
Total	97,989,160

A trifling change of duty was made when the chancellor introduced his budget for the year.

Another contributory item is that of woods, forests, and land revenues of the Crown; the produce for the year, including a balance of $110,755 brought forward, was $2,577,980; of this $1,720,000 was paid into the exchequer same as in the years preceding.

The miscellaneous contains the following items:

Small branches of the hereditary revenue	$130,880
Bank of England (profits of issue)	854,855
Naval prize fund	1,000
Contributions from Indian revenues	90,135
Expenses of administration of local loans	207,655
Receipts by civil departments	4,064,310
Receipts by revenue departments	102,235
Post-office savings banks	236,500
Trustee savings banks	25,235
Savings on grants of Parliament, etc	10,000
Isle of Man	20,000

Greek loan	$39,720
Conscience money	11,540
From Transvaal	75,470
Bankruptcy act, 1883	153,090
City of London parochial charities act, 1883	11,935
Casual receipts	6,085
Fees, etc., stamps	4,162,840
Total miscellaneous revenue	10,306,755

Stamps are bought at the Somerset House, and placed on all bills and deeds according to value.

House duty: On inhabited houses, occupied as farm houses, coffee shops, warehouses, and shops of the annual value of not less than $100. From 4 cents to 18 cents on each 50 cents of value, amounting to $7,050,000.

The excise portion of inland revenue heads the list. The chief items of this are intoxicants. This item amounts to $126,800,000, or more than one-fourth of the entire revenue of the country.

The chief items contributing to the excise portion of the inland revenue, net, are for 1893, as follows:

Spirits	$76,420,335
Beer	47,229,465
Licenses	1,171,400
Railways	1,551,625
Total	126,372,823

STAMPS, 1893.

Stamps are next in order. They produce the very respectable sum of $69,025,000, the largest portion of which comes from the deaths, probate, legacy, and succession duties.

Death duties:	
Probate and account	$23,980,295
Legacy	17,210,455
Succession	7,279,030
Estate duty, personalty	5,458,800
Estate duty, realty	814,510
Total	54,743,090

The above are some of the largest items under the head of stamps (excluding fee, etc., stamps). These amounts were actually received and form a part of the net annual revenue.

PROPERTY AND INCOME TAX.

All modern chancellors have found this elastic tax most useful. The following gives the amount obtained from the several classes:

A (lands, tenements, etc.)	$20,591,230
B (occupation of lands, etc.)	1,104,340
C (annuities, dividends, etc.)	4,801,330
D (trades, professions, etc.)	36,114,800
E (public offices, etc.)	4,586,020
Total	67,197,885

STAMPS IN LIEU OF FEES.

Stamps under this heading are affixed to all bills, bills of lading, bills of exchange, checks, certificates of birth and marriage, etc. amounting to $4,162,840.

GROSS REVENUE OF THE BRITISH EMPIRE FOR 1893.

Net amount	$488,048,295

COST TO COLLECT.

Customs	4,258,970
Inland revenue	8,825,000
Post-office	32,565,000
Telegraph	12,975,000
Packet service	3,605,405
Total gross revenue received by the British Government from all sources	550,271,775

This is collected from the poor as well as the rich. The duty on tea is 8 cents a pound, coffee 4 cents per pound, and there is no discrimination in the tax on tea or coffee as to quality. The rich and poor pay the same tax on the commodities.

PAUPERS IN THE BRITISH EMPIRE, AND WHAT IT COSTS TO MAINTAIN THEM.

The total number of paupers in England, Wales, Ireland, and the Kingdom of Scotland is 979,440. (Twenty-eight persons in every one thousand are paupers.) Population, 35,000,000.

One person in every twelve needs relief to keep him from starvation. In London two persons out of every nine die in the workhouse or other public institutions. In Manchester one out of every five.

The cost to maintain the paupers of Great Britain for the past year was $46,273,915.

The London Christian says:

One out of every two laboring men over 60 years of age comes under the law.

PAUPERS IN THE UNITED STATES.

The number of paupers in the United States is 97,205 (one and one-half persons in every one thousand). Population, 62,000,000.

Mr. John Morley, secretary for Ireland, in addressing the Amalgamated Society of Engineers at Newcastle in May, 1889, declared: "It is an awful fact—it is really not short of awful—that in this country, with all its wealth, its vast resources, and all its power, 45 per cent—that is to say, nearly one-half of the persons who reach the age of 60—are or have been paupers."

What, then, do we find in the experience of Great Britain or in the condition of her population under free trade to warrant our making the vast industrial change with which we are threatened? We not only do not get anything to show that the change must be obviously and surely beneficial, but, on the contrary, all the evidence points strongly the other way.

We find that their natural conditions are wholly different from ours, that no other civilized nation has adopted the British system, and that even her own colonies have abandoned it. We find that England does not hesitate to apply protection where she thinks it profitable. She gives vast subsidies, which are protective bounties, to her shipping. She has just imposed import duties in India, but she has excepted cotton goods and yarns, nearly half the imports, thus giving a protective discrimination in those vast possessions in favor of the Lancashire mills, proving in this way that her eagerness to have other nations adopt free trade is simply that she may have markets which are now closed to her. We have found also that wages have been declining in England under free trade during a period of twenty years. By the tables of exports we learn that exports increase faster under American protection than under British free trade.

We see from other statistics that she has 28 paupers to every 1,000 against 1½ in the United States. We know that the stream of emigration flows from England to the United States; we know in one word that wages are better here, the standard of living higher, and the opportunities of life larger than in England. All this we are asked to abandon in order to try the free-trade system, which the British Colonies have thrown aside, and about the merit of which England herself is hesitating to-day. If we make such a change Hamlet's reproach might well be made to us: "Could you on this fair mountain leave to feed, and batten on this moor?"

Such in outline have been the history and results of free trade in the only country which has adopted it. Let us see now what it promises and what rewards it offers when it asks for adoption in the United States. No one will deny that under protection, and especially during the last thirty years, this country has enjoyed a great prosperity, and that its progress and material development have been little short of marvelous. When we are asked to lay aside a system under which we have been so successful the inducement ought to be very great and the reward very sure. In coming to a decision so momentous and a change so far reaching, we ought to understand well what we are to gain by it. Free trade, as its name implies, makes trade of the first importance as a condition of natural wealth and prosperity. It starts, therefore, with a misconception.

Dr. Johnson, who was not an economist, but who had a great deal of robust common sense, said once to Boswell:

Depend upon it this rage of trade will destroy itself. You and I shall not see it, but the time will come when there will be an end of it. Trade is like gaming. If a whole company are gamesters the play must cease, for there is nothing to be won. When all nations are traders, there is nothing to be gained by trade, and it will stop first where it is brought to the greatest perfection. Then the proprietors of land only will be great men.

No one would think of quoting Dr. Johnson as an authority on political economy, and his vigorous statements generally ran, as in this instance, to extremes. Yet none the less his strong sense of the relation of things has here grasped the fundamental truth that production is far more essential than trade. I do not in the least underrate the importance of trade, but as a source of wealth and national wellbeing it is secondary to production, and if we give it the first place in our consideration we begin with a serious error and one capable of leading us far astray.

The true and lasting source of wealth is production, and trade, even though it enhances the value of the product, is at the same time a tax upon production, on account of the cost of transportation. A nation without trade may be permanently rich and prosperous, but a nation without production and dependent solely on trade holds riches and prosperity by a frail tenure. This proposition is susceptible of historic proof. The Venetians were at one time the richest people in Europe. They "held the gorgeous East in fee," and all the trade between the east and west passed through the city of the lagoons. Their wealth came from the cost of transportation which was paid to them and from the tolls and taxes which they imposed upon the vast quantities of merchandise which passed through their hands. They were sufficiently powerful to combat for years the power of the Turkish Empire, and they fought with Europe banded against them in the League of Cambray. They were not producers. They had no agriculture, and, except for the manufacture of glass, lace, and certain stuffs, they had no industries. The route to the East by the Cape of Good Hope was discovered and the eastern

trade passed into new channels. With the departure of her trade, Venice sank to rise no more. She had no industries, no production to fall back upon. She became a second-rate Italian city, with nothing left of the days of her glory but the manufacture of lace and glass, the pictures which her artists had painted, and the palaces and churches which her merchant princes had built.

The Eastern trade passed to Portugal, and passed away leaving the country with only her native products for support. Holland built up her trade, threw off the yoke of Spain, and for a century was one of the first powers of Europe and the rival of England in the narrow seas. Yet Holland, despite her splendid people, was not large enough in territory nor strong enough in numbers to hold out against larger countries and more numerous races. She ceased to dominate in trade, and when trade failed she sank to what she is to-day, one of the lesser powers of Europe. She was saved from the fate of Venice not by the trade that remained, but by the fact that although trade had been her principal source of wealth, she was also a producer and a colonizer of productive countries, and it is her industries and her agriculture—in one word, her production—which has maintained her even as she is at the present time.

These examples show that trade alone can not assure to a people lasting prosperity, and if we look at it carefully we can see that there is no reason why it should be otherwise. Take trade in its last expression and it is but the exchange of existing values or their representatives. Trade is very brisk at Monte Carlo, and large sums of money are made and lost there by the exchange of what represents real values. Yet the prosperity of Monte Carlo is not desirable. Trade is most active in the Paris Bourse, the London Stock Exchange, and on Wall street. In all those places that which represents real values passes rapidly from hand to hand, and vast fortunes are lost and won. In no place is barter, so beloved of the free trader, carried to such an ideal height, yet the stock exchanges of the world add nothing to the real wealth of the community. They are conveniences, but they create nothing. They deal in the symbols of wealth, but the wealth itself is made elsewhere—on the farm and in the factory, in the mine, and the workshop.

Trade is really valuable only as a means of giving wider circulation to products. In this capacity it is of very great importance, but in no other, and the cost of transportation is a tax which production pays for this wider circulation. It is of the utmost importance that a nation should pay this tax to itself and not to others. We suffer from the fact that we pay the cost of transportation of our imports and exports largely to other nations, and we shall continue to do so until we give to our foreign commerce the same protection which other nations give to theirs, and which we have extended to our domestic industries and to our coastwise trade.

We have protected the shipbuilder but not the shipowner, and an incomplete system can not do otherwise than fail. We have refused protection to our commerce the precise point where England has bestowed it with lavish hand. Now we are asked to give up the system under which our industries and coastwise trade have flourished, and replace it by that under which our foreign carrying trade has been ruined.

The wider circulation of products then is, as I have said, the only thing in trade which enhances their value, and free trade promises us this by saying that if we adopt it we shall obtain the markets of the world. This is highly desirable, but we ought to know first just what we are going to get, and, second, what price we are going to pay, for it is quite possible to pay too high a price for anything, even the markets of the world, and we can get nothing under present earthly conditions without paying for it. When a free trader is asked what our immediate advantage is to be from the adoption of his policy, he glibly replies, "The markets of the world," and feels, after the manner of his school, that the whole matter is settled by a well-sounding phrase. Unfortunately we can not stop there. We must go farther and have something more satisfying than a glittering generality, the favorite hiding place of delusions. The "markets of the world" sounds delightfully, but what markets? At this point the free trader gives out, and yet it is the very essence of the whole question.

Let us run over briefly these markets of the world and see just what they are. To Europe we now sell cotton and wheat and a few great staples. England takes what she must and no more, and the same is true of the continent. No change of tariff policy would enlarge our European market for breadstuffs or food products. Our great and familiar exports, or staples, are in reality declining seriously owing to the competition of India, Egypt, and the Slavonic countries in the markets of Europe, which in the past we have practically controlled. This situation can not be affected by free trade or protection, because the markets from which we are being driven are not our own. Barter does not enter into it, for we do not take breadstuffs from anyone. We are simply being pushed out of foreign markets for breadstuffs by the competition of a labor so cheap that we can not meet it. In this connection I desire to give some statistics from a business journal of the highest statistical authority, the Boston Commercial Bulletin:

OUR FUTURE EXPORTS.

There is one feature in American industry that has failed to excite the attention it deserves.

We are exporting less of the old familiar American staples. The total exports for 1893 show that in many of them there is a marked decline, not only from last year's exportation but from the average exportation of the five years preceding, as follows:

Exports of calendar year 1893.

Articles, etc.	Decrease in value—	
	From average of last five years.	From 1892.
Cattle	$4,163,826	$12,411,472
Corn	3,711,212	14,481,312
Copper ore	2,235,661	2,222,630
Cotton	43,923,855	12,957,535
Fish	1,706,642	1,408,737
Fruits	1,696,016	2,279,418
Mineral oils:		
Crude	1,670,572	729,508
Manufactured	4,972,834	128,206
Dairy products	2,347,107	1,695,551

Our friends the enemy have assumed that the United States will always continue to be the producer and shipper of certain crude products, but with the exception of wheat, where we are still holding our own as yet, such is not the case.

Within the last twenty years other hitherto undeveloped countries have been making their presence felt in the most unpleasant fashion.

A typical instance is found in our exports of corn and wheat to Germany. In 1892 Germany bought from us 14,576,216 bushels of corn, in 1893 she bought but 7,652,932 bushels. In 1892 she purchased from us 5,730,822 bushels of wheat, in 1893 only 2,341,302.

Now, in 1893 Germany increased her purchases over those of 1892 of corn enormously from Bulgaria, Roumania, and Servia, and though she purchased a smaller total of wheat she increased her purchases from Roumania and the Argentine Republic.

The Argentine Republic is competing with us in wheat and meat. In the first six months of 1893, her exports of wheat to England alone were valued at $6,500,000.

There are 25,000,000 cattle in the Argentine Republic, and twenty-six establishments that find to-day an abundant business in shipping live cattle, exclusive of those occupied in shipping jerked and frozen beef.

British India is competing with us in cotton and cereals. In five years the imports of wheat from India into England increased in value by $12,000,000, though this year there has been a falling off.

Egypt is competing with us as a raiser of cotton, not only in European markets but in our own. The Egyptian cotton is flesh colored and silky. We imported cotton to the value of $3,715,421 in 1893, against $190,297 five years ago.

Russia is a strong competitor not only in breadstuffs, but in petroleum. As our exports of corn to Europe have declined the exports of cheap wheat from Russia have increased. In 1887 the exports of mineral oils from Russia were but 6,120,000 cwt., in 1891 they had increased to 17,196,300 cwt.

Canada is our bitterest foe on dairy products and her exports of cheese to England, particularly, have increased as ours have diminished.

This is the condition that confronts us. We are competing in the raising of breadstuffs and cotton not only with the poor Sclavonic peasants, but with Hindoo ryots and the Egyptian fellaheen. We are in all our crude products competing with a human element of production that will live and be happy with far less than will content our people.

From this it is apparent that we can not even hold our foreign market for breadstuffs, much less enlarge it; and it is also true that, with the exception of pork and other meat products, there is practically no market in Europe or in England, so far as we are concerned, for anything else. They are all industrial or manufacturing countries with large surplus production, and all except Great Britain have protective tariffs. Australia is protected, and so is Canada. There remain, then, the countries of the East and of South America, valuable markets, I have no doubt, but of limited purchasing power, and, as Mr. REED said in the House, "with three generations of Englishmen, Frenchmen, and Germans camped in possession of every avenue of trade." The markets of the world, therefore, come down to this, that under free trade we are to have an opportunity, according to the free-trader, a better opportunity than at present of struggling with England, France, and Germany for entrance into the Eastern and South American markets; that is, of competing for certain limited foreign markets against nations whose labor costs and standards of living are lower than our own. This does not seem a very magnificent opportunity, even as I have stated it, and yet I have made no reference to the price which free trade proposes to make us pay for this privilege, although the price must be considered before the case is complete.

Under Republican rule we entered upon a policy intended to give us a share of the South American market. We proposed by reciprocity to get the South American countries and West India Islands to admit us to their markets on better terms than other nations by offering them in return the free admission to

our markets of certain of their products which we were bound to import in any event from some country, because we did not produce them ourselves. In other words, we paid them for admission to their markets with a preference over our competitors by favorable admission to our own. The policy was sound in theory and has begun to produce good results. The article in the Commercial Bulletin, from which I have just quoted, shows also that the decrease in our exports of breadstuffs is being replaced by an increase in the exports of manufactured articles of a higher value than the great staples, and that this is largely due to reciprocity.

The Bulletin says:

It is cheering to know that against this decline in one direction there has been an increase in another. There are certain products of the United States that have been steadily increasing their hold on foreign markets. The exports of 1893 exhibit them as follows:

Articles, etc.	Increases—	
	Over average of preceding five years.	Over 1892.
Agricultural implements	$1,632,912	$980,539
Books	538,257	614,573
Carriages and cars	117,554	1,033,081
Coal	4,650,432	3,528,616
Copper goods	10,389,949	10,902,402
Cotton goods	1,181,596	292,287
Hops	1,787,648	1,719,568
Scientific apparatus, etc	321,891	403,147
Iron and steel wares	4,373,389	2,256,288
Leather manufactures	1,721,123	2,100,833
Paper manufactures	416,615	229,382
Paraffin	1,402,431	793,005
Seeds	3,464,513	2,806,044
Spirits	2,690,107	2,182,646
Tobacco	3,039,091	2,075,495

The increased use of electricity of course accounts for our increased exports of copper ingots, and Canada West is the purchaser that has been absorbing so large an increase of Yankee coal.

Generally speaking, it will be seen that thirty years of protection have transformed us from a country exporting little but the natural products of the soil into a country of vast and varied industries. The home market is, of course, much the more valuable, for, as the Boston Journal so admirably summarized the situation the other day, the United States consumes 30 per cent of all the sugar, 25 per cent of all the cotton, 30 per cent of all the coffee and copper, 33 per cent of all the steel and iron and wool and rubber, 40 per cent of all the coal, and 50 per cent of all the tin produced.

The future of the foreign trade of the United States lies not in shipping cotton to England, but flour to Cuba and cloth to Brazil.

It is an interesting fact that though the number of yards of cotton cloth exported from the United States dropped to 150,417,927 in 1893 from 171,754,048 in 1892, the value of our exports increased from 10,209,220 in 1892 to 10,347,821 in 1893. China's purchases of plain brown cottons fell off one-half, but the West Indies, Brazil, and Central America increased their purchases of colored and high-cost cottons to such an extent that the value of the total exported increased. The quantity of Brazil's purchases increased one-third, the value increased one-half.

The increase in our exports of manufactures of iron and steel is notably large; two-thirds of this represents engines and machinery. Cuba is our largest customer for machinery; Mexico and Brazil are liberal purchasers, as indeed is Great Britain, but whereas, except in hardware, England shows a decreasing disposition to buy, our Latin American neighbors have been increasing their purchases.

Is it not profitable to keep customers and enlarge the group of customers who buy our most expensive products and put a duty on those of European manufacture? The present House of Representatives does not think so. It has voted to abandon these new foreign markets for our manufactured products and to let down the bars of our own markets to the foreign producer.

The future historian of the United States will wonder at the folly of a nation thus ready to surrender not only its possessions but its prospects.

THE CASH VALUE OF RECIPROCITY.

In the last two editions of the Bulletin we have shown statistically how the European markets for our staples are slipping away from us. The very valuable annual report of the Chief of the Bureau of Statistics makes it possible to show also how American exports have blossomed in the new Latin American countries under the influence of reciprocity treaties.

The year 1892 is given for comparison because that year is the latest available for the French and English statistics. The German statistics are not at hand for a later year than 1891:

United States exports.

To—	1890.	1892.	1893.
Guatemala	$1,326,388	$1,809,577	$1,713,142
Honduras	522,631	478,947	442,907
Nicaragua	1,270,073	1,187,189	812,654
Salvador	886,231	1,274,021	1,118,054
British West Indies	8,074,433	7,995,185	7,912,341
San Domingo	926,651	984,188	1,106 733
Cuba	12,069,500	17,622,411	23,004,094
Puerto Rico	2,247,700	2,806,631	2,802,788
Brazil	11,902,496	14,240,009	12,339,584
British Guiana	2,011,122	1,885,542	1,953,012

The two countries of prime importance are Cuba and Brazil. In Cuba the heavy increase is due to an enormous relative increase in our exports of machinery, boots and shoes, corn, wheat flour, hog products, and lumber.

In Brazil the articles that have jumped furthest are railroad cars, machinery and hardware, bacon and pork, boards and furniture. More recently there has been a growth in the value of cotton cloths.

The reciprocity destroyer carefully covers up these figures and exults over the fact brought out by the above tables, that our exports to certain smaller countries with whom we have reciprocity treaties have apparently declined. Among these are Honduras, British Guiana, Nicaragua, and the British West Indies.

In the case of the British West Indies the imports of Bermuda from the United States are included in the Department's figures for 1890 and excluded in 1892. As the annual imports of Bermuda are $1,500,000, the bulk being food supplies from the United States and Canada, the apparent small decrease in the years selected is more than accounted for.

As to the genuine decreases, let us see how other countries have fared in Latin America. Great Britain's exports to Central America were £287,168 in 1890, and but £829,152 in 1891. France's exports to Central America were 1,836,329 francs in 1890 and 1,127,911 francs in 1892.

Both these countries show a net loss for all Central America. Taking all Central America together, the United States shows a very handsome relative net gain.

Great Britain exported to the British West Indies goods to the value of £2,624,472 in 1890, and but £2,184,349 in 1892. We are really gaining upon England in her own colonies.

Haiti and San Domingo are unfortunately classed together, one being out of and the other in our reciprocity arrangement. England's exports to the two fell during the two years in question from £528,357 to £247,971, France's from 13,474,176 francs to 9,201,461 francs. Our substantial gain in San Domingo almost offsets the loss in Haiti. Our exports to the two have fallen but from $6,028,115 to $5,947,618, a trifling decline when compared with England's. (When three years are considered American exports show a gain.)

England sold to the Spanish West Indies goods to the value of £1,876,756 in 1890, and but £1,478,171 in 1892. France's exports fell from 11,671,054 to 4,792,378 francs in the same year. As noted above, our exports in the two years increased 40 per cent, and in three years nearly 100 per cent.

England did increase her exports to Brazil from £7,458,628 to £7,910,326 (mostly in jute goods and telegraph wire). France, however, fell from 81,010,705 francs in 1890 to 69,520,091 francs in 1892. The United States gained more rapidly than England.

More than this, President Harrison proclaimed a specially hostile tariff against Colombia, Venezuela, and Haiti. It has been represented that the injury thus supposed to be done our exports has more than counterbalanced the gain secured in the other countries.

Now, our exports to Colombia have risen from $2,522,351 in 1890 to $3,047,620 in 1893; our exports to Venezuela rose from $3,984,280 in 1890 to $4,142,051 in 1893. Our exports to Haiti, as noted above, did decline a little in 1892, but from 1890 to 1893 they rose from $5,101,464 to $5,170,634.

As compared with 1890 we have in 1893 increased our exports to six out of the ten Latin American countries under reciprocity treaties and lost in four. The political uncertainty in Brazil in 1893 and the removal of Bermuda from the general classification of the West Indies make the apparent less than the actual gain.

However, as it stands, we have gained net in our exports to these countries $12,527,520 since 1890. We have lost but $577,897, and the countries that are buying less of us have become even more niggardly customers of European countries.

These new Latin American markets have in part at least offset the dwindling European demand for our old-time staples. The great Sclavonic countries with India and Egypt may break down the European demand for our petroleum, our wheat, and our cotton. Here, however, are markets they can not control.

Will President Cleveland civilly hand them also to Great Britain?

The free trader on seeing such figures as these is always prompt to exclaim that a manufacturer who can export ought not to have any protection. They forget that such manufacturers have reached this exporting point because the home market was secure. If you throw down the barriers which protect them at home you force them to struggle for the home market as for the foreign market, weakening their hold on the former and thereby losing the latter. More important still than the general proposition is the fact, which by itself is conclusive, that this increase of the export of manufactures is chiefly to countries with which we have lately formed reciprocity treaties, impossible without a protective tariff, for without protection you will have nothing to give for the advantages you ask and receive.

As reciprocity of this sort can not exist without protection, the Democratic party proposes to destroy it, as they do not seem to care for any extension of trade where the foreign country is obliged to make concessions to us. Under their scheme nothing is to be exacted from the foreigners, but we are to give everything. The price which we are to pay is not a limited admission to our market, but our market itself. They promise us an opportunity to compete, not for the markets of the world, but for a limited number of foreign markets, with nations having lower labor costs than ours. In return they ask us to abandon reciprocity, which is increasing our exports of manufactured products, and to throw our own market open to those same nations as well as to all others. The price is certain and enormous, while the vague promise, even if fulfilled, is as nothing to it; and when we add to all this the fact just shown, that our exports have increased faster than those of England, it seems incredible that anyone can be found to even attempt to argue that we shall enlarge our market by free trade. We not only sacrifice our home market, but sacrifice it for a system which increases exports less than protection.

And what a vast sacrifice the home market would be. Our own market is the best in the world, because we are the richest people with the largest purchasing power. If the statistics of Mulhall are correct, our 70,000,000 people equal in consumption 700,000,000, or half the population of the world outside our boundaries. This great home market is now our own. The free trader proposes to abandon it and throw it open to other nations from whom he asks nothing in return, and merely promises

that we shall have a chance to compete on equal terms for the markets which we are already getting under reciprocity in the West Indies and in South America. As a business proposition no madder scheme was ever proposed and no more insane policy was ever urged upon an intelligent people. We are gravely asked to give up the American market, the most valuable material possession on the face of the earth, and we are not even offered a definite price. We are promised nothing but the vague result of a doubtful theory, and if English experience may be trusted a consequent diminution of exports.

This is literally all that free trade offers to the people of the United States in the direction of a wider circulation for our products. They have, however, on the domestic side another promise. They tell us that if we throw our market open to the world we shall be able to buy cheaper, or in other words that our purchasing power will be increased. This assumes that rates of wages will remain unchanged, for you can not enlarge a purchasing power by cheapening the thing purchased if you diminish the original purchasing power from other causes in an equal or greater ratio.

To put it a little more plainly, if a man earns $2 a day, and by cheapening what he buys you enable him to get for a dollar what now costs him a dollar and a half, you have increased his purchasing power; but if while you cheapen the article purchased you lower his wages from $2 to $1 a day, the net result is a diminution of his purchasing power and consequent privation. It is too often forgotten that two things go to make up purchasing power. One is the amount earned; the other is the cost of the thing purchased. The first is the more important and is generally neglected by the free traders. Yet purchasing power really rests on the power to earn—that is, upon production. If we do not produce we do not earn, and if we do not earn it is of very little consequence whether the things we desire to purchase are cheap or dear.

The proposition of the free trader that by the removal of duties we shall be enabled to buy cheaper, involves of necessity increased importations and a corresponding decrease either in the amount or the prices of the home product. If we increase importations, just so far do we replace American products with those of foreigners and just so far we proportionately narrow the opportunities for American labor. Here of course the free trader is ready with an answer. "You forget," he says, "the great principle of barter. If we buy foreign goods, where we formerly bought American goods, we pay for them with other products, and so, of course, the sum of production remains the same." Having thus completed his phrase, he stops just as he does with "the markets of the world." But we can not stop there. We must look farther. What are the American products with which we shall pay for these increased importations from Europe? Obviously not the great staples, for we now sell all that Europe can take. Obviously, again, not manufactured goods, for Europe has a large surplus production of those already. Nothing practically remains, then, but money; that is, our coin reserves and the product of our mines, to pay for these increased importations. In other words, we should enter upon a process of stripping ourselves of our gold and silver in order to pay for these increased importations which have replaced American goods.

But let us go still further into this matter. By replacing American products with foreign products we throw the labor normally employed in making those American products out of employment. That labor must go somewhere. The free trader says that it will find its way into those employments where we have a natural superiority and where it is most profitable. As usual, he stops short on a half truth, for this is not all. This labor, by going into fields already occupied, increases the supply of labor in those fields and reduces wages. The more you concentrate labor in a few fields of employment and the more you narrow its opportunities and diminish the diversification of industry the smaller will be the demand for labor and the greater will be the reduction of wages.

But there is still another side to this. Instead of narrowing the opportunities of labor we can prevent increased importations by making them unprofitable. But unfortunately the only way we can make them unprofitable is by making our own costs lower than those of the foreigners and there is no way to lower costs, except by lowering wages. Thus we come back at every turn of the free-trade policy to a reduction of wages, and every free trader who knows anything of his subject and is not talking for political effect, will admit this to be true.

Sometimes he forgets himself, and in a moment of frankness not only admits that free trade will reduce wages but defends the reduction. Such was the case with the Hon. JOHN C. BLACK, of Illinois, on the 9th of January last, during the tariff debate in the House. I quote from the RECORD:

"Mr. CANNON of Illinois. My colleague refers to a half million of immigrants coming to this country each year, the most of whom are attracted by the larger wages here. Do I understand my friend, that the remedy which he would propose to prevent that immigration would be by decreasing the wages of the American workingman by bringing him into competition, not with the half million who come to our borders annually from abroad, but with the labor of the two hundred millions on the other side, who would send their products here free, in competition with our labor?

Mr. BLACK of Illinois. Well, the question is ponderous, but fair, and I will try to reply to it. If I was being chased by bees, I would throw the honey down. If I was being set upon by wolves, I would get the fresh meat out of their sight.

Mr. REED. Even if the children also did not get it?

Mr. BLACK of Illinois. If I was certain that the American workingman of to-day was being overwhelmed by a vast mass of men seeking these shores because they believed that wages were higher—a belief which is false in the long run—and if I believed that that delusion depended upon a system of misleading laws, I should seek to repeal those laws, to let wages have their natural place all around the world, and let people move all around the world in their own way. I would not toil them over here by a system of laws, the effect of which is to drive American workingmen from their places, and to delude into starvation those who are thus attracted here.

Mr. REED. Then the gentleman favors an equality of wages between this country and others from which we have immigration?

Mr. BLACK of Illinois. That is not a fair way to put the question.

Mr. REED. You can make it fair in answering.

Mr. BLACK of Illinois. I make answer by the removal of the artificial means by which we create a fictitious value of the article of wages, and let wages have its natural level, as it does elsewhere.

Here is a complete confession which no subsequent explanation could disguise, and the simile used to defend it is quite perfect. We have honey and are to throw it down because the bees pursue us. We have meat and are to get rid of wolves by throwing it away. Why not keep the honey and drive off the bees? Why not keep the meat and shoot the wolves? Yet this typical free trader asks us to give up a good thing because other people want it and advises our lowering wages because other people come here in search of them. No more complete picture of what free trade means and to what it leads could possibly be devised.

Sometimes the free trader will say more adroitly but less truthfully that the reduction of wages will be met by the cheapening of articles to be purchased, but statistics show that this is false. In the comparisons made by Col. Wright between the Massachusetts industries and those of England, it was proved that after every allowance made for greater cheapness of commodities and of the necessaries of life, the Massachusetts workingman had a net advantage of between 45 and 50 per cent over his British competitor. Therefore, under free trade we must have an actual net reduction in our wages, whether we force our labor into other channels of employment or whether we compete with foreign industries. This means a lowering of the standard of living, which will be little short of a revolution. We pay for everything in this world, and this reduction of wages and diminution of earning power is the heavy price we must pay for the greater cheapness promised by the free trader.

There is in this connection another most important point to be considered. Whether under free trade goods would be cheaper and the purchasing power of a dollar increased, it is certain that the price of labor would be greatly reduced. Now, the labor cost is the chief and indeed nearly the whole cost in everything we have. All our railroads and factories have been built, our farms cleared, our mines developed at a certain labor cost. Reduce suddenly the value of labor by free trade and the whole of our vast industrial and transportation plant will be reduced in value. It must come down to the level of the new and lower labor costs at which future competitors could be constructed. This would mean a revolution in the value of all the machinery of industry and transportation and would involve a vast liquidation and gigantic losses, coming as this change would come with such a sudden shock. The loss to business and capital of such a rapid change would be incalculable, and the further loss to labor which this destruction to capital would cause would be more incalculable still.

The wealth of a country is in production and the strength of a country is in its producers. It is worse than idle to talk about consumers as if they were a vast proportion and distinct part of the population, who ought alone to be considered. The mere consumers constitute not only an insignificant but wholly unimportant fraction of the community. Everybody is a consumer and at the same time a producer, or dependent upon production for his support. The first object of our policy, therefore, should be to do what is best for the producer, because production means both wealth and wages, and consumption depends upon the capacity for production. If, in a search for other markets, we give up our own, we lose more than we gain, and instead of widening we narrow the circulation of our products and thereby diminish their value and limit production.

Our first object should be to hold our own market, because it is the largest and best; and that being done and our own market securely guarded, our next object should be to increase our outside markets by any possible device. By means of invention and protection we have been enabled thus far to maintain high rates of wages in the United States, while lowering the price of the necessaries and comforts of life and raising the standard of

living. If we abandon protection we shall probably in many directions increase prices by withdrawing American competition from the competition of the world and thereby raising the world's price. In any event we shall lower wages. Protection does not make high wages, but it helps to prevent their reduction. We have high wages in the United States, and our labor costs are consequently high. So far as natural resources go, we are more richly endowed by nature than any country in the world. It is only when we take from the earth its manifold gifts and touch them with the hands of labor that they become higher priced than elsewhere.

The entire difference between our prices and those of Europe, when such difference exists, really lies in the labor costs. From the man who digs the clay, quarries the stone, or mines the iron from which the factory is built, to the operative who guides the most complicated machinery in the completed buildings, the labor cost is greater than in Europe, and the labor cost practically constitutes the whole cost, so far as any question of competition is concerned. With a duty equal to the difference in labor costs, our rates of wages can be maintained against outside competition. With the removal of such duties we must bring our labor costs down to theirs or we must cease to manufacture and compete. To maintain these rates of wages is the whole purpose of protection after we have got beyond the stage of establishing our industrial independence.

To maintain high rates of wages and to give, if possible, the fullest scope for their increase, I believe to be essential, because I believe good wages absolutely vital to the stability of our institutions and of our society. Protection and free trade present a social far more than an economic question, for on high wages and high standards of living depends the stability of society, and especially in a republic where every man has a vote, and where no privileged classes exist. Protection in its widest aspect is something far more than a mere question of schedules or of national bookkeeping. It is an effort to defend by legislation our standards of living, just as the exclusion of the Chinese and of contract labor was. Protection is one feature of a great policy of self-preservation, which I believe to be essential to the future of this Republic. To abandon it is to enter on changes which will go to the very bottom of our social and political fabric.

Look at this country since the threat of free trade has hung closely over it. Look at the miseries and losses and wage reductions of the past year. If this is the result of the menace, what will the reality be? The reductions of wages thus far made are trifling to what will come if this bill becomes law and men seek to adjust themselves to the new conditions. Such a lowering of wages is not to be contemplated without the deepest alarm. The country is agitated and frightened as at no previous time. "There is darkness before and danger's voice behind." While we debate rates of duties, the threat of this bill is really breaking down an important part of a broad general policy of society and government on which we must rely unless we are prepared to meet the shock of changes, which it would be difficult to portray. I have no fear of the ultimate result. I believe that the mighty forces which have brought the great races of man to their present position will not cease to operate. I feel sure that in the end we shall not cast aside the policies which are to protect us from the lowering and deadly competition of races with lower standards of living than our own.

But however confident I may feel of the ultimate result, I do not wish to see my country go through the wretchedness which even a temporary abandonment of these policies will cause. It is too great a risk to take, too high a price to pay. Any great industrial change, no matter how fair its promises, is a grave peril and sure to entail grievous losses. Let me quote on this point one of the first of American political economists, Gen. Francis A. Walker, who is not a protectionist. In a recent pamphlet on the subject of bimetallism, Gen. Walker says:

> These are the economists who say that what one loses another will gain. They are the same economists who used to assert that it would not matter if wages were at any time unduly depressed by combinations of employers, inasmuch as the excess of profits resulting would infallibly become capital, and as such constitute an additional demand for labor; and so the wrong would tend to right itself.
>
> It has been the teaching of the economists of this sort which has so deeply discredited political economy with the laboring men on the one hand, and with practical business men on the other. The political economy of to-day recognizes the industrial structure as of the highest importance; it teaches that industrial injuries remain, deepen, and tend to become permanent; that sudden and violent changes are always to the prejudice of the least fortunate members of society—the poor, the ignorant, and the inert, those who have little capital, those who are distant from the market, those who are at a disadvantage in the economic struggle, from whatever cause. It is with industrial society as it is with the human body. A certain portion of its substance is always in a fluid state, circulating unceasingly through the system, nourishing as it goes every part, every organ, every limb; but by far the largest part has taken on a permanent and unchangeable form which can not be crushed or mutilated or punctured without serious, perhaps fatal, injury.
>
> The political economy which treats industrial society as in a state of flux, which regards undeserved losses as amply compensated by unearned gains of an equal amount, which declares that, whatever happens in the field of industry, readjustment will promptly and surely take place, is exactly on a par with the physiology which should assume that a tall, lank man could, by the pressure of a certain number of "atmospheres," be made over at will into a short, stout man of the same weight, without loss of life or energy.

The Democratic party has undertaken to make a revolutionary change in our industrial system, and the effects pointed out by Gen. WALKER have followed hard upon the threat. Yet the Democrats have lost heart as they have proceeded. One concession has followed another until it would be a mockery to call this bill the expression of any economic doctrine, still more so to represent it as carrying out the principles declared by the Democratic party at Chicago. A broad and equal policy of free trade might be defended on theoretical grounds. It would at least have meaning and could be understood. But a bill which wrecks a protective policy only to put in its place a set of schedules which slaughters some industries and gives premiums to others is wholly indefensible. To replace a protective system with free trade is at least intelligible, but to destroy by threats of industrial revolution such a prosperity as we enjoyed under the protective system in 1892 is as wanton as it is ignorant and cruel. If we are to have protection let us have it for every interest, equal and fair to all. If we are to have free trade let us have the real thing and have it for everybody, for that at least will be fair. But an ignorant mixture of these two systems is in practice as impossible as it is unjust.

I reserve what I have to say on the details of this measure for some future occasion. I do not propose to spend any time now in discussing the bill before us. As I have said, it embodies no policy and has no system. It is not protection; it is not free trade. It is a mere collection of preferences and revenges. It is filled with injustice and inequality. It shuts the door upon any hope of union with Canada, for it gives to Canada every advantage of union without exacting any return, and frees her from all inducements to become, as she ought to become, part of the United States. It is a reactionary movement to an outworn system resting on a general doctrine which finds no defense in practice anywhere. It has no element of stability, and its enactment promises nothing but continued change and agitation. The stock jobbing and speculation of Wall street have been with it from its cradle, and soon, I trust, may weep beside its grave. The great trusts are guarded by its provisions, but there is no line to show that the farmer, the workingman, or the manufacturer have been heard or regarded in its schedules.

I turn from this printed deformity to the broad principle which the party to whom we owe this bill pretended to advocate and which I have already discussed. That is the principle of let alone in the Government, the refusal to use the power of the state to benefit the community. Protection rests on the broad doctrine that the power of the community can be wisely used in certain cases for the benefit of the whole body politic. There is no magic in it. We leave to the free trader the privilege of claiming that he has a panacea for all human ills in a patent tariff policy.

We uphold a system of tariff protection because we believe it is one important method of defending the standards of living in the United States from a fatal and degrading competition. We believe in maintaining, defending, and uplifting the standards of living of the American people, because upon those standards rest our civilization and the onward march of our race. Men have struggled up from the darkness which shrouds their beginnings by slow and strenuous endeavor. They have fought their way to the light through many defeats and with much sore labor. They have not done it by any doctrine of "*laissez faire*" or "let-alone," but by united and unresting effort. The same force which has created great nations has created civilization, and great nations are the denial of the let-alone theory. "*Laissez faire*, Supply-and-Demand, one begins to be weary of all that. Leave all to egoism, to ravenous greed of money, of pleasure, of applause. It is the Gospel of Despair." [Applause in the galleries.]

APPENDIX A.—*Subsidies and payments for ocean mail service by Great Britain and the United States.*

Year.	Great Britain.	United States.				
	Subsidy.	Subsidy and mail payments.			Percentage paid.	
	To British steamers.	To American steamers.	To foreign steamers.	Total amount paid.	To American steamers.	To foreign steamers.
1848	$3,250,000	$100,500	.....	$100,500	100	.....
1849	3,180,000	235,086	.....	235,086	100	.....
1850	5,313,985	619,924	.....	619,924	100	.....
1851	5,330,000	1,465,818	.....	1,465,818	100	.....
1852	5,510,635	1,655,241	.....	1,655,241	100	.....
1853	5,805,400	1,880,273	.....	1,880,273	100	.....
1854	5,960,559	1,903,286	.....	1,903,286	100	.....
1855	5,741,633	1,936,715	.....	1,936,715	100	.....

APPENDIX A.—*Subsidies and payments for ocean mail service, etc.*—Continued.

Year.	Great Britain.	United States.				
	Subsidy.	Subsidy and mail payments.			Percentage paid.	
	To British steamers.	To American steamers.	To foreign steamers.	Total amount paid.	To American steamers.	To foreign steamers.
1856	$5,713,560	1,886,766	----------	$1,886,766	$100	----------
1857	5,133,485	1,589,153	----------	1,589,153	100	----------
1858	4,679,415	1,177,303	$833,758	1,211,061	97.2	$2.8
1859	4,740,190	1,079,220	125,350	1,204,570	89.5	10.5
1860	4,349,760	707,245	147,085	854,330	82.7	17.3
1861	4,703,285	570,953	235,932	806,885	70.7	29.3
1862	4,105,353	80,686	293,932	374,618	21.6	78.4
1863	4,188,275	79,397	336,677	416,074	19.1	80.9
1864	4,503,050	64,356	376,085	440,441	14.6	85.4
1865	3,981,995	66,572	408,856	475,428	14.0	86.0
1866	4,227,018	245,605	468,324	713,929	34.4	65.6
1867	4,079,966	411,065	456,138	867,203	47.4	52.6
1868	4,047,586	625,239	390,907	1,016,146	61.5	38.5
1869	5,481,690	757,964	343,726	1,101,690	68.8	31.2
1870	6,107,761	791,389	315,944	1,115,333	70.9	29.1
1871	6,070,741	699,661	275,364	975,025	71.7	28.3
1872	5,693,500	805,788	221,103	1,026,891	78.4	21.6
1873	5,665,296	815,400	228,757	1,044,157	78.1	21.9
1874	5,697,346	750,296	238,098	988,394	75.9	24.1
1875	4,800,000	740,361	236,283	976,644	75.8	24.2
1876	4,420,261	580,063	173,547	753,610	76.9	23.1
1877	3,976,580	386,835	162,061	448,896	63.8	36.2
1878	3,914,990	40,152	159,828	199,980	20.1	79.9
1879	3,768,230	41,251	158,775	200,026	20.6	79.4
1880	3,873,130	38,780	161,029	199,109	19.4	80.6
1881	3,601,350	42,552	197,515	240,067	17.5	82.5
1882	3,538,835	40,645	239,856	280,501	14.4	85.6
1883	3,608,800	48,077	268,281	316,358	15.2	84.8
1884	3,608,355	53,170	279,051	332,221	16.0	84.0
1885	3,642,065	49,048	282,855	331,903	14.8	85.2
1886	3,602,505	43,319	286,072	329,391	13.1	86.9
1887	3,625,915	76,727	335,946	412,673	18.5	81.5
1888	3,490,864	86,890	376,528	463,418	18.7	81.3
1889	3,184,425	109,828	405,573	215,401	21.3	78.7
1890	1	120,170	420,507	540,677	22.2	77.8
1891	1	147,561	443,204	590,765	24.9	75.1

APPENDIX B.—*Table showing value of British exports since 1830.*

Year.	Exports.	Year.	Exports.	Year.	Exports.	Year.	Exports.
1830	£44,574,749	1846	£57,786,876	1862	£123,992,234	1877	£198,893,065
1831	37,164,372	1847	58,842,377	1863	146,602,342	1878	192,848,914
1832	36,450,504	1848	52,849,445	1864	160,449,063	1879	191,531,758
1833	39,667,347	1849	63,596,025	1865	165,835,725	1880	223,060,446
1834	41,649,191	1850	71,307,885	1866	188,917,536	1881	234,022,678
1835	47,372,270	1851	74,448,722	1867	180,961,923	1882	241,467,162
1836	53,293,979	1852	78,076,854	1868	179,677,812	1883	239,799,473
1837	42,070,744	1853	97,933,781	1869	189,953,957	1884	233,025,242
1838	50,030,970	1854	97,184,726	1870	199,640,983	1885	213,115,114
1839	53,233,560	1855	95,669,380	1871	223,066,162	1886	212,725,200
1840	51,406,430	1856	115,826,948	1872	256,257,347	1887	221,913,910
1841	51,545,116	1857	122,066,107	1873	255,164,603	1888	234,534,912
1842	47,284,988	1858	116,008,056	1874	239,558,121	1889	248,935,195
1843	52,203,447	1859	130,411,529	1875	223,405,963	1890	263,530,585
1844	58,534,705	1860	135,891,227	1876	200,639,204	1891	247,235,150
1845	60,111,082	1861	125,102,814				

Mr. HALE. Mr. President, after the attractive and fascinating way in which the Senator from Massachusetts [Mr. LODGE] has presented his subject, I do not think any other Senator will desire to address the Senate to-night. I purpose to follow; but, as my speech will be very plain, I should like to get as near twenty-four hours away from the effect of the eloquent speech of the Senator from Massachusetts as is possible; and I therefore suggest that an executive session be now held.

Mr. HOAR. If the Senator will withdraw his suggestion, I should like to make a speech of about three seconds.

Mr. HALE. Whenever the senior Senator from Massachusetts [Mr. HOAR] has in mind a speech of three seconds or three minutes or more we are always glad to hear him, and therefore I yield to the Senator.

Mr. HOAR. I ask to have my speech read from the desk.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[The Associated Press bulletin.]

NEW YORK, *April 10, 1894.*

The New York Legislature, by a vote of 102 to 3, on motion of Ainsworth, Republican, adopted a resolution thanking Senator HILL for his opposition to the Wilson bill.

[Manifestations of applause in the galleries.]

The VICE-PRESIDENT. The Chair desires to remind the occupants of the galleries that expressions of approval or disapproval are not permitted under the rules.

Mr. GRAY. Mr. President——

Mr. HALE. I yield to the Senator from Delaware.

Mr. GRAY. I merely desire to state, what was not read from the desk, that the house of assembly of the State of New York, which passed that resolution, is overwhelmingly Republican.

Mr. HALE. But not by any such majority as that by which the resolution passed.

Mr. HOAR. Nearly half are Democrats.

Mr. GRAY. The body is overwhelmingly Republican.

Mr. ALDRICH. To be historically accurate in regard to the political complexion of the New York assembly, I understand that there are 14 Republican majority in that body, and that the resolution which it passed must have received about 40 Democratic votes.

Mr. HOAR. And there were but 3 votes against it.

Mr. GRAY. It is an overwhelmingly Republican house. The Republican side of this Senate approves of it also.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. The Committee on Appropriations, to whom was referred the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, have instructed me to report it favorably with sundry amendments.

Mr. MANDERSON. I desire to make a suggestion in connection with the appropriation bills. We are nearing the time when there will be action in both Houses in reference to such bills, and I suggest that we should add to the Calendar, as is usual about this time of the session, a list of the appropriation bills, showing their status. It would be a very great convenience to the Senate, and I hope it may be done by unanimous consent.

Mr. COCKRELL. The Senator simply desires to have a statement on the Calendar showing the status of the bills?

Mr. MANDERSON. Exactly.

Mr. COCKRELL. That can be readily done. The fortifications and pension appropriation bills are already upon the Senate Calendar.

Mr. CHANDLER. I should like to ask the chairman of the Committee on Appropriations when it is the intention of the committee to take up the fortifications appropriation bill?

Mr. COCKRELL. Just as soon as an opportunity can be obtained.

Mr. CHANDLER. Whether this week or next week?

Mr. COCKRELL. I can not tell.

Mr. CHANDLER. Will the Senator kindly give a day or two's notice before calling the bill up?

Mr. COCKRELL. I shall give notice as long in advance as I can.

Mr. MANDERSON. I ask action on the suggestion made by me. I suppose there will be no objection to it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it will be so ordered.

Mr. COCKRELL. As the bill I have reported is an urgent deficiency bill, and provides the machinery for the United States courts, jurors, and witness fees throughout the United States, I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. CHANDLER. Unless the bill is printed with the amendments, I shall certainly object. The Senator can call the bill up to morrow morning or we can come here to-night to consider it if the Senator desires.

The VICE-PRESIDENT. There is objection to the request of the Senator from Missouri, and the bill will be placed upon the Calendar.

EXECUTIVE SESSION.

Mr. HALE. I have not yielded the floor, Mr. President.

Mr. ALDRICH. I suggest, with the consent of the Senator from Tennessee [Mr. HARRIS], that the tariff bill go over until to-morrow at 1 o'clock, the Senator from Maine [Mr. HALE] being entitled to the floor.

Mr. HARRIS. It is now twenty minutes to 5 o'clock, and as various Senators desire an executive session this evening, I shall accede to the request of the Senator from Rhode Island, so far as I am concerned, and move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 11, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 10, 1894.

THIRD ASSISTANT SECRETARY OF STATE.

William Woodville Rockhill, of Maryland, now chief clerk of the Department of State, to be Third Assistant Secretary of State, vice Edward H. Strobel, nominated to be envoy extraordinary and minister plenipotentiary of the United States to Ecuador.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Edward H. Strobel, of New York, now Third Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Ecuador, to fill a vacancy.

UNITED STATES ATTORNEYS.

James F. O'Brien, of North Dakota, to be attorney of the United States for the district of North Dakota, vice E. W. Camp, resigned.

Lewis C. Vandegrift, of Delaware, to be attorney of the United States for the district of Delaware, vice Beniah Watson, to be removed.

POSTMASTERS.

John Buckmaster, to be postmaster at Alton, in the county of Madison and State of Illinois, in the place of Wilbur T. Norton, whose commission expired December 21, 1893.

Willard L. Gillham, to be postmaster at Upper Alton, in the county of Madison and State of Illinois, in the place of Joseph H. Weeks, whose commission expired March 24, 1894.

John I. Hoover, to be postmaster at Wabash, in the county of Wabash and State of Indiana, in the place of William W. Woods, removed.

John D. Bills, to be postmaster at Corinth, in the county of Alcorn and State of Mississippi, in the place of William F. Elgin, whose commission expired March 12, 1894.

John McGowan, to be postmaster at Brookfield, in the county of Linn and State of Missouri, in the place of Warren D. Crandall, whose commission expired December 21, 1893.

Allen T. Frederick, to be postmaster at Allentown, in the county of Lehigh and State of Pennsylvania, in the place of John Stopp, whose commission expired January 21, 1894.

Robert G. Howerton, to be postmaster at West Point, in the county of King William and State of Virginia, in the place of Hansford Anderson, whose commission expired February 19, 1894.

Earl Bronson, to be postmaster at Spencer, in the county of Clay and State of Iowa, in the place of A. F. McConnell, whose commission expires April 30, 1894.

Enos L. Stephenson, to be postmaster at Garden City, in the county of Finney and State of Kansas, in the place of David W. Pitts, whose commission expires April 19, 1894.

Charles O. Mouton, to be postmaster at Lafayette, in the county of Lafayette and State of Louisiana, in the place of Paul Demanade, whose commission expired March 12, 1894.

Nathaniel A. Swett, to be postmaster at Westbrook, in the county of Cumberland and State of Maine, in the place of Charles B. Woodman, whose commission expires April 11, 1894.

James M. Daugherty, to be postmaster at Carterville, in the county of Jasper and State of Missouri, in the place of Alba T. Fountain, resigned.

Thomas J. Francisco, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio, in the place of John C. Reid, whose commission expired March 24, 1894.

Pratt K. Mapel, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio, in the place of Charlie H. Jones, whose commission expires April 12, 1894.

Andrew C. Harkleroad, to be postmaster at Bristol, in the county of Sullivan and State of Tennessee, in the place of George T. Hammer, whose commission expired February 4, 1894.

Charles W. Brooks, to be postmaster at Georgetown, in the county of Williamson and State of Texas, in the place of James Knight, whose commission expires April 16, 1894.

J. H. McGehee, to be postmaster at San Marcos, in the county of Hays and State of Texas, in the place of John M. Cape, whose commission expires April 16, 1894.

Fannie S. Williams, to be postmaster at Lexington, in the county of Rockbridge and State of Virginia, in the place of Mrs. Fannie S. Williams, whose commission expires April 16, 1894.

John Passage, to be postmaster at Delavan, in the county of Walworth and State of Wisconsin, in the place of Hiram T. Sharp, whose commission expired March 29, 1894.

George H. Wehausen, to be postmaster at Two Rivers, in the county of Manitowoc and State of Wisconsin, in the place of William Hurst, removed.

PROMOTIONS IN THE NAVY.

Lieut. (junior grade) Roy Campbell Smith, to be a lieutenant in the Navy from February 22, 1894, vice Lieut. Charles D. Galloway, retired.

Ensign George P. Blow, to be a lieutenant (junior grade) in the Navy from February 22, 1894, vice Lieut. (junior grade) Roy C. Smith, promoted.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 9, 1894.

M. Y. Rusk, whose nomination was sent to the Senate December 20, 1893, to be postmaster at Brookfield, Linn County, Mo.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 5, 1894.

SURVEYOR-GENERAL.

William H. Milton, jr., of Marianna, Fla., to be surveyor-general of Florida.

CONSULS.

James H. Dinsmore, of Texas, to be consul of the United States at Cienfuegos, Cuba.

Richard M. Burke, of Illinois, to be consul of the United States at Chihuahua.

John Bidlake, of North Dakota, to be consul of the United States at Barranquilla.

Walter R. Henry, of North Carolina, to be consul of the United States at Curaçao, West Indies.

William C. Foster, of Arizona, to be consul for the United States at Trinidad, West Indies.

George R. Ernst, of Wisconsin, to be consul of the United States at Reichenberg, Bohemia.

RECEIVERS OF PUBLIC MONEY.

Frank B. Proctor, of Buffalo, Wyo., to be receiver of public moneys at Buffalo, Wyo.

Newman D. Wainright, of Starke, Fla., to be receiver of public moneys at Gainesville, Fla.

David H. Hall, of Eureka, Nev., to be receiver of public moneys at Carson City, Nev.

Louis Grasmuck, of Gunnison, Colo., to be receiver of public moneys at Gunnison, Colo.

Edward K. Hawkins, of Aberdeen, Wash., to be receiver of public moneys at Olympia, Wash.

William H. Dunphy, of Tekoa, Wash., to be receiver of public moneys at Wallawalla, Wash.

PENSION AGENT.

Thomas Cogswell, of Gilmanton, N. H., to be pension agent at Concord, N. H.

ASSISTANT TREASURERS OF THE UNITED STATES.

Michael Ryan, of Ohio, to be assistant treasurer of the United States at Cincinnati, in the State of Ohio.

Delos P. Phelps, of Illinois, to be assistant treasurer of the United States at Chicago, in the State of Illinois.

SUPERINTENDENT OF THE MINT.

J. W. Adams, of Nevada, to be superintendent of the mint of the United States at Carson, in the State of Nevada.

SURVEYORS OF CUSTOMS.

J. N. Harris, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee.

Clay C. MacDonald, of Missouri, to be surveyor of customs for the port of St. Joseph, in the State of Missouri.

REGISTERS OF THE LAND OFFICE.

Joseph F. Heiner, of Gunnison, Colo., to be register of the land office at Gunnison, Colo.

Irving H. Mulholland, of Independence, Cal., to be register of the land office at Independence, Cal.

Jesse F. Murphy, of Olympia, Wash., to be register of the land office at Olympia, Wash.

John A. Harmon, of O'Neill, Nebr., to be register of the land office at O'Neill, Nebr.

Thomas J. Foster, of Kearney, Wyo., to be register of the land office at Buffalo, Wyo.

PROMOTION IN THE NAVY.

Passed Assistant Engineer James H. Perry, United States Navy, to be a chief engineer in the Navy.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. James C. Merrill, assistant surgeon, to be surgeon.

Infantry arm.

Capt. Abram A. Harbach, Twentieth Infantry, to be major.

First Lieut. Frederick D. Sharp, Twentieth Infantry, to be captain.

Artillery arm.

Capt. Carle A. Woodruff, Second Artillery, to be major.

First Lieut. Alexander D. Schenck, to be captain.

Second Lieut. Herman C. Schumm, Second Artillery, to be first lieutenant.

Quartermaster's Department.

First Lieut. Frederick G. Hodgson, Sixth Cavalry, to be assistant quartermaster.

COLLECTORS OF CUSTOMS.

J. S. Cottrell, of Florida, to be collector of customs for the district of St. Marks, in the State of Florida.

Daniel G. Brent, of Florida, to be collector of customs for the district of Pensacola, in the State of Florida.

John D. Davis, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina.

W. A. Fitch, of Texas, to be collector of customs for the district of Saluria, in the State of Texas.

George H. Houck, of New York, to be collector of customs for the district of Genesee, in the State of New York.

POSTMASTERS.

John C. Swallow, to be postmaster at Peterboro, in the county of Hillsboro and State of New Hampshire.

John F. Bartlett, to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire.

Charles H. Proctor, to be postmaster at Bristol, in the county of Grafton and State of New Hampshire.

Levi S. Chase, to be postmaster at Walton, in the county of Delaware and State of New York.

George Roger, to be postmaster at Millerton, in the county of Dutchess and State of New York.

P. J. Clarke, to be postmaster at Greene, in the county of Butler and State of Iowa.

Martin Barrett, to be postmaster at Dunlap, in the county of Harrison and State of Iowa.

Albert L. Rider, to be postmaster at Rhinebeck, in the county of Dutchess and State of New York.

William A. Lewis, to be postmaster at Evart, in the county of Osceola and State of Michigan.

James D. Harrington, to be postmaster at Ida Grove, in the county of Ida and State of Iowa.

W. H. Peterson, to be postmaster at Ellensburg, in the county of Kittitas and State of Washington.

William F. Hooker, to be postmaster at Port Angeles, in the county of Clallam and State of Washington.

Jere I. Brown, to be postmaster at South Bend, in the county of Pacific and State of Washington.

Oscar E. Rea, to be postmaster at Everett, in the county of Snohomish and State of Washington.

William Wallace, to be postmaster at Columbia, in the county of Richland and State of South Carolina.

James K. McGavern, to be postmaster at Missouri Valley, in the county of Harrison and State of Iowa.

Edward J. Brown, to be postmaster at Framingham, in the county of Middlesex and State of Massachusetts.

Robert S. Jordan, to be postmaster at Jersey City, in the county of Hudson and State of New Jersey.

Mark G. Harris, to be postmaster at Joliet, in the county of Will and State of Illinois.

W. T. Duncan, to be postmaster at Salinas, in the county of Monterey and State of California.

E. B. Dangerfield, to be postmaster at Pacific Grove, in the county of Monterey and State of California.

Septimus D. Rice, to be postmaster at Florence, in the county of Lauderdale and State of Alabama.

George P. Walker, to be postmaster at Warsaw, in the county of Hancock and State of Illinois.

Clyde M. Snow, to be postmaster at Earlville, in the county of Lasalle and State of Illinois.

John H. Engel, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois.

Daniel Drischel, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana.

Robert E. Whitlock, to be postmaster at Roodhouse, in the county of Greene and State of Illinois.

Irvin H. Wangelin, to be postmaster at Belleville, in the county of St. Clair and State of Illinois.

W. W. Smith, to be postmaster at Colby, in the county of Thomas and State of Kansas.

George F. Ritze, to be postmaster at Brookville, in the county of Franklin and State of Indiana.

Joseph A. Hixson, to be postmaster at Fowler, in the county of Benton and State of Indiana.

Thomas A. McCleary, to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas.

George C. Pearce, to be postmaster at Shenandoah, in the county of Page and State of Iowa.

Oscar Williamson, to be postmaster at Vevay, in the county of Switzerland and State of Indiana.

John H. Dyer, to be postmaster at Winchester, in the county of Scott and State of Illinois.

Edward L. Smith, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania.

B. H. Blackston, to be postmaster at Frederick, in the county of Frederick and State of Maryland.

Patrick Morrissey, to be postmaster at Alta, in the county of Buena Vista and State of Iowa.

Richard B. Hall, to be postmaster at Red Oak, in the county of Montgomery and State of Iowa.

Edward L. Simpson, to be postmaster at Carrollton, in the county of Greene and State of Illinois.

George W. Farrelly, to be postmaster at Chanute, in the county of Neosho and State of Kansas.

A. J. Davis, to be postmaster at Wa Keeney, in the county of Trego and State of Kansas.

George A. Collett, to be postmaster at Ellsworth, in the county of Ellsworth and State of Kansas.

Ebenezer M. Lockwood, to be postmaster at Burlington, in the county of Coffey and State of Kansas.

George Innes, to be postmaster at Lawrence, in the county of Douglas and State of Kansas.

George Hill, to be postmaster at Independence, in the county of Montgomery and State of Kansas.

Emma J. Grafft, to be postmaster at Orleans, in the county of Harlan and State of Nebraska.

Will E. Stoke, to be postmaster at Great Bend, in the county of Barton and State of Kansas.

Frank B. Ober, to be postmaster at, Washington, in the county of Washington and State of Kansas.

Enoch F. Lamb, to be postmaster at Elizabeth City, in the county of Pasquotank and State of North Carolina.

William E. Harrison, to be postmaster at Rockingham, in the county of Richmond and State of North Carolina.

A. T. Hill, to be postmaster at Lyons, in the county of Burt and State of Nebraska.

J. W. Ramsay, to be postmaster at Gonzales, in the county of Gonzales and State of Texas.

John H. Cranford, to be postmaster at Alvarado, in the county of Johnson and State of Texas.

J. D. Bates, to be postmaster at Denton, in the county of Denton and State of Texas.

J. E. B. Budlong, to be postmaster at Clinton, in the county of Rock and State of Wisconsin.

Henry G. Crouch, to be postmaster at Kingston, in the county of Ulster and State of New York.

William J. Russell, to be postmaster at Brownsville, in the county of Cameron and State of Texas.

Arnold Wagener, to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin.

Gottfried H. Ely, to be postmaster at Mauston, in the county of Juneau and State of Wisconsin.

Moses J. Downey, to be postmaster at Portage, in the county of Columbia and State of Wisconsin.

REJECTION.

Executive nomination rejected by the Senate April 5, 1894.

REGISTER OF THE LAND OFFICE.

Henry W. Long, of Martel, Florida, to be register of the land office at Gainesville, Fla.

CONFIRMATION.

Executive nomination confirmed by the Senate April 10, 1894.

SURVEYOR OF CUSTOMS.

Albert J. Barr, of Pennsylvania, to be surveyor of customs for the district of Pittsburg, in the State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 10, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal was read and approved.

BRIDGE ACROSS SULPHUR RIVER, ARKANSAS.

The SPEAKER laid before the House the bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River, in the State of Arkansas or in the State of Texas, with Senate amendments.

The SPEAKER. The Clerk will report the amendment.

Mr. REED. Is not the first thing in order the Sergeant-at-Arms' report?

The SPEAKER. The Chair thinks not, but the Chair will hear the gentleman on the question.

Mr. REED. It seems as if that would come up directly after the reading of the Journal, because the House was dividing on the subject.

The SPEAKER. The previous question had not been ordered upon it.

Mr. REED. Oh, no; the previous question was not ordered. But this is a privileged report, a report of the Sergeant-at-Arms, and came in before any other business; and it is privileged until disposed of.

The SPEAKER. The report came in after the business on the Speaker's table had been disposed of.

Mr. REED. Even in that case it is privileged business until finished.

Mr. SPRINGER. Would it not then be in the nature of unfinished business? The matter had not been called up. The matter was suggested yesterday, and it went over without decision. It has not been called up this morning.

Mr. REED. It seems to me that will make no difference, because it is a privileged question.

The SPEAKER. So is a contested-election case a privileged question; but it does not come up from day to day without being called up.

Mr. REED. If the House is dividing on it, and it has not decided, is it not in order? The House was dividing when it adjourned on Saturday.

The SPEAKER. But that does not bring the matter up the next morning unless the previous question is ordered.

Mr. REED. It seems to me that it would. Would it not be like any other unfinished business?

The SPEAKER. Suppose it is not privileged, it would not come up the next morning without the previous question had been ordered.

Mr. REED. I do not know that it would; but being a report of the Sergeant-at-Arms, it must be disposed of before you proceed to other business, it seems to me.

The SPEAKER. Yes, when the Sergeant-at-Arms reports the matter.

Mr. REED. But the Sergeant-at-Arms' report is up for disposal by the House. The Sergeant-at-Arms' report represents certain members not arrested still subject to arrest; and the House ought to have an opportunity to dispose of the question and to determine whether it will vacate the order, because the spectacle is now presented to the House of a certain number of members ordered to be arrested. They are not yet arrested, and the Sergeant-at-Arms' duty is not concluded. I do not know how large a number of members are under threat of arrest by the Sergeant-at-Arms, and that can not be a condition of things which is seemly, in my judgment; but the House ought to take it up and dispose of it.

The SPEAKER. The only question now is whether it comes up without being called up.

Mr. REED. It seems to me as if it must.

The SPEAKER. Whether it comes up without being called up, the previous question not having been ordered?

Mr. REED. It is not a question of the previous question, the House having been dividing on the subject.

The SPEAKER. The fact that the House divides on a subject does not give it any standing whatever more than it would have if the House had not divided.

Mr. REED. No; but this is a question to which privilege is attached, and we stop right in the midst of a roll call.

The SPEAKER. Unless the privileged matter were called up it could not come up of itself unless the previous question was ordered, which has been held to bring matters up immediately after the reading of the Journal.

Mr. REED. I think it has been held—though I am not prepared with an authority at present, the matter seemed to me so clear—that when the House is dividing on a question on a matter of privilege and adjourns on a division, that matter must come up and be disposed of. It can not be laid aside in this way.

The SPEAKER. The Chair thinks that would only make it what is known as unfinished business.

Mr. REED. In that case it ought to come up at once.

The SPEAKER. Unfinished business, the gentleman will recollect, comes up at a later period under the rule. The Chair will cause the rule to be read.

Mr. SPRINGER. Paragraph 5 of Rule XXIV is that which relates to unfinished business.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

5. After the hour under the preceding clause shall have been occupied, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

The SPEAKER. Now, this business is unfinished business in which the House was engaged at the hour of adjournment, but unless there is something to bring it up other than the ordinary rule it would come up only after what is known as the second morning hour.

Mr. REED. But it was privileged business, and if the Chair decides that it must be brought up, I desire to have it brought up and disposed of. I think the question ought to be settled about these members who are now under liability of arrest.

Mr. OUTHWAITE. Does the Chair decide that it should come up after the second morning hour?

The SPEAKER. No; the Chair did not make any decision. The Chair merely had the rule read. The Chair will hear gentlemen on the question. The inclination of the Chair would be to hold that this matter would not come up unless it was called up, although it might be a privileged matter. Even a contested-election case, which is a matter of the highest privilege, does not come up of its own motion.

Mr. OUTHWAITE. If this be a privileged matter at all, its privilege is not of such a character that the House must cease all other business and turn aside to consider it.

Mr. REED. I think it will be found that when the House is dividing we must continue the division.

Mr. OUTHWAITE. No; I do not think there is any authority for that. In all my experience here I do not recall a single occasion when such a proposition was held to be correct.

Mr. SPRINGER. Mr. Speaker, this is a privileged question to the members who are affected by the order of arrest. It is a privileged matter as to the members whose names are embraced in the report of the Sergeant-at-Arms, and any of them can call it up; but it is not privileged as to me or as to the gentleman from Maine, because we are not affected by it.

Mr. REED. It is a matter which concerns the House of Representatives. May I inquire, Mr. Speaker, how many members were ordered to be arrested?

The SPEAKER. The Chair understands that there were 28.

Mr. REED. Then 28 members of the House are under liability to arrest, and if this kind of proceeding be correct—I am quite sure it is not, but if it be—then 28 members of this House have this arrest held over them by the mere whim of the Sergeant-at-Arms, and the doctrine which would leave that matter undisposed of can not possibly be sound. It is not a doctrine which gentlemen can afford to establish in view of the near future.

Mr. SPRINGER. Well, if the gentleman from Maine has no objection I will ask unanimous consent for the discharge of the order for the arrest of those members.

Mr. REED. You have a motion now pending for that very purpose, which motion is now before the House.

Mr. SPRINGER. But I say, if the gentleman does not object, we can have unanimous consent to have the order discharged.

Mr. REED. I should prefer the regular course. And if this is not a question of the highest privilege, I do not know what could be.

Mr. SPRINGER. Did anybody call this up? If not, I call for the regular order.

Mr. BURROWS. May I call the attention of the Chair to three paragraphs on page 486 of the Digest which I hold in my hand? I do not know whether the paging of the Speaker's copy agrees with this. These three paragraphs, which are found under the head of "Practice," throw some light, I think, on this question.

The SPEAKER. They do.

Mr. BURROWS. I refer to the language:

A privileged proposition pending at an adjournment does not necessarily recur as the regular order of business after the approval of the Journal on the following day until called up.

The SPEAKER. That was the idea of the Chair. This de-

cision, in the first session of the Fifty-third Congress, as just read by the gentleman, is to the effect that—

A privileged proposition pending at an adjournment does not necessarily recur as the regular order of business after the approval of the Journal on the following day until called up by a member.

Mr. SPRINGER. If nobody calls this up, I ask for the regular order.

The SPEAKER. The idea of the Chair was, that as the previous question was not ordered upon this matter, it did not come up unless called up.

Mr. SPRINGER. Nobody has called it up. I ask for the regular order.

Mr. REED. There is a decision of Mr. Speaker Carlisle to this effect:

A privileged proposition once considered remains privileged from day to day until disposed of, subject, of course, to questions of higher privilege.

The SPEAKER. Undoubtedly; if a matter be privileged, it does not lose its privilege because its consideration is not finished when first taken up.

Mr. REED. It must be plainly a question of privilege, or else it could not have come in.

The SPEAKER. No point was made in that respect at all. All that the Chair holds now is that this matter does not come up unless called up.

Mr. REED. Then I think I will call it up.

Mr. McRAE. The gentleman can not call it up pending the consideration of the matter already before the House.

Mr. REED. I interposed at once.

Mr. McRAE. Not until this matter had been submitted.

Mr. REED. Well, I do not care to make any question about this particular matter in which the gentleman from Arkansas is interested.

The SPEAKER. This is only a formal amendment to a bridge bill. Without objection, the Clerk will report the amendment and it will be disposed of.

The amendments of the Senate were read.

Mr. McRAE. I ask that these amendments be concurred in.

The SPEAKER. Without objection, these amendments, being merely formal, will be concurred in. The Chair hears no objection. The gentleman from Maine now calls up the question which was before the House on Saturday last at the time of the adjournment.

Mr. SPRINGER. I withdraw the motion to discharge the order.

Mr. REED. I make the point of order that the motion can not be withdrawn.

Mr. DOCKERY. There has been no vote.

Mr. SPRINGER. There has been no vote—no decision of the House upon it.

Mr. OUTHWAITE. I rise to a parliamentary inquiry. Is this motion pending in any sense of the word? Did it come over to this time? Is it necessary that it should now be withdrawn?

The SPEAKER. If it is a privileged matter it can be called up.

Mr. OUTHWAITE. But is the motion pending? Is the report of the Sergeant-at-Arms a privileged matter in such a sense that it may be called up and another motion must be made for the disposal of it?

The SPEAKER. The motion was to discharge the order, and on that the yeas and nays were ordered. The gentleman from Maine makes the point that the gentleman from Illinois can not withdraw his motion.

Mr. OUTHWAITE. But I understand the gentleman from Maine calls up, not the motion which was made, but the report of the Sergeant-at-Arms.

The SPEAKER. Oh, no; the motion. The report is not before the House; that is not the question to be voted on; it is the motion.

Mr. REED. Now, it would not be contended for an instant that the gentleman from Illinois would have the right to interrupt a roll call for the purpose of withdrawing a motion which the House was commencing to decide. It will not be pretended that the rule goes to the extent that it can make any difference whatever in regard to the question that it goes over to another day. We are in the midst of a roll call. The House was on the point of expressing its opinion on the subject presented by the motion of the gentleman from Illinois; and I have never known an instance where it was permitted, under the practice of the House, to interrupt a roll call for the purpose of withdrawing the motion on which the question was being taken. In fact, the Chair has held, in regard to the interruption of a roll call the other day, with such severity the opinion that it could not be interrupted, that I can hardly see how the Chair could hold that such an interruption would be permissible at this stage of the proceedings.

The SPEAKER. But how does the gentleman from Maine regard this as interrupting a roll call? There is no roll call in progress.

Mr. REED. There is. We are in process of dividing upon a question.

This is the status of the affair: The gentleman from Illinois [Mr. SPRINGER] made a motion to discharge the proceedings under a call of the House, and on that motion we were dividing, and the roll had been called once, no quorum having been discovered. Nothing was to be done under the circumstances except to adjourn, or to obtain the presence of a quorum. Whenever the subject is resumed, therefore, it is resumed exactly at the point where it was left off; that is to say, at the roll call.

We were dividing on that question; we were testing the sense of the House on it, and the fact that there was no quorum present does not give the right of withdrawal to the mover of the resolution any more than he would have the right to withdraw it in the middle of any other proceeding or division for obtaining the sense of the House. That seems to be clear.

Mr. SPRINGER. But we are not in the midst of a roll call now.

Mr. REED. We are, most assuredly.

Mr. SPRINGER. No quorum voted on the question when it was presented——

Mr. REED. When the question is again before the House the first thing in order for the Chair to do will be to direct the Clerk to call the roll.

The SPEAKER. A great many questions—or many questions—might arise between roll calls that could not be entertained pending them. That is simply a rule of practice, or a custom of the House. As a matter of the orderly transaction of business, the rule provides that a roll call shall not be interrupted. For instance, you could not interrupt a roll call to make a motion to adjourn, and yet between roll calls on the same subject the motion is permissible and may be made. So also with other motions which may intervene.

So there is a distinction between an actual roll call, when it is being called, and a case where the roll call has only been ordered to be taken.

Mr. REED. I beg to submit that nothing would be in order after the roll call has been commenced, except an effort which could be made for securing a quorum or an adjournment. And in any event the House is in the midst of a division on the subject. It is dividing on the question, and the only thing that can interrupt it properly, without general consent, or a mistake in calling it too quick, or something of that sort, would be proceedings under the rule to obtain a quorum; and the purpose of this proceeding is to make this very roll call effective. It concerns the roll call being taken and nothing else.

The proposition is simply this: The roll call is interrupted by the failure to secure the presence of a quorum. Thereupon the House proceeds at once to obtain it, or else the House adjourns in the expectation that there will be a quorum present on the next day.

When the question comes up we are still left with the yeas and nays ordered, and the Clerk should be directed to go on and call the roll. It seems to me that the only thing that the Chair can do is to continue the proceeding which the House had ordered, which is only partially completed. Anything else would lead to confusion and to the introduction of other resolutions, and to stop the House in the midst of a division.

Now, there is only one thing that I know of that can stop the House in the midst of a division, except by general consent or by the Speaker's having made an error which he rectifies. The only other thing that can stop it, it seems to me, is the lack of a quorum; and the quorum having been obtained, or an adjournment having taken place and a quorum being supposed to be present, why then the division must go on.

On the first division, not on yeas and nays, but on a rising vote or a vote by sound, if only one side has been called and somebody still desires to address the House, under parliamentary law he is entitled so to do; but that is because only one side has been called. In a yea-and-nay vote both sides are called at the same time, and hence there is no opportunity for discussion, and there can be no opportunity for a motion; and the withdrawal of a motion is itself in the nature of a motion.

Under ordinary parliamentary law, a motion once submitted to the House can not be withdrawn. It requires a motion to withdraw it. Under our rules it is stated that it may be withdrawn at any time before a decision by the House or amendment. The word "decision" of course must have some signification or other, either a full signification or a signification *pro tanto*. It seems to me that I have never known it to be given the full signification that a roll call could be interrupted on account of it.

Now, the roll call is not simply the voice of the Clerk calling the names. A roll call is commenced and discovered to be futile on account of the absence or supposed absence of a quorum;

but when you resume again, you resume upon the supposition of a quorum. You have the yeas and nays ordered, and the roll call is virtually on—absolutely on. My colleague [Mr. DINGLEY] has a precedent, I understand.

Mr. DINGLEY. Mr. Speaker, I desire to call attention to a precedent, a ruling by Speaker Carlisle in the first session of the Forty-ninth Congress, to be found on page 566 of the Manual, which may be considered in disposing of this matter:

Where the yeas and nays are ordered and taken on a pending proposition and no quorum appears, the order of the House for the yeas and nays remains in force until reconsidered; and should the House adjourn without disposing of such pending question, it would come up after the reading of the Journal on the following day.

That was held by Speaker Carlisle at the first session of the Forty-ninth Congress. That seems to have a bearing on the questions which have been raised.

Mr. REED. I was quite sure that was the ruling.

Mr. SPRINGER. Mr. Speaker, I desire to call the attention of the Chair to Rule XVI, clause 2:

When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

That is the text of the rule. Now, on page 434 of the Digest it is said in a note—

Whether a motion may be withdrawn after an order for the yeas and nays thereon, which may be demanded by one-fifth of those present, seems to be an open question. As, according to the practice, this is but a method of taking a vote, it is not clear that it should be so construed as to deprive the mover of his control of the proposition.

It may be withdrawn while the House is dividing on a demand for the previous question.

There is a citation to the Journal of the second session of the Twenty-ninth Congress, page 241:

And all incidental questions fall with such withdrawal.

Citing the Journal of the first session of the Twenty-sixth Congress, page 57.

Here it is stated in the Digest that it has not heretofore been decided whether a motion can be withdrawn after the previous question has been ordered upon it, but the inference is clearly held out that it may be withdrawn, from the fact that it was decided on two occasions, as I have already stated, that a motion may be withdrawn while the House is dividing on a demand for the previous question, and all incidental questions fall with such withdrawal. Ordering the yeas and nays is a mere incidental question, and when the question upon which the yeas and nays were ordered has been withdrawn, that order for the yeas and nays falls, being an incidental question.

In this case there has been no decision and no amendment; and the rules provide in so many words that it may be withdrawn at any time before a decision or an amendment. What is a decision? It is a decision upon a motion; a decision by the House. The House must have passed some judgment upon the proposition. That is a decision; or it must have been amended.

Mr. REED. The gentleman is of long experience here. Can he recollect a single instance where a motion was withdrawn after the yeas and nays had been called? You see what that would lead to. That would lead, if this proposition be accepted, to the abuse that a member could try a measure here in the House, and when the House had virtually decided, he could learn from the Clerk's desk what the vote was, and if it was against him he could withdraw it after the House had virtually gone through the whole matter. That can not possibly be the meaning of the rule, it seems to me, unless some precedent can be found for it.

I must say that, while there is nothing so treacherous as the human memory as to events that occur in the House, I may say I recollect no instance where anything of that kind was ever attempted; and I challenge the gentleman from Illinois to know if he has any recollection of any such specific action whatever.

Mr. SPRINGER. I have no recollection of any case that I can at present recall.

Mr. REED. I have no recollection of any such case, and I have been here for a long time.

Mr. SPRINGER. I have the citation contained in the Digest, which I will read again, that it has been regarded by the compiler as an open question whether a proposition may be withdrawn after the yeas and nays have been ordered. The practice has been that it has been withdrawn while the House was dividing on ordering the previous question, which is an incidental question. The Speaker has permitted it to be withdrawn before a decision was announced.

That was decided in the Twenty-ninth Congress, and in the decision in the Twenty-second Congress it is stated that all incidental questions fall with such withdrawal. Therefore he assumes that incidental questions do arise between the making of the motions, submitting the propositions, and the time when they are decided; and if such incidental questions are interjected into the proceedings, it does not prevent the withdrawal of the main proposition, which, according to this ruling, provides that these incidental questions shall fall with the withdrawal of the motion. Therefore, there can be nothing to fall or nothing that can fall unless there had been intervening and incidental questions; and the ordering of the yeas and nays is an incidental question.

A motion for the previous question is an incidental question, and they stand precisely upon the same footing. They are incidental; they are not the main question; not the question upon which the House is called upon to decide; but questions leading to it, and incidental to it; and if they may fall, if they do fall with the withdrawal of the main proposition, it is fair to assume that the main proposition can be withdrawn. So that, if it be in conformity with the rule that such incidental questions do fall when the main question is withdrawn—which is what I propose to do by withdrawing the main proposition; when that is withdrawn, the incidental questions—the demand for the order of the yeas and nays and the demand for the previous question—would fall with the withdrawal of the main question.

The SPEAKER. The question suggested is a very important one in the practice of the House. The Chair has before him——

Mr. REED. If the Chair desires any further opportunity to examine into the matter I have no objection to its going over to another day, none whatever.

The SPEAKER. It is a very important question.

Mr. REED. If the Chair would regard it as a desirable thing I will consent to it going over.

The SPEAKER. The Chair will be very glad to have it go over. The Chair has before him the only two decisions that he has been able to find, and they are not very clear. It is a very important matter——

Mr. SPRINGER. I would like it to go over.

The SPEAKER. It is a very important matter as to the right of a member to withdraw his motion. Without prejudice to any right, then, the matter will stand over, as it did yesterday, until to-morrow.

BRIDGE ACROSS THE TENNESSEE RIVER.

The SPEAKER laid before the House a bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across the Tennessee River at Clifton, Tenn.

Mr. COX. Mr. Speaker, I ask unanimous consent that the Senate amendment be concurred in.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert: That the St. Louis and Birmingham Railway Company, being a corporation created and organized under the laws of the State of Tennessee, and to which authority was given by an act of Congress entitled "An act to authorize building a bridge over Tennessee River," approved June 6, 1892, is hereby given the right to begin the construction of the bridge therein authorized according to the terms of said act within twelve months from the approval of this act, the said bridge to be completed within three years from said date. It is hereby further provided that if the construction of said bridge be not commenced and the structure completed within the times hereinbefore mentioned, then this act, and that approved June 6, 1892, to which reference is hereinbefore made, shall be null and void.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved without any liability on the part of the United States for any damages on account of such alteration, amendment, or repeal.

The amendment was concurred in.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House a bill (S. 1112) to provide for a survey for a bridge across the Eastern Branch of the Potomac River; which was referred to the Committee on Commerce.

The SPEAKER also laid before the House a bill (S. 1757) to provide for the sale of the old custom-house building in the city of Erie, Pa.; which was referred to the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ALDERSON, indefinitely, on account of sickness.

To Mr. SNODGRASS, indefinitely, on account of important business.

To Mr. IKIRT, indefinitely, on account of sickness.

To Mr. HAINES, until Friday, on account of important business.

JOHN I. PATMAN.

Mr. CABANISS. Mr. Speaker, I ask unanimous consent for the consideration of the House bill No. 5111, for the relief of John I. Patman. This bill has been considered by the House in Committee of the Whole, and an amendment or a substitute for the bill has been reported favorably.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place upon the roll of Capt. William U. Anderson, Maj. James Woods's Battalion of Georgia Volunteers, in the Indian war of 1836,

the name of John I. Patman as a private, and recognize his service in said organization from the 10th day of June, 1836, when mustered into service, to the — day of August, 1836, when mustered out and honorably discharged.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of John J. Patman, late a private in Capt. William U. Anderson's company, Maj. James Woods's Battalion Georgia Volunteers, in the Indian war of 1836, and allow him a pension rated at $8 per month.

Mr. STALLINGS. Do I understand the gentleman to say that this bill has been considered by the Committee of the Whole at a Friday night session?

Mr. CABANISS. Yes, sir, and reported favorably.

Mr. KILGORE. My understanding is that this is a case in which the applicant named in the bill does not appear on any muster roll.

Mr. CABANISS. That is the fact, as I understand.

Mr. KILGORE. The gentleman says that this bill was reported favorably by the House in Committee of the Whole. Was there any proof that this man had really served in the company?

Mr. CABANISS. There was the testimony of some of his comrades and also of his captain.

Mr. KILGORE. But the muster roll shows nothing.

Mr. CABANISS. No. The original roll, I understand, was lost.

Mr. KILGORE. And the theory is that in making the duplicate he was left out.

Mr. CABANISS. Yes, sir.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I did not quite catch the contents of the bill from the reading. I will ask the gentleman who calls it up whether the original bill was not to correct a military record?

Mr. CABANISS. Yes, sir.

Mr. DINGLEY. And it is proposed to amend that bill by a bill granting a pension?

Mr. CABANISS. The bill was referred to the Committee on Pensions and they reported this substitute.

Mr. DINGLEY. That is, as a substitute for a bill to correct the military record of this man they reported a bill granting a pension. That seems to be rather an unusual course, and is hardly parliamentary. I make no objection to the bill itself. I simply call attention to the irregularity.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CABANISS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BIRDS AND ANIMALS IN YELLOWSTONE PARK.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6442) to protect the birds and animals in Yellowstone National Park and to punish crimes in said park, and for other purposes.

The Clerk proceeded to read the bill.

Mr. LACEY. Mr. Speaker, this bill was read at length, together with the report, on last Friday, and I ask unanimous consent that the reading of the bill now be dispensed with. The gentleman from Ohio [Mr. STORER], who had objected, withdraws his objection.

The SPEAKER. The Clerk will report the amendments recommended by the committee.

The amendments were read, as follows:

Section 6, line 6, page 3, strike out "State," and insert "district."
Line 8, page 4, strike out "State" and insert "district."

The amendments were agreed to.

Mr. COFFEEN. Mr. Speaker, I desire to offer the amendment which I send to the desk. It has been agreed to by the committee.

The amendment was read, as follows:

Amend by adding at the end of section 5, page 3: "The said United States district court shall appoint a commissioner to enforce the provisions of this act, and the said United States district court shall hold one session of said court annually at the town of Sheridan, in the State of Wyoming, at such date as the said court may order.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the fourth edition of the document entitled "Coinage Laws of the United States, 1792 to 1894," prepared under the direction of the Committee on Finance, United States Senate, with the appendix and an index to the same; of which number 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

AMBROSE GISEBURT.

Mr. DOCKERY. I ask unanimous consent for the consideration of a bill which has been reported favorably by the Committee of the Whole at a Friday night session.

The bill (H. R. 3309) to pension Ambrose Giseburt was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Ambrose Giseburt, of Company K, Thirty-third Regiment of enrolled Missouri Militia.

The amendment reported by the committee was read, as follows:

Add to the bill the following:
"At a rate proportionate to the degree of disability from injury to right hip and right shoulder: *Provided*, Said injury be shown to the satisfaction of the Pension Bureau to have been incurred in an engagement with armed enemies of the United States."

There being no objection, the House proceeded to the consideration of the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

JESSE S. MORRISON.

Mr. FLYNN. I ask unanimous consent for the present consideration of the bill (H. R. 2710) for the relief of Jesse S. Morrison. When an effort was made heretofore to have this bill considered, the gentleman from Indiana [Mr. HOLMAN] called for the regular order, not understanding that this is a bill which has been favorably reported by the Committee on Indian Affairs, of which he is a member.

The bill was read, as follows:

Be it enacted, etc., That a patent in fee simple be issued to Jesse S. Morrison, his heirs and assigns, for the northeast quarter of the southwest quarter and lot 7, section 8, township 12 north, range 7 west, Indian meridian; the south half of the southeast quarter, section 29, township 13 north, range 7 west, Indian meridian; the southeast quarter of the southwest quarter and lot 8, section 8, township 12 north, range 7 west, Indian meridian; and the north half of the southeast quarter, section 29, township 13 north, range 7 west, Indian meridian, Oklahoma Territory, said patent being in lieu of patents issued on March 6, 1893, to "Ben-nank" (or Edward Morrison, and to "Wo-ca-sa-now-ka" (or Nellie Morrison), now deceased, the children of said Jesse S. Morrison and allottees under section 13 of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," approved March 3, 1891.

The amendment reported by the committee was read, as follows:

In lines 3 and 4 strike out the words "Jesse S. Morrison, his heirs and assigns," and insert "the heirs of Edward Morrison and Nellie Morrison, late of Oklahoma Territory, now deceased."

Mr. SAYERS. On account of the noise I could not catch the purport of the bill as read. I will ask the gentleman from Oklahoma whether the bill is designed merely to perfect the title to a piece of land?

Mr. FLYNN. That is all. The bill has been favorably reported by the Committee on Indian Affairs.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Indian Affairs was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

The amendment of the Committee on Public Lands to the title, making it read, "A bill for the relief of the heirs of Edward Morrison and Nellie Morrison, now deceased," was agreed to.

Mr. STEPHENSON moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROOF IN LAND CASES.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of the bill (H. R. 4605) granting the chief justice of the United States courts in Territories power to appoint commissioners to take proof in land cases, etc.

The bill was read, as follows:

Be it enacted, etc., That the chief justice of the court exercising Federal jurisdiction in the Territories shall have power to appoint commissioners in the several judicial districts, to be known when appointed as United States court commissioners.

SEC. 2. That said commissioners shall have power, and it shall be their duty on application by proper person, to receive desert-entry and homestead filings, and also to take evidence in contest cases and final proof, and transmit same to the proper local land office.

SEC. 3. That no commissioner shall be appointed who resides within 30 miles of any local land office, nor shall any commissioner be appointed who resides within 30 miles of any other commissioner.

SEC. 4. That this act shall take effect from its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I should like to hear some explanation of it.

Mr. SMITH of Arizona. This bill has been submitted to the Secretary of the Interior and the Commissioner of the General Land Office. Its sole purpose is to permit the chief justices of Territorial courts exercising Federal jurisdiction, to have the same power that is exercised by Federal courts in the States in the appointment of commissioners to take proof in land cases. It has been decided that these Territorial courts are not Federal courts in the technical sense of the term, and they can not under the general statute appoint these commissioners. It is necessary that power of this kind should be conferred in order that parties may not be obliged to travel hundreds of miles in order to take the proof required at the Land Office.

Mr. DINGLEY. The bill has been unanimously reported?

Mr. SMITH of Arizona. It has been.

There being no objection, the House proceeded to the consideration of the bill.

The following amendment reported by the Committee on Public Lands was read and agreed to:

In the second section of the bill strike out the words "to receive desert entry and homestead filings, and also to take evidence in contest cases and final proof, and transmit same to the proper local land office," and insert the words "to administer the oaths in preliminary affidavits and final proofs required under the homestead, preemption, timber-culture, and desert-land laws in their respective districts, in like manner as provided for in reference to United States circuit court commissioners, in the act of May 26, 1890. Twenty-sixth Statutes at Large, page 121."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read a third time, and passed.

On motion of Mr. MCRAE, a motion to reconsider the last vote was laid on the table.

NAVAL VETERAN ASSOCIATION, BALTIMORE, MD.

Mr. OUTHWAITE. By direction of the Committee on Military Affairs I ask unanimous consent that the bill (H. R. 164) donating cannon to the Naval Veteran Association, Baltimore, Md., be recommitted.

The SPEAKER. In the absence of objection that order will be made.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for reports.

The committees were called in their order.

GOVERNMENT PROPERTY, NEWPORT, KY.

Mr. GORMAN, from the Committee on Military Affairs, reported back the bill (H. R. 2586) granting certain property to the city of Newport, Ky.; which was referred to the Committee of the Whole House on the state of the Union.

POST-OFFICE APPROPRIATION BILL.

Mr. HENDERSON of North Carolina. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of appropriation bills, and the Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 6016) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1895.

Mr. SPRINGER. Mr. Chairman, I desire to ask that the Clerk shall read the amendment of the gentleman from New York [Mr. DUNPHY], on which the point of order is pending.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

On page 5, line 20, strike out the words "two hundred and forty-three thousand dollars," and in place thereof insert the words "one hundred and sixty-three thousand dollars; and no part of these stamps shall be manufactured, engraved, or printed by the Bureau of Engraving and Printing."

Mr. SPRINGER. Mr. Chairman, I desire to submit, for the consideration of the Chair, some remarks in regard to the question of order raised by the chairman of the Committee on the Post-Office and Post-Roads on this amendment of the gentleman from New York [Mr. DUNPHY].

It will be seen on an examination of the amendment proposed by the gentleman from New York that he has endeavored to bring it within the provisions of the rule by striking out a portion of the sum provided in the text of the bill, and following that reduction with a proposition to the effect that no part of the money appropriated by the bill shall be paid to the Bureau of Engraving and Printing for printing and engraving stamps.

I hold that this is not only an evasion of the rule, but that it does not comply with that provision of the rule which would bring the amendment within its spirit and admit it to the bill as being germane.

I need not repeat the provisions of the rule, which are well known to the members. It is to the effect that no proposition in any appropriation bill or amendment proposing new legislation shall be in order unless it be germane to the subject-matter and "shall retrench expenditures." I will not devote any time to the question as to whether this is germane; but desire to call the attention of the Chair exclusively to the fact that this amendment does not upon its face, or according to the rules established by the committee in determining the question, retrench expenditures. I call the attention of the Chair particularly to a decision rendered by the Hon. Michael C. Kerr, Speaker of the House of Representatives in the Forty-fourth Congress, on a proposition in the legislative, executive, and judicial appropriation bill to transfer the Indian Bureau from the Interior Department to the War Department.

On that proposition a point of order was submitted and the question was reported from the Committee of the Whole to the House. Speaker Kerr, after carefully considering the whole subject, decided that the proposition in the bill was obnoxious to the point of order and ruled it out. That proposition not only abolished the office of the Commissioner of Indian Affairs, but it abolished all the offices in the Indian Bureau and transferred the whole Bureau to the War Department. It made no provision, however, for the disposition of the Indian Bureau in the War Department and it required subsequent legislation to make the proposition effective.

On that question the Speaker held:

In the first place, to what considerations, in the making of a ruling, has the Chair a right to look? Can he go outside of this bill and inquire generally, as it is the right and duty of a member upon the floor of this House to do, what will be the effect of this fourth section; or is it his duty to limit his inquiries to the face of the bill, to the specific terms of the section in question, the law of the land so far applicable, and the parliamentary rules and practices of this House? In the judgment of the Chair the range of his investigation is the latter, and he can not properly go beyond these three considerations.

Then he quotes this rule now in force, and which was first adopted in the Forty-fourth Congress when he was Speaker of the House of Representatives. And this decision is, Mr. Chairman, the first interpretation of this rule by a Speaker of the House. It was interpreted at the very session in which the rule was first adopted.

After quoting the rule and after referring to the germaneness of the proposition, he says:

The embarrassment of the Chair arises out of the latter portion of the amended rule, "shall retrench expenditures." Does this section retrench expenditures?

And that is just the proposition I desire to call to the attention of the Chair now, "Does this proposition retrench expenditures?" Speaker Kerr goes on to say:

To answer that inquiry the Chair can only look at the section itself, to the existing law, and to the rules of parliamentary practice and proceedings in this House. The Chair sees that in this bill there is no provision for the practical management of this Bureau of Indian Affairs, if it shall be transferred as proposed by this section; there is no appropriation for that purpose, no regulation of, and no indication how, the duties of that Bureau, after it is transferred, shall be performed, or by whom those duties shall be performed, other than in the somewhat general language of the section itself.

Then he goes on to quote a portion of the section under consideration, and concludes as follows:

It can not be said, therefore, that, if enacted, it will be such an amendment as "shall retrench expenditures" as the mere result of its own enactment in this bill, unaided by future essential and appropriate legislation.

Now, that is just the condition that we find in the proposed amendment. It is simply an amendment to reduce the amount covered by the bill, by the amount indicated by the amendment, and a provision that no part of the money appropriated here for the manufacture of adhesive postage stamps shall be paid to the Bureau of Engraving and Printing. If not to the Bureau of Engraving and Printing, to whom shall the money be paid, and what amount shall be paid?

We can only go, therefore, to the Departments of the Government to know whether stamps are going to be printed by some-

body as a matter of gratuity and without expense to the Government, or whether we must pay somebody else for this work if we do not allow the work to be done by the Bureau of Engraving and Printing. There is a provision of the law of the land with reference to this, and therefore this proposition changes existing law. Section 3914 of the Revised Statutes provides:

The Postmaster-General shall prepare postage stamps of suitable denominations, which, when attached to mail matter, shall be evidence of the payment of the postage thereon.

This is all the authority the Postmaster-General has, except in reference to submitting bids asking for proposals for furnishing supplies. Now, the Postmaster-General is required by law to do this work, and under the law he may do it wherever he can get it done the cheapest, and the decision of the Solicitor for the Treasury Department is to the effect that the Bureau of Engraving and Printing can do the work much cheaper than it can be done by private parties.

The honorable gentleman from North Carolina [Mr. HENDERSON], chairman of the Committee on Post-Offices and Post-Roads, has allowed me to use in this connection, and I shall ask the Clerk to read, a letter addressed to the Secretary of the Treasury by Mr. Reeve, the Solicitor of the Treasury Department, upon the very question as to whether the law as it now exists authorizes the Postmaster-General to have this work done by the Bureau of Engraving and Printing, and whether the Bureau can do the work cheaper than it can be done elsewhere. And that is the very question involved here. He holds that the law now provides that the Postmaster-General may contract with the Bureau of Engraving and Printing for the doing of the work that he is required by law to have done for the Government, and that he has done that which the law allows. Therefore, to take this power away from him is new legislation, and this new legislation does not provide any other place for doing it, and we are left in the dark as to how much it is to cost us for having it done elsewhere. It must be done somewhere. I now ask the Clerk to read, as a part of my remarks, the letter from the Solicitor of the Treasury Department, which I send to the Clerk's desk.

The Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, D. C., January 31, 1894.*

SIR: Referring to my recent opinion relative to the power of the Postmaster-General, with the concurrence of the Secretary of the Treasury, to award to the Bureau of Engraving and Printing the work for furnishing adhesive postage stamps for the use of the Post-Office Department, in which it was assumed that the Bureau had submitted bids in response to the advertisement issued by the Postmaster-General, I am now informed that the Bureau did not submit a bid in response to such advertisement, but subsequent to the date set for the opening of such bids did submit an estimate of the cost of executing the said work, and made a proposition, approved by the Secretary of the Treasury, to the Postmaster-General, to execute the work at a cost less than the lowest of said bids for the four years commencing July 1 next.

My opinion is now requested as to whether this condition of facts makes any difference in the conclusion reached by me relative to the legality of having the work executed by said Bureau.

Section 3414 Revised Statutes prescribes that the Postmaster-General shall prepare postage stamps of suitable denominations, which when attached to mail matter shall be evidence of the payment of postage. The act approved March 3, 1893, provides the money necessary to carry into effect the power conveyed by this section and appropriates for the manufacture of adhesive postage stamps and special delivery stamps the sum of $376,200. There is no restriction in these laws upon the Postmaster-General as to how the stamps shall be prepared.

The Postmaster-General advertised for proposals for the execution of this work, expressly reserving in the specifications accompanying the advertisement the right to reject any and all bids if in his judgment the interests of the Government shall require it; and expressly stipulating in case it should be decided by the Secretary of the Treasury to submit bids or estimates for doing the work of furnishing the stamps by the Bureau of Engraving and Printing, the Postmaster-General shall have the right to make the award under said bids or estimates to said Bureau if its bid should be found to be lower or more advantageous to the Government than the bids submitted by private bidders, the work to be performed in such event in general conformity with the specifications and under such regulations as might be adopted by the Postmaster-General, with the concurrence of the Secretary of the Treasury.

In response to the adverti sement of the Postmaster-General bids were received as follows:

Charles F. Steele	aggregate..	$146,454.93
American Bank Note Company	do.....	162,401.61
Hamilton Bank Note Company	do.....	179,294.40

Subsequently the Bureau of Engraving and Printing submitted an estimate of the cost and a proposition, approved by the Secretary of the Treasury, to execute the work at an aggregate of $139,487.52.

The bids received under the advertisement being unsatisfactory, the Postmaster-General has not accepted any of them. As to the first named and lowest bidder, Charles F. Steele, it appears that he has no facilities for the execution of such work, and that it is not deemed advisable to risk his ability to procure such facilities in time to make deliveries of stamps by the 1st of July next. Besides, his bid is about $7,000 more than the amount named by the Bureau of Engraving and Printing. The next lowest bidder is nearly $16,000 more than the lowest bid, and about $23,000 more than the estimate of the Bureau of Engraving and Printing. The third bid is $17,000 greater than the second bid, $33,000 more than the lowest bid, and $40,000 more than the estimate of the Bureau of Engraving and Printing.

It is estimated that the saving to the Government by awarding the contract to the Bureau of Engraving and Printing would amount during the four years for which the contract is to run, to the handsome sum of $100,000 at least.

The object of advertising under the statute is to invite competition in order that the work of the Government may be done at the lowest price. But, where it is apparent that the work can be done as cheap, or cheaper, by the Government itself, then the reason for advertising no longer exists, and the Government has, in my opinion, an absolute right to do its own work.

For the present purpose, however, my consideration is confined to the facts in this case, and these are: It appearing, after complying with the provisions of section 3709, Revised Statutes, none of the bids made in response thereto being satisfactory to the Postmaster-General, and it subsequently appearing that the Bureau of Engraving and Printing can execute the work at a much lower cost to the United States, I do not hesitate to declare it as my opinion that the contract may be legally made with the said Bureau, with the approval of the Secretary of the Treasury, for the execution of said work.

Whether in any case the Government has not the inherent power to use its own agencies for the performance of its own work, without inviting competition among private parties, is a question which need not be considered at this time.

As stated in my former opinion with regard to this matter, a great deal of work has been done for the various Departments of the Government by the Bureau of Engraving and Printing without regard to the statute requiring advertisement to be made for all purchases and contracts for supplies or service in any Executive Department of the Government.

By act of March 3, 1875, entitled "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," it is provided that the national-bank notes shall be printed under the direction of the Secretary of the Treasury, and that said notes, currency, and other securities of the United States should be executed with not less than three plate printings; and "that the Secretary of the Treasury shall have executed one or two such printings by such responsible and capable and experienced bank-note companies, or bank-note engravers, as may contract for the same, at the lowest cost to the Government, and at prices not greater than those heretofore paid for the same class of work; no company or engraver to execute more than one printing upon the same note or obligation, and the final printing and finishing to be executed in the Treasury Department."

This provision would seem to imply the necessity of advertising for the proposed work, but I understand that this was not done, but that the work was done by the Bureau of Engraving and Printing.

The act of March 3, 1877, provides, among other things, for the engraving and printing of notes, bonds, and other securities of the United States, "Provided the work be performed at the Treasury Department, and, provided further that it can be done as cheaply and perfectly and safely; and all contracts already made shall be faithfully carried out."

This provision would also imply the necessity of advertising in order to ascertain whether the work could be done as cheaply, etc., at the Treasury Department; but I do not understand that any such advertisement has ever been made.

Therefore, taking into consideration what has been the practice of the Department with regard to work in the Bureau of Engraving and Printing, of various kinds, and where advertising would seem to have been contemplated by Congress, and in view of the fact that in the present case the Bureau proposes to print said adhesive stamps for the Postmaster-General at a large saving of money to the Government, I am constrained to hold that in my opinion a legal contract may be made between the Postmaster-General and the Chief of the Bureau of Engraving and Printing, with the concurrence of the Secretary of the Treasury, to do this work.

Very respectfully,

F. A. REEVE, *Solicitor.*

Hon. J. G. CARLISLE,
Secretary of the Treasury.

During the reading of the foregoing,

Mr. SPRINGER said: I suggest that the portion of the letter referring to the various acts of Congress need not be read, but may be printed in the RECORD.

The CHAIRMAN. The Chair desires to hear the whole letter. The Clerk will proceed.

The Clerk completed the reading of the letter.

Mr. SPRINGER. I desire to call attention now, in view of the decision which has been read, to the application of the rule laid down by Speaker Kerr, that there was no provision in the amendment for printing these stamps elsewhere, and, therefore, according to this statement from the Solicitor of the Treasury Department, that it would cost in the four years $100,000 more to print these stamps at private offices than it would cost to print them at the Bureau of Engraving and Printing. Therefore the amendment of the gentleman from New York [Mr. DUNPHY] does not retrench expenditures, but increases them, according to the estimates of the Department, at least $100,000 in the four years to be covered by the contract which we would force the Postmaster-General to make with private parties, if we deprive him of the right to use any of this money to pay for this work at the Bureau of Engraving and Printing. The amendment, therefore, is new legislation. It deprives the Postmaster-General from doing that which he may now lawfully do, and it does not "retrench expenditures," but actually largely increases them. The point of order is well taken, and the amendment should be ruled out of order.

Mr. BARTLETT. I should like to ask the gentleman one question.

The CHAIRMAN. The Chair desires to make a statement. The Chair will have no difficulty in applying the rule, if the Chair can secure from gentlemen upon the floor, who desire to speak upon this point of order, the exact legal situation. The Chair will not look to the merits of the amendment in any way in deciding this point of order. What the Chair desires to do is to ascertain from the statute, or from some other source, what the existing law is, and then to determine whether the amendment offered by the gentleman from New York changes that existing law. The Chair hopes that if any other gentleman seeks the floor for the purpose of speaking upon the point of order he will confine himself to that particular point.

Mr. COOMBS. Mr. Chairman, I wish to say in the beginning of my remarks that I have no personal interest in this matter; neither have any of my constituents. Any opposition that I may have to the proposal is based upon my repugnance to further extending the field of operations of the Government in the direction indicated. I shall address myself as far as possible to the point of order, but that will involve the proposed practice in this case. It comes before the House in rather a difficult way to be treated as a point of order, for the reason that the bill itself makes no mention of the fact that one Department of the Government proposes to contract with another Department of the Government.

We have that only from outside information. I will call your attention, Mr. Chairman, to the fact that this amendment simply provides that the Post-Office Department shall not depart from its previous practice and inaugurate a new one where by one Department of the Government shall proceed to enter into a contract with another Department. I do not think that this has ever before been attempted, or that we have any precedents which will indicate how such a contract can be enforced as in the case of a private firm or individual.

Then I would go a little further, and suppose that this arrangement, because it can not be a contract, is made between the Post-Office Department and the Bureau of Engraving and Printing, to whom is the money to be paid? Certainly not to the Bureau of Engraving and Printing, as to an outside party. They have no right to accept any such money. To whom shall it be paid? Into the Treasury Department. Then by what authority can the Bureau of Engraving and Printing, without the action of Congress, withdraw that money from the Treasury? That involves a practical question that I am told has never come up before. I also ask, Mr. Chairman, if in the future we desire to have competitive bids, how it can be made fair and equitable as between private parties, who have to guard against possibility of loss, and a bureau of government which in case of miscalculation can call, as is customary, upon Congress to make the loss good by appropriations for deficiencies?

For instance, the Bureau of Engraving and Printing this year calls for deficiencies to the amount of 15 per cent above the appropriations made. In other words, $1,028,000 were appropriated for that Bureau, and they call for a deficiency of $150,255.66. There can be no fair competition between a Department of the Government which has the right, if they make a loss on their contract or arrangement, to call upon the General Government to make that loss good and a private party who has no right to call upon the Government to make good such a loss to him. I make this point of order, after this statement, that it is not limiting the expenses of the Government for postage stamps, that it has contracted for or arranged for with another Department of the Government. It is an impossibility. You can not limit the expenses of the Government in that respect.

Now, look at it as a business proposition, if I may be permitted to speak on that point. There is not a man in this House who does not know that the Government printing, as well as the Government engraving and printing, costs more than such work costs private individuals. How could it be otherwise, when we pay our printers 25 per cent more wages and ask 25 per cent less service? How is it possible that the Government, under such circumstances, can do the work for less than private individuals?

Now, so far as my judgment is concerned, there are certain things that the Government ought to do in the way of engraving and printing for its own security, and there are certain other things it ought not to attempt to do under the unfavorable conditions existing. It is also generally conceded that economy and good government would be secured by limiting the operations of our Printing House to those things necessary for the convenience of Congress, viz, bills, records, and reports, and leaving to general competition the printing of books, etc.

I do not think that any of you will question the statement that the Government would save money, and that there would be less extravagance. We all know that we can get our speeches printed by outside establishments very much cheaper than at the Government Printing Office, where they do it at cost prices. How can it be otherwise under existing conditions of wages and hours of service?

Mr. Chairman, I am not favorable to adding to the work which is already being done such as can be better done outside, providing always that sufficient competition can be secured to prevent the Government from being imposed upon.

I have always supposed that it was good Democratic doctrine to leave to private enterprise everything that can legitimately be left there, and avoid concentration into the hands of Government. Every addition to the functions of any Department is there for all time. It is next to impossible to withdraw it. So we go on, adding one thing after another, complicating the operations of Government, and impeding necessary and proper legislation.

It would seem to me to be wiser to retire from some of the industrial enterprises in which Government has engaged than to venture further in that direction. You will observe, sir, that my objections are not so much directed against the specific proposition as against the principle involved.

Mr. CABANISS. Mr. Chairman, I propose to address myself to the point of order now before the House on the pending amendment, offered by the gentleman from New York [Mr. DUNPHY], which reads:

That no part of these stamps shall be manufactured, engraved, or printed by the Bureau of Engraving and Printing.

The section of the Revised Statutes read by the gentleman from Illinois [Mr. SPRINGER], and cited by the Postmaster-General in his letter, states that the Postmaster-General "shall prepare postage stamps of suitable denominations, which when attached to mail matter shall be evidence of the payment of the postage thereon."

Now, Mr. Chairman, if this is the only section which refers to the providing of postage stamps by the Postmaster-General, then there is no limitation upon his power.

This is the only one, which I will endeavor to show before I conclude, that does give him power to prepare postage stamps; and there is no limit upon his power in the section cited. Then, if this amendment offered by the gentleman from New York attempts to limit his power, it is a change of law. Does it attempt to limit his power? Clearly. Why? Because it forbids the Bureau of Engraving and Printing from doing that work.

But we are told by another gentleman from New York [Mr. BARTLETT] that section 3709 provides that "all purchases and contracts for supplies or services in any of the Departments of the Government, except for personal services, shall be made by advertising, etc." Now, if postage stamps were technically and generally considered "as supplies," the point made by the gentleman with reference to that section might have some weight as going to show that this amendment was in order. But are postage stamps supplies? In the ordinary acceptation of the term they might be so considered, but legally and technically, as shown by another section of the Revised Statutes to which I shall call attention (section 5413), they are defined to be "obligations or securities of the United States." That section referring to forgery and frauds upon the Government, says:

The words "obligations or other securities" of the United States shall be held to mean all bonds, certificates of indebtedness, national bank currency, coupons, United States notes, Treasury notes, fractional notes, certificates of deposit, bills, checks or drafts for money drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, that have been or may be issued under an act of Congress.

There in that section defining "obligations or other securities" you find "stamps" included.

Mr. VAN VOORHIS of New York. Does that include postal envelopes?

Mr. CABANISS. It does not say so. It says "stamps." It does not say postal cards or postal envelopes, because into those something else enters besides the stamp, namely, the paper which has to be furnished by contract. But the stamp itself is an obligation, a security of the Government, which is redeemed whenever presented, and which passes to some extent as money. It seems singular to me that the matter has never been considered heretofore by the Post-Office Department of entering into a contract with the Bureau of Engraving and Printing for supplying stamps. Stamps are in the similitude of money. They are obligations of the Government, and the same restrictions and protection against forgery ought to be thrown around them that is thrown around money, and nowhere else can that be done as securely and thoroughly as in the Bureau of Engraving and Printing under the Government control.

The point I make, then, is that the power of the Postmaster-General is not limited or restricted by law, and if it is sought to be limited or restricted by the amendment of the gentleman from New York that amendment is new legislation, and is therefore subject to the point of order.

Mr. OUTHWAITE. Mr. Chairman, I think the concluding remarks of the gentleman from Georgia settles this question almost entirely. He has quoted the statute under which the Postmaster-General may furnish stamps. Section 3914 provides that the Postmaster-General shall furnish postage stamps of suitable denominations, etc. That is existing law. It is no use for gentlemen who are supporting this amendment to say that it is a proviso with regard to the appropriation, or with regard to the expenditure of the money under the appropriation. It goes further. A proviso of that character may be entirely new legislation, and this does go further.

Take the two amendments, the one offered by the chairman of the committee and the other offered by the gentleman from New York, and the Chair will observe that the first portion of the language of each is the same, but the second portion is this limitation, which is not a limitation on the expenditure of the

money, but a limitation as to where and how the Postmaster-General may prepare postage stamps. "And no part of these stamps shall be manufactured, engraved, or printed at the Bureau of Engraving and Printing." We would have had these gentlemen on our side on this point of order if the language had read in this way: "And no part of these stamps shall be manufactured, engraved, or printed at any other place than the Bureau of Engraving and Printing."

I have called the attention of the House to these two amendments for the purpose of showing also that they are divisible; that, virtually, this proposition which I have read is the only amendment that is being considered on the point of order. They can be divided upon a vote and they are divisible as to the point of order. The amendment must first, in itself, make a reduction in expenditures before it can be in order. This amendment is germane I will admit, but it must upon its face show a reduction of expenditures. Does it do so? Not one penny. But suppose these gentlemen were to remodel their amendment and make it $10,000 lower than the reduction proposed by the chairman of the committee, then the question comes up, is that reduction the result of their amendment? Is it in anywise the result of the language upon which we make the point of order? No one will claim that it is. I wish to call the attention of the Chair to a decision which I find on page 268 of the Digest:

To an item appropriating "for free-delivery service $10,450,000," an amendment was submitted striking out that sum and inserting "$10,449,000 to be disbursed in such manner" (the manner prescribed being a new provision of law). It was held that the amendment was germane; that while it changed existing law, it reduced the amount appropriated by the bill, and it was therefore in order. (RECORD, 1, 52, pages 4909,4911.) Upon appeal this decision was, after full debate, sustained by the Committee of the Whole. (RECORD, 1, 52, page 4920.)

It will be noted that the point of order was made against the amendment as a whole. The propositions contained in the amendment were divisible, viz: (1) the substitution of $49,000 for $50,000; and (2) the provision "to be disbursed in such manner," etc. The second branch of the amendment did not of itself result in a reduction of the amount carried by the bill.

Mr. HENDERSON of North Carolina. I made that point at the beginning.

Mr. OUTHWAITE. The chairman of the committee says that the point was made at the beginning, but I think it is worth repeating and emphasizing.

Again, on page 269, there is another paragraph to which my attention has just been called, and which I will read:

To an item of appropriation for inland transportation of mails by star routes, an amendment was offered requiring the Postmaster-General to provide routes and make contracts in certain cases, with the further provision, "and the amount of appropriation herein for star routes is hereby reduced to $500." A point of order made against the first or legislative part of the amendment was sustained, which decision was, on appeal, affirmed by the committee.

The rule I have stated to the Chair is a familiar one—that the reduction of expenditures must appear as a necessary result in order to bring a provision within the exception of the rule. No gentleman who has discussed this question has claimed that the reduction which this amendment is expected to produce is a necessary result of the proposition. It is true the gentleman from New York but a moment ago went into the question of contracts—to whom the money was to be paid, how a fair competition should be secured, etc. Such considerations do not concern the Chair in deciding the parliamentary question.

There might be another point made; and that is, that this provision is in the form of permanent law. It is virtually the same as if it said—

Hereafter no part of these stamps shall be manufactured, engraved, or printed at the Bureau of Engraving and Printing.

The omission of the word "hereafter" is not at all significant.

Mr. HAYES. Without that word the provision applies simply to the present appropriation, and does not become a permanent appropriation.

Mr. OUTHWAITE. On page 265 of the Manual I find this statement:

But on examination of the proviso in the bill the Chair finds that it is something more than a limitation upon the appropriation made in this appropriation bill; for it proposes to make a permanent law, the language of the proviso being, etc.

I desire to call the attention of the Chair particularly to the fact that this provision proposes to change a permanent law. The provision of the permanent law has been that the Postmaster-General should prepare these stamps—without any limitation, as the gentleman from Georgia has said, as to how he shall prepare them, where he shall prepare them, or who shall do the work. The present provision proposes to make a limitation on that permanent law.

I do not know anything and do not care anything about the merits of this case. I believe from the statements which have been made that this limitation is calculated to increase the expenditures of the Government. But the essential point is that the proposition does not come within the requirements of the rule, because in order to do so it must necessarily show upon its face a reduction of expenditures.

Mr. BARTLETT. Mr. Chairman, I wish to address the committee for a few minutes on this question of law. Many of the speeches which have been made on the other side have been addressed to the merits, that is, the question of economy has been considered. At the proper time that question may arise; and if it should, I think it can be shown on our side, that is, on the side of those who believe in the amendment offered by my colleague [Mr. DUNPHY], that there can be no certainty, no surety that the Bureau of Engraving and Printing can perform this work as cheaply as it can be done if there be competition in the open market, for two reasons——

Mr. OUTHWAITE. Does the gentleman claim it is incumbent on us to show that, in order to sustain our point of order?

Mr. BARTLETT. Not at all. In making the statement I have just made I except the gallant gentleman from Ohio [Mr. OUTHWAITE]. He has addressed the Chair and the committee strictly with reference to the point of order. But some of the speeches which were made the other day, especially one which attacked the American Bank Note Company, were hardly addressed to the point of order.

The gentleman who spoke a few moments ago, in referring to the remarks which I had the honor to make the other day, comes back to this definition of "obligation or other security of the United States" contained in a penal statute, contained in the statute known as chapter 70, and entitled "Crimes against the operations of the Government."

Now, this revision of the Federal statutes was made in 1873; and this first section—section 5413—seems to have been designed as an introductory section to that chapter—appliable to that chapter alone and to no other part of the Revised Statutes. A careful examination of this section will show that it was designed to have even a more restrictive operation than even that for which I have hitherto contended. It does not refer even to the whole of that chapter. The words are in quotation marks—"obligation or other security of the United States"; and in that order they are found in but one other section of the chapter—that is, in the section which makes it a penal offense to procure or make an impression taken from a tool for making—what? "Any kind or description of"—of what? These words occur in the same order—"obligation or other security of the United States." So section 5413 was designed to refer to section 5432.

Mr. CABANISS. Will the gentleman allow me a question?

Mr. BARTLETT. In one moment. My reason for the assumption I have just made is this: We find in section 5414 the words "Any obligation or security of the United States"—not "obligation or other security," and a different penalty is imposed for counterfeiting an "obligation or security of the United States" from that which is imposed for counterfeiting a postage stamp. Later in the same chapter—and I call the attention of the Chair to this——

Mr. CABINESS. Will the gentleman now yield for a question?

Mr. BARTLETT. I can not be interrupted now.

Mr. CABANISS. It is right on this point.

Mr. BARTLETT. In the same chapter you will find the subheading "Postal crimes," and in section 5464 a penalty is imposed—a fine of not more than $500 or imprisonment of not more than five years, or both—whereas in the earlier part of the chapter the penalty for counterfeiting the notes or securities of the United States—the word "obligation" being used—is $5,000 and imprisonment for not more than fifteen years, a radically different penalty being imposed. So I say it was the intention of the lawgiver to keep these offenses distinct; and this peculiar definition, "obligation or other security of the United States," was meant to cover only this other section (5433)—not the whole of that chapter.

But gentlemen are not content with making it applicable to this whole chapter on crimes, but it is sought to make it applicable to all the securities of the United States—to everything printed for the Treasury Department or any other Department. Now, I say, with all respect for the Solicitor of the Treasury—with all respect for that eminent lawyer who adopts one view on a given day in January, another view five days later, and probably another view in March, for we have three separate and distinct opinions based on different views of the law—I say with all respect for that gentleman that it is not sound law; and no good lawyer in this House familiar with criminal law will say there is any authority for incorporating a provision of a penal statute into acts referring to other matters.

Mr. CABANISS. Before the gentleman takes his seat, will he permit me to ask him a question?

Mr. BARTLETT. Certainly.

Mr. CABANISS. Does not that section to which the gentleman has referred (section 5413) define what "obligations or

other securities" of the United States means? I ask him if that is not the whole extent and purpose of the section—to define what these terms actually mean?

Mr. BARTLETT. I will answer the gentleman——

Mr. BROSIUS. Permit me to ask the gentleman if in his judgment it is to have a general or a special application?

Mr. BARTLETT. The only definitions which have a general application in the Revised Statutes are those which are found at the beginning of the revision. These special definitions found at the head of the various chapters are applicable only to what is within the legitimate purview of the chapter, and can not be extended to anything beyond. Now, although it does not say so in express terms at the beginning of the chapter that it shall apply only to crimes therein considered, every lawyer knows that is the meaning which must be inferred. "These definitions are to apply to the subsequent sections of this chapter, or to such sections of this chapter as may properly be considered to be affected by the definitions."

That is all. These words should be held to be there just as much as if they were actually expressed in the language itself. It is a fair inference in regard to every criminal statute that the definition beginning at the commencement of the chapter, referring to the crimes embodied in the chapter, can not be extended beyond what is legitimately embraced in the chapter itself.

Furthermore, I desire to call the attention of the Chair to what is pretty good Democratic construction upon this subject, and as to the view of what the existing law was on the subject in 1881 and in 1885, on two occasions when the subject matter came up for consideration both in the House and the Senate. I call your attention, Mr. Chairman, to the opinion of Mr. BLACKBURN, now a distinguished Senator from the State of Kentucky, who at that time was a member of the House of Representatives. The question was, as I indicated the other day, the repeal of a provision which by some mistake the enrolling clerk had inserted—a measure permitting the printing to be done by the Bureau of Engraving and Printing, which provision crept into the statute of 1879 and was assumed to be the law although it was never formally adopted by either House. In 1881 a proviso was inserted looking to the repeal of the power which the previous act appeared to confer, and Mr. BLACKBURN, then speaking in favor of the rule, used this language——

Mr. SPRINGER. Let me ask the gentleman from what he is reading.

Mr. BARTLETT. From a compilation of the proceedings which took place in the House and Senate. Mr. BLACKBURN said:

> There is no responsible party to insure that the work shall be done at the bid of the Bureau without loss to the Government. I repeat, all that this proviso does is to repeal a provision in the former bill, which provision was never agreed to by either House of Congress.

Why repeal it if it did not affect the law? Why have this discussion in the House of Representatives, and in the Senate, if there were no need of it?

> It crept in by mistake; it has worked so inequitably and unfairly as to shut out all competitive bidding throughout the country, and give the contract to the Bureau of Engraving and Printing, provided it would bid lower than existing rates. I hope that the amendment of the gentleman from Virginia will not be adopted, and that the proviso in the bill will remain.

It did remain, and that is the proviso that repealed the act which was assumed to have been passed years earlier. And so it still remains.

There was an effort made in 1885 to give permission to the Postmaster-General to reject other bids and without regard to any bid to give the work to the Bureau of Engraving and Printing. That proposition failed to pass. Mr. Beck, in objecting to it, used this language:

> It seems there was fair competition and very open competition in regard to all these matters, and it was thought we should not undertake it, especially under the latter clause of the paragraph which provides that the Postmaster-General may reject any or all bids of private parties and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so. That would be giving a power to the Secretary of the Treasury and to the Postmaster-General to increase the employés of this Government almost *ad infinitum*.

So it was rejected and failed. Now, Mr. Chairman, if the law be as these gentlemen assert to-day, under the provision giving the Postmaster-General the power to prepare postage stamps, why was there ever any need to come to Congress or to come to the House or Senate and ask for the enactment of a law in terms allowing the Bureau of Engraving and Printing to do the work? What a farce, what a waste of time, to ask for supererogatory legislation, to ask for what is unnecessary.

Mr. SPRINGER. Will the gentleman allow me?

Mr. BARTLETT. In one moment.

Mr. SPRINGER. The discretion is left with the Postmaster-General, and that act of Congress referred to in that case simply directed him to have it done at the Bureau of Engraving and Printing.

Mr. BARTLETT. If that be so, Mr. Chairman, if this power to prepare postage stamps can be extended so that it gives the Postmaster-General the power to abrogate all the rules as to competitive bidding, and make a new rule, and have the stamps prepared wheresoever he pleases, and if it can be extended so that he can have this work not done in his own Department, but done by a bureau within a coördinat Department, I say, Mr. Chairman, that it is extraordinary that this power has never been asserted or claimed before, that we have its first assertion anywhere, in January, 1894, and then again in March, 1894.

Now, Mr. Chairman, I have the highest regard and esteem for the Secretary of the Treasury and for the Postmaster-General. When I said the other day that they proposed to violate the law, I said it not in any harsh criticism of either of those gentlemen, for I know that neither of them would wish to do anything which he deemed contrary to law. But I assert simply this, that their legal advice is mistaken; that it is the disposition of every executive officer, of every head of a department all over the world, in any government, to assume, just as any court would assume, that it has all the necessary power to do almost anything; and that, starting with that natural tendency, and receiving faulty advice from the Solicitor of the Treasury, they have been led to contemplate this mistake. But it seems to me, Mr. Chairman, that in view of the fact that the distinguished gentleman from Illinois [Mr. SPRINGER] succeeded the other day in having a declaration incorporated into a bill in reference to post-office matters, of more far-reaching magnitude, that it hardly is appropriate for him to object to a declaration of what is existing law in regard to this matter.

The CHAIRMAN (Mr. HATCH). As the Chair has already indicated to the committee, the only difficulty the Chair encountered in very promptly deciding this point of order has been in ascertaining to what extent the existing law has been construed by competent and proper authority, and what action has been taken by the Department under that construction.

The only provision of law that gentlemen upon the floor have been able to cite to the Chair as bearing directly upon this power of the Postmaster-General, is that contained in section 3914 of the Revised Statutes, which provides that—

> The Postmaster-General shall prepare postage stamps of suitable denominations, which, when attached to mail matter, shall be evidence of the payment of postage thereon.

The only authoritative declaration, in interpretation or construction of this statute, comes from the Department of Justice, and is signed by the Solicitor-General, in a letter addressed to the Secretary of the Treasury. In that he states:

> There is no restriction in these laws upon the Postmaster-General as to how the stamps shall be prepared.

The Clerk will now read the amendment offered by the gentleman from New York [Mr. DUNPHY].

The Clerk read as follows:

> On page 5, line 20, strike out the words "two hundred and forty-three thousand dollars," and in place thereof insert the words "one hundred and sixty-three thousand dollars: and no part of these stamps shall be manufactured, engraved, or printed by the Bureau of Engraving and Printing."

The CHAIRMAN. The Clerk will now report the amendment previously offered by the gentleman from North Carolina [Mr. HENDERSON], the chairman of the Committee on Post-Offices and Post-Roads, in charge of the bill, an amendment to perfect the text of that section.

The Clerk read as follows:

> Amend the paragraph on page 5, line 20, by striking out the words "two hundred and forty-three" and insert the words "one hundred and sixty-three;" so that the paragraph in lines 19 and 20 shall read:
> For manufacture of postage stamps and special delivery stamps, $163,000.

The CHAIRMAN. The gentleman from North Carolina [Mr. HENDERSON] offered this as an amendment to the text of the bill, and the gentleman from New York [Mr. DUNPHY] offered his amendment in the nature of a substitute.

Mr. HUTCHESON. Mr. Chairman——

The CHAIRMAN. The Chair is prepared to rule. The only question for the Chair now to determine is whether the language in that proviso of the amendment offered by the gentleman from New York [Mr. DUNPHY] is in the nature of a direction or control, simply, of the appropriation made, or whether in effect it changes existing law.

In view of the decision of the Department of Justice, to which the Chair has alluded, the letter to the Secretary of the Treasury coming from a coördinate branch of the Government, and one upon which the Secretary of the Treasury or the Postmaster-General had the right to call for such interpretation, and in the absence of any further legislation, or any other interpretation of it, the Chair is compelled to sustain the point of order, and rules that part of the amendment out of order.

Mr. WHEELER of Alabama. Mr. Chairman——
Mr. DUNPHY. Mr. Chairman——
The CHAIRMAN. The gentleman from New York [Mr. DUNPHY] is recognized.
Mr. DUNPHY. Mr. Chairman, I have another amendment to offer, which is to be inserted at the same page and line as my last.
The CHAIRMAN. Is it offered as another amendment?
Mr. DUNPHY. It is offered as an amendment.
The CHAIRMAN. As an amendment to the amendment offerred by the gentleman from North Carolina [Mr. HENDERSON]?
Mr. DUNPHY. As an amendment to the amendment of the gentleman from North Carolina.
The Clerk read as follows:

Provided, That no part of this appropriation shall be used to pay for printing or engraving done by any bureau of the Government.

Mr. SPRINGER. That is the same thing.
Mr. HENDERSON of North Carolina. I make the point of order upon that.
The CHAIRMAN. The Chair will be compelled to sustain the point of order. It is in effect the same. The question now is on the amendment submitted by the gentleman from North Carolina, which the Clerk will again report.
Mr. DUNPHY. Mr. Chairman, there is quite a difference beteen the amendment I offered last and the amendment I offer now. The first amendment provided for a limitation on the use of the money, the other provides for a limitation on the manufacture of stamps.
The CHAIRMAN. The Chair thinks that the effect will be the same and will come within the rule laid down by the Chair in the opinion upon the prior point of order. It restricts, in other words, the authority that the Postmaster-General has under the section of the Revised Statutes, as interpreted by and cited by the Solicitor-General of the United States.
Mr. DINGLEY. Mr. Chairman, I desire to say a single word upon this question which is being discussed here.
The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from North Carolina.
Mr. DINGLEY. I am aware what the question is. The amendment reduces the appropriation for manufacture of postage stamps, with a view of having the Bureau of Engraving and Printing do this printing, on the assumption that by so doing there will be a saving of expenditure. It appears that under the general authority of law, which has been read by the Chairman, the Postmaster-General invited proposals for printing these stamps; that certain private parties made proposals which have been alluded to, being a large reduction from the previous contracts. That after all the propositions had been submitted, the Postmaster-General decided, under the authority which he had, that neither of the proposals was such that the Department could accept.
Thereupon what did the Postmaster-General do? In justice, if not with due regard to law, he should have invited new proposals, even on the assumption that the Bureau of Engraving and Printing was to be one of the bidders. But instead of that, he did not invite new proposals, but allowed the Bureau of Engraving to come in and make a proposal of its own, with knowledge before of what all the private proposals had been and without any competition.
Now, it seems to me, in justice to all the parties and with due regard to the spirit of the law, if the first proposals were not satisfactory to the Postmaster-General, he should have invited new proposals; and if the Bureau of Engraving was to have an opportunity to come in for the purpose of making proposals, he should have given private parties the same privilege.
It appears that the Superintendent of the Bureau of Engraving, with all this knowledge before him, made a proposal of only $7,000 less than the lowest bid of the other parties, which would be a saving of $28,000, on the assumption that the Bureau of Engraving could do printing and engraving of this kind. Now, the assumption that has run through all this discussion is that because the Bureau of Engraving has proposed to do this printing and engraving for the Government for this reduced sum that therefore it will be done for that amount. It will be done for that amount so far as the Post-Office Department is concerned; but who can give us any assurance, founded on reliable estimates, that the Bureau of Engraving will be able to do this printing for any such sum?
There is not a gentleman in this House acquainted practically with this business, as I am somewhat, that does not know that the Bureau of Engraving and the Printing Establishment of this Government can not do its work ascheaply as it can be done by private parties; and why not? Because, in the first place, these bureaus of the Government pay 25 per cent more in wages than are paid by private parties. In the next place, they work 20 per cent less number of hours per day; and in the third place they give a leave of thirty days with pay. Now, there is no one who is acquainted practically with the business who does not understand that the Bureau of Engraving in doing this work will certainly expend more than private individuals would.
There is no doubt that there must be an extension of the plant and enlargement of the buildings of the Bureau of Engraving if this new work is to be done. I have visited that Bureau repeatedly, and I know something about the manner in which the machinery is crowded there while it is doing its present work. So that I say, if the Bureau of Engraving and Printing is to do this work, it must have an appropriation of $25,000 or $30,000 for additions to the building and plant. There is no doubt about that. Then the work must be done at greater cost than it can be done by private parties.
Now, Mr. Chairman, it seems to me, before entering on a matter of this kind, there ought to be a little more consideration of the point as to whether the change proposed is really in the interest of economy. The printing of this Government must in large part be done here by the Government Printing Office, because it is exigency work; but this postage-stamp printing is not exigency work.
This work can be done in large quantities and ahead of the demand for it, and being work of that character it can be done cheaper by private parties than by the Government. Now whether these proposals were as low as they ought to be, I do not undertake to say; but if they were not, there are several concerns in this country doing just such work, and the proper course is to invite proposals and go ahead.
Mr. BRYAN. What did it cost to do this work last year?
Mr. DINGLEY. I do not know; but I know that the new bids are very much under the old bids.
Mr. BRYAN. Then there must have been a great deal of money made by the contractors.
Mr. DINGLEY. Possibly. But this is not a business that is monopolized by one concern, or by any five concerns in this country.
Mr. BRYAN. How many bids were made?
Mr. DINGLEY. I think there were four or five bids. I think they varied in amount nearly $25,000. All that I desire, Mr. Chairman, is simply to call the attention of the committee to the fact that because the Bureau of Engraving and Printing has bid $7,000 a year less than the lowest bid by outside parties, it does not at all follow that the work is going to be done for any such sum. And I predict, and predict with some knowledge of the subject, that the cost of the work will be vastly in excess of the amount that is estimated.
Mr. HUDSON. I will ask the gentleman from Maine if he knows whether or not there was a large profit growing out of the printing of these stamps under the last contract?
Mr. DINGLEY. I do not know. It was done by private parties.
Mr. HUDSON. You do not know anything about the profits of those private parties?
Mr. DINGLEY. I do not know what the profits were.
Mr. HUDSON. I did not know but that the amount of the profit might enable the Government to do the work cheaper than it could be done by private parties.
Mr. DINGLEY. The last bids are very much lower than those made four years ago, and in fact the work can be done cheaper now than it could have been done some time ago.
Mr. SAYERS. In reply to what has been said by the gentleman from Maine, I will say to the committee that a subcommittee of the Committee on Appropriations had the superintendent of the Bureau of Engraving and Printing before it, and he told them that with the amount he had proposed he could not only manufacture all the stamps that were necessary, but that he could expend about $25,000 out of it in the purchase of such machinery as would be required to manufacture stamps, and that thereafter he would be able to save some forty to fifty thousand dollars a year by doing the work in the Bureau, as compared with the cost of having the same work done by private parties.
The committee will remember that there was an item of about $38,000 in the sundry civil bill for the construction of a third story over that portion of the building which is now known as the boiler house.
The construction of that third story would be necessary even if the Bureau were not authorized to manufacture stamps. An estimate of $140,000 was asked for by the Bureau, and the Committee on Appropriations allowed only $38,000 for the purpose, as I have said, of constructing this third story. The remainder of the estimate, over $100,000, was not intended for the construction of that story, but to replace wooden buildings that are now being used, with brick buildings, so as to make the Bureau more secure. It was not intended to secure increased space, but merely to substitute brick for wooden buildings.
By reference to a statement which has been furnished me, it

will be found that in 1890 the New York Bank Note Company received $155,874 for the manufacture of stamps, the number then required being much less than now.

Mr. COX. Will the gentleman tell me what restrictions there are on the company that prints these stamps, to prevent counterfeiting?

Mr. SAYERS. I am not able to give the committee any information on that subject. The manufacture of the stamp has been entirely in the hands of the company itself.

Mr. COX. Is not the risk much greater when the stamps are printed in that way, than if they were printed by the Government?

Mr. SAYERS. Unquestionably. Now, in 1891——

Mr. MILLIKEN. Has the Government ever suffered from the counterfeiting of these stamps?

Mr. SAYERS. I can not say.

Mr. DUNPHY. But the Government has never complained at any rate.

Mr. SAYERS. It is impossible to detect a counterfeit postage stamp as readily as you would detect a counterfeit Government bond or note.

Mr. MILLIKEN. But has there ever been any complaint made or any suspicion——

Mr. SAYERS. I have never heard of any complaint.

Mr. MILLIKEN. Then it does not seem necessary to anticipate trouble until there has been some suggestion or suspicion of that kind.

Mr. SAYERS. It is very desirable that the manufacture and preservation of postage stamps should be made as secure as possible.

[Here the hammer fell.]

Mr. SAYERS. I ask for a couple of minutes more.

There was no objection.

Mr. SAYERS. In 1893 the Government expended $192,773.82 for the manufacture of stamps; and in 1893 when that heavy speculation was to take place by which the Government was to make two million and a half of dollars net from the manufacture of Columbian stamps, though according to the report of the Postmaster-General it has not in fact made a dollar, we find that the sum of $312,110.93 was paid by the Government——

Mr. DUNPHY. For altogether different stamps.

Mr. SAYERS. Altogether different stamps, I admit.

Mr. MILLIKEN. Of course it could not be expected that an engraving of the Landing of Columbus could be furnished as cheaply as an ordinary stamp.

Mr. SAYERS. Having said thus much, I will not detain the committee longer.

Mr. DINGLEY. I would like to make a single suggestion in connection with the remarks of my colleague on the committee [Mr. SAYERS]. That gentleman has said that the superintendent of the Bureau of Engraving and Printing stated that he would require in any event to have the building enlarged.

Mr. SAYERS. Yes.

Mr. DINGLEY. In that connection it should be borne in mind that the work ordinarily to be done in the next fiscal year by the Bureau of Engraving and Printing will be less than has been done in the past. In view of the repeal of the purchasing clause of the Sherman act which authorized the issue of new Treasury notes, the work to be done will be less than in the past; and it hardly seems to me possible that with less work of the ordinary character to be done this Bureau would be obliged to have an enlargement of the building unless some additional work were imposed upon it. Hence I am disposed to assume that the Bureau was preparing in advance an excuse in reference to the enlargement of the building which would come with this additional work.

Mr. SAYERS. I will state to my colleague on the committee [Mr. DINGLEY] that the subcommittee who prepared the sundry civil bill was very careful in its examination of that estimate. There were two of us certainly who went over and examined the building themselves; and I received the assurance—I believe the statement will be found in the hearings before the subcommittee—that for the comfort of the men now working in the building of the Bureau of Engraving and Printing, the construction of the third story would be absolutely necessary; and that the balance of the estimate, amounting to something over $100,000, was needed to replace old wooden buildings with brick buildings. It is also proper that I should say that the Superintendent of the Bureau did state in the hearings that one of the grounds on which he based his estimate was the anticipation of printing the postage stamps.

Mr. DINGLEY. I think that is the sole ground.

Mr. SAYERS. He did not say the sole ground; he said it was one of the grounds.

Mr. SPRINGER. I move to strike out the last word. The gentleman from Maine [Mr. DINGLEY] has stated that it will be necessary to enlarge the building of the Bureau of Engraving and Printing in order to do the work of printing the postage stamps.

Mr. DINGLEY. The building and the plant generally.

Mr. SPRINGER. Now I have here a statement furnished by the Chief of the Bureau to the Committee on the Post-Office and Post-Roads. In this statement he uses this language:

> The Bureau is amply able to do the work on the postage stamps. There is no kind of work on these stamps that the Bureau is not now doing on the stamps for the Internal Revenue Bureau; and surely, if it has without interruption successfully executed these stamps for the past sixteen years, it can execute the work on the postage stamps.

The Chief of the Bureau further says that no further appropriation will be necessary over and above the estimate submitted to the Post-Office Department.

Mr. REED. That is to say this officer wants the extension on account of the pressure upon him; and some more pressure will not make any difference?

Mr. SPRINGER. I do not understand the force of the gentleman's remark. Does he refer to the Chief of the Bureau?

Mr. REED. Yes. There has been demanded from the Appropriations Committee an appropriation to enlarge the accommodations; and now the gentleman says that a work requiring one hundred and fifty men will not require any further enlargement.

Mr. SPRINGER. So far as printing the stamps is concerned the Chief of the Bureau has stated to the committee that this work can be performed in the Bureau with the present plant. I will reply to the gentleman from Maine by reading the words of the Chief of the Bureau, Mr. Johnson, who is more competent than either of us to settle this question.

He says that "the Bureau of Engraving and Printing thoroughly understands the work that it has entered upon and will faithfully carry it out."

Mr. COOMBS. Whose letter is that from which you have been quoting?

Mr. SPRINGER. It is a memorandum or statement made to the Committee on the Post-Office and Post-Roads by the chief of the Bureau of Engraving and Printing. He goes on to say:

> It is not necessary to enter into a detailed explanation of how he proposes to do it. It is sufficient to accept his guarantee that he will do it.

That statement was made to a committee of this House for its guidance by an officer of the Government, and we are bound to accept the statement as true, because it is the only source from which we can get information upon the subject.

Mr. DINGLEY. But will the gentleman pardon me a moment? Does not he know, does not his own common sense teach him, that it would require more men, more machinery, and more room to do this additional work than to do the work the Government is now doing? If you have too many men they, of course, will have to be discharged.

Mr. SPRINGER. I will answer that. Of course, the additional force will be provided for in the appropriation of the money which is asked for this office and which was made heretofore to private parties. That amount of money is now to be given to the employés of the Government, instead of to outside parties.

Mr. REED. But there must be more people employed.

Mr. SPRINGER. But the Bureau will have the money appropriated in this bill with which to pay them. But the gentleman from Maine [Mr. DINGLEY] says that we pay higher wages and that it will cost the Government more to do this work in the manner here proposed. The answer is that we have already a plant which is, according to all intelligent statements upon the subject, nearly if not quite sufficient to do the work now. We have all the motive power that is necessary for the purpose of doing the work, and practically we have all the plant that is needed for it. Now, the additional amount to be paid for a few additional employés will not increase the expense so much as it would if you gave the whole contract to private parties.

Mr. DINGLEY. The gentleman, I think, is mistaken in that.

Mr. SPRINGER. I think not. It is simply a question between the right of the Government to perform its own printing or compel it to let it to private contractors, who can make as large remuneration for themselves as the contracts will permit them to make.

Mr. DINGLEY. Not at all.

Mr. SPRINGER. And I propose, and this provision is intended for that purpose, to give the benefit of the contract to the Government, instead of to private parties. If private parties did not get benefit from it they would not be insisting on having it as against the Government. The Postmaster-General is endeavoring to have the work of the Department done in the best possible manner and at the lowest possible rates, and Congress ought to encourage him instead of throwing obstructions in his way.

[Here the hammer fell.]

Mr. DUNPHY. It is a very serious question, Mr. Chairman, whether the Bureau of Engraving and Printing is able to-day

to do this work at all. The Secretary of the Treasury has communicated to Congress on this question, and I will ask the committee to listen to his language, which I ask the Clerk to read.

The Clerk read as follows:

One of the most pressing needs of this Bureau is additional room for the performance of its work, which has increased enormously since the original building in which it is located was designed in 1878. In that year the total number of sheets produced was 15,098,756, while in 1893 the number produced was 48,883,528, or an increase very nearly fourfold. Many of the employés required to execute this very large increase have been obliged to work in the cellar and other unsuitable places, and they have been greatly overcrowded in other parts of the building.

I am informed that this has resulted in a condition of affairs that would not be tolerated in manufacturing establishments by many of the States. The best work can not reasonably be expected from such conditions. The remedy is for Congress to provide for the completion of the outbuilding of the Bureau, in which many of the processes now carried on in the main building can be conducted, and for an enlargement of the central projection of the building, plans for both of which have been prepared and estimates of the cost of which will be submitted to Congress. The completion of the outbuilding would also provide for the proper accommodation of branches of the work that are now performed in temporary wooden sheds, and for the storage of valuable material. I earnestly urge upon Congress the appropriation of the necessary money for this work.

Mr. DUNPHY. The Secretary of the Treasury claims, it will be seen, that on account of insufficient room the Chief of the Bureau of Engraving and Printing was not able to bring the work up to the high grade of efficiency that he desired. And he tells us that it is necessary for Congress to take into consideration the question as to whether an appropriation for extra building should not be made.

Mr. Johnson, the Chief of the Bureau, came before the Committee on Appropriations, or rather before the subcommittee in charge of the preparation of the sundry civil bill, and he gave some testimony there as to just what the condition of the Bureau of Engraving and Printing was. He said they did not have room enough to do even the work now in his Department. He said that the increase for next year would be about 8,000,000 sheets. He said he was not taking into consideration the question of printing stamps at all, but that in order to bring his work up to a high grade—the work now in the office—he ought to have additional room. He estimated the cost of a new building to be $130,000.

Instead of appropriating $130,000 for the new building, we appropriated $28,000 with which to repair the old one; and that is all that has been done. Mr. Johnson testified that in order to print the postage stamps it would be necessary for him to employ one hundred additional men. He makes that statement in answer to a direct question. He says further, that "In order to print these stamps it will be necessary to put in ten printing presses, and I am informed that the space required for the gumming, cutting, perforating and printing the stamps will be at least 12,000 square feet."

Now, under the circumstances, Mr. Chairman, how is the Bureau going to do the work at all? Where is it going to get the room to do the work in?

These, Mr. Chairman, are very serious questions indeed, and I bring them to the attention of the committee just now, citing the evidence of the two best witnesses that could be called, the Chief of the Bureau of Engraving and Printing himself, and his superior officer, the Secretary of the Treasury.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from North Carolina [Mr. HENDERSON].

The amendment was agreed to.

Mr. WHEELER of Alabama. I have an amendment to that paragraph.

The CHAIRMAN. The gentleman from Alabama [Mr. WHEELER] offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the word "three," and insert the word "two" in line 20, page 5, and after line 20, page 5, insert the following:

"*Provided*, That section 3 of an act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, be amended to read as follows: 'That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, shall entitle said letter to immediate delivery at any point within 1 mile of the post-office to which it is addressed; and when two of such stamps are attached to a letter, in addition to the lawful postage, said letter shall be entitled to immediate delivery at any point within 2 miles of the post-office to which it is addressed; and when three of such stamps are attached to a letter, in addition to the lawful postage, such letter shall be entitled to immediate delivery at any point within 3 miles of the post-office to which it is addressed;' and one-fifth of the sum received from the sale of such stamps shall be used for the manufacture of adhesive postage and special delivery stamps."

Mr. HENDERSON of North Carolina. Mr. Chairman, I make the point of order against that amendment that the second portion of it changes existing law and does not reduce expenditures, and I ask that it be divided. The object of the first part evidently is to try to bring it within the rule.

The CHAIRMAN. The gentleman demands a division of the question. The Chair will hear the gentleman from Alabama [Mr. WHEELER] for five minutes on the point of order.

Mr. WHEELER of Alabama. If a division of this amendment is allowed, then there can be no possible way of offering an amendment to an appropriation bill reducing expenditures, without having the part which does not reduce expenses subject to the point of order. If that position is sound, then it is absolutely impossible to ever have any reduction of expenses upon an appropriation bill, and at the same time enact new legislation, no matter how beneficial and necessary such new legislation may be.

That amendment as it now stands does reduce the amount of money covered by the bill, and therefore the amendment is not subject to the point of order.

All the members of this House will admit the propriety of a measure of this character. We have been legislating altogether too much for cities. The law as it now stands provides that a letter addressed to any point within 1 mile of a post-office, which nearly always is inside of a city, may be immediately delivered, provided a special delivery 10-cent stamp is attached. Now, I say that the Democratic party is pledged to do its full duty to the whole people, whether living inside or outside of cities. The Republican party has been legislating for corporations and people who live in cities for a third of a century.

Republican legislation has given these favored people innumerable privileges and advantages. The Democratic party must now be just and fair to all people, and we must begin without delay to enact legislation for the benefit of these neglected people who live outside the sacred precincts of a city.

I do not wish to take from cities any of the advantages or privileges which they now have, but the purpose of this amendment is to extend these advantages to the people of the country who have been so long neglected. For years we have had free delivery of all letters and mail matter five or ten times a day which is addressed to the residents of cities, and in addition to this all letters on which a "special delivery" stamp is affixed are delivered immediately to all points within a mile of the post-office.

If it is proper to allow a letter to be delivered within 1 mile, provided it has a special delivery stamp costing 10 cents upon it, it is just as proper to deliver a letter 2 miles off, with two stamps of 10 cents each upon it, and again it is just as proper to extend the privilege so that a letter with three stamps of 10 cents each may be delivered at a point 3 miles from the point of delivery.

The gentleman from North Carolina [Mr. HENDERSON] virtually admits that his point of order is not well taken when he is driven to the necessity of asking a division upon my amendment. The amendment reduces the appropriation by $1,000, and at the same time extends the business of the Post-Office Department in such a manner as to make a profit of 20 per cent upon every special delivery letter. I call the especial attention of the Chair to section 6 of the act of March 3, 1885, which is not repealed or affected by this amendment. It will be seen that this section taken in connection with the amendment I have offered would prevent any additional expense to the Government. This settles the point of order.

Now, Mr. Chairman, while I am on my feet, I want also to allude to an attack which has been made upon the Post-Office Department by the gentleman from Oklahoma [Mr. FLYNN]. This gentleman complained that the people of his Territory have been demanding the establishment of post-offices and that the Department refuses to give them postal facilities. He says:

For the last six months cities have existed in the Territory of Oklahoma having a population of from 1,000 to 2,000 people, and the Post-Office Department have been refusing flatly to establish post-offices in those places.

I was very much surprised at this statement from the gentleman from Oklahoma, as I happened to be somewhat familiar with the extraordinary efforts of the Post-Office Department to establish post-offices and mail routes in Oklahoma and give the people of that Territory every postal facility.

My position as chairman of the Committee on the Territories has brought me in close connection and frequent correspondence with the people of that Territory, and I have not heard any complaint of that character from those people. In order to remove any doubt I have made inquiry and I find that the Department is establishing post-offices in Oklahoma as fast as it is possible to get the necessary information which must always be had before issuing commission to postmasters. During the six months preceding March 27, 1894, eighty-eight post-offices were established in Oklahoma, and many more have been established since that time.

I wrote to the Postmaster-General and received from him a letter, which I send to the Clerk's desk to have read, which shows that the statement of the gentleman from Oklahoma [Mr. FLYNN] is unjust and unwarranted.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 27, 1894.

SIR: I have your communication of the 27th instant requesting informa-

tion as to the establishment of post-offices in the Territory of Oklahoma, and in reply will say that there have been established in that Territory since March 4, 1893, 98 offices, 88 of which were established during the past six months. There are 125 cases not yet ready for action because of the fact that papers sent out by the Department asking for necessary information have not been returned by applicants and others interested, or that we have not been advised in regard to some important feature of the case. Our records show no town in Oklahoma whose case has been completed before the Department that has not been supplied with mail facilities.

I might add in this connection that there were in existence in Oklahoma on the 30th of June last 241 post-offices.

Very respectfully,

W. S. BISSELL,
Postmaster-General.

Hon. JOSEPH WHEELER, M. C.
Washington, D. C.

Mr. WHEELER of Alabama. I regret very much this disposition on the part of the gentleman from Oklahoma [Mr. FLYNN] to make unjust and unwarranted charges.

And now, Mr. Chairman, I hope every member of this House will have enough regard for the people living in rural districts to give them this slight privilege, a thing which so far from being an expense, will be a source of profit to the Government, because my amendment provides that one-fifth of the amount of the sale of these stamps shall go into the Treasury, or be used to defray other expenses of the Post-Office Department.

The experience of our Government shows that every additional postal facility given to the people has resulted in a large increase in our postal revenues. Twenty-five years ago our Post-Office appropriation was only $19,133,000, and even with that amount the revenues failed to reimburse the Government the amount of the appropriation. Last year our Post-Office appropriation was $84,004,314.22, and I am informed the revenues of the Post-Office Department almost reimbursed the Government, for this enormous appropriation, and I am very glad to hear from most reliable sources that economies and good administration which have been devised and introduced by the present able Postmaster-General will result in still further improvements in our postal system.

And now, Mr. Chairman, in conclusion I desire to press upon the House this amendment as directly in line with the established policy of the Government to extend its postal facilities so as to give the people every convenience possible; and I repeat, if it is proper to allow people in cities to have their letters delivered immediately upon the payment of 10 cents, if they live within 1 mile of the post-office, it is much more proper to give the same privilege to people living outside of cities and living within 2 miles of a post-office, by having 20 cents' worth of stamps put upon a letter; and still further by placing 30 cents' worth of these stamps on a letter, it is proper to have such a letter delivered to a person living within 3 miles of a post-office.

If this amendment is adopted it will in a measure answer as a substitute for the free delivery in the rural districts. How many members of this body desiring to write to a constituent who lives two or three miles away from the post-office would gladly place two stamps, of 10 cents each, on the letter, so as to have it delivered immediately upon receipt at the post-office. I hope the members of the House will give that consideration to the farmers and other people in the rural districts that is afforded in this amendment. I hope and trust that there will not be one dissenting vote upon a measure which is important to a great class of the people who have not been treated fairly by the legislation of Congress.

The CHAIRMAN. However meritorious the amendment submitted by the gentleman from Alabama may be, it would effect an entire change of existing law and set up an entirely new system of prompt delivery. It changes existing law on its face, and the Chair can not sustain it. It is claimed that it reduces expenditure, because it reduces the amount of the appropriation; but that is not a guaranty that it would not cost a greater amount before it is put into execution even on the face of the bill. The gentleman says that a bill has been introduced for the same purpose and is now before the committee.

Mr. WHEELER of Alabama. I will amend that by inserting "three" instead of "two."

The CHAIRMAN. That will not bring it within the rule. It is so clearly a change of the whole existing system of law, that the Chair can not entertain it. The Chair sustains the point of order.

Mr. WHEELER of Alabama. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

The Clerk read as follows:

For manufacture of stamped envelopes, newspaper wrappers, and letter sheets, $1,150,000.

Mr. HENDERSON of North Carolina. Mr. Chairman, I wish to offer an amendment. It is an amendment that reduces the appropriation from $1,150,000 to $1,000,000, being a reduction of $150,000. I will state that the amendment is made at the request of the Postmaster-General, and after the amendment is read I will ask for the reading of a letter to me from the Postmaster-General.

The Clerk read as follows:

Amend lines 24 and 25, on page 5, by striking out the words "one hundred and fifty thousand;" so as to read: "one million dollars."

Mr. HENDERSON of North Carolina. Now, I will ask that the letter of the Postmaster-General be read.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
WASHINGTON, D. C., *March 29, 1894.*

SIR: Upon the opening of proposals yesterday for furnishing stamped envelopes to this Department for the four years beginning October 1, 1894, the prices offered were so much below those of the present contract as to warrant me in suggesting a reduction of the estimate heretofore submitted for the manufacture of those articles during the next fiscal year.

I have not yet made an award of the contract upon these proposals, but I have no doubt that I shall be able to make arrangements under them by which a saving to the Government of at least 12 per cent in the prices of all stamped envelopes to be furnished will be effected, amounting, it may be, to over half a million dollars during the contract term, but certainly justifying a reduction of $150,000 in the estimate referred to.

I have, accordingly, the honor to request that to the post-office appropriation bill now pending in the House of Representatives, an amendment be proposed by your committee reducing the item covering the manufacture of stamped envelopes and newspaper wrappers from $1,150,000 to $1,000,000.

Yours, very respectfully,

W. S. BISSELL,
Postmaster-General.

Hon. JOHN S. HENDERSON,
Chairman Committee on the Post-Office and Post-Roads of the House of Representatives, Washington, D. C.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL.

For mail depredations and post-office inspectors, $300,000: *Provided*, That not exceeding $5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and special counsel necessarily employed in prosecuting civil suits instituted by the (Sixth) Auditor of the Treasury for the Post-Office Department, through the Solicitor of the Treasury, against the sureties on the official bonds of late postmasters, as provided for by section 292, Revised Statutes of the United States.

Mr. LOUD. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Strike out in lines 17 and 18, page 6, the words "three hundred thousand dollars," and insert "two hundred and fifty thousand dollars."

Mr. LOUD. Mr. Chairman, the object of this amendment must necessarily commend itself to this House, as it has shown heretofore that it has been engaged in the work of economy in the reduction of expenditures in the various Departments. By looking at the appropriations the House can readily understand that a very large increase has been made this year in the item for post-office inspectors. Two years ago this Post-Office Committee, in substantially the same House, engaged in the same work, recommended an appropriation for this work, under a Republican Administration, of $200,000. The Senate did subsequently increase that amount to $235,000, but now, when we come into a Democratic Administration, and this money is to be expended under a Democratic Administration, it seems that the committee have turned from the line of strict economy to what might be termed ruthless extravagance.

This is properly known in the Post Office Department, Mr. Chairman, as the "slush fund." The committee have increased the amount $65,000 over the appropriations of last year. Of course that will provide places for from fifty to sixty good Democrats. I suppose that will commend itself to a great extent to the favorable consideration of this House, but I think when you come to investigate this matter carefully from all its standpoints you will find that it is too great an increase in one year. The amounts appropriated heretofore have varied from $200,000 to $235,000.

Now, I desire once more to call your attention to this matter. You have cut some of these appropriations to the extent of a million and a half of dollars; you have cut these items which must necessarily be carried out by the Government, and for such contracts as must be carried out by the Government, but here, where you have an item in which it is discretionary with the Department as to whether they employ these extra inspectors or not, you make a ruthless expenditure of the people's money. Of course if this House is unwarranted in extravagant appropriations I could hardly recommend it; but if you are honestly engaged in that work of retrenchment of expenditures which you have held out to the country so constantly and insistently, I ask you to adopt the amendment that I have proposed, which gives an increase of $15,000 over the amount appropriated last year.

Mr. HENDERSON of North Carolina. The increase in this item is made at the special request of the Fourth Assistant Postmaster-General, and he says it is absolutely necessary for a due administration of the law that the amount of $300,000 should be appropriated for the next fiscal year. I admit that that is an increase over what has usually been given, but it is not much of

an increase over what has been sometimes appropriated. In 1888, for instance, the amount appropriated was $300.000. That was under a Democratic Administration. In 1891 the amount was $250,000. That was under a Republican Administration. In 1892 the amount was $270,000. That was under a Republican Administration.

Mr. LOUD. And made by a Republican Congress.

Mr. HENDERSON of North Carolina. Yes; it was under a Republican Administration and made by a Republican Congress. The $300,000 in 1888 was under a Democratic Administration and was made by a Democratic Congress. Now, Mr. Chairman, I do not care to go into the details of this matter, but I would like to have printed in the RECORD the reasons submitted by the Fourth Assistant Postmaster-General for making this appropriation, and with the permission of the House I will incorporate them in my remarks.

The following is taken from the report to this House of the Committee on the Post-Office and Post-Roads, February 27, 1894:

38. *Mail depredations and post-office inspectors.*—The amount asked for is $300,000. The committee recommends $300,000. For a series of years the appropriations have been—

1885	$200,000.00
1886	200,000.00
1887	200,000.00
1888	300,000.00
1889	200,000.00
1890	200,000.00
1891	250,000.00
1892	270,000.00
1893	235,000.00
1894	235,000.00

The expenditures have been—

1885	$199,986.25
1886	195,894.62
1887	198,219.75
1888	292,137.82
1889	198,272.93
1890	198,997.53
1891	243,109.85
1892	269,878.54
1893	234,977.88

Under section 4020 of the Revised Statutes post-office inspectors employed in the money-order service are paid out of the proceeds of the money-order business. The expenditure for such service for the year 1891 amounted to $57,441.93; for the year 1892 it amounted to $58,630.05, and for the year 1893, $57,862.54. This is in addition to the ordinary expenditure.

The following statement, furnished by the Fourth Assistant Postmaster-General, shows the annual appropriations for mail depredations and post-office inspectors from the fiscal year ended June 30, 1885, to the fiscal year ended June 30, 1894, inclusive; and also the several amounts paid to post-office inspectors during said period from the appropriations for the free-delivery service, and from the proceeds of the money-order business.

Year.	Annual appropriation mail depredations and post-office inspectors.	Paid from appropriation free-delivery service.	Paid from proceeds of money-order business.	Surplus.	Deficiency.
1885	$200,000	$7,748.18	$26,628.51	$13.75	
1886	200,000	8,847.71	29,399.41		$1,224.82
1887	200,000	11,336.12	35,752.03	1,780.25	
1888	300,000	15,156.20	30,575.47	7,862.18	
1889	200,000	27,394.82	41,931.27	1,727.07	
1890	200,000	26,440.00	50,845.12	567.47	
1891	250,000	27,776.91	57,441.93	2,534.12	
1892	270,000	12,068.87	58,639.05		10,565.00
1893	235,000		57,862.54	1.33	
1894	235,000				

The sum of $5,000 from the annual appropriation for "mail depredations and post-office inspectors" is applicable for the payment of the fees of United States attorneys and marshals.

By direction of the Postmaster-General the payment of inspectors from the appropriation for the free-delivery service was discontinued from and after December 1, 1891.

The aggregate amounts paid as rewards for the arrest and conviction of mail robbers for the respective years are as follows:

1886	$600.00
1887	554.82
1888	406.97
1889	808.00
1890	8,000.00
1891	3,500.00
1892	10,500.00

Claims aggregating $3,500 for rewards earned during the fiscal year ended June 30, 1893, have already been stated up for a deficiency appropriation. Incomplete claims amounting to $3,000 or $4,000 for rewards earned during the same years are still pending approval in this Department.

The claims for reward represented nearly the entire amount of the deficiency for the fiscal year of 1892, for which an appropriation was made by Congress in February, 1893.

APPENDIX D. (Page 39.)

Statement showing the necessity for and benefits to be derived from the increased appropriation asked for post-office inspectors and mail depredations ($300,000).

At no time during the last ten years has the appropriation for this purpose been less than $200,000. It should be remembered that the service grows every year in all its branches. Its needs multiply with the increase of population and the demands of advancing civilization. That the postal service is a business enterprise of vast proportions needs no demonstration at this time. The wonderful development of the service, the corresponding increase of labor entailed upon the division of post-office inspectors and mail depredations may be best realized by a comparison of official statistics for a period covering the last ten years.

The records of the Post-Office Department for the fiscal year ended June 30, 1883, show that there was a total of 2,143 Presidential post-offices, while the total number of offices of this class in 1893 was 3,360, an increase of over 56 per cent. The total number of post-offices of all classes in 1883 was 47,863, while the total number of post-offices of all classes in 1893 was 68,403, an increase in number of 20,540, or 41 per cent.

The total revenues of the Post-Office Department for the fiscal year ended June 30, 1883, amounted to $45,508,692, while the total revenues for the fiscal year ended June 30, 1893, amounted to $75,896,933, an increase of $30,388,241, or more than 66 per cent.

The total number of star routes in 1883 was 11,327, and the total number in 1893 was 18,659, an increase in numbers of 7,332, or 64 per cent. The total number of railway post-office routes in 1883 was 330, and the total number in 1893 was 2,529, an increase in numbers of 1,699, or 200 per cent. The total number of railway post-office clerks employed in 1883 was 3,487, and the total number employed in 1893 was 6,645, an increase in number of 3,158, or 90 per cent.

The total number of free-delivery offices in operation in 1883 was 154, and the total number in operation in 1893 was 699, an increase in number of 555, or 360 per cent.

It will be readily understood that this wonderful growth in the postal service has carried with it a corresponding increase of demands for the services of post-office inspectors. The proportion of this increase is indicated in the following table:

Work referred to post-office inspectors and completed, and arrests made, etc.

Year.	Cases referred.	Cases completed.	Arrests made.	Convictions.	Awaiting trial.
1883	47,736	45,346	596	277	171
1893	90,935	93,091	1,181	406	605

While the force of post-office inspectors employed during the fiscal year 1893 was only 6 per cent greater than for 1883, there was an increase of 90 per cent in the total number of cases referred, and an increase of 105 per cent in the total number of cases completed. But, notwithstanding the services rendered, there were 26,708 cases in the hands of inspectors awaiting investigation on June 30, 1893. It will also be observed that the total number of arrests has increased 108 per cent, and the total number of convictions 46½ per cent.

It would not appear that additional argument was necessary to show that the present force of post-office inspectors is inadequate to perform the services required of them. The importance of the work performed by the division of post-office inspectors and mail depredations is not secondary to that of any other branch of the public service. This division is charged with the preparation, issue, and investigation of all cases relating to depredations upon the mails and losses therein, including complaints and inquiries relating to mail matter passing between the United States and foreign countries, and across the territory of the United States from one foreign country to another. The beneficial results of these services extend to every business interest and individual in the country.

The last annual report of the Postmaster-General shows that the collections made for that year through the division of post-office inspectors (C cases) amounted to $148,267.39, a trifle over 63 per cent of the entire amount ($235,000) appropriated for said division. There was also collected by the inspectors from mail thieves, and for losses occurring through the carelessness of postal employés during the fiscal year ended June 30, 1893, the sum of $11,753.84, and during the same year there was disbursed to the rightful owners the sum of $10,585.61 from the money recovered as above stated.

From the foregoing it will appear that there is a direct and important financial benefit accruing to the Government continually as the result of the services performed by post-office inspectors. The thefts and general depredations which are averted in consequence of the constant surveillance of this force over the great army of postal employés deserves full consideration.

The moral effect of the services rendered by post-office inspectors upon the service generally can not be too highly estimated. If this force was withdrawn from the service there would be no check or limit to the depredations upon all classes of mail matter. There is no branch of the public service that is of greater importance, that is actually nearer to the people, or that is as useful and necessary to all as the postal service. Every American believes in the absolute sanctity of the seal, and it is the sworn and constant duty of the post-office inspector to see that this constitutional guaranty of the people is not violated.

Among the important duties of the inspector is that of instructing new postmasters and employés in the postal laws and regulations and the usages of the service. Such instructions prevent errors and avert losses, and thus a greater good is done the service than would result from the subsequent labor necessary to locate losses and fix responsibility.

With the present limited force of inspectors important work is constantly postponed, if not omitted entirely, simply because it is impossible for the same men to be in two places at the same time. Inspectors engaged in one line of work are repeatedly called away and interrupted to take up some matter of an entirely different nature which the Department considers special and urgent; this, too, not infrequently when they are engaged on depredation work, which requires time, patience, and skill to achieve success, remove cause for complaints, and detect a dishonest employé or other depredator.

The matter of the inspection of all post-offices is another line of duty of the greatest importance to the general service. With the present limited force it is only possible to inspect the larger offices and such others as demand attention on account of shortages or other irregularities. With a sufficient force of inspectors to undertake the work of general inspection of all offices, a great proportion of such shortages and irregularities would be corrected in their incipiency, if not altogether avoided.

The total number of post-offices at the close of the last fiscal year was 68,403. It is manifestly impossible for the force of inspectors to closely watch all of these offices or to be upon the ground immediately after a burglary has been committed. This would be true even if the force were increased to the limit possible with an appropriation of $300,000; hence the necessity for a special appropriation of $25,000 for rewards for the arrest and conviction of post-office burglars and highway mail robbers.

There has been a steady increase in the number of post-offices burglarized during several years past. This is particularly true of fourth-class offices. They are generally located in a store in a small village, or even more exposed in the country, and are particularly tempting to the lawless, as affording much better opportunity for ill-gotten spoils than the larger offices or banking establishments in cities, which are ordinarily watched and

guarded, while the former have no protection except that afforded by ordinary locks.

The local police authorities appear to have a general opinion that the robbery of a United States post-office is no concern of theirs, and that such matters properly come under the jurisdiction of the United States courts and officials. It is also generally understood that the loss resulting from a robbery is sustained by the Government and not by the postmaster, and this consideration has a tendency to make local authorities less zealous in their endeavors to pursue and arrest criminals of this class. The offer of a small reward for the arrest and conviction of post-office burglars would spur local officers to an active pursuit of these offenders, and would undoubtedly result in the capture and conviction of a large majority of them.

Police officers have stated that if they had the least assurance that even their actual expenses would have been paid, they would have made vigorous efforts to apprehend burglars of this class, but feeling that they would be compelled to incur personal expense in the pursuit of an offender against the United States statutes, they have preferred to leave such pursuits to United States officers. There can be no question but that the offering of a reward will act as an incentive to a better effort on the part of the police, private detectives, and others, and we could also doubtless secure valuable information from confederates if we were able to hold out some substantial inducement, such as a reward.

Attention is called to the increase in the number of post-office burglaries reported in the last ten years. The number reported for the fiscal year 1883 was 468; the number reported for the year 1893 was 1,195, an increase in number of 727, or more than 64 per cent. Although 1,195 burglaries were reported last year only 228 arrests were effected, which is certainly a very small percentage. It is believed that the offering of a small reward would more than double the number of arrests of this class.

The recent frequent and bold train robberies are familiar to every reader of the daily papers, and the Post-Office Department is constantly in receipt of telegrams announcing the robbery of post-offices in every section of the country. It is believed that Congress will feel, as does the Postmaster-General, that the public service would be greatly benefited by the appropriation of the sum of $25,000 to be expended in rewards as herein indicated, and that the Government would be fully compensated by the results secured.

R. A. MAXWELL,
Fourth Assistant Postmaster-General.

ARREST OF POST-OFFICE DEPREDATORS.

The inspectors' force of the Post-Office Department has made a most creditable showing during the month of January, 1894. In the prosecution of its duties of investigating complaints of losses and depredations in the ordinary and registered mail, and of all irregularities in connection with the postal service, a total of 145 arrests were made during the month. Of this number 6 were postmasters, 5 assistant postmasters, 8 post-office clerks, 3 letter carriers, 6 mail carriers, and 1 special-delivery messenger, making 29 employés of the service. Of the remaining 116, 85 were arrested for various offenses against the postal laws and regulations, such as evasions of customs duties and postage rates, lottery schemes, and the use of the mails for fraudulent enterprises, while 31 of the arrested persons were post-office burglars, some of them being of the most desperate and daring class. During the last fiscal year only 134 arrests were made of offenders of the class last mentioned. It will appear, therefore, that professional post-office burglary is decidedly on the increase, probably due to some extent to the great army of the unemployed.

The question was taken on the amendment offered by Mr. LOUD, and it was rejected—ayes 12, noes 55.

The Clerk read as follows, concluding the reading of the bill:

SEC. 3. That if the revenue of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenue for the Post-Office Department for the year ending June 30, 1895.

Mr. HENDERSON of North Carolina. Mr. Chairman, I desire to offer a new section, to come in at the end of the bill.

The amendment was read, as follows:

Amend by adding at the end of the bill on page 7, a new section, as follows:

"SEC. 4. That all publications purporting to be issued periodically and to subscribers, but which are merely books or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, or whether they be sold by subscription or otherwise, when offered for transmission by mail shall be subject to postage at the rates prescribed for third-class matter.

Mr. DINGLEY. Mr. Chairman, I reserve the point of order on that until I hear an explanation of it.

Mr. HENDERSON of North Carolina. I will say that this is exactly the language of a bill introduced by the gentleman from New Hampshire [Mr. BLAIR], and favorably reported to the House by the Committee on the Post-Office and Post-Roads—I believe, unanimously reported by the committee.

Mr. PICKLER. How does it change the present law?

Mr. DINGLEY. What will be the effect of it?

Mr. HENDERSON of North Carolina. The effect of it will be to stop the transmission at the cheap rate of periodical publications in the form of books, novels, and matter of that sort, that are now going through the mails in such enormous quantities at 1 cent per pound.

Mr. Wanamaker, when he was Postmaster-General, recommended this change, and Postmaster-General Bissell also recommends it.

Mr. DINGLEY. This is the same proposition that has been heretofore recommended by the Department?

Mr. HENDERSON of North Carolina. Yes, sir; for a good many years.

Mr. PICKLER. Does it increase the postage on magazines?

Mr. HENDERSON of North Carolina. No; it does not interfere with them at all, and it does not interfere in any way with the amendment adopted the other day in regard to fraternal and industrial journals.

Mr. PICKLER. On what kind of publications does it increase the postage?

Mr. HENDERSON of North Carolina. Publications in the form of periodical books which pass through the mails as if they were journals or monthly magazines, such as the Seaside novels and many other such like publications.

Mr. PICKLER. The Chautauqua Magazine—would that be included?

Mr. HENDERSON of North Carolina. Oh, no; it does not touch the magazines.

Mr. LOUD. There are papers published in this country which send out every month with their own publications a Seaside novel or some other cheap form of publication, and they all go through the mails at the cheap rate.

Mr. QUIGG. Why should they not go through the mails?

Mr. HENDERSON of North Carolina. Well, school books, prayer books, Bibles, and other good books have to pay 8 cents a pound, and I think these other publications or periodical books ought to pay the same.

Mr. PICKLER. As I understand, the class of publications to which the gentleman refers often includes the best literature.

Mr. HENDERSON of North Carolina. Sometimes; but school books and prayer books and Bibles have to pay 8 cents a pound, and I do not see why these other books should be carried any cheaper. The following report, No. 513, made by me to the House from the Committee on the Post-Office and Post-Roads, March 1, 1894, will explain the reasons why the change proposed is desirable:

Mr. HENDERSON of North Carolina, from the Committee on the Post-Office and Post-Roads, submitted the following report (to accompany H. R. 5188):

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 5188) to fix the rate of postage on periodical publications containing the print of reprint books, submitted the following report:

A bill of like character passed the House of Representatives, Fiftieth Congress, and Mr. Blount, of Georgia, submitted the following report:

"That under the act of March 3, 1879, second-class matter embraces newspapers and other periodical publications which are issued at stated intervals as frequently as four times a year.

"The object of Congress, as shown by the debates, was to provide for newspapers and periodicals. By virtue of an opinion of the Attorney-General almost anything in the nature of a book, provided it be without substantial binding, may be admitted to the mails at second-class rate of postage.

"The Third Assistant Postmaster-General, in his report, on pages 901 and 902 of the report of the Postmaster-General, presents correctly the abuses grown up under that construction very fully, as follows:

"'Under the law the conditions upon which a publication shall be admitted to the second class of mail matter are as follows:

"'(1) It must regularly be issued at stated intervals as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

"'(2) It must be issued from a known office of publication.

"'(3) It must be formed of printed sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

"'4. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates. (Act of March 3, 1879, section 14, 20 Statutes, 359.)

"'Under these conditions—which were intended to distinguish what are generally known as newspapers and periodicals from books—it may be demonstrated that almost anything in the nature of a book, provided it be without board, cloth, leather, or other substantial binding, may be brought within the privileges of the second-class rate of postage, and the object of the law accordingly defeated.

"'Let it be supposed, for example, that a publisher wishes to issue the works of Shakspeare in such a way as to secure the privilege of the pound-rate of postage when the book is sent in the mails. Every one knows that such a publication is a book, no matter how it may be published; it is certainly not a newspaper or a periodical in the universally accepted sense of these words. The publisher, however, means to have it admitted as such, so he arranges to issue it monthly, giving each part a number and a date, places upon the title-page a statement of the place of publication, and binds the parts in paper covers. He thus easily complies with three of the above-mentioned conditions. Next, he publishes a prospectus in which the publication is claimed to be devoted to literature, and he secures through his agents subscribers to the work, in this way complying with the fourth condition of the law.

"'It must not be supposed that this is merely a hypothetical case. Instances of this exact character have occurred. The postmaster at New York has called attention to the fact that a dictionary—nothing more or less—issued in this way, was passed through the mails at the pound rate of postage. Not only this, but tons upon tons of books called "Libraries" or "Series"—being purely and simply paper-covered books or reprints of books, having, probably, no list of subscribers other than book-sellers, who buy them just as they buy other books—are every day going through the mails as second-class matter. And the number is constantly on the increase. Unless a check is put to this abuse there is no telling to what extent it will go. Already the mailing of matter of this character together with pretended sample copies of publications, reference to which is made hereafter, has become so great that the intelligent and careful handling of it at many offices is impossible; so that there is little doubt that a great deal of matter unquestionably subject to a higher rate of postage is constantly smuggled through the mails as second-class matter.

"'I can not believe that the law was ever intended to allow this class of literature—some of it of very questionable value—to go through the mails at the rate of a cent a pound, while the Bible, the school book—every other good book that reputable publishers issue under its true character—has to bear postage at the rate of 8 cents a pound.

"'As a remedy for the evil I suggest the passage by Congress of the following:

"'That hereafter no publications shall be admitted to the mails as second-

class matter that are but books or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, or whether they be sold by subscription or otherwise.'

"To admit all books at second-class rates would involve an immense loss of revenue, not deemed desirable at this time.

"The deficiency in revenue is now over $2,000,000. If this promises soon to disappear, it is believed more desirable to reduce the rates of postage on first-class matter. This would be of advantage to all of our citizens, instead of to a limited class, as illustrated by the citations from the Third Assistant Postmaster-General.

"The Postmaster-General in his report pages 43, 44, 45, and 46, for 1888, submits the following:

"DEFECTS OF LAW GOVERNING SECOND-CLASS MATTER.

"The press has become the leading contributor to the volume of the mails. The specially favored class are newspapers and periodical publications issued by known offices of publication and sent by publishers or news agents to regular subscribers or news agents. These are designated as second-class matter, and postage is chargeable at 1 cent per pound. When circulated within the county of publication, this matter is entitled to transmission free of postage. The total quantity of second-class matter carried in the mails during the last fiscal year was about 95,000 tons, of which upward of 14,000 tons were sent free of postage. The receipts from second-class matter amounted to $1,616,351.27, or only 2.9 per cent of the entire postal revenue.

"The class next in favor are books, circulars, and other miscellaneous printed matter. These are styled third-class matter; and they are subject to a charge for postage of 1 cent for each 2 ounces or fraction thereof. To realize the benefit of the cheaper rate of postage a fertility of expedients has been developed to evade the law and to secure the admission to the second class of matter which properly belongs to the third class. The success attending such efforts may be indicated by the fact that during the past three years the average annual rate of increase of revenue from second-class matter was 13.7 per cent, as against an average annual increase of 8.17 per cent in the remainder of the postal revenue, derived in the greatest part from postages on the other classes of matter. The effects are not only hurtful to the postal revenue, but they are opposed to the interests of legitimate journalism. The principal evils calling for a remedy are the following:

"MAILING OF BOOKS AS SECOND-CLASS MATTER.

"The revenue suffers a serious loss through the evasion of the law by which certain publishers secure admission to the mails as second-class matter of paper-covered volumes issued in complete form as books, but under the semblance of periodical publications. Through this evasion carriage is secured at 1 cent per pound, instead of 1 cent for each 2 ounces, the rate for third-class matter, to which class the books in question properly belong. The means by which this is effected is a nominal compliance with the conditions of the law governing the admission of publications to the second class, which conditions are substantially as follows:

"1. That the publication shall be issued periodically not less than four times a year, shall bear date of issue, and be numbered consecutively.

"2. That it must be issued from a known office of publication.

"3. That it must be printed on sheets of paper, and be not bound in cloth, leather, or other substantial binding.

"4. That it must be originated and issued for the dissemination of information of a general character, or in the interests of literature, science, art, or some special industry.

"5. That it must have a legitimate list of subscribers.

"6. That it shall not be designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

"The precise manner in which these conditions are complied with is shown by the following examples, which are parallelisms of cases actually occurring: A publisher in Boston makes application to the Department for the admission to the mails as second-class matter of what he terms the 'Blank Library,' stating in the form of application that the library is to be issued quarterly; that it is to be devoted to the science of law; and that it has a bona fide list of subscribers; and he submits, as the first number of the library, 'Story's Conflict of Laws,' so entitled and headed throughout, but bearing an extra title-page and a stiff paper cover, containing the designation 'Blank Library, No. 1, volume 1,' the date of issue, the office of publication, and the price of subscription. Upon this showing of facts the Blank Library is entered as second-class matter, and the publisher continues his issue with 'Adams on Equity,' 'Sharswood's Blackstone,' and any other law books that he may, for the time being, find it profitable to issue in this way. It may be well to say that these books are all so prepared that the purchaser can have them bound in the customary law binding at his pleasure, without any mutilation of them.

"Another publisher in New York, desiring to issue a series of novels, adopts as a general designation of them the 'Blank Series,' devoted to literature, makes application in the same way as the law publisher, gets the series entered as second-class matter, and then goes on to issue a multitude of books of fiction, differing in no respect from other paper-covered books, except that they are designated the 'Blank Series,' and bear a number and date of issue, besides professing to be issued to regular subscribers. With regard to this latter point there is some room for doubt as to whether any of these libraries or series have a bona fide list of subscribers; that is to say, subscribers who send in the subscription price for a year or any part of a year, except that comprehended by a single issue of the publication, the publisher very probably counting as subscribers retail dealers who buy of him just as they buy of other publishers, without any reference to regular subscription. I have some reason to believe, too, that there is little or no regularity in the issue of the publications; the publisher in reality suiting his own convenience as to the frequency of issue after he gets the publication officially entered.

"This practice has, it seems, been in existence some nine or ten years, beginning, I understand, with a few publishers who mailed but a comparatively small number of books, and increasing year by year until the number of publishers availing themselves of the looseness of the law and its very liberal interpretation by the Department is now very considerable. These publishers represent nearly all the great cities of the country, and they mail annually an astounding aggregation of books. It must be borne in mind, also, that not only are these books mailed as periodicals in the first instance from the publishing house, but they are transmitted over and over again through the mails by newsdealers throughout the country, every one of whom is entitled to mail at the same rate as the publisher.

"I am well satisfied that this practice involves a gross abuse of the law, which beyond all question never could have been intended to admit to the mails at a cent a pound the 'Adventures of Claude Duval,' merely because it purports to be a part of some series or pretended series of books and bears a paper cover, while 'Butler's Analogy,' or 'Newton's Principia,' or 'Webster's Spelling Book,' is chargeable with postage at eight times that rate because bound in cloth and issued without alleged connection with any other works.

"Besides its illegality it brings about an unfair discrimination against publishers whose convenience does not allow the issue of single works at stated periods, or whose conscience, or good taste, or whatever else may be the animating motive, will not allow them to resort to this class of business to benefit themselves at the expense of the Government.

"If it be asked why, feeling as I do concerning this, I have allowed it to continue, and even to increase, the answer is that the length of time the practice has lasted gives it some claim to recognition, and that the great number of additions to it officially authorized before my entrance into office prevents the exclusion of new claimants without manifest unfairness. Under all the circumstances I feel it to be only proper that I should present the case and urgently ask that Congress be called upon to provide a remedy."

In letter under date of March 7, 1890, Postmaster-General Wanamaker thus addressed the chairman of Committee on the Post-Office and Post-Roads, who reported favorably a similar bill to the House during the first session of the Fifty-first Congress:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 7, 1890.

SIR: I have the honor to acknowledge receipt of a letter, dated the 6th instant, * * * transmitting a copy of bill H. R. 7558, applying the third-class rate of postage to books issued in the guise of periodicals.

After a careful consideration of the purpose and phraseology of this bill, I am convinced that it needs no alteration, but that in its present form it should be favorably reported by your committee; and I respectfully recommend that that be done, and that such further steps be taken as will tend to secure its early passage by the House of Representatives.

The wrong which the bill is intended to remedy I need not now discuss; my annual report to the President presents fully my views concerning it, and to them I respectfully direct your attention. But I may not inappropriately add that since that report was written the experience of the Department has been such as to fully justify everything that was therein said relative to the evil, and to satisfy me that it is a growing one deserving of prompt attention.

Yours, very respectfully, etc.,

JNO. WANAMAKER,
Postmaster-General.

Hon. HENRY H. BINGHAM,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives."

The following letter from the Postmaster-General is herewith made a part of this report:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 31, 1894.

SIR: In response to the request contained in your letter of the 24th instant, I have the honor to submit the following as my views upon bill H. R. 5188, 'To fix the rate of postage on periodical publications containing the print or the reprint of books.'

Under the practice that now prevails, paper-covered books and pamphlets, issued periodically and numbered and dated, are allowed to be transmitted in the mails at a cent a pound—the rate prescribed by law for newspapers and periodicals—instead of a cent for every 2 ounces, which is the rate fixed for matter of the third class.

Just when this practice originated I do not know; nor apparently have several of my predecessors been able to state precisely its origin. Its incipiency was probably connected with some seemingly meritorious case—a single work, perhaps, issued in parts or numbers, and presenting the outward characteristics of a periodical—where, no one at the time looking upon the matter as one of importance, the benefit of the doubt, if any, was given to the publisher. This was, of course, followed as a precedent in all similar cases, and these by others less meritorious, until finally, in 1877, the publishers of a magazine known as the Lakeside Library, in which sometimes complete novels were issued as entire numbers, claimed the right of having it go through the mails as a periodical, and this claim, under an opinion of Attorney-General Devens, was allowed. After that entire books with none of the real characteristics of magazines or periodicals were offered and accepted as periodicals, and the present condition of things was inaugurated.

Whatever may have been the foundation and history of the practice, however, and no matter how long it may have existed, it has so grown that the quantity of matter now mailed under it is enormous, involving immense labor in handling it, with a corresponding expense for employés and transportation, and a loss to the postal revenue of somewhere near $1,000,000 a year.

It seems to me absolutely necessary that this evil, for such it is, should be suppressed; and as the bill submitted by your committee proposes an effectual means of doing this—by relegating to the third class of mail matter all books now sent under the newspaper rate of postage, whether they be issued entire or in parts, regularly or not, and regardless of whether they bear or not the unessential indicia of second-class matter—I am heartily in favor of its passage.

A few of the reasons that may be urged in support of this bill are these:

1. Under the law, all books are third-class matter, and therefore chargeable with postage, when mailed, at the rate of a cent for every 2 ounces or fraction thereof. To allow those that now go at the second-class rate of a cent a pound to retain this great privilege is in violation of the spirit of the law.

2. There is no good ground for regarding the books in question as periodicals. It is in fact absurd to call them by this designation. They are simply books, known universally as such among purchasers and publishers, with seldom more than a nominal list of subscribers, devoted to nothing in particular, and in many cases issued irregularly. But for the fact that the subject now properly comes under the jurisdiction of Congress, I should myself rule them out under the discretion which the law seems to confer upon me relative to the entry into the mails of second-class matter.

3. The books that now go through the mails under the practice in question are generally not of a high class of literature. They are largely works of fiction, and many of them are of a very low order, both in a moral and an intellectual sense. Besides, three-fourths of them are probably of foreign authorship. It would seem, therefore, that their continuance in the enjoyment of an exceptional privilege in the mails is in the interest neither of morality nor good taste, and certainly not encouraging to the growth of healthy home literature.

5. To give these paper-covered books a privilege which bound books do not have is without reason. If there should be any discrimination at all it ought to be in favor of the good book, which is usually put up so that it will be preserved, rather than the poor one, which is generally covered with paper and has but an ephemeral existence.

(6) The evil involved in the practice under discussion is constantly growing. Not only are publishers of paper-covered books increasing their output under the usual methods of business, but newspaper publishers all over the country are lending themselves, in one way or another, to the circulation of this class of literature. The publisher of a daily newspaper in Chicago, who lately circulated immense numbers of these books under what has come to be known as the "newspaper coupon" system, now announces a further distribution of 1,600,000 volumes. Other newspaper publishers are of course doing likewise, some of them to quite as great an extent. With not a few, the distribution of the books seems to be a part of the scheme of issuing the papers.

It might be said that the Post-Office Department itself can, to some extent at least, prevent the increase of the evil by refusing to admit any additional or new issues of these books to the cent-a-pound rate of postage. But this could hardly be done with fairness. As long as the many series of books that are now in continue to be treated as second-class matter, new ones of like character must be given similar treatment. The proper course to pursue is to exclude them all as periodicals and charge them hereafter with third-class postage.

Yours, very respectfully,

W. S. BISSELL, *Postmaster-General.*

Hon. J. S. HENDERSON,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

The committee therefore recommend the passage of the bill.

Mr. PICKLER. It seems to me that if the House is rising to a high standard of morality and wants to cut off some of the trashy novels that are circulated among the people it ought not, at the same time, to cut off the better class of literature.

Mr. HENDERSON of North Carolina. Well, it is not possible to provide for everything by a general law. And there is no reason why these books should pass through the mails at 1 cent a pound, when it costs the Government 8 cents a pound to carry them.

Mr. PICKLER. For instance, if any house is publishing Dickens or Scott or other such standard works I should like to have those works go through the mail as cheaply as possible.

Mr. HENDERSON of North Carolina. Well, I suppose the other books to which I have referred and many others might go through the mails at the pound rate, but yet the Government can not afford to carry them all at the cheapest rate.

The CHAIRMAN. Does the gentleman from Maine withdraw his point of order?

Mr. DINGLEY. I do not insist upon the point of order, Mr. Chairman.

The amendment was agreed to.

Mr. HENDERSON of North Carolina. Mr. Chairman, I would like to have printed in the RECORD the report of the Committee on the Post-Office and Post-Roads relating to the section just adopted.

The CHAIRMAN. It can be printed as a part of the gentleman's remarks on that amendment. The Clerk will now report the section of the bill passed over by unanimous consent.

The Clerk read as follows:

For necessary and special facilities on trunk lines from Springfield, Mass., via New York and Washington, to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. KYLE. I now offer the amendment which I submitted a few days ago for the information of the House.

The Clerk read the amendment of Mr. KYLE, as follows:

Amend by striking out lines 23, 24, and 25, on page 4, and lines 1, 2, 3, 4, and 5, on page 5.

The CHAIRMAN. By order of the committee, unanimous consent being given thereto, this paragraph was passed over and general debate closed on the remainder of the bill. This paragraph is now open for general debate.

Mr. HENDERSON of North Carolina. Mr. Chairman, an item of this kind has been in seventeen different appropriation bills. The first appropriation was made in 1878 and it has been continued consecutively down to 1894. I will publish the amount of these several appropriations without now reading the figures:

Appropriation for special facilities.

1878	$150,000.00	1887	221,000.00
1879	125,000.00	1888	205,987.00
1880	150,000.00	1889	205,987.00
1881	350,000.00	1890	205,055.58
1882	425,000.00	1891	205,421.79
1883	600,000.00	1892	196,614.22
1884	185,000.00	1893	196,614.22
1885	230,000.00	1894	196,614.22
1886	266,764.00		

The appropriation for the current year is $196,614.22; but a year ago the item was changed somewhat so as to provide that this appropriation should be made for lines from Springfield, Mass., via New York and Washington to Atlanta and New Orleans. Now, the gentleman from Mississippi [Mr. KYLE] stated in the course of his remarks the other day, as I understood him, that under this provision mail facilities have not been expedited in any way, that there are no better mail facilities to-day on account of this appropriation than there were one year ago; and he went on to say that the schedule time between New York and New Orleans had absolutely been reduced ten minutes.

The gentleman, unfortunately for the House and unfortunately for himself, omitted to tell the committee that there has been an entirely new fast mail train put on, which goes all the way from New York to New Orleans. That was not alluded to. Now, I wish to call attention to the fact that while the Postmaster-General has not in direct terms made any recommendation about this appropriation, yet on page 19 of his last annual report he alludes to this identical fast mail, and to no other fast Southern mail. Here is what he says:

The fast mail service between the North and the South has recently been much enlarged. Following the coast line, its extent and rapidity will (commencing with December) be more complete than heretofore; and by means of the interior lines, it has recently been made possible to inaugurate a double daily fast mail service connecting the great business centers of the North with New Orleans, by way of Atlanta and Montgomery. The hours of these trains are those most preferred by the Department, and it has thereby been rendered possible to accomplish connections which provide equally well for both letter and daily newspaper mails.

There is not a syllable in this language of the Postmaster-General that does not refer to the fast mails which have been made possible by this special appropriation. The allusion there to the coast line is not the coast-line companies but to the railroads which by reason of this appropriation have made fast mail facilities possible.

What has been the advantage of the new facilities? One year ago on the coast line there was a fast mail train leaving New York at 4:20 in the morning and going over the coast-line roads by Washington, Richmond, Charleston, and down to Jacksonville and to Tampa.

Now, the gentleman from Mississippi says those coast-line companies are giving to the Government and the people better mail facilities—better facilities for letter mail and for newspaper mail—than they did a year ago. What is the fact? The truth is that after the coast-line companies relinquished this appropriation a year ago they changed their schedules, and instead of leaving New York at 4:20 in the morning so that they could carry out the newspaper mail, they left at 9:30 in the morning, and they now leave at that hour, reaching Jacksonville, Fla., at 1:35 in the afternoon, four hours and fifteen minutes later than the Richmond and Danville fast mail train.

And the very same mail that these coast-line companies carried one year ago—the very same Florida mail—is carried now from New York via Washington and over the Richmond and Danville and its connections to Florida, much sooner than the coast line companies carry the mail to Florida points. The Richmond and Danville train gets to Jacksonville by its present schedule at 9:20 in the morning. The coast-line trains do not get there until 1:35 in the afternoon, or four hours and fifteen minutes later.

Mr. KYLE. Will the gentleman yield for a question?

Mr. HENDERSON of North Carolina. I will.

Mr. KYLE. I wish to ask the gentleman whether the train running through from New York to New Orleans does not run upon a schedule ten minutes slower than it did before it received this appropriation or any part of it.

Mr. HENDERSON of North Carolina. Now, I wish to say——

Mr. KYLE. Answer that question.

Mr. HENDERSON of North Carolina. Is that all the gentleman wants answered?

Mr. KYLE. That is one question.

Mr. HENDERSON of North Carolina. I was going to say there are now two schedules——

Mr. KYLE. The gentleman says we have two trains; I expected such an answer, and I want to ask him this question—whether this second train does not make the run in forty-nine hours instead of thirty-nine hours, which it formerly took to make the trip from New York to New Orleans before they got this appropriation?

Mr. HENDERSON of North Carolina. I will state the facts about those two trains. The gentleman stated positively to the House that there were no additional mail facilities by reason of these special appropriations, and he omitted to tell the House and the country that there was a new fast train that left New York in the morning at 4:30 o'clock and carried the through mail to the extreme southern coast of Florida and to New Orleans.

Mr. KYLE. Now, if the gentleman will permit an interruption, my statement was that it did not facilitate the mail; that the train did not move faster now than it did before, and to that statement I adhere.

Mr. HENDERSON of North Carolina. The gentleman, I think, will hardly adhere to that statement. How is it, or what is the effect of it, if it does not facilitate the mails? You have two trains instead of one, to begin with. I can show you exactly from the schedule here what the time is and how the mails are expedited.

Mr. SWANSON. Let me ask the gentleman if they are not run entirely under the orders of the Post-Office Department, to make mail connections? That is my understanding of it.

Mr. HENDERSON of North Carolina. Both of these trains from New York to New Orleans have to run according to schedules that are made by the Post-Office Department.

Mr. LOUD. So does every train that carries the mail.

Mr. HENDERSON of North Carolina. No, sir; you can not show that.

Mr. LOUD. Yes, I can.

Mr. HENDERSON of North Carolina. The gentleman can not show it.

Mr. WILSON of Washington. I would like to ask the gentleman——

The CHAIRMAN. The Chair must request gentlemen to preserve order on the floor. The gentleman from North Carolina is entitled to proceed without interruption. It is impossible for the officers of the House—the reporters—to perform their duties in the midst of such confusion. The Chair must insist, if gentlemen want to interrupt a gentleman occupying the floor to ask questions, that they must proceed in an orderly manner under the rule to do so.

Mr. WILSON of Washington. Mr. Chairman, the gentleman has already yielded to me.

The CHAIRMAN. The gentleman will proceed.

Mr. WILSON of Washington. I was only waiting for the Chair to subside until I could get an opportunity to address the gentleman. [Laughter.]

Mr. HENDERSON of North Carolina. I yield to the gentleman for a question.

Mr. WILSON of Washington. I desire to ask the gentleman from North Carolina if what you call "additional mail facilities" appropriated for in this bill is not a subsidy? If it is not a subsidy, what would you call it? I want to have some information on that point.

Mr. WASHINGTON. It is pay for service done.

Mr. WILSON of Washington. I decline to allow the gentleman from Tennessee to interrupt me without asking consent of the Chair. [Laughter.] I hope the Chair will protect me in my right to the floor.

The CHAIRMAN. The gentleman from North Carolina is entitled to the floor.

Mr. WILSON of Washington. I want to know why gentlemen are so suddenly in favor of subsidy. What has caused the change? I want to get one out West for additional mail facilities myself.

Mr. HENDERSON of North Carolina. The gentleman from Washington wants to know if this is not a subsidy. I answer him by telling him that in my judgment the railroad companies carrying these mails by order and under contract with the Post-Office Department earn every cent that is given them for the expedition of the mails over their road.

Mr. WILSON of Washington. But is it a subsidy? That is the question.

Mr. HENDERSON of North Carolina. In my opinion it is not a subsidy; but suppose even that it were a subsidy. Does the gentleman want to take away this little pittance that gives the people of the Southern States fast mail facilities? The gentleman said nothing of the "subsidy" in this bill of a million dollars to the steamship companies—neither he nor any other gentleman.

Mr. WILSON of Washington. Why do you not provide that these additional facilities shall be general?

Mr. WASHINGTON. I call the gentleman to order. He has not addressed the Chair to get permission.

Mr. WILSON of Washington. I took that for granted.

Mr. HENDERSON of North Carolina. The appropriation is made in this bill for steamship "subsidies" for carrying the foreign mails, and they are called "subsidies," but they are made in pursuance of the law by the Post-Office Committee. It was the duty of that committee to recommend the appropriations under the law. And I say to the gentleman that it is the very same thing in regard to these special mail facilities. The appropriations for them are continual under the law. They have been in the Post-Office appropriation bill for seventeen years. This will be the eighteenth time. At one time, for the year 1883, the appropriation ran away up as high as $600,000. We have cut it down now as low as $196,614.22. Two years ago the same committee, of which I was chairman, reported a reduction of this item to the amount of nearly a hundred thousand dollars.

I have been trying to show the benefit of these mail facilities, and I say that by means thereof there are two fast through mail trains for newspaper mail and for letter mail from New York to New Orleans. There are also two fast daily mail trains from New York to Tampa, Fla. So, as compared with the facilities of one year ago, under former appropriations, the present appropriation is accomplishing for the people at least four times as much.

Mr. COOMBS. Will the gentleman permit an inquiry?

Mr. HENDERSON of North Carolina. Yes; I would like to answer any question.

Mr. COOMBS. I would like to ask the gentleman for information. Does the Postmaster-General recommend this appropriation?

Mr. HENDERSON of North Carolina. I have read exactly what he said.

Mr. COOMBS. I can not discover that he does recommend it. How, then, does it get into the bill; by what influence?

Mr. HENDERSON of North Carolina. I will tell the gentleman that this appropriation has been in the bill for seventeen years, and it stays in because the additional facilities afforded are needed and desired by the people and the communities who receive the advantages the appropriation affords.

Mr. LIVINGSTON. May I suggest to the gentleman from North Carolina that the highest evidence that the Postmaster-General has approved this is that it was left discretionary with him whether he would utilize the appropriation or not, and he did it?

Mr. COOMBS. Oh, I do not suppose that is a good reason.

Mr. HENDERSON of North Carolina. It ought to be a good reason.

Mr. QUIGG. Will the gentleman yield to me for a moment?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from New York?

Mr. HENDERSON of North Carolina. I will, with pleasure.

Mr. QUIGG. I should like to suggest, in reply to my colleague [Mr. COOMBS], that it is not necessary, in order that New York should have a fast mail service to the South, that the Postmaster-General should do any recommending. The fact that this committee have recommended it is sufficient for me, as a Representative from New York. [Applause.]

Mr. COOMBS. I do not think New York has anything in particular to do with this matter. I am not necessarily opposing it; but I know that when these matters come before appropriation committees they generally come from some authoritative source, and I want to know how this gets into this bill.

Mr. HENDERSON of North Carolina. I want to answer the gentleman, and I will answer frankly. This appropriation has been in this bill for seventeen years, and no chairman of the Committee on the Post-Office and Post-Roads before me has ever had it stricken out, and it comes in exactly now as it has done heretofore.

Mr. COOMBS. Then it is a sort of habit.

Mr. HENDERSON of North Carolina. Well, it is a habit that is sustained by the evidence that it is for the good of the service.

Mr. LIVINGSTON. It is a habit, like free delivery.

Mr. HENDERSON of North Carolina. I will state to the gentleman that one year ago the gentleman from Maine [Mr. DINGLEY], who is a most careful man, and who looks after appropriations as carefully as any man in this House, offered an amendment which provided that the Postmaster-General should not use this fund unless it was to promote the good of the service; and the Postmaster-General can not expend this fund unless he deems it necessary to promote the interest of the postal service. I hold in my hand and will have printed in the RECORD—I have not time to read them now—many of the contracts that were made by the Postmaster-General with the parties who are favored by this appropriation. The contracts themselves provide that if certain schedules are not maintained, and if certain connections are not made, that on ten days' notice the Postmaster-General shall have the right to revoke any of these contracts:

POST-OFFICE DEPARTMENT,
Washington, D. C., October 2, 1893.

SIR: The act of Congress making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894, contains the following paragraph:

"For necessary and special facilities on trunk lines from Springfield, Mass., via New York and Washington to Atlanta and New Orleans, $196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service."

Acting under the authorization as above recited, the Postmaster-General has directed the assignment, from July 1, 1893, to June 30, 1894, of $142,716.25 per annum to the railroad mail carriers hereinbelow mentioned, with the understanding that at least two continuous daily mail train schedules having connection from the North, shall be maintained between Washington, D. C., and New Orleans, La., via Atlanta, Ga., which schedules shall be known as trains 35 and 37 over the Richmond and Danville system and their connections south of Atlanta, and with the further understanding that these schedules shall not, without the Post-Office Department's approval, be changed.

The payments will be made pro rata to the following routes:

Route.	Termini.	Miles.	Pay.
114002	Washington to Lynchburg	174.04	$21,755.00
114016	Lynchburg to North Danville	65.74	8,217.50
114036	North Danville to Charlotte	142.80	17,850.00
121001	Charlotte to Atlanta	267.71	33,463.75
121003	Atlanta to West Point	86.32	10,790.00
124001	West Point to Montgomery	86.40	10,800.00
124012	Montgomery to New Orleans	318.72	39,840.00
	Total		142,716.25

The Postmaster-General reserves to himself the right to modify, or discontinue altogether, the payments upon giving to the Richmond and Danville Railroad Company ten days' notice of such intention.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Col. A. B. ANDREWS,
Vice-President Richmond and Danville Railroad Company and Agent for the Receivers, Raleigh, N. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
RAILWAY ADJUSTMENT DIVISION,
Washington, D. C., October 9, 1893.

SIR: The following is a copy of an order issued this day on route No. 114002, Washington, D. C., to Lynchburg, Va.:

"From July 1, 1893, to June 30, 1894, pay the Richmond and Danville Railroad Company, quarterly at the rate of $21,755 per annum, for maintaining special mail facilities, consisting of two daily fast mail trains between Washington, D. C., and Lynchburg, Va., in connection with the mail service from Springfield, Mass., via New York and Washington to Atlanta and New Orleans, subject to future orders and to fines and deductions. Charge to appropriation for necessary and special facilities on trunk lines."

Similar orders have been issued on routes 114016, Lynchburg to Danville Junction (n. o.), allowing at the ratce of $8,317.50 per annum; 114038, Danville Junction (n. o.) to Charlotte, N. C., allowing at the rate of $17,850 per annum, and 121001, Atlanta, Ga., to Charlotte, N. C., allowing at the rate of $93,-468.75 per annum.

Very respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

RICHMOND AND DANVILLE RAILROAD COMPANY.
(Through Col. A. B. Andrews, Raleigh, N. C.)

CONCERNING THE SPECIAL FACILITY SERVICE DEDUCTIONS.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
WASHINGTON, D. C., *October 24, 1893.*

SIR: In connection with the allowance of $142,716.25 for special facilities between Washington and New Orleans, supplied by trains known as Richmond and Danville Nos. 35 and 37, you will be governed by the following:

Whenever the line between Washington and Atlanta accomplishes its connections, via Montgomery at Atlanta, it will be considered as having fulfilled the requirements of the Department. Failure to accomplish such connections will be ground for deducting the trip value of the extraordinary allowance.

In like manner, the line Atlanta to Montgomery and that from Montgomery to New Orleans will be treated independently, each interest being held accountable for its own portion of the through service.

The failure of No. 37 to accomplish at New Orleans the rail connection for Houston, Tex., via routes Nos. 149003, 149010, and 150012, known as train No. 20, at 9:30 a.m., will constitute a failure.

The fact of delay in leaving Washington, or elsewhere, has been caused by waiting for the connections can not be given weight by the Department if there is failure to accomplish the connections at Atlanta or beyond. The special allowance is extraordinary and specifically for the accomplishment of a special service, the failure of which is good ground for the deduction of the proportionate value of the service.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Mr. JOHN A. CHAPMAN,
Chief Division of Inspection, Post-Office Department.

WASHINGTON, D. C., *October 24, 1893.*

SIR: Herewith I hand you three copies of the instructions issued the inspection division concerning the application of deductions from the special facility allowances between Washington and New Orleans via Atlanta.

Please acquaint your connections with the same.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Col. A. B. ANDREWS,
Vice-President Richmond and Danville Railroad Company, and Agent of the Receivers, Raleigh, N. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., October 30, 1893.

DEAR SIR: Primarily the extraordinary compensation is allowed for the accomplishment of a continuous service to New Orleans, and it has been found difficult to modify the ruling which heretofore has prevailed whereby the failure to accomplish the continuous service required the deduction of the full value of the trip, irrespective of the interests responsible for the failure. In other words, the practice has been to treat all of the lines between terminal as one interest in dealing with extraordinary allowances, and the fact of there being a failure to arrive on time at the objective point, has resulted in a deduction for the full value over the entire line of the special allowance.

My letter of the 24th instant was a departure, experimentally, from past practice, justified only by the fact that both Atlanta and Montgomery were important deflecting points; and the Department meant to deal very broadly with the situation, at least for a time, or until it is found advisable to restore the old practice.

Unless, however, the Washington connection is made, the through service is valueless in the event of failure to enforce the other connections; and the Department will not make the extraordinary payments in such instances as there is an absolute failure over the entire route.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Col. A. B. ANDREWS,
Vice-President Richmond and Danville Railroad Company, and Agent of the Receivers, Raleigh, N. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., November 17, 1893.

SIR: It being our understanding that trains 35 and 37 are to wait indefinitely at Washington for their direct connection from the north, the order of October 24, 1893, will be so far modified as shall admit of the giving weight to the shortening of your time whenever you wait at Washington more than forty-five minutes for the northern connections, rather than leave on time, and thereby occasion a day's delay to the mails from the north.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Col. A. B. ANDREWS,
Vice-President Richmond and Danville Railroad, and Agent for the Receivers, Raleigh, N. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., November 20, 1893.

SIR: Answering yours of the 18th instant:

If, because of late arrivals from the north, you have to wait more than forty-five minutes at Washington, and because of such delay you are unable to accomplish your connections south of Washington, you will not be subjected to deductions from your special pay, provided, of course, that upon your own lines not any more time is occupied than is called for in your own schedule.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Col. A. B. ANDREWS,
Vice-President Richmond and Danville Railroad Company, And Agent for the Receivers, Raleigh, N. C.

Mr. GEAR. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. HENDERSON of North Carolina. Yes.

Mr. GEAR. Is it not also true that these contracts provide a penalty for failure to make connections?

Mr. HENDERSON of North Carolina. Yes; not only may the contracts be revoked, but there is a penalty for failure to make connections, and the penalty is made in this way: They divide the amount that is paid to the railroad company by the number of days in the year; and if there are two trains a day, then they average the amount for every train; and if one train misses connection the Postmaster-General deducts from the amount that the railroad is entitled to for that trip the pro rata amount that it would have received if it had carried the mail.

Mr. SWANSON. As I understand—the remark was made that this was a subsidy—is it not a fact that the Atlantic Coast Line at one time had this contract, and it was so unprofitable that it gave it up, and that there is no provision in this bill for any special railroad having the contract?

Mr. HENDERSON of North Carolina. The mail goes over certain lines.

Mr. SWANSON. The Southern mail.

Mr. HENDERSON of North Carolina. It is a fact, so far as I know and believe, that the Coast Line companies voluntarily relinquished the appropriation. As long as they were willing to carry the mail and as long as they enforced the schedules made by the Postmaster-General, there was no opposition in the House here—except the general opposition to anything of this sort—to the Coast Line companies continuing to receive the contract.

Mr. SWANSON. And it was not profitable enough for them to continue it.

Mr. HENDERSON of North Carolina. I do not know why they gave it up, but I understood they gave it up because they said that the Department exacted too much from them and hampered them in many ways.

Mr. SWANSON. And as I understand, under this provision the Post-Office Department prepares the schedules for these trains to run by.

Mr. HENDERSON of North Carolina. The Post-Office Department makes the schedules.

Mr. SWANSON. And the schedules are made so as to make connections for the mail, and not for passengers.

Mr. HENDERSON of North Carolina. The Post-Office authorities make the schedules, and if the railroad companies miss connections, then there is a penalty imposed for each failure. The schedules are the ones most preferred by the Post-Office Department.

Mr. GEAR. May I ask the gentleman a question?

Mr. HENDERSON of North Carolina. Certainly.

Mr. GEAR. Is it not a fact that all the coast-line towns receive their mails by this fast mail?

Mr. HENDERSON of North Carolina. Very many of them do.

Mr. GEAR. And all the South, at the coast points, get their mail by this fast line?

Mr. HENDERSON of North Carolina. All the through mails that were formerly carried over the coast-line roads are now carried by the other companies under this appropriation. They carry the mails right through to Florida and carry the mails right through to New Orleans, there being double fast mails to Florida where there was but one fast mail train before, and a double fast mail train to New Orleans where there was but one before.

I wish to say another thing. This mail that was formerly carried over the Coast Line is paid by weight, and the Coast Line Company receives to-day the same pay for such weight that it received a year ago, for the weighing only takes place every four years, and with the other companies the weighing took place two years ago; and all this Florida mail that is diverted from the coast-line companies from New York to Tampa, and is carried over the new line and its connections, is transported without any compensation, and no compensation on account of the increased volume of mail matter will be paid the present contracting lines until the next weighing, some two years hence.

Mr. GEAR. Is it not a fact that places like Charleston and Savannah are supplied by this new coast-line route.

Mr. HENDERSON of North Carolina. Charleston, Savannah, and Florida points are all supplied by it.

Mr. NORTHWAY. Will the gentleman now yield to me for a question?

Mr. HENDERSON of North Carolina. Certainly.

Mr. NORTHWAY. Is it not a fact that if this appropriation is cut out it will largely reduce the fast mail facilities to the South?

Mr. HENDERSON of North Carolina. If the appropriation is eliminated I do not believe that the Southern cities, as a whole, will have fast mails any longer, and for this reason: The Coast Line Company, which formerly received this appropriation, have a splendid line of road, and the trains over this route could make as fast time as they do on the Richmond and Danville and the other roads that now carry the fast mail; but the coast-line roads run their trains now for their own convenience, for the purpose of getting passengers, and not for expediting the mails. They start from New York at 9:30 in the morning—too late for the newspaper mail—so that when they get down to Jacksonville, Fla., at 1:35 in the afternoon, the Richmond and Danville train has been there four hours and fifteen minutes earlier with all the Northern mails.

Mr. LOUD. Before the gentleman gets through speaking of these contracts, I would like to ask the gentleman if there is any different or special or specific contract with this Richmond and Danville road from that which exists with all the other roads carrying the mail?

Mr. HENDERSON of North Carolina. Undoubtedly there is.

Mr. LOUD. The Post-Office Department informed me that there was no contract. I do not care about it particularly; but there is a different statement. I have been informed that there is no contract, but simply an agreement.

Mr. HENDERSON of North Carolina. An agreement is a contract. What is the difference between an agreement and a contract?

Mr. LOUD. The gentleman has laid some stress upon the passengers carried by these trains. I will ask the gentleman if any railroad carrying mail does not have to pay penalties if their trains are late? Does not the same rule of law apply to all other railroad lines as applies to that to which you have referred?

Mr. HENDERSON of North Carolina. I do not think so.

Mr. LOUD. You do not think so! You ought to know that it does.

Mr. HENDERSON of North Carolina. The Postmaster-General has the power to make this schedule?

Mr. LOUD. You will find that every railroad carrying the mails is subject to pay a penalty if their trains do not arrive on schedule time, without they can show good and sufficient reason.

Mr. HENDERSON of North Carolina. I will ask the gentleman what the penalty on the other roads is? I have stated what the penalty is on this road.

Mr. LOUD. The penalty is stated in the present law; I can not tell exactly what it is. The gentleman does not mean to say that the penalty applied to this road differs from that applied to any other road.

Mr. GEAR. Will the gentleman yield to me for a question?

Mr. HENDERSON of North Carolina. Certainly.

Mr. GEAR. The difference between these fast mail trains and ordinary trains carrying the mail is this, is it not: In the ordinary train the company makes its own time and its own schedules, and in these fast trains the schedule is made by the Department.

Mr. LOUD. The Department makes the schedules of the trains on every trunk road of the United States, and that the gentleman will find if he only investigates.

Mr. HENDERSON of North Carolina. I want to state to the gentleman from California that I think that is a point on which he is mistaken.

Mr. LOUD. I am not mistaken.

Mr. HENDERSON of North Carolina. Then I want to ask the gentleman from California why it is that this road, the Coast Line Company, that formerly carried the mails from New York to Tampa and other points, is now four hours and fifteen minutes later at Jacksonville and Tampa than the other trains which carry the mails through? Is it not because they are not compelled to run by schedules made by the Post-Office Department?

Mr. LOUD. If the gentleman asks me that question, I would deny the assertion that they are four hours later at Tampa. This road is carrying the mails under an agreement and the schedule of time is made by the Post-Office Department.

Mr. HENDERSON of North Carolina. But the Coast Line Company was running on schedules made by the Department a year ago, and the same company is carrying the mails by a different schedule now. The Government is not making those schedules. That company now makes its own schedules.

Mr. LOUD. There is an agreement.

Mr. HENDERSON of North Carolina. What is the agreement? Here is the idea. Under the arrangement with the Coast Line the Government had a special schedule and compelled the railroad to expedite the mails, according to schedules made by the Department. The Coast Line relinquished the appropriation and the Government no longer requires that line to expedite the mails.

I want to call attention to this fact. When the Coast Line companies were required to carry the fast mail they made a special contract with the Post-Office authorities, and the Post-Office authorities required them to expedite the mails by certain schedules which the Department insisted upon. When the Coast Lines relinquished the appropriation, then the Department let them make their own schedules. It no longer made any contract or agreement with them. It permitted them to make their own schedules in their own way, whether they expedited the mails or not, and as a matter of fact the schedules they have made have not expedited the through mails.

Mr. MALLORY. At present has not the Coast Line a right to change its schedules whenever it chooses for its own purposes without any penalty?

Mr. HENDERSON of North Carolina. Certainly. I am glad the gentleman called attention to that. The difference between the lines operating under this appropriation and every other line that is required to carry the mails is this, every other railroad company can make its schedules to suit itself and change them whenever it pleases, whereas the companies that carry the mails in pursuance of this appropriation are compelled to carry them in such a manner as they may be directed to do by the Department and by such schedules as the Department may adopt.

Does not everybody know that the Richmond and Danville Railroad would a great deal rather get this appropriation and have only one train from here to New Orleans, or from New York to New Orleans if the Post-Office Department would permit it? The Department not only insists on two through fast mails from New York via Washington and Atlanta to New Orleans, but also on two fast mails by Washington and Columbia, S. C., on down to Florida points. The gentleman from Mississippi [Mr. KYLE] stated here in his opening remarks that no Postmaster-General had ever favored this appropriation—that it had been in the bill for seventeen years, but that no Postmaster-General had ever favored it. What is the fact? The first appropriation, $150,000, was made in 1878. In 1879 it was $125,000; in 1880 it was $150,000; in 1881 there was an appropriation of $350,000; in 1882 there was an appropriation of $425,000, and in 1883 the appropriation was $600,000. Does anybody suppose that those appropriations would have gone on increasing from $150,000 up to $600,000 unless the Post-Office authorities favored them? But that is not all. This appropriation started under Postmaster-General Key, and in his report for 1879, page 11, will be found these remarks:

> The appropriation of $150,000 to enable the Postmaster-General to obtain proper facilities for the prompt transmission of the mails by the railroad companies has enabled the Department to prevent injury to the service upon the most important lines and has in several instances enabled the Department to secure the running of special trains of great value to the business interests of the country. I would therefore recommend that this appropriation be renewed for the next fiscal year, and that the amount be increased according to the estimate submitted by the Second Assistant Postmaster-General.

The Second Assistant Postmaster-General at that time was Mr. Thomas J. Brady, of Indiana.

Mr. KYLE. Will the gentleman tell us where that fund was used at that time?

Mr. HENDERSON of North Carolina. I take for granted that a part of it was used over this very same line we are providing for now.

Mr. LOUD. What year was that?

Mr. HENDERSON of North Carolina. Eighteen hundred and seventy-nine.

Mr. LOUD. Fifteen thousand dollars was used there at that time.

Mr. HENDERSON of North Carolina. Here is what the Second Assistant Postmaster-General said upon that subject:

By the use of this fund the Department has succeeded in preventing any injury to the postal service on the most important lines, and in several cases has secured special trains of great value to the business interests of the sections interested.

Why, Mr. Chairman, the idea of these gentlemen seems to be that this appropriation is bound to do harm, and has done harm all the time from the beginning; but I say it has done good all the time. I will show before I get through that only one Postmaster-General ever directly and emphatically opposed this item in the Post-Office appropriation bill; and even Mr. Wanamaker himself, under the very same authority now proposed to be conferred on Postmaster-General Bissell, used the fund because he believed that its use promoted the good of the service.

Mr. COX. As I understand the gentleman, under these contracts with the Postmaster-General the roads carry the mails at a certain speed and deliver them?

Mr. HENDERSON of North Carolina. Yes, sir.

Mr. COX. And there is faster delivery and better mail service on these roads than upon the roads on which the mail is carried in the ordinary passenger trains; so that the whole point of the question is as to paying this compensation for fast mail service, as compared with that rendered by carrying the mails on the ordinary passenger trains?

Mr. HENDERSON of North Carolina. That is all there is in it.

Mr. COX. Well, that is entirely satisfactory to me.

Mr. HENDERSON of North Carolina. Now, Mr. Chairman, here is what was said by Mr. Horace Maynard, of Tennessee, in his report as Postmaster-General for 1880. I read from page 13:

It would be impossible to maintain the service at its present state of efficiency without this appropriation.

Then he adds:

It is the desire of the Department to extend this service to business communities where it is needed and would be most valuable.

In 1880 the General Superintendent of the Railway Mail Service stated:

The special fund placed at the disposal of the Postmaster-General for the present fiscal year is $350,000, which has proved of incalculable benefit to the service and enabled him to continue and extend the benefits of fast mail service. I would, therefore, respectfully recommend that there be appropriated $350,000, and such further additional sum as will enable him to establish, maintain, and continue the fast mail service.

When Mr. Thomas L. James, of New York, was Postmaster-General, he said:

Appropriations have been made each year since 1878 to enable the Department to secure from railroad companies facilities for the transportation of the mails for which compensation could not be made under the general law. The advantages secured to the public by this expenditure are very great.

And he adds:

The appropriation for this object for the current year is $425,000; and I recommend that $500,000 be appropriated for the fiscal year ending June 30, 1883.

As a matter of fact $600,000 was appropriated for that year.

I have here a great many other extracts. Here is the language of Hon. Thomas O. Howe, of Wisconsin, in his report as Postmaster-General for 1882. He favors this special appropriation. So did Mr. Gresham when Postmaster-General.

Mr. GROSVENOR. I would like to ask a couple of questions pertinent to the matter now under consideration.

Mr. HENDERSON of North Carolina. I yield to the gentleman.

Mr. GROSVENOR. At the time the recommendations which the gentleman has just read were made, what was the weight pay of the railroads receiving the subsidy?

Mr. HENDERSON of North Carolina. The same as it is now.

Mr. GROSVENOR. Ah; but how much did it amount to per mile?

Mr. HENDERSON of North Carolina. Of course I have not the data which the gentleman wishes in regard to all these railroads. I will state to the gentleman that, as a matter of fact, the weight of the mail in many instances has increased with the business and prosperity of the country in different parts of the United States, while in some parts there has been no increase. On some of the railroads in the South, especially, there has been very little increase.

Mr. GROSVENOR. Is it not a fact that on the very roads now receiving this subsidy the pay by weight amounts in some instances to upwards of $400 per mile; away above the average mail pay on trunk lines throughout the country.

Mr. HENDERSON of North Carolina: I am not able to tell the gentleman how much the average is per mile. I will say it varies on the different railroads, but I will say to the gentleman it can not possibly be that the railroads from Washington to New Orleans and Florida carrying the mails now under discussion are receiving extraordinary rates from the Government There are some railroads in this country that carry 20,000 passengers per mile per year; there are others that carry only 200 passengers per mile per year. Some railroads receive as much as $1,500 per mile per annum and others as little as $50 per mile per annum.

Mr. LOUD. If the gentleman from North Carolina will allow me, I will state some figures in answer to the inquiry of the gentleman from Ohio [Mr. GROSVENOR].

Mr. HENDERSON of North Carolina. Very well.

Mr. LOUD. In relation to this system of roads I will state that the increase in the weight of the mails in three years has been 74 per cent.

Mr. GROSVENOR. Then I will ask the gentleman this question: While formerly, when the mail matter carried was so much less than now, it may have been necessary to give these roads this subsidy, is not the necessity removed by the vast increase of their weight pay?

Mr. HENDERSON of North Carolina. I want to be perfectly frank and candid with the gentleman about this matter. As I stated some time ago, the amount we now appropriate is only $196,622.14. Three years ago the amount was about $292,000. The first report made to this House by the Committee on the Post-Office and Post-Roads at the first session of the Fifty-second Congress, when I was chairman of that committee, reduced the amount from $292,000 to $196,000, as in this bill.

Mr. LOUD. Because that was all there was expended the preceding year.

Mr. HENDERSON of North Carolina. Exactly, and why was it not all expended? Because the authorities of the Post-Office Department, and the Postmaster-General were not spending all the money and have not been spending all the money that has been appropriated for this service. They have been very careful and scrupulous about it, and it is accordingly being reduced year after year; and I will state here and now that the present Postmaster-General, who is a most excellent business man and a very able lawyer, has failed, up to this time, to use some $25,000 of the appropriation made for the current year, and if at the end of the current year this question comes up again, and the Postmaster-General shall not have used $25,000 of the $196,000 appropriated, the effect will be that the next time a report comes to the House on this subject from the Committee on the Post-Office and Post-Roads the appropriation will be reduced by that amount or whatever amount the Postmaster-General may fail to expend.

And that of itself shows conclusively to the people and to Congress and the country that the Postmaster-General is very careful about how he expends the fund. He does not spend it just because it is given to him for that purpose, but if he can make suitable contracts with the railroad companies for proper expedition of the mails he does so. If he can not make satisfactory contracts with them, then he refuses to expend the money. So that, in my opinion, $25,000 of this appropriation for the current year will be unexpended at the end of the year.

Now, I call attention to what Mr. Gresham said when he was Postmaster-General, upon this subject. See his report for 1883, page 15:

The large expansion of the system in late years and its general use for postal purposes render the question of just and reasonable rates for the service of vital importance.

I refrain from discussing the question at present, as my views will be given in a separate report, when the committee now considering it shall have submitted their conclusions.

I can not find the special report referred to by Mr. Gresham, but I understand he went before the Post-Office Committee at that time, and in consequence of what he said to the committee the appropriation made for 1884 was $600,000.

Mr. LOUD. In 1884?

Mr. HENDERSON of North Carolina. I am mistaken. Six hundred thousand dollars was the appropriation for 1883.

Now, here is what the Second Assistant Postmaster-General said in the report for 1883—Mr. R. A. Elmer, of New York:

SPECIAL FACILITIES.

The cost of "special facilities" on railroad routes for the year ending June 30, 1883, was $185,000, and a like amount is appropriated for the current year. The results secured by this expenditure are very highly appreciated by the communities interested, and I therefore recommend that a like sum be appropriated for 1885.

In 1884 Postmaster-General Hatton recommended this appropriation, and the Second Assistant Postmaster-General at that time, Mr. Henry D. Lyman, of New York, recommended it strongly.

In 1885 Postmaster-General Vilas recommended it, and his Second Assistant Postmaster-General, Mr. A. Leo Knott, of Maryland, recommended it earnestly. The Second Assistant Postmaster-General said:

I earnestly approve there commendation of the Superintendent of the Railway Mail Service for the maintenance of railway facilities, and for the reason so fully set forth by me.

In 1886 Mr. Dickinson gave a qualified recommendation, but

his Second Assistant strongly recommended it. Mr. Dickinson has been quoted here as being opposed to the appropriation. I will show you exactly what Mr. Dickinson said, so that his views may be placed exactly before the Committee on that subject.

I quote from page 25 of his report for 1888:

Appropriation for special facilities.—I desire to call attention to the settled application of the appropriation made for extra facilities and to the absence of any means to improvements of the service in portions of the country and on lines equally if not more deserving than those for which special appropriations are made. These special appropriations are not sufficient for proper distribution and create an indisposition on the part of railroad companies to coöperate for the best attainable service. Dissatisfaction is natural enough when the Government pays one road more than others, and for no better or more necessary service than is expected or required from many others.

I do not venture an opinion as to whether or not the rate of compensation allowed by law is sufficiently liberal to secure for the Government adequate and the best service. It is certain that the dissatisfaction caused by extra compensation to some and not to others has prevented in some instances cordial coöperation with the Department to secure much needed improvement.

So that Mr. Dickinson's objection was not to the fact that the appropriation was made, but that it ought to be made general. He did not deny that the appropriation of itself was a very useful appropriation.

Mr. ROBERTSON of Louisiana. And he made that remark, too, after a recommendation for an appropriation had been made and indorsed by his Superintendent of the General Railway Mail Service and by the Second Assistant Postmaster-General.

Mr. HENDERSON of North Carolina. That is true. I will say, further, that in 1889 the Second Assistant Postmaster-General, Mr. Bell, then, I believe, General Superintendent of the Railway Mail Service, recommended an appropriation for special facilities. He raised a question against it in 1890. He opposed the appropriation in 1891 and again in 1892, but in the last report made by him as Second Assistant Postmaster-General, in 1893, after longer experience and more knowledge of postal affairs, he expressed no opposition to the special facility appropriation.

Mr. KYLE. Who was that?

Mr. HENDERSON of North Carolina. Mr. Bell.

Mr. KYLE. You are not arguing that he is in favor of it now, are you?

Mr. HENDERSON of North Carolina. If the gentleman had listened to what I stated, he would have understood my argument. The Second Assistant Postmaster-General opposed it twice, but he failed to oppose it in his last report. He said nothing about it, and I must take it for granted that he thinks it is useful.

Mr. ROBERTSON of Louisiana. He is not opposing it.

Mr. HENDERSON of North Carolina. He has not opposed it in any communication to this House this year, that I know of.

Now, Mr. Chairman, I want to call attention to the fact, that as far back as 1881, before we had any special fast mail facilities in the South, the one man in Congress instrumental in inducing Congress to give a special mail facility appropriation was Alexander H. Stephens, of Georgia. I want to read his letter. This is a short letter which I will read, and I will publish another as part of my remarks. This letter is addressed to the Postmaster-General, Hon. Thomas L. James, and is dated National Hotel, Washington, December 15, 1881.

SOUTHERN MAIL FACILITIES.

LETTER OF HON. A. H. STEVENS TO THE POSTMASTER-GENERAL.

NATIONAL HOTEL, *Washington D. C., December 15, 1881.*

DEAR SIR; I inclose you a communication received by me several days ago from several of the most prominent business citizens of Augusta, including the mayor, upon the subject of mail facilities in that city, and especially the arrival there of the New York mail. I also inclose an editorial which I clipped from the leading paper of Augusta to-day; it was the issue of the 13th instant of that paper.

This is a subject upon which the people of that city and section of country have a deep interest; we feel it as high up as I live on the Georgia Railroad (64 miles), and even higher. If any additional appropriation is necessary to enable the New York mail to be put in Augusta by 7 o'clock in the morning, I should like to know it and the amount, or whatever the impediment is or obstacle, I should like to be informed of it, that I may have it removed if possible.

Our mail arrangements now for Augusta and up the Georgia Railroad are in a worse condition for the convenience of the people than they have been for twenty years.

Yours, most respectfully,

ALEXANDER H. STEPHENS,
Member Congress of Georgia.

Hon. THOMAS L. JAMES, *Postmaster-General.*

The other letter referred to is as follows:

LETTER OF HON. A. H. STEPHENS TO THE EDITORS OF THE AUGUSTA (GA.) CHRONICLE AND CONSTITUTIONALIST.

NATIONAL HOTEL, *Washington, D. C., January 6, 1882.*

Editors Chronicle and Constitutionalist:

DEAR SIRS: Inclosed I send you a letter received by me yesterday from Hon. Thomas L. James, Postmaster-General at the time of its date.

It was written December 31, though not received by me until yesterday, as stated. I send it to you for publication, as an answer to mine to him, under date December 15 last, in relation to the mail facilities of Augusta.

The letter of Mr. James very fully explains itself. Your city as well as country readers will doubtless be interested in its perusal. I have given earnest and constant attention to this subject since the opening of the present session of Congress. After personal conference with the Post-Office officials who have charge of railroad mail service, I deem it due to them to say that the fault of the irregularities in our mails in Augusta and on the Georgia Railroad is not attributable to them in any way, nor is it attributable to anyone connected with the Post-Office Department.

The trouble is with the railroad syndicates. Mr. Terrell, of Atlanta, superintendent United States mail service in our and adjoining States, I am satisfied, is an able, diligent, and efficient officer, looking quite as earnestly after the interests of Augusta as of Atlanta, Charleston, or Savannah. The failures of the mails at Augusta, Atlanta, and elsewhere are owing to the railroads not coming up to time. Upon an examination of a transcript from the records it is proper for me to state here that I find the failures of the fast mails at Atlanta have been much more frequent than at Augusta.

Upon my urging the Department to have a fast mail train leave Charlotte upon the arrival there of the fast mail train to Atlanta, the reply was that such train from Charlotte to Augusta would have to remain at Charlotte until the arrival of the fast train from the East, and this very often was from one to two and three hours behind time, so that no increased facility of mail service could thereby be secured to Augusta. There is now a fast mail on the Coast Line, as I believe it is called; that is, from this place to Charleston, Savannah, and Florida, via Richmond, Va., Wilmington, N. C., and Florence, S. C. The mail on this route, owing to the nature of the soil and the condition of the roads, seldom fails.

I proposed to the Department to put a fast train from Florence, S. C., to Augusta, in connection with the fast mail on the Coast Line. If this were done, Augusta would receive the New York mails in the morning at 7:30, or two hours sooner than she now does. This, I understood from the officials, could and would be done if the necessary appropriation should be granted. Be assured I shall do all in my power to secure the appropriation. Should this be done, Augusta and all the towns on the Georgia Railroad will have all the facilities, it seems to me, that are at present attainable. The train on the Georgia Railroad can leave at 7:30 or 8 at farthest every morning, taking the Northern as well as the Augusta City papers and letters for distribution before noon half-way up to Atlanta, and can actually deliver the New York mail in Atlanta daily sooner than is now practically done by the Air-Line road. I earnestly trust this result may be accomplished.

Yours, truly,

ALEXANDER H. STEPHENS.

In consequence greatly of the influence of Mr. Stephens of Georgia, Postmaster-General James entered heartily into the movement, and from that time down to the present we have had these fast mail facilities.

Mr. Chairman, I do not care to prolong the discussion. I will call attention, however, to the fact that train 35, as it is called, which leaves New York at 4:30 in the morning, expedites the mails over what they were expedited one year ago to the following extent:

MEMORANDA.

Prior to July, 1893, there was but one continuous mail schedule between New York and New Orleans:

Leaving New York 4:30 p. m.; passing Atlanta 4:10 p. m.; arriving at New Orleans 7:35 a. m.

There are now two through schedules over that route as follows:

Leaving New York at 4:30 p. m. and 4:30 a. m.; arriving at Atlanta 3:55 p. m. and 5:20 a. m.; arriving at Montgomery 9:20 p. m. and 11:05 a. m.; arriving at New Orleans 7:35 a. m. and 10:25 p. m.

The 4:30 p. m. train is unchanged.

The 4:30 a. m. train has been made continuous.

The Department now avails itself of both of the existing Richmond and Danville schedules to advance mails for the State of Florida, via Charlotte and Columbia, the following being the Florida schedule via Charlotte:

Leave New York at 4:20 p. m.; arrive at Jacksonville 9:00 p. m.

Leave New York at 4:30 a. m.; arrive at Jacksonville 9:20 a. m.

Statement showing comparison of mail schedules in 1893 with 1894, and the advantages the appropriation of necessary and special facilities on trunk lines have given for expediting the United States mail to Southern and Florida points.

	Distances from—		Train No. 37.				Train No. 35, "Fast mail."					Atlantic Coast Line.			
	New York.	Washington.	1893.		1894.		1893.		1894.		Decrease in time.	1893.		1894.	
			Schedule.	Time	Schedule.	Time.	Schedule.	Time.	Schedule.	Time.		Schedule.	Time.	Schedule.	Time
Leave:				*H. M.*		*H. M.*		*H. M.*		*H. M.*	*H. M.*		*H. M.*		*H. M.*
New York			4:30 p. m.		4:30 p. m.		12:15 a. m.		4:30 a. m.			4:20 a. m.		9:30 a. m.	
Philadelphia	90		6:55 p. m.	2 25	6:55 p. m.	2 25	3:50 a. m.	3 35	7:20 a. m.	2 50	0 35				
Baltimore	186		9:20 p. m.	4 50	9:20 p. m.	4 50	6:30 a. m.	6 35	9:42 a. m.	5 12	1 13				
Washington	229		10:43 p. m.	6 13	10:43 p. m.	6 13	8:30 a. m.	8 15	11:01 a. m.	6 31	1 34	10:50 a. m.	6 37	3:26 p. m.	5 54

Statement showing comparison of mail schedules in 1893 with 1894, and the advantages the appropriation of necessary and special facilities on trunk lines have given for expediting the United States mail to Southern and Florida points—Continued.

	Distances from—		Train No. 37.				Train No. 35, "Fast mail."					Atlantic Coast Line.			
	New York.	Washington.	1893.		1894.		1893.		1894.		Decrease in time.	1893.		1894.	
			Schedule.	Time.	Schedule.	Time.	Schedule.	Time.	Schedule.	Time.		Schedule.	Time.	Schedule.	Time
Arrive:	*Miles.*	*Miles.*		*H. M.*		*H. M.*		*H. M.*		*H. M.*	*H. M.*		*H. M.*		*H. M.*
Charlottesville	342	113	1:55 a. m.	9 25	1:55 a. m.	9 25	1:10 p. m.	12 55	2:12 p. m.	9 42	3 3				
Lynchburg	402	173	3:40 a. m.	11 10	3:43 a. m.	11 13	3:40 p. m.	15 12	3:50 p. m.	11 20	4 35				
Danville	468	239	5:40 a. m.	13 10	5:40 a. m.	13 10	6:20 p. m.	10 5	5:50 p. m.	13 20	4 35				
Greensboro	517	288	6:59 a. m.	14 29	6:54 a. m.	14 24	8:10 p. m.	19 55	7:32 p. m.	15 2	4 43				
Salisbury	567	328	8:17 a. m.	15 47	8:13 a. m.	15 43	9:58 p. m.	21 40	9:15 p. m.	16 55	4 45				
Asheville			4:25 a. m.	23 55	4:00 a. m.	23 30									
Charlotte	610	381	9:25 a. m.	17 5	9:25 a. m.	17 5	11:20 p. m.	23 5	10:50 p. m.	18 20	4 35				
Greenville	717	488	12:28 p. m.	19 58	12:28 p. m.	19 58	3:07 a. m.	26 52	1:52 a. m.	21 22	5 30				
Atlanta	857	648	3:55 p. m.	23 25	3:55 p. m.	23 25	8:00 a. m.	31 45	5:20 a. m.	24 50	6 45				
Montgomery	1,092	823	9:20 p. m.	28 50	9:20 p. m.	28 50	9:20 p. m.	45 5	11:05 a. m.	30 25	14 20				
Mobile	1,231	1,002	3:05 a. m.	34 35	3:05 a. m.	34 35	3:05 a. m.	50 20	5:20 p. m.	36 50	13 20				
New Orleans:															
S. Pacific depot	1,372	1,143	7:25 a. m.	38 55	7:25 a. m.	30 5	7:25 a. m.	55 15	10:15 p. m.	41 55	13 10				
Canals Street depot			7:35 a. m.		7:35 a. m.		7:35 a. m.		10:25 p. m.						
Georgia Pacific.															
Arrive:															
Anniston									10:35 a. m.	39 5					
Birmingham	1,054	725	10:20 p. m.	29 50	10:30 p. m.	29 50	10:20 p. m.	47 45	12:59 p. m.	32 29	15 6				
Columbus									6:35 p. m.	36 24					
Winona									10:10 p. m.	39 54					
Greenville									2:07 a. m.	45 00					
Central Railroad of Georgia.															
Arrive:															
Griffin									9:02 a. m.	28 38					
Columbus									12:27 p. m.	31 57					
Macon	900	651	8:10 p. m.	37 40	7:35 p. m.	27 5			11:00 a. m.	30 30	6 5				
Albany									3:20 p. m.	35 00					
Cordele									1:47 p. m.	33 17					
Tifton									3:13 p. m.	34 43					
Nashville, Chattanooga, and St. Louis Railroad.															
Arrive:															
Marietta									8:50 a. m.	28 20					
Rome									11:10 a. m.	30 40					
Dalton									11:41 a. m.	31 11					
Chattanooga									1:15 p. m.	32 45					
Nashville									7:20 p. m.	39 00					
Florida points.															
Arrive:															
Columbia	718	489	1:20 p. m.	20 50	1:00 p. m.	20 30	6:00 a. m.	29 45	1:35 a. m.	21 5	8 30				
Charleston	848	619	3:45 p. m.	23 15	3:45 p. m.	23 15			9:30 a. m.	29 00					
Savannah	860	631	5:10 p. m.	24 40	4:00 p. m.	23 30			4:30 a. m.	24 00	11 20	5:30 a. m.	25 10	8:23 a. m.	22 57
Jacksonville	1,000	771	None		9:00 p. m.	28 30			9:20 a. m.	28 50		11:00 a. m.	30 40	1:35 p. m.	28 5
St. Augustine	1,038	809	None		10:50 p. m.	30 20			10:50 a. m.	30 20				3:40 p. m.	30 10
Palatka	1,056	827							12:50 p. m.	32 20				3:38 p. m.	30 8
Ocala									1:53 p. m.	22 53				7:05 p. m.	33 35
Tampa	1,209	980	None		7:30 a. m.	32 55			5:30 p. m.	27 00				10:35 p. m.	37 5
Live Oak									11:20 a. m.	30 50					
Tallahassee									3:35 p. m.	35 5					

No connection at all in 1893. Mails delayed 10 to 12 hours.

No connection in 1893, via Richmond and Danville Railroad.

Schedule time of Richmond and Danville trains.

	No. 37.	No. 35.
Leave New York	4:30 p. m	4:20 a. m.
Arrive Atlanta	3:55 p. m—23 h. 35 m.	5:20 a. m—26 h.
Arrive New Orleans	7:35 a. m—39 h. 5 m.	*10:25 p. m—42 h. 5 m.
Arrive Birmingham	10:20 p. m—30 h. 50 m.	*12:50 p. m—32 h. 25 m.
Arrive Memphis	7:25 a. m—38 h. 55 m.	
Arrive Kansas City	7:25 a. m—62 h. 55 m.	
Arrive Jacksonville, Fla	9:00 p. m—28 h. 30 m.	*9:20 a. m.—29 h.
Arrive Tampa	7:45 a. m—39 h. 15 m.	*5:45 p. m—37 h. 25 m.

Schedule of Atlantic Coast Line trains, 1893.

	Fast mail.	Southern Express.	Fast train.
Leave:			
New York	4:20 a. m	9:00 p. m	9:30 a. m.
Arrive:			
Jacksonville	9:00 a. m—28 h. 40 m	12:20 noon—39 h. 20 m.	7:55 p. m—34 h. 55 m
Tampa, Fla	4:55 p. m—36 h. 25 m	8:55 p. m—47 h. 55 m.	7:45 a. m—36 h. 45 m
Port Tampa, Fla.	5:35 p. m—37 h. 15 m	9:40 p. m—48 h. 40 m.	8:25 a. m—37 h. 35 m

While I am upon this subject I will state to the gentleman from Mississippi [Mr. KYLE] that the train he referred to, which he says is ten minutes slower in its run from New York to New Orleans, makes the same schedule identically, minute for minute, that it made a year ago. In addition to that we have the fast train besides, No. 35, which makes continuous through schedules and connections to New Orleans from New York, via Washington and Atlanta.

Mr. KYLE. I know the gentleman does not intend to do me an injustice. I will ask him if he got the information from the Post-Office Department, and if that information further does not show that there is a difference of ten minutes, according to the statement of the Postmaster-General?

Mr. HENDERSON of North Carolina. I will state to the gentleman that I have not personally examined the schedules at the Post-Office Department. It may be they may show that; but if they do show it, I will state to the gentleman that it is a mistake.

Mr. ROBERTSON of Louisiana. It is a mistake.

Mr. HENDERSON of North Carolina. And it is utterly immaterial anyway, because the schedules are made by the Post-Office authorities themselves, and if they think it ought to be ten minutes less than it was a year ago, that is their affair. The railroads do not make the schedules. The railroads are willing to carry the mails even faster than they are now carried, if the Postmaster-General should insist upon it.

Mr. KYLE. The time is ten minutes slower than it was before they got this additional payment.

Mr. HENDERSON of North Carolina. No; the gentleman is mistaken.

Mr. KYLE. I get the schedule from the Post-Office Department.

Mr. ROBERTSON of Louisiana. The Post-Office Department is mistaken.

Mr. KYLE. The Post-Office Department may be mistaken, but I am relying upon them.

Mr. ROBERTSON of Louisiana. I want to state to the gentleman, with the permission of the gentleman from North Carolina, that I went over this road about two weeks ago, and on this train, and that I arrived in New Orleans, at the Morgan depot

at 7:25 in the morning and Canal street at 7:35; and I know that the train was on time. I was on it, and I went all the way from Washington. I know we got there exactly at that hour, as was verified by several watches on the train.

Mr. TALBOTT of Maryland. Is not the hour for the departure of that train fixed by the Department instead of by the railroad?

Mr. HENDERSON of North Carolina. It is fixed by the Department; and if any of these fast trains do not run fast enough the Department is to blame, for they fix the schedules they most prefer.

Mr. KYLE. Then if they do not expedite the mail, it is of no service.

Mr. HENDERSON of North Carolina. The gentleman does not seem to understand that there has been another train put on from New York. One in addition to the train of a year ago. Does not the gentleman from Mississippi call that expediting the mails when it arrives thirteen hours and ten minutes earlier in New Orleans and fifteen hours and six minutes earlier at Birmingham than was possible a year ago? Because in one case the schedule is just the same as it was a year ago, is that any reason why, putting this other train on, the mail has not been expedited? The gentleman does not seem to understand that that there are now two fast trains a day instead of one.

Mr. KYLE. Oh, yes.

Mr. LOUD. At what time does it arrive at New Orleans?

Mr. HENDERSON of North Carolina. At 10:25 p. m.

Mr. KYLE. I deny it.

Mr. LOUD. Is that a good time for distributing the mail?

Mr. HENDERSON of North Carolina. The time is fixed by the Post-Office Department for the purpose of facilitating the mails.

Mr. LOUD. Oh, no.

Mr. HENDERSON of North Carolina. It does not go to all other places in the night. It has to go to some place in the night, I would say to my friend. Now, the schedule time is expedited to Macon six hours and five minutes; to Columbia, eight hours and thirty minutes, and to Savannah eleven hours and twenty minutes. I will not detain the committee longer, Mr. Chairman, but will publish the following for information:

Special facilities on trunk lines.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February, 8, 1894.

SIR: The existing orders provide for the following per annum payments on account of the special-facility appropriation for the present fiscal year:

No. of route.	Termini.	Railroad company.	Pay per annum.
109004	New York to Philadelphia	Pennsylvania	$11,331.25
113001	Philadelphia to Washington.	Philadelphia, Wilmington and Baltimore.	17,191.25
114002 114016 114033 121001	Washington to Atlanta	Richmond and Danville	81,286.25
121003	Atlanta to West Point	Atlanta and West Point	10,790.00
124001	West Point to Montgomery	Western of Alabama	10,900.00
124012	Montgomery to New Orleans.	Louisville and Nashville.	39,840.00
	Total		171,238.75

No orders have been made as yet for the payment of any part of the appropriation to the railroads between Springfield, Mass., and New York, N. Y., because no schedules have been agreed upon that would warrant any extraordinary allowance. It is, however, not unlikely that the schedules will, at an early date, be so modified as shall cause the payment of a part, at least, of this year's appropriation to the railroads east of New York, N. Y.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Hon. JOHN S. HENDERSON,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 31, 1894.

SIR: In reply to your note of the 30th instant, requesting information respecting the expenditure of the special facility item of the current year's appropriation "for necessary and special facilities," I would say:

The per annum rate thus far expended is $171,238.75, all of which has been awarded to the railroad mail carriers between New York, N. Y., and New Orleans, La., via Washington and Atlanta.

Our negotiations for the head of the specially designated route, Springfield, Mass., to New York, N. Y., have not, as yet, resulted in the establishment of a schedule warranting the payment of any portion of the special facility sum in that direction, because of which we have as yet made no orders of allowance. It is worth while to add, however, that the negotiations are still in progress with the eastern railroads for an expedited schedule that will admit of the expenditure of the difference between $171,238.75 and $196,614.22, equals $25,375.47.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Hon. JOHN S. HENDERSON,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 23, 1894.

SIR: In reply to your letter of the 22d instant, asking to be advised respecting the mail service between New York and Washington to Atlanta and New Orleans, I would say:

There exists at this time two continuous fast mail train schedules, via Washington, over the Piedmont system, which two schedules are those selected by the Department as the ones to be desired for the accomplishment of the most satisfactory through-mail service between New York and New Orleans via Atlanta.

In connection with the through service with New Orleans it has been arranged, commencing with February 1, ultimo, to utilize the same schedules for the advancement of a considerable extent of the Florida mails that will be deflected from the Piedmont line at Charlotte, N. C., and reach Jacksonville, Fla., over the route recently opened south from Savannah, Ga.

To your inquiry concerning the character and extent of the existing through-mail service as compared with that of the past, I would say that the present schedules are improvements over those which have heretofore been enforced.

Yours, respectfully,

J. LOWRIE BELL,
Second Assistant Postmaster-General.

Col. A. B. ANDREWS,
Vice-President and General Agent of the Receivers,
Richmond and Danville Railroad Company,
No. 1200 Pennsylvania Avenue, Washington, D. C.

WASHINGTON, D. C., *February 16, 1894.*

SIR: I beg leave to respectfully invite your attention to the benefits resulting to the public through the establishment of the great fast mail service between New York and Atlanta and New Orleans, with special reference to the portion from Washington south, and the situation under which the service is rendered.

On January 1, 1893, the Richmond and Danville system maintained a train service that met the requirements of its general business and afforded a good mail service as an item of such general business. The train service was as follows:

No. 9 left Washington at 8:30 a. m., arrived at Atlanta in twenty-three and one-half hours, at 8 a. m. next day, and had no connection whatever south of Montgomery. Train No. 11 left Washington at 11 p. m., and was run at a very slow rate of speed without postal car to Lynchburg, and with postal car from Lynchburg to Atlanta, arriving at Atlanta at 10 p. m. Train No. 37, the South Western Vestibuled Limited, left New York at 4:30 p. m., Washington at 10:43 p. m., and arrived at Atlanta at 3:55 p. m., Montgomery at 9:30 p. m., and at New Orleans 7:25 a. m. This, in brief, was the situation in the early months of 1893.

Congress desiring to meet the postal needs of the greatest States of the South and dependent regions, made appropriation effective from July 1, 1893, for a special mail service from New York and Washington to Atlanta and New Orleans, and the great country and large population of the State of Texas beyond. The advantages to be reaped from the closer mail connection between the greatest commercial metropols of the East and the principal centers of business and population of the South are so obvious to all that comment thereon would be out of place.

The Richmond and Danville system and its connections appreciating the purpose of Congress and desiring to contribute as much as possible to the great contemplated postal improvements heartily coöperated by establishing a special fast mail between New York and New Orleans, beginning May 14, 1893. This fast mail train No. 35, leaves New York at 4:35 a. m., Washington at 11:01 a. m., and arrives at Atlanta at 5:20 a. m., and this train receives at New York a Boston connection that leaves that city at 7:30 p. m., after the arrival of all rail post-office lines from all parts of New England and leaves New York with a very large mail for the Southern States. It gathers in the mail from Philadelphia, Baltimore, and Washington and delivers it throughout the South, far in advance of all former schedules.

The Richmond and Danville system has arranged the schedules of its auxiliary lines and put an extra train between Charlotte and Columbia, by which mail is delivered at Columbia at 1:35 a. m., Savannah at 4:30 a. m., Jacksonville at 9:30 a. m., being twenty-nine hours from New York, which is the shortest time ever made between these points. The arrival in Jacksonville is in time for distribution to the whole State of Florida. Connection is also made for Charleston, arriving there at 9:30 a. m.

To be more explicit and point out especially the advantages of the service now performed, in comparison with last year, I will give you the number of hours the mail has been facilitated. The New York letter and paper mail, the Boston and New England mail, the Central and Western New York and Pennsylvania mail, which left New York at 4:30 a. m., in 1893, reached Washington after the train for Atlanta, Montgomery, and New Orleans had left, and it was delayed until 10:43 p. m. before leaving Washington.

Under the present fast mail service the New York mail, together with the mail from all parts of New England of the previous day, is put in Danville at 5:50 p. m. of the same day, Greensboro at 7:30 p. m., Charlotte at 10:20 p. m., Atlanta 5:20 a. m. the following morning; Montgomery 11:05 a. m., Birmingham at 12:59 p. m., New Orleans at 10:25 p. m.; to points on the Central Railroad of Georgia, which includes Macon, Albany, Columbus, Tifton, etc., by and before 2 p. m., and points in Georgia between Atlanta and Chattanooga, Tenn., before 1 p. m. Thus, by this increased facility between New York, and Washington and Danville, Greensboro, Salisbury, Charlotte, and Atlanta, the mails are expedited twelve hours, Montgomery fourteen hours, New Orleans thirteen hours, Birmingham fifteen hours.

It will not be amiss, I think, to draw a comparison between the time made to Florida points in 1893 and now. The mail which left New York at 4:30 a. m. was put in Jacksonville at 11 a. m. in 1893, and in Tampa at 8:55 p. m.; it now reaches Jacksonville at 9:20 a. m., Tampa at 5:30 p. m., in ample time to make connection with the Cuban steamships. It will be seen, therefore, that in addition to expediting the mails between New York and the inland and the far South and Southwest, the Richmond and Danville has decreased the time consumed to all Florida points from one to three hours.

It is obvious that this special fast mail train No. 35 ramifies and expedites mails from twelve to twenty-four hours to a vast area of country bounded on the east by the Atlantic and reaching far out into the great developed regions of the Southern States, in which is included the principal centers of business and population of the South. Thus, a service of the most extraordinary value is being rendered the great Southern country by a connection from Atlanta which is direct and very fast to Montgomery, Mobile, and New Orleans, where connections are made for transmississippi.

The service north-bound is very fast, and has proven entirely satisfactory to the postal authorities; and it will doubtless be clear to you and all others who may consider the subject that it would be impracticable in favorable conditions for a railroad company to maintain such exceptional service without substantial recognition on the part of the Government, and this is

manifested in the strongest possible manner by the present prostration of all business, which renders the reduction of train service everywhere a necessity.

Very respectfully,

A. B. ANDREWS,
Vice-President, and General Agent of the Receivers.

Hon. JOHN S. HENDERSON,
Chairman of the Committee on Post-Office and Post-Roads.

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. The Chair desires to recognize some gentleman in favor of the amendment. If there is any gentleman who desires to speak in favor of the amendment the Chair will recognize him, and the Chair will recognize the gentleman from Georgia afterwards.

Mr. LOUD. Mr. Chairman——

The CHAIRMAN. The Chair has already recognized the gentleman on this amendment. If there is any other gentleman——

Mr. LOUD. I beg to differ with the Chairman on that question. The Chair has not recognized me on this amendment.

The CHAIRMAN. The Chair begs the pardon of the gentleman.

Mr. LOUD. I spoke in the general debate on the bill, but not on this provision.

The CHAIRMAN. The Chair will, then, recognize the gentleman from California.

Mr. LOUD. I desired only to make a suggestion to expedite debate. There is only one to be heard on this side, and I suggest that they go ahead on the other side.

Mr. LIVINGSTON. Mr. Chairman, the gentleman from Mississippi makes this mistake. There was one fast train on this line prior to this appropriation that made the time in thirty-nine hours and five minutes. The second mail train makes the time in fifty-five hours and twenty-five minutes.

Mr. HOOKER of Mississippi. Between what points?

Mr. LIVINGSTON. Between New York and New Orleans. Now, when this appropriation was made and given to this line of railroad the Postmaster-General required another train put on its line, and this extra fast train that was put on at the demand of the Post-Office Department, makes the time from New York to New Orleans in thirteen hours and ten minutes less than the train of which it took the place. These are the facts. The gentleman has only to look at the schedule and discover the facts. Now, Mr. Chairman, our people are interested in this matter, and I send this communication to the Clerk's desk and ask that it be read.

The Clerk read as follows:

Hon. LON. LIVINGSTON and other Members Georgia Delegation,
United States Congress, Washington, D. C.:

At a meeting representing the Chamber of Commerce, the Commercial Club, and citizens generally, held in the hall of the Chamber of Commerce to-day, Mr. Stewart Woodson, president of the chamber, was called to the chair. On motion, the following preamble and resolutions were unanimously adopted:

Whereas the citizens of Atlanta and of this portion of Georgia are vitally interested in the continuance of the fast-mail service now in operation between Boston and New York and New Orleans via Atlanta; and

Whereas this service is dependent upon a continuation of the appropriation which expires in June next;

And whereas this question is now pending before the present Congress, to be acted on at an early date: Therefore

Be it resolved, By this joint meeting of the Chamber of Commerce, the Commercial Club, and business men of Atlanta, that the Senators and Representatives from Georgia be, and they hereby are, earnestly requested to give their support to the continuance of the fast mail.

Resolved further, That the Chamber of Commerce be requested to appoint a committee to visit Washington in the interest of the fast-mail service should it become necessary.

H. G. SAUNDERS, *Secretary.*

APRIL 2, 1894.

From every section of our Southland this demand comes up, from individuals, from conventions of business men, and from boards of trade. The gentleman from Mississippi [Mr. KYLE] says that this appropriation is of no use, that this railroad is doing no extra work for this appropriation. This committee will have to do only one thing to discover the gentleman's mistake. These fast trains are put on by the Department and controlled by the Department. Their schedules are made by the Department; they are positively forbidden to do any local business on the line between New York and New Orleans that would interfere with schedule as fixed by the Department. They do not stop long enough at towns of three, four, or five thousand inhabitants for a passenger to get on; the Department does not permit it. They are precluded from doing anything to develop their passenger traffic. And yet the gentleman from Mississippi says that these trains are giving no better mail facilities to our people than they gave without this appropriation!

If the gentleman had traveled on the lines in question he would never have made such a speech on this floor. I do not know where or how he got his information, but I am sure that when he sees the mistake he has made he will be willing to correct it. Mr. Chairman, this line for which this appropriation is made is a feeder to every prominent Southern city down to Tampa, Fla., and over to Galveston and New Orleans. But if the appropriation should be withdrawn there is not a railroad man in the United States nor a man on this floor but can see at once that these fast trains must come off. If they are to be confined to schedule time, if they are to be confined to the mail business, as they are now confined, these fast trains must come off.

Then, you get your old slow mail trains from New York to New Orleans, taking fifty-five hours and twenty-five minutes, making a difference of thirteen hours and ten minutes. Talk about a subsidy to the railroad company! Why, Mr. Chairman, it is a known fact on this floor—although we have not the official records to establish it—that the Sea Coast Air Line gave up this appropriation rather than submit to the conditions imposed by the Department. In other words, they knew that they could make more money by seeking to develop the passenger traffic along their line than by submitting to the conditions and restrictions imposed by the Post-Office Department.

This is no subsidy for another reason. It is an effort on the part of one great arm of the Government, the Post-Office Department, to supply the people of this country with fast mail service. Benefiting whom? Benefiting the business men of the East, the business men of the Middle States, the business men of the Southern States. How can this be called a subsidy when these mail trains perform a specific duty under contract with the Government and receive this amount as a consideration for the work performed?

It is not for the benefit of the passenger traffic. It is not to shorten the time in which a man can travel between New York and New Orleans, or between Washington and New Orleans. Nobody can get on these special trains except at such large cities as Montgomery, Atlanta, and Charlotte, where the trains are compelled to stop to change engines and the other outfit that is necessary to run them. Only at these great points can a passenger get on at all. Subsidy! You might as well describe the free-delivery system in New York City or in Cincinnati as a subsidy. You might as well make the charge of subsidy against anything else that we do here to facilitate the mail service?

Mr. LOUD. The gentleman claims that this additional train is a fast mail train. Can he inform us what time this train makes to New Orleans, and also what time the slow train makes to New Orleans?

Mr. LIVINGSTON. I have just stated it; and I want to say to the gentleman from California and to the gentleman from Mississippi that I hold in my hand the schedule made by the Department.

Mr. LOUD. Well, what is the time of those two trains?

Mr. LIVINGSTON. The slow train takes fifty-five hours and twenty-five minutes.

Mr. CLARKE of Alabama. That is the train that leaves at 8 o'clock in the morning?

Mr. LOUD. I am speaking of the present schedule.

Mr. LIVINGSTON. I understand. This is the present schedule. Now, the fast train, which is controlled by the Post-Office Department, makes that same distance in forty-two hours and five minutes.

Mr. LOUD. What time does the other train make to New Orleans?

Mr. LIVINGSTON. The original train that I alluded to, and to which my friend from Mississippi [Mr. KYLE] made a mistake, takes thirty-nine hours and five minutes.

Mr. LOUD. So your "slow" train is faster than your "fast" train?

Mr. LIVINGSTON. It is not. There is the same mistake again. The gentleman ignores the fact that we had one fast train on the line before and one slow mail train, but when the appropriation was made and was applied by the Department to this line of service they required an extra fast train which made the time in forty-two hours and eight minutes.

Mr. LOUD. That train is simply extra between Atlanta and New Orleans.

Mr. LIVINGSTON. No, sir.

Mr. LOUD. I beg the gentleman's pardon. That train formerly ran from New York to Atlanta, and there it stopped and made its connection with the regular vestibule train. Since the extra subsidy has been given that train has run through from Atlanta to New Orleans, and that is the only difference.

Mr. LIVINGSTON. The gentleman is mistaken. I am just as familiar with the line from Atlanta to New Orleans as with the line from here to my home. The connections were not made at Atlanta, prior to the putting on of this fast mail train, by the slow mail train.

Mr. LOUD. That is just what I have said.

Mr. LIVINGSTON. Now the connection is made. Prior to this appropriation this train left New York, as the gentleman from North Carolina has said, too late for the Southern mail. At Washington City it made no connection with the New York mail. It made no connection with the mails at any points. Now it makes every connection from Springfield, Mass., to New Orleans on the one line, and Tampa, Fla., on the other.

Mr. WILLIAMS of Mississippi. I would like to ask a question for information. What is this thirty-nine-hour train to which gentlemen have been referring?

Mr. LIVINGSTON. It is called the fast train.

Mr. WILLIAMS of Mississippi. When was that in operation?

Mr. CLARKE of Alabama. It is the vestibule limited.

Mr. LIVINGSTON. It has heretofore been called the vestibule limited.

Mr. WILLIAMS of Mississippi. Is it in operation now?

Mr. LIVINGSTON. Certainly.

Mr. CLARKE of Alabama. It is a passenger train which leaves New York at an hour unsuitable for the mails.

Mr. WILLIAMS of Mississippi. Does that train run now?

Mr. CLARKE of Alabama. Certainly.

Mr. LIVINGSTON. It not only runs now, but it is made up for passengers, not for the mails.

Mr. WILLIAMS of Mississippi. Does it not carry the mails?

Mr. LIVINGSTON. Yes, sir; but it does not carry through mail.

Mr. WILLIAMS of Mississippi. Still it makes the through trip in thirty-nine hours, which is three hours faster than what the gentleman calls the fast train.

Mr. LIVINGSTON. Let me say this: Suppose that the mail leaving New York is sufficient in bulk and weight to load down six, eight, or ten mail cars to New Orleans; it would exclude every passenger car on the fast mail—not a single passenger could be hauled.

Mr. LOUD. That is not a supposable case.

Mr. LIVINGSTON. In other words, I want gentlemen to understand that this is a special mail train dedicated to that purpose—exclusively, if necessary—without a single passenger on it, if necessary.

Mr. LOUD. I want to call the gentleman's attention to the fact that this thirty-nine-hour train is a regular mail train arriving in New Orleans at 7:25 in the morning, and making connection at 9:15 with the train running to Texas, New Mexico, Arizona, and California. The other train makes no western connection whatever.

Mr. LIVINGSTON. Mr. Chairman, it is very singular to me that at this late day this appropriation should be objected to. As the gentleman from North Carolina has stated, for seventeen years the Appropriations Committee in this House in charge of this matter has reported an appropriation of this kind, and it has been indorsed by every Postmaster-General and every Assistant Postmaster-General except one, for seventeen years; and only objected to once by the Second Assistant Postmaster-General, Mr. Bell, and, although he objected in 1891 and 1892, he does not object to-day.

Mr. KYLE. Does the gentleman from Georgia [Mr. LIVINGSTON] intend to say to the House that every Postmaster-General save one during the last seventeen years has recommended this appropriation?

Mr. LIVINGSTON. Yes, sir.

Mr. KYLE. Does not the gentleman know that Mr. Dickinson opposed it and Mr. Wanamaker opposed it——

Mr. LIVINGSTON. Neither of them opposed it.

Mr. KYLE. And that the present Postmaster-General does not indorse it?

Mr. LIVINGSTON. Mr. Chairman, it has not been twenty minutes since the chairman of the committee [Mr. HENDERSON of North Carolina] read on this floor the declaration of Mr. Dickinson in favor of an appropriation of this sort; yet the gentleman from Mississippi rises now and asks me whether I do not know that Mr. Dickinson opposed this appropriation.

Mr. KYLE. I get my information from the report of the Postmaster-General himself.

Mr. LIVINGSTON. The report has just been read, and it does not sustain the gentleman. The only point that Mr. Dickinson made on this appropriation was that it was exclusive and partial; that it was not broad enough to encourage a policy which he indorsed and approved, and he asked that the appropriation be made general, not specific. This is the correct inference from Mr. Dickinson's report.

As to the present Postmaster-General, the highest evidence that he approves this appropriation is this: When it is left to his discretion to decide whether he will use this money or not, he puts the appropriation in the estimates and then with the power left discretionary in his hands he uses the money for this purpose.

In answer to the gentleman from New York who propounded a question to the chairman of the committee, I say that the highest evidence that the present Postmaster-General approves this policy and this appropriation is that he has included in his estimates the amount necessary for this purpose. Besides, he has the power at any moment to discontinue this service, and he has not done so. Yet the gentleman from Mississippi stands up here and says the present Postmaster-General does not approve this appropriation. Whether that officer has ever opened his mouth on the subject or not makes no difference; take his acts. What has he done? He sends the money in the direction that the committee authorizes him to expend it and in conformity to the appropriation made, which is conclusive evidence that he approves of the scheme and expenditure. He has the power to spend it or not to spend it, as he may deem advisable. The matter is within his discretion.

Mr. KYLE. Will the gentleman yield for a question?

Mr. LIVINGSTON. Yes.

Mr. KYLE. I will state that I hold in my hand the paper which the gentleman from North Carolina read in his speech: I do not know whether it is the one he read from or not, but I find this statement:

Postmaster-General Don M. Dickinson opposed the appropriation. Page 25. See attached Senate Document No. 237.

Mr. HENDERSON of North Carolina. I would ask the gentleman not to read my private memoranda to the House.

Mr. KYLE. I read exactly what Mr. Dickinson said.

Mr. LIVINGSTON. Who made that memoranda?

Mr. KYLE. I find it in these papers, and I stated that I got it from the Postmaster-General's report, too.

Mr. LIVINGSTON. Now, the gentleman from Mississippi is mistaken again. How can we trust him——

Mr. KYLE. The gentleman from Georgia does not mean to intimate that I am endeavoring to mislead the House in this matter?

Mr. LIVINGSTON. Certainly not. I said that you were mistaken, and I am going to show you that you are mistaken.

The gentleman said he got the information from the Postmaster-General. He takes up a paper with a memorandum made by the chairman of the Committee on the Post-Office and Post-Roads, and reads that as the indorsement of the Postmaster-General. Unfortunately he found the memorandum there. I do not know how the chairman came to make such a thing, but it is there and has fallen into his hands.

But the chairman says now that he was mistaken when he made the memoranda, while the gentleman from Mississippi read it and charged it to the Postmaster-General. There is the whole question.

Mr. WILLIAMS of Mississippi. But the gentleman also read from the Postmaster-General.

Mr. LIVINGSTON. And let me say again, and as sensible men you must take my conclusions, that if Mr. Bissell is opposed to the appropriation why does he spend it? He has an option in the matter. It is not incumbent upon him to do so unless he thinks the Government is deriving a benefit from it.

Mr. CLARKE of Alabama. Will the gentleman from Georgia allow me to read what the present Postmaster-General does say with especial reference to this appropriation?

Mr. LIVINGSTON. I will yield to the gentleman with pleasure.

Mr. CLARKE of Alabama. He says:

The fast-mail service between the North and the South has recently been much enlarged. Following the coast line its extent and rapidity will, commencing with December—

That is last December—

be more complete than heretofore.

And then, as to the interior lines, he says:

And by means of the interior lines it has recently been made possible to inaugurate a double daily fast-mail service connecting the great business centers of the North with New Orleans by way of Atlanta and Montgomery. The hours of these trains are those most favored by the Department, and it has thereby been rendered possible to accomplish connections that provide equally well for both letter and daily newspaper mails.

Mr. LIVINGSTON. I am very much obliged to the gentleman. That does not sound very much like the gentleman from Mississippi. If that does not show beyond all question that my friend from Mississippi is mistaken, I shall not endeavor to enlighten him on that point any further.

But I was saying when interrupted that for seventeen years this mail service has gone on with appropriations ranging from $125,000 up to four hundred and odd thousand dollars. It is the only fast mail we have to the South and Southwest, while the North and the great Northwest have four great trunk lines that carry with lightning speed their mails from East to West and

Northwest and back again. We have one, and but one only. And now the proposition of the gentleman from Mississippi is to rob us of that.

I want to suggest, while perhaps it has nothing to do at all with the matter under consideration, Mr. Chairman, that very little money comes from the Government in our direction. The great bulk of the pension appropriations go in another direction: the great bulk of the appropriations for fortifications and armament go in another direction; the appropriations for building, arming, and equipping the new Navy for the country go in another direction. The little pitiful amount in the river and harbor bill is the only expense the Government of this great country is called on to-day to incur on account of special favors to the people of the great South and Southwest.

But I would not stand here to-day to ask that this appropriation be made if the Government did not get value received for every single dollar which it spends for these lines. I am no advocate for charity to my people nor charity to any other people. But it is the purpose and the duty of this Government to distribute these mails into every nook and corner of this great country. I want to say if that is a policy which is advisable, as it has been shown to be in the past, we want to participate in it. That is the policy, and has been in operation for many years.

If that policy is to continue, why should you shut out one section of this country, and give it to another. If it is necessary to make a small appropriation to accomplish that purpose, why is that a subsidy? If the word subsidy appertains to this appropriation, it appertains to nine-tenths of all the appropriations made by this House.

Now, Mr. Chairman, I am going to stop. I want to say that we have 150 Democratic votes in the Electoral College in the section of the country which this line traverses, and if the Democratic party has been or is to be in the future worth anything to this great country of ours, we should have some recognition by this House.

But I am not asking it on that line. I will suggest that the great bulk of the exports that help to make up the wealth of this country are scattered all along this line, from Washington to New Orleans and Galveston. And if we do business successfully and satisfactorily with New York, and with the East, we must have this mail facility. Therefore, from a business standpoint, leaving out the question of politics—and I am more than willing that that should be left out of this matter entirely—we are entitled from a business standpoint to these fast trains and these mail facilities. I yield the balance of my time to my friend from Nebraska [Mr. BRYAN].

Mr. BRYAN. I yield five minutes to the gentleman from Iowa [Mr. GEAR].

Mr. GEAR. I simply want to say, Mr. Chairman, that in my judgment it is bad policy to adopt the amendment offered, and thereby strike a blow at this fast-mail service. I myself live on a line of road, the Chicago, Burlington and Quincy, over which is carried the great transcontinental mail of the United States. Practically the whole of Iowa is supplied by this great service. These roads are compelled to build special cars. Their time is scheduled by the Government, and if they fail to make their connections and can not give a good excuse they are fined.

Now, I take it for granted that the striking out of this amendment is a blow to the commercial and economic interests of the country over which this North and South fast mail runs. In my country every lateral road accommodates its schedule to these fast trains. At my right here sits a gentleman who gets his mail at a post-office 100 miles from my town, through which this fast-mail train passes. The road leading to his town has accommodated its time to the schedule of the fast mail.

Mr. LOUD. But that fast-mail line does not get any extra pay.

Mr. GEAR. It gets a large amout of pay, but none too much.

The CHAIRMAN. The Chair hopes the gentleman from Iowa will not be interrupted without his consent.

Mr. GEAR. My friend from Fort Dodge [Mr. DOLLIVER] lives 263 miles from my town. He gets his mail by the fast mail running through my town eight hours earlier than he would get it on the line of road on which he is, because that road has not adopted the fast-mail schedule.

Mr. KYLE. To what road does the gentleman refer?

Mr. GEAR. To the Chicago, Burlington and Quincy. Now I take it for granted that this North and South fast mail line is of equal benefit to the people of that country. I understand that the lateral roads crossing and connecting with this line accommodate their schedules to it, so that the coast cities away down to Florida and throughout that country are equally benefited by the system. I assume that the great transcontinental mail through Texas and Arizona to California is also benefited and expedited by that system. The times demand, the business interests of the country demand that the mails should be expedited; that they should have the very best service they can have.

Your Post-Office Department to-day is actually burdened with applications for the establishment of new post-offices. Two hundred and fifty applications a day are coming in, far beyond the capacity of the Department to grant, in accordance with the wishes of the people. Anything that strikes a blow at this fast mail service is, in my judgment, bad policy and bad business principle.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. DOLLIVER] for five minutes.

Mr. DOLLIVER. Mr. Chairman, I should be surprised if the House should indorse an amendment striking out the appropriation for the fast mail service of the South. In my humble judgment the prosperity of the country has been measured by the development of our postal system. It is of the greatest importance not only to the business interests of the country, but to the distribution of general intelligence, that the fast mail routes should be multiplied and not diminished. I have no special interest in the fast mail service along the Southern coast; and yet it can not, it seems to me, be good policy for the Congress of the United States to take from the growing and prosperous commercial centers of the South the facilities that have for so many years been granted to them by the extension of the fast mails.

In our Western country we know by nearly every man's experience the advantages of this system. Throughout the great Mississippi Valley these mail trains have become a permanent and beneficial part of the business system of our people. They facilitate business in every department, and it would appear that the South needs these advantages even more than any other part of the country. I am amazed that my friend from Mississippi [Mr. KYLE], representing a section of the country that, according to all accounts that come to us from that section, shares in a less measure than other sections in appropriations of the public money, should be found here seeking to take from his own people business conveniences that can not be supplied in any other way.

And so, speaking for my own people, I am in favor, not of abolishing these fast-mail facilities, but of extending them. I would like to see a fast mail put on every trunk line, so that the remote hamlets of the West and South may be given the benefits that come from speedy and regular mail service. We ought not too particularly look to the amount of the expense. The whole theory of the postal service is that, regardless of whether the thing is profitable or not, the United States shall distribute the mails to the people of every section and even to the remote villages of the country. I do not desire to see the policy grow up here of curtailing the postal system and defeating every improvement that is suggested by arguments drawn from the fact that it will increase expense. In these things we can easily overwork the virtues of economy, and do more harm than good by unreasonably disabling a postal system which is fast becoming in speed and efficiency a model for the world.

Mr. GEAR. I omitted to say that it is stated that these roads receive subsidies. That is a mistake. They simply receive pay for what they carry. They are compelled to construct cars under the supervision of the Department, fitted up specially as railroad post-offices. These mails are distributed in these cars by a corps of clerks, in my country, and the mails are thrown out when the train is running at a speed of 40 or 50 miles an hour all ready to take to the post-office and distribute in the boxes. And they are forbidden, in my country, to carry any passenger in the mail car. The road can not give a permit, and only the Department can give a permit to ride in the mail car.

Mr. LOUD. They only receive the regular pay.

Mr. GEAR. They only receive the regular pay. It amounts to a large amount of money, but it is only keeping up *pari passu* with the growth of the country and the growth of the service.

I yield to my friend, Mr. DOLLIVER.

Mr. BRYAN. Mr Chairman, what I desire to say is not in connection with this bill. I have been trying for several days to get an opportunity to present a matter of personal interest; and I ask unanimous consent that I may be allowed a few moments just to present this matter.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent, in addressing the committee, that he be permitted to go out of the rule and not confine himself strictly to the matter under debate. Is there objection? (After a pause.) The Chair hears none.

Mr. BRYAN. Mr. Chairman, the matter is this: On last Saturday there appeared in the Times of this city a letter given to the public by the gentleman from Maine [Mr. REED] in which he criticised the use I had made, at Denver and other places, of a speech, or a portion of a speech, made by him at Boston on the 25th of last October. I do not want the House to feel that I have done the gentleman any injustice, and I desire to have

placed in the RECORD the portion of the speech which I quoted and the criticism. The gentleman says in the letter (which I will ask the Clerk to read in a few moments):

You will notice that the member of Congress in question, instead of quoting the paragraph in question here in Washington, where it could be met, went 2,000 miles west to air it.

The reason the matter was not presented before Congress in the tariff debate was that the speech did not come to my notice until nearly a month after the bill had passed the House. I did not conceive that it was any injustice to a member of this House, especially to so prominent a member as the gentleman from Maine, to quote in any part of the country a speech made under the circumstances at Boston, at a banquet given by the Massachusetts Republican Club. But since I came back I kept the clipping in my desk, and sought an opportunity to present it in the RECORD, not in order that it might be met, because it can not be met, but that the whole public might be able to see what a distinguished member said in a speech made to fit one part of the country, and how strangely it sounds in another part of the country. The gentleman said in the letter:

It was first started by a member of Congress in a speech in Denver. I was somewhat surprised when I read it, for, of course, separated from the context it conveys an entirely incorrect idea.

I will ask the Clerk to read the only part of that speech that I could find touching upon the tariff question, and if there is any other part that throws any light upon the part read I shall be very glad to have it put into the RECORD. The speech from which I quoted was reported, as I supposed, in full in the Boston Herald of October 26, 1893, and in the Boston Journal (a Republican paper), of same date, it was reported in identically the same language. Not only does it give the words, but gives the expressions of "applause," "laughter," and "great applause," etc., with which the speech was punctured by the audience. I ask that the extract be read.

The Clerk read as follows:

This is only one of its phases and one of its forms. If you people in Massachusetts desire to retain the system under which for thirty years you have been prosperous and great, you have got to show it by your votes on election day, and by no uncertain sign. [Applause.]

And let me tell you right here that there is no State so deeply interested as the State of Massachusetts. [Applause.] If it were not for its condition, I should say, "Let these men try it. Let us have the lesson of free trade burned into the quick; and then let us have peace." [Applause.] But when Massachusetts sits around to mourn her destroyed factories, her ruined industries, her ruined machine shops, she sits around to mourn for eternity; for if they are once destroyed, the omnivorous West will do the manufacturing for the country. [Applause.] You have the start; you have the power; you have the prestige. You can keep it, or you can throw it away; and the only way in which you can keep it is by making the voice of the majority of your people to be heard, and to be heard across the country. [Applause.]

The Democratic party to-day is ruled by the South. I do not care anything about the geography of their position—when I say "the South," I mean by men who have no conception whatever of a Northern industrial city [applause], who have no idea of Lowell or Lawrence. That wealth which is diffused from one end of our great towns to another they do not understand; and if you who do understand it—and some of you are dependent for your livelihoods upon it—neglect your duty, you must not be surprised if these men carry out their ideas. Truth is mighty, but so is ignorance. [Laughter and applause.]

Mr. BRYAN. Mr. Chairman, in this letter the gentleman says, "The passage occurring in a short extemporaneous speech, with no point elaborated." I hardly think that it can be said that because a speech was extemporaneous, therefore one should not quote from it. Sometimes an extemporaneous speech will present a man's real thoughts better than a prepared speech, and I think that those who read the speech made by the gentleman in Boston will perhaps agree that if he had ever thought it would be reported or read in the West it might have been somewhat modified.

But, extemporaneous as it was, it probably expressed the real sentiment and the real belief of the gentleman who made it. To show that the gist of it was not much changed upon reflection, let me read what the letter says. The letter, I presume, was not extemporaneous. [Laughter.] In the letter he says:

I pointed out to them that the legislation tendered them was foolish; that the low duties of the Wilson bill would destroy their manufactures in common with others, and that when they were once destroyed they would be rebuilt under reëstablished protection, nearer the market and nearer the materials, as cheaply as in New England.

Now, of course, that letter is not extemporaneous. It is a calm statement of a supposed condition that, under equal circumstances, the "omniverous West" would do the manufacturing for the country; that if we could once take away the advantage which New England has in the system now existing and start upon an equal footing, the manufactures of New England would be re-established in the "omniverous West." A little further on he says:

As I said to Massachusetts, I say to all other parts of the country, that enlightened selfishness teaches the doctrine of "live and let live."

I ask those who desire to pursue the subject to read that speech and see whether they can find in it anywhere the idea of "Live and let live." No, sir. It is an appeal to sectionalism. "You have the start; you have the power; you have the prestige; you can keep it or you can throw it away." In other words, if you keep it you can have the advantage of the "omnivorous West," but if you do not not make your voice heard across the country you will lose the artificial advantage given you by law, and when it comes to natural advantages the "omnivorous West" will get ahead of you.

In another place the gentleman says:

Of course such a free list would be very attractive to New England if she acted from pure selfishness.

If you read the portion of the speech devoted to the tariff question you will imagine that pure selfishness is the only thing that can be appealed to in Massachusetts, because it is the only thing the gentleman appeals to there. He calls up the "ignorance" of the South—Massachusetts must beware of that. He calls up the great "omnivorous West"—Massachusetts must be careful about that. In this speech he says that "no State is so deeply interested (in protection) as Massachusetts." Now, sir, that sounds strange in the West. We have been told out there that every State is just as much interested in protection as Massachusetts is

We have been told that protection is just as important to the West as it is to the East, but here is a gentleman who is the acknowledged leader of the Republican party not only in this House, but in the nation, a gentleman who may go some day to the "omnivorous West" and ask its support for the Presidency, says that if it were not for the condition of Massachusetts he would be willing to have free trade. But for that—not the condition of the country, but the condition of Massachusetts—he would be willing to say, "Let these men try it. Let us have the lesson of free trade burned into the quick, and then let us have peace," but for Massachusetts' sake he will not have it. [Laughter.]

But the strange thing about the explanation—which may require more explanation than the original speech—is what the gentleman from Maine, looking back, supposes he had said. I have quoted the portion of the letter in which he says that he "pointed out to them that the legislation tendered them was foolish; that the low duties of the Wilson bill would destroy their manufactures," etc. Now, Mr. Chairman, it is a strange thing that that speech not only did not contain a mention of the Wilson bill, not only did not warn them against the "bribe" of free raw material, but the speech was made more than a month before the Wilson bill was reported by the majority of the committee to the minority; it was made at a time when there was no Wilson bill, and when the Democrats did not know what the schedules would be. [Applause on the Democratic side.]

Now, is it not strange that in a prepared criticism, which not only attempts to explain the speech, but even criticises me for using it—is it not strange, that in that prepared letter, the gentleman should have thought that he spoke of a bill which was not in existence until a month after the speech was made? [Laughter on the Democratic side.]

Now, Mr. Chairman, I will ask the Clerk to read the letter which I send to the desk.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 6, 1894.

MY DEAR SIR: Your favor received. I have noticed the paragraph you send me making its way over the West. It was first started by a member of Congress in a speech in Denver. I was somewhat surprised when I read it, for, of course, separated from the context, it conveys an entirely incorrect idea. The passage occurred in a short extemporaneous speech, with no point elaborated. It was when the attempt was being made to secure the aid of New England by sacrificing the interests of the West under guise of giving New England free raw material by removing the duty on coal, iron, and wool.

Of course such a free list would be very attractive to New England, if she acted from pure selfishness. But I took occasion in a few words of incomplete statement, but which the audience I addressed perfectly understood, to point out how short-sighted it was for New England to accept the bribe. Already many Massachusetts manufactures had legitimately gone West, and more must do so, the coarser going first. Under these circumstances, perfectly understood by my audience, some short-sighted men were trying, by the promise of free coal, free iron ore, and free wool, to persuade New England that she could monopolize the manufacturing.

I pointed out to them that the legislation tendered them was foolish; that the low duties of the Wilson bill would destroy their manufactures, in common with others, and that when they were once destroyed, they would be rebuilt under reëstablished protection, nearer the market and nearer the materials, as cheaply as in New England. In short, if New England men helped ruin the country, the ruin would be first and most complete for them on their unkindly soil. Such, in my judgment, would be the facs, and this ruin the country can not afford, no matter where the destroyed manufactures are. An idle factory goes to pieces in five years, and to destroy expensive plants and to throw away all the capital involved would mean that the United States, and, most of all, New England, would have to halt in its progress until all these vast sums were reëarned and reinvested.

Manufactures are now steadily and legitimately advancing westward and southward under the present system, and doing so as fast as is consistent with solid material growth. Massachusetts men and other men are already transferring a part of their capital, and in due time, without shock, the Western and Southern manufactories will do their full share of the manufacturing business of the country. The manufacturing of coarse cotton cloths has already gone from New England to the South.

The mighty and "omnivorous" West is truly great in all that will make riches and consumable wealth, and if this destruction called the Wilson bill can be stayed all parts of the country will prosper and capital and labor will not be wasted.

As I said to Massachusetts I say to all other parts of the country, that enlightened selfishness teaches the doctrine of "live and let live."

You will notice that the member of Congress in question, instead of quoting the paragraph in question here in Washington, where it could be met went 2,000 miles west to air it. I am surprised that any man East or West should deem it worth while to credit me with opposition to the Wilson bill because it would build up manufactures in the West, when everybody knows it will destroy all manufactures.

It is the desire and expectation of protectionists that the West and South will follow or even surpass the example of New England in developing manufacturing industries, as they are now fast doing. The Wilson bill will bring the South and West into competition in manufacturing, with wages much lower than their wages, instead of into competition with the higher wages of New England, as now.

Very truly, yours,

T. B. REED.

C. L. VAUGHAN, Esq., *Hutchinson, Kans.*

Mr. GROSVENOR. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. Is this debate upon the Wilson bill or upon the Hill substitute?

The CHAIRMAN. The Chair will state to the gentleman, if he was not present at the time, that the Chair recognized the gentleman from Georgia [Mr. LIVINGSTON] in his own right for an hour, under the rules; that after speaking for fifteen or eighteen minutes the gentleman from Georgia yielded the remainder of his time to the gentleman from Nebraska [Mr. BRYAN]. The gentleman from Nebraska yielded a few minutes to the gentleman from Iowa [Mr. GEAR] and the gentleman from Iowa [Mr. DOLLIVER]; and when the gentleman himself took the floor he asked unanimous consent—in violation of the rule, as the Chair stated—to speak to this matter. There was no objection, and the Chair so stated. The gentleman is in order.

Mr. GROSVENOR. Then it is "this matter" that is under discussion.

The CHAIRMAN. It does not make any difference what the "matter" is; the gentleman has the consent of the committee to speak.

Mr. BOUTELLE. That is what we want to know—what is the matter?

A MEMBER (on the Democratic side). You will find out.

Mr. BRYAN. Mr. Chairman, this is put in the RECORD because I would not have the House and the people to whom that letter was addressed by the gentleman (for it was given to the public) think that I have done anything wrong or done any injustice to the gentleman from Maine. I thought it wise to put both the speech from which I quoted and the letter which explains the speech in the RECORD for these reasons, in order that those who read the letter may have the means of knowing whether I was guilty of taking a sentence out of its proper connection, and thereby making it convey an erroneous idea; and also that they may know that I had not spoken of this speech 2,000 miles away and was unwilling to speak of it here "where it could be met."

I wanted the matter put in the RECORD "where it could be met," for fear that some Western Republican might take up the line of argument which the gentleman followed in Massachusetts and address the people on the same line of selfishness. I was afraid that some protectionist out there might appeal to his people, and using the gentleman as authority say, "We have not the start, we have not the power, and we have not the prestige; but if we can once wipe out the tariff, we will get the start, and get the power, and get the prestige." For fear they might do that, I wanted to bring the matter forward here where the gentleman could explain it; so that no protectionist in the West would have an excuse for misunderstanding him or for applying to the Western country the argument which has been, and is, applied to the Eastern country.

We have told them out there that the real purpose of protection is to give the East an advantage; but we never before found the leader of the Republican party willing to say that no State in the Union was "so deeply interested as Massachusetts" in maintaining protection. We have told them that if it were not for the great "combines" which have been built up and which have enabled trusts to drive out new industries, and then under the protection of a tariff recoup themselves out of the pockets of the people, there might be great industries built up in the "omniverous West;" but we never had a great Republican so nearly tell us so before; and I wanted this put in the RECORD so that if there is an explanation of it the people of the West may have it; and if there is no explanation, then let them know that the people who go before them and advocate protection on the ground that it is for the whole country, go down to Massachusetts, and raising up the "ignorance" of the South and the "omniverous West," plead for special privileges for their own industries. [Applause on the Democratic side.]

Mr. REED. Mr. Speaker, I suppose the House at this time must wonder what possible connection there is between the speech of the gentleman from Nebraska and the text which he was kind enough to cause to be read. So far as any misapprehension or misrepresentation by the gentleman from Nebraska of what I said was concerned, I beg to assure him that I should have regarded it as of the slightest possible human consequence, left by itself. The only significance which the matter had arose from the fact that in his discourse at Denver he undertook to turn what had been said by me into a declaration as it were on my part that the Wilson bill would result in building up manufactures in the West to the destruction of manufactures in the East—obviously not what I had said. But if the matter had confined itself to that discourse I should not have thought it worth while to pay any attention to it.

But I found that various Western papers, amid the ruins of the Democratic party, were making a specialty of that little portion of his text. It is necessary for the Democratic party, whether it be in its Populistic form, in the shape of the gentleman from Nebraska [Mr. BRYAN], or in the New York or "goldbug" form, or whatever form it may be in, to have some startling lie to come and go on; and I thought therefore that it was simply worth while to state what the facts were in the case, and let the people confront them. I did so. Now, the truth is that anybody here would have laughed at the suggestion, if made on this floor. It became necessary to back it up by making it at a very great distance, and having it have some circulation, to which the gentleman desires to add some further circulation arising from the advertisement which he gives it now.

That is all there is to it; and nobody here would have dreamed of my advocating the destruction of the Wilson bill, or anything that was suggested in the way of a Democratic bill, for the purpose of retaining manufactories in New England, and preventing them from being built up in the West. The gentleman, in one sentence, in one gentle quiver of his voice, suggested that I said it in Massachusetts, and that other people would now have a chance to repeat it elsewhere. I beg leave to say that I have some slight consciousness that what I say gets printed, and that gentlemen from the West and other portions of the country are quite capable of reading it, and consequently the idea does not occur to me that what I say is said in a remote corner. I said it with perfect freedom to that audience as it stood, in an extemporaneous speech, in which I referred to their peculiar condition.

Now, the truth is that long before the Wilson bill was out everybody knew what would be one feature of it. That feature was intended to cajole New England. That was intended to satisfy some gentlemen who had felt that the tariff bill could be modified for their advantage. It proposed to give them free trade in certain raw materials used in manufacturing. I took occasion to point out to that audience—and everybody perfectly understood me—that as they were situated, this boon which it was proposed to give them was utterly unsatisfactory and delusive; that the fact actually would be that if the manufactures in this country were wiped out, from one end of it to the other, that they would naturally be rebuilt nearer to materials, a large portion of them, and consequently if they desired to retain the position which they at present had until it was changed legitimately and satisfactorily to the nation, that they ought to reject that bribe.

Now, was that a disadvantage to the rest of the people of the country? Why, plainly not. It is for the advantage of the people of this country that the present manufactures as they exist shall not be destroyed. There is no danger that the course of empire will cease to take its way westward. There is no doubt about that whatever. Only it ought to do it and will do it in a perfectly legitimate way, without the destruction of capital, and without the ruin of established manufactures, and at the same time to the advantage of the consumer as well.

Just take into account for an instant what would be the result of reverse action. The destruction of manufactures in the United States involves the tremendous destruction of plants. As I have stated once before in this House, one single manufacturing company that I named has property worth five or six millions of dollars. Destroy that industry, and that property is not worth $50,000.

Now, under reorganized and reëstablished protection, sure to follow in case this miserable bill is passed—it is only a question of time—if you are going to rebuild manufactures, you have got to rebuild them with the loss of that capital which already exists, and which no nation in its senses would be foolish enough to throw away.

So far as the increase of manufactures in the West is concerned, that is taking place every day, and is taking place as the result of the increase of wealth made by capital in manufactures in New England and in New York; and pretty soon money which has been earned by manufactures in the State of Illinois will be used to establish manufactures beyond the Mississippi. That is

the natural process, sure to go on, and to go on to the great advantage of the whole people of this country.

The Republican doctrine of protection is not a doctrine of the preservation of special interests. That kind of a doctrine is manifest in the present bill that is pending before Congress. The doctrine of the establishment of classes is in that bill; but that is not the doctrine of the Republican party, which is a very simple one. It is the preservation of the American market to the American people, or, stated in other language, that the American people shall do their own work. [Applause on the Republican side.]

Mr. HENDERSON of North Carolina. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 6016, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. MONEY, for ten days, on account of important business.

To Mr. TAWNEY, for ten days, on account of sickness in family.

Mr. SAYERS. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 6570) for the relief of James L. Townsend. (Report No. 691.)

By Mr. APSLEY, from the Committee on Invalid Pensions: A bill (S. 920) to pension Mary Brown, of Berlin, Vt. (Report No. 692.)

By Mr. HARE, from the Committee on Public Lands: A bill (S. 79) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife. (Report No. 693.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6613) granting an increase of pension to Isaac Stephens, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. GRIFFIN: A bill (H. R. 6625) to amend the act prohibiting importation and immigration of foreigners and aliens under contract to perform labor in the United States, etc.—to the Committee on Immigration and Naturalization.

By Mr. FLYNN: A bill (H. R. 6626) to provide for the allotment of the lands of the Quapaw Indians in the Quapaw Agency, in the Indian Territory, and for the sale of surplus lands of certain tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. MARTIN (by request): A bill (H. R. 6627) concerning the payment of accrued pensions and other matters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6628) concerning the execution of pension vouchers—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 6637) to limit the duration of receiverships, and for other purposes—to the Committee on the Judiciary.

By Mr. McLAURIN: A bill (H. R. 6638) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND: A joint resolution (H. Res. 162) proposing an amendment to the Constitution, to enable the President to veto items in appropriation bills and to enable Congress to pass bills over the veto by a majority vote—to the Committee on the Judiciary.

By Mr. COBB of Missouri: A resolution asking the assignment of a clerk to the Committee on Railways and Canals—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BLAND: A bill (H. R. 6629) for the relief of Christopher C. Miller—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 6630) to remove the charge of desertion from the record of Andrew Govan—to the Committee on Military Affairs.

By Mr. HATCH: A bill (H. R. 6631) granting a pension to Annie Beach—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 6632) for the relief of Mathias A. Culnan—to the Committee on Claims.

By Mr. MORGAN (by request): A bill (H. R. 6633) for the relief of George W. Harbaugh—to the Committee on Military Affairs.

By Mr. MARTIN of Indiana: A bill (H. R. 6634) to grant a pension to Edwin Overman, an insane child—to the Committee on Invalid Pensions.

By Mr. NORTHWAY: A bill (H. R. 6635) for the relief of Charles Baker—to the Committee on War Claims.

By Mr. RAWLINS: A bill (H. R. 6636) granting to the Willow Creek and Strawberry Canal companies the right of way through the Utah Indian Reservation, in the Territory of Utah—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARWIG: Petition of members of the faculty of the University of Wisconsin, against the passage of House bill 6338—to the Committee on Naval Affairs.

By Mr. BLAIR: Petition of Alvin P. Dutton and 6 others, letter-carriers of Dover, N. H., praying for the passage of the Maguire bill, providing for notice, hearing, and appeal by letter-carriers before removal on accusation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles W. Eager and 34 others of Manchester, N. H., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON of Illinois: Petition of Bartleson Post, Grand Army of the Republic, of Joliet, Ill., asking the honorable discharge of John Davis, to accompany House bill 7406—to the Committee on Military Affairs.

By Mr. GILLETT of Massachusetts: Petition of W. H. Chapin and 6 other residents of Springfield, Mass., in behalf of the Indians—to the Committee on Indian Affairs.

By Mr. GRIFFIN: Resolutions of the following organizations, to wit: The Council of Trade and Labor Unions; Stone Mounters' Union; Detroit Typographical Union, No. 18; Railway Teamsters' Protective Union No. 5872; International Brotherhood of Brass Workers' Local Brotherhood No. 2; National Brotherhood of Electrical Workers' Local Union No. 17; Machinery Molders' Union No. 244; Metal Polishers, Buffers, and Platers' Union of North America; American Federation of Labor Local Union No. 1; Operative Plasterers' International Association No. 16; Painters and Decorators' Union, No. 37; Detroit Bricklayers Protective Association; Coopers' Union No. 54; Local Union No. 98 of United Association of Journeymen Plumbers, etc., in favor of amending the act prohibiting importation and immigration of foreigners and aliens under contract to perform labor in the United States, so as to prohibit nonresident alien labor—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON of Iowa: Resolution of Johnson Division, No. 67, Order of Railway Conductors, Waterloo, Iowa, in relation to railroad-scalping tickets, and other matters—to the Committee on Interstate and Foreign Commerce.

By Mr. IZLAR: Resolution of the Charleston Chamber of Commerce, relating to a light-house depot at Charleston, S. C.—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Charleston Chamber of Commerce, relating to the maintenance of the United States Naval War College and Torpedo School—to the Committee on Naval Affairs.

By Mr. KIEFER: Petition of Sprangenberg & Schlechting, John Brancet, Dix & Ullman, and many others, citizens of St. Paul, Minn., protesting against raising the tax on cigars—to the Committee on Ways and Means.

By Mr. MALLORY: Petition of citizens of the city of Pensacola and Escambia County, Fla., praying the passage of Senate bill providing for a shell road between Pensacola and the national cemetery near Warrington, Fla.—to the Committee on Military Affairs.

By Mr. MARTIN of Indiana: Affidavits and papers to accompany bill to pension Edwin Overman, an insane child—to the Committee on Invalid Pensions.

By Mr. MCKEIGHAN: Petition of 15 citizens of Lebanon, Nebr., in the interest of the fraternal society and college journals—to the Committee on the Post Office and Post-Roads.

By Mr. MUTCHLER: Protest of the professors of Lehigh University, South Bethlehem, Pa., against House bill 6338—to the Committee on Naval Affairs.

By Mr. PERKINS. Petition of 21 citizens of Larchwood, Iowa, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STONE of Kentucky: Memorial of citizens of Hickman, Ky., in the interest of fraternal and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of 16 ladies of Port Providence, Montgomery County, Pa., for the submission of an amendment to the Constitution of the United States in the preamble thereof, acknowledging the authority of Almighty God in human affairs—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *April 11, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 443) to provide for the sale of new tickets by the street-railway companies of the District of Columbia, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River, in the State of Arkansas or in the State of Texas; and

A bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across the Tennessee River at Clifton, Tenn.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5443) to establish harbor regulations for the District of Columbia; and

A bill (H. R. 5711) to authorize the adoption of children in the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Charles E. Page and 31 other citizens of Manchester, N. H., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WASHBURN presented a memorial of sundry importers of tin and terne plates, of St. Paul and Minneapolis, in the State of Minnesota, remonstrating against a change from specific to ad valorem rates of duty on those manufactures; which was ordered to lie on the table.

Mr. DANIEL presented a memorial of sundry cheroot manufacturers of Virginia, remonstrating against an increase of the internal-revenue tax on cheroots; which was ordered to lie on the table.

He also presented a petition of the Tobacco Association of Danville, Va., praying for the repeal of the free-leaf clause of the Wilson tariff bill; which was ordered to lie on the table.

He also presented the memorial of Spencer Bros. and sundry other citizens of Henry County, Va., remonstrating against the retention of raw leaf tobacco on the free list; which was ordered to lie on the table.

He also presented the petition of A. J. Moose, W. J. Wyatt, and other citizens of Virginia, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the amendment submitted by Mr. COCKRELL on the 4th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1525) for the relief of G. H. Norton, surety on the bond of M. I. Martin, late postmaster at Arkansas City, Kans., asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. HARRIS, from the Committee on the District of Columbia, to whom were referred two amendments submitted by Mr. SHERMAN on the 28th ultimo, intended to be proposed to the District appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HARRIS. I present communications from the Commissioners of the District of Columbia and other officers of the District government in respect to the amendment submitted by the Senator from Kansas [Mr. MARTIN], heretofore reported from the Committee on the District of Columbia and referred to the Committee on Appropriations. The papers are to accompany the amendment.

The VICE-PRESIDENT. The papers will be referred to the Committee on Appropriations.

Mr. DANIEL, from the Committee on Foreign Relations, to whom was referred the bill (S. 489) for the relief of Mary A. Swift, reported it without amendment, and submitted a report thereon.

OTIS SMITH.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1640) granting a pension to Otis Smith, to report it favorably, without amendment; and as this soldier is 84 years of age, I ask the unanimous consent of the Senate to consider the bill at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Otis Smith, of North Cambridge, Mass., late a private in Company D, Twentieth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month, in lieu of that which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

E. T. CRESSEY.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. PETTIGREW March 9, 1894, asked to be discharged from its further consideration and that it be referred to the Committee on Printing; which was agreed to:

Resolved, That the Secretary of the Senate is hereby directed to pay to E. T. Cressey the sum of $1,500 out of the contingent fund of the Senate, for services performed by him in preparing a catalogue of books in the library, including those stored in the basement, and in searching for certain documents of the earlier Congresses, in order to complete the files of the Senate from the beginning of the Government.

BILLS INTRODUCED.

Mr. WASHBURN introduced a bill (S. 1882) granting a pension to Mary Shumate; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1883) to amend sections 4818, 4821, 4822, and 4823 of the Revised Statutes of the United States, and section 4 of an act approved March 8, 1883, entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DANIEL introduced a bill (S. 1884) for the relief of the administrator of the estate of John Kelly, deceased, late of Alleghany County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 1885) to extend the privileges of the transportion of dutiable merchandise without appraisement to the city of Ocala, in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MANDERSON submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LITTLE RIVER BRIDGE.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of the bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River, in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment.

The VICE-PRESIDENT. The bill will be read.

Mr. BLANCHARD. The bill is in the usual form. It has already passed the House of Representatives and has been reported favorably to the Senate by the Committee on Commerce with one small amendment. I do not think it necessary to take up the time of the Senate by reading the bill in full.

Mr. MANDERSON. That would be a very startling departure, I think, from the custom of the Senate. The bill being up for consideration, it should be read at length. I have no objection to its consideration, but certainly it should be read.

The VICE-PRESIDENT. The Chair had directed the reading of the bill.

The Secretary read the bill.

The VICE-PRESIDENT. The amendment of the Committee on Commerce will be stated.

The amendment of the Committee on Commerce was, in section 1, line 28, after the words "such direction, and," to strike out the words "as nearly as practicable;" so as to read:

And if the bridge over the said river shall be constructed as a draw or pivot bridge the draw or pivot pier shall be over the main channel of the river at an accessible navigable point, and the openings on each side of the pivot pier shall not be less than 130 feet in the clear, unless otherwise expressly directed by the Secretary of War, and, if so directed, shall be according to such direction, and the said openings, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5443) to establish harbor regulations for the District of Columbia; and

A bill (H. R. 5711) to authorize the adoption of children in the District of Columbia.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. PETTIGREW. I ask the Senate to consider——

Mr. COCKRELL. I wish to call up the urgent deficiency appropriation bill. I believe it is a question of privilege. I hope the Senator from South Dakota will not delay it. I think it will take only a few minutes to dispose of it.

Mr. PETTIGREW. I yield to the Senator from Missouri.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes. It is necessary that the bill should be passed at once. There are a great many courts practically suspended for want of funds.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

The Secretary proceeded to read the bill, and continued the reading to the clause on page 5, line 2, beginning:

The Commissioner of Labor in charge of the Eleventh Census is hereby directed, etc.

Mr. HOAR. I wish to inquire if that phrase is a proper description of the officer, "the Commissioner of Labor in charge of the Eleventh Census?"

Mr. COCKRELL. That is the proper description. He is the Commissioner of Labor.

Mr. HOAR. I understand; but the phrase used in the bill is "the Commissioner of Labor in charge of the Eleventh Census."

Mr. COCKRELL. The Commissioner of Labor is simply detailed to take charge of the census.

Mr. HOAR. He is not charged with the census?

Mr. COCKRELL. He is absolutely so. There is no other Superintendent of the Census.

Mr. HOAR. Very well. I did not know that.

Mr. MANDERSON. I should like some information with reference to the proposed printing of the census. My recollection is that by legislation heretofore had we have ordered printed a very large quantity of what is known as the Compendium of the Census, and one volume of that Compendium has been issued. I understand there are to be in all three volumes.

Mr. COCKRELL. Three large volumes, I understand.

Mr. MANDERSON. Three large volumes. We are also to have, I think by legislation heretofore had, a digest or abstract. Now is it proposed to furnish another abstract or digest such as is recited in the paragraph in relation to the census? If so, what is the necessity for it? I really think the Treasury is groaning, and those who are to be the recipients of those volumes for distribution will groan under the tremendous number of these books in different forms, which are to be issued for distribution to the public. I should like some explanation of the necessity for this provision and just what the character of the work is to be.

Mr. COCKRELL. The Senator from Maine [Mr. HALE] is a member of the Committee on the Census and is familiar with the subject. As I understand this is to be a compendium to be prepared, giving the results of the comparisons of the entire census in such form that it will be of practical use to everybody, and it is to be printed at an early date.

Mr. HALE. The situation is just this: Old Senators will remember that the great trouble about any of the census work has always been that we do not get at the results for the people for years and years after the census is taken. It is now going on to four years since the census was taken.

As the Senator from Nebraska [Mr. MANDERSON] has said, there is a compendium provided for, which will cover pretty much all that anybody will want of the work. Then there is a digest.

The trouble, however, about these is that neither will be ready for from a year to two years from now, and it was thought by the House of Representatives and by the Senate committee in conference with Mr. Wright, who has charge of the census—it all having been turned over to him by law—that if a convenient, handy volume, not over 250 pages, covering population statistics and things sought by everybody, could be prepared and issued during the next three months it would meet a great want, not being expensive, although additional to what was originally contemplated. The House and the Senate Committee approved it, and that is what is in the bill.

There will be 100,000 copies of this little work ready for distribution in August, and in ninety-nine cases out of a hundred it will answer the calls and letters which Senators have received.

The great census work, covering so many volumes, will only be valuable to students, scholars, libraries, and specialists; but no man can tell when it will be ready. I have had some experience in trying to run two of these different census works, and unless when the next census comes around something is done to limit the scope of the work, we may as well understand that the great volumes comprising the whole will be only used by a few people, and will not be got out for five or six years after the census is taken.

Mr. MANDERSON. I presume the bill is being read not for amendment, but that the reading is as in Committee of the Whole.

The VICE-PRESIDENT. The bill is being read as in Committee of the Whole.

Mr. MANDERSON. When the proper time shall come for amendments to be proposed, I shall either move to strike out the clause to which I have referred or to very materially amend it.

Mr. HOAR. I do not wish to enter into a general discussion of this very important matter of the census on a deficiency bill, and when this comparatively small matter is up; but after what has been said by the Senator from Maine [Mr. HALE] and the Senator from Nebraska [Mr. MANDERSON], I desire to say that, in my judgment, the sooner we can reform our census policy in the direction in which it is tending every day the better.

I think we ought to have a census of the population of this country once in five years, unless the States will supplement the national census, as the State of Massachusetts does, by a State census in the middle of the decade; and that the census in regard to all other matters of public information ought to be going on all the time; that we ought to have frequent bulletins announcing the new information, so that we should have, by the highest authority and at the Government cost, all the tables of information we depend upon for our economic, financial, and social legislation brought up to the latest time. Now we have them but once in ten years, and we do not get the result of a ten-years' census till four or five years after the time to which it relates. So that practically we depend upon magazines, private enterprise, and statistical societies for very often inaccurate and always imperfect information upon which our most important legislation is to depend.

If we comply with the Constitution by having our census of population once in ten years, the improved modern methods can give us the result of the mere ascertainment of population in a very few weeks, certainly in a very few months, after the 1st of June, or whatever date is fixed, of the year in which the census is taken, so that it would not be necessary, as now, to postpone our new apportionment for Representatives for two years.

Then, it seems to me, we ought to have a bureau in the Interior Department, which during all the time is collecting the information that we need up to date. It would somewhat increase the direct and immediate expense, but it would save a hundred expenditures which we are authorizing constantly from time to time.

Mr. STEWART. With regard to the same matter, I think that a permanent bureau of statistics is one of the most important subjects that can be taken under consideration. There are partial bureaus of that kind scattered through all the Departments. We have in the Treasury Department, in the Interior Department, and in the Agricultural Department various schemes for collecting statistics, and when we get them, they relate to isolated subjects which do not give us the advantage of using the information, because we have not the whole question before us for comparison.

I believe that the statistics should be consolidated under one head, and the investigation of statistics should be going on all the time, because we want to know at each session how different legislation is operating and what the condition of the country is at the time we legislate. That is impossible under the arrangement we now have.

As to the taking of the census of population, that should be done separately. Nothing else should intervene with the attempt to take the census of population. To ask people to answer a long list of questions defeats the entire object. The people do not understand the bearing of many of the questions, and they do not like to be catechised in such a manner.

If the census related merely to the number of people, and no other information was gathered on that occasion, the census of population could be taken with great accuracy; it could be done expeditiously, and the collecting of other information to be used here should go on constantly. If the work of the census is to be of any use, we want to have current information which we can use in legislation. To go back ten years to ascertain the condition, when there has been an entire change, is obviously useless. We make very little use of the census reports from the fact that they are ancient when the work is completed.

If the census could be consolidated under one head and the different bureaus engaged in collecting statistics could be consolidated, I do not think that the expense would be greatly increased. I believe it could be done at the present cost; and I think we could get useful information with regard to all the subjects and have it current when Congress meets.

We are expending a large amount of money in collecting information now in the various Departments by various individuals, and this scattered work is very unsatisfactory. It does not give us the information we need. If we had the kind of organization I have suggested going on all the time, it could arrange for enumerating the population at the proper time; we should have a nucleus from which to start, and machinery which would employ the requisite number of persons to take the census, without incurring nearly as much expense as we now incur. I think the scattered way of collecting statistics which the country has fallen into is a great error. The collection of statistics should be systematized under one head.

Mr. MANDERSON. Mr. President——

Mr. COCKRELL. Will the Senator from Nebraska permit me to make a statement in response to the suggestion he has made?

Mr. MANDERSON. Yes, sir.

Mr. COCKRELL. The Senator from Nebraska referred to the digest which the existing law requires to be made, and seemed to think that this preparation would be an unnecessary expense beyond and above the digest. I want to read to him what Col. Wright, in charge of the census, said of this in connection with the digest, and the Senator will then see the propriety of the provision in the bill. Col. Wright's statement is in response to questions by Mr. CANNON, Mr. HENDERSON, and other members of the Appropriations Committee of the House of Representatives. Col. Wright said:

> You see, the law of the census now provides for 50,000 copies of the digest; my plan then would be to make this abstract so complete, as far as it went, so it would form the plates, type, etc., for that digest already provided by law, so that there would be no extra expense so far as that goes. If you give me until the 1st of August I can go pretty near through.

So what is provided for in the bill will only be a part of what will be in the digest.

Mr. MANDERSON. Does Col. Wright say how many copies of the Compendium are to be published?

Mr. COCKRELL. No; he does not give the number, because he does not refer to the Compendium; but there are three volumes, the same number now authorized by the census law. The Senator will, therefore, see that this provision is only to get this part of the digest out so that we may have it for use this summer.

Mr. MANDERSON. The census of 1860, taken with very considerable care, ran into a very large number of volumes in the completed work. The Compendium, as I will call it, was, as to that particular census, but one volume. I think that was true also of the Compendium of the census of 1870.

Mr. COCKRELL. The Compendium of the Census of 1870 was in one volume.

Mr. MANDERSON. When we came to the Census of 1880, the Compendium was a two-volume octavo work.

Mr. COCKRELL. It was a work of that size [indicating].

Mr. MANDERSON. Yes; that is an octavo in two volumes.

Mr. COCKRELL. It was printed so as to make two volumes, but I think some were issued in one volume. Two volumes were contemplated.

Mr. MANDERSON. The form in which it was issued was a two-volume octavo work, but the general census reports had swollen to be an immense number; my recollection is, some eighteen or nineteen volumes in all.

Mr. COCKRELL. Twenty-odd.

Mr. MANDERSON. Yes; perhaps twenty volumes. One very great complaint in the debate that ensued upon the legislation incident to the Census of 1890 was that these two works were so voluminous, and that there were so many of them, that their extent prevented their speedy issue. The experience of every man after a census is taken is that it shows the Government work to be very poor in comparison to that which comes from private enterprise.

To-day, if a man wants to consult some matter pertaining to the census he does not pick up the Compenium; he does not pick up any of the volumes already issued, only two or three in number, even if he knows that within their voluminous extent he would probably, after much searching, find the particular matter that he desires. He picks up that which comes by private enterprise, the almanacs of the different daily newspapers of the country. They contain within their lids just the information that is needed, and it comes quickly. Take the almanacs published by the great newspapers of New York City, those of the World, the Times, the Tribune, and you will find in them exactly what is needed as to the general statistics of population, and running into a degree of detail that is of enormous value, affording, as I say, a very unpleasant contrast to the work that is being done under Government direction.

Now, the thing seems to grow on that upon which it feeds. Here, instead of a Compendium is a volume that has assumed the form of a quarto, almost as large in its dimensions as any one of the main census reports. We are told that this first volume of Compendium is one of three tremendous volumes that are to be issued, and to be issued during the next three or four years (the final volume probably coming to us when we are making preparations for the Census of 1900); to an extent, for distribution, as I recall it, 100,000 to 150,000 copies. The Senator from Maine [Mr. HALE] can probably give the exact number that we are to issue of this ponderous three volume Compendium.

In addition to the census we are to have 50,000 copies of a digest. It is a most extraordinary thing that here is a Compendium that is supposed to take the cream of the census and give it to us in convenient form, and that Compendium is to be digested and the digest is then to be abstracted. Here, in addition to the twenty or thirty enormous volumes that shall constitute the census and shall come to us through the coming generations, we are to have these numerous volumes that are to be called the Compendium, the Digest, and the Abstract. What is to be the name of the fourth volume that shall contain the cream of that which is in the Digest, I for one can not imagine, but I presume some apt term will hereafter be found, and in an appropriation bill we shall have perhaps provision made for a syllabus of the digest; and we shall have the Compendium, the Abstract, the Digest, and the Syllabus for distribution.

It seems to me that this is a waste of the public money—that the better thing to have done would have been to publish this Compendium, which should be in one volume, and let that be the end of it.

I am glad to see this limitation as to the time when the abstract shall be completed, that it shall be ready for distribution on or before the 1st day of August. I wish, if this paragraph is to be retained in the bill, that the limitation shall be made more imperative, and that the preparation of the abstract shall not go on in the Census Bureau unless it is positive that the book can be printed and ready for distribution within the next three months. I think the Government of the United States would do better work if it would take some of the numerous publications that have emanated from the private presses of the country and distribute them, in preference to this weary waiting to get that which is so voluminous and comes from the Census Office.

Mr. COCKRELL. While this discussion is not pertinent to the provision in regard to a permanent Census Office and what character of books the Census Office should publish, I have no doubt the distinguished Superintendent of the Eleventh Census, Col. Porter, did the very best he could under the circumstances, and he literally followed the regulations and prescriptions of Congress. Here is the law that authorized and required him to make these publications, and authorized them to be in parts. It

is the fault of Congress if they permitted or directed him to go on and make such publications.

Mr. MANDERSON. If the Senator from Missouri will allow me, I will state that my reflection is upon ourselves; it is upon the Congress of the United States rather than upon the executive officers who have followed out the behests of Congress. But what I protest against is that we should go further in this objectionable legislation and compel additional and unnecessary work by those who are in charge of the census and must execute the recorded will of Congress.

Mr. COCKRELL. We are not compelling additional work, but as I read from this extract, and as the Senator will recall, we are only requiring this work to be done by the 1st of August, and furnished to us. It will then be completed in the Digest. It is simply a publication of a part of the Digest at an earlier date than we would otherwise get it.

The VICE-PRESIDENT. The reading of the bill will be continued.

The Secretary resumed the reading of the bill at line 16, on page 5, and read to line 22 on page 6.

Mr. ALLEN. I should like to ask the Senator from Missouri a question at this point. What likelihood is there of the Census Bureau performing its work and going out of existence at the expiration of the time fixed in the bill?

Mr. COCKRELL. I think we can rely upon it with absolute certainty. Col. Wright, who is in charge of the work, thinks he can complete it by that time. That is the period allowed him, and judging from the work that he has heretofore done I should say he will finish it by that time.

Mr. ALLEN. I should like to ask the Senator from Missouri another question. Does he know of any data, plates, or material gathered for the census reports which have been destroyed or are being destroyed?

Mr. COCKRELL. That is a question that would take up some considerable time. I suppose I know to what the Senator from Nebraska refers. I spoke to Col. Wright on that identical subject, and I have an explanation from him. The Senator from New Hampshire [Mr. CHANDLER] I believe has the paper. If the Senator from Nebraska will read the explanation he will be satisfied on that question. There has been no destruction I understand, but I do understand that Col. Porter in certain publications of the census where copious extracts had been made from Government publications already published and issued, simply had them stricken out in order to save space and reduce the volume of the work. I hope the Senator will look at the letter I have referred to. I have not got it; I gave it to the Senator from New Hampshire.

Mr. HALE. What is it the Senator from Nebraska is inquiring about? We on this side of the Chamber could not hear a word he said.

Mr. ALLEN. I asked the Senator from Missouri if he knew of any destruction of plates, reports, or data of various kinds in the Census Bureau and the failure to publish them as required by the original census act; and to that question the Senator made his reply.

Mr. COCKRELL. I do not understand that there has been any destruction. I suppose I know to what the Senator from Nebraska refers. It is about the Indian publications. I stated to the Senator that I spoke to Col. Wright about it, and he wrote me a letter, which I had and which the Senator from New Hampshire now has, explaining exactly what was done, and showing the whole thing. There was no destruction.

Mr. HALE. I do not understand that any valuable and completed information of any kind has been destroyed. In the course of the work certain statistics, which it was expected would be made more complete, cover more ground and cause the publication of larger volumes, were restricted and cut down; but I have yet to learn that any valuable information or statistics have been either destroyed or suppressed. I do not think that is the case, I will say to the Senator from Nebraska.

Mr. HAWLEY. As the Senator from Missouri intimates, this matter will probably be discussed later. I think there has been an unwarranted liberty taken with some of the reports that were entirely completed and approved by the Superintendent of the Census and the Secretary of the Interior before the beginning of this Administration. They have been re-edited and cut down, and yet I suppose the name of the original compiler, the officer responsible, remains attached to them. Some of those gentlemen who are of the very highest character and prepared under Mr. Porter's direction what they considered very valuable reports have felt themselves very much aggrieved. I do not propose to spend time upon that matter now, but a few weeks ago I offered a resolution of inquiry as to the delay in the publication of the reports on manufactures which were going to be and are greatly needed in the discussion of the pending tariff bill.

The answer to the resolution adopted by the Senate is unsatisfactory and indefinite. But Mr. Wright orally assured me that he would make haste, and we have had in pieces some very interesting reports on manufactures. But the regular annual report of the Secretary of the Interior submitted last December shows that on the 31st day of July, 1893, nearly nine months ago, of the report on manufactures there were 328 pages completed and 328 pages in type; and we are just getting extracts. I am not at all satisfied with various things of that kind done in connection with the report, but we can discuss that question hereafter, if it be necessary.

Mr. COCKRELL. In connection with this matter, and in explanation of the inquiry made by the Senator from Nebraska, I will not take the time this morning to read the communications from Col. Wright, but I will ask that they be printed in the RECORD. I have no objection to their being printed as a separate, little miscellaneous document. I think they had better be printed in that way, but I prefer that they should go in the RECORD, as they simply explain how he has been editing this matter and what has been left out.

Mr. HOAR. I think, after the question which has been put and after what has been said by the Senator from Connecticut [Mr. HAWLEY], those statements, which are very brief and clear, should not only be printed in the RECORD, but should be read in the hearing of the Senate. I should think it would be more economical in the way of time to go on and dispose of this subject now instead of cutting it in two, between two days. If the Senator from Maine [Mr. HALE] will wait fifteen minutes before he takes the floor, we might dispose of the appropriation bill.

Mr. COCKRELL. I prefer not. The Senator from Maine [Mr. HALE] gave notice that he intended to address the Senate at this time. I give notice that I will ask the Senate to take up the bill again immediately after 5 o'clock.

Mr. HALE. Let me say to the Senator from Missouri that I am entirely willing he shall have his way.

Mr. COCKRELL. I prefer not to go on with the bill now.

Mr. HARRIS. I prefer that at 1 o'clock we shall go on under the unanimous-consent agreement.

Mr. COCKRELL. I shall not ask the Senate to set aside the unanimous-consent agreement.

Mr. HOAR. I did not rise to interfere with the Senator's control of the time or manner touching his own bill.

Mr. COCKRELL. I understand that.

Mr. HOAR. But I should like to have the matter read to which the Senator from Missouri has alluded.

Mr. COCKRELL. We shall have it read immediately after 5 o'clock.

Mr. HOAR. I should like to have it read in the hearing of the Senate at some time in the debate.

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 4864.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. HALE. Mr. President——

Mr. MORGAN. I wish to ask the Senator from Maine to allow me to occupy the attention of the Senate for just a moment on a matter that is somewhat personal.

Mr. HALE. I yield to the Senator from Alabama.

Mr. MORGAN. I do not know whether the explanation or the statement that I feel called upon to make is a personal or a political one, but at all events I think it is called for. I quote from the New York Evening Post of a recent date as follows:

> The Hill-Gorman-Pugh school of Democrats in the Senate, who are trying to block tariff reform, ought to have their eyes opened by the address issued by the Minnesota Democratic Association yesterday. This is exactly the sort of pronunciamento which is needed, because it names the offenders, the two Democratic Senators from New York, the two from New Jersey, the two from Maryland, the two from Alabama, the two from Louisiana, Camden of West Virginia, and Brice of Ohio. "These are the men," says the address—

Quoting from that address—

> "who wear the mask of Democrats that they may the better betray our cause. These are they who have wrought this marvelous change, putting our party in the attitude of defeat, and giving to our opponents that of victory."

The New York Post proceeds:

> There is no doubt that the sentiment of Democrats generally throughout the country is expressed in the denunciation of these offenders, and it is to be hoped that this sentiment may find similar expression from many States.

That is the French method of trying a man in his absence and without serving notice and a copy of the indictment upon him. I have the opportunity now, however, and I think it is my duty, to enter a plea of not guilty to that accusation from Minnesota, which was doubtless manufactured here and sent to Minnesota.

I am satisfied with the bill now taken up by the Senate as it came from the Senate committee. I propose to vote for it without any amendment whatever, so far as I now know, and if our friends on the other side want to unnecessarily delay action on the bill or proceed in the line of filibustering, and will notify me of that purpose, I will take occasion to do as I have done oftentimes before with them, I will sit up several nights consecutively, in order to accommodate them with the opportunity of speaking and voting upon the bill.

I was a tariff reformer, I suppose, before the gentlemen who have issued this diatribe against me were born, and I have never in the least degree relaxed my purpose or my desire to have in the United States a fair, equitable, just system of tariff taxation which shall bear equally upon all persons as far as we can make it do so, and which shall not contain one single item of bounty to any person in this country. That is what I have to say about it.

Mr. HALE. If any other Senator who is in this Minnesota list desires to state his position upon this important bill, I will yield with pleasure, even though it should consume considerable time and be open possibly to the suggestion that those Senators may be filibustering. I am not anxious to go on if anything of that kind is sought to be put before the Senate.

Mr. JONES of Arkansas. Will the Senator from Maine yield to me for morning business?

Mr. HALE. For a personal explanation?

Mr. JONES of Arkansas. For morning business.

Mr. BLACKBURN. He is not one of them.

Mr. HALE. I beg the Senator's pardon. I yield to the Senator from Arkansas.

[Mr. JONES of Arkansas submitted a report, which appears in its appropriate place in to-day's proceedings.]

Mr. HARRIS. I wish to give notice that I shall hereafter object to morning business or any other business being injected while we are proceeding under the consent rule of yesterday.

Mr. HALE. The Senator from Tennessee of course would not exclude the confessional, if any Senator desires to make a personal explanation.

Mr. HARRIS. When the Senator from Maine yielded to the Senator from Alabama it was in the nature of debate upon the tariff bill, I understand, and not a violation of the rule.

Mr. HALE. I so considered it.

The VICE-PRESIDENT. The Senator from Maine will proceed.

Mr. HALE. Mr. President, since my service in Congress began six different general tariff bills have been reported to Congress, and discussed by its two branches, awakening always a deep interest among the people whose business and everyday life and prosperity were affected by the provisions of the different bills.

It is not possible that any tariff bill, dealing with the diversified industries of the United States, and changing existing laws under which business and labor have adjusted themselves, could be reported and discussed in Washington without awakening this deep interest. But I think I am entirely safe in making the statement that at no time during these twenty-five years, has any tariff billl, or, indeed, I may say all tariff bills, aroused so deep a feeling among the American people and so strong and earnest and determined opposition as the tariff bill now before the Senate, known the world over as the Wilson tariff bill.

Nearly every Senator about me will bear me out in saying that his mail is loaded with protests against the provisions of the bill; that he is waited upon daily by delegations of his constituents who are alarmed at the effect of the bill should it ever pass; and that by private correspondence, by the newspapers, by visits to Washington of thousands of people at whose material interests the bill strikes, the whole country has lifted up its voice wherever the bill has to this time been considered in a loud but thus far ineffectual protest against the bill.

The reasons for this are not hard to discover. Aside from the theories and doctrines upon which it is claimed that the provisions rest, and beyond the indignant opposition which some of its remarkable features have evoked, the people of the United States are being educated by observation and experience in the conditions of everyday life to a more thorough understanding of the relation which all of our industries bear to each other.

The doctrine of protection to American labor and American industries, as affected by competition with foreign labor and foreign industries, is every year more and more plainly seen to involve no preference for one kind of labor above another. The system of protection is seen to be not one for the manufacturer alone; but as manufactures are inbred with the life and interests of all the people, other great industries have been learning the lesson that when you strike at the manufacturer, you strike at the merchant who sells his wares, at the carrier who transports the product, at the farmer who finds, in the home market which prosperous manufacture opens to him, his best resort when he seeks to dispose of the product of his own labor.

The better understanding to-day of the interdependence of all American industries, each upon the other, and the menace which overhangs these industries, thus connected by a common bond of interest, in the calamitous accession to power of the Democratic party through the elections in 1892, all this has brought out from the lakes to the Gulf and from seashore to seashore such an expression of wrathful denunciation of the provisions of the bill now before the Senate as neither House nor Senate nor the American people nor the world has ever before seen.

I do not propose, Mr. President, in what I may say to-day, to address myself to the general considerations that underlie the doctrines which animate the two great political parties of this country. The Senator from Massachusetts [Mr. LODGE] did that so admirably, in the speech which he delivered here yesterday, that I do not need to go into that domain. I shall rather give my attention and try to bring to the consideration of Senators certain, thus far, unexplained weaknesses of the bill, certain manifest and unpardonable inconsistencies in its make-up, and certain deplorable cases where, if the bill is not changed but passes as reported by the Senate committee, destruction of home industries will be the result and waste and desolation will be substituted thereby for comfort and prosperity which now prevail under existing law.

Before this debate shall come to an end, Mr. President, I desire and in this I express a general wish, or perhaps what I may call curiosity, that some Senator, who stands in the relation of sponsor to this bill, shall state to the Senate and to the country the general theory or doctrine or proposition or party dogma upon which the bill is framed and presented to the Senate. Going more into detail, I ask that some Senator who undertakes this task shall tell us upon what ground the Senate committee has adopted certain changes which have been made in the Wilson bill as it passed the House.

For myself, Mr. President, I am free to say that while I am familiar with, and believe that I can fairly construe, the tariff plank in the last platform of the Democratic party, as propounded by the Chicago convention of 1892, and the letter of acceptance of President Cleveland which followed, I find myself hopelessly confused and lost in the attempt which I have made to reconcile either or both of these with the provisions of the bill, either as passed by the House of Representatives or as tinkered and manipulated by the Senate committee, which has upon its back the burden of the bill which is now before us.

I read here the tariff-for-revenue plank adopted by the last Democratic national convention at Chicago, with no further comment upon it except to say, what everybody knows, that it was passed by a large majority vote over the report of the committee which had charge of the subject, which in its report recognized the existence of American industries, their dependence in some degree upon the protective system, and the difference in the price of labor in this and in foreign countries:

> We denounce Republican protection as a fraud, a robbery of the great majority of the American people for the benefit of the few. We declare it to be a fundamental principle of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purposes of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

I also read that portion of President Cleveland's letter of acceptance of the nomination touching this question:

> We wage no exterminating war against any American interests. We believe a readjustment can be accomplished in accordance with the principles we profess without disaster or demolition. We contemplate a fair and careful distribution of necessary tariff burdens rather than the precipitation of free trade. We will rely upon the intelligence of our fellow-countrymen to reject the charge that a party comprising a majority of our people is planning the destruction or injury of American interests.

I might ask, Mr. President, contenting myself with that, and awaiting reply, before going into details, that some Democratic Senator should inform me upon which propositions or upon what combination or intermixture of these two charts, laid out for the course of the Democratic party, this bill, either in the House of Representatives or in the Senate committee, has been built up. But I will go further and try to point out some of the things in this bill which the business interests of the country and its laboring population are to-day contemplating with a spirit of resentment and indignation which, wherever it has had an opportunity, has already made itself known, and which will speak in thunder tones in the national elections of the coming autumn.

The doctrines of the authors of the Wilson bill and their purposes, and the dangers attendant thereon, were well known to the American people in November last, and they gave voice to their distrust and apprehension, in no uncertain way, in the elections of that month; but it needed the embodiment of all the vicious and offensive propositions, to which the free-trade Democracy is committed as found in the Wilson bill, to produce a situation

in that Gibraltar of Democracy, New York City, when that party barely succeeded in carrying the day in a Congress district where, at the last election, it prevailed by 11,000 majority, and lost another district, which it had carried by more than 9,000 majority, and a little later, in the State of Pennsylvania, where the normal majority of the Republican party was more than trebled, and the Democratic party, as represented by the Wilson tariff bill, was buried in the avalanche which the people of that State piled up to the extent of nearly 200,000 majority. The overwhelming defeat of the Democratic party in Rhode Island, which State it carried last year, is due to the same causes.

Mr. MANDERSON. And in New Jersey yesterday.

Mr. HALE. The Senator from Nebraska calls my attention to the elections in New Jersey yesterday. So I might refer to the elections along the Hudson River. In fact, from the time that this bill has been reported to the present hour and moment in which I speak there has been no day in which elections might not be pointed to showing the revolt of an aroused people against the provisions of the bill that is now before the Senate.

Before, Mr. President, going into details touching the remarkable provisions of this bill, let me say that I, in common with other Senators and with thousands of the American people, have studied the bill with painful attention in order to find out any reason or cause for its provisions, and I am compelled to say that from this study three things become to me apparent.

First, it is a bill to protect the South and to punish the North;

Second, it is a bill for the benefit of the European manufacturer and producer at the expense of our own manufacturer and producer;

Third, and this touches my own State, it is, in every paragraph that deals with the products of the Dominion of Canada, as brought in competition with the products of our own people along the Canadian border, a simon-pure, almost unadulterated bill for the benefit of Canada and to our corresponding hurt.

After the bill reached this House, till the day that the Finance Committee reported it, the people of the North apprehended these results. The make-up of the Finance Committee of this body and the evident determination that every item in the bill should be settled by the action of the majority members of the committee, a determination carried out as I am informed, to this extent, that upon not a single amendment was a formal vote of the whole committee taken, but that everything was settled in the conclave of Democratic members, was all in line with these propositions; and it is no wonder that a profound feeling of alarm penetrated the entire country when it was realized that the consideration of a tariff bill touching the industries of 70,000,000 people was committed practically to the hands of three or four Senators from Southern States, who, whatever may be their merit and their high character, had not, either from their own observation or the conditions of their people, had any opportunity to realize the magnificent growth and extent of the manufacturing industries of the North.

I give here some of the statistics, showing the result of the great national census of the year 1890.

The value of the manufacturing product of all the States in the Union, as shown by this census, is $9,370,000,000.

The total value of the product of the fifteen Southern States, including Maryland, is $1,202,000,000, or about 12 per cent of the whole.

The product of the State of New York is $1,712,000,000, or $500,000,000 more than the product of the entire South.

The product of Pennsylvania is $1,331,000,000, or more than $100,000,000 in excess of all the Southern States. And there are several cases where the product of two other Northern States exceed that of the entire South.

The wages paid to the manufacturing industries of the entire nation amounted to $2,283,000,000, of which the Southern States paid a little less than one-eighth.

New York paid twice as much for wages as the entire South.

Pennsylvania, alone, exceeded all payments made in the South for wages.

It is no wonder, in the face of these figures, that the country has viewed with alarm the fact that the construction of this bill, and of every amendment which has thus far been added to it, were in the hands of men representing a section of the country which has a limited interest in its great industries, and who may be presumed to have devoted their lives to other investigation, and to be in condition where it is impossible to appreciate the magnitude of that swelling tide of manufacturing industry which has made the Northern portion of this Republic the wonder and the praise of the civilized world.

Mr. President, not to take up too much of the time of the Senate, let me present a few only of the instances in which this bill discriminates in favor of the South and against the North, although the bill is full of them, from its beginning to its end.

A prominent agricultural product of the South, but a product to a large extent also of other countries, and therefore always made the subject of tariff legislation, is the article of rice. The much condemned and denounced McKinley bill, which looked with an equal eye upon the products of labor North and South, provided for a duty on this article, as follows: "Cleaned rice, 2 cents per pound; uncleaned rice, 1½ cents per pound; paddy, three-quarters of a cent per pound; rice flour and rice meal, one-quarter of a cent per pound."

The Wilson bill, whose provisions in this matter have been followed by the Senate committee, as found in the bill now before us, provides for the following duties: "Cleaned rice, 1½ cents per pound," a reduction of one-fourth of the duty; "uncleaned rice, 1 cent per pound," a reduction of one-fifth of the duty; "paddy, three-quarters of a cent per pound," which is the same as the McKinley bill; "rice flour and rice meal, one-quarter of a cent per pound," also the same.

In looking over, for some corresponding agricultural product of the North, out of several I select the article of hay. The treatment of this great staple product, under the McKinley bill and the Wilson bill and the Senate committee, shows as follows: Under the McKinley bill the duty upon hay is $4 per per ton. The Wilson bill, as it passed the House, reduced this to $2 per ton, and the Senate committee has laid its destructive hand on this product and, not content with the reduction which the Wilson bill had made of 50 per cent of the duty, has substituted, for the House provision of $2 per ton, an ad valorem duty of 20 per cent, which, under the invoicing which will be made in foreign ports, from which these articles will be imported, would be an equivalent of from $1 to $1.40 per ton. A revenue of nearly half a million of dollars annually is almost all given up on this article.

In the article of sugar, which the McKinley bill presented free to every breakfast table in the land, providing a bounty for the Southern producer for this almost entirely Southern product, the Senate committee has largely restored the old duty, thereby putting up the price of the article to every consumer; has repealed the bounty given to the Southern planter, upon the avowed plea that the revenue tariff from taxed sugar is needed in the Treasury, and upon the consideration, well understood by everybody, that if this should not be done the votes of the two Senators from the sugar-planting State of Louisiana could not be reckoned upon in aid of the passage of the bill through this body.

In looking for a corresponding article largely of Northern production, as is sugar largely a Southern production, I find the great industry of lumber, and I contrast the treatment which this article has received at the hands of the Democratic House of Representatives and the Democratic Committee of Finance of the Senate with what I have just stated has been accorded to sugar. In magnitude, indeed, the Southern industry bears no comparison with the Northern industry.

The total value of the sugar product, including all refining, is $123,000,000, while the great lumber industry of the country, largely found in the Northern States, amounts to the enormous sum of $553,349,127, standing at the head of the great products of the country, being higher than either iron and steel, slaughtering and meat-packing, and flouring, while the yearly wages paid rise to the high figure of $135,754,513.

Upon this great article the House of Representatives and the Finance Committee of the Senate have given up the revenue of $1,100,000 yearly from foreign importations and have, with ruthless hand, placed every form of lumber, with the exception of a trivial portion known as planed lumber, upon the free list.

This act is made the more unreasonable and cruel by the fact that the McKinley bill, in dealing with this great product, instead of increasing the duties largely reduced them, in many cases to the extent of 50 per cent, before that bill was made up.

Later on, when I come to consider the provisions of this bill which our Canadian neighbors, if they did not formulate, have at least most gratefully accepted, I shall speak more fully of this great industry.

RECIPROCITY.

The provisions of the bill which strike down the whole scheme of reciprocity, under which additional trade has been growing up with foreign countries, strike most severely at the Northern wheat-grower and the Northern miller, and will at one blow destroy the trade which has grown up with Cuba, and will besides shut out from the German market the already established and increasing exportation from the Northern packing establishments of pork to that country.

The whole scheme of reciprocity and the marked success attending it since it was first adopted during President Harrison's Administration, and under the guiding hand of Secretary Blaine in the State Department, will be fully aired later in the debate, and I do not at this time go deeply into this subject, contenting myself with illustrating the view in which it is held by our

Southern neighbors on the American continent, by quoting from the utterance within the last two or three days of Mr. Samuel Well, a leading merchant of Bluefields, Nicaragua, who has just arrived in this country for the purpose of laying the situation there before the Administration.

This is what Mr. Well says, and his indorsement of reciprocity is all the more pregnant because it comes as an incident to his errand:

It is not generally understood in this country that Americans have interests in the community valued at $2,000,000, and that the amount of the export and import trade between that country and the United States reaches the sum of $4,000,000 annually. Not only that, but this trade has been increasing by leaps and bounds. It will, with anything like protection for ourselves, reach an enormous sum annually in comparatively few years. It is really a trade worth cultivating, and we think that this Government, which has been pronounced for reciprocity and encouraging Pan-American Congresses, can carry out those ideas in no better way than to protect its citizens who have gone there and invested their all in trade which is to benefit not only themselves, but that country and this country.

The merits of the reciprocity scheme, which has already increased our trade with Cuba from $11,000,000 to $24,000,000, and with Brazil from $7,000,000 to $16,000,000, without going into the figures in other countries, will be fully considered and thoroughly discussed when that part of the bill is reached.

The same curious feature of so framing tariff legislation as to get votes in the Senate, to which I have referred in treating of the sugar duties, is again found in the conduct of the committee in its treatment of reciprocity, where the ax has been made to descend in such a way that the Hawaiian treaty has been saved in order that the vote of a Democratic Senator from the Pacific Slope should not be lost when the bill comes up for passage.

INCOME TAX AND WHISKY.

The revival of the war income tax, with all its offensive features, of inquiry into private business, of increased swarms of Federal officers, of enforced visits of the tax collector, with its inducements and invitations to frauds, imposes its burdens almost entirely, with only exceptions enough to prove the rule, upon Northern incomes and Northern business and Northern families and Northern property.

The Senator from New York [Mr. HILL], in the remarkable speech which he delivered here on Monday, a speech to which all Senators listened with respectful attention, and which once for all established the courage and ability of the man who made it, went so fully into the discussion of the details of the income tax that I do not need to say more now upon it.

In contrast to this, the Kentucky distiller and producer has his interests most carefully guarded and protected, and his accumulated stock is cared for by the provisions of paragraphs 82 to 100, inclusive, as found in the Senate amendment to the House bill, the operation of which has been already explained by the Senator from Iowa.

Upon the proposition, Mr. President, that this bill discriminates generally against American products, American manufactures, and American labor and in favor of European products, manufactures, and labor, I will not here go into the details of the different schedules of the bill, because I desire to approach and consider at some length my last proposition that the bill is made up wholly in the interest of our Canadian neighbors and rivals; but, speaking generally, the portions of the bill that relate to the manufactures of cotton and wool, including the production of raw wool, agricultural implements, tin plate and tinware, leather, knit goods, iron and steel, glass and glassware, pottery, and numerous others, all show the abandonment of our own labor and the preference given to the foreigner.

The utterances of English newspapers, and their gushing approval of the Wilson bill when its provisions became known in Europe, show clearly how these things are regarded. The London Standard declared that it would be the fault of English enterprise and English industry if that country did not derive the fullest benefit from the bill. The London Daily Telegraph, after learning what was contained in the bill, gave vent to the following utterance:

The reforms proposed in the new tariff bill are of the highest importance to the commerce of the world. They mean an economic revolution in the United States.

That economic revolution means the reduction of wages in this country, the gradual adoption of free trade, and the basis of our social fabric established after the English fashion.

Perhaps the best proof of the effect of this bill upon the great manufacturing industries of the country, which are to be affected by European competition, is found in the general blight which has already fallen upon manufactories of the different kinds which I have mentioned, owing to the apprehension of the passage of the bill, and the conviction of the dire results which will attend its passage.

I have an incomplete list of these establishments which, under the menace of the Wilson bill, have either stopped work or cut down their product and their wages; but I will not here put this upon record, only illustrating their extent by reading from a dispatch, dated Fall River, Mass., April 1, showing the fate of the largest manufactory of fine cloths in the whole country.

The authors of the Wilson bill in the House of Representatives, and the Senator from Indiana and his associates on the Finance Committee, may find this interesting reading, as showing the result of their work upon the tariff:

FALL RIVER, MASS., *April 1.*

It is not expected that the King Phillip mills will resume to-morrow, as notice was given Saturday to a portion of the help that for an indefinite period their services would not again be required. The position of the King Phillip Mills Company is different from that of any other of the forty corporations here. There are but three or four mills in the country making as fine grade of products, and it is one of the few mills in this section whose goods are made to compete with those of foreign countries in the New York market. The discriminations against fine fabrics in the Wilson bill caused a continuation of the dull, uncertain market for its products. It went on manufacturing them, however, storing them in its warehouse until, it is said, to now have at least three-quarters of a million dollars' worth on hand. Its managers began alternately shutting down its different mills, until its two best mills were wholly closed for an indefinite period.

Thinking that the operatives might consent to work for smaller wages until the times grew better, Agent Chase called a delegation of them together and went over the situation, concluding by saying that he had confidence enough in the future to continue manufacturing for storage, provided he could do so at less cost. He understood that a majority of the operatives consulted were willing to work under a reduced scale for a little while; but when they went to their union for permission to do so that body gave orders for them to stop work rather than submit to a reduction.

That was some weeks ago, and before a reduction was generally feared in the rest of the mills. Since then the Spinners and Weavers' Union have been paying out large sums in support of idle members. Last week Agent Chase again renewed this proposition to reduce wages. To-morrow night the spinners' executive committee expects to act on this proposition. The stopping of the rest of the mill came as a general surprise to the help.

CANADIAN RELATIONS.

I come now, Mr. President, to the consideration of that portion of the bill which more nearly affects my own constituency, and which falls with destructive force upon the farmers and manufacturers and laborers of that entire portion of the United States which stretches across the continent from Maine to Oregon and Washington, and which finds sharp competition and a dangerous rival in the Dominion of Canada, which lies along its entire border.

I do not hesitate to charge that, as affecting this region of our own country, this bill is made up after a fashion that could not have better satisfied the Canadians had a committee of their own taken the subject in charge and fixed their own schedules and duties. I am not unaware that in making this statement I am assuming a grave responsibility, and I certainly should not make it if I did not believe that a study of the bill bears me out in this strong assertion.

Before taking up the different paragraphs of this portion of the bill I wish, first, to say a word upon its calamitous effect upon our general relations, present and prospective, with the Dominion of Canada. No man can acquaint himself with the conditions of life found upon the two sides of the line which separates us from Canada without becoming convinced that at no distant day that line must disappear and the two countries be made one. The United States will absorb Canada. Seventy millions of people will not go to five millions, but the five millions will come to the seventy millions. In the near future I should desire to see the consummation of this union. I think this is the general feeling of intelligent and patriotic men in the United States, and I am entirely confident that this feeling is growing with the business men and the industrial classes of our northern neighbor.

I incline to the belief that the middle-aged men of this body whom I now see before me will witness the extension of this Republic northward to that impenetrable ice-barrier into which no life nor industry can make its way. But this union ought to and will result from natural causes and by peaceful processes. There will be no war. There will be no invasion of Canada. There will be no strife and no battlefield where the Anglo-Saxon will meet his brother of the same blood. It will be annexation desired by Canada, based upon the sentiment of all her people, the place-holding class being the last to give way; and this sentiment will be founded upon the spectacle of a greater prosperity upon this side of the border which the Canadian people will desire to share and enjoy. They will desire to enjoy all the privileges which are secured to each State in this Union in its dealings with the others, and will not be content till every barrier which prevents the two nations from being one shall be removed.

Such a union will be beneficial to both. The entire market of the United States will be thrown open to Canada, and her undeveloped resources, commercial, mineral, and agricultural, will open an immense field to our enterprise, our capital, our skill, and our labor. Nothing but political union can give this equal benefit to both sides. No tariff bill can do this, for while you may, as in the present bill, open the market of the United States to Canada and give to the 5,000,000 of people the market of the 70,000,000, you can not and do not attempt to give to the United

States the great benefit which would come to us from annexation in the opening of Canada's great domain to our own enterprise and capital.

So it has heretofore been the work of statesmanship in dealing with this question to give no present advantage to Canada's interests, but to apply the protective system to all Canadian products by such a scale of duties as would stimulate the industries of our own border and shut out those of Canada, thereby bringing day by day with added force to the minds of the Canadians the consideration that only by political union, and the advantages which the United States would derive from it, could Canada be given the open markets of our own great people.

So it has come about that reciprocity treaties which have been negotiated with Canada, and which had at their bottom what has been called commercial union, have proved failures and have been abrogated or allowed to die by expiration of law.

The provisions of the McKinley bill were based upon this theory, and whoever has been in the Dominion in the last three years must have seen the effect of these provisions upon public sentiment there. The McKinley bill added to our own industries upon this side of the line, and under it the importations from Canada materially diminished, thus bringing before the Canadian farmer and manufacturer and laborer the inevitable proposition that to annexation alone they must look for relief.

Mr. GRAY. Does the Senator from Maine object to an interruption?

Mr. HALE. I do not.

Mr. GRAY. I should like to ask the Senator what would become of that beneficent result if we had the political union which he thinks is so desirable?

Mr. HALE. I have stated (I am sorry the Senator from Delaware did not listen to me) that political union gives to the United States the benefit of that great domain in Canada found in her commercial, her agriculture, her mineral resources, all of which by annexation would be open to our capital and our enterprise, and would therefore be an offset against the markets that we should give to them; but that no tariff bill can give them, and it does not attempt to give them.

Mr. GRAY. But still, political union would open our markets, as the Senator and his school of political economists call them, to the agricultural products of Canada, without stint, let, or hindrance of any kind at all.

Mr. HALE. Which we could very well afford to do with annexation, but which we can never afford to do under a tariff bill, and which we will never get under such a tariff bill as the Wilson bill.

Mr. ALDRICH. In answering the suggestion made by the Senator from Delaware, I will say that this bill practically and substantially opens up the markets of the United States to the agriculturists of Canada and to all the producers of Canada, without any compensation to the people of the United States, without any reciprocity whatever, and with no conditions asked or expected evidently by the framers of this bill. They have, in other words, given to Canada, without any offset or any compensation, all that the people of Canada have asked for at any time within the last ten years.

Mr. GRAY. I ask the indulgence of the Senator from Maine for a single inquiry.

Mr. HALE. I yield to the Senator.

Mr. GRAY. I should like to ask the Senator from Rhode Island what possible reciprocal benefit would come to the farmers along the border, in the case of political union, if these unstinted imports—which the Senator from Maine says in that case would be a blessing—of barley, wheat, flour, and lumber come into the United States, to be consumed here by those who need them?

Mr. ALDRICH. The Canadian market would be open to American producers and the customers of the American agriculturists, and the only profitable customers they have are the American producers. The markets of the United States would be enlarged indefinitely by such a policy.

Mr. GRAY. My question was, What benefit would come to the farmers along the Canadian border?

Mr. ALDRICH. I think I answered that.

Mr. FRYE. There would not be any border then; it would be our country.

Mr. GRAY. Exactly. I agree with the Senator.

Mr. HALE. The Senator from Delaware persists in ignoring what I stated in the beginning of this subject, that the benefit to us in giving to Canada our great market would be that they would become a part of the Union; that all their resources would be open to us; that all our industry, all our enterprise, all our capital would penetrate Canada; the border would disappear, as my colleague has said, and that would be an offsetting advantage, which we could not gain, I repeat, under any tariff bill. Take, for instance, the annexation of that great territory which came to us from treaties following the Mexican war. Has anybody any doubt that the advantages we derived were commensurate with any advantage that small population got from our markets. It gave us a new outlet for our enterprise, for immigration; it enlarged the borders of the Republic, and made us grander and nobler. So when we go in our northward progress toward the ice barrier and make Canada by peaceful process a part of this country, then the border disappears and other considerations besides the advantages of trade come in. That can not be done, I repeat, without political union, as Senators will see. It can not be accomplished by a mere tariff.

Mr. GRAY. I quite agree with the Senator about the desirability of enlarging the area of free trade in this country, and extending it not only from the Gulf to the Lakes and from ocean to ocean, but extending it as far as civilization and human life can exist to the northward, and, as the junior Senator from Maine [Mr. FRYE] said, abolish the border. My question was, however, what specific compensating benefit would come to the farmer, whose products enter into competition with the agricultural products that would come over what was before the border? He must contemplate this glorious prospect of an enlarged country and an enlarged area over which free trade would range, and resort to his patriotic impulses and feelings in order to get any benefit whatever; but no specific benefit would come to the farmer himself, so far as I can see from the argument of the Senator from Maine.

Mr. HALE. The Senator believes in the general benefit of free trade the world over. He believes in extending free trade, not by the annexation of other countries and making them part of ours, but by tariff legislation which gives up our markets and gets nothing for them.

Mr. MORRILL. Will the Senator from Maine allow me a moment?

Mr. HALE. Yes.

Mr. MORRILL. I want to say that in case of annexation the large amount of immigration that now goes to Canada would stay there and consume all of their agricultural products, and there would be none to come across the border.

Mr. HALE. I give a table here showing the difference in Canadian importations the first year of the McKinley bill and the year before its enactment, showing a decrease of imports from Canada in thirteen different articles of more than six millions of dollars, all of which was made up by increased supply in the United States:

Exports to the United States from Canada in the two years 1890 and 1892.

Articles.	1890.	1892.	Decrease.
Horses	$1,887,895	$1,094,461	$793,434
Horned cattle	104,623	21,327	83,296
Poultry	105,612	44,537	61,075
Eggs	1,793,104	494,409	1,298,695
Wool	235,436	200,125	35,311
Flax	175,563	112,300	63,203
Apples	149,479	27,661	121,818
Barley	4,582,561	1,354,485	3,228,076
Split pease	74,215	20,460	53,755
Hay	922,797	598,567	324,230
Malt	149,310	20	149,290
Potatoes	303,915	41,886	267,029
Vegetables	80,976	68,948	12,028
Totals	10,570,486	4,3079,246	6,491,240

The Wilson bill and the amendments reported by the Senate committee throw over all this advantage and indefinitely postpone political union of the two countries, and in fact establish a policy so favorable to the Canadian that I should look to see the growing sentiment for annexation die out, and that in the generation to come we should find ourselves with a growing and possibly hostile rival along our entire Northern border. This consideration alone, in the broad domain of statesmanship, ought to be in itself the deathblow of the bill.

I propose now, Mr. President, somewhat in detail, to show where and to what extent the offensive provisions of this bill to which I have alluded in this branch of the subject are found. I give here a table of different articles, showing the duty under the McKinley bill, under the House bill, and under the bill as submitted to the Senate by its committee, to be printed at the close of my remarks.

The difference between the House bill, as passed by that body, and the bill reported by the Senate committee, will be found in each case, where the changes made by the Senate committee are inserted in italics, the corresponding provisions of the House bill being stricken out. Each paragraph shows by itself the changes made by the Senate committee.

In approaching the details of this part of the bill certain general considerations bearing upon the competition of Canadian

labor and products with ours should be kept in mind. When our labor is put into this competition with Canadian labor it has not the advantage, in the way of transportation, which it is claimed applies to other countries.

The geographical conditions of the Dominion of Canada, her great water ways furnishing cheap transit to the seacoast, the long line of that coast which includes the maritime provinces, fully balance any advantage which the industries of the border belt of the United States might have in gaining the great markets of this country.

The New Brunswick and Nova Scotia shipper, with his home-built vessel, can compete with the Maine vessel in reaching the Boston, Providence, New York, or Philadelphia market, and, indeed, can give odds in freight. And, in the same line, the system of Canadian railways has been made so complete, by the liberal investment of British capital and the subsidizing aid of the British Government, that the same advantages which apply to the shipper by the sea are enjoyed by the shipper from the interior, over the lines of Canadian railways.

But beyond all this the conditions of life throughout Canada, the different manner of living, the different scale of advantage enjoyed, result in different rates of labor paid upon the two sides of the border, varying from 25 to 40 per cent. Nowhere, perhaps, in the world, is the consideration of cheaper labor entering into manufactured products so clearly presented to the eye as in the comparison of wages between the United States and Canada.

In some parts of the Dominion the wages paid in corresponding branches of labor, will not vary much from one-half of those paid on this side.

Now, Mr. President, I desire to make some further comment upon some or all of these articles. They embrace, to begin with, almost the totality of the industries of my own State and, in set form, they pitilessly legislate against all the interests of the State of Maine and in favor of her Canadian rival. I do not think that such an instance of oppression of the industries of a State by legislative enactment, can be found in any tariff bill that has ever been adopted in the United States.

The House and the Senate committee have hewn to the line, and nothing is left. Lumber, in all its divers forms, pulp, granite, fish, starch, potatoes, lime, horses, sheep and horned cattle, wool, buckwheat and oats, hay, butter and cheese, and eggs; these, Mr. President, when to them are added woolen, cotton, and plush manufactures, cover almost all the occupations of the people whom my colleague and I represent upon this floor.

In some of these items the oppression of the bill is very marked, and considering that both in the House and before the committee of the Senate, all the facts were presented, it is difficult to see how the conclusions arrived at in the bill, in either branch, have been reached.

LUMBER.

I take first, as being the greatest subject, the memorial of the Maine lumbermen touching the lumber business of the country which, nearly two months ago, I introduced in the Senate, and which was referred to the Finance Committee, and which was afterwards laid before each member of that committee individually. To this is added a collection of practical statistics upon the subject prepared by Mr. George A. Priest, in charge of forest industries in the last United States census. I read from both of these, and they will be printed at the end of my remarks.

Beyond the fierce thrust which this bill makes at the lumber interest in Maine, so well brought out in the memorial which I have just read, it will be seen from these statements and figures that this industry is one of the greatest, perhaps the greatest, in the United States, it being found in more than half of the States of the Union, having in the last forty years extended itself from the forests of Maine to the States of the middle Northwest, thence to the Pacific, and of late years has advanced steadily through that belt of the Southern States, including Arkansas, Tennessee, Alabama, North Carolina, West Virginia, Virginia, and Georgia.

In seven Southern States more than $80,000,000 have been invested in this enterprise, and from nearly every one of those States protests have come up against the hostile action of the House and the Senate committee.

The Treasury receives annually from duties on imported lumber something more than $1,100,000. The House and the Senate committee propose to give this up entirely and have placed lumber, with the exception of the small item of planed lumber, on the free list.

The growth of this industry in the South is gratifying and significant, and the lumberman of Arkansas and Tennessee and Alabama and West Virginia is reaching out for the market of St. Louis and Cincinnati, and lumbermen of West Virginia and Virginia and North Carolina are already driving Maine out of the markets of Norfork, Washington, Baltimore, and Philadelphia; and, under the provisions of this bill, the New Brunswick lumbermen can in turn drive these out of the markets of those great cities. I can not believe, Mr. President, that when we approach this feature of the bill, the Senate will deliberately sustain the action of the committee in relation to this great industry.

Mr. McPHERSON. Will the Senator allow me?

Mr. HALE. I have no objection to the Senator asking a question.

Mr. McPHERSON. I failed to distinctly understand the last remark made by the Senator from Maine. I understood him to say, in speaking of the vast number of articles imported from Canada, that they were placed upon the free list, and I understood him to refer to agricultural products; perhaps he may have been speaking of lumber instead, because the Senate bill does not place those articles upon the free list, but gives a fair measure of duty upon all Canadian products coming to the United States.

Mr. HALE. I have not reached the agricultural feature yet.

Mr. McPHERSON. I understood the Senator to refer to it.

Mr. VILAS. I should like to ask the Senator from Maine to reflect on the very true statement which he has just made of the effect of the Wilson tariff bill so called upon lumber, and contrast it with what he said a little while ago about the sectional character of this bill as coming from a committee of Southern Senators.

Mr. HALE. Mr. President, the treatment which the relatively small lumber interest in the South receives in this bill only emphasises my proposition—that Southern lumber interest is not large enough to save it from the blow which is aimed at a great Northern interest. I do not suppose if things had been reversed, and the Southern product had been $500,000,000 against $80,000,000 in the North, that lumber would have been put upon the free list; but where it is only a fraction of the entire trade, and there is nobody to represent it, then lumber is put upon the free list, and the few interests in the South suffer with those of the North.

Mr. VILAS. I simply wish to add, if the Senator from Maine will permit me, that no section of the country has complained more or louder in respect to the subject of lumber, or pressed harder upon their representatives, than the lumber interests of the South in addressing the Senators who represent the Southern States, and they have yielded in the interests which have been pressed upon them in that manner to their sense of the common good of the entire country.

LIME.

Mr. HALE. The production of lime in this country, an important part of the industry of Maine, but by no means confined to that State, affords a singular example of the necessity for a protective duty in order to maintain the industry in this country.

Within the last few years lime quarries have been bought and opened in New Brunswick and in the Province of Quebec, largely by citizens of the United States, who have made these ventures in order to get the benefit of the low rate of wages paid in Canada as compared with our rates. It was found in 1890 that so great was the advantage which these low wages gave to the Canadian manufacturer of lime that he could soon close every quarry and lime kiln upon this side and drive the manufacturer out of business. To prevent this the rate was fixed by the McKinley bill at 6 cents per hundred pounds of lime, including the barrel or covering, which would be at the rate of about 13 cents a barrel.

The House bill cut this down to 10 per centum ad valorem, not including the barrel or covering, which would be equal to about 3 cents per barrel. This provision has been somewhat improved by the Senate committee, which has fixed the duty at 15 per cent, including the barrel or covering, or an equivalent of about 6 cents per barrel—less than half the duty in the McKinley bill.

I do not think, Mr. President, that under the bill of either the House of Representatives or the Senate committee the lime manufacturers of Maine, New York, Pennsylvania, and Virginia can keep in business two years longer.

The case is well stated in the memorials and in the circular answers which were laid before the committee, and which I read, and will have printed at the close of my remarks. Senators will see that in this matter Maine and Virginia speak in the same voice.

Mr. GRAY. What was the duty before?

Mr. HALE. Thirteen cents.

Mr. GRAY. Per barrel?

Mr. HALE. Per barrel, including the covering.

Mr. GRAY. Mr. President——

Mr. HALE. I have occupied so much time that I fear I shall never get through if I yield to further interruptions.

Mr. GRAY. I wanted to know if the Senator knew about how many people were dependent on that industry in his own State?

Mr. HALE. I can not tell exactly how many, but thousands of our people are dependent upon it.

Mr. GRAY. I want to remind the Senator that there is not a farm on the Atlantic seaboard which can be profitably cultivated without purchasing lime each year.

Mr. HALE. I have said the price of lime was not advanced one cent by the duty in the McKinley act.

Mr. McPHERSON. May I ask the Senator a question at this point?

Mr. HALE. I think I shall follow the precedent which has been set thus far in the discussion and go on without further interruptions.

Mr. McPHERSON. This is an important matter, and we ought to settle it as we go along.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Maine declines to be interrupted.

Mr. HALE. I will yield to the Senator, as the Senator is always very good himself in yielding.

Mr. McPHERSON. I only wanted to inquire if there is a State in the American Union which does not produce as much lime as is needed for the purposes of its people? When, as I believe is the case, the whole labor cost of the burning of a barrel of lime in the State of Maine does not exceed 6 cents a bushel, and when you add to that the freight from Canada and the other expenses in the shape of natural protection, I can not imagine how 15 per cent duty will not cover the whole.

Mr. HALE. The Senator's question contains so much information that is wrong upon subjects that he knows nothing about, that I can not answer him.

I think I know something more about the cost of the production of lime and the effect of it upon my own constituents than does the Senator from New Jersey, and I am not depending upon my own statement alone; but I should like to ask the Senator, if he has time from his many duties and in the burden that I know is now oppressing him of sharing in the responsibility of the make-up of this bill (which I think he is careful to say he had very little to do with), to read these memorials which are presented, but I will not press him to do so.

Mr. McPHERSON. I care nothing about the memorials and the statement of the question as the Senator from Maine seems to be stating it now, because to my mind they are hardly worthy of consideration upon a subject of this kind.

POTATOES AND STARCH.

Mr. HALE. The potato industry of Maine and the starch industry, the latter product being made from the potato, are so closely associated that I will deal with them together, and the papers which I put in will bear upon starch and potatoes.

By the McKinley bill the duty on potatoes was made 25 cents per bushel and upon starch 2 cents per pound, and upon dextrine, or burnt starch, gum substitute, or British gum, 1½ cents per pound.

The House bill cut down potatoes to 10 cents per bushel, and starch and dextrine to 1 cent per pound, and the Senate committee has further reduced the duty on potatoes to 30 per cent ad valorem, which would be about 6 cents per bushel instead of 25, according to the present law, and has left starch and dextrine at 30 per cent ad valorem.

These reductions, so far as Maine goes, mean the entire destruction of the starch industry, and render it impossible for the Maine farmer to compete with his New Brunswick rival in raising potatoes for the large markets of the country.

I hold in my hand the appealing protest of eleven hundred men in Aroostook County, who, without regard to politics, have signed their names to this protest against action which, as they say, will drive an important industry from our side of the line into Canada.

The heading of the petition is as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

We, the undersigned, citizens of the county of Aroostook, in the State of Maine, respectfully represent that said county is the largest in area and is capable of the greatest agricultural development of any in New England; that potatoes are the chief agricultural product of said county; that the manufacture of starch from said potatoes is one of the most important industries of the State of Maine, and is principally carried on in said county; that upon the raising of potatoes and the manufacture of starch the agricultural welfare of said county depends; that since said industries have been protected by an adequate tariff said county has increased in population and wealth more rapidly than any other agricultural district in New England; that said county extends along the border of the Dominion of Canada for nearly 300 miles, and that if the so-called Wilson bill becomes a law the starch manufacturers of Aroostook will be thrown into direct competition with the richest agricultural districts of the lower provinces; that the cheapness of labor in, and the superior natural advantages as regards the transportation of merchandise of, that portion of Canada lying along our borders, together with the fertility of its soil, will place the starch manufacturers of Aroostook at such a disadvantage as to render such competition hopeless, and the important industry upon which our agricultural prosperity depends will pass from Aroostook to be carried on for the benefit of the farmers of New Brunswick on Canadian soil. We therefore pray that your honorable body will continue upon the manufacture of starch such a measure of protection as the welfare of our industries and the prosperity of our county require.

It is not often, Mr. President, that a petition so significant as this, which I have borrowed from the files of the Finance Committee of the Senate, to whom it was referred, is brought before Congress. It is not a petition manufactured or gotten up to order. The surprise and anxiety and dismay which pervade that part of my State take voice in this petition. The men who signed it, whose names as I unroll it here appear, have fixed their signatures with a full sense of the gravity of the situation as it affected their everyday life and prosperity, and the welfare of their wives and children. They are the farmers and the laborers who are found in so many of the towns of that hitherto flourishing county of Aroostook, which, by the bill now before the Senate, are threatened with a deathblow.

Should this bill pass, Mr. President, I should not like to take upon myself the task of addressing the people of Aroostook County, in the coming political campaign, in the interests of the Democratic party and in the advocacy of its candidates before that people.

I read here two letters, one to my colleague and the other to myself, from parties thoroughly informed as to these industries, and I call special attention to the clear summing up of conclusions as to the disastrous effect of this bill as given in Mr. Phair's letter:

OFFICE OF T. H. PHAIR,
MANUFACTURER OF POTATO STARCH AND LUMBER,
Presque Isle, Me., March 19, 1894.

DEAR SIR: I see the Senate committee have changed the duty on starch from the House bill of 1 cent per pound. to 30 per cent ad valorem. Foreign starch is in the market at $1.85 per hundred pounds: that would make the price delivered in this country less than 2¼ cents per pound.

It takes 225 bushels potatoes to make 1 ton starch. and 1 cent per pound to manufacture and deliver in Boston, so you see we should have to buy potatoes for 10 cents per bushel or less, if the bill passes as it is now.

There would not be a pound of potato starch made in this country.

The potato-grower must raise only what he can safely raise and cellar.

There are over fifty mills in this county and they would not be worth a cent apiece.

This bill simply ruins the industry of raising potatoes and manufacturing starch, and after we are out of the business and our mills have rotted down, the consumer will pay more for his starch than he does now.

Yours, truly,

T. H. PHAIR.

Hon. EUGENE HALE,
Washington, D. C.

BOSTON, *March 9, 1894.*

DEAR SIR: Yours of the 8th received and contents carefully noted. We fully agree with you in your remarks in relation the Wilson bill.

In regard to your inquiry will say that it takes 12 bushels of potatoes, on an average, to make 100 pounds of starch—12 bushels of potatoes at 20 cents, $2.40; cost of manufacturing 30 cents, commission and freight 40 cents, package 15 cents, making in all $3.25 net cost, say nothing about wear and tear and interest on the plant. The vats in the factories rot out every five years and have to be rebuilt new.

In the above estimate we have been very conservative, and put down everything at the lowest possible cost. The farmers say that they can not raise potatoes at under 25 cents, but we have put them down to 20 cents. We suppose that every gentleman on the Finance Committee knows enough about farming to know that potatoes can not be raised in this country at under 20 cents per bushel.

The McKinley bill did not raise the duty on potato starch. Before 1883 the duty was 1 cent per pound and 20 per cent ad valorem. In the revision of that year it was put up to 2 cents per pound. The price of starch under the present duty depends on the crop of potatoes. There is always competition enough to keep it down to a reasonable price. Last year the price ran from 4½ to 4¾. This year business has been so very dull and the demand so light that the price has been 3½ to 3¾.

We wrote you the other day that we could import the German starch at $1.85 per 100 pounds to-day, and if the Finance Committee bill should pass we could import that starch, duty paid, at $2.40 per 100 pounds.

There is one thing that we wish the committee to understand, and that is there is a great difference between potato starches and any of the other starches made in this country. We do not need much of any duty on corn and wheat starches, as this is the greatest corn and wheat growing country in the world, and we can and do export both corn and wheat starch.

A few years ago about all the glucose made in the world was made from potato starch in Germany, and we used to import all our glucose from that country; but now our country can beat the world in the article from corn. This is the reason why German potato starch is so low and why potato starch should be protected.

The potato-starch people are willing to take their share of the cut, and could probably go on under a duty of 1½ to 1¾ cents per pound, but the proposed cut of 30 per cent ad valorem, as we have said, would close every factory in the United States. There are about 130 potato-starch factories in this country, 45 in Maine, 15 or 20 in New Hampshire, about 50 in New York, 10 in Minnesota, 4 or 5 in Wisconsin, and 1 or 2 in North Dakota.

About the whole cost of this starch is made up of labor. We believe if your committee fully understand the situation that they will be glad and willing to right this wrong.

We do not own one single dollar of stock in any potato-starch factory; we only handle their starch, but we are fully posted on the business, and we give you the true facts. We have been in the business for the past thirty years.

Very truly, yours,

EUSTIS & ALDRICH.

Hon. WM. P. FRYE, *United States Senate, Washington, D. C.*

Mr. ALLEN. I should like to make a suggestion to the Senator from Maine in this connection. In the State which I have the honor to represent in part in this Chamber, during the existence of the present McKinley act, potatoes of the very finest character by the thousands of bushels have rotted in the ground and were not dug simply because they were not worth being sent to market.

Mr. WASHBURN. I should like to ask the Senator from Nebraska how recently that condition of things has existed in his State?

Mr. ALLEN. It has existed since 1890; that is, not each year.

Mr. WASHBURN. If the Senator from Maine will pardon me——

Mr. HALE. Certainly.

Mr. WASHBURN. I will state that in the neighboring State of Minnesota potatoes have not been worth less than 50 or 60 cents a bushel since the passage of the McKinley act, and that the farmers of our State have become largely enriched by the production of potatoes.

Mr. ALLEN. The Senator's State is not a good one for this product.

Mr. HALE. I hope the Senators will settle this controversy about their States afterwards, for I am taking up more of the time of the Senate than I intended to do.

GRANITE.

An important product of Maine, found sometimes in the interior of the State, but more largely along its coast, is found in the divers manufactures of granite, and, as will be readily seen, almost every form in which this manufacture is used is made up in its cost almost entirely of labor. The slender shaft or the sarcophagus in the cemetery, the ornamentations and surroundings of private estates, the stately buildings which are reared in so many of our towns and cities, all find their value in the hand of labor which has wrought upon the original material embedded in the quarries.

It is a matter of some pride to our people in Maine that great public buildings in Philadelphia, and as far in the interior as Cincinnati and St. Louis, have been constructed, upon advertisement and bidding in which the whole country competed, from Maine granite; but this could only be done by the best business management, by the employment of the best and most skilled labor, and under conditions where a moderate duty discriminated in a small degree against the granite of Canada and, indeed, of Scotland. I have been told that the Aberdeen granite, with no duty upon it, can be shipped in ballast and drive out of the market the red granite from the quarries of Maine; and certainly the Canadian granite can do this under like conditions.

The House bill upon this article, and the Senate committee has adopted the House provisions, instead of a duty of 11 cents per ton upon rough stone, including granite and other stone, has put it upon the free list; and upon hewn and dressed granite has cut down the duty from 40 per cent ad valorem to 20 per cent ad valorem.

I never have been able to discover any reason for this reduction and this blow at this important branch of labor in Maine, but I am sure that the stonecutters and quarrymen of my own State will entirely appreciate the act and will suffer from its results.

In the same line of reduction slate and roofing slate have been cut down as shown by the schedule from 30 and 25 per cent to 20 per cent in each case.

FISH.

The interests of the hardy fishermen of the Maine and Massachusetts coast were, from an early day, the subject of the fostering care of the Government, and, for many years under Democratic and Whig administrations, a considerable bounty was paid directly from the Treasury and divided among the owners of fishing vessels and the crews, to encourage and stimulate them in their dangerous vocations, and since this bounty was taken off the competition between the fishermen of those States and those of the maritime provinces of Canada has been recognized in reasonable duties imposed in different tariff bills.

The schedules which I have submitted show, in almost every class of this product, a reduction of the specific duty provided for by the McKinley bill, an ad valorem rate ranging from 40 to 60 per cent reduction, and in the large industry of the packing of sardines and other fish in oil and in tin boxes, where the McKinley bill provided specific duties according to the size of the boxes sufficient to protect our own establishments, the House bill has substituted for this a duty of 30 per cent ad valorem, and the Senate committee, not content with this, has further reduced it to 25 per cent, which is only equivalent to about one-third of the former duty.

Mr. GRAY. What was the duty before—40 per cent?

Mr. HALE. It ranged from 40 to 60 per cent; and upon packed fish, which is a great industry, there was a specific duty according to the size of the box. For that there has been substituted an ad valorem duty, which only amounts to about one-third of the former duty. Why it is that this most meritorious industry—an industry involving labor, danger, risk, everything that appeals not only to sympathy, but to ordinary good sense, it would seem, in legislating upon tariff bills—has been selected, we have not been able to find out.

I read here a statement as to the effect of the bill upon this industry:

The magnitude of the domestic sardine industry is not generally known. There are 58 factories, large and small. There are about 8,700 people employed. The annual product amounts to about $2,600,000, and is made up as follows:

120,000 boxes tin plate, at $5	$600,000
24,000 pounds solder, at 12½ cents	300,000
700,000 gallons of oil, at 40 cents	280,000
300,000 gallons of mustard, at 20 cents	60,000
300,000 barrels fish, at $1.25	375,000
800,000 packing boxes, at 10 cents	80,000
Decorating 40,000 cases of tin plate, at $2	80,000
	1,775,000
Labor	825,000
	2,600,000

The present duty is satisfactory to all. No reduction has been asked by anybody. The tariff of 1883 proved so satisfactory that no attempt has heretofore been made to change it, not even the Mills bill, which left it as fixed in 1883. The Wilson bill proposes to reduce from $2.50 per case quarter-oil sardines to 30 per cent ad valorem.

The domestic sardine packed on the coast of Maine, that sells for $3.50 to $4, are not in competition with what is commercially known as foreign sardines; but there is an article packed in Spain and Algiers that is now invoiced in Marseilles at 19 francs in small lots. If the Wilson bill is passed, they would find their way to this market in large quantities, and invoiced at 15 francs or less, with duty, freight, insurance, and interest added, they would be laid down in New York at about $4. This is the article with which we can not compete at any decent remunerative rate for labor, unless we could reduce the cost of the manufactured article. You will observe that of the cost of the manufactured article, $825,000 is for labor. The materials entering into the manufacture are figured close. If any reduction in our cost is to be made, it must be in the labor. This is substantially our case.

I also, as in the case of the farmers and starch manufacturers of Aroostook County, present the petition signed by 800 citizens of Washington and Hancock Counties, remonstrating against the reduction of duties on foreign sardines, and call attention to the fact that without distinction of party the signers represent the interests of this industry, established upon the coast of the two counties of Washington and Hancock, in the State of Maine, and as in the case of the Aroostook petition, these signers lift their voice in protest against the provisions of this bill which interfere with their labor and with the comforts of their everyday life.

There are some very strange and curious features in this bill, and one is found in the treatment which the Senate committee has given to the manufactures of high explosives and gunpowder. The McKinley bill placed a duty of 5 cents per pound on gunpowder and explosives valued at 20 cents or less per pound, and 8 cents per pound on all gunpowder and explosives valued at above 20 cents per pound.

In attacking this manufacture the House of Representatives, recognizing the importance of this manufacture, left the duty as it was fixed by the McKinley bill; but the Senate committee, for some unaccountable reason, has determined to destroy this manufacture and has cut the duty on all gunpowder and explosive substances, used for mining, blasting, artillery, or sporting purposes, to 10 per cent ad valorem.

My attention has been specially called to this because in the western part of Maine, upon one of our most accessible rivers, there has been established for years a gunpowder manufactory, in which a large capital has been invested for land and buildings and machinery. The work is hazardous and there have been several explosions; but, notwithstanding this, the manufacture has been kept up, and has given employment to many mechanics and laborers.

I have here a protest against the action of the Senate committee on this article, which I will read, as it states clearly the whole case, and calls attention to the important consideration that our Government, having no powder manufactories of its own, must depend upon the establishments in this country, and that nothing could be more unpatriotic than to discourage and drive out of business these establishments. The protest is signed by the Du Ponts and Hazard Powder Companies, the Atlantic Dynamite Company, the Hecla Powder Company, and others, covering most of the manufactories in this country, who are, even under present duties, the subject of close competition on the part of the powder makers of England, France, Germany, and Canada.

POWDER.

To the Committee of Finance, United States Senate, Washington, D. C.:

DEAR SIRS: The undersigned, manufacturers of gunpowder and high explosives in the United States, find that the proposed reduction of duties on gunpowder and explosives from 5 cents per pound on gunpowder and explosives valued at 20 cents and under, and 8 cents per pound on all gunpowder and explosives valued at over 20 cents per pound to 10 per cent ad valorem, will seriously injure their business, and respectfully submit the following reasons, among many, why the duty as proposed in the Wilson bill should not be disturbed:

First. Wages in this country paid to employés engaged in the manufacture of gunpowder and high explosives are twice as great as received for like employment in England, and amount to fully 50 per cent on the cost of manufacturing gunpowder and explosives; consequently a 10 per cent ad

valorem duty will be no protection to the manufacturers in the United States, and if an ad valorem duty of 10 per cent is placed on gunpowder and explosives it will require wages to be greatly reduced.

Second. There are no Government powder mills in the United States, consequently the Government must rely on private manufacturers, and if by reason of foreign competition they are compelled to abandon the business, the Government would find itself unable to meet requirements for explosives in time of war.

Third. Gunpowder manufacturers in Canada will be enabled to send their powder into this country if the duty is reduced to 10 per cent ad valorem; and unless the tariff on gunpowder be reduced by the Canadian Government to the same amount as now proposed in the Senate, the manufacturers of the United States can not retaliate by sending their goods into Canada.

The Senator from Connecticut [Mr. HAWLEY] suggests to me that a relief for the Government, should we ever find ourselves in conflict with any other power, would be to put into effect the free-trade theory and ask the hostile power to suspend hostilities until we might learn in what market of the world we could buy gunpowder the cheapest. I do not see any other process that we could resort to.

Mr. LINDSAY. Will the Senator from Maine pardon me?

Mr. HALE. Yes; I am always glad to hear the Senator from Kentucky.

Mr. LINDSAY. I understand the position of the Senator to be that gunpowder may be legitimately protected because the Government is interested in it.

Mr. HALE. I give that as one reason.

Mr. LINDSAY. I ask the Senator if it is not a fact that during the civil war when there was not a powder factory in the South at the commencement of the war, enough powder was improvised to protract a four-years' war, and if he heard any complaint in the South for want of powder?

Mr. HALE. I was not there, but I have heard from our people, who in some way or other did succeed in getting down South, that there was great complaint; and I will say to the Senator from Kentucky that as great a task as we found in putting an end to the rebellion and restoring the Union, if there had been gunpowder manufactories sustained throughout the South by a good protective system it would have made our task of conquering the South infinitely harder than we found it. I never want to see the country put into the condition that the Senator has suggested, where in the time of war we would have to resort to the process of slow manufacture and small establishments in order to defend the country; and I do not think the Senator himself desires that; I know that he does not.

Mr. SHERMAN. I wish to remind the Senator from Maine, if I do not interrupt him, that gunpowder came over there very freely from England. Nearly all that was used by the Southern States was made in England and shipped over.

Mr. HALE. There was undoubtedly free trade then between the South and Europe in gunpowder.

Mr. LINDSAY. My recollection is that the free trade was very much interfered with by blockades at all the ports of the South.

Mr. HALE. But it was not cut off.

Mr. LINDSAY. It was only in rare instances that a blockade runner could get in. It was nearly as much benefit to the South as the tariff now to the North.

Mr. HAWLEY. I should like to inquire whether the Senator considered it an industrial advantage to the South that it actually had no powder manufactories?

Mr. LINDSAY. No; but it did prove that it is not necessary to protect powder mills in time of peace in order to have ample powder in time of war.

Mr. HALE. In other words, the Senator says that the South managed to get along without it. If all that can be said for free trade is that a people under it can manage to "get along," can live, as the Southern Confederacy did, can struggle and struggle gallantly, but in the end go to the wall, if that is all that can be said in favor of free trade, it is not a very convincing argument.

Other items in which we are interested in Maine show for themselves in the schedule which I have submitted, contrasting the McKinley bill with the legislation which is here urged upon us, and in each instance the hostility to Maine's interest is manifest, as in the cases which I have specifically noted.

As showing the encouragement which is given by this bill to the introduction of Canadian agricultural products which compete with like products of the United States farmer in the entire belt of Northern States, I give the following figures:

Entire exports of Canadian produce in 1892, $113,963,375, which is largely made up of the following items, which come in direct competition with our own products and our own labor:

Lumber and other forest products	$5,288,087	Other agricultural products	$10,767,657
Cheese	11,652,412	Codfish	3,180,726
Horned cattle	7,748,949	Fish of other kinds	6,494,672
Horses	1,364,027	Coal	3,195,487
Sheep	1,385,146	Wood, and manufactures of wood	18,080,080
Eggs	1,089,798		
Other animal products	5,364,580		
Wheat and wheat flour	8,732,264		
Barley	2,613,363	Total	$86,957,166

Four-fifths of these products, the result of cheap labor, and, with the transportation as I have heretofore explained at least on an equality with ours, come in direct competition with the farmer of the United States. While the House of Representatives and the Senate committee have, in almost every instance, struck down the duties upon all these products, thereby making our markets the dumping ground for the Canadian, it is interesting to know that, in the adjustment of the Canadian tariff which is proposed by the present ministry of the Dominion, the rates upon corresponding articles, as shown by the amendment which Mr. Foster, the Canadian minister of finance, has submitted to the Committee of Ways and Means in the Dominion Parliament, as the programme which will undoubtedly be carried out, show the following as against the rates in the Wilson bill as amended:

Articles.	Canadian.	Senate bill.
Live animals	20 per cent ad valorem	20 per cent ad valorem.
Beef, salted, in barrels	2 cents per pound	Free.
Live hogs	25 per cent	20 per cent.
Meats, fresh	3 cents per pound	
Bacon and ham		Free.
Mutton and lamb, fresh	35 per cent	
Beef, mutton, and pork		25 per cent.
Poultry	20 per cent	20 per cent.
Butter	4 cents per pound	Do.
Cheese	3 cents per pound	25 per cent.
Apples	40 cents per barrel, including barrel.	20 per cent.
Beans	15 cents per bushel	Do.
Buckwheat	10 cents per bushel	Do.
Pease	10 cents per bushel	Free.
Potatoes	15 cents per bushel	30 per cent.
Rye	10 cents per bushel	20 per cent.
Rye flour	50 cents per barrel	Do.
Hay	$2 per ton	Do.
Vegetables	25 per cent	10 per cent.
Corn meal	40 cents per barrel	20 per cent.
Oats	10 cents per bushel	Do.
Rice	1 cent per pound	1½ cents per pound.
Wheat	15 cents per bushel	20 per cent.
Wheat flour	75 cents per barrel	Do.
Starch, including all preparations of starch.	1½ cents per pound, including weight of package.	30 per cent.
Hops	6 cents per pound	20 per cent.

Mr. LODGE. Those are specific duties?

Mr. FRYE. All their duties are specific.

Mr. HALE. As further good reading to the authors of the Wilson bill and the majority members of the Senate Finance Committee, I read the following extract from a New Brunswick newspaper:

[From the St. John Telegraph.]

The people of New Brunswick, and especially of St. John, will be profoundly affected by the tariff changes in the new bill. The lime industry, for instance, may be cited as an example of a business which may be expected to increase enormously under the changed tariff conditions. There are about forty kilns in the vicinity of St. John, and of these all but five or six were closed in consequence of the high tariff imposed by the McKinley act. Now, with a return to the former rate of duty every lime kiln in St. John will soon be in active work, and many new kilns will be built by men who have been engaged in the lime business elsewhere, but who see in St. John a more profitable field for their enterprise than that in which they have been operating.

There are some persons intimately acquainted with the lime business of St. John, who predict that in a very short time after the new tariff goes into operation, the production of lime here will be giving employment to thousands of men, and the export of lime will reach more than $1,000,000 in value annually. It is needless to say that such a result would give a boom to the business of the city such as it has not experienced since the decline of shipbuilding, and that every interest in St. John will be favorably affected by it. A similar improvement, although on a smaller scale, will result from the removal of the duty on lumber and the export of that article may be expected to increase. The reduction in the duties on potatoes and other vegetables, on agricultural products and on cattle and horses, and the making of eggs free will also be of great benefit to our farmers, who will thus have a market of which they have been for some time deprived, restored to them. Agriculture in New Brunswick will become more profitable than it has been heretofore, and our young men will be encouraged to remain on their farms rather than become servants of others in a foreign country.

Now, Mr. President, I do not propose to take up more of the time of the Senate. There has been nothing from the other side that could be considered in the least degree an explanation of the provisions of this bill. I do not suppose that any budget was ever presented to the House of Commons without a labored and detailed statement. I am sure that no general tariff bill was ever before presented to either branch of Congress without such statement.

But in this case this great bill, revolutionary in its scope, avowedly an entire change in the principles upon which duties should be laid, has been put before the Senate, and neither Congress nor the people has been vouchsafed one word of explanation of its provisions. The Senator from Indiana [Mr. VOORHEES], in opening the debate upon the bill, only dealt in generalities and in sweeping denunciations of the opponents of his theory, and of his bill, and of himself and his party politically;

but no man has condescended upon the other side to come forth and declare upon what reasons these things which I have mentioned and which I might go on and multiply indefinitely are found in the bill.

Mr. President, the oppression of this bill upon the industries of the State of Maine is so great that neither I nor my colleague will allow it to rest with the protest which I am entering here. So indefensible are these provisions that, when the different paragraphs are reached in the bill, we shall present to the Senate in greater detail the merits of these Maine industries and the destructive nature of the provisions which work their ruin in the bill.

It is given to no man to predict what will be, in this body, the outcome of this bill. As I have said, the anxiety and solicitude of the country with regard to it are most profound. No tariff bill has evoked such a storm of protest and indignation, and as the days go by and the provisions of the bill are more completely understood the voice of the country rises higher and higher against it.

I have already alluded to the public expression of this feeling, as shown in the elections which have taken place since October last. It needs no prophetic ken to see what measure of punishment will be dealt to the authors and upholders of this measure whenever they fall into the people's hands.

If a straight-out vote could be had to-day in the Senate, representing the real convictions of Senators upon this bill, it would meet its death here without further word of debate.

Whether party pressure and the feeling that some bill must be passed or the party will be discredited will finally carry this bill through, I nor no man can say; but it will be debated and discussed in every paragraph till all its provisions are laid bare, and no man in the country, whatever may be his party or his employment, will be left without a full knowledge of all its defects and enormities. Whatever may happen, Mr. President, should the bill be crowded through by Administration and party pressure, I do not envy the task and the fate of the Senator upon this floor, or the Representative in another Chamber, who goes before the people and lifts in his hand, before them, the Wilson bill, with the Senate amendments, and upon it puts his fate to the touch of that public sentiment which will mete out to him and his course here exact justice.

APPENDIX A.

LUMBER.

[McKinley bill.]

SCHEDULE D—WOOD, AND MANUFACTURES OF.

216. Timber, hewn and sawed, and timber used for spars and in building wharves, 10 per cent ad valorem.

217. Timber, squared or sided, not specially provided for in this act, one-half of 1 cent per cubic foot.

218. Sawed boards, plank, deals, and other lumber of hemlock, white wood, sycamore, white pine, and basswood, $1 per thousand feet board measure; sawed lumber, not specially provided for in this act, $2 per thousand feet board measure; but when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid for each side so planed or finished 50 cents per thousand feet board measure; and if planed on one side and tongued and grooved, $1 per thousand feet board measure; and if planed on two sides, and tongued and grooved, $1.50 per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tongueing and grooving: *Provided*, That in case any foreign country shall impose an export duty upon pine, spruce, elm, or other logs, or upon stave bolts, shingle wood, or heading blocks exported to the United States from such country, then the duty upon the sawed lumber herein provided for, when imported from such country, shall remain the same as fixed by the law in force prior to the passage of this act.

219. Cedar: That on and after March 1, 1891, paving posts, railroad ties, and telephone and telegraph poles of cedar, shall be dutiable at 20 per cent ad valorem.

220. Sawed boards, plank, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet-woods not further manufactured than sawed, 15 per cent ad valorem; veneers of wood, and wood, unmanufactured, not specially provided for in this act, 20 per cent ad valorem.

221. Pine clapboards, $1 per 1,000.

222. Spruce clapboards, $1.50 per 1,000.

223. Hubs for wheels, posts, last-blocks, wagon-blocks, oar-blocks, gun-blocks, heading-blocks, and all like blocks or sticks, rough-hewn or sawed only, 20 per cent ad valorem.

224. Laths, 15 cents per 1,000 pieces.

225. Pickets and palings, 10 per cent ad valorem.

226. White pine shingles, 20 cents per 1,000; all other 30 cents per 1,000.

227. Staves, of wood of all kinds, 10 per cent ad valorem.

228. Casks and barrels (empty), sugar-box shooks, and packing-boxes and packing-box shooks, of wood, not specially provided for in this act, 30 per cent ad valorem.

229. Chair cane, or reeds wrought or manufactured from rattans or reeds, and whether round, square, or in any other shape, 10 per cent ad valorem.

230. House or cabinet furniture, of wood, wholly or partly finished, manufactures of wood, or of which wood is the component material of chief value, not specially provided for in this act, 35 per cent ad valorem.

FREE LIST.

754. WOOD.—Logs, and round unmanufactured timber not specially enumerated or provided for in this act.

755. Fire wood, handle-bolts, heading-bolts, stave bolts, shingle-bolts, hop-poles, fence-posts, railroad ties, ship timber, and ship-planking, not specially provided for in this act.

756. Woods, namely, cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough or hewn; bamboo and rattan unmanufactured; briar-root or briar-wood, and similar wood unmanufactured, or not further manufactured than cut into blocks suitable for the articles into which they are intended to be converted; bamboo, reeds, and sticks of partridge, hair-wood, pimento, orange, myrtle, and other woods not otherwise specially provided for in this act, in the rough, or not further manufactured than cut into lengths suitable for sticks for umbrellas, parasols, sun-shades, whips, or walking-canes; and India malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.

[Wilson bill.]

Free list.

Wood:

672. Logs, and round unmanufactured timber not specially enumerated or provided for in this act.

673. Firewood, handle bolts, heading bolts, stave bolts, and shingle bolts, hop poles, fence posts, railroad ties, ship timber, and ship planking, not specially provided for in this act.

674. Timber, hewn and sawed, and timber used for spars and in building wharves.

675. Timber, squared or sided.

676. Sawed boards, plank, deals, and other lumber.

677. Pine clapboards.

678. Spruce clapboards.

679. Hubs for wheels, posts, last blocks, wagon blocks, oar blocks, gun blocks, heading, and all like blocks or sticks, rough hewn or sawed only.

680. Laths.

681. Pickets and palings.

682. Shingles.

683. Staves of wood of all kinds, wood unmanufactured: *Provided*, That [any] *all* of the articles mentioned in [paragraph] *paragraphs* 672 to 683, inclusive, when imported from any country which lays an export duty on [the same or] any of them, shall be subject to the duties existing prior to the passage of this act.

684. Woods, namely cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough or hewn; bamboo and rattan unmanufactured, briar root or briar wood, and similar wood unmanufactured or not further manufactured than cut into blocks suitable for the articles into which they are intended to be converted; bamboo, reeds, and sticks of partridge, hair wood, pimento, orange, myrtle, and other woods not otherwise specially provided for in this act, in the rough, or not further manufactured than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, or walking canes; and India malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.

Dutiable.

SCHEDULE D.—WOOD AND MANUFACTURES OF.

178. Lumber of any sort, planed or finished, for each side so planed or finished, 50 cents per 1,000 feet, board measure, and if planed on one side and tongued and grooved $1 per 1,000 feet, board measure; and if planed on two sides and tongued and grooved, $1.50 per 1,000 feet, board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tonguing and grooving.

179. Osier or willow, prepared for basket-makers' use, 20 per cent ad valorem; manufactures of osier or willow, 25 per cent ad valorem; chair cane, or reeds, wrought or manufactured from rattans or reeds, [seven] *ten* per cent ad valorem.

180. Casks and barrels, empty, sugar-box shooks, and packing boxes and packing-box shooks of wood, not specially provided for in this act, 20 per cent ad valorem.

181. House or cabinet furniture, of wood, wholly or partly finished, manufactures of wood, or of which wood is the component material of chief value, not specially provided for in this act, 25 per cent ad valorem.

LIME.

[McKinley bill.]

90. Lime, 6 cents per 100 pounds, including weight of barrel or package.

[Wilson bill.]

80. Lime, *including the value of the covering or barrel*, [ten] *fifteen* per cent ad valorem.

FISH.

[McKinley bill.]

Fish:

291. Anchovies and sardines, packed in oil or otherwise, in tin boxes measuring not more than 5 inches long, 4 inches wide, and 3½ inches deep, 10 cents per whole box; in half boxes, measuring not more than 5 inches long, 4 inches wide, and 1¾ inches deep, 5 cents each; in quarter boxes, measuring not more than 4¾ inches long, 3½ inches wide, and 1½ inches deep, 2½ cents each; when imported in any other form, 40 per cent ad valorem.

292. Fish, pickled, in barrels or half barrels, and mackerel or salmon, pickled or salted, 1 cent per pound.

293. Fish, smoked, dried, salted, pickled, frozen, packed in ice, or otherwise prepared for preservation, and fresh fish, not specially provided for in this act, three-fourths of 1 cent per pound.

294. Herrings, pickled or salted, one-half of 1 cent per pound; herrings, fresh, one-fourth of 1 cent per pound.

295. Fish in cans or packages made of tin or other material, except anchovies and sardines and fish packed in any other manner, not specially enumerated or provided for in this act, 30 per cent ad valorem.

296. Cans or packages, made of tin or other metal, containing shellfish admitted free of duty, not exceeding 1 quart in contents, shall be subject to a duty of 8 cents per dozen cans or packages; and when exceeding 1 quart, shall be subject to an additional duty of 4 cents per dozen for each additional half quart or fractional part thereof: *Provided*, That until June 30, 1891, such cans or packages shall be admitted as now provided by law.

Free list.

571. Fish, the product of American fisheries and fresh or frozen fish (except salmon) caught in fresh waters by American vessels, or with nets or other devices owned by citizens of the United States.

572. Fish for bait.

573. Fish skins.

[Wilson bill.]

Fish:

203. Anchovies, sardines, and other fish packed in oil, in tin boxes, or in any other form [thirty], *twenty-five* per cent ad valorem.

209. Fish, smoked, dried, salted, pickled, or otherwise prepared for preservation [three-fourths of one cent per pound], *fifteen per cent ad valorem.*
210. Herrings, pickled, frozen, or salted, and salt-water fish frozen or packed in ice [one-half of one cent per pound], *fifteen per cent ad valorem.*
211. Fish in cans or packages made of tin or other material, except anchovies and sardines and fish packed in any other manner, not specially enumerated or provided for in this act, 25 per cent ad valorem.
[212. Cans or packages, made of tin or other metal, containing shellfish admitted free of duty, not exceeding one quart in contents, shall be subject to a duty of eight cents per dozen cans or packages; and when exceeding one quart, shall be subject to an additional duty of four cents per dozen for each additional half quart or fractional part thereof.]

Free list.

481. Fish, frozen or packed in ice fresh.
482. Fish for bait.
483. Fish skins.

HAY.

[McKinley bill.]

277. Hay, $4 per ton.

[Wilson bill.]

199. Hay [two dollars per ton], *twenty per cent ad valorem.*

HOPS.

[McKinley bill.]

279. Hops, 15 cents per pound.

[Wilson bill.]

201. Hops [eight cents per pound], *twenty per cent ad valorem.*

STONE.

[McKinley bill.]

Stone:
126. Burr-stones manufactured or bound up into mill-stones, 15 per cent ad valorem.
127. Freestone, granite, sandstone, limestone, and other building or monumental stone, except marble, unmanufactured or undressed, not specially provided for in this act, 11 cents per cubic foot.
128. Freestone, granite, sandstone, limestone, and other building or monumental stone, except marble, not specially provided for in this act, hewn, dressed, or polished, 40 per cent ad valorem.
129. Grindstones, finished or unfinished, $1.75 per ton.

[Wilson bill.]

Stone:
106. Freestone, granite, sandstone, limestone, and other building or monumental stone, except marble, not specially provided for in this act, hewn, dressed, or polished, 20 per cent ad valorum.
107. Grindstones, finished or unfinished [one dollar and seventy-five cents per ton] *ten per cent ad valorem.*

Free list.

638. Stone and sand: Burr stone in blocks, rough or manufactured, or bound up into millstones; cliff stone, unmanufactured; freestone, granite, sandstone, limestone, and other building or monumental stone, except marble, unmanufactured or undressed, not specially provided for in this act; pumice stone, rotten stone, and sand, crude or manufactured.

POTATOES.

[McKinley bill.]

283. Potatoes, 25 cents per bushel of 60 pounds.

[Wilson bill.]

204. Potatoes [ten cents per bushel of 60 pounds], *thirty per cent ad valorem.*

BUTTER.

[McKinley bill.]

268. Butter, and substitutes therefor, 6 cents per pound.

[Wilson bill.]

194. Butter, and substitutes therefor [four cents per pound] *twenty per cent ad valorem.*

CHEESE.

[McKinley bill.]

267. Cheese, 6 cents per pound.

[Wilson bill.]

195. Cheese, 25 per cent ad valorem.

LIVE ANIMALS.

[McKinley bill.]

Animals, live:
247. Horses and mules, $30 per head: *Provided*, That horses valued at $150 and over shall pay a duty of 30 per cent ad valorem.
248. Cattle, more than 1 year old, $10 per head; 1 year old or less, $2 per head.
249. Hogs, $1.50 per head.
250. Sheep, 1 year old or more, $1.50 per head; less than 1 year old, 75 cents per head.
251. All other live animals, not specially provided for in this act, 20 per cent ad valorem.

Free list.

482. Any animal imported specially for breeding purposes shall be admitted free: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in the book of record established for that breed: *And provided further*, That certificate of such record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.
483. Animals brought into the United States temporarily for a period not exceeding six months for the purpose of exhibition or competition for prizes offered by any agricultural or racing association: but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also, teams of animals, including their harness and tackle, and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

[Wilson bill.]

Animals, live:
189. All live animals not specially provided for in this act 20 per cent ad valorem.

Free list.

373. Any animal imported specially for breeding purposes shall be admitted free: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in the book of record established for that breed, and the Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision.
Any cattle, horses, sheep, or other domestic animals which have strayed across the boundary line into any foreign country, or where such domestic animals have been or may be driven across such boundary line by the owner for pasturage purposes, the same may be brought back to the United States free of duty under regulations to be prescribed by the Secretary of the Treasury.
374. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural [or racing] association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also, teams of animals, including their harness and tackle and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

POULTRY.

[McKinley bill.]

315. Poultry, live, 3 cents per pound; dressed, 5 cents per pound.

[Wilson bill.]

223. Poultry, [two cents per pound; dressed, three cents per pound] *dressed or undressed, twenty per cent ad valorem.*

EGGS.

[McKinley bill.]

275. Eggs, 5 cents per dozen.
276. Eggs, yolk of, 25 per cent ad valorem.

[Wilson bill.]

Free list.

471. Eggs and yolks of, and eggs of birds, fish, and insects.

STARCH.

[McKinley bill.]

323. Starch, including all preparations, from whatever substance produced fit for use as starch, 2 cents per pound.
324. Dextrine, burnt starch, gum substitute, or British gum, 1½ cents per pound.

[Wilson bill.]

232. Starch, including all preparations, from whatever substance produced, commonly used as starch [one cent per pound], *thirty per cent ad valorem.*
233. Dextrine, burnt starch, gum substitute, or British gum [one cent per pound], *thirty per cent ad valorem.*

APPLES.

[McKinley bill.]

297. Apples, green or ripe, 25 cents per bushel.
298. Apples, dried, dessicated, evaporated, or prepared in any manner, and not otherwise provided for in this act, 2 cents per pound.

[Wilson bill.]

Free list by House bill.

Senate committee amendment:
213. *Apples, green or ripe, dried, dessicated, evaporated, or prepared in any manner, twenty per cent ad valorem.*

BARLEY.

[McKinley bill.]

252. Barley, 30 cents per bushel of 48 pounds.
253. Barley malt, 45 cents per bushel of 34 pounds.
254. Barley, pearled, patent, or hulled, 2 cents per pound.

[Wilson bill.]

191. Barley, and barley, pearled, patent, or hulled [twenty-five], *thirty* per cent ad valorem; barley malt [thirty-five], *forty* per cent ad valorem.

BUCKWHEAT, CORN, OATS, RYE, WHEAT, ETC.

[McKinley bill.]

255. Buckwheat, 15 cents per bushel of 48 pounds.
256. Corn or maize, 15 cents per bushel of 56 pounds.
257. Corn meal, 20 cents per bushel of 48 pounds.
258. Macaroni, vermicelli, and all similar preparations, 2 cents per pound.
259. Oats, 15 cents per bushel.
260. Oatmeal, 1 cent per pound.
262. Rye, 10 cents per bushel.
263. Rye flour, one-half of 1 cent per pound.
264. Wheat, 25 cents per bushel.
265. Wheat flour, 25 per cent ad valorem.

[Wilson bill.]

190. Buckwheat, corn or maize, cornmeal, oats [oatmeal], rye, rye flour, wheat, and wheat flour, 20 per cent ad valorem, but each of the above products shall be admitted free of duty from any country which imposes no import duty on the like product when exported from the United States; *oatmeal, fifteen per cent ad valorem.*

PLUSHES.

[McKinley bill.]

350. Plushes, velvets, velveteens, corduroys, and all pile fabrics composed of cotton or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, 10 cents per square yard and 20 per cent ad valorem; on all such goods if bleached, 12 cents per square yard and 20 per cent ad valorem; if dyed, colored, stained, painted, or printed, 14 cents per square yard

and 20 per cent ad valorem; but none of of the foregoing articles in this paragraph shall pay a less rate of duty than 40 per cent ad valorem.

393. On clothing, ready made, and articles of wearing apparel of every description, made up or manufactured wholly or in part, not specially provided for in this act, felts not woven, and not specially provided for in this act, plushes and other pile fabrics, all of the foregoing, composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals the duty per pound shall be four and one-half times the duty imposed by this act on a pound of unwashed wool of the first class, and in addition thereto 60 per cent ad valorem.

411. Velvets, plushes, or other pile fabrics, containing, exclusive of selvedges, less than 75 per cent in weight of silk, $1.50 per pound and 15 per cent ad valorem; containing, exclusive of selvedges, 75 per cent or more in weight of silk, $3.50 per pound, and 15 per cent ad valorem; but in no case shall any of the foregoing articles pay a less rate of duty than 50 per cent ad valorem.

[Wilson bill.]

259. Plushes, velvets, velveteens, corduroys, and all pile fabrics composed of cotton or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, 35 per cent ad valorem; on all such goods if bleached, dyed, colored, stained, painted, or printed, 40 per cent ad valorem.

284. On clothing, ready made, and articles of wearing apparel of every description, made up or manufactured wholly or in part, not specially provided for in this act, felts not woven, and not specially provided for in this act, and plushes and other pile fabrics, *and imitations of fur*, all the foregoing, composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, including those having India rubber as a component material, [forty-five] *forty* per cent ad valorem.

299. Velvets, plushes, chenilles, or other pile fabrics 45 per cent ad valorem.

PULP.

[McKinley bill.]

Pulp and paper:

415. Mechanically ground wood pulp, $2.50 per ton dry weight; chemical wood pulp, unbleached, $6 per ton dry weight; bleached, $7 per ton dry weight.

461. Manufactures of leather, fur, gutta-percha, vulcanized India rubber, known as hard rubber, human hair, papier-mache, and indurated fiber wares and other manufactures composed of wood or other pulp, or of which these substances or either of them is the component material of chief value, all of the above not specially provided for in this act, 35 per cent ad valorem.

463. Masks, composed of paper or pulp, 35 per cent ad valorem.

[Wilson bill.]

Pulp and paper:

303. Mechanically-ground wood pulp and chemical wood pulp unbleached or bleached, 10 per cent ad valorem.

353. Manufactures of leather, fur, gutta-percha, vulcanized India rubber, known as hard rubber, human hair, papier-mache, plaster of Paris, indurated fiber wares, and other manufactures composed of wood or other pulp, or of which these substances or either of them is the component material of chief value, all of the above not specially provided for in this act, 30 per cent ad valorem.

355. Masks, composed of paper or pulp, 25 per cent ad valorem.

SLATE.

[McKinley bill.]

Slate:

130. Slates, slate chimney pieces, mantels, slabs for tables, and all other manufactures of slate, not specially provided for in this act, 30 per cent ad valorem.

131. Roofing slates, 25 per cent ad valorem.

[Wilson bill.]

Slate:

108. Slates, slate chimney pieces, mantels, slabs for tables, and all other manufactures of slate not specially provided for in this act, 20 per cent ad valorem.

109. Roofing slates [ten] *twenty* per cent ad valorem.

APPENDIX B.

MEMORIAL FROM MAINE LUMBERMEN.

This memorial, presented by certain citizens of Maine, relates to that part of the tariff bill which places lumber on the free list.

The cut of logs in the State of Maine for the year 1893 is as follows:

	Feet.
Spruce	573,811,627
Pine	107,330,822
Hemlock	100,357,101
Cedar	60,904,701
Hard wood	7,177,147
Total	849,581,398

To haul these logs to the landings during the winter months requires the use of 5,666 pairs of horses and 30,000 men; making amount expended for labor in getting logs to landings about $6,000,000.

The cost of getting logs from the stump to the various sawmills, including cutting, hauling, driving, boomage, shorage, tolls, and other expenses, is, on an average, from $8 to $8.50 per thousand feet. The average cost of stumpage is $2, which makes the cost to the manufacturer of spruce logs delivered at the sawmills from $10 to $10.50 per thousand feet.

From 75 to 80 per cent of the cost of a cargo of sawed lumber is expended for labor, which is a larger percentage than on almost any other manufactured article.

American citizens doing business at St. John, under the act of Congress of March 16, 1866, have from 15,000,000 to 20,000,000 feet of sawed lumber on hand, and from 90,000,000 to 100,000,000 feet of logs cut in 1892 and 1893, which are to be carried over and marketed in 1894. About 90 per cent of this amount is spruce.

About the usual cut is being made during this winter under the above act on the St. John River and its tributaries, which will add largely to the stock on hand to be marketed by American citizens at St. John in 1894.

American spruce logs lying in booms at St. John, side by side with provincial logs of same quality, sell in the open market from $1.50 to $2 per 1,000 feet more than provincial logs, and this notwithstanding that under the law as it is to-day round logs are admitted free of duty.

In proof of this fact you will find statement of American consul attached, marked "Exhibit A."

American citizens engaged in the manufacture and shipping of lumber to the States, under the act of 1866, will be placed at a great disadvantage should sawed lumber be immediately placed on the free list.

The effect for the next few years will be to transfer the greater part of the business now done in Maine under the act of 1866 to the provinces and into the hands of the provincials.

The cost of getting these State of Maine logs is considerably greater than on the provincial side, as we pay more for labor and supplies. Provincial logs cost from $1.50 to $2 less in the St. John market, as already shown by statement of American consul.

You will find statement attached, signed by American lumber manufacturers doing business in St. John under act of 1866, marked "Exhibit B."

There are now on hand 300,000,000 feet of logs and manufactured lumber cut in 1892-'93 on the Penobscot, Kennebec, St. Croix, Union, Machias, Androscoggin, and other rivers of Maine, which, had it not been for the panic, would nearly all have been marketed in 1893.

The cut of logs being made in Maine during the present winter will be about two-thirds as large as last year. This will give of stock on hand, cut in 1892, 1893, 1894, 879,000,000 to be marketed in 1894.

The price of sawed lumber, especially spruce, is lower than at any time during the last twenty-five years, thus showing that the present tariff has not been a hardship to the consumer.

In answer to certain theorists, who urge free lumber for the purpose of preserving the forests, we will say that our Eastern timber lands are different from those in any other part of the country. In fact, the trees grow like any other produce of the soil, and it is estimated by experts in the lumber business that a single Maine township of 22,000 acres renews its growth equal in amount to what six or eight horses, kept constantly at work, can haul to the landings.

In no other part of the world does the woods growth on land that has been cut or burned over recuperate as it does in the State of Maine and New Brunswick.

In the great forest fire of 1825, extending from the Penobscot waters in Maine to the Miramichi in New Brunswick, 600,000 acres of timber land was burned over, and so rapid was the new growth that large lumbering operations have been conducted on this same territory for a great many years, and to-day it is equal in value to the same number of acres in any other section of the Maine forests. The second growth was largely sapling pine, poplar, birch, and other hard woods which are valuable to-day for home and export trade.

Townships which have been cut upon constantly are to-day reckoned as the most valuable, for a judicious cutting of the large trees makes possible the more rapid growth of the smaller trees.

Our Maine forest lands produce spruce all the way from the seedling a foot high to the mature trees fit for the market, and we follow the practice of cutting the mature trees only.

A few years since many supposed that our spruce forests would be destroyed by the beetle, but it is now admitted by those who are familiar with this subject that the worms or beetles only attack the old trees which have commenced to decay. On townships where the old trees had been carefully cut none of this trouble existed, but it did to a great extent on townships which had not been operated upon. In no case, however, were the young and thrifty trees attacked by the worms.

That you may understand the extent of the lumbering interests in the State of Maine, will say that the books of the board of State assessors show that there are in the State of Maine 13,214,027 acres of timber land, and valued, for the purpose of State and county taxes, at $34,204,634, as per attached statement of the chairman of State of Maine board of assessors, marked "Exhibit C."

This does not include the large amount of capital invested in sawmills, machinery, etc., and in conducting lumbering operations which employ thousands of men, to whom higher wages are paid than by those engaged in the lumbering business in foreign countries.

We believe that sawed lumber can as well afford, without any hardship to the consumer, to pay the present revenue to the Government as any other article of merchandise upon which duty is placed.

To place sawed lumber upon the free list, especially during the existing panic, would cause great financial loss to many of our citizens who have a large amount of capital invested in lumbering operations.

With free sawed spruce, the New Brunswick and Nova Scotia lumbermen will not only compete to a greater extent than at present against the New England lumbermen, but also against those who are cutting spruce in West Virginia, and against the hard-pine interests of the Southern States.

If we are to have free lumber, our lumbermen should be placed upon an equality with those of New Brunswick. We should not be obliged to pay a duty upon hay, as under the present law, of $4 and under the proposed tariff of $2.

We should be allowed to bring our teams in bond for the purpose of cutting lumber in winter as we did during the reciprocity with Canada.

We should not be prevented by the contract labor law from contracting for our labor in Canada.

We know there are manufacturers in some of the States who are clamoring for free sawed lumber upon the ground that it is raw material. We object to their putting it upon this ground, as we have shown to you conclusively that the amount paid for labor on a cargo of lumber is from 75 to 80 per cent of the cost.

The lumber business of Maine makes the State a great consumer of Western products.

There is probably no State in the Union where Western farm products are so largely used, or the average is so high per capita, as in Maine.

The following amounts of Western farm products were brought into Maine during 1893 over the Maine Central Railroad's Ogdensburg division, and this does not include the amount of pork and beef in barrels: 332,429 barrels of flour; 1,630,433 bushels of corn; 572 772 bushels of oats; 18,486 tons of feed; 463 carloads of fresh beef.

We are not able to give the amounts brought by the Canadian Pacific to Greenville and other points on their road; nor by the Grand Trunk Railroad; nor of Western products coming by way of Boston, but taking the large amounts brought by the Maine Central, it must be readily seen that the combined amount of all transportation companies would be very large.

The shipment of spruce deals from New Brunswick to transatlantic ports for 1893 was 312,000,000 feet; from Nova Scotia, 109,252,930 feet. About 50,000,000 feet of spruce has been shipped annually from the provinces to the New York market, and a large amount of laths and long and short lumber has also been shipped to other American ports.

There is no market at transatlantic ports for laths and short lumber which are manufactured from the slabs or sidings of provincial logs, and these products have been shipped for a great many years to American ports wholly.

Admitting this short lumber free of duty would be practically making the lumbermen of the maritime provinces a present of that amount.

The selling price for provincial logs at the sawmills in St. John during the last year has averaged $6 per thousand feet, which is less than the average cost of getting logs from the stump to the Maine sawmills, without taking the cost of stumpage into consideration.

The following is the clause in all Government permits in New Brunswick, touching the right to raise the price of stumpage:

"SEC. 16. All timber licenses shall be subject to the right of the lieutenant-governor in council to increase the mileage on licenses and the stumpage on any class of lumber when deemed expedient, on due notice thereof being given in the Royal Gazette; such increase to take effect at and after the date of the next following annual renewal; and also to any further regulations that may be made by order of the lieutenantgo-vernor in council, for the purpose of expeditiously enforcing the payment or adjustment of stumpage on any logs or other lumber cut within the limit described in any license, or otherwise giving effect to or enforcing the conditions of the license."

Our provincial neighbors are able, on account of less cost of labor and cheaper supplies, to deliver their logs from the stump to the sawmills at about 25 per cent less than we can in Maine, and for this reason we believe that they should not have the right to compete and distribute in our market unless subject to a revenue tariff; otherwise they would have a great advantage over Maine lumbermen.

For proof of this fact, we again refer to statement of American consul, marked "Exhibit A."

For miles and miles their lumber lands are contiguous to ours as the provincial forests bound the east, north, and west lines of our State, situated upon good, navigable waters and offering good harbors for shipment.

The bill provides that in case any foreign government imposes an export duty on lumber shipped to the States, in the way of retaliation a duty shall be placed on it. This would be inoperative, so far as New Brunswick is concerned, as their government sells timber "limits," charging, at present, $1 per thousand feet stumpage, and, in addition to this, a small sum for taxes. The government reserves the right to raise the price of this stumpage at any time, which they can do and receive an additional revenue, as they would if they should impose an export duty.

EXHIBIT A.

UNITED STATES CONSULATE,
St. John, New Brunswick, December 27, 1893.

DEAR SIR: In reply to your inquiry of even date, as to logs cut in the forest of the State of Maine, on the St. John River and its tributaries, and floated down said river, to be sawed or hewn by American citizens in the province of New Brunswick, and thereafter shipped to the United States free of duty, under law of the United States passed by Congress March the 16th, 1866, I have to say that, having examined the records on file in this consulate, I find the cut of logs under the above act to average from 90,000,000 to 100,000,000 square feet each year for several years.

Of this amount 3,500,000 is pine, 7,000,000 cedar and the balance spruce.

And, further, upon inquiry of the manufacturers of lumber of this port, both provincial and American, I find that American logs, lying in booms side by side with provincial logs, sell from $1.50 to $2 per thousand square feet more than provincial logs, and this, notwithstanding that manufactured provincial logs can be imported into the United States free of duty.

Yours truly,

JOHN S. DERBY,
United States Consul.

Hon. JOHN P. BASS, *Bangor, Me.*

Another bad effect of placing lumber upon the free list would be to stimulate overproduction in Canada and a consequent oversupply in our markets, which, on account of our present overstock, could not do otherwise than cause serious loss to our lumbermen.

EXHIBIT B.

ST. JOHN, NEW BRUNSWICK, *December 27, 1893.*

GENTLEMEN: We understand that you are making an effort to have the free-lumber clause in the Wilson bill killed, or at least amended so that it will fall lighter on the lumbermen of Maine, and as fellow sufferers desire to make the following statements: That we as American citizens engaged in the cutting of logs in the forests in the State of Maine, situated on the St. John River and its tributaries, and in the manufacture of those logs at St. John, New Brunswick, as provided for in the act of Congress, March 16, 1866, which provides for the free importation of the product of these logs into the United States, desire to have your committee represent to the Committee on Ways and Means that should sawn lumber—especially spruce—be placed on the free list the effect will be to transfer the business now in Maine to the provinces and into the hands of the provincialists; that we have between 15,000,000 and 20,000,000 of said American sawn lumber ready to be marketed in 1894. We also have in stock of American logs cut in 1892 and 1893 from 90,000,000 to 100,000,000, which, on account of the general trade depression, the result of the panic, we have been obliged to carry over. In addition to this the present stock will be largely added to by the operations of this winter, 1893–'94, the preparations for which were made last spring, and the work being now well along, many of these logs it will be impossible to get marketed before July 1, 1895. The labor cost of getting these State of Maine logs is considerably greater than on the provincial side, as we pay more for labor and supplies. Provincial logs cost from $1.50 to $2 per thousand feet less.

Should lumber be placed on the free list as proposed by the Wilson bill it will cause the Americans manufacturing American logs in New Brunswick great financial loss.

Sawn lumber has sold the past year at less price than any time during the last twenty-five years, and the season of 1894 does not look at all encouraging, and with free lumber would be ruinous to us.

It would be a great injustice, as well as a hardship to the American citizens who are led to make large investments here to do business under the act of 1866 to put lumber on the free list before we have time to market our present stock.

MILLER & WOODMAN,
F. R. WARNER & CO.,
ANDRE CUSHING & CO.,
E. G. DUNN,
For self and Dunn Brothers.
E. L. JEWETT,
S. F. KING & SONS,
L. M. JEWETT.

Hon. J. P. BASS and others,
Of the Committee of Maine Lumbermen.

EXHIBIT C.

[Copy of letter, on official paper, from Hall C. Burleigh, chairman of State of Maine Board of Assessors, to Hon. J. P. Bass, Bangor.]

Hon. J. P. BASS, *Bangor, Me.:*

MY DEAR SIR: On my arrival here this a. m. I find your letter of the 26th instant and hasten to reply, as follows:

The timber lands in the State of Maine amount to the following number of acres, and values:

	Acres.	Values.
Four hundred and eighty townships	9,263,138	$17,795,080
Public lots on same	385,589	415,214
Eighty plantations, about three-fourths timber	1,322,400	2,644,400
In the incorporated towns, estimated	2,225,000	13,350,000
Total	13,214,027	34,204,634

The number of acres of timber lands in the incorporated towns not being fully returned, I have made a careful but conservative estimate of number of acres and value, which I feel sure is considerably below a fair value.

Yours, very truly,

HALL C. BURLEIGH, *Chairman.*

Dated at Augusta, Me., December 27, 1893.

Statement of logs cut in Maine, 1893.

District.	Spruce.	Hemlock.	Pine.	Cedar.	Hard wood.
Aroostook County	100,405,440	7,000,000	4,545,332	24,791,647	.....
Union River	5,200,000	5,600,000	2,700,000	.....	100,000
Kennebec River	160,292,597	72,000	12,935,717	13,091,284	1,248,837
Saco River and west	4,500,000	3,000,000	35,700,000	.....	.....
Machias	18,831,828	14,469,892	8,281,502	.....	100,000
Penobscot	150,399,167	32,228,879	30,396,312	18,993,500	2,400,000
Androscoggin	100,500,000	2,100,000	4,000,000	1,500,000	3,000,000
Calais	33,682,595	35,086,330	8,771,959	2,526,270	328,310
Total	573,811,627	100,357,101	107,330,822	60,904,701	7,177,147

Cedar	60,904,701
Pine	107,330,822
Hemlock	100,357,101
Spruce	573,811,627
Total cut in 1893	849,581,398

Cost calculated to draw logs.

One pair horses average 150,000 for the winter; 849,000,000 would require 5,666 pairs, at $40 per month, including teamster, each four months, would cost	$906,560
Four men to tend each pair, $18 per month, four months	1,631,708
Board pair horses, $1 per day	679,920
Board men, 40 cents per day, four months	1,359,840
	4,578,028

No account is taken of wood, or fuel.

The above would give an average cost of $5.39¼ per thousand feet for labor expended in getting logs to landings. All agree that the estimate is low enough; some maintain that in place of four men to each pair of horses, in addition to teamster, it takes six and one-fourth, which would enhance the cost.

It is somewhat difficult to get an estimate of exact cost of labor to get logs from landings to the various mills, including driving, boomage, shorage, tolls, and other expenses, but $8.50 is considered a very safe and conservative estimate of the cost of labor expended altogether on the logs when landed at the mills.

In the lumber mills of the Penobscot Valley there is a value of fully $905,000, employing 1,977 men at an average daily pay of $1.93 per man, making a daily pay roll of $3,815.80. This for 150 days would give $572,370, or for a total sawing season of seven months, an amount of $702,107.20 disbursed for labor only in the various mills in the Penobscot Valley.

We have a large amount of property in coasting vessels built for the transportation of lumber, and any legislation tending to decrease the shipments of lumber would cause this interest to suffer. The Provincial people build a cheaper class of vessels, and would, to a great extent, do their own freighting.

The eastern ports of the maritime provinces have a great advantage over the New England States in transatlantic shipment, while the western ports are able to ship to American ports at about the same freight rates as from our own ports.

The lumbermen of New Hampshire cut between 200,000,000 and 300,000,000 feet of spruce logs each year, and their interests will be affected the same as Maine and West Virginia.

The old growth pine has been largely cut off in the Eastern States and also in New Brunswick, the eastern lumbering business being largely confined to spruce, which is five times greater than either hemlock, pine, and cedar combined, as shown in statement attached and marked "Exhibit D."

STATISTICS OF FOREST INDUSTRIES, 1890.

[Prepared by George A. Priest, special agent, United States Census.]

THE UNITED STATES.

Number of mill establishments	23,287
Capital invested	$561,943,429
Average number of hands employed	797,168
Total wages paid	$215,235,282
Value of mill products	$392,568,904

Quantity of principal products.

Sawed lumber, feet, board measure	24,010,146,000
Laths, number	2,253,308,000
Pickets and palings, number	110,000,000
Shingles, number	9,275,809,000
Staves, number	1,177,802,000
Headings, number of sets	182,713,000
Railway ties, number	80,000,000

Kinds of material used.

White pine	Feet..	11,300,000,000
Spruce and fir	do...	4,482,677,000
Hemlock	do...	3,390,000,000
Hard woods, etc	do...	5,586,769,000
Hard pine	do...	5,516,000,000
California redwood	do...	317,000,000
Total annual consumption of timber	.do...	30,592,446,000

Extent of an average establishment.

The average mill establishments in the United States has $24,131 capital, it employs 22 persons, pays $5,058 wages, and turns out annual product valued at $16,856. These figures, however, only include the census returns for mills having a product valued at $500 or more. There were, besides, nearly 3,000 smaller mills, the inclusion of which would considerably reduce the average stated. It will, therefore, be readily seen that no industry has a wider diffusion of petty establishments. To illustrate the proportion of large and small mills, it may be stated that only 2½ per cent of the total number (23,287) used 5,000,000 feet and upwards of logs or bolts annually; 16½ per cent used from 1,000,000 to 5,000,000 feet and 81 per cent used less than 1,000,000 feet.

The industry is conducted in every State and Territory of the Union, the greatest increase in the number of establishments having recently occurred in the South and on the Pacific coast.

STATISTICS OF LUMBER MANUFACTURE, 1890.

The production of lumber in the respective groups of States was as follows in 1890:

The distribution of lumber mills by States composing each group is as follows: Eastern group: Maine, 831; New Hampshire, 531; Vermont, 736; Massachusetts, 464; Rhode Island, 29; Connecticut, 157; New York, 1,664; Pennsylvania, 1,853; New Jersey, 110; Delaware, 47.

Central group: Ohio, 1,427; Indiana, 1,602; Illinois, 357; West Virginia, 423; Kentucky, 595; Tennessee, 787; Missouri, 748.

Lake group: Michigan, 1,918; Wisconsin, 853; Minnesota, 317.

Southern group: Maryland, 212; Virginia, 638; North Carolina, 668; South Carolina, 323; Georgia, 434; Florida, 202; Alabama, 437; Mississippi, 338; Louisiana, 122; Arkansas, 523; Texas, 284.

Pacific group: California, 221; Oregon, 300; Washington, 310.

Sawed lumber.

Groups.	Number of mills.	Quantity.	Value.
		M feet.	
Eastern group	6,422	4,808,781	$51,939,619
Central group	5,945	3,129,988	44,407,296
Lake group	3,088	8,250,702	98,110,488
Southern group	4,206	4,926,331	46,790,542
Pacific group	831	2,027,848	22,466,088
Miscellaneous group	519	866,796	11,306,807
Total	21,011	24,010,446	272,020,740

Short lumber.

Groups.	Laths.		Shingles.	
	Quantity.	Value.	Quantity.	Value.
Eastern	561,852,000	$833,340	1,595,267,000	$2,722,852
Central	212,988,000	421,788	227,813,000	457,047
Lake	1,040,735,000	1,551,776	4,676,314,000	8,147,732
Southern	232,323,000	305,678	1,624,370,000	3,595,659
Pacific	71,060,000	156,450	902,791,000	1,597,570
Miscellaneous	124,350,000	250,392	249,254,000	509,621
Total	2,263,308,000	3,519,924	9,275,809,000	17,030,481

Groups.	Headings.		Staves.	
	Quantity.	Value.	Quantity.	Value.
Eastern	37,782,000	$686,636	209,689,000	$1,118,496
Central	94,229,000	3,041,869	543,235,000	3,895,059
Lake	42,649,000	1,012,150	320,063,000	1,838,816
Southern	6,397,000	151,742	98,482,000	881,441
Pacific	1,030,000	22,922	5,220,000	22,062
Miscellaneous	616,000	18,480	1,112,000	6,470
Total	182,713,000	4,933,799	1,177,802,000	7,762,244

AMERICAN CITIZENS VS. THE CANADIAN GOVERNMENT.

The forests in Canada are all owned by the Government, which sells trees to the manufacturer as they are required for use. In the United States the forests are owned by the individual, such ownership ranging from the few acres of woodland found on every farm to the larger areas held by manufacturers. No other industry covers such a wide range of territory or involves the interests of so many people as that relating to forest products.

The forests of Maine and of New Brunswick, of Washington and of British Columbia, are only separated by an imaginary line, but the conditions affecting their utilization are widely divergent, as has been shown.

IMPORTATIONS OF SAWED LUMBER.

[United States Treasury Statement.]

	1892.	1893.
LONG LUMBER.		
Total quantity, both rough and plain.....feet..	632,522,660	692,218,010
Duty collected on white pine, hemlock, and basswood, at $1 per M	$482,339.04	$529,262.93
Additional for dressing	6,098.40	7,282.53
Duty collected on spruce, oak, elm, etc., at $2 per M	$300,367.24	$325,910.16
Additional for dressing	8,311.61	7,194.75
Total duty on long lumber	4,797,116.29	869,650.37
SHORT LUMBER.		
Clapboards:		
Pine, 105,300 feet, at $1 per M	$105.30	$67.99
Spruce, 6,143,489 feet, at $1.50 per M	9,215.33	10,496.19
Hubs for wheels, etc., rough hewn or sawed, valued at $29,823, at 20 per cent	5,964.60	5,645.46
Laths, 259,157 M, at 15 cents per M	38,873.67	49 116.34
Paving posts, railroad ties, and telephone and telegraph poles of cedar, valued at $259,583.37, at 20 per cent	51,916.64	54,247.19
Pickets and palings, valued at $32,678.93, at 10 per cent	2,367.89	3,670.00
Shingles:		
Pine, 178,831 M, at 20 cents per M	35,766.20	43,356.15
All other, 133,720 M, at 30 cents per M	55,116.13	75,966.26
Sugar box, shooks and packing boxes, and packing-box shooks, valued at $62,981, at 30 per cent	18,894.35	13,729.66
Staves, valued at $551,574.50, at 10 per cent	55,157.45	64,661.34
Total in short lumber	273,277.46	320,850.58
Aggregate duty collected on all lumber	1,070,393.75	1,190,500.95

IMPORTS OF UNMANUFACTURED WOOD.

Free of duty.

Kind.	Value.	
	1892.	1893.
Cabinet woods	$2,234,003	$2,662,658
Briar root or briar wood, etc	39,185	40,470
Fence posts	31,351	31,052
Fire wood	411,482	403,601
Handle bolts and heading bolts	59,573	53,129
Hop poles	18,412	38,968
Saw logs	1,188,797	2,164,273
Railroad ties	131,295	97,857
Shingle bolts and stave bolts	44,387	53,505
Ship planking	79,622	8,405
Ship timber	31,721	29,865
Sticks, joints, and reeds such as—		
Bamboo	40,920	22,337
Molacca joints	75	13
Rattan and reeds	1,060,437	778,781
Sticks of foreign wood	97,351	121,398
Totals	5,463,641	6,506,312

APPENDIX C.

LIME.

[No. 1—Manufacturers.]

CIRCULAR LETTER OF INQUIRY.

COMMITTEE ON FINANCE, UNITED STATES SENATE,
Washington, D. C., December 20, 1893.

MY DEAR SIR: In former years when the question of the tariff was uppermost in the consideration of the people, circular letters were addressed to merchants, manufacturers, and producers representing the industrial elements of the community, and others, making inquiries as to the character and amount of their output, the capital invested, prices, wages, rates of import duties, etc. This was notably the case in 1845, under the direction of Secretary Walker; in 1882, through the Tariff Commission; and in 1885, under the direction of Secretary Manning.

The replies to such interrogatories furnish valuable statistics and other data, and materially aid in legislating upon the subject of customs duties.

With a view to securing such information, the Committee on Finance submit to you the following questions, which, they trust, you will formulate replies to, adding such general or special matter as you may be possessed of, and which, in your judgment, will be of value to the committee:

1. State name of corporation, firm, or individual, and character of manufacture.
2. State location of plant.
3. What amount of capital is invested?
4. When was the industry established?
5. State the amount of production, kinds, and value of articles manufactured annually since the establishment of your industry; description, value, and quantity for each year.
6. Have you at any time during the past two years been running less than full time, and if so, when, and why?
7. What rate of ad valorem (or specific) duty is necessary to place domestic products on an equal footing with foreign producers, and your reasons why?
8. If the rate of duty upon your class of manufacture were reduced one-third, what reduction in cost of production would be necessary?
9. Please state the domestic wholesale price of your goods in 1884, 1890, and 1892, and at the date of your answer.
10. To your knowledge has there been an increased competition in your line of manufactures, either foreign or domestic, during the past four years?
11. Do you desire a specific or an ad valorem duty, and why?
12. Are you manufacturing or producing as many goods or commodities as you were in 1892, and if not, why not?
13. What has been the tendency of wages during the past twelve months?
14. If possible will you give an estimate of the exact cost of living of the families of two or more of your skilled workmen, specifying as near as may be items of expenditure?
15. Have you any difficulty in construing the existing law in regard to im-

portations of the class of articles you produce, and have you any suggestions to make?
16. Has the price of living in your locality increased or decreased during the past four years, and to what extent?
17. What in your opinion is the cause of the present depression in trade, and what would be your remedy to correct it?
18. What component materials of your manufacture are, to you, raw materials?
19. Are the goods you manufacture luxuries or necessities?
20. What rate of interest are you compelled to pay on loans?
21. What effect has immigration had on your business?
22. What proportion of skilled labor do you employ?
23. How do you propose to meet any reduction of duty on the goods you manufacture?
24. Give the number of men, women, and children employed, and state the wages you pay for ordinary and skilled labor.
25. How many hours per week are they employed?
26. Do foreign articles of like kind enter into competition, and to what extent?
27. What proportion of your manufacture is exported, and do you realize a less price therefrom than from domestic consumption?
28. Has the cost of manufacture increased or decreased since 1883, and to what extent?
29. Has the increase or decrease been in materials or labor?
30. Have your selling prices increased or decreased since 1890?
31. What amount of the agricultural production of the country is consumed in your manufacture, or through it, indirectly or directly, and what amount of other domestic productions?
32. What component materials are used in your manufacture on which you pay a specific or an ad valorem duty? Give the rates of duty.
33. If your raw material were free would there be any necessity for a customs duty on the manufactured product?
34. Please state the wholesale prices for 1884, 1890, and 1892. Have these prices increased or decreased since 1892?
35. What changes, if any, do you recommend of existing rates of duty or administrative customs laws?

The committee are desirous that your reply shall give a full expression of your views and not be restricted to merely answering the questions categorically. It, however, should be confined to your specific business and expressed as concisely as possible.

Publicity will not be given to names or locations of business if you so desire.

Please make your reply on the inclosed blanks and return it in the accompanying envelope.

Very respectfully,

D. W. VOORHEES, *Chairman.*

REPLY TO CIRCULAR LETTER OF COMMITTEE ON FINANCE, UNITED STATES SENATE, RELATIVE TO CUSTOMS LEGISLATION.

Answers to questions.

1. S. E. & H. L. Shepherd; manufacturers of lime, organized 1892, including S. E. & H. L. Shepherd and O. P. Shepherd.
2. Rockport, Me.
3. One hundred thousand dollars, and fully paid-up certificates issued for this amount.
4. Established 1845.
5. Lime was manufactured from 1845 to about 1860 in a small way, operating during the last-named year three old-fashioned kilns, with a possible capacity of 500 barrels per week for the three kilns. About 1860 one patent kiln was built in place of one of the old-fashioned ones. This made the possible capacity about 25,000 to 28,000 barrels per year: these were operated until 1868, when another patent kiln was added to the plant in place of the two remaining old-fashioned kilns. This gave a possible capacity of about 45,000 barrels per year. From 1868 to 1873 the average output, as near as we can estimate it without going into details, was from 28,000 to 33,000 per year. The business then dropped off from 1873 to about 1883, part of which was due to the fact that the Dominion of Canada placed a specific duty of 20 cents per barrel on our lime, which resulted in closing those markets to us. Notwithstanding this, by persistent efforts we were enabled to increase our trade in the United States, so that in 1886 we built an additional kiln. In 1887 another kiln was purchased in connection with O. P. Shepherd, and in 1891 we purchased the G. F. Burgess lime plant, consisting of two kilns, so that at the present time we have six kilns in all, with a capacity, if we run every day in the year, of 240,000 to 250,000 barrels per year. But the largest amount we have been able to find a market for in any one year was 1892, when our output was about 160,000 barrels. We manufactured in 1893 120,000 barrels. The average price for each year, as near as we can estimate it, would not exceed 70 cents per barrel.
6. During the winter months very little lime is used, comparatively, which makes it necessary to close nearly our entire works from about the 15th of December to the middle of March. Eighteen hundred and ninety-two proved to be an exceptional year; but owing to the condition of business in 1893 our sales dropped off materially.
7. A specific duty of 6 cents per 100 pounds is not an excessive rate to place domestic products on an equal footing with foreign producers, by reason of their natural advantages and the fact that labor can be secured at a very much less rate in the Dominion of Canada and province of Quebec than here—the rate there (as shown by letters in our possession, which we herewith attach) ranging from 90 cents for very coarse to $1.50 per day for skilled—and the fact that about 90 per cent of the cost of a barrel of lime is labor, and we are obliged to pay here from $2 to $2.50 per day for same kind of work.
8. A corresponding reduction in the rate of wages.
9. Wholesale price, free on board at kilns: 1884, 75 cents; 1890, 77 cents; 1892, 70 cents; 1893, 70 cents.
10. During the years 1889 and 1890 there was a large increase in competition. From 1890, owing to increased protection, competition has not been so great. (See answer to question 26.)
11. We desire a specific duty, as we can better determine by it the actual amount of duty that will be collected on a barrel of lime.
12. No; on account of decreased demand and competition from business stagnation.
13. Uniform.
14. Average earnings about $500; $300 for food and clothing; $60 to $75 for rent.
15. No; perfectly satisfied with present law.
16. Not materially; if anything, slightly decreased.
17. Agitation of the tariff and financial question. Speedy disposition of the bill pending, with a view of protecting American industries.
18. The whole.
19. Necessities.
20. Usually 6 per cent; past year 6 per cent to 7 per cent.
21. None.
22. About four-fifths of labor employed receives the highest rate of wages paid by us, owing to the peculiar mixed conditions of our lime-rock deposit.
23. By reducing price of labor.
24. About 90 to 100 men when running full capacity. (See answer to 7.)
25. On kilns 84 hours. In quarries and other work 60 hours.
26. Yes. In 1890 the value of foreign lime sold in our markets was about $145,000; 1891, something over $100,000; 1892, between $80,000 and $70,000; 1893, $14,418.50.
27. None since the imposition of a specific duty of 20 cents per barrel by the Dominion of Canada and Americans introduced into that country our methods for manufacturing lime.
28. Increased slightly, owing to labor combination.
29. Labor.
30. Decreased.
31. Such as would be consumed by the number of employés.
32. None.
33. Raw (wood) materials are free.
34. (See answer 9.)
35. The existing rate of duty on lime is very satisfactory to us.

RIVERTON, WARREN COUNTY, *February 12, 1894.*

DEAR SIR: We respectfully submit the following answers to your circular No. 1, dated December 20, 1893:

1. Carson Lime Company.
2. Riverton, Warren County, Va.
3. Capitalized at $150,000, and fully paid up certificates issued for this amount.
4. The industry was established in 1869; incorporated in 1891.
5. Beginning in a small way in 1869 our business has increased year by year until 1892, in which year we sold (computing bulk lime as 2½ bushels to barrel) 93,731 barrels. In 1893 our sales fell off to 88,979 barrels, or over 5 per cent. The value of building lime in 1892 was 61 cents per barrel at the kilns, while in 1893 the price had fallen to 58½ cents per barrel on a diminished output.
6. In 1893 we ran less than full time owing to the financial stringency and general depression of business.
7. As regards the increase of disaster to our Virginia lime industries (and we speak of fourteen such throughout the State), a comparative statement of the cost of foreign lime from New Brunswick with our Virginia lime on tidewater of Virginia and the Carolinas will afford the most concise information. As labor is about the same in either case I will leave that out of the computation. Taking the statements of the Whitney syndicate as to their ability with improved methods to put coal on vessels at $1.10 per ton, the fuel in a barrel of lime would be, allowing 50 cents freight or $1.60 per ton at St. John, New Brunswick, 4.88 cents per barrel; freight to Virginia tidewater, Norfolk, 18 cents; customs duty, 3 cents; total, 25.88 cents per barrel.

Lime made at Riverton, Va., costs with coal of like character at $2.95 per ton for fuel, 9 cents per barrel; freight to Norfolk, 22 cents per barrel; total, 31 cents per barrel, or a difference of 5.12 cents in favor of the New Brunswick lime.

If you take Charleston, S. C., the case is even worse for the Virginia lime manufacturers.

St. John lime.

	Cents.
Fuel	4.88
Freight	25.00
Duty	3.00
Total	32.88

Virginia lime.

	Cents.
Fuel	9.00
Freight	39.90
Total	48.90

Difference against Virginia lime, 16.02.

Looking these facts in the face, an ad valorem duty of 10 per cent as provided by the Wilson bill is insufficient. As Democrats committed to the tariff reform we are willing to submit to an equal fight, but we do not expect to be smitten in the house of our friends, and therefore will accept a cut of 25 per cent on the McKinley bill, or 4½ cents per 100 pounds, which would give us 9.75 per barrel. This is not enough to maintain the present prices of labor and do the expected fighting with the Frank Jones syndicate and its unlimited capital, but we shall ask the railroads to do the rest.

8. The reduction with a tariff cut of one-third would need to be 10 per cent in cost of production.
9. This is partly answered under question 5. From 1834 to 1892 the price was 12½ to 15 cents more than in 1892 to 1893.
10. Competition has greatly increased within the last five years.
11. We desire a specific duty because the cask or barrel is two-thirds the value of a barrel of lime under an ad valorem duty. This will be imported absolutely free, enhance the value of the Wilson bill to the foreigner, with a corresponding disadvantage to us. It would take an ad valorem duty of 35 per cent to put us on an equality with the New Brunswick people, as shown under question 7.
12. See question 6.
13. The tendency of wages has been downward.
14. We employ common labor, and cannot answer with anything like accuracy.
15. We suggest that the law as affecting lime be guarded so as to apply the duty to the barrel or cask as well as the contents.
16. Living expenses have decreased in bread, sugar, and clothing. Meats are no lower.
17. Lack of confidence brought about by speculation and overtrading. More simplicity in living, greater honesty, and especially less politics.
18. All raw material.
19. Necessities.
20. Six per cent.
21. None.
22. Virtually none.
23. Reduced below the rates asked for we must cut the laborers' wages.
24. We have between 90 to 100 men and boys employed.
25. Ten hours per day, average about fifty hours per week.
26. Not now, but with a reduction of over 400 per cent in duty the foreigner will have the matter pretty much his own way at our ports.
27. We export none.
28. Cost has decreased 7½ to 10 per cent.
29. Decrease in materials and improved methods.
30. Decreased.
31. Indirectly, we would say 50 per cent through our men's living and fuel.
32. Nothing.
33. Do not apply to us.

34. Already answered.

35. We recommend none, but will accept what we have named under question 7. If the Wilson bill levied duties upon all alike, we would not have one word to say against it, but when it leaves cement, an article used for the same purpose, at McKinley rates and reduces the rate on lime 400 per cent it is not fair. Again, the Wilson bill protects pig iron 20 per cent. There can be no sufficient reason why lime should be singled out for slaughter when other and similar articles are taken care of and these articles thus cared for are not as liable to suffer as the lime industry, because of the natural advantages of the New Brunswick quarries and the gigantic moneyed corporation that is behind them, as shown by the following from the St. John Telegraph:

"There are some persons intimately acquainted with the lime business of St. John who predict that in a very short time after the new tariff goes into operation, the production of lime here will be giving employment to thousands of men, and the export of lime will reach more than $1,000,000 in value annually. It is needless to say that such a result would give a boom to the business of the city such as it has not experienced since the decline of shipbuilding, and that every interest in St. John would be favorably affected by it."

Respectfully submitted.

RICHARD McCOY, *Vice-President.*

To Hon. D. W. VOORHEES,
Chairman Finance Committee, United States Senate, Washington, D. C.

—

To the Ways and Means Committee:

The undersigned petitioners respectfully represent that without exception they are all citizens of the United States and residents of Knox County, Me.; that their principal and particular business is that of manufacturing lime for domestic sale, and that the great bulk of the population of their section has depended for more than one hundred years, and depends now upon the lime-burning industry for its material welfare and prosperity. Your petitioners also represent that the lime market in the New England States and in New York is not now controlled, nor has it ever been controlled, by the output of Knox County lime, and in support of this statement submit that lime is manufactured in more than twenty States in the Union, and that Knox County furnishes only about one-thirty-seventh of all the lime produced in the United States.

Prior to the year 1890 a very considerable amount of foreign lime was manufactured and imported to the United States. This was made possible by the low price of foreign labor; and had such manufacture and importation continued to increase, as it did from the year 1885 to the year 1890, your petitioners represent that all their markets would have been lost to them, or they would have been compelled to reduce their scale of wages to correspond with foreign labor.

Your petitioners further represent that the lime market is not now, nor has it ever been entirely controlled and manipulated by a combination or trust composed of lime manufacturers in Knox County. They submit that lime is a perishable article, and that the lime market is variable, owing to uncertain competition and uncertain periods of building activity. To preserve the industry from losses growing out of these causes, a portion of the lime manufacturers at different times have undertaken in a lawful and prudent way to restrict the production of lime to correspond with a healthy and legitimate demand.

Your petitioners deny that either an artificial demand or a higher price has ever been created by the curtailing of production of lime in Knox County or by the shutting down of all the kilns. At no time has curtailment of production accomplished more than sustaining normal prices for lime, and the nonexistence of a trust has, as a matter of fact, rendered the shutting down of all the kilns for the alleged purposes absolutely impossible.

Your petitioners further represent that the lime manufacturers of Knox County have never been without local competition, and submit this fact as additional evidence in support of their statement that there has never been any arrangement whereby it has been possible to close all the kilns for the purpose of creating a higher price or an artificial demand for lime. They submit also that because of this inevitable local competition and competition from sections outside of Knox County there has never been a time within their recollection when the markets would take the whole production of the kilns of Knox County if all the kilns were in operation.

Your petitioners deny that rates of freight on lime shipped from points in the Provinces to lime markets in the New England States are in every case more than the rates paid or obtained by the manufacturers of Knox County to those same markets; and submit that in many instances the rates of freight are decidedly in favor of the foreign manufacturer, and that this statement of fact applies particularly to lime manufactured in the Province of Quebec and shipped by rail to the interior cities and towns in New England.

Your petitioners further submit that, with the possible exception of foremen, all the labor entering into the cost of producing lime can properly be called coarse labor; that such labor in Knox County is paid from $2 to $2.50 per day, and in the provinces from $1 to $1.50 per day, and that in both sections a working day on the kiln consists of twelve hours. There has been no material change in the relative cost of labor since the last revision of the tariff, and for the details of such cost your petitioners respectfully refer to the tables prepared and printed on pages 491 to 492 of the Hearings Before the Committee on Ways and Means, Fifty-first Congress, first session, 1889 and 1890. They further state that a considerable portion of the lime manufactured in Knox County is burnt over a fuel of coal and also of oil, and that they see no cause for alarm over the proposition of the Dominion Government to place an export duty on wood. Your petitioners declare also that since the revision of the tariff, lime has been and is to-day selling in open markets at a price 5 cents to 10 cents per barrel less than was obtained prior to that date, and that Canadian lime has been, and is to-day, selling in certain markets at a higher price than a considerable portion of the lime manufactured in Knox County.

Your petitioners deny that enormous fortunes have been made by the manufacturers of lime in Knox County, as has been represented to your body, but admit that labor in Knox County is well paid, and that its business men and its laborers view with well-founded alarm any movement to restrict the present scope or growth of the lime industry.

Your petitioners further submit that the statements herein expressed have been made only after the utmost care in collecting facts; that a most thorough and candid examination and investigation of their truth is earnestly invited and desired, and your petitioners pray that such an examination and investigation may result in the preservation of the lime industry under the existing tariff laws.

F. COBB & CO.,
A. F. CROCKETT COMPANY,
S. E. & H. L. SHEPHERD COMPANY,
and others.

NOTE.—This petition was signed by all the manufacturers of Knox County, some twenty-five or thirty in number, with but one exception, which was due to the manufacturer in question being absent at the time.

Mr. PEFFER addressed the Senate in continuation of the speech begun by him on Friday, April 6. After having spoken for some time,

Mr. QUAY (at 4 o'clock p. m.) said: Mr. President, I suggest that there is not a quorum of the Senate present.

Mr. HARRIS. I regard that suggestion as a violation of the consent rule that was agreed upon yesterday. But the Senator from Pennsylvania will judge for himself as to the course he should take. The consent rule was that the consideration of the pending bill should proceed from 1 until 5 o'clock without interruption.

Mr. QUAY. I did not so understand the agreement, but if that was the intendment of the proposition made by the Senator from Rhode Island [Mr. ALDRICH] and accepted by the Senator from Tennessee, of course I will withdraw the call.

Mr. PEFFER. Certainly.

Mr. MANDERSON. I agree with the Senator from Tennessee that that was the agreement, and yet I have been surprised at the suggestion made by several Senators that they thought it would not be a violation of the agreement. I do not want to take up any time, but I think it would be well to have the consent agreement read from the Clerk's desk.

Mr. HARRIS. I am sure that such was the intention of the Senator from Rhode Island and myself, who perhaps had more to do with the consent agreement than any other two Senators.

Mr. QUAY. I ask the unanimous consent of the Senate to withdraw the suggestion. I suppose the only way in which it can be withdrawn is by unanimous consent.

Mr. MANDERSON. I have no objection to that. I feel, however, that it is rather a novel position we have gotten ourselves into, that one member on the majority side and three members on the minority side, besides the speaker, making five present, as was the case some time during the afternoon, should be considered the Senate of the United States to listen to an exposition of the bill.

Mr. WOLCOTT. Will the Senator from Nebraska permit me to interrupt him?

Mr. MANDERSON. Certainly. I am through.

Mr. WOLCOTT. The Senate is not in half as bad condition as the Senator from Nebraska would have us understand.

Mr. MANDERSON. Not now.

Mr. WOLCOTT. I suppose the arrangement between the Senator from Rhode Island and the Senator from Tennessee does not bind anybody who was not consulted or did not have anything to do with it; and I tnink many of us would feel at perfect liberty to move that the Senate adjourn or proceed to the consideration of executive business, or that the roll be called to secure the presence of a quorum. But the Senator from Kansas is proceeding in such a happy manner in his remarks that I myself do not care to interpose for the purpose of securing a quorum or for any other purpose.

Mr. MANDERSON. I think there is one matter that should be understood. We have always considered that a unanimous-consent agreement made in the Senate would bind the entire Senate, even those who might be absent at the time it was made. I am sure that has been the usual practice in the Senate.

Mr. WOLCOTT. That is true, but as I understood the agreement made yesterday, it was an agreement between the Senator from Rhode Island, who said he represented the one side of the Chamber, and the Senator from Tennessee, assuming to represent the other side of the Chamber. I so understood it. I heard the announcement, and my impression is the RECORD so states.

Mr. HAWLEY. But unanimous consent was asked by the Chair, and given, as has always been done in such cases.

Mr. WOLCOTT. I did not so understand it.

Mr. VEST. There was unanimous consent given.

Mr. HARRIS. The Chair put the question, and unanimous consent was given. I beg to suggest to the Senator from Colorado that during the few years I have been here a unanimous-consent agreement has been held invariably to bind all Senators, whether present at the time the agreement was entered into or not, just so far as any Senator is bound by it.

Mr. WOLCOTT. I beg to say that during the many years I hope the Senator from Tennessee will continue to adorn the Senate he will find those agreements treated with the same inviolability. I am stating what I understood to be the arrangement made the other day. If there was a consent agreement, of course I should not think of interfering with it.

Mr. DOLPH. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Senator from Oregon will state his point of order.

Mr. MANDERSON. If I may be permitted, I think I can refer to the page of the RECORD stating the agreement.

Mr. WOLCOTT. I accept the statement of the Senator from Tennessee in regard to it.

Mr. DOLPH. My point of order is that everything that has

occurred since the Senator from Pennsylvania suggested the want of a quorum has been contrary to the rules; that the Senate can not transact any business, and no discussion is in order after that suggestion was made. It may be that the Senator from Pennsylvania would like to withdraw it, but it is a suggestion, as was determined by the Senate a day or two ago, which can not be withdrawn. The rules are imperative that when there is a suggestion made of the lack of a quorum there must be a call of the Senate. If it should affect this case only I should not suggest this point of order, but I should not like to have it become a precedent for the future.

The PRESIDING OFFICER. The Senator from Oregon makes the point of order that the suggestion of the want of a quorum can not be withdrawn?

Mr. DOLPH. That is the point of order.

Mr. MANDERSON. I think it can be withdrawn unless there be objection to its withdrawal. I do not understand the Senator from Oregon to object to the withdrawal of the suggestion.

Mr. DOLPH. I do not.

Mr. HARRIS. The Senator from Pennsylvania has asked leave to withdraw it.

Mr. MANDERSON. Here is the unanimous-consent agreement as it appears in to-day's RECORD. That there may be no misunderstanding, I read from the suggestion made by the Senator from Rhode Island [Mr. ALDRICH]. I read only that part which refers to it.

That the tariff bill shall be taken up for consideration at 1 o'clock and remain before the Senate until 5 o'clock each day; that there shall be no dilatory motions and no votes of any kind, and that the discussion shall proceed within those hours.

That seems to have been the gist of the unanimous-consent agreement.

Mr. HOAR. If there is no one to speak at a particular time, we could adjourn of course.

Mr. DOLPH. Allow me to say that the Senator from Maine when in the chair only two or three days ago ruled that the suggestion of the lack of a quorum can not be withdrawn.

Mr. QUAY. I ask the unanimous consent of the Senate to withdraw the suggestion of the absence of a quorum. My understanding is we can by unanimous consent do anything here that is within the Constitution of the United States and the laws.

Mr. HOAR. It seems to me the trouble with the suggestion as a matter of order is that when it is made there is no evidence that there is any Senate to consent unanimously or otherwise to anything, except to do what the rule provides can be done when a quorum is not present. I do not myself object personally to the withdrawal of the suggestion, but I do not think the proceeding is correct.

The PRESIDING OFFICER. The judgment of the Chair is, on the point of order made, that the suggestion of the lack of a quorum can not be withdrawn. The Chair thinks it is its duty to order a call of the roll. The Secretary will, therefore, call the roll.

Mr. QUAY. Then I have only to say that I regret exceedingly to have interposed the suggestion, and I apologize to the Senator from Tennessee for violating the agreement, which I did not understand at the time was meant to cover a call of the roll.

Mr. HARRIS. I do not think the Senator from Pennsylvania is suspected of having intentionally violated the agreement.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dolph,	Hunton,	Sherman,
Bate,	Dubois,	Kyle,	Squire,
Berry,	Frye,	Lindsay,	Turpie,
Blackburn,	Gallinger,	Manderson,	Vest,
Brice,	Gibson,	Martin,	Vilas,
Butler,	Gordon,	Palmer,	Voorhees,
Caffery,	Gray,	Pasco,	Walsh,
Call,	Hale,	Peffer,	Washburn,
Chandler,	Harris,	Pettigrew,	Wolcott.
Coke,	Hawley,	Power,	
Daniel,	Hill,	Proctor,	
Davis,	Hoar,	Quay,	

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum is present. The Senator from Kansas will proceed.

Mr. PEFFER resumed his speech; and after having spoken altogether nearly two hours,

Mr. QUAY (at 5 o'clock p. m.) said: I desire to call the attention of the Senator from Tennessee to the fact that the term of the tariff discussion for the day has expired.

[Mr. PEFFER'S speech will be published entire after it shall have been concluded. See Appendix.]

Mr. HARRIS. I think the Senator from Missouri [Mr. COCKRELL] desires to occupy the attention of the Senate.

Mr. COCKRELL. I ask that the Senate proceed with the consideration of the urgent deficiency appropriation bill.

Mr. VILAS. Will the Senator from Missouri yield to me leave to make a request?

Mr. COCKRELL. Certainly.

COMMITTEE SERVICE.

Mr. VILAS. I ask to be excused from further service as chairman of the Committee on the Quadro-Centennial.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin? The Chair hears none.

Mr. COCKRELL. The Senator from Wisconin still remains a member of the committee, of course, but resigns the chairmanship only?

The VICE-PRESIDENT. The Chair so understands.

Mr. GORMAN. I send a resolution to the desk, for which I ask present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That Senator WALSH be assigned to the following committees:
Quadro-Centennial (Select), chairman.
Post-Offices and Post-Roads.
Relations with Canada (Select).
National Banks (Select).
Private Land Claims.

The resolution was considered by unanimous consent, and agreed to.

Mr. GORMAN. I move that the Senator from Wisconsin [Mr. VILAS] be made the chairman of the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

TARIFF COMPILATION.

Mr. GORMAN. I ask leave at this time to report from the Committee on Printing a concurrent resolution, which I send to the desk, for which I ask present consideration.

The VICE-PRESIDENT. The concurrent resolution will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the compilation prepared under the direction of the Committee on Finance, embracing a reprint of House bill No. 4864 with Senate amendments thereto, suggested by the Committee on Finance, together with the existing tariff law and the Mills bill of 1888, with comparative statement as to rates of duty, etc., for the use of the Senate.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. GORMAN. I desire to state to the Senate that the resolution is reported from the Committee on Printing for the reason that there seems to be in quite a number of the standing committees a misapprehension in regard to orders which have been heretofore passed by the Senate authorizing committees to have such printing done as they may desire. The law and the rules of the Senate provide that not more than $500 worth of printing of additional copies of documents shall be made on any such order. Our attention in the Committee on Printing has been called by the Public Printer to the fact that in some cases committees have exceeded the amount. His attention has been called to the act of Congress, and he has been instructed not to exceed the amount of $500 in any case. Hence the necessity for the passage of this resolution.

Mr. MANDERSON. I think perhaps it should be stated, in addition to the statement made by the chairman of the Committee on Printing, that as to certain committees of the Senate there was special authorization by the body that they might print such matter as they desired; but certainly that consent or authorization of the Senate would not permit an expenditure for any one purpose to exceed the amount of $500. I do not think that this consent was needed. Certainly under the practice or custom of the Senate any committee has the right, within that limit, to print matter that it is supposed to need for purposes of the intelligent investigation of any subject, and it is a privilege that I do not understand has ever been abused. I take it, however, that the Committee on Finance, in the publication of the important matter which they have given to us, have probably exceeded that limit, and I think there ought to be some corrective, at least a reminder, that no committee has a right to exceed an expenditure of $500 for printing even under the authorization of the Senate.

Mr. GORMAN. My colleague on the committee will remember that sections 3789, 3794, and 3795 of the Revised Statutes provide that neither House of Congress shall order more than $500 worth of printing of additional copies without the concurrent action of the two Houses, and that all orders from committees must of necessity pass through the office of the Secretary of the Senate, the estimate to be filed there.

I desired to call the attention of the Senate to the subject at this time, because there has been some difficulty, not alone with the Finance Committee, but with other committees, as appears from statement of the accounts of the Public Printer.

I ask that the resolution may be passed.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

HOWARD'S PAPER ON THE LABOR PROBLEM.

Mr. GORMAN, from the Committee on Printing, to whom was referred the resolution submitted by Mr. KYLE on the 2d instant, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Education and Labor 1,000 copies of Senate Miscellaneous Document No. 95, entitled A Solution of the Labor Problem.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I now ask unanimous consent that the Senate proceed to the consideration of the urgent deficiency appropriation bill.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

Mr. MANDERSON. I ask what disposition was made concerning the paragraph last read. Of course I understand the bill is not subject to amendment at this reading. I understood from the Senator from Missouri that there would be some matters to which he desired to call the attention of the Senate in connection with the bill.

Mr. COCKRELL. I suggest to the Senator from Nebraska that we finish the reading of the bill and act on the committee amendments, and then we can take up the question to which he refers.

Mr. MANDERSON. Very well.

The VICE-PRESIDENT. The reading of the bill will proceed.

The Secretary resumed the reading of the bill, beginning on page 6, at line 23, under the head of "Department of Justice."

The reading of the bill was concluded.

The VICE-PRESIDENT. The first amendment reported by the Committee on Appropriations will be stated.

The Secretary read the first amendment reported by the Committee on Appropriations, which was, on page 7, after line 21, to insert:

District attorneys: For fees of United States district attorneys, $101,000.

Mr. MANDERSON. This, I think, is the fifth—if not the fifth, the fourth—urgent deficiency appropriation bill which has come to the Senate originating under the law in the House of Representatives since the Fifty-third Congress commenced its session. I have sent for the different bills which have heretofore passed and was engaged in a computation of the amounts appropriated by them. They run certainly into several millions of dollars, and I think it would be of value to the Senate and of great interest to the country if the Senator from Missouri, in charge of the bill, would give us a statement of the amounts involved in and the necessity for these constantly recurring deficiency bills, which in number and in amount, I think, are unprecedented.

Mr. COCKRELL. The Senator from Nebraska knows just as well as I do the necessity for them.

Mr. MANDERSON. No; I do not believe I do.

Mr. COCKRELL. They are necessary simply because the House of Representatives does not in the regular appropriation bills make sufficient appropriations to carry on the operations of the Government during the fiscal year. That is all, and the deficiency has to be supplied. I do not know whether this will be the last of the urgent deficiencies. I can not tell that. I am not responsible for it.

I have not had any calculations made as to the amounts involved in these urgent deficiency bills, because they come on us as this bill comes, in an emergency, and we are compelled to pass them.

I will say, however, to the Senator from Nebraska, that long before this session closes and long before the election, when he wants to use the information, he will have all the data; and I shall furnish them to him, showing exactly how much has been appropriated in these deficiency bills.

We all know perfectly well to whom the deficiencies are charged. They are charged to the Congress which makes the appropriations for that fiscal year. Of course there is no disposition on this side of the Chamber to evade responsibility for anything of the kind. We shall have a full statement when the time comes; but I did not think it was a proper thing to waste time and labor in preparing a statement of deficiencies now. We have not yet received the general deficiency bill, which is the main one. The bills which have been passed are only urgent deficiency bills. The Senate Committee on Appropriations has added to the items already in the pending bill a number of other items necessary for running the United States courts and providing for certain expenses connected with the Senate.

Mr. MANDERSON. I hope the Senator from Missouri, whose honesty of purpose and whose entire candor no man ever questions, will not suppose for an instant that my inquiry was meant as any reflection upon him.

Mr. COCKRELL. Certainly not.

Mr. MANDERSON. Or even upon the party of which he is such an honored and efficient member.

The Senator says that at some time in the dim and distant future there will be prepared for us a statement showing what these deficiencies are. It seems to me that one might retort to that statement that "Now is the accepted time," now is the day of deficiency bill No. 5, and we are told that these are simply preliminary skirmishes to the great deficiencies which shall come with what is known as the general deficiency bill.

I think, Mr. President, that it is unprecedented that at any Congress there has come this repetition, an interminable repetition of deficiency bills. I ask the Senator whether he remembers, in his long experience in this body, that during a session of Congress, before the general deficiency bill came to us, there were four or five urgent deficiency bills, and especially have there been urgent deficiency bills, in small or great number, which have involved the large amounts which are incorporated in these different bills?

I have here one which passed the Senate on the 21st day of December, 1893, and that was the third deficiency bill of this Congress. In running my pencil over the amounts involved I find, though I am only half through the bill, I have already reached about $950,000 in this one bill.

It is important, it seems to me, for the proper consideration of this bill to vindicate the Congress of the United States before the country for these enormous appropriations, that we should know the reason for this shortage, not in general terms, for we all know that. We know that these deficiency bills, small or large, whether they are few or whether they are numerous, are necessary because the Congress of the United States did not in passing the appropriation bills last year provide, as Congress should have provided, for the absolute necessities of the Government. That is a general answer that does not need to be made. We all know that. What we wish to know is the reason for the shortage of appropriations made for the fiscal year 1894, ending June 30, which requires that we should pass these numerous bills coming to us at the extra session and coming to us at this session, which is the first regular session of this Congress.

I hope the Senator will not at all reflect upon me as desiring to make political capital from my inquiry. I desire the information not only for my own benefit and for the benefit of other Senators who may be interested in this behalf, but it is due to the country that it should know why it is these great deficiency bills, running into millions of money, should come here in constant parade and procession, and why we can not wait until the final general deficiency bill comes, which we are promised hereafter.

Mr. COCKRELL. Mr. President, we have already passed four deficiency bills. The first was the urgent deficiency bill for the recoinage of silver coin, carrying an appropriation of $306,000. Then there was passed an urgent deficiency bill for assistant custodians of public buildings, etc., amounting to $370,588.33; a further urgent deficiency bill for customs, census, etc., for $1,889,455.86; and a further urgent deficiency bill for the United States courts, amounting to $768,268, making an aggregate of $3,334,322.19 which has already been appropriated. The pending bill, as it passed the House of Representatives, carries $1,242,255.66. The Senate Committee on Appropriations has added to it some $500,000.

Mr. President, as I understand and as the Senate, I hope, will understand, these deficiencies in the appropriations of the last Congress are largely because the estimates of the expenditures of the Government were not covered by the appropriations actually made. In other words, the amount estimated and the amount that was deemed necessary to carry on the Government by the Executive Administration then in existence was not appropriate.

As a matter of course I can not speak for others. I can not tell why certain bills are prepared in a certain way. I do not know. If I were preparing an appropriation bill I would appropriate the exact amount I thought necessary for that branch of service for the entire fiscal year, and then if I could I would make it a criminal offense for the Executive Administration to expend more than that sum. But we do not originate the appropriation bills and we can not control the amount. We frequently increase the amount, and sometimes we are charged with being extravagant and prodigal; the Senate is called the House of Lords; and it is charged that we are not careful and mindful

of the people's interests and their pocketbooks. I know, and all the Senate knows, that has been done repeatedly somewhere or other in the world and the responsibility has been attempted to be thrown upon us for any increase of the kind.

Not a Cabinet officer, but an administrative officer, in speaking before a subcommittee the other day, in explaining why only a certain amount was appropriated, said that he had been requested to give the amount that would be necessary up to the 4th of March or the 1st of March; that that was all the bill was intended to cover. I was not present, and I do not know by what authority he made that statement; but, nevertheless, he made the statement to us that in the preparation of the bill it was only intended to cover the time up to the 4th of March.

Mr. MANDERSON. Was not that a practical violation of the law which requires that the estimate made shall be one that will carry to the end of the fiscal year?

Mr. COCKRELL. The estimate made in the Book of Estimates is always for the entire year, but this is what was necessary for a certain time; the time was fixed at the 1st of March, and it was the amount necessary up to that time.

Mr. MANDERSON. Then it was purely a violation of the law.

Mr. COCKRELL. He was under the impression that it was intended in the bill only to cover up to that time. The Senator knows perfectly well, if that be the case, that at the next session of Congress we shall be called upon to appropriate an urgent deficiency for the remainder of the year. As a matter of course we can not avoid these things. This is an urgent deficiency bill; we have simply added to it those items; we have given the amount absolutely necessary to carry on the courts, and we have added a few other items.

Mr. CHANDLER. I certainly do not wish to decry my own profession of the law, but it does seem to me that the item which the committee have inserted in the bill for the payment of fees of district attorneys ought to be explained more satisfactorily than the chairman of the committee has yet explained it. Now, look at the propositions which are not contained in the bill as it passed the other House, but which the Senator from Missouri brings in here as Senate amendments.

District attorneys: For fees of United States district attorneys, $101,000.

Is that a deficiency which could have been foreseen, or is it a deficiency which could not have been foreseen? That is a very large sum to add to the fees of forty-four district attorneys of the country. How it happens that the regular appropriation bill for the expenses of the judicial department of the Government was $101,000 below the amount necessary to pay the fees of district attorneys for the year, it seems to me, requires explanation.

For special compensation to United States district attorneys, $10,000.

That is a very large sum.

For regular assistants to United States district attorneys, $21,000.
For special assistants to United States district attorneys, $30,000.

In these days of poverty and distress I think that these items in this appropriation bill for extra compensation to the United States district attorneys and the regular assistants to the United States district attorneys and the special assistants to the United States district attorneys ought to be explained.

I ask the Senator from Missouri to tell us, when he next addresses the Senate, whether any report is made that explains why these enormous deficiencies have occurred in the appropriation for the payment of the district attorneys of the country and their regular assistants and special assistants. I can understand that there might be a deficiency for fees of clerks.

For fees of clerks, United States courts, $116,000.
For fees of commissioners, United States courts, $187,200.

Those are very large appropriations. I can see that it is not possible, when making an estimate, to tell exactly how much would be required for fees of clerks or fees of commissioners; but I can not understand why there should have been such a miscalculation as to the fees of the district attorneys and their special and regular assistants.

There is another appropriation here that is equally unintelligible to me:

Rent of court rooms: For rent of court rooms, United States courts, $42,000.

Is that for court rooms to be hereafter rented, or is it for court rooms which have been already rented; and if they have been already rented, by what authority have court rooms been rented to the extent of $42,000 more than the appropriation for the year authorized?

I say, as does the Senator from Nebraska [Mr. MANDERSON], that in asking these questions we make no imputation upon the chairman of the Senate committee himself. We are inclined, of course, to vote for the passage of an appropriation bill that he reports, even if there are almost no other members of the Committee on Appropriations upon the floor to make explanation of them. But when the other House refuses, in the first instance, to make the necessary appropriations of this kind, when the fourth or fifth deficiency bill passes the House, and when the Senate Committee on Appropriations come in here and ask that these large sums of money shall be added by the Senate to the bill, to be charged up to the Senate, in the popular judgment, it does seem as if there ought to be a written statement or an oral statement putting the blame for this deficiency where it belongs, either upon the executive branch of the Government or upon the House of Representatives, taking the blame off from the Senate and taking the blame off from the chairman and the other members of the Senate Committee on Appropriations.

I respectfully ask the Senator from Missouri whether he can give us any intelligent and satisfactory reason why we should appropriate these sums, $101,000, $10,000, $21,000, and $30,000, for the district attorneys of the United States, paying them moneys which we have not yet appropriated for services and expenses during the present year?

Mr. COCKRELL. If the Senator will take up his copy of the bill he will find, lines 15 and 16, on page 7, as follows:

Fees of marshals: For fees and expenses of marshals, United States courts, $350,000.

That is a deficiency, but not as startling as any of the deficiencies which the Senate committee has added to the bill. The Senator from New Hampshire asks me why we propose to appropriate for fees of United States district attorneys $101,000, which is not one-third as much as that appropriation. Then we appropriate for special compensation to United States district attorneys, $10,000; for regular assistants to United States district attorneys, $21,000; for special assistants to United States district attorneys, $30,000; for fees of clerks, United States courts, $116,000; for fees of commissioners, United States courts, $187,200, and for rent of court rooms, United States courts, $42,000. The Senator will see that the other House made provision for fees and expenses of marshals, United States courts, $350,000. Why was that large expenditure? It was because in the last Congress the amount estimated for the fiscal year 1894 was not appropriated and this amount is within the estimates of the appropriations for that object. Then we come to fees of jurors.

Mr. MITCHELL of Oregon. Before the chairman of the committee leaves that point, may I ask him a question?

Mr. COCKRELL. Certainly.

Mr. MITCHELL of Oregon. This is an urgent deficiency bill, I understand.

Mr. COCKRELL. Yes.

Mr. MITCHELL of Oregon. There are appropriations in the bill under the head of "district attorneys" on pages 7 and 8, for fees of United States district attorneys, $101,000; for special compensation to United States district attorneys, $10,000; for regular assistants to United States district attorneys, $21,000; for special assistants to United States district attorneys, $30,000. Are those appropriations to pay something in the future or to pay for services already rendered?

Mr. COCKRELL. They are to pay for services for the present fiscal year, up to the close of it.

Mr. MITCHELL of Oregon. Services already rendered?

Mr. COCKRELL. Services already rendered and to be rendered during the remainder of the year.

Mr. MITCHELL of Oregon. To be rendered up until the 30th day of June next?

Mr. COCKRELL. Up to the 30th day of June next. In further explanation I will say that the other House has appropriated $50,000 for fees of jurors. That is within the amount estimated for in the estimates for the fiscal year 1894, but the appropriation was not made by the House. Now, we come to fees of witnesses. There are $200,000 appropriated by the House in the bill for that purpose. That is within the amount that was estimated for in the estimates of appropriations for the fiscal year 1894, but it was not appropriated by the House in the last Congress.

Mr. MANDERSON. I wish to ask a question, if the Senator will permit me. I see that there are appropriated here for fees of marshals, jurors, and witnesses $600,000. That is the total of the three items. Are we to understand that in the appropriation bill for the running of courts for the present fiscal year there was no money appropriated?

Mr. COCKRELL. Oh, there was money appropriated.

Mr. MANDERSON. Can the Senator give us the amount of that appropriation? How much was the appropriation for the present fiscal year? It is $600,000 short. How much was the amount appropriated for those three items?

Mr. COCKRELL. The amount appropriated for 1894 was $600,000.

Mr. MANDERSON. So this will make $1,200,000 for the three items—marshals, jurors, and witnesses?

Mr. COCKRELL. They were different estimates. There was appropriated for the marshals $575,000; for the fees of jurors, $600,000, and for the fees of witnesses, $750,000. Those are the amounts appropriated, and these are in addition to those sums. It is the same way precisely with the items for the United States attorneys and district attorneys. These amounts were all estimated for. Every one of these items was covered by the estimates for the fiscal year 1894. The last Congress did not make the appropriation up to the amount of the estimates; and the estimates, it seems, were nearly correct, and the deficiency has to be appropriated for.

Mr. HARRIS. I ask the Senator from Missouri to state that these deficiency appropriations barely come up to the estimates for the year 1894.

Mr. COCKRELL. There is not a solitary item here that goes over the estimates that were made for the fiscal year 1894.

Mr. MANDERSON. I simply want to impress the fact, then, that by the appropriation bill which passed Congress in 1893 making the appropriations for expenses of United States courts, confined to three items of marshals, jurors, and witnesses, there was appropriated $2,025,000, and that now there is found to be a shortage of $600,000, which will make the full appropriation for courts $2,625,000 for these three items. So, in fact, the appropriation made in 1893 was an appropriation for three-fourths of a year instead of the full year, and it is by that practice that somewhere else the country is led to believe that appropriations had been reduced over appropriations made by former Congresses. What I desire is simply to emphasize the fact, so that nobody may be deceived by it, that this pretended reduction in appropriation bills is one that has the unpleasant sequence to it that we come in thereafter with urgent deficiency bills that increase the amount beyond that of former years.

Mr. STEWART. This is a very large amount. The total deficiency under the head of "Expenses, United States courts," as I figure it, is $1,380,000. The Appropriation Committee ought to have come nearer the ordinary court expenses of the Government in making the appropriations than $1,380,000. That shows, it seems to me, a very strange mode of conducting business.

Mr. CHANDLER. Does the Senator from Nevada know why the Senate Appropriation Committee of the last Congress did not insist upon the full appropriation and make the bill truly an appropriation for a year instead of, as it should have been entitled, an appropriation for three-quarters of a year?

Mr. STEWART. I have no information on the subject. I merely say this amount is so very large——

Mr. CHANDLER. Was not the Senator a member of the committee?

Mr. STEWART. I was a member of the committee.

Mr. CHANDLER. A distinguished lawyer, alive to the necessities of the United States courts, did he allow this omission to go unrebuked?

Mr. STEWART. I supposed we were making appropriations to cover the running expenses. I do not think that the Senate committee added much if anything to the House appropriation, but I supposed the sum required would be figured closer than that. My recollection is not very distinct as to the bill last year. I think the Senate passed the appropriation about as it came from the House, but I was not aware that so large a mistake had been made.

Mr. CHANDLER. What has been the intention or the practice of the Senate Committee on Appropriations when a bill has come from the House making appropriations for three-quarters or two-thirds of a year—a deliberate cutting down of the estimates which the Executive Departments have made, giving the amounts which they have insisted upon would be necessary properly to carry on the Government for the whole year? Have the Senate committee intended to acquiesce in this deceptive system of appropriations, or have they intended to insist upon it that the appropriations shall be brought up in the Senate until they reach the amounts necessary for the full year?

Mr. COCKRELL rose.

Mr. CHANDLER. I ask not the Senator from Missouri, but the Senator from Nevada.

Mr. STEWART. I think it was the intention of the committee while I was a member of it to bring up the appropriations as near the actual expenses as possible. That was the effort on the part of the Senate committee so far as I know.

Mr. CHANDLER. Why was it not done in this case?

Mr. STEWART. I am sure I did not anticipate that anything would pass through where it would leave as large a deficiency as this. It rather surprised me, and that is why I made the remark I did.

Mr. COCKRELL. If the Senator will just refresh his memory, he will remember how the distinguished chairman of the Committee on Appropriations in the last Congress, the senior Senator from Iowa [Mr. ALLISON], explained time and again that the appropriation bills did not cover the amount of the estimates, and in his judgment appropriations would have to be made to cover the estimates. We do the best we can on the Appropriation Committee—we have done it in preceding Congresses and will do it hereafter—to make an appropriation sufficient to cover the service; but somebody will not accede to that; we can not force it; and when the bill is passed and the full appropriation is not made, it comes in in a deficiency bill. That is all there is about it.

Mr. CHANDLER. I suppose the Senator from Missouri considers the practice that has prevailed as a vicious one, and now we have no remedy. We must acquiesce in the lamentable fact that a system has prevailed of appropriations made in the House of Representatives entirely inadequate to the necessities of the Government for the fiscal year. Attempts have been made by the Senate to increase the amounts, which have been only partially successful; and now we are confronted with the necessity of voting for these enormous sums in repeated deficiency bills. Now that a change has been made in the political character of all the branches of the Government, that the millenium has arrived and the era of reform has come, I sincerely hope that the Senator from Missouri, with his accustomed ability and energy, will see to it that for the next fiscal year the appropriation bills shall carry a sufficient amount to conduct the Government not for nine months, but for twelve months.

Mr. President, when the fortifications bill comes before the Senate I shall have occasion to renew this discussion, because I think we shall find in the fortifications appropriation bill as it has come from the other House that the same vice of which we have been speaking is continued, and that there has been a deliberate appropriation of from two-thirds to three-quarters of the money that it has been estimated by the Executive Departments will be absolutely necessary to carry on the Government for the next fiscal year.

I certainly hope that the Senator from Missouri, the whole of the Senate Committee on Appropriations, and the Senate itself will insist upon it that this kind of fraud upon the people of the country shall come forever to an end. I do not undertake now to apportion the blame for this system between the two political parties.

If I should undertake to blame the one party more than the other, if I should undertake to blame the Democratic party more than the Republican party, I know I should draw upon the Senate a long address from the Senator from Maryland [Mr. GORMAN], a member of the Committee on Appropriations, in vindication of the policy of his party, which I regret to say there is not time for the Senate to listen to to-night. I shall not undertake to blame either political party, but I say it is time that there should be courage enough in the House of Representatives and in the Senate of the United States to deal honestly with the American people when political campaigns are approaching by telling the people exactly how much money will be needed to carry on the Government during the current fiscal year, and not go into those political campaigns with lying appropriations, and with the full knowledge on all hands that the appropriation bills are not appropriation bills for the whole fiscal year, but are appropriations only for three-quarters of the year, and must be followed up during the session of Congress which succeeds the election by large deficiency appropriations, which come in here one after another to the utter discredit of the whole system upon which appropriation bills are constructed and reported and passed in Congress.

Mr. ALLEN. I should like to ask the Senator from New Hampshire a question. Have any lying appropriation bills been passed heretofore to the Senator's knowledge?

Mr. CHANDLER. I do not understand the Senator's question.

Mr. ALLEN. I understood the Senator from New Hampshire to say that it was the custom to pass lying appropriation bills for the purpose of deceiving the people of the country. I should like to know to what extent that custom has prevailed heretofore?

Mr. CHANDLER. I think it has always been done when there has been a Democratic House of Representatives. There has been a Democratic House of Representatives in this country now for twenty years, with two exceptions.

Mr. ALLEN. Has it ever been done under a Republican Administration?

Mr. CHANDLER. There have been but two Congresses in which the House of Representatives, as the Senator knows very well, has been Republican since 1874.

Mr. ALLEN. Have any bills of that character been passed during that time?

Mr. CHANDLER. I think certainly there were such bills passed during those two Congresses, and that is why we are having a Populist party growing up in this country. Neither

party is wholly to blame for this system of appropriations. We might say, if the Republicans have had the House of Representatives four years in twenty, the proportion is four-twentieths to sixteen-twentieths and because this system has prevailed as to the two old parties is possibly one reason for the rapid growth of the party to which the Senator from Nebraska belongs, who, I am happy to see, divides his time pretty impartially between the other side of the Chamber and this side of the Chamber, and we are always glad to see him on this side of the Chamber.

Mr. STEWART. Will the Senator from New Hampshire allow me?

Mr. CHANDLER. I had entirely forgotten my friend, the Populist Senator from Nevada, who so recently announced the transfer of his political allegiance; and I am glad to welcome him into this field of reform.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. STEWART. Is the fact that the two old parties have become so corrupt that they even pass lying appropriation bills an argument why there should not be a third party?

Mr. CHANDLER. Certainly the mistakes which the old parties have made form a legitimate argument for the construction of a new party and for the appearance in the Senate of the Senator from Nebraska as a great reform leader. I welcome, as I said, the Senator from Nebraska to that field, and we expect great things from him when he gets fairly settled into the Senatorial harness.

Mr. ALLEN. I should like to have an answer from the Senator to another question, with his permission. Does he not believe that the passage of lying appropriation bills by both the Republican and the Democratic parties, as well as other high crimes and misdemeanors committed by them, fully justify the existence of a new political party in this country?

Mr. CHANDLER. I make merely this admission: I think it fully justifies the Senator's election to the Senate and the conversion of the Senator from Nevada from the Republican party to the Populist party. That is as far as I am willing to admit the two old parties deserve affliction on account of their past delinquencies. To that extent I am willing to go.

Mr. MITCHELL of Oregon. Does the Senator think that is an agreeable affliction?

Mr. CHANDLER. So far as we are concerned here it is an entirely agreeable incursion into the Senate. I certainly welcomed the Senator from Nebraska when he came here. I did not part without great regrets with the Senator from Nevada. I think it would have been better for him if he had retained his old political affiliation.

Now, Mr. President, I will make no further admissions tonight, because the day is passing; but until this appropriation bill comes up again I shall take into careful consideration the inquiry of the Senator from Nebraska, and if I think that the two old parties have deserved any worse infliction than they have already received through the Populist party, I will frankly say so to him in some future discussion. I have to say to the Senator that I always desire to be frank and keep nothing back, and if I come to a conclusion that would gratify him on this subject, I will make the admission candidly and frankly on some future occasion.

Mr. STEWART. The Senator will know better the deserts of his party after awhile. It will be on trial now for awhile. It may be that they will get something that will not be as agreeable as what has occurred if they keep on in their iniquitous ways.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations, inserting lines 22 and 23, on page 7.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 7, after line 23, to insert:

For special compensation to United States district attorneys, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

For regular assistants to United States district attorneys, $21,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

For special assistants to United States district attorneys, $30,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 4, to insert:

Fees of clerks: For fees of clerks, United States courts, $116,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 6, to insert:

Fees of commissioners: for fees of commissioners, United States courts, $187,200.

The amendment was agreed to.

The next amendment was, on page 8, after line 9, to insert:

Rent of court rooms: For rent of court rooms, United States courts, $42,000.

The amendment was agreed to.

Mr. CHANDLER. I wish to ask the Senator from Missouri whether he understands that these appropriations will be entirely sufficient to carry the Department of Justice through the present year?

Mr. COCKRELL. They are sufficient. They cover the estimates, and are within them, for the remainder of the fiscal year.

Mr. CHANDLER. They are the complete amount of the original estimates?

Mr. COCKRELL. They are within the estimates.

The next amendment of the Committee on Appropriations was, on page 9, after line 2, to insert:

SENATE.

For compensation of officers, messengers, and others in the service of the Senate, $13,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, under the heading "Senate," to insert:

For materials for folding, $3,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 6, to insert:

To enable the Secretary of the Senate to pay to Sarah B. Colquitt, widow of the Honorable Alfred H. Colquitt, deceased, late a Senator from the State of Georgia, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to insert:

CONGRESSIONAL DIRECTORY.

For expenses of compiling, preparing, and indexing Congressional Directory for the second session of the Fifty-third Congress, to be expended under the direction of the Joint Committee on Printing, $1,200.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives" on page 9, after line 17, to insert:

For compensation and mileage of Members of the House of Representatives, and Delegates from Territories, $14,234.

Mr. HOAR. I should like to inquire of the chairman of the committee why we are to put in the Senate an appropriation for compensation of members of the House if the House does not ask for it?

Mr. COCKRELL. I will state very frankly that it was done because the Committee on Appropriations of the House requested us to put it in. It was omitted by an oversight in the bill there and they requested it specially. It has always been a custom of the Senate committee that whenever the committee of the House come and make a request of this kind we have complied with it. It has been done repeatedly.

Mr. HOAR. I should like to inquire whether it has been the custom of the House committee to do it when the committee of the Senate makes a request of that kind in the same way?

Mr. COCKRELL. We do not originate the appropriation bills.

Mr. HOAR. I know; but that does not make any difference.

Mr. COCKRELL. But if anything is brought up in committee of conference that was overlooked, and we request that it be inserted, I think the House has always complied in regard to a matter concerning the Senate.

Mr. HOAR. That has not been my observation.

Mr. COCKRELL. I think now the House show us the same courtesy we show them. They have been disposed to do so for some little while.

Mr. HOAR. That has not always been the case, as the Senator knows very well.

Mr. COCKRELL. I know; but I think we had that matter settled in the beginning of the session.

Mr. HOAR. While the Senator is on his feet I wish he would state, if he has it in his memory, the entire aggregate of the estimates for the next year.

Mr. COCKRELL. The Senator refers to the next fiscal year?

Mr. HOAR. I refer to the next fiscal year. It is not in reference to this one thing, but I should like to have that for my own information. It has been stated once or twice in the discussion of the tariff bill.

Mr. COCKRELL. As we have it here it is $395,232,109.93.

Mr. HOAR. Without pensions or including pensions?

Mr. CCCKRELL. That does not include the permanent appropriations.

Mr. HOAR. How much are they?

Mr. COCKRELL. The permanent and indefinite appropriations are estimated at $101,074,680.

Mr. HOAR. So that the estimates of the present Administration are about $500,000,000. Do those two items include the whole amount?

Mr. COCKRELL. It comes to something like $496,306,000.

Mr. HOAR. Then if we have any deficiency bills, I am afraid we shall get a billion-dollar Congress, if we do not look out.

Mr. COCKRELL. That may be. I can not tell yet.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 10, to insert as a new section at the end of the bill the following:

SEC. 2. That the act entitled "An act to amend section 3709 of the Revised Statutes relating to contracts for supplies in the Departments at Washington," approved January 27, 1894, be, and the same is hereby, so amended that the provisions thereof shall apply only to advertisements for proposals for fuel, ice, stationery, and other miscellaneous supplies to be purchased at Washington for the use of the Executive Departments and other Government establishments therein named; and all advertisements made and contracts awarded or to be awarded thereon since January 27, 1894, in accordance with the laws in force prior to said date, are hereby declared to be legal and valid.

Mr. MANDERSON. It seem to me that is a practical repeal.

Mr. COCKRELL. Not at all. The Senator will understand it. The law to which this is an amendment intended to confine its operations to the Executive Departments in Washington and to the materials that they bought here in Washington; but the accounting officers of the Treasury have construed it differently; they say it embraces all the bids throughout the whole country. This is simply to limit the law to what it was originally intended to be.

Mr. HOAR. What is it?

Mr. COCKRELL. The bids for supplies.

Mr. HOAR. I know; but what is the provision of the act referred to?

Mr. COCKRELL. The law to which this is an amendment was intended to require all the notices of bids for supplies to be furnished here in Washington to be published by all the Departments at the same time, and the bids to be opened on the same day, etc. The Treasury Department now construes that law to mean the advertisement for all the bids throughout the country, for Indian supplies, Army supplies, and everything of that kind, which was never intended; and they have gone on and advertised through the country for the supplies, and have received the bids. That is the reason why the last clause is put in, to confirm the bids. The section is in the form suggested by the Secretary of the Treasury. I think it was a misconstruction of the law. I do not think the law was ever intended to be construed the way it was.

Mr. HAWLEY. Has the attention of the Senator been called to the contract for stamped envelopes for the Post-Office Department?

Mr. COCKRELL. There are a large number of different bids of that kind.

Mr. HAWLEY. Bids have been made for stamped envelopes for four years, but the Department discover this technical question and the awarding of that contract has been suspended. Will the adoption of this amendment relieve them from the embarrassment.

Mr. COCKRELL. The last clause of the section reads:

And all advertisements made and contracts awarded or to be awarded thereon since January 27, 1894, in accordance with the laws in force prior to said date, are hereby declared to be legal and valid.

That confirms everything.

Mr. HAWLEY. If it confirms what has been done, if it confirms the advertisement for stamped envelopes, it will change very much that business, for that usually has been done under a four years contract, and they will now do it differently.

Mr. COCKRELL. I do not know as to the exact terms of the advertisements. It will make valid whatever they have done.

Mr. HAWLEY. They have not actually awarded the contract.

Mr. COCKRELL. Then it will depend upon whether they do award it or not.

Mr. HAWLEY. They are waiting for an affirmation of the construction the Senator speaks of.

Mr. GORMAN. When the recent act was passed, and it is a recent act, having been passed in January, 1894, the draft of the bill coming from the Treasury Department, the officers of the Department went on with nearly all the purchases outside of the city of Washington, as under the old law.

Mr. HAWLEY. They did advertise as under the old law, but now the bids being in they are met by this construction. I understand the Postmaster-General does not know precisely what he ought to do.

Mr. BRICE. This validates the advertisements?

Mr. GORMAN. That is all.

Mr. COCKRELL. And it will leave the Postmaster-General perfectly free to go on and complete the contracts just as he would have done if the law had never been misconstrued.

Mr. HAWLEY. He will have to advertise over again?

Mr. COCKRELL. No; everything that has been done is declared valid, just as if the law had never been misconstrued.

Mr. HAWLEY. So he will then make his awards just as he would have done under the old law?

Mr. COCKRELL. Precisely.

Mr. QUAY. I move that the Senate adjourn.

Mr. COCKRELL. I hope the Senator from Pennsylvania will not make that motion. It will only take us a few moments to pass this bill.

Mr. QUAY. I do not think the Senator from Missouri can make much further progress with the bill to-night. However, if he expects a final vote upon the bill I withdraw the motion.

Mr. COCKRELL. I hope the motion will not be made. I do not think, when we have spent just an hour now and spent an hour this morning and this is the last amendment, that it is fair treatment. I say that very frankly. I hope the motion will not be pressed.

Mr. MANDERSON. I desire to say that there is one amendment at least——

The VICE-PRESIDENT. Does the Senator from Pennsylvania withdraw the motion?

Mr. QUAY. I withdraw it for the purpose of enabling the Senator from Nebraska to make a statement.

Mr. MANDERSON. There is one amendment at least that I intend to propose to the bill, an amendment having reference to the census reports. I do not think that we can be charged with evincing any disposition to delay matters. Here is a bill that runs, I should think, at a rough estimate, into $3,000,000. It must involve about that sum. What is the amount involved in the bill, I ask the Senator from Missouri?

Mr. COCKRELL. One million seven hundred thousand dollars.

Mr. MANDERSON. I thought it was more than that, for it runs to over $1,000,000 for courts alone—$1,300.000, I think. I believe the bill should be rather carefully considered, and by a full Senate. Of course it is very easy, if we desire so to do, to insist upon a voting quorum to pass the bill.

Mr. COCKRELL. If the Senator from Nebraska desires to discuss the question further in regard to the census, as a matter of course I will yield. I supposed he had probably seen some of these letters.

Mr. MANDERSON. That is what I want to do. I want to prepare an amendment to the census portion of the bill, and I think by to-morrow morning, with a full Senate, we can conclude it very speedily.

Mr. COCKRELL. I have no objection, then, to the motion of the Senator from Pennsylvania. I shall call up the bill in the morning immediately after the routine business.

EXECUTIVE SESSION.

Mr. SQUIRE. I move that the Senate proceed to the consideration of executive business.

Mr. GORMAN and others. Oh, no.

Mr. SQUIRE. There is only one matter to be considered, and we can dispose of it in a few moments.

Mr. HARRIS. We might have a short executive session, it seems to me.

Mr. QUAY. If the Senator from Washington desires an executive session, I shall not renew my motion to adjourn.

Mr. SQUIRE. I make that motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Washington that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 12, 1894, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 11, 1894.

POSTMASTER.

J. B. Smither, to be postmaster at Nicholasville, in the county of Jessamine and State of Kentucky, in the place of Samuel M. Anderson, whose commission expired February 13, 1894.

MEMBERS OF BOARD OF REGISTRATION AND ELECTION.

Jerrold R. Letcher, of Salt Lake City, Utah, to be a member of the board of registration and election in the Territory of Utah, vice Robert S. Robertson, resigned.

Albert G. Norrell, of Salt Lake City, Utah, to be a member of the board of registration and election in the Territory of Utah, vice George L. Godfrey, resigned.

Hoyt Sherman, jr., of Salt Lake City, Utah, to be a member

of the board of registration and election in the Territory of Utah, vice Abner B. Williams, resigned.

Erasmus W. Tatlock, of Salt Lake City, Utah, to be a member of the board of registration and election in the Territory of Utah, vice Henry C. Lett, deceased.

George W. Thatcher, of Logan, Utah, to be a member of the board of registration and election in the Territory of Utah, vice John A. McClernand, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 7, 1894.

MELTER AND REFINER.

Hirsch Harris, of Nevada, to be melter and refiner at the mint of the United States at Carson, in the State of Nevada.

PENSION AGENT.

Henry B. Lovering, of Lynn, Mass., to be pension agent at Boston, Mass.

PROMOTION IN THE ARMY.

Artillery arm.

Second Lieut. Alfred M. Hunter, Fourth Artillery, to be first lieutenant.

POSTMASTERS.

F. E. Gillchrest, to be postmaster at Thomaston, in the county of Knox and State of Maine.

Melville M. Folsom, to be postmaster at Old Town, in the county of Penobscot and State of Maine.

John R. Johnson, to be postmaster at Sterling, in the county of Whiteside and State of Illinois.

John G. Smith, sr., to be postmaster at Boundbrook, in the county of Somerset and State of New Jersey.

William J. Wallace, to be postmaster at Norwood, in the county of Norfolk and State of Massachusetts.

Ai J. Rowe, to be postmaster at Norway, in the county of Oxford and State of Maine.

Clarence S. McClellan, to be postmaster at Mount Vernon, in the county of Westchester and State of New York.

Frederick G. Wiese, to be postmaster at Bordentown, in the county of Burlington and State of New Jersey.

John W. Thompson, to be postmaster at Cape May, in the county of Cape May and State of New Jersey.

Hosea E. Doughty, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey.

Calvin D. Van Cleave, to be postmaster at Irvington, in the county of Essex and State of New Jersey.

Charles I. Balch, to be postmaster at Manchester, in the county of Hartford and State of Connecticut.

Patrick Kelly, to be postmaster at Devils Lake, in the county of Ramsey and State of North Dakota.

Joseph J. Irwin, to be postmaster at Park River, in the county of Walsh and State of North Dakota.

Forrest A. Rice, to be postmaster at Flemington, in the county of Hunterdon and State of New Jersey.

Dennis McLaughlin, to be postmaster at Waseca, in the county of Waseca and State of Minnesota.

Otto A. Kohler, to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota.

Hiram W. George, to be postmaster at Pipestone, in the county of Pipestone and State of Minnesota.

Frank H. Daniell, to be postmaster at Franklin Falls, in the county of Merrimack and State of New Hampshire.

John H. Twombly, to be postmaster at Auburn, in the county Androscoggin and State of Maine.

Emerson S. Beeman, to be postmaster at Miles City, in the county of Custer and State of Montana.

Thomas L. Wadleigh, to be postmaster at Meredith, in the county of Belknap and State of New Hampshire.

Thomas E. Fletcher, to be postmaster at Tilton, in the county of Belknap and State of New Hampshire.

Edward Finerty, to be postmaster at Milford, in the county of Hillsboro and State of New Hampshire.

James H. McKeeman, to be postmaster at Rumford Falls, in the county of Oxford and State of Maine.

Alonzo B. Poole, to be postmaster at Rochelle, in the county of Ogle and State of Illinois.

Samuel R. McElroy, to be postmaster at Chicago Heights, in the county of Cook and State of Illinois.

L. P. Carr, to be postmaster at Fairmont, in the county of Marion and State of West Virginia.

James R. Neely, to be postmaster at Franklin, in the county of Williamson and State of Tennessee.

George R. Theobald, to be postmaster at Richmond, in the county of Sagudahoc and State of Maine.

Lida J. Cooper, to be postmaster at Uniontown, in the county of Union and State of Kentucky.

William Mearns, to be postmaster at Buckhannon, in the county of Upshur and State of West Virginia.

George H. Flagg, to be postmaster at Charlestown, in the county of Jefferson and State of West Virginia.

Executive nominations confirmed by the Senate April 11, 1894.

RECEIVER OF PUBLIC MONEYS.

James A. Munday, of Vancouver, Wash., to be receiver of public moneys at Vancouver, Wash.

POSTMASTERS.

John L. Thompson, to be postmaster at Georgetown, in the county of Sussex and State of Delaware.

Adeline Edwards, to be postmaster at Durant, in the county of Holmes and State of Mississippi.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 11, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

SERGEANT-AT-ARMS'S REPORT.

Mr. REED. Before the Chair passes on the question which was postponed for this morning, I desire to call his attention to what was not presented in the last discussion, namely, the dialogue on page 3545 of the RECORD, where the gentleman from Illinois [Mr. SPRINGER] says:

Mr. SPRINGER. I will withdraw the motion, then.
Mr. REED. Can it be withdrawn in the present situation?
Mr. SPRINGER. I think so. No action has been taken upon it.

The Speaker having announced that the ayes were 62, the noes none—

The SPEAKER. But the House has just voted upon it.
Mr. SPRINGER. But no quorum voted, and no action was taken.
The SPEAKER. The Chair thinks it can not be withdrawn without consent.

So that the matter has been practically decided by the Chair.

The SPEAKER. The Chair, from such examination of the question as he could make, in light of the suggestions made on the floor, thinks that where the yeas and nays are ordered directly upon a proposition pending (that is a resolution), that it is not then in the power of the movant to withdraw the resolution. If it were on ordering the previous question, or some matter that was not directly upon the resolution itself, that might or might not present a different question; but where the yeas and nays are ordered directly on the resolution, as in this case, and where a vote was taken or attempted to be taken, it seems to the Chair that unless it was held that this was such a decision as prevented the introducer of the resolution from withdrawing it, that it might create great confusion and establish bad practice. The Chair therefore holds in this case that it is not in the power of the gentleman, without unanimous consent, to withdraw this resolution.

The Chair thinks that is the best disposition to make of it, in view of the orderly transaction of the business of the House.

Mr. CATCHINGS. I would like to have it understood, if such be the opinion of the Chair, that there is no intention to rule that it necessarily comes before the House.

The SPEAKER. That question is not involved in this case, because the gentleman from Maine called it up.

Mr. CATCHINGS. I simply wanted it to go over on that point.

The SPEAKER. The gentleman from Maine made the point that it could not be withdrawn. The Chair thinks the gentleman's point is well taken.

Mr. CATCHINGS. I understand that. I just simply wanted this statement to go along with the decision.

Mr. REED. If it is necessary to call up the proposition, I wish to do it.

The SPEAKER. The gentleman from Maine calls up the resolution.

Mr. REED. I think so. I should rather have a decision of the Chair that it comes up itself, unless the Chair thinks otherwise, because it seems to me that the decision of Mr. Carlisle covers the ground; and I feel quite confident that that question was repeatedly before the House in the Fifty-first Congress.

The SPEAKER. Will the gentleman please refer to the decision of Mr. Carlisle?

Mr. REED. The gentleman from Maine [Mr. DINGLEY] read the Digest yesterday. It is in the RECORD.

Mr. DINGLEY. That decision referred not to the right to

withdraw a motion, but to the fact of it coming over from day to day.

The SPEAKER. That point is made now by the gentleman's colleague, that this matter comes up of itself.

Mr. DINGLEY. I think that the decision I read covers that point. It was Mr. Carlisle's decision, in the first session of the Forty-ninth Congress. I will turn to it in a moment.

The SPEAKER. The Chair will get the Journal of the first session of the Forty-ninth Congress.

Mr. DINGLEY. I know that the reference in the Manual is incorrect. I sent for the Journal and could not find it at that point. There is evidently a misprint in it.

Mr. REED. You will find it on page 4422 of the RECORD.

The SPEAKER. Does the Chair understand the gentleman to say that the reference to the Journal of the first session of the Forty-ninth Congress is incorrect?

Mr. DINGLEY. The reference to the Journal in the Manual is incorrect, but I remember the decision that was made by Mr. Carlisle. His decision was to the effect that a question of privilege like that went over from day to day, and whenever any special matter had been assigned to a particular day, for instance the District of Columbia, that it would not come up of itself on that day, but that it would come up the next day, when the ordinary business was to be considered.

Mr. CATCHINGS. Was that not where the previous question had been ordered?

Mr. DINGLEY. I do not know whether that was involved. Nothing was said about the previous question having been ordered.

Mr. REED. The House has divided on the question, and that of itself ought to control the matter. You can not have an incompleted division. Just think of it for a moment. You stop all interruptions in a roll call, simply because you can not have an incomplete division. The idea that it could be interrupted by an adjournment would lead to very strange results.

Here is a question partly decided and partly not decided when the House has undertaken to decide it. The situation here is really a great advance upon the previous question. The previous question only orders that all other matters be laid aside and this one be disposed of; but here is a matter that has got beyond the previous question and is half resolved already. It can not be debated, and there can not be anything done with it except to go on and dispose of it. Of course it must come up at once.

Mr. WALKER. Mr. Speaker, I should like to submit a suggestion on this point.

The SPEAKER. The Chair will hear the gentleman.

Mr. WALKER. It would seem that at a given point in a discussion, or in settling a question, the House can not proceed to a vote if anyone objects unless the House itself determines to vote by ordering the previous question. Now, when we enter upon a vote without the previous question being actually ordered, then, as the gentleman from Maine has said, we go on by unanimous consent that the previous question is understood to have been ordered. That is so in every case. Therefore, the moment that we enter upon a roll call and are proceeding with a call, we are in precisely the same position that we would be in had the previous question been directly ordered; that is, we have, by unanimous consent, entered upon doing the thing that we are doing exactly as if the previous question had been ordered upon it. I think that is the universal parliamentary law.

Mr. OUTHWAITE. I call the attention of the Chair to an extract from Jefferson's Manual, found on page 163 of the Digest, which I read:

When a question is interrupted by a vote of adjournment it is thereby removed from before the House, and does not stand *ipso facto* before them at their next meeting, but must come forward in the usual way. So when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (*e. g.*, the previous question, postponement, or commitment) remove it from before the House.

It would seem that that statement of parliamentary law is applicable in this case, and it is to the effect that this matter does not come up unless it be called up. This report, or this motion upon the report, having been interrupted by an adjournment, does not come up again until such business is again in order and until it is called up.

Mr. REED. That is not a case of a division of the House. A division is a totally different thing. The House was in the act of dividing on this question when it adjourned. The House is in the midst of a roll call—a division—and there can not be any other result than to go on at once and finish that division. The case is even more pressing than where the previous question has been ordered.

Mr. OUTHWAITE. The gentleman states the case very strongly when he says "in the midst of a roll call—a division." A roll call had been taken and the result announced.

Mr. REED. But we were dividing. Suppose that instead of adjourning we had been able to produce a quorum? Nothing would have been in order except to go right on with that matter.

Mr. OUTHWAITE. Then it would have been disposed of.

Mr. REED. But nothing else could have been taken up until it was disposed of. Now, adjournment can not make any difference.

Mr. OUTHWAITE. Well, that is an assertion and nothing more.

The SPEAKER. The decision of Mr. Speaker Carlisle, if correctly reported in the Digest, seems to cover the question:

Where the yeas and nays are ordered and taken on a pending proposition and no quorum appears, the order of the House for the yeas and nays remains in force until reconsidered; and should the House adjourn without disposing of such pending question, it would come up after the reading of the Journal on the following day.

That seems to be this exact situation. The Chair has not found the decision in the Journal, because the reference given seems to be incorrect, but if the decision is correctly stated in the Digest, it covers this case exactly.

Mr. DINGLEY. Probably the reference is to the page of the RECORD instead of to the Journal.

The SPEAKER. No. The decision is not found at that page of the RECORD. There has evidently been a mistake in citing the page of the Journal. Although this decision is contrary to the impression which the Chair had as to what had been the practice, the Chair accepts it as a correct statement of the practice which has been established, and will act upon it.

NORTH AMERICAN COMMERCIAL COMPANY.

The SPEAKER. Unless the regular order is demanded at once the Chair will clear the table.

There being no objection,

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting the papers in the claim of the North American Commercial Company for transportation and subsistence afforded the surviving officers and crew of the whaling bark Sea Ranger, wrecked at Kyah Islands, May 26, 1893; which was referred to the Committee on Appropriations, and ordered to be printed.

BRIDGE OVER MONONGAHELA RIVER.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township.

Mr. DALZELL. I move that the House concur in these amendments.

The amendments were read, as follows:

On page 2, in section 4, line 11, after the word "bridges," insert "in the vicinity."

On page 2, in section 4, line 15, after "built," insert "provided that the channel span of said bridge shall be in length not less than 400 feet in the clear."

On page 4, line 4, strike out "hereof," and insert "of the approval of this act."

There being no objection, the amendments of the Senate were concurred in.

COMPENDIUM OF COINAGE LAWS.

The SPEAKER also laid before the House the following resolution of the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the fourth edition of the document entitled "Coinage Laws of the United States, 1792 to 1894," prepared under the direction of the Committee on Finance, United States Senate, with the appendix and an index to the same; of which number 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

LEAVE OF ABSENCE.

Mr. HARRIS, by unanimous consent, obtained leave of absence for ten days, on account of sickness in his family.

SUMMONING OF ABSENT MEMBERS.

The SPEAKER. The regular order is the further consideration of the motion of the gentleman from Illinois [Mr. SPRINGER] respecting the report of the Sergeant-at-Arms. The motion of the gentleman was to discharge the order of arrest; and on that motion the yeas and nays were ordered. The question is upon agreeing to the motion.

Mr. DOCKERY. I ask unanimous consent that the order for the yeas and nays be vacated.

Mr. REED. I object.

The question was taken; and there were—yeas 142, nays 5, not voting 206; as follows:

YEAS—142.

Abbott,	Berry,	Bynum,	Clark, Mo.
Alexander,	Black, Ga.	Cabaniss,	Clarke, Ala.
Allen,	Bland,	Campbell,	Cobb, Ala.
Bailey,	Boen,	Cannon, Cal.	Cobb, Mo.
Baker, Kans.	Branch,	Capehart,	Cockrell,
Baldwin,	Brookshire,	Caruth,	Conn,
Barwig,	Bryan,	Catchings,	Coombs,
Bell, Colo.	Bunn,	Causey,	Cooper, Fla.

Cooper, Ind.	Holman,	McMillin,	Settle,
Cooper, Tex.	Hooker, Miss.	McNagny,	Shell,
Covert,	Hudson,	McRae,	Sibley,
Cox,	Hunter,	Meredith,	Springer,
Cummings,	Hutcheson,	Meyer,	Stallings,
Davis,	Izlar,	Montgomery,	Stockdale,
De Armond,	Jones,	Moon,	Stone, Ky.
Denson,	Kem,	Morgan,	Strait,
Dockery,	Kyle,	Moses,	Straus,
Dunn,	Lane,	O'Neil, Mass.	Swanson,
Dunphy,	Latimer,	Outhwaite,	Talbert, S. C.
Edmunds,	Lawson,	Page,	Talbott, Md.
Enloe,	Layton,	Paschal,	Tarsney,
Epes,	Lester,	Paynter,	Taylor, Ind.
Erdman,	Livingston,	Pearson,	Tucker,
Fielder,	Lynch,	Pence,	Turner, Ga.
Forman,	Maddox,	Pendleton, Tex.	Turner, Va.
Geary,	Maguire,	Pendleton, W. Va.	Warner,
Geissenhainer,	Mallory,	Pigott,	Washington,
Grady,	Martin, Ind.	Price,	Wheeler, Ala.
Gresham,	McCreary, Ky.	Richards, Ohio	Williams, Ill.
Hare,	McCulloch,	Richardson, Mich.	Williams, Miss.
Harris,	McDannold,	Richardson, Tenn.	Wise,
Harter,	McDearmon,	Robbins,	Wolverton,
Hatch,	McDowell,	Robertson, La.	Woodard,
Hayes,	McEttrick,	Rusk,	Wright, Mass.
Heard,	McKaig,	Russell, Ga.	
Henderson, N. C.	McLaurin,	Ryan,	

NAYS—5.

Culberson,	Neill,	Sayers,	Tate.
Dinsmore,			

NOT VOTING—206.

Adams, Ky.	Curtis, N. Y.	Hopkins, Ill.	Rayner,
Adams, Pa.	Dalzell,	Hopkins, Pa.	Reed,
Aitken,	Daniels,	Houk,	Reilly,
Alderson,	Davey,	Hulick,	Reyburn,
Aldrich,	De Forest,	Hull,	Ritchie,
Apsley,	Dingley,	Ikirt,	Robinson, Pa.
Arnold,	Dolliver,	Johnson, Ind.	Russell, Conn.
Avery,	Donovan,	Johnson, N. Dak.	Schermerhorn,
Babcock,	Doolittle,	Johnson, Ohio	Scranton,
Baker, N. H.	Draper,	Kiefer,	Shaw,
Bankhead,	Durborow,	Kilgore,	Sherman,
Barnes,	Ellis, Ky.	Kribbs,	Sickles,
Barthoidt,	Ellis, Oregon	Lacey,	Simpson,
Bartlett,	English, Cal.	Lapham,	Sipe,
Belden,	English, N. J.	Lefever,	Smith,
Bell, Tex.	Everett,	Linton,	Snodgrass,
Beltzhoover,	Fithian,	Lisle,	Somers,
Bingham,	Fletcher,	Lockwood,	Sperry,
Black, Ill.	Funk,	Loud,	Stephenson,
Blair,	Funston,	Loudenslager,	Stevens,
Boatner,	Fyan,	Lucas,	Stone, C. W.
Boutelle,	Gardner,	Magner,	Stone, W. A.
Bower, N. C.	Gear,	Mahon,	Storer,
Bowers, Cal.	Gillet, N. Y.	Marsh,	Strong,
Brattan,	Gillett, Mass.	Marshall,	Sweet,
Breckinridge, Ark.	Goldzier,	Marvin, N. Y.	Tawney,
Breckinridge, Ky.	Goodnight,	McAleer,	Taylor, Tenn.
Bretz,	Gorman,	McCall,	Terry,
Brickner,	Graham,	McCleary, Minn.	Thomas,
Broderick,	Griffin,	McGann,	Tracey,
Brosius,	Grosvenor,	McKeighan,	Turpin,
Brown,	Grout,	Meiklejohn,	Tyler,
Bundy,	Grow,	Mercer,	Updegraff,
Burnes,	Hager,	Milliken,	Van Voorhis, N.Y.
Burrows,	Hainer,	Money,	Van Voorhis, Ohio
Cadmus,	Haines,	Morse,	Wadsworth,
Caldwell,	Hall, Minn.	Murray,	Walker,
Caminetti,	Hall, Mo.	Mutchler,	Wanger,
Cannon, Ill.	Hammond,	Newlands,	Waugh,
Chickering,	Harmer,	Northway,	Weadock,
Childs,	Hartman,	Oates,	Wells,
Clancy,	Haugen,	O'Neill, Mo.	Wever,
Cockran,	Heiner,	Patterson,	Wheeler, Ill.
Coffeen,	Henderson, Ill.	Payne,	White,
Cogswell,	Henderson, Iowa	Perkins,	Whiting,
Compton,	Hendrix,	Phillips,	Wilson, Ohio
Cooper, Wis.	Hepburn,	Pickler,	Wilson, Wash.
Cornish,	Hermann,	Post,	Wilson, W. Va.
Cousins,	Hicks,	Powers,	Woomer,
Crain,	Hines,	Quigg,	Wright, Pa.
Crawford,	Hitt,	Randall,	
Curtis, Kans.	Hooker, N. Y.	Ray,	

No quorum voting.

Mr. HEARD. Mr. Speaker, I desire to ask leave of absence for my colleague, Mr. HALL, for ten days, who went home on important business.

There was no objection.

Mr. COCKRAN. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Did the gentleman from New York vote?

Mr. COCKRAN. I did not. I was in the Hall during the roll call, but could not say positively—for I was out in the corridor for a few moments—that I was here when my name was reached.

The SPEAKER. The Chair could not entertain the request unless the gentleman was present and failed to hear his name.

Mr. COCKRAN. I cannot say that I was present, although I was sitting here almost entirely through the roll call. I was here substantially during the entire call. But I ask unanimous consent to record my vote.

The SPEAKER. The rule does not permit the Chair to entertain a request for unanimous consent.

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. BRETZ with Mr. RUSSELL of Connecticut.

Mr. BELTZHOOVER with Mr. TAYLOR of Tennessee.

Mr. MAGNER with Mr. LUCAS.

Mr. SICKLES with Mr. WADSWORTH.

Mr. BLACK of Illinois with Mr. ALDRICH.

Mr. OATES with Mr. POWERS.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. ELLIS of Kentucky with Mr. COOPER of Wisconsin.

Mr. IKIRT with Mr. TAWNEY.

Mr. MONEY with Mr. DRAPER.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. SNODGRASS with Mr. HOUK.

Mr. WEADOCK with Mr. HOOKER of New York.

Mr. KRIBBS with Mr. BROSIUS.

Mr. BROWN with Mr. BELDEN.

Mr. MCKEIGHAN with Mr. RANDALL.

Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.

Mr. BOATNER with Mr. WILLIAM A. STONE.

Mr. CADMUS with Mr. MERCER.

Mr. BRICKNER with Mr. ADAMS of Kentucky.

Mr. DURBOROW with Mr. HOPKINS of Illinois.

Mr. ALDERSON with Mr. WHEELER of Illinois.

Mr. GOODNIGHT with Mr. CANNON of Illinois.

Mr. ENGLISH of New Jersey with Mr. VAN VOORHIS of Ohio.

Mr. BANKHEAD with Mr. SWEET.

Mr. SCHERMERHORN with Mr. JOHNSON of Indiana.

For this day:

Mr. REILLY with Mr. WRIGHT of Pennsylvania.

Mr. CRAIN with Mr. SCRANTON.

Mr. SOMERS with Mr. SHERMAN.

Mr. FYAN with Mr. LINTON.

Mr. FITHIAN with Mr. MORSE.

Mr. DAVEY with Mr. STRONG.

On this vote:

Mr. TERRY with Mr. BINGHAM.

Mr. COBB of Alabama. I am paired with the gentleman from Massachusetts, but voted to make a quorum under an agreement with him to that effect.

Mr. SWANSON. I desire to ask leave of absence for my colleague, Mr. MARSHALL, who is absent on account of sickness.

There was no objection.

Mr. DAVIS. My colleague, Mr. SIMPSON, is very sick, and I ask that he be excused indefinitely.

There was no objection.

Mr. STALLINGS. Mr. Speaker, I wish to ask leave of absence for the day for my colleague, Mr. TURPIN, who is sick and unable to be present.

There was no objection.

Mr. COOMBS. I ask that my colleague, Gen. SICKLES, be excused on account of attending the funeral of his most intimate friend.

There was no objection.

The result of the vote was then announced as above recorded.

Mr. DOCKERY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, when the following members failed to answer:

Adams, Ky.	Davey,	Johnson, Ind.	Reilly,
Alderson,	DeForest,	Johnson, Ohio	Ritchie,
Aldrich,	Dingley,	Kilgore,	Robinson, Pa.
Babcock,	Donovan,	Kribbs,	Russell, Conn.
Baldwin,	Draper,	Lapham,	Schermerhorn,
Bankhead,	Durborow,	Linton,	Scranton,
Barnes,	Ellis, Ky.	Lisle,	Sherman,
Bell, Tex.	English, N. J.	Lockwood,	Sickles,
Beltzhoover,	Everett,	Lucas,	Simpson,
Bingham,	Fithian,	Magner,	Sipe,
Black, Ill.	Fletcher,	Marshall,	Snodgrass,
Boatner,	Funk,	Marvin, N. Y.	Somers,
Boutelle,	Fyan,	McCall,	Stevens,
Bower, N. C.	Goldzier,	McCleary, Minn.	Stone, C. W.
Brattan,	Goodnight,	McGann,	Stone, W. A.
Breckinridge, Ark.	Graham,	McKeighan,	Sweet,
Breckinridge, Ky.	Griffin,	Mercer,	Tarsney,
Bretz,	Haines,	Milliken,	Tawney,
Brickner,	Hall, Minn.	Money,	Taylor, Tenn.
Brown,	Hall, Mo.	Morgan,	Terry,
Bundy,	Hammond,	Morse,	Thomas,
Burnes,	Haugen,	Murray,	Tracey,
Cadmus,	Heiner,	Mutchler,	Turpin,
Caminetti,	Hendrix,	Newlands,	Tyler,
Cannon, Ill.	Hermann,	Oates,	Updegraff,
Chickering,	Hines,	O'Neill, Mo.	Wadsworth,
Clancy,	Hooker, N. Y.	Paschal,	Waugh,
Coffeen,	Hopkins, Ill.	Payne,	Weadock,
Compton,	Hopkins, Pa.	Pence,	Wheeler, Ill.
Cooper, Wis.	Houk,	Phillips,	White,
Cornish,	Hulick,	Powers,	Whiting,
Crain,	Hull,	Randall,	Wilson, W. Va.
Crawford,	Ikirt,	Rayner,	Wright, Pa.

Mr. HARE. I ask that my colleague, Mr. RITCHIE, be excused for to-day, and also for ten days, on account of sickness in his family.

The SPEAKER. Leave of absence can only be granted for to-day on a call of the House. If there be no objection, the gentleman will be excused for the day.

There was no objection.

The SPEAKER. Two hundred and twenty-one members have answered to their names—more than a quorum.

Mr. DOCKERY. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Illinois to discharge further proceedings under the order of the House directing the Sergeant-at-Arms to arrest absent members.

The question was taken; and there were—yeas 130, nays 15, not voting 208; as follows:

YEAS—130.

Abbott,	Crain,	Jones,	Pigott,
Alexander,	Crawford,	Kem,	Price,
Allen,	Cummings,	Kyle,	Richards, Ohio
Avery,	Davis,	Lane,	Richardson, Tenn.
Bailey,	De Armond,	Latimer,	Robbins,
Baker, Kans.	Denson,	Lawson,	Robertson, La.
Baldwin,	Dinsmore,	Layton,	Russell, Ga.
Bartlett,	Dockery,	Lester,	Ryan,
Bell, Colo.	Dunn,	Maddox,	Shell,
Berry,	Dunphy,	Maguire,	Sperry,
Black, Ga.	Edmunds,	Mallory,	Springer,
Black, Ill.	English, Cal.	Martin, Ind.	Stallings,
Bland,	Enloe,	McAleer,	Stockdale,
Boen,	Epes,	McCreary, Ky.	Stone, Ky.
Branch,	Erdman,	McCulloch,	Strait,
Brookshire,	Fielder,	McDannold,	Straus,
Bryan,	Forman,	McDearmon,	Swanson,
Bunn,	Geissenhainer,	McDowell,	Talbert, S. C.
Cabaniss,	Gorman,	McEttrick,	Talbott, Md.
Campbell,	Grady,	McKaig,	Taylor, Ind.
Cannon, Cal.	Gresham,	McLaurin,	Tucker,
Caruth,	Hare,	McMillin,	Turner, Ga.
Catchings,	Harris,	McRae,	Turner, Va.
Causey,	Harter,	Meyer,	Warner,
Clark, Mo.	Hatch,	Montgomery,	Washington,
Clarke, Ala.	Hayes,	Moon,	Wheeler, Ala.
Cobb, Ala.	Heard,	Morgan,	Williams, Ill.
Cobb, Mo.	Henderson, Ill.	Moses,	Wise,
Cockran,	Henderson, N. C.	O'Neil, Mass.	Wolverton,
Cooper, Fla.	Hooker, Miss.	Page,	Woodard,
Cooper, Ind.	Hudson,	Patterson,	Wright, Mass.
Cooper, Tex.	Hunter,	Pearson,	
Cox.	Izlar,	Pendleton, W. Va	

NAYS—15.

Barwig,	Geary,	Neill,	Tarsney,
Cockrell,	Hutcheson,	Outhwaite,	Tate,
Conn,	Johnson, Ohio	Paynter,	Wells.
Culberson,	Lynch,	Sayers,	

NOT VOTING—208.

Adams, Ky.	Cousins,	Hermann,	Oates,
Adams, Pa.	Covert,	Hicks,	O'Neill, Mo.
Aitken,	Curtis, Kans.	Hines,	Paschal,
Alderson,	Curtis, N. Y.	Hitt,	Payne,
Aldrich,	Dalzell,	Holman,	Pence,
Apsley,	Daniels,	Hooker, N. Y.	Pendleton, Tex.
Arnold,	Davey,	Hopkins, Ill.	Perkins,
Babcock,	De Forest,	Hopkins, Pa.	Phillips,
Baker, N. H.	Dingley,	Houk,	Pickler,
Bankhead,	Dolliver,	Hulick,	Post,
Barnes,	Donovan,	Hull,	Powers,
Bartholdt,	Doolittle,	Ikirt,	Quigg,
Belden,	Draper,	Johnson, Ind.	Randall,
Bell, Tex.	Durborow,	Johnson, N. Dak.	Ray,
Beltzhoover,	Ellis, Ky.	Kiefer,	Rayner,
Bingham,	Ellis, Oregon,	Kilgore,	Reed,
Blair,	English, N. J.	Kribbs,	Reilly,
Boatner,	Everett,	Lacey,	Reyburn,
Boutelle,	Fithian,	Lapham,	Richardson, Mich.
Bower, N. C.	Fletcher,	Lefever,	Ritchie,
Bowers, Cal.	Funk,	Linton,	Robinson, Pa.
Brattan,	Funston,	Lisle,	Rusk,
Breckinridge, Ark.	Fyan,	Livingston,	Russell, Conn.
Breckinridge, Ky.	Gardner,	Lockwood,	Schermerhorn,
Bretz,	Gear,	Loud,	Scranton,
Brickner,	Gillet, N. Y.	Loudenslager,	Settle,
Broderick,	Gillett, Mass.	Lucas,	Shaw,
Broslus,	Goldzier,	Magner,	Sherman,
Brown,	Goodnight,	Mahon,	Sibley,
Bundy,	Graham,	Marsh,	Sickles,
Burnes,	Griffin,	Marshall,	Simpson,
Burrows,	Grosvenor,	Marvin, N. Y.	Sipe,
Bynum,	Grout,	McCall,	Smith,
Cadmus,	Grow,	McCleary, Minn.	Snodgrass,
Caldwell,	Hager,	McGann,	Somers,
Caminetti,	Hainer,	McKeighan,	Stephenson,
Cannon, Ill.	Haines,	McNagny,	Stevens,
Capehart,	Hall, Minn.	Melklejohn,	Stone, C. W.
Chickering,	Hall, Mo.	Mercer,	Stone, W. A.
Childs,	Hammond,	Meredith,	Storer,
Clancy,	Harmer,	Milliken,	Strong,
Coffeen,	Hartman,	Money,	Sweet,
Cogswell,	Haugen,	Morse,	Tawney,
Compton,	Heiner,	Murray,	Taylor, Tenn.
Coombs,	Henderson, Iowa	Mutchler,	Terry,
Cooper, Wis.	Hendrix,	Newlands,	Thomas,
Cornish,	Hepburn,	Northway,	Tracey,
Turpin,	Wadsworth,	Wever,	Wilson, Ohio
Tyler,	Walker,	Wheeler, Ill.	Wilson, Wash.
Updegraff,	Wanger,	White,	Wilson, W. Va.
Van Voorhis, N. Y	Waugh,	Whiting,	Woomer.
Van Voorhis, Ohio	Weadock,	Williams, Miss	Wright, Pa.

No quorum voting.

The Clerk announced the following additional pairs:

For the rest of this day:

Mr. HOLMAN with Mr. BINGHAM.

Mr. TERRY with Mr. SCRANTON.

The result of the vote was then announced as above recorded.

The SPEAKER. No quorum has voted.

Mr. DOCKERY. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 1 o'clock and 38 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. STONE of Kentucky, from the Committee on War Claims, reported the bill (H. R. 4417) for the relief of Charles P. Chouteau, survivor of Chouteau, Harrison & Valle; which, with the accompanying report (No. 695), was ordered to be printed, and referred to the Committee of the Whole House.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. HUTCHESON, from the Committee on Claims, reported adversely the bill (H. R. 3308) authorizing and directing the Secretary of the Treasury to pay to John McBride, late postmaster at Woodville, Tex., certain money lost in transit by mail; which, with the accompanying report (No. 694), was ordered to be printed, and laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. SPERRY: A bill (H. R. 6639) to provide for the organization of interstate banks—to the Committee on Banking and Currency.

By Mr. McRAE: A bill (H. R. 6641) to regulate the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, a private bill of the following title was presented and referred as follows:

By Mr. COOMBS: A bill (H. R. 6640) granting an increase of pension to Mary Doubleday, widow of Bvt. Maj. Gen. Abner Doubleday—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOEN: Petition in the interest of the fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: Petition of J. H. Fussell, of Columbus, Tenn., in regard to the tax in the tariff bill discriminating against home loan associations—to the Committee on Ways and Means.

Also, petition of S. E. Rose and other citizens of Pulaski, Tenn., in regard to local loan building associations—to the Committee on Ways and Means.

By Mr. CARUTH: Affidavit to accompany House bill 6613, granting an increase of pension to Isaac Stephins—to the Committee on Pensions.

By Mr. DALZELL: Resolution of Pittsburg Council, No. 234, Royal Society of Good Fellows, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Saratoga Council, No. 262, Junior Order United American Mechanics, in favor of laws restricting immigration—to the Committee on the Judiciary.

By Mr. GEISSENHAINER: Petition of the New Jersey State Board of Agriculture, in favor of the passage of a bill for the free delivery of mail matter in country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition in favor of the bill for additional appropriation for public buildings at Davenport, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. HENDERSON of Iowa: Petition of Joseph Bott and 32 other citizens of Dubuque, Iowa, favoring the passage of the

Manderson-Hainer bills (S. 1353; H. R. 4897)—to the Committee on the Post-Office and Post Roads.

Also, petition of F. T. Phelbrook and 37 other citizens of Goldfield, Iowa, opposing the Louisiana lottery, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Petition of Mathias A. Cullnan, of Belfast, Me.—to the Committee on Claims.

By Mr. REYBURN: Petition of Philadelphia Council, Order of United Friends, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Haverford Loan and Building Association, against that portion of the Wilson bill which imposes a tax upon such association—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Petition in favor of House bill No. 4897, signed by citizens of Jefferson County, Ill.—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *April 12, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2710) for the relief of the heirs of Edward Morrison and Nellie Morrison, now deceased;

A bill (H. R. 3309) to pension Ambrose Giseburt;

A bill (H. R. 4279) relating to the sale of gas in the District of Columbia;

A bill (H. R. 4605) granting chief justices of United States courts in Territories power to appoint commissioners to take proof in land cases, etc.;

A bill (H. R. 5111) for the relief of John J. Patman; and

A bill (H. R. 6442) to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. PASCO. I present the petition of John M. Pike and 137 other citizens of Florida, praying for the enactment of legislation to prohibit the carrying on of any lottery business in the United States, and particularly recommending the passage of the bill having that purpose in view recently introduced by the Senator from Massachusetts [Mr. HOAR]. I move that the petition be referred to the Committee on the Judiciary, before whom that bill is pending.

The motion was agreed to.

Mr. QUAY presented a memorial of the Haverford Loan and Building Association of Philadelphia, Pa., remonstrating against the passage of the Wilson tariff bill; which was ordered to lie on the table.

He also presented a petition of Assembly No. 234, Royal Society of Good Fellows, of Pittsburg, Pa., praying that fraternal society and college journals be admitted to the mails as second class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Camp Curtin Council, No. 629, Junior Order of United American Mechanics, of Harrisburg; of David Mead Council, No. 628, Junior Order of United American Mechanics, of Meadville; of Council No. 421, Junior Order of United American Mechanics, of Coatesville; of Reliance Council, No. 787, Junior Order of United American Mechanics, of Philadelphia; of Edwin M. Stanton Council, No. 910, Junior Order of United American Mechanics, of Hites; and of Iroquois Council, No. 525, Junior Order of United American Mechanics, of Somerset, all in the State of Pennsylvania, praying for the enactment of legislation providing for the inspection of immigrants by United States consuls; which were referred to the Committee on Immigration.

Mr. HARRIS presented the petition of J. P. Grey and sundry citizens of Newbern, Tenn., praying that national building and loan associations and local building and loan associations be exempted from the operation of the proposed income tax; which was ordered to lie on the table.

Mr. SHOUP presented a petition of 30 mine owners of Idaho, praying that the performance of annual assessment work on mining claims be suspended for the current year on account of the financial depression in the mineral regions of the West caused by the low price of silver, which prevents the mines being worked at a profit; and for the further reason that the law suspending assessment work for 1893 was passed so late in the season that most of the assessment work was done for that year, and therefore but few mine owners were benefited thereby; which was referred to the Committee on Mines and Mining.

Mr. HILL presented petitions of sundry citizens of Livingston County, St. Lawrence County, and Ogdensburg, all in the State of New York, praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which were referred to the Committee on the Judiciary.

He also presented sundry petitions of citizens of Castile, Seneca Falls, Nyack, Elmira, and Williamsbridge, all in the State of New York, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry petitions of citizens of Brooklyn, Fly Creek, and New York City, all in the State of New York, praying for the passage of the so-called Hill oleomargarine bill; which were referred to the Committee on Interstate Commerce.

He also presented sundry petitions of citizens of Utica and Paris, in the State of New York, praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which were referred to the Committee on Interstate Commerce.

He also presented the petition of H. B. Dahle and sundry other citizens of Mount Horeb, Wis., praying for the passage of the so-called Hill oleomargarine bill; which was referred to the Committee on Interstate Commerce.

Mr. HAWLEY presented petitions of Rev. Frederick S. Root and 43 other citizens of Hartford, Conn.; of John R. Perkins and 11 other citizens of Connecticut, and of Francis C. Benedict and 5 other citizens of Connecticut, praying for the enactment of legislation to suppress the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented the petition of H. J. Nettleton and 19 other citizens of Durham, Conn., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

Mr. HALE presented the petition C. W. Porter and sundry other citizens of Lincoln, Me., and a petition of Hall of Standard Lodge, No. 28, Ancient Order of United Workmen, of Lincoln, Me., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the petition of C. H. Davis and 44 other citizens of Somerset County, Me., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

METHODS OF TREASURY ACCOUNTING.

Mr. CHANDLER. I have a statement prepared by Mr. J. R. Garrison, late deputy first comptroller of the Treasury, in opposition to the proposed legislation to improve the methods of accounting in the Treasury Department; which I ask leave to present and have printed as a document, and referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

The VICE-PRESIDENT. The Chair hears no objection, and the statement will be printed as a document, and referred as indicated.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1117) for the relief of William Loring Spencer, reported it without amendment, and submitted a report thereon.

Mr. COKE, from the Committee on Commerce, to whom was referred an amendment submitted by himself on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1843) to authorize the Philadelphia and Camden Bridge Company to construct a bridge across the Delaware River, and for other purposes, reported it with amendments.

Mr. WASHBURN, from the Committee on Commerce, to whom was referred the bill (H. R. 6110) to authorize the construction of a bridge across the Mississippi River at Red Wing, Minn., reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5806) to authorize the city of Hastings, Minn., to con-

struct and maintain a wagon bridge over the Mississippi River, reported it without amendment and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 1857) granting an honorable discharge to William B. Barnes, reported it without amendment and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom the subject was referred, submitted a report accompanied by a bill (S. 1886) to facilitate the entry of steamships; which was read twice by its title.

He also, from the same committee, to whom was referred the amendment submitted by Mr. HOAR on the 10th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations; which was agreed to.

BILLS INTRODUCED.

Mr. WOLCOTT introduced a bill (S. 1887) providing for opening the Uncompahgre and Uintah Indian Reservations in Utah; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HILL introduced a bill (S. 1888) granting a pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas W. Sweeny, United States Army, retired, deceased; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1889) granting a pension to Mason H. Stewart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 1890) for Sunday rest; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a joint resolution (S. R. 73) proposing an amendment to the Constitution of the United States relating to marriage and divorce; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. MCMILLAN submitted four amendments intended to be proposed by him to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes; which were ordered to lie on the table and to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. VILAS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on the Quadro-Centennial, and ordered to be printed.

PRINTING FOR COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. GEORGE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on Agriculture and Forestry be authorized to have printed so much as they may deem necessary of the evidence taken and other information obtained by them, or any subcommittee thereof, or through the State Department, in relation to the condition of agriculture and other subjects referred to said committee by the resolution of the Senate of April 19, 1892, and of subsequent resolutions of the Senate, and also any report or reports which said committee may make on the same subject.

TARIFF HEARING.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Pennsylvania [Mr. QUAY], coming over from a previous day.

The Secretary read the resolution submitted by Mr. QUAY on the 10th instant, as follows:

Resolved, That the Senate will hold a session on Saturday, 21st instant, from 12 o'clock noon until 1 p. m., to hear a committee of the workingmen's organizations of the United States in opposition to the bill (H. R. 4864) entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes."

Mr. QUAY. I ask unanimous consent that the resolution may go over until to-morrow.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. COCKRELL. I ask the Senator from Nebraska [Mr. ALLEN] to let his resolution go over also.

SUSPENDED PENSIONS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

The Secretary read the resolution submitted by Mr. ALLEN on the 10th instant, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed and required to inform the Senate of the names and post-office address of all pensioners of the Government whose pensions have been suspended or canceled since the 4th of March, 1893, and the cause of such suspension or cancellation.

Mr. COCKRELL. I ask the Senator from Nebraska to consent that the resolution may retain its place until to-morrow morning.

Mr. ALLEN. Very well.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The bill (H. R. 2710) for the relief of the heirs of Edward Morrison and Nellie Morrison, now deceased, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 4279) relating to the sale of gas in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 4605) granting chief justices of United States courts in Territories power to appoint commissioners to take proof in land cases, etc., was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 6442) to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes, was read twice by its title, and referred to the Committee on Territories.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3309) to pension Ambrose Giseburt; and

A bill (H. R. 5111) for the relief of John J. Patman.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the urgent deficiency appropriation bill.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, the pending question being on the amendment of the Committee on Appropriations to add to the bill as an additional section the following:

SEC. 2. That the act entitled "An act to amend section 3709 of the Revised Statutes relating to contracts for supplies in the Departments at Washington," approved January 27, 1894, be, and the same is hereby, so amended that the provisions thereof shall apply only to advertisements for proposals for fuel, ice, stationery, and other miscellaneous supplies to be purchased at Washington for the use of the Executive Departments and other Government establishments therein named; and all advertisements made and contracts awarded or to be awarded thereon since January 27, 1894, in accordance with the laws in force prior to said date, are hereby declared to be legal and valid.

Mr. CHANDLER. Mr. President, I trust the Senator from Missouri will make an explanation of this section which will justify its incorporation in the bill. I do not understand either the necessity of it or the wisdom of repealing section 3709 of the Revised Statutes, which forbids making purchases and contracts for supplies or services, except for personal services, unless after due advertisements therefor. The law was put upon the statute book in 1861, and has remained unaltered ever since. I do not understand that there was any good reason for changing the construction of the law.

Moreover, if the law is to be changed, I certainly should object to making valid by statute any contracts which have been made or which may be made in nonpursuance of the statute. That I conceive to be a most remarkable provision to introduce into any statute. It is a statutory affirmance of the validity of certain contracts with no list of the contracts, so far as I know; with no explanation of what the contracts are that we are by statute to make and to fasten upon the Government. I may be speaking in ignorance of some list of these contracts which may have been submitted to the Senate. I have not, however, read anything in any report made to the Senate by the committee which gives us a list of the contracts which the committee want to make binding law, whether they are now lawful or not, by this amendment to a deficiency appropriation bill. If the Senator from Missouri or any other member of the committee can state what these contracts are and can show that they are wise and judicious, it may be possible that a reason can be given why we should undertake to make them valid or add something that is lacking of validity to them by statute; but as I now read the last clause of the section, it is a most singular provision to put into any law proposed for adoption by Congress.

And all advertisements made and contracts awarded, or to be awarded thereon since January 27, 1894, in accordance with the laws in force prior to said date, are hereby declared to be legal and valid.

If they are valid now, there is no need of this provision. If they are illegal now, I submit that if we are to go to making contracts valid we ought to know what those contracts are. I do not think the committee ought to ask us to make valid by specific law any contracts unless we know what those contracts are.

Mr. COCKRELL. Mr. President, I confess that I am very greatly disappointed. We all know the diligence and care with which the distinguished Senator from New Hampshire always listens to all the discussions in which he is a participant. Yes-

terday evening after 5 o'clock we had this question up. It was discussed fully; the character of the contracts was explained fully; particularly one of them was explained by the distinguished Senator from Connecticut [Mr. HAWLEY], and now the Senator says that this is a provision repealing the law which requires advertisements.

I will explain it again, as I did yesterday evening. It is the simplest proposition in the world. Here is the law of January 27, 1894, which was enacted for the express purpose of requiring all the Departments here in Washington, in advertising for proposals for supplies, to advertise that all proposals should be received on one day for all the Departments, and then they were all to be opened and the bids for supplies for each Department were to be accepted, so that there would be a uniformity in price for the various articles needed for the Executive Departments here. It was found that one Department was paying 10, 20, or even 30 per cent more for certain articles than another Department was paying, and there was a diversity of prices.

When that bill was reported nobody anticipated that it would be applied to the advertisements for purchases of supplies for the various branches of the public service outside of the limits of Washington City, such as the proposal for printing stamped envelopes for the Government, such as the proposal for Indian supplies to be furnished at certain other places, and all the various materials that the Government has to purchase for its service beyond the confines of the Executive Departments here. But when the bill became a law the Treasury officials decided that it was applicable to all advertisements for all kinds of supplies in the entire service.

Now, that was a new thing to the heads of Departments. The Post-Office Department and other Departments had gone on and advertised for proposals; the proposals had been received, and some of the contracts had been awarded; some were about to be awarded and some of the advertisements were pending. This amendment simply proposes to amend the law of January 27, 1894—not to change the law whatever in regard to advertisements—so as to leave the old law operative outside of the Departments at Washington; that is all. It only makes binding and valid these proceedings, which, if the intent of the law of January 27, 1894, had been carried out, would be valid. It simply confirms them in order that there may be no difficulty in the adjustment at the Treasury. The advertisements will have to be made in accordance with the existing law; the old law to which the distinguished Senator from New Hampshire refers. The amendment does not repeal that law; it simply prevents the law of January 27, 1894, from amending and changing the old law. It is a matter of very great convenience to all of the Executive Departments that the amendment should be made just as it has been reported by the committee.

Mr. MANDERSON. Mr. President, the explanation made by the Senator from Missouri, in charge of the bill, is, I think, extremely lucid and certainly satisfactory. I can see very readily how contracts and advertisements may have been made under this construction of the law, which perhaps is not a misconstruction, for maybe the law was lamely worded in the first instance, and should have correction; but I think it would be a matter of satisfaction if the Senator would give us some idea of the extent of the contracts, which are hung up in the air, which would be validated by this action.

Mr. COCKRELL. I have no idea about that. They are just the ordinary advertisements which have been made from time to time. I suppose one of the principal difficulties is about the contract that the Senator referred to in the Post-Office Department, and some others for the supplies of the various Departments.

Mr. MANDERSON. Indian supplies probably.

Mr. COCKRELL. I do not think Indian supplies, although they may be included. I am not sure about that.

Mr. MANDERSON. I think so.

Mr. COCKRELL. I think that probably the Indian supplies and others may be included. The section refers to the regular annual supplies which had been advertised for at the time.

Mr. HAWLEY. The advertisements for bids for stamped envelopes invited a contract for four years. The act of January 27, 1894, would change that contract very much, and make it a contract for a single year. That contract will amount to $600,000 or $700,000; I think $600,000 is a low estimate.

Mr. CHANDLER. Mr. President, I beg pardon of the Senator from Missouri for not having heard the prior explanation of this section, which I understood him to say he made to the Senator from Connecticut [Mr. HAWLEY]. In this connection I take occasion to say that I have noticed many colloquies on the floor between two or three Senators which could not be heard by other Senators who had the misfortune to sit in the wings of the Senate and not in the body or front of the Senate, which may have been entirely satisfactory to the Senators engaged in the colloquies, but which afford no foundation whatever for safe and judicious votes for other Senators to give, and which did not remove from those other Senators the responsibility of arraigning and criticising to some extent bills reported here, especially amendments to House appropriation bills reported by the Committee on Appropriations.

Notwithstanding the explanation of the Senator from Missouri, I am unwilling myself to vote to declare to be legal and valid any contracts whatever unless I know what those contracts are. The Senator from Missouri knows nothing about them. The declaration which he proposes is not a mere declaration that no advertisement shall be deemed to be legal and valid, but it is a declaration that all contracts made shall be legal and valid.

It seems to me, Mr. President, that the Senator's remedy goes much further than he ought to ask us to go, and I therefore inquire of the Senator whether the purpose which he seeks to accomplish will not be reached by the amendment which I shall move as follows: In line 19, before the word "advertisements," strike out the word "all" and insert "no;" in the same line, strike out "and," before "contracts," and insert "or;" and in line 22, strike out the concluding words, "are hereby declared to be legal and valid," and insert "shall be declared to be illegal or invalid for noncompliance with said law of January 27, 1894;" making the provision a negative one and not an affirmative one.

Mr. HALE. How would it stand then?

Mr. CHANDLER. Making the provision that no advertisement or contract shall be declared to be illegal and invalid because of failure to comply with the law, but omitting to affirm that all contracts made in pursuance of such advertisements shall be legal and valid

Mr. HALE. How will the clause then read?

Mr. CHANDLER. The clause will then read, beginning at line 19:

> And no advertisements made or contracts awarded or to be awarded thereon since January 27, 1894, in accordance with the laws in force prior to said date, shall be declared to be illegal or invalid for noncompliance with said law of January 27, 1894.

The result which the Senator from Missouri desires to accomplish is the same, and there is no undertaking in that provision to declare the validity of contracts which may hereafter arise to plague the Senate and Congress and the Senator from Missouri; because in such cases it may be pointed out to him that this statute made valid by affirmative law every one of those contracts, no matter what may have been the defects or deficiencies therein.

I hope the Senator will consent to change the form of declaration made in these cases.

Mr. COCKRELL. What would be the effect of that upon the bid for stamped envelopes to which the Senator from Connecticut [Mr. HAWLEY] has referred?

Mr. CHANDLER. It will be a valid contract, even although there has not been a compliance with the law concerning advertisements, provided it is otherwise made in accordance with law; but if the section stands as it now reads, if a contract has been made that is invalid for a dozen other reasons than a failure to comply with the law concerning the advertising, it will be made valid by act of Congress. I submit that the amendment as reported by the committee goes altogether too far for safe legislation.

Mr. COCKRELL. Conceiving that the amendment of the Senator from New Hampshire is precisely in legal effect the same as the provision we have already in the bill, and does not change its operation or effect one particle, I will accept the amendment.

Mr. CHANDLER. I do not concede the effect to be exactly the same, but I will suggest——

Mr. COCKRELL. I have accepted the amendment.

Mr. CHANDLER. The Senator from Missouri made a short argument in accepting the amendment, to which I shall reply. I will say to the Senator that if the amendment should not be all he desires in its effect, it will go to conference in the House, being a Senate amendment, and then the Senator can exercise the privilege in conference committee and fix it so as to make it exactly what he wants.

Mr. COCKRELL. I think it is all I want. It is perfectly satisfactory.

Mr. CHANDLER. I beg the Senator not to omit in conference to so fix this clause as to accomplish exactly what he wants and to guard us all against making contracts valid by law which are objectionable in a great many other particulars than because they have not been properly advertised for.

Mr. COCKRELL. I have no doubt the amendment will be agreed to by the other House.

Mr. CHANDLER. I hope the Senator will see that it is made right.

Mr. HILL. I would like to ask the Senator from New Hamp-

shire a question. Does he understand that the effect of his amendment is simply to validate those contracts which otherwise would be invalid by reason of the omission of advertising? I understand that there is more than that to be reached by the amendment proposed by the committee.

Mr. COCKRELL. The amendment of the Senator from New Hampshire makes it all right. I do not think there is any doubt in the world but that the amendment will operate practically precisely the same as the other.

So far as these contracts are concerned, there are none of them but what are open, just, and notorious, and this amendment says that they are not illegal and not invalid by reason of noncompliance with the law. By complying, therefore, with the old law they will be valid. The amendment will cover every contract; I think there is no doubt about that, and I accept it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment proposed by the Committee on Appropriations as amended.

The amendment as amended was agreed to.

Mr. COCKRELL. At the end of line 9, on page 10, I offer an amendment which I send to the desk, the Senator from Florida [Mr. CALL] not being in his seat and desiring the amendment to be made. I hope the amendment will be agreed to. It is a very small matter.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 9, on page 10, it is proposed to add:

Library of Congress: To enable the Librarian of Congress to employ a laborer for the care of the library room containing the law books of the Library of Congress, at the rate of $30 per month, $75.

The amendment was agreed to.

Mr. MANDERSON. If there are no other committee amendments, I move to strike out on page 5, from line 2 to line 15, inclusive.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 5, it is proposed to strike out the paragraph from line 2 to line 15, inclusive, in the following words:

The Commissioner of Labor in charge of the Eleventh Census is hereby directed to prepare forthwith an abstract giving the state and other totals of the main facts collected at the Eleventh Census, with comparative data, which abstract shall not exceed 250 octavo pages, and shall be printed at the Government Printing Office, and be ready for distribution on or before the 1st day of August next. There shall be printed and bound in cloth of such abstract 100,000 copies, of which 60,000 copies shall be for the use of the members of the House of Representatives; 30,000 copies for the use of the members of the Senate; 7,500 copies for the use of the Department of the Interior, and 2,500 copies for the use of the Census Office.

Mr. MANDERSON. Mr. President, I have moved to strike out this piece of proposed legislation upon the pending appropriation bill because I do not think it is a proper place for any legislation upon this subject, even if such legislation were desirable. I have received this morning a letter from the Commissioner of Labor, now in charge of the Census Office, which I shall read, as it presents the considerations which have urged themselves upon him why this additional expenditure should be incurred. It is dated to-day and addressed to myself, and is as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, April 12, 1894.

MY DEAR SIR: Noting your remarks last evening in the Senate that you proposed to offer an amendment to-day to strike out or modify the provision in the deficiency bill, 6556, relating to an abstract of the census, I simply have to say that that provision was put into the bill at the urgent request of Mr. JOSEPH G. CANNON, of the House, and approved by the House Committee on Appropriations.

If the provision carries, it does not increase the expense of the census except for press work and paper, for the plates used for the abstract would be utilized for the digest which can not be brought out until the last totals of the census are obtained. The purpose of the House committee was to secure an abstract which should be complete as far as possible by July, so as to have a popular edition of the final conclusions of the census at that time, so far as they have been obtained.

It seems to have been forgotten by those who discuss the apparent delay in the census publications, that the office has published nearly 450 bulletins, comprehending over 6,300 pages, and 12 monographs; so that the chief facts of the census have long since gone forth to the public. The great volumes themselves are simply for the permanent preservation of all the details of the census.

Of the Compendium there are to be by law 50,000 copies. The inclosed copy of an act gives you the provisions of Congress for the publication of the reports.

I am, sincerely,

CARROLL D. WRIGHT,
Commissioner of Labor in Charge.

Hon. CHARLES F. MANDERSON,
United States Senate.

I have a very high regard for the wisdom, based upon extended experience, of Commissioner of Labor Wright. As a statistician he stands very high. I wish that in the letter he had given the Senate the benefit of his own views as to the advisability of publishing this abstract. He says in his letter that it is in the bill at the urgent request of Mr. CANNON, of the House of Representatives, and was approved on his, Mr. CANNON'S, urgent request by the Committee on Appropriations. Commissioner Wright carefully abstains, as it seems to me, in his letter from any recommendation that this abstract be published. It is true, he states how it can be published, and makes suggestions as to the limited expenditure that will be incident to its publication; but he does not recommend it, and I do not wonder that he abstained from such recommendation.

Turning to the act which he incloses with his letter, I find that there is to be printed and bound at the Government Printing Office the reports of the Eleventh Census, and they are to be, first, a digest of the leading statistics, not to exceed 200 octavo pages, a digest that shall be less in amount of matter and less in number of pages than the abstract of 250 octavo pages proposed to be published by this bill.

The Commissioner says that the plates which will be used for the abstract which is to be speedily obtained, will be utilized for the digest, and, therefore, there will be no expense except for the presswork and paper. If that is to be the course of procedure, if we are to publish this abstract within a short time, and after a greater length of time simply reproduce it under another name, then I submit that, in addition to this legislation which provides for the printing of the abstract, there should be a repealing clause abolishing the publication of the digest.

Mr. COCKRELL. Will the Senator let me say a word there?

Mr. MANDERSON. With pleasure.

Mr. COCKRELL. Mr. Wright says explicitly—and I know the Senator does not wish to misinterpret him or misconstrue him—in his testimony before the Committee of the House of Representatives, which I read last evening, that this abstract will be only a part and parcel of the digest which the law contemplates. The matter will all be put in the digest, and will be that part of the digest which can now be completed. The digest entire can not be completed until the last work of the census is finished, because it must be a digest of the entire census, and this will probably be a fourth or a half of the digest, but no more.

Mr. MANDERSON. I have been in the habit of realizing as an aphorism that the greater included the less. How can it be possible that the digest, which is to contain 200 pages, will include all that there is in the abstract, which is to contain 250 pages, and probably more?

Mr. COCKRELL. Where is there any law requiring the digest to contain only 200 pages?

Mr. MANDERSON. I have just referred to the act. It is the law passed February 23, 1893, which provides that there shall be printed and bound "a digest of the leading statistics, not to exceed 200 octavo pages." That is the law.

Mr. COCKRELL. As a matter of course, the pending bill will change that law, because this provides that the abstract is to contain not exceeding 250 pages.

Mr. MANDERSON. We are publishing the digest of the leading statistics of 200 octavo pages, and no more, 50,000 copies. I take it that that digest, come when it will, will cost probably from 50 to 75 cents per volume to publish. It means, therefore, an expenditure of from $25,000 to $30,000. Then we are to publish in addition a compendium to the extent of 50,000 copies. I sent yesterday afternoon during the discussion for the work which is entitled "a compendium," and there is one-third of it. [Exhibiting.] I suggested yesterday how it had increased its proportions from a single volume, which was contained in the compendium of 1860 and the compendium of 1870, to two octavo volumes in 1880, until it has now assumed these tremendous proportions. Here is volume I of the compendium of the last census. [Exhibiting a large volume.] We are to have three great tomes like that, which are to be a compendium of the Eleventh Census. It seems to me that with this compendium, so immense in its proportions, and with the digest that is to come after awhile, we do not need an abstract. It is urged, however, that it is needed because it is something that can be speedily procured.

The purpose of the House committee was to secure an abstract which should be complete as far as possible by July, so as to have a popular edition of the final conclusions of the census at that time, so far as they had been obtained.

There are to be, I understand, twenty-four quarto volumes that shall constitute the census reports of the Eleventh Census. Of these twenty-four volumes not to exceed three or four have yet been issued, and the other twenty or thereabouts are to come with the coming years, the final volumes probably to reach us after the close of the present century. How can there be an abstract of the final conclusions of the census by July that will be of any great value or importance to the country?

Mr. HALE. If the Senator will allow me, I do not suppose it is intended that the abstract shall be anything like a condensed

statement of the subjects-matter that will be contained in the later volumes. It is intended to be an abstract covering population and some other things of everyday use to the people, not going into the volumes which may be termed to be more of a scientific order; and the material is ready for it. I agree with the Senator somewhat as to the point he makes that both an abstract and a digest will not be needed. If the abstract is provided for I should doubt considerably the great need of the digest when we have the compendium.

Mr. MANDERSON. I think there is no doubt about that proposition. But the Senator from Maine states that this abstract is to be a popular edition, not of the final conclusions, but of the preliminary matter, containing perhaps the statistics to some extent as to population, the statistics as to manufactures, not going into the particular reports; for instance, the report on special classes—on fish and fisheries, on educational and church statistics, pauperism and crime, social statistics, Alaska, Indian, etc. Probably it is not to include any of these particular branches of investigation that are of great value, and the issuance of which speedily is of great importance not only for the satisfaction of a laudable curiosity extant in the country, but for the better understanding by Congress of matters incident to legislation.

If it is the idea simply to obtain speedily for the use of the general public information of the general character described by the Senator from Maine, I submit that it has already been obtained; that it has been issued in advance of Government publication in many cheap forms, in many methods of gratuitous distribution. There is not a live, energetic newspaper in the United States that did not in its issue of an almanac on the 1st day of January, 1891, give to the public for an expenditure perhaps of 10, 15, or 25 cents, the very information that it is proposed to publish in this abstract; and when 1892, 1893, and 1894 came and increased matter could be obtained from the reports of the Census Office, and the files of that office, these publications, so cheap in price, have increased in value. I think that the public demand has been thus supplied, and that it is unnecessary that we should go into this additional expenditure of from $50,000 to $100,000, an expense not warranted, so far as the letter from Commissioner Wright is concerned, by any recommendation of the Commissioner.

Mr. President, I hope that this paragraph will be stricken out. I think with the compendium to be issued during the next two or three years, and with the digest that is to come to us, we do not need an abstract. I do not know where the matter is to stop. Perhaps after the abstract is obtained there will be something else needed in the way of tables, or what not. If the motion to strike out the paragraph should not obtain I shall seek to very materially amend it to the extent of the repeal of that part of the law which provides for the publication of the digest and absolutely requiring that this matter shall be ready for the printer in the office of the Superintendent of the Census by the 1st day of June at least. But I hope the motion to strike out will obtain.

Mr. COCKRELL. I think there will be no objection to letting the paragraph be stricken out. Let the question be put on the amendment of the Senator from Nebraska.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska, to strike out the paragraph on page 5, from line 2 to line 15, inclusive.

The amendment was agreed to.

Mr. MANDERSON. I simply desire to suggest that with the extraordinary unanimity of action in the Senate on the motion to strike out I feel well content that the Senate conferees upon the bill, when it gets into conference will succeed in convincing the House conferees that the amendment should obtain.

Mr. COCKRELL. I have no doubt the other House will agree to the amendment.

The VICE-PRESIDENT. If there be no further amendment as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. ALLEN. Yesterday I had the honor to make an inquiry of the Senator from Missouri upon the subject of the destruction of certain portions of census data.

Mr. COCKRELL. I have some letters here that explain the whole thing, which I shall have printed.

Mr. ALLEN. I should like to have that matter explained quite thoroughly before this measure comes to a vote. My information may be entirely incorrect; I do not know how that is; but if any material portion of the data gathered for the census is being destroyed and is not being printed in its proper place in the census bulletins and reports, the country ought to be informed of that fact. It occurs to me that an amendment ought to be attached to the bill which would require the publication of all the data.

I am not in a position to say that anything of that kind has been done, nor am I in a position to say that it has not been done. I have been informed from what I take to be a credible source that work which has been set up, plates which had been made upon material subjects, are absolutely being torn out and destroyed, and that the Interior Department or the Census Bureau refuses to publish the matter. I do not think the Government ought to pay for the publication of a mutilated census report. I think the people of this country have a right to know, and they ought to know, everything to be known with reference to our country, and that the Census Bureau ought not to constitute itself a censor of the matter that is to appear in the census reports. Before any vote is taken upon the pending measure, I for one should like to have this matter fully and thoroughly explained.

Mr. COCKRELL. All I can say is that Col. Carroll D. Wright, who has the reputation of being a truthful, reliable gentleman, says positively that there has been no such mutilation. Now, I can not go there and examine it.

Mr. HAWLEY. What does he say?

Mr. COCKRELL. He says there has been no such mutilation as the Senator from Nebraska refers to. I have the letters here from him, and I have a letter from one man whose record Col. Wright is charged to have mutilated, stating that there has been no mutilation, and that is Mr. S. N. D. North.

Mr. HAWLEY. I have here forty-two pages of Mr. North's report, with a blue pencil memorandum on them, marked "omit." They are right here on my desk.

Mr. COCKRELL. Here is a letter from North in which he says it is entirely right.

Mr. HAWLEY. I understand the case precisely. Mr. North was not willing to do it, but thought it best to submit.

Mr. ALLEN. I hope the Senator from Missouri will be kind enough to put into the RECORD the letters from Col. Wright on this subject, or have them read at the desk before the vote on this measure is taken, so that we may be fully informed as to the truth of the matter.

Mr. COCKRELL. I shall have them published as a separate document.

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, being House bill 4864.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. PEFFER resumed the speech begun by him on Friday April 6, and after having spoken four hours—

Mr. QUAY (at 5 o'clock p. m.) said: Will the Senator from Kansas permit me to interrupt him?

Mr. PEFFER. Not if it is for any purpose that would delay the proceeding. I think we shall probably be here anyway an hour yet, and I can conclude in thirty minutes if the Senate will remain with me that long.

Mr. QUAY. The agreement by unanimous consent was that debate upon the tariff should close at 5 o'clock.

Mr. PEFFER. I shall yield, of course, if it is insisted upon.

Mr. MANDERSON. The unanimous-consent agreement was that the debate upon the pending bill should begin at 1 o'clock and close at 5.

The VICE-PRESIDENT. The Chair so understands.

Mr. MANDERSON. I ask for the enforcement of that unanimous-consent agreement. I understand from the Senator from Kansas that he himself does not desire to proceed, and it is in violation of the unanimous-consent agreement.

Mr. PEFFER. It is this way, Mr. President: If I were to consult my own comfort and convenience I should prefer to discontinue my remarks and continue them to-morrow; but I have a greater respect for the Senate than I have for myself, and I do not wish to inflict myself upon it hereafter if I may be permitted to proceed now.

Mr. GRAY. The obvious meaning of the unanimous consent as understood, it seems to me, by every one—certainly by myself—was that the bill should be taken up at 1 o'clock, and that the debate should continue until 5 o'clock, unless some one wished to speak after that hour, and then I suppose the rule and courtesies of the Senate would obtain in regard to the individual speaker.

Mr. MANDERSON. That was not the unanimous-consent agreement.

[Mr. PEFFER'S speech will be published entire after it shall have been concluded.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the urgent deficiency appropriation bill.

By unanimous consent, the Senate resumed the consideration of the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

The VICE-PRESIDENT. The bill is in the Senate, and the question is on concurring in the amendments made as in Committee of the Whole.

Mr. HALE. I move to amend an amendment made as in Committee of the Whole. In line 4, page 8, I move to strike out "thirty thousand" before "dollars" and insert "forty thousand three hundred and forty;" and to insert after line 4, "ten thousand three hundred and forty dollars, of which amount shall be available for deficiencies for the years 1892 and 1893;" so as to make the paragraph read:

For special assistants to United States district attorneys, $40,340, $10,340 of which amount shall be available for deficiencies for the years 1892 and 1893.

I offer this amendment because Executive Document, No. 159, being the regular estimate from the Secretary of the Treasury, makes it in order.

Mr. COCKRELL. There is no objection to the amendment. It was not presented to the committee, and therefore was not incorporated in the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole as amended.

Mr. CHANDLER. I ask for a reservation of the amendment moved by the Senator from Nebraska [Mr. MANDERSON].

Mr. COCKRELL. Let that amendment be reserved.

The VICE-PRESIDENT. No other amendment being reserved, the question is on concurring in the remaining amendments.

The amendments were concurred in.

Mr. CHANDLER. I ask that the reserved amendment be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 5, beginning at line 2, the Senate, as in Committee of the Whole, struck out the following paragraph:

The Commissioner of Labor in charge of the Eleventh Census is hereby directed to prepare forthwith an abstract giving the state and other totals of the main facts collected at the Eleventh Census, with comparative data, which abstract shall not exceed 250 octavo pages, and shall be printed at the Government Printing Office, and be ready for distribution on or before the 1st day of August next. There shall be printed and bound in cloth of such abstract 100,300 copies, of which 60,000 copies shall be for the use of the members of the House of Representatives; 30,000 copies for the use of the members of the Senate; 7,500 copies for the use of the Department of the Interior, and 2,500 copies for the use of the Census Office.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, striking out the paragraph which has just been read.

The amendment was concurred in.

Mr. GALLINGER. I submit an amendment which I ask to have read.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be read.

The SECRETARY. It is proposed to amend the bill by inserting, after line 9, on page 10:

To pay the list of judgments of the Court of Claims rendered since March 4, 1893, on which there has been no appeal and the time for appeal has expired, $1,023,212.11.

Mr. GALLINGER. In support of my amendment I hold in my hand a list of judgments of the Court of Claims which have been rendered since the date named in it. These judgments cover various claims of citizens of the United States. The present deficiency bill provides for the payment of certain claims for amounts due officers of the Government, which I take it are of comparatively recent origin. But some of these claims at least are more than thirty years old; and yet they have been submitted to the Court of Claims of the United States and had their validity passed upon, and many of them have been appealed to the Supreme Court of the United States and the mandate of the Supreme Court has issued in their favor.

Some of these claims are amounts due men who have acted as letter-carriers of the United States, and they have not been paid the full amount that was due them. I notice that one claim is for fees as chief supervisor of elections of the eastern district of Pennsylvania, one is for fees as United States commissioner, another for fees as United States clerk of court; again——

Mr. HALE. What document is the Senator reading from?

Mr. GALLINGER. This is a "Letter from the Secretary of the Treasury transmitting a list of judgments of Court of Claims since March 4, 1893," and it is dated December 20, 1893.

Mr. HALE. What is the number of the Executive Document?

Mr. GALLINGER. It is Executive Document No. 11. There are claims such as for fees as United States commissioner, fees as United States clerk of court, fees again as United States commissioner, extra pay of a general service messenger of the Army, extra pay of a soldier of the United States Army on certificate of merit; and then other claims for services rendered by humble citizens of the Republic. There is one claim that has been passed upon by the Court of Claims and affirmed by the Supreme Court, by which it appears that we owe the Pottawatomie Indians of Michigan and Indiana $104,626, which amount is due under various treaty stipulations of the United States and has been due for a considerable number of years. Again, there is a claim on the part of a United States clerk of court, another of a United States naval officer, and again another of a United States clerk of court. There is a claim on a contract to furnish beef at the Fort Peck Agency, in Montana.

I presume the beef was consumed a great many years ago. This citizen of the Republic, although the Court of Claims has decided in his favor, and the Supreme Court likewise, if his case was appealed, has affirmed the judgment, is refused payment, it seems, for that food product which he furnished to the Government of the United States. Again, there is a United States commissioner; again, there is a chaplain in the United States Army, who has not been paid for the services he rendered in behalf of the souls of the soldiers of the Republic. There is another letter-carrier who seems to have been defrauded, another clerk of a court, and still another clerk of a court. A citizen of the Republic, the Public Printer, rented buildings. I notice the name of John C. Rives. His administrator brought suit. The Court of Claims says that a certain amount is due him, and the Supreme Court affirms that judgment.

We come here, as we have during the present Congress, with four deficiency bills for the purpose of paying sums that are undoubtedly due citizens of the Republic, but the claims for which are comparatively fresh, and yet we have this document before us, where the Court of Claims has decided and the Supreme Court has affirmed its decision, that the Government owes this money to citizens of the United States. To my knowledge, a friend of mine has a claim in this list that is thirty-two years old. I submit, if we do not include these claims in the pending deficiency bill, we are doing ourselves a wrong, as well as the men in whose behalf I now appeal. I trust that there may be no mistake about this matter, and that the distinguished chairman of the Committee on Appropriations will not only see the justice but the urgency of paying these men the amounts that are due. This is all I care to say just now.

Mr. HALE. Let me call the Senator's attention to the large item found at the beginning of the third page. I suggest to him that before moving his amendment he should strike that out, because that would certainly give rise to controversy and prevent favorable action upon his amendment. It is the large sum of $800,000 for the "Old Settlers" or Western Cherokee Indians. I suggest to the Senator that he will disembarrass his amendment if he strikes that out.

Mr. GALLINGER. I have no objection to having the amendment modified by reducing the amount, and stating the sum in the amendment exclusive of that claim.

Mr. HALE. Yes, exclusive of that claim.

Mr. MANDERSON. I do not see why there should be a distinction made among these judgments.

Mr. GALLINGER. There should not be, as a matter of justice.

Mr. MANDERSON. If one should be paid, surely all should be paid.

Mr. HALE. There is a distinction, I will state to the Senator. Certain claims are of a class that always give rise to controversy, and this is one. It always has done so and always will. It is so large a sum, being nearly a million dollars, that the probable sense of the Senate would be that without investigation by a committee it should not be put on the bill. The others, which are smaller, do not raise that objection. I should think the Senator himself would see the propriety of striking out this large item and taking the question upon the others.

Mr. GALLINGER. While off-hand I suggested that I would be willing to eliminate this claim from the list, I call the attention of the Senator from Maine to the fact that not only has this claim been passed upon by the Court of Claims, but that the mandate of the Supreme Court, under date of May 29, 1893, affirms the judgment on that claim. So I think really the Senator from Nebraska is right when he says we ought not to discriminate against a claim that has run the gauntlet of the Court of Claims and the Supreme Court of the United States, and eliminate it from the amendment.

Mr. HALE. I can only say that on this old claim and the class of claims which a great many of us know about, until I had examined the papers and the judgment of the court to see what it covers, and read the mandate, as the Senator calls it, I should not for one be willing to vote for the amendment.

Mr. MANDERSON. Mr. President, I do not think that any difference in principle can be recognized between these different claims, such as is suggested by the Senator from Maine. If a debt is large there is perhaps the larger reason why it should be paid. Here are a large number of judgments that have upon full investigation of the demands been obtained in the Court of Claims. Why should they not be paid? Why should the United States continue in the position of being as dilatory, not to say as unprincipled and as dishonorable a debtor as there is in the world? Its reputation is so odorous and notorious that even the playwriter harps upon it and bases plays upon the facts, and we have represented upon the stage by great actors the position of the claimant who year after year presents himself appealingly at the doors of Congress and asks that an honest debt shall be paid.

I have heard it stated by some of those who have grown gray in Congressional service that if they had a claim against the Government of the United States which had to undergo the scrutiny and receive the action of Congress, rather than permit their heirs to proceed in an effort at recovery they would destroy every paper connected with the claim; that economy would dictate such a course, that peace of mind would prompt it. It is notorious that year after year and session after session of Congress, because of a fear to appropriate enough money to pay the honest debts of the Government, they are not paid and deserving creditors suffer shame and loss.

No reason can be urged, it seems to me, why a single one of these claims should not be paid, and no reason can be urged why the vast amount of money due the frontiersmen, due the settlers of the Western country for Indian depredation claims, should not be paid. Year after year those claimants appealed to Congress. At last in response, in feeble response to their demands, we organized a court; Indian depredation claims were sent to the court for trial; and although they had become so old under these enforced delays that it was difficult to prove them, they have in many instances been proven and judgments have been obtained. Yet upon no appropriation bill is there a single dollar ever appropriated for the payment of those just claims and in satisfaction of the judgments obtained against the United States. They ought to be paid, in common decency and fair honesty, and I am very glad to see that upon this appropriation bill, an urgent deficiency bill, there is an effort on the part of the Senator from New Hampshire [Mr. GALLINGER] to reach even in part this honest and decent result. If I had the matter within my reach, so that I could present it as an amendment to his amendment, I should move to add every Indian depredation claim upon which a judgment has been rendered.

Mr. COCKRELL. I hope the Senator will not insist upon the amendment. The Senator from Maine [Mr. HALE] made a clear statement in regard to this old Indian claim known as the "Old Settlers'" claim.

Here is an other item for the Pottawatomie Indians in Michigan and in Indiana of $104,626, which, it is said, is under a treaty stipulation. The committee have not had time to examine it so as to see out of what fund it should be paid, or whether it is to come directly out of the Treasury. We know nothing about it. This is simply an estimate. All of these matters belong to the general deficiency appropriation bill which will soon come from the House of Representatives, and upon that bill we shall consider them and investigate all these items.

Here are several items for losses and damages under contract for work in connection with the water supply of the District of Columbia, proposing to make the United States pay. That sum should come out of the treasury of the District of Columbia, and not out of the Treasury of the United States.

There is no urgency about these matters, and when the general deficiency bill comes up they will all be duly considered and be put under the proper headings, so as to come out of the proper fund. The amount of several thousand dollars which ought to be paid by the District of Columbia will not then come out of the Treasury, and the $104,626 will come out of the trust funds which belong to the Indians and be properly designated. The item of $800,386.31 to the "Old Settlers" will come out of moneys due them under treaty stipulations for lands belonging to the m. As the matter stands now it can not be done, and I hope the Senator will not insist upon the amendment.

Mr. GALLINGER. Do I understand the distinguished Senator from Missouri, the chairman of the Committee on Appropriations, to say that he will insist upon including these claims in the regular deficiency bill?

Mr. COCKRELL. I say they belong to the regular deficiency bill.

Mr. GALLINGER. What hope have we that they will be inserted?

Mr. COCKRELL. I have not investigated the claims. I am in favor of paying them, so far as that is concerned, but I am in favor of paying them according to the judgments of the courts and according to law.

The Senator from Nebraska [Mr. MANDERSON] talks about the "Old Settlers" as though they were the old pioneers. They are Indians known as the "Old Settlers" or Western Cherokee Indians. Their claims arise under a treaty with them. I would insert a provision to pay them according to the treaty out of the money and lands due them, and I would put in the other items to be paid out of the proper funds; but I would not put all the claims contained in a document in this way. The Senator from Maine, who is a member of the subcommittee of the Committee on Appropriations on the general deficiency bill, will give attention to these matters. The committee always does that.

Mr. GALLINGER. The first man I met whom I knew when I came to the other House of Congress from my State, was a man who had a claim against the Government of the United States. I did not know of it until I met him on Pennsylvania avenue. He explained to me that he had a claim against the Government that was about thirteen years old, for $400. He had been here at every session of Congress, he said, during those thirteen years, and he had spent about three times as much as the amount of the claim in endeavoring to get it adjusted. He had eight or ten different unanimous reports, but he never could get his claim through Congress. I took the matter in hand, and in about six months I succeeded in getting his claim through the other House, and in about three months more it passed the Senate of the United States. He was a very poor man, and when the bill passed and was signed by President Cleveland I spent 25 cents to reach his boarding place, only to learn there that he had died three days before and had been buried by charity in the District of Columbia.

If the Government of the United States, Mr. President, could be treated as a private citizen is treated in regard to its pecuniary obligations to its citizens, it would be in State's prison constantly for larceny.

The Senator from Nebraska [Mr. MANDERSON] truly says that a man who has a claim against the Government of the United States, however just it may be, might better toss it into the Potomac River or into the furnace in his house, rather than to undertake to prosecute it before the Congress of the United States. In my opinion it is a shame and a disgrace that we sit here year after year and allow claims adjudicated, as these claims have been adjudicated, to remain unpaid.

My only desire is to call the attention of the Senate to this matter in the hope that the Committee on Appropriations may either now consent to have these claims included in this deficiency bill, or that they may certainly include them in the next deficiency bill, urgent or otherwise, which may come before the Senate for its consideration.

I am inclined to think that the objection made by the chairman of the committee is well founded. I have no disposition to make the United States pay money which the District of Columbia should pay. I think the United States pays its full share in these matters.

So far as the large Indian claim is concerned, I have a great deal of sympathy with the poor Indians, who have been cheated by this great Government out of nearly a million dollars. The fact that they are Indians is an added reason why I should insist that they should be dealt fairly with and not be defrauded and cheated by a Government which has driven them from pillar to post until now they are almost outcasts in the United States.

In view of the objection which has been urged and the suggestions which have been made by the chairman of the committee calling attention to the fact that these claims can not very well be allowed in lump, and as I have not had time to consider them in detail and am not prepared to offer amendments on each separate item, I will withdraw the amendment, trusting to the generosity and, as we are all glad to testify, to the fair dealing of the distinguished chairman of the committee, that he may himself endeavor to get these claims put into the next deficiency bill that comes before Congress.

Mr. COCKRELL. We shall take them up in the general deficiency bill.

The VICE-PRESIDENT. Does the Chair understand that the amendment is withdrawn?

Mr. GALLINGER. The amendment is withdrawn.

Mr. HAWLEY. Mr. President, I have no amendment to offer, but I propose to put on record now some criticisms as to the management of the census reports. When Mr. Porter left the Census Bureau last year, on the 21st of July, he reported that 328 pages of the report on manufactures were completed and that those 328 pages were stereotyped.

As to the report of Mr. North upon woolen manufactures and upon the whole wool industry, I think it is one of the most valuable reports ever printed, and that Mr. North is one of the most

competent men in the country to do such work. He gave great labor to it and took great pride in it, and made what I think is an exceedingly valuable report. I suppose the criticism of Secretary Smith upon the historical portion of the report was as to its length.

In the census of 1860, during Democratic control, there was a report on the condition and the history of the woolen industry from the beginning of the Government to that time. It was a valuable historical sketch, but it was imperfect. The returns were imperfect, difficult to make, and it is almost impossible to make anything like a correct history of that industry, because the censuses taken in early years were themselves very imperfect, the subjects were not sufficiently classified, and perhaps capable men were not always employed.

Mr. North, not at too great length, but I think in a condensed way, has made a very admirable history of the progress of the woolen industry. He does not say anywhere that its condition was owing to good times or bad times when certain changes were made, but that manufactures went down during crises of extraordinary disaster. It is evident to me on reading, not that paper alone, but others, that many of the troubles of our manufacturers during the last seventy-five years were due to a vitiated currency and general catastrophes and calamities which overtake business from time to time without any satisfactory explanation.

I think there was an undue jealousy of Mr. North's report, lest there should be some material in it for a protective argument. At the close of this historical sketch the following paragraph has been eliminated:

> We find the domestic wool manufacture in 1890, in the point of development, where it is fairly comparable with that of European countries. It is exceeded by that of Great Britain in the quantity of wool consumed, and probably in the value of product. It exceeds the wool manufacture of France, Germany, and every other continental nation in both particulars. Its advance during the last thirty years has been far more rapid than in any other country. This fact may be demonstrated by a comparison with Great Britain, whose statistics of wool consumption are more accurately compiled than those of any other European nation.
>
> Before 1860 we imported more woolen goods, in duty-paid value, than we made in our own factories. Our woolen manufacturers consumed but 98,379,785 pounds of greasy wool in that year. In 1890 their consumption had grown to 434,000,000 pounds. In 1869 the British manufacture was consuming 300,000,000 pounds of wool annually, three times as much as our own. In 1890 the British manufacture consumed about 470,000,000 pounds, or but 8 per cent more than our own.
>
> A change from threefold to only 8 per cent more.
>
> In these 30 years our manufacturing consumption of wool has increased nearly 340 per cent, while that of Great Britain has grown 57 per cent.

That was not an incidental summary, but a compact history. If that be stricken out, it is because I am really afraid that it does furnish material for a protective argument.

I shall not trouble the Senate with selections from the forty-two or forty-three pages which I have here that have been stricken from the report. The pencil marks on the pages I have here show how the work of elimination has been done.

This was a work completed and approved as much as any work was approved. If it was not approved by any formal record in the Department, it was certainly by the oral approval of the order to go to print by Mr. Porter, and it was approved by Mr. Secretary Noble. I hold in my hand the completed work of the previous Administration.

That is not all, Mr. President. The report upon iron and steel, prepared under the direction of Superintendent Porter by Dr. William M. Sweet, of Philadelphia, one of the most competent men in the country for such work, has been cut and expurgated, and portions showing the development of the industry in comparison with that of other countries, Dr. Sweet has been informed, will be omitted from the report. The special agent of the Census Bureau called on Dr. Sweet within a week to show him the eliminated portions of his report. To this mutilation of his report Dr. Sweet strenuously objected, and is still earnestly protesting against it.

That was a completed work. I do not know what authority Secretary Smith had to take that completed work, after it had been approved by a previous Administration, eliminate and remold it and still leave the name of Dr. Sweet to it, and publish it as the census report collected under the law for that purpose.

I do not know precisely the particulars, but there is fault to be found, in my judgment, in the treatment of the report upon the Indians. The law for the census of 1890, departing a little from the usual path, instructed the officer in charge of that work to report not only the mere figures of the population, industries, etc., but, to use a general phrase, concerning the condition of the Indians. From what I know of the man who did the work, Mr. Donaldson, of Philadelphia, and from what I know of the list of men he employed and the care he took, I believe that is a document of inestimable value, and it should be printed as he wrote it; it is necessary that it should be so printed. If there be any little repetitions in it they should be corrected, but the document as he wrote it would be a historical document, and would be looked back to ten, twenty, thirty, or forty years hence as giving more correctly the status of the Indian at this time than any similar work has ever done. It was accompanied with photographs.

The proposition has been made—I do not know how much has been done—to cut down that work very largely and destroy its usefulness. The criticism made upon that work is that there are quotations in it from the reports of Secretaries of the Interior or Commissioners of Indian Affairs from time to time. So there are, but those quotations are indispensable, as anyone can see in a moment by examining the work for anything like a historical statement or description of the present condition of the Indians.

These are not the only criticisms I might make. I might make many more from the rather imperfect information I have, but those I have stated I believe to be just criticisms upon the conduct of the present Secretary of the Interior in changing work that had been completed by a previous Administration, without sufficient authority, or without any authority.

Mr. MORGAN. I should like to inquire of the Senator from Connecticut whether the report made by Mr. Donaldson has actually been cut and mutilated?

Mr. HAWLEY. I suppose it has been. That is my information.

Mr. MORGAN. Is there any official statement to that effect?

Mr. HAWLEY. The Senator from Nebraska [Mr. MANDERSON] knows, perhaps, better than I about that.

Mr. MANDERSON. I understand that about 400 pages of the final work treating upon the general subject of Indians taxed and not taxed has been or will be eliminated from the work. I might state that this work of Mr. Donaldson, who was the expert special agent, was performed under this authorization of the statute:

> The Superintendent of Census may employ special agents or other means to make an enumeration of all Indians living within the jurisdiction of the United States, with such information as to their condition as may be obtainable, classifying them as to Indians taxed, and Indians not taxed.

Proceeding under that statute, Special Agent Donaldson prepared certain reports—and I have one before me—on the Moqui-Pueblo Indians. These bulletins, some three or four in number, were printed and issued exactly as they were prepared by him.

The only parts of the whole work not yet issued are a report on the Five Civilized Tribes, that I understand is partly printed and in the hands of the printer and the final work, treating generally upon the subject and called Indians Taxed and not Taxed, which is also printed and in the hands of the printer. I understand both these works have been somewhat mutilated or cut by the blue pencil of a reviser.

The manuscript of the work known as the Five Civilized Tribes having been examined by the Committee on the Five Civilized Tribes of the Senate, was seen by them to be of such very great importance, and it was felt that it contained information so valuable, that that committee before departing for the expedition to the Indian Territory, where they now are, ordered it printed; and that work, without any of the illustrations, has been printed for the use of that committee. I was told by the Senator from Connecticut and the Senator from Colorado that that work would be of very great value to them in making their explorations of the Five Civilized Tribes.

Mr. HAWLEY. The Senator is referring to my colleague [Mr. PLATT], who is on the Committee on Indian Affairs.

Mr. MANDERSON. Yes; to the colleague of the Senator, and to the Senator from Colorado.

The other work, which has not yet been issued, although partly printed, known as Indians Taxed and Not Taxed, I have examined with great thoroughness. As it was originally written, it was a most valuable publication. It seems to me that it is a very full and at the same time a careful and exact compliance with the law. It gives the condition of these Indians. There is nothing that I can see of surplusage in it, and nothing that ought to be omitted. Much of it, as I say, is already in print in the Printing Office, and if there is to be any revision or cutting down of this final report it will be the elimination of that which is already in type, and much of which, I understand, is already electrotyped in the Public Printing Office.

The value of that work will appear from what I shall read. Dr. Daniel G. Brinton is known, perhaps, to every student of ethnology, and there is no more exact observer of the American Indian than he.

I will read a letter from him on the character of these works addressed to the author:

> PHILADELPHIA, PA., *September 12, 1892.*
>
> DEAR SIR: I wish to express to you the very great interest and pleasure I took in examining your final report on the Indian tribes, as shown to me in proof. It is full of the most valuable, because fresh and accurate, information on the native race. I sincerely trust that it will be issued by our Government at an early date, and without omission or diminution. There is nothing in it which can be spared, either by the historian or the scientific student. It furnishes exactly what we so much need—calm, clear, objective information about this race, concerning whom, in spite of centuries of con-

tiguity, we really know so little. It would be difficult to overestimate the value of such work as you present; because, as everyone knows, the opportunity to repeat it at any future census will not exist. The Indian tribes are changing so rapidly in every respect that another decade will forever obliterate many a peculiarity which you have so successfully noted and chronicled.

All that I have said above of the final report is equally true of the bulletin prepared of the Five Civilized Tribes. It is an excellent study of these important nations, and I trust that its contents will soon be available both to scholars and those practically interested in the welfare of these peoples.

In conclusion, I wish to repeat what I have previously expressed to you personally and in scientific journals, that the Census bulletins relating to our Indian population issued by you must always rank among the very best of our first-hand sources of information, and will be referred to as such by all future historians of the aboriginal race of our country.

I am, very truly, yours,

DANIEL G. BRINTON.

Mr. THOMAS DONALDSON.

Mr. Donaldson, who was selected for this work, won his spurs in an exploration and labor akin to this when, years ago, he was selected to compile the treatise on the public lands of the United States. There is no public document, there is none that in the West, at least, has been so largely sought as this four-volume edition showing the history of the public domain of the United States and giving a compilation of the laws and the decisions. It is found in the library of every practicing lawyer in the West who has proper regard for the duties devolving upon him incident to his profession, and I have no question but that there will be a demand very speedily for some supplemental work of the same character and a reprint of the publication to which I refer.

Afterwards Mr. Donaldson issued under the direction, I think, of the Bureau of Ethnology or the Smithsonian Institute a work upon the Indian, which, while small as compared with this later exploration, is also of great value. He is a very exceptional man in his ability to pursue intelligently these subjects, and is recognized among those who are interested in them as perhaps better fitted and qualified for such work than any other man in the country.

Whoever may be disposed to eliminate and use the blue pencil in cutting down this work should do so with great caution, for I do not believe there is any man in the country so well qualified to write upon the subject as this expert, and he who proposes to expurgate or expunge his work should do it with exceeding great care and make haste very slowly.

Mr. HAWLEY. I wish to state merely a single fact and then I shall be done. I want to add to my previous statement that it will be surely found upon examination, I think, that the matter already set up and stereotyped at a cost of from $50,000 to $75,000 has been thrown away by reason of the expurgations to which reference has been made.

Mr. MORGAN. I want to know whether this compilation of historical evidence and examination of facts has been submitted to and approved by the predecessor of Mr. Wright? I do not know how that is. Did Mr. Porter approve of this work?

Mr. HAWLEY. He did. Mr. Porter approved of the woolen report and of the Indian report.

Mr. MORGAN. According to my understanding of the law governing the Departments in matters of that kind, his successor in office has not any right to disapprove it after it becomes a record of the Department.

Mr. HAWLEY. That is what I supposed.

Mr. MORGAN. I understand also that the matter has been printed, or that the printing is nearly completed.

Mr. HAWLEY. I believe it is all stereotyped.

Mr. MORGAN. Mr. President, I object very seriously to the cutting out from the Census Report that part of the report which I happen to have looked over with some care—not all of it, but a part of it—and which I consider to be the most creditable part of the entire production so far as I have observed it, especially with regard to the matters of special examinations which are required to be ascertained and reported upon by special agents.

I should with great reluctance reject anything that Mr. Donaldson has done in the way of investigation of the laws or conditions relating to the public lands or the Indians of this country. He, I believe—I think I am correct about that—was the editor of the Catlin collection of the Indian tribes and their historial reminiscences published by the Smithsonian Institution?

Mr. MANDERSON. That is true.

Mr. MORGAN. That is a very great work. There is not a book which has been published by the United States which reflects more credit upon the Government than that, unless it may be the Public Land Laws or the Public Domain, which was gotten up and published by the same gentleman.

So he, having been employed as a special agent, having made his report, and it having been approved by the predecessor of Mr. Wright, I can not imagine anything more improper than for him to thrust his hand here and cut out pages and pages.

Mr. HOAR. I should like to ask the Senator from Alabama if he is aware that Mr. North, the gentleman who prepared the report on wool, stated that the changes were made in it for good reasons, and with his full consent and approval?

Mr. MORGAN. I am not speaking of the wool report. I am speaking of the Indian article.

Mr. HOAR. I thought the Senator was speaking of the other report.

Mr. MORGAN. Not at all. I do not know anything about the wool report. I am speaking of the Indian report.

I think it is a ruthless act to thrust a knife into those pages and cut out any part of what Mr. Donaldson has put there, I do not care whether it be original matter that he himself wrote or whether it has been collected from the reports of different Government officers and agents from time to time and edited by him and thrown together in connection with his own observation, so as to make this narrative complete in its historical character.

As a member of the Committee on Public Lands, I have often had occasion to refer to the book on the Public Domain as a standard work. I do not think there is a Senator who ever looked at it who did not regard it as of the highest authority on the subject of the history and condition of the public lands.

As a member of the Committee on Indian Affairs also, whatever this gentleman has published I have always taken as being the very best exposition possible of the question; and I should feel very reluctant indeed to find that anything had been done to take those contributions out of the census reports.

Mr. COCKRELL. Mr. President, I will read the following letter:

ROOM 21, MALTBY BUILDING, *Washington, D. C., April 6, 1894.*

DEAR SIR: Referring to the article in the New York Tribune of April 2, 1894, with reference to my report on wool manufactures for the Eleventh Census, I want to say that so far as the article reflects in any way upon you in connection with the revision and publication of that report, it is entirely without foundation. Without referring to anything that occurred respecting the report prior to the date upon which you took charge of the census, I have no possible ground for complaint in the manner of your treatment of me or of the report. On the contrary, I shall always be grateful for the kindly consideration I received at your hands. The report was published in substantially the shape in which I prepared it, except as to the preliminary historical sketch, which was omitted for reasons explained in the letter of the Acting Secretary of the Interior dated October 13, 1893, and with my full consent and approval.

Very respectfully,

S. N. D. NORTH, *Special Agent.*

Hon. CARROLL D. WRIGHT,
Superintendent of Census.

I have another letter, which reads as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, April 11, 1894.

DEAR SIR: Some remarks were made this morning on the floor of the Senate in the discussion on H. R. 6556, so far as it relates to the Eleventh Census, which would indicate that the facts relating to the publication of the Eleventh Census ought to be in your hands when the bill comes up for further debate.

I have the honor, therefore, to inform you that the publications of the Eleventh Census, consisting of twenty-four quarto volumes, are being brought out in accordance with the act approved February 23, 1893; that they are being brought out in the integrity of the intention of that act, and as originally planned by my predecessor in office. No report is being suppressed; no statements of facts are being changed or in any way mutilated; no plates have been destroyed, and no delay has been allowed in the final preparation of this vast amount of material. Some of the reports have undergone revision under my administration of the Census Office, but only in such a way as to make the reports of far more value to the Congress and to the public. This has been done without the slightest violation of the rights of the authors of the reports and without any violation of the matter reported. One report has been revised to such an extent that the original plates can not be used in full, but they will be used so far as possible and in no case destroyed.

Of the whole twenty-four volumes only three have been published; twenty-one, therefore, remaining to be published. The general clerical work on these twenty-one volumes will be practically finished in June. The remainder of the work will be the completion of parts of three volumes, and the immense amount of proof-reading and revision essential to the integrity of the census.

With respect to the abstract provided for in H. R. 6556, I would say that it is a suggestion of the House, and will be practically the digest provided for in the act to provide for the publication of the Eleventh Census, approved February 23, 1893. The plates for the one can be used for the other; but a complete digest can not be published until the last page of the copy of the census reports is ready. The abstract is to comprehend all that is ready by July 1, and in no way displaces anything else.

Of the Compendium, one volume was issued prior to my taking charge of the census, and the other volumes must be uniform with it; the second is nearly ready.

From these statements you can readily judge of the condition of the publications of the Eleventh Census and of the necessity of the legislation asked for.

I am, very respectfully,

CARROLL D. WRIGHT,
Commissioner of Labor, in Charge.

Hon. F. M. COCKRELL,
Chairman Committee on Appropriations, United States Senate.

I also take occasion in connection with the same matter to read another letter, which is as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, April 6, 1894.

MY DEAR SIR: At the hearing on the urgent deficiency bill, in which there are some items relating to the census, which you so courteously accorded

me this morning, you made an inquiry relative to some statements which had been made to the effect that the report on Indians was being changed in some way or valuable matter suppressed from it, and the publication of the report delayed.

I know something about that report. I had a long talk with Col. Thomas Donaldson in regard to it, and I have just as much interest in having his report published, without any improper mutilation, as any one else. I know it will be a valuable work, and it was in consequence of the conversation I had with Col. Donaldson that I called on Mr. Wright face to face, to know what he was doing. This letter continues:

I am exceedingly obliged to you for calling my attention to this matter, for it enables me to put you in possession of the facts.

When I took charge of the Census Office, October 6, 1893, I found that the report on the Five Civilized Tribes and the final report upon the Indians were under revision. In order to have the revision systematic, just to the author, Mr. Thomas Donaldson, and the report creditable to the Government, and in order to have all the reports which were left for me to publish conform to the plans laid down by my predecessor, and further to meet the requirements of law under a liberal construction, I issued to the editors of the census general instructions (a copy of which is inclosed, marked "A"), and special instructions relative to the report on Indians (copy inclosed, marked "B"). The necessary revision has delayed the publication of the works in question for the reason that in the final work on Indians there are over 225 pages (printed), or nearly one-quarter of the whole report, taken almost bodily from the reports of the Commissioners of Indian Affairs and others, and I have not felt warranted in putting the Government to the expense of republishing so much matter. Great blocks of this material have been taken from the reports of the Commissioners of Indian Affairs without credit.

The whole work is now practically completed, but it will be indefinitely delayed until a question of copyright is settled. I assure you that no attempt has been made, or will be made, to suppress any of the material facts collected by Mr. Donaldson or his assistants for the purposes of the Eleventh Census. No statements of facts have been or will be changed or altered in any way; but wherever errors appear, such as are found in additions, etc., pains have been taken to secure accurate statements. No violence is being done to Mr. Donaldson's report in any respect. I am simply doing my duty, which is to see that the report is brought out in such a way that the Government shall be assisted and not injured. I may further state that I have every reason to believe that my efforts in the way of the revision of Mr. Donaldson's report have been thoroughly acquiesced in by him, because I notified him at once of the revision and its method, and sent him copies of my letters marked "A" and "B," as inclosed, and I have never as yet, to this day, received a word of objection or protest from him. I can therefore assure you that, so far as the records of this office are concerned, Mr. Donaldson fully acquiesces in the revision that has taken place.

A further matter which causes delay in the publication of Mr. Donaldson's report relates to a claim which has been filed here by Mr. Charles F. Lummis, of San Francisco, the author of several illustrated works on the Indians. A copy of Mr. Lummis's letter or claim is filed herewith, and marked "C." In this the Government is notified that it will be held responsible in damages for the illegal use by Mr. Donaldson of various copyrighted illustrations. Mr. Donaldson has informed me that he can defeat any such claim. I have called upon him to furnish a waiver of the claim of Mr. Lummis or others, and I presume he will furnish this release, but he has not yet done so. I find, upon examining some of the works of Mr. Lummis, that Mr. Donaldson has used illustrations printed therein, and furthermore, that the records of the copyright office of the Government show that Mr. Lummis's claims are valid; but whether the copyrights really belong to Mr. Lummis or not has not yet been settled.

I should be thoroughly derelict in my duty as an officer of the Government if I allowed any work to be issued the publication of which would result in a claim for damages against the Government. This claim for damages for the illegal use of copyrighted matter by Mr. Donaldson will necessarily delay the publication of his report, independent of the delay caused by the revision.

I am happy to inform you that the copyright matter is in the way of speedy settlement, for since dictating the foregoing I have received a letter from Mr. Lummis making a most liberal offer for the release of his claim for damages under the copyright act.

Mr. Donaldson's report on the Five Civilized Tribes is now in the hands of the printer, and proofs of this and of the final report will be forwarded to him as promised.

I am, very respectfully, your obedient servant,

CARROLL D. WRIGHT,
Commissioner of Labor, in Charge.

Hon. F. M. COCKRELL,
Chairman Committee on Appropriations, United States Senate.

Mr. President, I ask that the exhibits referred to in the letter may be printed in connection with it. That is all the information I have on the subject.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it will be so ordered.

The exhibits referred to are as follows:

A.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, October 14, 1893.

SIR: The editors are directed to examine the reports submitted and not beyond revision, with a view to reducing to the lowest consistent limits all matter not strictly growing out of the census. In so far as possible the text should be based upon the tables, and consist only of such a simple analysis as will make the tables clearly intelligible.

The tables should be clear in arrangement and not too minutely attenuated, and the box headings should be distinctive and express clearly the contents in the respective columns.

Especial watchfulness is enjoined in eliminating all personal criticism, criticism of official action, or suggestions to other bureaus and other branches of the Government, and discussion of debatable questions. The Census Report should be a repository of facts.

Matter from other publications is to be excluded where not essential for elucidation of the statistical matter, especially such matter as is already available to the public in other current reports. Due acknowledgment should be secured in every case where it seems necessary to use extracts from other publications.

Your especial attention is called to my letter to the honorable Secretary of the Interior of the 10th instant, and his approval thereof. Also to my letter of the 13th instant, to Mr. Steuart, in charge of the Division of Manufactures.

Very respectfully,

CARROLL D. WRIGHT,
Commissioner of Labor, in Charge.

Mr. JAMES H. BLODGETT,
Editor in Chief, Eleventh Census.

B.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, October 14, 1893.

SIR: The editors will prepare the material for reports on Indians in conformity with the directions in a general letter of this date, and follow these special directions:

1. Prepare the manuscript on the Five Civilized Tribes for issue as an extra bulletin. The illustrations already printed, forty-five pages, are in possession of this office.

2. Prepare all Indian matter in hand, including the extra bulletins (Six Nations, Eastern Cherokees, Moquis, Five Civilized Tribes) for issue in one volume.

3. For this latter, exclude worthless pictures. The Office has plates for all illustrations except colored lithographs.

4. At the earliest practicable date, the editors will report to the Commissioner of Labor, in charge, on the necessity of a new edition of the colored lithographs to be used in the final report.

Very respectfully,

CARROLL D. WRIGHT,
Commissioner of Labor, in Charge.

Mr. JAMES H. BLODGETT,
Editor in chief, Eleventh Census.

JANUARY 6, 1894.

DEAR SIR: Upon my return from South America I find here a copy of your "Extra Census Bulletin, Moqui Pueblo Indians of Arizona and Pueblo Indians of New Mexico." I fancy you personally can not be aware of the astoundingly impudent robbery it brings under your name. In the illustration of that volume twenty-eight of my photographs (which cost me time and money, besides other things) have been used without my permission and contrary to my wish, in itself a sufficiently indecent performance. But that is not the worst. Let me call your attention to the fact that twenty of those photographs are copyrighted, and not for amusement, but for the express purpose of protecting them. Twenty violations of the copyright law in one book is certainly doing pretty well. I inclose a list of the copyrighted pictures that you may, if you desire, search the records of the Librarian of Congress and satisfy yourself to what extent a sworn officer of the United States has succeeded in breaking United States law. My photographs are made to illustrate my own work, not to be sold or stolen; and I purpose to see this matter to its logical conclusion. The illegal publication of these photos shuts me out from using them for my own work, and is as tangible a loss to me as would be the theft of so much cash from my pocket. I must insist that they be paid for; and then omitted from the report altogether, or each must bear my name and date of copyright, as you are well aware the law demands.

* * * * * * *

Yours truly,

CHAS. F. LUMMIS.

ROBERT P. PORTER, Esq.,
Superintendent of the Census, Washington, D. C.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., October 14, 1893.

The following correspondence is published for the information of all concerned.

J. H. WARDLE, *Chief Clerk.*

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., October 10, 1893.

SIR: I have the honor to inform you that, subject to your approval, I will direct that the text of all reports on the Eleventh Census, whether general or special, must be confined to the analysis and explanation of the tables comprehended in each report. This rule being subject to modifications when comparisons may be essential for a full understanding of the work in hand.

I am, very respectfully,

CARROLL D. WRIGHT,
Acting Superintendent of Census.

The honorable the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 13, 1893.

SIR: The recommendation contained in your letter of the 10th instant, that the text of all reports on the Eleventh Census, whether general or special, must be confined to the analysis and explanation of the tables comprehended in each report, is approved. This rule being subject to modifications when comparisons may be essential for a full understanding of the work in hand.

Very respectfully,

WM. H. SIMS, *Acting Secretary.*

ACTING SUPERINTENDENT OF THE CENSUS.

Mr. MANDERSON. Will the Senator kindly state, if he knows, what publication it is that is so greatly revised that the electrotype or stereotype plates in the Printing Office can only be used in small parts?

Mr. COCKRELL. I do not know. I did not know anything about it until I read this report.

Mr. MANDERSON. Unquestionably that refers to the two works I have spoken of, the work upon the Five Civilized Tribes and the work upon Indians Taxed and Not Taxed.

Mr. COCKRELL. I do not think it can possibly refer to the Five Civilized Tribes, because he says that work is going on, and he makes no objection to it.

Mr. MANDERSON. Then it probably refers to the other work, Indians Taxed and Not Taxed.

Mr. COCKRELL. I could not say, because I did not know that work was under discussion, and never heard of it. My im-

pression is that it does not refer to either one of them. I did not ask anything about it, and I think he simply puts this in incidentally. I asked about the Indian matter.

Mr. MANDERSON. He is speaking, however, of the reports of Donaldson.

There is no question but that the proposition stated by the Senator from Alabama is a correct one. It may be that there is not a statute law, but there certainly is a practice and custom in the Executive Departments that where action has been taken upon a matter by an executive officer his successor does not overrule him and take contrary action. Undoubtedly Commissioner Wright (for whom I have the very highest respect, whose ability we all recognize, and whose honesty of purpose is unquestionable) is laboring under a mistake when he says that these works of Donaldson, prepared under the direction of Porter, his predecessor, were not approved by Porter. There is the gist of this whole matter. I have here a copy of a letter from Porter, in fact, I have two letters from Porter. One is dated March 10, 1894, addressed to Mr. Donaldson. After speaking of some personal matters that are between them, he said:

Both Secretary Noble and myself feel outraged at the treatment which your report has received.

Mr. COCKRELL. I do not understand that Mr. Wright said anything about that. There was no approval or disapproval of Mr. Donaldson's report.

Mr. MANDERSON. I understand he places his action upon that, that it is yet subject to revision by him because it was not approved.

Mr. COCKRELL. That may be, but he did not mention the fact. He did not discuss that question in this letter, as I recall it.

Mr. MANDERSON. In one of the letters read he certainly makes reference to that matter. I will find it before I get through.

Mr. HOAR. Will the Senator pardon me? I think the facts ought to be known.

Mr. MANDERSON. Certainly.

Mr. COCKRELL. Here is what he refers to, probably, if the Senator will let me read it:

When I took charge of the Census Office, October 6, 1893, I found that the report on the five civilized tribes and the final report upon the Indians were under revision.

Mr. MANDERSON. Under revision?

Mr. COCKRELL. That is what he says.

Mr. MANDERSON. That shows he did not consider them approved, because the revision of a work is not proof-reading.

Mr. HOAR. Let us have the facts as we go along. I do not suppose the honorable Senator from Alabama, or any other Senator, would suppose that the action of the successor was a revision or overruling or judging of the work of the predecessor, whether he had approved it formally or not. It was found that in a certain report there were great blocks of matter repeated from other Government publications, and that to a large extent they had been repeated without credit. Second, that there was a claim made that a larger number of illustrations were a violation of the copyright of an individual who threatened a suit, and whose claim, whether well founded or not, was apparently supported by the copyright records. Now, does any Senator say that whenever those circumstances have been brought for the first time to the knowledge of the Department they should not be acted upon? I grant if this knowledge had been brought to Mr. Porter and he had acted upon the validity of the copyright or the importance of this claim——

Mr. MANDERSON. Which he did. Let me interrupt the Senator far enough to say——

Mr. HOAR. Let me finish my sentence and then I will let the Senator state it, and he will no doubt do it better.

Mr. MANDERSON. All right.

Mr. HOAR. I grant if that was true, and this question now being passed upon had been considered, adjudged, and acted upon by Mr. Porter, then we should have to take the next step and determine whether, under any such circumstances, his successor should deal with it.

Mr. MORGAN. Allow me to say that a judge subsequently acting upon a matter which has been of record by his predecessor, can always set it aside for fraud.

Mr. HOAR. Or because of newly discovered evidence.

Mr. MORGAN. Or upon newly discovered evidence.

Mr. MANDERSON. But the difficulty with that position is that the letter from the man claiming the copyright is addressed not to Mr. Wright, but to Porter, and Porter acted upon it.

Mr. HOAR. Where is that evidence?

Mr. MANDERSON. I will show the evidence. If I may be allowed to go on I think I will reach all these propositions.

Mr. MORGAN. Let me ask the Senator from Nebraska if the copyrights on the pictures have not actually been extinguished?

Mr. MANDERSON. The copyrights on the pictures pertain to the works already issued. There is no claim on the part of Lummis that he is entitled to copyrights upon the pictures proposed to be put into the two works not yet published, but his claim is that upon the bulletins heretofore issued (and I had one of them here a moment ago; it is in the hands of the Senator from New Hampshire) there are certain pictures to which he is entitled to a copyright. But there is no claim on the part of Lummis that he is entitled to copyright upon the illustrations that are proposed to be put in the two works that are under revision.

Mr. COCKRELL. Will the Senator from Nebraska please state that the letter of Mr. Lummis addressed to Col. Porter, "Personal, Robert P. Porter, esq., Superintendent of the Census," is dated January 6, 1894, long after Mr. Porter went out of office, and it is dated then because he says he had just returned from South America?

Mr. MANDERSON. I understood that a prior claim was made before that time, before the letter of January 6, 1894.

Mr. QUAY. Will the Senator from Nebraska yield the floor to me for the purpose of making a motion to adjourn?

Mr. MANDERSON. Certainly.

Mr. COCKRELL. I hope we may go on for a few minutes longer.

Mr. QUAY. I insist on my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania, that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 13, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 12, 1894.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with an amendment the bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River, in the State of Arkansas; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 1640) granting a pension to Otis Smith; in which the concurrence of the House was requested.

The message further announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the compilation prepared under the direction of the Committee on Finance, embracing a reprint of House bill 4864, with Senate amendments thereto suggested by the Committee on Finance, together with the existing tariff law and the Mills bill of 1888, with comparative statement as to rates of duty, etc., for the use of the Senate.

THE RULES.

Mr. CATCHINGS. Mr. Speaker, I present the following report from the Committee on Rules——

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS], from the Committee on Rules, submits a report.

Mr. BURROWS. Mr. Speaker, I suggest that there is no quorum present, and I object to the report being received.

The SPEAKER. No question is up——

Mr. BURROWS. I make the point of order that there is no quorum in the House.

The SPEAKER. The Chair can not recognize the gentleman until some question is before the House. The Journal has been approved. If the question had been made upon the approval of the Journal——

Mr. BURROWS. Before the reading of the Journal it has always been the practice that the suggestion of a member that no quorum is present raises the question.

The SPEAKER. But that suggestion was not made.

Mr. BURROWS. I know; but now it is attempted to do some business, to receive the report of a committee; and I suggest that there is no quorum present, and I object to the report being received at this time.

Mr. CATCHINGS. Mr. Speaker, I have the floor, and can not be taken off the floor in this way.

The SPEAKER. It has never been the practice of the House that the question of no quorum could be raised unless some action of the House was taken in the nature of a vote.

Mr. BURROWS. I had supposed it to be the uniform practice—I know it is in the other body, and I know it has been done here repeatedly—for instance, in the morning, before the Journal has been read, it has been the practice frequently to say, "There is no quorum present, Mr. Speaker."

The SPEAKER. That is because the rule provides that the Speaker shall take the chair at 12 o'clock, and, on the appearance of a quorum, cause the Journal to be read. Now, when some gentleman rises and says that a quorum has not appeared, of course the Speaker must ascertain the presence of a quorum, under the rule, before the Journal can be read; but after the Journal has been approved, then the presumption of course will be that a quorum is present, and no way of testing that question can arise until there comes up a question to be voted on in some way.

Mr. BURROWS. Then, under that holding, Mr. Speaker, under the rules of the House, I move a call of the House, for the purpose of ascertaining the presence of a quorum.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] has the floor, submitting a report from the Committee on Rules, and he can not be taken off the floor.

Mr. BURROWS. Does the Chair hold that I can not move a call of the House?

The SPEAKER. The Chair holds that the gentleman can not take the gentleman from Mississippi off the floor for that purpose.

Mr. BURROWS. I understood I was recognized.

The SPEAKER. The Clerk will read the report of the Committee on Rules.

Mr. BURROWS. I appeal from the decision of the Chair.

The SPEAKER. The Chair can not recognize the gentleman to take the gentleman from Mississippi off the floor.

Mr. BURROWS. Then the Chair does not recognize my appeal?

The SPEAKER. The Chair does not recognize the gentleman at all to take the gentleman from Mississippi off the floor. The Clerk will read the report of the Committee on Rules.

The Clerk began to read.

Mr. REED. Mr. Speaker, the gentleman from Michigan raised the point of order that this was not admissible, and he takes an appeal from the decision of the Chair that it is admissible.

The SPEAKER. It is a question of recognition. The Chair stated that the gentleman from Mississippi [Mr. CATCHINGS] had been recognized.

Mr. REED. A gentleman is always entitled to recognition on a point of order.

The SPEAKER. No point of order is raised.

Mr. CATCHINGS. I have the floor, Mr. Speaker?

Mr. REED. The point of order was raised that this was not in order, because there was no quorum present.

The SPEAKER. But there is no provision by which to ascertain the presence of a quorum until some question comes before the House.

Mr. REED. Suppose there is not. The Chair decides that, and the gentleman from Michigan [Mr. BURROWS] asks the judgment of the House by an appeal from the Chair, and under the rules of the House he is entitled to his appeal.

The SPEAKER. There has never been a practice of that sort.

Mr. REED. If the Speaker will permit, there has always been a practice of that sort. It is perfectly clear that the House has a right to appeal from any decision of the Speaker. The gentleman from Michigan has made the point that it is not in order, no matter what his reasons are for making that point, or what reasons the Chair has for his decision; the Chair has decided that it is not in order; and from that decision the gentleman from Michigan has taken an appeal; and under the first rule of the House he is entitled to that appeal. It is not a question of recognition, or of being taken off the floor; and a point of order always takes a member off the floor.

The SPEAKER. Not if any gentleman has the floor for debate.

Mr. REED. A point of order has always done that.

The SPEAKER. The Chair thinks not.

Mr. CUMMINGS. I call for the regular order.

The SPEAKER. The Chair declines to entertain the appeal; and the Clerk will read the report of the Committee on Rules.

The Clerk proceeded to read the report.

Mr. REED. Can not I have an appeal from the decision of the Chair upon that point?

The SPEAKER. The Clerk will proceed with the reading.

Mr. REED. I do not——

The SPEAKER. The gentleman will be seated, and the Clerk will proceed with the reading of the report.

Mr. REED. I have another point I desire to make.

Mr. CATCHINGS. Mr. Speaker, we can not hear the reading of the resolution.

Mr. REED. I rise to a point of order, Mr. Speaker.

The Clerk resumed and concluded the reading of the report, which is as follows:

Rescind clause 1 of Rule VIII and insert in lieu thereof the following:

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented, and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question.

Whenever in pursuance of section 5, Article I of the Constitution of the United States, the House of Representatives, at the request of one-fifth of the members present, shall order the yeas and nays of its members on any question to be entered on its Journal, and upon the call of roll of its members for that purpose a quorum thereof shall fail to vote, each member within the Hall of the House who shall fail to vote when his name is called, unless he has a direct personal or pecuniary interest in the event of such question; and each member who shall be absent from the Hall of the House when his name is called, unless he has been excused, or is necessarily prevented from being present, shall be fined the sum of $10; and the Speaker shall cause an entry of such fine to be made against such members on the Journal of the House, and the same shall be collected and paid into the Treasury of the United States.

The entry of such fine shall be made substantially in the following form, namely: "The House of Representatives of the United States, at the request of one-fifth of its members present, having ordered the yeas and nays of its members on a question pending therein, to be entered on its Journal, and upon a call of the roll of its members for that purpose, a quorum thereof having failed to vote, and [here set out the name and State of the member or members fined] having been within the Hall of the House and failed to vote when his name was called, without having a direct personal or pecuniary interest in the event of such question (or, as the case may be, 'absent from the Hall of the House when his name was called, without having been excused, or necessarily prevented from being present'), it is therefore ordered and adjudged by the House of Representatives of the United States of America that a fine of $10 be, and the same is hereby, entered against [here set out the name of the member fined], which sum shall be collected and paid into the Treasury of the United States."

The names of all members who shall be fined on the same roll call may be included in a single entry on the Journal; and if fines shall be entered on more than one call during the same day, the second entry on the Journal relating thereto, shall have the caption, "Fine number two," the third entry, "Fine number three," and so on.

It shall be the duty of the Clerk of the House to certify to the Sergeant-at-Arms of the House the names of all members against whom fines are so entered, and unless they shall be voluntarily paid to him, he shall deduct the amount of said fines from the compensation of said members, and all sums that may be paid to, or so deducted by him, shall be paid by him into the Treasury of the United States.

A call of the roll of the members of the House shall not be deemed to have been completed until the Speaker shall have made all necessary orders regarding fines which may be imposed on members in pursuance of the provisions of this rule.

It shall not be in order to move, nor shall the Speaker entertain a request for unanimous consent, to remit the fines required to be entered as aforesaid.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. REED. The point I desire to make——

Mr. CATCHINGS. I demand the previous question.

Mr. REED. I make the point of order, and I rose to the point of order prior to that motion, Mr. Speaker, and addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from Mississippi to demand the previous question.

Mr. REED. I claim the right of a member to make a point of order prior to that, and I rose for that purpose.

The SPEAKER. What is the gentleman's point of order.

Mr. REED. My point of order—am I recognized?

The SPEAKER. The Chair has recognized the gentleman from Mississippi to demand the previous question. Pending that, the gentleman from Maine rises to a point of order. The Chair will hear him.

Mr. REED. I am recognized on the point of order?

The SPEAKER. Pending that, the Chair will hear the gentleman's point of order.

Mr. REED. The Chair must either, it seems to me——

The SPEAKER. The question is upon ordering the previous question. As many as are in favor of ordering the previous question will say aye, and those opposed will say no.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. REED. Division.

The House divided; and there were—ayes 100, noes 9.

Mr. REED. No quorum.

The SPEAKER. The gentleman from Maine makes the point of no quorum.

Mr. REED. I desire to make the point of order.

Mr. CATCHINGS. The yeas and nays.

The SPEAKER. The Chair can not interrupt the proceedings.

Mr. REED. The point of order I desire to make, and which the Chair did not hear, is——

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. REED. That the House is already dividing on another proposition.

The question was taken on ordering the yeas and nays; and the Speaker announced that 90 gentleman having arisen, a sufficient number, the yeas and nays were ordered.

Mr. BURROWS. Mr. Speaker, I demand tellers.

Tellers were ordered; and the Speaker appointed Mr. CATCHINGS and Mr. BURROWS.

The House divided; and the tellers reported—ayes 80; a sufficient number, and the yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 11, not voting 200; as follows:

YEAS—142.

Abbott,	Crain,	Lester,	Richardson, Tenn.
Alexander,	Davis,	Livingston,	Ritchie,
Allen,	De Armond,	Lynch,	Robbins,
Arnold,	De Forest,	Maddox,	Robertson, La.
Bailey,	Dinsmore,	Mallory,	Rusk,
Baker, Kans.	Dockery,	Martin, Ind.	Russell, Ga.
Baldwin,	Donovan,	McCreary, Ky.	Sayers,
Barwig,	Dunn,	McCulloch,	Shell,
Bell, Colo.	Edmunds,	McDannold,	Sibley,
Berry,	English, Cal.	McDearmon,	Sickles,
Black, Ga.	Enloe,	McEttrick,	Sperry,
Black, Ill.	Epes,	McKaig,	Springer,
Bland,	Erdman,	McLaurin,	Stallings,
Boen,	Forman,	McMillin,	Stevens,
Bower, N. C.	Gorman,	McNagny,	Stone, Ky.
Branch,	Grady,	McRae,	Strait,
Brookshire,	Gresham,	Meredith,	Straus,
Bryan,	Hall, Minn.	Meyer,	Swanson,
Burnes,	Hare,	Montgomery,	Talbert, S. C.
Bynum,	Harter,	Morgan,	Talbott, Md.
Cabaniss,	Hatch,	Moses,	Tarsney,
Campbell,	Hayes,	Neill,	Tate,
Cannon, Cal.	Heard,	O'Neill, Mass.	Taylor, Ind.
Capehart,	Henderson, N. C.	Outhwaite,	Tucker,
Caruth,	Holman,	Page,	Turner, Ga.
Catchings,	Hooker, Miss.	Paschal,	Washington,
Clark, Mo.	Hudson,	Patterson,	Weadock,
Clarke, Ala.	Hunter,	Pearson,	Wells,
Cobb, Ala.	Hutcheson,	Pence,	Wheeler, Ala.
Cobb, Mo.	Izlar,	Pendleton, Tex.	Whiting,
Cockrell,	Jones,	Pendleton, W. Va.	Williams, Ill.
Coffeen,	Kem,	Pigott,	Williams, Miss.
Conn.	Kyle,	Price,	Wise,
Cooper, Fla.	Lane,	Reilly,	Woodard.
Cooper, Ind.	Latimer,	Richards, Ohio	
Cox.	Layton,	Richardson, Mich.	

NAYS—11.

Causey,	Geary,	Maguire,	Ryan,
Coombs,	Geissenhainer,	McAleer,	Warner.
Cummings,	Kilgore,	Paynter,	

NOT VOTING—200.

Adams, Ky.	Curtis, N. Y.	Hooker, N. Y.	Quigg,
Adams, Pa.	Dalzell,	Hopkins, Ill.	Randall,
Aitken,	Daniels,	Hopkins, Pa.	Ray,
Alderson,	Davey,	Houk,	Rayner,
Aldrich,	Denson,	Hulick,	Reed,
Apsley,	Dingley,	Hull,	Reyburn,
Avery,	Dolliver,	Ikirt,	Robinson, Pa.
Babcock,	Doolittle,	Johnson, Ind.	Russell, Conn.
Baker, N. H.	Draper,	Johnson, N. Dak.	Schermerhorn,
Bankhead,	Dunphy,	Johnson, Ohio	Scranton,
Barnes,	Durborow,	Kiefer,	Settle,
Bartholdt,	Ellis, Ky.	Kribbs,	Shaw,
Bartlett,	Ellis, Oregon	Lacey,	Sherman,
Belden,	English, N. J.	Lapham,	Simpson,
Bell, Tex.	Everett,	Lawson,	Sipe,
Beltzhoover,	Fielder,	Lefever,	Smith,
Bingham,	Fithian,	Linton,	Snodgrass,
Blair,	Fletcher,	Lisle,	Somers,
Boatner,	Funk,	Lockwood,	Stephenson,
Boutelle,	Funston,	Loud,	Stockdale,
Bowers, Cal.	Fyan,	Loudenslager,	Stone, C. W.
Brattan,	Gardner,	Lucas,	Stone, W. A.
Breckinridge, Ark.	Gear,	Magner,	Storer,
Breckinridge, Ky.	Gillet, N. Y.	Mahon,	Strong,
Bretz,	Gillett, Mass.	Marsh,	Sweet,
Brickner,	Goldzier,	Marshall,	Tawney,
Broderick,	Goodnight,	Marvin, N. Y.	Taylor, Tenn.
Brosius,	Graham,	McCall,	Terry,
Brown,	Griffin,	McCleary, Minn.	Thomas,
Bundy,	Grosvenor,	McDowell,	Tracey,
Bunn,	Grout,	McGann,	Turner, Va.
Burrows,	Grow,	McKeighan,	Turpin,
Cadmus,	Hager,	Meiklejohn,	Tyler,
Caldwell,	Hainer,	Mercer,	Updegraff,
Caminetti,	Haines,	Milliken,	Van Voorhis, N. Y.
Cannon, Ill.	Hall, Mo.	Money,	Van Voorhis, Ohio
Chickering,	Hammond,	Moon,	Wadsworth,
Childs,	Harmer,	Morse,	Walker,
Clancy,	Harris,	Murray,	Wanger,
Cockran,	Hartman,	Mutchler,	Waugh,
Cogswell,	Haugen,	Newlands,	Wever,
Compton,	Heiner,	Northway,	Wheeler, Ill.
Cooper, Tex.	Henderson, Ill.	Oates,	White,
Cooper, Wis.	Henderson, Iowa	O'Neil, Mo.	Wilson, Ohio
Cornish,	Hendrix,	Payne,	Wilson, Wash.
Cousins,	Hepburn,	Perkins,	Wilson, W. Va.
Covert,	Hermann,	Phillips,	Wolverton,
Crawford,	Hicks,	Pickler,	Woomer,
Culberson,	Hines,	Post,	Wright, Mass.
Curtis, Kans.	Hitt,	Powers,	Wright, Pa.

The following pairs were announced:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. BRETZ with Mr. RUSSELL of Connecticut.

Mr. BELTZHOOVER with Mr. TAYLOR of Tennessee.

Mr. SCHERMERHORN with Mr. JOHNSON of Indiana.

Mr. BLACK of Illinois with Mr. ALDRICH.

Mr. OATES with Mr. BOWERS of California.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. ELLIS of Kentucky with Mr. COOPER of Wisconsin.

Mr. IKIRT with Mr. TAWNEY.

Mr. MONEY with Mr. DRAPER.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. SNODGRASS with Mr. HOUK.

Mr. KRIBBS with Mr. BROSIUS.

Mr. BROWN with Mr. BELDEN.

Mr. MCKEIGHAN with Mr. RANDALL.

Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.

Mr. BOATNER with Mr. WILLIAM A. STONE.

Mr. CADMUS with Mr. MERCER.

Mr. BRICKNER with Mr. ADAMS of Kentucky.

Mr. DURBOROW with Mr. HOPKINS of Illinois.

Mr. ALDERSON with Mr. WHEELER of Illinois.

Mr. GOODNIGHT with Mr. CANNON of Illinois.

Mr. ENGLISH of New Jersey with Mr. VAN VOORHIS of Ohio.

Mr. BANKHEAD with Mr. SWEET.

The following for this day:

Mr. MAGNER with Mr. WADSWORTH.

Mr. FYAN with Mr. LINTON.

Mr. FITHIAN with Mr. MORSE.

Mr. DAVEY with Mr. STRONG.

Mr. TERRY with Mr. SCRANTON.

Mr. SOMERS with Mr. HOOKER of New York.

Mr. HALL with Mr. BINGHAM.

Mr. COMPTON with Mr. WRIGHT of Pennsylvania.

Mr. LISLE with Mr. HULL.

Pending the announcement of the result of the vote,

Mr. DAVIS said: Mr. Speaker, my colleague, Mr. SIMPSON, is still very ill, and I ask that he be excused.

The SPEAKER. The gentleman has leave of absence, the Chair is informed.

Mr. SAYERS. Mr. Speaker, my colleague, Mr. BELL, is confined to his room, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. MAGUIRE. Mr. Speaker, my colleague, Mr. CAMINETTI, is quite sick and unable to be here, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. SWANSON. Mr. Speaker, my colleague, Mr. TYLER, is confined to his room by sickness, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. COBB of Alabama. Mr. Speaker, I am paired, but I have voted to make a quorum.

Mr. BURROWS. Mr. Speaker, my colleague, Mr. GRIFFIN, is ill at his hotel and has requested me to ask leave of absence for him for to-day.

There was no objection, and the leave was granted.

The SPEAKER. On this question the yeas are 142, and the nays are 11. No quorum has voted.

Mr. CATCHINGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll; when the following-named members failed to respond:

Adams, Ky.	Denson,	Hulick,	O'Neill, Mo.
Aitken,	Draper,	Hull,	Randall,
Alderson,	Durborow,	Ikirt,	Russell, Conn.
Aldrich,	Ellis, Ky.	Johnson, Ind.	Schermerhorn,
Bankhead,	English, N. J.	Johnson, Ohio	Scranton,
Barnes,	Everett,	Kribbs,	Simpson,
Bell, Texas,	Fielder,	Lapham,	Sipe,
Beltzhoover,	Fithian,	Linton,	Snodgrass,
Bingham,	Fletcher,	Lisle,	Somers,
Blair,	Funk,	Lockwood,	Sweet,
Boatner,	Funston,	Magner,	Tawney,
Bower, N. C.	Fyan,	Marshall,	Taylor, Tenn.
Brattan,	Goldzier,	Marvin, N. Y.	Terry,
Breckinridge, Ky.	Goodnight,	McCall,	Tracey,
Bretz,	Graham,	McGann,	Turpin,
Brickner,	Griffin,	McKeighan,	Tyler,
Brown,	Haines,	Mercer,	Wadsworth,
Cadmus,	Hall, Mo.	Milliken,	Wagner,
Caminetti,	Hammond,	Money,	Waugh,
Cannon, Ill.	Harris,	Morse,	Wheeler, Ill.
Clancy,	Heiner,	Murray,	Wilson, W. Va.
Compton,	Hendrix,	Mutchler,	Wolverton,
Cooper, Wis.	Hines,	Neill,	Wright, Pa.
Cornish,	Hooker, N. Y.	Newlands,	
Curtis, N. Y.	Hopkins, Ill.	Oates,	
Davey,	Houk,	O'Neil, Mass.	

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). The doors will now be closed, and the Clerk will call the names of those members who failed to respond on the first call. Upon this call excuses will be in order.

Mr. COOMBS (when his name was called). Mr. Speaker, I ask to be excused until Monday next, on account of ill health.

There was no objection, and it was so ordered.

Mr. HAUGEN (when the name of Mr. COOPER of Wisconsin was called). Mr. Speaker, I ask that my colleague [Mr. COOPER] be excused indefinitely, on account of illness.

There was no objection, and it was so ordered.

Mr. GEISSENHAINER (when the name of Mr. CORNISH was called). Mr. Speaker, I ask unanimous consent that my colleague [Mr. CORNISH] be excused.

The SPEAKER *pro tempore*. For what reason?

Mr. GEISSENHAINER. I understand that he is detained at home by illness.

There was no objection, and it was so ordered.

Mr. NORTHWAY (when the name of Mr. FUNK was called). Mr. Speaker, the gentleman from Illinois [Mr. FUNK] is sick at his hotel, and I ask that he be indefinitely excused.

There was no objection, and it was so ordered.

Mr. SHERMAN (when the name of Mr. HOOKER of New York was called). Mr. Speaker, I ask that my colleague [Mr. HOOKER] be excused on account of serious illness in his family.

There was no objection, and it was so ordered.

Mr. GEAR (when the name of Mr. HULL was called). Mr. Speaker, my colleague [Mr. HULL] was called out of town yesterday on important business, and I ask that he be excused for three days.

The SPEAKER *pro tempore*. The gentleman from Iowa asks that his colleague [Mr. HULL] be excused on account of important business. Is there objection?

Mr. REED. I object.

Mr. GEAR. Then I move that my colleague [Mr. HULL] be excused for three days, on account of important business, notwithstanding the objection.

Mr. CATCHINGS. Mr. Speaker, I make the point of order that the Chair can not entertain that motion at this time.

The SPEAKER *pro tempore*. The Chair will hear the gentleman upon the point of order.

The gentleman from Maine [Mr. REED] objects to the request of the gentleman from Iowa [Mr. GEAR] that his colleague [Mr. HULL] be excused on account of important business. The gentleman from Iowa moves that his colleague be excused, and the gentleman from Mississippi makes the point of order that the Chair can not entertain the motion.

Mr. REED. What is to be done with the absentee?

Mr. CATCHINGS. Will the Chair cause the rule to be read?

The SPEAKER *pro tempore*. The Clerk will read paragraph 2 of Rule XV.

The Clerk read as follows:

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Mr. CATCHINGS. Now, Mr. Speaker, it is perfectly evident that only excuses for the absence of members can be presented at this time. This is a proposition to excuse a man from being present for a certain period hereafter; but nothing is in order at this time but to ask that members who are absent be excused. This is a call for the purpose of enabling excuses to be made for members who are not present.

Mr. REED. That is not the language of the rule. The language of the rule is "those for whom no sufficient excuse is made."

Mr. CATCHINGS. I call for a ruling upon the point.

The SPEAKER *pro tempore*. The Chair must request gentlemen to resume their seats. It is impossible for the Chair to hear what gentlemen are saying. The Chair desires to hear this point of order discussed, and will be pardoned for saying that it is quite an important one, and gentlemen would do well to give attention to it. [A pause.] The Chair will now hear the gentleman from Mississippi [Mr. CATCHINGS] on the point of order.

Mr. CATCHINGS. Mr. Speaker, the rule expressly provides—

The doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured.

The SPEAKER *pro tempore*. The gentleman will pardon the Chair for asking a question. The language of the rule as just read is "those for whom no sufficient excuse is made." Who is to be the judge of the sufficiency of the excuse?

Mr. CATCHINGS. The excuse that the rule contemplates is an excuse for absence. Under this rule, a member during this call may rise and give some excuse for the absence of his colleague, or any other gentleman. But that is not the proposition here at all. No excuse whatever is made in this case for the absence of this member—no pretense of an excuse is offered for his absence; but the proposition is that the House do now excuse him for the future.

I submit that this proposition is clearly in violation of the terms of the rule, which simply contemplates that when on such a call as this the name of an absent member is called some gentleman present may, if he desires to do so, offer an excuse for the absent member—an excuse then existing which would justify his absence. But, as I have said, that is not the proposition here. No excuse is offered for the absence of this gentleman; but the proposition is that the House shall now excuse him. I submit that the point is well taken.

Mr. REED. Does the Chair desire that the other side of this question be heard?

The SPEAKER *pro tempore*. This is a very important matter; and the Chair begs leave to state that, according to his recollection, motions of this kind have been entertained heretofore——

Mr. REED. Always.

The SPEAKER *pro tempore*. And the Chair is informed by the Journal Clerk that probably there has been a roll call during this Congress in the midst of another roll call on a motion to excuse a member. That, of course, is going very far; and the Chair would incline to think, if such is the rule, that it ought not to be. But the Chair would be glad to hear gentlemen on both sides of this question.

Mr. CATCHINGS. I wish to suggest that though this thing may have been done heretofore, that does not furnish a precedent for again doing it, unless a point of order was made at the time and overruled.

The SPEAKER *pro tempore*. That is true; and the Chair does not remember that the point of order was ever made. For that reason he begs leave to state that this is quite an important matter.

Mr. REED. The matter is so simple, that it seems to me to need nothing but a statement. The rule says:

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested.

"Those for whom no sufficient excuse is made" may be sent for. Nobody else can be sent for except those for whom no sufficient excuse is made. Now, who is to judge whether the excuse is sufficient? Obviously nobody but the House of Representatives or that portion of it which is present compelling the attendance of absent members. It has been the invariable practice——

The SPEAKER *pro tempore*. The gentleman will pardon the Chair a moment. The Chair a few moments ago addressed to the gentleman from Mississippi [Mr. CATCHINGS] the question just repeated by the gentleman from Maine—Who is to be the judge of the sufficiency of the excuse? The question also presents itself when is that sufficiency to be determined—whether the roll call shall be stopped for that purpose or whether the question shall be determined after the completion of the roll call?

Mr. REED. This very roll call is a call of members for excuses. It is for that very purpose that the roll is being called—in order that the business of the House may proceed in orderly fashion. When the name of the gentleman from Iowa [Mr. HULL] was called an excuse was presented; one of his colleagues has moved that he be excused. The case is so simple that I can not think argument can be necessary unless something further be presented on the other side.

Mr. CATCHINGS. I would like the gentleman to state what excuse has been offered for the absence of the gentleman from Iowa.

Mr. REED. On account of important business.

Mr. CATCHINGS. That is not stated. The motion is now that he be excused.

Mr. REED. Certainly; and that is the reason stated.

Mr. GEAR. I stated, Mr. Speaker, that my colleague was called out of town by important business.

Mr. REED. It has been the invariable custom of the House to allow excuses to be made on this call, and is founded on a plain rule of the House. The House has no power to order the arrest of a member unless it has first passed on the question whether he has a sufficient excuse. If he makes no excuse it is presumed that he has none to offer; but if an excuse is made it is incumbent upon the House to determine its sufficiency.

Mr. GEAR. Mr. Speaker, I shall state that I gave as a reason for the desirability of excusing my colleague, Mr. HULL, the fact that he was called suddenly out of town on account of important business. He had not time to get leave of absence, but left the matter in my charge, and requested me to state that he had been called out of the city on important business. I asked

that he be excused and the gentleman from Maine [Mr. REED] objected. I then moved that he be excused. This I am clear has been the custom, as I understand the practice of the House for many years on this second call of the roll. It has frequently happened since I have been here for members to ask that their colleagues be excused, various reasons being assigned under such circumstances.

I can state, if I am correct in my recollection, an incident that happened within my own knowledge. On an occasion similar to this, during the absence of my colleague, Mr. PERKINS, a request was made that he be excused, which was objected to, whereupon a motion was made to excuse him. Objection came from that side of the House, and on that question a roll call was had. I think it will be found in the proceedings of about the 8th or 10th of January.

The SPEAKER *pro tempore*. There is this further difficulty in the mind of the Chair at this time, raised by the point of order, although the gentleman did not call direct attention to this matter. The Chair is of opinion that the Speaker of the House has held all along that when the House finds itself without a quorum it can only have power to excuse a member for the day, and not grant an indefinite leave of absence, and inasmuch as the motion in this case is indefinite, the Chair thinks it would be obnoxious to that point of order.

Mr. GEAR. I did ask that he be excused for three days, but objection was made. I then moved that he be excused.

Mr. REED. The gentleman does not ask indefinite leave of absence, but simply moves that he be excused.

The SPEAKER *pro tempore*. The Chair understood the gentleman to ask that he be excused for three days.

Mr. GEAR. I did ask that he be excused for three days, but when that was objected to I made a motion that he be excused.

The SPEAKER *pro tempore*. That was the difficulty the Chair found in the motion of the gentleman; that it involved the granting of leave of absence for three days.

Mr. GEAR. But after that, Mr. Speaker, I moved simply that he be excused.

The SPEAKER *pro tempore*. The Chair thinks that would be as far as the House would have power to go under the circumstances.

Mr. REED. If the Chair pleases, there is no question about it. If the member is excused his arrest can not be ordered. That is all there is.

The SPEAKER *pro tempore*. The Chair thinks the gentlemen had better limit his motion to one day.

Mr. BURROWS. That is just what the gentleman has done.

The SPEAKER *pro tempore*. The Chair did not so understand.

Mr. GEAR. I simply moved that he be excused.

The SPEAKER *pro tempore*. That he now be excused.

Mr. GEAR. And the pending question is on that motion.

The SPEAKER *pro tempore*. The Chair wanted to be fair and not overrule the motion on the ground of its being made for three days. If the gentleman makes the motion but for the one day, the Chair thinks it makes a material difference in the situation.

Mr. REED. He moves that he be excused now simply.

Mr. BOUTELLE. I desire to say this, Mr. Speaker: It seems to me we will more clearly see the bearing of this proposition if we take into consideration the object of this call which is now proceeding. It strikes me that some confusion may have arisen in the minds of some of the gentlemen in the House by reason of alluding to the present proceeding as a "roll call." This is not a question involving a vote of the House. It is simply a mode to ascertain who are present, and yet the term "roll call" has been applied to it.

If we proceed upon the proper assumption that this is simply calling the list of the names of the members, then we find exactly an answer to the present situation. When a member's name is called under this procedure only three things are possible. One is that he shall answer "here," present; the other is that he shall be noted as absent if he is not here; while the third alternative is that some one on the floor shall offer an excuse for his absence. It is not a roll call on a vote that may not be interrupted under the technical rules of the House, but a call of the names of the members in their alphabetical order for the express purpose of determining who are here and who are absent, and for whom excuses may be offered.

Mr. DOLLIVER. Mr. Speaker, I desire to call the attention of the Chair to a decision of the question in the second volume of the Journal of the Fifty-second Congress, on page 77.

The SPEAKER *pro tempore*. Is that the case of Mr. Stahlnecker?

Mr. DOLLIVER. I am not certain what the case is. It is cited in the Digest, on page 284, and the reference is to page 77 of the second volume of the Journal of the Fifty-second Congress. If the Chair will permit me, I will read the Digest, page 284, in which reference is made to that decision.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. DOLLIVER (reading):

During a call of the House, a quorum is not required to excuse a member from attendance, nor to determine the question of reconsidering the vote by which a member has been excused.

Showing plainly the custom of the House to interpose a decision of these questions in the midst of this roll call.

Mr. SPRINGER. Mr. Speaker, I can not find in the Digest a reference to any proceedings of the House where a roll call has been interrupted by a motion to excuse members. Therefore we are to go to the rule itself to determine what can be done in the premises.

The first clause of Rule XV provides—

Upon every roll call the names of the members shall be called alphabetically—

and so forth.

And after the roll has been once called the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote.

Now, this refers to a roll call to ascertain who votes when a proposition is pending on which a vote is being taken; but the rule says that upon every roll call the names shall be called in this way. The second clause of the rule relates to calls of the House proper. Now, let us note this language:

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members.

That first part has no bearing upon this. The next clause bears on what we are about to do now.

And in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted.

Now, instead of calling the roll once for the purpose of ascertaining the absentees and noting them, we are, by a custom that has prevailed here, calling it twice, so as to permit every member who is present to have his name recorded as present.

Mr. BABCOCK. Mr. Speaker, I ask for order. We can not hear the gentleman.

The SPEAKER *pro tempore*. The point is well taken. The gentleman will suspend until order is restored. Gentlemen on the left of the Chair will please cease conversation. There is so much conversation in the rear of the seats that it destroys the sound in front. The Chair begs gentlemen who desire to converse to retire to the cloakroom.

Mr. SPRINGER. Mr. Speaker, as there was some confusion I will repeat what I was stating, that the rule provides that in calls of the House the names of the members shall be called by the Clerk and the absentees noted. By a custom of the House the Clerk calls the roll twice, so as to give every member who may be present the opportunity of having his name recorded as present, and the absentees noted, so that the Clerk shall note on his Journal only those who are absent. Now, when this has been done, when the absentees are noted, and that means when all absentees are noted—not one or two, not the gentleman whose name has been mentioned at this time for excuse, but when all absentees are noted—then what takes place?

The doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested.

Now this is simply a question as to when it is in order to make another motion. I hold that it is not in order to interrupt this roll call until all the absentees have been noted. When that is done, you can take up each member separately and move that he be excused, and on that question the yeas and nays may be ordered, as upon any other question; but until all the absentees have been noted it is not in order to interrupt this roll call, because we are now ascertaining who the absentees are, and when we have done that, then we are ready for something else. Now, I have never known, in the proceedings of this body, the roll call to be interrupted by any motion. There is no such thing known as having two roll calls pending at the same time, one incomplete and the other in progress of being taken.

Mr. REED. Why, we have that situation now.

Mr. SPRINGER. I beg the gentleman's pardon.

Mr. REED. You have got a roll call on the question of discharging the proceedings of the Sergeant-at-Arms, and right in the middle of it you have a roll call on this new rule.

Mr. SPRINGER. I beg the gentleman's pardon.

Mr. REED. That is what you have got now.

Mr. SPRINGER. We completed that roll call, and every member who was here was called upon to vote, and the Chair announced the result, and it appeared from that result that a quorum was not present, and therefore everything fell. Nothing had been ordered at all, because we can not do any business when

a quorum is not present, except to secure the attendance of absentees or adjourn.

Mr. REED. The Speaker decided that it did not fall yesterday, and decided that it was a question which came up of itself.

Mr. SPRINGER. The subject-matter came up of itself.

Mr. REED. That it came up to-day, with the roll call ordered.

Mr. SPRINGER. And the yeas and nays having been ordered upon it, the question was again submitted on another yea-and-nay vote. What I am contending about, Mr. Speaker, is that the roll call is an entity of itself. It is supposed to be instantaneous, and nothing can interfere that requires another roll call until that is finished. Now, we have not finished the roll call upon this call.

Mr. BOUTELLE. Where, then, does the gentleman find that definition of this proceeding as a roll call—that it is instantaneous, and can not be interrupted? It is a call of the list of members for the purpose of ascertaining whether they are here or not; and if not here, of ascertaining whether a proper and satisfactory excuse be made.

Mr. SPRINGER. That is true. Now, we are ascertaining who are the absent members, and when the absentees are noted, then we have some other order of business that we can do—to excuse them or to dispense with all further proceedings under the call.

Mr. RAY. Will the gentleman permit me to interrupt him right there?

Mr. SPRINGER. Certainly.

Mr. RAY. Has not the gentleman noticed that upon a second call, during a call of the House, the Speaker always precedes the call by this statement:

The doors will now be closed, the Clerk will again call the roll, and during this call excuses will be in order.

Mr. SPRINGER. Yes.

Mr. RAY. Now, that second roll call is simply for the purpose of affording members an opportunity to present excuses. It is a call of the absentees. When a member's name is reached and he is absent, it is in order to ask that he be excused. This may be done by unanimous consent. If the excuse is offered the Speaker always says, "If there be no objection, the gentleman will be excused." If he is not excused by unanimous consent, some member objects.

Now, when that objection is made, what must be done? A motion must be made that the absentee be excused, certainly, or else he can not be excused and will stand in contempt of the House. Now, then, if it is in order to excuse him, it is in order to move that he be excused, if anyone objects. If it is in order to move that he be excused, then you must proceed to act upon the motion. That has been the universal practice in this House during all its sessions and in all Congresses. The last call—roll call, if you please to so call it—is simply a call of the list of absentees, so that they may be excused and escape arrest.

Mr. SPRINGER. The gentleman's question has resolved itself into an argument, and not a question; but I will answer his speech.

Mr. RAY. Has not that been the uniform practice of the House?

Mr. SPRINGER. I have no recollection of this roll call ever having been interfered with and another motion put to the House.

Mr. BOUTELLE. You should have your memory and recollection refreshed.

Mr. DOLLIVER. I will call the gentleman's attention to a case.

Mr. SPRINGER. The gentleman from Iowa states that he is able to cite such a case. I would like to hear it.

The SPEAKER *pro tempore*. It is almost impossible for the Chair to hear what gentlemen are saying, there is so much talking and confusion on the floor.

Mr. SPRINGER. The gentleman from Iowa seems to have a case that he desires to cite. I would like to hear.

The SPEAKER *pro tempore*. If gentlemen will proceed in order, the Chair would like to hear him, but it is impossible to hear when two gentlemen are talking at the same time to hear either one.

Mr. DOLLIVER. I will call the gentleman's attention——

The SPEAKER *pro tempore*. Does the gentleman from Illinois yield to the gentleman from Iowa.

Mr. SPRINGER. I do.

Mr. DOLLIVER. I find in the second volume of the Journal of the Fifty-second Congress, page 77, where we were exactly in the same proceedings we are in now:

The absentees were again called, when Mr. CULBERSON was excused from attendance.

On motion of Mr. Butler, Mr. HENDERSON of Iowa was excused from attendance.

Mr. HEARD moved that Mr. RYAN be excused from attendance.

And the question being put thereon and no quorum voting,

Mr. KILGORE made the point that a quorum was necessary to decide said motion.

The Speaker *pro tempore* (Mr. DOCKERY in the Chair) overruled the point of order, holding that a quorum was not required to excuse a member from attendance pending a call of the House.

This record shows that the proceedings occurred pending a call of the roll, where the proceedings were upon the absence of a quorum.

The SPEAKER *pro tempore*. The Chair understands that the abentees were being called. The Chair desires to ask the gentlemen from Iowa if there was a roll call upon the motion to excuse that gentleman when he was excused?

Mr. DOLLIVER (reading):

On motion of Mr. WISE, Mr. O'Ferral was excused from attendance.

Mr. KILGORE moved to reconsider the vote by which Mr. O'Ferral was excused.

Mr. WISE moved to lay that motion on the table.

The question being put upon the latter motion,

The Speaker *pro tempore* declared that said motion was carried.

Mr. KILGORE made the point that no quorum had voted, and that a quorum was necessary to dispose of said motion.

The Speaker *pro tempore* overruled the point of order, holding that a quorum was not necessary to decide a question incidental to a call of the House.

Mr. BUNN moved to dispense with further proceedings under the call; which motion was agreed to.

It does not say whether a roll call was had, or how the vote was taken, and I presume it does not make any difference.

Mr. SPRINGER. There is nothing in the record cited by the gentleman to show that that proceeding occurred before the absentees were noted.

Mr. DOLLIVER. Exactly, that record is made.

Mr. SPRINGER. I contend that it is in order to make this motion after the absentees have been noted.

Mr. DOLLIVER. So far as the question of taking the vote by yeas and nays is concerned, it has been held that the yeas and nays may be demanded on questions arising during a call of the House in like manner as on other occasions. (Journal, 1, 46, page 376.)

Mr. HOOKER of Mississippi. That is on a motion to adjourn.

Mr. BOUTELLE. I call the attention of the gentleman from Illinois [Mr. SPRINGER] to the fact that excuses were entertained on the second call. On motion of Mr. KILGORE it was ordered that there be a call of the House. The call of the House was proceeded with, and a certain number of members failed to answer to their names. On the second call, the same as we are having now, the gentleman from Texas [Mr. CULBERSON] was excused, and on motion of Mr. Butler the gentleman from Iowa [Mr. HENDERSON] was excused.

Mr. SPRINGER. That is when the absentees were called. That is what I want to have done now.

Mr. BOUTELLE. That is exactly what we are doing now. During the second call the names of those members were called and they were excused on motion. That is why the names are called a second time. There is no other reason known to man for making this second call except to give members an opportunity to respond, or to have excuses offered for them and to be excused if the House so decides.

The SPEAKER *pro tempore*. Gentlemen will please suspend and give the Chair an opportunity to examine two cases which are now before him, and in which it would appear that a roll call was had during a call of the House.

Mr. GEAR. There was one case that occurred this session where a roll call was had.

The SPEAKER *pro tempore*. Can the gentleman refer to it in the RECORD?

Mr. GEAR. It is in the Journal, and the Clerk can refer to it. On the 12th of January, I think it was, several gentlemen from my State were absent under a similar condition of affairs to that which exists now, and requests were made that they all be excused. The House, probably not being in as good temper as usual, refused to excuse my colleague [Mr. PERKINS]. Objection was made to the request that he be excused, and a motion was made to excuse him and a roll call was had on that motion to excuse him.

The SPEAKER *pro tempore*. The best evidence as to what took place on that occasion would be the production of the RECORD, and that record is not now in the hands of the Chair. In the mean time, the Chair desires to call attention to two cases which he has before him. The first was in the Fifty-second Congress, first session. A matter was pending, and a vote was had on the motion of the gentleman from Tennessee [Mr. MCMILLIN] that the House resolve itself into the Committe of the Whole on the state of the Union for the purpose of considering revenue bills. The point of no quorum was made, and the Chair appointed tellers. The yeas and nays were demanded by Mr. MCMILLIN, and on the vote the yeas were 31, the nays 167, and not voting, 158. The point of no quorum was made, and a motion was made that the House adjourn, whereupon a call of the House was moved and was had. The gentleman from New York,

Mr. Stahlnecker, failed to answer to his name, and on the second call a motion was made to excuse him. Pending that, a motion was made to adjourn, which was voted down. Then the question was taken on a motion to excuse the gentleman from New York [Mr. Stahlnecker], and on that question the yeas and nays were ordered. The yeas were 64, and the nays were 131.

That is a case in which the call of the House was suspended, and a roll call was had on the question of excusing a member.

Mr. REED. I have another case before me, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair also has before him a case which occurred in the Fifty-third Congress, first session, which appears on page 1490 of the RECORD. Is that the case to which the gentleman from Maine refers?

Mr. REED. It is the same case. There are repeated instances there; two pages of them.

The SPEAKER *pro tempore*. As the gentleman has that case before him, he will please state the facts for the benefit of the House.

Mr. REED. There are several cases of excuses, commencing on page 1491 of the RECORD:

Mr. HUDSON. I move that my colleague [Mr. HARRIS] be excused on account of important business.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HUDSON. Division.

The House divided; and there were ayes 89, noes 50.

So Mr. HARRIS was excused.

Mr. HULL (when the name of Mr. HENDERSON of Iowa was called). Mr. Speaker, my colleague [Mr. HENDERSON] is absent from the city on an engagement of a year's standing, and I ask that he be excused.

Mr. LACEY. He already has leave of absence.

The SPEAKER. It is not necessary to ask that he be excused, as the gentleman has leave of absence.

That fully recognizes the point we are contending for.

Mr. WILLIAM A. STONE (when the name of Mr. HICKS was called). I ask that my colleague [Mr. HICKS] be excused on account of important business.

Several objections were made.

Mr. WILLIAM A. STONE. I understand he has leave.

The SPEAKER. The Chair is informed that he is so recorded.

Mr. WILLIAM A. STONE (when the name of Mr. HOPKINS of Pennsylvania was called). I ask that my colleague [Mr. HOPKINS] be excused on account of sickness.

Now, that shows conclusively enough——

The SPEAKER *pro tempore*. The Chair is ready to rule on the matter unless some gentleman desires to be heard on the other side.

Mr. REED. I want to add that there is one other case where a roll call took place—on page 1492.

Mr. STOCKDALE. I would like to be heard on the other side.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. STOCKDALE. I want to refer to the case cited by the gentleman from Iowa [Mr. DOLLIVER], which probably had some influence on the mind of the Chair.

The SPEAKER *pro tempore*. Very little. [Laughter.] The Chair does not think that case applies at all in the same way that the other cases do, inasmuch as there was no roll call.

Mr. STOCKDALE. There is one other fact which has not been brought to the attention of the Chair.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. STOCKDALE. This record not only shows there was no roll call on the question of excusing the member, but it also shows that these proceedings were after the roll call—after the second call for absentees.

Mr. DOLLIVER. Oh, no.

Mr. STOCKDALE. Why does the gentleman suggest that my statement is not correct?

Mr. DOLLIVER. The RECORD says "pending the second roll call."

Mr. STOCKDALE. It does not say "pending the second roll call." There is where the gentleman did not read it correctly.

The SPEAKER *pro tempore*. The Chair wants to remind the gentleman from Mississippi that there is no "second roll call," properly speaking.

Mr. STOCKDALE. Well, the roll is called the second time. When Mr. Clay was confronted with the idea that there was a difference between a question of privilege and a privileged question he said it was a difference between "Jennie, come out," and "come out, Jennie." It is a second roll call or a second call of the roll, whichever you may choose to term it.

The absentees were again called, when Mr. CULBERSON was excused from attendance.

Now, gentlemen assume that this was when Mr. CULBERSON'S name was reached; and that is the only reason they say it was pending the roll call. But following this matter down we find that—

On motion of Mr. Butler, Mr. HENDERSON of Iowa was excused.

We find further—

Mr. HEARD moved that Mr. FYAN be excused.

Now, if the names of absentees were being called alphabetically, Mr. FYAN'S name should have been called before that of Mr. HENDERSON. So that these excuses were not presented as the roll call proceeded. Then, after some other motions, a motion to dispense with all proceedings under the call was entertained and carried; and that has never been done since the foundation of this House while the roll call was incomplete. So that these requests for excuses of absent members must have been entertained after the second call had been completed.

Mr. GEISSENHAINER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GEISSENHAINER. If there be no provision in the rule for calling the roll a second time, can there be made at this moment any point upon a disturbance of or departure from an order that does not exist?

The SPEAKER *pro tempore*. The Chair thinks the point of order——

Mr. MEIKLEJOHN. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair is ready to rule unless the gentleman desires to present some case not already referred to.

The Chair was about to say that he thought the point of order ought to be overruled for this reason: The precedents, so far as the Chair can find any, have all been in favor of calling the roll where the demand for the yeas and nays has been made on motions which have frequently been entertained to excuse a member. Now the Chair thinks that the roll call is completed technically by the first call. It may not be necessary to decide that question; but the present call is simply a call under the rules of the House for the presentation of excuses for absentees.

It is more methodical and orderly to call the names alphabetically, to the end that members may, in an orderly manner, offer excuses for absentees. For this reason the Chair supposes it has been customary to call the names of absentees and to call them alphabetically. But really the roll call is completed with the first call; and these motions with reference to excusing members do not interfere with the roll call. The Chair therefore feels constrained to entertain the motion to excuse the gentleman from Iowa [Mr. HULL].

The question was taken; and on a division (demanded by Mr. REED) there were—ayes 128, noes 4.

Mr. REED. I demand tellers.

Tellers were ordered.

Mr. REED and Mr. CATCHINGS were appointed tellers.

The House again divided; and the tellers reported—ayes 93, noes 0.

Mr. REED. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 84, nays 105, not voting 164; as follows:

YEAS—84.

Baldwin,	Gillet, N. Y.	Marsh,	Ritchie,
Bartholdt,	Gorman,	McCleary, Minn.	Robertson, La.
Belden,	Grosvenor,	McEttrick,	Shaw,
Bell, Colo.	Hager,	Meiklejohn,	Sherman,
Bland,	Hainer,	Montgomery,	Smith,
Boutelle,	Hall, Minn.	Northway,	Sperry,
Brosius,	Harmer,	O'Neil, Mass.	Stephenson,
Bundy,	Harter,	Outhwaite,	Stone, C. W.
Burrows,	Haugen,	Page,	Storer,
Caldwell,	Hayes,	Patterson,	Strong,
Capehart,	Henderson, Iowa	Pence,	Talbott, Md.
Chickering,	Henderson, N. C.	Perkins,	Thomas,
Childs,	Hermann,	Phillips,	Turner, Ga.
Cobb, Mo.	Hicks,	Pickler,	Updegraff,
Cousins,	Hopkins, Pa.	Powers,	Van Voorhis, N. Y.
Cummings,	Hudson,	Quigg,	Walker,
Dolliver,	Johnson, N. Dak.	Ray,	Wever,
Doolittle,	Lefever,	Rayner,	Wheeler, Ala.
Ellis, Oregon	Loudenslager,	Reed,	Wilson, Ohio
Funston,	Lucas,	Reilly,	Woomer,
Gear,	Mallory,	Richardson, Tenn.	Wright, Mass.

NAYS—105.

Abbott,	Catchings,	Dunn,	Lawson,
Alexander,	Causey,	Edmunds,	Layton,
Allen,	Clark, Mo.	Enloe,	Lester,
Arnold,	Clarke, Ala.	Epes,	Lynch,
Bailey,	Cobb, Ala.	Erdman,	Maddox,
Baker, Kans.	Cockrell,	Forman,	Martin, Ind.
Barwig,	Conn.	Grady,	McCreary, Ky.
Berry,	Coombs,	Gresham,	McDannold,
Black, Ga.	Cooper, Ind.	Hare,	McDearmon,
Boen,	Cooper, Tex.	Holman,	McKaig,
Bower, N. C.	Covert,	Hooker, Miss.	McNagny,
Branch,	Cox,	Hunter,	Meredith,
Breckinridge, Ark.	Crain,	Hutcheson,	Morgan,
Brookshire,	Crawford,	Islar,	Moses,
Bunn,	Davis,	Jones,	Neill,
Burnes,	De Armond,	Kilgore,	Paschal,
Bynum,	De Forest,	Kyle,	Pearson,
Cabaniss,	Dinsmore,	Lacey,	Pendleton, Tex.
Cannon, Cal.	Dockery,	Lane,	Pigott,
Caruth,	Donovan,	Latimer,	Richards, Ohio

Richardson, Mich.	Stallings,	Tate,	Whiting,
Robbins,	Stockdale,	Taylor, Ind.	Williams, Miss.
Rusk,	Stone, Ky.	Tucker,	Wise,
Russell, Ga.	Strait,	Turner, Va.	Woodard.
Ryan,	Swanson,	Warner,	
Sayers,	Talbert, S. C.	Weadock,	
Springer,	Tarsney,	Wells,	

NOT VOTING—164.

Adams, Ky.	Dalzell,	Hopkins, Ill.	Payne,
Adams, Pa.	Daniels,	Houk,	Paynter,
Aitken,	Davey,	Hulick,	Pendleton, W. Va.
Alderson,	Denson,	Hull,	Post,
Aldrich,	Dingley,	Ikirt,	Price.
Apsley,	Draper,	Johnson, Ind.	Randall,
Avery,	Dunphy,	Johnson, Ohio	Reyburn,
Babcock,	Durborow,	Kem,	Robinson, Pa.
Baker, N. H.	Ellis, Ky.	Kiefer,	Russell, Conn.
Bankhead,	English, Cal.	Kribbs,	Schermerhorn,
Barnes,	English, N. J.	Lapham,	Scranton,
Bartlett,	Everett,	Linton,	Settle,
Bell, Tex.	Fielder,	Lisle,	Shell,
Beltzhoover,	Fithian,	Livingston,	Sibley,
Bingham,	Fletcher,	Lockwood,	Sickles,
Black, Ill.	Funk,	Loud,	Simpson,
Blair,	Fyan,	Magner,	Sipe,
Boatner,	Gardner,	Maguire,	Snodgrass,
Bowers, Cal.	Geary,	Mahon,	Somers,
Brattan,	Geissenhainer	Marshall,	Stevens,
Breckinridge, Ky.	Gillett, Mass.	Marvin, N. Y.	Stone, W. A.
Bretz,	Goldzier,	McAleer,	Straus,
Brickner,	Goodnight,	McCall,	Sweet,
Broderick,	Graham,	McCulloch,	Tawney,
Brown,	Griffin,	McDowell,	Taylor, Tenn.
Bryan,	Grout,	McGann,	Terry,
Cadmus,	Grow,	McKeighan,	Tracey,
Caminetti,	Haines,	McLaurin,	Turpin,
Campbell,	Hall, Mo.	McMillin,	Tyler,
Cannon, Ill.	Hammond,	McRae,	Van Voorhis, Ohio
Clancy,	Harris,	Mercer,	Wadsworth,
Cockran,	Hartman,	Meyer,	Wanger,
Coffeen,	Hatch,	Milliken,	Washington,
Cogswell,	Heard,	Money,	Waugh,
Compton,	Heiner,	Moon,	Wheeler, Ill.
Cooper, Fla.	Henderson, Ill.	Morse,	White,
Cooper, Wis.	Hendrix,	Murray,	Williams, Ill.
Cornish,	Hepburn,	Mutchler,	Wilson, Wash.
Culberson,	Hines,	Newlands,	Wilson, W. Va.
Curtis, Kans.	Hitt,	Oates,	Wolverton,
Curtis, N. Y.	Hooker, N. Y.	O'Neill, Mo.	Wright, Pa.

So the motion was rejected.

Mr. LACEY (who had voted in the affirmative). Mr. Speaker, I change my vote from "aye" to "no."

Mr. BOEN. I desire to change my vote from "aye" to "no."

Mr. DAVIS. I also change my vote from "aye" to "no."

Mr. BRODERICK. Mr. Speaker, I should like to vote on this question.

The SPEAKER *pro tempore*. Was the gentleman in the Hall of the House and failed to hear his name?

Mr. BRODERICK. I was temporarily out of the House, and my name was called during my absence.

The SPEAKER *pro tempore*. The Chair can not entertain the request unless the gentleman was in the Hall at the time his name was actually called.

Mr. BARWIG. I change my vote from "aye" to "no."

Mr. WHEELER of Alabama. I desire to change my vote from "no" to "aye."

The result of the vote was then announced as above recorded.

Mr. CATCHINGS and Mr. LACEY addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Mississippi.

Mr. LACEY. I move to reconsider the vote just taken.

Mr. CATCHINGS. I send a resolution to the desk, Mr. Speaker, for immediate action.

The SPEAKER *pro tempore*. The gentleman from Iowa moves to reconsider the vote just taken.

Mr. CATCHINGS. Had I not been recognized?

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Mississippi, but the gentleman from Iowa moves to reconsider, which motion is in order.

Mr. CATCHINGS. Well, let us have the resolution read.

Mr. REED. A motion to reconsider must be first determined. That motion is in order, and must be decided.

Mr. CATCHINGS. Not necessarily. It has not to be decided at once.

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. REED. We ask action on the motion to reconsider.

The SPEAKER *pro tempore*. But the gentleman from Mississippi had made a motion which the Chair recognized.

Mr. REED. But he had no right to make it when the motion to reconsider was pending. The gentleman from Iowa was on the floor asking recognition for his motion. A member can not be deprived of the right of reconsideration by the intervention of any other motion when he is on the floor to make that motion. This is utterly without precedent.

Mr. BOUTELLE. The gentleman from Iowa had clearly advertised his purpose to move to reconsider by changing his vote.

The SPEAKER *pro tempore*. Of course the Chair can not tell for what purpose gentlemen change their votes; and it will be remembered that several other gentlemen did so.

Mr. REED. I wish to make a point of order against the motion of the gentleman from Mississippi in addition. I want that to be understood.

Mr. CATCHINGS. Let the resolution be read.

Mr. LACEY. I insist upon my motion, Mr. Speaker.

The SPEAKER *pro tempore*. The fact that the gentleman from Iowa makes a motion to reconsider has been advertised to by the gentleman from Maine. The gentleman would have two days, under the rules, in which the vote on his motion could be taken.

Mr. LACEY. But not under a call of the House.

The SPEAKER *pro tempore*. The rule provides that the motion to reconsider may be made at any time within two days. So that there was no effort made to cut the gentleman off from his motion. The gentleman from Mississippi rises and makes a motion, and the Chair will cause that motion to be read.

Mr. BOUTELLE. Mr. Speaker, I make the point of order, if the Chair please, that it is entirely out of order for any motion affecting anything except this immediate call to be entertained by the Chair pending a motion to reconsider this vote.

Mr. ROBBINS. It is not pending.

Mr. BOUTELLE. Why, it is pending. The gentleman from Iowa [Mr. LACEY] has moved to reconsider, and there is no question of privilege, under the rules, any higher than the right to have a vote upon a motion to reconsider. There is no vote declared in this House upon which the Speaker does not raise that question of reconsideration, and request the House to table that motion, before the matter is disposed of. It is in the hands of the House until that is done. The Speaker says, "The gentleman from so and so moves to reconsider and to lay that motion on the table, and without objection the latter motion will be agreed to." Until that is done the measure has not passed out from under the action of the House. And, pending that, it certainly can not be in order for the gentleman from Mississippi [Mr. CATCHINGS] to obtrude here some entirely extraneous proposition.

Mr. REED. Let us have the rule of the House read, Rule XVIII. If there is a positive rule of the House it is that:

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn, etc.

The SPEAKER *pro tempore*. What rule does the gentleman read?

Mr. REED. The first section of Rule XVIII. If there is such a thing as language determining a matter this does, and I defy any man in this House to show a single instance where a member has not the right to reconsider. There never has been an instance where a man has been taken off his feet by the recognition of the Speaker under those circumstances. The Speaker has the right to recognize in certain cases where the rights of the members are equal; but where a member's motion has the right to precede it is the duty of the Speaker to recognize him, and when he states that he rose for the purpose of asking recognition, that is enough, under the regulations and rules of this House and under the rules of parliamentary law.

Mr. SPRINGER. I think that——

Mr. REED. Suppose the gentleman had got up to move to adjourn. Suppose there had been a quorum present, and he had moved that the House adjourn to a day certain. Why, there can not be any doubt about it. The right of recognition by the Chair, as between individuals, is simply between members in the same right; but there are motions which have precedence, and those motions are the recognition of the House, which is superior to the recognition of the Speaker, or rather it is a recognition which the Speaker is bound to carry out. I hope we may be able, in the wreck of worlds, to save some few parliamentary principles.

Mr. SPRINGER. I understand this is merely a question as to whether the gentlemen from Mississippi——

The SPEAKER *pro tempore*. Gentlemen will please be in order and resume their seats. The Chair can not hear this debate.

Mr. SPRINGER. I understand this is simply a question as to whether the gentleman from Mississippi, having first been recognized, his motion should be stated to the House.

Mr. REED. It is not a question of first recognition.

Mr. SPRINGER. One moment, please. If the gentleman from Iowa, after that motion is stated, makes a motion which under the rules takes precedence, the Chair must first put the motion of the gentleman from Iowa. If not, he must put the motion which is of highest precedence. We have not reached that

point yet. The question is as to whether the motion of the gentleman from Mississippi [Mr. CATCHINGS] can now be stated. It may be one of the motions that takes precedence of the motion to reconsider. If it is, we must pass upon that first.

Mr. BOUTELLE. It can not be one of those motions, because it is a resolution on paper. He sent it up to the desk.

Mr. SPRINGER. We do not know what it is. We have not heard it read.

Mr. BOUTELLE. There are only three motions that can take precedence.

Mr. SPRINGER. He may want to make one of those motions.

Mr. BOUTELLE. But he does not.

The SPEAKER *pro tempore*. The House will be in order. The Chair will hear gentlemen who desire to be heard on this point, but the Chair begs gentlemen to proceed in order.

Mr. GROSVENOR. Mr. Speaker, I suggest that the first proposition involved here is the right given by the rule of the House to make this motion. That is the first proposition. The motion is made, and the motion is pending. Now, the next question under the rule and practice of the House is at what time shall that vote be taken?

The SPEAKER *pro tempore*. That is the question.

Mr. GROSVENOR. That is the question the gentleman from Mississippi now interposes—some motion, some resolution, some procedure.

Mr. BOUTELLE. Proposes to interpose.

Mr. GROSVENOR. Or proposes to interpose. The House is not advised as to what that is. I submit that under the rules of the House there are just three motions that he can make and that can take the place of the motion to reconsider and the vote upon the motion to reconsider. Why, look at the practice of the House from time immemorial. The only way we ever get along with any business in the House is that the Speaker *sui sponti* puts the motion to the House to reconsider supposed to have been made by the member in charge of the bill or measure, and instantly upon the passage of the bill or the defeat of the bill, the motion is thereupon put by the Speaker, recognizing the fact that it takes precedence of all other motions or resolutions or matters of procedure, except those included in the rules of the House. I submit that we can not afford to repeal rules that we have in order to get to others we know not of.

Mr. LACEY. Mr. Speaker, I wish to suggest that we had this question up a few days ago, when we were acting under a special order, and the then occupant of the Chair (the Speaker) held that this motion was in order first; but afterwards, when his attention was called to the fact that the special order under which the House was acting forbade the acceptance of intervening motions, he declined to submit any question on the motion to reconsider. But the decision of the Chair as to the general rule was in harmony with the claim we make now. The Chair then refused to permit the motion to reconsider or submit that question or to permit an appeal from his ruling upon the question, for the reason that under the special order the general rules were suspended.

Mr. BOUTELLE. But we are not acting under any suspension of the rule now.

Mr. REED. If the Chair desires to hear anything more I will ask to be heard.

The SPEAKER *pro tempore*. The Chair desires to present his opinion upon this matter, and will now state what it was. The motion, to reconsider is a privileged motion and can be made at any time on the day on which the matter is disposed of or on the succeeding day under the rules. As the Chair was first inclined to look at it, he thought that after the motion was made it was not privileged to be called up then necessarily, and it would not be in some instances. The Chair finds a ruling as far back as the Thirty-fourth Congress, as follows:

> On the same or succeeding day after the vote is taken it is in order at *any time* to move its reconsideration and have the motion entered on the Journal, even when a member is on the floor.

It may be entered upon the Journal and it may be made when a member is on the floor; and it is also decided that it may be done pending a call of the roll, and that is necessary, because the time may expire within which the motion can be made. But the difficulty in the mind of the Chair is found in Rule XVIII:

> When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, etc.

Now, the gentleman from Mississippi has sent up a motion. It may be one of those motions. The Clerk will therefore report it, so that the Chair will see whether it takes priority over the motion to reconsider.

Mr. REED. Does the gentleman claim that it does?

Mr. CATCHINGS. Yes, sir.

Mr. REED. Does the gentleman claim that it is a conference report?

Mr. CATCHINGS. Let it be read.

Mr. REED. If the gentleman rises for the purpose of introducing a superior resolution, it is designable in distinct terms, and he could say it is a conference report, which he will not undertake to say. It can not be a motion to fix a day to which the House shall adjourn, because there is no quorum present. It might be a motion to adjourn or to take a recess, but that would not be in writing.

The SPEAKER *pro tempore*. Some of the motions which are preferred need not be in writing.

Mr. REED. Why, of course I do not care whether the resolution is strictly required to be in writing or not, but as a method of procedure it has always been the custom in this House for a member, when he claims that his motion had precedence, to announce what that motion of precedence was.

The SPEAKER *pro tempore*. The Chair will hear the statement which the gentleman was about to make, and then will hear the gentleman from Maine. The Chair will make a statement, and then will hear the gentleman from Mississippi. Some of the motions which are given precedence under the rule must be in writing——

Mr. REED. A conference report, for instance, is one.

The SPEAKER *pro tempore*. The gentleman's proposition might be a conference report.

Mr. REED. Does the gentleman from Mississippi say it is?

The SPEAKER *pro tempore*. The gentleman would not be called upon to state that.

Mr. BOUTELLE. I understood the gentleman from Mississippi to say distinctly that it was a resolution. That is not a motion.

The SPEAKER *pro tempore*. It is a motion under the rule. A motion may be in writing, and the Chair is of opinion that this should be read, and he directs the Clerk to read it. Afterwards the Chair will hear the gentleman from Mississippi.

The Clerk read as follows:

> *Resolved*, That all leaves of absence, except for sickness, be and the same are hereby revoked, and the Sergeant-at-Arms is directed to notify all members absent, except on account of sickness, that their attendance upon the sessions of the House is required; and that further proceedings under this call be dispensed with.

Mr. BOUTELLE (during the reading). Now, Mr. Speaker, I make a point of order on that. There is no need to read it all through. It discloses in its first lines that it is not one of the privileged motions contemplated by the rule.

Mr. REED. I make a point of order against the motion itself. I want that understood.

The SPEAKER *pro tempore*. Certainly. All points of order are reserved.

Mr. CATCHINGS. Of course all points of order are reserved.

Now, Mr. Speaker, a perusal of the second paragraph of Rule XV will make it perfectly and absolutely clear that the only object of giving members the opportunity on a call of the House to offer excuses for their absence is to avoid their being included in an order for their arrest. The language of the rule is plain: "The doors shall then be closed and those for whom no sufficient excuse is made may"—not "shall"—"may, by order of a majority of those present, be sent for and arrested wherever they may be found."

The calling of the names of members on this call for excuses is but a prelude to the further execution of the rule by the issuance of an order for the arrest of the absentees. But here is not a proposition to arrest anybody. Here, in this resolution which I have sent to the desk, is a proposition which contemplates no man's arrest, which contemplates dispensing with further proceedings under this call, which would itself cover the object of the motion for the excuse of this member, which would itself excuse him: so that no man's rights are violated by this proposition. It simply directs the Sergeant-at-Arms to notify absent members by telegraph that their attendance is requested. The resolution is, in one sense of the word, a proposition to excuse this very member by dispensing with all further proceedings under the call.

Nobody contemplates asking an order for his arrest, or for the arrest of any other member; and the only object under the rule of calling the roll a second time is that members may have an opportunity to have excuses presented for them and thus avoid being arrested. So that necessarily, proceeding as we are under a call of the House, this proposition is superior to a motion to excuse a member, and still more superior to a proposition to reconsider the vote by which the House has excused or failed to excuse. If this resolution shall be adopted this member is *ipso facto* excused, so that this is entirely different from a case where we are proceeding in the House itself, and where only conference reports or other privileged matters of that kind can intervene.

We are now proceeding under a call of the House, and my resolution is necessarily superior to a motion to excuse a member, or to a motion to reconsider a vote on excusing a member, because if it is adopted, it dispenses with all further proceedings under the call of the House and removes all possibility of the arrest of the member whom the House is asked to excuse, or of any other member. Therefore, Mr. Speaker, I submit that the point of order will not lie against it. It is superior to the motion to reconsider; it is superior to the motion to excuse; it is superior to all other motions because it does not contemplate anybody's arrest, and it does take the place of those other motions by dispensing with all further proceedings under the call.

Mr. REED. Mr. Speaker, the Constitution of the United States provides that "a majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide." Now, the Chair wants to bear in mind carefully one fact, viz, that a House in order to do business must have a quorum. For one purpose alone less than a quorum may act, and that purpose and the manner of its execution are both defined by the Constitution of the United States and by nothing else.

The Constitution provides that a House with a quorum may prescribe a certain course of action which may be followed by less than a quorum, for the purpose of obtaining the attendance of a quorum. The power of less than a quorum is expressly limited by the rules of the House. It does not admit of enlargement. Doubtless the House might have provided better rules than those that we have here. Doubtless it might have made better provision than that which is before us, but such as it is we must be governed by it until the full House changes it.

I apprehend that what I am saying now is elementary. I apprehend it must be clearly within the judgment of every man. First, the power that we are attempting to exercise is a power which must be granted by a full House and can not be enlarged by less than a quorum. Now, what is that power? Being a power given, as it were, in derogation of the right of the House with a quorum, it must be construed exactly as it stands. What is that power? It is not a general power to compel the attendance of members. Nothing of that sort is given under the rules of this House to less than a quorum. Less than a quorum can only follow this rule. They can not go beyond it; they can not adopt any other method to compel the attendance of members. Whatever is prescribed in this rule is the cast-iron bound and controlling force of the House having less than a quorum. Now, what is the rule?

In the absence of a quorum—

And mark you, this is the only rule—

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

There is a complete limitation of the power of less than a quorum. First, they are to receive the excuses of members; second, those that are not excused they may arrest. That is all we can do. Now, the gentleman proposes to do something else; and he undertakes to say he is acting under the authority of this House.

When you come to the question of the precedence of a motion to reconsider, that is too plain to require a word to be said about it. The rules of this House say that the right to make a motion to reconsider shall be interfered with only by a conference report (which this is not), or a motion to fix the day to which the House shall adjourn (which this is not), or a motion to adjourn (which this is not), or a motion to take a recess (which this is not). If the gentleman undertakes to say that the action he now proposes is in the absence of a quorum, let me say to him that the last vote showed a quorum of this House; and we are acting with a quorum.

Mr. CATCHINGS. May I ask the gentleman a question?

Mr. REED. Yes.

Mr. CATCHINGS. Does not my friend know that when the House is proceeding under a call it can not take a recess, it can not entertain a conference report, it can not do any of those other things to which the gentleman has alluded? That rule has no application whatever when the House is proceeding under a call.

Mr. REED. Now, the gentleman knows perfectly well that the last vote disclosed a quorum of this House, and we are not acting upon a no-quorum proposition.

Mr. CATCHINGS. We are acting under a call of the House.

Mr. REED. The call of the House has nothing to do with it. We have a quorum present; the last vote disclosed it. Does the gentleman mean to say that he can not now move to take a recess? I say he may.

Mr. CATCHINGS. Let me ask my friend a question. He has asked me one; let me respond by asking him another.

Mr. REED. Certainly.

Mr. CATCHINGS. Does the gentleman undertake to say that under the rules of the House it would be competent, without first dispensing with proceedings under the call, to proceed with the transaction of business?

Mr. REED. I think so; yet I frankly say to the gentleman that the custom of the House is otherwise.

Mr. CATCHINGS. Of course it is.

Mr. REED. I do not dispute facts——

Mr. CATCHINGS. So that the fact remains, as I stated, that while we are acting under a call of the House, whether a quorum be present or not, we can not do the things that the gentleman alluded to.

Mr. REED. But we can not by any possibility be precluded from a motion for reconsideration any more than from a motion to excuse a member. Then there is another point—this roll call which is had for excuses, and which is now proceeding, can not be interrupted by any motion except the business of excusing members; that is the only matter with which it can be interrupted. And if no motion to reconsider had been made, it would be the duty of the Speaker to go on with the question of excusing members, for that is the regular proceeding under a call of the House, and can no more be interrupted by these other proceedings than the roll call can be interrupted when the House has once ordered it. The resolution which the gentleman offers is predicated upon a result which has already been attained—namely, the presence of a quorum.

Mr. CATCHINGS. I only wish to say in response to the gentleman that it has always been held—the practice of the House has been uniform on this point—that when proceedings under a call of the House are pending the House need not order the arrest of absent members. It may pass a resolution directing the Sergeant-at-Arms to notify absent members by telegraph or otherwise that their attendance is requested. And it is too late now for my distinguished friend to indulge in a technical disquisition upon the exact terms of a rule which has existed always and has never had but one interpretation.

Mr. REED. The gentleman says this rule has never had but one interpretation. Will he cite any precedent to sustain his position?

Mr. CATCHINGS. I say it has never had but one interpretation. I say that this House, time and again, since I have been a member of it, has, when proceedings under a call were pending, adopted a resolution directing the Sergeant-at-Arms to notify absent members that their attendance is required.

Mr. REED. Has the gentleman ever before known an attempt made to interrupt a call for excuses in this way?

Mr. CATCHINGS. Well, that is not the point to which I was directing my remarks.

Mr. REED. Can the gentleman give us an instance of that?

Mr. CATCHINGS. I do not know that I can.

Mr. REED. I know that you can not.

Mr. CATCHINGS. But that is no answer to the question if I have the right to present the proposition. Now, what is the purpose of the second call of the roll when such proceedings as this are taking place? In accordance with the uniform practice of this House the second call is made for the purpose of enabling absent members, or their friends, to make sufficient excuse for their absence so as to avoid having their names included in the order of arrest directed to the Sergeant-at-Arms. But this is no such proceeding as that. This simply directs the Sergeant-at-Arms to notify absent members that their attendance is requested. That is the nature of the resolution I have submitted, and which I might as well have submitted, for the purpose of this argument, in the form of a motion. In other words, it might have been treated either as a resolution or as a motion for the purpose of this argument. Its substance is to determine its standing, and not its form under these circumstances.

But, as I stated at the outset, a careful reading of the rule will make it perfectly clear to any one that the last call is for the purpose of giving an opportunity for excuses to be made for absent members so as to prevent this arrest under an order that the House is contemplating making. I desire the Chair to follow me distinctly on this point:

The doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms, etc.

It was deemed a wise and proper thing, and so we find this

provision in the rule, that before the order should be issued directing the Sergeant-at-Arms to arrest and bring before the bar of the House absent members, an opportunity should be given to them or some friend acting for them to make an excuse for their absence. Because it might be, if the excuse is deemed sufficient, that such member would be exempted from the order of arrest. That is the meaning of the rule, and no other can be attributed to it.

Now, it follows, unless the House is disposed to issue the order for the arrest of absent members, that there is no reason why the proceeding should be further pursued for excuses. The resolution is one which could only be acted upon under a call of the House. It does not propose the arrest of absent members. But while acting under a call of the House, the various propositions that my distinguished friend from Maine says would come ahead of this motion—such as the motion to reconsider—are such motions or propositions as can not in the very nature of things occur when the House is acting under a call. They are of a character which can only be considered by the House when it is not proceeding under a call. Hence his citation and his illustration have no application to the point here presented.

But, Mr. Speaker, it must follow in the very necessity of the case, and in the very nature of the proceeding, and in accordance with the necessary deductions to be drawn from the object of this rule, that the House may, when it does not propose to order the arrest of an absentee, make an order such as that contemplated in this resolution. Why, Mr. Speaker, to make my suggestion absolutely unanswerable, I will call my friend's attention to the fact that it has always been deemed in order, without calling upon any man for an excuse or without giving an opportunity for any man to make an excuse for an absent colleague, to at once dispense with further proceedings under a call.

Mr. REED. That is proper.

Mr. CATCHINGS. Why is that? The same reason applies in this case as in that; for when you move to dispense with further proceeding under a call, there is no danger of any absent member being arrested, and hence there is no necessity for an excuse. The same reasoning and the same principle applies here. My friend smiles, but he knows that my argument is absolutely unanswerable, I say again, because the parallel is perfect. And it has been repeatedly held that you may make a motion to dispense with further proceedings under a call without giving an opportunity for excuses for absentees; and the reason of that is patent upon the very face of the proposition, namely, that if you do not propose to arrest anybody, there is no occasion for an excuse to be made for his absence.

If nothing of a penal character is to happen to him, if he is not to be put under the ban in any shape, manner, or form, why should the House be burdened with excuses for his absence? And so it is with this resolution. Here is a proposition to dispense with further proceedings under this call. The resolution expressly declares that further proceedings under this call shall be dispensed with. But in addition to that it directs the Sergeant-at-Arms to notify absentees that their presence is desired. I believe, Mr. Speaker, that I have said all I care to.

Mr. REED. Mr. Speaker, I want to be allowed a word in reply.

The SPEAKER *pro tempore*. The gentleman from Maine.

Mr. REED. The gentleman from Mississippi talks about this matter as if it was a matter of convenience to members to be allowed to be excused, and he says his argument is unanswerable, because you may dispense with proceedings under a call. Well, that argument is unanswerable. The only difficulty with it is that it has nothing to do with the present case.

I repeat, the Constitution of the United States permits the House to authorize less than a quorum to do a certain thing. The authorization of the House must be ample, and we, being less than a quorum, must follow that authorization. Now, this resolution is not within the competence of our power.

What are we allowed to do? First, there is the general expression that in the absence of a quorum members shall be authorized to compel the attendance of absent members. Then follows the specification of how we shall do it. There are not two distinct propositions, one conveying power and the other conveying power, but there is one conveying power and the other specifying how that power shall be exercised. How shall it be exercised? It shall be exercised by arresting members. What members? Those members who have not been excused. Consequently we must go through the process of making excuses for members before we can order the arrest of any of them.

Now, will you say to me that the words "compel the attendance of absent members" is a grant of power, and also a specification of what shall be done? If it is, then this resolution does not hit it. This is a resolution not to compel the attendance of members, but to coax the attendance of members.

Mr. CATCHINGS. Let me ask my friend, if that should be sufficient, would not that be compelling their attendance, under a fair definition?

Mr. REED. Not a bit of it. That is no compulsion at all. It is simply a device to save postage stamps, simply a device to save the expense of telegraphing.

Mr. CATCHINGS. I do not know about that.

Mr. REED. It never was heard of before these two Congresses. We never heard of such a motion before. The motion was to order the arrest of members according to the provisions of the rule. Recollect first that it takes a whole quorum to do business, and there is only one exception, and that exception is to procure the attendance of members; and that less than a quorum can not do it outside of the authorization of a full House. Now, we have got the authorization of the full House, and what is it? It is that we shall arrest members that are unexcused. We have no right to excuse any others or to bring any others here. It is a solemn, serious proceeding to which this House proceeds to invite the Sergeant-at-Arms. To telegraph members is something undoubtedly that the full House can do, but it is something that less than a quorum can not do; and it can not be done under a call of the House. That seems to be exceedingly clear when you bear in mind that we must find the "word and place" in the book in undertaking to exercise any authority at all. The power of less than a quorum to compel the attendance of members is limited to specifications set out by the House, and we can not enlarge, we have no right to enlarge it.

Now, this whole difficulty arose from an endeavor to stretch this power beyond the meaning of the rule, and beyond the Constitution of the United States. We have actually to day 28 members of the House of Representatives that the Sergeant-at-Arms can arrest at his own sweet will—28 of them; and when you consider that some time in the history of the country may occur an opportunity when the Sergeant-at-Arms can make himself an exceedingly important factor with 28 under his control, you may judge we are right in entering this protest against such action. There is no use, gentlemen, of your proceeding in such a way. We know that with a majority of nearly a hundred you can do anything you desire. We know that you may smash every rule of parliamentary law, but gentlemen ought to be able to do their work, and do it according to the rules and according to parliamentary law; and they ought to be able to do it without turning this House into a justice of the peace shop, with $10 jurisdiction, less than one-half of what we have in the little State of Maine. [Laughter and applause.]

Mr. HUTCHESON. Mr. Speaker, I regret very much to take any part in this discussion. The gentleman from Maine has so frequently sought to put upon his head a crown of glory at the expense of this House, has so frequently sought to lecture it, has so frequently sought to chastise this House, that it does seem to me it is time to rebel, even to the youngest member of it. I wish to say, Mr. Speaker, that though I am a Democrat, yet when the gentleman counted a quorum of this House in 1890 I was in accord with him. [Applause on the Republican side.] I will strike you in the short ribs in a moment. [General laughter.]

Mr. Speaker, I believed in it, because it sounded to me like a straightforward businesslike proposition; and I have always been a business man. I believed, sir, that when the Constitution said that you could call a man here, that it implied the power when he was here to recognize his presence and to make him act, to compel him to act, and to permit you to act in connection with him whether he was silent or spoke.

But, Mr. Speaker, the gentleman, so far from being the originator of the rule, stands to-day condemned for having made that just rule so obnoxious to a liberty-loving people that they have deserted it after he has so tyrannically exercised it. [Laughter on the Republican side.] Yes, Mr. Speaker, those gentlemen laugh when we denounce tyranny for it has no terrors for them. They hail it as the method by which they rose to power, and from whose throne in four or five States in the North they pretended to control the destinies of the entire nation. That is tyranny; and they love it. But, sir, what made that rule obnoxious was the fact that it was exercised in such a manner; through its methods there were enacted such iniquitous laws that the country felt that when so much power was intrusted in the hands of a man, liberty at least was unsafe, though business might be dispatched.

I stand to-day an advocate of that law, because I believe that while the Republican party, under the leadership of the gentleman, has made it a method of exercising tyranny, the Democratic party has such a sense of justice, of moderation, of prudence, as to use it in a way to show that it can be so used that liberty will not be unsafe and it can be used consistently with the expedition of business. The fact is that the gentleman used it to his discredit. It should be a crown of thorns upon his head instead of

a crown of glory, because by his abuse he made a good rule so obnoxious to liberty-loving people that it can not again be adopted in a liberty-loving body.

For one, I resent the abuse of a good rule. For one, I deny to the gentleman the fathership of it. For one, I claim that he nailed it to the cross and crucified it by an unjust use of it, and we are tired of the crucifier claiming to be the father and the originator. He should be branded as its murderer. [Applause on the Democratic side.]

Mr. GROSVENOR. Mr. Speaker, the argument upon the question of order which has just been made by the gentleman from Texas seems to be so conclusive, that I hope the Chair will now rule. [Laughter.]

Mr. BOUTELLE. Mr. Speaker, I would like to call the attention of the Chair back for a single moment to the point of order that I made a while ago. My point is that the motion of the gentleman from Iowa [Mr. LACEY] is a privileged motion under the rules, which can only be interfered with under the conditions stated in the rule which has been read, and that the resolution or motion of the gentleman from Mississippi [Mr. CATCHINGS], which the Chair stated he desired to have read solely for the purpose of determining whether it was one of the privileged motions that could take precedence of the motion to reconsider—that that motion is not in order; and I ask the Chair now to rule upon that point of order, which I renew after having heard read the resolution of the gentleman from Mississippi. The point, I repeat is that the proposition presented by the gentleman from Mississippi is certainly not either one of the propositions or motions named in the rule as those which alone can take precedence of or displace a motion to reconsider a vote.

Mr. GROW. Mr. Speaker, I rise to say a word somewhat in the nature of a parliamentary inquiry. If I understand the proceedings here, the Committee on Rules have reported a proposition by which a quorum is sought to be secured where a quorum has not answered to their names. Their plan is the imposition of fines and penalties on acts which have no moral turpitude connected with them. That being the proposition of the Committee on Rules, if it is to be adopted at all, I think it should be made broader, and that we should have fines and penalties imposed on members who neglect to observe the rule against smoking, as well as on those who fail to answer to their names. [Laughter and applause.]

But, Mr. Speaker, it does not strike me that it belongs to a legislative body to attempt, by fines and penalties, to compel its members to comply with its rules. The majority have it in their power to neutralize the effect of the silence of a minority, and that is all they are entitled to. Count the members who sit in their seats and do not vote as part of the members for a quorum. It needs no penalties, no quarter-sessions proceedings to try members of the House, no making the Sergeant-at-Arms a constable to collect your fines and penalties. [Applause.] But if fines and penalties are to be adopted as the method to enforce a strict compliance with the rules, then every neglect to comply should be punished by a deduction of pay provided by law. Thus the majority of the House would convert itself into a court, judge, and jury, to determine for itself how much of a member's pay they would confiscate for any neglect to comply with a rule of the House.

Majorities are responsible for legislation, and have the right to adopt rules for the transaction of business. And it is perfectly easy for them to neutralize the effect of members neglecting to answer to their names when called. If present, they should be counted, for the evidence of sight is certainly as good as that of hearing. Majorities have the right to control legislative bodies. It belongs to them under the Constitution, and the only right guaranteed to the minority under the Constitution is, if its members are those specified, to have the yeas and nays recorded so as to show who is responsible for the action taken. That is all that the Constitution gives to a minority in our system of Government. The right of debate, the right of anything for the individual member is regulated by the rules which a legislative body chooses to adopt for its government, and in case members neglect to comply, have such rules as will neutralize the effect of such neglect. But to undertake to govern members in a legislative body by fines and penalties belongs to a quarter-sessions court and not to legislation. [Applause.]

Now, to come to the question that I desire to suggest, without trespassing on the time of the House. The proposition that came before us, if I understand our proceedings aright, was to adopt the resolution introduced by the Committee on Rules. On that question no quorum voted. Then a call of the House was ordered. The roll was called, and the Clerk commenced calling the names of absentees. On that second call excuses may be offered for absentee members; but before the absentee list was called through it was interrupted by a motion to excuse a particular member who had not answered to his name. That was voted upon, and after that vote a motion was made to reconsider the vote. Now, what motions can take precedence over that? What motion is high enough in privilege to displace that until the list of absentees is completed? One is the motion for an adjournment, which always takes precedence over other motions; the other to dispense with all proceedings under the call. The question now before the House, it seems to me, is, can this call of of the absentees be interrupted by any other business until it is finished?

The SPEAKER *pro tempore*. The Chair confesses that he has experienced some difficulty in arriving at a conclusion in this case. The motion to reconsider is a privileged motion; and the motion of the gentleman from Mississippi, if held to be in order, would also be privileged. The question for the Chair is, which of these motions should be first submitted to the House. If the motion of the gentleman from Mississippi is in order and should prevail, it disposes of the motion to reconsider the vote on excusing the gentleman from Iowa [Mr. HULL], and it would also obviate any necessity for making a motion to excuse other gentlemen who failed to answer on a call of the House.

The language of the rule which has been cited is that—

> When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, etc.

The motion to reconsider, as will be seen, takes precedence over all other questions except those mentioned in the rule, and it may be made at any time during the day on which the vote sought to be reconsidered is taken or on the succeeding day. As the rule provides, a roll call may be interrupted in order that this motion to reconsider may be entered. But it does not follow that it is then to be disposed of. The Chair finds a decision—which must be the law—made in 1856, when the then Speaker decided (a question similar to this being pending) that under the rule it was in order at any time upon the same or the subsequent day to submit and have entered a motion to reconsider, but that it could not be considered while another question was before the House.

Without attempting to shut off the gentleman from Iowa, who made this motion to reconsider, the Chair recognized the gentleman from Mississippi, who was first on his feet and who first addressed the Chair; and he submitted a motion which he sent up. Now, when that motion is submitted, if it be in order, it is entitled, under this decision, to consideration; and the motion to reconsider, which may then be entered and which the House permits to interrupt the matter pending in order that it may be entered, is not to be considered, under the language of this decision of 1856, while the other question is before the House.

Now, this other question being before the House, the Chair thinks it must be first considered; and if the motion made by the gentleman from Mississippi be carried, it dispenses with the motion to excuse the gentleman from Iowa, because all gentlemen are excused under this motion, so that there would really be no necessity for voting upon a motion to reconsider, because the necessity for the original motion would be dispensed with by agreeing to the motion of the gentleman from Mississippi.

Mr. BOUTELLE. Will the Chair pardon an inquiry?

The SPEAKER *pro tempore*. Certainly.

Mr. BOUTELLE. Do I understand the Chair to hold that the proposition of the gentleman from Mississippi is pending business?

The SPEAKER *pro tempore*. The Chair thinks so.

Mr. BOUTELLE. I hope the Chair will review that decision for a moment.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. BOUTELLE. It is impossible for me to conceive how the Chair can hold that this proposition is business before the House in such a sense that it can not be displaced even by a motion to reconsider, when the very question at issue here is whether the proposition of the gentleman from Mississippi shall be permitted to come before the House. The proposition was read simply for the information of the Chair and the House; it was read under protest. The business before the House was the excuse of the member from Iowa. We had voted upon that question; a member had changed his vote and had made a motion to reconsider. The gentleman from Mississippi then took the floor. The Chair saw fit, ignoring the gentleman from Iowa——

The SPEAKER *pro tempore*. No.

Mr. BOUTELLE. Oh, the gentleman from Iowa was on the floor. I am not imputing any unfairness to the Chair, but the Chair saw fit, physically, to recognize for the moment the gentleman from Mississippi, who claimed that he had a right to the attention of the Chair. Thereupon at once the question arose whether the gentleman from Iowa or the gentleman from

Mississippi represented that sort of a motion which entitled either of those gentleman to the recognition of the Chair. That the gentleman from Iowa represented a motion which clearly did entitle him to recognition no one disputes, unless the gentleman from Mississippi can claim that he was on the floor to make a motion which under the rules took precedence of that of the gentleman from Iowa.

Now, at that point the discussion arose. The business before the House, under the ruling which the Chair has read from the Journal—the pending business before the House, and the only business—was the determination of the question whether the House of Representatives would excuse the gentleman from Iowa. The House had not completed the determination of that question. We had gone through a roll call, the result of which had been announced; but a member of the House, in the exercise of his right under the rules, had risen to ask the second judgment of the House—its revisory action under the rules, which was to be secured through a motion to reconsider. The Chair himself, in stating the situation and reading the rule, recognized distinctly the fact that this right of the gentleman from Iowa, under the rules, could not be set aside by anything except some one of the matters named in the rule—a conference report, a motion to adjourn, a motion to fix the day to which the House will adjourn, or a motion to take a recess.

Now, I certainly hope the present occupant of the Chair, who I may properly say has made an enviable record for judicial fairness in the position which he now occupies, will not make what it seems to me will be the very lamentable mistake of undertaking to rule that the pending business before this House is not the clearly pending business on which we were engaged, but may be construed to be some business entirely extraneous to the pending business—extraneous business which the gentleman from Mississippi is endeavoring to interpose and obtrude here, but which is not yet before the House in any form that can make it the pending business—a proposition which was read for the information of the Speaker, which, as I understood (and I think everybody understood the same thing), was read for the sole purpose of disclosing whether the subject-matter of the resolution did embody one of the motions which alone can take precedence of the motion of the gentleman from Iowa.

And in defense of the fundamental principles of parliamentary law, in defense of what it seems to me lies at the very foundation of orderly procedure here, the right of this House to turn back and reconsider its action if it deems it proper to do so, a right absolutely essential to the orderly conduct of the legislative business of the House, I hope the Chair will reconsider clearly what is involved before ruling that a gentleman, because he is chairman of the Committee on Rules, or has a position on the committee, or whatever other position he may happen to occupy, or whatever be the stress or the exigency of the occasion, can come here and by endeavoring to take a gentleman off his feet who is standing here to submit a privileged motion, and after succeeding by the courtesy of the Chair in having the proposition read merely for the purpose of determining its character, and after determining its character and disclosing the fact that it contains no single solitary one of the exceptions given in the rule—I say under these circumstances I hope the Chair will not make any ruling that shall deprive not only the gentleman from Iowa of his right, but the House itself of an unquestioned right that it has under all of the rules and the practice of this body.

Mr. LACEY. Mr. Speaker, as I understand it, the question is as to the priority of two propositions, each of which the Chair has held to be in order. It raises an exceedingly interesting question in parliamentary proceedings, and, it seems to me, an entirely new one. It is important that it should be settled in accordance with the best judgment of the House. I therefore respectfully appeal from the decision of the Chair.

Mr. BOUTELLE. But the Chair has not completed its ruling.

Mr. LACEY. I thought the Chair had concluded.

The SPEAKER *pro tempore*. The Chair had not concluded its ruling.

Mr. BOUTELLE. The Chair had kindly permitted me to interrupt him for the purpose of calling attention to the exact condition in which we find ourselves.

The SPEAKER *pro tempore*. The Chair had not quite concluded what it desired to say.

In reference to the argument of the gentleman from Maine, who has just taken his seat, the Chair desires to say that his reasoning would be good if his premises were good. But as the Chair understands the matter he goes too far——

Mr. BOUTELLE. Mr. Speaker——

The SPEAKER *pro tempore*. If the gentleman will permit the Chair to proceed. The gentleman from Maine, the Chair thinks, goes too far when he says that the motion to reconsider was the pending question.

Mr. BOUTELLE. Why, unquestionably it was.

The SPEAKER *pro tempore*. The motion of the gentleman from Mississippi was made; and if the gentleman had proceeded in the usual course, and stated his motion as it was afterwards read from the desk, it would have been, in point of time, before the House long before the other was presented.

Mr. BOUTELLE. I beg to correct the Chair on this point——

The SPEAKER *pro tempore*. The Chair of course can not make a ruling consecutively unless he is permitted to state the grounds on which it is based.

Mr. BOUTELLE. I beg pardon of the Chair.

The SPEAKER *pro tempore*. The Chair is of opinion that if the gentleman from Mississippi had proceeded in the usual way, and stated the motion that he desired to submit, it would have been more clearly understood that that was the pending business, if it was in order.

Now, the gentleman from Mississippi, instead of stating his motion, put it in writing and sent it to the desk.

Mr. CATCHINGS. In the usual way.

The SPEAKER *pro tempore*. It was not stated by word of mouth. While that was being done—and while the gentleman from Mississippi had not used the words himself which his resolution embodied—the gentleman from Iowa made a motion to reconsider. That is to say, after the gentleman from Mississippi had been fully recognized, but before the motion that was submitted was read, the gentleman from Iowa moved to reconsider the vote just taken.

Now, if it was true that the gentleman, as stated by the gentleman from Maine, was cut off by the Chair, he would have the right to do that, for the Chair would have a right to recognize a member. The right of recognition is essentially in the Chair.

The vote was completed when the result of the roll call was announced. The gentleman from Maine—and in this respect the Chair thinks the gentleman is wrong in his premises—the gentleman from Maine assumes that the business before the House was the motion to excuse the gentleman from Iowa. In fact, the vote had been taken on that proposition, the result was announced to the House, and notwithstanding the fact that the motion to reconsider was in order it was not made.

It might have been made then or later in the day, or it might have been made to-morrow. Now——

Mr. BOUTELLE. But it was made, Mr. Speaker.

The SPEAKER *pro tempore*. But not until after other business intervened.

Mr. BOUTELLE. Why, I heard it made at the time.

The SPEAKER *pro tempore*. The Chair heard it, too; but heard it subsequently to the introduction of other business by the gentleman from Mississippi [Mr. CATCHINGS]. [Cries of "No!" "No!" on the Republican side.] Unquestionably the Chair is right in that.

Mr. REED. Will the Chair allow me to clear that up?

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. REED. The Chair of course will take the statement of a member——

The SPEAKER *pro tempore*. The Chair will do that.

Mr. REED. The gentleman from Iowa [Mr. LACEY] rose in his seat, and so informed the Chair, and made the motion. The question of who happens to get the first breath in does not decide this proposition of recognition by the Chair. Why, just think of it. Can the Chair recollect a single instance where a motion to reconsider has been refused precedence, except upon the ground that it was to delay, or except upon the new ground that it was an intervening motion? He can not recollect a single instance where it was not allowed to come in, and our rules only allow four cases which are specified to take precedence.

The SPEAKER *pro tempore*. The gentleman from Maine will understand that the Chair is not refusing a motion to reconsider.

Mr. REED. The Chair is refusing the motion to reconsider when he refuses to recognize the gentleman who took his feet for the purpose of making the motion to reconsider. The Chair says that question was decided. It had to be decided before the motion to reconsider could be made. It could not be made until after the announcement by the Chair. So he had to wait until the Chair announced it, and then he stood right up in his place instantly and addressed the Chair, and moved to reconsider.

The SPEAKER *pro tempore*. And so, too, the gentleman from Mississippi rose and addressed the Chair.

Mr. REED. But the gentleman from Iowa was entitled to precedence.

The SPEAKER *pro tempore*. Upon what principle?

Mr. REED. Upon the rule of the House of Representatives, which says that the gentleman from Iowa had the right to move to reconsider. In the first place, under general parliamentary law, the right to reconsider is instantaneous.

The SPEAKER *pro tempore*. The gentleman said "the rule of the House," not parliamentary law. Where is the rule of the House that says the Chair must wait for a motion to reconsider before entertaining other business?

Mr. REED. When the gentleman rises and is on his feet instantly, there is no waiting for other business. It seems to me the Chair makes confusion in his mind by comparing cases where members did not instantly move to reconsider, but subsequently did it. In that case it is entitled to precedence after the business which is interrupted has been concluded. But where a gentleman, directly after the vote is announced, stands up and moves to reconsider, why it has always been his right, and the Chair can not remember an instance since he was here, nor an instance in the whole history of the Congress of the United States, where the contrary was held. We can not afford to have too much new law made.

Mr. CATCHINGS. Mr. Speaker, I only want to say one word——

The SPEAKER *pro tempore*. The Chair would have more hesitancy——

Mr. REED. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. REED. Under the head of reconsideration, where we get our right, the rule of the House says:

> When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions.

And so forth.

The SPEAKER *pro tempore*. That is the rule

Mr. CATCHINGS. I wish to say one word with reference to the facts. I do not care to argue the law of this case any more.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. CATCHINGS. I wish to say that when the Chair had announced the result of the vote on the call of the yeas and nays I rose in my seat with a written resolution, and pursuing the usual parliamentary method of presenting a motion or resolution in writing, I sent it to the desk to be read. I could not have done otherwise.

Now, Mr. Speaker, after that had been done, the gentleman from Iowa [Mr. LACEY] rose and made his motion to reconsider. The Chair had distinctly recognized my motion, and it was the pending business at the time the motion to reconsider was made. It is true he had a right to make a motion to reconsider; but the Chair is not compelled to wait to see if a gentleman desires to move to reconsider for, *non constat*, such a motion might never be made. And, therefore, after the vote is announced on the roll call, it is the business of the Chair, not merely the will of the Chair, but it is the business of the Chair, to recognize gentlemen who desire to call up business before the House that is in order. The Chair could not have known at the time he recognized me to make the motion that anybody was going to make a motion to reconsider.

Mr. REED. There is no suggestion of the question as to whether the Chair should wait for a motion. The gentleman undertakes to speak of what would happen in a case where a member did not make a motion, and as to whether the Chair should wait for a motion. Certainly not. But in this case the gentleman from Iowa made it instantly, and it is not a question of the right of recognition by the Chair. It is a question of the right of a member to his motion to reconsider.

Mr. BOUTELLE. Mr. Speaker——

Mr. WILLIAMS of Mississippi. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. WILLIAMS of Mississippi. The point of order is this. As I understand the situation, a point of order has been submitted to the Chair and the Chair has decided it. Now, is there no end to the debate upon it.

Mr. BOUTELLE. Mr. Speaker——

Mr. WILLIAMS of Mississippi. I make the point of order that it is not in order to discuss a matter which has been decided.

Mr. MILLIKEN. The Chair has not decided.

The SPEAKER *pro tempore*. The Chair can only entertain one point of order at a time. The present occupant of the chair is not inclined, being only temporarily in the chair, to undertake to say too hurriedly that members of the House who desire to submit their views shall not do so upon a parliamentary question which is more or less new. The Chair will allow a reasonable indulgence to gentlemen to state their views, because, being temporarily in the chair, and only the temporary organ of the House, he would not feel disposed to override any well-established precedent and authority; and therefore would indulge members to a greater extent than he might possibly if he were the permanent occupant of the chair.

Mr. BOUTELLE. The Chair has, I think, by inadvertence, stated that my premises were not sound when he stated that I had based my argument upon the allegation that the business before the House was the motion of the gentleman from Iowa. That was not exactly technically accurate. I hold that the business before the House, upon which the House was engaged, and which it had not completed, was the business of excusing the gentleman from Iowa [Mr. HULL]. Now, the question as to what business was pending before the House, must, of course, refer to the moment of time that the gentleman from Mississippi and the gentleman from Iowa were claiming recognition of the Chair. That is the time to which our attention is directed; and the question as to what business is in order is pertinently answered by ascertaining what took place at that precise moment of time, because the question before the Speaker was whether he should recognize one gentleman or another to bring up a matter of business.

Now, at the time that the gentleman from Mississippi was on the floor and recognized by the Chair, at the same time the gentleman from Iowa was endeavoring to get recognition for a motion to reconsider the business done, and the resolution of the gentleman from Mississippi could not by any stretch of imagination be assumed to be before this House, because nobody knew it was. The gentleman had not stated what it was. He had not made any motion. He had not indicated the scope of the proposition he was about to submit, and, therefore, I was entirely correct in saying that the business before the House at the time this question addressed itself to the Chair for decision was nothing but the determination of the question in regard to the excuse of the gentleman from Iowa. Everybody recognizes that; and this matter of the gentleman from Mississippi has only been interpolated since.

It came in during the controversy and discussion, and it was read at the Clerk's desk simply as a matter of information. So that the determination of the Chair, as to the duty of the Chair to recognize the motion offered by the gentleman from Iowa, to reconsider the vote just taken, or to recognize the gentleman from Mississippi in regard to some paper, the nature of which had not been disclosed, of course can not be to pass upon any proposition in that measure, because nobody knew what was in the paper sent up by the gentleman from Mississippi. The motion of the gentleman from Iowa was the pending business at the time when the Chair recognized the gentleman from Mississippi, and, as I believe, the Chair was withholding rightful recognition from the gentleman from Iowa, because this business of the gentleman from Mississippi was not before the House. It was not pending anywhere. It was simply a personal proposition that he had evolved and was endeavoring to get before the House.

Mr. HOOKER of Mississippi. Mr. Speaker, the gentleman from Maine is not very accurate in his statement as to what has transpired. Now, what was the question under consideration? It was a question as to whether a certain gentleman on the other side should be excused. A vote was taken and it was decided that he should not be excused; whereupon the gentleman from Mississippi, being recognized by the Chair—and about that there can be no dispute—sent a proposition in writing to the Chair, which was a larger proposition than the proposition which was under consideration, the excuse of an individual member, and proposed to excuse all members from arrest if his resolution were adopted.

The gentleman says it was not before the House. It was sent to the House in the ordinary form in which every resolution is sent, in which every motion is sent. The Speaker frequently requires gentlemen to reduce their propositions to writing. The gentleman from Mississippi took the precaution to reduce his resolution to writing, and he was recognized by the Chair; whereupon the gentleman from Iowa [Mr. LACEY] said that he made a motion to reconsider. As the Speaker has very properly said, he had the right to make the motion to reconsider, and the right is secured to every member under the rule, for it provides that a member may offer a motion to reconsider upon the day upon which the measure is passed or on the subsequent day, and it may be entered upon the Journal; but that can not interfere with the larger motion presented by my colleague from Mississippi for the adoption of the House, and which, if adopted, will not only excuse that individual member whose case was under consideration, but excuse from arrest every member.

I say therefore that the Chair in indicating that it is his purpose to recognize the right of the gentleman from Mississippi to make that motion, which excuses the member whose name has been mentioned here and for whom an excuse has been requested, and dispenses with the seriatim propositions which it is no doubt the purpose of the gentleman from Maine and others to make,

and to have a roll call on the excusing of every member who fails to answer to his name—the Chair, I say, in indicating that it is his purpose to recognize the right of my colleague from Mississippi to make that motion is ruling in accordance with parliamentary law and the proper course of proceeding here.

My colleague from Mississippi, seeing that a separate motion mig ht be made on excusing every gentleman who failed to answer to his name, in troduces this larger proposition, which includes the minor, and which does not exclude the question of excusing the gentleman on whose case it has been moved to reconsider the vote, because it proposes to excuse him and every member who is absent by the adoption of a proposition which shall not make it necessary to issue an order for the arrest either of the member specified or of other gentlemen for whom excuses may be asked. I repeat, sir, the indication which the Chair has given as to his conclusion upon this question is so evidently right and proper and so entirely in the interest of the transaction of business, that it ought not to be opposed by anybody on either side of the House who professors to be in favor of doing business here. The object of my colleague from Mississippi is, by this general proposition, to excuse all members who are absent, and thereby to avoid the necessity of embracing their names in any order of arrest which may be given to the Sergeant-at-Arms.

Mr. VAN VOORHIS of New York. Mr. Speaker, this question is very plain. The Chair was announcing the result of a vote. Two gentlemen were on their feet, ready, the instant the vote was announced, to demand the attention of the Chair, and submit motions. One of those gentlemen was the member from Iowa [Mr. LACEY], who signified his intention to make a motion to reconsider. He was standing just where I stand now, and he addressed the Chair the instant it was possible for him to do so. If he did not make that motion in time, he never could make the motion in time. The other was the gentleman from Mississippi [Mr. CATCHINGS], who desired to offer a resolution, and I am obliged to my distinguished friend, who has just taken his seat [Mr. HOOKER of Mississippi], for disclosing the motive which his colleague had in offering that resolution. That motive, he says, was to cut off the gentleman from Iowa [Mr. LACEY] from the right to move to reconsider.

Now, how can the Speaker say that the gentleman from Mississippi [Mr. CATCHINGS] was on the floor first on that occasion? How can the Speaker say that the gentleman from Iowa was not on the floor just as soon as the gentleman from Mississippi? It seems to be a simple matter of favoritism and a very plain violation of the rule. I understood the Speaker to say that if the gentleman from Iowa [Mr. LACEY] had made his motion first it would have been in order, and I undertake to say that unless the gentleman from Iowa did make his motion so as to be in order it would be utterly impossible for him or anybody else to make such a motion in order with the present Speaker [Mr. RICHARDSON of Tennessee] in the chair, if he chose to recognize somebody else to make some other motion intended to head off the motion of the gentleman from Iowa.

Mr. BURROWS. Just one word, Mr. Speaker. The rule has already been referred to which provides that—

When a motion has been made and carried or lost, it shall be in order for any member of the majority on the same or succeeding day to move for the reconsideration thereof, and such motion shall take precedence of all other motions except the motion to fix the day to which the House shall adjourn, conference reports, and so on.

A proceeding similar to this arose some years ago in the House of Representatives, and the decision of the Chair at that time may throw some light upon the pending question. The House found itself without a quorum and a motion to adjourn was made and lost. Then Mr. McKay offered the following resolution:

Resolved, That all members now absent, except such as have been excused, be required, at the meeting of the House on to-morrow morning, to give excuses for their absence at this time; and it shall be the duty of the Clerk to enter their names on the Journal.

A point of order was made against that resolution, and the Speaker held that it was not in order; that, there being no quorum present, it was not in order to make an order that members should appear the next day. An appeal was taken from the decision of the Chair, and the House, in the anxiety and heat which sometimes prevailed in the earlier days of the Republic, overruled the decision of the Chair, and held that it was in order; so the question was put and the resolution adopted. The next day some question arose about the Journal, which was finally adjusted, and then Mr. Dromgoole moved to reconsider the vote of the day previous, agreeing to the resolution offered by Mr. McKay during the proceeding upon the call of the House, which resolution was as follows [reciting the resolution]. Pending that proposition to reconsider the vote by which the resolution was adopted a Mr. Brown, in order to get rid of the whole subject, moved to rescind the resolution.

In the case now pending we have a proposition to excuse a member. A motion is made to reconsider the vote by which the House refused to excuse him, and pending that the gentleman from Mississippi [Mr. CATCHINGS] offers a resolution to dispense with all further proceedings under the call, so as to avoid the necessity of a vote on the motion to reconsider. In this case to which I am referring Mr. Brown moved to rescind the resolution for the sole purpose of getting rid of the question of reconsidering the vote had on the preceding day. The Speaker held that under the rule of the House declaring that a motion to reconsider shall take precedence of all other motions except a motion to adjourn, etc., the motion to reconsider was first in order and must be put.

Mr. CUMMINGS. Who was the Speaker?

Mr. BURROWS. Mr. John Davis, of Indiana, was the Speaker of the House at the time.

Mr. CATCHINGS. Does my friend from Michigan seriously contend that there is any parallel between a motion to rescind a given vote and a motion to dispense with all proceedings under the call?

Mr. BURROWS. Why, the very object of dispensing with all proceedings under the call is to get rid of the proceeding. Here was a motion to rescind a proposition upon which a motion was entered to reconsider. Now, in order to avoid the effect of the motion to reconsider, it was proposed to rescind the original proposition. The two cases are "on all fours" with each other.

Mr. CATCHINGS. Why, Mr. Speaker, the motion to rescind was equivalent to the motion to reconsider. That was the very purpose of it.

Mr. REED. Why, the gentleman from Mississippi and his colleague have argued the question on the ground that his motion is a larger measure, which dispenses with the other. Here is a motion which is still larger; and if a larger motion can have the effect for which the gentleman contends, a still larger one must have that effect.

Mr. CATCHINGS. In order to make a parallel——

Mr. BURROWS. Let me say this to my friend. Upon certain resolutions passed by the House certain proceedings were had; and upon one of those resolutions it was proposed to reconsider the action of the House. Now, in order to take a larger view of the matter, as suggested by the gentleman from Mississippi, and to get in a resolution which would have precedence of the other, it was proposed to wipe out the resolution which laid the foundation for the proceeding.

Mr. CATCHINGS. But my friend is so good a parliamentarian that he must know the only way for the House to rescind a resolution would be to reconsider the vote by which it was adopted.

Mr. REED. Not at all.

Mr. BURROWS. This was a proposition to rescind, to wipe out the original resolution. But the gist of the matter is that the Speaker held that in the face of such a proposition the motion to reconsider, being first in order under the rules, must be first put.

The SPEAKER *pro tempore*. Having been first made, as the Chair understands.

Mr. BURROWS. Oh, I suppose there is no contest as to who was first entitled here to recognition.

Mr. REED. The gentleman from Iowa stood here on his feet——

The SPEAKER *pro tempore*. As the Chair understands, in that case the motion to reconsider was first made.

Mr. BURROWS. Certainly; and, as I understand it, was first made here.

The SPEAKER *pro tempore*. The Chair is ready to rule. [Cries of "Rule!" "Rule!"]

The SPEAKER *pro tempore*. The House will be in order. If the gentleman from Maine has any additional argument to submit, the Chair will hear him.

Mr. BOUTELLE. I understood the Chair to address an inquiry to the gentleman from Michigan in regard to the action of the gentleman from Iowa. I wish to say that the gentleman from Missouri [Mr. BARTHOLDT] stated to me that the gentleman from Iowa not only made the motion, but the Chair had at first recognized him, or said "The gentleman from Iowa," and then had his attention diverted to the gentleman from Mississippi. I think that is a statement of the facts.

Mr. OUTHWAITE. The record of the proceedings does not sustain that statement.

Mr. BOUTELLE. I think what I have stated is a pertinent fact for the Chair to understand; for I presume the Chair will accept the statement of the gentleman from Missouri in its full purport.

Mr. CATCHINGS. The gentleman from Missouri was mistaken; that is all.

The SPEAKER *pro tempore*. The Chair is quite sure he recognized the gentleman from Mississippi, and so stated immediately thereafter, when the matter was fresh in his mind. The Chair is quite positive on that point. The Chair is now ready to rule.

Mr. WELLS. May I interject just a word?

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. WELLS. This appears to have become a question of veracity between the Chair and gentlemen of the opposition. I think there are gentlemen on this side of the House who will sustain the Chair in the position that he apparently intends to take; and we ask that he take it immediately.

The SPEAKER *pro tempore*. The Chair has already indicated the ruling he intended to make in this matter; but he has indulged gentlemen in their statements, trusting that possibly additional light might be thrown on the question.

The Chair adheres to the decision he has already made; and he does so with the less reluctance because no possible injury can come from this view of the case. The motion to reconsider, if now entertained and voted upon, would only accomplish that which the motion of the gentleman from Mississippi will accomplish. The question, therefore, is upon the motion of the gentleman from Mississippi, unless some gentleman appeals from the decision of the Chair.

Mr. LACEY. I appeal.

The SPEAKER *pro tempore*. The gentleman from Iowa states that he desires to appeal from the decision of the Chair.

Mr. CATCHINGS. I move to lay the appeal on the table.

Mr. CULBERSON. I wish to offer an amendment to the proposition of the gentleman from Mississippi.

The SPEAKER *pro tempore*. That question is not now before the House. The question is on the appeal from the decision of the Chair.

Mr. CATCHINGS. I move to lay the appeal on the table.

The SPEAKER *pro tempore*. The gentleman from Iowa appeals from the decision of the Chair, and the gentleman from Mississippi moves to lay the appeal on the table.

Mr. PICKLER. I move that the House do now adjourn.

The SPEAKER *pro tempore*. Pending the motion to lay the appeal on the table the gentleman from South Dakota moves that the House do now adjourn.

The question being taken,

The SPEAKER *pro tempore*. The noes seem to have it.

Mr. PICKLER. I call for a division.

The question was again taken; and there were—ayes 62, noes 132.

Mr. PICKLER. I demand tellers on the vote.

Mr. CATCHINGS. Mr. Speaker, I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 29, nays 152, not voting 172; as follows:

YEAS—29.

Belden,	Lacey,	Post,	Walker,
Bundy,	Lefever,	Ray,	Wilson, Ohio
Cogswell,	Loudenslager,	Sherman,	Wilson, Wash.
Grout,	Marsh,	Stephenson,	Woomer,
Grow,	Milliken,	Stone, C. W.	Wright, Mass.
Harmer,	Payne,	Sweet,	
Henderson, Ill.	Perkins,	Thomas,	
Hicks,	Pickler,	Van Voorhis, Ohio	

NAYS—152.

Abbott,	Cooper, Fla.	Henderson, N. C.	Montgomery,
Alexander,	Cooper, Ind.	Hooker, Miss.	Moon,
Arnold,	Cooper, Tex.	Hunter,	Morgan,
Bailey,	Covert,	Hutcheson,	Moses,
Baker, Kans.	Cox,	Izlar,	Neill,
Baldwin,	Crain,	Jones,	O'Neil, Mass.
Bartlett,	Crawford,	Kem,	Outhwaite,
Barwig,	Culberson,	Kilgore,	Page,
Bell, Colo,	Cummings,	Kyle,	Paschal,
Bell, Tex.	Davis,	Lane,	Patterson,
Berry,	De Armond,	Latimer,	Paynter,
Black, Ga.	De Forest,	Lawson,	Pearson,
Black, Ill.	Dinsmore,	Layton,	Pence,
Boen,	Dockery,	Lester,	Pendleton, Tex.
Branch,	Donovan,	Livingston,	Pendleton, W. Va.
Brookshire,	Dunn,	Lynch,	Pigott,
Bryan,	Dunphy,	Maddox,	Price,
Bunn,	Edmunds,	Maguire,	Reilly,
Bynum,	English, Cal.	Mallory,	Richards, Ohio
Cabaniss,	Epes,	Martin, Ind.	Richardson, Mich.
Campbell,	Erdman,	McAleer,	Richardson, Tenn.
Cannon, Cal.	Fielder,	McCreary, Ky.	Ritchie,
Caruth,	Forman,	McCulloch,	Robbins,
Catchings,	Geary,	McDannold,	Robertson, La.
Causey,	Gorman,	McDearmon,	Russell, Ga.
Chickering,	Grady,	McEttrick,	Ryan,
Childs,	Gresham,	McKaig,	Sayers,
Clark, Mo.	Hall, Minn.	McLaurin,	Shell,
Clarke, Ala.	Hare,	McMillin,	Sibley,
Cobb, Mo.	Harter,	McNagny,	Springer,
Cockrell,	Hatch,	McRae,	Stallings,
Coffeen,	Hayes,	Meredith,	Stockdale,
Conn,	Heard,	Meyer,	Stone, Ky.
Strait,	Tarsney,	Turner, Va.	Whiting,
Straus,	Tate,	Washington,	Williams, Ill.
Swanson,	Taylor, Ind.	Weadock,	Williams, Miss.
Talbert, S. C.	Tucker,	Wells,	Wise.
Talbott, Md.	Turner, Ga.	Wheeler, Ala.	Woodard.

NOT VOTING—172.

Adams, Ky.	Cousins,	Hepburn,	Phillips,
Adams, Pa.	Curtis, Kans.	Hermann,	Powers,
Aitken,	Curtis, N. Y.	Hines,	Quigg,
Alderson,	Dalzell	Hitt,	Randall,
Aldrich,	Daniels,	Holman,	Rayner,
Allen,	Davey,	Hooker, N. Y.	Reed,
Apsley,	Denson,	Hopkins, Ill.	Reyourn,
Avery,	Dingley,	Hopkins, Pa.	Robinson, Pa.
Babcock,	Dolliver,	Houk,	Rusk,
Baker, N. H.	Doolittle,	Hudson,	Russell, Conn.
Bankhead,	Draper,	Hulick,	Schermerhorn,
Barnes,	Durborow,	Hull,	Scranton,
Bartholdt,	Ellis, Ky.	Ikirt,	Settle,
Beltzhoover,	Ellis, Oregon,	Johnson, Ind.	Shaw,
Bingham,	English, N. J.	Johnson, N. Dak.	Sickles,
Blair,	Enloe,	Johnson, Ohio	Simpson,
Bland,	Everett,	Kiefer,	Sipe,
Boatner,	Fithian,	Kribbs,	Smith,
Boutelle,	Fletcher,	Lapham,	Snodgrass,
Bower, N. C.	Funk,	Linton,	Somers,
Bowers, Cal.	Funston,	Lisle,	Sperry,
Brattan,	Fyan,	Lockwood,	Stevens,
Breckinridge, Ark.	Gardner,	Loud,	Stone, W. A.
Breckinridge, Ky.	Gear,	Lucas,	Storer,
Bretz,	Geissenhainer,	Magner,	Strong,
Brickner,	Gillet, N. Y.	Mahon,	Tawney,
Broderick,	Gillett, Mass.	Marshall,	Taylor, Tenn.
Brosius,	Goldzier,	Marvin, N. Y.	Terry,
Brown,	Goodnight,	McCall,	Tracey,
Burnes,	Graham,	McCleary, Minn.	Turpin,
Burrows,	Griffin,	McDowell,	Tyler,
Cadmus,	Grosvenor,	McGann,	Updegraff,
Caldwell,	Hager,	McKeighan,	Van Voorhis, N.Y.
Caminetti,	Hainer,	Meiklejohn,	Wadsworth,
Cannon, Ill.	Haines,	Mercer,	Wanger,
Capehart,	Hall, Mo.	Money,	Warner,
Clancy,	Hammond,	Morse,	Waugh,
Cobb, Ala.	Harris,	Murray,	Wever,
Cockran,	Hartman,	Mutchler,	Wheeler, Ill.
Compton,	Haugen,	Newlands,	White,
Coombs,	Heiner,	Northway,	Wilson, W. Va.
Cooper, Wis.	Henderson, Iowa,	Oates,	Wolverton,
Cornish,	Hendrix,	O'Neill, Mo.	Wright, Pa.

So the motion was rejected.

On the demand of Mr. PICKLER, the vote was recapitulated.

The following additional pairs were announced:

Mr. TYLER with Mr. FUNSTON.

Mr. HOLMAN with Mr. STORER.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question now recurs on the motion to lay on the table the appeal of the gentleman from Iowa from the decision of the Chair.

The question was taken; and on a division there were—ayes 106, noes 29.

Mr. LACEY. I ask for tellers on the vote.

Mr. OUTHWAITE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. LACEY. Mr. Speaker, I ask tellers on the yeas and nays.

Tellers were ordered.

Mr. LACEY and Mr. OUTHWAITE were appointed tellers.

The House again divided; and the tellers reported—ayes 44.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 20, not voting 187; as follows:

YEAS—146.

Abbott,	Coffeen,	Hayes,	Montgomery,
Alexander,	Cooper, Fla.	Heard,	Morgan,
Allen,	Cooper, Ind.	Henderson, N. C.	Moses,
Arnold,	Cooper, Tex.	Hooker, Miss.	Neill,
Bailey,	Covert,	Hunter,	O'Neil, Mass.
Baker, Kans.	Cox,	Hutcheson,	Outhwaite,
Baldwin,	Crain,	Izlar,	Page,
Bartlett,	Crawford,	Jones,	Paschal,
Barwig,	Culberson,	Kem,	Patterson,
Bell, Colo.	Cummings,	Kilgore,	Paynter,
Bell, Tex.	Davis,	Kyle,	Pearson,
Berry,	De Armond,	Lane,	Pence,
Black, Ga.	De Forest,	Latimer,	Pendleton, Tex.
Black, Ill.	Dinsmore,	Lawson,	Pendleton, W. Va.
Bland,	Donovan,	Lester,	Pigott,
Branch,	Dunn,	Livingston,	Price,
Breckinridge, Ark.	Dunphy,	Lynch,	Reilly,
Brookshire,	Edmunds,	Maddox,	Richards, Ohio
Bryan,	Enloe,	Mallory,	Richardson, Mich.
Bunn,	Epes,	Martin, Ind.	Ritchie,
Burnes,	Erdman,	McAleer,	Robbins,
Cabaniss,	Fielder,	McCreary, Ky.	Robertson, La.
Cannon, Cal.	Forman,	McCulloch,	Russell, Ga.
Capehart,	Geary,	McDannold,	Ryan,
Caruth,	Geissenhainer,	McDearmon,	Sayers,
Catchings,	Gorman,	McEttrick,	Shell,
Causey,	Grady,	McKaig,	Sibley,
Clark, Mo.	Gresham,	McMillin,	Stallings,
Clarke, Ala.	Hall, Minn.	McNagny,	Stockdale,
Cobb, Ala.	Hare,	McRae,	Stone, Ky.
Cobb, Mo.	Harter,	Meredith,	Strait,
Cockrell,	Hatch,	Meyer,	Straus,

Swanson,	Taylor, Ind.	Washington,	Williams, Miss.
Talbert, S. C.	Tracey,	Weadock,	Wise.
Talbott, Md.	Tucker,	Wells,	Woodard.
Tarsney,	Turner, Ga.	Whiting,	
Tate,	Turner, Va.	Williams, Ill.	

NAYS—20.

Belden,	Lefever,	Pickler,	Strong,
Boen,	Loudenslager,	Post,	Thomas,
Fletcher,	Milliken,	Ray,	Updegraff,
Johnson, N. Dak.	Payne,	Sherman,	Walker,
Lacey,	Perkins,	Smith,	Wright, Mass.

NOT VOTING—187.

Adams, Ky.	Dalzell,	Hitt,	Randall,
Adams, Pa.	Daniels,	Holman,	Rayner,
Aitken,	Davey,	Hooker, N. Y.	Reed,
Alderson,	Denson,	Hopkins, Ill.	Reyburn,
Aldrich,	Dingley,	Hopkins, Pa.	Richardson, Tenn.
Apsley,	Dockery,	Houk,	Robinson, Pa.
Avery,	Dolliver,	Hudson,	Rusk,
Babcock,	Doolittle,	Hulick,	Russell, Conn.
Baker, N. H.	Draper,	Hull,	Schermerhorn,
Bankhead,	Durborow,	Ikirt,	Scranton,
Barnes,	Ellis, Ky.	Johnson, Ind.	Settle,
Bartholdt,	Ellis, Oregon	Johnson, Ohio	Shaw,
Beltzhoover,	English, Cal.	Kiefer,	Sickles,
Bingham,	English, N. J.	Kribbs,	Simpson,
Blair,	Everett,	Lapham,	Sipe,
Boatner,	Fithian,	Layton,	Snodgrass,
Boutelle,	Funk,	Linton,	Somers,
Bower, N. C.	Funston,	Lisle,	Sperry,
Bowers, Cal.	Fyan,	Lockwood,	Springer,
Brattan,	Gardner,	Loud,	Stephenson,
Breckinridge, Ky.	Gear,	Lucas,	Stevens,
Bretz,	Gillet, N. Y.	Magner,	Stone, C. W.
Brickner,	Gillett, Mass.	Maguire,	Stone, W. A.
Broderick,	Goldzier,	Mahon,	Storer,
Brosius,	Goodnight,	Marsh,	Sweet,
Brown,	Graham,	Marshall,	Tawney,
Bundy,	Griffin,	Marvin, N. Y.	Taylor, Tenn.
Burrows,	Grosvenor,	McCall,	Terry,
Bynum,	Grout,	McCleary, Minn.	Turpin,
Cadmus,	Grow,	McDowell,	Tyler,
Caldwell,	Hager,	McGann,	Van Voorhis, N. Y.
Caminetti,	Hainer,	McKeighan,	Van Voorhis, Ohio
Campbell,	Haines,	McLaurin,	Wadsworth,
Cannon, Ill.	Hall, Mo.	Meiklejohn,	Wanger,
Chickering,	Hammond,	Mercer,	Warner,
Childs,	Harmer,	Money,	Waugh,
Clancy,	Harris,	Moon,	Wever,
Cockran,	Hartman,	Morse,	Wheeler, Ala.
Cogswell,	Haugen,	Murray,	Wheeler, Ill.
Compton,	Heiner,	Mutchler,	White,
Conn,	Henderson, Ill.	Newlands,	Wilson, Ohio
Coombs,	Henderson, Iowa	Northway,	Wilson, Wash.
Cooper, Wis.	Hendrix,	Oates,	Wilson, W. Va.
Cornish,	Hepburn,	O'Neill, Mo.	Wolverton,
Cousins,	Hermann,	Phillips,	Woomer,
Curtis, Kans.	Hicks,	Powers,	Wright, Pa.
Curtis, N. Y.	Hines,	Quigg,	

So the motion to lay on the table was agreed to.

Mr. CATCHINGS. I move the previous question on the adoption of the resolution I had read at the desk.

Mr. PICKLER. It is now nearly 5 o'clock, and I move that the House adjourn.

The question was taken; and on a division there were—ayes 52, noes 112.

Mr. PICKLER. Let us have tellers.

Mr. OUTHWAITE. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BOUTELLE. Let us have tellers on the yeas and nays.

Tellers were ordered.

Mr. BOUTELLE and Mr. OUTHWAITE were appointed tellers.

The House again divided; and the tellers reported ayes 60.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 51, nays 146, not voting 156; as follows:

YEAS—51.

Baker, N. H.	Gillet, N. Y.	Kem,	Ray,
Bartholdt,	Grosvenor,	Kiefer,	Reed,
Blair,	Grout,	Lacey,	Ritchie,
Boen,	Grow,	Lefever,	Sherman,
Boutelle,	Hainer,	Loud,	Stephenson,
Bowers, Cal.	Harter,	Loudenslager,	Stone, C. W.
Bundy,	Haugen,	Lucas,	Thomas,
Burrows,	Henderson, Ill.	McCleary, Minn.	Van Voorhis, Ohio
Chickering,	Hepburn,	McDowell,	Walker,
Curtis, Kans.	Hermann,	Meiklejohn,	Wever,
Doolittle,	Hicks,	Perkins,	Wilson, Ohio
Ellis, Oregon	Hitt,	Pickler,	Woomer.
Fletcher,	Johnson, N. Dak.	Post,	

NAYS—146.

Abbott,	Branch,	Childs,	Culberson,
Alexander,	Breckinridge, Ark.	Clark, Mo.	Davis,
Arnold,	Brookshire,	Clarke, Ala.	De Armond,
Bailey,	Bryan,	Cobb, Mo.	De Forest,
Baker, Kans.	Bunn,	Cockrell,	Denson,
Baldwin,	Burnes,	Coffeen,	Dinsmore,
Barwig,	Bynum,	Cooper, Fla.	Dockery,
Bell, Colo.	Cabaniss,	Cooper, Ind.	Donovan,
Bell, Tex.	Cannon, Cal.	Cooper, Tex.	Dunn,
Berry,	Capehart,	Covert,	Dunphy,
Black, Ga.	Caruth,	Cox,	Edmunds,
Black, Ill.	Catchings,	Crain,	English, Cal.
Bland,	Causey,	Crawford,	Enloe,
Epes,	Lynch,	Page,	Stockdale,
Erdman,	Maddox,	Paschal,	Stone, Ky.
Forman,	Maguire,	Patterson,	Strait,
Geissenhainer,	Mallory,	Paynter,	Straus,
Gorman,	Martin, Ind.	Pearson,	Swanson,
Grady,	McAleer,	Pence,	Talbert, S. C.
Gresham,	McCreary, Ky.	Pendleton, Tex.	Talbott, Md.
Hall, Minn.	McCulloch,	Pendleton, W. Va.	Tarsney,
Hare,	McDannold,	Pigott,	Tate,
Hayes,	McDearmon,	Price,	Taylor, Ind.
Heard,	McEttrick,	Reilly,	Tracey,
Hooker, Miss.	McKaig,	Richards, Ohio	Tucker,
Hunter,	McLaurin,	Richardson, Mich.	Turner, Ga.
Hutcheson,	McMillin,	Richardson, Tenn.	Turner, Va.
Izlar,	McNagny,	Robbins,	Washington,
Jones,	McRae,	Robertson, La.	Weadock,
Kilgore,	Meredith,	Russell, Ga.	Wells,
Kyle,	Meyer,	Ryan,	Whiting,
Lane,	Montgomery,	Sayers,	Williams, Ill.
Latimer,	Morgan,	Shell,	Williams, Miss.
Lawson,	Moses,	Sibley,	Wise,
Layton,	Neill,	Smith,	Woodard.
Lester,	O'Neil, Mass.	Springer,	
Livingston,	Outhwaite,	Stallings,	

NOT VOTING—156.

Adams, Ky.	Cummings,	Hooker, N. Y.	Rayner,
Adams, Pa.	Curtis, N. Y.	Hopkins, Ill.	Reyburn,
Aitken,	Dalzell,	Hopkins, Pa.	Robinson, Pa.
Alderson,	Daniels,	Houk,	Rusk,
Aldrich,	Davey,	Hudson,	Russell, Conn.
Allen,	Dingley,	Hulick,	Schermerhorn,
Apsley,	Dolliver,	Hull,	Scranton,
Avery,	Draper,	Ikirt,	Settle,
Babcock,	Durborow,	Johnson, Ind.	Shaw,
Bankhead,	Ellis, Ky.	Johnson, Ohio	Sickles,
Barnes,	English, N. J.	Kribbs,	Simpson,
Bartlett,	Everett,	Lapham,	Sipe,
Belden,	Fielder,	Linton,	Snodgrass,
Beltzhoover,	Fithian,	Lisle,	Somers,
Bingham,	Funk,	Lockwood,	Sperry,
Boatner,	Funston,	Magner,	Stevens,
Bower, N. C.	Fyan,	Mahon,	Stone, W. A.
Brattan,	Gardner,	Marsh,	Storer,
Breckinridge, Ky.	Gear,	Marshall,	Strong,
Bretz,	Geary	Marvin, N. Y.	Sweet,
Brickner,	Gillett, Mass.	McCall,	Tawney,
Broderick,	Goldzier,	McGann,	Taylor, Tenn.
Brosius,	Goodnight,	McKeighan,	Terry,
Brown,	Graham,	Mercer,	Turpin,
Cadmus,	Griffin,	Milliken,	Tyler,
Caldwell,	Hager,	Money,	Updegraff,
Caminetti,	Haines,	Moon,	Van Voorhis, N. Y.
Campbell,	Hall, Mo.	Morse,	Wadsworth,
Cannon, Ill.	Hammond,	Murray,	Wanger,
Clancy,	Harmer,	Mutchler,	Warner,
Cobb, Ala.	Harris,	Newlands,	Waugh,
Cockran,	Hartman,	Northway,	Wheeler, Ala.
Cogswell,	Hatch,	Oates,	Wheeler, Ill.
Compton,	Heiner,	O'Neill, Mo.	White,
Conn,	Henderson, Iowa	Payne,	Wilson, Wash.
Coombs,	Henderson, N. C.	Phillips,	Wilson, W. Va.
Cooper, Wis.	Hendrix,	Powers,	Wolverton,
Cornish,	Hines,	Quigg,	Wright, Mass.
Cousins,	Holman,	Randall,	Wright, Pa.

So the motion to adjourn was rejected.

Mr. BARTHOLDT. I ask for a recapitulation of the vote.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The Clerk will recapitulate the vote.

The Clerk recapitulated the names of those voting.

The result of the vote was then announced as above recorded.

Mr. CATCHINGS. I renew my demand for the previous question.

Mr. REED (speaking at the same time). I move that all further proceedings under the call be dispensed with.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Mississippi [Mr. CATCHINGS] for the previous question.

Mr. REED. But I have moved to dispense with all further proceedings under the call.

Mr. CATCHINGS. That motion can not be made pending a demand for the previous question upon the resolution. I had moved that the previous question be ordered on the resolution which has been read. Pending that the motion to adjourn was made. The motion to adjourn having been voted down, the question recurs upon the demand for the previous question.

Mr. REED. I think the motion must be in order to dispense with all further proceedings under the call. That motion had been made——

Mr. CATCHINGS. This very resolution itself embraces a proposition to dispense with further proceedings.

Mr. REED. But that resolution presents that proposition, and something else, and it seems to me a motion to dispense with all further proceedings under the call has priority over any other motion. That is my impression.

Mr. OUTHWAITE. The resolution pending comprehends a proposition to dispense with all further proceedings.

Mr. CURTIS of Kansas. I move that the House take a recess until 11 o'clock.

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Ohio on the question involved.

Mr. OUTHWAITE. The motion pending, on which the previous question is demanded, comprehends a motion to dispense with further proceedings under the call. To entertain now the motion of the gentleman from Maine [Mr. REED] would be simply to permit a motion to amend a motion on which the previous question has been demanded, by striking out a portion of the resolution.

The SPEAKER *pro tempore*. The Chair has not had an opportunity to read the resolution, and will examine it, with the indulgence of the House.

Mr. REED. It seems to me, Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will hear the gentleman from Maine.

Mr. REED. The Chair will forgive me for being a little confused. It is so unusual to have a hearing that I am a little disturbed by it.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. REED. I desire to say to the Speaker that it seems to me that the fact that the gentleman has put some other matters in his original resolution, besides dispensing with further proceedings under the call, does not prevent a motion for the entire discharge of the call. Whenever there is a call of the House a motion to adjourn is in order, and a motion to dispense with further proceedings, pure and simple, must be in order, because the prior occupant of the chair (Mr. RICHARDSON of Tennessee) decided that this motion took precedence of even a motion to reconsider, upon the ground that, incidentally, it dispenses with all proceedings whatever under the call.

That is, we were proceeding under the provision of the rule by which members may be excused. Thereupon this proposition was presented, and upon the ground that it dispenses with further proceeding, the Chair held that it obviated the necessity for a reconsideration, because if it was carried it excused the member, and if it was not carried, then the question would come up upon the original motion to reconsider. Now, the proposition which I make is still broader than that which is made by the gentleman from Mississippi [Mr. CATCHINGS]. It provides specifically that all proceedings shall be dispensed with, and if all proceedings are dispensed with, it obviates the necessity of the motion of the gentleman from Mississippi [Mr. CATCHINGS]. I am sure the wisdom of that must be recognized by the gentleman from Mississippi. If his motion can stop proceedings on the ground that it partially discontinues, mine must have a superiority over his, because it wholly discontinues; that is, if there is anything in logic. I ought to add, Mr. Speaker, that the last vote showed a quorum of the House present.

Mr. CATCHINGS. Mr. Speaker, it was ruled in the Forty-fourth Congress as follows:

> A motion to dispense with proceedings under the call is not in order pending the motion that the Sergeant-at-Arms take into custody absent members.

The reason for that is manifest. If that motion could be allowable, the House might alternate forever between a motion to adjourn and a motion to dispense with proceedings under the call, and meantime leave pending a motion for the arrest of absent members.

The SPEAKER *pro tempore*. There was some confusion in the Hall, and if the gentleman will read the authority again, the Chair will be obliged to him.

Mr. CATCHINGS (reading)—

> A motion to dispense with proceedings under the call is not in order pending the motion that the Sergeant-at-Arms take into custody absent members.

And, as I stated, there is an excellent reason for that; because if, pending a motion that the Sergeant-at-Arms take into custody absent members, a motion can be made that further proceedings under the call be dispensed with, we would be in such an attitude that a motion to adjourn might be alternated indefinitely with a motion to dispense with further proceedings, leaving open all the time the power to secure a quorum by the arrest of absent members. The principle seems to be clear and unanswerable.

Mr. REED. That gives me an opportunity to present a second point, to which I desire to call attention. It is perfectly true that it has been decided, as read by the gentleman from the Digest, that is I presume it is so; but we are proceeding under the Constitution of the United States and under the rules of the House. The rules of the House provide that a minority may order the arrest of members. They do not provide that they may send telegrams to them; and this is a proposition to send telegrams to members, and not a proposition to arrest them. Clearly, if we are proceeding under a call of the House, we are entirely out of our jurisdiction, though it has already been shown by a vote that there is a quorum here, and it can be done, because we have a quorum. So that it is not necessary to argue that point.

But taking it for granted that we are acting under a call of the House, with less than a quorum endeavoring to obtain the presence of members. The rules of the House prescribe specifically what course we shall pursue in order to obtain the attendance of members. It is by "arrest," and not a proceeding of this kind. This is not a proposition to compel the attendance of members by arresting them, as required by the rules of the House. The rules of the House are the sole authorization under the Constitution for the action of the minority. That being the case, a motion to dispense with further proceedings must take precedence of this, notwithstanding the fact that if the gentleman from Mississippi had made a proper motion; that is, a motion to arrest members and bring them here, my motion would not be admissible; but it is admissible now.

The SPEAKER *pro tempore* (Mr. MCMILLIN). With the indulgence of the House, the Chair will have read the resolution under which the action proposed is to be taken.

The resolution was again reported.

Mr. CATCHINGS. Unless the Chair is ready to rule, I desire to say a word or two.

The SPEAKER *pro tempore*. The Chair is ready to rule, but will hear any further statement the gentleman desires to make.

Mr. CATCHINGS. I simply desire to say that the gentleman from Maine has repeated the argument that he made earlier, by which he seeks to maintain that the word "compel," in connection with obtaining the attendance of absent members, means necessarily arrest.

Mr. REED. That is what the rule says.

Mr. CATCHINGS. The rule does not state that.

Mr. REED. Read it and see.

Mr. CATCHINGS. The rule says:

> In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members.

Mr. REED. Read on.

Mr. CATCHINGS. That is a substantive feature of the rule.

Mr. REED. Read the rest of it.

Mr. CATCHINGS. It has been read forty times to-day.

Mr. REED. Read the whole of it.

Mr. CATCHINGS. If it will oblige the gentleman, I will read the whole of it, though it does not have any relation to what I have to say.

Mr. REED. Thank you.

Mr. CATCHINGS (reading):

> In the absence of a quorum, fifteen members, including the Speaker, if there isone, shall be authorized to compel the attendance of a bsent members.

Now, that is a substantive feature of the rule.

Mr. REED. Read the rest.

Mr. CATCHINGS (continuing reading):

> And in all calls of the House, the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may—

Not shall—

> by order of a majority of those present, be sent for and arrested wherever they may be found.

Now, suppose the House desires to compel the attendance of members, but does not desire to arrest them. The word "compel" is used in this rule in the sense of securing or procuring. Now, if in the judgment of the House the simple revocation of leaves of absence will secure the attendance of absent members, the House can pause there; but if the House thinks that a formal summons in the shape of a telegram will compel or secure the attendance of absent members, the House can pause there. There is nothing in the rule which can justify the argument of the gentleman from Maine that the word "compel" means absolutely the arrest and forceful bringing to the bar of this House of absent members. So that, Mr. Speaker, the resolution itself looks to compelling the attendance of members, first, by revoking the leaves of absence; and, secondly, by formally summoning them to attend the sessions of this House by telegram.

Mr. REED. I wish now to call attention to one of the propositions there, and that is the revocation of the leaves of absence. The proposition which is now submitted to the House is in order to find a quorum, to revoke leaves of absence granted by the full House. That is to be done without the authorization of any rule of the House, and when the Constitution provides that nothing less than a quorum shall act except to compel the attendance of members, and then only as authorized by the rules of the House. Now, let me for example——

The SPEAKER *pro tempore* [Mr. MCMILLIN]. The Chair will state to the gentleman from Maine that the last vote showed the presence of a quorum.

Mr. REED. Then, what I am saying will not be wasted, because I will submit another proposition later. The Constitution of the United States provides that a House without a quo-

rum is absolutely powerless; it can do nothing; and if the House, before it established any rules, or before it established any rules with regard to compelling the attendance of members, should find itself without a quorum, it would be absolutely powerless under the Constitution to compel the attendance of a quorum.

It is not under any general law, or under the Constitution either, that less than a quorum can compel the attendance of absentees. The Constitution provides that the House may empower less than a quorum to compel the attendance of a quorum; but, without that authorization, less than a quorum would be powerless. Consequently less than a quorum have got to be governed by the authorization of the House just as it stands. They can not increase their own power, and that power is specifically granted and the grant declares that the thing shall be done by the arrest of those members who have not been excused and have not answered on the roll call of the House. But here we have a proposition to revoke leaves of absence granted by the House itself.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The Chair is ready to rule. On a yea-and-nay vote upon a question pending before the House no quorum responded. Thereupon there was a call of the House. Then the doors were closed, and the Clerk proceeded to call the names of those who had not responded on the first call for excuses. The gentleman from Mississippi [Mr. CATCHINGS] has presented the resolution which has just been read to the House, seeking to procure the attendance of a quorum. Pending that, the gentleman from Maine [Mr. REED] moves to dispense with all further proceedings under the call, and insists that it takes precedence of the resolution of the gentleman from Mississippi. The Chair will have read the ruling the substance of which has been read from the Digest, which will shed light upon this question.

The Clerk read as follows:

So the House refused to adjourn.

The question then recurred on the motion of Mr. Morrison that the Speaker *pro tempore* issue his warrant to the Sergeant-at-Arms to take into custody and bring to the bar of the House all members absent without leave;

Pending which,

Mr. HOAR moved that all further proceedings under the call be dispensed with; when,

The Speaker *pro tempore* held that the only motion now in order was the motion that a warrant issue to the Sergeant-at-Arms to take into custody and bring to the bar of the House all members absent without its leave.

From this decision of the Chair Mr. HOAR appealed.

Pending which,

Mr. Clymer moved that the motion be laid on the table——

Mr. REED. That decision, Mr. Speaker, is that that is the *only* motion that is admissible, and that, as I have said, is a motion to arrest absentees.

The SPEAKER *pro tempore*. The Chair will come to that later. The Clerk will now read the result of the vote on the appeal.

The Clerk read as follows:

And, the question being put, it was decided in the affirmative—yeas 82, nays 19, not voting 185.

The SPEAKER *pro tempore*. Now, the gentleman from Maine insists that there can be no revocation of leaves of absence by less than a quorum——

Mr. REED. Unless accompanied by a motion to arrest after the roll call has been had; which the Chair will find to have been the proceeding in the case last cited. He will find that thus the roll call was gone through and excuses offered, and then an order of arrest made.

Mr. FIELDER. I suggest to the gentleman from Maine that that is simply a qualification.

The SPEAKER *pro tempore*. The Chair will have read the ruling of Mr. Speaker Carlisle.

The Clerk read as follows:

A motion to revoke leaves of absence previously granted is in order pending a call of the House, and may be determined by less than a quorum, being a proceeding to compel attendance of absent members.

The SPEAKER *pro tempore*. Whilst this is not a proposition exactly like the one the ruling upon which has just been read, the Chair thinks it is that kind of proceeding which is contemplated under the Constitution, by which less than a quorum is permitted to compel or procure the presence of absent members. The Chair therefore holds that the ruling which has been read applies to it by analogy, and consequently that the motion of the gentleman from Mississippi [Mr. CATCHINGS] is first in order.

Mr. BOUTELLE. Mr. Speaker, would the Chair hold that a composite proposition like that of the gentleman from Mississippi——

[Loud cries of "Vote!" "Vote!" and disorder in the Hall.]

The SPEAKER *pro tempore*. The House will be in order. The Chair will hear the gentleman from Maine state his question briefly.

Mr. BOUTELLE. Do I understand the Chair to hold that a composite proposition like that of the gentleman from Mississippi, which embodies a number of distinct features, would take precedence at such a juncture as this over the distinct proposition or motion of my colleague [Mr. REED] to dispense with all further proceedings under the call?

It is easily understood that a proposition like this, embracing a number of different features, might not commend itself to the House, while the House might very naturally be desirous of dispensing with all further proceedings under the call. It seems to me, therefore, that the ordinary motion, the motion which has always been regarded as the one which naturally comes up when a quorum has exhibited itself, ought to take precedence over a composite proposition like that of the gentleman from Mississippi, involving a number of different provisions.

The SPEAKER *pro tempore*. The Chair does not insist that this is in every respect a similar proceeding to the one which was ruled upon in the case cited. That was a proposition to arrest members and bring them to the bar of the House. But the Chair thinks that the House under the Constitution has a right to resort to any lawful means which its discretion may approve to procure the attendance of members; that this is such a proceeding, and that the ruling which has been referred to on an analogous case is applicable to this. That is the ground of the ruling of the Chair. The resolution of the gentleman from Mississippi seeks to procure the attendance of members.

The question is on the resolution of the gentleman from Mississippi, upon which the yeas and nays have been ordered.

Mr. BOUTELLE. Mr. Speaker, that is certainly a mistake.

The SPEAKER *pro tempore*. The Chair was so informed.

Mr. BOUTELLE. Oh, no. The pending question is the demand for the previous question.

The SPEAKER *pro tempore*. The present occupant of the chair was not in the chair when the motion was originally made, but is now informed by the Clerk that the question is on ordering the previous question on the resolution.

The question being taken on ordering the previous question, there were, on a division—ayes 125, noes 6.

Mr. REED. Tellers.

Mr. CATCHINGS. Yeas and nays.

Mr. REED. Pending that, I move that the House do now adjourn.

Mr. SPRINGER. Has there been any intervening business since that question was voted upon?

The SPEAKER *pro tempore*. The Chair thinks that the business which has been transacted since the motion to adjourn is such business as will enable that motion to be entertained again. There was a point of order made against the resolution. It was fully discussed; the Chair ruled on the point, and thinks that was clearly intervening business.

The question being taken on the motion to adjourn, there were, on a division—ayes 69, noes 125.

Mr. DOLLIVER. I call for tellers.

The SPEAKER *pro tempore*. The question is on ordering tellers.

Mr. CATCHINGS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 62, nays 134, not voting 157; as follows:

YEAS—62.

Apsley,	Fletcher,	Lucas,	Ritchie,
Avery,	Gillet, N. Y.	Mahon,	Settle,
Baker, N. H.	Grosvenor,	Marsh,	Shaw,
Bartholdt,	Grow,	McCleary, Minn.	Sherman,
Blair,	Hainer,	McDowell,	Smith,
Boutelle,	Hartman,	Melklejohn,	Stephenson,
Bowers, Cal.	Haugen,	Meyer,	Stone, C. W.
Broderick,	Henderson, Ill.	Milliken,	Strong,
Bryan,	Hepburn,	Moon,	Updegraff,
Bundy,	Hermann,	Payne,	Van Voorhis, Ohio
Burrows,	Hicks,	Perkins,	Walker,
Chickering,	Hitt,	Pickler,	Wever,
Curtis, Kans.	Kiefer,	Post,	Wilson, Ohio
Daniels,	Lacey,	Quigg,	Woomer,
Doolittle,	Lefever,	Ray,	
Ellis, Oregon	Loudenslager,	Reyburn,	

NAYS—134.

Abbott,	Burnes,	Cox,	Gorman,
Alexander,	Cabaniss,	Crain,	Grady,
Allen,	Cannon, Cal.	Crawford,	Gresham,
Arnold,	Capehart,	Culberson,	Hare,
Bailey,	Caruth,	Davis,	Harter,
Baker, Kans.	Catchings,	De Armond,	Hatch,
Barwig,	Causey,	De Forest,	Hayes,
Bell, Colo.	Childs,	Denson,	Heard,
Bell, Tex.	Clark, Mo.	Dinsmore,	Henderson, N. C.
Berry,	Clarke, Ala.	Dockery,	Hooker, Miss.
Black, Ga.	Cobb, Mo.	Donovan,	Hunter,
Black, Ill.	Cockran,	Dunphy,	Izlar,
Bland,	Cockrell,	Edmunds,	Jones,
Boen,	Coffeen,	English, Cal.	Kyle,
Branch,	Cooper, Fla.	Epes,	Latimer,
Breckinridge, Ark.	Cooper, Ind.	Erdman,	Lawson,
Brookshire,	Cooper, Tex.	Forman,	Lester,
Bunn,	Covert,	Geissenhainer,	Livingston,

Lynch,	Morgan,	Robbins,	Taylor, Ind.
Maddox,	Moses,	Robertson, La.	Tracey,
Maguire,	Neill,	Russell, Ga.	Tucker,
Mallory,	O'Neil, Mass.	Ryan,	Turner, Ga.
Martin, Ind.	Page,	Sayers,	Turner, Va.
McAleer,	Paschal,	Sibley,	Washington,
McCreary, Ky.	Patterson,	Springer,	Weadock,
McCulloch,	Pearson,	Stallings,	Wells,
McDannold,	Pendleton, Tex.	Stockdale,	Wheeler, Ala.
McDearmon,	Pendleton, W. Va.	Stone, Ky.	Whiting,
McEttrick,	Pigott,	Strait,	Williams, Ill.
McKaig,	Price,	Swanson,	Williams, Miss.
McMillin,	Reilly,	Talbert, S. C.	Wise,
McRae,	Richards, Ohio	Talbott, Md.	Woodard.
Meredith,	Richardson, Mich.	Tarsney,	
Montgomery,	Richardson, Tenn.	Tate.	

NOT VOTING—157.

Adams, Ky.	Dingley,	Hulick,	Rayner,
Adams, Pa.	Dolliver,	Hull,	Reed,
Aitken,	Draper,	Hutcheson,	Robinson, Pa.
Alderson,	Dunn,	Ikirt,	Rusk,
Aldrich,	Durborow,	Johnson, Ind.	Russell, Conn.
Babcock,	Ellis, Ky.	Johnson, N. Dak.	Schermerhorn,
Baldwin,	English, N. J.	Johnson, Ohio	Scranton,
Bankhead,	Enloe,	Kem,	Shell,
Barnes,	Everett,	Kilgore,	Sickles,
Bartlett,	Fielder,	Kribbs,	Simpson,
Belden,	Fithian,	Lane,	Sipe,
Beltzhoover,	Funk,	Lapham,	Snodgrass,
Bingham,	Funston,	Layton,	Somers,
Boatner,	Fyan,	Linton,	Sperry,
Bower, N. C.	Gardner,	Lisle,	Stevens,
Brattan,	Gear,	Lockwood,	Stone, W. A.
Breckinridge, Ky.	Geary,	Loud,	Storer,
Bretz,	Gillett, Mass.	Magner,	Straus,
Brickner,	Goldzier,	Marshall,	Sweet,
Broslus,	Goodnight,	Marvin, N. Y.	Tawney,
Brown,	Graham,	McCall,	Taylor, Tenn.
Bynum,	Griffin,	McGann,	Terry,
Cadmus,	Grout,	McKeighan,	Thomas,
Caldwell,	Hager,	McLaurin,	Turpin,
Caminetti,	Haines,	McNagny,	Tyler,
Campbell,	Hall, Minn.	Mercer,	Van Voorhis, N. Y.
Cannon, Ill.	Hall, Mo.	Money,	Wadsworth,
Clancy,	Hammond,	Morse,	Wanger,
Cobb, Ala.	Harmer,	Murray,	Warner,
Cogswell,	Harris,	Mutchler,	Waugh,
Compton,	Heiner,	Newlands,	Wheeler, Ill.
Conn,	Henderson, Iowa	Northway,	White,
Coombs,	Hendrix,	Oates,	Wilson, Wash.
Cooper, Wis.	Hines,	O'Neill, Mo.	Wilson, W. Va.
Cornish,	Holman,	Outhwaite,	Wolverton,
Cousins,	Hooker, N. Y.	Paynter,	Wright, Mass.
Cummings,	Hopkins, Ill.	Pence,	Wright, Pa.
Curtis, N. Y.	Hopkins, Pa.	Phillips,	
Dalzell,	Houk,	Powers,	
Davey,	Hudson,	Randall,	

So the House refused to adjourn.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the demand for the previous question on the motion of the gentleman from Mississippi, and on which yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. MEIKLEJOHN. I ask for tellers on ordering the yeas and nays.

Tellers were refused, 32 members only voting in favor of the demand.

Mr. REED. Mr. Speaker, more than that number voted, I think.

The SPEAKER *pro tempore*. The Chair counted the number.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 3, not voting 227; as follows:

YEAS—123.

Alexander,	Cummings,	Livingston,	Richardson, Tenn.
Allen,	Davis,	Lynch,	Ritchie,
Arnold,	De Armond,	Maddox,	Robbins,
Bailey,	Denson,	Maguire,	Robertson, La.
Baker, Kans.	Dinsmore,	Mallory,	Russell, Ga.
Barwig,	Dockery,	Martin, Ind.	Ryan,
Bell, Tex.	Donovan,	McCreary, Ky.	Sayers,
Berry,	Edmunds,	McDannold,	Shell,
Black, Ga.	English, Cal.	McDearmon,	Sibley,
Black, Ill.	Epes,	McEttrick,	Springer,
Bland,	Erdman,	McLaurin,	Stallings,
Branch,	Forman,	McMillin,	Stockdale,
Breckinridge, Ark.	Geissenhainer,	McNagny,	Stone, Ky.
Brookshire,	Gorman,	McRae,	Swanson,
Bryan,	Grady,	Meredith,	Talbert, S. C.
Bunn,	Gresham,	Meyer,	Tarsney,
Cabaniss,	Hare,	Moses,	Tate,
Cannon, Cal.	Harter,	Neill,	Taylor, Ind.
Capehart,	Hatch,	O'Neil, Mass.	Tucker,
Caruth,	Hayes,	Page,	Turner, Ga.
Catchings,	Heard,	Paschal,	Turner, Va.
Causey,	Henderson, N. C.	Patterson,	Washington,
Clark, Mo.	Hooker, Miss.	Paynter,	Weadock,
Clarke, Ala.	Hunter,	Pearson,	Wells,
Cockrell,	Izlar,	Pence,	Wheeler, Ala.
Coffeen,	Jones,	Pendleton, Tex.	Whiting,
Cooper, Fla.	Kyle,	Pigott,	Williams, Ill.
Cooper, Ind.	Latimer,	Price,	Williams, Miss.
Cooper, Tex.	Lawson,	Reilly,	Wise,
Cox,	Layton,	Richards, Ohio	Woodard.
Crawford,	Lester,	Richardson, Mich.	

NAYS—3.

Lacey,	Ray,	Strong.

NOT VOTING—227.

Abbott,	Curtis, Kans.	Hopkins, Ill.	Post,
Adams, Ky.	Curtis, N. Y.	Hopkins, Pa.	Powers,
Adams, Pa.	Dalzell,	Houk,	Quigg,
Aitken,	Daniels,	Hudson,	Randall,
Alderson,	Davey,	Hulick,	Rayner,
Aldrich,	De Forest,	Hull,	Reed,
Apsley,	Dingley,	Hutcheson,	Reyburn,
Avery,	Dolliver,	Ikirt,	Robinson, Pa.
Babcock,	Doolittle,	Johnson, Ind.	Rusk,
Baker, N. H.	Draper,	Johnson, N. Dak.	Russell, Conn.
Baldwin,	Dunn,	Johnson, Ohio	Schermerhorn,
Bankhead,	Dunphy,	Kem,	Scranton,
Barnes,	Durborow,	Kiefer,	Settle,
Bartholdt,	Ellis, Ky.	Kilgore,	Shaw,
Bartlett,	Ellis, Oregon	Kribbs,	Sherman,
Belden,	English, N. J.	Lane,	Sickles,
Bell, Colo.	Enloe,	Lapham,	Simpson,
Beltzhoover,	Everett,	Lefever,	Sipe,
Bingham,	Fielder,	Linton,	Smith,
Blair,	Fithian,	Lisle,	Snodgrass,
Boatner,	Fletcher,	Lockwood,	Somers,
Boen,	Funk,	Loud,	Sperry,
Boutelle,	Funston,	Loudenslager,	Stephenson,
Bower, N. C.	Fyan,	Lucas,	Stevens,
Bowers, Cal.	Gardner,	Magner,	Stone, C. W.
Brattan,	Gear,	Mahon,	Stone, W. A.
Breckinridge, Ky.	Geary,	Marsh,	Storer,
Bretz,	Gillet, N. Y.	Marshall,	Strait,
Brickner,	Gillett, Mass.	Marvin, N. Y.	Straus,
Broderick,	Goldzier,	McAleer,	Sweet,
Broslus,	Goodnight,	McCall,	Talbott, Md.
Brown,	Graham,	McCleary, Minn.	Tawney,
Bundy,	Griffin,	McCulloch,	Taylor, Tenn.
Burnes,	Grosvenor,	McDowell,	Terry,
Burrows,	Grout,	McGann,	Thomas,
Bynum,	Grow,	McKaig,	Tracey,
Ca mus,	Hager,	McKeighan,	Turpin,
Caldwell,	Hainer,	Meiklejohn,	Tyler,
Caminetti,	Haines,	Mercer,	Updegraff,
Campbell,	Hall, Minn.	Milliken,	Van Voorhis, N.Y.
Cannon, Ill.	Hall, Mo.	Money,	Van Voorhis, Ohio
Chickering,	Hammond,	Montgomery,	Wadsworth,
Childs,	Harmer,	Moon,	Walker,
Clancy,	Harris,	Morgan,	Wanger,
Cobb, Ala.	Hartman,	Morse,	Warner,
Cobb, Mo.	Haugen,	Murray,	Waugh,
Cockran,	Heiner,	Mutchler,	Wever,
Cogswell,	Henderson, Ill.	Newlands,	Wheeler, Ill.
Compton,	Henderson, Iowa	Northway,	White,
Conn.	Hendrix,	Oates,	Wilson, Ohio.
Coombs,	Hepburn,	O'Neill, Mo.	Wilson, Wash.
Cooper, Wis.	Hermann.	Outhwaite.	Wilson, W. Va.
Cornish,	Hicks,	Payne,	Wolverton,
Cousins,	Hines,	Pendleton, W. Va	Woomer,
Covert,	Hitt,	Perkins,	Wright, Mass.
Crain,	Holman,	Phillips,	Wright, Pa.
Culberson,	Hooker, N. Y.	Pickler,	

So the previous question was ordered.

The following additional pairs were announced:

Mr. WILLIAMS of Mississippi with Mr. PICKLER.

Mr. SIBLEY with Mr. MOON.

Mr. BUNN with Mr. SMITH of Illinois.

Mr. TALBOTT of Maryland with Mr. HENDERSON of Illinois.

Mr. PAGE with Mr. REYBURN.

The result of the vote was then announced as above recorded.

Mr. REED. No quorum, Mr. Speaker, has voted.

The SPEAKER *pro tempore*. Under a call of the House it does not require a quorum.

Mr. REED. I desire to present this proposition to the Chair very briefly——

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. REED. It is this, that the Constitution of the United States only authorizes the House of Representatives to allow a minority to compel the attendance of absent members in such manner and under such penalties as each House may provide. No such proceeding as is attempted here to be done is provided for by the rules of the House.

The Chair will perceive, if he will have the kindness to refer to the Constitution on page 5—and I will be very brief——

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. REED. The Chair will perceive that the House itself is not authorized to empower a minority to compel the attendance of members generally. That is, the House has not the power to authorize less than a quorum to make choice of methods whereby the attendance of absent members shall be compelled. But, on the contrary, it says that the minority may be authorized to compel the attendance of absent members "in such manner and under such penalties as each House may prescribe."

The power of the House itself, then, is limited. It has got to prescribe the method; and that clause in the rule which says that fifteen members, including the Speaker, if there be one, may compel the attendance of members, is followed by a provision stating the manner and under what penalties it may be done. It is not a general power to compel. It is the duty of the House to prescribe the manner. The only way the House has pre-

scribed the manner is the rule which provides for the arrest of absent members. This is a proposition outside of the rule—the proposition here is to compel the attendance of members in a manner not provided in the rule; and it is not a power that has been conferred on less than a quorum.

In other words, the House can not permit less than a quorum to choose its methods. It can not permit it if it would, and it has not attempted to permit it. Therefore a resolution revoking leaves of absence which have been granted by the full House, and prescribing certain methods which, if the gentleman from Mississippi [Mr. CATCHINGS] be correct, will compel attendance, inasmuch as it prescribes methods which are not authorized by the House, it must take a quorum to do it. I do not know how you gentlemen feel about this subject, but it is a very plain matter of law. (Cries of "Rule!" Rule!" on the Democratic side.]

The SPEAKER *pro tempore* (Mr. RICHARDSON of Tennessee). The Chair understands that it has been uniformly held by all the occupants of the chair, both temporary and permanent, that a motion to produce or compel the attendance of a quorum may be adopted without the presence of a quorum, and the Chair thinks that this order is clearly within the rule, and that it does not require a quorum.

Mr. BOUTELLE. I move that the House do now adjourn.

The SPEAKER *pro tempore*. All the Speakers of the House have so held, and the Chair will not undertake to limit it. The question is on agreeing to the resolution.

Mr. BOUTELLE. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. BOUTELLE] moves that the House do now adjourn.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. BOUTELLE. Division.

The House divided; and there were—ayes 37, noes 101.

Accordingly, the House refused to adjourn.

The SPEAKER *pro tempore*. The question is on agreeing to the resolution of the gentleman from Mississippi [Mr. CATCHINGS].

The resolution was agreed to.

Mr. CATCHINGS. The resolution dispenses with further proceedings.

The SPEAKER *pro tempore*. Further proceedings under the call are now dispensed with. The doors will be opened.

Mr. CATCHINGS. And now, Mr. Speaker, I move——

Mr. BOUTELLE. How many of these——

The SPEAKER *pro tempore*. What is the motion of the gentleman from Mississippi?

Mr. CATCHINGS. That the House do now adjourn.

Mr. BURROWS. Just a moment. I wish to know whether the report of the Committee on Rules will be printed in the RECORD? I should like to have it printed there.

The SPEAKER *pro tempore*. The report was read, as the Chair is informed, and will be printed in the RECORD. Before submitting the motion of the gentleman from Mississippi the Chair will, if there be no objection, submit several requests for leave of absence.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted

To Mr. ENLOE, for to-day, on account of sickness.

To Mr. WOLVERTON, for this day, on account of sickness in his family.

To Mr. GEISSENHAINER, for one week, on account of sickness.

To Mr. GARDNER, for five days, on account of sickness in his family.

To Mr. DURBOROW, indefinitely, on account of sickness in his family.

To Mr. SHELL, for one week, on account of sickness.

Mr. BLAND. I ask leave of absence for my colleague, Mr. FYAN, who is sick and unable to attend the sessions of the House.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BLAND] asks that the name of his colleague, Mr. FYAN, be added to the list of those to whom leaves of absence is granted. In the absence of objection it will be so ordered.

There was no objection.

Mr. BOUTELLE. I desire to ask what effect upon the resolution just adopted the adjournment of the House will have?

Mr. REED. If we adjourn, do not all the proceedings fall?

The SPEAKER *pro tempore*. A motion is made that the House do now adjourn.

Mr. BOUTELLE. A motion is made that the House do now adjourn, and we have just adopted a resolution instructing the Sergeant at Arms to send telegrams, etc. My question is this: Does not that resolution fall the moment the House adjourns?

The SPEAKER *pro tempore*. The Chair is not called upon to decide that question now, and will not do it, because that question does not now arise.

Mr. BOUTELLE. Has the Chair any doubt about it?

The SPEAKER *pro tempore*. The question is on the motion that the House do now adjourn.

The motion of Mr. CATCHINGS was agreed to.

Accordingly (at 6 o'clock and 29 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. BOWERS of California, from the Committee on Military Affairs, reported the bill (H. R. 1197) to remove the charge of desertion against Frederick Ottstotts; which, with the accompanying report (No. 696), was ordered to be printed and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6629) for the relief of Christopher C. Miller, and the same was referred to the Committee on Pensions.

The Committee on Claims was discharged from the consideration of the bill (H. R. 1827) for the relief of Thomas W. White, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. HEARD (by request): A bill (H. R. 6642) to establish a free public and departmental library and reading room in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RAWLINS: A bill (H. R. 6643) fixing the limit of indebtedness which may be incurred by cities in the Territories—to the Committee on the Judiciary.

By Mr. PENDLETON of Texas: A resolution to amend the rules by adding a provision for counting a quorum—to the Committee on Rules.

By Mr. RICHARDSON of Tennessee: A concurrent resolution to print reports of ministers and consuls on condition obtaining in civil service of foreign countries—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BERRY: A bill (H. R. 6644) for the relief of Gertrude Egleston, etc.—to the Committee on Pensions.

By Mr. BRYAN: A bill (H. R. 6645) granting a pension to Gust Spitznagel—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 6646) for the relief of Albert Munson—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 6647) to remove the charge of desertion against I. F. Steed—to the Committee on Military Affairs.

By Mr. FIELDER: A bill (H. R. 6648) for the relief of the widow of George C. Foulk, deceased—to the Committee on Claims.

By Mr. HARTER: A bill (H. R. 6649) for the relief of Albert Stratton—to the Committee on Military Affairs.

By Mr. MOSES: A bill (H. R. 6650) granting a pension to Samuel Burns—to the Committee on Pensions.

By Mr. MCNAGNY: A bill (H. R. 6651) to pension Susannah Kepford, of Noble County, Ind.—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 6652) for the relief of Andrew Denton—to the Committee on Military Affairs.

Also, a bill (H. R. 6653) granting pension to Royal M. Hiller—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 6654) granting a pension to Isaac N. Williams—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 6655) for the relief of Mrs. H. H. Cribbs—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 6656) for the relief of P. W. Mitchell, M. C. Filmet, F. C. Bowen, *et al.*—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of Chambers Pres-

byterian Church, to insert the word "God" in the Constitution—to the Committee on the Judiciary.

By Mr. BELL of Colorado: Resolution of Chamber of Commerce at Colorado Springs, Colo., favoring early completion of the harbor work at Galveston, Tex.—to the Committee on Rivers and Harbors.

By Mr. BUNDY: Remonstrance of Prof. S. W. Robinson, Benjamin F. Thomas, R. D. Bohannan, H. W. Lord, C. N. Brown, of the Ohio State University at Columbus, Ohio, against the passage of the bill of Mr. ENLOE (No. 6338) to separate the Coast and Geodetic Surveys of the United States—to the Committee on Naval Affairs.

By Mr. CURTIS of Kansas: Petition of the members of Evangelical Lutheran Zion Church, Hillsboro, Kans., against changing the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Evangelical Lutheran St. John Church, Topeka, Kans., against changing the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of the members of Evangelical Lutheran Grace Church, of Strong City, Kans., against changing the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of S. L. Bromson and 10 other citizens of Kansas, asking for speedy action on House bill 5245—to the Committee on Irrigation of Arid Lands.

Also, petition of I. W. Short and 15 other citizens of Kansas, asking speedy action on House bill 5245—to the Committee on Irrigation of Arid Lands.

Also, petition of I. S. Moots and 15 other citizens of Kansas, asking speedy action on House bill 5245—to the Committee on Irrigation of Arid Lands.

Also, petition of E. W. Gold, C. W. Parker, and 100 other citizens of Emporia, Kans., in the interest of fraternal society school, and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Papers in the case of Henry J. Preble—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of I. T. Bailey and others, citizens of Newtonville, Mass., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ENLOE: Petition of J. P. Wilson and 11 other citizens of Huntingdon, Tenn., in favor of exempting building and loan associations from the payment of an income tax—to the Committee on Ways and Means.

By Mr. GROSVENOR: Memorial of Prof. Robinson Brown, Thomas Ford, and R. D. Bohorman, of the Ohio State University, opposing destruction of the Coast and Geodetic Survey—to the Committee on the Judiciary.

By Mr. HENDERSON of North Carolina: Petition of citizens of Conover, Catawba County, N. C., and members of the Lutheran Church, protesting against putting God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HITT: Protest of Union Veteran Legion Headquarters 116, Galena, Ill., against House bill 5575, amending section 4834, Revised Statutes, transferring the Soldiers' Home from the managers to the War Department—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio: Resolution of the Chamber of Commerce of Cleveland, Ohio, advocating certain amendments to the interstate commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Memorial of Elisha M. Luckett, late second lieutenant of Company B, Second Regiment Pennsylvania Volunteers, praying that arrears of pension claimed to be due him from the United States should be considered—to the Committee on Invalid Pensions.

By Mr. McNAGNY: Resolution of Grand Lodge of Indiana, R. O. U. W., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Wayne Tent, No. 54, Knights of the Maccabees, Fort Wayne, Ind., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, protest of Summit City Lodge, No. 54, Brotherhood of Boilermakers and Iron Shipbuilders, of Fort Wayne, Ind., against the passage of House bill 2655—to the Committee on Commerce.

Also, petition of Susanna Kepford, Noble County, Ind.—to the Committee on the Judiciary.

Also, petition of George A. Astay and 37 others, of Fort Wayne, Ind., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolution of Brewers' Union, of Detroit, asking for Government control of telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSK: Petition of the fraternal society and college journals, asking for the passage of the Manderson-Hainer bill (S. 1353, H. R. 4897)—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition against God in the Constitution—to the Committee on the Judiciary.

By Mr. STORER: Resolution of Cincinnati Chamber of Commerce, in favor of the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. TARSNEY: Petition in behalf of the passage of House bill 3188, for the punishment of train wrecking—to the Committee on Interstate and Foreign Commerce.

By Mr. UPDEGRAFF: Petition of I. Strawsberry, of Maynard, Iowa, in favor of limiting the privilege of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS of New York: Petition of 102 residents of Rochester, N. Y., that the publications of fraternal and benevolent associations be admitted to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Washington: Petition of 30 citizens of the State of Washington, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Alki Lodge, Ancient Order United Workmen, favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of 78 citizens of the State of Washington, in favor of an amendment to the act of February 14, 1865, relative to the retirement of enlisted men in the United States Army and Marine Corps—to the Committee on Military Affairs.

Also, memorial of the Columbian River Methodist Conference, favoring the repeal of the Geary law—to the Committee on Foreign Affairs.

Also, petition of 70 citizens of Washington, for an extension of time in payment of lands referred to the public domain, September 29, 1890—to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Washington, for the improvement of the Quillayute River and harbor—to the Committee on Rivers and Harbors.

Also, memorial of the Port Townsend Chamber of Commerce, favoring an appropriation for fortifications on Puget Sound—to the Committee on Appropriations.

By Mr. WILSON of Ohio: Petition of Prof. Edward Orton and 5 other professors of the Ohio State University, against the passage of House bill 6333, by Mr. ENLOE, concerning the United States Geodetic Survey—to the Committee on Naval Affairs.

SENATE.

FRIDAY, *April 13, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, with his approval, a recommendation of the Light-House Board for an amendment of the sundry civil appropriation bill for the next fiscal year providing an appropriation for lighting Hay Lake Channel, St. Mary's River, Michigan, etc.; which was reerred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, for consideration in connection with the urgent deficiency appropriation bill, a letter from the Director of the Mint, setting forth the necessity for an appropriation of $46,000 to supply a deficiency in the appropriation for wages of workmen at the mint at Philadelphia, Pa., for the current fiscal year; which, with the accompanying paper, was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a petition of sundry citizens of Dresden, Tenn., praying that national building and loan associations and local building and loan associations be exempted from the operation of the proposed income tax; which was ordered to lie on the table.

Mr. QUAY presented a memorial of 153 business firms of Pennsylvania and Ohio, wool-buyers and wool-dealers, remonstrating against the adoption of the provisions of Schedule K of section 1 and paragraph 685 of section 2 of the Wilson tariff bill, and praying that adequate protection be given the wool industry; which was ordered to lie on the table.

He also presented a petition of Peerless Lodge, No. 28, Shield of Honor, of Philadelphia, Pa., praying that fraternal society

and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Henry Seybert Council, No. 520, Junior Order of United American Mechanics, of Abington; of Council No. 243, Junior Order of United American Mechanics, of West Lebanon; of Council No. 501, Junior Order of United American Mechanics, of Homewood, and of Wurtemburg Council, No. 213, Junior Order of United American Mechanics, of North Sewickley, all in the State of Pennsylvania, praying for the enactment of legislation providing for the inspection of immigrants by United States consuls; which were referred to the Committee on Immigration.

Mr. MCMILLAN presented a petition of the Brewers' Union of Detroit, Mich., and a petition of Carpenters' Union No. 689, of Detroit, Mich., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Robert M. Wright and sundry other citizens of Bay City; of H. Poldt and sundry other citizens of Adair; of Hiram S. Tyler and sundry other citizens of Dalton; of Dr. A. R. Ball and sundry other citizens of Coronna; of Donnau Tent, No. 457, Knights of the Maccabees, of Dalton, and of Beavertown Tent, No. 538, Knights of the Maccabees, of Willard, all in the State of Michigan, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PASCO. I present the petition of Rev. James P. De Pass and 179 other citizens of Florida, praying for the enactment of legislation to prohibit the carrying on of any lottery business in the United States, and particularly recommending the passage of the bill having that purpose in view recently introduced by the Senator from Massachusetts [Mr. HOAR]. I move that the petition be referred to the Committee on the Judiciary, which has that bill in charge.

The motion was agreed to.

Mr. HOAR presented the petition of Rev. Thomas A. Hoyt and sundry other citizens of Massachusetts, praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which was referred to the Committee on the Judiciary.

Mr. MITCHELL of Wisconsin presented a memorial of sundry cigar manufacturers of West Superior, Wis., remonstrating against an increase of the internal-revenue tax on cigars; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1286) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary, under the authority of the Congress, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 211) for the relief of St. Charles College, reported it with an amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 1694) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian Reservation, in the State of Minnesota, reported it with amendments, and submitted a report thereon.

Mr. HARRIS. A protest of the Trustees of the Church Orphanage of St. John's parish, in this city, against legislative action that withholds from the charitable institution under their charge the sum heretofore annually appropriated in aid of its maintenance, was referred to the Committee on the District of Columbia, and by that Committee referred to the Commissioners of the District and returned to the committee with sundry indorsements of the District officials. I am directed by the Committee on the District of Columbia to report back the memorial without recommendation, and ask its reference to the Committee on Appropriations.

The report was agreed to.

BILLS INTRODUCED.

Mr. MCMILLAN introduced a bill (S. 1891) for the relief of James G. Barker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PEFFER. I was requested by the American Anti-Usury Association, of Catasauqua, Pa., to introduce a bill, which I ask to be read twice, and referred to the Committee on Finance.

The bill (S. 1892) to provide for the issuing of Treasury notes to be loaned to the States, counties, townships, municipalities, incorporated towns, villages, and individual citizens, was read twice by its title, and referred to the Committee on Finance.

Mr. PETTIGREW introduced a bill (S. 1893) to grant a pension of $72 a month to Gen. Charles T. Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 1894) for the relief of Warren Hall; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLANCHARD (by request) introduced a bill (S. 1895) to provide that fruit vessels trading between ports of the United States of America and ports of Mexico, West India Islands, Central and South America, shall be manned by acclimated seamen in order to prevent the importation of contagious and infectious diseases; which was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. HARRIS (by request) introduced a bill (S. 1896) to provide for the payment of the 8 per cent greenback certificates of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GEORGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CLERKS IN TREASURY AND INTERIOR DEPARTMENTS.

Mr. GALLINGER. I submit a resolution, and I trust there will be no objection to considering it at the present time.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury and the Secretary of the Interior be directed to transmit to the Senate in separate lists, the names of all clerks and employés appointed, promoted, reduced, and dismissed since the 4th day of March, 1893, and the State to which each such clerk or employé is accredited; also that such of them as served in the Army or Navy of the United States at any time during the war of the Rebellion shall be designated by some distinguishing mark in each list.

Mr. COCKRELL. Let the resolution be read again. I did not catch the last part of it.

Mr. HARRIS. Let it be printed and go over. Then we can look at it in print.

The VICE-PRESIDENT. There is objection to the present consideration of the resolution. The resolution will go over under the rule.

Mr. COCKRELL. Let it be printed.

The VICE-PRESIDENT. It will be printed.

THE REVENUE BILL.

Mr. GEORGE. Mr. President, at the request of my colleague [Mr. MCLAURIN], who is necessarily absent, I desire to give notice that he will on Tuesday next, at the time when the tariff bill comes up for discussion, address some remarks to the Senate upon that subject.

RESOLUTIONS PASSED OVER.

The VICE-PRESIDENT. The Chair lays before the Senate as part of the morning business the resolution submitted by the Senator from Pennsylvania [Mr. QUAY] on the 10th instant, proposing a hearing on the tariff question.

Mr. QUAY. That resolution may go over until to-morrow morning, as the Senator from Missouri [Mr. COCKRELL] requests this course.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the resolution will go over, retaining its place. The Chair lays before the Senate the resolution submitted by the Senator from Nebraska [Mr. ALLEN], proposing to call for information in regard to suspended pensions.

Mr. COCKRELL. I ask the Senator from Nebraska to let that resolution go over until to-morrow morning and retain its place.

Mr. ALLEN. Very well; let it go over, retaining its place.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

DELAWARE RIVER BRIDGE.

Mr. QUAY. I move that the bill (S. 1843) to authorize the Philadelphia and Camden Bridge Company to construct a bridge across the Delaware River be recommitted to the Committee on Commerce. It is a bill which I introduced by request, and I do not desire that it shall come before the Senate until I hear from the citizens and the shipping interests of the city of Philadelphia on the subject.

The motion was agreed to.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the urgent deficiency appropriation bill.

By unanimous consent, the Senate resumed the consideration of the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

The VICE-PRESIDENT. The question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. COCKRELL. The bill is open to amendment?

The VICE-PRESIDENT. It is open to amendment.

Mr. COCKRELL. I wish to make a short explanation and ask unanimous consent to have an amendment agreed to. On page 3, after line 13, I move to insert:

MINTS AND ASSAY OFFICES.

Mint at Philadelphia: For wages of workmen and adjusters, $46,000.

I will read the letter that has just come from the Secretary of the Treasury in regard to this matter:

TREASURY DEPARTMENT, *April 13, 1894.*

SIR: I have the honor to transmit herewith for consideration in connection with the urgency deficiency bill now pending in the Senate (H. R. 6556), a communication from the Director of the Mint of this date, setting forth the necessity for an appropriation of $46,000 to supply a deficiency in the appropriation for wages of workmen, mint at Philadelphia, for the current fiscal year.

The very large coinage operations at this mint renders this additional appropriation absolutely necessary.

Respectfully yours,

J. G. CARLISLE, *Secretary.*

The PRESIDENT *of the Senate.*

The Director of the Mint says:

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., April 13, 1894.

SIR: I have the honor to request that you will procure an appropriation of $46,000 to supply a deficiency in the appropriation for wages of workmen at the mint of the United States at Philadelphia for the current fiscal year.

In explanation, I would say that the appropriation of this amount is necessary in order to continue coinage operations at that institution during the remainder of the current fiscal year. The cause of the deficiency in the appropriation for wages of workmen is due solely to the large coinage of gold it was required to execute to meet the demands of the Treasury, and to do this it was not only necessary to employ additional workmen and adjusters, but to work a large portion of the force over time.

The amount of gold coined at the mint at Philadelphia from July 1, 1893, to date has been $61,517,485. In addition to this, there has been coined in subsidiary silver $1,289,000 and in minor coins $704,396.

There is now on hand at the mint at Philadelphia and the New York assay office gold bullion approximating $50,000,000. Of this amount it is desirable to convert into coin before the close of the fiscal year not less than $20,000,000, making the aggregate gold coinage of the mint at Philadelphia for the year about $82,000,000, which will be the largest coinage ever executed at any mint of the United States in any one year.

Respectfully yours,

R. E. PRESTON,
Director of the Mint.

Hon. J. G. CARLISLE,
Secretary of the Treasury.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from Missouri? The Chair hears no objection, and the amendment is agreed to.

Mr. MANDERSON. Mr. President, the bill I understand is yet open to amendment, and that of course permits the reconsideration of any action of the Senate as in Committee of the Whole upon the bill, or any action of the Senate itself since the bill was reported to the Senate.

I was addressing myself yesterday when adjournment came, to the matter of the printing and issuing of the two final reports upon Indians compiled by Special Agent Donaldson. This matter was ready many months ago. There have been published several bulletins, but the important parts of the work, the work upon the Five Civilized Tribes and the report upon Indians Taxed and not Taxed, which makes the final volume, has been in the hands of the printer, in type and electrotyped, for many months. Not only that, but both the publications not yet issued were approved by Superintendent Porter before he left the Census Office, and I take it that they are not now subject to revision unless the action of the predecessor of Commissioner Wright had been induced by fraud, misrepresentation, or some unfairness that should cause his action to be set aside.

It is claimed that there are certain illustrations in these two final publications upon which a gentleman named Lummis, in California, has a copyright. The fact is, and it will appear conclusively, from matter I have before me which I shall read in a moment, that any plates or illustrations upon which this gentleman has a copyright were published in the work I have here in hand, known as the Extra Census Bulletin on the Moqui-Pueblo Indians of Arizona. That work was issued while Superintendent Porter was in charge of the office. There is no claim on the part of any person that the illustrations as to the Five Civilized Tribes and the Indians Taxed and not Taxed, are copyrighted or are to be used in violation of copyright; so that that need not enter into consideration in the matter of the publication of the two works which are not yet published. A revision of them that shall change them materially and present a new form of publication would probably cost more than it would cost to take the matter that is now in hand and put it upon the press and issue it.

As to the character of this work, I started yesterday when interrupted to read a letter directed to Agent Donaldson by Mr. Porter, late Superintendent of the Census. He goes on to say:

It is an old saying, "that the affections of the human heart can not be measured by a 2-foot rule." So it is with the Report on the Condition of the Indian Tribes of the United States—it can not be gauged from the standpoint of a tabular statement or by the narrow confines of an "iron-clad schedule." As I said in the opening sentence of my letter of transmittal—

Referring to his letter of transmittal to the Secretary of the Treasury—

"the report on the Indian is unique;" there is nothing like it "in the census."

There can be nothing like it upon any other subject treated upon in the census, because the provision of the statute with reference to the Indian was different in its language from that on any other subject. Upon no other subject-matter was it demanded that there should be a presentation of the condition of the Indian and an opinion as to what was best for him.

There is no rule which can be applied to it except that which you have worked out so admirably, namely, "Secure all data possible and make a picture of the Indian as he exists to-day." Stand up and fight for your report and you will have behind you the intelligent people of both parties; pay no attention to the people who with shears will cut down the canvas which an artist has devoted years of his life in painting to fit a frame. My suggestion is and always has been on the Indian report, make the frame bigger.

I have here some of the advance sheets of the final report known as the Report on Indians Taxed and not Taxed. This is the letter of transmittal of the 5th of June, written by Superintendent Porter to Hon. Hoke Smith, the Secretary of the Interior, referred to by him, in which he says:

This report upon Indians is unique.

He further goes on to say:

The office was fortunate in securing the services of Mr. Thomas Donaldson, of Philadelphia, Pa., abundantly equipped by knowledge of his subject, habit of indefatigable industry, and literary skill to do justice to this very complex and important subject. Mr. Donaldson has secured the cooperation of Indian tribal authorities, and has utilized all means to such an extent that his report will stand as an unprecedented accomplishment and as an authority for reference in all the future which lies before the Indian question.

The Indian will soon be blended with the general population. It may be that before the close of the decade events will have made such change in the Indian status that a separate census will not hereafter be needful, and the Indian population can be separately tabulated from ordinary schedules, just as the colored race has been hitherto. In this view the elaborate illustration of a report which may prove to be the last of its kind seemed to be important that the pictorial art might be effectively impressed into the preservation of facts soon to be out of personal experience and to be known only through records.

Mr. President, on the 20th day of March, 1894, there having come up some question as to whether there was an approval of these two reports by Mr. Porter when he was Superintendent of the Census, this letter was written by him:

NEW YORK, *March 20, 1894.*

MY DEAR MR. DONALDSON: On the 5th day of June, 1893, as Superintendent of the Eleventh Census, I officially approved the Final Report on Indians, Eleventh Census, prepared by Thomas Donalson, expert special agent, under a plan approved by John W. Noble, Secretary of the Interior, and myself. Certain questions in the matter of corrections made by Judge William Haydon, under my order, and Mr. Donaldson, the author, were left to Mr. Donaldson to insert, and he to make other proof corrections.

The final report as approved contained 39 pages of introduction and 856 pages of text, all of which were plated or ordered plated by me. The maps and illustrations, 269 pages in all, were also duly approved by me, and the copy of the list of the same for insertion in the final report ordered sent to the Printer.

The copy for the Bulletin on the Five Civilized Tribes, 302 pages, was officially approved by me June 6, 1893, together with 32 full-paged illustrations and two maps, and ordered sent to the Public Printer, Mr. Donaldson, expert special agent in charge, the author of the book, to make necessary corrections, the said corrections to be under his charge.

The above two reports, the Final Report on Indians, in type, and the Five Tribes Bulletin, in manuscript, were officially ordered by me to be delivered to Senator C. F. MANDERSON on the dates named in Expert Special Agent Donaldson's letters transmitting them.

If any further information is necessary, I shall be pleased to furnish you with it if within my means.

With assurance of high regard, believe me, very truly, yours,

ROBERT P. PORTER.

Hon. THOMAS DONALDSON,
Philadelphia, Pa.

P. S.—The plan and scope of the Five Civilized Tribe Bulletins were also approved by Secretary John W. Noble.

I have here upon my desk the final report of the Indian census. It is in type, and every page of it is electrotyped, and has been for months. The colored plates are owned by the Government, they having been contracted for by the Census Office, and the Government owns enough of the paper illustrations—not, of course, owning the colored lithographic stones—but it owns enough of the colored illustrations to complete this book; it owns the plates that make the black and white illustrations, and the report is all there, and has been there for months, ready to be

issued. Mr. Commissioner Wright gives certain reasons why the work has not been issued. He seems to have been alarmed at this letter from Mr. Lummis in regard to the copyright, and he had fear that here was a repetition of matter contained in other reports. There are such repetitions, and there should be such repetitions. I have no question but that many pages of the final report upon the Indians are taken from works of the Indian Office, of the Bureau of Ethnology, and from other public documents. They are there for the purposes of comparison, and they are there so that in one volume one may have all that there is showing the condition of the Indian to-day.

The fact that they are not credited to those who have compiled them is neither here nor there. One is not in the habit of crediting that which is taken from a public document and simply placed in another public document; but in many instances they are credited by reference being made to the publication from which they are taken. But that is unimportant.

Mr. President, the Commissioner of Labor, in charge of the Census, received unquestionably, in answer to his letter in regard to the Lummis copyright, this letter, which was sent to him on the 20th day of January, 1894, and it is no more than fair, as the letter of Mr. Lummis charging this copyright theft, as he terms it, on Mr. Donaldson has appeared in the RECORD, that this letter should also appear. This is addressed to Commissioner of Labor Wright, in charge of the census.

326 NORTH THIRTY-NINTH STREET,
Philadelphia, Pa., January 20, 1894.

MY DEAR SIR: Answering Mr. C. F. Lummis's letter of January 6, 1893—

It should be 1894, undoubtedly—

I regret exceedingly to have even seemingly injured Mr. Lummis. I have been one of his admirers for years past, and have felt the force of his literary capacity and energy.

At the time we were collecting the illustrations for the Moqui and Pueblo Bulletin, I did not know that Mr. Lummis was a photographer or that he made his own photographs. I am sure that not one he now calls attention to contained the word "copyright" when we received it, and I have never seen one since with the word "copyright" on it. We began to collect these views in 1890 (early in the summer). The plates or cuts were made in 1891, I think, and the person who made the cuts or plates supplied the printed copies as well. So that in 1891 the necessary number of printed illustrations were delivered to us. After this we could not have (had we known the fact) had Mr. Lummis's name put on the plates.

Some four full-page illustrations were made and supplied in 1893, and these contain the names of the photographers.

In 1891 or in 1892 my attention was called to some illustrations in a magazine. I think I found some of them similar to those to be in the Moqui-Pueblo Bulletin.

Upon inquiry (and from other sources), thinking some one had supplied the magazine with a set of our illustrations, I learned that Mr. Lummis claimed them.

That was before the letter of Lummis to the Commissioner.

When Mr. Porter wrote his letter of transmittal (see page VII, of Moqui and Pueblo Bulletin) I got him to insert a note of obligation to Mr. Lummis. It was and is a general one.

I would have written to Mr. Lummis, but did not have his address. No wrong was intended. Mr. Porter is in nowise responsible for the matter, and I am quite willing to assume the responsibility for any error in this matter.

Mr. Lummis, I understand, is a frank, honorable man, and I have no doubt will readily see how the whole matter occurred.

I am informed that an edition of this bulletin is to be published by private parties. I will have the parties write Mr. Lummis about the plates he claims, and he can be arranged with by them.

I will also see that Mr. Lummis's name goes on the plates made by him.

Will you be so good as to say to Mr. Lummis, when you write to him, that if he will send me a set of the photographs claimed to be his, and which were used in the Moqui and Pueblo Bulletin, I will gladly remit the price of them and see that he is given proper credit for them. I can only add that I regret that Mr. Lummis should have any cause for complaint in this matter. No wrong or thing improper was intended. I gave him much space in the Bulletin because I like his work.

Very truly,

THOMAS DONALDSON.

TO CARROLL D. WRIGHT,
Commissioner of Labor, in charge of Eleventh Census.

That, Mr. President, explains pretty fully the condition as to the copyright. I received yesterday, while this debate was on, the letter which I shall read presently, as it sums up the whole subject, and it seems to me gives its proper history, and it is due to Mr. Donaldson that it should be read.

I do not want to be understood at any stage of this controversy as reflecting in the least upon the motives of Commissioner Wright. I think he has been acting under a misapprehension of the facts. He has thought undoubtedly that there were copyright illustrations that were proposed to be used in these additional books. That is not the fact. He has supposed that these particular works had not been approved officially by his predecessor in office.

That is not the fact. They were approved; and here is the abundant evidence of it, and I have no question but that when these matters come to his knowledge and he has full information upon the subject, he will take great pleasure in speedily issuing these important works that are needed for the purposes of legislation by Congress. The Indian appropriation bill will be up for consideration very soon. I, with others, have been seeking information upon the question as to whether it will be possible to dispense with some of the numerous and, as I believe, unnecessary Indian agents. In this last publication there is the material which will show that that can be done; and in that consideration alone it is important that this work should be speedily completed.

I shall now read the letter I received yesterday, signed Thomas Donaldson, and addressed to me:

WASHINGTON, D. C., *April 12, 1894.*

MY DEAR SIR: The unpublished volumes on Indians prepared by me for the Eleventh Census and approved by Hon. Robert P. Porter, Superintendent, are a bulletin on the Five Civilized Tribes of Indian Territory, 302 pages of manuscript, with 34 pages of maps and illustrations; and the Report on Indians, Eleventh Census, 1890, some 900 pages with 259 pages of maps and illustrations. This last report is all in type (except the list of illustrations, 8 pages, and the index, say 15 pages) and has been since the middle of 1893. Seven hundred and fifty-nine pages of it are in plate. This fact alone shows approval by Mr. Porter, and the remainder is fourth revise, and ready to be plated, and which must have been duly approved or it could not have reached this stage.

There are no copyrighted maps or illustrations in the Five Tribes Bulletin, and the officer detailed to close the work of the census was duly advised of this fact at once upon the question being asked. Any copyrighted maps or illustrations in the Report on Indians are used with permission.

The extract matter used in the last-named volume, stated by the officer detailed to close the work of the Eleventh Census to amount to 225 pages, was inserted with the knowledge and approval of Hon. Robert P. Porter, Superintendent of the Eleventh Census, and was considered by him essential and necessary to the work. He approved all such matter and sent it to be printed. The Indian census was taken under a special clause of the census act, and called for a report on the condition of the Indians. The historical portion of the report, of which the extracted or copied matter is largely a part, was considered essential to the end that light be given on their present condition, and how they came to it.

As to the question of the extract matter used by me in said work, it is not usual to credit matter taken from the works of the same author.

Many of these tables are compiled from former publications made under the direction of this author.

Neither is it considered necessary to credit extracts from publications issued by the United States. Such are not copyrighted and much of the authorship is impersonal. They are common property.

As to the expense of republishing such matter, it having been mentioned, I can only add that it is all in type, much of it has been plated, and the only expense now will be for the paper and presswork.

No question of copyright has ever been raised to my knowledge against the illustrations or maps in the two unpublished volumes on Indians. The copyright question raised related to illustrations in a volume published by Mr. Porter long before the officer at present in charge of the closing of the work of the Eleventh Census entered upon his duties, and with which he has, in fact, no concern. The method by which such illustrations reached the Census Office, and whether marked copyright or not, is entirely unknown to the officer in charge of the closing of the census. He does not know whether they were unlawfully used or not. He knows nothing of these details. No delay in the publication of the two volumes on Indians in question has occurred from any claim for use of copyrighted maps or illustrations.

The two volumes were ready, one to go to the printer, the other about ready to be printed and to go to the public when the officer now in charge was detailed to close the work of the census. My work was not of the unfinished class. Any revision of the two volumes on Indians which was going on when the officer now in charge of the census went on duty in October, 1893, was being done without authority of the Superintendent of the Census.

I was ill during the last three months of 1893, and in October and November of that year was in such condition as to care but little about census or any other work, so that I may not have answered letters sent me, but I venture that any letter requiring an answer or even suggesting it was taken in hand and duly answered by my clerk.

It seems to me that the question in this whole matter is whether or not the officer detailed to the charge of the census was to close the work of the census, or revamp the one made by Mr. Porter. These differences of opinion as to the duties of the officer in charge may have arisen in an entirely proper spirit. The statute ordering the detail would seem, however, to be a good guide in this matter.

Very truly, yours,

THOMAS DONALDSON.

Hon. C. F. MANDERSON,
United States Senate.

That would seem to be the history of this transaction.

Since yesterday I have had some conversation with my associates on the floor interested in the subject of a publication of some fair abstract or digest of the census to be speedily issued. I do not know but what the better course would be, if the abstract which was provided for in the bill and was stricken out by the action of the Senate, can certainly be issued by midsummer, and promises a work as it should be, that it ought to be published, and that hereafter, probably, we can save to the Government the matter of the publication of the digest, 50,000 copies of which are required to be published by the existing law. That, however, can be a matter for future discussion. I feel inclined, if we can add to this bill some proviso which will obtain for us speedily the publication and issue of these final works upon the Indians, so that we may have them at this session of Congress, to move a reconsideration of the vote by which the lines referred to were stricken out of the bill. I hope that will meet with the approval of the Senator in charge of the bill. If it shall do so, I should be glad to move that reconsideration, and let the abstract of the census be printed, adding to that section this proviso:

Provided, That the Report on Indians and the extra census bulletin on the Five Civilized Tribes be printed as approved by Robert P. Porter, Superintendent of the Eleventh Census, necessary corrections thereof to be made by the author.

That will mean, of course, those proper corrections which are incident to the publication of every book, such as proof-reading.

I should like to hear from the Senator in charge of the bill whether such action will meet with his approval.

Mr. HOAR rose.

Mr. COCKRELL. Does the Senator from Massachusetts desire to be heard?

Mr. HOAR. I wish to be heard for half a minute, either now or at some future time. I do not care when.

Mr. COCKRELL. I yield to the Senator from Massachusetts.

Mr. HOAR. I do not think it is probable that many members of this body have studied the question with which the Senator from Nebraska has dealt in his argument. As I understand he entertains and expresses the highest respect for the Commissioner of Labor, Col. Wright, who is a constituent and friend of mine, but known, I suppose, in his public character as well to many other members of this body on both sides of the Chamber as he is to me. The Senator from Nebraska has expressed, I suppose, the opinion which everybody who knows Col. Wright has, that he is a very faithful, careful, conscientious, and wise public servant.

The Senator from Nebraska thinks that in a public document which Col. Wright has revised as the head of his Bureau, and which I understand the Secretary of the Interior to have also dealt with, so far as to be in accord with the opinion and action of the Commissioner of Labor, Col. Wright has been mistaken in striking out the repetition in a costly public document of large masses of matter which are already printed and accessible to the public and to us in other costly public documents.

Mr. MANDERSON. And it is well to say right here, if the Senator will permit me, that this matter thus inserted in this work was approved and commended not only by the predecessor in office of Commissioner Wright, but also by the predecessor of the present Secretary of the Interior, it receiving the approval of both those officers.

Mr. HOAR. I do not think that appears. There has not been any suggestion that these gentlemen knew when they gave the more or less perfunctory approbation to this document, if they did give it, that it was largely made up of other documents.

Mr. CHANDLER. Will the Senator allow me a word in that connection?

Mr. HOAR. With pleasure.

Mr. CHANDLER. The Senator from Nebraska seems not to know or to overlook the fact that all these publications are mere preliminaries; that they are early bulletins in connection with the census, preparatory to being embodied in the final work, which is now under revision of the Secretary of the Interior, in accordance with the statutes. There has not been a single publication by the Census Office as a final publication.

Mr. HOAR. That is a very important statement.

Mr. President, it also appears that what the Senator from Nebraska supposes was known to Mr. Porter is contained in the letter which, though formally addressed to him, was in fact received at the office long after his resignation, and after the present Secretary of the Interior had come in.

The Senator further states what we could accept on his authority, and I suppose what other Senators from their own knowledge know or think—I know nothing about that myself—that the gentleman who has prepared this work is a faithful and accomplished gentleman, whose literary, scientific, and statistical work is entitled to high respect.

So the question is presented whether the Senate of the United States—not in determining what shall be its own documents, but in determining what shall be printed in the documents of the Departments, and what shall be printed as mere abstracts or preliminaries should be omitted in such publications—is to take upon itself the responsibility of considering, debating, and deciding such questions.

There must be somebody responsible for such things. If this gentleman, accomplished and able and the friend of the Senator from Nebraska, is entitled to come here and ask us to say that his work has been cut down improperly by his superior, not being approved by his superior, and therefore that we must go all over the matter, there is not a subordinate in the Agriculture Department, in the Census Office, in the Indian Office, in the Treasury, in the Statistical Office, in the Bureau of Labor, in the consular service, or anywhere else who has not that same right.

Mr. President, I know some pretty learned and accomplished gentlemen who have been in the consular service of the United States under the last Administration. They have been turned out; they have been, in my judgment, turned out under a mistaken policy. My friend from Missouri knows some men equally good, appointed under the former Democratic Administration, who have been turned out under what I have no doubt he thought was a mistake when it was done. Each one of those men has made his report, has made his investigations, and we get seven copies of them from the State Department for distribution, and as many others as we ask for. I want to know if I am entitled to come in here and debate for an hour, or a day, on an appropriation bill the question whether the consular reports of my excellent friend, whom I shall name, because he is a Democrat holding office under the present Administration, who was displaced four years ago, and has gone back again to Glasgow. I refer to Mr. F. H. Underwood, one of the most accomplished gentlemen in the country. I have no doubt that it will be found that Mr. Underwood's consular report contained a great deal of valuable matter that has not been printed and ought to have been printed, and I can prove it; I have not looked to see; but he is a gentleman who was the companion and equal and friend of Mr. Lowell, Mr. Holmes, Mr. Parkman, and the other men of letters of Boston in his time. There are a hundred such cases, and it is a pretty serious question to us whether it is our duty to represent the desires of those gentlemen.

Mr. MANDERSON. If I may interrupt the Senator right there——

Mr. HOAR. Let me finish the illustration of what I have just been saying.

Mr. MANDERSON. Very well.

Mr. HOAR. I know of another case. I have a friend, who is the son of one of the greatest men who ever lived in this country and who is himself a very accomplished man, who is employed in the Agricultural Department. He made some most valuable scientific investigations for that Department, and after he had made them they were taken, as I believe, by a superior, changed, injured, rendered less valuable both in a literary and scientific point of view, and not only published without credit, but, on the contrary, there was a preface inserted which seemed to imply that this gentleman had not done his full duty in what he had done.

I have been talking with that gentleman, have written one or two letters to the Secretary of Agriculture, and have an assurance that, so far as credit is concerned, it shall be given him at some future time. But if the Senate is the proper place to correct such matters, it is my duty to bring that question up here, and I can supply the Senate with an hour's occupation pretty easily.

So it seems to me, without entering upon an answer to my honorable friend from Nebraska, that this is not the time nor the place to correct mistakes made in relation to these matters of scientific and literary investigations, be it poor work or good work, or good work omitted and not published. We must leave such questions to the Departments, and when it is conceded that the officer who has done this thing is one of the brightest judges we have in the country to judge of the matter, it seems to me it is peculiarly proper that it should be left to the Department.

Mr. MANDERSON. I suggest to the Senator that the example he furnishes of his friend, the consul at Glasgow, is not parallel to this case. Unquestionably it is the right of the superior to revise, to cut, to mutilate in his discretion the literary work of the inferior. But suppose the consul under the last Administration had made a report and the Secretary of State in the last Administration had approved that report, or had revised it and changed it somewhat, and had sent it to the Printer with his official approval, and it was about ready to go to press, then does the Senator think that the successor of that Secretary of State should change the order of his predecessor and say the work shall not be issued?

Mr. HOAR. The Secretary who issues it is the person who is responsible for the act of issuing it, and the fact that the previous Secretary had intended to issue it or approve it is not the final action of the Department. Suppose when Mr. Foster, Secretary of State, went out of office he had a letter written and approved in the Department of State to be sent to England, and sent it to the Public Printer or the private printer of the State Department to be got ready, and Mr. Gresham had come in at that point: he is the person who is to determine whether that letter shall go, and the matter is not acted upon by the Department until it has gone. If the letter had gone to England and the act become the act of the country it would have been Mr. Gresham's duty, and Mr. Cleveland's, to stand by it through thick and thin; and the President would have found himself very strongly criticised if he had not done it, whatever he might have thought privately of it. That is the rule in the diplomatic conduct of the affairs of a great nation.

Mr. HALE. Let me put an instance to the Senator. Suppose, just in the line of his thought, that upon the question of the Bering Sea arbitration a Secretary of State who is about going out invoked the assistance of clerks and experts to get up a letter, an answer, and has approved what they have done and is

ready to issue it, but he goes out of office. His successor comes in, and clearly that successor, as the Senator has said, is the responsible man. He may not agree that the compilation and the facts that were got up by the clerks for his predecessor cover all the case; and he must decide, and he alone.

Mr. HOAR. And it would be peculiarly singular if under those circumstances Congress was asked to interfere by legislation on an appropriation bill.

Mr. CHANDLER. Mr. President, I regret very much that this discussion has taken place. I do not think that it was a necessary discussion growing out of anything that has happened in the management of the Census Office by the present incumbent of that place. I do not think an issue has been wisely made in the Senate and before the country between Mr. Donaldson and Mr. Wright. I have known both those gentlemen for many years, and I value them equally as friends. I think I also appreciate the peculiar traits and abilities of each of the gentlemen; Mr. Donaldson is a man of great energy, learning, research, and enthusiasm.

The VICE-PRESIDENT (at 1 o'clock p. m.). The Senator from New Hampshire will suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, being House bill 4864.

Mr. CHANDLER. I ask permission of the Senator from Tennessee to go on and finish my remarks upon this subject.

Mr. HARRIS. The Senator's speech will keep until 5 o'clock this evening. I regret the necessity, but I must object to any encroachment upon the time set apart for the consideration of the tariff bill.

Mr. CHANDLER. I bow with deference to the Senator from Tennessee.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

[Mr. PEFFER resumed and concluded the speech begun by him on Friday, April 6. The entire speech will be published hereafter. See Appendix.]

Mr. MITCHELL of Oregon. Mr. President, the passage of the bill under consideration, known as the Wilson bill, if, indeed it can be said to be a fulfillment of the pledges contained in the national Democratic platform of 1892 upon the subject of the tariff, would, in my judgment, be a national legislative recognition of one of the most dangerous political, economic, and constitutional heresies ever advocated by any political party since the foundation of our Government.

The doctrine of the right of secession upon the part of a State, condemned, as it has been, not only by the stern arbitrament of the sword on the battlefields of the nation, but at last by universal assent and acquiescence, was one, in my judgment, fraught with but little more danger to the best interests of the Republic than that involved in the present bill, if it is indeed what it professes to be, a fulfillment of party pledges on this subject.

Never, in all our long history as a nation, has any political party in any national convention had the audacity to declare that a customs tariff, which had for its purpose not only the raising of revenue, but the protection of American industries and American labor, was unconstitutional, until the Democratic national convention of 1892 deliberately asserted that doctrine.

To that convention was reserved the honor, if indeed an honor it be, of placing upon the Constitution of our country a construction directly opposite to that placed upon it not only by every national convention of every political party ever assembled in this country, but also in direct conflict with and antagonism to the repeated declarations and avowed policies of the framers of that instrument, including such men as Washington, Madison, Jefferson, Monroe, and later on Jackson, Clay, Webster, Calhoun, Buchanan, Pierce, Grant, Hayes, Garfield, Arthur, and Harrison.

The last Democratic national convention, which framed the platform on which the present Administration came into power, made the following declaration upon this subject:

> We declare it to be a fundamental principle of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purpose of revenue only.

The present bill as it came from the House was ostensibly and professedly the enforcement of the policy enunciated in this plank of the national Democratic platform. And while it is true, by reason of some unaccountable temporary aberration of the public mind, the party announcing such a doctrine in its national platform, was by the elections of 1892 clothed with power in all branches of the National Government, it remains to be seen whether, when the paralyzing effects which must necessarily result to our national prosperity from the enforcement of such a doctrine, or any other doctrine approximating to it, become apparent—and they are already more than apparent—there will be a vote of confidence in the Administration responsible for its enforcement.

For the present, and at this stage of the discussion, I will assume that the Democratic party is an honest party, a keeper of party pledges, a party whose leaders would reject with scorn and spurn with unfeigned indignation, a proposition to insert in a national platform a plank upon any subject for the sole purpose of aiding in the elevation of their party to power, and without any intention whatever of enforcing the doctrine enunciated in such plank when they came into power. Assuming, then, these premises to be true, I shall for the present assume further that the pending bill is the equivalent in theory and practical purpose and effect in its fullest and completest sense of the doctrine enunciated in the national Democratic platform of 1892 on the subject of the tariff, and on which, through some strange hypnotic influence over the wage workers and voters of this country, the Democratic party came into control of every department of the National Government on the 4th day of March, 1893.

Prior to the Democratic national convention of 1892 the distinctive difference separating political parties and political economists in this country in their avowed opinions and policies, respectively, on the subject of the tariff, was not one involving constitutional power or the lack of constitutional power upon the part of Congress to enact a customs revenue act, which, while primarily raising the necessary revenue with which to carry on the Government, gave protection, incidental or otherwise, to American industries and American labor.

The line of demarkation was infinitely less marked than this. It consisted in this alone: All agreed, prior to this new departure, perhaps with the single exception of the declaration of the Democratic party in its national platform of 1856, that in any event and under all circumstances, Congress in enacting tariff laws, in levying impost duties, should so arrange duties as to give incidental protection.

The constitutional power to do this, or the duty of Congress to do this, prior to 1892, with the single exception stated, was never denied by any political convention of any party ever assembled in this country, nor by very few individuals, but on the contrary frequently affirmed, while the party and the men who believe as I do and as the Republican party does now and always has done in regard to the general question, have occupied ground one mighty step in advance of this and held to the doctrine of the constitutional power as well also as a primary duty upon the part of Congress, in pursuance of the constitutional grant to regulate commerce with foreign nations, to levy impost duties with a primary purpose, if you please, not merely of raising revenue, but of protecting the various industries of our country against the industrial encroachments, and, I may say, the industrial oppressions of foreign powers.

In other words, until the doctrine enunciated in the Democratic platform at Chicago in 1892, all parties conceded the constitutional power to levy tariff duties with a view, not merely of raising revenue, but of giving at least incidental protection, while the Republican party, following in the grand footprints with which the legislative and administrative records of this country are dotted, of such men as Washington, Hamilton, Jefferson, Monroe, Jackson, Clay, Webster, and other like men whose names are immortal, has held and still holds to the doctrine of the constitutional power to levy impost duties on foreign productions which come into direct competition with home productions and thus destroy our industries and reduce the daily pay roll of the wage-workers of this country, which are absolutely prohibitory in their nature and not intended or expected to raise a single dollar of revenue.

True, the Democratic party has for the past thirty-six years been a free-trade party, and in 1856 its leaders in national convention went so far as to make this declaration in their national platform:

> The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world.

And it was on such a platform the people of the United States made a most fearful mistake, similar in many respects to that made in 1892, and elected James Buchanan President of the United States. But what was the result? The national Treasury became almost bankrupt, the national credit shaken, confidence destroyed, the fires of a martial conflagration were kindled all over the land, and the very life of the Republic was placed in imminent jeopardy; and in November, 1860, all these things becoming clearly apparent to the people, they, realizing the fearful mistake that was made in 1857, hurled the Democratic party from power by the triumphant election of Abraham Lincoln and

Hannibal Hamlin, the two great exponents and leaders of the principles of the Republican party, a party pledged not only to the preservation of the Union, but to the doctrine of protection to the industries and the rights of the wage-workers against the industrial assaults of foreign manufacturers and producers and the undermining and paralyzing influence of the pauper labor of the Old World.

Mr. PALMER. Will the Senator from Oregon allow me to interrupt him?

The PRESIDING OFFICER (Mr. SHOUP in the chair). Does the Senator from Oregon yield to the Senator from Illinois?

Mr. MITCHELL of Oregon. Certainly.

Mr. PALMER. Does the Senator mean to assert that the election of Lincoln and Hamlin was a triumph of protection?

Mr. MITCHELL of Oregon. To a very great extent I think it was a very great tribute to them in that regard.

Mr. PALMER. Has the Senator from Oregon ever read Mr. Blaine's valuable work?

Mr. MITCHELL of Oregon. I have read every word of it.

Mr. PALMER. Does not the Senator recollect that Mr. Blaine distinctly states that there were thousands of men who voted for Mr. Lincoln who never thought of a tariff bill, and that in Pennsylvania the protectionists, who were otherwise comparatively neutral, were brought to the support of the Government, influenced by protection alone. I voted for Lincoln and Hamlin, and so did more than 40,000 Democrats in Illinois, and none of us ever dreamed that we were giving encouragement to or supporting the doctrine of protection.

Mr. MITCHELL of Oregon. I am very sorry the distinguished Senator from Illinois, for whom, as he knows, I have the profoundest respect, is not voting now as he did then.

Mr. QUAY. I desire to say, referring to the remarks of the Senator from Illinois, that I recollect very distinctly that campaign, and the condition of affairs in Pennsylvania. Mr. Lincoln would not have carried Pennsylvania except on the protective plank of the platform.

Mr. PALMER. I think that is true. I think the protection element had always been indifferent to the demands of patriotism. It is essentially selfish and self-seeking. Mr. Blaine says substantially what the Senator says.

Mr. QUAY. I will state what was the condition of things in in Pennsylvania. The eastern part of the State was conservative; the city of Philadelphia was trading with the South, and it was with difficulty it was unmoored from its old Whig moorings. The western part of the State, west of the Allegheny Mountains, was in sympathy with the sentiment of Illinois. As to the patriotism of Eastern Pennsylvania, it manifested its patriotism during the war. There was no State and no section of any State in which patriotism was evinced to a higher extent than in the State of Pennsylvania; and there was no portion of Pennsylvania, and no portion of any other State which sent proportionally more troops to the army than Eastern Pennsylvania.

Mr. MITCHELL of Oregon. I am very glad indeed to have the benefit of the evidence of the distinguished Senator from Pennsylvania [Mr. QUAY], than whom there is none more competent to speak in regard to the influences which were operating and controlling in the election of 1860 in so far as the great State of Pennsylvania is concerned.

Mr. PALMER. While I have no word to utter against Pennsylvania and its most eminent, patriotic governor, Andrew G. Curtin, yet it was distinctly understood in the convention which nominated Mr. Lincoln that it was necessary that something should be offered to the protection interest of Pennsylvania in order to secure its vote.

Mr. MITCHELL of Oregon. Whatever may have been the controlling influences in the election of 1860, it is a fact that history frequently repeats itself in many respects, and I imagine it requires no uncommon gift of prescience or prophecy to either see or predict a repetition of as complete an overthrow of the Democratic party in this country in 1896 as befell it in 1860.

But while the Democratic party in 1856 declared in favor of "free seas and progressive free trade throughout the world," they did not place their advocacy of free trade on the ground of any lack of constitutional power to levy impost duties which might afford protection, either incidental or otherwise. That doctrine was never asserted by any party, as I have said, until the Democratic party of 1892 asserted it at Chicago, nor was this doctrine the result either of accident or lack of serious consideration.

On the contrary, it was the result of studied deliberation and supreme determination upon the part of the great leaders of the Democratic party. It will not be forgotten that in that convention the majority of the appropriate committee having control of the subject, reported a resolution on the subject of the tariff and recommended its adoption. This resolution read as follows:

> But in making reductions in taxes it is not proposed to injure any domestic industries, but to promote their healthy growth.

That, Mr. President, was good Republican doctrine; that was the doctrine of the Constitution of our country. It was under such a policy that this country has grown from the weakest and most helpless in the family of nations to that of the greatest, most powerful, most invincible, most independent, and most magnificent Republic on the face of the earth—a nation, which is, in its grand development, in all those great elements which go to make up a civilization, such as the pen of the historian has never heretofore written about.

But, Mr. President, that declaration of a mere handful of men on a committee did not suit either the great leaders in that convention or the convention itself. The Star-Eyed Goddess and other of the really great leaders and exponents of the principles of the Democratic party were on the watchtowers of that convention to see to it that no declaration which looked to the promotion of the "healthy growth" of the domestic industries of this country should find a place in any national Democratic platform.

These great leaders, who were firm believers in the doctrine of "progressive free trade throughout the world," as enunciated in the national Democratic platform of 1856, were determined that no such miserable heresy as that reported by the majority of the committee should be incorporated into their national platform. But not only so. They solemnly resolved that once for all they would base their opposition to any such doctrine on grave constitutional grounds and not on grounds of mere economic policy. And then it was that Mr. Neal, a member of the minority of that committee, submitted as a substitute for the resolution of the majority this resolution:

> We denounce the Republican protection as a fraud, a robbery of the great majority of the American people for the benefit of the few. We declare it to be a fundamental principle of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purposes of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

This resolution, it will be observed, ignored all reference to "our domestic industries," denied in the most emphatic manner any constitutional power upon the part of Congress by tariff legislation to "promote their healthy growth," and for the first time in the history of our country boldly asserted the infamous economical and constitutional heresy that there was no constitutional power in the National Government to impose and collect tariff duties, except for the sole purpose of revenue, and further that this was a "fundamental principle of the Democratic party." In other words, any tariff duties levied with a view not alone of raising revenue, but with the further additional purpose of "promoting the healthy growth of our industries" is unconstitutional. This substitute was overwhelmingly and enthusiastically adopted by that convention as the solemn, deliberate act of the Democratic party.

That the majority of the voters of this country should have ever cast their votes for a party holding to such a doctrine as they unquestionably did in November, 1892, will, perhaps, remain a mystery while time lasts. It will scarcely do to say, and I will not say it, that the great majority of the voters of this country did not understand it, and yet perhaps it would be hardly fair to apply the maxim, *ignorantia legis non excusat*, to the great majority of the voters of this country.

However, whether the people of the country understood it then or not, they came to understand it very clearly in less than a year afterwards in at least one great State in the Union, when in November, 1893, Mr. Neal, the father of this resolution, was, as the candidate of the Democratic party for governor of the great State of Ohio, snowed under by I believe a Republican plurality of something like 100,000 votes in favor of William McKinley, the Republican candidate. And as time rolled on and the designs of the party in power became apparent, Pennsylvania moves to the front with a popular disapproval of the doctrine of free trade, or a tariff for revenue only, which is the same thing, by a majority of nearly 200,000 votes, Rhode Island follows suit in still more emphatic terms, while every municipality throughout the country which has had an opportunity since then, joins in emphatic condemnation of the Democratic policy.

And in view of the ineffaceable history of the past, in view of a record of over one hundred years of national life, illuminated with and indelibly stamped by emanations from the minds of the most brilliant constitutional lawyers, the ablest statesmen, the most distinguished patriots this or any other country has ever known, all recognizing the constitutional power on the part of Congress not only to levy imports for the purpose of raising

revenue, but also for the purpose of imparting protection, vigor, and vitality to domestic industries and domestic labor, it would seem a strange spectacle that the Senate of the United States at this late day should be called upon to defend the Constitution of our country against an attack so unjustifiable, unfounded, and so dangerous to our institutions as that contained in the Democratic platform of 1892.

Can it be possible that the generation of to-day have never truly learned, or if they have, that they have so soon forgotten the great culminating and overshadowing cause, which more than all other causes combined led, over one hundred years ago, to the overthrow of the Articles of Confederation and the establishment of our present Constitution? It was not any mere restraint of personal freedom or of individual liberty which constituted the moving power in that great political renaissance which transformed a government, feeble in organic structure, impotent in physical development, absolutely lacking in those essential elements of governmental power necessary to the protection, not only of its own existence, but also that of its institutions and its industries, and the advancement of its best hopes and the culmination of its highest and best aspirations into a mighty nation—grand in conception, invincible in structural strength, and which constituted "a more perfect union" which tended to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity" forever.

It was, Mr. President, something more than this which quickened the oppressed of the days of the Confederation, who had felt all the harassing consequences of free trade, which held full sway in this country during those six years, to throw off a government which was scarcely worth the name, and in its place establish the Constitution of the United States. It was the industrial oppressions of England and not mere infractions of personal liberty against which the people and the Congress under the government of the Confederation were powerless, which more than all other causes led to the overthrow of that government and the adoption of the present Constitution. Under the Articles of Confederation the Congress was wholly destitute of power "to regulate commerce with foreign nations," or "to provide for the common defense and the general welfare."

The power to levy customs duties under the government of the Confederation was vested in the States respectively and not in the Congress, and what was the result? The States undertook separately to deal with this great subject, not only of commerce with foreign nations but with the several States. Scarcely any two States legislated on the same lines. Local State interest as contradistinguished from the welfare of the whole nation controlled legislation. There was absolutely no restriction on foreign importations. A product denied free entrance at the ports of one State was admitted free of duty in the ports of another, and the result was there was neither regulation of commerce with foreign nations nor restriction, much less prohibition of importation of any foreign products, however destructive of American industries, or however paralyzing to American labor. The Congress was powerless, and the country benumbed with the weakening influence of its own inate impotency stood remediless at the mercy of the rapacity of Great Britain.

FREE TRADE UNDER THE CONFEDERATION.

It will doubtless forever remain an inexplicable mystery why it was that the colonists, after having waged the war of the Revolution mainly for the purpose of freeing themselves from the industrial oppressions of Great Britain, should have so signally failed, as all historians now agree they did fail, to properly garner the fruits of their great victory in the formation of the new government. It is a great historical fact that the men who framed the Articles of Confederation by failing to confer on the Congress the power to regulate commerce with foreign nations and among the several States, wholly failed to properly protect the new nation against the continued industrial encroachments of Great Britain and other foreign powers.

That omission was the one fatal mistake which involved the people of this country during the next six years in industrial calamities and financial disasters, such as were never experienced by any other people in any other land. And it was this aggregation of disasters which so surrounded and overwhelmed the people during the days of the Confederation, which opened their eyes to the fearful mistake that had been made in the formation of the fundamental law of their national being, and which caused them with one accord, led on by such men as Washington, Jefferson, and Madison, to supplant the government of the Confederation with the Constitution of the United States.

The economist, Young, in his work on National Economy, in discussing this subject, says:

> Although the States were politically independent, it was impossible to countervail the policy of other nations. Each State having, under the Confederation, the right to regulate its own trade, it imposed upon foreign productions, as well as those of its sister States, such duties as its own interests seemed to dictate. The States attempted by their separate navigation laws to secure their trade to their own vessels; and the selfish policy of some States counteracted the efforts of others. As the Congress had no power to lay duties or regulate trade, and as the States could not agree upon a uniform rate of duties, foreign nations passed such laws as they judged most likely to destroy our commerce and extend their own.
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> Especially was this the policy of Great Britain. Our trade with her West India colonies was prohibited; and, by the enforcement of her navigation acts, our navigation was nearly destroyed. Foreign vessels and goods being freely admitted into the States, while ours were burdened with heavy duties in foreign ports, both the prices of goods imported and the prices of our exports were subject to the will of foreigners; and the money of our citizens was rapidly passing into the pockets of British manufacturers and merchants. In describing the state of the country at that time, a distinguished American statesman thus remarks:
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> "In the comparative condition of the United States and Great Britain, not a hatter, a boot or shoe maker, a saddler, or a brass founder could carry on his business, except in the coarsest and most ordinary productions of their various trades, under the pressure of this foreign competition. Thus was presented the extraordinary and calamitous spectacle of a successful revolution wholly failing of its ultimate object. The people of America had gone to war, not for names, but for things. It was not merely to change a Government administered by kings, princes, and ministers for a Government administered by Presidents, and Secretaries, and members of Congress; it was to redress their own grievances, to improve their own condition, to throw off the burden which the colonial system laid on their industry. To attain these objects they endured incredible hardships, and bore and suffered almost beyond the measure of humanity. And when the independence was attained, they found it was a piece of parchment. The arm which had struck for it in the field was palsied in the workshop; the industry which had been burdened in the colonies was crushed in the free States; and at the close of the revolution the mechanics and manufacturers of the country found themselves, in the bitterness of their hearts, independent—and ruined."

And in this connection it may not be unprofitable to glance for a moment at the terrible consequences which followed this unfortunate omission in the Articles of Confederation to confer on the Congress the power to regulate commerce with foreign nations and among the several States, and which so overwhelmed the people of that day with commercial, industrial, and financial desolation.

Importations of the value of over thirty millions from England alone came into this country during the first two years succeeding the close of the Revolutionary war, in 1774 and 1775, while our exports for the same period were less than $9,000,000; the flow of gold to Europe was constant; our country was drained of specie; the circulating medium was contracted; the wages of laboring men were reduced; the price of farms and farm products, the inevitable result of excessive importations and the contraction of the currency, went down, and financial ruin and universal discontent and suffering were the result.

Then it was the people of this country were brought to a full realization of the fearful consequences of free trade. This is fully realized in Hildredth's History of the United States. In speaking of this era he says:

> The fisheries, formerly a chief resource of New England, broken up by the war, had not yet been reestablished. The farmers no longer found that market for their produce which the French, American, and British armies had furnished. The large importation of foreign goods, subject to little or no duty, and sold at peace prices, was proving ruinous to all those domestic manufactures and mechanical employments which the nonconsumption agreements and the war had created and fostered. Immediately after the peace the country had been flooded with imported goods, and debts had been unwarily contracted for which there was no means to pay. * * * The excessive importation of foreign goods had drained the country of specie.

We are prone to lament the evil times in which we have fallen the past year, but they bear no comparison in disastrous consequences to the experiences through which the people of this country passed during the six years intervening between the close of the Revolutionary war, the adoption of the Articles of Confederation, and the adoption of the Constitution of the United States. A few references to historical facts may serve to remind the people of to-day of those fearful times.

Massachusetts, Rhode Island, South Carolina, and some other States of the Confederation enacted laws making cattle and other species of property a legal tender for the payment of private debts. In other States open revolt rose up in all its hideous proportions and the spirit of anarchy to a very great extent was abroad in the land. It will not be forgotten that in the State of New Hampshire the members of the Legislature were made and held prisoners by armed mobs, who demanded that certain legislative action be taken in the interest of the people before they were released. It was during this period that the revolt known as Shay's rebellion, in the State of Massachusetts, drenched the historic ground of that great State with blood.

In speaking of this critical period the historian Belknap refers to the laws passed by the Legislature of the State of Massachusetts in these words:

> Similar difficulties at the same time existed in the neighboring State, Massachusetts, to remedy which among other palliatives a law was passed

called a "tender act," by which it was provided that executions issued for private demands might be satisfied by cattle and other enumerated articles at an appraisement by impartial men under oath.

Similar laws were passed in the State of South Carolina and other States.

The historian Ramsay, in his History of South Carolina, volume 2, page 428, among other things, says:

Laws were passed in which property of every kind was made a legal tender in the payment of private debts, although payable according to contract in gold or silver. Other laws installed the debt so that of sums already due only a third, and afterwards only a fifth, was annually recoverable in the courts of law.

Mathew Carey, in discussing the history of the times during the Government of the Confederation and the effect upon the prosperity of the country of unrestricted free trade and of a lack of power upon the part of the National Government to regulate commerce among the several States and with foreign nations, says:

The ports of this country, I repeat, were open to the commerce of the whole world, while with an impost so light as not even to meet the wants of the Treasury, the consequences followed which have never failed to follow such a state of things. Our markets were glutted. Prices fell. Competition on the part of our manufacturers was at an end. They were beggared and bankrupted. The merchants whose importations had ruined them were involved in the calamity and the farmers who had felicitated themselves on the grand advantage of "buying foreign merchandise cheap" sunk likewise into the vortex of general destruction.

Belknap, in his History of New Hampshire, in speaking of this period of our nation's history and of the disastrous effects of unrestricted free trade upon the people of this country, says:

Silver and gold, which had circulated largely in the latter years of the war, were returning by the usual course of trade to those countries whence large quantities of necessary and unnecessary commodities had been imported. Had any general system of imposts been adopted some part of this money might have been retained and some part of the public debt discharged; but the power of Congress did not extend to this object; and the States were not united in the expediency of delegating new and sufficient powers to that body. The partial imposts laid by some of the States were ineffectual as long as others found their interests in omitting them.

These historical references, Mr. President, give some idea of the condition of our country during that period when there was no constitutional power in the Congress to regulate commerce with foreign nations and among the several States, and it is to such a condition our country and its people will be again driven, if the fearful heresy that there is no constitutional power in the Congress of this new nation to regulate commerce with foreign nations by imposing restrictive and even prohibitory custom duties should ever find substantial expression on the statute books of our country.

The distinguished chairman of the Committee on Finance, in his elaborate and eloquent speech delivered in the Senate in the opening of this debate on the 2d instant, alluded to Thomas Jefferson and eulogized what he construed to be his doctrines upon the subject of the tariff. I fear the distinguished chairman of the Committee on Finance, notwithstanding his great learning and experience, has studied in vain the history of the life and works of Thomas Jefferson, and I beg in this connection to attract his attention to some of the declarations of Mr. Jefferson, made by him more than two years before he penned the immortal Declaration of Independence. He said:

That to heighten still the idea of parliamentary justice, and to show with what moderation they are likely to exercise power where themselves are to feel no part of its weight, we take leave to mention to His Majesty certain other acts of the British Parliament by which we were prohibited from manufacturing for our own use the articles we raise on our own lands with our own labor. By an act passed in the fifth year of the reign of his late Majesty, King George II, an American subject is forbidden to make a hat for himself of the fur which he has taken, perhaps, on his own soil—an instance of despotism to which no parallel can be produced in the most arbitrary ages of British history.

By one other act, passed in the twenty-third year of the same reign, the iron which we make we are forbidden to manufacture; and heavy as that article is, and necessary in every branch of husbandry, besides commission and insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting, not men, but machines, in the island of Great Britain.

Subsequently to this, after the fierce trials of the people under the government of the Confederation and while President of the United States, he on more than one occasion gave public expression, as did Washington, Madison, Monroe, and Hamilton, to the doctrine of the constitutional power upon the part of Congress to regulate commerce by invoking the taxing power.

When the McKinley bill was under consideration in the Senate I had the honor, on August 19, 1890, to discuss this question. Bearing directly upon this phase of the subject, I desire to quote from what I then said.

But not the least conclusive argument in favor of the construction now claimed for the provisions of the Constitution under consideration is the fact that one of the first great measures adopted by the Congress after the adoption of the Constitution was a tariff act based upon the purpose and founded on the lines of protection to American industry and American labor. It was in the discussion of that bill in the national House of Representatives in 1789 that Representative Fisher Ames used these significant words:

"I conceive, sir, that the present Constitution was dictated by commercial necessity more than by any other cause. The want of an official government to secure the manufacturing interest and to advance our commerce was long seen by men of judgment and pointed out by patriots solicitous to promote our general welfare."

Scarcely had the present Government been inaugurated until the new Congress was flooded with petitions from all sections of the country praying the enactment of tariff laws based upon the theory of protection. From among others these petitions came from the tradesmen, mechanics, and others of the town of Baltimore; from the mechanics, shipwrights, and laborers of the city of Charleston, in South Carolina; from the manufacturers and laboring classes of the city of New York, and from those of Boston, Providence, and other New England cities.

These petitions felicitated Congress and the country on the fact that by the change from the Confederation to the Union a happy effect had been realized and a new era had dawned wherein the interests of the manufacturer, the laborer, the producer as well as the consumer in this country were no longer imperiled by being subject, in so far as protection against excessive importations and restrictive foreign trade laws were concerned, to the will of the Legislatures of the States respectively, but that all these sacred interests were now committed to the protecting care and guardianship of one sovereign Legislature, the Congress of the United States, possessed of the sole and exclusive power to levy duties on imports.

It was in response to these resolutions and the universal wish of the leading statesmen of the country that James Madison in the very morning of the new Union made the subject of tariff legislation on the lines of protection the first and main topic of consideration in the American Congress, and among other things, while advocating this measure in 1789, Mr. Madison said:

"The States that are most advanced in population, and ripe for manufactures, ought to have their particular interests attended to in some measure. While these States retained the power of making regulations of trade, they had the power to protect and cherish such institutions. By adopting the present Constitution they have thrown the exercise of this power into other hands; they must have done this with an expectation that those interests would not be neglected here." (See Gale & Seaton's Debates, O. S., volume 1, page 116.)

A study of the history of those times will show conclusively that all the great statesmen of that day, from Washington down, favored and approved the construction that Congress had the clear and undeniable power under the Constitution, and moreover that it was a solemn duty on the part of Congress to enact such tariff legislation as would give reasonable and adequate protection to the American manufacturer, artisan, laborer, and farmer. This view is strengthened by a reference to the great speech of Rufus Choate delivered in this body March 14, 1842, and from which I beg to quote as follows. He said:

"And who in that assembly of men—many of whom sat in the convention which framed the Constitution, all of whom had partaken in the discussions which preceded its adoption—breathed a doubt on the competence of Congress to receive such petitions as these, and to grant their prayer? 'I conceive' (said the most eloquent of the eloquent, Mr. Ames), 'I conceive, sir, that the present Constitution was dictated by commercial necessity more than any other cause. The want of an efficient government to secure the manufacturing interest and to advance our commerce was long seen by men of judgment, and pointed out by patriots solicitous to promote our general welfare.' But I have more to say before I have done on the proceedings of that Congress, and leave them for the present. In the meanwhile, I submit to you that the proof is complete that the people who adopted the Constitution universally, and without a doubt, believed that it embodied this power. It was for that they received it with one wide acclaim, with tears of exultation, with ceremonies of auspicious significance, befitting the dawn of our age of pacific and industrial glory. Even those who feared its imperial character and its other powers, who thought they saw the States attracted to its center and absorbed by its rays, did not fear this power.

"And now, sir, I wonder if, after all, the people were deluded into this belief? I wonder if that heroic and energetic generation of our fathers which had studied the controversies and had gone through the tasks of the Revolution which had framed the Confederation, proved its weakness, proved its defects; which had been trained by a long and dreary experience of the insufficiency of a nominal independence to build up a diffused and massive and national prosperity, if the trade laws of foreign government, the combinations of foreign capitalists, the necessities of foreign existence, are allowed to take from the native laborer his meal of meat, and from his children their school, and depress his standard of comfortable life; which had been trained by experience, by the discussions of its ablest minds, in an age of extraordinary mental discussions of its ablest minds, in an age of extraordinary mental activity, and yet of great morality, sobriety, and subordination, peculiarly favorable to the task, trained thus to the work of constructing a new government, I wonder if such a generation were deceived after all.

"I wonder if it was not living water, that which they supposed they saw gushing from the rock, and sparkling and swelling at their feet, but only a delusive imitation, struck out by the wand of an accursed enchantment. No, sir; no man who believes that the people of this country were fit to govern themselves—fit to frame a constitution, fit to judge on it, fit to administer it—no such man can say that the belief, the popular belief in 1789, of the existence of this power, under the circumstances, is not absolutely conclusive proof of its existence.

"And then, in addition to this, how do you deal with the fact that all the framers of the Constitution themselves, as well as every public man alive in 1789, and the entire intelligence of the country, supposed they had inserted this power in it?

"Did not those who made it know what they had done? Considering their eminent general character, their civil discretion, their preparation of much study, and yet more experience of arduous public affairs for the task; their thorough acquaintance with the existing system, State and national, and with the public mind and opinions of the day; the long, patient, and solitary labor which they bestowed on it; the immediate necessity imposed on them of explaining and defending it to the country—in view of this, if you find them unanimously concurring in it, ascribing this power to the instrument, is it not the transcendentalism of unbelief to doubt? Do we really think we are likely to understand their own work now better than they did the day they finished it?

"Well, sir, we have satisfactory evidence that the members of the convention went, all of them, to their graves in the belief that the Constitution contained this power. Mr. Madison's opinion I have read. We have it on unquestionable authority that Mr. Gallatin has repeatedly said that upon his entrance into political life in 1789 he found it to be the universal opinion of those who framed the Constitution and those who resisted its adoption, the opinion of all the statesmen of the day, that Congress possessed the power to protect domestic industry by means of commercial regulations.

"And when more than half a century has passed away Daniel Webster, in

referring to these petitions in his great speech at Albany, August 27, 1844, and to the construction placed upon them by the statesmen of that day and the credit, moreover, accorded them in view of the changed powers of Congress in virtue of the clause in the new Constitution, used these memorable words, plainly indicating his views as to the powers and duties of Congress in reference to this important subject. He said:

"Now, I ask you again, how were these petitions for protection treated? Did Congress deny its power? Did it say that it could not possibly give them this protection unless it should happen to be incidental? Did it say we have only a revenue power in regard to this matter? That is, we have the clear and undoubted power to take so much money out of your pockets and apply it to our own purposes, but God forbid that, in doing so, we should do you any good at the same time. Were these petitioners told that they must take care of themselves; that these were days of free trade and everybody must have a right to trade on equal terms with everybody else? Far, far from it.

"In regard to the subject of these petitions, we all know that the very first Congress secured to the navigation of the United States that which has been from that time to this the great foundation, not only of preference, but of monopoly—the whole coasting trade of the Union; and the shipwrights of America enjoy that monopoly to the present day, and I hope they will enjoy it forever. Look at the coasting trade of the United States, so vast in its extent. It is entirely confined to American shipping. * * * But how did Congress treat these petitions from the cities of New York and Baltimore to extend protection to the mechanic arts? It granted them. It yielded it. And except a formal act for taking the oaths, the very first act passed by Congress was to secure the coasting trade and protect the mechanic arts by discriminating duties, and thus carry out the clear, and, according to historical testimony, the most manifest object of the Constitution."

But hear what that great Democrat, Andrew Jackson, had to say on this important subject. In his second annual message to Congress (December 7, 1830) he said:

"The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely identical with that power that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws.

"This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them, and consequently if it be not possessed by the General Government it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely can not be the case; this indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

"In this conclusion I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people."

But further evidence on this point is superfluous, as it is all one way.

And yet in the light emanating from all the public declarations, not only of the founders of the Government, but also of the expounders of the Constitution, including those of every statesman of this country worthy of the name during the first quarter of a century of the existence of our Government, we find the distinguished and erudite junior Senator from Indiana [Mr. TURPIE], in his scholarly speech of a few days since, characterizing the honorable Finance Committee's recapitulation of the pending measure as a gilded cenotaph, marking the sepulchral abode of all the respect, traditional regard, and reverence which, according to the distinguished Senator, had in the first century of the Republic been paid to the law of the people.

The distinguished Senator is mistaken. The cenotaph to which he so eloquently points does not mark the burial-place of the principles of the founders and builders of the Republic on this great question. These, thank God, still live and will continue to survive, commanding the respect, traditional regard, and reverence accorded them, and the fundamental law from which they are evolved by the statesmen of earlier days; but if they ever do perish and die, on the monument which shall shadow their tomb shall be inscribed, "Strangled and entombed by the free-trade, tariff-for-revenue-only tinkers of modern Democracy!"

Notwithstanding this wealth of evidence contributed by the founders of our Government, and to which I have attracted attention; notwithstanding this "great cloud of witnesses" from among the illustrious men who framed the Constitution and gave to its various clauses interpretation in the primal days of the Republic—all vindicating and securely establishing the very policy sought to be enforced and perpetuated by the pending bill—our distinguished and eloquent colleague, the senior Senator from Indiana [Mr. VOORHEES], the peerless spokesman of his party, the impetuous champion of free trade from the sycamore-lined shores of the Wabash, in his eloquent speech a few days since proclaimed in his usual inimitable, captivating, and magnetic manner that "the bill under consideration is the result of a system of progressive evil—the *offspring* of a long-continued evolution in unjust taxation," a bill "springing from a parent stock whose life-germ is vicious, whose sap and vitality are imbued with a venom fatal to liberty and equality, the bold culmination, the climax of a series of oppressive enactments, * * * a financial monster" equipped with "claws with which to tear the fruits of labor from the farmer" and with "teeth with which to rend and crush his substance"—a measure, according to the distinguished Senator, whose authors are described as unlike "the romantic robbers of brilliant fiction," who are depicted "sometimes in the colors of chivalry, and as sparing the needy and distressed, while they politely preyed upon the opulent and the richly endowed," but who are, in the language of the senior Senator from Indiana, described as "the robber barons of this country, who do not belong to so refined a type as predaceous chevaliers."

Truly, Mr. President, if simple denunciation and invective, as distinguished from argument, clothed in well-rounded periods of finished rhetoric, is the standard by which the pending bill is to be judged, then indeed all will agree, without a dissenting voice, that the McKinley bill, as it passed the House and as modified by the Senate committee, must, before the irresistible avalanche of invective which literally saturated the speech of the Senator from Indiana, go down more speedily and to still lower depths than ever went poor McGinty, and I believe it is confidently and vigorously averred that he went "to the bottom of the sea." Indeed, in the absence of material for argument or just criticism, so vehement in his terms of denunciation of the measure did that distinguished Senator become, that as he proceeded the generous impulses of his nature, asserting their normal functions, called a sudden halt, and he involuntarily injected into his speech an apology to the Senate and the country for the use of terms in his characterization of this bill which he himself declared might "seem of unwonted severity."

The foregoing is in all respects applicable to the speech of the distinguished Senator from Indiana [Mr. VOORHEES] made in opening this debate, in which denunciation and invective constituted so prominent a part.

THE OPERATION AND EFFECT OF A TARIFF FOR REVENUE ONLY.

What is a tariff for revenue as distinguished from a protective tariff? In the one case—that of a tariff for revenue—the legislator has but one purpose in view—that is, to raise revenue—and he intends that his law shall have but that one function and effect, namely, to raise revenue. Now, this being so, he will inevitably, if he is honest, if he means that his law shall be one for revenue only and not for protection, either incidental or otherwise, place his duty in such a way as to produce the greatest possible amount of revenue from the least possible rate of duty. This is the course he must inevitably and invariably pursue if he wish to carry out the policy of a tariff for revenue only.

This being so, on what articles must he necessarily place his duty, and what articles must he place on the free list? Must the duty, in order to carry out his policy, be placed on those articles the like of which we can and do produce in this country, or on those articles the like of which we do not or can not produce in this country? Most assuredly on the latter. Consequently, by a revenue tariff we mean a tariff which imposes a tax on those articles of foreign production the like of which we do not produce in this country, or not at least in sufficient quantities to meet our demand, such as tea, coffee, sugar, and the like, while all those foreign products the like of which we do produce in this country shall be permitted to come in free and enter into competition with our home products and our home producers. This is the Democratic theory of a tariff for revenue only, and under such a theory it is true that the consumer pays the tax.

We hear very much about the tariff being a tax and that the consumer is compelled to pay that tax. This is true, Mr. President, always true in a Democratic tariff, or a tariff for revenue only, but only very seldom is it true and when true, then for only a brief period of time, under a tariff imposed in pursuance of a protective policy. All those products, therefore, which come into competition with our home products having been placed on the free list in pursuance of this Democratic theory of a tariff for revenue only, which necessarily requires that the duty shall be impressed on those foreign articles the like of which we do not produce here, what must necessarily be the result? Simply this: Our country will be flooded with every conceivable form of foreign product, and while the cost of some of these articles may and doubtless would for a brief time be cheapened to the consumer, it would only be for a very brief period and the American producer in most cases would be driven to the wall; home capital would be withdrawn from the various industries; manufactories, mills, and machine shops would be closed; furnaces would grow cold; fires would go out; laborers would lose employment by the thousand; wages would go down to those fortunate enough to retain employment; and the agriculturist, the growers of wheat, barley, oats, hops, prunes, potatoes, and the producers of other agricultural products, be compelled to compete with the unreasonable importations of these articles from foreign countries. And what would follow? The foreign importer by these excessive importations, having crushed out or driven to the wall the American producer and strangled American industries, would at once control the American market and as a necessary result, the necessaries of life would advance all along the line and the American consumer would suffer.

And not only so. But as a further consequence of such a policy, the money paid out by the American consumer under such a policy, instead of going into the pockets of the wage-workers of our country, instead of going into the pockets of our farmers and our manufacturers, would go into the pockets of the foreign importer to enrich him and aid him in his industrial warfare on American industries; and, more than all this, our country will be drained of its specie to pay the balance of trade against us; circulating medium will be contracted, prices of farm products will be depreciated; wages will fall, and poverty and distress will overwhelm the people.

CHANGE FROM SPECIFIC TO AD VALOREM DUTIES.

If there were no other reason why the pending bill should receive the disapprobation of Congress and the condemnation of the American people, the fact that it proposes to change the manner of levying customs duties from specific to ad valorem rates should be sufficient. The existing tariff law, as does every sensible law upon that subject, impresses its tariff in all cases wherein it is practicable by specific rates on specific quantities or things; that is, so much on each pound, each ton, each bushel, each yard, or other given quantity or thing.

This principle which has received the sanction of the ablest minds and best informed men of all political parties in this

country, the present bill proposes to set aside and ignore and in its lieu levies ad valorem rates, or rates according to the value of the article imported—at the point of purchase in the foreign country, this value of course to be ascertained as best they can by the custom-house officials. Now, the number of yards of silk in a web, the number of bushels of coal in a bin, of potatoes or wheat in a ship, the number of pounds of any given quantity of merchandise usually sold by the pound, are all matters comparatively easy of ascertainment; whereas the market value or the price paid for any of these things in a distant foreign market may be and almost invariably is most difficult of determination.

This, therefore, is a departure in principle in favor of a system which it may be said without fear of successful contradiction has been almost universally condemned in the past by those best qualified to speak on the subject, and by none more severely or unsparingly than many of the great leaders of the Democratic party.

The system of ad valorem rates is one not only pregnant with temptation, but full of opportunities to the importer and foreign seller. It opens the door to perjury and invites all manner of fraudulent devices. It makes it possible for the importer, through fraudulent and doctored invoices, to evade the law and thus strike down whatever of protection to home industry and home labor, if any, is guaranteed by the law, and at the same time defraud the Government of the revenue properly due it under the law. And more than all this, it leads to interminable controversies and hearings before customs officials and in the Departments and endless litigation in the judicial courts. It will tend, moreover, to transfer the importing business from honest American importers to dishonest foreign importers.

I submit, Mr. President, the distinguished author of this bill is wide of the mark when, in his report in advocacy of the ad valorem system, he makes this declaration:

> Specific duties lead to greater frauds in administration, for counting and weighing at the custom-house are done by the cheapest and most easily corrupted labor.

Aside from this unwarranted assault on those public servants who, instead of receiving $14 a day as a member of Congress, are compelled to labor in the various custom-houses of the country for less than one-third of that amount, and on an average for double the number of hours each day, the statement is untenable as an economic and business proposition.

In proposing this change from specific to ad valorem rates the Democratic party arrays itself, as I believe, not only against the best interests of the Government and the people, but also goes back on its own established record and that of its greatest political leaders in the past.

It has been said here and elsewhere during this debate, and I believe the statement is not susceptible of successful contradiction, that every Secretary of the Treasury, from Hamilton to Manning, of whatever political party, who has spoken at all on the subject, has condemned the ad valorem system and given that of specific duties the preference. I shall not pause to collate these several statements. I shall, however, place in deadly parallelism the statement of the House Committee in their report on this subject and the declarations of Mr. Manning, Secretary of the Treasury under Mr. Cleveland's first Administration. That report says:

> Under the tariff from 1846 to 1861 this system (ad valorem) was again tried and found to be as successful in administration as it was just in principle.

While Secretary Manning, in his report of December 7, 1885, in discussing this question, said:

> It is desirable that in revising and reducing rates of duty they should be made specific instead of ad valorem so far as the nature of the merchandise will admit. Theoretically considered ad valorem are preferable to specific duties, but in practice, under such rates as we have had and must continue to have for years to come, the former are the too easy source of deception and inequality at the custom house. Congress has it in its power to change from time to time, as may be advisable, specific rates, so as to meet any permanent change in values.
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> One hears it often said that if our ad valorem rates did not exceed 25 per cent or 30 per cent, undervaluations and temptations to undervaluations would disappear; but the records of the Department for 1817, 1840, and 1857 do not uphold that conclusion. Whatever successful contrivances are in operation to-day to evade the revenue by false invoices, or by undervaluations, or by any other means, under an ad valorem system, will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously, inherent in that system.

Either Secretary Manning, Mr. Cleveland's first Secretary of the Treasury, and all his predecessors in office from the beginning of the Government were wrong on this subject, or the policy of ad valorem rates, unless in cases where specific rates are impracticable, can not be right.

Prior to 1833 specific duties had been the universal rule in levying customs duties there being only rare exceptions, as now under the McKinley act, where the product or article is of such a nature or character that it is impracticable to levy the specific duty: and the adoption of the ad valorem system in 1833 was the result clearly not of deliberation and debate, but of a compromise without deliberation or debate. This clearly and graphically appears from the pen of Thomas H. Benton in his work Thirty Years in the United States Senate, volume 2, chapter 52, as follows:

AD VALOREM.

The introduction of the universal ad valorem system in 1883 was opposed and deprecated by practical men at the time as one of those refined subtleties which, aiming at an ideal perfection, overlooks the experience of ages and disregards the warnings of reason. Specific duties had been the rule—ad valorems the exception—from the beginning of the collection of custom-house revenue. The specific duty was a question in the exact sciences, depending upon a mathematical solution by weight, count, or measure; the ad valorem presented a question to the fallible judgment of men, sure to be different at different places and subject, in addition to the fallibility of judgment, to the chances of ignorance, indifference, negligence, and corruption.

All this was urged against the act at the time, but in vain. It was a piece of legislation arranged out of doors—christened a compromise, which was to save the Union, brought into the House to be passed without alteration, and was so passed in defiance of all judgment and reason by the aid of the votes of those—always a considerable percentum in every public body—to whom the name of compromise is an irresistible attraction; amiable men who would do no wrong of themselves, and without whom the designing could do but little wrong. Objections to this pernicious novelty (of universal ad valorems) were in vain urged then; experience, with her enlightened voice, now came forward to plead against them.

The act had been in force seven years; it had a long and a fair trial, and that safest of all juries—time and experience—now came forward to deliver their verdict. At this session (1839-'40) a message was sent to the House of Representatives by the President, covering reports from the Secretary of the Treasury, and from the Comptroller of the Treasury, with opinions from the late Attorneys-General of the United States (Messrs. Benjamin F. Butler and Felix Grundy), and letters from the collector of the customs in all the principal Atlantic ports, all relating to the practical operation of the ad valorem system, and showing it to be unequal, uncertain, unsafe, diverse in its construction, injurious to the revenue, open to unfair practices, and greatly expensive from the number of persons required to execute it.

The whole document may be profitably studied by all who deprecate unwise and pernicious legislation; but a selection of a few of the cases of injurious operation which it presents will be sufficient to give an idea of the whole.

Three classes of goods are selected—silks, linens, and worsteds—all staple articles, and so well known as to be the least susceptible of diversity of judgment, and yet on which, in the period of four years, a fraction over $5,000,000 had been lost to the Treasury from diversity of construction between the Treasury officers and the judiciary, with the further prospective loss of one million and three-quarters in the ensuing three years if the act was not amended.

The document, at page 44, states the annual ascertained loss during four years' operation of the act on these classes of goods to be: In 1835, $624,356; in 1836, $847,162; in 1837, $463,090; in 1838, $428,237, making in the four years $2,362,845; and the Comptroller computes the annual prospective loss during the time the act may remain unaltered at $800,000. So much for silks; now for linens. The same page, for the same four years, represents the annual loss on this article to be: In 1835, $370,785; in 1837, $303,241; in 1836, $516,988; in 1838, $226,375; making the sum of $1,411,389 on this article for the four years; to which is to be added the estimated sum of $400,000 for the future annual losses if the act remains unaltered.

On worsted goods for the same time, and on page 45, the report exhibits the losses thus: In 1835, $409,329; in 1837, $209,391; in 1836, $416,832; in 1838, $249,590; making a total of ascertained loss on this head in the brief space of four years amount to the sum of $1,285,142, with a computation of a prospective loss of $500,000 per annum while the compromise act remains as it is.

Such were the losses from diversity of construction alone on three classes of goods in the short space of four years, and these classes staple goods, composed of a single material. When it came to articles of mixed material, the diversity became worse. Custom-house officers disagreed, Comptrollers and Treasurers disagreed, Attorneys-General disagreed. Courts were referred to, and their decision overruled all. Many importers stood suits, and the courts and juries overruled all the officers appointed to collect revenue. The Government could only collect what they are allowed. Often, after paying the duty assessed, the party has brought his action and recovered a large part of it back. So that this ad valorem system, beside its great expense, its chance for diversity of opinions among the appraisers, and its openness to corruption, also gave rise to differences among the highest administrative and law officers of the Government, with resorts to courts of law, in nearly all which the United States was the loser.—*Thomas H. Benton*, Thirty Years United State Senate, volume 2, chapter 52.

Senator James Buchanan, afterwards President of the United States, and generally regarded, I believe, as a distinguished and very able Democrat, in a speech in this Senate, in discussing this question, said:

> I am not only opposed to any uniform scale of ad valorem, but to any and all ad valorem duties whatever, except where from the nature of the article imported it is not possible to subject it to a specific duty. Our own severe experience has taught us a lesson on this subject which we ought not soon to forget. Our ad valorem system has produced great frauds upon the revenue, whilst it has driven the regular American merchant from the business of importing and placed it almost exclusively in the hands of the agents of British manufacturers.

Subsequently, while President of the United States, in his second annual message, of December 6, 1858, Mr. Buchanan said:

> In my deliberate judgment, specific duties are the best, if not the only means of securing the revenue against false and fraudulent invoices, and such has been the practice adopted for this purpose by other commercial nations. Besides, specific duties would afford to the American manufacturer the incidental advantages to which he is clearly entitled under a revenue tariff.

And again in his fourth annual message, of December 3, 1860, President Buchanan said:

It is now quite evident that the financial necessities of the Government will require a modification of the tariff during your present session for the purpose of increasing the revenue. *In this aspect I desire to reiterate the recommendation contained in my last two annual messages, in favor of imposing specific instead of ad valorem duties on all imported articles to which these can be properly applied. From long observation and experience I am convinced that specific duties are necessary both to protect the revenue and to secure our manufacturing interests that amount of incidental encouragement which unavoidably results from a revenue tariff.*

Now, Mr. President, having made these general observations bearing upon the questions involved in the discussion of this great subject of such vital moment to the American people, I shall come to a consideration of some of the schedules in the pending bill and endeavor to show the disastrous effects the proposed changes in tariff rates will have on the industries affected and the general welfare and prosperity of the whole country. And what I shall have to say will relate in the first place and mainly to the agricultural schedule and to those products in the schedule in which the Pacific States and Territories are especially interested. And in this connection I make the bald statement, and challenge successful contradiction, that in no tariff bill heretofore enacted since the formation of the Government have the agricultural interests of this country been so mercilessly and unwarrantably assailed as in the pending bill. I shall first speak of sheep and wool.

SHEEP AND WOOL.

This bill, in so far as it deals with the sheep and wool industry, is arbitrary, invidious, and unjust. It places this great industry on the sacrificial altar and offers its ashes as a sacrifice to the avarice of the foreign woolgrower and to some extent the greed of the Eastern manufacturer, and transfers finally by operation of law to their coffers the great bulk of the $500,000,000 invested in it, and turns out of employment the 500,000 men employed in carrying it on. A bill which vouchsafes protection to the manufacturer and refuses to extend it to those engaged in the sheep industry, which favors the foreign producer at the expense of the home producer, is one which discriminates unjustly, unnecessarily, mercilessly, and cruelly against the agriculturist and in favor of the manufacturer, against the American and in favor of the foreigner.

I would not by one jot or tittle detract from that just measure of protection which even to a much greater extent is their due than is accorded the woolen manufacturers by this bill, but I demand that the proper equilibrium, the just proportion, the fair equalization, be maintained between the two great industries, whether it be on the basis of free trade or a protective tariff. This is not the case when protection to the extent of 40 or 45 per cent ad valorem is extended to the manufacturer, while no protection whatever is accorded the agriculturist. In my advocacy for the maintenance of the existing tariff on wool, I am pleading in behalf of an industry in which there are invested in this country the enormous sum of over $500,000,000. One-fiftieth part, or over $10,000,000 of this amount is invested in the State of Oregon, which I have the honor in part of representing on this floor.

No State in the Union has in proportion to its population so much money invested in this industry. It amounts to the sum of over $31 to each man, woman, and child in the State. The people of Oregon own 2,456,077 head of sheep, or an average of over 7¾ head to each man, woman, and child in the State. And so fine are our flocks we clip each year about 15,000,000 pounds of wool, or over 48 pounds per capita of the population of the State. And yet we are asked to support a bill which can not mean anything else than the absolute destruction within a very short time of this great industry.

Our 2,456,000 head of sheep were worth in 1892, under the fostering influence of the McKinley act, the sum of $6,150,000, or an average of $2.50 per head. They are to-day, under the threatening and death-dealing influence of the Democratic policy and the imminence of the destructive influence of the Wilson bill, worth less perhaps than $2,000,000. And enact this bill into law and the death rattle already heard in the throat of the sheep industry of the States of the Pacific coast and of this country will be emphasized by its absolute annihilation.

The wool product of Oregon in 1892, averaging about 15 cents per pound, aggregated about $2,578,800, while in 1893, averaging not over 7 cents, it aggregated less considerably than one-half of that amount.

In this connection I submit from the pen of Hon. W. W. Baker, editor of the North Pacific Rural Spirit, published at Portland, Oregon, and one of the most thoroughly informed men on the subject of the sheep industry on the Pacific coast, of date January 11, 1894, the following:

Oregon, Washington, Idaho, Utah, and that portion of Montana lying west of the Rocky Mountains own sheep as follows:

Oregon	2,456,077
Utah	2,117,577
Washington	872,825
Idaho	764,267
Western Montana	500,000
Total	6,710,746
These sheep were worth at end of 1892	$13,421,492
These sheep were worth at end of 1893	6,710,746
Loss	6,710,746

Allowing that our sheep will average 7 pounds, they would yield 43,475,222 pounds.

At 15 cents (as in 1892), it was worth	$6,521,283
At 7½ cents (as in 1893), it is now worth	3,260,642
Loss	3,260,641
Loss in sheep	6,710,740
Loss in wool	3,260,641
Total loss on both sheep and wool	9,971,411

There are 45,000,000 sheep in the United States; wool yield, 315,000,000 pounds.

45,000,000 sheep in 1892 were worth	$90,000,000
45,000,000 sheep are now worth	45,000,000
Loss in sheep	45,000,000
315,000,000 pounds of wool in 1892 was worth	47,250,000
315,000,000 pounds wool is now worth	23,625,000
Loss in wool	23,625,000
Total loss on both sheep and wool	68,625,000

How long will the sheep and wool industry of the country stand this?

I also attract attention to the following petition to Congress numerously signed by the woolgrowers, merchants, and business men of the North Pacific, regardless of party:

We, your petitioners, woolgrowers, merchants, and business men of the North Pacific, regardless of party, would respectfully represent as follows:

As a result of the general belief that wool will be put upon the free list, its price has fallen within the last twelve months from 15 cents to 6 cents per pound, and the value of our sheep from $2.50 to $1 per head. Under a free schedule foreign wools of a character competing with those grown in this section can be laid down in Boston to-day for 30 cents per scoured pound.

Allowing 70 per cent for shrinkage, our wools in the same market would be worth 9 cents per pound in the grease; and, deducting freight, scouring, and marketing charges, will leave to the grower a net value of 5 cents per pound—at least 5 cents a pound below the cost of the most economical production. It is our belief that if wool is placed on the free list there will be no advance in the values above submitted.

Woolgrowing is one of the most prominent industries west of the Rocky Mountains, and the continuance of the present range of values for our main product, which may be fairly looked for under free wool, will bring ruin to the sheep industry of the North Pacific and widespread loss and disaster to the mercantile and other interests dependent upon its prosperity. There are thousands of people in the North Pacific almost directly dependent upon the wool interests. With free wool one-half of these people would be obliged to seek a living and occupation elsewhere.

I also call attention to the following copy of resolutions of the North Pacific Sheep Breeders and Woolgrowers' Association, January 16, 1894. These were prepared, doubtless, by Hon. John Minto, president of the North Pacific Sheep Breeders and Woolgrowers' Association, a gentleman thoroughly conversant with the great subject and long connected with the Department of Agriculture as statistician:

Whereas the bill submitted by the majority of the Ways and Means Committee of Congress, changing the duties on imports, places upon the free list wool, coal, iron, ore, lumber, and other so-called raw material, while leaving, subject to reduced duties, most products of manufactures, is a manifestly unjust discrimination against the labor products which are the basis of manufacturing enterprises and places their producers in open competition with foreign labor; and

Whereas the effect of such unjust discrimination against raw materials as are basic in the relation to industries forming the finished products of commerce is an injury to the whole superstructure of national industries, from the apprehension of which the present calamitous business depression largely originated and continues to diminish the reward of labor or to dispense with its employment altogether, thus sowing the land with anxiety, want, and distress; and

Whereas wool production, which has been in a manner singled out by President Cleveland and his coworkers as one basic product upon which to try the effect of their scholastic theories of free trade, is an occupation engaging the capital and labor of more than 1,000,000 of American farmers and about 100,000 woolgrowers west of the Mississippi River as a special pursuit, producing 200,000,000 pounds of fleece wool and employing some 50,000 herdsmen, whose avocation as wagemen deserve and should receive as full protection under the law as any other occupation whatever; and

Whereas to place this industry of wool-production on the arid plains and mountains of our country in free competition in our own market with foreign producers on the more favored plains of South America or the government-aided woolgrowers of the perennial pastures of Australia is to surrender a great national industry to a destructive competition: Therefore, be it

Resolved, That we, the members and friends, without regard to party, of the North Pacific Sheep Breeders and Woolgrowers' Association, denounce the proposition to place wool on the free list as unjust in itself, and an unwise and unpatriotic attempt to surrender a national policy which has been maintained through a period of seventy years under Democratic, Whig,

and Republican Administrations, always with greatest effect on the general welfare when most completely protected by law.

Resolved, That we join our fellow-citizens, the hundreds of thousands of textile workers of the Atlantic States, the National Woolen Manufacturers' Association, and the National Woolgrowers' Association, of the middle West, and woolgrowers, dealers, and manufacturers, of the Pacific Slope, in protest and remonstrance against the passage of a measure the apprehension of which has already decreased the value of the trade of textiles 41 per cent during the last half of 1893, as compared with that of 1892, indicating a decrease of values in the nation at large of billions of dollars.

Resolved, That the immense loss already inflicted by the apprehension of changes in our tariff laws threatened by the present Administration, supplemented as they are by a greatly diminished foreign trade, so seriously diminishing receipts into the United States Treasury, to the great embarrassment of the Government, justifies the apprehension that the effect of the Wilson bill, if passed, will surrender to foreign competition fully one-third the labor and business interests of the nation, affecting all industries, from the coal mines in the lowest levels to the shepherd on the highest mountains, from the poorest day laborer to the richest railroad owner, and fully justifies the present caution of the foreign importers as well as the American manufacturer; and further

Resolved, That should this bill, as reported, pass against the protests of hundreds of thousands of citizens, we ask the aid of our Representatives and Senators in Congress to add to it an amendment, or proviso, making it the subject of a national referendum vote, and not to take effect sooner than six months after it has been established as a law by a majority of the people. The uncertainty of the meaning of the people as expressed at the last national election, and the serious departure from a policy as old as this Government, demands deliberate action from the people.

Resolved, That the president and secretary of this association be requested to forward a copy of the foregoing resolutions to our Representatives and Senators, and urge upon them to do all in their power against the passage of the unjust Wilson bill.

JOHN MINTO,
President of North Pacific Sheep-Breeders and Woolgrowers' Association.

JANUARY 16, 1894.

Mr. FRYE. Will the Senator allow an interruption?

Mr. MITCHELL of Oregon. Certainly.

Mr. FRYE. I know that neither the Senator nor his constituents would willingly do an injustice to the woolen manufacturers of this country. I wish to say, and have it go in the Senator's speech, that there is not one woolen manufacturer in fifty in the United States who has asked of this Congress that wool shall be put on the free list. Out of all the woolen manufacturers in Maine, and there are a great many there, there was only one who asked for free raw material in wool; and this bill has disgusted him so that he is no longer in favor of free raw material.

Then again, the Senator's constituents should be informed that there was not a member of the House of Representatives who represented the woolen manufacturing industries who voted for free wool. And another thing they should know. In the Senate there is not a Senator representing woolen manufacturing industries who under any circumstances will vote for free wool. On the contrary, they recognize the duty of Congress to protect the sheep-raisers and the woolgrowers just exactly as it protects the woolen manufacturers.

Mr. MITCHELL of Oregon. I am entirely aware of the entire accuracy of the statement of the Senator from Maine. I am perfectly well informed upon that subject. I know that a most inconsiderable portion, if any, of the woolen manufacturers of the East desire or have asked for free wool. They certainly have not asked for it; on the contrary, they have protested against it, and only a very small minority of the wool manufacturers of the East have advocated free wool. The great bulk of those engaged in that great industry in the East are too wise, too thoroughly informed as to what the ultimate effect of free wool would be, not only on the wool industry in respect of its production as an agricultural product is concerned, but on their own manufacturing interests, to desire free wool in this country.

I stated, I think before the Senator from Maine came into the Chamber, that in so far as this bill is concerned it does not, in my judgment, give the woolen manufacturers that protection it should give them. What I did say was that there should be a fair deal all around.

Mr. GRAY. That is the protection doctrine—"a fair deal all around."

Mr. MITCHELL of Oregon. Yes, a fair deal all around. Certainly that is the protection doctrine. A fair deal to American industries and American labor, and not an unfair deal to all, as proposed by the pending bill.

Mr. GRAY. That is it.

Mr. MITCHELL of Oregon. A fair deal all around for the benefit of the great industries of this country. We certainly do not want an unfair deal, and this bill will result, if it ever becomes a law, in a most unfair deal.

Mr. GRAY. I merely want to thank the Senator from Oregon for that phrase. It characterizes the whole protection scheme.

Mr. FRYE. When the Senator makes a speech of that sort he ought to make it from his own side, the Democratic side, and not from this side of the Chamber. [Laughter.]

Mr. MITCHELL of Oregon. We shall see a little later on as to how fair a deal is the pending bill.

When interrupted I was about to call attention to the sheep industry in the State of California. That will be discussed, however, more fully doubtless by the Senators from that State.

The State of California has grazing within her borders more than 4,500,000 head of merino sheep, which, had the price of wool not gone down under the approaching certainty of the removal of all duty on foreign wool by the incoming Democratic Administration, would have produced not less than 35,000,000 pounds of wool as against 175,000 pounds of wool, that being the total product of that State forty years ago. The total product in California in 1892 was 35,802,930 pounds, which sold in the San Francisco market for from 9 to 16 cents, according to quality, and at an average of 12½ cents, and netting about $5,000,000.

In this great industry of that State alone was invested some $75,000,000, giving employment to over 80,000 people. But owing to this ruinous reduction in the price of wool, coupled with the stringency in the money market, we are told hundreds and even thousands of woolgrowers in that State were unable to shear their fall clip in 1893, as no advances for that or any other purpose could be had on wool. The price for last fall had gone down from 9 to 16 to 3½ to 8 cents per pound, and from an average of 12½ to 5½ cents per pound.

Hon. Thomas McConnell, of Elk Grove, Sacramento County, Cal., one of the most prominent woolgrowers on the Pacific coast, with an experience there of over thirty-seven years, in a recent communication on the subject says:

The shrinkage in the past year on wool has been full 40 per cent below the prices of 1892.

The destruction and the annihilation of woolgrowing in California will be completed when wool is put upon the free list as proposed by the so-called Wilson tariff bill, now pending in Congress.

I voice the opinion of at least nineteen-twentieths of the woolgrowers, wool-dealers, and manufacturers of the Pacific coast.

I am also familiar with the sheep business as carried on in the States of Nevada and Oregon. They have some free ranges, which is more than overbalanced by the greater expense incurred in carrying on the business. They have to provide more or less feed for winter, railroad freights and provisions are much higher, and also herders are paid $35 per month and board.

In this connection I submit the following preamble and resolutions, passed at the convention of woolgrowers, wool-dealers, and wool manufacturers, held in the city of Sacramento, State of California, January 10, last. This convention was presided over by Hon. Barclay Henley, a leading and influential Democrat of the State of California, and an ex-member of the National House of Representatives.

Whereas it is proposed in the Congress of the United States to modify the existing tariff laws to admit wool and dressed meats free of duty; and

Whereas it is proposed to make sweeping reductions in the duties on woolen manufactures; and

Whereas thirty thousand citizens of California are employed directly in the production and handling of wool and mutton sheep and in woolen manufacture; and

Whereas the State of California contains approximately 4,500,000 sheep, producing annually 35,000,000 pounds of wool, and heretofore has profitably employed as sheep ranges 10,000,000 acres of land otherwise waste and of little value; and

Whereas in this industry an aggregate capital of $100,000,000 is invested in this State; and

Whereas it is our judgment, after full review of all the circumstances and conditions, that the proposed tariff changes, if carried into effect, would inevitably imply the destruction of the sheep industries of our State; that it would wipe out the capital employed in them and thus impoverish a multitude of our people; that it would drive a worthy element of population to seek other branches of employment already overcrowded, with the result of filling the highways, causing widespread suffering and beggary; and

Whereas we believe that we should not consume the products of foreign labor, leaving our own laborers in idleness, but that we should protect them and enable them to receive proper and fair compensation for that labor, consuming in our own country their products; and

Whereas the mere prospect of the proposed tariff changes has prostrated our business, scaled down the value of our property, and made alarm and apprehension of disaster widespread; and

Whereas it is a fact, established by experience, that at the price for wool now prevailing in the foreign markets our farmers can not continue the business of woolgrowing without absolute yearly loss; and

Whereas in proof of which we state that at the present time a large proportion of the sheep remain unshorn—and the shearers have even declined to accept the clip as compensation for shearing—during the past year, owing to the impending threat of free wool and radical reductions in the duties on woolen goods, the prices of domestic wools of all descriptions have fallen from 30 per cent to 50 per cent below the prices that prevailed a year ago, even at these figures there has been little demand for wool, and many farmers have on hand this season's clip, which at this time last year was being rapidly converted into goods by mills that now stand idle; in the United States the value of sheep has depreciated over $50,000,000—of this loss California's share is $5,000,000: Therefore, be it

Resolved, (1) That we, the wool and mutton growers and the woolen manufacturers of California in convention assembled, do protest in the most positive and solemn spirit against the free admission into the United States of wool and dressed meats, and against the proposed reduction in the duties on woolen goods; (2) that the good faith of the Congress of the United States requires continuance of the protective policy as to wool, dressed meats, and manufactured woolens; (3) that the sentiment of the business element of this State, regardless of partisan affiliations, heartily favor retention of tariff duties on wool, dressed meats, and woolen goods, and stands with us in protesting against the enactment of the Wilson bill in so far as it relates to the changes above named; (4) that the first duty of our repre-

sentatives in Congress is to the interests of California; that to this duty they should subordinate partisan motives, and we call upon them in the name of the people of California to work and vote against the proposed changes in whatever form or whatever relationship they may appear.

We protest against and denounce as false and absurd the claim, persistently urged by advocates of free trade in wool, that American wools can not be manufactured successfully and profitably into the form of clothing, except in combination with foreign wools; and we deny that the importation of foreign wools is essential or even desirable as a means of consuming our domestic wool product, there being no class of foreign wools imported into this country that can not be produced by the woolgrowers of the United States.

We solemnly declare it to be our profound conviction that the principle of protection by tariff duties is essential to the independence and the comfort of the American people, to the promotion of liberal and wholesome standards of living and of education, and to the fullness and stability of our national life, this being the only barrier that prevents American children from being reduced to the level of the pauper nations of the earth.

The foregoing preamble and resolutions were passed at the convention of woolgrowers, wool dealers, and wool manufacturers held in this city January 10, 1894.

BARCLAY HENLEY, *President.*
FRED. S. MOODY, *Secretary*

INDIANA ON WOOL TARIFF.

The nineteenth annual convention of the Indiana Woolgrowers' Association, at Indianapolis, in January, denounced the Wilson bill "as unjust" because, as its resolution declares, it "discriminates against the farming interest, by placing on the free list twenty-nine of the finished products of the farm, which twenty-nine articles are now protected by fair and equitable duties; and also makes a large reduction in the duties now properly assessed on twenty-one other finished products of the farm."

I quote the following from a communication recently received from Hon. Charles Hilton, of The Dalles, Oregon, a prominent business man, a wooldealer of Eastern Oregon:

It would be a terrible blow to Eastern Oregon should wool be placed on the free list. It would affect every branch of business in all of these eastern counties. It is conceded it would reduce the business of these towns fully 50 per cent. It would be impossible to farm the land where stock is now run. It is not farming land, and the bunch grass that years ago furnished good cattle range has been so overstocked that it has entirely disappeared and a small grass has taken its place which would not do for large stock, but upon which sheep thrive.

In this connection I desire to attract attention to what a leading citizen of Oregon, engaged in the business of woolen manufacture at Salem, in that State, says. The writer of the letter is Squire Farrer, a prominent manufacturer of that city. His letter is dated January 2, 1894, and addressed to myself. After discussing at some length the Wilson bill and especially its probable effect on the woolen-manufacturing industry of the country, he says:

As one engaged with others in the manufacture of woolen goods in this city, I can speak advisedly as to how President Cleveland's free wool policy is going to work. We are getting our wool, or as he calls it, "raw material" at half what we did a year ago—6 cents per pound, as against 12 to 14 cents last year. But where are our former customers? A year ago we had orders booked for future delivery which insured us a year's business. Now we have no orders ahead and no prospect of getting any, and every prospect of having to shut down and suspend operations indefinitely. Should the Wilson bill pass it is doubtful if one in ten of the manufacturing interests of all kinds west of the Rocky Mountains can live at all. The future business life of the producer and manufacturer of the United States will have to be saved, if saved at all, by the United States Senate in bringing about the defeat of the Wilson bill.

In this connection I desire to attract especial attention to the following Senate miscellaneous documents, second session, Fifty-third Congress, all bearing upon this important question and exhibiting facts and arguments which tend overwhelmingly to show the inadvisability of the enactment of the pending Wilson bill putting wool on the free list, namely, Senate Miscellaneous Documents Nos. 35, 77, and 124.

In these several documents will be found the very able, elaborate, and conclusive arguments of Hon. William Lawrence, of Bellefontaine, Ohio, president of the National Woolgrowers' Association and also president of the Ohio Woolgrowers' Association, in condemnation of the proposed free-wool proposition. To the facts, figures, arguments, and conclusions of these several executive documents the attention of the Senate and the country is urgently and respectfully requested.

Why should the wool-producers of this country be compelled to compete with the cheap labor, the cheap production, and the cheap rents of foreign countries? Why compel our people to compete with this character of labor in South America, where are produced over 460,000,000 pounds of wool annually? Why should we be called on to compete with the woolgrowers of Australia, where the sheep-grazing lands cost little, if anything, more than a cent per acre, and where the output of wool annually is over 600,000,000 pounds? Or with Russia, where labor is paid less than one-tenth it is in America, and where the annual output of wool is over 350,000,000 pounds? Or why, I ask, should we be called upon to compete with Southern Africa, Turkey, and Asia, where the price of labor in the matter of wool production is less than one-fifth that in America?

The recent reports from Australia, South Africa, and Russia show a great overproduction of wool, and a gradual decrease of the price of wool at the point of production even in those countries. This being so, what may we not expect in regard to the reduction in price of American wool if we place wool on the free list, as proposed by the pending bill? Bearing upon the wool industry in the State of Oregon, I submit with my remarks the following communication from the pen of A. M. Kelsay, esq., a prominent citizen and woolgrower of Eastern Oregon, published recently in the Daily Chronicle at The Dalles, Oregon:

THE DALLES, OREGON, *February 27, 1894.*

Editor Chronicle, The Dalles, Oregon:

DEAR SIR: I beg leave, through your valuable paper, to offer some facts and figures for the benefit of all, but more especially our Democratic sheepmen of Eastern Oregon. According to the latest statistics received from the Department of Agriculture, at Washington, which has been corrected up to January 1, 1894:

Number of sheep in United States	45,048,017
Average price January 1, 1893, $3.25	$146,406,055.25
Average price January 1, 1894 $1.98	$89,186,110.00
Difference in value of sheep January 1, 1893 and 1894	$57,219,945.25

This is the increased value we were promised by Democratic speakers and newspapers before the election of Mr. Cleveland and the Democratic party.

Let us examine the facts and figures as pertaining to our own State: The sheep and wool raisers of Oregon have lost, by depreciation in value, within the last year, according to statistics above mentioned, in regard to number and value of sheep in this State, January 1, 1894, the following amounts:

2,529,759 sheep, average price January 1, 1893, $3.50	$8,854,142.50
2,529,759 sheep, average price January 1, 1894, $1.75	4,433,403.00
Difference in value of sheep	4,420,739.50
17,000,000 pounds wool, average price January 1, 1893, 13 cents	2,210,000.00
17,000,000 pounds wool, average price January 1, 1894, 7 cents	1,190,000.00
Difference in value of wool	1,020,000.00
Difference in value of sheep	4,420,739.50
Total difference in value of sheep and wool	5,440,739.50

This represents the loss in value to the State of Oregon, in this industry alone, as everyone is aware who has any knowledge of the sheep business, that the money received from the sale of sheep and wool is not sent out to other countries, but is kept at home and put into circulation among our own people. There are several sheep men, with whom I am well acquainted, voted the Democratic ticket; they offered to wager any reasonable sum that within twelve months after election, "if Mr. Cleveland was elected, both sheep and wool would advance in price and times would be better than ever before in Eastern Oregon." Mr. Cleveland was elected, and the Democratic party successful in obtaining control of the Government. More than twelve months have rolled around. Now, how about the advance in the price of sheep and wool, and where does the increased prosperity and better times exist?

This can be answered by anyone, from the humble sheep-herder, who pursues his lonely and solitary life in the mountains and on the deserts of Eastern Oregon, to the shrewdest and most intelligent capitalist or bank president in our richest cities. They can all answer truthfully that it does not exist at all. The herder or laborer can answer intelligently from experience of his present condition of lower wages and that of being poorer fed and cared for. The capitalist can answer with good reason, that under the present conditions of Democratic rule and policy, it is unwise and unsafe to to put his money anywhere except in the vaults of the banks, and not always safe there; would submit to the loss of interest rather than risk losing the principal. It seems to me that the voters of Oregon with their present sad experience and severe lessons now being taught them would vote to send to Congress such a man as Mr. ELLIS and others, whom they know, by their past records, would defend and care for the interests of this State and especially those of Eastern Oregon.

Yours, respectfully,

A. M. KELSAY.

Also the following communication from a recent issue of the Times-Mountaineer, published at The Dalles, Oregon.

FREE TRADE AND WOOL.

Mr. J. B. Cartwright, a son of Hon. C. M. Cartwright, the manager of the Baldwin Sheep and Land Company, is in the city. He says the company has about 20,000 head of sheep in Crook County. The expense of shearing and placing wool in the market in Eastern Oregon will be about 3 cents a pound, he calculates, not taking into consideration the herders' wages, price of pasturage, and other expenses necessary in caring for flocks. The cost of the sheep, capital invested, contingency of hard winters and storage of fleeces in warehouses where sales are not made, must be added to this. Taking these matters into account, wool can not be placed on the market for less than 7 cents per pound, and this is not counting interest on investment, but simply the bare expenses of running sheep in Eastern Oregon.

With these figures, it is nonsense for any one to contend that sheep men in the inland empire can pasture their herds, shear their flocks, and sell the fleeces as cheaply as the Australian or Argentine woolgrower. There is only one possible effect of free trade in wool, and that is, it will drive all capital now invested in that industry into other lines of business. Mr. Cartwright says the company has made all arrangements for the sheep industry, and if they were forced to give up the business all the appointments would be sold at a great loss. In the management of their flocks they have made careful estimates, and do not theorize in their figures, but arrive at conclusions from many years of practical experience.

WILL FREE WOOL GIVE THE PEOPLE CHEAPER CLOTHING?

Why is it—upon what theory, based upon what supposed prospective benefit to the American people, or any considerable portion of them—that the Democratic party insists on placing wool on the free list? What great good is to come to the people of this country, or any class of our people, by permitting foreign wool to come in free that will not merely justify, but which to the mind of the Democratic Administration seems to demand this wholesale legislative destruction of this great American agricultural industry—an industry representing an invested capital, as we have seen, of over $500,000,000, an industry in the carrying on of which there is expended annually among laboring men $85,000,000, including the services of the million flock masters, one which engages the attention, time, services, and business talent of over a million flock masters, the owners of 45,000,000 head of sheep, with an output annually in wool, mutton, and pelts of over $110,000,000, an amount exceeding by more than one-fifth the total output of the gold and silver mines of America for 1892?

This pending bill is professedly a revenue bill solely. Now, the theory of a purely revenue tariff is that the duty shall be so arranged as to produce the greatest possible amount of revenue from the least possible rate of duty. Now, then, we consume in this country annually a little over 600,000,000 pounds of wool; to be entirely accurate according to what seems to be the best statistical report for the past year, 611,989,851 pounds, while we produce annually about 364,152,666 pounds. Our imports, therefore, in raw wool were in 1893 175,636,042 pounds, and in woolen goods about 114,145,473 pounds, making our total imports about 300,000,000 pounds.

From the Democratic standpoint, therefore, of a tariff for revenue only, what an opportunity there is presented of raising $36,000,000 of revenue, while at the same time protecting to a very great extent this great American industry? The objection to imposing the duty is perhaps to be found in the fact that it will have a tendency to give this industry protection, and would therefore be violative of the tariff plank of the Democratic platform of 1892. But, no, the pending Wilson bill, pressed forward by the Democratic majority of the Finance Committee of the Senate and backed up by the whole power of the Democratic Administration, casts aside this opportunity, makes wool free in the interest temporarily of 2,800 woolen manufacturers and in the interest of the flock owners of Australia, the Argentine Republic, and other foreign lands, and puts a tax of from $40,000,000 to $50,000,000 on sugar, which is a part of the daily meal of every man, woman, and child of our entire 70,000,000 of people.

But, say our Democratic friends, by placing wool on the free list we cheapen the clothing of the masses of the people; and this seems to be the principal, if not the sole reason assigned by our Democratic friends for placing wool on the free list. Now, if it were to have this effect it would be a suggestion worthy of serious consideration in this connection; but it is respectfully submitted no greater economic fallacy was ever entertained, uttered, or sought to be maintained by either the most learned or the most visionary theorist.

The whole history of the doctrine and the practical effect of the doctrine of protection afford conclusive answers to this heresy. And the very fact that all kinds of woolen clothing are to-day infinitely cheaper in this country than they were prior to the levying of the McKinley tariff on wool in 1890 ought, in and of itself, to be a sufficient answer to this argument. But the real answer is to be found in the logical economic deduction which must inevitably follow and which invariably does follow in the wake of a policy which subordinates the great wool industry of this country to that of the foreign producers of wool, whether in Australia, the Argentine Republic, the South Sea Islands, or elsewhere.

Destroy practically the sheep industry of this country, as must inevitably be the case by placing wool on the free list, and we are at once, or at least in a comparatively short space of time, placed at the mercy of the producers of foreign wool. Then, instead of importing 300,000,000 pounds of wool, as now, we would be compelled to import double that amount to meet our demand for consumption.

Is it not apparent to every intelligent mind that so soon as this state of things is accomplished the price of foreign wool, even in the absence of the formation of a foreign trust, will be advanced to a figure largely beyond that now paid for American wool? And who, further, does not know or realize that then, there being no check of home production, the American market will be under the absolute control of the importers, of the few men who control the foreign flocks, and the result will be the formation of a great foreign wool trust by which the price of wool will be largely advanced, and then not only the American manufacturer, but the mass of the American people who wear woolen clothes, will feel the fearful consequences of free trade in wool?

But this is not all. This is only a part of the dreadful results of such an economic policy. This large excess in wool imports would annually drain our country of more than $60,000,000 in gold for wool and woolen goods, and when this lamentable state of affairs in our commercial and economic relations shall be wrought out under the policy involved in the pending bill, while it will bear heavily on all classes throughout the whole country, it will be the people, the manufacturers, the producers as well as the consumers of that great section of our country between the Rocky Mountains and the Pacific Ocean who will suffer most. It will be a death blow to the woolen manufacturing industries of the Pacific coast. It will increase the price of woolen clothing to our people. It will destroy and take from our people one source of cheap, nutritious food. It will destroy and break down various other industries of different kinds dependent on the sheep industry. It will drive from our State a large proportion of our population, and will bring distress and poverty to our people.

The total estimated number of sheep in the world according to the statistician of the Department of Agriculture is 534,848,921. Of this number, according to this estimate, 47,273,563, or about 9 per cent, are in the United States, while the total product of wool in the world is 2,456,773,000 pounds, and this about equals the world's demand. If, then, we are not mistaken in the belief that free wool will destroy that industry in this country, it follows so surely as night succeeds day that the destruction of over one-eighth of the world's product can not but increase the price of the remainder, and this increase goes, not to our own people, but to foreigners, and with this increase the price of every woolen garment would be advanced.

In this connection I ask the privilege of inserting in my remarks the following circular issued by Justice, Bateman & Co., wool commission merchants of Philadelphia, issued March 4, 1894:

[Justice, Bateman & Co., wool commission merchants, 122 South Front street.]

PHILADELPHIA, *March 1, 1894.*

WHY SHOULD WOOL BE FREE?

No satisfactory reason can be given why wool should be exposed to the destructive influences of foreign competition. It is a necessity of our comfortable existence, and no army without wool could successfully conduct its operations in time of war. Wool is as much a munition of war as any other material. If coal is not to be considered a raw material, there is much more reason why wool can not be so considered, as it takes a whole year for a sheep to produce its fleece, yet coal in one hour can be got ready for market.

The element of labor in marketing a ton of wool exceeds many fold that which is expended in marketing a ton of coal, yet there seems to be much greater chance for a duty upon coal than upon wool. If unfavorable legislation should close the coal mines of this country for a thousand years, the coal would still remain there ready for use whenever the nation was once more permitted to resume its industrial activities. But when the flocks of sheep disappear as they are now doing, they can not be suddenly restored. If this industry is to begin anew, it will take many years to reach its present proportions, and if the blow now aimed at the woolgrowing industry is struck, it will cause its practical destruction. The ultimate result of this would be not only dependence upon foreign countries for our wool supply, but the loss to the nation of the value of the domestic clip, for, instead of distributing its cost among woolgrowers at home, to be spent at home, it must be paid in gold to foreigners with the ultimate result of higher prices for clothing. This would be a decided loss to the whole nation without any corresponding gain.

GROW OUR WOOL AT HOME.

The American sheep husbandry under adequate protection has twice made such rapid headway in the increase of flocks as to lead to the assurance that with the continuance of that protection we would soon produce the total amount of wool consumed by this country. During the last twelve years of the tariff law of 1867, the American clip increased 100 per cent, that increase being from 170,000,000 pounds in 1873 to over 340,000,000 pounds in 1884. If the duties had not been lowered at the end of that period, it is fair to assume that the same ratio of increase would have continued, in which case we would have produced in 1895 over 650,000,000 pounds, which, including the raw wool imported in the shape of manufactured goods, is the total amount of wool consumed by this country. A serious check to the growth of the wool industry was given by the reduction of duties in 1883, but with the restoration of a portion of those duties by the McKinley law in 1890, such an impetus was given to the woolgrowing industry that the clip again increased at a rapid rate. The increase was from 310,000,000 pounds in 1891 to 360,000,000 in 1893, so that if the McKinley law had not been assailed, it is fair to assume that by the year 1900 we would produce 650,000,000 pounds.

This country in the past has produced the equal of every quality of wool raised in any other part of the world. There is no quality of foreign wool the equal of which can not be and has not been produced in America. The only reason why certain qualities which were formerly raised here in great abundance are now imported, is because they are produced more cheaply in foreign countries.

In this connection I desire to insert in my remarks the following table of statistics, prepared by the Bureau of Statistics, United States Treasury, showing the wool produced in each State and Territory of the United States from 1840 to 1891, as found in North's Wool Book, and for years since:

*Wool produced in each State and Territory of the United States for the years 1840 to 1891, as found in North's Wool Book, and for years since—Wool produced, imported, exported, and retained for consumption in the United States, 1840-1891.**

[Bureau of Statistics, United Sates Treasury.]

Year ending June 30—	Production.	Imports.	Total production and imports.	Exports.			Retained for home consumption.	Imports.
				Domestic.	Foreign.	Total.		
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Per cent.*
1840	35,802,114	9,898,740	45,700,854		85,528	85,528	45,615,326	21.7
1850	52,516,059	18,695,294	71,352,253	35,898		35,898	71,176,355	26.3
1860	60,264,913	26,282,955	86,547,868	1,055,928	157,064	1,212,972	85,334,896	30.4
1865	142,000,000	44,420,375	186,420,375	466,182	679,281	1,145,463	185,274,912	23.6
1870	162,000,000	49,230,199	211,230,199	152,892	1,710,053	1,862,945	209,367,254	23.3
1871	160,000,000	68,058,028	228,058,028	25,195	1,305,311	1,330,506	226,727,522	29.9
1872	150,000,000	126,507,409	276,507,409	140,515	2,343,937	2,484,442	274,022,967	44.9
1873	158,000,000	85,496,049	243,496,049	75,129	7,040,386	7,115,515	236,380,534	35.1
1874	170,000,000	42,939,541	212,939,541	319,600	6,816,157	7,135,757	205,803,784	20.2
1875	181,000,000	54,901,760	235,901,760	178,034	3,567,627	3,745,661	232,156,099	23.3
1876	192,000,000	44,642,836	236,642,836	104,768	1,518,426	1,623,194	235,019,642	18.9
1877	200,000,000	42,171,192	242,171,192	79,599	3,088,957	3,168,556	239,002,636	17.4
1878	208,250,000	48,449,079	256,699,079	347,854	5,952,221	6,300,075	250,399,004	18.9
1879	211,000,000	39,005,155	250,005,155	60,784	4,104,616	4,165,400	245,839,755	15.6
1880	232,500,000	128,131,747	360,631,747	191,551	3,648,520	3,840,071	356,791,676	35.5
1881	240,000,000	55,964,236	295,964,236	71,455	5,507,534	5,578,980	290,385,247	18.9
1882	272,000,000	67,861,744	399,861,744	116,179	3,831,836	3,948,615	335,913,729	20.0
1883	290,000,000	70,575,478	360,575,478	64,474	4,010,043	4,074,517	356,500,961	19.6
1884	300,000,000	78,350,051	378,350,051	10,393	2,304,701	2,315,094	376,035,557	20.7
1885	308,000,000	70,596,170	378,596,170	88,006	3,115,339	3,203,345	375,392,825	18.7
1886	302,000,000	129,084,958	431,084,958	146,423	6,534,426	6,680,849	424,404,109	29.9
1887	285,000,000	114,038,030	399,038,030	257,940	6,728,292	6,986,232	392,051,798	29.1
1888	269,000,000	113,558,753	382,558,753	23,164	4,359,731	4,381,895	378,176,858	29.7
1889	265,000,000	126,487,729	391,487,729	141,576	3,263,094	3,404,670	388,083,059	32.3
1890	276,000,000	105,431,285	381,431,285	231,042	3,288,467	3,519,509	377,911,776	27.6
1891	285,000,000	129,303,648	414,303,648	291,923	2,638,123	2,930,045	411,373,603	30.2
1892	333,018,405	134,622,366						
1893	364,156,666	175,636,041						

*This table differs some from the figures given in the Treasury Department Wool Report, 1888, page 163, which states wool product as follows: 1860, 100,102,387; 1880, 240,681,751.

NOTE.—The data of production furnished by Department of Agriculture from 1840 to 1891, inclusive.

Also the following table showing the number and value of sheep in the United States in each year from 1810 to 1892 inclusive. This table is taken from the annual reports of the Commissioner of Agriculture:

Number and value of sheep in the United States, 1810-1892—Number, average price, and value of sheep on farms in the United States.

[From the Wool Book of 1892, by S. N. D. North, secretary of the National Association of Wool Manufacturers.]

From the annual reports of the Commissioner of Agriculture.				Pounds of wool grown.	
				Department of Agriculture.	1867 to 1885, estimated by James Lynch, New York; 1886 to 1891, by J. P. Truitt, Philadelphia.
Date of report.	Number.	Average price.	Value.	Pounds.	Pounds.
1810	10,000,000			13,000,000	
1820				14,100,000	
1830				17,329,000	
1840	19,311,000			35,802,114	
1850	21,723,000			52,516,969	
1860	22,471,275			60,264,913	
1867*	39,385,396	$3.37	$132,774,660	160,000,000	160,000,000
1868	38,991,912	2.52	98,407,809	168,000,000	177,000,000
1869	37,724,279	2.17	82,139,979	180,000,000	162,250,000
1870	40,853,000	2.28	93,364,433	162,000,000	163,000,000
1871	31,851,000	2.32	74,035,837	160,000,000	146,000,000
1872	31,679,300	2.80	88,771,197	150,000,000	160,000,000
1873	33,002,400	2.96	97,922,350	158,000,000	174,700,000
1874	33,938,200	2.61	88,690,569	170,000,000	178,000,000
1875	33,783,600	2.79	94,320,652	181,000,000	193,000,000
1876	35,935,300	2.60	93,666,318	192,000,000	198,250,000
1877	35,804,200	2.27	80,892,683	200,000,000	208,250,000
1878	35,740,500	2.25	80,603,062	208,250,000	211,000,000
1879	38,123,800	2.07	79,023,984	211,000,000	232,500,000
1880	40,765,900	2.21	90,230,537	232,500,000	264,000,000
1881	43,576,899	2.39	104,070,759	240,000,000	290,000,000
1882	45,016,224	2.37	106,596,954	272,000,000	300,000,000
1883	49,237,291	2.53	124,365,835	290,000,000	320,400,000
1884	50,626,626	2.37	119,902,706	300,000,000	337,500,000
1885	50,300,243	2.14	107,960,650	308,000,000	329,600,000
1886	48,322,331	1.91	92,443,867	302,000,000	323,031,026
1887	44,759,314	2.01	89,872,839	285,000,000	302,169,950
1888	43,544,755	2.05	89,279,926	269,000,000	301,876,121
1889	42,599,079	2.13	90,640,369	265,000,000	295,779,479
1890	44,336,072	2.27	100,659,761	276,000,000	309,474,856
1891	43,431,136	2.51	108,397,447	285,000,000	307,101,507
1892	44,908,365	2.58	116,121,270	333,018,405	
1893†	47,273,553	2.66	125,909,264	364,156,666	
1894	45,048,017	1.98	89,186,110		

*The figures previous to 1867 are from the United States Census Reports.

†See United States Senate Miscellaneous Document No. 77, Fifty-third Congress, second session, chart, page 54; Senate Miscellaneous Document No. 35, Fifty-third Congress, second session, page 81.

I also desire to bring to the attention of the Senate the following table, showing the relative production of wool in the United States and in the Argentine Republic from 1800 to 1890, reckoning by decades:

Production of wools in the United States and the Argentine Republic from 1800 to 1890, for years stated.

Year.	Amounts as shown by United States census.	United States.	Argentine Republic.
	Pounds.	*Pounds.*	*Pounds.*
1800		7,925,840	1,200,000
1810		11,227,520	2,800,000
1820		14,100,500	3,750,000
1830		17,329,870	5,940,000
1840	35,802,114	51,925,640	14,965,250
1850	52,516,959	89,985,400	24,864,300
1860	60,264,913	111,976,950	55,885,760
1870	100,102,387	154,500,680	166,987,500
1880	240,681,751	240,680,750	259,824,840
1890		271,342,200	295,425,200

From this latter table a startling fact is made to appear. While in 1850 the Argentine Republic produced but 55,885,760 pounds of wool, in 1890 that same Republic produced 295,425,200 pounds, or 15,996,400 pounds more than five times the product in 1850. The increase in the Argentine Republic in the last twenty years has been over 128,000,000 pounds.

Australia in 1870 produced but 179,459,780 pounds, and twenty years later (1890) the product was 400,879,240 pounds.

In Asia the wool product in 1870 was but 134,507,120 pounds, while two decades later (1890) the product was 264,860,050.

In Africa the increase has not been so marked, although even there the increase in the last twenty years of the annual product has been over 10,000,000 pounds.

The wool product of Russia in 1887 was 262,966,000 pounds, while in 1891 it was 291,500,000 pounds.

The product in France in 1887 was 80,138,000 pounds, while in 1891 it was 124,803,000 pounds.

According to the summary statement of the imports and exports of the United States for January, 1894, corrected to March 10, 1894, the fact appears that there were imported into the ports of Boston, New York, and Philadelphia during the single month of January last raw wool to the amount of 2,734,406 pounds, 558,234 pounds of which came from Russia (the Black Sea), 196,521 pounds being produced on the Baltic in Russia, 107,970 pounds of which were shipped from the Baltic and the balance from England; while China sent us 484,238 pounds during that period, and Turkey in Asia 318,025 pounds.

Mr. HAWLEY. Will the Senator permit a question?

Mr. MITCHELL of Oregon. Yes, sir.

Mr. HAWLEY. Does the Senator give in his speech a table of the aggregate of the wool productions for a series of years, to show how the production of wool has been affected by tariff legislation?

Mr. MITCHELL of Oregon. I think not; but, with the consent of the Senate, I shall insert a table of that kind.

Mr. PALMER. If I may trespass upon the Senator, I wish to ask him if he has made statistics of the wool product of the United States?

Mr. MITCHELL of Oregon. I have.

Mr. PALMER. What has been the increase?

Mr. MITCHELL of Oregon. The increase was large until the tariff was reduced in 1883. Then, for a number of years there was a decrease, because the tariff of 1883 largely reduced the rates fixed in the tariff of 1867; but when the McKinley act was enacted in 1890, for the next two years there was a very perceptible increase in the number of sheep and in the production of wool.

Mr. PALMER. Is the Senator aware of the fact that there has been a steady decrease in the price of wool from 1890 until now, under the McKinley law?

Mr. MITCHELL of Oregon. There has been a decrease in the price of wool since the date of the passage by the Democratic House of Representatives, during the last Congress, of the bill placing wool upon the free list.

Mr. PALMER. I wish to ask further, whether the Senator does not know that since 1890, and long before, there was a decline in the price of wool?

Mr. MITCHELL of Oregon. There were some fluctuations in the price of wool, but during the years 1891 and 1892 the price was such that there was no complaint in this country, certainly not in our part of it.

Mr. PALMER. I will state to the Senator that there was a marked decline in the price of wool in the United States in the years 1890, 1891, 1892, and 1893.

Mr. HAWLEY. That was the case the world over.

Mr. MITCHELL of Oregon. As the Senator from Connecticut says, that was the case the world over. That was the result, of course, of overproduction to a certain extent in other countries—in Australia, in the Argentine Republic, in Africa, and also in Russia; and that depression, as suggested by the Senator from Connecticut, was not confined to the United States, but was noticeable throughout the world.

Mr. PALMER. Then I apprehend the Senator will admit that protection as given by the McKinley act has not been sufficient to keep the price of wool up to the price it was before 1890?

Mr. MITCHELL of Oregon. Yes, I might perhaps be willing to admit that; but at the same time I would connect with that admission the statement that but for the McKinley act prices would have been infinitely lower in this country than they have been.

Mr. FRYE. The prices in this country were nearly the amount of the duty higher than they were in London.

Mr. MITCHELL of Oregon. That is a fact, and I call attention to the fact that the price of wool in the West is now and has been during the past year a little less than one-half what it was in 1892.

Mr. PALMER. Notwithstanding the McKinley law is still in force.

Mr. MITCHELL of Oregon. Ah, Mr. President, that is true, but under sentence of death, I apprehend, and it has been so since the result of the election of 1892 was known.

Mr. PALMER. I trust that I may venture to express the hope that the Senator is right in his statement that that law is under sentence of death. But conditions must be very alarming when even an apprehension of the repeal of the McKinley law disturbs the business of this country.

Mr. HAWLEY. It does.

Mr. MITCHELL of Oregon. Conditions are alarming.

Mr. PALMER. They must be alarming conditions which make even the slightest suspicion or apprehension of disturbance produce ruinous results.

Mr. MITCHELL of Oregon. Mr. President, that is a very singular argument from the Senator from Illinois. Here are two great policies advocated by the Republican and Democratic parties in this country. Upon the one hand we say that the protective policy is the proper policy, and that that policy enforced is a policy in the interest of the agriculturists, of the manufacturers, and of the producers, as well as of the consumers of this country; while the other policy we regard, and we believe the great majority of the people of this country regard, as being in opposition to the agricultural and manufacturing interests of the United States.

Is it strange that the effect should be at once noticeable upon the various industries of the country when the Democratic party succeeded to power, and when the people engaged in those industries believe and have a right to believe that it intends to enforce a policy which will result in their destruction?

Mr. PALMER. Will the Senator allow me one moment further?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Oregon yield to the Senator from Illinois?

Mr. MITCHELL of Oregon. Certainly.

Mr. PALMER. If it be true that the protective policy assumes to control and influence the business of the country, takes it out from under the influence of natural causes, and produces purely an artificial state of things, it is one of the strongest arguments against protection. But the Senator is mistaken. The conditions, the scene of desolation and ruin around us, are the result of protection carried to extravagant and excessive lengths.

Mr. MITCHELL of Oregon. I should be glad to discuss this question further, but I am anxious to conclude my remarks by 5 o'clock.

Mr. PALMER. Very well.

Mr. MITCHELL of Oregon. I desire to call the attention of the Senate to the bearing of the pending bill upon the production of barley in this country. That is another agricultural product assailed by the bill.

BARLEY.

Barley is another agricultural product assailed by the pending bill. True, barley is comparatively an unimportant industry compared with those of wheat, wool, lumber, hay, poultry, and other agricultural productions, all of which fall under the baneful ban of this proposed legislation. According to the report of the Department of Agriculture for 1893 there were produced in this country that year 69,869,495 bushels of barley, grown on 3,220,371 acres of land and of the value of $28,729,386. Of this amount 21,633,516 bushels, or within a fraction of one-third of the whole amount, were raised in the States and Territories west of the Rocky Mountains, as follows:

	Bushels.		Bushels.
California	17,116,110	Nevada	280,923
Washington	1,860,961	Arizona	298 971
Oregon	975,096	Utah	236,993
Idaho	308,910	Montana	156,008
Colorado	366,315	New Mexico	33,229

The two Dakotas raised 5,229,084 bushels in nearly equal proportions in the two States—the crop of North Dakota being 2,841,853 bushels, and that of South Dakota 2,383,231 bushels. More than one-half of the entire crop was grown west of the Mississippi River, the State of Iowa alone producing 11,599,066 bushels, and Minnesota 9,268,011 bushels.

The present duty under the McKinley act is a specific duty of 30 cents a bushel. The pending bill as it came from the House reduces it to 25 per cent ad valorem, which according to the present price of barley, about 50 cents, is equivalent to a specific duty of only about 12½ cents per bushel, or a reduction of considerably over one-half. The bill as it comes from the Senate committee fixes the duty at 30 per cent ad valorem, which is but a slight improvement. The effect of the McKinley act on this agricultural industry, as on all others affected by it, was marvelous. The average of the acreage of barley in the United States from 1881 to 1889 was but 2,563,511 acres, whereas the acreage in 1893 was 3,220,371 acres, or an increase over this average of 656,860 acres.

Again, the average annual product from 1881 to 1889 was but 54,992,294 bushels as against a crop of 69,869,495 in 1893, or an increase of 14,877,201 bushels. But not only so. Mark the effect on foreign (Canadian) importations. During the four years—1887–1890, inclusive, immediately preceding the passage of the McKinley act, during which period the duty was but 10 cents per bushel, we imported an average annually of 10,875,147 bushels, or 43,490,579 bushels of the aggregate value for this period of $27,602,977; and for the fiscal year ending June 30, 1890, the year immediately preceding the operation of this act, we imported from Canada 11,327,052 bushels of barley and 213,135 bushels of malt, whereas during the last year (1893) our imports were but 1,969,761 bushels of barley and 24 bushels of malt.

The United States produces enough and much more than necessary to meet the home essential demand for barley. The beer industry of the United States requires but a little over one-third of the home product in the manufacture of beer, or only about 25,000,000 bushels annually, as against nearly 70,000,000 bushels produced last year. Our surplus is used mainly by being ground into animal food. Canada has an immense surplus produced at a cost much below that of American barley, and with free trade or a revenue ad valorem duty, which does not protect, which is

the same thing, that country will be enabled to flood the United States with from 15,000,000 to 20,000,000 bushels annually, and thus depreciate the price, drive the American farmer from its production, stop its cultivation in this country, and among other distressing circumstances render useless large tracts of land in the Northwestern and extreme Western States, suitable for raising barley, but unsuited for other cereals or other purposes.

HOPS.

Hops is another agricultural product at which a paralyzing blow is struck by the Wilson bill. Prior to the McKinley act the duty on hops was 8 cents per pound; under that act it is 15 cents per pound, or equivalent to 36.21 per cent ad valorem. The bill as it passed the House reduces the rate from 15 cents to 8 cents per pound, or equivalent to 19.28 per cent ad valorem, while the Senate committee changes this to 20 per cent ad valorem.

Now, what has been the effect of the increased duty on foreign hops placed there by the McKinley act? During the three years 1887–1889, immediately preceding the passage of that act we imported into this country 28,299,240 pounds of hops of the value of $5,577,636, or an average for these three years of 9,433,080 pounds, of the average annual value of $1,859,212; whereas in the three years, 1891–1893, since the enactment of the McKinley law we have imported but 9,217,071 pounds, of the value of but $3,756,514, or an annual average importation for these three years of but 3,072,300 pounds of the average annual value of $1,255,505, while for the past year, 1893, our importations were but 2,657,365 pounds, of the value of $1,100,878.

The effect of the protective policy as expressed in the McKinley act is still more apparent in our exportations of hops. During the three years, 1887–1889, immediately preceding the passage of the McKinley act, we exported but 19,643,801 pounds of hops of the aggregate value of but $4,081,862; whereas for the three years, 1891–1893, following the McKinley act, we exported 32,707,796 pounds, of the aggregate value of $7,443,843. These exportations ranged as follows: In 1891, 8,736,080 pounds, of the value of $2,327,474; in 1892, 12,604,686 pounds, of the value of $2,420,502, and in 1893, 11,367,030 pounds, of the value of $2,695,867.

When this country can and does produce more than 43,000,000 pounds of hops annually, of the value of more than $11,000,000, and exports one-fourth of that amount to foreign countries, why, upon what pretext, or for what purpose, should we open the ports of our country to the foreign hop grower? Surely, if with a duty of 15 cents per pound, the foreign hop-grower is enabled to invade the American market to the extent of over 3,000,000 pounds annually, of the value of $1,250,000 at least, what may we not expect in the way of increased importations and reduced prices when that duty is lessened nearly one-half.

"Oh," say our Democratic friends, "we want to cheapen beer to the beer drinkers of this country." But does any sane man believe for a single moment that the cheapening of the price of hops will cheapen a glass of beer to the person who drinks it, even to any extent whatever? If this proposed destruction of the hop industry of this country could be justified for one moment for this alleged reason, then it becomes worth while to inquire to what extent such a policy would result in cheapening the production of beer in this country. And here it may be said, although this reduction of duty should not destroy hop culture and its production in the United States, even then it is only claimed by the advocates of a reduced duty that such reduction would reduce the cost of a barrel of beer not exceeding 6 cents. This would be about 2 mills a gallon, or 1½ of a mill or one-fortieth part of a cent a pint. But even this infinitesimal fraction would not be saved to the beer drinker—not by any manner of means—but to the brewers of this country, the wealthiest class of people in the country.

Most of the breweries, as we know, moreover, are owned and controlled by foreigners residing abroad. Not only so. We are not unmindful of the immense combine of the brewery interest, of the immense amount of foreign capital invested in this country in that industry and owned and controlled abroad. So, Mr. President, it comes to this at last. This Democratic administration, in order to give a gratuity to this great monopoly of 6 cents a barrel on their manufacture of beer, are willing to strike a deathblow to the farmer who is engaged in the laudable business of hop culture in this country, while at the same time under such a policy the beer drinkers of the country will be compelled to pay their little old 5 cents a glass just the same as before.

In considering this subject, it must not be forgotten that the Pacific States are admirably adapted to hop culture and the item of transportation should not be overlooked. Germany can ship hops to New York for about one-third the amount it costs the Oregon hopgrower to ship to that point. This fact taken in connection with the further fact of the great difference between the cost of American and German hop labor and the cost of production in the two countries, it is clear that a duty of 30 per cent ad valorem, as proposed by the pending bill, is no protection at all. Most certainly not to the hop producers west of the Rocky Mountains. And it must not be forgotten, moreover, that about 50 per cent of the hops produced in the United States are raised in that section. Oregon alone produces over 7,000,000 pounds.

We produce all the best varieties and of superior quality. The hop production in the Pacific States has under the protection afforded by the McKinley act increased since the passage of that law more than 35 per cent. In 1893 there were produced 25,000,000 pounds in the States of California, Oregon, and Washington, and it is estimated the crop for the present year in these three States will exceed 30,000,000 pounds.

In this connection I attract attention to the following article on this subject published in the Oregon City Enterprise of a recent issue, published at Oregon City, Oregon:

HOP GROWERS HO—DO YOU WANT TO COMPETE WITH CHEAP FOREIGN GOODS—FREE HOPS WILL RUIN PRICES—PACIFIC COAST DEALERS AND GROWERS REMONSTRATING AGAINST SUCH A DESTRUCTIVE POLICY.

The hopmen of the Pacific coast have begun an organized movement against congressional interference with the tariff on hops. They claim that if the duty is removed or lessened it will paralyze one of the greatest industries of this section. Last Friday a message was sent to Senators DOLPH, PERKINS, WHITE, and SQUIRE, and signed by all the hop merchants of San Francisco, irrespective of party, and by Mr. Meeker, the Puyallup hopman. The dispatch was as follows:

The proposed reduction in the tariff on hops from 15 cents a pound, specific duty, to 20 per cent ad valorem would result in great injury to a large and growing industry on the Pacific coast. In 1893 25,000,000 pounds were produced in California Oregon, and Washington, and the coming crop is expected to yield over 30,000,000 pounds. We respectfully request you to use your best endeavors to resist such a reduction. In a season of low prices an ad valorem duty of 20 per cent is equivalent to placing hops on the free list. Under the circumstances, and if the reduction can not be obviated, a duty of 8 cents per pound, as recommended in the Wilson bill, would be no more than just.

The merchants signing the telegram have written to the various hop-growers' associations asking their coöperation in the matter. The associations are requested to hold meetings and draw up resolutions remonstrating against this measure, and forward them to the delegation at Washington.

Under the McKinley bill the duty on foreign hops was 15 cents a pound; the Wilson bill reduces it to 8 cents, and now the Senate has changed it to 20 per cent ad valorem. When foreign hops are cheap it will be seen that under the new deal they will be practically free. It is a recognized fact that German and Bohemian hops are superior to ours. This is demonstrated by the readiness with which American brewers have purchased foreign hops while the McKinley tariff has been in effect. The brewers have paid as much, with the duty, as 45 cents for German and Bohemian hops, when the Pacific coast article could be had for 17 cents a pound. With the duty removed, or reduced to a minimum figure, it looks as though our hops would not be "in it." Theodore Bernheim, a Portland hop dealer, has been active the past few days informing growers throughout the State of the exact situation and the danger which confronts them. He has urged them to meet and take such action as will call the attention of Oregon's Senators and Representatives at the national capital to this important question. Discussing the matter yesterday, Mr. Bernheim said:

"Hops have been one of the best investments in the State. Last year, hops brought more money into the Willamette Valley than wheat did. There is every prospect that if the bill passes placing 20 per cent ad valorem duty on this staple product, it will be ruin to hop culture on the Pacific coast. It will be throwing money into the lap of Germany and other foreign hop countries. Brewers will then assuredly buy their hops in Europe. Hops that are worth in Germany, say 20 cents a pound, could be easily invoiced at 10 cents, which would only make 2 cents a pound duty, and that would not cut any figure in buying. When there is a full crop in Germany or Bohemia, that is, when they can spare one-third of their yield, the United States would be swamped with their hops, and it is not necessary to say what the consequence would be to growers here; the result of such a state of affairs is only too apparent. Oregon last year produced 38,000 bales of hops. This year, according to the acreage, the elements permitting, the State will yield 50,000 bales. The present indications are that prices will rule low."

Attention is further attracted to the following communication of Mr. Fred S. Meeker, of the State of Washington, who for a number of years past has been one of the most extensive hop raisers in that State. It was published in a recent issue of the Sheridan Weekly Sun, published at Sheridan, Oregon:

PACIFIC COAST HOPS.

Fred S. Meeker has compiled the following estimates from the best information at hand on the yield, sales, and amount of the hop crop for the year 1893 in the three Pacific States—California, Oregon, and Washington: Washington has shipped during September, October, and November, 22,746 bales; stock on hand December 15, 6,000 bales; total crop for 1893, 38,746 bales. Oregon shipped during September, October, and November, 35,159 bales; stock on hand December 15, 2,000 bales; total crop for 1893, 37,159 bales.

California has shipped during September, October, and November, 38,800 bales; stock on hand December 15, 4,200 bales; total crop, 43,000 bales. Total crop for Pacific coast, 1893, 118,909 bales; stock on hand December 15, 1893, 12,200 bales; shipments direct to London from Washington, 10,500 bales. This shows an increase of over 100,000 bales since 1882, as in that year the total output of this coast was about 12,500 bales, and then 81 per pound was received. The highest price paid since was 40 cents, in 1890. The average price paid in the different years was as follows: 1883, 18 cents; 1884, 10 cents; 1885, 8 cents; 1886, 30 cents; 1887, 15 cents; 1888, 25 cents; 1889, 13 cents; 1890, 35 cents; 1891, 16 cents; 1892, 18 cents; 1893, 16 cents. This is the average price paid during the years quoted, a price which stood for two months after harvest, and is not the highest price paid any year to those growers who were fortunate enough to get the higher price offered. The average price for the eleven years is 18½ cents. This statement, made by Mr. Meeker, is very valuable, as he has facilities for gaining knowledge in this direction which many other people have not.

Mr. GRAY. What are hops worth a pound?

Mr. MITCHELL of Oregon. I can not state exactly the present price.

Mr. DOLPH. The price will vary very greatly from year to year.

Mr. GRAY. Can the Senator give somewhere near the value?

Mr. MITCHELL of Oregon. Hops were as high as 35 cents a pound in Oregon two years ago; I think they were higher than that, perhaps, but they rate much lower at present, as do all agricultural products. This concludes what I have to say on the subject of hops, and I now come to hay.

HAY.

Here again one of the most important agricultural products of the country—hay—is made to feel the remorseless scythe of the Wilson bill. Few people realize the immense magnitude of this interest and the grand development made in it in this country under the protective system.

In 1870 the hay acreage in the United States was but 19,861,805 acres, yielding 24,525,000 tons of hay of the home value of $338,969,680; while in 1880 the acreage had increased to 25,863,955 acres, producing 31,925,233 tons of the home value of $371,811,084; while in 1893 the acreage had reached the enormous figure of 49,619,469 acres. The product was 65,766,158 tons of the home value of $570,882,872, or more than double the value of the cotton crop, which in 1888 was $292,139,209; $144,540,110 more than twice the value of the wheat crop in 1893, the latter being but $213,171,381; nearly fifteen times greater than the tobacco crop, which was but $39,155,442 in 1893, and more than five times the value of the potato crop, which in 1893 was $108,661,801, and within a fraction of as much in value as the corn crop of 1893, which was $591,625,627.

The tariff on foreign hay under the existing law (the McKinley act) is $4 per ton, and, notwithstanding this rate of duty, we imported from Canada for the fiscal year ending June 30, 1893, 104,181 tons of the value of $962,221.51, on which we collected a duty of $416,724.86. The year ending June 30, 1890, prior to the passage of the McKinley act, we imported 124,544 tons of hay of the value of $1,143,445. The Wilson bill as it came from the House reduced the duty just one-half, that is, to $2 per ton, while the Senate committee has changed this specific duty to an ad valorem of 20 per cent, which is a fraction of at least 1.65 per cent less, according to the report of the committee, than the House bill, the per cent being thus stated in the report of the committee—average ad valorem—under existing law, 43.31 per cent; under the House bill, 21.65 per cent, and under the Senate bill, 20 per cent.

When, therefore, we take into consideration the fact, that must be conceded by all, that the general cost of agricultural production in Canada, including barley, hay, and several other products, is about 44 per cent lower than in the United States, and the further fact of the great surplus of hay produced in that country (Canada), it is easily to be seen that this proposed legislation is on this one subject of hay, as it is on nearly every other agricultural product, a direct blow at the pockets of the American farmer and American laborer on farms and in the direct interest of the Canadian farmer and the Canadian laborer on farms.

As indicating the large surplus of Canadian hay that would be run into this country under the proposed legislation, the fact may be noted that there was exported to Europe through the ports of New York and Boston alone, in the last eight months, 8,193 carloads of hay, 90 per cent of which, or 7,373 carloads, was Canadian hay going in bond.

PLUMS AND PRUNES.

In no Western industry were the beneficial effects of the McKinley act more clearly exemplified than in stimulating the prune industry and the fruit industry generally. Take plums and prunes, for instance, and mark the effect of this act in reducing the importation of foreign plums and prunes into this country.

Take the importations for the three years immediately preceding the passage of the McKinley act. In 1887 we imported 92,032,625 pounds of plums and prunes of the value of $2,999,648; in 1888, 70,626,027 pounds of the value of $2,197,150, and in 1889, 46,154,825 pounds of the value of $1,423,304, or an aggregate in these three years of 208,813,477 pounds of the aggregate value of $6,620,102, or an average annual importation for these three years of 69,604,492 pounds of the average annual value of $2,206,701.

Now compare with this the reduced importation for the three years succeeding the passage of the McKinley act. In 1891 we imported 34,281,322 pounds of the value of $2,540,486; in 1892, 10,886,797 pounds of the value of $437,271, and in 1893, 23,225,821 pounds of the value of $1,049,896, or an aggregate for these three years of but 68,393,940 pounds, or 140,418,537 pounds less than we imported for the three years 1887–1889, and of the aggregate value of $4,027,653, or less in value by $2,592,449 than we imported during the three years 1887–1889. The average, it will be seen, of our importations for the three years since the enactment of the McKinley act is 22,797,980 pounds of the value of $1,342,551, as against average importations for the three years preceding the passage of the McKinley act of 69,604,492 pounds of the average annual value of $2,206,701.

The McKinley act under which this great improvement has occurred and which has resulted in the investment of millions of dollars in prune lands in California, Oregon, Idaho, Washington, and other Western States and in converting hundreds of thousands of acres of land, heretofore much of it unproductive, into extensive and profitable prune orchards, imposed a specific duty of 2 cents per pound, which is equivalent at ruling prices to about 45 per cent ad valorem.

The Wilson bill, as it came from the House, changed this to an ad valorem duty of 20 per cent, thus reducing the duty five-ninths of a cent, while the bill as it now stands places the duty at 30 per cent ad valorem, which is still a reduction of existing rates of one-third. The effect of this reduction, should it become a law, will unquestionably be to create discouragement in the minds of thousands of our citizens engaged in this grand industry, of which any country should be justly proud; it will drive away capital, and the development of this luscious fruit will receive a most serious and paralyzing shock.

The protection tendered by the pending bill to the prune industry is a delusion and a snare; it will not cover even one-half the difference in the cost of labor in producing prunes in this country and in France, Italy, or Germany. That difference is nearly 2 cents per pound—certainly not less than 1¼ cents per pound. And when we consider this subject in reference to the effect upon prune-growing in the far West, the distance from the Eastern market, the great cost of transportation as compared with that from France and Italy to this country, it will be seen at a glance that under the proposed duty it will be absolutely impossible for the prune-growers of California, Oregon, Washington, and Idaho to compete in the great American markets with the prune-growers of France, Italy, and Germany.

The cost of transporting prunes from the Pacific States to New York, Boston, and Philadelphia is more than, or at least quite, treble that of transporting the same article from France and Italy to these American ports. The truth is, under the present duty of 2 cents per pound, the foreign producer still has the advantage over the American producer in the American market. Especially is this the case with reference to the prune industry west of the Rocky Mountains. Yet, notwithstanding these facts, so absolutely transparent and apparent to all who have the disposition and capacity to investigate the subject, our Democratic friends will persist in this un-American assault upon this great industry, thus legislating for the German, the Frenchman, and the Italian in foreign lands and against the real interests of Americans in our own country.

In this connection, and as intelligently and truthfully bearing on both the fruit and wool industry of Oregon, I beg attention to the following letter received by me from Hon. H. W. Cottle, president of the Board of Trade of Salem, Oregon, and also president of the Horticultural Society of Marion County, Oregon, a gentleman thoroughly well informed on the subjects touched upon by his letter. He says:

SALEM, OREGON, *December 21, 1893.*

DEAR SIR AND FRIEND: The State of Oregon * * * never saw the time in its entire history when it needed help in Congress as at the present time. The very threat of the passage of the Wilson tariff bill is spreading ruin all over our fair State.

As president of the Board of Trade of this city, and president of the Marion County Horticultural Society, as a fruit-grower and private citizen of Oregon, I desire to protest against the passage of this most iniquitous measure.

We have thousands of fruit-growers who have planted their orchards during the past few years and have tended them patiently, hoping for their reward when they came into bearing, and now, just as they are about to reap the reward of their toil, comes the threat of the passage of this bill, which would cause a despair like the blackness of night among them, as it means their ruination.

They are differently situated from the agriculturists. It takes years to develop and give them a return from their orchards, which are just now coming into bearing. They can not compete with the cheap labor of Turkey and other fruit-growing districts of Europe, and neither can they lay down their produce in the city of New York as cheap, owing to the high freight rates from this coast. The passage of this bill means the neglect and abandonment of the ranges heretofore occupied by our woolgrowers. It means that the busy hum of our lumber mills will cease. It means general depression and poverty for our State.

While, on the other hand, its defeat and retaining the protection of the McKinley bill means beautiful homes all over our land, and prosperous, happy, well-clothed, and well-fed people. Our people are looking to you for help. They are watching the action of Congress as they never watched it before since the breaking out of the rebellion. We trust that you will use every effort within your means, that you will leave no stone unturned to defeat this bill.

With kind personal regards, I am,

Very truly yours,

H. W. COTTLE.

Hon. J. H. MITCHELL,
Senate Chamber, Washington, D. C.

The States of California and Oregon under the policy of protection have developed into fruit gardens, the most magnificent and prolific in the world. From the most delicate tropical fruits to the more hardy varieties of Northern climes, including oranges, olives, grapes, figs, lemons, prunes, plums, peaches, apples, pears, berries of all varieties and of the most delicious quality, here is an abundance of all. Millions of productive capital are invested in their cultivation; hundreds and thousands of our people are giving their time, their talents, and their means to the horticultural and viticultural industries in these States; and yet nearly every one of these is ruthlessly assailed by the Wilson bill. The Pacific Coast produced over 40,000,000 pounds of cured prunes in 1893, and it is estimated, if the protective policy should remain unchanged, and the trees now planted in California are permitted to reach their maturity and full productive capacity, that that State alone will produce 150,000,000 pounds, and Oregon 50,000,000 pounds of cured prunes.

HORSES.

The American horse and cattle industry is also borne down on heavily by the Wilson bill. Here, again, it is proposed to legislate in the interest of the stock-raiser of Canada, Central America, Mexico, and other foreign countries, and against that of the American stock-raiser. Under the McKinley act there is a specific duty of $30 per head on horses valued at less than $150, and 30 per cent ad valorem on all valued at $150 or over. The pending measure fixes the duty on all horses imported at the low rate of 20 per cent ad valorem.

Now, what must be the inevitable effect of this change on the American horse-raiser? During the fiscal year ending June 30, 1893, we imported into this country 12,248 horses valued at less than $150 each, and 382 valued at $150 and over; in all 12,630 head of the total value of $1,164,483.50, and on which we collected duty to the amount of $367,440. Now, during the three years—1887–1889 inclusive—immediately preceding the enactment of the McKinley law, when the duty was but 20 per cent——

Mr. GRAY. What was the duty prior to the McKinley law?

Mr. MITCHELL of Oregon. Twenty per cent.

Mr. GRAY. The same that is in the Wilson bill?

Mr. MITCHELL of Oregon. Just the same. We imported horses of the aggregate value for these three years of $7,308,437, or of the average annual value of $2,436,145; while for the three years—1891–1893 inclusive—immediately after the enactment of the McKinley law, the average annual value of our importations was but $1,189,621, or less annually than for the three preceding years by $1,246,524.

Mr. GRAY. May I ask the Senator from Oregon a question?

Mr. MITCHELL of Oregon. Certainly.

Mr. GRAY. Is it not a fact that in the two years last past, the price of horses in this country has been lower than for very many years preceding?

Mr. MITCHELL of Oregon. Certainly, and the price of everything has been lower.

Mr. GRAY. I ask the question whether that is not true?

Mr. MITCHELL of Oregon. Doubtless so, and it is also true that the price of everything the farmer has produced has been lower.

Mr. GRAY. Is it not true that under the provisions of the McKinley law the price of horses has been very much lower to the stock-raiser and to the farmer who had them to sell than it was prior to the enactment of that law with a duty of 20 per cent ad valorem upon them?

Mr. MITCHELL of Oregon. I say no, when you take into consideration the prices of American products generally.

Mr. ALDRICH. Does the Senator from Delaware contend that that decrease in price arises from the increase in duty?

Mr. GRAY. I only ask the question. It would be a very interesting inquiry (not, however, to be injected into the speech of the Senator from Oregon, of course) as to what was the cause and effect and the mere sequence of those two rates of duty.

Mr. ALDRICH. The natural inference from the Senator's question was that the price had gone down on account of the increase of duty.

Mr. GRAY. I am quite willing to go into that question with the Senator from Rhode Island if the Senator from Oregon will permit me.

Mr. ALDRICH. I imagine, before the discussion is finished, we shall have plenty of opportunity for a discussion of that kind.

Mr. QUAY. I have always understood that one of the causes of the decline in the price of horses was the substitution of the electric and cable system on street passenger railways, which practically cuts off all demand for horses in that direction.

Mr. GRAY. I have no doubt that has had an influence.

Mr. QUAY. It has been a very important factor.

Mr. PALMER. If the Senator from Oregon will allow me a single remark, I do not think anyone will say that the price of horses has been reduced by the McKinley law, but I think it does demonstrate the folly of attempting to keep up the price of horses by protection. Horses in Illinois are, to my personal knowledge, lower to-day than they have been for forty years.

Mr. ALDRICH. Will the Senator from Illinois allow me to ask him a question?

Mr. PALMER. With great pleasure.

Mr. ALDRICH. Does the Senator think the duty has had any effect on the price of horses one way or the other?

Mr. PALMER. I do not.

Mr. ALDRICH. Does he think that protective duties usually have any effect on the price of articles?

Mr. PALMER. I do.

Mr. ALDRICH. Why are horses an exception?

Mr. PALMER. I speak of the infinite folly, and I may say the unfairness of the promises made by protectionists.

Mr. ALDRICH. I hope the Senator in his own time and his own way will give the Senate and the country a chance to know what rule it is that applies to these questions.

Mr. GRAY. Without wishing to trespass on the great amiability of the Senator from Oregon, I desire to say (and perhaps I may have a chance to develop the thought) that the contention on our side has been that a tariff on any of the products of agriculture, on all those things that are peculiarly the property of the farmers of the country, can not be affected advantageously in price to the farmer by the McKinley tariff law, and that all such tariff matter in the McKinley law has been thrown as a sop to the farmers, with the hope, I suppose, that they were ignorant enough to believe they were getting some protection, when in fact they got none.

Mr. ALDRICH. Does the Senator from Delaware contend that that rule applies to sugar and to rice, or is this a sectional question? Are there some parts of the country where a protective duty protects and other parts where it does not protect?

Mr. GRAY. We contend that a tariff tax on horses, like a tariff tax on wheat and corn, is an illusion and a snare to the farmer, and was known to be such by those who put it in the McKinley law.

Mr. MITCHELL of Oregon. Will the Senator from Delaware answer me a question? Why does the Democratic party put an ad valorem duty of 86 per cent on rice? What is the purpose of placing that duty on rice in the pending bill?

Mr. GRAY. I do not know that the Democratic party has done it.

Mr. ALDRICH. And why does the Democratic party increase the duty on barely two or three times in the course of this discussion?

Mr. GRAY. I do not know that the Democratic party has done it.

Mr. MITCHELL of Oregon. If the Senator is advised, why did the committee, which reported this bill, provide for a protective duty of at least 86 and a fraction per cent on rice? What was the purpose?

Mr. GRAY. I am not on the committee, and therefore I can not answer that question.

Mr. ALDRICH. Is the Senator from Delaware willing to assert——

Mr. GRAY. The Senator from Rhode Island is a member of the committee, and perhaps he can answer it.

Mr. ALDRICH. If the Senator will permit me, the only information I have on the subject is from the speech of the Senator from Texas [Mr. MILLS], that those rates were put in the bill to get votes to pass it.

Mr. GRAY. That may be.

Mr. ALDRICH. I do not know whether the Senator from Delaware confirms that statement.

Mr. GRAY. When you come to take down an artificial edifice like a protective tariff, founded in avarice, greed, and fraud, it is a very hard and difficult task; indeed I have found out by what I have heard from the committee, of which the distinguished Senator from Rhode Island is a member, that various devices have been resorted to to placate the avarice and persistence and intensity of the protected classes.

Mr. ALDRICH. I hope the Senator from Delaware will join with me when the discussion is concluded and a vote is reached in removing those excrescences from the bill.

Mr. MITCHELL of Oregon. The Senator from Delaware is hardly fair. He injects into the belly of my speech an assumption which I for one certainly am not willing to admit, and that is, that the protective policy is founded in avarice, greed, and fraud. This is a severe, and, as I think, unwarranted characterization. The very question we are here to reason and argue out is as to whether the protective policy which has been characterized by those harsh terms is the kind of policy he insists it is, and also whether the pending bill is or is not an American in-

stitution, or whether it is not rather in all its features an un-American proposition to legislate against the real interests of the people of this country and in the interest of foreigners.

Mr. GRAY. I think it is more American than the McKinley law, but not as American as it ought to be.

Mr. MITCHELL of Oregon. I do not think it is American at all. There is nothing American about it. It is un-American from beginning to end, as I have been endeavoring to show.

I will now proceed with the duty on horses. I have shown that whatever effect it may have had on the price, the importation of horses for the three years to this country from Canada perhaps more than quadrupled since the passage of that bill. This shows clearly the effect of the protective policy. The fact that even under the existing law our importations have reached in the last year 12,630 head, of the value of $164,483.50, shows conclusively how eager are the Canadians to invade our markets, and also the ability they have to do it, even under existing conditions and restrictions.

Mr. DOLPH. Will my colleague allow me to make a single suggestion in this connection about the importation of horses from Canada?

Mr. MITCHELL of Oregon. Certainly.

Mr. DOLPH. The falling off of importations in 1891 and the invoice price in Canada have been used as an argument to show that high protection did not increase the price of animals in the United States or that it did not materially decrease the price in Canada. The importations of horses in 1890 to the United States from Canada were 16,170 head. The invoice value per head was $97.29, and the duty then was 20 per cent ad valorem. In 1891, under the McKinley law, the importations were 11,077, and the invoice price per head $102.75, the duty being $30 per head In the report from which I read it is stated:

The value of horses in Canada has advanced $5.46 per head under an increase of duty of 50 per cent.

The only answer to that is to say that with 20 per cent ad valorem we got a larger number of animals, but we got cheaper animals. You can not afford to import a cheap horse when you have to pay a duty of $30 on it. Therefore, we get much better horses under the McKinley law when we pay $30 duty, and the prices paid in Canada were much larger. That is a full explanation of that suggestion.

Mr. MITCHELL of Oregon. That is true.

Now, reduce the duty one-third, as is proposed by this bill, and what may we not expect in the way of importations and competition with the American stock-raiser, in so far as horses are concerned? This country is amply able to produce all the horses we need, and even for export.

There were in the United States in 1890, according to the census, 14,213,837 head of horses of the value of $978,516,562, while according to the latest Statistical Abstract there were on the 1st of January last (1894) in this country 16,081,201 head, or an increase in the number in the past three years of 1,877,364 head—an increase over the number of head in 1880 of 5,723,713 head, as the total number in 1880 was but 10,357,488. The State of Oregon alone has 235,607 head of horses of the value of $6,947,718, while the States of California, Oregon, Nevada, Washington, and Idaho, and the Territory of Arizona, all horse-breeding territory, have 1,200,497 head of horses of the value of $45,958,682.

We can under a proper protective policy not only supply our own demand for horses, but become exporters to many millions of dollars' worth annually. Indeed, we are now exporters to a considerable amount, as during the last three years we have exported 9,303 head of horses of the value of $2,114,703, as against 7,622 head of the value of $1,856,850 exported for the three years, 1887-1889, preceding the enactment of the McKinley law.

CATTLE.

But what is true of horses is also true respecting cattle. This great agricultural industry is also assailed by the Wilson bill in the same ruthless and, it would seem, senseless manner. Under the existing law there is a specific duty of $2 per head on all cattle 1 year old or less, and $10 per head on all more than 1 year old, which is equivalent to 43.53 per cent on the former and 63.22 per cent on the latter. The pending Wilson bill proposes to change all this to 20 per cent ad valorem on all cattle of whatever age, or, in other words, to reduce the tariff to about one-third the present rate. Now, what has been the effect in its advantages to the American cattle-raiser by the McKinley act and the protective policy, and what will probably be the effect of this proposed change in this policy?

We imported for the fiscal year ending June 30, 1893, 2,272 head of cattle of less than 1 year old, of the value of $10,438, and 826 head of 1 year old or more, of the value of $13,065, or a total number of head of 3,098, of the value of $23,503; and the total number of head of cattle imported during the three years—1891-1893, inclusive—since the passage of the McKinley act was but 9,652 head in 1891, 2,036 head in 1892, and 3,098 head in 1893, aggregating for the three years but 14,786 head, of the aggregate value of but $97,524, or an annual average importation for these three years under the McKinley act of but 4,928 head, of the average annual value of $32,512; whereas for the three years preceding the enactment of the McKinley act—1887-1889—when the duty was substantially as now proposed, we imported 187,721 head, as follows:

In 1887, 72,665 head; in 1888, 57,505 head; and in 1889, 57,551 head, or an average for three years of 62,573 head, of the aggregate value of $2,200,486, or an annual average in value of $733,495.33.

Why, then, should we go back to the old policy, which will bring into competition with the cattle-raisers of this country from sixty to one hundred thousand head of Canadian and other foreign cattle annually and drain our country annually of over a million dollars, which will go into the pockets of foreign cattle-raisers?

The cattle industry of the United States is an immense one. It is an agricultural interest moreover. Our country should, and can under a proper protective policy, export largely of cattle instead of importing. In fact we are to-day exporters of cattle to many millions of dollars in value annually. In 1890 we exported cattle to the value of $31,261,131; in 1891 to the value of $30,445,249, and in 1892 to the value of $35,099,095, or an aggregate of $96,805,475, as against $37,366,631 during the three years—1887-1889—immediately preceding the passage of the McKinley act.

The dairy interest is mightily involved in this question. In 1890 we had in this country, according to the census, 15,952,883 milch cows of the value of $352,152,133 and 36,849,024 head of oxen and other cattle of the enormous value of $560,625,137, while according to the latest statistical reports, there were in this country on January 1, 1894, 16,482,400 head of milch cows of the value of $359,978,670 and 36,608,168 head of oxen and other cattle of the value of $536,789,747. The State of Oregon alone has 110,398 milch cows or one cow for every three persons in the State, of the value of $2,356,997, while California, Oregon, Nevada, Washington, Idaho, and Arizona have 611,587 milch cows of the value of $15,425,847 and oxen and other cattle 3,476,941 head, of the value of $51,532,510. In the face of these figures, why do we wish to open the doors to the importation of milch cows, oxen, and other cattle from foreign countries?

EGGS.

Eggs were on the free list until the passage of the McKinley act, and what was the result? There were imported into this country from 1884 to 1890 inclusive, a period of seven years, 109,238,757 dozen of eggs of the value of $1,950,616, or an annual average of 15,605,536 dozen. Under the operation of the McKinley law, which imposes a duty of 5 cents per dozen on imported eggs, our importations for the year 1893 fell off to 3,295,842 dozen, or to only a fraction over one-fifth of the annual importations before that act came into force. This Wilson bill puts eggs back on the free list.

FLAX AND HEMP.

The cultivation also of flax and hemp in this country, along with all other agricultural products, gets a black eye from Schedule J of the pending bill. Under existing law this industry receives encouragement to the extent of $5 per ton, equal to 18.68 per cent ad valorem on the straw, $22.40 per ton in hackled or dressed, equal to 10.77 per cent ad valorem; on tow, $11.20 per ton, equal to 7.40 per cent. Tow of hemp, $11.20 per ton, equal to 9.16 per cent. Hemp $25 per ton, or equal to 17.45 per cent. Binding twine manufactured in whole or in part of istle or Tampico fiber, manilla, sisal grass, or sunn, seven-tenths of a cent per pound, or 6.47 per cent ad valorem. The pending bill places all these products on the free list.

FLAX AND HEMP MANUFACTURES.

The flax, hemp, and jute manufacturing industry fall under the ban of the pending bill. Encouragement should be given to this industry in this country, and is given by the McKinley act. That act places 2½ cents per pound on cables and cordage of hemp untarred. As a result we imported during the fiscal year, June 30, 1893, but 31,290 pounds, of the value of but $3,501. Other untarred, composed in whole or in part of istle or Tampico fiber, manilla, sisal grass, or sunn, 1½ cents per pound.

As a result we imported but 145,162 pounds during the fiscal year, of the value of $12,914, while the duty on tarred under the McKinley act is 3 cents per pound and on all other 1½ cents per pound. These specific rates are equal to 22.34 per cent on cables and cordage of hemp untarred and 16.86 per cent, 31.23 per cent, 18.78 per cent, and 15.83 per cent on the other four varieties named, while the pending bill in both Senate and House places an ad valorem duty on all these several varieties of but 10 per cent, or an average of about one-half the existing duty.

The cordage and binder-twine industry of the Pacific coast is a new one there, not in any manner connected, as I understand, with any great combine, and the pending Wilson bill will be virtually its deathblow. As bearing upon this subject, I submit the following communication from the Portland Cordage Company, Portland, Oregon:

[The Portland Cordage Company, manufacturers of cordage and binder twine.]

PORTLAND, OREGON, *January 22, 1894.*

DEAR SIRS: Inclosed you will find, signed by 31 of our employés, and addressed to the United States Senate, a protest against those clauses of the Wilson bill that relate to manila and sisal rope, and binder twine. Please see that this protest is put in the way of doing all the good possible towards accomplishing the object prayed for.

It is of vital importance to us, and indirectly to this whole community, that the tariff on rope and twine be not reduced from its present schedule.

Free trade in these articles, or an approach to it, will put us in direct competition with the rope manufacturers in Hongkong, where labor is but a fractional part of what it is here (being from 10 cents to 25 cents per day). In addition to that, the freight on rops from the East Indies will probably be very low, as a large proportion of our yearly grain fleet comes here in ballast from those climes (from Europe via East Indies with general cargoes for those ports), and they can and probably will accept very low rates from the East Indies to the United States and save the handling of ballast.

We think our strongest competition in cordage will come from China. If so, the labor that we would pay here, under protection, with free trade will be transferred to China.

This west coast will be helpless without a protective tariff, because our volume of trade is so very limited (to say nothing of higher expenses) that our cost of manufacture must necessarily be at the maximum until there is a more plentiful supply of labor and increased consumption by increase of immigration.

Our European competition, under free trade, would come mostly from England and there we must contend against interest, insurance, and labor probably 50 per cent less than the average in the United States, but there is another item that we think is not given due consideration, and that is the marine transportation from the Philippine Islands and Yucatan to the factories and thence to the general markets of the world. England for the past century has fostered her marine until now she has a direct line of sailing vessels to all the good markets of the world. This we, the American people, do not enjoy, and regular and cheap transportation to the world's markets would be the life of any business. As it is we are shut out of a large portion of the world's markets and the proposed tariff's advocates ask us to be content with only a portion of our home market. If we could manufacture as cheaply to-day as the English we would be still shut out on account of transportation.

In years past at this season, we have run our factory at full capacity and manufactured a large stock of binder twine and rope for the following summer's trade, but the uncertainty about the tariff now compels us to move cautiously, so we have made a reduction of 25 per cent in our pay roll schedule, and are only employing thirty-one hands, whereas a year ago we gave work to sixty-five mill hands. If free trade comes we want a small stock on hand at a reduced cost, because it is likely to prove more profitable to close the factory and loan the working capital.

We know that you are interested in the general cause of protection, but beg of you to give a little especial attention towards having the tariff on cordage and twine maintained as at present.

Thanking you and your honorable colleagues in advance, we remain,

Yours respectfully,

THE PORTLAND CORDAGE COMPANY,
By S. M. MEARS, *Treasurer.*

Hon. J. N. DOLPH and Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

The petition of employés referred to in the foregoing letter is as follows:

PORTLAND, OREGON, *January 16, 1894.*

To the United States Senate;

HONORED SIRS: We, the undersigned wage earners, employé in the manufacture of rope and binder twine, at Portland, Oregon, respectfully wish to protest against the proposed reduction of the tariff on manila and sisal rope from 1½ cents per pound to 10 per cent ad valorem, and also against the removal of the entire duty from binder twine.

Capital is independent, and if profits are not satisfactory under the proposed tariff, the first thing that rope manufacturers will do—as many have already done, in anticipation of the change—will be to reduce our wages, which will be but a natural result, as they must meet the competition of foreign cordage manufacturers who pay fully 50 per cent less wages than are paid here, and who use improved machinery, equal to that in use in the factories of this country. We know this, many of us having worked in foreign factories. Reduction to foreign rate of wages means foreign manner of living which will be harder for some of us now than if we had not risen from it under the benefit of protection, and still harder for those who have always worked under the advantage of protected wages.

If profits do not prove satisfactory with reduced wages, capital will then be withdrawn from rope manufacturing to a large extent, and many of us will be forced out of our present employment into other lines of labor already over-supplied.

We know that manufacturers in this country, in competing with those of Europe, have to contend against the very low rate of interest and insurance and low wages that their competitors enjoy, and on this west coast they have a very limited market for their products, which means maximum cost.

We think the conditions demand a protective tariff to equalize these differences and make the rope manufacturing business profitable to our employers as well as to the employés.

Praying for your wise and generous action in preventing the passage of that portion of the Wilson bill referred to, we are, honored sirs,

Yours respectfully.

Mr. DOLPH. That is the petition the Senator from Missouri [Mr. VEST] prevented me from reading in the Senate.

Mr. MITCHELL of Oregon. It is. It goes into the RECORD now as a part of my remarks, and I ask the attention of the Senator from Missouri and the Senate to it.

VEGETABLES, DAIRY PRODUCTS, FRUITS, FISH.

In the whole list of agricultural products not one seems to have escaped the blighting influence of the Wilson bill. The producers of all kinds of vegetable and dairy products are made to suffer. The duty on potatoes is reduced from 25 cents per bushel, equal to 51.96 per cent, to 30 per cent ad valorem; onions from 40 cents per bushel, equal to 51.48 per cent, to 20 per cent ad valorem, a reduction of over three-fifths; beans from 40 cents per bushel, equal to 40.63 per cent, to 20 per cent ad valorem; butter and substitutes therefor from 6 cents per pound, equal to 32.88 per cent, to 20 per cent ad valorem; cheese from 6 cents per pound, equal to 42.96, to 25 per cent; milk, including weight of package, from 3 cents per pound, equal to 33.92 per cent, to 2 cents per pound, equal to 22.62 per cent.

In addition to these large reductions on vegetables and dairy products, fresh milk, with a present duty of 5 cents per gallon; broom corn $8 per ton; cabbages 3 cents each; cider 5 cents per gallon; eggs 5 cents per dozen; pease, green, in bulk or packages, 40 cents per bushel; plants, trees, shrubs, and vines, 20 per cent ad valorem; garden seeds, agricultural and other seeds, 20 per cent ad valorem; straw 30 per cent; bacon and hams, 5 cents per pound, equal to 22.06 per cent ad valorem; meats, dressed or undressed, 10 per cent; lard 2 cents per pound; tallow, 1 cent per pound; grease of wool, known as "degras," one-half of 1 cent per pound; and salt in bags, sacks, barrels, or other packages, 12 cents per 100 pounds, and in bulk 8 cents per 100 pounds, are all transferred to the free list by the pending bill.

The producer of all kinds of fruits, in addition to those to which I have already attracted attention, are dealt severely with by the pending bill.

The duty on apples, green and ripe, is reduced from 25 cents per bushel—equal to 33.93 per cent—to 20 per cent ad valorem. In the bill as it passed the House apples were on the free list. On apples dried, desiccated, evaporated, from 2 cents per pound—equal to 42.41 per cent—to 20 per cent ad valorem. They were on the free list in the House bill. On fruits preserved in their own juices—an immense industry on the Pacific coast—the duty is reduced from 30 per cent ad valorem to 20 per cent. The fishing industry receives a severe shock from this bill.

By its provisions millions of dollars are thrown to the fishermen of Canada. The duty on pickled and canned fish, all varieties, as this bill came from the House, is reduced from one-fourth to one-third all along the line, from the anchovies and sardines to salmon. The duty on salted salmon was by the House bill reduced from 1 cent per pound—and under which 908,113 pounds, of the value of $63,722, were imported last year—to three-fourths of a cent per pound—or equal to 10.69 per cent. The Senate committee, however, have changed this to 15 per cent ad valorem. But the duty on salmon in cans or packages made of tin is reduced from 30 per cent ad valorem to 25 per cent. But when we come to fresh fish, salmon and every other variety, every barrier is thrown down, every port is thrown open, all are placed on the free list.

Under existing law there is a specific duty of one-fourth of a cent per pound on all fresh herring and three-fourths of a cent per pound on all fresh salmon, and on all other varieties a like duty. But with this restriction we imported last year 1,238,605 pounds of fresh salmon, of the value of $116,124; 383,619 pounds of fresh herring, of the value of $4,937, and 9,999,522 pounds of all other varieties of fresh fish, of the value of $408,717.81. But I have not the time nor has the Senate to hear me, to point out all the enormities of the pending bill, and hence I will rely on the well-known maxim "*Ab uno disce omnes.*

Why should we interfere with the producers of dairy products in this country when the statistics disclose the important fact that we exported during the eight months ending February 28, of the fiscal year 1893, dairy products to the value of $7,255,781; or with seeds when during the same period we exported seeds to the value of $3,222,344; or vegetables when we exported during the same period vegetables to the value of $1,484,475; or hops when we exported during the same period hops to the value of $2,123,061; or wood and manufactures of wood when during the same period we were exporters to the value of $16,385,510? Legislation of this character against our products, our own interests, the interests of the wage-workers as well as capitalists is simply inexcusable, not to say unpardonable, if not indeed criminal, from any possible point of view.

A careful inspection of the pending bill discloses the remarkable fact that out of $50,000,000 of duties which this bill puts upon the free list, thirty-five million are taken from the duties on agricultural products. Yet our Democratic friends and the present Administration are professedly the friends of the farmer!

LUMBER.

The lumber interest of this country is another important industry attacked by the pending bill. Under the McKinley act

wood and the manufactures of wood were given protection to the following extent:

Timber:		
Used for spars and in building wharves	cubic foot	10 per cent.
Hewn and sawed	cubic foot	Do.
Squared or sided, not specially provided for	cubic foot	½ cent per cu. ft.
Lumber:		
Boards, planks, deals, and other sawed lumber—		
Of hemlock, white wood, sycamore, white pine, and bass wood—		
Not planed or finished	M feet	$1 per M feet.
All sawed lumber, not specially provided for—		
Not planed or finished	M feet	$2 per M feet.
Paving posts, railroad ties, and telephone and telegraph poles of cedar	No.	20 per cent.
Sawed boards, planks, deals, and all forms of sawed cedar, lignum vitæ, lancewood, ebony, box, granadilla, mahogony, rosewood, satinwood, and all other cabinet woods not further manufactured than sawed	M feet	15 per cent.
Unmanufactured, not specially provided for		20 per cent.
Veneers of wood		Do.
Clapboards—		
Pine	M	$1 per M.
Spruce	M	$1.50 per M.
Hubs for wheels, posts, last, wagon, oar, gun, and heading blocks, and all like blocks or sticks, rough hewn or sawed only		20 per cent.
Laths	M	15 cents per M.
Pickets and palings	M	10 per cent.
Shingles—		
White pine	M	20 cents per M.
All other	M	30 cents per M.
Staves of all kinds		10 per cent.

The pending bill removes every one of these duties and places each and all of the foregoing items of wood and the manufactures of wood on the free list.

This is another legislative tribute to our Canadian neighbors on the north. This is legislation in direct opposition to one of the great industries of this country—a deadly blow at American capital, American lumbermen, and the large number of laborers who earn their daily bread as wage-workers in this business.

It is not perhaps generally known that the lumber trade of the United States represents a larger investment of money and gives employment to a greater number of persons than any other single industry in the United States, while on the Pacific coast the ratio of both investment and employés, as stated by one of the petitions from that section presented to the Senate and now before the Committee on Finance, as applied to the volume of business, is far beyond that of other sections.

"No other industry not its outgrowth," says this petition, "except coal (which is likewise menaced by the proposed tariff changes), exists in the new Northwest in all that area west of the Cascade Mountains; it increases the taxable wealth, gives employment to hundreds of thousands in mills, in woods, and on land and sea; its commerce and the trade stimulated to supply the mechanical wants of its plants and the physical requirements of the myriads depending upon it for a livelihood, has made populous, magnificent cities on the shores of Puget Sound, and it is incredible that its destruction can be considered, when such destruction will be the inevitable result of the abrogation of the existing tariff as to that industry."

More than $50,000,000 are invested in the lumber industry on the Pacific coast alone. The output last year in the States of Washington, Oregon, and California from over 1,200 sawmills and shingle mills in those States was 2,300,000,000 feet of lumber, and 2,200,000,000 shingles, aggregating in value over $27,000,000. This industry alone gives employment in these three States to over 27,000 persons, to whom are paid annually wages amounting to $18,000,000; and yet the pending bill proposes to open wide the door to the lumbermen of British Columbia and invite them to bring their products into competition with those of the American lumbermen on that coast.

British Columbia has a greater lumber area than that of the Pacific coast. During the year 1893 the States of Oregon and Washington sold to the people of the State of California over 325,000,000 feet of lumber and 11,000,000 shingles. The employés in the lumber industry of British Columbia are principally Chinese and Kanakas, and lumber and shingles in that territory are produced at greatly reduced rates compared with the cost of production in the United States.

The different policies of the United States and Canada in their treatment respectively of the public lands and the public timber is another matter resulting largely in favor of the Canadian lumber producer.

Lumbermen in the United States are not permitted to go on the public lands, while in Canada they are rented out at a mere nominal figure per acre, with the right to cut timber and manufacture lumber. No large amount of capital therefore is required there as in the United States for investment in stumpage.

FREE LUMBER DOES NOT CHEAPEN IT TO THE CONSUMER—THE RETAILER REAPS THE BENEFIT.

Nor is it true that this competition in lumber from British Columbia in the West, or from Eastern Canada in the East, will result in any material benefit to the consumer. The consumer realizes no benefit in the reduction of the price of lumber. Whatever benefit comes from such reduction inures to the retail dealer, and not to the consumer. The wholesale price of lumber on the Pacific coast has been the past year or two remarkably low. The manufacturers of lumber have scarcely been able to keep their mills going by reason of the small profits, and yet lumber to the consumer is as high as ever, clearly showing that it is the men engaged in the business of retail dealers and not the consumers who realize the benefit of low prices. As bearing upon this subject, I desire to insert in my remarks the following letter from Mr. Francis Rotch, a prominent manufacturer of lumber at Bucoda, in the State of Washington:

FROM FRANCIS ROTCH, OF BUCODA.

BUCODA, WASH., *December 8, 1893.*

Editor West Coast Lumberman:

Replying to your inquiry as to my views on the Wilson tariff bill, I would say that it would take all the columns of your valuable journal, were I to give vent to the anger and indignation with which this most iniquitous measure inspires me. For three years the lumber manufacturers of this coast have been struggling with low prices, overproduction, and contracted markets, forcing many to the wall, and just so much reducing the taxable wealth of this and other States. But the last straw is this bill which seeks to further curtail our markets, opens California to the cheap lumber of British America, produced from cheap stumpage by cheap labor, and carried by cheap foreign vessels.

Our cargo mills, with this territory divided, are forced to look to the Eastern States, thereby coming into competition with the interior mills which have no other outlet. This Eastern trade is further flooded by the Lake Superior and the Georgian Bay white pine carried across the lakes, and taking the place of just so much American product. And who gets the benefit of this fatherly measure? Is it the consumer, the farmer whom the politicians love? Not much. It is the retail dealer who even during the fall in prices which the wholesaler and manufacturer have been forced to make to move an overstock, has not dropped one cent from the figure which he sold at three years ago, when living prices for lumber were obtained. Any traveling man who comes in direct contact with the retailer will bear me out in this statement. It is incomprehensible how any Democrat worthy of the name of man, a reasoning and ostensibly sensible animal, can be carried away by party claptrap or specious reasoning in the face of such cold facts. In a nutshell, the chief industry of many States will be crippled for the benefit of a few retailers.

Yours truly,

FRANCIS ROTCH.

As further bearing upon this subject, I submit the following letter from Mr. R. C. Crosby, a large dealer in lumber and shingles, Portland, Oregon:

To the honorable the House of Representatives, Washington, D. C.:

The undersigned, your petitioners, being engaged in one or more branches of the manufacture and sale of lumber in the State of Oregon, would respectfully represent to your honorable body the grave apprehension cherished by all persons engaged in such trade and manufacture in view of the reported intention of the majority of your honorable body to place lumber on the free list. Your petitioners would respectfully represent that the lumber trade of the United States represents a larger investment and affords labor to a greater number of employés than any other single industry, while on the Pacific coast the ratio of both investment and employés as applied to volume of business is far beyond that of other sections in the Pacific Northwest.

Your petitioners would further represent that they are brought into close competition with the lumbermen of British Columbia, and they respectfully invite the attention of your honorable body to the great disadvantage under which such competition would place them, in the event of the removal of the present duty on the different products of lumber. The lumber mills and plants of various kinds in British Columbia employ chiefly Chinese labor, and, as is well known, Americans on the Pacific coast will not and can not work for wages which are perfectly satisfactory to the Chinamen.

Your petitioners would further invite the attention of your honorable body to the policy of the Dominion of Canada in subsidizing railroads and steamship lines, and in affording to industrial enterprises concessions in the way of land, etc., and especially to their policy of renting to mills timber lands at a nominal sum per acre per annum, thus relieving the Canadian purchaser of lumber of the necessity of investing large sums of money in stumpage, and relieving him also from the necessity of sharing in the burdens of taxation in proportion to the amount of money so invested in stumpage.

If any further argument could be presented to your honorable body on this subject it would arise out of the present depression in business. At any time the unrestrained competition of Oregon lumbermen with those of British Columbia would be viewed with the gravest apprehension: but in the present depression of business, a depression peculiarly felt in this part of the United States, such a course on the part of your honorable body must necessarily reduce lumber firms and houses to the verge of bankruptcy.

Wherefore your petitioners most respectfully pray that a bill now pending in your honorable body, and known as the Wilson bill, may be amended as to its lumber schedule, and that adequate protection may be given to the lumber interests of the Pacific Northwest.

Respectfully submitted.

R. C. CROSBY.

THE COAL INDUSTRY.

Free coal as proposed by this bill as it passed the House, and a reduction of duty from 75 cents to 40 cents a ton as proposed by a majority of the Senate Committee on Finance, which is no protection, means joy and gladness and prosperity to the coal producers, the mine owners, the coal heavers, and others dependent on the coal industry of Nova Scotia, British Columbia, Australia, and other foreign countries, but brings no word of comfort to any American in any manner connected with that industry. And while it does not mean reduced rates to the consumer, except, perhaps, at seaboard points, and then only for such brief period as such a policy will be necessary to crush out the home

industry, it means a reduction of wages to our home miners, a reduction of profit to the home mine owner, a withdrawal of capital already invested in that industry, and a menace to capital generally in connection with this important home industry.

Nova Scotia coal, we are told through reliable statistics, can be delivered on board vessels on the coast of that country at the low figure of $1.11 per ton. According to the consular reports the average cost of transporting coal from Nova Scotia to Boston and other New England ports for the past five years has been $1.90 per ton. But it is said, and truly said, these rates were abnormally large, owing to the small amount of coal imported under the existing tariff rates. But it is a fact that the Dominion Coal Company (limited), of Canada, of which Henry M. Whitney is president, with its remarkably increased shipping facilities, can transport coal from Louisburg, Nova Scotia, to Boston and other New England ports for considerably less than $1 per ton.

The recent report of Mr. J. S. McLellan, treasurer of that company, of date February 15, 1894, shows the remarkable fact that on an output of 834,019 tons of coal, costing $958,336.73, there was a gross profit to the company of $231,162.71, and an additional profit on steamship, barges and railways in connection with their mines of $103,267.95, or a total of $334,430.66; and from which a deduction for expenses, profit and loss, etc., of $87,721.22 is claimed, leaving net profits of $246,709.44, less $90,000, applied to interest on bonds of the company, to distribute as dividends on preferred stock, $120,000, to apply to sinking fund $14,731.96, and to credit of profit and loss $21,977.48; this all within a period of ten months, as the company was only organized February 16, 1893, while this report was up to date December 31, 1893.

Similar conditions exist in British Columbia which under free coal or reduced duty as proposed in the pending bill menaces the rapidly developing extensive coal fields of Washington and Oregon. Coal can be placed on shipboard in Nainimo and Bellingham Bay very much cheaper than from the coal fields of Washington and Oregon. In 1880 there were produced in the Pacific States and Territories—Oregon, Washington, and Utah—but 422,170 tons, whereas the output in 1892 was 1,512,748 tons, or nearly a quadruple increase in a period of twelve years. The one county of King, in the State of Washington, the county in which the city of Seattle is located, produced last year over 470,000 tons.

Of the 44 States composing this Union, 30 of them and 3 Territories—Utah, Indian, and New Mexico—are coal producing territory. Of these 19 are Northern States and 11 Southern States, counting Maryland as a Southern State. These 30 States and 3 Territories produced in 1892 160,188,474 tons of coal, 46,908,452 tons of which were anthracite and 113,280,022 bituminous. And of this amount the 11 Southern States produced 27,154,438 tons, while the 19 Northern States produced 133,034,036 tons and the 3 Territories—Utah, New Mexico, and Indian Territory—1,975,859 tons. From this it will be seen that a little less than 17 per cent of our coal production came from the South, while a fraction over 83 per cent is produced in the North.

The total production of coal in Great Britain in 1892 was some 4,000,000 tons less than were produced in the United States. The total production in Great Britain was 186,130,909 tons, of which 150,949,279 tons were mined in England and Wales, 26,074,949 tons in Scotland, and 105,681 tons in Ireland.

In the light of the great development of the coal industry in his own State of West Virginia under the operation of a protective tariff of 75 cents per ton, how can the distinguished author of the pending bill, or his colleagues on this floor, favor a reduction of duty to 40 cents a ton, which will unquestionably result in bringing into direct competition with that industry the cheaply mined coals of Nova Scotia and other foreign countries. Do he and they forget that under the existing tariff the production of coal in that State has increased from 3,360,000 tons in 1884 to 9,738,755 tons in 1892? Do they fail to remember that the number of persons to whom this industry gave employment in that State was increased from 4,497 in 1880 to 14,867 in 1892, and that the amount of wages paid these employés was increased from $1,298,316 in 1889 to $3,537,107 in 1892, and that the $5,750,674 capital invested in that industry in West Virginia in 1880 was increased in the short period of nine years, in 1889, to $10,508,50?

Can Maryland's representatives on this floor vote to reduce within a fraction of one-half the existing duties on coal, thus closing their eyes and their ears to the history of that magnificent development and expansion of that great industry in the State they represent? Can they forget that the production of coal in Maryland was increased from 2,899,572 tons in 1890 to 3,419,962 two years later, in 1892, or an increase in the output in that short period under existing tariff laws of 520,390 tons, and the investments of capital in which have been increased from $13,165,557 in 1880 to $18,025,367 in 1889, and the amount of wages paid employés from $1,370,079 in 1880 to $1,700,305 in 1889?

Can our friends from the great mineral State of Alabama vote to change an economic policy in reference to a great industry of their State under whose beneficent influence the output of coal in that State has been increased in six years from 1,800,000 tons in 1886 to the enormous tonnage of 5,529,312 in 1892; an industry which in 1880 gave employment to but 1,513 persons, but which in 1892, twelve years later, employed 10,075 persons; an industry in which in 1880 there were invested in that State capital to the amount only of $772,858, but which nine years later, in 1889, had invested therein the enormous sum of $12,535,194?

We imported into this country in 1892, 1,143,304 tons of bituminous coal and shale, on all of which a duty of 75 cents a ton was paid. Surrounded, then, as we are by prolific foreign coal fields, operated by Chinamen and other like cheap labor, in Australia, British Columbia, and Nova Scotia, what amount will not be imported with a reduction of one-half in the duty on foreign coal? And these excessive importations mean, especially on the Pacific coast, the closing of our mines, thousands of miners thrown out of employment, and a little later on an increase in the price of coal to the consumer, under a monopoly held by the coal producers of British Columbia.

LEAD.

The Wilson bill as it passed the House of Representatives was the final blow in the destruction of the silver-mining interests of this country, in so far as that destruction was not already complete by legislation heretofore had in that direction, by reducing the duty on lead contained in silver ore from 1½ cents per pound, the rate under existing law, equal to 75.36 per cent, to 15 per cent ad valorem, or a reduction to one-fifth of the present rate, and by reducing the duty on lead contained in other ore and dross from 1½ cents per pound, the existing duty, equal to 28.20 per cent, to 15 per cent ad valorem, a reduction of nearly half, and by reducing the duty on pigs and bars, molten and old refuse lead run into blocks and bars, and scrap lead from 2 cents per pound, the rate under existing law, equal to 49.13 per cent. to 1 cent, per pound, equal to 24.56 per cent, just one-half. A slight improvement on these rates, it is true, has been made by the Senate committee, changing the duty on lead contained in silver ore from 15 per cent ad valorem, as fixed by the House, to three-fourths of 1 cent per pound, equal to 37.68 per cent This is the only change.

We imported during the fiscal year ending June 30, 1893, notwithstanding the existing duty of 1½ cents per pound, lead in silver ore to the amount of 59,809,044 pounds of the value of $1,190,462.21, and lead contained in other ore and dross 3,327 pounds of the value of $177, and of pigs and bars, molten and old refuse lead run into blocks and bars, and old scrap lead, fit only to be manufactured, 3,975,521 pounds of the value of $161,833. With these large importations coming into competition with the lead produced in this country, notwithstanding the existing duties, what may we not expect in the way of importations under the largely reduced duties provided for in the pending bill?

I shall not detain the Senate in discussing at length this question of protection to lead in all its bearings. This will be done more intelligently, I doubt not, when the schedule is reached, by our colleagues from Idaho, Montana, and other silver and lead producing States. It has already been fully and ably discussed in the House of Representatives by the able Representative from the State of Idaho [Mr. SWEET], and to his speech on that subject delivered in the House of Representatives January 27, 1894, I take great pleasure in attracting especial attention.

HEAR WHAT CERTAIN LEADING INFLUENTIAL DEMOCRATIC JOURNALS HAVE TO SAY RESPECTING THE WILSON TARIFF MEASURE.

The Cincinnati Enquirer (Democratic) of February 1, says:

The Democratic platform [of 1892] is not notice that the benefits of protection, which has entwined itself through our whole business fabric, must be suddenly eliminated, but the Wilson bill is, except in those abnormal and unaccountable sections in which it out-McKinleys McKinley in McKinleyism.

I suppose this has reference to rice and sugar.

Mr. GRAY. That is the precedent of McKinleyism in it.

Mr. MITCHELL of Oregon. The article continues:

The Democratic platform does not mean to give the ultra free traders full sweep for their eccentricities, but the Wilson bill does. The Democratic platform does not countenance a deficiency in the revenues, but the Wilson bill does.

The Wilson bill standing alone is an un-Democratic attack on the industry and prosperity of the country, and a most pernicious measure in the matter of revenue.

I will state to the Senator from Delaware that that is what one of the leading Democratic papers of the country says about the pending bill.

With the income tax attached it will be much worse.

Worse and more of it, you see.

It will be a measure to carry elections with for the Republican candidates.

Halt, Democrats. As we began, so we close. Do not wreck the Democratic party.

Mr. FRYE. That is bad advice. The best thing that could be done would be to wreck that party.

Mr. HOAR. From what paper is the Senator from Oregon reading?

Mr. MITCHELL of Oregon. The Cincinnati Enquirer, a leading Democratic paper of this country, and it quotes the New York Sun, also Democratic, as saying:

The Wilson bill is a measure in which there is no vestige of Democratic principle. From top to bottom it betrays the Democracy and makes it despicable in the eyes of the people. So far as the treachery of a single branch of Congress and of a Democratic Administration can bring the Democratic party into disgrace, that result will be accomplished if that atrocious bill is passed on Thursday.

The New York Sun article was written before the bill passed the House of Representatives.

In contrast with the free trade tariff for revenue speech of the distinguished chairman of the Committee on Finance in opening this debate, I beg pardon for inserting the following quotation from a speech reported to have been made by that distinguished Senator at the opening of the industrial fair in Atlanta, Ga., October 5, 1881:

SENATOR VOORHEES ONCE A PROTECTIONIST.

The Industrial World, of Chicago, republishes the following extracts from an address delivered by Hon. D. W. VOORHEES, now chairman of the Senate Committee on Finance, at the opening of the industrial fair at Atlanta, Ga., on October 5, 1881. Mr. VOORHEES said:

"Freedom of trade has a seductive sound, but, if it be not reciprocal, and of equal advantage among nations, it is attractive only in sound, and nothing more. The policy of a wise government is necessarily one of self-interest, and it has a trust to perform in the care of its own people before carrying out benevolence to others.

"The policy of a free and unrestricted exchange and sale of commodities between commercial countries has, for the last fifty years especially, been the theme of eulogy on the part of British writers and statesmen, but it can not be forgotten that this policy was never advanced on the part of Great Britain until, by hundreds of years of not merely protective but prohibitory legislation, she had so fostered and built up her home industries, and, at the same time, so cheapened the wages of labor, that competition on the part of other nations was no longer feared. The student of history has but a short distance to go in the past in order to find English laws demanding the barbarous penalties of death and mutilation against the importation and exportation of certain agricultural productions. Such absolute exclusiveness in trade as the comparatively recent history of England presents can hardly be found in any other country outside of China."

The objections to the pending bill are summarized and pointedly presented in the following communication to the Congress of the United States by the officers of the American Protective Tariff League of the United States, of date January 26, 1894:

NEW YORK, *January 26, 1894.*

To the Congress of the United States:

The American Protective Tariff League, representing millions of your fellow-citizens interested in the protection of American labor and American industries, profoundly impressed with the wide-reaching disaster which must come upon the American people should the Wilson bill become a law, enters earnest protest against its passage. Already the threat of its passage has paralyzed industries, deprived hundreds of thousands of work, and caused millions to suffer.

We protest against this bill—

1. Because it will reduce wages and can not correspondingly reduce the cost of what wages must buy;

2. Because it will give employment to foreigners, and to that extent lessen the work of our own people;

3. Because it violently strikes at our protective system, which during thirty years has raised us to a higher average of civilization than the people of any nation upon earth;

4. Because it is folly to suppose we can buy from foreign countries and still give our own people more employment and better wages; and,

5. Because it is time enough to capture the markets of the world when we are assured of our own.

The passage of this bill—

Will increase and make more permanent the evils which have already befallen us;

Will deprive American labor of the means wherewith to maintain the high standard of living; and

Will rob the American producer of so much of the American market as it gives to the foreigner.

These facts are emphasized by smokeless chimneys, fireless forges, silent wheels, and dumb spindles; while starvation and cold, sickness and death, and the uncertainty and hopelessness of a once happy people give the stamp of conviction to our appeal.

Respectfully submitted,

CORNELIUS N. BLISS,
President.
LE GRAND B. CANNON,
First Vice-President.
CHESTER GRISWOLD,
Treasurer.
T. M. IVES,
Chairman Executive Committee.
WILBUR F. WAKEMAN,
General Secretary.

As indicating how the representatives of the farmers of this country regard the Wilson bill in its relation to the farming interests of the United States, I beg to submit the following communication addressed to the Congress by the National Grange of the Patrons of Husbandry, of date January 30, 1894:

WASHINGTON, D. C., *January 30, 1894.*

To the Senators and Representatives assembled in the Congress of the United States:

GENTLEMEN: We, the undersigned, have been appointed a committee of the National Grange of the Patrons of Husbandry to urge before your honorable body such legislation as is deemed by our order essential to the prosperity of the agricultural interests of our country, and in attempting to discharge this duty we find it necessary to emphatically object to some of the changes proposed in the agricultural schedule by the so-called Wilson tariff bill, and in so doing we have nothing to say for or against protection as a policy of the Government, but as a revenue measure, every American citizen is interested.

We deem it the true policy of the National Government to collect its revenues, as much as possible, from duties on imports, as being a system of taxation more equitable and less burdensome when justly distributed than direct taxation upon the industries and property of our people, thus leaving this class of subjects to the States for taxation for the collection of their revenues, as they can not levy an import tax under the Constitution of the General Government.

Another reason why foreign trade should pay import duties is that our Government must maintain wharves and warehouses for the accommodation of their trade, and this trade should justly pay for this privilege out of which it is proposed to gain a livelihood.

The members of our order, of course, differ in their views upon the details of equitable tariff legislation. It is not the duty of the order to interfere with the free exercise of the rights of our members as citizens.

When the people at the ballot box decide any issue raised by the political parties on general principles our order cheerfully accepts the situation, and only insists that the policy thus indorsed shall be fairly carried into effect without any discrimination against the farmer, or any class or interest in our country.

When the people decided for the protective policy at the polls we asked Congress that in the proposed tariff revision agriculture should receive the same consideration as did other interests. Our demands were respectfully and fully considered, and with one exception all that we asked was incorporated in the tariff laws of our country, and the farmers were largely incidentally protected in the American markets, and as a result realized better prices for hay, barley, vegetables, potatoes, beans, live stock, poultry, eggs, tobacco, fruits, and many other products, which were not oppressive to those engaged in other vocations.

In the change of the political situation of our country our farmers had reason to believe that in the revision of the tariff, placing it on a new basis, that it would be so adjusted that duties would be imposed largely on luxuries and such products as might be imported that would directly come in competition with American agricultural productions and American manufactures, which were essential to give employment to American labor and capital. In fact, this was guaranteed in the Chicago platform of the present party.

The legislative committee of the National Grange, at the special session of Congress advised the Committee of Ways and Means of the importance of taking care of the agricultural interests in drafting a revised tariff bill.

Had the committee reported a bill in strict conformity with the decision of the people at the polls we should have nothing to say against it, but because the proposed legislation is very unjust, in so far as it pertains to the farmers, and unfairly discriminates against the interests of agriculture by virtually abandoning the New England, New York, and coast trade to Canada and other foreign countries, by reason of proximity and cheap water transportation, which in effect bring the producers in foreign countries closer to these markets than our American farmers in the interior, who must transport by the more costly methods of rail.

The great bulk of agricultural products imported into the United States from Canada and countries beyond the sea are consumed in our seaboard cities and great manufacturing centers of the East, which should be preserved as a market for the products of the farmers of the United States.

Your petitioners respectfully maintain that the difference in the cost of agricultural productions in the United States and in foreign countries should be regarded as a just measure of the duties which may be laid upon the products of foreign agriculture for the protection of American farmers.

The cost of agricultural productions, including the transportation in the United States, exceeds the cost of such productions in Canada, including transportation, by 44 per cent, owing to the price of labor. This is at least 10 per cent in excess of the duties now imposed by law upon the products of foreign agriculture, and the cost of agricultural productions in countries beyond the sea is even less than in Canada, owing to the same cause.

The Wilson tariff bill, as it now stands, is unjust as between the manufacturers and the farmer, who is a producer of wool, flax, and other fibrous productions that enter into the manufacture of cloth. If the manufacturer should have free wool, then the farmer should have free cloth.

We ask only for justice, that you treat the farmer as others are treated.

The placing of agricultural implements on the free list in compensation for the reduction of the duty on agricultural products is ridiculed by every intelligent farmer, as no agricultural implements are imported of any consequence, being much inferior to those manufactured in the United States, which are sold to the farmer for a less price and on easier terms than in any country in the world.

In view of the foregoing facts we earnestly ask all true friends of the farmer to insist upon a fair revision of the tariff, and that in any legislation upon the subject that the present agricultural schedule be maintained, or otherwise defeat the proposed legislation.

We also desire to impress upon your minds the fact that we do not consider the present financial system of our country as satisfactory, and believe it is the cause of much of the financial embarrassment. Our members generally favor an increase in the volume of the currency to meet the business requirements and revive the industries of our country and give employment to labor.

The majority of our farmers are bimetallists. They may differ somewhat as to the details, but earnestly desire to maintain both silver and gold as money, with an issue of United States Treasury notes, if necessary, to bring the volume of the currency up to at least $40 per capita. They favor such financial legislation and such an adjustment of the tariff as will secure our American markets for American labor and American capital, which will again start our country on a prosperous career.

We therefore respectfully petition your honorable body to favorably consider the great agricultural interests of our country, upon which the prosperity of all other industries depends, and so legislate that the foregoing suggestions, which we have felt it our duty to present, may be enacted into law, believing that it will be the means of bringing contentment and happiness to thousands of rural homes and prosperity to our whole country.

Respectfully submitted.

A VOICE FROM IDAHO.

As reflecting the views of a former member of this body, now governor of the State of Idaho, long a citizen of the State of Oregon, thoroughly familiar with all the varied industries, not only of Idaho, but of the Pacific coast, I beg to incorporate in my remarks the following communication addressed to the Speaker of the House of Representatives by Governor W. J. McConnell, of Idaho:

EXECUTIVE OFFICE, *Boise City, Idaho, January 20, 1894*

Mr. SPEAKER and Members of the House of Representatives, Washington, D. C.:

GENTLEMEN: The State of Idaho, vast in resources and possibilities, having already felt the damaging influence of legislation unfriendly to silver, now contemplates with alarm the efforts of the majority in Congress to pass what is known as the "Wilson bill." Although the representatives of the great manufacturing districts of the East and South viewed with complacency the destruction of the silver-mining interest of the West, apparently

unmoved by the suffering of the wives and children of the thousands of miners thrown out of employment, untouched by silent tunnels, noiseless mills, and deserted cabins, yet the people of the State of Idaho in this hour of present and impending disaster, are moved with profound sorrow by the daily recitals of the sufferings of the unemployed in the manufacturing cities east of the Mississippi River.

Leaving the responsibility of removing the distress of these unfortunate people to those whose methods imposed their present condition upon them, I desire to direct your attention to the industries of the young State of Idaho, and briefly recite to you the probable results, to them, of the proposed tariff legislation. Our principal products—ranking in importance in the order named—are gold, silver, lead, wool, wheat, fruit, flaxseed, horses, and cattle. Our first product, gold, will no doubt be increased in output, for with diminished wages many placers can be worked that under the former scale of wages remained untouched.

Regarding our second resource, silver, Congress has already destroyed that industry, giving in its place a promise of the immediate restoration of prosperity, which has, however, only been verified by the establishment of "soup houses," and additional work for our sheriffs and their deputies. The Wilson bill, if it become a law, will close all our lead mines until the necessities of the miners compel them to accept wages the same or less than the peons of Mexico are now paid. Before Congress adopts legislation calculated to degrade America's workingmen to that level, wisdom would seem to dictate that the members should pause and reflect as to the consequences liable to ensue.

Our fourth industry, wool, can not be successfully maintained in competition with the Australian product. The manager of the New South Wales exhibit at the Columbian Exhibition boldly displayed a sign, as follows: "We can raise wool for 6 cents per pound." Beneath which was the pertinent inquiry: "What can you raise it for?" The management of the Exposition caused this sign to be removed, stating that it was politics, and that no politics could be allowed on the grounds. Idaho can not meet this kind of competition and maintain the dignity of the American laborer.

Our fifth industry, wheatgrowing, is so depressed that the farmers who are engaged in it are on the verge of bankruptcy; whether the claim that the price of wheat has been influenced by the price of silver be admitted by any considerable number of people or not, the fact remains that, aided and abetted by those high in place in this Government, English agents have been able to purchase silver in this country to be used in buying wheat in India at prices which mean ruin to the silver miners, and destruction to the farmers who have been obliged to sell in competition with wheat thus purchased; it is your duty to determine the relief to be afforded. Our sixth industry, fruit growing, although yet in its infancy, has assumed such proportions and attained such a degree of success as to challenge the admiration of all who take an interest in this important factor in the economy of the farm.

At the recent horticultural exhibit at the World's Fair, Idaho carried off first prizes for the best exhibit of two of the most important products of the orchard—apples and prunes. By the passage of the Wilson bill this industry will be crippled, if not destroyed. The culture of flaxseed, which ranks seventh among our industries, can not be continued under the provisions of the Wilson bill. The protective tariff, which has not been less that 25 cents per bushel since the culture of that staple was begun on the Pacific coast, has alone prevented the product of India from driving our farmers out of the market

I need not inform you what wages are paid the coolie farm laborers of India; nor need I emphasize the fact that the saddest of all the sad days which may come to the American people will be that day when the laboring men of America will be obliged to either starve, or work for such a pittance as is doled out by princely mandate to the paupers of the Old World and its dependencies. The results which I predict will be experienced in the State of Idaho will apply as well to all the States of the West; therefore, I appeal to you through that sense of justice which is supposed to dominate the actions of our representative men, and urge that, in levying a tariff for revenue only—if such be your intention—that you will remember the farmers, woolgrowers, stockmen, miners, and lumbermen of the West, as well as the planters in the South, and the manufacturers in the East.

W. J. McCONNELL, *Governor.*

RECIPROCITY TREATIES.

Another feature of the pending bill in direct opposition to American interests and American industries and the wage-workers of the United States is the provision which strikes down that portion of the McKinley act providing for reciprocity treaties with other countries. Under that provision of the McKinley act a number of treaties were negotiated with different foreign countries, the most of them consummated within a year from the passage of the McKinley act. As exhibiting the vast increase of our trade with these several countries in virtue of these several treaties, I may be pardoned for reproducing here the following article from the Boston Commercial Union cited by the distinguished Senator from Massachusetts [Mr. LODGE] in his able speech of yesterday:

It is cheering to know that against this decline in one direction there has been an increase in another. There are certain products of the United States that have been steadily increasing their hold on foreign markets. The exports of 1893 exhibit them as follows:

Articles, etc.	Increases—	
	Over average of preceding five years.	Over 1892.
Agricultural implements	$1,632,912	$960,530
Books	538,257	614,573
Carriages and cars	117,564	1,033,681
Coal	4,659,432	3,528,616
Copper goods	10,289,949	10,992,402
Cotton goods	1,181,523	252,287
Hops	1,787,648	1,719,568
Scientific apparatus, etc	321,891	463,147
Iron and steel wares	4,373,389	2,253,266
Leather manufactures	1,721,123	2,109,833
Paper manufactures	416,615	229,362
Paraffin	1,462,431	393,005
Seeds	3,464,513	2,866,044
Spirits	2,600,107	2,182,646
Tobacco	3,039,091	2,075,495

The increased use of electricity of course accounts for our increased exports of copper ingots, and Canada West is the purchaser that has been absorbing so large an increase of Yankee coal.

Generally speaking, it will be seen that thirty years of protection have transformed us from a country exporting little but the natural products of the soil into a country of vast and varied industries. The home market is, of course, much the more valuable, for, as the Boston Journal so admirably summarized the situation the other day, the United States consumes 20 per cent of all the sugar, 25 per cent of all the cotton, 30 per cent of all the coffee and copper, 33 per cent of all the steel and iron and wool and rubber, 40 per cent of all the coal, and 50 per cent of all the tin produced.

The future of the foreign trade of the United States lies not in shipping cotton to England, but flour to Cuba and cloth to Brazil.

It is an interesting fact that though the number of yards of cotton cloth exported from the United States dropped to 159,417,927 in 1893 from 171,754,048 in 1892, the value of our exports increased from 10,299,220 in 1892 to 10,347,521 in 1893. China's purchases of plain brown cottons fell off one-half, but the West Indies, Brazil, and Central America increased their purchases of colored and high-cost cottons to such an extent that the value of the total exported increased. The quantity of Brazil's purchases increased one-third, the value increased one-half.

The increase in our exports of manufactures of iron and steel is notably large; two-thirds of this represents engines and machinery. Cuba is our largest customer for machinery; Mexico and Brazil are liberal purchasers, as indeed is Great Britain, but whereas, except in hardware, England shows a decreasing disposition to buy, our Latin American neighbors have been increasing their purchases.

Is it not profitable to keep customers and enlarge the group of customers who buy our most expensive products and put a duty on those of European manufacture? The present House of Representatives does not think so. It has voted to abandon these new foreign markets for our manufactured products and to let down the bars of our own markets to the foreign producer.

The future historian of the United States will wonder at the folly of a nation thus ready to surrender not only its possessions, but its prospects.

THE CASH VALUE OF RECIPROCITY.

In the last two editions of the Bulletin we have shown statistically how the European markets for our staples are slipping away from us. The very valuable annual report of the Chief of the Bureau of Statistics makes it possible to show also how American exports have blossomed in the new Latin American countries under the influence of reciprocity treaties.

The year 1892 is given for comparison because that year is the latest available for the French and English statistics. The German statistics are not at hand for a later year than 1891:

United States exports.

To—	1890.	1892.	1893.
Guatemala	$1,396,388	$1,809,577	$1,713,142
Honduras	522,631	478,947	442,907
Nicaragua	1,270,073	1,187,189	812,654
Salvador	886,231	1,274,021	1,118,054
British West Indies	8,074,433	7,995,185	7,912,341
San Domingo	926,651	984,188	1,108,733
Cuba	12,609,509	17,622,411	23,604,094
Puerto Rico	2,247,700	2,808,631	2,502,788
Brazil	11,902,406	14,240,009	12,339,584
British Guiana	2,011,122	1,885,542	1,953,012

The two countries of prime importance are Cuba and Brazil. In Cuba the heavy increase is due to an enormous relative increase in our exports of machinery, boots and shoes, corn, wheat flour, hog products, and lumber.

In Brazil the articles that have jumped furthest are railroad cars, machinery and hardware, bacon and pork, boards and furniture. More recently there has been a growth in the value of cotton cloths.

The reciprocity destroyer carefully covers up these figures and exults over the fact brought out by the above tables, that our exports to certain smaller countries with whom we have reciprocity treaties have apparently declined. Among these are Honduras, British Guiana, Nicaragua, and the British West Indies.

In the case of the British West Indies the imports of Bermuda from the United States are included in the Department's figures for 1890 and excluded in 1892. As the annual imports of Bermuda are $1,500,000, the bulk being food supplies from the United States and Canada, the apparent small decrease in the years selected is more than accounted for.

As to the genuine decreases, let us see how other countries have fared in Latin America. Great Britain's exports to Central America were £987,168 in 1890, and but £829,152 in 1891. France's exports to Central America were 1,836,329 francs in 1890 and 1,127,911 francs in 1892.

Both these countries show a net loss for all Central America. Taking all Central America together, the United States shows a very handsome relative net gain.

Great Britain exported to the British West Indies goods to the value of £2,634,472 in 1890, and but £2,184,349 in 1892. We are really gaining upon England in her own colonies.

Haiti and San Domingo are unfortunately classed together, one being out of and the other in our reciprocity arrangement. England's exports to the two fell during the two years in question from £528,357 to £247,971, France's from 13,474,176 francs to 9,294,461 francs. Our substantial gain in San Domingo almost offsets the loss in Haiti. Our exports to the two have fallen but from $6,028,115 to $5,947,618, a trifling decline when compared with England's. (When three years are considered, American exports show a gain.)

England sold to the Spanish West Indies goods to the value of £1,876,756 in 1890, and but £1,473,171 in 1892. France's exports fell from 11,671,054 to 4,792,378 francs in the same year. As noted above, our exports in the two years increased 40 per cent, and in three years nearly 100 per cent.

England did increase her exports to Brazil from £7,458,628 to £7,910,320 (mostly in jute goods and telegraph wire). France, however, fell from 81,010,705 francs in 1890 to 61,520,091 francs in 1892. The United States gained more rapidly than England.

More than this, President Harrison proclaimed a specially hostile tariff against Colombia, Venezuela, and Haiti. It has been represented that the injury thus supposed to be done our exports has more than counterbalanced the gain secured in the other countries.

Now, our exports to Colombia have risen from $2,522,351 in 1890 to $3,047,620 in 1893; our exports to Venezuela rose from $3,984,230 in 1890 to $4,142,051 in 1893. Our exports to Haiti, as noted above, did decline a little in 1892, but from 1890 to 1893 they rose from $5,101,464 to $5,170,634.

As compared with 1890 we have in 1893 increased our exports to six out of the ten Latin American countries under reciprocity treaties and lost in four. The political uncertainty in Brazil in 1893 and the removal of Bermuda from

the general classification of the West Indies make the apparent loss than the actual gain.

However, as it stands, we have gained net in our exports to these countries $12,527,529 since 1890. We have lost but $577,897, and the countries that are buying less of us have become even more niggardly customers of European countries.

These new Latin American markets have in part at least offset the dwindling European demand for our old-time staples. The great Sclavonic countries with India and Egypt may break down the European demand for our petroleum, our wheat, and our cotton. Here, however, are markets they can not control.

Will President Cleveland civilly hand them also to Great Britain?

SOME OF THE DISASTERS WHICH HAVE AFFLICTED OUR COUNTRY SINCE MR. CLEVELAND'S INAUGURATION, MARCH 4, 1893.

What are some of the things which have happened since the inauguration of the present Administration, March 4, 1893, affecting the general welfare and prosperity of this country, and to what extent may these fearful happenings be justly denominated, not merely as coincidences, but as dreadful consequences of the threatenening policies of the Democratic Administration? Since then, bankruptcy has fastened its cold and icy grip on the owners and operators of more than one-fifth of all the railroad mileage in the United States. Property of this one class representing a capital in stocks and bonds of more than $1,750,000,000 is no longer controlled by owners, but is in the hands of receivers who must in all things proceed according to the order and under the direction of the courts appointing them.

Reliable statistical returns for the month of February of the present year show a loss on 123 roads, operating 95,945 miles of track, amounting to $4,654,203, or 2.54 per cent, and making a total decrease in earnings in the first two months of this year of $9,605,851, as against a gain of $539,310 last year, and as against gains of from three to seven millions in each of the three preceding years.

Since the incoming of the present Administration, according to the bulletin of the American Iron and Steel Association, over one hundred iron and steel manufacturing establishments and iron ore mining properties have gone into the hands of receivers, assignees, or sheriffs, while at least one-fifth of the capital invested in these industries has been absolutely sunk since Mr. Cleveland's election.

In the first ten months of the present Administration there was a shrinkage in the total bank clearings of this country from the total clearings during the last ten months of the year 1892 of the almost incomprehensible sum of $8,259,292,017. But, oh! says one, it was the Sherman silver act that was the cause of this. But in reply to this I beg attention to the important and undeniable historic fact that while the shrinkage in bank clearings for the two months preceding the repeal of the purchasing clause of the Sherman act was $2,634,599,247, the falling off for the two months immediately following such repeal was $3,339,684,035, or greater than the shrinkage of the two months immediately preceding the repeal by $705,084,788. The shrinkage in the month of September, 1893, before the repeal act was passed, was $1,467,649,673, while that of December following the repeal in October was $1,947,505,663.

But this is not all. Neither the repeal of the Sherman act nor the advent of the new year has availed to stem the downward course of financial and business affairs in this country. In the months of January and February of the present year, according to Bradstreet, the shrinkage in business, as indicated by the volume of bank clearings, reached the enormous sum of $1,890,312,536 in January and $1,867,645,918 in February, making the startling aggregate for these two months of $3,757,958,454.

And yet, Mr. President, during the special session, the claim was insistently made by the gold monometallists that all that was necessary to bring prosperity, to increase trade, to cause the flow of money into this country, to stop its export to foreign countries, was to wipe out of existence the purchasing clause of the Sherman act, which they denounced as responsible, in the main, for all these business and financial troubles. While these immense losses, amounting during the first year of Mr. Cleveland's Administration to considerably more than $12,000,000,000, or within a fraction of one-fifth of the total wealth of the country, only properly mark the extent of the loss in trade, it does not include the still infinitely greater losses and of a character, too, which strike a deadly blow at the farmers, the landowners, the producers, and the transportation interests of the country.

In that sad category may be reckoned nearly $325,000,000 decrease in the value of cattle, sheep, horses, swine, and other live stock; also the loss to the farmers of this country in the depression to ruinous rates, in the price of wheat, corn, oats, barley, and other cereals; in the depreciation of the value of real estate, to say nothing of the ruin that has been brought upon our mining industries by the absolute demonetization of silver, the closing of our silver mines, and the annihilation of innumerable other industries and enterprises depending on these for their existence and support.

But the sad catalogue of business disasters which have come to the people of this country since March 4, 1893, is far from complete until included in its sickening list is the statement of the 16,000 business failures which have occurred in that time, involving liabilities to the extent of $346,749,889, to say nothing of the great unfortunate army of unemployed and dependent people, aggregating, according to Bradstreet, 219,200 in New England, 787,000 in New York and New Jersey, 500,700 in the State of Pennsylvania alone, 680,650 in the central Western States, 240,700 in the Northwestern States, 165,715 in the Southern States, and 72,800 on the Pacific coast, footing the stupendous aggregate of unemployed and dependent in our country of 2,758,595, of whom 801,885 are stated to be unemployed, and 1,956,710 dependent. All this, Mr. President, was not so prior to the Presidential election of 1892.

SILVER.

The oft-reiterated assertion made during the past year that the Sherman silver act was the cause of driving gold from this country has been more than overwhelmingly answered from time to time by actual statistics. The report of the Bureau of Statistics for November, 1893, shows that the exports of gold from August, 1890, when the Sherman silver-purchase law went into effect, until the end of that year were but $4,042,221, while the imports of gold during the same period were over three times that amount or $13,731,249, showing a net of imports over exports of $9,689,028.

Now, why was this? All Europe at that time, by the enactment of that law, supposed it was the settled determination of the Government of the United States to adopt a silver policy of its own, regardless of the action of any of the European nations upon that subject. This policy then adopted enabled us to secure gold from Europe, and had it been steadfastly and vigorously maintained our imports of gold, all other things being equal, would have continued to exceed our exports. But whenever it was ascertained by the European nations that they were mistaken in regard to the determination of the United States upon the silver question, and it became plainly evident that the Administration was deferring to European nations upon the subject, Austria at once entered upon the business of demonetizing silver, and thus succeeded in extracting from us in the neighborhood of $100,000,000 in gold.

THE THREAT OF TARIFF REDUCTION HAS PROSTRATED TRADE.

But what has been the effect on the revenues of the Government since the inauguration of the present Administration? Under the operation of the McKinley tariff during the year 1892, the Government was enabled to pay all its expenses and had a surplus for that year of $9,915,453.66, whereas the surplus for the next fiscal year (1893) was considerably less than one-fourth that amount, or $2,341,674 only, while for the present year, instead of a surplus of nearly $10,000,000, as in 1892—the last year of President Harrison's Administration—we have a deficit of from seventy-five to one hundred millions, the present Secretary of the Treasury himself placing it in his last estimate at seventy-eight millions.

Why is this so? We have the same fiscal laws to-day that we had in 1892. This great change, therefore, can not be attributed to the laws, but to some other potent cause which has operated to check importations under those laws. And is this strange? Is it by any means curious or to be wondered at that merchants, large importers in this country, will reduce the amount of their purchases when an Administration having control of all the departments of the Government has proclaimed in favor of free trade and a large reduction in duties? This is one, the principal reason, why importations have fallen off, and why as a consequence the revenues of the Government have fallen off and instead of a surplus we have an immense deficiency staring us in the face

But this is not by any means the sole reason. By this proposed legislation the great industries of this country have been threatened, men have been thrown out of employment, and the ability of the people of this country to make purchases, as formerly, has been seriously impaired. The imports into this country upon which duties are levied by the McKinley act were much less during eleven months of 1893 than during the year 1892.

For the seven months ending January 31, 1894, there was a falling off in our imports of merchandise to the extent of $112,822,621, the value of our imports for this period, ending January 31, 1893, being $484,371,681; while for the latter period but $371,549,060. But it was on the dutiable portion of these imports that the falling off was the more marked, being of the value of $247,658,612 for the seven months ending January 31, 1893, and of but $167,605,321 for the seven months ending January 31, 1894, a falling off in this short period of $80,053,291. But in our exports of domestic merchandise for a like period there was a decrease amounting to $41,264,227, our exports for the seven months

ending January 31, 1893, being $560,295,545; while for a like period, ending the 31st day of January, 1894, they were but $519,031,318.

In this connection it may not be out of place to attract attention to the deplorable fact—a fact which brings, or ought to bring at least, the blush to the face of every American, and the existence of which I shall not now stop to attempt to charge up to either of the great political parties, although much, I think, can be said on that subject to the advantage of the Republican party and the disadvantage of our political adversaries—and that is that of the imports of merchandise into this country during the seven months ending January 31, 1894, which were brought in steam and sailing vessels; but $72,358,179 were brought in American vessels—$42,378,365 in steam vessels and $29,979,814 in sailers—while $393,327,665 were brought in foreign vessels, $374,260,123 worth of which amount were brought in steamers and the balance, $19,067,542, in sailers.

But this is not all, nor by any means the worst; for of our total exports during this same period of seven months ending January 31 last, $22,640,484 in value were carried in cars and other land vehicles, but $40,535,192 in American vessels, $25,738,697 of which amount in steamers and $14,796,495 worth in sailers; while the enormous balance of our exports for this period, amounting to $455,855,642 in value, was carried in foreign vessels, $408,765,619 of which balance was carried in foreign steamers and $47,090,023 in foreign sailers.

OUR NATIONAL FINANCES.

In this connection a comparison of the state of the public debt at the commencement and close of President Harrison's Administration with its present state is interesting and instructive. At the close of President Cleveland's first Administration, or rather at the end of the fiscal year July 1, 1888, the entire public debt was $1,063,004,894. This was reduced during the Administration of Mr. Harrison, or rather between July 1, 1888, and July 1, 1892, $221,438,431, it being but $841,526,463 at the latter date.

By the sale of bonds and the depletion of cash in the Treasury, which is taken into account in ascertaining the amount of the entire public debt, it has been increased since July 1, 1892, and nearly the whole of which has occurred since March 4, 1893, to the enormous extent of $165,791,542. And while the entire interest-bearing debt was, July 1, 1892, but $585,029,330, it is now $625,872,000, or an increase of $40,841,470, which means an increase in the annual payments of interest of over $2,000,000.

THE COUNTRY'S PROGRESS UNDER A PROTECTIVE POLICY.

What more overwhelmingly convincing argument in favor of the protective policy could be desired than the history of the material development and physical progress of this country under that policy, until the dismal shadow of the approaching change of that policy cast its deadly and demoralizing influence over our fair land? Contrast the total wealth of our country at the different periods, 1860, 1870, 1880, and 1890, and it tells a story of material development and human progress unparalleled by that of any other country since the creation of man.

In 1860 our total wealth was $16,159,616,068; in 1870 it was $30,068,518,507, an increase in this decade of 85.7 per cent, notwithstanding the fact that during this period occurred a fearful devastation and destruction of wealth by the civil war. In 1880 it was $43,642,000,000, and in 1890, $65,037,091,197 or an increase in this decade of $21,395,091,197, or an increase of, within a small fraction, 50 per cent.

In 1860, at the close of the existence of the free-trade tariff of 1846, as slightly modified by the act of 1857, our wealth per capita was but $308, while in 1870 it was $780. In 1880 it was $870 and in 1890, $1,039, or an increase per capita in the last decade of $169 to every man, woman, and child in the Republic, although our population during the same decade had increased nearly 25 per cent (24.86) from 50,155,783 in 1880 to 62,622,250 in 1890.

RAILROAD DEVELOPMENT.

In every department of enterprise the development under the protective policy of this country has been the wonder of the age, and in no department has this fact been more clearly emphasized than in railroad development. And in no respect is this more plainly shown than by contrasting this development with the progress made under a free-trade tariff. During the fourteen years of the existence of the much-lauded Walker tariff, or free-trade tariff, from 1846 to 1861, the whole number of miles of railroad constructed in this country was 24,150 miles, or an average increase of but 1,725 miles each year during this period; whereas the number of miles constructed during the fourteen years ensuing the close of the war, that is, from 1866 to 1879 inclusive, was 56,495 miles, or an average of 4,035 miles each year, while for the fourteen years from 1880 to 1893, inclusive, there were built 89,200 miles, or an average of 6,371 miles each year

And as indicating the vastness of this business, attention is attracted to statistics as given in Poor's Railroad Manual, showing that there is invested in this one industry, capital and funded debt (stocks and bonds), the enormous sum of $10,268,169,042, with annual gross earnings of $1,191,857,099, $816,716,759 accruing from freight and $315,140,340 from passengers, with net earnings amounting to $352,817,405, and paying dividends of $81,536,811.

Notwithstanding the fearful depression in prices during the past twenty years, caused mainly, as I believe, by the demonetization of silver in 1873 and hostile silver legislation since that time under the countervailing stimulus of the protective policy, the augmentation in wealth in its every department has been the wonder of the time. This is illustrated in a great variety of ways, but better than all others by a comparison of the census reports for different decades.

It is clearly shown by the census of 1890, in connection not only with the increased number of manufactories and manufactured products, but also in the increase in the number and value of farms and farm products, live stock, etc. In 1880 there were in the United States 4,008,907 farms, of the total value, including buildings, of $10,197,096,776, while according to the census of 1890 there were 4,564,641 farms, of the value of $13,279,252,649, or an increase of 555,734 or 13.86 per cent in the number of farms and an increase of 30.23 per cent in their valuation.

Again, the value of farm implements and machinery on these farms in 1890 was $494,247,467, as against $406,570,055 in 1880, or an increase in this decade of 21.58 per cent. The value of live stock on farms in this country in 1890 (June 1) was $2,208,767,573, as against $1,500,384,707 in 1880, or an increase in this decade of $708,482,866, or 47.21 per cent.

Again, the total value of farm products in 1879 was $2,212,540,927, while in 1890 it was $2,460,107,454, or an increase over that of 1879 of $247,566,627, or 11.19 per cent.

The farmers in this country, moreover, notwithstanding all they had to contend with during the decade from 1880 to 1890, produced 246,972,181 more pounds of butter in 1890 than they did in 1880—the number of pounds produced in 1880 being 777,250,287, as against 1,024,223,468 pounds in 1890, or an increase of 31.78 per cent. These statistics, however, only include the butter produced on farms and do not include that made in butter factories.

Nor has this development been confined to any one section of the country nor to any one product. The total cotton acreage in this country in 1879 was but 14,408,019 acres and the total production in that year but 5,755,359 bales of 453 pounds net, aggregating 2,607,177,627 pounds, whereas the acreage ten years later (in 1889) had increased to 20,175,270 acres, or an increase in the acreage in these ten years of 5,695,251 acres, or 39.33 per cent, while the product in 1889 was 7,472,511 bales of 477 pounds net—the size of the bale having been increased from 453 to 477 pounds—aggregating 3,564,387,747 pounds, or an increase of 957,210,120 pounds, or 36.71 per cent over that of ten years previous.

So also in the production of tobacco. We produced in 1889 15,595,489 pounds more than in 1879. Our total tobacco product in the latter year was 472,661,167 pounds, and in 1889 the product was 488,256,646 pounds. And in this connection I desire to attract attention to the fact, perhaps not generally known, that the far Western States of Oregon and California are beginning to devote considerable attention to the raising of tobacco.

There were in cultivation in the following three States in 1889 acreage as follows: California 27 acres, producing 12,907 pounds; Washington 25 acres, producing 7,040 pounds, and Oregon 12 acres, producing 3,325 pounds.

Again, the total area devoted to the cultivation and production of cereals in the United States in 1889 was greater by 21,585,766 acres, or 18.20 per cent greater than in 1879. In latter year the acreage was 118,631,779 acres, while in 1889 it was 140,217,455 acres. There has also been an increase in the production of cereals in 1889 over that in 1879 of 821,236,675 bushels, the product in the latter year being 2,697,579,229 bushels as against 3,518,816,904 bushels in 1889.

During the decade 1880–1890—according to the census—there was an increase in the number of manufacturing establishments in this country of 102,119; the total number in 1880 being 253,282, as against 355,401 in 1890. This is an increase of over 41 per cent. The capital invested in 1890 reached the enormous figure of $6,124,475,305, and the wages paid $2,282,823,265. The materials used in manufactures amounted to $5,158,865,333, and the value of the production $9,370,107,264.

WAGES

Another significant fact, evidencing the good results of the protective policy on the wage-earners of the United States, is to be found in the fact that in the year 1880, their average earnings were but $347.86 per year, while in 1890, according to the census,

these average earnings had increased to $485.10, or an average increase to the wage-workers of the country annually of $137.24, and this in the face of the other significant fact that the census shows that the number of wage-workers had increased in that decade 65.74 per cent. The increase in wages paid was 131.13 per cent, in cost of materials 47.77 per cent, and in value of products 69.27 per cent.

CONCLUSION.

But what is the real character of the pending bill? In many, indeed in the great majority of its vital schedules, it breathes the spirit of free trade with all its blighting consequences. In these it mercilessly assails capital and labor alike. It strikes a deadly blow at this industry and that, demoralizing labor, reducing wages, destroying confidence, breeding distrust, paralyzing trade, while in other portions of the bill its provisions proceed along the lines of protection at high-water mark. Sugar, a common necessary of life, is taxed, while lemonade, soda water and other similar foreign waters, to tickle the fancy and sate the appetite of those able to indulge in these luxuries, nicely put up in plain, green or colored molded, or pressed-glass bottles, and fashion plates engraved on steel or copper or on wood, colored or plain, and paintings in oil or water colors, in which the four hundred of the cities are more especially interested, are admitted free of duty.

Rice being a product solely of the South, is protected to the extent of 83.89 per cent ad valorem, while the lumber, and the wool, and the coal, and the barley, and the hops, and the prunes, and the apples, and the hay, and the vegetables, and various other products, the great proportion of which are produced in the North, are given little or no protection, and the great majority of them placed on the free list.

The bill as it stands to-day is based on no definite, well-recognized principle or policy of customs taxation. It is neither free trade nor protection, and yet it is both. But one consideration seems to have been uppermost in the minds of its makers, and that is, how shall we frame this bill, wherein shall we make it free trade and wherein protection in its policy, so as to assure us of enough votes to secure its passage? This, Mr. President, is statesmanship of the highest order.

In its general characteristics this bill reminds one of the lines of Wordsworth:

The swan on still St. Marys Lake,
Float double swan and shadow.

The bill is sectional in the extreme in its general make-up, giving protection to the products and industries of one section and denying that protection to another. In a word, the pending bill is a legislative monstrosity, with the head of a man, the arms of a dragon, the tail of a fish and the claws of a bear. It is un-American, un-Democratic, un-Republican. It is a dangerous menace to the prosperity and general welfare of the people of the United States, and hence it is that the voice of patriotism, of Americanism, of Republicanism, and of real Democracy, demands that it be strangled in the legislative womb and never be permitted to be born.

Mr. CHANDLER (at 5 o'clock and 5 minutes p. m.). I move that the Senate do now adjourn.

Mr. HARRIS. I ask the Senator from New Hampshire if he will not withdraw that motion for a moment. I think we ought to have a brief executive session in order that we may at least make some references.

Mr. CHANDLER. I will withdraw the motion for that purpose.

Mr. HARRIS. I understand the Senator from Missouri [Mr. COCKRELL] is very anxious to proceed with the consideration of the urgent deficiency appropriation bill. He will be in the Chamber in a moment, and if he does not appear I desire an executive session of a few minutes at least.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

Mr. HARRIS. Very well.

HAWAIIAN AFFAIRS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith copies of certain dispatches from the United States minister at Honolulu, received by the Secretary of State since my message of March 19, 1894.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, April 13, 1894.*

ORDER OF BUSINESS.

Mr. CHANDLER. Was a motion made to proceed to the consideration of executive business?

Mr. HARRIS. The Senator from Missouri will be in the Chamber in one moment.

Mr. COCKRELL. Mr. President, he is here.

Mr. CHANDLER. I renew my motion to adjourn.

Mr. COCKRELL. I hope the motion will not be agreed to, but that the Senate will proceed to the consideration of the urgent deficiency appropriation bill.

Mr. CHANDLER. I should like to know whether debate is in order on a motion to adjourn.

The VICE-PRESIDENT. The Chair will state to the Senator from New Hampshire that debate is not in order on a motion to adjourn. The question is on the motion of the Senator from New Hampshire, that the Senate do now adjourn. [Putting the question.] The noes have it.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from Texas [Mr. MILLS], whom I do not see in his seat, and I withhold my vote.

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. MORRILL], but I suggest to the Senator from New Hampshire [Mr. GALLINGER] that, if agreeable to him, we transfer our pairs and vote.

Mr. GALLINGER. I think I should prefer to let my pair remain as it is.

Mr. MITCHELL of Oregon (when his name was called). I am paired with the Senator from Wisconsin [Mr. VILAS].

Mr. HOAR (when Mr. PUGH'S name was called). I am paired with the Senator from Alabama [Mr. PUGH], who is absent in consequence of illness.

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE].

The roll call was concluded.

Mr. CHANDLER (after having voted in the negative). I voted nay inadvertently; but I am paired with the junior Senator from New York [Mr. MURPHY], and withdraw my vote.

Mr. DIXON. Has the Senator from Mississippi [Mr. MCLAURIN] voted?

The VICE-PRESIDENT. He has not voted.

Mr. DIXON. I am paired with that Senator, and withhold my vote.

Mr. PERKINS (after having voted in the affirmative). I wish to withdraw my vote, and announce my pair with the junior Senator from North Dakota [Mr. ROACH].

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. WALSH. My colleague [Mr. GORDON] is paired with the Senator from Iowa [Mr. WILSON].

Mr. HARRIS. I suggest to the Senator from Idaho [Mr. SHOUP] that, if agreeable to him, he and I transfer our pairs. I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. SHOUP. Very well.

Mr. HARRIS. The Senator from Vermont [Mr. MORRILL] will then stand paired with the Senator from California [Mr. WHITE], I vote "nay."

Mr. SHOUP. I vote "yea."

Mr. QUAY. Before leaving the Chamber the junior Senator from Iowa [Mr. WILSON] desired me, if there was a call of the yeas and nays, to announce his pair with the Senator from Georgia [Mr. GORDON].

Mr. RANSOM. I will transfer my pair with the Senator from Maine [Mr. HALE] to the Senator from Wisconsin [Mr. VILAS], so that the Senator from Oregon [Mr. MITCHELL] and myself can vote. I vote "nay."

Mr. MITCHELL of Oregon. I vote "yea."

Mr. CAREY (after having voted in the affirmative). I voted inadvertently. I am paired with the Senator from South Carolina [Mr. IRBY], and desire to withdraw my vote.

Mr. DANIEL. I beg leave to state that my colleague [Mr. HUNTON] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. HILL. I am paired with the junior Senator from Massachusetts [Mr. LODGE].

The result was announced—yeas 9, nays 27; as follows:

YEAS—9.

Dolph,	Hawley,	Mitchell, Oregon	Quay,
Dubois,	Manderson,	Proctor,	Shoup.
Frye,			

NAYS—27.

Allen,	Coke,	Kyle,	Peffer,
Bate,	Daniel,	Lindsay,	Ransom,
Berry,	George,	McPherson,	Smith,
Blackburn,	Gibson,	Martin,	Vest,
Blanchard,	Gorman,	Morgan,	Voorhees,
Call,	Gray,	Palmer,	Walsh.
Cockrell,	Harris,	Pasco,	

NOT VOTING—49.

Aldrich,	Gallinger,	McMillan,	Stewart,
Allison,	Gordon,	Mills,	Stockbridge,
Brice,	Hale,	Mitchell, Wis.	Teller,
Butler,	Hansbrough,	Morrill,	Turpie,
Caffery,	Higgins,	Murphy,	Vance,
Camden,	Hill,	Perkins,	Vilas,
Cameron,	Hoar,	Pettigrew,	Washburn,
Carey,	Hunton,	Platt,	White,
Chandler,	Irby,	Power,	Wilson,
Cullom,	Jones, Ark.	Pugh,	Wolcott.
Davis,	Jones, Nev.	Roach,	
Dixon,	Lodge,	Sherman,	
Faulkner,	McLaurin,	Squire,	

So the Senate refused to adjourn.

The VICE-PRESIDENT. No quorum has voted.

Mr. COCKRELL. The motion is lost.

Mr. HILL. I rise for information, to inquire——

The VICE-PRESIDENT. The motion has been lost.

Mr. COCKRELL. However, no quorum has voted. Let the roll be called to ascertain the presence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. HILL. If it is in order, will the Secretary be kind enough to inform us how many pairs were announced just now.

The VICE-PRESIDENT. The stenographer can make that announcement. The Senator from New York asks unanimous consent for that information. Is there objection?

Mr. CHANDLER. I object to any further delay. The Chair has directed the Secretary to call the roll.

Mr. HILL. I do not care for a detailed statement, but I wish to know the number of pairs announced. I do not care to have the names: that is unnecessary.

Mr. CHANDLER. I object to any further delay in the calling of the roll.

Mr. HILL. This is a parliamentary inquiry. A Senator has a right to have that information. I desire to make a point of order upon it.

Mr. COCKRELL. Let the roll be called.

The VICE-PRESIDENT. The Secretary will call the roll, and meanwhile the Chair will get the information for the Senator from New York.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dixon,	Hill,	Pasco,
Bate,	Dolph,	Hoar,	Peffer,
Berry,	Dubois,	Kyle,	Perkins,
Blackburn,	Frye,	Lindsay,	Quay,
Blanchard,	Gallinger,	McPherson,	Ransom,
Butler,	George,	Manderson,	Shoup,
Call,	Gibson,	Martin,	Smith,
Carey,	Gorman,	Mitchell, Oregon	Vest,
Chandler,	Gray,	Mitchell, Wis.	Voorhees,
Cockrell,	Harris,	Morgan,	Walsh.
Coke,	Hawley,	Palmer,	

The VICE-PRESIDENT. Forty-three Senators have answered to their names. A quorum is present. The Chair will state to the Senator from New York that nine pairs were announced on the previous roll call.

Mr. HILL. So if those pairs had been entered upon the Journal——

Mr. CHANDLER. Mr. President, I object. There is no debatable question before the Senate.

Mr. BUTLER. There is a quorum present.

Mr. CHANDLER. There is no debatable question before the Senate.

Mr. HILL. Everything is debatable in the Senate.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of House bill 6556, being the urgent deficiency appropriation bill.

Mr. CHANDLER. I rise to a question of order. The motion now before the Senate is a motion to adjourn.

Mr. COCKRELL. The motion to adjourn was voted down. It did not require a quorum to vote down the motion to adjourn, as the distinguished Senator from New Hampshire only too well knows.

Mr. CHANDLER. I do not know all that the Senator from Missouri knows. I wish I did. I understand that as soon as the presence of a quorum is established, the preceding question on which a quorum did not vote must be taken again.

Mr. COCKRELL. That is not the case on a motion to adjourn.

The VICE-PRESIDENT. The Chair will state that on a motion to adjourn that is not necessary. Does the Chair understand the Senator from New York to rise to a parliamentary inquiry?

Mr. HILL. My parliamentary inquiry is as to whether, as long as the record of this body shows that there were 45 Senators present——

The VICE-PRESIDENT. Forty-three Senators answered to their names.

Mr. HILL. Thirty-six Senators voted before, and there were nine pairs announced by Senators who were present. That makes a quorum actually present, who responded to their names and told the reason, not why they were absent, but why they were present. That constitutes a quorum of this body and entitles it to do business under the well-regulated rules which have prevailed in other bodies and which ought to prevail here. I make the point of order that there was a quorum actually present, which the Vice President has a right to recognize. The President of the Senate may take time upon this question, if it is desired, before it is ruled upon.

Mr. DUBOIS and Mr. QUAY addressed the Chair.

Mr. COCKRELL. I thought I was recognized.

The VICE-PRESIDENT. The Chair had recognized the Senator from Missouri, but the Senator from New York rose to a point of order.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. The Chair will hear the Senator from Idaho on the point of order.

Mr. DUBOIS. I simply desire to correct the Senator from New York as to his statement of fact. For instance, my colleague [Mr. SHOUP] announced his pair, and afterwards that pair was transferred by an arrangement with the Senator from Tennessee [Mr. HARRIS], who also had announced a pair, and both my colleague and the Senator from Tennessee voted. That was done in several instances.

Mr. BUTLER. That was not counted as a pair, then.

Mr. DUBOIS. The point made by the Senator from New York is based on the supposition that all those who announced pairs were present and were not voting. As a matter of fact, the pairs were transferred and almost all those who were present and paired did vote. Upon the statement of fact I submit that the point of order at this time is not well taken.

Mr. HOAR. I desire to make one suggestion, if the Senator will pardon me. I do not understand this to be a practical question, or that the Senator from New York desires to raise it now. As I understood him, he only rose to pay a tribute to the great wisdom and sagacity of the late Speaker of the House of Representatives [Mr. REED]; that is all.

Mr. QUAY. Mr. President, on this point——

Mr. BUTLER. I call attention to the fact that our friends on the other side——

The VICE-PRESIDENT. The Chair has recognized the Senator from Pennsylvania [Mr. QUAY] on the question of order raised by the Senator from New York.

Mr. COCKRELL. I thought I was recognized, but I see I was mistaken.

Mr. BUTLER. The Senator from Pennsylvania will yield to me to complete my sentence?

Mr. QUAY. Certainly.

Mr. BUTLER. The point of order made by the Senator from New York calls attention to the additional fact that our friends on the other side are filibustering very industriously and actively against the passage of the tariff bill. That fact is disclosed.

Mr. GALLINGER. We will take the responsibility of it.

Mr. QUAY. I believe I have the floor now. I merely rose to inquire of the Senator from New York if he desired to suggest the adoption of the Reed rule in the Senate. It seems to me that is the purport of his suggestion.

Mr. HILL. I do not recognize the fact that Mr. REED has any monopoly upon a simple and plain rule like this. It can be adopted by any body, and it can be recognized as existing under the ordinary principles of parliamentary law.

Mr. CHANDLER. Does not the Senator from New York claim the prior right of discovery?

Mr. HILL. I decline to answer that question.

Mr. GALLINGER. I desire to say a single word on the point of order. As I remember the matter, a vote was taken to adjourn. The declaration was made that there was not a quorum present. The Vice-President recognized that fact and directed a call of the Senate, which developed a quorum. The Chair then decided that further business was in order. I submit that the point of order raised by the Senator from New York comes too late, and that before it can be considered it must be raised again at some time when the want of a quorum is developed, as was the case on the motion to adjourn.

Mr. HAWLEY. Mr. President——

The VICE-PRESIDENT. The Chair has not yet ruled on the question. He will hear the Senator from Connecticut on the point of order.

Mr. HAWLEY. I understand the Senator from New York claims there was a quorum here at the time the vote was taken to adjourn. I suppose, then, his point is that we really adjourned five minutes ago. If so, where are we now?

Mr. HARRIS. But the vote was against an adjournment.

Mr. HILL. An adjournment is not had until it is declared from the Chair.

Mr. BLACKBURN. The Senator from Connecticut did not listen to the announcement of the result. In answer to the question of the Senator from Pennsylvania, I take occasion to call attention to the fact that there is a very broad difference between the condition suggested by the Senator from New York, namely, that though a quorum may not have voted upon a motion where a quorum was not required, the announcement of pairs showed that more than a quorum was present, and the employment and application of arbitrary rules that may have been employed without precedent or authority in other deliberative bodies.

Mr. MORGAN. I wish to inquire what is the point of order?

Mr. FRYE. There is no point of order.

The VICE-PRESIDENT. The last roll call discloses the presence of a quorum.

Mr. MORGAN. There is no point of order before the Senate.

The VICE-PRESIDENT. The last roll call discloses that a quorum is present, and the Chair recognizes the Senator from Missouri.

EXECUTIVE SESSION.

Mr. COCKRELL. I have been trying to get the floor for a long while to make a motion. It is evident we can not do any legislative business this evening, and rather than do nothing, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, April 14, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 13, 1894.

UNITED STATES ATTORNEY.

William L. Marbury, of Maryland, to be attorney of the United States for the district of Maryland, vice John T. Ensor, whose term will expire May 21, 1894.

UNITED STATES MARSHAL.

John E. Lynch, of Missouri, to be marshal of the United States for the eastern district of Missouri, vice Frank Buchanan, whose term expired April 11, 1894.

ASSISTANT TREASURER.

Ormond Hammond, of Maryland, to be assistant treasurer of the United States at Baltimore, Md., to succeed George L. Wellington, whose term of office will expire by limitation July 8, 1894.

COLLECTOR OF INTERNAL REVENUE.

William H. Harries, of Minnesota, to be collector of internal revenue for the district of Minnesota, to succeed Marcus Johnson, resigned.

COLLECTORS OF CUSTOMS.

Frank T. Shaw, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland, to succeed William M. Marine, whose term of office has expired by limitation.

William H. Manogue, of the District of Columbia, to be collector of customs for the district of Georgetown, in the District of Columbia, to succeed Sherman A. Johnson, removed.

NAVAL OFFICER OF CUSTOMS.

Barnes Compton, of Maryland, to be naval officer of customs in the district of Baltimore, in the State of Maryland, to succeed Milton G. Urner, whose term of office has expired by limitation.

SURVEYORS OF CUSTOMS.

M. A. Frawley, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa, to succeed Charles Willner, whose term of office will expire by limitation July 10, 1894.

C. Ridgely Goodwin, of Maryland, to be surveyor of customs in the district of Baltimore, in the State of Maryland, to succeed William D. Burchinal, whose term of office has expired by limitation.

SUPERVISING INSPECTORS OF STEAM VESSELS.

E. P. Chancellor, of West Virginia, to be supervising inspector of steam vessels for the Seventh district, to succeed John Fehrenbatch, resigned.

James O'Neal, of Illinois, to be supervising inspector of steam vessels for the Fourth district, to succeed Frank Burnett, resigned.

James N. Thompson, of Arkansas, to be supervising inspector of steam vessels for the Sixth district, to succeed John Ingle, resigned.

RECEIVER OF PUBLIC MONEYS.

Aloysius Lynch, of Leadville, Colo., to be receiver of public moneys at Leadville, Colo., vice Willis L. Thompson, to be removed.

Albert M. Avery, of Havana, Ala., to be receiver of public moneys at Huntsville, Ala., vice Charles Hendley, term expired.

REGISTER OF LAND OFFICE.

James F. Moore, of Princeville, Oregon, to be register of the land office at The Dalles, Oregon, vice John W. Lewis, term expired.

PROMOTIONS IN THE NAVY.

Commodore Francis M. Ramsay, to be rear-admiral in the Navy from the 11th of April, 1894, vice Rear-Admiral A. E. K. Benham, retired.

Capt. Thomas O. Selfridge, to be commodore in the Navy from the 11th of April, 1894, vice Commodore Francis M. Ramsay, promoted.

Commander Philip H. Cooper, to be captain in the Navy from the 11th of April, 1894, vice Capt. T. O. Selfridge, promoted.

POSTMASTERS.

Edward Finn, to be postmaster at West Winsted, in the county of Litchfield and State of Connecticut, in the place of George B. Cook, whose commission expired March 7, 1894.

William E. Burch, to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia, in the place of Benjamin F. Parsons, whose commission expired April 11, 1894.

Matthew J. McEniry, to be postmaster at Moline, in the county of Rock Island and State of Illinois, in the place of John M. Holt, whose commission expired March 29, 1894.

H. H. Campbell, to be postmaster at Pratt, in the county of Pratt and State of Kansas, in the place of Robert Anderson, whose commission expired January 9, 1894.

A. H. Jacob, to be postmaster at Larned, in the county of Pawnee and State of Kansas, in the place of George A. Sells, whose commission expires April 19, 1894.

Henry C. Maxwell, to be postmaster at Harper, in the county of Harper and State of Kansas, in the place of Amzi G. Patterson, whose commission expired March 29, 1894.

John H. Meyer, to be postmaster at Hiawatha, in the county of Brown and State of Kansas, in the place of John P. McKnight, whose commission expired April 3, 1894.

Charles H. Osbun, to be postmaster at Fort Scott, in the county of Bourbon and State of Kansas, in the place of Homer W. Pond, whose commission expired December 21, 1893.

S. Davies Warfield, to be postmaster at Baltimore, in the county of Baltimore and State of Maryland, in the place of William W. Johnson, whose commission expired January 16, 1894.

Gardner W. Pearson, to be postmaster at Lowell, in the county of Middlesex and State of Massachusetts, in the place of Willis P. Burbank, whose commission expired February 4, 1894.

Alvah Raymond, to be postmaster at South Weymouth, in county of Norfolk and State of Massachusetts, in the place of Adoniram E. Vining, whose commission expired January 16, 1894.

Joseph C. Smylie, to be postmaster at Wesson, in the county of Copiah and State of Mississippi, in the place of E. H. Thompson, whose commission expired February 21, 1894.

Homer Reed, to be postmaster at Kansas City, in the county of Jackson and State of Missouri, in the place of Francis B. Norsinger, whose commission expired December 21, 1893.

Cyrus N. Van Pelt, to be postmaster at Tarkio, in the county of Atchison and State of Missouri, in the place of Jacob J. Hoffman, whose commission expired January 8, 1894.

J. N. Hamm, to be postmaster at Ponca, in the county of Dixon and State of Nebraska, in the place of James H. Logan, whose commission expired January 16, 1894.

Albert S. Story, to be postmaster at Pawnee City, in the county of Pawnee and State of Nebraska, in the place of Augustus E. Hassler, whose commission expired December 19, 1893.

Gilman B. Hoyt, to be postmaster at Exeter, in the county of Rockingham and State of New Hampshire, in the place of George W. Weston, whose commission expired February 14, 1894.

Edgar J. Knowlton, to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire, in the place of Samuel S. Piper, whose commission expires April 19, 1894.

James Ryan, jr., to be postmaster at Dover, in the county of Strafford and State of New Hampshire, in the place of Fred H. Foss, whose commission expired April 11, 1894.

Gilman C. Shattuck, to be postmaster at Nashua, in the county of Hillsboro and State of New Hampshire, in the place of R. R. Hooper, whose commission expired January 28, 1894.

Albert G. Ahlefeld, to be postmaster at Kenton, in the county of Hardin and State of Ohio, in the place of Adam M. Rice, whose commission expired February 11, 1894.

T. W. Taubman, to be postmaster at Plankinton, in the county of Aurora and State of South Dakota, in the place of William L. Anderson, whose commission expired January 16, 1894.

E. H. Ulrick, to be postmaster at Watertown, in the county of Codington and State of South Dakota, in the place of William H. Donaldson, whose commission expired December 20, 1893.

Joseph Stowasser, to be postmaster at Necedah, in the county of Juneau and State of Wisconsin, in the place of John T. Kingston, whose commission expires April 19, 1894.

Frank W. Cutsinger, to be postmaster at Edinburg, in the county of Johnson and State of Indiana, in the place of William H. Breeding, whose commission expired March 24, 1894.

Andrew Hennemann, to be postmaster at St. Cloud, in the county of Stearns and State of Minnesota, in the place of Josiah E. West, whose commission expired February 25, 1894.

John E. Yates, to be postmaster at Gallatin, in the county of Daviess and State of Missouri, in the place of Jehiel T. Day, whose commission expires May 1, 1894.

Mulford M. Scudder, to be postmaster at Westfield, in the county of Union and State of New Jersey, in the place of Luther M. Whitaker, whose commission expired February 6, 1894.

WITHDRAWALS.

Executive nominations withdrawn from the Senate April 12, 1894.

CONSUL.

Albert Fowler, whose nomination was delivered to the Senate February 26, 1894, to be consul of the United States at Stratford, Ontario.

RECEIVER OF PUBLIC MONEYS.

Jeremiah P. Looney, whose nomination was sent to the Senate March 21, 1894, to be receiver of public moneys.

CONFIRMATIONS.

Executive nomination confirmed by the Senate April 13, 1894.

Homer Reed, to be postmaster at Kansas City, in the county of Jackson and State of Missouri.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 13, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. If there be no objection the Journal as read will be approved.

Mr. BOUTELLE. I object.

Mr. DOCKERY. I move the approval of the Journal, and on that I demand the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BOUTELLE. Division.

The House divided; and there were—ayes 88, noes 1.

Mr. BOUTELLE. No quorum, Mr. Speaker.

Mr. DOCKERY. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 1, not voting 197; as follows:

YEAS—155.

Abbott,	Cannon, Cal.	Dinsmore,	Hudson,
Alexander,	Capehart,	Dockery,	Hunter,
Allen,	Caruth,	Dunn,	Hutcheson,
Arnold,	Catchings,	Dunphy,	Izlar,
Bailey,	Causey,	Edmunds,	Jones,
Baker, Kans.	Clark, Mo.	English, Cal.	Kem,
Baldwin,	Clarke, Ala.	Enloe,	Kilgore,
Bartlett,	Cobb, Ala.	Epes,	Kyle,
Barwig,	Cobb, Mo.	Erdman,	Lane,
Bell, Colo.	Cockrell,	Fithian,	Latimer,
Bell, Tex.	Coffeen,	Forman,	Lawson,
Berry,	Conn,	Geary,	Layton,
Black, Ga.	Cooper, Fla.	Gorman,	Lester,
Black, Ill.	Cooper, Ind.	Gresham,	Livingston,
Bland,	Cooper, Tex.	Haines,	Lynch,
Boen,	Cox,	Hare,	Maddox,
Branch,	Crain,	Harter,	Mallory,
Breckinridge, Ark.	Crawford,	Hatch,	Martin, Ind.
Broderick,	Cummings,	Hayes,	McAleer,
Bryan,	Davis,	Heard,	McCreary, Ky.
Bunn,	De Armond,	Henderson, N. C.	McCulloch,
Bynum,	DeForest,	Holman,	McDannold,
Cabaniss,	Denson,	Hooker, Miss.	McDearmond,
McEttrick,	Paynter,	Ryan,	Taylor, Ind.
McKaig,	Pearson,	Sayers,	Tracey,
McLaurin,	Pence,	Sibley,	Tucker,
McMillin,	Pendleton, Tex.	Sickles,	Turner, Ga.
McNagny,	Pendleton, W. Va.	Sperry,	Turner, Va.
McRae,	Pigott,	Springer,	Turpin.
Meredith,	Price,	Stallings,	Warner,
Meyer,	Rayner,	Stockdale,	Washington,
Montgomery,	Reilly,	Stone, Ky.	Weadock,
Moses,	Richards, Ohio	Strait,	Weiss,
Mutchler,	Richardson, Mich.	Straus,	Wheeler, Ala.
Neill,	Richardson, Tenn.	Swanson,	Williams, Ill.
Outhwaite,	Ritchie,	Talbert, S. C.	Williams, Miss.
Page,	Robbins,	Talbott, Md.	Wise,
Paschal,	Robertson, La.	Tarsney,	Wolverton.
Patterson,	Russell, Ga.	Tate,	

NAYS—1.

Cogswell.

NOT VOTING—197.

Adams, Ky.	Davey,	Houk,	Ray,
Adams, Pa.	Dingley,	Hulick,	Reed,
Aitken,	Dolliver,	Hull,	Reyburn,
Alderson,	Donovan,	Ikirt,	Robinson, Pa.
Aldrich,	Doolittle,	Johnson, Ind.	Rusk,
Apsley,	Draper,	Johnson, N. Dak.	Russell, Conn.
Avery,	Durborow,	Johnson, Ohio	Schermerhorn,
Babcock,	Ellis, Ky.	Kiefer,	Scranton,
Baker, N. H.	Ellis, Oregon	Kribbs,	Settle,
Bankhead,	English, N. J.	Lacey,	Shaw,
Barnes,	Everett,	Lapham,	Shell,
Bartholdt,	Fielder,	Lefever,	Sherman,
Belden,	Fletcher,	Linton,	Simpson,
Beltzhoover,	Funk,	Lisle,	Sipe,
Bingham,	Funston,	Lockwood,	Smith,
Blair,	Fyan,	Loud,	Snodgrass,
Boatner,	Gardner,	Loudenslager,	Somers,
Boutelle,	Gear,	Lucas,	Stephenson,
Bower, N. C.	Geissenhainer,	Magner,	Stevens,
Bowers, Cal.	Gillet, N. Y.	Maguire,	Stone, C. W.
Brattan,	Gillett, Mass.	Mahon,	Stone, W. A.
Breckinridge, Ky.	Goldzier,	Marsh,	Storer,
Bretz,	Goodnight,	Marshall,	Strong,
Brickner,	Grady,	Marvin, N. Y.	Sweet,
Brookshire,	Graham,	McCall,	Tawney,
Brosius,	Griffin,	McCleary, Minn.	Taylor, Tenn.
Brown,	Grosvenor,	McDowell,	Terry,
Bundy,	Grout,	McGann,	Thomas,
Burnes,	Grow,	McKeighan,	Tyler,
Burrows,	Hager,	Meiklejohn,	Updegraff,
Cadmus,	Hainer,	Mercer,	Van Voorhis, N. Y.
Caldwell,	Hall, Minn.	Milliken,	Van Voorhis, Ohio
Caminetti,	Hall, Mo.	Money,	Wadsworth,
Campbell,	Hammond,	Moon,	Walker,
Cannon, Ill.	Harmer,	Morgan,	Wanger,
Chickering,	Harris,	Morse,	Waugh,
Childs,	Hartman,	Murray,	Wever,
Clancy,	Haugen,	Newlands,	Wheeler, Ill.
Cockran,	Heiner,	Northway,	White,
Compton,	Henderson, Ill.	Oates,	Whiting,
Coombs,	Henderson, Iowa	O'Neil, Mass.	Wilson, Ohio
Cooper, Wis.	Hendrix,	O'Neill, Mo.	Wilson, Wash.
Cornish,	Hepburn,	Payne,	Wilson, W. Va.
Cousins,	Hermann,	Perkins,	Woodard,
Covert,	Hicks,	Phillips,	Woomer,
Culberson,	Hines,	Pickler,	Wright, Mass.
Curtis, Kans.	Hitt,	Post,	Wright, Pa.
Curtis, N. Y.	Hooker, N. Y.	Powers,	
Dalzell,	Hopkins, Ill.	Quigg,	
Daniels,	Hopkins, Pa.	Randall,	

No quorum voting.

Mr. COBB of Alabama. I am paired, but voted to make a quorum.

The following pairs were announced:

Until further notice:

Mr. BROWN with Mr. MORSE.

Mr. COVERT with Mr. BARTHOLDT.

Mr. CAMPBELL with Mr. BELDEN.

Mr. BRETZ with Mr. RUSSELL of Connecticut.

Mr. BELTZHOOVER with Mr. TAYLOR of Tennessee.

Mr. SCHERMERHORN with Mr. JOHNSON of Indiana.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. BLACK of Illinois with Mr. ALDRICH.

Mr. OATES with Mr. POWERS.

Mr. BARNES with Mr. MCCLEARY of Minnesota.

Mr. ELLIS of Kentucky with Mr. COOPER of Wisconsin.

Mr. IKIRT with Mr. TAWNEY.

Mr. MONEY with Mr. DRAPER.

Mr. COBB of Alabama with Mr. MCCALL.

Mr. SNODGRASS with Mr. HOUK.

Mr. KRIBBS with Mr. BROSIUS.

Mr. MCKEIGHAN with Mr. RANDALL.

Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.

Mr. BOATNER with Mr. WILLIAM A. STONE.

Mr. CADMUS with Mr. MERCER.

Mr. BRICKNER with Mr. ADAMS of Kentucky.

Mr. DURBOROW with Mr. HOPKINS of Illinois.

Mr. ALDERSON with Mr. WHEELER of Illinois.

Mr. GOODNIGHT with Mr. CANNON of Illinois.

Mr. ENGLISH of New Jersey with Mr. VAN VOORHIS of Ohio.

Mr. BANKHEAD with Mr. SWEET.

Mr. WILSON of West Virginia with Mr. DALZELL.

For this day:

Mr. MAGNER with Mr. WADSWORTH.

Mr. DAVEY with Mr. STRONG.

Mr. TERRY with Mr. SCRANTON.

Mr. SOMERS with Mr. HOOKER of New York.

Mr. CULBERSON with Mr. BINGHAM.

Mr. BALDWIN. Mr. Speaker, my colleague, Mr. HALL of Minnesota, is absent on very important business, and I ask that he be excused for two days.

There was no objection, and it was so ordered.

Mr. BAILEY. Mr. Speaker, my colleague, Mr. CULBERSON, is detained at home by sickness in his family, and I ask that he be excused for the day.

There was no objection, and it was so ordered.

The SPEAKER. The gentleman from Illinois, Mr. FUNK, asks to be excused for the rest of the day, on account of sickness. The gentleman from California, Mr. CAMINETTI, asks leave of absence, indefinitely, on account of sickness.

The gentleman from New Jersey, Mr. CORNISH, asks leave of absence until Tuesday, on account of sickness. If there be no objection, these several leaves will be granted.

There was no objection, and it was so ordered.

Mr. DOCKERY. Mr. Speaker, I am just in receipt of a telegram from the gentleman from Illinois, Mr. HOPKINS, who is detained from the House on account of illness. I ask that he be excused for one week.

There was no objection, and it was so ordered.

Mr. BURROWS. Mr. Speaker, I ask that my colleague, Mr. GRIFFIN, be excused for the balance of the week, on account of sickness.

There was no objection, and it was so ordered.

Mr. BRECKINRIDGE of Arkansas. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. HOPKINS, but have voted to make a quorum, which right was reserved.

The SPEAKER. The gentleman from Missouri, Mr. BARTHOLDT, asks to be excused on account of sickness. Without objection that leave will be granted.

There was no objection, and it was so ordered.

The SPEAKER. On this question the yeas are 155; the nays 1. No quorum has voted.

Mr. DOCKERY. Mr. Speaker, I move a call of the House; and I hope that motion will be voted down.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BLAND. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 16, nays 140, not voting 197; as follows:

YEAS—16.

Baker, Kans.	Davis,	Hudson,	Pence,
Barwig,	Dunn,	Kem,	Robertson, La.
Bell, Colo.	Harter,	Outhwaite,	Turner, Va.
Boen,	Hooker, Miss.	Paynter,	Wolverton.

NAYS—140.

Abbott,	Crawford,	Lawson,	Richards, Ohio
Alexander,	De Armond,	Layton,	Richardson, Mich.
Allen,	De Forest,	Lester,	Richardson, Tenn.
Arnold,	Denson,	Livingston,	Ritchie,
Bailey,	Dinsmore,	Lynch,	Robbins,
Baldwin,	Dockery,	Maddox,	Russell, Ga.
Bartlett,	Donovan,	Mallory,	Ryan,
Bell, Tex.	Dunphy,	Martin, Ind.	Sayers,
Black, Ga.	Edmunds,	McAleer,	Sperry,
Bland,	English, Cal.	McCreary, Ky.	Springer,
Branch,	Enloe,	McCulloch,	Stallings,
Breckinridge, Ark.	Epes,	McDannold,	Stockdale,
Brookshire,	Erdman,	McDearmon,	Stone, Ky.
Bryan,	Fithian,	McEttrick,	Strait,
Bunn,	Forman,	McKaig,	Straus,
Bynum,	Geary,	McLaurin,	Swanson,
Cabaniss,	Gorman,	McMinn,	Talbert, S. C.
Cannon, Cal.	Grady,	McNagny,	Talbott, Md.
Capehart,	Gresham,	McRae,	Tarsney,
Caruth,	Haines,	Meredith,	Tate,
Catchings,	Hare,	Meyer,	Taylor, Ind.
Causey,	Hatch,	Montgomery,	Tracey,
Clark, Mo.	Hayes,	Moses,	Tucker,
Clarke, Ala.	Heard,	Mutchler,	Turner, Ga.
Cobb, Ala.	Henderson, N. C.	Neill,	Turpin,
Cobb, Mo.	Holman,	Page,	Warner,
Cockrell,	Hunter,	Paschal,	Washington,
Coffeen,	Hutcheson,	Patterson,	Weadock,
Cogswell,	Ikirt,	Pearson,	Wells,
Conn,	Izlar,	Pendleton, Tex.	Wheeler, Ala.
Cooper, Fla.	Jones,	Pendleton, W. Va.	Whiting,
Cooper, Ind.	Kilgore,	Pigott,	Williams, Ill.
Cooper, Tex.	Kyle,	Price,	Williams, Miss.
Cox,	Lane,	Rayner,	Wise,
Crain,	Latimer,	Reilly,	Woodard.

NOT VOTING—197.

Adams, Ky.	Apsley,	Barnes,	Bingham,
Adams, Pa.	Avery,	Barthoidt,	Black, Ill.
Aitken,	Babcock,	Belden,	Blair,
Alderson,	Baker, N. H.	Beltzhoover,	Boatner,
Aldrich,	Bankhead,	Berry,	Boutelle,
Bower, N. C.	Funk,	Lapham,	Russell, Conn,
Bowers, Cal.	Funston,	Lefever,	Schermerhorn,
Brattan,	Fyan,	Linton,	Scranton,
Breckinridge, Ky.	Gardner,	Lisle,	Settle,
Breiz,	Gear,	Lockwood,	Shaw,
Brickner,	Geissenhainer,	Loud,	Shell,
Broderick,	Gillet, N. Y.	Loudenslager,	Sherman,
Brosius,	Gillett, Mass.	Lucas,	Sibley,
Brown,	Goldzier,	Magner,	Sickles,
Bundy,	Goodnight,	Maguire,	Simpson,
Burnes,	Graham,	Mahon,	Sipe,
Burrows,	Griffin,	Marsh,	Smith,
Cadmus,	Grosvenor,	Marshall,	Snodgrass,
Caldwell,	Grout,	Marvin, N. Y.	Somers,
Caminetti,	Grow,	McCall,	Stephenson,
Campbell,	Hager,	McCleary, Minn.	Stevens,
Cannon, Ill.	Hainer,	McDowell,	Stone, C. W.
Chickering,	Hall, Minn.	McGann,	Stone, W. A.
Childs,	Hall, Mo.	McKeighan,	Storer,
Clancy,	Hammond,	Melkiejohn,	Strong,
Cockran,	Harmer,	Mercer,	Sweet,
Compton,	Harris,	Milliken,	Tawney,
Coombs,	Hartman,	Money,	Taylor, Tenn.
Cooper, Wis.	Haugen,	Moon,	Terry,
Cornish,	Heiner,	Morgan,	Thomas,
Cousins,	Henderson, Ill.	Morse,	Tyler,
Covert,	Henderson, Iowa	Murray,	Updegraff,
Culberson,	Hendrix,	Newlands,	Van Voorhis, N. Y.
Cummings,	Hepburn,	Northway,	Van Voorhis, Ohio
Curtis, Kans.	Hermann,	Oates,	Wadsworth,
Curtis, N. Y.	Hicks,	O'Neil, Mass.	Walker,
Dalzell,	Hines,	O'Neill, Mo.	Wanger,
Daniels,	Hitt,	Payne,	Waugh,
Davey,	Hooker, N. Y.	Perkins,	Wever,
Dingley,	Hopkins, Ill.	Phillips,	Wheeler, Ill.
Dolliver,	Hopkins, Pa.	Pickler,	White,
Doolittle,	Houk,	Post,	Wilson, Ohio
Draper,	Hulick,	Powers,	Wilson, Wash.
Durborow,	Hull,	Quigg,	Wilson, W. Va.
Ellis, Ky.	Johnson, Ind.	Randall,	Woomer,
Ellis, Oregon	Johnson, N. Dak.	Ray,	Wright, Mass.
English, N. J.	Johnson, Ohio	Reed,	Wright, Pa.
Everett,	Kiefer,	Reyburn,	
Fielder,	Kribbs,	Robinson, Pa.	
Fletcher,	Lacey,	Rusk,	

So a call of the House was refused.

The following additional pair was announced:

Mr. FYAN with Mr. TAWNEY, until further notice.

The result of the vote was then announced as above recorded.

Mr. DOCKERY. Mr. Speaker, I move that the House do now adjourn.

The question was taken on the motion to adjourn, and the Speaker declared that the noes seemed to have it.

Mr. DOCKERY. I ask for a division.

The House divided; and there were—ayes 130, noes 13.

So the motion was agreed to; and the House accordingly (at 1 o'clock p. m.) adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. APSLEY, from the Committee on Invalid Pensions: A bill (H. R. 811) to pension Harriet Woodbury, Windsor, Vt. (Report No. 697.)

By Mr. LACEY, from the same committee: A bill (H. R. 3693) granting a pension to Lucinda B. Hull, widow of James E. Darrow. (Report No. 698.)

By Mr. McDANNOLD, from the same committee: A bill (H. R. 6050) to pension Margaret A. Woods, widow of William W. Woods, late of Company E, Sixteenth Illinois Volunteer Infantry. (Report No. 699.)

By Mr. McETTRICK, from the same committee, with amendment: A bill (S. 307) granting a pension to Earnest C. Emerson. (Report No. 700.)

By Mr. GEISSENHAINER, from the Committee on Naval Affairs: A joint resolution (H. Res. 155) for the proper enrollment of Thomas R. Proctor in the Navy. (Report No. 702.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. ERDMAN, from the Committee on Invalid Pensions, adversely: A bill (H. R. 308) granting a pension to Mary A. Wise; which, with the accompanying report (No. 701), was ordered to be printed and laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6483) granting a pension to Daniel Boyles; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. MEIKLEJOHN: A bill (H. R. 6657) to prohibit the sale of intoxicants to Indians—to the Committee on the Alcoholic Liquor Traffic.

By Mr. BARWIG: A bill (H. R. 6658) providing for leave of absence for officers and employees in the customs service of the Government—to the Committee on Expenditures in the Treasury Department.

By Mr. FLYNN: A bill (H. R. 6660) to enable the Secretary of the Interior to allot lands in severalty to the Quapaw Indians in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. WEADOCK: A bill (H. R. 6659) to increase the pension of Capt. Isaac D. Toll—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLACK of Illinois: Petition of members of the Lutheran Church of Effingham, Ill., against the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Ira O. Baker and 36 others, of Illinois, protesting against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. BUNN: Petition of citizens of Wake Forest, N. C., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post Office and Post-Roads.

By Mr. MOON: Protest of A. Moussa, pastor, and 11 members of St. Paul's congregation of the Evangelical Lutheran Church of Manistee, Mich., against any change in the Constitution of the United States by inserting a so-called Christian clause—to the Committee on the Judiciary.

Also, protest of H. Lempke, pastor, and the 5 members of the vestry board of Trinity congregation of the Evangelical Lutheran Church of Manistee, Mich., against any change in the Constitution of the United States by inserting a so-called Christian clause—to the Committee on the Judiciary.

By Mr. MORGAN: Application of Andrew Denton for removal of charge of desertion—to the Committee on Military Affairs.

Also, request for increase of pension of Royal M. Hilber, of Moundville, Mo.—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of C. H. Davis and others, for a law providing that all manufactures of butter and cheese be subject to the laws of police regulations of any State into which they may be imported—to the Committee on Agriculture.

By Mr. MEIKLEJOHN: Petition from Wakefield, Nebr., for the suppression of the lottery traffic—to the Committee on the Post-Office and Post-Roads.

By Mr. McNAGNY: Protest of St. John's Church, of Kendallville, Ind., and of Zion s Evangelical Lutheran Church, of Fort Wayne, Ind., against the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. DOLLIVER: Papers to accompany bill for the relief of Albert Munson—to the Committee on Invalid Pensions.

By Mr. EVERETT: Petition of A. H. Bodin and others, and resolution of Arthur P. Leary and others, and resolutions of Frank Paine and others, of Boston, Mass., in favor of memorial of Lyman Abbott—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Memorial of the wool buyers and wool dealers of Ohio and Pennsylvania, protesting against free wool—to the Committee on Ways and Means.

By Mr. RAYNER: Petition of citizens of Baltimore, Md., asking the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Michigan: Resolution of Liberty, Stephens, and Valley City Assemblies, Knights of Labor, Grand Rapids, Mich., opposing the issue of United States bonds and favoring free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. WEADOCK: Petition of Schweickle Bros. and others against increased tax on cigars—to the Committee on Ways and Means.

By Mr. WILSON of Ohio: Petition of Champion Council, No. 2, Junior Order of United American Mechanics, for the passage of House bill 5246—to the Committee on the Judiciary.

SENATE.

SATURDAY, *April 14, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the memorial of Mrs. V. A. White and sundry other members of the First Presbyterian Church, of Albion, Mich., remonstrating against the admission of Utah into the Union as a State; which was referred to the Committee on Territories.

Mr. LODGE presented the petition of A. S. Sawyer and 23 other citizens of Boston, Mass., and the petition of J. P. Marquand and 10 other citizens of Boston, Mass., praying for the enactment of legislation to suppress the lottery traffic; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Ludlow Manufacturing Company, of Boston, Mass., remonstrating against the adoption of certain proposed amendments, relating to cables, cordage, and twine, to the Wilson tariff bill; which was ordered to lie on the table.

He also presented the petition of B. J. Hussey and 53 other citizens of Boston, Mass., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST. I present a petition of the Commercial Club of St. Joseph, Mo., praying for the ratification of certain Indian treaties. I think it is a misnomer; we do not now make treaties with Indian tribes. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HILL presented the petition of William R. Bancroft, of West Webster, N. Y., a soldier of the late war, praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MORGAN. By direction of the Committee on Foreign Relations, I report back the bill (S. 1481) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, and to aid in the construction of the Maritime Canal of Nicaragua. The committee have stricken out all of the bill submitted to them except the enacting clause, and present a substitute for the same, which I suppose is now ready for the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MORGAN. I desire to say, before the bill goes to the Calendar, that at a later day, perhaps on Monday, I shall submit a written report in connection with the bill. I defer it now merely to enable members of the committee to have an opportunity to examine the report carefully before it is put in.

The report was subsequently submitted by Mr. MORGAN.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (S. 217) for the relief of the heirs of James Bridger, deceased, reported it without amendment, and submitted a report thereon.

Mr. CAREY. I am instructed by the Committee on Territories, to whom was referred the bill (H. R. 6442) to protect the birds and animals in the Yellowstone National Park, and to punish crimes in said park, and for other purposes, to report it with an amendment, and I ask for its present consideration.

Mr. COCKRELL. Let the bill be read for information.

Mr. CHANDLER. I should like to ask the Senator, before I decide whether to object to its consideration, if the bill proposes to change the boundaries of the park or has any relation to the controverted questions connected with it.

Mr. CAREY. This is a House bill, and is reported with an amendment——

Mr. TURPIE. Mr. President, I object to the present consideration of the bill.

The VICE PRESIDENT. There is objection to the present consideration of the bill.

Mr. TURPIE. The bill is too long. It would take all the morning hour.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. TURPIE, from the Committee on Foreign Relations, to whom was referred the bill (S. 756) for the application of the accretions of the Caracas awards of 1868 to the new awards made in 1889 and 1890, reported it with amendments.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 1897) to regulate the laying and repairing of sidewalks in the city of Washington, Dis-

trict of Columbia; which was read twice by title, and referred to the Committee on the District of Columbia.

Mr. ALLEN introduced a bill (S. 1898) to prevent the abuse of legal processes by United States courts and judges thereof, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 1899) for the relief of William Pitsch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. PEFFER. I was requested by the Wage Workers' Political Alliance of the District of Columbia to introduce a bill, which I present, and ask to have referred to the Committee on Finance.

I suppose I need not again call the attention of the Senate to the fact that I do not agree with the philosophy of some of the bills which I introduce by request, but, as I stated once before in the presence of the Senate, I regard such bills as being somewhat in the nature of petitions, and while we may not agree with their reasoning, still they may be suggestive to us, and therefore useful.

The bill (S. 1900) to enable the public authorities to establish systems of public cooperation, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

Mr. PALMER introduced a bill (S. 1901) to remove the charge of desertion standing against the name of B. J. Kimbrough, of the One hundred and tenth Illinois Volunteer Infantry; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1902) for the relief of James B. Boyd, late a private in Company B, Seventy-seventh Regiment Pennsylvania Volunteers and Battery H, Fourth Regiment United States Artillery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1903) authorizing certain surveys to be made by the Coast Survey of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WALSH introduced a bill (S. 1904) to amend section 719 of the Revised Statutes of the United States; which was read the first time by its title and the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That section 719 of the Revised Statutes be, and the same is hereby, amended by adding thereto the words following:

"Nor shall any associate justice, or circuit judge, or judge of the circuit court, except when sitting as a member of an appellate court created by law, set aside, annul, or modify any decree, judgment, or order made by any other associate justice, circuit judge, or judge of the circuit court; and all applications for rehearing, or setting aside, or modifying the order, decree, or judgment shall be made to the judge or justice presiding when the same was made or granted, except when he is disqualified; and all applications for judicial orders in the circuit court shall be made and heard in the circuit where the cause is pending, unless the circuit judges of the circuit and the district judge of the district are both disqualified."

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. VEST submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JUDGMENTS IN INDIAN DEPREDATION CASES.

Mr. SHOUP submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of the judgments rendered in the Court of Claims in Indian depredation cases since the 1st of July, 1892, together with a statement of the date when each was rendered, in whose favor rendered, the amount in each case, and the aggregate amount.

FISH AND SPONGE INDUSTRIES.

Mr. CALL submitted the following resolution; which was referred to the Committee on Fisheries, and ordered to be printed:

Resolved, That the Committee on Fisheries be, and they are hereby, instructed to inquire and report to the Senate by bill or otherwise the conditions of the fisheries on the coasts and rivers of the United States, including the sponge fisheries, and the legislation necessary for the protection and the increase of the fish and sponges.

AMENDMENTS OF THE RULES.

Mr. HILL submitted the following resolutions; which were ordered to lie on the table, and to be printed:

RULE V.

Resolved, That subdivision 2 of Rule V of the Standing Rules of the Senate be, and the same is hereby, amended so as to read as follows:

"If at any time during the daily session of the Senate a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate; but no Senator while speaking shall be interrupted by any other Senator raising the question of the lack of a quorum, and the question as to the presence of a quorum shall not be raised oftener than once in every hour, but this provision shall not apply where the absence of a quorum is disclosed upon any roll call of the yeas and nays."

RULE IX.

Resolved, That Rule IX be amended by adding thereto the following section:

SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business, and the same shall have been debated on divers days, amounting in all to thirty days, it shall be in order for any Senator at any time to move to fix a time for the taking of a vote upon such bill or resolution, and such motion shall not be amendable or debatable, and shall be immediately put, and if passed by a majority of all the members of the Senate, the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be had at the date fixed in such original motion without further debate or amendment, except by unanimous consent; and during the pendency of such motion to fix a date, and also at the time fixed by the Senate for voting upon bill or resolution, no other motion of any kind or character shall be entertained until such motion or such bill or resolution shall have been finally voted upon.

RULE XII.

Resolved, That Rule XII be amended by inserting an additional clause, as follows:

When upon a vote by yeas and nays it shall appear to the Presiding Officer upon recapitulation, and before the announcement of the result, that a quorum has not voted, he shall call upon Senators present who have not voted by name to vote, and shall direct the Secretary to add to the list of the Senators voting the names of the Senators present not voting, including those announcing pairs, or who may or may not be excused from voting, and to enter the same in the Journal; and if the whole number constitute a quorum, and it shall appear that a majority of a quorum (or two-thirds of a quorum where the Constitution prescribes a majority of two-thirds) has voted on either side, the question shall be deemed to have been determined, and the result shall be announced the same as if a quorum had voted.

HEARINGS ON PROPOSED LEGISLATION.

Mr. PEFFER. I submit a resolution, which I ask may be printed and lie over until Monday.

The resolution was read, as follows:

Whereas there exists in many places and on the part of large numbers of citizens, individually and in organized bodies, a disposition to visit the city of Washington for the purpose of personally presenting to Congress their views with respect to pending and prospective measures of legislation; and

Whereas many of such persons and bodies are reported to be now on their way hither, with others likely to follow, for the purposes aforesaid:

Therefore, to the end that these our petitioners shall have full and respectful hearing and that proceedings attending their communication with the Senate shall be orderly and not subjected to interruption by the transaction of other public business,

Be it resolved, That a select committee of nine members of the Senate be appointed by the Vice-President, to be known as the Committee on Communication, whose duty it shall be to receive all written or printed communications from citizens or bodies of citizens visiting the Capitol or intending to make such visit, for the purposes mentioned in the preamble hereto, and to receive all petitions, memorials, and remonstrances of such persons and bodies and hear them orally in relation to the matters and things about which they desire to communicate with the Senate. The committee shall report fully to the Senate from time to time as other committees report.

The Sergeant-at-Arms will set aside a convenient room in the Capitol or other building belonging to the Government for the use of said committee, and furnish the same with the necessary articles for the convenient dispatch of business.

Mr. HOAR. I should like to give notice that when the resolution comes up I shall move an amendment, making the Finance Committee of this body the committee for that purpose. It seems to me it is the proper committee.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The resolution will be printed and lie over.

THE REVENUE BILL.

Mr. MORRILL. I desire to state that I shall, early on Wednesday next, ask the leave of the Senate to submit some remarks, occupying perhaps an hour, on the subject of the proposed tariff and the income tax.

Mr. TURPIE. I wish to give notice that next Wednesday, after the conclusion of the remarks of the honorable Senator from Vermont [Mr. MORRILL], I shall ask the courtesy of the Senate to submit some remarks upon the pending bill on the subject of the tariff.

TARIFF HEARING.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Pennsylvania [Mr. QUAY], coming over from a previous day.

The Secretary read the resolution submitted by Mr. QUAY on the 10th instant, as follows:

Resolved, That the Senate will hold a session on Saturday, 21st instant, from 12 o'clock noon until 1 p. m., to hear a committee of the workingmen's organizations of the United States in opposition to the bill (H. R. 4864) entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes."

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. QUAY. Mr. President, I presume that the resolution had better be disposed of this morning. The workingmen referred to in it are not Coxey's army, but the initial organization I believe is one of skilled workingmen in the city of Philadelphia, with probable cognate organizations in the city of Baltimore.

I was not aware of their proposition until a week or two ago, when I was waited upon by a subcommittee of these people.

They said they had sent their subcommittee here to wait upon the Committee on Finance to ask for a hearing in opposition to the Wilson bill; that the committee had dismissed them with more or less consideration, and that they had determined to appeal from the Senate committee to the Senate in a sort of Committee of the Whole.

Their programme is conveyed in a circular, which has accidentally come into my hands. It indicates that on next Friday, the 20th of April, a monster convention, consisting of 10,000 delegates, made up exclusively of workingmen, will meet in the city of Washington (I believe they have rented Convention Hall in this city), for the purpose of presenting and passing upon a series of resolutions and memorials. That is for the first day's business. On the following day, April 21, a week from to-day, the delegation, previous to high noon, will peacefully proceed, they say, along Pennsylvania avenue to the seat of government at the United States Capitol building, and present said resolutions and memorials to the honorable Senators therein assembled.

These gentlemen seem to me to be very much in earnest. I believe they are going to do what is proposed in this circular, and the question is what is the Senate going to do about it. I discouraged them. I said to them they might as well attempt to whistle off a pack of hounds in full view of a driven deer and in full cry, as to attempt to expostulate with a majority of this Chamber and attempt to deter them in their mad chase after the protected industries of this country and after their wages. But they said that their arrangements had progressed so far it was too late to recall them.

When I introduced the resolution I supposed that the Senator from Tennessee [Mr. HARRIS], who seems to be monarch of all he surveys, would in his benevolence allow us to conclude the weekly sessions on Friday of next week. I presume, however, that it is his intention that we shall sit next Saturday. I provided in the resolution for a session on Saturday, but that has become unnecessary, as we will undoubtedly meet on that day. The resolution should probably be amended, if it is the sense of the Senate that these people shall be heard, so that we shall take a recess on that day. I believe the Senator from New Hampshire [Mr. GALLINGER] proposes some amendment of that kind, to which I have no objection.

Mr. GALLINGER. I submit an amendment in the nature of a substitute for the resolution.

The VICE-PRESIDENT. The substitute will be read.

The SECRETARY. It is proposed to strike out all after the word "Resolved," and insert:

> That on Saturday, the 21st instant, the Senate shall take a recess from 1 o'clock until 4 o'clock p. m., to hear a committee of the workingmen's organizations of the United States on House bill 4864, entitled "An act to reduce taxation," etc.

Mr. QUAY. I am in favor personally of taking a recess and permitting this committee—that is, a subcommittee of 100 (which I believe they propose to constitute at the meeting), to appear on this floor and present their views in resolutions and memorials, which I presume is all they ask, in behalf of the 10,000, if they have 10,000 present, which I doubt. I believe there will certainly be two or three thousand assembled in this city, but of course they can not all have access to the Chamber. However, I submit the resolution to the Senate for their good judgment on the situation.

Mr. CHANDLER (to Mr. QUAY). Accept the amendment.

Mr. QUAY. I accepted the amendment in advance.

Mr. HARRIS. I beg to assure the Senator from Pennsylvania that I have not the vanity to suppose nor do I suppose that I control any vote on this floor except one, and I am not absolutely sure that I always control that. But I do try to control my own vote, and I take it for granted that every Senator here does the same thing.

As to this organization, if it be an organization, I understand from the Senator that it has put, or proposes to put, in the form of printed memorials and printed resolutions the views that its members entertain, and that they propose to insist upon it. Their memorials or resolutions may be laid before the proper committee, or before this body but the idea of a mass meeting assembling in the Senate Chamber strikes me as somewhat novel and unreasonable.

Mr. QUAY. Will the Senator from Tennessee yield to me?

Mr. HARRIS. Certainly.

Mr. QUAY. My understanding of their intention is that they will present their ideas of the situation, conveying their hostility to the Wilson bill in memorials and resolutions, and that they also desire to accompany them with an oral presentation of their ideas to the Senate.

Mr. HARRIS. No precedent, I imagine, can be found from the day the Constitution of the United States was ratified and this Government organized, for any such action as is proposed by the resolution. I think the hours referred to by the Senator from Pennsylvania can be very much more profitably employed by an earnest consideration of the subject-matter by the Senate as organized in its legislative capacity than by opening our doors to a mass meeting and a general discussion in a mass meeting of questions pending before us.

I move that the resolution be referred to the Committee on Finance having charge of the consideration of financial questions.

Mr. GALLINGER. On that question I ask for the yeas and nays.

Mr. QUAY. I desire to state that this committee with their proposition has already been before the Committee on Finance, so that it is not worth while to make the decisive action of the Senate upon the question depend upon a motion of this kind. If we are to decide the question here and now negatively, it ought to be done by a yea-and-nay vote for or against the proposition. What is asked here is not the judgment of the Committee on Finance, but of the Senate as a whole or en masse on this proposition.

Mr. HARRIS. I will withdraw the motion I have made and bring the Senate to a direct vote upon a test question. I move to lay the resolution on the table.

Mr. BUTLER. Before that is done I trust the Senator will withdraw his motion for a moment. The resolution has just been called to my attention, and I should be glad——

The VICE-PRESIDENT. The Chair suggests to the Senator from South Carolina that the pending motion is a motion to lay on the table, and that it is not debatable.

Mr. BUTLER. I understand that, sir, and I ask the Senator from Tennessee to withdraw the motion for a moment in order that I may——

Mr. HARRIS. Upon the request of the Senator from South Carolina I feel constrained to withdraw the motion and open the floodgates of debate upon this great question.

Mr. BUTLER. I do not wish to debate it. I simply want to know the object——

Mr. HARRIS. Still, if I withdraw the motion for the Senator from South Carolina, I dare not fail to withdraw it for any other Senator who asks me to do so. I will withdraw it if the Senator desires.

Mr. PEFFER. I will state to the Senator from Tennessee that I wish to be heard very briefly on the resolution.

Mr. HARRIS. Does the Senator from South Carolina ask that my motion be withdrawn?

Mr. BUTLER. No, sir; I believe, in view of what has since transpired, that I shall not ask it.

Mr. HARRIS. I insist on my motion.

Mr. GALLINGER. As I offered the substitute, I trust the Senator from Tennessee will do me the courtesy to withdraw the motion for a moment. I have but a word to say.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee that the pending resolution be laid on the table.

Mr. GALLINGER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. If the junior Senator from Pennsylvania will inform me how his colleague would vote on this proposition if present, I shall be obliged to him.

Mr. QUAY. I have no doubt, without having consulted with my colleague, that he would vote in the negative.

Mr. BUTLER. Then I withhold my vote. If at liberty, I should vote in the affirmative.

Mr. CHANDLER (when his name was called). I am paired with the junior Senator from New York [Mr. MURPHY].

Mr. DANIEL (when his name was called). I vote "yea." If I may be permitted, I wish to state that the Senator from Kentucky [Mr. BLACKBURN] is absent and has a general pair with the Senator from Nebraska [Mr. MANDERSON]. I am paired with the Senator from Washington [Mr. SQUIRE]. I suggest that the Senator from Kentucky and the Senator from Washington may be considered paired, so that the Senator from Nebraska and I will be at liberty to vote.

Mr. MANDERSON. The Senator from Kentucky, I know, is in the building. I have been with him in a meeting of the Committee on Rules this morning, and I think he will probably be here soon.

Mr. DANIEL. If the Senator from Kentucky comes in, I shall then withdraw my vote, but I shall let it stand for the present.

Mr. MANDERSON. Very well.

Mr. DIXON (when his name was called). I am paired with the junior Senator from Mississippi [Mr. MCLAURIN], and as he is absent, I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from Texas [Mr. MILLS], whom I do not see in his seat, and therefore withhold my vote. If he were present, I should vote "nay."

Mr. GIBSON (when his name was called). I am paired with the senior Senator from Michigan [Mr. STOCKBRIDGE], but I am inclined to think that if he were here he would vote "yea," and I therefore vote "yea."

Mr. WALSH (when Mr. GORDON'S name was called). My colleague [Mr. GORDON] is paired with the Senator from Iowa [Mr. WILSON].

Mr. HALE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. MCMILLAN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. VANCE], but believing that, if present, he would vote as I shall on this question, I take the liberty of voting. I vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS]. I understand he is not present, and therefore I shall withhold my vote. If he were present, I should vote "yea."

Mr. PERKINS (when his name was called). I am paired with the junior Senator from North Dakota [Mr. ROACH].

Mr. SHOUP (when his name was called). I am paired with the senior Senator from California [Mr. WHITE].

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON,] and therefore withhold my vote.

The roll call was concluded.

Mr. BERRY (after having voted in the affirmative.) I forgot at the moment of voting that I am paired with the Senator from Colorado [Mr. TELLER]. I therefore withdraw my vote.

Mr. MANDERSON. I call the attention of the Senator from Virginia [Mr. DANIEL] to the fact that the Senator from Kentucky [Mr. BLACKBURN] has entered the Chamber, so that of course there can not be the transfer of pairs suggested. I vote "yea."

Mr. BLACKBURN. I vote "yea."

Mr. DANIEL (after having voted in the affirmative). I beg the attention of the Senator from New Hampshire [Mr. GALLINGER]. I understand that he is paired with the Senator from Texas [Mr. MILLS]. I am paired with the Senator from Washington [Mr. SQUIRE]. I suggest that the Senator from Texas and the Senator from Washington may be considered as paired, and that will allow the Senator from New Hampshire to vote. I having already voted.

Mr. GALLINGER. It will be agreeable to me to have that arrangement made. I vote "nay."

Mr. DANIEL. I wish to announce that my colleague [Mr. HUNTON] is paired with the Senator from Connecticut [Mr. PLATT].

Mr. GEORGE. My colleague [Mr. MCLAURIN] is paired with the Senator from Rhode Island [Mr. DIXON]. I have no doubt that if my colleague were present he would vote "yea."

Mr. PETTIGREW (after having voted in the negative). I have recorded my vote, but I should like to inquire if the junior Senator from West Virginia [Mr. CAMDEN] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. PETTIGREW. I am paired with that Senator, and therefore withdraw my vote.

The result was announced—yeas 34, nays 9; as follows:

YEAS—34.

Allen,	Daniel,	Kyle,	Proctor,
Bate,	George,	Lindsay,	Pugh,
Blackburn,	Gibson,	Lodge,	Sherman,
Blanchard,	Gorman,	McMillan,	Smith,
Caffery,	Harris,	Manderson,	Turpie,
Call,	Hawley,	Morgan,	Vest,
Carey,	Hoar,	Morrill,	Walsh.
Cockrell,	Irby,	Palmer,	
Coke,	Jones, Ark.	Pasco,	

NAYS—9.

Davis,	Frye,	Hansbrough,	Power,
Dolph,	Gallinger,	Peffer,	Quay.
Dubois,			

NOT VOTING—42.

Aldrich,	Gordon,	Mitchell, Oregon	Stockbridge,
Allison,	Gray,	Mitchell, Wis.	Teller,
Berry,	Hale,	Murphy,	Vance,
Brice,	Higgins,	Perkins,	Vilas,
Butler,	Hill,	Pettigrew,	Voorhees,
Camden,	Hunton,	Platt,	Washburn,
Cameron,	Jones, Nev.	Ransom,	White,
Chandler,	McLaurin,	Roach,	Wilson,
Cullom,	McPherson,	Shoup,	Wolcott.
Dixon,	Martin,	Squire,	
Faulkner,	Mills,	Stewart,	

So the resolution was laid on the table.

SUSPENDED PENSIONS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Nebraska [Mr. ALLEN], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. ALLEN on the 10th instant, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed and required to inform the Senate of the names and post-office address of all pensioners of the Government whose pensions have been suspended or canceled since the 4th of March, 1893, and the cause of such suspension or cancellation.

Mr. ALLEN. I desire to offer what I send to the desk as a substitute for the resolution, and in doing so I wish to say that I think the substitute meets the approbation of the chairman of the Committee on Pensions.

The VICE-PRESIDENT. The Senator has the right to modify his resolution. The modification now offered by the Senator from Nebraska will be read.

The Secretary read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to inform the Senate of the number of pensioners whose pensions have been suspended or canceled since the 4th day of March, 1893; the number of such pensioners whose pensions have been restored to the rate they were drawing at the time of such suspension or cancellation, the number, names, post-office address, and rate of those pensioners whose pensions have been partially restored since that date, and the cause of the reduction of the rate they were drawing at the date of the suspension or cancellation, and also the number of those who have been fully restored to the pension roll at the rate they were drawing at the time of suspension or cancellation, and the number, names, post-office address, and the cause of suspension or cancellation of those whose pensions have been entirely suspended or canceled.

Mr. PALMER. Is the resolution before the Senate for consideration now, Mr. President?

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. PALMER. I have no disposition to oppose the passage of the resolution, but as it relates to a very interesting question, I ask that the communication which I send to the desk from the Commissioner of Pensions may be read, as it contains valuable information.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS, FINANCE DIVISION,
Washington, D. C., April 13, 1894.

SIR: I have the honor to state, in reply to your verbal request, that pursuant to decision of the Department dated May 27, 1893, there were 13,493 cases suspended under the act of June 27, 1890. Of this number the rate has been reduced in 1,820 cases; 1,604 names of pensioners have been dropped from the rolls, and payment has been resumed in 9,020 cases to April 12, 1894, leaving 1,049 cases in which payment of pension is still suspended, and upon which final action has not been taken.

Under date of March 12, 1894, I issued an order directing that payment of pension be resumed in every case pursuant to the act of December 21, 1893, in which the papers did not show that the case was ready for final action. This work is being rapidly pushed to a completion, and I am of opinion that in the course of fifteen days final action will have been taken in every case pursuant to said act.

Very respectfully,

WM. LOCHREN, *Commissioner.*

Hon. JOHN M. PALMER,
United States Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolution of the Senator from Nebraska as modified.

The resolution, as modified, was agreed to.

CLERKS IN TREASURY AND INTERIOR DEPARTMENTS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from New Hampshire [Mr. GALLINGER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. GALLINGER, as follows:

Resolved, That the Secretary of the Treasury and the Secretary of the Interior be directed to transmit to the Senate, in separate lists the names of all clerks and employés appointed, promoted, reduced, and dismissed since the 4th day of March, 1893, and the State to which each such clerk or employé is accredited; also that such of them as served in the Army or Navy of the United States at any time during the war of the rebellion shall be designated by some distinguishing mark in each list.

Mr. GALLINGER. I ask unanimous consent that the resolution may go over, retaining its place.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask the Senate to proceed at this time to the consideration of House bill 6556.

By unanimous consent, the Senate resumed the consideration of the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

Mr. COCKRELL. I must beg of my good friend from Nebraska [Mr. MANDERSON] that he will not insist upon the proposition he has made.

Mr. MANDERSON. The parliamentary situation of the bill is, I believe, that the question is on its passage, it having been read three times. My suggestion of amendment yesterday was that if that which I proposed met with the approbation of the Senator in charge of the bill I should be glad to offer it; but as I understand from him that he prefers that the amendment shall not be urged, I shall not urge it; and so far as I am concerned I am ready to vote on the passage of the bill.

Mr. CHANDLER. Mr. President, I had the floor to speak upon this bill yesterday before 1 o'clock, and I had hardly begun when the Senator from Tennessee [Mr. HARRIS] blew his inexorable bugle, sounding an advance upon the protected industries of the country, and I was prevented from speaking at that time.

I rose to suggest the unwisdom of the amendment which the Senator from Nebraska said he would propose to the bill; but as he does not propose the amendment, I do not care to detain the Senate by any remarks upon the question raised in the debate so far concerning the conduct of the Commissioner of Labor, Col. Carroll D. Wright, now in charge of the Census. I content myself with remarking that I believe there is absolutely nothing in this connection or in any other connection in the management of the Eleventh Census by the present Commissioner of Labor, Col. Wright, or by the present Secretary of the Interior, Hon. Hoke Smith, which affords just ground for criticism from any quarter.

Mr. HALE. Has the amendment been withdrawn?

The VICE-PRESIDENT. The amendment has not been offered, as the Chair understands.

Mr. MANDERSON. The amendment was not formally offered, but only suggested.

Mr. HALE. I only wish to say, having had something to do with census legislation heretofore, that I have with some care looked into this matter, and believing that neither the Secretary of the Interior nor Mr. Wright has been at fault in this matter, I am very glad that the amendment is not to be urged, thereby asking the Senate to do the absurd thing to undertake to edit census reports.

Mr. HAWLEY. Mr. President, I have no desire to prolong the debate, but there are one or two points as to which I desire to put on record my dissent from what some of my friends here have said.

Mr. North wrote a letter to Mr. Carroll D. Wright, which was put into the RECORD by the Senator from Missouri [Mr. COCKRELL], in which Mr. North said:

I want to say that so far as the article reflects in any way upon you in connection with the revision and publication of that report, it is entirely without foundation. Without referring to anything that occurred respecting the report prior to the date upon which you took charge of the census, I have no possible ground for complaint in the manner of your treatment of me or of the report.

Mr. North carefully omits speaking of the proceedings before Mr. Wright took charge. I am not here to formulate any complaints against Mr. Wright, but I think there have been serious mistakes in judgment and some unauthorized conduct on his part. Mr. North also carefully omits to say that there was any reason for the omission; but he does say that, with his full consent and approval, the preliminary historical sketch in his report was omitted.

That was the grievance of Mr. North. I do not know that Mr. Wright was in any degree responsible for it, but I think the elimination was a very serious mistake. I think it reduces the value of that report.

As I stated the day before yesterday, in 1860 the takers of the census, then under full Democratic control, did give a history of the woolen industry from the beginning of the Government, so far as the imperfect censuses of various decades would permit, and that Mr. North continued that history in as brief and compact a form as any man could write, for he is a veteran in composition of that kind. Mr. North yielded because he was obliged to yield; he yielded gracefully, and said, "All right, leave it out."

Another matter: Mr. Wright in his letter to the Senator from Missouri says:

No statements of facts are being changed.

They are being omitted, however. I read the other day one exceedingly interesting summary of only about twelve or fifteen lines giving a brief comparison of the growth of the woolen industry in the respective nations of Great Britain and the United States. It would cost nothing to leave that in the report, and it is a very instructive and perfectly legitimate comment upon the census. A census is not solely for the purpose of giving us figures as they stand to-day, but the value of a census is in a comparison with previous stages in our growth and, if need be, in comparison with a great rival in great industries. That is the value of it.

They tell me that you can go and find these figures. How many men could afford the time or would be likely to go to the census of 1880, 1870, 1860, 1850, and 1840? Would they not expect that when the Government made its official census it would give enough of the preceding census to show the serious and fundamental changes.

Mr. Wright says:

No plates have been destroyed.

Mr. Wright misunderstands me, or I misunderstand him. He would not willfully convey a wrong impression. I have before me what I suppose to be a regular copy of Mr. North's report, and forty-two or forty-three pages are stricken out. Those pages are stereotyped. The plates are there in the Printing Office. They may not have been destroyed, but are they to be kept as a matter of ornament? They will be melted down for other plates. They are destroyed, in a legitimate sense of the word.

Mr. CHANDLER. Will the Senator from Connecticut allow me to ask him a question?

Mr. HAWLEY. Oh, yes.

Mr. CHANDLER. A stereotyped plate, such as the Senator speaks of, costs perhaps $6, and if it is destroyed, it is a loss of $6. Would the Senator, rather than lose that $6, print 10,000 copies of a useless document?

Mr. HAWLEY. In the first place, that has nothing to do with what I was talking about; and in the second place, it is not a useless document. I was talking about the question of fact as to whether the plates had been destroyed or not; and even if there were only two plates——

Mr. CHANDLER. As a matter of fact the Senator knows that none have been destroyed. They are there.

Mr. HAWLEY. I do not know anything about it except what Mr. Wright now says, though I think it quite possible the plates have not been literally destroyed.

Mr. CHANDLER. They are there.

Mr. HAWLEY. If the Senator has been there and looked at them, I take his word with Mr. Wright's as making it certain and putting it beyond doubt. But it is not a question whether the plates have been melted down. They have been stereotyped and they are there idle metal, and they are worth just 2 cents a pound as stereotype metal; that is all.

Mr. CHANDLER. Will the Senator allow me a word right in this connection?

Mr. HAWLEY. I hope the Senator will take his own time.

Mr. CHANDLER. I want to say merely a word on this particular point.

Mr. HAWLEY. I am not trying to delay the tariff debate or anything else.

Mr. CHANDLER. I know the Senator would not think of doing that, of course.

Mr. HAWLEY. I will, if necessary.

Mr. CHANDLER. I should like to speak a word right on this point. In reference to the Donaldson report, the Senator has alluded to the probabilities that 900 pages would be brought down to 600. That is a reduction of 300 pages, and at $6 a page makes $1,800. That does not come up to the Senator's declaration yesterday that there would be from $50,000 to $75,000 worth of plates thrown away if this condensation were made.

Mr. HAWLEY. I did not say if this condensation were made. Let the Senator speak fairly. More of it was done elsewhere. But I do not care to go into that. I am not a cross-roads petty-fogging lawyer of that description; and I do not care to go into that sort of a contention.

Now, the new Administration came into power March 4, 1893, and though Mr. Porter was nominally at work there until July 31, he was not master of the situation at all. I will not say who was, but in my judgment he is a man not at all fit for it, under Mr. Hoke Smith. I think there was an unnecessary and an unjustifiable interference with the reports as they then stood.

So far as the value of the plates destroyed is concerned it is not a very great item, to be sure, but after you have paid $6 a page for composition and stereotyping—probably it would average something more than that, but no matter—after you have paid that, the cost of presswork, ink, and paper for a few thousand volumes could not be a very great deal for a document so valuable as this was. This is all I care to say.

The VICE-PRESIDENT. The question is on ordering the amendments to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, being House bill 4864.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. QUAY addressed the Senate. After having spoken four hours—

Mr. COCKRELL said: The hour of 5 o'clock having arrived, I ask the Senator from Pennsylvania if he desires to proceed further?

Mr. QUAY. I do not. I shall resume my remarks, with the unanimous consent of the Senate, when the bill is next up for consideration, and give way to the Senator from Missouri.

[Mr. QUAY'S speech will be published entire after it shall have been concluded. See Appendix.]

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 31 minutes, p. m.) the Senate adjourned until Monday, April 16, 1894, at 12 o'clock, m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 11, 1894.

UNITED STATES ATTORNEY.

Andrew Jackson Sawyer, of Nebraska, to be attorney of the United States for the district of Nebraska.

SURVEYOR OF CUSTOMS.

Robert Calvert, of Wisconsin, to be surveyor of customs for the port of Lacrosse, in the State of Wisconsin.

ASSISTANT APPRAISER OF MERCHANDISE.

Henry W. Hart, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

PROBATE JUDGES, UTAH TERRITORY.

Samuel Francis, of Utah Territory, to be judge of probate, in the county of Morgan, in the Territory of Utah.

E. G. De Freize, of Utah Territory, to be judge of probate, in the county of Uintah, in the Territory of Utah.

Joshua Greenwood, of Utah Territory, to be judge of probate, in the county of Millard, in the Territory of Utah.

Henry L. Steed, of Utah Territory, to be judge of probate, in the county of Boxelder, in the Territory of Utah.

REGISTERS OF THE LAND OFFICE.

Willard C. Hall, of Sundance, Wyo., to be register of the land office at Sundance, Wyo.

Edward H. French, of Casper, Wyo., to be register of the land office at Douglas, Wyo.

RECEIVERS OF PUBLIC MONEYS.

Edward W. Madison, of Douglas, Wyo., to be receiver of public moneys at Douglas, Wyo.

Thomas A. Dunn, of Sundance, Wyo., to be receiver of public moneys at Sundance, Wyo.

POSTMASTERS.

Christina D. Fosdick, to be postmaster at Groton, in the county of Middlesex and State of Massachusetts.

Frank L. Stowell, to be postmaster at Olean, in the county of Cattaraugus and State of New York.

Henry Beck, to be postmaster at Rondout, in the county of Ulster and State of New York.

James S. Wallace, to be postmaster at Rockport, in the county of Essex and State of Massachusetts.

Reuben K. Sawyer, to be postmaster at Wellesley, in the county of Norfolk and State of Massachusetts.

James Ingalls, to be postmaster as Methuen, in the county of Essex and State of Massachusetts.

Enoch Enochs, to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania.

Harry E. Bonsall, to be postmaster at Mifflintown, in the county of Juniata and State of Pennsylvania.

Robert J. Coles, to be postmaster at York, in the county of York and State of Nebraska.

Lewis C. Moses, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania.

James M. Goodhart, to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania.

John L. Garrett, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania.

Richard C. Cordell, to be postmaster at Park City, in the county of Summit and Territory of Utah.

William K. Wright, to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania.

George W. Semans, to be postmaster at Uniontown, in the county of Fayette and State of Pennsylvania.

Weston Dawson, to be postmaster at New Madrid, in the county of New Madrid and State of Missouri.

John H. Stotesbury, to be postmaster at Leadville, in the county of Lake and State of Colorado.

Thomas J. Dayton, to be postmaster at Laramie, in the county of Albany and State of Wyoming.

James W. Bennett, to be postmaster at East Brady, in the county of Clarion and State of Pennsylvania.

L. K. McGaffey, to be postmaster at Roswell, in the county of Chaves and Territory of New Mexico.

John W. Jamison, to be postmaster at Vandalia, in the county of Audrain and State of Missouri.

Emmet W. Gibson, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania.

G. E. Donehoe, to be postmaster at Dushore, in the county of Sullivan and State of Pennsylvania.

James S. Crawford, to be postmaster at Duquesne, in the county of Allegheny and State of Pennsylvania.

J. Evans Wright, to be postmaster at Parkesburg, in the county of Chester and State of Pennsylvania.

Harry Marietta, to be postmaster at Connellsville, in the county of Fayette and State of Pennsylvania.

John T. Killeen, to be postmaster at Luzerne, in the county of Luzerne and State of Pennsylvania.

George S. Haines, to be postmaster at Savannah, in the county of Chatham and State of Georgia.

Richard H. King, to be postmaster at Alvin, in the county of Brazoria and State of Texas.

Gustavus Schnasse, to be postmaster at Rapid City, in the county of Pennington and State of South Dakota.

David F. Fortney, to be postmaster at Bellefonte, in the county of Center and State of Pennsylvania.

Dennis S. Sheppard, to be postmaster at Washington, in the county of Tazewell and State of Illinois.

J. W. F. Lowrey, to be postmaster at Dawson, in the county of Terrell and State of Georgia.

Thomas H. Haynie, to be postmaster at Lampasas, in the county of Lampasas and State of Texas.

Isaac Ardis, to be postmaster at Greenville, in the county of Hunt and State of Texas.

Samuel M. Totten, to be postmaster at Vermillion, in the county of Clay and State of South Dakota.

Gilman L. Arnold, to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine.

Drummond G. Craig, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin.

C. C. Carlin, to be postmaster at Alexandria, in the county of Alexandria and State of Virginia.

Henry Timmich, to be postmaster at Ellicott City, in the county of Howard and State of Maryland.

James A. Shaw, to be postmaster at Chestertown, in the county of Kent and State of Maryland.

Ernest E. Pinkham, to be postmaster at Freeport, in the county of Cumberland and State of Maine.

John D. Black, to be postmaster at Marshfield, in the county of Coos and State of Oregon.

George Schmelzel, jr., to be postmaster at Humboldt, in the county of Richardson and State of Nebraska.

James W. Owsley, to be postmaster at Palmyra, in the county of Marion and State of Missouri.

John Robinson, to be postmaster at Bennington, in the county of Bennington and State of Vermont.

Allen M. Beville, to be postmaster at Clarendon, in the county of Donley and State of Texas.

W. B. Cunningham, to be postmaster at Athens, in the county of McMinn and State of Tennessee.

Andrew C. Harkleroad, to be postmaster at Bristol, in the county of Sullivan and State of Tennessee.

Xelpho F. Beidler, to be postmaster at Mount Pulaski, in the county of Logan and State of Illinois.

C. B. Tilden, to be postmaster at Northfield, in the county of Washington and State of Vermont.

Executive nominations confirmed by the Senate April 14, 1894.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Edward H. Strobel, of New York, now Third Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Ecuador.

THIRD ASSISTANT SECRETARY OF STATE.

William Woodville Rockhill, of Maryland, now chief clerk of the Department of State, to be Third Assistant Secretary of State.

POSTMASTERS.

Joseph C. Smylie, to be postmaster at Wesson, in the county of Copiah and State of Mississippi.

William S. Martin, to be postmaster at El Dorado Springs, in the county of Cedar and State of Missouri.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 14, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The SPEAKER. The Clerk will read the Journal.

The Clerk proceeded to read the Journal of yesterday.

Mr. REED. Mr. Speaker, it seems to me that as the Journal of the preceding day was under consideration when the House adjourned yesterday, and the yeas and nays had been ordered on the question of its approval, that is the first business to come before the House.

The SPEAKER. The rule provides that the Speaker shall take the Chair and cause the Journal of the proceedings of the last day's sitting to be read.

Mr. REED. But it has always been the custom in such cases to read first and dispose of the Journal of the preceding day.

The SPEAKER. Until the Journal of yesterday is read it does not appear that the preceding Journal has not been approved.

Mr. REED. But the House was dividing on the question of the approval of the Journal of the preceding day, and that question would come up before the question of the approval of yesterday's Journal. That has always been the custom. This Journal of yesterday can not intervene until the Journal of the preceding day has been approved.

The SPEAKER. The Clerk will read clause 1 of Rule I, which is very plain.

The Clerk read as follows:

> The Speaker shall take the Chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and, on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

The SPEAKER. The Journal which the Chair is to cause to be read is the Journal of the proceedings of "the last day's sitting," which is the Journal of yesterday.

Mr. REED. That is upon the assumption that the preceding Journal has been approved. I think if the Chair will examine the precedents he will find that it has been the invariable practice to proceed in the way I have suggested, to close up the matter of approving the Journal of the preceding day and then take up the next one; and the House was dividing on that question yesterday.

The SPEAKER. The Chair does not see how that rule could obtain, and does not know of any such precedent.

Mr. BYNUM. It seems to me, Mr. Speaker, that before the House can know the condition of yesterday's proceedings the Journal of those proceedings must be read. The very object of reading the Journal is to show what the pending question is. It does not follow that the Journal of the preceding day must, because it is the pending question, be approved before the Journal of yesterday, but in order that the proceedings of the day previous shall come before the House, the Journal of yesterday's proceedings must be read and approved. That is the very purpose of the rule which the Chair has just caused to be read, and I do not see how there can be any question about it.

Mr. REED. I do not desire to prolong the discussion of this question, but I would like to say, in reply to the gentleman from Indiana, that the record of the action of the House is not kept specially for the information of the House: that the House takes cognizance of its own action and of the condition of its own business from the knowledge of its officers and not from the Journal, whether approved or not approved. The officers of the House know the condition the public business is in, and as a matter of course they must take cognizance of it; and the Journal of the day before yesterday not having been yet approved, it would seem as if that should be the first question to come before the House.

The SPEAKER. It seems to the Chair that the orderly way would be, in accordance with the rule, to read first the Journal of the proceedings of yesterday. That Journal discloses the fact that on yesterday a motion was made to approve the Journal of the preceding day, and that no action was taken upon it for want of a quorum. Of course, action must be taken subsequently upon the pending motion to approve the Journal of the day before yesterday, but it seems to the Chair that the Journal which is to be read on any meeting of the House must, in the nature of the case under the rule, be the Journal of the proceedings of the last day's session. The Chair will therefore cause that Journal to be read.

The Clerk accordingly read the Journal of the proceedings of yesterday.

The SPEAKER. If there be no objection the Journal as read will be approved.

Mr. BOUTELLE. Mr. Speaker, I object.

Mr. DOCKERY. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] objects to the approval of the Journal. As many as are in favor of approving the Journal will rise and stand until counted. [After a pause.] The ayes seem to have it.

Mr. BOUTELLE. A division.

The House divided; and there were—ayes 86, noes none.

Mr. BOUTELLE. No quorum.

Mr. DOCKERY. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 0, not voting 211; as follows:

YEAS—142.

Abbott,	Cox,	Lane,	Richardson, Mich.
Alexander,	Crain,	Latimer,	Richardson, Tenn.
Allen,	Crawford,	Lawson,	Ritchie,
Arnold,	Culberson,	Layton,	Robbins,
Bailey,	Davis,	Lester,	Robertson, La.
Baker, Kans.	De Armond,	Livingston,	Russell, Ga.
Baldwin,	De Forest,	Lynch,	Ryan,
Bartlett,	Denson,	Maddox,	Sayers,
Barwig,	Dockery,	Mallory,	Sibley,
Bell, Colo.	Dunphy,	Martin, Ind.	Springer,
Bell, Tex.	Edmunds,	McAleer,	Stallings,
Berry,	English, Cal.	McCreary, Ky.	Stevens,
Black, Ga.	Enloe,	McCulloch,	Stone, Ky.
Black, Ill.	Epes,	McDannold,	Strait,
Bland,	Erdman,	McDearmon,	Swanson,
Boatner,	Fithian,	McEttrick,	Talbert, S. C.
Bower, N. C.	Forman,	McKaig,	Tate,
Branch,	Gorman,	McLaurin,	Taylor, Ind.
Brookshire,	Grady,	McMillin,	Terry,
Bryan,	Gresham,	McNagny,	Tracey,
Bynum,	Haines,	McRae,	Tucker,
Cabaniss,	Hare,	Meredith,	Turner, Ga.
Cannon, Cal.	Hatch,	Meyer,	Turner, Va.
Caruth,	Heard,	Montgomery,	Turpin,
Catchings,	Henderson, N. C.	Mutchler,	Warner,
Clark, Mo.	Hines,	Neill,	Washington,
Clarke, Ala.	Holman,	Outhwaite,	Weadock,
Cobb, Ala.	Hooker, Miss.	Patterson,	Wells,
Cobb, Mo.	Hunter,	Paynter,	Wheeler, Ala.
Cockrell,	Hutcheson,	Pearson,	Whiting,
Coffeen,	Izlar,	Pence,	Williams, Ill.
Cogswell,	Jones,	Pendleton, Tex.	Williams, Miss
Conn,	Kem,	Pendleton, W. Va.	Wise,
Cooper, Fla.	Kilgore,	Pigott,	Wolverton,
Cooper, Ind.	Kribbs,	Reilly,	
Cooper, Tex.	Kyle,	Richards, Ohio	

NAYS—0.

NOT VOTING—211.

Adams, Ky.	Davey,	Houk,	Randall,
Adams, Pa.	Dingley,	Hudson,	Ray,
Aitken,	Dinsmore,	Hulick,	Rayner,
Alderson,	Dolliver,	Hull,	Reed,
Aldrich,	Donovan,	Ikirt,	Reyburn,
Apsley,	Doolittle,	Johnson, Ind.	Robinson, Pa.
Avery,	Draper,	Johnson, N. Dak.	Rusk,
Babcock,	Dunn,	Johnson, Ohio	Russell, Conn.
Baker, N. H.	Durborow,	Kiefer,	Schermerhorn,
Bankhead,	Ellis, Ky.	Lacey,	Scranton,
Barnes,	Ellis, Oregon	Lapham,	Settle,
Bartholdt,	English, N. J.	Lefever,	Shaw,
Belden,	Everett,	Linton,	Shell,
Beltzhoover,	Fielder,	Lisle,	Sherman,
Bingham,	Fletcher,	Lockwood,	Sickles,
Blair,	Funk,	Loud,	Simpson,
Boen,	Funston,	Loudenslager,	Sipe,
Boutelle,	Fyan,	Lucas,	Smith,
Bowers, Cal.	Gardner,	Magner,	Snodgrass,
Brattan,	Gear,	Maguire,	Somers,
Breckinridge, Ark.	Geary,	Mahon,	Sperry,
Breckinridge, Ky.	Geissenhainer,	Marsh,	Stephenson,
Bretz,	Gillet, N. Y.	Marshall,	Stockdale,
Brickner,	Gillett, Mass.	Marvin, N. Y.	Stone, C. W.
Broderick,	Goldzier,	McCall,	Stone, W. A.
Brosius,	Goodnight,	McCleary, Minn.	Storer,
Brown,	Graham,	McDowell,	Straus,
Bundy,	Griffin,	McGann,	Strong,
Bunn,	Grosvenor,	McKeighan,	Sweet,
Burnes,	Grout,	Meiklejohn,	Talbott, Md.
Burrows,	Grow,	Mercer,	Tarsney,
Cadmus,	Hager,	Milliken,	Tawney,
Caldwell,	Hainer,	Money,	Taylor, Tenn.
Caminetti,	Hall, Minn.	Moon,	Thomas,
Campbell,	Hall, Mo.	Morgan,	Tyler,
Cannon, Ill.	Hammond,	Morse,	Updegraff,
Capehart,	Harmer,	Moses,	VanVoorhis, N. Y.
Causey,	Harris,	Murray,	VanVoorhis, Ohio
Chickering,	Harter,	Newlands,	Wadsworth,
Childs,	Hartman,	Northway,	Walker,
Clancy,	Haugen,	Oates,	Wanger,
Cockran,	Hayes,	O'Neil, Mass.	Waugh,
Compton,	Heiner,	O'Neill, Mo.	Weyer,
Coombs,	Henderson, Ill.	Page,	Wheeler, Ill.
Cooper, Wis.	Henderson, Iowa	Paschal,	White,
Cornish,	Hendrix,	Payne,	Wilson, Ohio
Cousins,	Hepburn,	Perkins,	Wilson, Wash.
Covert,	Hermann,	Phillips,	Wilson, W. Va.
Cummings,	Hicks,	Pickler,	Woodard,
Curtis, Kans.	Hitt,	Post,	Woomer,
Curtis, N. Y.	Hooker, N. Y.	Powers,	Wright, Mass.
Dalzell,	Hopkins, Ill.	Price,	Wright, Pa.
Daniels,	Hopkins, Pa.	Quigg,	

No quorum voting.

The following pairs were announced:
Until further notice:
Mr. BANKHEAD with Mr. SWEET.
Mr. ENGLISH of New Jersey with Mr. VAN VOORHIS of Ohio.
Mr. ALDERSON with Mr. WHEELER of Illinois.
Mr. DURBOROW with Mr. HOPKINS of Illinois.
Mr. BRICKNER with Mr. ADAMS of Kentucky.
Mr. CADMUS with Mr. MERCER.
Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.
Mr. SNODGRASS with Mr. HOUK.
Mr. MCKEIGHAN with Mr. RANDALL.
Mr. COBB of Alabama with Mr. MCCALL.
Mr. MONEY with Mr. DRAPER.
Mr. ELLIS of Kentucky with Mr. COOPER of Wisconsin.
Mr. BARNES with Mr. MCCLEARY of Minnesota.
Mr. OATES with Mr. BOWERS of California.
Mr. BLACK of Illinois with Mr. ALDRICH.
Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.
Mr. SCHERMERHORN with Mr. JOHNSON of Indiana.
Mr. BELTZHOOVER with Mr. TAYLOR of Tennessee.
Mr. BRETZ with Mr. RUSSELL of Connecticut.
Mr. CAMPBELL with Mr. BELDEN.
Mr. COVERT with Mr. BARTHOLDT.
Mr. BROWN with Mr. MORSE.
Mr. FYAN with Mr. TAWNEY.
Mr. WILSON of West Virginia with Mr. DALZELL.
For this day:
Mr. SOMERS with Mr. HOOKER of New York.
Mr. PAGE with Mr. HICKS.
Mr. SPERRY with Mr. BINGHAM.
Mr. GOODNIGHT with Mr. WILLIAM A. STONE.
Mr. TERRY with Mr. SCRANTON.
Mr. MAGNER with Mr. WADSWORTH.

Mr. COBB of Alabama. I desire to say that I am paired, but have voted to make a quorum.

The SPEAKER. On this question the yeas are 142, the nays 0; no quorum voting.

Mr. OUTHWAITE. I move that the House adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 33 minutes p. m.) the House adjourned.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill of the following title was introduced, and referred as follows:

By Mr. HAYES: A bill (H. R. 6661) to modify an act approved January 31, 1883, being chapter 40 of the laws of the second session of the Forty-seventh Congress—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented, and referred as follows:

By Mr. MEREDITH: A bill (H. R. 6662) for the relief of H. B. Miller, surviving partner of Miller & Co.—to the Committee on War Claims.

By Mr. STORER: A bill (H. R. 6663) granting an increase of pension to Mrs. Annie E. Colwell—to the Committee on Pensions.

By Mr. COMPTON: A bill (H. R. 6664) for the relief of Milton F. Colburn, administrator of the estate of Gilbert Colburn, deceased, late of Annapolis, Md.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Petition of citizens of Colorado requesting passage of House bill 4003, providing for second-class postage on publications of benevolent and fraternal societies—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of 40 citizens of Jones County, Iowa, favoring the passage of Senate bill 1376, to regulate the sale of imitation dairy products in the several States—to the Committee on Agriculture.

By Mr. DANIELS: Petition of the Business Men's Association of North Tonawanda, N. Y., protesting against granting to the Niagara River Bridge and Tunnel Company the charter for a bridge across Niagara River—to the Committee on Commerce.

By Mr. HENDERSON of Iowa: Resolutions of the Evangelical Lutheran St. John's Church, of Hubbard, Iowa, opposing proposed amendment to the Constitution of the United States recognizing laws respecting an establishment of religion—to the Committee on the Judiciary.

By Mr. HITT: Memorial and resolution of Excelsior Camp, No. 8, Modern Woodmen of America, together with a petition of 92 citizens of Mount Carroll, Ill., for the passage of the Manderson-Hainer bill to admit to the mails as second-class matter benevolent and fraternal society publications—to the Committee on the Post-Office and Post-Roads.

Also, protest of Union Veteran Legion, Headquarters 116, Galena, Ill., against House bill 5575, amending section 4834, Revised Statutes, transferring the Soldiers' Home from the managers to the War Department—re-referred from Committee on Military Affairs to the Committee on Appropriations.

By Mr. HUNTER: Petition of I. Packard and 47 others, protesting against removal of the Southern Ute Indians from their present reservation—to the Committee on Indian Affairs.

Also, petition of S. P. Thomas and 125 others, protesting against removal of the Southern Ute Indians from their present reservation—to the Committee on Indian Affairs.

By Mr. STORER: Memorial of the St. Paul's Lutheran Church and 200 members, of Madisonville, Ohio, protesting against proposed amendment of Constitution recognizing Christian religion as binding on United States—to the Committee on the Judiciary.

Also, resolutions of the faculty (scientific) of Ohio State University, protesting against passage of House bill 6338—to the Committee on Naval Affairs.

By Mr. TAWNEY: Protest of St. John's Evangelical Lutheran Church, of Lake City, Minn., against a proposed change in the preamble of the Constitution, signed by W. Hoar, pastor, and T. H. Schuldt and T. W. Burfiend, elders and trustees, representing 97 communicants—to the Committee on the Judiciary.

SENATE.

MONDAY, *April 16, 1894.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O, eternal God, with bowed hearts we come to the foot of Thy throne. While the funeral knell sounds through the Capitol announcing the death of another Senator, while North Carolina mourns the departure from earth of a beloved and honored son and the nation feels the loss, we bless Thee for his large native powers schooled in the wide experience of public affairs, and for his genial humor, enriching and illumining all subjects he touched, making him kindly with his kind, by virtue of which he shed the influence of a wise and beneficent counsel and character upon his native State and, by virtue of his place in this Chamber upon the land at large.

Grant to the widow and children under this sore bereavement the only comfort which can come to human hearts at such a time—unshaken faith in Thy holy Gospel and the consolation and sympathy of Thy beloved Son. As the earthly part of one of our brothers has ended upon the border of the invisible world, grant that we hear from Thy lips, "Blessed are the dead which die in the Lord; yea, saith the Spirit, that they may rest from their labors." We humbly pray, through Jesus Christ our Saviour. Amen.

The Journal of the proceedings of Saturday last was read and approved.

DEATH OF SENATOR VANCE.

Mr. RANSOM. Mr. President, it is my melancholy duty to announce to the Senate the death of Hon. Zebulon Baird Vance, late a Senator from North Carolina. He died on Saturday night last, at forty-five minutes past 10, at his residence on Massachusetts avenue, in this city. Though his long-continued and serious illness ought to have prepared all of us for the sad event, still, beguiled by his own cheerful and hopeful spirit, none of us had dreamed that the white horses were coming so rapidly to his door.

His death shocks us to the depths of our hearts. It is a calamity, a sorrow, a deep public and personal bereavement. A great man has fallen in our midst; a great patriot, a great statesman, a great thinker, a great actor has passed away from our sight for this life.

He died at his post of duty with his complete armor on, with his face to the front, courageous, hopeful, useful to the last. Sufferings did not break his proud spirit, nor dim his noble intellect, nor shake his fearless fortitude. Full of years, but still in the strength of his eminent faculties, crowned with exalted honors, but still animated with yet higher aspirations and promise of doing good, physically wrecked and overcome with incurable malady, he stood firmly in the line of his comrades and at the last moment serenely gathered his robes around him and stepped with the dignity of a Senator and the faith of a

Christian from earth into eternity. It looks as if by some prophetic intuition he had returned from the spring flowers and the genial skies of Florida to lay down his sword and shield on the very altars of his country.

This is not the time for the analysis of his character; for eulogies of his virtues; for the history of his illustrious services. On some fitting day I shall ask the Senate to do justice to his honored memory.

But, sir, I should commit a very great wrong not to say now with what unspeakable pain and infinite grief the death of Senator Vance smites the people of North Carolina. For more than forty years, in peace and in war, he has been the most beloved and the most honored son of that great State. From the overflowing ocean, across the hills and plains and valleys to the majestic mountain tops, he was a familiar and most dear object to the hearts and homes of all our people. Language can not describe the admiration and love and gratitude of those of all ages of both sexes; of every class, condition, and race: of the whole people of North Carolina, for this great and good man, their benefactor and bulwark in prosperity and adversity. Standing by his lifeless form to-day it is my sacred duty, representing a Commonwealth of nearly 2,000,000 souls, to shed upon his mortal ashes the tears of their affection and deepest sorrow.

He seemed, sir, as if by destiny to hold in his hands the hearts of the people, and at this moment the throbbing breasts of thousands are following his silent march to the tomb. If he had faults, they were bold, brave, open faults, and are forever eclipsed and forgotten in the splendor of a great and glorious life and in the magnanimity of a noble nature.

As I think of the short interval at which he follows the beloved Georgian from the folding doors of this Chamber to their last rest it looks as if two tall oaks which stood over and shaded our hearthstones had fallen in the early evening after the storm and heat of the day had passed over, and before the shades of night and winter had fallen upon their autumnal leaves. Colquitt and Vance had done their duty to their country and their fellow-men.

But I must not trust myself further. At the hour of 9 to-night the committees of the two Houses of Congress, the entire delegation of the State of North Carolina, and the special committee from the State, with the sad family and friends, will leave the capital of the Star Spangled Republic, and bear the remains of Governor Vance through the sister State of Virginia to the beautiful capital of North Carolina, and thence take them to his burying-ground on the mountain side, overlooking the blue torrents of the French Broad and in sight of lovely Asheville, and there leave them in the shade of the evergreens and in the mirror and melody of flowing waters, to sleep with his patriotic fathers. And as the clouds at evening hang upon the bosom and eternal towers of Black Mountain, so will a shadow of sorrow rest upon the bosom of all his people. But the light of his life with the early rays of morning will dispel the gloom from the mountains and from their hearts.

And now, I can only venture, in the name of the stricken Senate, with gentlest sympathy to send to the noble and devoted woman who for months, by day and night, with unwearied vigilance, has stood by him like an angel of light and love, our heartfelt condolence and tenderness, and to hold up to his brave sons the ever-living beacon of their father's life. He expired solaced in the arms and affections of his wife and children. And may our Almighty Father, in His supreme and infinite goodness, bestow upon them His strength and comfort.

Mr. President, I beg leave to ask consideration by the Senate of the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with great sorrow of the death of the Hon. Zebulon B. Vance, late a Senator from the State of North Carolina.

Resolved, That a committee of nine Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. Vance, which will take place to-day in the Senate Chamber, at 4 o'clock p. m., and that the Senate will attend the same.

Resolved, That as a further mark of respect entertained by the Senate for his memory, his remains be removed from Washington to North Carolina in charge of the Sergeant-at-Arms, and attended by the committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives, and invite the House of Representatives to attend the funeral to-day, Monday, at 4 o'clock p. m., and to appoint a committee to act with the committee of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT appointed as the select committee under the second resolution Mr. RANSOM, Mr. GEORGE, Mr. GRAY, Mr. BLACKBURN, Mr. COKE, Mr. CHANDLER, Mr. DUBOIS, Mr. WHITE, and Mr. MANDERSON.

He also announced as the honorary pallbearers, Mr. MORRILL, Mr. SHERMAN, Mr. HARRIS, and Mr. MCPHERSON.

Mr. RANSOM. Mr. President, I beg leave to offer the resolution which I send to the desk, and ask for its immediate consideration.

The resolution was considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and the Associate Justices of the Supreme Court of the United States, the Diplomatic Corps, the Major-General Commanding the Army, and the Senior Admiral of the Navy, to attend the funeral of the Hon. Zebulon Baird Vance, late a Senator from the State of North Carolina, in the Senate Chamber to-day, Monday, at 4 o'clock p. m.

Mr. JONES of Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution, and it was considered by unanimous consent, and agreed to:

Resolved, That the expenses incurred by the select committee appointed to take order for the funeral of the late Senator Z. B. Vance be paid from the contingent fund of the Senate.

RECESS.

Mr. RANSOM (at 12 o'clock and 18 minutes p. m.). Mr. President, I move that the Senate take a recess until half past 3 o'clock.

The motion was agreed to; and at the expiration of the recess (at 3 o'clock and 30 minutes p. m.) the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following resolutions:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. Zebulon Baird Vance, late a Senator from the State of North Carolina.

Resolved, That the Speaker of the House appoint a committee of nine members to act in conjunction with the committee appointed by the Senate to make the necessary arrangements and to accompany the remains to the place of burial.

Resolved, That the House accept the invitation of the Senate to attend the funeral this afternoon at 4 o'clock.

Resolved, That a recess be now taken until 3:45 p. m., at which hour the House will proceed in a body to the Senate Chamber to attend the funeral, and at the conclusion thereof, on return to its Chamber, the Speaker, as a further mark of respect to the memory of the deceased, shall declare the House adjourned.

Resolved, That the Clerk of the House notify the Senate of the action of the House.

The message also announced that the Speaker of the House had appointed Mr. HENDERSON of North Carolina, Mr. BLACK of Illinois, Mr. ALEXANDER, Mr. BROOKSHIRE, Mr. CRAWFORD, Mr. DANIELS, Mr. STRONG, Mr. BLAIR, and Mr. HOUK as the committee to act in conjunction with the Senate committee to make the necessary arrangements and accompany the remains of the deceased Senator to the place of burial.

FUNERAL OF SENATOR VANCE.

At 3 o'clock and 53 minutes p. m. the members of the House of Representatives, preceded by the Sergeant-at-Arms and Clerk and headed by the Speaker, entered the Senate Chamber. The Speaker was escorted to a seat at the right of the Vice-President; the Clerk at the Secretary's desk, and the Sergeant-at-Arms on the right of the Vice-President's desk, while the members of the House were escorted to the seats on the floor provided for them.

They were soon followed by the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps, and the President and his Cabinet ministers, who were respectively escorted to the seats assigned them on the floor of the Senate Chamber.

The casket containing the remains of the deceased Senator was brought into the Senate Chamber, preceded by Rev. W. H. MILBURN, D. D., the Chaplain of the Senate, and Rev. MOSES D. HOGE, D. D., of Richmond, Va., and escorted by the Sergeant-at-Arms of the Senate, the committees of arrangements of the two Houses, the honorary pallbearers of the Senate and House, and pallbearers selected from the Capitol police, and followed by the members of the family and friends of the deceased.

Rev. MOSES D. HOGE, D. D., offered the following prayer:

Oh God, most high, most holy, most merciful, with lowly reverence of spirit and hearts subdued by the hallowed memories of the departed and by the tender offices of the hour, we invoke Thy gracious presence, help, and benediction.

Hear our prayer, O Lord: give ear unto our cry; hold not Thy peace at our tears, for we are strangers with Thee and sojourners, as all our fathers were.

Father of mercies, ever assuring Thy chastened children of Thine unchanging love, be very near to us now in this the hour of our sorrow, as we come to cast our care upon Thee and to seek the strength and consolation Thou only canst impart.

As a father pities his children, so do Thou pity us; as one

whom his mother comforteth, so do Thou comfort us, and so sanctify our deepest distress that, being made partaker of Thy holiness, we may be prepared for everlasting blessedness in the world where, after the separations of time, we may find our true home; where all who have departed in Christ await our coming, beyond the reach of sorrow and tears, in the realm of eternal light and gladness.

Hear us, we beseech Thee, for the sake of Thy well-beloved Son, to whom, with Thee, O Father, and the Holy Spirit, we will give honor and glory forever. Amen.

After reading the ninetieth Psalm and the fifteenth chapter of First Corinthians, Rev. Dr. HOGE delivered the following address:

The shadow of a great sorrow has fallen on this Chamber. The bloom and fragrance of spring, the sun shining bright and clear, bring no delight to our eyes, no cheer to our hearts. What are all the aspects of this vernal season, what even the great subjects that absorb and agitate us in daily life at this moment, when we see around us the badges of mourning, the tears of the bereaved, and when we look upon that bier and remember who lies upon it.

In the discharge of the mournful office assigned to me, it is not my province to awaken those tender regrets which the recital of the personal virtues and public services of your late associate must ever excite. This grateful duty will be performed by those who are best qualified for it by long acquaintance and intimate association.

These tributes to his memory when completed will not only form a permanent part of his personal history, but an addition to the history of the State he represented and served so well. Nor can I speak of that genial spirit—oftentimes jubilant—which made him such a favorite with the people, nor of other attractive qualities of mind and heart which converted acquaintances into friends, and which now, to be enjoyed no more, converts friends into mourners.

The only theme on which it is becoming in me to dwell takes us to a higher plane, and I could preface what I wish to say by the declaration that the first requisite to the highest and most symmetrical development of what is noblest in man, be he soldier, sage, or Senator, is sincere, consistent, heartfelt piety. There are indeed mere natural virtues which command respect and admiration, but after all "a Christian is the highest style of man."

Piety toward God is the surest incentive to the full discharge of all duties toward man, the truest and most unfailing inspiration of honor, the strongest safeguard of personal integrity, the most efficient aid in the pursuit and attainment of whatsoever things are just and true and lovely and of good report. The man who ever lives as under "the great Taskmaster's eye," who believes and remembers that God is now the witness of his conduct and to be his final judge, and who in all his acts, personal and official, strives to maintain a conscience void of offense, is the man who above all others will be most fearless in meeting every responsibility and most faithful in discharging every trust. This is the spirit which elevates its possessor above all that is ignoble, narrow, and selfish, because all the ends he aims at will be those of "country, God, and truth." How true this picture is of our lamented brother and friend let your hearts attest.

And now, remembering on whom the bereavement falls with heaviest weight, what can we do but take her in the arms of our faith, sympathy, and Christian affection, and commit her to the care and love of our Father in Heaven—to the protection and sustaining grace of our Elder Brother, whose hand alone is soft enough to wipe away the tears of bereavement and tender enough to bind up the bleeding heart. May God comfort His handmaiden, and all dear to her, and be their strength, song, and salvation.

To-day the voice of Providence unites with the voice of inspiration in admonishing us that all the glory of man is as the flower of the grass.

We are told that Massillon, about to deliver one of his wonderful funeral orations, found himself in a church surrounded with all the pomp and pageantry of the court. The church was not only hung with black drapery, but the light of day was excluded, and only a few dim tapers burned on the altar.

The beauty and chivalry of the land were there. The King was clothed in sackcloth and bowed with grief. There was silence; a solemn hush pervading the assembly. Massillon arose. His hands were folded on his breast; his eyes were lifted toward Heaven. He stood mute and abstracted. Presently his fixed look was unbent; his eye roved over the scene where every pomp was displayed, where every emblem of rank and power was exhibited. The eye could find no resting place amidst all this parade and histrionic mourning. At length it settled on the bier on which lay dead royalty covered with a pall. A sense of the indescribable nothingness of man at his best estate overcame the preacher, until in a scarce audible voice he startled the deep silence with the words: "There is nothing great but God!"

To-day this Senate Chamber, by a solemn dispensation, is converted into a "lodge of sorrow," and here, in an audience containing those who occupy the highest posts of influence and power in this land, all temporal distinctions for the moment seem to be forgotten as well as all the questions of absorbing interest which agitate the public mind, and in the presence of the dead—in the presence of the Great Judge of quick and dead—one pathetic utterance alone arrests our attention: "Man that is born of a woman is of few days, and full of trouble. He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not." Once more are we warned that pallid Death, with impartial hand, knocks at all doors; he enters, with equal freedom the homes of the humble and the gates of the Capitol; he casts his chilling shadow over the lowly hovel and the halls of national legislation; he strips off the rags of the pauper and the robes of the Senator; and so to-day pride, ambition, vainglory, and the strifes and animosities of the hour veil their faces, and eternal things alone seem worthy of supreme regard. Once more we hear the voice coming out of the bygone century: "*There is nothing great but God.*"

If by the mournful providence which has summoned us here we are taught more impressively than ever the evanescence of all earthly good; if we are possessed afresh with the conviction that "he builds too low who builds beneath the skies;" if we are led to the cross, where the defenseless find shelter and the guilty find pardon; if through the grace which fortifies the soul against the dread of death we gain preparation for the duties of life; if we address ourselves with new resolution to the discharge of those duties, with minds chastened and hearts purified by affliction, then this sad providence will have accomplished its salutary purpose.

The heart that so lately throbbed with patriotic ardor is still. The lips that so lately moved in prayer for God's blessing on country, church, and home, are mute; but be it ours to keep alive the sacred flame and to prolong the prayer that Heaven's best benediction may rest on this confederated empire of imperial States; on its Chief Magistrate and all associated with him in the responsibilities of office; upon the houses of State and national legislation; upon all our citizens in their homes; upon all the people of this great land from North to South and from East to West, that all may learn more and more to cherish the relations which unite them as children of one Father and as citizens of one country; that freedom founded on justice and guarded by constitutional law, with religion pure and undefiled permeating all, may secure to us a perpetual heritage of harmony, prosperity, and peace; and to God, most high, will we ascribe, as is most due, all honor and glory evermore. Amen.

And now, as the closing exercise in this service, I will read the following hymn:

THY WILL BE DONE.

My God and Father, while I stray
Far from my home, on life's rough way,
O teach me from my heart to say,
Thy will be done!

Let but my fainting heart be blest
With Thy sweet Spirit for its guest,
My God, to Thee I leave the rest;
Thy will be done!

Renew my will from day to day;
Blend it with Thine; and take away
All that now makes it hard to say,
Thy will be done!

Then, when on earth I breathe no more
The prayer, oft mixed with tears before,
I'll sing upon a happier shore,
Thy will be done!

The benediction was pronounced by the Chaplain of the Senate.

The VICE-PRESIDENT. The committee of arrangements, conducted by the Sergeant-at-Arms of the Senate, will escort the remains of the deceased Senator from the Chamber to the depot of the Richmond and Danville Railroad, and from thence to the place of burial in the State of North Carolina; and after they have left the Chamber the guests of the Senate will depart in the reverse order of their entrance.

The casket was borne from the Chamber, attended by the Sergeant-at-Arms, the honorary pallbearers, the committee of arrangements, and the family of the deceased Senator.

The invited guests having retired from the Chamber,

Mr. RANSOM. Mr. President, as a further mark of respect to the memory of my deceased colleague, I move that the Senate now adjourn.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 17, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 16, 1894.*

The House met at 12 o'clock m. The Chaplain, Rev. E. B. BAGBY, offered the following prayer:

O, Thou Great Disposer of all human events, with Whom are the issues of life and death, bow down Thine ear and hear our supplications. We bring to Thee our hearts, tender with sympathy for the sorrows of those who mourn. How often of late, O Lord, have our ranks been broken, and men in high places of authority and dear to the hearts of the people have been called hence to give an account of their stewardship; and Death, with equal footstep, is knocking at the palace of the rich and the humble cot of the poor; and so Thou art teaching us the shortness and uncertainty of human life. May we fix our affections upon things above and not upon things on the earth; and as our bodies are frail and as our days are few, may we live as if there were but a step between us and death. And when the end comes, O Lord, may we lie down in peace to sleep, and upon the morning of the resurrection may we awake in the light of Thy love and the joy of Thy presence and live with Thee forever, through Jesus Christ our Lord. Amen.

THE JOURNAL.

The Journal of the proceedings of Saturday was read.

The SPEAKER. If there be no objection, the Journal as read will be approved.

Mr. BURROWS. Mr. Speaker, one moment, please. If there be no objection, I would be glad to have the question of the approval of the Journal deferred until to-morrow morning, as I desire to ask attention to the decision of the Chair made last week in reference to the Journal of Thursday last; which decision I think the Chair, on reflection, will be inclined to reverse, as to the order of business. I think the first business in order this morning would be the approval of the Journal of last Thursday, and believe that an examination of the precedents, to which I will ask the attention of the Chair at the proper time, will show this beyond question—the yeas and nays having been ordered on the demand for the previous question on the approval of the Journal. But under the circumstances, which are familiar to all, I do not care this morning to raise that question, and simply ask that it go over until to-morrow.

Mr. DOCKERY. I would suggest to the gentleman from Michigan inasmuch, as there certainly can not be any objection to the approval of the Journal of Saturday's proceedings, that it be now approved.

Mr. BURROWS. In view of the fact that the regular order of business, after the House is called to order this morning and the Journal has been read, would be the approval of the Journal of last Thursday's proceedings, the proper time to raise that question would be now. It is a question that I desire to discuss for a little while; but, as I have said, under the circumstances known to the House, I suggest that it be deferred for the present, and be allowed to lie over until to-morrow morning.

Mr. COOMBS. I desire, Mr. Speaker, to ask consent to offer a resolution——

The SPEAKER. Any agreement of the sort to which the gentleman from Michigan refers would bring this Journal up for consideration to-morrow morning. The Chair thinks that the Journal of the proceedings of to-day would come up to-morrow.

Mr. SPRINGER. If the gentleman from Michigan objects to the approval of the Journal, I suggest that the approval of the Journals of to-day and Saturday go over until to-morrow, and by consent we take up executive business for consideration.

Mr. BURROWS. I would have no objection to that. I ask that the question of the approval of the Journal rest until to-morrow.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the question of the approval of the Journal of Saturday's proceedings be allowed to go over until to-morrow. Is there objection?

Mr. MALLORY. I object.

The SPEAKER. If there be no objection the Journal as read will be approved.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN, indefinitely, on account of sickness.

To Mr. EVERETT, indefinitely, on account of sickness.

To Mr. ALLEN, indefinitely, on account of serious illness of his wife.

To Mr. HUDSON, for to-day, on account of sickness.

To Mr. PAGE, for one week, on account of sickness in his family.

To Mr. TALBOTT of Maryland, for one day, on account of sickness in his family.

To Mr. CHICKERING, for one week, on account of sickness in his family.

To Mr. HOOKER of New York, indefinitely, on account of personal sickness and sickness in his family.

ORDER OF BUSINESS.

Mr. HENDERSON of North Carolina. Mr. Speaker, I desire to give notice that as soon as the resolutions come over from the Senate in relation to the death of Senator Vance I will ask the House to proceed at once to their consideration.

I ask unanimous consent now that we take a recess for twenty minutes.

Mr. COOMBS. Mr. Speaker, I hope the gentleman from North Carolina will withdraw that motion for a moment, so that I may be permitted to present a resolution for immediate consideration.

The SPEAKER. The Chair has intimated to gentlemen that no business would be transacted this morning.

DEATH OF GEN. SLOCUM.

Mr. COOMBS. I should like consent at this time to offer a resolution in relation to the death of a former member of this body and a distinguished citizen of New York. I ask unanimous consent for the present consideration of the resolution I send to the desk.

The SPEAKER. The resolution will be read subject to objection.

The resolution was read, as follows:

Whereas we have heard with profound regret of the death of a former and distinguished member of this body, Maj. Gen. Henry W. Slocum, who died at Brooklyn on the morning of the 14th instant:

Resolved, That in this death of one of the great captains of the Union Army during the late war the country has lost a brave and skillful soldier, a wise legislator, and a pure citizen of high and dignified character; and

Resolved, That this preamble and resolution be spread upon the Journal of the House, and that a copy of them be sent to his sorrowing family.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

ORDER OF BUSINESS.

Mr. HENDERSON of North Carolina. Mr. Speaker, I now renew my request. I ask unanimous consent that the House take a recess for twenty minutes, while waiting for the action of the Senate in relation to the death of a member of that body.

There being no objection, the House at 12 o'clock and 8 minutes p. m. took a recess for 20 minutes.

The recess having expired, the House, at 12 o'clock and 28 minutes p. m., resumed its session.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed joint resolution (H. Res. 139) to print the Agricultural Report for 1893.

DEATH OF SENATOR VANCE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with great sorrow of the death of the Hon. Zebulon B. Vance, late a Senator from the State of North Carolina.

Resolved, That a committee of nine Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. Vance, which will take place to-day in the Senate Chamber, at 4 o'clock p. m., and that the Senate will attend the same.

Resolved, That as a further mark of respect entertained by the Senate for his memory, his remains be removed from Washington to North Carolina in charge of the Sergeant-at-Arms, and attended by the committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives, and invite the House of Representatives to attend the funeral to-day, Monday, at 4 o'clock p. m., and to appoint a committee to act with the committee of the Senate.

The message also announced that, in compliance with the foregoing, the Vice-President had appointed as said committee Mr. RANSOM, Mr. GEORGE, Mr. GRAY, Mr. BLACKBURN, Mr. COKE, Mr. CHANDLER, Mr. DUBOIS, Mr. WHITE, and Mr. MANDERSON

The SPEAKER. The Clerk will report the resolutions of the Senate.

The Clerk read the resolutions, as set forth in the above message.

Mr. HENDERSON of North Carolina. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. Zebulon Baird Vance, late a Senator from the State of North Carolina.

Resolved, That the Speaker of the House appoint a committee of nine members, to act in conjunction with the committee appointed by the Senate, to make the necessary arrangements and to accompany the remains to the place of burial.

Resolved, That the House accept the invitation of the Senate to attend the funeral this afternoon at 4 o'clock.

Resolved, That a recess be now taken until 3:45 p. m., at which hour the House will proceed in a body to the Senate Chamber to attend the funeral, and at the conclusion thereof, on return to its Chamber, the Speaker, as a further mark of respect to the memory of the deceased, shall declare the House adjourned.

Resolved, That the Clerk of the House notify the Senate of the action of the House.

Mr. HENDERSON of North Carolina. Mr. Speaker, Zebulon Baird Vance, having finished his course on earth, now rests from his labors in a better world. After having done much good in his generation, he has been gathered unto his fathers, and his lot will no longer be cast in this vale of misery and tears.

Mr. Speaker, Zebulon Baird Vance was a very great man, and was exceedingly beloved by the people of North Carolina, and the whole State, now in mourning for him, will long deeply and sincerely lament his loss.

This is not the time, however, for commemorating the virtues and services of the departed. At some time in the future the House will be asked to set apart a day on which the friends of the deceased may pay proper tribute to his individual worth and to his long, faithful, and distinguished public services. On this solemn and mournful occasion my heart overflows with kindly feeling and tenderness for his bereaved widow and children and for all who are near and dear to them. They are indeed desolate and oppressed. In this sad hour of their trial and affliction they have the comforting and heartfelt sympathy, not only of the people of North Carolina, but of all the Union.

Mr. Speaker, I move the adoption of the resolutions which have been read.

The resolutions were agreed to, and the Speaker appointed as the committee on the part of the House Mr. HENDERSON of North Carolina, Mr. BLACK of Illinois, Mr. ALEXANDER, Mr. BROOKSHIRE, Mr. CRAWFORD, Mr. DANIELS, Mr. STRONG, Mr. BLAIR, and Mr. HOUK.

And then, in accordance with the terms of the resolutions, the House took a recess until 3:45 o'clock p. m.

The recess having expired, the House, at 3 o'clock and 45 minutes p. m., resumed its session.

The SPEAKER. The House will now attend the funeral of the late Senator Vance in the Senate Chamber.

The House then proceeded in a body to the Senate Chamber. At the conclusion of the funeral ceremonies the House returned.

In accordance with the resolutions, and as a further mark of respect to the dead Senator, the SPEAKER (at 4 o'clock and 40 minutes p. m.) declared the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bill and memorial; which were referred as follows:

The Committee on Claims was discharged from the consideration of the bill (H. R. 4673) for the relief of the Berks County Agricultural Society of Berks County, Pa., and the same was referred to the Committee on War Claims.

The Committee on Invalid Pensions was discharged from the consideration of the memorial for the relief of Elisha M. Lackett, late second lieutenant of Company B, Second Regiment Pennsylvania Volunteers, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. CULBERSON: A bill (H. R. 6665) to amend section 4 of the act of Congress entitled "An act relating to the Supreme Court of the District of Columbia"—to the Committee on the Judiciary.

By Mr. BURROWS: A bill (H. R. 6666) in relation to forfeited railroad lands—to the Committee on the Public Lands.

By Mr. BOATNER: A bill (H. R. 6667) to require that vessels engaged in the fruit trade and plying between ports of the United States and those of Mexico and Central and South America and the West India Islands shall be manned by acclimated seamen—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BRODERICK: A bill (H. R. 6668) granting a pension to Angeline Murray—to the Committee on Invalid Pensions.

By Mr. BUNDY: A bill (H. R. 6669) granting a pension to Peter Wild, teamster for the Second Regiment West Virginia Cavalry—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 6670) for the relief of John Bowling—to the Committee on War Claims.

By Mr. HEARD: A bill (H. R. 6671) for the relief of E. R. Shipley—to the Committee on Claims.

By Mr. KRIBBS: A bill (H. R. 6672) to place James T. Peale on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. McCREARY of Kentucky: A bill (H. R. 6673) for the relief of B. F. Chatham—to the Committee on War Claims.

Also, a bill (H. R. 6674) for relief of the executors of James Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6675) to increase the pension of Martin V. Roark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6676) for the relief of Peter Puckett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6677) for the benefit of Hiram Romey—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 6678) granting a pension to Wells Farmer, late United States Navy—to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 6679) for the relief of Kate Fogarty—to the Committee on the District of Columbia.

By Mr. REYBURN: A bill (H. R. 6680) for the relief of the heirs of John J. McElhone—to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 6681) correcting the record of, and granting an honorable discharge to, Timothy Ellsworth, late saddler Company M, Eleventh Regiment Michigan Cavalry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of William Cowduroy and 41 others of Platteville, Wis., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BLACK of Illinois: Petition of the Evangelical Lutheran Zion's Church of Welton, Ill., protesting against the proposed Christian amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of John Radford and 25 other citizens of Climax, Mich., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the retail clerks of Detroit, Mich., praying for establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Petition of Bricklayers and Stonemasons' Union, and of Ironworkers' Protective Union, both of Detroit, Mich., favoring the passage of Senate bill 1136, and House bill 4478, providing for the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Evangelical Lutheran Zion's Church, opposing the God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. CURTIS of Kansas: Petition of the members of the Evangelical Lutheran Church of Lincolnville, Kans., against changing the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. CORNISH: Petition of Rev. Robert Arkman and others, of Madison, N. J., praying legislation to prevent lottery tickets being circulated through concessions made by Honduras—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolution of the Grain and Flour Exchange of Pittsburg, Pa., against the Hatch antioption bill—to the Committee on Agriculture.

By Mr. DANIELS: Petition of the Board of Trustees of the village of Tonawanda, Erie County, N. Y., protesting against the passage of House bill 5106, to bridge Niagara River at that place—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Petition of St. Paul's Evangelical Lutheran Church, of Whitmore; Zion's Church, of Denison; Zion

Church, of La Verne; Immanuel's Church, of Pomeroy, and Trinity Church, of Boone, all of Iowa, protesting against the adoption of the God-in-the-Constitution amendment—to the Committee on the Judiciary.

Also, petition of Dwight Manwaring, asking that the building and loan associations be exempt from the effects of the income tax—to the Committee on Ways and Means.

By Mr. HAINER of Nebraska: Protest of the Evangelical Lutheran Church of Staplehurst, Nebr., composed of 110 members, against the proposed amendment to the Constitution acknowledging the Deity—to the Committee on the Judiciary.

Also, protest of the Evangelical Lutheran Church of Millerton, Nebr., having a membership of 196, against the proposed amendment to the Constitution acknowledging the Deity—to the Committee on the Judiciary.

By Mr. HAUGEN: Protest of the Evangelical Lutheran Zion's Church of Chippewa Falls, Wis., against the proposed amendment to the preamble of the Constitution of the United States as tending to encroachments upon religious rights—to the Committee on the Judiciary.

Also, protest of the Evangelical Lutheran Church of Shell Lake, Wis., against the proposed amendment to the preamble of the Constitution of the United States as a dangerous precedent for future encroachments upon religious rights—to the Committee on the Judiciary.

By Mr. HITT: Protest of the Evangelical Lutheran Trinity Church, of Salem Township, Carroll County, Ill., numbering 115 members, against the proposed constitutional amendment tending to a civil religious establishment—to the Committee on the Judiciary.

By Mr. HULL: Resolution of Des Moines Division, No. 38, Brotherhood of Railway Conductors, asking the passage of the anticalper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McALEER: Resolution of the Naval Veteran Legion, thanking Congress for the efforts made to raise and preserve the old war ship Kearsarge—to the Committee on Naval Affairs.

By Mr. REED: Petition of E. T. E. McLellan and others, asking Congress to reject the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. REILLY: Resolution requesting the Secretary of the Interior to furnish information concerning first-mortgage bonds issued under the act of 1862 and 1864, to aid in the construction of railroad lines to the Pacific Ocean—to the Committee on the Pacific Railroads.

By Mr. SHERMAN: Petition of Trinity Lutheran Church, of Utica, N. Y., against change of wording of the preamble to the United States Constitution—to the Committee on the Judiciary.

By Mr. STEVENS: Petition of 78 employés of the United States Bunting Company, of Lowell, Mass., protesting against the passage of the Wilson tariff bill—to the Committee on Ways and Means.

By Mr. STORER: Petition of Mrs. Annie E. Colwell, of Cincinnati, Ohio, for an increase of pension—to the Committee on Pensions.

Also, resolution of the Millers' National Association for amendment to the interstate commerce law, in conformity to House bill 6445—to the Committee on Interstate and Foreign Commerce.

By Mr. WHITING: Petition of Carpenters' Union, No. 689; Bricklayers and Stonemasons' Union, No. 1; Brotherhood of Locomotive Engineers, No. 1; Electrical Workers' Union, No. 17; Journeymen Stonecutters; Carpenters' Union, No. 421; Iron Moulders' Union, No. 31; Bakers and Confectioners' Union No. 63; Longshoremen's Union, No. 10; Standard Lodge, No. 158, Brotherhood of Locomotive Firemen; German Typographical Union, No. 21; Machinery Molders' Union, No. 244; Detroit Street Railway Engineers' Service Union, No. 26; Beer Drivers and Stablemen's Union, No. 38; Machinists' Union, No. 82; Bakers' Union, No. 20; Marine Engineers' Benevolent Association, No. 3; Cigar Makers' Union; Detroit Steamfitters' Union, No. 8; Machine Woodworkers' Union, No. 41, and the Iron Workers' Protective Union, all of Detroit, Mich., in favor of the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. S. Roberts and 202 others, of Richmond, Mich., and of J. B. Proctor and 32 others, of Shabbena, Mich., in favor of House bill 4897—to the Committee on the Post-Office and Post-Roads.

Also, petition of Knights of the Grip, Grand Rapids, Mich., in favor of House bill 3291—to the Committee on Interstate and Foreign Commerce.

Also, protest of Brotherhood of Boiler Makers' Subordinate Lodge, No. 115, of Port Huron, Mich., against House bill 2655—to the Committee on Merchant Marine and Fisheries.

SENATE.

TUESDAY, *April 17, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. MARTIN presented a memorial of sundry members of St. Martin's Evangelical Lutheran Church, of Winfield, Kans., remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented the petition of E. G. Kern, G. R. Blaine, and sundry other citizens of Sawyer, Kans., and the petition of Peter Smith, William Rice, E. B. Payne, J. B. Baker, and sundry other citizens of Galena, Kans., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. G. Moore, major and superintendent of the Metropolitan police of the District of Columbia, praying for an increase of the police pension fund of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented petitions of Mount Nonotuck Colony, No. 116, United Order of the Pilgrim Fathers, of Holyoke, Mass.; of sundry citizens of Holyoke, Mass., and of sundry citizens of Massachusetts, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented the petition of C. P. Braun and 21 other citizens of Somerville, Mass., and the petition of Francis A. White and 15 other citizens of Cambridgeport, Mass., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM. I present petitions of a large number of firms and individuals, citizens of Chicago, Ill., the substance of which I can state as briefly as can possibly be done by quoting from the petition itself.

The petitioners ask—

First. That all rates of railway transportation shall be stable, steady, and equitable between competing corporations and competing places, and subject to prompt supervision by proper authorities, with the ultimate decision in the United States court.

Second. That the railroad corporations shall be properly restrained from extorting or using unjust discrimination.

Third. To insure the above, we believe that railroads should be allowed to make agreements with each other that shall be binding in law.

Fourth. That all fines and punishments for violations of the interstate commerce law by railroad companies shall apply to the corporations themselves and not to the employés as individuals.

The petitioners then proceed to state that they care nothing for the form, but ask that the principles embodied in their petition be enacted into law. These petitions are signed by, I think, three or four hundred business firms of Chicago, Ill. The first name on the petition which I hold in my hand is that of Franklin MacVeagh & Co. I move that the petitions be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. CULLOM presented a petition of Star Camp, No. 1130, Master Workmen of America, of Scales Mound, Ill., and a petition of sundry citizens of Illinois, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER presented a petition of 110 citizens of South Carolina, praying that a suitable appropriation be made by Congress to straighten and deepen Lynch River, in that State; which was referred to the Committee on Commerce.

Mr. WHITE presented a petition of sundry citizens of California, praying for the passage of Senate bill No. 897, relating to Indian depredation claims, etc.; which was referred to the Committee on Indian Depredations.

Mr. CAMERON presented a memorial of the faculty of Lehigh University, South Bethlehem, Pa., remonstrating against the passage of the bill to abolish the Coast and Geodetic Survey and to transfer its work to the Navy and Geological Survey; which was referred to the Committee on Naval Affairs.

He also presented a memorial of Encampment No. 1, Union Veteran League, of Pittsburg, Pa., remonstrating against the adoption of a proposed amendment to the sundry civil appropriation bill, proposing to take from the Board of Managers of the

National Home for Disabled Volunteer Soldiers all, or nearly all, control and place the same under the government of the War Department; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Auxiliary Indian Association, of Bethlehem, Pa., praying that increased appropriations be made for Indian educational purposes; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Susquehanna County, Pa., and a petition of sundry citizens of South Canaan, Pa., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which were referred to the Committee on Interstate Commerce.

He also presented memorials of the Grocers and Importers' Exchange, and of the Board of Trade, of Philadelphia, Pa., remonstrating against a reduction of the bounty on sugar; which were ordered to lie on the table.

He also presented a memorial of Local Union No. 293, Cigar Makers' International Union of America, of Philadelphia, Pa., and the memorial of Julius Vettey, of Erie, Pa., remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

He also presented a petition of the Pennsylvania State Dairymen's Association, praying for a continuance of the appropriations for agricultural experiment stations throughout the country; which was referred to the Committee on Appropriations.

He also presented a petition of the American Toy Manufacturers' Association of the United States, praying for the imposition of a duty of 35 per cent ad valorem on toys, to take effect October 1, 1894; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the imposition of adequate duties on sugar; which was ordered to lie on the table.

He also presented sundry memorials of druggists of Reading, Lebanon, and Harrisburg, all in the State of Pennsylvania, remonstrating against an increase of the internal-revenue tax on distilled spirits; which were ordered to lie on the table.

He also presented a petition of Uriah Stevens Assembly, No. 9783, Knights of Labor, of Arnot, Pa., praying for the passage of the so-called Bland seigniorage bill; which was ordered to lie on the table.

He also presented a memorial of sundry fur-dressers of New York City and Brooklyn, in the State of New York, remonstrating against the proposed reduction of the duty on dressed and dyed furs; which was ordered to lie on the table.

He also presented the memorial of the Haverford Loan and Building Association, of Philadelphia, Pa., remonstrating against the passage of the clause in the Wilson tariff bill relating to building and loan associations; which was ordered to lie on the table.

He also presented a petition of Victor Grange, No. 159, Patrons of Husbandry, of Houserville, Pa., praying for the passage of the so-called Hatch antioption bill; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union, of Linwood; of 58 citizens of Wilkinsburg; of the Pine Ridge Presbyterian Church of Markle, and of the Woman's Christian Temperance Union of Kittanning, all in the State of Pennsylvania, praying that the preamble to the Constitution of the United States be so amended as to recognize the Deity; which were referred to the Committee on the Judiciary.

He also presented sundry memorials of citizens of Philadelphia and Woodville, in the State of Pennsylvania, and a memorial of sundry citizens of Buffalo, N. Y., remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States recognizing the Deity; which were referred to the Committee on the Judiciary.

He also presented petitions of Alex C. Humphreys; of Jno. J. Griffin & Co.; of R. D. Wood & Co.; of Girard Council, No. 509, Junior Order of American Mechanics; of Wm. J. Serrill and sundry other citizens of Philadelphia; of the Duquenne Clubs, and of Assembly No. 234, Royal Society of Good Fellows, of Pittsburg; of the editors of the Brown and White, of Lehigh University, South Bethlehem; of sundry citizens of Kiuzua; of Lincoln Council, No. 75, Royal Arcanum, of Corry, and of sundry citizens of Wells, all in the State of Pennsylvania, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Federal Council, No. 129, and of Reliance Council, No. 787, Junior Order of United American Mechanics, of Philadelphia; of Henry Seybert Council, No. 520, Junior Order of United American Mechanics, of Abington; of Council No. 501, Junior Order of United American Mechanics, of Homewood; of Council No. 843, Junior Order of United American Mechanics, of West Lebanon; of Camp Curtin Council, No. 629, Junior Order of United American Mechanics, of Harrisburg; of Susquehanna Council, No. 89, Junior Order of United American Mechanics, of Wrightsville; of Edwin M. Stanton Council, No. 910, Junior Order of United American Mechanics, of Hites; and of Iroquois Council, No. 525, Junior Order of United American Mechanics, of Somerset, all in the State of Pennsylvania, praying for the enactment of legislation providing for the inspection of immigrants by United States consuls; which were referred to the Committee on Immigration.

Mr. FRYE presented a memorial of John A. Bellows and 96 other citizens of Maine and Massachusetts, remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. GORDON presented a petition of sundry citizens of Atlanta, Ga., praying that national building and loan associations and local building and loan associations be exempted from the provisions of the proposed income tax; which was ordered to lie on the table.

Mr. McMILLAN presented a memorial of Valley City Assembly, No. 3229, Knights of Labor, of Grand Rapids, Mich., remonstrating against any further issuance of bonds by the Government, and praying for the unlimited coinage of silver at the ratio of 16 to 1; which was referred to the Committee on Finance.

He also presented the memorial of Mrs. Henry A. Smith and sundry other members of the Presbyterian, Episcopal, and Baptist churches of Saginaw, Mich., and the memorial of Kate A. Bowen and sundry other citizens of Michigan, members of the Presbyterian Church, remonstrating against the admission of Utah into the Union as a State; which were referred to the Committee on Territories.

He also presented the petition of F. S. Curtis and sundry other citizens of West Bay City, Mich., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN (for Mr. STOCKBRIDGE) presented memorials of E. V. Morehouse, Ben Dewer, A. O. Bement, J. C. Schultz, and sundry other citizens of Lansing, Mich., remonstrating against the Wilson tariff bill; which were ordered to lie on the table.

He also (for Mr. STOCKBRIDGE) presented the petition of John Radford and sundry other citizens of Climax, Mich., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANDERSON. I present a memorial of the inmates of the United States Soldiers' Home of the District of Columbia remonstrating against the passage of a bill introduced by me a few days ago at the request of the superintendent of the home. The memorial is in the form of resolutions passed by the soldiers who are inmates of the home. With it are quite a number of figures and some material of value for the consideration of the Committee on Military Affairs. I move that the memorial be printed as a document and referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. GORMAN presented petitions of James H. Morgan and sundry other citizens of Maryland; of O. S. Owens and sundry other citizens of Maryland; of Michael Schultheis and sundry other citizens of Baltimore, Md.; of Armistead Council, No. 260, National Union: of Welcome Lodge, No. 22; of Clifton Lodge, No. 16; of Magothy Lodge, No. 47, Shield of Honor, and of Enterprise Lodge, No. 15, all of Baltimore, in the State of Maryland, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

PETITIONS AND MEMORIALS ON CHINESE TREATY.

Mr. HOAR. I ask unanimous consent that any petition or memorial relating to the proposed treaty with China may be presented in open session. The substance of that treaty has been made public by order of the Senate. This course will, I think, be more convenient, and it is desirable that the petitioners should know that their petitions reached us.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. HOAR presented the memorial of William H. Cook, president of the Tackmakers' Protective Society, of Whitman, Mass., remonstrating against the ratification of the proposed treaty with China; which was referred to the Committee on Foreign Relations.

The VICE-PRESIDENT presented memorials of the Lake Seamen's Union, of Chicago, Ill.; of the Amalgamated Associa-

tion of Street Railway Employés of America, of St. Paul, Minn.; of the American Federation of Labor, of New York, and of the Table Knife Grinders' National Union, of Northampton, Mass., remonstrating against the ratification of the proposed treaty with China; which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of Granite Cutters' National Union of America, of Concord, N. H., signed by Josiah B. Dyer, National Union secretary, remonstrating against the ratification of the proposed treaty with China; which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a memorial of Metal Polishers, Buffers, and Platers' Union, No. 24, of Needham, Mass., and a memorial of Weavers and Mill Operatives' Union No. 2, of Lawrence, Mass., remonstrating against the ratification of the proposed treaty with China; which were referred to the Committee on Foreign Relations.

Mr. BLANCHARD presented a memorial of Hall Local Union, No. 14, International Union of Carriage and Wagon Workers of North America, of New Orleans, La., remonstrating against the ratification of the proposed treaty with China; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a memorial of the National Longshoreman's Association of the United States, remonstrating against the ratification of the proposed treaty with China; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL. I present a memorial of the Trades and Labor Union, American Federation of Labor, of St. Louis, Mo., remonstrating against the ratification of the propo ed treaty with China, "which proposes to repeal the Scott exclusion law and the Geary law limiting the immigration of the only foreigners who come to our shores and refuse to adopt our customs or in any manner assimilate with our people, and who are a constant menace to the labor of our country."

I ask that the memorial may be received and lie on the table.

The VICE-PRESIDENT. It will be so ordered.

Mr. PERKINS. I suggest that the memorials which have been presented remonstrating against the adoption of the Chinese treaty should be laid upon the table, instead of being referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

TEXAS JUDICIAL DISTRICTS.

Mr. COKE. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1134] to create the southern judicial district of the State of Texas, to fix the times and places of holding courts in said district and in the eastern and western judicial districts of said State, to report it with amendments, and to ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on the Judiciary was, in section 1, line 8, after the word "Madison" to insert "Houston."

The amendment was agreed to.

The next amendment was, in section 1, line 11, after the word "Gonzales," to strike out "Dewitt."

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "that," to insert "hereafter."

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the word "Madison," to insert "Houston."

The amendment was agreed to.

The next amendment was, in section 3, line 6, after the word "Gonzales," to strike out "Dewitt."

The amendment was agreed to.

The next amendment was, in section 3, line 11, after the word "process," to insert "hereafter."

The amendment was agreed to.

Mr. MANDERSON. Mr. President, I have no objection to the passage of the bill, because I take it it has received (as all bills of this character do receive) the careful scrutiny of the Committee on the Judiciary. But I should like the Senator from Texas to give me some information concerning the State of Texas and the necessity that there may be for adding another judicial district. I make this inquiry from the fact that many of the Western States of large area, of course not comparing with the State of Texas in extent of territory, compose single districts. For instance, the State of Nebraska, with an area of 75,000 square miles, has for many years sought to have that which I think is needed, a division of the State into two judicial districts, but it has knocked at the doors of the Committee on the Judiciary in vain. I should like to have the Senator from Texas state the necessity for an additional district and the number of judicial districts that now exist in Texas.

Mr. COKE. There are now existing in the State of Texas three judicial districts, the eastern, western, and northern. The district that is now proposed to be created embraces the southern portion of the State. It contains some 52 counties. We have been so pressed in that State for judicial service that a judge from an adjoining State has repeatedly had to hold court at Galveston and Paris. The bar of the State have for a long time been petitioning for the creation of another judicial district so that the business of the State can be transacted. There are three judicial districts in Texas now. The State of Texas is of sufficient area for five States the size of Virginia or Pennsylvania. Great distances have to be traversed by litigants, witnesses, and officers, as the judicial districts are now arranged, and an additional district is absolutely necessary for the convenience of the people.

Mr. MANDERSON. What was the population of the State at the last census?

Mr. COKE. The population of the State at the last census was in the neighborhood of 2,500,000, but it is supposed now to be nearly 3,500,000. Immigration has poured very rapidly into the State, and the people need these judicial conveniences for carrying on business.

Mr. MANDERSON. I have no question of the need or necessity that is described by the Senator from Texas. This bill will give to that State four judicial districts, and I presume from the enormous area and the population—population being some index to the amount of litigation in all cases—the bill probably should pass. But I hope that when Western States shall make their application for similar favor, if it is to be put under the head of favor, such bills may be considered, as they have not been in the past.

Take the State that I have the honor in part to represent, with its 75,000 square miles of territory and a population now approaching 1,500,000. It has no more judicial opportunities than it had when it was admitted into the Union. I had surrendered at discretion, but I shall again introduce a bill to form two judicial districts in the State of Nebraska, and I shall commend it to the careful attention, and I hope the favorable consideration, of the members of the Committee on the Judiciary.

Mr. HOAR. If I may be permitted to make one observation, without violating the proprieties which are due to the committee——

Mr. MANDERSON. The Senator from Massachusetts never does that.

Mr. HOAR. My impression is (the Senator from Texas will correct me if I am wrong) that the next business in the Judiciary Committee after this Texas bill was the consideration of a bill for the accommodation of the State of Nebraska, not, however, it is true, making a new judicial district, but multiplying the number of courts. I have no doubt, speaking for one alone, but I think I am quite correct, that any measure for increased judicial facilities of the United States courts in Nebraska which had the assent of its representatives here, or, if there were division among them, which had the assent of its senior Senator alone, would be favorably reported by the Judiciary Committee.

Mr. COKE. I will state to the Senator from Massachusetts that I think the bill to which he refers will be favorably reported to-day.

Mr. MANDERSON. That, however, is not the measure which is desired. That is a bill which proposes to increase the burdens already upon the judge of that district, which, owing to the amount of work and the many terms of court held, are said by the judge to be such that he can not in justice to himself fulfill the the duties required. The bill to which I refer and which I shall again introduce is a bill akin to the one pending, and proposes to make of that great State two judicial districts with two judges. I shall not attempt to hamper the pending bill by placing anything in the form of an amendment upon it to reach this evil, but I shall certainly reintroduce that bill after we have entered again upon the process of making more judicial districts.

Mr. HOAR. I do not think the Senator from Nebraska understood the *sotto voce* observation of the Senator from Maine [Mr. HALE], which was not a suggestion that he should introduce it as an amendment to the pending bill, but to the bill which is soon to be reported proposing to make new terms of court in Nebraska.

Mr. HALE. No; let me state my thought. Submitting, of course, to the knowledge of the locality possessed by the Senator from Nebraska, my thought was that as he made so good a case in favor of Nebraska, the probabilities were that the Committee on the Judiciary had been so busily engaged in this matter in regard to Texas that they had forgotten Nebraska, and

that therefore it would be an exceedingly good thing to move that as an amendment to the bill reported by the Senator from Texas.

Mr. HOAR. The Senator from Maine will pardon me. The next bill to be reported, I understand, or at any rate it was the next bill taken up in the committee, is a bill for Nebraska.

Mr. HALE. But that is not such a bill as the Senator from Nebraska wants.

Mr. HOAR. I understand; but the Senator's observation is that the committee had forgotten Nebraska. The truth is the bill which the committee have agreed to report is the bill which the Representatives from Nebraska and one of its Senators favor. The Senator from Nebraska says that that bill increases the burdens of the judge. Suppose it does; it is the judge's business to carry all the burdens that he properly and fairly ought to carry whether the burdens are less or more.

Mr. MANDERSON. Would not that apply to the three judges in Texas whose judicial districts are already in existence?

Mr. HOAR. No; because that vast space requires another judge. If it be true, as the Senator from Nebraska suggests, that making new terms of court for Nebraska is not sufficient, and that there ought to be a new district with another judge, and clerk, and marshal, and so on, and additional places of holding court, that would seem to be a legitimate amendment to the bill about Nebraska, which is to come in, and not to the Texas bill. That is what I supposed my friend from Maine would agree to, if he had known that that bill was to come up soon.

Mr. HALE. I had heard all the colloquy and thought I knew not only the condition of the bill, but what my own suggestion was. I was lugged into the debate by the Senator from Massachusetts assuming that in addition to all his knowledge of the bill he knew what I thought when I with some modesty ventured to make a remark, which I rather regret.

Mr. HOAR. If my friend will pardon me, it was not assuming to know what he thought, but it was an understanding or misunderstanding of what he said; that is all. I did not undertake to say what he thought. I said I thought he said something.

Mr. HALE. That is all very natural. The Senator was so vehement about it afterwards that I began to think I myself was mistaken about what I did intend. As this bill proposes to make an additional judge in one State and deals with the general question of the judiciary of the United States by adding a judge, I thought it would be a very fitting thing, as the case disclosed the necessity, that we should add another judge in Nebraska. While the Senator from Texas shakes his head at that, and thinks it is heresy, I still think it would not be a very inopportune thing for the Senator from Nebraska (who has had large experience in this body and who is able to get upon his feet and make known his wants, as some of us are not), to move an amendment to the bill that an added judge should be given in Nebraska. Then the two measures would go along, and the need of one is as great as that of the other. They do not interfere whatever. If in addition to that this other little bill, which does not seem to be of any account, adding to the duties of the judge, comes in, it can be disposed of at once. But I still insist that there was nothing very heretical about my idea that Nebraska should be added to Texas.

Mr. HOAR. The Senator from Maine is never heretical; indeed I sometimes think he is nonheretical in the attitude which he takes about some matters that come up here; but I should for one myself oppose introducing the policy of logrolling court bills. So far as I know and remember they are always kept separate. The wants of each State depend upon the consideration due to that State; and the Senate is always ready and apt on the request of the Senators from a State to create new judicial districts. Although the Senator from Nebraska thinks there is one case that occurred in regard to this very State of Nebraska, I do not now remember an instance where the Senators and Representatives of any State in the Union agreed in their desire that there should be a new judicial district created in the State that it was denied by the committee. Once or twice where there have been two or three new ones sought, the committee have diminished the number of those asked for, not the number existing; but I do not remember any instance where the request to increase the number was denied. I am very sure if the Senators and Representatives from the State of Nebraska, who know its wants, will ask for a new judicial district they will get it.

Mr. HALE. Mr. President, I suppose it would be a great deal better if there is to be any logrolling—and I am glad the Senator from Massachusetts has never observed any here and has never participated in anything of the kind—but if there is to be any logrolling it ought to be done in committee; there is no doubt about that; and it ought not to be brought into the Senate, to become a subject of discussion, and thereby offend the sensitiveness of the Senator from Massachusetts or of any of us. The Committee on the Judiciary ought to take these things and make them up in committee, and they will find that even there the Senator from Massachusetts will oppose them; but they will be able to introduce logrolling bills here in the Senate, under the cover of committee reports, and nobody will ever know anything about the matter. I agree with the Senator from Massachusetts that to that extent it is better that they should be adjusted in committee rather than be brought into the Senate.

I am sorry, I will say to my friend from Nebraska, that, after being lugged into the debate by the Senator from Massachusetts, I made any suggestion. I now withdraw it, and leave this entire great subject to him.

Mr. HOAR. If I may be allowed, I will merely say to the Senator from Maine that I have been very much punished in having the whole matter thrown on my shoulders.

Mr. COKE. Mr. President——

Mr. MANDERSON. Only a word. I regret to interrupt this flow of compliment——

The VICE-PRESIDENT. The Chair will state to the Senator from Nebraska that the Chair had recognized the Senator from Texas [Mr. COKE].

Mr. COKE. I yield to the Senator from Nebraska, if he desires the floor.

Mr. MANDERSON. I simply want to make a suggestion, and I know that the Senator from Texas will coincide with me in not desiring to interrupt this flow of compliment that is passing so freely between the two Senators from the effete East. There is no State in New England that needs, I think, any additional judges or judicial districts. The distances there are so short, that no judge, perhaps, is imposed upon by way of fatigue of travel or the expense thereof.

I merely desire to call attention to the condition which will result when this bill shall pass. The State of Texas, we will say, has 3,000,000 people. If it is divided into four judicial districts, that will be one judge to every 750,000 of population. The State of Nebraska has one judge to about a million and a half of people, and if there should be another judge accorded to that State, as I think there certainly should be, it would then be even with the State of Texas, having one judge to each three-quarters of a million of people, and the division of the territory would be about the same. If two judges should be awarded to Nebraska, then it would be about equal with the State of Texas with the four judges that will be provided for that State by the pending bill. I hope the Senator from Texas will be one of the Committee on the Judiciary to earnestly favor the bill for Nebraska when it is before the committee.

Mr. COKE. I will do everything that is right. The bill now before the Senate was considered by the Committee on the Judiciary and unanimously recommended, and I hope it will now be passed.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. CAREY, from the Committee on Public Lands, to whom was referred the bill (S. 1591) to provide for the reservation, sale, and settlement of certain lands in several of the States and Territories, reported it with amendments, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States, to report it with an amendment in the nature of a substitute. I should like to have the bill put on its passage this morning; but it is an important bill, which, I suppose, Senators would like to see in print before voting upon it. I give notice that I shall ask at an early date that the bill be taken up and put on its passage.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

LANDS IN OKLAHOMA TERRITORY.

Mr. MARTIN. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 5065) to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes, to report it with an amendment; and I ask the immediate consideration of the bill. It is a matter that ought not to take ten minutes to dispose of, and it is somewhat important to the people of Oklahoma. I should like to have it disposed of now.

Mr. COCKRELL. Let the bill be read for information.

Mr. MARTIN. If there be no objection to the consideration of the bill, I should like to state briefly what it is about.

The VICE-PRESIDENT. The reading of the bill has been called for, the Chair will state to the Senator.

Mr. HALE. That is a long and a very important bill, and I do not think we can consider it now. I think it had better go to the Calendar, so as to give us an opportunity to examine it.

Mr. MARTIN. I sincerely hope the Senator from Maine will withdraw his objection. I think, if he understood the bill, he would not make any objection to it.

The public lands in the Territory of Oklahoma are now governed and controlled by the Secretary of the Interior, and the law authorizes him to lease them. The whole sum and substance of the bill, which has the consent of the Secretary of the Interior and the indorsement of the Committee on Public Lands, is that the law be so amended as to authorize the governor and secretary of the Territory and the superintendent of the public schools for the time being to exercise the power to lease, instead of the Secretary of the Interior, until the meeting of the Legislature; and that then the whole matter shall be under the jurisdiction of the Territorial Legislature. That is all there is in the bill.

Mr. HALE. I dislike to interfere with the personal desire of the Senator, but we have had a great deal of trouble by premature and unadvised legislation with reference to just such subjects as this. Where a matter of this importance is brought to the Senate upon the report of a committee, I do not think it unreasonable to insist upon the point that it go to the Calendar and be printed, and then we may have an opportunity of examining it. I can assure the Senator, so far as I am concerned, that when that opportunity has been had and all the provisions of the bill have been examined, I shall not object any day to taking the bill up and putting it upon its passage; but I have had no opportunity, nor has any other Senator outside of the committee, to look into this matter.

The VICE-PRESIDENT. There is objection to the present consideration of the bill, and it will go to the Calendar.

EMPLOYMENT OF STENOGRAPHER.

Mr. CAMDEN. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from South Carolina [Mr. BUTLER] in relation to the employment of a stenographer for the Joint Committee on Naval Affairs, to report it favorably and without amendment. I ask for immediate action on the resolution.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of a resolution, which will be read.

The Secretary read the resolution submitted by Mr. BUTLER February 2, 1894, as follows:

Resolved, That the joint committee from the Committee on Naval Affairs of the two Houses of Congress be, and hereby is, authorized to employ a stenographer, to be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Why should the Senate contingent fund be made the scapegoat for the expenses of a joint committee?

Mr. CAMDEN. I will state that the Senator from South Carolina [Mr. BUTLER] is the chairman of the joint committee, and I understand that whichever body is assigned the chairmanship of such a committee defrays the expenses that are to be paid.

Mr. MCPHERSON. I wish to state that it was found necessary to raise a joint committee of the two Houses for the purpose of taking up very many subjects in respect of naval matters. We were troubled with a great many subjects in both the House of Representatives and the Senate regarding the personnel of the Navy and many other matters which required adjustment. A joint committee of the two Houses was appointed, and that committee meet in the Senate committee room, the members of the joint committee on the part of the House of Representatives meeting with the members of the committee on the part of the Senate. The expenses of a stenographer can not amount to a very large sum one way or the other, perhaps not over $50 or $100 at the outside. Therefore, in drawing up the resolution, it was not deemed necessary to separate the funds out of which the appropriation should be made. It is a matter of no material consequence, and will not be very costly.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

TARIFF RATES.

Mr. VOORHEES. I make a report from the Committee on Finance, which I send to the desk, and I ask the Secretary to read the head lines, which will indicate the character of the work.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Changes in the Text and Rates of Duty of the Tariff Act of 1890 and of the Administrative Act of June, 1890, made by The Bill H. R. 4864.

As it passed the House, and also as reported to the Senate by the Finance Committee, together with statistics relating thereto and the rates of duty proposed by the Mills bill of 1888.

Mr. VOORHEES. I ask that the document be printed for the use of the Senate under the customary rule.

Mr. HILL. Will the Senator allow me a question?

Mr. VOORHEES. Certainly.

Mr. HILL. Is it proposed to print the Mills bill entire with that document?

Mr. VOORHEES. I do not know that it is. The document gives the rates of duties.

Mr. HILL. For one, I should like to have the Mills bill printed entire. I made that suggestion some time ago, as the Senator will recollect.

Mr. COCKRELL. It ought not to be printed with this document, but printed separately.

Mr. HILL. All right. Let it be printed one way or the other.

Mr. VOORHEES. I ask that an order be made for the printing of the document as it has been presented, and if afterwards it is found to be useful to have any further printing we can easily make the necessary order. This is a statement of the rates proposed by the Mills bill, and not a publication of the bill itself.

I ask for information—I confess I am not very well informed—as to the number of copies that will be published of the matter I have presented?

Mr. DOLPH. Nineteen hundred.

Mr. MANDERSON. The usual number.

Mr. DOLPH. But the Senate only gets 400 copies of that number.

Mr. MANDERSON. There will be 1,970 copies printed in all, but they are distributed under the law to many libraries and other recipients of such literature.

Mr. VOORHEES. How many to the Senate?

Mr. DOLPH. The Senate only gets about 400 copies.

Mr. MANDERSON. Only about 400 copies out of the 1,970.

Mr. VOORHEES. Let the order be made according to the usual custom, and if hereafter it is found that the Senators need more, which I think very likely, we can increase the order.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

SETTLEMENT OF PUBLIC ACCOUNTS.

Mr. GALLINGER. I hold in my hand a copy of a joint report, to which I call the attention of the Senator from Missouri [Mr. COCKRELL]. It is to this effect: A copy of the joint report from the Secretaries of the different Departments respecting the annual settlement of the public accounts. It bears date December 6, 1816, and is signed by James Monroe, William H. Crawford, George Graham, and B. W. Crowninshield.

The report discusses with a great deal of ability the question now before the Senate regarding a reorganization of the different Executive Departments. I think it will be of great interest to every Senator to see this report, and I ask that it be printed as a document for the use of the Senate.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. COCKRELL. I inquire of the Senator from New Hampshire if the document from which the report presented by him is taken is referred to in the report?

Mr. GALLINGER. I think it is referred to, but I will reëxamine it, and if it is not referred to, I will make such reference.

Mr. COCKRELL. The report ought to refer to the document from which it is taken, so that, if necessary, a comparison can be made with the original.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 1905) for the relief of Augustus G. Kellogg; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 1906) for the relief of Isaac S. Simpson; which was twice read by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 1907) for the relief of the heirs of S. H. Hill, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 1908) for the benefit of Joshua Bishop; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 1909) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Depredations.

Mr. CAMERON introduced a bill (S. 1910) to remove the charge of desertion from the military record of Alfred George Towers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1911) for the relief of Lieut. T. R. Kennedy, Company F, Ninth Pennsylvania Reserves; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HALE introduced a bill (S. 1912) for the relief of the Bath Iron Works, of Bath, Me.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PUGH (by request) introduced a bill (S. 1913) to amend section 4 of the act of Congress entitled "An act relating to the supreme court of the District of Columbia," approved June 21, 1870, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GORMAN introduced a bill (S. 1914) to pay the State of Delaware and the city of Baltimore for advances of money in the war of 1812, reported to be due them by the Secretary of the Treasury; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 1915) to amend the charter of the District of Columbia Suburban Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1916) for the relief of the heirs of William Freeman, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PALMER (by request) introduced a bill (S. 1917) to increase the volume of money on a real estate and gold and silver basis, and for other purposes; which was read twice by its title, and ordered to lie on the table.

Mr. COCKRELL (by request) introduced a bill (S. 1918) for the relief of members of the Missouri Home Guards; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. JONES of Arkansas introduced a bill (S. 1919) to ratify and confirm an agreement with the Yuma Indians, in California, for the cession of their surplus lands, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PROCTOR introduced a joint resolution (S. R. 74) for the proper enrollment of Thomas R. Proctor in the Navy of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. CAREY (by request) introduced a joint resolution (S. R. 75) interpreting the act of March 2, 1889; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

AMENDMENT TO REVENUE BILL.

Mr. LODGE. I submit an amendment to House bill 4864, being the tariff bill, which at the proper time I shall propose to that bill. I ask that it be read and printed.

The amendment was read, and ordered to lie on the table and be printed, as follows:

Page 100, after line 11, insert the following as a new section, to be numbered section 3:

"When not in contravention of any existing treaty, any article made dutiable in the preceding sections shall, if it is the product or manufacture of Great Britain or of any of the colonies of Great Britain, pay a duty double that herein imposed; and, when not in contravention of any existing treaty, any article upon the free list in the preceding section shall, if the product or manufacture of Great Britain or of any of the colonies of Great Britain, pay a duty of 35 per cent ad valorem, except wool, which shall bear the rates of duty imposed by the tariff act of October 1, 1890; and such additional and discriminating duties upon the products or manufactures of Great Britain or her colonies shall remain in force until Great Britain shall assent to and take part in an international agreement together with the United States, for the coinage and use of silver; and whenever Great Britain shall assent to and take part in such international agreement for the coinage of silver, then the additional and discriminating duties herein imposed upon the products of Great Britain and her colonies shall cease."

RIVER AND HARBOR EXPENDITURES.

Mr. ALLEN. I submit a resolution, for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate of the amount of appropriations made and expended by the Government for the improvement of rivers and harbors since the 1st day of January, 1865, to the present date, specifying the different rivers and harbors in which improvements have been made and the amounts expended therefor respectively.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. DOLPH. I desire to say to the Senator that up to within the last three or four years this information has been furnished, and is an official document, which can be found in the Senate document room.

Mr. ALLEN. If that be true, it would be very short work to have the information brought down to date.

Mr. DOLPH. What the resolution calls for would be a voluminous document and require a great deal of labor to prepare it; and I wished to give the Senator that information. Perhaps the resolution had better go over until to-morrow morning, and I will examine to see how far the information has been brought down; perhaps it will answer the Senator s purpose to have the information already published brought up to date.

Mr. ALLEN. I should like to have the resolution considered.

Mr. DOLPH. Very well; I will withdraw my objection.

Mr. HARRIS. Let the resolution go over, so that the matter may be investigated, and the Senator, if he wishes, may then modify his resolution.

The VICE-PRESIDENT. Objection being made, the resolution will go over under the rule.

TREATY WITH SPAIN OF 1819.

Mr. CALL submitted the following resolution; which was referred to the Committee on Foreign Relations, and ordered to be printed:

Resolved, That the President be, and he is hereby, requested to institute negotiations with the Government of Spain for the decision by arbitration of the obligation of the United States under the treaty with Spain of 1819 to pay interest on the principal sum awarded for losses sustained by subjects of Spain and by inhabitants of the provinces of the East and West Floridas; also the question whether the treaty of 1819 has been carried into effect and performed by the United States in respect to the obligations assumed by them in the said treaty: *Provided*, That all sums of money allowed under such arbitration shall be paid only to the said claimants and their heirs or legal representatives, and that all powers of attorney to represent such claimants, their heirs and representatives, and all assignments of such claims or any part thereof shall be declared void and of no force or effect.

CONSIDERATION OF CHINESE TREATY.

Mr. MITCHELL of Oregon. I present a resolution, which I send to the desk, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the pending Chinese treaty be considered in open session.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. Let the resolution go over.

Mr. SHERMAN. I think that resolution had better go over.

The VICE-PRESIDENT. There is objection, and the resolution will go over under the rule.

Mr. MITCHELL of Oregon subsequently said: I ask the unanimous consent of the Senate that the resolution introduced by me this morning, to the effect that the Chinese treaty shall be considered in open session, do not go to the Calendar, but that it may lie on the table until the 3d of May.

The PRESIDING OFFICER (Mr. TURPIE in the chair). Is there objection? The Chair hears none, and it is so ordered.

INDIAN DEPREDATION CASES.

Mr. PETTIGREW submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to report to the Senate a list of all persons in office on April 10, 1894, in the Department of Justice, employed by the Government in the defense of Indian depredation cases brought under the act of March 3, 1891, to provide for the adjudication and payment of claims arising from Indian depredations, giving the names of such employés, the salaries of each, the terms of their employment, whether regular or special, temporary or permanent, the nature of the services performed by them, and the places of their employment, whether in Washington or elsewhere; also when such employment commenced.

DISTRICT STREET RAILWAY TICKETS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 443) to provide for the sale of new tickets by the street railway companies of the District of Columbia.

The amendments of the House of Representatives were to strike out all of section 1, after the enacting clause, and insert:

That from and after the passage of this act each street railway and street herdic transportation company in the District of Columbia shall issue its

own tickets, and sell no tickets issued by any other company. Such tickets shall be printed and sold in sheets of 6 tickets each, and after having been once used shall be canceled by the company which issued the same.

And in section 2, line 1, after the word "railway," insert "or street herdic transportation."

Mr. FAULKNER. I move that the Senate nonconcur in the amendments of the House of Representatives and ask for a conference, the conferees on the part of the Senate to be appointed by the Chair.

Mr. COCKRELL. What is the effect of the amendments? As I understand, if I caught the reading of the amendments aright, the object is to make the street car companies exchange tickets with the herdic company.

Mr. FAULKNER. No; that is exactly the amendment I wish to secure in conference. The House amended the bill so as to include the herdic company in the requirement, which does not now issue tickets, and I think that is a very proper amendment. I wish to have an additional amendment added, and I ask for a conference in order to facilitate the action on the measure in Congress. I wish to provide that these companies shall exchange also with the herdic company, because they will not exchange tickets with the herdic company unless required to do so by a provision of law

Mr. COCKRELL. I think they ought to be made to exchange tickets with the herdic company.

Mr. FAULKNER. That is exactly the object I propose to accomplish.

Mr. COCKRELL. If the herdic company issues tickets at six for a quarter, I wish to have them exchangeable at that rate.

Mr. HALE. Do not the street car companies exchange tickets now with the herdic company?

Mr. COCKRELL. They do not.

Mr. FAULKNER. They do not. The herdic company does not issue any tickets.

Mr. HALE. I had the impression that when we get tickets from the street car companies they are taken by the herdic company.

Mr. COCKRELL. Of course.

Mr. FAULKNER. The herdic company does take them, but it does not issue any, and if it did——

Mr. COCKRELL. The railroad companies would not take them.

Mr. FAULKNER. They would not take them. There is no exchange of tickets between the herdic company and the street car lines. That is the information we have; and we wish to have a provision put in the law that the street railways shall be required to exchange with the herdic company.

Mr. HALE. That is the object of the conference?

Mr. FAULKNER. That is the object of the conference.

Mr. ALLISON. I desire to suggest to the Senator from West Virginia that what he proposes is in the nature of a new provision, and it seems to me it would be more appropriate to agree to that amendment of the House of Representatives, with an amendment securing what he proposes to provide for. Otherwise the other House will meet the Senate conferees by saying, "This is new matter, which has not been considered in either House, and therefore it is not competent for the conference committee to deal with it." It seems to me, if the Senator has that object in view, the best way is to let the bill lie over; prepare the amendment, and then call up the bill and have the amendment made here in the first instance.

Mr. COCKRELL. That is right.

Mr. FAULKNER. I am willing to pursue whatever course will best facilitate the passage of the bill, but I supposed that as the other House had inserted an amendment as to the herdic company, we certainly had a right to add in conference as an amendment that the tickets required to be issued by the herdic company should also be exchanged by the street car companies. I think the amendment would be perfectly germane to the amendment made by the House of Representatives.

Mr. ALLISON. It may be germane, but why should we not deal with it here?

Mr. FAULKNER. If there is no objection, I will withdraw my motion and ask that the bill be printed and referred to the Committee on the District of Columbia.

Mr. ALLISON. Very well.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the bill and amendments will be referred to the Committee on the District of Columbia.

CONSIDERATION OF THE REVENUE BILL.

Mr. HARRIS. Mr. President, the unanimous-consent agreement under which the Senate acted during the past week expired yesterday by its own terms. The Senator from Rhode Island [Mr. ALDRICH] and I, recognizing the fact that it would expire at that time, have conferred with respect to the matter, and he and I have agreed to ask the unanimous consent of the Senate that for the present week and until this day a week, Tuesday next, the agreement of last week be continued; that is, that the Senate meet at 12 o'clock, take up the tariff bill promptly at 1 o'clock, and proceed with its consideration until 5 o'clock without interruption; and on Tuesday next, at 5 o'clock, what is called general debate shall cease, and the bill after that shall be taken up and read paragraph by paragraph for amendment, the committee amendments being first dealt with as reached in the reading of the bill.

I desire, however, to reserve, after what is called general debate under this agreement shall have been concluded, that one Senator on this side of the Chamber shall be heard in the nature of general debate, making such reply as he may choose to make to the speeches that have gone before.

Mr. MANDERSON. Does the last suggestion of the Senator from Tennessee mean that when we come to debate the items of the bill paragraph by paragraph what he is pleased to call general debate shall not be had?

Mr. ALDRICH. I think there would be no objection on this side of the Chamber to an understanding that either on Tuesday or Wednesday some Senator representing the committee or representing the friends of the bill shall have two hours, or whatever time he pleases, for the discussion of the bill.

Mr. MANDERSON. Two weeks, if he desires it.

Mr. ALDRICH. Two weeks, as the Senator from Nebraska suggests, if he desires it. But of course that agreement does not imply that other Senators shall not have a right to speak at any time as long as they please upon the bill or any of its amendments.

Mr. HARRIS. The agreement which I seek, and which I think the Senator from Rhode Island agrees with me about is, that when the time fixed by the consent agreement for general debate shall have expired the reading of the bill by paragraphs shall begin.

Mr. ALDRICH. The only objection which I should make to the suggestion of the Senator from Tennessee would be more in the way of criticism of the phrase used, "general debate," than of the intent of the agreement. I agree with him perfectly as to that; but whether it shall be called "general debate," or whether it shall be called by some other name, is a matter about which there might be some difference of opinion. I suppose the Senator from Tennessee understands as well as I do that general debate in the Senate, in one sense, does not close until the third reading of a bill is ordered, and that even after the consideration of the bill by paragraphs commences any Senator can address the Senate at any length he pleases, or upon any subject he pleases, connected with the tariff.

Mr. HARRIS. It is a mere play upon words, if there be a difference at all between the Senator from Rhode Island and me. The object I have in view is to reach the earliest day possible to begin to read the bill and dispose of it. Of course under the rules debate upon amendments is as unlimited as the debate upon the bill. There can be no misunderstanding about that.

Mr. ALDRICH. That is all.

Mr. HARRIS. But I wish to reach the point where we begin to read the bill and consider it.

Mr. ALDRICH. Now, let us understand it. On Wednesday, say, at 1 o'clock or 2 o'clock, whatever time may be chosen, the reading of the bill by paragraphs, for amendment, will be commenced.

Mr. HARRIS. And on Tuesday next a Senator upon this side of the Chamber shall have such time as he may desire, not exceeding two and a half or three hours; perhaps two hours will be as much as will be wanted.

Mr. ALDRICH. That is right.

Mr. ALLISON. I shall not interpose an objection to what I regard as the material part of this agreement, which I understand to be that on next Wednesday, by unanimous consent, if that be the day, the reading of the bill shall commence by paragraphs, and that what is known as the formal reading, passing through the entire bill, shall be dispensed with. I suppose that is the object the Senator from Tennessee has in view.

The idea of closing general debate, as suggested by the Senator, of course, is an inadmissible idea in this body. No such suggestion has ever been made or thought of heretofore. The bill is open to amendment and open to debate until it is concluded. But I, of course, am just as willing as any other Senator can be that the bill shall have its reading commenced on the day suggested by the Senator from Tennessee. That a Senator on that side or on either side of this Chamber shall be allowed two hours after that time to speak is a wholly unnecessary suggestion or agreement, because any Senator, in a moment after the bill shall have had its first sentence read, can rise in his place and debate the bill if he chooses to do so. So I wish for myself to exclude absolutely, in connection with the bill, the

idea which has been excluded hitherto in the discussion of bills of like character, that we shall have a general debate here running for two weeks and that it is to close upon a particular day. I agree to the material suggestion made by the Senator from Tennessee, which is that at a certain day we shall begin reading the bill by paragraphs for amendment.

Mr. HARRIS. If the Senator from Iowa will allow me, I will suggest to him that there is not the shadow of difference between his understanding and mine.

Mr. ALLISON. Very well.

Mr. HARRIS. I used the language "what is called general debate."

Mr. MILLS. And it is very appropriately used right here, because the debate now is over the whole subject; and Wednesday you commence to discuss the particular provisions of the bill, and then it becomes particular debate. But you can talk as long as you please on either.

Mr. ALLISON. There is another suggestion made by the Senator from Tennessee which I desire to understand, and that is as to the disposal of amendments. He says the amendments of the committee are to be first considered. It is the rule, I understand, that when a paragraph is reached where the committee has proposed an amendment it shall be considered as respects that paragraph before any amendment shall be offered by a Senator.

Mr. HARRIS. That is what I mean.

Mr. ALLISON. So I understand. I think that is a very proper suggestion, and I believe it has always prevailed hitherto.

Mr. HARRIS. Always in respect to tariff and appropriation bills.

Mr. ALLISON. But when a paragraph is reached and the committee has no amendment, of course it is in order for any Senator to move an amendment to the paragraph.

Mr. MILLS. Of course.

Mr. HARRIS. That is the more convenient method of dealing. Paragraphs that are reached before a committee amendment is reached are open to amendment, but when a committee amendment is reached it must be disposed of before any other amendment is offered to that paragraph.

Mr. ALLISON. I think another suggestion should be made, and that is, that the bill shall be considered by paragraphs as we proceed.

Mr. HARRIS. Such is the agreement between the Senator from Rhode Island and myself.

Mr. ALLISON. Very well. It was not stated by the Senator, and I think it is important that we understand it.

Mr. HOAR. What does that mean?

Mr. HILL. That is what I wish to know. What does it mean?

Mr. HOAR. If you have passed one paragraph, say the chemical paragraph, and are on textiles or iron, is it understood that no Senator is at liberty, if he thinks of some amendment or one is suggested to him by a constituent, to go back and offer it?

Mr. ALLISON. Certainly not. The whole bill is open to amendment from the beginning to its ending, as all other bills have been open to amendment. It is merely for convenience as we go along. Every portion of the bill is open to amendment until the bill is completed, as I understand it.

Mr. HARRIS. My object is to secure a given number of hours every day that shall be devoted to the consideration of the bill. I have not sought by this agreement to change or modify the operations under the rules of the Senate.

Mr. ALLISON. So I understand.

Mr. HARRIS. But I wish to secure those hours, and I desire to have a time fixed when we shall commence the reading of the bill by paragraphs and dispose of them.

Mr. ALDRICH. I think there is no disagreement as to what the terms of the agreement are, as expressed by the Senator from Tennessee and the Senator from Iowa.

Mr. HARRIS. I do not think so either.

Mr. MILLS. It is in harmony with parliamentary law that the friends of a measure shall open and close the debate on it; and it is perfectly proper that the friends of this measure shall do that, as conceded by this agreement. There has been unlimited debate, according to the rules of the Senate, as the matter has progressed heretofore. I suggest, by way of being certain about the agreement, that whoever closes the debate for the bill on next Tuesday shall be permitted to take the floor at 1 o'clock and consume what time the speaker may think proper, as other gentlemen have done, and after that that the bill shall proceed.

Mr. ALDRICH. There is no such thing as closing the debate. The debate on the bill will not be closed until after it has been ordered to a third reading. I have no objection to the Senator from Texas or any Senator selected by the other side of the Chamber having the entire day Tuesday, or any other day, if he wants to discuss the bill. We can agree upon that matter without the slightest difficulty. But I do object to the idea that the agreement is to be in the nature of a closing of debate on somebody's part.

Mr. MILLS. I wish to be understood about this matter, and I do not think there is any ground at all for a misunderstanding of it. There has been general debate upon all features of the bill tolerated by the Senate, and that general debate over the whole subject is to be terminated at a given time.

Mr. ALLISON. No, sir; by no means.

Mr. MILLS. Wait until I get through with my statement.

Mr. CULLOM. I wish to know what the Senator from Texas means by that statement.

Mr. MILLS. I am going to tell the Senator, if he will allow me.

Mr. CULLOM. Go on.

Mr. MILLS. The general debate over the whole feature of the bill terminates on Tuesday, at whatever time the——

Mr. ALDRICH and Mr. ALLISON. Oh, no.

Mr. CULLOM. It will not, with my consent.

Mr. MILLS. Wait until I make my statement, and then the Senator can say what he pleases about it. Then, after that, the particular debate which may originate on an amendment, and which may cover the whole bill and may last from now until Judgment Day, will begin.

Mr. ALDRICH. That is right.

Mr. LODGE. That is all right.

Mr. CULLOM. Now, I wish to make an inquiry of the Senator from Tennessee. If I undertake to make a speech on next Thursday and discuss items in different parts of the bill, giving my views generally upon the whole question, am I to be called to order as not directing my remarks to a specific paragraph?

Mr. HARRIS. Under the rules of the Senate such a thing is absolutely impossible.

Mr. CULLOM. Then why this "general debate" talk?

Mr. HARRIS. It is a mere quibble about what is the meaning of a word.

Mr. CULLOM. If that is all, let it go.

Mr. HARRIS. There has been what is called general debate, because there has not been a single paragraph in the bill read to which the debate was directed. When the hour comes for closing, I repeat myself in saying what is called general debate, then the reading of the bill commences, and a Senator may take the floor upon any amendment, no matter what it is, and——

Mr. CULLOM. He takes the floor upon the whole subject, however, and the amendment is merely read.

Mr. HARRIS. I believe I will conclude that sentence. When a Senator takes the floor he may talk as long as he pleases and about everything upon the face of the living earth and as far beyond as his fancy may lead him.

Mr. QUAY. I suggest that the Senator from Tennessee and the Senator from Rhode Island reduce their agreement to writing.

Mr. CULLOM. Oh, no.

Mr. QUAY. Then there will be no quibble as to the construction or the meaning of the agreement?

Mr. ALLISON. If the Senator from Pennsylvania will allow me one moment, I will state that there are just two things in the agreement which are material, as I understand it. One is that we shall begin every day at 1 o'clock and continue until 5 uninterruptedly in this debate; and secondly, that on Wednesday next, at 1 o'clock, the first or formal reading of the bill, so-called—that is, reading it through without interruption—shall be dispensed with, and the Secretary at the desk shall begin to read, "Be it enacted," etc.

Mr. COCKRELL. And read on by paragraphs.

Mr. ALLISON. Those are the only two things involved in this whole agreement. And everybody agrees to those and to nothing else.

Mr. FRYE. That is to begin a week from to-morrow?

Mr. ALLISON. Yes, sir.

Mr. QUAY. I was about to say, when the Senator from Iowa took the floor, that I feel it my duty to object to any arrangement which would interject the reading of the bill into the belly of the remarks which I commenced on Saturday last and which I am not likely to resume for a day or two at least according to present appearances.

Mr. HARRIS. I will state to the Senator from Pennsylvania that the agreement asked for can not interfere with his rights to the floor up to Tuesday next, a week from to-day. I think it not improbable, though the Senator knows better than I, that he may possibly conclude his remarks before that time.

Mr. QUAY. There is no question about that, unless my time is occupied by Senators who desire to be heard and to whom I am compelled to yield, which is likely to occur to-day. I say "compelled to yield;" I mean as a matter of courtesy of course. I do not consent to an agreement by which my remarks shall be cut off.

Mr. ALLISON. After the first sentence of the bill is read by the Secretary, the Senator from Pennsylvania, if he does not finish his observations before, will rise in his place and go on as long as he desires.

Mr. MITCHELL of Oregon. He will hold the floor.

Mr. ALLISON. He will hold the floor, and there will be no possibility of interference with his right to the floor.

Mr. HOAR. One thing ought to be added to the statement of the Senator from Iowa. It is not very important practically, but still technically it is important. After the reading of the bill begins, when the place comes for the first amendment of the committee, that I suppose will be reported, and the pending question will then be on the amendment. But the rule for unlimited debate will go on.

Mr. SHERMAN. The rule for unlimited debate goes on all the time.

Mr. HOAR. All the time. However, what I rose for——

Mr. ALDRICH. I hope the remarks of the Senator from Massachusetts will not be construed into limiting amendments before the first committee amendment is reached.

Mr. HOAR. No: I do not understand that it does at all. What I said was, that whenever we reach a point where an amendment will be in order, then that amendment will be the pending question. However, I should not have risen for that suggestion alone. I do not regard it as very important. But I rose to give notice that I expect to be absent next week, Tuesday, Wednesday, and Thursday, and I expect to get the floor when I can after my return for a speech on the bill generally.

Mr. PEFFER. I desire to ask a question of the Senator from Tennessee. When, according to his understanding of the agreement about to be entered into, will it be proper for me to propose the substitute which is upon the table and of which I have given notice?

Mr. HARRIS. I do not know any reason why the Senator from Kansas may not propose it at any stage of the proceeding. Of course he knows that under the rules the text of the bill is amendable and his substitute is amendable, and they are both regarded as original propositions for the purpose of amendment. His amendment may be pending. He may offer it when he pleases, and it may be pending until finally disposed of, which may be the last thing done.

Mr. HILL. I desire to ask the Senator from Tennessee whether he regards anything in the agreement as it has been explained by him as inconsistent with a motion to proceed to the consideration of the free list contained in the bill?

Mr. HARRIS. The free list is a part of the pending bill, and, like every other part of the bill, it is to be dealt with by the Senate as a majority of the Senate may choose to deal with it.

Mr. HILL. That is not the question I propounded.

Mr. HARRIS. Then I do not quite understand the question.

Mr. HILL. In other words, under the agreement the Secretary proceeds with the reading of the first paragraph of the bill. Is there anything in the agreement to prevent a motion being entertained that the Senate proceed to the consideration of that portion of the bill known as the free list? It has struck me that with more propriety, before discussing the question as to what the duty shall be upon a particular article, it might be first well enough to determine the question whether there shall be any duty at all.

Mr. HARRIS. I think I comprehend the Senator's question.

Mr. HILL. I merely do not wish to be foreclosed in the making of such a motion, either in the form of a request for unanimous consent or by motion.

Mr. HARRIS. My answer, from a parliamentary standpoint, if I understand the Senator's question, is, that if in a particular paragraph a given duty is imposed upon a given article and the Senator from New York desires to strike that article from the dutiable list and put it upon the free list, it is an amendment that would be perfectly in order; or, *vice versa*, if an article that belongs to a particular paragraph is by the bill placed upon the free list and the Senator desires to transfer it to the taxable list, it will be perfectly in order to move to insert it as an article upon which a given rate of duty shall be imposed.

Mr. HILL. That I certainly well understood. That is not the point.

Mr. HARRIS. Then I can not comprehend the object of the inquiry.

Mr. HILL. In other words, does the agreement imply that the bill must be proceeded with exactly in its order all the way through?

Mr. HARRIS. It must necessarily be read in its order.

Mr. HILL. And must the consideration be had in its order?

Mr. HARRIS. In its order. That would be the parliamentary method, wholly independent of agreement, and it is not affected by the agreement in any way whatever.

Mr. MILLS. The agreement does not change the parliamentary law.

Mr. SHERMAN. That would be the rule in regard to any bill.

Mr. HARRIS. Precisely.

Mr. DOLPH. But the rule can be changed by a majority vote. It is not a rule that has to be enforced.

Mr. SHERMAN. I do not know of any such case or any such precedent.

Mr. GORDON. The Senator from New York will allow me to suggest, if I comprehend his purpose in this question, that he can accomplish the same result at any time by a motion to dispense with the regular reading and proceed to a special clause in the bill.

Mr. HILL. Let me suggest that then we shall be met by the objection I think, as I comprehend the point made by the Senator from Tennessee, that the Senate has by unanimous consent declared otherwise.

Mr. HARRIS. The agreement between the Senator from Rhode Island and myself was to the effect that on Wednesday morning the reading of the bill should begin paragraph by paragraph, beginning with the first paragraph and taking the paragraphs in their consecutive order, as has been the rule in the Senate throughout its entire history. That is what the rules of the Senate require, what the parliamentary law of the case requires; and our consent agreement does not propose to interfere with it in any way. We simply dispense with the first formal reading of the bill, and proceed by paragraphs to read the bill through, and act upon the paragraphs as we reach them.

Mr. HILL. Will the Senator from Tennessee allow me to ask him another question? In the absence of the agreement would it not be competent for the Senate to proceed to the discussion of the free list first?

Mr. HARRIS. That is a question of parliamentary law. The whole effect of the agreement, so far as it affects this matter, is simply that we dispense with the first general or formal reading. If the bill were formally read through, then the parliamentary status would be that the bill is before the Senate and every line of it is open to amendment, and any Senator could move to amend the last line or the first as he might choose; he could go to any part of it. But the bill would not be read again by paragraphs.

Mr. HOAR. Will the Senator from New York pardon me for a suggestion in the line of his inquiry? As I understand the rule in the Senate, when a bill comes up it is read through for information. Then it becomes pending as in Committee of the Whole. Now, if it is a bill of 500 pages and the Senator from New York gets the floor first and moves to strike out the last word in the bill, that is the pending question, and it can not be displaced by somebody moving to strike out the first word or the first part, whatever the length of the bill. So, with the pending tariff bill, if, whenever the reading is going on under the rule which the Senator from Tennessee alludes to, and the bill has been read aloud, the Senator from New York takes the floor and moves to strike out the last item on the free list, nobody under the rules can get rid of a vote on that motion by doing something with the first paragraph. That is the universal law applying to appropriation bills and everything else unless the Senate agree to consider the bill by paragraphs.

Now, the effect of the agreement which the Senator from Tennessee proposes is to consider the bill by paragraphs, and that, as I understand it (the Chair will correct me if I am wrong), implies that motions to amend the first paragraph may be made as that paragraph is read and will be considered before motions can be entertained to amend later paragraphs, which are not to be considered until they are read.

Mr. HARRIS. That is exactly what I understand.

Mr. HOAR. But I understand that nobody claims you can not go back after you have got by one paragraph and move an amendment that you did not think of at the time.

Mr. ALLISON. Will the Senator from Massachusetts allow me one moment?

Mr. HOAR. I am through.

Mr. ALLISON. The object of considering the bill by paragraphs is simply to put a paragraph in place of a section. All the question relating to duties is in a single section of the bill, and therefore we shall be jumping back from one part of the section to another from time to time unless we have an agreement practically that a paragraph shall be considered as a section.

Mr. HOAR. Will the Senator from Iowa pardon me for a suggestion?

Mr. ALLISON. Certainly.

Mr. HOAR. Suppose when the first paragraph is being dealt with the Senator from New York moves to amend the free list. He could not have that amendment voted upon?

Mr. ALLISON. No, not until the paragraph under consideration was disposed of.

Mr. HOAR. Does the Senator from Iowa understand that in ordinary bills—for instance the lottery bill just reported—an amendment to the first section takes precedence of an amendment to the last section in order of time?

Mr. ALLISON. I do not so understand, under our ordinary parliamentary rules. I can move to amend the fifth section, and when I move to amend it the motion must be disposed of. Then the Senator from Massachusetts can move to amend the third section, and so on. We substitute paragraphs for sections in this case; that is all.

Mr. DOLPH. I think I comprehend what the Senator from New York suggests and proposes, or at least thinks should be the method pursued in the consideration of the pending bill. The Senator from New York evidently believes that the whole free list should be first considered by the Senate; that the Senate should determine what articles are to go upon the free list and be admitted into the country free of duty before it undertakes to pass upon the amount of duties to be levied on dutiable articles. The Senator from New York does not wish to be precluded by this agreement from making a motion, when we commence to read the bill by paragraphs, that we shall proceed to the consideration of the free list first before we consider the other schedules of the bill.

It is true that a bill must be read. It must be read three times. We generally read it twice by title in the Senate before it is placed upon its final passage. The rules of the Senate require that course. The parliamentary usage is to commence at the beginning and read the bill through; yet I apprehend a careful consideration of the rule would show that if the Senate desired to proceed otherwise it could have the bill read backwards. That would be a reading of the bill, and a majority of the Senate could order that to be done. The bill would be read. We might improve the bill if we should do that. The bill would be read then under the rules of the Senate. It would be completely read, but it would not be read in the order in which it is usually found advisable to read a bill, to begin at the beginning and read it in the regular order.

But I have not a particle of doubt that the Senator from New York would be in order, and that his motion would be parliamentary if, when, under the agreement a week from to-morrow, the Secretary of the Senate shall commence to read the bill, he should move that we pass over the schedules of dutiable articles, and that we first consider, as in Committee of the Whole, and dispose of the free list. I think a majority of the Senate could order that course to be pursued. What the Senator from New York appears to wish to understand is whether the proposed agreement, in the judgment of the Senators who have made it, would preclude him from making such a motion.

Mr. HILL. Will the Senator from Oregon allow me?

Mr. DOLPH. Certainly.

Mr. HILL. Of course the Senator from Tennessee is entirely willing that the debate shall take whatever course the majority of the Senate desire to have it take.

Mr. HARRIS. I do not know that the Senator from Tennessee would be entirely willing, but the rules secure the right, and the Senator from Tennessee can not help it.

Mr. HILL. I simply make this modification: I have no objection to the agreement as suggested here—it is not very explicit; still perhaps it is sufficiently so—with the further understanding that nothing agreed to shall prevent the Senate by a majority vote from proceeding to the consideration of the free list in case the Senate so desires. That is all.

Mr. MILLS. If it can do so under the rules?

Mr. HILL. Yes: if it can do so under the rules. I will make that proviso, and will then be perfectly satisfied. In other words, my point is simply this: I do not think it a wise procedure to discuss a question of rates before we discuss the question as to whether the article itself shall be placed upon the free list. In my judgment the best way to make the bill is to determine in the first instance what articles shall be dutiable and what articles shall be placed upon the free list. Having determined that question and made up your free list first, then proceed to the other question. I care not by what parliamentary method you arrive at that result. I think it would save time to make that disposition first. I simply ask to have reserved the right of the Senate to take that course if the Senate desires to take it and not be precluded by an objection that by unanimous consent we have agreed to a different course. There can be no objection to that.

Mr. WASHBURN. It seems to me, as I have understood the discussion, that the proposed agreement does not deal at all with the manner of discussing the bill after the paragraphs have commenced to be read, but that the agreement is preliminary to that time. So all this discussion as to whether we shall discuss the free list first or last will be a question that will come up naturally under the rules. The agreement in no way treats with the subject subsequent to commencing the reading of the bill by paragraphs. I should like to ask the Senator from Tennessee if that is not the fact?

Mr. HARRIS. It affects it to this extent. If the bill were formally read as it came from the House of Representatives, it would never be formally read again in the Senate in its consideration. In that case an amendment would be in order to any line or word of the bill from the first to the last; I could offer an amendment to any paragraph or any line of it. But the agreement provides for dispensing with the formal reading for information and reading the bill paragraph by paragraph for amendment.

It means that the paragraphs shall be read in their order and shall be subject to amendment as in Committee of the Whole. When the Committee of the Whole shall have passed on the paragraphs and gone on to the last paragraph and acted upon that and passed it, the bill is then reported to the Senate, and the question is upon concurring in the Senate in the amendments made as in the Committee of the Whole; and any Senator may reserve any number of amendments he chooses or he may require every amendment made as in Committee of the Whole to be acted upon separately in the Senate. Then the whole bill and every part of it is open to amendment in the Senate, and an amendment may be offered as well to the last clause as to the first.

Mr. WASHBURN. Allow me to ask the Senator from Tennessee if that would not be the case if the agreement were not made?

Mr. HARRIS. I should so hold, but I am not sure I am right about it. I am not sure that a majority of the Senate may not vary the reading of the bill, but I am inclined to think it can not.

Mr. HILL. Has the Senator from Tennessee any objection to a reservation, that nothing in this agreement as expressed here shall prevent the ma ority of the Senate from proceeding to take up for consideration the free list?

Mr. HARRIS. I am tempted to say that I have no personal objection, for the reason that I am satisfied the Senate would never consent to such an irregular method of reading the bill.

Mr. HILL. Then there is no risk to run.

Mr. HARRIS. I say I am strongly tempted. I do not think a majority of the Senate would agree with the Senator from New York as to that method of reading.

Mr. HILL. All I ask is to have that right reserved, and if I can not convince the Senate——

Mr. HARRIS. The Senator may reserve that right, if upon examination the parliamentary law that controls this body makes such a motion in order.

Mr. HILL. Of course; all right.

Mr. HARRIS. I do not seek to change the rule.

Mr. MITCHELL of Oregon and Mr. WASHBURN. That is all right.

Mr. HARRIS. If the Senator from New York, under parliamentary law, would be in order in making such a motion, I shall interpose no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none. It is so ordered.

Mr. HILL. The request of the Senator from Tennessee, as modified by the suggestion of the Senator from New York. I wish that to go upon the record.

Mr. WASHBURN. Certainly.

The VICE PRESIDENT. The Chair has placed before the Senate, in order, the entire agreement which has been made. It includes everything which has been agreed upon.

Mr. HARRIS. The RECORD will of course show exactly what was said and what was reserved.

The VICE-PRESIDENT. The Chair did not intend to exclude any part of the agreement.

Mr. WASHBURN. I desire to submit some observations on the pending measure either on Monday or Tuesday of next week. I should like to inquire of the Senator from Tennessee whether, if I make my remarks on Tuesday, it will interfere in any way with the understanding that is had now?

Mr. HARRIS. The agreement is that at 1 o'clock on Tuesday a Senator on this side of the Chamber shall be entitled to the floor for the purpose of consuming whatever time he may choose to occupy on that day.

Mr. COCKRELL and Mr. MILLS (to Mr. WASHBURN). Take Monday.

Mr. HARRIS. To next Monday there could certainly be no objection.

Mr. ALLISON. Or Wednesday.

Mr. WASHBURN. In view of the statement made, I give

notice that I shall ask the courtesy of the Senate to submit some observations on the pending measure on Monday at 1 o'clock.

LEAVE OF ABSENCE.

Mr. MORGAN. I wish to ask the Senate for leave of absence until the 3d day of May.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and leave is granted.

EXECUTIVE SESSION.

Mr. MORGAN. I move that the Senate proceed to the consideration of executive business. The session I ask for will be very brief, I will say to the Senate.

The motion was agreed to; and (at 1 o'clock and 50 minutes p. m.) the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. QUAY. With the consent of the Senate, I have agreed to yield the floor to-day to the Senator from Mississippi [Mr. MCLAURIN], and, after the conclusion of his remarks, to the Senator from New Jersey [Mr. SMITH].

The PRESIDING OFFICER (Mr. TURPIE in the chair.) The Senator from Mississippi will proceed.

Mr. MCLAURIN. Mr. President, I am frank to say that if I had had the framing of a revenue bill, I would have presented a schedule of duties different in some particulars from the one under consideration. But as it is impossible to offer a tariff that will, in all of its features, receive the unqualified approval of every member of Congress, and as this bill is based upon the doctrine of a tariff for revenue in contradistinction from that of protection, in the sense of denying to the people of the United States the benefit of the markets and commerce of the world, I give it my unhesitating support.

It especially commends itself to me, in that it is a step in the direction of apportioning the expenses of the Government in proportion to the wealth of those who enjoy the security and protection of the laws of the country.

It more especially commends itself to me, in that it has been introduced into this Congress, and has gallantly and successfully fought its way through one of its branches, in utter defiance of that potential factor in American politics, the combined and organized wealth of those who have been fostered by the iniquitous laws enacted by a party whose power they purchased, and upon whose spoils they have fattened.

It need not be expected that a tariff bill, the purpose of which is to do justice to the millions who walk in the humble paths of life and "eat their bread in the sweat of their faces" can ever make its appearance in the Halls of Congress and not be fiercely assailed and most bitterly denounced by those whose vast accumulations of wealth are the monuments that mark the iniquity of a system of laws that not only imposes the expenses of government upon the toiling masses and those of moderate estate and virtually exempts the immensely rich, but, in addition to the expenses of government, levies a forced and unwilling contribution, without the semblance of consideration, to build these monuments to a reckless disregard of human rights and common justice—it would be permissible to say, of common honesty.

The bill may be obnoxious to criticism. It could hardly be possible, after so long a reign of a system operated by the unbridled license of a party dedicated more to private gain than to the common welfare, that the formidable array of resultant evils could be remedied by one enactment.

But it is framed and presented upon the principle that the Government must have revenue to defray its necessary economical expenses, and that the people who are the beneficiaries of just laws, faithfully and impartially administered, should contribute to this revenue in proportion to the property held under these laws.

It is a just principle.

It is further based upon the principle that when the Government has exacted from the people this amount of revenue it should tax them no further. It should not tax one of its citizens to give to another.

There is a party in this country, drawing its inspiration from the teachings of Thomas Jefferson, that believes and feels that the laws ought to rest with equal touch upon every citizen; that the blessings of government ought to be distributed with a just, equal, equitable, and impartial hand; that the function of government is to protect every man alike, whether rich or poor, humble or exalted, in his life, liberty, and property, and that the greatness of a country consists in the individual prosperity, welfare, and happiness of all of its citizens.

That, therefore, the earnings and property of one man ought not to be taken from him, by force or by legislation, and given to another.

There is another party, the antipode of that, born of avarice and drawing its inspiration from greed, that believes—I must accord to men that they believe what they say—that the greatness of a country consists in an aggregation of its wealth.

If they do not in words assert, the logical deduction of their political course is, that they believe a given quantity of goods, of a given nominal value, concentered in the possession of a comparatively few, redounds to the greatness of a country far more than double the quantity of property, of the same nominal value, distributed so that the people who have produced the property will all be allowed to retain a share therein, each the acquisition of his own labor, and of his own honest skill, business, and industry.

Such is the logical effect of the doctrine they proclaim; and the men who furnish the capital to purchase the power of the advocates of this doctrine are its beneficiaries, who "toil not, neither do they spin," yet they array themselves in multimillions not their own, either by the laws of Heaven or the equities of earth.

In 1892, by its legislation on this subject; by the nomination of its candidate, and by its platform, this party challenged the American people to a contest of strength. The gage was accepted, and that great representative, champion, and apostle of tariff reform, Grover Cleveland, was nominated on a platform of a tariff for revenue.

The issue was made, clear and pointed, and put to the suffragists of America to determine. The decision, the judgment of the country was rendered in favor of the people. The bill now before us is an offer to enter that judgment. In behalf of equity and the equal and impartial administration of justice; in the name of every one of the millions, thousands, hundreds, tens, and units of the voters who contributed to this result, and by the authority of their verdict, I summon every Democratic Senator to the support of this measure.

It is a measure to obtain revenue for the Government's expenses, including pensions, against a measure of extortion under the delusive name of protection, now on our statutes. This bill represents the doctrine of revenue against the doctrine of extortion.

The theory of our Government comprehends a system that is the simplest, purest, and best conception of the subject, by the human mind. It has no parallel in history. There is no other system of government where liberty in its full and true sense can be enjoyed.

It proceeds upon the idea that this is a country inhabited by a people every one of whom is, and of right ought to be, in reference to the laws, the equal of every other one—Jeffersonian Democracy. That there shall be no titled or privileged class or individual. That the function of the Government and of its laws is to maintain this right and to secure its enjoyment; and in consideration for these blessings and advantages of government each individual shall contribute to its support in proportion to his means.

It is a principle that aspires to the sublimity of that divine utterance of the world's Redeemer, "All things whatsoever ye would that men should do unto you do ye even so unto them;" an utterance that has no equal in all the learning, philosophy, and wisdom of men: the promulgation of a principle that had its conception in Divinity.

Put this theory into practice by the enactment of just and impartial laws, in the place of the discriminating and extortion-breeding ones that now cumber the statute books, and you will not have multimillions of dollars hoarded away and occluded from circulation, and yet paraded in the statistics of the circulating medium, that its owners may procure the enactment of laws to factitiously appreciate its value and increase its power; nor will you have armies of paupers and vagrants marching upon the Capitol, nor tramps roving over the country, nor riotous strikes, where bloodshed and murder defy the laws of man and the will of Jehovah; but you will have a thrifty, prosperous, free, contented, and happy people, each the recipient of the fruits of his own labor.

You will have a country peopled with prosperous farmers, laborers, mechanics, carpenters, merchants, editors, doctors, lawyers, and of every other honest vocation. Then, instead of the distinguished, learned, and able Senator from Iowa [Mr. ALLISON] reading statistics of the growth of the country's wealth, he will see a far exceeding increase of the people's wealth, but he will see that it is more equally and justly distributed.

I lay it down as an indisputable proposition of justice and of common honesty that the Government has no right to take a dol-

lar of any citizen's money without giving him its equivalent as a consideration. He is taxed to defray the expenses of the judiciary, legislative, and executive departments of the Government, and its equivalent as a consideration is given him in his security against domestic violence. He is taxed to build, equip, and man the Navy, and to erect fortifications to protect our seaboard, and he receives his consideration in security against foreign invasion. He is taxed for harbors and for the improvement of the great water ways of the country, for the transportation and safety of our marine, and receives consideration in the same security. But when he is taxed, when his money is taken from him by force, not of violence, to be sure, but by the equally effectual force of law, and does not go into the coffers of the Government's Treasury, but is given to another citizen, individual, or corporation, he is—I was about to say robbed, but since the word grates so harshly on the delicate ears of Senators, let me say—forcibly deprived of his money without an equivalent. For whether by force of violence or by force of law, he has received no equivalent, and the result to him is the same.

If the brigand meets the farmer on the highway, and at the point of the pistol forces him to surrender a dollar of the proceeds of his cotton or wheat, it is called robbery. If the manufacturer, by the use of his money and the power of the influence it gives him, procures the enactment of a law that shuts the markets of the world from this farmer and deprives him of the benefits and advantages of the world's barter, and thereby forces the farmer, out of the proceeds of his cotton or wheat, to pay him a dollar more for his manufactured implements, the result is the same to the farmer. Yet, if you denominate this last transaction robbery, the tender tympana of Senators tingle with holy horror.

If the doctrine of extortion, by its advocates falsely denominated protection for the sake of euphony, means anything, it means approximate exclusion of the commerce of the world. It levies a tariff, not primarily to go into the coffers of the country's treasury, but to prevent the importation of the merchandise of the world, and thereby to enable the manufacturer of this country to sell to the farmer, the laborer, merchant, editor, doctor, lawyer, railroad employé, factory hand, and every other consumer at a higher price. This increase of price represents the tax which the consumer pays to the manufacturer. When he buys foreign goods, he pays a tax to the Government; when he buys domestic goods, he pays a tax to the manufacturer.

If the tax paid to the Government is made equal and uniform, in proportion to the means of the taxpayer, by a just system of laws, of, this tax he does not complain. On the contrary, he takes pride in its payment, as a token of his identity as an integral part of this great commonwealth. But when he pays a tax to the manufacturer, who has no more right to tax him than he has to tax the manufacturer, he justly complains. Indeed, the Government has no right to tax him for the manufacturer, except that of power, and power does not always make right, or the robber would be right in the manner of his acquisition of his booty.

No man who appreciates and loves fair debate—honorable debate for the purpose of reaching just and true conclusions—can deny that the effect of the prohibitive tariff is to tax the consumer for the manufacturer; and further, that when the consumer buys domestic goods he pays a tax to the manufacturer and no tax into the Treasury; and that he pays a tax into the Treasury only when he buys foreign goods. The American retail merchant finds that his business calls for the purchase of $100 worth of table knives and forks. The value of these knives and forks is $100, and if the markets of the world were open to him the manufacturer would stand ready to sell them to him for this sum.

But the foreign manufacturer must pay $50 for permission to land his goods. If he sells his knives and forks for their real value, $100, he only receives $50 for them, half of their value, at which rate he would soon be ruined. He, therefore, is compelled to add the $50 duty he has paid, to the $100, the value of the knives and forks, and sell them, if he sells them at all, to the retail merchant for $150. The American manufacturer says to the merchant, I will sell you these goods for $145, and the merchant buys from this manufacturer $100 worth of knives and forks, for which he pays him $145.

The $45 does not represent the fair, reasonable, and honest profit of the manufacturer; that is represented in the value of the goods, the $100; but the $45 is the amount of tax paid to the manufacturer by the man who uses the knives and forks, and for which he receives no consideration. I say by the man who uses the knives and forks, because the merchant can not sell for less than he gives for the goods. In this way the farmer, merchant, railroad employé, factory hand, and all others who buy and use knives and forks pay this $45 tax to the manufacturer. And this is done under a system of laws for extortion, under the false cognomen of protection.

By a simple process of arithmetic it will be seen that $100,000,000, in value, of cutlery is sold at the forced price of $145,000,000, and that the sum of $45,000,000 of it does not go into the honest price of the cutlery, but is a tax extorted from those who use the cutlery, and paid to the manufacturer by force of laws enacted for extortion. By a just system of equal and impartial laws the manufacturer, to whom it does not of right belong, would not have this $45,000,000, but it would be distributed among the masses of the people, those who earned it and those whose labor produced it, and it would constitute a part of the wealth of the country, as much so as it does when extorted from its owners and producers to burden the coffers of the extortioner.

This is but an illustration of the unjust workings of the iniquitous system. The same thing applies to the purchase of clothing for the families of the laboring masses of the country, whether they labor upon the farm, in the shops, in the business offices, or in any other field, with this difference, that the tax paid to the manufacturer on clothing is greater. The sum total of this tax thus extorted from the people, and thus paid to the manufacturer, reaches into the hundreds of millions of dollars, which, under an honest system of laws, would remain the property and capital of its producers, and would in such way be distributed among the people by whose labor it is produced and earned.

Under a just system of laws the people, instead of paying all they make to placate the insatiate greed of the manufacturer, would have something of their earnings left to the enjoyment of themselves and their families. This they would spend with the tailor for their clothes; the shoemaker for their shoes; the farmer for flour; it would disseminate through the channels of commerce; the railroads would carry their trade and collect their tolls, and all conditions of life would be prosperous.

If the people could have it shown to them in figures; if every individual could see the money in one sum that is taken from him or her by this scheme of extortion every year, the people would stand appalled. They would wonder that they had ever tolerated such a system for one day, much less for decade after decade. It is not honest. No legerdemain of figures or statistics can demonstrate its honesty.

The excuse given as a palliation of this scheme of extortion in the incipiency of the Government was a plea that it was necessary to sustain our industries in their infancy, and that as soon as they were able to stand alone the policy would be abandoned, and they would be left to themselves to walk unattended by this nurse of protection. But when the tiger has once dipped his tongue in blood he does not relinquish his victim without a struggle. Those men who have blasphemed the sacred name of patriotism, in their sordid appeal to the love of country, that had its home in the bosoms of a noble people, just self-emancipated from British oppression, seeing that the people were fast becoming cognizant of the ability of those infant manufactories to stand alone and feed on stronger meat, must resort to some other expedient of deception.

What crimes, what outrages, what tyranny and oppression have been perpetrated in the name of liberty! Oh, the accumulated millions that have been wrung from the sweat of the laborer under the name of protection to labor. Seeing the futility of further appeal for unjust and forced contributions to infant industries, they invented the false pretense that their extortion was in the interest of protection to labor. Unselfish and generous men(?). The laws which they have procured to be enacted, under the false pretense of protection to labor, have been the wicked instruments of accumulating for themselves colossal fortunes whose figures stagger arithmetic. How unselfishly they are enlisted in the cause of the laborer(?). I would distrust the candor of the man who asserts that he is acting in my interest in his enactment of laws and makes no mention of his own advantage, thereby impliedly asserting that mine is the only welfare sought, when I would see him extorting millions of dollars from the transaction. So, when I hear the manufacturer say he is clamoring for these laws that labor may be protected, and then see him thereby wrest from the laborers of the land multimillions of dollars that have cost the sweat and often the blood of the poor and their families, I denounce his pretensions as hollow mockery.

I make no war upon the rich because they are rich. I do not envy them their affluence. I would rather pray, in the language of one of old, to "make me neither rich nor poor." I do not object to the honest amassment of wealth. Nor would I unjustly take from its owner one dollar of his possessions. But I earnestly enter my most solemn protest against its dishonest and unfair acquisition. In the same breath in which I would enter my disclaimer of any purpose or desire to wrong or assail the rich because of his riches, I would most respectfully, yet most ear-

nestly, commend to Senators that injunction of Holy Writ, which is sanctioned by the authority of Him who with the blast of his nostrils gathered the waters together, stood the floods upright as an heap, and congealed the depths in the heart of the sea, "oppress not the poor because he is poor."

It is easy enough for unjust men, when objection is made to the dishonest means of the acquisition of their wealth, to inveigh against those who enter their righteous protest, and to charge that it is an envious assault upon the rich, who have accumulated their fortunes by laudable thrift. By such vicious and empty charges against the humbler classes of our citizens, fulminated in meaningless platitudes, they hope to divert public scrutiny from the unrighteous means to which they have resorted for the acquirement of their ill-gotten gains. No; the working masses, who toil with brain and muscle in their fields, in their shops, in their storehouses, over the counter, and at their books, in their law offices and doctors' rooms, on the railroad, and in every vocation where honest earnings are acquired, do not envy the opulence of the rich. They ask not for a law to restore to them the spoils they have suffered, but they ask for that humble meed of tardy justice that will allow them in the future to own for themselves and for their families that which they make; and for this meager mite of equity I, a humble one of their number, am here to plead.

You do not protect labor by laws through which you enrich yourselves upon the toil of the laborer. You do not protect labor by laws which shield you from honest competition of prices, and thus allow you to sell to the laborer at an exorbitant price, and to that degree impoverish him. The law that prohibits competition with you in making sales allows you to increase your prices and augment your fortunes, but does not benefit the laborer; on the contrary, it adds to the prices he pays for your wares, and to that extent injures him. The law that prevents competition with him in labor is the law that raises his wages. The laborer's wages are not affected by the price the manufacturer receives for goods. The price of labor is regulated by the same inexorable law that controls all other prices—the law of supply and demand. If two employers run after one employé, labor is high; if two employés run after one employer, labor is cheap. Not an advocate of prohibitive legislation can dispute this. If he does, it only betrays the poverty of the argument to which he is reduced.

To meet the force of this fact the advocates of the extorsive system allege that the effect of the system is to increase factories and thereby the demand for labor. But this is the veriest speculation, predicated upon a contradiction of the known laws of trade and business. Through the influence and operation of the extorsive system the manufacturer sells to the laborer at exorbitant charges and his modest income is soon exhausted. This happens to all classes of business and industry, and from it they all suffer. The modest incomes of the shoemaker, blacksmith, carpenter, railroad hand, farmer, clerk, salesman, bookkeeper, merchant, shop hand, and all other industries flow into the capacious coffers of the manufacturer, and their supply is soon exhausted. Though these toiling people are scantily fed and thinly and poorly clad, their narrowly limited incomes being exhausted, they can buy no more.

The manufacturer, sheltered behind extorsive laws, interlocked with combines and trusts, can refuse to sell at reasonable rates; but allows his wares to lie idle until the toil of labor produces other incomes for their purchase. He has swept into his coffers the available incomes of the country, and still has a surfeit of goods to cumber his warehouse and supply the demands of future seasons. He has no need to manufacture other wares, and of course no necessity for labor, and the laborer goes begging for employment. Thence come strikes, riot, bloodshed, and murder. If you call it prosperity when all the wealth of the country has been dumped into the receptacles of the favored few, and parade your statistics of increase of wealth, concentrated in this few, through the extorsive system, and claim that this increase of the wealth of the country is due to the iniquitous system, under the simple but fallacious argument, *post hoc ergo propter hoc*, I can, with far more reason, retort, and arraign this system for the murder of the people at Homestead and Uniontown; for the strikes all over the land; for the money panic of last year and of 1873; and for the tramping armies of paupers and vagrants who straggle through the country.

But if the laws had been shaped in the interest of all the people alike, these scantily fed and poorly and thinly clad laborers of the country would have been able to have supplied themselves and their families with the conveniences, comforts, and even luxuries of life; to have consumed all the yield of manufacturing labor, thus creating a demand for more manufactured goods, and a corresponding demand for skilled labor; and the demand for labor being increased, there would be a corresponding increase in its price and assurance of its permanency.

This commerce would furnish business for railroad transportation, from the fares of which their exchequers would be replenished. Its handling would require more help and give employment to railroad laborers and clerks and other railroad employés, whose salaries and wages would buy provisions and clothing from the merchants, produce from the farms, and in many and various ways the money of the country would be more generally and justly distributed through the channels of commerce, and would thereby tend to stay the tides of panic and disaster.

I make no war upon the manufacturer because he is a manufacturer. I feel that there are manufacturers who do not ask for this unjust discrimination in their favor. The business of manufacturing is an honorable one, and of great advantage and benefit to the country and to mankind. If there be dishonor, it does not attach to the business of manufacturing, but to the man who seeks for laws through the operation of which he may be allowed to practice extortion. It turns out many useful and beneficent products, as an instance of which I may name the polished furniture and finished engine, beautiful to the eye and valuable to the service. But the manufacturer does not enjoy a monopoly of usefulness. The farmer who endures the hardship and exposure of toil, in heat and cold, sunshine and rain, and sleet and snow and mud, to produce the food and raiment with which all the populations of the earth are fed and clothed, is surely a benefactor, than whose claims upon the blessings of government and the consideration of the lawmakers none should be held more sacred.

The laborer who delves in mines for the coal with which you are warmed, the iron that makes your implements of labor, and for the gold and silver that make your medium of exchange as well as your ornaments; the humble day laborer who builds your railroads, and in exposure and danger handles your freights, as well as the engineer who with steady hand holds the throttle and with sleepless eye guards you against danger, while in conscious security you take your speedy travel; the merchant whose capital and labor advances commerce; the doctor whose skill and the druggist whose store alleviate humanity; the lawyer who construes the laws; and numbers of other classes, are all equally with the manufacturer worthy of and entitled to the blessings of government.

To show beyond peradventure that the system of extortion does not benefit the laborer, and that the pretense that it is practiced for protection to labor is a shameful mockery and a delusive snare, I challenge consideration of some facts which I will present and one feature of the McKinley bill: and even the extortionist, when he fairly considers these, if he is not blind to facts and deaf to reason and argument, must see that the statistics of increase of wealth in the South, so exultantly paraded in this debate, are not due to this extorsive system.

One feature of the McKinley bill is a tariff tax of 45 per centum ad valorem on all imported cotton machinery. Now, it is a fact that this duty on imported machinery enables the American manufacturer of cotton machinery to add 45 per cent to the price of his machinery when he sells it. It is a fact that this added cost of the machinery for the manufacture of cotton goods embarrasses the manufacturer of cotton and impedes the progress of cotton factories. It is a fact that 5,000,000 of people in Great Britain are engaged in the labor of manufacturing cotton goods, and that three-fourths of the cotton that they manipulate is shipped from the United States.

What an inestimable advantage it would be to the factory laborers of America if the manufacture of all this cotton was transferred from Great Britain to the United States. The transfer of any part of it is proportionately advantageous. If it were transferred to the United States, and those self-nominated friends and self-appointed guardians of the skilled laborers of the country were sincere, and would procure the enactment of laws that would effectually prohibit the admission of competitive laborers to our shores, it would indeed be a laborers' harvest. Then would two of those selfsame men, employers, run after one employé, and the price of labor would be high, and we would repose some modicum of faith in the sincerity of their protestations, when they pretend that their solicitude for the enactment of extorsive laws is purely in the interest of labor, while they themselves harvest from such laws more than half of the wealth of the country. The price which these laws add to their goods must come out of the pockets of somebody or bodies; it does not drop from the sky.

Let us see whether the operation of the McKinley bill tends to transfer the manufacture of this cotton to us, and thus to give employment to the skilled labor of the United States, or whether its operation tends to drive it from the United States. I can best illustrate this by an instance that comes under my own observation. A friend of mine, Mr. A. E. Randle, of Washington City, a manufacturer, who does not believe in the efficacy for good to

the country of laws that unjustly discriminate against any American citizen, conceived a plan for the establishment of a cotton factory in Mississippi. He issued bonds for the purchase of the machinery, and had the money to put it in operation. He went to Massachusetts to purchase the machinery, and it was offered to him for $290,000 cash. He was unable to purchase the machinery with the bonds or with stock in the enterprise.

Of this I have no complaint to make. But he went to England, and was offered the same machinery for $200,000, for which the factory company's bonds and stock in the enterprise would be accepted, without the advancement of a dollar. By the operation of the McKinley bill Mr. Randle, an American citizen, was required to pay $90,000 customs duties, which he was unable to raise in addition to that necessary to erect and operate the machinery, and he thereby failed in his effort to establish an industry that would have given employment to labor. The duty was 45 per cent, and the Government received no revenue, because the tariff was so high that it prohibited importation. If the duty had been 10 per cent—less than one-fourth of what it was—the importer could have raised this amount: the Government would have received $20,000 of revenue; the country would have had $200,000 worth of property added to its wealth—because the property would have paid for itself—and skilled labor would have found additional employment.

If you will take the entire duty from cotton machinery, and make its importation free, it will be but a question of a few years when the entire crop of American cotton will be manufactured upon American soil by American labor. The price of labor will therefore rise; but the manufacturer of cotton machinery will not reap such a rich harvest of spoils. In the face of these facts, reason becomes restive and argumentation audacious when monopolists persistently proclaim that they are prompted in their advocacy of a high tariff duty purely by a motive of protection to labor. The cry of protection to labor is hollow hypocrisy, and is only raised to do duty in the effort to enlist the laborers of the country in this unholy crusade against civilization, as well as against the rights of the citizen. In the same spirit, and for the same purpose, are duties levied for pretended protection to other classes than the manufacturer, in order to enlist these classes in the protection crusade, when in fact these classes are losers by its operation; as for instance the wool-growers, who by this system are given one dollar and robbed of ten, as was demonstrated in this debate by that great Indianian Senator VOORHEES, of whose transcedent ability and matchless eloquence, and broad and comprehensive statesmanship, his State and the country may well feel proud.

The time will come when every wage-earner and every man of every class who has taken partnership in this unrighteous scheme of oppression will curse the day he entered its association, as the "necromancer in the grasp of the evil spirit curses the day he first meddled with the black art of sorcery." It bodes no good to the country; it gives no gain to the laborer. Protection to labor, indeed (?). Philanthropic motive (?). Let us strip this motive of its mask and see it naked in all of its hideous deformity. It can not be denied by these assumed philanthropists that through the operation of their system they are enabled to raise the prices of the goods they sell to laborers, as well as to others, and money is thereby extorted from these purchasers by which they are enriched.

The laborer in the cotton field, who produces material for the clothing of the people, can not earn more than $120 a year; less than 35 cents a day. If he produces, gathers, and prepares for market six bales of cotton, worth $180, it is a good crop. One hundred and twenty dollars for his wages deducted from this this sum leaves $60 for the feed and hire of his plow team, the purchase of implements, and the rent of land. To produce and gather this crop he is exposed to all the inclemencies of the weather, and is liable to the dangers of pneumonia and death. I know whereof I speak. I was raised on a farm, and have endured all of its hardships and toil, and I deeply sympathize with this worthy, honest, and honorable class of our citizens. No man will deny that if this laborer, as he is compelled to do, buys his clothing for his family, or implements for his labor, the protective system of these philanthropists is intended to increase the price he must pay. And this increase of price is taken from this laborer, and goes into the pockets of these philanthropists under the guise of philanthropic devotion to the interest of labor!

So you see that when the mask is raised it is the interest of the pretended philanthropists and not of labor that is intended to be subserved. Yet this mockery of philanthropy is flourished in the faces of the people under the hypocritical pretense of protection to labor. Philanthrophy is born of purer mold. It does not rob the poor. The exclusory laws of the extorsive system, under the more euphonious name of protection, approximately prohibit the importation of machinery to manufacture this man's cotton, and thereby tend to deny employment for labor. Yet these philanthropists proclaim that their solicitude is purely in behalf of labor.

After I was elected, and while I was making preparations to come to Washington and take my place in this Chamber as a United States Senator, I passed an old black man whom we know in my town as "Uncle Prince," who makes a humble and honest living by chopping wood. Addressing me, he said, "Make laws to help the poor man." The first question that naturally suggests itself to the mind is, What righteous law would help this poor man? I find on the statutes a law that compels him to pay, when he purchases his ax, a tax of 45 per cent to the manufacturer. When he buys his unpretentious clothing, he pays to the manufacturer a still higher rate of tax; so that out of the little sum that he earns in a year of less than $150 he is forced by this vicious legislation to give up to the manufacturer at least $20, for which he receives no possible equivalent. And this under laws that pose as protection to labor! The result to him would be the same if he was forced at the point of the pistol to give up his $20 to the brigand. I thought if a righteous law could be enacted, not to give him paternal care and protection, but to allow him, instead of the manufacturer, to have his $20, it would "help the poor man," and he would ask nothing more. In private transactions, without the intervention of the cloak of the law, nothing less than this would satisfy the demands of common honesty.

But they complain that we are trying to extirpate this system at one sweep; that we want immediate and exact justice. They claim that they have practiced this extortion so long that it has become a second nature, and that it must not be too suddenly disrupted. And when we chafe under the galling load, they denounce us, on the principle, I suppose, of a boy who appealed to his mother to "make Bill behave himself; every time I hit him on the head with the hammer he hollers." [Laughter.] Now, after this system of wrong and injustice has given special privileges to one class at the expense of other classes, and this inequality has been suffered and endured for long years, if we ask for laws of equality and impartiality we are told that it is a blow at the industries of the country. We are anxious to know wherein it is a blow to these industries? The answer is, that it repeals the laws that enable them to sell to us at higher and artificial prices. The blow consists in the repeal of laws that discriminate against the people in their favor. They consider it a fearful blow if impartial law puts them upon an equality with other people and compels them to sell their goods upon their merits, as the laborer is paid for his labor on its merits.

The extorsive system makes artificial values, constantly changing with the artifice, and thereby creating panics and disaster. Before business can ever settle upon a safe basis this tariff question must be permanently settled. The reflecting mind will not be long in concluding that it can not be permanently settled until it is settled upon just and fair principles. As long as the human heart pants for purity, and the human mind soars for light; as long as there exists in American manhood a spirit of liberty, independence, and equality, this struggle for impartial tariff laws will continue.

But they say the wealth of the country increased under the protective system. A pertinent inquiry is, Did the protective system produce or cause the increase of wealth? They say it did, because the protective system existed when the wealth increased. But the protective system existed when the money panics of 1873 and 1893 came. Did, therefore, the protective system produce or cause the panics? It is just as logical to say that it did. The protective system existed when we had the yellow fever epidemic of 1878. Did the protective system produce the epidemic? It is equally as logical. Did the protective system cause the Johnstown flood? It existed then, and it is just as logical to say that it did.

Before it can be shown that the protective system has produced the country's wealth there must be shown some relation between the cause and effect. The protective system aggregates wealth in the possession of a few. The cause is that the laws are made to discriminate in favor of those few at the expense of the people; to allow those few to practice extortion upon the people, and they soon extort all the wealth of the country and become rich. Here is a direct relation between cause and effect.

The growth of wealth is produced in one of two ways: Either (1) the country produces it and the manufacturers get it; or (2) the manufacturer acquires it by selling his manufactures abroad. If the first, then the protective system is not the cause of the growth of wealth: if the second, then the industries do not need legislation to enable them to stand, but only need it to enable them to plunder.

If the manufacturer can not compete in prices with foreign imported goods without legislation that enables him to sell higher

than the foreign goods are sold, how does the system tend to increase the growth of wealth? If he must sell for $1,500 an engine for sawing lumber that the foreign manufacturer can sell for $1,000, then if you do not have an extorsive system to prohibit the importation of foreign engines three engines will be purchased and do duty in the country instead of two of the same kind, and the country's wealth will be greater by one engine. That the artificial means, the discriminating legislation, have given the two engines the same nominal value that the three of the same kind have do not make them worth as much intrinsically as the three. They can not do as much work, they do not give as much employment to labor, and they can not contribute as much to comfort and convenience as the three.

Yet in the statistics of wealth the two engines are put down at $3,000, whereas but for the laws that prohibited importation the country's wealth would have contained three engines. It is the amount of property and the convenience and comfort to which it contributes, and not its assessed nominal and artificial value, that constitute the country's wealth. You have seen that by these forced and artificial values the country contains only two-thirds the amount of property—two engines where it could have three. But for extorsive legislation, it will be seen from this illustration, the property of the country would be one-third more than it is.

If there is any branch of American manufacture that can not compete with foreign manufacture, the people would obtain the benefit and advantage of the cheap market afforded by the foreign manufactories, and the capital invested in this branch of manufacture would be diverted to something that would be profitable to its owners, and that would require labor, and thus make the demand for labor equally as great, and even greater, and therefore labor would be as remunerative as it would be if employed in manufactories that required the aid of protective duties. The manufacture of that wherein we can excel foreign manufactories would be largely increased, and its sale abroad would redound to the wealth of this country. Why should we spend $10 to make that which we can buy for five? Better invest the $10 in some other industry that gives a better return.

The farmer can at home, with the old-fashioned spinning wheel and loom, make the cloth for his clothes. But with less than a tenth of the labor, and in less than a tenth of the time, he can make the farm products with which to buy the cloth, and he therefore buys instead of makes them. Labor and employment are thus diversified and business transacted. By the natural laws of business and industry and trade, without the intervention of discriminating legislation, all the capital and labor of the country are employed where they will bring the best returns. Each buys that which he can buy cheaper than he can make it, and sells that which he can make cheaper than his neighbor. The same economy will apply to a people. That rule of economy that works well when applied in the instance of an individual will work well when applied in the affairs of a people, because the people are but the sum of the individuals. But they say, if the markets of the world are open to us the balance of trade will be against us. This rests upon the assumption that we, as a people, will consume more than we are able to produce. But we can not buy abroad more than that for which we are able to pay. They point us to the custom-house account of exports and imports to show that the balance of trade is against us.

Let us test this account. Mr. Randle, of Washington City, ships from New York a cargo of cotton that cost him $200,000. He sells it in Liverpool at a profit of 20 per cent, and realizes $240,000. This sum he invests in Liverpool in English goods, and sells them in New York for $288,000, 20 per cent profit in each transaction. The custom-house account shows, exports, $200,000; imports, $240,000, and it is accounted, in striking the balance of trade, as $40,000 against our country, when, in fact, a citizen of our country is worth $88,000 more by the transaction, and the country, where it had $200,000 worth of property, has received therefor $240,000 worth of property, a growth of the country's wealth of property of $40,000.

But if Mr. Randle's ship had sunk between New York and Liverpool, with its exports of $200,000 worth of cotton, and the whole cargo had been lost to him and to the country, the custom-house accounts would have shown a balance of trade in our favor of $200,000, so far as this transaction was concerned. So, you may see that the balances struck by the custom-house accounts do not furnish a safe criterion of the growth or loss of the country's wealth.

One more thought before I leave the subject of the customs duties. It is exceedingly important that there should be a rate of duties that are approximately permanent. Business is uncertain, and business men are in doubt and difficulty in making their purchases when the customs schedules are constantly fluctuating. Under the Republican doctrine of a tariff to artificially raise prices it is compelled, in the very nature of things, to be uncertain and fluctuating, because it has no fixed, permanent basis for its levy, and would always depend upon the cupidity of its beneficiaries, and upon their influence in securing a schedule to feed that cupidity, while under the Democratic doctrine of a tariff for revenue only, which abhors the prostitution of one of the necessary agencies of government, there is a solid and safe basis for a schedule of duties, which basis is the revenue necessary for the economical expenses of the Government, and if the duty is levied upon this basis it will be approximately permanent. Until this is done there will be a constantly changing schedule of duties and a corresponding timidity of business.

Before I conclude I beg your patient indulgence while I devote a few moments to the investigation of the income-tax feature of this bill.

I deny the contention that the Democratic platform of 1892 declared in favor of raising revenue by customs duties exclusively. If it had so declared, then the principle would receive my earnest support.

I believe and feel that every Democratic Senator and Representative is impliedly pledged and in honor bound to perform in good faith and in letter and spirit every principle enunciated in that platform, and so is the Executive.

Each one of these Democratic officials owes it to himself, and to the country, as well as to the Democratic party, to do this, or to resign to the party the commission with which he has been intrusted. Otherwise he has no right to speak for the Democratic party. Therefore it is that, if such a principle were contained in that platform, it would receive my support.

The platform has no reference, either expressly or impliedly, to the question of an income tax.

There was a controversy between the two great parties as to the purpose to which the tariff should be devoted. One party, the Republican party, contended that the tariff should be devoted to the purpose of prohibiting the importation of foreign goods into this country, because they said that if the importation of foreign goods is permitted, the country will be deluged with goods; the markets will be glutted, and goods will be cheap; and, therefore, the manufacturer will not be able to sell for high prices, and that will impoverish the country.

The other party, the Democratic party, held that the tariff should not be devoted to any other purpose than to raise revenue; that with this limitation the markets of the world should be open to the people; that if the importation of goods should glut the markets, and make them cheap to the people, it was impossible for them to see how this would impoverish the country. With this issue in mind, and to make it clear and pointed, the convention said a tariff should be for revenue only, and it was overwhelmingly sustained by the people.

The argument that has been offered in this debate, that this means that all the revenues should be derived from customs duties is farfetched, and could only be invoked in support of a weak contention.

It is virtually admitted in the speech of the able, learned, and distinguished Senator who offered this contention, that through the customs duties the rich do not pay their proportionate share of the expenses of the Government, and that the poor pay more than their proportion. He proposed to offset that admission by the assertion that the poor contribute nothing to the expenses of the State, county, and municipal governments.

I deny the assertion.

To illustrate his assertion the Senator took an extreme case—a man who has no property, real or personal. I meet him on this ground.

This man pays his poll tax, and works the streets and the roads, serves in the militia, and when the calamity of war comes, sheds his blood and sacrifices his life for the defense of his country, and that the rich may be secure in their riches.

But let us take the example of one who is not so destitute. Take the man whose land and personalty amount to the modest sum of $1,000—one-fifth of a year's salary of the Senator. He pays, in addition to his poll tax and street tax, his proportionate share of the expenses of State, county, and municipal governments. Yet through the customs duties he pays far more to the General Government, as the virtual admission of the Senator allows, than the rich do, in proportion to their means and wealth. But there is no admission of the Senator needed to prove the inequality of the system. By a simple application of arithmetic it is proved.

All fair-minded political economists agree that the consumer pays the customs duties.

If the man whose unpretentious estate sums up $1,000 consumes $200 worth of dutiable goods, he is paying a duty on the value of one-fifth of his estate. Could you expect him to subsist

on less? He must have implements with which to work, and they are all taxed; he must have clothes for himself and his wife and his little ones to protect them from the scorching rays when they toil in the heat of the summer's sun and from the cold blasts of the bitter, biting winter's wind when it comes hurtling from the frozen North with frost on its wing. For, be it known, his sensibilities are as keen, and his wife and children are as dear to him as those of the rich are to them.

But the wealth and incomes of the rich are so superabundant that they do not consume dutiable goods thus proportionate to their wealth.

The man who owns $10,000,000 would have to consume $2,000,000 worth of dutiable goods before he would pay a tax in proportion to the man who owns $1,000 and consumes $200 worth of dutiable goods. So that, each paying taxes on the value of the dutiable goods he consumes, as the rich do not consume that value of dutiable goods in proportion to their wealth that the poor are compelled by their necessities to consume, it follows, as the day follows the night, that the rich do not pay their proportionate share of the revenue.

To remedy this and to make some approach toward equality the income tax is proposed.

It ought to commend itself to the fairness, justice, and impartiality, to say nothing of the magnanimity, of the rich. Two cents of every dollar, not of their estates, but of their incomes above $4,000.

To take this just and reasonable share of the Government's expenses would not deprive them of a single convenience, comfort, or luxury that they enjoy; while the tax heaped upon the poor, by unjust and discriminating legislation, often sends their children to bed hungry.

I do not ask the rich for the charity of a dollar in behalf of these people. If I were to do so, their manhood would revolt. But I ask that the rich pay their proportionate share of the expenses of the Government. And when I do this I am pronounced a demagogue. I suppose this charge is in the sense that we who advocate this measure declaim sentiments that do not receive the approval of our judgment in order that we may ingratiate ourselves into the favor of our people.

That I desire the good opinion of the people of my State I do not deny: but that I utter any sentiment or thought on this subject that is not the judgment of my mind and hope of my heart, I summon their unanimous testimony to brand as false.

Is not the cause of this people just? And may not one plead the cause of justice without incurring the charge of duplicity?

When I see learned and able Senators, of lofty bearing and of gentle and courteous demeanor, who would spurn a dollar of unfair gain in a private transaction, enlisted in this crusade, I am reminded to exclaim, in the language of Fitz-James to Rhoderick Dhu:

> Methinks a soul like thine would scorn,
> The spoils from such foul foray borne.

But it is said that the clerk who receives $6,000 a year must pay a tax on $2,000 of his salary. Ought he not to pay more than the clerk who receives $1,000 a year? Under a rule of inequality, kindred by affinity to the inequality of the tariff, female help is not paid as much as men are paid for the same quality and quantity of work.

The female clerk who receives $1,000 a year pays far more, in proportion, than the six-thousand-dollar clerk, through the customs duties; and one way—the best that has been offered—to approximately equalize them is to tax a portion of the income of the six-thousand-dollar clerk. Otherwise she, of her small salary, is paying a part of his tax. I do not believe the average six-thousand-dollar clerk would ask to be the recipient of the avails of such a wrong. Shame upon the clerk who would impose the discharge of his obligations upon a helpless woman. Adam-like, when he is cornered in his crime, he is willing to exculpate himself at the expense of the woman. There is reason to hope that, after more than eighteen centuries have rolled between us and the crucifixion of the Redeemer for the sin of Adam, woman will receive some recognition of justice, and that there will be but few Adams who will desire to throw their tax obligations upon her shoulders.

I plead at the bar of the sense of justice of the rich; cease your opposition to this income tax. It is not undemocratic. Democracy means that the people rule, and as sure as the people rule this tax will be levied. Be not deceived, the people are not deceived. Meet the people in a spirit of fairness and equality, and show them that you are willing to contribute your proportion to the Government's support; and if it produces a surplus in the Treasury, as has been argued, take that much off their shoulders by reducing the tariff on some article of their necessary consumption.

You have not sounded the people on this question. You hear the rich talk, but the poor obtain no audience in your ear. They know the justice of this measure; they make the demand that it shall avail.

Mr. President, in this humble contribution to this debate I have sought to excite investigation, rather than to satisfy its inquiry. This is no time, this Chamber is no place, and this debate is no occasion for the venting of spleen. This is the time and place to discard personal spite, and this is the occasion for the exercise of broad and comprehensive statesmanship. Let no man abandon the ship because there hang upon the horizon the murky clouds of political reverses. These are elections in the springtime. The Republicans are men of leisure, who have time to attend elections. The Democrats are at work to make money to pay the tariff and to pay the manufacturer. Wait until the fall elections come, and they will have time to attend and elect Democrats. The people will appear at the polls, and their voices will be heard. They who compose the bone and sinew and blood and tendon of the country; who toil in field and factory, in storehouse and shop, in business offices and upon the railroads, and in all the departments of manual and mental labor, and who shine in the firmament of citizenship like diamond dust set in the background of heaven.

Mr. SMITH. Mr. President, at some future time I may consider it my duty to the State which I know I represent and to the political organization which I hope I represent to say a few words in a general way concerning the tariff bill now under consideration. For the present, however, I shall confine my remarks to that portion of the measure which provides for a tax upon incomes.

I oppose that provision for certain distinct reasons which I shall endeavor to make plain to the Senators who are here or may by chance arrive during the next hour. I oppose it and shall do everything in my power to defeat it, first, because it is unnecessary; second, because it is unjust; third, because it is unsuccessful; fourth, because it is unpopular; fifth, because it is undemocratic; sixth, because it is un-American; seventh, because it is unwise; and finally, on general principles, because it is unworthy of an intelligent government, supposed to represent a free and enlightened people.

With the indulgence of the Senate, I shall give a few moments to each of these objections in the order named.

It is unnecessary. In a time of need a government is warranted in adopting even obnoxious devices to obtain money for self-preservation. This Government was justified in doing so during the civil war. European governments, confronted by the shadow of a great conflict which may be precipitated at any moment, may now be excused for inflicting this hateful system upon their peoples. I grant that necessity affords a fair and proper reason for its use. But no such necessity exists in our own country at this time. We are not engaged in war, nor is there the slightest basis for a belief that we shall be for at least a generation. With the single exception of the money required for pensions, we have to meet only the ordinary expenditures for economical administration, and we have done so even under a tariff which is distinctly prohibitive in its nature and was designed to reduce revenues.

It is true that there is now a deficiency; but it arose, not from the excess of ordinary expenditures over ordinary receipts, but from specific acts whose requirements have been met and can not recur. In fact, the total of the sums paid during the past three years for the refund of direct taxes, for sugar bounties, for the extinction of titles to Indian lands, for the census, for "first payments" upon pensions, and for new war vessels far exceeds the amount of the present deficiency.

Of these expenditures a very small percentage can by any possibility continue. The refunding of the direct taxes is completed. No more sugar bounties will be paid. The cost of extinction of titles has been met. The census work is practically ended. "First payments" upon pensions, it is true, seem likely to continue so long as life shall last, but as we approach the third generation of pensioners we may, at least, hope that "first payments" will become less numerous. The Navy is big enough to take care of itself till we have more money to spend for further additions, and the estimate for 1895 is nearly $3,000,000 less than the amount paid last year.

Dropping these nonrecurrent expenditures, allowing for the natural reduction in pension payments, and accepting the estimates of the Secretary of the Treasury for the Departments, public works, and all other purposes, the total amount of money required for the year ending June 30, 1895, need not exceed $350,000,000. The actual expenditures for the year ending June last amounted to $383,000,000. This means a saving on the one hand of more than $30,000,000.

The sole question, therefore, is that of receipts; and here we enter the field of conjecture. It is easy to assume, and it has been assumed most persistently by advocates of the income tax, that reduction of duties means a corresponding reduction in revenues. But this is no more than assumption of fact, which does not and can not exist, for the purpose of argument. It is not only unsound in theory, but untrue in practice. During the five years prior to the passage of the McKinley act there was a steady increase in customs receipts. They amounted in 1885 to $181,000,000; in 1886, to $192,000,000; in 1887, to $217,000,000; in 1888, to $219,000,000; in 1889, to $223,000,000, and in 1890, to $229,000,000.

The increase in five years from 1885 to 1890 was $48,000,000. A corresponding increase during the present five years would have yielded a revenue from customs for the year ending June 30, 1895, of fully $280,000,000. Had the tariff then in force remained untouched and business conditions been undisturbed by changes and fears of changes, there is no reason to doubt that this increase would have been realized. But the McKinley act became a law on October 1, 1890. Higher duties were imposed and customs receipts decreased with importations. Notwithstanding the extraordinary number and amount of purchases by importers in 1890 just prior to the enactment of the new law, to take advantage of the old rates the receipts for the year ending June 30, 1891, fell off ten millions, and for the year following amounted to only one hundred and seventy-seven millions, or four millions less than in 1885. Moreover, despite the fact that the early part of the last fiscal year was a time of unusual business activity, the receipts barely reached two hundred and three millions, whereas in the ordinary course of increase indicated by the steady advance from 1885 to 1890 they would have exceeded two hundred and fifty millions under the lower duties imposed by the old tariff.

I mention these facts merely to show the fallacy of the argument that an income tax or any other extraordinary method of obtaining money is made necessary by a reduction of duties. If the experience of the past eight years affords any criterion, just the reverse is true.

In fact, I am not aware that anybody seriously contends that such reductions as are recommended by this bill would ultimately result in smaller receipts. The only objection yet raised is that time would be required to adapt trade to the changed conditions, while the needs of the Government are pressing and must be met at once. On that point I need only say, what every business man knows, that importations and the consequent customs receipts have been reduced to a minimum since it became certain that the duties were to be lowered, just as in 1890 they were increased to the maximum when it was known that the duties were to be raised. The moment the new schedules are placed upon the statute books the flood of importations, which have been held back in anticipation of more favorable rates, will pour into our ports, and receipts at the custom-houses will be swelled accordingly. To attempt an accurate estimate of the extent of such an increase in revenue is a manifest impossibility, but that it can not fail to be very large is certain.

We come now to the question of internal revenue, and here, as the probabilities are less conjectural than in regard to customs receipts, so is the lack of necessity of income taxation more apparent. In an article recently published, Edward Atkinson shows more clearly than has been demonstrated hitherto the exact relation of population to consumption of whisky, beer, and tobacco. He finds that from 1879 to 1893 the revenue from whisky increased from 98 cents to $1.41 per capita, and the revenue from beer from 21 to 48 cents per capita. The revenue from tobacco has varied because of the changes in rates, but has ranged from 47 to 54 cents per capita. Taking all together, the average per capita per year from 1879 to 1893 was $2.51. But the average for the year 1893 was $2.65, the computed population being 66,826,000. The internal taxes on banks, oleomargarine, etc., amounted to 10 and the miscellaneous permanent receipts to 34 cents per capita, making a total of $3.09 per capita for 1893.

Figuring on the same percentage of increase in consumption which was made from 1879 to 1893, assuming no increase in revenue from whisky because of the apprehension that 20 cents per gallon additional may encourage fraudulent distillation and the possibility of large quantities of whisky being kept in bond through the next fiscal year, but allowing for the normal increase in the consumption of beer, for the additional receipts from playing cards and from lower duties on tobacco, the per capita revenue for the year ending June 30, 1895, will be $3.25, or 16 cents more than for the last fiscal year. Estimating the population at 70,600,000, Mr. Atkinson forecasts with reason a revenue from these sources of $230,000,000.

Accepting these estimates as approximately correct, the receipts for the year ending June 30, 1895, will be:

Internal revenue from taxes on liquors, tobacco, banks, oleomargarine, playing cards, from sales of public lands, and miscellaneous sources, and from customs duties on liquors and tobacco		$230,000,000
Customs duties upon all articles except liquors and tobacco		179,000,000
Total revenue		409,000,000
Expenditures:		
For legislative, Treasury, civil departments, support of Army and Navy, and completion of vessels, postal deficiency, Indians, and public works, including river and harbor appropriations (estimates of the Secretary of the Treasury)	$175,000,000	
Interest on the public debt, including that on recent loan	29,000,000	
Pensions (Mr. Atkinson's estimate)	135,000,000	
Total expenditures		339,000,000
Receipts over expenditures		70,000,000

I can see no business reason why, under ordinary circumstances, these anticipations might not be realized. But the peculiar existing conditions must be taken into account. A considerable period of time will undoubtedly be required to regain the trade which has been lost during the recent depression of business, lack of employment, and the consequent scarcity of money among workingmen, will diminish for some months to come the normal increase in the consumption of tobacco and beverages, and necessary and proper pruning of the pension list must be done with painstaking care.

Making ample allowance for all these conditions, the account will stand about as follows:

Ordinary expenditures (likely to be less rather than more)		$175,000,000
Interest		29,000,000
Pensions (granting the accuracy of the Treasury estimate of $162,000,000 for the present fiscal year and figuring on that basis)		150,000,000
Total expenditures		354,000,000
Receipts:		
Internal revenue from sources mentioned above, and customs duties on liquors and tobacco	$214,000,000	
Other customs	160,000,000	
Total receipts		374,000,000
Leaving a margin of receipts over expenditures of		20,000,000

There is no reason whatever for apprehension that, under the proposed tariff measure, the total receipts will fall below this amount. Under the old tariff, with a much smaller population, they amounted to three hundred and seventy-one millions in 1887; three hundred and seventy-nine millions in 1888; three hundred and eighty-seven millions in 1889; four hundred and three millions in 1890, and three hundred and ninety-two millions in 1891, despite the prohibitive nature of the McKinley act. Is there any reasonable doubt that they will reach or exceed three hundred and seventy-four millions in 1895? Or, on the other hand, considering the estimates presented, is there any excuse for expenditures exceeding three hundred and fifty-four millions? If not, a margin of twenty millions will be allowed for mistakes in calculations and unforeseen contingencies for the next fiscal year, which I suppose all will admit is quite sufficient.

I have not gone deeply into the details of this phase of the subject, because of my lack of that knowledge and experience in dealing with the relations of national receipts to national expenditures which is essential to the proper performance of that task. But sufficient corroboration of these figures is afforded by the confession of the chairman of the Finance Committee that the excess of revenue under this measure will correspond almost exactly to the amount which he hopes to raise by the income tax.

It seems to me, therefore, a plain business proposition that any amount of money raised by this tax will serve no other purpose than that of forming a surplus in the National Treasury of no use to anybody and a constant temptation to extravagance on the part of legislators who cater to the prejudices of the so-called "debtor classes." If this really be the case, the tax is not only unnecessary, but a positive menace to safe, conservative, and economical administration of the Government.

It is unjust. Unnecessary taxation is unjust taxation. That is the creed of the Democratic party and of a vast majority of the American people. That the income tax is unnecessary and consequently unjust is proven, not alone by the facts which I have pointed out, but by the confession of its friends, voiced by the Senator from Indiana.

But the injustice of this provision is by no means dependent upon lack of necessity. It is inherent. Discrimination between classes or individuals in apportioning the burdens of government is manifestly unjust. And that this scheme does make such discrimination in the most wanton manner does not admit of question. As between individuals it exempts the man who earns $75 a week and taxes the man who earns $80 a week. Then, if by harder work he can increase his income to $100 a week, he must pay $24 for the privilege, and ever thereafter one-fiftieth part of all that he receives in excess of $4,000.

Why the line was drawn at $4,000 was, I confess, a mystery to me until one of its advocates in the House of Representatives said that it was necessary to fix it at less than $5,000 in order that members of Congress should not be exempt. If this be the real reason I can not forbear expressing the hope that those actuated by it err in their estimate of their own standing with the people. Unstable, indeed, must be the rock of popular opinion which supports a Senator or Representative who frankly admits that his motives would be called into question by his constituents on a pretext so flimsy as this. But it must be noted that recognition of the principle does not involve serious sacrifice. Twenty dollars a year is considered sufficient to satisfy the most critical.

I fail to see why ten or even five would not have served this patriotic purpose quite as well. Surely the amount to be paid is a matter of little moment, because if $4,000 a year is enough to support a family in luxury all truly unselfish statesmen should be glad to so adjust the tax as to enable them to contribute $1,000 instead of a paltry twenty-dollar bill. Possibly, however, it was thought that this object could be more easily accomplished by reducing the salaries of Senators and Representatives to the $4,000 luxury line. If so, I do not hesitate to promise my vote for a bill to that effect.

One fact is certain. Whatever of logic or fairness or wisdom there may be in the theory of an income tax is wholly eliminated by this absurd limit. It is neither the one thing nor the other. From the standpoint of those who honestly contend that this method may afford equitable taxation it is obviously too high. If every citizen is to bear the burden of government in proportion to his earnings, there is surely no reason why he who receives $3,500 a year should escape, while his neighbor earning $4,500 must pay.

This truth is recognized by foreign governments, which exempt only nominal incomes. In England all exceeding $750 are taxed, in Prussia all exceeding $225, in Denmark all exceeding $215, and in Austria all exceeding $113.80. In our own country, when seventy-three millions were raised, only incomes of less than $600 were exempt. For what purpose the minimum is now increased to $4,000, unless to protect Congressmen from invidious remarks for a very reasonable sum, is inconceivable. Four thousand dollars is 5 per cent interest on a capital of $80,000, 4 per cent on $100,000, or 3 per cent on $133,333. Either of these sums is considered a large fortune in ninety-nine one-hundredths of the towns and villages of the country. To the farmer it is opulence. Let the debtor-class representatives submit this proposition to their constituents, and ask if it is in accordance with their ideas that an idle man worth $133,000 shall be exempt while another earning $5,000 a year by hard work must pay.

On the other hand, if this tax is really designed, as claimed, to bear only upon surplus wealth, the limit is too small. To be consistent, only those Congressmen who save a thousand dollars a year from their salaries should vote for it, and I, for one, should be quite willing to subject the measure to this test, and abide by the result. If this tax is aimed at multimillionaires, the sights should be readjusted. As they stand now, not more than one in ten of those who will be reached makes more than a comfortable living. This statement may be disputed. In fact, it has been.

"We contend," says one, "that $4,000 a year is sufficient to enable any family to live in comfort, and upon an accumulation in excess of this why should not the hands of the taxgatherer be laid when the Government has enabled him to accumulate that wealth?"

Conditions, it seems, are not to be considered. The difference between the cost of living in New York and the cost of living at a country cross-roads plays no part in the fixing of this limit. Four thousand dollars is as much as anybody ought to spend. That is the verdict of the oracle of the Four Corners, and it is final. True, one man may be obliged by the conditions surrounding him to pay twice as much for rent as another, and possibly 20 per cent more for the necessaries of life, or he may have to clothe and educate a large family, while the other has only himself to care for—it makes no difference. There must be a limit somewhere, and it is fixed at $4,000. Upon any amount in excess of that sum "the hands of the taxgatherer shall be laid." Why? Because "the Government has enabled him to accumulate that wealth."

Does it never occur to the income-taxer that the Government afforded precisely the same facilities to the other man who did not accumulate that wealth? I suppose nobody will insist that the Government actually made the money, because, if it had, the other would have been equally well supplied. The individual must have had something to do with it. He may have been more thrifty, more honest, more sober, more capable. But it matters not how he attained a position to command an income of more than $4,000. He has the money, and because he has it, and for no other reason under heaven, he must pay another's debt to the Government. Is that "just and right?" Done by an individual without sanction of law, it would be called highway robbery. And no act of Congress can change the character of the deed. Can we reconcile its performance to our sense of fairness and duty simply because we are more fortunate than the highwayman and have the power to act without fear of being sent to prison?

Champions of the tax deny that it is sectional in purpose. That it is in effect is impossible of denial. The total amount raised by this method from 1863 to 1873, inclusive, was $353,341,293. Of this New England paid $61,527,086, or 18.4 per cent. The Middle States—New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia—paid $177,985,011, or 53.4 per cent—more than one-half of the entire amount. The thirteen Southern States paid $18,761,073, or 5.6 per cent. The twenty Western States and Territories paid $34,024,229, or 19.2 per cent. And the Pacific Slope, comprising California, Oregon, Washington, and Alaska, paid $11,032,993, or 3.4 per cent. New Jersey alone paid more than Indiana, Iowa, Wisconsin, Minnesota, Kansas, Nebraska, Dakota, Montana, Idaho, and Colorado combined. Eliminating Kentucky only, New Jersey paid more than all of the twelve Southern States. New York paid more than all of the Western States and Territories, all of the Southern States, and all of the Pacific States combined.

In 1867 a single collection district in New York paid more than the five great Western States of Illinois, Indiana, Iowa, Wisconsin, and Minnesota, and more than twice as much as Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, Mississippi, Tennessee, Texas, Virginia, and West Virginia combined.

The total number of persons assessed in 1867 was 259,385. Of these more than 50 per cent were citizens of five States—New York, New Jersey, Massachusetts, Connecticut, and Pennsylvania.

I grant that the impoverishment of the South at that time and the rapid development of both the South and West since then make it probable that the disproportion would not be so great now under the same law. But that law taxed all incomes of more than $1,000. Possibly this is the reason why the limit had been raised to $4,000. Whatever the cause, the effect is certain. Under the $4,000 provision the Middle States would again pay more than 50 per cent of the total tax, New England as much as the whole West, and the South less than 6 per cent.

There is but one way by which the law could be made more sectional in practice. That is, by taxing the citizens of the Middle and New England States and exempting all others. The one course is as just as the other, for the results would be substantially the same. The only difference lies in technical construction of the Constitution.

But we are told that the unselfish patriots who are driving this bill through Congress deplore the injection of sectionalism into the discussion.

"Is this unfair?" cries Mr. Hall in the Forum. "Does it justify raising the sectional question? Is it we of the West and South who raise it?"

Well, let us see who has raised it if not "we of the West and South." Who is responsible for the proposition? Did any Eastern member have anything to do with its introduction or its adoption by the Ways and Means Committee? On the contrary, did not every Eastern Democratic committeeman and leader protest against the interjection of a sectional provision into the party policy at this time? Would the scheme ever have been mentioned except by Populists in the House of Representatives if "we of the West and South" had not forced it upon the Committee of Ways and Means?

What does the vote indicate? For reasons best known to themselves the majority refused to submit the income tax to a separate test and the vote was taken on the internal-revenue amendment as a whole. One hundred and eighty-two Repre-

sentatives voted aye. By geographical divisions this vote was as follows:

Southern States: Texas, 13; West Virginia, 4; North Carolina, 8; Mississippi, 7; Missouri, 13; Alabama, 9; Kentucky, 10; Georgia, 11; Louisiana, 3; Arkansas, 6; Virginia, 9; Tennessee, 8; Florida, 2; South Carolina, 5. Total, 108.

Western States: Kansas, 5; Minnesota, 4; Wisconsin, 6; Illinois, 12; Nebraska, 3; Indiana, 11; Wyoming, 1; Michigan, 5; Montana, 1; Iowa, 1; South Dakota, 1; Idaho, 1; Colorado, 2; California, 5; Ohio, 11. Total, 69.

Middle States: Pennsylvania, 3. Total, 3.

New England: Massachusetts, 1; Connecticut, 1. Total, 2.

There was no vote in favor of the income tax from New York, New Jersey, Maryland, Delaware, Maine, New Hampshire, Vermont, or Rhode Island. One hundred and seventy-seven from the South and West; five from New England and the Middle States—that is the record. I mention it merely to show that, not only did the South and West propose and insist upon this tax, but the South and West passed it unaided in the House of Representatives. What absurdity, then, to accuse the East of raising the sectional question? The East not only did not raise it, but did not want it, and protested against it. The sectional issue is forced upon us. The whole proceeding is nothing else than the exercise of tyranny by a chance majority over a minority. Because we of the East have accumulated and are accumulating money by hard work we must stand and deliver. And such a policy, I say with the utmost respect for mistaken judgment, but frankly and plainly to those who err willfully, is more than unjust. It is positively dishonest and wholly discreditable.

It is unsuccessful. I have examined with some care the arguments on this point which have been advanced by the advocates of the tax, and, although I find many assertions iterated and reiterated, I have been unable thus far to discover any actual facts to confirm their position. Indeed, the most striking feature of the debate in the House of Representatives was the support given to the proposition on the ground that Great Britain had demonstrated its practicability by the very men who, in the recent silver discussion, denounced as hateful and un-American every kind of English legislation. But it would be a waste of time to dwell upon the paradoxical absurdity of arguments which flatly contradict each other. Such utterances may be necessary to satisfy prejudices which produce votes, but even when, as in this case, they can be turned against their makers, they are unworthy of the attention of the Senate of the United States.

It is not surprising, however, that believers in the income tax should turn their attention to England. There, if anywhere, it should be successful. The area of territory subject to supervision is small, sources of income are well known, and the officials charged with the execution of the law have no political advantage to gain through leniency. And yet the sole fact advanced to establish its success is that the revenue from the present tax amounts to $66,000,000. These figures make a deep and abiding impression upon the minds of debtor-class representatives. They show what can be done in another country, and seem to whet appetites for more in the United States. But the amount of revenue proves nothing. If it did, the fact that our own customs produced more than two hundred millions last year would stamp that system as ideal. The question is not how much was collected, but how much was *not* collected that should have been.

On this point the figures prove little except that in 1883, when the total of incomes must have been much smaller and the tax was only one-half pence per pound greater, the total revenue actually obtained was only about 500,000 pounds less than in 1893. Again, in 1886, when the tax was only 1 pence greater, the revenue exceeded that of last year by 2,500,000 pounds. All of which simply goes to prove that either the incomes of Englishmen have diminished or the tax is yearly becoming less collectible. So far as the figures count at all, they count against the successful enforcement of the tax.

But granting, as I have already done, that they afford little basis for sound judgment, we have a far more important factor in the expressions of those who have studied its operation. And most important and most pertinent of all these was the admission last year of the chancellor of the exchequer, who surely had no political reason for decrying a measure for which he was in no small degree responsible, that less than one-third of the incomes paid the tax. There is expert testimony based upon actual observation and execution of the law. Now, if, in a country most compact and best adapted of all in the world for the successful enforcement of this law, in a country whose people had become accustomed to the exaction and whose organization for its collection had been perfecting for half a century, less than one-third of the incomes paid the tax, what proportion, may I ask, would be likely to pay in this country, whose Constitution prohibits direct taxation, whose people have never tolerated it except in time of war, and whose official machinery is clogged with politics?

Against such evidence as I have instanced and as appears in the astonishing estimates of evasions in every report of the British commissioners of inland revenue, the advocates of this measure advance the fact that it has been retained by Mr. Gladstone throughout his long and honorable career. But, despite occasional words in extenuation in some of his many-sided utterances, Mr. Gladstone never approved of the tax. His most intimate knowledge of its workings was obtained when he was chancellor of the exchequer, and while he held this position he not only declared in a speech, "I believe it does more than any other tax to demoralize and corrupt the people," but in his financial statement, regretting his inability to abolish it, he said:

> I think that some happier chancellor of the exchequer may achieve this great accomplishment, and that some future poet may be able to sing to him—
>
> "He took the tax away,
> And built himself an everlasting name."

That neither his judgment nor his ambition changed with experience is shown by the fact that twenty years later he sought the suffrages of the people on the distinct declaration that he contemplated a repeal of the tax. That he did not eventually "take the tax away" was due not to his belief that it was just or wise, but to the conditions of the British Government which made its abolishment practically impossible.

These conditions exist to day, not in Great Britain alone, but in a yet more aggravated form in Germany, Austria, and Italy. And that is the reason, the only reason, why the tax is tolerated in those countries. Their needs for the maintenance of great armies and navies are so great and their resources are so small that they can not do without it. France had practical experience with direct taxation under the House of Bourbon, and the result was revolution and anarchy. It was a bitter lesson, but so well heeded that despite the vicissitudes of the past century and the oft-recurring needs of large sums of money, no general income tax has been imposed. Russia, too, has become rich enough to abandon it.

Great Britain, Germany, Austria, and Italy—these are the shining lights of the income-taxers, one of whom in the House of Representatives had the hardihood to assert that, "so far from being unpopular in Great Britain, it has become more and more popular all the time." I should like to see the evidence upon which this assertion is based. The sole merit claimed for the scheme is that it benefits the poor—by robbing the rich, to be sure—but still accomplishing the result. Does it? To what extent have the poor been benefited in England, where, according to Joseph Chamberlain, 50 per cent of the workingmen who attain the age of 60 are "almost certain to come upon the poor law for subsistence," and, according to Canon Blackley, "half our working people, if they reach 60 years of age, are doomed to die as paupers"? Or in Germany, or in Austria, or in Italy.

It is a well-known fact that the condition of the workingmen of France is far superior to that of men of the same class in any other Continental country. That this is due chiefly to advantage of climate and soil and habits of industry and frugality, I admit. But how do the masses of any of these countries compare in any respect with our own people, who have raised their revenues by customs and dispensed with the system of taxation which has "benefited the poor" and proved so "popular" recently, let us say in Sicily? The advocates of direct taxation who dwell upon the misery of the Western farmers will do well to omit references to peoples who are bankrupt as nations and struggling for very existence as individuals. Such comparisons are as odious as the tax itself.

It is far more sensible and in better accord with what we consider American ideas to analyze our own experience with this method of taxation. The necessities arising from the war of the rebellion forced us to adopt it as a temporary expedient in 1862. The results were wholly unsatisfactory at first, but frequent amendments finally produced a revenue from all sources of seventy-three millions in 1866. That was the high-water mark. From that time until 1873, when the law was repealed, the amount raised dwindled steadily until hardly five millions were collected.

What caused this astonishing diminution of receipts? Advocates of the tax say that it was due wholly to changes in the per cent of tax and exemptions. Let us see. The revenues by fiscal years were as follows:

1863	$22,741,358.25	1869	$34,791,855.84
1864	20,294,731.74	1870	37,775,873.62
1865	32,050,017.44	1871	19,162,650.75
1866	72,982,150.03	1872	14,436,861.78
1867	66,014,429.34	1873	5,062,311.62
1868	41,455,598.36		

The claim of the income-taxers that the variation in revenue arose from the changes in the law is confirmed by results only while imminent danger confronted the Union. The revenues of twenty and thirty-two millions, respectively, in 1864 and 1865, were raised on a total tax of 8 per cent on all incomes exceeding $600, and 10 per cent on incomes exceeding $10,000. The increase of twelve millions under the same law was no more than natural. Official machinery for collection of the tax was being perfected, and the patriotism of the North responded to the obvious necessity of the Government.

Then the tax was changed to 5 per cent on all incomes exceeding $600 and 10 per cent on all exceeding $5,000. This produced seventy-three millions.

In the following year the tax was reduced to 5 per cent on incomes exceeding $1,000, and finally, in 1872, to 2½ per cent on incomes exceeding $2,000. But the diminution in revenue did not correspond to the decrease in rate. Granting, for the sake of the argument, that it was wholly attributable to changes when changes were made, what caused the decrease of nearly fifteen millions from 1867 to 1868, of nearly seven millions from 1868 to 1869, of nearly five millions from 1871 to 1872, and of more than nine millions from 1872 to 1873 under precisely the same laws?

The tide turned in 1866. Up to that time the people recognized the great necessities of the Government in its struggle to preserve the Union, and were willing to submit to exactions for its support. The payment of the tax was recognized as a patriotic duty. But as soon as it became certain that the Union was saved, and that extraordinary, inquisitorial, and hateful methods of taxation were no longer necessary, they refused to pay. That is the true and only explanation of the decrease in revenue from 1867 to 1868, from 1868 to 1869, and from 1871 to 1872. What other, indeed, is possible when there was no change in the law?

Evasion of taxes which had become unnecessary and, consequently, odious to the American mind, was not only tolerated, but openly countenanced by the people themselves. David A. Wells, than whom there is no higher living authority upon such subjects, and who, as Special Commissioner of Internal Revenue at that time, had every facility for acquiring accurate information, says plainly that—

> Those only who were officially and intimately connected at this time with the Internal Revenue Department of the United States Treasury can form any adequate idea of the amount of perjury and fraud that characterized and pervaded the country during the years 1867-1872, as the outcome of the then existing system of internal revenue. And American ingenuity was never more strikingly illustrated—not even by the exhibits of the Patent Office—than it was at that time in devising and successfully carrying out methods for evading taxes on incomes.

It is gratifying, no doubt, to assume that no citizen will lose an opportunity to pay the last cent of taxation imposed upon him by the statutes. But we are living in America, not in Arcadia; and, unfortunately, there is no warrant for the hope that the nature of man has changed materially in the last thirty years.

There is certainly no more enlightened or patriotic State in the Union than Massachusetts. Nor is there one, in the language of Mr. Wells, whose administration of tax laws is more "stringent and arbitrary." Every possible facility is afforded those charged with the collection of income taxes in Boston. And yet, according to trustworthy authority, "only about one-fourth of what is due the city from incomes" is collected.

Moreover, as an indication of the complacency with which the people view evasions of such a law, Mr. Wells cites a memorial signed by representative business men, who frankly declare that "although the market value of shares of foreign corporations held by citizens of Boston alone is known to be over $600,000,000, the amount taxed is estimated at only $45,000,000, and nearly all of this is taxed to the unfortunate people whose estates are in trust."

Is it any wonder that the signers of this memorial pronounced the law "ineffective" and "ridiculous"?

There is no need to pursue this phase of the subject further. Enough has been shown of the practical working of this system, both abroad and at home, a generation ago and to-day, to prove its utter inefficiency. Only the unfounded assertions of its advocates make necessary, for the sake of contradiction, the presentation of the facts which have been given.

The simple fact that the tax is unnecessary should be sufficient evidence that it can not prove successful. Say what we may of the devotion of American citizens to the decrees of their Government, there is not a Senator in this Chamber who does not know that they will feel quite justified in evading by every possible method the payment of a tax which they know to be unnecessary and consider offensive. It is easy to talk of the power of the law over a law-abiding people. But everybody who has had anything to do with enforcement knows that the power of the law fades into insignificance when confronted by the greater power of public sentiment. Every Northern city bears testimony to this fact in the disregard of excise regulations forced upon it by rural legislators. Every Southern State is living evidence of the impotence of "mailed hands" of oppression. Only last month liquor-selling South Carolina joined hands with prohibition Maine in demonstrating that the American people place their individual rights above the acts of any body of representatives.

What, then, can be expected in this case from the thousands of citizens who would resent this law as an infringement upon their liberties, as an inquisition into their personal affairs, and as an imposition upon their accomplishment?

It is unpopular. That it has no supporters in the East needs no demonstration. The press, regardless of political affiliations, is, with a single exception, united in opposition, and in this instance at least every Eastern member of Congress knows that the people are in accord with the press. But it is urged that the East has become a very small factor in the country and in the Government, and that the people in the South and West are equally unanimous in its favor. I dispute that assumption. A majority might or might not declare for an income tax if an opportunity should offer itself for a direct vote upon this proposition alone. But no man can tell what they would do, and the only indication yet afforded of their wishes does not warrant the belief that they would accept it. In the latest national campaign there was no mention of the income tax in either the Democratic or the Republican platform. The Populist platform adopted at Omaha on July 4, however, contained the distinct declaration:

> We demand a graduated income tax.

It is true that other issues were involved, but there was nothing to offset a strong popular desire for this measure. On the contrary, the Populist platform alone contained other demands, such as the free coinage of silver and an increase of currency, which would attract rather than repel the people of the South and West. What was the result? In a total vote of 12,154,542, 1,122,045 ballots were cast for the Populist candidates. In the electoral college Gen. Weaver received 22 ballots out of a total of 444. These votes were divided as follows: Colorado, 4; Idaho, 3; Kansas, 10; Nevada, 3; North Dakota, 1; Oregon, 1. It would be absurd to maintain that the result in Colorado, Idaho, and Nevada was due to any except the silver issue. But, disregarding that fact, it must be remembered that there were no Democratic candidates for electors in either Colorado, Idaho, Kansas, or North Dakota. The people united in a protest against Republican misrule openly in these States and tacitly in Nevada, which gave only 716 votes to the Democratic candidates. Moreover, the only anti-Republican candidate elected in Oregon was on both the Democratic and Populist tickets. Not a single State, therefore, was carried and not a single electoral vote was obtained on the income-tax proposition.

If there remains any doubt on this point, the truth is readily ascertained by referring to the States where there was no fusion and consequently no possibility of misinterpretation of the actual causes of the results. Take any of the States whose Representatives in Congress supported the tax. As neither the Democratic nor the Republican platform favored the plan, it would be only fair to combine the votes for Cleveland and Harrison against those for Weaver. But make the comparison on the vote for Mr. Cleveland alone. What is the result? In Alabama the vote was 138,138 for Cleveland to 85,181 for Weaver; in Arkansas, 87,834 to 11,831; in Florida, 30,143 to 4,843; in Georgia, 129,361 to 42,397; in Indiana, 262,740 to 22,208; in Iowa, 196,367 to 20,595; in Kentucky, 175,461 to 23,500; in Mississippi, 40,237 to 10,256; in Missouri, 268,398 to 41,213; in North Carolina, 132,951 to 44,736; in Ohio, 404,115 to 14,850; in South Carolina, 54,692 to 2,407; in Tennessee, 138,874 to 23,477; in Texas, 239,148 to 99,648. In these States there was an opportunity to vote for tariff reform *with* an income tax or for tariff reform *without* an income tax, and the people were so little attracted by the proposition that all combined throughout the entire Union gave Gen. Weaver a smaller total vote than the total vote of New York State alone.

It may be, as I have said, that since that time a majority in these States have been led to believe that this method of making others pay their taxes would benefit themselves, but it is very evident that they did not so believe two years ago, and they have had no opportunity to reverse their judgment since that time. If the advocates of this measure are as confident that the people demand it as they pretend to be, they have nothing to fear from such an expression of opinion as may be obtained at the next Congressional elections. But, in the face of the verdict of two years ago, they have no right to make an assumption which can not fail to discredit their own people in the minds of all right-thinking men. For my part, I firmly believe that the people of the South and West are ready and willing to bear their fair pro-

portion of the burdens of government, and I can not be convinced to the contrary until by the casting of their own ballots they leave no room for doubt.

It is un-Democratic. From the day on which the Democratic party sprang into existence to the present time it has steadfastly opposed this method of taxation. Thomas Jefferson enunciated the principle upon which this opposition is based when he said:

To take from one because it is thought that his own industry or that of his father has acquired too much, in order to spare others who or whose fathers have not exercised equal industry and skill, is to violate arbitrarily the first principles of association, the guaranty to every one of a free exercise of his industry and the fruits acquired by it.

The people approved this sentiment, the party accepted it, and in the first Democratic administration of the Government, while Thomas Jefferson occupied the President's chair, the tax was abolished. During the many succeeding periods of Democratic rule a return to the system was never contemplated. Even during the civil war, when, if ever, it was necessary, the party as an organization opposed its adoption, and as late as 1884, when, for the first time in a generation, a Democratic President was elected, the platform of the party contained the distinct declaration that "from the foundation of the Government taxes collected at the custom-houses have been the chief source of Federal revenues, and such they must continue to be."

Against this declaration must be placed that of the chief advocate of the tax in the House of Representatives, who, when asked when the Democratic party had pledged itself to this tax, replied:

I will say that I have always said in every speech that an income tax was just and right. The platform in my district pledged me to it. I maintain that when the Democratic platform adopted at Chicago declared that a protective tariff was robbery and unconstitutional, it laid the ground for some form of direct taxation such as this. Let us wipe away the robber and unconstitutional tariff, and that brings us to the income tax as a logical result of that platform.

Mr. President, as a Democrat and a member of that convention, I repudiate any such interpretation of the platform of 1892. The Democratic party is not a free-trade party, and the mere fact that an insignificant number of free-trade theorists have engrafted themselves upon it can not make it so. "Taxes collected at the custom-houses have been the chief source of Federal revenue, and such they must continue to be." Nor can the utterance of a Congressional convention in Missouri, nor the assertion of its candidate that an income tax is "just and right," controvert a principle declared by Thomas Jefferson and affirmed by every national convention since the organization of the party.

I have already pointed out the fact that there was no hint of an income tax in the Democratic platform of 1892, and have shown its unpopularity by analyzing the vote for the Populist candidates. I take this opportunity to free myself from any possible charge of misrepresentation. For the moment I had forgotten that the income-tax proposition was incribed upon the banners of yet another political organization. I refer to the Socialist party, which also "demanded" a "progressive income tax, the smaller incomes to be exempt." Upon that and other issues of like character Mr. Wing won the suffrages of his fellow-citizens to the extent of 21,191 votes out of a total of 12,154,542. These may be added to those given to Gen. Wever in the analysis which has preceded.

But, sir, if we accept the assertions of some of the advocates of this proposition, these 21,191 citizens are entitled to a consideration which is not warranted by their numerical strength. "I tell you," says one, "when you oppose a measure of this kind, when you come to the great masses of the people and say that the wealthy of this Government shall bear none of its burdens, then you make a foundation for the argument of anarchy, socialism, and demagogy that eventually will sweep back and curse this country, as it did in France in the days of the French revolution."

Has it come to this, Mr. President, that the most prosperous, most tolerant, but withal the most powerful nation on earth must throw a sop to anarchy, socialism, and demagogy? When the pauper-ridden nations of Europe have just shown their capacity to meet and master this cowardly curse of modern civilization, shall free America grant the necessity of concession?

And where, may I ask, if begun, shall such concession end? An income tax of 2 per cent can only serve to whet the appetite of insatiate socialism. What next? The free silver coinage and subtreasury plans of the Populists or the abolition of Presidency, Vice-Presidency, and Senate, demanded by the Socialists? A 2 per cent tax will appear, as the Senator from Indiana has said, "a very small and trifling matter compared to others more serious." What are those others more serious? And how soon must they be expected? If we are really confronted by the specter of communism, we may as well understand the situation that we may be prepared to meet it. Do those who indulge in these vague premonitions of social disaster really appreciate and believe the full meaning of their words? Or are they willing to take the risk of encouraging incendiarism only in order to carry their point? Which position do they wish to assume—that of promoters of disorder and class hatred, or of demagogues eager to curry favor with the physically indolent and mentally depraved?

This is not Democracy. It is cowardice and folly. If disapproval of such a tendency involves the reproachful designation of "Conservative," then I am a Conservative. The true Democratic party stands to-day between and above the class rapacity and greed engendered by Republican legislation and the unbridled license and unreasoning prejudice of the unsuccessful. It is charged with the responsibility of preventing, by the exercise of wisdom, prudence, and courage, the clash of these opposing elements. And it has the power to perform its full duty, because behind it, greater and stronger than all other forces combined, is the sturdy common sense of the American people.

It would be as distinctly a betrayal of trust to yield to the one element as to yield to the other. The Democratic party has no better right to tax the few for the benefit of the many than to tax the many for the benefit of the few. And yet that and nothing else is the avowed purpose of this proposition.

Shall it stand? Shall Democracy assume now for the first time, without a semblance of authority from the people, the burden of class legislation and the responsibility for incitement to class hatred?

"All hail the counsels of Thomas Jefferson," said the Senator from Indiana. And so say I.

To take from one because it is thought that his own industry or that of his father has acquired too much, in order to spare others who or whose fathers have not exercised equal industry and skill, is to violate arbitrarily the first principles of association.

That is the counsel of Thomas Jefferson. And that is Democracy. A tax upon 85,000 out of 70,000,000 is a flat contradiction of this principle. And, I repeat with emphasis, it is undemocratic.

It is un-American. Fifty years ago, Lord John Russell, commenting upon the proposal to reimpose the income tax in Great Britain, said:

To resort to the desperate measure of an income tax is nothing less than to proclaim to the world that your resources are exhausted, and that indirect taxation has reached its limits. France, in all her struggles, has never resorted to an income tax, because her people are more imbued with the spirit of liberty than any other nation in Europe. An income tax is an incongruous incorporation into our Government of the fiscal methods of political systems with which ours has nothing in common and against which ours is, or ought to be, an emblazoned protest before the world. It has had its origin in the necessities of military government; and it has been tolerated because the necessities of war have been held more sacred than the rights of liberty. Its precedents are those of tyrannies; its methods are a counterpart of the violences of the Inquisition. Herein lies the instinctive revolt of the American citizen against this form of tax.

The English statesman of 1842, recalling the effect of the stamp act of 1765 and the abolition of income taxation, under the leadership of Thomas Jefferson, had a clearer understanding of the temper of the American people than some of our own statesmen seem to possess to-day. He spoke truly and accurately when he declared that it had been tolerated only where "the necessities of war" were held "more sacred than the rights of liberty," that "its methods are a counterpart of the violences of the Inquisition," and that—I wish to emphasize these words—"herein lies the instinctive revolt of the *American* citizen to this form of tax."

How did it happen that at this early day it was a recognized fact in other countries that the American citizen does "instinctively revolt" against a direct tax upon his earnings? Here was a distinct national characteristic so well understood that it was held up as an example to other governments less fortunate. Could it have been due to any other condition than that of "instinctive revolt" against any restraint upon individual liberty and freedom of action, such as gave birth to the Declaration of Independence and has been emphasized certainly in every Democratic platform from the days of Jefferson to the present time?

The assumption of Lord Russell was fully justified by the fact that we had eliminated this method from our system of taxation at the very beginning of independent government. But there was another warrant for the assertion, quite as important and quite as explicit, in the Constitution of the United States, which declares that "no capitation or direct tax shall be laid unless in proportion to the census or enumeration."

It is difficult for a layman to understand what form of taxation can be more "direct" than a tax upon that which a man earns or receives from his earnings. It is yet more difficult to see how a tax upon 85,000 persons out of 70,000,000 can be "laid in proportion to the census or enumeration." It is not my purpose, and nobody knows better than myself that it is not within the range of my abilities, to discuss the constitutionality of this or any other measure. But the fact can not be overlooked that there has been a wide divergence of opinion on this point, not only among leaders at the bar, but so far as the principle in-

volved in income taxation is concerned, in the Supreme Court itself. It is true that on one occasion that great tribunal declared that an income tax was not at variance with this provision of the Constitution, but on another it said plainly:

> To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals * * * is none the less robbery because it is done under the forms of law and is called taxation.

One does not need to be a lawyer to understand that. It does not matter whether the number of favored individuals be small or great—whether they be the few who profit by the existing tariff or the many who think they may be benefited by a tax upon incomes. It is the discrimination which "is none the less robbery because it is done under the forms of law and is called taxation." And it is the discrimination which is the most offensive and un-American feature of this scheme.

But there is another solemn declaration of the Supreme Court which bears even more directly upon a very pronounced characteristic of this proposition. It is this:

> Any compulsory discovery, by extorting the party's oath or compelling the production of his private books and papers, to convict him of a crime or to forfeit his property, is contrary to the principles of a free government. It is abhorrent to the instincts of an Englishman. It is abhorrent to the instincts of an American. It may suit the purposes of despotic power, but it can not abide the pure atmosphere of political liberty and personal freedom.

If the learned justice who wrote this opinion had been passing judgment upon the income-tax proposition now before us, he could not have spoken more explicity, for no conceivable law could more fully meet the requirements of his reprobation. It does openly and avowedly and in unmistakable language "extort the party's oath," and "compel the production of his private books and papers." And for what purpose, may I ask, if not to prove his evasion of the law or, in the more forceful diction of the Supreme Court, "to convict him of a crime"?

Such methods, our highest judicial tribunal declares, are "abhorrent to the instincts of an American," exactly as Lord Russell stated in 1842. They "may suit the purposes of despotic power," but they "can not abide the pure atmosphere of political liberty and personal freedom."

If I were a lawyer, accustomed to legal ways, I should not hesitate to rest my case upon this finding of the Supreme Court. No stronger condemnation of the contemplated inquisition could be put into words. No sharper denunciation of its un-Americanism could be desired.

And so I repeat that, despite the declaration of the Supreme Court that it is not contrary to the letter of our fundamental law, it is a contradiction of the theory and traditions of our national belief, directly opposed to the spirit of the Constitution itself, and as un-American as any direct tax that could be laid in defiance of the injunction that all shall be "in proportion to the census or enumeration."

It is unwise. Individual freedom from despotic and discriminative laws is the secret of American success. It is our chief attraction and chief advantage as a nation to-day. To eliminate in the slightest degree this dominant feature from our system of government is the height of folly. But that is precisely what this provision does.

I say it is despotic. Why? Because it puts it within the power of one man to publicly brand another man as a criminal before the law without trial by jury, sentence by judge, or any sort of hearing beyond that which he himself may consider fit and proper. I am not one of those who think that politics can be divorced from government. But I do believe that there is no immediate necessity of increasing the proportion of politics to business in governmental affairs, and that is what you do when you give to active politicians the power which is bestowed upon minor officials by this bill. Here is a sample paragraph:

> The deputy collector, or officer, or agent designated by the Commissioner of Internal Revenue, shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list and return, or shall render a false or fraudulent list or return, it shall be the duty of the deputy collector, or officer, or agent designated by the Commissioner of Internal Revenue to make such list according to the best information he can obtain, by the examination of such person, or his books, or accounts, or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return.

Neither the President of the United States, nor the Supreme Court, nor the Senate, nor the House of Representatives, nor all combined have authority equal to this. Understand: The deputy collector or agent, a local politician inevitably, "may increase the amount of any list or return if he has reason to believe that the same is understated." What "reason" is required to enable a representative of the United States to thus pronounce a citizen guilty of perjury? Only that which is sufficient unto himself. Nothing more. It may be the libel of a rival. It may be a personal grudge. It may be refusal to contribute to a campaign fund. The officer is the judge. And if he is not satisfied with a mere increase, or if the campaign contribution is not large enough he may, at his convenience, suspect fraud, and thereupon it "shall be his duty" to make a list to suit himself according to information obtained "by examination of such person, or his books or accounts or any other evidence, and to add 50 per cent," etc.

The deputy collector can do all this arbitrarily. There is no power under the law to prevent him from, or punish him for, doing a wrong either through ignorance or malice. The injured person may appeal to the agent's superior who appointed him and is responsible for his action, but that is all.

To say that such a law, giving another access to a man's accounts, books, and business secrets, is no more inquisitorial or objectionable than that which authorizes a customs inspector to search a trunk, is too absurd for serious consideration. And to say further that such information is perfectly guarded because the deputy collector is bound to secrecy, is not only confession of the citizen's right to privacy, but an utterly inadequate estimate of the average deputy collector's capacity for practical politics.

Prof. Amasa Walker has the correct idea. He does not attempt to deny the inquisition. He admits and upholds it. The business man, he argues, would derive a benefit from the necessity of keeping his accounts posted, and he could not mislead the argus-eyed collector because—I quote Prof. Walker's own words—"his neighbors and competitors have an eye upon him if they believe he is making false statements, and he can not long escape detection." Meanwhile, it is, of course, his duty as a citizen devoted to the best interests of his country to keep an eye upon the "neighbors and competitors in business" who are watching him. The wit of man could not devise a scheme better adapted to the practice of bribery on the one hand and of blackmail on the other. "Mind your own business" is a good American adage, and I can not believe that it is wise to give the sanction of law to "spy upon your neighbor" as a substitute.

But the creation even of a system of personal espionage from one end of the country to the other is by no means the most harmful of this bill's irresistible effects upon progress and development. A tax upon incomes is a tax upon industry, upon economy, upon brains, upon achievement. It not only provides for additional taxation without additional representation, but puts a premium upon dishonesty and evasion of the law. I care nothing for the mock heroics of those who insist that no punishment is too severe for a citizen who would try to avoid payment of taxes. You can not reform human nature by statute. Nor can you create and nourish patriotic sentiments by imposition. An attempt to do so by this or any other method of like nature can only engender class hatred and sectional distrust, and when you do that you restrict inevitably the development of the South and West, which is now being accomplished by the use of money from the East.

The public unwisdom of such a measure seems to be obvious. Of its political folly I shall say nothing at this time beyond this, that in my judgment its first effect will be to deprive the Democratic party of a governor in New York, a Senator from New Jersey, and 50 per cent of its present Eastern representation in the House of Representatives. If it is the desire of the advocates of this bill to drive every Eastern State into the Republican party, to encourage the Populists of the South and West to follow up their "entering wedge," and to practically eliminate the party of Jefferson from participation in public affairs, they can find no surer way to accomplish their purpose than that which they have chosen.

I have thus endeavored, Mr. President, to establish the justice and accuracy of the conclusions which I stated at the beginning.

I have shown from the estimates of the Secretary of the Treasury and of Mr. Atkinson and by the open confession of the chairman of the Committee on Finance that a tax upon incomes is unnecessary.

I have shown from the bill itself and from the facts of history that it is sectional and unjust.

I have shown from our own experience and by the testimony of English financiers that it is unsuccessful.

I have shown by comparison of the latest vote for tariff reform *with* an income tax with the vote for tariff reform *without* an income tax that it is unpopular.

I have shown from the declaration of Thomas Jefferson and of every Democratic platform since the organization of the party that it is undemocratic.

I have shown that it is contrary to the spirit, if not the letter, of the Constitution, and therefore un-American.

I have shown that it is an unwarranted inquisition into the

private affairs of individuals, a bar to progress and development, and therefore unwise.

I have only to say, in conclusion, that nobody regrets more earnestly than myself the necessity of touching upon the sectional character of this legislation. It has ever been my boast that the Republican party is the sectional party and that the organization to which I profess allegiance is free from bias of any kind. But the truth can not be ignored, and, to bring the full enormity of what they are doing home to my friends from the South, I ask them to consider a parallel proposition.

Suppose the colored voters of Mississippi or Alabama or any other State were in a majority in that State. Suppose they should elect a governor and a majority of both houses of the Legislature. Suppose they should then say, "The whites are rich; we are poor. They are more fortunate than we. They were born into freedom, we into slavery. They are blessed with the spirit of energy, thrift, and frugality; we are indolent and prodigal by nature. By virtue of their superior gifts, they have secured possession of property and have accumulated wealth. It is true that we were idle while they were at work, but the fact remains that they can afford to bear the burden of government and we can not. Therefore, we will tax the whites. We can not tax them because they are white, so we will tax their incomes. And we will fix the limit of exemption at such a figure that ten of them will be compelled to pay to one of us. It is just and right that wealth which receives a greater benefit from government than poverty, should bear the burden. But, right or wrong, it shall. We are in the majority. We have the power. The industrious and prosperous must pay the taxes of the indolent and unsuccessful."

How, let me ask my friends from the South, would you regard such a law as that? Would you consider that might makes right in that case as in this? Would you uphold as just the very method which you now pronounce ideal? Would you support the law? Would you denounce your neighbor for evading it? Would you scrupulously avoid evasion yourself? Would you cheerfully throw open your account books and disclose the condition of your private affairs? Would you, I say, receive the collector of such a tax with obedience in your hearts?

Do you understand now why we of the East oppose this law? And is it a proper return for the help which we have given to you in ridding yourselves of oppression to turn around at the first opportunity and inflict upon us a law so odious that we can not hope to make it seem endurable to our people? Is extinction of the party in the North the penalty we Democrats must pay for extending aid and sympathy to you of the South? If this "entering wedge" shall be driven in until the next national campaign resolves into a contest between the Republicans and the Populists, who will be responsible for the sectional lines upon which it will be decided? And where do you think we Democrats of the North will stand in such a struggle. Which way will our interests lie?

I have tried, Mr. President, to discuss this question without passion or prejudice. But, sir, I say plainly here and now that, when the struggle does come, as it seems bound to come if this beginning be made, I for one shall be found fighting for my own. Party ties grow weak when they make disregard of one's own convictions and disloyalty to one's own people the test of fealty. And I do not hesitate to add that even the misrule of the Republican party is to be preferred to the communism of the Populists and Socialists. If that be treason, then the self-appointed censors of Minnesota do right to lay the charge at my door. But, sir, whatever may be their judgment, God forbid that I should ever betray those whom I represent in this Chamber or fail to do that which, in my own judgment, best conserves the interests of the Democratic party and the American people.

We want to make this a country where no man shall be taxed for the private benefit of another man, but where all the blessings of free government, all the influences of church and school, all our resources, with the skill and science and invention applied to their development, shall be the common untaxed heritage of all the people, adding to the comforts of all, adding to the culture of all, adding to the happiness of all.

Those are the eloquent words of the chairman of the Ways and Means Committee. The sentiment is noble. The purpose is worthy of the best minds and truest hearts. But it can never be accomplished by the passage of a bill which does avowedly "tax one man for the private benefit of another man." That is why I oppose this infamous proposition to-day, and shall continue to oppose it until such time as it shall either be forced upon us by sheer weight of numbers, or we shall be freed by returning reason from the gravest danger which has confronted the Democratic party since the days of James Buchanan.

That, sir, is all I have to say upon this subject at this time. But, in justice to my party, my State, and myself, I can not leave any room for misapprehension. The Democratic party is under a distinct obligation to confer the boon of tariff reform upon the American people. We can not hope to overcome the present dissensions and fulfill this obligation unless we beat down all attempts to create discord within the ranks and strive earnestly for party harmony. With unity of action we shall succeed. Without it we must fail. And we can not perform our duty as Democrats by maligning each other or by making wanton attacks upon a Democratic Administration

Our duty is plain. The country demands, and is entitled to, prompt and decisive action. The time is ripe for quick and permanent recovery from business depression. Industry and prosperity wait upon the acts of this body. Now, if ever, we should meet the situation with candor and courage, and ask ourselves whether this bill as it stands to-day can be passed by Democratic votes. It is a time for plain speaking, and I do not hesitate to express my own conviction that this is impossible.

We can not enact a Democratic measure until we return to Democratic principles. Eliminate the socialistic income tax, reform the schedules to conform with the doctrine of a tariff for revenue, grant to our industries sufficient protection to guarantee their maintenance on the basis of American wages, and before this month shall have ended, tariff reform will cease to be the will-o'-the-wisp it is to-day, and will be enacted, by the united votes of 44 Democratic Senators, into the law of the land.

Refuse to do that, then God save the Democratic party!

PRINTING OF MILLS TARIFF BILL.

Mr. HILL. I ask unanimous consent to be permitted to offer at this time the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That there be printed for the use of the Senate 500 copies of H. R. bill 9051, entitled "An act to reduce taxation and simplify the laws in relation to the collection of the revenue;" which passed the House on July 21, 1888.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. HILL. Just a word of explanation. I applied at the document room this afternoon and learned that there were no copies for distribution of the original Mills bill which passed the House of Representatives in 1888, and copies are desired for many reasons. Therefore I trust this limited number of copies may be printed.

Mr. HOAR. Does the Senator propose to have it printed in bill or in document form? The document form is much more convenient.

Mr. HILL. I do not care in which form it is printed.

Mr. COCKRELL. It was heretofore printed in document form.

Mr. HOAR. I suggest to the Senator to ask the printing of 1,500 copies; 500 copies would only give us about 5 apiece. It will not cost much more to print the additional number.

Mr. HILL. I accept the suggestion.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. ALLISON. The Senator will allow me to make a suggestion in that regard. The Mills bill was printed in two or three forms, and there were appended to it some valuable tables at the time. There are several copies in existence of the bill in that form, and, if it is to be reprinted, I suggest that those tables be added.

Mr. HILL. I do not care anything about that, if the tables are accessible.

Mr ALLISON. I do not insist upon the suggestion.

Mr. COCKRELL. I understand the Senator from New York wants the bill printed as it passed the House of Representatives.

Mr. HILL. That is what I want.

Mr. COCKRELL. Then it ought to be printed in document form. It was printed in that way heretofore.

Mr. HILL. All right.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

EXECUTIVE SESSION.

Mr. QUAY. I move that the Senate do now adjourn.

Mr. COCKRELL. I hope the Senator will withdraw that motion in order that I may move an executive session.

Mr. QUAY. I withdraw the motion for that purpose.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 3 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 18, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1894.

RECEIVERS OF PUBLIC MONEYS.

John F. Asbury, of Bozeman, Mont., to be receiver of public moneys at Bozeman, Mont., vice John T. Carlin, term expired. David R. Asbury having declined.

William H. Turbett, of Des Moines, Iowa, to be receiver of public moneys at Des Moines, Iowa, vice Fred Babcock, term expired.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

First Lieut. James G. Warren, to be captain April 12, 1894, vice Taber, deceased.

Second Lieut. E. Eveleth Winslow, to be first lieutenant April 12, 1894, vice Warren, promoted.

POSTMASTERS.

George Roe, to be postmaster at Vallejo, in the county of Solano and State of California, in the place of William D. Pennycook, whose commission expires April 30, 1894.

Felix G. Cockrell, to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois, in the place of Alexander Fekete, whose commission expired December 21, 1893.

William H. McEwen, to be postmaster at Albion, in the county of Noble and State of Indiana, in the place of Jacob P. Pickett, whose commission expired February 11, 1894.

T. H. Armstrong, to be postmaster at Augusta, in the county of Bracken and State of Kentucky, in the place of Albert E. Rankin, removed.

Simeon A. Jacobs, to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts, in the place of George A. Edgarton, whose commission expired February 28, 1894.

Edward J. Slattery, to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts, in the place of E. F. Phinney, whose commission expired February 28, 1894.

Theo. M. Helinski, to be postmaster at Duluth, in the county of St. Louis and State of Minnesota, in the place of Julius D. Howard, whose commission expires April 19, 1894.

William E. Cole, to be postmaster at La Plata, in the county of Macon and State of Missouri, in the place of John M. Hamel, removed.

James B. Rich, to be postmaster at Slater, in the county of Saline and State of Missouri, in the place of William Davis, removed.

F. K. Threlkeld, to be postmaster at Higginsville, in the county of Lafayette and State of Missouri, in the place of Henry C. Schwartz, whose commission expired January 8, 1894.

John S. Kintner, to be postmaster at Newton, in the county of Sussex and State of New Jersey, in the place of W. M. Smith, whose commission expired December 20, 1893.

George D. Wetherill, to be postmaster at Burlington, in the county of Burlington and State of New Jersey, in the place of Samuel Phillips, whose commission expired April 12, 1894.

Amanda E. Morris, to be postmaster at Hendersonville, in the county of Henderson and State of North Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1893.

George P. Garred, to be postmaster at Wahpeton, in the county of Richland and State of North Dakota, in the place of Charles A. McKean, whose commission expires April 19, 1894.

Henry Hollberg, to be postmaster at Jackson, in the county of Jackson and State of Ohio, in the place of William H. Sloan, whose commission expired December 21, 1893.

J. W. Shipley, to be postmaster at Piqua, in the county of Miami and State of Ohio, in the place of Henry C. Graffin, whose commission expired December 19, 1893.

Thomas W. Patton, to be postmaster at Bristol, in the county of Bucks and State of Pennsylvania, in the place of William H. H. Fine, whose commission expired December 20, 1893.

Martin J. Ryan, to be postmaster at Susquehanna, in the county of Susquehanna and State of Pennsylvania, in the place of O. D. Falkenburg, whose commission expired December 21, 1893.

Hugh H. Gouchenour, to be postmaster at Greeneville, in the county of Greene and State of Tennessee, in the place of A. J. Frazier, whose commission expired February 13, 1894.

Missouri A. Cameron, to be postmaster at McKinney, in the county of Collin and State of Texas, in the place of Hugo E. Smith, whose commission expires May 7, 1894.

Hugh R. Smith, to be postmaster at Petersburg, in the county of Dinwiddie and State of Virginia, in the place of Stith Belling, whose commission expired January 27, 1894.

Ralston Cox, to be postmaster at Vancouver, in the county of Clarke and State of Washington, in the place of Fred W. Bier, whose commission expired December 20, 1893.

John T. Laraway, to be postmaster at Centralia, in the county of Lewis and State of Washington, in the place of Henry M. Ingraham, whose commission expires April 19, 1894.

W. H. Van Law, to be postmaster at Dayton, in the county of Columbia and State of Washington, in the place of William H. H. Fouts, whose commission expired December 20, 1893.

CONFIRMATION.

Executive nomination confirmed by the Senate April 17, 1894.

SUPERVISING INSPECTOR OF STEAM VESSELS.

James N. Thompson, of Arkansas, to be supervising inspector of steam vessels for the sixth district.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 17, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

RULES.

Mr. CATCHINGS. Mr. Speaker, I call up the report submitted on Thursday last by the Committee on Rules, and, by direction of that committee, I withdraw the same from the consideration of the House.

The SPEAKER. The gentleman from Mississippi calls up for consideration the report previously submitted by the Committee on Rules, and by direction of that committee withdraws the same from the consideration of the House.

Mr. CATCHINGS. Mr. Speaker, I submit the following report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to which was referred——

Mr. GROSVENOR. Mr. Speaker, I rise to a point of order. I would be glad if we could have such order as will enable us to hear the reading of the report.

The Clerk read as follows:

The Committee on Rules, to which was referred resolution 24, heretofore introduced by Mr. DE ARMOND, reports the same back with the accompanying substitute, and recommend that the substitute be adopted:

Amend Rule XV by inserting between clauses 1 and 2 the following as clause 2, and change the number of clause 2 to clause 3:

"Upon every roll call, and before the beginning thereof, the Speaker shall name two members, one from each side of the pending question, if practicable, who shall take their places at the Clerk's desk to tell the names of at least enough members who are in the Hall of the House during the roll call who do not respond, when added to those responding, to make a quorum. If a quorum does not respond on the roll call, then the names of those so noted as present shall be reported to the Speaker, who shall cause the list to be called from the Clerk's desk and recorded in the Journal; and in determining the presence of a quorum to do business those who voted, those who answered present, and those so reported present shall be considered. Members noted may, when their names are called, record their votes, notwithstanding the provisions of clause 1 of this rule."

Amend clause 1, of Rule VIII, by adding thereto the following words:

"And, on a roll call, should he not vote, he shall answer 'present.'"

So as to read:

"Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question, and on a roll call, should he not vote, he shall answer 'present.'"

Mr. CATCHINGS. Mr. Speaker, it has been suggested that some debate ought to be had on this, and I would like to ask unanimous consent that debate be limited to one hour and a half, the time to be controlled by the Speaker of the House, and that the previous question be considered as ordered, the vote to take place at the expiration of the time limited for debate.

Mr. WELLS. Mr. Speaker, I shall have to object to limiting debate on a question of this kind in this way. Let them fix a time for debate on the resolution that will enable members who have views upon the question to have an opportunity to be heard.

Mr. CATCHINGS. How much time does the gentleman think should be given to debate?

Mr. WELLS. I think there should be at least a legislative day given to debate.

Mr. CATCHINGS. I can not consent to that, Mr. Speaker.

Mr. WELLS. Then I object. And furthermore, Mr Speaker, I rise to the point of order that this is not in order at this time, because a rule already reported to the House by the Committee on Rules is the regular order of business.

Mr. SPRINGER. It has been withdrawn this morning.

Mr. WELLS. They can not withdraw it.

Mr. DOCKERY. It has already been do

Mr. BRYAN. Mr. Speaker——

Mr. CATCHINGS. Understand, Mr. Speaker, that I am holding the floor.

Mr. BRYAN. I want to ask——

Mr. WELLS. I trust that the Committee on Rules and the honorable gentleman who has charge of this matter that is now before the House will not gag Democrats upon the floor of this House. For months the Republicans upon the floor have been given opportunity to speak relative to matters of this kind, pertaining to the counting of a quorum. The object of gentlemen on the other side has for six or seven months——

Mr. CATCHINGS and Mr. OUTHWAITE. This debate is not in order.

The SPEAKER. This is a mere effort to agree upon time; debate is not in order.

Mr. WELLS. I do not wish to debate the question.

The SPEAKER. The gentleman from Mississippi.

Mr. CATCHINGS. I am willing, Mr. Speaker, to agree to any reasonable time; but not willing to agree to an unreasonable time for debate.

Mr. BRYAN. Will the gentleman agree to two hours?

Mr. CATCHINGS. No, sir, I will not; because I want to finish this thing to-day.

Mr. BRYAN. This is a very important question, and members have views upon it they would like to go on record.

Mr. SPRINGER. If the gentleman will yield one hour to those who are opposed to this rule and reserve an hour for himself he can move the previous question at the end of that period, and I think that will give ample time for debate.

Mr. CATCHINGS. I wish to say, Mr. Speaker, that whatever is to be done, the previous question must be called now, to take effect at the time the debate ends.

Mr. McMILLIN. Mr. Speaker, it strikes me that the suggestion of the gentleman from Nebraska [Mr. BRYAN] for two hours' debate on each side is a very reasonable one. This is a very important question and there ought not to be any rushing of it through here with a haste that is unnecessary under the circumstances. If the experience with this rule is to be like that of a former Congress in which it existed there will be plenty of time anyhow.

Mr. McCREARY of Kentucky. I do not know, Mr. Speaker, that it is necessary for me to add anything to what has been said by the gentleman from Tennessee [Mr. McMILLIN] and the gentleman from Nebraska [Mr. BRYAN], but this is a very important rule and it ought to be considered with deliberation. We are proposing to adopt a rule which the Democratic party has never adopted before, and it seems to me that two hours' debate on a side is a very brief time indeed for the discussion of such a proposed departure from the established rules that have governed the House of Representatives for more than a hundred years.

Mr. CATCHINGS. Mr. Speaker, I am willing to agree that the vote shall be taken at 3 o'clock, and that one hour and a half shall be given to gentlemen who desire to oppose this rule. That gives them more than half the time, and ought to be satisfactory. That gives us time enough to take action on this matter to-day, which is very much to be desired.

Mr. BYNUM. Mr. Speaker, I would like to appeal to the gentleman from Mississippi to allow more time. I have never expressed any views as to this rule, and I desire to occupy some time in the discussion of it.

Mr. CATCHINGS. I propose to give an hour and a half of debate to those who are opposed to the rule, and it seems to me that that ought to be satisfactory; the balance of the time to be used by those who favor the rule.

Mr. WHEELER of Alabama. I would ask the gentleman if he is not willing to have this matter discussed to-day, to have a night session solely for the purpose of debate upon the rule, and then have the vote on the rule to-morrow at 1 o'clock. This would be perfectly satisfactory to every member of the House. A question so important as this should be carefully considered and understood. Some gentlemen who have come in the Hall since the rule was read are entirely ignorant of its language or purport. I hope the gentleman is willing that the rule should be discussed this afternoon and to-night.

Mr. CATCHINGS. No; I am not. I do not want any night session.

Mr. BAILEY. I suggest to the gentlemen from Mississippi that gentleman who are opposed to the rule are not the only ones who desire to be heard.

Mr. CATCHINGS. My proposition gives an hour and a half to those who are opposed to it.

Mr. McCREARY of Kentucky. I suggest to the gentleman from Mississippi that he ought to agree to two hours on each side. It makes a difference of only one hour.

Mr. CATCHINGS. Mr. Speaker, I am disposed to assent to that, though it is very much against my judgment, and I will now state——

Mr. SPRINGER. Give the opponents of the rule two hours and have the vote at half past 3.

[Confusion in the Hall.]

Mr. CANNON of Illinois. Mr. Speaker, I suggest that if order can be restored and gentlemen take their seats, we can then hear what is going on; otherwise we can not.

The SPEAKER. Gentlemen will please resume their seats. Business will be suspended until order is restored.

Mr. CATCHINGS. Now, Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered at this time upon the report from the Committee on Rules, the vote to be taken at 4 o'clock, and the distribution of the time to be controlled by the Speaker.

Mr. SPRINGER. And equally divided.

Mr. GROW. Mr. Speaker, as the gentleman from Mississippi is entitled to the floor, I ask him why not allow debate to begin on this question without insisting upon his demand? If I understand it, this matter is privileged, and the gentleman from Mississippi can take the floor at any time to call the previous question.

Why not, then, let the discussion begin, and see, as it proceeds, whether a short time or a long time ought to be occupied by it? The gentleman can call the previous question whenever he desires. If I understand the rule, it invests the Committee on Rules with power to report at any time, and the gentleman is entitled to the floor to call the previous question at any time.

Mr. CATCHINGS. I can not yield to that suggestion, Mr. Speaker.

Mr. BURROWS. I understand the proposition now to be that debate shall be had upon this proposition for four hours.

Mr. OUTHWAITE. Until 4 o'clock.

Mr. BURROWS. And the gentleman from Mississippi [Mr. CATCHINGS] demands now the previous question on the report of the committee. I am at a loss to understand the object of debate if the previous question is ordered now, because that would cut off all right of amendment.

Mr. CATCHINGS. That is precisely what I wish to do.

Mr. BURROWS. The object of debate I should suppose to be to perfect the rule if it is not perfect. But be that as it may, I ask the gentleman from Mississippi to yield to me at this time that I may offer as a substitute for the proposed rule a proposition which embodies the views of the minority of the Committee on Rules, so that if the previous question is to be ordered we can have a vote upon this substitute offered by the minority of the committee.

Mr. CATCHINGS. I have no objection to that, Mr. Speaker.

Mr. BURROWS. Then, Mr. Speaker, I offer the following——

Mr. CATCHINGS. And, Mr. Speaker, I will ask unanimous consent that the previous question be now considered as ordered on the report of the Committee on Rules and on the substitute which the gentleman from Michigan proposes to offer—that the previous question shall be considered ordered at this time, and that at 4 o'clock the House shall proceed to vote, first upon the substitute and then upon the report of the committee.

Mr. BURROWS. If the gentleman will allow me, I offer now, as a substitute for the report of the Committee on Rules, the proposition which I ask the Clerk to read.

Mr. BYNUM. It is not understood yet——

Mr. WELLS. Mr. Speaker, I am not able to understand whether——

Mr. BURROWS. As a substitute for the report of the Committee on Rules, I offer the following, as embodying the views of the minority.

Mr. WELLS. On what conditions?

Mr. BURROWS. No conditions.

Mr. WELLS. I understand the conditions are that the previous question——

The SPEAKER. The Clerk will read the proposed substitute sent to the desk.

The Clerk read as follows:

Clause 3, Rule XV:

On the demand of any member, or at the suggestion of the Speaker, the names of members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the members voting, and be counted and announced in determining the presence of a quorum to do business.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] has the floor.

Mr. CATCHINGS. Now, Mr. Speaker, if you will put my request I shall be obliged.

Mr. WELLS. Mr. Speaker——

The SPEAKER. The gentleman from Mississippi has the floor.

Mr. GROW. Mr. Speaker, I have a proposition which I trust the gentleman from Mississippi will allow to be read at present for information and allow to come in for a vote afterwards as a substitute.

Mr. CATCHINGS. I can not consent to a vote upon it. It may be read.

Mr. GROW. I ask that it be read now for information——

Mr. OUTHWAITE. It can be read later.

Mr. GROW. But it can not be voted on unless it be proposed before the previous question is ordered.

Mr. OUTHWAITE. We do not desire it to be before the House.

Mr. GROW. I will offer it, if I may have the opportunity, as an amendment to the amendment of the gentleman from Michigan [Mr. BURROWS].

Mr. OUTHWAITE. One amendment has already been permitted from that side of the House.

Mr. WELLS. I rise to a parliamentary inquiry. I am in some uncertainty as to the parliamentary status of the question sought to be presented by the gentleman from Mississippi.

The SPEAKER. The gentleman from Mississippi has made a request for unanimous consent, which the Chair was going to submit.

Mr. WELLS. On what proposition?

The SPEAKER. The Chair will state it if the gentleman will permit. The gentleman from Mississippi ask unanimous consent that the previous question be considered ordered upon the report of the committee and upon the proposition of the minority of the committee, and that the vote be now ordered to be taken on those propositions at 4 o'clock.

Mr. WELLS. I object unless——

Mr. CATCHINGS. I think, Mr. Speaker, I have made all reasonable effort to come to a fair agreement. I now move the previous question on the substitute of the minority of the committee and on the report of the Committee on Rules.

Mr. BURROWS. I should like to inquire, as a parliamentary matter, whether the Speaker would hold, in view of what has been said, that there has been such debate on this question as to cut off all further debate if the previous question should now be ordered, or whether, after ordering the previous question, fifteen minutes' debate on each side will be allowed?

The SPEAKER. The Chair thinks that what has taken place has been an effort at an agreement rather than debate within the meaning of the rule.

Mr. BURROWS. Then, if the previous question should now be ordered, there will be fifteen minutes' debate on each side?

The SPEAKER. The Chair thinks so. This has been an effort at agreement rather than debate in the proper sense.

The question being taken on ordering the previous question, there were on a division (called for by Mr. BRYAN)—ayes 122, noes 98.

Mr. WELLS and Mr. BRYAN called for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on ordering the previous question upon the report of the Committee on Rules and the substitute of the minority of the committee.

The question was taken; and there were—yeas 140, nays 120, not voting 93; as follows:

YEAS—140.

Apsley,	Crain,	Hutcheson,	Pendleton, Tex.
Bailey,	Culberson,	Ikirt,	Pendleton, W. Va.
Baker, Kans.	Davis,	Izlar,	Pigott,
Baldwin,	De Armond,	Johnson, Ohio	Rayner,
Bankhead,	De Forest,	Jones,	Richards, Ohio.
Bartlett,	Denson,	Kem,	Richardson, Mich.
Barwig,	Dinsmore,	Kribbs,	Richardson, Tenn.
Bell, Colo.	Dockery,	Kyle,	Ritchie,
Bell, Tex.	Donovan,	Lane,	Robbins,
Berry,	Dunphy,	Latimer,	Robertson, La.
Bland,	Durborow,	Layton,	Rusk,
Boatner,	Edmunds,	Livingston,	Ryan,
Boen,	English, Cal.	Lynch,	Sayers,
Bower, N. C.	English, N. J.	Maddox,	Sherman,
Branch,	Enloe,	Magner,	Sibley,
Breckinridge, Ark.	Epes,	Mallory,	Springer,
Bretz,	Erdman,	Martin, Ind.	Stallings,
Bunn,	Fielder,	McCall,	Stockdale,
Cabaniss,	Fithian,	McCulloch,	Stone, Ky.
Cadmus,	Forman,	McDannold,	Strait,
Caminetti,	Geary,	McDearmon,	Straus,
Cannon, Cal.	Goldzier,	McGann,	Swanson,
Catchings,	Gorman,	McLaurin,	Talbert, S. C.
Causey,	Gresham,	McNagny,	Tate,
Clancy,	Grout,	McRae,	Taylor, Ind.
Clark, Mo.	Haines,	Meredith,	Terry,
Clarke, Ala.	Hall, Minn.	Meyer,	Tucker,
Cobb, Mo.	Hare,	Morgan,	Turner, Va.
Coffeen,	Harter,	Mutchler,	Turpin,
Cogswell,	Hatch,	Neill,	Washington,
Compton,	Hayes,	O'Neill, Mo.	Waugh,
Cooper, Fla.	Heard,	Outhwaite,	Weadock,
Cornish,	Hendrix,	Paschal,	Williams, Miss.
Covert,	Hooker, Miss.	Patterson,	Wolverton,
Cox,	Hunter,	Paynter,	Woodard.

NAYS—120.

Abbott,	Dolliver,	Kilgore,	Reed,
Adams, Pa.	Doolittle,	Lacey,	Reilly,
Aitken,	Draper,	Lapham,	Robinson, Pa.
Aldrich,	Ellis, Oregon	Lawson,	Russell, Ga.
Avery,	Fletcher,	Lefever,	Shaw,
Babcock,	Funk,	Lester,	Smith,
Baker, N. H.	Gear,	Lockwood,	Stephenson,
Barnes,	Gillet, N. Y.	Loud,	Stevens,
Bartholdt,	Grady,	Lucas,	Stone, C. W.
Belden,	Griffin,	Maguire,	Storer,
Black, Ga.	Grosvenor,	Marsh,	Talbott, Md.
Boutelle,	Grow,	Marvin, N. Y.	Taylor, Tenn.
Bowers, Cal.	Hager,	McCleary, Minn.	Thomas,
Breckinridge, Ky.	Hainer,	McCreary, Ky	Tracey,
Brosius,	Hartman,	McDowell,	Turner, Ga.
Bryan,	Haugen,	McEttrick,	Updegraff,
Bundy,	Henderson, Ill.	McKaig,	Van Voorhis, N. Y.
Burrows,	Henderson, Iowa	McMillin,	Van Voorhis, Ohio
Bynum,	Hepburn,	Meiklejohn,	Wadsworth,
Caldwell,	Hermann,	Mercer,	Walker,
Cannon, Ill.	Hines,	Milliken,	Wanger,
Capehart,	Hitt,	Montgomery,	Warner,
Caruth,	Holman,	Northway,	Wells,
Cockrell,	Hopkins, Pa.	Payne,	Wever,
Conn,	Houk,	Pearson,	Williams, Ill.
Cooper, Tex.	Hudson,	Perkins,	Wilson, Ohio
Cooper, Wis.	Hulick,	Pickler,	Wilson, Wash.
Cousins,	Hull,	Post,	Wise,
Curtis, Kans.	Johnson, N. Dak.	Price,	Woomer,
Dingley,	Kiefer,	Quigg,	Wright, Mass.

NOT VOTING—93.

Adams, Ky.	Curtis, N. Y.	Linton,	Scranton,
Alderson,	Dalzell,	Lisle,	Settle,
Alexander,	Daniels,	Loudenslager,	Sheil,
Allen,	Davey,	Mahon,	Sickles,
Arnold,	Dunn,	Marshall,	Simpson,
Beltzhoover,	Ellis, Ky.	McAleer,	Sipe,
Bingham,	Everett,	McKeighan,	Snodgrass,
Black, Ill.	Funston,	Money,	Somers,
Blair,	Fyan,	Moon,	Sperry,
Brattan,	Gardner,	Morse,	Stone, W. A.
Brickner,	Geissenhainer,	Moses,	Strong,
Broderick,	Gillett, Mass.	Murray,	Sweet,
Brookshire,	Goodnight,	Newlands,	Tarsney,
Brown,	Graham,	Oates,	Tawney,
Burnes,	Hall, Mo.	O'Neil, Mass.	Tyler,
Campbell,	Hammond,	Page,	Wheeler, Ala.
Chickering,	Harmer,	Pence,	Wheeler, Ill.
Childs,	Harris,	Phillips,	White,
Cobb, Ala.	Heiner,	Powers,	Whiting,
Cockran,	Henderson, N. C.	Randall,	Wilson, W. Va.
Coombs,	Hicks,	Ray,	Wright, Pa.
Cooper, Ind.	Hooker, N. Y.	Reyburn,	
Crawford,	Hopkins, Ill.	Russell, Conn.	
Cummings,	Johnson, Ind.	Schermerhorn.	

So the previous question was ordered.

Mr. DALZELL. Mr. Speaker, I am paired with the gentleman from West Virginia, Mr. WILSON, and withdraw my vote.

Mr. POWERS. Mr. Speaker, I am paired with the gentleman from Alabama, Col. OATES. If he were present, I should vote "aye." I withdraw my vote.

The following pairs were announced by the Clerk:

Until further notice:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. HALL of Missouri with Mr. CHICKERING.

Mr. ARNOLD with Mr. SCRANTON.

Mr. ALLEN with Mr. RUSSELL of Connecticut.

Mr. CRAWFORD with Mr. WADSWORTH.

Mr. ALEXANDER with Mr. HOPKINS of Illinois.

Mr. GOODNIGHT with Mr. SWEET.

Mr. BLACK of Illinois with Mr. STRONG.

Mr. HENDERSON of North Carolina with Mr. DANIELS.

Mr. ALDERSON with Mr. WHEELER of Illinois.

Mr. BRICKNER with Mr. ADAMS of Kentucky.

Mr. MCKEIGHAN with Mr. RANDALL.

Mr. ELLIS of Kentucky with Mr. COOPER of Wisconsin.

Mr. OATES with Mr. POWERS.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. SCHERMERHORN with Mr. JOHNSON of Indiana.

Mr. BROWN with Mr. MORSE.

Mr. FYAN with Mr. TAWNEY.

For this day:

Mr. SOMERS with Mr. HOOKER of New York.

Mr. PAGE with Mr. HICKS.

Mr. SPERRY with Mr. BINGHAM.

Mr. SNODGRASS with Mr. MOON.

Mr. DAVEY with Mr. REYBURN.

Mr. COOMBS with Mr. HARMER.

Mr. MONEY with Mr. LOUDENSLAGER.

The result of the vote was then announced as above recorded.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] is recognized to control the time in support of the report of the Committee on Rules, and the Chair will recognize the gentleman from Michigan [Mr. BURROWS] to control the time in opposition.

Mr. HATCH. Mr. Speaker, will the gentleman from Mississippi yield to me for a moment?

Mr. CATCHINGS. I yield to the gentleman to make a request.

Mr. HATCH. I want to ask unanimous consent of the House that the debate on this proposition may continue until 4 o'clock.

Mr. BYNUM. Regular order.

Mr. HATCH. If the gentleman from Indiana will permit me to make my statement, perhaps he would not demand the regular order.

Mr. BYNUM. Mr. Speaker, I ask that the regular order be proceeded with.

Mr. COBB of Alabama. Mr. Speaker, I ask unanimous consent to record my vote in the negative on the vote just taken. I was under the impression that my pair with the gentleman from Massachusetts [Mr. McCALL] was still in force. I am informed, however, that he was present and voted under the impression that I had been informed of his presence as he had directed.

The SPEAKER. The Chair can not entertain the request under the rule.

Mr. COBB of Alabama. The gentleman with whom I am paired, I am informed, has voted on this question. I did not know he was here, and therefore refrained from voting when my name was called.

The SPEAKER. The Chair will state to the gentleman from Alabama that he can not entertain the request at this time. After the result of the vote is announced it would not be in order except by unanimous consent to withdraw a vote. The gentleman will perceive that such a change might affect the result.

Mr. COBB of Alabama. Then, Mr. Speaker, I desire to state that I should have voted in the negative on this question had I not believed my pair was still in force.

Mr. BURROWS. Mr. Speaker, I ask the gentleman from Mississippi to yield to me for a single moment for a suggestion.

Mr. CATCHINGS. Certainly.

Mr. BURROWS. As the rule proposed by the committee provides a manner of counting a quorum, and the substitute offered by myself was also designed for the purpose of counting a quorum, and the only difference between them is as to the method, rather than delay the consideration of this matter and thereby multiply a number of roll calls, I will withdraw the substitute offered by myself so that the motion may come directly on the report of the Committee on Rules.

The SPEAKER. The substitute is then withdrawn.

Mr. BRYAN. Mr. Speaker, I rise to a question of privilege. In this discussion, as I understand it, gentlemen on the other side of the Hall are in favor of the principle of counting a quorum, and the Committee on Rules has provided a manner. Now, in the division of time will there be no provision made for those who do not favor the counting of a quorum under any circumstances, and who differ therefore from the majority of the Committee on Rules and from the minority represented by the other side?

The SPEAKER. The Chair can not answer that question. The gentleman from Mississippi [Mr. CATCHINGS], having reported the proposition, is entitled to fifteen minutes, and while giving fifteen minutes to the minority of the committee, the Chair of course will be glad to recognize gentlemen in opposition to the proposition, which is the intent of the rule. Of course if it be true that the whole committee agree, why then perhaps it would be only right and proper that some gentlemen who do not agree to the report of the committee should be allowed to be heard.

Mr. REED. Mr. Speaker, I think it quite just that, if no more than fifteen minutes are to be allowed on a side, there should be some unusual apportionment of time. On this side of the House we regard the rule presented by the committee as containing the principle for which we have contended, although we have some doubt about the details of it, and think that they may perhaps not prove entirely satisfactory to the House; but we have not made any opposition to the rule, nor have we any great desire to do so, except so far as we might like to have it modified if it might be done under favorable and proper circumstances.

Therefore we have felt that it might be proper that there should be a division of time in such fashion that those who are opposed to the principle of the rule might have an opportunity to express their opinion. For this reason I had hoped that there might be no objection to such an extended debate as might seem to be reasonable; and I want it distinctly understood that this side does not object to such an extension of debate as will enable all parties to express their opinions. Fifteen minutes on a side are hardly enough, and I sincerely hope that the House will indulge gentlemen upon the other side by allowing them a sufficient extension of time, with such a division as may seem just to the House and to the Speaker, so that all views may be represented, which is the object of all debate.

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent that an hour on each side may be given to the discussion of this matter, which is important to all parties and to both sides of this House.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] just submitted a similar request, but the Chair will submit it again. The gentleman from Maine [Mr. BOUTELLE] asks unanimous consent that there be one hour's debate on a side on this proposition. Is there objection?

Mr. BYNUM. I object.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. REED. The time is so grossly inadequate that if I have fifteen minutes I will endeavor to distribute it with reference to allowing the opposition to be heard, in concert with the gentleman from Mississippi [Mr. CATCHINGS].

The SPEAKER. The Chair was going to suggest that he hoped the committee would yield a part of their time on each side to gentlemen in opposition to the measure, so that they might have an opportunity to be heard. The House will be in order. The gentleman from Mississippi——

Mr. CATCHINGS. Mr. Speaker, before proceeding with my remarks, I wish to say that I have been requested to ask unanimous consent that any gentlemen who desire to do so may file their remarks and have them printed in the RECORD. I make that request.

Mr. REED. I shall have to object to that.

The SPEAKER. Objection is made.

Mr. BOUTELLE. Mr. Speaker, that would be a rather melancholy sort of literature.

Mr. CATCHINGS. Mr. Speaker, I shall occupy but a moment, because it is my wish to yield the bulk of the time which is allotted to this side to gentlemen who are opposed to the rule.

I wish to say to the House that in pursuance of the wish expressed by the Democratic caucus which was held on Friday last the Committee on Rules have had under consideration the matter of providing a rule by which gentlemen who are present and do not vote may be taken into consideration in determining whether or not a quorum is present.

A great variety of suggestions were submitted to the committee, perhaps a dozen, possibly more. The committee have considered all the various methods for ascertaining a quorum which were submitted to them, and the majority of the committee believe that the rule which has been reported will enable the House, easily, and with expedition and with entire fairness, to ascertain whether a quorum be present or not, whenever the roll be called.

The committee have recommended an amendment to Rule VIII, which is the rule requiring that all members shall vote when their names are called. The amendment is that they shall vote, or answer "present." It is hoped and believed, Mr. Speaker, that by that means alone the presence of a quorum will many times and possibly at all times be developed, and certainly there can be no safer and no fairer method of ascertaining the presence of a gentleman than by his own response.

But the rule, looking to a contingency where gentlemen might not respond when their names are called, provides that upon each roll call the Speaker shall appoint two tellers, who shall take their places by the Clerk's desk, and that it shall be the duty of those tellers to note the presence of gentlemen who are in the Hall of the House during the roll call, who do not vote, or who do not answer present: and that the names reported by them shall be again read after the roll call has been finished, and on this last call gentlemen who have been so noted may, if they wish to do so, cast their votes.

And in determining the question whether a quorum is present or not the Speaker is required to take into consideration the names of gentlemen who have voted yea and nay, the names of gentlemen who have responded that they were present, and if necessary, the name of others who have been noted by these tellers, and who have not responded at all. This is the plan. It is simple, and must in the nature of things be fair, because this telling is to be done by two tellers, one to represent each side of the question. So that such report as they make must be fair; it must be correct, because it is a report which will be agreed to by both sides of the question.

Now, Mr. Speaker, I will yield to any gentleman who desires to oppose this rule.

I yield one minute to the gentleman from Alabama.

Mr. WHEELER of Alabama. Mr. Speaker, I am always ready and willing to do what my party decides, but I regard this as a question which ought to have more deliberation than is given in this debate. The Constitution particularly states that upon the demand of one-fifth the yeas and nays shall be recorded. On the vote upon a bill which is vetoed the Constitution especially states again that the noes shall be recorded,

and that the yeas shall be recorded; and I ask this House to consider if the rule complies with and provides for all the exigencies that might arise on a vote of that character; and I think, Mr. Speaker, we ought at first give a full opportunity to test the effect of enforcing the law we now have——

[Here the hammer fell.]

Mr. CATCHINGS. I hope the gentleman from Maine will now take his fifteen minutes.

Mr. REED. If any gentleman on the other side desires time I will yield to him. I will yield five minutes to the gentleman from Nebraska.

Mr. BRYAN. Mr. Speaker, I am obliged to the gentleman from Maine for this courtesy. The question upon which we are called to act is one of a great deal more importance than some members seem to think, and the objection which is made to the rule by some of us, who have not been able to favor it, is based upon reasons far more weighty than gentlemen have assumed.

The constitution of the State of Nebraska, which I have the honor in part to represent, contains this provision:

> No bill shall be passed unless by assent of a majority of all the members elected to each house of the Legislature, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays shall be entered upon the journal.

The constitutions of a majority of the States of the Union, among them the States of New York, Pennsylvania, Illinois, Indiana, Ohio, and I might name them all if time permitted, provide the same, the object being to prevent less than one-half of all the members elected to the Legislature from passing laws. It is only by the concurrence of a majority of the members that we can know that the majority of the people desire the law. The Constitution of the United States does not contain a similar provision; and there is no question, since the decision of the Supreme Court, that it is within the power of this House to declare by rule in what manner a quorum may be ascertained. It can be done in the manner provided in this rule, or it can be done by the call of the yeas and nays, as it has been done for a hundred years. Now, the question with me is this: which is the safer plan? According to the rule which has been in vogue a hundred years, the minority has the safeguard which is expressly secured in the constitutions of a majority of the States; according to the old rule the minority, by refusing to vote, can compel the concurrence of a majority before a law is passed.

Now, I believe that is a wise provision. I do not see why it is wiser in a State than in Congress; I do not know why it is necessary that the members of the Legislature in my State, or in New York, should be compelled to vote yea or nay when a bill shall pass, and that a majority shall concur, unless the same reasons apply in this body.

We are asked to change this rule, which has been in operation since the beginning of the Government, and adopt a new rule; a rule not intended to enable the majority to rule, but to enable less than one-half of the members of Congress to pass laws for this country. I believe that the innovation is a dangerous one. There is far more safety in giving to the minority the power to delay legislation until a majority have expressed themselves in favor of a law. How can you tell that the people of the United States desire a particular law except by the voice of their representatives; and how can we tell that their representatives believe the bill should become a law until they have expressed themselves by vote in favor of the proposition? The naked question brought before us by this rule is, "Shall we so make our rules that the minority of the people of the United States may make the laws, or shall we retain the rule which enables us to compel the concurrence of a majority when it seems of sufficient importance?"

Of course the right to remain silent can be used to filibuster, but we have a rule which shuts off filibustering when a majority desires to vote. We have it in the power of the House—and I think it is a wise provision—to put an end to dilatory motions and to bring the House to a vote when the majority so desires, but a rule to count a quorum is not designed to facilitate the government of a majority but to enable the representatives of a minority of the people to do business and make laws in the absence of the representatives of a part of the people.

The SPEAKER. The time of the gentleman has expired.

Mr. BRYAN. I ask unanimous consent that I may continue my remarks in the RECORD.

Mr. BURROWS. Mr. Speaker, I think that ought not to be granted, unless the same privilege is extended to everybody.

The SPEAKER. Objection is made.

Mr. CATCHINGS. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, this is not a question of amending the Constitution of the United States, or of adopting the provisions of the constitutions of several of the States that have recently been adopted on the subject of requiring a quorum to pass laws. This is a question as to whether this House of Representatives of the people of the United States shall have such rules for its government as will enable it to do the business that our constituents have sent us here to do. [Applause on the Republican side.] We have tried the old system. We have been here a month without doing two days' actual business, and our constituents are tired of this delay, and I hope this House is tired of it. [Applause on the Republican side.] If we shall adopt this rule, we will from this time forward have it in our power to discharge the duties which our constituents have confided to us. I will hail the adoption of this rule as the dawn of a new and better era in American legislation. [Applause.]

Mr. REED. I yield two minutes to the gentleman from Texas [Mr. KILGORE].

When Mr. KILGORE rose he was greeted with applause in the House and in the galleries.

The SPEAKER. The House will be in order. The Chair will admonish occupants of the galleries that they are there simply by courtesy of the House, and that the rules require that they shall make no demonstrations either of applause or disapproval. The Chair observed that in this instance the applause began in the galleries. That is a violation of the courtesy of the House, which must not be repeated.

Mr. KILGORE. Mr. Speaker, I hope the time consumed by the applause which greeted my appearance on the floor will not be taken out of my time. [Laughter.]

I am indebted to the courtesy of the gentleman from Maine [Mr. REED] for an opportunity to express my unalterable opposition to the principle of a rule of which he is the parent. [Laughter.] I will not say the honored progenitor, because the parent may be dishonored in his progeny. He is honored by his own party, and honored for his distinguished ability as a party leader, but he and I are so wide apart that, while I can honor the man, I can not honor his views upon this question, nor, indeed, upon any other great public question. [Laughter.]

Now, Mr. Speaker, I insist that the proposed rule is unnecessary. It is inexpedient. Its adoption will not expedite the legitimate business of this House. Rules are not made in parliamentary assemblies for the purpose of making the transaction of business easy and expeditious. All written rules for the government of parliamentary bodies are devised to restrain and hinder the hasty and inconsiderate transaction of business. The country complains that there is a heap too much bad legislation. Important and salutary legislation can be enacted without any rules or under such rules as have prevailed in this body for a century. Pernicious and partisan legislation and legislation in the interest of jobs and schemes to plunder the people and increase their burdens must be pushed by just such drastic and despotic methods as the proposed rule authorizes. [Laughter.]

Gentlemen may laugh, but that is the simple truth. Rules are made in parliamentary bodies to bridle the majority, to enforce deliberation, as is suggested by a colleague near me, and to compel the majority to take all the responsibility which properly attaches to action of Congress on all measures. Now, I repeat that this proposed rule is unnecessary. With a majority of 94 upon the Democratic side of the House as against the Republicans, and 82 over all opposition, with 38 members more than a quorum upon this side of the House, it is within the power of the Democracy, if its members are faithful in the discharge of their duties, to go on with the public business without adopting any such stringent rule as this, and without violating the principles of free government in its effort to avoid the paramount legislative evil of the day—absenteeism. This rule, if adopted, can do no good, and may be productive of infinite harm.

If it subserves the purpose of its authors and advocates it will eliminate the minority from all participation in the business of the House. The object of the partisans of this rule is to impose such restraints on the minority as will make it powerless in the transaction of business unless that minority is fortunate enough to have the Speaker and the two tellers to be named by him under this rule acting with it in concert. If 90 members vote for a proposition then the Speaker and the tellers can do the rest by counting 89 other members as they flit to and fro about this Chamber. And so the enforcement of this rule will really put the legislation of this body in the hands of a minority. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. REED. I yield two minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, I recognize the right of a majority to make rules to nullify the failure of a minority to comply with any rule of the House. Disorderly conduct the House has a right to punish, but nonaction is not disorderly conduct, and therefore the House has no right to punish a man for not voting. One objection to the rule reported by the committee is

that it seems to be more cumbersome than is necessary. I think it might be simplified so as to save time in calling the roll, and also to save members from being turned into clerks to assist in doing the business of the House. I will ask for the reading of what I send to the Clerk's desk, which would obviate these two objections.

The Clerk read, as a part of Mr. GROW'S remarks, the following proposed rule:

On every roll call for a yea-and-nay vote or on a call of the House the names of members not answering shall be entered on the Journal. At the beginning of any such roll call the Speaker shall designate one of the clerks at the desk who shall keep a correct list of the names of members present and not answering when their names are called.

After the roll shall have been called through, without a recall of those not answering, the Speaker shall cause the list kept by the designated clerk to be called, and the names of those not answering shall be entered on the Journal as present, and such names shall be counted as part of the members necessary for a quorum. Any member whose name shall be on the list of the designated clerk, stating to the Speaker that he was within the bar of the House when his name was called, can have his name changed from that list to the list of yeas and nays, as he may desire; provided it is done before the vote is finally announced.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. GROW] has expired.

Mr. REED. I yield two minutes to the gentleman from Georgia [Mr. RUSSELL].

Mr. RUSSELL of Georgia. Mr. Speaker, is there any man in this country who believes that if the Fifty-first Congress had not been so hard pushed for a majority, this rule for counting a quorum would have been adopted? No. Then, sir, with a Democratic majority on this side of 70 or 80, with 39 more votes than a quorum, at this stage of the proceedings of this Congress we come here and present this humiliating spectacle to the American people [applause on the Republican side], confessing that we can not transact the public business without invoking the exceptional and revolutionary methods of the Fifty-first Congress to aid us in the work, that we can not transact the public business under the rules which have prevailed in this House ever since the foundation of this Government with the exception of the Fifty-first Congress. I tell you, sir, that many a time it is a man's highest duty to his constituents to remain silent and not vote at all. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CUMMINGS. Will the gentleman from Maine give me a minute?

Mr. REED. I have but three minutes left. Mr. Speaker, I ask unanimous consent that I may have five minutes to distribute among gentlemen on the other side. [Laughter.] [A pause.]

Mr. Speaker, I do not desire to address the House again upon the general subject. This scene here to-day is a more effective address than any I could make. The House is about to adopt the principle for which we contended in the Fifty-first Congress and is about to adopt it under circumstances which show conclusively to the country its value. No words that I can utter can add to the importance of the occasion. I congratulate the Fifty-third Congress upon the wise decision that it is about to make. [Applause on the Republican side.]

Mr. CATCHINGS. I yield four minutes to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. Mr. Speaker, the gentlemen who oppose this measure seem to think that the object which the framers of the Constitution had in their minds in providing for the taking of the yeas and nays was to ascertain the presence of a quorum. In point of fact, such a purpose never crossed the mind of any one who was present as a member of that convention. If gentlemen will turn to the debates which took place at that time they will see that the purpose of ascertaining a quorum was not considered. The object was simply to give an opportunity——

Mr. TURNER of Georgia rose.

Mr. OUTHWAITE. I can not yield to the gentleman in the little time I have.

Mr. TURNER of Georgia. But the gentleman is misrepresenting the position we take.

Mr. OUTHWAITE. The object in providing for taking the yeas and nays was simply to give those members who desire to have their judgment recorded an opportunity for the making of such a record.

Now, as to the necessity of this measure. Gentleman here say that with a Democratic majority in this House of such numbers we ought to be able to proceed with our business without this rule.

Sir, continually during this session this House has witnessed that, with our majority of Democrats, a quorum upon one roll call has frequently melted away before following immediately upon the same legislation. There have been times when we have had under consideration here measures of the greatest political significance and public importance, of the greatest importance to parties and Representatives here; and on such occasions there would be upon one roll call the manifestation of a quorum, while upon the next a part of those who had voted would absent themselves or refrain from voting. Thus quorums were coming and going. For days there was no opportunity to have business transacted. Frequently members who would be here upon one roll call would immediately afterward pass out of the House, and from carelessness or indifference, or some other unexplained reason, remain out until after the next roll call, thus compelling us to enter upon a call of the House and to have several roll calls in connection therewith, and those faithful in the performance of their duties were often thus punished by those unfaithful. There are always a certain number of our members who, on account of sickness or for other good reasons, must be granted leave of absence. This has often reduced our margin above a quorum. The majority here must proceed with the public business—not permitting the minority to control the business of the House and dictate legislation. This rule gives only a fair opportunity to the majority—those who are present and willing to stay here day after day and hour after hour to do their duty, anxious that the public business shall be transacted—an opportunity to transact the public business and not allowing them to be unnecessarily stayed in the performance of their public duty. It is one of the strongest reasons in favor of the passage of such a rule as this that neither indifference nor necessary absence of members, nor the disposition on the part of perhaps a dozen or two of members to obstruct business, shall prevent the other 170, it may be, from proceeding with the business of the House.

What is the real requirement of the Constitution with reference to the presence of a quorum? Every day legislation is adopted here which goes through by assent, one or two individuals only voting thereon. It takes place by consent; the objection of one man would be sufficient to prevent it. Every day we take votes simply by a count of the members, and those votes are announced without appealing to the roll call, and legislation passed in that way is oftentimes just as important as other legislation, and it is certainly as valid in every respect as that passed on a call of the yeas and nays. All this is acknowledged and accepted as a proper and fit method of legislation under the Constitution.

[Here the hammer fell.]

The SPEAKER. The gentleman from Maine [Mr. REED] has one minute remaining. Does he desire to occupy it?

Mr. REED. I yield that minute to the gentleman from New York [Mr. CUMMINGS].

Mr. CATCHINGS. And I also yield to the gentleman from New York one minute, so that he will have two minutes.

Mr. CUMMINGS. Mr. Speaker, there was one scene in the Fifty-first Congress which should never be forgotten. One Democrat on this floor, Col. O'Ferrall of Virginia—and he was the only Democrat on the floor—was counted to make a quorum to ruthlessly unseat a Virginia Democrat. And if E. C. Venable had been on this floor instead of Col. O'Ferrall, E. C. Venable would have been counted to unseat E. C. Venable. We ought to learn something from experience.

The fault I have to find with this rule is that there is no limit here. In the Fifty-first Congress it was possible for the Speaker of the House, standing at his desk, mallet in hand, to cast his vote alone and to count every man on the floor not voting to make up a quorum. So that it was possible, if not probable, that by the vote of the Speaker himself, and by that vote alone, it was possible to declare a law passed by the House of Representatives. Now, I see no limit here. It appears to me that if we are to obey the Constitution we ought to obey it in its plain letter or else fix a limit which will not allow one man or any five, or ten, or fifteen, or fifty men to vote, and count all the others in the House as present and not voting, in order to secure the passage of a law. I am opposed to the measure. It is better to be safe than to be sorry.

[Here the hammer fell.]

Mr. CATCHINGS. Mr. Speaker, in closing this debate I wish to say that the idea which seems to have been spread broadcast over the country that a rule such as this is indispensable and that the House can not transact business without it, is utterly without foundation. There are other methods by which the presence of a quorum might have been had on this floor.

But, Mr. Speaker, I wish to call the attention of the House to this fact—that if in the judgment of any gentleman present this is a revolutionary proceeding in the sense that it is a departure from methods which have heretofore prevailed in this House and always hitherto on this side, its object is to meet a revolutionary situation—a new departure, which has been entered upon by gentlemen on the other side.

It is the first time in the history of the American Congress that we have seen one of the old and great parties of the country, training under the banner of its leader, sitting silent in their seats on this floor and refusing to vote on trivial and non-

partisan questions. It is a fact that we have been compelled, owing to this idea of statesmanship, to resort to some measure to control the action of a great and united minority, which, upon every question, even on the approval of the Journal of the House, or the discharge of a writ ordering members in custody, or when any other nonpartisan question arises, absolutely refuses to record its vote. Under these circumstances we are compelled to resort to some heroic measure to enable a majority to transact that business which the people of this country have sent them here to transact.

During the Fifty-first Congress there were times when gentlemen on this side of the House sat in their seats and refrained from voting, or absented themselves so as to avoid being counted; but the country knows, the Democratic party in this House knows, that we were then struggling against the enaction of partisan legislation proposed which we regarded as vicious, even fatal. But here in the Fifty-third Congress, when no such questions are presented, we are met by a minority of the House sitting silent in their seats and refusing to participate in the most ordinary matters of legislation which the House is called upon to consider and dispose of.

Mr. BYNUM. I rise to a question of order. The time of this debate has already extended beyond the half hour.

The SPEAKER. The gentleman from Mississippi has one minute of his time remaining.

Mr. BYNUM. According to the clock 33 minutes have already been exhausted.

The SPEAKER. The Chair is the keeper of the time under the rules of the House.

The gentleman from Mississippi will proceed.

Mr. CATCHINGS. It is only necessary to say, Mr. Speaker, that the Committee on Rules, feeling that some step ought to be taken in order that the majority, notwithstanding the action of a recalcitrant minority, should be enabled to transact business, have considered the matter carefully, and after a great deal of reflection upon the subject have reported a rule which, if adopted, they believe will be effective to accomplish the results desired.

[Here the hammer fell.]

The SPEAKER. The question is on the adoption of the rule reported from the Committee on Rules.

Mr. BRYAN and others. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 47, not voting 93; as follows:

YEAS—213.

Adams, Pa.	De Forest,	Jones,	Quigg,
Aitken,	Denson,	Kiefer,	Rayner,
Aldrich,	Dingley,	Kribbs,	Reed,
Apsley,	Dinsmore,	Kyle,	Reyburn,
Avery,	Dockery,	Lacey,	Richards, Ohio
Babcock,	Dolliver,	Latimer,	Richardson, Mich.
Bailey,	Donovan,	Lawson,	Richardson, Tenn.
Baker, N. H.	Doolittle,	Layton,	Ritchie,
Baldwin,	Draper,	Lefever,	Robbins,
Bankhead,	Dunphy,	Linton,	Robertson, La.
Bartholdt,	Edmunds,	Livingston,	Rusk,
Bartlett,	Ellis, Oregon	Lockwood,	Sayers,
Barwig,	English, Cal.	Loud,	Shaw,
Belden,	Enloe,	Lucas,	Sherman,
Bell, Tex.	Erdman,	Lynch,	Sibley,
Berry,	Fielder,	Maddox,	Sipe,
Boatner,	Fithian,	Magner,	Smith,
Boutelle,	Fletcher,	Maguire,	Springer,
Bower, N. C.	Forman,	Marvin, N. Y.	Stallings,
Bowers, Cal.	Funk,	McCall,	Stephenson,
Branch,	Gear,	McCleary, Minn.	Stockdale,
Breckinridge, Ark.	Geary,	McCreary, Ky.	Stone, C. W.
Bretz,	Gillet, N. Y.	McCulloch,	Stone, W. A.
Broderick,	Gorman,	McDannold,	Stone, Ky.
Brosius,	Gresham,	McDearmon,	Storer,
Bundy,	Griffin,	McDowell,	Strait,
Bunn,	Grosvenor,	McEttrick,	Straus,
Burrows,	Grout,	McGann,	Swanson,
Cabaniss,	Grow,	McLaurin,	Talbert, S. C.
Cadmus,	Hager,	McNagny,	Tate,
Caldwell,	Hainer,	McRae,	Taylor, Ind.
Caminetti,	Hare,	Meiklejohn,	Taylor, Tenn.
Cannon, Cal.	Harter,	Mercer,	Terry,
Caruth,	Hartman,	Meredith,	Thomas,
Catchings,	Hatch,	Meyer,	Tucker,
Clancy,	Haugen,	Milliken,	Turner, Va.
Clark, Mo.	Hayes,	Montgomery,	Turpin,
Clarke, Ala.	Heard,	Morgan,	Updegraff,
Cobb, Mo.	Henderson, Ill.	Moses,	Van Voorhis, N. Y.
Cockrell,	Henderson, Iowa	Mutchler,	Van Voorhis, Ohio.
Coffeen,	Hendrix,	Neill,	Walker,
Cogswell,	Hepburn,	Northway,	Washington,
Compton,	Hermann,	O'Neill, Mo.	Waugh,
Cooper, Fla.	Hitt,	Outhwaite,	Weadock,
Cooper, Ind.	Hooker, Miss.	Paschal,	Wever,
Cooper, Wis.	Hopkins, Pa.	Patterson,	Wilson, Ohio
Cornish,	Houk,	Payne,	Wilson, Wash.
Cousins,	Hulick,	Paynter,	Wolverton,
Cox,	Hull,	Pearson,	Woodard,
Crain,	Hutcheson,	Pendleton, Tex.	Woomer,
Culberson,	Ikirt,	Perkins,	Wright, Mass.
Curtis, Kans.	Izlar,	Pickler,	
Curtis, N. Y.	Johnson, N. Dak.	Pigott,	
DeArmond,	Johnson, Ohio	Post,	

NAYS—47.

Abbott,	Covert,	Kilgore,	Stevens,
Barnes,	Cummings,	Lane,	Talbott, Md.
Black, Ga.	Dunn,	Lapham,	Tracey,
Bland,	Durborow,	Lester,	Turner, Ga.
Breckinridge, Ky.	English, N. J.	Mallory,	Warner,
Bryan,	Epes,	Martin, Ind.	Wells,
Bynum,	Goldzier,	McAleer,	Wheeler, Ala.
Capehart,	Grady,	McKaig,	Whiting,
Causey,	Hall, Minn.	McMillin,	Williams, Ill.
Cobb, Ala.	Hines,	Reilly,	Williams, Miss.
Conn,	Holman,	Russell, Ga.	Wise.
Cooper, Tex.	Hunter,	Ryan.	

NOT VOTING—93.

Adams, Ky.	Dalzell,	Johnson, Ind.	Russell, Conn.
Alderson,	Daniels,	Kem,	Schermerhorn,
Alexander,	Davey,	Lisle,	Scranton,
Allen,	Davis,	Loudenslager,	Settle,
Arnold,	Ellis, Ky.	Mahon,	Shell,
Baker, Kans.	Everett,	Marsh,	Sickles,
Bell, Colo.	Funston,	Marshall,	Simpson,
Beltzhoover,	Fyan,	McKeighan,	Snodgrass,
Bingham,	Gardner,	Money,	Somers,
Black, Ill.	Geissenhainer,	Moon,	Sperry,
Blair,	Gillett, Mass.	Morse,	Strong,
Boen,	Goodnight,	Murray,	Sweet,
Brattan,	Graham,	Newlands,	Tarsney,
Brickner,	Haines,	Oates,	Tawney,
Brookshire,	Hall, Mo.	O'Neil, Mass,	Tyler,
Brown,	Hammond,	Page,	Wadsworth,
Burnes,	Harmer,	Pence,	Wanger,
Campbell,	Harris,	Pendleton, W. Va.	Wheeler, Ill.
Cannon, Ill.	Heiner,	Phillips,	White,
Chickering,	Henderson, N. C.	Powers,	Wilson, W. Va.
Childs,	Hicks,	Price,	Wright, Pa.
Cockran,	Hooker, N. Y.	Randall,	
Coombs,	Hopkins, Ill.	Ray,	
Crawford,	Hudson,	Robinson, Pa.	

So the resolution was adopted.

The following additional pairs were announced:

Mr. LISLE with Mr. MARSH.

Mr. BELTZHOOVER with Mr. CANNON of Illinois.

Mr. DALZELL. I am paired with the gentleman from West Virginia, Mr. WILSON. If he were present, I should vote "aye."

At the request of Mr. WEVER the vote was recapitulated.

Mr. COCKRAN. Mr. Speaker, I am recorded as not voting. I was here during the roll call, but was called out of the room for a moment.

The SPEAKER. Was the gentleman in the Hall during the roll call?

Mr. COCKRAN. Does the Chair mean during the whole call?

The SPEAKER. It implies being present when the gentleman's name was called.

Mr. COCKRAN. Not having heard my name called, I could not tell.

The SPEAKER. The Chair can not entertain the request under the rule.

The result of the vote was then announced as above recorded.

[Applause.]

On motion of Mr. CATCHINGS, a motion to reconsider the last vote was laid on the table.

THE JOURNAL.

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

The Journal was read.

The SPEAKER. If there be no objection, the Journal as read will be approved.

Mr. BURROWS. Mr. Speaker, my impression is that before the approval of the Journal of yesterday's proceedings, just read, the first question in order—and I only raise it now for the purpose of having it passed upon and the practice settled—is the approval of the Journal of last Thursday's proceedings, which was read on Friday morning, and on which a motion was made for the previous question, the yeas and nays ordered upon that demand, and then the House adjourned. The Chair then intimated that the approval of the Journal of the day immediately preceding the one on which it is read was first in order and should be first approved, regardless of the fact that previous Journals had not been approved.

The SPEAKER. That is the way the rule reads.

Mr. BURROWS. This question I find upon examination was raised when Mr. Randall was Speaker of the House, and was decided by him to the effect that where the House had failed to approve its Journal for several days, and had adjourned from day to day, immediately after the reading of the Journal of the preceding day the first question in order was on the approval of the Journal first in date; and then, to make the ruling more binding, the Speaker submitted it to the House, and the House decided that the first question was the approval of the first Journal.

It is of course of no importance except that the practice may be established. But I call the attention of the Chair to the

proceedings of March 23, 1880. When the House met on that day, and after reading the Journal of the preceding day, Mr. Conger made the point of order that the first question before the House was the approval of the Journal of a previous day. There was some discussion in regard to it, in which several gentlemen participated, among them the gentleman from Kentucky [Mr. BLACKBURN], who made the same point as that suggested by the Chair, that under the rules the House must first proceed to the approval of the Journal immediately before the House. I will call attention to what Mr. BLACKBURN said. On March 24, the next day, the House met at 12 o'clock, and immediately after prayer, before the reading of the Journal, Mr. Randall, the Speaker of the House, said:

The question before the House is the question of privilege raised by the gentleman from Maryland [Mr. McLane] as to Monday's Journal.

This was Wednesday. Mr. McLane had claimed that the approval of the Journal was a privileged question, and that being so, the House must consider the Journal earliest in date remaining unapproved.

Mr. TOWNSHEND of Illinois. Is it not in order first to read the Journal of yesterday.

The SPEAKER. The Journal of yesterday relates exclusively to the matter of the correctness of the Journal of Monday. The question which the Chair submitted to the House on yesterday was the question whether the proposition of the gentleman from Maryland contained a question of privilege.

* * * * * * * *

Mr. BLACKBURN. I ask the Clerk to read the first clause of the first rule.

The Clerk read as follows:

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

Our present rule, to which the Speaker has alluded, is of course the same. Mr. BLACKBURN said;

Now the point of order that I make is that this is a new legislative day, as distinct from yesterday. The House did not take a recess on yesterday, but adjourned. This is a new legislative day; and under the first clause of the first rule defining the duties of the Speaker it is declared that he—

"Shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting"—

Then, repeating the rule and commenting upon the various clauses, he continued:

I take it for granted that the Speaker has complied with the last portion of that clause, and that he has examined and approved the Journal of the proceedings of yesterday. And the point I make is that that clause of the rule will not be observed or obeyed unless the Speaker now causes the Clerk to read a Journal of the proceedings of yesterday.

Then, after a protracted debate on the question, to which I need not allude at length, in which the gentleman from Maine [Mr. REED], Mr. Garfield, and others participated, Speaker Randall said:

The approval of the Journal on other days, as well as on Mondays, is not provided for by mere implication, but by the direct terms of the rule.

Mr. CONGER. The two clauses taken together provide for the approval of the Journal on every day of the week.

The SPEAKER. That is the view of the Chair. He therefore thinks it is not only in accordance with the practice, but is obligatory upon the House each legislative day to take action on its Journal. In submitting this morning the questions of privilege, first as to Monday's Journal, which came before the House for its determination on the point whether it involved a question of privilege or not, the Chair based his action upon Rule IX, which states that "questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings," and provides in the last clause that such questions "shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess."

Here is a question submitted to the House for its determination as a question of privilege, relating to the Journal of Monday—a Journal prior to that which would be read under the construction which the gentleman from Kentucky puts upon Rule I. But it matters not whether the Journal of yesterday's proceedings be read now or not, for the reason that if read the question of privilege as to a prior day's Journal would immediately come up, and the House must dispose of the Journal of its proceedings in the order of date. The Chair therefore thinks that it is really not a matter of consequence whether the Journal of yesterday's proceedings be read now or not. If read, the question will immediately come up on the prior day's Journal.—CONGRESSIONAL RECORD, second session Forty-sixth Congress, page 1837.

That was the ruling of Speaker Randall, and finally the ruling was submitted to the House and sustained by the House. It is not necessary for me to allude to that. Since that time, and I think I may say before that time, it has been the universal practice, where the Journal of a day's proceedings has gone over without approval—as it sometimes does by unanimous consent—when the question of the approval of the Journal comes up, action must take place in the order of the dates of the Journal; and as a matter of practice I think it ought to be so held now, and I have failed to find a single instance where the Journals have been approved in reverse order.

As the Chair understands, I only make the point for the purpose of having the practice settled. I think the first question after the reading of this Journal is the approval of the Journal of last Thursday's proceedings, to which I suppose there will be no objection. It is simply a question as to the order of the approval and the correct practice of the House.

The SPEAKER. The decision referred to by the gentleman from Michigan [Mr. BURROWS] seems to cover the case. As the Chair understands, the question was referred to and decided by the House. The Chair does not see the reason of it, but will bow to it. The Chair confesses his inability to see any reason why the rule of practice should have been adopted by the House which was adopted in that case. The rules provide that the Speaker shall take the chair at 12 o'clock, and, on the appearance of a quorum, cause the Journal of the preceding day's session to be read, and approved if correct. Suppose for some reason the day passes without this having been done. The next day arrives. The Chair directs the Journal of the preceding day to be read, which Journal itself discloses that a Journal has not been approved. That Journal itself discloses that the first question to come up after its approval is the approval of that Journal which has not been approved, because that was the proposition pending before the House. So that the Chair is unable to see any reason for the rule that, under existing conditions, the first question is the approval of the Journal most remote instead of that most near to the time of this meeting.

It is true, the question seems heretofore to have been submitted to the House, and the practice contended for seems to have been approved by the House. The Chair will conform to that decision. The question is upon the approval of Thursday's Journal; and on that question the previous question has been demanded and the yeas and nays have been ordered thereon.

Mr. DOCKERY. I ask unanimous consent that the Journal be considered as approved.

Mr. SPRINGER. Without the yeas and nays.

The SPEAKER. The gentleman from Missouri asks unanimous consent to reconsider the vote by which the yeas and nays were ordered. Without objection, that order will be made.

Mr. PICKLER. I object. Let us see how the new rule works. [Applause on the Republican side.]

The SPEAKER. The gentleman from South Dakota objects.

Mr. SPRINGER. I move to reconsider the vote by which the yeas and nays were ordered.

Mr. PICKLER. I withdraw the objection.

The SPEAKER. The gentleman withdraws the objection. Without further objection, then, that order suggested will be made, and the Journal will be approved.

There was no objection, and it was so ordered.

The SPEAKER. Now, the question recurs upon Friday's Journal.

Mr. DOCKERY. I make the same request as to that.

The SPEAKER. The question is on the approval of Friday's Journal, and the yeas and nays have been ordered. The gentleman from Missouri makes the same request as to Friday's Journal. Without objection, that will be ordered, and the Journal will be approved.

There was no objection, and it was so ordered.

The SPEAKER. The question now before the House is the approval of the Journal of Saturday. If there be no objection, that Journal will be approved.

There was no objection, and it was so ordered.

The SPEAKER. Now, the question before the House is the motion of the gentleman from Illinois to discharge the warrant of the Sergeant-at-Arms.

Mr. REED. I desire to rise to a question of privilege, concerning the House.

The SPEAKER. Does the gentleman think it has the right of way of the pending question?

Mr. REED. I desire to submit it to the Chair, and state my object, and possibly some arrangement can be entered into. Now, the proposition is to discontinue that order. It seems to me, from what examination I have been able to make, that it is liable to establish a precedent which, perhaps, it would not be wise that the House should establish; and I think the whole proceedings have taken place without that full knowledge of the precedents which an examination since has given. I should like to have the matter disposed of in some way without establishing a precedent.

I do not care what is done with the resolution, whether it be referred to the Committee on Rules, or to the Committee on the Judiciary, or to any committee of the House, so that the matter may be examined and impartially disposed of, if it is possible. The fact that the House took this action ought not to preclude us from an examination of it, when we consider what its possible effect might be. The objection which I have to a continuing order is precisely the situation which it finds us in, and which I think was not anticipated. There are, I find, twenty-eight gentlemen of the House who are liable to arrest by the Sergeant-at-Arms. It is true that this is a proposition to discharge that order, and I have no objection, so far as I am concerned to that, except that it would be likely to furnish a precedent. Of course, no harm follows from it to-day; but the

House can easily conceive how some wrong might occur with the Sergeant-at-Arms having the power which such a continuing order would give.

I think the decision of Mr. Carlisle, as quoted in the Digest, and quoted incorectly, has been at the foundation of it; and I think when it is examined it will be seen the result is not what the House would desire to contemplate. I care not about the method, I am not bigoted about the manner in which it shall be done, but perhaps the best way of reaching the result is to rise to a question of privilege, following the precedent which occurred in the case the gentleman from Michigan has cited for another purpose, when Mr. McLane, of Maryland, interposed with a quesion of privilege, where a motion had been made in regard to a reference under rules which did not permit any reconsideration of a motion to refer. My suggestion is:

Whereas, the continuing order sought to be dispensed with is contrary to the Constitution and rules of the House, the same is hereby declared void.

Now, I have no objection to that being referred to the Committee on Rules, or, as it involves a constitutional question, to the Committee on the Judiciary. I simply make the suggestion——

Mr. CATCHINGS. Let it go to the Committee on Rules.

Mr. REED. I have no ob ection.

Mr. SPRINGER. Let this vote be decided in the affirmative, and then it can be referred.

Mr. REED. I do not know about that. The matter will do no harm at present. It can be referred to the Committee on Rules. The whole matter can be referred to it.

Mr. SPRINGER. But the yeas and nays have been ordered on the motion to discharge the order.

Mr. REED. Let me explain from my point of view.

It does not matter what stage the proceeding is in when a question of privilege which concerns the House intervenes, because the very nature of a question of privilege is this: The House, going on with its regular course of business, finds something which concerns its very existence and its methods of doing business, and it therefore lays aside the business temporarily and proceeds to dispose of the question of privilege; just as a workman lays aside his work and attends to a case of his own sickness. That is an analogy which fairly expresses the idea. Now that is precisely what I want done in this case, that this matter shall go to the Committee on Rules or to the Committee on the Judiciary, and the question be determined.

Mr. CATCHINGS. I do not see that in order to get that question determined for the future guidance of the House it is necessary to suspend the proceedings in regard to a rule which has already been made by the House. I think we had better vote on that question and then let this come up separately.

Mr. REED. I want to submit this. I do not see any other method of getting at the question.

Mr. McMILLIN. Will the gentleman read his proposition again. I did not hear it distinctly.

Mr. REED again read his resolution as above.

Mr. CATCHINGS. Let that be referred to the committee if you choose.

Mr. REED. But the whole matter has to be referred if this is referred.

Mr. CATCHINGS. I think I must insist upon action upon the pending motion, Mr. Speaker.

Mr. REED. I have no objection, after this matter is disposed of, to the adoption of a resolution stating that the Sergeant-at-Arms is released from the order for the arrest of members.

Mr. CATCHINGS. I think we had better vote on the pending question.

Mr. REED. All I can do, Mr. Speaker, is to submit the matter. I do it as a member of the House, actuated, as I believe, by an honest desire that our proceedings here shall be conducted in a regular and orderly manner.

Mr. CATCHINGS. Well, your resolution can be referred and reported back.

Mr. REED. This can be referred, but the whole matter must be referred at the same time.

Mr. CATCHINGS. Let us have the regular order, Mr. Speaker.

Mr. REED. Well, Mr. Speaker, this I claim is the regular order. And I want to say just a word on the propriety of this proposition. If the Speaker will examine the case which was presented——

The SPEAKER. Before the gentleman proceeds, admitting for the sake of the argument that the order was erroneously made, how does this get in now, when the question is of discharging that order?

Mr. REED. This gets in as a question of privilege.

The SPEAKER. What constitutes it a question of privilege?

Mr. REED. I will try to state that.

The SPEAKER. The gentleman will recollect that the House is dividing on a proposition.

Mr. REED. Yes, I recollect that, and I recognize the fact that the House is dividing on a proposition as the strongest possible reason for a continuance of action, and, as against anything but a question of privilege which concerns the whole House, any interruption of that proceeding would be entirely inadmissible. I not only recognize that, but I have repeatedly contended for it. But my proposition is that this case is an exceptional one, because it makes the whole question a question of privilege, and it is not only a general question of the privilege of the House—such, for instance, as an attempt to destroy the House or something of that sort, of which the House might have just obtained knowledge and which would necessarily take precedence—but it is a question of privilege relating to this very pending transaction, and is therefore admissible on that ground. Rule IX provides that—

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; * * * and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

It will be seen that questions of privilege are, from their very nature, of the very highest order, and any question of privilege which relates to the House itself is of the highest possible order of privilege. It is entitled to precedence under general parliamentary law, and it is entitled to special precedence under our rules. Now, in this case, the matter being a question of privilege, the House of course is entitled to dispose of it in whatever way it pleases. The fact that it comes up and is a question of privilege does not prevent the House from referring it, from laying it on the table, or from doing anything with it that it chooses; nor does it prevent the Speaker, if he sees fit, from submitting the question to the House whether it is a question of privilege. All these courses are open to the Speaker and to the House, and my suggestion to the gentleman from Mississippi [Mr. CATCHINGS] and to the Committee on Rules is simply that this matter shall be referred to a committee to be considered carefully so that we may establish a proper precedent instead of an improper one.

And I beg to say that the proceeding is, with all due respect to the prior action of the House, simply for the purpose of establishing a good precedent and preventing the establishment of a bad one. It is my deliberate judgment that there is not single member of those 28 who can be held for an instant under arrest. I think any one of those members would have the right to expel the Sergeant-at-Arms from his immediate presence, as the rule stands now. But at the same time such a rule as this might be used at some future time in a way that nobody contemplated when the original proceeding was adopted.

A similar question to this was raised as a question of privilege on the approval of the Journal, and involved precisely the same principle. But the rule itself is so decidedly simple and plain that it is very difficult to add much if anything to it.

Mr. CATCHINGS. Mr. Speaker, I do not see how the suggestion of the gentleman from Maine could possibly be carried into execution. The parliamentary situation is this: A report was made by the Sergeant-at-Arms of his proceedings in pursuance of a warrant of arrest which had been issued and put in his hands for execution. The gentleman from Illinois [Mr. SPRINGER] moved that the Sergeant-at-Arms be discharged from the further execution of that warrant, and upon that motion the yeas and nays were ordered. Now I submit with all due respect that it is a most extraordinary proposition from a parliamentary standpoint, as it seems to me, that we should undertake to refer to the Committee on Rules or the Committee on the Judiciary, or any other committee, a motion pending before the House on which the yeas and nays have been ordered. How could such a thing be done even if the House desired to do it? You can not refer to any committee a question upon which the House is actually dividing.

The best way for the House, Mr. Speaker, to pass upon this question of privilege (if it be one) is to vote on it; and if the House takes the same view of it that my friend from Maine does, it will vote down the motion to discharge: on the other hand, if it does not regard it as a question of privilege, or if it regards this as a proper proceeding in pursuance of the Constitution and rules of the House, it will vote to discharge the writ. I do not see how we can adopt any better method of disposing of this question than by letting the House settle it; and the regular order would bring about that result.

Mr. REED. I think I have failed to make myself understood on one point by the gentleman from Mississippi. The question of privilege being raised on this phase of the proposition, the whole proposition would, as a matter of course, go to the committee to which it might be referred; and it would thus be removed for the time being from the House, until the committee

should report for the action of the House. So that my suggestion involves no interference with the business of the House. In fact this is a part and parcel of the business of the House.

It is perfectly true, as the gentleman from Mississippi says, that a motion to discharge, if adopted, would vacate this particular order; but it would not cover the matter in which the House is interested as a question of privilege. That is the point.

Mr. CATCHINGS. But if the House should agree with the gentleman from Maine and vote down the motion to discharge, then it would be in order to offer an amendment.

Mr. REED. But if the House agrees with me——

The SPEAKER. The Chair suggests that neither voting up nor voting down the motion would cover the object of the gentleman from Maine.

Mr. REED. Voting the resolution up or down would cover it; but not the other.

Mr. CATCHINGS. If the House should vote down the motion to discharge, the whole question of the procedure of the Sergeant-at-Arms would be before the House for such disposition as it might choose to make.

Mr. REED. But that does not get rid of the question of privilege.

Mr. CATCHINGS. It would then be in order to offer a resolution that the writ be declared void.

Mr. McMILLIN. Mr. Speaker, as a member of the House I have seen the custom under which we operated in this case arise. For years whenever we were trying to get a quorum, we would sit here all night while absent members were being arrested, or rather effort being made to arrest them, and the only people who would in fact suffer any punishment would be, not the members who were derelict by reason of their absence, but those who were sitting here trying to obtain a quorum. In order to put an end to that practice and adopt a proceeding by which the sufferers would be the members who had, without excuse, absented themselves, the custom followed in this instance was adopted, by which instead of punishing ourselves by staying here and waiting for them to come in, we ordered their arrest and adjourned until they could be brought under arrest.

Now, I am as slow as anyone would be to inaugurate or perpetuate any system the result of which is to infract any provision of the Constitution or of proper parliamentary government. But I think we ought to hesitate before returning to the old method and adopting a system by which members who are present would be punished, instead of the absentees.

Mr. REED. That is the very point I want investigated. I have refrained from arguing the constitutional proposition, because I thought that would not be proper on the mere question whether this is a matter of privilege or not. The constitutional question is precisely the point I want examined. The remedy for the weakness of the method hitherto adopted by the House for compelling the attendance of members is not to override the existing rule, but to enlarge the rule in such manner as the House may deem wise. In other words, the House is the sole depository of power in respect to this matter; and a minority can not be endowed with plenary powers. The minority can be made by the House a special agent, but it can not be made a general agent. It can be made an agent with powers distinctly specified, but not an agent with indefinite powers.

That is precisely the point I am complaining of——

Mr. McMILLIN. If the gentleman will permit me a moment?

Mr. REED. Certainly.

Mr. McMILLIN. I will say to the gentleman that his object can be accomplished in this way. I would not insist on this if it were the first ruling in this direction, but it has been pursued a number of times. I will suggest to the gentleman that we dispose of this now by discharging the warrant, and then the gentleman from Maine can introduce such an amendment to the rules as will cover the question, let it go to the Committee on Rules, be there determined, and reported to the House.

Mr. REED. I am going to say frankly to the Speaker with regard to this matter in its present stage, that the strongest argument against it did not occur to me when it was first presented, or when a previous rule of this kind had been adopted by the House. But it was only after careful examination that I was convinced myself of the objection which lies at the very foundation of the matter, and I am not sure but that the same argument will convince the House of that fact if I can get the matter authoritatively before the Committee on Rules or before the Judiciary Committee or before whomsoever it shall be referred by the House. And I think that examination will induce the Speaker to entertain the question of privilege.

The SPEAKER. The Chair will state the status of the pending question. The House some days ago adopted a resolution to send for its absent members and required that the order should remain in force notwithstanding an adjournment of the House. Some days after that the Sergeant-at-Arms filed a report that he had arrested no one, but that telegrams had been sent and that a number of members had made responses to them. At that time the gentleman from Illinois [Mr. SPRINGER] moved to discharge the order, and on that demanded the previous question. On the question of ordering the previous question the yeas and nays were ordered. That was understood to be a privileged question in itself.

The gentleman from Maine now submits a proposition which relates to that identical question. It can be no higher than that question; in fact it is that question.

The trouble with the proposition of the gentleman from Maine is that it is dealing with the legality of an order when you propose to discharge the order. The time to object to an order as being illegal is when the proposition is made to grant the order, and not when a proposition is pending to dismiss it. The proposition now is to dismiss this order, while the proposition of the gentleman from Maine is to investigate a very important question—the Chair of course frankly makes that statement, that it is a very important question and one which perhaps ought to be thoroughly investigated. But we are proceeding now with a motion to discharge the order. It is a rule which has been enforced I do not know how many times, but at least several times during this and the last Congress. It is a rule which has always heretofore been discharged by unanimous consent. Up to this time no objection has been made to discharge such orders after the purpose sought to be accomplished has been attained. But in this case objection is made.

The Chair can not see that the question presented by the gentleman from Maine is one of superior privilege to the pending question, because it must be borne in mind that the pending question is to discharge a warrant for the arrest of certain members. The question of the gentleman from Maine raises the question of the legality of the warrant. Now, the Chair can not see that that question ought to take precedence of the question of the discharge of a member from custody, or of a warrant for his arrest.

Therefore the Chair thinks the proposition presented by the gentleman from Maine does not in its present status take any priority of or supersede the pending proposition, and can not now be considered.

The question is on ordering the previous question on the motion to discharge the warrant, and on that the yeas and nays have been ordered.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the warrant be discharged, and then the gentleman from Maine can introduce his resolution and have it properly referred.

Mr. PICKLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. I understand that the yeas and nays are now ordered on this proposition?

The SPEAKER. The yeas and nays have been ordered.

Mr. PICKLER. Under the new rule adopted to-day, two members will be indicated by the Chair to make note of the names of members who are present and not voting. My inquiry is this: Will a member who sits in his seat and does not vote have the right to require the tellers to record his name as being present?

The SPEAKER. He has a right to answer "present" on the call of the roll.

Mr. PICKLER. Suppose he does not answer, and the tellers do not note him, has he a right to show that he is present, and for that purpose to have the tellers note him as being present?

The SPEAKER. He can answer "present" when his name is called.

Mr. CATCHINGS. But not afterwards.

Mr. PICKLER. Suppose he does not answer.

The SPEAKER. Of course after the roll call he can not answer, unless he has been noted. Then his name will be called, and he can vote.

Mr. STOCKDALE. I should like to suggest to the gentleman from South Dakota a way out of this difficulty. He can get up and ask to be counted.

Mr. PICKLER. But, Mr. Speaker, suppose for instance——

The SPEAKER. The Chair would rather rule upon the question when it arises than to decide a supposititious case.

Mr. PICKLER. But suppose a member intends to vote, and goes into the cloakroom, and his name is called while he is absent from the Hall of the House, then has he a right to come in and vote?

The SPEAKER. The Chair would prefer not to decide the case before it arises. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the warrant be discharged.

Mr. PICKLER and Mr. PAYNE objected.

The SPEAKER. Then the question is on ordering the previous question, and upon that question the yeas and nays have been ordered. The Chair will appoint as tellers the gentleman from Missouri, Mr. DOCKERY, and the gentleman from Massa-

chusetts, Mr. COGSWELL. The tellers will please take their places at the desk.

The tellers took their places at the Clerk's desk.

The SPEAKER. The yeas and nays have been ordered on the previous question on the motion to discharge the warrant. As many as favor ordering the previous question will, when their names are called, say aye, those opposed no; and the Clerk will call the roll.

The Clerk began the calling of the roll.

Mr. OUTHWAITE. I make the point of order that there is so much confusion that it is impossible to hear the roll call.

The SPEAKER. The House will be in order.

The Clerk resumed the calling of the roll.

The question was taken; and there were—yeas 226, nays 4, answered "present" 2, not voting 121; as follows:

YEAS—226.

Abbott,	Davis,	Johnson, N. Dak.	Post,
Aitken,	De Armond,	Jones,	Quigg,
Avery,	De Forest,	Kem,	Rayner,
Babcock	Denson,	Kiefer,	Reed,
Bailey,	Dingley,	Kribbs,	Reilly,
Baker, Kans.	Dinsmore,	Kyle,	Reyburn,
Bankhead,	Dockery,	Lacey,	Richards, Ohio
Barnes,	Donovan,	Lane,	Richardson, Mich.
Bartholdt,	Doolittle,	Latimer,	Richardson, Tenn.
Barwig,	Dunn,	Lawson,	Ritchie,
Belden,	Dunphy,	Layton,	Robbins,
Bell, Colo.	Edmunds,	Lefever,	Robertson, La.
Bell, Tex.	Ellis, Oregon,	Lester,	Russell, Ga.
Blair,	English, Cal.	Linton,	Ryan,
Bland,	English, N. J.	Livingston,	Sayers,
Boatner,	Enloe,	Lockwood,	Shaw,
Boen,	Epes,	Loud,	Sherman,
Bower, N. C.	Erdman,	Lucas,	Sibley,
Branch,	Fithian,	Lynch,	Sipe,
Breckinridge, Ark.	Fletcher,	Maddox,	Smith.
Breckinridge, Ky.	Forman,	Magner,	Springer,
Bretz,	Funston,	Maguire,	Stallings,
Broderick,	Gardner,	Mahon,	Stevens,
Brosius,	Gear,	Mallory,	Stone, C. W.
Bryan,	Geary,	Martin, Ind.	Stone, Ky.
Bundy,	Gillet, N. Y.	Marvin, N. Y.	Strait,
Bunn,	Goldzier,	McAleer,	Straus,
Burrows,	Gorman,	McCleary, Minn.	Swanson,
Bynum,	Grady,	McCreary, Ky.	Talbert, S. C.
Cabaniss,	Gresham,	McCulloch,	Talbott, Md.
Cadmus,	Griffin,	McDannold,	Tate,
Caminetti,	Grosvenor,	McDearmon,	Taylor, Ind.
Cannon, Cal.	Grout,	McDowell,	Taylor, Tenn.
Caruth,	Grow,	McEttrick,	Terry,
Catchings,	Hager,	McGann,	Thomas,
Causey,	Hainer,	McKaig,	Tracey,
Chickering,	Hall, Minn.	McLaurin,	Tucker,
Clancy,	Hare,	McMillin,	Turner, Ga.
Clark, Mo.	Hatch,	McNagny,	Turner, Va.
Clarke, Ala.	Haugen,	McRae,	Turpin,
Cobb, Ala.	Hayes,	Mercer,	Updegraff,
Cobb, Mo.	Heard,	Meredith,	Warner,
Cockrell,	Henderson, Ill.	Meyer,	Washington,
Coffeen,	Henderson, Iowa	Montgomery,	Waugh,
Cogswell,	Hendrix,	Moses,	Weadock,
Compton,	Hepburn,	Mutchler,	Wever,
Cooper, Fla.	Hermann,	Neill,	Wheeler, Ala.
Cooper, Ind.	Hines,	Northway,	Whiting,
Cooper, Tex.	Holman,	O'Neil, Mass.	Williams, Ill.
Cooper, Wis.	Hooker, Miss.	O'Neill, Mo.	Wilson, Ohio
Cousins,	Houk,	Outhwaite,	Wise,
Covert,	Hudson,	Paschal,	Wolverton,
Cox,	Hulick,	Patterson,	Woodard,
Crain,	Hunter,	Paynter,	Woomer,
Culberson,	Hutcheson,	Pearson,	Wright, Mass.
Cummings,	Ikirt,	Perkins,	
Curtis, Kans.	Izlar,	Pigott,	

NAYS—4.

Adams, Pa.	Conn,	Hull,	Williams, Miss.

ANSWERED "PRESENT"—2.

Dalzell,	Johnson, Ohio

NOT VOTING—121.

Adams, Ky.	Childs,	Hartman,	Page,
Alderson,	Cockran,	Heiner,	Payne,
Aldrich,	Coombs,	Henderson, N. C.	Pence,
Alexander,	Cornish,	Hicks,	Pendleton, Tex.
Allen,	Crawford,	Hitt,	Pendleton, W. Va.
Apsley,	Curtis, N. Y.	Hooker, N. Y.	Phillips,
Arnold,	Daniels,	Hopkins, Ill.	Pickler,
Baker, N. H.	Davey,	Hopkins, Pa.	Powers,
Baldwin,	Dolliver,	Johnson, Ind.	Price,
Bartlett,	Draper,	Kilgore,	Randall,
Beltzhoover,	Durborow,	Lapham,	Ray,
Berry,	Ellis, Ky.	Lisle,	Robinson, Pa.
Bingham,	Everett,	Loudenslager,	Rusk,
Black, Ga.	Fielder,	Marsh,	Russell, Conn.
Black, Ill.	Funk,	Marshall,	Schermerhorn,
Boutelle,	Fyan,	McCall,	Scranton,
Bowers, Cal.	Geissenhainer,	McKeighan,	Settle,
Brattan,	Gillett, Mass.	Meiklejohn,	Shell,
Brickner,	Goodnight,	Milliken,	Sickles,
Brookshire,	Graham,	Money,	Simpson,
Brown,	Haines,	Moon,	Snodgrass,
Burnes,	Hall, Mo.	Morgan,	Somers,
Caldwell,	Hammond,	Morse,	Sperry,
Campbell,	Harmer,	Murray,	Stephenson,
Cannon, Ill.	Harris,	Newlands,	Stockdale,
Capehart,	Harter,	Oates,	Stone, W. A.
Storer,	Tyler,	Wanger,	Wilson, Wash.
Strong,	Van Voorhis, N. Y.	Wells,	Wright, Pa.
Sweet,	Van Voorhis, Ohio	Wheeler, Ill.	
Tarsney,	Wadsworth,	White,	
Tawney,	Walker,	Wilson, W. Va.	

The roll was called the first time.

The SPEAKER. The Clerk will call the names of those gentlemen who failed to respond on the first call.

Mr. LIVINGSTON. Mr. Speaker, I submit the point of order that under the new rule this second call can not be had unless a quorum has not voted. Then the names are to be reported by the tellers to the Speaker and that list is to be called; and that is the only second call that can be had. I submit that point of order.

The SPEAKER. That is done after the completion of the roll call. It is not meant to interfere with the usual roll call.

Mr. LIVINGSTON. Let me read the rule.

The SPEAKER. The gentleman may read the rule.

Mr. LIVINGSTON (reading):

If a quorum does not respond on a roll call, then the names of those so noted as present shall be reported to the Speaker, who shall cause the list to be called from the Clerk's desk and recorded in the Journal.

Mr. HATCH. That is the rule, Mr. Speaker, provided for by the former rule.

Mr. LIVINGSTON. Now wait until I get through. There is only one roll call, and then the next proposition is that those who are present and have not voted shall be noted by the tellers as present and shall be reported to the Speaker, who shall cause the list to be called from the Clerk's desk, providing there is no quorum. That is the plain rule. Then go to the bottom of the new rule and it reads thus:

Members noted may record their votes—

That is the opportunity, in lieu of the old second call of the roll, for members to record their votes—

notwithstanding the provisions of clause 1 of this rule.

Now, if the ruling be correct, we have three chances to record votes instead of two. This new rule leaves out the second roll call, and while the list reported by the tellers is being read it gives members a second chance to be recorded, as the old rule gave them.

The SPEAKER. The rule was not designed, the Chair will state to the gentleman from Georgia and to the House, to interfere with the roll call at all. The Chair will call attention to the first clause of Rule XV:

1. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such members from the same State, the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote.

Mr. LIVINGSTON. Then, Mr. Speaker, that Rule XV applies to the second clause of the rule as adopted this afternoon.

The SPEAKER. That roll call follows the identical words provided in the first clause of Rule XV, and the roll call as provided in that clause consists of two calls. That was not intended to be changed; but it was intended to permit those gentlemen who were noted as present and not voting to vote when their names are called from the Clerk's desk for verification and that the House might see that they are actually present. The Clerk will call the roll again.

The Clerk called the roll a second time.

The SPEAKER. On this question the yeas are 226, the noes are 5; and two gentlemen have answered "present." The ayes have it, and the previous question is ordered. The question is now on the main question.

The question was taken; and the motion of Mr. SPRINGER to discharge the warrants was agreed to.

Mr. McMILLIN. Mr. Speaker, I was requested by the gentleman from Missouri, Mr. MORGAN, to state that he was called to the Deaf and Dumb Asylum, and it was impossible for him to be here.

Mr. DOCKERY. Mr. Speaker, I desire to say that my colleague, Mr. TARSNEY, is detained by sickness.

HAWAII.

The SPEAKER laid before the House the following message of the President; which was read, referred to the Committee on Foreign Affairs, and, with the accompanying papers, ordered to be printed:

To the Congress:

I transmit herewith copies of certain dispatches from the United States minister at Honolulu received by the Secretary of State since my message of March 9, 1894.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April 13, 1894.*

TREASURY NOTES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, pursuant to House resolution

of the 5th instant, information relative to Treasury notes; which was referred to the Committee on the Judiciary, and ordered to be printed.

DEFICIENCIES IN APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies of appropriations for the District of Columbia for 1894 and for prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

CLASSIFICATION OF DIVISIONS IN THE PATENT OFFICE.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior relative to the establishment of a classification division in the Patent Office, and recommending an appropriation therefor; also, an additional appropriation for the scientific library; which was referred to the Committee on Appropriations, and ordered to be printed.

ENTRY OF STEAMSHIPS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting copy of Senate bill 1886, "A bill to facilitate the entry of steamships," and recommending its speedy passage; which was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

RECORD AND PENSION DIVISION.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War, submitting an estimate of appropriations for rent of building on G street, for the use of the Record and Pension Division from June 15, 1893, to June 30, 1894; which was referred to the Committee on Appropriations, and ordered to be printed.

DISBURSEMENTS OF ARMY OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of inspections of disbursements by officers of the Army during the fiscal year ending June 30, 1893; which was referred to the Committee on Expenditures in the War Department.

PETOSKEY HARBOR, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a copy of a letter addressed to the Chief of Engineers with respect to an item in the river and harbor bill for the improvement of the harbor at Petoskey, Mich.; which was referred to the Committee on Rivers and Harbors.

UNION PACIFIC RAILWAY COMPANY.

The SPEAKER also laid before the House a letter from the Attorney General, transmitting, pursuant to House resoulution dated the 5th instant, information relative to the Union Pacific Railway Company; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House copies of the findings of the Court of Claims in the cases of the following-named persons against the United States; which were severally referred to the Committee on War Claims:

Andrew McEver, deceased; M. R. Williams, deceased; John Anderson, deceased.

TEXARKANA AND FORT SMITH RAILWAY COMPANY.

The SPEAKER also laid before the House a bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River in the State of Arkansas, with an amendment of the Senate thereto.

The amendment was read, as follows:

Page 2, line 8, strike out "as nearly as practicable."

Mr. McRAE. Mr. Speaker, I move that the amendment of the Senate be concurred in.

The motion was agreed to.

Mr. McRAE moved to reconsider the vote by which the amendment of the Senate was concurred in, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OTIS SMITH.

The SPEAKER also laid before the House a bill (S. 1640) granting a pension to Otis Smith; which was referred to the Committee on Invalid Pensions.

REPRINT OF TARIFF BILL WITH SENATE AMENDMENTS.

The SPEAKER also laid before the House the following resolution of the Senate; which was read and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the compilation prepared under the direction of the Committee on Finance, embracing a reprint of House bill 4864, with Senate amendments thereto suggested by the Committee on Finance, together with existing tariff law and the Mills bill of 1888, with a comparative statement as to rates of duty, etc., for the use of the Senate.

URGENT DEFICIENCY BILL.

The SPEAKER. The Chair lays before the House, without objection, a House bill with Senate amendments, being one of the appropriation bills.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

Mr. SAYERS. I ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. SAYERS, Mr. LIVINGSTON, and Mr. CANNON of Illinois.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MURRAY, indefinitely, on account of sickness.

To Mr. CAMPBELL, indefinitely, on account of sickness in his family.

To Mr. SICKLES, for three days, on account of important business.

To Mr. SMITH of Illinois, until the 15th of May.

To Mr. COOMBS, for three days, on account of sickness in his family.

To Mr. PENDLETON of West Virginia, for this day, on account of sickness.

To Mr. SETTLE, for two weeks, on account of sickness in his family.

To Mr. HAMMOND, for ten days, on account of important business.

To Mr. SPERRY, for one week, on account of the death of a friend.

WITHDRAWAL OF PAPERS.

Mr. HARTER, by unanimous consent, obtained leave to withdraw from the files of the Committee on Invalid Pensions papers in the case of A. B. Keith, Fifty-third Congress, no adverse report having been made thereon.

ORDER OF BUSINESS.

Mr. McCREARY of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole——

The SPEAKER. That is not in order until after the call of committees.

Mr. WELLS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLS. I wish to ask the Speaker whether, under the new rule adopted a while ago, any other excuse than sickness gives a man the privilege of being absent from the House?

The SPEAKER. The House, of course, can grant leave of absence.

Mr. WELLS. A further parliamentary inquiry, Mr. Speaker—for I want to get right on this question. Does that leave of absence carry with it the right for the member to be absent and still draw his pay? [Laughter.]

The SPEAKER. The Speaker has no control over that matter. That is a matter of law.

OVERDRAFTS OF ARMS.

On motion of Mr. SAYERS, by unanimous consent, a letter from the Secretary of War, inclosing a letter from the Chief of Ordnance and other papers giving States and Territories charged with arms overdrawn under section 1661 of the Revised Statutes, was ordered to be printed as a miscellaneous document, and referred to the Committee on Appropriations.

THE LATE SENATOR GIBSON.

Mr. MEYER. Mr. Speaker, I ask for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows, and was unanimously adopted:

Resolved, That Saturday, the 21st day of April, beginning at 2 o'clock p. m., be set apart for eulogies on the late Randall L. Gibson.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for reports.

SECTION 40, REVISED STATUTES.

Mr. WOLVERTON, from the Committee on the Judiciary, reported a resolution in lieu of a resolution offered by Mr. KIL-

GORE to enforce section 40 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JUDICIAL DISTRICTS, NORTH CAROLINA.

Mr. LAYTON, from the Committee on the Judiciary, reported back with a favorable recommendation a bill (H. R. 6542) to change the lines between the eastern and western judicial districts of North Carolina and fixing time for holding the courts in said eastern district; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 6126) to amend an act to authorize construction of a bridge at Burlington, Iowa, approved August 6, 1888, and amended by act approved February 21, 1890; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. GEARY also, from the Committee on Interstate and Foreign Commerce, reported back with amendment the bill (H. R. 6055) to authorize the construction of a bridge over the Monongahela River in the city of Pittsburg; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. GEARY also, from the Committee on Interstate and Foreign Commerce, reported back with amendment the bill (H. R. 6123) authorizing the construction of a bridge over the Monongahela River at the foot of Dickson street, in the borough of Homestead, in the State of Pennsylvania; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. GEARY also, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 6078) to authorize the Pittsburg and Mansfield Railroad Company to construct and maintain a bridge across the Monongahela River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EXTERMINATION OF THE GYPSY MOTH.

Mr. WILLIAMS of Mississipi, from the Committee on Agriculture, reported back adversely the bill (H. R. 4214) to provide for the extermination of the *Oeneria dispar*, or the gypsy moth; which was laid on the table, and, with the accompanying report, ordered to be printed.

AFFIDAVITS IN LAND ENTRIES.

Mr. NEILL, from the Committee on Public Lands, reported a bill (H. R. 6719) to provide for the validation of affidavits made before United States commissioners in all land entries; which was read a first and second time, referred to the House Calendar, and, with the accompany report, ordered to be printed.

Mr. NEILL also, from the Committee on Public Lands, reported back adversely joint resolutions of the following titles; which were laid on the table, House bill No. 6719 having been reported in lieu thereof:

A joint resolution (H. Res. 136) to provide for the validation of affidavits made before United States commissioners in all land entries; and

A joint resolution (H. Res. 137) providing that all entries under the homestead, preemption, and timber-culture or desert-land law made between May 26, 1890, and the date of approval of this resolution, etc., are hereby validated.

RESURVEY OF GRANT AND HOOKER COUNTIES, NEBR.

Mr. HALL of Minnesota, from the Committee on Public Lands, reported as a substitute for House bill No. 6290 a bill (H. R. 6720) providing for the resurvey of Grant and Hooker Counties, in the State of Nebraska; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill No. 6290 was, by unanimous consent, laid on the table.

RIGHT OF WAY THROUGH YAKIMA INDIAN RESERVATION.

Mr. WILSON of Washington, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 2015) granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation, in Washington; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompany report, ordered to be printed.

WAR CLAIMS BY AND AGAINST TENNESSEE.

Mr. ENLOE, from the Committee on War Claims, reported back favorably the joint resolution (S. R. 61) providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of the State of Tennessee against the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WATER-MAIN ASSESSMENTS IN THE DISTRICT OF COLUMBIA.

Mr. POST, from the Committee on the District of Columbia, reported back with amendment the bill (H. R. 3294) to regulate water-main assessments in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE FOR CUSTOMS EMPLOYÉS.

Mr. BARWIG, from the Committee on Expenditures in the Treasury Department, reported back favorably the bill (H. R. 6658) providing for leave of absence for officers and employés in the customs service of the Government; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes; in which the concurrence of the House was requested.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River, in the State of Arkansas or in the State of Texas;

A bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across Tennessee River at Clifton, Tenn.; and

A bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River from the borough of Rankin to Mifflin Township.

ORDER OF BUSINESS.

The call of committees having been concluded,

Mr. McCREARY of Kentucky. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BAILEY in the chair.

The title of the bill before the Committee of the Whole as unfinished business was read, as follows:

A bill (H. R. 6016) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1895.

Mr. McCREARY of Kentucky. I ask unanimous consent that this bill be passed over for the present. The chairman of the Committee on the Post Office and Post-Roads [Mr. HENDERSON of North Carolina], who has charge of the bill, is away under the order of the House, as a member of the committee appointed to escort the remains of Senator Vance to his late home in North Carolina.

There being no objection, the bill was passed over for the present.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The CHAIRMAN. The Clerk will report the next bill upon the Calendar.

The Clerk read as follows:

A bill (H. R. 6108) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895.

Mr. McCREARY of Kentucky. Mr. Chairman, I ask unanimous consent that the first formal reading of the bill be dispensed with.

The CHAIRMAN. If there be no objection, that order will be made.

There was no objection.

Mr. McCREARY of Kentucky. Mr. Chairman, in the preparation of the diplomatic and consular appropriation bill the Committee on Foreign Affairs has endeavored to adhere closely to existing law. We believe that the diplomatic and consular service should be maintained in accordance with the economy usually practiced under our system of government. We think that there should not be extravagance and that there should not be parsimony, but that there should be, in preparing this appropriation bill, fairness, justice, and conservatism.

The bill under consideration appropriates for the fiscal year ending June 30, 1895, $1,513,738.70. The appropriations for the fiscal year ending June 30, 1894, amounted to $1,560,445. The de-

crease, therefore, in the accompanying bill as reported by the Committee on Foreign Affairs is $46,706.24.

It is proper that I should state that while we give millions of dollars in the other appropriation bills, yet our consular service at the present time is self-sustaining. The consular fees collected from the foreign service amounted in the last fiscal year to $1,009,030.26. The amount collected will probably increase each year as we proceed, and therefore the net cost of the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895, will probably be less than $500,000. I know of no other great nation in the world that maintains its diplomatic and consular service for so small an amount of money as we do in this country—the entire expense being less than a half million of dollars per annum, when we take into consideration the amount received in the way of fees from our consular service.

The bill under consideration contains few changes, and all the changes have been carefully considered and matured by the committee. The bill, as I have said before, is drawn as closely as possible in accordance with the existing law.

I do not know what time will be desired by gentlemen for the discussion of the bill, or whether any of them desire to speak. If there is no desire for further discussion I would ask unanimous consent that the general debate be closed and that we read the bill under the five-minute rule.

Mr. HITT. What is the suggestion of the gentleman?

Mr. McCREARY of Kentucky. Does my colleague desire to be heard?

Mr. HITT. I should like to occupy a short time.

Mr. McCREARY of Kentucky. Will the gentleman kindly indicate what time?

Mr. HITT. I would rather not make an arrangement at present about the time.

Mr. McCREARY of Kentucky. Very well; then I reserve the remainder of my time.

Mr. HITT. Mr. Chairman, this consular and diplomatic appropriation bill, which is an annual one, and similar to those we have had in all the past Congresses, has not much merit or demerit about it. Perhaps its merit is that it does not take the course followed by its predecessors in making purposely an inadequate provision for the service. That has been done in the House, as all the older members here know very well, for many years, with the expectation that the Senate would make up the deficiency, and that the House would agree in conference afterwards to the additions.

PRETENSES OF ECONOMY.

The reason for this has been that the House for many years has generally been Democratic, while the Senate has generally been Republican; and it being the desire of the Democratic House to make a record of economic legislation for electioneering purposes, the Committee on Foreign Affairs brought in a bill providing in very scant terms for the public service abroad in both consular and diplomatic branches. The House passed it, and each member then went over to the Republican Senate and tried to have the amendments he desired incorporated in the bill; and they were generally made. Then in conference the House assented to the additions.

This has occurred in nearly every Congress for many years; as you recollect, it was done to the worst extent in the last Congress, when the bill brought into the House cut down the provision necessary to support the service about 20 or 25 per cent, and in some cases 50 per cent. Now the Senate is Democratic also, and there is no apparent reason for this parade of frugality; and this bill provides a fair compensation for most consuls. But the trail of the old serpent of ostensible retrenchment can still be seen in parts of this bill, and the force of habit can not be overcome at once. It took time and long debate for this Congress to reach the crisis seen this morning of surrendering to the statesman from Maine [Mr. REED], and adopting the well-tried method of legislation by counting a quorum, and it will take time for the Democratic party to learn to legislate fairly for their own Administration; to appropriate for their own officeholders at a fair rate.

SHORT "CLERK HIRE."

Here is one instance in this bill, not touching salaries, for nearly every consul who gets a salary has a friend here to look out for him but touching that general item called clerk hire, which provides a lump sum for expenditure by the Department in every one of the consulates. The Secretary, in the estimates sent in when Congress opens, always asks Congress to give a certain amount for this purpose. Last year it was $25,000, which was expended. The present Secretary, desiring to comply with the manifest disposition of the House to limit and specify the appropriations as closely as possible for each office, in his estimates, designated fourteen of the consulates, that previously were provided for out of the general lump appropriation, and estimated for them in specific amounts, some $600, some $800. These amounted to about $9,000 in all. He then requested that Congress give him only $20,000 instead of $25,000, as the general lump sum for clerk hire for the remainder of the hundreds of consulates. Now, the committee took him at his word as to the last part, and only gave him $20,000 for the lump sum to distribute, but dropped out and ignored all the items for the fourteen offices that were to be provided for in specific appropriations. It is expected by the very gentleman who framed this bill that this will be corrected in the Senate, and he expects to assent to that change, instead of inserting it now, as it ought to be done.

CONTINGENT EXPENSES SKIMPED.

Take another item, the contingent expenses of consulates, $150,000. That is a large and a vague sum. There is no one specially interested in it. It only concerns the public interest, not any particular politician or officeholder's salary. The Secretary asks for $200,000, for the contingent expenses of all the consulates we have in the world. Now, the committee have given him only $150,000.

There are 799 United States consular offices—249 principal salaried, 91 principal unsalaried, and 459 consular agents. There are nineteen items of contingent expense for these offices—rent, furniture, stationery, postage, etc. The rent paid last year was $83,000, and they are poorly enough cared for. The postage was $26,000. This is in the work for which consulates were created, to encourage trade by communicating necessary information to those merchants interested and inquiring about markets. A new broom always sweeps clean, or attempts to.

A new Secretary always tries to be economical. All new functionaries are reformers, or profess to be; yet last year the new Secretary of State was compelled to expend for this very item of contingent expenses $196,000. The year before last it was $228,000. The year before that it was $228,000, and now the committee give only $150,000 in this bill, knowing that it can not suffice.

Why, take that item of rent. The old general law provides that the consul may be allowed for rent a sum equal to 20 per cent of the amount paid him for salary. That, under the law, would require $101,000 per annum for the rent of consulates. By economy, by disallowance, the Department has reduced the amount so that we expended last year only $83,000 for this purpose. Postage amounted to $26,000. If this bill should pass in its present form it would leave only a little over $40,000 for all the other seventeen items of the long list called contingent expenses—blank books, stationery, furniture, etc. I will not enumerate them all. They are business details. But recollect that the part of this bill which provides for contingent expenses, such as postage, rent, etc., is the one thing that is purely and simply the absolute requisite for the essential business of the Government.

You can cut down salaries; that simply makes an officeholder live more economically, and sometimes it is possible—such a thing is dreamed of—he may resign: but when you take away the clerk hire for the work in the great offices where merchants are pressing with their business, where the ship is about to sail, where invoices are piled up, where the consul can not possibly get the work done in time, because you will not allow a few dollars for clerk hire, you obstruct and injure the trade of our merchants; you delay them for weeks till the next sailing day; you cripple the business of the United States.

Through these consulates last year passed $776,000,000 of commerce on its way to our ports. This little sum for contingencies is not taken from the Treasury or the taxpayer. Those very offices where this allowance is cut off are the ones that returned to the Treasury over a million dollars of revenue, far above what they cost. This is the kind of economy this bill shows. It is in the part that most concerns the business of the country, the very thing for which we have consuls.

WHAT DO CONSULS NOW DO?

And here let me explain some features of our consular system. A consul is now no longer what the word consul meant long ago, when the office was established by other nations. In our most important consular posts he no longer exercises the functions for which that officer was created—that is, the protection of the lives, property, and privileges of the people of his country.

In most cases a consul is to-day simply a Treasury agent in some commercial city, and his aid in highly civilized countries is rarely needed for the safety or protection of American citizens. Besides certifying invoices, about all he does is to perform notarial duties, for which he gets fees which he retains. The fees for verifying invoices of goods coming to the United States are turned into the Treasury. That is about all there is of a consul now, and in the great cities like Paris, London, Liverpool, etc., he is the merest shadow of the original thing called a consul; his true consular duties have disappeared, because they are no longer necessary. Law is justly administered and Ameri-

cans are safe in their rights without his aid. But in such cities our consuls get the highest pay. In less civilized countries, where they are really needed as protecting consuls, they are paid very little.

WHAT THEY USED TO DO.

Consuls were first sent out by the merchants themselves.

Then, by their influence the European governments were constrained to send out intelligent men as official representatives, stationed in foreign ports and places far away, chiefly in the East, where they could protect traders and seamen, and any of their countrymen amid the uncertainties of feebly administered law, the arbitrary action of petty tyrants and the violence of disorderly regions. There is little of that now and little care given to it. Our consular officers in remote countries where consular duties, as originally understood, are to be performed, are the most wretchedly paid of all, and the greater part of them are not American citizens at all, but residents of those countries. They only receive a pitiful sum in fees, which are small because our trade there is small—pay so slender that no American will have the office. So that when you travel in a country where law is badly administered, where there is disorder, where there is need of the flag and the strong arm of your country to protect you, if you seek out your consul you find a foreigner, who often can not speak English, to tell you what protection you are entitled to.

SALARIES GRADED BY FEES.

The rule in our system, generally followed in fixing pay, is to give a salary proportioned to the fees where they are large, as in the great cities from which we import, and in places where the fees for certifying invoices, $2.50 per invoice, are small—$1,000 or less—we pay him no salary, but let him retain the fees. In scores of places the consuls only get $100 to $500. Of course these places are filled by appointing residents, that is, foreigners, to be American consular officers.

Long ago, when they were first established by civilized governments, it was because of the need of them for protection. Remember the public law of the world was, to put it briefly, that the stranger was an enemy or open to be despoiled. Whenever a foreigner died in any land his property was taken possession of at once—confiscated, as we would consider it in the light of our present Christian civilization. That was the usage of the ancient world, and for centuries it was so in modern Europe.

That was the reason why consuls were first appointed to the Levantine ports and afterwards to all commercial cities. Why, it was only two hundred years ago that prayers were offered up publicly in churches along the North Sea coast "that God would graciously send on our coast many shipwrecks," this in order that these prayerful souls might plunder them; for it was regarded as perfectly legitimate to strip any victim who came into their hands. Now, Americans who go abroad do not fear such enemies, nothing fiercer than hackmen and hotel-keepers. They only go to a consulate to execute some paper, a deed or affidavit to be sent home, for which they pay a pretty round fee. The consul is to them merely a sort of notary public, and his steady business is signing certificates to invoices.

HOW OUR CONSULS BEGAN.

Now, our service, if I am not wearying you with this talk, sprung up in the most accidental, casual way in the world. It is not a system to-day. It never was. There is no method in it. It was not originally established by law. Why, there were a score of consuls out all over the world, appointed by Washington, before the first act was passed, in 1792; and, by the way, it was passed immediately after the first act of American legislation, the tariff law of Washington, for the protection and encouragement of American manufactures.

As a tariff of duties was collected on merchandise imported into the country, invoices or bills of the goods at the ports from which they came, setting out their character and value, were required of importers so as to determine how much duty should be collected on them at our custom-houses. Consuls were sent out to verify these invoices, examining and certifying to their truth before the goods started for the United States. They were allowed a fee on each invoice. That was all they were paid.

In that way our consular service started, without plan or system, and it went on in the most supremely happy-go-lucky fashion—no principle or rule of appointment, or promotions, or grades, or tenure or pay, or functions, or respective authority. It was like a wild tree; it came up spontaneously. The consuls only received the fees—no salaries. But the fees became more and more unequal. Some consuls made fortunes, $50,000 a year; others got little or nothing.

Why, Mr. Speaker, President Pierce appointed his friend Hawthorne consul at Liverpool, after writing a campaign biography of Pierce—the best office in his gift. Had all the favored consuls been Hawthornes it would be ungracious to find fault, for every American who reads and appreciates the work of that exquisite and original genius, owes a debt for the delight he has given to our better nature, and we admit that his splendid contribution to the common glory of the American name earned more than all the fees he received at Liverpool.

Yet these great cities where our principal and best paid consuls are sent are the very places where American citizens do not need protection. The laws there are well administered and protect the rights of Americans as well as their own people. At posts in other countries, where there was little that deserved the name of law and where administration was bad, where men's rights were uncertain and American citizens often sorely needed protection from lawlessness, there being less commerce with this country, there was little pay in fees; and so the consul was starved or we could not keep an American there as consul at all, and had some foreigner acting as agent.

WHAT THEY OUGHT TO DO.

Now, I think the duty of a consul is to protect something greater and nobler than Treasury revenues; it is to protect American citizens. A man is more important than a dollar. But the pay in fact was inversely to the necessity of a consul. Our system, if it be a system, has always proceeded backwards. The law of 1856 was the first one that attempted to introduce something like system, but the classifications were without meaning or practical value, for there was no promotion from grade to grade, no fixity of tenure, little regard in compensation to the character of the duties, no provision, either in the theory or in the practice afterwards, for rewarding a man who showed signal ability in a post of difficulty by promoting him to a higher and more responsible post. The higher post was always the one of less responsibility and less difficulty, and the ambition of a consul in trying for a better position was to get one of larger pay in a great city, where he would probably meet no question of duty that would test his ability at all.

WHY A GOOD OFFICER QUITS.

There is no provision for recognizing zeal and efficiency. I knew a consul—Mr. Dyer, at Odessa—who with American energy and zeal employed all the time he could spare in urging upon the merchants and people there the use of American goods and manufactures, of which he induced houses here to send small ventures. His work was quickly recognized by our merchants. It was plain that such a man would be wanted by them. I assured him that I would endeavor to have his salary raised, and it was raised, I believe, $500; but it was too late; he was offered much more than his salary by merchants to go elsewhere in Europe introducing American goods, and of course he left the service, where such men are most wanted. I know a similar case of one our consuls in Germany, who gathered samples of our manufactures and food products and advanced their popularity and sale at once. I am sorry to say that he soon went out of office owing to a change of Administration.

Now, the risk of immediate removal is such that you can not expect to keep a good consul.

DANGEROUS PROMOTION REFUSED.

We have in the service now thirteen consular clerks that you can not remove except for cause. They have been at their posts a long time and have become well trained. They are familiar with the languages, usages, laws, and commercial customs of the countries in which they are serving, with the methods of business and the regulations of the State Department. Their salary is at first $1,000, and they can reach $1,200, but no higher. One of them, Mr. Scidmore, in Japan, is the author of an excellent book on the United States Ministerial and Consular Courts, for our ministers and consular officers there are judges.

Now, some years ago there was a vacancy in a consulate there, where he had been assigned as clerk. He was getting $1,200, and that consulate was worth $4,000 a year. Word reached him that the Department intended to appoint him consul; and in fact he was well qualified by experience and recognized ability. He immediately wrote me an urgent letter asking me to go to the Department and prevent it. Why? He knew that if appointed to a fat consulate, where the salary was $4,000, he would soon be turned out. Office-seekers with strong backing would soon find the good place filled by a man who had no political support. They would at once be upon him.

There is no finical delicacy about office-seekers. They go for the office; and the race is to the one who shall first get it. He knew that he would not have lasted a year, and he wisely kept out of it. He is in the service to-day, and an excellent officer, working for $1,200 a year. I have a letter lying before me from a consul who states that he heard the pay at his post was to be raised to nearly double, and he wrote me to "stop it if you can. I have no political backing to maintain myself, and if this were made a good salary I would soon lose it. Please let it alone." It is this danger of immediate removal from the service which has so much crippled the efficiency of our consular service.

GREAT RUSH FOR FEW PLACES.

The pressure for such a post is practically irresistible to a Secretary of State or President. The popular impression is that there is a vast and indefinite number of consulates, delightful places of residence in foreign countries, and many Americans, especially those who talk most of their love of country, are eager to get away from their country and live abroad. The vague impression is that there is little to do and that little rather pleasant, with a glamour of distinction about it: that the social life is something very fine, realizing what people read in novels and magazines of a world of which they have seen nothing; and that the whole is snugly paid for by Uncle Sam.

As a matter of fact there are not 150 American consulates in all the world where the pay is above $1,500. That is all you gentlemen of the Democratic side have to divide up among you. Three-fourths of the places in the long list of consuls and consular agencies are paid trifling fees, or so small that no man with a family could live upon it half as well as the average American lives at home. So when a political change comes and all this fierce multitude of strongly backed applicants press upon the President and Secretary, they concentrate upon the few offices that are found on examination of the list to have fair salaries attached.

This has often produced changes, sometimes violent fluctuations in the men in this service, often with bad effect.

AMERICANS MAKE GOOD OFFICERS.

It is easy to point out the faults in our service and its methods. They lie right on the surface. But it is due to the men who have been employed in the service to say that many of them were the equals of the consular officers of any other country in the world; in many respects superior to their colleagues. This merit of the men is simply owing to the fact that they are Americans, and owing to general intelligence, familiarity with politics, and public business and the strong development of individuality among our people, they are generally energetic, prompt, and efficient men. There are many instances in our past where a consular officer without long experience has in trying and responsible moments shown decision, intelligence, and grasp that were gratifying to the Government and the people at home.

I know some critics, earnest for reform, say our service is all bad and discreditable, and have long said so. It is true, many consuls have been men who had taken an interest in politics at home, and politicians being the servants of the people and their creations, are regarded as fair game for popular criticism and especially for newspaper criticism. But is it not generally true in any popular government, in our Republic, as it was in the ancient democracies, that the man who takes an interest in public affairs is very apt to be one of the brightest minds in the crowd? Our officials from that class have, as a general rule, been intelligent, vigorous, capable men. Being a politician is no discredit in itself. Being familiar with the public affairs of their country ought not to be counted against these men. It is the system of sudden appointment and removal that has so often worked wrong. The service has real merit; but the merit of the service lies, not in the method of appointment or in the method of removal, but in the inherent elements of the American character, in the intelligence and energy which so generally pervade our people.

POLITICIANS SUCCESSFUL DIPLOMATS.

Why, our foreign ministers have been politicians and I am not ashamed of them. Many of them have gone from this House, some of the most eminent in our history. Take one who served here for a long time—several old members will recollect him—Gen. Schenck, who was minister to England. At the very time when he was the target for mockery and for criticism at home, not only by his political opponents but by members of his own party, I heard one of the first men in public life in Europe say that Gen. Schenck was without a peer in the whole diplomatic corps in London, in ability, in breadth of view, quickness, and strength of mind. That man was trained in this House—a politician. So too, Kasson, Phelps, McLane, Cox, Morton, eminent for success in diplomacy, went from this House.

The book on international law of highest credit was written by an American minister, Henry Wheaton.

A GRAND, BRAVE MINISTER.

Another man who served in this Hall so long that he was called the father of the House, Elihu Washburne, went as minister to France. There was an instance of a pure politician turned diplomat, a fair subject for the newspaper critics, yet Washburne as a minister displayed more of the highest qualities of a diplomat than any other minister at the capital to which he was accredited. Amid the storm of the Franco-Prussian war and the horrors of the Commune he protected under our flag hundreds of his countrymen, millions of property, shielded tens of thousands of Germans in the greatest trouble and peril.

When the first peal of that awful cannonade burst upon Paris all the other diplomats, every one of the lords and counts and marquises hurried away; Washburne stayed—stayed through it all. The stars and garters all disappeared, but the Stars and Stripes stood fast. [Applause.] His house was pierced with shot. The bombshells fell all about the legation, but he never failed one day nor one hour from his post. He had the respect and the confidence of both the French and German Governments when they trusted no one else. For weeks he was the only means of communication between the contending forces—a dignified, courageous, discreet American minister.

WANT OF CONSISTENT FIXED POLICY.

Both our consuls and our ministers at these distant posts would be more efficient if they were always certain of vigorous support at home; if there was a definite policy unflinchingly followed from ten years to ten years on general questions, and in regard to each country and every important interest, instead of the fluctuations that come with changed political control at Washington. These changes make our representative uncertain both as to the policy that may be followed or adopted at home, and uncertain whether he is to remain longer at his post.

That has caused a great deal of trouble. Our consul at Bluefields has been in trouble for the last three months, not knowing which way to turn, not knowing what was the policy of his own Government, while the English consul there has been steadily pressing English interests up to the very verge of right. The British system is very different from ours. Their consuls are kept continuously in the service.

HOW JOHN BULL TEACHES RESPECT.

The English, by their clear and pertinacious pursuit of their interests on definite lines of policy in every city and island scattered around the world, and by the inflexible armed support they instantly give to their consular officers, have established all over the globe the unrivalled prestige of the English name and secured the first advantages for English interests. They do not count cost nor peril when a decisive question comes. For instance, in Abyssinia, not many years ago, a few British subjects, scarcely more than a dozen, were outraged, the consul insulted, and the British flag dishonored by King Theodore, who thought himself secure in that remote mountain kingdom; but the British Government at the call of the imprisoned consul summoned regiments and fleets from India and from England, concentrated a powerful force on the eastern coast of Africa, crossed the desert, building a railway as they went, climbed the mountains, driving back his troops, captured his posts, stormed his fortress capital, burned his palace, and slew him in its ashes: and all to deliver a score of Englishmen and teach the world that there was no spot so remote or inaccessible and no king so insolent as to be secure in insulting a British consul who was covered by the Union Jack.

It taught 500,000,000 people, it taught a hundred scattered nations that when a consul of Great Britain took his stand, he would be backed by his home Government even though it did increase taxes and even though it did require an army of 32,000 British soldiers.

HOW OUR ADMINISTRATION DEFAMES A MINISTER.

When, on the other hand, an American minister in Hawaii, to protect his fellow citizens, amid violence, tumult, and revolution, landed a body of marines and saved American life and property, his home Government suddenly changed in politics and policy. Instead of standing by him, it first hunted secretly during months to find grounds or excuse for suspicion, then came out with a public declaration of disapproval, then a President's message, and a general flood of defamation of an American minister. Now, when that is the reward of a faithful representative of his country, how can a minister, even one as experienced, cautious, and honest as was Minister Stevens, go confidently forward in the discharge of his functions, if he never can tell what is to be the policy of the Government at home? How can he know whether his most praisworthy and patriotic act may not be the theme of detraction, and a rancorous President's message, and censorious resolutions which the President may want to have passed? It is a poor solace that posterity will find out the truth and vindicate him.

BUT THE SENATE VINDICATES HIM.

Fortunately Minister Stevens did not have to wait so long for fair investigation and judgment.

The Senate overtook posterity this time; and after a thorough examination of all the facts his complete vindication has been made public by a committee of gentlemen, the Chairman, Senator MORGAN, a leading Democrat, whose position in public life and in party organization is such that their report has commanded universal attention and respect. They justify Minister Stevens, and show that he did not go as far as international law and his duty authorized him to go in his action at Honolulu.

CAN THE SERVICE BE BETTERED?

I was speaking of the service and its faults; and I have mentioned its merits in all fairness. Is there any cure for these faults? I believe that much can be done to better the service. I mentioned those consular clerks. See how ably men will work for their country—work hard and faithfully and for very little pay if they are recognized and retained.

Those consular clerks are a good instance of what could be done for all the lower parts of the service. It is useless to talk about the great places—the large, official plums. They are pretty certain to be changed after elections; and you can not very well control them. Perhaps, it is best not to try. But we could employ young Americans in subordinate positions; and salaries of $300, $400 or $500 would be accepted by these young men upon entering the service, if they were certain that they could receive better employment and pay on proving themselves worthy. They could be trained in the technical duties of the consulates, the most important languages, the commercial legislation of the principal trading countries, and that body of customs and traditions which have so much to do with human affairs. Their number could be gradually extended, and this would become a nursery from which to select efficient consuls. At present the consular clerks shrink from consular appointments, from which they would soon be turned out.

But I doubt whether the civil service reform can be engrafted here.

CAN NOT APPLY CIVIL SERVICE REFORM.

It would be hopeless to attempt to apply it at once to the whole service, for the people would not support it. In a vague fashion both parties have for twenty years put forth general declarations approaching civil service reform or favoring its most important principles; but when you reach the voters by millions they seem indifferent to the subject, and those most actively interested in public affairs, when it comes to the pinch, are against the real practical adoption of the system in its rigidity. Especially is this the feeling with regard to lucrative posts, which almost everyone, when it comes to action, thinks should be changed with the majority.

Americans seem to have a notion that each should have his turn when a good thing is to be had. Take the elections to county offices all over this country, where the duties are simple and the pay makes them desirable. The fact that a man has been sheriff or county clerk for two or three terms, no matter what his personal merit or character, is urged against his continuance.

They do not generally hold the same rule as to offices of responsibility rather than pay, where the contrary rule is thought advantageous. It has been often said that the South before the war gained great advantages over the North in Congress because they continued their members instead of changing to new ones. Every one in the House knows what an immense influence the Philadelphia members have exerted for a score of years in this Hall. Long service gives them great advantage, and Philadelphia reëlected her Kelleys, Randalls, O'Neills, and Binghams. But even where the people continue men long in places of high trust, they want them to be within reach, not irremovable, nor in long terms, but requiring frequent reëlection to remind them of the popular will. Right there lies a feeling widely extended among our people and it has a wide basis; they are jealous of a class of permanent officers, and have an apprehension that they are not as efficient, that they become indolent and altogether too independent.

PLAYING FOURTH-OF-JULY BASEBALL IN AUGUST.

Our functionaries all over this country who are dependent upon popular will, are prompt, obliging, and generally energetic, though they may not always be experienced men. Nor are the people so far off in their opinion that a class of fixed officeholders may become as parts of a mere routine. For several years, while in the legation at Paris, I had some opportunity to observe the workings of departments where the officeholders, except the very highest, are substantially permanent. While they were methodical and accurate, they were slow beyond the conception of an American. Take an example: One day in the beginning of June a young man from the American students in the Latin Quarter came to the legation and requested a permit for their baseball club to play a game of baseball on the Fourth of July approaching, in the great park just west of the city, the Bois de Boulogne.

Our minister sent a letter within half an hour to the minister of foreign affairs, which was the only method by which he communicated with the Government, for permission for the young men to play the national game in this public park on the Fourth of July. No reply was received until the 24th of August, when the legation was answered in the most courteous form of elegant phrase. What had been done? The minister of foreign affairs, on receiving the request of the distinguished minister, for whom he had such esteem, requesting that the young gentlemen of a friendly nation should play their national game in the public park, had lost no time in communicating with his honorable colleague, the minister of public works, to whose functions the subject more particularly belonged, and the minister of public works, animated by the same friendly sentiments, had hastened to communicate with the prefect of the Seine, and the prefect of the Seine had, without delay, communicated the request to the government of the city of Paris. Then it had gone to the director of parks and promenades, and the director of these works, inflamed with the same friendly zeal, had written an admirable communication to the superintendent of parks of the western division, and the superintendent had hurried to consult the administration of the Bois de Boulogne, which had with all expedition called upon the contractor for the grass, who had promptly answered that he responded to this request on behalf of the young gentlemen of a friendly people by placing everything at their disposal, with the sole condition that they should give a bond of indemnity for any damage to the grass. [Laughter.]

And this response, duly approved and hastened forward, with a few days interval between letters, through all the stages of this admirably adjusted circumlocution office, came back through the minister of foreign affairs, who took pleasure in saying that as an evidence of his high regard for the American minister the Government would take his mere request as sufficient voucher, without bond, and the young gentlemen were at perfect liberty to play their national Fourth of July game on the 24th of August! [Renewed laughter.] It is not likely that such a correspondence or anything similar in spirit could have occurred with the officials of any county, State, or department in the United States. Americans are not made that way, nor would officials who followed such bureaucratic routine remain long on duty if Congressmen or the people could get at them.

Mr. MILLIKEN. Will the gentleman allow me a question?

Mr. HITT. Yes, sir.

Mr. MILLIKEN. Is it not true that all of that "red tape" grew out of the fact that that is an old government, with old forms, that have come down out of the ages, and the "red tape" is not to be attributed to civil service at all?

Mr. HITT. The Government of France is old in its origin; but it has been shaken up more violently and renewed more completely than ours has ever been. In mere administration it is considered almost an ideal government in method, for that nation has the genius of method in excess of all the others that I have ever known.

Mr. MILLIKEN. As far as that is concerned, our own age goes back to our origin. That is so with all nations.

Mr. HITT. I said that Government is old as to its origin—the centuries of its existence.

There is a good as well as a doubtful side to this whole question of the service abroad. Though ours may be very irregular, it is vigorous.

TRAIN OUR OWN MEN—NO FOREIGNERS WANTED.

Our people may not be willing to adopt the civil-service system completely for a long time, but the law ought to be strengthened to retain efficient men. A nursery from which to select, and a system of promotion by which to reward them ought to be provided by law. The present statute, with all its classifications, is utterly without real meaning, for men are appointed or removed from all posts without regard to the others.

The pay of the consuls in the minor posts, which are the most numerous, ought to be increased and fixed—not uncertain fees. At present the consular representatives in a great portion of them are foreigners, the compensation being so petty that no American can go out to hold them. The consular agent is generally a merchant, sometimes a subject of the country, sometimes an Englishman doing business there, who incidentally takes charge of American interests. Here is another way in which the consular system seems to be inverted, and it works right against our interests.

The man in charge of American trade and the American flag who is a foreigner, owes his first allegiance to another flag and is generally engaged in a rival trade. As a consular officer certifying invoices he sees all the shipments and all the prices, in fact, all the details of the business of other business men, who are his rivals. He is an authorized official spy. More than this, as he certifies to his own invoices, it is his interest to put the valuations or prices of goods of his own firm at the lowest possible figure, in order to have to pay a low duty; in other words, his interests are directly hostile to those of the revenue department of the United States. It is a bad, it is an unbusinesslike principle to place a servant in charge of business where his interest is directly the reverse of the employer's. We should have Americans to take charge of the business of their country, and in many of these posts, by a very slight increase of pay,

they could be filled efficiently by men like these consular clerks and at little cost.

Young men would be glad to enter the service as consular clerks for far less than a thousand a year, if they knew that they could not be turned out at the next general election and left to pay their passage home from China or New Zealand. A gradual and reasonable increase of pay can not be charged as extravagant for the consular service at present has not cost the Treasury anything whatever. The fees collected and turned into the Treasury by the consuls pay the whole expenditure of the service and have often furnished a considerable surplus; so that it can not be said that the people in the country are taxed to support these officers living abroad in so much imagined luxury.

It is a vicious principle that enters into our service now to have a large part of the consular officers paid wholly by fees. Their pay should be fixed and the fees should be turned into the Government, all of them. Those fees are paid by the foreign exporting merchants and manufacturers in the first instance. The consul who collects them and who certifies to the truth of the prices in the invoices should not at the same time be the merchant who pays the fees and makes the invoices. It should be the interest, as it is the duty, of the consul to have the invoices correct, truthful, with absolutely fair valuations. The way in which invoices are now certified is in need of change and remedy, and there ought to be such rigid inspection provided that the improvement would last.

INVOICES NEARLY WORTHLESS.

Some members of this House are merchants and know of personal knowledge that invoices are in many cases practically worthless as a guide to true values. They are often no more reliable than a newspaper would be folded up and sent with the goods. It is the chief part of the consul's duty now in the principal ports to certify invoices of goods, which goods he is theoretically supposed to have personally examined, so that he can certify their true values on which the duty to be paid is computed—30 per cent, or 50 per cent. The consuls are really Treasury officers instead of consuls in the original meaning of that word. But what is the practical operation? Over $776,000,000 of goods brought last year in the ports of the United States came with invoices duly authenticated by consuls as truthful statements of the real values of the goods at the ports from which they were sent. As a matter of fact when that certificate is attached by the consul it is a mere formal act.

The consul does not, and in the very nature of things he can not, make an examination of the merchandise. He does not attempt it. He does not know even the contents of the packages, to say nothing of the value of each part. As a daily regular fact, he take the statement of the merchant or manufacturer who sends the merchandise, with his declaration of value, and then certifies that the values therein expressed are the true market values in the country of export. The goods come to our port—New York or Boston. The examiner at the custom-house, when the goods are opened, holds the invoice in his hand and rapidly disposes of great varieties of goods, almost always accepting without any change the valuations in the invoices. He knows that if he is criticised for undervaluation he can say "here is the certificate, the official act of an American officer under oath right in the country of manufacture, who has had an opportunity to examine them there and certifies that he has done so."

Take the French line steamer that came in Sunday with perhaps twelve thousand packages of merchandise coming from three or five different markets, all duly invoiced and certified, where the consul could not do the manual work of filling out the certificates alone; he merely put his name and seal to them.

EXAMINERS LITTLE BETTER.

What is the effect? It justifies the examiners in the custom-house and in the appraiser's stores in accepting invoices as expressing the true value of the merchandise—these invoices which are made out by the very men who have to pay the duty estimated upon these valuations, and their interest is to put them down to the lowest point in order to escape the duty. They are misleading and only bad. Take New York, where there is one appraiser and ten assistants, with ninety-two examiners, the goods being divided by the lines of merchandise—metals, silks, woolens, etc.—each assistant having as many examiners as he needs.

Every tenth package, say, is opened, examined, and counted as to quantity. Some of you have seen the examiners going through this process, the invoice always in hand. The consignee or merchant here who receives the goods is supposed to have no voice or influence and to be excluded. In fact they and their agents swarm through the buildings. A high officer of the Treasury Department told me that he found in one day in the New York custom-house "annual pass No. 307" and "daily pass No. 51" of the series for that day, to allow these men to come upon the floors. They get passes for entrance, their ostensible purpose being to hunt up some package, or hurry up or find some missing articles. Their interest can never be other than to secure the lowest possible classification and valuation.

The examiner leans on the consul and the consular certificate. The consul making his certificate—for he is perhaps poorly paid and has over him no inspection, no watchful superior—leans on the examiner, and between them the goods go through at a lower rate than their actual value, and the revenues are defrauded. All of this proceeding is a discouragement to the honest merchant who pays duties at full rates and who insists naturally that there should be no undervaluation for the benefit of the dishonest or those who will swear to false values.

WILSON BILL WOULD MAKE THIS WORSE.

These evils will be greatly increased if the Wilson bill passes, changing the mode of measuring or estimating the duties to be collected on imports from the present system, by the McKinley law, of generally imposing specific duties—that is, duties on articles measured by the yard or by the pound at fixed rates—to the ad valorem system—that is, counting by the dollars' worth of merchandise, which allows such free opportunity for false statement of values in invoices. We are all interested to prevent such frauds; for, whether we are protectionists or free traders, we all desire that, if the law requires a tariff to be paid, it should be paid by all alike—by the dishonest importer who makes a false statement in his invoice as fully as by the honest merchant who tells the truth.

OLD FAULTS IN OUR SYSTEM.

There will inevitably be weak parts in any system as vast as our revenue department, but that part of it which springs from consular action is manifestly defective, and the remedy would be to increase the consular office force, and then, more important than that, to have a thorough, general, and frequent system of rigid inspection throughout the consulates. At present there is none at all; and right here how plain is the immense importance of having experienced, vigilant, strong, and faithful men at these consular posts from which our great current of importations comes. For after all, the main trouble is that we do not carefully examine the men who are appointed.

I have said before that good ones and bad ones have been appointed in the past, because both parties have included and considered political reasons in making appointments. But of late this has been carried to a degree never before dreamed of. The whole service has been revolutionized within a few months, and our consulates now, all around the world, are filled with raw hands, many of whom are inefficient. I do not know this of my own personal knowledge, but I have been told it by gentlemen who are in the confidence and who are very warm friends of those in power.

A GREAT REFORMER, QUINCY, APPEARS.

A gentleman who was thought to be specially fitted, to be equipped in an extraordinary manner for the work of reforming and bettering the Government generally, was chosen and put, as we may say, over the Secretary of State, that he might improve the consular service of the United States. I refer to Mr. Quincy, of Massachusetts. [Laughter on the Republican side.] That gentleman came here with a newspaper announcement of his character worth recalling: "A Democrat whose intellectual astuteness had mastered the apparently simple problem that the great masses of the American people desire courageous and bold reforms in political matters; and, more yet, a man whose conscience would compel him to courageous and lofty patriotism calmly abiding the consequences."

He was a gentleman whose high thoughts dwelt in the serene upper air, but whose great faculties for once were bent to common things. He undertook the reform of the consular service by removing those unfit and putting in those whom he chose to designate. This was the man who was intrusted with that wide authority by the President, who we all know is a great reformer.

HIS WILD DEBAUCH AMONG THE CONSULSHIPS.

What is the result? I do not wish to criticise his work lest mine be thought a Republican or partisan view; but taking the authority of the leading and most dignified Democratic paper in New York, I will read a few words about Mr. Cleveland's chosen instrument of reform:

Mr. Quincy has been allowed a debauch among the consulships. He has sent out to look after our trade in the uttermost ends of the earth the usual quota of broken-down men and ignorant editors, who will, of course, if partly through the discredit of them the Democrats should lose the next election, be remorselessly cast adrift at their posts, and many of them will have to "beat" their way home, to our further disgrace.

That is from the New York Evening Post, which I believe is a special admirer of the President, and is always a well-informed, able journal.

That, according to so eminent an organ of the party in power,

is the condition to which they have brought the consular service of the United States.

Yes, it is through abuse of the power of appointment that the trouble creeps in and the service is debased. I do not deny that there have been improper appointments at many times in the past sixty years since Gen. Jackson initiated our political system; improper appointments by both parties; but heretofore there has been resistance on the part of the Secretary of State and the President to the making of profligate, worthless appointments. They have tried to preserve their self-respect. They selected from those pressed upon them the best and fittest they could, and they secured many excellent men. Never before have we seen the appointing power brought to the pass now witnessed, nor used as it has been for the humiliating and debasing purposes to-day described by this high authority.

THE VAN ALEN SALE OF THE ITALIAN MISSION.

Not alone the consular service, but the diplomatic service, which has usually been regarded as something that must be respected, for each man in that service represents the whole people, has been filled by new methods and for new reasons.

We had a man appointed to Italy, where our embassy is very important, under circumstances that drew the attention of the whole country. A man named J. J. Van Alen, who is said to be wealthy, but who is unknown to diplomacy or to politics, unheard of in public affairs, was appointed not a great while ago minister to Italy.

The place has since become an embassy. Mr. Van Alen had but one man to recommend him, as is stated by those who are entitled to belief. The gentleman who recommended him was one who wields great power, one who was the nearest friend to the President of the United States, and the man to whom the President owes his own office more than he owes it to any other individual living man. Between this gentleman, Mr. William C. Whitney, and Mr. Van Alen there had been some business. Mr. Van Alen had paid to Mr. Whitney, for the party, to elect Mr. Cleveland, $50,000.

And Mr. Whitney, in his letter to the President calling upon him for the appointment, directing attention to his merits, said:

There is additional reason for appointing him, that as the result of that very generous and cordial support of the party in the late campaign, when friends were few and calls were great, he has been accused of dishonorable bargaining.

Mr. TAYLOR of Indiana. That sounds like Wanamaker.

Mr. HITT. Now, it was somewhat of a pleasant surprise to receive $50,000 "when friends were few and calls were great."

Mr. BURROWS. They are less now.

Mr. HITT. After that, just at the time when the campaign was at a white heat and in the last moment, November 1, when they were running neck and neck, the President made some remarks which attracted attention and the admiration especially of those who regarded him as a truly great and good man. In his address to the business men of New York at the Lenox Lyceum meeting, the 1st of November, just before election, a critical hour that, and at the time when Mr. Whitney was pouring out Van Alen's money to elect Mr. Cleveland, he said:

We daily hear predictions of Republican success, based upon the ability of that party to purchase the votes of the people.

[Laughter on the Republican side.]

A little reflection, it seems to me, can not fail to arouse the American conscience to the wickedness, as well as peril, of a debauched suffrage.

Mr. HEPBURN. What do you quote from?

Mr. HITT. From Mr. Cleveland.

It is a plain proposition that our Government is only true to the principles upon which it rests when in its operations it represents the honest and intelligent sentiment of the people. When it does not its vigor and its very life are gone and it remains but the mere semblance of a free Government—the weakest and most deformed plan of rule that ever deluded mankind. It can then no longer defend the rights of all, because rights will be forgotten in the capricious bestowal of favors.

[Laughter.]

There is much more in the same lofty strain which I will not detain the House to read. I am not expressing any criticism upon the man occupying the lofty position of President, for it might be thought that I had a partisan motive, as I belong to another party. But I will now call attention to the words published in the Forum, a very grave journal, by a well-known writer, a long-recognized friend of the President, Mr. Foulke, the reformer, who says:

In the Van Alen case we are confronted with corruption in its most naked form. The President has told us that dollars alone, when given to the right person at the right time, are sufficient to secure as high a place as that of minister to Italy. We are informed that the mission to Rome is for sale, and the President ought not to wonder if we resent the insult. It will not do to lay this at the door of anyone else. We can not relieve the President upon the plea of lack of ordinary information. He made this appointment with his eyes open, and against the protests of his friends; and the people whose offices are thus given over to the methods of the auction mart must hang their heads in shame.

These are not my words, but those of a philosopher, a reformer, a friend of the President reasoning upon the events of the hour. And he asks very pertinently what is the essential nature of such an appointment? It is set out very plainly in a familiar book from which I read, Russell on Crimes, page 214. [Laughter and applause.]

"The taking or giving of a reward for offices of a public nature is said to be bribery," says Bacon's Abridgment. "Concerning the sale of offices of a public nature it has been well observed that nothing can be more palpably prejudicial to the good of the public than to have places of the highest concernment, on the due execution whereof the happiness of both king and people doth depend, disposed of, not to those who are most able to execute them, but to those who are most able to pay for them; nor can anything be a greater discouragement to industry and virtue than to see those places of trust and honor, which ought to be the rewards of those who by their industry and diligence have qualified themselves for them, conferred on those who have no other recommendation but that of being the highest bidders; neither can anything be a greater temptation to officers to abuse their power by bribery and extortion and other acts of injustice than the consideration of the great expense they were at in gaining their places and the necessity of sometimes straining a point to make their bargain answer their expectations."

That law, given in the modern writer Russell, is ancient law. It is taken from Bacon's Abridgment, and dates back to Hawkin's Pleas of the Crown. It is an authority of centuries. I do not wish to dwell upon this incident too long. I will only give the sorrowful comment of this friend of Mr. Cleveland:

It is not pleasant to think that our Chief Magistrate has done a thing which falls so close to the definition of crime that it involves all the public injury and moral wrong so clearly described as the essential quality of a guilty act.

CLEVELAND IMITATED IN ILLINOIS.

Let me mention an illustration of the great influence which a public man of eminent character widely admired has upon the community in which he lives.

Mr. Cleveland has been admired so much that people think whatever he does is right, that that makes it right, especially those who are in the same political organization and who naturally look up for a model that they may imitate. Last November, in the interval between the two sessions of this Congress, I was at home in Illinois, and while at Mount Carroll, near where I live, I saw a case called for trial which vividly recalls the Van Alen incident of higher life—for things are humbler in our country politics, you know. [Laughter.] The incident occurred in the circuit court. A Mr. C. B. Smith had been a candidate on the Democratic ticket for county clerk. That county of Carroll is overwhelmingly Republican and such a candidacy seemed on the face of it utterly hopeless.

A Mr. Henry Tallman is an active and popular Democratic politician out there, of perhaps less elegance in style than the eminent gentleman he recalled, but he is a "hustler from way back." [Laughter.] He told Mr. Smith, the Democratic candidate for county clerk, that if he would agree to appoint him deputy, he would hustle for him, and he thought Mr. Smith would "get there." [Laughter.] The bargain was made and Mr. Tallman so actively and so successfully exerted himself in behalf of Mr. Smith that, to the astonishment of all of us, Mr. Smith was elected. He kept his bargain with the same fidelity that our President, with characteristic tenacity of purpose, displayed in appointing Mr. Van Alen to Italy.

But there came in an intervening incident which disturbed the arrangement. Mr. Smith got married, and he wanted the place for his wife; so he appointed her, telling Tallman to vacate. He had heard how relations are appointed in high politics at Washington. Mr. Tallman demanded that he should be paid damages, heavy damages. He estimated them by a rule somewhat similar to that which must have been in the minds of certain eminent New York friends of the President when they proposed to raise a subscription to pay off Mr. Van Alen, when two gentlemen, whom many of us know, headed it with a subscription of a thousand dollars each to reimburse Mr. Van Alen if he did not get the place. [Laughter.] Upon the same principle Mr. Tallman demanded that he be made whole. He said that Mr. Smith had promised in writing to pay him what was fair—I think the amount was $300. Smith did not do it, and Tallman sued him, and it was the trial of that suit that I saw called. The judge, like the American people in its judgment in the Van Alen case, took a different view. I read from the report of the case:

"Judge Cartwright held that such a contract was void and contrary to public policy, that its tendency was to corrupt the suffrage of the people"—that, you remember, was what Mr. Cleveland dreaded so much in his address at the Lenox Lyceum [laughter]—"and was insufficient to give the plaintiff a standing in court. The jury accordingly found for the defendant." Mr. Berry, the eminent counsel for Tallman, said that he would not have been so confident of winning the suit but for the sale of the Italian mission. [Laughter.] Van Alen was not reimbursed, but appointed according to bargain and Mr. Berry remarked that in his opinion, if Van Alen was entitled to re-

imbursement if Cleveland failed to carry out his end of the bargain, then why was not his client, Mr. Tallman, who had given time and money in Smith's support entitled to damages when Smith went back on the bargain? [Laughter.]

Mr. Chairman, it is under these adverse circumstances and new methods of appointment in the consular and diplomatic branches that our service is laboring now. But the remedy is plain. Mr. Van Alen did not go to Italy, and nobody was more relieved by his not going than our worthy President. That whole arrangement was crisped, burned, blown away by the hot, scorching breath of public scorn. The criticism was not from political opponents. Not at all. It was the honest heart of the American people all over this country which rebuked that sordid bargain. I believe the incident will have good effects, for it has called attention to the defects in a great and important branch of our Government which receives little attention, which is unattractive to public men, which does not interest members of Congress, which has grown up, as I said awhile ago, in the merest accidental way for one hundred years, and is therefore full of confusion and disorder.

I hope that the honorable gentleman, chairman of the Committee on Foreign Affairs [Mr. McCREARY of Kentucky], will carry out an intimation which I heard him make in private and which he will pardon me for mentioning in this public manner, and bring in a bill providing a commission to reorganize this whole service, to make it independent, to elevate it to a higher standard, so that these officers whose duty it is to protect the liberties, the lives, and the property of our people in their farthest ventures in trade, who guard our missionaries carrying Christianity to the heathen, who all around the world represent the American name, may be enabled to do it still more effectually under the policy and protection of a flag that will be as strong and as respected as the union jack of England. [Applause.]

I think the service ought to be carefully reorganized, and there ought to be a system of inspection introduced and vigilantly carried out, so that these consuls, who last year had charge of a commerce of seven hundred and seventy-six millions of imports into this country, shall be required to be fully qualified for the work, and shall be watched from hour to hour to the end that they discharge faithfully and honestly the high duties committed to them by our Government. [Applause.] Mr. Chairman, I see that my time has expired. [Cries of "Go on!"]

Mr. McCREARY of Kentucky. I do not know whether any other gentleman desires to address the House in general debate; but I would like to reach some agreement with my colleague on the committee [Mr. HITT] as to the time within which general debate shall be closed, so that we may proceed to the consideration of the bill under the five-minute rule.

Mr. HITT. The gentleman from Pennsylvania [Mr. GROW] wishes to address the committee very briefly. I know of no one else.

Mr. McCREARY of Kentucky. How much time does the gentleman from Pennsylvania desire?

Mr. HITT. Probably not more than fifteen minutes; but I do not think we ought to limit him.

Mr. McCREARY of Kentucky. Very well.

Mr. GROW obtained the floor.

Mr. REED. Perhaps the gentleman from Pennsylvania would prefer to speak to-morrow?

Mr. GROW. Yes, sir.

Mr. REED. I will, then, if there be no objection, move that committee rise.

Mr. McCREARY of Kentucky. My object in asking the gentleman from Illinois [Mr. HITT] how much time might be desired for general debate, was that after we had reached an agreement, I might make a motion that the committee rise. How much time does the gentleman from Pennsylvania [Mr. GROW] desire?

Mr. GROW. Not very much.

Mr. McCREARY of Kentucky. Half an hour?

Mr. GROW. That will be sufficient.

Mr. McCREARY of Kentucky. Then I suggest to the gentleman from Illinois that we agree to close general debate after one hour more shall be occupied—half an hour on each side.

Mr. HOOKER of Mississippi. I hope the gentleman from Kentucky, my colleague on the committee, will not press any such proposition as that. I have listened with some surprise to the speech of the honorable gentleman from Illinois; and while it was not my purpose to speak at all on this bill, and I had made no preparation with that view, yet since he has made this political speech I desire to say something myself as a member of the committee; and I do not want to be limited to less than an hour.

Mr. McCREARY of Kentucky. I move, then, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BAILEY reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 6108) making appropriation for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. HALL of Minnesota obtained leave of absence, indefinitely, on account of sickness.

And then, on motion of Mr. McCREARY of Kentucky (at 4 o'clock and 40 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. BOWERS of California, from the Committee on Military Affairs, reported the bill (H. R. 2726) to remove the charge of desertion standing against the name of Edward J. Butler; which, with the accompanying report (No. 703), was ordered to be printed and referred to the Committee of the Whole House. [Report 703.]

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. STORER: A bill (H. R. 6682) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6683) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN: A bill (H. R. 6684) to establish an army post at Clarksville, Ind.—to the Committee on Military Affairs.

By Mr. DUNPHY: A bill (H. R. 6685) to increase the pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CRAIN: A bill (H. R. 6715) for the erection of a public building at Laredo, Tex.—to the Committee on Public Building and Grounds.

By Mr. CAMINETTI: A bill (H. R. 6716) to appropriate money to build a light and fog signal at entrance to San Joaquin River, California—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A bill (H. R. 6717) to amend section 40 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. GORMAN: A bill (H. R. 6718) to transfer the United States Commissioner of Fish and Fisheries to the Department of Agriculture—to the Committee on Agriculture.

By Mr. APSLEY: A joint resolution (H. Res. 163) providing for the distribution of a complete set of the Official Records of the Union and Confederate Armies to duly organized Grand Army posts and associations of Confederate veterans in the United States—to the Committee on Printing.

By Mr. CRAIN: A joint resolution (H. Res. 164) proposing an amendment to the Constitution of the United States authorizing the President to veto separate items in appropriation bills—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 6686) granting a pension to Melinda C. Howe—to the Committee on Invalid Pensions.

By Mr. BUNDY: A bill (H. R. 6687) to remove the charge of desertion from the record of Futhy Barfell, late of Company I, Eighty-ninth Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 6688) to correct the military record of George W. Spencer—to the Committee on Military Affairs.

By Mr. CATCHINGS: A bill (H. R. 6689) for the relief of Louis Sommer, Washington County, Miss.—to the Committee on War Claims.

By Mr. DONOVAN: A bill (H. R. 6690) granting a pension to Hannah Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6691) for the relief of J. E. Coburn—to the Committee on Claims.

By Mr. ENLOE: A bill (H. R. 6692) for the relief of Theodrick Webb, Madison County, Tenn.—to the Committee on War Claims.

By Mr. FITHIAN: A bill (H. R. 6693) to increase the pension of Uzziel B. Church—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 6694) for the relief of William E. Scott, Blount County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 6695) for the relief of the estate of Isaac Hull, deceased, late of Jefferson County, Tenn.—to the Committee on War Claims.

By Mr. HARTER: A bill (H. R. 6696) for the relief of Frank S. Sowers—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 6697) for the relief of the heirs of Mary E. Simpson—to the Committee on War Claims.

By Mr. MEYER: A bill (H. R. 6698) for the relief of Holmes and Leathers—to the Committee on Claims.

By Mr. M'CREARY of Kentucky: A bill (H. R. 6699) for the relief of Henry Cohen—to the Committee on War Claims.

By Mr. O'NEILL of Missouri: A bill (H. R. 6700) to remove the charge of desertion against Thomas Marshall—to the Committee on Naval Affairs.

By Mr. PIGOTT: A bill (H. R. 6701) for the relief of Harvey E. Atwood—to the Committee on War Claims.

Also, a bill (H. R. 6702) for the relief of the heirs of Dr. Aeneas Munson—to the Committee on Claims.

Also, a bill (H. R. 6703) to remove the charge of desertion against Peter A. Beaucamp, Company A, One hundred and sixty-fifth New York Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 6704) to remove the charge of desertion against James Crowley—to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 6705) for the relief of Edwin T. Yancey, Fayette County, Tenn.—to the Committee on War Claims.

By Mr. SPRINGER: A bill (H. R. 6706) granting a pension to Mary J. White, widow of William White, late lieutenant of Company F, Nineteenth Illinois Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6707) to place on the pension rolls the name of William C. Estill—to the Committee on Invalid Pensions.

By Mr. STONE of Kentucky (by request): A bill (H. R. 6708) for the relief of R. A. Schellhous—to the Committee on War Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 6709) for the relief of James Cameron, Hamblen County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 6710) for the relief of Mack Fulton, Morristown, Tenn.—to the Committee on War Claims.

By Mr. TAYLOR of Indiana: A bill (H. R. 6711) to pension Henry Charles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6712) to pension Henry Hayes—to the Committee on Invalid Pensions.

By Mr. TUCKER: A bill (H. R. 6713) for the relief John D. Youell—to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 6714) to remove the charge of desertion against Joseph Slatery—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of memorial of Elisha M. Luckett, late second lieutenant Company B, Second Regiment Pennsylvania Volunteers, and the same referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Resolution of the Powelton Building Association, of Philadelphia, against the tax on such associations as contained in the Wilson bill—to the Committee on Ways and Means.

By Mr. AVERY: Petition of the Retail Clerks' Union, of Detroit, Mich., indorsing the position of the Typographical Union for Government control of telegraph—to the Committee on the Post-Office and Post-Roads.

Also, petition of Reed City (Mich.) Lutheran Church, against constitutional amendment—to the Committee on the Judiciary.

By Mr. BUNDY: Evidence in support of a bill (H. R. 6483) granting a pension to Daniel Boyle—to the Committee on Invalid Pensions.

Also, evidence in support of a bill (H. R. 6669) granting a pension to Peter Wild, teamster for Second Regiment West Virginia Cavalry—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Petition and memorial of J. T. Haley and divers other citizens of Stutville, Crawford County, Mo., touching postal rates—to the Committee on the Post-Office and Post-Roads.

Also, protest of Rev. A. Schuppman, of Wentzville, Mo., against a certain constitutional amendment—to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of pastors and trustees of St. John's Evangelical Lutheran Church, at Defiance, Ohio, against the proposed change in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. EDMUNDS: Petition of citizens of Roanoke, Va., in favor of House bill 5246—to the Committee on Immigration and Naturalization.

By Mr. FITHIAN: Papers to accompany bill for the relief of U. B. Church—to the Committee on Invalid Pensions.

By Mr. GEAR: Resolution of the Trade Labor Association of Burlington, Iowa, praying for Government control of telegraph lines—to the Committee on the Post Office and Post-Roads.

Also, petition of A. Y. Trogdon in the matter of Nancy Judson, wife and conservator of Phineas Judson, Company H, First Iowa Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. GOLDZIER: Petition of the Lutheran Churches of Cook and Du Page Counties, Ill., protesting against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. HAUGEN: Protest of the Evangelical Lutheran Church of Grantsburg, Wis., against the proposed amendment to the preamble of the Constitution of the United States, as tending to a dangerous interference by the state in church matters—to the Committee on the Judiciary.

By Mr. HEARD: Petition of Zion Church, of Lincoln, Benton County, Mo., against the proposed amendment to the Constitution of the United States to recognize God by express terms in said instrument—to the Committee on the Judiciary.

By Mr. HENDERSON of Illinois: Petition of the Evangelical Lutheran Concordia Church at Geneseo, Ill., numbering 325 members, protesting against putting God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HENDERSON of Iowa: Resolution of the Evangelical Lutheran Immanuel Church of Waterloo, Iowa, against the adoption of an amendment to the Constitution recognizing the establishment of religion—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of the people of Oregon, favoring pensions and land warrants to survivors of Indian wars in Oregon, Washington, and Idaho—to the Committee on Pensions.

By Mr. HOUK: Petition, of Joel Johnson, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LAYTON: Petition of W. K. Boone, T. H. Jones, P. Kuntz, and W. Right, citizens of Lima, Ohio, asking that the rate on all second-class mail matter except country weekly papers be raised to 8 cents per pound—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Memorial of Elisha M. Luckett, late second lieutenant Company B, Second Regiment Pennsylvania Volunteers, praying for arrears of pension claimed to be due him from the United States—to the Committee on Pensions.

By Mr. McCALL: Petition of Francis A. White and 15 other citizens of Cambridge, Mass., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

Also, petition in favor of the passage of Senate bill 1640, for increase of pension to Otis Smith, of Cambridge, Mass.—to the Committee on Invalid Pensions.

By Mr. McNAGNY: Petition of members of St. Paul and Zion's Evangelical Lutheran churches, of Fort Wayne and Columbia City, Ind., against the proposed change of the preamble to the Constitution—to the Committee on the Judiciary.

By Mr. MORGAN: Paper to accompany House bill 6678—to the Committee on Invalid Pensions.

By Mr. MORSE: Petition of 140 communicant members of the Evangelical Lutheran Zion's Church, at Plymouth, Mass., against the proposed amendment to the preamble of the Constitution of the United States recognizing God in that instrument—to the Committee on the Judiciary.

By Mr. RICHARDSON of Michigan: Resolution of Retail Clerks' Union, of Detroit, in favor of governmental control of telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. RITCHIE: Petition of elders and trustees of Lutheran Trinity Church, Elmore, Ohio, protesting against religious amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SIBLEY (by request): Petition of citizens of Mercer County, Pa., asking for issue of legal-tender money for good roads—to the Committee on Ways and Means.

By Mr. STEPHENSON: Petition of the Retail Clerks' Union,

of Detroit, Mich., in favor of governmental ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. TURPIN: Resolutions of Alabama Lodge, No. 1, Amalgamated Association of Iron and Steel Workers of Gate City, Ala.; Perseverance Council, No. 13, United Mine Workers of America; the Birmingham (Ala.) Trades Council; the Birmingham Typographical Union, and the United Mine Workers of America, indorsing Senate bill 1136 and House bill 4478, providing for the establishment of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. UPDEGRAFF: Petition of Rev. W. Mallen and 90 communicant members of the Evangelical Lutheran Church of New Oregon, Iowa, against the proposed religious amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WEADOCK: Petition of C. E. Erb and 100 others, for the passage of House bill 4897—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *April 18, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. LIVINGSTON, and Mr. CANNON of Illinois managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River in the State of Arkansas.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River, in the State of Arkansas or in the State of Texas.

A bill (H. R. 5041) to extend the time authorizing the St. Louis and Birmingham Railroad to build a bridge across the Tennessee River at Clifton, Tenn.; and

A bill (H. R. 5356) to authorize the West Braddock Bridge Company to construct a bridge over the Monongahela River, from the borough of Rankin to Mifflin Township.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the International Wood Carvers' Association, of Boston, Mass., and a memorial of the Furniture and Hardwood Finishers' Local Union, No. 2, of St. Louis, Mo., remonstrating against the ratification of the proposed treaty with China; which were ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of the United States, praying for the enactment of legislation to suppress the lottery traffic; which was ordered to lie on the table.

He also presented petitions of Cotton Hill Camp, No. 619, Modern Woodmen of America, of New City; of Charity Lodge, No. 100, Ancient Order of United Workmen, of Paris; of Excelsior Camp, No. 8, Modern Woodmen of America, of Mount Carroll, and of sundry citizens of Mount Vernon, all in the State of Illinois, praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post Roads.

Mr. COCKRELL. I present eight memorials, numerously signed by citizens and taxpayers of St. Louis County, Mo., remonstrating against any portion of the appropriation of $2,500,000 heretofore made by Congress for the improvement of the Missouri River for the purpose of navigation from its mouth up the river being diverted to any local improvement anywhere upon the river, and asking that such appropriation may be confined exclusively to the objects contemplated in the passage of the law. I move that the memorials be referred to the Committee on Appropriations for the time being, as the matter is now pending before that committee on the sundry civil appropriation bill.

The motion was agreed to.

Mr. COCKRELL presented a memorial of the Merchants' Exchange of St. Louis, Mo., remonstrating against the passage of the so-called Hatch anti option bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club of St. Joseph, Mo., praying for the ratification of the treaties with the Wichita, Comanche, Kiowa, and Apache tribes of Indians; which was referred to the Committee on Indian Affairs.

Mr. HOAR presented a petition of Branch No. 108, National Association of Letter Carriers, of Newburyport, Mass., praying for the passage of House bill No. 5294, to regulate the mode of removal of letter carriers; which was referred to the Committee on Civil Service and Retrenchment.

Mr. PERKINS presented a petition of the Academy of Sciences, of San Francisco, Cal., praying for the enactment of legislation providing for the preservation of game in national parks; which was referred to the Select Committee on Forest Reservations.

Mr. LODGE presented a petition of Branch No. 108, National Association of Letter Carriers, of Newburyport, Mass., praying for the passage of House bill No. 5294, to regulate the mode of removal of letter carriers; which was referred to the Committee on Civil Service and Retrenchment.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask that the action of the House of Representatives on the urgent deficiency appropriation bill be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist on its amendments, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. COCKRELL, Mr. BRICE, and Mr. HALE were appointed.

PERSONAL EXPLANATION.

Mr. CAFFERY. I rise, Mr. President, to a question of personal privilege. In the New York Evening Post of the 14th instant there is a publication from which I will read the following excerpt:

> It would be a great public service, as well as a first-rate stroke of good politics, if all Democratic bodies and organizations in the land were to imitate the example set by the Minnesota Democratic committee, and send a public appeal to the Democratic majority in the Senate to either carry out the party's pledges and pass the tariff bill, or get out of the party. Everybody knows that when the Minnesota Democrats put the responsibility for delay upon the following Senators, they put it where it belonged:
>
> "Senators CALVIN S. BRICE of Ohio, DAVID B. HILL and EDWARD MURPHY, jr., of New York, JOHN R. MCPHERSON and JAMES SMITH, jr., of New Jersey, ARTHUR P. GORMAN and CHARLES H. GIBSON of Maryland, JOHNSON N. CAMDEN of West Virginia, DONELSON CAFFERY and EDWARD D. WHITE of Louisiana, JOHN T. MORGAN and JAMES L. PUGH of Alabama."
>
> These men are doing their utmost to ruin their party by hedging it in the way of the progress of the country and demonstrating its incompetency for public affairs.

Mr. President, I do not deem it necessary on every occasion to notice publications in newspapers containing false statements in regard to myself, but when a reputable newspaper like the New York Evening Post quotes approvingly the heated utterances of a Democratic club, which utterances contain misstatements in so far as I am concerned, I deem it proper as a Democrat and as a member of the Democratic Senate in my behalf to notice such misstatements.

I am not an obstructionist. I am not opposed to the speedy passage of the revenue bill named the Wilson bill, as amended by the Senate Finance Committee. I shall put no obstruction in the way of the passage of that bill. More, Mr. President, I shall actively support it and vote for it—as it now stands in the Senate—either that or a bill substantially embracing the provisions of the bill as amended by the Senate committee.

I desire to say this much in justice to myself.

REPORTS OF COMMITTEES.

Mr. WASHBURN, from the Committee on Commerce, to whom was referred the bill (H. R. 4765) to authorize the St. Louis River Bridge Company and the Duluth Transfer Railway Company to construct, maintain, and operate a bridge over the St. Louis River from a point at or near Grassy Point, in the village of West Duluth, Minn., to the most available point opposite, in the State of Wisconsin, reported it without amendment and submitted a report thereon.

Mr. PEFFER, from the Committee on Claims, to whom was referred the bill (S. 487) for the relief of the widow and heirs of

Samuel Kramer, reported it with an amendment and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1480) to codify and arrange the laws relating to pensions, reported it without amendment and submitted a report thereon.

Mr. WILSON, from the Committee on the Judiciary, to whom was referred the bill (S. 265) to provide for a May term of the district court of the United States for the eastern district of South Carolina, reported it without amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1644) relating to the detail of retired officers of the Army at institutions of learning, reported it without amendment and submitted a report thereon.

Mr. DANIEL, from the Committee on Claims, to whom was referred the bill (S. 1824) to carry out the findings of the Court of Claims and for the relief of Samuel Fitzhugh, administrator of Henry Fitzhugh, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 982) for the relief of Cumberland Female College, of McMinnville, Tenn., reported it with an amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 1912) for the relief of the Bath Iron Works, of Bath, Me., reported it favorably as an amendment intended to be proposed to the naval appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

THOMAS R. PROCTOR.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 74) for the proper enrollment of Thomas R. Proctor in the Navy of the United States, to report it without amendment and submit a report thereon.

Mr. PROCTOR. I ask for the immediate consideration of the joint resolution. It is one that merely confers a relative rank to enable the man to join the Loyal Legion. It gives no claim whatever for any pay, allowances, pension, bounty, or other remuneration. It is the only case of its kind in the Navy.

Mr. HALE. I will say that the committee examined the subject and the facts are as stated by the Senator from Vermont. There can be no possible reason why the joint resolution should not be passed.

The VICE-PRESIDENT. The Senator from Vermont asks unanimous consent for the present consideration of the joint resolution. It will be read for information.

The Secretary read the joint resolution, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Thomas R. Proctor, who was secretary to the acting rear-admiral commanding the Pacific Squadron of the United States Navy on actual sea service, and who was duly appointed October 1, 1864, and actually performed sea service during the war in such capacity until honorably discharged from the Navy December 12, 1866, shall be deemed and taken to have had the relative rank of a lieutenant on the active list in the Navy of the United States, and shall be so recorded in the Register of the Navy of the United States. But such relative rank shall confer no claim whatever to any pay, allowances, pension, bounty, or other remuneration.

The joint resolution was reported to the Senate without amendment.

Mr. PALMER. I merely wish to ask whether the joint resolution is reported from the Committee on Naval Affairs.

Mr. PROCTOR. It is reported from the Committee on Naval Affairs.

The VICE-PRESIDENT. It has been so reported, the Chair will state to the Senator from Illinois.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

YELLOWSTONE NATIONAL PARK.

Mr. FAULKNER. I am instructed by the Committee on Territories to ask that certain letters addressed to that committee in reference to the boundaries of the Yellowstone National Park be printed in document form.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the letters referred to will be printed as a document.

ST. LOUIS RIVER BRIDGE.

Mr. WASHBURN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota, to report it favorably, with amendments, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The amendments of the committee will be stated in their order.

The first amendment reported by the Committee on Commerce was, in section 3, line 1, after the words "referred to in," to strike out "lines 10 and 11 of," so as to read:

SEC. 3. That the accessory works referred to in the preceding section shall be such booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of steamboats, rafts, and other water craft safely through the draw and rafting spans, as shall be required by the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, in section 4, line 1, after the word "bridge," to insert "built;" so as to read:

SEC. 4. That the bridge built under this act shall be constructed as a pivot drawbridge, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SUPPRESSION OF LOTTERY TRAFFIC.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States. The bill is very brief.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill named by him; which will be read for information.

Mr. HOAR. The original bill was introduced by me in the first instance. The Committee on the Judiciary have reported an amendment to the bill in the nature of a substitute. I suppose it is only necessary to read the substitute.

The VICE-PRESIDENT. The substitute will be read.

The Secretary proceeded to read the amendment reported by the Committee on the Judiciary; but before concluding was interrupted by

Mr. ALLEN. I have no desire to object to the consideration of the bill, but it is now twenty-five minutes to 1 o'clock, and the routine business of the morning has not yet been transacted.

Mr. HOAR. The bill is very brief indeed, and I hope the Senator will allow it to pass. It is very important that the setting up of lotteries in other countries and sending their drawings here should be broken up. All the people of Florida, without distinction of party, desire this legislation.

Mr. ALLEN. The entire morning hour yesterday was consumed in precisely this way.

Mr. HOAR. The bill can not take more than five minutes.

Mr. PASCO. I hope the Senator from Nebraska will not urge his objection to the consideration of the bill.

Mr. HOAR. The reading is now nearly half through.

The Secretary resumed and concluded the reading of the amendment reported by the Committee on the Judiciary, which was to strike out all after the enacting clause of the bill and insert:

That any person who, within the jurisdiction and subject to the laws of the United States, shall contrive, propose, set up, or draw a lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, or assists in such contriving, proposing, setting up, or drawing in any place within the jurisdiction and subject to the laws of the United States, or who, from any place whatever, whether within or without such jurisdiction, shall cause to be sold, transferred, or delivered within any place subject to the jurisdiction and laws of the United States, or who shall cause to be brought within any place subject to the jurisdiction and laws of the United States from abroad, or deposited in or carried by the mails of the United States, or carried from one State to another in the United States, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of such lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, or shall cause any advertisement of such lottery, so-called gift concert, or similar enterprise, offering prizes dependent upon lot or chance, to be brought into the United States, or deposited in or carried by the mails of the United States, or transferred from one State to another in the same, shall be guilty of a felony, and be punishable in the first offense by imprisonment for not more than two years or by a fine of not more than $1,000, or both, and in the second and after offenses by such imprisonment only.

SEC. 2. That any person violating any of the provisions of this act may be proceeded against by information or indictment and tried and punished either in the district at which the unlawful importation was made, or the unlawful deposit in the mails was made, or to which the matter deposited was carried by mail for delivery according to the directions thereon, or at which it is caused to be delivered by mail to the person to whom it is addressed, or in either of the districts through which it may have passed in the course of interstate commerce.

SEC. 3. That the provisions of sections 3929 and 4041 of the United States Revised Statutes as amended, respectively, and the provisions of sections 2491 and 2492 of the United States Revised Statutes, and of sections 11, 12, and 13 of the act of Congress of October 1, 1890, entitled "Chapter 1244. An act

to reduce the revenue and equalize duties on imports, and for other purposes," and all other provisions of law for the suppression of traffic in or circulation of any such tickets, chances, shares, or interests in or other matter relating to lotteries, or for the suppression of traffic in or circulation of obscene books or articles of any kind, shall apply in support, aid, and furtherance of the enforcement of this act.

SEC. 4. That nothing herein contained shall be deemed to repeal by implication sections 3894, 3929, or 4041 of the United States Revised Statutes, or any part thereof, nor any provisions of the act of Congress of April 24, 1878, entitled "An act to prevent the sale of policy or lottery tickets in the District of Columbia," nor any provisions of the act of Congress of September 19, 1890, entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," nor any provision of the laws whatsoever against the establishment of lotteries, or games, or other schemes, or prizes, or chances, or the traffic in or circulation of tickets and other such papers or instruments, or the publication of advertisements or notices in any wise relating thereto.

SEC. 5. That the powers conferred upon the Postmaster-General by the statute of 1890, chapter 908, section 2, are hereby extended and made applicable to all letters or other matter sent by mail.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Massachusetts asks unanimous consent for the consideration of the bill which has just been read for information. Is there objection?

Mr. VEST. I do not know but that I shall support the bill. However, I should like to have time to look at it. There are some singular provisions in it, it seems to me, and there are some very nice questions in regard to the jurisdiction of the Federal Government as I read the bill now. I have just seen it for the first time, and I should like to have it go over.

The PRESIDING OFFICER. The Senator from Missouri objects to the present consideration of the bill.

Mr. HOAR. I should like to ask the Senator from Missouri, if he can do so, to examine the measure as it is reported by the committee, as it is very important that it should pass at an early day. It is very simple. I should like to call it up to-morrow in the morning hour.

Mr. VEST. I have no objection to that. I do not wish to delay the bill at all.

Mr. HOAR. Very well. I shall endeavor to call it up to-morrow morning.

DISTRICT POLICE FORCE.

Mr. HARRIS. Yesterday the Senator from Kansas [Mr. MARTIN] presented a paper in the form of a petition from Maj. Moore, the chief of police of the District of Columbia, in respect to certain appropriations necessary to that force. It was by mistake referred to the Committee on the District of Columbia. That committee has already reported an amendment, as asked for by the chief of police, and it has been referred to the Committee on Appropriations. The Committee on the District of Columbia should be discharged from the further consideration of the petition, and it should be referred to the Committee on Appropriations. I ask that that be done.

The PRESIDING OFFICER. If there be no objection that order will be made.

COMMANDER F. W. DICKINS.

Mr. HAWLEY. I ask unanimous consent for the present consideration of two bills of courtesy, I may call them, one of which has come unanimously from the House of Representatives, and both unanimously from the Committee on Foreign Relations of the Senate, permitting certain gentlemen to accept foreign decorations. I ask first for the consideration of the bill (H. R. 5276) to authorize Commander F. W. Dickens, of the United States Navy, to accept the decoration of the cross of naval merit of the third class from the King of Spain.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROF. ASAPH HALL.

Mr. HAWLEY. I now ask unanimous consent for the present consideration of a similar bill, the bill (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Sciences of France.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HARRIS. I do not intend to object to the consideration of the bill, but the practice of asking consent to consider every bill when reported consumes the whole morning hour, and we do not get beyond the reports of committees.

Mr. HAWLEY. Mr. President——

Mr. HARRIS. I am not going to object to the Senator's bill, but I give notice that I shall object to the next one.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HAWLEY. I should like to be heard for a moment to correct a misapprehension. These bills have been reported for some time, and have been on the Calendar.

Mr. HARRIS. I was not aware of that fact.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PEFFER. Mr. President——

Mr. HARRIS. What is the order of procee ling?

The PRESIDING OFFICER. Reports of committee

Mr. HARRIS. I demand the regular order.

Mr. PEFFER. If there is no further morning business, I ask for the consideration of the resolution submitted by me, coming over from a previous day.

Mr. MANDERSON. There is further morning business.

The PRESIDING OFFICER. The morning business is not yet completed.

Mr. MANDERSON. I desire to introduce a bill, if that order has been reached.

The PRESIDING OFFICER. If there are no further reports of committees, the introduction of bills and joint resolutions is the next business in order.

BILLS INTRODUCED.

Mr. MANDERSON. Mr. President, greatly encouraged by the action of the Senate yesterday with reference to creating an additional judicial district in the State of Texas, and after consultation with the Senator from Minnesota [Mr. DAVIS], finding that the States of Minnesota and Nebraska are alike in great need of additional judicial aid, we have prepared a bill providing for an additional district judge in each, which will make two United States judges in each of the States of Minnesota and Nebraska, something that has been very greatly desired for many years. I now introduce the bill, and hope the Committee on the Judiciary will take immediate action with reference to it, and do the favor and the justice to the States by reporting it speedily for passage.

The bill (S. 1920) providing for an additional district judge in each of the districts of Minnesota and Nebraska was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS. At the request of the Commissioners of the District of Columbia, I introduce a bill which, with accompanying letter from the Commissioners, I ask be referred to the Committee on the District of Columbia.

The bill (S. 1921) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the cities of Washington and Georgetown, and for other purposes, was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. POWER introduced a bill (S. 1922) to extend the time for making final payments on entries under the preemption act; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PALMER introduced a bill (S. 1923) for an act to repeal section 3412 and 3413 of the Revised Statutes, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. POWER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VOORHEES, it was

Ordered, That the papers in the claim of Calvin Jones for damages against the Government on account of the destruction of property by United States troops be taken from the files and referred to the Committee on Claims.

BINDING OF TARIFF COMPILATION.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee on Printing:

Ordered, That there be bound, under the direction of the Committee on Finance, for the use of the Senate in debate, 200 copies of the Report 334, being a comparison in quarto form, with reference margin of H. R. 4864 and existing law.

CLERKS IN TREASURY AND INTERIOR DEPARTMENTS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a preceding day.

The Secretary read the resolution submitted by Mr. GALLINGER on the 13th instant, as follows:

Resolved, That the Secretary of the Treasury and the Secretary of the Interior be directed to transmit to the Senate in separate lists the names of all clerks and employés appointed, promoted, reduced, and dismissed since the 4th day of March, 1893, and the State to which each such clerk or employé is accredited; also that such of them as served in the Army or Navy of the United States at any time during the war of the rebellion shall be designated by some distinguishing mark in each list.

Mr. GALLINGER. The morning hour is so nearly closed that I ask unanimous consent that the resolution go over, retaining its place.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the resolution go over without losing its place and be laid before the Senate to-morrow morning. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

HEARINGS ON PROPOSED LEGISLATION.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 1808) to amend the act of June 22, 1894, entitled "An act to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak." It is a short bill of only one page and refers to the extension of time for building the bridge.

Mr. PEFFER. I object to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Kansas objects to the present consideration of the bill. The Chair lays before the Senate the resolution submitted by the Senator from Kansas [Mr. PEFFER], which comes over under the rule.

The SECRETARY. A resolution providing for a select committee to be known as the Committee on Communication.

Mr. PEFFER. I ask that the resolution be agreed to.

Mr. HOAR. I move to amend the resolution by substituting the Finance Committee for the select committee provided for in the resolution.

The PRESIDING OFFICER. The Senator from Massachusetts offers an amendment to the resolution, which will be stated.

Mr. SHERMAN. I should like to have the resolution read.

Mr. COCKRELL. I move to refer the resolution to the Committee on Rules.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri to refer the resolution to the Committee on Rules.

Mr. SHERMAN. I ask that it be read before the question is taken on the motion to refer.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution submitted by Mr. PEFFER on the 14th instant, as follows:

Whereas there exists in many places and on the part of large numbers of citizens, individually and in organized bodies, a disposition to visit the city of Washington for the purpose of personally presenting to Congress their views with respect to pending and prospective measures of legislation; and

Whereas many of such persons and bodies are reported to be now on their way hither, with others likely to follow, for the purposes aforesaid:

Therefore, to the end that these our petitioners shall have full and respectful hearing and that proceedings attending their communication with the Senate shall be orderly and not subjected to interruption by the transaction of other public business,

Be it resolved, That a select committee of nine members of the Senate be appointed by the Vice-President, to be known as the Committee on Communication, whose duty it shall be to receive all written or printed communications from citizens or bodies of citizens visiting the Capitol, or intending to make such visit, for the purposes mentioned in the preamble hereto, and to receive all petitions, memorials, and remonstrances of such persons and bodies and hear them orally in relation to the matters and things about which they desire to communicate with the Senate. The committee shall report fully to the Senate from time to time as other committees report.

The Sergeant-at-Arms will set aside a convenient room in the Capitol or other building belonging to the Government for the use of said committee, and furnish the same with the necessary articles for the convenient dispatch of business.

Mr. PEFFER. There is a slight mistake in the printing of the resolution. The last "whereas" in the official print ought to be substituted by the word "therefore."

The PRESIDING OFFICER. If there be no objection, the modification will be made.

Mr. PEFFER. I ask for a yea-and-nay vote on the motion to refer the resolution to the Committee on Rules.

Mr. SHERMAN. The rules require, as the resolution proposes the organization of a new committee, that it shall be referred to the Committee on Rules.

Mr. PEFFER. The resolution proposes to create a select committee.

Mr. SHERMAN. I think the rule requires that the resolution shall be referred to the Committee on Rules, because it proposes a change of the rules.

Mr. HARRIS. We on this side of the Chamber can not hear the Senator from Ohio. I wish he would speak a little louder.

Mr. SHERMAN. I think the rule requires, as the resolution proposes the organization of a new committee, that it should go to the Committee on Rules. It is a change of the rules; it proposes addition to the number of committees. Therefore I hope that course will be taken rather than any other.

Mr. HOAR. Let the rule be read that requires the reference of the resolution to the Committee on Rules.

The PRESIDING OFFICER. The Chair is not informed of the rule the Senator from Ohio relies upon.

Mr. COCKRELL. What is the rule to which the Senator from Ohio refers?

Mr. SHERMAN. I think any addition to the number of committees is a change in the rules. The organization of a committee is a change of the rules.

Mr. COCKRELL. Clearly so, I think.

Mr. SHERMAN. Therefore the resolution should go to the Committee on Rules by the general rule.

The PRESIDING OFFICER. The Chair understands that the resolution proposes the creation of a select committee, and that question is not affected by any rule of which the Chair is aware.

Mr. HARRIS. The rule refers to standing committees. That is certainly true, according to my recollection.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri to refer the resolution to the Committee on Rules.

Mr. PEFFER. On that motion I demand the yeas and nays.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

Mr. HARRIS. The hour of 1 o'clock has arrived, according to the timepiece in the Chamber.

Mr. PEFFER. Then let the resolution retain its place.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, under the consent agreement of the Senate the Chair lays before the Senate the unfinished business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print 6,000 copies of the fourth edition of the document entitled "Coinage Laws of the United States, 1792 to 1894," prepared under the direction of the Committee on Finance, United States Senate.

The message also announced that the House had passed a concurrent resolution to print 11,000 copies of a special report of the Chief of the Bureau of Statistics of the Treasury Department on the imports for consumption and the domestic exports for the years 1884 to 1894; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution to print the eulogies delivered in Congress upon the life and services of Hon. William H. Enochs, late a Representative from the State of Ohio; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print and bind in cloth 1,500 copies of the annual report of the health officer of the District of Columbia; in which it requested the concurrence of the Senate.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. GALLINGER. With the consent of the Senate, on Friday, the 20th instant, immediately after the conclusion of the routine morning business, I shall submit some observations on the pending bill.

Mr. MORRILL. Mr. President——

Mr. PALMER. I beg leave to interrupt the Senator from Vermont for a moment. I desire at an early day to submit some remarks to the Senate on the pending bill. I observe that the Senator from Minnesota [Mr. WASHBURN] has given notice of his purpose to address the Senate on the same subject next Monday. I wish to inquire whether a notice of my purpose to address the Senate on Tuesday would violate any understanding between the Senator from Tennessee [Mr. HARRIS] and the Senator from Rhode Island [Mr. ALDRICH]. If it does not, I give notice that on Tuesday I shall address the Senate on this subject.

The PRESIDING OFFICER. The Senator from Vermont will proceed.

Mr. MORRILL. Mr. President, no matter how far-reaching the importance of the subject under discussion may be, I know how vain it would be for me, at 1 o'clock in the day, to seek to deprive the cigar symposium of its usual quorum in the coat room, and I shall only hope, by comparative Senatorial brevity, not to weary the unoccupied mahogany chairs of Senators with merely "wise saws and modern instances."

The financial and industrial crisis has not yet passed away, and it is a wondrous pity that the political interests of the Democratic party should require its continuance by a vainglorious and clumsy attempt to practically carry out its Chicago tariff platform. Surely the poltical tariff bill now presented, instead of a revenue tariff, will give more comfort abroad than at home, even to its tired authors, and the rather distended notion of the people in 1892 of Democratic statesmanship and infallibility in the construction of a symmetrical "tariff for revenue only" has suddenly collapsed. Even their Mugwump allies openly jeer and sneer at their work. Their bill was barely launched before the very able Senator from New York, a skillful and courageous navigator on stormy seas, declined to sink or swim on the unseaworthy craft. Surely the crew should now feel

warned to jump ashore and refuse to go down with the keel-broken bill.

The Democracy has the *élite* habit of shaking hands with free trade with its elbow on a level with the top of the head, but droops limp and low when 85 per cent protection is demanded and yielded on rice. It embraces "revenue reform" like a lover, and *presto* sees "revenue only" in a 55 per cent protection on cuffs and collars. Free trade swears eternal fealty to the Democratic goddess of "free raw materials," but forthwith the goddess is dethroned by the Democratic provisional government on the tariff, and protection on coal, coke, and iron ore, graciously reinstated, is no longer a "culminating atrocity." The ferocity of free trade against a ten-million bounty on sugar could not be muzzled, but a tax of forty-one millions for the protection of sugar cane, a veritable white elephant, is welcomed with a smile, slightly puckered. The philosophy of the present tariff bill, as confessed by the chairman, that concessions had to be made to pass the bill, is found in the dogma that "all government and every prudent act is founded on compromise and barter," by which it will be explained how one by one of the foregoing capricious favors crawled hurriedly into the tariff bill when some Democratic Roman threatened otherwise to appeal unto Cæsar. If any Republican begged for favors they were piously pitied and then piteously crucified.

Concerning the rates of duties reported in the tariff bill, it is no violation of the confidential relations of the Senate Committee on Finance to state now that they were all fixed and determined without the votes of the Republican members, and against even the votes of any hesitating or divergent minority of the Democratic members. Thus many of the most important questions may have been determined by the small fraction of three or four of a committee of eleven, but, while the process of evolution was a great novelty, it will not be controverted that all the rates of duty are of the purest Democratic origin. Tariffs "for revenue only" prove to be *only political tariffs*, valid only until after the next election.

The honorable chairman of the Finance Committee, however, in his opening speech, declared with real sadness that some parts of the tariff bill he presented were consented to under "duress." Legally and constitutionally, therefore, this was such bald coercion as to invalidate the whole bill, and the committee are entitled to relief from the fraud, which should be promptly granted by the Senate. That is, the bill must be wholly ignored or unanimously rejected. I know of nothing less that will redress the ignominious "duress" imposed upon the committee.

The items inserted under "duress" should never go to a committee of conference between the two Houses of Congress to embarrass the Senate conferrees, although their action might not be unlike that of the boy's cousins, where he went for an afternoon visit. Coming home very hungry, and being asked by his mother if he wasn't invited to supper with them, he answered, "Yes, but they weren't no hands to urge, I tell ye." Our conferrees will certainly be "No hands to urge," and the "duress" amendments may be doomed to a short shrift.

But I have other reasons why this bill should be rejected. The bill was reported March 20, 1894, to the Senate, with voluminous and extraordinary amendments. Twenty days thereafter the same committee presented a litter of forty more amendments. There is little doubt but that a much larger number will yet be a prime necessity, if the committee will only labor and wait. Their chief objection to long waiting, perhaps, would be that the committee might not find the House of Representatives then constituted with a Democratic majority any more in favor of a killing double dose of tariff reform than of protection under "duress" in spots.

Among the glories of the historic career of Americans none have been of greater splendor than those displayed by manufacturers and inventors. Their achievements have excited both the wonder and the envy of the Old World, but our much esteemed chairman of the Finance Committee [Mr. VOORHEES], unwilling to aggravate our national self-esteem, did not seek in his opening tariff speech to praise, but sought to bury these American manufacturers by a calm, deliberate, and judicial pronunciamento, charging them and protective tariffs with such infamy and crimes alternately as "plunder and spoliation," or "spoliation and plunder," "robbery," and "unbridled extortion;" as "colossal taskmasters," and that there have been "millions of blackmail levied by American manufacturers;" again as "sinister, perfidious, and dishonest," as a "giant robber, a predatory monster obstructing the highways of legislation and challenging legislators themselves to stand and deliver," and at last as a pickpocket "thief."

I can not say anything amiss of my greatly esteemed friend, the chairman of the Committee on Finance, who we all know to be, like my Uncle Toby, "the very quintessence of the milk of human kindness," and I regret that he seems to have made an effort himself to create a different impression by his rather free commentary upon the same financial policy of that established in the first year of Washington's administration for the "protection and encouragement of manufactures," with its "infamy" enduring and prospering for a hundred years unsuspected, and now, I hope reluctantly, disclosed, though awfully denounced. If, however, the long-bow and revolutionary pronunciamento against invisible "millionaire manufacturers" should be thought by his more advanced colleagues as lacking in adequate furor and reverberation let it be noted that it was not the fault of the distinguished chairman, but of the epithetical insufficiency of the English vocabulary to meet the gravity of the case, and it will be conceded that it might have been more appropriate to have borrowed the sonorous and deeper-toned language by which the bull against the comet was promulgated. After all, the jurors of the country, so far as recently heard from, do not seem in a mood to consign all American manufacturers as criminals, robbers, and monsters to the penitentiary, nor even to permit any reasonably protective tariff to long remain in a Democratic purgatory.

The increase of our manufacturing products from $5,000,000,000 in 1880 to $9,000,000,000 in 1890 eclipses any progressive growth of this or any other country in all the world's history, supplemented by the further facts that both the amount of capital and the number of employés were more than doubled, and while the average of wages paid increased 39 per cent, the average prices of manufactures diminished 20 per centum. In 1890, under a Republican régime, the four and one-half millions of employés, with many more millions of their dependents, were happy, and over six thousand millions of capital appeared safe and prosperous. In 1894 the half-born Democratic tariff bill, now in the Senate, like Milton's

> Tawny lion, pawing to get free
> His hinder parts,

threatens to maim and cripple the whole of our vastly extended manufactures, and much of them to absolutely destroy, by an intentional and vicious surrender to foreigners of the American market. This impending hostility has for many months been multiplying a great army of the unemployed. Steam engines have had a rest. Dividends have been cut in twain or have wholly ceased. Bankruptcies only seem to flourish. And now, as if to flatten out all hope for the future, not only are the rates of duties to be stubbornly docked, but the specific is to be recklessly superseded by the exploded ad valorem system, under which duties largely depend upon the integrity, or the frequent want of integrity, in the foreign valuation set forth in the invoice.

The proposed general abandonment of specific tariff duties for the obsolete ad valorem system in defiance of the judgment of the foremost statesmen throughout the world, including nearly all our own Secretaries of the Treasury, indicates the decadence *somewhere* of enlightened statesmanship, and of all the lessons of ripe experience in handling great national revenue measures. The Walker experiment of nearly fifty years ago, lubricated by the marvelous California output of gold, also by our lavish expenditures in the Mexican war, and by a foreign famine, creating a temporary demand for everything we had to sell, had its objectionable character glossed over by unrelated prosperity only for a brief time, but ended in all respects as a deplorable failure.

Ad valorem tariff duties are scornfully shunned by English free-traders as well as by European continental protectionists. They do not secure a stable revenue. They require a very large increase of custom-house forces. They plunge the Government into multitudinous and expensive litigation with many importers. They open a market to every description of goods of the lowest and poorest character, rather than of the best, and offer the widest opportunities for fraud and universal undervaluation to those who do not regard cheating custom-house officers as *malum in se*.

The tariff portion of this bill makes its destructive purpose prominent by an assault upon each and every production of the farmer. It cuts the jugular of sheep husbandry by consigning wool to the free list and to the tender mercy of free trade. American wool-growing in competition with the cheap labor and cheap pasturage of Australia, Africa, and South America must perish. Even the long-wool sheep for mutton are likely to be mainly supplied by Canada. With the removal of 10 cents duty per pound on clothing wools the flocks upon our thousand hills will disappear. The good shepherds who have invested more than five hundred millions of capital to uphold this industry and to gain a modest support will find themselves caught in a tariff thicket to be offered up as a sacrifice to a Democratic theory only.

The fact that wool, under protection from 1892 to 1893, there was an increase in one year of 31,000,000 pounds, conclusively proves that it is entitled to continued favor. The further fact that from a well-grounded fear of the hostile legislation now impending here, the decline in the total value of sheep from January 1, 1893, to January 1, 1894, was from $125,909,264 to $89,186,110, or showing a shrinkage, according to the Department of Agriculture, of $37,000,000 is only a foretaste of the final fate of wool, even in the country where the annual product now stands the third largest of the world. The large demand for foreign wool to supply the home deficiency will create peremptory demands for gold to balance the adverse foreign account.

Wool is not only about to be slaughtered, but it seems foreordained by the Sangrado Democratic leaders that no interest or product of the farmer shall escape being bled by the bill reported. Grain of all kinds, cattle, horses, sheep, hogs, lard, butter, cheese, milk, flax, hemp, hay, straw, eggs, and poultry, are all to have something of their prosperity withdrawn, either by the total loss of

protection or by a radical reduction of tariff duties. This serves to show that revenue reformers love our Canadian neighbors much better than ourselves. No wonder that the hilarious Tory leader there should tell his people that the Wilson bill "gives Canada all she wants without surrendering anything."

I do not forget, while wool is to be free, that mungo and shoddy are to have the protection of a 15 per cent duty. This may exclude the mungo and shoddy, but it will not exclude the low-grade shoddy woolen cloths, which are to be subject only to an ad valorem duty, without the specific duty on weight which has heretofore successfully served to shut them out. The Wilson bill, therefore, will be likely to furnish the dumping ground for a large share of the most worthless shoddy goods of Europe.

But, as if it were not enough to cripple the home market of the farmer, this blind-eyed tariff bill proposes to abrogate all reciprocity arrangements by which farmers and others secured for their products a broader and valuable market abroad. The sudden and splenetic abrogation of all these arrangements with foreign nations cannot fail to shock their good will and seriously affront our own people.

Free traders perversely claim that all duties paid on imported manufactures are always paid by the consumers. They forget how greatly the enormous competition of nine thousand millions of American products in our own and other markets must have reduced the prices of manufactures throughout the world; and the claim is also refuted by our own experience, which shows that every article that has received any stable tariff protection has been permanently and largely reduced in price to consumers. This can be proven by citing examples of wholesale prices very indiscriminately, as follows:

Two-plyg inrain carpets in 1871, $1 per yard; 50 cents in 1891. Wilton carpets in 1876, $3 per yard; $2.10 in 1891. Turks Island salt in 1871, 45 cents per bushel; 26 cents in 1891. Solar salt in 1871, $2 per barrel of 280 pounds; 74 cents in 1891. Cut nails in 1860, 6 cents per pound; in 1892, 1¼ cents. Calico, Cocheco prints, in 1860, 10 cents per yard; 1891, 6 cents per yard. Sheetings, 4 x 4, Lawrence; in 1871, 9½ cents per yard; in 1891, 5½ cents. Sugar, fair refining, 9½ cents in 1871, and 2⅜ cents in 1891. Most of these latest prices are still lower to-day.

The great wrongs, obliquities, and incongruities pervading the bill will have attention when the details are reached for consideration. That the radical changes proposed, if made, will reduce many people, hitherto prosperous, to poverty, can hardly be disputed by sane people. The abounding invitations offered by the bill to the imports of foreign merchandise must paralyze many important American investments. They will, however, give active employment to laborers abroad, and to an equal extent diminish that of American laborers. The number of the unemployed is likely to be multipled, and those who can be employed will learn that the first step toward free trade is a step down in wages. They will also learn who are to be held responsible for the disastrous results by the final vote recorded upon the bill in the Senate.

The appearance here in the United States Congress at a time of profound peace of a wide-straddling income-tax bill, unheralded by the platform of either of the great parties of the country, and only commended by the unsavory example of the Old World oligarchies in distress, must be reckoned as a blunder of unusual magnitude even for a Democratic administration. Certainly we have not the excuse of the overtaxed European nations, sorely burdened by enormous imperial armies and royal navies, nor the lame justification that our system of raising revenue, with all the past experience in its favor, was inadequate and must be superseded to obtain more revenue by the rigors to which the subjects of Germany, England, Austria, and Italy have been, not uncomplainingly, compelled to submit. The charge of an excess of revenue, lately iterated against protection is already abandoned by the party whose dominance it is expected will cease March 4, 1895, but which is now on a wild income hunt for revenue to fill the vacuum to be created by a Democratic tariff.

If more revenue, instead of less, had been desired, and not the creation of a deficit, solely to make room for an unequal income tax, more would have been easily obtainable from a light duty on some of the articles in the long list now free, or by an increase of the tax on malt liquors, and that without the addition of a dime to the cost of collection.

It is to be hoped that the income scheme has not been inspired by a willingness on the part of its projectors akin to that of Artemus Ward, who announced his willingness that all of his wife's relations should enlist or be drafted in our late war, and yet it looks very like a thrifty local and sectional scheme to willingly grant to others, rather than to its tropical projectors, the honors accruing to all contributions made to an income tax.

I trust those who think, by shutting their eyes that they can swallow the income proposition at a single gulp without danger to their digestion, or to that of their constituents, will listen while I very briefly present what appear to me as some of the objections to the measure and which, I fear, will bear heavily upon many humble and plain people.

Any income tax, like the one here proposed, which fixes the tax at one rate in its application to all persons, is manifestly unjust. That derived from rent of houses, always needing annual repairs, should be less than that on land; that derived from labor, less than that upon real property; that from silver mines less than that from more stable coal mines; and that from professional men, wholly dependent on their health, less than that upon brewers and distillers. To make things equal, some discrimination must be made.

Pitt introduced the British income tax during the Napoleonic war. After the peace it was repealed on the ground that it ought to be exclusively reserved for times of war; and when reimposed in 1842 it was promised that it should be only temporary. Sir John Lubbock, in the North American Review, recently quoted Mr. Gladstone as having stated, though the tax was "an engine of gigantic power for great national purposes," there were "circumstances attending its operation which make it difficult, perhaps impossible, or at any rate not desirable, to maintain it as a portion of the permanent and ordinary finance."

The poor excuse for an income tax now is that a precedent has been found for it in that first enforced here in 1863, the prodigal extremes of which were copied then, as now, from the British statutes, but then only tolerated by us in consequence of the extraordinary exigencies of a great civil war. The measure now resurrected, with its grave clothes still adhering to it, is to be imposed upon our people as a redemption of the latest Democratic national pledge to diminish taxation. Yet the party which thus promised reform and was pledged to remove war taxes by "a tariff for revenue only" now proposes to revive the most obnoxious of all the war taxes, and still expects to be trusted for its political honesty. We can hardly fail to be reminded of the reply made to Gil Blas when he told the horse dealer that "He would trust to his honesty," and was answered back by the horse dealer, "When you appeal to my honesty you touch my weak point." Were we to appeal to the honesty of fanatical tariff reformers, it is to be feared we might touch their weak point.

Thirty years ago our country was afflicted by all the miseries of the greatest of civil wars, and there can be none worse. The rebellion had its supporters in the largest half of the territory of the United States, with some aid and comfort elsewhere from those who were willing to "let the wayward sisters go in peace," and the full sympathy of the Whig and Tory party leaders in Great Britain, as well as a French fellow conspirator in Louis Napoleon. Millions of men had been summoned to the bloody conflict, already punctuated by many battles, and involving a daily expenditure of millions of dollars which it was then impossible to borrow. In this grim crisis the patriotic North, eager for victory and impatient of delay, cried out, "On to Richmond!" and louder yet to Congress, "If more money is wanted, put on the taxes!" Thus it was, with cannon resounding within earshot of the Capitol, that the war income tax had its melancholy birth, and what was then the extreme medicine required amidst a most formidable rebellion is now to be offered, during profoundest peace, as our perpetual and regular diet. Can it be that our Southern brethren are ready, instead of repealing war taxes, to make the remembrance of the late war immortal by perpetuating one of its notable grievances?

In 1862 the income tax was reported in a general revenue bill by the Committee on Ways and Means, yet with reluctance, and it was then admitted by the committee to be less defensible than any other portion of the bill, but being for the maintenance of the Union it was supported by a rousing loyal majority, although fourteen negative votes were recorded, and among them the names of such distinguished Democrats as Mr. Vallandigham, Mr. VOORHEES, and Mr. Pendleton.

The income tax now proposed in the Democratic tariff bill includes the dividends of banks, insurance, railroad, manufacturing, and gas companies, together with all business institutions, whether incorporated or not, which issue stock upon which interest or dividends shall be paid or accrue, whether paid or not. No owner of stock, little or much, in these institutions is to escape an extra tax thereon. The men, women, and children, who by rubbing and scrubbing industry have become the owners of any shares in corporations by which a possible semiannual dividend has been earned, will feel, when that dividend has been cut and clipped by a national income tax, that they have been subjected to heartless and indefensible injustice. Even the farmers, who in their towns have clubbed together to establish town creameries, will find their dividends are to be taxed.

Our country is dotted all over with institutions essential to the general welfare, where the capital is not mainly made up by the rich, but largely contributed by those in moderate or humble circumstances, to aid local prosperity, and who are anxious to have some little savings treasured up to meet old age and all the vicissitudes of human life. But this Democratic income tax boldly grabs each one of these helpless parties and snatches its grim and paltry tribute. If a poor widow, whose husband has left her an income of $500 in the stock of some bank, should be absurdly told by an income crank that this is a tax upon the corporation and no tax upon her, will she believe it? No; but she might warn him to beware of the fate of that ancient liar, Ananias.

The stockholders of the great Pennsylvania Railroad number 27,665, and yet 26,684 of this number receive in 5 per cent annual dividends less than $1,000 each from the company; but all will be subject to the income tax. The number of stockholders in the

Lehigh Valley Company is 9,021. Only 22 of these receive in their customary 5 per cent dividends so much as $4,000, and among those with limited holdings there are 4,500 women, or more than half of the whole company. These are examples that might be multiplied by the facts in most other corporations of the victims selected by this grossly unequal income tax.

The bald assumption, therefore, that the income tail to the tariff bill would impose a tax merely upon large accumulations of wealth, or upon no one having less than $4,000, is a rickety pretense, or rather a robust fraud. Instead of only touching persons with the income of $4,000 or over it would beyond all question smite a greater multitude having less than even $1,000. The House Ways and Means report elaborately declared that.

> The committee see no hardship in requiring those who have incomes of more than $4,000 per year to pay 2 per cent of all in excess of that amount to carry on the Government under which it has been accumulated and by which it is protected.

The committee thus clearly and adroitly conveyed the idea that they were about to tax only the "incomes of more than $4,000 a year," and to cover all others with their paternal exemption from an income tax. When the ostrich hides its head in the sand, its other end swings higher up, and the fact can not be hidden that this committee saw no hardship in requiring a far more numerous class who have incomes of less than $4,000 to pay on every dollar of it, if its source was from a corporation.

When those having an income in excess of $4,000 a year, including Senators, Representatives, and others receiving salaries from the Government, came to be paternally considered and protected by the lonely architects of the income appendix to the Democratic tariff bill, they carefully provided for the deduction and exception from returns of income in excess of $4,000, or "the amount of income received from institutions or corporations whose officers, as required by law, withhold a per centum of the dividends, interest, gain, profits, and income made by such institutions," * * "and except that portion of the salary or pay received for services in the civil, military, naval, or other service of the United States, including Senators, Representatives, and Delegates in Congress, from which the tax has been deducted."

Those with large incomes are thus to be scrupulously shielded from injustice, while those of less wealth or less dignity, if they have been so stupid or so ignorant of Democratic finance and malice as to invest their small fortunes in any bank or other corporation, will have to pay to the uttermost farthing without any deductions. No incomes of anybody from such wicked sources, except the $4,000 men, are to have Democratic charity or forgiveness. The small fish are to be caught in an income net from which the big fish can leap out. The widow's mite as well as the sole income of the orphan is to be diminished by the Government of 66,000,000 people heretofore claimed to be the most prosperous of the world.

Can a Democratic Congress feel proud which makes such conspicuous discrimination in favor of wealth and official position, and which is wont to enter a tariff closet and shut the door to pray? "God, I thank thee, that I am not as the rest of men, extortioners, unjust, adulterers, or even as this publican. I give tithes of all that I get." Can such a Congress be proud of this ill-born income bantling, never wont to be owned or caressed here except in the face of grim-visaged war, as their crowning grace and consummation of a promised but miscarried "tariff for revenue only"?

Even those in the grammar of political economy will hardly deny that the removal of the tariff from foreign manufactures must to the whole extent of an income substitute tax put the burden entirely upon Americans.

The income tax bill, by its proposed seizure of many important objects of taxation upon which the several State governments have hitherto been largely dependent for a considerable part, in some States for the whole of their annual support, will prove a serious invasion of the sources upon which they now largely base their taxation. Nearly every State imposes a tax upon the real estate and personal property of its citizens, especially upon their stock in railroads and banks, mills and factories, and their coal, iron, copper, gold, and silver mines, their stone, slate, and marble companies, their debts and bonds due and collectible. All these sources and all corporations which yield dividends or interest are now to be squeezed and stripped first by the National Government, and then be subjected to a second stripping by the States. This double taxation is a wholly unnecessary and uncalled-for intrusion of the United States into the domains long exclusively occupied by the several States, and they will not welcome with alacrity a joint occupancy, though it be with a great and superior power. It is the old case of Ahab, moved by Jezebel, of coveting Naboth's vineyard, when Ahab held a far more ample and legitimate field about to be abandoned to free trade.

This ill-timed income tax is even to hold gifts of personal property as legitimate objects of its tyranny. The tokens of regard bestowed upon parties celebrating their golden wedding must all be accounted for and their value sworn to before a notary public as component parts of their annual accretions. Or, if an aged man, confident that the filial affection of his son would care for his future wants, should think it better to be relieved from growing burdens, and should therefore transfer to his son as a gift his personal property, even such a gift must pay toll to the General Government.

Personally my income tax under this bill, with its partial exemptions, would be so light that I should be ashamed to grumble about the tax. At my time of life it can not hurt me much nor very long, and above all others the members of Congress imposing this tax should not escape from it. Nor does the very small number in the State I have the honor in part to represent, who may be taxed on incomes of $4,000 or more, excite my solicitude. But the great wrong to which I would call attention is that of the numerous small stockholders of every business corporation that ever earns a dividend are to be subjected to an income tax, however inconsiderable and fragmentary may be the amount of their whole personal income or means of support.

A not less serious objection is that, like the tariff part of the bill proposed, it is local and sectional in its application and throws the onus principally upon the Northern States. This will be obvious to those who examine the record of the income tax from 1863 to 1873, which shows that during these ten years while the total tax collected was $347,220,897.20, only $11,004,389.20 were collected from the eleven States once known as the Confederate States. The State of New York paid in one year $21,340,000.19, or just about twice as much. Of course the North was not ignorant of what the result would be then, nor is the South ignorant of what the result would be now. The latter feel no doubt that the best place for an income tax is that long ago pointed out for a boil, on some other fellow.

We are all proud of having more railroads in number and extent than any other country, and, after getting them, there is no other country where they are treated more shabbily. They are fixtures and must so remain, although many are obstructed by hostile legislation, from earning anything beyond their running expenses. The United States Government should not participate with the States in processes of confiscating the large investments already made or yet to be made, which promote commerce, cheapen the transportation of travelers, freight, and mails, and aid the general prosperity of States, towns, and cities. The income-tax bill will first levy 2 per cent on all dividends of railroads, and second will levy the same amount of tax upon their indebtedness, that is, upon the interest due and to be paid on their mortgage bonds. For example, the Baltimore and Ohio Railroad, with a capital of $30,000,000, recently paying no dividends and which now pays but a limited one, and owes on a long series of mortgage bonds upward of $80,000,000 with interest varying from 4 to 7 per cent.* The income derived from the capital is now not only to be assessed, but the interest paid out on all its indebtedness, amounting to almost three times that of its capital. The bonds bearing the lowest rate of interest will be clipped as well as those bearing the highest. The railroad company does not repudiate its contract, but the General Government as the sovereign guardian of the public honor, is not to hesitate to receipt for its 2 per cent with all the moral obliquity included.

If this company, or any other owing mortgage bonds, should desire, or be compelled, to obtain a new loan or to renew an old one, it must confront the fact that its indebtedness, as well as gains and profits, are to be taxed by the United States, and the terms for such loans will be more onerous and difficult to negotiate. In times of business depression railroads have little power to curtail expenses, while their receipts daily vanish. Anyone who will consult Poor's Railroad Annual will find that the number of railroads doing an immense business with very small net profits, and with bonds amounting to millions outstanding, is exceedingly numerous. Under free trade and income taxes on both dividends and debts payable, existing railroads are likely to find their embarrassments multiplied, but not by any further decades of improvident and magnificent extensions.

The policy of some rugged partisans is to hold as their enemies all corporations, however beneficent, as the cannibal Feejee Islanders once held Christian people, and though these fanatical partisans may love and forgive them, they really love them best roasted.

The Democratic party cry for years has been against all internal-revenue taxes except possibly those on malt and spirituous liquors. The revolution now proposed is to give the lead to these taxes, hitherto anathematized, and so minimize customs revenue that even incidental protection shall be impossible.

Should this bill, aided by the concurrent action of the Senate, ever reach the dignity of a law enacted by Congress, I should profoundly regret it on account of the dire calamities with which its tariff chapters are pregnant. Throughout the world it would also be regretted by the friends of free popular government that the great Republic of the United States, though everywhere at peace, should forfeit its ancient reputation of a treasury properly supported and seldom empty, and suddenly earn the poor fame of being unequal to the legislative task of proposing a revenue measure for the ordinary support of the Government without a frantic and desperate resort to an income tax—the resort only of nations which are always wrestling with financial deficits. Surely we can not afford to decorate the annals of our Republic with a vile copy of this foreign excrescence.

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*See Poor's Manual.

Mr. MILLS. I wish to announce that on Tuesday next, at 1 o'clock, I shall submit to the Senate some remarks on the pending bill.

Mr. TURPIE. Mr. President, we may recur to a past quite recent, that day in November, when we thrust from his place a Republican Chief Magistrate, then in office—when we chose a Democratic President by the largest majority both of the States and the people recorded in modern times. This unparalleled unanimity of the popular vote and voice had a real significance.

The people do not range themselves in overwhelming numbers on one side without reason or without design. Whatever else that design may have been, it was not to support or to retain the policy of the defeated minority. That had been ruthlessly condemned and set aside. Even Ohio, the ancient fortress of the opposition limped very lamely into line and the ballot opinion of Massachusetts melted or moldered into some dim semblance of the form of political truth and rectitude.

The effect of this signal defeat of the party of so-called protection is not at all changed by the circumstance that a very few of the minority States in elections held upon national issues have since voted in the same way as they did before. It is an old, stale artifice to count the minority twice, once before and again after the polls are closed.

The party beaten in the late Presidential contest had something for which they fought and struggled, something which they put to hazard in that contest and lost. Is it not a singular position that those who won should lose and that the losers should win in anywise that which they had staked and lost?

Our first tariff law bears date July 4, 1789. The First Congress had only been in session about two months. Mr. Madison was a member of the House of Representatives, the principal advocate of the measure, and was a member of the committee which framed it. The following is the preamble of the act:

> Whereas it is necessary for the support of Government and to discharge the debts of the United States and for the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandises imported.

It will be seen that the support of the Government and the discharge of its debts are first mentioned; the encouragement and protection of manufactures are subsidiary and secondary objects of the act. If anything were needed to show the true relations which these two sub ects occupied toward each other in the bill, it will be found in the terms and text of the enactment. The highest duty imposed upon any importation is 15 per cent—it is that placed upon imported coaches, chariots, chaises, and carriages. This tax would be necessarily paid only by the well-to-do. It is a special tax on wealth. It was not objected to as socialistic, as un-American, or as class legislation. The duties levied by this old law are nearly equally divided as to specific and ad valorem. There is not a line or rate of prohibition in the entire act. The whole levy is made for revenue.

Mr. Madison had addressed the House on the 9th of April upon the subject of the pending bill, using, among other remarks, the following language:

> In the first place, I own myself the friend of a very free system of commerce, and hold it as a truth that commercial shackles are generally unjust, oppressive, and impolitic. It is also a truth that if industry and labor are left to take their own course they will generally be directed to those objects which are most productive, and this in a more certain and direct manner than the wisdom of the most enlightened legislature could point out. Nor do I think that the national interest is more promoted by such restrictions than that the interest of individuals would be promoted by legislative interference directing the particular application of their industry. * * * The same argument holds good between nation and nation and between parts of the same nation.

Thus far Mr. Madison. Washington, who as President signed and approved this bill, and the members of Congress who passed it were contemporaries of the Constitution. They were charter members of the Grand Lodge of Liberty wherein we dwell. They certainly understood the tenor and purpose of the charter. They framed its policies, not only for their own age, but for all time. The fathers did not even conceive the notion of levying tariff duties—not to be collected—of levying duties so high as to prevent collection. They rejected the policy of exclusion. They chose and preferred that which Mr. Madison described as "a very free system of commerce" subject only to restrictions needed for purposes of revenue.

Were these men the friends and patrons of British policy? Were they the enemies of American labor and of American wage-earners? They were never accounted such. Were they accounted enemies of our manufactures? Never at any time in the history of the Government. They provided for their encouragement and protection, but that encouragement was only such as is necessarily afforded by the imposition of duty rates upon foreign merchandise. They tolerated and allowed all imports. They throttled at the very start all monopolies.

And there is another portion of this early speech upon the tariff worthy of our special notice. In speaking of the business of the country Mr. Madison said:

> In my opinion it would be proper also to consider the means of encouraging the great staple of America—I mean agriculture, which I think may be justly styled the staple of the United States. * * * With respect to manufactures, other countries may and do rival us, but we may be said to have a monopoly of agriculture. The possession of the soil and the lowness of its price give us as much of a monopoly in this case as any nation has the monopoly of any article whatever, but with this advantage to us, that it can neither be shared nor injured by rivalship.

These statements are as true to-day as the day they were uttered. There have been many and great changes since that time, but the relative position of agricultural to other pursuits in this country is not changed; it still retains the primacy. Manufactures have added thousands and millions to the census table of the national wealth, but agriculture has enlarged it by billions; not by acres, but by empires it has enlarged our tillable area. Since 1789 it has not only kept pace with but it has far distanced every other branch of industry.

Much now is heard in this Chamber upon the other side about the business of the country, the business interests of the country, the business of the people. What, then, is the business of the country, par excellence? The real business of this country or of any other must be that vocation in which the most of its inhabitants are engaged. The last census shows that of the whole number engaged in industrial pursuits among us, nearly one-half are farmers, and if to these be added the number of those engaged in the manufacture of agricultural implements, as directly dependent on the plow as those who follow it, it will be found that those thus engaged in the tillage of the soil largely exceed in number those of any other calling, and are considerably more than those employed in all other industrial callings taken together.

And the interests of this business and the products thereof exceed those of every other and of all others in immeasurable proportion. The products, cereals and cotton, the secondary products of beef, pork, cattle—these make our exports with which we trade and pay in the open market. They make our exports, such as they are. They are not what they should be. Europeans have bought much farm produce abroad in later years—more than ever before, but not here. Neither did they voluntarily leave our markets; they have been driven hence by that embargo upon commerce, that interdict of trade induced by the policy of prohibitory tariff exclusion.

They still purchase here, not when they might, but only of necessity when they must. People will buy their grain where they sell their goods or where they have a chance of selling them; at least where they are not forbidden to sell them. The consequence is we are exporting gold to pay debts which would have been paid otherwise long ago, if we could have had a normal demand, a full market, and fair prices for the surplus products of American husbandry—the real business of the country.

Would you protect American labor or American laborers? You will find the greater part of these upon the farm. Would you protect American capital? You will find its largest, safest, and most permanent investment in the farm. All the plants of all the manufacturing machinery in the country sold in good times at fair prices would not buy the farms and their improvements in the five States formed out of that territory formerly called the Northwest. All the other great lines of industrial pursuits are secondary and in some sense dependent upon this principal vocation.

To be ringing eternal changes upon the business of the country, omitting that of the field and farm, is much as if a visitor to the capital, strolling leisurely through the Mall, should return without seeing the Monument.

Manufactures and commerce flourish best when this leading vocation of our people enjoys its greatest prosperity. The farmer is deeply interested in the repeal of the existing tariff and in the reduction of the present high rate of duty. Protection and prohibition cut him to the quick; whether he be buyer or seller, they clip his purse at both ends.

I concur in what was said the other day by the honorable Senator from Kansas who sits farthest from me [Mr. PEFFER], that the farmer is very little benefited by the duties levied upon ordinary farm produce. He is interested in the duty rate upon other articles much more. Take this as a single instance: The nearest and closest thing to the farmer not immediately connected with his own work is iron. The price of iron concerns him almost as much as that of grain. Iron is the basis of the whole metal schedule. I have the following statement of the percentage of the rates of that schedule, carefully prepared:

> Under the present law the rate is 38.48.
> Under the House bill it is 35.06.
> Under the Senate bill it is 31.53.

With iron ore on the free list, the House bill has the higher tax rate on the metal schedule; with iron ore on the dutiable list

the Senate bill has the lower. This, of course, is due to its greater reduction upon the other forms and products of iron in that list. Either bill makes a reduction of 23 per cent upon the rate of the McKinley law.

This reduction upon iron and its various forms is one of the most notable features in the measure of reform. There has been no such thing for thirty-three years. It will lessen the prices of steel rails, wheels, axles, and the whole means of transportation. Lower freights and fares will follow, and the farmer will make these gains with loss to no one. Even the lips of steel of the telegraph will carry their message more joyously, relieved of the onerous tribute now paid to the wireworms of the metal trust.

This will add fertility to the soil, it will fatten the furrow, it will induce a rise long delayed in the price of lands by a large and continued appreciation of land products. It is a long step in the path of that progress which will give to what Mr. Madison called the "staple" its due and just supremacy.

We were entertained in this Chamber the other day by a résumé, very ornate and elegant, of the contrasted theories of *Laissez faire* and legislative intervention in the progress of human affairs, accompanied with delightful views in highly colored perspective of the beauties of the protective system. We can not afford to discuss mere abstractions. We know that neither free trade nor prohibitory tariff will produce revenue. Therein these two extremes meet. Let us avoid both, let us take the middle ground between them, like our fathers in the beginning.

It was said in that same discourse that "we should preserve our own market by making importations unprofitable." That is, by fixing tariff rates so high as to prevent importations. This is the key of what is called the protective position.

But the prohibition of imports leads directly to the formation of trusts and combinations, which control and limit production by those who own the whole commodity and mark and label their wares at their own rates and figures. And these trusts hold in their capacious pools the whole line of wares and manufactures, from a child's doll to the huge beam of structural iron and Bessemer steel. Now, if any one of the myriads of consumers in our country wants a trust article he may get it for a given sum of money, a sum fixed by the executive board or committee of the trust; if he can not or will not pay that sum, he must do without it. The trust owns and controls the entire product.

If he buys the article, what is the transaction? Is the dealer who furnishes the goods a seller? Not at all; he is only an agent or purveyor for the delivery of the trust goods. What is the customer who gets them? He has nothing to do in fixing the value of the goods or their price. Is this a market? Is not a market a place or condition where buyers and sellers may meet on equal terms, where bargains are made, and where prices are fixed and settled by mutual agreement at the time of the transaction? Here is a place and condition without purchasers, without prices, without sales. It is a hideous misnomer to call this a market. But yes, verily, this is a market. It is "our own market preserved"—pickled like a pod in a glass jar; it is the "home market," saved, secured, seasoned, salted, sealed in the tingling brine of the tariff trust.

Many centuries ago the statutes of all Europe were filled with enactments fixing the price on commodities. So many shillings a bushel, per yard, or gallon were made by law the price. This policy was long ago abandoned in all countries not only as useless, but mischievous. The protectionist has revived it in the United States.

Our ancient forefathers provided that these prices should be fixed by the Legislature or the magistrates, leaving it at least to a disinterested tribunal; but the modern protectionist, with shameless insolence, provides by law that the prices shall be fixed by the owners of the goods to be sold.

The honest dealer or manufacturer asks no protection for protection's sake; he asks none and needs none; he preserves our own market by the excellence of his wares, by his tact in suiting the taste of the purchaser, and by the fairness of his prices. Under a tariff for revenue the most heavily protected dealer or maker under the present law will keep the market in the same manner. He knows that in the face and eye of open competition he can do nothing else. No one is alarmed about the flood or deluge of foreign goods. Dealers will not wait till the ship comes in; they will discount its coming, and retain their customers by reducing prices to a fair rate. It is a well-known law of trade that the opportunity and the ability to compete has the same effect on prices as actual rivalship.

Among other things, it was again stated in the same discourse, urged with all the zeal of repetition, with all the fervor of reiteration, that the wage-earner was benefited by a high rate, by the highest rate, of taxation. To state such a fallacy is to refute it. But in behalf of this monstrous fiction we were again reminded that wages are higher in this country than in Europe. This well-worn maxim of monopoly was refurbished with such a serious air that it reminded us of that teasing bard who chaffed the katydid:

> Thou sayest an undisputed thing
> In such a solemn way.

It is true that wages are higher in this country than in Europe. We rejoice in this truth; we trust it will never be otherwise. Wages have been higher here under every form of tariff; under the highest, under the lowest, under the medium rate of taxation they have still been upheld. The wage rate in the United States has not been and could not have been maintained by the tax rate. Labor in this country owes nothing to prohibitory tariff protection.

The protection it enjoys here is self-protection—a protection self-earned, self-guaranteed and secured, fortressed in the land and homes of the free. Organized labor has earned, as it most worthily deserved, recognition under the laws of the several States in aid of the great system of voluntary association founded upon the instinct of self-preservation, and these beneficent influences have enabled the units of the laboring masses for themselves to achieve the high standard of American wages and living.

The most constant enemies of this high-wage standard have been and to-day are that class of incorporations who have controlled what are known as the protected industries. I am glad to learn that at least one Federal judge has a few days ago given judicial sanction and recognition to the rights and interests of organized labor. He has affirmed the right to quit, its lawfulness, its legality; peaceably to quit; the right to quit, a right as inalienable as the right to life or liberty.

This right is the basis of the strike, the only effectual remonstrance against the tyranny and oppression of the incorporated employer. This right distinguishes the man, the free agent, from the machine or the automaton. It differences the labor of a free man or woman from that of the horse or the ox or the steam engine or the electric motor. It does not inhere in charters or ordinances, not even in flesh and blood, but it inheres in the will, the will of the worker; it is an attribute of the heart, of the mind, of the soul, and, like the spirit, indestructible.

The recognition of this right will lead gradually to a readjustment of the relations between the employed and their employers; it will allay and assuage hatred and animosities; it will induce a peaceable arbitrament of differences between them. We may safely leave labor, under the auspices of this benign judgment, in its own hands for protection, a protection real and actual, builded upon the justice of its cause.

I do not propose to compare the merits of the House and Senate bills. Each has its peculiar advantages; but there are some most beneficent features which are common to both. Both carry with them an unconditional repeal of the McKinley act, a proposal so large and gracious that it suffices to cover all over a multitude of minor defects. Both enlarge the free list and reduce taxation upon the means of life and living. In one respect the two bills are one. They put revenue at the front and keep it there. They alike discard and ignore the dogma and the practice of prohibitory protection. Both these bills reaffirm and reproclaim the truth set forth by our illustrious statesmen of the Revolution in the first law of the First Congress on this subject. "It is not lawful to tax all the people except for the benefit of all, nor for any less number."

Both these bills lay a tax on sugar; they differ as to the rate and as to the grade of sugar so taxed; but neither of them places upon any sort of sugar a tax of 2 cents a pound, such as is imposed in the present law. There is one branch of manufactures which our committees have seen fit wholly to destroy—the bounty on bonbons, comfits, and confections of the saccharine subsidy trust.

We have paid off the sugar pensions for the last year—$12,000,000. This payment helped to make the deficit and to compel the loan by the Treasury.

Upon inquiry at the office of the Attorney-General it will be found that in a few days we shall have settled and paid off the last of the election pensions, the per diem and mileage of the Republican marshals and supervisors who strove so hard in their attempt to protect protection at the polls.

When we have at last paid off all the sugar pensions and the election pensions granted under the old law, and forbidden any such things under the new, the taxes paid by the people will be honestly used to pay other debts and dues of the United States of infinitely greater obligation and importance.

It has been said that we must approach the task of tariff reform very cautiously and circumspectly, that the work must be done slowly, that many of the changes proposed are violent and revolutionary, and they will disarrange the affairs and disturb the existing relations of trade and exchange. Is good ever to

take the place of evil or supplant it without some sort of change and agitation?

There have been four principal changes in the tariff law since the war; the first in 1861, the second in 1867, the third in 1883, the last in 1890. All these changes were made in the same direction—upward. I had the honor of serving here at the time of the passage of the McKinley act, the last and highest assessment made in this sort of taxation. That bill, like the others, was passed by the Republican majority without the slightest regard to the effect of change or disarrangement now so much bruited.

That act was passed here after it had been overwhelmingly condemned by the people at the polls. It was asked with exceeding indignation, on the other side of the Chamber, why should the protected industries be hindered in their peaceful vocation of pillage merely because the plain people of the country had objected to such pursuits? The bill was passed, nevertheless, with earnest opposition upon our part; without the slightest factious opposition it became the law, marking the highest degree upon the tariff protection barometer.

We may now very clearly comprehend the philosophy of disturbance. As long as taxes are made higher, all is peace and quiet; when it is proposed to make taxes lower, then there is a great outcry about frightful disorder.

It is true the financial condition has changed much since the last Presidential election, and yet more since the meeting of the two national conventions at Minneapolis and Chicago. We have been touched—touched as an earthquake touches a province or an island in the sea—with sudden ruin and disaster; we are yet trembling from the effects of this touch.

This great catastrophe befell the country when all the Republican policies of finance, trade, and taxation were in full force and vigor. That these policies should have existed and been in operation during quiet times and ordinary seasons might be expected, but we have been constantly told, nay assured, by our political opponents that they were steadfast, stable, permanent—that they would answer any emergency and stand the test of every storm and trial.

The McKinley act was to furnish under all circumstances sufficient, abundantly sufficient revenue for the support of the Government. Instead of that we find a deficit in the third year after its enactment—a deficit threatening to grow larger. It had promised increase of wages and of work. The army of the unemployed has steadily added to its forces, and wages have as steadily diminished. How did the Sherman act, a masterpiece in finance, so called, and all these others meet the touch? How did they resist it? How did they withstand its impact? They shrunk at its first approach; they fled with terror when it came.

Only months afterwards did this same class of financiers who gave us these measures as law muster up courage, backed by the most disinterested and unselfish patriotism, to lend at a high rate of interest to the Government money to tide over the deficit which their own policy had created.

Instead of the present troubled conditions being an argument for the continuance of the existing laws they make the strongest reason for their immediate and speedy abrogation.

The Constitution provides that Congress shall have the power to levy and collect duties, imposts, and excises. These three modes of taxation are in the same clause; they stand upon the same and equal footing. All and each received the sanction and approval of our fundamental lawgivers. No objection can be made to their constitutionality. The whole question, if one be raised as to the exercise of either, is one of expediency. Neither can be denounced as un-American, as contrary to the spirit of our institutions, as monarchical, or as contrary to any phase of freedom. To do this is to accuse Franklin of betraying liberty, and to denounce Washington as wanting in wisdom or patriotism.

Excise is probably the oldest method of taxation. It at first was a tax paid in kind. As its name implies, something cut from or taken out of the articles taxed, things always actual and tangible. The impost was a sum imposed, placed upon things not so tangible, such as incomes, sales, rents, contracts, deeds. The postal rates are instances of imposts usually paid in advance. Duties were taxes of a mixed character, partaking of the nature of both excise and imposts. Duties are imposed, like imposts proper, upon goods imported, but they are paid in money, never in kind, as excises were formerly paid. All of these taxes are levied upon the avails or proceeds of property of some kind, tangible or incorporeal. Excises, for example, those upon spirits and tobacco, are levied upon sales. Duties are of the same character. The income tax is an impost usually assessed upon revenues, corporate or individual.

None of these taxes are direct. The States alone ordinarily levy taxes upon property as such, to be paid by the owner. The tax upon sales, whether it be called excise or duties, whether it be laid upon foreign or domestic goods, is levied not upon the property, but upon the anticipated proceeds of the sale, and is paid at last by the purchaser. All three of these taxes are indirect, but the most indirect is the tax upon incomes. The owner of an income may not be the owner of any property at all in the common sense of the term, as witness the case of the salary of a Federal officer of over $4,000, who may be the owner of nothing else.

The income tax might have been made indirect in like degree with duties and excises; it might have been placed upon rents, profits, issues, or receipts, as is usually done, but it is not; it is placed by the terms of this bill not upon revenue in the first instance, corporate or individual, but upon the net proceeds or receipts after deducting all expenses. Upon the clear cash income of $4,000 2 per cent is levied as taxes due the Government. And this tax is thus far removed, very remotely connected with the actual property which may furnish the revenue so subjected to taxation. If taxation is to be commended because it is indirect and is to be denounced for the reason that it is direct, then the income tax as levied in this bill is the most worthy of praise and the least obnoxious to censure. The man who lauds the tariff as indirect taxation ought to yet more favor the income tax as much more indirect.

This sort of tax is not a new thing in the fiscal policy of the country. It has been said that the very active and zealous political organization so ably represented by my friend the Senator from Nebraska who sits near me [Mr. ALLEN] recommended it in their last platform, which is true; but they would hardly lay claim to it as an original invention. The Populists must have copied it, and the committees of the two Houses are hardly amenable to the charge of having copied from copyists. The committees followed older models. The real discoverers of the income tax were for this country the makers of the Constitution when they authorized the Congress to levy and collect imposts.

I have read with closest scrutiny the schedules of the commodities exempt from duty in the pending bill and in the amendments thereto. I have read them with great care, and indeed I thought at first that the committee might have made a mistake or an omission; but I have not been able hitherto to find that incomes are on the free list of either bill. There is quite a variety of articles which are exempted from taxation in both bills, such as salt, lumber, wool, binding twine, cotton ties, and quinine.

Which of these, or of two or three of these, shall we strike off in order to put incomes on the free list? There are 70,000,000 of our people who would be liable to pay taxes imposed upon salt or wool or lumber, synonymous as they are with food, raiment, and shelter. There are perhaps 100,000 of our people who will be liable to pay taxes upon income. I know not what course others may take, but if we are to have exemptions, I favor free-listing the millions of men rather than the millions of money.

It is a grievous error to assume that those who are called the poor pay no taxes, or no Federal taxes. The tariff is above all else a tax upon consumption. No living soul can escape it, and even the garments of the dead are not exempt from its ceaseless exactions. We do not complain of the universality of the burden; it is right, in a certain sense, that every inhabitant should pay something toward the support of the Government. But our just cause of complaint is that these contributions to the support of the Government are and have been under existing law needlessly increased and unjustly proportioned. The remonstrance is not against taxation, however general, but against its unfair apportionment.

Let the infant be taxed, as it is taxed, yet the child born far away from the purple, cradled in the arms of poverty, without speech or knowledge, in its dumb helplessness makes the argument for free wool.

It is said that this exemption will destroy the sheep husbandry, will deteriorate the breed and value of the sheep in the United States. I do not believe this. The facts in the case disprove it; but even if this assumption were true, I know this exemption, with its cognate reduction, will make blankets and flannels cheaper, and I prefer the rearing of our boys and girls in health and comfort to the raising of even the choicest varieties of the Cotswold or the Southdown. Not only do those who are called poor pay Federal taxes, but they pay an immeasurably larger portion than any others, both absolutely and relatively—absolutely as to the amount, relatively in proportion to their means of payment.

The whole number of citizens are consumers; nineteen-twentieths of this number are those called poor. The tariff tax upon consumption touches all, and the poor pay by far the most because they are the most.

Not only do those who are called the poor pay the greater part of the Federal taxes, but every one of them pays tax upon his income. Not one is exempt. What is the income of the daily laborer? His daily wages. How is this expended? In procur-

ing clothes, food, and lodging for himself and his. Are these untaxed?

What is the income of the farmer in moderate circumstances, tilling his own land? What is his income? The proceeds of his crop. How is it laid out? In buying the necessaries of subsistence and the making and marketing of his produce. Are those exempt from taxation?

It is true that the wealthy citizen, well enough off to enjoy a net income of $4,000, pays these taxes also; but how does he pay them? Out of his abundance he pays them; without a thought, without a care; but the other, out of his poverty, out of his necessity, pays them, with thought, with anxious care for the morrow.

To equalize this disproportion, especially in season of heavy financial and monetary strain, our fathers provided for the special taxes called imposts and excises.

It was asked in a discussion of this subject the other day in this Chamber what States pay the income tax? The answer is, no State pays it; not a penny of it is paid by any State. It is a tax, not upon cities or counties or States, but upon corporate and personal revenue, net receipts upon investments. As far as it may be considered as a personal tax, it is assessed upon citizens, not of any particular State or section, but upon all the citizens of the several States and Territories who have incomes reaching the taxable amount and upon corporations of like character. It is said 30 per cent of the old income tax was paid by the citizens and corporations of New York. Granted, and that a like portion will be paid under the new from the same sources. Granted.

The best authorities tell us that one-half, many say that two-thirds, of the tariff tax is paid in the first instance by those who reside in New York. Are these duties therefore sectional? A very large amount of the taxes upon tobacco and spirits is thus also paid by those who reside in the State of New York. Are these excises, therefore, sectional? How, then, does the tax upon incomes become sectional? And if these taxes, the tariff and the excises, are to be denounced and rejected as sectional, by reason of their place of payment, where shall we collect taxes to pay the public expenditures? All this only shows that the residents of that State are the most wealthy, as they are the most numerous, community in the household of the States. Subject as they are to the law of the whole Union and to the duties, excises, and imposts established by it, their people pay these taxes in no unjust proportion, in fact in no other proportion than the inhabitants of any other part of the country.

It is the aggregate that differences the contribution of the men of New York from those of others, not disproportion. The rate is not variable; it is 2 per cent in New York as in Indiana, as it is in Idaho.

Not without a vast return of distinctive favors and benefits do the citizens of this great State of New York pay the pittance levied by the pending bill.

At the close of the Revolutionary war and up to the time of the formation of the present Government, New York was one harbor among many upon the Atlantic coast of no special eminence; indeed more than equaled by Boston, Philadelphia, Baltimore, Charleston, and Savannah in various lines both of imports and exports. But when the Union was formed, and under its law commerce among the several States was made free, when the States were forbidden to lay imposts; when colonial and provincial restrictions were removed: when unimpeded interstate trade became a fact accomplished, then the city and the harbor of New York became the great entrepôt of both domestic and foreign trade, the goal of all commodities, the mistress of all prices, and so remains even unto this day.

The canal and the railroad, all the growths of civilization, have added to her commanding resources. It was the formation of the Union and the law of the Union, in its great and decisive feature of detail, securing these broad interstate commercial franchises, which gave to the people of that State their sumless wealth which enabled them justly to assume in the marts of our extended trade the name and power of Empire.

For more than a hundred years the old West and the new, the old South and the new, have poured their riches with unstinted hand into the lap of Manhattan. We have not envied, we have rather taken pride in the prosperity of this imperial member of the sisterhood of States. We only wonder that the people of this State should perchance shun, should in any wise miss, the blessing and the glory of the mite cast into the Treasury.

It is objected that the tax upon incomes is unusual and not ordinary; that it is a war tax, presumably only properly levied in war times. But the former income tax, with its methods and machinery similar to those in the bill under consideration, had the approval of the highest judicial tribunal in the land, and lasted ten years, from 1863 to 1873. The war closed in 1865; so that it is very plain that the war tax outlasted the war itself and was assessed and paid for years in time of peace. The debt of the war continued after the war, and created the necessity for special methods of raising funds for its liquidation. Since that time one sort of the debt has been greatly lessened, called the funded debt; another has been much increased and is yet maturing, falling due every day. It is not when a debt is contracted that the pecuniary pinch is felt, but when it falls due for payment. We have no taxes laid upon us for the support of large standing armies like those of the Old World, but we have an army that has stood in that fierce four years of battle which gave to us national unity and peace.

The pension bill in the present Congress carries $150,000,000. This is an extraordinary expenditure, far exceeding the sum so expended in 1873. It is a part of the war debt, secured by constitutional ordinance. The pension is a vested right, as sacred as a bond. This vast expenditure, with others, is now to be met in an extraordinary time, a time when the common resources of both cash and credit, strained to their utmost capacity, fail to show their usual efficiency; a time when both the people and the Government are in pecuniary straits, narrow and pressing as have ever befallen us.

What, then, is wise, prudent, and circumspect conduct in the present exigency? To provide with a certainty beyond the chance of failure for the maintenance of the national faith and credit. It will cost much to do this, but it will cost much more not to do it. When the present troubles shall be overpassed, as they will be, we can return as before to the usual and ordinary methods of raising money for the support of the Government.

I very much preferred, as some of my colleagues on this side, the free list of the House bill unchanged. But this preference does not justify us in an endeavor to delay or defeat the pending bill, or to grant a further lease of life to the McKinley act. Under the almost equal status of parties on this floor, it is not a question which of the two bills may be favored, but whether any reform bill can receive the vote of a majority.

While there can be no quarrel with any friendly criticism or with any suggested amendments consistent with the main scheme and policy and not destructive of any of its chief provisions, yet it must not be forgotten that the bill now pending, subject to the ordinary and usual parliamentary changes, is the official act and deed of the Democratic party of the two Houses as here represented. As such it is fairly entitled to the earnest and bona fide support of every member of the party who has a seat in either branch of the present Congress. Not only should this support be loyally tendered on its final passage, but at every intervening stage of its progress. Up to a certain line dissent may be amicable; at some point it must cease, or, if continued, it will result in division, division which may do us a present mischief beyond repair, and it may also become the subject of very serious reflection what degree of weight shall be given to motions and suggestions, latent in their character, not disclosed, coming from any of those, if such there be, who find it so very difficult to abide with us.

Consider what large exhortation we have on this side to duty, to unity, to fidelity. Our own once high hopes and aspirations of the success of the present session, the prayers and wishes of the generous constituencies who sent us hither, the memories of that famous victory which we shared together in common joy and triumph—these persuade, admonish, beseech, entreat us to early and united action; for there is no solution, chemical or fiscal, of the rates on sugar; there is no demurrer to the minutiæ of the income clause; there is nothing like unto this or that which can condone sedition or desertion. He who leaves us now has never at heart been with us. He will go unto his own place. We will remain in ours.

I am not gifted with that prescience of the future which enables me to foretell the fortunes of this bill, whether it shall pass or no: but in either or any event there can be no death or dissolution of the Democratic party or extinction of the principles of tariff reform.

As it has been written, To labor without seeing the end of our labors; to sow and not to reap; to stand long years only in hope and expectation, not in possession; to wait and to work; to brook delay and disappointment, is a rule and law in the history of reformation from which the highest and noblest of its characters have never been exempt.

I have often wished I could set the minds of certain of those among us upon consideration of the commercial value of justice, the mere money worth of it, if Senators are unconcerned about its other attributes. How rich a people grow who are conscious of the exercise of justice and fair dealing toward them by their rulers; how well to do that nation becomes, and all the men and women in it, when they feel that the burdens of government are distributed and borne in due proportion, and that its favors may be equally shared by all! What vast wealth of affection, age after

age, is accumulated in that land where the right is deemed always the expedient!

How sordid, selfish, and ignoble is that appeal to the citizen which offers special favors to a part which it denies to the whole! What is protection but a bribe, and what have bribes to do with justice? And what gains can it deliver to the—

Chosen few
By its especial grace hedged in—

which are not losses to the many, the greater number? It may then be known what the American Democracy is. It has no hostility to wealth or capital. The free and princely heart of liberty would not only allow but assure to every man his earnings and possessions, great or small; and yet the small, and even the smallest—the humble homes, the lowly hearths—these are nearest to it. The Democratic sentiment has no reverence for wealth.

It reveres only man—man for what he is, not for what he has. It obeys only the will of the majority, and thinks it no wrong that the rights and the interests of the many should find their due expression in the law. It altogether declines to contract or to compare rights with interests—pecuniary interests. It puts no price on its most precious possessions. It would rather that the whole machinery and paraphernalia of protected industries should perish in the fervent heat of a single conflagration than that the habeas corpus should be wrongfully denied or questioned or that fetters should be forged in any form upon the freedom of work or of worship.

One of the things most desired by it is to promote the education of the people, to diffuse knowledge, to foster the material and physical advancement of every art and industry. But it knows that these alone will not preserve, and that they may be closely connected with other things not consistent with the growth and thrift of, liberty. Science serves the master with somewhat indifferent hand. The electric scourge, with its indescribable torture, is the substitute of applied science for the knout: the naphtha and the dynamite projectile are used with equal skill at the mouth of the Neva as at the Narrows. Hence American Democracy, looking far beyond the schools and their philosophies, appeals to the sense and love of justice in our race, to that equality which is always equity, both in the administration and in the making of the law, as the surest foundation of free institutions.

This appeal will not fail forever. Justice may be delayed, beaten, baffled, bruised, even betrayed or wounded by the way, but it will arrive at last; it waits, and it is waiting now, in the chill of the early dawn: yet it will have its day—a day perfect, unbroken, without sunset or decline, which no power shall shorten.

Is this a time for argument, for question and reply, for debate and disquisition? Acts are now better than words, and to hearken and answer rightly to the roll call is better than much speaking.

Mr. CAMERON. Mr. President, for a hundred years this matter of a protective tariff has been thrashed out between the two or three great parties and the two or three great interests of the United States, and still it remains as serious as when it nearly broke the Union sixty years ago. In one sense it is now more serious than then, because the interests which it involves have steadily become larger, until now they are immeasurable. This is my excuse for once more taking a few moments of the time of the Senate. In the course of a hundred years many conditions have changed. The world, which was then large, has become small. Interests which were then free for indefinite expansion are now cramped for space. The power of production, which was then slight, is now without limit. Races which were then beyond chance of contact are now in close competition. Capital, which then hardly existed as an organized force, is now massed in a common organization, which undertakes to control the world. Political economy has changed with the conditions. The capitalist has one set of principles; the laborer has another; the farmer has a third; and here in Congress, where all these interests and ideas meet and clash together, we are throwing ourselves from one to another without a notion where we are at last to rest.

Some months ago I ventured to point out to the Senate in the silver debate what I believed to be the steadiest political instinct of our people. I then said, what I want now to repeat, that tariff and silver were only two sides of the same question. The whole matter in dispute is whether we are to keep America in economical dependence on Europe, or whether we are to struggle for an independent position of our own. I believe that a great majority of our people want to maintain national independence in their economy as well as in their politics. As far as concerns the State for which I have the honor to speak, I suppose its wish is practically unanimous. To this instinct Pennsylvania has always been true.

In matters which concern national character I trust popular instincts and even popular prejudices. We are now running dangerously near a betrayal of both. We are surrendering our strongest positions, one after another, to an authority which is not ours. Granting, for argument's sake, what is charged against the tariff, that it surrenders our people to the American capitalist, can that be a reason for turning about and handing both our capital and our people over to the foreign capitalists? Granting that capital has become too powerful, what form of capital is most dangerous, most grasping, most selfish—our own, which we can and will control, or the foreign, which is beyond our reach?

The interests which are arrayed in support of the present measure, as far as it tends towards free trade are mainly three: First of all, and most powerful, is that remarkable cosmopolite moneyed interest, which belongs to no country, and more or less rules all, but which whether it is found in Europe or America, or in the remotest corners of the earth, has always its heart, its head, its energy, its mass, in the city of London. Next come the farmers of the South and West, who have always, by the force of their own interests, been subject to the same magnet, because their market is London. I find no fault with them for it, as the moneyed interest of England, for the last half century, has deliberately sacrificed its own agriculture in order to patronize ours. The third influence behind the present bill is that of the class which, for want of any other name, I am obliged to call Mugwumps, who gravitate naturally towards what they believe to be English, and who take their impulse from the city of London, because the city of London, in finance, controls England.

These three parties, even combined, could not alone have reversed our fixed policy; but in the last general election they were joined by numbers of the laboring class who were for the moment discontented and alarmed. Their added influence turned the scale, and although they have long since come back to their true allegiance to their own industries, they can not undo what was then done.

These four bodies of men made a temporary majority, but of them all the only one that is steady to its object, and always has been, and always will be where it now stands, was the foreign moneyed interest that centers in the city of London. That interest acts as one mass. Its influence is very great. Perhaps in the long run it is irresistible; our cities and financial centers all obey it. Our constitutional fault-finders, the Mugwumps, all are at its command. The laboring people not only here, but everywhere, found their history upon it, and develop their principles in opposition to it. So agressive is it, that when the silver question was under debate last September, I ventured to say to the Senate that any measure advocated by the moneyed interests of England ought, for that reason alone, to be suspicious to us; that this objection alone ought to throw the burden of proof on the friends of the measure, and until they had proved its necessity, we were justified in voting against it.

The measure then in question was the establishment of a monometallic gold currency. I noticed that no Senator met the objection. From the beginning to the end of that long debate not one voice, in either Houses of Congress, was raised in defense of a monometallic gold currency. Even to-day I do not believe that one Senator would be willing openly to advocate it. Yet the Senate was obliged to vote for it. We have a monometallic gold currency to-day. We have no prospect of getting rid of it. Our submission to the moneyed interest of England has been silent, but it has been abject.

Next comes the tariff. I will not waste time in showing how deeply the foreign moneyed interest has always resented our tariff policy. The last tariff especially exasperated British influences to such a point that England would not take part in our Chicago Exposition, and millions of our people were invited to notice, not only that England sent few exhibits, but that she honestly believes the Chicago Fair to have been a failure owing to her abstention. Every American who has been in England or has ever talked with an Englishman knows how frankly Englishmen talk on the subject. I do not refer to Englishmen who stand outside of moneyed interests, for they are not in the discussion at all. I am speaking of English capitalists or Englishmen in the service of capital; men whose business it is to make money and who want to make it in America. The tariff stood in their way. In order to employ British capital in America they were obliged in some degree to make it American.

I am well aware, Mr. President, that my views on the foreign moneyed influence seem to many persons, whom I respect, not only narrow, but reactionary. They think they know all about it and then turn away at once in disgust. The true mugwump begins by assuming that an American Senator or Representative must be ignorant, and may be narrow. The misunderstanding is a part of my argument; for to me they seem to be living on the ideas that ruled England in the last generation. A Senator

of the United States can not help becoming better acquainted than most private citizens with the interests, the forces, the conflicting aims, the hopes and fears, the successes and dangers of the people. He may be mistaken, but he must see over a wide space. The view I have taken is forced on me by all the last and newest difficulties of our time. It has no more to do with the difficulties of the last century than it has with the caravels of Columbus. We are facing problems created in our own time, the product of the last half century, which the world has not known till now. Every one of our troubles is a new variety of disease, and must be dealt with by some new diagnosis. Particularly this matter of the foreign moneyed interest, which is, in one form or another, as old as America itself, comes up now in a new shape.

If our own recollections did not prove it, the increased pressure on us of capitalists, manufacturers, corporations, trades unions, socialists, and anarchists forces us to notice that this moneyed interest, in its present form, is a new political difficulty. Our situation is serious enough between our own capital and the labor it employs, but when this is complicated by the larger question of the foreign moneyed interest it becomes wholly unmanageable. Only about fifty years have passed since the moneyed interest of Europe acquired its present organization, and it has grown so rapidly as already to throw the shadow of capital, with its reaction in socialism and anarchy, over all Europe and America. With that I will not now meddle. The subject is too large to be discussed now. We are dealing with the tariff. We want to place ourselves on a principle.

We intend to appeal to the people, and we want the issue clear and strong. As a rule we are not here professors of history; we have no time, and should talk to no purpose even if we had the time to explain how some fifty years ago the monoyed interest of England established its supremacy, or to make clear the steps by which it built up its machinery of capitalistic productions, and, by buying in the cheapest markets what it sold in the dearest, ended by spreading its sway through the world. The steamship, the railroad, and the telegraph became its slaves to concentrate all power in its hands. It dug through continents, united oceans, and has turned fully two-thirds of the population of the world into the organized service of an organized capital, centering in London. We know how we tried at times to resist it, and how at times we submitted to it; how we built up walls against it, and pulled them down again. For more than thirty years we have been true to the policy of resistance; but meanwhile the moneyed interest of Europe has reached a point such as never was imagined before our time. It has reached the limits of possible development. It has mastered nearly the whole earth.

This huge growth, more rapid than the world ever before has seen, must have some limit, and at its rate of the last fifty years that limit must be near. Since 1873 many signs seem to show that the limit is reached. The financial disasters of the last few years prove that, for the time, the growth of the British system has been checked, and that, if we are not overwhelmed by the shock, we may maintain our separate interest. Yet this moment of all others is chosen by the Congress of the United States to come to England's aid.

We were told to destroy silver because it was a mark of our independence, and we did so for no other reason than to remain in the moneyed system of England. And now that tariff which has been the chief object of antipathy to the British moneyed interests is also to be overthrown. We have sacrificed our whole country west of the Mississippi on the silver issue, we are now going to sacrifice the whole country east of the Mississippi in the tariff in order to open new markets for foreign capital in foreign industries.

Here again, as in the silver debate, we are told, by what I presume is to be treated as the highest authority, that we are wrong, and that the surest way of resisting British moneyed interests is to submit to it. If that argument had force to cover our cowardice in the silver issue, it can not serve an instant to cover the betrayal of our other industries. The only attempt to excuse this bill, on the ground of national interest, is that it will reduce the cost of production so as to enable us to compete with Europe in the markets of the world. I suppose this argument to be seriously made, and that its authors believe it to be sound. The more we sacrifice ourselves the greater is to be our profit. The idea comes from England. The authors of this bill are fumbling over the political economy of fifty years ago. They are echoing old commonplaces of Bright and Cobden and the Free Trade League. To what new world are they going for their markets? Since the British moneyed interest adopted those ideas fifty years ago, the world has been ransacked for markets to the uttermost limits and narrowed to a single community in which competition is carried to its last possible point. If any market were left, English industries would not be now in their desperate condition.

The world contains now no markets in which we could compete on a gold basis without the complete and permanent sacrifice of our laborers. Europe can always squeeze her laborers to a lower stage of misery than we can risk with ours. Any approach to competition in the so-called markets of the world can only be made by carrying British methods further than they are or can be carried in Europe. We must concentrate capital here in greater and greater masses; we must crush our our small capitalists and weak industries; we must adopt the British system of industry and exaggerate it; but first of all we must create an immense surplus laboring class of half employed, half paid, and half fed, but wholly discontented citizens.

No other course is possible, even if we succeed in underselling Europe. We can compete only by carrying the European system beyond the European point. Ultimately labor must pay the bill, as it pays all other bills. What else can pay it? What else has paid such bills elsewhere? The more intelligent our labor is, the heavier load it must bear. Every intelligent trades unionist knows that lesson by heart. Once started on that path the whole mass of labor must follow it to the lowest possible market. For fifty years the markets of the world have been occupied by Europe, and developed to a fraction of a cent, with every element calculated and economized to the last possible point of European competition. In order to reach them we have got to force the European system of capital and labor beyond the European mark although that is beyond the danger mark. In such an attempt total failure is the happiest possible result. Labor has even now a harder lot than it had fifty years ago. The chance to rise in the world has already so nearly vanished as to be worth nothing to it. No act of mine shall tend to hasten the process of closing to it the rare outlets it still has to rise above its daily risk of wanting wages and bread.

Our laborers know all this better than any one else does, and it is not from them that this bill, or any free-trade measure, will receive support.

The Republican party has again and again recognized their wants, and has done all in its power to help them. We all know that when agriculture suffers the country is in a bad way; but what is the cause of agriculture suffering throughout the world? The cause is always the same. The world has been reduced, or is being reduced, to one community, controlled by one mass of capital, with unlimited competition of industry, and especially of agricultural industry. The whole mass tends every year more and more towards a common average. The grains of California and Dakota meet the grains of Russia and India in London, in one common market, which is controlled by some sort of average, and their condition must follow it; but what possible average can exist between the social condition of the American farmer, the Russian peasant, and the Indian ryot? The marvelous triumphs of our moneyed interests in our own generation have so cheapened the cost of transport and increased its capacity that the Russian peasant of to-day is hardly so far away as the man in the next county was a hundred years ago.

Agricultural competition is deadly. It means, under its last conditions, that great classes of a community may be wiped out. In other conditions it means that the competing classes must tend to an average. I have not cared to inquire what the social conditions of the Russian peasant or the Indian ryot may be on a money scale; but I suppose that 5 cents a day would represent it favorably. Some kind of an average between these earnings and those of the American farmer must be struck; and this it is which is now dragging our agriculture down. I presume this is admitted by all. I suppose that we all equally regret it.

But how can we change or improve the farmer's situation by lowering the tariff? Even free trade can only aggravate the competition and hurry the process. The nearer we come to free trade the more violent the competition must be. Of all countries, the one whose agriculture has suffered the most, in spite of immense assistance from capital, has been England. There both farmer and landed proprietor have been almost swept out of existence as a solvent class, and among them now, even after half a century of experiment in that home of free trade, you can hear drop no word of praise for free trade or unlimited competition. Slowly and certainly the whole agricultural class has declined and dwindled, and if our farmers want to read their own story in a worse form they should study the effects of free trade in a whole library of British Parliamentary Reports on the depressed condition of British agriculture.

Our American farmers have had one or two decided advantages, and one of them has been the growth of local markets, which are more or less helped or stimulated by the tariff. They are now ready to sacrifice these local markets in order to stimulate the European. They may not wish it, but they will do it, if they feel that they can get help in no other way. Against desperation I can not argue. The danger of our agricultural class is grave enough to shake all barriers of party and unite us

in a common sympathy. I would gladly unite with anyone to help and relieve the farmer by any legislation that would not certainly aggravate the disease. I proved it by giving him all the support I could in the case of silver, where his interests were chiefly at stake. I will prove it again whenever the chance offers, but I can not join him or help him to pull down the tariff in order to stimulate, to intensify, to extend, to deepen the effects of the very competition with foreign races which is slowly grinding into the dust with equal mercilessness the American and the European cultivator of the soil.

Yet, in spite of all his trials and temptations, the farmer is an American and can be counted as an independent citizen. The laborer and trades unionist is also American. Every form of our industry is American, and sooner or later can be reached by an appeal to its best interests.

The only classes that stand beyond appeal or argument are the money lender and the Mugwump. The interests of the one, the sycophancy of the other, are bound to Europe. As long as Europe remains the center of capital the money lender and the Mugwump must owe allegiance there. From all the rest of our people, whatever their differences be, we can hope for common action in a common public spirit. They never have been and never can be long satisfied with this idea of fighting their battles by surrendering in advance to their enemies. The thing has been tried again and again, always with the same result. At one time the people have revolted because they saw that the idea was cowardly. At another time they have rebelled because they saw that it was stupid.

The situation of the world to-day is more critical than ever before in our time. The people will see it and act as soon as we can reach them. I do not fear the result.

For my own part I want to do more than restore the tariff. The tariff alone is not enough to make a complete or a strong national policy. On the tariff alone I can not appeal with confidence to the whole people. I repeat and I insist that the tariff and silver are two sides of the same issue. They are bound together by necessity. The one without the other must break down. Both together are invincible. The people of the Union, North and South, East and West, can all understand and unite on a national policy that unites these two great forces. They are neither money-lenders nor Mugwumps. They feel their interests more truly than all the newspapers and lecturers in the world can teach. They will not be afraid to cut wholly loose from Europe. They will be glad and proud to restore silver; to place the United States at the head of the silver-using countries of the world. Such a policy would satisfy their true instincts. With all America at their side and all Asia at their back, they could then isolate Europe and force England to follow or to fail. To such a policy tariffs could offer no obstacle. The barrier of gold would be more fatal than any barrier of a custom-house. The bond of silver would be stronger than any bond of free trade.

Whatever party first comes to this political platform will win a victory; and it is easier for the Republicans to take this ground than for their opponents, who have destroyed silver and are pledged to hostility against an American policy, whether in industry or trade. Standing on these as supports, the United States may hope to extend their influence over the world: but so long as they narrow their ambition to becoming a larger England, or a more German Germany, they can become nothing worth their trouble and can win no markets worth having—not even their own.

Mr. QUAY resumed the floor in continuation of the speech begun by him on the 14th instant. After having spoken one hour and a half,

Mr. ALLISON (at 5 o'clock p. m.). Would the Senator from Pennsylvania prefer to go on further this evening? I see it is about 5 o'clock.

Mr. QUAY. If it is not objectionable to the Senate, I can conclude, I think, in about five minutes my remarks upon this branch of the bill, which the Senator will notice is confined to iron and steel.

The PRESIDING OFFICER. If there is no objection, the Senator from Pennsylvania will proceed.

Mr. HARRIS. If the Senator will so indicate at the time when he would desire to stop for this evening, I shall at that time move an executive session for a few minutes.

Mr. QUAY. I presume the Senator from Tennessee did not hear my remark. I do not think I shall occupy more than five minutes further on this branch of the subject.

Mr. HARRIS. I so understood the Senator, and simply ask if he will indicate his wish at the time when he would prefer to stop, and then the Senate will devote itself to some other business.

Mr. QUAY. Certainly. I will give way in a few minutes to a motion to proceed to the consideration of executive business.

After having further spoken for three minutes,

Mr. QUAY said: I had intended to present at some length to the Senate my views upon certain paragraphs in the iron and steel schedule of the bill, but I believe I will dismiss the subject until the bill is considered by paragraphs. I am now ready to give way to the Senator from Tennessee [Mr. HARRIS], who wishes an executive session, with the understanding that I shall have the floor to-morrow.

The PRESIDING OFFICER. Before recognizing the Senator from Tennessee for the purpose indicated, the Chair will lay before the Senate certain matters on the Vice-President's table.

Mr. HARRIS. Certainly.

[Mr. QUAY'S speech will be published entire after it shall have been concluded.]

EXPENDITURES IN UTAH TERRITORY.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the Senate of February 2, 1894, a report of the First Comptroller, and also a statement showing the amount deposited by officers of the Territorial courts in Utah from January 1, 1875, to December 31, 1886, and covered into the Treasury; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

REPORT OF DISTRICT HEALTH OFFICER.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print and bind in cloth 1,500 copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate; 350 for the use of the House of Representatives, and 1,050 copies for the use of said health officer of the District.

STATISTICS OF IMPORTS AND EXPORTS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed a special report of the Chief of the Bureau of Statistics of the Treasury Department, on the imports for consumption and the domestic exports for the years 1884 to 1894, 2,000 copies for the use of the Senate; 4,000 for the use of the House of Representatives; and 5,000 for distribution by the Bureau of Statistics of the Treasury Department.

PRINTING OF MEMORIAL ADDRESSES.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the eulogies delivered in Congress upon the Hon. William H. Enochs, late a Representative from the State of Ohio, 8,000 copies, of which number, 2,000 copies shall be delivered to the Senators and Representatives of the State of Ohio, which shall include 50 copies to be bound in full morocco to be delivered to the family of the deceased, and of the remaining, 2,000 shall be for the use of the Senate, and 4,000 for the use of the House of Representatives, and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said William H. Enochs, to accompany the said eulogies.

EULOGIES ON THE LATE REPRESENTATIVE W. H. ENOCHS.

Mr. SHERMAN. I desire to give notice that, if it is the pleasure of the Senate, to-morrow evening, at 5 o'clock, my colleague and I will call up the resolutions of the House of Representatives on the death of our late colleague in that body, Hon. W. H. Enochs.

BINDING OF TARIFF COMPILATION.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following resolution, submitted this day by Mr. VOORHEES, reported it without amendment, and it was considered by unanimous consent and agreed to:

Ordered, That there be bound, under the direction of the Committee on Finance, for the use of the Senate in debate, 200 copies of the Report 334, being a comparison in quarto form, with reference margin of H. R. 4864 and existing law.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 19, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 18, 1894.

REGISTERS OF LAND OFFICES.

William E. Cox, of Helena, Mont., to be register of the land office at Helena, Mont., vice Samuel A. Swiggett, whose term of office will expire May 14, 1894.

David Hilger, of Christina, Mont., to be register of the land office at Lewistown, Mont., vice Charles A. Burg, to be removed.

Charles S. Wright, of Miles City, Mont., to be register of the land office at Miles City, Mont., vice Samuel Gordon, to be removed.

RECEIVERS OF PUBLIC MONEYS.

John P. Barnes, of Philbrook, Mont., to be receiver of public moneys at Lewistown, Mont., vice George W. Cook, to be removed.

Jeremiah Collins, of Great Falls, Mont., to be receiver of public moneys at Helena, Mont., vice George M. Bourquin, whose term of office will expire May 14, 1894.

James G. Ramsay, of Glendive, Mont., to be receiver of public moneys at Miles City, Mont., vice Alfred T. Campbell, to be removed.

PROMOTIONS IN THE NAVY.

Commodore Joseph S. Skerrett, to be a rear-admiral in the Navy from April 16, 1894, vice Rear-Admiral John Irwin, retired.

Capt. Joseph N. Miller, to be a commodore in the Navy from April 16, 1894, vice Commodore Joseph S. Skerrett, promoted.

POSTMASTERS.

Charles R. Pendleton, to be postmaster at Valdosta, in the county of Lowndes and State of Georgia, in the place of Abner F. Holt, removed.

William G. Goff, to be postmaster at De Soto, in the county of Jefferson and State of Missouri, in the place of Joseph Walther, resigned.

Melford G. Brown, to be postmaster at Canton, in the county of St. Lawrence and State of New York, in the place of Edwin Aldrich, removed.

George W. Drake, to be postmaster at Corning, in the county of Steuben and State of New York, in the place of George W. Pratt, whose commission expires April 22, 1894.

C. Pliny Earle, to be postmaster at Gouverneur, in the county of St. Lawrence and State of New York, in the place of Abram C. Gates, whose commission expires April 22, 1894.

David K. Falvay, to be postmaster at Westfield, in the county of Chautauqua and State of New York, in the place of W. H. Walker, whose commission expired February 6, 1894.

Patrick Guinan, to be postmaster at Lima, in the county of Livingston and State of New York, in the place of William A. Ferris, whose commission expired December 21, 1893.

Erastus F. Hall, to be postmaster at Norwood, in the county St. Lawrence and State of New York, in the place of Hollis H. Bailey, whose commission expired January 27, 1894.

George H. Kelly, to be postmaster at Middleport, in the county of Niagara and State of New York, in the place of Burt Graves, removed.

Patrick Lillis, to be postmaster at Albion, in the county of Orleans and State of New York, in the place of S. S. Spencer, whose commission expired February 14, 1894.

Kenneth D. L. Niven, to be postmaster at Monticello, in the county of Sullivan and State of New York, in the place of John Waller, whose commission expired March 20, 1894.

James P. O Brien, to be postmaster at Holley, in the county of Orleans and State of New York, in the place of Fayette A. Milliken, whose commission expired January 9, 1894.

Adelbert D. Payne, to be postmaster at Bainbridge, in the county of Chenango and State of New York, in the place of George I. Skinner, whose commission expired April 12, 1894.

Louis C. Rowe, to be postmaster at Oswego, in the county of Oswego and State of New York, in the place of John A. Place, whose commission expired March 24, 1894.

Edwin M. Slayton, to be postmaster at Port Byron, in the county of Cayuga and State of New York, in the place of Lasuvious H. King, resigned.

Caleb T. Smith, to be postmaster at Islip, in the county of Suffolk and State of New York, in the place of P. J. Hawkins, deceased.

William H. Stickle, to be postmaster at Weedsport, in the county of Cayuga and State of New York, in the place of Horatio L. Burrill, whose commission expired April 11, 1894.

Charles S. Clarke, to be postmaster at Erie, in the county of Erie and State of Pennsylvania, in the place of John C. Hilton, whose commission expired December 20, 1893.

D. Morgan Cox, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania, in the place of Nathan H. Wilson, whose commission expired April 16, 1894.

Isaac B. Williams, to be postmaster at Paris, in the county of Henry and State of Tennessee, in the place of J. T. W. Cole, whose commission expires April 19, 1894.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 14, 1894.

COMMISSIONER FOR ALASKA.

Lycurgus R. Woodward, of Ferndale, Cal., to be a commissioner in and for the District of Alaska, to reside at Unalaska.

PROMOTIONS IN THE NAVY.

Lieut. (junior grade) Roy Campbell Smith, to be a lieutenant.

Ensign George P. Blow, to be a lieutenant (junior grade).

POSTMASTERS.

Horatio Judah, to be postmaster at Port Richmond, in the county of Richmond and State of New York.

Samuel R. Welles, to be postmaster at Waterloo, in the county of Seneca and State of New York.

Frank H. Maute, to be postmaster at Lancaster, in the county of Erie and State of New York.

John D. Bills, to be postmaster at Corinth, in the county of Alcorn and State of Mississippi.

Willard L. Gillham, to be postmaster at Upper Alton, in the county of Madison and State of Illinois.

John Buckmaster, to be postmaster at Alton, in the county of Madison and State of Illinois.

Charles O. Mouton, to be postmaster at Lafayette, in the county of Lafayette and State of Louisiana.

Robert G. Howerton, to be postmaster at West Point, in the county of King William and State of Virginia.

Allen T. Frederick, to be postmaster at Allentown, in the county of Lehigh and State of Pennsylvania.

George H. Wehausen, to be postmaster at Two Rivers, in the county of Manitowoc and State of Wisconsin.

John Passage, to be postmaster at Delavan, in the county of Walworth and State of Wisconsin.

Fannie S. Williams, to be postmaster at Lexington, in the county of Rockbridge and State of Virginia.

Executive nominations confirmed by the Senate April 18, 1894.

ASSISTANT REGISTER OF THE TREASURY.

John B. Brawley, of Pennsylvania, to be assistant register of the Treasury.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 18, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. REED (before the reading of the Journal was concluded). Mr. Speaker, I would like to know whether, on the vote taken under the new rule, the names of those present and not voting are recorded.

The SPEAKER. The Chair had not an opportunity of examining the Journal until a few minutes before the meeting of the House. Those names ought to be entered on the Journal. There is an error in the RECORD. Mr. JOHNSON of Indiana, as the Chair understands, voted; and Mr. JOHNSON of Ohio answered "present."

Mr. HAUGEN. Mr. JOHNSON of Indiana was not present.

The SPEAKER. The Chair was in error. The gentleman from Indiana did not vote; and his name should appear in the list of those not voting.

Mr. REED. Why is his name put among those present but not voting?

The SPEAKER. The Chair has been trying to ascertain how that mistake occurred.

Mr. REED. I should like to know whether it is an error of the tellers or of the Clerk.

Mr. TRACEY. I think we had better go back to the old rule.

The SPEAKER. The tellers made no report—the rule did not require it—of those gentlemen who answered "present." The Chair was informed this morning by one of the reporters that this mistake occurred in the Printing Office. The Chair has no personal knowledge on the subject. He regrets that he had not an opportunity to examine the Journal earlier; he will try hereafter to have such opportunity, and will require the Journal to be finished a little earlier. The Clerk will read the names of the two gentlemen who answered "present," and they will appear upon the Journal.

The Clerk, continuing the reading of the Journal, read the names of Mr. DALZELL and Mr. JOHNSON of Ohio.

The reading of the Journal having been concluded—

The SPEAKER. If there be no objection, the Journal as read will be approved.

Mr. BURROWS. Mr. Speaker, I rise to a question of privilege connected with the RECORD.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. If the Speaker will turn to page 4663 of the daily RECORD of the proceedings of yesterday, under the head of Mr. WHEELER of Alabama, it will be observed that the gentleman from Mississippi [Mr. CATCHINGS] had the floor and yielded one minute only to the gentleman from Alabama, and if the Speaker will then take the time to glance at the length of that one-minute speech, he will see that the gentleman from Alabama was able in that time to fill more than four columns of the RECORD. I know that he is a very rapid talker, but I doubt very much whether within one minute he would be able to fill the daily RECORD from page 4613 to 4665.

Mr. RICHARDSON of Tennessee. I suggest, Mr. Speaker, to the gentleman from Michigan that the gentleman from Alabama is not in his seat, and it would be well, perhaps, to let this go over until he is present.

Mr. REED. It is his duty to be here. If we had a proper system of fines he would be here.

Mr. BURROWS. I think—I am not certain—but I think objection was made to extending remarks in the RECORD on the subject then under consideration. I was under that impression when the gentleman from Nebraska [Mr. BRYAN] had the floor and asked for an extension of time, and I objected. I do not suppose that under the rules a gentleman having the floor for one minute would have the right to extend his remarks indefinitely in the RECORD; and I think the remarks of the gentleman from Alabama [Mr. WHEELER] ought to be in some way expunged from the RECORD or the practice in such cases definitely settled. Having called attention to the matter, however, I have no objection to allowing it to go over until to-morrow morning or until the gentleman from Alabama is present. Of course if he uttered the speech as printed on the floor of the House in the one minute's time accorded him then there is no criticism to be made. If he did not, I insist he violated the rules of the House and that some action should be taken.

The SPEAKER. Objection was made to extending remarks in the RECORD, and the Chair thinks no gentleman had a right to go further than the rules permitted, which would simply be a revision of such remarks as he did utter.

Mr. BURROWS. If the Chair thinks it better to lie over——

The SPEAKER. The Chair would be glad to have it go over for the present.

Mr. BURROWS. I have no objection to that.

The Journal as read was then approved.

DEFICIENCY APPROPRIATION, NEW ORLEANS MINT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for wages of workmen and adjusters of the mint at New Orleans; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. APSLEY, for ten days, on account of important business.

To Mr. BOWERS of California, for this day, on account of important business.

To Mr. BARTHOLDT, for this day, on account of sickness.

To Mr. HOPKINS of Pennsylvania, for this day, on account of sickness.

CHANGE OF REFERENCE.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 6667) to require that vessels engaged in the fruit trade and plying between ports of the United States and those of Mexico and Central and South America and the West India Islands shall be manned by acclimated seamen, introduced on the 16th instant in the House and referred to the Committee on Interstate and Foreign Commerce, be referred to the Committee on Merchant Marine and Fisheries.

The SPEAKER. If there be no objection, the change of reference suggested by the gentleman from Louisiana will be made.

There was no objection, and it was so ordered.

BRIDGE ACROSS THE HUDSON RIVER.

Mr. DUNPHY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6448) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

The SPEAKER. The bill will be read subject to the right of objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. Is this bill the regular order for this morning?

The SPEAKER. This is a request for unanimous consent.

Mr. KILGORE. It is not necessary, it seems to me, to take these measures up now out of their regular order, inasmuch as we have rules under which we can transact business. I object.

EULOGIES ON THE LATE REPRESENTATIVE ENOCHS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit a privileged report from the Committee on Printing, upon a concurrent resolution relative to the printing of the eulogies delivered in Congress upon the late Representative Enochs.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there be printed of the eulogies delivered in Congress upon the Hon. William H. Enochs, late a Representative from the State of Ohio, 8,000 copies; of which number 2,000 copies shall be delivered to the Senators and Representatives of the State of Ohio, which shall include 50 copies to be bound in full morocco, to be delivered to the family of the deceased, and of the remaining, 2,000 shall be for the use of the Senate, and 4,000 for the use of the House of Representatives; and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said William H. Enochs to accompany the said eulogies.

The report of the Committee on Printing, recommending the passage of the resolution, was read. It stated that the estimated cost of the proposed printing is $2,625.

The resolution was agreed to.

COINAGE LAWS OF THE UNITED STATES.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit another privileged report from the Committee on Printing, upon a Senate concurrent resolution for the printing of 6,000 additional copies of the Coinage Laws of the United States.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there be printed 6,000 additional copies of the fourth edition of the document entitled "Coinage Laws of the United States, 1792 to 1894," prepared under the direction of the Committee on Finance, United States Senate, with the appendix and an index to the same; of which number 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The report of the Committee on Printing, recommending the passage of the resolution, was read. It stated that the estimated cost of the proposed printing is $2,688.

The resolution was concurred in.

IMPORTS AND EXPORTS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I am also directed by the Committee on Printing to submit a report on a House concurrent resolution, for the printing of a special report of the Chief of the Bureau of Statistics.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there be printed a special report of the Chief of the Bureau of Statistics of the Treasury Department, on the imports for consumption and the domestic exports for the years 1881 to 1894; 2,000 copies for the use of the Senate, 4,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Statistics of the Treasury Department.

The report of the Committee on Printing, recommending the passage of the resolution, was read. It stated that the estimated cost of the proposed printing is $6,500.

The resolution was agreed to.

ANNUAL REPORT OF HEALTH OFFICER, DISTRICT OF COLUMBIA.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I also submit another privileged report from the Committee on Printing, relative to the printing and binding of 1,500 extra copies of the annual report of the health officer of the District of Columbia for 1893.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Public Printer be, and he is hereby, authorized to print and bind in cloth 1,500 copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 1,050 for the use of said health officer of the District.

The report of the Committee on Printing, recommending the passage of the resolution, was read. It stated that the estimated cost of the proposed printing is $653.

The resolution was agreed to.

Mr. RICHARDSON of Tennessee. I move to reconsider the vote by which each and every one of these resolutions was agreed to, and I move to lay the motion to reconsider on the table.

The SPEAKER. The gentleman from Tennessee moves to reconsider the vote by which each and every one of these resolutions was agreed to, and moves to lay that motion on the table. Without objection, that motion will be entered in each case, and will be considered as laid on the table.

There was no objection.

COMMITTEE REPORTS.

Mr. REILLY. Mr. Speaker——

The SPEAKER. The regular order has been demanded; the Clerk will call the committees for reports.

The committees were called for reports, when bills of the following titles were severally reported, read a first and second time, and, with the accompanying reports, referred to the Calendars named below, and ordered to be printed.

BRIDGE OVER TENNESSEE RIVER, KNOXVILLE, TENN.

By Mr. GEARY, from the Committee on Interstate and Foreign Commerce, a bill (H. R. 7509) to authorize the construction of a bridge over the Tennessee River at Knoxville, Tenn.; which was referred to the House Calendar.

BRIDGE ACROSS THE MISSOURI RIVER, JEFFERSON, MO.

By Mr. GEARY, from the Committee on Interstate and Foreign Commerce, a bill (H. R. 6610) to authorize the construction of a bridge across the Missouri River at some point within 1 mile below and 1 mile above the present limits of the city of Jefferson, Mo.; which was referred to the House Calendar.

REVENUE-CUTTER SERVICE.

By Mr. MALLORY, from the Committee on Interstate and Foreign Commerce, a bill (H. R. 6723, as a substitute for the bill H. R. 6124) to promote the efficiency of the Revenue Cutter Service; which was referred to the Committee of the Whole House on the state of the Union.

The original bill (H. R. 6124) was ordered to lie on the table

OFFICERS OF THE NAVY TO ADMINISTER OATHS.

Mr. CUMMINGS, from the Committee on Naval Affairs, reported back favorably the bill (H R 6321) authorizing certain officers of the Navy to administer oaths; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. This completes the call of the committees.

ORDER OF BUSINESS.

Mr. MCCREARY of Kentucky. I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into the Committee of Whole House on the state of the Union, Mr. BAILEY in the Chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills, and the Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 6108) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895.

Mr. MCCREARY of Kentucky. Mr. Chairman, to facilitate business, also to be entirely fair to those who desire to speak, I would be glad if it could be done, to agree upon a length of time to be given for general debate before we begin to read the bill under the five-minute rule. If our friends upon the other side can agree upon any time, say an hour and a half——

The CHAIRMAN. The Chair will remind the gentleman from Kentucky that when the committee rose on yesterday evening the gentleman from Pennsylvania [Mr. GROW] was entitled to the floor; but, of course, the Chair will indulge the gentleman to reach an agreement.

Mr. MCCREARY of Kentucky. If my friend from Pennsylvania will indulge us, while we endeavor to obtain an agreement as to the length of general debate, then the gentleman from Pennsylvania will be entitled to the floor and can go on.

Mr. HITT. Mr. Chairman, the debate has not yet been opened at all on that side of the House, and I should hardly feel that I was acting justly to gentlemen on the floor before it has been opened to close debate.

Mr. MCCREARY of Kentucky. As debate has not been opened, as the gentleman says, on this side, I am willing to take the responsibility of saying that this side will agree upon any fair terms for general debate, my only desire being to go on with the bill.

Mr. HITT. I do not know of any gentleman who has requested time for debate excepting the honorable gentleman from Mississippi [Mr. HOOKER] and Pennsylvania [Mr. GROW]; but I would rather that the gentleman should agree to defer his request for the present.

Mr. MCCREARY of Kentucky. If my colleague on the committee objects, I shall not press the matter.

Mr. GROW. Mr. Chairman, on the 12th day of January, 1893, the Queen of the Hawaiian Islands, abrogating the constitution of her Government, published in its stead one of her own formation. Two days later a committee of the citizens, doing what the representatives of the American colonies did on the 4th of July, 1776, declared that their allegiance to the Government under which they had lived was at an end. Three days later a Provisional Government was proclaimed, which the United States and all other nations having representatives there recognized as the *de facto* Government for the islands. That Government has continued peaceably to exist from that time to this, with the public avowal that it represents a people desirous to cast their fortunes and unite their destinies with that of the people of the United States.

In the last days of President Harrison's Administration a treaty was negotiated with that Government satisfactory to all concerned, including the trusted agents of the dethroned Queen. This treaty was submitted to the Senate, the co ordinate branch of the treaty-making power, for its consideration, the question being what political relations would be best to subsist between that people and ours. But before any opportunity for its consideration the newly inaugurated President, instead of sending a message to the Senate with his views and recommendations, assuming to be judge and jury in the case, withdrew the treaty from the Senate, leaving nothing for its consideration or upon which it could act. Then, unbeknown to the Senate, still in session, he dispatched his own commissioner, clothed with paramount authority over the duly commissioned officers of the Navy and constitutionally appointed agents of the Government. When this commissioner lands in Hawaii he finds floating peaceably there the only emblem of political power, the flag of red, white, and blue.

Without the possibility at that time of any knowledge on his part but what it was rightfully there, and without supplanting it with any other emblem of national authority, he hauls it down, and proceeds to pay his respects to the dethroned Queen, who, in violation of her official oath, had attempted to assume arbitrary, despotic power, and who, by the declaration of the President in his message to Congress, was too bloodthirsty to amnesty her revolted subjects as a condition of her own restoration to power. This was the first act of the Administration in its crusade for the resurrection of a defunct monarchy.

The next act was to send a duly appointed and commissioned agent of the United States, hat in hand, to congratulate the representatives of this newly formed Government, while concealing his secret instructions to plot with the deposed Queen a conspiracy for their overthrow. When this conspiracy was ripe for execution, this agent, in the name of the President of the United States, demands that the new-born republic abdicate its powers and, kneeling in abject submission at the foot of her restored throne, kiss the extended hand of this dusky Queen. The fitting and proper answer to the agent of such a demand would have been: Take your passport and return to your master, nevermore to set foot in Hawaii, for its soil henceforth forever is consecrated to freedom.

When African slavery, inwoven for two centuries into the very texture of society in almost half of the Republic, vanished in the expiring flames of civil war, and the martyr President, sealing with his blood the emancipation of a race, bore four millions of broken coffles to the throne of eternal justice, it was the universal thought that at last the time had come when the Goddess of Liberty could rear her altars without shuddering at the clank of the chain riveted by her professed votaries. And that henceforth, wherever on the earth's broad surface wrong should be done to bleeding humanity, every American heart would beat in sympathy, and, if powerless to do aught else, would drop a tear over the sad fate of the oppressed. In that hour of jubilation it would have been beyond the possibility of belief that the time could ever come when a Chief Magistrate of the Republic, on being clothed with full administrative powers would, almost as his first act, send the war ships and revenue cutters of the nation, with threatening guns, plowing the waste waters of a wide ocean, to remand back a liberty loving people to the despotic, half-civilized rule from which they had escaped. [Applause.]

Is it for this generation to reverse the glorious traditions of our history, and turn back the hands on the dial plate of human progress? Almost half a century ago Webster, then Secretary of State, in replying to complaints of Austria on our conduct relative to the Hungarian revolution, said in his letter to Chevalier Hülseman, "These States can not fail to cherish always a lively interest in the fortunes of nations struggling for institutions like our own." And President Fillmore, in his message to Congress on the same subject, said: "This country can not remain indifferent when the strong arm of foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country." In the first year of this Administration we have seen our own Government converted into the strong arm of foreign power to stifle the spirit of freedom in a far-off people struggling for institutions like our own, and to repress at home the sentiments of that generous patriotism which ever beats responsive to the claims of universal liberty

Another chapter in the history of our relations with foreign nations was written within the memory of most of this generation. Martin Koszta, a soldier in the Hungarian army led by

Louis Kossuth in its unsuccessful revolt against Austrian despotism, came, a friendless exile, to this country, and in its courts declared his intention to become an American citizen. Afterwards returning to Turkey and while on its territory, though contiguous to that of his former home, he was seized and carried on board an Austrian man-of-war moored in the bay of Smyrna, to be transported thence to incarceration in Austrian dungeons or to cruel death on its soil. Anchored near by was a small armed vessel with the Stars and Stripes floating at its masthead. Its commander, Capt. Ingraham, notified in person the commander of the Austrian man-of-war, on the morning it was supposed it might sail, that Martin Koszta must be set at liberty before 4 o'clock of that day, or he would open fire upon his ship and its two armed consorts.

As soon as Capt. Ingraham returned to his own vessel he ordered its decks cleared, and opening its portholes, manned its guns. But before the declining sun touched the western horizon Martin Koszta was placed on shore again a free man, though in chains. The first dispatch from our State Department sent to the American minister at Constantinople and to Capt. Ingraham was an indorsement and cordial approval of their acts. Had this Administration been in power, judging by its conduct in Hawaii, Capt. Ingraham would have been directed to look up Koszta and return him to the Austrian man-of-war, with a humble apology for his hasty act in violating the international law of kingly governments. The difference between that time and this is, William L. Marcy of the State of New York, a Democrat of the old school, was then Secretary of State, and every doubtful act or disputed fact in our intercourse with nations was construed in favor of liberty.

Now, every doubtful act or disputed fact is construed in behalf of a fallen monarchy overthrown by its liberty-loving subjects. The American people owe it to themselves, by the love they cherish for liberty and free institutions, by the gratitude they owe the fallen heroes who died "that government by the people for the people should not perish from the earth," to make this perfidy in double dealing with a friendly power; this infidelity to the spirit and genius of free institutions; this recreancy to liberty and the inalienable rights of mankind, so odious that no future servant of the great Republic will ever dare in all coming time repeat any such act.

Liberty, on trial in the forum of nations, is entitled to what every court of justice in Christendom grants to the meanest criminal at its bar, the benefit of all doubts. [Applause.] Wherever the standard of liberty is reared on the ashes of a throne, I care not how, provided it is surrounded with stout arms and brave hearts sufficient to keep it in position, it is entitled to the coöperative sympathy of every lover of universal liberty. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCCREARY of Kentucky having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 1134) to create the southern judicial district of the State of Texas and to fix the times and places of holding courts in said district and in the eastern and western judicial districts of said State; in which the concurrence of the House was requested.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 6556) "to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. COCKRELL, Mr. BRICE, and Mr. HALE as the conferees on the part of the Senate.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee again resumed its session, Mr. BAILEY in the chair.

Mr. MCCREARY of Kentucky. When the diplomatic and consular appropriation bill was called up I briefly explained its provisions and endeavored to state the policy which had been pursued by the Committee on Foreign Affairs in its preparation, and I did not expect to speak again in the general debate; but my distinguished friend from Illinois [Mr. HITT], in his speech on yesterday afternoon, and the gentleman who has just taken his seat [Mr. GROW], have spoken on subjects outside of the bill, and so have made it perhaps proper that I should again briefly address the committee.

I have listened with pleasure to my distinguished friend from Pennsylvania [Mr. GROW] in the first address that I have had an opportunity to hear him deliver in this House since his late election, and I was glad to have the pleasure of hearing his views on the subject on which he spoke. But, Mr. Chairman, the Hawaiian question is regarded by me as *res adjudicata*.

When the distinguished gentleman from Pennsylvania was perhaps making his canvass in that State the Hawaiian question was considered and discussed in the House of Representatives for five days, and during the heat of his canvass it may have escaped the attention of my distinguished friend. I shall simply dismiss that subject now by reading for his benefit the action of the House of Representatives when that question was under consideration. The House adopted by a majority of 99 the resolutions which I now read:

Resolved, first. That it is the sense of this House that the action of the United States minister in employing United States naval forces and illegally aiding in overthrowing the constitutional Government of the Hawaiian Islands in January, 1893, and in setting up in its place a Provisional Government not republican in form and in opposition to the will of a majority of the people, was contrary to the traditions of our Republic and the spirit of our Constitution, and should be and is condemned.

Second. That we heartily approve the principle announced by the President of the United States, that interference with the domestic affairs of an independent nation is contrary to the spirit of American institutions. And it is further the sense of this House that the annexation of the Hawaiian Islands to our country, or the assumption of a protectorate over them by our Government, is uncalled for and inexpedient; that the people of that country should have absolute freedom and independence in pursuing their own line of policy, and that foreign intervention in the political affairs of the islands will not be regarded with indifference by the Government of the United States.

That is all I desire to say on the Hawaiian question.

Mr. Chairman, the gentleman from Illinois [Mr. HITT] in his speech on yesterday traveled far outside of the diplomatic and consular appropriation bill. The first point made by him was that he objected to that provision in the bill which appropriates only $150,000 "for contingent expenses of United States consulates." And the gentleman seemed very regretful that we had not appropriated for that purpose $200,000. I call his attention to the fact that he was chairman of the Committee on Foreign Affairs for two years in the Fifty-first Congress: and the answer to his statement is, that if he believed there should be $200,000 appropriated for contingent expenses of our consulates, he should at that time have brought in a bill to that effect. The Congress of the United States has for many years been appropriating but $150,000 in each appropriation bill for contingent expenses of United States consulates. The amount has never exceeded $150,000; and I do not understand where the necessity is now for raising the appropriation to $200,000.

Mr. VAN VOORHIS of New York. May I ask the gentleman a question?

Mr. MCCREARY of Kentucky. Yes, sir.

Mr. VAN VOORHIS of New York. Does the gentleman think that $150,000 is enough?

Mr. MCCREARY of Kentucky. I do. It has been the amount appropriated each year for years.

Mr. VAN VOORHIS of New York. Does not the gentleman think there will have to be a deficiency appropriation of at least $50,000?

Mr. MCCREARY of Kentucky. I do not.

Mr. HITT. I would like to remind the gentleman that last year the present Secretary of State, who was making strenuous efforts at economy, and who did reduce the contingent expenses for consulates a good many thousand dollars, was still forced to expend $196,000 for this purpose; and he stated——

Mr. MCCREARY of Kentucky. I do not think it will be necessary to expend more than $150,000 for this purpose during the next fiscal year; I hope this appropriation will be sufficient.

Now, Mr. Chairman, I shall not dwell on the point made by my friend from Illinois in favor of increasing the amount to be allowed for contingent expenses of consulates, when in all the years of the past we have found $150,000 enough, and when the distinguished gentleman from Illinois himself, while chairman of the Committee on Foreign Affairs for two years, believed this sum enough and reported only $150,000 each year.

The next point to which I desire to call the attention of the House is that the gentleman from Illinois, in a most lugubrious manner, referred——

Mr. CANNON of Illinois rose.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. MCCREARY] yield to the gentleman from Illinois [Mr. CANNON]?

Mr. MCCREARY of Kentucky. I prefer not to be interrupted at this time.

The gentleman from Illinois [Mr. HITT] referred in a most lugubrious manner to the action of the Assistant Secretary of State, Mr. Quincy. There is always a wail of sorrow that goes up from Republicans when Republicans are turned out of office and Democrats put in. If I had the power I would increase that wail of sorrow, because I believe that the party in power, whether it be the Democratic or the Republican party, should be represented in all the offices by the men who reflect the

views of the dominant party. [Applause on the Democratic side.]

Mr. HITT. Will the gentleman permit me a single remark, for I know he would not misrepresent me? I made no criticism myself as a Republican upon the gentleman named; I merely cited two eminent Democrats who criticised him.

Mr. McCREARY of Kentucky. I come to the gentleman's statement. He said yesterday in his speech that Mr. Quincy came to Washington with a newspaper announcement of his character which attracted his attention: and he read that newspaper announcement, and then the distinguished gentleman from Illinois [Mr HITT] said:

"Mr. Quincy has been allowed a debauch among the consulships He has sent out to look after our trade in the uttermost ends of the earth the usual quota of broken-down men and ignorant editors.

When the gentleman said "the usual quota of broken-down men and ignorant editors" he criticises appointments made by Republican administrations. I am surprised.

Mr. HITT. I read those words from the New York Evening Post, the great and intelligent organ of the Democracy of that State. [Laughter and applause on the Republican side.]

Mr. McCREARY of Kentucky. If the gentleman will read what he said on yesterday, he will find that those words are not taken from the New York Post.

Mr. HITT. I beg the gentleman's pardon. Those are the words I quoted and read from that paper.

Mr. McCREARY of Kentucky. Well, it is not so printed here. But whether the gentleman read from the New York Post or any other paper is immaterial for the purpose now in hand. The gentleman desired to bring the administration of Mr. Quincy, as Assistant Secretary of State, into disrepute, and I desire to say here that Mr. Quincy, as Assistant Secretary of State, discharged his duty faithfully and efficiently; that he stands before the people of Massachusetts and before the people of the United States as a man honorable, able, and efficient in the discharge of his duty.

Mr. WARNER. Will the gentleman allow me a moment?

Mr. McCREARY of Kentucky. Yes.

Mr. WARNER. With the assent of the gentleman from Kentucky, Mr. Chairman, I beg his permission to correct what I believe to be an act of injustice done by him to the distinguished gentleman from Illinois [Mr. HITT], for upon hearing the gentleman from Illinois on yesterday I understood, and I am sure that everybody on this side at least understood, that the remarks of the gentleman to the effect that Mr. Quincy had sent out to look after our trade in the uttermost ends of the earth "the usual crowd of broken-down politicians and ignorant editors" was not intended so much as a partisan attack upon the present Democratic Administration as it was a reference to the usual practices which prevailed under the Administration just preceding it——

Mr. McCREARY of Kentucky. I did not yield to the gentleman for a speech.

Mr. WARNER (continuing). And the gentleman from Kentucky, instead of criticising the gentleman from Illinois, ought, it seems to me, to have complimented him upon the frankness and candor of the admission thus involved. [Derisive laughter on the Republican side.]

Mr. CANNON of Illinois. Now, if the gentleman from Kentucky will allow me——

Mr. McCREARY of Kentucky. Mr. Chairman, I think I must decline to be interrupted further.

The CHAIRMAN. The gentleman from Kentucky declines to be interrupted.

Mr. McCREARY of Kentucky. The gentleman from Illinois [Mr. HITT], having I believe once been an Assistant Secretary in the State Department, knows well what kind of consuls were appointed at the time that he was connected with the State Department. He knows what class of men were appointed during the years the Republican party had power to appoint the consuls in our foreign service.

He had many opportunities, as a member of Congress for more than ten years while his party was in power, and for a part of which time he was chairman of the Committee on Foreign Affairs, to correct the errors of the consular service. He was the chairman of the committee which had charge of the matter, and if he had regarded the consular service as inefficient, if he believed that there were changes that should have been made, he had an opportunity to attempt to correct them, and had also the experience, learning, and ability which he had acquired in connection with that service as an officer in the State Department.

I think there is no doubt that the appointees since the new Administration came in will compare very favorably with those who were engaged in the same service under the preceding Administration. But I must differ with some gentlemen who have been writing in the newspapers and magazines upon this subject.

I have studied the consular service for ten years. I had an opportunity of traveling over Europe, and so far as I met the consuls appointed under a Republican Administration and so far as I met those appointed under a Democratic Administration, I found them good men, faithfully and efficiently discharging their duties.

I have said, and the distinguished gentleman from Illinois on yesterday referred to it, that I believe there should be a revision of the laws regulating the consular service. It has been many years since the present law was enacted. It was made, I believe, in 1856, and amended very often since that date. A commission should be appointed, composed of gentlemen who have given thorough study and consideration to the subject, and those gentlemen should prepare a bill revising the whole system—regulating salaries; regulating the duties; regulating the list of consulates.

The gentleman from Illinois [Mr. HITT] yesterday referred to an appointment that had been made in the diplomatic service. It seemed to grieve the gentleman from Illinois very much that the President of the United States should have nominated Mr. Van Alen for ambassador to Italy. No man has ever yet questioned the fact that Mr. Van Alen was, in education, in experience, in Democracy, a man that was suitable for the position of ambassador to Italy. When his name was sent to the Senate of the United States it was promptly confirmed by Republicans and Democrats. But the gentleman from Illinois says that there was a charge alleged against him that he had contributed to the campaign fund, and on that account should not have been nominated.

Mr. HITT. I did not say that there was a charge of that kind. I simply stated that it was an admission or statement of Mr. Van Alen himself.

Mr. McCREARY of Kentucky. Mr. Van Alen denied, and so did Mr. Whitney and other members of the Democratic National Committee, that he ever contributed one dollar under an agreement or with the expectation of receiving an appointment in the diplomatic service, or receiving any other appointment.

Mr. HITT. They did not deny the payment.

Mr. McCREARY of Kentucky. Mr. Van Alen may have contributed a certain amount of money to the campaign fund, and if you will find me among the Republicans that are able to do so a man who does not contribute when the time comes, as some of your distinguished men have said, when "the fat should be fried out of them" in order to carry on the canvass, then I will find you a Republican whom you will not honor often with office.

Mr. Chairman, Mr. Van Alen was an honorable, high-toned gentleman, who believed, as did the able and patriotic President who nominated him to the Senate, that "a public office is a public trust;" and when the Senate of the United States confirmed him he declined to accept an office that had a taint of suspicion, in the breast even of a Republican, that anything improper had been done.

Now, let us compare Mr. Van Alen with a Republican officer. I shall not refer to all the methods that have been used by Republicans in elections in the various States of the United States. I simply desire to place in contrast with Mr. Van Alen the name of John Wanamaker, Postmaster-General under the late Republican Administration.

I have nothing to say against Mr. Wanamaker as a citizen and a merchant, but I do say that up to the time he was made Postmaster-General he was not known as a leader in the Republican party; he had never made himself conspicuous either for intelligence or patriotism. He was not a prominent Republican. He had never been honored with any office by his party in the State of Pennsylvania. He never came into notice until the papers all over this country published him as a man who had raised $400,000 as a campaign fund, or a corruption fund, to be used to elect Mr. Harrison. And when the election was over, and it was mentioned in the papers that he would be tendered the position of Postmaster-General, it was believed by many that the taint of suspicion, the notoriety he had acquired as a man who had furnished $400,000 to elect President Harrison, would prevent him from accepting the position of a Cabinet officer. He had never been spoken of as Cabinet material up to that time, and yet we find, in contrast to the way in which Mr. Van Alen acted, that John Wanamaker accepted the office of Postmaster-General, and held the office for four years. But this is not all. He not only accepted the office, but the office was made the means of advertising the clothing house of John Wanamaker all over the United States.

Mr. Chairman, I preferred to confine the debate to the pending bill, but it is not my fault that the debate has taken a wide range.

Mr. VAN VOORHIS of New York. Will the gentleman allow me to ask him a question?

Mr. McCREARY of Kentucky. Yes.

Mr. VAN VOORHIS of New York. Was not the resignation of Mr. Van Alen a confession of the truth of the charges against him?

Mr. McCREARY of Kentucky. It was not. It was not a resignation, but a declination. The declination of Mr. Van Alen was one of the highest evidences of that honor and of that gentility which should characterize a gentleman who desires to go into office, if he goes at all, with his record unsullied.

Mr. Chairman, my colleague on the committee, the gentleman from Illinois [Mr. HITT], referred to another subject, which I desire briefly to discuss. It has been said by some that our consular service can be benefited and improved by putting it under the civil-service law. I am opposed to placing our consular system under civil-service rules. The most suitable persons for the consular service can not be selected under civil-service rules, in my opinion. There are elements which go to make up a good consular officer which could not be ascertained and determined by a civil-service examination. We should not inaugurate a consular aristocracy to hold office for life. We want no permanent class of consuls representing our country in the various commercial cities of the world. We want no permanent class of officers residing permanently abroad and giving up entirely their interest in our people, our business, and our Government.

The representatives of our Government, whether they be diplomats or consuls, should belong to the political party which at that time is dominant in our country. Our consular service would be rendered very unpopular if placed under the civil service rules, and the success of the system would be greatly endangered. Nearly forty years have passed since the present general law on "consuls and the consular service" was enacted. A commission should be appointed to revise these laws, and in this manner I believe our consular system could be improved.

Mr. ADAMS of Pennsylvania. Mr. Chairman, my distinguished friend from Kentucky has remarked that he thought the gentleman from Illinois [Mr. HITT] had wandered from the propriety of this debate by talking about one of the appointments of the President to a foreign mission; and I suppose that, probably thinking that two wrongs make a right, he at once retorts by attacking a Cabinet officer of the former Administration. I am placed in the awkward position of knowing and respecting both these gentlemen; but when men are in public life and occupy public positions their records and their fitness for the positions to which they are appointed become fair subjects of criticism.

Mr. Wanamaker has been accused by the chairman of the Committee on Foreign Affairs with raising money, instead of giving it personally, like Mr. Van Alen, and on that account he was appointed to the honorable position which he held.

Mr. McCREARY of Kentucky. I desire to interrupt my friend at that point. I know that he does not desire to do me an injustice. I say that was said of him, and published in the papers.

Mr. ADAMS of Pennsylvania. Very well, sir; the gentleman from Kentucky says that it was said of Mr. Wanamaker and published in the newspapers, and I accept his amended statement. Mr. Wanamaker did what any citizen of the United States has the right to do, when he sees that the doctrines and the policy of the opposite political party threaten not only his individual business, but all the industries of the entire State of which he has the honor to be a citizen, and when he sees that, owing to the practice of the opposite party, who encourage rich men to give contributions in order to get honorable social positions abroad, he goes forth to the manufacturers and business men of the Commonwealth of Pennsylvania, and with perfect propriety asks for subscriptions to neutralize those presenting contributions for the sake of obtaining social distinction.

That is what Mr. Wanamaker did, and that is what he deserves credit for; and there never was a suggestion that it was done for any other purpose than to defend the great doctrine of protection to American industries. After the victory of the Republican party on that principle, the President of the United States elect looked around for a fitting person to occupy a most honorable position in the Government. He did as other Presidents had done; he looked among the business men who had proved by their ability, and especially by the characteristic for which Mr. Wanamaker is particularly distinguished—executive ability—their fitness for the position. Mr. Wanamaker had controlled the largest retail mercantile establishment in the United States, and in that business had employed a greater number of persons than are employed in any other similar place of business in the country, and he had conducted that great establishment with conspicuous success.

Was it any wonder, then, that President Harrison, exercising that judgment for which he is known throughout the length and breadth of this land, should have turned to Philadelphia and called her leading merchant to fill the position of Postmaster-General, a position requiring the highest executive ability? And, Mr. Chairman, that was the reason that John Wanamaker was called here and made Postmaster-General of these United States, and not because he had seen fit as a citizen to raise subscriptions for the campaign fund. His success in the office justified his selection.

Now, Mr. Chairman, as I have already said, I am placed in the awkward position of being compelled to draw a comparison between this case and that of Mr. Van Alen. Mr. Van Alen was absolutely unknown, except socially. Mr. Van Alen was compelled to admit that he had never voted. It was not until he saw a chance to improve his social position that he sought that honorable appointment.

Our diplomatic service suffers enough from political appointments in recognition of party services, without such appointments being made simply for social reasons. When the wagons of John Wanamaker were traveling through the streets of Philadelphia supplying good to his customers, Mr. Van Alen was "tooling" his four-in-hand and his tandem down Bellevue avenue in Newport. [Laughter.] When Mr. Wanamaker was doing everything he could by his personal exertions to advance the public interests of the State of Pennsylvania, Mr. Van Alen was living in England and educating his sons at foreign colleges. When Mr. Wanamaker was laboring for advancement of public and private morality in his native State, Mr. Van Alen was fooling away his time in social life and building a house in Newport where he burnt candles and refused to introduce gas, because candles were "so English, you know." [Laughter and applause.]

So, Mr. Chairman of the Committee on Foreign Affairs, you took an unfortunate step when you undertook to make a comparison between John Wanamaker, a man of the people, and Mr. Van Alen, an aristocrat of the aristocrats. And, Mr. Chairman, it is a curious anomaly that the party which bears the name of Democrat, which calls itself Democratic, should choose to champion an aristocrat, while the Republican party stands by the man of the people. This debate has wandered, but it is necessary that it should do so when comparisons are drawn between the appointments to office of the Republican party and the appointments of the Democratic party. It is necessary, when such comparisons are made, that the facts shall be plainly and baldly stated, that they may go forth to the people and let them decide which party is the more careful, the more wise, the more judicious in its selection of public officers. [Applause on the Republican side.]

Mr. HOOKER of Mississippi. Mr. Chairman, I remarked on yesterday after my friend from Illinois [Mr. HITT] had concluded his speech that it had not been my purpose to say anything in reference to this bill. It is the bill making the usual and customary appropriations for the support of our representatives abroad, diplomatic and consular. I do not know that the honorable gentleman from Illinois objected to any but a single clause in the bill, the appropriation for contingent expenses of the consulates, which he complained had been cut down from $200,000 recommended by the Secretary of State, to $150,000. That was the only criticism, the only objection, that my honorable friend made, and I do not suppose that he has any other. This bill has been reported by the Committee on Foreign Affairs for the support of our representatives in foreign ports, and of our consular system, connected with our commercial relations with all the countries of the world.

This diplomatic and consular service, Mr. Chairman, is a matter that has recommended itself to our Government from the time when our first representative was sent abroad to the courts of Europe, and if the service has not grown into a methodical and regular system, as the gentleman from Illinois says it has not, it has at least given us a representative at the capital of every organized government throughout the world; and, so far as being a system which can be challenged for inefficiency, I think it may be said to be so efficient that it gives ample protection to our citizens wherever they go, and wherever our flag floats. In addition to that it gives to our commerce with all countries of the world that protection which is afforded by the residence of our American consuls.

Our consular system has increased our commerce with all the nations of the earth, and more especially has it increased our commerce with those countries in Central and South America that lie so contiguous to us, and are united to us not only by the ties which bind together peoples who live under practically the same form of government, but also by the bonds of trade and commerce. I do not think, therefore, that my honorable friend from Illinois, who is usually so fair and just and conservative, selected wisely the bill upon which to make a political speech,

and I was somewhat surprised when he undertook to cite as an instance of the power and the policy of the English nation the fact that in far-off Abyssinia, when a British consul and British subjects had been imprisoned, an army of 32,000 men had been gathered together and sent there to protect them. My honorable friend might have found a more relevant instance of action on the part of the British Government, that government which gives protection to its citizens wherever they go and into whatever foreign land commerce or trade or pleasure may call them—he might, I say, have found a much more pertinent illustration of the foreign policy of that government in its action in 184 in reference to these very Hawaiian Islands to which my friend referred in terms commending our representative there under a former Administration and condemning the policy of the present Administration. In 1843 the regular British consul at the Hawaiian Islands had left the consulate and had appointed a man to act in his stead. This consul had litigation with the subjects of the Hawaiian Government, and being unwilling to await the tardy operation of the courts, he appealed to Lord George Paulet, commanding a British cruiser on the Hawaiian coast, to come to his aid, and the commander did so, and hauled down the Hawaiian flag and hoisted the British flag.

When that action was made known in England, and when the commander of the Pacific coast squadron was informed of it, he sailed into the port of Honolulu and required Sir George Paulet to go on shore, haul down the British flag, and hoist again at every point the Hawaiian flag. And, Mr. Chairman, it was an honor to that great nation from which we borrow our language and most of our laws, it was a credit to that great power that, instead of availing itself of the improper action of one of its officers, it rebuked that action, as the admiral of the squadron did rebuke it by requiring Sir George Paulet to haul down the British flag and to hoist again the Hawaiian flag and salute it.

That, Mr. Chairman, was an instance that might fitly have been referred to by my honorable friend from Illinois as illustrative of the disposition of the Government of Great Britain, while protecting every British citizen in all his rights, to do justice, and especially to do justice to a weaker nation. That action, however, was in full keeping with the policy which we had adopted towards those islands, for in the early history of this country, while Daniel Webster was Secretary of State, he wrote a letter upon the subject of the attitude of the United States toward the Hawaiian Islands. I will embody that letter in my remarks.

Mr. HITT. Is that the Hulseman letter?

Mr. HOOKER of Mississippi. No, sir; this is a letter in reference to Hawaiian matters. It is as follows:

DEPARTMENT OF STATE, *Washington, March 28, 1843.*

SIR: The course adopted by this Government in regard to the Sandwich Islands has for its sole object the preservation of the independence of those islands and the maintenance by their Government of an entire impartiality in their intercourse with foreign states. The United States desire to exercise no undue influence or control over the government of the islands, nor to obtain from it any grant of exclusive privileges whatever. This was solemnly declared in the President's message to Congress, and it is declared also in the instructions given to Mr. Brown, of which you will receive herewith a copy.

The President would exceedingly regret that suspicion of a sinister purpose of any kind on the part of the United States should prevent England and France from adopting the same specific, just, and conservative course towards the Government and people of this remote, but interesting group of islands.

I am, sir, etc.,

DAN'L WEBSTER.

EDWARD EVERETT, Esq., etc.

This was addressed to our minister at London, Mr. Edward Everett; and Mr. Everett, at the suggestion of Mr. Webster, then Secretary of State, brought about a meeting between the French minister at London and the English minister, which finally led to an agreement, which I will read:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, taking into consideration the existence in the Sandwich Islands of a government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage, reciprocally, to consider the Sandwich Islands as an independent state, and never to take possession, either directly or under the title of protectorate, or under any other form, of any part of the territory of which they are composed.

The undersigned, Her Majesty's principal secretary of state for foreign affairs and the ambassador extraordinary of His Majesty the King of the French at the court of London, being furnished with the necessary powers, hereby declare in consequence that their said majesties take reciprocally that engagement.

In witness whereof the undersigned have signed the present declaration, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 28th day of November, in the year of our Lord 1843.

[L. S.] ABERDEEN.
[L. S.] ST. AULAIRE.

So it will be seen that the course pursued by Mr. Webster, as Secretary of State, resulted in this agreement to which we are a party. Now, my distinguished friend enters into high laudation of the acts of Minister Stevens, and says that our Government ought to have sustained him, and that it is ignominious and cowardly not to sustain your minister abroad when he is assailed. Who first assailed Minister Stevens? Whence did he receive his first rebuke? It was from the Secretary of State under the Harrison Administration, Mr. Foster. Mr. Stevens had written to Mr. Foster under date of January 18, 1893:

LEGATION OF THE UNITED STATES,
Honolulu, January 18, 1893 (via San Francisco).

Events in Hawaii in the past few days have moved rapidly. An entire overthrow of the Hawaiian monarchy, and the establishment of a provisional government in the interest of the whole people of the islands, without the sacrifice of a single life.

The new Government is in full possession of the islands, and was promptly recognized by all the diplomatic representatives. The four men of whom it is composed are of high character, one of whom resigned his position as one of the supreme judges to assume the place. Full dispatches by the mail leaving Honolulu to-day by special steamer.

STEVENS, *United States Minister.*

What was the reply of Mr. Foster, the then Secretary of State? I read his reply. It was this:

The phraseology of your proclamation in announcing your action of the assumption of protection of the Hawaiian Islands in the name of the United States would appear to be tantamount to an assumption of a protectorate over those islands in behalf of the United States, with all the rights and obligations which the term implies. To this extent it goes beyond the necessities of the situation and the instructions heretofore given you.

Now, where does Mr. Stevens stand by the declaration of the Harrison Administration? He stands where he ought to stand, condemned by the letter of Mr. Webster, condemned by the action of Mr. Everett, condemned by the agreement which I have cited, and condemned by the enlightened sentiment of America without reference to politics. He had assumed to send a treaty here, and the honorable gentleman from Illinois says that treaty was one that ought to have been accepted, and he reflects upon the President of the United States for withdrawing it from the Senate. What did that treaty propose? It proposed that the whole debt of the Hawaiian Government, amounting to over $3,000,000, should be assumed as a preliminary step.

It proposed that the Queen should be given an annuity and that the heir of the Queen, residing in England, should be provided for by an annual stipend. That was the treaty which was sent by Mr. Harrison to the Senate of the United States; and those were the conditions under which it was to be considered. The present President of the United States, when he came into office, finding that to be the condition of affairs, proposed to act at least with as much justice as England had done when her officer had assumed improper control; and he withdrew that treaty from the consideration of the Senate and refused to submit it afterward.

I venture to assert that there is not an enlightened, well informed man on either side of this Chamber who will deny that the rebuke of Secretary Foster, the Republican Secretary of State, was well deserved by Mr. Stevens, and that the action of the present President of the United States was right in withdrawing a treaty which proposed under the flag of the United States to perpetrate this outrage upon a weak and friendly power.

Not only that; but subsequently to that action, it was said, this was a bloodless revolution and had been achieved without the loss of a life. But it seemed to have been a very ineffectual one for the purpose of giving security to the people of the Hawaiian Islands; for long afterward Mr. Stevens wrote a letter at the instance of this Provisional Government to the officer commanding one of our cruisers of the Pacific squadron in Honolulu Sound, asking him to hoist the American flag in order that he might give stability to this Government.

When the President of the United States sent, as he had a right to do, his commissioner there, and he found the flag of the United States flying over those Hawaiian Islands at Honolulu, he directed the flag to be hauled down and that the marines be returned to the vessel to which they belonged. This was done. Was it wrong? What right had they to exist under the flag of the United States? And the President was careful to say that he remitted the consideration of that question to the Congress of the United States, where it belonged. Was it not a proper act, therefore, to endeavor to restore the condition of affairs when Mr. Stevens had so far exceeded his official authority that the Republican Secretary of State had to rebuke him for what he did? Was Mr. Foster right or was Mr. Foster wrong?

The truth is that Mr. Stevens had landed the troops to effect the revolution. The truth (and it can not be concealed) is that Mr. Stevens hoisted the American flag over the islands of Hawaii some fifteen or twenty days after this peaceful revolution had been accomplished—showing that it was accomplished alone by the presence of the troops of the United States—showing that law and order could be maintained alone by the hoisting of our flag. If England, that great territory-acquiring country, whose flag floats over the world, could afford to rebuke her own officer and haul down her flag and hoist the Hawaiian flag as it was her duty to do under the solemn agreement she had made

with France and the United States, was it not equally the duty of the United States to say that the flag of our country should not be desecrated by being used to take possession of property which belonged to a friendly power? And was it not the duty of our minister to restore those marines to the vessel to which they belonged?

Now, when was this quasi-military occupation of the Hawaiian Islands to be abandoned? When did they intend that this protectorate thus established should cease? I say that my honorable friend from Illinois has undertaken to discuss a subject which this House settled by its resolution passed sometime ago; and I had hoped that this matter would not be heard of again. In the discussion, however, of this bill he seems to think it necessary that the question should be reopened.

Mr. VAN VOORHIS of New York. Will the gentleman allow me a question?

Mr. HOOKER of Mississippi. Yes, sir.

Mr. VAN VOORHIS of New York. Is it still the purpose of the Administration to restore the Queen to the throne of the Hawaiian Islands?

Mr. HOOKER of Mississippi. I imagine not. I have had no conversation with the Administration on this subject. I am simply speaking here from general knowledge.

Mr. VAN VOORHIS of New York. What, then, is the point of the gentleman's argument?

Mr. HOOKER of Mississippi. I think it very likely the President is going to leave you and the other members of Congress to determine this question. You have determined it. The thing has been settled: the vote has been taken, so far as this House is concerned: and it seems to me my honorable friend from Illinois ought to have regarded this as a settled matter and ought not to have reopened it here. But as he has reopened it, justice to the Administration, justice to our duty as a friendly power toward a weak government with which we were connected, demands that I should make this vindication of the action of the Administration.

Mr. VAN VOORHIS of New York. Can my colleague on the committee tell us just when the Administration changed its mind in regard to restoring the Queen to the throne?

Mr. HOOKER of Mississippi. In regard to the mind of the Administration I do not know anything more than the gentleman does, except from what has occurred. Everything has been published. Every instruction to the minister who was sent out there—Mr. Blount—has been acted on; and the present minister is now acting under the instructions of the Administration; and I take it for granted we shall leave to the people of Hawaii the right to work out their own salvation. And that is the position the President took in his message which he sent to the House and which the House acted on in determining this question.

Mr. VAN VOORHIS of New York. Will my colleague on the committee be willing to leave this Provisional Government in absolute and undisturbed possession of the country which it acquired by a conspiracy on the part of an American minister and that was sustained by American soldiers?

Mr. HOOKER of Mississippi. I do not think it ought to be. Would you be willing that it should so continue?

Mr. VAN VOORHIS of New York. No; but I want to ask the gentleman——

Mr. HOOKER of Mississippi. Well, you are a member of Congress. You had a right as a member of Congress to decide the question. It was so decided by a vote of this House.

Mr. VAN VOORHIS of New York. I know. It is not true, however, that that was the case.

Mr. HOOKER of Mississippi. Ah! Well, perhaps you are one of the parties who are responsible to some extent for the condition that prevails. But I say the matter has been determined by a vote of this House and ought to remain determined.

Mr. VAN VOORHIS of New York. Will the gentleman allow me to say just this——

Mr. HOOKER of Mississippi. I must decline to be interrupted.

Mr. VAN VOORHIS of New York. I wish to say to the gentleman——

The CHAIRMAN. The gentleman from Mississippi says he declines to be interrupted.

Mr. HOOKER of Mississippi. I have yielded, Mr. Chairman, as much as I can yield to interruptions.

There is another matter which my honorable friend from Illinois [Mr. HITT] referred to, which is also equally inexplicable, and which has no relevancy to the question under consideration. I allude to that part of the remarks of my distinguished friend which referred to a certain foreign appointment made by the President of the United States in the early part of his Administration. The gentleman alluded to the appointment of a distinguished citizen of the State of Rhode Island by the name of James J. Van Alen.

I venture to assert that there is not a member on the floor of this House from the State of Rhode Island, whether he be a Democrat or Republican, that would not agree with some other very distinguished Republicans on the other side that Mr. Van Alen is one of the most accomplished men in the State of Rhode Island; and so far from deserving to be condemned and depicted in the language used by my eloquent friend from Pennsylvania [Mr. ADAMS] as simply a man of fashion and without brains, he is regarded by two such men as Senator ALDRICH of Rhode Island and Mr. Stoddart, who, I understand, is a leading manufacturer of Rhode Island, as a man of a high order of ability and most eminently qualified to represent this Government in the important capacity to which he had been assigned. And there are no two men in that State who can speak from a better and more thorough knowledge of the facts than these two gentlemen.

So far as his fitness for the position is concerned, we have first the action of the President of the United States in making the appointment, and the further affirmation of his fitness for the position by the fact that he was immediately confirmed by the Senate of the United States. These recommendations are usually considered in our country as being perfectly good ones for any man. And I have not heard of anybody in this country who has exhibited more delicacy of feeling, more indisposition to take official position with even a suspicion of wrong than he; because in the face of his appointment and confirmation, when these reports grew up, that he had been a subscriber to the election fund of the Democratic party, he promptly declined to accept the foreign mission, although it was then in his hand. [Applause on the Democratic side.] There are not many evidences given by the party to which my honorable friend from Illinois belongs, and of which he is such a great ornament, of indisposition to accept office under any circumstances. [Laughter.]

Now, Mr. Chairman, I wish to say in regard to this matter that I do not know Mr. Van Alen personally. But I do know what commended him to the attention of the President of the United States. I do know that the gentleman from Illinois [Mr. HITT] has associated his name with a distinguished gentleman from New York, that of William C. Whitney. Now, Mr. Whitney says—or he virtually says so—that these contributions, whatever they were—he did not say what—were made as honestly as any contributions which were ever made, without a word or syllable or thought, as expressed by any acts or utterances of these parties that the contribution was made with reference to any official position or for political preferment. If there is a man in this country who stands so high that the foul breath of calumny may not hurt him, that calumny which, as the great poet of nature says:

> The whitest virtue strikes,
> Maids, matrons, nay, the very secrets of the grave it penetrates.

I say if there is a man who has lived a life of such purity, such integrity, such honor, such fidelity to the great trusts conferred upon him and the important trust which the President of the United States, Mr. Cleveland, reposed in him when he put him at the head of the Navy of the United States, that man is Mr. William C. Whitney, of New York. It will not do, Mr. Chairman, for anybody from New York, whether he be a Democrat or Republican, to give utterance to the expression that Mr. William C. Whitney could be approached by anyone and offered a bribe for any purpose or for any position.

This calumny falls of its own weight. The life of honesty, purity, and uprightness which he has led, clothes him in an armor which the poisoned arrow can not penetrate, but falls harmless at his feet. There is no man in this country who has held the position of Secretary of the Navy, who left it with a higher character than did William C. Whitney; and if contributions were made by Mr. Van Alen, or anybody else, they were made freely and voluntarily, without the expectation of reward. No man would have approached William C. Whitney and said, "I want to subscribe to this fund with the hope that I may get an office." As Mr. Whitney says in his own letter, it would not only have been dishonoring to Mr. Van Alen and dishonoring to Mr. Whitney, but with that lofty sense of right which always distinguished him, Mr. Whitney says it would be infamous. And do you not think so? Is there any man whose partisan coloring so dyes his mind that he would be willing to asperse the character of an honest and upright citizen and officer in order to secure political advantage?

Now, it has been alluded to by more gentlemen than one that a distinguished gentleman of a former Administration was a large contributor to the fund that elected Mr. Harrison. These funds are the sinews of war which you used pretty savagely, both parties, in your great cities. I thank God that in my own country we have a population so far above the reach of money

that I have never heard the accusation made against any man, from governor down, that he used a dollar in his canvass that was not properly used. That is the character of the people we have there. [Applause on the Democratic side.] But in your large cities at the North both parties use money.

Mr. Wanamaker was said to have made liberal contributions to the fund which elected Mr. Harrison, under whose Administration he was appointed to a Cabinet office. But I have not the knowledge upon which to predicate the assertion, nor have I the temper or the disposition to say that Mr. Wanamaker was appointed by President Harrison because he was a liberal subscriber to the fund. I would scorn to say it, for I am not possessed of facts which would justify me in saying it. Neither is the distinguished gentleman from Illinois [Mr. HITT] possessed of facts which authorized him to say anything to the discredit of a man who occupies so high and lofty a position as William C. Whitney.

It is the privilege of men to give. Some men are rich and some men are poor. I belong to the latter class: but I have no envy of the man whose industry and energy have made him a wealthy man. I have not that spirit of demagogy, the meanest of all demagogy, which would excite compassion for the poor by arousing hostility toward the wealthy. I have no temper of that sort, and therefore I would not be heard here on this floor to say a word that would look to the impeachment of Mr. Wanamaker, and less still have I a word to say which would look to the impeachment of the honorable President who placed him in the Cabinet position which he held. And while I would not say it of the opposition, I will not allow them to say it of Mr. Whitney, or of the present President of the United States, without resenting it in the proper spirit in which it ought to be resented.

What interest had the present President of the United States in the Hawaiian Islands to support one party or another? What interest had he in displacing one government and establishing another? He delivered, and this House delivered, a deserved rebuke to Mr. Stevens, and John W. Foster delivered a deserved rebuke to Mr. Stevens, for exceeding his power and violating his instructions; and that is the sort of a minister that my honorable friend from Illinois [Mr. HITT] would eulogize and deify as if he was entitled, whatever he might do, under all circumstances to receive the protection and support of the Government. I say, what interest had Mr. Cleveland, the present President of the United States, to do otherwise than was right and just and equitable and fair?

Why, my honored friend, a former Speaker of the House, Mr. GROW, who has come back amongst us now in the vigor of his advanced years to teach us lessons of wisdom that come from his experience, spoke of the fact that we had not treated this minister rightly, that he ought to have been protected and supported. The gentleman criticised the action of Mr. Cleveland for withdrawing that odious treaty of annexation. Did he criticise him rightly? I appeal to every fair-minded man whether Mr. Cleveland did not do right, and whether he had any other motive than simply doing what was right in adjusting this matter which Mr. Stevens had involved in all this trouble by the improper use of the forces of the Government, and the improper use of the flag which represented the Government.

But before I proceed further I want to have read, as a part of my remarks, in reference to the asperson of Mr. Whitney and the aspersion of Mr. Van Alen, a letter from Mr. Whitney, and the interview which accompanies it, which I think settles this question beyond all controversy.

VAN ALEN'S APPOINTMENT—WILLIAM C. WHITNEY EXPLAINS HIS CONNECTION WITH IT—HE RESENTS THE IMPUTATION THAT HE HAS CONDUCTED A BARGAIN OF OFFICE FOR MONEY—HIS ATTITUDE PROPERLY SET FORTH IN THE SUN, WHOSE ARTICLE THE EX-SECRETARY FORWARDED TO PRESIDENT CLEVELAND.

Mr. William C. Whitney made public yesterday the following letter, a copy of which was sent to the New York World:

"*To the editor of the World:*

"SIR: If I alone were concerned I should pay no attention to the slanderous matter contained in your issue of yesterday headed 'Van Alen's bargain.' So far as I personally am concerned, anyone who chooses to think me capable of bargaining an office for a political contribution is welcome to their opinion. Having lived a good part of my life in public affairs, I am certain that no one for whose opinion I have the least regard would entertain the thought for a moment. But there is much more than my personality in this matter; Mr. Van Alen has been set upon and caricatured and libeled in every way. I propose to relieve him from blame so far as I have had relations with him.

"Let us see just what the allegation is: The President 'was disgusted with the idea of appointing Mr. Van Alen, and he tried to avoid it. On the other hand, he had Mr. Whitney's promise to Mr. Van Alen to favor. Mr. Whitney told the President of his promise and urged its fulfillment. * * * Mr. Van Alen had been promised the Italian mission in return for his contribution of $50,000 to the campaign fund.'

"The allegation is specific enough, and imputes to us a most dishonorable transaction. What is the truth? I have had nothing to do with Mr. Van Alen's candidacy, except what is contained in a communication to the President, which I shall ask you to print, together with the interview to which it refers. With the President, personally, I have never exchanged a word on the subject. The letter and the interview contain a complete answer to the allegations:

"'NEW YORK, *June 20, 1893.*

"'DEAR MR. PRESIDENT: I inclose a clipping from the New York Sun, which covers what purports to be an interview with me regarding the candidacy of Mr. Van Alen for the mission to Italy. The interview is substantially correct.

"'I think in justice to Mr. Van Alen I ought to say more. With the main facts as stated in this interview you should be familiar. I made it clear to everybody in the campaign that I would assume no obligations, tacit or expressed, as to offices or appointments, and you are quite aware that you have not been asked to perform any contracts of this nature so far as I know.

"'Mr. Van Alen is a gentleman, and gave what he contributed freely and from an interest in the success of the party. He had previously identified himself warmly with the party in Rhode Island; his candidacy has the support of nearly every prominent party man in his State. I have been called upon by these men to see that his warm support of our party should not militate against his candidacy.

"'I therefore break the silence which I have heretofore maintained since the inauguration to say that I know Mr. Van Alen well, and that he is, in my judgment, in every way adapted to the position which he seeks, and that I sincerely hope that the malicious stories which have found their way into print will not affect him adversely.

"'There is no obligation upon you to appoint him to any office; but *there is the additional reason for appointing him* that, as the result of a very patriotic, generous, and cordial support of the party in the last campaign, when friends were few and calls were great, he has been accused of dishonorable bargaining.

"'This, as you know, is the first time you have been approached by me on the subject of appointments.

"'Very sincerely, yours,

"'W. C. WHITNEY.

"'To the Hon. GROVER CLEVELAND,
"'*Washington, D. C.*'"

The interview referred to in the letter was as follows:

"The Hon. William C. Whitney was asked at his home, 2 West Fifty-seventh street, last evening by a Sun reporter about a dispatch which quoted the gossip of Washington to the effect that while in charge of the Democratic campaign last fall he promised the place of minister to Rome to Mr. J. J. Van Alen, of New York, in return for campaign contributions made by Mr. Van Alen, amounting to $50,000. The dispatch further said that Mr. Van Alen's first contribution was $30,000, and that later, upon being encouraged to believe that his ambition to be sent to Rome would be gratified, he increased his campaign contribution by $20,000, and then had no doubt whatever that his name would be one of the first diplomatic nominations to be sent to the Senate. The dispatch went on to say that the weeks went by without any indication that Mr. Van Alen was to realize upon his campaign investment, and then came the reports of the falling out between the President and Mr. Whitney, followed by the alleged statement of Mr. Cleveland that he 'has learned to distrust Mr. Whitney and his tricks.'

"Mr. Whitney read the dispatch carefully, and, as he returned it to a reporter, said, with more than usual emphasis:

"'Nonsense: nonsense.'

"Mr. Whitney usually speaks in rather softly modulated tones. He is not an excitable citizen. But this time he spoke in emphatic tones. He continued:

"'Mr. Van Alen contributed to the campaign fund; but, of course, I am not at liberty to state the amount any more than I would be at liberty to tell what other gentlemen gave. I can say, though, that Mr. Van Alen did not contribute either of the amounts named in the dispatch. At the time he contributed there was no conversation whatever between Mr. Van Alen and myself to the effect that he was to have the place of minister to Rome or any other office. Do you suppose that any gentleman would contribute with the idea that he was to have a place in return? The subject was never mentioned by Mr. Van Alen or myself. I will go further and make it as strong as possible when I say that I made no contracts for office, express or implied, during the campaign either in Mr. Cleveland's name or anybody else's name. I made no contracts with anybody. Can I make it plainer than that? I said during the campaign to all: "Gentlemen, when this is over, I am through."

"'I have not called upon Mr. Cleveland to fulfill any campaign contract, for the simple reason that none was made by me. I have not asked him to appoint a man to office, simply because I had said that when the campaign was over I was through. I say again that I made no contracts either with Mr. Van Alen or anybody else. There were no promises made even by inference.

"'Concerning the alleged remark of Mr. Cleveland that he has 'learned to distrust Mr. Whitney and his tricks,' I can only say that I do not believe that Mr. Cleveland ever made that remark.'

"'Mr. Whitney,' said the reporter, 'there has been another version of Mr. Van Alen's contribution heard here in New York. It is to the effect that Mr. Van Alen firmly believed that he was to get the place of minister to Rome in consideration of his campaign contributions, and that when he found that he was not to have the place a number of Democrats put their hands in their pockets and made up the amount of Mr. Van Alen's contribution and handed it over to him. Would you like to say anything about that?'

"'Oh, no,' replied Mr. Whitney; 'that is just as nonsensical as the Washington story. It is utter nonsense throughout. I can not make myself plainer on this story than I have to you.'

"I read the novel and interesting suggestion made by Mr. Horace White, that in such cases where offices have been promised for money, the money should be returned in all cases. Although not especially pertinent at this time, as no such case existed, I take the occasion to differ from his opinion. I think the man should lose both office and money and be forever barred from decent society.

"Such, I think, would be Mr. Van Alen's opinion if it can be gathered from a letter which he wrote at about the time spoken of by Mr. White, and in which he takes what I consider the more correct view. It was called out by a letter from a friend who had heard of the White syndicate. The letter was as follows:

"'MAY 11, 1893.

"'DEAR ——: Many thanks for your letter of yesterday. I am much surprised at the charges you say have been made against me. Certainly, if the President believes them, my appointment to any position would be scandalous.

"'I can only say that these charges that I stated I was to have a diplomatic position in exchange for money subscribed by me for political purposes are utterly false, and I defy any one to prove that I have written, spoken, or hinted at one word indicating in any way such an agreement. I should be a combination of knave, fool, and liar to have made such a statement, for there was absolutely no understanding between myself and any one that I should have any office under the Government.

"'What was said on the subject was said after the election in November last, and was merely an expression of a wish on my part and a promise of assistance * * * in carrying out my wishes.

"'Yours very truly,

"'J. J. VAN ALEN.'

"I trust you will gather from these letters and interviews that instead of there being any contract that Mr. Van Alen should have the Italian mission, the President was distinctly in terms informed by me: 'There is no obligation upon you to appoint him to any office.'

"Mr. Van Alen had the support of his State for this appointment, was personally known to the President, and was selected as a gentleman deemed competent and fit for the post.

"Yours truly,

"W. C. WHITNEY.

"NEW YORK, *September 27, 1893.*"

Mr. HOOKER of Mississippi. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has fifteen minutes remaining.

Mr. HOOKER of Mississippi. It will thus be seen, Mr. Chairman, that the charges made at the time, and which have been reiterated by my honorable friend from Illinois, were fully and completely disposed of long ago, unless you believe that in listening to that letter that you are listening to the words of a man capable of uttering falsehood. That letter was a plain, simple vindication of himself and of Mr. Van Alen, and Mr. Whitney at least, needed, I hope, no vindication in the minds of the American people.

The appointment by the President of the United States would imply that he must have been party to the agreement between Mr. Whitney and Mr. Van Alen. Now, I hope, Mr. Chairman, that the time has not come when a man elevated to the high position which Mr. Harrison occupied by the vote of the people of the United States, and which Mr. Grover Cleveland now occupies by the vote of a majority of the people of the United States—I hope, I say, the time has not yet come when any man occupying that high position can have his character assailed, or when anybody will feel authorized to assail the character of a man great and powerful enough to be elected the first officer, the ruler, of this great country, whether he belongs to one party or another.

I hope, I say, the time has not come when anybody will venture to attempt to involve the President of the United States in anything which looks to the carrying out of a compact tainted not only with fraud, but with a species of villainous immorality that would shock the moral sense even of men of the lowest estate; or when the President of the United States can be held up to the American people as deserving their condemnation because he has chosen to appoint to a Cabinet office or to any other position within his gift, a man who belongs to the wealthy class of the community. Some people have regarded it as a piece of good fortune to be rich. Others seem to regard it as a great misfortune to be rich. I do not belong to either of these classes, the poor or the rich. I am not here to vindicate the one or the other, for I stand on the middle ground.

But I have no sympathy, sir, with any attempt to arraign a man simply because his industry, his energy, his skill, his ability, have made him a rich man. He has a right to do with his money what he pleases. He has a right to appropriate it to whatever use he pleases, and no one has a right to offer any criticism.

Mr. REED made a remark *sotto voce*.

Mr. HOOKER of Mississippi. What did the gentlemen from Maine remark?

Mr. REED. I merely suggested that in enumerating the means by which men acquire fortune the gentleman from Mississippi had neglected to mention the particular means by which it had been acquired in the case at issue, namely, by inheritance.

Mr. HOOKER of Mississippi. By inheritance. Well, I am not aware that that is a crime either.

Mr. REED. Oh, by no means; it is a very delightful privilege.

Mr. HOOKER of Mississippi. Yes, it is, and I have never heard of any man who was placed in the category of being rich by inheritance who insisted upon distributing his inherited wealth among his poorer fellow-citizens.

Mr. WALKER. That would probably be considered on the Democratic side a more honorable way of acquiring wealth than by honest industry.

Mr. HOOKER of Mississippi. Ah, Mr. Chairman, most of the money that is made in the section of the country from which I come is made by hard licks under the hottest sun of summer, which the gentleman from Massachusetts probably has not felt for the last thirty or forty years. [Laughter.] I say then, Mr. Chairman, that no man has a right to attack the President of the United States simply because he has chosen to appoint one man or another to office, whether he be a Republican or a Democratic President, and I have no sympathy with any such assaults.

Now, with regard to the settlement of this Hawaiian matter, it has been said by the gentleman from Pennsylvania [Mr. GROW] that the President of the United States wanted to restore a rotten monarchy. What interest has the President of the United States in a monarchy of any sort, rotten or sound? What interest has Grover Cleveland, the present occupant of the Presidency in any monarchy—a man raised in the State of New York who has lived a great part of his life in a small village in that State, a man ingrained with love of liberty and with devotion to the flag and the interests of our country—what interest has such a man in a monarchy? Surely he could at least afford to act with the same decency with which the British Government acted in the case which I have called attention. He could at least afford to side with John W. Foster, Mr. Harrison's Secretary of State, and say to Mr. Stevens "you have acted without authority and beyond the instructions which you received from this Government."

Mr. Chairman, I say that no man who will free his mind from political prejudice will fail to give to the President of the United States the meed of just praise for his action in reference to that matter. He is one of our fellow-citizens selected by his fellow-citizens to hold the loftiest office within the gift of the American people, and in order to condemn him my honorable friend from Illinois and the other gentlemen who concur in the views which he has expressed will have to conclude that the majority of the people of the United States, whether they happen to be at one time on the Republican side or at another time on the Democratic side, are corrupt and unworthy to be trusted with power. The present President of the United States in every act that has characterized him since he has been placed in that high office during this Administration as well as in his former Administration has achieved for himself the highest reputation for wisdom and justice.

I differ with him, and differ with him widely upon one question, the silver question. He may be right and I may be wrong, or I may be right and he may be wrong upon that question, but it is my right as a Representative to hold my own views, and strongly and emphatically as I differ with the President I do not hesitate to say that the first man in the United States who would most cheerfully accord to me my right to hold my own opinion as a representative of my constituents, and to express it by my views and by my vote here, would be President Cleveland himself. Differing with him as I do upon this one question, I am still a Democrat and a Democrat on principle, and as he was selected by the majority of the Democracy of the United States, however widely I may differ with him on any particular question, I stand by him as the chosen representative of the Democracy of the country, and in the discharge of the duties of the high office to which he has been elected by the people I sustain him and agree with him, and I do not want to do it in any faint or stinted terms of praise. [Applause.]

Mr. MILLIKEN. Mr. Chairman, I certainly can not disagree with my good friend from Mississippi [Mr. HOOKER] in the platitudes which he has announced to the House. Everybody, of course, agrees with them. Nor am I here to criticise Mr. Van Alen. I think that when a Democrat can be found who will decline an office he ought to be distinguished if not honored. [Laughter.] I agree also with my friend as to the vice and the crime of using money in elections. But I do not think he was quite fair when he stated that they use no money in the South, while we use it in the North. His statement may be correct; but would it not have been quite fair for him to have gone a little farther and stated that the reason they do not use money in the South is that they have other and worse methods of accomplishing their purposes at the polls than the use of money?

Mr. WALKER. Oh, no; not worse; more honorable, you mean.

Mr. MILLIKEN. I mean what I say. I like my friend from Massachusetts [Mr. WALKER], but I can not allow him to be my interpreter. [Laughter.]

But I have been charmed by the sublime—and I ought perhaps to say childlike—faith and confidence and hope of my friend from Mississippi in attempting to resurrect the Hawaiian policy of the Administration and make it respectable. It is the best evidence I have ever yet seen of the truth, or at least of the most firm faith in the truth, of the doctrine of the resurrection from the dead.

I shall not attempt here to-day to defend Mr. Stevens. He is my constituent: he has been my friend for thirty years. I know him well. I shall not spend time in defending him, because he does not need defense here. The gentleman from Mississippi says Mr. Stevens had been condemned by the Secretary of State during the Administration of Mr. Harrison. Sir, he was not condemned at all. The Secretary of State simply showed that the action of Mr. Stevens had a broader reach than Mr. Stevens himself thought it had. In other words, the action of Mr. Stevens, as the Secretary of State said, amounted to the Gov-

ernment of the United States assuming a protectorate over the Hawaiian Islands. That is all there was in that matter. There was no rebuke of the action of Mr. Stevens, except so far as it perhaps reached beyond the line which the minister himself expected it to reach.

But when the gentleman says that Minister Stevens was rebuked by this House—why, Mr. Chairman, what could you expect? Here is a House with 90 Democratic majority. Does anybody suppose that a man who raised the American flag anywhere where there was the slightest doubt of the propriety of it, would not be rebuked by this Democratic House? I have noticed with a great deal of amusement and some degree of interest the uneasiness of our Democratic friends over this raising of the flag. It seems to come before them as Banquo's ghost did before Macbeth; and they are sorry that it will not "down" at their bidding. It did "down" at your bidding [addressing the Democratic side of the House] in Hawaii. But that flag will yet be raised upon the Sandwich Islands; and it will be raised to stay there: and no Democratic emissary of any Democratic Administration will pull it down. [Applause on the Republican side.]

Mr. Stevens "condemned by the people of this country!" Why, sir, if I could have the faith in anything in this world that I do not absolutely know to exist that my friend must have in order to make such a statement as that and to believe it himself—if I were a thousand times richer than he is, I should be glad to give all I owned and all I could ever earn for such a faith. "Condemned by the American people!" I believe today that if there has ever been a man in this country whose action was sustained by the people of the country—not only of his own party, but of your party—it is John L. Stevens who raised the American flag at Honolulu. He is a man who in private life is without stain. He has been in the diplomatic service of the country, I think, thirteen years: and no man who has been in that service has made a more honorable record than has been made by John L. Stevens. The crime that he committed in the eyes of this Administration and the Democratic party was that he believed in his country. He believed in extending her interests. He believed that the civilization which had been created and had been built up in the Hawaiian Islands by the American people should be sustained by them.

My friend says, let the people of Hawaii work out their own salvation. Why, they did work out their own salvation. They achieved the revolution which placed an intelligent and honest and pure government in power in those islands. And what did this Administration do? I am not here to say hard words of this Administration. I thoroughly believe, with my friend, that men in power should not be the targets of the slanderer. But that is their fate. You know that nineteen hundred years ago Horace sang that the tall pines are shaken by the winds, while the modest shrubs of the valley are undisturbed. I agree with my friend that such ought not to be the fate of public men, but it is.

He says, what motive could the Administration have in instituting a bad government in Hawaii? I do not know. I am not here to discuss the motives of the Administration. I am not inclined to give every man, whether he be in office or out of office, the credit of bad motives when he does good things. But no matter about the motives; no matter whether you think the President of the United States would want to restore a monarchy in the Sandwich Islands or not: no matter whether you can search out and discover any motive for the act, the absolute fact that he did it can not be argued down by saying that he had no motive for doing it.

Now, one word more, Mr. Chairman. I got up here not to trouble the House with a speech. Mr. Stevens was sustained in the Senate of the United States by the report of perhaps the ablest Democrat that lives in this country at this time. I allude to the Senator from Alabama, Mr. MORGAN. That report vindicates him from beginning to end, with the simple slight exception of what is acknowledged to be in the report of no consequence—the raising of the American flag. And if my friend from Mississippi is satisfied with a report of a Democrat of Democrats, the report of a man who is acknowledged by both parties to be one of the most intelligent men in this country, especially in connection with our foreign affairs, I say if he is satisfied with that report, I am satisfied: Mr. Stevens I know is satisfied, and his friends throughout the country are amply satisfied with the verdict of the most distinguished man you have in either House of Congress.

You can say what you please of Mr. Stevens's action there. It was in the line of progress: it was in the interest of civilization; it was patriotic, and when perhaps all of us are forgotten, future generations in the island of Hawaii will remember John L. Stevens as we remember the men to whom we look back as those who have done good for their country. [Applause on the Republican side.]

[Mr. COOMBS withholds his remarks for revision. See Appendix.]

Mr. QUIGG. Mr. Chairman, I have only one motive in rising to address the committee at this stage in the consideration of the bill, and that is, if possible, to clear up certain misapprehensions which appear to exist in the minds of gentlemen upon the other side of the House with regard to what has gone into history as the Van Alen incident.

I was very much entertained and instructed by the remarks of the gentleman from Mississippi [Mr. HOOKER] as to the extremely cheap way that they have of conducting elections down there. I remember once sitting in the gallery of this House when the late Gen. Spinola was on the floor, explaining to gentlemen on the other side why it was impossible for him to do what they insisted he should do. The committee will understand that this is an explanation which Democratic members from New York are often called upon to give to their colleagues. It is generally impossible for the Democratic Representatives from my city and State to agree with the rest of their party, except upon the one subject of getting into office. Upon that they are entirely harmonious, but when they get into office, differences and dissensions at once arise.

Gen. Spinola was endeavoring to explain that in New York at least gentlemen were called to account for what they did here. I remember his words quite distinctly. He said down South a gentleman gets together with his neighbors and they say, "Here, we will send one of you to Congress," and one of them speaks up and says, "I think it is my turn to go," and the rest of them say, "Yes, we think it is;" whereupon, an agreement of that kind being effected, the gentleman's name is put on the ballots, and they are put into the boxes, and whether they are few or many, the gentleman is conveniently returned.

Now, I have no doubt that under that system it is comparatively cheap to get into office from the South: but I will say to the gentleman from Mississippi, for his encouragement, that if he will take a copy of the CONGRESSIONAL RECORD to-morrow and carefully mark that portion of his speech in reference to the Hon. William C. Whitney and send it to him, as I have no doubt he will by the first mail, and if he will then come and locate in New York, he will find it quite as cheap to come back here from New York as from Mississippi.

Mr. ENLOE. Mr. Speaker, I should like to ask the gentleman a question.

Mr. QUIGG. With pleasure. Go ahead.

Mr. ENLOE. I should like to know if that is the way the gentleman got here himself?

Mr. QUIGG. No, that is not the way I got here myself. If the gentleman wants to know how I got here myself, I will tell him. [Applause and laughter on the Republican side.] I got here because you enabled the people of the Fourteenth Congressional district of New York, 10,000 Democratic as they are, to take a yea-and-nay vote on the Wilson bill.

That is how I got here. You gave them the opportunity to say, not merely in their own behalf, not merely in behalf of the people of New York City and New York State, but in behalf of the people of the whole country, you gave them the opportunity to put into the ballot boxes of a single Congressional district the whole pentup feeling of the nation. You gave them the opportunity to say, on behalf of the manufacturers of the North and East, on behalf of the grain-growers of the West and South, on behalf of the miners of the Rocky Mountains, on behalf of the fruit culturists of the Pacific Slope, on behalf of the whole industrial soul of the continent, "Stop! This party of shame and destruction must go no farther!" [Applause on the Republican side.]

That is how I came to Congress, and you are answered: now sit down. [Laughter and applause on the Republican side.]

Mr. ENLOE. I want to ask the gentleman if he thinks it is decent manners to tell a member to take his seat when he has answered a question?

The CHAIRMAN. The gentleman from New York declines to be interrupted, and the gentleman from Tennessee is not in order.

Mr. QUIGG. I will yield to the gentleman; what did you say?

Mr. ENLOE. I said this, if you want to hear what I said: I say that if you did come into Congress, you have not learned decent manners, to address a member and ask him to take his seat. [Cries of "Ah!" on the Republican side.]

Mr. REED. I suppose he has learned such manners here.

Mr. ENLOE. I did not hear what the gentleman from Maine said.

Mr. QUIGG. I did not apprehend my answer to the gentleman would afford him any great delight; and I am quite satisfied he does not feel any.

Mr. ENLOE. If the gentleman will allow me to ask him a respectful question, I would do so.

Mr. QUIGG. I shall, with great pleasure.

Mr. ENLOE. And that is, to inquire of him whether he has accomplished the purpose he had in coming here. Has he "killed the Wilson bill"?

Mr. QUIGG. I did not say I would. I did say to the people of that district that if they would elect a Republican to Congress from a Democratic district in a great manufacturing city that probably the majority here would show some little sense. [Laughter.]

I told them that I thought probably the result would be that the Democrats would understand that the gun was loaded [renewed laughter on the Republican side], and that they would know or find out by that slow process of education that they had better not go any further. I do not say you had sense enough to appreciate it. [Laughter and applause on the Republican side.] I will not undertake any such contract as to deliver you on that proposition. I only thought so, and I did not think that very hard, either. [Laughter.] I hoped so; and I hope so yet and I rather think the Wilson bill is smashed. [Laughter and applause on the Republican side.] But that is quite aside from the purpose of my remarks. Does the gentleman desire to ask some more questions?

Mr. ENLOE. I suppose, then, that its death is perhaps due to the fact that the gentleman was returned from that district; and perhaps he is the author of the speech recently delivered by the distinguished gentleman from New York in the other branch of this body. [Cries of "Oh!" on the Republican side.]

Mr. QUIGG. I should be very willing, gentlemen, to be the author of that speech; but I can assure the gentleman from Tennessee that it never occurs to any Republican from New York, unfortunately, to suppose that the senior Senator from that State is not able to take care of himself. He has done so frequently to our dismay and disparity, and I should hope to your satisfaction.

Mr. Chairman, I intended to refer a little to the Van Alen incident, and that merely in order that the truth of history may be proclaimed.

Gentlemen on the other side have evidently been laboring under several kinds of misapprehension. In the first place the chairman of the Committee on Foreign Affairs and the gentleman who followed him [Mr. HOOKER] are under a misapprehension as to the name of this very well known and distinguished Democrat, who has performed such signal service to his party that he is entitled to be appointed an ambassador to represent this country abroad. Those gentlemen do not even know his name. [Laughter.] His name is not Von Allen, but Van Alen. That is the first misapprehension that I want to correct. The second is that the gentleman from Illinois [Mr. HITT] who introduced this somewhat entangling controversy said anything about Mr. Van Alen having done anything bad, or about Mr. Whitney having done anything bad.

Certainly I am not here to accuse either of those gentlemen, though I would like to say to the gentleman from Mississippi if he were here, that although none of us from New York are going to attack Mr. Whitney here, or to put up a list of crimes that he has committed, yet we do not, in New York, think that he is exactly a whole heaven of cherubim and seraphim rolled into one single individual. [Laughter.] We do not think he is quite that sort of a being. We have heard of a number of things that he is supposed to have done, and the Van Alen incident illustrates them all. The misapprehension that the gentlemen labor under is as to what the gentleman from Illinois said, and as to the purport of it. He did not say that a man ought not to give any money to political campaigns—though it would seem that everybody who gave money to support the Democratic party in the last campaign ought to feel very much ashamed of himself, in view of the present situation of the country. [Laughter on the Republican side.]

Certainly he has not got his money back as the result of the business he has done since that party came into power. The proposition, however, was not that Democrats ought not to contribute to their party, nor that a man who has contributed to his party is thereby necessarily inhibited from holding office. The point the gentleman from Illinois raised was, that the New York Democratic newspapers, not merely the New York Evening Post, but the New York Sun, the New York Times, the New York World, and all the New York Democratic newspapers had pointed to the fact that when Mr. Cleveland was standing in Lenox Hall addressing the country, and was saying what I am about to read, he was contemplating the appointment of Mr. Van Alen to this office under the conditions that we all know. What Mr. Cleveland said on that occasion was this:

> We daily hear predictions of Republican success, based upon the ability of that party to purchase the votes of the people. A little reflection, it seems to me, can not fail to arouse the American conscience to the wickedness as well as the peril of a debauched suffrage. It is a plain proposition that our Government is only true to the principles upon which it rests when in its operations it represents the honest and intelligent sentiment of the people. When it does not, its vigor and its very life are gone and it remains but the mere semblance of a free government, the weakest and most deformed plan of rule that ever deluded mankind.

And now listen to what follows, for the main point is that Mr. Cleveland uttered this sentiment in his Lenox Museum speech:

> It can then no longer defend the rights of all, because rights will be forgotten in the capricious bestowal of favors

When Mr. Cleveland said that, he had Mr. Van Alen's $50,000 jingling in his pocket, metaphorically speaking; and that is the point which the New York Democratic newspapers made and that was repeated yesterday by the gentleman from Illinois.

Now, Mr. Chairman, I think it would be well for gentlemen on the other side who imagine that the Republicans have done something of this kind, that the Republicans have received money from certain people and have thereupon appointed them to office, that they have taken the bribes of rich nobodies and put them in office as a reward—I think it would be well for gentlemen who profess to believe this to call for an investigation by Congress and go into the question carefully. And the first witness they should call ought to be the man whom the gentleman from Mississippi has eulogized so highly, the Hon. William C. Whitney. Let them call Mr. Whitney, and if they ask him questions enough and the right kind of questions, I shall be very glad to hear from the gentleman from Mississippi on the subject of Mr. William C. Whitney again after that investigation.

Mr. HOOKER of Mississippi. We will put you on the committee and you can ask him whatever questions you want.

Mr. QUIGG. I shall be delighted.

Mr. MEREDITH. Mr. Chairman, looking upon the gentleman from New York [Mr. QUIGG], I am reminded of one of the sweet singers of Israel. When I see his hair parted in the middle and his countenance irradiated with that smile which reminds me of the cherubim, I am not surprised that he should make the speech that has just been delivered; but I want to say to him that when he has been here a few years longer he will perhaps have learned that this is not the place for cherubim and seraphim. [Laughter.] Mr. Chairmen, the gentlemen who have discussed this question have drifted away from the subject under consideration, and I have simply arisen for the purpose of replying to what has been said by the gentleman from Pennsylvania [Mr. ADAMS], who has lauded the late Postmaster-General Wanamaker and given him an advertisement, for which I have no doubt Mr. Wanamaker will make him a very handsome present.

In reply to what has fallen from the gentleman in the way of laudation of that "good man," Cheap John Wanamaker, of the city of Philadelphia, late Postmaster-General of the United States, who contributed so much money for the purpose of "frying the fat" out of certain people and debauching the voters of Pennsylvania and of other States of this Union in the interest of Mr. Benjamin Harrison and his party, and leaving Mr. Van Alen out of this question—a gentleman who needs no defense at my hands and no defense at the hands of the Democratic party, because his case has been passed upon by the Senate—I desire to say that the very charges which have been brought here against the appointment of Mr. Van Alen can be brought with much more force against the late Postmaster-General, whom the gentleman from Pennsylvania [Mr. ADAMS] has lauded to the skies—that man who was for four years the Postmaster-General of the United States, and who used his office, as I believe, for the purpose of advertising his wares and merchandise.

Now, let me say that I come from a rural district, in which, in many cases, there were not Republicans living near enough to the post-offices to hold those positions; and under Mr. John Wanamaker those little post-offices in our country were farmed out to Republicans who lived miles and miles away. I wrote a letter to Mr. Wanamaker—I wish I had a copy of it here—in which I stated that the people who received their mails did not care particularly who might hold the post-offices; that they wanted honest men to distribute their mails; they wanted men who, when letters were received, would try to deliver them to the proper persons; and that the theory of this Government and of the Post-Office Department was not, in my judgment, to give post-offices to any particular party or any particular persons, but that persons should be selected with the intelligence and honesty to discharge the duties incumbent upon them as postmasters.

To that letter I received no reply. I cited two instances in my own county where the postmaster lived nearer to some other

office—where he lived miles away from the office of which he was postmaster; yet the position was rented or leased out to some one e se, and the emoluments of the office were divided between the man who was acting as postmaster and the real postmaster.

I say that under the administration of Mr. Wanamaker, this merchant of Philadelphia, who has had himself advertised here by the gentleman from his State, there never was such mismanagement in the history of this country as existed in postal matters in the district from which I come; and the reason was that the men who were appointed postmasters lived miles and miles away from their offices, and in many cases did not receive their mails at the offices of which they were postmasters, but rented out the positions and divided the proceeds with such persons as they could get to perform the duties of the office.

Now I am not here to defend Mr. Van Alen, whose name has been brought into this controversy; but I am here to throw back into the teeth of the gentleman from Pennsylvania the name of that man who raised, it is said—whether it be true or not—$400,000 for the election of Mr. Harrison, and who received as a reward for what he did this high Cabinet position under the Administration of Mr. Harrison.

Mr. REED. Mr. Chairman, we have now at last absolutely settled certain facts. First, it is entirely clear that Mr. Whitney is a good man. Second, it is entirely clear that Mr. Cleveland is a good man. Third, it is finally settled that Mr. Van Alen was not appointed to the office for which he was nominated because he gave $50,000 for campaign purposes. Now why was he appointed? [Laughter on the Republican side.]

Mr. ENLOE. Mr. Chairman, I do not want the gentleman from Maine [Mr. REED] to imagine for one moment that I have risen for the purpose of answering his question. I did not expect to throw any light on this consular and diplomatic bill when I came into this Hall: but it is perfectly evident that light is needed on the subject; and as we are having a variety of contributions to this discussion, I have a slight contribution which I want to make myself.

I understand from the speech which was made by the gentleman from New York [Mr. QUIGG] that one of the purposes of this discussion is to learn how it was that he broke into Congress. I asked him a question intended to develop whether or not his idea was that Congressional seats were bought and sold, as he intimated, in the city of New York. Thereupon the gentleman proceeded to give the reasons why he came here as the representative from a district which h s, as he says, 10,000 Democratic majority.

I was not entirely satisfied with his explanation. His statement that he was sent here to kill the Wilson bill after it had passed this House, was not entirely conclusive to my mind that that was the motive of the constituency that sent him; and if that had been the purpose, I do not see why another Democratic district of New York sent a Democratic Representative who about the same time took his seat on this side of the House. I re er to the gentleman from New York [Mr. STRAUS.] I do not think his explanation explains. I will undertake before I get through to give another version of the matter which may in some measure account for it.

But before doing so I want to allude to what has been said about the appointment of Mr. Van Alen as minister to Italy. I do not know anything about the reasons for the appointment of that gentleman. I do not know whether he contributed $50,000 to the campaign fund or not. I do not know whether there was any agreement between him and Mr. Whitney about that matter or not. But admitting, for argument's s ke, that such was the motive for his appointment, and that he was induced to make that contribution with the promise that he should have that position, it comes with exceeding bad grace from gentlemen on the other side to arraign the Administration for it. I suppose the gentleman who has been addressing the House has not been in politics long enough to know anything about the history of the campaign of 1888—but possibly he does know something about it. I want to call his attention to the circular issued by Mr. James P. Foster, the president of the Republican League of the United States, just preceding the canvass of 1888.

It is a circular known in common parlance as the "fat-frying circular." Mr. Foster made a very interesting contribution to the political history of that time, and it seems that the manufacturers derived very satisfactory returns from the fat they surrendered to the Republican managers. Mr. Foster's confidential letters to the beneficiaries of the protective tariff read as follows:

[Confidential.]

HEADQUARTERS REPUBLICAN LEAGUE OF THE UNITED STATES,
New York, May 25, 1888.

MY DEAR SIR: The Republican League of the United States desires to bring you face to face with the startling fact that the coming Presidential election is not to be fought on the old party lines which have heretofore divided Democrats and Republicans, but upon the direct issue of free trade vs. protection. We will win this fight if you will do your share and help us to finish what we have begun. We want money, and want it at once.

It may not be of your personal knowledge, but it is a fact nevertheless, that the manufacturers of the United States who are most benefited by our tariff laws have been the least willing to contribute to the success of the party which gave them protection and which is about to engage in a life-and-death struggle with free trade.

A Republican United States Senator, from a State which never had a Democratic Representative in either House of Congress or a Democratic State officer, in speaking of the well-known disposition of the manufacturing interests to lock up its money, fold its hands, and look on while somebody else fights for its success, says:

"The campaign which we are about to enter will concern, more than anybody else, the manufacturers of this country. They have hitherto been very laggard in their contributions to the Republican cause. In fact, if I could punish them without punishing the cause of protection itself, I would consign them to the hottest place I could think of on account of their craven parsimony. If this class of people do not care to contribute to the success of the Republican party, they are welcome to try their chances under a Democratic Administration: I can stand it as long as they can.

"In fact, I have it from the best possible source that the manufacturers of Pennsylvania, who are more highly protected than anybody else and who make large fortunes every year when times are prosperous, practically give nothing toward the maintenance of the ascendancy of the Republican party. Of course I shall not violate what I consider to be a proper principle of action, but if I had my way about it I would put the manufacturers of Pennsylvania under the fire and fry all the fat out of them. If the Mills tariff bill comes to the Senate there will be some votes cast there which will open the eyes of some of these people who have, while gathering their millions, treated the Republican party as their humble servant."

These are strong words, and bitter, but they are true, and it now remains with you and your associates to determine whether they are to be reiterated after this campaign is over, and protection has, through your apathy, been struck its deathb ow. If you give us the means to win the victory we will do it. Are you willing?

Yours, very truly,

JAS. P. FOSTER, *President.*

During that campaign a distinguished Senator from the State of Pennsylvania went to a shrewd, ambitious, and not overscrupulous tradesman in Philadelphia and represented the dire necessities of the Republican party for money to be used in corrupting the suffrages of the people in order to restore that party to power, and that same tradesman, then known simply as John Wanamaker, went out and raised $400,000 to put into the campaign, and in return for that contribution he was given a position in the Cabinet and was taken near to the heart of the President whom he had succeeded in electing. It took $400,000 to discover his great abilities as a statesman, but the $400,000 argument was convincing and conclusive.

Now, the gentleman from New York was not here when that occurred, and possibly had not commenced to practice the arts of politics at that time; hence he may be ignorant of this part of our political history, and that may account for his allusions to the Van Alen incident. I suppose, however, that some of the older politicians on the floor may have dragged that into the discussion earlier in the debate, and he took up the trail and is yelping on the track. I have not been in the Hall during the debate, and will not stop to inquire who is responsible for the course of the discussion.

Mr. Wanamaker did not deny the contribution, or disdain the bargain by which he was made Postmaster-General. He said, in an interview:

When QUAY sent for me I was surprised. I had no more idea of what he wanted with me than you might have if he telegraphed for you. But I knew he was not the kind of man to send for me unless he had important business with me, so I went. Then he told me that the national Republican committee needed money, and his scheme for my raising it. I at first declined to have anything to do with it. I had very little hope of defeating Cleveland, and still less Mrs. Cleveland, who is justly popular with the whole country, and whom I admire greatly myself, and I did not want to get on a sinking ship. He urged the matter, told me why he felt sure of carrying the election if he had the money. Even then I hesitated, and asked three weeks for consideration. He agreed, and I talked with our leading manufacturers, men whose names are the best in the land—such men as Washburne and Amos Lawrence's grandson, and a dozen others I could name—men who would never have given a dollar for dishonest uses, even if I had been willing to ask it, and at the end of the three weeks I told QUAY I would undertake to raise the money if he would allow us to establish a manufacturers' bureau and have a voice in the disposition of the money. I do not mean that we insisted on knowing what was done with every dollar of it. I did not want to know. When I sell a suit of clothes, I do not insist upon being told just where these clothes are going. My responsibility ceases when I furnish a good article at a fair price. What I did insist upon was that I should be able to satis y the men who trusted me with their money that it was used for the purposes for which they subscribed it, and that guaranty Mr. QUAY gave me. That is how there came to be a manufacturers' bureau.

Mr. PIGOTT. Before the gentleman from Tennessee takes his seat I would like him to tell the House, if he can, why it was that T. Jefferson Coolidge was sent as minister to France at the tail end of the last Administration?

Mr. ENLOE. I will re er that to the gentleman from Maine, and put one conundrum against the other. He may answer them both himself.

Now, there is a little more history on this subject that ought to go in in this connection. In April, 1889——

Mr. WALKER. Will the gentleman allow me to answer the question just asked him?

Mr. ENLOE. I can not allow the gentleman to answer in my time. He can take his own time to do it.

Mr. WALKER. It would take only a moment.

Mr. ENLOE. I do not yield for an answer in my time.

Mr. WALKER. I want to say this——

The CHAIRMAN. The gentleman from Tennessee declines to yield, and will not be interrupted without his consent.

Mr. ENLOE. I was going to say, Mr. Chairman, that in April, 1889, the Manufacturers' Record, published in Philadelphia, said this:

It is, therefore, to the men that give the cash that a large, if not the largest, share of success is due. These, almost always, are the business men. We make the assertion that the money contributed by this (manufacturers') club last year had more influence upon the result of the national election than all the skill, the ingenuity, the labor, and the wire-pulling of all the professional politicians in the city of Philadelphia. We believe this proposition to be capable of positive proof. If, therefore, control of patronage is rightly the reward of victorious effort, the right of this club to name the Federal officeholders of Philadelphia rests upon solid grounds. * * * The leaders, we suppose, will claim that they are the men who win victories, and that their generalship entitles them to special consideration. But they can win no triumphs without strong backing in money and votes from the best members of their party. If the politicians had had to fight single-handed the battle of last November, Mr. Cleveland would now be in the White House. They were literally smitten with paralysis until the manufacturers and other business men came to the rescue, not only with abundant supplies of money, but with a determination to carry the day by hard work and actively exerted influence. That was how the fight was won.

It is distinctly understood that the manufacturers of this country have raised money for the purpose of preventing the people from reforming the tariff. They will raise it again in the coming campaign. Perhaps they sought to give this country an object lesson in electing the gentleman [Mr. QUIGG] from a Democratic district in New York; and perhaps he has been swimming over a sea of corruption in the city of New York unconscious of the depths and the dirt beneath him. Perhaps a corruption fund was sent there by Republican manufacturers to control that Democratic district in order to punish this Congress for passing the Wilson bill; and I will admit it was pretty severe punishment; but I acquit the gentleman of any knowledge of any such thing, for I am satisfied that he rests upon the bosom of the Republican party ignorant of the means of his election and very little responsible for the result.

Mr. Chairman, I am not going to defend the appointment of Mr. Van Alen. I know nothing about his qualifications. If he contributed $50,000 to the campaign fund, according to Republican authority and Republican argument, that was the strongest and the best reason why he should have been appointed to this place; but I want to say this for Mr. Van Alen, who is not here to speak for himself, that if any such trade as this was contemplated, he at least had the decency not to disgrace the American people by accepting the bribe, as did John Wanamaker, under a Republican Administration.

Mr. Van Alen declined to accept this place. He repudiated any such bargain or agreement. He denied the existence of any such understanding, express or implied, and I think that he acted with decency and credit to himself, when his outcry was made against the appointment, in declining to serve in that branch of the public service. That is all I desire to say upon this question, Mr. Chairman, and I should not have said that but for the manner in which the gentleman responded to my interruption.

Mr. CANNON of Illinois. Mr. Chairman, I believe we have under consideration the diplomatic appropriation bill. The gentleman from Kentucky [Mr. MCCREARY], who is in charge of the bill, took occasion to make a political harangue this morning and to contradict his colleague upon that committee, the gentleman from Illinois [Mr. HITT], touching the amount spent from the contingent fund for consulates, saying that it had never been over $150,000. He declined to yield for a correction. Why, I will say to the gentleman now that since he made his speech I have made an examination, and there is an estimate for $46,000 over and above the $150,000 for the year 1893; and year by year the expenditure has been from $40,000 to $60,000 more than the $150,000. Now, I do not know whether the gentleman knows it or not. The committee that originates the consular and diplomatic appropriation bill ought to know.

Mr. MCCREARY of Kentucky. Will the gentleman yield to me for a moment?

Mr. CANNON of Illinois. Certainly; although the gentleman himself declined to yield awhile ago.

Mr. MCCREARY of Kentucky. Will the gentleman tell me in what year more than $150,000 was appropriated?

Mr. CANNON of Illinois. Yes; in the year 1889.

Mr. MCCREARY of Kentucky. When within the last four years?

Mr. HITT. In 1891 and in 1890 $228,000; not appropriated in the diplomatic and consular appropriation bill, but in that and the deficiency bill.

Mr. MCCREARY of Kentucky. Ah! I stated that $150,000 has been appropriated in the diplomatic and consular appropriation bill. That is what I stated, and I state it again. I have the appropriation bills on my table.

Mr. CANNON of Illinois. If the gentleman will go back to his remarks he will find that his statement was broader than that.

Mr. MCCREARY of Kentucky. We do not propose in this Administration to have any deficiencies. [Manifestations of derision on the Republican side.]

Mr. CANNON of Illinois. Let me say to the gentleman here and now that for the year 1893 the regular diplomatic appropriation bill carried $150,000. Yet there is now pending before the Committee on Appropriations, which makes up the deficiency bills, an estimate of this Administration for $46,000 and over, with the statement that the money has been expended.

Mr. MCCREARY of Kentucky. Will the gentleman allow me to ask him another question?

Mr. CANNON of Illinois. Certainly.

Mr. MCCREARY of Kentucky. In the Fifty-first Congress, when the gentleman from Illinois [Mr. HITT] was chairman of the Committee on Foreign Affairs, is it not true that $150,000 was appropriated each year to pay the contingent expenses of the consulates?

Mr. CANNON of Illinois. Yes. Now you are going to plead a set-off, are you? That is what you have been doing or trying to do all day.

Mr. MCCREARY of Kentucky. No. I am not trying to plead a set off, but when there is so much wisdom on your side to suggest an increase now, you ought, when you had the power, to have made the increase if it was necessary.

Mr. CANNON of Illinois. What I claim is that the gentleman ought to know, if he did not know, and if he did know he ought to have been frank with the committee and told it—that while his bill only carries $150,000 for the contingent fund as expressed, yet that it is absolutely certain, in the light of the service for 1893, that there will come in a year from now an estimate for from $46,000 to $50,000 more, which will be asked for. If he had stated that, then he would have covered the whole ground.

And that is what I now state, because I happen to be on the Committee on Appropriations; and within the last two weeks we have had the officials of the State Department before us and hauled them over the coals about this matter.

Mr. OUTHWAITE. Will the gentleman yield to me for a question?

Mr. CANNON of Illinois. Certainly.

Mr. OUTHWAITE. Was it necessary to make a deficiency appropriation for those two years alluded to, when the gentleman from Illinois [Mr. HITT] was chairman of the Committee on Foreign Affairs?

Mr. CANNON of Illinois. Oh, certainly.

Mr. OUTHWAITE. Of what amount?

Mr. CANNON of Illinois. Substantially about $50,000; and it will be necessary twelve months from now, when we make up the deficiency bill just as we are going to do it now, when we report the regular deficiency bill in two or three weeks. That is all there is of it. So much for that.

I will under the five-minute rule call attention, for consideration, when we come to the very business of appropriations, to some matters touching the consular service and the diplomatic service, in connection with the salaries, some of which have lately been increased and some of which it is proposed to increase. And it seems to me, as they are arranged, that I can not discover from the best reading that I can give as to that service, at the various consulates, that they are arranged equitably as to pay. I do not know whether there are any favorites or not, but there are strange things in it; and I will be honest about it. Time out of mind there have been some strange things in the diplomatic and consular service touching the salaries. They have not been equitable.

I have said so time and again when the Republicans were in power; and there are some strange things, and very strange things in it now, which I think I can demonstrate under the five-minute rule. But I will not speak further of that matter at this time, because the only real debate which affects legislation and affects appropriations comes when you have the very item under consideration which you propose to amend, to strike out, or to insert.

I have listened to this general political debate. It was started by my colleague, and very ably started, as I think, yesterday. Yet, I did not think my colleague was as happy as I have heard him heretofore, because ordinarily when he makes a speech before this House touching the foreign relations of this Government, or on any other subject, he comes using his own language, drawing his own conclusions, telling what he knows of the public service and its necessities.

I think I have listened to him time and again, when I have gained more information than I ever gained from anybody else upon the floor of this House touching this service, because I say,

knowing it to be true, that in my judgment he is the best equipped man touching the foreign relations of the Government that has service in the House. [Applause.] On yesterday when I listened to him he showed he had merit, that he had great merit, that he has industry: but as I listened I found out that he was not making his speech at all, but that he was picking up and giving to the House and to the country what the New York Sun, the New York World, and the New York Evening Post and other Democratic papers had said about this service; and then he called attention to what some great and good Mugwumps who stand close to the elbow and whisper into the ear of the "great and good" President on this subject. And as he enforced his points I could see—and I have not got very good sight, but without adjusting my glasses I could see the color come and go a little bit in the face of my honorable friend from Mississippi [Mr. HOOKER], and I could see the redness rise up all over the face of the gentleman from Kentucky [Mr. MCCREARY].

Well, they have both replied to my colleague [Mr. HITT]. After all it is Democrat against Democrat, with this exception—that the gentleman from Kentucky and the gentleman from Mississippi are members of this House and Representatives upon the floor and have time and privileges of the floor, while the New York Sun, the wicked New York World, and the very, very, very wicked Evening Post can not come in here at all except you bring it in to read it. [Laughter]. That is all quarreled out by these gentlemen.

I am not going to abuse the diplomatic service. I am not going to abuse that great and good man, the premier who stands at the head of the Cabinet. [Laughter.] I am not going to abuse your great and good Cabinet as a whole. I am not going to abuse Grover Cleveland. If I dipped my tongue in gall I could not say anything half so mean as the Democratic press is saying about the whole "outfit," or as I hear said day by day by various Democrats upon the floor of the House. [Laughter.]

Mr. WALKER. Or anything more true.

Mr. CANNON of Illinois. Or anything more true, as the gentleman from Massachusetts suggests.

Gentlemen have talked here about John Wanamaker and Benjamin Harrison, and they have called Mr. Wanamaker "Cheap John," and all that kind of thing. Well, it is not for me to defend John Wanamaker. He is a man who is known of the people of this country, and who has stamped the impress of his ability and his industry upon the business of this country. He has made a success and an honored name, and he was a good Postmaster-General, and Harrison gave us a good Administration. It does not make any difference whether you love it or whether I love it; it stands there speaking for itself when you test it by the public records. By the aid and support of the Republican party and a Republican Congress, the Fifty-first, the Harrison Administration stands the equal of any Administration in this country, save alone one, the Administration of Abraham Lincoln, when we lived a century in four years. It is not necessary for me to defend the Harrison Administration.

I say again, it speaks for itself, and so does the record of the Republican party. But now, gentlemen on the other side, you have got the power. After thirty years of service we were turned down and you came in. Do you recollect how you got in? What you said to get in? Do you recollect how you promised all things to all men? Do you recollect how you met at Chicago and framed your platform? Do you recollect that you promised to raise the necessary revenues for this Government by imposing duties upon articles that would yield revenue only, and voted down a proposition to lay any duties that would afford protection to any American laborer? You recollect all that, of course. Then that great and good man, Mr. Cleveland, came in and wrote a letter in which he tried to modify your platform.

You got in and made your declarations touching money. You were going to have silver coined just as gold was, precisely upon an equality with gold. And yet that wild-eyed son of destiny from the State of Missouri [Mr. BLAND] [laughter] has not yet had the courage to bring a bill into this House from his Committee on Coinage, Weights, and Measures for the free and equal coinage of silver with gold that would meet the requirements of the Democratic platform. He has, however, brought in several bills. One of them passed the House and Senate, but that great and good man who accepted your platform, free coinage, revenue tariff, and all, with some mental reservations, vetoed that bill, and on your side curses were both loud and deep.

Now, let me say to the gentleman from Mississippi that it will not answer to attempt to plead in setoff anything that you allege has been done by the Republican party. We are living in the present. What do you propose to do now to save the country and keep your pledges? Where is your policy? Who is your prophet? Is Grover the prophet? Or is Walter Q. the prophet? Or is Brother Hoke Smith the prophet? Or is David B. the prophet? [Laughter.] Who is your leader? What are you for? How are you going to crystallize legislation and write it upon the statute book? Where is the pen, and whose hand is to guide it?

Mr. BURROWS. They give it up. [Laughter.]

Mr. CANNON of Illinois. The gentleman from Michigan says they give it up. I think they had better give it up. Think of it! The gentleman from Georgia, Mr. CRISP, the Speaker of this House—do you recollect how he got to be Speaker? I do. I was here when his "boom" was born. I was one of the wicked members of the Committee on Rules in the Fifty-first Congress. I recollect very well the day when the then Speaker, now the leader of the minority and the leader of his party in this country, stood in his place and said in substance: "Performing my sworn duty under the Constitution, I find you men present here and I count you to make a quorum."

The gentleman who is now the Speaker of this House won his Democratic spurs at that time. He denounced the action of the then Speaker as revolutionary, and there went up such a cry of denunciation from the other side of the House as my ears had never before listened to, and hour after hour, and week after week, and month after month there was iteration and reiteration of that denunciation, not only in this Hall, but in the Democratic press and by the Democratic party everywhere. They denounced us as being a revolutionary party, and said that the wicked Speaker REED was at the head of the revolution. When the Democracy came into power in the Fifty-second Congress, the part which the gentleman from Georgia, Mr. CRISP, had taken in that controversy made him Speaker, and it made him Speaker the second time. Now, I am not a very old man, and all this was not a very great while ago, and my recollection of it is quite vivid, and I thought the other day, when the Committee on Rules, of which the gentleman from Georgia is the chairman, reported to this House, in substance, the Reed rule, to count a quorum: What strange antics men sometimes play! [Laughter.]

You recollect that character in Holy Writ that went to Christ and wanted to know what he should do to be saved. Christ answered that he should do this and that and the other. "All this have I done," was the reply: "what else shall I do?" "Sell that which thou hast and give it to the poor." I do not know how he obtained his possessions; but it is to be supposed that he got what he had under false pretenses; that was the intimation; and he had to make restitution. Well, now, if you should apply that rule to the present Speaker of the House, he would step down and out; for he is holding goods that he obtained under false pretenses. [Laughter and applause on the Republican side.]

I come back now to the Administration of Grover Cleveland, saying to the just everywhere "a public office is a public trust." Do you think so, my Democratic friends? If so has Grover Cleveland enforced and carried out this maxim? I do not know but he has. I am not here to abuse him or to deny him any credit which properly belongs to him. I think it possible that he or some of his friends might claim that you might get out a search warrant and that there are not enough simon pure, honest Democrats in the United States to hold the offices, and therefore they are obliged once in awhile to draft into the service a renegade Republican or a Mugwump for the highest places. [Laughter and applause on the Republican side.]

Something has been said here about "Cabinet timber." I think the gentleman from Mississippi or the gentleman from Kentucky used that expression in criticising the members of the Cabinet of the last Administration. Well, so far as I know—and we have to do with the present—so far as I am acquainted with the gentlemen who hold these positions to-day, I guess they are pretty fair men. They know how to do one thing it seems: they know how to obey. I think there is no doubt about that. When you undertake to organize an army the first requisite is to obey the commander. I take great pleasure in saying that: because whenever I find anything in an opponent or enemy, political or otherwise, that I can commend I cheerfully do so, for I would rather speak well than ill of any man. Therefore I say I do find one thing that I can commend on the part of these Secretaries: they know how to obey their chief.

Now, who are they? Gentlemen say that Mr. Wanamaker was unknown. How many men can you find outside of the State of Georgia and a tier of counties on the eastern border of Alabama who can come up and swear that they ever heard of Mr. Hoke Smith until he was made Secretary of the Interior? I am not here to say that from one standpoint he does not make a good Secretary of the Interior. After all, gentlemen, the country does not care greatly about the question who is Secretary of the Interior or Postmaster-General or Secretary of the Treasury or whether the best selections have always been made for those positions heretofore by those who are no longer Presidents. But the country is interested in knowing what are the policies that the Administration is pursuing to-day in matters of administration, and what legislation you are writing upon the statute book

to-day which will start the people of this country to consuming; for whenever they commence to consume, having wherewith by which to live, there is no trouble about the people commencing to produce in order to supply that demand.

But the gentleman from Kentucky and the gentleman from Mississippi have this diplomatic bill in charge; and they must be amused. So they come in, and in answer to Democratic attacks upon the Democratic Administration of Grover Cleveland, they proceed to go back into ancient history and set up the mistake of somebody in former times, and then treat it as a setoff. Gentlemen, that will not do. It may amuse you now; but let me tell you that anything which you may say or do touching those matters does not interest the country; and unless you can enact legislation all along the line, financial and economic, that will again set this country upon the highway of prosperity, bringing employment to the millions of people upon the farm and in the factory, by which they may receive the equal of the wage that they received in 1892 when you gained power under false pretenses, you will find a little later on that you have been weighed in the balance and found wanting. My notion is that even if you should give some reasonably fair legislation to the country, you have halted so long about it and have been of so many opinions that you will be "turned down" anyhow; and I think you ought to be. [Applause on the Republican side.]

Mr. COGSWELL. Mr. Chairman, it is not my purpose to participate at any length in this debate. But a short time ago the question was asked on the other side why T. Jefferson Coolidge, of Massachusetts, was appointed as our minister to the court of France, the implication being apparently that the appointment was not made on the ground of merit. I want to say for Mr. Coolidge that he had previous experience in our diplomatic service. He had already been (if I am not mistaken) secretary of our legation at Paris. He is an eminent linguist, proficient, not only in his own, but in many foreign tongues. His father was in the diplomatic service before him. He is a great-grandson of Thomas Jefferson, and worthy of the blood in his veins. And when the appointment was made there was not a paper in his own State of Massachusetts of any political stripe that did not commend the appointment as one eminently fit to be made.

It is not necessary, Mr. Chairman, that I should say this in Massachusetts where Mr. Coolidge is so well known; but I desire to make the statement here that it might go out alongside with the inquiry, which seemed to me to imply that it was not an appointment made upon merit alone.

Mr. HITT. Will the gentleman from Massachusetts permit me to ask him also if that gentleman, Mr. Coolidge, had not recently, before his appointment to France, distinguished himself in a position of supreme responsibility in the Pan-American conference by his preëminent ability and wide knowledge of our interests and of our diplomatic methods?

Mr. COGSWELL. And also, I will add, his familiarity with many foreign tongues. It is true.

Mr. REED. Now, let us have Van Alen accounted for. [Laughter.] I hope either the chairman of the Committee on Foreign Affairs, or at least the gentleman from Mississippi, will account for Van Alen. [Laughter and applause on the Republican side.]

Mr. HOOKER of Mississippi. He can be accounted for on his recommendation by some of your Republican friends on the other side of the Capitol, by the Senator from Rhode Island [Mr. ALDRICH], and many prominent people from his own State.

Mr. WISE. Mr. Chairman, I listened a moment ago to the speech of the honorable gentleman from Illinois [Mr. CANNON], in which he attempted to give to the gentleman from Maine [Mr. REED] the credit for the rule recently adopted to count a quorum. I want to strip that gentleman of the credit claimed for him by a citation of the facts which appear in the CONGRESSIONAL RECORD now before me.

In the Forty-sixth Congress, which assembled in this Capitol fourteen years ago, the Hon. John Randolph Tucker, of Virginia, offered this amendment to the rules:

> Whenever a quorum fails to vote on any question and objection is made for that cause, there shall be a call of the House, and the yeas and nays on the pending question shall at the same time be ordered. The Clerk shall call the roll, and each member, as he answers to his name, or is brought before the House under the proceedings of the call of the House, shall vote on the pending question. If those voting on the question and those who are present and decline to vote shall make a quorum of the House, the Speaker shall declare that a quorum is constituted and the pending question shall be declared decided as a majority of those voting shall appear.

Mr. GROSVENOR. What is the date of that?

Mr. WISE. January 18, 1880.

Mr. Tucker on that occasion announced as his purpose in offering this rule for the guidance of the House——

Mr. PAYNE. Please tell us what became of that rule?

Mr. WISE. You wait a moment, sir. I have the floor. [Laughter.]

Mr. PAYNE. All right. Tell us before you sit down.

Mr. WISE. Mr. Tucker announced as his purpose in offering the rule that it was to prevent that which we have very often seen in this House recently and which has occurred very often in preceding Congresses. He said:

> I offer the amendment without reference to its partisan influence in any direction, but it is to prevent the nonaction of the House when a quorum is actually present.

Mr. GROSVENOR. What was done with it?

Mr. WISE (continuing). On that occasion—and I am speaking of the Hon. THOMAS B. REED of Maine [laughter]—upon that occasion Mr. REED of Maine expressed his sentiments, and what were they? He said:

> Mr. Chairman, if it was my purpose to reply to the gentleman who has just taken his seat [Mr. PRISTER], it seems to me it would be a suitable and proper reply to say to him that the constitutional idea of a quorum is not the presence of a majority of the members of the House, but a majority of the members present and participating in the business of the House.
>
> The constitutional idea of a quorum is not the presence of a majority.

THOMAS B. REED in 1880 declared that the idea of the Constitution was not to require the physical presence of the majority of the members of the House, but—

> a majority of the members present and participating in the business of the House.

A thing which THOMAS B. REED has not done for more than a month. [Laughter and applause on the Democratic side.] Mr. REED further says:

> It is not the physical presence of members, but their judgments and their votes, that the Constitution requires.

[Laughter and applause on the Democratic side.]

And never—I speak by the record—never until that same THOMAS B. REED found it necessary to enforce his tyrannical purposes and those of his party in the Fifty-first Congress did he ever come to the conclusion that under the Constitution we have the right to record a man as present for the transaction of business unless there was on his part a voluntary participation in the proceedings of the House.

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Ohio?

Mr. WISE. When I recall the utterances of the Hon. THOMAS B. REED in former Congresses, I must say to the honorable gentleman from Illinois that I regard all this adulation of him and the Republican party as a miserable false pretense.

Mr. GROSVENOR. Mr. Chairman, will the gentleman allow me——

Mr. WISE. Mr. REED is not entitled to the credit of the origination of this idea of counting a quorum. It was first proposed in the American Congress by a Democrat from Virginia.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. WISE. Yes. I can not refuse ever to allow you to talk. [Laughter.]

Mr. GROSVENOR. It is a very interesting subject, and I want to ask, Was it a Democratic or Republican House in which that proposition was made?

Mr. WISE. I ask the gentleman to speak a little louder.

Mr. GROSVENOR. Was the House Democratic or Republican in which that proposition was submitted?

Mr. WISE. Democratic, I believe.

Mr. GROSVENOR. Was it adopted, and if not, which party defeated it?

Mr. WISE. I have not looked at the vote. My present purpose is only to strip your leader of the false colors under which he is sailing. [Laughter.]

Mr. GROSVENOR. One other question in that connection?

Mr. WISE. I want to say—I have it here—that upon that occasion the honorable gentleman from Illinois [Mr. SPRINGER], who is a Democrat, not only voted for the proposition, but made a speech in its behalf. I want to make another statement for the benefit of the gentleman from Ohio [Mr. GROSVENOR], that upon that occasion another distinguished leader of the Republican party, and in my opinion a worthy leader, James A. Garfield, from your State of Ohio, voted against the proposition, and denounced it as unconstitutional. So that this pretense that the country is indebted to the Republican party for this new interpretation of the Constitution is a bald lie.

Mr. GROSVENOR. I want to ask the gentleman further, it appears from the RECORD that a Democratic House defeated that proposition. On yesterday this House adopted a similar proposition. Now, while you are stripping or attempting to strip some individual, are you not stripping your own party a little?

Mr. WISE. Stop! You do not state the facts; it was not de-

feated, it was withdrawn. [Manifestations of derision on the Republican side.] Stop! It was never put to a vote.

The CHAIRMAN. The gentleman from Virginia will suspend. The Chair appeals to gentleman not to interrupt the gentleman from Virginia from their seats.

Mr. WISE. As I said before, I have not sought the floor for the purpose of imitating the gentleman from Illinois, or to claim the adoption of this rule as a triumph for Democracy. I have only sought the floor to denounce his statement that it is a triumph of REED or of Republicanism, and I am sustaining my position by proof from the RECORD, in which I show that Mr. REED of Maine denounced the proposition in 1880 as a violation of the Constitution, and the leaders of the Republican party joined him in the denunciation. I am only here to say that when you come into this Hall to make your loud boasts about the adoption of this rule as originating from Republican suggestion you are false to history, and when you attempt to give your leader the credit for it you make him the object of ridicule, in view of his recorded position on the subject.

Mr. WALKER. Mr. Chairman——

Mr. WISE. I want to make one other remark. I did not vote for that rule yesterday, not because I agree with Mr. REED that we have not the power under the Constitution to count a quorum. I have always maintained the proposition. I did not vote for it—and I am glad of the opportunity to make the statement—I did not vote for it, because I had had no opportunity to examine it after it was read at the Clerk's desk, and I will never give the sanction of my vote to any proposition unless the opportunity is afforded for examination. I refused to vote for it on that account, and I refused to vote for it because the opportunity was not granted for free debate.

Every proposition of that kind ought to be freely and fully discussed before its adoption by the Representatives of the American people. It is on that account that I refused to give my sanction to that rule. But I believe as firmly as any man that if the power resides here, as unquestionably it does, to bring a man from California to his seat in this House, we have the right to count his presence for the transaction of business. That is all, Mr. Chairman. [Applause on the Democratic side.]

Mr. WALKER. Mr. Chairman, I regret exceedingly to interrupt the gentlemen upon the other side who are appearing in the confessional with reference to their conduct toward Speaker REED during the Fifty-first Congress. I wish to say that I think there is hardly anything that was more surprising during this discussion than the fact that the gentleman from Illinois [Mr SPRINGER] not only seconded the resolution offered by Hon. Randolph Tucker of Virginia for counting a quorum, but that he made a speech upon it. We were all very much surprised that Mr. SPRINGER was heard on that occasion. Now, I would like to ask gentlemen upon the other side who are making their confessions with reference to their conduct during the Fifty-first Congress whether this side then made any claim of originality with respect to the counting of a quorum other than the fact that Speaker REED actually counted a quorum in that Congress?

Nobody makes any pretense that there was any discovery or any invention as to the custom of counting a quorum in every other legislative body except in the United States Congress. Every man who is familiar with parliamentary law knows that there is not a hint, from the dawn of common law or the application of parliamentary law down to the present day, of any other way of determining a quorum in any legislative body whatever other than by a count of the speaker or the presiding officer of the body. Now, there was no man any more determined in action, no man more persistent and severe in denunciation of Speaker REED for counting a quorum than the gentleman from Georgia, who now occupies the position of Speaker of this House. Mr. CRISP said:

> Yes; during this whole session the gentleman and his party, if I may be permitted to borrow a simile, have seemed to bow before the Speaker of the House with much the same feeling with which the Hindoo bows before the hideous image of his god; "He knows that he is ugly, but he feels that he is great."

The Republicans would like to know whether the Speaker of this House is as ready to apologize for these words as the other Democratic members are for their conduct and words.

Mr. McCREARY of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. BAILEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 6108) had come to no resolution thereon.

Mr. McCREARY of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills; and pending that motion, I desire to make a motion to limit general debate. I have desired all day to secure an arrangement, and I have tried to be perfectly fair. If any gentleman desires to speak I should like to know. I am willing to make any agreement that is fair.

Mr. HITT. At what time to-morrow does the gentleman desire to close general debate?

Mr. McCREARY of Kentucky. I would like to close general debate in thirty minutes.

Mr. BURROWS. Not to-night; some time to-morrow.

Mr. CANNON of Illinois. I think that by the time gentlemen confess on that side, it will take up most of to-morrow, to say nothing of this side.

Mr. McCREARY of Kentucky. Say an hour, then.

Mr. HITT. Say one hour on a side to-morrow. The gentleman from Iowa [Mr. HEPBURN] is not here, and he has asked to be heard. I know that the gentleman is anxious to speak upon this bill, and he should have an opportunity, as he was formerly the Solicitor of the Treasury.

Mr. McCREARY of Kentucky. Would not sufficient opportunity be afforded to him to speak under the five-minute rule?

Mr. HITT. Oh, no.

Mr. McCREARY of Kentucky. How much time does the gentleman want?

Mr. HITT. I think we should have one hour on a side. The gentleman from Iowa [Mr. HEPBURN] desires to address the House on this bill.

Mr. McCREARY of Kentucky. Then, Mr. Speaker, I ask that general debate be closed in one hour, and that the gentlemen on the other side may have forty minutes of that time.

Mr. HITT. Let us have an hour. I promised the gentleman that he should have an opportunity to speak.

Mr. McCREARY of Kentucky. Well, say an hour and fifteen minutes.

Mr. REED. Let us have an hour on this side.

Mr. McCREARY of Kentucky. We do not want further debate, that I know of.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that all general debate on this bill close in one hour and fifteen minutes.

Mr. REED. If we can have one hour.

Mr. CANNON of Illinois. We want it to-morrow.

Mr. OUTHWAITE. Let it be taken to night.

The SPEAKER. Is there objection to the request that the debate be closed in one hour and fifteen minutes, one hour to be given to the minority?

Mr. BURROWS. Mr. Speaker, I understand the gentleman from Iowa, who desires to speak, is not here this afternoon.

Mr. OUTHWAITE. He ought to be.

Mr. McCREARY of Kentucky. We will give him ten minutes to-morrow of general debate.

Mr. HITT and Mr. BURROWS. Oh, no.

Mr. BAILEY. I desire to make this suggestion, that there can be a unanimous agreement that the gentleman from Iowa [Mr. HEPBURN] should have thirty minutes during the five-minutes debate.

Mr. McCREARY of Kentucky. I will agree to that.

Mr. BAILEY. And that can be subtracted from the hour and fifteen minutes for general debate, if that is now agreed upon.

Mr. McCREARY of Kentucky. I will agree to that.

Mr. HITT. An hour and fifteen minutes? Do you wish to adjourn now?

Mr. BAILEY. That will close general debate on all except the gentleman from Iowa [Mr. HEPBURN].

Mr. HITT. Let us have half an hour to-morrow and let the gentleman from Ohio Mr. GROSVENOR] proceed now.

Mr. McCREARY of Kentucky. And limit the general debate to an hour and fifteen minutes?

Mr. HITT. Let the gentleman from Ohio go on this evening. He is the only one on our side who wants to speak now.

Mr. McCREARY of Kentucky. How much time does the gentleman from Ohio desire?

Mr. GROSVENOR. Fifteen minutes.

Mr. McCREARY of Kentucky. Then, Mr. Speaker, I ask unanimous consent that general debate upon the pending proposition be continued for thirty minutes this afternoon, the time to be occupied by the minority, and for forty-five minutes to-morrow, of which thirty minutes shall be given to the minority.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River, in the State of Arkansas; when the Speaker signed the same.

ORDER OF BUSINESS.

On motion of Mr. MCCREARY of Kentucky, the House again resolved itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills, Mr. BAILEY in the chair.

DIPLOMATIC APPROPRIATION BILL.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 6148) making appropriation for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895.

Mr. WISE. Mr. Chairman, I ask unanimous consent to print in connection with my remarks made this afternoon the remarks of the gentleman from Maine [Mr. REED], to which I referred, or such portions of them as I may desire, and also the remarks made by Mr. Garfield, by Mr. Tucker, and by other gentlemen who took part in the discussion upon that occasion.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. REED. Those remarks ought to be scattered all over the RECORD. They have been up to date, and I think the practice ought to be continued. [Laughter.]

There was no objection.

Mr. GROSVENOR. The gentleman from Tennessee [Mr. ENLOE] challenged the gentleman from New York [Mr. QUIGG] to answer whether he had been successful in smashing the Wilson bill, and to state the effect of his election upon that measure. The gentleman from New York replied, in substance, that he had not claimed that his election would smash the Wilson bill, and very modestly refrained from giving expression to a few facts which I think he might with perfect propriety have given utterance to on this occasion, especially in view of the challenge of the gentleman from Tennessee. It will be borne in mind that the Wilson bill passed this House at about the time the gentleman from New York was elected, and the question was not as to the effect of that election upon the bill here, because this House was joined to a certain class of Democratic, or alleged Democratic idols, among which was the doctrine of "free raw materials," and therefore it was not expected by any intelligent man that any election in New York or anywhere else could operate successfully upon a majority of more than 100 to defeat the Wilson bill in this body.

But, Mr. Chairman, something has had a most serious and damaging effect upon the Wilson bill. That is what I wish to speak about very briefly, and I wish to supply a few suggestions which the extreme modesty of the gentleman from New York seems to have prevented him from presenting to the House during his admirable speech. The Wilson bill, as it passed this House, was a bill framed upon the idea of "free raw materials" and "tariff for revenue only," and among other free things in that bill was free sugar. The agents of a certain great trust in this great country, the most wealthy, the most arrogant, the most dominating, the most "democratic" that there is in all the world, came here and, under one pretext and another, crowded into this House and by its agents urged upon members the necessity of protecting the "infant industry" of sugar-refining in the city of New York. They failed to accomplish their purpose, and by an overwhelming majority the House of Representatives sent the bill to the Senate with sugar absolutely free. But what is the condition of that bill to-day?

The answer to that question is the answer which the gentleman from New York might well have given, and in giving it he might have claimed that the handwriting which was put so conspicuously on the wall in the city of New York, in the district which he represents, had had a great deal to do with the present disfigurement and dismemberment of the so-called Wilson bill, which is to day filled from one end to the other with concessions made to the most agressive trusts in the United States. The members of the whisky trust have come forward and given notice that their demands can be met only by certain concessions in the matter of figures, and in the matter of time, and they have got their concessions in the committee's report. The sugar trust, aided by the appeal from Louisiana, has come forward and has succeeded in putting into that bill not only a protective tariff upon a foreign-produced article, an article nine-tenths of which comes from abroad, but also in putting upon the domestic manufacture of refined sugar a tariff not only for protection but one which is substantially prohibitive against the importation of foreign sugar of refined grade. This tax is wholly a burden upon the people, and will put millions upon millions into the pockets of the trust.

So the Democratic party stand here to-day facing their own argument. The argument made on this floor in favor of free raw material has been overturned by the demand made in the Senate, which has already been conceded, that coal and iron ore shall be protected, not as much as they ought to be, I grant, but enough to answer and overthrow and deny and defeat all the arguments that were made in this House upon the subject of the Wilson bill.

Mr. BYNUM. Will the gentleman permit me a moment?

Mr. GROSVENOR. Yes, sir.

Mr. BYNUM. I do not know that I correctly understood the gentleman: but I understood him to say that the duty placed upon refined sugar by the committee of the Senate is protective to the extent of excluding competition.

Mr. GROSVENOR. I do say so, practically excluding foreign refined sugar.

Mr. BYNUM. Does not the gentleman know it to be a fact that the present duty on refined sugar is much greater than that proposed in the Senate?

Mr. GROSVENOR. Yes: and there is no duty on raw sugar.

Mr. BYNUM. And therefore the trust has that much more protection, because it gets its raw sugar free.

Mr. GROSVENOR. But the present law is a protective law, and the Democratic claim is for a tariff for revenue only.

And that is not all of it, Mr. Chairman. We have it announced now that in order to secure the full cooperation of the sugar trust—to overcome the dangers that beset that bill to day in the Senate—a piece of blank paper has been furnished to the sugar trust and they have been notified to write their own tariff if they will only secure the passage of the bill in the Senate.

Mr. BYNUM. The gentleman knows that is only a newspaper statement——

Mr. GROSVENOR. Only a newspaper statement, that is all.

Mr. BYNUM. And it has been denied by the members of the Finance Committee of the Senate.

Mr. GROSVENOR. I have not seen that; and I make no charge of the kind as coming from myself. But it is enough to say that upon every point in that bill on which the advocates of free raw material made their battle in this House, the Senate has changed it and abandoned the position taken here. And that is not all. Collars and cuffs have been protected——

Mr. BYNUM. Of course the gentleman understands that under the present law the protection to the sugar trust is greater than that provided for in the Senate bill?

Mr. GROSVENOR. I do not care anything about the present law. The present law is a protective law. I am talking about the bill that we sent over to them; and I am pointing out that the Democrats of this House will have to abandon every argument that they made upon the floor of this House, and turn round as conspicuously as my friend from Virginia has demonstrated that some of us have upon the subject of counting a quorum.

Mr. BYNUM. The gentleman says "the bill we sent over." Of course I have no quarrel with him——

Mr. GROSVENOR. I am speaking of the House having sent it over. The gentleman now is only occupying time and listening to the music of his own voice, which he always finds so charming.

Mr. BYNUM. If the gentleman prefers to hear his own, I give way of course.

Mr. GROSVENOR. I do very much. I always like to hear the gentleman from Indiana when he has anything to say; but when he has not I do not like to be interrupted as a mere matter of killing time.

Now follow this bill all along the line of it, as now before the Senate, and there is no "Wilson bill" left. And that is not the worst of it. We do not yet know what is going to be the outcome of this matter. We find that one distinguished Senator yesterday, following in the footsteps of one who spoke last week, comes forward and says that if this bill, even as it now appears upon the files of the Senate, shall be passed, "God save the Democratic party." Why? Because the manufactured articles produced in the State of New Jersey are not sufficiently protected by this bill.

So when the gentleman from Tennessee states that the election of the gentleman from New York has not had any effect upon the Wilson bill, he is greatly mistaken. Not only did the election in New York have an effect in that direction, but the elections in New Jersey, in Rhode Island, in Ohio, in Michigan, in Missouri, in Illinois, in Wisconsin, and in Montana have had a most powerful effect. They have served notice upon the Democrats of this House that if they persist in passing the Wilson bill, the prayer of the distinguished Senator from New Jersey will be absolutely in vain and of no effect.

So, Mr. Chairman the gentleman from New York might have presented all this line of argument—which he could have put in much better form than I have—to caution the gentleman from Tennessee that it is hardly wise for a Democrat to-day to exult; because there is such a thing somewhere as the dead and mangled body of the so-called "Wilson bill." The history of

the Wilson bill might as well be written now. It is dead—dead past all regeneration and resuscitation—absolutely as dead as the man who died one hundred years ago.

You can not do it. You can not get on this floor a hundred votes in favor of it. You will have to take the Senate bill that the trusts of the country have organized; and you Democrats on that side of the House will have to march up and accept the platform of principles that the great trusts of the country have laid down for you. You will not put a tax on beer. You will not lift the burden by thirty-seven to forty millions of dollars by putting another dollar a barrel on beer. You will be compelled to put a cent a pound or upward on raw sugar, drawing $4,000,000 directly out of the pockets of the people of this country, or you will have no bill at all. The men who passed the Wilson bill, the committee that framed it, will be lost sight of; and the time will come, as it has already come in the Senate, when on your knees you will obey the demands of the men who have coerced the Democratic party on the very principles which you said you meant to fight so valiantly for in this House.

Now, I will not discuss the question under consideration. If there is any comfort to be had by the Democratic party out of the resolutions brought into this House and adopted, from the Committee on Foreign Affairs, in relation to the Sandwich Islands matter, I am sure you ought to have the consolation of it, for a Democratic committee of the Senate and a Democratic Senate led by a Democratic leader of that body have treated the resolutions as though they had never been passed, and the whole country has laughed at them, scorned them, treated them with utter contempt. And no man in the United States has been found outside of this Hall who has defended the action of the Democratic Administration in that particular matter. They have been repudiated by the Democratic party in the Senate; they have been repudiated by the deliberate judgment of the Democratic party of the whole country, and even the Democratic Administration to-day does not attempt to stand upon the false ground given out by the Committee on Foreign Affairs of this House.

So there is no balm in Gilead for the Democratic party. [Laughter and applause on the Republican side.]

It has made the mistake of attempting to bring factions educated in wholly divergent political opinions, representing divergent Democratic sentiment in one section of the country and Democratic sentiment in another section of the country together, sentiments so utterly apart, so utterly discordant, that there has been no hopes of a possibility of reconciliation, and yet they have attempted to bring these discordant elements in the House together and formulate a plan of action.

It can not be done. It is demonstrated beyond the possibility of question that it can not be done. It is a demonstration of the fact that the two wings of a party that separate on principle can not be brought together and formulate and carry forward a great principle of party action. And the Democratic party to-day stands weaker before the country, more thoroughly condemned before the country, more utterly incapacitated before the country than did the Democratic party of 1860, when it had one convention at Charleston and another at Baltimore, that divided it in two, and attempted afterwards to divide the country in two; and the Democratic party of 1894, leading up to the dismemberment of 1896, will demonstrate that it is only necessary to put this party into power to show its utter incapacity to do anything except to dismember itself and to die. [Applause on the Republican side.]

The CHAIRMAN. Under the order of the House, thirty minutes were to be consumed in debate this afternoon, that time to be occupied by the minority of the House. The gentleman from Ohio has occupied twenty minutes, leaving still ten minutes to be occupied this afternoon by that side.

Mr. HITT. Mr. Chairman, I ask unanimous consent that the ten minutes be transferred to the time allowed for debate to-morrow to this side of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCREARY of Kentucky. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BAILEY reported that the Committee of the Whole House on the state of the Union having had under consideration the diplomatic and consular appropriation bill, had come to no resolution thereon.

NAVAL APPROPRIATION BILL.

Mr. CUMMINGS, from the Committee on Naval Affairs, reported a bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCETRICK, for three days, from the 20th instant, on account of illness in his family.

To Mr. BELTZHOOVER, indefinitely, on account of sickness.

To Mr. STEVENS, for one week, on account of sickness.

To Mr. ARNOLD, for ten days, on account of urgent business.

And then, on motion of Mr. MCCREARY of Kentucky (at 4 o'clock and 38 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. RICHARDS, from the Committee on Claims, the bill (S. 75) for the relief of Thomas Guinean. (Report No. 717.)

By Mr. MARTIN of Indiana, from the Committee on Invalid Pensions, the bill (H. R. 5112) for the relief of Mary E. Cole. (Report No. 726.)

By Mr. RICHARDS, from the Committee on Claims, the bill (H. R. 5472) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md. (Report No. 727.)

By Mr. BALDWIN, from the Committee on Invalid Pensions, submitted the views of the minority of the committee on the bill (H. R. 2908) restoring the pension of Martha E. Miller. (Report 601, part 2.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6629) for the relief of Christopher C. Miller, and the same was referred to the Committee on Pensions.

The Committee on Pensions was discharged from the consideration of the bill (H. R. 6644) for the relief of Gertrude Eglesston, etc., and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. HEARD (by request): A bill (H. R. 6721) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the cities of Washington and Georgetown, and for other purposes—to the Committee on the District of Columbia.

By Mr. BLAIR: A bill (H. R. 6722) to fix the salary of the collector of customs revenue at the port of Portsmouth, N. H.—to the Committee on Interstate and Foreign Commerce.

By Mr. MEREDITH: A bill (H. R. 6724) to authorize the extension of the Columbia Railway of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAYES: A bill (H. R. 6725) to modify an act approved January 31, 1883, being chapter 40 of the Laws of the second session of the Forty-seventh Congress—to the Committee on the District of Columbia.

By Mr. LEFEVER (by request): A bill (H. R. 6726) to promote the complete exploration of the polar regions—to the Committee on Naval Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 6727) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company—to the Committee on the District of Columbia.

By Mr. BRECKINRIDGE of Arkansas: A bill (H. R. 6747) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation, which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value for each of said buildings from the evidence now on file in the Interior Department—to the Committee on Claims.

By Mr. O'NEIL of Massachusetts: A bill (H. R. 6749) to ratify an agreement between the United States and the Yuma Indians—to the Committee on Indian Affairs.

By Mr. BALDWIN: A joint resolution (H. Res. 165) to amend a joint resolution approved January 19, 1894—to the Committee on the Public Lands.

By Mr. PENCE: A resolution requesting the Secretary of the Treasury to furnish information concerning national-bank currency, and other information—to the Committee on Banking and Currency.

By Mr. BARWIG: A resolution asking the assignment of a clerk to the Committee on Expenditures in the Treasury Department—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BANKHEAD: A bill (H. R. 6728) for the relief of the estate of William Cochrane, deceased, late of Tuscaloosa County, Ala.—to the Committee on War Claims.

By Mr. BOATNER: A bill (H. R. 6729) for the relief of Mrs. Martha E. Templeton and Mrs. Emma T. Wood—to the Committee on War Claims.

By Mr. BUNDY: A bill (H. R. 6730) granting a pension to Michael O'Neill, late of the Seventieth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. CABANISS: A bill (H. R. 6731) for the relief of William T. Trammell—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 6732) for the relief of the estate of Z. C. Offatt, deceased, late of Washington County, Miss.—to the Committee on War Claims.

By Mr. COCKRAN: A bill (H. R. 6733) to place the name of F. M. Parker, and so forth—to the Committee on Military Affairs.

Also, a bill (H. R. 6734) for the relief of Mary Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6735) for the relief of the owner of the tug William Alexander—to the Committee on Claims.

By Mr. ENLOE: A bill (H. R 6736) for the relief of John Zimmerman, of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 6737) for the relief of Peyton Atkins, McNairy County, Tenn.—to the Committee on War Claims.

By Mr. HOUK: A bill (H. R. 6738) for the relief of the estate of George W. and Richard B. Cooper, late of Knox County, Tenn.—to the Committee on War Claims.

By Mr. LANE: A bill (H. R. 6739) to increase the pension of Capt. Edward Roessler—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 6740) for the relief of Austin Johnson—to the Committee on Military Affairs.

By Mr. McDANNOLD: A bill (H. R. 6741) to ascertain and pay for loss of property sustained by Lieut. John C. Colwell—to the Committee on Naval Affairs.

By Mr. NEILL (by request): A bill (H. R. 6742) for the relief of the estate of William Pride, deceased, late of Monroe County, Ark.—to the Committee on War Claims.

By Mr. OUTHWAITE (by request): A bill (H. R. 6743) for the relief of Alexander D. Schenck—to the Committee on Military Affairs.

By Mr. REED: A bill (H. R. 6744) for the relief of William H. Motley—to the Committee on Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 6745) for the relief of Cornila Till, of Lauderdale County, Ala.—to the Committee on War Claims.

By Mr. WEVER: A bill (H. R. 6746) granting a pension to Mrs. Nancy G. Griffin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURROWS: Petition of Barbers' Union, of Detroit, Mich., in favor of Government telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. DENSON: Papers to accompany House bill 6457—to the Committee on War Claims.

By Mr. DONOVAN: Petition of pastor and trustees of St. John's Evangelical Lutheran Church of Van Wert, Ohio, against the proposed change in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. CALDWELL: Protest signed by Rev. C. H. Jaebker and others, of Taylor Creek, Ohio, against the passage of bill amending the Constitution—to the Committee on the Judiciary.

By Mr. CARUTH: Affidavit to accompany House bill 6613, granting an increase of pension to Isaac Stephens, re-referred from the Committee on Pensions and referred to the Committee on Invalid Pensions—to the Committee on Invalid Pensions.

By Mr. CORNISH: Papers to accompany House bill 6562—to the Committee on Military Affairs.

By Mr. CUMMINGS: Protest of Encampment No. 38, Union Veteran Legion, of the city of New York, against the passage of the proposed amendment to House bill 5575, placing the control of National Homes of Disabled Volunteers in the War Department, instead of Board of Managers—to the Committee on Appropriations.

Also, petition of president and faculty of Columbia College, of New York, protesting against the passage of House bill 6338, to abolish the bureau in the Treasury Department known as the Coast and Geodetic Survey, etc.—to the Committee on Naval Affairs.

Also, petition of the Lenox Hill Club, of the city of New York, in favor of the bill to increase the salary of certain letter-carriers of the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. ENLOE: Papers in the claim of James M. Priddy, of Lexington, Tenn.—to the Committee on War Claims.

By Mr. FITHIAN: Petitions of citizens of Effingham and Jasper Counties, Ill., members of the Evangelical Lutheran Churches of St. Johns and St Paul, together with a memorial of the Evangelical Lutheran School, of Illinois, protesting against putting God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. GOLDZIER: Memorial of the Evangelical Lutheran School, protesting against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. JOSEPH: Petition of citizens and miners of the Cochita mining district in New Mexico, praying for the passage by Congress of House bill 6169—to the Committee on Mines and Mining.

By Mr. McCLEARY of Minnesota: Protest against any change in the preamble of the Constitution of the United States from St. Paul Evangelical Lutheran Church, of Fuldo, Minn., signed by Rev. Theodor Schlueter, pastor, and George Eckenberger, Leonhard Gunderman, John Dobereiner, and George Fillman, elders—to the Committee on the Judiciary.

By Mr. MEREDITH: Papers to accompany House bill 6697—to the Committee on War Claims.

Also, papers to accompany House bill 6662—to the Committee on War Claims.

By Mr. MERCER: Three petitions in favor of House bill 5246—to the Committee on Immigration and Naturalization.

Also, two petitions in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEIL of Massachusetts: Papers to accompany House bill 6700—to the Committee on Naval Affairs.

By Mr. PAYNE: Petition of Cortland Lodge, No. 351, Ancient Order of United Workmen, of Cortland, N. Y., for the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PERKINS: Protest from Evangelical Lutheran Church of Ireton, Sioux County, Iowa, against the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PIGOTT: Papers to accompany House bill 6701—to the Committee on War Claims.

Also, papers to accompany House bill 6702—to the Committee on Claims.

Also, papers to accompany House bill 6703—to the Committee on Military Affairs.

Also, papers to accompany House bill 6704—to the Committee on Military Affairs.

By Mr. SHAW: Protest of 8 members of the faculty of the University of Wisconsin against the passage of House bill 6338, to abolish the United States Coast and Geodetic Survey—to the Committee on Expenditures in the Treasury Department.

By Mr. STONE of Kentucky: Papers to accompany House bill 6708—to the Committee on War Claims.

By Mr. STEVENSON: Petition of the Barbers' Union, of Detroit, Mich., in favor of Government ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Resolution of the Board of Trade of Scranton, Pa., concerning amendment to the interstate commerce law and bankruptcy bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Protest of the Evangelical Lutheran Church of St. Johns, Lena, Stephenson County, Ill., numbering 100 members, against the proposed constitutional amendment tending to a civil religious establishment—to the Committee on the Judiciary.

By Mr. TAWNEY: Protest from Emanuel Evangelical Lutheran Church, of Utica, Mont., signed by Rev. F. Prolenhauer, pastor, and W. F. Kastner and W. Dorn, elders and trustees, representing 250 communicants, against any change in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. TAYLOR of Tennessee: Petition of citizens of Hawkins County, Tenn., asking the passage of the Manderson-Hainer bill in the interest of the fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. WELLS: Protest of Rev. Herman C. Rowald and 382 communicants of his church, against a change in the preamble of the United States Constitution—to the Committee on the Judiciary.

By Mr. WILSON of Washington: Resolution of Board of Trade of Olympia, opposing abolishing or transferring the United States Coast and Geodetic Survey to the Geological Survey and Navy Department—to the Committee on Appropriations.

By Mr. WRIGHT of Massachusetts: Petition of H. E. Hillman and 31 others, of Holyoke, Mass., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *April 19, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River, in the State of Arkansas; and it was thereupon signed by the Vice-President.

PUBLIC LANDS IN OREGON AND WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 3d instant, a report from the Commissioner of the General Land Office, submitting a list of all public lands located in odd sections in the States of Oregon and Washington; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate a communication from the clerk of the Court of Claims, transmitting the findings of that court in the cause of John A. Fairfax *vs.* The United States; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I submit a conference report on the urgent deficiency appropriation bill. I will simply state that the House conferees receded from the disagreement of the House to all the amendments of the Senate, except the amendment striking out the provision for a census abstract. That is left in. The clause which was stricken out of the bill as it passed the House providing for an abstract of the census is restored, and with that exception all the Senate amendments are agreed to.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6556) "to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

"MINTS AND ASSAY OFFICES.

"For wages of workmen and adjusters, to be used in the discretion of the Secretary of the Treasury, $52,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following:

"For compensation and mileage of members of the House of Representatives and Delegates from Territories on account of fiscal years as follows:

"For 1893, $3,334.

"For 1894, $15,900."

To pay the clerk to the Speaker's table, for services rendered as clerk to the Committee on Rules during the first and second sessions of the Fifty-third Congress, $500; and the Senate agree to the same.

F. M. COCKRELL,
EUGENE HALE,
Managers on the part of the Senate.
JOSEPH D. SAYERS,
J. G. CANNON,
Managers on the part of the House.

The report was concurred in.

LEAVE OF ABSENCE.

Mr. GEORGE. I ask a leave of absence, for ten days, for my colleague, Mr. MCLAURIN.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the leave of absence is granted.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented a memorial of the Evangelical Lutheran Church, of Northwood, Iowa, remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

He also presented a petition of Johnson Division, No. 67, Order of Railway Conductors, of Waterloo, Iowa, praying for the adoption of certain amendments relating to ticket scalping, etc., to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the petition of J. H. Merrill and sundry other citizens of Iowa, and the petition of E. P. Fogg and sundry other citizens of Epworth, Iowa, praying for the enactment of legislation to suppress the lottery traffic; which were ordered to lie on the table.

He also presented petitions of W. A. Granger and sundry other citizens of Nashua; of W. H. Bradley and sundry other citizens of Larchwood; of R. T. Gilbert and sundry other citizens of Viola Center; of F. H. Robbe and sundry other citizens of Charles City, and of Viola Lodge, No. 220, Legion of Honor, of Viola Center, all in the State of Iowa, praying that fraternal society and college journals be admitted to the mails as second-matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the enactment of legislation to suppress the lottery traffic; which was ordered to lie on the table.

Mr. WASHBURN presented sundry memorials of citizens of St. Cloud and Alexandria, in the State of Minnesota, remonstrating against an increase of the internal-revenue tax on cigars; which were ordered to lie on the table.

Mr. CAFFERY presented a petition of sundry citizens of New Orleans, La., praying that an appropriation be made for the improvement of the harbor of that city; which was referred to the Committee on Commerce.

He also presented the petition of Mrs. Luella A. Oteri, of New Orleans, La., owner of the steamer Joseph Oteri, jr., praying for the remission of a penalty imposed upon that vessel for a technical violation of the customs laws; which was referred to the Committee on Claims.

He also presented sundry petitions of citizens of New Orleans, La., praying for the establishment of a bureau of public health within the Treasury Department of the United States; which were referred to the Committee on Epidemic Diseases.

He also presented the petition of Francois L. Bouillotte and others, children and heirs at law of Joseph Bouillotte, late of Rapides Parish, La., praying that their claims against the United States for stores and supplies taken for the United States Army, at Alexandria, La., during the civil war, be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

Mr. PEFFER. I present a memorial of the executive board of Baker University, located at Baldwin, Kans. I can state its contents perhaps more briefly by reading the resolution which embraces the memorial:

That we, as the executive board of Baker University, protest against the passage of the bill now pending before Congress requiring colleges having military departments to furnish "quarters" for the officer in charge.

The memorialists therefore "urge the Congressmen and Senators from Kansas to use their utmost influence to prevent the bill from becoming a law." I ask that the memorial be referred to the Committee on Military Affairs, and I wish simply to state that I not only agree with the suggestion in the memorial, but that I should be very much pleased to see the Government take off its military hand from all colleges and schools throughout the country as well as Baker University.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Military Affairs.

Mr. CAMERON presented a memorial of the Powelton Building Association, of Philadelphia, Pa., remonstrating against the passage of the clause in the Wilson tariff bill relating to building and loan associations; which was ordered to lie on the table.

He also presented a memorial of Encampment No. 60, Union Veteran Legion, of Johnstown, Pa., remonstrating against the passage of House bill No. 5575, which proposes to take from the Board of Managers of the National Home for Disabled Volunteer Soldiers all or nearly all control, and place the same under the government of the War Department; which was referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade of Scranton, Pa., praying for the adoption of certain amendments to the interstate-commerce law, and remonstrating against the pas-

sage of the so-called Bailey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented the petitions of Springer Morris and J. N. Conn, of Point Marion, Pa., praying for the passage of House bill No. 5246, providing for the inspection of immigrants by United States consuls; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 1433) granting to the Hot Springs Water Company a site for a reservoir for cold water upon the permanent reservation at Hot Springs, reported it with an amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4328) for the relief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis, reported it without amendment and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 552) for the relief of Calvin Gunn, reported it without amendment and submitted a report thereon.

BILLS INTRODUCED.

Mr. CAFFERY introduced a bill (S. 1924) to give the Court of Claims jurisdiction in the matter of the claim of the owners of the steamboat Bee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 1925) for the relief of D. R. Carroll and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE (by request) introduced a bill (S. 1926) for the relief of John Tyler, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 1927) for the relief of Michael A. Duce; which was read twice by its title, and referred to the Committee on Claims.

THE KIDWELL FLATS.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General is directed to furnish the Senate information as to the present status of the suit in regard to the Kidwell flats, in the District of Columbia, and why the suit is not pressed to a conclusion.

CLERKS IN TREASURY AND INTERIOR DEPARTMENTS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from New Hampshire [Mr. GALLINGER], coming over from a previous day.

The SECRETARY. A resolution to direct the Secretary of the Treasury and the Secretary of the Interior to transmit to the Senate in separate lists the names of all clerks and employés appointed, promoted, reduced, and dismissed since the 4th of March, 1893, etc.

Mr. GALLINGER. I desire to modify the resolution by striking out after the word "reduced" in line 4, the word "and," and by inserting after the word "dismissed," in the same line, "and who have resigned by request."

The VICE-PRESIDENT. The resolution will be read as modified.

The Secretary read the resolution submitted by Mr. GALLINGER on the 13th instant, as modified, as follows:

Resolved, That the Secretary of the Treasury and the Secretary of the Interior be directed to transmit to the Senate in separate lists the names of all clerks and employés appointed, promoted, reduced, dismissed, and who have resigned by request since the 4th day of March, 1893, and the State to which each such clerk or employé is accredited; also that such of them as served in the Army or Navy of the United States at any time during the war of the rebellion shall be designated by some distinguishing mark in each list.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

HEARINGS ON PROPOSED LEGISLATION.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Kansas [Mr. PEFFER], coming over from a previous day.

The Secretary read the resolution submitted by Mr. PEFFER on the 14th instant, as follows:

Whereas there exists in many places and on the part of large numbers of citizens, individually and in organized bodies, a disposition to visit the city of Washington for the purpose of personally presenting to Congress their views with respect to pending and prospective measures of legislation; and

Whereas many of such persons and bodies are reported to be now on their way hither, with others likely to follow, for the purposes aforesaid:

Therefore, to the end that these our petitioners shall have full and respectful hearing and that proceedings attending their communication with the Senate shall be orderly and not subjected to interruption by the transaction of other public business,

Be it resolved, That a select committee of nine members of the Senate be appointed by the Vice-President, to be known as the Committee on Communication, whose duty it shall be to receive all written or printed communications from citizens or bodies of citizens visiting the Capitol or intending to make such visit, for the purposes mentioned in the preamble hereto, and to receive all petitions, memorials, and remonstrances of such persons and bodies and hear them orally in relation to the matters and things about which they desire to communicate with the Senate. The committee shall report fully to the Senate from time to time as other committees report.

The Sergeant-at-Arms will set aside a convenient room in the Capitol or other building belonging to the Government for the use of said committee and furnish the same with the necessary articles for the convenient dispatch of business—

Mr. PEFFER. Mr. President, there was a motion made yesterday to refer the resolution to the Committee on Rules; and before action is taken upon it I wish to state to the Senate very briefly the object of the resolution, so that we may act not hastily, but advisedly.

There is, and has been, for perhaps two or three years, a growing disposition on the part of a great many people in the country, not confined to any particular section, but scattered all over the country, to present their views to Congress in person, changing the usual form of petition from written to oral language. That disposition is growing more general every day. The newspapers now inform us that in Boston, from other cities in Massachusetts; from New York City, and other places in the State of New York; from Philadelphia, Baltimore, Cincinnati, Chicago, Minneapolis, San Francisco, Los Angeles, St. Louis, and a number of other places, men are congregating in small bodies for the purpose of coming to Washington with the ultimate object of presenting their views in connection with their condition to Congress personally.

The object of this resolution is that the way may be made easier for proceedings of this kind to be conducted, so that whatever action this branch of Congress may think proper to take in relation to the visitors the way will have been prepared for future action. I am of opinion that if it goes out to the country that the Senate, which is regarded by many of the classes of people to whom I refer as the American House of Lords, and as an exclusive body, out of touch with the people——

Mr. COCKRELL. Mr. President, it is impossible to hear a word on this side.

The VICE PRESIDENT. The Senate will be in order.

Mr. PEFFER. If it goes out among the people through the newspaper press that the Senate of the United States is not that exclusive body it is charged with being, that it is not so far out of touch with the people as a great many persons believe it to be, that fact itself being shown by the appointment of a committee of the kind proposed in this resolution, will go far toward modifying and mollifying public sentiment in relation to existing conditions.

I therefore hope that if the Senate is disposed, after thinking over the matter seriously, to turn the resolution over to a committee, be it so, but with the understanding that it is being done respectfully to the people interested, and that the object is to make some kind of arrangement by which our visitors who want to speak personally and orally to this body may have a way of access through a committee specially appointed.

Mr. President, I think we are on the verge of trouble, and unless we are wise and manage our own course prudently we may have occasion in the near future to regret it. Last evening in the Star of this city I observed some language which I regretted very much to see in a newspaper, as if the police authorities of the city were preparing to arrest men as vagrants who come upon a peaceable mission to the capital of their country for the purpose of conferring in person with the chosen representatives of the people. This is an ugly feeling, Mr. President, and it ought not to exist here or elsewhere. We are always prepared with our police force, and with our military force, and with our civil force——

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. PEFFER. Certainly.

Mr. HOAR. He says these persons are coming on a peaceful mission. From what circumstance comes the almost universal popular description of this movement as an army?

Mr. HARRIS. The Senator from Massachusetts can not be heard on this side. If he would address the Chair and talk a little louder, possibly we might know what he is saying.

The VICE-PRESIDENT. The Senate will be in order.

Mr. HOAR. I understand the Senator from Tennessee to be entirely out of order in speaking to the Senate from his chair, and also to be entirely out of order in fancying that he presides over the Senate when the Vice-President is present. [Laughter.]

Mr. HARRIS. The Senator from Tennessee admits he was out of order. No man can watch the Senator from Massachusetts as vigilantly as I do and by any possibility keep in order. [Laughter.]

Mr. HOAR. If the Senator devoted himself to his own proper function instead of watching any other Senator's faults, as he seems to do, he might be in order. [Laughter.]

Mr. President, I desire to ask the Senator from Kansas from what circumstance comes the universal description of this moving body as an army?

Mr. PEFFER. The Senator from Massachusetts is older than I am in this world and I have no doubt quite as much devoted to theology and religious matters. He has doubtless ten thousand times heard the expression the Christian army, the army of salvation, the army of the Lord, the army of peace, and in some of the Sunday schools——

Mr. HOAR. When those armies make their fight with Satan they do not make it by personal conference with him.

Mr. PEFFER. Our Sunday schools are beginning to teach their pupils to be soldiers. They are employing military men to teach the Sunday-school scholars military discipline. In the city of Boston, with which the Senator has some acquaintance, he will find a school of that kind in operation now.

One of the most harmless, one of the most peaceful bodies in the world is a body known as the Salvation Army, that move up and down the streets with flags and banners flying, to the beating of drums and cymbals and the singing of songs; and yet their errand is one of peace.

The Senator will remember from reading the newspaper descriptions of this army of which he speaks that it is known as the army of peace. They have religious inscriptions upon their banners, and they carry portraits of the Prince of Peace, the Carpenter's Son, the Lowly Nazarene, the man who of all men best taught "Peace on earth and good will toward men."

Mr President, these men who are coming to Washington are coming on a peaceful errand. They want to say to the Congress of the United States that they are out of employment, and they want something to do to earn an honest living; and they want to say it to us so that they will know we hear it with our ears, that we see them with our eyes, and that we take cognizance of what they say with our understanding. There could be nothing more peaceful, while it may be true that the object seems visionary and while every member of this body has discouraged it, and none perhaps more than I have done, yet we can not avoid this thing.

Mr. President, it is like the coming of a child into the world. Everything is ready, and the child must be born. Nature has provided all of these things in her own way. Here is a movement of the people that is coming naturally, logically. It reminds one of the moving bodies of men in France prior to the French Revolution. It reminds us of insurrections among the workingmen in ancient times when they gathered about their leaders without any apparent object in view, and yet the world at that time was moved by what they were doing.

We may talk about these movements as visionary, as childish, and all that; nevertheless they are actually taking place, and I do not believe that it is beneath the dignity of this great body of American Senators to be ready when those people come to Washington and say to them, "Here is a committee of our body that we have already prepared to confer with you, to hear what you have to say, and report your message to us." There is something about this movement, Mr. President, that is pitiful; something that is earnest; something that deserves our attention; something that we can not if we would, and I do not believe that we would if we could, undertake to laugh down. It is upon us and we must take care of it. Let us treat it as statesmen—wisely; and as Christians—kindly.

Mr. ALLEN. Mr. President, I certainly hope the resolution of the Senator from Kansas will be adopted by the Senate, not because I think it advisable for Mr. Coxey's army or any other army to come to Washington for the purpose of presenting a petition to Congress in person, not because I think it is advisable for them to do this, but because I believe that as American citizens they have a right to do so if they see fit, and it would be unwise on the part of the Senate to deny them this right. Any American citizen has a right to come to Washington, I suppose—at least I have never heard it denied until within the last two or three days—any American citizen, it makes no difference where he may live, or what his occupation may be, or what his station in life may be, has a right to come here, and he has a right to walk under the Dome of this Capitol if he sees fit and be as secure as any other citizen in the land. So if Mr. Coxey and his followers see fit to come here for a peaceful purpose, as they are coming—whether that purpose be visionary or not is not for us to judge—they have a right to do so and look in upon the highest legislative body of the country of which they are citizens; and they have a right to occupy these galleries, which are sometimes occupied by persons who are almost chronic in occupying them to the exclusion of citizens of other sections of the land. They have a right to come and be heard by a committee of this body; they have a right to present their grievances in person; and no man has the moral or the legal right to deny them that privilege whether he be Senator or citizen.

Disclaiming, then, any purpose whatever of approving or advising Mr. Coxey's movement, I must say that, so far as I am concerned, I believe that he has a right to come here with his followers, and that he and they have a right to be treated with as much courtesy and kindness in doing so as the President of the United States, and any different reception of Mr. Coxey or his followers, or of any other American citizen, would be altogether un-American, and would not be sustained by the common judgment of the American people.

Let us look for a moment at the way public business is transacted here. I have been reading for two or three days in the newspapers of this city that some general, called Ordway—I do not know who he is, whether he is a regular army officer or a militia officer—is mobilizing the military force of the city for the purpose of receiving Coxey at the confines of the District, with the bayonets of soldiers and the clubs of policemen.

These men are coming here for a rightful purpose as American citizens, whose persons, whose homes and whose rights are as sacred under the flag and the Constitution of this country as are those of any other man, woman, or child, and yet we witness the singular spectacle of the city being thrown into excitement about the movements of a harmless army of this character, entirely without arms. The Army is to be mobilized to receive them upon the point of the bayonet, if need be, and hired soldiers are to meet them at the confines of the District and check their entry or to shoot them into submission if they refuse, when they have violated no law.

Is that American? Is it right to deny to such men the privilege not only of entering the District of Columbia and the city of Washington, but to enter these galleries, if they see fit to enter them?

Go down to the depot of the Baltimore and Ohio Railroad or the Pennsylvania Railroad at almost any time of the day and you will see great bodies of lobbyists coming to the city. I have seen them myself, fifteen, twenty, and twenty-five at a time, and sometimes more. They do not stop to take their baggage to the hotels, but they walk right into the corridors of this Capitol and seek these galleries, seek the lobbies of the Capitol, seek Senators and the committee rooms to lay their various schemes before members of Congress. Sir, many of them are met almost with hats off; they are met almost with outstretched arms and words of welcome, and yet they are doing the country more damage and more injury than all the Coxey armies, than all the forces that can be mobilized in this country by men like Mr. Coxey; and yet here is a threat upon the part of this Government—for I assume that this militia officer would not take the step he threatens to take without orders from some authority, from some one higher than himself—here is the threat we see in the newspapers, that honest workingmen who are out of employment, every one of whom perhaps is as good as any Senator in this Chamber, every one of whom owes allegiance to this country and to its flag, are to be met with a military force because they come here to place their grievances before Congress in person: because they come here in a body, as lobbyists come here from day to day and week to week and month to month, they are to be met by a military force to deprive them of an undoubted and sacred right. A suprising spectacle in a country like this!

The conditions of the country are ripe to produce movements of this kind. These people have appealed to Congress from time to time by petitions and memorials without any attempt being made to redress their wrongs. They send their petitions to Congress, and they are received here simply because the Constitution makes it obligatory upon us to receive them: they are never read or published here so that the world can know what they contain; they are hurriedly read by title or a more brief statement is made of their reception, and they are speeded off into the dark closets and caverns around this Capitol, never to be resurrected or seen again. No attention whatever is paid to them.

The right of petition as it exists in this country, and as it is practiced in this body, is a farce, and the great common American people know it full well. So, seeing that they can not be heard otherwise, they come here to lay their grievances before Congress in a peaceful manner. Will we deny them that sacred right of American citizens? Will we deny them the privilege—no, not the privilege—but the right under the Constitution they have to do so? Will we not only deny them that right, but meet them at the confines of the city as felons are to be met and driven back? Are American citizens coming here for a lawful purpose to be met at the confines of the capital of their nation by a hired soldiery, by a police force, and kept out of the city and beaten into submission if they persist in coming?

What provokes any suspicion against this class of our people? Is it the clothes they wear? Is it because they are not clothed in purple and fine linen and arrayed like Solomon in all his glory? Is it in consequence of any threats they have made against Congress or any branch of the Government? Is it in consequence

of their being armed and threatening the peace of the city or the integrity of the nation? Sir, it can not be any of these, for they are peaceable, law abiding, honest, humble American citizens, and they come upon a mission of peace, and not of war.

Mr. HARRIS. Will the Senator allow me one second?

Mr. ALLEN. Certainly.

Mr. HARRIS. Representing in some measure, as I do, the people of the District of Columbia, I beg to know of the Senator from Nebraska what evidence he has that the officer in command of the District militia has ever made a threat or an intimation such as the Senator has indicated? I undertake to say he will find no authority for any such statement coming from any such officer.

Mr. ALLEN. Mr. President, I will say in answer to the Senator from Tennessee that I said the newspapers of this city were full of it. I ask the Senator from Tennessee if that is not correct?

Mr. HARRIS. I understood the Senator to deal with what he was pleased to characterize as a threat of the officer commanding the militia of the District of Columbia. I deny that any such threat has been made. The Senator need not ask me what has appeared or what may appear in a newspaper in its disposition to speculate upon every possbile condition—in its disposition to hunt things sensational. I know not what the newspapers have said or what they will say upon this or any other subject, but the Senator is not justified in charging that a public official has uttered threats such as he has described upon mere newspaper declarations as to what possibly or probably may happen.

Mr. ALLEN. Mr. President, I am not responsible for what the Senator from Tennessee understands, nor did I make the statement which he now makes. I said that in the newspapers of this city it was claimed and it is not denied—and that is how I knew that there was an officer of this name—that Gen. Ordway is mobilizing the military force of this District for the purpose I have named.

Mr. HARRIS. Does the Senator mean to say that it is stated that that officer has threatened to do the things which the Senator describes?

Mr. ALLEN. It has been stated in the newspapers that this officer has mobilized or is mobilizing a force for the purpose of meeting these men with the bayonets of soldiers. What does that mean? Does not that mean war upon them and upon their rights? It is nonsense for us to say that nothing of that kind is contemplated when there is a unanimous concensus of opinion upon the subject, and it is not denied by the very officer himself, who must see the statements made in the newspapers from day to day. I know nothing of his purpose except as I get it through the newspapers of this city; and I say if he intends to meet these men with a military force, he violates every principle of this Government, and violates its statutes as well.

I heard it stated in this Chamber within a few days that the time has come when these Capitol grounds must be made sacred and nobody must be permitted to occupy them; that parades must not occupy the Capitol grounds. What is there, Mr. President, about the Capitol grounds which makes them so sacred that no American citizen dare walk across them without permission?

Mr. FAULKNER. I should like to ask the Senator a question.

Mr. ALLEN. I yield with pleasure.

Mr. FAULKNER. Is not the Senator aware of the fact that no processions of any character or description can parade the streets of the city of Washington, or of any other municipality of which I know, without permission from the city authorities, designating the route over which they are to pass and the object and purpose of the procession?

Mr. ALLEN. Mr. President, if that be true, it is a shame and a disgrace to this nation that it should be so.

Mr. COCKRELL. It is so everywhere in every city of the United States.

Mr. ALLEN. It is not so everywhere in every city of the United States.

Mr. COCKRELL. It is true in every well-regulated city.

Mr. ALLEN. It is an absolute shame and disgrace to this nation that peaceable citizens dare not get together and march in the streets unless they get permission from some person in charge of the municipality; and when the Senator from Missouri says it is so in every city of the United States, I say I know that it is not so in every city; that there are large cities in the United States where it is not required to get permission to have a parade of any kind. If that be the law of the city of Washington, and honest and loyal citizens dare not get together upon the streets and march with drums and fifes if they desire to do so, then it is high time for this Government to repeal such a law. There is no right in anyone to enforce a law of that kind unless there be an occasion for its enforcement by a violation of the peace or threatened injury to the people and to property.

Mr. President, it is almost of weekly occurrence—I have seen it myself, and seen it repeatedly—for military companies and parades of different kinds to march across the Capitol grounds, and yet I am told that it is in violation of the law for them to do so, and that even the District Commissioners have no power to permit processions to invade the Capitol grounds. I saw last week, as I have seen almost every week since I have been in this city, military companies and societies of different kinds with banners, with fifes and drums, and with brass bands marching across the Capitol grounds without the slightest molestation or injury. There is not a man in this Capitol building to-day who has not seen the same thing; and yet we are told when Coxey, this mysterious and harmless Mr. Coxey, who is coming down the Chesapeake and Ohio Canal with two or three hundred harmless men, reaches Washington, because he is not domiciled in Washington and of known high character, because he is not honored with a position in this end of the Capitol, or the other perhaps; because his fellow-citizens have never called upon him to represent them in any respect in Washington, that he and his followers are to be met by police officers and a military force and kept off the Capitol grounds. Why? Does he menace this Chamber or the Capitol? Not at all. He is harmless; his mission is harmless; the mission of those who follow him is harmless, and it is lawful, and in one sense laudable and respectable.

The Capitol grounds—the great campus upon which this building is situated—are very sacred, indeed, now, but when railroad lobbyists, tax lobbyists, bank lobbyists, and all the other lobbyists who infest this city and these Capitol grounds, come here everything is thrown open to them from cellar to dome; there is no restriction upon them; but when Mr. Coxey comes marching along with his army of the commonweal to petition Congress for the redress and relief of the masses of his race, he is to be met and not permitted to enter the Capitol grounds, to say nothing of this sacred Senate Chamber.

Another thing, Mr. President, I desire to mention while on my feet. It may be unpleasant for me, surrounded as I am at this time with the galleries full of people, to speak publicly about it, but a sense of duty requires me to do so. American citizens come from a great distance to this capital, many of them for the first and last time in their lives, to visit the White House, the Senate, the House of Representatives, and the other places where the public business of their country is transacted. I have seen these galleries so full of chronic attendants who seem to think they have a proprietary interest in them that it was impossible for this class of tourists and American citizens to get a seat in one of them. The galleries are inhabited from day to day, from week to week, and from month to month by the same class of persons, so that American citizens from Maine to California and from Texas to Massachusetts are crowded out of them when they come here but once in a lifetime to look upon the Senate of the United States, and nothing is done, no effort is made to change this condition of affairs; but when this harmless man Mr. Coxey and his harmless and unarmed followers are coming here to lay their grievances before us we refuse to give them even a few moments' time of a few of the Senators in this Chamber, and are to forbid them entrance even on the Capitol grounds.

Mr. President, have we not time to give ear to them? Look in upon this Chamber if you will two hours from this time when the tariff discussion is going on and probably there will not be six members of the body present to hear the speech which is being delivered; for hours it will go on in that way until 5 o'clock, and probably there are fifty or sixty Senators who could give these men from two to three hours to present their cause without any detriment whatever to their private affairs or to the public business of the nation. I hope the resolution will be adopted.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri [Mr. COCKRELL] to refer the pending resolution to the Committee on Rules.

Mr. COCKRELL. It is 1 o'clock, and I desire to be heard before the vote is taken.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. BUTLER. Will the Senator from Tennessee permit me to offer a resolution, at the request of the Senator from Alabama [Mr. MORGAN]? The resolution is simply to be read and referred.

The VICE-PRESIDENT. Is there objection?

Mr. COCKRELL. Mr. President, there is objection. I understood the Senator from Tennessee [Mr. HARRIS] to say that he

would not consent to the reception of any morning business during the time to be devoted to the consideration of the tariff bill.

The VICE-PRESIDENT. There is objection to the request of the Senator from South Carolina.

Mr. BUTLER. I hope my friend from Missouri will not get into a frenzy about the little proposition I made. I did it very innocently, I can assure him. I do not want to violate any rule. It is simply a resolution which I was requested by the Senator from Alabama to submit for reference.

Mr. HARRIS. I bear testimony to the perfect innocence of the Senator from South Carolina; and take occasion once again to give notice that from the time the tariff bill is laid before the Senate until 5 o'clock I shall object to every interference with its consideration, I care not how small.

Mr. BUTLER. I am very much obliged to the Senator from Tennessee for the emphasis with which he has made that assertion.

Mr. ALDRICH. The Senator from Pennsylvania [Mr. QUAY], who is entitled to the floor upon the pending bill, is detained from the Chamber this morning by illness. The Senator from California [Mr. PERKINS] is ready to go on, and I ask that he may be permitted to do so, the Senator from Pennsylvania retaining his right to the floor whenever he shall return.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Senator from California will proceed.

Mr. PERKINS. Mr. President, one of the most difficult problems of national legislation is to enact laws that shall be in harmony with the intelligent thought of the people from all portions of this vast Republic; from the northern line to the Gulf of Mexico; from the extreme west to the eastern boundary. A diversity of interests must ever characterize a country so vast in extent as ours, and this fact should imbue us with charity for the opinions of those who differ with us. We are each of us, to a greater or less extent, influenced by our environments and local interests. But aside from all these differences growing out of divergent localities, there is one point upon which all intelligent and patriotic Americans at least should be able to agree, and that is upon the necessity for an American policy upon all questions of citizenship, of taxation, and, as far as possible, of finance.

We should have no other political creed but love for our common country and her institutions. The stability of nations, of empires, of dynasties, is grounded in the selfishness of their adherents and supporters. So true is this, and so generally acknowledged, that it has become almost axiomatic that nations are strong in proportion as they are selfish. Under the present order of things the question that conserves the highest degree of welfare for us should be paramount in our affections, even though other nations would gladly have it otherwise. Protection of our homes, of our industries, and the elevation and dignity of labor should be the principal cardinal doctrine of every patriotic American citizen. The question of expense and revenue is a very simple one that comes home to each member of every community, and the same rule that applies to us as individuals must govern us collectively, whether organized into a municipality, a State, or a nation.

Is it not then a plain business proposition, divested of all specious pleading, that we have before us for consideration? It requires in round numbers, say, $500,000,000 per annum to properly carry on this Government. That is, we must provide that much money for the expenses of the legislative, judicial, and executive departments of the Government. The support of the Army and Navy, diplomatic service, coast fortifications, river and harbor improvements, public buildings, light-house and life-saving service, pensions and hospitals, interest on public debt, scientific research, and other purposes, all intended for the benefit, advancement, and honor of this great Republic. This large sum of money must be obtained either by direct or indirect taxation. It must all come from our own people, and from those that do business with us from other countries, selling us the products that come from their soil or that which is manufactured by the skill or labor of foreign workmen.

Our people pay their taxes for the support of municipal, county, State, and National Government; and, in addition thereto, they must pay a special license for conducting the business in which they are engaged. Why, then, should we permit foreign nations to bring here, without paying for the privilege, their products and wares to compete with our industries, giving them equal if not better advantages than our own people. We have a land extending through many degrees of latitude and longitude that is capable of producing everything known to the vegetable kingdom, while our mines of mineral wealth are diversified and practically inexhaustible. We honor labor as the source of all wealth, and it is the labor of American manhood that has developed the resources of the country and is to-day its power and safety.

It has been the policy and plan, for the past thirty years, of wise American statesmanship to raise about one-half of the expense of the Government by placing an import duty upon the products of other lands that come into this country for consumption or use of our people, and to so adjust these duties that they will best protect and foster American industries, and thereby dignify and protect American labor against the cheap, servile, and contract labor of foreign lands. That this is the correct principle is evidenced from the fact that during this time our industrial interests have been stimulated and our people prosperous, contented, and happy.

The bill before us for consideration, designated a tariff for revenue, proposes to take from the import duties $75,000,000, which is simply a license the producer pays for the privilege of entering into our home market with his merchandise on equal terms with one to the manor born, and imposes this additional burden upon our own people in the form of increased excise duty and an income tax upon the gain or profit made by their diligence, industry, and enterprise. When we consider this contemplated change, and remember the deep interest taken by England and other European powers in our late Presidential election, with what force does the prophetic words of Thomas Jefferson come home to us when he said:

> The election of a President of America some years hence will be much more interesting to certain nations of Europe than ever the election of a King of Poland was.

When in periods of great financial crisis, due to or affected by the action of government, it becomes the duty of all officers of the government to inquire into any and all causes for the disturbance of the business affairs, to promote the prosperity of our people, to add to their comfort and strengthen their power, and to do all these things unbiased by personal or local interests and untrammeled by party affiliations.

After these investigations it becomes our duty to set forth the causes leading to our conclusions and state the remedies, if found. Actuated by an earnest desire for the general welfare of our entire country, and regarding the question of national finance as a purely business question, I hope to discuss it as a business man from a broad business basis.

The fact is conceded that a general depression in business prevails over our entire country, enterprise stagnant, labor unemployed, the revenues of Government lagging behind the expenditures, the debt increasing and national bankruptcy impending. This in a time of peace with the world, in a time of general health and a period of unusual agricultural and mineral productiveness, presents a condition that may well be denominated a crisis. This condition in the United States is attributed to changes and threatened changes of our revenue laws and the violent partisan agitation thereof.

There are many theories of methods for the acquisition of means for the support of government: as a single tax upon land; the issuing of mortgage bonds on land; a direct tax, consequent upon free foreign trade; internal revenue, or tax upon home products, manufactures, business transactions, inheritances, incomes, and prosperity; governmental ownership of railroads, canals, and inland water ways; in the transmission of telegraphic and telephonic messages; in the business of banking and exchanges connected with its postal system; and by levying a uniform duty on imports without any variation or discrimination whatever; our plan, the Republican plan, of levying duties with discriminations designed to protect American industries and products, to foster American manufacture, to develop American resources, to lighten the burdens of taxation of the busy and industrious classes; to exact as far as possible a toll from the foreign producer or manufacturer upon the goods and wares imported in competition with like goods and wares of home production or manufacture.

Such are some of the different methods proposed by theorists and parties in our country. Other countries have other methods of land rentals, mining royalties, business monopolies, and many devices for the acquisition of revenue. As business men we should discuss and enlighten ourselves on all the methods devised by theorists or statesmen, and, after thorough and impartial examination, adopt that which is most equitable and practicable, accomplishing the purpose in view of giving revenue and fostering our general welfare. While the many theories have their advocates, with books written, conventions held, and parties formed in their interests, there has but one been presented for our discussion at the present time, and this presents but a system of schedules for dispute.

We have been accustomed to hear much about a tariff for revenue without discrimination as the only constitutional tariff, and a tariff for revenue with discrimination, and upon these distinctions the American people divided into parties in the early part of this century. These were the tariffs for revenue and the tariff for protection. The first was the theories upon which was based the Democratic party and the latter the basis of the

Whig party, and maintained by the Republican party. Upon these many battles of the hustings and the forum have been fought, and over the failure of one and the triumph of the other has the country been agitated, its business depressed or promoted. These propositions were well defined in the platform of the two, yes, three or four, political parties in the last general campaign, and these were expected to be discussed in this Congress. But we have wandered far away from our course.

The Democratic party has fallen from its high estate, abandoned its principles utterly, and instead of making open and bold war upon its ancient doctrines and adopted platform, enters beneath the Republican platform, attacks the Republican tariff measure which it declared unconstitutional and a robbery, and tearing it down attempts to build on the same principles a weaker structure from the same materials. We are thus brought to this strange contest, with no great fundamental principle to investigate, but to contrast as a measure of polity the legitimate with the illegitimate, the complete with the incomplete, the strong and carefully completed structure with that made of the madly gathered and weakened fragments.

The questions we have before us are denominated the Wilson bill and the McKinley bill, or rather the amendments to and reconstruction of the latter. The McKinley tariff was a growth of thirty years' experience, modified after many years of careful study, and with some amendments, would be perfected in its general scope so that it would provide sufficient revenue with the least possible burdens, thereby giving the best encouragement to commerce and the greatest possible protection to home people and to home industries. With this evolution by years of the protection tariff system under the guidance of men of great business discernment, pure patriotism, extending its beneficence over every section, State, country, hamlet, and farm of the Union, holding firm that which is our own, by ourselves, and for ourselves, enhancing our prosperity and strengthening our strength, we ask that it be maintained as a whole and that which is experimental, protective in principle, yet confessedly ineffective in its protection, claiming to seek revenue, yet admitted to fall far short of obtaining requisite revenue be quickly and utterly rejected.

In discussing the question of tariff or protection, of mutual assistance, national development, and national revenue, it may appear selfish to advocate the special interest or interests of a single State, but of California interests I will speak, as they affect the whole. One knowing California can not speak of her without enthusiasm; vast in area, grand in scenery, genial in climate; almost every mineral known to man, often beneath a soil of great fertility or in mountain rocks or desert plains; a State of such varied and unlimited natural resources that she could be inclosed in a Chinese wall of impenetrability and possess within herself all the necessities and luxuries of life, all the raw materials used in manufactures, the facilities of manufacture, the means of defense, the money of commerce, and all that goes to make a rich and powerful people. But California is an integral part of this fraternal Union, the western buttress of this mighty Government, sharing in all the hopes, glories, burdens, and responsibilities of her sister States. So illimitable are her resources that she can claim preëminence in agriculture, horticulture, viticulture, and minerals. Of the latter, only the most experienced of scientists can rehearse the catalogue.

California is vast in area and illimitable in resources, and over all is the most genial and salubrious climate known in civilized lands. With an area of 158,360 square miles, equal to 101,350,400 acres, she has but 1,208,130 inhabitants, as shown by the last census. Excluding deserts and lofty mountain ridges, there is remaining an area larger than all Great Britain and Ireland, which, acre for acre, possesses resources equal if not superior, and can maintain as dense a population in much greater comfort and attain a greater wealth. This vast area we want developed. You want it developed. You want its products and we want your products. We want many millions of people where we now have so few. We want, however, American citizens in the true and patriotic interpretation of the name!

Besides the minerals, California in 1892 produced 39,157,000 bushels of wheat, 13,000,000 bushels of barley, 6,000,000 bushels of corn, 33,000,000 pounds of wool, 2,000,000 gallons of brandy, 20,000,000 gallons of wine, 22,000,000 pounds of beet sugar, and 35,142,969 pounds in 1893, the entire beet-sugar product of the United States being 44,953,264 pounds.

California exported, chiefly to the East, in 1892, 112,719,200 pounds of fresh deciduous fruit, 69,715,000 pounds of citrus fruit, 59,432,661 pounds of dried fruit, 53,336,960 pounds of raisins, 110,574,420 pounds of canned fruit, and 4,126,605 pounds of almonds and walnuts. The development of these industries which have afforded these exports has been aided by protection, which should be enlarged rather than diminished. As the production of the semitropic fruits in our country has increased the price has declined and the consumption kept pace with the production. The fact is also established that our oranges, lemons, figs, raisins, currants, olives and olive oil, almonds, and walnuts are equal in quality to the best and superior in general to the like products imported.

But California contends at a disadvantage with the old and populous country of the Mediterranean, of cheap labor, low rates of interest, and cheap transportation. Over mountains and deserts the California products must be carried, but notwithstanding these hardships the East is supplied with fruit of better quality and lower rates than formerly, when the foreign market had the monopoly. Yet with this great product not one-fifth of the people of the United States enjoy the luxury of semitropic fruits and nuts. We ask that the prevailing duties on these be not disturbed, and that the bill under consideration be so amended that these industries may continue to develop and increase.

The home production of semitropic fruits appears to have largely increased their consumption. Formerly rare and costly luxuries, they are coming into more common use, and we may look forward to the time when they will become common but cheap luxuries to all classes of people. That this is a desideratum devoutly to be wished no one will deny, and it may be accomplished under just protection. The value of olive oil imported in 1881 was $480,683 for 384,412 gallons, and in 1891, under an increased duty, was $876,613 for 733,489 gallons.

In the meantime the production in California has largely increased, and is now marching on to a business of great magnitude, olive orchards being planted in every section of the State. Pickled olives were imported in 1891 to the value of $320,163. This commodity is proposed to be placed on the free list. California given protection will supply the demand with a better article, and in time at less rates. The importation of dried prunes has averaged 60,000,000 pounds annually during the past seven years. California produced in 1880, 2,000,000 pounds, and in 1892, 25,000,000 pounds, the consumption steadily increasing as the good quality of the California product becomes known, at the same time lessening the price of the consumer.

There was imported into the United States in 1892, 23,250,809 pounds of raisins, and California in the same year sent to the Eastern markets 53,336,960 pounds. This fruit is still classed among the luxuries, used only by the more wealthy, but under the stimulus of home production is advancing to common use and becoming a necessity in the household. But not one-tenth of the amount is consumed that will be under the full development of American production. Let the encouragement of American production continue, and all the various sections of our country, the Atlantic coast, the great Valley of the Mississippi, the mining region of the Rocky Mountains, and the high plateaus will all be supplied abundantly with a better article and at cheaper rates than have ever before been known. American production of raisins, as of other delicate fruits, means prosperity to large American communities and adding an increased ratio to the aggregate American wealth, in this, that it saves to the people for circulation and mutual assistance what would otherwise go abroad not to return in any form, and that it gives to capital investments for its money, to bankers activity in their exchanges, employment to labor, freight for transportation, markets for manufactures and farm products, building up cities, communities, and States.

Bold and enterprising men have engaged in these productions, investing large sums of money and the toil of years until now tens of thousands of people and millions of dollars are represented. A vast amount of wealth has been added to the country, and comfort and luxuries given the people. To establish this and to advance it protection was necessary, and no free trader nor pessimist can show that it has worked any hardship in America. In fact, in this case, protection has proven an unexceptional blessing. The duty upon the importation of raisins and other semitropical fruits should be retained as established in the tariff of 1890. This also affords the opportunity to increase the revenue where the foreigner will pay for the privilege of competing in the market. The high prices we have paid for these delicacies have enriched the landowners of the Mediterranean countries at the cost of ours stores of the precious metals.

These may be called some of the specialties of California and the list be greatly enlarged. Of these specialties, citrus fruits, figs, raisins, and nuts, we imported in 1891 to the value of $15,062,208, and in 1892 to the value of $11,237,285. This was so much money sent abroad that could have aided in passing over the period of hard times if it had been retained at home in exchange for home products of the same class. The encouragement of the cultivation of these fruits opens another source of business for our people. This is in the preservation of fruits for exportation. This also implies the encouragement of sugar production.

Statistics show that Great Britain consumes annually per capita 70½ pounds of sugar, while but 55 pounds are used in the United States. It is also known that the table consumption in the United States greatly exceeds per capita that in Great Britain. The excess in the latter country is used in the preservation of fruit and the making of the various commodities, as jams, jellies, and other articles of which fruit is the basis.

This indicates the enormous business now existing in England in this line, and what a great industry may be developed in our own country by the encouragement of the culture of fruit and sugar.

Of gold California has given $1,300,000,000 to the world, revolutionizing commerce and constituting the chief factor in creating the golden era in which we live. California now produces $12,250,000 of the precious metals annually, of which over $11,000,000 is gold, the entire gold product of the Union being $33,000,000. But large as is California's output of gold there are many other minerals of great importance to the country that are affected by the tariff. I will name a few of the industries affected.

Of these one is borax. The history of this mineral, its ancient rarity and value, the discovery of it in California and Nevada in peculiar forms, the heroic development of its production, the cheapening of its price, and the beneficence it has proven to the world constitute one of the most interesting chapters in mineralogy. The mineralogists of California, incited by the discoveries of gold in great abundance, turned their attention to other useful minerals, the search for borax being one, and from traces observed in the analysis of water followed the clue until the object sought was found.

At the date of this discovery the common price of borax was 50 cents a pound, and its uses were limited. Tuscany, in Italy, was then the chief source of supply. Following this discovery borax was found in different forms in the deserts of Nevada and Eastern California. Following these, borax, in similar formations, was found in Asiatic Turkey and in other countries. But the Americans had led the way. In the search and exploitation of the borax fields our miners of the West have penetrated the most inhospitable deserts of the world, and through years of toil, hardships, and danger have shown an enterprise and courage worthy of the highest reward.

They have not made the desert to blossom as the rose, but they have redeemed its character to such an extent that they have paid the Government many thousands of dollars for the land, extracted from it many millions of dollars of value, cheapened a product to domestic, artisan, and scientific uses, made possible and developed new and important industries. In this they have made the barren deserts great and valuable factors in the progress, comfort, and commercial affairs of the world. Of these desert fields where borax is found the most famous is the historic Death Valley in Eastern California, a valley deep below the level of the sea although surrounded by the high plateau of the Great Basin and within view of the highest land in the United States.

The region belongs to and is characteristic of the eastern base of the Sierra Nevada mountains, a region of unique formation, abounding in useful minerals usually denominated salts, as well as silver, lead, and other metals. It is a region of excessive heat in summer, and in winter is reached only through the deep snows of surrounding mountains. Of the horrors of this inhospitable region it is unnecessary to tell, but brave men have penetrated it hundreds of miles from railroads, have developed stores of wealth, have established outposts of civilization, opening markets for agricultural and manufactured products, and, if these mining industries are not destroyed by un-American and hostile legislation there will be opened lines of railroad through the country, and another desert region will be eliminated from the map.

Destroy this industry, as the Wilson bill proposes, and these bright hopes of the future are obliterated, the business of invested capital bankrupted, thousands of men deprived of labor, country revenues cut off, and the people of the United States made to pay the foreign manufacturer and importer an exorbitant increase over the present price for an article now in common use. That this prediction of increased price has a basis we have but to look to the past. The English obtained control of the Turkish borax mines. While England never rejects ripened fruit ready to fall into her lap, she does not always wait for it to fall, but shakes the tree, and then if it will not fall reaches for it and pulls it down. So England got the concession of the Turkish and other borax mines, and having free entrance to the American market, proceeded to undersell and close out the American borax miner. When this was so nearly accomplished that English manufacturers had control of the market the price was put up to 15 cents per pound. Then came the tariff of 1882, and the year following the price fell to 10 cents per pound, the fall in price being the full amount of the duty, and the American business revived. This is an example of the benefit of a protective tariff to our people and the producer.

Gen. Rosecrans, a distinguished and learned gentleman and a Democrat, in presenting this question to Congress in 1883, recommended duties on pure boracic acid, 10 cents per pound; on commercial boracic acid, 8 cents per pound, and on other forms of borax, 5 cents per pound. The bill now under consideration places borax on the free list, and to this treatment of a great industry I earnestly and decidedly object and protest. The world's production of borax is about 24,000 tons annually, the United States producing 7,000 tons; Italy, 3,000 tons; Turkey, 9,000 tons; Thibet, 2,000 tons; Chile, Bolivia, and Peru, 3,000 tons.

This product has increased from a few thousand tons since the discovery in California and Nevada until the present time, when about 9,000 tons of borax is used annually in the United States. The uses to which it is put are various. One of the oldest was by the blacksmith in welding iron, and as a medicine and emollient sold by the druggists. but since it is so largely produced its uses have multiplied a hundredfold.

Now it is important in calico printing and dyeing, in painting, blacking, washing, enameling of porcelain, glazing in potteries, flux in smelting, an antiseptic and preserver of flesh, a substitute for soap, a disinfectant, and many other purposes, entering the ordinary household as a necessity. The working of the desert borax fields involves the labor of several hundred hardy men, with great teams of twelve to twenty animals each, maintaining stations, supplying refining works, giving transportation to railroads and consuming a large amount of the products of the farm, manufactories, and mechanical shops of the country. The enemies of protected industries lay much stress upon opening markets in foreign countries for American products. I would ask if by purchasing the Turkish, Thibetan, and Bolivian borax the miners of those countries would consume as much of American products, patronize American blacksmiths, American wagonmakers, or American railroads as do the American borax miners.

Among other minerals found abundant in California are chromium, antimony, quicksilver, manganese, sulphur, salt, niter, soda, potash, gypsum, onyx, alabaster, lime, marble, and others, and all varieties of these which enter largely in the arts, manufactures and domestic uses, and are commodities of great commercial importance. All these are proper subjects for tariff for revenue, and such tariff would afford incidental protection and therefore assist in the development of American resources and American industries. Chromium, chromic iron, or, as commonly called, chrome, is used in making coloring matter for silks, cotton, woolens, wall paper, carpets, tanning leather, and other purposes, and its uses are increasing. This mineral exists in all the mountain ranges of the Pacific coast from Puget Sound to the Mexican line, and was formerly mined with fair profit, some 4,000 or 5,000 tons being shipped annually to the Atlantic coast, but since the removal of import duties the business has nearly ceased. A duty of 25 per cent would both aid the revenue and revive the industry on the Pacific coast. Now chrome is imported from Australia, Scotland, and Turkey in exchange for gold. Develop this resource and stop another leak for our gold.

Antimony is used largely in a great variety of manufactures, and of this mineral we have sufficient for all our needs. All that can be said regarding chromium is applicable to antimony. With a duty upon its importation, attention would be given to the abundant stores of it in our own country, and soon the metal would be cheapened.

Of quicksilver California has already produced $30,000,000, and large capital is invested in its mining and reduction. While there is still an abundance in the many mines of California the exceedingly rich deposits have been exhausted, and the industry may be entirely destroyed if the product of the foreign mines is permitted to enter into competition free of duty. All the foreign mines of quicksilver are or have been owned or controlled by the Rothschilds, and it would not be wise American policy to transfer so important a mining industry to that wealthy and monopolizing house. The foreign producers will sell their quicksilver for gold or for bonds, payable, principal and interest, in gold, and for nothing else.

Of the extent of the quicksilver deposits in California, or of the capital invested in mines and reduction works, there is no question nor speculation; nevertheless all this property and this vast resource and plant for home labor, home production, and home consumption of farm products and domestic manufactures may be destroyed by the unfettered competition of foreign capital based on foreign low rates of interest and cheap labor. Heretofore quicksilver has had a protection of 10 cents per pound duty, but now it is proposed to admit it free. Such a policy can

not be defended. No one can show a manufacture hampered or an industry of any class burdened by the high price of quicksilver under the present conditions, nor can any one promise that quicksilver will be cheaper when the American mines are closed by foreign competition. There would be no industries or manufactures retarded were the price of this mineral double what it now is. The gold and silver mines of the West have been the chief consumers of this valuable useful liquid metal, but an unfortunate policy has so borne upon these that quicksilver mining has received an almost fatal blow.

I hope that Congress will not give it the finishing stroke. This is an industry of but a single and distant State, for quicksilver is found in no other part of our country, excepting California, in sufficient quantities to pay for working. The Senators from New York or Alabama may not now realize that its life or death affects them. A manufacturer of New York may, temporarily, obtain quicksilver at a slightly reduced rate, but no consumer will ever see the reduction. The gain to the importer is infinitesimal at best, but the loss to California is serious. California is but a unit of the Republic, but of units the whole is made. The prosperity of the whole is in consequence of the prosperity of singles, and the infliction of injury upon one has a widespread and baleful influence upon all. Quicksilver is peculiar in many things, and particularly for the fact that it is produced in only four parts of the world. Its sources of production are Spain, Austria, Italy, and California.

The Almedan mine in Spain was discovered over two thousand years ago; the Idria in Austria, four hundred years ago, while the mines in Italy were discovered over a hundred years ago. The latter, however, play no very important part in the industry, as they produce but a small quantity comparatively. The cinnabar or sulphide of mercury, from which quicksilver is produced, was discovered in California in 1850. The discovery of gold there only a short time previous hastened the development of the industry. The price of quicksilver then was $1.50 per pound. To-day it is less than one-third of that amount. Had it not been for the quicksilver industry in California there would have been no competition in prices and hardly any conjecture can be made as to what the ruling price would be, for, as I have stated, the quicksilver of the world outside of that of California is controlled by one corporation or firm. In 1878 there were thirty quicksilver mines in the State of California, while to-day there are not ten—prices have steadily declined; the mines could not be worked to any degree of profit. The United States is one of the largest consumers of the metal.

The production of quicksilver is already hampered with many difficulties, but this proposed action to place it on the free list consummates them all. The cost of production is nearly three times as large as that of the mines of Spain and Austria, for the reason that there is a better grade and a higher paid class of labor necessary. The price obtained to-day is barely sufficient to keep the mines running, and striking off the protection of 10 cents per pound simply gives the foreign producer the absolute market and the control of the price. It benefits the great financial house of the Rothschilds, but it throws out of employment and leaves idle our American workmen. It is a strange policy for us to adopt, to close down our own mines to oblige those who control the only other three sources of production, and they in Europe. It seems to me that it can not be defended and that it is as uncalled for as it is unjust.

The American consumer of quicksilver has not been injured and will not be by the existing law. The protective tariff has helped to keep the quicksilver mines of California running, and they, and they alone, have reduced and kept down the price to the consumer. A gentleman who is connected with the quicksilver production in California says of the case as follows:

> The amount produced in this country is equal to its need at present. But little has been imported for a long series of years since the imposition of the duty, and during this past year none at all.
>
> I beg to call your attention to the fact that were the mines of California to be closed down, as they must inevitably be unless some protection is afforded, that the whole power of making the price would lie with the Spanish and Austrian Governments, as represented by their agents, the Rothschilds, and we should be at their mercy. When this duty has been so slow as to cause a shut-down of the American mines, this has been the case heretofore. We are now protected by a duty of 10 cents per pound. This is little enough, and we ask in consideration of the capital involved, and the labor of 5,000 men employed at good wages, that it be kept at the present rate.

Let us for a moment consider the question of sugar; its importation; costs to our people; as a means of revenue, and the effects of its production at home. Let us look upon it from the Democratic standpoint of free trade and from the Republican standpoint of an assisted industry either by protection or bounty. The McKinley bill removed the tariff duty from raw sugar, but to foster its production as a domestic industry enacted that a bounty equivalent to the former protection be paid for a limited period to the home manufacturer. The bill as it came to the Senate takes no notice of sugar as a means of revenue, nor offered protection or assistance. Originally it proposed a sliding scale of bounty, but that was stricken out. Common justice demands that a contract made by the Government with her citizens should be observed in perfect good faith, therefore the policy of the bounty should prevail until such time as that named in the act or the American sugar industry fully commands the market.

The American people now pay annually to foreign countries an excess of $100,000,000 for sugar produced by servile and coolie labor or in countries where the production is assisted by government. The consumption in the United States is about 2,000,000 tons per annum, nearly all imported, on which was formerly paid between $50,000,000 and $60,000,000 revenue to the Government in addition to the amount paid the foreign producer, the shipper, the importer, and the trusts, who held the consumer at their mercy, a total cost of unrefined sugar to the people of over $230,000,000, taking the average rate of sales at commercial centers.

For the product of sugar in the last year in this country there was paid on the bounty fund over $9,000,000, the exact figures being $9,375,130.88. The Senator from Indiana [Mr. TURPIE] yesterday in discussing this question stated that $15,000,000 had been paid. I find, however, that his figures are not in accord with those of the Secretary of the Treasury, as he reports but $9,000,000. The question before us is, which is of more benefit to the people, the fostering of this industry or its destruction?

There can be no question that sugar by importation affords a most simple and feasible means of raising a large revenue. So do tea and coffee. So a great revenue could have been obtained from the sale of the public lands, the ownership of the salt and other mines, as do some countries, and as was formerly advocated in this. But with the progress of enlightenment, better democracy and greater liberality has obtained. Our mines are owned and worked by the people and their prosperity has resulted; our public lands have become the homes of independent farmers and populous and prosperous States have grown up. The tax upon tea and coffee was removed to lighten the burdens of the poor classes, and all rejoiced in the beneficent act.

Then came another step forward in the same direction and the tax was taken from sugar and all those classes of people who feel the burdens of the purchases of the comforts and necessaries of life felt the relief and were made glad. In all these times and with all the apparent sacrifices of the Government, all wrung from it with terrible opposition, the revenues were maintained, the country prospered in accelerated ratio, and the people were benefited. Here we might contrast the simple or barbarous methods of levying duties with the discriminating or enlightened. Tea and coffee, the luxuries of the industrial classes, competed with nothing produced at home and were beneficently exempted from taxation.

Sugar, entering into a vast number of comestibles and commodities, and as much of a necessity to the poorer classes as tea and coffee, is an importation in competition with a domestic product in a small way, but may be entirely produced at home. To cheapen it to all classes, to aid in the preservation of our fruits, and to assist manufactures, the tax was removed. But one of our great States was largely devoted to its production and to leave it to the unbridled competition of the foreign product of cheap labor would have been a cruelty, a neglect most abhorrent to a fair and generous people, a shame to the Union of States. To leave it thus meant a destruction of its great industry, its relegation to bankruptcy. The Republican party has no such heart; the business welfare of our common country does not require it. A bounty was substituted for the duty which had been the protection.

But I need not defend Louisiana. She has able statesmen to take care of her interests. The interest is growing up in California to which I will soon refer. The payment of the bounty has become a question of controversy and opposition throughout the United States and by people of all parties and classes. The bounty on sugar is not the only one that has been granted by the Government nor denounced by the people. Have these resulted beneficially? Before the Republican party came into existence bounties were paid for public improvements. The great national pike of the time of Jackson was a national work for the benefit of a limited section of the States through which it passed, and no one ever begrudged the bounty by which it was constructed. The granting of public lands to aid in the construction of the Illinois Central Railroad, and the Michigan and Illinois Canal were bounties given by Democratic statesmen. All improvements to rivers and harbors are but bounties to localities, perhaps large or small, aggregating for the general good and national glory.

But they are made where localities were unable to protect themselves or make the improvements necessary for progress. The Western pioneers demanded that bounties in land and money

be given for the construction of railroads threading the wilderness and reaching the Pacific. They were granted, and if in some respects without wise restrictions, certainly for the general good, and resulting in the creation of great States and developing untold wealth where otherwise were desert wastes traversable only by severest toil, dire suffering, and constant warfare, occupied by wild animals and savage tribes. Will anyone at this day controvert the beneficence of the bounties which have resulted so grandly in the cause of civilization and our country's development? I am reminded by seeing my friend from Maine [Mr. FRYE] that when he and I were boys the Government paid a bounty to those who engaged in cod fishing and went out and remained so many weeks or months fishing. That was done, too, under a Democratic administration.

Mr. FRYE. The Senator from California might go one word further and say that the fishermen who received the bounty afterwards paid it all back by helping us to beat Great Britain in 1812.

Mr. PERKINS. It therefore proved a most excellent investment. It was seed cast upon the water that returned ten, aye a hundred fold, to benefit the people as a whole who had given this small bounty.

But more particularly will I refer to the development of the sugar industry in my own State. Under tariff protection and with the McKinley bounty, mills for the manufacture of sugar from beets have been established with the prospect of eminent success. There are now three beet-sugar mills of large capacity in California. There is soil and room for a hundred more. It would require a thousand such as the largest in existence to supply the present consumption in the United States, and with the increased consumption the increased population, wealth, and varied uses will give, not many years will pass before double the number will be required.

The consumption in 1860 was at the rate of 56 pounds per capita. In England the consumption was at the rate of 67 pounds per capita; in other countries less. As it becomes cheaper, as our people advance in prosperity and as our fruit interests develop the consumption will increase in a greater ratio. The product of the world exceeds 5,000,000 tons per annum. About 60 per cent of the whole is made from beets. This sugar is, chemically, the same as cane sugar, and no one from its appearance or use can distinguish a difference. The product of sugar from beets per acre in America is estimated at from 1½ to 2 tons, demanding 2,000,000 acres of favored land to supply the present home demand.

The farmer and the community surrounding the sugar mill, the men who perform the labor, those who furnish the supplies to the mill, and those who supply the operatives, the transportation people, and all far-reaching are benefited. A mill disburses from $150,000 to $500,000 annually in the community where it is located. This builds up many happy and comfortable homes. Every mill means a prosperous village with its families, churches, schools, shops, manufactures, and well-paid labor with money that would otherwise go to some foreign country, leaving the land unoccupied or engaged in the production of something of which we have already an oversupply. The mill, representing a half million investment, is but a small part of the value it has created in its surroundings. Multiply this by a thousand, the number of mills and communities necessary to supply the United States, and we have an inconceivable valuation as the result of the judicious encouragement of this industry.

In the discussion of this bill some opponents of protection have asserted that our country profits most when its imports exceed the value of its exports. I would ask if anyone can contend that if we send abroad $100,000,000 for sugar we profit more than if the same were disbursed in Louisiana, California, Texas, Utah, Nebraska, and other States where sugar is or may be manufactured? To say that it would be more profitable is a palpable absurdity. One throws away, the other retains. To buy when we can produce is waste and ultimate exhaustion. A little bounty insures this production, a bounty which at present and for some years is but a few cents per capita of the people of the United States, wherein a duty as before the McKinley bill was enacted would be 88 cents per capita. But the 88 cents paid by each man, woman, and child is not all the exactions upon the people from a commodity like sugar imported. Trusts and combinations of monopoly are now formed which would be impossible if the people throughout the United States were engaged in the manufacture.

By free importation and the bounty repealed the sugar industry is destroyed. To destroy an industry that now bids so fair would be a national calamity, a crime against our people, a degradation of statesmanship.

I appeal to the Senate not to let this be done. This important industry has been built up in other countries by the wise statesmen in granting aid. The great Napoleon saw the necessity of the home production of sugar when the harbors of France were blockaded by English fleets and his merchantmen harassed by English cruisers, and he it was who inaugurated the production of beet sugar. Perhaps our strength will forbid a blockade, but with a war against a strong foreign power we would feel much more at ease if we made our own sugar. European travelers observe our neglect of the beet-sugar opportunity with astonishment. Prof. Anton Veith, director of the Agricultural College of Bohemia, publishing his observations of a tour in the United States some years ago, says:

> The establishing of such an industry as the fabrication of sugar from beets exerts such a great influence upon a country that it deserves all the support of a great government.

During the past summer the German Government sent a number of experts to this country with the special object of examining American agriculture, and particularly the beet-sugar industry. Prof. Alexander Herzfeldt, one of these commissioners, said:

> If the United States shall continue to protect the sugar industry so that the development that now seems assured by protection may not be disturbed, the American market will be lost to Germany and France.—*New York Tribune.*

This bill proposes with no former notification whatever, to absolutely repeal the bounty clause of existing law. The law of 1890, the McKinley act, promised and agreed that "On and after July 1, 1891, and until July 1, 1905" there should be paid to our domestic producers of sugar from 1½ to 2 cents per pound, depending on its quality.

I do not like the idea of repudiation in any form, and I can never consent by my vote, and without my protest, that this Government shall ever be a party to it. It is a repudiation of the contract pure and simple to pass this bill as it stands. Sugar sells to-day so cheap that no one can afford to adulterate it, for the adulteration will cost more than pure sugar. Consumers pay for it from 5 to 5½ cents, which is 2½ cents per pound cheaper than the price which prevailed before the bounty law was passed. It is clear to me that the repeal of this bounty, unless something is given in return, will not only kill our home industry, but will hand over the market to foreign sugar rivals.

The beet sugar manufacturers are held to-day for contracts made with farmers of beets, extending over this and next year, and this repeal will force them into bankruptcy by the heavy losses on their contracts. The McKinley act, especially that portion relating to the sugar bounty, was no ordinary tariff bill, subject to change from year to year, but an absolute, declared contract for a certain number of years, for fourteen years. Citizens of California had confidence in the promise, the contract of the Government, and invested millions in the beet industry and the establishment of mills to manufacture the sugar. It is as clear as the noonday sun that there is an inevitable loss if this bounty is repealed and nothing of an equivalent offered in its place.

Of sulphur and salt, Alameda County, my home, alone producing over 45,000 tons of salt per year, and ferro-manganese and many other minerals and their manufactures either on or to be put on the free list these arguments would be repeated. All these useful minerals abound in and make up the wealth of California and the great plateau of the West—a region of unbounded mineral resources, a region in the heart of our country supplying that which is demanded in the commerce and manufactures of all countries from the lowest barbarism to the highest civilization, which gives wealth to the producer, employment through countless industries, strength to the Government, and in turn affords a market to manufactures and products of every grade.

By a strange fatality of most unfortunate experimental financiering, of which our country was not the originator nor wholly responsible, this great and important region has been made to suffer the loss of one of its principal resources, and now it may ask that other resources may be protected, that all may not be destroyed. While frequently referring to the products of my own State as subjects worthy of protection and feasible for purposes of revenue, I do not propose to make of the tariff an entirely local question; though good Democratic authority has asserted and maintained it was and is. But the products of California are so varied and so important to the commerce, the manufactures, and the comfort of the other States of the Union that all are worthy of special mention and the care of the Government.

That the claim that by a skillful levying of duties the foreign producer or manufacturer is made to pay a part of our revenue is not a fantasy, a dream, or a delusion, it is but necessary to refer to the case presented by the Bermuda farmers, now become so well known in the Ways and Means investigation. Another brought to my attention, of a manufacturer in New York of dye-

stuffs, of which he exported large quantities to Germany. That country, seeing another opportunity for revenue and protection, imposed a specific duty upon the goods. Every particle of this duty was, and is to this day, paid by the New York manufacturer, as he could not add it to the price of his dyestuffs in the German market. This fact, however, is so evident in the business affairs of our own country that it is unnecessary to argue it to reasoning and observing people. Duties laid thus skillfully have that effect, affording the easiest paid revenue and at the same time protecting home industries, and such is the McKinley tariff bill, which ought, perhaps with some modifications, to remain the law of our land for a long time to come.

The production and manufacture of wool is one of the great industries of California as well as of the United States; California having produced more wool in 1893—26,808,414 pounds—than any other State in the United States, and being the third State in the matter of the number of sheep, having in 1893, 4,124,376 sheep, Ohio being the first with 4,378,725, and Texas second with 4,334,551 sheep. In fact, it is one of the great industries of the world and has through a long series of years in all the enlightened governments by the world been a subject of the most profound consideration of kings, statesmen, and the people. Spain protected its merino sheep by inhibiting their exportation under severe penalties. Australia encourages sheep-raising by grants of vast ranges at nominal rates, as do the South American States and other countries.

The policy of all has been that of protection and encouragement. Only in America has there arisen the strange and factional opposition to the industry. This fierce, unrelenting, and unreasoning opposition is one of the relics of the sectional disputes and interests of a past generation. Cotton against wool; the export of one and the free importation of the manufacture of the other, permeates with baleful influence the politics of the present day. Complaint is made that the farmer is called upon to bear the burdens of taxation with less assistance from Government than any other vocation. This complaint should be heard and the grounds for it removed as far as possible.

Agriculture has been honored through all history, and is the basis of all industries. From the farm comes the sustenance of all, and from the fields come the stalwart sons for the country's defense and for its development. America, with its broad area and fertile soil, depends more than any other country upon its farmers, and every fostering care within the power of government should be extended in their behalf. Theirs is a life of toil, where monopolies are impossible and guilds are of no avail. Their burden of taxation is unavoidable, but theories threaten them with more, to the extinction of their independence. Truly has the poet said:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.
> Princes and lords may flourish or may fade—
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

Let our theory be to lighten the burdens where possible and to assist where the opportunity offers. In almost every turn of our legislation the opportunity offers. Let us improve it.

The record of the Republican party may be proudly cited in its legislation for the farmer; in its investigations and publications for the farmer's benefit; in the homestead and liberal land laws; in the establishing of a Department of Agriculture and of experimental stations; in its grants to agricultural colleges and universities; in its aid to lines of transportation; in its systems of internal improvements, and countless other ways.

Let us for a moment consider how we may farther extend that aid. Take the single industry of woolgrowing. The aggregate is made of singles. A tariff on wool is both protective and revenue. In 1892 the value of raw wool imported was $17,697,067.50, on which a revenue was collected of $7,790,085.63, under a tariff of 11, 12, and 15 cents per pound. By the present bill this revenue, so urgently required at the present time, of eight millions of dollars is thrown away or put on the onerous burden of internal revenue, income tax or issue of interest-bearing bonds, and the incidental protection that was given is obliterated.

The Agricultural Report of 1893 shows there are 47,273,553 sheep in the United States, in 47 States and Territories. Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, and South Carolina are the only States having each less than 100,000. Ohio, Texas, and California hold the largest number, each having over 4,000,000. Texas and California are of very large area, so their proportion of sheep to acreage is far below many of the other States and Territories. The production of wool in the United States in 1892 was 294,000,000 pounds, and the amount imported in the year ending June 30, 1893, was 172,435,838 pounds. The production and the importation have increased steadily for a series of years.

The wool production of the world is estimated at 2,456,773,600 pounds annually. The largest producers are Australia, Argentina, United States, and Russia, in the order mentioned. We are thus shown the countries with which we must compete. They are countries of vast areas of cheap grazing lands, against which the farmers of the United States should not be called upon to compete on equal terms, particularly when we require the revenue the incidental protection gives.

But we are told that the tariff imposes a grievous burden on the farmer in his purchases of clothing, and that the tariff has made it possible to force upon the people cloth of a poor quality. While this is known by all intelligent people to be untrue and is easily contradicted we may take some evidence given before the Ways and Means Committee. Mr. Latzko, the Australian commissioner to the World's Fair, testified that—

> The American woolen goods had no superior in any part of the world; there is nothing manufactured from wool that can not be as well made in this country as anywhere else.
> The difference between free raw material in London and protected raw material under the McKinley law for a fine dress suit is just 90 cents.
> The difference in the cost of material for a workingman's suit in this country and Great Britain is just 75 cents. All the other difference in the cost of the suit is the difference in the wages paid to laborers.

The wool industry of this country ranks seventh largest of the agricultural interests, and amounts to $66,000,000 annually. But take the tariff from wool, let that great interest die out, and the cloth for the workingman's suit may cost 75 cents less and the country will have to send $66,000,000 in gold or its equivalent abroad to pay for the wool. You will say this industry will not entirely die out. Probably not. Sheep for mutton will be grown, and then as the wool will be of little value a high price will necessarily be charged for mutton, which will raise it to the class of luxuries, and the poor man who attempts to eat mutton will find his annual expenditures therefor a hundred times greater under free wool than under protected wool.

This I know will be the result in my State, where good mutton is the meat of those exercising economy. We know how anxious are Argentina and Australia that we should admit their wool and pelts free of duty. Then they assert they will drive the American producer from the market in all the products except the fresh meat, and this will come later under the cold-storage system. This plainly shows what we must avoid. To be forewarned is to be forearmed.

We are here to legislate for American good and not for the good of a foreign country, however friendly we may feel for that country. The questions arising in adjusting the tariff are national and for the nation are purely selfish. I can not close this branch of the subject without referring to the petitions which I have received and presented in this body. This special one claims to be signed by over 10,000 woolgrowers of California:

> *To the honorable members of the Fifty-third Congress of the United States:*
> Whereas, as a result of a general belief that the tariff on woolen goods will be reduced and wool put on the free list, the price of wool is now below the production; and
> Whereas we believe that if wool is put on the free list, and the tariff on woolen goods materially reduced, the price of wool will be still lower; and
> Whereas we can not afford to raise wool in competition with free wool raised in countries like Australia, where the woolgrower rents land from the Government at a less rental than we pay in taxes on our land, and receives Government aid and encouragement; and
> Whereas the lands of these United States are well suited to the raising of sheep, provided we can get a fair price for our wool and mutton; and
> Whereas we believe that it is to the best interests of this country to prevent the slaughter of a large proportion of the sheep of this country, which will be the certain result of a further reduction in the price of wool:
> We, the undersigned, farmers and woolgrowers, irrespective of party, do hereby petition and beg that your honorable body will make no change in the present tariff affecting the wool and woolen schedule now in force.

We are indeed confronted with the strange problem of an overcrowded people—a problem which the fathers of the Republic never dreamed would come so soon. To this may be added the marvelous devices of invention in the direction of labor-saving machinery. Men were never so cheap nor muscle so superfluous in the work of the world as now. The star of empire has moved westward until the tide of population has met the confines of the Pacific. We find unemployed men everywhere. Everywhere enforced idleness and suffering. It was not so in the early history of the Republic. It was not so before the attempt to depreciate the intrinsic value of one-half of our circulating medium. And, indeed, it was not so before the threatened blight of free trade fell upon the country.

Government by the people is only enduring where the best interests of the people are promoted. There can be no class distinctions or favoritisms in the collection or disbursing of revenue, and no system for raising revenue has ever equaled in unobjectionable simplicity that of our present tariff. Its greatest virtue consists in the fact that it is American. When we seek to foster other nations at the expense of our own, or so manage our own affairs as best to favor the industrial interests of other countries looking to a market among us, we are feeding a dry rot that means the ultimate decay of our institutions. It is not pleasant to take this view of the case, but it is the true view

nevertheless. We have not yet reached that halcyon time when the consideration of a common humanity is the basis principle of the upbuilding of nations. The millenium is a long way off yet. Our idle mines and factories, our multitudes of hungry and unemployed operatives, our depreciated currency, all voice this fact as never before in the history of this country.

The present Administration assumed the control of the country the 4th of March, 1893. During the seven months following, as shown by Bradstreet, the falling off in the business of the clearing house amounted to the vast sum of nearly $5,000,000,000, and it has kept up at that fearful rate ever since. This stupendous deficit represents the country's value of trade. Twelve billions of dollars less money circulated in the ordinary channels of trade and commerce, in wages, in the manufacture of goods, in the employment of labor. And all this under the proposed free-trade policy, or, as they like to be called, tariff reformers, of the present Administration, in the brief period of twelve months. Indeed, the nation stands appalled before the peril that threatens. Cities swarming with the unemployed, mines and factories closed, an army of unemployed marching from the west and north toward Washington—no such general depression of the ordinary industries of the country finds a parallel in our history.

Carry out the policy of England concerning this country; make it contributory to her greatness regardless of the effect upon our people and industries, and what becomes of the magic attraction of our flag, what will there be left to inspire patriotism, or make this land the hope of the oppressed? Divest this country of its policy of protection and there will be nothing in its citizenship to call forth the admiration of mankind. Its labor must degenerate to a level with that of the Old World's, with which it will be brought in immediate competition. We shall have squandered our birthright to placate other nations by placing our standards of labor on a level with their own. We should blush for the American party (and all parties in this great country ought to be American) that has no higher conception of the nation's needs. This ought to be the richest country in the world; taxes should be the lowest. Labor on a higher standard and better paid, its products bring the greatest satisfaction. All of which it would be and do but for the Anglomania that has turned the heads of a large portion of our people, especially of one of our great political parties.

Every avenue to wealth and fame is open to the humblest boy in this land. Yonder little schoolhouse on the hill is the stepping stone to the highest niche in the temple of fame in this land. It is true American manhood that makes the man in this glorious land. I have traveled all over the world; I have been in every land, on every continent of this great globe; I have been in the frozen north, in the tropics, in the frozen south where the Southern Cross is seen like the Great Bear of the north pole; I have been in the islands of the Pacific, in the islands of the Indian Ocean; but nowhere on God's universe have I ever seen a land like this. I have, as the patriarch of old, approached the temple to pay homage to the Unknown, as I saw the Star Spangled Banner floating over the consul's house in the north of Europe or in Southern Africa felt as Moses did when he stood near the burning bush, that I stood upon sacred ground, and I involuntarily removed my hat from my head and thanked God that I was an American. Let our votes and our actions be in harmony and accord with this true American spirit of patriotism that should animate our hearts.

There is nothing genuine with some so-called Americans in their estimation that does not wear a foreign stamp. They furnish their homes with the products and works of foreign manufacture, they wear foreign-made clothing, eat foreign viands, drink foreign wine, and smoke foreign cigars. This is the class of people that I like to give the full benefit of a tariff intended to protect American industries. Any abridgment of our protective policy is a step in the direction of national decay, and so the intelligent thought of the people declare at the ballot box in the elections in Ohio, Massachusetts, Iowa, New Jersey, and Rhode Island. Year after year, much of the time of Congress is devoted to the assailing on the one hand and defending on the other this last vestige of American policy. But for the last quarter of a century the people have had no fears of the result, as they knew that the party that would be safely trusted in the matter held sway in one or the other branch of the National Legislature.

Take the history of our Government from the first and the policy of England towards us has been strangely varied. When we were weak she was strong and at the same time aggressively protective. This was prior to the adoption of the "free-trade policy of 1846, forced upon the country in response to the demands of the South, because of the predominating influence of the North, the result of free labor" over that portion of the country where chattel slavery prevailed. England did not then feel assured that she could bear the competition of continental nations, and, as is well known to anyone familiar with our history, she manufactured for herself and for her network of colonies reaching around the globe. Into those colonies no other nation could carry anything. There was no scale of duty upon which other nations could enter the colonial ports. What the colonies needed outside of British product could be furnished to them only in British ships. This was, then, her idea of protection—the protection her great Premier Gladstone has declared to be immoral. But it was not protection; it was prohibition, absolute and remorseless. And it was continued even to the day when Mr. Gladstone entered upon his long and splendid career in Parliament.

The dignity of labor should ever be uppermost in the American mind, and the only way for us to dignify it is to bar out from competition the servile and cheap labor of those countries where a man's worth and social standing depend not upon his own merits, but upon some advantageous circumstance ceded to or stolen by some favorite ancestor. A protective tariff should be the last surrender of this Republic to kingcraft. It is the guerdon of our greatness, the bulwark of our manhood. Every attempt to fasten free trade upon this country has been followed by financial depression and disaster. This last attempt brings such hardship to our industrial interests as has never before blighted this fair land. If we are wise we ought to learn something in this school of experience. We should guard with jealous care this last feature that distinguishes us from the effete institutions of the Old World.

The American artisan and laborer have long held a distinguished place in this country. There is none above them; but how long will it be thus, without protection? Compare their surroundings with those of this class in other countries. Squalor and poverty on the one hand—plenty and often luxury on the other. So long as labor is not crowned king, as it is metaphorically with us, in countries depending on us for a market, we can never allow our laboring men the humiliation of competition.

We have by legislation wisely, in my opinion, excluded immigration of the pauper and contract laborer from Europe, and the servile Chinese laborer from Asia, but by the proposed legislation we are to permit the product of the Chinese factories in China, where labor is but 10 cents a day, to come into our country and sell in competition with the products of American workshops that are operated by American workmen. To do this is to shock the sensibilities of every patriotic citizen. Cheap wares are not the only things we need. The farmer needs a market for his product at good prices and he can have such a market only when the mechanic, the miner, the factory hands find ready employment at good wages. Rightly says the Inter-Ocean—

> The Republican tariff made the home of American workmen a home of plenty. He lived and enjoyed the luxuries of the rich in the older lands. The Democratic policy in its very promise, and before its reality could be experienced, has brought distrust and want and suffering. It is that and nothing else. The talk about silver producing the hard times was simply a Democratic blind.

Free trade is only desirable of those things we can not produce or manufacture, and even then the necessities of our revenue may require a moderate tariff which our people will never begrudge. We are contending for one of the basic principles of the Republic without which our bond of union becomes a rope of sand. To the hundreds of thousands unemployed men in the different States of the Union it is that already, with the mere shadow of "free trade" hanging over us.

I am not arguing against the possible necessity for a revision of the tariff, but such a revision can never be intrusted to the Democratic party as now organized. The revision should be made, if at all, by those in sympathy with the protection of American labor and American industries, and then with a view to increasing and not diminishing the revenue. The measure of the necessity for a protective tariff may be wisely gauged by the number of unemployed men in the nation. By the status of manufacturing industries—by the demand for our agricultural products. These are the reasons of our needs for raising of the revenues necessary for the expenses of the Government. The amount required is about $500,000,000 annually. To raise the largest part of this vast sum by any other method than that of a tax on imports would be the sublimest piece of folly ever imposed upon a nation.

Several bills have been introduced looking to the creation of a non-partisan commission for the purpose of thoroughly revising the tariff duties based upon the difference in the cost of American and foreign labor, thereby promoting and encouraging our own domestic industries, and at the same time elevating and advancing the dignity of American labor. In the establishment of two of our greatest industries, namely, the manufacture of Bessemer steel and plate glass, it was accomplished only after repeated failures and the expenditure of vast sums of money,

and then only by a most liberal encouragement on the part of the Government, without which success would have been impossible. In all American manufactures the higher wages of American mechanics is the chief factor in, as well as the pride and glory of our institutions. It is our glory that our artisans may live in competence, educate their families and surround themselves with comforts that belong only to the rich in the older countries.

It may not be amiss in this connection to present some of the opinions of the fathers on this momentous subject. When the Colonies obtained their political independence they naturally wished to establish their industrial independence also. That great Scotchman, Alexander Hamilton, first struck the keynote of the second struggle when, as Secretary of the Treasury, December 5, 1791, he said:

This idea of an extensive domestic market for the surplus product of the soil is of the first consequence. It is of all things that which most effectually conduces to a flourishing state of agriculture. To secure such a market there is no other expedient than to promote manufacturing establishments. It is the interest of a community, with a view to eventual and foreign economy, to encourage the growth of manufactures. In a national view, a temporary enhancement of price must always be well compensated by a prominent reduction of it.

American statesmen have followed in similar strains. Thus Washington's last annual address, December 7, 1796, says:

Congress have repeatedly and not without success, directed their attention to the encouragement of manufacturers. The object is of too much consequence not to secure a continuance of their efforts in every way which shall appear eligible.

President Madison, in his special message of May 23, 1809, says:

It will be worthy at the same time, of their just and provident care, to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted as extended by the laudable exertion of our citizens.

Thomas Jefferson, in a letter to Benjamin Austin, of Boston, 1816, says:

To be independent for the comforts of life, we must fabricate them ourselves; we must place our manufacturers by the side of the agriculturists. Experience has taught me that manufactures are now as necessary to our independence as to our comfort.

President Monroe, in his first inaugural address, March 5, 1817, says:

Our manufactures will likewise require the systematic and fostering care of the Government. Possessing as we do all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies on other countries. While we are thus dependent, these sudden events of war, unsought and unexpected, can not fail to plunge us into the most serious difficulties.

President Jackson, August, 26, 1824, says:

Heaven has smiled upon and gave us liberty and independence. The same Providence has blessed us with the means of national dependence and national defense. If we omit or refuse to use the gifts which He has extended to us, we deserve not the continuance of His blessing. He has filled our mountains and plains with minerals and given us a climate and soil for the growing of hemp and wool. These being the great materials of our national defense, they ought to have extended to them adequate and fair protection, that our manufacturers and laborers may be placed in a fair competition with those of Europe, and that we may have within our country a supply of these leading articles so essential to war.

The cause of that disparity of conditions having been removed, there is no longer any good reason why the people of the South should not favor protection, a condition of things most essential to her prosperity. Most serious disturbances of our business affairs come of any interference with the tariff. The man who has erected his mills and his factories under protection of his products, with the withdrawal of that protection, is most seriously disturbed, if not ruined.

It seems to be more a determination on the part of the Administration to carry out an idea, erroneous as we may believe it to be, than any demand of the people or any especial need or emergency of the times. If we think the voice of the people can be stifled on these great questions affecting the policy of the nation, we mistake the nature of this Government. It needs no prophet to predict that the people have had quite enough of this partisan tampering with the tariff. You will see what they will say in the next elections, when the question comes home to them as it will. And the political party that would retain or obtain a lease of power in the future would do well to heed this voice, the source of all power in this nation.

The condition of affairs in this country is vastly different from what it was a quarter of a century or more ago. The discontented and unsettled classes, of which the number is steadily increasing, have no longer new and virgin territory to occupy when they become dissatisfied with the older communities. The time has come when in the order of things we must have a fixed national policy upon all questions affecting the stability of the Government.

We can endure less foolishness than formerly. The people can stand less nonsense in the shape of unwise laws than when there was less suffering and idleness among them. These freaks of legislation, if we may so call them, should be forced upon the country only in time of great prosperity. Our free trade "or tariff for a deficiency" friends seem to be oblivious to this fact.

We oppose this bill because it works a serious diminution of our revenue on foreign imports, because the people do not want it, because it would cripple our industries, and because the present condition of the country is most unfavorable for any such innovation. We should beware at such times of any disturbing acts of legislation which tend to unsettle the quiet of the country. We should bear in mind that under the existing tariff which this bill proposes to disturb, there is an estimated deficiency made by the Secretary of the Treasury of $78,000,000 for the current year. And in the revenue bill proposed by this new schedule, it is proposed to discard $76,000,000 from the present tariff and impose a new form of internal and direct taxation upon our people to make up for this deficiency.

A proposition more unwise in these unsettled times could not well be devised; and strange it seems to me, that a party that one would naturally expect to see laying the foundation of future power—a party seeking to hold itself in sympathy and touch with the people—should in this reckless way throw away all chances to future promotion or ascendency. With the motto of Dante, written above the entrance to his inferno, "Abandon hope all ye who enter here," it may well be said of all those misguided statesmen who have entered into this conspiracy against protection, abandon all hope for preferment of the people ye unwise ones who seek to overthrow the main pillar of our institutions. If I did not prefer the prosperity of my country to that of party, I would withhold this warning cry and let them rush to certain disaster.

"A tariff for revenue only!" exclaim the champions of free trade. Exactly, say the people, but give us enough tariff for enough revenue, which means no reduction of the present rates, but on the other hand such advance upon many articles as may at least work an increase equal to the present deficiency. I want to emphasize the matter I have already referred to concerning an American policy in customs and finance. We have a territory as great as that of all Europe and a population which a few years hence will excel that of all English-speaking countries combined. And yet we have no policy of our own—no financial policy that is not made for us in the financial centers of the Old World. Our definition of money is vague, indefinite, and intensely English. With an immense territory and population we seem to be denied a distinctive policy of finance of our own. We must first ascertain what is wanted of us and then quietly and submissively yield up our own manhood to the keeping of others. This should never be submitted to by those who prefer the American Republic and her institutions as superior to those of any other lands.

The proposed new tariff bill especially affects the great fruit, wine, and nut industries of California, and will ruin them if it becomes a law in the proposed form. These industries are wonderful in view of the fact that it is in the memory of the man of middle age in this country when they were started. There is scarcely a city or town in the country where California fruits, nuts, and wine can not be purchased. While the trade is enormous there has not been as much profit in it as is generally understood. There are many reasons for this, but the principal one is the difficulty and expense in securing the market for the goods and cost of transportation to the consumer. The fruits, nuts, and wine have had to fight every foot for the position they now occupy in the markets of the United States, for the foreign productions only yielded because they were forced to, and for the additional reason that the fruits, nuts, and wines of California have not only undersold them, but because, also, they—the home productions—have been of better quality.

If it is pardonable at any time to introduce in a speech of this character statistics and tables showing the growth and quantity of California's productions in this line, this would be a case; but I forbear, for I am thoroughly convinced that it needs no such array to show that they are appreciated and are in demand. Later on, however, when this bill is under consideration by paragraphs, I may offer the Senate some statistics on the question. These great industries grew because they were given protection by our laws, and though they may not be classed as infant industries, they are still comparatively new, and will for some years yet need a fair and legitimate protection in their competion with the Old World. A severe blow has been given them by this bill, and unless it is amended an irreparable damage will be done.

California sent out last year 2,500 carloads of 12 tons each of raisins, and this year will send out 3,700 carloads. Add to these the thousands of carloads of oranges, peaches, apricots, pears, figs, plums, prunes, etc., fresh, preserved, canned, and dried, and one can in a small degree realize the importance of the industry, and I hope realize the necessity of protec-

tion. California to-day has 12,000 acres of almonds, and is probably the only State in the Union interested as a grower. Her forests of walnut trees are also threatened by the reduction of the duty. Even worse than the reduction is the doing away with the specific duty and the change to the ad valorem, for there is hardly any calculating the injury the change will make. The duties levied by the present law are none too high, while those proposed by this bill if not changed will almost bring about an abandonment of the industry.

In regard to the wine industry, what can I add in opposition to the passage of this bill? It is a bill that is wrong in so many directions that it would take days to enumerate them. In no one, however, does it do more harm than it does to the wine-maker of California, or indeed to the wine-maker of other States, when it abolishes specific and establishes ad valorem duties. This feature was introduced at the very last moment, and without question through the efforts of importers of foreign wines, or possibly of the producers of European wines, more particularly of those of France. The bill reads that the duty on still wines in casks shall remain as it has been, viz, 50 cents per gallon, but that it shall not exceed 100 per cent ad valorem.

This, on the face, appears to be a very large protection, but when you consider that the production of wines in Europe, especially this year, has been very great—thus in France fully 1,300,000,000 gallons against an average crop of barely half of this, and Italy a crop of possibly six to eight hundred million—you will well understand that the price of such wines in Europe will be very low, and I have no doubt that the cheaper grades will not average above 10 cents per gallon there. This means, according to the wording of the bill, a duty of 10 cents per gallon upon such wines, a figure considerably lower than was ever asked on the part of importers here. Besides this, there are many parts of France and Germany where wines are artificially manufactured—thus in Cette, France, and in Hamburg, Germany—and as the basis of such wines is potato or grain spirits, which pay no tax, as they are intended for wines for export, and which spirits cost possibly 6 to 8 cents per gallon, one can well imagine how cheap they can produce so-called wines, particularly as the balance that they add is in the form of chemicals.

It must be understood that it is difficult to appraise the value of wines, for they can not be judged as other manufactured articles are, for the reason that even the best judges differ as to the value of goods, and as many of the goods are shipped by the producers, the latter can put an arbitrary value upon their wine, as they may possibly figure only cost of production and interest upon their investment. This would result in the shipment of altogether or to a great extent low-priced wines.

In this connection I have received a letter from Mr. John T. Doyle, president of the viticultural commission of California, himself a prominent leading Democrat, in which, discussing this bill, he says, and as he states the case better and stronger than I can, I quote from it:

> The 50 cents per gallon is in no sense a protective duty. It was in force long before the McKinley bill was thought of, and I am not aware of any suggestion to change it in past years. The fact that the wine raised in this State does not average the producer 15 cents per gallon is conclusive evidence of the nonproductive character of the duty. Wine is ordinarily an article of luxury, and a most proper subject for a revenue duty. It is, also, an article so difficult to fix a true value on by any external test that any but a specific duty would be quite out of place. An ad valorem duty on wine is an absurdity. * * *
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> But there is a stuff called wine, which is made for exportation in France and Italy in enormous quantities, which should not be admitted to importation here on any terms. It is often filthy and nauseous in its mode of manufacture, and is really unfit for human consumption. A duty of 50 cents excludes it, for under no circumstances could it sell for so much; but I doubt if 100 or even 200 per cent ad valorem would, for it can probably be invoiced at 5 cents per gallon, or even less. The best of it is made by taking pomace after it has yielded all its wine to the press, adding glucose and water, and allowing it to ferment again.
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> The pomace gives the color and something of the flavor of wine, the glucose yields the necessary alcohol, which, if need be, is supplemented by German potato whisky, the most noxious of all the alcohols known to chemistry, and which is now finding its way all over the South of Europe as an ingredient of counterfeit wines and liquors. The pomace is thus used over and over again. The invasion of the French vineyards by the phyloxera led to the introduction of this counterfeit wine industry some years ago to supply the export trade of the country and it has since attained an enormous proportion.
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> We do not ask for any protection on wine, a duty that will give such revenue as is fairly collectible from such a luxury is all we need. But the public has a right to expect the Democratic party not to open the door, for the first time, to the importation of vicious and poisonous beverages under the pretense of freedom of trade. Free trade should at least be confined to honest commodities.

There are besides those I have referred to many other interests of California affected injuriously by the various provisions of this bill. The reduction of duty upon lumber, rice, freestone, sandstone, onyx, lime, hops, beans, chicory, twine and cordage, burlaps, jute and bagging, and live stock will prostrate those industries as at present conducted. The struggling factories engaged in the manufacture of cotton, wool, rope, and jute can only continue by a corresponding reduction of wages to their employés. The placing of machinery for vessels on the free list will, I am afraid, result in closing several of the shipbuilding machine shops on the Pacific coast. They have been built up by the patient industry, pluck, and enterprise of our California mechanics. That they can do work to favorably compare with any country in the world, I have but to mention the United States ships Charleston, San Francisco, Oregon, Olympia, Monterey, and other steamships built by our mechanics of California.

But they can not continue to pay the same wages and compete with workmen on the Clyde who will manufacture and send machinery there at a nominal freight in ships that come to load wheat, and must have ballast on their outward trip to California. But I find that I have already occupied more of the time and attention of the Senate than I should at this time. I shall, however, claim the privilege when the bill is under discussion by schedules and paragraphs to offer amendments and to point out, discuss, and show to the Senate how the people of the State I have the honor in part to represent on this floor, will be injured if the bill becomes a law without very radical improvement.

We should maintain the integrity of the Republic in its dearest rights and usages, and should aim to uphold a higher order of manhood among our laboring classes than belongs to any monarchy on the face of the globe. God pity this land when a man's title to true nobility shall not depend solely upon his personal worth and merit; where the measure of his greatness hangs upon the empty bauble of a title conferred upon some worthless ancestor. There can be no heraldy of merit founded upon superior skill or genius in the great world of use. And herein should ever consist our superiority over the nations of the earth. When we foolishly surrender this boon this great Republic will surely fade from the nations of the earth.

I am not one of those who feel that they are called upon at all times and in all cases to denounce trusts, combinations, coöperative, or corporative investments. Many combinations produce more beneficial results than otherwise, and are in the interests of the people. There are unlawful trusts, however, which do harm and which menace legitimate interests in every direction.

These should and can be regulated by law, State and national, and I stand ready to take my share of the responsibility in passing such laws, for I am convinced that such determined remedial agents are necessary. I would crush out the trusts and combinations which oppress as I would encourage and foster those which are organized for beneficial purposes.

I am a thorough believer in "profit-sharing" enterprises—coöperation and coöperative effort—for many good things can be done by this means which are not possible by private capital or private enterprise alone. Trusts when organized for the public good should have proper encouragement, but when they have reached the point where they, by aggregated capital and combination of interests, attempt to, or influence, legislation, either State or national, they should be removed and dispersed.

In explanation of a trust that has my unqualified indorsement, I instance the case of the raisin men of five counties in California, Fresno, Tulare, Madera, Kings, and Kern Counties, which have agreed that all raisins are to go into the hands of the organization to be sold, doing away entirely with middlemen. To perfect this plan, they propose to raise a capital of say $250,000, representing the same number of shares at $1 an acre, so that there would be no need of resorting to commission houses for advances. It is further proposed that each neighborhood or district shall have a coöperative packing-house in order to reduce the cost of preparing the goods for market. When a sale is made the proceeds are divided pro rata among all who have goods in the warehouse, so that no one could have any advantage over another. No one will be injured who does not join the association. Consequently such a trust as this becomes a public benefit.

The question of free or dutiable iron and coal, as affecting the interests of California, from a narrow point of view, may be debatable, but on a broad view of the suject we find we are in touch with the coördinate welfare of our sister States of the Union. We may ask if we can build up the highest prosperity of our own, or any one State, while we neglect the interests of others, or do we not profit most when others are prosperous? California produces but little iron or coal. These commodities are imported in large amounts, chiefly from foreign countries, and in foreign ships, iron from England, Sweden, and Russia, coal from Great Britain, Australia, and Vancouver Island.

California is the largest importer of coal of any State of the Union, the amount being about 1,000,000 tons annually, and paying over $700,000 in duties to the National Treasury. Under this bill the duties are very largely reduced and the consumer expects them cheaper in our markets. But this expectation

will not be realized, as we generally find that an importer, as well as anyone else, will charge all he can get for an article whether he has paid duty on it or not, particularly when he, or a syndicate, has the power of a monopoly.

The production of coal on the Pacific coast, though small, kept this monopoly down, or nearly down, and by the power of competition, though limited, kept down the price to the consumer. But without the duty the American producers of coal could not maintain themselves. It is doubted that the reduced duty provided for in this bill will be sufficient to aid the American miners of coal to keep up their competition, though they will do so if they can, and the result may be that the trusts controlling the foreign coal will raise the price to consumers.

Mr. POWER. Will the Senator from California allow me?

Mr. PERKINS. Certainly.

Mr. POWER. Where do you get your coal used for the shipping interests?

Mr. PERKINS. As I was about to state, large quantities of it are brought from England, large quantities from Australia, and large quantities from British Columbia, with our own domestic product in Washington, Oregon, and California.

Mr. POWER. How does the coal produced in Washington and Oregon answer for the shipping interests?

Mr. PERKINS. For steam purposes?

Mr. POWER. For steam purposes.

Mr. PERKINS. The coal of California and Oregon has not been as good steam coal as that of Washington and British Columbia. However, the coal of the State of Washington, and I speak advisedly, has veins that compare favorably with any other steam coal upon the coast, its principal competitor being that of British Columbia or Vancouver Island.

Mr. POWER. Is the coal from the State of Washington as good as that from Vancouver Island?

Mr. PERKINS. I think in some of the mines it is quite equal to that of British Columbia.

Mr. POWER. The Government made a contract for the Bering Sea fleet in the last few weeks for coal from the British country, taking that coal in place of our product. I was called upon to look after that so far as some friends are concerned, and that is the reason why I asked the question. Why was that done?

Mr. PERKINS. The Senator from Montana calls my attention to the fact. I presume it is done to carry out the foreign policy of this Administration perhaps.

Mr. POWER. So I thought at the time.

Mr. PERKINS. I am somewhat a consumer of coal, being obliged to purchase from 5,000 to 10,000 tons monthly, and from an actual test in our experiments we find that the coal of the mines in the State of Washington called the Franklin mine, for steam purposes, is equal in its efficiency to that of any coal upon the Pacific coast, notwithstanding the Government in asking for bids or proposals for furnishing coal did not mention this mine, but advertised only for foreign coal.

Mr. POWER. That is what I understand.

Mr. PERKINS. Not being in accord with the present Administration, I am unable to give my friend the information he desires.

Mr. ALDRICH. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

Mr. ALDRICH. Does the Senator from California mean to be understood as saying that the bid of the Department excluded American coal?

Mr. PERKINS. I will not say that it excluded it, but it was not considered, I understand.

Mr. DAVIS. Has attention been called to the character of the Washington coal?

Mr. PERKINS. The case can hardly be otherwise, as the mines of the Washington coal have been worked for thirty years or more, and it is used continually by the steamships operating on the Pacific coast. The company that I in part represent, engaged in operating steamships, consumes from 5,000 to 10,000 tons monthly; and I speak without reservation when I state that its effective use for steam purposes is equal to the coal of British Columbia or any other coal.

Mr. MITCHELL of Oregon. In addition to that, if the Senator will allow me, the special attention of the Secretary of the Navy was called to the fact that the Washington mines had been omitted, by a communication signed by several Senators, myself among the number.

Mr. DAVIS. What response was made to that communication?

Mr. MITCHELL of Oregon. The response was to the effect that under all the circumstances, as far as they were advised, they thought the British coal the best.

Mr. ALDRICH. If the Senator from California will further allow me, I beg to call the attention of my distinguished friend from West Virginia [Mr. FAULKNER] to the fact which has been stated by the Senator from Oregon, and to ask his influence with the Administration to see that domestic coals are properly treated hereafter.

Mr. FAULKNER. If the Senator from California will permit me, I am satisfied that the Administration which is now in power would certainly (if it was in accordance with an economic administration of the Department) much prefer the use of American coal to foreign coal, and I suppose it can only be by reason of misinformation in reference to the quality of the coal which could be furnished by those mines that they purchase at all the foreign coal to which the Senator from California has alluded.

Mr. PERKINS. I had not referred to this in my remarks; I tried not to be personal at all; and ordinarily I should defer to the judgment of the Senator from West Virginia; but I have some knowledge of coal, because the vessels which I am engaged in operating consume large quantities of coal and we know from actual test, not a theoretical experiment, but by burning 1,000 tons of coal from this mine and 1,000 tons of coal from the other mine, that the same speed of a vessel under similar circumstances is attained. That is the result.

Mr. MITCHELL of Oregon. I should like to ask a question right here. The Senator from California, as he states, and we all know, is a very large consumer of coal on the Pacific coast. That being so, of course one would naturally suppose that he would like to get the coal so used as cheaply as possible. Does the Senator think that by putting coal on the free list he in the course of a few years, if at all, would get his coal as cheaply as he does now?

Mr. PERKINS. I shall endeavor to demonstrate the fact, but my time is passing, and I wish to make a few remarks about the income tax. I shall have to file a special brief with my friend to show him that I am satisfied the consumer would not get his coal one cent less, judging the future by the past. Before our mines in Oregon, Washington, and California were developed (and we have a few of them in California) coal was always purchased from the ships to arrive, and the consumer was never benefited one cent thereby. But, parenthetically, speaking of the question of my friends from Montana and Oregon, it is true that our Government did not give our Oregonians and Washingtonians an opportunity of competing, yet I want to say a kind word for our friends in British Columbia. They are our neighbors, and they buy a great many goods from us in California. They are a very kind-hearted, hospitable people. They are an American people, who ought to be connected and allied with us by political bands.

To show how much more generous they are than our own Government, to one of the steamship companies that I can call to mind I think they have paid during the past twenty-five years a special mail subsidy for carrying the mails by steamer from San Francisco to Victoria, British Columbia, of from $5,000 to $10,000 a year, while our Government pays for carrying the mail about $1.50 a mail, I think. That is the policy. Therefore I feel very kindly toward our friends, and if they would unite themselves with the United States I should not object to purchasing our coal there altogether.

But since the Senators from Montana and Oregon have called attention to the discrimination against American coal, I am sure my friend from West Virginia, having a judicial mind, will say at once that there is some mistake and that he himself will volunteer to remedy this wrong, and in the next bid the coal of Washington and Oregon will be invited to compete.

Mr. FAULKNER. If the Senator will permit me, I have no doubt that after the Secretary of the Navy has read the very elaborate and satisfactory argument of the Senator from California on this subject and knows his ability to talk from personal knowledge of the quality of the coal there will be no difficulty whatever. I understand that this coal was excluded on the report of the officers who had tested it.

Mr. PERKINS. Since the question has been brought up I want to say in justice to the Department that while the Washington coal is just as effective and is equal for steam purposes, yet it is not quite as clean, and the officers prefer a harder coal that does not throw any cinders on the deck or upon their suits of clothing made of foreign wool. I think I can make it clear even to my friend rom West Virginia that there should be a duty upon coal; but I wish to say that I have an interest in one mine and that I am interested in the management of a company which has investments in several coal mines; and while those who know me would hardly charge that it would influence me in my vote, yet as there are some evil-minded people who sometimes misconstrue a person's action, when the question of the coal duty is up for consideration I shall, with the permission of the Senate, refuse to vote upon it.

I do not believe it right for anyone to vote on any measure in

which he has a direct interest, if it is ever so small; and yet to my satisfaction, and I think to the satisfaction of my friend from West Virginia, I can show that the duty should not be reduced from 75 cents to 40 cents a ton, and that after all the talk of "free coal" the people of the Pacific States would have "dear coal" as the results of their efforts. I am confident that the price will not be reduced, though the duty is, and the difference between existing duties and the reduced duties will go into the pockets of the foreign ship and mine owner. The trusts are powerful enough to do just as they did before when the duty was reduced to raise the price to make up the difference.

For the year 1892 the total output of the coal mines of the world was 539,000,000 tons. Of this the United States produced 179,000,000 tons, or nearly 33 per cent of the total. Of this product the United States exported from her Atlantic and lake ports—

	Tons.
Anthracite	851,000
Bituminous	1,645,000
Total	2,496,000

During the same year the United States imported—

	Tons.
Anthracite	65,058
Bituminous	1,143,000
Total	1,208,058

Leaving this general statement, and coming to the coal consumption of the State of California, the statistics show that she imported from all sources of supply during the years 1892 and 1893, viz:

	1892.	Per cent.	1893.	Per cent.
FOREIGN.	*Tons.*		*Tons.*	
British Columbia	554,600	35	688,527	40
Australia	314,280	20	232,017	13.5
Great Britain	235,560	15	170,079	11
Japan	4,230	.....	7,758	.5
Total, dutiable and nondutiable	1,108,669	70	968,380	65
DOMESTIC.				
Washington	383,320	24	428,985	29.5
California and Oregon	66,150	4	63,460	4.5
Pennsylvania and Maryland	35,720	2	18,960	1
Total	485,190	30	511,405	35
Total importation	1,593,859	100	1,479,785	100

It may with safety be assumed that the 65,058 tons anthracite reported as coming into the United States were delivered at California ports. Deducting this from California's total importations of foreign coal will leave a balance of 1,043,000 tons of dutible bituminous coal brought to her ports, showing that only 100,000 tons foreign bituminous coal went into all other ports of the United States, and that of all the foreign coal imported during 1892, California received over 91 per cent.

It will thus be seen that California occupies a singular and unique position relative to the Government tax on fuel. This is because:

1. She has not within her borders any known deposits of coal suitable in quality for the general needs, and within reach of her centers of consumption.

2. She is the most populous of the sparsely settled Pacific coast States, and therefore offers the largest market west of the Rocky Mountains.

3. She is essentially an agricultural State, dependent upon distant markets for the sale of her products, and compelled largely to use ocean carriage for transportation. This fact attracts vessel tonnage, almost entirely foreign in nationality, and which coming from far distant points is chiefly laden with coal as inward cargoes.

If business policy, and not theories shall determine the right of government to protect by tariff those lines of business which need protection, shall get any consideration, that policy will be best which tends to encourage the development of resources to the profitable employment of capital and to the largest amount of work and rates of wages. What that amount of tariff, distinctly for protection, shall be, is the question for those who fix the rates, but unquestionably it should be no more and no less than is necessary to equalize the cost between the same grades of foreign and domestic material laid down at the seaboard ports.

Respecting coal, California's position is different from that of every other State of the Union. Leaving out of the question any discussion that she may have interests requiring the help of sister States towards shaping the governmental policy for their protection, it is a fact that with her the farming element is the most important. The farmer pays the outward freight on his wheat because he gets for his product the difference between the foreign market rates and the freights by sailing ships. Therefore, whatever tends to increase the outward carrying tonnage, or what will lower the cost of wheat freights, is in the interest of the farmer.

Dismissing for a moment the reciprocal interests of California with her neighboring States, it is a fact that coal constitutes the largest volume of inbound freight; therefore, it is better for the farmer if the coal trade of the State shall be supplied from distant foreign ports, because—

1. The inward earnings enable the ships to carry the wheat outward at lower rates than would otherwise be possible.

2. Coal as cargo from distant foreign ports sends here an increased tonnage of wheat-carrying ships.

It therefore follows that the importation of coal from adjacent foreign ports is not in the interest of the farmer, because it is carried in British steamers and by other nonwheat-carrying vessels. The importation of coal from near foreign mines has two effects in California: It displaces the product of mines worked by American labor in adjoining States, and to the extent that it displaces the product of distant foreign mines, to just that extent does it lower the list of vessels that would otherwise be attracted to carry away California products.

It is entirely safe to say, and the statement will be borne out by unprejudiced experience, that the abolition of the present duty as proposed by the bill as it came here will shut the California market against the American coast mines, and lead to a further absorption of the coal tonnage by the mines of British Columbia. An examination of the statistics for the past six years will show that the supply of domestic coals imported has decreased over 30 per cent. During the same period that of the British Columbia mines has increased nearly 90 per cent, while that from distant foreign mines shows no material increase.

It may naturally be asked, why should this result follow, seeing that the abolition of the duty would apply equally to foreign coals from Great Britain and Australia, and why may not the American mines still maintain their foothold. The answer is:

1. British Columbia coal as compared with that from Washington is better for household use, and for steam purposes it equals the best and is superior to most of the local domestic products: hence, it is in greater demand in the California market.

2. British Columbia mines, having flat veins, are more cheaply worked than the pitching veins in Washington, and being nearer tide water their output can be shipped on board vessels at a lower cost than coals in Washington.

3. The product of British Columbia mines is largely carried in cheaply built and cheaply operated British steamers, and therefore the cost of freightage is less than from the American Puget Sound coal ports, that use American sailing ships and more costly steamers, and these causes have operated to diminish the California supply from Northern American coal fields, and the abolition of the present duty will finish the struggle.

With respect to distant foreign coals, the answer is: The miners of British Columbia coals sell their own product in the California markets. Controlling the amount and cost of their supplies, by the use largely of British steamers they are within four days of their mines, and are thus enabled to undertake contracts for large deliveries. The dealer in other foreign coals is distant sixty days from Australia, and one hundred and twenty to one hundred and fifty days from Great Britain. The uncertainty of the arrivals of sailing ships from such long voyages makes it inexpedient to undertake such large contracts, unless by the carriage of unwarrantably large stocks of coal. He does not know nor can he control costs, for while the free-on-board price of coal at foreign ports is practically constant, for long periods, the inward freight rates are constantly fluctuating.

These are the chief reasons why the British Columbia miner is in position to force the domestic coals out of this market, and why he has been able to prevent any marked increase in importation from abroad. At the same time, while it is not contended that there should be a discriminating tariff against British Columbia, it should be emphasized that this growing absorption of California coal trade by these mines deprives the farmer of wheat-carrying vessels, tending to increase his outward wheat freights, when he competes in European markets against the world's wheat. It has retarded the mineral development of the State of Washington, which is practically in infancy, and the destruction of the tariff will further dwarf promising coal-mining in Oregon.

Who will benefit by the reduction of the duty on coal? As the function of such laws is to do the greatest good to the masses, let us analyze the coal traffic of California, and ascertain whether the great public will reap any material advantage. The American coal-producer on the Atlantic seaboard protests against any reduction in duty, because the Nova Scotia mines will disturb his trade in the great consuming centers of New England.

The American miner on the Pacific coast contends for a chance to keep his present trade in California against mines in British Columbia, but the same kind of practical reason applicable in the East does not fit the peculiar conditions there. It can be said in prophecy that if the present duty be reduced the difference will go into the pockets of the British miner and shipowner. Theoretically it should all go to the California consumer. Practically it will not.

Iron ore of excellent quality is abundant, California alone having enough to supply the world indefinitely, but under existing conditions it is not available as a commercial factor. For our future development we are looking forward hopefully to the construction of the Nicaragua Canal to bring us in closer commercial relationship with our Southern brethren, with whom we are now working at terrible cross-purposes, hoping for the same material end. Does Alabama believe she can send her coal and iron to Italy or Turkey in exchange for figs, olives, currants, raisins, oranges, lemons, chromium, borax, or sulphur more advantageously than she could to California for the same products? All these commodities and many more are California products, in great abundance and in greater perfection than elsewhere known. Of one important thing our Eastern (including Southern) friends appear to be ignorant or indifferent and narrow: that we have all the Mediterranean countries on our Pacific coast, all Northern Europe in our Mississippi Valley, all Great Britain and her every natural resource many times repeated in our Atlantic States, all the precious mineral regions of the world in our great Western plateau, and all Scandinavia, Laplandia, and Samoldia in our Alaska. But partisanship and limited local or individual interests subordinate all to narrow dictation.

The Republicans ask for this development by mutual assistance, by a syndicate of States as business men form syndicates for successful operations. We of California pay without complaint as a contribution to the general good of the other States and in support of the Government $8,000,000 of customs, of which three-quarters of a million is for coal and $2,192,581 internal revenue direct, and several millions more indirectly being paid directly at the place of manufacture of whisky, tobacco, beer, and oleomargarine. It is estimated that California pays annually $6,000,000 of the internal-revenue tax, when her just proportion would be less than $2,000,000, the gross amount collected in the United States being $160,296,130. Thus California pays into the Treasury over $15,000,000 annually. These great and disproportionate payments, continued through a long series of years, entitle her to careful consideration and justify her request for protection and assistance in developing her natural resources for the mutual good, power, and glory of our common country.

There is received at the port of San Francisco from 18,000 to 22,000 long tons of pig iron annually, almost entirely from Great Britain. A little more than a year ago this trade was broken into by the arrival at that port of a shipment of 930 tons of pig iron from Birmingham, Ala. This proved of excellent quality, and more was immediately ordered. The agent, Mr. John Martin, at that time stated that the iron could be supplied at the furnaces as cheaply as at the furnaces in Scotland, but the freight rates were greatly in favor of the foreign product. That is, the rate per ton from Ensley or Birmingham via New York to San Francisco was $13.15 per ton, while from Glasgow to San Francisco the rate was $2.40 per ton. Adding to this the duty of $6.92 per ton, makes a total of $9.12 a ton, or a difference of $4.03 in favor of the British and against the Alabama product. The price of pig iron ranges in San Francisco from $23 to $30 per ton, or did at the time these transactions occurred. But with the tariff as it is and the canal of Nicaragua completed, shipments via Mobile or New Orleans to Pacific ports would place the iron works of Alabama and other Southern States on an equality with those of Great Britain.

Here we make these concessions for mutual assistance and development. A member of the other House is reported as saying he voted against sugar because his State was not interested in sugar. Many have opposed protection to iron because, as it was charged, only one State—Pennsylvania—was engaged in its production. Now several States are interested in it, and all should be. Iron and coal are the basis of British power and wealth, and wherever in our country, under protection, their production has been carried on, there have grown prosperous communities, wealthy and powerful States. Knowing the condition of the Southern States, so undeveloped were their great natural resources when they attempted to establish the Confederacy, that a strictly enforced blockade would have soon starved the people and rendered the government powerless and compelled submission without a Bull Run, a Gettysburg, or an Appomattox. These developments are and must be through protection and interstate commerce, and not through free trade and foreign commerce.

Of the income tax, I can but say that it appears in the bill before us one of the most insidious and deceitful ever expressed in a multitude of words.

It appears most fair that the individual who rides on Mr. Bellamy's coach, which other individuals pull through the dust and mud of good and bad roads, should be made to pay his fare, or at least to pay more than those who do the pulling; and it is on this theory the income tax is advocated. Were this theory sound it would still be found impracticable to collect that fare with any equality or any degree of satisfaction or profit. At first glance it appears that the income tax is levied only against those who ride. This appearance makes the proposition popular with those who believe they do all the pulling for this coach made so famous in the "Looking Backward" story. A closer examination of these sections of the bill show that the pullers of that coach are taxed as well as those who ride.

There are but few thrifty persons who have not invested some surplus earnings or "laid aside for a rainy day" in some incorporated company or savings bank. Such people are of the most beneficial toilers of the world. They comprise millions of our people of small incomes. In all the great companies are many of these, and possibly many call for an income tax. They do not know that their savings are aggregated in the bank or other corporation, and made to pay the same tax as if the depositor's income were over the limit of four thousand. Many a poor man and woman will find their scanty dividends lessened by the income tax if this bill becomes a law.

There are 4,781,605 depositors in the savings banks of the United States, with $1,712,769,026 on deposit, an average of $358.20 to each person. Of these California has 175,672 depositors, with an average of $886 of deposits, or in all $126,781,530. This includes $101,462,937 in the savings banks of San Francisco and $25,318,593 deposited in the interior savings banks of the State. How much of this belongs to "plain people," "wage-earners," and the like, it is impossible to ascertain. We know that for a long time there were many capitalists there who found it easier and more profitable to deposit large sums in savings banks than to invest themselves, but during the troubles of last year their funds were not available, and since then they are doubtless withdrawing their patronage from savings banks. Many of these banks now decline to accept any large deposits, the general limit being $10,000, while some are said to have a limit of $4,000.

It stands to reason, therefore, that a very large percentage, or nearly all, of the depositors are people of moderate means, who, not being able to take care of their savings, give them into the custody of those whose business is to conduct these trusts. There are 120,642 depositors in San Francisco and 55,030 depositors in the interior banks, and while we can not get accurate statistics the nearest obtainable estimate is:

Depositors of less than $1,000	157,745
Depositors of over $1,000 and less than $2,000	8,722
Depositors of between $2,000 and $5,000	6,024
Depositors of over $5,000	3,181

The average of deposits in our four largest local savings banks in San Francisco is, viz:

German	$1,046.97
Hibernia	606.04
Savings Union	1,246.12
Savings and Loan Society	1,144.32
The lowest average deposit in all the banks is	57.67
The highest average deposit in all the banks is	1,760.00

The savings banks in California are of two classes, mutual and stock corporations, while in the East savings banks are mainly mutual concerns, having no stock, and are managed by directors more or less upon a philanthropic basis wherein all depositors are members and there are no stockholders.

If the income tax were imposed, it would of course apply to mutual and incorporated savings banks as well as all other corporations and they would have to pay upon their income, which consists of the interest upon loans and investments. This income, less expenses and dividends to stockholders, is now used to pay interest to depositors which we will say is 5 per cent. Corporations are not so liberal as to allow this charge, the income tax, to apply entirely to stockholders; therefore it would be deducted from the 5 per cent paid depositors, and the man, who has accumulated $1,000 and is now receiving, say, $50 per annum as the earnings of his savings, would get $50, less the income tax of 2 per cent. There are also in California, and I think throughout the United States, building and loan associations, mutual societies organized for the purpose of assisting the mechanic and wage-worker in building a home and paying for it in monthly installments.

Thousands of homes are by this plan builded each year, that fall like a benediction upon the American family. It is almost

cruel to impose an income tax upon these societies as this law proposes.

The larger depositor, if his wealth were all in the savings banks, from which he received say $4,000 annually, would have paid the tax once through the bank and then would have to pay it again personally, and this would apply to anyone whose income was derived from corporate investments. The company would have to pay its tax and then the shareholder, who received dividends, would have to pay it again, *i. e.*, the same income or earning power would be taxed doubly in its distribution. This may be the desired object, but it is double taxation, and therefore not equitable.

The worst feature about the proposed measure appears to be the discouragement it would give to enterprise, and particularly to combined effort, in the form of corporate undertakings. These are the times when the greatest encouragement should be given to all who are willing to develop new resources, for so much has been done to discourage capital that disaster and misfortune appear everywhere. Is it not possible that under an income tax we would drive from us many whose wealth is now of great benefit, and should they invest their capital in other countries how could this Government collect income tax upon such investments?

A man's income is a personal affair and he will not willingly disclose it, but, if forced to, will be driven to dishonest methods in resenting what he regards as an injustice. One of the bank commissioners of California writes me:

> I am told that the income tax works well in England, but I am not familiar with the system there and it may be possible that it is a blessing in disguise, but viewing it as a creation of the Democratic party, I am loath to appreciate it.
>
> It is more or less in evidence that the rich do not pay their just share of taxes, but the proposed plan will place greater burdens upon those of moderate means, who can not escape, and the class sought to be taxed will evade the law in one way or another.

I am opposed to this income tax provided for in this bill for many reasons, but first and principally because it is un-American. I am also informed there is no income-tax law proper imposed by any republic of the world to-day. It is a recognized monarchical form of taxation and should have no place upon the statute books of this country, unless as a war measure. There is no demand for it except from a few theorists and free traders who seek to secure by it money with which to pay the expenses of the Government and create an army of taxgatherers. This money, in my opinion, is needed and needed badly, but it would be more American-like if we insisted on collecting it from the foreign materials and manufactures sent here rather than from our own people. It is inquisitorial and, judging the future by the past, it will do far more to manufacture perjury than to produce an income to aid in supporting the Government. Who can deny that it is a deception; that it does not promise things it can not perform? It is supposed to be leveled at the rich and the rich alone; at those whose incomes are four thousand and over per year, and it is on its face; but there are thousands of others who will be affected by it, for it will reach into the savings banks as I have shown and tax every depositor, rich or poor.

It will affect all injuriously. It proposes also to give certain designated persons the right to look into the private business of all business men and business enterprises; to expose every one's private books to the public gaze; to require the successful business man to expose the sources of his success to those who are not so fortunate, to force him to an unnatural competition. Henry Clews, well known as a banker and financier in New York, as well as to the business world everywhere, in a recent letter says:

> I remember during the war period, when various tax laws of that character were in force as war measures, it was quite a usual thing for the collector of one of the districts named, who was a bold, unscrupulous, and money-making man, to forcibly seize the books of well-known firms and keep them in his custody at his own office for experts to examine at their convenience and, I have no doubt, in many instances even to copy parts thereof; at any rate, such was the general impression.

Hundreds of others give similar testimony. Setting aside for the present all other objections to the income-tax feature of this bill it is clear, even from the statement of the honorable chairman of the Finance Committee of this body, that it is not necessary, for the reason that the bill raises enough to meet the expenses of the Government without it. We certainly should not provide for such a great surplus of revenues as the income tax proposes to raise. We do not need it and it will turn out to be a plague to annoy and punish us. This is also the most inopportune time to try such legislation. The recent financial depression carried down many of the supposed strongest business firms and farmers of our country, and has kept them down; others who have credit have managed to keep their heads up in spite of unfavorable circumstances, and if allowed to do so will come out all right in the end.

But if they are forced to open their books and accounts to the public gaze—to the income-tax gatherers—it will be shown that they exist in many cases on credit and the confidence of their friends and supporters; and the result can not but prove disastrous to them and others. We have had enough of pulling down, and certainly there should be no excuse, no statute placed in our laws which would increase and encourage financial disaster, and which would wreck those that would otherwise sail along pleasantly until times improved, when they can manage on their own account. It is for them and those depending on them a great struggle, and if they are not required to "show their hands," as it were, they will weather the storm and sail along in pleasant waters. What we need is confidence, and it should not be destroyed by the operations of the income-tax gatherer. We have business troubles enough already staring us in the face without the law placing in their pathway one which would be even greater than all else combined.

But if this bill is to become a law there is no reason that a member of the Congress of the United States should have $4,000 of his salary that is paid him by the people go free from taxation. There should be no exemption above that of say $600 per annum, which is about the average wages of the laboring man of the country.

It has been charged by those who profess to believe that every step toward free trade is a step in the direction of national prosperity and happiness—it has been charged, I say, by these gentlemen that protection of American industries tends to build up a moneyed aristocracy at the expense of a less fortunate democracy. That is, that it tends to make the rich man richer and the poor man poorer.

I do not flatter myself that I shall be able to refute this charge with such power of eloquence and of logic that those who differ with me will at once subscribe themselves as converts to my opinion; but I must say that to me, as a business man, the facts seem to lie so distinctly in one direction, that I can not see how any other conclusion can be reached than this: that while protection has made many men rich it has made no man poor; that it has resulted and can only result in national wealth without inducing individual poverty; and that if great fortunes have been made, such fortune-making has been the logical sequence of this national prosperity, and not at the expense of the individual.

A protective tariff, as I understand it, is simply the impost of such duties as will allow the producer of this country to compete with the producer of other countries, either by keeping out entirely the products of competitive nations or by adding such amounts to their cost by a tax on entry as will enable our producer to market his goods at a fair and legitimate profit. I am aware that gentlemen of great intelligence and far more political acumen than I possess may hold this to be, if not a mistaken at least a debatable proposition; but such is my honest opinion, largely shared in, I believe, by those who are of my political faith. I know that there are gentlemen on the other side who claim that this protective tariff, while it may foster American industries, fosters them only to the benefit of the manufacturers' pocket and to the depletion of the purchasers' pocket. Now, if this were so, it would inevitably follow that the manufacturers of this country would constitute the great millionaire class. But such is not the fact.

The total assessed value of all properties of the United States in the census year, 1890, I am informed, was $64,340,092,988, of which amount no less than $39,544 544,333 represent real estate and the improvements thereon: a division of our wealth in which every property owner of the United States has his share, and whose magnificent figures are due to the vast extent of our territory, to the masterly activity of our people, to their incessant desire for better surroundings, and to the general increment of values. The next largest item is that of transportation agencies; the value of railroads, street cars, shipping, canals, telegraphs, and telephones being $8,399,491,612. The magnitude of these figures, which are decidedly conservative, can hardly be said to be due to the discriminations of a protective tariff, because while the wonderful business of transportation must be undoubtedly ascribed to the movement and development of our products, we are told that the reduction of the tariff would result in an increased energy along all the lines of national and commercial affairs.

The estimated value of live stock on farms and ranges, of farm implements and machinery, is $2,703,015,040, and whether the live stock and the mechanical accessories of agriculture would be of a higher valuation if the cattle ranges and machine shops of the world could send us their yield unchecked, and whether the farmers of the country would be better therefor, is a moot and precarious question.

Our mines and quarries, including the products on hand, are valued at $1,581,964,793, and if these have been developed under a protective tariff, so much the better, and I fail to find clear or valid proof that anyone has been injured by this development.

The value of general merchandise, that is, tradesmen's stock, household and personal effects, grain in elevators, goods in bond, and all exempt State and national properties is $7,893,708,821.

There remain to be noticed only the estimated value of the machinery and the product on hand of mills and factories, $3,058,593,441, and the gold and silver coin and bullion, $1,158,774,948; and it seems to me absurd to seriously advance or combat the proposition that the effect of a protective tariff has been to place either of these two amounts in the centralized control of a few rich men to the detriment of the many poor.

Let us look a little more particularly into this fascinating subject of accumulated riches. That we have a moneyed aristocracy can not be denied, but I find nothing in its composition to show that it has been built up by a protective tariff; nothing that would even indirectly point to that inference. New York to-day, I suppose, contains more rich men than any other city in the world, but its lists of plutocrats is singularly deficient in those millionaire manufacturers who, we are told, have sprung up in the hotbed culture of protection.

The rich men of the West have rolled up millions in railroads and mines, and those of the Central and Southern States chiefly through the manipulation or ownership of agricultural products and live stock. I might add the names of the many millionaire women, rich through shrewd investments, but refrain from introducing them in this discussion. It is a far more difficult task, I find, to start on a list of manufacturers who enjoy a parity of wealth with those I have referred to, and a still more difficult one to trace any connection between their wealth and the protective tariff. Some, it is true, have built up fortunes more or less vast in manufacturing, but it is equally true that they have made these fortunes under the protection of patents and not under the protection of tariff. And these patents upon new inventions have resulted in most every instance in reducing the price of the manufactured articles to the public.

I am aware that the great manufacturing States of the East contain hundreds and thousands of men who have reached opulence through the prosecution of protected industries, but their opulence is a comparative one and not that of the great rich ones of the nation who through real estate, railroads, trusts, and speculation in man's avidity for sudden gain really control the financial balance of the country. This general statement is borne out in an especially forcible way by the detailed facts collected some little time ago by a New York newspaper. A census was at that time taken of all the millionaires in the United States, and a schedule furnished of the source of their wealth.

An actual list of 4,047 persons reputed to be worth a million dollars or more was compiled—of whom, by the bye, no fewer than 1,103 lived in New York City—and the recapitulation of the sources of wealth displayed a very curious and instructive condition of things.

The condensed history of these 4,000 showed that 986 have made their fortunes in merchandising; 188 in mines and mining; 436 in railroads, shipping, and other transportation agencies; 803 in real estate, banking, and kindred occupations; 75 in agricultural pursuits; 93 in patented and proprietary articles; 58 in brokerage; 76 in local investments; 178 in such miscellaneous industries as contracts, hotel-keeping, etc.; 55 through indefinite sources; 65 in law practice, and 1 in that of medicine; 57 in printing and publishing; 357 in such indirectly protected industries as sugar-refining, tobacco-growing, malting, milling, etc.; and 619 in protected manufactures. Thus, from still another set of figures, the same unerring deductions are to be drawn, that a protective tariff is not the cause of the uneven distribution of wealth; that the accretion of great riches is due to the varied causes of temperament, inheritance, fortune, invention, shrewdness, and the rewards of commercial integrity; and that unless the accumulation of riches can be shown to be an evil, the list of millionaires can scarcely be classed as an exemplification of malign laws. There are yet other statistics at command which lift the proposition at issue far above the uncertain limits of hypothesis.

The $3,058,593,441 which I quoted from the stock account of the wealth of the nation represent, it will be remembered, the estimated value of the manufacturers' plant and stock on hand June 30, 1890, while late census figures show that the value of the manufactured products of the United States for the year ending June 30, 1890, was $9,370,107,624—truly a magnificent figure. Yes, but let us look for a moment at its components and distribution. In the first place, the cost of the material was no less than $5,158,868,353, which leaves the net addition to the wealth of the country at $4,211,239,271. Now, what does this sum represent? It represents the wages of the operative, the salary of the clerks, the premium to the artist, the payments on borrowed money, the interest on invested capital, contributions to government, local, State, and national; outlay for wear and tear, insurance, extension of plant, and, sometimes, profit.

The wage account is an interesting one. To 106,620 clerks there was paid $117,574,355, while to all other employés, numbering 4,250,783, there was paid $1,890,908,747, or a total of $2,008,483,102. A simple sum in division will show us that the clerks received an average of a little over $1,100 per annum, while the army of workmen and workwomen and workchildren received an average of nearly $445 per annum. It seems to me that this one group of facts alone settles it that the people—the working people—are they who live and flourish under the benefits of protection. The people, indeed, for it should not be forgotten that the workers to whom the $2,008,483,102 was paid in wages numbered 4,357,403, or one-fifteenth of the entire population of the United States. Nor do these figures take into note the foundries, the machine shops, the architects, contractors, carpenters, and builders, whose services and labors are required as the industry grows; nor the factors and middlemen, nor the hundred and one more or less indirect beneficiaries of the industry. And it is God's blessing that it is so; and it has been our country's blessing and pride that it is so; and we should be careful indeed how we approach the momentous matter of change, and how we warp or modify a condition that has been so productive of general benefit.

No man has a greater appreciation of the intricacies of the tariff than I, nor has any man a better appreciation than I of the exceeding presumption that would mark any attempt on my part to simplify these intricacies. But it sometimes happens that the tyro may single out one proposition which seem likely to escape attention in a general discussion and which may be plainly and pertinently answered by the rules of common sense and business experience. It is to such a proposition that I have ventured to address myself, and it is in such a manner that I have ventured to specially refer to this phase of the subject under discussion.

We rejoice in the general prosperity of the world—all the nations of the earth. We feel a fraternal interest in the people of our own continent who have struggled with us in establishing free governments. We seek by legislation to advance the interests of our own country. In this can we not follow in the path and emulate the deeds of that grand statesman my native State proudly claimed as her own, and who did more than any other to inculcate these doctrines of protection and reciprocity for the good of our land and for sealing the friendships of all our American republics? To him we owe so much and returned so little—he who, standing on the sea-beaten cliffs of Maine, where the morning sun first sheds its beams on our most eastern shore, gazed over the land he loved with every thought of fostering care; over the hills and factories of New England, the great metropolis with its radiating arms of commerce, the rugged masses of the Appalachian chain with their stores of mineral wealth, the long Atlantic coast indented with its many harbors, bays, and rivers; over the fair fields, forests, and orange groves of the Southland, the broad valley of the Mississippi from the great unsalted seas and the countless sparkling lakes of the north to the distant Gulf of Mexico, with all the teeming industries of farms, and mines, and manufactures, and trade of State with State; on over the empire of plains, the lofty Rocky Mountains, seamed with veins of glittering gold and silver; over the high plateaus and the snow-crowned ridge of the golden Sierra, with the genial and fruitful land at its base: on to the Pacific and the islands of the sea; on to the wild shores of Alaska—all his own great country, whose every locality he knew, whose every resource he fostered, whose every interest he guarded with a heart too large for sectionalism, a mind too pure for prejudice, let us, as he, take the broad views, be true and just to all, include all in our embrace, from Maine to California. Dirigo and Eureka!

EULOGIES ON THE LATE REPRESENTATIVE W. H. ENOCHS.

Mr. SHERMAN. I ask that the resolutions adopted by the House of Representatives on the occasion of the death of my late colleague in that House, Gen. William H. Enochs, may now be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. William H. Enochs, late a Representative from the State of Ohio.

Resolved, That the business of the House be suspended in order that the public services and private character of the deceased be thoroughly commemorated.

Resolved, That the Clerk of the House of Representatives be directed to communicate these resolutions to the Senate, and send a duly attested copy to the widow of the deceased.

Resolved, That at the conclusion of these services the House, as a further mark of respect, do adjourn.

Mr. SHERMAN. I move the adoption of the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions submitted by the Senator from Ohio will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility, the announcement of the death of Hon. William H. Enochs, late a Representative from the State of Ohio.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Mr. SHERMAN. I ask for a vote on the adoption of the resolutions.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

Mr. SHERMAN. Mr. President, the oft-recurring announcement in this Senate Chamber of the death of one of our associates must impress us with our uncertain tenure of human life, as well as of official honors. Death regards no party, age, section, or service. It comes to all, but gives no warning of time or place or circumstance. Vigorous manhood may be the first victim, while feebleness and old age are spared.

The death of my late colleage, Gen. W. H. Enochs, a member of the House of Representatives from Ohio, is a striking example of this law of life and death. After an active life of fifty-one years he had attained a position of honor and usefulness where he could hope to take a leading part in the House of Representatives and prove in that, the highest popular arena of American talent, his marked energy and ability. He was elected a member of the House in 1890 by an overwhelming majority and was re-elected almost without opposition in 1892. He had the affection and confidence of his constituents, and in natural course and by the conservative usage of his people would have been long retained as their Representative, but, unhappily, before entering upon his second term he died, sincerely mourned by his constituents, without distinction of party, and by the people of Ohio who had become familiar with his history.

Though thus untimely cut off, he had lived long enough to furnish a remarkable example of that feature of American life possible only under free institutions. He was a self-made man. He was the architect of his own fortunes. He was born on a farm in Ohio in 1842. His parents were poor. He was their chief dependence for the labor on the farm. He had the advantage of the common country schools of Ohio, and there acquired the habit of study, the love of books, and the ambition to acquire an advanced education. At the age of 18 he entered the college at Athens, Ohio, but before the first year was over, a few days after the firing upon Fort Sumter, he enlisted as a common soldier in a three months' Ohio regiment, the first feeble, and, in view of subsequent events, the ridiculous preparation for a great war. Then only 19 years of age, he proved his aptitude for military drill and discipline and duty. He demonstrated his courage in early conflicts in West Virginia. At the expiration of his term of enlistment, without returning to his home, he enlisted in a West Virginia regiment largely composed of Ohio soldiers, for a term of three years.

A narrative of his life and real adventures would be as interesting as a romance. I have heard his comrades speak of him as an ideal soldier, brave yet cautious, cheerful under the greatest fatigue, resolute and hopeful, and generally successful. It is needless to say that his qualities as a soldier soon gained him promotion. He became lieutenant in December, 1861, and by successive promotions he attained the command of his regiment, and often the actual command of a brigade. He was brevoted brigadier-general at the close of the war for gallant and honorable service in the field. The only obstacle in his way was his youth, which on two occasions delayed his promotion. It was this test of soldierly qualities, this training of body and mind, this struggle for political convictions deeply imbedded in the hearts of both Union and Confederate soldiers that gave to our civil war its fierce energy and destructive results.

Still the war could not be avoided. It was an irrepressible conflict. And next to the preservation of the Union and the abolition of slavery, the chief beneficial result of the war was the respect which the soldiers, both Union and Confederate, had for each other. Typical soldiers like Gen. Enochs, enterprising, brave, and determined, could perceive and acknowledge like qualities in Confederate soldiers, and could regret that human wisdom could devise no method of settling their differences except by destructive war, involving the death or disability of 1,000,000 of men, and the loss of many billions of dollars of property.

When the honorable military career of Gen. Enochs closed he was but 23 years old and a brigadier-general by brevet. His college life was closed by the necessity of earning a livelihood. He commenced the study of the law, and graduated at the Cincinnati Law School in 1866. He soon after commenced the practice of law at Ironton, on the banks of the Ohio River, where he ever since resided. He served one term in the Legislature of Ohio, but declining further service he devoted himself to his profession.

In November, 1890, Gen. Enochs was elected a member of the Fifty-second Congress by a very large majority; and here, as on the battlefield and in his profession, he gained a high reputation for industry, good sense, and ability of a high order. The kindly words spoken of him in the House of Representatives on these resolutions, not only by his colleagues from Ohio but by many others, is the best evidence of the respect in which he was held by them after his brief service in that body. His successor said of him:

Gen. Enochs was a citizen loved by his neighbors, honored and respected by all; he was a philanthropist with a generous hand, and no unfortunate, however poor, ever left his door without having been comforted by his generosity. He was a soldier by instinct, a stranger to fear, a gallant leader whom men were always proud to follow, and whose time and talent in later years were devoted to the cause of his comrades; history shows that he was distinguished in all the lines of service in the Army—in fact, that he was one of the youngest, if not the youngest, commandants of a brigade in the volunteer service. He was a lawyer true to his profession, and exhibited an unfaltering zeal for the success of his clients. He was a statesman of the practical type, with exalted ideas of the obligations which public trust imposes. He was a patriot who loved his country with a jealous love, and was willing, if need be, to lay down his own life in defense of the old flag and the principles which it represents.

I believe that this high eulogy is a truthful, sincere, and just tribute to the character of Gen. Enochs. He left behind him his wife and one child, the chief mourners, but his whole constituency, without distinction of party, share in their grief and have expressed in many ways their respect and affection for their late Representative.

Mr. BRICE. Mr. President, the grim reaper has been a busy harvester in the Ohio delegation since my service began in this body, and it is my sad duty to address my associates on the untimely death of one of the most honored and patriotic sons whom the State of Ohio has sent to the national capital.

On July 12, 1893, Hon. William H. Enochs, representing the Tenth District of Ohio, died suddenly at his home in Ironton. By his death there was taken from the public service a Representative whose whole career, both public and private, evinced the highest qualities of manhood and patriotism; one who walked fearlessly in the path of duty in peace and in war, and who has left behind him memories which will long be cherished, though he now sleeps beneath the sod. It was, perhaps, the most fitting end that a hero of his soldierly mold should die in the service of the country for which he had through stormy years battled and bled.

Gen. Enochs was a native of Ohio, having been born in Noble County, March 29, 1842. Reared upon a farm, his field of opportunities was not widespread, but such advantages as he obtained he wrested mainly from adverse circumstances by his own courage and endurance. His parents were sturdy and honest, though not more prosperous than was usual with the Western farmer of that day. From them he inherited the qualities of sterling integrity which were maintained throughout his lifetime, a heritage more potent for honorable success than any that a wealthy ancestry could bestow.

The conditions that surrounded him during his boyhood days on the farm were natural and rational, doubtless contributing much to that evenness of character and sturdiness of purpose which in later years marked his demeanor in the tumults of battle as well as in the pursuits of peace.

His early education was had in the common schools; but with an inborn disposition to lift himself to loftier heights he became a teacher, and from his savings in this capacity secured the means to attend college. What might have been the outcome in this direction as the result of his studious habits and his faculty for application we can never know, for the call to arms of 1861 turned the current of his life into the seething channel of a bloody conflict. He was but nineteen years of age when he enlisted as a private, unconscious that the future had in store for him the epaulettes of a brigadier-general. But that was the sequel with which a deserving fate rounded out his army life. It was the pride of his friends, though he was personally modest concerning the subject, that in five years, including some of the hardest campaigning of the war, he had risen from a private through all the intermediate grades to the high rank and honorable distinction of brigadier-general. There hardly exists a prouder military record than is contained in the mere statement of that fact, and it is made more conspicuous when it is recalled that these honors came to him not by a succession of fortunate accidents or the operation of kindly favoritism, but were earned on grim and deadly fields of battle.

During the war he participated in ten important engagements, and a much larger number of minor battles and skirmishes. At the battle of Winchester, near the close of the war, he received a well-nigh fatal wound, a bullet from the enemy traversing one side of his skull, but fortunately not penetrating.

You must pardon me if I have dwelt somewhat at length upon the military achievements of this admirable soldier, but the glories of war are ever dazzling. In viewing them, however, the honorable career of Gen. Enochs as a citizen and a legislator has not been forgotten. Sheathing his sword when the turmoil of the great conflict had subsided, he prepared himself for the practice of law, which thereupon became his chosen profession. After he was admitted to the bar he became known as a practical, clear-headed lawyer, a reputation which he not only sustained but increased during the entire period of his long practice.

In 1869 the allurements of politics diverted him from the law for the time being, and he was elected to the State Legislature. The attractions of that body evidently did not fulfill all his expectations, for after one term of service he declined to again be a candidate for the position, and returned to his law office.

In 1890 Gen. Enochs was nominated and elected as a member of the House of Representatives from the district in which he resided, beginning his active duties when the Fifty-second Congress was organized. He devoted himself faithfully to the duties he had been called upon by his people to assume, looking after the material interests of his locality, and at the same time giving studious attention to the broader issues involved in national affairs. He was known to his associates as an earnest and thoughtful worker in the committees to which he was assigned, where his practical qualities were most valuable.

His services in the capacity of a member of the House of Representatives were pleasing to his constituents, and without dissent he was nominated and elected to the present Congress. It was not his fate nor the fortune of his country that he should serve out that trust. A short time before the assembling of the Fifty-third Congress the hand of death lifted him from earth; and at his desk, where on the meeting day would have been handshakings and reunions, were found the somber emblems of grief.

Mr. President, in paying tribute this afternoon to this dead soldier and statesman we are doing honor to manhood, integrity, and courage. To the student of events, I point out his proud record as it is written on the pages of the history of his country. It is more eloquent than words that I may speak; more lasting than praises launched upon the echoes of this Chamber.

Mr. SHERMAN. As a further mark of respect to the memory of my late colleague in the House of Representatives, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 20, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 19, 1894.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILL REFERRED.

The SPEAKER laid before the House the bill (S. 1134) to create the southern judicial district of the State of Texas and to fix the times and places of holding courts in said district and in the eastern and western judicial districts of said State; which was referred to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. MORSE, for two weeks, on account of illness.

To Mr. BARTHOLDT, indefinitely, on account of sickness.

To Mr. PENDLETON of West Virginia, for this day, on account of sickness.

BRIDGE OVER THE MONONGAHELA RIVER AT PITTSBURG.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6055) to authorize the construction of a bridge over the Monongahela River in the city of Pittsburg.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. DALZELL] for the consideration of this bill?

Mr. SAYERS. Mr. Speaker, I should like to ask the gentleman from Pennsylvania if this bill is in the usual form?

Mr. DALZELL. It is in the regular form of bridge bills, and has been approved by the War Department.

Mr. SAYERS. And reported from the committee?

Mr. DALZELL. Reported favorably from the committee. It contemplates a free bridge to be built by the city of Pittsburg.

Mr. KILGORE. Will the gentleman allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. KILGORE. I understand this is to authorize the erection of a bridge across the Monongahela River at Pittsburg?

Mr. DALZELL. Yes.

Mr. KILGORE. There are cities on both sides?

Mr. DALZELL. Cities situated on both sides of the river.

Mr. KILGORE. Is the river already crossed by bridges?

Mr. DALZELL. The river is already crossed by three or four bridges, but they are all toll-bridges, and the purpose of this act is to authorize the construction by the city of a free bridge.

The SPEAKER. Is there objection to the request for the present consideration of the bill?

There was no objection.

The amendments recommended by the committee were agreed to.

Mr. DALZELL. I move to amend by inserting in the ninth line of the first page, after the word "the," the word "twenty-fifth;" so that it will read:

In the Twenty-fifth ward.

The SPEAKER. Without objection that amendment will be considered as agreed to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

MARY LEVANS.

Mr. MOSES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5925) granting a pension to Mary Levans.

The bill was read at length.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. KILGORE. Mr. Speaker, I should like to inquire if this bill has been considered in the Committee of the Whole at a Friday night session?

Mr. MOSES. It has not been so considered, Mr. Speaker; but I will say to the gentleman from Texas that this bill is unanimously reported by the committee. This old lady is now about 100 years old, and is in the poorhouse. Her husband fought under Jackson, and yet that war of 1817 was not covered by any general pension law. In consideration of the fact that we can only consider one or two bills here on any Friday night, it will take a month or two to reach this bill.

Mr. KILGORE. There is a regular course for the transaction of this business, and I can not afford to stand here and consent that the regular order with reference to this kind of a bill be suspended. I must object. Business ought to go on in the regular order anyhow.

The SPEAKER. The gentleman from Texas objects.

PACIFIC RAILROADS.

Mr. REILLY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk, which I have been authorized by the Committee on Pacific Railroads to report favorably to the House. It is a resolution requesting the Secretary of the Interior to furnish information concerning first-mortgage bonds issued by and under the acts of 1862 and 1864 to aid in the construction of railroad lines to the Pacific Ocean.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to communicate to the House of Representatives any information he may have, or can ascertain, as to what provision (other than the sinking fund now maintained in the United States Treasury under the act of May 7, 1878) the railroad corporations to whom bonds were issued by the United States under the acts of 1862 and 1864, to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, have made or propose to make for the payment at maturity of the bonds issued by said corporations, respectively, which are a prior lien to the bonds issued by the United States under the acts aforesaid, and whether any of such bonds are held and owned by either of said companies.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of this resolution of inquiry. Is there objection?

Mr. McCREARY of Kentucky. Why should not that resolution go to the appropriate committee?

Mr. REILLY. It has; and we have reported it back for consideration.

Mr. McCREARY of Kentucky. Very well.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. McCREARY of Kentucky. I ask for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

The committees were called, but no reports were made.

Mr. McCREARY of Kentucky. I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BAILEY in the chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of general appropriation bills, and the Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 6108) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1895.

The CHAIRMAN. Under order of the House, adopted yesterday, there remain forty minutes to be allotted to the minority and fifteen minutes to be allotted to the majority, of general debate.

Mr. HITT. I yield to the gentleman from Maine.

Mr. DINGLEY. Mr. Chairman, during my absence from the House yesterday afternoon attending to public business in the rooms of the Committee on Appropriations, I notice that there were some statements made by the gentleman from Kentucky [Mr. McCREARY] and by the gentleman from Mississippi [Mr. HOOKER] relative to ex-Minister Stevens, a distinguished citizen of my own State, which I desire to notice. The gentleman from Kentucky was pleased to say in the course of his remarks:

When the distinguished gentleman from Pennsylvania was perhaps making his canvass in that State, the Hawaiian question was considered and discussed in the House of Representatives for five days, and during the heat of his canvass it may have escaped the attention of my distinguished friend. I shall simply dismiss that subject now by reading for his benefit the action of the House of Representatives when that question was under consideration.

Then the gentleman read the first resolution adopted by this House.

Resolved, first. That it is the sense of this House that the action of the United States minister in employing United States naval forces and illegally aiding in overthrowing the constitutional Government of the Hawaiian Islands * * * was contrary to the traditions of our Republic. * * *

Subsequently, the gentleman from Mississippi [Mr. HOOKER] was pleased to say:

The truth is that Mr. Stevens had landed the troops to effect a revolution.

Now, Mr. Chairman, it may be true that in the mind of the gentleman from Kentucky [Mr. McCREARY] this resolution, adopted by the House by 99 majority, as he said, is *res adjudicata* as he said, so far as this House is concerned, but it is not so far as public opinion of this country is concerned. Neither will it go down in history when that history shall be correctly written.

I desire simply, Mr. Chairman, to call attention to the report of the Senate Committee on Foreign Affairs upon this subject, and to what they have to say with reference to Minister Stevens. It should be noted, too, that no testimony was taken by the Committee on Foreign Affairs of this House on the resolution which they reported, and the vote taken by this House was without any information so far as any evidence was concerned, except so far as was contained in Mr. Blount's report.

Mr. McCREARY of Kentucky. Will the gentleman allow me to interrupt him?

Mr. DINGLEY. Yes, sir.

Mr. McCREARY of Kentucky. Is it not true that the Committee on Foreign Affairs of the House of Representatives had about a hundred affidavits and statements of citizens of the Hawaiian Islands, furnished by Mr. Blount in his report?

Mr. DINGLEY. I do not know what affidavits the gentleman may have had in this matter beyond those contained in Mr. Blount's report.

Mr. McCREARY of Kentucky. We had the report of Mr. Blount.

Mr. DINGLEY. That was of an *ex parte* character, and presenting substantially but one side.

Mr. HITT. There was nothing before the Committee on Foreign Affairs except the Blount report.

Mr. DINGLEY. There was nothing before the Committee on Foreign Affairs, the gentleman from Illinois states, except the Blount report.

Mr. McCREARY of Kentucky. We had before our committee over a hundred affidavits, made by prominent persons of Honolulu.

Mr. DINGLEY. But they were *ex parte* affidavits taken by Mr. Blount, and presented only on one side.

What I desire to call the attention of the committee to on this subject and what I desire to go into the RECORD is the fact that the Committee on Foreign Affairs of the Senate made a thorough investigation and had before them gentlemen who were familiar with and had a personal knowledge of all that occurred at Honolulu in this case, and that the chairman of that committee, the distinguished Senator from Alabama, in his report, made the following statement with reference to this point:

Justice to these gentlemen [Mr. Stevens and Capt. Wiltse] requires that we should say that the troops from the Boston were not sent into Honolulu for any other purpose than that set forth fully and fairly in the following order from Capt. Wiltse to the officer in command of the detachment:

"UNITED STATES STEAMSHIP BOSTON (SECOND RATE),
"*Honolulu, Hawaiian Islands, January 16, 1893.*

"SIR: You will take command of the battalion and land in Honolulu for the purpose of protecting our legation, consulate, and the lives and property of American citizens, and to assist in preserving public order.

"Great prudence must be exercised by both officers and men, and no action taken that is not fully warranted by the condition of affairs and by the conduct of those who may be inimical to the treaty rights of American citizens.

"You will inform me at the earliest practicable moment of any change in the situation.

"Very respectfully,

"G. C. WILTSE,
Captain, United States Navy,
Commanding United States Steamship Boston.

"Lieut. Commander W. T. SWINBURNE, United States Navy,
"*Executive Officer, United States Steamship Boston.*"

And Senator MORGAN goes on to say:

The committee, upon the evidence as it appears in their report (which they believe is a full, fair, and impartial statement of the facts attending the precedent to the landing of the troops), agree that the purposes of Capt. Wiltse and of Minister Stevens were only those which were legitimate, viz, the preservation of law and order to the extent of preventing a disturbance of the public peace which might, in the absence of the troops, injuriously affect the rights of the American citizens resident in Honolulu.

Could there be any more complete refutation of the contention of the other side than that which I have quoted coming from the Committee on Foreign Relations of the Senate after having thoroughly investigated this whole subject and presented in the report written by the distinguished chairman of that committee, Senator MORGAN of Alabama, a distinguished Democrat?

Further, Senator MORGAN in his report, goes on to say:

It is not a just criticism upon the correspondence of Minister Stevens with his Government that he earnestly advocated annexation. In this he was in line with Mr. Marcy and nearly every one of his successors as Secretary of State, and with many of Mr. Stevens's predecessors as minister to Hawaii.

Now, Mr. Chairman, my purpose in calling attention to the investigation made by the Senate Committee on Foreign Relations and to the report submitted by the chairman of that committee, Senator MORGAN of Alabama, is simply to show that the action of the majority of the Committee on Foreign Affairs of the House, and the adoption of the resolution which they reported, by the House, under the partisan spur that was put upon it, without hearing a single witness, without any knowledge as to the real facts in the case, is contrary to the recorded facts as ascertained and determined by the Senate Committee on Foreign Relations, and is not *res adjudicata* in the sense claimed by the gentleman from Kentucky, as the gentleman from Kentucky yesterday said it was. I desire further to say to the gentleman that the decision which the Committee on Foreign Relations of the Senate reached will be that which history will approve.

Mr. McCREARY of Kentucky. Is it not true that the Committee on Foreign Relations of the Senate was compelled to confine its examination to such witnesses as were in the United States, having only between fifteen and eighteen persons to examine; whereas Mr. Blount, being at Honolulu, had an opportunity of taking the testimony, and did take the testimony, of those in office, of those out of office, of merchants, of sugar planters, of laboring men, of every class of people?

Mr. DINGLEY. Does not the gentleman from Kentucky know that the distinguished chairman of the Committee on Foreign Relations of the Senate informed the Senate and the country that that committee had availed themselves of every source of information relative to this matter, and that he in his report, reaching the conclusions which I have read, states that the facts therein presented are unquestionably the truth in this case?

Mr. VAN VOORHIS of New York. And that committee had Mr. Blount's report before them when they reached this conclusion.

Mr. DINGLEY. Certainly, they had Mr. Blount's report before them, as the gentleman from New York suggests.

Now, without any attempt to impugn Mr. Blount's veracity, I desire to say that it is evident from the witnesses he examined that he went there with a certain view of the case impressed upon his mind, and that the testimony he took was all on one side, and selected because it was on one side.

Mr. SICKLES. And there was no opportunity to cross-examine witnesses there while the witnesses examined by the Senate committee were cross-examined.

Mr. DINGLEY. And, as the gentleman from New York [Mr.

SICKLES] well observes, the witnesses examined by Mr. Blount at Honolulu were not cross-examined.

Mr. VAN VOORHIS of New York. They were not sworn either—many of them.

Mr. DINGLEY. The witnesses examined at Honolulu were, many of them, not sworn, and none of them were cross-examined; while the witnesses produced before the Senate committee were cross-examined at length by the able Senator from Delaware, Mr. GRAY, as well as Mr. MORGAN.

Mr. MCCREARY of Kentucky. The gentleman is mistaken in saying that all the witnesses examined by Mr. Blount were not sworn.

Mr. VAN VOORHIS of New York. He does not say that. He says that some of them were not.

Mr. DINGLEY. Now, Mr. Chairman, I know ex-Minister Stevens very well. I have known him for more than thirty years, and a more honorable, high-minded, truthful man than he does not live. He is a gentleman who has had more experience in diplomatic matters than almost any other man in this country, three or four excepted. He is a prudent man; he is a wise man; he is a man of the greatest integrity of character, a man whose statements will be believed to the fullest extent by every citizen in our State who knows him. He testifies as to that which he saw personally, not that which he heard; whereas Mr. Blount had no personal knowledge respecting what occurred at Honolulu, but obtained all his information at second hand.

It is not a question of veracity as between ex-Minister Stevens and Mr. Blount; because, I repeat, Mr. Stevens testifies to that which he saw, to that which he observed from day to day, while Mr. Blount had no personal knowledge of the matters in controversy. And I have felt it my duty, Mr. Chairman, at this time, not having been present when the discussion was had in the House, having been confined to my room by illness, to present these convincing facts entirely sustaining Mr. Stevens. I repeat the statement that ex-Minister Stevens, who has testified as to that which he saw, has a character for veracity in the State of Maine which would cause his statement to be taken as absolute verity, and it is certainly a great pleasure to me that the Committee on Foreign Affairs of the Senate, instead of endeavoring to conceal the facts in this matter, instead of endeavoring to prevent the facts from coming out, instead of undertaking to defend the unjustifiable and wicked policy of the Administration toward Hawaii, as was done here in the House, sought to investigate the entire case; and notwithstanding the members of that committee were of both political parties, a majority, led by the Senator from Alabama, concurred in a conclusion as to the facts in accord with the report of Mr. Stevens.

It is certainly a source of pride to me, knowing ex-Minister Stevens as well as I do—having the utmost confidence as I have in him—to find that the Committee on Foreign Affairs of the Senate, after having investigated this matter and heard witnesses as to what were the actual facts—witnesses who saw what transpired—have been enabled (Senator Morgan, the distinguished Senator from Alabama, having written the report) to report that the statement of Minister Stevens of what took place in Honolulu is substantially correct. And that is already the verdict of the people and will be the verdict of history. [Applause on the Republican side.]

Mr. HITT. Mr. Chairman, how much time remains on our side?

The CHAIRMAN. The minority have twenty-five minutes remaining.

Mr. HITT. Unless some gentleman on the other side is ready to proceed now, I ask that the gentleman from Pennsylvania [Mr. GROW] may be recognized.

Mr. GROW. Mr. Chairman, if no other gentleman desires to speak at this time, I have a word to say in response to a query raised yesterday by the gentleman from Mississippi [Mr. HOOKER], which I did not hear when he raised it. The query was, "What motive could this Administration have for undertaking to restore an overthrown monarchy?" I do not know what their motive was; but if I were to assign one, it would be an overmastering spirit of envious jealousy of successful political rivals—an eagerness to undo everything that it was in their power to undo which had been done by a previous Administration. Thus this Administration comes in to reverse the glorious traditions of our whole history, and with an attempted denial of undisputed facts turns the influence of this Government against a liberty-loving people which had struggled with and overthrown a half-civilized despotism.

I do not care how the Hawaiian Republic came into being. It is enough that it came on the ruins of a depotism; and it has maintained its position from the hour its independence was asserted to this. A majority in this House, in order to justify the course which it has taken, has construed every doubtful or disputed fact in favor of despotism and a defunct monarchy.

I care not what the motive may have been, it is enough, as the gentleman from Maine [Mr. DINGLEY] has just shown and the committee of the Senate has shown—and on this part of the report of Mr. MORGAN the committee was unanimous—that Mr. Blount in making his report to the President acted on insufficient evidence. Yet, members of the Committee on Foreign Affairs read to us resolutions adopted by a majority of the House condemnatory of their own country in its dealings with other nations struggling for institutions like ours, and would have us hence infer that the question of the propriety of that action is conclusive.

Mr. Chairman, I do not forget that the blackest chapter in American history was written in the blood of the pioneer settlers of Kansas, with the aid and cooperation of the Administration of James Buchanan, who found in the party zeal of the majority of this House and of the other at that time vindication and support. The chapter of next darkest hue in our history is being written by this Administration in the injustice and wrong heaped upon the liberty-loving people of the Hawaiian Islands in their struggle against a half-civilized despotism from which they have escaped. In the days of the struggle for freedom in Kansas, the greatest outrage perpetrated in our history, partisan zeal led a majority then on this floor and on the floor of the Senate to defend and uphold it. The last outrage by an Administration of our Government upon the liberty and the rights of freemen, finds in the partisan zeal of the majority now a defense and apology. It is but history repeating itself. [Applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HATCH having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 5276) to authorize Commander F. W. Dickins, of the United States Navy, to accept the decoration of the cross of naval merit of the third class from the King of Spain.

The message also announced that the Senate had passed with amendments the bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6556) "to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes."

The message further announced that the Senate had passed a bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France; and

Joint resolution (S. R. 74) for the proper enrollment of Thomas R. Proctor in the Navy of the United States.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee again resumed its session, Mr. BAILEY in the chair.

Mr. HITT. Now, Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. ADAMS], formerly minister to Brazil.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I desire to submit for the consideration of this House a brief statement which I think will illustrate the difference between the policy of the Republican party in foreign affairs and that of the present Administration.

On the 15th day of November the monarchy in Brazil existed in full force, and as far as human foresight could see there was no disposition to disturb the then existing form of government. But within twenty-four hours the spirit of liberty which our forefathers brought with them when they landed on Plymouth Rock, and which had made its progress southward with the steadiness and firmness of the rock on which they landed, asserted itself in Brazil, where existed the last vestige of monarchical government on the continents of North and South America.

The spirit had grown to such an extent that it was bound to assert itself when occasion arose, even against such a good monarch as the late Dom Pedro II of Brazil. In twenty-four hours a *de facto* government had been established, with every department of the Government in full swing; and the foreign representatives at the late court of Brazil were cut off from their home governments by cable, and had presented to them the great American question, "Now, what are you going to do about it?"

Mr. Chairman, the gentleman who had the honor at that time to represent his country at the court of Brazil was a Republican,

and of the same political faith as the distinguished gentleman who represented his country in Hawaii. There was no doubt in his mind of the sympathy of the great statesman, who was a real Republican, who then occupied the chair of state, and that he would be heart and soul in favor of the foundation of a new republic. And going to the Provisional Government which had been established, the American representative demanded that communication be opened at once with his home Government. It was granted, and his dispatch went off and was received by the Secretary of State.

What did the great Secretary of State at that time, James G. Blaine, do? In three days he replied, "You will maintain diplomatic relations with the Provisional Government." And the mother of Republics in the north had the great privilege of being the first Government on the face of the earth to recognize the new republic in the south. [Applause on the Republican side.] What is the history of the Democratic party in a similar case? When on the adjacent islands, the continent already being free, imitating the example of Brazil and wishing to wipe out even from the adjacent land the effete government of monarchy, the people appealed to the Republican Administration, the same principle of liberty prevailed and the same cordial reception was given by the Republican Administration; and to-day Honolulu would be republican in form and owe its existence to the United States were it not that, unfortunately, in the interim the political power of this country was changed, and we had that party come into power that seems to love and be imbued with the doctrines of Great Britain in free trade, monarchy, and every other doctrine that can be found in the text books of England; and the sympathy when it was asked was refused, and the treaty withdrawn from the Senate, to the everlasting shame of the mother of Republics on the American continent, and the new republic in the islands on the sea received no sympathy; and to-day she stands knocking at our door, still asking to be recognized. That appeal is still unheeded, as it was in the beginning of the struggling republic; it has been refused.

Such, Mr. Chairman, is the difference between the foreign policy of the liberty-loving Republicans and the Democrats, who seem to have sympathy with monarchies, both in their forms of government and in their treatment of its own laws. I have stated these facts, and had no desire to again participate in this discussion; but when I knew that this contract existed it seemed to me that it should go forth to the people and the country, that they may know which party to support in the foreign policy of this Government in the days that are to come. [Applause on the Republican side.]

Mr. COOMBS. They know that already.

Mr. HITT. Mr. Chairman, if the gentleman from Kentucky desires to proceed now——

Mr. McCREARY of Kentucky. If the gentleman has exhausted all the time they desire to exhaust on that side we will go on.

Mr. HITT. We will not consume more time, as I understand the gentleman from Kentucky does not intend to occupy further time on that side.

Mr. McCREARY of Kentucky. How much time is remaining on the other side?

The CHAIRMAN. Sixteen minutes.

Mr. McCREARY of Kentucky. Does the gentleman from Illinois decline to occupy further time?

Mr. HITT. Unless the gentleman from Kentucky says something to which we desire to reply, we have no desire to occupy further time.

Mr. McCREARY of Kentucky. But I have the right to conclude that debate, and have fifteen minutes. If the gentleman wishes to go on on that side he must go on now, or under the rule I will seek the floor to close the debate.

Mr. HITT. The gentleman has that right.

The CHAIRMAN. The Chair will state that the Chair is ready to recognize any gentleman of the minority to consume the time remaining to that side. If no gentleman on that side desires recognition the gentleman from Kentucky will be recognized to close the debate.

Mr. CANNON of Illinois. But, Mr. Chairman, if the Chair will pardon me, I do not know by what rule the Chair may deprive the minority of its time, if it wishes to occupy it. As I understand it, the Chair says the minority must take its time now, and if it does not take the time the gentleman from Kentucky will be recognized to close the debate.

The CHAIRMAN. If the gentleman from Illinois will reflect a moment, he will recall the fact that on yesterday afternoon, by unanimous agreement in the House, it was determined that general debate would close in one hour and fifteen minutes, one hour of which time should be allotted to the minority and fifteen minutes to the majority.

The minority, in pursuance of that agreement, have consumed something like forty-four minutes. The majority have consumed no time at all. The Chair announces his readiness to recognize any gentleman of the minority to consume the remainder of the minority's time. If no gentleman on that side desires to be recognized, the gentleman from Kentucky having reported this bill is entitled to close the debate.

Mr. CANNON of Illinois. I have no objection to the Chair recognizing the gentleman from Kentucky, but I understood the Chair to recognize him upon terms, namely, that the fifteen minutes of the minority be forfeited.

The CHAIRMAN. If the gentleman from Illinois will permit the Chair, the Chair will suggest that there are sixteen minutes remaining to the minority; and that the Chair is ready to recognize gentlemen of the minority for that time. But if there is no gentleman who desires to occupy it, then the Chair will recognize the right of the gentleman from Kentucky [Mr. McCREARY], who has charge of the bill, to close the debate.

Mr. CANNON of Illinois. Does the Chair hold that the minority, having time twice as extended as the majority, shall be forced to consume all their time before the majority say a word?

The CHAIRMAN. The Chair believes that the gentleman having the bill in charge, under the rule, undoubtedly has the right to conclude the debate. The Chair thinks the rule is explicit on that subject.

Mr. REED. Will the Chair permit me to state what has been the custom of the House?

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. REED. The custom of the House has always been that if the minority do not choose to take their time, the majority may then conclude without further debate, but if they go on with their debate, the time that is allotted to the other side may be taken. The only method of forcing the minority to take the whole time is the coercion which results from a vote. I think the Chair, upon examination, will find that that has been the invariable custom.

For example, under the fifteen-minute rule, after the motion for the previous question, fifteen minutes being allowed on either side, there is no regulation as to how that time shall be taken. If the minority say they prefer to reserve their time, and the other side do not desire to speak, why, then, they go to a vote. On the other hand, if the minority take part of their time and the other side insist upon their going on and finishing it up, why I suppose they must do it, unless they go to a vote; but the minority can not be deprived of its time under the custom of the House. I think that has been the custom of the House always in similar cases. It is, however, usual for the affirmative to close.

Mr. McCREARY of Kentucky. Mr. Chairman, I desire to say a word. I have endeavored during this debate to be as courteous and fair as I knew how to be. Yesterday gentlemen on the other side consumed more than half the time, and in the afternoon, when I asked that the debate might be limited, in order to be perfectly fair I agreed to take fifteen minutes on this side and to give them an hour. Now they are contending for the violation of a rule that has always existed. I am entitled to close this debate, as the Chair has intimated, and they have this morning occupied about forty minutes. I shall only occupy fifteen minutes, and I am surprised that gentlemen on the other side should contend for any change in the rules and precedents, or any change in the time.

Mr. HOOKER of Mississippi. Mr. Chairman, I have been here a good while, and I do not think I have ever seen such a rule observed as the gentleman from Maine [Mr. REED] has referred to. Invariably, Mr. Chairman, the gentleman in charge of the bill has the right, under the custom of the House, to open the debate, and he has the right to conclude it. Now, when it was agreed last evening that an hour should be granted to the minority, and only fifteen minutes reserved to this side of the House, the Chair has intimated very properly that the gentlemen on the other side should consume their time. If there had been an equal division of time it would have been very proper, and I think has constantly been the custom of the House, to alternate between the members on one side and the other; but a large proportion of the time granted for general debate has been accorded to the other side of the House, and only a few minutes reserved to the chairman of the committee on this side, and I think the uniform rule of the House in all cases is to allow the gentleman having a measure in charge to close the debate.

Mr. REED. What the gentleman says, and the rule, which see the Chair has before him, refers to the closing of debate in the normal way, without agreement. But always when there has been an agreement, I think the custom is as I have stated. Whether anybody ought to insist is purely a question of courtesy.

The CHAIRMAN. The Chair recognizes the force of what the gentleman from Maine states, as to when the previous question is ordered; but the Chair thinks that this matter is controlled by a different rule. The Chair thinks in this instance that the unanimous agreement of the House to close debate with an hour on one side and fifteen minutes on another still preserves the rule of the House under which the gentleman reporting the measure is entitled to close debate, the only difference being that instead of the chairman of the Committee on Foreign Affairs having an hour in which to close debate, he would only have fifteen minutes, in accordance with the unanimous agreement. The Clerk will read the rule.

The Clerk read as follows:

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

The CHAIRMAN. The Chair thinks that under the rule the effect of that agreement is to limit the gentleman from Kentucky to fifteen minutes instead of one hour, but does not impair his right to close debate.

Mr. HITT. If the Chair will permit me, I will state that my object in making the point was, it might operate as a hardship for one side to be compelled to make their whole debate before the other side began and before there had been any statement of the side of the gentleman, but I did not claim, and do not claim, that we should have the right to close debate.

Mr. LACEY. Mr. Chairman, I had expected to speak upon this measure under the five-minute rule, but as there seems to be a little time undisposed of, I give notice to the House that at the proper time I will offer the following amendment: On page 2, line 16, strike out the words "Hawaiian Islands," and on line 18 strike out the words "seven thousand five hundred dollars;" the object of this amendment being to strike out of the appropriation entirely the allowance of the minister to the Sandwich Islands. The reason for this proposition, Mr. Chairman, is simply this: This House was compelled, under a rule brought in by the Committee on Rules, at the dictation and request of the Committee on Foreign Affairs, to discuss the whole Sandwich Island question at a time when President Dole had made a statement of his case and had presented it to Minister Willis, and Mr. Willis had withheld it until the sailing of the next ship; and we discussed the matter while this evidence was supposed to be upon the high seas between Hawaii and California.

It was an unheard-of and a remarkable proceeding for the House to take up a question involving great interests to the people of this Union, affecting the rights of the Government of the Sandwich Islands, and discuss it while the evidence upon the side of the defendant Government was *en route*, to be laid before Congress. Not only that, sir, but a committee in the Senate was, at the very time we had the hearing here, engaged in discussing the question and taking testimony; and after this House had acted thus, with its eyes closed against the evidence refusing to hear the evidence, whilst we were thus acting prematurely, the Senate were going on quietly and in a methodical way taking testimony. That testimony was subsequently laid before the nation, and to-day we may meet this question in the light of that evidence, and in the light of President Dole's statement.

In view of this additional testimony we ought to say that when we sent a minister to the Provisional Government of the Sandwich Islands, and that minister so far forgot his duty to the Government to which he was accredited as to advise it to resign and turn over its affairs to a government that the people had already condemned and turned out, that the least that this House can do is to say that the power which commands the purse strings of the nation shall cut off all allowance for a minister who seems to forget that he is an American citizen. I think we ought to indorse the earnest words of the Senator from Alabama [Mr. MORGAN] when he said, in his report:

When a crown falls in any kingdom of the western hemisphere it is pulverized, and when a scepter departs it departs forever.

This is the only way in which we can review the action then taken by the House. There is only one way that Minister Willis can be reached, and that is by striking out this appropriation. It is best for the House and the best interests of the country to strike out the appropriation, cut off the supplies of that minister, and call him home.

The CHAIRMAN. The minority still have twelve minutes remaining. The Chair is ready to recognize any gentleman on that side who desires to address the committee.

Mr. WANGER. Mr. Chairman, I do not desire particularly to discuss the items in the pending bill, and am perfectly content to leave the general matter of the reference made here to a distinguished citizen of the district which I have the honor to represent, the Hon. John Wanamaker, as it was presented by my colleague [Mr. ADAMS] on yesterday. But there is one thing in the statement made by the honorable chairman of the Committee on Foreign Affairs which I do desire to correct. He stated that previous to his appointment as Postmaster-General Mr. Wanamaker was politically unknown. Mr. Wanamaker may not have had a national reputation as a leading Republican, but he did have a State reputation, and was as widely known as an active participant in political affairs as either the honorable gentleman who has recently been appointed Senator from the State of Georgia, or the junior Senator from the State of New Jersey, or many other gentlemen who have been chosen to Cabinet and other high positions in this nation, at the time of their selection.

As far back as 1882 the Republicans of Pennsylvania turned with practical unanimity to Mr. Wanamaker, and desired that he should become the candidate of the Republican party of Pennsylvania for the honorable position of Representative-at-Large in the Congress of the United States, and it was only the disinclination of Mr. Wanamaker to accede to their request which prevented him from being the unanimous choice of the Republican State convention of Pennsylvania at that time. He has been widely known as an active participant in every national contest for the last twenty years, has been upon prominent committees of advisers in reference to the conduct of political campaigns, and in the State of Pennsylvania he has been as widely known and as highly respected as a leading and active Republican as he was nationally known as a business man of exceptional ability and of undoubted and unquestioned integrity.

The CHAIRMAN. The minority have still nine minutes remaining. The Chair will recognize the gentleman on that side who desires to be heard. [A pause.] If no gentleman of the minority desires to address the committee, the Chair will recognize the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY of Kentucky. Mr. Chairman, I desire to ask whether the debate upon the other side has been closed.

The CHAIRMAN. The Chair stated that the minority still had some time remaining, and that the Chair was ready to recognize any gentleman on that side who desired to address the committee, but no one responding, the Chair then said that if no member of the minority desired to be heard he would recognize the gentleman from Kentucky.

Mr. VAN VOORHIS of New York. How much time have we left on this side.

The CHAIRMAN. Nine minutes.

Mr. VAN VOORHIS of New York. I take the floor and yield the time to the gentleman from Kentucky.

Mr. MCCREARY of Kentucky. I beg pardon; I am not asking for any of the gentleman's time. I simply desire to know whether debate on that side is concluded.

Mr. GROW. Mr. Chairman, with the permission of the Chair, I will occupy a minute in putting on record here a single sentence from the report of the Senate Committee on Foreign Relations in relation to the Hawaiian Islands. It will be found on page 17 of the majority report, written by Senator MORGAN of Alabama, the chairman of the committee, and is as follows:

When a crown falls in any kingdom in the western hemisphere it is pulverized, and when a scepter departs it departs forever; and American opinion can not sustain any American ruler in the attempt to restore them, no matter how virtuous and sincere the reasons may be that seem to justify him.

Mr. MCCREARY of Kentucky. Mr. Chairman, am I recognized to close the debate?

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. MCCREARY of Kentucky. Mr. Chairman, I am not surprised that the gentlemen on the other side have been so nervous both yesterday and this morning. The last Administration brought about such a complication of our foreign affairs that the friends of that Administration find it necessary to do all they can to extricate it from its embarrassing position. My distinguished friend from Pennsylvania [Mr. ADAMS], who I believe was the last minister to Brazil under a Republican Administration, referred this morning to the case of Brazil.

Evidently the gentleman had not examined carefully the history of the proceedings in this House when he endeavored to use that case to illustrate the splendid foreign policy of the last Republican Administration. That Administration halted and hesitated about recognizing the Republic of Brazil, and did not recognize it until I had the honor to introduce a resolution here calling upon the President to inform the House why the Republic of Brazil had not been recognized. Then, when the Democratic party held up to the world the failure of this Republic to recognize Brazil as a republic, the Republican Administration tardily made the recognition.

But, since the gentleman has chosen to go into the foreign policy of the last Administration, I will endeavor to give him

information which he does not seem to possess. It was said here yesterday that an effort had been made to put back a dusky Queen on the throne of the Hawaiian Islands. Let me refresh the recollection of the distinguished gentleman who made that statement. Mr. Harrison's Administration was rendered conspicuous by the fact that within the first four months of his Presidency he appointed commissioners to meet at Berlin commissioners from Germany and Great Britain, by whom a tripartite alliance was agreed upon for the purpose of putting back upon the throne of Samoa a savage king called Malietoa.

Mr. McMILLIN. While my friend is on that question, he will bear in mind also (if he will permit the interruption) that this Government was forced to pay a part of the expenses of that kingly government.

Mr. McCREARY of Kentucky. I am coming to that. Not only did the last Republican Administration indorse the action of Mr. Phelps and his associates who met the commissioners of Germany and Great Britain at Berlin and united with them in putting a savage King on the throne of Samoa, but Mr. Phelps was rewarded for his services by being made minister to Germany. Under that agreement we are paying to-day a part of the salary of the chief justice of Samoa, who has more power than the King of Samoa. And we did help for a while to pay the expenses of maintaining the King on the throne. And that same treaty contains tariff regulations for Samoa.

Therefore, when gentlemen are rolling under their tongues as a sweet morsel the statement, which I deny, that there has been an effort on the part of this Government to put the Queen back by force on the throne of Hawaii, they should remember what was done in Samoa.

But while I am on the foreign policy of the last Administration, let me give you another chapter. There was a little trouble down in Chile, and this great Government, representing 65,000,000 of people, acting through the President of the United States, Mr. Harrison, sent to this House what was almost equivalent to a declaration of war against Chile after the chief executive of Chile had sent an apology.

Mr. HITT. But not after it was received.

Mr. McCREARY of Kentucky. It was a humiliating spectacle that the President of the United States should send to this House and to the Senate a war message when a dispatch had already been received—and the date will show it—I had a copy of it at the time—which showed that that Government in Chile had agreed to make any reparation and any apology which might be deemed necessary for the incident which had occurred in Chile.

But I have only a little time and must hurry on. My friend, the new member from Pennsylvania [Mr. ADAMS], could certainly have not referred to the foreign policy of the last Administration if he had been in the United States at the time and had an opportunity to study it. But he was absent as minister to Brazil. Let me give him another chapter.

I now refer to the Bering Sea policy of the last Administration. When Russia controlled Alaska and the waters of Behring Sea, and Canadian sealing vessels went into those waters, the Czar of Russia sent his warships there and said, "The seals at Pribilof Islands belong to Russia, and if you interfere with them I will sink your vessels."

After our Government acquired Alaska by paying $6,000,000 to Russia we received $300,000 per annum for our sealing interests at Pribilof Islands, and later we received $150,000 per annum. But when Canadian sealing vessels interfered with our industry, what was the vigorous policy determined upon by the Republican Administration? They said, "We would like to arbitrate this question." And the award was against us. Our distinguished commissioners, Justice Harlan and Senator MORGAN, did the best they could; but when they went before that court of arbitration, composed of two gentlemen from Great Britain, one from France, one from Norway and Sweden, and one from Italy, they found they could not get what they desired.

The result was, a decision was rendered by the court of arbitration which greatly injured, if it does not destroy, our sealing interests, because on the fifth point submitted to the court of arbitration it was held that we had only the right of protection and the right of property in seals within the 3-mile limit. That is another illustration of the foreign policy of the last Administration.

Now let me call attention to the last point to which I desire to refer—the Hawaiian policy of the last Administration, which the gentleman from Pennsylvania [Mr. GROW] has been compelled to make three speeches on this floor to elucidate, and which is still very much befogged.

Mr. Harrison, as President of the United States, sent to the Senate for confirmation a treaty which he had negotiated, within thirty days after that "peaceable revolution" at Honolulu; and in that treaty he recommended that this country pay three million and a quarter of dollars out of our Treasury into the treasury of Hawaii; that we pay to the Queen an annuity of $20,000, and that we give to the Princess the sum of $150,000. If that Queen had no rights—if she was lawfully deposed—if, as the gentleman from Pennsylvania claimed yesterday, she was not a lawful Queen and the people who loved a republic had rightfully taken charge o the Government, then why did the President of the United States, Mr. Harrison, recommend that we pay three million and a quarter of dollars for the Hawaiian Islands, together with an annuity of $20,000 to the Queen and a donation of $150,000 to the Princess? I have already on this floor discussed this question at length. I have not time to go into it now, further than to say that I believe—and I think I showed this in an argument which I made on this floor a few weeks ago—that Minister Stevens in his conduct at Honolulu violated international law, violated his instructions, violated all the precedents of the past, and violated the Constitution, and that this House properly condemned him.

Mr. MILLIKEN. The gentleman is mistaken, I think, in his statement. The country does not believe it, and he can not make the country believe it.

Mr. McCREARY of Kentucky. I did not yield to the gentleman from Maine, but will answer his statement.

Mr. MILLIKEN. Of course, I knew the gentleman would be always courteous.

Mr. McCREARY of Kentucky. The gentleman has the honor of representing the district in which Mr. Stevens resides, and it is very natural and proper that the gentleman should stand up and defend one of his constituents. But the Representatives of the people of the United States, by 99 majority on this floor, have put the seal of condemnation on the action of Mr. Stevens at Honolulu.

Mr. MILLIKEN. The gentleman will let me suggest that that does not represent the people of the United States——

Mr. McCREARY of Kentucky. I do not yield to the gentleman.

The CHAIRMAN. The gentleman from Kentucky declines to be interrupted.

Mr. McCREARY of Kentucky. Mr. Chairman, I listened on yesterday with surprise, and I may say with amusement, to the political speeches that were made by the distinguished gentleman from Illinois [Mr. CANNON], as well as by the distinguished gentleman from Ohio [Mr. GROSVENOR]. It is strange how easily men who have suffered political defeat can become elated. There have been a few elections held in cities in the United States [derisive laughter on the Republican side], and the elation and enthusiasm, as well as the glorification of the Republicans on the other side of the House over the result, is without a parallel in political history.

Mr. JOHNSON of Indiana. There was an election in the State of Pennsylvania, for instance.

Mr. McCREARY of Kentucky. But all I ask you is to wait until the regular elections are held in November [renewed laughter on the Republican side]—wait until the Democratic party is heard from in the various States of this Union, and after the elections in November next you will find that the Democracy is again triumphant and Democrats will again have a majority in this House. [Applause on the Democratic side.]

In this day of Republican exultation—I wish I had time to picture the enthusiasm and arrogance of Republicans when they took possession of every branch of the Government in 1889 and their defeat and overthrow in 1892——

[Here the hammer fell.]

The CHAIRMAN. The time allotted for debate by order of the House has expired.

Mr. JOHNSON of Indiana. I ask unanimous consent that the gentleman from Kentucky be permitted to continue his prophecy of the future of the Democratic party.

Mr. McCREARY of Kentucky (continuing). I say, Mr. Chairman, in this day of exultation on the other side, I would like to be permitted to remind Republican Representatives of their Waterloo in 1892, and of their condemnation by the people——

The CHAIRMAN. The Chair will remind the gentleman from Kentucky that the time for general debate has expired.

Mr. JOHNSON of Indiana. Let his time be extended.

The CHAIRMAN. It is not in order for the Committee of the Whole to extend the time.

Mr. McCREARY. I should have been glad, Mr. Chairman, to have been permitted to gratify the gentleman in his desire, but as the time has expired I ask now that the bill be read by sections. [Cries of "Regular order."]

Mr. BOUTELLE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BOUTELLE. I rise to ask unanimous consent that the time of the chairman of the Committee on Foreign Affairs may

be extended a little longer to enable him to tell us what the foreign policy of the present Administration is in regard to Hawaii.

[Cries of "Regular order!"]

The CHAIRMAN. The Chair will state to the gentleman from Maine that it is not in order to extend the time.

Mr. JOHNSON of Indiana. Can not it be done by unanimous consent?

The CHAIRMAN. It is not in order to ask unanimous consent of the Committee of the Whole to extend the time after it has been limited by the House.

Mr. JOHNSON of Indiana. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Indiana. Is there not some method known to parliamentary law——

Mr. HOOKER of Mississippi. Regular order, Mr. Chairman.

The CHAIRMAN. This is the regular order.

Mr. HOOKER of Mississippi. I ask that the bill be read by paragraph.

The CHAIRMAN. The Chair is proceeding with the regular order. The gentleman from Indiana rises to a parliamentary inquiry, which he has a right to do under the rules of the House. The gentleman from Indiana will state his parliamentary inquiry.

Mr. JOHNSON of Indiana. I wish to ask if there is not some device known to parliamentary law to enable the gentleman from Kentucky to have an opportunity to predict more fully the future success of the Democratic party?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. McCREARY of Kentucky. The gentleman from Kentucky can manage his own affairs, and does not desire the assistance of either the gentleman from Maine or the gentleman from Indiana.

I ask that the bill be read by sections.

The CHAIRMAN. The Clerk will proceed with the reading of the bill by paragraph.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Belgium, Denmark, Hawaiian Islands, Netherlands, and Venezuela, at $7,500 each, $37,500.

Mr. LACEY. I offer the amendment I send to the desk.

The Clerk read as follows:

On page 2, line 16, strike out the words "Hawaiian Islands," and in line 17 of said page strike out "seven thousand five hundred."

Mr. McCREARY of Kentucky. I make the point of order on the amendment that it changes existing law.

The CHAIRMAN. The Chair will hear the gentleman from Iowa on the point of order.

Mr. LACEY. If it does change existing law it retrenches expenditures, and is therefore in order. But it does not change existing law. It simply reduces the appropriation. It leaves the minister there, and pays him what he is worth. There is no question about the right of the House to reduce salaries or withdraw appropriations for salaries altogether as amendments to appropriation bills.

Mr. SPRINGER. This is simply a failure to appropriate for this purpose. That, I believe, is the only effect of it?

The CHAIRMAN. Undoubtedly.

Mr. SPRINGER. Well, the House may do that. We are not obliged to appropriate for the office if Congress does not see fit to do so.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. McCREARY of Kentucky. No; I do not.

The CHAIRMAN. Then the Chair overrules the point of order.

Mr. COOMBS. I should like to have that amendment reported again.

The amendment was again reported.

Mr. COOMBS. The gentleman's amendment in its present form is defective. I suggest that he perfect the text of it.

Mr. SPRINGER. The gentleman only wishes to reduce the amount $7,500, and not to strike out "seven thousand five hundred."

Mr. HITT. The Clerk can make the change by subtracting seven thousand five hundred from the footing.

Mr. LACEY. The word "thousand" will have to be inserted.

The CHAIRMAN. The Clerk will correct the amendment as suggested, and will then read it.

The Clerk read as follows:

On page 2, line 16, strike out "Hawaiian Islands," and in line 18 strike out "seven," and "five hundred," so that it will read:

"Envoys extraordinary and ministers plenipotentiary to Belgium, Denmark, Netherlands, and Venezuela, at $7,500 each, $30,000."

The CHAIRMAN. The Chair suggests that the words "seven thousand five hundred dollars each" should be allowed to stand.

Mr. LACEY. That was not in my motion to strike out.

The CHAIRMAN. The gentleman from Iowa [Mr. LACEY] is recognized to speak upon the amendment.

Mr. LACEY. Only a word, Mr. Chairman, by way of explanation. The Hawaiian question has been very thoroughly discussed in the general debate, and that debate would be meaningless unless this House or committee took some action upon it; and this is the only action by which the voice of the House itself can be heard. I believe, sir, that nine out of ten—yes, ninety-nine out of a hundred of all the people of the United States are thoroughly ashamed of the policy that has been inaugurated in the Sandwich Islands, and that to withdraw the salary of the minister, who has voiced that policy and who has attempted to carry it out by the destruction of the Republic in those islands, is the most effective manner in which the House can express itself. That being the case, I submit the amendment without further discussion.

Mr. McCREARY of Kentucky. The act authorizing the appointment of a minister to the Hawaiian Islands was passed in 1874. We have therefore had a minister in the Hawaiian Islands for twenty years. I believe that the importance of that country, and the fact that all the leading nations of the world have ministers there, make it necessary and proper that we should keep a minister there.

The dispatches that we have received from the Hawaiian Islands indicate that peace now reigns supreme there, that the present minister is kindly received, that there is no animosity whatever between the Government of Hawaii and the present minister.

It is known to many members of this House that the present minister, Mr. Willis, is an able man, a fair man, a just man, and I have no doubt that he has discharged his duty, under most trying and difficult circumstances, as well as any minister could have discharged the duties required of him. I do not believe that at this time it would be good policy for our Government to either withdraw the minister to the Hawaiian Islands or repeal the law which authorizes the appointment and payment of a minister to the Hawaiian Islands, and when we are seeking to have the most amicable relations with the people of these islands and when we have announced that we desire that they shall pursue their own line of policy and manage their own domestic affairs, I do not believe that a majority of this House would be in favor of repealing the law which authorizes a minister to represent the United States in the Hawaiian Islands.

Mr. GROSVENOR. I move to strike out the last word.

Mr. Chairman, if the people of the country could be convinced and feel satisfied beyond a reasonable doubt that the attitude of the American Government toward the Provisional Government of the Hawaiian Islands is what the gentleman from Kentucky [Mr McCREARY] seems to fondly hope, I have no doubt that they would oppose the amendment offered by the gentleman from Iowa [Mr. LACEY]; but the trouble about the whole question is, we are taught by experience that a man or a political party or a country that does a dishonorable and dishonest thing once, deliberately and of premeditated malice, is very likely to do it again, and the trouble in this case is that there is presented in the record one of the most conspicuous acts of diplomatic atrocity, hypocrisy, and treachery ever recorded upon the pages of the diplomatic history of this country or any other country.

A revolution had been complete, a government *de facto* had been established. No matter how, no matter by what means. It is idle, it is puerile, it is childish to discuss that question. It had been established, and we had no more right to attempt to overturn it than we have to go back and overturn the revolution of the French people by which the third Napoleon was driven from power and the Republic established.

That is probably because this Government sympathized in the revolution. This Government, through its minister, was not opposed to the change of government there. When this condition of things was known to all the world, and when it was eminently proper for Mr. Cleveland's Administration to withdraw the treaty, if he saw fit to do so, it was a question clearly within the province of the President to seek to send a paramount minister, who, while under terms of respect, of recognition, of endearment to the head of that Provisional Government, wishing it well, the record shows that the assault of Abner upon his fated victim was not more deliberately premeditated and prepared than was the assault by the American Administration upon the Provisional Government of those islands. It was dastardly; it was illegal; it put a blot upon the pages of American statesmanship such as no time can obliterate; and there is a doubt in the mind of Americans, and a doubt in the minds of the people of Hawaii as to what is the real attitude of the American Government to those islands to-day. That is the difficulty; and that is the reason why, possibly, the withdrawal of this minister, amiable as he is, honest as I know him to be, upright as no doubt he is, acting under these instructions, he is liable again to be driven to some overt act of treachery.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DINSMORE. Mr. Chairman, it appears to me that the attitude of the Republican party upon this bill so far is most remarkable, and presents a very extraordinary spectacle. Not satisfied with their efforts upon every opportunity to assail the present Administration upon the record it has made it seizes the opportunity afforded by consideration of appropriations to maintain an important branch of the service to indulge in further denunciation with reference to the Hawaiian Islands. We have seen dignified statesmen upon the other side of the Chamber, upon the consideration of this bill, depart widely from the propositions contained in it, and avail themselves of this opportunity to continue their assaults. In the confusion of their frenzy they turn and rend themselves like a blind snake in the dog days, merely to show still further their vemon against the Administration.

Here is a government recognized by the civilized governments of the world, with legations established there, and maintaining a legation here; a government at peace with us, and upon friendly and amicable terms, one whose trade is of the highest importance to us; and these gentlemen propose, actuated, as it appears to me, by small and unworthy spite against the President of the United States, to withhold the compensation of the minister who is accredited to that country, and who they testify themselves is a man worthy in all respects to represent this great Government.

I have been surprised, sir, having sat upon the committee and subcommittee which prepared this bill, with the course of my distinguished friend, the gentleman from Illinois [Mr. HITT], who first addressed the committee upon the pending bill. In the committee everything went beautifully and smoothly, and there seemed to have been the best understanding.

Now he has taken the floor of the House and made a long and eloquent speech (for he is always eloquent and I esteem him most highly), and gives us once again the wails of his party on the late trouble in Hawaii. They continue to assert, and it was announced this morning, that the people vindicate ex-Minister Stevens and disapprove wholly of the Administration. If the people believe that they are right, why this constant and repeated reiteration upon the part of the Republicans of the House in denunciation of us and in justification of themselves?

If they feel so confident that they are right and justice supports them, why is it that they can not withhold their criticism, but must continue to parade before the country not only criticism, but vituperation, and resort to all the epithets that language affords to denounce the Administration and the gentleman selected by the Administration to represent us in that country? Mr. Chairman, the just are not wont to protest their justness, the innocent their innocence; too much protestation is evidence of conscious weakness.

> So full of artless jealousy is guilt,
> It spills itself in fearing to be spilt.

Now, it is well known to the gentleman who proposes this amendment, and those who stand with him, that the amendment will not be adopted by the House; and he has no expectation that it will. He has no hope, I am constrained to believe, no desire, that it will, because I believe the gentleman from Iowa wants to maintain relations with the Government of the Hawaiian Islands, I believe he would not have us strike out this appropriation and suffer this amendment to pass. His only object is to bring up in the House constantly the denunciations of his party, which are wholly unjustifiable; and I believe the country sustains me in believing that the action of ex-Minister Stevens in landing the United States forces was for the purpose not of protecting American interests, but to carry out a scheme and conspiracy which he had entered into to overthrow an existing government in behalf of adventurers.

Several members addressed the Chair.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. VAN VOORHIS of New York. Mr. Chairman, the gentleman who has just taken his seat has stated what the Democratic party on this floor believe, or profess to believe. It is, that Minister Stevens, with one hundred and sixty-two marines, including a brass band, overthrew the Hawaiian monarchy and established the Provisional Government. I regret that any attack should be made upon Minister Willis. Everybody concedes that Mr. Willis is a gentleman, and an able man. I object to any attack being made upon him by Republicans, because he is a standing witness to the high character, the executive ability, the strength of character, and the patriotism of John L. Stevens. Minister Stevens, according to our friends on the other side, established a Provisional Government in Hawaii with one hundred and sixty-two United States naval soldiers, including a brass band. He established this Provisional Government so firmly and so successfully that Minister Willis, with the United States Navy under his control, with Grover Cleveland at his back, has been utterly unable to overthrow it. [Laughter.] Stevens has been gone for almost a year, and yet that Government, the work of his hands, as our friends on the other side claim, continues to exist and prosper. [Laughter.] Therefore, I say, Mr. Chairman, that Minister Willis is not only a standing witness to the high character and ability of Minister Stevens, but a standing witness to the strength, the stability, and the permanency of the Provisional Government of the Hawaiian Islands. [Laughter.] Let him stay there and draw his salary.

Mr. MILLIKEN. The gentleman from Kentucky inquires why these repeated defenses of the Republican party are heard upon this floor. It is simply because the policy of the Republican party as carried out by the last Administration and by the very worthy and eminent minister who then represented this country at the Hawaiian Islands has been repeatedly attacked here. Our Democratic friends can not seem to forget their own unfortunate mistakes, and when other people would willingly let them be buried with the dead, they try to dig up the old rotten carcasses, and if possible breathe into them some semblance of respectability. I have been amused at their persistency. They remind me of the old lady who called her husband "Scissors." He concluded he would stop that thing, and finally he chucked her down into a well. She still kept saying "Scissors," and when at last he held her under the water so that she could not say "Scissors" any more, she held up her two fingers and worked them like the two blades of a pair of scissors. [Laughter.]

Now, after the Hawaiian policy of the present Administration has been condemned by the most distinguished Democrats in the Senate, after it has been condemned by the majority of the Committee on Foreign Relations of a Democratic Senate, after it has been almost universally condemned by the press and the people of this country, our friends still seem to feel as if they can rake it up and galvanize it into a little respectability. As I said yesterday, it shows a sublimer faith in the power to do something impossible than I have ever seen manifested before. So far as Minister Stevens is concerned, he was sustained by the Administration that sent him to Hawaii when President Harrison sent to the Senate for ratification the treaty framed between this country and the Hawaiian Islands.

He was sustained by our Administration, and he has since been sustained overwhelmingly by the verdict of the people and the press of this country; and I pity the stupidity of the man, whether he be Democrat or Republican, who has not felt in the air the patriotic rebuke given by the people of the United States to the present Administration for its attempt to restore a rotten monarchy in Hawaii. The gentleman says that the Administration did not try to do that. Why, sir, the President in the message which he sent to this House and which was read from that desk, stated that he had done it. But, says my friend from Kentucky, the President did not use force. Why did he not use force? It was because he discovered before he got very far into the business that the people of this country would not allow him to use force, in violation of the Constitution of the United States, to restore a rotten monarchy in place of the enlightened and civilized government that had been set up in those islands where the American people have been so large factors in bringing about the degree of civilization that exists there to-day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITT. Mr. Chairman——

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HITT. I move to strike out the preceding word. Ordinarily, Mr. Chairman, a motion to withdraw a minister from a country would express a diminution of regard, and if this were an ordinary case, I could not assent to it. But our minister to the Hawaiian Islands has occupied a position which the world has well understood as intrinsically and essentially hostile to the existence of the Government of those islands. The President of that Government has so solemnly declared, and we have had that declaration communicated to this House.

The minister who represents us there has long since lost all usefulness in maintaining or increasing friendly relations. He was at one time an object of dread, and he has been an object of distrust all the time. It is true that is a small country. It is one of the slender powers of the world, and under ordinary circumstances it would require the special reason of its position, so adjacent to our Republic and so important to our future, as containing the position which is the Gibraltar of the Pacific, to justify our keeping a minister there at all. We have a consul-general who can attend to the current business that arises. The withdrawal of this minister would not, I am sure, be permanent, for the strength of public opinion in this country, whatever may be the force of party organizations or the head of a party to resist for a time, is always irresistible in the end.

The strong sentiment of the American people will constrain

the Administration in time to change its policy of hostility or duplicity toward Hawaii; and such an expression as this from the House of Representatives would be received as an expression of disapprobation of its course by the people of our country, as it has excited aversion in the people of the Hawaiian Islands and that Government, though it is friendly to our country, with so much more than an ordinary friendship, that all they crave is to be merged in our existence and be a part of us.

Mr. PICKLER. As I understand the gentleman from Illinois, he contends that the attitude of the present Administration has been hostile and is still hostile to the Provisional Government of Hawaii.

Mr. HITT. It is so regarded by that Government; and there is no need of continuing a minister there unless he can be useful to us.

[Here the hammer fell.]

Mr. SPRINGER. Mr. Chairman, I rise to oppose the amendment. I was not surprised that some gentlemen on the other side should take an extremely partisan view of this question; but I was surprised that my distinguished colleague [Mr. HITT], who was formerly chairman of the Committee on Foreign Affairs and who has had long experience in the foreign service of this Government as a member of our diplomatic corps—I was surprised that he should have stated to this committee and to the country that we should "rebuke" our present minister by refusing him his salary, the result of such withdrawal of compensation being necessarily the withdrawal of the minister.

Mr. HITT. I did not say that we should rebuke the minister, but that we should rebuke the Administration for its policy, which that minister has carried out, I must say, in a manner which is very honorable to him personally, in his faithful but painful and reluctant labors in carrying out instructions which no one approves.

Mr. SPRINGER. Then the gentleman has made this more a partisan matter than I supposed he intended. He wants to "rebuke this Administration" by withholding the compensation of the minister to the Hawaiian Islands! I had supposed that in preference to all other places in this service the gentlemen on the other side of the House would desire a diplomatic representative in the Hawaiian Islands.

Mr. BOUTELLE. What for? Why should we have a minister there?

Mr. SPRINGER. For the same reason that we have a minister at other places.

Mr. BOUTELLE. Is he there to tear down a government or to set one up?

Mr. SPRINGER. I do not yield to the gentleman for an interruption, unless he asks for information; and I can not give him any information on this subject——

Mr. BOUTELLE. I do not think you could.

Mr. SPRINGER. He is so thoroughly advised already.

The object of this amendment, then, is to "rebuke this Administration"—for doing what? For refusing to sanction what the previous Administration had done in regard to Hawaii, for withdrawing a treaty which provided a pension for this deposed Queen at $20,000 a year, and a gratuity of $150,000 to the heir apparent? The late Administration agreed upon a treaty of that kind, which in effect concedes that the Queen was unjustly deposed, that her Government had been taken away, her prerogatives despoiled. After accomplishing her overthrow, that Administration wanted to make reparation to her by paying money out of our Treasury, as I have indicated. The gentleman from Mississippi [Mr. HOOKER] suggests to me, which is true, that the indebtedness of the Hawaiian Islands, amounting to $3,250,000, was, by the terms of the proposed treaty, assumed by the United States.

All this was proposed and advocated by the last Administration. And because Mr. Cleveland has withdrawn that treaty, refused to recognize that contract which Mr. Harrison made and the Republican party approved, the gentleman from Illinois proposes now to "rebuke the Administration." I think the present Administration deserves the thanks of the country for refusing to ratify that agreement, and for withdrawing it from the Senate.

Mr. BOUTELLE. This Administration will never get the thanks of the country.

Mr. SPRINGER. This Administration is not asking the thanks of gentlemen on the other side of the House, and especially not of the gentleman from Maine.

Mr. BOUTELLE undertook to make a remark, but was rapped to order by

The CHAIRMAN, who said: The gentleman from Maine must not interrupt the gentleman from Illinois without his consent.

Mr. SPRINGER. So far as the foreign policy of this Administration is concerned, it needs no defense at my hands. The gentleman now at the head of our foreign affairs as Secretary of State is one of the most eminent statesmen of the country. And what seems to disturb the gentlemen on the other side is the fact that he was so recently a member of their own party. But everybody will concede that Secretary Gresham is both able and honest, and that he has been faithful and fearless in the vindication of the dignity and honor of this country.

Mr. WILSON of Washington. Will the gentleman from Illinois yield to me for a question?

Mr. SPRINGER. No; I can not yield. The gentleman does not want information.

Mr. WILSON of Washington. Well, I would not get any information probably——

The CHAIRMAN (rapping for order). The gentleman from Illinois can not be interrupted without his consent.

Mr. WILSON of Washington. I asked the gentleman from Illinois to yield for a question——

The CHAIRMAN. And he declined to yield.

Mr. WILSON of Washington. And then he added that I did not want any information; and I replied that I would probably receive no information from the gentleman from Illinois.

The CHAIRMAN (who had been endeavoring to silence Mr. WILSON by the use of the gavel). The gentleman from Washington must be in order.

Mr. SPRINGER. I dislike very much to have a scene of this kind occur in the Committee of the Whole of this House. I am afraid the gentleman from Washington has lost his temper.

Mr. WILSON of Washington again attempted to make himself heard.

The CHAIRMAN (after rapping loudly for order). The gentleman from Washington knows the rules, and must on reflection realize that he is not observing them.

Mr. SPRINGER. I hope the gentleman from Washington——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. WILSON of Washington. I move to amend by striking out the last word.

The CHAIRMAN. The pending amendment, without objection, will be considered as withdrawn.

Mr. SPRINGER. Does the Chair think that so much of the time as was occupied by the gentleman from Washington should be taken out of my time?

The CHAIRMAN. The time was kept by the Speaker's clerk, by whom the Chair was advised that the time of the gentleman from Illinois had expired.

Mr. WILSON of Washington. Mr. Chairman, I regret, of course, that I could not have yielded instantly to the command or request of the very able gentleman who now occupies the chair in this committee, but when I asked the gentleman from Illinois, then occupying the floor, a man who has represented his district for a long time, an old member on this floor, if he would yield to me for a question, he declined and very properly declined to be interrupted. But when he went further than that and declared that I did not want to interrupt him for information, then I had a right, sir, as a member on this floor to reply to a retort that he made which was in itself out of order.

The gentleman from Illinois said that I did not wish any information upon the subject he was discussing. Perhaps that is true as far as he is concerned, for I would not probably have obtained any information from the gentleman from Illinois. But he was speaking in regard to the foreign policy of this Administration, and I desired to ask the gentleman only, inasmuch as he had spoken upon that foreign policy, why it was that this Administration had gone into British Columbia and had there inaugurated a foreign policy of letting contracts to coal American war vessels to residents of British Columbia instead of awarding them to the people of the United States? Just across the line, on the Straits of Fuca, is to be found as fine coal as any produced in British Columbia; and yet this Administration, sailing the American war steamer Yorktown—think of it, with all the old-time honor of that name—the American man-of-war Yorktown is coaling across the line in British Columbia, and this Administration has given to those people a contract for $100,000 worth of coal.

Now, my people are in distress, as are the people all over the country. Our people, the people of my country, want work and they want to develop their own coal mines. They want the Government of the United States to give the contract to the laboring people of the United States. And I rose, therefore, to ask the gentleman from Illinois if he had any information in regard to that subject or why a contract of this character had been entered into with a foreign country?

Mr. Chairman, I should have known that the gentleman did not have any information on the subject, because he has but little information upon any subject in which this country is interested. [Applause on the Republican side.]

Mr. McMILLIN. Mr. Chairman, I did not desire to take any part whatever in the wrangling which may have been produced during the discussion of this question; but I think a word of justice may appropriately be said for a very distinguished and faithful public servant in connection with this discussion, and I will say it.

I believe I will not make too much of a claim for myself when I say that the members of this House who know me know full well that I am not slow to engage in the advocacy of any wise economy that looks to the prevention of improper and improvident expenditures, and to the saving of all that can be saved of that which comes from the sweat and the toil of the people who pay the taxes.

But this is a proposition to abolish the salary of an important officer of the Government. It is true I have never had that confidence in the necessity for an excessive or a very large number of foreign ministers that other gentlemen seem to have had. I have believed that some provision made for the improvement of the consular service abroad would probably meet most of the demands of the public service in that direction. But we have the system as it is.

The Government of the United States is represented at the Hawaiian Islands to-day by Hon. Albert S. Willis, a gentleman who is not unknown to the members of this House nor to the country. He was for ten years the representative of the district now so ably represented by the gentleman who sits in front of me [Mr. CARUTH], and I think that those who knew him will say that for disinterested patriotism, for distinguished ability, for untiring assiduity in the discharge of every public duty, no district could have a more faithful representative than he. He was educated, painstaking, and able. His ability as a legislator here commended him to the attention of the President for the appointment to one of the most delicate and troublesome of our complicated missions; and I suppose that it will be conceded by all that no man could have more carefully, studiously, and faithfully discharged the important and delicate duties imposed upon him than did Mr. Willis. He went to the island at its most trying period. Few men could have discharged the trying duty with the coolness and ability he has displayed.

I do not know of any place where there has been more call for painstaking care and judicious action than in connection with that mission, and I know of no man in the whole range of my public service who has met the requirements of the place with greater ability and with purer patriotism than has this representative. I felt that this much was due to one who has served his country long and well, and I do not believe that at a time when our relations with those islands are so complicated, peculiar, and strained, it is proper to abolish our diplomatic relations with the islands. Nor do I believe that any American ought to want a man of his ability to serve his country without compensation. I therefore opppose the amendment. And I have not felt at liberty to sit and hear one attacked whose patriotism I know to be of the purest, who loves his country above self, and whose every effort in life has been to serve it faithfully, without saying thus much that is due him when so much more could be said and would be said if time permitted.

[Here the hammer fell.]

Mr. CANNON of Illinois. Mr. Chairman——

The CHAIRMAN. Debate on the pending amendment is exhausted. Without objection it will be considered as withdrawn.

Mr. CANNON of Illinois. I renew the formal amendment.

It seems to me that if this appropriation is withheld, we should place the withholding of it upon the true ground, namely, that so far as the Government of Hawaii is concerned, that government does not have the necessary confidence in the present American minister, and that he would not be useful and the Administration will not recall him. I did not arise to repeat what has been better said than I myself can say it, but I did arise for the purpose, upon the whole, of expressing my dissent to the motion of the gentleman from Iowa [Mr. LACEY]. It seems to me I would not be willing to abolish this place, and I doubt the wisdom of withholding the appropriation.

Then again the gentleman from Tennessee [Mr. McMILLIN] and other gentlemen, seem to place it largely upon personal grounds.

Mr. McMILLIN. I want to correct the gentleman. I did not place it upon personal grounds. I look to my country first, I hope, and then to other considerations. That is Democratic.

Mr. CANNON of Illinois. Oh, yes! my friend is always Democratic, according to his statement. He seeks to defend Mr. Willis, and to commend him, and so on. Well, now, I know Mr. Willis. I recollect him very well, and I always found him a most excellent gentleman. Yet I must say that I was surprised that he, coming from the chivalrous State of Kentucky, should remain in the service of the United States and carry out his instructions. I know that most people from that State, where the average citizen would defend his honor with his life if necessary, if anybody should accuse him of double dealing—I say I know that most citizens of that State from which the gentleman in charge of the bill [Mr. McCREARY] hails, would not have accepted that service.

That chivalrous Representative [Mr. McCREARY of Kentucky] himself would have resigned his place, or he would take personal vengeance upon anybody who would dare intimate that he would double-deal for himself or at the command of anybody else. Now, Minister Willis, whom I esteem highly, did go as our representative to Hawaii. He did receive his instructions. He did make fair weather with the government that was in existence and in the night time he conspired with a subject of that government to overthrow it.

Mr. LACEY. Why keep him there?

Mr. CANNON of Illinois. The gentleman from Iowa says why keep him? He carried out his instructions. Perhaps he thought that loyalty to the Adminstration and the desire to hold the place required him to do it. Now, I am inclined to think that I would make this appropriation, and I want to say that I would go further than that. I would vote a deficiency of three or four thousand dollars to Minister Willis, whom we all know so well, for the wear and tear on his conscience and the sacrifice of his Kentucky chivalry. [Laughter.]

[Here the hammer fell.]

Mr. GROSVENOR. I should like to have the attention of the gentleman from Illinois [Mr. SPRINGER]. In the first place, I deny that the proposition to pay the deposed Queen $20,000 a year was any admission or confession upon the part of this Government that she had been wrongfully deposed or that she had any existing rights at the time of the making of the treaty. I say that neither the gentleman from Illinois [Mr. SPRINGER] nor the distinguished chairman of the committee [Mr. McCREARY of Kentucky] nor any other gentleman on this floor, can show by law or by precedent, or by any international adjudication of the question, that he is right in the declaration which he has made on that point. It was simply a proposition in the nature of a gratuity, for the purpose of peace and harmony, to get rid of the idea in the minds of her former subjects, if there was any such, that she had been harshly and unjustly treated by the United States. It has been done so often in the history of other countries that it is idle for any man on the floor of this House, at this late day, to urge that as an argument.

Now, there is a single other proposition to which I wish especially to invite the attention of the gentleman from Illinois [Mr. SPRINGER]. It is very easy to say that an American official is a great statesman. The word statesman is a sort of generic term that is used when there is no other word available. It is like the lawyers wrestling with the word "quasi-corporation." You generally find a lawyer who can not give any other definition of some sort of an organization that is not quite a corporation, calling it "quasi-corporation." And when you can not call a man a great man because of any specific thing he has done, why, you just call him a great statesman, and then you are out of the woods.

Now, I have not introduced this subject into this debate. The gentleman from Illinois [Mr. SPRINGER] introduced the subject and referred to the Secretary of State as a great statesman. That is an allegation on his part that upon demand and notice, requires a bill of particulars and specifications. The mere declaration is not sufficient. The common counts will not answer in that case. Now, will the gentleman append to his very eloquent remarks a bill of particulars, based upon the literal and proper use of the words? What has the Secretary of State done, and when did he do it? He has held office ever since the war, without a break, always before this at the hands of the Republican party, after his great and valuable services in the Army. He began after that, I believe, as a State agent of the State of Indiana in regard to the pay of soldiers. From that day to this, in one capacity or another, all the way down to the present time, he has held office, always at the hands of the Republican party, until his present office.

I am not here criticising his rulings and judgment upon the bench of the court in which he presided. The record of the Supreme Court of the United States is possibly one of the items that the gentleman may want to append, and I would commend to him a very careful consideration of those important documents before he again launches that general suggestion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. I want to finish the point I am making, and I ask for two minutes more.

There was no objection.

Mr. GROSVENOR. He was Secretary of the Treasury at one time. I call the attention of the gentleman to that record. It is neither hot nor cold. It is not disparaging or undisparaging; but there is nothing in it that justifies the gentleman's declara-

tion. He was Postmaster-General for a short time, but the routine of that office was not disturbed; and there is nothing in it to either injure or magnify the administration. Now, will the gentleman point out what he has done as Secretary of State in reference to Hawaii that commends his administration? I have already characterized whatever connection he may have had with the Hawaiian business. Now, will the gentleman point out something else that he is proud of? What is it; will he attach some specific fact in support of his declaration that we ought to accept all that he does without any investigation, because he is a "great statesman"? [Applause on the Republican side.]

Mr. SPRINGER. I move to strike out the last word.

The gentleman from Ohio has taken exception to my remark that the present Secretary of State was a "great statesman," and desired me to offer something specific to prove it. He was appointed a district judge of the United States by a Republican President. But I will go back a little further. Before that he served his country honorably and with some distinction in the late war, and received an honorable wound in battle, notwithstanding some persons have charged that he did not perform actual service.

Mr. GROSVENOR. One word there. The gentleman will not construe anything I said as disparaging his military record.

Mr. SPRINGER. I do not. After serving his country during the war he was appointed a district judge of the United States by a Republican President. He was transferred from that position by a Republican President and made Postmaster-General. He was afterwards transferred from that position and made Secretary of the Treasury in the Cabinet of a Republican President. He was appointed as a circuit judge of the United States by a Republican President. He was afterwards, while circuit judge, indorsed by the Republican party of the State of Illinois as their candidate for President, and received the vote of that great State in the Chicago convention for the office of President of the United States. He stood as high in the counsels of the Republican party as any other gentleman; and the very fact that the Republican party of the State of Illinois selected him as its choice for President of the United States is a certificate of statesmanship as great as any gentleman on that side of the House ought to ask me to give.

Mr. BOUTELLE. That is a very handsome indorsement of republicanism. [Laughter on the Republican side.]

Mr. SPRINGER. The gentleman says that that is a very handsome indorsement of republicanism. It is an indorsement of the man by the Republican party; and I believe if he had adhered to the policies of that party he would have been now their favorite candidate for President of the United States at the next election. [Cries of "Oh," on the Republican side.] His fault simply consists in the fact that he has withdrawn from their organization.

Mr. MORGAN. What evidence have you that he does not now adhere to the policies of the Republican party? [Great laughter.]

Mr. SPRINGER. My distinguished friend from Missouri thinks that he has not given any evidence that he is now a Democrat. [Laughter.] Perhaps some gentlemen upon this side of the House indulge that opinion; but I for one rejoiced when I heard of his appointment as Secretary of State, and I have seen nothing in his acts that has caused me to change my opinion in regard to his appointment. I believe it was a very able and fortunate one, and that the country indorses his administration. I also believe that the great mass of the Democratic party is satisfied with the manner in which he has discharged the duties of the office. In the estimation of gentlemen upon the other side of the House he ceased to be a statesman when he ceased to be a Republican.

Mr. MERCER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MERCER. I think the Chair ought to suppress the applause on the Democratic side. [Laughter.]

The CHAIRMAN. Debate on this pending amendment is exhausted. Without objection the pro forma amendment will be regarded as withdrawn, and the question is on the amendment of the gentleman from Iowa [Mr. LACEY].

Mr. BOUTELLE. Mr. Chairman, I move to strike out the last word.

Mr. McCREARY of Kentucky. I had addressed the Chair.

Mr. BOUTELLE. The Chair had recognized me, but I will yield to the gentleman with great pleasure.

Mr. McCREARY of Kentucky. You are always very polite. This House understands that. [Laughter.]

Mr. BOUTELLE. And I hope the gentleman will facilitate what I have to say afterwards by throwing a little luminosity on what he regards as the present policy of the Administration with reference to Hawaii.

Mr. McCREARY of Kentucky. If the gentleman is as good a student of public affairs as he should be he understands the policy of this Administration as well as of the last. Now, Mr. Chairman, we have debated this amendment for some time and I would like to have an agreement as to the closing of the debate.

Mr. BOUTELLE. Do I understand that the gentleman from Kentucky is going to avail himself of my courtesy in yielding to him to try to cut me off from making a few observations? [Laughter.]

Mr. McCREARY of Kentucky. Not at all. I would not deprive the committee of the pleasure of hearing the gentleman. [Laughter.] But this amendment has been debated for some time, and as I think the members of the committee are ready to vote upon it, I desire to come to some agreement to close the debate. I therefore ask unanimous consent that debate on the pending amendment be closed in ten minutes.

Mr. HITT. There are two gentlemen on this side who desire to speak for five minutes each.

Mr. McCREARY of Kentucky. Then I ask unanimous consent that debate may be closed in fifteen minutes.

Mr. LOUD. If I may be recognized for a part of that time I shall not object.

Mr. LACEY. I object, Mr. Chairman.

Mr. McCREARY of Kentucky. Then, Mr. Chairman, I move that debate on the pending amendment be closed in twenty minutes. That gives ten minutes to each side.

The question was taken on the motion of Mr. McCREARY of Kentucky, and the Chairman declared that the ayes seemed to have it.

Mr. LACEY. I ask for a division.

The question was taken; and there were—ayes 81, noes 2.

Mr. LACEY. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Iowa, Mr. LACEY, and the gentleman from Kentucky, Mr. McCREARY.

The tellers took took their places; but, pending the count,

Mr. McCREARY of Kentucky said: Mr. Chairman, we have come to an agreement. I withdraw my motion, and I ask unanimous consent that debate on the paragraph and the pending amendment close in thirty minutes, giving fifteen minutes to each side.

There was no objection, and it was so ordered.

Mr. BOUTELLE. Mr. Chairman, I regret that I have not had the advantage of that information from the chairman of the Committee on Foreign Affairs which would have facilitated and perhaps illuminated the few remarks that I desire to make. It is perfectly evident from what has been said here already on both sides, that there is no general desire to sever or interrupt our amicable relations with the present Government of the Hawaiian Islands. There is a very strong feeling in this House, as in the country, that we ought to have different relations from those of the recent past, and ought to be differently represented now in the Hawaiian Islands. I do not think that the best or the proper solution of this question would be a vote to abolish the Hawaiian mission. I desire that we shall be represented by a friendly minister of the United States in Hawaii until we annex that beautiful country, which will be accomplished in the near future as certainly as the tides of the Pacific ebb and flow. [Applause on the Republican side.]

I think it would be the suggestion of patriotism and of regard for the best interests of our country and of the world, for this House now, after we have had time for all partisan ebullitions to subside, for false policies to be abandoned, and for more than a second thought—I think, I say, we ought now to be able to deal with the Hawaiian question with regard to other and more weighty considerations than that of sustaining what has been acknowledged by the most lenient opinion in both political parties to be the most gigantic diplomatic blunder in our history. [Applause.] Gentlemen talk about Republican assaults upon the Democratic policy in Hawaii! Why, sir, the ink is hardly dry upon a speech made in another place by one of the most distinguished Democrats in the United States, a gentleman whose support as a candidate for President was very much more widely recognized than that of the Secretary of State to whom the gentleman from Illinois [Mr. SPRINGER] has just alluded; and that Democratic leader whose frank utterance is now reverberating from one end of the country to another, and giving old-fashioned Democrats the only thrill of spasmodic enthusiasm they have experienced for more than a year, had this to say about the famous or rather infamous Administration foreign policy in Hawaii:

Our foreign policy, especially that relating to Hawaii, it must be admitted, has not met the expectations of the people. A sense of humiliation prevailed when the project for the restoration of a deposed monarchy was unfolded by the Administration, and gratification ensued when its abandonment or failure was reluctantly announced, influenced largely by an aroused

public sentiment. That unfortunate contemplated policy was a blunder, and a blunder is sometimes worse than a crime.

Does anyone dispute the party orthodoxy of that arraignment?

Why, Mr. Chairman, there is not a city, or town, or hamlet, or crossroads in the United States that has not given evidence of that "aroused public sentiment." It has been manifested everywhere except on the Democratic side of this Democratic House of Representatives and in that "cave of the winds," the Committee on Foreign Affairs. I want to ask the chairman—and he may answer when I have finished—what has been done with the proposition which I introduced here nearly two months ago to solve this identical difficulty?

Mr. McCREARY of Kentucky. It was voted down.

Mr. BOUTELLE. When and where?

Mr. McCREARY of Kentucky. In the House of Representatives.

Mr. BOUTELLE. Why, Mr. Chairman, my distinguished friend, for whom I have great regard, seems to have taken so long a nap over these Hawaiian matters that he has not even yet wakened up to know that I introduced a resolution here almost two months ago for the recall of the present minister at Hawaii; and it has been slumbering in his committee——

Mr. McCREARY of Kentucky. I thought the gentleman referred to the resolution which he introduced in regard to the Hawaiian Islands, and which was voted down in this House.

Mr. BOUTELLE. I referred to the resolution which I introduced, as I have said, February 26, two months ago, and which was published on page of 2424 the CONGRESSIONAL RECORD—a resolution which it seems to me provides fittingly for a response to the overwhelming desire of the people of this country—not simply a Republican demand, but one that has found as emphatic expression in the columns of that great and influential organ of Democracy the New York Sun, and that other great organ of another wing of the Democracy the New York World, which have day after day reiterated the demand that Minister Willis should be recalled, in the interest of decorous and dignified relations with the Hawaiian Government.

This resolution which I introduced covers the ground, I think, better than any speech I could make, and I will read it.

The CHAIRMAN. The five minutes of the gentleman from Maine [Mr. BOUTELLE] have expired.

Mr. BOUTELLE. I ask for five minutes more.

Mr. HITT. I ask that the gentleman from Maine [Mr. BOUTELLE] be permitted to occupy the time allotted to our side.

Mr. McCREARY of Kentucky. The time of the gentleman from Maine is to come out of the fifteen minutes allowed to that side under the agreement?

The CHAIRMAN. That is the understanding of the Chair. The Chair hears no objection to the gentleman from Maine being permitted to proceed.

Mr. BOUTELLE. Mr. Chairman, on the 26th day of February last—I want to remind the distinguished chairman of the Committee on Foreign Affairs of this matter; I want to jog his memory—this resolution was introduced and referred to that committee:

Whereas the Government of the United States would not tolerate the presence at its capital of any foreign diplomatic representative who had engaged in any movement or performed any act in derogation of its authority or calculated to disturb or destroy its administration—

And I want to say right here that if there is a solitary sentence or sentiment embodied in these resolutions to which the gentleman from Kentucky, the distinguished chairman of the committee, or any gentleman on the other side of the House, takes any exception, as a proper expression of American doctrine, I want him to call my attention to it as I proceed—

and

Whereas the Government of the United States has repeatedly refused to entertain foreign diplomatic representatives who have even in the slightest degree seemed to be interfering in our domestic affairs or acting in a manner prejudicial to the dignity and interests of this Government; and

Whereas it has been the time-honored principle and policy of the United States to extend to all other governments, whether humble or great, the same honorable dealing and good faith that we demand for ourselves as a nation; and

Whereas no civilized government can be expected to regard with favor a diplomatic representative of another nation who has engaged in secret conference with its enemies and who has openly and formally demanded of said government that it surrender its authority to said enemies; and

Whereas the extraordinary and most praiseworthy forbearance of the Government of the Hawaiian Islands, in relation to the active and aggressive efforts of the present United States minister to secure its overthrow, strongly attests the desire of that Government to preserve the most amicable relations with the people of the United States in the face of continued and unparalleled provocation; and

Whereas the people of the United States have peculiar interests in the good government of the Hawaiian Islands, and have for more than half a century asserted the priority of American influence therein, based on the ties of kinship with those who have built up there a Christian civilization, and upon our important commercial and geographical relations with those islands: Therefore

Resolved, That it is the sense of this House that the most sacred obligations of good faith, the highest mutual interests of the United States and the friendly government of Hawaii, the plainest dictates of international comity, and the imperative duty of avoiding further risk of complicity in the incitement of disorder and possible bloodshed in Hawaii require that the present United States minister to the Provisional Government of the Hawaiian Islands be immediately recalled and superseded by the appointment of another minister who will be unhampered by the lamentable incidents of the recent past, and who will be able and willing to represent—

And here I quoted in the resolution the language of Mr. Willis's credentials from President Cleveland to President Dole—

the "sincere desire" of the people of the United States "to cultivate to the fullest extent the friendship which has so long subsisted between us," and to "constantly endeavor to advance the interest and prosperity of both Governments."

Now, sir, I ask the chairman of the Committtee on Foreign Affairs what action has been taken in regard to that resolution? Has your committee [addressing Mr. McCREARY of Kentucky] authorized the reporting back of that resolution? Have you taken affirmative action upon it?

Mr. McCREARY of Kentucky. I will give the gentleman answer when he gets through.

Mr. BOUTELLE. I would like to know now whether there has been any action taken.

Mr. McCREARY of Kentucky. There has been no report.

Mr. BOUTELLE. I ask the gentleman whether those resolutions have ever been brought to the attention of his committee?

Mr. McCREARY of Kentucky. Mr. Chairman——

Mr. BOUTELLE. Mr. Chairman, I desire to be notified when I am within five minutes of the expiration of my time.

Mr. McCREARY of Kentucky. Mr. Chairman, if the gentleman will give me sufficient time, I will answer him fully.

Mr. BOUTELLE. Mr. Chairman, if the chairman of the Committee on Foreign Affairs is not prepared to answer "yes" or "no" as to whether his committee has acted upon or considered at all a resolution of this urgent character which has been pending before the committee for nearly two months, I am perfectly willing to let him answer in his own time and be as deliberate about it as his committee has been in dealing with the subject.

Mr. McCREARY of Kentucky. The degree of feeling which the gentleman manifests is unworthy of the situation and of himself.

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] has now about four and a half minutes remaining.

Mr. BOUTELLE. I will reserve that time.

Mr. McCREARY of Kentucky. Mr. Chairman, the gentleman from Maine [Mr. BOUTELLE], who has just taken his seat, has manifested a good deal of excitement in regard to Hawaiian matters before to-day in this House. [Laughter.] I always listen to him with interest, and am glad to give him information when he seeks it. It is true that the gentleman from Maine introduced the resolutions which he has just read, and they were referred to the Committee on Foreign Affairs. Immediately after they were delivered to the Committee on Foreign Affairs they were referred by me to a subcommittee, but the gentleman from Maine, with all of his industry, with all of his usual excitement and zeal, has not, as I am informed, appeared before the subcommittee to give any reason why they should report favorably upon the resolutions he presented.

Mr. BOUTELLE. Why, Mr. Chairman, the chairman of the Committee on Foreign Affairs, with his long service here, must know——

Mr. McCREARY of Kentucky. I decline to be interrupted. The gentleman can answer in his own time.

Mr. BOUTELLE. I have only four minutes time remaining. The gentleman has abundant time, and I am in hopes that he will give us some light——

Mr. McCREARY of Kentucky. I decline to be interrupted. I repeat, Mr. Chairman, the gentleman did not appear before the subcommittee. So it is his own fault if his resolutions were not promptly acted upon. If he has anything to submit to the subcommittee in favor of his resolution, to show that we should recall Minister Willis from the Hawaiian Islands, he should come before the subcommittee and make it known. They have been waiting patiently to hear from the distinguished gentleman. The subcommittee had no information that justified them in reporting the resolution in favor of Mr. Willis's recall; and they suppose, I presume, from the indifference the gentleman from Maine has shown with regard to his own resolutions, that he had ceased to take an interest in them.

If the gentlemen on the other side of the House who are in favor of annexation, as many of them have stated, are sincere, why should we break off the relations that now exist between the United States and Hawaii? The minister from Hawaii has been at Washington for years. No, the authorities of Hawaii have never withdrawn their minister from the United States, but seem to desire to maintain amicable relations with us. They seem to desire to keep their minister here, and I believe with

the same spirit of friendship and good feeling that the people of the United States desire to keep our minister there.

There is no reason therefore, Mr. Chairman, for recalling our minister or for repealing the law authorizing him to be paid $7,500 per annum, which would be equivalent to withdrawing him. This movement on the part of the Republicans here indicates their desire to get up more excitement on this question. They have been beaten in the House of Representatives. "See the galled jade wince." These gentlemen are very apt to exhibit temper when they have not argument on their side. If these gentlemen are so well satisfied that the public sentiment of the country indorses their position as they have proclaimed, why are they not willing to trust to that public sentiment? Why is it that on all occasions we have Hawaiian matters brought up here for debate? It is simply because gentlemen on the other side of the House know that their cause is a weak one; they know that it can not be maintained, and they are trying on every occasion to bolster it up.

Now, Mr. Chairman, I desire to ask how much time I have occupied?

The CHAIRMAN. The gentleman has consumed five minutes.

Mr. McCREARY of Kentucky. I yield five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. Mr. Chairman, I hope after the exhibition we have had here on the motion of the honorable gentleman from Iowa [Mr. LACEY], that we shall vote now and that the vote will conform with the opinions expressed with so much emphasis by the honorable gentleman from Illinois [Mr. CANNON] and his colleagues on that side of the House, who say they are opposed to the motion of the gentleman from Iowa. I also understood my honorable friend from New York [Mr. VAN VOORHIS], a member of the committee, to be opposed to the amendment; and to cap the climax of the opposition of the Republican side we find the honorable gentleman from Maine himself [Mr. BOUTELLE], who has just read his resolution, opposing the Lacey amendment. Why can not we vote on it at once?

But it seems to me that the motion is a most singular one coming from the minority, who say that we have now a republican form of government in Hawaii, and yet want to withdraw the accredited minister from this Government, or withhold his salary, which is equivalent. But I never understood my honorable friend from Illinois [Mr. HITT], who is at the head of the minority of the Committee on Foreign Affairs, to be opposed to the proposition or to be in favor of suspending our relations with Hawaii in the manner proposed here by withdrawing our minister at Honolulu, or to be in favor of withdrawing his salary.

It is the first time that the notion has been conveyed anywhere that such was his wish, if he favors the amendment of the gentleman from Iowa [Mr. LACEY]. Why, sir, we have a minister from the Hawaiian Islands here in this country, accredited and received here. We have our minister there; and if the honorable gentleman from Iowa [Mr. LACEY] wanted to perfect his amendment, it seems to me he ought to have included in it the two propositions, that while we withdraw our minister by taking away his support, we should request the Hawaiian Islands to withdraw their minister. Why should we keep up a one-sided relation with this country, in the way which he proposes, by simply striking out the appropriation?

I take it for granted, Mr. Chairman, that there was no serious supposition that this amendment would receive even the support of his colleagues on the other side; and I hope we shall have a vote on it.

Mr. BOUTELLE. Mr. Chairman, it seems hardly necessary to make any reply to the more or less skillful evasions of my distinguished friend, the chairman of the Committee on Foreign Affairs [Mr. McCREARY of Kentucky]. It is a somewhat remarkable proclamation to this House, however, for the chairman of one of its principal committees to inform a member who introduced a resolution of great public importance and had it referred to that committee nearly two months ago, that the introducer of the resolution is responsible for the nonaction of the committee.

The gentleman wants to know why I have not come before the subcommittee. I never learned that a subcommittee had been appointed. I was never informed that any action whatever had been taken or contemplated, and I am informed now that if a subcommittee was appointed to consider that resolution, that subcommittee has never even been called together to consider it. And yet the gentleman arises to arraign me for laches in failing to go before a committee of which nobody ever heard, except the gentleman himself and possibly the members of that subcommittee, a committee which has never held any meetings and never intimated to me at any time, in any way, that I could have a hearing anywhere. The gentleman from Kentucky certainly has no idea, he never entertained the impression for a moment, that if I had been notified in any way that I would be heard in behalf of the resolution, there would have been any failure upon my part to appear; and if I had appeared, I think there would have been no difficulty in presenting adequate arguments in favor of the resolution.

I have kept a somewhat close observance of the expressions of public sentiment upon this subject, Mr. Chairman, and with remarkably few exceptions, I know hardly a representative organ of the great parties in this country that has not repeatedly insisted that Mr. Willis should be recalled, not only in the interest of justice to Hawaii, not only in the interest of and in behalf of the dignity of the people of the United States, but in justice to himself, to relieve him from the melancholy situation in which the Administration had placed him, a situation which his own friends in his own party now recognize and confess to have been one of the deepest humiliation and embarrassment.

Of the gentlemen who have spoken to-day, not one, so far as I have noticed, has failed to make a plea for Mr. Willis, on account of the peculiarly "embarrassing" and "complicated" position in which he has been placed. If that is so, why not relieve him? Why compel him to sit down, in the face of the Provisional Government of Hawaii, to a daily dish of unpalatable crow? Why compel him to do all the swallowing of this miserable policy of hypocrisy and stultification? Why not compel the author of the policy, in the White House, why not compel the Secretary of State, to carry their proper load of the odium? Why do you not yourselves, gentlemen of the majority, who voted for that truckling and evasive resolution a few months ago—why do not some of you assume a part of this humiliation, and not make Mr. Willis a pack horse for the whole lamentable and disgusting load? I wish to ask to what Government is Mr. Willis supposed by the Administration, and by the Democratic majority, and by the Foreign Affairs Committee, to be accredited to day? I ask the chairman of the committee.

Mr. McCREARY of Kentucky. To the *de facto* government.

Mr. BOUTELLE. Ah! That is a revelation! I thank you for that. This is the first time we have got that far. Here is an acknowledgment at last, from the chairman of the Committee on Foreign Affairs, that the Government of Hawaii recognized by John L. Stevens on the 17th of January, 1893, in accordance with international obligation and his duty to his country, is the *de facto* government of Hawaii that he declared it to be. [Applause on the Republican side.]

I think that ought to be far enough for me to press the distinguished chairman to-day, as to the past, and I will leave him to elucidate further what the future policy of this Administration is to be in regard to the Hawaiian Islands.

[Here the hammer fell.]

Mr. McCREARY of Kentucky. Does not the gentleman know all ministers are accredited to the *de facto* governments of the countries to which they go?

Mr. BOUTELLE. I will say to the gentleman in reply to what he puts as an inquiry, that I supposed that Mr. Willis was secretly but officially accredited by President Cleveland and Mr. Gresham to "Her Majesty the Queen!" If I can read the English language he was told to sing a deceitful song of duplicity in the ears of the Provisional Government, but he was "confidentially" instructed to wind up by restoring and recognizing "Her Majesty the Queen!" [Applause on the Republican side.]

Mr. McCREARY of Kentucky. I yield to the gentleman from Illinois [Mr. SPRINGER] two minutes.

Mr. SPRINGER. The gentleman from Maine [Mr. BOUTELLE] knows to what government our minister was accredited. There never has been any dispute about that. From the time Mr. Willis left this country until this time there has been no dispute as to that. The fact, however, still remains unanswered by the gentlemen on the other side of the House that the late Administration favored a treaty of annexation, which required the Government of the United States to pay this deposed Queen $20,000 a year out of the Treasury of the United States, and $150,000 of gratuity to the deposed heir apparent.

Now, if the Government of the United States was to be required to pay this money, for what purpose and on what account was it to be paid? It was to be paid by reason of the fact that the Government of the United States was responsible for the overthrow of the monarchy in that country, and that it was required to pay this amount in order to indemnify the Queen for the deposition brought about by our own minister and by our own forces. If the pension and bounty were not for that purpose their payment would have been the greatest fraud that ever was attempted to be perpetrated upon our Government. In consenting to impose that payment upon us, the late Administration confessed its responsibility for the overthrow of the Government and offered these sums as a just indemnity. The last Administration was responsible for the overthrow of the Queen, and offered to pay her on that account out of the Treas-

ury of the United States $20,000 a year as long as she should live, and offered the heir to the throne $150,000 in one payment. If this was not for an indemnity for the wrong done by our Government, it was an attempt at fraud upon our people, and in either case, deserves unqualified condemnation.

The CHAIRMAN. The question is upon the amendment submitted by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Switzerland and Portugal at $6,500 each, $13,000.

Mr. CANNON of Illinois. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question. I see that——

The CHAIRMAN. What line?

Mr. CANNON of Illinois. In line 6, page 3. I see that this provides a salary of $7,500 for our minister at Portugal. This seems to be an increase of $1,500. I believe the salary as fixed by the Revised Statutes is $6,000. I do not know what great complication may have arisen between us and the Government of Portugal, and whether there is any proposition of annexing or overthrowing that Government. What I want to know is why the increase in the salary of our representative at Lisbon has been made. I do not even know the gentleman, or whether it is on account of his great ability or necessity, or because the United States of America has a great surplus it wants to get rid of. I am satisfied, however, that for some good reason this appropriation is proposed to be made different from what has been made before, because if there was not a good reason the gentleman from Kentucky would not make the proposition. I reserve the remainder of my time, and would be glad to hear the reason therefor.

Mr. McCREARY of Kentucky. The Revised Statutes of the United States, and the act fixing the salaries of diplomatic and consular officers, allows $7,500 to the ministers to Portugal and Switzerland.

Mr. CANNON of Illinois. Is there a provision in the Revised Statutes fixing that?

Mr. McCREARY of Kentucky. Yes, sir.

Mr. CANNON of Illinois. What section?

Mr. McCREARY of Kentucky. Section 1675.

Mr. CANNON of Illinois. What is the date of its enactment?

Mr. McCREARY of Kentucky. Eighteen hundred and seventy-four.

Mr. CANNON of Illinois. Eighteen hundred and seventy-four. Well, have there not been reductions since that time?

Mr. McCREARY of Kentucky. There have been in appropriation bills, but the general law fixes the salary at $7,500.

Mr. CANNON of Illinois. As I understand, if the gentleman will allow me, in the earlier and economical and better days of the Democratic party, in the last twenty years, when the gentleman from Indiana [Mr. HOLMAN] was at the helm, the law was changed by a provision upon an appropriation bill cutting this salary down to $6,000, and that it has been that way ever since 1875, and that upon this cut, being like unto some seventy or eighty other cuts throughout the whole United States service, the Democracy went to the country and won a great victory. Now, I just wanted to know what is the condition that justifies this increase? I do not seem to get any answer. I fear it is wicked extravagance.

The CHAIRMAN. Without objection the pro forma amendment will be considered as withdrawn.

Mr. STOCKDALE. I coincide with the statement of the gentleman from Illinois, and desire to hear that explanation myself. To secure that I make the point of order upon it.

The CHAIRMAN. The gentleman will state his point of order.

Mr. STOCKDALE. That it increases expenditures on an appropriation bill. But I will withdraw the point of order, and move to reduce it to $5,000.

Mr. DINSMORE. The gentleman has asked for an explanation. I can state with reference to the salary of the minister to Portugal that he was formerly minister resident and consul-general, and as such received consular fees. The post, however, was raised to that of envoy extraordinary and minister plenipotentiary, and in consideration of that and of the loss of his fees as consul-general we thought it was proper to increase the salary to $6,500, because the absolute necessities of the post require more than $5,000.

Mr. DINGLEY. But did he receive double compensation, in violation of the statute which prohibits that?

Mr. DINSMORE. The statute, as I understand it, does not prohibit that. Where a man is minister resident and consul-general he is entitled to receive the consular fees.

Mr. DINGLEY. The unofficial consular fees.

Mr. DINSMORE. Yes; the unofficial consular fees; and in that way the compensation of this post was increased.

Mr. REED. I am so glad that habit of not giving an explanation is not spreading to the floor. [Laughter.]

Mr. DINSMORE. I hope the gentleman will not insist upon the point of order on this provision.

The CHAIRMAN. The point of order being withdrawn——

Mr. DINGLEY. Let the point of order still remain, Mr. Chairman.

The CHAIRMAN. The Chair understood the gentleman from Mississippi [Mr. STOCKDALE] to say that he withdrew the point of order.

Mr. DINGLEY. I wish to reserve the point of order until I hear some further explanation.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. DINGLEY. I do not know, Mr. Chairman, that I desire to make any point upon this appropriation. I do not know that it is a change of existing law, but I would like to hear some further statement of fact. If it is a change of the existing law, I desire to make the point of order.

Mr. McCREARY of Kentucky. The Revised Statutes of the United States authorize a salary of $7,500 for the minister to Switzerland and the minister to Portugal each. It is true that for some years past in the appropriation bills that amount has not been appropriated, but it is known to this House that the mission to Switzerland and the mission to Portugal have grown materially in importance of late years, and if we send a minister to Switzerland, and I think we should, and if we send a minister to Portugal, it is believed by the Committee on Foreign Affairs that those ministers ought to receive each a salary of not less than $6,500.

Mr. OUTHWAITE. What was the amount appropriated in the last appropriation bill?

Mr. McCREARY of Kentucky. Five thousand dollars.

Mr. OUTHWAITE. Then I hope the point of order will be sustained.

Mr. McCREARY of Kentucky. But the statute authorizes a salary of $7,500, and it has been already stated by the gentleman from Arkansas [Mr. DINSMORE] that the rank of the mission has been raised to that of envoy extraordinary and minister plenipotentiary.

The CHAIRMAN. The gentleman from Maine [Mr. DINGLEY] reserved the point of order, but the Chair understands the gentleman from Ohio [Mr. OUTHWAITE] now to make the point.

Mr. DINGLEY. I withdraw the point so far as I am concerned. Let the question come on the merits of the appropriation.

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] makes the point of order. The Chair will be glad to hear the gentleman from Kentucky on the point. Or does the gentleman from Ohio himself desire to be heard on the point of order?

Mr. OUTHWAITE. It has always been held, Mr. Chairman, that where a salary has been reduced in an appropriation bill and the amount has been accepted as payment of the salary in full and has been fixed as the amount of the salary in the appropriation bill, that is the existing law; and if this salary was fixed at $5,000 in the last appropriation bill, that is the existing law at this time.

The CHAIRMAN. The Chair would like to hear from the gentleman on this point. It has been claimed that the appropriation bill is the existing law only for the fiscal year to which it applies.

Mr. OUTHWAITE. Well, I think that would make it the existing law at this time.

Mr. McCREARY of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] has the floor.

Mr. OUTHWAITE. I yield to the gentleman from Kentucky.

Mr. McCREARY of Kentucky. I desire to call the attention of the gentleman from Ohio to this point. In the Revised Statutes of the United States there is provision for $7,500 as the salaries of our minister to Portugal and our minister to Switzerland.

Mr. OUTHWAITE. When was the salary reduced, and what were the terms of the law under which it was reduced?

Mr. McCREARY of Kentucky. I call the attention of the Chair to subdivision 2 of Rule XXI, which provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except, etc.

Now, the existing law is the statute to which I have referred, contained in the Revised Statutes of the United States. It is true that Congress has appropriated $5,000 from time to time as the salary of this office, but the existing law, which is found in the Revised Statutes of the United States, provides for $7,000, and this appropriation does not increase or exceed that amount, being only $6,500.

Mr. OUTHWAITE. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn; and the gentleman from Illinois, as the Chair understands, withdraws the pro forma amendment.

Mr. DINGLEY. Mr. Chairman, before we pass from this question, now that it is before us on the merits, I would like to inquire of the gentleman from Kentucky, who has charge of this bill, whether $6,500 as compensation of the minister to Portugal, is really an increase over and above the amount given in previous years?

Mr. MCCREARY of Kentucky. I stated that this is an increase over the appropriation of last year.

Mr. DINGLEY. Is it an increase of the compensation? It has been stated that this minister has received some unofficial fees which have really made his compensation $6,500 or more.

Mr. MCCREARY of Kentucky. The gentleman from Arkansas [Mr. DINSMORE] can explain that matter.

Mr. DINSMORE. That is my information. I understand that a number of consular agents have divided their fees with this minister so that his compensation has really amounted to about that sum.

Mr. DINGLEY. You have not any definite official information on the subject?

Mr. DINSMORE. I can not state the exact amount; but I have ascertained that his compensation has amounted to about that sum.

Mr. DINGLEY. Are we to understand that we are proposing to increase the compensation of the minister to Portugal to the extent of $1,500 on this appropriation bill? Is that the situation?

Mr. DINSMORE. Not the compensation—the salary. He does not now receive any fees; formerly he did.

Mr. DINGLEY. How does it happen that he obtained fees before which have now been cut off?

Mr. DINSMORE. He was minister resident and consul-general; and as consul-general there was a division of fees between him and consular agents under him. Now that he is elevated to the rank of envoy extraordinary and minister plenipotentiary, he gets no consular fees whatever.

Mr. MCCREARY of Kentucky. I have in my hand an appropriation bill passed in 1892, which refers to this officer as minister resident and consul-general in Portugal.

Mr. CANNON of Illinois. I move to amend by striking out, in line 5, the words "and Portugal" and inserting after the word "dollars," in line 6, the words "and minister resident and consul-general to Portugal, $5,000."

I hold in my hand a Senate document bearing date January 23, 1893, giving official and unofficial fees of consuls, consul-general, etc. I find that the official fees at Lisbon amounted, according to this report, to $1,470.50. Of those official fees the consul or consul-general never received one dollar, because under a law passed many years ago those fees go into the Treasury. I find that the unofficial fees at the same place amounted to $82.65. So that I am satisfied—I say it with all respect—that the information which the gentleman from Arkansas [Mr. DINSMORE] has obtained from the State Department must be erroneous. The amount which this man is deprived of by being denied participation in the consular fees is $82.65.

Now, I am willing to put this provision back into its former shape, so that this officer shall be minister resident and consul-general, as he was last year and as he has been ever since he was "economized" into that position twenty years ago, under the lead of the gentleman from Indiana [Mr. HOLMAN]. But I am not willing to increase this salary $1,500. I have no objection to paying an increased salary if gentlemen think the office is worth it; but I want the matter put on the true ground. If the gentleman from Kentucky in charge of this bill is satisfied from his great knowledge of the public service that the dignity and well-being of the United States require an increase of the salary of our minister to Portugal by the addition of $1,500, let him rise in his place and say so. Let it be understood that such is the reason. If that reason be stated I will not oppose the proposition. But if this increase is to be proposed without any good reason—merely because the gentleman's party is in power and we are out—I wish to know it.

In other words, I do not want the salaries increased under a misapprehension, and I would like to have some explanation made of it.

Mr. DINSMORE. Will the gentleman yield for a moment?

Mr. CANNON of Illinois. Certainly.

Mr. DINSMORE. I think the gentleman from Illinois is under a misapprehension. He states the amount of unofficial fees received as a part of the salary of this official. As I understand it, and my information is, he not only received that amount from these unofficial fees, but as a consul-general was entitled to a division of the fees of the consular agents under him, which fees aggregated approximately $1,500 in Portugal.

Mr. CANNON of Illinois. What does the gentleman from Illinois say to that?

Mr. HITT. He could not under the law get more than $1,000 anywhere in the world.

Mr. DINSMORE. My information was that it amounted to about $1,500, including the unofficial fees to which the gentleman from Illinois has referred. I may be mistaken as to the amount. I should regret to make a misstatement.

Mr. CANNON of Illinois. That disposes of that subject.

Now, the gentleman from Illinois [Mr. HITT] says that he could not under any provision of law get more than $1,000.

Mr. HITT. By agencies, I mean.

Mr. CANNON of Illinois. And at Lisbon, as shown by this statement, the unofficial fees were only $82.65. Now, I am willing, if you believe this ought to be done, that you should do it; but I want you to have the courage to march right up to it and do it in a proper way.

[Here the hammer fell.]

Mr. MCCREARY of Kentucky. Mr. Chairman, the Committee on Foreign Affairs carefully examined the question of the salaries of the various ministers to other countries, and concluded to put into the bill an increase of last year's salaries for the ministers to Switzerland and Portugal. The general law already authorizes $7,500 each for these. The committee, however, was unwilling to raise the salaries to that sum, but as certain fees had been taken away from the minister to Portugal, after the Committee on Foreign Affairs carefully investigated the importance of the missions to these countries, we unanimously agreed to fix the salary of the ministers at Switzerland and Portugal at $6,500 each.

As far back as 1874 the salaries in these countries were fixed at $7,500. If we have ministers abroad, we must at least furnish them with money sufficient to pay the necessary and ordinary expenses; and the committee, after a thorough consideration, did increase the salaries of the ministers to these countries $1,500 each. These are the only increases over last year's appropriation for ministers that we have recommended in the pending bill.

Mr. DINGLEY. Mr. Chairman, I move to strike out the last word. It seems to be settled that this is an increase of salary of $1,500 in each of these cases to these officials.

Mr. CANNON of Illinois. That is, the ministers to Switzerland and Portugal.

Mr. DINGLEY. Yes. Now, I do not object so much to the increase, but I do object to excuses being given for the purpose of concealing the increase. Let it be stated openly that it is an increase.

Mr. MCCREARY of Kentucky. I so stated.

Mr. BURROWS. In both cases, Switzerland and Portugal.

Mr. CANNON of Illinois. Mr. Chairman, I desire to modify my amendment, and am willing then that a vote shall be taken. I withdraw the former amendment, and now move to strike out the words "six thousand five hundred," in line 5, on page 3, and insert the words "five thousand;" and, in line 6, strike out "thirteen" and insert "ten."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SALARIES OF DIPLOMATIC AND CONSULAR OFFICERS WHILE RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions, and in making transits to and from their posts, and while awaiting recognition and authority to act, in pursuance of the provisions of section 1749 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1895, is hereby appropriated.

Mr. CANNON of Illinois. I move to strike out the last word for the purpose of asking the gentleman from Kentucky what his estimate is as to the expenditure that would be made under this indefinite appropriation. This is to pay the salaries of ministers, consuls, and other officials of the diplomatic service while making their way leisurely to their posts of duty. What amount is covered by the item?

Mr. MCCREARY of Kentucky. This provision to which the gentleman from Illinois refers is the same provision that has been adopted in appropriation bills for many years past.

Mr. CANNON of Illinois. That was not the question. It is, what is your estimate as to the amount which will be expended under this indefinite appropriation for the coming fiscal year?

Mr. MCCREARY of Kentucky. There is no estimate fur-

nished in the Book of Estimates, but I will obtain the information he desires in a few moments. It is in the Fifth Auditor's report.

Mr. CANNON of Illinois. Then the gentleman can not say whether it will be $3,000,000 or a million and a half dollars?

I want to ask the gentleman what was expended this year for this purpose?

Mr. McCREARY of Kentucky. There is a statute—section 1740 of the Revised Statutes—which authorizes this appropriation.

Mr. CANNON of Illinois. Well, I know that thoroughly; but does the gentleman know how much has been expended of this permanent appropriation this year?

Mr. McCREARY of Kentucky. I can say to the gentleman from Illinois [Mr. SPRINGER] that this does not increase the amount that will go to pay our minister. It is to pay the salaries of ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions, and in making transits to and from their posts, and while awaiting recognition and authority to act, in pursuance of the provisions of section 1740 of the Revised Statutes. So much as may be necessary for the fiscal year ending June 30, 1895, is hereby appropriated.

It is known, I suppose, by the gentleman from Illinois [Mr. CANNON] that almost all ministers and consuls who are appointed have to wait awhile, usually, I believe, not exceeding thirty days, to receive their instructions.

Mr. CANNON of Illinois. Yes, I understand; and therefore, as the gentleman can not state what the amount is, I move to strike out, commencing with the word "so," in line 2, down to the end of line 4, and insert the words "one hundred thousand dollars."

Mr. McCREARY of Kentucky. If the gentleman will allow me, I will suggest to him that it does not cost that much. I have before me the last annual report of the Fifth Auditor. Last year the amount paid for salaries of diplomatic officers while receiving instructions under the section I have referred to was $52,572, and the salaries paid to consuls while receiving instructions and in transit was $28,000; so that it will not be more than $80,000, probably.

Mr. HITT. That amount is unusually large, Mr. Chairman, because during the last year a large part of the force, both diplomatic and consular, has been changed, and the men have been sent and kept waiting.

Mr. McCREARY of Kentucky. It will not be so large this year.

Mr. CANNON of Illinois. How much does the gentleman think it will cost?

Mr. HITT. I think the service has been so thoroughly cleaned out by Mr. Quincy in the consular department, and by the President and Secretary of State in the diplomatic branch, that there will be only a fraction of the $70,000 needed for any changes in the coming year.

Mr. CANNON of Illinois. Will $50,000 be enough?

Mr. HITT. Fifty thousand dollars will probably be more than ample.

Mr. CANNON of Illinois. I move to make it $40,000; striking out the lines indicated, and inserting $40,000.

The CHAIRMAN. Let the Clerk report the amendment.

The Clerk read as follows:

On page 4, line 2, after the word "statute" strike out the following language: "So much as may be necessary for the fiscal year ending June 30, 1895, is hereby appropriated," and insert in lieu thereof the words "forty thousand dollars."

Mr. McCREARY of Kentucky. Mr. Chairman, this paragraph of the bill provides for the payment of salaries of diplomatic and consular officers while receiving instructions and in transit. It does not apply to anything else. The expenses have necessarily been heavier during the past year because of many changes in our diplomatic and consular service. It has been the law so long that I know of no reason why the amendment offered by the gentleman from Illinois [Mr. CANNON] should be agreed to. The whole amount paid out last year was only about $80,000. I do not believe it will be that much, or near that, next year, but I do not think it will be safe or proper for this House to adopt an amendment fixing the sum at $40,000.

Mr. CANNON of Illinois. Make it $60,000, then.

Mr. HITT. The gentleman from Kentucky [Mr. McCREARY] is right. The sum which he has named covers the expenditure for that purpose during the year that ended last June. A very large expenditure, because of the change of Administration, came after the 1st of July; so that it is probable that if we had the returns for the year following they would be very much larger.

Mr. CANNON of Illinois. I will modify my amendment by making it $80,000

Mr. SAYERS. Will the gentleman from Illinois allow me a question?

Mr. HITT. Yes.

Mr. SAYERS. When the gentleman from Illinois [Mr. HITT] had this bill in charge during the Fifty-first Congress did he make this item a definite or indefinite appropriation?

Mr. HITT. It was in the same words in which it is set forth in this bill.

Mr. SAYERS. An indefinite appropriation?

Mr. HITT. Yes.

Mr. SAYERS. Now, why does the gentleman from Illinois insist that it should be a definite appropriation at this time?

Mr. HITT. My colleague, I suppose, voices the sentiment of the House——

Mr. SAYERS. I ask the gentleman from Illinois that question. Does the gentleman favor it?

Mr. HITT. My colleague is, I think, voicing the sentiment of the House——

Mr. SAYERS. I ask the gentleman from Illinois if he favors changing from a definite to an indefinite appropriation?

Mr. HITT. Well, if you want my opinion personally, I would say that I think it is wise to specify wherever you can, as I have seen the gentleman from Texas do in appropriation bills; but I do know also that the law is so framed now, and the authority of the Department is so strictly limited, that there can not be any fraud. Yet it would be a satisfaction to have it made definite.

Mr. SAYERS. Why did not the gentlemen do that, then, in the Fifty-first Congress?

Mr. HITT. We did not care to make the innovation, because we were not then so vigilantly watchful or such professors of frugality as the gentlemen on the other side have since taught us to be. [Laughter.]

Mr. McCREARY of Kentucky. Mr. Chairman, the clause in the bill is drawn in accordance with the statute. I have here section 1740 of the general law, which I will have read if anyone desires to hear it. If not, I will ask for a vote.

Mr. STOCKDALE. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from Illinois.

The amendment was read, as follows:

Amend by striking out "so much as may be necessary" and inserting "sixty thousand dollars, or so much thereof as may be necessary."

Mr. CANNON of Illinois. I accept that amendment.

Mr. McCREARY of Kentucky. Mr. Chairman, I make the point of order against that amendment, and I ask to have the statute read.

Mr. STOCKDALE. Mr. Chairman, I desire to say at this time that I do not apprehend any mismanagement or any misappropriation of this fund. It is not a large fund——

The CHAIRMAN (interposing). The gentleman from Mississippi will please suspend for a moment. The gentleman from Kentucky [Mr. McCREARY] makes the point of order against the amendment offered by the gentleman from Mississippi, and, in support of his point of order sends to the Clerk's desk the statute to be read.

Mr. STOCKDALE. My recollection is that the gentleman did not make the point of order until I was recognized and speaking, and then it was too late.

The CHAIRMAN. He was entitled to make it immediately on the presentation of the amendment. Indeed, strictly under the rule, that was the only time he could make it. The Clerk will report the statute.

Mr. STOCKDALE. The gentleman asked to have the amendment again reported. If he did not hear it the first time that was not my fault.

The CHAIRMAN. He asked to have the amendment read again, and the Clerk again reported it, but the gentleman from Kentucky made the point of order against the amendment of the gentleman from Mississippi, and in support of the point of order sent the statute to the Clerk's desk to be read. The Clerk will read.

The Clerk proceeded to read the statute, as follows:

Sec. 1740. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation or consulate, or consul general, consul, or commercial agent, mentioned in Schedules B and C, shall be entitled to compensation for his services, except from the time when he reaches his post and enters upon his official duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions, not to exceed 30 days, and in making the direct transit between the place of his residence when appointed, and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned. And no person shall be deemed to hold any such office after his successor is appointed and actually enters upon the duties of his office at his post of duty, nor after his official residence at such post has terminated, if not so relieved. But no such allowance or payment shall be made to any consul-general, consul, or commercial agent, not embraced in Schedules B and C, or to any vice-consul, vice-commercial agent,

deputy consul, or consular agent, for the time so occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer as is referred to in this section be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he has resigned or been recalled therefrom for any malfeasance in his office.

Mr. MCCREARY of Kentucky. The amendment offered by the gentleman from Mississippi changes existing law; and I make the point of order that it is not in order.

The CHAIRMAN. The Chair will hear the gentleman from Mississippi upon the point of order.

Mr. STOCKDALE. As I understand the point of order, Mr. Chairman, it simply means that, when a statute authorizes an indefinite appropriation, the House is without power to make it different. I want to know if that is the position of the gentleman from Kentucky?

The CHAIRMAN. The gentleman from Kentucky will please give his attention to the gentleman from Mississippi.

Mr. STOCKDALE. As I understand the gist of the point of order is, that because this statute, 1740 of the Revised Statutes, authorizes an indefinite appropriation, the House is without power to make it different. Is that right?

Mr. MCCREARY of Kentucky. My point of order is that it changes existing law.

Mr. DINGLEY. It does not change existing law.

Mr. STOCKDALE. Even if it did, it would be as easy to make a declaration before the House that you have no right to detract from the Scripture, and apply it to this proposition with the same force. And it seems to me there is no authority by the statute to make an appropriation for these incidental expenses of a greater amount than may be necessary. You must first ascertain how much is necessary. Will the gentleman from Kentucky or from anywhere else maintain that the statute turns the Treasury loose to any officer that may want to expend the money?

The CHAIRMAN. The Chair is ready to decide the point of order. The Chair overrules the point of order. Now, the Chair is ready to hear the gentleman from Mississippi on his amendment.

Mr. STOCKDALE. Then I have very little to say, Mr. Chairman. And I only want to emphasize the fact, as I was saying before, that while I would not authorize the expenditure beyond what is necessary in this item, I believe that this system of legislation, that system of appropriation, has worked injury to the Treasury of the United States. I say there is no reason, no matter what the course and practice may have been before, or by antecedent Congresses, and in my judgment there is no excuse for the Congress of the United States, which is charged with the appropriation of the money of the United States, in authorizing any officer, however great or small, to expend such a sum as he may please in any part of the discharge of his duty. I believe further, without having time enough to go into the facts, that these ministers and consuls abroad have been paid and supported at times when they were preparing to go away, when they ought to have been at home, or ought to have been paying their own expenses. Therefore I am in favor of the amendment of the gentleman from Illinois with this amendment, which would make it so that we could know what we were paying.

Mr. CANNON of Illinois. I will accept the gentleman's amendment making it $6,000.

Mr. DINSMORE. Mr. Chairman, it appears to me that the gentleman from Mississippi has been arguing this amendment under a misapprehension of the facts. The statement which he made at the conclusion of his remarks, and I had not the honor and good fortune to hear all that he said upon the subject, indicates an opinion in his mind that the Government of the United States pays some specific sum, stated by him, as the cost of transit of the minister to his post; and he further said that he is also paid money when he is here at home. Now, the law does not provide that a minister or a consul going abroad receive any specific sum whatever, but he is allowed what is called a "transit allowance," which is nothing more nor less than the amount of his salary from the time he starts until he reaches his post. That is all there is in it. He is paid his salary according to the rate allowed to him.

Mr. HITT. But he is paid that salary at the same time his predecessor is paid a corresponding salary, so that it makes a double salary taken out of the Treasury.

Mr. DINSMORE. I understand that the salary is paid where one is coming in and the other is going out.

Mr. HITT. They overlap.

Mr. DINSMORE. Nevertheless, such has been the policy heretofore pursued. This Government provides no allowance whatever for outfit, as is done in other countries; but it does allow the minister going abroad his salary from the time he leaves his home until he returns to it; and the regulations specify the number of days he is allowed to travel in going out and coming back, and he can not draw pay for a greater time. The amount given depends entirely upon the post he is accredited to and the distance which must be traveled. Now, then, he is allowed no more under the law than I have stated; and nobody knows better than the distinguished gentleman from Illinois, who has served so long as chairman of the Committee on Foreign Affairs, that the ministers in the foreign service are not paid exorbitant salaries.

In a great many instances the salaries are insufficient to pay the expenses of these officers; as was the case, for instance, with the salary which was increased by the committee and which has already been passed upon by the Committee of the Whole to-day. In that case the minister paid out for living expenses the whole amount of his salary, $5,000. He wrote to me (and I know him to be a reliable gentleman) that his living expenses for himself and family at a hotel were $400 a month, consuming practically the whole of his salary. He is a man of limited means, and could not set up an establishment for himself. Thus, in many cases the salary is insufficient to pay the expenses of these officers. In proposing this allowance for the expenses of the minister while en route to his post of duty, we are doing nothing more than has been considered fair in the past, and nothing more than has always been done hitherto by our Government, which has been more economical than foreign governments, which, besides these traveling expenses, have allowed an outfit.

The CHAIRMAN. Debate is exhausted.

Mr. STOCKDALE. I move to amend by striking out the last word. The gentleman from Arkansas [Mr. DINSMORE] misapprehends the position that I took. I was not saying that these expenses should not be allowed, but that I wanted to know how much they are.

Mr. DINSMORE. You do know that, under the law.

Mr. STOCKDALE. Yes; after the thing is done.

Mr. DINSMORE. You know before.

Mr. STOCKDALE. No, that is just what I want to know now; and this bill does not inform me.

Mr. DINSMORE. The law provides what the salary shall be, and it can not be any more or any less.

Mr. STOCKDALE. I understand what salary the law provides. But if we appropriate money for the expenses of these ministers while they are nursing themselves to get ready to start to their posts of official duty, we want to know how much it is going to cost. We do not want anybody to dip into the Treasury without let or hindrance if we are going to be a party of economy and reform.

Gentlemen say we are to make this allowance because it has been done heretofore. In the name of Heaven, are we never to do anything that has not been done heretofore? Must we go on forever in the old beaten track and spend money in certain directions because our ancestors expended it in that way? If we are to have no "reform," what would become of the Republican party? The only thing that keeps them alive is their claim to be a party of "reform." And as reference has been made to Mr. Gresham I will say that they reformed him so thoroughly that he had to leave their party and seek a better one.

It is said that one of our ministers was obliged to spend $400 in order to keep his family at a hotel. Well, I can find gentlemen of this House who are paying $400 in order to board with their families at a hotel; and it might be argued that we must give all members such a salary as will enable them to live at hotels as expensively as the rich members of the House do. Sir, there is no argument in that. We are not a Government of show, and tinsel and display. The greatest epoch in the history of this country in respect to matters of that kind was the day when James Buchanan shuffled off the court dress of England and walked down the aisle in the dress of a plain American citizen. We do not want to send our ministers abroad to display gewgaws upon their persons and to spend large sums of money at elegant hotels. If they live repectably that is enough.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted. The question is upon the amendment of the gentleman from Illinois [Mr. CANNON] as modified upon the suggestion of the gentleman from Mississippi [Mr. STOCKDALE].

The question being taken, there were—ayes 50, noes 63.

Mr. CANNON of Illinois. No quorum has voted. I think we had better have tellers.

The CHAIRMAN. The gentleman from Illinois calls for tellers.

Mr. CANNON of Illinois. No, sir; I make the point of no quorum, which will necessitate our having tellers.

Tellers were ordered; and Mr. MCCREARY of Kentucky and Mr. CANNON of Illinois were appointed.

Mr. BYNUM. Mr. Chairman, does the gentleman from Illi-

nois [Mr. CANNON] make the point that there is no quorum present?

The CHAIRMAN. The gentleman made the point that no quorum had voted.

The committee again divided; and the tellers reported—ayes 64, noes 102.

Mr. CANNON of Illinois. I withdraw the point of no quorum.

So the amendment as modified was rejected.

The Clerk read as follows:

Secretaries of legations to China, Japan, and Mexico, at $2,625 each, $7,875.

Mr. CANNON of Illinois. Mr. Chairman, I move to strike out the last word. I wish to inquire the reason for this increase of the salary of the secretary of legation at Mexico.

Mr. McCREARY of Kentucky. The mission to Mexico is now and has been for several years past a first-class mission; but the salary of the secretary of legation has not been changed. It remains at $1,800, the amount fixed when the mission was second class. It was believed by the Committee on Foreign Affairs that this salary should be placed on a par with that paid to other secretaries of legation where the amount drawn by the minister is $17,500. This was done not only that the salary might be uniform with the salaries of other secretaries of similar grades, but because the actual duties of the office entitle the secretary of legation to this small increase.

The duties of this official in Mexico have increased and are very exacting, and the volume of work is as great if not greater than anywhere else. The Department several times has asked this increase. It asked it when the present bill was being prepared by the committee, and after careful consideration the committee believed, as the mission to Mexico was made a first-class mission, that the secretary should be allowed the same salary as secretaries receive at Paris, London, Berlin, and St. Petersburg.

Mr. COOMBS. And I will add as a further reason, with the permission of the Chair, that the expense of living in Mexico has been much increased within the last few years.

Mr. CANNON of Illinois. Now let us see about the soundness of the reasons suggested for this increase. It is true that four years ago, when the Hon. Thomas Ryan, who had seen fourteen to sixteen years' service in this House, was appointed minister to Mexico, it was made a first-class mission, and the salary was increased from $12,000 to $17,500 in gold. It has been retained at that figure ever since.

The increase was made a little bit from a personal standpoint, I think, because Mr. Ryan was one of the best equipped men in the Government for that service; but it was made also from another standpoint, namely, that our relations with Mexico were growing more and more important every year, and we were just on the eve of that legislation which was, under the leadership of Mr. Blaine, to establish reciprocity on this continent. We had already commenced to arrange for the Pan-American Congress, and, reaching out from the standpoint of strengthening our influence on this continent, Congress thought it well to increase the salary.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON of Illinois. Well, I should like to have a few minutes longer.

The CHAIRMAN. Without objection, the gentleman will be permitted to proceed for five minutes longer.

There was no objection.

Mr. CANNON of Illinois. The reasons having passed by for the increase of the salary, and the place being filled now by a mere politician, and the Democracy being in power, and they have already got the ax sharpened to cut reciprocity up by the roots——

Mr. TRACEY. Dig it up.

Mr. CANNON of Illinois. Yes; as the gentleman from New York says, dig it up by the roots. And the reason having ceased for the increase of the salary, I would cheerfully vote to decrease it and put it back to where it was—$12,000.

But, instead of doing that, and when there is no reason for making the other change suggested, why, we find the committee increasing the salary of the secretary of legation from $1,800 to $2,600 a year. It remained at $1,800 for the last four years. Now, the reason being gone and the Democracy also in power, for the sake of paying this salary out of a bankrupt Treasury, borrowing money at 5 per cent to pay the daily expenses of the Government, instead of reducing the salary of the minister from $17,500 to what it was, we find this bill proposing an increase of that of the secretary of legation to the amount named here. I tell you that you are not going to do it unless you vote to do it, and if you want to do it you have got to let the country understand it.

I am for paying salaries, and fair salaries, where they are needed and where the man is serving the Government; but when you go back upon every principle that would enable our people, either commercially or industrially to dominate this continent, now or in the future, I am not willing, by my consent at least, to see these salaries increased, when those who draw them can not do any service of value to the Government.

The CHAIRMAN. The Chair will assume the pro forma amendment to be withdrawn, and the Clerk will read.

The Clerk proceeded to read the bill.

Mr. CANNON of Illinois. Mr. Chairman, I will now make the formal amendment. I have made the informal one, and talked about ten minutes. I will make a formal amendment now to strike out in line 11 the words "and Mexico."

The CHAIRMAN. The Chair would suggest to the gentleman from Illinois that this paragraph has already been passed over.

Mr. CANNON of Illinois. I did not so understand it. I was discussing it, Mr. Chairman.

The CHAIRMAN. The gentleman was discussing a motion to strike out the last word, being the word "dollars," in lines 14 and 15.

Mr. CANNON of Illinois. I think that paragraph all goes together. And I have this marked on my bill here for the purpose of making the motion.

Mr. HITT. I would remind the Chairman that the gentleman from Illinois was endeavoring to get the attention of the Chair, but the Clerk was reading at great rapidity.

Mr. MOSES. But the gentleman from Illinois had sat down to congratulate himself about his speech, and forgot all about the amendment.

The CHAIRMAN. The Chair will state that when its attention was called to the gentleman from Illinois, who was seeking recognition, the Chair asked the Clerk how far he had proceeded with the reading of the bill, and was informed that he had reached page 4, lines 14 and 15. The Chair so stated to the gentleman from Illinois. The gentleman from Illinois offered a pro forma amendment, and proceeded to discuss the salary of the secretary of legation at Mexico; and the Chair understood, and the committee will understand, that great latitude is indulged in Committee of the Whole in the discussion of such matters. The Chair therefore made no suggestion about it.

Mr. CANNON of Illinois. Well, now, if the Chair holds that I am too late, by one word, to make this motion, namely, because line 14 has been read, and the paragraph that precedes it closes with line 13, if I am to be ruled out on that point, then I want to ask unanimous consent to make this motion to strike out the words "and Mexico," which will leave the salary at $1,800, what the law provides, and what it has always been.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent——

Mr. McCREARY of Kentucky. I must object to that.

Mr. JOHNSON of Indiana. In the name of economy and reform, I hope the gentleman will not do that.

Mr. BURROWS. I hope the gentleman will not do that, and I will suggest to the Chairman that the gentleman from Illinois [Mr. CANNON] said that upon this question, if the majority desired to raise this salary, it could not be done except by a vote.

The CHAIRMAN. The Chair recalls that.

Mr. BURROWS. He intended to offer the amendment, and this is purely an oversight.

Mr. COOMBS. I hope the gentleman from Kentucky will not object to any show of economy on the part of the Republicans, because it is so rare.

Mr. BURROWS. That will be the shortest way out of it.

Mr. McCREARY of Kentucky. Does the gentleman state that he moves to strike out the words "and Mexico"?

Mr. CANNON of Illinois. I intended to make the motion. I offered a pro forma amendment for the purpose of eliciting some information and a reply from the gentleman from Kentucky, and then I intended, when the pro forma amendment was disposed of, to move to strike out the words "and Mexico;" in other words, to test the sense of the committee as to whether that increase of salary, from $1,800 to $2,600, should be allowed.

Mr. McCREARY of Kentucky. And now you are asking a vote on that amendment?

Mr. CANNON of Illinois. Yes.

Mr. McCREARY of Kentucky. I have no objection, if you will vote on it immediately.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to recur to the paragraph relating to secretaries of legation—China, Japan, and Mexico—and move to strike out the words "and Mexico." As many as favor that motion will signify it by saying aye.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. CANNON of Illinois. Division.

The committee divided; and there were—ayes 38, noes 72.

Mr. CANNON of Illinois. No quorum.

The Chairman appointed as tellers Mr. MCCREARY of Kentucky and Mr. CANNON of Illinois.

The committee again divided; and the tellers reported—ayes 37, noes 116.

The CHAIRMAN. No quorum has voted. The point of no quorum having been made, the Chair directs the Clerk to read the rule.

The Clerk read as follows:

Clause 2, Rule XXIII. Whenever a Committee of the Whole House finds itself without a quorum, the Chair shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The CHAIRMAN. In accordance with this rule the Chair directs the Clerk to call the roll.

Mr. CANNON of Illinois. I would submit to the gentleman from Kentucky that he ask unanimous consent to dispense with the calling of the roll.

The CHAIRMAN. That is not in order.

Mr. CANNON of Illinois. I supposed we could do anything by unanimous consent.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott,	Cousins,	Hudson,	Robinson, Pa.
Adams, Ky.	Covert,	Hull,	Rusk,
Adams, Pa.	Crawford,	Johnson, Ohio	Russell, Conn.
Alderson,	Culberson,	Kribbs,	Schermerhorn,
Aldrich,	Curtis, N. Y.	Lisle,	Scranton,
Alexander,	Daniels,	Livingston,	Settle,
Allen,	Davey,	Lockwood,	Shaw,
Apsley,	De Forest,	Loudenslager,	Shell,
Arnold,	Denson,	Marshall,	Sherman,
Avery,	Doolittle,	McAleer,	Sibley,
Babcock,	Draper,	McCall,	Simpson,
Baker, N. H.	Dunphy,	McDannold,	Smith,
Baldwin,	Ellis, Ky.	McEttrick,	Snodgrass,
Bartholdt,	English, N. J.	McKeighan,	Somers,
Belden,	Everett,	McNagny,	Sperry,
Bell, Colo.	Fielder,	Meiklejohn,	Stallings,
Beltzhoover,	Funston,	Mercer,	Stockdale,
Bingham,	Gear,	Meyer,	Storer,
Black, Ill.	Geissenhainer,	Moon,	Strong,
Blair,	Gillet, N. Y.	Morse,	Swanson,
Bower, N. C.	Gillett, Mass.	Murray,	Tarsney,
Bowers, Cal.	Goldzier,	Mutchler,	Tawney,
Brattan,	Goodnight,	Newlands,	Terry,
Breckinridge, Ky	Graham,	Northway,	Thomas,
Brickner,	Grosvenor,	Oates,	Turner, Va.
Brookshire,	Grow,	Outhwaite,	Van Voorhis, N. Y.
Brown,	Haines,	Page,	Van Voorhis, Ohio
Burnes,	Hall, Minn.	Payne,	Wadsworth,
Bynum,	Hall, Mo.	Paynter,	Washington,
Campbell,	Hammond,	Pendleton, W. Va.	Waugh,
Cannon, Cal.	Hare,	Phillips,	Wells,
Capehart,	Harter,	Pigott,	Wheeler, Ill.
Chickering,	Hartman,	Powers,	White,
Childs,	Heiner,	Price,	Wilson, W. Va.
Cockran,	Henderson, Iowa	Quigg,	Wise,
Compton,	Henderson, N. C.	Randall,	Woodard,
Conn,	Holman,	Ray,	Woomer,
Cooper, Ind.	Hooker, N. Y.	Rayner,	Wright, Mass.
Cooper, Wis.	Hopkins, Ill.	Reyburn,	Wright, Pa.
Cornish,	Hopkins, Pa.	Ritchie,	

The roll having been called, the Speaker resumed the chair.

Mr. BAILEY. Mr. Speaker, the Committee of the Whole House on the state of the Union, finding itself without a quorum, as Chairman of the committee, in accordance with the rule, I caused the roll to be called, upon which roll call 194 members responded to their names. I report herewith the names of the absentees.

The SPEAKER. The gentleman from Texas, Chairman of the Committee of the Whole House on the state of the Union, reports that, the Committee finding itself without a quorum, he caused the roll to be called and he now reports the names of the absentees to the House. The names of the absentees will be entered upon the Journal. One hundred and ninety-four gentlemen having answered to their names, the committee will resume its session.

The committee resumed its session.

The CHAIRMAN. Tellers will resume their places.

Mr. CANNON of Illinois. I would suggest to the gentleman from Kentucky that he ask unanimous consent that this clause be passed by until he completes the bill, and that at the completion of the bill we turn back and dispose of the pending amendment.

Mr. MCCREARY of Kentucky. Mr. Chairman, I have no objection to passing by the amendment offered by the gentleman from Illinois, and let it be acted upon when we get through with the bill. Then, let the Clerk read on.

The CHAIRMAN. Without objection that order will be made.

There was no objection, and it was so ordered.

The Clerk read as follows:

Secretary of legation and consul-general to Honolulu, $4,000.

Mr. MCCREARY of Kentucky. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. BAILEY, chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 6108, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GEISSENHAINER, indefinitely, on account of sickness.

To Mr. HUDSON, for this day, on account of sickness.

To Mr. VAN VOORHIS of New York, one week, on account of sickness.

To Mr. COMPTON, this day, on account of sickness.

To Mr. GROSVENOR, indefinitely, on account of sickness in his family.

To Mr. CORNISH, indefinitely, on account of sickness in his family.

FURTHER URGENT DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I call up the conference report on the further urgent deficiency bill.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6556) to provide for further urgent deficiences in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same, with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

"MINTS AND ASSAY OFFICES.

"For wages of workmen and adjusters, to be used in the discretion of the Secretary of the Treasury, $52,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same, with an amendment as follows:

"In lieu of the matter inserted by said amendment insert the following:

"For compensation and mileage of Members of the House of Representatives and Delegates from Territories on account of fiscal years, as follows:

"For 1893, $3,334.

"For 1894, $15,900.

"To pay the clerk to the Speaker's table for services rendered as clerk to the Committee on Rules during the first and second sessions of the Fifty-third Congress, $500;" and the Senate agree to the same.

JOSEPH D. SAYERS,
J. G. CANNON,
Managers on the part of the House.

F. M. COCKRELL,
EUGENE HALE,
Managers on the part of the Senate.

The statement of the House conferees was read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6556) to provide for further urgent deficiencies for the fiscal year 1894, submit the following written statement in explanation of the effect of the action recommended on each of the said amendments in the accompanying conference report, namely:

On amendment numbered 1, appropriates $52,500 for wages of workmen and adjusters at the mints, to be used in the discretion of the Secretary of the Treasury, instead of $16,000, as proposed by the Senate for the Mint at Philadelphia.

On amendment numbered 2, restores the provision proposed by the House authorizing the printing, on or before August 1 next, of 100,000 copies of a Census Abstract.

On amendments numbered 3, 4, 5, 6, 7, 8, and 9, appropriates, as proposed by the Senate, for expenses of United States courts for 1894, as follows:

For fees of witnesses, $200,000;
For fees of United States attorneys, $101,000;
For special compensation of United States attorneys, $10,000;
For regular assistants to United States attorneys, $21,000;
For special assistants to United States attorneys, $40,340;
For fees of clerks, $116,000;
For fees of commissioners, $187,200;
For rent of court rooms, $42,000.

On amendments numbered 10, 11, and 12, appropriates, as proposed by the Senate, for certain expenses of that body, in the aggregate $21,000.

On amendment numbered 13, appropriates $1,200 for compiling the Congressional Directory for the second session of the Fifty-third Congress.

On amendment numbered 14, appropriates $19,234 for compensation and mileage of members of the House of Representatives on account of the fiscal years 1893 and 1894, and $500 to pay the clerk to the Speaker's table for services rendered to the Committee on Rules.

On amendment numbered 15, provides for a laborer in the law library of the Library of Congress at $30 per month, as proposed by the Senate.

On amendment numbered 16, amends, as proposed by the Senate, the act of January 27, 1894, relating to contracts for supplies in the Departments at Washington.

The bill, as agreed upon, appropriates $1,854,304.66.

JOSEPH D. SAYERS,
J. G. CANNON,
Managers on the part of the House.

Mr. SAYERS. Mr. Speaker, it is perhaps proper in connection with this report for me to call the attention of the House to one appropriation to which the conferees on the part of the House have agreed, and that is to the item for the rent of court-houses and for court rooms for the United States courts—$42,000. Of the appropriation of $42,000, over $8,000 is intended to pay the rent during the remainder of the present fiscal year of three floors in a building in the city of Chicago which is now being used by the circuit and district courts. There is a question, and a very serious one, as to the necessity of this rental contract, regarding which there was some important and pointed testimony before the conference committee; but inasmuch as the contract has been made, and it is believed by competent authority, and as according to the terms of the contract the Government will be responsible for the rent of these floors until the 5th day of May, 1895, the conference committee thought that it would not be wise to delay the passage of this bill by the consideration of the question of the propriety of the rental contract at the present time.

It calls for an annual expenditure of about $26,000. We have the assurance, however, from members of the Committee on Appropriations of the Senate, that an opportunity will be afforded, when the sundry civil bill returns to the House, for the consideration of the contract. It was not believed by the conferees of the House that it would be within the power of Congress to repeal the contract before the 5th day of May, 1895; so that the House will have abundant time to inquire into and take action upon it, either when the sundry civil bill returns to the House at the present session or during the next session of this Congress.

With this explanation, if no other information be desired by any member of the House, I will ask for the adoption of the report.

The report of the committee of conference was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. McCREARY of Kentucky. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. RICHARDS, from the Committee on Claims, the bill (S. 1055) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish and others for supplies furnished the Indian service. (Report No. 729.)

Also, the bill (H. R. 2842) to reimburse George C. Tanner, late consul, etc., the sum of $200, paid by him for rent of rooms. (Report No. 730.)

Also, the bill (H. R. 1326) for the relief of Olivia and Ida Walter, children and heirs of Thomas U. Walter, deceased. (Report No. 732.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. RICHARDS, from the Committee on Claims, reported adversely the following bills; which, with the accompanying reports, were ordered to be printed and laid on the table:

A bill (H. R. 1521) for the relief of R. W. Scott. (Report No. 731.)

A bill (H. R. 775) authorizing the appointment of a commissioner and the settlement of the claims of certain citizens of Kansas. (Report No. 734.)

A bill (H. R. 1519) for the relief of Thomas Chambers. (Report No. 733.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HARTMAN: A bill, (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson and State of Montana—to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEIL of Massachusetts: A bill (H. R. 6751) to ratify and confirm an agreement with the Yuma Indians in California for the cession of their surplus lands, and for other purposes—to the Committee on Indian Affairs.

By Mr. DALZELL: A bill (H. R. 6752) granting the use of certain real estate to the city of Pittsburg, Pa., for a public park—to the Committee on Military Affairs.

By Mr. PATTERSON (by request): A bill (H. R. 6753) to amend the acts admitting certain States to representation in Congress, and for other purposes—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: A bill (H. R. 6754) to amend section 15 of an act approving, with amendments, the funding act of Arizona, approved June 25, 1880—to the Committee on the Judiciary.

By Mr. MEREDITH: A bill (H. R. 6755) to regulate Canal street, etc., in the city of Washington—to the Committee on the District of Columbia.

By Mr. BINGHAM: A resolution directing the Secretary of the Treasury to re-examine and certify claim of the Pennsylvania Railroad Company—to the Committee on Appropriations.

By Mr. CUMMINGS: A bill (H. R. 6756) to regulate the sale of goods marked "sterling" or "sterling silver" or "coin" or "coin silver"—to the Committee on the Judiciary."

By Mr. JOHNSON of North Dakota: A resolution to authorize the investigation of the conduct of Judge Sanborn, of the eighth judicial circuit, in ordering certain citizens of Minnesota and North Dakota to appear before him at St. Paul April 27, 1894, in connection with the Great Northern Railway strike now pending—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CALDWELL: A bill (H. R. 6757) to remove the charge of desertion of John Dewitt, of 460 West Ninth street, Cincinnati, Ohio—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 6758) to increase the pension of L. P. Alford—to the Committee on Pensions.

By Mr. GORMAN: A bill (H. R. 6759) granting a pension to Eliza Ann Harrington—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 6760) for the relief of B. F. Dowell—to the Committee on Judiciary.

By Mr. McKAIG: A bill (H. R. 6761) for the relief of Edgar H. Bates for the loss of his minor son, Millard F. Bates, who was killed on or about September 3, 1872—to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 6762) to pension William H. Fry—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6676) for the relief of Peter Puckett; which was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of pastor and trustees of Martini Evangelical Lutheran Church, of Chicago, Ill., protesting against the passage of proposed amendment to the Constitution of the United States acknowledging therein the supreme authority and just government of Almighty God—to the Committee on the Judiciary.

Also, petition of James H. McDonald, M. D., and 291 others, of Chicago, in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By BOWERS of California: Petition of 85 persons of Salinas, Cal., for amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CLARK of Missouri: Remonstrance of citizens of St. Charles County, Mo., against a certain constitutional amendment—to the Committee on the Judiciary.

By Mr. DALZELL: Memorial to Congress submitted by the wool buyers and wool dealers of Ohio and Pennsylvania, against the Wilson bill—to the Committee on Ways and Means.

By Mr. DAVIS: Protests of citizens of Wyoming, Idaho, and Utah, against the passage of House bill 5056, granting right of way and public lands in the Yellowstone Park to a railroad corporation—to the Committee on the Public Lands.

By Mr. GILLETT of Massachusetts: Petition of Walter B. Miller and 43 other residents of Brookfield, Mass., in behalf of the Manderson-Hainer bill—to the Committee on the Post-Office and Post Roads.

By Mr. GORMAN: Petition of the Retail Clerks' Union of

Detroit, favoring the governmental ownership and control of telegraphs—to the Committee on the Post-Office and Post-Roads.

Also, protest of the Evangelical Lutheran St. John's Church of Michigan, against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. HARE: Petition of Edward Orton and others, professors in Ohio State University, for retention of the Coast and Geodetic Survey in the control of the Treasury Department—to the Committee on Appropriations.

By Mr. HENDERSON of Illinois: Protest of A. Wagner, chairman; A. Mueller, secretary, and others of the Evangelical Lutheran school committee of Illinois, against the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. IZLAR: Memorial of the City Council of Charleston, S. C., urging that the recommendation of the United States Light-House Board for an appropriation of $155,000, for the purchase of a site for a supply depot to be constructed at or near one of the dock piers at Charleston, S. C., and for the erection thereon of suitable buildings, be carried out without delay—to the Committee on Appropriations.

By Mr. LIVINGSTON: Papers to accompany bill for the relief of Cephas A. Christian—to the Committee on War Claims.

By Mr. MARTIN of Indiana: Protest of Rev. E. H. Scheips, Conrad Stark, and others, of St. John's Lutheran Church, of Peru, Ind.; of Rev. C. F. W. Huge and others, of St. John's Lutheran Church, of Bingen, Ind., and of Rev. S. Hassold, of Huntington, Ind., against the proposed religious amendment of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McCLEARY of Minnesota: Protest of President Cyrus Northrop and Prof. W. W. Tolwell, C. W. Hall, and N. H. Winchell, of the University of Minnesota, against the bill to abolish the Coast Survey—to the Committee on Appropriations.

By Mr. McLAURIN: Resolutions adopted by the city council of Charleston, S. C., urging the speedy appropriation of $155,000, as recommended by the United States Light-House Board, for the purchase of a site for a supply depot to be constructed at or near one of the dock piers at Charleston, S. C., and for the erection thereon of suitable buildings, be carried out without delay—to the Committee on Appropriations.

By Mr. McNAGNY: Protest of the Evangelical Lutheran Church of the Redeemer, Fort Wayne, Ind., and of St. Paul Evangelical Lutheran Church, Gar Creek, Ind., against the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary

By Mr. MEIKLEJOHN: Protest from the Evangelical Lutheran Church of Martinsburg, Dixon County, Nebr., and 112 communicants, against the proposed amendment to the Constitution—to the Committee on the Judiciary.

By Mr. MERCER: Three petitions remonstrating against the proposed change in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PERKINS: Protest from the Evangelical Lutheran Church at Spirit Lake, Iowa, against a proposed amendment of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PICKLER: Petition of the Woman's Christian Temperance Union of the District of Columbia, representing 1,000 members, favoring the passage of Senate bill 1841, providing for the seating of women employés in shops and stores of the District—to the Committee on the District of Columbia.

By Mr. REYBURN: Petition of citizens of Philadelphia, Pa., in favor of the exemption of loan and building associations from income tax—to the Committee on Ways and Means.

By Mr. RICHARDSON of Michigan: Resolution of the Barbers' Union, Detroit, Mich., in favor of Government control of a telegraph system—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Memorial of Ohio and Pennsylvania wool-dealers against the Wilson bill—to the Committee on Ways and Means.

Also, resolution of Diamond Lodge, No. 26, Shield of Honor, and petition of C. W. Lamoreaux and others, of Carbondale, Pa., in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAW: Protest of J. F. Boerger, pastor, A. Gerke and R. H. Zempee, trustees of Evangelical Lutheran Trinity Church, of Fall Creek, Eau Claire County, Wis., against the so-called God-in-the-Constitution amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: Protest of the board of supervisors of Yavapai County, Arizona, against the passage of bill granting 1,000,000 acres of desert lands to certain States and Territories—to the Committee on the Public Lands.

By Mr. STEPHENSON: Petition of the Trunk Maker's Union, of Detroit, Mich., in favor of governmental ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Petition of citizens of Albany, N. Y., against the proposed change of the Constitution—to the Committee on the Judiciary.

By Mr. UPDEGRAFF: Petition of S. W. Hill, of Osage, Iowa, against a tax on the income of building and loan associations—to the Committee on Ways and Means.

By Mr. WEADOCK: Petition of Detroit cigar manufacturers against change in revenue laws relating to cigars—to the Committee on Ways and Means,

By Mr. WHEELER of Alabama: Papers to accompany bill for the claim of William A. Walker, of Colbert County, Ala.—to the Committee on War Claims.

Also, papers to accompany bill for the relief of Henry Davis, of Madison County, Ala.—to the Committee on War Claims.

SENATE.

FRIDAY, *April 20, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 21, 1893, a report of the Third Auditor of the Treasury and accompanying papers in regard to any and all matters not heretofore reported relative to the Indian war claims of the State of California, etc.; which was read.

Mr. WHITE. The communication is in response to a resolution submitted by me and adopted by the Senate last December. I suggest that, in so far as the communication relates to the sum claimed, the report of the Treasury Department, and the statement of the State of California, that it be printed without the exhibits, and that with the exhibits the communication and accompanying papers be referred to the Committee on Military Affairs. I make that motion.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 14th instant, a list of judgments rendered by the Court of Claims in Indian depredation cases; which, with the accompanying papers, was referred to the Committee on Indian Depredations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 17th instant, a list of all persons in office April 10, 1894, in the Department of Justice, employed by the Government in the defense of Indian depredation cases, etc.; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the International Union of Journeymen Horseshoers, of Denver, Colo., remonstrating against the ratification of the proposed treaty with China; which was ordered to lie on the table.

Mr. BUTLER presented petition of the city council of Charleston, S. C., praying that an appropriation of $155,000 be made for the purchase of a site for a depot for the Light-House Service, to be constructed at or near one of the dock piers at Charleston, S. C., and also for the erection of suitable buildings; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of Franklin Lodge, No. 16, Ancient Order of United Workmen, of Moline, Ill., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a memorial of the president and professors of the University of Missouri, Columbia, Mo., remonstrating against the transfer of the Coast and Geodetic Survey to the Navy and Geological Survey; which was referred to the Committee on Naval Affairs.

He also presented a petition of Maxville Lodge, No. 332, Ancient Order of United Workmen, of Maxville, Mo., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Officesand Post-Roads.

Mr. PEFFER presented the memorial of Rev. G. Luecke, pastor, and sundry other members of St. Martin's Evangelical Lutheran Church, of Winfield, Kans., remonstrating against the adoption of an amendment to the preamble of the Constitution of the United States recognizing the Deity; which was re erred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the passage of Senate bill No. 1841, providing for the seating of female help in offices, stores, etc., when such persons are not actively employed; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1301) for the relief of the legal representatives of Hiram Somerville, reported it with amendments, and submitted a report thereon.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1779) authorizing certain officers of the Navy to administer oaths, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1784) to amend section 3719 of the Revised Statutes, reported it with an amendment, and submitted a report thereon.

Mr. VOORHEES. Some time ago I offered what I intended to propose as an amendment to the sundry civil appropriation bill a proposition for the purchase of the oil portrait of Dolly Madison, by Mr. Andrews. I am now authorized by the Committee on the Library to report it in the form of a bill, which I ask may be read and placed upon the Calendar.

The bill (S. 1936) for the purchase of the oil portrait of Mrs. Dolly Madison, by E. F. Andrews, was read twice by its title.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1774) to amend an act entitled "An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes," approved May 11, 1892, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1629) to amend the act incorporating the Eckington and Soldiers' Home Railway Company of the District of Columbia, approved June 19, 1888, reported adversely thereon, and the bill was postponed indefinitely.

DISTRICT STREET RAILWAY TICKETS.

Mr. FAULKNER. I am directed by the Committee on the District of Columbia, to whom were referred the amendments of the House of Representatives to the bill (S. 443) to provide for the sale of new tickets by the street railway companies of the District of Columbia, to report two amendments to the first amendment of the House, and recommend concurrence in the amendment as proposed to be amended, and that the remaining amendment of the House be concurred in without amendment.

The VICE-PRESIDENT. The amendments will be stated in their order.

The first amendment of the House of Representatives was to strike out section 1 of the bill and insert:

That from and after the passage of this act, each street railway and street herdic transportation company in the District of Columbia shall issue its own tickets, and sell no tickets issued by any other company. Such tickets shall be printed and sold in sheets of six tickets each, and after having been once used shall be canceled by the company which issued the same.

The amendments of the Committee on the District of Columbia to the amendment of the House of Representatives were, in line 1 of the proposed section 1, to strike out the words "from and," and in line 2, after the word "after" to insert "thirty days from," so as to read:

That after thirty days from the passage of this act, etc.

And to add to the section the following proviso:

Provided, That all street railway companies and herdic transportation companies doing business in the District of Columbia shall receive and exchange tickets with each other, and said companies shall make monthly settlements with each other, and shall redeem in money any tickets in excess of the number of tickets exchanged.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the Committee on the District of Columbia to the first amendment of the House of Representatives.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The next amendment of the House of Representatives was, in section 2, line 1, after the word "railway" to insert "or street herdic transportation," so as to make the section read:

SEC. 2. That any street railway or street herdic transportation company doing business in the District of Columbia which shall violate the provisions of this act shall be liable to a fine of not to exceed $10 for each offense, to be recovered in any court of competent jurisdiction.

The VICE-PRESIDENT. The question is upon agreeing to the second amendment of the House of Representatives.

The amendment was agreed to.

COURTS IN NEBRASKA.

Mr. PUGH. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 108) to fix the times and places for holding the Federal courts in the State and district of Nebraska, to report it without amendment and recommend its passage.

Mr. HOAR. I desire to appeal to the Senator from Alabama [Mr. PUGH], the chairman of the Judiciary Committee. I ask that Senator to consent to have the bill which he just reported recommitted to the Committee on the Judiciary. In the light of what was said, I think in the Senator's absence, in regard to the creation of a new judicial district in that State, and as I understand one of the Senators from Nebraska would like to be heard before the committee, perhaps a solution of the matter could be arrived at which would be satisfactory to all parties. I ask the Senator to allow the bill to be recommitted that the matter may be heard.

Mr. ALLEN. I hope the Senator from Massachusetts will not insist upon that request. The bill as reported I understand provides for certain terms of Federal court in the State of Nebraska that are necessary and proper. I think that its passage ought not to be hampered in any way by the bill of my colleague now before the Judiciary Committee. If the Judiciary Committee see fit to recommend the bill now before them for the division of the State into two judicial districts, it will be a very easy matter by a very few words to fix the terms of the courts. If that bill for any reason should fail to be recommended or fail to pass, then this bill would be so much farther advanced upon the Calendar and could be acted upon by the Senate.

Mr. HOAR. The recommitment of the bill will not embarrass or delay the final action of the Senate one moment, I am quite sure. I take perhaps a little blame upon myself. The senior Senator from Nebraska [Mr. MANDERSON] desired to be heard before the committee and he was not heard. Under those circumstances, I suppose the unvarying course of the Senate would be, on the request of any member of the committee, to have a recommitment, unless it were in a case where the recommitment would substantially or at all delay the ultimate action on the bill.

Mr. ALLEN. If my colleague desires to be heard before the Judiciary Committee, I have not the slightest objection to the bill being re-referred. I was not aware of that.

Mr. HOAR. That is the ground which I offer.

Mr. PUGH. The bill that I reported from the Judiciary Committee relates purely to a local matter, and I consider that it ought to be under the control of the Senators from that State. It has passed the other House unanimously, and——

Mr. MANDERSON. I think the bill had better be recommitted to the committee. There are matters on file in that committee which, it seems to me, must have been overlooked in the deliberation upon the bill. But it is not only for that reason, and because I had no notice that this local matter was to be heard by the committee and acted upon. Yesterday I introduced a bill which is akin to this, and I think it should be considered with it. For these reasons I think it desirable that the bill should be recommitted to the Committee on the Judiciary.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts that the bill be recommitted.

Mr. MITCHELL of Oregon. I hope the chairman of the Committee on the Judiciary will consent to a recommittal of the bill. I have in my hand some papers handed me by the senior Senator from Nebraska some time ago, and also some papers from a member of the other House from Nebraska. I was unable to be present at the last two meetings of the committee, which was of course my own fault. For this reason I should like to have the bill recommitted.

Mr. PUGH. To terminate this consumption of time, I consent to a recommittal of the bill.

The VICE-PRESIDENT. Is there objection to the recommittal of the bill? The Chair hears none, and the bill is recommitted to the Committee on the Judiciary.

PRINTING OF MEMORIAL ADDRESSES.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution from the House

of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the eulogies delivered in Congress upon the Hon. William H. Enochs, late a Representative from the State of Ohio, 8,000 copies, of which number, 2,000 copies shall be delivered to the Senators and Representatives of the State of Ohio, which shall include 50 copies to be bound in full morocco to be delivered to the family of the deceased, and of the remaining, 2,000 shall be for the use of the Senate, and 4,000 for the use of the House of Representatives, and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said William H. Enochs, to accompany the said eulogies.

BERING SEA AWARD.

Mr. SHERMAN. I introduce a bill and ask the unanimous consent of the Senate to put it upon its passage. It is to correct a palpable error in the act recently passed prescribing the Bering Sea regulations. I do not know where the error occurred, but the bill as it passed the two Houses of Congress substituted the word "exclusive" for "inclusive," which makes a very material change in the award, and I think it ought to be at once corrected. There can be no doubt about the error. I myself went to the office of the Secretary of State and saw there the error carried into the enrolled bill signed by the President of the United States, and it had already been the subject of correspondence between our State Department and the English minister. I therefore ask leave to introduce a bill and have it read at length, and, if there is no objection, I should like to have it passed.

Mr. HARRIS. The act as it was passed makes the measure mean the very reverse of what it was intended to mean, I understand.

Mr. BUTLER. And this bill is to correct it.

Mr. HARRIS. So I understand.

Mr. SHERMAN. The bill I introduce is a mere correction of the error.

Mr. HOAR. Let us know what is the mistake and what is the plan proposed for correction.

Mr. SHERMAN. I introduce the bill and ask that it be read at length.

The bill (S. 1928) to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals" was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals," approved April 6, 1894, be amended by striking out the word "exclusive," where it occurs in said section 1, and inserting the word "inclusive," so that said section will read: "That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilof Islands within a zone of 60 geographical miles (60 to a degree of latitude) around said islands, inclusive of the territorial waters."

Mr. SHERMAN. I wish to say that I have before me the printed bill as it was passed. It shows that in the preamble, in the recital of the articles of the award of the Tribunal of Arbitration, the words "inclusive of the territorial waters" are used. Then in the body of the bill, in the enactment of the law to carry into execution the award, the words used are "exclusive of the territorial waters." I am satisfied that this error was not made in the Secretary's office. I examined and found that the bill as it was sent to the Printer was right, and instead of "exclusive," as in the print, the word was "inclusive;" but when it came back from the Printer it was acted upon by both Houses of Congress without noticing the error, which undoubtedly in some way occurred in the Printing Office. The bill passed both Houses of Congress, and was sent to the President and signed by him and became the law of the land. This mistake should be corrected promptly, so as to avoid any misapprehension.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 1929) to grant an honorable discharge to Isham B. Rogers, alias R. A. Canfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 1930) to authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLANCHARD introduced a bill (S. 1931) for the relief of Holmes and Leathers; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1932) granting a pension to Mrs. Sophia Lessing; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 1933) granting a pension to Ann E. Chapman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 1934) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PROCTOR introduced a bill (S. 1935) granting a pension to Elizabeth Ellery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER. At the request of the Senator from Alabama [Mr. MORGAN], chairman of the Committee on Foreign Relations, I introduce a joint resolution and ask that it be referred to the Committee on Printing.

The joint resolution (S. R. 76) to print the proceedings of the Tribunal of Arbitration at Paris, held in conformity with the treaty of February 29, 1892, between the United States and Great Britain, was read by its title and referred to the Committee on Printing.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPEAL OF STATE-BANK TAX.

Mr. GORDON. I submit a resolution which I consider of great moment at this time, and I beg leave to read it from my desk:

Resolved, That the Committee on Finance be instructed to report at the earliest day practicable, with such provisions as said committee may approve, a bill to repeal the law and all amendments thereto imposing a tax upon the issues of State banks.

Mr. President, I am deeply impressed as to the advisability of such action at this time. Of course, I shall not now discuss the resolution or the subject to which it relates; but I ask the Senate to allow me a few moments only, to read the few suggestions which I hold in my hand and which I wish to send with the resolution to the committee and the country. The serious condition of business interests, as well as the threatened disturbances in the country, would seem to justify careful consideration of any proposition which might prove helpful.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the Senator from Georgia will proceed.

Mr. GORDON. The suggestions are as follows:

First. The repeal of this tax will do more than any other possible legislation to bring quiet to the country, to settle the disturbing financial controversy, and to relieve this question of the somewhat sectional character which it has assumed and which all thoughtful men must deplore.

Second. Such repeal will place upon each State which may take advantage of it the responsibility of providing a sound, sufficient, and satisfactory currency for the local use of its own citizens—a currency which can and will be made available for the payment of State taxes, salaries of State officers, expenses of State governments, and furnish a medium of exchange for nineteen-twentieths of all business transactions within the limits of the State.

Third. It will leave the present banking system to stand upon its own merits and to furnish the necessary facilities for interstate exchanges.

Fourth. It will bring immediate quiet and confidence to the people of those States which demand the right of organizing State banks of issue within their own borders and for the convenience and benefit of their own citizens—a right of which the people of such States believe themselves now wrongfully denied by the representatives of other States.

Fifth. Such repeal can not by possibility damage the interests or disturb the business of those States which fail to avail themselves of the advantages which repeal will afford.

Sixth. The conditions have wholly changed since this prohibitory tax was imposed; and banking intelligence and education acquired by the experience of the last thirty years give assurance that the Legislature of no State would devise for its citizens an unsound banking system; or if it should, the damage would fall upon the citizens of that State, and the failure of such system to meet the requirements of business would insure its speedy repeal or the substitution of a better system.

Seventh. Such repeal will be a recognition of the doctrine which lies at the foundation of our free institutions, namely: That the people are capable of self-government; while a refusal of such repeal is a standing proclamation by Congress of its disbelief in the honesty and capacity of the people of the States.

Eighth. Such repeal will enable the States to protect their own citizens against the concentration of currency in one locality or section, either by design or by the ordinary accidents or mutations of trade.

Ninth. Such repeal will be an honest compliance with one of the plain pledges given to the people by the party now intrusted with power.

Tenth. Such repeal will in large measure divert from Congress to States the growing popular demand for more money, lessen socialistic tendencies in the country by turning popular thought from the General Government to the respective States as the sources of relief, and thus commit to the States, where under our system it rightfully belongs, the duty or responsibility, each for itself, of solving or dealing with those disturbing problems which more and more threaten the peace of communities and the permanence of free government.

I earnestly invoke, sir, the prompt and thoughtful consideration of this important subject by the Finance Committee and the Senate.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Finance, and printed.

REPORT ON NICARAGUA CANAL.

Mr. BUTLER (for Mr. MORGAN) submitted the following resolution; which was referred to the Committee on Printing:

Resolved. That there be printed for the use of the Senate 5,000 additional copies of Senate Report No. 331, relative to the Nicaragua Canal, together with a topical index of said report prepared under the direction of the Committee on Foreign Relations.

RIVER AND HARBOR EXPENDITURES.

The VICE-PRESIDENT. The morning business is not yet concluded. The Chair lays before the Senate the resolution from the Senator from Nebraska [Mr. ALLEN], coming over from a previous day.

The Secretary read the resolution submitted by Mr. ALLEN on the 17th instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate of the amount of appropriations made and expended by the Government for the improvement of rivers and harbors since the 1st day of January, 1865, to the present date, specifying the different rivers and harbors in which improvements have been made and the amounts expended therefor, respectively.

Mr. ALLEN. I wish to modify the resolution by inserting "the 3rd day of March, 1887," instead of the time named in the resolution, the information having been furnished to the date I now name.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

Mr. DOLPH. Lest I should not be here when the information is sent in, I suggest that when the report is made upon the resolution it ought to be printed in connection with the reprint of the information we already have on that subject, as I think the document in which that information is contained is pretty much exhausted.

PERSONAL EXPLANATION.

Mr. McPHERSON. Mr. President, I rise to a question of personal privilege. I read as follows from the New York Evening Post of April 14:

It would be a great public service, as well as a first-rate stroke of good politics, if all Democratic bodies and organizations in the land were to imitate the example set by the Minnesota Democratic committee, and send a public appeal to the Democratic majority in the Senate to either carry out the party pledges and pass the tariff bill or get out of the party. Everybody knows that when the Minnesota Democrats put the responsibility for delay upon the following Senators they put it where it belonged:

Then follows a list of those who are said to be responsible for the delay, among whom I am included. I do not read the list:

These men are doing their utmost to ruin their party by holding it in the way of the progress of the country and demonstrating its incompetency for public affairs.

I am not in the habit of spending much time in noticing (from my place in the Senate) newspaper attacks upon me, coming from whatever source they may. But this article deserves a passing notice, for it seems to point to the source of the false reports that have traveled to Minnesota and elsewhere in respect to my attitude upon the pending bill.

I had supposed that every Senator upon this floor, every citizen of my State, and the representative of every newspaper in the Senate gallery knew full well since the hour this bill was reported to the Senate, that as long as the bill remained an improvement upon the McKinley law in the direction of lower customs duties, it would receive my vote.

The correspondent of the Post in the Senate gallery early understood my position and purpose in this respect, and, as he informed me, he had so advised the publication office of the Post.

Therefore, while I do not complain of this wanton, deliberate, misrepresentation from such a source, I take this occasion to remind that journal that it is far more honorable to tell the truth than to circulate falsehoods.

SUPPRESSION OF LOTTERY TRAFFIC.

Mr. HOAR. I ask unanimous consent that the lottery bill may now be taken up and put upon its passage. It has been already read, and I understand there is no further objection to it from any quarter.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 1620) for the suppression of lottery traffic through national and interstate commerce and the postal service subject to the jurisdiction and laws of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GORMAN. I object to the consideration of the bill at this time.

Mr. HOAR. I hope the Senator will allow the bill to be considered. It will only take a minute. It has been read at length, and will not require to be read again.

Mr. GORMAN. I understand there is objection to the bill, and there are some amendments to it which are considered necessary.

Mr. HOAR. I think the Senator who proposes the amendment only desires to have the word "exclusive" inserted where the bill says "subject to the jurisdiction and laws of the United States," which, I suppose, means exclusive jurisdiction. I do not hear of any other amendment that any Senator desires to offer. I will say to the Senator I do not want any matter of substance affected by an amendment; but I am going away this afternoon, to be gone a week, and if the Senator desires any serious amendment I will not press the bill at this time.

Mr. GORMAN. My attention was called this morning for the first time to the provisions of the bill, and I should like to have a day or two longer to consider it.

Mr. HOAR. Then I withdraw the request, of course.

HEARINGS ON PROPOSED LEGISLATION.

Mr. COCKRELL. I ask the Senate to take up and consider for a short time the resolution submitted by the Senator from Kansas [Mr. PEFFER], which was under discussion yesterday, and went to the table.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the resolution is before the Senate, and will be read.

The Secretary read the resolution submitted by Mr. PEFFER on the 14th instant, as follows:

Whereas there exists in many places and on the part of large numbers of citizens, individually and in organized bodies, a disposition to visit the city of Washington for the purpose of personally presenting to Congress their views with respect to pending and prospective measures of legislation: and

Whereas many of such persons and bodies are reported to be now on their way hither, with others likely to follow, for the purposes aforesaid:

Therefore, to the end that these our petitioners shall have full and respectful hearing and that proceedings attending their communication with the Senate shall be orderly and not subjected to interruption by the transaction of other public business,

Be it resolved, That a select committee of nine members of the Senate be appointed by the Vice-President, to be known as the Committee on Communication, whose duty it shall be to receive all written or printed communications from citizens or bodies of citizens visiting the Capitol or intending to make such visit, for the purposes mentioned in the preamble hereto, and to receive all petitions, memorials, and remonstrances of such persons and bodies and hear them orally in relation to the matters and things about which they desire to communicate with the Senate. The committee shall report fully to the Senate from time to time as other committees report.

The Sergeant-at-Arms will set aside a convenient room in the Capitol or other building belonging to the Government for the use of said committee, and furnish the same with the necessary articles for the convenient dispatch of business.

Mr. COCKRELL. I yield the floor to the Senator from Connecticut [Mr. HAWLEY].

Mr. HAWLEY. Mr. President, I prefer that a representative of the dominant party should make some observations upon this matter, but the Senator from Missouri yields to me.

I am sure that the remarkable speech of the Senator from Nebraska [Mr. ALLEN] ought not to go forth to the country as in any degree representative of the views of the Senate, and it ought not to pass without some conservative comment and dissent. I confess it pained and surprised me very much. I think that there is not a Senator, that there is not a sensible citizen in the United States who does not profoundly sympathize with the tens and hundreds of thousands and I may say millions of people suffering in the present extraordinary financial and business crisis. With expressions of impatience or resentment, every kind and thoughtful man will be very patient indeed, nor

does any man in the world think of restraining or overruling the right of the people, in the language of the Constitution, to "peaceably assemble and petition for a redress of grievances."

But there have been circumstances arising in the last month or two that do not come precisely within that category. All the world is informed from day to day that bodies of men are assembling, as if by concert, in widely separated sections of the country and marching toward the capital of the United States with the purpose of assembling here on or about the 1st of May, to make some sort of political demonstration, by gathering, as they threaten, in front of the Capitol building in a multitude, to be addressed by their orators; and demanding also that they shall, by their representatives, march bodily into this Chamber to be heard. I need not say that that is an extraordinary course of proceeding which is without precedent in the United States anywhere, unless it be found in the colonial days in New Hampshire, when a body of men took possession of the Legislature; or, to go farther back, when the Gauls marched into the Roman senate and shook the venerable beards of the senators.

The right of the people to assemble, the right, if you choose, however misjudged the movement may be, to come here and assemble, I am not questioning; but I wish simply to suggest respectfully that the Senate of the United States owes something to its own traditions and dignity—the House of Representatives will take care of itself—and that what we say or do in this matter, in this Chamber, in this first precedent, which may possibly be followed, should be done thoughtfully and carefully. It is quite possible to manage this business gently and firmly and have it pass away, and it is quite possible to so manage it that it may become a habit to make pilgrimages annually to Washington and endeavor to dominate Congress by the physical presence of the people.

The men coming here say they are "the people," and the Senator from Nebraska speaks of them as "the people." He says the people want this; the people want to do that; the people have a right to come here, and have a right to fill the galleries, and all that. They may have, and they may not, sir. We have more authoritative advice and imperative commands from the people of the United States than Mr. Coxey can possibly bring. We have had our advice given us for a hundred years in the Constitution, in the statutes of the States, in the laws of the District of Columbia, and in the traditions and rules of the Senate. The will of the people is here carefully sifted out by a most complex and universal system of selection, by the votes of the people, by the action of their representatives, by the action of men who from personal interests, as well as motives of patriotism, are extremely desirous to do just what the people think ought to be done.

Now, sir, it is a matter of common sense, and not "infamous," as the Senator from Nebraska said, that the behavior of multitudes around this Capitol and these squares here should be carefully regulated by law and rules, and that a sufficient body of policemen, and in the case of riot a body of the military, should be here, to the end that the Constitution and the laws and the rules of the Senate and the general laws of the District shall be obeyed on every inch of ground and in every second of time. And if there be any patriotism in the misguided company of men near here, or the others who are coming, there are men in this Senate who could address them and satisfy them, I am sure, if they are Americans and have any respect for their country.

I was pained to hear the Senator from Nebraska refer to the organized militia in this district in the style and manner he did. It is a credit to the Government, sir. It was thought wise by the best men that, instead of being obliged to call for a regiment of regulars, there should be, after the analogy of our States, a body of the people themselves, practically a posse comitatus, ready here at the command of the civil arm to maintain order. Such a body has been organized.

The Senator speaks of "a man named Ordway." I have the great pleasure of being able to personally testify—for he was under my command for a time and I knew him during the war—to the gallantry, to the courage, to the common sense, and high personal character of Gen. Ordway. He is brigadier general of the militia here. It is quite ridiculous, to use no stronger term in characterizing it as a slander or abuse, to represent him as mobilizing the militia with a view to beating anybody over the head with the butt end of a musket or thrusting a bayonet into him for coming into this District.

I venture to say, judging by the Senator's speech, that Gen. Ordway has more carefully studied than has the Senator the proper function of the armed force of the Government in complete subordination to the civil power. Not one command will be given, not one step will be taken under him—and I might say the same of the tens of thousands of militia officers in the country—except at the command of the civil power.

The Senator proceeded to make other observations, not all of which I care to discuss, even if I had time before 1 o'clock; indeed, I do not know that I care to speak longer now. I have, perhaps, given my sufficient protest.

The men who are coming here do not represent the great voice of the American people. As to their complaining of the present situation so far as it is due to the political action of Congress, or so far as it is due to the generally disturbed financial condition of the world, I have little to say; but they do not represent the American people in the manner or avowed purpose of their coming. They come here to make an impression upon Congress by mere physical presence. We read in old romances of the oppressed subject who struggled to get in the way of his ruler and thrust himself prostrate in the dust under the feet of the horse which bore the emperor, that he might prefer his humble petition. No American citizen prefers a petition in that way.

I am sorry to say it, but I feel bound to say it, that the speech of the Senator from Nebraska was one that would have been received with tumultuous applause in a meeting of anarchists. It had in it, not requiring a microscope, but visible to the naked eye, the bacteria and bacilli of anarchy.

Mr. ALLEN. Mr. President——

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota.

The message also announced that the House had passed a bill (H. R. 6055) to authorize the construction of a bridge over the Monongahela River in the city of Pittsburg; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 5276) to authorize Commander F. W. Dickins, of the United States Navy, to accept the decoration of the cross of naval merit of the third class from the King of Spain; and it was thereupon signed by the Vice-President.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. QUAY. It was the unanimous sense of the Senate that I should yield the floor to-day to the Senator from New Hampshire [Mr. GALLINGER]. At the conclusion of his remarks the Senator from Michigan [Mr. MCMILLAN] will address the Senate. Those Senators will probably occupy the afternoon.

Mr. GALLINGER. Mr. President, the anomaly is presented to the Senate of a bill that we are asked to enact into law which nobody thus far has ventured to unqualifiedly indorse or approve, with the exception of the Senator from Mississippi [Mr. MCLAURIN] and the junior Senator from Indiana [Mr. TURPIE]. Even its distinguished author in the other House [Mr. WILSON] felt called upon to enter an apology for the measure in these words:

> The bill on which the committee has expended much patient and anxious labor is not offered as a complete response to the mandate of the American people. It no more professes to be purged of all protection than to be free of all error in its complex and manifold details. However we may deny the existence of any legislative pledge, or of the right of any Congress to make such a pledge, for the continuance of duties that carry with them more or less acknowledged protection, we must recognize that great interests do exist whose existence and prosperity it is no part of our reform either to imperil or curtail.

From the moment that remarkable utterance was made to the present time few genuine or whole-hearted words have been spoken in behalf of this bill. For a time it seemed to be a veritable Pariah, homeless and friendless. First, the Senator from New Jersey [Mr. MCPHERSON], when the bill was reported to the Senate, with a protectionist pathos in his voice, promptly declared his opposition to some of its features. Then the Senator from Indiana [Mr. VOORHEES], chairman of the Committee on Finance, varied his declamatory and denunciatory speech by saying, "Faults and imperfections can, of course, be alleged and pointed out, concessions are apparent which have been unwillingly made, and only when found necessary to secure its passage."

Think, Mr. President, of the chosen leader of the Democratic side of this Chamber openly and unblushingly proclaiming the imperfections of the measure, and shamelessly admitting that it was framed, not on the principles of exact justice and fair play, but rather for the purpose of securing votes enough to pass it through the Senate! What greater condemnation of the bill can any Republican imagine than that, and how inconceivable it is that such a dishonoring bargain should have been made.

Following the Senator from Indiana came the Senator from Texas [Mr. MILLS], himself the author of a famous tariff measure, and he bluntly and frankly declared that "the bill does not suit me. I am between the devil and the deep sea." And then the Senator from New York [Mr. HILL] and the Senator from New Jersey [Mr. SMITH] entered the arena, with spear and javelin in hand, and gave the measure what it is hoped may prove to be its *coup de grace*, by denouncing it vigorously, and serving notice on their party associates that unless it is materially modified they must look elsewhere for votes to pass it. Indeed, Mr. President, if this thing continues the bill will be disowned on all hands, and our Democratic friends will be adopting the language of Betsy Prig to Sary Gamp, and saying, "I don't believe there is no sich a person."

This, then, is the kind of a bill we are now considering, and which the tyranny of the party lash and the power of Executive patronage are expected to force through Congress. Can it be done? Certain it is that to-day the measure is sadly in need of defenders, and is presenting anything but a healthy and vigorous appearance. How aptly it is described in the following verse:

Halting on crutches of unequal size,
One leg by truth supported, one by lies;
Thus sidle to the goal with awkward pace,
Secure of nothing but to lose the race.

As I look on the bruised face and battered form of the Wilson bill I am strongly reminded of the farewell words of the country minister as he pathetically took leave of his congregation:

Brothers and sisters: I come to say good-bye. I don't believe God loves this church, because none of you ever die. I don't think you love each other, because I never marry any of you. I don't think you love me, because you have not paid my salary. Your donations are moldy fruit and wormy apples, and "by their fruits ye shall know them." Brothers, I am going away to a better place. I have been called to be chaplain of a penitentiary. Where I go ye can not now come, but I go to prepare a place for you, and may the Lord have mercy on your souls. Good-bye.

[Laughter.]

And so the Senators from New Jersey, Indiana, Texas, and New York might well turn their backs on this wretched and destructive measure, and changing somewhat the words of the good minister, say:

Wilson bill, we come to say good-bye. We don't think God loves you, for you have already brought untold disaster and wretchedness to the country. We know men do not love you, for, since you have appeared on earth, they have risen in their might in Ohio, Iowa, New York, Massachusetts, New Jersey, Pennsylvania, New Hampshire, Connecticut, Illinois, Rhode Island, and elsewhere, and denounced you as a menace to their interests and an enemy to their prosperity. Your donations are enforced idleness, want, and sorrow—moldy fruit and wormy apples of discord and misery—and "by their fruits ye shall know them." We are going away from you forever, for we would like to save Texas and Mississippi from the political ruin you have brought upon us. We are going to a better place than we find in your companionship. Where we go you can not come, for we go to labor for the industrial interests and welfare of the American people. Good-bye!

Such a declaration as that would be manly and honorable. It would insure the defeat of the measure, and would send a thrill of joy to the hearts and homes of the industrial masses of the country. It would light the fires and start the looms in mill, factory, and workshop. It would solve the problem of the unemployed, and again give work and wages to the multitude of men and women now vainly crying for employment and sustenance. But this is too much to expect of the Democratic party. All through its history, under the guidance of the South, it has degraded and oppressed labor, and the Wilson bill is a natural and inevitable sequence of its teachings and its theories.

On the 16th day of January, while the bill was pending in the House of Representatives, I addressed the Senate on the tariff question, criticising the provisions of the measure, calling attention to the iniquities of the income-tax proposition, and especially dwelling upon the effects of the bill upon the industries and labor interests of the New England States. Since then the measure has passed the House, has gone through the crucible of the Senate Committee on Finance, and is now on the Calendar substantially in the form in which it is proposed by the majority to pass it. In common with this side of the Chamber, and in deference to the wishes of the great industrial North, I had hoped that the Senate committee would eliminate from the bill its most objectionable features, and report it back in a form which, while raising sufficient revenue for the support of the Government would also throw the ægis of adequate protection around the great industries of agriculture and manufacturing, thus securing the workingman a chance for employment at remunerative wages. Instead of that the bill comes to us in worse shape than it went to the committee.

It was then bad, it is now diabolical; it was then framed in the interests of the South, it is now intensified and emphasized in every bad feature it possessed. So far as I can discover it is "evil, and nothing but evil, and that continually." It professes to be "An act to reduce taxation, to provide revenue for the Government, and for other purposes," but unless the words "other purposes" mean the destruction of the manufacturing interests of the North and the degradation of American workingmen, it better deserves the title of "An act to protect trusts, to recoup the South at the expense of the North, and to build up American importers and foreign manufacturers on the ruins of American industry and American labor."

As I said heretofore I now repeat that the bill is sectional in the extreme, hostile to the best interests of the country, and partial only to the products of the South and the great interests from which the Democratic party never fails to draw inspiration, money, and votes at election time. It might well be denominated a measure designed to halt the prosperity of the the North, and wither and destroy the results of the industry and thrift of the American people. It is a bad bill: bad in construction, bad in purpose, and bad in its assaults upon the onward march of the industrial energy and prosperity of this mighty Republic. It is not a wise economic measure, and I wonder that sane men could have given it their approval. Surely such a bill can not be enacted into law; surely such a scheme of spoliation and wrong must fall before the aroused indignation and protests of the mighty North.

The bill has been truthfully characterized by a Democratic newspaper as being neither fish, flesh, fowl, nor good red herring. It preaches, as the Senator from Massachusetts [Mr. LODGE] has truthfully said, the gospel of despair. It is a mongrel and bastard production, which ought to be repudiated and disowned by those who brought it into being. If enacted into law (which God forbid) it will light the fires in Belgian, French, German, and British workshops, and extinguish them in American mills and American factories. It will send joy and gladness to the hearts of the farmers of Canada and Australia, and add to the hardships and struggles of the American agriculturist. It will rejoice the heart of the American importer of foreign products, and crush the hopes and aspirations of the American manufacturer.

It will rob the workingman of his chance in life, reduce his wage, and take from his home the comforts he has enjoyed. It will destroy utterly the prosperity of our manufacturing communities, and cast a pall upon the homes and the hearts of millions of workingmen and workingwomen. What true American can contemplate with satisfaction such legislation as that? The echoes of popular discontent and popular disapproval of the bill have come from almost every precinct where the people's voice has found expression through the ballot box, and what has already happened is but a zephyr to the storm that will inevitably overtake the Democratic party next November.

A WARNING TO THE SOUTH.

As I pointed out in my former remarks, and as the Senator from Maine [Mr. HALE] so ably elaborated in his speech of the 10th instant, almost every product and industry of New England is singled out for destruction in this bill. What excuse can be urged for this wretched assault upon a people who have done so much to build up the industrial interests of this country? New England has invested millions of capital in the South upon the assurance that the old order of things had passed away, and that a new South had risen on the ruins of the old. Most of the New England money that has been thus invested is lost forever, and now those who profited by it propose to strike down our manufacturing establishments by hostile legislation. This is the answer the South sends to us: this the gratitude and the return. In all Republican tariffs the products of the South have been protected—sugar, rice, fruits, coal, iron, and every other industry that tended to the welfare and progress of her people.

But we are to be destroyed, not protected. Our woolen manufactures, cotton manufactures, paper manufactures, cutlery, granite, agricultural products—all are to be sacrificed on the altar of Southern prejudice and free-trade theories. Let me warn the South against this policy. The people are awake to this contest. They are watching with breathless interest every move on the political chessboard. They propose in due time to take a hand in its settlement. What answer will the South expect from us when we return to power in 1896? She should not forget, in this her moment of triumph, that there may be reprisals when our day of victory comes. If our agricultural products are to be destroyed in the interest of Canada, why not her sugar and rice in the interest of Cuba and other tropical countries? If our granite is to be sacrificed in the interest of New Brunswick and Scotland, why not her marble in the interest of Italy? The lesson is worth pondering, and I commend it to the careful consideration of Southern Senators.

Indeed, Mr. President, the South may sooner than she is calculating be a suppliant for the protection of her great staple, the crop that above all others is of value to her people. Not only are foreign countries competing with ours in the matter of finished products, but they are also flooding our markets with the so-called raw materials. With our present duties wool comes to us from Australia and the Argentine Republic, coal from Nova

Scotia, and lumber from Canada. What assurance has the South that her markets for cotton in this country will not be invaded in due time by the products of the cotton fields of Egypt? Indeed already large sales of long-staple Egyptian cotton have been made to American manufacturers, one sale being of 400 bales, of an average weight of 700 pounds per bale. On this purchase the American manufacturer is said to have saved 2½ cents per pound, or $6,300.50 on the entire lot. In this bill the South is amply protected on everything that she produces which needs protection. To day she does not need protection on her cotton, but the indications are that the time is not far distant when such protection will be needed. Let her take pause in her senseless raid on the manufactures and the products of the North, lest when that time comes she will cry in vain for Northern sympathy and Northern help.

THE INDUSTRIES OF NEW ENGLAND.

And just here let me briefly state the effects of this legislation upon the industries of New England. The Senator from Maine [Mr. HALE], in his most admirable speech, went fully over this ground; but it will bear repetition, especially in its relation to my own State. Not only does the bill violently assail the woolen and cotton manufacturing schedules of the McKinley law, upon which our prosperity largely depends, but it attacks almost every interest and industry, however small, of our people.

WOOD AND MANUFACTURES OF WOOD.

The wood schedule, in which the people of New Hampshire are greatly interested, has been radically changed. Lumber, hewn and sawed, which now pays a duty of 10 per cent; squared lumber, which pays a duty of one-half cent per cubic foot; boards, planks, and deals, which pay from $1 to $1.50 per thousand feet; hubs and blocks, which pay 20 per cent; laths, which pay 15 per cent; shingles, which pay 10 per cent; and sawed timber, which pays 10 per cent, are all transferred to the free list, and a heavy cut is made on many other items.

This means the practical transfer of the lumber business from New Hampshire and Maine to Canada. There will be no escape from it if this schedule of the bill is enacted into law. And what is the excuse for it? Thus far no one has ventured to say. Every dollar's worth of Canadian lumber coming into the United States is a blow to the interests of American laboring-men. Every dollar's worth of labor which comes into our markets in the way of manufactured lumber displaces a dollar's worth of labor which otherwise would have been employed and paid for in this country.

The importations of Canadian lumber into the United States for the fiscal year 1893 have been stated in round numbers as 520,000,000 feet, board measure. Now to manufacture 1,000,000 feet of lumber requires an equivalent of the labor of 1,500 operatives for one day, or the labor of one operative for 1,500 days. It will thus be seen that during the past fiscal year we imported into the United States in the shape of Canadian lumber 780,000 days' work, and thus prevented the employment in our own country of just that much labor.

It is an incorrect notion that the importation of lumber in the shape of a manufactured article simply results in lowering the wages now paid for similar labor in this country. The effect is not merely to reduce the wages now paid, but to displace as many days' labor as has been expended upon the imported article.

It must be clear to any person who stops to reason it out, that if the 520,000,000 feet of Canadian lumber imported in 1893 had been manufactured in the United States, there would have been an increased employment of labor here. In other words, if the 520,000,000 feet of lumber had not been imported, American manufacturers would have been compelled to supply the deficiency by lumber made by American labor.

Under the present bill there will inevitably be a greatly increased importation, which will deprive thousands of American workingmen of the chance to labor, and will necessarily lower the wages of those who find employment. What wretched business this is, legislating for a foreign country and against the interests of our own people. It seems utterly idiotic.

AGRICULTURAL AND FOOD PRODUCTS.

The bill under consideration plays havoc with the interests of New England farmers, and promises to wipe out forever the men who are struggling to sustain themselves on the rocky farms of New Hampshire. Under the present law our farmers are reasonably prosperous, finding a market for their surplus products in the manufacturing cities and villages of the State. They are brought necessarily into competition with the farmers of Canada, where labor is cheaper and the soil more easily tilled. Notwithstanding the high duties on hay, apples, potatoes, eggs, etc., considerable importations were made from Canada during the past year, and now it is proposed to put many of our leading farm products on the free list, and to reduce materially the duties on others.

Look at the record. Under existing law the duty on bacon and hams is 5 cents per pound; broom corn, $8 per ton; cabbages, 3 cents each; cider, 5 cents per gallon; eggs, 5 cents per dozen; lard, 2 cents per pound; milk, 5 cents per gallon; green peas, 40 cents per bushel; straw, 30 per cent ad valorem; tallow, 1 cent per pound, and wool grease, ¼ cent per pound. All these are to go on the free list. Reducing specific to ad valorem duties, the reductions made on live stock and products of the farm not put on the free list are as follows: Horses, from 30 to 20 per cent; cattle, from 50 to 20; oats, from 40 to 20; barley, from 65 to 30; butter, from 33 to 20; cheese, from 42 to 25; beans, from 40 to 20; hay, from 43 to 20; onions, from 50 to 20; potatoes, from 52 to 30; other vegetables, from 25 to 10; apples, from 34 to 20; live poultry, from 32 to 20; dressed poultry, from 54 to 20, and starch, from 84 to 30.

This means disaster to the agricultural interests of Northern New Hampshire. Coos County, which borders on Canada, depends upon agriculture and lumber for its prosperity, and of late years has been making rapid progress. What will happen to it if the Wilson bill becomes a law is so well told by Hon. Chester B. Jordan, one of its most prominent citizens, that I will quote his words:

> There is no question as to the effect of the Wilson bill in Coos. It gets in its deadly work all over the county. There is not another county in the land where the changes in the tariff schedules affect so great a proportion of the people.
>
> Here is our situation: We have two great interests, lumber and agriculture. Lumber, of course, is the great interest, and has been for thirty years. In respect to agriculture we have somewhat peculiar conditions. Our soil is of especial richness for raising potatoes, oats, and a grass crop. Horace Greeley wrote up Coos a great many years ago, and told what it was good for. According to him it was good for raising potatoes and oats.
>
> Now, this condition of soil is peculiar, almost unique. It is found in only two other localities in the United States—Northern New York and Northern Maine. The same soil conditions prevail in Canada, just across the line from us, where they can raise just as good potatoes, just as good hay, and just as good oats as we can—and just as many of them, too, for they are just as bright as we are, and their labor costs them only about half what our labor costs us.
>
> Therefore, we have not only to compete against the Canadian natural advantages, which are the same as ours, but have also to meet an economic condition of low wages which we have not. The protective tariff duties have thus far stood between the Coos farmer and the Canadian farmer's unequal advantages. The Wilson bill will, in a large measure, remove that defense

That is the situation which confronts the men who are tilling the soil in New Hampshire to day, and it is scarcely to be wondered at that most of them are voting the Republican ticket this year.

WOOLEN GOODS.

Under the existing law the manufacturers of woolen goods have an average protection of 98.53 per cent, and it is proposed to reduce it to 35.09 per cent. With the high rate of duty now existing woolen goods were imported into the United States for the fiscal year ending June 30, 1893, to the value of $36,993,409.16, on which duties were collected amounting to $36,448,667.46. The lowering of the duties almost two-thirds means a deluge of foreign goods into our markets, which will result inevitably in crippling American industries and greatly reducing American labor. Our people find it difficult to compete with the almost pauper labor of Saxony under existing conditions, and when the duty is reduced from 98 to 35 per cent the men and women working in hosiery mills in this country will be brought to a practical realization of what foreign competition means in the matter of wages. The prospect is an appalling one from whatever point of view it is regarded.

Mr. President, the most casual examination of the estimates of the reductions in the revenue which the Wilson bill makes shows where the heaviest blow to manufacturing will fall.

In his speech opening the tariff debate the Senator from Indiana [Mr. VOORHEES] submitted a table of estimates, in accordance with which it appears that the Wilson bill is expected to reduce revenues to the extent of a total of $76,670,000 annually. Of this sum the rather astonishing amount of $26,500,000 is set off against the duties on woolen manufactures alone, more than one-third of the entire reduction.

According to the plan of the Wilson bill, the manufacturers of wool are to be put under a contribution equal to that which is required from all articles transferred to the free list, together with all metals and manufactures of metals.

So the woolen manufacturers may as well prepare to either shut down entirely or continue business by paying their operatives wages at starvation rates. How this thing will inevitably work is strikingly illustrated by a page of recent American history, to which Congressman RUSSELL of Connecticut called attention in a speech in the other branch of Congress. In brief it is this:

Nottingham, in England, was long famed for its manufacture of hosiery. Its products of hosiery thirty years ago were sold the world over. For some years the industry was intrenched in that city, and there were no similar manufactures of fine wool hosiery in other countries.

Nottingham had a peculiar advantage in the holding of patents on knitting machinery. In course of time, however, the patents expired, and the German manufacturers acquired the machinery, educated labor to run it, and secured work at about one-third of the wages paid in Nottingham. The Nottingham workers refused to accept the lower wages of the Germans, and the decline of Nottingham hosiery manufacture was rapid, so rapid indeed that a dozen years ago in free-trade England, in the home of its former citadel, German hosiery took the market and Nottingham knitters took to coal-mining.

German hosiery likewise took possession of the American market, taking it from the English manufacturer through the cheaper wages of the German workman. The English manufacturer saw his business destroyed, and in his despair turned to the protective policy of the United States for relief, and he got it.

Nine years ago one English concern which, prior to German intervention, from its factory in Nottingham had annually sold in the United States 200,000 dozen of fine wool hosiery, and received for the employment of English capital and labor about $1,200,000 of United States money, moved its business to this country and established itself in Rhode Island.

This was an actual importation of a new industry into this country under the stimulus of a protective tariff—an industry driven out of free-trade England by the competition of foreign cheap labor. The British manufacturers who migrated from Nottingham spent $50,000 in simply acquiring the necessary skilled workmen to handle the delicately adjusted machinery which produces the finest grade of hosiery.

In this hosiery factory, started in Rhode Island nine years ago, the first of its character in this country, there have been employed 500 people, and around the factory has sprung up a thriving village of 1,500 inhabitants.

This concern when in Nottingham sold, as above stated, some 200,000 dozen of hosiery in this country. Since its removal to Rhode Island it increased its sales in the American market to more than 500,000 dozen. When in Nottingham it sold its hosiery in this market to the wholesale trade for $6 a dozen. It sold in 1893 the same hosiery for $3.75 a dozen.

That establishment is not selling woolen hosiery to day because it is shadowed by the blight of the Wilson bill. It has paid its workmen $2 a day, and though German knitters get less than half that wage, the Rhode Island hosiery factory, under Republican protection, has held the home market, has reduced the price to consumers more than one-third, and has maintained the American rate of wages.

This is a chapter from real industrial history; it is worth tons of theory.

Now, what does the Wilson bill do for this hosiery industry? It reduces its protection by about two-thirds, makes what is left an uncertain quantity, because it is to be levied on an ad valorem basis, and, in exchange, gives it just what it had in free-trade England, and with which it was driven by Germany to shut up shop, namely—free wool.

Under this bill the hosiery industry is doomed in this country unless hundreds of thousands of intelligent American workingmen will accept the pauper and pauperizing wages now paid in the hosiery mills of Saxony. What utter, unnecessary, cruel folly this is, and what say the workingmen to the proposition?

The Boston Commercial Bulletin is as reliable a trade paper as is printed in the United States and is everywhere accepted as authority upon woods and woolens, for it is free from partisanship and its facts are collected with great care and stated with perfect fairness. With this in mind close attention is invited to its comment upon the wool schedule of the Wilson bill, which is none the less eloquent because it is composed mainly of facts which nobody can successfully question. The Bulletin says:

It is seldom that in the brief space of a twelvemonth an industry plunges from the highest condition of prosperity to the deepest adversity known in a generation. That, in a sentence, is the history of wool manufacturing in 1893.

The year preceding (1892) was the most prosperous that this country has ever seen. Every loom and spindle was employed, and there was a veritable labor famine. The wool clip of the United States had increased 26,000,000 pounds, our imports of wool increased 28,000,000 pounds, but in spite of this fact there were 13,000,000 pounds of wool less on hand at the end of 1892 than at the beginning. The consumption of wool by American mills increased nearly 70,000,000 pounds in a single year.

As in 1890 we were but 36,000,000 pounds behind Great Britain, and as that country has certainly not increased since that year, when her mills were pouring goods into the United States to anticipate the McKinley tariff, we may say with confidence that in 1892 the United States led the world in the consumption of wool.

Though the price of wool fell somewhat in that year, the prospect of the continuance of the tariff induced growers to increase their flocks. The clip of 1893 was shorn and pulled from the flock of 1892, and the figures of the clip that we have just had the honor to complete show that the clip from that flock was 334,000,000 pounds, the largest clip of wool ever raised in the United States.

In spite of the high prosperity of the first two months of 1893 the industry has gone steadily backward. Our imports of wool have declined nearly forty millions. Our mills have reexported their imported materials, our wool pullers have exported their wool pelts. Yet the stock of wool on hand on January 1 shows an increase of over 40,000,000 pounds. It is within the truth to say two-thirds of all the machinery is silent or running on reduced time. The very mills in Massachusetts that were last year advertising extra pay for operatives willing to work all night are now either shut down or running on short time with a reduced scale of wages.

It is idle to ascribe a change like this to any silver legislation. The change is due to the fear of the breaking down of the industry by an unprotective tariff, a fear that has been justified by the Wilson bill.

The hollow promise of the "markets of the world" has been exploded by experience. The only promise of hope presented to the industry by the framers of the Wilson tariff was that by cheaper raw material American manufacturers would be able to compete in foreign markets.

Now, the fact is that wool is very nearly on a free trade basis to-day, and has been for months. Some grades are quite on that basis. Wages have been cut down in almost every woolen mill in the country, yet in eleven months the increase brought about in exports of woolens by the cheap raw material that was to accomplish everything is but a trifle over $200,000.

The threat of the Wilson tariff has cost the industry millions. It has already discounted most of the effect on prices. The "markets of the world" have increased our exports $200,000 by the shipment of a job lot of carpets to England and a few bankrupt stocks of clothing to Canada.

Was ever glittering delusion more pitiably rent asunder by historical facts?

When the people of the United States agree with Mr. WILSON to adopt the scale of living that permits the sweat shops of London and Berlin we shall be able to compete with the products of the labor of those establishments—not before.

COTTON MANUFACTURES.

I might speak at length of the hostile nature of this bill to the great cotton manufacturing industry of New England, but what I have said as to woolen manufactures applies in a modified form to this industry. Under existing laws the average rate of duties on the manufactures of cotton is figured to be 35.25 per cent, and it is proposed to reduce it to an average of 38.45 per cent. For the fiscal year ending June 30, 1893, the importations of cotton manufactures aggregated $20,510,438.98, on which duties were paid amounting to $11,333,605.23. The proposition is to reduce the duties about one-third. That done and there will scarcely be ships enough in England to bring the goods to this country, and then will come the terrible struggle on the part of American manufacturers to compete with their foreign rivals. Many New England mills will of necessity be idle, for importations will surely be greatly increased, and the wages of the operatives will in all cases be largely reduced. I will further discuss this matter when the bill is considered by paragraphs.

CUTLERY.

Under the existing tariff cutlery establishments have sprung up in different parts of New England, and have been able to just about compete on equal terms with the cutlery made by cheap labor in Sheffield, England. One establishment of this kind is in New Hampshire, where liberal wages are paid, and a beautiful and thriving village has sprung up as a result. The present tariff on cutlery, such as is manufactured in New Hampshire, ranges from 50 to 95 per cent, and it is proposed to reduce the duty to about an average of 35 per cent on the different articles manufactured. The importations of table cutlery are now very large, and under the reduced tariff the American market will be deluged with foreign goods, to the utter detriment of both the American manufacturers and workingmen in this line of industry. Some months ago when I asked the Senate to pass a resolution declaring it inexpedient to make changes in the existing tariff laws, I received an interesting letter from ex-Governor Goodell of Antrim, N. H., a cutlery manufacturer, which reads as follows:

ANTRIM, N. H., *August 19, 1893.*

DEAR SENATOR: I am glad to see that you have introduced an amendment to the Lodge resolution, which, if passed, I believe will do a great deal towards setting the wheels of business in motion. As you know I am a manufacturer of table cutlery, butcher knives, carving knives, and the like. I have been in the business twenty-one years. It has been gradually increasing in volume during most of this time, especially so since the McKinley tariff law went into effect. While the price of these goods is fully 10 per cent lower than it was in 1889, the year before the McKinley law went into effect, the quantity of goods made in this country in 1892 must have been very much larger than ever before; certainly it was in my own factory. If we had absolute free trade we could not get our stock for much less than now. Our handle woods, which come from South Africa and Central America largely, are on the free list. Our steel is made in this country, but the prices are so low that we could not expect any material reduction if we had the open competition of foreign manufacturers of steel. If there should be any material reduction in the tariff duties upon table cutlery I see no possible chance for us to compete with manufacturers in Sheffield and other foreign points except by a reduction in price of labor.

The speech made by Mr. Folsom, cousin of the President, as consul to Sheffield, in Cutler's Hall in Sheffield recently, expressing his congratulations to the cutlery manufacturers there upon the fact that within twelve months they would have a better opportunity to sell their goods in America, alarms me. How it is possible that it can be for the interests of the laboring classes of America to be thrown out of business and have their wages reduced while English and German manufacturers at their own home are furnishing the goods for this country is beyond my comprehension. I hope, therefore, that wise counsels will prevail, and that the Senate will pass this resolution as amended by you, and thus assure the manufacturers and workmen that their interests are not to be injured by any legislation in the interest of foreign countries.

Truly, yours,

D. H. GOODELL.

Hon. J. H. GALLINGER.

That letter tells the whole story. Reduced duties on cutlery

will either drive out of business the American manufacturer, or else result in a material reduction of wages to the laboring classes.

GRANITE.

New Hampshire is denominated the "Old Granite State," and we are proud of the appellation. We have an abundance of granite in our hills and mountains, but the distance to tide water and the heavy cost of railroad transportation has made it difficult for us to compete with the maritime provinces and Scotland, from whence granite can be conveyed by water.

But under the policy of the Republican party we have built up a thriving industry, and a sample of our work, which comes from my own town, can be seen in the granite of which the magnificent new Congressional Library building in Washington is being constructed. Heretofore we have been protected by a duty of 50 per cent on unmanufactured granite and 40 per cent on manufactured, but this bill proposes to put the unmanufactured on the free list and to reduce the duty on the manufactured one-half. This means the closing of our quarries, or else a large reduction in the wages of those engaged in this industry. There will be low wages and idle men in New England and plenty of business in the granite quarries of Nova Scotia and Scotland.

Mr. PEFFER. Mr. President——

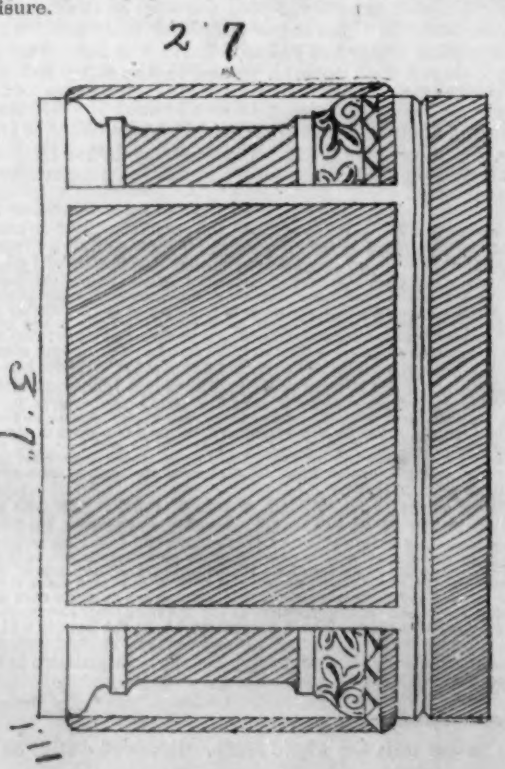
The PRESIDING OFFICER (Mr. PROCTOR in the chair). Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. GALLINGER. Certainly.

Mr. PEFFER. I infer from the Senator's remarks upon the granite industry that he is not satisfied with the proposed reduction of duties. I should like to inquire of him what will be the effect of the proposed change upon the American interest, so far as it relates to monuments and work of that kind?

Mr. GALLINGER. In just one moment I shall come to the matter of monuments, at which time I shall be glad to answer the inquiry of the Senator from Kansas.

It should be borne in mind that Scotland can send her granite to our large cities at a very low rate of freight—indeed, some of it will come free in the shape of ballast for our ocean steamships. A Massachusetts friend of mine has kindly furnished me with a cut of a granite column die like sketch, with the relative cost of producing it in Scotland and at Quincy, from which it appears that it can be made in Scotland, freighted to Boston, and the duty of 40 per cent paid on it, and then sold for $181.93, while the same column will cost in Quincy, freighted to Boston, $238.55, a difference of $56.62 in favor of Scotland. If made in Concord, N. H., the difference will be a little greater in favor of the foreign product, the freight probably costing more from Concord to Boston than from Quincy. I will insert this cut, with explanatory text, in my speech, so that Senators can examine it at their leisure.



A column die-like sketch, 3'7" by 1'11" by 2'7".

QUINCY.		SCOTCH.	
Cutting, 42 days, at $3	$126.00	Cutting, 42 days, at $1.50	$63.00
Polishing	78.75	Polishing	35.00
Blacksmith, at 25 cents	10.50	Blacksmith	5.04
Stock, 17'8", at $1.20	21.20	Stock	21.20
	236.45		124.24
Freight to Boston	2.10	40 per cent duty	49.69
		Freight to Boston	8.00
Total	238.55	Total	181.93

Difference, $56.62 in favor of Scotch.

Now I shall be glad to answer the inquiry made by the Senator from Kansas. I will say to the Senator that in my judgment if the tariff upon manufactured granite is reduced as is proposed in the bill, there will be a temporary reduction in the price of monuments to those who are unfortunate enough to have to buy that article. I believe there will be a temporary reduction, but the Senator from Kansas must remember that if the reduced duties wipe out the American industry and give to Nova Scotia and Scotland a monopoly of the granite business it will not be very long before they will compel us to pay a larger price for our monuments than we are paying at the present time. Again, it must be remembered that this is only one of a great variety of American industries that are threatened by the bill. If the bill becomes a law our people will have very little money with which to buy monuments or anything else.

The Senator from Kansas is a man of wide observation and learning. He studies into all of these questions and tries to understand them, and I am very glad to have an interruption from him on this point. But I will venture to state that with all the Senator's investigation he may not have discovered the fact that the United States is to-day consuming more than 50 per cent of the entire marble of the civilized world. This one country of 70,000,000 people is consuming more than one-half of all the marble that is produced on the face of the earth; and I venture the observation, without having the statistics at hand, that if we could ascertain the fact it would be found that our people are consuming at least 75 per cent of the granite product of the world. What does that mean? It means that our mechanics and our workingmen have been getting money enough in wages to enable them to buy gravestones to put at the final resting place of their loved ones, and that the other nations of the earth, with their low wages and the condition of destitution that prevails, are unable to do so.

Mr. PEFFER. I should like to ask the Senator from New Hampshire one more question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. GALLINGER. With pleasure.

Mr. PEFFER. I should like to inquire of the Senator if he has had occasion to observe what is the relative merit of granite as compared with marble in the matter of durability?

Mr. GALLINGER. I have not any expert knowledge on that point, but I think our Concord granite will endure much longer than will the distinguished Senator from Kansas, and probably quite as long as our children and our children's children will live. I think it is entirely durable.

I have here also a sketch of a granite monument, which was priced by reliable parties in Aberdeen, Scotland, and it was found to be, after adding consul fees, duties, and freight to Boston, $275. At the rate of wages paid in Quincy, the same monument, landed in Boston, will cost $435, without a dollar's profit to the manufacturer. Now, beyond a doubt, when the duty is removed the price of the American article will be temporarily reduced through a reduction of wages, but it requires no spirit of prophecy to discern the time when American granite-workers will refuse to take the wages that are paid in Scotland, our granite sheds will be closed, foreigners will supply our wants, and the price will be increased at their own sweet will. That will be the inevitable result of this senseless raid on the granite industry of New England.

RELATIVE WEALTH OF EAST AND WEST.

Mr. President, I have hurriedly touched upon the chief industries in which the people whom I represent are interested, and have pointed out the injury that will come to them if this bill becomes law. New England has done nothing to deserve the chastisement that is threatened her in this legislation. And just here I want to correct an impression which is abroad in the land as to the matter of increasing wealth in New England. A studious effort is being made to prejudice the great agricultural States of the West against New England on the ground that the wealth of the country is centering in the East. It is generally believed that protection works almost wholly to the advantage of manufacturing States and communities, but that is not so.

If one section of the country is prosperous, all sections share

that prosperity: if one section is making money, that section buys and consumes more of the products of the other sections. If manufacturing States can afford to pay high wages to their operatives, they in turn buy and consume more than they otherwise would of the products of the rest of the country. The startling fact confronts me that New Hampshire, a State largely engaged in manufacturing, has fallen rapidly behind in wealth since 1880, as is shown by the census reports of 1890. The entire wealth of the country reaches the almost fabulous amount of $65,035,091,197, about $1,000 per capita, the largest item being in real estate, which reaches $39,544,544,333, or considerably more than one-half of the whole.

Of this wealth New Hampshire's part is $325,128,740, which makes her the poorest of the New England States except Vermont. New Hampshire shows a falling off of $38,000,000 in wealth since 1880, but a gain of $73,000,000 since 1870. Vermont and Maine also show a loss for the decade, the former of $37,000,000 and the latter of $22,000,000. New Hampshire's per capita wealth, which is $863, is $137 less than the average per capita for the entire country. It is greater than that of either Vermont or Maine, but is a falling off of $183 since 1880, in which year she was one of the richest States in the Union, according to census returns.

New Hampshire's aggregate wealth in 1890 was less than that of each of the other States and Territories except Vermont, Delaware, Oklahoma, Indian Territory, Wyoming, New Mexico, Arizona, Nevada, and Idaho.

In manufacturing she stood seventeenth, being exceeded by Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Kentucky, and California.

New Hampshire's wealth in real estate with improvements thereon amounts to $176,131,000, which places her ahead of Vermont alone. In live stock on farms and ranges, farm improvements and machinery she has $14,044,975 invested, which places her ahead of Connecticut and Rhode Island, but behind the rest of New England. In mines and quarries, including product on hand, she has $1,188,049, which is a better showing than Rhode Island makes, but is less than that of the other New England States. In machinery she comes out with $30,964,366, which only lacks $5,000,000 of being as much as shown by Maine and Vermont combined. Singularly enough the best showing made by the Granite State is in her railroads. In them she has no less than $58,782,551 at stake, a larger sum than either Vermont, Rhode Island, or Connecticut, and almost as much as Vermont and Rhode Island together. She has $2,143,867 tied up in telegraphs, telephones, shipping, and canals, and $35,814,204 in miscellaneous business, in both of which directions she exceeds Vermont alone.

I give these figures to show that the frequent attacks upon the New England States, on the ground that they are, because of tariff laws, concentrating an undue proportion of the wealth of the country in their borders, is not justified by the facts. If New Hampshire has declined in wealth $38,000,000 in ten years of high protection, I beg to ask my tariff-reform friends what will become of her under the low-tariff law we are now considering?

Now, let us cast a glance at the agricultural sections of the country and see what they have been doing. It seems to me that the farmers have had their share with the manufacturers in the benefits of the thirty-three years of protective tariffs, under which they have thrived and prospered together. During that period our farm acreage has increased from 407,212,538 acres in 1860 to 623,218,619 acres in 1890; the value of our farms was $6,645,045,007 in 1860, but in 1890 it was $13,275,959,068. The estimated value of all farm products was $1,115,110,000 in 1860, as compared with $2,460,107,454 in 1890.

We exported $256,560,972 of farm products in 1860, while in 1890 we exported $629,785,917, an increase during these three decades of high protection of 145 per cent. The average value of a farm acre was $16.32 in 1860, and in 1890 it had increased to $21.30.

These figures are conclusive. They knock the bottom out of the Democratic assertion that protection has made the manufacturers rich by making the farmers poor. I commend these figures to the careful and thoughtful attention of Democratic Senators, as well as to the notice of the Populist Senators from Kansas and Nebraska. It begins to look as though the "effete" East, as we are sometimes called, will soon be compelled to surrender the scepter of wealth, as well as the scepter of political power, to the great "omnivorous" West.

MR. VOORHEES'S SPEECH.

Mr. President, I feel constrained to recur to the somewhat remarkable speech of the Senator from Indiana. It is a well-known trick of the legal profession, when the facts and the law are against them, to attempt to befog the minds of the jury with rhetorical sentences and declamatory assertions, but after the echoes of the eloquence have died away the judge and the jury usually find the law and render a verdict in accordance therewith. And so in opening this debate, the Senator from Indiana, finding that he had a bad case, adopted the methods of his profession, and instead of making an argument he filled the air with denunciations of manufacturers and attempted to mislead the popular judgment by eloquent appeals to their passions and their prejudices.

But the game will not work. The people are reading and thinking, and when the verdict is rendered in Indiana next November the Senator will then learn of the popular disapproval of the bill he is championing. Listen to some of the Senator's choice epithets, gathered at random from his speech:

"Privileged classes;" "forcible revolution and bloodshed;" "indescribable injustice and oppression;" "vicious principles and workings;" "iniquitous existing burdens;" "vast individual robberies committed in protected markets;" "the untold and incalculable millions of blackmail levied by American manufacturers for their own pockets;" "this wide and well-known field of extortion and injustice;" "the gates of avarice, oppression, and fraud;" "the appalling legislation of 1890, known as the McKinley law, unlimited in its scope and purposes of spoliation and plunder;" "riotous extravagance;" "arrogant, insolent, dictatorial;" "sinister, perfidious, and dishonest in character;" "a giant robber;" "a predatory monster;" "manufacturing interests which are now the colossal taskmasters of the whole people, commanding tribute from every day's labor beneath the sun, haughtily striding the corridors of this Capitol and issuing their edicts in the tones of dictators for or against the enactment of pending measures in the Halls of Congress;" "unworthy, unmanly, unchristian desires to commit extortion;" "in favor of the right to plunder by the law;" "favorites of fortune, pets of vicious legislation to whom the Government has farmed out the power of oppression over others;" "incarnation of human selfishness;" "sordid, brutal selfishness;" "the lust for riches;" "obstructive avarice;" "to commit crime with impunity;" "monopoly and extortion;" "a gigantic crime;" "a policy so flagitious in principle, so rotten in morality, so ravenous in its exactions on the absolute wants of life;" "unjust, relentless, unsparing, insolent, and brutal;" "delusive bribes;" "a reckless, foolhardy experiment on the forbearance of the American people;" "rash and insolent assault on the toiling masses;" "the lowest depths of human depravity may be raked in vain for a baser or more infamous scheme by which to obtain money dishonestly;" "falsehood and perfidy;" "ghastly results;" "hideous fruits;" "uproar and strife;" "distress, want, and sometimes murder;" "unconscious and contented victim of robbery;" "dangerous policy;" "unbridled extortion;" "oppressed labor;" "monopoly and brutal avarice;" "narrow and corroding selfishness of riches;" "the oppression of the toiling masses;" "dangerous pretensions and intolerant arrogance of accumulated wealth;" "continued and brutal dictation of the plutocracy;" "this fortress of greed and gain, dedicated to the plunder and spoliation of the people;" and so on *ad nauseum*. What a choice vocabulary for the chosen leader of the Democratic party in this Chamber!

But let us turn from the Senator's lurid denunciation of the McKinley law and the robber manufacturers to such portions of his speech as may be properly considered in the line of argument. The Senator defends the Walker tariff law of 1846, approves of a duty on sugar, supports the committee's recommendations as to taxing distilled spirits, upholds an income tax, advocates free wool, and claims that Thomas Jefferson was a Democrat after the modern type. Let me, as briefly as may be, reply to those several points.

THE WALKER TARIFF OF 1846.

In reference to the Walker tariff of 1846 the Senator says:

> In the history of tariff legislation in this Government, from the first act in 1789 to the present day, there is one enactment which stands out in its wisdom, its success, and its glory over all others. The Democratic tariff of 1846, devised by Robert J. Walker, ad valorem in its rates from beginning to end, with not a specific duty in it, has had no peer, no rival, even, in the prosperity it secured for the American people during its existence as a law.

I know of nothing so absolutely astounding and incomprehensible as the Democratic claim that the Walker tariff brought prosperity to the country. In my former speech I discussed this matter at some length, but something further may properly be said concerning it. It is the one period to which the average Democratic orator always "points with pride;" the "golden era of prosperity." Well did McKinley, the great apostle of protection, once declare, "If that was a golden era of prosperity, may God save the country from any more such golden eras."

It is easy to make a glowing general statement that the Walker tariff brought prosperity to the country. A new generation has come on the stage of action since the free-trade

policy of the Southern slaveholding oligarchy was overthrown. But there are some men living who remember those days, and fortunately facts and figures are at hand to utterly disprove the Democratic assertion.

No attention whatever seems to be paid by our Democratic friends to the facts of history. They conveniently forget that in 1850 Mr. Samuel Bowles and other representative citizens of Massachusetts sent a petition to Congress entreating it to revise the tariff of 1846 in the interest of protection, and this is what that well-known editor of the Springfield Republican and his associates said at that time:

Previous to the passage of that law the manufacturing and mechanical interests in this community were in a flourishing condition. Since that time the condition of things has entirely changed, and it is fully believed that much of the stagnation of business may be traced to the operation of that law. Manufacturing languishes, mechanics are thrown out of employment, business of all kinds is dull, and unless protection can be afforded to our laboring classes poverty will overtake them. The subscribers therefore pray that Congress will so alter the tariff of 1846 that it will protect the labor and capital of the country from foreign competition.

And they seem to forget, too, that in 1852 President Fillmore, in his annual message to Congress, made this statement:

The value of our exports of breadstuffs and provisions, which it was supposed the incendive of a low tariff and large importations from abroad would have greatly augmented, has fallen from $68,000,000 in 1847 to $21,000,000 in 1851, with almost a certainty of a still further reduction in 1852. The policy which dictated a low rate of duties of foreign merchandise, it was thought by those who established it, would tend to benefit the farming population of this country by increasing the demand and raising the price of agricultural products in foreign markets. The foregoing facts, however, seem to show incontestably that no such result has followed the adoption of this policy.

President Fillmore also painted in glowing colors the disasters that had come to our manufacturing interests, and the suffering and sorrow that had overtaken our people.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. GALLINGER. I yield with pleasure.

Mr. FRYE. The recent elections in the North had, I supposed, utterly destroyed the Democratic party there, but I see they have destroyed it in the United States Senate also. When I commenced to speak there was one Democratic Senator here in the Chamber, now there are two.

Mr. GALLINGER. I welcome to my audience the Senator from Delaware [Mr. GRAY], who I see is now entering the Chamber. It is to be hoped that after we get along a little further in the discussion of the schedules of the bill that our Democratic friends will be on hand, as they doubtless will be, especially when we take votes on different provisions in the measure. I do not find fault that they do not listen to me to-day. The people are listening, and they will settle with the Democratic party.

Going along a little further, to 1854, and we find Hunt's Merchants' Magazine, a well-known free-trade journal of that period, declaring that:

Confidence is shaken everywhere and all classes are made to realize the insecurity of worldly possessions. The causes which led to this have been a long time at work. Goods which had accumulated abroad when the demand had almost ceased were crowded upon our shores at whatever advance could be obtained, thus aggravating the evil.

A little later, January 6, 1855, the New York Herald said editorially:

Elsewhere will be found some mention of large failures at Boston and New Orleans. The epidemic is traveling over the whole country. No city of any note can hope to escape.

An address of the Unemployed Workingmen's Committee to the mayor of the city of New York was published in the Herald of that same date. These workingmen said:

We do not come as beggars, but we ask what we deem right. We ask not alms, but work. We don't want a little soup now and cast-off clothing to-morrow. But we do want work and the means of making an honest livelihood. The condition of the working classes is most piteous. They want bread. Is there not enough in the city? They want clothes. Is there none made nowadays?

The New York Herald is filled with statements of this kind, showing the terrible condition of the workingmen, and the well-known appeals for help printed in the New York Tribune of the same date and in other papers equal anything that has occurred during the past year in this country. It was Democratic times then: it is Democratic times now.

And although often quoted, the words of President Buchanan in his message to Congress in 1857 will bear repetition:

In the midst of unsurpassed plenty in all the productions and in all the elements of national wealth, we find our manufactories suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want.

Can it be possible that those were prosperous times? If idleness, low wages, hunger, failures, bankruptcy, are evidences of prosperity, then indeed did the Walker tariff bring prosperity to the country, but not otherwise.

The following letter from a resident of my State, a man of wide observation and experience, now well advanced in years, will throw a flood of light on this question:

CHARLESTOWN, N. H., *April 11, 1894.*

MY DEAR SIR: If you propose to say anything more on the tariff question, I wish you would arraign the abettors of the "Wilson bill" for the entire falsehoods they utter in regard to the "Walker tariff" of 1846.

Those of us who were engaged in manufactures at that time well remember the prostration in business and the idleness of the working people in 1848, 1849, and 1850, despite the call for some branches of manufacture caused by the Mexican war. This continued until the gold became to pour in from California in 1851, when a short period of apparent prosperity and inflation followed, until the great crash of 1857.

The gold all went through the country to Europe, and, as you will know, the United States had to pay a premium for it in 1859.

I sketched some reminiscences of those days in the new city of Lawrence (started in 1845), in a paper for the Manufacturers' Gazette, which I sent you last week, and which I hope may be of interest to you. Few of these free-trade orators are old enough to know what they are talking about.

Yours, very truly,

SAMUEL WEBBER.

Hon. J. H. GALLINGER.

A letter written by the same gentleman in January of this year, and printed in the Boston Journal, is of interest in this discussion. Mr. Webber says:

While you are perfectly correct in denying the falsely claimed prosperity of the country under the Walker tariff of 1846, you do not make use of some important facts in the history of the city of Lawrence from 1847 to 1853, when the influx of gold from California produced a temporary prosperity which lasted until the great crash of 1857. There must be some of the old stockholders in the mills of that city living, who can give you some mournful facts.

I went down there from Lowell as draftsman and assistant engineer to the Bay State mills in 1847, and well remember how in 1848 it was found impossible to start the mills on the fabrics for which they had been planned, viz, "fancy cassimeres and overcoatings." I remember when Miss Turnbull, sister of Mrs. Samuel Lawrence, brought home a plaid shawl from Scotland, and Mr. Lawrence saw it might pay to try and make some of them.

Milton D. Whipple, a well-known inventor of Lowell, was called in, and invented a machine to twist the fringes, which was done by hand in Scotland, and thus saved about 20 cents on a shawl. The success for a couple of years was phenomenal, until the fashion changed, leaving the mills to struggle along uncompleted, until they went under completely in 1857, and were recapitalized as the Washington mills at 10 cents on the dollar.

I remember how the great Atlantic cotton mills threw up half their plans and the Essex Company took back the land and wheelpits, which had been built and which lay idle for many years, until it was finally purchased by the Pacific mills, and is now utilized for the manufacture of cotton and worsted goods, and known as the "Lower Pacific."

I remember how friends of mine, who were original subscribers to the stock of the Pacific mills, were said to have sold their $1,000 shares for $75, because they could not raise the money to pay assessments called for additional stock because the expenditure had exceeded the estimates.

I well remember, also, how this call for money worried the late Hon. Abbott Lawrence, who was largely interested in those mills. I can speak only as an observer and a working engineer, but you can surely find men who can tell you of their personal losses.

The tariff of '46, planned by a Southerner, did not bear so heavily on coarse cotton goods as it did on woolens, and after the gold came in from California the manufacture of ordinary cottons was profitable, but all the prosperity of that period was due to California and not to the tariff, and that all was not prosperous before the gold came in is shown in an article in the November number of the Engineering Magazine on "The History of Strikes in America," which says: "In 1850 business was dull throughout the country. Out of 2,485,700 cotton spindles in New England over 800,000 are said to have been stopped." Wages were reduced in Fall River and a great strike followed, in which 1,800 people were out of employment for six months.

We are now repeating the disasters which followed the tariff of 1846 for four years, and we have no California to fall back on!

The young men who write the "Free Trade Tariff Reform" articles for the Boston Herald and such papers do not remember as far back as 1850, and you will do good service to the country if you will obtain and publish some facts from men who were crippled or ruined financially by the tariff of 1846.

Yours, very respectfully,

SAMUEL WEBBER.

CHARLESTOWN, N. H., *January 6, 1894.*

Such testimony is worth more than all the rhetoric of all the Democratic orators in the country, and ought to settle forever the contention as to the practical workings of the tariff of 1846.

Mr. GRAY. Does the Senator from New Hampshire object to a question? I see he has a prepared speech.

Mr. GALLINGER. Not at all; I shall be pleased to have an interruption.

Mr. GRAY. The letter from the constituent of the Senator from New Hampshire, to which I have been listening, describes the condition of the country as he believes it to be under the Walker tariff of 1846.

Mr. GALLINGER. Yes.

Mr. GRAY. Has he said anything about the condition of the country under the McKinley tariff in 1892, 1893, and 1894, the tariff under which we are now living, and which is in active operation to-day?

Mr. GALLINGER. I believe he did not allude to that, but the Senator from Delaware knows that he could not have said anything detrimental to the operation of the McKinley tariff in 1892, as it is admitted on all hands that that was the most prosperous year in the history of the country.

Mr. GRAY. We had in 1892 some of the most disastrous strikes we have ever had in the history of the country.

Mr. GALLINGER. We have always had disastrous strikes, and free-trade England has had more than this country has had.

Mr. GRAY. The strikes in this country never were so disas-

trous as they were in 1892. Never were so many men shot down in their tracks for demanding their share——

Mr. GALLINGER. I do not agree to that. How many men were shot down in their tracks, and under what circumstances?

Mr. GRAY. Ev r so many; I do not know the number.

Mr. HOAR. Will the Senator from New Hampshire allow me a moment?

Mr. GALLINGER. With pleasure.

Mr. HOAR. How can the McKinley tariff be said to be in active operation in the United States to-day when, ever since the election of the Senator from North Dakota [Mr. ROACH], which gave the Democrats their majority in this Chamber, every business man has known that if he made a contract the tariff was liable to be repealed before he could execute it?

Mr. GALLINGER. I was about to make that very observation. Mr. Webber, the gentleman from whom I have been reading, and whom I know to be one of the most intelligent men in our section of the country, calls attention to the fact that this condition of things h s existed in this country, just as it existed under the tariff law of 1846, ever since the Democratic party came into power on a platform pledging it to re nact a tariff similar to the tariff law of 1846. It is, Mr. President, I submit, almost a reflection upon the intelligence of the distinguished Senator from Delaware for me to have to remind him of the fact that the business interests of this country perfectly understand that the Democratic majority proposes to strike down the high-tariff law of 1890 and enact a low-tariff law in its stead, and that every contract that is being made is made, and every man who proposes to invest one single dollar in any industry in this country, does it with the understanding that if the Democratic party can rally, by fair means or foul, a sufficient number of votes to pass the Wilson tariff bill, they propose to give this country a low tariff instead of the high tariff wh ich we have had for the last thirty-three years.

Mr. GRAY. I do not wish to interrupt the Senator from New Hampshire unduly.

Mr. GALLINGER. I am very happy to yield.

Mr. GRAY. I should like the Senator from New Hampshire to state what he thinks the people of this country meant by the mandate which they gave to Congress by an overwhelming majority in 1892, to do the very thing of which he complains?

Mr. GALLINGER. While I am not a Yankee by birth, I have lived among the Yankees long enough to answer the question of the Senator from Delaware by asking another. I wish to ask the Senator from Delaware what he thinks the people of this country meant by the overwhelming verdict they have given against the Democratic party in every State where elections have been held since the Wilson bill was reported to the Congress of the United States?

Mr. GRAY. I will answer the question not by asking another, but by saying that since the verdict of the people on the McKinley law was given there has been no election in which the tariff was an issue at all. There has not been, since 1892, one single Representative sent to the Congress of the United States who was elected upon the issue, fairly raised, as to the existence of the McKinley tariff.

Mr. GALLINGER. Evidently the Senator from Delaware has been neglecting his opportunities. If he does not know that there was a contest in two Congressional districts in the city of New York, and that the tariff was the only question that was at issue, and that in one district 10,000 Democratic majority was wiped out and a Republican elected, and in another district 12,000 Democratic majority was reduced to 2,000, then I say again it is a reflection upon the intelligence of the Senator from Delaware to even call his attention to this matter.

Mr. GRAY. If I were to indulge in that kind of language, which I do not wish to do, I should say it was a reflection on the intelligence of the Senator from New Hampshire not to know that the elections in New York turned upon the local, city politics, the Tammany and the anti-Tammany organizations. It was one of those temporary disturbances in politics which occur there and in all great cities.

Mr. GALLINGER. I certainly did not mean to be offensive to the Senator from Delaware. This is the first time the suggestion has ever been made that those elections were conducted on local issues, and I hope the people of New York will take note of it.

Mr. ALDRICH. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. With pleasure.

Mr. ALDRICH. The elections in the two Congressional districts in the city of New York to which the Senator from Delaware has alluded were conducted solely upon the question of the tariff.

Mr. GALLINGER. That is precisely what I said.

Mr. ALDRICH. The successful candidate in one of the districts, Mr. QUIGG—I do not remember the number of the district—made a house-to-house canvass throughout the entire district, not simply upon the tariff question, but upon the bill as it then stood in the House of Representatives, the so-called Wilson bill. The election in Pennsylvania was also carried on upon tariff lines.

Mr. GRAY. The "Dutch carried Holland" there, did they not?

Mr. ALDRICH. The election in my State, where the selection of a member of this body was at stake, was carried, too, solely upon that issue. If there is anything in the signs of the times that is perfectly clear and that the Senator from Delaware understands as well as I do, it is that the people of the United States are heartily sick and disgusted with themselves for the result of the elections of 1892, and that there is a revision of that judgment going on at the present moment.

Mr. GRAY. Against the assertion of the Senator from Rhode Island and his declaration in respect to which I have no doubt the wish is father to the thought, that the people are sick of tariff reform, I have only to place again their distinct, emphatic, and impossible-to be-misunderstood verdict in 1892, and to state that since then there has been neither opportunity to reverse it nor any attempt to reverse it.

Mr. ALDRICH. If the Senator from New Hampshire will yield for a moment further——

Mr. GALLINGER. Certainly.

Mr. ALDRICH. I did not say that the people of the United States were sick of tariff reform. My declaration was not intended to be so broad. What I did say and what I mean to affirm is that the people of the United States, with great unanimity, are opposed to the kind of tariff reform which it is proposed to be enacted into legislation by any of the bills now before the Houses of Congress. It is this nondescript measure, which is neither for free trade nor protection, which is a thousand times worse in its effects upon the country than either would be, that the people of the country are disgusted with. I will state to the Senator from Delaware (and I I am not greatly mistaken he will find the same thing true in Delaware next November) in my part of the country there is not an intelligent Democrat of any kind who does not denounce the proposed legislation that is now before Congress.

Mr. GRAY. The only satisfactory evidence that we can ever have about popular sentiment is a popular vote, and I am not in the habit of indulging in prophesies in a matter of that kind. If I did I could indulge in some.

Mr. ALDRICH. I do not think it would be safe for the Senator from Delaware to indulge in prophesies.

Mr. GALLINGER. Now, I believe I will proceed. I will say, broadening the suggestion of the Senator from Rhode Island a little, that, in my opinion, there has not been an election in any State of the American Union since the Wilson bill was reported that was not fought distinctly upon the tariff issue.

Mr. FRYE. Nor in any town.

Mr. GALLINGER. Nor in any town. If the Senator from Delaware is so confident that the verdict of the American people was in favor of tariff reform, as he calls it—and I wish to call his attention to this matter—and that the American people decided in favor of this sort of legislation and that they have not changed their mind in regard to it, is he willing to put this matter over and submit it again to the people of this country in November of the present year?

Mr. GRAY. I should not dare go home to my people if I did.

Mr. GALLINGER. The Senator would not come back here if he did. [Laughter.]

Mr. ALDRICH. I desire to call the attention of the Senator from Delaware to another significant fact. The Democratic press of the country, the influential press of the country, has had nothing but words of praise to say in respect to the two speeches which have been made upon the other side of the Chamber in opposition to this measure. I know of no Democrats of the North who are not heartily in sympathy with the effort which is made here by the Senator from New York [Mr. HILL] and the Senator from New Jersey [Mr. SMITH] either to put the bill into a shape where it will conform with Democratic principles and Democratic doctrines or to defeat it. This movement, I say, has the hearty sympathy of every Democrat I know of in the North.

Mr. GRAY. I crave the indulgence of the Senator from New Hampshire, as he is so amiable about yielding.

Mr. GALLINGER. I am always delighted to yield to the Senator from Delaware.

Mr. GRAY. The Senator from Rhode Island as usual, in the enthusiasm of his nature and with that hopefulness which builds itself to such gigantic proportions upon so slight a foundation, is building a very great superstructure on the two speeches to which he alludes. I understand both of those speeches were

confined (certainly the last one was confined, unless I am misinformed) to a discussion of the income-tax provision of the proposed law, which has just about as much relation to the tariff reform that was passed upon by the people in 1892 as a ukase of the Emperor of Russia. If he builds his hopes entirely upon that foundation, I am afraid we will have to sympathize with a very grievous disappointment. If that means an objection to tariff reform, then, of course, I am quite as much mistaken as the Senator from Rhode Island no doubt thinks I am.

Mr. ALDRICH. I shall be very much mistaken if a large majority of the Senators sitting upon the other side of the Chamber do not arrive at the conclusion before we are through with this discussion that the income tax is a very essential element of tariff reform.

Mr. GRAY. Is the Senator from Rhode Island opposed to the income tax?

Mr. ALDRICH. Certainly. I am not only opposed to an income tax, but to all the innumerable odious provisions of the pending bill.

Mr. GALLINGER. I can speak more definitely concerning the politics of my own State than I can speak concerning the State of Delaware or any other State. I know what our people are thinking about to-day. I heard a gentleman, who was a delegate from New Hampshire to the last national Democratic convention and who was a warm supporter of Mr. Cleveland's nomination, say in this building that if the proposed tariff law is passed there will not be any Democratic party in New England left.

I know that the member of the national Democratic committee from my State is credited with having recently said to a high officer of the Government in this city that he proposed to continue to vote the Democratic ticket as long as he lived, but that if the Wilson bill passed he thought he would be the only man in New Hampshire who would vote that ticket at the next election. It may be that the people are not talking and thinking and acting upon the tariff question; it may be that they are talking of local matters instead of national affairs, but I can not conceive how any Senator can stand in this Chamber and make a declaration of that kind.

DOCUMENTARY PROOF.

Fortunately, too, there are documents in existence bearing on the question of the tariff law of 1846 which can not be gainsaid. Among those are the pay rolls of New England manufacturing establishments. Mr. John F. Busiel, of Laconia, N. H., is a gentleman known throughout New England as a man of strictest honor and integrity. Until recently he was a Democrat, but the free trade tendencies of the Democracy have driven him into the ranks of the Republican party. In 1848 Mr. Busiel managed the Gilford Manufacturing Company, and in a recent letter to Congressman BLAIR he furnished the pay roll of his mill for the month of February, 1848. It is exceedingly instructive, and I borrow it from a recent speech of Congressman BAKER of New Hampshire:

February, 1848.

Name.	Time.	Rate.	Amount.	Rate per hour for 14 hours.	Rate per day on 10-hour basis.
	Days.			*Cents.*	
J. V. Goodwin, overseer	25	$1.50	$37.50	10¾	$1.05½
Jas. Robie	25	.42	10.42	3	.30
Thomas Kelley	25	.25	6.25	1¾	.17½
Nancy J. Piper	24	.53	12.71	3¾	.37½
Nancy Robie	25	.72	17.87	5⅛	.51½
Mary Robie	25	.63	15.81	4½	.45
Susan E. Robie	25	.65	16.43	4⅝	.46⅜
M. J. Dolloff	11	.50	5.50	3⅞	.35½
Catherine Buzzell	23½	.62	14.57	4⅜	.44⅜
Merriam Leavitt	23½	.68	15.98	4⅝	.48½
Ruth Smith	2½	.63	1.70	4⅝	.48½
H. E. Semple	25	.58	14.62	4⅛	.41⅝
B. Moulton	16½	.66	10.88	4⅝	.47½
L. A. Flanders	18	.51	9.18	3⅝	.36½
S. E. Martin	25	.57	14.25	4⅛	.40½
S. Taylor	25	.75	18.75	5⅜	.53½
Ruth Taylor	25	.75	18.75	5⅜	.53½
Eleanor Hinds	25	.33	8.33	2⅜	.23½
P. Hayford	25	.41	10.33	2¹⁵⁄₁₆	.29½
M. A. Tilton	3	.31	.93	2⅜	.22½
Mary Tilton	3	.17	.55	1⅞	.12½
Eleanor Leavitt	2	.17	.32	1¾	.12½
Mary A. Swain	8	.34	2.72	2⅜	.24½
L. A. Drake	8	.38	3.06	2¾	.27½
Caroline Jewett	20	.28	5.66	2	.20
Mary E. Tucker	1½	.42	.73	3	.30
W. Tucker	*78	1.50	117.00	10¾	1.05½
Jere Jaques	†50	.88	44.00	6¼	.62½
Charles Kelly	20½	.58	11.96	4⅛	.41⅜
William Elkins	25	.58	14.55	4⅛	.41⅜
Lewis Badger	16½	.51	8.35	3⅝	.36½
John Kelly	20½	.85	7.12	1¾	.17½

*Three months. †Two months.

February, 1848.—Continued.

Name	Time.	Rate.	Amount.	Rate per hour for 14 hours.	Rate per day on 10-hour basis.
	Days.			*Cents.*	
Amanda Smith	8	$0 52	$4.16	3⅝	$0.37½
S. J. Tucker	25	.43	10.78	3¹⁄₁₆	.30⅛
Angelina Folsom	25	.49	12.18	3½	.35
Amanda Semple	25	.48	12.08	3⅜	.34½
Caroline Semple	25	.43	10.78	3¹⁄₁₆	.30⅛
Mary Semple	25	.33	8.33	2⅜	.23½
Mary Parsons	25	.42	10.42	3	.30
Sarah A. Gilman	14	.38	5.25	2⅝	.27½
Sarah A. Clay	22	.33	7.33	2⅜	.23½
Hannah Keyser	25	.50	12.52	3⅝	.35⅝
E. Hackett	21	.53	11.10	3¹³⁄₁₆	.37⅝
Mrs. F. Smith	25	.50	12.50	3⅝	.35⅝
Sarah Leavitt	25	.45	11.25	3¼	.32½
Eliza J. Dolloff	6	.54	3.25	3⅞	.38½
Mary A. Ames	10½	.43	4.58	3¹⁄₁₆	.30⅛
David Edwards	4½	.50	2.25	3⅝	.35⅝
Caroline Parsons	21	.35	7.33	2½	.25
Mrs. J. Gilman	2	.37	.75	2⅝	.26⅜
Emily Morrill	23½	.23	7.83	2⅜	.23½
Melissa Young	17	.46	7.78	3⅓	.32⅝
Ann Parsons	25	.33	8.33	2⅜	.23½
Geo. Smith	16½	.42	6.92	3	.30
Olive J. Chapman	24½	.33	8.17	2⅜	.23½
Emeline Folsom	25	.37	9.30	2⅝	.26⅜
Hannah Taylor	25	.42	10.42	3	.30
E. Ladd	26	.38	9.50	2⅝	.27½
Anu D. Eagan	3	.35	1.05	2½	.25
John Tucker	4½	.25	1.12	1¾	.17½
Phœbe Ames	14	.33	4.67	2⅜	.23½
Lydia Flanders	5½	.54	2.98	3⅞	.38½
J. Blackey	14½	.52	7.55	3¾	.37½

If any Democratic Senator who thinks the period of the Walker tariff was such a golden era will take that pay roll, copied from the books of a manufacturing concern in my State, and then come before the Senate of the United States and still contend that those were prosperous times I will promise to yield the discussion absolutely.

This table shows that the average pay of each employé, including overseers, during those good old Democratic days was 51.6 cents per day of fourteen hours or 36⅞ cents per day of ten hours. Statistics show the average pay of mill operatives to have been as follows, at stated periods between 1848 and 1892:

1848, Walker tariff, 50.7 cents per day of fourteen hours, 3.62 cents per hour.
1853, Walker tariff, 57.4 cents per day of fourteen hours, 4.1 cents per hour.
1861, Morrill tariff and war time, about 50 cents per day of eleven hours, 4⅝ cents per hour.
1864, Morrill tariff, about 60 cents per day of eleven hours, 5⅜ cents per hour.
1869, Morrill tariff, $1.16 per day of eleven hours, 10½ cents per hour.
1892, McKinley tariff, $1.57 per day of ten hours, 15.7 cents per hour.
For 1893 the wage rate showed a slight increase over 1892, until the panic stopped business.

It will be seen that the wage rate under the McKinley tariff of 1890 was more than four times that of the Walker tariff of 1846. And yet the Senator from Indiana says we had marvelous prosperity under the tariff of 1846, and that the McKinley law was "a reckless and foolhardy experiment on the forbearance of the American people." What sublime and unutterable nonsense that is.

Mr. Busiel concludes his exceedingly interesting letter in these words:

Thus it will be seen that during the period of the Walker tariff and through the war, there was very little increase in the purchasing power of an hour's work, while since protection has had a natural opportunity to operate during the last thirty years, the hour's pay has become at least three or four times more valuable as a purchasing power than under the Walker period of free trade or revenue only. It should be further stated that food, clothing, and other necessaries were generally much more expensive relatively during the Walker tariff period than since that time under protection.

What is true of the manufacturing industry is also true in regard to agriculture and all other employments of society. I worked on a farm myself in those days and know that first-class hands received 50 cents working out by the day during the warm season, excepting in haying time, when they were paid 75 cents. Ten and twelve dollars by the month was the very highest pay then known to be paid on a farm in that part of the country, while six or eight was nearer the average. The improvement of the condition of our people under the policy of protection is beyond realization by those who have not witnessed it in others or experienced it themselves.

These are solemn facts as against Democratic theory; but notwithstanding it all the Democratic party will continue the cry that the Walker tariff period was "a golden era of prosperity." Heaven save the mark!

SUGAR.

The Senator from Indiana defended with much vigor the proposed placing of a duty on sugar, and denounced the bounty feature of the McKinley law as a great outrage on the American people. It is difficult to discuss seriously such a speech as that of the Senator from Indiana. How can argument reach a man who claims that the farmer does not need protection for

his wool, because, as he says, "a man canopied by the free open heavens can not prosper by the artificial and unfair processes of protection." The same logic would forbid the farmer, with the free canopy of heaven over him, to use artificial fertilizers on his land.

The Senator exulted in eloquent language because the price of sugar has fallen heavily since 1846, and then he fiercely denounced the bounty system, to which alone that decline is due. If he does not like McKinley prices for sugar why does not he go back to Walker prices in 1846, which were more than twice what they are to-day? The Senator calls the $10,000,000 paid in bounty robbery and extortion, but he conveniently forgets the $50,000,000 or $60,000,000 that have gone into the pockets of the people because of practical free sugar under the McKinley law.

The price of sugar has fallen because three-fifths of the sugar supply of the world is furnished by beets; and the beet sugar industry, created by protection of the most stringent character, has always been, and is now, stimulated by bounties. The Senator does not like "artificial" methods of producing industrial results under the free canopy of Heaven. But if there ever was employment of artificial means in such a direction it was when France thus summoned into existence, and the other nations of Europe promoted and developed, the culture of the sugar beet. Eloquent references to the free canopy of Heaven and to the intrinsic viciousness of bounties will not disguise the facts, first, that this friend of the farmers is trying to destroy a new industry which in the great West promises much for the prosperity of the agricultural population; and, second, that while he will relieve the people from payment of about ten millions annually for bounties, he will compel them to pay in sugar duties from fifty to sixty millions which they are not now required to pay.

This is the grand scheme of the Democratic party in regard to sugar. It strikes a blow at every man, woman, and child in the land, and especially in the families of the poor. It protects and fattens the great sugar trust, while at the same time it imposes an additional burden upon every consumer of sugar in the United States, and sounds the death knell of the beet-sugar industry in Kansas, Nebraska, and other States.

Whether, as is rumored, the Democratic majority have further yielded to the sugar trust, and are contemplating an added increase of duty, I do not know. It matters not whether that be true or false, the people understand the question, and the day of reckoning for the Democratic party on this subject is not far away.

TAX ON DISTILLED SPIRITS AND THE EXTENSION OF THE BONDED PERIOD.

In discussing the tax on distilled spirits and the extension of the bonded period the Senator from Indiana declared that the task was easy and the way smooth. He then proceeded to show that the proposed increase of tax and the extension of the bonded period was altogether in the favor of the Government and not at all to the interest of the whiskey ring. It will be difficult for the Senator to impress his views on this subject upon the minds of candid men. The present internal-revenue tax on whisky and other distilled spirits is 90 cents a gallon, to be paid by the distillers three years after the liquor is made, or at any time within the three years if it shall be sold.

The three years are allowed for the reason that the newly made liquors are unfit for use, and require about three years to ripen and evaporate their rawness. For the purpose of keeping these liquors until sold for use, the Government provides bonded warehouses in which to put them during the three years' process of maturing. The tax is not demanded until the liquors are taken out of these warehouses for sale. But whenever they are taken out, the tax must be paid. The result of this system of storage is an enormous stock of liquors constantly in these warehouses unsold. So far so good. But now, what do we see? The new "reform" tariff, with its internal-revenue attachment, provides that the tax shall be increased from 90 cents to $1.10 per gallon, but the additional 20 cents shall not apply to the liquors now stored and to be stored before the new act goes into effect, but shall apply only to the liquors made after the law goes into operation. This is manifestly for the purpose of giving the distillers, the whisky, rum, and gin makers, the chance to add the 20 cents a gallon to the price of their products as clear profit without paying it as a tax at all. In addition to this, the new bill extends the storage period to eight years, so as to give the whisky ring all the advantages of the market for this long term instead of the three years now provided, and thus relieve the distillers from the trouble of raising money to pay the tax and saving them interest on the whole amount. This job of legislation will put millions into the pockets of the whisky ring as clear profits.

But let us see how this proposed increase on distilled spirits will work. The whisky ring will remove from bond an immense supply of the stock on hand, increase the price the amount of the additional tax (20 cents per gallon), and the Government will get nothing additional by way of tax. Not only the consumer of whisky, but those who use alcohol in the arts will be compelled to contribute 20 cents per gallon to the most unscrupulous and desperate ring that has ever existed in this country. Now, let us go a step further. The bill proposes to extend the bonded period from three to eight years. What will be the result of such extension? The Government will be deprived for five years of its tax of 90 cents per gallon. Ninety cents, at 6 per cent, is 5.40 cents annually, and for five years it is 27 cents. So that every gallon of spirits left in bond for five additional years will pay the Government 20 cents additional tax, and at 6 per cent interest the whisky ring will make 27 cents, or 7 cents more than will be paid to the Government.

At 5 per cent the loss to the Government will be 2½ cents on every gallon, and at 4 per cent the Government will make a profit of just 2 cents per gallon. This is a matter of simple mathematics which I seriously commend to the consideration of the Senator from Indiana and his Democratic associates. I say that the pretended advance of the duty on distilled spirits is a humbug from beginning to end. It will not much benefit the revenues of the Government, it will largely increase the price of alcohol used in the arts, and it will enrich an already highly favored class of men, combined to control the market in distilled spirits. In addition to which it may be said that while the Government is keeping the whisky eight years in bonded warehouses it will probably double in value because of its added age.

WHY NOT A TAX ON BEER?

If additional revenue is needed why not put the tax on fermented liquors? The tax on beer is paid yearly, and there is no bonded period. Alcohol and spirits now pay 700 per cent tax, while beer pays about 25 per cent. The former is used to a large extent in manufactures, while the latter is all drank. Let the tax on distilled spirits remain at 90 cents, and the tax on beer be increased from $1 to $2 per barrel. Such an arrangement would not be profitable to the whisky trust, but it would be sensible and just. Why this extreme tenderness and consideration for the brewing interest of the country which accumulates vast fortunes? The claim that beer is a food product and should not be further taxed is ridiculous in view of the proposed tax on sugar, used by every person in the country, rich and poor alike, and from the fact that inasmuch as only a small proportion of the sugar consumed by our people is produced in this country, it is entitled to free admission to our markets.

Beer is an article not carried in bond in such large quantities as to affect the interests of any trade by an increase of the internal tax from one to two dollars per barrel. The increased income would be immediately available; the retail price would not be affected in the least. There would be no one engaged in the arts and manufactures to suffer, as will be the case should spirits and alcohol be advanced in price. Aside from this very important consideration, the money market will not be disturbed, as there would be no demand for funds to take out goods under the present law, thereby deferring for an indefinite period the benefits of legislation. The limit the Government hopes to benefit ultimately from the increased tax on spirits is twenty millions per year, and really nothing for a long time. Beer increased $1 a barrel would bring in a revenue of over thirty millions per year, the increase becoming immediately available. From this the Government could continue the present bounty on sugar, and have nearly twenty millions surplus.

Then why not tax beer? Will some one on the Democratic side kindly make answer?

THE INCOME TAX.

With his usual exuberance of language the Senator from Indiana gives his approval and blessing to the income tax proposition. He sees nothing in it but good, and even finds authority for it in the Good Book itself. But that, I will suggest to the Senator from Indiana, was a very different and much better income tax than the one now proposed.

In my former speech I pointed out that the proposed tax is inequitable, inquisitorial, and sectional, and will in time of peace subject the people to methods that were well nigh intolerable in time of war.

Since then the Senator from New York [Mr. HILL] and the Senator from New Jersey [Mr. SMITH] have discussed the subject with great ability, and have pointed out the overwhelming objections to this form of legislation. I will now content myself with calling attention to the utterances of certain public men and leading newspapers in opposition to this scheme.

Hon. J. C. HENDRIX, a Democratic Representative in Congress from New York, discussed this question in a speech in the House of Representatives with such remarkable keenness and ability that I can not refrain from quoting liberally from him. Among other things, Mr. HENDRIX said:

A volume could be written on the mysteries of this bill before we get within 40 miles of the plutocrat. If you make $5,000 on the sale in 1894 of a

house purchased in 1892, you pay on that 2 per cent. If you lose $5,000 on a house you bought in 1892—these real-estate transactions run from the year of our great victory—you pay 2 per cent of that also.

If you speculate as a business and lose $5,000 in Wall street that is deducted from your taxable income. If you paid $5,000 for a piece of real estate and the title proves bad—that is, if you bought it in 1892 and discovered your loss in 1894—you get no deduction. If there was a house on it and you had that burned you get a deduction, provided it was not insured. The law reads "losses actually sustained during the year arising from fire, shipwreck, or incurred in trade and not covered by insurance or otherwise." That "otherwise" is scattered through this bill like plums in a pudding.

If you own a building which does not pay because it has no elevator, and you put one in, the cost of that elevator is part of your income and you must pay 2 per cent on it. You can deduct the Medicine Lodge mortgage in some distant year when you have ascertained that it is worthless, but until so ascertained the tax runs on the interest upon it, and there are no drawbacks. The curios are not ended. From the aggregate income of all the members of any family one deduction of $4,000 is made. What is the size of the family? The proposed law says it may be composed of one or both parents. It does not limit their ages—"one or more minor children"—it does not say whose children—"or husband and wife." Now, if there is not a problem for you!

Between them all, $4 000 may be deducted. The grandparents may be living with their only son and his wife and their one or more minor children—all with $4,000 incomes. Whose $4,000 of income is to be deducted? Does the exemption run to the "old folks at home?" The grandfather may never care to wander from his son's fireside. If he and his old wife should take a house next door they would save taxes on $4,000, because they would be clearly within the statute. If they live with their only son and his wife and their one or more minor children, the taxable wealth of the country would probably be increased by $8,000. If a husband and wife should each have a separate income of $4,000 a year, they will have to be taxed, if they live together, on $4,000. If they get a divorce, they are not taxed.

Four sisters, girls of 17, 18, 19, and 20, say, jointly own a city house which yields $16,000 a year income. They pay a tax on an income of $12,000 because they live in sweet sisterly love with a big brother who is their guardian. They all marry in one season, and that taxable wealth is knocked into oblivion. A law that can shoot in as many directions as this one and hit something every time, is too dangerous to let loose in hard times on a suffering country.

If a poor farmer puts money into a little company and utilizes some waterfall near by for a factory, down comes the hand of a tax collector and makes his investment so unprofitable that it is better to keep his money idle, without the risk of business, in an old stocking. This law is an octupus. It has a tentacle for every man who has a dollar in any paying corporation in America. If a page here owns one block of Western Union Telegraph stock which pays him $5 a year he must lose 2 per cent on that $5. If I own a million dollars of Government bonds I do not have to lose 1 cent, not even on the accrued interest, on the premium, on the bond, or on that mystery of finance, the "premium on the coupon."

If I own $100,000 worth of New York Central stock, I lose 2 per cent on $4,000. If I go into a manufacturing enterprise that pays no dividend, but tries to build up a surplus for hard times, I get no return for my money and have to go to work. If my salary is $4,000, I must account for the ratable share of the surplus of the factory, and that is taxed. So I am better off to lock my money up in governments or to put it in a savings bank, where it is under favor of State and national laws and is kept out of business. The bill should be entitled "An act to encourage idle capital."

It is a tax upon industry. There is a messenger boy in the bank of which I am president, who has put his savings into a corporate stock. He pays his 2 per cent income tax, although he has not over $300 in the world and his salary is not over $10 a week. His income is about $15 a year from his investment, but it is taxed. A clerk who gets $4,000 and saves nothing does not feel the tax at all. A stockholder lives on the proceeds of $150,000 of Detroit City 4 per cent bonds and goes untaxed. The tax reaches the boy's $15, but it does not touch the wealthy stockholder. Yet this bill is framed on the theory of each citizen's ability to pay! The widow gets insurance on her dead husband's policy. All dividends coming to her are taxed 2 per cent, and she receives, say $10,000, in one year. She must pay 2 per cent on $6,000 of that. She invests the whole $10,000 in some corporate stock, and her income, all that she has or ever expects, is $600 a year. She loses 2 per cent tax on that by this bill. A rich man's widow puts $100,000 into Brooklyn City 4's and doesn't pay a cent.

The President of the United States, with $50,000 a year salary, pays nothing, it is claimed, and a member of Congress, who gets $5,000 a year, and pays $1,000 taxes on a fine house which he owns, escapes taxation. The member who rents a house for $1,000 has to pay taxes on $1,000, yet there is to be no inequality in this taxation! The Cabinet minister, with $8,000 a year, may pay $4,000 taxes on city lots, and not be taxed a dollar for the Government.

The law sends a prying, curious lot of officials about with power to invade homes and business houses, and to exercise all sorts of tyranny. It must be inquisitorial to the last degree. It punishes enterprise, hunts coöperation with a malicious mind, and seeks to discourage the strength that grows out of the union of savings in adventure, and drives capital into idleness and hiding. You can drive a coach and four through it, and yet it will take 2 cents out of one single dollar paid to a New England mill operative on her invested savings.

That is Democratic testimony from a man of large business experience, and as such is entitled to great consideration.

Hon. Roswell G. Horr, of Michigan, a sound thinker and writer on economic and financial questions, has this to say in an article published in the New York Tribune:

The income tax on the earnings of corporations, as it now stands in the Wilson bill, will compel national banks to pay an additional tax over and above that which they now pay as local taxation. The savings banks will be compelled to do the same thing. Indeed, the tax is universal and applies to the earnings of all corporations.

The President recommended such a tax in his message, but did not favor a tax on individual incomes. He no doubt conceived the notion that a tax on corporations could be more easily collected, and would not be so repugnant to our people as a tax on individual incomes. Such a tax on the earnings of corporations is, in fact, a tax on every stockholder of such corporations. Consequently the claim that the income tax will reach only about 85,000 people in the United States is nonsense. The law as it now stands will affect several hundred thousand people who own stock in the numerous corporations. It is on that account that such a tax is unfair and unjust.

Many of the stockholders of these corporations are widows, children, and other persons who have not even $1,000 of income a year. They suffer by such a tax, while the people who earn $2,000, $2,500, $3,000, $3,500 a year go scot-free. Such a tax is not perhaps as obnoxious to the people of the country as the direct tax on individual incomes, but it is by far the most unequal tax.

The savings banks will be affected. They will have to pay their own local taxes, also this tax on their earnings, and will suffer by the tax being also collected on the dividends of many stocks which they hold as investments. These banks must also pay interest on their deposits.

There is no use trying to evade the conclusions. An income tax of this kind will have a tendency to cripple corporate institutions. The purpose seemed to be to tax all kinds of successful industry and to strike a direct blow at every person who is prosperous. I do not know that there was any special prejudice against the stockholders of national banks. The intention of the bill was to raise a large amount of money from persons and corporations that are doing well.

No one will deny the fact that the income tax is class legislation of the rankest kind. The exemption was placed at the high sum of $4,000 in order not to reach any people except those who have large incomes. Such a tax is simply communism in an indirect way. In England the exemption is only $500. A large exemption makes it a tax of the few for the benefit of the many.

The old rule that all property should be taxed equally is violated by such a law. Under this law more than one-half of the incomes of the United States are not taxed at all. The tax will be considered unjust by those who are required to pay it; and when taxes are so considered people always resort to schemes to avoid their collection. The premium thus offered for fraud and evasion leads to immorality.

The Washington Evening Star, in a very able editorial, says:

With a growing deficiency staring it in the face this Government, through those who are legislatively responsible for its present conduct, is searching for considerable additions to its income, and after more or less of thought the majority have come to the conclusion that a tax upon incomes will do much toward filling up the unsightly hole in the Treasury. The proposition is, however, extremely unpopular save with two classes—those Democrats who imagine they see in it the only relief for an embarrassed Administration and the Populists, who, as a rule, have no incomes large enough to be taxable. Even among loyal Democrats there is opposition to the tax; in fact, the more loyal the Democrat the less is the enthusiasm on this interesting topic. It is admitted by those who are convinced that tariff duties must be lowered that the deficit will have to be made up through the agency of internal taxation, but as soon as that point is reached there is instant division and divergence. It is more than difficult to understand the processes by which income-tax advocates can have satisfied themselves that they alone have reached the true solution of a most intricate problem, especially when history makes plain the antagonism with which Americans greeted an impost similar in general outline to that now proposed.

In an exhaustive review of income-tax legislation, published in the Annals of the American Academy, Prof. Frederic C. Howe of Johns Hopkins University says that "few taxes were more unpopular or odious to the people than the income tax. From its first imposition it was assailed as invading the sanctity of the most private affairs, as being inseparable from inquisitorial scrutiny into business relations, and an insufferable penetration into those affairs of the individual which were in a sense sacred, and which in the past had been exempted from the visits of the excise man. It was further alleged, with some truth, that a tax which offered such opportunities for evasion was a charge upon honesty and a premium upon false returns."

But there are other reasons why no such tax should be levied, and among these is that which shows sectional inequality and proves that the burden is on the class that deserves exemption—the successfully industrious and thrifty. Of course there is not so much disparity between the North and the South as there was during 1857 when one collection district in New York received more than twice as much income tax than was collected in all the States of Virginia, Texas, Tennessee, South Carolina, North Carolina, Mississippi, Louisiana, Alabama, Georgia, Arkansas, and Florida, but comparisons startlingly similar will surely develop if this extremely unpopular attachment to the Wilson bill becomes a law.

The New York Press, under the caption of "The Plunder and the Blunder Tax," dissects the income-tax proposition in these words:

The Wilson bill for the benefit of foreign manufacturers and the degradation of American labor is fittingly crowned with an income tax, intended to transfer to American and especially to Northern shoulders the burden heretofore borne by the foreigner. According to the estimate made by the advocates of the Wilson bill, the proposed income tax would yield $30,000,000, by far the greater part of which would be exacted from the thrift and industry of New York, New England, Pennsylvania, Ohio, Illinois, and other Northern sections, and thereby removed from circulation and trade in those localities. A plain statement of the case is that the income tax would be a levy on the North to punish this section of the Union for having been loyal and prosperous; for having supported the principle of protection and taken advantage of its opportunities. The idea that an individual can be plundered without injuring the community in which he lives has been sufficiently exploded by the experience of the year that has passed.

No New York Congressman can be foolish enough to suppose that the removal, say, of $5,000,000 from the bank accounts and pockets of New York citizens to the Federal Treasury by an income tax would not be an appreciable loss to the business interests, the merchants, the tradespeople, and working people of our city. The men who do not spend the larger share of their net incomes in the immediate vicinity of their homes are probably very few in number.

The income taxpayer may have to endure no serious inconvenience by curtailing expenditures for the household, for the church, for society and charity. But the church, the merchants, and tradespeople and the other beneficiaries of the expenditures thus diminished would also have to curtail. In the end the income tax would come out of the pockets of the wage-earner, or be paid at his expense. The New York Congressman, therefore, voting an income tax, would be voting, practically, to take a large amount of money from the current circulation, the business interests, and the wages earned in the city of New York. And the same statement applies to every place in the country that is a center of business energy.

There is no resemblance, and there can be no comparison, between a Federal income tax and the direct taxes levied for State and local purposes. The people of New York have paid many millions yearly in direct taxation, but the money goes directly into the channels of trade here in New York and supports thousands of resident families. Of the money paid in obedience to a Federal income tax but a small proportion would find its way back to local circulation. It would be virtually lost to the community from which it had been exacted, and it would be a loss appreciable by every resident, whether himself a contributor to the tax or not. Everybody knows the influence of a liberal circulation of money in promoting business and trade. The drain of an income tax on that circulation could not fail to have an unfortunate effect.

To the free traders whose desire is to buy foreign goods in preference to American goods, either without a tariff or with a fraudulent tariff that could be readily evaded, the income tax would be welcome. Most of them live where thrift and industry have no substantial foothold, and where honest labor has been considered degrading. It would gratify such men to see communities built up by protection desolated by free trade and robbed by

an income tax. But their wishes are not likely to be gratified. A large number of Democrats are said to be aroused to the suicidal folly of a proposition which is grossly antagonistic to the cherished American principle of the greatest individual liberty compatible with the common welfare and security.

Hundreds of other similar expressions can be found in the leading papers of the country—Democratic as well as Republican. The only papers which give this proposition unqualified support are those which advocate the doctrines of the Populist party. They seem to believe in distributing wealth by act of Congress, and hence roll the income-tax idea as a sweet morsel under their tongues. But time will not permit me to discuss this matter much further, and I will only add a quotation from an editorial from the Journal of Commerce, of New York, an exceedingly able publication, devoted largely to financial matters. It is the ablest discussion of the question that I have yet found. That nonpartisan paper says, under the appropriate heading of "Fiscal Tyranny:"

If the political desperadoes who attached the income tax to the tariff bill had any conception of the feeling aroused among citizens who comprehend its true significance, they would find strong reasons of party prudence for promptly reconsidering their rash proposals. For what are the facts as to this extraordinary innovation upon our customary methods of taxation? Let the following facts answer:

The income tax is a fulsome copy from imperial precedents. In European countries, where large armies are the custodians of the filched rights of the people, when all other sources of taxation have been exhausted this taxing by violence has been resorted to. In the case of nearly every government adopting it, it has been the last desperate resort either to support war or to pay its after penalties, and states once committed to the expedient rarely find it possible to throw it off. England resorted to the tax during her wars at the beginning of this century, with the express understanding that it was to be but temporary, and to be consistent with that pretense she has since renewed it from year to year, no statesman daring to suggest its fixed perpetuation. However insincere the pretense, it is at least a standing confession of the illegitimacy of the tax; and no statesman would pretend to justify it on any other ground than that of fiscal expediency. In this country we reluctantly adopted the tax under the imperative necessities of the late war, but dropped it the moment those exigencies ceased, so distasteful was it to the self-respect of the individual citizen. In restoring the odious impost now, we should have no such excuse as then, nor even as much warrant as the European governments, whose fiscal straits are chronically perilous.

The tax is odiously inquisitorial. It starts with the demand that the citizen shall declare to corrupt and leaky officials the foremost secrets of his affairs, and swear to the exact amount of his income. Realizing how such inquisitions are calculated to evoke a just resentment, it next assumes good citizens to be dishonest, and puts in force the most insulting appliances of compulsory examination and search. By law of this boasted free country, therefore, every citizen who has been able to earn a competence is put in the category of thieves and swindlers, and is threatened with severest penalty if he hesitates to render absolute submission to these intolerable insults.

The tax violates the citizen's sacred right of privacy. In this aspect, it is a striking illustration of a certain brutish conception of governmental powers that is becoming too common in legislation. It is simply the coarse spirit of a vulgar bully that would demand access to a man's most cherished secrets as a means of extorting from him tribute which he is quite ready to pay in a legitimate way; and every Congressman who votes for this tax shows himself wanting in the first elements of decent manners, to say nothing of his lack of statesmanly appreciation of the most delicate of personal rights.

The execution of this tax involves a ruthless abuse of "the right of search." Under certain circumstances, a government may legitimately exercise the power of search or seizure over a man's house, his property, or his papers. Where a man is charged with crime, that authority may be properly exercised in the interests of justice and public order, but, even then, only upon a *prima facie* presumption of guilt established before a court by due process. But to create a tax which needs the exercise of this highly arbitrary form of power amounts to a wantonness of authority which nothing short of the last extremity of national danger could warrant. As a last resort of war finance, and especially if the loyalty of the people could not be trusted, it might be allowable. But to use such an instrument for the collection of taxes among a loyal and orderly people, ready to pay all reasonable revenue, is a shameless abuse of this search power; and all the more so because there are many other readily available means of raising revenue that would suggest no such brutal exercise of authority.

Surely the following language, from the Constitution of the United States, expresses a regard for the sacredness of the rights of privacy wholly incompatible with the flippant authorization of searches and seizures contained in this bill: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated." It is a poor sign of political tendencies when a majority of the legislators of this great Republic shows so little discrimination between a necessary and a wanton exercise of the severer powers of government.

The methods of enforcing this tax are copied from the Star Chamber—with this difference, however, that the English tyranny was enforced by judges, while in this case it is intrusted to the execution of politicians, who would be as liable to sell the secrets that come into their hands as to blackmail the victims of their authority. It is an incredible anomaly that methods of power that were abandoned by the Long Parliament should two hundred and fifty-three years later crop out again in the United States Congress.

The tax exposes the citizen to the faithless cupidity of leaky spies. The majority of Representatives who have voted for this tax consists largely of lawyers. Those gentlemen do not need to be told how much it is worth to know the secret of a man's business, his fortune, and his family prospects. Their experience has taught them how many varieties of harpies there are who are ready to turn such information to their own account and to the injury of the man whose secrets have been filched. The political experience that has brought these gentlemen to Washington has not left them ignorant that the class of men to whom the execution of this tax will be intrusted are, as a rule, not too virtuous to divulge an official secret for a consideration, and that there is "in the party" a class of official hucksters to whom they durst not refuse such secrets. All this, every member of Congress knows to be a certainty; and yet, with this knowledge of the abuse that is to be made of the secrets to be exacted from the citizen, they deliberately give their assent to the infamous wrong. We repeat that this income-tax scheme is a revelation of political turpitude in the National Legislature more startling than has appeared for many years. Can we wonder at the rottenness of local politics, when the picked leaders of party are found ready to thus prostitute the higher powers of the National Government?

The imposition of an income tax is an unjust form of class legislation. It is aimed at what is called the moneyed class, and carries the implication that they are the select few who should bear the national burthens. The notion is as shallow as it is demagogic. It conveys the false implication that the final incidence of taxes rests with the persons from whom they are collected; whereas the immediate payer always finds one means or another of shifting a large portion of what is collected from him upon other heads, and the burthen is finally distributed more or less equitably among the community at large. This is true indeed of every kind of taxation, and natural law, not the apings of conventional law, finally determines who shall pay the taxes. But in the case of this particular tax, one class is deluded by the flattering assumption that it is escaping the taxes, and the demagogic legislator is rewarded by the gratitude and hurrahs of his dupes.

The income tax owes its present advocacy very largely to a vicious sectional motive. Its Congressional supporters hail mainly from the Western and Southern States. Those sections are smitten with an insatiable jealousy toward the Eastern and Middle States. The latter sections can not be forgiven because their civilization happens to be older, more mature, better organized, and therefore more successful in the accumulation of wealth. The offense of the older States is that having grown out of the agricultural stage of development, they have become manufacturers, merchants, bankers, railroad builders, and the intermediaries for the exchange of our exports for imports. These services to the West are the crime of the East. The crime is to be atoned for by paying the Federal taxes; and the Western and Southern franchise is the authority by virtue of which the penalty is to be inflicted. But for this petty sectional envy, there would not have been ten men in the House of Representatives who would have stooped to demean themselves by thus conspiring against the liberties and immunities of American citizens.

This tax has a direct tendency to create disaffection towards the Government and to debase the public sense of honesty. A people respect their government in proportion as they are respected by the government. If citizens are dealt with on the assumption that they are as a mass dishonest and if on that suspicion they are beset by inquisitorial espionage and held under threat of forfeiture, they are apt to retort by treating the government as a robber and by evading its exactions by any and every means. This process of governing by force and of meeting the force by deceit and evasion is the device of fools and not of wise statesmen; and its tendency is to extinguish every sentiment of patriotism and to weaken private morals by debasing the morals of the public administration. Arbitrary government means death to national morals; and that is what might be expected from this monstrous proposal to rob the citizen of his most valued personal rights.

This great newspaper argues with striking ability that the income-tax proposition in this bill is unconstitutional, but, inasmuch as the United States Supreme Court, by a majority decision, affirmed the constitutionality of the income-tax law of 1873, that point may well be passed over without discussion. Very likely, however, if this bill passes, a test will be made of its constitutionality, and possibly a different conclusion may be reached by the Court. But, however that may be, the proposition to impose such a tax is contrary to both good business sense and good morals.

FREE WOOL.

When the Senator from Indiana got thoroughly warmed up to his subject nothing seemed to daunt him. Notwithstanding there are in the Senator's own State over 1,000,000 of sheep, the owners of which are to-day in close competition with the sheep-raisers of Australia and the Argentine Republic, he sees no reason why wool should not be put on the free list. The Senator's scheme seems to be to destroy American flocks by free wool, and then to destroy the American manufacture of woolen goods by putting the finished product on the free list. It is a grand scheme so far as the interests of England, Germany, France, Australia, and South America are concerned, but it means utter disaster to woolgrowing and wool manufacturing in this country.

The sheep industry in the United States is a very important one. There were in 1890 in all of the States 47,273,553 sheep, of a value of $125,909,264, and the wool clip for that year aggregated 364,156,666 pounds. In New Hampshire there are 115,471 sheep, being a little less than our per capita proportion on the basis of population. This is a great industry, and deserves and should receive adequate protection. The Republican party has recognized that fact in all tariff laws passed since 1860, but the Democratic party at its first opportunity proposes to strike a blow at the interests of the farmers and utterly destroy this great and important industry.

We hear a great deal of talk about the decline of sheep husbandry in the United States. The wool clip in 1893 was 364,156,566 pounds, which was 31,139,261 pounds more than the clip for 1892, and 56,156,665 pounds more than for any other year in the history of the country. That surely does not look like retrogression in this great agricultural staple. Indeed, sheep husbandry, under adequate protection has twice made such rapid headway in the increase of flocks as to lead to the assurance that with the continuance of that protection we would soon produce the total amount of wool consumed by this country. During the last twelve years of the tariff law of 1867, the American clip increased 100 per cent, that increase being from 170,000,000 pounds in 1873 to over 340,000,000 pounds in 1884. If the duties had not been lowered at the end of that period, it is fair to assume that the same ratio of increase would have continued, in which case we would have produced in 1895 over 650,000,000 pounds, which, including the wool imported in the shape of manufactured goods, is the total amount of wool consumed by this country. A serious check

to the growth of the wool industry was given by the reduction of duties in 1883, but with the restoration of a portion of those duties by the McKinley law in 1890, such an impetus was given to the woolgrowing industry that the clip again increased at a rapid rate. The increase was from 310,000,000 pounds in 1891 to 360,000,000 in 1893, so that if the McKinley law had not been assailed, while the increase would have been slower than it was between 1873 and 1884 it is fair to assume that by the year 1900 we would be producing 650,000,000 pounds.

I find in a recent circular from Justice, Bateman & Co., wool merchants of New York, two interesting diagrams, which I will reproduce. The actual increases in the wool clip during the two periods already alluded to are illustrated by the solid black lines extending from left to right in the diagrams. The dotted lines which continue in the same direction indicate the time at which we would arrive at the production of our entire home consumption of wool.

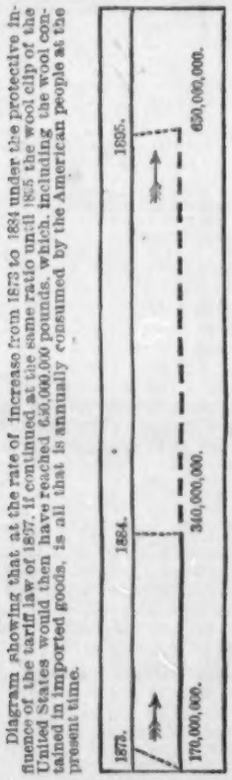


Diagram showing that at the rate of increase from 1873 to 1884 under the protective influence of the tariff law of 1867, if continued at the same ratio until 1895 the wool clip of the United States would then have reached 650,000,000 pounds, which, including the wool contained in imported goods, is all that is annually consumed by the American people at the present time.



Diagram showing that at the rate of increase from 1891 to 1893 under the McKinley law, if continued at the same rate until 1900 the wool clip of the United States would then have reached 650,000,000 pounds, which, including the wool in imported goods, is all that is annually consumed by the American people at the present time.

It is undeniable that the number of sheep has declined materially in the United States during the past year. Why should it not be so when their very existence is threatened by the free-wool policy of the party now in power?

The Senator from Kansas [Mr. PEFFER] declared in his very able speech that if we have free wool we must have free woolens. I do not quarrel with that utterance. It is logical and just from the point of view of the farmer, and very likely the one will follow the other. When that day comes foreign countries will furnish us both our wool and our woolen goods, and when sheep husbandry and the manufacture of woolen goods are destroyed in the United States, England and Australia will fix the price of what they sell to us, and the cost of wool and woolen goods to the people of this country will be much greater than now. It is a grand scheme to destroy American capital and degrade American labor; worthy of the statesmanship and patriotism of the once great Democratic party!

THOMAS JEFFERSON AND THE DEMOCRATIC PARTY.

The Senator from Indiana closed his most remarkable speech by this outburst of patriotic fervor:

Sir, this is the birthday of Thomas Jefferson. One hundred and fifty-one years ago to-day he came into the world the greatest emancipator of thought, philosopher of liberty, and teacher of the natural rights of man ever known in human history. The blows he struck for freedom, justice, and equality in government are yet resounding throughout the earth, and they will never cease to be heard until the last shackle of privilege and tyranny is broken. Ten days before his soul took flight from his mountain home he wrote his own countrymen and to all the races of mankind. With this great dying message before us, and in its spirit, we take new courage and go on with our work. "All eyes are open, or opening," he said, "to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately by the grace of God." Hail, mighty message, and hail its speedy and certain fulfillment! All hail the counsels of Thomas Jefferson in this hour of caste based on wealth, of privilege granted by law, and of monopoly fastened on the slavery of labor!

The galleries applauded, and the Senator modestly received the congratulations of his fellow Democrats. But, Mr. President, what cruelty it is to drag Jefferson before the people of this generation as a patron saint of the Democracy. Why Jefferson never wrote a word or uttered a sentiment, so far as I can find, that can be tortured into support of the doctrines and the teachings of modern Democracy. The Senator from Iowa [Mr. ALLISON] quoted some of Jefferson's teachings on the question of direct taxation, and the Senator from California [Mr. PERKINS] also pointed out the fact that Jefferson was a strong protectionist. I want to call attention to some further lessons that have recently come to my knowledge from the writings of that great man. In 1817 Jefferson wrote:

The history of the last twenty years has been a significant lesson for us all to depend for necessaries on ourselves alone—

And he expressed the hope that—

twenty years more will place the American hemisphere under a system of its own.

What would Jefferson think of modern "Jeffersonian Democrats," if he could come back to earth, who are trying to overturn an American system which has made this the greatest manufacturing nation on the earth.

Again Jefferson asks:

Shall we make our own comforts or go without them at the will of a foreign nation? My own idea—

He continued—

is that we should encourage home manufactures to the extent of our own consumption of everything of which we raise the raw material.

In 1816 Jefferson wrote a letter, from which the following is an extract:

Experience has taught me that manufactures are now as necessary to our independence as to our comfort; and if those who quote me as of a different opinion will keep pace with me in purchasing nothing foreign where an equivalent domestic fabric can be obtained, without regard to difference of price, it will not be our fault if we do not have a supply at home equal to our demands, and wrest that weapon of distress from the hand which has so long wantonly used it.

That is the true American (the true Republican) doctrine. Jefferson a Democrat? Why, Mr. President, one might as well expect the great apostle of agnosticism in this country to accept the teachings of Calvin as to expect that Thomas Jefferson if on earth would countenance the free-trade, income-tax teachings of the degenerate Democratic party of the present day.

THE SENATOR FROM TEXAS.

Following the Senator from Indiana came the Senator from Texas. His speech was brief, fiery, and eloquent. He announced his belief in ad valorem duties, and assured his Democratic associates that he proposed to vote for the bill, which must have been very comforting to them. But the Senator from Texas frankly confessed that the bill was not according to his taste.

The bill does not suit me—

Exclaimed the Senator.

I am between the devil and the deep sea, and when a question is presented to me whether I shall go to the devil and sustain the McKinley law, or go to sea, I am going to sea, with the hope that some fair wind or tide will bring me ashore again.

And so the Senator has gone to sea, threatened in his voyage by the sharks of protection and the devil fishes of free trade. Let us hope that he will come to shore safely, welcomed by the plaudits of the demoralized Democracy, who, dreading the result of their vote on this bill, will chant in his ear the solemn refrain:

You shall and you shan't,
You will and you won't,
You'll be damned if you do,
And damned if you don't.

[Laughter.]

THE LABOR PROBLEM.

Mr. President, I desire to speak briefly on the labor problem in this country; for after all is said and done, it is the laboring classes who bear the brunt of unfortunate economic changes. A reduction of 10, 15, or 20 per cent in the rate of wages primarily means distress and suffering to the toiling multitude. But the evil does not stop here. A reduction of wages means a curtailment of the purchasing power of the wage-earner. If he receives less by way of compensation for his work he necessarily purchases less of the products of the farm and the mill, so that farmer, merchant, and manufacturer all share in the evil results.

It has been our boast that we consume, per capita, twice or three times as much as European nations, and Congressman REED has made the startling statement that as compared with England as a market our 70,000,000 of population are equal to

175,000,000, while taking the whole world outside of ourselves compared as a market our population is equal to 700,000,000, nearly one-half of the entire population of the globe. That is a startling and instructive fact, teaching the lesson that we should foster and protect the home market rather than to waste our energies in pursuing the delusive and disappointing "markets of the world," about which our Democratic friends talk so much.

Mr. President, the policy of the Republican party contemplates a high wage rate for the workingmen of the country. No Republican sympathizes with the utterance of a certain distinguished Democratic Congressman when he declared: "If I were certain that wages were higher here I would seek to repeal those laws which make wages higher, and would let wages have their natural place all over the world." That is Democratic, not Republican doctrine. It is the doctrine of the cotton field of the South, not of the workshop and the mill of the North. Every workingman and working woman in the land should read and ponder that declaration, the force of which is not broken by the attempt to qualify it. Every intelligent man and woman in this country knows that wages are at least twice as high here as in England, and many times higher than in Asia.

That statement expresses the purpose of the Wilson bill with great clearness and force. In striking down the McKinley tariff law the Democratic party, under the lead of President Cleveland, proposes to "repeal those laws which make wages higher" in the United States. There can be no mistake about that. In urging the passage of this bill the Democrats are seeking to "let wages have their natural place all over the world," to break down the barrier which keeps out the products of European pauper and Asiatic coolie labor, to force the wage-earners of America to sell their labor in unrestricted competition with impoverished and ignorant Europeans and half-naked and half-savage Asiatics, who live as the beasts that perish. It is a startling programme, against which the laboring men of the country have risen in indignant protest.

The Chicago Inter Ocean recently pointed out the startling fact that a reduction of 20 per cent in the wages paid in the United States means a reduction of the purchasing power of the people by $2,000,000,000 a year. The figures are beyond comprehension, but they are not beyond the sense of feeling. When $2,000,000,000 is taken from the wages of the artisans and laborers of this country just that much is taken from the stores in which food, furniture, clothing, and fuel are sold, and from the trades that build houses or that carry goods. When that immense sum is taken out of the stores and offices of the country just that much less in value are the orders given to manufactures, to lumbermen, to coal miners, and to shippers. When the wage list is lowered by 20 per cent times are hard—very hard.

The free traders tell us that when the Wilson bill becomes law things will mend and prosperity will return. Indeed they say that things have already begun to mend, but where or how they do not tell us. There is no sound reason for the belief that the passage of this bill will make times prosperous, and there is certainly no ground for belief that times will be as good under this bill as they were before the stability of the McKinley law was threatened by the election of a Democratic President and a Democratic Congress.

When the wage fund of this country is reduced by $2,000,000,000 a year, affairs can not prosper. Twenty per cent is the sum stated in Dun's Review as the average reduction of wages in such mills and factories as have reopened, after a long season of forced closure, and a 20 per cent reduction all along the line is, as before stated, equal to $2,000,000,000. The reopening of avenues to labor, even at a 20 per cent reduction of wages, may make conditions somewhat better than they now are, but they will leave them worse by the incomprehensible sum of $2,000,000,000 a year than they were before the Democratic party fooled the workingman by promises of "an untaxed dinner pail."

A REMARKABLE PROPHECY.

No man had a keener prescience and a wider intellectual view than the late Secretary Blaine. Listen to his remarkable words of prophecy uttered before the last Presidential election:

I love my country and my countrymen. I am an American, and I rejoice every day of my life that I am. I enjoy the general prosperity of my country, and I know that the workingmen of this land are the best paid, the best fed, and the best clothed of any laborers on the face of the earth. Many of them have homes of their own. They are surrounded by all the comforts, and many of the luxuries of life. I shudder, however, at the thought that the time must come when all this will be changed; when the general prosperity of the country will be destroyed; when the great body of workingmen in this land, who are now so prosperous, will hear their wives and children cry for bread; that the day must come when the great factories and manufactories of this land will shut down, and where there is now life and activity, there will be the silence of the tomb.

And the reason why this must be is this: The great Southern wing of the Democratic party are determined to establish the doctrine of free trade in this land. They will be assisted by their Northern allies. The fight is now on. There is a great body of visionary but educated men who are employed day by day in writing free-trade essays and arguments in favor of that doctrine, which find their way into every newspaper in this land. The great body of our people have never experienced themselves the sufferings which always result when the protective principles are laid aside. Poisoned and excited by the wild statements of these writers and the demagogic appeals of Democratic speakers, the result will be that in the very near future these forces which are now working will be strong enough to defeat at the polls the party advocating the doctrine of protection.

It must inevitably follow that uncertainty and doubt will ensue. The business men of the country, fearing the destruction of the principle of protection, will decline to engage in business, consequently mills will shut down, and the workingmen will be thrown out of employment. The people will then see what they have never seen before, that they can not be prosperous and have work while this principle is threatened. In the midst of their suffering they will learn that the only way they can be prosperous and happy is to vote for the party that has built up the industries by which they have gained a livelihood: because they will then see clearly that when the manufactory is shut down there is no demand for the only thing which they have to sell, and that is their labor.

The fulfillment of that prophecy is threatened to-day, and it remains with the Senate of the United States to say whether or not it shall be fully consummated.

All through his speech the Senator from Indiana conveyed the idea that the Democratic party is the friend of the laboring man. So, too, the United States minister to Hawaii pretended to be the friend of the President of that unhappy country, while at the same time he was plotting to restore the monarchy. Professions are not enough to satisfy the workingmen of this country—they want works as well as faith; practical demonstrations as well as theoretical assurances.

After vigorously denouncing the manufacturers, the men who risk their capital to give employment to the working classes, the Senator from Indiana spoke as follows:

The farmer, the mechanic, the wage-worker, and the manifold producers of every kind come not here; they have neither time nor money to spare from their busy, overworked lives; they can not visit the lobbies of Congress to argue their side of the case; their careworn, sunburnt faces have never been seen in the purlieus or in the hurried, heated, anxious haunts of unhallowed avarice; their hard, toil-worn hands are not grasped or felt in salutation as we struggle through waylaying crowds from committee room to the door of the Senate; the labor element, on which protected monopoly preys ravenously and unceasingly, is absent from the precincts of this Capitol, and well the millionaire beneficiaries of protection know that their victims on farm, field, and ranch, in workshop, mine, and furnace, on railroads, rivers, and in every toiling pursuit in which bread is honestly earned, can never confront them here and demand a division of time in discussion before the committee. The favorites of fortune, pets of vicious legislation; those to whom the Government has farmed out the power of oppression over others, take no heed of the rights, the protests, the sufferings, or the servitude of the mighty masses who constitute the nation's strength and glory.

Sir, I can not say whether the Senator from Indiana failed to see the delegations of laboring men which actually came to Washington, notwithstanding the committees of both Houses had notified them that they would not be heard. Evidently the Senator from New Jersey [Mr. MCPHERSON] saw one of those delegations, for he is on record as having told them that he knows more about the tariff than any other living man. I saw several such delegations, and in two instances they had a subscription list showing that the money was raised to defray the expenses by contributions from the operatives in sums of 25 and 50 cents.

Very likely the Senator from Indiana did not see them, as he was usually behind closed doors, conferring with an entirely different class of men. If I mistake not the Senator did see a delegation of working women, but they were received in the Marble Room, and there told that they could not be heard by the committee. No delegations of laboring men or from labor organizations in Washington! Why, Mr. President, if they had not been told by the Finance Committee to stay at home there would have been hundreds of such delegations here. Let the Senator examine the petitions and protests on file in the committee room from laboring men and women all over the country, if he wants to know what they think of this legislation, and in the interests of truth and impartial history I beg of the Senator to seek an early opportunity to correct his misstatements on this point.

NOT ALONE OPPOSED BY REPUBLICANS.

Mr. President, this bill is not alone opposed by Republicans, but is bitterly denounced by leading Democrats and Democratic newspapers in all parts of the country. Why, sir, words have been spoken against it in this Chamber by distinguished Democrats which ought to assure its defeat. Never before did a measure of this kind encounter the bitter hostility of a portion of the party proposing it that this bill has.

NEWSPAPER CRITICISM.

Let us glance at the criticisms of leading newspapers in various sections of the country which supported Mr. Cleveland.

From the day the bill was presented to the House to the present hour the New York Sun has thundered its anathemas against it, recently saying that the charge in the Democratic platform that the McKinley law was "the culminating atrocity of class legislation," should now be applied to the Wilson bill. That great newspaper truly says that it is a bill to make States Re-

publican, and then belabors its party in these words under the significant caption "Licked all along the line:"

The map of the late Democratic reverses reaches from Rhode Island to New Mexico and Utah. A very large part of the territory is Democratic soil taken possession of by the Republican conquerors. In the present condition of Democratic panic and skedaddle, it is hard to point out any safe Democratic ground. Perhaps even Kentucky is Republican to-day. The Populists have been swallowed up in the West. The Democrats have been swallowed up everywhere, including Queens County. For the present the Republicans rule the roost.

What makes the country Republican? Not the hard times merely or principally, but the Democratic failure to relieve the hard times by carrying out the Democratic pledge of a constitutional tariff. This country might have endured patiently the days of disaster if they were to be followed by increased prosperity, but it is natural that the country should kick when the Democracy, having disturbed all branches of industry under the pretense of changing radically the system of Federal taxation, calmly retains the old protective system.

All this trouble for nothing. Why not keep the same tariff and let industry alone, if you were only going to pare and prune the old tariff and the old system? If the Democrats have only the Republican tariff with a Populist addition to offer, what's the use of voting the Democratic ticket? So a large number of Democrats voted the Republican ticket, or else refused to vote at all, for great was their disgust with the Democratic imbecility and double dealing at Washington.

There is no doubt that the majority of Democrats condemn the foreign policy of the Administration. Some of them would have taken the opportunity to vote the Republican ticket as a means of expressing their aversion to that policy.

Do these latest Democratic reverses come early enough to be a means of grace? We are afraid not. We are afraid that nothing can put courage and honesty into the cowards and traitors who in one year have brought the Democracy from sweeping victory to the verge of defeat as sweeping; and that defeat, dishonorable to the intelligence and the moral sense of the party. The great army of Democrats is broken and sullen, chafing at the incapable and traitorous chiefs. How shall it be reorganized? How shall ruinous defeat be averted?

We know of but one way, if there is any. Reorganize the Democratic conscience!

That, Mr. President, is an utterly hopeless task.

Under the title, "Is this the end?" Henry Watterson, the star-eyed apostle of Democracy, discourses in the Louisville Courier-Journal, and urges the representatives of his party in Congress to "have done with cowardice and lying." Listen to him:

It is safe to say that whatever act is finally passed will be infinitely more objectionable than was contemplated by the darkest forebodings of the friends of real reform, and yet, already, we hear it on every hand that, with this measure of Democratic stultification—this finished product of ignorance, cowardice, and corruption—this iniquitous offspring of the blackmailing manufacturer and the political harlot—the whole question must go to the rear, making way for other and more urgent and important issues!

The New York Herald suggests that "It would be better for the country for Congress to adjourn, go home, and let the McKinley law stand." The Herald further says:

The curious compilation reported to the Senate by the Finance Committee seems to be satisfactory to nobody. It has been criticised adversely in all quarters. It is not only denounced by the Republicans, but fails to command even Democratic support.

The Cincinnati Enquirer calls the measure "The Clamor Tariff Bill," and beseeches the Senate to reconstruct the House bill, but on what lines does not advise. The Enquirer says that the House bill "is not a measure grounded on judgment, calmness, and deliberation," and I will venture to add that unfortunately the same criticism will apply to the bill reported by the Senate Committee.

The Brooklyn Eagle makes use of these words:

We would rather have the McKinley law without an income tax than the Wilson tariff bill with one.

The New York World does not like the bill, and comments upon it as follows:

The people of the country should thoughtfully consider what has been going on in the Senate during the last six weeks. A great party's name has been prostituted. Its promises have been treated with contempt. Its urging forward march of victory has been turned backward in a rout. The verdict of the American people as rendered at the polls has been reversed by thronging lobbyists and rapacious Senatorial agents of protected industries. The clock of reform has been set back by the sugared fingers of its pretended friends.

A Democratic voice comes from Ohio in behalf of sheep husbandry. Hear the Cleveland Plain Dealer:

The Plain Dealer has done its best to make the present tariff bill equitable and defensible. It started with the determination to have a bill passed that was in the line of historic Democracy: that is, a bill for revenue with incidental protection. Under that doctrine every industry would be treated alike. The Plain Dealer is in favor of a tariff on wool, just as it is in favor of a tariff on coal, iron or lead ores, or on steel rails and wool manufactures. It considers that injustice to one industry is injustice to all, and that it is a great mistake for the Democratic party to make an exception of wool in the tariff bill. The farmers of this country are a pretty intelligent set of men; they read the papers; they think for themselves, and the Democrats are making a great mistake if they think that the farmers are going to vote against what they believe to be for their own interest. It is for these reasons that we hope the Democrats in Congress will put wool onto the tariff list, and treat it fairly side by side with other great foundation industries.

The Philadelphia Record, a Cleveland independent newspaper, under the heading of "A paralyzed party," uses this language:

The interminable conflict over the tariff bill has disgusted the country and paralyzed the Democratic party, which, if it went to an election now, would secure but a corporal's guard of representatives in Congress. The spectacle of a party which came into power in 1892 with almost unexampled enthusiasm now in the slough of despond because of the selfishness, incapacity, and narrow-mindedness of its leaders in Congress is not flattering to republican government. The party press, which so vigorously championed tariff reform, now importune Congressmen to do anything rather than keep up the suspense.

The Chicago Times declares that:

The bill is a monstrosity, a libel upon Democracy, an insult to the intelligence of the nation. The best thing the real Democrats in the Senate can do is to vote with the Republicans against it.

The Springfield Republican is in the habit of liking pretty much everything that is labeled tariff reform, but it refuses to accept this bill, saying:

After more than four weeks of higgling over the tariff rates, the Democratic majority of the Senate Finance Committee has finally announced its bargain, by which supposedly all members of the party in the upper branch are ready to stand. It is not a good bargain for the country. It is not even a fair bargain. It comes near being a gross sectional steal.

The Providence Journal left the Republican party in 1884, and has been shouting itself hoarse for tariff reform ever since. But it fails to find the genuine article in the Wilson bill, of which it says:

The Democratic Senators in whose charge the Wilson bill was placed have used up more time in mulling over it and tinkering it than was spent in the entire debate in the House that preceded its passage by that body; and during that time, forgetful or rather wilfully ignoring every requirement of their party's platform and the commercial needs of the land, they have given ready ear to all sorts of appeals to timidity and demands of selfishness. The result of it would be the most outrageous violation of the meaning of words to call it a tariff-reform bill.

The last quotation I will give is from the Manchester Union, the leading Democratic newspaper of New Hampshire. It expresses itself in these words:

The majority of the Senate Finance Committee, after devoting more time to the Wilson bill than the House occupied in the discussion of that measure, has given the results of its labors to the public. The changes in the bill are numerous, and for the most part unsatisfactory and uncalled for. The Wilson bill goes to the Senate in much worse shape than it came from the House. The principle of free raw materials has been sacrificed to the clamor of local interests; duties have been still further reduced in lines which affect important industries, and it would seem, in short, that wherever the committee has touched the bill it has been to make a change for the worse rather than for the better. This has been done, too, in the hope of placating a few Democratic Senators who had threatened to withhold their support from the bill unless their own selfish demands should be complied with. It appears, indeed, to have come now to the question whether the whole United States shall be governed by four or five Southern Senators, who, not even representing the whole of the South—in fact but a small minority—have assumed to dictate what shall and what shall not become law.

Mr. President, that is an interesting collection of Democratic opinion on the bill now under consideration. It conclusively shows that the Democratic press of the country is opposed to the enactment of this law, and wants it defeated. The people are against it, the press is against it, and every sound economic argument demands that it shall not be allowed to pass the Senate. The duty of Republican Senators is plain, and the duty of Democratic Senators, especially those from Northern States, ought to be equally clear. Will they be equal to the occasion, or will they give their votes to the passage of this destructive and wicked measure?

CONCLUSION.

Sir, the country has had thirteen months of Democratic rule, and wherever the electors have spoken they have repudiated that party with a unanimity almost unparalleled in American history. The laboring masses of the industrial North have set their seal of condemnation on the Wilson bill. They have issued their mandate to Republican Senators to fight the measure unceasingly and unsparingly. The great North is united to-day as it has not been united since the flag was fired on at Sumter. Now, as in that supreme crisis, mechanic, farmer, merchant, and manufacturer are standing shoulder to shoulder in defense of the welfare and the progress of the nation. Factories are idle, homes comfortless, and wives and children suffering for the necessaries of life.

The wage-earners of the North have decreed the death of the Wilson bill, and woe be to the Northern Senator who turns a deaf ear to their demands. When men stand face to face with the loss of employment, or with wages reduced to a point barely sufficient to give them food and shelter; when they have been compelled to eat the bread and wear the clothes of charity because of the proposed hostile legislation of a political party, they do not stop to ask what ticket they voted last year, but ally themselves with the party that stands for protection, good wages, and for happy and comfortable homes. In this contest I speak but for myself when I say that no effort will be too great, no sacrifice too severe for me to make to help defeat this bill. I believe that every consideration of patriotism, of justice, of respect for the popular will, and of regard for the nation's welfare, demands that it shall be opposed, resisted, and obstructed at every point.

The people demand this: That we shall defend their farms, their workshops, and their homes from the blight of this measure. For one, I am ready to do anything and everything in my power to beat back this assault upon the industries and the labor of the country, and I am hopeful that the Senate of the United States, mindful of its obligations to the people, will re-

fuse to enact into law this wicked and atrocious bill. The Senator from New Jersey [Mr. SMITH] closed his able speech by saying that unless the income-tax feature of the bill is stricken out "God save the Democratic party." I say that if the bill is passed, income tax or no income tax, then God save the industries and the labor of this great country. [Applause in the galleries.]

Mr. MCMILLAN. Mr. President, the rapid and substantial growth of the State of Michigan in agriculture, mining, and manufactures has been coincident with the policy of protection. The people of that State very naturally and very justly are decidedly opposed to breaking down by legislation, as proposed in the Wilson bill, the policy under which their State has made such marked progress in everything which goes to make a commonwealth great and its citizens prosperous.

Michigan, when admitted into the Union in 1837, was twenty-sixth in population; in 1890 it ranked ninth; and the advance in material wealth, in educational facilities, and in charitable institutions has been even greater. From her mines have come riches almost beyond computation, and these treasures have been enjoyed as well by the people of other States, who furnished the capital to develop them or the labor to convert them to the uses of civilization. Her public-school system has been the model for the States which came after her.

In her great university last year 1,200 young men and women from other States and from fourteen foreign countries received instruction which cost the State over twice the amount of tuition fees. Her charitable and penal institutions have often been pioneers of their kind. All these establishments, with plants valued at nearly $8,000,000 in the aggregate, have been built up and maintained by public taxation, and yet the State is free of debt.

To support them in the future, the State must continue to be prosperous, and her people must continue to have the opportunities for profitable employment. It is because the Wilson bill strikes at every one of the great products of our State that the large majority of the people of Michigan, without distinction of party, are opposed to that measure. This overwhelming sentiment for the maintenance of the protective policy is no new thing with the people of Michigan. From the day the State was admitted into the Union, the vote of the Michigan members of of the House of Representatives has been given for protection, unanimously in a majority of instances, and very nearly so in others. In the Fifty-first Congress no Michigan vote is recorded against the McKinley bill.

IRON ORE.

It was not until the stress and strain of war threw this country upon its own resources that Michigan began to give up the raw material of industrial progress. The mining region of the upper peninsula, thrust upon the unwilling State by Congress, for years was an inaccessible wilderness. It was not until 1844 that the Government surveyors accidentally discovered indications of rich deposits of iron ore, and twelve years elapsed before shipments began. So late as 1861 the three iron mines of the Lake Superior country sent out in the aggregate only 100 tons.

In 1892 these shipments reached the astounding total of 9,000,000 tons, 7,267,874 tons coming from the Michigan mines. Enormous as is this production, the capacity of the upper peninsula is many times greater than has yet been demonstrated. Mr. J. M. Longyear, one of the most experienced men connected with the development of the iron country, states that—

The greater part of the peninsula is still a wilderness, and there are many miles of iron ore indications yet untouched by miners or explorers. Many of these indications are fully as good as those first found on the older ranges.

The iron-ore business of the peninsula multiplied over seven times in the eighteen years between 1873 and 1890, and it is safe to say that it may be still multiplied seven times before the limit of the productive capacity has been reached. And when the time comes that new processes shall enable the working of the lean ores, Michigan will be able to supply billions of tons of ores now neglected by the miner.

Until the advent of the Wilson bill the mines of Michigan, taken as a whole, continued their production alike through times of prosperity and years of stagnation in general business; and notwithstanding the fact that thousands of workmen, embracing all nationalities, have been employed, no general strike and none of long duration has occurred. Industrious miners have been able to provide well for themselves and their families; they are well fed, well housed, and well clothed; they have good schools, and it is no rare thing for men who began life as common laborers in the mines to attain wealth and political and business influence.

THE EFFECTS OF THE WILSON BILL.

The effect on the iron regions made by the Wilson bill is well summed up in a letter addressed to the chairman of the Senate Committee on Finance, by Mr. R. P. Tutten, of Iron Mountain, Mich. He says:

We have five mines within the limits of this city capable of producing 1,500,000 tons of iron ore annually and employing about 3,500 men. For the past nine months all these miners have been idle; but now (March 3) the Pewabic is employing 300 men—less than half its regular force—at a reduction of 50 per cent in wages. Three thousand persons in this city of less than 10,000 people have been dependent on charity during the past three months for their daily bread.

Briefly stated, this is the present condition of things. As to future prospects: bessemer ore has recently sold in Cleveland for $2.75 per ton—90 cents cheaper than ever before known. The men who produce the ore are receiving from 70 cents to $1 per day, and even at these very low wages only mines favored with exceptional facilities as to location, quality of ore, and easy conditions of mining can hope to do business. With iron ore on the free list it is extremely doubtful if half the mines of the Lake Superior district can resume work.

The question as to whether there shall be an adequate duty on iron ore is far from being a sentimental one in Michigan. Such a duty is the only barrier that stands between the miner and starvation. In a memorial addressed to the United States Senate by the citizens of Bessemer, Mich., regardless of party affiliations, (Senate Miscellaneous Document No. 8, Fifty-third Congress, second session) it is stated that during the year 1892 6,000 men were employed in iron mining in the single county of Gogebic. Their average monthly wage earning power was from $350,000 to $400,000. In addition 1,000 men found work in the lumber operations connected with the mines.

The threatened act on of Congress in regard to the tariff closed every mine in the Lake Superior country. The expenditures in Gogebic County for poor purposes increased from less than $10,000 in 1892, to over $25,000 in the first eight months of 1893, leaving out of the account the hard winter months. The poor fund was exhausted, the county treasury was emptied, poor orders anticipating the future were issued only to become valueless, because it was a problem whether there would ever be a future for the county.

In this extremity the people of Gogebic County drew up a statement as to the actual cost of a ton of iron ore. Starting with the value of iron ore in the ground at 35 cents a ton, it was found that the whole cost of a ton of ore delivered at a Lake Erie port was $3.96. This does not include the cost of superintendence or interest on the capital invested. Yet under pressure to realize, ore has been selling at $2.75 a ton in Cleveland!

PROTEST OF THE PEOPLE OF BESSEMER, MICHIGAN.

Is it any wonder that under the stress of such circumstances the citizens of Bessemer, on November 25, 1893, unanimously adopted a memorial to Congress, drafted by an equal number of Democrats and Republicans, asking "in the name of common humanity, in the name of our desolated homes, and suffering poor, that this nation be not committed to a policy that must prove destructive alike to its industries and to the prosperity of its people."

The intelligent, progressive Lake Superior miner, who has been receiving good wages and has been able to surround himself with opportunities for mental improvement, is to be called to compete with the underpaid and ignorant labor of Spain and Cuba.

The great Bilboa district in Spain is sensitive to the slightest increase in the demand for iron ore. Only so lately as 1885 the output of the Spanish mines was a million tons greater than that of the entire Lake Superior district, and in the nine years, from 1877 to 1885, inclusive, there was only one year when the Bilboa district did not show a greater output than did the Lake Superior region. It is true that in 1890 the product of our mines was double that of the Spanish; but under either free ore or a low tariff we may expect to see these figures reversed.

The Michigan ores, with a 75 cent tariff, have a small advantage over Cuban ores when laid down in Pittsburg. This after a water carriage of 1,200 miles, which is about the distance from Cuba to New York. The hard specular and magnetic ore from Cuba has already invaded the Pittsburg market, closing at least one Lake Superior mine.

For years the price of iron ore has been declining, profits have been getting less and less, the mines have required more and more expensive machinery. The pertinent question forced by the Wilson bill is as to what reduction of wages will be necessary to enable the Lake Superior mines to compete with foreign ore which, on a free-ore basis, with wages at the normal rates, will drive Lake Superior ore out of every market east of Cincinnati.

If the progress of this country in the manufacture of iron and steel had been prevented by duties on iron ore, then there might be some excuse for reducing or removing those duties; but when the policy of protection has been the means of making this country the greatest producer of iron and steel on the face of the globe, there is neither statesmanship nor common sense in making the destructive change contemplated in the Wilson bill.

COPPER.

Fostered by a protective tariff, the copper mines of Michigan have been developed to a point where this country has become a large exporter of that metal. It is worthy of record, how-

over, that the great Calumet and Hecla mine, famous the world over not only for the vastness of its product, but also for the intelligence and prosperity of its employés, was not discovered until 1863; and that previous to this date copper mining depended on chance rather than on science. In time the iron mines of Lake Superior will unquestionably outgrow the necessity of protection: but that day has not yet dawned, and should the Wilson bill become a law such a consummation must long be postponed.

THE VESSEL INTEREST.

Another, and a mighty interest, is threatened by the abolition or the serious reduction of the duties on iron ore. The lake vessel interest now represents a capital of over $69,000,000. The capital invested in iron-ore docks on Lakes Superior and Michigan is nearly $11,000,000; and on Lake Erie there is upwards of $12,000,000 more. The capital required for the rail transportation of iron ore alone from the mines to the shipping ports is $32,000,000, and from the receiving ports to the mills and furnaces, $26,000,000.

Since the Wilson bill first cast its shadow on the iron industry over $200,000,000 of capital, including the money actually invested in mining plant, has been unproductive, and 17,000 men have been thrown out of work. Shipbuilding has virtually come to a standstill, and the loss to the vessel interests alone was upwards of $1,600,000 last year.

The people of Michigan are opposed to any fiscal policy which will endanger appropriations for river and harbor improvements. The Peninsular State, with its 2,000 miles of coast line, includes within its boundaries the great water ways by which many of the staple products of this country reach their markets, and these water ways the State holds as a trustee for the nation. By improvements begun and carried beyond the point of success under State direction freight rates between the East and the West are regulated and are being constantly cheapened.

The Portage and the St. Marys Canals; the locks at Sault Ste. Marie, surpassing in size any others in the world; the Hay Lake and the Twenty-Foot Channels the St. Clair Flats Canal, and the Lime Kiln Crossing, all are within the State of Michigan. Mr. William A. Livingstone, of Detroit, has shown that up to 1891 the total cost of all the river and harbor improvements on the Great Lakes was about $20,000,000, and that the saving in freight rates by water carriage when compared with the rates that were charged by the railways amounted in 1890 to $147,000,000, or over five times the entire cost of the lake improvements.

Two hundred and sixty freight trains a day would have been required to handle the freight carried by lake vessels during the season of navigation in 1891.

The policy of internal improvements has had its most signal success on the Great Lakes, where there has been provided a means of transportation costing in 1890 only one-ninth the cost of the same service by rail, and bringing the farmers of Minnesota in closer proximity to New York than is the farmer of Southern Ohio.

The manufactures of the east are carried 1,000 miles west at a less expense than the same goods can be shipped 250 miles north or south; and there has been called into being a steam tonnage that in 1890 was increased by 40 per cent more than was the steam tonnage of the entire seaboard. Great as these achievements are, and beneficial as they have been to both the producer and the consumer, the triumphs of the future must far exceed those of the past, provided we here and now repudiate the policy and defeat the bill which aims to produce not a surplus, but a deficit.

FREE LUMBER BENEFITS CANADA ONLY.

Doubtless the framers of the Wilson bill thought that by placing lumber on the free list they would benefit the farmer and the workingman. An examination of the prices of lumber as given in the report of the Senate Finance Committee shows that in spite of successive reductions in duties, and also in spite of free logs, the price of lumber has steadily advanced. In so far as Michigan is concerned, free lumber simply means that the Canadian logs which have been rafted across the lakes to be cut will hereafter be manufactured in Canada, with a corresponding benefit to Canadian labor and detriment to American labor.

The value of Canadian timber limits will be increased, and the price of the product will continue to be held up by means of combinations easily formed, because of the great capital required for lumbering operations. Michigan has made the record of having manufactured enough lumber in the single year 1881 to house comfortably a million people, or to load a train 2,470 miles in length; and the product for 1892 (3,794,256,754 feet) was but a little more than 100,000,000 feet below that of 1881. Two-thirds of the lumber now manufactured in the Saginaw Valley is cut from Canadian logs, and free lumber will result in the transfer of the mills to the Canadian side of Lake Huron.

Instead of cheapening lumber, therefore, the Wilson bill will simply lessen the demand for American labor, to the advantage of our neighbors across the border. And just here it may be noted that free staves means simply that Ontario will hereafter be called on to supply to the sugar refiners of New York the barrels which have hitherto come from Michigan. Canada with her cheaper labor and shorter carriage will be able to undersell the Michigan stave manufacturers, whose business is conducted, as a rule, in inland towns, and whose timber comes from the farmers. Thus the lumber schedule so fair on its face, becomes simply another method for reducing the demand for labor without a corresponding diminution of prices.

FREE SALT.

Closely allied to the lumber interest is the salt industry. From the days when Great Britain held possession of the lake country salt was known to exist in Michigan; but it was not until a century later that the manufacture of that article was begun in the State. After ten years of discouragement and financial disaster, in 1870 the manufacture of salt in the Saginaw Valley became a financial success. The State bent all her legislative energies to bring about this result, and the salt manufacturers voluntarily taxed themselves to cover the expenses of State inspection.

Michigan produces about one-half of all the salt manufactured in this country, and her salt works have a capacity equal to two-thirds of the American product. In order to obtain any profit the manufacture must be conducted in connection with the lumber mills, using for fuel the refuse from the logs, and of late years only the salt blocks operated under the most favorable conditions have been profitable.

The history of salt prices shows that since 1872, when duties were reduced to the present rate of 8 cents a hundred pounds in bulk and 12 cents a hundred pounds in packages, the importations have decreased by 50 per cent, and the price has dropped from $1.46 a barrel to 53 cents, including the cost of the package, worth from 20 to 25 cents. With the transfer of the lumber mills to Canada the manufacture of salt will follow, for the salt deposits of Canada are as rich as those of the United States, and England, which now controls the trade on the Atlantic coast, will extend her markets inland, to the detriment of the producers and workers of New York and Michigan.

THE WOOL INDUSTRY.

Other Senators, and notably the Senator from Oregon [Mr. MITCHELL], have given exhaustive attention to the subject of the duty on wool, and I need only allude to it briefly. Michigan, in 1889, was the fourth State in the Union in the production of wool, being surpassed by Ohio, California, and Texas. Since the census was taken I believe that Montana has come in ahead of our State. The Michigan farmer comes into competition with the Australian sheep-raiser, who uses Government lands fenced by the Government; whose sheep require no herding, and whose only cost of production is the labor of shearing and marketing,

More than one-half the wool now consumed in this country is imported either in the form of wool or woolen goods. The increase in the world's production of wool between 1860 and 1885, both years inclusive, was over 100 per cent; and it has been the experience of the Australian producer that in 1887 his product brought scarcely more than was paid for half the quantity in 1872.

The increase in the production of foreign wools, and the comparative difference in transportation in favor of the foreign producer who reaches his markets by water, have placed the American farmer at a disadvantage, even with a rate of duty that is seemingly high. To admit wool free could only result in such a decline in the American production as would practically ruin wool-raising as an industry; and with the decrease in the number of sheep would come a corresponding decrease in the demand for pasturage, hay, and oats, thus increasing the present depression in agricultural pursuits.

AN UNDERSTANDING WITH THE CANADIAN ADMINISTRATION.

A comparison between the Wilson bill as it comes from the House and the new Canadian tariff shows how close an understanding must have existed between the framers of the two measures. In each bill lumber, buckwheat, rye and rye flour, and corn are put on the free list when imported from any country which admits these articles free of duty.

Canada offers to place apples, beans, peas, potatoes, hay, vegetables, and barley on her free list, wherever any other countries do the same; and the Wilson bill places apples and peas on the free list absolutely. Eggs and salt are made free in both countries, and the United States offers Canada free oats, oatmeal, wheat, and wheat flour in exchange for like favors. Ores of metals are on both free lists, and so is wool.

It is interesting to note that the party in this country which is offering these concessions to Canada is the party which has denounced the policy of protection as unconstitutional and which

is now theoretically engaged in making a tariff for revenue only. On the other hand, the party in Canada which is meeting the American free trader half way is avowedly the party of high protection and is still engaged in building up what is known in Canada as the national policy, the one object of which is to make that country independent of the United States.

The Canadians have made no mistake. They admit free of duties only those commodities in the production of which they have so much the advantage of us as to prevent us from entering their markets. They secure from us unlimited markets for their surplus products. For these favors they give no concessions in their tariff on manufactured articles, but still maintain their duties at the prohibitive point, and they even go so far as to place a bounty of $2 a ton on pig iron.

For the past fifteen years Canada has been pursuing the policy of shutting the American farmer and manufacturer out of her markets. How successful she was is told by her minister of finance in his speech on presenting the new tariff measure. In 1878, says Mr. Foster, the people of the United States found in Canada a market for agricultural products and animals and their produce to the value of over $16,000,000; in 1893 the entire imports into Canada of such products amounted to less than $3,000,000.

Again, in 1877 Canada imported, mainly from this country, $13,855,079 worth of flour and grain, including peas. In 1893 these importations had been cut down to $1,339,429. Only so recently as 1889-'90 the Canadians took from us $1,734,225 worth of bacon, hams and shoulders; last year the amount so imported was but $452,312 in value.

Not only has Canada shut our farmers out of her markets; she has also appeared as our competitor in the markets of Europe. More than this, she has entered our own markets, and in spite of the duties, has firmly established her trade in competition with the American farmer in the marts of the United States.

In 1893 Canada exported horses valued at $1,461,000, of which amount the value of those sent to this country was $1,123,000; of $146,000 worth of swine exported we took $133,000 worth; of $1,247,000 worth of sheep our share was $1,088,000; of $336,000 worth of wood for wood pulp we took all but $15,000 worth; out of a total of $9,640,000 worth of planks and boards exported $8,313,000 in value came to the United States; Canada sent us $554,000 worth of staves and sent $47,000 to the rest of the world; and we took $734,000 worth of shingles, or within $15,000 worth of the entire export.

From Canada we bought last year $324,000 worth of eggs; $52,000 worth of poultry; $246,000 worth of wheat; $151,000 worth of oatmeal; $854,000 worth of hay; $78,000 worth of clover and grass seed; $259,000 worth of potatoes; $422,000 worth of peas, and $228,000 worth of wool. The American farmer is now suffering from oversupply of his products in the markets of the world; and yet the Wilson bill proposes entirely to break down the barriers which have to some extent preserved to our own people their home markets.

CANADIAN CHEAP LAND AND LABOR.

The Canadian farmer has a double advantage over his neighbor across the border. First, his land is worth much less than is the land of his competitor; and, secondly, he pays his labor at least 35 per cent less than American labor is paid. Mr. Joseph Nimmo, jr., in answer to questions propounded by the Ways and Means Committee of the House, has discussed very carefully the question of the comparative costs of production in this country and in the Dominion; and the information on which he based his conclusions, gathered from abundant sources, was well sifted.

He reached this result: In order to allow the New York farmer to compete successfully with the Ontario farmer, the average rate of duty on Canadian farm products would have to amount at least to 44 per cent, of which 12 per cent represents difference in the value of lands, and 32 per cent represents the excess labor costs in New York. The figures for Michigan would be about the same; certainly there would not be a smaller discrepancy.

How cheering, therefore, is the message which the Wilson bill brings to the Michigan farmer, who is asked to give his Canadian competitor free access to the markets of Detroit, Chicago, New York, Boston, and Philadelphia, or at best to allow a considerable reduction of the now inadequate duties.

Those persons who have not given careful attention to the location of Canada with relation to this country, fail to appreciate the importance of the competition on the part of the Dominion. The natural course of Canadian trade is southward.

The maritime provinces are cut off from the remainder of the Dominion by the State of Maine, which extends 100 miles north of Quebec. New England, with a population about equal to that of all Canada, could easily find a market for all the products of the maritime provinces, such as lumber, coal, gypsum, grindstones, and fish, and in the light of experience it is safe to say that should the Wilson bill become a law the imports from those provinces will be more than doubled.

Toronto is only 450 miles from New York City, but by Canadian lines it is over a thousand miles from Halifax, the only Canadian port that is open all the year. The distance from St. Paul and Minneapolis to Boston and Portland, Me., by way of the Canadian roads is about the same as to New York, Baltimore, and Philadelphia. Even now the grain, wool, and other products of Michigan find their way by rail to Eastern markets across the Province of Ontario, and the roads which bring the goods of the East to our merchants traverse Canadian territory.

The wheat lands of Manitoba, separated from Ontario by a thousand miles of inhospitable country, find a natural outlet at St. Paul and Minneapolis; and British Columbia is naturally tributary to Portland, Oregon, and to San Francisco. To give these Canadian provinces a free or practically free and convenient market for their products, while obtaining nothing in return, is not statesmanship, to say the least.

AN ATTEMPT TO REVIVE THE DISCARDED RECIPROCITY TREATY.

We are not left to guesswork, nor yet to the figures of Treasury experts, to find how the Wilson bill would affect the trade relations between this country and Canada. The Wilson bill is a virtual attempt to obtain by coordinate legislation in the two countries, the revival of the provisions of the reciprocity treaty of 1854. In so far as the pending measure deals with Canada, it is open to all the objections which led to the abrogation of that treaty.

More than this, the settled and avowed policy of Canada now being to build up her own manufactures by shutting out those of other nations, there is at this time no such excuse for opening our markets to Canada's natural products as there was in 1854, when that country imposed but nominal duties on manufactures. The results of the reciprocity treaty, however, should be sufficient warning against any endeavor to revive it.

The leading feature of the treaty negotiated by Secretary Marcy and Lord Elgin was, that the natural products of the United States and Canada should be admitted to each country, respectively, free of duty. At the time the treaty took effect (September 11, 1854) Canadian duties on manufactured articles varied from 5 to 12½ per cent. Within three years Canada had placed duties of from 62½ to 100 per cent on our leading manufactures.

The effect of these increases was to cut down our exports to that country from over $20,000,000 in 1856 to less than $13,000,000 in 1863. Of the $239,000,000 worth of Canadian products which entered the United States during the continuance of the treaty, 94 per cent came in free, while but 58 per cent of the American products sold to Canada crossed the border without paying heavy tribute.

During the twelve years, while the treaty was in force, the entire sales of the people of this country to our Canadian neighbors—free and dutiable goods, domestic products, and foreign products reexported to Canada—aggregated less by $26,000,000 than the free goods which the Canadians were enabled by the treaty to sell to the United States.

In the ten years from 1851 to 1861 Canada nearly doubled both the amount and the value of her improved land; her wheat crop increased 78 per cent, and her oat crop 91 per cent; her timber advanced more than 50 per cent in value, and her exports of lumber were more than doubled.

Unquestionably the treaty was a decided benefit to Canada, and had that country shown the least disposition to extend the reciprocity provisions of the treaty to manufactures in addition to natural products, that treaty would before this have brought about the entire abolition of duties between the two countries, to the mutual advantage of both.

As is was, the Chicago Board of Trade called for a more free and liberal treaty; the Milwaukee Chamber of Commerce passed resolutions in favor of actual reciprocity, instead of the kind brought about by the then existing treaty; the Detroit Board of Trade, finding that American manufactures were practically shut out of Canada, while Canadian wheat competed on equal terms with that of Michigan in the markets of New England, favored either a broader treaty or none at all; Oswego declared in favor of a customs union. Canada, however, gave no heed to these requests, and on March 17, 1867, the treaty was terminated at the instance of this Government. Since that time the trade relations between the two countries have been most unsatisfactory.

BENEFITS OF POLITICAL UNION.

The question asked a few days ago by the Senator from Delaware [Mr. GRAY] is a pertinent one. How, he inquired, would commercial union benefit the farmers of the United States? His question is itself an argument against the Wilson bill, since it involves the admission that the Wilson bill does harm the Ameri-

can farmer by reason of allowing the Canadian products to come into this country free of duty.

Political union would give to the State of Michigan at least one-third more territory in which to sell manufactures, and this building up of manufactures would in itself create a greater market for agricultural produce. The city of Detroit stretches for 8 miles along the river, and 4 miles from the center of the city land is worth $3,000 an acre for manufacturing purposes, while Canadian land across the three-quarters of a mile of water is worth less than $300 an acre. Political union would change all this, building up on both sides of the strait the commercial facilities which proximity to navigable water brings about.

It is absurd that a stream which forms the highway of a commerce equal in tonnage to that entering the ports of London and Liverpool combined should form a commercial barrier between the United States and Canada greater than the Rocky Mountains ever formed between the Pacific coast and the remainder of the country. The manufactures of Detroit, representing a capital of over $45,000,000, and paying annual wages in excess of $18,000,000, are shut out of a territory to which nature has furnished the easiest possible access; but to the products of Canada the doors are to be opened!

It is too much the custom in this country to belittle the resources and capabilities of our vigorous and enterprising neighbor on the north. Canada is nearly as large as all of Europe, and contains more than one-half the fresh waters of the globe, with thousands of miles of coast lines. Her wheat area for the highest grades of grain is nearly four times as large as that of the United States. Her inexhaustible fisheries, her wealth of timber, the coal of Nova Scotia, and the immense deposits of iron ore in Ontario and Quebec, all await only the free markets of this country for their development.

Those markets the Wilson bill proposes to open; and none are more surprised at the offer than are the Unionists of Canada. Mr. Elgin Meyers, Q. C., of Toronto, in an address delivered before the Michigan Club, on May 24, 1893, said:

Reform politicians are now telling the people of Canada that there is, with the present Cleveland Administration, a chance of destroying the tariff wall that separates Canada from the United States. Well—

He continues—

if you are willing to give Canadians all the benefits of the American continent without their assuming any of its responsibilities, it will be another indication that you are a great-hearted people; and no one would rejoice if prosperity should follow more than the Unionists of Canada; but it would postpone union for some time.

In the short and sharp political battle that was fought in Canada in 1890, the Tories took their stand for reciprocity with the United States, limited to the natural products of both countries. The Liberals were beaten only by a narrow majority on the issue that the custom-houses along the border from the Atlantic to the Pacific be abolished, and that a uniform tariff be made for both countries.

It is political, not commercial, union that promises the greatest advantage to both countries; for the American lives only under his own flag, and until it leads the way across the border, Canada, with all her undeveloped wealth, has no charms for him. But political union would dot Canada with American cities, enlarging our markets and augmenting the opportunities for employment.

THE ULTIMATE DESTINY OF CANADA.

On two occasions the best portion of Canada was almost in the grasp of the United States. In 1779 the Congress sent to our minister to France an ultimatum that the new boundaries of this country should be run so as to bring the present Province of Ontario within our limits. Again, in 1812, nothing but astounding cowardice on the part of Gen. Hull prevented the conquest of that country, whose inhabitants were not unwilling to become American citizens. Some day the failures of diplomacy and the blunders of war will be retrieved.

No American can doubt that the ultimate destiny of Canada is to become a part of the United States. That day will be a welcome one to the people of Michigan, who are now hemmed in on the east by a territory with which there are no fair exchanges. To the people of the Dominion, also, a union with the United States would be advantageous in the highest degree. They would awake to find themselves wealthy and prosperous beyond all present possibilities.

To the dreamers of a great northern empire, the lovers of political power for its own sake, to the Tory party of Canada, annexation means annihilation. To them in their extremity the Wilson bill comes—as it comes to every foreign nation—bringing joy in the prospect of larger markets and greater profits, while to our own people its portion is smaller wages and restricted activities.

Our civilization has reached the point at which that man may be counted happy who is sure of steady employment and adequate pay. The exceptionally strong will make their own way to the front; but society estimates its distance from the brute creation by the measure of its success in overcoming the law of the survival of the fittest. It may be a question as to how far this Government or any government should go in legislating to furnish work for its citizens; but there should be no question that to close up the avenues of employment already created is vicious legislation.

Thirty years of hard labor has made Michigan the leader among the States in the production of iron ore, lumber, and salt; for ten years her yield per acre of wheat, oats, corn, barley, buckwheat, and hay has been unsurpassed; in the production of wool she stands fourth, and in vessel tonnage she is surpassed only by New York State, with her combined ocean and lake traffic. Each and every one of these industries—with others equally important although perhaps less conspicuous—is threatened by the Wilson bill. As the result of a popular wave that has already receded the people of Michigan are to be left stranded amid the wreck of their industries. Is it strange then that from every part of the State, and from Democrats as well as Republicans, comes the demand to defeat the Wilson bill.

Mr. QUAY. Mr. President, I have agreed, with the consent of the Senate, to yield the floor to the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH addressed the Senate. After having spoken thirty-five minutes,

Mr. QUAY (at 5 o'clock p. m.). Mr. President——

Mr. DOLPH. I will be through on this point in a moment.

Mr. QUAY. Does the Senator from Oregon desire to conclude it this evening?

Mr. DOLPH. I should like to finish my statement of the census figures.

Mr. CULLOM. It is 5 o'clock.

Mr. DOLPH. Very well; I will yield at this time and retain the floor for to-morrow.

[Mr. DOLPH'S speech will be published entire after it shall have been concluded.]

AMENDMENT OF THE RULES.

Mr. GRAY. I desire to give notice of a motion to amend the rules of the Senate.

The VICE-PRESIDENT. The notice will be read.

The Secretary read as follows:

I hereby give notice that I shall move to amend the standing rules of the Senate, by adding as an additional paragraph to Rule XIX the following:

"4. No Senator shall read a speech, nor shall he read from any book or paper except it may be to quote an authority or illustrate a point or argument which he is making, without unanimous consent."

The VICE-PRESIDENT. The proposed amendment of the rules will be referred to the Committee on Rules.

HOUSE BILL REFERRED.

The bill (H. R. 6055) to authorize the construction of a bridge over the Monongahela River in the city of Pittsburg, was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 21, 1894, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 20, 1894.

PROMOTIONS IN THE ARMY.

Cavalry arm.

First Lieut. James Lockett, adjutant Fourth Cavalry, to be captain, April 14, 1891, vice Wood, Fourth Cavalry, deceased.

Second Lieut. Thomas H. Slavens, Fourth Cavalry, to be first lieutenant, April 15, 1894, vice Hodgson, Sixth Cavalry, appointed assistant quartermaster.

To rank from February 27, 1890:

To be brigadier-general by brevet.

Maj. Edwin C. Mason, Twenty-first Infantry, brevet colonel United States Army (now colonel Third Infantry), for gallant and meritorious service in action against Indians in the Lava Beds, California, April 17, 1873, and for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Lieut. Col. William B. Royal, Third Cavalry, brevet colonel United States Army (now colonel retired), for gallant service in action against Indians on Rosebud Creek, Montana, on June 17, 1876.

Capt. Guy V. Henry, Third Cavalry, brevet colonel United States Army (now lieutenant-colonel Seventh Cavalry), for gallant and meritorious service in action against Indians on Rosebud Creek, Montana, June 17, 1876, where he was severely wounded.

Maj. Andrew W. Evans, Third Cavalry, brevet colonel United States Army (now lieutenant-colonel retired), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882.

Maj. John Green, First Cavalry, brevet lieutenant-colonel United States Army (now lieutenant-colonel retired), for gallant service in action against Indians in the Lava Beds, California, January 17, 1873, and for conspicuous gallantry in the several actions during the Modoc war.

Maj. Lewis Merrill, Seventh Cavalry, brevet colonel United States Army (now lieutenant-colonel retired) for gallant service in action against Indians at Canon Creek, Montana, September 13, 1877.

Capt. Frederick W. Benteen, Seventh Cavalry, brevet colonel United States Army (now major retired), for gallant service in action against Indians on the Little Big Horn, Montana, June 25 and 26, 1876, and in action against Indians at Canon Creek, Montana, September 13, 1877.

To be colonel by brevet.

Maj. Charles E. Compton, Sixth Cavalry, brevet lieutenant-colonel United States Army (now colonel Fourth Cavalry), for distinguished service in leading a cavalry battalion in a gallant and successful charge in action against Indians on the Red River, Texas, August 30, 1874.

Capt. Anson Mills, Third Cavalry, brevet lieutenant-colonel United States Army (now colonel Third Cavalry), for gallant service in action against Indians at Slim Buttes, Dakota, September 9, 1876.

Maj. John Green, First Cavalry, brevet lieutenant-colonel United States Army (now lieutenant colonel retired), for gallant service in action against Indians at Mount Turnbull, Arizona, April 30, 1869.

Capt. Marcus P. Miller, Fourth Artillery, brevet lieutenant-colonel United States Army (now major Fifth Artillery), for gallant and meritorious service in action against Indians in the Lava Beds, California, April 17, 1873, and for special gallantry and military ability in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. George M. Randall, Twenty-third Infantry, brevet major United States Army (now major Fourth Infantry), for gallant service in action against Indians near Pinal, Ariz., March 8, 1874, and for distinguished services during the campaign against Indians in Arizona in 1874.

To be lieutenant-colonel by brevet.

Maj. George M. Sternberg, surgeon (now brigadier-general, Surgeon-General), for gallant service in the performance of his professional duty under fire, in action against Indians, at the Clearwater, Idaho, July 12, 1877.

Capt. David S. Gordon, Second Cavalry, brevet major, United States Army (now colonel Sixth Cavalry), for gallant service in action against Indians at Miner's Delight, Wyoming, May 4, 1870.

Capt. George M. Brayton, Eighth Infantry, brevet major, United States Army (now colonel retired), for gallant service in actions against Indians in Arizona, June 25, 1875, July 4, 1875, January 10, 1877, January 21, 1877, and January 30, 1877.

Capt. James S. Casey, Fifth Infantry, brevet major, United States Army (now lieutenant colonel First Infantry), for conspicuous gallantry in leading his command in a successful charge against a superior number of Indians, strongly posted, at Wolf Mountain, Montana, January 8, 1877.

Capt. Richard Comba, Seventh Infantry, brevet major, United States Army (now lieutenant colonel Twelfth Infantry), for gallant service in actions against Indians at the Big Hole, Montana, August 9, 1877.

Capt. John M. Bacon, Ninth Cavalry, brevet major United States Army (now lieutenant-colonel First Cavalry), for gallant service in the actions against Indians on the Rio Pecos, Texas, June 7, 1869, and near the headwaters of the Salt Fork of the Brazos River, Texas, October 28 and 29, 1869.

Capt. Curwen B. McLellan, Sixth Cavalry, brevet major, United States Army (now lieutenant-colonel retired), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880, and in action against Indians near Red River, Indian Territory, August 30, 1874.

Capt. George M. Randall, Twenty-third Infantry, brevet major, United States Army (now major Fourth Infantry), for gallant service in actions against Indians at Turret Mountain, Arizona, March 27, 1873, and at Diamond Butte, Arizona, April 22, 1873.

Capt. John A. Kress, Ordnance Department, brevet major United States Army (now major Ordnance Department), for gallant service in action against Indians on the Columbia River, Oregon, July 8, 1878.

Capt. Adna R. Chaffee, Sixth Cavalry, brevet major United States Army (now major Ninth Cavalry), for gallant service in leading a cavalry charge over rough and precipitous bluffs held by Indians on the Red River, Texas, August 30, 1874, and for gallant service in action against Indians at the Big Dry Wash, Arizona, July 17, 1882.

Capt. James Jackson, First Cavalry, brevet major United States Army (now major Second Cavalry), for gallant and meritorious service in action against Indians during the Modoc war, especially in the action on Lost River, Oregon, November 29, 1872, and for gallant service in action against Indians at the Clearwater, Idaho, July 12, 1877.

Capt. Wirt Davis, Fourth Cavalry, brevet major United States Army (now major Fifth Cavalry) for gallant service in action against Indians on the North Fork of Red River, Texas, September 29, 1872, and in action against Indians in the Big Horn Mountains, Montana, November 25, 1876.

First Lieut. John B. Babcock, Fifth Cavalry, brevet major United States Army (now major and assistant adjutant-general), for gallant service in actions against Indians at Tonto Creek, Arizona, June 16, 1873, and at Four Peaks, Arizona, January 16, 1874.

Maj. Alfred E. Latimer, Fourth Cavalry (now major retired), for gallant service in action against Indians on the North Fork of Red River, Texas, September 29, 1872.

Capt. Tullius C. Tupper, Sixth Cavalry, brevet major, United States Army (now major retired), for gallant service in successfully leading a cavalry charge against Indians in the action on Red River, Texas, August 30, 1874, and for gallant service in action against Indians at the Las Animas Mountains, New Mexico, April 28, 1882.

Capt. Wyllys Lyman, Fifth Infantry, brevet major, United States Army (now major retired), for gallant service in the actions against Indians on the Upper Washita River, Texas, September 9, 10, and 11, 1874.

Capt. James M. Bell, Seventh Cavalry, brevet major, United States Army, for gallant service in action against Indians at Canon Creek, Montana, September 13, 1877.

First Lieut. Allan H. Jackson, Seventh Infantry, brevet major, United States Army (now captain, Seventh Infantry), for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877.

First Lieut. Charles C. Cresson, First Cavalry, brevet major, United States Army (now first lieutenant, retired), for gallant and meritorious service in action against Indians at the Lava Beds, California, April 17, 1873, and for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877.

To be major by brevet.

Capt. Henry C. Hasbrouck, Fourth Artillery (now major Fourth Artillery), for gallant service in action against Indians at Serass Lake, California, May 10, 1873.

Capt. Simon Snyder, Fifth Infantry (now colonel Nineteenth Infantry), for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877.

Capt. Evan Miles, Twenty-first Infantry (now lieutenant-colonel Twentieth Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877, and against Indians at the Umatilla Agency, Oregon, July 13, 1878.

Capt. Edmond Butler, Fifth Infantry (now lieutenant-colonel, retired), for conspicuous gallantry in leading his command in a successful charge against a superior number of Indians, strongly posted, at Wolf Mountain, Montana, January 8, 1877.

Capt. Henry McElderry, assistant surgeon (now major, surgeon), for gallant service in action against Indians at the Lava Beds, California, January 17, 1873, and for meritorious services in action against Indians near the Double Mountain Fork of the Brazos River, Texas, May 7, 1869.

Capt. Thomas McGregor, First Cavalry (now major Second Cavalry), for gallant service in action against Indians at the Santa Maria Mountains, Arizona, May 6, 1873.

Capt. Henry Carroll, Ninth Cavalry (now major First Cavalry), for gallant service in action against Indians on the Main Fork of the Brazos River, Texas, September 16, 1869, and against Indians in the San Andreas Mountains, New Mexico, April 7, 1880, where he was severely wounded.

Capt. William A. Rafferty, Sixth Cavalry (now major Second Cavalry), for gallant service in actions against Indians on the Little Wichita River, Texas, October 5, 1870, and in the Hatchet Mountains, New Mexico, April 28, 1882.

Capt. Emil Adam, Fifth Cavalry (now major, retired), for gallant service in action against Indians at Muchos Canons, Arizona, September 25, 1872.

Capt. Myles Moylan, Seventh Cavalry (now major, retired), for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877, where he was severely wounded.

Capt. Camillo C. C. Carr, First Cavalry (now major Eighth Cavalry), for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877.

Capt. Ezra P. Ewers, Fifth Infantry (now major Ninth Infantry), for gallant service in action against Indians under Crazy Horse on the Tongue River, Montana, January 8, 1877.

Capt. James N. Wheelan, Second Cavalry (now major Eighth Cavalry), for gallant service in action against Indians on the Rosebud, Montana, May 7, 1877.

Capt. Adam Kramer, Sixth Cavalry (now major Sixth Cavalry), for gallant service in actions against Indians at Ash Creek, Arizona, May 6, 1880, and at Big Dry Wash, Arizona, July 17, 1882.

Capt. Robert H. Montgomery, Fifth Cavalry (now major, retired), for gallant service in action against Indians at Muchos Canons, Arizona, September 25, 1872, and in a scout made by him through Tonto Basin, Arizona, during the months of November and December, 1874.

Capt. Charles W. Miner, Twenty-second Infantry, for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

First Lieut. Frank D. Baldwin, Fifth Infantry (now captain Fifth Infantry), for a gallant and successful attack on Sitting Bull's camp of Indians on Big Dry River, Montana, December 18, 1876, and for conspicuous gallantry in action against Indians at Wolf Mountain, Montana, January 8, 1877.

First Lieut. John G. Bourke, Third Cavalry (now captain Third Cavalry) for gallantry in an attack on Indians on Powder River, Montana, March 17, 1876, and in action against Indians on Rosebud Creek, Montana, June 17, 1876.

First Lieut. John L. Bullis, Twenty-fourth Infantry (now captain Twenty-fourth Infantry), for gallant service in action against Indians near Saragossa, Mex., July 30, 1876, and in action against Indians in the Burro Mountains, Mexico, May 3, 1881.

Capt. James M. J. Sanno, Seventh Infantry, for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877.

Capt. Alexander B. MacGowan, Twelfth Infantry, for gallant service against Indians in their attack on Fort Apache, Ariz., September 1, 1881.

Capt. Charles Porter, Eighth Infantry, for gallant service in actions against Indians in Arizona, August 15, 1876, October 4, 1876, and January 7, 1878, and in action against Indians in Arizona, April 3, 1878.

Capt. Mott Hooton, Twenty-second Infantry, for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

Capt. Constant Williams, Seventh Infantry, for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877, where he was twice wounded.

Capt. Stephen P. Jocelyn, Twenty-first Infantry, for conspicuous gallantry in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. Henry J. Nowlan, Seventh Cavalry, for gallant service in action against Indians at Canon Creek, Montana, September 13, 1877.

Capt. Edward S. Godfrey, Seventh Cavalry, for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877, where he was wounded.

Capt. Charles A. Coolidge, Seventh Infantry, for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877, where he was three times wounded.

First Lieut. Mason Carter, Fifth Infantry, brevet captain, United States Army (now captain Fifth Infantry), for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877.

Capt. Charles A. P. Hatfield, Fourth Cavalry, for gallant service in action against Indians in the attack on Geronimo's camp, in the Santa Cruz Mountains, in Mexico, May 16, 1886.

First Lieut. Henry Romeyn, Fifth Infantry, brevet captain, United States Army (now captain Fifth Infantry), for gallant service in action against Indians at their village in Bear Paw Mountain, Montana, September 30, 1877, where he was severely wounded.

Capt. Stephen G. Whipple, First Cavalry (now captain retired), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. Alfred B. Taylor, Fifth Cavalry (now captain retired), for gallant service in action against Indians at the Caves, Arizona, December 28, 1872.

Capt. Robert Pollock, Twenty-first Infantry (now captain retired), for marked bravery and gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. Charles Bendire, First Cavalry (now captain retired), for gallant service in action against the Indians at Canyon Creek, Montana, September 13, 1877.

Capt. Eugene A. Bancroft, Fourth Artillery (now captain retired), for gallant service in actions against Indians at Clearwater, Idaho, July 11 and 12, 1877, where he was severely wounded.

Capt. Randolph Norwood, Second Cavalry (now captain retired, for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877, and for gallantry in action against Indians on the Rosebud, Montana, May 7, 1877.

Capt. Lemuel A. Abbott, Sixth Cavalry (now captain, retired), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882.

Second Lieut. Edmund R. P. Shurly, Twenty-seventh Infantry, brevet captain, United States Army (now first lieutenant, retired), for gallant service in the successful defense of a Government supply train against a large force of Indians, near Goose Creek, Dakota, November 4, 1867, where he was severely wounded.

Capt. Arthur Morris, Fourth Artillery (since deceased), for gallant service in actions against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

First Lieut. Patrick Cusack, Ninth Cavalry, brevet captain, United States Army (since deceased), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880.

To be captain by brevet.

First Lieut. Charles P. Eagan, Twelth Infantry (now major, commissary of subsistence), for gallant service in action against Indians in the Lava Beds, California, April 17, 1873, where he was wounded.

First Lieut. Charles F. Humphrey, Fourth Artillery (now major, quartermaster), for gallant service in action against Indians at the Clearwater, Idaho, July 11, 1877.

First Lieut. Charles A. Woodruff, Seventh Infantry (now major, commissary of subsistence), for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877, where he was three times wounded.

First Lieut. Frank D. Baldwin, Fifth Infantry (now captain Fifth Infantry), for gallant service in actions against Indians on the Salt Fork of the Red River, Texas, August 30, 1874, and on McLellan's Creek, Texas, November 8, 1874.

First Lieut. William Conway, Twenty-second Infantry (now captain, Twenty-second Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

First Lieut. William A. Thompson, Fourth Cavalry (now captain Fourth Cavalry), for gallant service in actions against Indians in the cañon near Red River, Texas, September 27 and 28, 1874, and at Las Lagunas Quatro, Texas, November 5, 1874.

First Lieut. Joshua W. Jacobs, Seventh Infantry (now captain and assistant quartermaster), for gallant and meritorious services in reconnoissance and action against Indians at the Big Hole, Montana, August 8 and 9, 1877.

Second Lieut. John G. Bourke, Third Cavalry (now captain, Third Cavalry), for gallant service in action against Indians at the Caves, Arizona, December 28, 1872, and in the campaign against Indians in Arizona, April, 1873.

First Lieut. Hiram H. Ketchum, Twenty-second Infantry (now captain Twenty-second Infantry), for gallant service in action against Indians near the mouth of the Big Horn River, Montana, August 11, 1873.

First Lieut. Abram E. Wood, Fourth Cavalry (since deceased), for gallant service in actions against Indians at Sand Creek, Kans., September 21, 1878, and at Punished Women's Fork, Kans., September 27, 1878.

First Lieut. Eugene D. Dimmick, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in action against Indians in the Black Range Mountains, New Mexico, September 23, 1879.

First Lieut. Earl D. Thomas, Fifth Cavalry (now captain, Fifth Cavalry), for gallant service in action against Indians at The Caves, Arizona, December 28, 1872, and for distinguished services in the campaign against Indians in Arizona, April, 1874.

First Lieut. Martin B. Hughes, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880.

First Lieut. Henry W. Sprole, Eighth Cavalry (now captain Eighth Cavalry), for gallant service in the pursuit of Indians on the Washita River, Texas, October 14 and 15, 1874, and in the action against Indians on Muster Creek, Texas, November 29, 1874.

First Lieut. William C. Manning, Twenty-third Infantry (now captain Twenty-third Infantry), for gallant service in action against Indians at Mazatzal Mountains, Arizona, December 13, 1872.

First Lieut. John L. Bullis, Twenty-fourth Infantry (now captain Twenty-fourth Infantry), for gallant service in actions against Indians at Remolina, Mexico, May 18, 1873, and on the Pecos River, Texas, April 26, 1875.

First Lieut. Walter S. Schuyler, Fifth Cavalry (now captain Fifth Cavalry), for gallantry in action against Indians in the Big Horn Mountains, Montana, November 25, 1876.

First Lieut. Benjamin C. Lockwood, Twenty-second Infantry (now captain Twenty-second Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

First Lieut. William F. Stewart, Fourth Artillery (now captain Fourth Artillery), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

First Lieut. Peter Boehm, Fourth Cavalry (now captain retired), for gallant service in action against Indians on the Brazos River, Texas, October 28 and 29, 1869; for special gallantry in action on the same river, October 10, 1871, and for gallant conduct in action against Indians on the Red River, Texas, September 29, 1872.

First Lieut. John Lafferty, Eighth Cavalry (now captain retired), for gallant service in actions against Indians in the Black Slate Mountains, Nevada, February 15, 1867, and in the Chiricahua Pass, Arizona, October 20, 1869, where he was severely wounded.

First Lieut. Robert McDonald, Fifth Infantry (now captain retired), for conspicuous gallantry in leading his command in a successful charge against Indians, strongly posted, at Wolf Mountain, Montana, January 8, 1877.

First Lieut. James H. Spencer, Thirtieth Infantry (now captain retired), for gallant service in action against Indians near Fort Fred Steele, Wyo., March 22, 1869.

First Lieut. Byron Dawson, Ninth Cavalry (now captian retired), for gallant service in the actions against Indians on the Rio Pecos, Texas, June 7, 1869, and on the Brazos River, Texas, October 28 and 29, 1869.

First Lieut. Charles King, Fifth Cavalry (now captain retired), for gallant and distinguished service in action against Indians near Diamond Butte, Arizona, May 21, 1874.

First Lieut. Max Wesendorff, First Cavalry (now captain retired), for gallant service in action against Indians at Squaw Peak, Arizona, September 30, 1872.

First Lieut. Gilbert E. Overton, Sixth Cavalry (now captain retired), for gallant service in leading a cavalry charge in the action against Indians on McLellans Creek, Texas, November 8, 1874.

First Lieut. Henry M. Benson, Seventh Infantry (now captain retired), for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877, where he was severely wounded.

First Lieut. John Conline, Ninth Cavalry (now captain retired), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880.

First. Lieut. Oskaloosa M. Smith, Twenty-second Infantry (now captain and commissary of subsistence), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

First Lieut. Peter Leary, jr., Fourth Artillery (now captain Fourth Artillery), for gallant and meritorious service in actions against Indians in the Lava Beds, California, April 15 and 16, 1873.

First Lieut. Abiel L. Smith, Fourth Cavalry (now captain and commissary of subsistence), for gallant service in the campaign against Geronimo's band of Indians in Sonora, Mexico, from July to September, 1886.

First Lieut. Sydney W. Taylor, Fourth Artillery (now captain Fourth Artillery), for gallant and meritorious conduct in actions against Indians during the Modoc War of 1873.

First Lieut. James W. Watson, Tenth Cavalry, for gallant service in action against Apache Indians, near Salt River, Arizona, March 7, 1890.

First Lieut. Granville Lewis, Fifth Infantry (now first lieutenant, retired), for gallant service in action against Indians on the Upper Washita River, Texas, September 9, 1874, where he was severely wounded.

First Lieut. George Albee, Forty-first Infantry (now first lieutenant, retired), for gallant service in the actions against Indians on the Brazos River, Texas, September 16, 1869, and October 28 and 29, 1869.

First Lieut. Robert H. Fletcher, Twenty-first Infantry (now first lieutenant, retired), for gallant service in actions against Indians at the Clearwater, Idaho, July 11 and 12, 1877, and at Canon Creek, Montana, September 13, 1877.

Second Lieut. Hayden De Lany, Ninth Infantry, brevet first lieutenant, United States Army (since deceased), for gallant service in action against Indians in the Big Horn Mountains, Montana, November 25, 1876.

First Lieut. John W. Wilkinson, Seventh Cavalry (since deceased), for gallant service in action against Indians at Canyon Creek, Montana, September 13, 1877.

To be first lieutenant by brevet.

Second Lieut. Charles Morton, Third Cavalry (now captain Third Cavalry), for gallant service in action against Indians in the Tonto country, Arizona, June 5, 1871.

Second Lieut. Earl D. Thomas, Fifth Cavalry (now captain Fifth Cavalry), for gallant service in action against Indians near Fort McPherson, Nebraska, June 8, 1870.

Second Lieut. Frazier A. Boutelle, First Cavalry (now captain First Cavalry), for gallantry in action against Indians at Lost River, Oregon, November 29, 1872, and for conspicuous gallantry and meritorious conduct during the whole Modoc War.

Second Lieut. Walter S. Schuyler, Fifth Cavalry (now captain Fifth Cavalry), for gallant service in actions against Indians, at Muchos Canyons, Arizona, September 25, 1872; on Lost River, Arizona, June 26, 1873; at Salt River, Arizona, April 28, 1874, and in the Red Rock country, Arizona, May 14, 1874.

Second Lieut. Frank West, Sixth Cavalry (now captain Sixth Cavalry), for gallant service in actions against Indians on the Washita River, Texas, September 9, 10, and 11, 1874.

Second Lieut. Peter S. Bomus, First Cavalry (now captain First Cavalry), for gallant service in action against Indians at the Mazatzal Mountains, Arizona, December 13, 1872.

Second Lieut. Francis Michler, Fifth Cavalry (now captain Fifth Cavalry), for gallant service in actions against Indians at Muchos Canyons, Arizona, September 25, 1872, and at the head of Tonto Creek, Arizona, January 22, 1873.

Second Lieut. John T. Van Orsdale, Seventh Infantry (now captain Seventh Infantry), for gallant service in action against Indians at Big Hole, Montana, August 9, 1877.

Second Lieut. Edward J. McClernand, Second Cavalry (now captain Second Cavalry), for gallantry in the pursuit of Indians and in action against them in the Bear Paw Mountains, Montana, September 30, 1877.

Second Lieut. William H. Miller, First Cavalry (now captain and assistant quartermaster), for gallant service in action against Indians at the Lava Beds, California, April 17, 1873, and for gallant and meritorious conduct during the Modoc war.

Second Lieut. Charles A. Williams, Twenty-first Infantry (now captain Twenty-first Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11, 1877, where he was severely wounded.

Second Lieut. Henry H. Wright, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in actions against Indians in Florida Mountains, New Mexico, January 24, 1877; in the Sacramento Mountains, New Mexico, July 29, 1878, and in the Miembres Mountains, New Mexico, May 29, 1879.

Second Lieut. John F. Guilfoyle, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in actions against Indians at White Sands, New Mexico, July 19, 1881; in the San Andreas Mountains, New Mexico, July 25, 1881, and at Monica Springs, New Mexico, August 3, 1881.

Second Lieut. Thomas M. Woodruff, Fifth Infantry (now captain Fifth Infantry), for gallant service in action against Indians at Bear Paw Mountain, Montana, September 30, 1877.

Second Lieut. Charles H. Heyl, Twenty-third Infantry (now captain Twenty-third Infantry), for gallant service in action against Indians on the south side of the Verde River, Arizona, May 24, 1874, and for gallantry in action against Indians near Grace Creek, Nebraska, April 28, 1876.

Second Lieut. William H. Kell, Twenty-second Infantry (now captain Twenty-second Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

Second Lieut. Ezra B. Fuller, Seventh Cavalry (now captain Seventh Cavalry), for gallant service in action against Indians at Cannon Creek, Montana, September 13, 1877.

Second Lieut. Hobart K. Bailey, Fifth Infantry (now captain Fifth Infantry), for gallant service in action against Indians on McLellan's Creek, Texas, November 8, 1874.

Second Lieut. Charles W. Taylor, Ninth Cavalry (now captain Ninth Cavalry), for gallant service in action against Indians in the San Andreas Mountains, New Mexico, April 7, 1880.

Second Lieut. Francis E. Eltonhead, Twenty-first Infantry (now captain Twenty-first Infantry), for distinguished service and conspicuous gallantry in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877.

Second Lieut. Alfred C. Sharpe, Twenty-second Infantry (now captain Twenty-second Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

Second Lieut. Frederick W. Sibley, Second Cavalry (now captain Second Cavalry), for gallant service in action against Indians on the Little Big Horn River, Montana, July 7, 1876.

Second Lieut. Alfred M. Fuller, Second Cavalry (now captain Second Cavalry), for gallant service in action against Indians on the Rosebud, Montana, May 7, 1877, where he was wounded.

Second Lieut. Edward E. Hardin, Seventh Infantry (now first lieutenant Seventh Infantry), for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877.

Second Lieut. James D. Nickerson, Seventeenth Infantry (now first lieutenant Seventeenth Infantry), for gallant service in action against Indians at Spring Creek, Montana, October 15 and 16, 1876.

Second Lieut. Herbert J. Slocum, Seventh Cavalry (now first lieutenant Seventh Cavalry), for gallant service in action against Indians at Canyon Creek, Montana, September 13, 1877.

Second Lieut. Augustus P. Blockson, Sixth Cavalry (now first lieutenant Sixth Cavalry), for gallant service in action against Indians at Ash Creek, Arizona, May 7, 1880.

Second Lieut. George L. Converse, jr., Third Cavalry (now first lieutenant Third Cavalry), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882, where he was severely wounded.

Second Lieut. Stephen C. Mills, Twelfth Infantry (now first lieutenant Twelfth Infantry), for gallant service in actions against Indians in the San Andreas Mountains, New Mexico, April 7, 1880, and in the Las Animas Mountains, New Mexico, April 28, 1882.

Second Lieut. George H. Morgan, Third Cavalry (now first lieutenant Third Cavalry), for gallant service in action against Indians at Big Dry Wash, Arizona, July 17, 1882, where he was severely wounded.

Second Lieut. William C. Brown, First Cavalry (now first lieutenant First Cavalry), for gallant service in action against Indians at Big Creek, Idaho, August 19, 1879, and in the reconnoissances of August 17 and September 25, 1879.

Second Lieut. Louis H. Orleman, Tenth Cavalry (now first lieutenant retired), for gallant service in actions against Indians at Beaver Creek, Kansas, October 18, 1868, and at the Wichita Agency, Ind. T., August 22, 1874.

Second Lieut. Robert G. Carter, Fourth Cavalry (now first lieutenant retired), for specially gallant conduct in action against Indians on the Brazos River, Texas, October 10, 1871.

Second Lieut. Charles Braden, Seventh Cavalry (now first lieutenant retired), for gallant and meritorious services in action against Indians on the Big Horn River, Montana, August 11, 1873, where he was severely wounded.

Second Lieut. Robert H. Young, Fourth Infantry (now first lieutenant retired) for gallant service in action against Indians near Fort Fred Steele, Wyo., March 22, 1869.

Second Lieut. Bainbridge Reynolds, Third Cavalry (now out of service), for gallant service in action against Indians at the Rosebud, Montana, June 17, 1876.

Second Lieut. Edward W. Casey, Twenty-second Infantry (since deceased), for gallant service in action against Indians on Muddy Creek, Montana, May 7, 1877.

Second Lieut. Francis Woodbridge, Seventh Infantry (since deceased), for gallant service in action against Indians at the Big Hole, Montana, August 9, 1877.

Second Lieut. Edward S. Farrow, Twenty-first Infantry (now out of service), for gallant service in actions against Indians at Big Creek, Idaho, August 19, 1879, and at Big Meadows, Idaho, October 8, 1879.

Second Lieut. Powhatan H. Clarke, Tenth Cavalry (since deceased), for gallant service in actions against Indians near Salt River, Ariz., March 7, 1890, and in the Penito Mountains, Mexico, May 3, 1886.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1894.

PROMOTION IN THE ARMY.

Cavalry arm.

Second Lieut. P. D. Lochridge, Second Cavalry, to be first lieutenant.

SURVEYOR OF CUSTOMS.

M. A. Frawley, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa.

COLLECTOR OF CUSTOMS.

Emil Olund, of Minnesota, to be collector of customs for the district of Duluth, in the State of Minnesota.

SUPERVISING INSPECTOR OF STEAM VESSELS.

James O'Neal, of Illinois, to be supervising inspector of steam vessels for the Fourth district.

POSTMASTERS.

George H. Moody, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio.

Oscar N. Marlhugh, to be postmaster at Middleport, in the county of Meigs and State of Ohio.

William T. Haviland, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio.

John L. Davis, to be postmaster at Shawnee, in the county of Perry and State of Ohio.

C. L. Russell, to be postmaster at Mount Gilead, in the county of Morrow and State of Ohio.

Ulrich B. Newman, to be postmaster at Greenfield, in the county of Highland and State of Ohio.

John W. Morrow, to be postmaster at Ada, in the county of Hardin and State of Ohio.

Benjamin F. Wintersteen, to be postmaster at Akron, in the county of Plymouth and State of Iowa.

George R. Howard, to be postmaster at Neola, in the county of Pottawattamie and State of Iowa.

James Trotter, to be postmaster at Steubenville, in the county of Jefferson and State of Ohio.

Edward C. Holt, to be postmaster at Anamosa, in the county of Jones and State of Iowa.

William W. Smith, to be postmaster at Leipsig, in the county of Putnam and State of Ohio.

George T. Roof, to be postmaster at Corning, in the county of Perry and State of Ohio.

John H. Thomas, to be postmaster at Marion, in the county of Marion and State of Ohio.

John W. Alsop, to be postmaster at Galion, in the county of Crawford and State of Ohio.

Charles H. Scott, to be postmaster at Farmington, in the county of Van Buren and State of Iowa.

John Lynch, to be postmaster at Liberty, in the county of Union and State of Indiana.

John M. Higgs, to be postmaster at Connersville, in the county of Fayette and State of Indiana.

G. Frew Pollock, to be postmaster at Cardington, in the county of Morrow and State of Ohio.

Thomas J. Francisco, to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio.

John I. Hoover, to be postmaster at Wabash, in the county of Wabash and State of Indiana.

Henry Roeser, to be postmaster at Marietta, in the county of Washington and State of Ohio.

William E. Burch, to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia.

Edward Finn, to be postmaster at West Winsted, in the county of Litchfield and State of Connecticut.

Pratt K. Mapel, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio.

Albert G. Ahlefeld, to be postmaster at Kenton, in the county of Hardin and State of Ohio.

Alvah Raymond, to be postmaster at South Weymouth, in the county of Norfolk and State of Massachusetts.

Gardner W. Pearson, to be postmaster at Lowell, in the county of Middlesex and State of Massachusetts.

Patrick H. Murphy, to be postmaster at Ashland, in the county of Ashland and State of Ohio.

Mulford M. Scudder, to be postmaster at Westfield, in the county of Union and State of New Jersey.

John E. Yates, to be postmaster at Gallatin, in the county of Daviess and State of Missouri.

Executive nomination confirmed by the Senate April 20, 1894.

POSTMASTER.

Isaace B. Williams, to be postmaster at Paris, in the county of Henry and State of Tennessee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 20, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

SAMUEL COFFMAN, DECEASED, VS. THE UNITED STATES.

The SPEAKER laid before the House a copy of the findings of the Court of Claims in the case of Samuel Coffman, deceased, *vs.* The United States; which was referred to the Committee on War Claims and ordered to be printed.

STEEL BRIDGE ACROSS THE ST. LOUIS RIVER.

The SPEAKER laid before the House the bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis

River, between the States of Wisconsin and Minnesota, with Senate amendments.

Mr. HAUGEN. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were read and agreed to.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the bill (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France; which was referred to the Committee on Naval Affairs; and

Senate joint resolution (S. R. 74) for the proper enrollment of Thomas R. Proctor in the Navy of the United States; which was referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MERCER obtained leave of absence for Friday evening session.

ORDER OF BUSINESS.

Mr. TATE. Mr. Speaker, I ask unanimous consent for the present consideration——

Mr. BURROWS. Before that is done, the gentleman will yield to me a moment.

The day before yesterday I called the attention of the House to what I conceived to be a violation of the rules of the House and its uniform practice on the part of the gentleman from Alabama [Mr. WHEELER]. It was then laid over, on account of his absence. I was hoping yesterday that he would so explain the matter to the House that it would be satisfactory and no further action would be necessary. I notice the gentleman is in his seat this morning, and possibly he can give such explanation as will be satisfactory to the House and will require no further action.

Mr. WHEELER of Alabama. Mr. Speaker, there is no member of this House who has a higher appreciation than myself for the importance of observing and exacting the strictest compliance with every rule of this body and every rule of parliamentary law. During a momentary absence from my seat on Wednesday morning I learn that the gentleman from Michigan [Mr. BURROWS] seized an opportunity to criticise what he chose to term an infraction of the rules of the House, and it was not until his attention was publicly called to the fact that I was not in my seat that the gentleman announced he would delay proceedings until my arrival. I was in my seat during a great part of the day, of which fact the gentleman was well aware, but he failed to renew the attack.

I again hoped he would bring the matter up yesterday morning. I was in my seat ready for it, and the gentleman did not do so.

I will begin by saying that it comes with very bad grace from a gentleman who for six weeks has been leading a revolution——

Mr. REED. A successful one.

Mr. WHEELER of Alabama (continuing). Yes, a revolution against the rules of this House, with his hands, I might say, if it were parliamentary, red with the blood of murdered parliamentary rules and parliamentary procedure. [Laughter and applause.] I am not surprised that the gentleman is unable to deny that the course pursued by him and his colleagues was revolutionary.

It ill becomes the gentleman from Michigan [Mr. BURROWS] to criticise any member of this House for an infraction of its rules. Most certainly it does not become him when the infraction complained of could by no possibility harm anyone. For more than a month the gentleman from Michigan has been guilty of flagrant, uncalled-for, and, were it not of doubtful parliamentary propriety, I might use the strongest possible language to characterize his violations of the rules of the House, repeating, as he has, these violations many times for many weeks.

The gentleman from Maine [Mr. REED], I see by the RECORD, also arose to criticise my absence from my seat during a single moment of the sittings of this body. It does not come with good grace from him and his brother from Michigan, who have been leading in this destruction—I might say assassination—of parliamentary hours and days during the last six weeks or two months, men who knew that the country was demanding legislation—legislation necessary to relieve the millions of suffering people.

These gentlemen have been the leaders of the most uncalled-for and revolutionary transgression of rules that has ever been committed by members of Congress since the organization of our Government, and this has been done with a full knowledge that the people are suffering and pleading to Congress for relief. Elected to enact legislation essential to the welfare of the people, they have done everything in their power to stop legislation.

In reply to the people's appeal for action, they insult and mock them by doing all they can to prevent action; they could not accomplish this purpose lawfully, they have therefore endeavored to thwart the wishes and deny the appeals of the people in an unlawful manner, and now, with possibly a hundred violations of the rules staring them in the face, they have the effrontery to stand up in this House to criticise a member who, from the beginning of this session, has been constant, faithful, and earnest in discharging every duty imposed upon him and in executing every trust confided to his hands. The gentleman from Michigan and his colleague, Mr. REED, are the last members of this House who should have risen to criticise fellow-members and talk about infraction of the rules.

Where I have transgressed a rule once, these gentlemen have committed the offense a hundred times. I am a firm believer in the propriety of complying with the rules of the House, but I should like to ask the gentlemen why they do not call attention to the violation of rules which are constantly under their observation? It is a violation of the rules for members to smoke on the floor of the House; yet on yesterday several Republicans were smoking in the immediate presence of the gentleman from Michigan and the gentleman from Maine, and they made no attempt to correct it, and that offense is now being committed and has been repeated nearly every day of the session. This distinguished gentleman, Mr. REED, in violation of rules, loitered around the clerks while they were calling the roll a few days ago, and yet the gentleman from Michigan seemed to rather approve his action.

The revolutionary violation of the rules of the House led by these gentlemen has stopped legislation for many weeks, and cost the Government more than $1,000,000 in cash, and cost the people many millions. So far was the revolution carried, that when a day was set apart for solemn eulogies upon the life and character of Senator Gibson, our late very distinguished colleague, Mr. REED and Mr. BURROWS, unawed by the solemnity of the occasion, filibustered and compelled the day to be lost, and the solemn ceremonies did not take place.

These are the men who come here to criticise a member who, I may say, possibly more than anyone else, has regarded and observed the rules of this body. The infraction which the gentleman referred to was simply extending remarks in the RECORD, a practice which has been in vogue ever since both of those gentlemen have been members of this House. It is true that where members desire to extend their remarks to any considerable extent permission is asked and almost universally granted. Now, Mr. Speaker, I want to repeat, I am in favor of the closest observance of every rule of this House. The House has been altogether too lenient in the matter of enforcing rules, and we have too frequently allowed them to be infringed.

I am delighted to see this newly awakened anxiety upon this important subject by the gentlemen from Maine and Michigan, and to show to the House my sincerity in this matter, I desire to say that if I have infringed any rule, even in the slightest degree, I stand here ready to accept any censure that this House may regard proper. The remarks which I extended were written immediately after the discussion which took place on that day. I left the Hall and went to my room and wrote out the remarks which I regarded as proper to be made upon the question of adopting the rule. I will admit that I ought to have come here and ascertained that permission had been granted, or asked it myself. I will further say that it was my intention when I left the Hall to write out my remarks, to come here toward the close of the session and ask permission to extend them. I commenced upon them, and wrote the ideas which were in my mind, and which I intended to utter in this House if proper time had been given us for the discussion, and, as is usually the case, the ideas expressed on the floor, when elaborated occupied more space, and to these I added quotations from the Constitutional Convention, the Revised Statutes, the decision of the Supreme Court, and Hamilton's remarks in the New York convention, all of which took up the space as stated by the gentleman from Michigan, and upon which he bases his complaint. I think I am justified in the statement that it has been a universal custom for members to illustrate their remarks by appropriate extracts and citations, which are not read upon the floor, but are incorporated in the speech to substantiate what it contains.

Now, Mr. Speaker, I do not know that I should say anything further upon this subject. I admit that I extended the remarks a little more than I intended. [Laughter.] But, Mr. Speaker, it has been a rule in this House to allow this courtesy to members ever since there has been a Congress, and I do not think there is a member of this body who has not availed himself of this privilege of revision.

Mr. WALKER. Mr. Speaker, there is so much confusion we can not hear. I want to hear what the gentleman from Alabama admitted.

Mr. WHEELER of Alabama. And it was simply in compliance with this rule that that which is complained of occurred.

Now, to illustrate the extent to which it has been carried, I saw some correspondence a few years ago, by some of the oldest citizens of Washington, to the effect that the great speech delivered by Daniel Webster in the Hayne debate was retained from the Globe thirty days, and when it appeared it was entirely different from the speech as delivered in the Senate.

No one will question but that all members have availed themselves of the privilege of revising their remarks, striking out all expressions that may be objected to, any expressions which in heat of debate might reflect upon a member; and I want to say here that during my career in this House I have never on a single occasion uttered one word that was not of the kindest character in referring to any member in this body. I have not been one of those who stand here to criticise my fellow-members. I have not been one of those who stand here and impede legislation or prevent my fellow-members from obtaining consideration of measures they think important. I have tried to stand here as an American citizen, sent here by an honest, brave, honorable, and intelligent constituency, to do my duty to my people, to my God, and to my country [applause], and to uphold the banner and the principles of the party of which I am proud to be a member. [Applause.]

Now, Mr. Speaker, I ask unanimous consent that the remarks which appeared in the RECORD may stand, and that I may have permission to print them the same as if permission had been given before the RECORD was published.

Mr. BURROWS. Do I understand the gentleman to ask unanimous consent to extend his remarks of this morning?

Mr. WHEELER of Alabama. No, sir; I did not. I simply asked unanimous consent that the remarks——

Mr. BURROWS. I want to say a word.

Mr. WHEELER of Alabama. That the remarks which appeared in the RECORD may stand the same as if permission had been granted before the publication.

Mr. BURROWS. The gentleman from Alabama suggested that I called this matter up in his absence, with a view of taking advantage of that fact. If I intended to secure an advantage over the gentleman from Alabama I would certainly always wait for his presence. [Laughter on the Republican side.] I waited yesterday, hoping that he would call the attention of the House to the matter; and, as he did not do that, I felt constrained to direct the attention of the House to it this morning, that the House may take such action as it sees fit.

Now, in this case it seems to me that there is no question about the violation of the rule, a most flagrant violation, because it will be observed on page 4663 of the daily RECORD that the gentleman from Mississippi [Mr. CATCHINGS], having the matter in charge, asked unanimous consent that gentlemen making remarks upon the subject might be permitted to extend them in the RECORD, whereupon the gentleman from Maine [Mr. REED] objected to such request. Then, immediately afterwards, the gentleman from Alabama [Mr. WHEELER] secured, through the courtesy of the gentleman from Mississippi [Mr. CATCHINGS], one minute to address the House; and it would appear that in the one minute he got into the RECORD over four columns, at the close of which he puts the Speaker in the attitude of saying, "The time of the gentleman from Alabama has expired." [Laughter.]

Mr. JOHNSON of Indiana. I trust the gentleman from Michigan does not consider rapidity of utterance a sufficient ground for criticism on a member of this House. [Laughter.]

Mr. BURROWS. Now, Mr. Speaker, the report of what the gentleman from Alabama did say in that minute I hold in my hand, and I ask the Clerk to read it, so that the House may judge whether he has extended his privilege beyond what is permitted by the rule.

The Clerk read as follows:

> Mr. WHEELER of Alabama. Mr. Speaker, I am always ready and willing to do what my party decides, but I regard this as a question which ought to have more deliberation than is given in this debate. The Constitution particularly states that upon the demand of one-fifth the yeas and nays shall be recorded. On the vote upon a bill which is vetoed the Constitution especially states, again, that the noes shall be recorded, and that the yeas shall be recorded; and I ask this House to consider if this rule complies with and provides for all the exigencies that might arise on a vote of that character; and I think, Mr. Speaker, we ought at first give a full opportunity to test the effect of enforcing the law we now have——
>
> [Here the hammer fell.]
>
> The SPEAKER. The time of the gentleman has expired.
>
> Mr. CATCHINGS. I hope the gentleman from Maine will now take his fifteen minutes.

Mr. BURROWS. That is what the gentleman from Alabama did say, and the House knows what he has inserted in the RECORD. Now, I do not think I shall make any motion in regard to the matter. The House having the facts before them, if they desire to have this established as a precedent, we on this side have no objection; but then, of course, it will be understood that every member of the House may print whatever he sees fit to print, even in the face of a refusal of the House to grant the privilege of extending his remarks. I was in hopes that the gentleman from Alabama while he had the floor would also explain how it happened that on a previous occasion, where he had five minutes for the discussion of the Post-Office bill in Committee of the Whole and obtained leave to extend his remarks, he printed twelve columns of the Canadian tariff. [Laughter.] I think some action should be taken about that also; but, so far as the minority are concerned, we have nothing further to suggest.

I think the remarks which the gentleman inserted in the RECORD on the question of the adoption of the new rule ought to be stricken out, and those just read from the Clerk's desk inserted in its stead in the permanent RECORD. I repeat, it is for the majority to determine the question; but, if that is not done, of course the case will be drawn into precedent, and hereafter every member will feel at liberty to print what he pleases, even in the face of a refusal of the House to grant permission.

Mr. DOCKERY. Mr. Speaker, following the usual practice, I move a reference of the whole matter to the Committee on Printing with the right to report at any time.

The SPEAKER. The gentleman from Missouri moves that this matter be referred to the Committee on Printing with the right to report at any time.

Mr. WALKER. Mr. Speaker, I have had a little experience with the Committee on Printing [laughter], and I would suggest, in furtherance of what has been said, that no greater favor could be done to the gentleman from Alabama than to refer this matter to that committee, and I certainly hope that reference will be made.

Mr. BURROWS. I suppose, Mr. Speaker, it ought to be understood, and perhaps it should be embraced in the motion of the gentleman from Missouri, that the extended remarks of the gentleman from Alabama should not go into the permanent RECORD until the committee shall have reported upon this matter.

The SPEAKER. The Chair would understand that as a matter of course, because the action taken would not be effective if, in the mean time, the extended remarks went into the permanent RECORD.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I understood the motion of the gentleman from Missouri to be that the "whole matter" should be referred to the Committee on Printing. I do not understand—and if I am mistaken I wish to be corrected—I do not understand that the reference of "the whole matter," to use the language of the gentleman from Missouri, would include the other remarks referred to by the gentleman from Michigan, in connection with which he says the gentleman from Alabama printed a portion of the Canadian tariff.

The SPEAKER. The Chair understood the gentleman from Michigan to merely refer to that in debate.

Mr. BURROWS. That was all. I simply expressed my regret that the gentleman from Alabama, when he had the floor, had not explained that matter also.

The SPEAKER. As the Chair understood the gentleman from Michigan, there was this difference, that in that case the gentleman from Alabama had a leave to print.

Mr. RICHARDSON of Tennessee. That is what I understand, and that is why I raise this question.

Mr. BURROWS. Perhaps, Mr. Speaker, that matter had better go to the committee also, because I am informed that the gentleman from Alabama used the privilege of extending his remarks under the five-minute rule, and then subsequently printed independently of that ten or twelve pages of the Canadian tariff, prefacing it with some remarks.

Mr. RICHARDSON of Tennessee. In any view of the case I suggest to the gentleman from Michigan that the reference of that matter would be futile, because that extended speech has already gone into the permanent RECORD, and therefore the committee could not make any effective recommendation in relation to it.

Mr. WHEELER of Alabama. I will explain that matter. The speech to which the gentleman from Michigan refers was all sent to the Printer at once, but he sent me word that he could not get it all set up that night, and therefore he was compelled to defer printing a portion, and insert it in the RECORD of the following day.

Mr. BURROWS. But there are two speeches printed under that leave, are there not?

Mr. WHEELER of Alabama. No, sir. That is what I have just explained. I sent the whole of that speech to the Printer the day it was delivered, and the reason it appeared in the RECORD in two parts and on different days was that the Printer was unable to get it all set up the first night.

Before printing the new Canadian tariff I consulted with several of the older members of the House, all of whom concurred

that it contained valuable information which ought to go in the RECORD for the use of the members. To show the extravagant exaggeration of the gentleman from Michigan [Mr. BURROWS], I call attention to his statement that this tariff occupied ten or twelve pages, when in fact it contained but six pages and a few lines over.

Mr. RICHARDSON of Tennessee. I now understand the gentleman from Michigan does not ask to have referred to the committee the matter in reference to the extension of the remarks of the gentleman from Alabama on the post-office bill.

Mr. DOCKERY. That is not included in my motion.

Mr. RICHARDSON of Tennessee. I understand that is not included in the gentleman's motion. Now, I ask unanimous consent that the House make an additional order; that the speech now in question be withheld from the permanent RECORD until this matter is settled.

Mr. STOCKDALE. As I understand, the motion in regard to this matter comes from the gentleman from Missouri [Mr. DOCKERY], not the gentleman from Michigan.

The SPEAKER. The Chair will state the motion of the gentleman from Missouri. It is that there be referred to the Committee on Printing, with leave to report at any time, the question as to the right of the gentleman from Alabama to have inserted in the RECORD of April 18 certain remarks that there appear.

Mr. BLAND. Mr. Speaker, I hardly see the necessity of referring a matter like this. There is certainly nothing objectionable in what the gentleman from Alabama has published. I know that it has sometimes happened that members under leave to print have attacked other members of the House, or have taken advantage of the privilege in a covert way to speak in a manner which was not becoming a member. But here is simply a legitimate matter of debate.

No doubt the gentleman from Alabama has technically violated the rule of the House in printing this matter in the RECORD without leave. But I can see no objection to the request of the gentleman from Alabama that his remarks be permitted to remain in the RECORD, the proceeding, of course, not to be regarded as a precedent hereafter. The gentleman admits that he went beyond the rule in printing these remarks; but he did so with the expectation, when he wrote out the remarks, of getting the leave of the House; and (through inadvertence probably) the remarks were printed without leave having been obtained.

I renew, therefore, the request for unanimous consent that the gentleman's remarks remain in the RECORD. There is nothing in them derogatory to any gentleman in the House; and let it be understood that what is done in this case is not to be taken as a precedent.

Mr. DOCKERY. Without desiring to interfere with the request of my colleague [Mr. BLAND] for unanimous consent, I ask the previous question on my motion.

The SPEAKER. The Chair will submit the request. The gentleman from Missouri [Mr. BLAND] asks unanimous consent that the remarks of the gentleman from Alabama, which have been referred to, be permitted to remain in the RECORD. Is there objection?

Mr. BURROWS. Well, Mr. Speaker, I think perhaps——

Mr. BLAND. I think that the action which I now request is due to the gentleman from Alabama and myself and a few others who voted against the new rule the other day.

Mr. BURROWS. Perhaps the gentleman from Missouri [Mr. BLAND] did not understand that just before the delivery of the brief remarks of the gentleman from Alabama on this floor the request for unanimous consent to extend remarks in the RECORD had been denied by the House not only to the gentleman himself, but to others.

Mr. BLAND. I understand that very well. But the gentleman from Alabama has admitted that he violated the rule; and I think the matter might now be settled by unanimous consent in the way I have suggested.

Mr. BURROWS. I think it had better go to the committee for examination. After such examination, if the House should by unanimous consent desire to let the remarks stand, that can be done.

The SPEAKER. Objection is made to the request of the gentleman from Missouri [Mr. BLAND]. The gentleman from Missouri [Mr. DOCKERY] demands the previous question on his motion.

The previous question was ordered.

Mr. WHEELER of Alabama. I ask unanimous consent that the Public Printer be authorized to omit these remarks from the permanent RECORD.

The SPEAKER. The gentleman from Alabama asks that the Public Printer be directed to withdraw the remarks in question from the permanent RECORD. Is there objection?

Mr. REED. It seems to me that this question ought to be settled. I do not think it ought to be decided hastily. The RECORD has been made for a long time the wastebasket of the House of Representatives—I do not mean to say that this has been inappropriate, but I think we had better know exactly what we are doing. As I understand, the object of this request is to avoid a decision on this point: but it seems to me the House ought to decide it one way or the other.

Mr. DOCKERY. It does seem to me that the gentleman from Maine ought not to deny to the gentleman from Alabama the privilege of withdrawing from the RECORD the remarks objected to. The gentleman from Alabama has stated frankly that they were out of order, and he desires to withdraw them.

Mr. REED. Well, I am not inclined to press such a matter.

Mr. RICHARDSON of Tennessee. The gentleman from Alabama admits that he was in error and asks leave to withdraw the remarks.

Mr. REED. I would like the opportunity to say that under this system of extending remarks in the RECORD and printing remarks not delivered, a good many statements appear—sometimes in regard to myself—which apparently are not denied, although they have not the slightest foundation in fact or in the average human imagination. In fact they were never delivered in anybody's presence and I thought I would take an opportunity to say so. I think the gentleman from Alabama himself indulged in about an hour's printing of that character in a fifteen minutes' speech that I took particular pains to give him an opportunity to make. Instead, however, of availing himself of the opportunity, he did not say anything about the subject I have referred to, but printed a good deal that had reference to it. But I suppose it is true always that lies—no. I will say incorrect statements—will eventually correct themselves.

Mr. WHEELER of Alabama. I think the gentleman from Maine is mistaken in his assertion. I recollect the occasion to which he refers very well. I took particular pains to make my statement upon the floor of the House, and the gentleman will recollect that I was not confined to fifteen minutes, but that my time was extended after the expiration of that time for half an hour longer. It was an exceedingly interesting subject, a land-forfeiture bill. I spoke of the gentleman from Maine [Mr. REED] as a field marshal commanding an army. The speech ought to be read by every member in the House. [Laughter.]

Mr. REED. I notice that it was not only an interesting subject to the gentleman, but has continued to be such.

The SPEAKER. The Chair understands the gentleman from Alabama to ask now that these remarks be omitted from the permanent RECORD.

Mr. BURROWS. As I understand the request of the gentleman, it is to have expunged from the permanent RECORD the remarks.

Mr. WHEELER of Alabama. I did not say "expunged" from the RECORD.

Mr. BURROWS. Well, omitted.

Mr. WHEELER of Alabama (continuing). I ask that the Public Printer be permitted to omit them from the permanent RECORD.

Mr. BURROWS. And you desire to insert in the RECORD what you did say, as read from the desk this morning?

Mr. WHEEELER of Alabama. No, sir. I will seek to get them into the RECORD on another occasion, in a way that I hope will be entirely satisfactory to the gentleman from Michigan.

Mr. BURROWS. But you desire to have what you did say on that occasion put into the RECORD, so as to make the correction complete?

Mr. WHEELER of Alabama. No; what I want is that the Public Printer be instructed to withhold all of my remarks on that occasion, making the usual statement that they are withheld for revision. [Cries of "No!" "No!" on the Republican side.]

Mr. BURROWS. I do not understand the gentleman's suggestion.

Mr. WHEELER of Alabama. What I mean is that the gentleman from Michigan can not insert in the RECORD my speech. I am the man to determine that for myself in my own time, and not the gentleman from Michigan.

Mr. BURROWS. But I supposed the gentleman from Alabama desired to omit from the permanent RECORD what he did not deliver on the floor and have inserted in the RECORD what he actually did say. In that event everything would be regular; the yielding of one minute by the gentleman from Mississippi, the time occupied by the gentleman from Alabama [Mr. WHEELER], and the announcement by the Speaker that the time of the gentleman from Alabama had expired.

Mr. WHEELER of Alabama. No; I want all of my remarks omitted or else all of them put in and allowed to stay there. I made a proper and logical speech against the rule, which you

championed, and you do not want it in the RECORD, and you know it. [Laughter and applause on the Republican side.]

The SPEAKER. The Chair will submit the request of the gentleman from Alabama.

Mr. STORER. I demand the regular order.

The SPEAKER. The regular order being demanded, the question is on the motion of the gentleman from Missouri——

Mr. McRAE. Mr. Speaker——

The SPEAKER. For what purpose did the gentleman rise?

Mr. McRAE. To make a motion in connection with the pending matter.

The SPEAKER. But the previous question has been ordered.

Mr. McRAE. I desire to ask, then, if the previous question is voted down, if a motion would not be in order——

The SPEAKER. But the previous question has been ordered, and the pending question is on the resolution of the gentleman from Missouri.

Mr. McRAE. Then I move to reconsider the vote by which the previous question was ordered. I make this motion with a view to allowing the House to vote on the question as to whether the gentleman from Alabama shall not have permission to withdraw the remarks in question. He certainly ought to have the right to do so. I move to reconsider the vote ordering the previous question.

The SPEAKER. That motion is in order.

The question was submitted, and the vote ordering the previous question was reconsidered.

Mr. BURROWS. Now, Mr. Speaker, I desire to say a word.

The SPEAKER. The gentleman Arkansas has the floor to submit a motion.

Mr. McRAE. I move that the gentleman from Alabama be allowed to withdraw all of the remarks in question printed in the RECORD on the 18th instant.

Mr. REED. But the question now is on ordering the previous question.

Mr. DOCKERY. I withdraw the demand for the previous question.

Mr. REED. There has been a decision, however, on that question.

Mr. DOCKERY. I desire to withdraw the demand for the previous question in view of the fact of the refusal of gentlemen on the other side to allow the gentleman from Alabama to withdraw his remarks from the RECORD.

Mr. REED. And the question now is on the demand for the previous question.

The SPEAKER. But that motion was reconsidered.

Mr. REED. But even so, there has been a decision, so the motion can not be withdrawn at this time.

Mr. WELLS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WELLS. I rise to make a motion relative to this matter.

The SPEAKER. A motion is not now in order. What is the point of the gentleman from Maine [Mr. REED] in regard to the withdrawal?

Mr. REED. The point which I make, if the Chair please, is that a motion which has once been voted upon by the House has been decided by the House; and the fact that the House voted to reconsider can not give a member the right to withdraw it. The Chair has already decided in a previous case that where a vote had been taken—a vote which was not final and determinative—that the motion could not be withdrawn, and that decision is, I think, in accordance with the precedents and with sound judgment. The House has once decided the question whether it will have the previous question ordered or not, and has decided to order it. That was thereupon reconsidered, and now the question is upon a motion which is in possession of the House. It seems to me it must be so.

The SPEAKER. But if the House reconsiders the vote by which the previous question is ordered, it is an undoing of that decision by the House.

Mr. REED. No; it is not an undoing of that decision, it is a reëxamination of that decision. The decision still remains, unless the House votes it down. No; I am not correct about that, but it is a reëxamination of the same decision. I think it will be found that wherever the House has proceeded to a division, that is regarded as a decision within the meaning of the rule. There is always danger, in interpreting these rules, of giving the meaning of a particular word a too sharp comprehension, and I think that the Chair has already decided the matter in the case of the proposition of the gentleman from Illinois [Mr. SPRINGER] to withdraw the motion for the previous question on the discharge of the order directed to the Sergeant-at-Arms. I think the Chair decided that and held to the decision; and surely, when there has been an actual vote on this, even if it has been reconsidered, the reconsideration does not seem to me to change the fact that the House had to come to a decision upon it. It is now in the possession of the House, and not in the possession of the member. The House may conclude to ratify its decision.

Mr. McRAE. Mr. Speaker, the gentleman who makes a motion usually has the right to control it until a decision is made. The motion has not passed beyond the control of the gentleman who made it, any more than it was beyond his control when he first made it, and it has been the unbroken custom of the House to allow the member making them to withdraw such motions when he so desires. I do not think there can be any question about it. The gentleman from Missouri who made the motion has the right to withdraw it, and has said that he does withdraw it.

Mr. REED. I do not think a precedent for this can be found anywhere.

Mr. BURROWS. Mr. Speaker, if the Chair has any doubt about it whatever, I have a decision directly in point.

The SPEAKER. The Chair will be glad to hear the decision.

Mr. SPRINGER. Let us have order. I should like to hear this debate.

The SPEAKER. The House will please be in order.

Mr. BURROWS. I claim that after a vote has been taken upon a proposition it is a decision within the meaning of the rule, and that the matter having been stated to the House is beyond the control of the mover, and in the possession of the House. I refer now to the CONGRESSIONAL RECORD, Forty-sixth Congress, second session, page 1808. This debate arose upon a proposition to withdraw a motion. I read from the RECORD:

Mr. TOWNSHEND of Illinois. I withdraw the motion to reconsider.

Mr. ROBINSON. And I renew it.

The SPEAKER. The point now arises whether the motion to reconsider has passed into the possession of the House.

Mr. REED. If the gentleman from Massachusetts [Mr. Robinson] can not renew it, that would seem to indicate that the gentleman from Illinois [Mr. Townshend] has no right to withdraw it.

Mr. TOWNSHEND of Illinois. I desire to read the rule on that point.

The SPEAKER. The Chair will hear it.

Mr. TOWNSHEND of Illinois. It is clause 2 of Rule XVI, and is as follows:

"When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment."

Mr. GARFIELD. A decision has been had; the House has decided not to lay the motion to reconsider on the table.

The SPEAKER. The Chair would consider that the vote of the House against laying on the table the motion to reconsider is a procedure on the part of the House to consider the motion to reconsider, and in a vital sense is a proceeding upon that subject. Therefore, if objection be made to the withdrawal, the Chair would rule that the motion to reconsider is in possession of the House. A decision by the Chair to the contrary would be unusual and unjust to the House, because a majority of the House by a yea-and-nay vote have indicated a purpose to proceed with the motion to reconsider to its conclusion.

Mr. WILBER. I object to its being withdrawn.

Mr. TOWNSHEND of Illinois. Does the Speaker decide that I have no right to withdraw the motion to reconsider?

The SPEAKER. The Chair decides that the vote of the House upon laying on the table the motion to reconsider was a proceeding and decision upon the subject which is vital to the subject itself. The Chair decides that the motion to reconsider is in the possession of the House. The House has proceeded to consider it, and the Chair has not now the power to take from the majority of the House the opportunity to carry out its wish in that respect.

After some further debate the Speaker again said:

The Chair rules this: That, the motion having been voted upon and the opinion of the House having been expressed upon the issue involved in the proposition, it is now in the possession of the House, and not in the power of the gentleman from Illinois to withdraw such motion.

Speaker Randall decided that.

The SPEAKER. Does the gentleman regard that as an authority in this case?

Mr. BURROWS. I think so.

The SPEAKER. The gentleman should bear in mind what this case is. The gentleman from Missouri [Mr. DOCKERY] demands the previous question upon a pending resolution and the previous question is ordered. Afterwards a motion is made to reconsider the vote by which the previous question was ordered. That motion prevails; so that the demand for the previous question stands before the House unvoted upon, undetermined. Now, does the gentleman hold that it is not within the power of the gentleman demanding the previous question to withdraw that demand?

Mr. BURROWS. I think it is not. I think the proper construction of the rule is, that when any member makes a motion it is within his power to withdraw that motion at any time before he allows it to be submitted to the House, but that when the Chair submits it to the House for action, either on the demand for the previous question or on any other motion and the House once votes upon it, then, according to the precedents and according to the spirit of the rule, that is a decision of the House upon the question. The motion has passed beyond the control of the mover. Certainly a motion can not be controlled by the mover one minute, be in possession of the House the next min-

ute, and then, subsequently, be taken from the possession of the House and put back under the control of the mover. In the case I have referred to a member said to Mr. Townshend, "Withdraw your motion to reconsider." Mr. Townshend declined to do so, but allowed it to go to a vote. Then the Speaker, Mr. Randall, said, "The gentleman has lost his only opportunity to control his own motion." If the Chair will look at the case he will see that that is a correct statement.

The SPEAKER. But the gentleman does not seem to appreciate the suggestion made by the Chair, that a decision by the House is some determination, as expressed by a vote. A mover of a proposition may withdraw his motion at any time until there has been a decision by the House. Now, in this case the House decided to order the previous question and then reconsidered its own action. Having done that, can it be said, in any proper sense, that the House has made a decision of that question, when in fact the House has reconsidered the action by which it did make a decision? What is the effect of that reconsideration if it is not absolutely to set aside or undo the decision that the House had previously made?

Mr. BURROWS. That is perhaps true; but I believe the authorities will bear out the statement, and I think a proper interpretation of the rule would be, that if the mover of a proposition allows it to go to a vote, although the House may subsequently reconsider its action, the motion, notwithstanding that, has passed beyond the control of the mover. For instance, suppose I, as the mover of a proposition, demand the previous question, and the previous question is ordered. When I demand the previous question, and the Speaker states the question to the House, it is then in possession of the House and has passed beyond my control. Then, suppose a motion is made to reconsider the vote by which the previous question was ordered. That is this case. Now, does the Chair hold that if that action is reconsidered the House thereby loses control of the proposition in such a way that the mover may withdraw it? I think that is not the rule. I think that, having once passed into possession of the House, the proposition remains there to be acted upon. If the House does not desire to order the previous question it can vote it down, it can lay the motion on the table, it can postpone it, it can do anything with it, in order, that it pleases; but the mover of the proposition having allowed it to go to a vote, either upon the previous question or upon any other motion, loses control of it and it passes into the possession of the House.

Mr. CATCHINGS. Mr. Speaker, this is precisely the situation which confronted the Committee on Rules a few days since when it was desired that the first report made by that committee should be withdrawn. I then understood my friend from Michigan [Mr. BURROWS] to assent to the proposition that the Committee on Rules had the right to direct me to withdraw that report, and the committee did direct me to do that, and I did withdraw it. The question, I say, was precisely the same as the question here. The motion to order the previous question was pending; the question was whether the House would order the previous question or not, and it was decided by us in the Committee on Rules, in consultation with the gentleman from Michigan, that in that situation the committee had the right to direct me to withdraw the report, and I did withdraw it, and the House assented to that action.

Mr. RICHARDSON of Tennessee. The language of the rule is that a motion may be withdrawn at any time before a decision is had upon it or before it is amended. Now, the only question in this case is, has there been any decision upon the demand for the previous question, or has it been amended? Of course it has not been amended. The next question then, is, Has there been any decision upon it? There was a decision, the previous question was ordered, but a motion was made to reconsider that action, and it was reconsidered, and therefore the question stands now before the House without any decision having been had upon it, or the same as if there had been no decision upon it; so that it is in the power of the mover to withdraw it. It seems to me the proposition is as clear as any proposition can be made.

The SPEAKER. The Chair will read the rule on this subject:

When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

The Chair desires to call the attention of the House to the distinction between the rule of this body in relation to the withdrawal of a proposition and the rule ordinarily prevailing under what is known as "general parliamentary law." Under general parliamentary law, when a motion is in possession of the House it is beyond the control of the movant. Under general parliamentary law as well as under the rule of this House a proposition is in the possession of the House when it has been stated by the Chair. But under the rule of this House a withdrawal may be made under certain circumstances even after the motion is in the possession of the House.

The rule of the House provides that though a motion be in possession of the House (having been stated by the Chair), it may be withdrawn at any time before a decision or an amendment. To this extent the rule of the House is a change or alteration of what is known as general parliamentary law.

Now, here is a resolution pending on which the previous question was demanded and ordered. If the case stood just there that would be such a decision by the House as in the judgment of the Chair would prevent the movant from withdrawing the proposition; because the previous question is a decision that the House will proceed to vote upon the question. The House made that decision, but immediately reconsidered it—nullified or destroyed its action; so that in no sense can that action be called a decision by the House.

The Chair will state further, that so far as his observation extends—and he recollects repeated instances—it has been the uniform practice, when there has been a reconsideration of the order for the previous question, to allow the motion to be withdrawn. The Chair has known this to be done very often.

It seems to the Chair that no inconvenience to the business of the House can arise from permitting such a practice. On the other hand, very great inconvenience might arise from holding that after the House has reconsidered the vote upon a proposition it is still to be assumed that there has been a decision by the House. The Chair therefore thinks the gentleman from Missouri can withdraw the demand for the previous question.

Mr. DOCKERY. I do withdraw it, and also withdraw my motion to refer.

Mr. McRAE. I offer the resolution which I send to the desk.

The SPEAKER. The gentleman from Missouri withdraws his motion; and the gentleman from Arkansas submits a motion which the Clerk will read:

The Clerk read as follows:

Resolved, That the gentleman from Alabama [Mr. WHEELER] be permitted to withdraw from the permanent edition of the RECORD his remarks printed in the proceedings of Monday last in reference to the adoption of the amendment to the rules which was then pending.

Mr. REED. I move to amend by adding the words "and printing the speech actually delivered."

Mr. McRAE. I believe I have the floor. I demand the previous question on my resolution.

The SPEAKER. The gentleman from Arkansas demands the previous question.

Mr. REED. Does that allow a vote on my amendment?

The SPEAKER. It does not, as the gentleman from Maine had not the floor.

Mr. REED. I do not contend that it does. I would simply like an opportunity to state the case to the House.

Mr. McRAE. We have had the case stated. We all understand it. The gentleman from Alabama has confessed that he violated the rule, and is willing to withdraw from the RECORD all that there is in it. It seems to me this is a privilege which ought to be allowed any gentleman who makes such a request, and it is certainly all that can be accomplished by reference.

Mr. REED. Mr. Speaker, I want the position on this side understood; it is very simple. The only thing which ought to be done is the right thing, and that is to substitute for the speech which was not delivered, the speech that was delivered. Surely we do not want to set an example of mutilating our RECORD by excluding a speech that was delivered, simply because we take out a speech that was not delivered. This matter seems to me so plain that I think the gentleman from Arkansas, if he will consider a moment, will admit my amendment, which expresses the correct idea about this question. Otherwise we shall establish the precedent that a gentleman may keep a speech out of the RECORD simply by putting in something that was not delivered, and then dropping that, while not reinstating the other. Either the RECORD is one of the proceedings of the House or it is not. I know that in many ways we wander from the real matter——

Mr. McRAE. Will the gentleman from Maine be kind enough to state how much more time he desires?

Mr. REED. Only a minute.

Mr. McRAE. I yield to the gentleman.

Mr. REED. I really think we ought to have the RECORD, in all cases like this, conform to the actual facts. If not, then I think we ought to advertise on the face of the RECORD itself that it does not contain our proceedings; and that is pretty nearly the fact.

Mr. McRAE. If the gentleman from Michigan desires to be heard——

Mr. BURROWS. I only want a moment.

Mr. McRAE. I yield to the gentleman.

Mr. BURROWS. I understand the gentleman from Alabama

is perfectly content to have inserted in the RECORD, in place of what he asked permission to withdraw from it, the remarks that he actually made. I so understand from a conference with him.

Mr. McRAE. I did not so understand. I understood exactly the reverse. I want to do whatever the gentleman from Alabama wishes to do in connection with the matter.

Mr. WHEELER of Alabama. I did think, Mr. Speaker, the gentleman from Michigan ought not to insist on inserting a speech of mine in the RECORD that I had no opportunity to see and correct. But, as I said before, I have at all times in all my service here been anxious not only to comply with the rules of the House, but have also always endeavored to comply so far as possible with the views of my fellow-members on this floor. In that anxiety—seeing that some gentlemen on the other side desired to have the remarks I made incorporated in the RECORD—I will not interpose any objection.

Mr. BURROWS. That is what I understood.

Mr. WHEELER of Alabama. And now I renew my request——

Mr. McRAE. Before that, if the gentleman from Alabama has no objection to the insertion of what has been read from the desk in the RECORD, then I am willing to accept the amendment proposed by the gentleman from Maine as a part of my motion.

Mr. REED. Let the Clerk report the amendment to the amendment now, so that we can see that it is in the right form.

The Clerk read as follows:

Add to the pending amendment:
"And print the speech actually delivered."

Mr. REED. That is correct.

Mr. WHEELER of Alabama. Now, I want first, Mr. Speaker, to ask unanimous consent to have permission to withdraw the printed speech from the RECORD, and I think the House ought to grant me that consent rather than submit the matter to the House in the shape of a motion. I also ask, in order to gratify the gentleman from Michigan [Mr. BURROWS], to have inserted in the RECORD in place of the withdrawn remarks the speech which it is contended was delivered on the floor of the House and which has been read from the desk.

Mr. BURROWS. That is right.

The SPEAKER. The gentleman from Alabama now asks unanimous consent that the speech which has been printed in the RECORD may be omitted from the permanent RECORD, and in lieu thereof that there be inserted the remarks which were taken down by the reporter on the occasion in question. Is there objection?

There was no objection.

Mr. McRAE. Now, I withdraw the motion I have made.

The SPEAKER. The resolution of the gentleman from Arkansas is withdrawn.

Mr. WHEELER of Alabama. Now, Mr. Speaker, I ask unanimous consent that I may be permitted to print that speech in the RECORD—the speech that has just been withdrawn. As gentlemen are aware I might have read it this morning in my own time and procured its insertion in the RECORD in that way, or I could have had it read from the Clerk's desk. But I never trifle with the House. I have never sought to obtain advantages by sharp practice or indirection. I have never attempted to do indirectly that which I could not accomplish by direct, unquestioned, and straightforward methods. I have never obtained the floor in my own right, and then because it was in my power to do so proceeded to exercise that power in an unusual or unexpected manner, as has sometimes been done, in violation of parliamentary courtesy.

And with that record of nearly fourteen years of service on this floor I now ask unanimous consent that that speech, which appeared in the proceedings of the 18th instant, I may now be permitted to print in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama that he have the privilege of inserting in the RECORD the remarks which have been withdrawn from the RECORD of the 18th instant?

There was no objection. [Applause.]

ORDER OF BUSINESS.

Mr. TATE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5802) to increase the pension of Pickens T. Reynolds, of Hall County, Ga.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. BUNN. I want to enter an objection——

The SPEAKER. Objection is made.

Mr. TATE. Will the gentleman not allow the report to be read?

Mr. BUNN. I want to say just this in connection with the subject: The House of Representatives established a rule making Friday a day for the consideration of private business. It has never, in the six months since that rule was established, devoted a day to the consideration of the Private Calendar.

Mr. TATE. But we passed on this bill under a rule of the House in Committee of the Whole.

Mr. BUNN (continuing). We have never had a day, and I am instructed by the Committee on Claims to demand it. I give notice now that I shall demand the regular order on this day for the purpose of proceeding with the business under the rule and for no other purpose.

I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

CALL OF COMMITTEES.

The committees were called for reports; when reports were submitted, ordered to be printed, and referred as follows:

PUBLIC BUILDING, FORT WORTH, TEX.

By Mr. ABBOTT, from the Committee on Public Buildings and Grounds, the bill (H. R. 1950) to authorize the construction of an additional story to the public building in Fort Worth, Tex.—to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have been directed by the Committee on the District of Columbia to submit a report on the bill H. R. 6725. It is now in my committee room, and I ask unanimous consent to file it with the Clerk during the day.

The SPEAKER. Without objection, the gentleman's request will be granted.

There was no objection.

Mr. HEARD. I desire to make the same request in regard to a bill which I have been authorized by the committee to report, but which I have not had an opportunity to prepare. Next Monday is District day, and I should like to have permission to file the bill with the Clerk during the day.

The SPEAKER. Without objection, that request will also be allowed.

There was no objection.

CHAPTER 40, LAWS OF SECOND SESSION FORTY-SEVENTH CONGRESS.

Subsequently Mr. RICHARDSON of Tennessee, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 6725) to modify an act approved January 30, 1883, being chapter 40 of the laws of the second session of the Forty-seventh Congress; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 1928) to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals;" in which the concurrence of the House was requested.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 5276) to authorize Commander F. W. Dickins, of the United States Navy, to accept the decoration of the cross of naval merit of the third class from the King of Spain; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. BUNN. I move that the House resolve itself into the Committee of the Whole for the purpose of considering the bills upon the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole on the Private Calendar, with Mr. HATCH in the chair.

The CHAIRMAN. The Clerk will report the first bill on the Calendar.

DYNAMITE CRUISER VESUVIUS.

The Clerk read as follows:

A bill (H. R. 222) to remit the penalties on the dynamite gun-cruiser Vesuvius.

Mr. TALBOTT of Maryland. Mr. Chairman, I reported that bill from the Committee on Naval Affairs. I ask unanimous

consent that it be laid aside without prejudice to-day, to retain its place on the Calendar.

The CHAIRMAN. The gentleman from Maryland [Mr. TALBOTT] asks unanimous consent that this bill be laid aside without prejudice, to retain its place on the Calendar. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

F. Y. RAMSEY.

The Clerk read as follows:

A bill (H. R. 509) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to F. Y. Ramsey, son and heir at law of the late Joseph Ramsey, late collector of customs and superintendent of lights, district of Plymouth, N. C., the sum of $430.42, balance due said Joseph Ramsey as per records of the Treasury, according to final settlement therein recorded April 30, 1861, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor.

Mr. BUNN. Mr. Chairman, when this bill was under consideration on a former occasion the question was asked of the chairman of the Committee on Appropriations whether this amount had been paid by the Confederate government. I withdrew the bill at that time for the purpose of getting the information. I desire the Clerk to read a letter from the Treasury Department in answer to my inquiry.

Mr. DINGLEY. Mr. Chairman, I rise to a question of order. We can not hear the gentleman, and this is an important matter.

The CHAIRMAN. The Chair requests members to be in order, so that gentlemen can hear. The Clerk will read the letter, as requested by the gentleman from North Carolina [Mr. BUNN].

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 13, 1893.

SIR: I have the honor to acknowledge the receipt, by reference, of your letter of the 5th instant, addressed to the Adjutant-General, inclosing the report of the Committee on Claims, relative to the balance claimed to be due the estate of Joseph Ramsey, deceased, formerly collector of customs and superintendent of lights in the district of Plymouth, N. C., and in which you inquire whether this account was settled by the Confederate government.

In reply, you are informed that an examination has been made of the files and records of the Confederate treasury, now on file in this Department, and it appears, from the record of the Confederate first auditor's certificates of settlement of accounts, that a "final account under the old bond" was settled September 2, 1862, with Joseph Ramsey, collector and disbursing agent from May 10, 1861, the date of North Carolina's act of secession, to August 31, 1861, the date of the new bond.

On the same day a settlement under the new bond was made, commencing September 1, 1861, and ending December 31, 1861. The only settlements with Joseph Ramsey, as superintendent of lights, found of record are as follows:

October 23, 1861, for the quarter ending September 30, 1861, under the bond of August 31, 1861.

July 29, 1862, for the quarter ending December 31, 1861.

April 4, 1864, from January 1 to September 30, 1862.

Thus it will be seen that there is no evidence found in the records of the first auditor of the Confederacy of the settlement of the balance referred to above.

Respectfully, yours,

W. E. CURTIS, *Acting Secretary.*

Hon. BENJAMIN H. BUNN,
Chairman Committee on Claims, House of Representatives.

Mr. BUNN. Mr. Chairman, it will be seen from that letter that the amount standing to the credit of Mr. Ramsey has not been paid. That is a sufficient answer to the question that was presented by the chairman of the Committee on Appropriations when the bill was up before. This bill merely provides that a balance which is standing to the credit of Mr. Ramsey be paid to his heirs-at-law. I do not know of any possible reason why the bill should not pass. I want to say that the same bill passed the House of Representatives in the Fifty-first Congress unanimously, and was lost because of want of consideration in the Senate. If there is any member on the floor who desires information, I will be glad to give it to him.

Mr. KILGORE. Will the gentleman allow me to ask him a question?

Mr. BUNN. Certainly.

Mr. KILGORE. I understand that the purpose of this bill is to provide for the payment of a claim against the Federal Government for carrying the mail before the war?

Mr. BUNN. The gentleman is mistaken.

Mr. KILGORE. Then I should like to know what it is for?

Mr. BUNN. The bill provides for the payment to the heirs of Mr. Ramsey of $430 due to him, the balance standing to his credit as collector of the port at Plymouth, N. C., on the 30th day of April, 1861.

Mr. KILGORE. Is there any proof that this claim was not paid by the Confederate government?

Mr. BUNN. Mr. Speaker, I am utterly astonished at the question. The letter from the Secretary of the Treasury, which has just been read, states that it has not been paid. Where was the gentleman sitting when the letter was read?

Mr. KILGORE. The Confederate government paid a great many of these claims.

Mr. BUNN. But this is from the archives of the Confederate government in answer to that very question propounded heretofore, and the archives of the Confederate government show that it was not paid by that government. It stands to Mr. Ramsey's credit on the books of this Government, and the books of the Confederate government show that it was not paid.

Mr. DOLLIVER. On what account is this balance?

Mr. BUNN. It is a balance of one of his accounts for wages and money paid out for light, fuel, and so forth. The books of the Federal Government show this amount standing to his credit.

Mr. DOLLIVER. Is the gentleman prepared to state whether this is one of many such claims, or is it an exception?

Mr. BUNN. I will state as chairman of the Committee on Claims that there are very few of these balances remaining unpaid.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

Mr. BUNN. I reserve the balance of my time.

Mr. DINGLEY. Mr. Chairman, while the amount involved in this bill is comparatively small, a little less than $500, yet there may be a principle lying back of it which may possibly open the door to a very large class of claims, and therefore I would like to get some information as to the facts. This is a claim of a collector of customs at Plymouth, N. C., a custodian of funds under the General Government, for a balance alleged to be due to him for his salary for the quarter ending April, 1861, about which time North Carolina voted to secede from the Union. The claim extends back, therefore, about thirty-three years. As I understand, and I desire to be corrected if I am mistaken, this claim was not settled at that time because this officer under the Federal Government went into the rebellion, or at least transferred his allegiance to the Confederacy, abandoning his duties as a Federal official and becoming a Confederate official, and now, after having thus abandoned his duties as a Federal officer, he, or rather his heir, comes back at the end of thirty-three years and asks for a settlement of this balance.

Mr. DOLLIVER. If the gentleman from Maine will permit a suggestion, I do not understand that his statement of the facts agrees with the statement of the chairman of the committee [Mr. BUNN].

Mr. DINGLEY. Well, I want to be informed as to the facts.

Mr. BUNN. This old man died very soon after the time this claim arose, died at an advanced age, and never went into the Confederate army at all. This claimant was a very young man, and, of course, did not enter the Confederate army. I did not know that that had anything to do with the case or I should have stated it before.

Mr. DINGLEY. Then how did it happen that the accounts of this official, if he still continued loyal to the Government, were not settled at the time?

Mr. BUNN. I can not answer that except by saying that he was inside of the Confederate lines, and, as the gentleman well knows, it made no difference how loyal a man was when he was inside the territory of a seceded State. In the meantime this man died, never having taken any part in the rebellion, and, as I have said, this young man, the claimant, was too young to take any part.

Mr. DINGLEY. Did this official ever present this claim for the balance of his salary to the Federal Government?

Mr. BUNN. It was presented the day the balance was struck. The balance was struck by the Department, not by him. They balanced it up, and this is the balance that they found due him.

Mr. DINGLEY. Do you know why it was not paid?

Mr. BUNN. I do not. The officials say it is still there unpaid. I want to say, further, that so far as the lapse of time is concerned this young man was an infant, with nobody to look after his rights, and so the claim slept for years; but it has been pending in Congress since he attained his majority, a period of about ten years.

Mr. DINGLEY. Do I understand the gentleman to say that there is no considerable number of cases that could be affected by this precedent?

Mr. BUNN. Very few have been presented to the committee so far. I want to say further to the gentleman that not a single case of this kind has been presented so far that has not been paid. The committee in the Fifty-first Congress reported favorably on at least two-thirds of the bills presented similar to this, and the money was paid.

Mr. DINGLEY. There is no question, then, in this case that

this claimant's father abandoned his duty as a Federal official and entered into the Confederate service as an official of similar character?

Mr. BUNN. Not at all. On the contrary it appears that there is even a larger amount due to him, but it was not included in the balance to his credit because of the fact that before the next quarter ended the State of North Carolina had seceded. The difference, however, is not large—only about $10.25, I believe.

Mr. DINGLEY. Mr. Chairman, I do not know exactly what the facts in this case may be. I simply desire to call the attention of the committee to this matter, before we establish a precedent that may trouble us in the future with reference to the payment of salaries claimed to be due to officials who left the Federal service in 1861, and, in many cases, went into the service of the Confederate government in a similar capacity. It appears here—and I understand that in that respect this case is differentiated from others—that the Confederate government did not pay this official for the particular period set forth here.

Mr. BUNN. That is so.

Mr. DINGLEY. The presumption is that he continued to discharge these duties under the Confederate government after North Carolina seceded and became a Confederate official.

Mr. BUNN. I do not know about that. I know that he died soon after this claim arose.

Mr. AITKEN. Do you know what became of the Federal property that was in his possession at that time?

Mr. BUNN. I do not.

Mr. AITKEN. How much Government money did he have in his possession?

Mr. HERMANN. I will say to the gentleman that the report of the Secretary of the Treasury shows that the amount in this official's hands was all charged up against him, and this covers only the balance found to be due him.

Mr. DINGLEY. Did he account for all the Government property in his hands?

Mr. BUNN. Yes, sir; every dollar, and this is the balance found to be due him.

Mr. DINGLEY. In that case, Mr. Chairman, in view of the peculiar circumstances, I do not know that I have any objection to offer to the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RELIEF OF RALEIGH, N. C.

The next bill on the Private Calendar was a bill (H. R. 19) for the relief of the city of Raleigh, N. C.

Mr. BUNN. Mr. Chairman, I desire to ask that that bill be passed over informally. There are several bills pending before our committee involving the same question that is involved here, and since passing upon this bill the committee has authorized me, as chairman, to prepare a general bill embracing them all in one. For that reason, I asked that this be passed over informally.

There was no objection, and it was so ordered.

BENJAMIN ALFORD.

The next business on the Private Calendar was a bill (H. R. 522) for the relief of Benjamin Alford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Benjamin Alford the sum of $79.20, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated, and made immediately available therefor.

The report (by Mr. BUNN) was read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 522) for the relief of Benjamin Alford, report it back to the House with a recommendation that it do pass.

Your committee find the facts to be as follows: The claimant is the owner of a grain distillery in Johnston County, N. C., and that $38.70 was reported against him for the month of February, 1893, on package No. 10, 43 gallons, and $40.50 for March, 1893, on package No. 15, 45 gallons, making a total of $79.20.

On the 15th day of March, 1893, the said distillery was broken open and the packages Nos. 10 and 15, were stolen therefrom.

The aggregate of these two sums, viz, $79.20, was paid under protest by the claimant, he having made application for release, which was refused by the Department upon the ground that the Department had no right to allow a credit for the same, inasmuch as there was no proof of the actual destruction of the contents of the packages Nos. 10 and 15.

The evidence shows to the satisfaction of your committee that these two packages were traced to the possession of one A. P. Hatcher, who was arrested and indicted for stealing said packages.

The contents of these packages were changed into other packages, which had paid no taxes, and were seized by the Government officers and sold for taxes, and the taxes upon the same are also paid from the proceeds of said sales, so that the Government has received the taxes twice. The claimant has lost his whisky and then is forced to pay the taxes which were assessed against him in February and March.

The passage of this bill is recommended by C. A. Cooke, attorney for the eastern district of North Carolina; also by the collector of customs for the fourth North Carolina district, in which district this distillery is situated, and by the collector of internal revenue.

Your committee has not reported the evidence because of its great volume, but for the information of all who desire to examine it they have caused it to be filed in the files room of the House of Representatives.

Mr. KILGORE. Mr. Chairman——

The CHAIRMAN. The gentleman from North Carolina [Mr. BUNN] is entitled to the floor.

Mr. KILGORE. I want to ask him a question, and I will ask him to yield to me, or else I want to take the floor in my own right.

The CHAIRMAN. The Chair can not recognize the gentleman from Texas until the gentleman from North Carolina yields the floor.

Mr. KILGORE. Then I will wait until he gets through with his hour, and then I will ask recognition. [Laughter.]

Mr. BUNN. Mr. Chairman, I shall be very much pleased to answer any question the gentleman desires to ask.

Mr. KILGORE. I understand from the report of the committee that the proof of the destruction of two of the packages lost was not sufficient to warrant the Department making the allowance to this collector. Now, can this House afford to act on less legal proof than would be sufficient to satisfy the Department?

Mr. BUNN. I think I can answer that question to the satisfaction of the gentleman—I am sure I can to the satisfaction of the House.

Mr. KILGORE. I am the man that wants to be satisfied. [Laughter.]

Mr. BUNN. Well, I have some doubts as to satisfying the gentleman from Texas, but as to satisfying the House I have none. [Laughter.] The law does not allow the Department, under the circumstances stated in this case, to make the allowance. I hold in my hand a letter from the Commissioner showing that he has no authority under existing law to make such an allowance. The law allows these taxes to be remitted upon proof of the actual destruction of the spirits, but in this case they were not destroyed. That is the point. After these packages were listed for taxation and when the books show that they were in the distillery, the distillery was robbed. They were taken away and these identical packages were found not destroyed, but the goods were removed and put in other packages, and those other packages were seized by the Government and that identical whisky and brandy was stored by the Government and the tax again covered into the Treasury.

Mr. KILGORE. Suppose this property had been stolen and never had been recovered, that collector would have been liable.

Mr. BUNN. Undoubtedly; and the money would have been paid, and this bill would not be here.

Mr. KILGORE. Then the whole question depends upon the fact that the people who recovered this whisky were able to determine—I suppose by the taste—that some of the whisky taken from that collector had been mingled with other whisky. I understand the gentleman to say that it had been mingled with other goods.

Mr. BUNN. I did not say that. I said it had been put with other packages.

A MEMBER. How did they identify it?

Mr. BUNN. I do not know. But it was identified to the satisfaction of the district attorney, the collector, and of the jury who tried the man for stealing it and sent him to the penitentiary.

Mr. KILGORE. Do you know anything about the packages that were stolen?

Mr. BUNN. They are fully described in this mass of testimony. I did not have it printed, because the sum involved was only $79, and it would have cost perhaps twice as much to print the evidence.

Mr. KILGORE. If I had the money, I would rather pay the bill myself than waste so much time upon it.

Mr. STOCKDALE (to Mr. KILGORE). Why not borrow the money?

Mr. BUNN. I have some doubt about the sincerity of declarations of this kind; they come too often from the gentleman.

Mr. KILGORE. The trouble is I have not the money.

Mr. WASHINGTON. Then why not let the Government pay this claim, if you can not?

Mr. MOSES. In whose charge was this whisky?

Mr. BUNN. It was in charge of this man Alford. His house was broken into and his property stolen. The revenue officers there took the matter in hand and with the assistance of this man, these identical packages were found at the house of a man who was arrested and convicted. The letter of the district attorney, Mr. C. A. Cook, of North Carolina, and the letter of the collector of internal revenue are among the papers in the case, as is also a letter from the Department stating that this is a case in which under the law the Department can not grant relief. I have in my hand the letter of the Acting Commissioner, Mr. Wilson, recommending the passage of this bill.

Mr. DINGLEY. Will the gentleman send to the desk to be read the communication from the Commissioner of Internal Revenue?

Mr. BUNN. With very great pleasure. Before the letter is read let me say that the committee based their report upon these circumstances: Here was this whisky in the original packages, on which this man had paid tax. It was seized in the possession of another man, an illicit distiller, and it was taxed a second time. This claimant lost his property, for which he asks no return from the Government; he simply asks that the taxes which were assessed upon him be refunded. The Government loses nothing to which it is entitled, because these taxes were paid twice on the same packages of goods. The Acting Commissioner of Internal Revenue states that the Department has not authority to grant relief because the whisky was not destroyed. Section 3221 of the Revised Statutes, authorizing the refund of taxes in certain cases, does not apply to a case like this, where the goods were not destroyed.

Mr. KILGORE. About what time did this transaction take place?

Mr. BUNN. During last year. I do not remember the exact time. I think it was in the spring of 1893—less than a year ago. I ask the Clerk to read in my time the letter which I send to the desk.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., August 29, 1893.

SIR: In reply to your verbal inquiry relative to the claim of Mr. Benjamin Alford, for the abatement of $79.20 stamp tax on spirits, I have to say that the assessment claimed was based upon spirits alleged to have been stolen from the distillery bonded warehouse of Mr. Alford. If any relief were given in a case of this kind, it would be by the honorable Secretary of the Treasury, under the provisions of section 3221, Revised Statutes.

That section provides that relief may be afforded "on proof of the actual destruction (of distilled spirits) by accidental fire or other casualty. * * * while the same remained * * * in any distillery warehouse," etc.

The spirits in question were stolen from the warehouse—removed for consumption or sale—and it is not alleged or pretended that they were destroyed, even after they were taken from the warehouse.

The claim has been rejected and the collector advised accordingly. The assessment appears to be a proper one, and should be paid unless Congress should see fit to afford relief.

Respectfully, yours,

G. W. WILSON,
Acting Commissioner.

Hon. B. H. BUNN,
House of Representatives, Washington, D. C.

Mr. BUNN. I now yield to my friend from Tennessee [Mr. COX] as much time as he may want.

Mr. DINGLEY. One moment, before the gentleman from Tennessee proceeds. I do not understand that the letter just read embraces any recommendation of the Commissioner for the passage of such a bill as this. He simply states what the facts were.

Mr. BUNN. But he says this is a proper case for relief.

Mr. DINGLEY. Does he say that Congress ought to grant relief?

Mr. COX. There can be no question about the merits of this case when gentlemen understand it. This whisky was made in a perfectly lawful way, and the tax was assessed upon it and paid. Then the whisky was stolen and carried away. Afterwards it was found and seized, was sold, and the tax collected again. In other words, this whisky was made to pay double tax; and this man lost his whisky besides. The claim involves the tremendous sum of $79.

Mr. BUNN. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

J. M. BILLINGS.

The next business on the Private Calendar was the bill (H. R. 995) for the relief of J. M. Billings.

The bill was read, as follows:

Be it enacted, etc., That the sum of $850 is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated, to pay the claims of J. M. Billings, of Santa Clara, Santa Clara County, State of California, for money, money orders, and stamps, and other property stolen from the post-office while he was postmaster in the town of Santa Clara, Santa Clara County, State of California, on the night of September 11, 1877.

The Treasurer of the United States is hereby authorized to draw his warrant in favor of J. M. Billings in said sum, and is hereby directed to pay the same upon the passage of this act.

Mr. BUNN. The report in this case was made by the gentleman from California [Mr. LOUD]. I yield to him such time as he may desire.

Mr. LOUD. Mr. Billings, for whose relief this bill has been reported, was postmaster of the town of Santa Clara, Cal. The evidence which is on file and which is cited in the report shows conclusively that the post-office from which this Government property was stolen was a perfectly secure brick building; and that it contained a good safe. The affidavits of several citizens of the town go to show that robbers who at the time infested that vicinity, cut through the roof of the building, went down into the post-office, robbed the safe, and then made their escape through the back door. These affidavits of some of the best citizens of Santa Clara County who are personally well known to me, leave no doubt that every proper care was exercised by this postmaster, and that he suffered loss by robbery to the amount stated in the bill.

Mr. DOLLIVER. How much?

Mr. LOUD. Eight hundred and fifty dollars.

Mr. BYNUM. Why has not the Post-Office Department allowed this claim?

Mr. LOUD. This case occurred before the passage of the law allowing the Department to settle claims of this kind. This case has been before Congress a number of years.

I will state that among the papers here there is also an affidavit of the postmistress, the assistant of Mr. Billings, who certifies to the amount of Government property that was in the post-office at the time. Here are the items: Money order funds, $320; post-office funds, $290, together with stamps amounting to $245.

Mr. DOLLIVER. How is the amount of the loss computed—from the books of the Department?

Mr. LOUD. It could not be computed from the books of the Department. It is computed from the books and accounts of the postmaster and from the affidavits in the case. The books of the Department could not show what the loss was.

Mr. DOLLIVER. Is the evidence conclusive that the amount stated was actually stolen?

Mr. LOUD. Conclusive evidence is furnished in the affidavits of this man himself and also of the postmistress who was his assistant—now Mrs. Gertrude Starr. Mr. Billings is well known as a reputable citizen; and there is no doubt in the mind of any one acquainted with the circumstances that there was stolen at that time property amounting to $900 or $1,000. The postmistress says the amount was about $900. She does not know the exact amount, although she ran the office herself. Mr. Billings makes the amount $855. The bill names $850.

Mr. DOLLIVER. How old is this claim?

Mr. LOUD. The robbery occurred in 1876. The claim has been before Congress for ten years, but it has never been reached before.

Mr. KILGORE. I would like to put a few interrogatories to the gentleman. This, I understand, is a case of loss at a post-office through theft?

Mr. LOUD. Yes, sir.

Mr. KILGORE. There is now on the statute book a law authorizing the Post-Office Department to make allowance to postmasters sustaining losses of this kind where the officer has not been guilty of negligence, the amount being limited to $2,000 in any one case.

Mr. LOUD. But that law does not cover this case: it was not enacted until 1881.

Mr. KILGORE. That was after this claim accrued?

Mr. LOUD. Yes, sir. This allowance can not be made under any rule of the Department or any existing statute.

Mr. KILGORE. The law does not permit the Department to make any allowance of this kind if the postmaster or his employés have been guilty of negligence.

Mr. LOUD. No; but when there has been no negligence an allowance can be made to the amount of $2,000.

Mr. KILGORE. The rule established by that law ought to apply to this case. If this postmaster or his deputies were guilty of any negligence, this allowance ought not to be made.

Mr. LOUD. This case is so fully presented in the affidavits of parties who were acquainted with the circumstances as they occurred at the time that their evidence is much better than any that could be obtained upon an investigation which might take place now, some seventeen years after the occurrence.

Mr. KILGORE. But there is one other point. That law does not apply to the case of theft.

Mr. LOUD, Oh, yes.

Mr. KILGORE. The law, as I understand, does not name theft as one of the cases in which relief shall be given by the Department.

Mr. LOUD. The gentleman is mistaken.

Mr. KILGORE. It specifies, I believe, burglary or fire.

Mr. LOUD. This was burglary.

Mr. KILGORE. If this was a case of burglary, there could not have been negligence on the part of the postmaster.

Mr. DOLLIVER. That is this case.

Mr. KILGORE. No; this is theft.

Mr. NORTHWAY. No; it is a case of burglary. The robbers broke into the house, and then broke into the safe.

Mr. KILGORE. I understood the gentleman from California to say it was a case of theft.

Mr. LOUD. I assented to the gentleman's question, not supposing he would make such a distinction as this. I move that

the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

EDWARD HURLEY.

The next business on the Calendar was the bill (H. R. 903) for relief of Edward Hurley.

Mr. BUNN. I ask that this bill be informally passed over, for the same reason that the other case was passed over a few minutes ago. It is a bill of the same character.

There being no objection, the bill was passed over informally, not to lose its place on the Calendar.

PENNSYLVANIA WAR DAMAGES.

The next business on the Calendar was the bill (H. R. 286) to authorize the payment of damages sustained by citizens of the State of Pennsylvania from Union and Confederate troops during the late war, as adjudicated and liquidated by the State of Pennsylvania under the provisions of an act of the General Assembly of the said State of Pennsylvania, approved the 22d day of May, A. D. 1871.

Mr. STONE of Kentucky. Mr. Chairman, the gentleman from Pennsylvania [Mr. BELTZHOOVER], chairman of the Committee on War Claims, who reported this bill, is absent, sick, and I wish to ask unanimous consent of the House that it be passed over informally for the present, not to lose its place on the Calendar.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky, that this bill be passed over informally?

There was no objection.

HIRAM JOHNSON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 724) for the relief of Hiram Johnson and others.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided, to the respective persons named herein, or to their heirs or legal representatives, to wit:

To R. Johnson, $659.86.
To Stephen M. Johnson, $659.86.
To D. J. Franklin, $130.48.
To Josiah Franklin, $156.60.
To Nat Buckley, $261.20.
To John Tull, $313.49.
To Elias Bray, $391.92.
To Dr. G. Johnson, $156.60.
To Harrison Trice, $261.20.
To Jeremiah Crook, sr., $522.41.
To Willis Arnold, $5,213.89.
To Arch McCorkle, $391.92.
To G. L. Ross, $1,306.91.
To S. L. Ross, $1,306.91.
To John M. Hart, $522.41.
To William A. Brummer, $801.60.
To John D. Smith, $261.20.
To A. B. Crook, $261.20.
To Daniel McCollum, $261.20.
To Jeff Jones, $130.48.
To Thomas McGill, $156.61.
To James Ledbetter, $156.61
To William Ozier, $522.41.
To Elijah Bond, $261.20.
To John L. Cawthon, $522.41]
To William Hall, $522.41.
To Carroll Beaver, $522.41.
To John West, $659.86.
To James Clifford, $261.30.
To O. F. Hendrix, $784.04.
To Frank Cawthon, $313.49.
To James Cawthon, $130.49.
To S. E. Grider, $130.49.
To Silas Grider, $130.49.
To John Robinson, $240.34.
To Hugh McKnight, $200.25.
To John G. Smith, $79.96.
To Caleb McKnight, $200.25.
To James Thomas, $200.25.
To William P. Walker, $120.06.
To A. S. Rogers, $341.55.
To Tyson G. Maness, $561.02.
To William H. Bond, $120.03.
To F. M. Ballard, $240.04.
To Stephen Massengill, $120.06.
To William Swink, $440.80.
To Keton M. Jones, $361.15. In all $22,271.23.

Mr. ENLOE. Mr. Chairman——

Mr. HULL. Mr. Chairman, is there a report accompanying this bill?

The CHAIRMAN. The Chair is informed that there is a report.

Mr. HULL. I think we should have the report read.

The CHAIRMAN. The gentleman from Tennessee has been recognized.

Mr. ENLOE. Mr. Chairman, inasmuch as this bill carries an appropriation of about $22,000, I think the report of the committee had better be read, as it will afford an explanation to the House of the character of the bill.

The report (by Mr. ENLOE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 724) for the relief of Hiram Johnson and others, reports as follows:

This claim was presented in the Fifty-second Congress and was favorably reported upon by the Committee on War Claims, to whom it was referred. After a careful investigation of the facts involved, your committee adopt the report of the committee of the Fifty-second Congress, a copy thereof being hereto attached and made a part of this report, and recommend that the bill do pass.

[House Report No. 19, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1219) for the relief of Hiram Johnson and others, submit the following report:

The facts of this claim are fully set forth in a report made by this committee to the House in the first session of the Fifty-first Congress, hereto annexed and made a part of this report.

Your committee therefore adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 14, Fifty-first Congress, first session.]

The facts out of which this claim for relief arises and the reasons of the committee for recommending the passage of the bill will be found stated in the report of the Committee on War Claims, submitted to the second session of the Forty-sixth Congress by Gen. Bragg, of Wisconsin, who was then chairman of said committee, which report is as follows:

[House Report No. 1345, Forty-sixth Congress, second session.]

The Committee on War Claims, to whom was referred the petition of Hiram Johnson and others for relief, submit the following report:

The facts out of which this claim for relief arises will be found stated in House Report of the Committee on Military Affairs, No. 184, second session, Forty-fourth Congress, and in reports from the Secretary of War, with correspondence attached, on file with the papers in the case, and are in substance as follows:

On the 25th day of November, 1862, a party of rebels made a raid upon a small force of Union troops stationed at Henderson, in the State of Tennessee, on the Mobile and Ohio Railroad. The raiding party captured the Union troops, with their arms and camp equipage, burned a quantity of cotton belonging to the United States and to private individuals, and also destroyed the depot buildings and water tank belonging to the railway corporation.

Thereupon, on the 2d day of December following, the commandment of the Union forces at the post of Bethel, Tenn. (Col. J. N. Haynie, Fortieth Regiment Illinois Volunteers), appointed a board of officers to investigate the losses sustained and appraise the damages suffered from the raid, with a view to an assessment by way of reprisal upon rebel sympathizers in and about Henderson.

The board so appointed assessed the value of the property captured and destroyed as follows:

Cotton burned belonging to the United States	$1,900.00
Arms and camp equipage belonging to the United States	3,180.00
Total belonging to the United States	5,080.00
Cotton belonging to private persons	18,171.36
Railway property	3,500.00
Grand total	26,751.36

Upon this report being made, Col. Haynie ordered an assessment of this amount to be levied upon the rebel sympathizers in and about Henderson, which action was approved at the headquarters of the district of Jackson, in the Department of Tennessee, Brig. Gen. Sullivan commanding, on the 12th day of December, 1862; and an order bearing date on that day was issued from said last-named headquarters directing the collection of the tax.

Col. Haynie proceeded in the execution of the order, and collected of the said assessment the sum of $23,325.16, leaving a deficit of $3,426.20 not collected, by reason of the absence of the persons against whom the same was assessed. And thereafter, but at what precise date does not appear, Col. W. W. Sanford, Forty-eighth Illinois Volunteer Infantry, commanding post at Bethel, made an additional and supplemental assessment for $4,326.20, to make up such deficit; and of this amount there was collected $4,026.20, making the total amount collected to repair losses and damages sustained by said raid $27,351.36; all of which sum was paid by the persons now asking relief by this petition.

The right of the military commandant, in time of war, to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside of his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions, by making the friends of those who commit the damage bear the brunt of the injury suffered.

At the time of the appraisal of the damages and of the levying and collecting these assessments it was supposed to be under and in execution of an order of Gen. Grant, then commanding the troops in that department. But it appears from the papers filed that Gen. Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines, like the one at Henderson, only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment; and on the 23d day of January, 1863, ordered the proceeds of such assessment and collection to be turned over to the provost marshal-general; and it appears by the papers filed that his action in denying the right of private claimants to reimbursement for losses sustained by the raid out of this fund was approved by the Secretary of War, on the report made thereon by Gen. M. C. Meigs, which report maintains the law to be that the power existed to levy and collect an assessment to pay private losses in the discretion of the general commanding; but as against such general's construction of his own order and purpose no right whatever could accrue to a private claimant for reimbursement.

The logical sequence from these facts, and this declaration and construction by Gen. Grant of his orders, seems to be that the subordinates, in the execution of the orders of the commanding general, should have made an assessment only for the losses sustained by the Government, viz:

For cotton burned belonging to the United States	$1,900
Arms and camp equipage belonging to the United States	3,180
	5,080

Had the Government rebuilt or repaired the injury to the railway property, as an essential for their use of it, that also should be included as a

proper item for assessment; but the evidence shows that the railway company repaired their injuries at their own expense

Deducting this amount, for which the assessment was authorized, from the total amount collected, there remains a balance of $22,271.26 taken from the petitioners under a misconstruction of the order of the commanding general, as certified to by his own action and the evidence of an officer of his staff.

This committee have maintained, and still adhere to the doctrine, that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort, within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution when the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected $23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, $4,026, by all reasonable presumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer who fell before Vicksburg without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be, that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortious acts. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them ($22,271.26) in excess of the requirements of Gen. Grant are valid, and that the Government ought in right refund the same; and report herewith a bill, redistributing the same to the persons who paid the same ratably, in proportion to the sums originally paid by each of them, respectively, and recommend its passage.

Your committee adopt the said report as their own, and report herewith a substitute for the bill and recommend its passage.

Mr. ENLOE. Mr. Chairman, the report just read sets forth fully and clearly the origin of this claim. It has been reported I think now some seven times in the House in seven different Congresses favorably from the Committee on War Claims, and has once passed this House. It has been reported four times favorably in the Senate and twice passed that body. I hope the House will allow it to be laid aside with a favorable recommendation. I make that motion.

Mr. KILGORE. I do not understand the motion that the gentleman from Tennessee has submitted.

The CHAIRMAN. That the bill be laid aside to be reported to the House with favorable recommendation.

Mr. KILGORE. Oh, no. I think we ought to agree on some time for the discussion of this bill. Suppose we say we will take a vote some time about half past 4 o'clock to-day. A very important question is involved in it.

Mr. ENLOE. Is the gentleman from Texas serious in his statement?

Mr. KILGORE. I am.

Mr. ENLOE. How much time does the gentleman want?

Mr. KILGORE. An hour.

Mr. ENLOE. I will reserve my time.

The CHAIRMAN. Does the gentleman from Texas desire to occupy the floor?

Mr. KILGORE. I think that there ought to be some explanation of this bill. It has been before Congress, the gentleman from Tennessee says, seven or eight different times. It has passed this body once or twice, I believe, and passed the Senate once or twice, as he tells us. Now, I think that is a positive disadvantage to it in this Congress; and I would not be willing to see this bill laid aside with favorable recommendation without the House having an opportunity to fully discuss and understand the questions involved and how it first arose, and what rights these people would have over and above other people in the South who lost all of their property by the war. These are all important questions, and I think ought to be discussed.

Mr. TAYLOR of Indiana. What is the amount involved?

Mr. KILGORE. It carries about $20,000, I understand.

Mr. NORTHWAY. Something over $22,000.

Mr. KILGORE. I reserve the balance of my time.

The CHAIRMAN. The question is, Shall the bill be laid aside, with a favorable recommendation?

Mr. BURROWS. Mr. Chairman, I think we ought to have some further explanation of the matter before voting upon it. This is a claim, I suppose, of loyal citizens?

Mr. ENLOE. No, sir. That is not the nature of the claim. The gentleman from Michigan probably knows the character of the claim, which has been pending here, I suspect, ever since he has been a member of this body.

Mr. BURROWS. Were they disloyal people these claimants?

Mr. ENLOE. That is a question that is not raised in connection with it.

Mr. BURROWS. And do you think that question should not be considered?

Mr. ENLOE. It has nothing to do with the question.

Mr. BURROWS. And that it makes no difference whether they were loyal or disloyal?

Mr. ENLOE. Not at all.

The nature of the case I will state to the gentleman is just this. There was a Federal post at the town of Henderson, in the State of Tennessee, occupied by a detachment of troops from Illinois. Col. Haynie, the colonel of the regiment, was stationed at Bethel, Tenn. A detachment of Confederate troops under the command of my colleague from Tennessee [Mr. COX], crossed the river and went to Henderson and attacked the post and captured it, and during the fight, or immediately following it, burnt the depot. In the destruction of the depot building they destroyed some Government property and some cotton that belonged to private parties.

Col. Haynie appointed a board to estimate the losses and ordered an assessment to be levied upon the people of the community to the amount of the value of all the property destroyed of the United States for losses sustained by the destruction, including railroad, Government, and individual property. In the execution of that order these persons, whose names are mentioned in the bill, were assessed for various sums of money, amounting in the aggregate to $26,757.36. Gen. Sullivan, the superior of Col. Haynie, was stationed at Jackson, Tenn.

Mr. NORTHWAY. You mean the Federal general, Sullivan?

Mr. ENLOE. Yes, sir. Col. Haynie, after ascertaining the losses and levying the assessment called on Gen. Sullivan to issue an order "directing the collection and disbursement of amount assessed." Gen. Sullivan ordered it to be paid over to Col. J. D. Webster, superintendent of United States military railroads at Jackson, Tenn. Gen. Grant ordered that the hands be paid over to Col. William S. Hillyer, the provost-marshal-general at Memphis, Tenn. It finally was placed in the hands of the quartermaster, Col. C. A. Reynolds, who turned it over to the Treasury.

These facts, Mr. Chairman, are all matters of record. They show that the money, after reimbursing the Government for its losses, instead of being paid back to the parties from whom it was taken, was paid into the Treasury of the United States, and has been there all this time, and is there to-day. All this bill proposes to do is to take the excess of the money and return it to these people in the same proportion in which they paid it into the Treasury.

A question was raised, and I want to deal fairly with the House upon the subject—a question was raised by the claimants who had cotton destroyed by the fire, for damage resulting from it. They claim that they should be paid out of that fund, and the Forty-third Congress paid two of the claimants over $9,000 of it. The question was first referred to Gen. Grant, and Gen. Grant stated that the levy was not made for the purpose of reimbursing cotton speculators for any losses they might have sustained. Gen. Sullivan stated that it was levied in the nature of an indemnity, and as a notice to the people of that section of the State that in the event of similar raids a like course would be adopted; that it would operate as a notice to the Confederate forces who might attempt such raids in the future not to come in, because these people would be made to suffer the consequences of it.

The main purpose was for the reimbursement of the Government and for indemnity, as was stated at that time. Gen. Sullivan gave notice to those assessed that after reimbursing the Government the balance of this fund should be held as an indemnity against future raids or incursions from guerrillas or regular Confederate troops; but it was his intention to return the balance to those assessed in case no further disturbances occurred in that vicinity. There were no further raids, and according to Gen. Sullivan's intentions when he made the levy, the money should have been refunded, but unfortunately for the claimants Gen. Sullivan was ordered elsewhere, and he left the funds in other hands, to find their way into the Treasury, which, like the sea, never gives up what it has swallowed except to a storm.

Some of these cotton claimants came here and asked the Government to pay them out of this fund. They applied to the Quartermaster-General, Gen. Meigs, and he held that the fund was not collected for that purpose, and refused to pay them. Then two of the claimants came to Congress, as I before stated, and asked Congress to pass a bill appropriating money to pay them for cotton that was burned at Henderson in that fire, and there was a bill passed through Congress paying two of these men over $9,000. It was insisted that this ought to come out of that particular fund, but the construction placed by Gen. Grant upon the order issued by the commanding officer and the construction placed upon it by Gen. Sullivan and by the Quartermaster-General shows that no part of this money belonged to anybody or could equitably or legally belong to anybody except the persons who paid it into this fund.

Mr. AITKEN. Does this bill contain the names of those who were assessed?

Mr. ENLOE. Yes.

Mr. AITKEN. How did you get the list?

Mr. ENLOE. From the military order making the assessment; which is of record in the War Department. The only question that ever confused the case was the question as to whether or not the private citizens who were cotton speculators in that country at that time were entitled, as a matter of equity, to be paid out of this fund, rather than the people who had paid it into the Treasury.

That question was ably discussed in a report submitted to the Senate in the Forty-eighth Congress, by the Hon. Howell E. Jackson, who was then a member of the Senate from Tennessee, and who is now an associate justice of the Supreme Court. Judge Jackson held that, as a matter of equity and as a matter of law, the balance of this fund ought to be paid to these people.

The view of the question taken by the committees of this House in several different Congresses is presented in the able report on this bill, which was written by Gen. Bragg of Wisconsin, the famous commander of the "Iron Brigade," when he was chairman of the Committee on War Claims in the Forty-sixth Congress. That report has been readopted in the Fiftieth, Fifty-first, Fifty-second, and Fifty-third Congresses. The claim is just, and I hope the committee will lay it aside with a favorable recommendation. I reserve the remainder of my time.

Mr. BURROWS. Mr. Chairman, this claim has been before Congress for several years, but has never passed both Houses in the same Congress, and has always heretofore met with very serious opposition. My only purpose is to call the attention of the committee to the character of the claim. Of course, the majority have the power to pass it, if they so desire; but I want the facts laid before the committee and before the country.

First, the amount carried by this bill aggregates something over $22,000. The first party named in the bill is H. Johnson, $659.86.

The next is Stephen M. Johnson, $659.86.

I find upon examining a report from the War Department in relation to this bill, which report I hold in my hand, a very interesting history. From that report of the War Department it appears with relation to this Mr. H. Johnson, who seeks now to be paid $659.86, as follows:

There are on file in this office two vouchers signed S. M. & H. Johnson, at Henderson Station, and at Jackson, Tenn., for lumber and hauling.

One H. Johnson, of Meigs, McMinn or Roane County, Tenn., petitioned that a disloyal citizen be *not* released.

That is, disloyal to the Confederate States, I suppose.

There are on file in this office four vouchers signed S. M. Johnson, at McMinnville, Tenn., for niter and saltpeter, and two signed S. M. & H. Johnson, at Henderson Station, and at Jackson, Tenn., for lumber and hauling.

One Stephen M. Johnson was a member of Company E, Sixteenth-Twenty-first Tennessee Cavalry, enlisted at Jackson, Tenn.

Passing to line 12, on the first page of the bill, I find the claim of—

D. J. Franklin, $130.48.

This report shows the history of that gentleman as follows:

There are on file in this office two vouchers signed D. J. Franklin, at Henderson Station, Tenn., for beef and hire of teams.

On the second page of the bill, in line 28, is the claim of—

Willis Arnold, $5,213.89.

The report from the Confederate archives show that—

There is on file in this office one voucher signed W. Arnold, at Murfreesboro, Tenn., for corn; also one signed Willis Arnold for corn and paid by A. B. Crook, assistant quartermaster Confederate States army, in Henderson County, Tenn.

There are various other references to this gentleman.

Mr. STALLINGS. Are these names which you are mentioning the ones found in this bill?

Mr. BURROWS. Yes. On page 2 of the bill, line 32, is the claim of—

G. L. Ross, $1,306.91.

This report reads, in relation to this gentleman, as follows:

One G. L. Ross was captain Company I, Thirteenth Tennessee Infantry, enlisted at Jackson, Tenn.

On the same page of the bill, line 36, is the claim of—

John M. Hart, $522.41.

It is said of this party:

There are on file in this office two vouchers signed J. M. Hart, at Jackson, Tenn., for forage.

One John M. Hart was a member of Company I, Thirteenth Tennessee Infantry, enlisted at Jackson, Tenn.

There are various other references found to persons of this name.

On page 3 of the bill, line 38, is the claim of—

William A. Brummer, $801.69.

I find from the same source the following information:

One person by the name of W. A. Brummer signed for pay for services of slaves at Knoxville, Tenn.

Mr. HULL. Services to the Confederacy?

Mr. BURROWS. Services to the Confederacy, I suppose. I call attention to another claim, in line 46 of the bill:

Jeff Jones, $130.48.

This report says:

There is on file in this office one voucher signed J. Jones, at Morgantown, Tenn., for forage.

One Jefferson Jones was first lieutenant, Company H, Third Tennessee Infantry, P. A., enlisted in Monroe County, Tenn.

One J. Jones, of Blountville, Tenn., petitioned for the detail of a doctor.

One J. Jones, as post adjutant at Knoxville, Tenn., reports certain Federal prisoners being put in jail.

One J. Jones signed for pay for services as deck hand on steamer Holston, running between Knoxville and Chattanooga, Tenn.

One J. Jones is mentioned as a prisoner (civil) who took the oath to the Confederate States before he was captured (in Tennessee).

The next claim is that of—

A. B. Crook, $261.20.

This report says of him:

There are on file in this office eight vouchers signed A. B. Crook, at various places in Tennessee and Mississippi, for forage and drugs for use of Confederate States army.

One A. B. Crook was a member of Company D, 16-21 Tennessee Cavalry, enlisted in Madison County, Tenn.; afterwards assistant quartermaster Eighteenth Tennessee Cavalry.

Another claim is that of—

John D. Smith, $261.20.

The War Department report shows:

There are on file in this office five vouchers signed J. D. Smith and one signed Jno. D. Smith, at various places in Tennessee.

The next item to which I wish to call attention is in line 54 on page 3, the claim of—

Elijah Bond, $261.20.

This report shows the following:

There is on file in this office one voucher signed E. Bond, at Shelbyville, Tenn., for hay.

In line 58 is the claim of—

William Hall, $522.41.

It is reported of this claim:

There are on file in this office twenty-three vouchers signed Wm. Hall; three signed Wm. Hall, sr., and three signed W. Hall, at various places in Tennessee, for bacon, beef, wheat, mules, wagons, and for services.

A paper in reference to a suspicious person (no name given) is indorsed "Wm. Hall."

One W. Hall received a passport in East Tennessee.

The next claim to which I call attention is that of—

Carroll Beaver, $522.41.

The report shows in relation to Carroll Beaver, as follows:

There is on file in this office one voucher signed C. Beaver (in favor of Carroll Beaver), at Beavers Mill, Tenn., for meal, paid by A. B. Crook, assistant quartermaster, Confederate States army.

At the top of page 4 of the bill, in line 62, is the claim of—

John West, $659.86.

The report from the War Department discloses in regard to this gentleman, as follows:

There are on file in this office five vouchers signed John West, two of them dated at Lexington, Tenn., for bacon; two at Bulls Gap, Tenn., and one "In the field" (Tennessee), for forage.

Mr. ENLOE. I suppose the gentleman does not doubt that these all refer to the same man.

Mr. BURROWS. There may be doubt about their being the same individuals, but I have no question about their identity. I am reading, however, from the War Department report.

In line 72, page 4 of the bill, is the claim of—

S. E. Grider, $120.49.

The report from the War Department shows as follows:

One S. E. Grider was a member of Company H, Sixteenth-Twenty-first Tennessee Cavalry; enlisted at Center Point, Tenn.

Mr. COX. What was the name of the man who was stated to belong to a cavalry command in Tennessee?

Mr. BURROWS. S. E. Grider.

Mr. COX. What command was that?

Mr. BURROWS. This report says:

One S. E. Grider was a member of Company H, Sixteenth-Twenty-first Tennessee Cavalry; enlisted at Center Point, Tenn.

This may mean that he was a member of both. I do not know.

Mr. COX. There never was any such regiment.

Mr. BURROWS. I do not know anything about that. I am quoting from this report from the Confederate archives.

The next claim to which I wish to call attention is in line 76 of the bill:

John Robinson, $240.31.

It is stated in this report:

There are on file in this office seven vouchers signed John Robinson and two signed John Robinson "by his mark" at various places in Tennessee, for beef, hospital supplies, and forage.

One John Robinson received a passport in East Tennessee.

The next claim to which I ask the attention of the committee is in line 80 of the bill:

John G. Smith, $79.96.

The War Department report says:

There are on file in this office two vouchers dated at Knoxville, Tenn., one signed John G. Smith and the other John G. Smith & Co., for miter; also one signed J. G. Smith, at Kingston, Tenn., for services as teamster.

The next claim to which I desire to call attention is in line 82, and it is that of—

Caleb McKnight, $200.25.

It is said of him in this report:

There is on file in this office one voucher signed Caleb McKnight, "in the field" for forage; also one signed C. McKnight, at Columbus, Ky., for beef. One Caleb McKnight was captain Company B, Thirty-first Tennessee Infantry, enlisted at Trenton, Tenn.

The next claim to which I wish to call attention is in line 84 of the bill, and it is that of—

James Thomas, $200.25.

In this report it is said:

There are on file in this office two vouchers signed J. Thomas and two signed James Thomas, at various places in Tennessee, for horse and forage. One James Thomas was a member of Company F, Sixteenth-Twenty-first Tennessee Cavalry, enlisted at Jack's Creek, Tenn.

At the top of page 5, line 86, is the claim of—

William P. Walker, $120.06.

The report from the War Department shows:

One W. P. Walker was second lieutenant Company H, Thirty-sixth Tennessee Infantry.

The claim of F. M. Ballard for $240.04, to which I desire to call attention, is found on line 94 of the bill.

It is said of him:

One F. M. Ballard was second lieutenant Company I, Twenty-fourth Tennessee Infantry; enlisted at Camp Trousdale, Tennessee.

The last item in line 100 of the bill is the claim of—

Keton M. Jones, $361.15.

It seems that this claim, presented in this bill now for favorable action by this House, has been before the Court of Claims for adjudication, and I hold in my hand the report from the Court of Claims:

Keton M. Jones *vs.* The United States.—This case being a claim for supplies and stores alleged to have been taken by or furnished to the military forces of the United States for use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that upon the evidence it does not appear that the claimant, being the person alleged to have furnished such supplies or stores, or from whom they are alleged to have been taken, was loyal to the Government of the United States throughout said war, and the case is dismissed for want of further jurisdiction.

That case was rejected solely on the ground of disloyalty. Now, Mr. Chairman, as I said in the beginning, I have no other desire than to lay the facts before the committee. The report of the Secretary of War as to what the Confederate archives disclosed in regard to these people, I suppose, will be taken as conclusive; and, for the purpose of testing the sense of the committee, I move to strike out on page 5, line 100, the claim of Keton M. Jones, the one last mentioned—the one which the Court of Claims rejected because of the disloyalty of the claimant.

Mr. ENLOE. Mr. Chairman, I desire to be heard before that motion is put.

Mr. DINGLEY. I suggest to the gentleman from Michigan that we are still in general debate, and that no amendment is in order at this stage.

Mr. BURROWS. I understand, Mr. Chairman, that general debate has not yet closed, but I give notice that I shall offer that amendment when in order. The gentleman from Tennessee has moved that the committee rise and report this bill to the House. Pending that motion I shall move to amend the bill.

The CHAIRMAN. The Chair will recognize the gentleman at the proper time.

Mr. ENLOE. Mr. Chairman, the gentleman from Michigan [Mr. BURROWS] is one of the most agreeable gentlemen I ever saw in a controversy [laughter], and his manner of addressing the House is such that it carries with it very nearly the force of an affidavit. But the gentleman has some other peculiar characteristics, and, with all his suavity of manner and speech and all his apparent disposition to discuss this question fairly upon its merits, I am afraid that he has been led a little out of the true line in the course he has taken this morning in bringing up from the Confederate archives a record which he has read to this committee and which he argues has some bearing upon this case, when, as a matter of fact, it has none. The great majority of the people who are interested in this claim are in no way identified with the people mentioned in the record which the gentleman has been quoting. Some of them have the same names and perhaps there may be some of them named in that record. A great many of the persons referred to in that record as residing in that part of Tennessee near Henderson live two or three hundred miles away and are in no way identified with these claimants.

Mr. BURROWS. Does the gentleman deny that the party named here as Keton M. Jones is the same person concerned in this report of the Court of Claims?

Mr. ENLOE. I do not know. I would like to see the reference made to that case in order to answer the gentleman. I do not know what the nature of the claim of Keton M. Jones was. I would ask the gentleman from Michigan whether he investigated closely enough to find out that Keton M. Jones preferred a claim against the Government in the Court of Claims on account of this assessment?

Mr. BURROWS. I know nothing of the nature of the claim. I simply know that this is the report of the Court of Claims of its action in the case of Keton M. Jones.

Mr. ENLOE. That action was taken on a claim for stores and supplies. The paper read by the gentleman shows that fact, I discover. This report shows on its face that Keton M. Jones came to the Court of Claims and applied for payment for stores and supplies furnished to the Government, and not (even if this is the same man) for a reimbursement of this excessive military assessment; and it is hardly fair, in the discussion of this case, to raise a question which, as I stated in the beginning, can not have any proper bearing upon the case, the question of the loyalty or disloyalty of these persons. Now, I want to call the attention of the gentleman from Michigan and of this Committee to what is stated in the report submitted to the Senate by the Hon. Howell E. Jackson at the time this bill passed that body. Judge Jackson in his report said:

It is distinctly shown that they had no connection whatever with the rebel raid of the 25th of November, 1862, which came across the Tennessee River from Middle Tennessee at night. They gave no aid, sanction, or support to this raid, and were in no way responsible for the losses it occasioned. Fielding Hurst (late colonel of the Sixth Regiment Tennessee Cavalry, United States Army), an intensely loyal man, who raised his regiment in that locality and devoted himself to the cause of the Union with a zeal and energy unsurpassed by any soldier of the war, states that for the last forty-seven years he has lived among this people and knows them and their antecedents well and intimately. He says, further:

"I know them [the claimants] to be honorable, just, and good men, who were at home in the peaceful pursuits of life when the assessment and collections were made. I know of no gentleman whose character for goodness is better than that of the claimants. I think they are as justly entitled to that money as I am to reap the reward of my daily labor."

That is the sworn testimony of Col. Hurst. This Col. Hurst, as the report says, was very active in his support of the Federal Government. He burned the county seat of the county in which he lived. His command destroyed the town of Purdy, in the county on the borders of which this raid occurred. He was a man who was uncompromising in his loyalty, who was regarded at that time as a persecutor of the people down there, yet that man comes up and testifies that these people were not in any way connected with the rebellion, but were at home engaged in their peaceful occupations when this raid occurred. But some gentleman says, "Why, these were all rebel sympathizers!" Now, does the gentleman from Michigan insist, or will this House insist, that the Government of the United States at this time ought to refuse to pay back this money, ought to confiscate private property without any legal proceedings and convert it to Government use, on the ground that these claimants were rebel sympathizers? I should say, commit a robbery by Congressional inaction, because no legal proceedings were ever taken to convert this private property to public use.

The Government to-day is simply a trustee for the people from whom the commanding general collected this money. No doubt these people, some of them at least, had kinsmen in the Confederate army, and perhaps they were in sympathy with those kinsmen; I have no doubt they were, and they ought to have been. They were peaceable, law-abiding citizens, under the complete jurisdiction and control of the Federal Government, not a transitory, illusory, or incomplete control, but full and absolute control, and under those circumstances they were entitled to the protection of the Government according to all the rules and usages of civilized warfare.

This money does not belong to the Government; there has been no legal proceeding by which it could become the property of the Government. Then why should it not be paid to these people? The gentleman from Michigan goes into the Confederate archives and brings up here every man he can find having a surname the same as the claimants in this bill. Why, I can take that list and point out persons bearing duplicates of many of these names in my own Congressional district. There are Johnsons and Smiths and Joneses and Arnolds all over Tennessee. Perhaps every name in this bill is duplicated over and over again in the State, to say nothing of other States in the South. S. M. Johnson may have been hired or forced to haul lumber for the Confederate government and may have been paid for it, but is that any reason why he should not have returned to him the money which rightfully belongs to him. Hiram Johnson

was a citizen who remained at home during the war. He is now dead.

A considerable number of the original claimants are dead. Their families need this money to-day worse than they ever needed it before in their lives, and even if the fathers were disloyal to the Government at that time that, I say, is no reason why the Government should now refuse to do justice to their widows and children. Hiram Johnson waited and hoped for twenty-five years, and he was as good a citizen as ever lived. H died believing in the honesty of this Government. You recognize the rights of gentlemen who come here from that section, who sit as representatives in Congress, although they served in the Confederate army; you do not propose now to punish them because they served the Confederacy. Does this Congress propose, then, to refuse to adjudicate and pay the just claims of private citizens, and to punish noncombatants by legislative robbery because they happen to live in a Southern State. That is the only offense of which they are guilty. They were in a State which furnished many soldiers to the Confederate army and thirty-seven regiments to the Federal Army. Troops were raised for both armies in that section.

These claimants were at home, following their peaceful pursuits, obeying the laws of the land, and subject to the jurisdiction of the Federal Government, and you have the testimony of Col. Hurst, before quoted, who commanded the Federal forces in that country at that time, that they were good citizens. It seems to me that it would be very unjust, and I do not believe the gentleman from Michigan can find it in the promptings of his heart to contend that it would be right to refuse to let these people have the money which the Government took from them for a specific purpose, to which it was not applied, and has improperly withheld it all this time.

It may be cheap and unworthy politics to make such an argument as that, and refer to claimants as rebels. I believe the day has passed when any considerable number of people, in any part of this country are going to say that because the Government has this property in its possession, acquired in the manner it was, that it is right to hold and refuse to return it to the rightful and legal owners simply because they lived in Tennessee and were peaceable, law-abiding citizens of that State, even though they may have sympathized with the Confederacy.

Mr. DOLLIVER. Do I understand my friend from Tennessee to deny that the persons whose names have been read by the gentleman from Michigan are the same people referred to in this bill?

Mr. ENLOE. I deny that a very large part of those whose names have been referred to are the same people. Some of them may be the same. When the gentleman gets in the neighborhood of Henderson or Henderson County, it may be that some of the persons were those who hauled lumber or sold supplies to the Confederate forces at the time they were occupying the country.

Mr. BURROWS. I referred this bill to the War Department with a request to be advised as to what information the Department had on file in the Confederate archives (I did not say "rebel" archives; I believe I never use that expression) in relation to the claimants mentioned in the bill; and the Department returned my request with this report. I have no doubt in my own mind that these are the same persons.

Mr. ENLOE. That is parallel with the case that we had in the Fifty-first Congress. In that Congress—a Republican Congress—after eighteen weeks of filibustering, which I led on every Friday and Friday night until the bill was voted on, a bill was passed appropriating over half a million dollars to pay loyal claimants for property taken and used by the Federal Government during the war, in cases where judgment had been obtained in the Court of Claims.

Mr. Thomas, of Wisconsin, who was at that time chairman of the Committee on War Claims, called on the War Department to furnish from the Confederate archives all the information that could be supplied as to parties bearing those names. He sent the bill to the Department, just as the gentleman from Michigan has sent this bill. The Secretary of War furnished from those archives the history of every man bearing the same name as any person named in the bill or having a similar name. Yet the Court of Claims had investigated those very cases, had inquired into the loyalty of those individuals, and they had established their loyalty by a judicial proceeding. Notwithstanding that the attempt was made by testimony, in the same form as that presented here to-day, to impeach the findings of the Court of Claims. But the Fifty-first Congress, a Republican Congress, passed that bill in this House with not more than 6 or 7 votes against it.

Mr. HENDERSON of Illinois. If the gentleman from Tennessee [Mr. ENLOE] will permit, I would like to ask him a question. I wish to know whether this claim is, as I understand him to state, a claim purely to recover money which was deposited as an indemnity for the good behavior of the people in that neighborhood. I would like to know what the testimony is on that subject. I do not think it makes any difference whether these persons are the same persons or not, unless it be shown that the claims are the same claims. These claims, as I understand, are very different claims. The application in this case is, as I understand, simply for the recovery of money deposited with Gen. Sullivan or somebody else as indemnity for the good behavior of the people of that neighborhood and of the Confederate forces.

Mr. ENLOE. I have here the affidavit of Gen. Sullivan——

Mr. HENDERSON of Illinois. I happen to know Gen. Sullivan, and I know him to be an honest man. I know that during the war he made a brother-in-law of mine, living in Tennessee, deposit $500 in gold as security for his good behavior. When the war was over my brother-in-law undertook to recover that money, but not knowing how to go about it, he wrote to me to see whether I could not do something for him. He supposed the money had been taken by this Union general and converted to his own use. But I found that the money had been deposited in the subtreasury at St. Louis; and it was recovered. I am satisfied that Gen. Sullivan is an honest man. If he compelled these people to pay more money than would cover the damages which had been sustained by the burning of Government property, or the burning of the depot or anything of that kind—by way of indemnity against acts which were not committed—it seems to me that the parties are clearly entitled to recover the indemnity money paid by them, and that the question of loyalty does not arise in the case, and ought not to arise. But whether these are the same claims I do not know.

Mr. ENLOE. In connection with what the gentleman from Illinois has said, I wish to quote from the affidavit of Gen. Sullivan as published in the Senate report from which I have already been quoting—a report prepared by Associate Justice Jackson of the Supreme Court when he was a Senator from the State of Tennessee:

But we are not left to conjecture—

This is the language of the report—

But we are not left to conjecture as to the intention and purpose of Gen. Sullivan in making and collecting the assessment in question. He testifies under oath upon the subject, as follows:

"Order No. 15 was not directed against parties who had been tried and convicted of complicity in the raid, but as against those whom I believe could control and discourage future raids. Such parties as I believed to be influential and were interested in keeping the department quiet were selected and made to put up a money security, the amount based upon their ability in proportion to the loss sustained.

"(It was not intended that such money so collected should be used in any way to reimburse any person or individual who claimed a loss by such raid. That would have been insuring cotton-buyers against war risks.)

"What I was trying to do was to preserve quiet in my department, using as few troops as possible. I did not believe that the parties from whom I collected this money participated in the raid. I issued Order No. 15 to prevent further raids by compelling the coöperation of these parties with me in my endeavor to do so. My order was a perfect success. In my opinion the relief asked for should be granted, as this money was simply a bond for good behavior and compulsory assistance in helping me maintain order and quiet.

"Cotton purchasers were not looked upon with favor in Gen. Grant's command, and no officer would have dared make innocent parties pay their claims.

"I most positively state that it was in no manner intended by me to pay or adjust any such claims.

"JEREMIAH C. SULLIVAN.

"Subscribed and sworn to before me this 3d day of March, 1884.

[L. S.] "JOHN E. HARVILL,

"*Notary Public.*"

This affidavit was made while Gen. Sullivan was living in St. Louis.

Now, I want to yield to my colleague [Mr. COX]. As he led the Confederate raid on the occasion referred to, I wish him to make a statement in regard to his participation in it and what he knows about it.

Mr. COX. Mr. Chairman, when I was making that raid I never expected that I should be called upon to make a statement about it in the Congress of the United States. I do not know a single one of these claimants; but the facts in regard to that raid are about these: When that raid occurred (as will be remembered by any of the old soldiers on either side) Gen. Grant was approaching or attempting to approach Vicksburg by what was known as the land route—down the Illinois Central Railroad. He had already commenced, or soon afterwards commenced, that effort.

The Tennessee River was at that time regarded as the dividing line between the forces on the two sides. The Federal forces were west of the Tennessee River; the main army of the Confederate forces were east of the river, stationed at or near Murfreesboro, where a short time afterward the battle of Stone River was fought. I was then in the command of Gen. Forrest, and was watching the Tennessee River for two or three purposes: First, to see whether or not any of the Federal forces

crossed the river and started eastward for the purpose of striking our forces at Murfreesboro, just before the battle was fought to which I have referred. Another object was to prevent any trading in cotton—to prevent the United States forces from getting our cotton—which I always thought was a very serious mistake; and to watch the gunboats which were going up and down the Tennessee River.

A gentleman named Lewis, whom I remember well—he was quite an aged man to be in the military service—was a member of my command. I sent him to Henderson Station, where this raid occurred, upon the pretext of purchasing salt, which was a very desirable commodity with us. He clothed himself in citizen's dress and went to Henderson Station, where he ascertained the extent of the forces collected there, and returned to me with his report in person. We crossed the Tennessee River (swimming it) about dusk one evening, and made the march that night (something like 40 miles) to Henderson Station, where there was a company of Illinois infantry.

Let me say in passing that I would be very glad to meet again the captain of that company, for he was a most excellent gentleman. We arrived there about daylight. The troops there were taken by surprise; they knew nothing of our approach. No citizen of that country ever spoke to me about the matter. The trouble I had with the citizens there was to keep them quiet. I found around the depot building a temporary kind of fortification made of cotton bales. The Illinois company stationed there (except four or five men who were up on the railroad) were inside the depot building asleep. A detachment of my command got in between the cotton bales and the building, and pulled out the telegraph wire that connected with Jackson, where Gen. Sullivan's forces were, for I knew all the time that they would be too much for me. I then came down with the rest of my command and demanded the surrender of those Federal forces. At first that gallant captain refused to surrender. When I used means to force him to do so he did surrender. But one man was lost; and that was through a very careless piece of work—which generally happens when we are fighting each other.

Mr. HULICK. Was that on account of your careless shooting?

Mr. COX. Yes, some of my men shot carelessly and killed one man in the depot building. For fear that there might be some misunderstanding on that point, I will state the circumstances. That man carelessly and foolishly pulled open the doors of the depot building fronting the railroad and fired at us when we were standing almost right at the door. One of our men fired in at the opening and killed him.

When that company had surrendered I mounted the men behind my own, and taking them across the Tennessee River sent them to Gen. Forrest, by whom they were paroled. Just as I got across the river, upon our side of the line, the forces from Jackson rode up on the opposite bank in pursuit of us.

I found at the depot building cotton lying around there for fortifications. I found what I knew were Government supplies inside the building. I had no means to take them away, though I would have been glad to do so; so I set fire to the building and destroyed the whole. At that time there was a cotton speculator there (though I did not know it) buying cotton. I met him dressed in citizen's clothes, and with his courteous manner he imposed upon me; and I turned him loose. If I had known at the time that he was a cotton speculator he would not have had much trouble afterward with the money which he had with him for the purchase of cotton. [Laughter.]

That is the history of that raid. We crossed the Tennessee River and joined our command under Gen. Forrest. We had the misfortune shortly afterward to meet the general spoken of by my colleague—Gen. Sullivan—and that fact cost me about six months' imprisonment at Camp Chase. I bear testimony to the fact that I found Gen. Sullivan a most genial and courteous gentleman.

That is the history of the transaction. If I may be permitted a remark in regard to the merits of this question I will only say this: We understood (for we were back on that line afterward) that so far as Gen. Grant's orders were concerned, when property belonging to the Government was seized and destroyed by the Confederate forces they could very well make this assessment upon citizens.

I knew Col. Haney, who made this assessment. But of the men presenting this claim I did not know a single one. I say most emphatically to the House that not one of them had any more connection with my making that raid than any gentleman sitting on this floor. I made the raid upon the report of one of my own men. And I trust that any gentleman who may hereafter meet the captain of that company will give him my regards. After we had crossed the river he came to me and told me that some of my men had taken from him the pictures of members of his family. I asked him if he would know the man who did it. He said he thought he would. I went with him, we found the man, and the pictures were returned to him. He was very grateful for what I did.

Afterward, when Gen. Sullivan captured us at Parkers Cross Roads in West Tennessee, not a great distance from the scene of the occurrence I have related, I was taken prisoner and sent to Camp Chase, at Cairo. One day while we were there my men sent me under guard to get some provisions a little better than the army supplies. I had a market basket on my arm. A gentleman came up to me and said, "I want your basket."

I very naturally protested against such treatment. I did not understand it. But he took the basket from me and carried it off. Of course when a bayonet is behind such a request you are not so likely to refuse it.

A MEMBER. Very easily persuaded, in other words. [Laughter.]

Mr. COX. Yes; you are persuaded without very much trouble. So I gave up the basket. After a short time, however this party who had taken it came back to me with the basket full of provisions and said, "I am the captain that you captured at Henderson, Tenn." He was a gallant man. [Applause.]

Mr. STORER. Mr. Chairman, nothing that occurred during the sessions of the Fifty-second Congress gave me more real pleasure than to hear the speech made by the gentleman from Tennessee [Mr. COX] similar to that which has just now been made by him upon the subject now attracting the attention of this committee. To find a man on the floor of this House participating in its proceedings as a Representative of the people of this country who twenty-five years ago was in command of a force hostile to this Government telling the story of the conflict that occurred and out of which the proposed legislation is asked in plain, effective, and on that account more eloquent language telling this House just exactly what was done on such an occasion, is certainly an incident that I think the whole country should be proud of.

I have told that story, or attempted to tell it, in Europe, in broken foreign languages, on different occasions, to friends of mine, and it was absolutely impossible to make them believe the fact that this Congress, governing this great country, was composed in part of men who twenty-five years ago had fought against the Government; that it was composed of men who had fought on different sides in the great conflict that then took place, and were able to tell the incidents of the exact hostile transactions on which legislation was asked. I repeat, I consider it something that the country should be proud to remember.

But, Mr. Chairman, my objection to this bill is not that the question on which the claim is based arises in the State of Tennessee, nor is it that some of these people whose names are mentioned in the bill may not have been loyal to the Government of the United States during that war. But it is a plain question of dollars and cents that confronts us; a question of figures which the history of legislation of this country in the last few years has written upon its statute-books.

It appears that there were $27,000 assessed upon and raised from the residents of this county in Tennessee in which the town of Henderson was situated. That money was paid into the Treasury under its proper fund, and remained there. No sooner had the war ceased, however, and the Representatives from the State of Tennessee taken their seats upon this floor, than there began to be a race of diligence from all sides as to who was entitled to a share of that fund of $27,000 remaining of the assessment upon the people of that county.

We find that back in the Forty-third Congress a part of this money was appropriated and paid over to certain claimants. Now, remember what I say. A part of this fund of $27,000 which we are asked to pay back to-day to certain claimants in Tennessee was paid to other claimants in the Forty-third Congress. Look at this very bill just now pending before us, and the report accompanying it, and you will find that the claim of these gentlemen, represented now by Mr. ENLOE of Tennessee, was reported in the Forty-sixth Congress. According to our knowledge of the length of time it takes bills to come up here and be considered in this manner it probably was introduced as early as the Forty-third Congress. There is no way, I admit, to verify the statement; but it is reasonable to assume that a bill which was considered and reported in the Forty-sixth Congress might well have been introduced for consideration as early as the Forty-third Congress. But in the Forty-third Congress we find that there was an act written upon the statute book in connection with this very matter.

Mr. ENLOE. Will the gentleman yield for an interruption?

Mr. STORER. Certainly.

Mr. ENLOE. I think the gentleman from Ohio is mistaken as to the date of the first introduction of this bill into Congress. It was the Forty-fourth Congress in which it was first introduced.

Mr. STORER. I accept the statement of the gentleman from

Tennessee, for I only spoke of the Forty-third Congress on account of the general knowledge we all have of the time it takes these bills to come up. But in the Forty-sixth Congress, on the 31st day of March, 1875, nineteen years ago, it was enacted by the House and the Senate, and approved by the President, that $9,606 of this identical money that is now supposed to be in the Treasury of the United States was paid to a claimant by the name of John Aldredge. Let me read the entire act:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury, not otherwise appropriated, to pay to John Aldredge, of McNairy County, Tenn., such sum not exceeding $9,606, as the Secretary may deem reasonable, for money paid into the Treasury of the United States by virtue of an assessment made upon the disloyal citizens of and around Henderson Station, Tenn., to make repayment for the destruction of cotton, the property of said Aldredge; the sum so to be paid to be charged to the account of captured and abandoned property.

Now, when this bill was adopted in the Fifty-second Congress it was admitted that this $27,000 was paid into the captured and abandoned property fund, and from that sum of $27,000, $9,606 was paid out in 1875, and you are now asking to appropriate and pay out of the Treasury of the United States $9,000 more than now remains in the Treasury of this fund, and that is my objection to the bill.

It is a race of diligence on the part of the claimants deeming themselves entitled to share in this money. That money was in the hands of the Treasurer of the United States, exactly as a fund arising from the sale of property is in the hands of a marshal of the United States under the orders of the court.

Mr. DOLLIVER. Were there other similar acts of Congress passed?

Mr. STORER. I can not say. It has of course been impossible for me to trace up the history of each claimant. It was admitted on all sides, however, that this was one and the same fund, and the name of this Mr. Aldredge does not appear in the bill before the House.

Mr. ENLOE. If the gentleman will allow me to interrupt him for a moment—we are all trying to get at the facts in this case—I will answer the inquiry which the gentleman from Iowa [Mr. DOLLIVER] has just asked. I will state that there have been no other bills passed, refunding any portion of this money, or paying any portion to anybody. I stated twice in my remarks a few moments ago that two of the claimants did come here.

These two cotton speculators, after they had applied to the Quartermaster-General, after they had applied to Gen. Grant and Gen. Sullivan, after they had applied to them all and been refused, came to Congress, as I stated, and got an appropriation of over $9,000, and got the money out of this fund; but the question that has been presented to every committee and to every Congress that has passed upon the case, the question which came up in the Forty-fourth Congress—but not in the Forty-third, for that Congress did not have these claimants before it—the question which has been decided every time has been this, that that money should not have been paid to those two men.

Seven times committees of this House have decided that. Two or three times committees of the Senate have decided that. Once the House has passed the bill, and once the Senate has passed the bill, and the question now is—and that is the only question in my mind—whether or not this $9,000, as a matter of law and right, should have been paid to these two men, and whether it should be deducted from the face of this bill. If that is the judgment of the House I am willing that it should be deducted; but I should want the judgment of the House upon it, because I do not think it should be deducted.

Mr. COOMBS. Will the gentleman from Tennessee yield to me to allow me to ask him a question?

Mr. ENLOE. Yes.

Mr. COOMBS. What evidence have we that this money belongs to these various individuals named in the bill?

Mr. ENLOE. The evidence is in the records of the War Department, where, I understand, all the original papers are filed, showing the order levying the assessment, the name of each person assessed, the amount assessed in each case, and everything set out in detail; and I want to state further, while I am answering that, in order to show that Gen. Sullivan testifies correctly in regard to it, that when the claimants paid this money to the officer, after the assessment had been levied, three receipts were executed. One receipt was given to the man who paid the assessment, one receipt was turned over to the provost-marshal, and one receipt was sent to the War Department, so that these three receipts show that it was the intention to settle with these people, after having reimbursed the Government.

Mr. COOMBS. How does it happen that $9,000 was paid to these two men with that same evidence before Congress?

Mr. ENLOE. I suppose that must have happened in this way: that about the time the Forty-third Congress assembled and was in session here, those people down in that section of country scarcely knew whether the Government was friendly or hostile to them. They were in some doubt as to what was to be the policy toward the South. They were not here presenting their claims. A good part of the South was laboring under political disabilities at that time, and it never occurred to them that the Government would do them justice then; but subsequently, when the country went Democratic, and elected a Democratic Congress, they brought this bill here and presented their claim. If it had been presented in the Forty-third Congress, why then the Forty-third Congress could have passed on the whole question, and decided between these claimants, but I think it was not presented at that time, and did not come up until the Forty-fourth Congress.

Mr. COOMBS. Then it seems that not only did they do justice to these men, but they paid two of them money that did not belong to them.

Mr. ENLOE. Congress paid the two men who were cotton speculators, money which did not belong to them.

Mr. WILLIAMS of Mississippi. The gentleman from New York [Mr. COOMBS] seems to think that these parties who were paid were among the number who paid this assessment.

Mr. ENLOE. These two men who were paid this $9,000 never paid any part of this assessment, and they did not lose cotton of that value at Henderson, if they lost any.

Mr. DOLLIVER. Did my friend from Tennessee [Mr. ENLOE] hear the speech of Gen. HENDERSON of Illinois a few moments ago?

Mr. ENLOE. Yes; I heard it.

Mr. DOLLIVER. I understood the gentleman from Illinois [Mr. HENDERSON] to say that his brother-in-law was in this levy, and that he had to pay $500.

Mr. ENLOE. No; the gentleman is mistaken about that.

Mr. HULL. He was in another similar levy.

Mr. HENDERSON of Illinois. He was arrested by Gen. Sullivan and compelled to deposit $500 in gold for his good behavior, and that money was deposited in the subtreasury in St. Louis. Afterward an order on the treasurer at St. Louis was obtained by me from Gen. Sullivan for the money, and it was paid back.

Mr. DOLLIVER. I wanted to inquire whether the rest of these victims have pulled their money out by any such process?

Mr. ENLOE. No. Gen. Sullivan did not pay them. The fund passed out of his control when he was relieved of his position at Jackson, Tenn., as commanding officer. If that had not happened, Gen. Sullivan would no doubt have refunded the money to the others, just as he did to Gen. HENDERSON'S brother-in-law. That was his intention.

Mr. HUDSON. What is to prevent these parties from going to the Court of Claims and getting an adjudication there?

Mr. ENLOE. I suppose the Court of Claims could not take jurisdiction of this. There is no authority of Congress conferring that jurisdiction upon the Court of Claims.

Mr. HUDSON. Does not the Court of Claims have general jurisdiction over such matters?

Mr. BURROWS. The Court of Claims must first inquire into the loyalty of these claimants, and they have had one of these claims before them.

Mr. ENLOE. The gentleman is not stating it fairly in saying that the Court of Claims passed upon one of these claims.

The CHAIRMAN. The Chair understands that the gentleman from Ohio [Mr. STORER] does not yield the floor. But one question can be asked and answered at a time. It is impossible to understand such a debate as is going on now. To whom does the gentleman from Ohio [Mr. STORER] yield the floor?

Mr. STORER. I do not yield to anybody.

The CHAIRMAN. The gentleman from Ohio [Mr. STORER] is entitled to the floor.

Mr. STORER. I congratulate myself that my recollection of this matter and of the former debate has been verified by the gentleman from Tennessee. My knowledge, of course, is derived only from the records of Congress. The gentleman from Tennessee has some personal knowledge of the matter. I only wish to emphasize the fact, as a fact, that, in my judgment, it is a very dangerous thing for one Congress to proceed on the theory that a Congress nineteen years ago did not have the proper persons before it to adjudicate upon the rights of claimants. That would open the door, of course, to more fraud than the conscience of the chancellor would care to face. But there is no evidence before the House, and nothing can be gathered, but that all these people who were entitled to this money had made their rights known to this Committee on Claims in the Forty-third Congress.

Certainly the construction of the bill then passed is perfectly clear, that $9,000 was paid to some one that they considered had a right to it, out of this very fund which we are now asked to

regard as intact. In taking the opposite view we should be violating the simplest principles of arithmetic and of common sense. I do not know anything about the persons to whom this money was paid. I do not know but what the Statutes at Large may be full of similar private acts paying people for this identical transaction. I have to take the statement of the gentleman from Tennessee on that subject. But when we do find that in a time comparatively fresh after this transaction a bill of this kind was approved by a committee of either House and was passed by both Houses of Congress and received the assent of the then Executive, it seems proper that it should be given the credence to which the judgment of a court would be entitled. It is perfectly clear that if there was a fund in the hands of any sheriff or marshal in a proceeding where anybody might make himself a party, like a proceeding *in rem*, after the distribution of that fund no new claimants could be allowed to come in and claim that fund had been improperly distributed, provided it had been paid out under the direction of the proper tribunal.

Mr. STOCKDALE. Suppose that in that case a part of the claimants were before the court and later the other claimants came in, who had not been served with notice, and showed that those who had had the distribution were fraudulent claimants and really had no title, would not the court review that judgment?

Mr. STORER. The court would review the judgment and get the money back from the people to whom it had been paid if it could; but it certainly would not attempt to pay the other parties out of a county fund or a State fund, or out of a contingent fund of the court, as we are asked to do here.

Mr. STOCKDALE. In this instance these people come to the very parties who paid out the money improperly, and who are able to refund it. This Congress paid it out, did it not?

Mr. STORER. I do not quite understand the gentleman's statement.

Mr. STOCKDALE. This Congress paid out that money, did it not?

Mr. STORER. The gentleman means the Forty-third Congress.

Mr. STOCKDALE. Yes; but that is the same thing. Congress considered the question between those two claimants without notifying the others, and took a part of the money that belonged to these people and gave it to those people. Now, if these real owners had no notice of that proceeding and if the proceeding was wrongly taken—I do not know whether it was or not—but I say if it was, then these other people who really did own the fund ought not to suffer by it.

Mr. STORER. Of course, in one sense, they ought not. But let me answer the gentleman by a broader statement. I perhaps was unfortunate in seeming to limit the parellel I tried to draw between a court of law and the proceedings here in Congress. I take it for granted that a fund in the hands of the Secretary of the Treasury, to be distributed by Congress, carries with it notice to the world. Nobody can claim, with the slightest conscience, that he has not been notified of the distribution of that fund, and that is particularly true in this case, because we find that this money was distributed on the last day of a Congress, and in the very next Congress a bill was introduced to pay these people now before us that same money. So it would seem that they not only had notice, but that they sat back and allowed the money to be paid out, and after it was paid came in and demanded to participate in the same fund and have the money paid again.

Now, I tell the gentleman who presses this bill exactly what I told him in the last Congress, that I personally will not actively oppose this bill provided he gives credit to the United States Government for $9,600. But if he refuses to do that I shall oppose the bill in every way possible, and he will have to get a quorum and do whatever else may be necessary under the rules to pass the bill through this House.

Mr. COOMBS. Mr. Chairman, as a member of the House I feel very much disturbed by the fact that neither in the report of the committee nor anywhere else up to the time it was brought out in debate was any mention made of the payment of this nine thousand dollars and odd. It seems to me that the committee in a proper performance of its duty should have mentioned that fact in its report. It is a part of the history of this case of which the House was kept in ignorance until it came out in debate, and I must say, sir, that after that revelation I want that committee to examine the whole question again as to the parties who are really entitled to this money.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee [Mr. ENLOE], that this bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. SAYERS. Before that motion is put I wish to say a word. I shall occupy the attention of the committee only a very few minutes. It is admitted that this claim, if it can be considered a claim at all, originates from acts done during the war. I hold in my hand the report of the committee that reported this claim, which was presented, I believe, by the gentleman from Tennessee [Mr. ENLOE], and if I can have the attention of members I will refer to one paragraph in the report which determines my action in regard to this case. The committee say in discussing this claim:

> The right of the military commandant in time of war to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside of his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions by making the friends of those who commit the damage bear the brunt of the injury suffered.

The committee who reported this claim declare that to be the law of war, and if, under such law, the military commander had a right to make this assessment, then it does seem to me that the claimants in this case have no ground to stand upon in appealing to Congress for relief.

Mr. COX. Does not the gentleman understand that order of Gen. Grant to mean, and is it not the essence of the law, that where the Confederate troops destroyed property which belonged to the Government of the United States the officers had a right to assess the damage upon sympathizers with the forces that destroyed the property? But the gentleman will nowhere find in any kind of law, military or nonmilitary, any case where an assessment has been made upon citizens as sympathizers with either side for the payment of private claims on either side.

Mr. SAYERS. Mr. Chairman, it does not occur to me that the order of Gen. Grant has anything to do with this case at all. Here is a subordinate officer who makes an assessment——

Mr. COX. And Gen. Grant repudiates it afterwards.

Mr. SAYERS. Suppose Gen. Grant had forbidden his officers to make any assessment at all; or suppose he had forbidden his officers to destroy any property at all, you would have the order of the general. Now, would the gentleman from Mississippi contend that if, in violation of such order, the subordinates of Gen. Grant did cause property to be destroyed in time of war, or did levy and collect assessments, such circumstances would give these claimants any standing before Congress?

Mr. STOCKDALE. If I understand the proposition upon which I desire to interrogate the gentleman from Texas, that suggestion does not touch it at all.

Mr. SAYERS. I am taking the proposition of law as laid down by the committee that reported this case.

Mr. STOCKDALE. Gen. Sullivan does not pretend to say that this money was taken from sympathizers to pay anybody else, or to make up any loss. It was simply taken to put on a pressure so that these people might go out and prevent Confederate raids; and he never intended it to compensate anybody.

Mr. SAYERS. Those who advocate this claim, in order to bring the case within the rule laid down by the gentleman from Mississippi, must show affirmatively that this community was not in hostility to the Federal Government.

Mr. STOCKDALE. The community—oh, that is not the law.

Mr. SAYERS. Well, I am taking the law as stated by the gentleman from Tennessee, who presented this report, and I leave that question to be settled between him and the gentleman from Mississippi.

Mr. COX. The assessment was made under the order of Gen. Sullivan, not for the purpose of compensating private individuals, but for the purpose of preventing the sympathizers with our side of the fight from assisting us in connection with these raids. He held that money, as he says himself, for the purpose of restraining those citizens from assisting us.

Mr. BRECKINRIDGE of Kentucky. What became of that money?

Mr. COX. It was paid into the Treasury of the United States. Now, here is a question of law—who is entitled to that money? It must belong either to the United States or to somebody else. Now, to whom shall it be paid? If you decide that it belongs to the United States, then you decide that Gen. Sullivan's order was not in compliance with law.

Mr. SAYERS. All I know about this case is what I find in the report made by the gentleman from Tennessee; and I find that instead of this money being collected and held as a guarantee against the unlawful action of these people, a portion of it was for cotton belonging to the United States which had been burned, and went to make compensation for the cotton.

Mr. ENLOE. If the gentleman will examine that report (which he evidently has not done), he will find that there was no appropriation of any portion of this money to pay the Government of the United States for cotton destroyed.

Mr. SAYERS. I have not said that there was.

Mr. ENLOE. What was the gentleman's statement?

Mr. SAYERS. If the gentleman will listen to me, he will

find that I am not misquoting his report. I have read the report——

Mr. ENLOE. You are quoting a report of Gen. Bragg, of Wisconsin.

Mr. SAYERS. Which you indorse and make a part of your report.

Mr. ENLOE. I do. Now, what was the gentleman's statement?

Mr. SAYERS. A board was appointed on the 2d day of December; and the board so appointed assessed the value of the property captured and destroyed at a grand total of $26,751.36, of which $5,080 was for the destruction of property belonging to the United States. That is what this report states, and that is just what I have said. So that the sole purpose of this assessment was not to prevent the people interested in giving aid and comfort to the Confederate government from doing so.

Mr. ENLOE. Now, let me call the gentleman's attention right there to the fact that this board was constituted by a subordinate officer under the command of Gen. Sullivan, and executed an order issued by Gen. Sullivan; but the board had no authority to estimate any damages to private parties under that order. It was never the intention of the commanding officer issuing the order that any inquiry should be made as to what individuals might have lost; the purpose was to inquire what the Government had lost. But the board exceeded its authority in the execution of the order.

Mr. SAYERS. Certainly; and if they exceeded their authority it became a tort; and under the principle of law laid down by the gentleman in his report these claimants have no right to demand payment of the Government.

Mr. ENLOE. Let me ask the gentleman this question: How can the Government of the United States become the beneficiary of a tort? How can the Government of the United States take this money and appropriate it, when the assessment was levied in violation of the order and the money was paid in the Treasury, not in pursuance of the purpose of the commanding officer who issued the order?

Mr. SAYERS. Now, I will call the gentleman's attention to two other paragraphs in this report:

This committee have maintained and still adhere to the doctrine that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort within the meaning of such well-established doctrine?

This case, Mr. Chairman, must rest either upon a contract, express or implied, or a tort. Gentlemen will not contend that there was a contract. Hence this claim must be based upon a tort. The very fact of a levy and a collection by force, without the consent of the party affected and who paid the money illegally assessed, as claimed by gentlemen representing these claimants, constitutes a tort—nothing but a tort.

Mr. HENDERSON of Illinois. If my friend from Texas will allow me a moment, I wish to say that I do not know whether I am in favor of this bill; but it does seem to me that the question involved is not so much a question of law as a question of fact; and for the purpose of getting at the facts I will read the language of Gen. Sullivan, the man who ordered this assessment to be made. This is the statement he has sworn to, if the paper before me, which purports to be his affidavit, is really such. He says:

Owing to the fact that all my books and papers relating to my military transactions are now in the East, and to the lapse of time, it is impossible for me to give a statement in detail of the result of Order No. 15. I can only say, in a general way, that I sent for a number of the leading and substantial citizens of the surrounding country, and having inquired into the standing and circumstances of each, I levied assessments upon a large number of such persons in proportion to the standing and ability of each and gave them the option either to pay the respective amounts or go to Alton, with the distinct understanding between those persons and myself that the money so collected was to be held as security for the peaceful conduct of their neighborhood, and that if no more raids occurred the money was to be returned to them.

Mr. HULL. Why was not the $27,000 returned?

Mr. HENDERSON of Illinois. Here is what Gen. Sullivan says further:

Cotton purchasers were not looked upon with favor in Gen. Grant's command, and no officer would have dared make innocent parties pay their claims. I most positively state that it was in no manner intended by me to pay or adjust any such claims.

Mr. SAYERS. Of course I do not know Gen. Sullivan——

Mr. HENDERSON of Illinois. I do.

Mr. SAYERS. But I take it that he is an honorable gentleman and has stated the truth, the whole truth, and nothing but the truth, so far as his recollection goes. But unfortunately we have the admissions of the committee in their report upon this bill. Let us see what they say about this matter:

A portion of this money was used for the indemnification of the Federal Government for the destruction of property belonging to it.

Now, I understand my friend from Illinois to say that the gentleman whose communication he has just read——

Mr. HENDERSON of Illinois. It is his affidavit.

Mr. SAYERS. Very well, his affidavit. The gentleman was in command, as I understand, at that time. Is that so?

Mr. HENDERSON of Illinois. Oh, yes; he was in command.

Mr. SAYERS. Then I will ask my friend from Illinois this question: If the assessment was made for the purpose indicated in that affidavit, why was it that this same officer used that money for the indemnification of the loss of the Government in consequence of the raid?

Mr. HENDERSON of Illinois. The assessment was levied for that purpose, but there was in excess of that, as I understand it, the amount that was levied for the purpose of maintaining good order in that community.

Mr. NORTHWAY. Gen. Sullivan does not say so.

Mr. SAYERS. I do not so understand from his affidavit or from the report.

Mr. HENDERSON of Illinois. I would like to read a little further. And here is the trouble with me in regard to it. Gen. Sullivan says:

After so great a lapse of time, and in the absence of my books and papers, I can not from memory give the names of the persons who paid the assessments, nor the amount paid by any of them. I know, however, that many thousands of dollars were collected, a careful and accurate record of which was made and preserved, and all the money so paid was then, to the best of my recollection, sent by me to the United States subtreasury at St. Louis and placed on deposit under such circumstances, to the best of my recollection as would have enabled me to withdraw it and refund it to the parties at the proper time, but in the spring of 1863 I was relieved of the command of the Department of West Tennessee and was placed on Gen. Grant's staff.

Now, that record, it seems to me, ought to be produced, for possibly it would show from whom the money was actually collected.

Mr. SAYERS. It occurs to me that the affidavit the gentleman from Illinois has been reading from refers to another transaction.

Mr. HULL. Manifestly a different transaction.

Mr. NORTHWAY. I think there can be no doubt of that.

Mr. HENDERSON of Illinois. I think not. He is referring to what occurred at Henderson Station. The language of the affidavit clearly points that out.

Mr. DINGLEY. But the statement in the report is very different from the statement in the affidavit.

Mr. HENDERSON of Illinois. Let me say that I have been reading only what Gen. Sullivan says.

Mr. DINGLEY. I understand that.

The CHAIRMAN. To whom does the gentleman from Texas yield?

Mr. ENLOE. I ask the gentleman from Texas to yield to me for a moment.

Mr. SAYERS. Very well. I yield to the gentleman from Tennessee.

Mr. ENLOE. I want to give as much light on this as possible, so as to enable members to know exactly how the case stands.

Mr. TRACEY. Mr. Chairman, I rise to a question of order. I ask the Chair to have the rule enforced in regard to smoking on the floor.

The CHAIRMAN. The Chair will direct the Clerk to read the rule.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House, no member shall walk out of or across the Hall; nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The CHAIRMAN. The Chair will ask the Sergeant-at-Arms, if there is one on the floor, or the representative of the Doorkeeper, to see that this order is strictly enforced.

To whom does the gentleman from Texas yield?

Mr. SAYERS. I yield to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Chairman, in order to get as much light as possible on this subject, I wish to read two extracts from the record of the case here, which will throw light upon this question, because they bear directly upon the issue presented.

Mr. SAYERS. What is the authority from which the gentleman reads?

Mr. ENLOE. I am reading now from the report of the Quartermaster-General. Gen. Meigs, in a letter on this subject, says:

Gen. Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed appears to have been collected. Col. Hillyer states that the money thus collected exceeded the amount which Gen. Grant had intended to have collected, and that Gen. Grant refused to permit it to be applied to the payment of private losses and damages.

And that confirms Gen. Sullivan's statement.

Mr. SAYERS. But is this the particular transaction to which Gen. Sullivan alludes in that letter?

Mr. ENLOE. Exactly this particular case. In the testimony of Col. Hillyer we find this language:

Gen. Sullivan collected a much larger sum than was required for these purposes, and reported the excess to Gen. Grant, with a statement that parties who had had cotton destroyed by guerrillas—

That was Col. Cox's command. [Laughter.]

claimed that he (Gen. Grant) intended their losses should be made good to them out of this fund. Gen. Grant in reply stated that it was not true that he so intended; that the Army was not an insurance company to indemnify cotton speculators for losses in their operations, and that no part of this money rightfully belonged to them, nor should be paid to them; that he did not intend that any assessment should be made in excess of an amount sufficient to indemnify the Government, etc.

Now, there is the testimony of Col. Hillyer; there is the testimony of Gen. Sullivan, the officer in command; and these are facts to which I wish to call the attention of the gentleman from Texas that this fund, after indemnifying the Government, was paid over to the provost-marshal at Jackson, Tenn., and when Gen. Sullivan was removed under Gen. Grant's order it was paid to the officer in command at Memphis, and from him went into the Treasury of the United States at Washington. These are the facts.

Mr. SAYERS. I wish to read a little further from the report of the gentleman from Tennessee. He says:

The committee have maintained and still adhere to the doctrine that no nation is liable for the willful torts of its soldiery. But was this assessment a tort within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected—

And here is his reason for it—

By an officer of high rank commanding a military district in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution where the excessive assessment came to his knowledge.

Mr. STOCKDALE. Will the gentleman from Texas yield to me for an inquiry?

Mr. SAYERS. Certainly.

Mr. STOCKDALE. This fund, I understand from what has just been read, Gen. Sullivan stated was not intended to be kept; and if raids did not occur in that community it would be returned to these individuals. The raids did not occur. Now, this money was turned into the Treasury of the United States, and if the Government of the United States will not pay for the tort of its soldiery it ought not to be benefited by the torts of the soldiery and keep this identical money.

Mr. SAYERS. I am inclined to believe that the statement read by the gentleman from Illinois [Mr. HENDERSON] was applicable to another matter entirely, different from the levy which is set forth in the report of the committee.

Mr. ENLOE. Does the gentleman from Texas mean to state that I would misrepresent to this House the facts of the case?

Mr. SAYERS. I am not referring to the gentleman at all in this connection. I refer now to what was read by the gentleman from Illinois.

Mr. ENLOE. You have been referring to the report of the committee.

Mr. SAYERS. I am now referring to the statement of Gen. Sullivan.

Mr. ENLOE. It was made with direct reference to this case.

Mr. SAYERS. I refer to a statement read by the gentleman from Illinois, which I say I am inclined to think refers not to this case.

Mr. ENLOE. Gen. Sullivan distinctly refers to this case and no other.

Mr. SAYERS. He says he can not recall the facts after this lapse of time.

Mr. ENLOE. Does the gentleman question the truth of the affidavit?

Mr. SAYERS. No; but it is not improbable, notwithstanding that he intended to speak the truth, the whole truth, and nothing but the truth, that he may have been mistaken and referred to another transaction.

Mr. HULL. Does he not refer to his entire military district? Is not that the affidavit?

Mr. SAYERS. I think so.

Mr. HULL. And not to a specific case,

Mr. ENLOE. It is not necessary to misrepresent the records of the case.

Mr. SAYERS. I have no such intention.

Mr. ENLOE. He refers to this particular case and made an affidavit about it.

Mr. SAYERS. Was this money sent directly by Gen. Sullivan to the Treasurer?

Mr. ENLOE. No, sir.

Mr. SAYERS. Where did he send it?

Mr. ENLOE. To Memphis, Tenn. He was relieved of the command at Jackson under the order of Gen. Grant. Part of it was sent to Col. Hillyer at Memphis, and part to Col. Reynolds, the Quartermaster, who accounted for it to the Treasury.

Mr. SAYERS. Mr. Chairman, I desire the committee to thoroughly understand the nature of this claim. I believe it is a claim growing out of a trespass during the war; and though the General Government has possession of the money, and though it may be in the Treasury, this is like any other act, whether legal or illegal, done in the midst of war.

Mr. ENLOE. Now, I will state to the gentleman from Texas right at that point——

Mr. WILLIAMS of Mississippi. Has the gentleman from Texas made any inquiries whatsoever as to the propriety or impropriety of the payment of $9,000 to two of these claimants.

Mr. SAYERS. I know nothing about this matter except what has transpired here.

Mr. ENLOE. The gentleman from Texas has with a good deal of ingenuity and considerable exhibition of the capacity of a lawyer to confuse a case that is pefectly clear, tangled this up just as much as he was able to do, not with any great force of argument against the case, I must say to him, and not with any clear conception of the law, if he has stated correctly his conception of the law. But I understand, of course, that the gentleman from Texas [Mr. SAYERS], chairman of the Committee on Appropriations, is very anxious that the record of this Congress shall surpass that of all others for economy; and he must necessarily, as I have seen other chairmen of Committees on Appropriations do, make some very fine legal arguments to this House in order to prevent it from doing justice, and in that way attempt to prevent the increase of appropriations.

But to come right to what we are discussing, Quartermaster-General Meigs accounts for this fund, and I will quote from his statement in a letter addressed to the Secretary of War on the 2d of December, 1871. The portion of the letter which I read before to the gentleman from Texas, I will not repeat.

Mr. SAYERS. Before the gentleman proceeds farther I should like to call his attention to just one point involved in this case. I do not desire to do any injustice to the facts, nor to misrepresent the case; but some questions have arisen as to whether the affidavit made by Gen. Sullivan includes this particular occurrence or not.

Mr. ENLOE. That question is only in the mind of the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. I wish to see if the report made by yourself has not tended to arouse the same apprehension in the minds of others as well as of myself. Now, I understand that Gen. Sullivan in his affidavit refers only to moneys that were collected under his order and by his order. Is not that so?

Mr. ENLOE. He has referred to this particular money. That is what he has testified about.

Mr. SAYERS. I am speaking of his affidavit.

Mr. ENLOE. That affidavit was made upon the application of the parties who are claimants here. They had Gen. Sullivan furnish this affidavit in regard to this transaction. They applied to him for it.

Mr. SAYERS. Now, according to the statement in the report of the committee, this levy was not made by Gen. Sullivan at all.

Mr. ENLOE. It was collected under his order. Does the gentleman deny that?

Mr. SAYERS. I will read it to the gentleman and let him state.

Mr. ENLOE. Very well; let the gentleman read it.

Mr. SAYERS (reading)—

Thereupon, on the 2d day of December following, the commandant of the Union forces at the post of Bethel, Tenn. (Col. J. N. Haynie, Fortieth Regiment Illinois Volunteers), appointed a board of officers to investigate the losses sustained and appraise the damages suffered from the raid, with a view to an assessment by way of reprisal upon rebel sympathizers in and about Henderson.

Then the report goes on to detail the action of the board, and continues—

Upon this report being made, Col. Haynie ordered an assessment of this amount to be levied upon the rebel sympathizers in and about Henderson.

Mr. ENLOE. Now, if the gentleman will allow me to proceed with my remarks, I will do so. I was going to account for the disposition made of this money, but probably it would be better to take up the argument right where the gentleman left it. In the Senate report, to which I have before referred, which report was made by Mr. Jackson, now justice of the Supreme Court, this recital of facts is made:

On the 25th of November, 1862, a battalion of rebel soldiers, under command of Col. Cox, made a raid upon a small force of Union troops stationed at Henderson, a depot station on the Mobile and Ohio Railroad, in the State of Tennessee. The raiding party captured the Union troops with their arms and camp equipage, destroyed the depot building and water tank belonging to the railway company, and burned a quantity of cotton belonging to pri-

vate individuals, together with a small quantity supposed to be the property of the Government, but which in fact also belonged to private parties as shown by the proof. Most of the cotton so destroyed had been previously seized by the Federal forces while in transit to Memphis, and used for the purpose of breastworks or barricades at said station.

On the 2d December following the raid, the commandant of the Union forces at the post of Bethel, Tenn. (another station on said railroad 8 or 10 miles south of Henderson), Col. I. N. Haynie, Forty-eighth Regiment Illinois Volunteers, appointed a board of officers to investigate the losses sustained and damage done by the raid with a view to an assessment by way of reprisal upon the inhabitants in and about Henderson. The board so appointed reported to Col. Haynie that the damage done amounted to $26,751.36, as follows:

Cotton burned of John Aldridge and Smith I. Patterson	$9,606.36
Cotton burned of W. D. Silva	2,565.00
Cotton burned of Willis N. Arnold	6,000.00
Cotton burned of United States	1,900.00
Water tank Mobile and Ohio Railroad	1,500.00
Depot house property of Mobile and Ohio Railroad	2,000.00
Enfield rifles, Company B, Forty-ninth Illinois Volunteers	680.00
Camp equipage	2,500.00
Total	26,751.36

Upon this report being submitted Col. Haynie caused an assessment of this amount to be made upon certain citizens (the claimants) residing in and about the village of Henderson, and on the 9th December, 1862, he reported his action in the premises to his immediate superior, Brig. Gen. J. C. Sullivan, commanding the district, with headquarters at Jackson, Tenn., about 15 miles north of Henderson, and requested that "an order be issued directing the collection and disbursement of the amount assessed."

On the 12th December, 1862, Gen. Sullivan, by Special Order No. 15, directed Col. Haynie to collect said sum of $26,751.36 from the parties assessed, but instead of directing its disbursement, as requested by Col. Haynie, Gen. Sullivan ordered him to "pay over the amount to Col. J. D. Webster, superintendent United States military railroads."

The first installment collected, amounting to $5,411.60, was paid over to Col. J. D. Webster. The second installment of $8,388.20 was paid over January 15, 1863, to Gen. Sullivan, who referred the matter to Maj. Gen. Grant, then at Memphis, Tenn., for orders as to what disposition he should make of the funds. Gen. Grant replied to Gen. Sullivan by telegram under date of January 21, 1863, ordering him to turn the money over to the provost-marshal at Jackson, Tenn., Maj. M. Smith. This was done at once, and Maj. Smith gave to Gen. Sullivan a receipt, as follows:

"HEADQUARTERS, DISTRICT OF JACKSON,
"SIXTEENTH ARMY CORPS, DEPARTMENT OF TENNESSEE,
"*Jackson, Tenn., January 21, 1863.*

"Received of Brig. Gen. Jere. C. Sullivan, commanding district of Jackson, $8,388.20, being collection made by the commanding officer at post of Bethel, Tenn., from certain disloyal persons, under Special Order No. 15, section 4, from these headquarters, dated Debember 12, 1862, and which is now under order, by telegraph of this date from Maj. Gen. U. S. Grant, at Memphis, Tenn., ordered to be turned over to the district provost-marshal

"M. SMITH,
"*Major, and District Provost-Marshal, District of Jackson,*
"*Department of Tennessee.*"

On January 23, 1863, Gen. Grant, by telegram from Memphis, Tenn., ordered Maj. Smith to turn over the funds received from Gen. Sullivan to the provost-marshal-general, Col. William S. Hillyer, which was done.

The Quartermaster-General, Meigs, testifying as to this same fund, in a letter addressed to the Secretary of War on the 2d of December, 1871, says:

Gen. Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed, appears to have been collected. Col. Hillyer states that the money thus collected exceeded the amount which Gen. Grant had intended to have collected, and that Gen. Grant refused to permit it to be applied to the payment of private losses and damages.

Part of the contribution or levy appears to have gone into the military railroad department, being that which represents the value of public property destroyed.

Part of the remainder, viz, $30,000, went into the hands of the quartermaster, Col. C. A. Reynolds, as appears from his accounts on file at the Treasury.

Col. Reynolds, it appears, turned in more than the amount of this assessment, probably including some money derived from other sources.

Now, it seems to me this is plain enough. I do not see how it can be made any plainer that this money was collected from these people, that it was collected under an order from Gen. Sullivan for a specific purpose, and that a portion of it was applied for that purpose, and the remainder held and turned into the Treasury, where it has been for nearly thirty years. These people are honestly and legally entitled to it, and if not strictly entitled to it as a matter of law they are entitled to it as a matter of equity, and no gentleman who is actuated by a sense of justice would be willing because the Government has the power to refuse to authorize the payment of this money to those claimants. I do not think any consideration as to how much it will swell the appropriations of this Congress ought to cut any figure in it. I do not think that ought to weigh a feather's weight. I believe that every debt the Government owes ought to be adjudicated and paid, and the Government is amply able to pay everything that it owes. I hope the House will now consent that the bill be laid aside with a favorable recommendation.

Mr. HULICK. Mr. Chairman——

Mr. WILLIAMS of Mississippi. Mr. Chairman, is it in order——

The CHAIRMAN. To whom does the gentleman from Tennessee [Mr. ENLOE] yield?

Mr. ENLOE. I yield to the gentleman from Ohio.

The CHAIRMAN. The Chair will recognize the gentleman from Mississippi in a moment.

Mr. HULICK. Mr. Chairman, it has been stated that of this fund of $27,000 there has been paid out already, by act of Congress, about $9,000, leaving thereby about $18,000.

Mr. ENLOE. About $15,000 or $16,000.

Mr. HULICK. If this appropriation should be made, what evidence have we that in this Congress or some other Congress some other claimants may not come up to claim this very fund, the former act having been passed in favor of persons who were not legally entitled to the money? What evidence have the committee that these persons mentioned in this bill are the proper owners, and the only proper owners.

Mr. ENLOE. We have the records from the War Department showing the parties from whom this money was collected; and I want to say to the gentleman from Ohio [Mr. HULICK] that not one cent of this assessment was paid by the persons who received the $9,000. They came to Congress when these other claimants were not here, and presented their claims and asked for a portion of this fund. The Forty-third Congress allowed them the money, and I will say to the gentleman that the theory upon which every committee has proceeded since then in the consideration of this question in both Houses, and the theory upon which both Houses of Congress have proceeded, is that these persons were not entitled to that $9,000.

Mr. BYNUM. I understand the gentleman from Tennessee to admit that so far as the levying and collection of this assessment went to remunerate losses sustained by the Government it was valid. Now, why should not that five thousand and odd dollars be taken out?

Mr. ENLOE. That has already been taken out.

Mr. BYNUM. You do not propose to appropriate that?

Mr. ENLOE. No, sir.

Mr. COOMBS. Mr. Chairman, I should like to know why the committee did not state the fact that $9,300 of this money had been paid under a former appropriation by Congress, and why that fact was left out, to be brought out in debate?

Mr. ENLOE. Because the committee did not think that the persons to whom that money was paid had any claim whatever upon this fund.

A MEMBER. But that money is not in the Treasury now.

Mr. ENLOE. What difference does that make? It ought to be there. The Government of the United States became a trustee for these parties when it assumed control of this fund. If it took the money as a matter of law and is legally entitled to keep it, then it does not owe these parties a single cent, but if it is going to deal equitably with them, then it ought to pay this money to the people to whom it belongs.

Mr. COOMBS. I am speaking as to the committee's fairness in dealing with the House. Is not the fact of the payment of that $9,000 a part of the history of this case, and should it not have come out in the report of the committee?

Mr. ENLOE. I will state to the gentleman that some eight or ten committees of the House and of the Senate have passed on this claim, and the report now before the House was written by Gen. Bragg, of Wisconsin, as honorable a gentleman as any member of this House, and as good a Democrat.

Mr. COOMBS. Oh, his being a Democrat has nothing to do with it.

Mr. ENLOE. And neither Gen. Bragg nor any other person who has considered the matter in committee has ever thought that the fact that those two parties came here and got $9,000 had any connection whatever with this claim, and it has not any connection with it.

Several members addressed the Chair.

The CHAIRMAN. The Chair understood the gentleman from Tennessee [Mr. ENLOE] to yield the floor, and the Chair recognizes the gentleman from Mississippi [Mr. WILLIAMS].

Mr. ENLOE. Mr. Chairman, I am disposed to stand here as a target and answer all these questions, but——

The CHAIRMAN. Well, the Chair is not disposed to let the gentleman overrun his time. [Laughter.] The Chair recognizes the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, I wish to yield to the gentleman from Ohio [Mr. STORER] that he may offer a substitute, and I reserve the balance of my time for the purpose of making a few remarks.

The CHAIRMAN. The gentleman from Ohio desires to offer a substitute at this time for the motion of the gentleman from Tennessee, that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. ENLOE. Mr. Chairman, I ask unanimous consent that general debate be closed.

The CHAIRMAN. The gentleman from Ohio will send up his amendment.

Mr. WILLIAMS of Mississippi. I consent that it shall be read in my time.

The amendment of Mr. STORER was read, as follows:

That the bill be recommitted to the Committee on War Claims with instructions to deduct from the sum now carried thereby the sum of $9,606 heretofore, to wit, March 3, 1875, appropriated therefrom and ordered to be paid to James Aldredge, and with further instructions to investigate what, if any, further and other sums have been appropriated and paid, either by Congress or otherwise, therefrom, and to deduct the same, if any be ascertained, from the amount sought to be carried by this bill, and re-report this bill, thus amended, to the House.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, several things appear to me to be plain in this case. One is that the United States Government obtained possession of $22,221.26 which it would be wrong for the Government to retain because the money does not belong to the Government, whomsoever else it may belong to. Then it seems to me that another thing is plain, namely, that the Government of the United States ought not to pay out of the Treasury anything more than the fund which it has obtained; and, it appearing from the evidence that the United States Government has already paid $9,000 and over, I have consented that this substitute might be offered by the gentleman from Ohio in my time, in order to obtain an opportunity to bring up the question of modifying the bill. I shall, however, present later an amendment involving the same idea, with the view of having the matter settled here and now, for fear that if the bill goes back to the committee it will not be reported again to this Congress, and these people will not get the money to which they are entitled.

Now, it appears that out of this $22,221.26 a special fund which the United States Government holds as a trustee for somebody, a previous Congress considered it proper to pay $9,000 to certain persons who had lost $9,000 worth of property by this raid. Had I been a member of that Congress I would have voted against that bill because I do not think it was a right appropriation of the money. So far as these parties are concerned they ought to have had part of it. But there is the right of the Government to be considered on the other side, and it is a right of the Government that it shall not be required to pay back more than it received. I am not in favor of going to the extent of voting out of the general funds in the Treasury $9,000 to make good to these people a loss which has accrued, perhaps, by their own laches in holding back and allowing someone else to come in ahead of them. I shall later offer an amendment reducing the total amount carried by the bill from $22,271.26 to $13,271.26 and reducing the items proportionally.

Mr. NORTHWAY. Mr. Chairman, something has been said in debating this question about the right of an army to levy contributions upon citizens as an indemnity, and the gentleman from Illinois [Mr. HENDERSON] has given us an illustration of that. It has been attempted to make it appear here that a portion of this fund of $26,000 was an indemnity to protect the community. Now, the report read by the gentleman from Tennessee shows that the whole of this amount was levied to reimburse certain individuals who are named with the exact sums of money that they had lost, including the United States, and the Mobile and Ohio Railroad Company, making a total of $26,751.36.

This shows that not one dollar of it was levied as an indemnity fund to protect the army or to guard against the raids of guerrillas or anybody else. At the time the levy was made and intended, as I suppose, to pay for property destroyed belonging to the individuals named in the report of the commissioners who made the assessment, and it would have been paid to those individuals had not the colonel who received the money become, as he says himself, somewhat nervous in holding the money and asked Gen. Grant's instructions. Gen. Grant would not permit the money to be paid to those individuals but ordered it turned over to the Government. Now, I would like to know why this money should be returned as an indemnity fund when every dollar of it was levied for the specific purpose of reimbursing certain parties for the destruction of property, and when a portion of it has been paid for that purpose and all of it would have been so paid had not Gen. Grant interfered and ordered it to be turned over to another department of the Government.

Mr. HERMANN. I understand that the report which is here before us states distinctly that this assessment was made upon the express condition that it should be a guaranty against further raids, and also states that there were no further raids. Consequently, this money having been paid upon that condition, it having been held upon that condition, and there having been no further raids, the money is now justly due and payable to the parties who were assessed.

Mr. NORTHWAY. That I understood to be the claim made by the brother-in-law of the gentleman from Illinois [Mr. HENDERSON] in the case to which that gentleman referred.

Mr. HERMANN. But it was a part of this same money.

Mr. NORTHWAY. Oh, no; it had nothing at all to do with this case. The report says that every dollar of this money was collected for the purpose of paying the individuals named.

Mr. BYNUM. But the reason that money was turned over to the Government was because Gen. Grant held that the assessment made to indemnity for private losses was improperly and illegally made, and that the money was never intended to be used for that purpose. While it was assessed for that purpose by the colonel and by the commissioners, the assessment for that purpose was held by Gen. Grant to be unlawful, and it should have been returned to the parties, but instead it was turned over to the Government.

Mr. NORTHWAY. But the report of the committee seems to show that if it had been levied for the purpose of indemnifying individual losses, that was proper under the laws of war.

Mr. BYNUM. No; I think the gentleman misconstrues the report. The law, according to Gen. Grant's construction of it, was that the authority to levy an indemnity only extended to reimbursing the Government, but the board went further and illegally levied a sum sufficient to reimburse every person who had suffered, and to that extent Gen. Grant held the assessment to be illegal.

Mr. NORTHWAY. The report of Gen. Grant was not put upon that ground at all, as it was read here by the gentleman from Tennessee [Mr. ENLOE], while the report of the committee favoring the passage of this bill as it was read by the gentleman from Texas [Mr. SAYERS] upholds the doctrine of the right to levy an assessment to reimburse parties for loss of property as set out in this bill.

Mr. BYNUM. Not private losses at all.

Mr. NORTHWAY. So that the claim made by the gentleman from Tennessee in response to the gentleman from Illinois [Mr. HENDERSON] that all of this money, except something over $5,000, was levied as an indemnity fund in the expectation that it would be returned, is not correct. The gentleman from Tennessee read here a portion of the statement of Gen. Sullivan to show that this assessment was levied as an indemnity fund, but he afterward reads a statement that every dollar was collected to repay the losses of individuals—not a cent of it as an indemnity fund or with any agreement that the money should be returned. The case mentioned by the gentleman from Illinois [Mr. HENDERSON] is entirely different. In that case a sum of $500 was collected as an indemnity fund and turned over to the subtreasury, with an agreement that it should be returned in case there should be no more raids; and subsequently the money was returned.

Mr. HULL. Was not the case referred to by the gentleman from Illinois a personal guarantee of the individual that he himself would not misbehave, the agreement being that if he conducted himself properly the money would be returned?

Mr. NORTHWAY. Certainly. It was a guarantee fund, accompanied with an agreement that it should be returned on certain conditions; and those conditions being fulfilled, it was returned. But in the case now before us, not a dollar of the money was collected for any such purpose or with any such understanding.

Mr. HULL. Is it not true, also, that the general levying the assessment in this case levied it for the purpose of paying for property destroyed?

Mr. NORTHWAY. Certainly.

Mr. HULL. And it would have been paid over if Gen. Grant had not decided against that course?

Mr. NORTHWAY. Yes, sir.

Mr. HULL. And the Congress of the United States, which met immediately afterward, had the right to say what parties should have the money?

Mr. NORTHWAY. Of course.

Mr. HULL. And is not that conclusive, so far as the $9,000 is concerned?

Mr. NORTHWAY. Yes, sir.

Mr. BARTLETT. Mr. Chairman, more than thirty-one years after the levying of an assessment in time of war we are asked to pay money to men who sympathized with the rebellion. I for one object to this as a most dangerous precedent. If the levy was proper, not one dollar of the fund collected should be repaid to any claimant.

It is admitted in the report now before the Committee of the Whole that this levy was made by way of reprisal; that is the language used two or three times in this report. Now, if such was the fact, no trust relation could arise in reference to this fund.

The gentleman from Tennessee talks about a debt. There is no question of debt here. This occurrence was in time of war. It was within the legal power and right of the United States officer to levy this assessment. That is conceded. It is admitted that Col. Haynie, who made the levy, made it properly, and that the money was collected. All that Brig. Gen. Sullivan

could do was to approve the order and the proceedings of Col. Haynie and of the board of officers appointed by him. Gen. Sullivan had no power to make any reservation or to have any secret understanding as to the conditions under which the United States should hold this fund thereafter. I say that no trust relation of any sort could arise under such circumstances, and that not one dollar of this money should be repaid; because it is conceded that these men upon whom the levy was made were at the time rebel sympathizers. No claim is made here that they sympathized with the Union cause. If this money was collected from them, it was rightfully collected, and should remain in the Treasury of the United States.

The CHAIRMAN. The Clerk will now report the substitute offered by the gentleman from Ohio [Mr. STORER].

Mr. BURROWS. A while ago I offered an amendment which, in view of the proposition of the gentleman from Ohio, I will now withdraw.

The substitute offered by Mr. STORER was again read.

The CHAIRMAN. This is offered as a substitute for the motion of the gentleman from Tennessee, that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. DINGLEY. I suggest to the gentleman from Ohio [Mr. STORER] that he withdraw at the close of his substitute the words "and re-report the bill thus amended to the House." That language might be construed as making this a privileged matter.

Mr. STORER. I accept the suggestion of the gentleman from Maine, and modify my substitute by withdrawing the last clause.

The CHAIRMAN. The question is now on agreeing to the substitute.

Mr. ENLOE. I do not understand that general debate has been closed.

The CHAIRMAN. No gentleman rose to address the committee, and the Chair was about to put the question. The Chair does not think this motion is debatable.

Mr. ENLOE. Is not an amendment debatable?

The CHAIRMAN. The gentleman has made a motion, which would close the debate and lay the bill aside, to be reported to the House with a recommendation that it pass; and the gentleman from Ohio moves as a substitute for that motion to lay the bill aside, to be reported to the House with the recommendation which has just been read.

Mr. ENLOE. That is not my understanding of the gentleman's motion.

The CHAIRMAN. The Clerk will read it again.

The Clerk again read the substitute of Mr. STORER.

The CHAIRMAN. The effect of the proposition of the gentleman from Ohio is that instead of laying the bill aside with the recommendation that it be reported favorably, it be reported to the House with a recommendation as read.

Mr. ENLOE. I certainly did not understand that the effect of allowing the gentleman from Ohio to offer that amendment was to prevent any further discussion of the matter. I do not desire further time for the discussion of the bill except that I would like time enough to get from the Senate a bill which in a former session of Congress was modeled exactly upon the proposition of the gentleman. I have sent for that bill; if it were here it might, if the House so desired, be voted upon without recommitting the bill to the Committee on War Claims.

If it should be recommitted it would, when returned to the House, take its place at the foot of the Calendar, which would be equivalent to defeating it for the remainder of this Congress. I would be glad to have an opportunity to obtain from the Senate a bill covering exactly the gentleman's proposition—a bill which was offered in the Forty-eighth Congress.

Mr. STORER. My proposition, I will state to the gentleman, consists of two branches—one to deduct the $9,606; the other, to ascertain whether any other sums have been paid to anybody out of this fund. There are two distinct propositions.

Mr. ENLOE. I know that nothing of that sort has in fact taken place; and the proposition if adopted means simply the defeat of this bill. [Cries of "Vote!" "Vote!"]

The question was taken; and on a division (demanded by Mr. ENLOE) there were—ayes 67, noes 18.

Mr. ENLOE. I make the point that no quorum has voted.

Mr. BUNN. I move that the committee now rise.

Mr. ENLOE. Mr. Chairman, I want to say this, in making the point of no quorum, that I wish to ask unanimous consent when the committee reports this bill back, that it may take its place on the Calendar where it is now. If so, I will make no further objection; otherwise I will be compelled to contest the matter as far as I can.

Mr. DINGLEY. I make the point of order that that can not be done in committee. It can only be done in the House.

Mr. BLAND. But the committee can make their report in such shape as to recommend to the House that such action be taken.

The CHAIRMAN. The Chair was going to state that it thinks the control of the bill to that extent would be in the committee, because if the words had not been stricken out that were embodied in the motion of the gentleman from Ohio [Mr. STORER]—his first motion—the Chair thinks it would have carried the right to report at any time for immediate consideration.

Is there objection to the request of the gentleman from Tennessee?

Mr. SCRANTON. I object.

Mr. BUNN. Mr. Chairman, I insist on the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the Private Calendar had directed him to report sundry bills to the House with the recommendation that they pass.

BILLS PASSED.

The following bills reported from the Committee of the Whole House were severally considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time and passed, namely:

A bill (H. R. 522) for the relief of Benjamin Alford;

A bill (H. R. 509) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey; and

A bill (H. R. 995) for the relief of J. M. Billings.

On motion of Mr. BUNN, a motion to reconsider the several votes taken was laid on the table.

LEAVE OF ABSENCE.

Mr. TURNER. Mr. Speaker, I ask unanimous consent that leave of absence be granted to Mr. TUCKER for two days, on account of sickness in his family.

There was no objection.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARKE of Alabama, for ten days, on account of important business.

To Mr. HENDRIX, indefinitely, on account of important business.

To Mr. WHEELER of Illinois, indefinitely, on account of sickness in his family.

To Mr. HENDERSON of Illinois, for ten days, on account of sickness.

To Mr. SICKLES, for three days, on account of ill health.

To Mr. CUMMINGS, for two days, on account of illness in his family.

To Mr. HICKS, indefinitely, on account of sickness in his family.

PRESERVATION OF FUR SEALS.

Mr. McCREARY of Kentucky. Mr. Speaker, I desire to ask unanimous consent for the immediate consideration of the bill S. 1928.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

An act to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals."

Mr. McCREARY of Kentucky. I will make a brief statement to the members of the House so that they may understand the reason for making this request. A mistake in one word was made at the Government Printing Office in printing the bill "to give effect to the award rendered by the Tribunal of Arbitration at Paris." The word "exclusive" was printed in the bill when it should have been "inclusive." The bill as printed provides for the protection of fur seals in the waters surrounding the Pribilof Islands, within a zone of 60 geographical miles around said islands, exclusive of the territorial waters. It should have been "inclusive of the territorial waters," meaning 60 miles from the shore.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals," approved April 6, 1894, be amended by striking out the word "exclusive" where it occurs in said section 1 and inserting the word "inclusive," so that said section will read:

"That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilov Islands within a zone of

60 geographical miles (60 to a degree of latitude) around said islands, inclusive of the territorial waters."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. I understand this simply changes one word which was inaccurately printed.

Mr. McCREARY of Kentucky. That is all.

Mr. HITT. The word is quite important because it violates the award if it be printed "exclusive." It should be made to conform to the language of the award, using the word "inclusive."

Mr. McCREARY of Kentucky. It makes the legislation conform strictly to the award.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

BRIDGE AT BURLINGTON, IOWA.

Mr. GEAR. I ask unanimous consent for the present consideration of the bill (H. R. 6126) to amend an act to authorize construction of a bridge at Burlington, Iowa, approved August 6, 1888, and amended by act approved February 21, 1890.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, etc., That the time for the commencement and completion of said bridge authorized by said act, entitled "An act to authorize the construction of a railroad, wagon, and foot passenger bridge at Burlington, Iowa," approved August 6, 1888, and amended by act approved February 21, 1890, be, and are hereby, each extended two years from the passage of this act.

There being no objection the bill was considered, ordered to be engrossed for a third reading, and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. GEAR, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. KILGORE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KILGORE. I would like to know what the regular order is.

The SPEAKER. The consideration of private business today.

Mr. KILGORE. I demand the regular order.

Mr. McMILLIN. I move that the House now take a recess until 8 o'clock.

Mr. RICHARDSON of Tennessee. Mr. Speaker, before that question is submitted, I rise to what I believe to be a privileged matter. The House gave the gentleman from Alabama [Mr. WHEELER] unanimous consent to print in the RECORD remarks which it was agreed this morning should be omitted. The gentleman made the request himself, but states that he intended it to be a permission to print them in the permanent RECORD, and not in the daily RECORD, inasmuch as they have already been printed in that. His request is, therefore, to apply to the permanent RECORD only.

Mr. WHEELER of Alabama. It will be understood, I presume, that I am permitted to make the usual revision of them if I should regard it as proper.

Mr. TERRY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. TERRY. I desire to state that on a call of the House yesterday I was absent because of the fact that I was ill and confined to my room. I sent to one of my colleagues to ask him to make that excuse to the House for my absence, but in the press of business the matter was overlooked. I make this explanation to the House now so that it will go into the RECORD and explain my absence.

Mr. KILGORE. Regular order.

Mr. WHEELER of Alabama. The Speaker has just stated that the regular order is the consideration of private business. The very next bill on the Private Calendar is one that makes no appropriation, and I ask unanimous consent to take it up.

The SPEAKER. It must be considered in the Committee of the Whole.

Mr. McMILLIN. Mr. Speaker, the reason why I made the suggestion that the House now take a recess, was because I knew the regular order was demanded, and I knew also that there was a bill before the committee which it had been unable to finish, and which would be reached before the bill referred to by the gentleman from Alabama could be considered. I did not see that anything could be done this evening, with so many members absent from the House.

The SPEAKER. The gentleman asks that the House now take a recess until 8 o'clock, instead of waiting until 5 o'clock under the rule. The gentleman from Indiana [Mr. BROOKSHIRE] will perform the duties of the Chair at the evening session, and if there be no objection that order will be made.

There was no objection.

Accordingly (at 4 o'clock and 30 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. BROOKSHIRE, as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The House is in session pursuant to clause 3 of Rule XX, for the consideration of bills on the Private Calendar.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar under the rule referred to.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. KILGORE. Let us have a division, Mr. Speaker.

The House divided: and there were—ayes 21, noes 3.

Mr. KILGORE. Oh, Mr. Speaker, we have not got a quorum here to-night. [After a pause.] I will let it go along awhile and see how it works. [Laughter.]

The SPEAKER *pro tempore*. The ayes have it, and the motion is agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar, and the Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 2106) to perfect the military record of Warren Alonzo Alden.

Mr. WILLIAM A. STONE. Mr. Chairman, that is not the first bill, I understand. In the Committee of the Whole at the last session, two weeks ago to-night, we had under consideration the bill H. R. 3156.

The CHAIRMAN. The rule provides that the bills shall be taken up in their order on the Calendar. The Chair supposed the bill referred to had been passed over.

Mr. WILLIAM A. STONE. No, sir; the bill has never been passed over. The House finding itself without a quorum, the Committee rose and the House adjourned.

The CHAIRMAN. When?

Mr. WILLIAM A. STONE. Two weeks ago to-night.

The CHAIRMAN. That does not make it the first bill in order. The practice at evening sessions is to call up bills in the order they appear on the Calendar.

Mr. WILLIAM A. STONE. Well, I know; but I do not know how that bill could have lost its place.

The CHAIRMAN. It has not lost its place on the Calendar.

Mr. HULL. What is the Calendar number?

The Clerk read as follows:

Calendar number 153.

The CHAIRMAN. The Clerk was directed by the Chair, in accordance with the universal practice of the House, to report the first bill. The Chair has no knowledge as to which is the first bill, and the Clerk has reported the title of the bill which is first on the Calendar.

Mr. WILLIAM A. STONE. Of course, I only wish that this bill shall have its rights. That is all I want.

Mr. MOSES. Mr. Chairman, there are several bills that have been considered without final action being taken, and in the spirit of fairness I ask unanimous consent that we go on and consider the bills that have not been considered, and then go back to those bills which have been considered, for I am satisfied you will not make any progress to-night.

Mr. WILLIAM A. STONE. I can not consent to that, Mr. Chairman.

Mr. PICKLER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. PICKLER. I would like to inquire whether the bill the Clerk now reads precedes on the Calendar the bill called up by the gentleman from Iowa [Mr. LACEY] upon which the point of no quorum was raised two weeks ago?

The CHAIRMAN. It does.

The bill was read.

Mr. MARTIN of Indiana. Mr. Chairman, I observe that the bill following that is one which I know we have already considered. It is marked with an asterisk. I want to inquire if that bill has not been laid aside with a favorable report?

The CHAIRMAN. The Chair is advised by the Clerk that the asterisk indicates that the bills are pension bills. This bill was laid aside without prejudice, retaining its place on the Calendar.

Mr. BRETZ. Mr. Chairman, the bill which was under consideration a moment ago is a bill I reported from the Committee on Military Affairs. It was introduced by the gentleman from Illinois [Mr. DURBOROW]. I do not see him here, and I ask that the bill be passed over without prejudice until he appears.

The CHAIRMAN. Without objection that order will be made. (After a pause.) The Chair hears none. The Clerk will report the next bill.

CORNELIA DE PEYSTER BLACK.

The next business on the Private Calendar was the bill (H. R. 3156) granting a pension to Cornelia de Peyster Black, widow of Henry M. Black, late colonel of the United States Army, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia de Peyster Black, widow of Henry M. Black, late colonel of the United States Army, and to pay the said Cornelia de Peyster Black a pension of $100 per month from the date of the passage of this act.

The Clerk read as follows:

The committee recommends that the bill be amended by striking out the words "one hundred," in line 8, and substituting in lieu thereof the word "fifty," to which an amendment has been made striking out the word "fifty," and inserting the words "twenty-five," which was adopted at a previous session.

Mr. KILGORE. Mr. Chairman, there is a minority report. I would like to have the majority and the minority reports read.

The report and the views of the minority were read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3156) granting a pension to Cornelia de Peyster Black, have considered the same, and the majority respectfully submit the following report:

The claimant is the widow of the late Colonel Henry M. Black, United States Army, whose military record, as reported by the War Department, is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, December 20, 1893.

Statement of the military service of Henry M. Black, of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from July 1, 1842, to July 1, 1847, when he was graduated, and appointed brevet second lieutenant, Fourth Infantry, July 1, 1847; second lieutenant, Seventh Infantry, August 20, 1847; first lieutenant, Ninth Infantry, March 3, 1855; captain, September 10, 1856; colonel, Sixth California Infantry, February 1, 1863; honorably mustered out October 27, 1865; major, Seventh Infantry, July 28, 1866; lieutenant-colonel, Fourth Infantry, October 7, 1868; unassigned March 15, 1869; assigned to Eighteenth Infantry July 1, 1870; colonel, Twenty-third Infantry, February 6, 1882.

He received the brevet of lieutenant-colonel and colonel March 13, 1865, for faithful and meritorious services during the war.

SERVICE.

He joined his regiment December, 1847, and served with it in Mexico to July 7, 1848; at Jefferson Barracks, Mo., to August 31, 1849; in Florida to June 15, 1850; at Jefferson Barracks, Mo., to August 14, 1850; at Fort Leavenworth, Kans., to September 15, 1850; at Jefferson Barracks, Mo., to April 17, 1851; at Fort Gibson, Ind. T., to May, 1855; at Fort Monroe, Va., to July, 1855; on recruiting service to April, 1856; with regiment in Washington Territory to May, 1856; on recruiting service to May, 1857; with regiment in Washington Territory to May, 1859; in Oregon to June, 1861; at Fort Vancouver to November, 1861; in California to January 1, 1863; organizing and commanding Sixth California Volunteers, in California, to August, 1864; commandant of cadets at the Military Academy, West Point, N. Y. (mustered out of volunteer service October 27, 1865), to July 1, 1870; on delay to November 1, 1870; with regiment at Atlanta, Ga., to January 9, 1871; at Charleston, S. C., to April 10, 1871; at Columbia, S. C., to January 1, 1876; member of board at Philadelphia, Pa., to June 7, 1876; with regiment at Columbia, S. C., to July 24, 1877; at Grafton, W. Va., and Allegheny arsenal, Pa., during labor strikes, to November 1, 1877; at Atlanta, Ga., to April 12, 1879; at Fort Assiniboine, Mont., to October 1, 1879; and in command of regiment and that post to June 2, 1881; commanding depot at Davids Island, N. Y., to June 14, 1882; on delay and on leave to October 16, 1882; commanding regiment and post of Fort Union, N. Mex., to June 2, 1884; and at Fort Wayne, Mich., to November 10, 1884; on court-martial duty at Washington, D. C., to February 24, 1885; commanding regiment and post of Fort Wayne, Mich. (being a member of court of inquiry at Fort Coeur d'Alene, Idaho, March 7 to April 19, 1887, and president of board of judges at national drill encampment, Washington, D. C., May 15 to June 4, 1887; also in command of international encampment at Chicago, Ill., September 27 to Oct. 21, 1887), to May 8, 1890, and post of Fort Sam Houston, Tex., to January 15, 1891, when he was retired. Unemployed to August 5, 1893, on which date he died at Chicago, Ill.

GEO. D. RUGGLES,
Adjutant-General.

As will be seen from the foregoing official report the active service of Col. Black covered a period of nearly half a century. The distinguished character of this long service is fully attested by the record and also by Gen. D. S. Stanley, United States Army (retired), and others who appeared personally before your committee.

Mrs. Black is now well advanced in years, and without sufficient property or income to provide her with a comfortable support. She has an unmarried daughter dependent upon her, and there is no one upon whom she can legally rely for a maintenance. In addition to being the widow of a distinguished officer, Mrs. Black is the daughter of the late Col. Joseph Plympton, United States Army, who entered the service in 1812, and who, after serving in the war of 1812, the Seminole and Black Hawk Indian wars and the Mexican war, died in 1860.

It may be said that Mrs. Black is in all respects a military woman; she was born in a military post, and two of her three daughters are the wives of officers of the Army.

There are many precedents for the granting of relief in cases of this character, and in the light of all the facts and circumstances your committee recommend the passage of the bill, with an amendment striking out the words "one hundred" in line 8, and substituting in lieu thereof the word "fifty."

VIEWS OF THE MINORITY.

[To accompany H. R. 3156.]

The views of the majority of the Committee on Pensions, respecting the propriety of the passage of the bill granting a pension to Cornelia de Peyster Black, are, for the following reasons, respectfully dissented from:

There are several general acts of Congress under which Mrs. Black can make application to the Pension Bureau and be allowed a pension. She would probably have no difficulty in substantiating a claim under the Mexican war pension act of January 29, 1887, or, if for any reason she could not meet the requirements of that act, she could still (if her circumstances are as represented) have recourse to an application under the late war act of June 27, 1890. The only reason given why this method of securing relief has not been followed is that the rating allowed by these acts is not large enough; but if this reason is to be accepted as sufficient to warrant the allowance of an original pension by special act in this case there is no just ground upon which similar action can be denied in thousands of other cases.

It is neither shown nor claimed that Col. Black's death was due to wounds or disease originating in the service, yet the bill as reported grants the widow a higher rate of pension than is allowed by law to the widows of officers of similar or higher rank who die in the service and line of duty.

The distinguished character of the service of the soldier is fully understood, but no especially urgent necessity or unusual circumstance is advanced as good ground upon which to base the proposed action in the case of the widow. She has no young children to support, and she has some $1,000 from which to derive an income; and this income can be materially increased through an application to the Pension Bureau under one of the acts above cited.

If there is any justice in the granting of these large pensions to the widows of regular Army and Navy officers, to the exclusion of the widows of the volunteer soldiers who lost their lives in defense of the Union, the allowance should be made by general enactment, and thus relieve Congress of the necessity for giving time and labor to the consideration of bills framed in the interest of a favored class.

ARTHUR H. TAYLOR.
CHAMP CLARK.

Mr. TALBERT of South Carolina. Mr. Chairman, I had hoped that my feeble efforts here on several Friday nights would have been productive of some good results. I had hoped some fruits might have been brought forth in the attendance of these Friday night sessions, but I have been disappointed. The small crowd in attendance here to-night still shows that the members of this body are unwilling to turn out here one night in the week to discuss these pension matters. It seems that they are not ready, a great many of them at least, to give up claw-hammer coats, entertainments, euchre parties, theaters, and other enjoyments, while at the same time professing to have a great love for the old soldiers and a great desire that this Congress should do business. I had hoped the new rule which has been adopted would also have been productive of some good results at the night sessions as I see it has had in the attendance upon the day sessions. I am sorry, too, that my appeal here——

Mr. MALLORY. I wish to ask the gentleman if anybody has indicated the purpose of making the point of no quorum?

Mr. TALBERT of South Carolina. What did the gentleman say?

Mr. MALLORY. Has anybody indicated the purpose of raising the point of no quorum to-night?

Mr. TALBERT of South Carolina. Not that I know of.

Mr. MALLORY. That is what I wanted to know. [Cries of "Regular order."]

Mr. CURTIS of New York. I hope the gentleman will not be interrupted.

Mr. TALBERT of South Carolina. Let gentlemen interrupt me if they desire. I do not object to it. I can not see exactly the relevancy of the gentleman's question. If he wants to raise the point of no quorum I will yield to him right now.

I was just going to say, though, that I had hoped that my appeal in behalf of the Constitution had done some good. I had hoped that members of this body would have begun to give some consideration to the Constitution of the United States, which requires that there shall be a quorum here to pass any kind of legislation; but I regret to see that my efforts have been all in vain. I am sorry further to have to say that my calling attention to the oath which members of this body have taken to support that Constitution, and my calling attention to the necessity of adhering to the rules, have also proved ineffectual. Mr. Chairman, four or five years ago, two or three years ago, it seems to me I heard a great deal about the Constitution of the United States. The fact is, the members of this body have used the Constitution as a very convenient sort of instrument, taking it up and hugging it to their bosoms when it served their purpose, and at other times casting it aside.

Two or three years ago, when the Farmers' Alliance and the other industrial organizations of this country were sending up their respectful, pitiful appeals to this august body to have enacted into law some of the measures which they believed would give relief to the great mass of the people, all over this Hall members could be seen taking down the old Constitution of the United States, covered over with dust so thickly that you could have written your name upon it, brushing off the dust, brandishing aloft and using it as a weapon against the demands of the people. Gentlemen would take a long breath, fill their lungs with air, draw themselves up and exclaim: "Why, this is unconstitutional! It can not be done!" If the Constitution was a good thing to be obeyed then, why is it that we can not obey it

now, and require that a quorum shall come here when we undertake to do business at these evening sessions.

It seems to me that a rule which will work only one way is not a good rule. To be a good rule it must work both ways. [Laughter.] It is perfectly constitutional, we are told, to appropriate money for any other purpose. It is perfectly constitutional to appropriate millions to build navies to rot on the seas. It is perfectly constitutional to appropriate money for World's Fairs and Centennial Expositions. It is perfectly constitutional to appropriate money to build railroads and to lend to national banks and Wall street gamblers and all that sort of thing, but whenever an attempt is made to do anything in the interest of the great mass of the people in this great country of ours, that is "unconstitutional!" It seems to me that the voice of this Congress has been to the laboring people of this country: "If you will quit producing, quit being laboring people, and go to manufacturing, we will do something for you; if you will quit raising produce and go to hauling it we will do something for you; but so long as you are producers, so long as you are laborers, there is nothing for you here. You are shut out, and the Constitution stands in the way whenever you want anything."

Now, I want to ask gentlemen why they can not stand by the Constitution in two cases as well as in one. Why can not you stand by the Constitution, gentlemen, in these Friday night sessions and require a quorum to be present before you undertake to transact business, before you undertake to fritter away the money of the people by voting pensions in hundreds of cases to people who do not deserve them. You say "these little things are trifling and do not amount to much," but let me remind you that many little things taken together make a great big sum.

Now, I want to say a word in connection with something that occurred here in one of these Friday evening sessions. I had read here, by permission of the House, an anonymous communication which I had received in relation to pensions. The question was asked whether there was any name signed to it, and I said there was not, but I asked permission to have it read and printed in the RECORD and unanimous consent was given. The same gentleman who wrote me that communication has written another giving me some reasons why he did not sign his name. His name is not signed to this communication either, but I ask consent to have it read, in order that his reasons for not signing his name may be put on record. [Laughter.]

A MEMBER. Is it from Coxey? [Laughter.]

Mr. TALBERT of South Carolina. I am not corresponding with your kind.

Another MEMBER. Is it poetry?

Mr. TALBERT of South Carolina. Yes, sir; it is poetry.

Mr. TATE. I wish to ask the gentleman from South Carolina whether this constitutional argument of his this evening is suggested by the recent constitutional decision of the supreme court of South Carolina? [Laughter.]

Mr. TALBERT of South Carolina. Oh, not at all; not a bit. Let me say to the gentleman that neither that decision nor any other decision of the supreme court can trouble me. I am not so easily troubled. It may trouble the gentleman from Georgia, but not me. I am a Carolinian, not a Georgian. Now, with the permission of the House, I will ask the Clerk to read this communication.

A MEMBER. Is that a farmer's production?

Mr. TALBERT of South Carolina. Now, let me tell my friend from Georgia that the farmers have some right to be heard in this House. That is just the trouble here; you seem to think they have no right.

A MEMBER. Then this is a farmer's article?

Mr. TALBERT of South Carolina. I suppose so; it sounds honest and not lawyer-like.

A MEMBER. Ah!

Mr. TALBERT of South Carolina. And you have denied the farmers the right to be heard here. My friend here from Georgia [Mr. BLACK] got up a few days ago and read an instrument full of technical terms, and some one intimated that the farmers of this country did not have sense enough to understand what a technical term was. Now, let me tell you, my friend, that the farmers have a great deal more sense than you think.

Mr. TATE. I would like to ask the gentleman if he understood the technical terms used by the gentleman from Georgia, to whom he referred just now?

Mr. TALBERT of South Carolina. Well, now, I am not on examination here. I think I do. But I doubt very much whether the gentleman who is addressing me understood them.

Mr. TATE. Well, I did not. I will admit it. [Laughter.]

Mr. TALBERT of South Carolina. Well, you come around to my room and I will tell you what they mean.

Mr. TATE. Life is too short to submit to such training. [Laughter and applause.]

Mr. TALBERT of South Carolina. The gentlemen needs training.

The CHAIRMAN. The Clerk will read the communication sent up by the gentleman from South Carolina.

The Clerk read as follows:

Something else for your reference file, if you please:

It's not vapid gossip, but warp and woof, all wool and a yard wide;
What, not long ago, the poet from Marion, Ind., to you did write,
Referring to the pensioner, it's quite true that his neighbors stick to him like glue;
Of whom there are many, not only a few, so the poet concluded that it wouldn't do
For to sign his name, as otherwise his chances would have been good indeed;
For that pensioner's neighbors, to pitch into him, with vehemence, with both feet.
It's none of your biz, to him they would have said, it's no skin off your back—
We'll give you a thrashing, then make you leave the neighborhood, you story-telling smack.
Without a question, a dose of hickory tea they would have administered to him;
And his nearest kin would not have been allowed to open the mouth to save his skin.
He scorns the idea to partake of a stew which is offensive and very hard to chew;
No, not by a jugful, unless in his upper story there becomes detached a screw.
Especially that tea, he does disdain; almost everybody else would say the same.
Now, honor bright, would you him blame for having refrained from signing his name.
There is that ex-Columbian guardsman, who was sent to jail the other day;
In the labyrinthine mazes of his anatomy the doctors must have gone astray.
On blindness and paralysis, they pronounced him disabled, in a pensionable degree,
A man possessed of the eyes of an eagle and the agility of a flea.
Or can it be possible that those medicated stoolpigeons did betray this fraudulent claimant
For noncompliance on his part to whack up with them his first pension payment?

Mr. TALBERT of South Carolina. Now, Mr. Chairman, I hope that it is not unconstitutional, although, indeed, when the subtreasury bill was sent here years ago it was decided to be unconstitutional and impracticable, crude, and possessed of every other fault that could be applied to it. If it was unconstitutional, then whose duty was it to change it and bring it within the purview of the Constitution? If it was impracticable, whose duty was it to make it a practical measure, and try to make it a thing of beauty instead of the great ugly thing you claimed it to be? But no matter whose duty it was, it was not performed. It was simply ignored. It was smothered in the committee room and not allowed to be discussed on the floor of the House, and it never has been and never will be. It was taken out here and buried, and that was the last of it. Unconstitutional! You love the Constitution sometimes, why do you not love it at all times? Why do you not treat all men fairly under it?

Now, as I read or had read, and asked to have printed as a part of my remarks some articles from the New York Weekly Times a few days ago, I have here a second edition of the same paper bearing upon the same subject, which is long, and will probably take some time to read it. I will simply ask leave now to print this in the RECORD without reading it.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. PICKLER and others objected.

Mr. TALBERT of South Carolina. Very well, then, I will ask the Clerk please to read it, as gentlemen have seen fit to object. I ask him to read the first page of this paper that I send to the desk.

Mr. PICKLER. We had just as well take up the time in that way as in listening to the gentleman.

Mr. TALBERT of South Carolina. It would have been better for the gentleman to have allowed it to be printed, as it would not have taken so much time as to address the gentleman from Borneo——

Mr. MEREDITH. May I ask, Mr. Chairman, what is the question pending before the committee?

The CHAIRMAN. The question is on the bill (H. R. 3156) granting a pension to Mrs. Cornelia de Peyster Black.

Mr. MEREDITH. I understand that this is the bill that is under consideration?

A MEMBER. The Constitution seems to be under consideration.

Mr. TALBERT of South Carolina. This proposition that I have made is perfectly constitutional.

The CHAIRMAN. The question before the House is the bill the title of which the Chair has just stated.

Mr. KRIBBS. Does this paper the gentleman asks to have read relate to the subject under consideration?

The CHAIRMAN. The Chair is not able to inform the gentleman.

Mr. TALBERT of South Carolina. I ask that the first page be read, as it relates to the subject of private pensions.

Mr. BAKER of New Hampshire. I would like to inquire if it relates to the pending bill?

Mr. TALBERT of South Carolina. It does relate to all pending bills.

Mr. WILLIAM A. STONE. I make the point of order that it has no reference to the question under consideration.

Mr. BAKER of New Hampshire. The question is, does it relate to the pending bill?

Mr. TALBERT of South Carolina. Possibly it does; I have not examined.

Mr. BAKER of New Hampshire. Most certainly it does not, I assume. It has no relevancy whatever to this question.

Mr. WILLIAM A. STONE. It has no relation, of course, to it.

The CHAIRMAN. The Clerk will read Rule XIV, section 1.

The Clerk read as follows:

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

The CHAIRMAN. That rule is applicable to proceedings in the House. Clause 8 of Rule XXIII provides that the rule of proceedings in the House shall be observed in Committee of the Whole so far as applicable. That is the rule under which the committee is operating.

Mr. TALBERT of South Carolina. Do I understand the Chair to decide that this is not in order?

The CHAIRMAN. The Chair does not so decide. The article has not been read.

Mr. WILLIAM A. STONE. I make the point of order against the reading of that paper.

The CHAIRMAN. Nothing has yet been read. The Chair simply announced that it would be read.

Mr. WILLIAM A. STONE. Is the Chair bound to have it read at the request of the gentleman from South Carolina?

The CHAIRMAN. The Chair had the rule read for the benefit of the committee. The Clerk will read the document with which the Chair is not familiar; and if any member desires to submit a point of order after it is read, or while the reading is progressing, it can be done.

Mr. MARTIN of Indiana. I desire to ask the gentleman from South Carolina a question, whether this is not an article published in the New York Times, occupying eight or nine columns——

Mr. TALBERT of South Carolina. I have asked only that the first page be read.

Mr. MARTIN of Indiana. How many columns?

Mr. TALBERT of South Carolina. I have asked to have read only the part bearing on this subject. I have not asked the Clerk to read the whole of it.

Mr. MARTIN of Indiana. How many columns are there?

Mr. KILGORE. It does not make any difference; the gentleman has the right to have it read.

Mr. MARTIN of Indiana. I wish to appeal to the gentleman from South Carolina——

Mr. TALBERT of South Carolina. You had better appeal to the gentleman from South Dakota [Mr. PICKLER]. He made the objection to my request.

Mr. MARTIN of Indiana. I am addressing the gentleman respectfully; and I wish to appeal to his sense of fairness whether it is a proper thing to occupy the time of the House this evening with eight or nine columns of this matter?

Mr. TALBERT of South Carolina. It is not my fault. I asked to have the matter spread upon the record, and the gentleman from South Dakota objected. He is the gentleman to whom my friend from Indiana [Mr. MARTIN] should appeal.

Mr. MARTIN of Indiana. I raise the point of order that the reading of this paper is not within the rules.

The CHAIRMAN. Nothing has yet been read; and the Chair has no notice of what is contained in this paper.

Mr. MARTIN of Indiana. It purports on its face to be the result of investigations by the New York Times into a series of pension claims already granted. It has no reference to this case at all.

The CHAIRMAN. If the statement made by the gentleman from Indiana [Mr. MARTIN] should be correct, the article will not be in order.

Mr. MARTIN of Indiana. I reserve the point of order.

Mr. HOPKINS of Illinois. This is entirely a different case from that presented when a member rises to speak. In that case the Chair must wait until the statement of a member is made before he can ascertain whether it is germane. But here the matter is in print; and it is the duty of the Chair to look at it, and if it be not germane, to rule it out.

Mr. WILLIAM A. STONE. I submit that the Chair has looked at it.

The CHAIRMAN. The Chair has not.

Mr. TALBERT of South Carolina. I insist that we have not yet come to a point where the Chair is justified in deciding whether this matter bears on the question or not. I have asked that this paper be read in my own time; and I demand that it be read.

The CHAIRMAN. The Clerk will proceed to read the document.

The Clerk read as follows:

THE NATION'S GREAT SCANDAL—DESERTERS WHO ARE NOW ON THE "ROLL OF HONOR"——

Mr. WILLIAM A. STONE (interrupting the reading). Mr. Chairman, I rise to a parliamentary inquiry. I wish to know if the Chair holds that in order to determine whether this point of order is well made, the Chair must permit this whole article to be read to the House?

The CHAIRMAN. The Chair does not so hold.

Mr. WILLIAM A. STONE. I insist on my point of order.

The CHAIRMAN. The Chair holds that as nothing has yet been read, there is as yet nothing for the Chair to rule upon.

Several MEMBERS. Let the headlines be read.

Mr. MARTIN of Indiana. I desire to reserve a point of order on the article.

Mr. TALBERT of South Carolina. I must insist that all this maneuvering must not come out of my time.

A MEMBER. It will, all the same.

The Clerk continued the reading, as follows:

THE LAW HAS CLEARED THE RECORDS AND THE HUNGRY PENSION AGENT HAS THEREBY EARNED HIS FEE—HONEST SOLDIERS PROTEST AT IT—IN ITS INVESTIGATIONS OF PENSION ABUSES THE NEW YORK TIMES HAS FOUND MEN WHO WERE IN CANADA DURING THE WAR, BUT ARE NOW DRAWING PENSIONS—IN OGDENSBURG A DESERTER AND THE WIDOW OF A SOLDIER, LIVING TOGETHER, EACH HAVE DRAWN PENSIONS FOR MANY YEARS—FRANK JOHNSON, WHO ASSISTS A WASHINGTON PENSION ATTORNEY, A CUSTOM-HOUSE OFFICIAL, AND AN ACTIVE POLITICIAN—THE LAW RELATING TO OFFICIALS WHO HELP PROSECUTE CLAIMS AGAINST THE GOVERNMENT.

II.

In the last issue of the Weekly Times there was printed the first of a series of articles giving the results of investigations made by reporters for the New York Times——

Mr. HULL (interrupting the reading). I make the point of order that these headlines as read clearly demonstrate that this article has nothing to do with legislation before Congress. It relates simply to what is alleged to have transpired in the Pension Office. The bill before the House proposes action by Congress, and can not in any way be affected by anything that has taken place heretofore in the Pension Office. The headlines of this article from the New York Times show that it refers simply to past action of the Pension Department. I raise the point of order that the whole article is out of order.

The CHAIRMAN. The Chair will suggest to the gentleman from South Carolina that under the rule this article, so far as read, is not in order. The Chair refers to the rule which requires that members addressing the House or the Committee of the Whole shall confine themselves to the subject under debate.

Mr. TALBERT of South Carolina. Does not this article concern pensions, Mr. Chairman?

The CHAIRMAN. It does not relate to the bill under consideration, which is a private bill to grant a pension to Cornelia de Peyster Black.

Mr. TALBERT of South Carolina. Anything that concerns pensions, concerns the bill under consideration.

The CHAIRMAN. The Chair thinks that not even under the most liberal construction of the rule, could the article be held to be in order, if the point of order be made against it.

Mr. KILGORE. I should like to submit a word before the Chair concludes his ruling on the subject.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. KILGORE. I submit that the uniform practice of this House has been, in Committee of the Whole, to allow a much wider range in the discussion than when we are considering a matter in the House. The House is now in Committee of the Whole on the state of the Union, for the purpose of considering private pension legislation.

The CHAIRMAN. The House is not in Committee of the Whole on the state of the Union.

Mr. KILGORE. I understand that, and I merely misspoke. The House is in Committee of the Whole for the purpose of considering private pension legislation, and any observations which any gentlemen may conclude to make upon the subject of private pension legislation, or public pension legislation, as far as that goes, would be in order in this discussion to-night. Now, there is no escape from that, and if that article relates to that subject, it does not make any difference whether it relates to the conduct of the Pension Office heretofore or to the conduct of Congress in vesting the Pension Office with particular authority.

Mr. TALBERT of South Carolina. The name of the applicant to-night may possibly be reached in that very article.

Mr. HULL. The name of this applicant is not in the Pension Bureau at all, and this is an article relating to the Pension Bureau.

Mr. KILGORE. Let me finish what I am saying. If that relates to the improper conduct of the Pension Office, or if it relates to the improper administration of the law, then it would be entirely competent for any man to make a speech of that kind in this House to-night upon that subject; and if it be competent for him to make an oral argument of that kind, it is entirely competent for him to have read from a newspaper an argument upon the subject.

Mr. WILLIAMS of Illinois. Will the gentleman from Texas allow me?

Mr. KILGORE. Yes.

Mr. WILLIAMS of Illinois. If a member was making a speech, you could not tell what the speech contained until it was delivered, but where it is in a newspaper, you can see in advance that it does not bear upon the question.

Mr. KILGORE. Mr. Chairman, I suppose the patriotic preliminary remarks which a member would make, which would correspond to the headlines of the article, would admonish the House as to the character of the argument which he proposed to submit. Now, the objection to that article is made upon the headlines, and I say that is not competent. The practice of the Committee of the Whole has been the other way.

The CHAIRMAN. The Chair will state to the gentleman from Texas—because the Chair desires to administer the rules in a spirit of absolute fairness—that the gentleman is correct in the statement that very great latitude is allowed in debate in Committee of the Whole; but if the point of order is submitted by any gentleman on the floor, the Chair is constrained to decide that gentlemen must confine themselves to the question under debate. The gentleman from Texas [Mr. KILGORE] himself is not deficient in parliamentary skill, and he will recognize at once, the Chair feels assured, that that is the correct interpretation of the rules.

Mr. KILGORE. I understand that that is the correct interpretation; but my contention is that he is discussing the question legitimately before this committee, whether they will increase this roll or not. That is the main question, whether the House or this Committee of the Whole shall countenance the abuses which that article is intended to attack, in the Pension Office. I think that is legitimate. I recognize the rule to be as stated by the Chairman, but I say this article comes within that rule. That is the contention I make.

Mr. MOSES. Mr. Chairman, just a word.

The CHAIRMAN. The gentleman from Georgia.

Mr. MOSES. We have a bill here proposing to pension the widow of a soldier whom the war records show to have served fifty years. I hope the gentleman from South Carolina will hear what I say.

Mr. TALBERT of South Carolina. Yes.

Mr. MOSES. We have a bill here proposing to give a pension to the widow of a soldier who served in the wars of the United States for nearly fifty years, as shown by the war records. The gentleman says perhaps this widow's husband's name may be found in that list; and yet I understand it is a list of deserters who are drawing pensions.

Mr. TALBERT of South Carolina. Not that alone.

Mr. MOSES. That is what I understand.

Mr. TALBERT of South Carolina. It is a general article on the whole pension business.

Mr. MOSES. The gentleman certainly does not bring this in to prove that this woman's husband was a deserter and would come under that category; and it is therefore as clearly out of order as anything can be in this case. I would like to ask the gentleman from Texas [Mr. KILGORE] if he desires to hear it read?

Mr. TALBERT of South Carolina. This is for information on the pension business; and the intention of having it read is not to prove that Mr. Black or anybody else was a deserter, but just for the general information of this body. I am astonished that this House does not want light, but I find that it does not want it.

Mr. CLARK of Missouri. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. And that is that the Chair has ruled on this point; and if these gentlemen are not satisfied let them appeal. [Applause.]

The CHAIRMAN. The Chair has already ruled on the point, and the Clerk will read the rule which governs the committee under such circumstances.

The Clerk read as follows:

4. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order. In which case he shall immediately sit down, unless permitted on motion of another member to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

The CHAIRMAN. The Chair thinks that under the rule the article is not in order.

Mr. PICKLER. Regular order.

Mr. TALBERT of South Carolina. It seems to me that the rule has nothing to do with the point. [Cries of "Regular order!"] I do not understand that it is out of order. It seems to me——

The CHAIRMAN. The gentleman from Iowa made the point of order that the article was not in order.

Mr. TALBERT of South Carolina. I understood the Chair to decide, under the rule, that it was in order and ordered its reading.

The CHAIRMAN. The Chair did not so decide.

Mr. TALBERT of South Carolina. The Clerk commenced to read by somebody's order.

The CHAIRMAN. Certainly; because no point could properly be raised until something was read; but after the reading had proceeded awhile the point of order was raised.

Mr. TALBERT of South Carolina. Does the Chair decide that it is not in order to read that article?

The CHAIRMAN. The Chair so decides.

Mr. TALBERT of South Carolina. Then I appeal from the decision of the Chair.

Mr. WEADOCK. I move to lay the appeal on the table.

The CHAIRMAN. A motion to lay an appeal on the table is not in order in Committee of the Whole. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT of South Carolina. Division.

The committee divided; and there were—ayes 68, noes 3.

Mr. TALBERT of South Carolina. No quorum, Mr. Chairman.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from South Carolina [Mr. TALBERT], and the gentleman from Indiana [Mr. MARTIN]. Tellers will please take their places.

The committee again divided; and tellers reported—ayes 57, noes 4.

Mr. TALBERT of South Carolina. No quorum.

The CHAIRMAN. The point of no quorum being made, under the rule, the Clerk will call the roll.

The roll was called, when the following-named members failed to respond:

Abbott,	Caldwell,	Draper,	Henderson, Ill.
Adams, Ky.	Caminetti,	Dunn.	Henderson, Iowa
Adams, Pa.	Campbell,	Dunphy,	Henderson, N. C.
Aitken,	Cannon, Cal.	Durborow,	Hendrix.
Alderson,	Cannon, Ill.	Ellis, Ky.	Hermann.
Aldrich,	Capehart,	Ellis, Oregon	Hicks,
Alexander,	Caruth,	English, Cal.	Hines,
Allen,	Catchings,	English, N. J.	Hitt,
Apsley,	Causey.	Enloe,	Holman,
Arnold,	Chickering,	Everett,	Hooker, Miss.
Avery,	Childs,	Fielder,	Hooker, N. Y.
Babcock,	Clancy,	Fithian,	Hopkins, Pa.
Baldwin.	Clarke, Ala.	Fletcher,	Hulick,
Bankhead,	Cobb, Ala.	Forman,	Hutcheson,
Barnes,	Cobb, Mo.	Funk.	Izlar,
Bartholdt,	Cockran,	Funston,	Johnson, Ind.
Bartlett,	Cockrell,	Fyan,	Johnson, Ohio
Belden,	Coffeen,	Gear,	Jones,
Bell, Colo.	Compton,	Geary,	Lapham,
Bell, Tex.	Coombs,	Geissenhainer,	Latimer,
Beltzhoover,	Cooper, Fla.	Goldzier,	Lefever,
Berry.	Cooper, Ind.	Goodnight,	Lester,
Bingham,	Cooper, Tex.	Gorman,	Lisle,
Black, Ill.	Cooper, Wis.	Grady,	Livingston,
Bland,	Cornish,	Graham.	Lockwood,
Boatner,	Cousins,	Gresham,	Loud,
Boutelle,	Covert,	Griffin,	Lucas.
Bower, N. C.	Cox,	Grosvenor,	Lynch.
Bowers, Cal.	Crain.	Grout,	Magner,
Branch,	Crawford,	Grow,	Maguire,
Brattan.	Culberson,	Hager,	Marshall,
Breckinridge, Ark.	Cummings,	Haines,	Marvin, N. Y.
Breckinridge, Ky.	Curtis, Kans.	Hall, Minn.	McAleer,
Brickner,	Dalzell,	Hall, Mo.	McCall.
Brosius,	Daniels,	Hammond,	McCreary, Ky
Brown,	Davey.	Harmer,	McDearmon,
Bryan,	De Armond,	Harter,	McDowell,
Bunn,	De Forest,	Hartman,	McEttrick,
Burnes,	Denson,	Hatch,	McGann,
Burrows,	Dingley,	Haugen,	McKaig,
Bynum,	Dinsmore,	Hayes,	McKeighan,
Cabaniss,	Dolliver,	Heard,	McLaurin,
Cadmus,	Doolittle,	Heiner,	Meiklejohn,

Mercer,	Pigott,	Sibley,	Tracey,
Meyer,	Post,	Sickles,	Tucker,
Milliken,	Powers,	Simpson,	Turner, Ga.
Money,	Price,	Sipe,	Turner, Va.
Montgomery,	Quigg,	Smith,	Turpin,
Moon,	Randall,	Snodgrass,	Van Voorhis, N. Y
Morgan,	Ray,	Somers,	Wadsworth,
Morse,	Rayner,	Sperry,	Walker,
Murray,	Reed,	Springer,	Wanger,
Mutchler,	Reilly,	Stallings,	Washington,
Newlands,	Reyburn,	Stephenson,	Wells,
Northway,	Richards, Ohio	Stevens,	Wever,
Oates,	Richardson, Tenn.	Stockdale,	Wheeler, Ala.
O'Neil, Mass.	Robbins,	Stone, C. W.	Wheeler, Ill.
O'Neill, Mo.	Robertson, La.	Stone, Ky.	White,
Outhwaite,	Robinson, Pa.	Storer,	Williams, Miss.
Page,	Rusk,	Strait,	Wilson, Wash.
Paschal,	Russell, Conn.	Straus,	Wilson, W. Va.
Patterson,	Russell, Ga.	Sweet,	Wise,
Payne,	Ryan,	Talbott, Md.	Wolverton,
Paynter,	Schermerhorn,	Tarsney,	Woodard,
Pence,	Scranton,	Tawney,	Woomer,
Pendleton, Tex.	Settle,	Taylor, Ind.	Wright, Mass.
Pendleton, W. Va	Shaw,	Taylor, Tenn.	Wright, Pa.
Perkins,	Shell,	Terry,	
Phillips,	Sherman,	Thomas,	

Mr. MARTIN of Indiana. Mr. Chairman, I am informed that the gentleman from California, Mr. CAMINETTI, is sick, and therefore I ask that he be excused.

The CHAIRMAN. That can be done in the House. Under the rule the committee will rise.

The committee accordingly rose, and Mr. BROOKSHIRE resumed the chair as Speaker *pro tempore*.

Mr. DOCKERY. Mr. Speaker, the Committee of the Whole finding itself without a quorum, I caused the roll to be called, and herewith report the names of the absentees.

The SPEAKER *pro tempore*. The gentleman from Missouri, chairman of the Committee of the Whole, reports that that committee finding itself without a quorum, he caused the roll to be called. The names of the absentees will be entered upon the Journal.

Mr. HULL. Mr. Speaker, I ask that my colleague, Mr. HENDERSON of Iowa, be excused on account of his inability to attend the evening session because of his wounds.

There was no objection, and it was so ordered.

Mr. BRODERICK. Mr. Speaker, I ask that my colleague, Mr. CURTIS of Kansas, be excused. He is indisposed to-day, and is absent for that reason.

There was no objection, and it was so ordered.

Mr. MARSH. Mr. Speaker, I ask that my colleague, Mr. HENDERSON of Illinois, be excused on account of ill health.

There was no objection, and it was so ordered.

Mr. WEADOCK. Mr. Speaker, my colleague, Mr. STEPHENSON, is sick at his hotel this evening, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. MARTIN of Indiana. Mr. Speaker, I ask that my colleague, Mr. HOLMAN, be excused, as he is not able to be here.

There was no objection, and it was so ordered.

Mr. LINTON. Mr. Speaker, I ask that my colleague, Mr. AVERY, be excused on account of ill health.

There was no objection, and it was so ordered.

Mr. KIEFER. Mr. Speaker, I ask that the gentleman from Missouri, Mr. BARTHOLDT, be excused. He is sick, and has been for several days.

There was no objection, and it was so ordered.

Mr. MARTIN of Indiana. Mr. Speaker, I move a call of the House; and pending that, I ask unanimous consent that I be granted one moment to make a remark.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MOSES. Before we leave excuses, I ask unanimous consent that my colleague, Mr. RUSSELL of Georgia, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. CAMINETTI, by unanimous consent, obtained leave of absence for this evening, on account of sickness.

On motion of Mr. JOHNSON of North Dakota, Mr. HOPKINS of Pennsylvania was granted leave of absence, on account of sickness.

Mr. MARTIN of Indiana. Mr. Speaker, I feel very deeply the absence of a quorum on this occasion, after so many efforts at these evening sessions to pass the private bills which have received consideration in Committee of the Whole. It is a fact that there are less than a hundred members present, probably not more than seventy-five, and it is now but one hour and twenty-five minutes until the hour of adjournment. In view of these facts it seems quite improbable that, even by having a call of the House, we can obtain a quorum this evening; but, nevertheless, I have made the motion for a call, and I ask gentlemen who are present here to cast their votes on that motion advisedly with reference to the future, so that hereafter at these pension sessions if the point of "no quorum" is to be made it may be made and passed in time to bring in the absentees.

Without assuming to censure those who are absent, it does seem to me to be a great hardship upon the gentlemen who come here night after night and are prevented from doing business, on the one hand by the point of "no quorum," and on the other hand by the absence of a quorum when far more than enough members to make a quorum are in the city.

The question being taken on the motion of Mr. MARTIN of Indiana, a call of the House was ordered.

The Clerk called the roll, when the following-named members failed to respond:

Abbott,	Cousins,	Hines,	Randall,
Adams, Ky.	Covert,	Hitt,	Ray,
Adams, Pa.	Cox,	Holman,	Rayner,
Aitken,	Crain,	Hooker, Miss.	Reed,
Alderson,	Crawford,	Hooker, N. Y.	Reilly,
Aldrich,	Culberson,	Hopkins, Pa.	Reyburn,
Alexander,	Cummings,	Hulick,	Richards, Ohio
Allen,	Curtis, Kans.	Hutcheson,	Richardson, Tenn
Apsley,	Dalzell,	Izlar,	Robbins,
Arnold,	Daniels,	Johnson, Ind.	Robertson, La.
Avery,	Davey,	Johnson, Ohio	Robinson, Pa.
Babcock,	De Armond,	Jones,	Rusk,
Baldwin,	De Forest,	Lapham,	Russell, Conn.
Bankhead,	Denson,	Latimer,	Russell, Ga.
Barnes,	Dingley,	Lefever,	Ryan,
Bartholdt,	Dinsmore,	Lester,	Schermerhorn,
Bartlett,	Dolliver,	Lisle,	Scranton,
Belden,	Doolittle,	Livingston,	Settle,
Bell, Colo.	Draper,	Lockwood,	Shaw,
Bell, Tex.	Dunn,	Loud,	Shell,
Belthoover,	Dunphy,	Lucas,	Sherman,
Berry,	Durborow,	Lynch,	Sibley,
Bingham,	Ellis, Ky.	Magner,	Sickles,
Black, Ill.	Ellis, Oregon	Maguire,	Simpson,
Bland,	English, Cal.	Marshall,	Sipe,
Boatner,	English, N. J.	Marvin, N. Y.	Smith,
Boutelle,	Enloe,	McAleer,	Snodgrass,
Bower, N. C.	Erdman,	McCall,	Somers,
Bowers, Cal.	Everett,	McCreary, Ky.	Sperry,
Branch,	Fielder,	McDearmon,	Springer,
Brattan,	Fithian,	McDowell,	Stallings,
Breckinridge, Ark.	Fletcher,	McEttrick,	Stephenson,
Breckinridge, Ky.	Forman,	McGann,	Stevens,
Brickner,	Funk,	McKaig,	Stockdale,
Brosius,	Funston,	McKeighan,	Stone, Ky.
Brown,	Fyan,	McLaurin,	Storer,
Bryan,	Gear,	Meiklejohn,	Strait,
Bunn,	Geary,	Mercer,	Straus,
Burnes,	Geissenhainer,	Meyer,	Sweet,
Burrows,	Goldzier,	Milliken,	Talbott, Md.
Bynum,	Goodnight,	Money,	Tarsney,
Cabaniss,	Gorman,	Montgomery,	Tawney,
Cadmus,	Grady,	Moon,	Taylor, Ind.
Caldwell,	Graham,	Morgan,	Taylor, Tenn.
Caminetti,	Gresham,	Morse,	Terry,
Campbell,	Griffin,	Murray,	Tracey,
Cannon, Cal.	Grosvenor,	Mutchler,	Tucker,
Cannon, Ill.	Grout,	Newlands,	Turner, Ga.
Capehart,	Grow,	Northway,	Turner, Va.
Caruth,	Hager,	Oates,	Turpin,
Catchings,	Haines,	O'Neil, Mass.	Van Voorhis, N. Y.
Causey,	Hall, Minn.	O'Neill, Mo.	Wadsworth,
Chickering,	Hall, Mo.	Outhwaite,	Walker,
Childs,	Hammond,	Page,	Wanger,
Clancy,	Harmer,	Paschal,	Washington,
Clarke, Ala.	Harter,	Patterson,	Wells,
Cobb, Ala.	Hartman,	Payne,	Wever,
Cobb, Mo.	Hatch,	Paynter,	Wheeler, Ill.
Cockran,	Haugen,	Pence,	White,
Cockrell,	Hayes,	Pendleton, Tex.	Williams, Miss.
Coffeen,	Heard,	Pendleton, W. Va.	Wilson, Wash.
Compton,	Heiner,	Perkins,	Wilson, W. Va.
Coombs,	Henderson, Ill.	Phillips,	Wise,
Cooper, Fla.	Henderson, Iowa	Pigott,	Woodard,
Cooper, Ind.	Henderson, N. C.	Post,	Woomer,
Cooper, Tex.	Hendrix,	Powers,	Wright, Mass.
Cooper, Wis.	Hermann,	Price,	Wright, Pa.
Cornish,	Hicks,	Quigg,	

The SPEAKER *pro tempore*. The doors will now be closed and the Clerk will call the names of members who have failed to respond on the first call. Upon this call excuses will be in order.

Mr. TATE (when the name of Mr. CABANISS was called). Mr. Speaker, I ask that my colleague [Mr. CABANISS] be excused, on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. COOMBS, when his name was called, was excused on account of sickness.

Mr. UPDEGRAFF (when the name of Mr. COOPER of Wisconsin was called). Mr. Speaker, I ask that the gentleman from Wisconsin [Mr. COOPER] be excused, on account of illness.

There was no objection, and it was so ordered.

Mr. BAILEY (when the name of Mr. CULBERSON was called). Mr. Speaker, I ask that my colleague [Mr. CULBERSON] be excused, on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. WILLIAM A. STONE (when the name of Mr. DALZELL was called). Mr. Speaker, I ask that my colleague [Mr. DALZELL] be excused, on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. MCRAE (when the name of Mr. TERRY was called). Mr. Speaker, I ask that my colleague [Mr. TERRY] be excused, on account of sickness.

There was no objection, and it was so ordered.

Mr. WILLIAM A. STONE (when the name of Mr. SCRANTON was called). Mr. Speaker, I ask that my colleague [Mr. SCRANTON] be excused, on account of sickness.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. Upon this call 82 members have answered to their names; no quorum.

Mr. KILGORE. Mr. Speaker, would it be in order now to introduce a resolution to send for absentees?

The SPEAKER *pro tempore*. It would, in the judgment of the Chair.

Mr. MARTIN of Indiana. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Speaker be directed to issue a warrant to the Sergeant-at-Arms for the arrest of members who have failed to respond to their names, and who are absent without the leave of the House.

Mr. CONN. Mr. Speaker, it is evident from the lateness of the hour that it will be impossible for us to obtain a quorum here this evening. Therefore I move that all further proceedings under the call be dispensed with.

The question was taken on the motion of Mr. CONN, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. HULL. I ask for a division.

The House divided; and there were—ayes 33, noes 27.

Mr. TATE. I demand the yeas and nays.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House do now adjourn.

Mr. PICKLER. Mr. Speaker, I rise to a parliamentary inquiry, as bearing upon the question whether we shall adjourn or whether we shall continue to try to get a quorum. Is it not a fact that even if we had a quorum here any member who could get the floor could consume an hour in debate, and, that being so, is it not true that any three men could occupy the entire time of the session, so that we could do no business anyhow?

Mr. HULL. If that is any argument, it is an argument against having Friday night sessions at all.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana [Mr. MARTIN], that the House do now adjourn.

Mr. HULL. Let us vote it down.

The question being taken, the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. HULL. I ask for a division.

The House divided; and there were—ayes 42, noes 21; so the motion was agreed to, and the House accordingly (at 9 o'clock and 21 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 3192) for the relief of the Selma and Meridian Railroad Company. (Report No. 735.)

By Mr. MARTIN, from the Committee on Invalid Pensions: A bill (H. R. 3992) to increase the pension of Julia Bews. (Report No. 738.)

By Mr. MCDANNOLD, from the same committee: A bill H. R. 953) to grant a pension to Allie Dill Broughton. (Report No. 739.)

By Mr. LOUD, from the Committee on Claims: A bill (S. 475) for the relief of John Little and Hobart Williams, of Omaha, Nebr. (Report No. 742.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. HUTCHESON, from the Committee on Claims: A bill (H. R. 4788) for the relief of William H. Cook. (Report No. 736.)

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (H. R. 5087) granting a pension to Margaret Brennan. (Report No. 740.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. SWANSON: A bill (H. R. 6762) for the repeal of the tax upon the notes of State banks and banking associations under certain conditions—to the Committee on Banking and Currency.

By Mr. STRAUS: A bill (H. R. 6764) regulating applications for office in the unclassified civil service—to the Committee on Reform in the Civil Service.

By Mr. CAMPBELL: A bill (H. R. 6766) to incorporate the National Gas and Electric Light and Heat Company—to the Committee on the District of Columbia.

By Mr. DAVIS: A bill (H. R. 6767) to provide for the enlistment and maintenance of an industrial army, for issuing and maintaining a sufficient and equitable volume of currency, and for other purposes—to the Committee on Ways and Means.

By Mr. VAN VOORHIS of Ohio: A bill (H. R. 6768) for ascertaining the feasibility and probable cost of constructing a ship canal from Lake Erie to the Ohio River—to the Committee on Railways and Canals.

By Mr. STONE of Kentucky: A bill (H. R. 6769) to refund internal-revenue taxes paid by owners of private dies—to the Committee on Appropriations.

By Mr. DINGLEY: A bill (H. R. 6770) authorizing the Secretary of the Treasury to exchange, in behalf of the United States, deeds of land with the Pemaquid Land Company of Maine, in settlement of a disputed boundary of the Pemaquid Point, Maine, light station—to the Committee on Interstate and Foreign Commerce.

By Mr. BOEN: A joint resolution (H. Res. 166) ordering the Secretary of War to provide within the District of Columbia camping grounds and tents for all organized bodies of laboring people who may come within the boundaries of said District, and to see to it that their rights as citizens be respected and protected—to the Committee on Military Affairs.

By Mr. DALZELL: A resolution relating to appointment of Gen. A. L. Pearson as a manager in Soldiers' Home Board—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DURBOROW: (H. R. 6771) to remove the charge of desertion against the name of James E. Cotter—to the Committee on Military Affairs.

By Mr. IKIRT: A bill (H. R. 6772) to correct the military record of William Hartzell—to the Committee on Military Affairs.

By Mr. MCCREARY of Kentucky: A bill (H. R. 6773) for the relief of M. J. Vanorsdall—to the Committee on War Claims.

By Mr. VAN VOORHIS of Ohio: A bill (H. R. 6774) to grant an honorable discharge to John A. White—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AVERY: Petition of the Bookbinders and Rulers' Union, the Barbers' Union, the Trunkmakers' Union, and the Furniture Movers' Union, all of Detroit, Mich., in favor of governmental ownership and control of the telegraph and telephone lines—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Colorado: Protest of Evangelical Lutheran Church of Durango, Colo., against incorporation of the Deity in the Constitution of the United States—to the Committee on the Judiciary.

Also, request of Pikes Peak Division, No. 244, Order of Railway Conductors, of Colorado Springs, Colo., favoring the passage of bill known as the antiscalper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURROWS: Petition of the Bookbinders and Rulers' Union and the Trunkmakers' Union, of Detroit, Mich., in favor of governmental ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. COOMBS: Petition of Union Council, No. 25, Junior Order United American Workmen, for the better regulation of immigrants, and in favor of House bill 5246—to the Committee on Immigration and Naturalization.

By Mr. DOLLIVER: Petition of the Evangelical Lutheran Zion's and St. Paul's Churches, of Arcadia and Carroll, Iowa, protesting against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

Also, petition of J. J. Klopp, against the income tax on national building and loan associations—to the Committee on Ways and Means.

Also, protest of the Evangelical Lutheran Church, of Willow

Township, Green County, Iowa, against the God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. GEAR: Petition of A. Y. Troydon, on behalf of Nancy Judson, conservator of Phineas D. Judson, Company H, First Iowa Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Protest of the Evangelical Lutheran Lyster Church, of Urne, Buffalo County, Wis., against the proposed amendment to the preamble of the Constitution of the United States as tending to encroachment upon religious rights—to the Committee on the Judiciary.

By Mr. HERMANN: Petition of citizens of Oregon, for Government control of the telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. HUNTER: Petition of the Turtle Mountain Band of Pembina Chippewa Indians, against the ratification of the treaty argument concluded with the commission appointed under the provisions of the Indian appropriation act of July 13, 1892—to the Committee on Indian Affairs.

By Mr. IKIRT: Petition of William Hartzell, to correct his military record—to the Committee on Military Affairs.

By Mr. KYLE: Memorial of J. C. Levy and others, of Holly Springs, Miss., suggesting change in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. MAGUIRE: Petition of citizens of California, for the passage of a law against lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL of Missouri: Protest of owners of steam vessels against the passage of House bill 6645, for the construction of a bridge at St. Louis, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. PIGOTT (by request): Remonstrance of the Evangelical Lutheran Zion's Church, of New Haven, Conn., against amending the preamble of the Constitution by a clause acknowledging Jesus Christ as the medium of our liberty, etc.—to the Committee on the Judiciary.

By Mr. REED: Petition of William H. Motley, postmaster at Woodfords, Town of Deering, Cumberland County, Me., to accompany House bill 6744, for relief—to the Committee on Claims.

By Mr. RICHARDSON of Michigan: Resolution of the Bookbinders and Rulers' Union, of Detroit, in favor of Government control of telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of Cigar Makers' Union No. 81, Peter O'Loughlin, secretary, Pecksville, N. Y., in favor of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAW: Protest of Fountain City Lodge, No. 13, Ancient Order of United Workmen, of Fountain City, Wis., against legislation classing lodge newspapers or periodicals as third-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SIBLEY: Petition of Erie Council, Junior Order of United American Mechanics, asking for the passage of House bill 5246—to the Committee on Immigration and Naturalization.

By Mr. SIPE: Memorial of Council No. 460, Junior Order of United American Mechanics, of Claysville, Pa., for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of council of Junior Order of United American Mechanics, of Connellsville, Fayette County, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. UPDEGRAFF: Petition of L. B. Winston and 50 other members of Mizpah Tent, Knights of the Maccabees, of Charles City, Iowa, in favor of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *April 21, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 1928) to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration, at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals."

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes; and it was thereupon signed by the Vice-President.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting letters of Anthony Comstock, post-office inspector of New York, and of the assistant attorney-general for the Post-Office Department, relating to a change in the rule of evidence in regard to the comparison of handwriting in trial of cases in the courts of the United States; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Cigar Makers' Local Union, No. 90, of New York City, N. Y., and a memorial of the American Agents' Association, of Columbus, Ohio, remonstrating against the ratification of the proposed Chinese treaty; which were ordered to lie on the table.

Mr. PEFFER. I present a petition of citizens of Pennsylvania, praying Congress "to enact a law to issue five hundred millions of Treasury notes, to be full legal tender of all debts, both public and private, such money to be set apart exclusively for public roads, and to go to each State pro rata with the number of miles of road in the State, and to be appropriated and issued at the rate of $20,000,000 per month." The petition is in the usual form and properly indorsed. I move that it be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. MCMILLAN presented the memorial of E. W. Breem and H. C. King, of Oscoda, Mich., remonstrating against the imposition of an income tax upon national building and loan associations and local building and loan associations; which was ordered to lie on the table.

He also presented the petition of Robert Cartwright and sundry other members of the American Association of Civil Engineers, of Rochester, N. Y., and the petition of W. M. Lerch and sundry other citizens of Detroit, Mich., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN (for Mr. STOCKBRIDGE) presented a petition of the Retail Clerks' Union, of Detroit, Mich., and a petition of the Barbers' Union, of Detroit, Mich., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented a memorial of the Board of Trade and Transportation, of Cincinnati, Ohio, remonstrating against the abrogation of any treaty for reciprocal relations between the United States and foreign countries; which was referred to the Committee on Finance.

Mr. QUAY. I present a "petition and protest of American workingmen," and a memorial in the form of an address "to the right honorable body of United States Senators," being the action of the convention of workingmen of the United States in session in this city, and I ask unanimous consent to read the contents of the memorials. I do not desire to comment upon them at all.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and the Senator from Pennsylvania will proceed.

Mr. QUAY. These gentlemen met in this city yesterday and continued in session until within the past hour. They adopted a "petition and protest" to the Fifty-third Congress of the United States in connection with a memorial which they addressed to the United States Senate. After stating that the preamble and resolution were adopted at a mass meeting of representative wage-earners of the United States assembled in Washington, D. C., the 20th day of April, 1894, they set forth the same as follows:

Whereas for nearly ten months the business of this country has been paralyzed, the promises of improvement in consequence of certain financial legislation not having been realized; and

Whereas we see ourselves and others deprived of the means of livelihood by reason of threatened revision of tariff laws, under which we had been so prosperous, and by the continuance of which, without prospect of change, we feel assured that all business would be restored to its former prosperous condition; and

Whereas the wages of labor in this country under unassailed protective custom laws have been fully twice that of the highest in any other country; and

Whereas any reduction in the customs duty on any article manufactured or produced in this country means a corresponding reduction in the wages of labor employed in its manufacture or production; and

Whereas in our free country the interests of one class of workmen are the interests of all; and

Whereas we believe that all laws framed by our representatives should be for the benefit of their constituents, the people of the United States, and not the people of other countries: Therefore,

Resolved, That we, the authorized representatives of millions of American workmen, without distinction of party, hereby respectfully demand of our

representatives in the Congress of the United States that no change shall be made in existing laws that shall in any way deprive us of the capacity to earn the full amount of wages to which we were accustomed during the years in which there were no prospective or threatened changes in tariff laws to prevent us from providing for our families better homes, better education, and more comforts than in any other country on the face of the globe.

GEO. WALSH, *President.*
EPHRAIM RIGG, *Vice-President.*
M. J. KELLEY, *Secretary.*

The memorial to this body is as follows:

We as part of the toiling masses of these United States of America, on this day of our Lord, April 21, 1894, do offer to your noble sirs, in memorial, our supplications for your kind consideration, believing that the sense of right which is inert in all individual character, will receive from your honorable selves that true spirit of fairness which has ever been (and is, we believe, at this day) a constitutional characteristic of your honorable body of United States Senators, and in view of such a preposition we present for your consideration our sincere objections to making the measure known as the Wilson tariff bill a law of our land, in the following paragraphs of grievances:

First. Should this measure (known as the Wilson tariff bill) become a law its effect will be the depreciation of all values in the United States of 40 per cent or more.

The object of tariff reduction is to get an article that has cost less than the normal cost of production in the United States by getting an article that has been made in other countries at a less labor cost than in the United States. Hence the depreciation of value.

Now, the depreciation of values means a loss somewhere; where that loss is will be found after the Wilson tariff bill becomes a law.

Second. The census of the United States of America in 1880 showed 50,000,000 of population and the census of the United States in 1890 was 63,000,000, showing a gain of 13,000,000. Allowing 10,000,000 of the 13,000,000 as wage-earners, making compulsory on the part of the United States to create 10,000,000 of original situations during the intervening years of 1880 to 1890 in addition to keeping in force the situations that were in 1880 to allow the country to provide for its people as well as in 1890 as it did provide for its people in 1880.

Again, the effects of the Wilson tariff bill, should it become a law, will be greater importations of other countries' manufactured products and if it is true that during the full force of the McKinley act, which prohibited in a great measure the importations of manufactured goods from other countries into the United States, it was unable to provide employment for all its people (which was told us by those who are opposed to our tariff system), we are voluntarily impressed to believe that the United States will be still further embarrassed by a law in fact that would allow greater freedom to the importations of the products of other lands; hence our second grievance.

Now, while we are emphatically opposed to the Wilson tariff bill as a whole, we can not refrain from drawing your honorable and particular attention to the system of collecting duties on all imported textile goods into this country on an ad valorem basis, as is intended in and by the Wilson tariff bill. Ad valorem duties, without specific safeguards, open the flood-gates of fraud and undervaluation to the foreign manufacturers and importers of foreign-made textile goods into this country, and it goes without saying that this system of ad valorem collecting of customs on imported textile goods, if once adopted, means destruction and ruin to almost every textile industry in our land and the reducing of our workingmen's wages to a free-trade standard, and brings their wages down to the pauper-paid wages of the textile workers of Europe, and of which we are in fear and dread, and we again asseverate that every branch of industry in this country that comes under the ban of this pernicious system of ad valorem duties will and must continue to suffer untold misery and want. We therefore pray that every industry possible in this country shall be protected by specific and ad valorem duties both.

In the Wilson measure will be found discriminating inequalities; first, particularly that part relating to the tin schedule, as follows: The importation of tin annually amounts to 1,500,000,000 pounds; the duty at present is 2.2 per pound, thereby giving thirty million duties collected. The duty proposed by the Wilson tariff bill will be 1.2 per pound, allowing a collection of only fifteen millions tariff duties. Tin has not been enhanced in cost to the consumer under the McKinley act, and will not, in our opinion, be reduced in cost to us as consumers should the Wilson bill be allowed to go into effect. Therefore the United States will be deprived annually of $15,000,000, and at the same time giving no benefit to the country or its people; consequently the $15,000,000 will go into the possession of the tin manufacturers of other countries as profits. This is an illustrative objective lesson to us, showing the discriminating inequalities that can be found all through the Wilson tariff bill.

Now, your most honorable body are perfectly aware, as well as we are, that for ten long months business of every kind and description has been completely depressed by the prospective tariff reduction and is still present with us; ruin and desolation has confronted us and still confronts hundreds of thousands of workingmen and business men, and we, as workingmen, are fully convinced of the fact that if the Wilson bill becomes a law of this country it will be an utter impossibility for trade to revive or to flourish again in our midst. This in itself indicates the density of the dark cloud of depression that has been overhanging the country and its people for ten months and more, and whilst not disposed toward egotism, we are desirous that the people of our country shall have one more opportunity to bring back the prosperous condition that was in the years 1891 and 1892. We most earnestly supplicate your honorable body to defeat in toto the Wilson bill. We ask this favor not alone for ourselves who are present here to-day, but for the people in all parts of our country; and with care for our country and the best welfare of its people, we respectfully consign our case to your wise consideration and counsels.

GEORGE WALSH, *President.*
EPHRAIM RIGG, *Vice-President.*
M. J. KELLY, *Secretary.*

The VICE-PRESIDENT. The memorials will lie on the table, the bill having been reported.

Mr. CAMERON. I present a resolution and memorial of the workingmen of Pennsylvania, being the same as those just presented by my colleague.

The VICE-PRESIDENT. The memorials will lie on the table.

ADDITIONAL FORCE IN CONGRESSIONAL LIBRARY.

Mr. MILLS. If there are no further petitions to be presented, I ask the unanimous consent of the Senate to call up the joint resolution (S. R. 66) providing additional clerical force for the Librarian of Congress.

Mr. SHERMAN. It was reported from the Committee on the Library?

Mr. MILLS. It was.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appropriate $10,000 to be used for the employment of additional clerical force, under the direction of the Librarian of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Thy preamble was agreed to.

Mr. MILLS. I ask unanimous consent to have printed in the RECORD a letter from the Librarian of Congress, Mr. Spofford, in connection with this measure, for the information of the House of Representatives.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LIBRARY OF CONGRESS, *Washington, April 5, 1894.*

SIR: I present, as requested, a statement of the existing necessity for additional clerical force in the Congressional Library.

By reason of the enactment of international copyright in July, 1891, the copyright business has heavily increased, far beyond the normal annual increase growing out of the development of the country and its publishing interests. The number of copyrights entered in my office in 1890 was 42,758. In 1893 the aggregate was over 56,000, or an increase of 33 per cent. During all this time only one additional clerk has been allowed, while the labor thrown upon the office has been enormously increased. That labor involves the receipt and reply to about 70,000 applications for copyright yearly; the record and deposit of fees received; the return of fees in a large number of rejected applications; the recording of all copyrights, and the issue, under seal of my office, of certificates; the decision of many thousands of doubtful claims to copyright record; the indexing of all the records of copyright by name and subject-matter; the preparation, every week, of a complete catalogue of copyright publications received for publication, as an aid to customs officers; the receipt and care of over 100,000 publications of all kinds in every year; the stamping, numbering, labeling, and cataloguing of their great mass of copyright accessions; the production of many publications to be examined, in suits for copyright infringement constantly arising, and the furnishing of certified copies of all records wanted immediately in such litigation.

All these varied and responsible labors, it is to be borne in mind, are in addition to the work of the library proper, already twice as large as any American library, and involving in the care and arrangement of its vast collections, the selection of works to be added, the cataloguing of additions, the service of books and information to Congress, to the courts, to the Departments, to the foreign legations, and to the public, and the constant recording of books given out and returned.

Add to this the notoriously deficient space in which the multifarious business of the great library and copyright department has to be carried on, fearfully overcrowded as it is in every part, by which all the difficulties of administration are incalculably increased, and it becomes a case of distress, calling for as prompt and efficient relief as the supply of an adequate working force can furnish.

The whole number of assistants allowed the Librarian is but thirty-one, while the British Museum library, with no copyright business, and no circulation of books, has over one hundred, and the Boston Public Library, with half the number of books, and no copyright business, employs from seventy to eighty assistants. Unlike these libraries, the Congressional Library pays into the Treasury annually about $15,000, being the whole receipts from copyright fees, while the entire appropriation for salaries is but $43,800.

As less than half the clerical force is employed in the copyright department of the library business, it is obvious that this department is far more than self-sustaining. Congress, therefore, is not asked for a deficiency, but for a reappropriation of so much of the funds paid in by copyright as will place that department in a state of business efficiency, such as it maintained before the enormously increased labor thrown upon it in the last three years.

It has resulted, from the grossly inadequate clerical force provided, that the current work of the copyright records has fallen into arrears which are discreditable to the Government, and the subject of just complaint on the part of authors and publishers. The undersigned holds that every applicant for copyright should receive his certificate within a week, instead of waiting months as now compelled; and to reach this universally desired result he confidently appeals, in the interest of the public service, to the sense of justice of this committee and of Congress.

Very respectfully,

A. R. SPOFFORD,
Librarian of Congress.

Hon. R. Q. MILLS,
Chairman of Joint Committee on the Library.

BILLS INTRODUCED.

Mr. MCMILLAN introduced a bill (S. 1937) for the relief of James Phelan, internal-revenue collector at Detroit, Mich., which was read twice by its title and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. TURPIE (by request) introduced a bill (S. 1938) to grant pensions for service in the Army, Navy, or Marine Corps of the United States; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 1939) granting a pension to Conrad McClean; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1940) granting a pension to Henry C. Graham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1941) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Lib-

ortador" of the third class from the President of Venezuela; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. BUTLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

HENRY HALTEMAN.

Mr. SHERMAN. If the morning business is concluded, I ask the unanimous consent of the Senate to put on its passage the bill (S. 1526) for the relief of Henry Halteman.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to grant an honorable discharge from the United States service to Henry Halteman, late of Company F, Second United States Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HAWAIIAN AFFAIRS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress:

I transmit herewith a communication from the Secretary of State covering a dispatch from the United States minister at Honolulu, and reply thereto.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, April 21, 1894.*

SETTLERS ON PUBLIC LANDS.

Mr DOLPH. Some days ago I asked unanimous consent to call up for consideration the bill (S. 67) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands." There was objection. I gave notice that immediately after the pending business was disposed of, which was Senate bill 341, to provide a site for the Printing Office, I should move to take up the bill. The bill referred to, which was then the pending business, appears to have been shelved. I now move that the Senate proceed to the consideration of Senate bill 67.

Mr. HARRIS. Has the morning business been disposed of?

The VICE-PRESIDENT. The morning business is closed. The Senator from Oregon moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. DOLPH. On that question I ask for the yeas and nays. A similar bill passed the Senate during the last Congress, but entirely by votes on this side of the Chamber.

The VICE-PRESIDENT. On the question, Shall the Senate proceed to the consideration of the bill? the Senator from Oregon demands the yeas and nays.

The yeas and nays were ordered.

Mr. BERRY. What is the bill?

Mr. SHERMAN. If the bill were read at length probably we would all vote to take it up. Let it be read.

Mr. DOLPH. I am not sure whether the question is debatable, but if the Senate will permit me, I will state in a moment what the bill is.

The VICE-PRESIDENT. The question is not debatable except by unanimous consent.

Mr. GORMAN. Let the Senator from Oregon proceed by unanimous consent.

The VICE-PRESIDENT. The reading of the bill has been called for. The bill will be read for information.

The Secretary read the bill as proposed to be amended by the Committee on Public Lands, as follows:

Be it enacted, etc., That section 2 of an act entitled "An act for the relief of certain settlers on the public lands and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, be amended so as to read as follows:

"SEC. 2. That in all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office; and in all cases where parties, as preëmptors or homestead claimants, have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, or which is within the limits of any portion of a grant which has been heretofore or which shall hereafter be forfeited by reason of any failure upon the part of the grantee to construct that portion of the railroad in aid of which such grant was made, which is adjacent to and coterminous with such lands, the excess of $1.25 per acre shall in like manner be repaid, but only to the original entryman thereof, or to his heirs or personal representatives: *Provided*, That no claim for any money under this act shall be allowed unless the same is duly made and presented to the Department of the Interior of the United States within the period of two years from the date when such claim shall accrue, or from the date of the approval of this act."

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the motion to proceed to the consideration of the bill which has just been read.

Mr. BERRY. I should like unanimous consent to make a remark or two in regard to the bill.

Mr. DOLPH. If leave is granted I hope the same consent will be given me. I shall not talk longer than the Senator from Arkansas.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. CAREY. The bill will be debatable after the vote, will it not?

The VICE-PRESIDENT. The Chair understands the Senator from Wyoming to object. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the junior Senator from South Carolina [Mr. IRBY], and for the present withhold my vote.

Mr. GIBSON (when his name was called). I am paired with the senior Senator from Michigan [Mr. STOCKBRIDGE], and in his absence withhold my vote.

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. If he were present I should vote "yea." In his absence I withhold my vote.

Mr. MITCHELL of Oregon (when his name was called). I am paired with the senior Senator from Wisconsin [Mr. VILAS], but I transfer my pair to the senior Senator from Iowa [Mr. ALLISON], and vote "yea."

Mr. ALLISON (after having voted in the affirmative). Then, under that arrangement, I will withdraw my vote.

Mr. PETTIGREW (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CAMDEN]. If he were present I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired upon all questions with the Senator from Alabama [Mr. MORGAN].

Mr. MCMILLAN (when Mr. STOCKBRIDGE'S name was called). My colleague [Mr. STOCKBRIDGE] is detained from the Chamber by illness, and is paired with the Senator from Maryland [Mr. GIBSON].

The roll call was concluded.

Mr. BLACKBURN. I am paired with the senior Senator from Nebraska [Mr. MANDERSON]. If he were present, I should vote "nay."

Mr. CAFFERY (after having voted in the negative). I am paired with the Senator from Montana [Mr. POWER], and therefore withdraw my vote.

Mr. GALLINGER (after having voted in the affirmative). I am paired with the junior Senator from Texas [Mr. MILLS]. I understand he has not voted, and therefore I withdraw my vote.

Mr. DIXON. I have a general pair with the Senator from Mississippi [Mr. MCLAURIN]. As he is absent, and as my colleague [Mr. ALDRICH] is absent unpaired, I transfer my pair to my colleague, and vote "yea."

Mr. HALE. I am paired with the Senator from North Carolina [Mr. RANSOM]. Otherwise I should vote "yea."

Mr. ALLISON. My colleague [Mr. WILSON] is detained from the Chamber by illness. He is paired with the senior Senator from Georgia [Mr. GORDON]. I take it for granted that if my colleague were present he would vote "yea."

Mr. PERKINS (after having voted in the affirmative). I am paired upon political questions with the junior Senator from North Dakota [Mr. ROACH]. When I voted upon this motion I did not understand it to be a political question. It seems to have taken that turn, and under my pair I will withdraw my vote.

Mr. GALLINGER. I was requested by the junior Senator from Massachusetts [Mr. LODGE] to announce that he is paired with the Senator from New York [Mr. HILL]. The Senator from Massachusetts is absent from the city.

The result was announced—yeas 18, nays 22; as follows:

YEAS—18.

Allen,	Dixon,	McMillan,	Sherman,
Cameron,	Dolph,	Mitchell, Oregon	Shoup,
Chandler,	Frye,	Morrill,	Teller.
Cullom,	Hansbrough,	Platt,	
Davis,	Hawley,	Proctor,	

NAYS—22.

Bate,	Coke,	Lindsay,	Vest,
Berry,	George,	Martin,	Voorhees,
Blanchard,	Gorman,	Palmer,	Walsh,
Butler,	Gray,	Pasco,	White.
Call,	Harris,	Peffer,	
Cockrell,	Jones, Ark.	Turpie,	

NOT VOTING—44.

Aldrich,	Gibson,	McLaurin,	Quay,
Allison,	Gordon,	McPherson,	Ransom,
Blackburn,	Hale,	Manderson,	Roach,
Brice,	Higgins,	Mills,	Smith,
Caffery,	Hill,	Mitchell, Wis.	Squire,
Camden,	Hoar,	Morgan,	Stewart,
Carey,	Hunton,	Murphy,	Stockbridge,
Daniel,	Irby,	Perkins,	Vilas,
Dubois,	Jones, Nev.	Pettigrew,	Washburn,
Faulkner,	Kyle,	Power,	Wilson,
Gallinger,	Lodge,	Pugh,	Wolcott.

The VICE-PRESIDENT. A quorum has not voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Coke,	Harris,	Pettigrew,
Allison,	Cullom,	Hawley,	Platt,
Bate,	Davis,	Higgins,	Proctor,
Berry,	Dixon,	Jones, Ark.	Pugh,
Blackburn,	Dolph,	Lindsay,	Quay,
Blanchard,	Frye,	McMillan,	Sherman,
Butler,	Gallinger,	Martin,	Shoup,
Caffery,	George,	Mitchell, Oregon	Teller,
Call,	Gibson,	Morrill,	Turpie,
Cameron,	Gorman,	Palmer,	Vest,
Carey,	Gray,	Pasco,	Voorhees,
Chandler,	Hale,	Peffer,	Walsh,
Cockrell,	Hansbrough,	Perkins,	White.

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present. The question recurs upon the motion of the Senator from Oregon [Mr. DOLPH], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On this question I am paired with the Senator from Wisconsin [Mr. VILAS].

Mr. BLACKBURN. I suggest to the Senator that his pair with the Senator from Wisconsin [Mr. VILAS] be transferred to the Senator from Nebraska [Mr. MANDERSON], with whom I am paired, and that will enable the Senator from Iowa and myself to vote.

Mr. ALLISON. Under the suggestion of the Senator from Kentucky, I transfer my pair with the Senator from Wisconsin to the Senator from Nebraska, and I vote "yea."

Mr. CAREY (when his name was called). I am paired with the junior Senator from South Carolina [Mr. IRBY], and therefore withhold my vote.

Mr. DIXON (when his name was called). I have transferred my pair with the Senator from Mississippi [Mr. MCLAURIN] to my colleague [Mr. ALDRICH], and I vote "yea."

Mr. GALLINGER (when his name was called). I am paired with the Senator from Texas [Mr. MILLS], but I transfer that pair to the Senator from Nevada [Mr. JONES], who is unpaired, and I vote "yea."

Mr. HIGGINS (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. MCPHERSON].

Mr. PERKINS (when his name was called). I am paired with the Senator from North Dakota [Mr. ROACH].

Mr. PLATT (when his name was called). Upon the last roll call I voted inadvertently. I am paired with the Senator from Virginia [Mr. HUNTON] and did not then observe that he was absent. I now withhold my vote.

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I again announce my pair upon all questions with the Senator from Alabama [Mr. MORGAN].

The roll call was concluded.

Mr. CHANDLER (after having voted in the affirmative). I desire to withdraw my vote, and announce that I am paired with the junior Senator from New York [Mr. MURPHY].

Mr. HIGGINS. As I have announced, I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. The Senator from Maryland [Mr. GIBSON] is paired with the Senator from Michigan [Mr. STOCKBRIDGE]. The Senator from Maryland and I have arranged to transfer our pairs so as to enable us to vote. I vote "yea."

Mr. GIBSON. I vote "nay."

The result was announced—yeas 19, nays 25; as follows:

YEAS—19.

Allen,	Dixon,	Hawley,	Proctor,
Allison,	Dolph,	Higgins,	Sherman,
Cameron,	Frye,	McMillan,	Shoup,
Cullom,	Gallinger,	Mitchell, Oregon	Teller.
Davis,	Hansbrough,	Morrill,	

NAYS—25.

Bate,	Cockrell,	Jones, Ark.	Vest,
Berry,	Coke,	Lindsay,	Voorhees,
Blackburn,	George,	Martin,	Walsh,
Blanchard,	Gibson,	Palmer,	White.
Butler,	Gorman,	Pasco,	
Caffery,	Gray,	Peffer,	
Call,	Harris,	Turpie,	

NOT VOTING—40.

Aldrich,	Hill,	Mills,	Ransom,
Brice,	Hoar,	Mitchell, Wis.	Roach,
Camden,	Hunton,	Morgan,	Smith,
Carey,	Irby,	Murphy,	Squire,
Chandler,	Jones, Nev.	Perkins,	Stewart,
Daniel,	Kyle,	Pettigrew,	Stockbridge,
Dubois,	Lodge,	Platt,	Vilas,
Faulkner,	McLaurin,	Power,	Washburn,
Gordon,	McPherson,	Pugh,	Wilson,
Hale,	Manderson,	Quay.	Wolcott.

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 509) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey;

A bill (H. R. 522) for the relief of Benjamin Alvord;

A bill (H. R. 995) for the relief of J. M. Billings; and

A bill (H. R. 6126) to amend an act to authorize the construction of a bridge at Burlington, Iowa, approved August 6, 1888, and amended by act approved February 21, 1890.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1928) to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals;" and

A bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota.

YELLOWSTONE NATIONAL PARK.

Mr. CAREY. I ask at this time for the consideration of House bill 6442, and I should like, with the indulgence of the Senate, to make a brief explanation.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 4642) to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes.

Mr. CAREY. Within a few days——

Mr. BERRY. Debate is not in order, I take it, on the pending motion.

The VICE-PRESIDENT. There is objection to debate.

Mr. CAREY. I do not propose to debate the motion, but I simply desire to give my reasons——

Mr. BERRY. I do not make any objection to that, but I wanted to remind the Senator from Wyoming that he objected a while ago to my making a few remarks. I shall not, however, object to his doing so.

Mr. CAREY. I ask unanimous consent to take up the bill the title of which has been read, and I think, if the Senate will allow me to make a statement, there will be no objection to it.

The VICE-PRESIDENT. The Chair will state to the Senator that the bill will first be read.

Mr. CAREY. As the Committee on Territories has reported an amendment to the bill in the nature of a substitute, I suggest that the substitute be read.

The VICE-PRESIDENT. The substitute will be read.

The Secretary proceeded to read the amendment reported by the Committee on Territories; but before concluding was interrupted by

Mr. ALLEN. Mr. President, I rise to a parliamentary inquiry. It is evident that the reading of this bill will occupy the remainder of the morning hour, and I wish to inquire, if that be true, whether the resolution which has been pending before the Senate and was passed over will retain its position for the morning hour on Monday as of to-day?

Mr. CAREY. I appeal to the Senator from Nebraska not to object to the bill for this reason: I got out of his way a few days ago, when I had asked unanimous consent for the consideration of a bill, and three different bills were passed by unanimous consent immediately afterwards, and by the consent of the

Senator. The bill, the consideration of which I have asked, is of much importance, for $10,000 worth of game has been destroyed in the Yellowstone National Park during the last month.

Mr. ALLEN. The Senator from Wyoming misapprehends me. I have made no objection to the consideration of the bill. I simply inquired of the Chair whether—if the bill should consume all the morning hour, as plainly it will, for there are only ten minutes left—resolutions which have been lying on the table for several days will retain their position and pass over until the next legislative day?

The VICE-PRESIDENT. The Chair will state to the Senator from Nebraska that the resolutions referred to have had their day, and have gone to the Calendar. There is no resolution pending now.

The Secretary resumed and concluded the reading of the amendment reported by the Committee on Territories, which was to strike out all after the enacting clause of the bill, and insert:

That the Yellowstone National Park, in the State of Wyoming, as now defined, or as may be hereafter defined or extended, shall be under the sole and exclusive jurisdiction of the United States; and that all the laws applicable to places under the sole and exclusive jurisdiction of the United States shall be in lawful force and effect in said park: *Provided, however*, That nothing in this act shall be construed as to forbid the service in the park of any civil or criminal process of any court having jurisdiction in the State of Wyoming. All fugitives from justice taking refuge in said park shall be subjected to the same laws as refugees from justice found in the State of Wyoming.

SEC. 2. That said park, for all the purposes of this act, shall constitute a part of the United States judicial district of Wyoming, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said park.

SEC. 3. That if any offense shall be committed in said Yellowstone National Park, which offense is not prohibited or the punishment is not specially provided for by any law of the United States or by any regulation of the Secretary of the Interior, the offender shall be liable to receive the same punishment as the laws of the State of Wyoming in force at the time of the commission of the offense may provide for a like offense in the said State; and no subsequent repeal of any such law of the State of Wyoming shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting, or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals, when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation all timber, mineral deposits, natural curiosities, or wonderful objects within said park; and for the protection of the animals and birds in the park, to prevent their capture or destruction, or to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within the said park of the dead bodies, or any part thereof, or of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company or railway company, receiving for transportation any of the said animals, birds, or fish killed, taken, or caught shall be deemed guilty of a misdemeanor, and shall forfeit or pay for every such offense the sum of $100. Any person found guilty of violating any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals and birds and fish in the said park, for which no punishment is specifically provided by the laws of the United States or of said State, such person shall be deemed guilty of an offense, and shall be subjected to a fine of not more than $1,000 and imprisonment not exceeding two years, either or both, together with the costs of the proceedings.

That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits engaged in or guilty of killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States, and may be seized by the officers in charge of said park and held pending the prosecution of any person or persons arrested under the charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation said forfeiture shall be adjudicated and ordered by the court as a penalty in addition to the punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 5. That the United States circuit court in said district shall appoint a commissioner, who shall reside in the park, who shall have jurisdiction to hear and act upon all complaints made, of any and all violations of the law, or of the rules and regulations made by the Secretary of the Interior for the government of the park, and for the protection of the game and objects of interest therein, and for other purposes authorized by this act. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with the violation of the rules and regulations, or with the violation of any provision of this act prescribed for the government of said park, and for the protection of the animals, birds, and fish in the said park, and to try the person so charged, and, if found guilty, to fix the punishment prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the district of Wyoming, said appeal to be governed by the laws of the State of Wyoming providing for appeals in cases of misdemeanor from justices of the peace to the district court of said State; but the United States circuit court in said district may prescribe rules of procedure and practice for said commissioner in the trial of cases and for their appeal to said United States district court. Said commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission of any felony within the park, and to summarily hear the evidence introduced, and, if he shall determine that proper cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court in said State, and shall certify the record of his proceedings and a transcript of the testimony in the case to the said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all offenses bailable under the laws of the United States and said State. All process issued by the commissioner shall be directed to the marshal of the United States for the district of Wyoming; but nothing herein contained shall be construed as preventing the arrest by any officer of the Government or employé of the United States in the park, without process, of any person taken in the act of violating the law or any regulation of the Secretary of the Interior: *Provided*, That the said commissioner shall only exercise such authority and powers as are conferred by this act.

SEC. 6. That the marshal of the United States for the State of Wyoming, with the approval of the judge of the district court of the United States for the said State, may appoint a deputy marshal for said park, who shall reside in said park, and the said United States district and circuit courts shall hold one session of said courts annually at the town of Sheridan, in the State of Wyoming, at such date as the said courts may order.

SEC. 7. That the commissioner provided for in this act, and the marshal of the United States and his deputies, and the attorney of the United States and his assistants in said State, shall be paid the same compensation and fees as are now provided by law for like services in said State.

SEC. 8. That all costs and expenses arising in cases under this act, and properly chargeable to the United States, shall be certified, approved, and paid as like costs and expenses in the courts of the United States are certified, approved, and paid under the laws of the United States.

SEC. 9. That the Secretary of the Interior shall cause to be erected in the park a suitable building to be used as a jail, and also an office for the use of the commissioner, the cost of such building not to exceed $5,000, to be paid out of any moneys in the Treasury not otherwise appropriated, upon the certificate of the Secretary as a voucher therefor.

SEC. 10. That this act shall not be construed to repeal existing laws conferring upon the Secretary of the Interior and the Secretary of War certain powers with reference to the protection, improvement, and control of the said Yellowstone National Park.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Territories, which has been read.

Mr. VEST. I am very anxious to secure the passage of this or a similar measure; but there are some amendments which I think ought to be made to the bill. It is hardly possible to make them now.

The VICE-PRESIDENT. The pending question is on the amendment reported by the Committee on Territories.

Mr. VEST. I have no objection to that amendment, but I want to amend it.

The VICE-PRESIDENT. The Chair recognizes the Senator from Missouri.

Mr. VEST. In line 4, of section 1, of the amendment of the committee, between the words "as" and "now," I move to insert "its boundaries;" after the word "now," to insert the word "are;" and before the word "may," to insert "they;" so as to read:

That the Yellowstone National Park, in the State of Wyoming, as its boundaries are now defined or as they may be hereafter defined or extended, etc.

Mr. CAREY. I have no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. VEST. In line 8 of the same section, after the word "shall," I move to strike out the words "be in lawful," and insert the word "have;" so as to read:

And that all the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park.

The amendment to the amendment was agreed to.

Mr. VEST. In line 9 of the same section, after the word "construed," I move to strike out the word "as;" so as to read:

That nothing in this act shall be construed to forbid the service in the park of any civil or criminal process, etc.

The amendment to the amendment was agreed to.

Mr. VEST. In section 4, line 17, after the word "park," I move to strike out the words "to prevent their," and insert the word "from;" so as to read:

And for the protection of the animals and birds in the park from capture or destruction.

The amendment to the amendment was agreed to.

Mr. VEST. In the same section, line 22, after the word "thereof," I move to strike out the word "or;" so as to read:

Possession within the said park of the dead bodies or any part thereof of any wild bird or animal.

The amendment to the amendment was agreed to.

Mr. VEST. In the same section, line 36, after the word "animals," I move to strike out the word "and;" so as to read:

For the protection of the animals, birds, and fish in the said park, etc.

The amendment to the amendment was agreed to.

Mr. VEST. In the same section, line 38, after the word "State," I move to strike out "such person," and insert "of Wyoming;" so as to read:

For which no punishment is specifically provided by the laws of the United States or of said State of Wyoming, shall be deemed guilty, etc.

The amendment to the amendment was agreed to.

Mr. VEST. In the same section, line 39, after the word "guilty," I move to strike out "of an offense," and insert "of a misdemeanor;" so as to read:

Shall be deemed guilty of a misdemeanor, etc.

The amendment to the amendment was agreed to.

Mr. VEST. In the same section, line 40, before the word "imprisonment," I move to strike out "and" and insert "or;" so as to read:

And shall be subject to a fine of not more than $1,000 or imprisonment not exceeding two years, etc.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business. First, however, he lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 995) for the relief of J. M. Billings was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 6126) to amend an act to authorize the construction of a bridge at Burlington, Iowa, approved August 6, 1888, and amended by act approved February 21, 1890, was read twice by its title, and referred to the Committee on Commerce.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 509) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey; and

A bill (H. R. 522) for the relief of Benjamin Alvord.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. DOLPH resumed the floor in continuation of the speech begun by him yesterday. After having spoken with interruptions for nearly four hours,

Mr. CHANDLER (at 4 o'clock and 58 minutes p. m.). As the Senator from Oregon has been interrupted so much, I ask unanimous consent that he may be permitted to go on after 5 o'clock.

Mr. TELLER. Is there any law to prevent him from going on?

Mr. CHANDLER. I do not want the Senator to feel that I have cut short his speech.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. QUAY. There is objection.

Mr. HARRIS. The Senator from Oregon having the floor, has a right to go on as long as he pleases, and there is no rule which can stop him.

Mr. CHANDLER. I certainly understood the Senator from Tennessee to insist that the discussion on this bill should be limited to the hours between 1 and 5 o'clock.

Mr. HARRIS. On the contrary, the Senator from Tennessee insisted that the discussion should begin at 1 o'clock and continue at least until 5, and as long after as any Senator chose to continue it.

Mr. CHANDLER. I do not remember any such statement.

Mr. HARRIS. There was no such statement made, but there is no limitation. If the Senator from Oregon, having the floor, chooses to go on he has a perfect right to do so.

Mr. CHANDLER. I knew the Senator from Oregon was not feeling well to-day——

Mr. GRAY. He can do as he pleases.

Mr. CHANDLER. My object is to let the Senator do as he pleases.

Mr. DOLPH. I am sorry I have not got very far with my speech to-day because I have been interrupted so much. The remainder of it will keep, and I shall give it to the Senate in serial form. I suppose on Monday I shall be asked to give way to Senators who have given notice of their intention to speak on that day, or the Senator from Pennsylvania [Mr. QUAY] may then want to resume his speech. I shall be very glad to accommodate Senators; and I shall renew my speech when I can do so at the pleasure of the Senate.

Mr. CHANDLER. Certainly the Senator ought not to yield and let others into the discussion when questions have arisen where they want to be fully heard, and then cut them off. I do not think the Senator wants to do that.

Mr. DOLPH. I am in no hurry. I shall allow everybody to interrupt me and discuss the question who pleases, if he will only quote me fairly, and not put into the RECORD things which I think I have not said or draw unjust conclusions from my remarks. I do not want to be arraigned in the Senate Chamber as a slanderer of the American people.

Mr. CHANDLER. The Senator did not want the misstatement of my position by the Senator from Colorado to go uncontradicted.

Mr. QUAY. The hour of 5 o'clock having arrived——

Mr. TELLER. I have not misrepresented either the Senator from New Hampshire or the Senator from Oregon. I have simply stated what was the logic of their position.

[Mr. DOLPH'S speech will be published entire after it shall have been concluded.]

Mr. QUAY. I suggest there is no quorum present, and the hour of 5 o'clock has arrived.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Gray,	Quay,
Allison,	Coke,	Harris,	Shoup,
Bate,	Dixon,	Martin,	Stewart,
Berry,	Dolph,	Pasco,	Teller,
Blanchard,	George,	Peffer,	Vest,
Call,	Gibson,	Perkins,	Walsh.
Chandler,	Gorman,	Platt,	

The VICE-PRESIDENT. Twenty-seven Senators have answered to their names. There is no quorum present.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, April 23, 1894, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 21, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

Mr. BYNUM. Mr. Speaker, I desire to call the attention of the House to a matter which may be of some importance in connection with the Journal. I am not able to say how it will affect the Journal.

When the House was in Committee of the Whole on yesterday, it had under consideration certain bills which it reported favorably to the House, and pending the consideration of another bill, on a motion made with regard to it, the gentleman from Tennessee [Mr. ENLOE], as appears of record, made the point that no quorum had voted. Immediately thereupon a motion was made that the committee rise; which was agreed to.

It seems to me that the report of the Committee of the Whole, and the subsequent proceedings of the House in passing the bills reported from the Committee of the Whole with that record of no quorum pending, must be a nullity. This proceeding will be found on page 3928 of the RECORD, in the second column. The Chair will observe this language:

The question was taken; and on a division (demanded by Mr. ENLOE) there were—ayes 67, noes 18.

Mr. ENLOE. I make the point that no quorum has voted.

Mr. BUNN. I move that the committee rise.

The motion was agreed to; and the committee accordingly rose, and the Chairman of the committee reported to the House that the committee had had under consideration certain bills, which were then taken up and passed; whereas I think the chairman of the Committee of the Whole should have reported that the committee found itself without a quorum.

Mr. COX. But the question of a quorum was not raised on these bills.

Mr. BYNUM. I know; but the committee could not have reported them without a quorum.

Mr. BURROWS. The point of order, I think, should be made against the recognition by the Chair of the motion that the committee rise, when the point was made that there was no quorum, instead of causing the roll to be called. It was the duty of the Chair, when the point of no quorum was made, to immediately cause the roll to be called.

The SPEAKER. That is correct. That is the rule.

Mr. BURROWS. Instead of entertaining the motion that the committee rise, the roll should have been called.

The SPEAKER. The rule provides that in Committee of the Whole, when the absence of a quorum is developed, the Chair shall direct the roll to be called; the committee shall then rise and report the names of the absentees to the House, which shall be entered upon the Journal. Then, if a quorum appears, the House shall immediately after go back into Committee of the Whole without motion. That is the rule.

Mr. RICHARDSON of Tennessee. I have no doubt, Mr. Speaker, that the intention of the House was to construe the condition as if the point of no quorum had been withdrawn. When the point of no quorum was made and the gentleman from

North Carolina [Mr. BUNN] immediately afterward moved that the committee rise, it is usual to consider the point of no quorum as being withdrawn and the committee then rises.

Afterwards, when the House convenes, the point of no quorum in committee would not prevent the House from acting on the bills reported from the Committee of the Whole, it being assumed that a quorum of the House is present, unless the fact to the contrary is developed by a count in some manner of the members present.

Mr. BYNUM. As a matter of fact, the point of no quorum was not withdrawn.

Mr. ENLOE. That is correct. The point of no quorum was not withdrawn, and it was simply an oversight or an error on the part of the Chair in permitting the committee to rise without a call of the roll.

But, Mr. Speaker, I do not see how that could affect the action taken subsequently by the House on the passage of the bills which had been considered and passed in Committee of the Whole when there was a quorum. And, in addition to that, there is nothing to show that there was not a quorum in the House at the time the bills were passed. There was no test and it was not determined in any way by a vote that there was no quorum present. That condition, therefore, to which the gentleman from Indiana refers does not affect the subsequent action of the House.

The SPEAKER. The Journal correctly records what took place, as the Chair understands.

Mr. HATCH. Mr. Speaker, there was a rising vote taken on a motion with reference to a pending bill made in the Committee of the Whole, and on that vote a quorum did not appear. As the Chair announced that there were ayes so many and noes so many, without concluding the announcement that the ayes had it, some gentleman made the point that no quorum had voted; and immediately thereupon, and before the announcement of the vote, the gentleman from North Carolina [Mr. BUNN] moved that the committee rise. It does not require a quorum for the committee to rise any more than it does for the House to adjourn, and the Chair can entertain a motion that the committee shall rise at any time, although a quorum did not vote on the question immediately preceding. It is precisely analogous to a motion to adjourn in the House. A vote is taken in the House and no quorum is found, and the point is made that no quorum voted, whereupon a motion may be made and entertained that the House adjourn. That motion is always in order pending the suggestion of any member that a quorum has not voted. Of course, no other motion would be in order in the committee when it finds itself without a quorum except the motion that the committee rise, or for the call of the roll under the rule. But no point of order was made against the motion of the gentleman from North Carolina that the committee rise, and the Chair entertained the motion because, as I have stated, this motion that the committee rise must be in order at any time, and does not require the presence of a quorum; being precisely similar to the motion, which is always in order in the House in the absence of a quorum, that the House adjourn.

The SPEAKER. Undoubtedly the Journal contains a correct recital of the facts. So that, as the Chair understands, there is no suggestion in relation to that.

Mr. MCMILLIN. It seems to me that the difficulty arising here, and the only one involved, is that when the Committee of the Whole rose the suggestion had been made that there was no quorum, and the rising of the committee was on account of that suggestion. If before that time the Committee of the Whole had reported to the House the bills which had been considered, no difficulty could have arisen. But there was still something for the Committee of the Whole to do; and the question involved here is whether that something could be done in the absence of a quorum.

The SPEAKER. A question of that kind may or may not arise; but the Journal at any rate is correct.

Mr. HATCH. Allow me to say, in reply to the gentleman from Tennessee [Mr. MCMILLIN], that my position must be correct for this reason: Suppose the roll had been called and a quorum had not responded. If a motion that the committee rise was not in order when the Chair entertained it, it could never have been in order as long as the point was made that a quorum had not voted or had not appeared upon the roll call; and the Committee of the Whole would have been in session yet.

Mr. BURROWS. Oh, no. The rule provides that immediately on the completion of the roll call in Committee of the Whole, when no quorum has appeared, the Committee of the Whole shall rise, the Speaker resume the chair, and the chairman of the Committee of the Whole report the absentees.

Mr. HATCH. But if the Committee of the Whole finds itself without a quorum there are two modes of getting back into the House. One is upon a roll call, the other upon a motion that the committee rise—just as there are two methods in the House of getting out of the dilemma of no quorum—one is to send for absentees, and the other is to adjourn.

Mr. BURROWS. But as my friend must remember, it has been repeatedly held that when a quorum does not appear in Committee of the Whole, there is but one thing to be done, and that is to call the roll; it has been directly held over and over again that under such circumstances a motion to rise is not in order. The roll must be called; on that point the rule is imperative.

Mr. HATCH. I call the attention of the gentleman from Michigan to the fact that in every case cited in the Digest he will find a point of order was made against the motion that the committee do now rise.

Mr. BURROWS. Possibly that is so.

Mr. ENLOE. I make the point that there is nothing before the House.

The SPEAKER. So the Chair understands. The Journal has been approved in the absence of objection.

EVIDENCE OF HANDWRITING.

The SPEAKER laid before the House a letter from the Acting Postmaster-General, transmitting copies of letters from the post-office inspector of New York and the Assistant Attorney-General of the Post-Office Department relating to a change in the rule of evidence in regard to the comparison of handwriting in the trial of cases in the United States courts; which was referred to the Committee on the Judiciary, and ordered to be printed.

CONTINGENT EXPENSES OF INDEPENDENT TREASURY.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, submitting an estimate of deficiency in the appropriation for "contingent expenses, independent Treasury," for the fiscal year ending June 30, 1894; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHEELER of Illinois, for ten days, on account of sickness in his family.

BRIDGE ACROSS HUDSON RIVER.

Mr. DUNPHY. I ask unanimous consent for the consideration of the bill which I send to the desk.

The Clerk proceeded to read the bill (H. R. 6448) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

Mr. DUNPHY (before the reading of the bill was concluded). Mr. Speaker, I withdraw my request for unanimous consent, as a gentleman has just intimated to me that he will object.

INDIAN LANDS ON RED LAKE RESERVATION.

Mr. BALDWIN. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 5103) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota was read.

Mr. LIVINGSTON. This bill must be explained before I can consent to its passage in this way.

Mr. BALDWIN. Mr. Speaker, the bill is in the interest of the Indians of Red Lake Reservation, and its passage has been asked for by them as a means of preventing delay in the execution of the existing law. Under the Nelson act, as it is termed, the lands referred to in the bill would not be placed on the market for possibly ten years at the rate they are now being estimated.

This country will soon be thrown open for settlement under the Nelson act. The settlers in that country will require the pine for their own uses, and there is no means of getting that pine into the market, and getting the use of it, except through the provisions of this bill.

Mr. LIVINGSTON. Is the bill unanimously reported?

Mr. BALDWIN. Yes.

Mr. REED. We can not hear a word of this conversation between the gentleman from Minnesota [Mr. BALDWIN] and the gentleman from Georgia [Mr. LIVINGSTON].

The SPEAKER. Is there objection to the request?

Mr. REED. We would like to know what the request is.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill.

Mr. REED. This impression that the gentleman from Georgia is the only member of this House is a mistake.

Mr. LIVINGSTON. Mr. Speaker, I wish to suggest to the gentleman from Maine that I have been listening for myself, and he had better be doing the same thing.

Mr. PAYNE. We do not all occupy the same advantageous position as the gentleman from Georgia.

Mr. REED. If the gentleman from Georgia will tell us what he has learned about the bill——

Mr. PICKLER. How are these lands to be disposed of?

Mr. BALDWIN. Under the Nelson act.

Mr. DINGLEY. Of course the right to object is reserved?

The SPEAKER. Yes.

Mr. BALDWIN. The estimating and examination of these lands are now in progress. The estimators have been at work for the last four years, and it is apparent that it will require five, and possibly ten years, to complete the work at the present rate, and put the lands upon the market. The Indians have asked for this legislation, and I have introduced this bill in their interest.

Mr. PICKLER. How much land is involved?

Mr. BALDWIN. There is a large amount of land, several hundred thousand acres.

Mr. REED. What is it proposed to do with the land?

Mr. LIVINGSTON. Sell it.

Mr. BALDWIN. It is proposed to sell it under the act of Congress already passed, under which the terms of sale are provided.

Mr. PICKLER. Is the land to be sold at public auction?

Mr. BALDWIN. Sold to the highest bidder, but at a price not less than $3 per thousand.

Mr. PICKLER. Is this a bill from the Public Land Committee?

Mr. BALDWIN. Yes; from the Public Land Committee, and approved by it.

Mr. PICKLER. Is it a unanimous report?

Mr. BALDWIN. A unanimous report; yes.

Mr. PICKLER. How much land is involved?

Mr. BALDWIN. Oh, there are a million acres or more.

Mr. LIVINGSTON. The proposition is to sell the timber.

Mr. PICKLER. Not the timber alone?

Mr. LIVINGSTON. Just the timber.

Mr. PICKLER. I should like to hear the report read.

Mr. HOPKINS of Illinois. Subject to objection still.

The SPEAKER. Without objection the report can be read, subject to objection to the present consideration of the bill.

Mr. BURROWS. This is such an important matter, that if unanimous consent is given for its consideration I shall insist that it be considered in Committee of the Whole. I shall have no personal objection to consideration of the bill, but I think it should be considered in Committee of the Whole, if that point is good.

Mr. HAUGEN. Can we have the bill read again?

The SPEAKER. The bill can be again read by unanimous consent.

Mr. WILSON of Washington. Let us have the report read. I think that will be sufficient.

Mr. McRAE. Mr. Speaker, if you will allow me just a moment, I think I can explain.

Mr. WILSON of Washington. Let us have the report read.

Mr. HEPBURN. Mr. Speaker, I wish to interpose an objection.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] objects to the present consideration of the bill.

UNITED STATES COURTS.

Mr. DRAPER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5216) to amend the act entitled, "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

The SPEAKER. The gentleman from Massachusetts [Mr. DRAPER], asks unanimous consent for the present consideration of a bill which the Clerk will report, after which the Chair will ask if there be objection to its consideration.

The bill was read, as follows:

Be it enacted, etc., That the seventh section of the act of Congress entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended to read as follows.

"That where, upon a hearing in equity in a district court or a circuit court, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree or an application to dissolve an injunction shall be refused in a case in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve an injunction to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court during the pendency of such appeal."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DE ARMOND. Let the report be read.

Mr. DRAPER. I desire that the report be read. It is a unanimous report.

Mr. SAYERS. We reserve the right to object.

The SPEAKER. Of course.

The report (by Mr. WILLIAM A. STONE) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 5216) relative to enlarging the right of appeal in United States courts, report the same back to the House without amendments, and recommend that it do pass.

The seventh section of the act of March 3, 1891, entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," provides that appeals may be taken where preliminary injunctions are granted.

The bill under consideration amends the act of March 3, 1891, by authorizing an appeal where a preliminary injunction is refused or a motion to dissolve an injunction is granted or refused. Under the present law, in cases where preliminary injunctions are refused, no appeal can be taken until the final decree in the lower court.

In many cases the question at issue is a question of law and can be disposed of on bill, answer, and affidavits, as well as after final decree. There is no necessity for the long delay in such cases. An appeal from the refusal to grant a preliminary injunction or from an order dissolving or refusing to dissolve a preliminary injunction is not a supersedeas and can work no harm.

The committee can see no possible objection to the bill, and, believing that it would expedite business in the courts, recommend its passage.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed

On motion of Mr. DRAPER, a motion to reconsider the last vote was laid on the table.

JUDICIARY ACT.

Mr. TURNER of Georgia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 2794) to amend the judiciary act of August 13, 1888.

The bill was read at length.

The SPEAKER. Is there objection to the request for the consideration of this bill?

Mr. McCREARY of Kentucky. I would like the gentleman from Georgia to make an explanation.

The SPEAKER. Without objection the gentleman from Georgia can make a short explanation.

Mr. TURNER of Georgia. Mr. Speaker, the act which this bill proposes to amend authorized suits against receivers appointed by the United States courts in the several States without previous leave of the court. Such is the present law. The object of the bill which has just been read is to so amend the act that service in such cases of receivers may be facilitated. In other words instead of limiting the service of the process to the county of the residence of the receivers, the suit may be brought and the service had as if the road were not in the hands of a receiver, and the service may be made either on the receiver or on the agent of the corporation of which he is the receiver. It has been unanimously reported by the Committee on the Judiciary, and there is no earthly objection that can be made to this amendment of the law.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. BLACK of Illinois. I would like to ask the gentleman from Georgia a question. Does this bill so amend the law that suit may be brought in any other court against the receiver than the court appointing him.

Mr. TURNER of Georgia. The present law allows that to be done.

Mr. BLACK of Illinois. This does not change that law?

Mr. TURNER of Georgia. This does not change that, but simply facilitates the mode of service.

Mr. BLACK of Illinois. Then, under the law, as amended suit may be brought in a State court against a receiver?

Mr. TURNER of Georgia. Certainly; the same as now.

The SPEAKER. Is there objection?

Mr. HEPBURN. Is this a request for unanimous consent?

The SPEAKER. It is.

Mr. HEPBURN. Then I object.

Mr. CULBERSON. I hope the gentleman from Iowa will not object. Will the gentleman allow us to make a statement?

Mr. HEPBURN. I certainly have no objection to the gentleman making a statement; but I object to the consideration of the bill.

Mr. CULBERSON. Very well; all right.

LA CROSSE AND EAU CLAIRE.

Mr. SHAW. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the names of two cities in Wisconsin with

the words composing the names properly spelled and properly arranged. Notwithstanding the efforts that have been made by the reporters of the House to have these mistakes corrected, the proof-readers in the Government Printing Office continue to spell these names wrong.

I desire to have these names appear in the RECORD particularly for the benefit of the Census Office and the other Departments of the Government, who are persisting in spelling these names improperly. They are taking liberties with these names as unwarranted as would be spelling Havre de Grace as one word or New Jersey with a small "j." Recognizing the CONGRESSIONAL RECORD as the repository of all knowledge of the nineteenth century, and as the proper vehicle for the dissemination of information, I want these two words to appear in the RECORD spelled in the way I have sent up to the Clerk's desk, not only for the benefit of the RECORD, but for the benefit of the Departments.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD two names which he sends up.

Mr. MCMILLIN. What is the explanation of the request?

Mr. SHAW. My explanation is this: These are names of two cities in my district, which are being continually misspelt by the Government Departments. The United States Board on Geographical Names has had the matter under consideration and determined that those names should be spelled in this way. By these misprints, each one of them being printed as one word, the names of the cities can not be recognized. Eau Claire and La Crosse are the names of the cities.

Mr. MCMILLIN. You had better educate the people to do the spelling rather than to take up the time of this House; but I will not object.

The SPEAKER. Is there objection?

Mr. WASHINGTON. I object.

JAMES STEWART.

Mr. STORER. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 5224) for the relief of James Stewart.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of James Stewart, who served as first sergeant Company B, second and first lieutenant Fourth Artillery, and captain Eighteenth Infantry of the United States Army in the late war of the rebellion, for a balace of wages earned by him in the suppression of said rebellion and during his entire time of service in said Army, and not paid to him, be, and the same is hereby, referred to the Court of Claims for due investigation; and jurisdiction is hereby conferred upon said court to render a judgment, irrespective of the lapse of time, for the amount, if any, found due of the United States upon the said claim.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. MCMILLIN. I shall have to object unless we can have the report read.

The SPEAKER. The report can be read, subject to objection.

The report (by Mr. WILSON of Ohio) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 5224) for the relief of James Stewart, report:

James Stewart served continuously as an enlisted man in the United States regular Army from October 29, 1851, to November 15, 1861, when he was commissioned second lieutenant in the Fourth Artillery, United States Army, and served as a commissioned officer in the United States Army from then till June 18, 1878. During the time he served as such commissioned officer the following provisions of law were, respectively, in force:

"That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additianal ration per diem for every five years he may have served or shall serve in the Army of the United States. (5 Stat. L., section 15, page 258, act of July 5, 1838.)

"There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each term of five years of service. (Act of July 15, 1870, now section 1262 of the Revised Statutes.)"

He was paid for his services in the said interval of time from November 15, 1861, to June 18, 1878, merely what other officers of his grade were generally paid; and he was paid or allowed nothing whatever in this interval of time on account of his said prior length of service in the United States Army as an enlisted man. For this reason he alleges he was short paid for his services rendered during the said interval of time from November 15, 1861, to June 18, 1878, partially in the suppression of the late rebellion, and requests the passage of this bill, the sole object of which is to remove any statutable limitation bar that exists, or may exist, to prevent the Court of Claims from hearing and determining his demand in the premises as if it accrued within six years.

The commutation value or price, thus put in controversy, of the one additional ration per diem for every five years of prior service computes to about the sum of $4,300, and your committee, having fully considered the matter, can see no reason why the question involved should not be heard and determined, as this officer requests, in the Court of Claims.

The committee recommend that the bill do pass.

The SPEAKER. Is there objection to the request of the gentleman for the consideration of this bill?

Mr. HUTCHESON. I do not understand that bill, Mr. Speaker.

Mr. STORER. With the permission of the House, I will make a very brief statement explaining it. There is an old soldier of the United States regular Army who served as a private from 1851 to 1861, having been stationed in Texas most of the time. For good behavior, for temperance, for sobriety, for obedience, he was promoted to a second lieutenancy and served as a second lieutenant until 1878, making twenty-seven years of continuous service. He is on the retired list as a second lieutenant. There seems to have been a law providing that after a man had served twenty years in the regular Army he should be credited with an extra ration in addition to the ration served to men who had served less than that period.

That allowance this man never has received. He asks leave to go to the Court of Claims to ascertain whether he is entitled to it or not, and as it is too late to go under the statute, he asks leave to go in spite of the statute.

Mr. HUTCHESON. I object, Mr. Speaker.

HYPOLITE FILHIOL ET AL.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the bill (H. R. 782) entitled "A bill for the relief of Hypolite Filhiol and others," now pending in the House of Representatives, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act of March 3, 1883, and an act entitled "An act to provide for the bringing of suits against the United States," approved March 3, 1887, to find and report to the House of Representatives the facts bearing upon the merits of the claim, including the loyalty of the claimant, and all other facts contemplated by the provisions of said act.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana for the present consideration of this resolution?

Mr. HEPBURN objected.

LANDS FOR CEMETERY PURPOSES, INWOOD TOWNSHIP, MICH.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5779) to grant certain lands to the township board of Inwood Township, Mich., and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the southwest quarter of the northeast quarter of section 33, township 41 north, range 17 west, Marquette land district, Michigan, is hereby granted to the township board of Inwood Township, in the State of Michigan, for the purpose of maintaining a public cemetery thereon.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MCMILLIN. Let us have the report read.

The report (by Mr. MOON) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 5779) "To grant certain lands to the township board of Inwood Township, Mich., for cemetery purposes," have had the same under consideration, and report it back with the recommendation that it pass.

The following letter from the Assistant Commissioner of the General Land Office is made a part of the report:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., February 10, 1894.*

"SIR: I am in receipt of your letter of January 31, 1894, transmitting a letter dated September 21, 1893, from the township board of Inwood Township, Michigan, addressed to John W. Jockim, Lansing, Mich., and a letter dated January 4, 1894, from David Spielmacher, township clerk, and George W. Gray, supervisor, addressed to John L. Van Pelt, Washington, D. C., and also a statement made by John L. Van Pelt, of No. 9 K street NE., this city, all relating to a tract of land (5 acres) in the SW. ¼ of the NE. ¼, Sec. 33, T. 41 N., R. 17 W., Marquette land district, Michigan.

"It is stated in the communications transmitted that the tract described is desired for cemetery purposes; that the township authorities at one time purchased the same from one who was supposed to have title thereto, but it was subsequently found that their vendor was without title and that title is still in the United States.

"You state that the township authorities desire to acquire title to said tract, by purchase or otherwise, and ask to be advised what steps are necessary to be taken in order to do so.

"In reply I have the honor to inform you that the entire northeast quarter of said section 33 is shown by the records of this office to be vacant, unappropriated, public land, and the whole or any legal subdivision thereof is, accordingly, subject to entry under the public land laws.

"Your correspondents state that the quarter described is of so little value for agricultural purposes that no one is willing to comply with the law and the regulations in order to obtain title thereto under the homestead law.

"If said land is within 3 miles of an incorporated city or town the whole, or any legal subdivision of said quarter section, can be entered by such incorporated city or town for cemetery and park purposes under the act approved September 30, 1890 (26 Stat., 502). Herewith I inclose a copy of the circular of May 23, 1892, relative to said act.

"It is stated in one of the communications transmitted by you that land in the vicinity of the tract herein described, which has been entered under the public-land laws, has been so entered chiefly because of the valuable pine timber thereon. If the tract described is timbered and the timber thereon constitutes its chief value it may be entered under the act approved June 3, 1878 (20 Stat., 89), which was made applicable to all the public-land States by the act approved August 4, 1892 (27 Stat., 348). Herewith I inclose a copy of the circular of July 16, 1887, relative to said act.

"Not less than a legal subdivision of the quarter section described can be entered under the laws herein referred to, and if none of these laws are applicable I can suggest no method of acquiring title to the tract desired other than by a special act of the Congress.

"The letters transmitted by you are herewith returned.

"Very respectfully,

"EDW. A. BOWERS,
"*Assistant Commissioner.*

"Hon. S. M. STEPHENSON,
"*House of Representatives, Washington, D. C.*"

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. WILLIAMS of Mississippi. I object.

ORDER OF BUSINESS.

Mr. McCREARY of Kentucky. Mr. Speaker, I ask for the regular order.

Mr. McRAE. I hope the gentleman from Kentucky will withhold that until this little bill can be passed.

Mr. WILLIAMS of Mississippi. I withdraw the objection, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky demands the regular order. The regular order is the call of committees for reports.

PROMOTION OF ANATOMICAL SCIENCE IN DISTRICT OF COLUMBIA.

Mr. CADMUS, from the Committee on the District of Columbia, reported back with amendments a bill (H. R. 4693) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY.

Mr. HEARD, from the Committee on the District of Columbia, reported in lieu of the bill (H. R. 6040) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway," a bill (H. R. 6777) of the same title; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DIPLOMATIC APPROPRIATION BILL.

Mr. McCREARY of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to. The House accordingly resolved itself into Committee of the Whole, Mr. BAILEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 6108) making appropriation for the diplomatic and consular service of the United States for the year ending June 30, 1895.

The CHAIRMAN. When the committee rose at its former session it was dividing on the motion of the gentleman from Illinois [Mr. SPRINGER] to strike out certain words.

Mr. McCREARY of Kentucky. Mr. Chairman, there was a disagreement about the salary of the secretary of legation to Mexico. It was, however, agreed——

The CHAIRMAN. The Chair was about to state the agreement. The committee was dividing, but, upon an agreement, that part of the bill was passed over until the reading of the entire bill by paragraphs could be completed, with the understanding that the committee would then recur to that provision of the bill. The Clerk will resume the reading of the bill by paragraphs.

The Clerk read as follows:

Secretaries of legations to Turkey, Austria, Spain, and Brazil, at $1,800 each, $7,200.

Mr. CANNON of Illinois. Mr. Chairman, I was not aware that the paragraph preceding this, ending with line 21, had been passed.

The CHAIRMAN. The Chair directed the Clerk to resume the reading where it was discontinued at the former sitting of the Committee.

Mr. CANNON of Illinois. I desire to submit a motion to strike out in line 20, in the paragraph last under consideration, the words "secretary of legation and."

The CHAIRMAN. That part of the bill having been read——

Mr. CANNON of Illinois. But it had just been read——

The CHAIRMAN. The fact that it has just been read is as conclusive as if it were read several days ago.

Mr. CANNON of Illinois. I was not aware that lines 20 and 21 had been read. If they were read at the last sitting of the committee they would still be open to amendment this morning. Now, as soon as the Clerk commenced to read line 22—the beginning of the paragraph last read—I rose in my place for the purpose of making an amendment——

The CHAIRMAN. The Chair will say to the gentleman from Illinois that the Clerk had concluded the reading of lines 20 and 21; and after the reading there arose a question as to an amendment for the consideration of which unanimous consent was asked to recur to a former paragraph. Now, the Clerk has resumed the reading of the bill where it had been discontinued at the last sitting of the committee—at line 22, and has read lines 22, 23, and 24——

Mr. CANNON of Illinois. At the very moment——

The CHAIRMAN. Inasmuch, however, as there seems to have been some misunderstanding, the Chair will entertain a request for unanimous consent——

Mr. CANNON of Illinois. I do not want to make any request of that kind; but I will make this point and will take the ruling of the Chair upon it: This morning at the very moment that I discovered that the Clerk had commenced to read line 22 I rose in my place before he had got through the reading of the paragraph and addressed the Chair for the purpose of moving an amendment to strike out in line 20 the words "secretary of legation and." Now, if I had made the motion before the Clerk commenced reading line 22, I would clearly have been in order. I did rise to make the motion the very moment that I ascertained the Clerk was commencing to read line 22. So that I think I am in time.

Mr. SPRINGER. My colleague [Mr. CANNON of Illinois] states that he was on his feet as soon as the reading of the previous paragraph was concluded; and on that statement he ought to be permitted to offer his amendment.

The CHAIRMAN. The Chair cheerfully accepts the statement of the gentleman from Illinois [Mr. CANNON], and upon that statement will entertain the amendment which he offers.

Mr. CANNON of Illinois. I move to amend by striking out in line 20 the words "secretary of legation and."

Mr. SPRINGER. That will give the whole $4,000 to the consul-general.

Mr. HITT. That is what the salary is now.

Mr. McCREARY of Kentucky. Let the amendment be read, so that we may understand the effect of it.

The Clerk read as follows:

On page 4, in line 20, strike out "secretary of legation and;" so as to read "consul-general to Honolulu, $4,000."

Mr. CANNON of Illinois. I think, Mr. Chairman, the words which I move to strike out would have been subject to the point of order that they change existing law. I did not make such a point, because if the provision as thus worded is really for the benefit of the public service I have no objection to it. But these words appear now for the first time in an appropriation bill or anywhere else in the law. If they be retained the consul-general at Honolulu will have to perform, in addition to his regular duties, those of secretary of legation. Heretofore there has been no secretary of legation at Honolulu. I understand there is really no necessity for any secretary of legation there.

I understand further that under the practice of the State Department in conducting our diplomatic service, a secretary of legation is never allowed to make charges of fees. For instance, if he certifies invoices or takes acknowledgments of deeds or does anything of that kind, it is a matter *ex gratia;* and it is regarded as below the dignity of the diplomatic service for him to make a charge in such cases. But if the consul performs such duties, he being a commercial officer and upon a business footing, the law allows him a fee.

I do not believe that the change introduced by the incorporation of these words is wise. I think we had better let the matter stand as it has been heretofore. Last year the consular fees at this point were in round numbers $4,000——

Mr. HITT. The salary is $4,000.

Mr. CANNON of Illinois. I am aware of that; but the fees collected were in round numbers $4,000. If you make this officer secretary of legation, his fees will be nothing, just as the fees of the similar officer at Bogota are nothing. On line 16 you will find the provision:

Secretary of legation and consul-general to Bogota, $2,000.

There was not a cent of fees collected by the consul-general there. The service is performed *ex gratia*. So that this provision seeking to make this consul-general perform unnecessary duties, as secretary of legation, where he is not needed, and place him on a high salary with no fees, it seems to me ought to be stricken out.

Mr. HEARD. Will the gentleman allow me a question?

Mr. CANNON of Illinois. Certainly.

Mr. HEARD. In stating that the fees collected at Honolulu were $4,000 last year, is it not true that the fees proper, classed as consular fees, were about $2,000, while $2,000 more was received by this official as agent for the Naval Department of the Government in taking charge of the coaling station there? That is my information at least.

Mr. CANNON of Illinois. It does not so appear from the report. But the consular fees there were—the nonofficial fees—$4,000, and if you make this change the fees will be nothing.

Mr. McCREARY of Kentucky. Mr. Chairman, the Secretary

of State recommended additional clerical force at Honolulu, using these words in his letter:

Provision exists for clerical or other assistance to our minister in the islands of Hawaii. Such assistance is at this time necessary, and I have recommended the appropriation of a salary of $1,500 a year for a secretary of legation.

The Committee on Foreign Affairs was unwilling to appropriate $1,500 for a secretary of legation; but as we were paying to our consul-general at Honolulu $4,000 a year, we believed that it was proper and right to require him to discharge also the duties of secretary of legation.

At Bogota the consul-general, who is also secretary of legation, gets only $2,000 per annum; and the consul general, who is also secretary of legation, at Honduras gets but $2,000. Therefore, as the consul-general at Honolulu receives $4,000, we thought that he should also discharge the duties of secretary of legation.

It is important, also, that there should be, as stated by the Secretary of State, a secretary of legation at that point, because business there and other interests have increased in the last few years.

This bill, however, does not increase the appropriation. It simply leaves the salary at $4,000, and requires the consul-general to act also as secretary of legation.

Last year the minister occasionally had to leave Honolulu. When the minister left there was no one to act in his place. But if we make the change now proposed in this present bill so as to have a consul-general as well as secretary of legation, he can act as minister in the absence of that official.

I think it proper that it should be so, and the Committee on Foreign Affairs was unanimous in that conclusion, both Democrats and Republicans alike uniting upon it.

Mr. CANNON of Illinois. Mr. Chairman, I move to strike out the last word. The Secretary of State recommends a secretary of legation to cost $1,500 a year. But we never have had that official. The gentleman from Kentucky now says that business and other interests have increased at that point. Not so.

If you want to make a secretary of legation and need him, you have the right to do so. But my point is that when you make the consul-general secretary of the legation, then, under the practice and the law and usage of diplomatic service, the $4,000 of fees that are collected at Honolulu, for which charges are now made, and a large part of which goes into the Treasury, will cease.

No more fees will be collected, and that is done *ex gratia* by the diplomatic officer and not the business officer of the Government, the consul. So that instead of complying with the recommendation of the Secretary of State, and spending $1,500 a year as he does recommend, in the name of economy you make that officer perform the duties and lose $2,500 a year at Hawaii besides. The gentleman from Kentucky shakes his head, but I think I am correct in that statement.

The question being taken on the amendment of Mr. CANNON of Illinois, it was rejected.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, $100,000.

Mr. CANNON of Illinois. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman from Kentucky why the committee recommend an increase of $10,000 at this time.

Mr. MCCREARY of Kentucky. In response to the question of the gentleman from Illinois, as regards this paragraph on contingent expenses of the foreign missions, the Committee on Foreign Affairs recommend $100,000. It was only $90,000 in the last appropriation bill, and it was at one time as high as $105,000. The Committee on Foreign Affairs, however, believe that $100,000 will be sufficient.

Mr. CANNON of Illinois. Now, Mr. Chairman, I desire to say that this is an increase of contingent expenses for the diplomatic service for the ministers as proposed here, while the committee have cut down the estimate $50,000 for the consular service, the business officers of the Government, which, in my judgment, is not a wise reduction.

Why, sir, under the last Administration we got along with $90,000 for this leather and prunella. What is there in this economical Democratic Administration, this party of Jackson and Jefferson, that is so close to the people, which requires this Secretary of State to have $10,000 more for leather and prunella and dress parade at a great many places where the country would not be badly served if our diplomatic service was wiped out? What is there to justify it? It does not answer for the gentleman to say that the Secretary of State asks it. A better reason than that ought to be given.

Now, these gentlemen get salaries perhaps not larger than they ought to get, if you have them there at all, but we all know that if three-quarters of these diplomatic officers were wiped out the country would be as well if not better off than it is now. But since you are going to make these places sinecures, places of rest for the lame ducks, the aged and infirm who have lost their grip at home, why, let them go as the Republicans did, instead of giving them this extra amount for leather and prunella. Go back, as you profess, to the frugalities of the ancient Democracy.

Mr. HOOKER of Mississippi. Why do you not move to strike out, then?

Mr. CANNON of Illinois. Well, I will move formally to strike out "one hundred" and insert "ninety," in line 17.

The CHAIRMAN. The gentleman withdraws his formal amendment to strike out the last word, then?

Mr. CANNON of Illinois. Yes, and I move the amendment which I have just suggested.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 17, strike out the words "one hundred" and insert in lieu thereof the word "ninety."

Mr. LIVINGSTON. Mr. Chairman, I want the gentleman from Kentucky [Mr. MCCREARY], who has charge of this bill, to give some reason for this increase of $10,000. I want to submit to him that the present law is $90,000.

Mr. MCCREARY of Kentucky. I will say to the gentleman from Georgia that the amount appropriated annually for a number of years was $105,000.

Mr. LIVINGSTON. Oh, I understand that.

Mr. MCCREARY of Kentucky (continuing). For a number of years before the last Congress the amount appropriated annually was $105,000 per annum for contingent expenses for foreign missions. In the last Congress, however, when the gentleman's colleague from Georgia [Mr. Blount] was chairman of the Committee on Foreign Affairs the amount was reduced to $90,000.

Mr. LIVINGSTON. And that is the present law.

Mr. MCCREARY of Kentucky. But it made a deficit.

Mr. LIVINGSTON. But that is the law now.

Mr. MCCREARY of Kentucky. No; that is not the law. It was put at that amount in the last appropriation bill, but that made a deficit, and the Secretary of State recommended that we return to $105,000, using this language in his letter published in the Book of Estimates:

Heretofore there has been appropriated under this head the sum of $105,000, which has been found little enough, in consequence of the uses to which the Department is obliged to apply it; but for the last two years only $90,000 has been granted. I have therefore submitted an additional sum of $15,000, which will increase the gross amount to $105,000, and I urge that this be granted.

The Committee on Foreign Affairs, after careful consideration, concluded that $100,000 was sufficient.

Mr. LIVINGSTON. Upon what basis did you reach that conclusion?

Mr. MCCREARY of Kentucky. Because $90,000 was not sufficient, and made a deficit of $15,000.

Mr. LIVINGSTON. Then why did you not give $105,000, if there was a deficit of $15,000?

The fact still remains that the gentleman says there is a deficit of $15,000. Now why did you not grant the whole amount?

Mr. MCCREARY of Kentucky. The committee thought the contingent expenses could be paid with $100,000 the next fiscal year.

Mr. LIVINGSTON. Why not with $90,000 then?

Mr. MCCREARY of Kentucky. Because it has been shown by experience that that was not enough.

Mr. LIVINGSTON. But the fact exists that it has been shown that $105,000 was necessary, according to the judgment of the Secretary of State.

Mr. MCCREARY of Kentucky. I ask for a vote.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Illinois [Mr. CANNON].

Mr. HEPBURN. Mr. Chairman, on the Private Calendar of this House there are twenty-six reports from the Committee of Pensions and Invalid Pensions, about equally divided. We have been having sessions on Friday nights during this session for the purpose of disposing of those bills. Every night we have been met with a captious and querulous opposition. Gentlemen have insisted on calling a quorum and impeding legislation, although the sums involved were inconsiderable. Twenty-five hundred dollars would cover the entire expenditures annually on all these reports; and yet gentlemen have refused to allow business to be done, although we have had here night after night 60, 70, and 75 members, a larger number than participate usually in the legislation of this House.

Mr. KILGORE. Will the gentleman allow me?

Mr. HEPBURN. Yes; for if I do not you will do it just the same. [Laughter.]

Mr. KILGORE. Do 60, 70, or 75 members constitute a quorum of this House?

Mr. HEPBURN. They do not constitute a quorum; but the business of this House is not done by a quorum.

Mr. PICKLER. There is not a quorum here now.

Mr. HEPBURN. No quorum has participated in any of the actions of the House to-day, and the gentleman knows it. That pretense that a quorum must be here is a flimsy one, used to cover the subtle purposes of gentlemen here to prevent legislation at these Friday night sessions. Now, I want it understood that the same rule that is applied by those gentlemen to this business on Friday nights is to be applied to all business emanating from that side of the House. There will be no more unanimous consents.

Mr. KILGORE applauded loudly. [Laughter.]

Mr. HEPBURN (continuing). There will be no more business without a quorum until there is some kind of an arrangement made by which fairness of treatment shall be accorded by the House to these pension claims. It is not a gracious thing for a member to have to object to a proposition of his friend, but three times I have had to do it this morning. I would have infinitely preferred not to do it, but I intend to persist in that until some kind of fairness is shown by those gentlemen in regard to pension business.

Mr. KILGORE. We are ready to stand by it.

Mr. WILSON of Washington. Then we had better adjourn *sine die* and go home.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. McRAE. I move to strike out the last word.

I will yield a part of my time to the gentleman from Iowa that he may answer why it is that he did not object to the requests for unanimous consent that came from his own side.

Mr. HEPBURN. I propose, as I am a modest man, to limit myself to half of the duty. [Laughter.]

Mr. McRAE. That is honest; but I submit that the action of the gentleman to-day and the threat he makes is not creditable to the great ability and usual fairness of the gentleman, and I hope that upon mature reflection he will abandon what now appears to be his purpose. The idea that he should interpose objections to just and legitimate public measures out of spite is unworthy of the gentleman.

He seeks to apply to public matters the same unfair methods of which he complains on Friday nights. I did not prefer any request this morning, and personally can not be hurt by his objections, but others have preferred requests for unanimous consent for the consideration of reasonable and proper bills, which have been recommended by committees and are necessary for the protection of the Government; and if the rule of the gentleman as to unanimous consent is to be carried out, why of course no such requests upon his side can hereafter be granted, and he can not proceed very far before his own party friends will feel the effect of it. He has this morning permitted the passage of three or four bills by the Republican side, and every request preferred by the Democratic side has been objected to by him.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having taken the chair, a message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee again resumed its session, Mr. BAILEY in the chair.

Mr. PICKLER. Mr. Chairman, I desire to say in connection with what the gentleman from Iowa has just stated, that it seems to me there is a great deal of unjust criticism made on Friday nights of members who are absent; and while I agree it would be better to have them here, and I would like to see every member here on Friday night, I suppose it is inconvenient for some members to be here. The criticism that pension legislation is delayed because we have no quorum is almost amusing, if not ridiculous, from the fact, Mr. Chairman, that we might have every member of the House here at Friday night sessions, and then any three gentlemen could take up all the time.

We are limited to a session of two hours and a half at these Friday evening sessions, and any gentleman in Committee of the Whole who gets the floor can occupy it for an hour. So you may have a quorum here and any three men who desire to defeat legislation of that character have only to be recognized by the Chair and consume the time. No bill was passed last night, and I believe no pension bill has been passed when regularly reached on the Calendar at these evening sessions, because the point of no quorum has been made.

Mr. MOSES. As to the consumption of time at pension sessions, do not you believe that you, with one exception, consume more time in speechmaking than any other member of the House? [Laughter.]

Mr. PICKLER. No, sir. I have not consumed fifteen minutes in speechmaking on a Friday evening this whole session. The gentleman from Georgia [Mr. MOSES], the chairman of the Committee on Pensions, has talked more about the Seminole war four times over than I have talked about soldiers of the war for the Union.

Mr. WILSON of Washington. And he gets them all pensioned, too.

Mr. PICKLER. I am only meeting this cry about the absence of a quorum, and showing that having a quorum here will not do any good when gentlemen on the other side want to defeat pensions.

Mr. LACEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order, because the pending question is on an amendment to an amendment.

Mr. LACEY. Then I wish to speak on that.

The CHAIRMAN. But the debate on that has been exhausted. The question is on the amendment of the gentleman from Arkansas to the amendment of the gentleman from Illinois.

The amendment to the amendment was rejected.

The question was taken on the amendment of Mr. CANNON of Illinois, and the Chairman declared that the noes seemed to have it.

Mr. CANNON of Illinois. I think that in the interest of economy we ought to have a division on that.

The committee divided; and there were—ayes 37, noes 80.

So the amendment was rejected.

The Clerk read as follows:

Steam launch for legation at Constantinople: Hiring of steam launch for use of the legation at Constantinople, $900.

Mr. CANNON of Illinois. Mr. Chairman, I move to strike out lines 22 and 23, the paragraph just read, and I ask the Clerk to read the provision that I desire to strike out.

The Clerk again read the paragraph as above.

Mr. CANNON of Illinois. Mr. Chairman, heretofore, beginning with the Hon. Samuel S. Cox, when he was our minister at Constantinople, our representatives at that court have had an annual appropriation of $1,800 for the hire of a steam launch for the use of the legation. The committee this year propose to reduce the amount to $900. Now, I propose to "see them and go them one better," by striking it all out. [Laughter.] And I offer the amendment for this reason: We have now a party in power that chooses always the best and most efficient agents for every public service. Now, sir, we understand that away back in the dim past Jupiter ran off with Europa and swam the Hellespont, thus demonstrating the possibilities. [Laughter.] Later on, as we are informed, Leander swam the Hellespont, that he might pay his addresses to Hero [laughter]; and still later Lord Byron swam that historic strait. [Laughter.]

Now, sir, the idea that an American citizen and a Democrat, fitted for the diplomatic service, qualified to represent the great Republic at that effete court, has not the capacity, as he journeys about that locality, to swim as well as those other great personages did before him, is one that ought not to be tolerated in this Democratic House. [Laughter.]

Mr. PENDLETON of West Virginia. Our minister is not supposed to be in love, as Leander and those other gentlemen were.

Mr. CANNON of Illinois. Well, you have plenty of people who are in love with that position; and when you propose to strike down the appropriation for the hire of a steam launch for the use of that legation from $1,800 to $900, it seems to me that the reduction can not be justified except upon the ground that the launch is not necessary. As you propose to cut down the amount one-half, you evidently expect our minister to swim half the time at any rate. Now, I believe that if he can swim half the time he can swim the whole time, and I therefore move to strike out this appropriation. [Great laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and, Mr. MARTIN of Indiana having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment, the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the eulogies delivered in Congress upon the Hon. William H. Enochs, late a Representative from the State of Ohio, 8,000 copies, of which number 2,000 copies shall be delivered to the Senators and Representatives of the State of Ohio, which shall include 50 copies to be bound in full morocco to be delivered to the family of the deceased, and of the remaining 2,000 shall be for the use of the House of Representatives; and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said William H. Enochs to accompany the said eulogies.

The message also announced that the Senate had agreed to the amendment of the House with an amendment to the bill (S. 443) to provide for the sale of new tickets by the street railway companies of the District of Columbia; in which the concurrence of the House was requested.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Committee again resumed its session (Mr. BAILEY in the chair).

Mr. COOMBS. Mr. Chairman, I feel personally aggrieved by the present attitude of the Republican party. During the last two canvasses I have often made the statement in public that whenever the choice was presented on this floor between a high appropriation and a low one, the Republicans always voted for the high appropriation; but the gentleman from Illinois seems to be determined to spoil the argument which I based upon that ground, and if I attempt to use it again with my constituents I shall be compelled to explain the matter by telling them that there is some underlying motive in the opposition which the gentleman is making to the diplomatic and consular appropriation bill.

We all know that the Republican party is in favor of doing everything on a high scale, and I think this House will not be deceived nor will the country be deceived as to the motives which actuate the various amendments that are offered to this bill by the gentleman from Illinois. As to this last amendment, and the suggestions he has made in connection with it, I will only say that while we all know the Democratic party to be "in the swim" at this time, it is not so to the extent which the gentleman from Illinois desires on the part of our representative in Constantinople. [Laughter.]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. CANNON].

The amendment was rejected.

The Clerk read as follows:

RENT OF LEGATION BUILDINGS IN CHINA.

Rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, $2,500.

Mr. McCREARY of Kentucky. I am instructed by the committee to offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all of line 2, page 7, and insert in lieu thereof, "$3,600."

Mr. McCREARY of Kentucky. This is in accordance with the recommendation of the Secretary of State. I will have his letter read.

Mr. CANNON of Illinois. I should be glad if the gentleman would inform us why in this bill the committee have reported a reduction of $600 on this item, and now propose to make an increase beyond the amount which has been allowed heretofore. In other words, why is it necessary to pay now a greater sum for the rent of the building occupied by this legation than is paid at present, or was paid last year?

Mr. McCREARY of Kentucky. I will read the recommendation of the Secretary of State, as contained in the Book of Estimates, which very fully explains this matter, and then I will have read the letter which I have sent up.

Rent of buildings and grounds for legation in China.—The sum now appropriated is $3,100. I have accordingly asked that $500 additional be granted. It is proper to add, in this connection, that extensive improvements have been made by the lessors, due to the necessities of the legation and the requirements of the public service at Peking. In view of this enforced outlay on the part of the lessors in erecting, I may add, a fire-proof building for the preservation of the valuable archives of the legation, and making other improvements within the legation compound, I believe that they are justly entitled to a slight increase in the rent, and with the $500 additional satisfactory arrangements can be made to that end. Under the act of Congress approved March 3, 1875, Statutes at Large, volume 18, page 377, the Secretary of State is authorized to provide for rent not exceeding the sum of $5,000 per annum. I therefore urge that the $3,600 now asked may be granted.

I now ask that the letter of the Secretary of State, which I have sent to the desk, be read.

The Clerk read as follows:

DEPARTMENT OF STATE, *Washington, January 9, 1894.*

SIR: On page 88 of the letter from the Secretary of the Treasury, transmitting estimates of appropriations required for the service of the fiscal year ending June 30, 1895 (House Executive Document No. 5, Fifty-third Congress, second session), appears the following:

"Buildings and grounds for legation to China: Rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, * * * $3,600."

Again, on page 298 of the same document, the following explanation appears:

"10. Rent of buildings and grounds for legation in China. The sum now appropriated is $3,100. I have accordingly asked that $500 additional be granted. It is proper to add, in this connection, that extensive improvements have been made by the lessors, due to the necessities of the legation and the requirements of the public service at Peking. In view of this enforced outlay on the part of the lessors in erecting, I may add, a fireproof building for the preservation of the valuable archives of the legation and making other improvements within the legation compound, I believe that they are justly entitled to a slight increase in the rent, and with the $500 additional satisfactory arrangements can be made to that end.

"Under the act of Congress approved March 3, 1875 (Statutes at Large, volume 18, page 377), the Secretary of State is authorized to provide for rent not exceeding the sum of $5,000 per annum. I therefore urge that the $3,600 now asked may be granted."

In connection with the foregoing statements, I now have the honor to transmit, for the information of your committee, copy of a dispatch, No. 1755, from the United States minister at Peking, dated November 3, 1893, announcing the occupation of the new legation, and commenting upon the excellencies thereof.

Adding that the Department sincerely hopes that the slight increase now asked for under this head may be granted. I have the honor to be, sir,

Your obedient servant,

W. Q. GRESHAM.

To the CHAIRMAN
of the Committee on Foreign Affairs, House of Representatives.

Mr. McCREARY of Kentucky. I have also a letter of our minister, Mr. Denby, addressed to the Secretary of State, which I will have read, if there be no objection.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. McCREARY] has expired; but without objection, the letter will be read.

The Clerk read as follows:

No. 1755.] LEGATION OF THE UNITED STATES,
Peking, November 3, 1893.

SIR: I have the honor to inform you that I moved into the new office building the 15th ultimo.

Plans of this building will be found in my dispatch No. 1503, of the 30th of March, 1892. They have been faithfully executed.

On the first floor there are four rooms; one for the minister, one for the first secretary, one for the library, and a strong room. These rooms are all large and well lighted.

On the second floor there are four large rooms and one small one over the hall. The large rooms are for the Chinese secretary, the second secretary, the Chinese writer, for books which are not required for ordinary use, and the small one for stationery.

There are two wide halls on each floor.

The work was done under the superintendence of Mr. F. D. Gamewell, who devoted a great deal of time to it. The ironware was all imported from the United States. The building is of the best quality of brick. The roof is of galvanized corrugated iron. The vault for the archives occupies the southeast corner of the lower floor and is 18 feet square. The walls of this strong-room, or vault, are 2 feet thick, lined with fire-brick costing, laid down at Peking, gold, $27 per thousand. The ceiling is vaulted with arch of fire-bricks of three layers, affording ample protection in case of fire falling on the roof. The floor is filled with concrete and covered with Portland cement. The door is a wrought-iron vault door, with vestibule 20 inches deep, and an inner door, also of wrought iron. These doors were manufactured by the Victor Safe and Lock Company, Cincinnati, Ohio.

The cost of the entire building was 5,100 taels.

The archives have not been put in the vault yet because it is still damp. It will, I think, take some months to dry completely.

The building is an ornament to the compound. It is, without doubt, the finest specimen of architecture in Peking, except, perhaps, two Catholic churches.

I beg leave to thank the Department and the owners of the premises for the construction of this admirable building.

I am, etc.,

CHARLES DENBY.

To the Honorable WALTER Q. GRESHAM,
Secretary of State.

Mr. CANNON of Illinois. Mr. Chairman, I rise to oppose this amendment. It is stated in the letter just read that the cost of constructing the building now in question was 5,100 taels. How much is a tael in our money?

Mr. McCREARY of Kentucky. I have read the recommendation of the Secretary of State as contained in the Book of Estimates. The act of Congress of March 3, 1875, allows $5,000 per annum for the rent of the legation buildings. This bill, however, with the amendment proposed, would carry only $3,600. I ask for a vote.

Mr. CANNON of Illinois. The gentleman will not get a vote till my time is up. I am informed by gentlemen about me that a tael is equivalent to about $1 of our money.

Mr. COOMBS. Oh, that is a mistake.

Mr. CANNON of Illinois. Well, how much is it?

Mr. COOMBS. I can not tell the exact amount; but the gentleman's statement is a mistake.

Mr. CANNON of Illinois. Well, I will assume that the information I obtain from gentlemen around me is correct, as gentlemen on the Foreign Affairs Committee do not appear to know how much a tael is.

Now, here we have a building of eight rooms, costing for its construction about $5,000. We are already paying for this building a rent of $3,100 a year; and without any contract binding us to pay more, the Secretary of State wants to make the owner of this building a present of $500 a year. A rent of $3,600 is more than we ought to pay, if the cost of the building had been $25,000 instead of $5,000. We have made no contract to pay this amount of rent; and it seems to me, while we are borrowing money at 5 per cent, we had better not make any donation of this kind to the owner of this eight-room building when he is already receiving more rent than he ought to have.

Mr. McCREARY of Kentucky. If the gentleman from Illinois [Mr. CANNON] had listened when the letter of Minister Denby and the letter of the Secretary of State were read he would have understood the necessity for the passage of the amendment.

The CHAIRMAN. Debate is exhausted.

Mr. CANNON of Illinois. I learn that a tael is equivalent to $1.40; so that the cost of this building, for which we are now pay-

ing $3,100 rent, was $7,000; and the Committee on Foreign Affairs propose to pay $3,600, although there is no contract to do so.

Mr. McCREARY of Kentucky. Mr. Chairman, the gentleman from Illinois is entirely mistaken. I have had letters of the Secretary of State and of our minister to China, Mr. Denby, read in order to give him proper information upon this subject. It has been necessary in order to preserve our archives at Peking to construct a fire-proof building, and by the act of 1875 there was allowed an amount per annum of not exceeding $5,000.

Now, Mr. Denby was so faithful and discharged his duty so well as minister that he was allowed to remain in office during the whole of Mr. Harrison's Administration, and is in office now. He wrote the letter which has been read and it is very satisfactory, and explains the whole matter thoroughly. It is within our power to appropriate $5,000 for this purpose, under the act of 1875 to which I have just referred, but it was believed by the committee that $3,600 was sufficient. We were compelled to have a good substantial fire-proof buildings to take care of our archives. After the most careful consideration the Committee on Foreign Affairs come to the conclusion that this amount set forth in the amendment, $3,600, should be allowed.

Mr. CANNON of Illinois. Mr. Chairman, if the gentleman from Kentucky will give me his attention for a moment I will be obliged to him. Minister Denby, I will say again, reports that the whole cost of this building is $7,000, or 5,000 taels, a tael being equal to $1.40 of our currency, as I have been informed.

Now, then, the propriety of letting the State Department pay Mr. Denby $3,600 every year for the rental of a building that cost $7,000 does not commend itself at least to my judgment. I fear that there must be some favoritism about this appropriation somewhere that allows more than half of the cost of the building per annum for rent. We are not bound to do it under the contract.

This Government is not appropriating money for charitable purposes. There must be some reason for it. No lease has been made, and it does seem to me that if the people are out of employment in all parts of this country, that we only want to be just. We should not be generous where generosity in this case looks like willful extravagance; and if you want to give away this sum of money, do not give it to some favorite who is already getting a large rent for a building that has cost but little; give it to somebody or to some charity that is badly in need of it at home.

Unfortunately, the people who pay the taxes in the United States are out of employment. In many parts of the country they can not get work, we are told. And in place of being generous, as you propose here to be, if you want to exercise your generosity, then give it to some of our own needy people instead of giving it to some favored parties who are getting already half the cost of their building as rent out of the Treasury of the United States.

Mr. McCREARY of Kentucky. Mr. Chairman, I ask a vote on the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. McCREARY of Kentucky. Mr. Chairman, this amendment is a committee amendment. It is proposed by the committee. I ask a division on this vote.

The question was taken; and on a division there were—ayes 41, noes 41.

Mr. McCREARY of Kentucky. I ask for tellers.

Tellers were ordered.

The Chair appointed Mr. McCREARY of Kentucky and Mr. CANNON of Illinois as tellers.

The committee again divided; and the tellers reported—ayes 84, noes 44; so the amendment was agreed to.

Mr. McCREARY of Kentucky. I move that the committee now rise.

The motion was agreed to.

The Committee accordingly rose; and the Speaker having resumed the Chair, Mr. BAILEY reported that the Committee of the Whole House on the state of the Union, having had under consideration the diplomatic and consular appropriation bill, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1928) to amend section 1 of an act approved April 6, 1894, entitled "An act to give effect to the award rendered by the Tribunal of Arbitration at Paris, under the treaty between the United States and Great Britain, concluded at Washington, February 29, 1892, for the purpose of submitting to arbitration certain questions concerning the preservation of the fur seals;"

A bill (H. R. 5978) to authorize the construction of a steel bridge over the St. Louis River, between the States of Wisconsin and Minnesota; and

A bill (H. R. 6556) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

EULOGIES ON THE LATE RANDALL L. GIBSON.

The SPEAKER. There is a special order set apart for 2 o'clock to-day. It wants but five minutes of that hour, and, without objection, the Chair will submit the special order now, instead of waiting until that time.

The Clerk read as follows:

Resolved, That Saturday, the 7th day of April, beginning at 2 o'clock p. m., be set apart for eulogies on the late Randall L. Gibson.

Mr. MEYER. Mr. Speaker, I offer the resolutions which I send to the Clerk's desk.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of the Hon. Randall Lee Gibson, lately a Senator and formerly a Representative from the State of Louisiana.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

The resolutions were agreed to.

Mr. MEYER. Mr. Speaker, a great American poet has said:

Were a star quenched on high,
For ages would its light,
Still traveling downward from the sky,
Shine on our mortal sight.
So when a great man dies,
For years beyond our ken
The light he leaves behind him lies,
Upon the paths of men.

Mr. Speaker, it is an honored usage of this body and of the associate branch of Congress that on the occasion of the death of one of its members we shall turn aside from the cares and activities of our ordinary duties to pay such tribute of respect as may be due to the memory of the deceased. I ask this House to-day to unite with me in this honor to the memory of one who sat here as a Representative from the State of Louisiana for four successive terms, and in the Senate of the United States from March, 1883, till the time of his death in December, 1892, filling these, as he did all the trusts of a long and varied career, with an earnestness, conscientiousness, and power that made him indeed a man among men.

Randall Lee Gibson sprang from Revolutionary stock, and, like many of our notable men, the antecedents of his family and his early studies of the Revolutionary epoch exerted a marked impress upon his character, opinions, and career. John Gibson, the first immigrant of the family, came from England in 1706 with one sister and several brothers and settled near the lower Rappahannock, in Virginia. Subsequently they removed to the vicinity of Sandy Bluff, on the Great Pedee River, in South Carolina. They and their kindred, the Murfees, Saunders, Harrisons, and others warmly espoused the cause of the Colonies and upheld it all through those long, weary years, till when "black and smoking ruins" had taken the place of once prosperous and joyous habitations the patriots of South Carolina entered upon their rich inheritance of freedom.

After the struggle closed the grandfather of Randall Gibson, bearing the same name as his, followed the westward current of American progress and settled in the State of Mississippi, where he became a wealthy planter. His home, termed Oakley, in Warren County, Miss., was noted for its hospitality. His connections and descendants embrace many of the best known names in the Southwest. This grandfather of Senator Gibson is said to have built the first church and founded the first institution of learning in the Mississippi Valley, fitly named Jefferson College. His wife, Harriet McKinley, was the daughter of John McKinley and Mary Connelly, both natives of Ireland. McKinley was an officer of the Virginia line in the Revolution, and died in the service of the Commonwealth in 1782.

Tobias Gibson, son of Randall Gibson, of Mississippi, and father of Randall Lee Gibson, of Louisiana, settled in Terre Bonne Parish of our State, where he became one of the wealthiest and most influential sugar-planters in that country. He was a warm personal and political friend of Henry Clay, and his summer residence at Lexington was a headquarters for those who supported the great American orator and statesman. Tobias Gibson married Louisiana, the daughter of Col. Nathaniel Hart, of Spring Hill, Woodford County, Ky. Her mother came from the Preston stock of Virginia, and he himself was nearly allied to Thomas Hart Benton and Mrs. Henry Clay. Spring Hill was one of those great Southern homes and households

which belong to our past history, and were the products of a civilization no longer ours indeed, but yet even now redolent of memories of refinement, culture, manly breeding, courage, honor, and unstinted hospitality, the nurseries of a type of character in men and women that need not shrink from comparison with any other in the world or in all history.

It was in this typical Southern house that Randall Lee Gibson was born September 10, 1832. There and at Lexington, Ky., he passed much of his boyhood. Here was his earliest schooling in books, and here also his other education of country life, with the benign influences of home, family, forest, and field. There was for him a like healthy training at his father's plantation in Louisiana. In 1849 he went to Yale College, where he took high rank and graduated four years later with special distinction. There were formed some of the most cherished and enduring friendships of his life. He always spoke of Yale with proud and affectionate retrospect. His friends at Yale were dear to him always. Of this period of his life the late distinguished Judge Edward C. Billings, his classmate and close friend, said:

I wish I could fully delineate Randall Lee Gibson as he stood up and delivered the class oration in June, 1853, at Yale College. In his presence and appearance were united that which was comely and fascinating in the beauty of youth and scholarly in speech and that which was commanding in intellect, and above all the impressiveness and dignity of an earnest purpose to do well his part, not alone because it was to be connected with himself, but also because he appreciated and enjoyed everything that was well done.

Gibson studied law in New Orleans and graduated at the University of Louisiana in 1855. He then went abroad and spent three years in Europe. This travel was not for him a journey of idleness and pleasure, as it is with many. He had been a close and careful student and a diligent reader. His days in Europe were only a part of a liberal education. He studied in Berlin, and visited Russia and other countries, including Spain, where he spent six months at the American legation. In later life he frequently revisited Europe with his wife, but he traveled mainly for health and instruction. He studied and observed, gathering up stores for future use. He was never an idle man and what he did was with a high and serious purpose in life.

On his return to America this young man, so well educated and equipped, naturally followed his father's steps and became a sugar-planter. Country life in the South possesses great attractions even for those most richly educated and endowed. There were books, horses, hunting, the duties of the plantation, the kind and just government of those placed under him by the ordination of Divine Providence, abundant leisure and opportunities for study and research, and a society founded upon the sentiment of honor, respect for law, and reverence for women. There was nothing in the fascination of the Old World or of cities to wean him from this plantation life, which had bred Washington, Jefferson, Calhoun, and a host of worthies, and now welcomed to its charmed circle and happiest influences this accomplished and scholarly young recruit.

Even then he took a partial interest in politics, his mind leaning to State rights and Democratic opinions. It was, however, his nature to do well whatever he had in hand, and the work of a sugar plantation, its economies, methods, and forces, he then mastered so thoroughly that when in years long afterwards he came to deal with this great interest as a representative in Congress, the fullness and precision of his knowledge made him easily the first in the work of the committee and of the House, and a bulwark to the people who struggling for a living, rested on his strong arm and wise guidance. At that epoch, so early as it now seems to us, Louisiana blossomed as the rose. The harvest season in the parishes came to a wealthy, a prosperous, and a happy population. White and black living in a repose and peace almost Arcadian, hardly realized that on the horizon there hung the cloud which was destined soon to blacken the fair face of all that bright, sunny land.

Two short years passed and our young planter found himself bound in honor and duty to leave the happy home and peaceful avocations to which his tastes and education naturally conducted him, and to take his part in the stern realities of war. His native land had been invaded; the land of his youth, his home, his kindred, and all that he held dear and sacred was in peril. Of the justice of the cause of the South—that her struggle was purely defensive, however he might deplore the collision of the warring sections—he could feel no doubt. Nor could he doubt as to his duty. It was not a time for any to hold back. Young and ardent as he was, his thoughtful temperament and wise study of history could not fail to impress him with the solemn character of the ordeal of battle. He weighed all the risks to life, and fortune, and to the State, but these thoughts to so high a nature as his only nerved and strengthened his purpose.

Sectional passion, with thirty years of cessation of the conflicts of hostile armies, have given place to a broader and more generous feeling and to a yearning for a peace without recriminations or prejudice against any section; but stronger than this wise sentiment we find a disposition to do honor to the manhood and courage of those who in either army periled their lives for their convictions. The list of the heroes of the civil war is beginning to be regarded as a common heritage of honor. Men differ and will continue to differ as to the origin and causes of this great strife, but the discussion is historical, and does not involve present political issues.

In the roll of honor of which I speak, few stand higher than Gibson, and none more worthy. His record from first to last is that of duty well performed. The soldiers in my hearing know that there can be no higher praise than this. He lacked unfortunately the vigorous physique which enable many men to withstand the hardships and exposure of camp life, the rigors of the wintry storm, the march and the many trials of battle. There were no winter quarters with fires, blankets, clothing, and provisions for the Confederate forces. The strain was incessant. It was amid such hardships and exposure near Corinth in 1862 that this delicately nurtured young man first developed that terrible malady—hereditary gout—which in after years so often paralyzed his best thoughts and energies and tortured his frame to the infirmity which would have driven a common man to seek repose.

The intellect and the will triumphed over the body, and for over thirty years, in war and in peace, he braced himself to perform the duties of life. He was not an educated soldier, but he soon made himself a thorough one, and as such won the confidence of his troops and the commendation of his superior officers. Entering the Southern army as a private in the ranks, he was soon appointed to be a captain of the First Louisiana Artillery, and was stationed at Fort Jackson, below New Orleans. Not long afterwards he was elected colonel of the Thirteenth Louisiania Infantry. At Shiloh, before the battle, his regiment was assigned to picket duty with three others, and all, as it chanced, were without a brigadier. By common consent this honor was conferred upon him, and this brigade, thus led by Gibson, made a special reputation for heroism in those two days of fierce slaughter, stubborn endurance, and wonderful valor.

Hardly any brigade was more severely tried and tested in that battlefield than the regiments thus hastily thrown together under a new commander, and no man but one of rare force could thus have evolved from raw troops the steadiness and work of veterans. The service thus performed was the prelude to a long and honorable career. Gibson was present in the battles of Perryville, Murfreesboro, Chickamauga, Missionary, Ridge and other fields and in the campaigns of 1862, 1863, and 1864 of the Western army. One-third of his brigade was killed and wounded at Murfreesboro. He was trusted and commended by Polk, Hardee, John C. Breckinridge, Cheatham, Dan Adams, Maury, Preston, Stephen D. Lee, Richard Taylor, Joseph E. Johnston, and Hood.

Gen. H. D. Clayton in his report of the battle of Jonesboro, fought on 31st August, 1864, says that Brig. Gen. Gibson, seizing the colors of one of his regiments, dashed to the front and to the very works of the enemy. The brigade lost there one-half its members. Gen. Stephen D. Lee makes special mention of the gallant crossing of the Tennessee River near Florence, Ala., by Gibson and his brigade. When Hood's army was defeated at Nashville by Thomas, it fell to the lot of this brigade to check the progress of the enemy near Overton Hill under the immediate eye of Gen. Lee. Gen. Hood gives him the highest praise. He says:

Gen. Gibson, who evinced conspicuous gallantry and ability in the handling of his troops, succeeded in concert with Clayton in checking and staying the first and most dangerous shock, which always follows immediately after a rout.

Again he says that Gibson's brigade and McKenzie's battery of Fenner's battalion acted as "rear guard of the rear guard." Here we have a soldierly character and force developing itself and shining the more brightly as calamity thickened and the ordeal became more difficult with greater and greater odds and each hour bringing a lessening hope of final victory. Other work, however, remained to be performed. When Gen. Canby with a heavy force moved against Mobile, Gen. Gibson was detached by Gen. Maury from his main army with a few less than 2,000 men and ordered to hold Spanish Fort on the east side of Mobile Bay. For more than two weeks amid incessant fighting he maintained his position in the intrenchments of these works against a force estimated to be 20,000 strong, aided by seventy-five cannon and a large fleet, inflicted a large loss upon his assailants, and finally by a well-conducted retreat saved nearly all his command except those already killed or too severely wounded to be withdrawn.

These operations at Mobile Bay were the last great struggle of the war. Gen. Richard Taylor, in recognition of Gibson's services, enlarged his command, but this long and dreadful con-

flict of the two sections came to a close, and was terminated by surrender of the Confederate armies. Gen. Gibson's parting address to his troops was worthy of him and of them. He said:

As soldiers, you have been among the bravest and most steadfast. As citizens, be law-abiding, peaceful, and industrious.

This closing sentence furnishes the key to his political action and aims from 1865 till the hour of his death.

Like nearly all his associates, Gen. Gibson found himself at the close of the war ruined in fortune. His father's splendid sugar estate in Terrebonne was a wreck. To restore it without ample capital and reliable, efficient labor was impossible. He therefore settled in New Orleans and devoted himself to the practice of the law. His labors were crowned with unusual and immediate success, for few possessed higher adaptation to the requirements of the bar. It was at this time of his life, in 1867, that he met and married Miss Mary Montgomery, the charming and accomplished woman who lent such exquisite grace to his household and brought to him a tenderness and devotion that made her indeed a ministering angel. It was her fate to be summoned before he was called away, but not until many years of mutual happiness had blessed them both and strengthened him to meet the increased cares and burdens of a public career, and to bear up under the malady which for long years impeded his best endeavors.

Hardly any man in Louisiana was better qualified for a Congressional career at the close of the civil war than Randall Gibson, but the way was not open for him or for any representative man of Louisiana till long afterwards. To recall the epoch now seems like reviving a painful dream. The State of Louisiana was fast bound in misery and chains. It was held in the iron grasp of an alien rule under which neither its intelligence nor property had a voice. The State had been left by the war literally a wreck and a desolation.

The work of rebuilding the waste places, the restoration of paralyzed industries, the reorganization of society, education, and the like, would have been a herculean task under the best auspices and by the best of men, but nothing was done to evoke the best forces; and on the contrary, everything to wound, to oppress, and to retard the healthful processes of recovery. It was not until 1872 that Randall Gibson could be elected to this House, and even then he was not admitted. In 1874 he was chosen by the First district of Louisiana, and took his seat in December, 1875, as a member of the Forty-fourth Congress. The House was full of strong men. Among its members were Kerr, Speaker, BLACKBURN, Cox, Garfield, HOLMAN, Lamar, Blaine, Morrison, Randall, Tucker, Alex. H. Stephens, and Gibson's gifted colleague, E. John Ellis, of Louisiana.

But if the actors on the stage were able and brilliant, the themes were even greater. Party passion ran high. The feelings of the war had only slightly subsided. The Southern States were only slowly and painfully regaining their equality in the Union. Three of the number, including Louisiana, were yet struggling for home rule, the rule of the taxpayer, and for a staple and economical government suited to an impoverished people, for the right to work and accumulate free from wanton spoliation. There were strong prejudices to be disarmed, the prejudices of a powerful party that had long held the National Government.

The situation was complicated by the pending of a heated Presidential struggle which threatened the country with a civil war, not between sections but nearly balanced parties. When was there ever a condition that imposed graver duties and responsibilities on a representative of Louisiana or required more of wisdom, judgment, strategy, self-control, diplomatic tact and resources than this? and yet it is not too much to say that Representative Gibson proved himself equal to the occasion. He had had no previous legislative experience, but his education and studies were profound and he soon proved himself a natural parliamentarian and man of affairs.

At the outset of his legislative career Gen. Gibson, whose aim was to avoid violent controversies, and by appeals to reason of both parties to accomplish results for the general good, found himself forced to meet repeated assaults upon his State and constituents involving their good name and conduct. One of his earliest speeches in Congress was a vindication of Louisiana in connection with the election of 1876 for President and State officers, and thus it became necessary to review the work of the famous returning board. He discharged this unpleasant duty with frankness and plain speech, but he put the cause of his State with a spirit of justice, moderation, and fairness that could not fail to impress the House and public opinion. He spoke from the standpoint of a national and conservative statesman, accepting the logic of events and the results of the war so disastrous to the South, accepting emancipation and the equal political rights of the two races as a basis of action, disclaiming sectionalism, deprecating it and pleading for peace and justice to his people. He never departed from this keynote of policy throughout his career, not even in denouncing bayonet rule and the use of troops at the polls.

It was this admirable temper and national spirit, joined to his high character and rare power in personal intercourse with men, that enabled him to appeal successfully to President Grant at the most critical moment in the history of Louisiana, and to stay the effort that was made to induce President Grant to employ the Army to crush out the rightful government of the State. The struggle of the friends of the Packard government to win Gen. Grant in this juncture was incessant. The strongest influence wielded against them, as they well recognized, was that of Representative Gibson. Both under the administration of President Grant and President Hayes there were men who rendered most invaluable service, but there is no one to whom Louisiana is more deeply indebted for her final deliverance than Gibson. He had the respect of President Hayes, who freely consulted him. There was nothing loud or ostentatious in this great service. Like most of the potent work in public life, it was rendered quietly, but it was none the less effective. Then once more with the light of hope upon their brows the sons of Louisiana began to plant, to sow, and to reap. Anarchy, misrule, and despair gave place to order and progress.

But aside from all sentimental questions and the transcendent issue of local self-government, and both before and after its final adjudication, the most difficult duties devolved upon a representative of Louisiana. These were not party questions, but they were not less difficult of adjustment and demanded the most unwearied and skillful devotion. Among the most important of these issues which required Gen. Gibson's constant care from the day he entered this House during his four terms of service and in the Senate after he entered that body in March, 1883, were the protection of the great sugar interest of Louisiana and the question of the improvement of the Mississippi River. Both were vital to Louisiana and important to the whole Union. But he thoroughly understood them and in knowledge of each he had hardly a peer in either branch of Congress. To detail the successive steps of his labors on these questions would be to repeat their history for a series of years. I can barely glance at a work so familiar to his contemporaries in Congress.

The sugar industry of Louisiana before the civil war had grown to large proportions, and supplied one-half of the American consumption. By the havoc of war and emancipation it had been reduced to almost nothing, but was now gradually expanding. Upon its maintenance and development depended the subsistence and prosperity of nearly half of the people of the State, but this development it was vain to expect under hostile tariffs. All through the earlier period of American history down to a recent date the prosperity and necessity of the duty upon sugar had been questioned by no party or statesman. It was a prominent feature in every tariff for a hundred years. But soon after Gen. Gibson took his place on the Ways and and Means Committee in the Forty-fifth Congress he found himself confronted with measures involving changes in the revenue laws.

The wisdom and lessons of the past were only partially remembered, and this interest so important to his State was imperiled by repeated assaults and propositions which, if carried, would have wrought a fresh desolation in Louisiana. He was a friend to the policy of a revenue tariff and moderate duties, for he had been a wise student of economic science, but for that very reason he demanded a fair revenue duty on sugar. He was not willing to see Louisiana sacrificed to foster the interests of Cuba, Jamaica, or any other country. As far back as 1876 he opposed the passage of the legislation devised to carry out the Hawaiian reciprocity treaty, which he deemed injurious to American interests. His labors for the sugar industry in the committee, in speeches on the floor, and with individual members of both parties engrossed much of his time and energies.

He had a perfect knowledge of the numerous details and intricacies of these duties, and he knew the history of the contest and the past legislation. He had the skill to grasp a difficult situation, to combine favors and influences, to judge what could be done and how to do it; how much to yield and how much he could fairly demand. No cunning device of unfriendly interests escaped his watchful vigilance. He was always on guard and always at the front. He was the recognized leader of this interest in Congress every day and hour of his service, but it was as a public officer and not as a planter to be personally benefited; for he never had the capital to restore his old plantation. The final adoption of the polariscope test was largely due to his early and constant advocacy of its merits and necessity to protect the revenue and prevent fraud. The whole subject of this industry was to Congress a new discussion, but he illuminated it with a flood of light.

Not less valuable were Gen. Gibson's wise services in respect to the legislation happily enacted by Congress to harness the

forces of that mighty current well termed the "Father of Waters," to make it the great artery of a vast and increasing commerce, to prevent its ravages and destructive floods, and to make it an ally to civilization and industry, a blessing to man instead of a curse. The genius of Capt. James B. Eads had already pointed out the way to open the closed mouth of the Mississippi, and the liberal hand of Congress responding to the call of the great valley had provided the means. One of Representative Gibson's earliest steps in Congress was to aid in supplementing this legislation by modifications which enabled Eads to continue his work, to expedite it, and push it forward till, to use the words of Gibson himself: "The jetties were a perfect success." But the main problem, namely, the treatment of the great river from Cairo or indeed from its head waters to the Gulf remained to be solved.

The most eminent hydraulic engineers of the country had made its forces and phenomena a study and had differed as to the remedy to be applied. The best thoughts of the best minds of the South and West in Congress at this time were exercised upon the two great questions: first, what plan of treatment for the river should be adopted; and next, supposing some mode to be preferred, how could Congress be induced to grant the ample means needed to carry out the plan. For a long period efforts had been made to induce Congress to rebuild the levees, but all these efforts had failed. Capt. Eads had for years insisted on the policy of concentration of the waters and obtaining a uniform width for the river; but there were so many conflicting opinions and plans that it seemed vain to ask Congress to adopt any one of them.

Amid all this confusion of counsels it was the happy conception of Gen. Gibson to propose a scientific commission, to be composed of the ablest men engaged in the public service and in private life, who should examine the river with a view to the improvement of its navigation, the prevention of floods, and the promotion of commerce, and after considering the different plans and methods suggested, to report to the Secretary of War a plan of comprehensive improvement. It was this plan of a commission that was finally adopted by Congress, and to it the country is indebted for the most beneficent results already accomplished, and for the assured prospect of final realization of one of the grandest works of modern civilization. Yet this wise law was not passed until after years of persistent struggle by its friends.

Out of the many able and zealous friends of this policy in Congress from all sections of the country who contributed to its adoption and maintenance, Representative Gibson was most conspicuous by the earnestness, fullness of information, and power which he brought to the discussion, and by the ceaseless vigilance and strategy with which he guarded the River Commission against all attempts to impair its powers and usefulness. The plan of treatment for the river adopted by the Commission was mainly the one advocated by Capt. Eads and in which Gen. Gibson fully believed. The mind in Congress which expounded and defended the plan of the Commission and the arm which upheld it, Eads always recognized as Gibson's. The names of both men are linked inseparably with this great measure. How eloquently does it contrast with the fruitless strifes and bitter phrases of lesser minds? Who shall set bounds to its blessings or put too high a value on the patriotism of those who carried it on to its high consummation?

I need not review the work of Gen. Gibson on other questions as a Representative and a Senator. The location of the mint at New Orleans, the establishment of closer commercial relations with Mexico and South America, the general work of river and harbor improvement, the reformation of the tariff, questions of the currency, the educational bill, the work of the Agricultural Bureau, the forfeiture of the land grant of the Backbone Railroad Company—these and many other topics were the objects of his care. He labored unsuccessfully to curtail the secret sessions of the Senate and to repeal the objectionable statute which disfranchises all ex-Confederates for positions in the Federal Army.

He never spoke for mere display. No small part of the most valuable work of a Representative is done in committee, or in personal intercourse with his associates, or with the President and heads of Departments. Gen. Gibson's influence in all these directions was unusual. He neglected none of the honorable instrumentalities essential to success. He had the confidence and respect of every President from Grant to the present occupant of the chair. His personal relations with such eminent men as Beck, Morrison, Randall, Carlisle, Bayard, Lamar, Tilden, Andrew White, Evarts, Sherman, Garfield, Hayes, Cameron, and Blaine were such as few enjoyed. The value to his people of such relations of confidence is too obvious to be insisted on.

Randall Gibson was an educated man and a scholar. He took the deepest interest in every scheme for educating the youth of the South, for none knew better than he the value of such education, and how greatly the opportunities for acquiring it had been cut off by the waste of the war and the widespread poverty of the people. It came to him, therefore, like a benediction when Paul Tulane, then living at Princeton, N. J., but a former resident of New Orleans, sought his aid and counsel in carrying into practical effect his noble and benevolent plan of making a large donation for the "encouragement of intellectual, moral, and industrial education among the white young persons of the city of New Orleans." Mr. Tulane could not have found a wiser or more sympathetic adviser than Randall Gibson. He formulated the method and plan on which the donation was to be made, and defined the purpose to which it was to be applied.

As has been said by one who well knew whereof he spoke:

> He selected the men whom Mr. Tulane associated with himself as the trustees of his sacred gift. As president of the administration, he impressed on each and every one of them his own high sense of the gravity of the functions with which they were charged. He was the electric cord which connected them directly with Paul Tulane, and maintained that perfect harmony and confidence between them which led to the constant enlargement of his bounty. His wisdom selected the distinguished man who as president of the university has organized its splendid faculty, has shaped its course of study, has planned its methods and degrees, and has in all respects conducted its affairs with such signal sagacity and success.

In a word, the character and intellect of Randall Gibson are thoroughly impressed upon this munificent foundation of the noble philanthropist. This institution was the object of Gen. Gibson's love and solicitude even to his latest breath.

Early in November, 1892, Senator Gibson, then in New Orleans, was seized with a recurrence of the malady which had so many years preyed upon him. His physician ordered him to the Hot Springs of Arkansas, where on a former occasion he had found much benefit. He went there under the care of a devoted friend, and at first he seemed to improve. But this was only illusory. His disease had approached nearer and nearer the citadel of life. His powers of resistance had waned till nothing was left but to yield with composure and courage to the last dread summons. He passed away on the 15th of December, 1892, surrounded by those whom of the living he loved best. Death did not find him unprepared. His dear wife, whose name in his last moments was so often on his lips, had preceded him years before to the better land. He had realized for many months how frail was his tenure of life, and he had made calmly all his arrangements for his last journey. The love and care of his surviving children were much indeed to live for; but his public career was well rounded and complete. It lacked nothing in its perfect symmetry.

Hardly any man of our day had had a better or higher conception of statesmanship. He was always a student of affairs, of history, of religion, morals and conduct. Everything relating to the foundations of government, and especially our own Government, he had studied. He was familiar with ancient and modern history, with the lives and writings of Washington, Jefferson, Hamilton, and all the great men of the Republic, and with what may be called the classics of politics. Whether in debate or private intercourse he was effective. As a speaker he was direct, argumentative, persuasive. He brought to bear all the researches of legitimate debate; but he was careful not to wound the feelings or impugn the motives of his opponents. His retort might disarm, but left no sting. His gentleness, tact, and consideration for others was conspicuous in public and private life. He spoke well, yet he was eminently practical. He aimed in action not so much to destroy as to build up and create; in speech to conciliate and convince. He understood the arts of government, the necessity for compromise, and the value of peace with honor.

Hardly any man from the South of late years has so much impressed himself on legislation. In his public relations Gen. Gibson without being repellant bore himself usually with a certain degree of stateliness and reserve. But in the society of his friends no one could be more natural, frank, engaging, and companionable. He enjoyed social intercourse, but no one was more abstemious or free from dissipation. He was a man of clear morals and speech, and was imbued with the profoundest respect for religion and virtue. Bigotry he had none. He believed in religious liberty in the largest and best sense. As a friend he was kind, sympathetic, instructive; as a man of society, courteous and conciliatory; as a husband and father, tender, affectionate, and true.

> His life was gentle, and the elements
> So mix'd in him, that nature might stand up
> And say to all the world, "This was a man!"

If he had ambition who shall blame him? It was an ambition not low, nor selfish, nor sordid. It inspired him to serve his State and the Union, to help to build up an impoverished and suffering section, and to increase the happiness and progress of mankind. It is by such generous aspirations that humanity ad-

vances to successive triumphs and states become great and opulent.

A man will sometimes unconsciously reveal his own nature in describing another's. We find a broad light cast upon the formative influences that shaped the character of our departed friend in his own eulogy upon the late Thomas H. Herndon, of Alabama. Said he:

As a general rule public men are the logical expressions of the tone and temper, the outgrowth of the local conditions and habits and culture and institutions of the people, and indicate their characteristics and qualities as surely as certain plants and fruits and trees do particular climates. His family [Mr. Herndon's], had emigrated from Fredericksburg, a part of the Old Dominion which has been prolific in men celebrated for all the virtues that adorn human nature, as well as polished manners and intellectual accomplishments. They belonged to the country people of Virginia who have given to the world names that command its admiration and homage. * * * Inheriting traditions so elevating, and representing a people themselves intelligent, brave, and virtuous, how could he prevaricate, or attempt to deceive or descend to subterfuge, or play the demagogue, or betray any trust, or fail of duty anywhere, or his name be less than it was—the synonym for honor.

On another occasion we find him laying a flower upon the grave of a departed colleague, Michael Hahn, of Louisiana. He cited a passage taken from Festus by Mr. Hahn in a published address, and said he doubted not that the noble sentiments therein expressed found a lodgment in his memory because his heart beat responsive to them, and that they inspired the aspirations of his life. These words match well and fitly the soul and aims of him of whom we speak to-day:

Life is more than breath and the quick round of blood;
It is a great spirit and a busy heart.
The coward and the small in soul scarce do live.
One generous feeling—one great thought—one deed
Of good, ere night, would make life longer seem
Than if each year might number a thousand days
Spent as this is by nations of mankind.
We live in deeds, not years; in thoughts, not breaths;
In feelings, not in figures on the dial.
We should count time by heart-throbs. He most lives
Who thinks most, feels the noblest, acts the best.

[Mr. HOLMAN addressed the House. See Appendix.]

[Mr. BLAND withholds his remarks for revision. See Appendix.]

[Mr. HOOKER of Mississippi withholds his remarks for revision. See Appendix.]

Mr. HENDERSON of Illinois. Mr. Speaker, the late Senator Randall L. Gibson, of Louisiana, was elected a member of the Forty-fourth Congress and took his seat in December, 1875, at the same time I did—he on the Democratic and I on the Republican side of the House. Looking over the list of members of that Congress to-day it will be found that but seven of all the members who served with Senator Gibson in the Forty-fourth Congress now remain in the public service as members of this body. They are Judge HOLMAN of Indiana, Mr. BLAND of Missouri, Gen. HARMER of Pennsylvania, Judge CULBERSON of Texas, and Mr. CANNON, Mr. SPRINGER, and myself, of Illinois.

Six members who served with Senator Gibson in the House as members of the Forty-fourth Congress were serving with him in the Senate at the time of his death, and still remain Senators, viz, Senator HOAR of Massachusetts, Senators FRYE and HALE of Maine, Senator BLACKBURN of Kentucky, Senator MILLS of Texas, and Senator HUNTON of Virginia. And so, Mr. Speaker, there are to-day but seven members of this body and but six members of the Senate who were associated with Senator Gibson as members of the House of Representatives in the Forty-fourth Congress. Such are the changes among those who make the laws of the land.

Many members of the Forty-fourth Congress, I trust, still survive, and are enjoying the quiet of private life, free from the noise and dissension of political strife, and free from the care and anxiety which a faithful public servant in the conscientious discharge of his public duties must ever feel. Quite a large number, like the distinguished Senator to whose memory we pay tribute to-day, have passed away, and are now safely over the other shore, where we know we must sooner or later join them. But Senator Gibson was not only a member of the Forty-fourth Congress, but was reëlected and served as a member of the Forty-fifth, Forty-sixth, and Forty-seventh Congresses, and at the close of his fourth term in the House, having been elected a member of the Senate, he took his seat in that body and remained in the Senate until the day of his death. I can not say, Mr. Speaker, that I was at all intimate with Senator Gibson, either while he was a member of this body or after he became a Senator. But from our first meeting as members of the Forty-fourth Congress I had a pleasant acquaintance with him and knew him well, and he always impressed me as a gentleman of high character. I was not associated with him on any of the committees of the House on which he served, and it is there where we have the best opportunities, I have thought, of observing the better qualities and real worth of members. But he was a man of ability, and in his second term was made a member of the Committee on Ways and Means, and again served as a member of that committee in the Forty-sixth Congress.

In the Forty-seventh Congress, the House being Republican, he was made a member of the Committee on Commerce, that committee then having not only its present jurisdiction, but also jurisdiction over rivers and harbors, and I feel entirely justified in saying that Senator Gibson was an active, intelligent, and prominent member of those important committees. I however remember this distinguished gentleman more particularly for the great interest he took in the improvement of the Mississippi River. Representing as he did, like myself, a district bordering on the Mississippi River, and feeling a deep interest in everything relating to its improvement, as both of us did, we were in that way brought together and worked together for the permanent improvement of that great river, which waters one of the greatest and richest valleys in the world, and I am sure no one took deeper interest in all legislation relating to the Mississippi River and its improvement than did the late Senator Gibson.

The people of the Mississippi Valley and of the whole country, as I believe, are greatly indebted to him for the legislation leading to the creation of the Mississippi River Commission, and the entering upon the great work of the permanent improvement of the river. If he had done nothing else, his public service in connection with the improvement of the Mississippi River alone would entitle him to the gratitude and respect of the country, and most certainly to the people of the Mississippi Valley.

As a native of the South, it was not unnatural that Senator Gibson should have been found a soldier in the Confederate service during the late war.

I am not, Mr. Speaker, sufficiently familiar with his military service to refer to it to-day, particularly. That he was a brave and gallant officer, and served with great distinction the cause he believed to be just, there can be no doubt. The tribute paid to his memory by sorrowing comrades when he was laid away at rest by the side of his wife, at Lexington, Ky., was touchingly beautiful, and showed that his memory was revered not only by them, but by the multitude who had assembled to honor the departed citizen, soldier, and Senator.

Mr. Speaker, it was with deep regret I heard of the death of Senator Gibson; I followed his remains to their last resting place with sadness and sorrow. He was a pleasant, courteous, dignified gentleman, liberally educated and highly cultured. He was an honorable, able, and faithful Representative and Senator, and a brave and gallant soldier, and I am glad to have the opportunity of uniting with his friends to-day in paying tribute to his memory.

Mr. BOATNER. Mr. Speaker, in the death of Randall Lee Gibson, Louisiana lost one of her most devoted sons and most valuable public servants. He served her in war and in peace, in the camp and the council, always with devoted loyalty and always acceptably. He possessed the confidence of her people, and now that death has silenced detraction and removed the cause of jealousy which always attends successful careers, no one denies that he deserved it. It has not fallen to the lot of any other Representative from that State to be prominently connected with so many measures of vital importance to her welfare.

To him was given the credit by the late Capt. James B. Eads for the success of the legislation which promoted the construction of the jetties at the mouth of the Mississippi, which have been of such inestimable benefit to the whole valley. No other Senator or Representative could claim equal effectiveness with him in the adoption by Congress of the great policy of internal improvements which promises in the near future to redeem the valley of the Mississippi from the ravages of overflow and restore its old time fruitful abundance of production. Every industry and interest of the State received his watchful and tireless care; and when the time came to surrender earthly responsibilities, he could well have said that his services to his people repaid them for all the honors they had conferred upon him.

Gen. Gibson was not only the watchful guardian of the interests of his adopted State, but one of her most valuable contributions to the councils of the nation. A classical and thorough education, broadened by contact with the best and highest minds of the age, qualified him to grapple with the great questions which presented themselves for settlement in the years which immediately succeeded the war between the States. Conservative in his temper, tolerant of the views of others, but firm in the maintenance of his own, he commanded, by reason of his distinguished military service and acquaintance with the leaders of thought both South and North, an influence possessed by few who hailed from the stricken South. That that influence

was wisely used is attested by the undiminished respect and confidence of his colleagues at the time when "he passed over the river to rest in the shade of the trees." One by one they go—Gibson, Colquitt, Vance. Few are left, and in the ordinary course of nature not many years can pass when to speak with jeers of the "Confederate brigadiers" will be to insult the dead, the noble dead, who have illustrated by their lives the best, the noblest, and the truest traits of American manhood. The time will come, sir, when the fame of those, our noble dead, will be the common pride, the common glory of the American people.

Gen. Gibson was as admirable in private life as he was distinguished as a soldier and a statesman. It was not my good fortune to personally know the lovely and accomplished woman who devoted her life to him; but I am justified in saying that a devoted wife found in him a loyal and devoted husband. As a friend he was most thoughtful and considerate, shedding the light of a benevolent and kindly heart upon all to whom he bore that relation.

Reverently and tenderly he has been laid to rest with the kinsmen and friends of his boyhood; a brave and loyal soldier, a faithful representative of the people, a devoted husband and father, a benevolent and self-sacrificing friend and Christian gentleman has gone to his rest.

Peace to his ashes.

Mr. WHEELER of Alabama. Mr. Speaker, the resolutions which are before the House bring up memories of many years ago. They recall to my mind when a third of a century ago I first met Senator Randall Lee Gibson, and it has been my privilege and pleasure to be intimately associated with this chivalrous gentleman for a greater part of the time up to the date of his death. I knew Senator Gibson as a soldier, brave, chivalrous, and undaunted. I knew him in the deadly carnage, always leading in the front of battle, always courting the post of greatest danger. I knew him in the camp, earnest and devoted in administering to the wants of his men, and performing the tedious routine of duty. I knew him on the march, always sharing with his devoted soldiers labor, fatigue, suffering, and privation. I knew him when the war was over and the flag of the Confederacy was trailed in the dust, broken in fortune, but unconquered in spirit. I knew him as a gentleman, gentle, courteous, urbane, and loved and respected by everyone, his bearing marked with dignity and firmness and yet the perfection of simplicity and unobtrusive modesty, a striking exemplification of the highest type of manhood. I knew him as a husband and father, enjoying the pleasures of a happy family home filled with reciprocal feelings of love and devotion. I knew him twenty-two years ago, when, after a terrific struggle, he was elected a member of this body and commenced his career as a statesman in an arena to which he brought great natural gifts, cultured by diligent study, profound thought, and extensive travel. I knew him in the strength and vigor of powerful manhood, the idol of his State, a leader among men, an honored, esteemed Senator of this great country. I knew him when the outstretched hand of death beckoned him to the shadow under which we all must pass.

In all these varied conditions and relations of life Senator Gibson shone forth and seemed to illumine any sphere in which he moved. Whether in prosperity or adversity, whether enjoying bounteous affluence or undergoing the financial reverses which the ravages of war brought upon him, whether as a private citizen or occupying the high positions of general and Senator, he was the same dignified, modest, and affable gentleman.

Senator Gibson was descended from a long line of distinguished ancestors, and the gentle courtesy which characterized him was his by inheritance as well as education. He was a native of Kentucky, his father having married in early life Miss Louisiana Hart, of Lexington, and here in the home of chivalry and culture his youthful mind expanded. While he was still very young his parents removed to Louisiana, and from that time he became identified with the interests of his adopted home. His early education was acquired in Terrebonne and Lexington, and his collegiate course at Yale was supplemented by several years of foreign travel.

Returning home he studied law at the University of Louisiana, but he did not at once enter upon the arduous details of the profession, preferring the life of a planter; but the stirring times preceding the outbreak of war forced him from his retirement and drew forth all the noblest qualities of his gifted nature. At the beginning of the war he raised a company, and was soon made colonel of a regiment. Although untrained in military affairs, his great natural qualities made him conspicuous in this career, as he would have been in any other position. His regiment, the Thirteenth Louisiana, gained immortal renown for courage and heroism from the time it first met the shock of battle on the field of Shiloh.

Soon after reaching Corinth he was sent to the front with his command and ordered to report to me at Monterey, to meet a reconnoissance in force under Gen. Sherman. This was the first time Gen. Gibson approached the enemy, and I recall the promptness, coolness, and determination with which he placed his troops in position with every expectation of an attack by an overwhelming force. Gen. Sherman, very possibly, had exaggerated information regarding the force under Gibson and myself, as he hastily withdrew to the Tennessee River without making an attack. Although an actual conflict did not take place, it was made evident that Gen. Gibson had absolute confidence in himself and his troops, and that they had implicit confidence in him.

The date first fixed for these ceremonies was just thirty-two years after the close of the terrible struggle where Gen. Gibson, worn and weary, begrimed with powder and smoke, was triumphantly completing the second day of the great battle on the banks of the beautiful Tennessee. Only the preceding morning he had received his baptism of blood, and in forty-eight hours had earned the reputation of a brave, intrepid, and skillful brigade commander. In the many battles in which that army afterwards engaged we find Gen. Gibson always brave and conspicuous, and frequently mentioned in the reports of the commanders.

In his report of the battle of Perryville, Gen. Adams speaks of the gallant service and military skill of Senator Gibson, and mentions a separate communication in which he recommends him for promotion to the rank of brigadier-general for the distinguished skill and valor which he displayed in that hotly contested battle.

I read from the War Records, volume 16, page 1124:

The praises bestowed in my report for gallant service on the field fell under my immediate observation in the cases of Col. R. L. Gibson, Maj. Austin, and Capt. Tracy.

Gen. Adams also says:

The report of the others named was derived from the regimental reports. The regimental commanders named deserve credit for the manner in which they moved and kept their commands together. The Thirteenth Louisiana, Col. Gibson, deserve special mention for the promptness with which they moved forward, the alacrity and rapidity with which they pressed the enemy until halted by my command. I will recommend Col. Gibson, for skill and valor, to be brigadier-general, in a separate communication.

The next great battle of that army was Murfreesboro, and here again we find Gen. Gibson very distinguished. The eminent Maj. Gen. John C. Breckinridge speaks of Col. Gibson's marked courage and skill throughout the battle, and Gen. Adams speaks of his conduct in a charge as deserving the highest praise, and states that no greater courage and determination could have been displayed. Gen. Adams also speaks in high commendation of the tenacity with which Gen. Gibson held a fiercely assailed position. I read from Gen. Breckinridge's report, War Records, volume 20, page 783:

Gen. Adams having received a wound while gallantly leading his brigade, the command devolved upon Col. R. L. Gibson, who discharged its duties throughout with marked courage and skill.

On page 793 of the same volume, Gen. Adams gives an account of the charge in which Gen. Gibson was distinguished, in these words:

The conduct of the officers and men in making the charge and holding the position as long as they did deserves the highest praise. No greater courage or determination could have been displayed.

Gen. Gibson also did excellent and gallant service in the various engagements during the summer of 1863; and for his eminent service at the battle of Chickamauga he was highly commended by Maj. Gen. Breckinridge, who stated in his report that the country was indebted to him for the courage and skill with which he discharged his duties in that great conflict. I read from Gen. Breckinridge's report, which I find in the War Records, volume 30, page 201:

To Brig. Gen. Stovall, to Col. Lewis, who succeeded to the command of Helms' brigade, and to Col. R. L. Gibson, who succeeded to the command of Adams' brigade, the country is indebted for the courage and skill with which they discharged their arduous duties.

All through the history of the Atlanta campaign we find Gen. Gibson repeatedly mentioned and highly commended; in the War Records, volume 38, page 767, by Lieut. Gen. Stephen D. Lee; on page 812 of the same volume, by Maj. Gen. C. L. Stevenson; on page 816, the same volume, by Lieut. Gen. A. P. Stewart; on page 823, by Gen. M. A. Stovall, and on page 846, by Gen. Alpheus Baker.

In the battle of May 25, Gen. Gibson's brigade bore a very conspicuous part. Maj. Gen. H. D. Clayton, in his official report, volume 38, page 833, says:

Three lines of battle of the enemy came forward successively, and in turn were successively repulsed. Men could not have fought better or exhibited more cool and resolute courage. Not a man except the wounded left his position. The engagement lasted uninterruptedly until night, or more than two hours, and when the enemy finally withdrew many of my men had their last cartridge in their guns.

In the many battles directly in front of Atlanta, and in the sanguinary battle of Jonesboro, Gen. Gibson was repeatedly dis-

tinguished. In his official report of the great battle of August 31, Maj. Gen. Clayton speaks of Gen. Gibson's heroic conduct in seizing the colors of one of his regiments and leading a charge on the works of the Federal Army, conduct which Gen. Clayton says created the greatest enthusiasm throughout the command. I read from Gen. Clayton's official report, War Records, volume 38, page 822:

Brig. Gen. Gibson seizing the colors of one of his regiments dashed to the front and up to the very works of the enemy. This conduct created the greatest enthusiasm throughout his command, which again, as in the engagement of the 28th of July, previously mentioned, moved against a salient in the enemy's works.

Unfortunately a large portion of the whole command stopped in the rifle pits of the enemy, behind piles of rails and a fence running nearly parallel to his breastworks, and to this circumstance I attribute the failure to carry the works. Never was a charge begun with such enthusiasm terminated with accomplishing so little. This gallant brigade lost one-half its numbers.

His corps commander, Gen. Stephen D. Lee, speaks in the highest terms of Gen. Gibson's brigade in the Tennessee campaign in the fall of 1864. He says:

I saw them around Atlanta and in Hood's Nashville campaign. I designated Gibson's brigade to cross the Tennessee River in open boats in the presence of the enemy, near Florence, Ala., and a more gallant crossing of any river was not made during the war.

At the desperate and bloody battle of Franklin, Gen. Gibson won the highest encomiums from Gen. Hood. This distinguished officer stated that Gen. Gibson evinced conspicuous gallantry and ability in the handling of his troops. I read the exact language of Gen. Hood:

Gen. Gibson, who evinced conspicuous gallantry and ability in the handling of his troops, succeeded, in concert with Clayton, in checking and staying the most dangerous shock, which always follows immediately after a rout. Gibson's brigade and McKinzie's battery of Fenner's battalion acting as rear guard of the rear guard.

In the conflict around Nashville, Gen. Gibson added to his already high reputation. His corps commander, Gen. Lee, speaks of the gallant conduct of Gibson's soldiers in that great struggle, and of Gen. Gibson's superb conduct in checking two formidable assaults of the Federal Army. Gen. Lee says:

At Nashville, when Hood was defeated by Thomas, Gibson's brigade was conspicuously posted on the left of the pike near Overton Hill, and I witnessed their driving back, with the rest of Clayton's division, two formidable assaults of the enemy.

I recollect, near dark, riding up to the brigade, near a battery, and trying to seize a stand of colors and lead the brigade against the enemy. The color-bearer refused to give up his colors and was sustained by his regiment. I found it was the color-bearer of the Thirteenth Louisiana. It was Gibson's Louisiana brigade. Gibson soon appeared at my side, and in admiration of such conduct I exclaimed, "Gibson, these are the best men I ever saw; you take them and check the enemy." Gibson did take them and did check the enemy.

It is not singular that an officer who in many battles had met the highest expectations of his commanders and of the troops he so gallantly led should be selected for the independent command of the troops at Spanish Fort, one of the important defenses of Mobile. In this position Gen. Gibson displayed the eminent qualities which had made him distinguished throughout the war.

Gen. Taylor speaks of the defense of Spanish Fort and the retreat conducted by Gen. Gibson as one of the best achievements of the war. I read from his Construction and Reconstruction, published in 1877, page 221:

Gen. R. L. Gibson, now a member of Congress from Louisiana, held Spanish Fort with 2,500 men. Fighting all day and working all night, Gibson successfully resisted the efforts of the immense force against him until the evening of April 8, when the enemy effected a lodgment threatening his only route of evacuation. Under instructions from Maury, he withdrew his garrison in the night to Mobile, excepting his pickets, necessarily left. Gibson's stubborn defense and skillful retreat make this one of the best achievements of the war.

In a work on the Campaign of Mobile, by Gen. Andrews, published in 1866, Gen. Gibson, the commander of Spanish Fort, is spoken of by this Federal officer in the highest terms, as a competent and active officer, and one who inspired his troops with enthusiasm. On page 165 he says:

The besiegers and garrison alike are entitled to praise for constant industry and for energy.

The garrison commander, Gen. Gibson, was competent and active, and inspired his troops with enthusiasm. He was highly complimented by his superior officers for his conduct during the siege.

I know I may be pardoned for dwelling, as I have, on the military career of Gen. Gibson. His colleagues in the Senate and House knew of his eminent services while a member of this House and also during his career as a Senator; but although all knew he was a distinguished general, very few of his friends were so informed of his military service as to have a full appreciation of its extent and character.

At the close of the war, returning to a blighted and desolate home, his hopes in the dust, his fortunes broken, he took up the practice of law and soon began to earn fame and fortune in his new vocation.

The breadth of his mind and the strength of his will, combined with the singular fascination which he exercised on those who surrounded him, soon placed him in a prominent rank of the profession.

He was elected to the Forty-third Congress, but was deprived of his seat. He was again elected and admitted to the Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses, and while still serving in the latter, and having yet a term to serve in the Forty-eighth, he was elected to the Senate in 1882, and reëlected at the end of that term.

Senator Gibson's services to his State have endeared him to every citizen of Louisiana. In the darkest hour of the reconstruction period it was well for his people that this brave, good man stood at the helm and piloted the craft into safe and quiet waters. It was by his strong and unswerving influence that the Administration was persuaded to adopt the policy which finally enabled Louisiana to arise from the shackles which had well nigh crushed her to destruction. For his efforts in this direction, for his able advocacy of the Eads system of opening the Mississippi, and for his coöperation with Mr. Tulane in the location of the great university at New Orleans, he merited the undying gratitude of the people whose beloved representative he was.

For a long time Senator Gibson suffered from the malady which finally resulted fatally, and several years before his death his happy home was broken up by the loss of his beloved wife, who preceded him to the tomb.

His remains were taken back to the home of his childhood, and deposited in the beautiful cemetery at Lexington, where repose the ashes of so many noble and distinguished sons of the great State of Kentucky. Here, surrounded by old war-worn comrades and escorted by a company of cadets from the Military University of Kentucky, he was laid to rest, amid the tears and blessings of the old and the young, in the bosom of his native and well-beloved home.

In looking upon the mound which covers the mortal remains of Senator Gibson we involuntarily recall the solemn words of Mrs. Browning:

Never, sister, never, was told by mortal breath,
What they behold
O'er whom hath rolled
The one dark wave of death.

And yet while it is an infinite decree of divine wisdom that we should have no tidings from beyond the tomb, yet there is within us an ever-living spirit which whispers of a future life wherein is to be found the fullness and completion of the always present yearnings and aspirations of our souls. It is a consolation to Senator Gibson's family and friends to know that he felt these yearnings and aspirations in all their force, and that he had full trust and confidence in all that Christians believe of the life to come.

Mr. BRECKINRIDGE of Arkansas. It is not my purpose, Mr. Speaker, to make a formal address in memory of my deceased friend, the late Senator from Louisiana. When I considered the relations which for many years I had maintained with him, and the ties that bound his family and mine together, it was with more than ordinary pleasure that I consented to say a word when called upon to do so by one of the delegation from his State. The details of his career have been related fully and admirably by those who have undertaken that part of these appropriate ceremonies. Gen. Gibson was a man whose character and career will yield greater fruit and receive greater admiration as they are continuously and closely studied.

In the course of a life not very prolonged he was called to discharge varied and high duties, and to all of them he proved fully equal. He was a man of such various gifts, of such learning, of such broad and perfect culture, that he would have been successful in any calling to which he had chosen to devote his attention. It is not surprising, therefore, that, although not trained to the profession of arms, he should have received the highest praise from those with whom he served as well as from those to whom he was opposed. With his courage and sagacity it was not a lengthy task for him to master the main elements of the military art.

As a lawyer he was successful, but his equipment was such that he was most needed by his people to serve them in a public capacity, under the complicated conditions which surrounded them at the close of the civil war. After all that has been said of his success, after all that has been said of his achievements, I think I can truly say that his public career never fully taxed his greatest powers. Of all the men in public life with whom I have been associated there was not one possessed of more fascinating manners, there was not one a more accomplished gentleman, there was not one who was a more sagacious and astute man than Randall L. Gibson.

Whatever were his successes—as a student at Yale College, as a lawyer, as a gentleman adorning the most cultivated society in Europe and in this country, as a member of this House, as a

soldier, and as a Senator—I have always believed that Gen. Gibson never had an opportunity of publicly entering upon that field of labor which was best suited to his talents. That is the field of diplomacy. He would have made a great Secretary of State. No man of his day was better fitted to represent his country in its foreign relations. He was preëminently a wise man in council. He was thoroughly familiar with all the springs and impulses of the human heart. Energetic in action, he was yet a man of reflection, serene, comprehensive, and far-reaching judgment. Of his military career—and few men did more hard fighting than he—the defense of Mobile will be considered his ablest and best achievement.

The greater the task to which he had to address himself, the greater, apparently, was the ease with which his mind operated. I never knew a man who moved with greater ease than he did in all the higher elements of political philosophy and practice. Broad and comprehensive, he seemed to omit no detail, and yet to grasp in all their bearings the farthest outlines of the greatest public questions and the profoundest principles of public policy.

Sir, I shall not continue these remarks at length. There were just one or two points that I desired to speak of that had especially impressed themselves upon me in my long and close relations with Senator Gibson. Our families have maintained an intimate relationship for several generations. There was kinship between us, and during the war he served under the command of my father, who extended to him the same affectionate greeting that Gen. Gibson extended to me when I met him upon my entrance into public life here.

No man contributed more to the pacification of this country than did Senator Gibson, and his usefulness in public life, with all his rich and varied endowments, was so much dependent upon the blessings of his home life that remarks upon his career would be incomplete if they did not embrace within their scope the charming helpmate who graced his board and who aided him in all the work and relations of his life. He did not marry until some time after the war.

I remember being in the city of New York, soon after the war, and there meeting his wife, then a schoolgirl, recently returned from France, and I thought that my eyes had never fallen upon a fairer or more beautiful vision. She was beautiful in person, pure and elevated in character, with rare good sense, and perfect taste. They were thoroughly congenial, and she rendered him inestimable service in the exceedingly difficult undertaking that he, one of the representatives of a proscribed section, had to perform in seeking to knit anew the social ties, public confidence, and personal relations that had been severed by civil war.

Those labors, by reason of his happy alliance, by reason of his wide associations formed at Yale, and his fidelity to all the friendships of his youth, as well as by reason of his own matchless gifts and attainments, he was able to bring to a successful conclusion. Among all my friends and associates there is none of whom I could with more sincerity speak words of admiration and love than of Senator Gibson, to whose memory on this occasion we seek to do reverence and honor.

Mr. BLAIR. Mr. Speaker, Mr. Gibson was a member of the Forty-fourth Congress, where I first knew him as one of the prominent men whose superior abilities signalized the advent of the leaders of the Confederacy to the leadership of the restored Union. That Congress witnessed in this Chamber some of the greatest intellectual and forensic contentions in the annals of time.

The passions of the war had not then subsided. The irritations of the period of reconstruction had sharpened the animosities which fringed the sublimer emotions of the great anterior struggle more than ten years of quasi peace had assuaged them, and it is probable that the North and the South met here in December, 1875, in a mood for more acrimonious debate than in December, 1861.

Everything which led to the war and which had occurred during its prosecution, and subsequent to Appomattox, was fresh in all minds and ready to leap in fiery phrase of accusation or defense from every tongue. Beside the past, there was a present and an immediate future to be fashioned and molded, upon which depended the domination of the industrial and social policies whose collision rendered the era now rapidly disappearing from the scene one of the bloodiest and most distinctive in history.

Everywhere it was recognized that gradually but surely the South, although vanquished on the battlefield, was recovering from her wounds and rising from her ashes with her system of labor legally shattered, yet really stronger and more efficient than ever.

The old-time bond between the Democratic party in the two sections had not been severely strained even in actual war. True, the inherent patriotism of the masses of the Northern people had filled the armies of the Union with volunteers, who, regardless of party, died with equal devotion to the flag; but the ideas and policies of the antebellum Democracy survived the war, as they survive it still, and there was a natural restoration of unity in action in that great party as soon as the shock of battle ceased.

The reconstruction of the Democracy was complete at the surrender, for its unity of spirit—never disturbed during the war—was at once a manifestly perfect bond with the return of peace. On the other hand, the ideas and issues represented by the Republican party had no lodgment in the South, except in the hearts of vast but unintelligent masses of another and helpless race, so that the solid white population of that great section, reinforcing the Northern Democracy, had rendered the approaching Presidential struggle of 1876 one of very doubtful result.

Both great parties looked upon it as a political Gettysburg, and many feared that it might be succeeded by lawless bloodshed, if not by another outbreak of actual war. Under these circumstances, upon which the proprieties of the occasion will not permit me to dwell in further detail, it was unavoidable that the great men of the country, who in larger numbers never were present in any Congress since the foundation of the Government, should put forth their utmost powers, stirred and stimulated by the strongest passions, as well as the most elevated motives, emotions, and convictions belonging to human nature.

Of the great actors in that drama who still survive I say nothing, because it is unfitting to transfer them to the realms of deification while we are still blessed with their bodily presence. But there were Blaine and Garfield on the one side. On the other were Hill and Lamar. Many more immortal names in the great galaxy of the departed might here be mentioned; and it is but a just tribute to the memory of the brilliant, polished, able, and beloved Randall Gibson to say that he stood up among those marvelous men as gallant and courtly and chivalrous and honorable and patriotic and profoundly respected a gentleman as any one of them all.

I knew him thenceforward until he died, never intimately, but I believe I always knew him well.

For some four years we sat side by side in the Senate.

During all that time I was concious that a superior being was near; that a spirit sweet and affectionate and sensitive and pure, with lofty aspirations, with benevolent and far-reaching purposes for the improvement and blessing of others, looked forth from those steadfast and penetrating eyes, and vitalized with noble impulses the eloquent periods with which he charmed, instructed, and convinced the Senate.

His efforts were rightly, first, for the people of his then devastated and distracted State; but the heart of Gen. Gibson was as large as the whole country, and was full of justice and love for us all. He was one of those to whom a Northern man would turn with confidence if he were specially solicitous that the destinies of the land should fall into the possession of those of our Southern countrymen who would administer the Constitution and laws for all sections, in the true national spirit, and for the greatest good of the greatest number, tempered with the limitation that never shall the inalienable right of the humblest and weakest be sacrificed for the benefit of greed and power.

He knew that true reconstruction of the Union and the permanent existence of freedom and happiness depend upon universal intelligence and virtue among the people.

He was identified with the cause of education in his own State, as the chief promoter of the great Tulane Institution, that great intellectual light-house which burns as a pillar of fire for the perpetual illumination of the surpassing valley of the American Nile.

He was profoundly devoted to the passage of the national education bill, which for many years was the hope of the common people of the South, and which had it not died, as Christ died, by the betrayal of those who pretended to be its friends, would before now have reconstructed the country upon relations of equality and justice to all, and made peace and union and prosperity forever secure, by establishing homogeneous conditions everywhere, giving to each child of the Republic, white and black, a common school education and a fair start and equal chance in the race of life.

Urging the passage of this great measure, Mr. Gibson said on the floor of the Senate:

"In my opinion, reflecting men in all parts of the country * * * have formed the deliberate judgment that the education of the people, the enlightenment of the suffrage, the elevation of the pupular character and the popular conscience, the awakening of a loftier and healthier sentiment of national patriotism, is absolutely indispensable to the preservation of Constitutional liberty."

Noble words of a patriot, a philanthropist, and a sage!

They shall immortalize thy name when empires have fallen and realms have decayed!

Closely associated in their advocacy of the education bill, his great compeer from the same region of the South, the gifted and lamented Lamar, exclaimed:

"I have watched it with deep interest and intense solicitude. In my opinion, it is the first step and the most important step this Government has ever taken in the direction of the solution of what is known as the race problem, and I believe it will tell more powerfully and decisively upon the future destinies of the colored race than any measure or ordinance that has yet been adopted in reference to it—more decisively than either the thirteenth, fourteenth, or fifteenth amendments, unless it is to be considered, as I do consider it, the logical sequence and the practical continuance of those amendments.

"I think that this measure is fraught with almost unspeakable benefits to the entire population of the South, white and black. It will excite a new interest among our people; it will stimulate both State and local communities to more energetic exertions and greater sacrifices, because it will encourage them in their hopes in grappling and struggling with a task before whose vast proportions they have stood appalled in the consciousness of the inadequacy of their own resources to meet it."

Lamar was one of the great men of his generation. He will live in our history as a statesman, an orator, a jurist, a discriminating and philosophic student of mankind. But he never manifested a more powerful comprehension of the great problem of our time than is expressed in these vital and eloquent words.

Men of the South, the failure of the education bill was your great calamity. Under its operation ten years would have accomplished the slow and doubtful work of a century left to be wrought by existing agencies. Is there no resurrection, and is death an eternal sleep? This is the great question for the young and rising South. You have the power in your own hands, and you, not I, nor man or men of other sections are mainly responsible for the future now.

Randall Lee Gibson is with us no more.

Born in the South; educated in the North; combining the best qualities of both sections, and comparatively free from the influence of the weaker and lower elements of human nature, he lived an active and upright life; performed an important part upon a conspicuous stage; in war he was a knight without fear and without reproach; in peace a useful and honored citizen, discharging public duties with integrity, zeal, and ability, and always one of God's true gentlemen.

He is embalmed in the honor and love of his countrymen!

Rest, spirit rest! Soar, spirit soar!

Louisiana will enshrine his memory with fadeless and perpetual flowers; the incense of her gratitude will ascend until the last drop of the Mississippi has rolled by his grave on its way to the sea; and it is well that he sleep among those who knew him best, and therefore loved him most, until the resurrection. But I do know of eyes among the far hills of the North that will weep for him, and of one heart that will beat more quickly at the sound of his name until itself shall throb no more.

Mr. MEYER. On behalf of a number of our colleagues who are necessarily absent, I ask unanimous consent that they be permitted to print in the RECORD remarks which they desired to make on this occasion.

There being no objection, general leave to print was granted.

And then, in pursuance of the resolutions previously adopted, the House (at 4 o'clock and 10 minutes p. m.) adjourned until Monday next.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 6741) to ascertain and pay for loss of property sustained by Lieut. John C. Colwell, and the same was referred to the Committee on Claims.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. DAVIS: A bill (H. R. 6775) to add three women members to the board of public school trustees of the District of Columbia—to the Committee on the District of Columbia.

By Mr. TYLER: A bill (H. R. 6776) to amend "An act to provide for the erection of a public building in the city of Norfolk, in the State of Virginia," approved January 2, 1891—to the Committee on Public Buildings and Grounds.

By Mr. BARNES: A bill (H. R. 6778) to reënact section 1 of chapter 166 of the act of Congress approved March 3, 1875, and for other purposes—to the Committee on Claims.

By Mr. MONTGOMERY: A bill (H. R. 6779) to authorize the location and working of mines of precious metals belonging to the United States situated in Spanish or Mexican land grants—to the Committee on the Judiciary.

By Mr. BRYAN: A bill (H. R. 6780) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," approved August 1, 1888—to the Committee on the Judiciary.

By Mr. BLACK of Illinois: A bill (H. R. 6781) to establish a committee for the promotion of literature, art, science, and invention—to the Committee on the Library.

Also, a bill (H. R. 6782) to establish a committee for the promotion of literature, art, science, and invention—to the Committee on the Library.

By Mr. STOCKDALE: A joint resolution (H. Res. 167) to raise a committee to codify the laws of the District of Columbia—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BUNDY: A bill (H. R. 6783) granting a pension to Engelbert Nagel, Company G, Fifty-sixth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6784) granting a pension to Mary V. Scriven, widow of the late Gardner R. Scriven—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6785) for the relief of Jacob Baum, Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6786) for relief of the estate of Stephen Roberts, deceased, late of East Baton Rouge, La.—to the Committee on War Claims.

Also, a bill (H. R. 6787) for the relief of Alonzo L. Boyer, of Avoyelles Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 6788) for the relief of Stephen E. Beauchamp, East Feliciana Parish, La.—to the Committee on War Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 6789) for the relief of J. M. Huffmaster, administrator of Mary Counts—to the Committee on War Claims.

By Mr. TYLER: A bill (H. R. 6790) to widen, deepen, and improve the channel of the Elizabeth River, Virginia, from Hampton Roads to the Norfolk Navy-yard—to the Committee on Rivers and Harbors.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARWIG: Protest of the pastor and trustees of the Evangelical Lutheran Trinity Church, of Lowell, Dodge County, Wis., against the proposed Christian amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BELL of Colorado: Resolution adopted by mass meeting of citizens of Highland, Colo., favoring the passage of what is known as the Stone immigration bill—to the Commmittee on Immigration and Naturalization.

By Mr. BURROWS: Petition of the Furniture Movers' Union of Detroit, in favor of Government ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. BYNUM: Petition of M. A. Young and 19 other citizens of Indianapolis, Ind., in favor of Senate bill 1333—to the Committee on the Post-Office and Post-Roads.

By Mr. HARMER: Petition of members of Integrity Lodge, No. 139, Ancient Order of United Workmen of Philadelphia, in favor of the passage of the Manderson-Hainer bill, Senate bill 1353 and House bill 4897, in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON of Iowa: Paper from A. W. Hosford, Charles Van Horn, and A. W. Kemler, of Dubuque, Iowa, setting forth the injustice of the Wilson tariff bill as affecting national building and loan associations—to the Committee on Ways and Means.

Also, resolutions of the Evangelical Lutheran St. Paul's Churches, of LeRoy, and at township Warren, Bremer County, Iowa, St. John's Church, at Fairbank, Immanuel Church, at Klinger, and Zion's Church, at Hampton Iowa, against the adoption of an amendment to the Constitution recognizing the establishment of religion—to the Committee on the Judiciary.

By Mr. JOSEPH: Petition of the citizens and miners of Golden,

N. Mex., praying for the passage of House bill 6169—to the Committee on Mines and Mining.

By Mr. MARTIN of Indiana: Protest of Immanuel Lutheran Church of Decatur, Ind., against the proposed religious amendment of the Federal Constitution—to the Committee on the Judiciary.

By Mr. McNAGNY: Protests of St. Peter's Evangelical Lutheran Churches of Gibson and Whitley County, Ind., against the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. McRAE: Papers to accompany bill for the relief of Dr. John B. Rumph, of Ouachita County, Ark.—to the Committee on War Claims.

By Mr. QUIGG: Petition of Thomas K. Cree and others, for additional legislation for the suppression of lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAW: Protest of W. Z. Friedrich, pastor, and E. H. Goske, Gustave Race and Henry Kuehn, trustees of St. John's Evangelical Lutheran Church, of the town of Lincoln, Eau Claire County, Wis., against the so-called God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. STEPHENSON: Petition of the Furniture Movers' Union, of Detroit, Mich., in favor of governmental ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. TYLER (by request): Petition of citizens of Norfolk, Va., to exempt national and local building and loan associations from the operation of the income tax—to the Committee on Ways and Means.

By Mr. VAN VOORHIS of Ohio: Papers to accompany House bill 6774 to grant an honorable discharge to John A. White—to the Committee on Military Affairs.

By Mr. WALKER: Petition of 80 citizens of Worcester, Mass., praying for legislation restricting immigration—to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *April 23, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Thomas Jordan Jarvis, appointed by the Governor of North Carolina a Senator from that State to fill until the next meeting of the Legislature thereof the vacancy caused by the death of Zebulon Baird Vance in the term ending March 3, 1897; which were read and ordered to be filed.

INDIAN DEPREDATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in pursuance of law, a supplemental report including two judgments omitted from a prior list of final judgments rendered in favor of claimants against the United States not paid, arising from Indian depredations; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

CAPITOL CORNER STONE.

The VICE-PRESIDENT laid before the Senate the following communication, which was read:

WASHINGTON, D. C., *April 21, 1894.*

DEAR SIR: The general committee on the centennial of the Capitol has donated a bronze tablet, estimated to cost about $900, to be placed upon the exterior southeast wall of the north wing of the original Capitol building, to commemorate the laying of the corner stone of the Capitol, September 18, 1793, by President George Washington.

As legislation will be necessary to carry out the purpose of the general committee, I have the honor to request that the subject may be brought to the attention of Congress, only suggesting that the matter of the inscription upon the tablet be left to the discretion of the joint committee appointed under the joint resolution of Congress approved August 17, 1893, and that the selection of the precise locality for the insertion of the tablet, as well as the work connected with such insertion, be placed under the direction of the Architect of the Capitol.

Very respectfully, your most obedient servant,

L. GARDNER,
Chairman General Committee.

Hon. ADLAI E. STEVENSON,
President United States Senate.

Mr. VOORHEES. In this connection I ask unanimous consent to introduce and have considered a joint resolution.

The VICE-PRESIDENT. The joint resolution will be read the first time by its title, and the second time at length, if there be no objection.

The joint resolution (S. R. 77) providing for the placing of a tablet upon the Capitol to commemorate the laying of the corner stone of the building, September 18, 1893, was read the first time by its title, and the second time at length, as follows:

Whereas the general committee of citizens of the United States, of which Lawrence Gardner is chairman, have donated to the United States a bronze tablet to be placed upon the Capitol to commemorate the laying of the corner stone of the building, September 18, 1793. Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States accept the said tablet, and that the Architect of the Capitol be, and he is hereby, authorized and directed to cause the same, when approved by the joint committee appointed under joint resolution of Congress of August 17, 1893, to be placed in or upon the southeast wall of the north wing of the original Capitol building, upon such suitable place as he, the said Architect, may select, at such distance above the corner stone laid by George Washington, September 18, 1793, as in the judgment of said Architect may be best suited to display the same, without detracting from the architectural effect of the building.

Mr. VOORHEES. It may not be improper to say that the committee having in charge the centennial celebration of the laying the corner stone of the Capitol have so well managed their affairs as to have a moderate surplus fund left with which to provide for this bronze tablet. The tablet is to be placed at a point to indicate the precise spot where the original corner stone was laid. That locality has been ascertained, and this is a movement to mark the spot for all time to come. I think it a charming and a most excellent thing to do, and the committee which have had charge of this matter are deserving of great credit. They have asked nothing of Congress, they have been at no expense to the Government, and they have the money to spare to make this provision. I thought it best to explain the matter. I ask for the present consideration of the joint resolution.

Mr. GRAY. While the Senator is on his feet in regard to this very appropriate act that has been performed, let me ask him whether the description on the tablet is to contain the name of any private person or of the donors of the tablet?

Mr. VOORHEES. I think not.

Mr. GRAY. It ought not to do so.

Mr. VOORHEES. I think it does not, although on that subject I am not at all advised. I should say not, very decidedly. However, that can be easily controlled or managed. I do not think there is any such purpose at all. It is a tablet to mark the precise locality of the original corner stone laid by George Washington, September 18 1793.

Mr. GRAY. The good taste of the gentlemen connected with this enterprise would suggest that no such thing should be done; but I think it ought to be assured.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 5216) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. PROCTOR. I present a memorial of property owners on L street in this city, in opposition to Senate bill 1630 and House bill 6596, authorizing the Belt Railway Company to extend its tracks and run its cars from New York avenue and L street westwardly along L street to Eleventh street and L street to Connecticut avenue, etc. As the memorial is a carefully prepared statement of matters bearing on this question, and is very important to the interests of a large part of the District, I ask that it be printed as a miscellaneous document and referred to the Committee on the District of Columbia.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Vermont?

Mr. HALE. Before that order is made I wish to say that for one I welcome very heartily any expression in reference to District street railroads that comes from somebody else besides the projectors. There is a general view on the part of speculators and schemers in street railroads that Washington is essentially a good place for their operations; and I am very glad the Senator from Vermont has brought here a protest from people who are interested in these roads, because they live in the neighborhood where a proposed road would run. I hope the Committee on the District of Columbia in considering this matter will give due attention to these people, and before anything is done have them called, and let there be a thorough hearing.

The VICE-PRESIDENT. The memorial will be referred to

the Committee on the District of Columbia, and printed as a document, in the absence of objection.

Mr. ALDRICH. The latter part of last month a delegation of 16 women employed in the various textile establishments of Massachusetts and Rhode Island visited the Capitol for the purpose of presenting a respectful protest to the Senate Finance Committee against the adoption of the Wilson tariff bill, which is now pending in the Senate. These women, I believe, fairly represent the views and opinions of the more than 2,000,000 wage earning women of the United States. The majority of the Finance Committee declined to give them a hearing. They then asked the minority members of the committee to hear their statement, and the Republican members of the committee consented. All the Senators who heard their statement will agree with me that it was a very important and interesting one. I now present, in the form of a memorial, the statement made at the hearing, and ask that it be printed as a miscellaneous document for the use of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and the memorial will lie on the table and be printed as a document.

Mr. HARRIS presented sundry petitions of citizens of Bristol, Greenville, Knoxville, and Morristown, all in the State of Tennessee, praying that national building and loan associations and local building and loan associations be exempted from the provisions of the proposed income tax; which were ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a memorial of sundry citizens of Sheboygan, Wis., remonstrating against the ratification of the proposed Chinese treaty; which was ordered to lie on the table.

He also presented a petition of Fountain City Lodge, No. 13, Ancient Order of United Workmen, of Fountain City, Wis., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of members of the faculty of the University of Wisconsin, Madison, Wis., remonstrating against the proposed transfer of the Coast and Geodetic Survey from the Treasury Department to the Navy and Interior Departments; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Wisconsin, praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which was referred to the Committee on Interstate Commerce.

Mr. MILLS presented a petition of sundry citizens of San Antonio, Tex., praying that national building and loan associations and local building and loan associations be exempted from the provisions of the proposed income tax; which was ordered to lie on the table.

Mr. PLATT presented a petition of sundry citizens of Stonington, Conn., and a petition of sundry citizens of Durham, Conn., praying for the enactment of legislation to enable the States to enforce State laws regulating the sale of substitutes for dairy products; which were referred to the Committee on Interstate Commerce.

Mr. PEFFER presented a memorial of sundry American workmen, residents of Philadelphia, Pa., remonstrating against the passage of the so-called Wilson tariff bill; which was ordered to lie on the table.

Mr. MCMILLAN presented a petition of the Retail Clerks' Union and the Barbers' Union, of Detroit, Mich., praying for the governmental control of the telegraph service; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN (for Mr. STOCKBRIDGE) presented the memorial of John Wertheimer, of Cheboygan, Mich., and the memorial of J. C. Wooster, of Cheboygan, Mich., remonstrating against the imposition of an income tax on national building and loan associations and local building and loan associations; which were ordered to lie on the table.

He also (for Mr. STOCKBRIDGE) presented petitions of the Book Binders and Rulers' Union; of the Trunk Makers' Union, and of the Furniture Movers' Union, of Detroit, Mich., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MARTIN presented the memorial of Isaac S. Lee, J. W. Tauber, A. Burrow, J. P. Ellis, Fred Hall, and 127 other citizens of Leavenworth, Kans., remonstrating against the enactment of proposed Sunday legislation as advocated by the National Reform Association; which was referred to the Committee on Education and Labor.

He also presented the petition of Isaac Moon and sundry other citizens of Randolph, Kans., praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY presented a petition of Farmers' Alliance No. 74, of Nicktown, Pa., praying for the passage of the so-called Hill oleomargarine bill; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Powelton Building Association, of Philadelphia, Pa., remonstrating against the passage of the Wilson tariff bill; which was ordered to lie on the table.

He also presented memorials of the Cigarmakers' Union No. 242, of York, Pa.; of the United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States, of Pittsburg, Pa., and of Cigarmakers' International Union of America, remonstrating against the ratification of the proposed Chinese treaty; which were ordered to lie on the table.

He also presented petitions of J. G. Dietrick and 60 other citizens of Oxford; of Council No. 507, Junior Order of United American Mechanics, of Point Marion; of Council No. 853, Junior Order of United American Mechanics, of Oxford; of Venango Council, No. 358, Junior Order of United American Mechanics, of Franklin; of Council No. 290, Junior Order of United American Mechanics, of Manorville; of Council No. 658, Junior Order of United American Mechanics, of Smith's Ferry; of Council No. 181, Junior Order of United American Mechanics, of Erie, and of Reserve Council, No. 253, Junior Order of United American Mechanics, of Philadelphia, all in the State of Pennsylvania, praying for the inspection of immigrants by United States consuls; which were referred to the Committee on Immigration.

He also presented petitions of Fidelity Lodge, No. 17, Shield of Honor; of Alexander Henry and 29 other citizens, and of Charles H. Savidge and 44 other citizens, all of Philadelphia, Pa., praying that fraternal society and college journals be admitted to the mails as second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Scranton, Pa., remonstrating against the passage of the so-called Bailey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of Encampment No. 60, Union Veteran Legion, of Johnstown, Pa., remonstrating against any change in the law providing for the management of soldiers' homes; which was referred to the Committee on Appropriations.

Mr. BUTLER presented petitions of 52 citizens and business firms of South Carolina, praying that national building and loan associations and local building and loan associations be exempted from the provisions of the proposed income tax; which were ordered to lie on the table.

Mr. DOLPH. I present a statement on behalf of the States of California, Oregon, and Nevada, and joint resolutions and memorials to Congress from those States in relation to certain war claims, and praying for the reimbursement of moneys by them expended in the suppression of the rebellion when aiding the United States in maintaining the "common defense" on the Pacific coast. The bill S. 1295 has been reported favorably, and quite an elaborate report was submitted by the Senator from Minnesota [Mr. DAVIS]. This is a statement of additional matter which might be put in the RECORD, but I present it and ask the unanimous consent of the Senate that it may be printed as a document to go with the report of the committee.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. WHITE on the 17th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. BUTLER, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 12th instant, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred, with the accompanying papers, to the Committee on Appropriations, and printed; which was agreed to.

COURTS IN MICHIGAN.

Mr. VILAS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 3713) to provide for the division of the eastern district of Michigan into the northern and southern divisions, and for holding the circuit and district courts of the United States therein, and for other purposes, to report it favorably, without amendment. I also, by the same instruction, ask for the immediate consideration of the bill. I

desire to state that it is simply a bill for the division of the eastern district of Michigan into two subdistricts. The bill has been carefully considered. There are no amendments proposed. It has been lying awaiting action for some time, and I ask that it be put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. VILAS. I am also directed by the Committee on the Judiciary, to whom was referred the bill (S. 1120) to provide for the division of the eastern district of Michigan into the northern and southern divisions, and for holding the circuit and district courts of the United States therein, and for other purposes, to report adversely thereon. I move that the bill be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MARTIN (by request) introduced a bill (S. 1942) granting to the Soule College Association of the Methodist Episcopal Church for educational purposes certain lands in Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. QUAY introduced a bill (S. 1943) granting a pension to Annie Stewart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 1944) for the relief of certain Indians; which was read twice by its title.

Mr. DOLPH. I will state that both this bill and an amendment which I submit to be proposed to the Indian appropriation bill are intended to cure a difficulty which I think has been encountered in administering the law for the allotment of lands to Indians. Sometimes there is a controversy about the lands, and rights are entirely dependent upon the action of the Land Department. The object of this proposed legislation is to give Indians or persons of Indian descent who claim lands a right to maintain an action, or suit, or other proceedings in regard to them the same as if they were citizens of the United States.

I move that the bill and proposed amendment be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. BLANCHARD (by request) introduced a bill (S. 1945) for the relief of Holmes & Leathers; which was read twice by its title, and referred to the Committee on Claims.

Mr. PEFFER. I was requested by a gentleman of the District of Columbia, claiming to represent a large number of persons, to introduce a bill and ask its reference to the Committee on the District of Columbia.

The bill (S. 1946) to dispose of idle labor and discourage idle wealth in the District of Columbia, and for other purposes, was read the first time by its title.

Mr. CHANDLER. I ask that the bill be read the second time in full.

The bill was read the second time at length, as follows:

Whereas it is desirable to employ the idle labor, advance the rate of wages, and bring homes within easier reach of the homeless; and

Whereas it is desirable to reduce rent and interest, and to keep vacant land from advancing in price; and

Whereas it is desirable to avoid the support of the destitute by charity; and

Whereas it is desirable to secure these ends and to make certain public improvements without taxing anything but the profits derived from gambling in land values and holding wealth in idleness: Therefore,

Be it enacted, etc., That there shall be levied on all idle land subject to taxation within the District of Columbia a special tax each year, which tax in each case shall be equal to the increase in the market value of such land during the preceding year; and that the revenue thus obtained shall be appropriated to the employment of the idle citizens of the District in the construction and management of such public works as Congress may, from time to time, direct.

That all laws and parts of laws in conflict herewith be, and they are hereby, repealed; and this act shall take effect when approved.

Mr. DOLPH. I should like to know from the Senator from Kansas what is covered by "and so forth," where, as I caught the reading, it is provided that homes are to be brought within easy reach, and so forth. If that means existing homes within reach of the army that is marching on Washington, I certainly object to the bill.

Mr. PEFFER. I stated that I introduce the bill at the request of a gentleman of this District who prepared the measure. I know nothing about it except that, and I am in no wise responsible for it. I do not even know what "and so forth" in that connection means, if it occurs in the bill.

Mr. COCKRELL. The bill goes to the Committee on the District of Columbia?

The VICE-PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

Mr. MARTIN introduced a joint resolution (S. R. 78) providing for the publication of an additional number of the CONGRESSIONAL RECORD, sufficient to supply three copies to each of the several National Soldiers' Homes; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BERRY (for Mr. JONES of Arkansas) submitted an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MARTIN submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Printing, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee to Investigate the Geological Survey, and ordered to be printed.

REPORT ON NICARAGUA CANAL.

Mr. WHITE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Congress 15,000 additional copies of the report, with index, of the Committee on Foreign Relations relating to the Nicaragua Canal: of which number 5,000 shall be for the use of the Senate, and 10,000 shall be for the use of the House of Representatives.

HOUSE BILL REFERRED.

The bill (H. R. 5216) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, was read twice by its title, and referred to the Committee on the Judiciary.

HEARINGS ON PROPOSED LEGISLATION.

Mr. PEFFER. I move that the Senate proceed to the consideration of Order of Business No. 400, being a resolution providing for the appointment of a select committee to be known as the Committee on Communication.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kansas. [Putting the question.] The noes appear to prevail.

Mr. PEFFER. I ask for a division.

Mr. HARRIS. Let the resolution be read at length, Mr. President.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. PEFFER on the 14th instant as follows:

Whereas there exists in many places and on the part of large numbers of citizens, individually and in organized bodies, a disposition to visit the city of Washington for the purpose of personally presenting to Congress their views with respect to pending and prospective measures of legislation; and

Whereas many of such persons and bodies are reported to be now on their way hither, with others likely to follow, for the purposes aforesaid; and

Whereas, to the end that these, our petitioners, shall have full and respectful hearing, and that proceedings attending their communications with the Senate shall be orderly and not subjected to interruption by the transaction of other public business: Therefore,

Be it resolved, That a select committee of nine members of the Senate be appointed by the Vice-President, to be known as the Committee on Communication, whose duty it shall be to receive all written or printed communications from citizens or bodies of citizens visiting the capital, or intending to make such visit, for the purposes mentioned in the preamble hereto, and to receive all petitions, memorials, and remonstrances of such persons and bodies and hear them orally in relation to the matters and things about which they desire to communicate with the Senate. The committee shall report fully to the Senate, from time to time, as other committees report.

The Sergeant-at-Arms will set aside a convenient room in the Capitol, or other building belonging to the Government, for the use of said committee and furnish the same with the necessary articles for the convenient dispatch of business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kansas to take up the resolution which has been read.

The question being put, there were on a division—ayes 16, noes 28.

Mr. PEFFER. I ask for a vote by yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania, Mr. CAMERON. I do not know how he would vote on this proposition, but if he were present I should vote "nay." If the junior Senator from Pennsylvania [Mr. QUAY] will intimate what the vote of his colleague would be on the proposition, I shall be very much obliged to him.

Mr. CAREY (when his name was called). I am paired with the Senator from South Carolina [Mr. IRBY]. In his absence I withhold my vote.

Mr. DIXON (when his name was called). I have a general pair with the Senator from Mississippi [Mr. McLAURIN]. As he is absent, I withhold my vote.

Mr. GIBSON (when his name was called). I am paired with the senior Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "nay."

Mr. HALE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. PETTIGREW (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CAMDEN]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. HUNTON].

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but I am satisfied that if he were present he would vote "nay" on this proposition, and I vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present I should vote "yea."

Mr. VILAS (when his name was called.) I am paired with the Senator from Oregon [Mr. MITCHELL]. In his absence from the Chamber, I withhold my vote.

The roll call was concluded.

Mr. McPHERSON. I am paired with the Senator from Delaware [Mr. HIGGINS]. If he were present I should vote "nay."

Mr. PEFFER. I rise to a parliamentary inquiry. I have observed that a number of Senators have announced their pairs. What I wish to inquire is, whether on a question of this kind pairs may properly be announced? If the Chair will state the rule in reference to it he will relieve my mind on this matter.

The VICE-PRESIDENT. The Chair will state to the Senator from Kansas that it is a subject over which the Chair has no jurisdiction. It is a question for the determination of each Senator for himself.

Mr. PEFFER. Then, Mr. President, I ask that the Senators who have announced pairs be requested to vote.

Mr. GORMAN. Regular order.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR], and therefore withhold my vote.

The result was announced—yeas 17, nays 26, not voting 41; as follows:

YEAS—17.

Aldrich,	Gallinger,	Peffer,	Teller,
Allen,	Hansbrough,	Perkins,	Washburn.
Allison,	Hawley,	Power,	
Cullom,	Kyle,	Shoup,	
Davis,	Martin,	Stewart,	

NAYS—26.

Bate,	George,	Mitchell, Wis.	Turpie,
Berry,	Gorman,	Morrill,	Vest,
Blanchard,	Gray,	Palmer,	Voorhees,
Chandler,	Harris,	Pasco,	Walsh,
Cockrell,	Jones, Ark.	Pugh,	White.
Coke,	McMillan,	Roach,	
Frye,	Mills,	Sherman,	

NOT VOTING—41.

Blackburn,	Dubois,	Lindsay,	Quay,
Brice,	Faulkner,	Lodge,	Ransom,
Butler,	Gibson,	McLaurin,	Smith,
Caffery,	Gordon,	McPherson,	Squire,
Call,	Hale,	Manderson,	Stockbridge,
Camden,	Higgins,	Mitchell, Oregon	Vilas.
Cameron,	Hill,	Morgan,	Wilson,
Carey,	Hoar,	Murphy,	Wolcott.
Daniel,	Hunton,	Pettigrew,	
Dixon,	Irby,	Platt,	
Dolph,	Jones, Nev.	Proctor,	

So the motion was not agreed to.

YELLOWSTONE NATIONAL PARK

Mr. CAREY. I ask unanimous consent for the present consideration of the bill (H. R. 6442) to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. VEST. I have some further amendments to propose to the amendment reported by the committee in addition to those which I offered on Saturday.

In section 4, line 41, after the word "years," I move to strike out the word "either," and after the word "both," to strike out "together with the," and insert "and be adjudged to pay all;" so as to read:

And shall be subjected to a fine of not more than $1,000 or imprisonment not exceeding two years or both and be adjudged to pay all costs of the proceedings, etc.

The amendment to the amendment was agreed to.

Mr. VEST. In line 53 of the same section, before the word "punishment," I move to insert the word "other;" so as to read:

Said forfeiture shall be adjudicated and ordered by the court as a penalty in addition to the other punishment provided in this act.

The amendment to the amendment was agreed to.

Mr. VEST. In section 5, line 24, before the word "appeal," I move to strike out the word "their;" so as to read:

But the United States circuit court in said district may prescribe rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

The amendment to the amendment was agreed to.

Mr. VEST. In line 30 of the same section, before the word "cause," I move to strike out the word "proper," and insert "probable," so as to read, "probable cause is shown for holding the person," etc.

The amendment to the amendment was agreed to.

Mr. VEST. In the same section, line 33, after the word "State," I move to insert the words "of Wyoming."

The amendment to the amendment was agreed to.

Mr. VEST. In line 37, of the same section, before the word "bailable," I move to strike out the word "offenses," and insert the word "cases," so as to read:

Provided, That the said commissioner shall grant bail in all cases bailable under the laws of the United States and said State.

The amendment to the amendment was agreed to.

Mr. VEST. In section 6, line 6, after the word "courts," I move to strike out the word "shall" and insert the word "may," so as to read:

And the said United States district and circuit courts may hold one session, etc.

The amendment to the amendment was agreed to.

Mr. VEST. In the same section, line 7, after the word "Wyoming," I move to insert "or at any other convenient place in said State of Wyoming," so as to read:

May hold one session of said courts annually at the town of Sheridan, in the State of Wyoming, or at any other convenient place in said State of Wyoming at such date as the said courts may order, etc.

The amendment to the amendment was agreed to.

Mr. VEST. In section 7, line 1, after the word "act," I move to insert "shall, in addition to the fees allowed by law to other United States commissioners, be paid annually a salary of $1,000, to be paid quarterly."

As the bill stands as proposed to be amended by the committee it only gives to the commissioner, who must be a resident in the park, the same fees that are allowed by law to other United States commissioners appointed by the circuit court. As a matter of course, anyone who knows that park will immediately agree that that would be no salary at all. The commissioner will possibly have very few cases; no one can tell how many; and the fees would only amount to an insignificant sum, fifty or one hundred dollars a year, upon which he could not live. I submit if a commissioner is to reside in the park and stay there, winter and summer, he should receive a salary upon which at least he could live. I propose to give him, besides the fees, $1,000 a year. It is a responsible position, and there ought to be a good man appointed to it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Missouri to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. VEST. In section 9, line 3, after the word "also," I move to insert the words "having in said building," so as to read:

That the Secretary of the Interior shall cause to be erected in the park a suitable building to be used as a jail, and also have in said building an office for the use of the commissioner, etc.

The amendment to the amendment was agreed to.

Mr. VEST. I desire to offer two other amendments, which I overlooked. In section 1 of the proposed amendment of the committee, line 3, after the word "Park," I move to strike out the words "in the State of Wyoming;" so as to read:

That the Yellowstone National Park as now defined, or as may be hereafter defined or extended, etc.

The amendment to the amendment was agreed to.

Mr. VEST. In section 4, line 29, before the word "hundred," I move to strike out "one" and insert "three;" so as to read:

And shall forfeit or pay for every such offense the sum of $300.

The amendment to the amendment was agreed to.

Mr. VEST. I have no further amendments to offer to the amendment of the committee.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Territories as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CAREY. I move that the Senate ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate.

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. QUAY. With the consent of the Senate, I have agreed to yield the floor to-day upon the pending bill to the Senator from Minnesota [Mr. WASHBURN].

Mr. WASHBURN. Mr. President, in all the legislation that has come before Congress in the history of the Government, there has been none probably that has created so general an interest and so profoundly stirred the public mind of the country, carrying apprehension and alarm, as the measure now under consideration in the Senate, unless perhaps we except the legislation between 1850 and the breaking out of the war in 1861, including the repeal of the Missouri compromise in 1854, and that soon followed it. The questions considered during that period, however, were more of sentiment and morals than such as relate to the material or economic interests of the country.

Measures looking to substantial changes in methods of raising revenue, and the application of economic principles, have at all times attracted more or less attention with those whose interests are more directly and immediately involved. Such was the case as far back as the consideration of the so-called Walker tariff law in 1846, as the debates in Congress at that time clearly show. This was an ad valorem tariff, the handmaid and near relation of free trade, and as nearly as possible an ideal Democratic tariff, but one that paralyzed industries, discouraged business, and impoverished the country and led up to the panic and crash of 1857, leaving the Government with a bankrupt Treasury, and an impaired credit, and a prelude to the disgraceful condition of things which existed when the Democratic party surrendered power in 1861.

The so-called Morrill tariff law, and those following later, largely increasing duties demanded by the exigencies of the war situation, were discussed with great interest in both Houses of Congress. Such, also, was the case with the Morrison bill, of horizontal structure, and the Mills bill, not without elements of fairness and justice, both of which, though not enacted into law, created a widespread interest through the country. The tariff revision of 1883, where duties were reduced, also excited much attention and created great interest throughout the country, as was also the case with the tariff law of 1890, or the so-called McKinley bill.

But, Mr. President, there has been no instance in the history of tariff legislation where the whole population of the country has been so deeply interested, excited, and alarmed as at the present time. And how could it be otherwise? There is scarcely an interest in any State of the Union, and certainly in no Northern State, which is not imperiled and threatened under the provisions of this bill—a bill not for protection and creation, but for destruction.

Mr. President, the effect of this bill, so far as the New England and other Eastern States are concerned, can not fail to be most disastrous, for I can see no possible escape from the closing of their great mills and factories, rendering valueless millions invested in plant; or else largely reducing the price of labor employed to substantially the basis of foreign labor, either of which must prove unfortunate and disastrous to those great industrial communities. And all this will be true, to a less extent perhaps, in my own State and the other States of the Northwest, engaged so largely in agricultural pursuits.

The people of Minnesota, prior to the enactment of the law of 1890, have been to a limited extent only, direct beneficiaries of protective tariff legislation. The interests of our people have been in the productions of the soil and in the creation of real wealth; yet in all the years since the settlement of the State, and during its development, intelligent observation and experience have taught them to believe in the policy of protection, and that too on its broadest lines and basic principles. They have learned to know by practical experience that the prosperity of each portion of the country can only be coincident of that of the whole. In other words, that the producing sections of the country could prosper only as the manufacturing and industrial sections prosper. They have learned that the best market for their products was the home market, furnished by the development and maintenance of home industries.

Under the inspiration of this protective policy, they have seen industrial development throughout the entire land that has no parallel in history. They have seen the furnaces lighted on both sides of the Alleghenies; they have seen the iron rails span the continent upon a half dozen different lines, and a railroad system developed reaching every State, county, and hamlet almost in the land, with transportation of their products reduced by one-half or more. In the past few years they have seen industries of every kind and description, and in all localities, spring into existence as if by magic, until the country has become one great workshop, and millions of intelligent laborers employed on a basis never known under other conditions or in other countries, and coincident with all this development they have had furnished them a home market for their products.

They have learned that the well-paid, intelligent wage-workers of our own country are larger and better consumers of their products than the poorly paid and half-starved laborers of other countries; they have come to know that the laborer in New England, receiving from $1.50 to $2 per day for a day's work, is a better consumer for their flour, corn, their pork and their beef, and all their great productions, than the pinched and poverty-stricken laborer of other countries, receiving but 40 and 50 cents a day for the same service, and able to maintain an existence little above the animal, consuming food scant in quantity and poor in quality.

With scarcely an exception in a period of thirty years, the best market in the world for all this production has been found at home, and so upon general principles it has followed that the theories of doctrinaires and the clamor and appeals of demagogues have been disregarded, and Minnesota, from the day of its admission as a State into the Union in 1858, has remained strong and sturdy in its adherence to the policy of protection of American industries and American labor.

I have said that the people of Minnesota have been only to a limited extent direct beneficiaries of protective tariff legislation. This is true. Until the tariff act of 1890, their products have received no just or adequate protection against the competition of other countries.

In the enactment of the law of 1890 the farmers of the West for the first time in the history of tariff legislation received that to which they were entitled. It is the first instance that duties had been levied sufficiently large to operate as a barrier to the competition of the farm products of the Canadian Provinces.

In 1889 we imported from Canada 11,365,881 bushels of barley, valued at $7,721,475; in 1890 substantially the same amount, and this was done under a duty of 10 cents a bushel. In 1893, with a duty at 30 cents per bushel, we imported 1,969,761 bushels only at a valuation of $921,301, a falling off of over 9,000,000 bushels. The production of this 9,000,000 bushels was transferred from Canadá to States of the Northwest, including Wisconsin, Minnesota, the two Dakotas, and Montana.

The present bill reduces the duty on barley to 30 per cent ad valorem, which, with the valuation probably put upon it in Canada, will make the duty less even than prior to 1890, so that there would seem to be no good reason, with this reduction of duty, why the same or even larger amounts will not be imported from Canada than prior to 1890.

This is one practical object lesson as to the effect of this bill on the productions of the West. I could go on with other productions, as potatoes, hay, flax, hops, eggs, pease, cheese, and other food and agricultural products, and show the same results would apply to them, but will not do so at this time, but shall take occasion when the bill is considered by paragraphs to treat the subject more in detail.

But, Mr. President, there is another provision in this bill which will affect the farmers of the Northwest more disastrously than even the reduction of duties to which I have referred, and that is the repeal of the reciprocity provisions in the law of 1890. There is probably no section of the country where the effect of reciprocity treaties with foreign nations consummated by the wisdom and persistent efforts of Mr. Blaine, under the late Administration, have been so marked and favorable as the States of the Northwest.

No legislation has been so favorably received and hailed with so much delight in the Northwestern States as the reciprocity legislation in the act of 1890. In these treaties no interests were more carefully guarded and advanced than the agricultural interests, and more especially those of the Northwestern States. No one appreciated more fully the importance of furnishing new markets to our agricultural products than Mr. Blaine, and he seemed to have had this constantly in view in the preparation of these treaties, not only with Spain and the South American Republics, but also with Germany.

You can, therefore, Mr. President, well imagine that the people of Minnesota, as well as the other Northwestern States, look with more alarm upon the repeal of this reciprocity legislation than any other of its provisions.

I now come to the discussion of the question of the abandonment of the policy of reciprocity with foreign nations, including our sister republics on this hemisphere, inaugurated and given vitality in the tariff law of 1890.

But before entering upon such discussion I desire to give notice that at the proper time I shall ask a vote of the Senate upon the following amendment to the tariff bill:

SEC.—. That the removal and reduction of duties provided for in this act shall apply only to articles imported from countries which shall have made reciprocal and equivalent concessions in their tariff laws in favor of merchandise imported from the United States.

I am not only opposed, Mr. President, to termination of the reciprocity arrangements already existing between the United States and other countries, but I am in favor of applying the same principle in all our foreign trade.

It may be saying a great deal, but it seems to me that there is no provision in this remarkable bill, evidently having for its purpose the destruction of American industries and American interests, so absolutely without excuse; so utterly devoid of reason, and ordinary business sense; so disastrous to the many great interests of this country, and apparently so vicious in purpose and design, as the repeal of the reciprocity provisions of the act of 1890, the handiwork of one of the wisest and far-seeing statesmen that this or any other country has ever produced—Mr. Blaine.

The authors of this measure, both in the House of Representatives and the members of the Finance Committee in the Senate, have evidently broached this subject with great misgivings, even if not forebodings. They have, either from want of a clear understanding of the subject, or the requisite courage to meet this question in an open and manly way, floundered, until quite recently, amid uncertainty, doubt, and distrust as to what should be attempted or dared in connection with this important legislation.

The Finance Committee has, however, evidently "taken the bull by the horns," so to speak, and clearly disclosed their purpose and policy by incorporating into the bill the following language, which surely can not be misunderstood:

SEC. 104. That sections 3, 15, and 16 of an act approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," are hereby repealed; and all agreements or arrangements made or proclaimed between the United States and foreign governments under the provisions of said section are hereby abrogated, of which the President shall give such notice to the authorities of said foreign governments as may be required by the terms of such agreements or arrangements.

But, Mr. President, before entering upon the discussion in details of the provision as now clearly presented, I think it may be well to bring to the attention of the Senate and the country the doubt and uncertainty that has shrouded this question from the time the Committee on Ways and Means submitted the report which accompanied the bill when it was finally sent to the House of Representatives up to the present time, if for no other purpose, as indicative of a want of a clear understanding and of consistency and logic which has attached from its introduction and passage in the House of Representatives, and the finishing touches which it has received at the hands of the subcommittee of the Finance Committee of the Senate which has reported the bill in its present shape, making such observations as occur to me in following it through its different stages.

In the report of the Committee on Ways and Means, which accompanied the bill when it was submitted to the House of Representatives, appears this paragraph:

It is the purpose of the present bill to repeal *in toto* section 3 of the tariff act of October 1, 1890, commonly but most erroneously called its reciprocity provision.

The section in the pending bill, as it passed the House of Representatives, reads as follows:

SEC. 89. That section 3 of an act approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," is hereby repealed, and that all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but the repeal of existing laws or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal or modifications; but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made, etc.

THE FORCE OF THE SECTION AND ITS EFFECT.

If I read this section aright, Mr. President, it was intended by the committee of the House of Representatives which framed this bill to deprive the Executive of any further authority under the reciprocity section of the act of 1890, but not to disturb the rights that may have been heretofore acquired under the provisions of that section. In other words, the fifteen commercial arrangements which now exist between the United States and foreign nations by the authority of that act were intended by the House to remain as they are, but the President was forbidden to negotiate more like them.

It seems to me that no other interpretation can be placed upon the language of section 89 of the House bill, for it says distinctly that the repeal of existing laws shall not affect any act done or any right accruing or accrued, "but all rights and liabilities under said laws shall continue, and may be enforced in the same manner as if said repeal or modifications had not been made." That this was the intention of the House of Representatives is shown by the discussion of the section referred to on the 25th of January, 1894. Mr. SPRINGER, addressing the House, said:

Mr. Chairman, I think there should be added to the end of this section a proviso that the treaties made in pursuance of the provisions of that act should remain in force the same as if the section had not been repealed. I offer an amendment of that character.

The Clerk read as follows:

"*Provided*, That all treaties heretofore made in pursuance of the provisions of said section shall continue in force until abrogated by their terms, the same as if said section had not been repealed."

Mr. SPRINGER. Mr. Chairman, the only object of this is to provide that the treaties that have been made in pursuance of this section which is now to be repealed shall be continued in force until abrogated by the terms of the treaty, the same as if the section had not been repealed.

To which Mr. TURNER, a member of the Committee on Ways and Means, replied.

The proposition is to repeal the reciprocity clause by express and explicit provisions, but it does not in any way affect these existing agreements. I suggest to the gentleman that his amendment is entirely superfluous.

Mr. WILSON of West Virginia added the following:

We are repealing what we never believed was constitutional—the authority given to the President of the United States, when in his judgment other countries charged duties which he does not believe to be reciprocal, he shall issue an Executive proclamation suspending a law and fixing rates upon certain articles imported from those countries.

Mr. BRECKINRIDGE, of Arkansas, another member of the committee, said:

The proposition of the committee is to repeal the provision of the McKinley law which authorizes the President to make agreements without referring the questions to Congress.

Mr. SPRINGER, in the course of subsequent debate, returned to the subject, and put the question again directly to the chairman of the Committee on Ways and Means. Said he:

I understand that the gentleman from West Virginia contends that it (the repeal of section 3 of the McKinley law) will destroy these agreements, because he is of the opinion that they ought not to have been made.

To which Mr. WILSON of West Virginia replied, "The gentleman is mistaken."

Whereupon Mr. SPRINGER said again:

If I understand the purport of the amendment submitted by the gentleman from West Virginia [Mr. WILSON] it is to repeal the law under which certain commercial agreements have been made with certain foreign countries. If you repeal the authority for making those agreements you destroy the agreements themselves.

Mr. TURNER. Where does the gentleman from Illinois find authority for that proposition?

Mr. SPRINGER. I find it in the general principle that when a statute authorizes any particular thing to be done and you repeal the statute, the thing that is to be done or that has been done is abrogated.

THE EFFECT UPON THE DUTY ON SUGAR.

The repealing section in the bill when it was originally given to the public by the Senate Committee on Finance was precisely the same as that passed by the House of Representatives, excepting only the number, which in the original was 89, was changed to 106. It therefore was intended and understood to mean exactly what it did when it was discussed by the House of Representatives, or we are compelled to infer that the committee have not treated this very important subject with entire candor. But another section of the bill restored a duty upon sugar, which can not be collected upon four-fifths of the imports of that article into the United States as long as the reciprocity arrangements continue with Brazil, Germany, Austria-Hungary, and the Spanish and British colonies in the West Indies. Sugar would therefore have practically remained free if the bill had remained as originally prepared by the subcommittee, notwithstanding a pretense of restoring a duty in another section.

I regret very much, Mr. President, that the bill has again been changed so as to instruct the President to give notice of a desire on the part of the United States to terminate these treaties, because no such desire exists and the announcement of the purpose of the committee has been received with profound regret by the people of Minnesota, and I may add by all who have an intelligent appreciation of the efforts that have been made and the

methods which must be used to extend our commerce with foreign countries.

I may be pardoned for again referring to the debate upon this question in the House of Representatives. Mr. COOMBS, a Democratic Representative from New York, is a merchant who has been engaged for many years in trade with the West Indies and South America, and I am informed that the house of which he is the senior partner is the largest exporter of general merchandise for the United States to those countries, and he therefore speaks from practical experience and personal knowledge.

OPINION OF A DEMOCRATIC MERCHANT

Referring to the proposed repeal of what is known as the reciprocity section, Mr. COOMBS said:

I do not believe in letting go these arrangements or in releasing any hold we have upon these foreigns markets. The men who would be the most injured by the abrogation of the section of the McKinley act now proposed to be repealed would be the farmers. Under these agreements (and I am in that business) the United States has been able to export the farm products of this market to Cuba, Puerto Rico, and the West India Islands. I do not believe we should take the first step to deprive our farmers of those large markets which they did not have before and which they will not have after these trade arrangements are abrogated.

Mr. BYNUM. To what extent have our farmers got there?

Mr. COOMBS. They have got there with their flour under the strength of these trade arrangements; the duties on that article have been removed. Flour is now taken from the United States which was previously taken from Spain. Every western miller and every western farmer is interested that the advantages we now enjoy shall not be ruthlessly torn from us. [Applause.] I speak of what I know. But let us keep hold of our present advantages in the interest of our farmers, our producers, and our manufacturers, just as long as we can and let the first movement for a change come from them. We make a new law as far as the admission of their materials free is concerned.

Undoubtedly they will admit it, but do not let us be the first ones to give away the interests of the farmer, which are affected more by this than any others. Let them do the abrogating, and do not let us do it.

A DECIDED DIFFERENCE OF OPINION IN THE COMMITTEE.

But, Mr. President, if we are to accept newspaper reports, there has been a decided difference of opinion among the members of the subcommittee who framed this bill as to its exact meaning and intention with regard to the reciprocity arrangements.

I find in the newspapers of Germany a cablegram from Herr Rudolf Cronau, a distinguished writer who was sent to the United States by the Cologne Gazette—perhaps the most prominent and influential journal in the German Empire, and the mouthpiece of the Government—announcing that he had been personally assured by Mr. VEST, a Senator from Missouri and a member of the Finance Committee, that the commercial arrangement between the United States and the German Empire would not be affected by the passage of this bill, but that German sugar would continue to be admitted free into the ports of the United States regardless of the restoration of the duty upon similar products from other countries.

I should like to ask my friend from Missouri if he gave Mr. C onau any such assurances, or by what authority this announcement was cabled? This news has been spread all over Germany, and the peculiar relation of the Senator from Missouri to this bill has caused his statements to be received as the voice of an oracle; and it may be said that the German Empire and the German people are not accustomed to the publication of reckless nd careless announcements concerning official matters by their public men.

I see in the Washington Post a corroboration of the cablegram of Mr. Cronau, and the mention of his name as the person to whom the Senator from Missouri made this statement. I also find a very interesting and intelligent dispatch from Washington in the Chicago Record of the same date, March 21, which includes also an interview with the chairman of the Finance Committee on the same subject:

RECIPROCITY IS SAFE—NEGOTIATIONS NOT DISTURBED—SENATOR VEST SAYS EXISTING COMMERCIAL AGREEMENTS WILL NOT BE AFFECTED BY THE TARIFF BILL.

[Special to the Chicago Record.]

WASHINGTON, D. C., *March 12.*

Senator Vest said this afternoon that the tariff bill as reported from the Committee on Finance did not repeal or abrogate any of the reciprocity arrangements that were negotiated between the United States and foreign nations under section 3 of the act of 1890, known as the reciprocity section.

This was in answer to an inquiry made by Mr. Rudolph Cronau, the correspondent of the Cologne Gazette, who was sent from Germany to Washington by that paper to watch tariff legislation, particularly that which directly affects the interests of the German Empire. A treaty was negotiated with Germany under the reciprocity section, in which it was agreed to admit German beet-root sugar free into this country provided she removed the embargo from American meats and reduced her rates upon other agricultural products from the United States. Under this treaty there has been a very large increase in the exchange of the articles affected. The exports of corn from the United States to Germany jumped from $2,000,000 to $7,000,000, rye from $116,664 to $3,759,584, wheat from $295,953 to $7,842,902, fertilizers from $360,784 to $1,493,445, oil cake from $1,182,041 to $2,328,169, and other articles in a corresponding degree, while the imports of beet-root sugar from Germany increased from 173,310,790 to 325,503,840 pounds.

Mr. VEST explained further that it was the intention of the bill to repeal the reciprocity clause of the McKinley law for the purpose of depriving the President of the power to negotiate any further treaties under it, but it was not intended or desired to disturb those that had already been negotiated and were now in force. He alluded particularly to the commercial agreements with Spain and with Germany, and said that they would be in no way affected by the bill. The retaliatory measures that had been directed at Haiti, Venezuela, and Colombia would, however, be revoked by the bill, and those nations placed upon the same footing as others.

Mr. VOORHEES concurred in the views of Mr. VEST as to the understanding and purpose of the committee and the interpretation of the bill. Section 106 of the bill, as reported from the Senate committee, which was section 89 in the House bill, repeals section 111, which contains the reciprocity provision of the McKinley law, but it explicity provides that "the repeal of existing laws or the modification thereof emoraced in this act shall not affect any act done or any right accruing or accrued before the said repeal," etc. "But all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made."

Mr. VOORHEES said he did not see how language could be any plainer. It was manifestly the intention of the committee, by recommending the repeal of section 3, to prevent the negotiation of any more treaties, but it had expressly provided that those which had already been negotiated should not be affected in any way. If it had been the intention or desire to abrogate or revoke the reciprocity arrangements with Germany, Spain, Brazil, and other countries the bill would contain a section instructing the President to terminate them, as was the case with the Hawaiian treaty. Mr. VOORHEES, then turning over the pages of the bill, called attention to section 105, which was inserted in the House bill by the Finance Committee. This provides that "the President shall, immediately upon the passage of this act, give notice to the Government of the Hawaiian Islands that the United States intends to terminate the treaty of June 3, 1875," etc.

"If we intended to terminate the German and Cuban treaties," said Mr. VOORHEES, "we should have added a similar section to the bill referring to them."

"Then we are to understand that German and Cuban sugar will continue to come in free after the passage of this act until the reciprocity arrangements are terminated by the President?"

"That is my understanding," replied Senator VOORHEES. "Is not it yours, Evans?" said he, turning to Mr. Evans, the tariff expert from the Treasury who has been assisting the committee.

"Yes," replied Mr. Evans, "this bill will in no way affect the operation of the pending reciprocity arrangements."

This information is confirmed by the Washington correspondent of the New York Journal of Commerce and Commercial Bulletin, on the following day, who appears to have been startled at the utterances of the two members of the Finance Committee on this subject, but secured from the Senator from Indiana a confirmation of the statement. He casts some reflections upon the intelligence of the committee, which I regret to see:

A BLUNDER IN SUGAR DUTIES—SENATE AMENDMENTS DO NOT ABROGATE THE RECIPROCITY TREATIES—THE PROPOSED DUTIES, THEREFORE, ARE OF LITTLE IMPORTANCE, AS UNDER THE FOREGOING INTERPRETATION 85 PER CENT OF RAW SUGAR WILL CONTINUE TO COME IN FREE—RECIPROCITY PROVISIONS OF THE HOUSE BILL.

[From our own correspondent.]

WASHINGTON, *March 13.*

A colossal blunder has been discovered in the new tariff as amended by the Senate in regard to sugar. Those who supposed that a duty of 1 cent per pound had been imposed by the Senate amendments on raw sugar imported into the United States, with a graduated scale up to 1.4 cents per pound on refined sugar, were somewhat startled this morning to read interviews with Senator VOORHEES and Senator VEST declaring that the Senate amendments did not abrogate the reciprocity arrangements under the old McKinley law. The bill as it passed the House provided that the third section of the McKinley law should be repealed, "but the repeal of existing laws or modifications thereof embraced in this act shall not affect any act done or any right accruing or accrued, or any suit or proceedings had or commenced in any civil cause before the said repeal or modifications, but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made."

Senator VEST fell back upon this qualifying clause as leaving in force all the reciprocity arrangements made under the McKinley law, and as going no further than prohibiting the making of additional arrangements of the same sort.

Senator VOORHEES this morning concurred with this view so far as to say that the reciprocity arrangements would not be abrogated except by notice on the part of the United States. When asked if he was aware that sugar from Cuba, from Germany, and from Brazil would continue to enter the United States free of duty under this view of the case, he refused to continue the discussion.

The suggestion that the Supreme Court had declared legislation paramount to treaties was met by the reply: "You must go to the Supreme Court then for your information."

The effect of this view, that the treaties are not abrogated by the tariff bill, is to make the sugar duty of very little account. The imports of sugar into the United States during the fiscal year 1893 reached a value of $102,108,587; Cuba sent to this country $60,637,631 of this amount; Porto Rico, $3,227,522; Germany, $9,475,615; Brazil, $2,054,201, and the British West Indies, $9,487,434. All these countries have reciprocity arrangements with the United States, and if these arrangements continue in force and their sugar remains free of duty, the amount subject to duty under the tariff bill will be about 15 per cent of the gross imports.

Another singular feature of the bill is that the Hawaiian treaty, which was formally ratified by the Senate, is singled out for abrogation by the Senate bill. This fact is cited by the Senators as proof that the other reciprocity arrangements are not abrogated, but, on the other hand, it seems remarkable that sugar should be made dutiable from the Hawaiian Islands while it remains free from Cuba, Germany, and Brazil. The suspicion prevails in some quarters that the Senators who make these statements do not know the real effects of the bill themselves, and were not aware when they published their interviews that their argument as to the validity of the reciprocity arrangements would make a farce of the sugar duty.

I find on the same date, Mr. President, a telegram to the New York Tribune on the same subject, equally interesting and im-

portant, as it contains a confirmation of the statement that Senators VOORHEES and VEST were of the opinion that the passage of this bill would not disturb existing treaties:

RECIPROCITY AND SUGAR—RESULT OF THE NEW TARIFF BILL IF THE TREATIES STAND—IMPORTED SUGAR WILL FIX THE PRICE OF DOMESTIC, THE SUGAR TRUST WILL HAVE ADDITIONAL PROTECTION, THE AMERICAN PRODUCERS WILL BE RUINED, AND THE REVENUE WILL FALL SHORT OF ESTIMATES—QUEER TREATMENT OF HAWAII.

[By telegraph to the Tribune.]

WASHINGTON, *March 13.*

Everybody who is familiar with the reciprocity agreements between the United States and other countries and with the geographical distribution of sugar production throughout the world, and who had also been informed that the majority of the Senate Committee on Finance estimated that the amount of revenue to be derived from the duty on sugar under the pending bill would exceed $45,000,000 a year, was amazed when he read in the Tribune and several other newspapers to-day that Chairman VOORHEES and Senator VEST agreed in the statement that it was not the design of that committee to disturb or abrogate existing reciprocity arrangements, but simply to deprive the President of the authority to make any new arrangements with other foreign countries.

Chairman VOORHEES, according to the published statement, also declared that the bill could not be fairly construed as abrogating existing reciprocity agreements (except in the case of Hawaii), and called attention to sections 105 and 106 in support of his declaration. When his attention was again called to the matter to-day, and he was asked if the statement published this morning was correct, Mr. VOORHEES replied in the affirmative.

If the design of the majority of the Finance Committee is, and if the effect of the bill if enacted will be, such as Chairman VOORHEES and Mr. VEST assert, certain consequences will naturally and inevitably follow. In the first place, all sugars below No. 16 Dutch standard of color produced in countries with which the United States has entered into reciprocity arrangements will continue to be admitted free of duty. That means that 80 per cent of all the raw material of the sugar refiners of the United States will be admitted free, thus fixing the price that they will be obliged to pay for the other 20 per cent imported, as well as the price of domestic raw sugar.

During the fiscal year ended June 30, 1893, the total importations into the United States of beet and cane sugars under No. 16 Dutch standard, amounted to 3,733,040,266 pounds, of which 3,296,706,423 pounds were cane sugar and 436,333,843 beet sugar. Of the total amount imported 2,973,854,622 pounds, or about 80 per cent, were produced in countries with which the United States has reciprocity agreements.

Of the total amount of beet sugar (below No. 16 Dutch standard) imported 34,223,342 pounds came from Austria-Hungary and 325,503,840 pounds from Germany; and of the total amount of "cane and other sugars" imported, 15,836 pounds were produced in and imported from Guatemala, 218,450 pounds from Salvador, 332,967,481 pounds from the British West Indies, 64,035,840 pounds from San Domingo, 1,843 651,095 pounds from Cuba, 99,578,182 pounds from Puerto Rico, 114,598,997 pounds from Brazil, and 159,061,559 pounds from British Guiana. With all of these countries reciprocity agreements are in force.

In the same year the importations of sugar under No. 16 Dutch standard from Hawaii, which were admitted free of duty by virtue of the reciprocity treaty which it is now proposed to abrogate, amounted to 288,517,929 pounds.

In addition to these free importations there were admitted free of duty 15,490,679 gallons of molasses, of which 15,218,480 gallons, or more than 98 per cent, were produced in and imported from the British West Indies, Cuba, Puerto Rico, and San Domingo.

In the same year the total importations of sugars above No. 16 Dutch standard amounted to only 33,405,081 pounds. Of this total 32,676,000 pounds were dutiable at five-tenths of a cent per pound. It also follows, if the assertion of Chairman VOORHEES and Senator VEST be correct, that the rates of duty on all refined sugars imported under the proposed law (if any are so imported) will be considerably more than double the rates under the existing law, or from 1.1 to 1.4 cents a pound. In other words, according to their interpretation of the bill, raw sugars will continue to be admitted free of duty and the sugar trust will gain an additional protection (which sugar consumers will be forced to pay) of six-tenths to nine-tenths of a cent a pound. This will, indeed, truly be "a staggering blow to the sugar trust."

The cane and beet sugar producers of the country declare with one voice that these industries will be seriously injured, if not speedily ruined, if the rates of duty proposed by the majority of the Finance Committee shall be adopted. Of course, if the construction now given to the bill by two of its framers is correct, the rates of duty on sugars below No. 16 Dutch standard, no matter what may be their saccharine strength, will not be operative, and the sugar industries of the United States, deprived of the benefit of either a bounty or an adequate duty, will be destroyed. That is the prospect which the sugar-producers of the South and West now face.

But while it is proposed to continue to admit free of duty the raw sugars of Austria-Hungary, Germany, the British and Spanish West Indies, British Guiana, Brazil, San Domingo, Guatemala, and Salvador, it is also proposed to abrogate the Hawaiian reciprocity treaty and compel the sugar of Hawaii, most of which is produced by American citizens and American energy and capital, and the production of which is the chief industry of that country, to pay a duty. It is also proposed to impose a duty of 20 per cent ad valorem on bananas and pineapples, the production of which has become an industry of some importance in Hawaii, and promises to increase in magnitude.

As Senator Lodge said in conversation with a Tribune correspondent to-day; "The bill discriminates most harshly and unjustly against Hawaii and Hawaiian products. It is hard for anybody to conceive what should have impelled the framers of the bill to do this thing, in view of the close commercial and political relations between the United States and that country, and the great probability, amounting to a moral certainty, that those relations will become even more intimate at no distant day."

Again as to revenue. If the bill should become a law in its present form, so far as sugar is concerned, and the law should be construed as the bill is construed by Chairman VOORHEES and Senator VEST, the duties on sugar and molasses would yield at the most only one-fifth as much revenue as the majority of the Finance Committee estimates, and in all probability the amount would be even less than that.

But, on the following day, March 14, I find in the newspapers an interview with the Senator from Missouri on this subject which appears to have been furnished to the press associations, and from its phraseology one would judge it were written in the same room where this bill was prepared, after conference with the representatives of the sugar interest and reflection.

HAVE NO USE FOR BLAINE'S PLAN—THE RECIPROCITY TREATIES NULLIFIED BY THE WILSON BILL.

The question having arisen as to the effect the Wilson bill, as amended by the Senate Committee on Finance, would have upon the reciprocity treaties negotiated by the President under the McKinley act, Senator VEST, of the Democratic majority of the Finance Committee, was asked for his views on the subject. He said:

"The pending tariff bill does away with the whole system of reciprocity as created by the McKinley act, but it does not attempt to rescind any treaties made with foreign countries as authorized by the Constitution. While Congress has the unquestionable right to rescind a treaty it could only do so in express terms. The commercial arrangements made by President Harrison with foreign countries are necessarily nullified by the provisions of the pending bill.

"The unavoidable defect of the proposed legislation will be to so absolutely do away with the whole system of reciprocity as created by the McKinley act, including the power of the President to retaliate by putting a duty upon the exports from foreign countries which refuse to admit our exports into that country free of duty."

Senator VEST said further that he understood that the effect of the bill would be to nullify the agreement made with Germany, Brazil, and Spain whereby sugar is admitted free from those countries and their dependencies.

HOW THE RECIPROCITY ARRANGEMENTS MAY BE TERMINATED.

Mr. President, it seems to me that this uncertainty and doubt in the minds of the committee as to the effect of this legislation was entirely unnecessary and inexplicable. The President of the United States on the 27th of June, 1892, submitted to the Senate, in answer to a resolution of inquiry, what is known to the index of the Senate folding room as Senate Executive Document No. 119, Fifty-second Congress, first session, which contains copies of all the commercial agreements that were negotiated under authority of section 3 of the tariff act of 1890, and a statement of the results that had accrued from those arrangements to that date. I find by examination of these treaties that all but three contain upon their face the method by which they may be properly terminated.

It appears, on page 32, that the negotiations with Brazil closes—

With the understanding that the commercial arrangements thus put in operation shall remain in force so long as neither government shall definitely, at least three months in advance, inform the other of its intention and decision to consider it at an end at the expiration of the time indicated: provided, however, that the termination of the commercial arrangement shall begin to take effect either on the 1st day of January or on the 1st day of July.

The next arrangement in order is that with Spain for Cuba and Puerto Rico, in which it is stated that—

This commercial arrangement, put in operation under the clause above stated, shall remain in force so long as it shall not be modified by the mutual agreement of the executive power of the two countries, always reserving the respective right of the Cortes of Spain and of the Congress of the United States to modify or repeal it whenever they think proper.

The next arrangement was with San Domingo, which was negotiated with the understanding that the commercial arrangement, when it shall have been promulgated, shall remain in force so long as it shall not be modified by the legislation of either government or by mutual agreement as to the executive power of the two countries.

The provision for terminating the treaties with the British colonies is found on page 87, and reads as follows:

It will be understood that the arrangement shall remain in force so long as it shall not be modified by the mutual agreement of the executive power of the two governments or by the legislative action of the Government of the United States, or the said colonies with the approval of the British Government.

The arrangement with Salvador, as given on page 93, provides that—

The Government of the United States may terminate the provisional arrangement proposed by you upon thirty days' notice to the Government of Salvador.

The arrangement with Nicaragua (see page 96) provides that—

Such treaty shall remain in force until the lawmaking power of either of the two countries decides otherwise, or until it is abrogated by the mutual consent of both governments.

The arrangement with Guatemala provides that—

It will be the understanding that it shall remain in force until it is modified or abrogated by the legislative action of either government, or by mutual agreement between the executives of the two countries.

The arrangement with Honduras provides that—

The Government of the United States may terminate the provisional arrangements now under consideration by giving the Government of Honduras thirty days' notice in advance.

I do not find, Mr. President, in the papers relating to the commercial arrangement between the United States and the German Empire any formal provision for its termination. Nor can I find any provision in the similar agreement with Austria-Hungary. But I may suggest that it is a universal law of nations that such agreements and treaties can be terminated at any time by either party upon giving due notice to the other.

A DISCOURTESY THAT WILL BE RESENTED.

You will find, Mr. President, that the abrogation of these arrangements will be the most unpopular piece of legislation this Congress has enacted or will enact, and that it will be resented by the citizens of the southern republics and colonies as well as by the people of the United States.

Those governments expect to be treated with ordinary courtesy. They expect that the etiquette that prevails among nations will be observed in all our relations with them. They have regarded the United States as the mother of republics. They have looked to her for example and precept. They have modeled their institutions upon our own. They have copied our Constitution and our form of government, and they have endeavored to follow in the path we have laid ever since they achieved their independence from the Crown of Spain. It is not probable, Mr. President, that any of those little republics will show forcible resentment, but even if they were able to do so the difference in population, in military strength, in wealth, and in area between them and the United States should make us the more generous and the more scrupulous in observing all of the obligations we have incurred.

I have received information, Mr. President, by means which I am not permitted to describe, that the governments of the other American republics regard the proposed action of Congress on this subject as an unwarranted and inexcusable exhibition of selfish indifference to their friendship and their welfare, and the passage of this act will go very far to destroy all the good effects that have followed the endeavors of this Government to promote closer social and commercial relations with them. They can not resent this as an insult, but I warn this committee that they will enter a solemn protest against what they consider a breach of faith on the part of the United States.

We sought these arrangements; they were made at our request and in pursuance of legislation which was under discussion in Congress and in the public prints for several months. They entered into them with the expectation that they would be permanent, and they discarded existing commercial relations with the European countries upon the implied assurance that the new relations they were entering upon with the United States would continue for years. There were protests entered by the diplomatic representatives of European nations, but they were ignored and the arrangements were consummated with an abiding faith that the United States would regard them as sacred. Now, Mr. President, we propose to show these people that they were but the footballs of our political jealousy, to be kicked about here and there, to be taken up and discarded according to the whims and caprice of a political majority in Congress, and the attitude in which this Government now stands before the world is, in this respect, neither flattering nor just to itself.

We have been engaged since 1884 in endeavoring to extend our foreign trade. The product of the industry and the genius of our people have so far outstripped the requirements for home consumption that we will be compelled to seek new markets for the surplus or close our factories and let a portion of our harvests rot upon the ground.

The price of our wheat and corn, and in fact of all the agricultural products of the Northwest, are lower to-day than they have ever been, and the same is true of nearly every line of mechanical merchandise. This condition is largely the result of overproduction, and our hands and tools and machinery must lie idle or we must find purchasers for the results of their labor.

THE NECESSITY OF FOREIGN MARKETS.

The necessity of extending our foreign markets for manufactured goods could not be more forcibly demonstrated than by the reports that have just been issued from the Census Office. These show an enormous increase in the number of manufacturing establishments, from 253,852 in 1880 to 355,401 in 1890, and the amount of capital employed from $2,709,272,606 in 1880 to $6,524,475,305 in 1890, and in the amount of wages paid from $947,953,765 in 1880 to $2,282,823,265 in 1890. The value of the products at the same time has increased from $5,369,579,491 in 1880 to $9,370,107,624 in 1890.

In my own State, as in all of the other of the newer States of the Northwest, there has been an enormous increase during the last decade. The number of manufacturing establishments in Minnesota, according to the census of 1890, was 7,505, with a capital of $127,686,618, with plants valued at $65,377,472, employing an average of 79,629 hands, and paying average wages of $38,189,239. The cost of the materials used each year by these factories was $118,481,941, and the value of their product was reported to be $192,033,478.

In the flouring interest, which is perhaps the most important in my State, the recent report from the Census Office on manufactures shows that there are in the United States 18,470 establishments, with a capital of $203,473,500; with plants and machinery valued at $136,539,851, with 63,481 people employed, to whom are paid annually the sum of $27,035,742 in wages. The cost of the material used—that is, the amount of wheat ground annually by these establishments—was in 1890 $434,152,290, and the value of their product was $513,971,474.

The lumber interest, which stands next in the State I have the honor in part to represent, has 21,011 establishments, with an aggregate capital of $403,339,968, with plants and machinery worth $294,325,888; employing an average of 286,197 men, who receive an average of $87,784,433 as wages. They consume materials to the value of $231,555,618, and the annual value of their product in 1890 was $403,607,575. The number of planing mills and factories for making sash, doors, and blinds in 1890 was 3,670, with an aggregate capital of $120,271,440, with plants and machinery valued at $52,327,364, employing 83,880 men in 1890, who were paid the sum of $48,970,080 in wages. The materials consumed by them was valued at $104,926,834, and the value of their product was $183,681,552.

The most convenient and encouraging markets, for both our agricultural and mechanical merchandise, are those offered by the Latin American Republics and colonies, whose population of 50,000,000 or more have been purchasing annually between four and five hundred millions of merchandise in Europe, and an average of only about one hundred millions from us. The greater part of these imports could be furnished by our own farmers and manufacturers at prices as low as those obtained in Europe, and nearly all our products are acknowledged to surpass in quality those of any nation in the world.

WE CAN COMPETE WITH ANY NATION IN THE WORLD.

As there has been doubt raised upon this question I may again call upon Representative COOMBS of New York, who in a recently published interview with the Washington correspondent of the Chicago Record, says:

[Special to the Chicago Record.]

WASHINGTON, D. C., *January 19.*

The one question that is always coming up in the debate on the tariff bill is whether the manufactures of the United States are able to compete in prices in foreign markets with the manufactures of England, France, Germany, and Belgium and other European countries, and it is constantly asserted on one side or the other that it is impossible for them to do so because of the excessive cost of producing and the higher price of labor in the United States. But those who have been talking are merely theorists. No man has as yet discussed the question on the floor of the House who has ever had any experience or practical knowledge of the facts.

Representative COOMBS, of Brooklyn, whose novel plan for a permanent tariff was described in these dispatches the other day, might give some accurate information, as the house of which he is the senior partner has been engaged for more than twenty-four years in selling goods in all the foreign markets of the world. While they may not do as large a volume of business as some other exporters, it is doubtless true that they sell a larger amount of miscellaneous manufactured merchandise in more foreign countries than any other house in the United States.

I asked Mr. COOMBS to-day what his experience had been in this particular; how the American manufacturer stands in foreign markets as to the price and quality of his goods, especially in the markets of South and Central America.

"Taking all classes of agricultural implements," said Mr. COOMBS, "housekeeping goods, furniture, drugs, and medicines, paper and stationery, leather goods, trunks, all kinds of cotton goods (except prints and percales), table cutlery, glassware, lamps, agricultural and mechanical tools, machinery of all kinds, and nearly everything we produce for export, we can sell these just as cheap as the Europeans can, in many cases even cheaper, and make a fair profit. We have a very large market for carriages and wheeled vehicles of all kinds, cordage, barbed wire, and binding twine. Our house sold 500 tons of binding twine in the Argentine Republic last year."

"How about the superiority of the American goods?"

"American goods are undoubtedly superior and are recognized as such all through South America, and to such an extent that the Germans particularly, and the English to a certain extent, have been forced to imitate them in pattern and fabrics, and in years gone by even forged our trade-marks. The latter, however, has been practically stopped by recent treaties, under which we have been able to prosecute manufacturers for infringement in those countries."

"Is there any class of goods that you think it impossible to compete with?"

"Woolen goods. We can compete with them in ordinary dress silks, but not in styles. We do not originate styles in this country. For instance, the French manufacturer will show a certain style of silk to a merchant in New York, say Arnold, Constable & Co., who will buy in a variety of colors, and no other house will be permitted to see that particular style until it is opened and exposed for sale on the counters of the purchasing firm. The moment it is put on sale agents of American manufacturers of silk will buy a dress pattern, and immediately commence imitating it. Silk that retails for $8 and $9 a yard one season will be imitated in as good a fabric and sold the next season at $2.25 and $2.50 wholesale. So that a large part of the tariff that is levied on silks is a tariff on taste. The same is true of high-grade muslins, which are imitated in Manchester and this country. The French originate styles; they have the designers. Some of our manufacturers have regular arrangements in Europe to obtain styles in advance. I have heard of one establishment that spent $16,000 in one year to get styles in advance.

"It has been asserted that American prints or calicoes can not be sold in competition with those from Manchester; that is untrue. We can always sell American prints when we can get them in suitable styles and colors. Mexico, Venezuela, Brazil, and the Argentine Republic are large buyers in this line of goods. Our manufacturers will get up their styles for the season, manufacture from 10,000 to 20,000, send sample cards out, and rush them off. What the wholesale trade does not take at once will be sent to a house like Cladin's, who will take the balance. By the time the orders come back from Latin America for those prints the stock is all gone, and this is the cause of our failure to extend the sales of prints.

"The English manufacturer pursues a different course. He sends travelers to South America with samples of his styles before he manufactures

them. Each pattern has a variety of colors. He will take his orders for a number of cases or bales, which will be manufactured in exactly the colors wanted, and put in cases according to the assortments desired. This the manufacturer and wholesale merchants in this country refuse to do. The American print manufacturer as soon as he gets through with his season's supply will turn off his rollers and make no prints of that style; but the English manufacturer keeps his rollers of all stamped styles, and will manufacture any design of prints as long as there is a demand for them.

"I will give you a sample of how a New York commission merchant attempting to do business with Mexico in prints under these unfavorable conditions has to suffer. There was one house that purchased in advance $800,000 worth of American prints in order to insure their ability to fill their orders. They have, after selling their $800,000 worth of prints, maybe $200,000 worth of unsalable colors on hand, which must be sold in the New York market at a great loss. There are certain colors that will not sell in Latin America. The Mexican merchant knows what his people want, but our manufacturer does not seem to give this fact any consideration. He has had enough customers in the United States and does not care about foreign markets.

"There is scarcely ever a difference of more than one-eighth of a cent a yard between the prices of Manchester and New York prints, and this difference is as often in favor of New York as of Manchester. Our people, with a wonderful thickheadedness, insist upon imposing upon foreign markets our own idea of styles and quality. It has been so with agricultural implements, with tools, etc., the styles of which we never would vary to suit the tastes of these markets. We have really forced the market to accept what we offer instead of furnishing what the people want.

"We can not compete in the Latin-American markets in hosiery or ribbons, gloves or laces, etc., but we do compete with France in high grades of perfumery. We can not touch the fine grades of pocketknives. Wherever our people will make shoes of the styles desired by a ready market awaits them. They generally insist, however, upon making and selling the South American people shoes made for us in this latitude, whereas they want something for the tropical zone; but, as I say, wherever we have furnished the styles desired in those markets we have never failed in getting good orders. We can compete with any country in nearly everything we manufacture in woolen goods except

"Our manufacturers of woolen goods have already been working under wrong conditions. For instance, they have never been able to get good assortments of wool without paying enormous prices for them. Our tariff has always been the very highest on the lowest grades of woolen goods, and has stimulated the production of that quality of goods, while the higher grade has been neglected. The tariff is high on low grades and low on high grades. There are about three factories in the United States that make woolen goods really fit to compete with high grades from England. Our house is also a very large exporter to the colonies in Africa. The assortment sent there is not as large as that sent to some other markets, but it includes a great variety of goods, and we readily compete with similar articles from England.

"The assortment that goes to the Argentine Republic is infinite. This is because the climate there is similar to ours, and in Chile, where the same climatic conditions exist, there is a demand for the same class of goods we make and use in this country. The same is true to a certain extent with regard to Venezuela. An order from a merchant in that country seems to have just as great variety as an order from a merchant in the interior of the United States. There is no cutting at all and the order will cover five hundred or six hundred items. This is also true of orders from Mexico, where the merchants have been every year withdrawing one class of orders after another from Germany and placing it with our merchants, because our goods are superior, and wherever they are known they find a ready market. We furnish the world with wrought-iron pipes and fittings, a very large percentage of the total cost of which is for raw material. Our last comparison of iron pipes and fittings with England showed that we are 23 per cent lower on assortment of sizes."

"How can our foreign trade be promoted?"

"The same as any other trade is promoted. Give us facilities for getting the goods and credits. England and Germany have comparatively small home markets for their manufactured products, and have for generations been building up a foreign business, in which their consuls have very largely helped them. Their banking system has also been of great assistance. It is possible for a merchant in Birmingham, for instance, who has £20,000 of capital, to go to a banker, show his capital, and say:

I want credit for £100,000, using my £20,000 as margin. I propose to sell goods in the Argentine Republic to the extent of £100,000. I will draw drafts through you upon my customers; I want you to cash the drafts for me and credit the collections to my account.'

"He will pay about 3 or 4 per cent interest, whatever the rate may be at the Bank of England. He will then sell his goods to the merchants in Buenos Ayres or Montevideo at six or nine months' credit at 6 per cent interest, drawing upon them through this banker. All their remittances are made to him. Should the banker become tired of the transaction the merchant goes to another bank, maybe just across the street, who will take the account. It is by this means that the banking system of England helps merchants and manufacturers in making markets for their merchandise We, of course, have no such system in this country. The closest approach we have to it is that we can ship to our customers in Montevideo or Buenos Ayres or Rio, and convert our invoice into sterling, draw at 60 or 90 days' sight in sterling, and send the drafts to a London bank for collection.

"The London bank, if they know us well, will allow us to draw upon them at sight after they get the draft into their hands. They will charge us about one-half per cent, and 5 per cent interest, and for stamps, etc. It is not every manufacturer or commission house, however, that has credit enough to warrant such transactions, and when a house is established with sufficient credit to conduct its business in this manner, the credit becomes a part of its capital. Although laboring under this disadvantage, we have been able to make a serious impression upon those markets, and if instead of giving them from six to nine months' credit, we can under the best circumstances give them sixty or ninety days' credit, or make them supply us with bankers' credits with which to pay for the goods, it shows that we can certainly sell our goods cheaper than the English can, or they would not come for them."

ORIGIN OF THE RECIPROCITY POLICY.

In the study of different methods suggested for the promotion of our commerce with the Southern countries, the recent International American Conference, composed of delegates from eighteen of the nineteen independent nations of the hemisphere, recommended as the best and most practical, the negotiations of reciprocity treaties "upon such a basis as would be acceptable in each case, taking into consideration the special situations, conditions, and interests of each country, and with a view to promote their common welfare." And it was the unanimous judgment of the delegates that our exports to these countries and to the other republics could be increased to a great degree by the negotiation of such treaties as recommended by the conference, and, as Mr. Blaine remarked in submitting this recommendation to Congress:

The practical everyday experience of our merchants engaged in the trade demonstrated beyond a question that in all classes of merchandise which we have long and successfully produced for export, they are able to compete with their European rivals in quality and in price; and the reiterated statement that our Latin-American neighbors do not buy of us because we do not buy of them, or because we tax their products, have been annually contradicted by the statistics of our commerce for a quarter of a century.

The conference believed that while profit would come to all the countries if reciprocity treaties should be adopted, the United States would be by far the greatest gainer. The increased exports would be drawn alike from our farms, our factories, and our forests. None of the Latin-American countries produce building lumber, the most of them are dependent upon foreign markets for their breadstuffs and provisions, and in few is there any opportunity or inclination for mechanical industry.

To escape the delay and uncertainty of treaties, it was suggested by Mr. Blaine that a practicable and prompt mode of testing the question was to submit an amendment to the then pending tariff bill authorizing the President to declare the ports of the United States free to all the products of any nation of the American hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports free of all national, provincial (State), municipal, and other taxes, our flour, cornmeal, and other breadstuffs, preserved meats, fish, vegetables, and fruits, cottonseed oil, rice, and other provisions, including all articles of food, lumber, furniture, and other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street cars, and refined petroleum.

It will be noticed that Mr. Blaine suggested that the ports of this country should be free "to all the products of any nation of the American hemisphere," which includes wool, fruit, lead (?) ore, and copper, two articles which he was willing to put upon the free list of the United States in order to secure control of the markets of Mexico, Chile, Uruguay, and the Argentine Republic.

Congress accepted the suggestion of the Secretary of State, and an amendment was attached to the then pending tariff bill, which was not so broad in its scope as his proposition, but provided—

That, with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, however, and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or of any such articles, imposing duties or other exactions upon the agricultural or other products of the United States, which, in view of free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of sugar, molasses, coffee, tea, and hides, the production of such country for such time as he shall deem just, and in such case and during such suspension, duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the products of or exported from such designated country, as follows, namely:

Then follows the schedule of duties.

THE OBJECT OF THE RECIPROCITY POLICY.

The object of this provision, as will be seen, was to enable the President, by diplomatic negotiations, to secure reductions in the import duties imposed upon the exports of the United States by countries whose staple products, under the provisions of the McKinley law, were admitted free into our ports. It applied particularly to the other American Republics and colonies, and to such European nations as produced sugar for export.

It was intended to remove or impair the protection that had permitted and encouraged the marvelous development of the natural resources of the industries of this land, but it was believed that, so long as the duties upon sugar and other raw products were to be removed, it was only just and reasonable to invite the country from which they come to make such equivalent concessions as would promote the sale of our agricultural and mechanical products in their markets, by enabling consumers to obtain them at lower prices, and by encouraging our manufacturers and export merchants to utilize the advantages thus secured for them. And under its authority commercial treaties were negotiated with Guatemala, Honduras, Salvador, Nicaragua, Costa Rica, Santo Domingo, Brazil, the Spanish colonies of Cuba and Puerto Rico, the British colonies of Jamaica, Trinidad, Barbados, Guiana, and the Leeward and Windward Islands in America, and with Germany and Austria-Hungary in Europe.

The treaties were very nearly uniform, and provided that in consideration for the free admission into the United States of certain raw products, such as sugar, coffee, rubber, hides, etc., originating in the countries named, they would admit to their

ports certain agricultural and manufactured merchandise produced in the United States, either entirely free from customs or at a rate of duty 25 and in many cases 50 per cent less than those imposed upon similar articles from other countries; thus giving the producers and manufacturers of the United States an advantage equivalent to the difference between the wages paid for similar labor in this and European countries.

ARTICLES AFFECTED BY THE NEGOTIATIONS.

Among the articles that were to be admitted free into most of the countries named under the treaties were wheat, flour, corn and corn meal, rye and rye flour, buckwheat and barley, vegetables of all kinds, hay and oats, salted and pickled pork and bacon, preserved fish, cotton-seed oil, coal, rosin, tar, pitch and turpentine, all forms of agricultural implements and machinery, all forms of mining and mechanical tools, implements and machinery, engines, instruments and books for the arts and sciences, all form of railway supplies, marble and other forms of stone, mineral medicinal waters, ice, petroleum, tallow, lumber and other manufactures of wood, lard, butter and cheese, and various other agricultural and mechanical products.

The articles admitted at 50 per cent of the regular duties included glass and crystal ware, clay tiles for pavements and roofs; stoneware, earthenware, and porcelain; cast and wrought iron and steel in all forms not included in the free list; needles, pins, cutlery of all forms; tin plate; all articles made of copper, bronze, brass, nickel, and other metals; furniture of all kinds; bread, crackers, preserved and canned goods, sausages, stuffed meats, pickles, jams, jellies, all forms of rubber and gutta-percha, oilcloths, tarpaulin, etc.

Among the articles admitted at a reduction of 25 per cent from the regular duties were all forms of cotton goods, rope, cordage, twine, paints, varnishes, soaps and perfumery, medicines and drugs, candles, paper for printing, wallpaper, all forms of leather goods, trunks, valises, harness and saddlery, watches and clocks, and carriages.

In the arrangements with some of the countries these were considerably enlarged, and contained nearly every article produced for export in the United States. The list in detail furnishes an important and appropriate study, as it contains some articles that appeal directly to the interest of nearly every farmer and mechanic in the United States. For that reason I may be pardoned for inserting it here:

LIST OF ARTICLES AFFECTED BY RECIPROCITY ARRANGEMENTS.

The following is a list of articles grown or manufactured in the United States that are favorably affected by the reciprocity arrangements. Upon many of them the duties have been removed, upon others the duty has been reduced.

[Where the term "cotton or partly" is used it signifies *at least half cotton*. Articles mentioned in this list as of rubber are to be understood as composed wholly or partly of rubber. Boots and shoes of all kinds are to be understood as made wholly are partly of leather except those of rubber.]

Abaca or manila hemp.
Accacia wood.
Acetal.
Acetate of alumina.
Acetate of amyl.
Acetate of ammonia.
Acetate of bismuth.
Acetate of copper.
Acetate of iron.
Acetate of lead.
Acetate of lime.
Acetate of lithia.
Acetate of mercury.
Acetate of potassium.
Acetate of sodium.
Acetate of zinc.
Acetone.
Acids:
  Acetic.
  Arsenic.
  Arsenia.
  Benzoic.
  Boracic.
  Bromic.
  Carbolic.
  Citric.
  Gallic.
  Hydrobromic.
  Hydrochloric.
  Hydrofluoric.
  Lactic.
  Malic.
  Muriatic.
  Nitric.
  Oxalic.
  Phenic.
  Phosphoric.
  Prussic.
  Pyroligneous.
  Salicylic.
  Succinic.
  Sulphuric.
  Sulphurous.
  Tannic.
  Tartaric.
  Valerianic.*
Aconite.
Aconitine and its salts.
Adzes.
Adze handles.
Agate ware.
Agricultural implements.
Agricultural machinery.
Agricultural tools.
Air pumps.
Alabaster.
Alabaster manufactures.
Alarm clocks.
Alarm gauges.
Alcohometers.
Alembics.
Alewives.
Alimentary substances.
Alizarine.
Alkalimeters.
Alkaloids and their salts, when used in medicine.
Alloys of copper and common metal, and manufactures of.
Almanacs.
Almonds.
Aloes.
Aloine.
Althea.
Ambulances.
Ammonia and its salts, used in medicine.
Ammoniac, gum.
Ampoules.
Anacahuita.
Anchors.
Anchovies.
Anchusine.
Andirons.
Anemometers.
Angelica root.
Aniline colors and dyes.
Annotto.
Annunciators.
Anodynes.
Anthracite.

*When used in dies, medicines, paints, or perfumery.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Antimony and its salts, used in medicine.
Antipirine.
Anvils.
Aprons, cotton, rubber, or leather.
Apparatus, scientific.
Apples.
Apple butter.
Apples, canned or dried.
Apricots.
Areometers.
Arms, side and fire.
Armor plates.
Armchairs.
Arnica, and preparations of.
Arsenatse, used in medicine, paints, or dyes.
Arsenic and salts of, used in medicine, paints, or dyes.
Artificial leather.
Artificial stone.
Aseptol.
Asafetida.
Ashwood.
Asparagus.
Asphalt.
Aspic.
Astronomical instruments.
Atlases.
Atomizers.
Atrophine.
Attar of roses.
Augers.
Aurein.
Automatic brakes.
Awls.
Awnings.
Axes.
Axles, car, wagon, machinery, or carriage.
Azimuths.
Azuline.
Babbit's metal.
Babon.
Backstraps.
Bags, cotton, or partly leather or rubber.
Bagatelle boards.
Bagging.
Baize, partly cotton.
Balances.
Balconies, wood or iron.
Baling.
Balls, iron, brass, lead, copper, or other common metal, glass or porcelain.
Balls, rubber or leather.
Balmorals (shoes).
Balsams.
Balusters.
Bamboo.
Bananas.
Bands for machinery and other uses, of leather, rubber, or cotton.
Barbed wire, iron or steel.
Bars, iron, steel, lead, copper, zinc, or other common metal.
Barége, partly cotton.
Barks, medicinal, tan or dye.
Barley and barley meal.
Barometers.
Baroscopes.
Barouches.
Barrels, wooden and parts.
Barilla.
Barrows.
Baryta salts used in medicine.
Basins, iron, steel, copper, and its alloys, porcelain or earthen.
Baskets, all kinds and sizes, rattan, ozier, wood, and like material.
Bath tubs, metallic, porcelain, stone, or earthen.
Batiste, cotton, or part cotton.
Battens.
Batteries, electric or galvanic.
Bayonettes.
Beads, steel, copper and its alloys, glass, and porcelain.
Beams, wood, steel, or iron.
Beans, fresh, dry, or preserved.
Bedsteads, wood or metal.
Bed covers, cotton, or partly.
Beechwood.
Beef, fresh, or pickled.
Beets.
Beetles.
Bells, all kinds and sizes of all materials except silver and gold.
Belladonna.
Bell metal.
Bellows, all kinds.
Belts, cotton, leather, or rubber.
Belting for machinery, leather, rubber, or cotton.
Benchshears.
Benzino.
Benzoates.
Benzoin.
Benzol.
Bergamot.
Berries.
Betel.
Bevels.
Bibs.
Bibles.
Bicarbonates used in medicine.
Bichlorates and bichlorides.
Bichromates used in dyes.
Bicycles and parts.
Bidets.
Billiard tables and cues.
Binders.
Bindings, book, leather, wood, or cotton cloth.
Birch, and manufactures of.
Bird cages, wood, wire, or other metal.
Biscuits.
Bismuth and its salts.
Bistouries.
Bisulphates.
Bisulphides.
Bitartrates.
Bits, bridle.
Bits, brace.
Bitters, medicinal.
Bitumen.
Blacking.
Blackboards.
Black pudding.
Blades for instruments, tools, knives, etc.
Blankets, cotton or part cotton.
Blende.
Blocks (tackle) hatters'.
Blooms, iron or steel.
Blowpipes.
Blubber.
Blue, dyes or paints.
Blueing.
Boards.
Boats, wood or metal.
Bobbins and reels.
Bodkins.
Bodies, wagon and carriage.
Boilers and kettles.
Bolts, iron, steel, copper, and its alloys.
Bombazine, partly cotton.
Bones.
Bonnets, cotton or part cotton.
Books, printed or blank, bound or unbound.
Boots, all kinds, leather or partly and rubber.
Borates.
Borax.
Bosoms, shirt, cotton, or partly cotton.
Bottles.
Bottle stands, wood or metal.
Bottoms, chair, boiler.
Bougies.
Bowls, glass, tin, iron, steel, copper and its alloys, wood, zinc, porcelain or earthen.
Boxes, iron, steel, copper, and alloys, tin, wood or zinc, all sizes.
Boxwood and its manufactures.
Braces, carpenters'.
Brackets.
Bracelets, copper and alloys, and other common metal.
Brads.
Braids, cotton, or partly.
Brakes, all kinds.
Bran.
Brasiers.
Brass and all manufactures of.
Brazil wood.
Brazing.
Bread.
Breadstuffs.
Brakes (carriages).
Bream.
Breast chains and straps.
Breeching, leather.
Bricks, all kinds.
Bridges, iron, steel, or wood.
Bridles.
Bristles, shoemakers'.
Britannia metal and ware.
Brittany cloth, cotton or partly.
Broches.
Brocoli.
Brogans.
Bromates, medicinal.
Bromides, medicinal.
Bromoform.
Bronze, and manufactures of.
Brooms.
Broom corn.
Broughams.
Brown, paints or dyes.
Brushes, all kinds, made of vegetable fiber.
Buchu.
Buckets, wood or metal.
Buckles, common metal, plain or covered.
Buckram, cotton or partly.
Buckskin, and manufactures of.
Buckwheat and flour.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Buffalo, skin or leather, and manufactures of.
Buffers.
Buggies.
Bugle trimmings.
Bungs, wooden.
Bureaus.
Burettes.
Burial cases, wood or metal.
Burins.
Burlaps.
Burners, lamp.
Burnishers.
Buskins, leather or partly.
Busts, bronze, iron, alabaster, marble, or jasper, etc.
Butchers' tools.
Butts.
Butter and imitation.
Butter of antimony.
Butter of cacao.
Buttons, iron, steel, copper, and its alloys, other common metal, glass, porcelain, and wood.
Cabs and cabriolets.
Cabbages.
Cabinets.
Cables, iron, steel, or vegetable fiber.
Caffein and guaranin.
Cages, wood or wire.
Cakes.
Calaguala.
Calamine.
Calamus.
Caldrons.
Caleches.
Calendars.
Calenders.
Calfskin and manufactures of.
Calicoes.
Calisaya and preparations of.
Calking irons.
Callipers.
Calomel.
Caloric engines.
Calorimeters.
Cams.
Cambrics, cotton or partly.
Camelot, cotton or partly.
Cameras.
Camomile.
Camlet, cotton or partly.
Campeachy wood.
Camphor.
Canchalagua.
Cans, iron, steel, copper and its alloys, tin, zinc, and wood.
Canary seed.
Candelabra.
Candied fruits.
Candles, tallow or stearin.
Candlesticks, guards, and snuffers.
Cane and manufactures of.
Canes, walking.
Cane knives.
Canisters, copper, and its alloys, tin, or zinc.
Canned goods.
Cannon.
Canoes.
Cantaloupes.
Cantharides.
Cantharidine.
Canvas, cotton or partly.
Caoutchouc.
Caps, cotton or partly, leather or rubber, straw or palm.
Capers.
Capstans.
Capsules, for bottles, and medicinal.
Cars, railroad and street, and parts.
Caramel.
Caraway.
Carbonizers.
Carboys.
Card cases, common metal, leather, or rubber, wholly.
Cards, hand or machine.
Cardamon.
Cardboard.
Carding machine.
Carmine.
Carpenters' tools.
Carpets, cotton or partly.
Carriages, all kinds.
Carriage bodies.
Carrots.
Carthamus.
Carts, and parts.
Cartridge shells, metallic.
Cartridge boxes, leather or skin.
Carved work, common metal, stone, or wood.
Carvers.
Cases, packing, printing, etc.
Casks, wood.
Caskets, burial.
Casters, furniture or cruet.
Cast iron, and manufactures of.
Castings, iron or steel, copper and its alloys, zinc, or other common metal.
Castoreum.
Castor oil.
Catches, door, etc.
Catechu.
Catheters.
Catsup.
Cattle, live.
Cauliflowers.
Cavessons.
Caviar.
Cedar.
Celery.
Cement.
Ceramic products, crockery and porcelain.
Cerulin.
Ceruse.
Chagrin, leather.
Chains, all sizes, iron or steel, copper, and its alloys, or other common metal.
Chairs, all kinds, wood or metal.
Chaises.
Chalk.
Chambers, pots.
Chamois leather.
Chandeliers, copper and alloys, iron or steel, glass, or common metal.
Charts.
Chasing tools.
Cheese.
Chemical products for medicinal, perfumers, painters, and dyers' uses.
Chenille, cotton or partly.
Cherries, fresh, dried, preserved, or canned.
Cherry wood and manufactures.
Chess boards.
Chestnuts and wood.
Chests, wood or metal.
Chick peas.
Chicory.
Chickens.
Chimneys, lamp, locomotive, stove, etc.
Chimney sweepers, iron or steel.
Chinaware.
Chintz.
Chisels.
Chloral.
Chlorates.
Chlorides.
Chloroform.
Chocolate-pots, common metal or porcelain.
Chromates, medicinal or dye.
Chrome paints and colors.
Chronometers.
Chucks.
Churns.
Cigar and cigarette cases, metal, rubber, or leather.
Cinchona.
Cinchonine.
Cinnabar.
Citrates.
Citron.
Clams, fresh salt, or canned.
Clamps.
Clarences, all kinds.
Clasps, metallic, except gold and silver.
Clay, and manufactures of.
Cleats.
Cleavers.
Clevises.
Cloaks, cotton or partly.
Clocks, all kinds and parts of.
Closets, water or earth.
Cloths, cotton, or at least half cotton.
Clothespins.
Clothing, cotton.
Cloves.
Coaches and parts.
Coal, anthracite and bituminous.
Coal dust pressed in cakes.
Cobalt, salts of, medicinal or paints.
Cocaine.
Cochineal.
Cocks, wood or metal.
Codeine.
Codfish, dry, salt, pickled, and parts of.
Coffee mills.
Coffee pots.
Coffee roasters.
Coffee machinery.
Coffins, wood or metal.
Coin, gold or silver.
Coke.
Coilanders.
Cold chisels.
Collars, men or women, cotton or partly.
Collars, animal, leather or metal.
Collyria.
Colocynth.
Colophony.
Colors (paints or dyes).
Columns, iron, steel, or wood.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Combs, common metal, wood or rubber.
Comfits, medicinal.
Comforters, cotton or partly.
Commodes.
Commutators, electric.
Compasses, artisans' or mariners'.
Composing sticks.
Condensers (steam).
Conformators.
Consols.
Converters (steel).
Cooking utensils.
Coolers.
Coopers' tools.
Cooperage, wooden.
Copaiba.
Copal varnish.
Copper, its alloys and manufactures of.
Copperas.
Copying presses.
Cord, all sorts except silk.
Cordage, all sorts.
Cordovan leather.
Corduroy.
Corkscrews.
Corn and meal.
Corrosive sublimate.
Corrugated iron.
Corrugating machinery.
Corsets, cotton or partly.
Cosmetics.
Cots, wood or metal.
Cottolene.
Cotton and manufactures of.
Cotton gins.
Cotton machinery.
Cotton-seed cake.
Cotton-seed oil.
Cotton waste.
Coulters.
Couches.
Counterpanes, cotton or partly.
Coupés.
Couplings, railway.
Court plaster.
Covers, dish, bed, table, carriage, furniture, etc.
Coverlets, cotton or partly.
Cows.
Cow bells.
Cow hides.
Crabs (machines).
Crabs, fresh, salt, or canned.
Crackers.
Cradles, wood or metal.
Cramp-irons.
Cranberries.
Cranes.
Cranks.
Crape, cotton or partly.
Cravats, cotton or partly.
Cream of tartar.
Creosote.
Cretonne, cotton or partly.
Cribs, wood or metal.
Crimping irons.
Cringles.
Crinoline.
Cristofle.
Crockery, fine.
Crochet work, cotton or partly.
Crosses of copper and its alloys, common metal and wood.
Crossbelts.
Cross-cut saws.
Cross-ties.
Crucibles.
Crucifixes, common metal, wood, or porcelain.
Cruets, glass or porcelain.
Cruppers.
Crushers (ore).
Crowbars.
Crystal and ware.
Cubebs.
Cudbear.
Cuffs, cotton or partly.
Cultivators.
Cumin.
Cups, glass, porcelain, or common metal.
Cupboards, wooden.
Cupels.
Cupping glasses.
Curb chains.
Curcumine.
Curling irons.
Currants.
Currycombs.
Curtains, cotton or partly or wood.
Cushions, cotton or partly, leather or rubber.
Cuspidors.
Cutlery, iron or steel.
Cyanides, iron or other bases, medicinal.
Cylinders, machinery.
Cymbals, copper and alloys.
Cypress wood and manufactures.
Daggers.
Damask, cotton or partly.
Damsons, fresh, preserved, or canned
Dates.
Datura, medicinal.
Deals.
Decanters.
Deer skins and manufactures of.
Demijohns.
Dental apparatus and tools.
Dentifrices.
Depilatories.
Derricks.
Desks.
Deviled meats.
Dials, watch or clock.
Diamonds, glaziers'.
Diaper, cotton or partly.
Diaplama (plaster).
Diaquilon (plaster).
Diaries.
Dice, wooden.
Dictionaries.
Dies and plates, all kinds.
Digitaline.
Digitalis.
Dilators, surgeons.
Dining tables.
Dinner services.
Dioramas.
Dippers, tin or common metal.
Disks.
Dishes, table, kitchen, porcelain, crockery, or common metal.
Disinfectants.
Distilling apparatus.
Ditching machinery and tools.
Dividers.
Dividing engines.
Diving bells and apparatus.
Dog carts.
Dolls, wood, porcelain, or rubber.
Dolomite.
Donkey engines.
Doors, wood or common metal, all kinds.
Door bells.
Door bolts.
Door chains.
Door frames.
Door knobs.
Door latches.
Door locks.
Door mats.
Door plates, porcelain or common metal.
Door springs.
Dowels.
Drag nets.
Drag saws.
Drain pipe, iron or clay.
Drawers, chest or table.
Drawers, cotton or partly.
Drawing knives.
Drawing plates.
Drawing instruments.
Drays and parts.
Dredges and parts.
Dredging machinery.
Dregs, oil.
Dress goods, cotton or partly.
Dried fruit.
Driers, painters'.
Drills, cotton or partly.
Drills (tools).
Drills (seed-sowing).
Drinking cups, glass or common metal.
Drive wells.
Drivers, coopers.
Drugs, medicinal.
Dubbers, artists'.
Duck, cotton or partly.
Dulcamara.
Dumb-bells.
Dumb-waiters.
Dummy cars.
Dump cars, carts, and scows.
Dung.
Dusters.
Dutch tiles.
Dyes, all kinds.
Dyers' implements.
Dynamos.
Dynamometers.
Earths, for paints, crockery, or porcelain, refractory.
Earthenware, all kinds.
Ebony and manufactures of.
Edge tools.
Edgings, cotton or partly.
Eduction pipes.
Eduction valves.
Eels, fresh, salt, or canned.
Effigies, common metal, plaster, porcelain, or wood.
Eggs.
Elain.
Elastic bands.
Elastic cloth, cotton or partly.
Elaterine.
Elbows for tubes, pipes, buildings, and vessels.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Electric apparatus.
Electric machinery.
Electric motors.
Electro-magnetic apparatus.
Electuaries.
Elemi gum.
Elevators.
Elixirs, medicinal or toilet.
Elm, and manufactures of.
Embossed leather.
Embroideries, cotton or partly.
Emery.
Emery cloth and paper.
Emetics.
Emollients.
Emulsions, medicinal.
Enameled iron or steel ware.
Enameled leather.
Encaustic bricks and tiles.
Engines, all kinds.
Engravers' tools.
Envelopes, paper.
Epsom salts.
Erasers, rubber.
Ergot.
Ergotine.
Essences, medicinal or toilet.
Essential oils.
Etagéres.
Etching instruments.
Ethers, medicinal.
Ethyl.
Eudiometers.
Euphorbium.
Evaporating apparatus.
Exhaust pipes and valves.
Expansion engines.
Express wagons.
Extracts, solid or liquid, medicinal, dye, or tanning.
Eyes and eyelets, iron, steel, or common metal.
Eyeglasses.
Eyes, artificial, glass, or porcelain.
Fabrics, cotton or partly, rubber or partly.
False teeth, sets of, rubber or partly.
Fans, cotton or partly, palm.
Fans, agricultural or mechanical.
Fanning mills.
Farina.
Farm machinery, implements, and tools.
Farriers' tools.
Fastenings, door, sash, blinds of iron or common metal.
Faucets, iron or steel, copper and alloys of, and other common metal, porcelain, or wood.
Feed for cattle.
Feldspar.
Felloes.
Felt, cotton or partly.
Fencing foils.
Fencing, iron, steel, or wood.
Fencing wire, plain or barbed, galvanized or not.
Fenders, wire or sheet metal.
Fennel.
Ferrules, iron or steel, copper and its alloys, or other common metal.
Fertilizers.
Figs, fresh or dried.
Figures, common metal, marble, alabaster, porcelain, glass, wood.
Filberts.
Files.
Filters, iron, steel, stone, earthen, or porcelain.
Fir wood and manufactures.
Fire extinguishers.
Fire bars.
Fire brick.
Fire clay.
Fire engines.
Fire escapes.
Fire irons.
Fire screens, common metal.
Fire shovels.
Firewood.
Firkins.
Fish, fresh, dry, salt, smoked, pickled, preserved, canned, and in oil.
Fish plates, railway.
Fishhooks.
Fish rods, nets, and lines.
Fish nesks, spawn, roes, sounds, and tongues.
Flagstones.
Flannel, cotton or partly.
Flasks, glass, porcelain, or common metal.
Flax in cordage.
Flax machinery.
Fleams.
Flexwort.
Flint.
Flooring.
Flooring tiles.
Flower pots, earthen or porcelain.
Flowers, medicinal, dyeing, or perfume.
Flour, wheat and other cereal.
Flues.
Flue brushes.
Fluor spar.
Flutes.
Flywheels.
Foil, lead, brass, or tin.
Foils, fencing.
Forage.
Forceps.
Forges, all kinds.
Forks, table or agricultural.
Forms, printers'.
Foundry tools and apparatus.
Fountains, soda.
Fountains, drinking.
Fowls.
Fowling pieces.
Frames, wood, for houses, doors or windows, mirrors or pictures, embroidery, machine.
Freezers.
Fringes, cotton or partly.
Frog plates.
Fruits, all kinds, fresh, green, dried, preserved, canned, and pickled.
Fruit evaporators.
Fruit baskets, dishes, and boxes.
Frying pans.
Fulling mills.
Funnels, common metal, glass, porcelain, or rubber.
Furnaces, all kinds, and fixtures.
Furniture, all kinds, and marble for same.
Fuscine.
Fustic.
Fustine.
Gaiters, leather or partly.
Galbanum.
Galipot.
Galleys, printers'.
Galvanic batteries.
Galvanized iron and wire.
Galvanometers.
Gamboge.
Game bags, leather or rubber.
Garance.
Garden tools and utensils.
Garden seed.
Garden products.
Garlic.
Garters, cotton or partly.
Gas apparatus and machinery.
Gas fixtures.
Gas meters.
Gasometers.
Gas pipe.
Gas-fitters' tools.
Gasoline.
Gates, wood or metal.
Gauges (tools), measures.
Gauze, cotton or partly.
Gears, carriage or wagon.
Gearing, machinery.
Generators, steam, gas, or electric.
Gentian.
Ghirkins.
Gigs.
Gilders' tools.
Gimlets.
Gins, cotton and other.
Ginghams, cotton or partly.
Ginseng.
Girders, steel, wood, or iron.
Girths, cotton or partly, and leather.
Glass, and manufactures of all kinds.
Glaziers' tools and diamonds.
Globes, wood, glass, stone, or common metal.
Globules, medicinal.
Gloves, cotton or partly, leather or skin.
Goats.
Goblets.
Gold coin or watches.
Gongs, iron, steel, copper and its alloys, or common metal.
Gooseberries.
Gouges.
Gourds.
Governors, engine.
Gowns, cotton or partly.
Grain, and flour of.
Granite.
Grapes, fresh or preserved.
Grape mills and presses.
Graphometers.
Grappling irons.
Grass, forage or manufactured.
Grates, all kinds.
Graters.
Grating, wood or metal.
Gravers' tools.
Grease.
Greens, paints, colors, or dyes.
Griddles.
Gridirons.
Grinding machines.
Gristmills.
Grits.
Grocers' utensils.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Groovers.
Grooving planes.
Ground bone.
Grubbers.
Guaiacum gum.
Guano.
Gum, medicinal, dyes, or perfume.
Gum elastic, and manufactures of.
Gums.
Gutta-percha, and manufactures of.
Gypsum.
Hackles, flax or hemp.
Haddock, fresh, dried, or salt.
Hair-brushes.
Hair dyes.
Hairpins.
Hair oil.
Hake, fresh, dried, or salt.
Halibut, fresh, dried, or salt.
Halters, leather or partly.
Halter chains.
Hams.
Hames.
Hammers, hand or machine.
Hammocks, grass, cotton or partly.
Hand bags, leather or partly; cotton or partly.
Hand cars.
Handcarts.
Hand lathes.
Hand organs.
Hand presses.
Handsaws.
Handspikes.
Hand vises.
Handkerchiefs, cotton or partly.
Handles, for knives, canes, umbrellas, tools, and implements.
Hardware.
Harness, all kinds.
Harpoons.
Harrows.
Harvesters.
Hats, cotton or partly; straw, palm, leather or partly; rubber or partly.
Hat brims, straw.
Hat boxes, leather, wood, or paper.
Hatchets.
Hatching machines.
Hatters' blocks and tools.
Hawsers.
Hay.
Heads, cooperage.
Headstalls.
Heating apparatus.
Hectographs.
Hedging tools.
Heliographs.
Hellebore.
Hemacite.
Hematite.
Hemlock, and manufactures of.
Hemp, and manufactures of.
Hemp seed.
Hens.
Herbs, medicinal, dye, or perfume.
Herring, fresh, dried, salt, smoked, pickled.
Hessians, cotton or partly.
Hickory wood and manufactures.
Hide scrapings for manure.
Hides, tanned or dressed.
Hinges, iron, steel, copper and its alloys, and common metal.
Hoes.
Hogsheads and shooks.
Hoisting machines and apparatus.
Hollands, cotton or partly.
Hollow ware, iron, steel, copper, and glass, porcelain, or wood alloys, other common metal.
Holly, and manufactures of.
Holsters.
Hominy.
Hones.
Hooks, all kinds, iron or steel, copper and alloys, other common metal.
Hooks and eyes, common metal.
Hook nails.
Hoops, wood or metal.
Horses.
Horse brushes.
Horse cars.
Horse collars.
Horse leather.
Horse powers.
Horse shoes and nails.
Horses, rocking, wood.
Hose, stocking, cotton or partly.
Hose, rubber, cotton, or leather.
Houses, wood, in parts.
Howels.
Hubs, wood or metal.
Hulling machines.
Hung beef.
Hunting bags, leather or partly.
Hunting boots.
Hunting knives.
Huskers.
Hydrants.
Hydraulic apparatus and machinery, all kinds.
Hydrochlorates, medicinal.
Hydrometers.
Hydrostats.
Hydrosulphates, medicinal.
Hygrometers.
Hypophosphates and hypophosphites.
Hyposulphites, medicinal.
Ice.
Ice tools.
Images, common metal, wood, porcelain, or stone.
Implements, agricultural, garden and others.
Imposing stones.
Imposing tables.
Incense.
Incubators.
India rubber, and manufactures of.
Indian corn or meal.
Indian hemp.
India ink.
Indicators for machinery or street cars.
Indigo.
Ingots, copper.
Ingot steel.
Injectors, machinery.
Ink, all kinds.
Inkstands.
Insertions, cotton or partly.
Insoles, leather or partly.
Instruments, agricultural, artisans', dental, mathematical, optical, surgical, scientific in general.
Insulators, glass, wood, rubber, or porcelain.
Invalid chairs.
Iodides, medicinal.
Iodine and its salts.
Iodoform.
Ipecacuanha.
Irish cloth, cotton or partly.
Iron, cast or wrought and manufactures of.
Iron bands, hoops, straps, bars, blooms, bolts, bridges, castings, chests, clasps, filings, mills, pig, pins, plates, plugs, pots, rods, rollers, roofing, safes, sheets, tubing, ware, wire, work, and all manufactures of.
Iron machinery.
Iron, railway.
Iron shavings or borings.
Jacks, hoisting.
Jack planes.
Jackscrews.
Jaconet, cotton or partly.
Jalap.
Jalapine.
Jams, fruit.
Japan.
Japan earth.
Japanned leather.
Japanned ware, common metal.
Jars, glass, porcelain, or earthen.
Jasper, and manufactures of.
Jeans, cotton or partly.
Jellies.
Jennies, spinning.
Jewelry, copper and its alloys, nickel, or common metal, rubber.
Joiners' tools.
Jointers.
Joists and scantling.
Journal bearing and boxes.
Jugs.
Juniper berries and oil.
Jute, and manufactures of.
Kaolin.
Kedge anchors.
Kegs.
Kerosene, crude and refined.
Kettles.
Keys, all kinds, iron, steel, copper, and alloys, nickel or common metal.
Key rings.
Kid, leather, and manufactures of.
Kidney beans.
Kip leather.
Kitchen utensils.
Knapsacks.
Knees, wood, iron, or steel.
Knife, fork, and spoon cases.
Knives, all kinds, iron or steel.
Knit goods, cotton or partly.
Knitting machines and needles.
Knobs, iron, steel, copper and alloys, nickel or common metal, glass, porcelain and wood.
Knockers, door.
Kousso.
Labdanum.
Labels, copper and alloys, tin, or zinc.
Laboratory utensils.
Lacs.
Laces, cotton or partly.
Lace boots.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Lace trimmings, cotton or partly.
Lacquer.
Lactates, medicinal.
Lactometers.
Ladders, wood or iron.
Ladies' boots and shoes.
Ladles.
Lakes, paint.
Lamps, all kinds, iron or steel, copper and alloys, nickel, common metal, tin, glass, and porcelain.
Lamp burners.
Lamp chimneys and founts.
Lamp globes, shades, wicks.
Lancets.
Landaus.
Lanterns, all kinds.
Lard and compounds.
Lard oil.
Lasts, shoemakers'.
Latches.
Laths.
Lathes, hand or machine accessories, and tools.
Latten, and manufactures of.
Laudanum.
Launches, oar or steam.
Lavatories.
Lavender.
Lavender oil.
Lawn, cotton or partly.
Lead, and manufactures of, pig, sheets, plates, pipes, tubes.
Leather, and manufactures of, in whole or part.
Leather machinery.
Leaves, medicinal, perfume and dye.
Lees, fish oil.
Leggings, leather or rubber or partly.
Lemons.
Lenses, all kinds.
Lentils.
Letters (type).
Lettuce.
Levels.
Levers, all kinds.
Lichen.
Licorice.
Life preservers, rubber or partly.
Lighters (boats).
Lightning rods.
Lignite.
Lignum-vitæ, and manufactures of.
Lima beans.
Lime, common or hydraulic.
Limes.
Limestone.
Linden wood, and manufactures of.
Lines.
Liniments, medicinal.
Linings, cotton or partly.
Links, iron or steel, copper and alloys, nickel, common metal.
Linseed.
Linseed oil.
Liquor cases.
Liquor weighers.
Litharge.
Lithographic apparatus.
Live stock.
Lobsters, fresh or canned.
Locks, all kinds, iron, steel, copper and alloys, common metal, wood.
Lockets, copper and alloys, nickel or common metal.
Locomotives.
Logs.
Logs, ships'.
Lookingglasses.
Looms.
Lotions, medicinal.
Lounges.
Lozenges, medicinal.
Lubricators.
Lucerne.
Lumber, all kinds.
Lunch boxes.
Lupines.
Lupuline.
Lustring.
Lycopodium.
Macaroni.
Machines, motive, industrial, and scientific.
Machinery of all kinds.
Machinery oil.
Machine tools.
Macintoshes, part rubber.
Mackerel, fresh, salt, or pickled.
Madapolam, cotton or partly.
Madder.
Magenta dye.
Magic lanterns.
Magnesia and preparations, medicinal.
Magnets, all kinds.
Magnetic apparatus, all kinds.
Magnifying glasses.
Mahogany, and manufactures of.
Mail bags, leather or cotton.
Majolica ware.
Malachite.
Malates, medicinal.
Mallets, all kinds.
Mallows.
Mandrake.
Mandrils.
Manikins, dressmakers' or tailors'.
Manila hemp, and manufactures.
Manna.
Mannite.
Manometers.
Metal pieces, stone or iron.
Mantillas, cotton, or partly.
Manures, natural or artificial.
Maps.
Maple, and manufactures of.
Marble, and works of.
Marine engines.
Marjoram.
Marking awls.
Marking ink.
Marking iron.
Marl.
Marline.
Marmalade.
Martingales.
Masks, cotton or wire.
Massicot.
Mast, roasted or ground.
Masts, ship's.
Mastic.
Mats, straw or palm leaf.
Materials for ship building.
Mathematical instruments.
Match boxes, common metal.
Matico.
Mattresses.
Mattocks.
Mattresses, cotton, or partly.
Mauls.
Meal of all cereals.
Measures, metal, wood, cotton, etc.
Meats, fresh, in brine, preserved by extraction of air, canned, in vinegar, salted, smoked, hung, pickled.
Medals, copper and its alloys, nickel, common metal.
Medallions, copper and its alloys, nickel, common metal, plaster of Paris.
Medicinal preparations, all kinds.
Megaphones.
Megascopes.
Melissa.
Melodeons.
Melons.
Menthol.
Mercury, and salts of, medicinal.
Meridian instruments.
Merino, imitation, cotton, or partly.
Metals, manufactures of, all kinds except gold, silver, and platinum.
Meters, gas or water.
Methyl and its compounds.
Metrometers.
Metronomes.
Micrometers.
Microphones.
Microscopes.
Middlings.
Milk, condensed or canned.
Milk vessels.
Millet.
Mills, all kinds.
Mill tools.
Milling machinery.
Mince meat.
Mincing knives.
Miners' tools and implements.
Mineral oils.
Mineral paints.
Mineral salts.
Mineral tar.
Mineral waters, natural or artificial.
Minium.
Mirrors.
Mirror plate.
Miters.
Mittens, cotton, leather, or rubber.
Modeling tools.
Molasses boilers.
Molds, all kinds, for arts and trades.
Molleton, cotton or, partly.
Monkeywrenches.
Monocles.
Mordants (paints).
Morning gowns and jackets, cotton or partly.
Morocco, and manufactures of.
Morphine, and salts of.
Mortars, metallic, porcelain, wood, stone, or glass.
Mosaic flooring.
Mosquito netting, cotton, or partly.
Motors, all kinds.
Moldings, wood or plaster.
Mouthpieces for smokers, or musical instruments, glass, wood, metal or rubber.
Movements, watch, and other machinery.
Mowers and reapers.
Mugs, metal, crockery, or porcelain.
Mulberry wood, and manufactures of.
Mules.
Mule jennies.
Muriates, medicinal.
Mushrooms.
Music, printed.
Music stands and stools.
Music instruments.
Musk.
Muskets.
Muslin, cotton, or partly.
Mussels.
Mustard, medicinal.
Mustard seed.
Mutton, fresh, salt, or pickled.
Muzzles, metal or leather.
Myrrh.
Nails, all kinds common metal.
Nail brushes.
Nail drawers.
Nail drivers.
Nail-making machines and tools.
Nailers' tools.
Nankeen, cotton, or partly.
Naphtha.
Naphthalins.
Napkins, cotton, or partly.
Napkin rings, wood or metal.
Narcotics.
Nard.
Nautical instruments.
Neatsfoot oil.
Nectarines.
Needles, wood or metal, all kinds.
Neroli.
Nets, cotton, or partly.
Netting, cotton, or partly.
Nickel, and manufactures of.
Nicotine.
Nippers.
Nipples and breast shields, rubber.
Nitrates, medicinal or manures.
Nozzles.
Nuts (fruit), all kinds.
Nuts, iron or common metal.
Oak, and manufactures of.
Oars, wooden.
Oats and meal.
Obsidian.
Obstetrical instruments.
Obsturators.
Ochers (paints), all kinds.
Octants.
Odometers.
Oils, animal and vegetable.
Oils, essential.
Oilcloths, cotton or rubber.
Oil cans and feeders.
Ointments.
Okra.
Olein.
Oleomargarine.
Olibanum.
Olives, fresh, canned, pickled, preserved, or stuffed.
Omnibuses.
Onions, fresh or pickled.
Opera glasses.
Opiates.
Opium.
Opobalsam.
Opodeldoc.
Opopanax.
Optical instruments.
Oranges.
Orange flower.
Orange water.
Orchil.
Orcins.
Ore crushers.
Oreganum.
Organdies, cotton or partly.
Organs.
Orleans, cotton, or partly.
Ornaments, iron, wood, glass, stone, or common metal.
Oroide.
Orpiment.
Orris root.
Orts.
Osier, and manufactures of.
Osnaburgs.
Ottar of rose.
Ottomans.
Ovens, iron or tin.
Overshoes, leather or rubber, wholly or partly.
Oxalates, medicinal.
Oxen.
Ox yokes and bows.
Oxides for medicine, dyes, or paints.
Oysters, fresh, canned, salt, pickled, preserved.
Packing, asbestus, cotton, or rubber.
Packthread.
Packsaddles.
Pads, cotton, leather, or rubber.
Paddles.
Padlocks.
Pails, metal, wood, or leather.
Paints, all kinds.
Painters' materials.
Painters' tools and implements.
Palettes.
Palings, wood.
Palissander.
Palm leaf, and manufactures of.
Pamphlets.
Pans, metal or earthen.
Panama straw, and manufactures of.
Panels, wood.
Panic grass.
Paper, cigarette, news, painted, wall, wrapping, writing.
Paper boxes.
Paper collars.
Paper machinery.
Parasols, cotton, or partly.
Paregoric.
Paris green.
Parlor furniture.
Parsley.
Parsnips.
Passenger cars.
Passenger elevators.
Pastes, alimentary.
Pasteboard, and boxes of.
Pastilles.
Patchouly.
Patent leather.
Patent medicines.
Patterns, leather, for boots and shoes, and cotton, for clothing.
Paving bricks.
Paving stones.
Paving ties.
Pease, all kinds.
Peaches, fresh, dry, preserved, or canned.
Peanuts.
Pears, fresh, dried, preserved, or canned.
Pear wood, and manufactures of.
Peat.
Pecans.
Pegs or pins, wood or metal.
Pegging awls.
Pegging machines.
Pellets, medicinal.
Peltry.
Pemmican.
Pens, steel, or common metal.
Penholders.
Pencils.
Pencil cases.
Pendants, glass or crystal.
Pendulums.
Penholders.
Penknives.
Peppers, all kinds.
Pepsin.
Peptone.
Perambulators.
Percale, cotton, or partly.
Percaline, cotton, or partly.
Perfumes, all kinds.
Periodicals.
Periwinkles.
Perspective glasses.
Peruvian bark.
Pessaries.
Pestles.
Petroleum, crude or refined.
Petticoats, cotton, or partly.
Pewter, and manufactures of.
Phætons.
Phenol.
Phonographs.
Phosphates, medicinal, or manures.
Phosphites, medicinal.
Phosphobronze.
Phosphoguano.
Photographers' apparatus.
Photometers.
Physical apparatus.
Pianos.
Picks.
Pickaxes.
Pickled fish.
Pick socks.
Pickled vegetables.
Pictures, with frames and appurtenances.
Pieces or parts for machinery, wagons, cars, locomotives, carriages.
Pig copper.
Pig iron.
Pig lead.
Pig zinc.
Pigeons.
Pigeon dung.
Pigments.
Pilchards.
Pile-drivers.
Pills.
Pillars, iron, steel, stone, marble, or wood.
Pillows, cotton, or partly, and cases.
Pins, iron, steel, copper, and its alloys, common metal, or wood.
Pin cases.
Pincers.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Pine, and manufactures of.
Pine apples.
Pine resin.
Pipe, iron, steel, copper and its alloys, zinc, tin, other common metal, clay, or earthen, glass, rubber, and wood.
Pipes or casks.
Pipes, wood, smoking.
Piperine.
Pipettes.
Pique, cotton, or partly.
Pistols.
Pistol cases and holsters.
Pistons, machine.
Pita, and manufactures of.
Pitchers and jars, glass and porcelain, or crockery.
Pitch, mineral or vegetable.
Pitchforks.
Pitch pine.
Plack-fond.
Plaids, cotton, or partly.
Planes, all sorts.
Planetariums.
Planing machines and tools.
Planishing tools.
Planks, all kinds.
Plants, medicinal and live.
Plantains.
Plantation machinery, tools, and implements.
Plaster for manure.
Plaster of Paris.
Plasters, medicinal.
Plates, iron, steel, copper and its alloys, nickel, tin, zinc, other common metal, porcelain, glass, earthen or wood.
Plates, frog, railway.
Plates, scales.
Plate armor.
Plated goods.
Platilla, cotton, or partly.
Platform scales.
Platters, wood or metal.
Pliers.
Plows, all kinds, and parts.
Plums, fresh, dry, canned, or preserved.
Plumbers' tools.
Plummets.
Plush, cotton, or partly.
Pneumatic machinery.
Pocketbooks, leather or rubber, wholly or partly.
Point edgings and laces, cotton, or partly.
Pokers.
Poles, wood, telegraph and other.
Polishers' tools.
Pomades, medicinal or toilet.
Pomatum.
Pomegranate wood and fruit.
Poplar, and manufactures of.
Poppies, and products of.
Porcelain, and articles of.
Pork, fresh, dried, salt, pickled, smoked.
Portable engines, furnaces, and railways.
Portfolios, leather or rubber, wholly or partly.
Portmonnaies.
Potash and salts of, medicinal.
Pots, iron or earthen.
Potatoes, all kinds.
Potted meats.
Potters' implements.
Pottery.
Pouches, leather or rubber, wholly or partly.
Poultry.
Pounce.
Powders, medicinal, perfume, paints, dyes.
Powers, horse or mechanical.
Prawns.
Precipitates for medicines, dyes, or paints.
Preserves, all kinds.
Preserved foods.
Presses, all kinds.
Priming instruments.
Primings, paint or varnish.
Prints, cotton or partly.
Printed matter.
Printers' implements and tools.
Printing ink.
Printing presses.
Prisms.
Privies, metallic or crockery.
Probes.
Products, garden, chemicals, field.
Propellor screws.
Proprietary medicines.
Prospecting tools.
Protractors.
Provisions, meats, and dairy products and fish.
Prunes.
Prunella.
Pruning implements.
Prussians, cotton or partly.
Prussiates, medicinal, dyes, or paints.
Pulleys and blocks, all kinds.
Pulp mills and machinery.
Pumice stone.
Pumps, hand or machine.
Pumps (shoes).
Pumpkins.
Punches.
Puncheons.
Punching machines,
Purpurine.
Purses, cotton or partly leather or rubber.
Puzzolani.
Pyrometers.
Pyroscopes.
Quadrants.
Quarry tools and machinery.
Quartz, and manufactures of.
Quassai.
Quilts, cotton or partly.
Quiltings, cotton or partly.
Quinine and salts of.
Rabbit planes.
Racahout.
Racks, furniture.
Racks machine.
Radiators.
Radishes.
Rafters, wood or metal.
Rags, cotton or partly.
Rag machinery.
Rails, iron or steel and accessories.
Railings, metal or wood.
Railway material, all kinds.
Raisins.
Rakes, all kinds.
Rams, hydraulic and others.
Rape seed.
Raspberries, fresh, dried, canned, or preserved.
Rasps.
Ratany.
Ratchets, machine.
Rat and mouse traps.
Rattan, and manufactures of.
Razors and cases.
Razor strops.
Ready-made clothes, cotton or partly.
Realgar.
Reamers.
Reapers.
Reaping, hooks and cradles.
Receiving apparatus, electric.
Red lead.
Reds, paints or dyes.
Reddle.
Reeds, and manufactures of.
Reels, machine.
Refining machinery, all kinds.
Reflectors, glass or metal.
Refrigerants, medicinal.
Refrigerators.
Registers, machine.
Registers, passenger.
Regulators, machine.
Reins, leather or partly.
Reps, cotton or partly.
Reservoirs, wood, metal, or stone.
Resin.
Reticules, cotton, leather, or straw.
Retorts.
Revalenta arabica.
Revolvers.
Rhubarb.
Ribbons, cotton or partly.
Rifles.
Rigging, vessels.
Rings, iron, steel, copper and its alloys, nickel, other common metal, rubber, wood.
Rivets, iron, steel, copper and its alloys.
Riveting tools.
Roasters, coffee and other.
Rochelle salts.
Rockaways.
Rocking chairs.
Rocking horses, wooden.
Rods, iron, steel, brass and its alloys, nickel, common metal, wood.
Rollers, agricultural, machine, etc.
Rolling mills.
Roofing felt.
Roofing iron.
Roofing lead.
Roofing paper.
Roofing slate.
Roofing tiles.
Roofing tin.
Roots, medicinal, dye.
Rope, vegetable fiber or metal.
Rope machinery.
Rope yarns.
Rosaries, common, metal, or wood.
Rosemary.
Rose-water.
Rosewood, and manufactures of.
Rosin.
Rotten stone.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Rouens, cotton or partly.
Rouge.
Roulette tables.
Rubber, and manufactures of.
Rubber erasers and bands.
Rudder, ship's.
Rugs, cotton or partly, straw or palm.
Rules, carpenters, etc.
Rulers, wood, metal, or gutta-percha.
Ruling machines.
Running gear for vehicles.
Rushes, and manufactures of.
Rye and flour.
Sabers.
Saccharimeters.
Sachels, cotton or partly, leather or rubber.
Sachets and powders.
Sacks, cotton or partly, leather or rubber.
Sadirons.
Saddles, all kinds.
Saddlery.
Saddlers' tools.
Saddletrees.
Safes, iron, steel, tin, common metal, wood.
Saffron.
Sago.
Sails, cotton or partly.
Salmon, canned, fresh, preserved, smoked.
Salt, chemicals, for medicines, manures, dyes or paints.
Salvers, metal or wood.
Sand.
Sandalwood.
Sandpaper.
Sandstone.
Santalin.
Santonin.
Saponaria.
Saponin.
Sardines, canned or salted.
Sarsaparilla.
Sash, window.
Sash bolts and fixtures.
Sashes, cotton or partly.
Sassafras.
Sateen, cotton or partly.
Satin, cotton or partly.
Satinet, cotton or partly.
Sauces and condiments.
Saucepans.
Saucers.
Sauerkraut.
Sausages.
Sausage machinery.
Savin.
Saws, all kinds.
Sawing machinery.
Scales, all kinds.
Scalpels.
Scammony.
Scantling.
Scarfs, cotton or partly.
Schists, and oil of.
School furniture.
Scientific apparatus.
Scissors and shears.
Scows.
Scrap iron.
Scrapers.
Screens, cotton or partly, wood or iron.
Screws, iron, steel, copper and its alloys, nickel, common metal, and wood.
Screw bolts and eyes.
Screw-drivers.
Screw jacks.
Screw machines.
Screw plates and dies.
Screw presses.
Screw propellers.
Screw wrenches.
Scrub brushes, ships'.
Sculptors' tools.
Scythes.
Sea biscuits.
Seaweed, manure.
Seals or stamps, metal or rubber.
Seaming machines.
Sedatives, medicinal.
Seidlitz powders.
Seeds and grains for sowing, medicinal, dye, and perfume.
Seeders.
Seltzer water.
Semen contra.
Seneca root.
Senna.
Separators, grain and ore.
Serge, cotton or partly.
Sesame.
Settees.
Sewer pipes.
Sewing machines.
Sextants.
Shad.
Shades, lamp or candle
Shafts, carriage, etc.
Shafting, machinery.
Shag, cotton or partly.
Shagreen, and manufactures of.
Shaving dishes.
Shaves, carpenters' or coopers'.
Shawls, cotton or partly.
Shears.
Shearing machines.
Sheathing, copper and its alloys.
Sheath knives.
Sheathing paper.
Sheep.
Sheepskin, and manufactures of.
Sheets, cotton or partly.
Sheet copper.
Sheet iron.
Sheet zinc.
Shelving, wooden.
Shellac.
Shellfish.
Shingles.
Shirts, cotton or partly.
Shirt fronts, cuffs, and collars, cotton or partly.
Shirting, cotton or partly.
Shoes, leather or partly.
Shoe nails.
Shoe pegs.
Shoe polish.
Shooks, box or hogshead.
Shot, lead or iron.
Shoulder belts.
Shoulder straps.
Shovels, metal or wood.
Show case.
Shrimps, fresh, canned, or pickled.
Shrubs.
Shutters, wood or iron.
Shuttles, machine.
Sickles.
Sides, meat.
Sideboards.
Siding, wood or metal.
Sienna.
Sieves.
Silver coin and watches.
Sinapisms.
Sinks, metal or stone.
Siphonr, metal, glass, or rubber.
Sirens.
Sirups, medicinal.
Sisal hemp, and manufactures of.
Skates.
Skewers.
Skiffs.
Skimmers.
Skins, tanned, dressed, or undressed.
Skylights.
Slabs, marble, jasper, alabaster, or other stone.
Slate in all forms.
Slaters' tools.
Sleds.
Sleighs.
Sledges.
Sleeping cars.
Slippers, leather or partly.
Smelts.
Smelting furnaces.
Smiths' tools.
Smut machines.
Snaffles.
Snails.
Snaths.
Sneezewort.
Snips.
Snuffers.
Soapstone, and manufactures of.
Soap, toilet.
Soda apparatus and fountains.
Sofas.
Solders.
Soldering tools.
Sole leather, and manufactures of.
Sounds, fish.
Sounding leads.
Soup dishes.
Souse.
Sowers (seed).
Spades and hoes.
Spangles, copper and its alloys.
Spar, mineral.
Spars, ship.
Sparadrasp.
Spath.
Spatulas.
Spawn.
Speaking trumpets.
Spears.
Spectacles and rims, common metal
Spectroscopes.
Speculums.
Spelter.
Spermaceti.
Spikes, metal or wood.
Spikenard.
Spiles.
Spindles.
Spinning machinery.
Spirits turpentine.
Spits.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Spittoons.
Splints (surgeons').
Splints, match.
Spokes, wheel.
Spools.
Spoons, wood or common metal
Spraying machines.
Spreaders.
Springs, metal or rubber, all kinds.
Sprinklers.
Spruce, and manufactures of.
Spun goods, cotton or partly.
Spurs.
Spurge.
Squares, carpenters', etc.
Squashes.
Squeezers, cork, lemon, etc.
Stackers.
Stage coaches.
Stairs, metal, stone, or wood.
Stamping tools.
Stamp mills.
Stanchions, wood or metal.
Stands, candle, caster, flower, garden, lamp, music.
Staples, iron, steel, or common metal.
Starch, corn.
Statues, iron, steel, copper and its alloys, common metal, stone, and wood.
Staves.
Steam apparatus, boilers, brakes, cars, cocks, cylinders.
Steam dredges, engines and parts, launches, mills, motors, pipes, plows, powers, presses, pumps, tugs.
Stearine, and candles of.
Steel, and manufactures of.
Steel, bars, wire, ingots, plates, rods, and other forms,
Steelyards.
Steering apparatus.
Stencils and plates.
Steps, metal, stone, or wood.
Stereopticons.
Stereoscopes.
Stereotype apparatus and tools.
Stethoscopes.
Stewpans.
Sticks, wood, all sizes.
Stills.
Stirrups, metal, leather, or wood.
Stock fish.
Stockings, cotton or partly.
Stoke bars.
Stomach pumps.
Stone, rough, dressed, or polished.
Stonecutters' tools.
Stoneware.
Stools, all kinds.
Stoppers, common metal, glass, wood, porcelain, or rubber.
Storax.
Stoves, iron, copper and its alloys, common metal, porcelain, or stone.
Stramonium.
Straps, leather or rubber.
Straw for forage.
Straw, and manufactures of.
Street cars.
String.
String beans, fresh, pickled or canned.
Stripes, cotton or partly.
Strips or bands, leather, rubber, paper, cotton, or common metal.
Stripping machines.
Strychnine.
Strubbers.
Stud nails.
Stuffed meats, all kinds.
Stump pullers.
Subliming pots and furnaces.
Submarine apparatus, cables.
Suet.
Sugar bowls.
Sugar mills and parts.
Sugar plums, medicinal.
Sulky plows.
Sulphates, medicinal, dyes, and paints.
Sumach.
Sunshades, cotton or partly.
Superphosphate of lime, manure.
Surgical instruments.
Surveyors' instruments.
Suspenders, cotton, rubber, or leather, wholly or partly.
Suspensories.
Sweepers, carpet.
Sweeping machines, street.
Switches, railway.
Switches and switch boards, electric.
Swords.
Syringes, metal, glass, or rubber.
Tables.
Table mats.
Table cloths, cotton or partly.
Table covers, oilcloth or rubber.
Table knives and forks, iron, steel, copper, and its alloys.
Table spoons, common metal.
Table casters or cruet stands, common metal.
Table steels.
Tableware, glass, porcelain, or common metal.
Tackle for vessels.
Tackle, hoisting.
Tacks, all kinds.
Tailors' implements.
Talc.
Tallow, and candles of.
Tamping irons,
Tamping machines.
Tanks, metal, wood, or stone.
Tanned leather or hides.
Tanners' tools and implements.
Tanbark.
Tannin.
Tapioca.
Tapers, stearine or tallow.
Tape, cotton or partly.
Taps and wrenches.
Tar, vegetable or mineral.
Taraxacum.
Tartar emetic.
Tartrates, medicinal.
Tassels, cotton or partly.
Tea caddies, cups, kettles, pots, spoons.
Teak.
Tedders.
Telegraph apparatus, poles, wires.
Telephones and apparatus.
Telescopes.
Tenders, locomotive.
Tent cloths, cotton or partly.
Tenter hooks.
Terra cotta.
Theine.
Theriac.
Thermometers.
Thimbles, common metal.
Thongs, leather.
Thread, cotton or partly.
Thread, shoemakers'.
Threshers.
Ticking, cotton or partly.
Ties, railway, iron or wood.
Tilburys.
Tiles, all kinds.
Timbals.
Timber, all kinds.
Tin, in bar or pig.
Tin, and manufactures of.
Tin plate, and manufactures of, stamped, varnished, or lacquered.
Tinctures, medicinal, perfumery.
Tinder boxes.
Tinsel.
Tires (wheel).
Tire benders.
Tire shrinkers.
Toasters.
Tobacco boxes.
Tobacco cutters.
Tobacco machinery and tools.
Toilet cases.
Tolu balsam.
Tomatoes, fresh, canned, or dried.
Tongs, all kinds.
Tongues, smoked, salt, dried, or pickled.
Tools, all kinds.
Toothpicks, wood.
Towels, cotton or partly.
Toweling, cotton or partly.
Toys, common metal, rubber, glass, porcelain, leather, or wood.
Toy horses.
Trace chains.
Track cleaners (railway)
Traction apparatus and engines.
Tragacanth.
Tramway materials.
Transit instruments.
Traps, iron, steel, copper, and its alloys, wire, wood.
Traveling bags, cotton, rubber, or leather.
Traversers, railway.
Trenails.
Trays, wood or metal treenails.
Trees, live, and plants.
Trellis work, metal or wood.
Trepans and trephines
Trestlework, wood or metal.
Tricot, cotton or partly.
Tricycles.
Trip hammers.
Tripo.
Tripoli, earth.
Trocars.
Troches, medicinal.
Trolleys.
Troughs, wood, stone, or metal.
Trout, fresh, canned, or salt.
Trowels, and other masons' tools.
Trucks, all kinds.
Truffles.

LIST OF ARTICLES AFFECTED BY RECIPROCITY—continued.

Trumpets, common metal.
Trunks, wood, metal, or leather.
Tubs, wood or metal.
Tubes and tubing, iron or steel, copper and alloys, nickel, tin, zinc, or other common metal, lead, glass, porcelain, rubber, and wood.
Tulle, cotton, or partly.
Tumblers, glass or crystal.
Tunny fish, fresh, canned, or pickled.
Turbines.
Turmeric.
Turners' lathes and tools.
Turnips and seed.
Turntables.
Turpentine.
Tweezers.
Twine, all kinds.
Twist, cotton or partly.
Type.
Typewriters.
Umber, raw and burnt.
Umbrellas, cotton, or partly.
Underclothes, cotton, or partly.
Undershirts, cotton, or partly.
Upholsterers' tools.
Upholstery, cotton, or partly.
Upper leather.
Urinals, iron, crockery, or porcelain.
Urns, tea or coffee.
Utensils, kitchen, and for all arts and trades.
Vaccine.
Vacuum apparatus.
Valerian.
Valerianates.
Valises, cotton, leather, or rubber.
Valves, machinery.
Vanilla and extract.
Vaporizers.
Varnishes, all kinds.
Vases, metal, glass, porcelain, earthen, stone.
Vaseline.
Vats, metal, wood, or stone.
Veal.
Vegetables, all kinds, dried, fresh, pickled, salted, canned, concentrated.
Vegetable hair and manufactures of.
Vehicles, all kinds.
Veils and veiling, cotton or partly.
Velocipedes.
Velvet and velveteens, cotton or partly.
Veneering.
Venetian blinds.
Ventilating apparatus.
Verandas.
Veratria.
Verdigris.
Vermicelli.
Vermifuge.
Vermilion.
Vervain.
Vesicants.
Vests, cotton or partly.
Vetches.
Vials.
Victorias.
Vines.
Vinegars, medicinal.
Viols, violins, and violoncellos.
Vises.
Visors, leather or skin.
Volatile oils.
Vulcanizing apparatus.
Vulcanized rubber.
Wadding.
Wagons, all kinds, and parts.
Wainscoting.
Waiters, wood or common metals.
Wallets, leather or rubber.
Walnuts.
Walnut wood, and manufactures of.
Wash basins, boards, boilers, stands, tubs.
Washers, iron, steel, or common metal.
Washing machines and wringers.
Wash stands, wood or metal.
Watches, all kinds, and parts of.
Water closets, iron, porcelain, or with other materials.
Watermelons.
Waters, cosmetic, mineral, natural or artificial, toilet.
Webbing, cotton or partly.
Wedges, iron or steel.
Weighbridges.
Weights, iron, steel, or common metal.
Well tools and machinery.
Well tubes.
Whale oil and blubber.
Whaling implements.
Wheat and flour.
Wheels, carriage, wagon, cart, car, machine, ship.
Wheelbarrows and hand carts.
Whetstones.
Whiffletrees.
Whips.
Whistles, all kinds.
White lead.
White paints, all kinds.
Whiting.
Wicks, cotton, or partly.
Wicker and work of.
Willow and manufactures of.
Winches.
Windlasses.
Windmills.
Window blinds, frames, glass, sash, shutters.
Winnowing machines.
Wire and wire cloth, and manufactures of.
Wire-drawing machinery.
Wood, all kinds, and manufactures of.
Wood-working machinery.
Wooden houses, set up or not.
Wool in goods; half or more of cotton.
Wool machinery.
Wool cards, driers, mills, presses, washers.
Work baskets and boxes.
Wormwood.
Wrapping paper.
Wrenches, all kinds.
Wringers.
Writing machines (typewriters).
Wrought iron, and manufactures of.
Yams.
Yards (vessels).
Yarn, cotton or partly.
Yellow paints or dyes.
Yokes and bows, ox.
Zinc, and manufactures of.

THE GREAT OPPORTUNITY THAT IS THROWN AWAY.

Under these treaties, Mr. President, the United States stands in position to command and control the greater share of the trade of the tropical portion of the southern continents, and it is possible, by surrendering the duties upon wool, copper, lead ore, and some other articles, to negotiate similar arrangements with Mexico, Chile, Uruguay, and the Argentine Republic, whose foreign trade annually exceeds the sum of $500,000,000, and whose imports annually surpass $250,000,000. All of the articles I name except lead ore are placed upon the free list by the pending bill, without asking anything in return, or giving an opportunity by diplomatic negotiation to secure valuable concessions for the benefit of our farmers and mechanics.

Not only does this bill repudiate and reject all the advantages that have been obtained for our producers in the southern nations, but it throws away forever the prospect of obtaining a market for at least one hundred millions of the surplus products of our farm and factories which we can not sell at home.

The advantages secured for them in the southern countries have inspired the merchants and manufacturers of the United States to make a determined attempt to obtain a share in the markets which they had previously neglected, and the passenger lists of the steamers and the statistics of the postal service show that more commercial travelers have gone from this country to Central and South America, more buyers have come from those countries to this, and more correspondence has been

conducted during the last two or three years than was ever known before, and the increase continues to be very rapid.

EVERY TOWN AND VILLAGE INTERESTED IN THE TRADE.

Nor is this subject of importance only to the great commercial ports and manufacturing centers. Nearly every city and town in the United States has a direct and immediate interest in the extension of the trade. The men who make the articles of commerce do not know the destination of their wares, except in cases of large contracts of consignments. The South American trade, being conducted at present almost exclusively by commission men, is peculiar in this respect, and the workmen in the little factories that have sprung up in the towns and villages of the Middle and Northwestern States little know that the results of their labor are found scattered in nearly every country of Central and South America, and over all the islands of the sea.

Not long ago a gentleman interested in the promotion of our export trade to South America took the trouble to trace to its source every article of merchandise that composed the cargo of a vessel bound from New York to one of the southern republics. The result was astonishing. I shall not give the entire list, but only a few of the items for the purpose of illustrating the point which I have made, that every community in the Union has a personal interest in every effort that is made to secure larger markets for our products among the nations of this hemisphere, and to show the infinite variety of goods that can be sold in their markets. The following list shows a few of the towns and what they contributed to this cargo:

ALABAMA.

Bessemer: Cast-iron pipe.

ILLINOIS.

Belvidere: Sewing machines.
Canton: Agricultural implements.
Carpentersville: Copying presses.
Chicago: Axle grease, link belts, folding sawing machines, boilers, car axles, mining machinery, hardware, agricultural implements, machinery, office supplies, carriages, wagons, carts, sewing machines, heavy hardware, furniture, provisions, electrical goods, cutlery, barb wire, reapers.
Freeport: Buggies.
Geneseo: Road carts.
Moline: Plows.
Peoria: Bolts.
Rockford: Furniture.
Pekin: Agricultural implements.
Rockford: Patent foot machinery.
Rock Island: Plows.
Sandwich: Reapers, mowers, agricultural implements, windmills.
Sterling: Agricultural implements.

INDIANA.

Evansville: Edge tools.
Indianapolis: Office desks.
Mishawaka: Pulleys.
Richmond: Grain drills, etc.
Shelbyville: Cabinets.
South Bend: Plows, wagons, carriages.

IOWA.

Dubuque: Wind-mills.
Ottumwa: Wood work.

MICHIGAN.

Detroit: Fans and blowers.
Grand Rapids: Furniture.
Three Rivers: Velocipede cars.
White Pigeon: Foot and hand power machinery.

MINNESOTA.

Minneapolis: Flour.
St. Paul: Prepared coffee.
Stillwater: Agricultural machinery.

MISSOURI.

Kansas City: Contracting machinery.
St. Louis: General merchandise, glass and crockery, drugs.

OHIO.

Alliance: Steel castings.
Bucyrus: Grain-cleaning machinery
Cincinnati: Brass goods, carriages.
Canton: Plows.
Cleveland: Steam gauges, bellows.
Dayton: Sewing machinery, bronze castings, ice machines, agricultural implements, carriage wheels, hubs.
Dayton: File cases, filters.
Defiance: Machinery.
Hamilton: Steam pumps.
Piqua: Corrugated iron.
Sandusky: Whipstocks.
Springfield: Engines.
Toledo: Wagons.
Wilmington: Augur bits.
Mansfield: Agricultural implements, machinery, plumbers' material

COLORADO.

Coal for Mexico.

PENNSYLVANIA.

Harrisburg: Bookbinders' machinery.
Pittsburg: Galvanized sheet iron, locomotives, chain.

WISCONSIN.

Madison: Printing presses.
Milwaukee: Trunks, machinery, furniture, ice machines, beer.
Racine: Wagons and carriages, machinery, furniture, engines and yachts, trunks.
Sheboygan: Furniture.

Other cities in the Northwest contributed to this cargo the following articles:

Portable road-making machine, gas engine, portable electric motor for drilling, boots and shoes, baseball bats, canned beef, brickmaking machines, patent evaporator, patent cereals, chairs, cheese, clocks, clothing, condensed milk, buckets, canned corn, corn meal, wool compressors, cotton-seed oil, dairy utensils, distillery plant, electric-light plant, bales of excelsior, fire bricks, flaxseed oil, passenger elevator and machinery, furniture, vegetables, seed, harness, hay-baling machine, hosiery, ice factory and cold storage plant, knitting machine, oatmeal, ornamental tiles, pickles, pressed bricks, plant, saddletrees, soap, spokes and hubs for wheels, starch, laundry machinery, strawboards, watches, wire screens, wooden ware, and material for repairing watches.

THE INTEREST OF MERCHANTS AND MANUFACTURERS AROUSED.

Our people are just beginning to realize the value of the reciprocity arrangement. Trade is always conservative and sensitive, and feels its way cautiously when it is turned into new and unaccustomed channels; but the same intelligence and enterprise that has developed our internal commerce is now being applied to the extension of our foreign trade, and should have the protection and encouragement of the Government, instead of being deprived of the advantages it now enjoys. It requires time and patience and energy to acquire new markets and to successfully compete with established lines of trade.

The manufacturers of Europe have intrenched themselves in the southern markets by the experience of a century. Agencies and branches of commercial houses in London, Manchester, Hamburg, Frankfort, Antwerp, Paris, Lyons, and other European cities, have been established at the mercantile centers of Central and South America for generations, and the import trade of the southern continent is almost exclusively conducted by or through them. The relations so long established are satisfactory, and the consumers of that section are not seeking our trade.

It is therefore necessary for our merchants to invade these markets, and break down the existing lines of commerce, in order to sell their goods; and that they can do so is demonstrated by the testimony of Mr. Coombs, which I have quoted, and the experience of every man who has faithfully and intelligently made the experiment. Much money has already been invested, and much time has been spent in the introduction of our merchandise into the southern markets; in the establishment of agencies; in the study of the tastes and requirements of the people, and the conditions of the trade; in opening banking connections and credits, and in making the acquaintance of the buyers and consumers in the Latin-American countries and colonies.

This demonstrates that the advantages of the reciprocity arrangements have been recognized and are appreciated by those for whose benefits they were intended, but just now as they are beginning to see the results of their efforts, the majority of this Congress proposes to deprive them of the advantages they enjoy.

A REMARKABLE INCREASE IN THE USE OF THE MAILS.

The following table shows a remarkable increase in the weight of mails dispatched from the United States to Central America and the West Indies since the movement to increase our exports in that direction began:

Weight of letter mails.

Fiscal year.	Mexico and Central America.	West Indies.	South America.	Total.
	Grams.	*Grams.*	*Grams.*	*Grams.*
1885	1,274,869	6,131,428	4,718,625	12,124,922
1886	1,380,925	5,783,715	3,670,402	10,815,042
1887	1,798,566	6,217,231	5,040,574	12,956,471
1888	2,339,953	6,630,161	5,879,271	14,849,385
1889	2,751,076	7,260,761	6,374,454	16,386,291
1890	3,332,821	8,044,164	6,953,443	18,330,410
1891	7,175,411	10,042,020	7,919,943	25,137,374
1892	6,172,094	10,968,993	8,778,188	25,939,275
1893	5,477,476	11,478,084	9,191,900	26,147,460

Weight of printed matter.

Fiscal year ending June 30—	Mexico and Central America.	West Indies.	South America.	Total.
	Grams.	*Grams.*	*Grams.*	*Grams.*
1885	16,751,968	50,905,092	62,504,438	130,164,503
1886	19,455,594	57,070,472	64,933,003	141,459,069
1887	20,360,695	58,436,256	78,856,167	157,653,118
1888	25,611,206	64,085,508	87,509,160	177,205,963
1889	33,702,155	71,990,081	103,876,152	209,568,388
1890	39,037,066	81,703,195	116,148,222	236,888,473
1891	73,441,235	101,446,962	140,647,853	315,536,050
1892	86,884,063	115,186,048	157,132,390	359,202,501
1893	88,740,096	127,824,285	162,715,166	379,280,387

The following tables show the distribution by nations of letters and printed matter dispatched during the fiscal years 1892 and 1893:

Comparison between the years 1892 and 1893, by countries.

Countries.	Letters.		Printed matter.	
	1892.	1893.	1892.	1893.
WEST INDIES.	*Grams.*	*Grams.*	*Grams.*	*Grams.*
Cuba	4,988,306	5,400,644	47,640,718	56,695,788
Windward Islands	1,793,942	----------	20,266,123	----------
Jamaica	1,059,195	1,118,979	12,338,084	14,886,067
Burmuda	945,365	987,980	9,679,035	9,566,760
Haiti	807,740	834,640	6,744,220	7,238,505
Curaçao	457,820	481,495	4,937,185	4,075,570
Puerto Rico	391,100	275,595	4,657,820	2,045,360
Bahamas	333,580	377,910	4,305,981	4,673,210
Santo Domingo	209,280	221,520	4,337,440	4,508,175
Turks Island	32,665	41,200	291,443	433,265
Other West Indies	----------	1,738,121	----------	23,701,555
Total	10,988,993	11,478,084	115,186,048	127,824,285
MEXICO AND CENTRAL AMERICA.				
Mexico	1,777,040	1,143,495	20,411,299	19,027,478
Guatemala	1,154,557	1,159,056	17,037,972	17,692,390
Costa Rica	799,513	1,061,811	15,251,535	17,551,939
Nicaragua	845,781	635,667	10,392,200	9,388,552
Honduras	582,533	432,463	7,147,880	7,198,138
Salvador	729,381	801,985	14,091,763	15,434,063
British Honduras	283,290	242,999	2,551,414	2,447,780
Total	6,172,094	5,477,476	86,884,063	88,740,936
SOUTH AMERICA.				
Brazil	1,796,158	1,757,930	27,288,235	23,815,040
Colombia	1,788,921	1,886,498	35,094,729	37,465,285
Venezuela	1,664,330	1,687,170	22,843,275	21,711,010
Peru	1,026,591	1,058,470	20,356,350	20,232,475
Chile	1,020,591	1,104,414	22,148,969	21,632,493
Argentine Republic	646,429	841,414	14,841,305	18,206,800
Ecuador	455,045	475,151	6,699,750	9,449,807
Uruguay	295,671	211,966	4,054,250	5,331,820
Bolivia	106,800	125,080	3,182,870	3,908,550
Paraguay	14,971	15,177	619,203	724,451
Dutch Guiana	7,015	9,760	2,085	6,225
British Guiana	5,955	18,930	1,360	171,210
Total	8,778,188	9,191,900	157,132,390	162,715,166
Grand total	25,939,275	26,147,460	359,202,501	379,280,387

NO ONE HAS ASKED TO HAVE THESE TREATIES TERMINATED.

I am not aware that any one of these countries with which these arrangements have been negotiated wishes to terminate them, nor has there been any such desire expressed upon the part of any individual or corporation or commercial organization in the United States.

There is no such memorial or petition before this body; nor has any person made any such request or suggestion to the Committee on Finance.

If those who are most interested in this subject were to be consulted they would insist that the reciprocity section and commercial arrangements that have been negotiated under its authority be let alone. They have not come here with their protest, because they know it would be useless to oppose a policy that has been apparent ever since the present Administration came into power. They recognize the purpose of the present Executive and the majority in Congress to cancel or revoke or overthrow, so far as is in their power, every act of the last Administration, whether it refers to the Islands of the Pacific or the Republic of South America, with the same disregard of the honor of the nation, the interests of the people, and the friendly relations of our neighboring states.

THE VALUE OF THE RECIPROCITY ARRANGEMENTS.

It is impossible to measure, as it is useless to conjecture, the value and importance of the reciprocity arrangements. They have been in operation but two or three years, and our merchants have not had time to see the full result of their efforts to introduce their goods into new markets; but it is gratifying to note that wherever commercial conditions have permitted there has been substantial gain in the exports from the United States.

In some cases it has been phenomenal, and can be traced directly to the advantages secured by the treaties and to the invasion of the market by our merchants and manufacturers.

In other countries where financial depression has prevailed a comparison of commercial statistics will show that the export trade of the United States has suffered less than that of any other nation, and that it has been a decided triumph to be able to hold our own. The testimony of all the commercial organizations of Europe, all the commercial publications, all of the diplomatic and consular representatives of the European countries in Central and South America all goes to show the value they place upon the commercial advantage the United States has obtained, and the danger threatened by them to their own commercial interests.

THE OPINION OF AN ENGLISH EXPERT.

Col. Howard Vincent, M. P., who has recently made an extensive tour through South America, in a recent address at Montgomery Hall, Sheffield, England, expressing the opinion of the British commercial community concerning our trade with Brazil, spoke as follows:

For the development of the prodigious resources of Brazil, England has advanced some £100,000,000. Under the settled government of the dethroned and defunct Emperor Pedro it produced a fair return in interest, and a larger one in orders to English workingmen for steel rails, machinery, and railway plant. In 1860 we sold to Brazil twice as much as we bought. Now the tables are turned, and we sell but one-third of what we buy. The trade of Brazil with the world increased 20 per cent between 1880 and 1891, but only 6 per cent with Great Britain. It has still a downward tendency.

The Germans are very strong in the rich province of Rio Grande do Sul. But the United States has become our most formidable opponent. In 1881 they persuaded the credulous young republic to admit their manufactures either free of duty or at a great reduction over ours. The result has been a loss of revenue which has to be made up by an increase of some 50 per cent on the duties on English goods. This puts them at an obvious disadvantage. The only satisfaction is that our cutlery still holds its own. I wish it was possible to say the same of the edge-tool trade—axes, hatchets, picks, nearly all come from America. Beyond question there will be in the near future a reorganization of affairs in Brazil, and it will be necessary for us to take care that it does not take a direction adverse to our commercial interests.

THE ONLY INCREASE IN OUR TRADE LAST YEAR WAS IN THE RECIPROCITY COUNTRIES.

I might call attention in this connection, Mr. President, to the enormous falling off in the exports from the United States to other countries during the same year, and to argue from that that our trade with Europe was a failure because the exports in 1893 were not equal to those of 1891 or 1892, and it is a strong argument in favor of these reciprocity treaties and a greater test of their value upon our trade with the republics and colonies with which they are made. The total exports of the United States in 1892 were $1,030,278,148, while in 1893 they were $847,665,194. The domestic exports to Europe alone fell off $189,106,919; to Oceanica the decrease was $4,300,000; to Asia $3,367,000, while the decrease in our shipments to South America was only $483,000. And the increase of exports from 1892 to 1893 to the countries with which we have reciprocity was $3,560,515, and the increase over 1891 was $16,440,721.

The exports to Austria dropped from $1,527,000 to $571,000; the exports to Belgium from $48,785,000 to $26,740,000; to Denmark from $8,000,000 to $5,000,000; France, $99,000,000 to $46,000,000; Germany, $105,000,000 to $83,000,000; Italy, $14,000,000 to $13,000,000; the Netherlands from $43,000,000 to $38,000,000; Russia from $5,000,000 to $2,000,000; Sweden and Norway from $6,500,000 to $4,000,000; England from $432,000,000 to $361,000,000; Scotland, $42,000,000 to $36,000,000; Ireland, $32,000,000 to $22,000,000; China from $5,000,000 to $3,000,000; Australasia from $11,000,000 to $7,000,000, and to other countries in a corresponding degree. The only countries in the entire list of nations and colonies in the world with which we have commerce that showed an increased exportation from the United States that year were the Azore Islands, Gibraltar, Greece, Portugal, Roumania, Spain, Turkey, Asiatic Russia, Philippine Islands, British Africa, French Africa, Portuguese Africa, the Dominion of Canada, and the Latin-American countries.

REASONS FOR A FALLING OFF IN TRADE.

Nevertheless in all of the Latin-American countries and in the West India Islands, except Cuba, there has been a period of financial and commercial depression unprecedented in its severity and continuance. This was due in Nicaragua, Honduras, and Brazil to revolutionary insurrections which have disturbed the peace, interfered with industries, destroyed confidence, impaired both public and private credit, wasted the fortunes and retarded the prosperity of the people. In other of the republics and in the British colonies there have been an extraordinary succession of poor crops which have reduced the purchasing power of the people, and compelled them to forego many imported luxuries to which they have been accustomed, to postpone private and public improvements, and to reduce the expense of living to correspond with the reduction of their revenue.

All of the southern republics and colonies have also suffered severely from the reduced value of silver, which is there common currency and standard, and a corresponding increase in foreign exchange. The price of labor and production and living has not in any measure decreased. A silver dollar which was worth 90 cents in gold in some of these countries a few years ago, is now worth less than 50 cents in foreign exchange, so that from this cause alone the value of foreign merchandise has been increased to a corresponding degree in all of the southern markets, and the aggregate value of their imports is reduced accordingly.

The English merchants have suffered from this cause, not only in Latin America, but wherever silver money is current. The commercial bodies of Great Britain, particularly those in trade with Cuba, Japan, India, and South America, including the London Chamber of Commerce, the greatest commercial organization in the world, have recently sent a memorial to the Government on this subject. They represent the urgency to be so great as to make necessary the reassembling of the International Monetary Conference, with a view to finding some remedy for the heavy fall and the violent fluctuations in silver which have disturbed the trade of the country beyond calculation.

In 1889 a Mexican silver dollar, which is the standard of value in most of the West Indian colonies, was worth 79 cents; in 1892 it was worth 74.4; on the 1st of January, 1894, it was worth 56 cents, in gold.

The Peruvian sol, the Colombian peso, and the sucre of Ecuador, which were worth 77 cents in 1889, were worth but 51 cents on the 1st of January last, in gold.

In January, 1891, the Brazilian milreis was worth 36 cents in gold; in June, 1893, it was worth only 24 cents, and in March, 1894, but 21 cents.

THE COMMERCIAL TREATY WITH BRAZIL.

The reciprocity arrangement with Brazil for a mutual reduction of duties was the first negotiated, and the first to go into effect, and although that country has been suffering almost continuously ever since from domestic political disturbances, our export trade has not diminished, and our imports have increased to a remarkable degree. The foreign commerce of Brazil is almost entirely controlled by Europeans. The large importing and commission houses are English; the banking capital is English, and the principal newspapers are owned or controlled by Englishmen, so that public sentiment, so far as it can be created or controlled by such influences, is prejudicial to the United States. When the treaty was proposed, and still more when it was promulgated, the British influence in official circles, in the Congress, and in the press was bitter and determined against it.

An attempt was made to have it denounced as unconstitutional. Public meetings were called and addressed by Englishmen to bully the Government and excite the animosities of the people, and every pretext was seized upon to make trouble. Then came a bitter and relentless war of rates, and the natural obstacles to an increased commerce were supplemented by unusual efforts on the part of European merchants to retain a trade that, under the reciprocity arrangements with this country, was seriously threatened. They reduced prices upon merchandise that might be bought in the United States and sold even at a loss, to prevent and frighten competition, and the steamship lines from Europe assisted them by cutting rates of transportation below the limit of profitable traffic. Writing on this subject the United States consul-general at Rio de Janeiro said:

The reduction of transportation rates from Europe seriously interferes with our shipping interests, and charterers can engage vessels on any terms; and they are often indifferent to risks and dispatch. Capt. Roy, of the sailing vessel Cora, is just in with a cargo of coal from Cardiff and was paid 16 shillings a ton only, while in 1888 for the same voyage and a similar cargo he received 29½ shillings, and so with many others.

THE COMMERCIAL DEPRESSION IN BRAZIL.

This was continued until the summer of 1891 when the political revolutions commenced. The financial interests of the country and the foreign trade were the first to feel the changing situation. Public and private enterprises were interrupted and many of them abandoned; foreign capital was withdrawn; banks and mercantile houses failed or went into liquidation; the demand for machinery, railway supplies, and articles of luxury ceased; workingmen were thrown out of employment; merchants found themselves with large stocks of imported goods on their hands, and no customers.

Both the national and State governments were busily occupied in efforts for self-preservation, and the period of the greatest prosperity in Brazil was immediately followed by a period of great financial and commercial depression. Exchange fell rapidly in sympathy with existing conditions. The nominal value of the milreis, the monetary standard in Brazil, is 54 cents in United States gold. In April, 1890, it was quoted at from 48 to 50 cents; in April, 1892, it was as low as 22 and 24 cents, and, as a result, the Brazilian merchant who had paid for his goods with the local money nearly at par, was obliged to sell them when it was at a discount of 50 per cent; and there was no corresponding increase in the milreis price for native products.

In January, 1891, the milreis was worth 44 cents in American money, so that when merchandise was contracted for to be paid in gold or its equivalent, as it always must be, it only required 2¼ milreis to buy a gold dollar. When the time of payment came, six months later, a gold dollar was worth more than 4 milreis, and sometimes 5. Added to this was the uncertainty of future values, so that trade was paralyzed and the importation of foreign merchandize was limited to actual necessities, and the receipts of the Government from duties on imported goods dropped 42 per cent from the total of the previous year.

DISTURBANCE OF TRADE BY THE REVOLUTION.

And conditions have been growing worse instead of better as those who have the newspaper dispatches are aware.

The harbor of Rio de Janeiro, the principal port of the republic, has been practically in a state of blockade for nearly a year, and but for the gallant conduct of Admiral Benham the vessels laden with American merchandise would not have been permitted to unload. As the sympathy of Great Britain has been with the insurgents, her commerce has been almost entirely interrupted, and it was only in February last that Lord Rosebery, the British premier, received the following appeal for protection from the British shipmasters in the port of Rio:

Eighty British shipmasters, with 2,000 British subjects on board, representing £3,000,000 of money in their cargoes, demand, as loyal subjects, immediate protection of life and property in this harbor. Last Monday a British subject was shot dead, being recognized while landing. Appealed to Capt. Lang, the commander of the British fleet at Rio, who would not see us, and sent us to the British minister; minister refused to see us, and referred us back to Capt. Lang.

The same conditions have existed at Santos and Rio Grande do Sul, the two ports next in importance to Rio, which have caused an almost entire stoppage of trade. The following extract from a private letter will show the situation at the first-named place:

The harbor at Santos is filled with vessels, numbering, as I learn from reliable parties, all of two hundred, each awaiting its turn for discharging, which will consume from twelve to eighteen months. The custom-house is literally jammed with goods of all kinds, with lighters lying near filled with produce, many of them for weeks used for storage purpose, S, to the detriment and detention of other discharging vessels. The beach is covered with machinery in a very confused condition, waiting for shipment by rail into the interior.

NOT A FAVORABLE TIME TO TEST THE VALUE OF RECIPROCITY.

The financial condition in Brazil during the last year, Mr. President, has been worse than it can be remembered ever to have been in the past, and it is scarcely necessary to suggest that such conditions have not furnished a fair test of the value of reciprocity arrangements with that country. Yet there has been a notable increase in the exports from the United States.

In 1889 they amounted to $9,351,081; in 1890, the first year of the treaty, they reached $14,120,246; in 1892 they were a little more, and in 1893, the year of the greatest depression and blockaded habors, they were valued at $12,388,124.

Comparing these figures with the exports from Great Britain to Brazil, we find considerable cause for gratification. In 1889 they were valued at $30,161,500; in 1890, at $37,293,140; in 1891, at $41,550,195. In 1892, the first year after the treaty went into effect, they had fallen to $36,562,631.

The French suffered even more. There was very large gain in the trade between France and Brazil about the time of the overthrow of the empire, which was due to the establishment of a new line of steamers between Havre and the Brazilian ports, but since the reciprocity treaty with the United States was consummated all that was gained has been lost and the goods that were bought in France are now purchased in the United States. In 1889 the exports from France to Brazil were 70,132,528 francs; in 1890 they increased to 81,010,705 francs; in 1891 they jumped to 102,934,876 francs; but in 1892 when the effect of the treaty was felt they fell 33,000,000 and were only 69,520,091 francs. The exports from France for 1893 are not yet reported.

It should be said in this connection that the transportation facilities between the United States and Brazil are exclusively in the control of Englishmen, the American line having been discontinued two years ago because of a quarrel between Mr. Huntington and Mr. Rockafeller, the principal owners, and the shipowners discriminate seriously in freight rates against American goods.

TESTIMONY OF A RECENT BRITISH OBSERVER.

Col. Vincent, a member of the Parliament from one of the largest manufacturing districts in England, has recently made a tour of South America in the interest of his constituents, and in response to a request of the Chamber of Commerce of Sheffield, Col. Vincent prepared a memoranda upon British commercial interests in Brazil, in which he said:

The total volume of the British trade with Brazil amounts to over £13,000,000 a year, of which two-thirds consist in purchases in Brazil. This preponderance of import over export on our part is a new feature in the commercial relations between the two countries in the past twelve years, and one unfortunately often duplicated at the present day. In 1880 British exports to Brazil were double the imports thence. In 1890 they still exceed them by 20 per cent. But while the importations from Brazil have quadrupled in the last thirty years British imports have declined. Nor do we find that the whole volume of British trade with the Republic represents so satisfactory an increase as could be desired. While it amounts to about one-fourth of the total external trade of Brazil, British commerce, according to the eminent statistical authority of Mr. Mulhall, has increased 6 per cent between 1880 and 1891, while that of Brazil, with the rest of the world, increased 20 per cent.

In that year, 1891, moreover, the United States of America concluded with Brazil a reciprocity convention well calculated to make the British results

for the next decade still more unsatisfactory. The convention, the first of a series of twelve similar treaties already signed at Washington, a number augmentation of which is now in active negotiation, secured the admission into Brazil on and after April 1, 1891, of fifteen standard articles of American production (including the old British staples of agricultural tools and machinery, mining and mechanical tools and machinery, all machinery for industrial and manufacturing purposes, and all railway construction material equipment), "free" of duty, whether national, State, or municipal, and a reduction of 25 per cent in two thousand other classes of goods "on the tariff then in force or which may hereafter" be adopted. The consideration for this enormous advantage to the United States over Great Britain and the rest of the world was the free admission of Brazilian sugars, molasses, coffee, and hides—articles America could not do without. It is obvious that the advantage of this treaty was and is entirely on the side of the United States of America, and this fact Brazil, in her wild desire to translate the American Constitution into Portuguese, could not then see, but now recognizes too late.

The question for us, though, is not what good this or other reciprocity is likely to do for America, or the other contracting parties, but what harm it is likely and indeed certain to do British trade in the long run; slowly it may be, but not the less surely.

Already in 1892 the Brazilian budget law increased by 60 per cent the duties on cotton and wool manufactures, mainly derived from England, and by 50 or 60 per cent the duty upon other articles of import. It is satisfactory to find that Sheffield cutlery has not as yet been seriously affected. But it holds its own only by enforced cheapness, and that too often means an undue cheapening of wages. Axes, hatchets, picks, and other articles in the manufacture of which we excel, are, however, being obtained from the United States. Whatever the results up to the present time, the undermining of British markets is a matter which requires most careful watching, and it is satisfactory that Mr. Harford, Her Majesty's secretary of legation, is giving close attention to the question in Brazil.

It appears that the American sales to Brazil of cotton goods and manufactures generally have doubled, whilst those of hardware have trebled.

EFFORTS OF AUSTRIA TO GAIN CONCESSIONS.

The Austrian legation at Rio has endeavored in vain to obtain some concessions for flour imported from that country, whose trade was almost annihilated, when, under the reciprocity treaty, American flour was admitted at a greatly reduced duty. Uruguay and the Argentine Republic have also been trying for the last three years to obtain from Brazil a similar concession in favor of their flour on the ground that it is one of the necessaries of life, and that the United States does not supply a sufficient quantity to meet the wants of the people.

The amount of duties remitted by Brazil on the articles imported from the United States under this arrangement averages about $1,400,000.

The exports from the United States to Brazil show a large falling off in wheat, which was due to the attempt on the part of the milling companies of that country to boycot the cereals of the United States, and also to the enormous harvests in the Argentine Republic, which were larger than was ever known before, and could be sold at Rio much below the ruling rate at Chicago or Minneapolis, and for these reasons the exports of wheat fell from 580,127 bushels in 1891 to 63,928 bushels in 1893, but there was a decided increase in the shipments of flour from the United States to Brazil in 1892, which were valued at $4,972,539, as against $3,838,919 for the previous year. The exports of flour for 1893 were valued at $3,647,251, which show a slight falling off due to the revolution and the commercial depression. There was a decided increase in the exports of cotton goods and other manufactured articles.

THE GREAT INCREASE IN TRADE WITH CUBA.

The most direct and profitable result that has come from the reciprocity policy of the last Administration is found in the statistics of our trade with Cuba, for there with the exception of a decreased value of silver and the natural increase in the rate of exchange, all conditions have been normal and favorable for a practical and fair test of its advantages to the agricultural and mechanical interests of the United States.

The commercial arrangement with Spain, acting in behalf of her American colonies, Cuba and Puerto Rico, was concluded June 16, proclaimed August 1, and went partly into effect September 1, 1891. Owing to the existing treaties with other nations it became necessary to adopt a provisional or transitory schedule for the time being, did not have full force until after the 1st of July, 1892.

The foreign commerce of Cuba is much larger in proportion in population of the island than that of most of the nations of the earth. The greater part of the exports have been sent to the United States in the form of sugar, molasses, and tobacco, but we have furnished only a small part of the imports, of which Spain and Great Britain have sold a larger share.

From 1876 to 1891 the people of the United States purchased from Cuba raw products to the amount of $923,888,557. During this time we sold Cuba merchandise to the amount of $188,695,845, leaving a balance of trade against us for the sixteen years amounting to $735,192,512.

Our exports to Cuba have varied but slightly during the last sixteen years, the average being $11,793,490, or $431,398 less than total for 1891. The character of the exports is shown by a very long list comprising nearly everything that enters into the reach of man.

But commencing with 1891, when the commercial arrangement went partially into effect, the increase has been gradual and large in almost every line of merchandise. That year they were a little more than twelve million; in 1892 they had jumped to nearly eighteen millions; and in 1893 they had almost doubled, the total being $24,157,698, or more than twice as much as for any year previous to the negotiation of the treaty. The greatest increase was in flour, which jumped from 114,447 barrels in 1891, to 366,175 in 1892, and 616,406 in 1893. There was also a large increase in other lines of merchandise.

The following table of exports from the United States to Cuba during the fiscal year 1891 and 1893 will show the value of the trade with that country to the farmers and mechanics of the United States:

Articles.	1891.	1893.
Agricultural implements	$55,618	$123,421
Mules	7,935	17,725
Manufactures of brass	25,230	44,150
Breadstuffs:		
Bread and biscuit	17,930	31,650
Corn	120,187	582,050
Corn meal	2,909	4,001
Oats	10,598	24,202
Wheat flour	591,886	2,821,557
All other	31,469	56,272
Bricks, building and fire	11,735	95,489
Broom corn	17,244	23,983
Carriages and horse cars	166,880	316,041
Clocks and watches	11,773	26,551
Coal	682,268	837,218
Copper, manufactures of	29,799	48,656
Cotton goods	101,799	148,788
Cod fish	23,595	98,520
Other fish, including oysters	40,551	72,312
Apples	3,181	45,229
Preserved fruits	11,756	53,210
Other fruits	7,200	28,515
Glass and glassware	67,174	117,870
Hay	18,389	54,791
India-rubber goods	29,354	42,879
Ink	6,931	10,199
Scientific instruments and apparatus	43,935	114,485
Cutlery	4,436	21,094
Builders' hardware	174,622	395,964
Machinery	1,317,256	2,792,050
Nails and spikes	40,069	127,583
Railroad iron	32,249	326,654
Saws and tools	107,291	243,544
Scales and balances	34,788	62,501
Sewing machines	112,319	246,218
Locomotive engines	237,827	418,776
Stationary engines	46,766	130,652
Boilers and parts of engines	181,720	322,284
Wire	715,208	1,664,671
Lamps, chandeliers, etc	29,297	51,389
Boots and shoes	100,733	193,776
Other leather goods	30,202	33,867
Lime and cement	9,032	71,570
Beer in bottles	12,223	32,032
Marble and stone	15,830	77,003
Spirits of turpentine	30,609	33,135
Crude petroleum	280,144	403,310
Illuminating oil	8,502	33,527
Lubricating oil	42,552	77,822
Other oils	7,909	33,414
Paints and painters' colors	23,527	40,143
Plated ware	14,206	20,722
Provisions:		
Beef products	11,760	89,400
Bacon	351,955	556,747
Hams	234,458	761,052
Pickled pork	33,315	59,276
Lard	2,079,534	4,023,917
All other meat products	28,331	81,956
Butter	18,119	49,257
Cheese	12,910	32,494
Milk	17,226	46,347
Soap	6,805	8,519
Stationery	24,557	30,740
Manufactures of straw	6,196	16,177
Candy and confectionery	27,539	35,911
Tin goods	19,319	21,777
Manufactured tobacco	35,154	61,494
Varnish	9,355	17,518
Vegetables:		
Beans and pease	115,930	302,982
Potatoes	168,354	554,153
All other	10,137	31,146
Wood and manufactures of:		
Boards, deals, and planks	604,886	1,058,696
Joists and scantling	15,803	37,232
Shooks	102,647	152,657
Staves and headings	25,492	66,630
All other lumber	18,991	64,746
Household furniture	108,986	217,126
All other manufactures	80,772	154,134
All other articles	130,772	164,448

There was a corresponding decrease in the exports from the European countries to Cuba. The exports from Great Britain fell from $14,546,515 in 1890 to $12,420,395 in 1891, and to $8,390,855 in 1892. The exports from France dropped from 11,671,054

francs in 1890 to 6,626,231 in 1891, and to 4,792,398 francs in 1892. The returns for 1893 have not been received.

THE EFFECT ON THE FLOUR TRADE.

The negotiation of this treaty reduced the price of flour in Cuba nearly one-half. The duty previously was $5.31 a barrel, which, counting the shipping price at New York at $4.80, made it worth on delivery at Havana $11.46. Now you can buy flour at Havana at $6 a barrel, a price that brings it within the reach of the common people, who before the treaty was negotiated could not use it at all.

With regard to the result of canceling this treaty I desire to call attention to a letter which appeared in a recent number of the Washington Post, signed by the Hon. MICHAEL D. HARTER, a Representative in Congress from Ohio, which contains some important information and suggestions for the consideration of the Senate:

THE RESULT OF REVOKING THE TREATY.

Editor Post:

The fear that Spain will increase the duties upon agricultural products and upon manufactured goods going from the United States to Cuba, in case we place a tax upon sugar, is well grounded. A friend just from Havana tells me the merchants there look upon such action as certain. Of course sugar must go upon our tax list for revenue purposes, and the question arises as to how we can get this necessary revenue and yet retain our very valuable Cuban trade. I think it is easily answered.

Put into our tariff laws a provision that will double our tariff taxes upon all goods of every kind produced in any nation or in the colonies or possessions or any nation which may hereafter increase the duties upon articles produced or manufactured in the United States. The equity of such a provision is very plain as our placing of a duty upon sugar is for revenue purposes solely, and in no sense is intended to exclude the productions of any nation. Its effectiveness need not be argued, as it will prove an absolute preventive for the dreaded legislation referred to. The people of Cuba would welcome such a provision as I suggest fully as much as our own farmers and manufacturers.

MICHAEL D. HARTER.

WASHINGTON, *March 16.*

In connection and apropos to this letter of Mr. Harter's, I desire to say that it was my good fortune to spend about a week of the holiday recess of Congress in Cuba, and a large portion of that time in Havana, and can fully confirm what Mr. Harter states as to the sentiments and expressions of the merchants of Havana as to the restoration of duties upon our agricultural products and manufactured goods by the Spanish Government in case of the abrogation and termination on the part of our Government of present treaty relations. Of this there can be no doubt. There can be no reason why Spain will not at once seek to restore the condition of things that existed before the making of this treaty, allowing her to furnish to Cuba very largely both her agricultural products and manufactured goods, of which she was deprived by the terms of this arrangement.

During my visit in Havana I took occasion to look into and investigate, as far as time and opportunity would permit, this question of reciprocal trade between Cuba and the United States as developed under the operations of these treaty relations between the two countries, as well as to the general condition of things in that misgoverned island.

In conversation with American merchants and others doing business in Cuba, I learned that the effects of the commercial relations created by this arrangement had been really remarkable, and increasing in importance and magnitude day by day. The Americans doing business there are more than satisfied with the results. The Cubans are satisfied, and everyone is satisfied excepting Spain itself and the representatives of Germany, France, and other continental countries, who see the trade of the island gradually slipping away from them and finding themselves supplanted by the products of the American farmer and the wares of the American workshop.

I saw upon every hand evidences of all this. In the warehouses I noticed flour in large quantities, with familiar brands of Richmond, St. Louis, Minneapolis, and other flour-manufacturing points. I also saw the bacon and ham, and every description of our pork product, from Illinois, Iowa, and others of the great pork-producing regions of the Northwest. I found also that machinery for the sugar mills and other manufacturing establishments were being imported largely from the United States. I saw also on every hand American carriages, the Concord wagon and the Concord coach, and almost every description of carriages manufactured in this country. In fact, the people of Cuba are fast adapting themselves to the use of different articles of American manufacture, and the sentiment is fast developing to increase this kind of importation and trade.

Mr. President, this question of reciprocal trade is not a new one with the people of Cuba. They have looked forward for many years to a commercial disenthrallment from Spain, and to the establishment of such natural commercial relations as can only be had with this country. The revolution occurring in Cuba a few years since was inspired by the thought, wish, and hope that it might result not only in breaking the political ties that bound it to Spain, but to the establishment of the same character of commercial relations that have grown up under the present reciprocity treaty, looking also to the time when Cuba should become a part of this great Republic and enjoy what it has never had—a permanent and satisfactory form of government.

Cuba, about the fairest and richest spot on this globe, lying as it were at our very door, with natural resources almost without parallel, with a climate nowhere surpassed, has been lying prostrate for centuries at the feet of Spain, groaning under the burdens of taxation and the effects of bad government, that we in this country have never hardly been able to realize.

An island whose people should have been the richest and most prosperous in the world has been reduced almost to beggary by such taxation and bad government. So they have naturally looked forward to some change which would bring relief to them.

As we look back and consider the commercial situation as we now find it, and which has existed for so long a period prior to 1891, it seems to me almost incredible that steps were not sooner taken to relieve this country from the disadvantages of its commercial relations and trade.

While in Havana my attention was called to a letter written to the Brooklyn Eagle, June 5, 1885, by a very prominent and distinguished American gentleman, who had been doing business in Cuba for thirty or more years and a close observer of events, which made a deep impression upon me as not only evidencing the sentiments of Americans doing business in Cuba, but of the native-born Cubans themselves, and more especially the statements of facts made as to the conditions of trade which had existed there for so long a time. The correspondent of the Eagle quoted largely from an article published in the New York Sun, in 1876, which brought out clearly many startling facts which should offer food for reflection to our statesmen who are now seeking to reinstate the same conditions that existed in 1876, 1885, and in fact up to 1891.

Among other things, this article in the Sun called attention to the fact that the United States, in 1875, received over 85 per cent of the total productions of the island of Cuba; 2 per cent only of Cuban exports were sent to Spain, and 13 per cent to other countries. This article of the Sun is so suggestive and replete with information that I feel that I can not do better than to insert a portion of it in this connection:

In the six years from 1869 to 1874, inclusive, the United States imported Cuban goods to the amount of $398,056,631. In the same space we exported to Cuba goods to the amount of only $82,219,621, leaving a balance of trade for the six years against us and to the benefit not of Cuba, but of Spain, of $315,839,040. Had Cuba no wants which our agricultural, manufacturing, and industrial interests could supply, there might be less motive for complaint. But we have a merchant marine which, by Spain's law in Cuba, is almost debarred from entering the ports of the island. Cuba requires annually hundreds of cargoes of beef for her field hands; but Texas and our Northwestern States are prevented by the tariff from supplying it. Millions of pounds of rice are annually consumed in Cuba; but our rice grown in Louisiana, Georgia, and the Carolinas is excluded, and the demand has to be supplied from India via Liverpool to give employment to Spanish shipping, under the protection of the differential tariff above mentioned.

An enormous amount of dry goods is annually consumed in the island, but the high duty on importation of these articles in foreign bottoms and our own navigation law, which retaliates on Spanish vessels, divert a trade, of which we should have a large share, to the manufactures of Catalonia Great Britain, France, and Germany, to the absolute exclusion of our New England manufactures. And yet for the wherewith to pay for this beef, for this rice, for these dry goods, which we are prohibited from supplying, we furnish 85 per cent of the money.

A barrel of flour can be landed in Havana as cheaply as in New York, but here, again, the onerous Spanish tariff steps in, and always to our detriment, for while the Gallican and Catalonian miller is taxed in Cuba on his produce shipped in a Spanish vessel only $2.25 per barrel, our Western agriculturists are excluded by a duty of $5.49 per barrel. These duties, of course, curtail the consumption enormously. In 1874 Cuba consumed only 391,979 barrels of flour, of which less than 60,000 were American. These figures give to the population a per captia consumption of about 56 pounds. Were the absurd fetters which Spain imposes on Cuba and our own trade with her removed, she would furnish us a market for about 300,000 barrels of flour every year. However, as matters stand to-day, the balance of our trade with Cuba shows a loss to us of about $62,000,000 every year.

In 1874 our imports were	$84,327,842
And our exports to Cuba only	21,591,509
And this balance of	62,746,333

We pay for in European goods instead of by a direct exchange of our products with those tropical countries that furnish the United States with sugar, molasses, and coffee. For these latter countries buy their imports from Europe with the proceeds of their exports to the United States. Therefore if this trade could be done by the United States upon terms of direct exchange in addition to this benefit, our Northern cities, principally New York, must become the commercial center from whence all letters of credit connected with this business must issue, and where all bills of exchange based upon this trade must be cleared, instead of at London, as now occurs.

Now, whatever may be said about tobacco and cigars, which in the foregoing table figure only for some $3,000,000, sugar and molasses, which figure in it for over $70,000,000, are indispensable requisites of life. And, as we have within the Union no tropical land adapted for sugar cultivation, Louisiana and Florida being north of the tropic, we are forced to supply our wants from abroad. But, that while we foster slavery and monarchical institutions in a neighboring island, we should be obliged to lose sixty-odd million gold dollars or gold bonds every year, without a chance to pay off our indebtedness with cotton, breadstuffs, dry goods, etc., or any of our leading staples,

is not only ruinous, but absurd. The evil, however, can be remedied by adopting either of the following methods:

First. By annexing tropical territory fit for sugar cultivation.

Second. By reciprocity treaties with nations from which we draw our wants of tropical produce of such a nature as to insure us a market for our cereals, cotton, lumber, iron, coal, and manufactures proportionate to the extent of our imports from such countries.

The first of these, that of annexation of tropical countries, is sure to meet with so much opposition, is so remotely possible, as especially in the case of Cuba, not to be worth discussing. The second, that of obliging nations of whom we buy largely to become customers of ours, is perfectly feasible. Let us adopt our enemy's tactics. Let Congress enact a differential tariff based on Spain's Cuban tariff under which shall be collected 1 cent per pound extra import duty on all sugars and molasses imported from Cuba, Puerto Rico, the Philippine Islands, and all other Spanish possessions.

This measure would produce about $14,000,000 in gold additional revenue without materially increasing the retail price of the article. It would foster our sugar interests in Louisiana and possibly develop what good sugar lands there may be in Southwestern Florida, and every pound of this sugar would be, of course, exchanged for some other article produced by American labor and capital. It would develop the best root-sugar manufacture in the United States as well as in Europe, but all supplies which we might draw from France, Belgium, Russia, or Germany we should be enabled to pay for by correspondingly increased exports of our own productions.

It would ultimately benefit Cuba, because it would kill slavery and would, in the end, benefit Spain herself, because it would oblige her to give up a colony whose possession has long ceased to be profitable to her.

The latest statistics show a large falling off both in imports and exports; consequently the loss in the balance of trade to the United States amounts only to $36,618,617.

In 1884 our imports were	$57,181,49
And our exports to Cuba only	10,562,880
	36,618,617

What the writer in the Sun in 1876 so clearly stated in regard to this situation, has been and is being realized under the operations of the treaty which is now sought to be terminated. He seems to have written almost with the vision of a prophet. He could not, however, have foreseen that there should ever have been an attempt on the part of this Government to deliberately throw away all the benefits arising from a policy which he so strongly and ably advocated.

COMMERCE WITH PUERTO RICO.

The financial condition of Puerto Rico since the reciprocity agreement went into effect on the 1st of September, 1891, has not been favorable to an increase of trade. The sugar crop for the first year was a partial failure, which reduced the purchasing power of the people, and created a general depression throughout the colony, and the low price of silver was felt as much as anywhere else. The Mexican dollar, which is the standard of value in Puerto Rico, dropped from 79 to 56 cents. The importing merchant is required to pay gold prices for his goods in New York, but must sell them at silver prices to his customers in Puerto Rico, which is equivalent to a nominal advance of 20 or 25 per cent in the cost of everything entering into the consumption of the people, without any corresponding increase in the incomes of the rich or the wages of the poor.

Our commerce with Puerto Rico for the last twenty years has remained nearly stationary. Our imports from the colony vary from three to five millions a year, and our exports average annually about two millions; but notwithstanding the depressing conditions, there has been a slight increase in the exports from the United States since the reciprocity agreement went into effect, as will be shown by the following:

Statement of exports of principal articles from the United States to Puerto Rico for the years 1891, 1892, and 1893.

Articles.	1891.	1892.	1893.
Books and other printed matter	$1,586	$2,024	$1,950
Bread and biscuit	27,806	38,787	22,768
Corn and cornmeal	31,479	57,843	57,679
Wheat flour	668,828	856,561	733,308
All other breadstuff	20,762	29,569	23,301
Chemicals, drugs, and medicines	53,804	68,302	52,571
Fish preserved	6,550	12,306	6,959
Glass and glassware	10,043	19,422	12,101
Machinery	18,987	29,023	50,389
Jewelry, etc	9,626	18,545	18,337
Malt liquors	5,193	8,638	8,254
Refined petroleum	8,966	64,219	40,927
Hams	27,617	60,164	90,754
Pickled pork	226,311	201,731	282,960
Lard	237,693	324,976	306,809
Stationery	5,037	5,528	7,319
Vegetables	12,357	80,343	23,635
Wood, and manufactures of, boards, deals, planks, etc	189,685	293,621	262,297
All other articles	60,554	104,007	111,603
Total	2,112,234	2,808,631	2,503,789

EXPORTS TO THE CENTRAL AMERICAN COUNTRIES.

The exports of merchandise from the United States to the five countries of Central America increased from $5,296,478 in 1890 to $6,813,316 in 1891, and $6,122,046 in 1892, and to $5,522,586 in 1893, although the revolutions in Nicaragua and Honduras caused a considerable falling off in our exports to those countries in 1892 and 1893, and the entire trade suffered severely from the low price of silver.

But the exports from Great Britain to those countries showed an even larger decrease, being $6,027,445 in 1891 and only $4,326,615 in 1892, a falling off of $1,700,830.

The exports from Germany and France to Central America at the same time showed also a decided falling off.

RESULT OF THE TREATY WITH SANTO DOMINGO.

The condition in Santo Domingo for the two years since the commercial arrangement was negotiated has been worse than in in any other country in the list. There have been short sugar crops, and the great scarcity of money and a general business depression in consequence, which was further increased by a general commercial crisis, which extended all over the island, resulting from imprudent speculation, which injured the credit and consequently the ability of some of the most prominent houses of Santo Domingo which had previously been the largest purchasers in our markets. But the falling off in the exports to that country from the United States was not nearly so great as from the countries in Europe, which demonstrates that the reciprocity treaty, notwithstanding the apparent decrease in trade, was beneficial and made the loss in our trade less in proportion to that suffered by other countries that did not have this advantage.

The exports of domestic merchandise in 1891, the year when the treaty went into effect, were valued at $1,986,826. In 1892, the first year they were in force, they were $984,188, while in 1893 they showed a small increase of $1,108,733.

At the same time there was a decrease in the imports from Great Britain from $2,641,775 in 1890 to $1,239,855 in 1892. The returns for 1893 have not been received.

There was a decrease in the imports from France from 13,474,000 francs in 1891 to 8,791,000 francs in 1892, and the exports of Germany fell from 2,368,000 marks in 1891 to 1,438,000 marks in 1892, so that the United States fared very well in comparison with other countries, which is doubtless due to the favorable effect of the reciprocity agreement. What little increase there has been in our trade with Santo Domingo was in manufactured goods, chiefly wearing apparel, but there was some also in machinery, manufactures of iron and steel, paper and stationery, and in pork and other meat products.

EXPORTS TO THE BRITISH COLONIES.

The British Colonies in the West Indies have suffered severely from poor sugar crops and the low price of silver, and the exports from the United States show a small decrease, from $9,779,138 in 1891, to $8,044,846 in 1893, but Great Britain suffered more in her trade with her own colonies than did the United States, for her exports fell from $15,510,230 in 1891, to $11,521,745 in 1892. The exports from Germany to the British West Indies dropped from 1,653,000 marks to 1,099,900 marks during the same period. The falling off in the exports to the British West Indies was mostly in manufactured articles and machinery, there being an encouraging increase in nearly all agricultural products.

THE TREATY WITH BRITISH GUIANA.

There seems to have been a slight increase in our exports to British Guiana, the total value in 1891 being $1,858,742, which increased in the year 1892 to $1,933,299, and in 1893 to $2,000,675. The principal increase was in agricultural products and lumber.

At the same time the exports from Great Britain to her own colony of British Guiana dropped from $4,481,965 in 1891 to $3,761,375 in 1892, a decrease of $720,590.

THE TREATY WITH THE GERMAN EMPIRE.

In many respects the most important of the several commercial arrangements negotiated by the last Administration under the authority of the reciprocity section of the McKinley act was that with the German Empire. By this the embargo that had been placed upon American pork products in 1880 was removed, a number of agricultural products were admitted free, and many more at a greatly reduced rate of duty.

Bran, flax, hides, wool, and many other articles are now free. The duty on wheat and rye was reduced from 5 marks to 3.50 marks per 100 kilos; oats from 4 to 2.80 marks; corn from 2 to 1.60 marks; hops from 20 to 14 marks; butter and oleomargarine from 20 to 17 marks; pork from 20 to 17 marks, and all other kinds of meat from 20 to 15 marks; all forms of flour and other mill products from 10.50 to 7.30 marks; and so on through the list.

In exchange for this the United States agreed to admit the beet-root sugar of Germany into this country free of duty.

The result has been a large increase in the exports to Ger-

many of the articles affected by the treaty, as the following table will show:

Articles.	1891.	1892.	1893.
Agricultural implements	$233,781	$292,020	$377,735
Corn	2,042,404	7,481,125	2,794,689
Rye	116,664	3,759,584	217,782
Wheat	295,953	7,842,902	2,569,261
Wheat flour	41,039	236,519	1,011,385
Casings for sausages	235,575	336,419	537,526
Ingots of copper	399,876	902,217	580,007
Fertilizers	380,784	738,424	1,423,455
Dried apples	100,861	393,566	210,140
Oil cake	1,182,041	2,138,998	2,328,169
Cotton-seed oil	168,075	403,769	536,587
Beef, canned	593,034	476,381	829,652
Bacon and hams	578,408	1,512,286	825,456
Distilled spirits	189,365	763,134	1,495,557
Unmanufactured tobacco	3,757,770	3,947,405	4,694,012
Lumber:			
Boards, deals, planks, joist	262,089	297,390	343,702
Timber	560,422	406,244	627,418
All other articles	1,400,459	1,745,992	1,855,740

It should be remarked that the year 1892 was remarkable for the failure of corn and wheat crops in Europe, so that the increased exportation of those articles from the United States to Germany was unnatural.

THE RESULT OF ABROGATING THE TREATIES.

It is evident that the framers of this bill in their great haste to repeal Republican legislation have not stopped to consider all the results of their impetuosity. The commercial arrangements which were entered into by the United States under the authority of section 3 of what is familiarly known as the McKinley law, are solemn compacts between this and friendly nations which can not be carelessly kicked aside like a memorial from a legislature or an appeal from some domestic industry whose prosperity is threatened. They have the sanctity of formal treaties, and if they are to be terminated it should be done without national dishonor.

There must be good reasons to show why this Government desires to withdraw from such compacts, and asks to be released from its obligations. I take the liberty to suggest that the honor and the dignity of this country is too precious to be forfeited, and that if it be determined to withdraw from these arrangements, that the act be done according to custom of civilized nations, and that the bill be so amended as to authorize the President to give some good reason for the desire of the United States to terminate them. Such a method would preserve the honor of the nation, even if the act would be a serious blow to the commerce they have done so much to encourage and promote.

I can recall but one instance where a treaty between the United States and a foreign government was terminated or interfered with by legislation, and that was the passage of the exclusion law in violation of our treaty stipulations with China.

Such an offense as is proposed by this measure, as it came to the Senate, if committed by an individual or a corporation, would be followed by a suit for damages in court, but when committed by one nation against another the usual recourse is a declaration of war or commercial retaliation. It is impossible to predict what may occur should these arrangements be abrogated, but the result will certainly not enhance the credit of the United States among nations, nor promote our commercial welfare.

The commercial arrangements with Brazil and other republics of Central and South America were made by them as an expression of their friendly sympathy and desire for closer commercial relations, against a powerful influence exerted by the nations of Europe which had hitherto monopolized their trade, and in certain cases in the face of formal protests against the discrimination extended in favor of the imports of the United States. The arrangements with the British and Spanish colonies were initiated without the encouragement or approval of the home governments, who finally gave their indorsement with the greatest reluctance. Each agreement bears the stamp of favor which would not have been extended to any nation but the United States, and now we propose to reward this friendly disposition with an insolent indifference to their welfare as well as our own.

THE RESULT OF THE GERMAN TREATY.

The arrangement with Germany was the culmination of negotiations that extended over a long period of years by which we endeavored to secure the removal of an embargo that had been imposed upon one of our principal products; one for which the farmers of the Northwest feel the need of a foreign market as much as for any other commodity they produce. For more than ten years prior to the passage of the tariff act of 1890 American pork had been the object of the most unjust discrimination in Europe, and on account of the prohibitive or severely restrictive laws it had been practically excluded from most of the countries of the Continent. Notwithstanding the earnest and repeated efforts of our diplomatic representatives to secure a repeal or modification of these unjust laws, at the date of the passage of the tariff act of 1890 they remained in full force, to the great detriment of the export trade in this important agricultural product.

The adoption of the reciprocity provision conferred upon the President such ample powers of discrimination in commerce that he was soon enabled through negotiation to not only secure a removal of the prohibition against the importation of pork, but to obtain important concessions for American agricultural and other products in some of the leading nations of Europe. The first of these was negotiated with the German Empire. This was followed by a reciprocity arrangement with Austria-Hungary by which American products are admitted to the same favors as those granted by the commercial treaties made with Germany, Italy, and other countries.

And we are now proposing to revoke and abrogate that arrangement without even saying "by your leave." But no member of the committee seems to have thought it of any importance to ask what Germany, or Austria, or Brazil, or Spain will think or do.

By this act we restore the duty upon sugar. That includes the beet sugar of Germany, which under the compact of February 1, 1892, we agreed to admit free to our ports. In 1892 we took 173,000,000 pounds of sugar from Germany, and in 1893 we took 325,000,000 pounds. Will Germany see that trade cut off without some form of retaliation? Will the embargo upon American pork be restord, and if so, how will this Congress excuse itself to the farmers of the Northwest for depriving them them of a profitable market?

WHAT WILL GERMANY DO IN RETALIATION?

The Chicago Record of recent date contained an interview between the Washington correspondent of that paper and the Hon. John A. Kasson, formerly minister to Germany and Austria, who is recognized not only as one of the most learned students of international law, but also as one of the most experienced and skillful diplomatists in this country. Mr. Kasson was asked to explain in terms his views of the effect of the Wilson tariff bill as reported to the House upon the reciprocity arrangements made by the last Administration. He said:

"Section 56 of the Wilson bill repeals all acts and parts of acts inconsistent with the provisions of this act. It also declares that the repeal of existing laws or modifications thereof 'shall not affect any act done or any right accruing or accrued' before the said repeal or modification, but all rights and liabilities shall continue as if the act had not been repealed. On the other hand, the Wilson report on the tariff bill declares the purpose of the bill to be 'to repeal in toto section 3 of the tariff act of October 1, 1890, called its reciprocity provision.'

"From these declarations it would appear that, so far as the Wilson act imposes duties upon articles made free under the McKinley act and in our commercial arrangements under section 3 of that act, it does operate to repeal not only the reciprocity clause of the McKinley act, but also to annul the arrangements made with foreign countries under it. Against this view, however, is the saving clause I have quoted from section 56, which is the repealing section of the Wilson bill.

"Taking the report and the provisions of section 56 together, they indicate some confusion in the minds of the framers of the bill, both as to what they can do and what they have done with the international arrangements established under the reciprocity clause of the McKinley act. Inasmuch as the commercial arrangements of reciprocity were 'acts done and rights accrued' prior to this repeal, it might be construed in court that it is the intention of the Wilson bill to exempt from repeal these reciprocal arrangements with foreign countries. It leaves an impression on my mind that the committee hardly knew what they embraced in the repeal and exemptions provided for in section 56."

"Is that the usual way of terminating a treaty or an arrangement with a foreign country?"

"No; very far from it. I know of no case in our history in which Congress has boldly trampled upon any international treaty of the United States and nullified it, except its discreditable conduct toward China. In every other instance throughout history, so far as I remember, treaties have been terminated in the manner provided for by their own provisions or through other regular diplomatic actions."

THE RIGHT TO TERMINATE TREATIES.

"Has Congress, under the Constitution, the right to terminate treaties in this way?"

"That represents a question which was finally solved by the Supreme Court of the United States—the question of reconciling the legislative power of Congress with the treaty-making power of the Executive and Senate. It was finally settled by the Supreme Court that treaties made in pursuance of the powers granted by the Constitution were the supreme law of the land, like constitutional acts of Congress. At the same time it was decided that Congress had the constitutional power, within the limits of constitutional action, to make provisions which might nullify the treaty. That is to say, in substance, that the latest exercise of power controls the former. If, however, a treaty is violated, the action of Congress in no manner exempts the Government from its responsibilities to a foreign nation. The foreign government has then its claim for damages and its right of war to satisfy its demands for violation of the treaty."

"What would be the impression conveyed to foreign governments if the United States should violate its treaties by such methods?"

"From the earliest times the violation of an international compact by one party to it has been considered an act of dishonor, and orators describe such insulting action by borrowing from the old Roman the term 'Punic faith.'"

"Would Germany and Austria be more likely to take offense at such action than China?"

"Undoubtedly. That is to say, they would be likely to take more prompt action."

"In retaliation?"

"I should say yes, if the injury to their interests seemed to require it, but I am still not clear that the intention of the bill is to nullify these existing arrangements other than by the methods provided in the arrangements themselves."

GERMANY AND AUSTRIA WOULD ACT PROMPTLY.

"You are familiar with the commercial arrangements with Germany under which the removal of the embargo upon American pork, the decree of the German Government of March 6, 1883, was revoked as a consideration for our removal of the duty upon German sugar. What effect would the revocation of that commercial arrangement have upon our trade with Germany, speaking from your experience and knowledge of that country?"

"I can only say that both in Germany and Austria-Hungary there is widespead jealousy among the people of American agricultural products which compete with their own. As far back as fifteen years ago I was called upon at the legation in Vienna by a representative of the local press, who said to me that there was great alarm in a certain rural district of Austria over the report that the United States Government was about to establish an agency near them for the introduction of American pork and other food products. He added that there was great excitement on the subject, and desired me to inform him if there was any truth in the report. This same feeling of apprehension is so general in the two countries named that either government would be supported by popular sentiment in any action it would take for the embarrassment of our export trade in those articles, and that leads me to think that they would seize any provocation which might justify them in restoring their hostile enactments. The revocation of the decree prohibiting the importation of American pork into Germany was the consummation of many years' difficult diplomatic negotiations and could not have been secured without offering to Germany the important concessions in favor of beet sugar, which the reciprocity clause of the McKinley act enabled our Government to make."

THE TRADE OF GERMANY WITH OTHER AGRICULTURAL NATIONS.

A reciprocity treaty has recently been concluded between Germany and Roumania under which the agricultural products of the latter country are to be admitted into the empire at the rate of duty now imposed upon such products from the United States, and a similar treaty with Russia was recently ratified by the Reichstag.

Germany is not an agricultural country, but a great majority of the people are engaged in mechanical industries and must purchase the larger part of their food products abroad. The population is rapidly increasing, and with the most abundant harvests the supply of bread and meat will always be insufficient for the wants of the people.

Since the negotiation of the reciprocity arrangement with the United States efforts have been made, under the direction of the Agricultural Department, to introduce our cereal products into more extensive use among the people with encouraging success; but the United States will always be handicapped in her trade by the fact that Germany is surrounded by the largest grain-producing countries in Europe, which can get their products to her market without the expense of long ocean voyages and the several handlings at the ports of departure and arrival. The commercial relations between her people and her neighbors are of long standing, and their business methods are better understood than ours. This natural disadvantage can only be overcome by the most skillful diplomatic negotiations on the part of our Government and by the heartiest enterprise and energy of American exporters. But if the reciprocity arrangement now existing with Germany is revoked that market will be entirely destroyed.

The value of that market is shown by the fact that the exports of maize to Germany in the year 1891 were valued at $2,042,404; in 1892, the first year after the treaty took effect, the exports were $7,481,125, while for 1893 they were $2,794,689.

At the same time the exports of maize from Belgium into Germany fell from $171,493 in 1891 to $59,222 in 1892, and from Russia from $995,397 in 1891 to $269,384 in 1892, while from Roumania the exports were $608,102 in 1891 and $620,915 in 1892.

In 1891 the United States furnished 28½ per cent of all the maize imported into Germany; in 1892 it furnished 62½ per cent.

In 1891 we furnished Germany $7,048,606 worth of lard; in 1892, $7,722,727, and in 1893, $6,429,211 worth.

MEAT CATTLE.

The following statement shows the imports of meat cattle into Germany for the years 1891, 1892, and nine months of 1893:

From—	1891.	1892.	*1893.
Belgium	2,873	4,931	771
Denmark	11,786	7,492	12,718
France	3,385	891	998
Great Britain	10,270	4,175	4,739
Netherlands	14,870	3,486	5,516
Austria-Hungary	10,259	3,825	12,717
Russia	32,158	7,813	17,107
United States	82,561	121,430	60,407
Total	173,336	157,897	121,712

*Nine months.

Which shows that the share furnished by the United States sprang from 32 per cent in 1891 to 77 per cent in 1892.

IMPORTS OF WHEAT INTO GERMANY.

The importations of wheat into Germany from the United States have enormously increased. The following table will show the comparative exports of wheat from various countries into Germany for the years 1891 and 1892, and for the first nine months in 1893:

Exports of wheat from various countries into Germany.

From—	1891.	1892.	*1893.
	Bushels.	*Bushels.*	*Bushels.*
Belgium	377,148	250,165	53,679
Bulgaria		534,727	156,935
Netherlands	277,391	86,206	13,350
Austria-Hungary	751,581	456,730	192,960
Roumania	428,529	917,850	1,202,390
Russia	5,155,870	2,572,991	159,657
Servia		135,390	56,544
Turkey		202,781	34,074
British India (East)	242,144	509,081	23,634
Argentine Republic	123,970	661,697	1,296,187
Brazil	13,471	1,514	
British North America		117,190	32,268
Chile		130,436	30,870
British Australia		8,713	2
United States	1,446,781	6,302,130	2,855,816
Total	9,067,610	12,962,126	6,125,525

*First nine months.

THE IMPORTS OF RYE INTO GERMANY.

The imports of rye into Germany show an increase. In 1891 the United States furnished only 7 per cent; in 1892 it furnished 25 per cent. There was a general falling off in imports from all the other nations, and a very large increase from the United States. The following table shows a comparison of exports of rye for the years 1891 and 1892:

From—	1891.	1892.
	Bushels.	*Bushels.*
Belgium	148,443	139,151
Bulgaria		274,279
France	182,967	460,080
Netherlands	189,511	48,258
Austria-Hungary	289,270	343,576
Roumania	233,000	268,176
Russia	6,187,775	1,233,774
Servia		93,525
Turkey		861,132
British North America		20,468
United States	642,222	1,361,291

RECIPROCITY THE POPULAR POLICY IN EUROPE.

The commercial policy of the leading nations of Europe has recently adopted reciprocity treaties as the most satisfactory and equitable method of regulating international trade, and promoting an interchange of peculiar products, but they were not general, in fact were almost unknown until the late President Arthur inaugurated the policy in the United States by the negotiation of such arrangements with Mexico, Santo Domingo, and with Spain for her colonies of Cuba and Puerto Rico.

Germany has made or is making treaties with all the countries with which she has commercial relations, for the purpose of extending her export trade in machinery and manufactured merchandise, and cheapening the cost of food to her people by a reduction of duties. She has reciprocity arrangements with Australia, Italy, Roumania, and other countries, besides the United States, and on the 11th of March, after a most exciting debate in the Reichstag a treaty with Russia, which will admit the wheat and flour of the latter Empire at the same rate of duty as that imposed upon similar articles from the United States. To abrogate our treaty with Germany, and restore her old duties upon wheat, corn, rye, barley from this country would stop instantly and for ever all exports of breadstuff and provisions from the United States, as it would forbid competition with the grain of Russia, Austria, Hungary, and Roumania.

In view of the treaty recently consummated between Russia and Germany, under the provisions of which the breadstuffs of Russia are to be imported into Germany on the same terms as are conceded to the United States under our present treaty relations, the situation in Germany will become more serious and embarrassing.

My attention has been called to the report of our consul-general, Mr. Frank H. Mason, at Frankfort, one of the most intelligent, thoughtful, and in every way valuable members in our whole consular service, in which he takes up this entire question of the Russian treaty and its effect upon importations from

the United States, to which I desire to call the attention of the Senate at this time, and which I will ask to have read.

AMERICAN BREADSTUFFS AND THE RUSSO-GERMAN COMMERCIAL TREATY.

The pending treaty of commerce between Germany and Russia was signed by the commissioners representing both governments and published on the 10th of February. Although it has yet to be debated and ratified by the German Parliament, the attitude of the Imperial Government and the popular expression of commercial sentiment are so strongly in its favor that its adoption in substantially its published form would seem so probable that it may be interesting to inquire what effect the new conditions are likely to have upon the future export of American products, and notably breadstuffs, to Germany.

The present situation has been repeatedly described in previous reports of this series, but for convenience of deduction the rates of duty on imported breadstuffs may be concisely stated.

Previous to February 1, 1892, German imports of American and Russian wheat and rye were subject to the same general rates of duty—$1.19 per 100 kilograms, or $11.90 per metric ton of 2,240 pounds. The duty on flour of wheat or rye from both countries was $2.50 per 100 kilograms, or $25 per ton.

But on the date just named the United States were placed by treaty with Germany in the class of most-favored nations, so that thenceforward the duties on American wheat and rye were reduced to $8.33 and on flour to $17.30 per ton. Meanwhile similar imports from Russia continued to pay the general or standard duties as above stated until the 1st of August, 1893, when, in consequence of disagreements between the two governments, the rates of duty on all imports from Russia into Germany were summarily raised 50 per cent and became, respectively, $17.85 per ton on wheat and rye and $37.50 per ton on flour. Since August last there have been in force, therefore, three rates of duty on wheat and flour imports to this country, viz, the minimum rate accorded to most-favored nations, the standard rate applicable to breadstuffs from countries which enjoy no special treaty privileges, and finally the retaliatory maximum rate applicable to imports of Russian origin.

The new commercial treaty between Germany and Russia sweeps away all these discriminations, secures to imports from Russia the minimum tariff conceded to most-favored nations, and thus puts that country upon an equal footing with the United States in all that relates to their freedom of access to the markets of Germany. The effects of these changed conditions when applied to the whole list of imports are too remote and wide reaching to be yet estimated; but in respect to breadstuffs, the most important item of competition, there are certain results which may be already foreseen.

The basis for such a study is the record of German imports of wheat and rye during the past twenty-one years, a period which extends several years beyond the first enactment of grain duties in 1879 and includes the several changes and amendments to which those duties have been subject. The table following shows the total imports, in metric tons, of wheat and rye during each year since 1872, the average price in dollars per ton of each kind of grain in the Berlin market, and the various changes which have been made in the grain duties during the entire period.

A glance at these statistics will reveal several highly interesting facts: First, that there is in Germany, even during the years of most abundant harvests, a large deficit in breadstuffs which has to be filled by importation; second, that this deficit, although modified by various fluctuating influences, is, on the whole, increasing in close proportion to the growth of population; third, that the highest market values of wheat and rye at Berlin were in 1873, when both grains were imported free of duty, and the lowest values have been touched during the past year, when the highest duties were in force, so that the duties enacted at the demand of the agricultural class for the purpose of keeping up local values have failed to accomplish that result, for the obvious reason that the values of breadstuffs are governed in Germany, as elsewhere, by the world's grain market, and not by local conditions; fourth, that the highest total import—2,835,000 tons—was reached in 1879, the first year of the duty on wheat and rye, while the lowest was in 1886, when prices of both grains were considerably lower than in 1879; and finally, that, contrary to the rule of twenty years ago, the imports of wheat now far exceed in volume those of rye.

Years.	Total imports.		Average price per ton in Berlin.		Duty rate.
	Wheat.	Rye.	Wheat.	Rye.	
	Tons.	*Tons.*			
1873	366,000	720,000	$62.83	$45.69	Free.
1874	408,000	950,000	57.12	47.12	Do.
1875	499,000	700,000	46.64	39.50	Do.
1876	685,000	1,100,000	49.98	41.41	Do.
1877	940,000	1,190,000	54.74	42.12	Do.
1878	1,069,000	945,000	48.07	34.03	Do.
1879	915,000	1,470,000	49.26	34.51	$2.38 per ton.
1880	227,600	689,600	54.62	46.41	Do.
1881	361,900	875,500	54.74	48.55	Do.
1882	687,200	958,300	51.64	38.79	Do.
1883	641,900	777,000	45.93	35.98	Do.
1884	754,500	961,600	41.88	35.70	Do.
1885	782,400	769,700	39.98	34.74	$7.14 per ton.
1886	273,300	945,300	39.59	32.13	Do.
1887	547,300	638,500	40.69	30.22	$11.90 per ton.
1888	339,800	652,800	42.84	32.60	Do.
1889	516,900	1,059,700	44.77	36.65	Do.
1890	887,952	876,200	46.86	39.98	Do.
1891	896,836	842,700	53.76	49.26	$8.33 and $11.90 per ton.
1892	1,271,951	548,600	45.22	39.50	Do.
1893	703,453	227,577	36.17	31.89	$8.33, $11.90, and $17.85 per ton.

The principal opposition which the pending treaty with Russia has encountered in Germany has come from the agricultural classes, who assert that its adoption will be the final blow to the grain-growing interest in this country, and that, with the gates open to all principal grain-exporting countries at uniform and moderate rates of duty, the German farmers, with their high-priced land that must be constantly fertilized to remain productive, will no longer be able to maintain the competition.

However this may be, the fact seems obvious that under any conditions that are likely to prevail Germany will continue to need a large annual supply of imported cereals, and that these will continue to be furnished by the countries which have the most ready communications with Bremen, Hamburg, and Rotterdam, and which are able to produce and deliver wheat and rye most cheaply in the German markets. The interesting question is, where will the United States stand in this competition with Russia as an equally favored rival and with India, Uruguay, and the Argentine Republic steadily increasing their area of wheat culture and their surplus production? The imports of the year just ended, when the prices of wheat and rye have touched the lowest figures known during the present generation, have a pertinent interest in this connection.

Imports from—	Wheat.	Rye.	Flour.
	Tons.	*Tons.*	*Tons.*
Belgium	6,761	6,243	440
Bulgaria	17,975	18,968	.....
Denmark	1,206	356	.....
Great Britain	152	.....	.....
France	.....	5,715	.....
Netherlands	1,742	2,634	.....
Austria-Hungary	23,783	383	21,252
Roumania	143,577	52,740	.....
Russia	21,636	99,235	437
Servia	5,848	2,375	80
Turkey	3,407	19,374	.....
British India	2,716	.....	.....
Portugal	.....	158	.....
Argentine Republic	151,396	.....	.....
British America	3,226	215	.....
Chile	3,548	.....	.....
United States	314,928	18,194	4,196
Other countries	2,353	1,124	489
Total	703,453	227,577	26,894

During the past year, therefore, with Russia crippled during five months by an all but prohibitory tariff, the United States furnished nearly one-half of all the wheat, about one-twelfth of the rye, and about one-sixth of the flour imported to Germany from all countries.

The practical question is, how serious will be the competition of Russia in these and other staple products should the pending treaty restore her to commercial advantages equal to those of the United States? Russia will, from the day that the new treaty takes effect, resume her old position as the source of supply of nine-tenths of the foreign rye used by Germany. The same will be true, in a greater or less degree, of raw flax, certain kinds of lumber and timber, lubricating oils, barley, flaxseed, and a number of animal and mineral products, in all of which the fields, forests, and mines of Russia supplement naturally and irresistibly the manufactures of Germany. Rye is the principal bread material for the Russian as well as the German peasant, and in the production of that cereal Russia need fear no competition.

With regard to wheat, the problem is much more complicated, for the reason, among others, that not only Russia, but India, Australia, the Argentine Republic, and Uruguay will have to be taken into account. To raise and deliver a bushel of wheat in the United States costs, according to official estimates, about 50 cents. In India the cost per bushel is stated to be 35 cents, and the danger from that quarter is measured only by the limit to which the area of culture can be extended. In South America this point is not known to have been accurately determined, nor are the statistics of wheat export from Chile, Urugury, and the Argentine Republic generally accepted as trustworthy. But enough is known to warrant the belief that the wheat crop of India and South America is nearly, if not quite, equal to that of the United States, and in the Argentine Republic at least the area of cultivation is susceptible of indefinite extension.

In 1891, when wheat imports from Russia and the United States were subject to the same standard duty of $11.90 per ton, the total importation of Russian wheat into Germany amounted to 515,587 tons, against 144,678 tons from the United States.

In 1892 the duty on American wheat was reduced from February 1 to $8.33 per ton, and by reason of this advantage and less favorable crops in Russia, wheat imports from the United States to Germany rose to 630,213 tons, while those from Russia declined to 237,991 tons.

In 1893, as we have seen, the disadvantage of Russia was still further increased by the tariff war, which from the 1st of August raised the German import duty on Russian wheat to $17.85 per ton, or more than double the duty rate on wheat from the United States, Austria-Hungary, Roumania, and other most favored nations. Under these conditions our country contributed 314,928 tons of wheat, and 4,196 tons of flour to Germany, while Russia furnished only 21,636 tons of wheat, and 437 tons of flour.

During these years American wheat has been introduced throughout a large portion of the German Empire, where its qualities are now well understood and generally liked. While the restoration of Russia to reciprocal advantages will create a new and strong competiton for the German market, America will still find here a fair field and equal favor. The result of the competition will be another example of "the survival of the fittest."

FRANK H. MASON,
Consul-General.

FRANKFORT, *February 16, 1894.*

The same result will follow the abrogation of the treaty with Spain in the Cuban trade, and if the treaty with Brazil is terminated the wheat and flour of Uruguay and the Argentine Republic will drive ours out of the market. But, as I have said, reciprocity is now considered the most practical and popular policy in Europe, and the statesmen of that continent are wondering at the shortsightedness of the present Administration of the United States in trying to destroy what its predecessors had been so successful in building up.

Great Britain has recently made an important treaty with Spain, under which Spanish wines and Cuban tobacco are to be admitted at reduced rates of duty into the ports of the United Kingdom and the colonies, in exchange for which Spain reduced her tariff upon a large variety of manufactured merchandise from England. They include every form of household articles of iron and steel, cotton and linen fabrics, and yarn of all kind; woolen and silk goods, hats, boots and shoes, watches and jewelry, agricultural machinery and implements, mining and mechanical machinery, railway supplies, condensed milk, various forms of preserved food products, rubber goods, etc.

Besides her treaty with Great Britain, Spain has also recently made reciprocity treaties with the Netherlands, Belgium,

Switzerland, and Sweden and Norway, and it is a common rumor among diplomatic circles of Europe that a similar treaty with Germany is now in progress of negotiation.

The treaty with Sweden and Norway is of the greatest importance to us, as it provides for the admission of codfish and lumber into Cuba and Puerto Rico under the same terms as if they came from the United States, and if our treaty with Spain be annulled we should lose this trade entirely.

Russia has also adopted the reciprocity policy, and in addition to the treaty with Germany, which is now pending ratification, has recently made one with France which will seriously affect the sale of our refined petroleum in the latter country, and Russia admits free and at a discriminating rate of duty all sorts of merchandise from France in exchange for this concession.

NO ONE HAS ASKED THE TERMINATION OF THE TREATIES.

But I have not learned, Mr. President, by any of the methods which public opinion is in the habit of expressing itself in this country, that there is any desire on the part of any person, or corporation, or community for the abrogation or termination of these reciprocity arrangements. I challenge any Senator upon this floor or any Representative of the people in the other House of Congress to produce or refer to any petition or memorial, or resolution, or even a private communication asking such legislation as is proposed.

On the contrary, the commercial organizations of the country, the manufacturing interests, and the mercantile houses which are engaged in the export trade are unanimous in their desire that the reciprocity policy be continued and extended to include all the nations for whose products we can exchange our agricultural and manufactured merchandise. If we are to reduce our duties upon imports from other lands, let us insist that the nations from which they come shall make corresponding reductions in favor of the articles they receive from us or let the reduction duties apply only to imports from such countries as are willing to do so.

Let us not have free trade, but fair trade. As we lessen the customs taxes that our people are required to pay let us increase the sales of their products by securing for them advantages in foreign markets. The reciprocity policy is the application of common commercial sense to foreign intercourse, and will prove as profitable to international commerce as it to private transaction between the citizens of the same community.

THOMAS JEFFERSON THE FATHER OF RECIPROCITY.

It may not be known to our friends on the other side of this Chamber, who are hastening with so much anxiety and so much folly to destroy the advantages that have been gained for the agriculturists and manufacturers of this country, that Thomas Jefferson, whom they honor with the paternity of their political organization and principles, was the father of reciprocity also. Mr. A. D. Anderson, in a recent communication to a local journal, has called attention to that interesting fact.

On the 16th of December, 1793, Thomas Jefferson, while Secretary of State, submitted a report to the House of Representatives, beginning as follows:

The Secretary of State, to whom was referred by the House of Representatives the report of a committee on the written message of the President of the United States on the 14th of February 1791, with instructions to report to the Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same, has had the same under consideration and thereupon makes the following report.

In the report, which was a very elaborate one and published in the American State papers, is the following:

Such being the restrictions on the commerce and navigation of the United States, the question is in what way they may be best removed, modified, or counteracted. As to the commerce two methods occur: First, by friendly arrangements with the several nations with whom these restrictions exist; or, second, by the separate act of our own Legislature for countervailing their effect.

There can be no doubt but that of these two friendly arrangement is the most eligible.

Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced by these things which contribute to human life and human happiness, the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost or commerce, its freedom might be modified in that particular by mutual and equivalent measures, preserving it entire in all others.

* * * * * * *

But should any nation, contrary to our wishes, suppose it may better find its advantages by continuing its system of prohibition, duties, and regulations, it behooves us to protect our citizens, their commerce, and navigation by counter-prohibition, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

* * * * * * *

The following principles being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation. When a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs: first burdening or excluding those productions which they bring here in competition with our own of the same kind; selecting next such manufactures as we take from them in greatest quantity, and which at the same time we could the soonest furnish to ourselves or obtain from other countries imposing on them duties lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufacturers of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may insure him the highest profits from his skill and industry.

DEMOCRATIC APPROVAL OF THE RECIPROCITY POLICY.

When this policy was first proposed by the late James G. Blaine it was received with enthusiastic favor by the public press without regard to party prejudices, and the only motive that can be ascribed to those who now propose to repudiate it is to deprive the party which embodied the suggestion in the statutes of the credit to which it was entitled.

The following extracts will show the sentiment of the Democratic newspapers at the time the reciprocity policy was first proposed:

[Boston Herald.]

We certainly hope that Congress will have the good sense to adopt a measure of this kind, for we feel convinced that its effect would be to revolutionize the narrow and prejudiced views which have so long dominated our national trade policy.

The course advocated by Mr. Blaine is not only sound in itself, it is proof of a sagacity in politics on his part which merits recognition.

This policy is so sound and meritorious, it is so far in keeping with all that has been said of late about the necessity of the United States securing control of the trade of this continent, that if it is repudiated the act will be a signal instance of political shortsightedness.

The course which Mr. Blaine proposed is eminently judicious and practicable.

[Boston Post.]

So far as it goes Mr. Blaine's scheme is to be commended, but for what it gives we may be thankful, and for the concession of the great principle which will not be long delayed in its universal application when once it is established among the nations of the American hemisphere.

[Boston Globe.]

No class of men will more profoundly sympathize with Mr. Blaine or rejoice more in his success than the tariff reformer. It is true that they desire to go further than he has yet prepared the way, but no further than he has indicated it. They desire to see reciprocity in healthy and world-wide operation instead of confining its beneficent functions to the American continent.

As long as we fail to give full recognition to the principle of reciprocity in our commercial dealings with the countries of the earth, so long must we expect to be commercially ostracised and outlawed in the family of nations.

[Boston Pilot.]

The heavily burdened people of the United States do not desire further taxes, nor do they yearn for free trade. But if we are going to remove the tariff duties there would seem to be sound sense in Mr. Blaine's suggestion, that in doing so we secure material advantages for ourselves from the countries which will chiefly profit by that measure.

Blaine has a policy, and a good one, and if we mistake not a growing one.

[New York Evening Post.]

The Evening Post indorsed Mr. Blaine's plan, and recommends it to the favorable consideration of Congress, not because reciprocity is ideally the right thing, but because it promotes international trade, and thereby increases wealth, because it removes ignorant prejudices, and because it leads inevitably to the breaking down of trade barriers erected by selfish interests for private greed.

[New York Times.]

If these are really the views of Mr. Blaine they reflect credit upon his good sense, and if the intentions attributed to him are really his they show that his courage has not entirely oozed out during his confinement in the State Department.

The recommendation (to insert a clause in the tariff bill) is a good one, as being in behalf of a removal of some of our restrictions upon trade and in the direction of freer and more profitable intercourse with foreign nations. Any step in that direction would be progress.

[New York Sun.]

The programme which he proposes or hints at is fascinating, and it will lose nothing in the public eye from the recommendation given by his engaging personality. The hope or the dream of the commercial, if not of the political union of this continent, is in the minds of all Americans. The first steps toward making it a reality may soon be taken. Public opinion is ripening for it.

[New York World.]

The sugar schedule as it stands in the tariff bill as amended by the Senate committee is wholly in the interest of the sugar trust. The raw material of the refiner is to be free, but sugar that compete with his product are taxed It would be much better if Congress should adopt Mr. Blaine's suggestion to restore the duty on raw sugars, especially if such a course would enable him to negotiate treaties with the Pan-American Republics that would increase our trade with those countries.

As Mr. Blaine stated, reciprocity "would lead to the opening of new and profitable markets for the products of which we have so large a surplus, and thus invigorate every branch of agricultural and mechanical industry."

[New York Commercial Bulletin.]

No one can deny that the policy which Mr. Blaine outlined would be an exceedingly advantageous one for the country.

The wisdom of Mr. Blaine's plan of reciprocity between this country and the nations of the south is coming to be more and more appreciated by public men here the more it is considered.

[New York Herald.]

Harrison and Blaine, in their reciprocity policy, have come over to good old Democratic ground.

Mr. Blaine has dared to exhibit some common sense on matters which involve the welfare of sixty-five millions of people.

[New York Witness.]

All we have to say is that we are heartily in favor of that kind of policy, for it is the kind that will have the most favorable influence on our industries in general.

[New York Nation.]

We indorse Mr. Blaine's plan, and recommend it to the favorable consideration of Congress, not because reciprocity is ideally the right thing, but because it promotes international trade and thereby increases wealth, removes ignorant prejudices, and leads inevitably to the breaking down of trade barriers erected by selfish interests for private greed.

[New York Standard.]

Secretary Blaine recognized fully the value of reciprocal trade with our neighbors. We ought to control the whole trade of Mexico, Central and South America. There is nothing on earth, from a wooden clothespin to a mogul locomotive and the finest and most powerful dynamo which can not be made well in this country; made better than any goods can be made in Europe. Talk about trade. This avenue would open up cumulative manufacturing activity; open up more opportunities for labor; more opportunities for capital. These Spanish Americans have what we want. We have what they want. A mistaken view of trade and a narrow-minded policy have kept us from being masters of this Spanish-American trade.

Secretary Blaine sees the error, and he would have his countrymen take a new and profitable departure. This advice is sound and should be followed.

[New York Sunday News.]

There is a good deal to commend in Mr. Blaine's policy, and there is a good deal of sound sense in his argument.

[New York Christian Union.]

Believing as we do that the progress of civilization will be promoted by the gradual removal of all restrictions on trade, we welcome Mr. Blaine's advocacy of reciprocity.

[Harper's Weekly.]

Mr. Blaine's South American policy is reciprocity. It would admit the products of the southern republics free if they would admit ours upon the same terms. This would be free trade with South America, practically the same freedom of trade that prevails among the States of the Union. This is a simple and strong argument. Wherever markets can be opened for our redundant productions by a policy of reciprocity, upon the reasoning of Mr. Blaine's letter, that policy would be wise.

[Brooklyn Times.]

There is no doubt that the plans suggested by Mr. Blaine will prove effective.

[Brooklyn Eagle.]

To people of good common sense Mr. Blaine's suggestion appears to be a practical one. He does not believe in throwing away a magnificent opportunity to secure for American producers a splendid market for their wares.

[Brooklyn Citizen.]

Between the free countries on the north and south continents of America there is no danger of such injurious competition. Their staple products are those which can not be largely, if at all, produced in the United States, and for the manufactured goods which we produce so largely they are compelled to rely for their supply upon importations either from Europe or the United States. The same American doctrine of intelligent protection to home industry that impels us to raise barriers against the importation of cheap manufactured goods from Europe urges us to remove every barrier that obstructs trade between North and South America, and establish constant and cheap communication between the ports of the two continents.

[The Philadelphia Record.]

It must be said, however, in behalf of Mr. Blaine's policy of reciprocity, that it points in the direction of commercial freedom; and for this reason, if for no other, it deserves a friendly greeting from every friend of tariff reform.

By freely admitting the wool of South America, Secretary Blaine proposes to open in that region wider markets for the breadstuffs, provisions, and other exports of the United States, trade in which is now seriously obstructed by South American tariffs. Such a policy could not fail to afford some relief to the farmers of this country, and it should not be defeated by the exaggerated fears of a few wool merchants.

Thus far there is no material difference between the policy of the friends of tariff reform and that of Secretary Blaine. What he aims to accomplish in a limited degree through reciprocal tariff modifications, they would effect to a far wider extent by a general revision of the tariff, and especially by a removal of duties on all raw materials of industry from whatever quarter of the globe they might be drawn.

[Philadelphia Times.]

The emphatic utterances of Secretary Blaine regarding the McKinley bill in general and reciprocity in particular are attracting not a little attention, and there are many members of Congress, both Democratic and Republican, who believe that his scheme is not only a wise one, but that it should be adopted. Of course, the Democrats who think that way are more numerous than the Republicans.

[Baltimore Sun.]

The arguments which he advances in favor of reciprocity are good ones.

[Baltimore Herald.]

Mr. Blaine's letter to the President upon the general subject of trade with the Latin-American republics is a remarkable document. Indeed, it is doubtful whether any state paper submitted to Congress within the past decade equals this letter in interest and importance. It amounts to a revelation of existing trade conditions upon this continent, and is, besides, a significant statement concerning the influence of import duties upon commerce.

[Washington Post.]

It is a question that has come to stay; and the sooner it is settled on the plan suggested by Mr. Blaine the better for our people who have produce and goods to sell with no advantageous market for their disposal. It is doubtless a surprise and somewhat unpalatable, perhaps, in certain quarters to have this new issue projected into the tariff legislation of the present session, but it is an issue that can not be pooh-poohed out of sight, and Mr. Blaine is entitled to the thanks of the country for having brought it before Congress in such forcible and commanding shape.

Nothing is untimely or inopportune that is for the improved welfare of the people and the better development of their trade interests and. late though the Secretary of State may have been in calling public attention to the subject, it is still a living question. It may be overslaughed by the present Congress, but the issue is made, and it will not down until something has been done to put the commercial relations of the various countries of the western continent on a liberal reciprocal basis.

"Free sugar in the United States," however, as Mr. Blaine telegraphed to the millers' convention, "should be accompanied by free breadstuffs and provisions in Latin America." This is the key-note to the reciprocal system which he would bring about. Free wool in the United States would mean the removal of heavy duties upon other articles of export, the consumption of which in Latin America is now greatly restricted by the correspondingly increased price, and it is believed that the liberal policy thus indicated on the part of the United States would gradually lead to many concessions on the part of our southern neighbors, whose trade we seek to cultivate.

[Chicago Herald.]

As a believer in free and unfettered commerce, the Herald would welcome reciprocity or free trade with one nation, with ten nations, or with all nations.

That is strongly and concisely put, and it gives the American people something to think over. Heretofore their only idea with regard to a protective policy has been to protect American labor, and to that end they have adopted a general plan of exempting from duty articles not produced in this country. Mr. Blaine now shows them how a protective tariff may be used to encourage as well as protect American industry, by making it reciprocal with nations that may and should be good customers for our products.

Apparently, the immediate object of this letter is to dissuade Congress from putting sugar on the free list; but it also calls attention to the fact that we need a definite Pan-American policy, and that the present is exactly the time to formulate one. It is an opportunity that may not occur again.

But there is no prospect that Congress can find time for any such useful work at this session.

But Mr. Blaine, who has been studying the question of South American trade, evidently finds a condition that can not be cured by Government appropriations for steamship lines to South American ports. The remedy he believed is a Pan-American customs union under which the products of one country are admitted free of duty to another. No one will deny that this is an essential and important step.

[St. Louis Globe-Democrat.]

The proposition, it will be seen, is, in its broad features, as simple as it is practical and beneficent.

[Kansas City Times.]

Secretary James G. Blaine seems to be a pretty good sort of free trader himself. His reciprocity policy is only another name for just what the Democracy has been and is fighting for.

[New York World.]

Reciprocity with South America would naturally be the beginning of broader and more intimate relations with Europe. It would be the first step in the right direction. Protectionists who favor reciprocity, including Mr. Blaine probably, would not admit this, but the truth is that the movement is in obedience to the pressure upon home producers for a larger market, and the pressure will not be taken off until American producers and merchants are at liberty to sell and buy everywhere.

COMMERCIAL TREATIES THAT MIGHT BE MADE.

These extracts which might be multiplied until they would fill a volume, Mr. President, illustrate the sentiment of the people without reference to political preferences or prejudices, and I am sure an amendment to this bill would be received with almost unanimous popular favor which shall provide that the reduction of duties herein proposed shall apply only to articles imported from countries which make reciprocal concessions in favor of the products of the United States. That would be a double benefit. The consumers in this country would have the benefit of the reduction of duties upon imported goods they use, while the producers would have the advantage of reduced imposts upon their products in foreign lands. That would be fair trade.

RECIPROCITY WITH MEXICO.

It was only two years ago, Mr. President, that a Democratic committee of the House of Representatives made an excellent report pointing out in clear and concise language the great advantages the majority of the present Congress is trying to throw away. I refer, Mr. President, to the report of Mr. Andrew, from the Committee on Foreign Affairs, with regard to "Our trade relations with Mexico." It shows that every reason suggested by geographical location, similarity of institutions, and community of interests justifies all reasonable effort to promote commerce with our nearest neighbor, and what is true of our sister Republic on the south is even more true of the great colonies on our northern border, where much greater opportunities are being sacrificed without a single consideration that should and does enter the mind of every prudent and judicious man who studies commercial questions with the broad sense of securing the greatest good for the greatest number.

With a population of 12,000,000 of people and a foreign trade of nearly a hundred millions a year, with natural highways of commerce on both sides connecting our Pacific and Gulf ports with hers, with five great railways constructed at a cost of more than a hundred millions of American capital, and a fraternal desire for more intimate relations, Mexico affords one of the most profitable as well as one of the most natural markets for the agricultural and mechanical products of the United States, and offers

in return the staples of the tropics which are necessary to and are demanded by the welfare of our own people. In the report to which I have alluded, Mr. Andrew says:

If the United States does not possess a practical monopoly of the markets of Mexico, it must be due to conditions of trade or of tariff legislation which should be studied in order to be removed. The natural advantages of the United States in the proximity of her fertile grain fields and her great factories, aided by her absolute control of the highways of commerce on land and her substantial control of those by sea, should make the southern republic one of our most accessible and profitable markets.

The Mexican people themselves have come to the assistance of nature in opening their markets to the United States. Mexico has been until recently without a safe harbor on the eastern coast. The Government has recently built a system of jetties like those at the mouths of the Mississippi and created a harbor at the port of Tampico extending for 30 miles. It is the only harbor on the eastern coast of Mexico where a vessel can unload at the docks, and has been built under the charge of one of the officers who assisted Capt. Eads in the work at the mouths of the Mississippi. There is now 18 feet of water over a bar where formerly there was but 6 feet, and the depth will soon be considerably increased.

Tampico will inevitably become, within a short time, the great commercial center of the southern republic. It is situated halfway between the present roadstead of Vera Cruz and the American line, is only two days' sail from Mobile, and even nearer to New Orleans, and is almost at the gates of the growing port of Galveston. Two railroads now connect Tampico with the interior. One is the Mexican Central Railway, almost wholly owned by Americans, and the other is the Monterey and Mexican Gulf. Concessions have been granted by the Mexican Government and the surveys have been made for a third railroad from Tampico to the City of Mexico, which will shorten the running time by almost one-half.

MEXICO HAS OFFERED US VERY LIBERAL CONCESSIONS.

The Government and people of Mexico have offered their markets to us with a generosity that I regret to say has not been fully appreciated or returned. So long ago as 1882, at the invitation of the President of that Republic, two commissioners, one of them being no less a personage than Gen. Grant, were sent to Mexico by direction of President Arthur to negotiate a reciprocity treaty which was concluded and finally ratified by this Senate, but which from a shortsighted policy, almost as fatal in its folly as that which is now being pursued, the House of Representatives refused to enact the legislation necessary to carry its stipulations into effect.

That treaty provided for almost an absolute interchange of products, free of import dues, between the two nations, and but for our own folly it would doubtless have resulted in closing all the custom-houses upon the Rio Grande and given our merchants and manufacturers a monopoly of the Mexican trade. But as a consequence of our neglect to take advantage of what was then offered, the merchants of Mexico still purchase nearly two-thirds of their imports in Europe, and are likely to do so until we arrange for an interchange of products under discriminating duties that other nations may not enjoy or obtain.

It is still possible, if the pending bill does not become a law, to reclaim what we have neglected. Mexico is still willing and anxious to meet us with a friendly and liberal spirit in a commercial treaty that will enlarge her markets for our merchandise provided we will receive her staple products on the same terms that were given Brazil and Cuba in the arrangements negotiated by the late Administration.

THE ATTITUDE OF PRESIDENT DIAZ.

A correspondent of the New York Commercial Bulletin, in a recent communication on this subject, says:

President Diaz is an advocate of absolute free trade between the two great republics of the western hemisphere. He and other leaders of the Liberal party have been studying the effects of such a system for sometime. They realize that free trade along the Rio Grande would mean a loss of revenue which Mexico would have to meet by raising revenue elsewhere. They are prepared for this and are working upon a plan which will at once raise the necessary revenue and develop the agricultural resources of Mexico without pursuing the restrictive policy of a high tariff against the United States. The proposition is being seriously discussed to levy a heavy tax upon all uncultivated land. It is proposed to leave exempt from taxation the arable land under cultivation, and thereby offer a premium to the farmers.

Those Mexicans who have studied closely the industrial possibilities of their country believe that her greatest future development lies along the line of agriculture rather than of mining or raising stock. The mining they regard as largely a speculative enterprise, and the raising of stock as subject to limitations. Vast areas of fertile land lie uncultivated all over the Republic, and if brought under the plow would make Mexico one of the greatest farming countries of the world. The progressive leaders believe that in this field, along with a reasonable development of necessary manufactures, lies the future prosperity of Mexico.

MEXICO DESIRES RECIPROCITY WITH THE UNITED STATES.

Similar statements have recently appeared in Mexican publications, which indicate that the Government is willing to change her entire revenue system provided she can secure unrestricted reciprocity with the United States, but the adoption of the pending measure in the statutes of this nation would make this entirely unnecessary, as we are about to give our neighbors that for which they have offered the most liberal concessions, without requiring the slightest consideration in return.

If this bill should pass there will be no further offers on the part of Mexico to admit our exports free of duty, or at rates below those imposed upon similar imports from other nations. The inducement will no longer exist. Nearly every product for which she has sought concessions in the past is placed upon our free list, or will be admitted into our ports at a duty lower than she has ever asked.

And what do we receive in return? Nothing. The opportunity we have been seeking for the extension of our sales among her people is absolutely thrown away. We give for nothing that for which she has been willing to pay the highest price; and she will continue to exact exorbitant duties upon our exports while we admit her products free.

One can scarcely discuss this subject with patience. It seems incredible that a legislative body like this should so thoughtlessly abandon and betray the interests of a people they have sworn to serve.

In exchange for the free admission of their coffee and sugar, their fruits and fiber plants, their wool and hides, their silver and lead ore, their horses and cattle and sheep, the Mexican Government would willingly open its ports to nearly ever product of our farms and forests, our fisheries, and mechanical industries; and particularly to those forms of manufactured merchandise for which we feel the greatest need of foreign markets, the surplus results of the labor and the genius of our artisans.

THE FOREIGN COMMERCE OF MEXICO.

The largest imports of Mexico, amounting to nearly fifty millions a year, and rapidly increasing in value, are cotton, woolen, and linen fabrics, glass and china, the myriad forms of manufactured iron and steel, including machinery and railway supplies, agricultural implements and machinery, lumber and furniture, glass and china, paper and stationery, drugs and medicines, and all sorts of articles that enter into household use. The greater portion of these imports come from Europe still, notwithstanding the construction of railway lines connecting the two republics and the introduction of American capital for the development of the natural resources of the country, the reason being that the wholesale merchants are mostly Europeans, who prefer to purchase their supplies in their own countries unless some inducement be offered to buy them elsewhere. A discriminating duty in favor of American goods, such as might be secured through a reciprocity treaty, would offer this inducement, and the trade would be diverted to the United States. The correspondent of the Bulletin continues:

The wealthier classes of Mexico are highly cultivated, luxurious in their tastes, and insist upon having the best of everything which ministers to the enjoyment of modern life. The poorer people of the country produce to a large extent what they need for themselves, but the introduction of railroads and of fine manufactured goods must inevitably raise the scale of living, even among the humblest, to the point of demanding as necessities many articles of manufacture which have been in the past in but little demand. The coarser grades of cotton cloths are already being manufactured on Mexican soil in Mexican mills. The market for the better grades of goods, now controlled by Great Britain, France, Germany, and Belgium, is, however, open to American manufacturers if they could obtain the advantage of discriminating duties. If, instead of discriminating duties, unrestricted reciprocity prevailed between this country and Mexico, there can be no doubt that the exercise of a little enterprise on the part of our manufacturers and our producers of food would soon give them almost absolute control of Mexican markets.

The cultivated classes of Mexico, however, will not be satisfied with inferior goods or a limited variety. It is the boast of Mexican merchants that they keep for sale everything which can be bought in London, Paris, or Berlin, and our merchants, in order to command absolutely Mexican trade, would have to meet the demands of a fastidious, cultivated, and wealthy people

THE REASON WHY WE HAVE NO TREATY WITH MEXICO

It may be asked why such a reciprocity arrangement as was negotiated with Brazil three years ago was not made with Mexico as well. The answer is found in what is known as the reciprocity section of the McKinley law, which was so limited in its scope as to forbid the Secretary of State to offer that nation the inducements it demanded as a consideration for concessions in favor of American goods. Mexico asked the repeal of the law recently enacted imposing a duty upon lead ores, and the free admission of her wools, which are of the coarser variety, used for the manufacture of carpets, and do not come in competition with the higher grades cultivated upon this side of the border. But by the present bill it is proposed to remove the duties from both these articles, which will afford the market Mexico has been seeking without requiring any concessions in our favor in return.

Mr. Ryan, the recent minister to Mexico, in a letter to the Secretary of State, said:

I trust I shall be pardoned for expressing the conviction, formed from such close and careful observation and study as I have been able to make since entering upon my duties here, that the people of the United States have very much to gain and little or nothing to lose by the most liberal trade relations with Mexico. If our Government agrees with me in this respect, then I beg to make the suggestion that the longer reciprocity negotiations are deferred the more difficult will be their consummation, because of the constant development of industries in this country that naturally create opposing interests.

INCREASE OF OUR EXPORTS TO MEXICO.

The statistics of our exports to Mexico furnish an interesting study and show a rapid increase notwithstanding the disadvantages under which commerce has been laboring:

	Fiscal year ending June 30—	
	1885.	1893.
Animals	$388,235	$469,814
Breadstuffs	1,561,376	4,727,384
Carriages, horse cars, and cars for steam railways	92,377	291,563
Chemicals, drugs, dyes, and medicines	202,739	418,482
Coal	25,178	903,229
Cotton:		
Unmanufactured	613,231	1,890,461
Manufactures of	699,790	432,216
Glass and glassware	46,196	117,979
Gunpowder and other explosives	235,821	419,300
Iron and steel, and manufactures of	1,208,979	3,807,396
Malt liquors	88,426	226,767
Oils:		
Mineral	237,273	519,213
Other	31,172	309,709
Provisions, comprising meat and dairy products	298,962	594,874
Quicksilver	106,912	143,381
Tobacco	142,954	116,119
Wood, and manufactures of	317,475	1,198,380
All other articles	1,083,384	2,305,417
Total	7,370,599	18,891,714

EXPORTS FROM MEXICO FOR 1893.

The exports from Mexico during the last year (1893) of precious metals and merchandise were valued at $87,509,221, an increase of $12,041,506 over the previous year, which illustrates the remarkable development of the material resources of that country. There was a decrease in the value of the shipments of silver bullion, doubtless owing to the reduced price of that article, and also in the exports of tobacco, but in every other article there was a gain. The largest increase was in silver-bearing lead ores, which amounted to over $4,000,000; the next was in coffee, of which $2,050,000 more was exported than in 1892, and the next was in fiber plants, which show a gain of a million and a half.

COMPARATIVE EXPORTS OF MEXICO BY NATIONS.

The following is a comparative statement of exports from Mexico by nations for the fiscal years 1891–'92 and 1892–'93:

Nations.	Fiscal year—	
	1892–'93.	1891–'92.
United States	$65,837,643	$49,932,953
England	14,725,011	15,267,956
France	3,733,340	4,044,385
Germany	3,323,603	4,344,231
Belgium	915,272	340,660
Spain	601,294	661,850
Guatemala	255,966	143,740
Russia	53,660	26,200
Colombia	44,462	31,049
Salvador	8,731	3,519
Holland	3,258	49,998
Italy	3,025	4,733
Nicaragua	1,645	10,914
Brazil	1,280	----------
Morocco	560	----------
Costa Rica	320	1,050
China	99	----------
Austria	55	15
Portugal	1	----------
Honduras	----------	4,400
Venezuela	----------	250
Argentine Republic	----------	100
Total	87,509,221	75,467,715

POSSIBILITIES OF TRADE WITH THE ARGENTINE REPUBLIC.

During the session of the International American Conference, while the subject of reciprocity was under discussion the only opposition came from the delegates from Chile, Uruguay, and the Argentine Republic, who recognized that the United States would not agree to admit their wools free of duty, no matter what might be offered in return. Secretary Blaine endeavored to have the coarse grades of wool included in the reciprocity amendment to the tariff act of 1890, as very little is raised in this country, and we require a great deal for the manufacture of carpets, but he failed because of the opposition of the wool men, who feared that it would be used to adulterate the finer grades in the manufacture of cheap clothing. And he especially urged a discriminating duty in favor of the wools of the Argentine Republic, which have always suffered unjustly under the tariff laws of the United States.

We tax wool by weight, and not by its value. The coarse wool raised in the Argentine Republic is much heavier than that from any other country, because it is saturated with grease and contains more dirt, and it also brings a lower price in the market, but the same duty has been imposed upon it as upon lighter, finer, and cleaner wools. The Argentines have regarded this as an injustice, and made it the subject of repeated complaints without relief. It would have injured no one to have admitted their wools at a lower rate of duty, nor would it have interfered with the domestic product to have admitted it free.

Feeling this as an injustice and a discrimination against their great staple, for the Argentine Republic has more sheep than any other country in the world, they have not encouraged trade with the United States, and some years 95 per cent of their enormous imports have been purchased in Europe. They have bought of us only such articles as they could not obtain as well elsewhere. But as a people and as a nation, they have always been ready to meet us half way in any equitable movement to improve the commercial relations between the two countries; and today they stand ready to negotiate a treaty that will be profitable to both, if it can be based upon the free admission of their wool.

OUR FORMER COMMERCE WITH ARGENTINE.

Forty years ago we had an important share in the foreign commerce of the Argentine Republic. The first importing house of any considerable capital was established at Buenos Ayres by a citizen of this country. An American built the first railroad there, and a monument has been erected to his honor. The first great sheep ranch was started by one of our countrymen, and for a time the merchants of New England controlled the trade of the Republic. But of late years the trade between the two countries, for the reasons I have cited, has been reduced to an annual average of less than 8 per cent of their foreign exchanges. In 1883 we furnished 6 per cent of their imports and took 5 per cent of their exports. In 1893 we furnished 8 per cent of their imports, and took only 4 per cent of their exports, while England, Germany, and France have shared their markets.

In a recent communication to the newspapers, Dr. Zeballos, the able statesman who now represents the Argentine Republic at this capital, says:

> The Argentine Republic might purchase from 25 to 30 per cent of its considerable gross importations from the United States, but is deterred from doing so by lack of rapid communication, general commercial relations, and want of banking facilities. On this account it is that in general the commerce between the Argentine Republic and the United States is carried on via England. Therefore, when Argentine trade buys the products of North America, the ships that carry it do not get return cargoes, because the American trade does not take Argentine articles. The navigation, therefore, between the two countries must go out of its natural course.
>
> In a single Argentine State, that of Santa Fe, at the last wheat harvest, December, 1893, to February, 1894, there were in use 1,300 thrashing machines from the United States. The taking off of the tariff upon the importation of foreign wools, which is provided for by the new American tariff bill, will soon make up for the sacrifice which it imposes upon the producers by the great and immediate advantages which the general economy of the United States will gain by the opening of one of the greatest kinds of industries. The trade of the Argentine Republic is constantly sought by all the manufacturing nations of Europe, because it is one of the growing countries of the age, which consumes more in proportion to the number of its inhabitants than any other, and this consumption is growing each year by the extraordinary increase of its population and by reason of its European immigration.

The population of the Argentine Republic has increased from 1,877,490 in 1869 to 5,124,300 in 1893. The cultivated area during that period has increased in a corresponding ratio. In 1878 but 31,243 tons of wheat were exported; in 1892 the exports were 1,395,294 tons. In 1878 the exports of corn were 193,996 tons; in 1892, 1,814,024 tons. During the last ten years the sheep have increased from seventy to one hundred millions; the cattle from sixteen to twenty-five millions, the horses from three to five millions, and the hogs from a nominal amount to three millions.

The immigrants arriving in 1883 were 73,210; in 1892 they were 385,554.

MAGNITUDE OF THE ARGENTINE FOREIGN TRADE.

The following table will show the magnitude of the foreign commerce of this remarkable nation:

Year.	Imports.	Exports.	Year.	Imports.	Exports.
1873	$73,434,099	$47,396,291	1884	$94,056,144	$68,029,693
1874	57,826,549	44,541,536	1885	92,221,969	83,879,100
1875	57,626,481	52,002,713	1886	95,408,745	69,834,841
1876	36,070,023	48,090,713	1887	117,352,125	84,421,820
1877	49,443,424	44,769,944	1888	128,412,110	100,111,903
1878	43,759,125	37,523,771	1889	164,569,884	90,145,355
1879	46,393,593	49,357,558	1890	142,240,812	100,818,993
1880	45,535,980	58,380,787	1891	67,207,780	99,723,221
1881	55,706,927	57,938,272	1892	91,481,163	113,570,337
1882	61,246,045	60,388,939			
1883	80,435,828	60,207,976	Total	1,600,425,645	1,370,942,398

CHARACTER OF THE PRINCIPAL IMPORTS.

The following statement will show the character of the principal imports, and the amount of each for the year 1892:

Live cattle	$385,315
Paste substances, food	12,683,560
Wines and liquors	6,040,155
Tobacco	632,039
Cottons	30,618,336
Ready-made clothing and furnishings	4,302,824
Chemicals and pharmaceutical productions	4,026,640
Lumber and its appliances	3,712,355
Paper and its appliances	2,687,956
Leather and its appliances	622,112
Iron and its appliances	10,339,363
Construction materials	3,545,625
Metals and their appliances	1,140,753
Earthenware, glassware, and ceramic products	1,618,790
Fuel and lighting appliances	6,095,642
Manufactured articles	3,000,013

THE SHARE OF EACH NATION.

The following statement will show the share of imports furnished by each nation in 1893 compared with 1883:

	1883.	1893.
Germany	$7,023,051	$10,676,513
Belgium	3,261,077	6,646,838
Spain	3,790,760	2,179,259
United States	4,933,054	7,376,583
France*	15,418,917	10,425,865
Italy	3,480,321	8,412,941
England	30,695,963	35,835,492

* The French importation in 1889 was $30,257,407. The year 1892 must be considered an exceptional one.

The railway system of the Republic now aggregates about 10,000 miles, which has been constructed at a cost of $447,999,477.

The country has recently passed through a very serious financial depression, similar to that suffered by the United States in 1873, and due to similar causes—extravagance, speculation, and excessive enterprise. But its magnificent resources and the energy of its citizens are enabling it to recover its normal condition, and there is no land on earth which has greater promise for the future or a more solid foundation for national wealth and permanent prosperity.

ARGENTINE PRODUCTS, 1893.

The value of Argentine products in 1893 and the surplus for exportation were as follows:

	Product.	Exportation.
	Gold.	*Gold.*
Grain	$54,800,000	$24,400,000
Sundries	32,200,000	2,400,000
Total agricultural	87,000,000	26,800,000
Wool	35,000,000	34,000,000
Meat	21,600,000	9,000,000
Hides and skins	24,600,000	21,000,000
Tallow	4,800,000	4,000,000
Sundries	19,600,000	7,200,000
Total pastoral	105,000,000	75,200,000
Grand total	192,000,000	102,000,000

Col. Howard Vincent, M. P., who has recently made a journey through South America, was given a formal reception by the people of Sheffield, England, on his return, and in the course of his response to the address of welcome referred to the Argentine Republic as follows:

I have told you before of the vast prairies of Canada, of the great sheep farms of Australia. But I must honestly say that country for country, land for land, Argentina knows no rival. Over an area ten times the size of these islands, there is untold power of food production. For 600 miles from ocean to mountain there is not a hill, hardly a tree. Over these great grass plains range 22,000,000 of cattle, 75,000,000 of sheep, 4,000,000 of horses, all capable of transport hither at trifling cost, dead or alive. There are twenty-seven railways, nearly all British owned, and rapidly on both sides of the track grass land is are being laid down in wheat, garnered without fear of frost or wet, and poured down the wharves of the Central Argentina into ships to render British agriculture more and more difficult.

By the negotiation of a reciprocity treaty similar to that which now exists with Brazil, we might gain a fair share of the trade of the Argentine Republic, and as the distinguished minister from that country suggests, increase our exports from four millions to twenty-five or thirty million dollars annually. But if we place wool on the free list without asking any return, that opportunity will be lost forever.

POSSIBILITIES OF TRADE WITH URUGUAY.

The Republic of Uruguay resembles in every respect its greater neighbor across the Rio de la Plata. Its products, its industries, its condition, and its resources are similar, and its foreign commerce is even larger per capita of population. By the latest census, taken in 1888, there were 648,299, and at present there are probably 800,000 people in the Republic engaged almost exclusively in agricultural and pastoral pursuits.

The imports of Uruguay average about $30,000,000 and the exports are usually valued about the same sum. They consist almost entirely of manufactured merchandise and include everything that enters into the consumption of a highly civilized country. Great Britain furnishes about 30 per cent, France and Germany about 15 per cent, and the United States only about 5 or 6 per cent annually. We send them little but lumber, petroleum, iron and steel, and agricultural implements. Their wearing apparel, their hardware, china, cutlery, machinery, and other goods are furnished by England and Germany and their luxuries by France.

The staple export of the country is wool, of which the greater part goes to Europe, and very little but their hides is sent here. The other exports are salted meat, tasajo, preserved meat, extracts of meat, tallow, horns, bones, hides, preserved and dried tongues, ostrich feathers, live stock, corn, flour, wheat, canary seed, bay, oats, bran, barley, flax, vermicelli, potatoes, stone, lime, granite, pavements, agate stone, etc.

The following table gives an idea of the exports and imports of the Republic from the year 1862 to the year 1891:

Years.	Imports.	Exports.	Total.
1862	$8,151,802	$8,804,442	$16,956,244
1864	8,384,167	6,334,706	14,718,873
1866	14,608,091	10,665,040	25,273,131
1867	17,657,918	12,077,795	29,735,713
1868	16,102,475	12,139,730	28,242,205
1869	16,830,678	13,930,027	30,760,705
1870	15,003,343	12,779,051	27,782,393
1871	14,864,247	13,334,224	28,198,471
1872	18,859,734	15,489,532	34,349,256
1873	21,075,446	16,301,772	37,377,218
1874	17,181,672	15,244,783	32,426,455
1875	12,431,408	12,695,610	25,125,018
1876	12,800,000	13,727,000	26,527,000
1877	15,045,846	15,899,405	30,945,251
1878	15,927,974	17,492,159	33,420,133
1879	15,949,903	16,645,961	32,595,864
1880	19,478,868	19,752,201	39,231,069
1881	17,918,884	20,229,512	38,148,396
1882	18,174,800	22,062,934	40,237,734
1883	20,322,311	25,221,664	45,543,975
1884	24,550,074	24,759,485	49,309,559
1885	25,275,476	25,253,036	50,528,512
1886	20,194,055	23,811,986	44,006,041
1887	24,615,944	18,671,996	43,287,940
1888	29,477,448	28,008,254	57,485,702
1889	36,823,893	25,954,107	62,777,970
1890	32,264,627	29,085,519	61,450,146
1891	18,978,420	26,998,270	45,976,690

The participation every country had in the imports and exports of the country during the last five years is represented by the following figures:

Imports.

From—	1887.	1888.	1889.	1890.	1891.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
England	27.26	22.32	28.44	27.17	28.85
France	16.71	15.37	14.98	15.74	13.05
Brazil	7.42	8.96	6.80	7.04	8.88
Spain	8.73	7.49	7.10	6.71	2.63
Italy	6.89	8.14	8.86	8.12	10.31
United States	6.91	5.37	9.26	7.55	4.89
Germany	11.53	10.22	9.32	8.67	9.72
Belgium	4.86	5.41	4.42	4.50	3.85
Isle of Cuba	0.88	0.64	0.51	0.60	1.10
Argentine Republic	1.80	2.56	3.93	8.16	8.31
Chile	0.39	0.49	2.38	0.86	0.67
Holland	0.26	0.09	0.29	0.29	0.09
Paraguay	0.61	0.44	0.23	0.40	0.51
Sweden				0.03	
Portugal	0.10	0.08	0.09	0.13	0.13
India	0.03	0.07	0.01	0.03	
China					
Japan					
Peru and Ecuador	0.03				
Switzerland	0.10	0.04	0.02		
Mauritius	0.05				
Austria	0.01				
Canary Island	0.01		0.03	0.10	0.01
Russia			0.56	0.04	
Various ports	5.42	2.28	2.77	3.17	
Total	100	100	100	100	100

Exports.

To—	1887.	1888.	1889.	1890.	1891.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
England	20.09	18.17	13.69	13.56	18.37
France	13.29	16.27	20.13	21.04	23.27
Brazil	13.67	19.39	12.69	11.27	17.55
Belgium	17.96	12.25	15.84	10.80	13.25
United States	8.16	8.31	5.55	6.89	6.85
Cuba	5.12	2.22	0.96	0.81	1.29
Spain	0.82	0.82	1.41	0.83	0.84
Italy	1.69	1.32	1.47	1.23	2.08
Germany	1.72	4.44	5.01	3.51	5.45
Argentine Republic	6.00	7.34	8.82	8.77	9.16
Chile	0.76	1.39	1.66	1.22	0.62
Paraguay	0.03	.....	0.03	0.11	.....
Reunion Island	0.08	0.11	0.02	.....	.....
Peru	0.03	0.04	.....	.....	.....
Portugal	0.79	1.04	0.77	1.15	0.68
Maloina Island	.....	0.06	0.01	.....	.....
Canary Island	.....	.....	.....	.....	0.01
Mauritius	.....	.....	.....	0.20	0.04
Carribee Island	.....	.....	.....	0.02	0.08
Barbado Island	0.03	.....	0.01	0.01	0.01
Various ports	7.67	6.83	11.93	18.58	0.45
Total	100	100	100	100	100

The trade and exterior commerce of the Republic in relation with its population has always been superior to that of the Argentine Republic and Chile.

The following table shows that out of the imported goods during the year 1891, there correspond to each inhabitant $13.50 more than to each inhabitant of the Argentine Republic, and $13.61 more than to each inhabitant of Chile. It shows also that each inhabitant exported $10.19 more than each inhabitant of the first country, and $14 more than each one of the second country:

	Value.	Per capita.
*Argentine Republic (1891).**		
Imports	$67,207,780	$11.80
Exports	103,219,000	25.80
Total	170,426,790	37.60
Chile (1891).†		
Imports	65,090,013	21.69
Exports	66,963,100	21.99
Total	131,053,113	43.68
Uruguay Republic (1891).‡		
Imports	18,978,420	25.30
Exports	26,998,270	35.99
Total	45,976,690	61.29

* 4,000,000 inhabitants. † 3,000,000 inhabitants. ‡ 750,000 inhabitants.

Exports of domestic merchandise from the United States to Uruguay during the fiscal year ending June 30, 1892.

Agricultural implements	$109,862
Breadstuffs	3,254
Carriages, horse cars and parts of, and cars for steam railroads	197
Chemicals, drugs, dyes, and medicines	32,586
Cotton, manufactures of	120,121
Flax, hemp, and jute, manufactures of	87,275
Iron and steel, and manufactures of:	
Machinery, not elsewhere specified	32,956
Sewing machines, and parts of	2,569
All other	34,226
Naval stores	57,848
Oils, mineral, illuminating, and other	232,090
Provisions, comprising meat and dairy products	23,632
Tobacco, leaf	8,256
Wood, and manufactures of:	
Boards, deals, planks, joists, and scantlings	74,161
All other lumber	41,464
Timber	695
Manufactures of	7,665
All other articles	3,8287
Total domestic merchandise	902,144

No attempt has ever been made to negotiate a reciprocity treaty with Uruguay, but the Government and the people are very friendly in their disposition to the United States, and it might be possible to obtain valuable concessions in favor of our products if we would offer them an increased market for their wool.

THE COMMERCE OF CHILE.

Chile has been for years the most prosperous country in South America. Its chief resources and products are mineral, and have brought the people great wealth. The agricultural resources are limited, but have been highly improved, and for several years the wheat fields among the valleys of the Andes have furnished more flour than was necessary for the wants of the people, and left a considerable surplus for export to the neighboring countries along the Pacific coast. But the rapid increase of population, and the more profitable inducements offered by the mines, have reduced the supply for export, and Chile will soon find it necessary to seek food products from the harvest fields of the Argentine Republic across the Andes.

The population of the country was 2,665,926 by an official census, but its accuracy has been denied, as many peons avoided enumeration for the purpose of escaping military duty, and the actual number of the people is believed to be nearer three millions.

The chief exports are copper, silver, nitrates, and wool. The deposits of copper are believed to be inexhaustible, but the development of the mines is rapid, and has been profitable. The nitrate beds are also inexhaustible, and from an export tax upon this product the Government derives the greater portion of its revenue.

The exports average annually about $65,000,000, of which $55,000,000 are minerals, nitrates, copper, and silver, and $7,500,000 wool. The imports are usually about the same as the exports, and consist mainly of manufactured articles, wearing apparel, machinery, hardware, railway supplies, wines, and tobacco, drugs and medicines, etc. England has the greatest share of the trade, having furnished $28,000,000 or about 45 per cent last year; Germany comes next with $14,000,000; France $9,000,000, while the United States usually sends between three and four millions worth of machinery and agricultural implements, lumber and furniture, petroleum, and sundry other articles.

Valparaiso is the commercial center from which a large portion of the merchandise imported is distributed to the ports on the coast and the towns in the interior. The principal British imports are: Printed, white and unbleached cotton goods; woolen manufactures, carpets, candles, tea, boots and shoes, beer, spirits, etc. The total value of the imports of the Republic for the year 1892 was $61,752,500, as compared with $50,417,000 in 1891, and with $53,745,500 in 1890.

The total value of the exports from all ports in the Republic in 1892 was $50,829,000, as compared with $52,013,930 in 1891, and $54,143,185 in 1890. These figures show that there was an excess of imports over exports in 1892 to the amount of $10,923,500, as compared with an excess in favor of exports amounting to $1,596,930 in 1891, and $397,685 in 1890.

Export of domestic merchandise from the United States to Chile during the fiscal year 1893.

Agricultural implements	$138,822
Books, maps, engravings, etc., and other printed matter	32,525
Breadstuffs	113,416
Carriages and horse cars and parts of	39,547
Cars, passenger and freight, for steam railroads	30,000
Chemicals, drugs, dyes, and medicines	109,836
Clocks and watches	23,054
Cotton, manufactures of	499,820
Fish	41,597
Flax, hemp, and jute, manufactures of	13,053
Glass and glassware	19,094
Gunpowder and other explosives	21,899
Instruments and apparatus for scientific purposes	61,639
Iron and steel, and manufactures of	636,592
Sewing machines and parts of	19,842
Steam engines and parts of	66,835
Naval stores	36,020
Oils, animal and mineral	235,519
Plated ware	40,765
Provisions, comprising meat and dairy products	43,371
Sugar, refined	20,325
Wood, and manufactures of	500,516
All other articles	228,665
Total exports of domestic merchandise	2,971,341

A POSSIBLE TREATY WITH AUSTRALASIA.

As far back as 1878 the British colonies of Australasia have been seeking commercial intimacy with the United States. In that year the chambers of commerce of Australia and New Zealand addressed a memorial to the Government of the United States, which in many respects is a most remarkable document, coming as it did from the subjects of another nation, with whom our own citizens had not intermingled to any degree, and from whom they could have received no inspiration or encouragement. It was a voluntary act on the part of a people who were then enjoying very much the same conditions that existed in the American colonies of Great Britain at the outbreak of the Revolutionary war.

This document is so peculiar, so significant, and so important that I may be pardoned for quoting a few extracts. The memorial was suggested by the experience of Australian visitors to the Centennial Exposition at Philadelphia, and it reads:

Australian visitors were encouraged to hope that similar progress might await their own country, and they anticipated intimate and increasing commercial relations between the two countries, to their national advantage; but, to insure this result, they were impressed with the absolute necessity for the same unrestricted mutual interchange of products of the respective countries as now exists betwixt the Australasian colonies and the mother country; and certainly, without such unrestricted interchange, it is impossible commerce can attain its full development. * * *

Trade can not attain its natural development unless it is conducted on a basis mutually satisfactory to the countries engaged in it, and it can not be mutually satisfactory if one of the countries finds its products excluded from the markets of the other. As we desire free, cordial, and extending commercial relations betwixt our respective countries, we venture to ask your coöperation in getting removed the restrictions on the introduction of our staple article—wool—into your market, believing that the repeal of the duties, which are now so heavy as to be virtually prohibitory, will prove of as much advantage to American interests as to those of the colonies. * * *

You are, no doubt, aware that our products are chiefly pastoral and mineral, and that only to a small extent do manufactories exist amongst us. While our population can employ themselves profitably in developing the natural resources of the country, there is little inducement to them to devote their attention to manufacturing; but if their products are excluded from other markets they must, perforce, manufacture for themselves and limit the import of manufactured goods. Whether this be so or not, we hope you will agree with us that the interests of both countries will be best advanced by abolishing every obstacle to free commercial relations; and we appeal to you, as peculiarly interested in promoting the commerce of the United States, and intimately conversant with it in all its relations, to give us your cordial assistance and coöperation to this end.

WHAT THEY WILL GIVE IN EXCHANGE FOR FREE WOOL.

This memorial was brought to the attention of Congress, but no action was taken upon it, and no reply was made, for the reason that it was deemed inexpedient at that time to remove the duties imposed upon imported wool. The same people have made similar advances since, repeatedly, and four years ago, when the reciprocity policy was under consideration, this Government was again approached with the hope that we might be willing to make an equitable exchange of concessions for the purpose of promoting trade between the Australasian colonies and the United States, but the disposition of Congress was not favorable to the removal or any reduction of the tariff on wool. But now that it is proposed to place wool upon the free list, it would not be unfriendly or unprofitable to offer the Australians an opportunity to make some concessions in favor of the agricultural and manufactured products of the United States, which I am advised would be received in the most cordial spirit, and result in consummation of a treaty that would extend our markets in a most profitable manner, and afford an opportunity for our manufacturers to dispose of a great portion of their surplus.

The Australasian colonies represent a population of 4,285,297 souls, engaged almost exclusively in pastoral pursuits, without manufacturing facilities. They possess great wealth, which has rapidly accumulated, and live in all the luxury that modern taste demands. The people are almost exclusively white, descended from English, Scotch, and Irish ancestry, and their requirements are similar to those of the people of Ohio, Indiana, and Illinois. There are seven colonies, and the following table shows their population and their foreign commerce according to the latest figures attainable:

Colonies.	Population.	1891.	
		Imports.	Exports.
New South Wales	132,234	£25,383,397	£25,944,020
New Zealand	626,658	6,503,849	9,566,397
Queensland	393,718	5,079,004	8,305,387
South Australia	320,431	9,956,542	10,512,049
Tasmania	146,667	2,051,964	1,440,418
Victoria	1,140,405	21,711,608	16,006,743
West Australia	49,782	1,280,093	799,466

VALUE OF THE AUSTRALASIAN COMMERCE.

The imports of New South Wales for 1891, the latest year available, were divided as follows: Great Britain, £10,580,230; the other Australasian colonies, £6,803,974; the United States, £1,277,032; other foreign countries, £1,632,001. The imports of New Zealand were divided as follows: England, £4,369,633; other Australasian colonies, £1,013,549; the United States, £361,795. The balance was from India, China, Japan.

The commerce of Queensland was divided about like that of the other colonies. Only about 5 per cent of the trade of South Australia is with foreign countries, the remainder is with Great Britain and the other Australian colonies. Tasmania had no imports except from Great Britain and other Australasian colonies. Of the imports into Victoria, £8,953,599 were from Great Britain; £785,602 from the United States. The principal articles of import were coal, cotton, woolen, and silk goods, wearing apparel, iron and steel, live stock, sugar and molasses, lumber, furniture, and household goods, hardware and cutlery, machinery, stationery, oil, railway supplies, and agricultural implements, all of which with be furnished by the United States. Great Britain furnished nearly all the imports into West Australia.

Taking the colony of New South Wales as an example of the seven, the statistics of commerce show a wonderful expansion. In 1871 the imports were $48,045,000, the exports $56,225,000, an aggregate commerce of $104,270,000. Since then it has increased more than 150 per cent. In no other country in the world containing a population of about 1,000,000, or in any more populous country, is commerce to be found so large, or proportionately so large. The commerce "per head" is several times as large as that of the United States, and if we cut off that portion of the New South Wales trade which is transacted with the other colonies, the statement is still true, though in a lesser degree.

The aggregate imports and exports of New South Wales in 1891 were fifty-one and a quarter million pounds sterling, of which twenty-two and three-quarter millions represented trade with Australasia, and twenty-eight and a half millions outside Australasia, the total imports being twenty-five and a quarter millions, and the total exports twenty-six millions. Naturally, the largest commerce is with Great Britain, but there is already a considerable trade with the United States.

So eager have the people been to promote their trade with us, that for the last twelve or fifteen years two of the Governments have paid an annual subsidy to an American steamship line to maintain communication between Sidney and other ports and San Francisco, although this Government has given that line no aid.

EXPORTS FROM THE UNITED STATES TO THE AUSTRALASIAN COLONIES.

The following table shows the exports from the United States to the Australasian colonies during the last fiscal year:

Agricultural implements	$294,429
Books, maps, engraving, etc	63,987
Breadstuffs:	
Barley	65
Wheat	2,100
Wheat flour	4,712
All other	37,988
Carriages, horse cars, and cars for steam railroads	258,479
Casings for sausages	95,020
Chemicals, dyes, and medicines	294,534
Clocks and watches, and parts of	85,369
Cotton, manufactures of	80,629
Fish:	
Canned salmon	170,428
All other	74,426
Fruits, including nuts	117,548
Glass and glassware	67,886
Gunpowder and other explosives	51,804
India-rubber and gutta-percha, manufactures of	34,236
Iron and steel, and manufactures of:	
Machinery	280,551
Saws and tools	258,056
Sewing machines, and parts of	73,174
Wire	47,443
All other	640,960
Lamps, chandeliers, etc	106,695
Leather, and manufactures of	208,260
Malt liquors, in bottles	3,579
Marble and stone, and manufactures of:	
Roofing slate	30,362
All other	37,233
Musical instruments, organs	36,973
Naval stores	112,417
Oils:	
Animal	16,785
Mineral, refined	1,058,586
Paper, and manufactures of	353,280
Plated ware	24,406
Provisions, comprising meat and dairy products:	
Beef, canned	65,388
All other	36,062
Stationery, except of paper	34,152
Tobacco:	
Unmanufactured	225,613
Manufactures of	1,075,881
Wood, and manufactures of:	
Boards, deals, and planks	366,139
Timber, sawed	31,437
Other lumber and timber	37,732
Manufactures of wood	230,940
All other articles	631,309
Total domestic merchandise	7,818,130

An examination of this table will show the extent and the character of the market that may be secured for the manufactures of the United States by extending the reciprocity policy to the Australasian colonies. But the pending bill, if it becomes a law, rejects and abandons that opportunity forever. It is not reasonable to expect that they will discriminate in their tariff laws, against their own mother country unless they have some inducement to do so, and that inducement is removed if wool is placed upon the free list without asking concessions in return.

Total exports of merchandise from Great Britain to Australasia.

	1890.	1891.	1892.
West Australia	£513,024	£656,288	£590,348
South Australia	2,252,089	2,620,158	1,907,130
Victoria	7,971,795	8,180,814	5,375,748
New South Wales	8,035,198	9,872,187	7,253,701
Queensland	2,326,460	2,426,595	1,977,081
Tasmania	651,539	697,317	513,514
New Zealand	3,705,428	3,778,304	3,884,829
Fiji Islands	14,061	24,367	20,577
Total	25,470,194	28,256,120	21,523,228

Total imports into United Kingdom from Australasia.

	1890.	1891.	1892.
West Australia	£539,591	£307,552	£249,965
South Australia	2,937,873	3,761,890	2,966,882
Victoria	5,908,962	5,612,129	5,974,418
New South Wales	8,791,239	10,187,746	9,982,716
Queensland	2,417,937	2,734,886	3,251,531
Tasmania	345,883	404,769	395,356
New Zealand	8,347,430	8,192,594	7,751,741
Fiji Islands	11,229	5	21
Total	29,350,844	31,261,571	30,542,630

COMMERCIAL RECIPROCITY WITH CANADA.

No government ever threw away a greater opportunity to promote its foreign trade and secure commercial advantages for its citizens than is being sacrificed by the pending bill. Not only are the reciprocity treaties that were made by the last Administration to be absolutely and peremptorily revoked without consulting the rights and wishes of the other parties to the agreements, but the duties upon a long list of imported merchandise are to be removed and reduced without even giving the countries which will enjoy the benefits a chance to offer us some concessions in return.

The Canadian Government has for years been trying to negotiate a reciprocity treaty with the United States in order to secure a better market for her agricultural products. A commission came two years ago from Ottawa to confer with Mr. Blaine on this subject, and made some liberal offers as a basis for such an arrangement, but Mr. Blaine was compelled to inform them that under the McKinley law his authority was limited and that he could not promise to yield anything except the duties upon sugar, hides, rubber, coffee, and other tropical products, which, of course, had no interest for the Canadians. Nor was he willing to make a general commercial treaty, because he did not believe that the Senate would ratify any measure that permitted Nova Scotia's coal and lumber and Canadian hay, grain, poultry, vegetables, cheese, and other farm products to come over the border in direct competition with those raised in New England, New York, and the Northwestern States.

The Canadians were willing to offer almost anything to secure a market for their surplus "garden truck." They promised to reduce the tariff upon our cotton and woolen goods and other fabrics, our hardware and cutlery, and admit these and other manufactured articles at rates of duty that similar merchandise from Great Britain, their mother country, could not enjoy, so that the American manufacturers might almost monopolize the markets of between 5,000,000 and 6,000,000 people. But while Mr. Blaine was himself in favor of making that sort of a trade, and believed that it would result in the greatest good to the greatest number, he was firm in his conviction that the negotiation of such a treaty would be useless, because the two-thirds of the Senators necessary for its ratification would never agree to remove the protective duty upon the New England hay and potatoes, the Vermont horses, the New York butter and cheese, the lumber of Michigan, Minnesota, Wisconsin, Oregon, and Washington, and the wheat and barley of Minnesota, and Dakota.

WHAT THIS BILL GIVES TO THE CANADIAN FARMER.

But now the pending bill gives to the Canadian farmer, lumberman, and fisherman nearly everything their government sought for them two years ago, free of all conditions, and without demanding or expecting in return any of the concessions that the Dominion authorities were offering so freely and would still be so willing to give. In other words, the magnificent advantages that might be secured for our manufacturers in Canadian markets are simply thrown away. It is not strange that a Dominion paper said of the new tariff bill that "it could not have been better for the Canadian trade if it had been prepared in Ottawa instead of Washington."

The pending bill permits Canadian milk, fruits, beans, pease, bacon, beef, mutton, pork, lard, hams, fresh fish and fish for bait, sawed timber, logs, lumber, laths, shingles, staves, and all other kinds of lumber, plants, trees, vines, shrubs, salt, agricultural implements of all kinds, wool, buckwheat, corn, cornmeal, oats, rye, wheat, and wheat flour to come over the border entirely free of duty. It reduces the duties on potatoes, butter, cheese, poultry, barley, eggs, apples, and other articles to a rate which will permit the Canadian farmers to come into the markets of the United States and compete with our own.

There is immense rejoicing all over Canada because of this remarkable and unexpected generosity on the part of the United States. The Government organs are trying to repress this enthusiasm lest its significance may be realized by the American Congressmen and suggest to them what advantages are being thrown away, but they are so important to the commercial prosperity of Canada that if a clause should be added to the Wilson bill providing that these changes in our tariff shall not take place unless equivalent concessions are made in favor of our products there would be an agent of the Dominion government in Washington ready to sign an agreement in forty-eight hours.

SACRIFICE OF THE AMERICAN FISHING INTERESTS.

But the most important and improvident sacrifice of American interests made in the bill is the clause admitting fresh fish free of duty; and that will bring disaster upon the fishing fleets not only upon the Atlantic coast, but from one end of the Great Lakes to the other. For years the United States has been fighting to protect its fishermen. That was one of the issues involved in the war of 1812, and our ablest diplomacy has been engaged in the contest for the rights and privileges guaranteed them under our treaties with England. But by the Wilson bill the whole case is thrown away. Every inducement that we have had to persuade the Canadians to give our fishermen a show, every advantage that we have had over them is surrendered by the Wilson bill. The process of freezing fish in solid cakes of ice has caused the old methods of preserving them with salt to be abandoned, so that nothing but fresh fish now come to market.

Canada has persistently refused to permit our fishermen to enter her ports, even to buy bait of her own people, without having first paid a heavy license. She has prohibited them from landing in her harbors and shipping their fish across her territory in bond to the United States. She has done everything possible to prevent our fishermen from enjoying the use of neutral waters and to destroy their trade, and yet, in the light of all this, we throw open our ports to the Canadian fisherman, who can come and sell his fish in our markets just as freely as our own fishermen and just as freely as he can sell them at home.

With one-half of these concessions we could have secured from Canada entire freedom from all discrimination, and the same rights for our fishermen in her ports that her fishermen are to be given in ours. She would have been delighted to give them, for it would have been exchanging the market of 5,000,000 for the market of 65,000,000 people.

WHY NOT COMPLETE RECIPROCITY WITH CANADA?

All trade arrangements which have been made with Canada in past years—the reciprocity treaty of 1854 and subsequent attempts of a similar character—included only agricultural products which offered no advantages to us. Canada is an agricultural country, even more so than this, but its market for manufactured goods is of great value, and an arrangement of complete reciprocity would be of a decided advantage.

If in one hundred millions of imports purchased by Canada each year, the United States were able to furnish forty-five millions in that market in spite of the duties imposed upon them, competing with the English, who sold goods of nearly similar value, how much greater share of this trade would our people enjoy if they could send their merchandise into Canada as freely as they now do from one State to another, while the English manufacturers and merchants would have to submit to the tariff when they landed, amounting to from 25 to 40 per cent? But, Mr. President, the people of the United States should never permit any more one-sided arrangements under which we admit their products free while ours are taxed in their custom-houses. And the improvident policy of the pending bill will allow the Canadians to enjoy our markets while our manufacturers are practically excluded from theirs.

There is a paragraph in this bill which provides that all farm implements imported from any country which lays an import duty upon similar articles from the United States shall be subject to the duty existing prior to the passage of this act. That means Canada, and the proviso was inserted at the suggestion of the manufacturers of agricultural machinery. It would be a great benefit to all the farmers and manufacturers of the United States if that provision could be extended so as to cover all the schedules of the pending bill. It will be time enough to talk of free lumber, free salt, free fish, and free vegetables when Canada removes the duties she imposes upon those articles.

TENDENCY OF THE CANADIAN TRADE.

The laws of nature and the laws of trade require Canada to come to the markets of the United States to purchase what she requires and to sell what she has to dispose of, and in spite of the tremendous influences exercised by the officials and commercial organizations of England, in spite of the enormous amount of English capital invested in the Dominion, in spite of the

restraint that is placed upon the people by the Government, and in spite of the heavy duties they levy upon our products, nearly half of their trade is with us. Their exports usually reach the sum of $100,000,000.

Of this Great Britain takes about one-half, the United States about 40 per cent, the West Indies 3 per cent, and the balance is divided between other countries in Europe. The imports, by the last returns, amounted to $113,000,000. Of this the United States furnished $55,000,000, Great Britain $42,000,000, Germany $3,000,000, France $2,000,000, and so on. Can there be any question that, this market before us, it would be to the interest of our people to have free admission there for the sale of their goods in exchange for what we are now giving Canada without any consideration?

The price of labor in Canada is somewhat lower than in the United States, particularly in British Columbia, where Chinamen are employed to a considerable extent in the manufacture of lumber and in other industries, and it is said that our farmers and manufacturers might suffer by bringing the results of such labor into competition with our own, but that seems to me, sir, all the more reason why, if Congress proposes to remove our duties upon imports from Canada, that we should require something from them in return.

But as a matter of fact that population of Canada is small; the people are widely scattered; the capital is scarce; enterprise is not encouraged as it is in the United States; labor is not so well paid; the people are not so highly educated, and there has not been that steady prosperous growth that we have witnessed in our own agricultural districts, and if a commercial treaty on reciprocal concessions should be negotiated between Canada and the United States and bring greater degree of prosperity to our neighbors, it would have a direct result upon the extension of our commerce, and the ended and enlarged sales of our merchandise, as the prosperity of our Western farmers has enhanced the wealth of the manufacturers of the East. The opening of the great agricultural regions of Canada and the profitable market for their products will widen our market and give new regions for American enterprise and energy to conquer.

ENGLAND MUST CONSENT TO A TREATY.

There is no question that England will consent to any commercial arrangement that may be negotiated between the United States and Canada, although she will do it reluctantly, as she did in the case of her colonies in the West Indies. In 1874, when a reciprocity treaty was being negotiated by Sir Edward Thornton at Washington, the English Government instructed him to modify it at the suggestion of the Canadian ministry and make such additions as the Canadians desired. He did so, and made out a long list of articles manufactured in the United States which were to be received into Canada free of duty, so that it was practically free trade. Yet not one of those articles was to be received from England upon the same terms.

The draft of this treaty was sent to Lord Derby, who approved it, and the English Government established a valuable precedent by consenting to an arrangement under which American merchandise was admitted free to the British colony when a tariff from 25 to 50 per cent was imposed upon the same kind of merchandise coming from England. But even should the home government resist the proposition the reciprocity party in Canada is so strong and the desire for annexation to the United States is so eager that it would be compelled to make the concessions demanded rather than face a disappointed and resentful people.

Canada imposes a heavy duty upon the articles she received from the United States. She imposes a 35 per cent duty upon our agricultural implements, axes, popcorn, and other articles. She taxes coal 60 cents a ton; apples, 40 cents a barrel; barley, 15 cents a bushel; oats and rye, 10 cents; cornmeal, 40 cents a barrel; wheat flour, 75 cents a barrel; Indian corn, 7½ cents a bushel; eggs, 5 cents a dozen; hogs, 2 cents a pound; jams, jellies, and preserves, 5 cents a can; fresh fish, 1 cent a pound; salted fish, 50 cents a hundredweight; cheese, 3 cents a pound; cattle, sheep, and other animals, 30 per cent; vegetables 25 per cent; fruits and poultry 30 per cent; horses 20 per cent, and other articles that we are admitting free, at even higher rates.

Ever since the people of the United States achieved their independence, a hundred and eighteen years ago, there has been constant friction between them and their brethren across the northern border. It has always arisen from commercial jealousy and interference from one with the industrial pursuits of the other. My distinguished friend on the other side of the Chamber [Mr. MORGAN] has only recently returned from the performance of an honorable duty of adjusting one of the most serious and complicated of these differences, but I may suggest, Mr. President, that all further trouble can be avoided by a commercial arrangement with the colonies of the Dominion under which the relations between these two people of the same blood and stock shall be as free as those between residents of our several States.

THE MISSISSIPPI VALLEY AND ITS SOUTH AMERICAN TRADE.

The small share of New Orleans in the commerce between the United States and the Latin-American countries has always been the cause of surprise and comment. From the geographical situation of that city, in relation to the great producing and consuming section of the United States, as well as to the southern republics and colonies, one would suppose that the metropolis of the Gulf ought to command the greater part of both the export and the import trade. She lies only four days distant from the northern ports of Central and South America, less than one-half of the sailing time to New York, and enjoys communication by rail or water with every manufacturing and commercial center in the South and the West.

The distance from New York and Chicago, and New Orleans and Chicago is about the same; but the distance from Chicago to the isthmus, the great distributing point from the southern trade, via New Orleans, is only about half as great as via New York. Nevertheless, nine-tenths of the merchandise that is furnished by the Northwest to the Southern markets, both the agricultural and mechanical products, is shipped halfway across the continent by rail or lake to the Atlantic, and from New York southward, instead along the longitudinal line which nature has marked for man to follow.

The region tributary to New Orleans embraces over one-third of the total area of the United States, and furnishes 15,000 miles of navigable waters and is settled by nearly 30,000,000 people. It contains 70 per cent of the swine, nearly 60 per cent of the milch cows, 55 per cent of the cattle, and 40 per cent of the forest lands found in the entire country; producing, also, four-fifths of the corn and two-thirds of the wheat. The two crops mentioned are valued at $800,000,000 annually, and the live stock has an average value of $470,000,000.

The great cotton belt of the United States, in which is raised 3,500,000,000 pounds of raw material yearly, is naturally tributary to New Orleans, the chief outlet for the exports, amounting to 2,500,000,000 pounds, valued at $250,000,000. Of late years, also the manufacture of cotton has taken a great leap in the Southern States, their mills, which now produce $50,000,000 worth of goods annually, have trebled their capacity and the value of their products within a decade.

Ten years ago New England produced 70 per cent of the cotton goods, but the proportion is considerably less. Since 1880 the cotton mills of the South have increased from 180 to 230, and the spindles from 667,000 to 2,065,800, and the value of their products threefold.

ENORMOUS DEVELOPMENT IN THE MISSISSIPPI VALLEY.

The coal fields of the Mississippi basin cover an area of 175,000 square miles, about one-fourth that of Mexico, and produce 85,000,000 tons of coal annually. In the Southern States iron and coal are generally found together in quantities, which fact is having too much to do with the astonishing increase of iron manufactures which has taken place in this section within the past decade. The Upper Lake region furnishes the Northern States with the bulk of the ore which they consume. In the production of pig iron Alabama now stands third in the United States; Illinois is fourth, Pennsylvania and Ohio first and second. Of the 9,500,000 tons produced throughout the country, the States of the Mississippi basin are credited with over 80 per cent.

In the manufacture of steel (including rails) Pennsylvania and Illinois alone produce four-fifths of the total output of 4,500,000 tons. Furthermore, the Mississippi basin is steadily advancing to supremacy formerly enjoyed by the more Eastern States as manufacturers.

Minneapolis is the greatest milling center in the world. Milwaukee, Chicago, and St. Louis are famous manufacturers. The breweries of Milwaukee, Cincinnati, Chicago, and St. Louis are the largest in the universe. Chicago is the grand center for the manufacture of machinery and agricultural implements. Michigan furniture has a world-wide fame.

Ten years ago of the $5,300,000,000 which represented the total value of the country's manufactures, the Mississippi basin produced nearly two-thirds. The proportion now reaches 70 per cent. A decade ago it was producing three-fourths of the flour (valued at $585,185,000), four-fifths of the agricultural implements and wagons ($133,600,000), and about one-half of the malt liquor ($101,000,000), while the lumber product ($270,000,000) was a Northwestern and Southern monopoly. In 1890 these totals had been increased by fully 30 per cent, the country tributary to the Mississippi Valley earning three-fourths of the increase.

COMPARATIVE EXPORTS FROM THREE GREAT CITIES.

The following table will show a comparison of the exports to the southern countries from New York, Philadelphia, and New Orleans:

Countries.	New York.	Philadelphia.	New Orleans.
Cuba	$19,791,282	$1,669,383	$212,127
Mexico	4,313,178	222,755	464,547
British Honduras	235,425	.....	158,822
Central American States:			
Costa Rica	776,691	.....	306,959
Guatemala	577,298	.....	100,425
Honduras	256,580	.....	135,206
Nicaragua	315,650	.....	440,306
Salvador	476,880	.....	.....
South America:			
Argentine Republic	3,893,071	.....	.....
Bolivia	24,849	.....	.....
Brazil	8,525,608	1,113,008	.....
Chile	2,208,969	.....	.....
Colombia	2,564,612	25,844	196,317
Guianas:			
British	1,650,556	13,888	.....
Dutch	198,309	.....	.....
French	.....	.....	.....
Peru	561,635	.....	.....
Uruguay	828,013	.....	.....
Venezuela	4,168,408	12,854	.....
Ecuador	663,343	.....	.....

COMPARATIVE IMPORTS OF THREE GREAT CITIES.

The following table will show a comparison of the imports from the southern countries received at the ports of New York, Philadelphia, and New Orleans:

Countries.	New York.	Philadelphia.	New Orleans.
Cuba	$35,850,651	$21,365,025	$8,787,062
Mexico	13,551,423	271,106	2,644,099
British Honduras	28,500	.....	121,407
Central American States:			
Costa Rica	1,856,560	10	128,759
Guatemala	1,130,196	.....	100,425
Honduras	160,528	.....	456,149
Nicaragua	494,575	.....	560,837
Salvador	652,593	.....	.....
South America:			
Argentine Republic	1,941,940	117,128	.....
Bolivia	5,476	.....	.....
Brazil	56,988,125	1,023,522	4,535,585
Chile	2,704,489	354,613	.....
Colombia	3,030,884	43,488	359,359
Guianas:			
British	2,168,315	2,405,521	.....
Dutch	373,557	217,973	.....
French	9,315	.....	.....
Peru	802,622	.....	.....
Uruguay	984,032	26,678	.....
Venezuela	3,595,749	100	.....
Ecuador	822,824	.....	.....

THE CAUSE OF THE PHENOMENON.

This phenomenon is said to be due to the rigid quarantine regulations of New Orleans, which prohibit the entrance of steamers to the port from the southern countries during five or six months of the year without long and expensive delays. Several attempts have been made to secure modification of these regulations under a system of inspection at ports of departure, by which those vessels which bring clean bills of health from American inspectors may be able to land their cargoes without detention at quarantine, but the Louisiana State Board of Health declined to relax their rules even for the benefit of steamers that come from noninfected ports.

The Illinois Central and Southern Pacific Railways have been ready for several years to establish lines of steamships between New Orleans and the northern ports of Central and South America, provided such modifications could be secured, but have been compelled to abandon the projects, and let the trade go the other way.

THE TRADE OUGHT TO GO SOUTHWARD.

Two countries that draw a large proportion of their supplies from Ohio, Illinois, Indiana, Minnesota, Iowa, Wisconsin, Michigan, Missouri, and Alabama, and which supply fully 50 per cent of the goods imported from Latin America to the same localities, there are several projects of great importance at present under consideration.

These are the railway across the Isthmus of Tehuantepec, the completion of the railroad from Guatemala City to the Caribbean Sea, the Nicaragua Canal, and the completion of the railway across Costa Rica. Most of these projects are well under way toward completion, and it is not unlikely that the next year or two will see most of them completed. The successful building of any one of these will mean the opening to the manufacturers of the Mississippi Valley of markets of the west coast of Mexico, Central America, and South America, which have been controlled for a great number of years by the merchants of Germany, Great Britain, France, and Italy, and while it would be too much to expect that all of its trade would be diverted to the United States upon the completion of one of these means of interoceanic transportation, at the same time the nearer the market the more possibility there is for the increase of business.

Under present conditions the west coast of South America is nearer commercially to Europe than it is to the markets of the United States, with the sole exception of the port of San Francisco. Lines of steamers are handling the freight from these ports around Cape Horn to Europe for less rates than are charged to bring these goods via the Isthmus of Panama to the United States. This state of affairs will be modified by the construction of any one of these means of communication, and a glance at the map will show that as a direct line from Chicago south will pass through Yucatan, Honduras, and Salvador, leaving to its eastward the Republics of Nicaragua, Costa Rica, and all of the west coast of South America, so the business of these countries eventually will reach its natural markets, the Mississippi Valley, and be distributed through the natural lines of transportation.

At the present time there are some 330 houses located in New York City engaged in commerce with the Latin-American countries. In New Orleans there are about 25 houses engaged in the same commerce with those countries. Taking into consideration the respective populations of the two cities it will be seen what the possibilities of increase of trade are in New Orleans and while the majority of the commission houses in New Orleans are not as powerful, as rich, nor do they do as large a business with the Latin-American countries, at the same time the probabilities seem to me far greater in favor of an increase in New Orleans with the whole Mississippi Valley to draw from than they are in the East.

Mr. President, this whole question of reciprocity broadens and deepens the more it is considered and discussed. The results of the adoption of this policy have, as I think I have shown, already been most gratifying and satisfactory, but slight as to what they may and will be under the direction of intelligent and permanent legislation and the impulse and guidance of wise and aggressive administration.

What has already taken place under this policy is but the forerunner of what must surely follow—the budding or blossom of a rich and abundant fruitage in the future.

Yet we are called upon to throw all to the winds, and with one fell swoop to destroy not only all that has been thus far accomplished, but to defer the hope of reëntering upon the same lines for a long time to come.

While other countries, and especially many of those to which we look for markets and trade, are adopting this policy among themselves as an advance in commerce and civilization, we are not only to abandon all but to place ourselves in an attitude where it can be recovered only under great difficulties.

This country, of all others, occupies the vantage ground in securing results growing from reciprocal relations with others. The phenomenal resources of the country, giving such great purchasing power and making us the largest consumers of and customers for the products, both in the way of luxuries and necessities, imported from other countries, places the key of the situation in the hands of our Government and enables it to almost absolutely dictate such terms as will secure for her people new and extended markets.

Yet it is now deliberately proposed to surrender this key and all the power that it represents.

Our free-trade friends, believing that there should be no restriction whatever placed upon commerce and trade with other countries, indulge in the illusive fallacy that the demand of European countries for our agricultural and food products is largely limited by the restrictions placed upon the importations of their manufactured goods.

In my judgment, there is absolutely nothing whatever in this proposition. Great Britain would not purchase a bushel of wheat, nor a barrel of flour, nor a pound of pork more from us if all tariff laws were stricken from our statutes. Great Britain buys whatever she requires where she can secure it at the lowest prices. The laws of commerce and trade are as rigid and unchangeable as "the laws of the Medes and Persians."

With the people of Great Britain, as other countries, it is not a matter of friendship, amity, or good neighborhood, but absolutely a cold-blooded business proposition. They take our wheat as against Russia, Austra-Hungary, India, or Australia, or other wheat-producing regions if they can secure it on better terms; and so with our pork, beef, butter, and cheese, and other products that we export so largely; and the same is true with Germany and France.

Germany for a long time refused to take our pork product upon the pretext that it was diseased, and continued to do so until they saw that its people were to be deprived of our market for their beet sugar. How long do you suppose that Germany will receive our pork under the present duties, with the duty on sugar restored by our Government? Who supposes for a moment that Germany will longer take our pork on present terms should the reciprocity provisions of the law of 1890 be repealed? Why, Mr. President, I learn that already a bill has been introduced into the German Reichstag, placing a heavy duty on our cotton-seed oil, large quantities of which we have been exporting to Germany without any restriction whatever. Our exports of cotton-seed oil in 1892 reached over a million of gallons, and in value about $600,000.

Should the present treaty provisions with Germany remain intact, and the present law remain unrepealed, a remedy would be quickly found to relieve the exporters of cotton-seed oil to Germany.

France had hitherto placed a very high duty on wheat and flour, and other agricultural products, but in the very face of this proposed legislation, where the duties on many French importations are to be reduced, or still worse, put on the free list, the French Chamber of Deputies has recently increased the duty upon wheat exported into France from 5 to 7 francs per hectoliter, which will absolutely prevent the exportation of a bushel of wheat or a barrel of flour into France; showing again how absolutely idle is the claim that our foreign exportations are lessened on account of our tariff laws.

Even at the present time the French Government is so anxious to protect its own industries that it has placed a discriminating duty, as between flour and wheat, so that it is even now impossible to export a barrel of flour into France. Who for a moment supposes that in case the principle involved in the present reciprocity legislation is maintained our Government can not find a remedy for this discrimination against our agricultural products? Why should we not place restrictive duties on the wines, brandy, and silks, and the multitude of articles that we import from France until they accord to us fair play by the removal of restrictive duties on our agricultural products?

IN CONCLUSION.

Mr. President, I presume it is safe to assume that this remarkable bill, or something substantially like it, now pending in the Senate, will, with all its incongruities and inconsistencies, be enacted into law. The Wilson bill, as coming from the House, had the merit, at least, of responding to some extent to the declarations and the alleged principles of the Democratic party.

I presume there is no one who will have the hardihood even to claim that the bill now before the Senate does anything of the kind. The bill as reported from the Finance Committee, has not even this merit. It repudiates in every line and every paragraph almost, the declarations of the Chicago platform in favor of a tariff for revenue, as amplified by Democratic speakers in and out of Congress, and by the Democratic press, generally of the country.

But in the bill as coming from the House, and the one reported to the Senate from the Finance Committee, there is evidently the one common purpose, and that of prostrating and destroying the great industries of the country, without raising the revenue necessary for the support of the Government, or at least not raising it by means resorted to for raising such revenue hitherto invoked for that purpose.

It is fortunate, no doubt, for the Democratic party, if not for the country, that in both Houses of Congress it can stand on this common platform.

Mr. President, from what I learn, I imagine there will be no further attempt made by the party in either House of Congress to pass any bill having in view the vindication of Democratic declarations or principles, but to pass any kind of a bill upon which can be placed the Democratic coat of arms.

Therefore, Mr. President, I assume that this bill, with all its absurdities and enormities, is to become a law, and that necessary concessions are to be made to secure such a result.

The sugar trust and sugar refiners have been reconciled; the sugar producers have been stampeded from the position taken early in the session and cowed into submission; the whisky trust and the distillers are jubilant at their prospects, and a sop has been thrown to the coal and iron ore interests. So that those representing such interests are supposed to be in line.

And beyond all, the bill is to receive the support of the "solid South." Hence it is safe to assume that a bill akin to this, at least, will become a law.

But, Mr. President, as a lover of my country and a believer in its institutions and destiny, I look forward to this proposed legislation with apprehension and alarm. It can not bring good results; it can but prove disastrous to the best interests of the country.

I wish our friends on the other side might call a halt, that they might pause in their mad purpose and abandon the ill-advised course upon which they have entered. Let them not forget that "*Quos Deus vult perdere, prius dementat*," but even at this late hour let them reflect and consider that the interests of the country, and the whole country, are more sacred than those of any party or any section. But if they do not, as I fear they will not, they must not for a moment think that this is the end.

They can rest assured that the people of the country are not to stand by and see all their great industries wrecked and destroyed; their markets taken from them, and the doors closed to securing the new ones; labor degraded and civilization turned backward, without a determined protest.

Should you succeed in enacting this legislation, we must appeal to the people of the country, a higher tribunal than the Senate or Congress of the United States, and from which there is no appeal.

Of the ultimate result there can be no doubt. The premonitory mutterings as indicated in the elections throughout the country in the past few months are but a prelude to the storm that is gathering.

The firing on Fort Sumter united the Northern States in defense of the Union.

The passage of this bill in anything like its present form will again unite them in the protection of their industries and material interests; in preserving their markets, maintaining and elevating their standard of labor, and securing for the future the grandest civilization that has ever existed in the history of the world.

Mr. DOLPH. Mr. President——

Mr. CALL. Will the Senator from Oregon allow me one moment?

Mr. DOLPH. Certainly.

FORTIFICATIONS APPROPRIATION BILL.

Mr. CALL. By permission of the Senator from Oregon, I wish to give notice that to-morrow morning at the conclusion of the routine morning business I shall ask the Senate to consider the fortifications appropriation bill.

Mr. DOLPH. Is it the purpose of the Senator from Florida, if he does not succeed in disposing of the bill during the morning hour, to continue with it during the day?

Mr. CALL. I certainly do not wish to antagonize any consent agreement which has been heretofore made.

Mr. DOLPH. I am asking the question because, while I am not very familiar with the provisions of the present bill, I have for some years, since I have been in the Senate, given some attention to the subject of fortifications, and should like to be present when the bill is considered and disposed of.

Mr. CALL. If it will suit the convenience of the Senate I shall call up the bill to-morrow morning.

Mr. McPHERSON. The Senator from Florida will take notice of the fact that the Senator from Texas [Mr. MILLS] gave notice of his desire to address the Senate immediately after the conclusion of the morning business to-morrow.

Mr. HARRIS. I suppose the Senator from Florida simply refers to the morning hour and does not expect to occupy the time of the Senate after 1 o'clock.

Mr. CALL. Certainly not.

Mr. HARRIS. That will not interfere with the Senator from Texas or any other Senator.

Mr. CHANDLER. Mr. President, I wish to say, with the permission of the two Senators who are on the floor, that I desire to submit some observations upon the fortifications appropriation bill, and I had requested that notice might be given me before it should be taken up. The Senator from Florida informed me that it had been decided to take up the bill to-morrow; but it did not then occur to me that under the unanimous agreement of the Senate to proceed from 1 o'clock to 5 o'clock with the tariff bill it would be possible to go on with the fortifications bill for any considerable length of time. I am certain, from what I know of the views I desire to submit to the Senate, that it will be impossible to make any progress with the bill before 1 o'clock to-morrow, and it will be a mere form to take it up, because I shall require more time than would be allowed to make a beginning in the suggestions I have to make on that bill, and, certainly, if the Senator from Oregon [Mr. DOLPH] is not so much fatigued with the speech he is making on the tariff bill that he can not commence the discussion on the fortifications bill, its consideration will take the whole day. I suggest that there be consent kindly given by the Senator from Tennessee [Mr. HARRIS] that a day may be given to the fortifications bill when it is taken up. It will be useless, I know, to take it up to-morrow between 12 and 1 o'clock.

Mr. QUAY. I merely ask for information whether there is not a special order for to-morrow for an executive session to con-

sider the contested Florida cases immediately after the morning business is closed? I have a recollection of that sort, but I am not certain. If that be the case, it seems to me it will interfere with the consideration of the appropriation bill mentioned by the senior Senator from Florida.

The VICE-PRESIDENT. The Chair has no recollection of anything of that kind.

Mr. HARRIS. I do not think there was any special order. I think there was a suggestion of postponing a matter in executive session until perhaps that day; but that does not make a special order to any extent or in anyway whatever.

Mr. PASCO. If it be proper to refer to the matter in open session, there was a unanimous agreement of the kind stated by the Senator from Pennsylvania [Mr. QUAY] entered into at one of the sessions last week. I should not myself have been the first to refer to it.

Mr. HARRIS. A unanimous agreement that the particular matter referred to should be considered at a given time?

Mr. PASCO. Yes, to-morrow, immediately after the reading of the Journal.

Mr. CALL. I have given the notice, and will let the proceeding take its course.

THE REVENUE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. DOLPH resumed the floor in continuation of the speech begun by him on the 20th instant. After having spoken twenty minutes—

Mr. QUAY (at 5 o'clock p. m.) Mr. President, I desire to call the attention of the Senate to the fact that the hour has arrived at which under the agreement the discussion of the pending bill is to terminate for the day.

Mr. DOLPH. I am right in the midst of a table, but I do not want to violate the agreement.

Mr. CHANDLER. I suggest to the Senator to withdraw his remarks to the point where he began to read the table.

Mr. DOLPH. I shall do that. I will withdraw what I have said in stating the table and not print it in the RECORD. I shall not divide the table, but will repeat that portion of it when I resume my remarks.

[Mr. DOLPH'S speech will be published entire after it shall have been concluded.]

Mr. GRAY. I wish to say, what has been said before, that there is nothing in the agreement, in its letter or in its spirit, to prevent any Senator from continuing the debate after 5 o'clock. But it is perfectly apparent, of course, and it has been apparent here for two weeks, that the other side do not intend that the debate shall continue any longer than possible, and that the time shall be consumed and wasted.

Mr. QUAY. I know nothing as to the disposition on this side of the Chamber, but for myself I have conscientious scruples against continuing the debate after 5 o'clock.

Mr. GRAY. I believe the Senator has.

Mr. QUAY. And I understand, the other side of the Chamber desire an executive session.

Mr. DOLPH. The Senator from Delaware is very unkind to suggest that time should be wasted. He knows I gave him a great deal of time on Saturday, and that I was very liberal.

Mr. GRAY. I want to return the compliment by giving the Senator plenty of time this afternoon.

Mr. CHANDLER. Mr. President——

Mr. GRAY. The object is too apparent on the other side in their manner of conducting this debate.

Mr. HARRIS. Does the Senator from Oregon——

The VICE-PRESIDENT. The Chair had recognized the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. Will the Senator from Tennessee yield to me a moment?

Mr. HARRIS. Certainly.

Mr. CHANDLER. I should like to reply to the suggestion of the Senator from Delaware. I do not think this side of the Chamber should be censured for confining the debate to the terms agreed upon. It was an amicable arrangement that the debate should proceed from 1 o'clock until 5; and now the Senator from Delaware seems to complain of the Senators on this side of the Chamber because they ask that the discussion may be confined each day to those hours. Whether it was in the language of the agreement or not, it was certainly perfectly well understood that the discussion would cease at 5 o'clock, and that the Senate would then proceed to the consideration of other business. Now the Senator from Delaware reproaches the Senators on this side of the Chamber because they are not willing to go on after 5 o'clock, and says that it is wasting time. Certainly there has never been any more time than has been needed after 5 o'clock for other business and for executive sessions.

Mr. GRAY. Nobody on this side misunderstands the Senator from New Hampshire, and the country does not misunderstand him. The tactics of the other side are perfectly apparent.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 24, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 23, 1894.

JUDGE OF PROBATE.

Warren N. Dusenberry, of Utah Territory, to be judge of probate in the county of Utah, in the Territory of Utah, vice Joseph D. Jones, resigned.

PROMOTION IN THE NAVY.

Assistant Engineer Solon Arnold, to be a passed assistant engineer in the Navy from April 1, 1894, vice Passed Assistant Engineer James H. Perry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1894.

POSTMASTERS.

Oscar D. Pocock, to be postmaster at Camden, in the county of Preble and State of Ohio.

Executive nominations confirmed by the Senate April 18, 1894.

UNITED STATES MARSHAL.

John E. Lynch, of Missouri, to be marshal of the United States for the eastern district of Missouri.

UNITED STATES ATTORNEYS.

Lewis C. Vandegreft, of Delaware, to be attorney of the United States for the district of Delaware.

James F. O'Brien, of North Dakota, to be attorney of the United States for the District of North Dakota.

COLLECTOR OF INTERNAL REVENUE.

William H. Harries, of Minnesota, to be collector of internal revenue for the district of Minnesota.

RECEIVERS OF PUBLIC MONEYS.

Aloysius Lynch, of Leadville, Colo., to be receiver of public moneys at Leadville, Colo.

Albert M. Avery, of Alabama, to be receiver of public moneys at Huntsville, Ala.

POSTMASTERS.

Theron L. Arnold, to be postmaster at Three Rivers, in the county of St. Josephs and State of Michigan.

James A. Lodge, to be postmaster at Montgomery, in the county of Orange and State of New York.

Percival B. Salisbury, to be postmaster at Theresa, in the county of Jefferson and State of New York.

August Bondi, to be postmaster at Salina, in the county of Saline and State of Kansas.

William Clardy, to be postmaster at Purcell, in the Chickasaw Nation, Indian Territory.

Bushnell Danforth, to be postmaster at Williamstown, in the county of Berkshire and State of Massachusetts.

A. H. Jacob, to be postmaster at Larned, in the county of Pawnee and State of Kansas.

Henry C. Maxwell, to be postmaster at Harper, in the county of Harper and State of Kansas.

John H. Meyer, to be postmaster at Hiawatha, in the county of Brown and State of Kansas.

Frank W. Cutsinger, to be postmaster at Edinburg, in the county of Johnson and State of Indiana.

William H. McEwen, to be postmaster at Albion, in the county of Noble and State of Indiana.

Thomas A. Fairchild, to be postmaster at Holton, in the county of Jackson and State of Kansas.

Henry H. Hollberg, to be postmaster at Jackson, in the county of Jackson and State of Ohio.

J. W. Shipley, to be postmaster at Piqua, in the county of Miami and State of Ohio.

Executive nominations confirmed by the Senate April 23, 1894.

PROMOTIONS IN THE NAVY.

Commodore Francis M. Ramsay, to be a rear-admiral.
Capt. Thomas O. Selfridge, to be a commodore.
Commander Philip H. Cooper, to be a captain.
Commodore Joseph S. Skerrett, to be a rear-admiral.
Capt. Joseph N. Miller, to be a commodore.

POSTMASTERS.

Hugh H. Gouchenour, to be postmaster at Greeneville, in the county of Greene and State of Tennessee.

Edgar J. Knowlton, to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire.

Thomas Loftus, to be postmaster at West Union, in the county of Fayette and State of Iowa.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 23, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

ORDER OF BUSINESS.

The Journal of Saturday's proceedings was read.

The SPEAKER. If there be no objection the Journal as read will be approved.

Mr. HEPBURN. I interpose an objection.

The SPEAKER *pro tempore*. The gentleman from Iowa objects. The question then is on approving the Journal.

The question being taken; there were, on a division (called for by Mr. HEPBURN)—ayes 66, noes 3.

Mr. HEPBURN. No quorum.

Mr. SAYERS. I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will appoint as tellers to act during the call of the yeas and nays the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Ohio [Mr. STORER].

Mr. STORER. The point of order, or objection, was made by the gentleman from Iowa [Mr. HEPBURN].

The SPEAKER. The Chair has no objection to appointing the gentleman from Iowa.

Mr. STORER. I have no objection to serving; but I thought the Speaker might be under a misapprehension as to who made the point.

The SPEAKER. Not at all. The gentleman from Iowa [Mr. HEPBURN] will please act as one of the tellers.

Mr. RICHARDSON of Tennessee and Mr. HEPBURN having taken their places at the desk as tellers, the question was taken; and there were—yeas 212, nays 0, answered "present" 6, not voting 135; as follows:

YEAS—212.

Abbott,	Cogswell,	Grady,	Lynch,
Aitken,	Compton,	Gresham,	Maddox,
Alderson,	Conn,	Grout,	Maguire,
Aldrich,	Coombs,	Grow,	Mahon,
Alexander,	Cooper, Fla.	Hager,	Mallory,
Avery,	Cooper, Ind.	Hammond,	Martin, Ind.
Babcock,	Cooper, Tex.	Hare,	Marvin, N. Y.
Bailey,	Cooper, Wis.	Harmer,	McCall,
Baker, Kans.	Cox,	Harter,	McCleary, Minn.
Baldwin,	Crain,	Hatch,	McCreary, Ky.
Bankhead,	Curtis, Kans.	Hayes,	McDannold,
Barnes,	Curtis, N. Y.	Heard,	McDearmon,
Bartholdt,	Daniels,	Heiner,	McDowell,
Barwig,	Davey,	Henderson, N. C.	McGann,
Belden,	Davis,	Hermann,	McKaig,
Bell, Colo.	De Armond,	Holman,	McKeighan,
Berry,	De Forest,	Hopkins, Ill.	McLaurin,
Black, Ga.	Denson,	Hopkins, Pa.	McNagny,
Bland,	Dingley,	Hudson,	McRae,
Boen,	Dinsmore,	Hull,	Meiklejohn,
Bower, N. C.	Dockery,	Hunter,	Mercer,
Bowers, Cal.	Dolliver,	Hutcheson,	Meredith,
Branch,	Doolittle,	Ikirt,	Meyer,
Breckinridge, Ark.	Draper,	Izlar,	Money,
Brets,	Dunn,	Johnson, Ind.	Montgomery,
Broderick,	Dunphy,	Johnson, N. Dak.	Moses,
Brookshire,	Durborow,	Johnson, Ohio	Mutchler,
Bundy,	Edmunds,	Jones,	Neill,
Bunn,	Ellis, Ky.	Kem,	Northway,
Bynum,	Ellis, Oregon	Kleder,	O'Neil, Mass.
Cabaniss,	English, N. J.	Kilgore,	Patterson,
Cadmus,	Enloe,	Kribbs,	Payne,
Campbell,	Epes,	Kyle,	Paynter,
Cannon, Cal.	Erdman,	Lane,	Pearson,
Cannon, Ill.	Everett,	Lapham,	Pence,
Caruth,	Fletcher,	Latimer,	Pendleton, Tex.
Catchings,	Funk,	Lawson,	Pendleton, W. Va.
Causey,	Gear,	Lefever,	Perkins,
Clark, Mo.	Geary,	Lester,	Pickler,
Cobb, Ala.	Geissenhainer,	Linton,	Quigg,
Cobb, Mo.	Gillett, Mass.	Livingston,	Reyburn,
Cockrell,	Goodnight,	Loud,	Richards, Ohio,
Coffeen,	Gorman,	Lucas,	Richardson, Mich.
Richardson, Tenn.	Sperry,	Talbott, Md.	Updegraff,
Ritchie,	Springer,	Tate,	Van Voorhis, Ohio
Robbins,	Stallings,	Taylor, Ind.	Warner,
Robertson, La.	Stephenson,	Taylor, Tenn.	Wells,
Russell, Ga.	Stone, W. A.	Thomas,	Whiting,
Sayers,	Stone, Ky.	Tracey,	Williams, Miss.
Scranton,	Storer,	Tucker,	Wilson, Ohio
Shaw,	Strait,	Turner, Ga.	Wilson, Wash.
Shell,	Swanson,	Turner, Va.	Woomer,
Somers,	Talbert, S. C.	Tyler,	Wright, Mass.

NAYS—0.

ANSWERED "PRESENT"—6.

Dalzell,	Hepburn,	Marsh,	Wever,
Haugen,	Houk,		

NOT VOTING—135.

Adams, Ky.	Culberson,	Loudenslager,	Sherman,
Adams, Pa.	Cummings,	Magner,	Sibley,
Allen,	Donovan,	Marshall,	Sickles,
Apsley,	English, Cal.	McAleer,	Simpson,
Arnold,	Fielder,	McCulloch,	Sipe,
Baker, N. H.	Fithian,	McEttrick,	Smith,
Bartlett,	Forman,	McMillin,	Snodgrass,
Bell, Tex.	Funston,	Milliken,	Stevens,
Beltzhoover,	Fyan,	Moon,	Stockdale,
Bingham,	Gardner,	Morgan,	Stone, C. W.
Black, Ill.	Gillet, N. Y.	Morse,	Straus,
Blair,	Goldzier,	Murray,	Strong,
Boatner,	Graham,	Newlands,	Sweet,
Boutelle,	Griffin,	Oates,	Tarsney,
Brattan,	Grosvenor,	O'Neill, Mo.	Tawney,
Breckinridge, Ky.	Hainer,	Outhwaite,	Terry,
Brickner,	Haines,	Page,	Turpin,
Brosius,	Hall, Minn.	Paschal,	Van Voorhis, N. Y.
Brown,	Hall, Mo.	Phillips,	Wadsworth,
Bryan,	Harris,	Pigott,	Walker,
Burnes,	Hartman,	Post,	Wanger,
Burrows,	Henderson, Ill.	Powers,	Washington,
Caldwell,	Henderson, Iowa	Price,	Waugh,
Caminetti,	Hendrix,	Randall,	Weadock,
Capehart,	Hicks,	Ray,	Wheeler, Ala.
Chickering,	Hines,	Rayner,	Wheeler, Ill.
Childs,	Hitt,	Reed,	White,
Clancy,	Hooker, Miss.	Reilly,	Williams, Ill.
Clarke, Ala.	Hooker, N. Y.	Robinson, Pa.	Wilson, W. Va.
Cockran,	Hulick,	Rusk,	Wise,
Cornish,	Lacey,	Russell, Conn.	Wolverton,
Cousins,	Layton,	Ryan,	Woodard,
Covert,	Lisle,	Schermerhorn,	Wright, Pa.
Crawford.	Lockwood,	Settle,	

So the Journal was approved.

Before the result of the vote was announced—

Mr. MARVIN of New York. My colleague from New York, Mr. CHICKERING, desires to be excused for to-day on account of sickness.

There being no objection, Mr. CHICKERING was excused.

Mr. BAILEY. I ask that my colleague, Mr. CULBERSON, be excused indefinitely, on account of sickness in his family.

There being no objection, indefinite leave of absence was granted.

Mr. HEARD. I ask that the leave of absence of my colleago, Mr. HALL, be extended for ten days. I am in receipt of a telegram from him advising me that it will be impossible for him to be in attendance at the House for ten days. I therefore ask that his leave be extended.

A MEMBER. On account of sickness?

Mr. HEARD. On account of important business.

The SPEAKER. Without objection, the gentleman's leave will be extended ten days.

There was no objection.

Mr. PAYNE. I ask that the gentleman from Iowa [Mr. HENDERSON] be excused indefinitely, on account of sickness.

There being no objection, Mr. HENDERSON of Iowa was excused.

The following pairs were announced:

Mr. WILSON of West Virginia with Mr. DALZELL.
Mr. CULBERSON with Mr. GROSVENOR.
Mr. OUTHWAITE with Mr. BURROWS.
Mr. ALLEN with Mr. RUSSELL of Connecticut.
Mr. GOODNIGHT with Mr. SWEET.
Mr. ARNOLD with Mr. WHEELER of Illinois.
Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.
Mr. LISLE with Mr. WRIGHT of Pennsylvania.
Mr. BELTZHOOVER with Mr. TAWNEY.
Mr. FORMAN with Mr. SMITH of Illinois.
Mr. HALL of Missouri with Mr. CHICKERING.
Mr. BRICKNER with Mr. ADAMS of Kentucky.
Mr. OATES with Mr. POWERS.
Mr. BROWN with Mr. MORSE.
Mr. SNODGRASS with Mr. MOON.
Mr. MCETTRICK with Mr. HOOKER of New York.
Mr. PAGE with Mr. HENDERSON of Iowa.
Mr. SCHERMERHORN with Mr. WADSWORTH.
Mr. GRAHAM with Mr. HICKS.
Mr. SPERRY with Mr. BINGHAM.

Mr. PAGE. Mr. Speaker, I desire to have my name recorded.

The SPEAKER. Was the gentleman in the House during the roll call and failed to hear his name?

Mr. PAGE. I can not say that I was, during the call.

The SPEAKER. The Chair can not recognize the gentleman to ask unanimous consent, then.

Mr. PAGE. Can I not be recorded as present and not voting?

The SPEAKER. Not after the completion of the roll call.

The result of the vote was then announced as above recorded.

HAWAIIAN AFFAIRS.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Congress of the United States:

I transmit herewith a communication from the Secretary of State concerning a dispatch from the United States minister at Honolulu and reply thereto.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, D. C., April 2, 1894.*

STATISTICAL ABSTRACT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Bureau of Statistics, requesting authority to print the annual statistical abstract of foreign countries.

The SPEAKER. This communication will be referred to the Committee on Appropriations.

Mr. SPRINGER. Mr. Speaker, I think this matter should be referred to the Committee on Printing. It seems to be a subject which refers exclusively to printing.

The SPEAKER. This is an estimate submitted for the legislative, executive, and judicial appropriation bill.

Mr. SPRINGER. Then it is not the communication I thought it was.

The SPEAKER. It is a communication from the Secretary of the Treasury, transmitting one from the Bureau of Statistics, in respect to authority to print the annual statistical abstract.

Mr. SPRINGER. Then, Mr. Speaker, referring as it does to the printing of the annual abstract, I think it should go to the Committee on Printing.

The SPEAKER. The Secretary of the Treasury sends it as an estimate for the legislative, executive, and judicial appropriation bill.

Mr. SPRINGER. Then it is not properly indorsed on the back, I should think.

LEAVE OF ABSENCE.

The SPEAKER. The gentleman from Pennsylvania [Mr. HINES] asks leave of absence, for a few days, on account of sickness. Is there objection?

There was no objection.

INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Assistant Attorney-General, transmitting two judgments rendered against the United States arising from Indian depredations; which was referred to the Committee on Appropriations.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER also laid before the House a copy of the findings of the Court of Claims in the following cases: John Bray, Jacob Grim, and J. F. Pierce *vs.* The United States; which were referred to the Committee on War Claims.

SALE OF RAILWAY TICKETS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 443) to provide for the sale of new tickets by the railway companies of the District of Columbia; which was referred to the Committee on the District of Columbia.

ORDER OF BUSINESS.

Mr. HEARD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

The committees were called, no reports being submitted.

Mr. HEARD. Mr. Speaker, I now call up for consideration the regular order of business for this day. This day being set apart for business from the Committee on the District of Columbia, I desire to call up that business.

Mr. MCRAE. Mr. Speaker, I make the point of order that District business is not the regular order. We are entitled to the morning hour for the consideration of bills before District business.

The SPEAKER. Has the gentleman any authority in support of that position?

Mr. MCRAE. The rule, I think, is so plain that there can be no question about it. I have never known it questioned until the gentleman from Missouri questioned it in this Congress. There may have been no decision upon the subject, but it has been the practice of the House, and I think there is no doubt about the meaning of the rule from its language.

Mr. HEARD. I only desire to say that I never heard this question presented or never heard the proposition suggested until made by the gentleman from Arkansas a short time ago. The Chair stated then, it being a new question, that it would take the matter under advisement. I have no captious objection to make; if the Chair holds it to be a proper construction to be put on the rule I am willing to yield. Otherwise I call up for consideration the District business.

Mr. DINGLEY. What is the question of order raised?

The SPEAKER. The gentleman from Arkansas makes the point of order that the District business is not in order, under the rule, until after the second morning hour for the consideration of business.

Mr. RICHARDSON of Tennessee. Mr. Speaker, clause 2 of of Rule XXIV, seems to settle the question. That rule provides that—

On all other days than the first and third Mondays in each month, as soon as the business on the Speaker's table has been disposed of, there shall be a morning hour for reports from committees,

And so forth.

So that the regular order, when the gentleman from Missouri [Mr. HEARD] called for it a few moments ago, would have been District business, and not the call of committees, even, for reports.

The SPEAKER. That rule relates to suspension day.

Mr. RICHARDSON of Tennessee. I beg pardon. That is so.

Mr. MCRAE. It appears to be very conclusive that on other mornings we take the regular order, calling the committees, unless the privileged motion, to go into committee for the consideration of appropriation bills, is made.

Mr. RICHARDSON of Tennessee. Rule XXVI, Mr. Speaker, provides that—

The second and fourth Mondays in each month shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

The entire day under that rule, it seems to me, would be set apart for the consideration of business from the District Committee, and it has always been so held since I have been a member of Congress. There has never been a time when the second and fourth Mondays were not given to the District of Columbia when demanded. It seems to me this is not the time to depart from the precedent that we have been following so long.

Mr. MCRAE. Mr. Speaker, the gentleman is very much mistaken about the precedent. While I am not now able to find any decision, I do not think that the committee, until this Congress, has ever insisted that it had the right to take away the second morning hour. My recollection is that the custom is the reverse of what the gentleman says, and the rule which the gentleman himself has cited, which only excepts the first and third Mondays from order of business in Rule XXIV, appears to me to be conclusive upon the point that upon all other days the fourth clause of this rule shall be executed. Only the first and third Mondays are excepted from the fifth clause, so that upon the second, fourth, and fifth Mondays we are entitled to have the hour for business as we are on all other days, unless a privileged motion is made to go into Committee of the Whole House, under clause 9 of Rule XVI.

The setting apart of the second and fourth Mondays for District business does not take away the first or second morning hour. This only allows such business after the House has proceeded with the regular order of business down to and including clause 6 of Rule XXIV. You can not find any authority for calling the committees for reports unless you find it in the second clause of Rule XXIV, and on these days we are entitled to the morning hour just as we are on all days. Clause 4 requires that after the morning hour shall have been devoted to reports from committees, the Speaker shall again call the committees in regular order for one hour. So it follows that when he calls the committees for reports the next business in order is to call them for business.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it seems to me that this setting apart of the second and fourth Mondays is analogous to setting apart Friday of each week for the Private Calendar, and on Friday of each week it has always been the custom to dispense with the second morning hour for business. There is never a second morning hour for the consideration of bills on Friday. And the call of committees is simply for reports of a private character.

Mr. MCRAE. The third paragraph of clause 6 of Rule XXIV expressly provides that after the morning hour the motion may be made on Friday. There is no such provision in the rule relating to the District of Columbia. The gentleman is mistaken in the statement that on Fridays only private bills can be reported. That was the old rule, but that has been changed, and now public bills can be reported and may be considered.

Mr. SPRINGER. Mr. Speaker, I desire to make a suggestion.

Mr. RICHARDSON of Tennessee. At one time, Mr. Speaker, if I may be pardoned, we all understand that the second morning hour for the consideration of business called up by committees was not limited to sixty minutes. That was the old hour. It was called an hour for the consideration of business, but it did not end in sixty minutes. It continued the entire day out, unless the House decided otherwise. Such was the ruling in the Fifty-first Congress, and always prior to that time when that rule obtained. Now, I should like to know of what use it would have been to set apart the second and fourth Mondays for District day if you could take up business in the second morning hour under that old rule and consume the entire day in consideration of business in the second morning hour. It seems to me that all the rulings and precedents have been the other way.

Mr. SPRINGER. Mr. Speaker, the rule of construction which always applies in cases of this kind is that the rules should be so construed as to give effect to all the rules in the book, if possible, and where there is a conflict which is irreconcilable, the last enactment should control. But taking this code of rules as a body, we find two rules referring to this day. The one is clause 2 of Rule XXIV, which says:

On all days other than the first and third Mondays in each month, as soon as business on the Speaker's table has been disposed of—

This is one of those other days.

As soon as the business on the Speaker's table has been disposed of, there shall be a morning hour for reports from committees.

We have had that, and therefore we have given effect to that part of this rule. Now, in Rule XXVI, clause 2, we find the further provision that—

The second and fourth Mondays in each month shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Now, this is consideration of business and must take effect at this time, and as against all other matters of consideration. We have simply called the committees as provided under the third clause; and it seems to me if the Committee on the District of Columbia now claims the right it has under clause 2 of Rule XXVI, it is entitled to have its business considered at this time.

The SPEAKER. While there appears to be some conflict in these rules which have been cited, yet the Chair thinks they may be so construed as to be in harmony with each other and with the intent and purpose of the House in establishing the rules. The first clause of Rule XXVI reads:

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by the House.

That is the language of the rule. If there were no other provision in the rule relating to Friday than the one just read in Rule XXVI the same doubt might arise that now arises as to the second and fourth Mondays, if claimed by the Committee on the District of Columbia; but there is another provision in the rule as to Friday, which illustrates the purpose and intent of the first clause of Rule XXVI. The third paragraph of clause 6 of Rule XXIV provides—

On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into Committee of the Whole to consider business on the Private Calendar.

Now, Friday is set apart by the rule for the consideration of private business; but another rule says that you can only reach that after the morning hour by a motion to go into Committee of the Whole.

Strictly speaking, we have but one morning hour; that is the hour for the call of committees for reports. The other is an hour for the consideration of measures, and is not designated generally in the rules as a morning hour, but in practice we call it so. It is a time for the consideration of measures. Now, the Chair does not think it was the intention to put the Committee of the District of Columbia in any less favorable position as to the consideration of its business than was done with reference to private business before the House. Indeed, the second clause of Rule XXVI seems to be designed to protect this committee, as it does not protect the other committees of the House. On Friday the private business may be disposed of by a vote of the House so that public business can be proceeded with. Not so as to the business with the Committee on the District of Columbia. The second clause of Rule XXVI provides—

2. The second and fourth Mondays in each month shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

There is no provision, as in the case of private bills, for dispensing with this business and proceeding to other business. It has been held by predecessors in the chair that the only way to dispose of this claim of the Committee on the District of Columbia is to raise the question of consideration on every single bill that they may call up; in other words, that the day was dedicated and set apart to the consideration of their business, and the only way that the House could avoid it would be to raise the question of consideration on every bill; and gentlemen who have been here some time have seen that done often. When the committee would call up a bill, the question of consideration would be raised, bill by bill. So that practically this day seems to be dedicated and assigned to the business of that committee.

Now, the gentleman from Arkansas claims that, while this is true, their day does not begin until after the second morning hour. While this would be putting this committee in a less favorable position than the committee having charge of business before the House on Fridays, on the Private Calendar, the Chair is inclined to construe the rule as to the time when the District Committee may call up its business is the same time as that at which on Friday a motion may be made to go into Committee of the Whole on the Private Calendar, to-wit: after the call of committees for reports. Therefore the Chair holds it is in order on the second and fourth Mondays after the call of committees for reports to call up for consideration business reported from the Committee on the District of Columbia.

METROPOLITAN RAILROAD, DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I desire to call up for consideration the bill (H. R. 6171) relating to the change of the charter of the Metropolitan Railroad Company, which bill was under consideration on the last District day, and was laid over by agreement of gentlemen in order that agreement might be effected between those who entertained different opinions of it.

The SPEAKER. Is it in Committee of the Whole?

Mr. HEARD. It is in the House.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

Mr. HEARD. The bill has been read once.

Mr. HOPKINS of Illinois. I trust no action will be taken until copies of this bill can be put upon the desk of members, so that we may know how to pass upon the bill.

Mr. HEARD. I call the attention of the gentleman to the fact that this is not a new bill. It is the same bill as previously presented.

Mr. HOPKINS of Illinois. But we ought to have copies of the bill before any action is taken.

Mr. HEARD. Copies of the bill can be had in the usual way, at the Clerk's desk.

Mr. HOPKINS of Illinois. There does not seem to be any copies of it. I have called for one and have not been able to get it.

Mr. HEARD. I yield now to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. HOPKINS of Illinois. Mr. Speaker, I object. I want to have the bill read.

The SPEAKER. The Chair understands that this bill has been read and has been considered for two days.

Mr. HOPKINS of Illinois. What is the reason we can not have copies of this bill?

The SPEAKER. The Chair supposes they have been sent for.

Mr. HEARD. Mr. Speaker, if it will save any controversy I have no objection to having the bill read again, but I understand that the gentleman from Illinois [Mr. HOPKINS] does not insist upon that.

Mr. RICHARDSON of Tennessee was recognized.

Mr. WASHINGTON. Mr. Speaker, I rise to a parliamentary inquiry. Before we begin the consideration of this bill in the House I want to know whether the rules of the Committee of the Whole apply, so that the bill can be amended and put in proper shape.

The SPEAKER. They do not.

Mr. WASHINGTON. I shall have to object to the bill being considered in the House unless the rules of the Committee of the Whole can be applied to it.

The SPEAKER. The Chair understands that the bill has already been considered for two days.

Mr. WASHINGTON. But not agreed upon; and with the understanding when we ceased its consideration on the last District day that some very important amendments were to be proposed.

Mr. HEARD. They are to be.

The SPEAKER. Under the rule the point that a bill must be first considered in Committee of the Whole must be made before consideration of it begins.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this bill by unanimous consent is being considered in the House as in Committee of the Whole, and has been so considered on two District days.

The SPEAKER. The present occupant of the chair has no knowledge of that agreement. The gentleman from Missouri

[Mr. DOCKERY], who presided when this bill was last under consideration, will please take the chair.

Mr. HOPKINS of Illinois. Before the Speaker leaves the chair I desire to know if it would be in order to move to go into Committee of the Whole to consider this bill even though it has been partly considered in the House.

The SPEAKER. The Chair will have read the rule which governs that point. The Clerk will read clause 3 of Rule XXIII.

The Clerk read as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The SPEAKER. The rule requires that the point must be made before the consideration of the measure has commenced; but the Chair understands that this bill has been before the House on two District days, and has been considered in the House as in Committee of the Whole. The bill, therefore, is being considered in the House as in Committee of the Whole, and the five-minute rule obtains and the rule as to offering amendments as in Committee of the Whole.

Mr. HOPKINS of Illinois. With the same opportunity for amendment as though the bill were being considered in Committee of the Whole?

The SPEAKER. With the same opportunity, except that the previous question may be demanded in the House, which could not be done in Committee of the Whole.

Mr. WASHINGTON. The statement of the Chair covers the point upon which I desire information, and I am satisfied.

The SPEAKER. Has the bill been read under the five-minute rule?

Mr. RICHARDSON of Tennessee. It has been read down to the second section.

Mr. HOPKINS of Illinois. Mr. Speaker, I think there is some misunderstanding about that. The gentleman from Missouri told me a moment ago that there was still to be some general debate.

Mr. RICHARDSON of Tennessee. That is a mistake. General debate was closed by unanimous consent, and the bill was read down to the second section.

Mr. HOPKINS of Illinois. I so understood the gentleman from Missouri.

The SPEAKER. Is there an amendment pending?

Mr. RICHARDSON of Tennessee. No, sir.

Mr. COOMBS. There are amendments pending, Mr. Speaker.

Mr. RICHARDSON of Tennessee. There are no amendments to the first section. The amendment of the gentleman from New York [Mr. COOMBS] is to the third section of the bill.

The SPEAKER. The bill, the Chair understands, has been read under the five-minute rule down to the second section?

Mr. RICHARDSON of Tennessee. It has, and there is no amendment pending.

The SPEAKER. Then the Clerk will report the second section.

Mr. HEPBURN. One moment, Mr. Speaker. I wish to ask the gentleman from Tennessee in what part of this bill the provision comes as to the time of completing the work?

Mr. RICHARDSON of Tennessee. There has been no amendment offered as to that.

The SPEAKER. The Chair is informed that an amendment was offered by the gentleman from Massachusetts [Mr. WALKER] and agreed to.

Mr. RICHARDSON of Tennessee. That is in the first section.

Mr. HEPBURN. Well, Mr. Speaker, there is an amendment that I desire to offer.

Mr. RICHARDSON of Tennessee. The gentleman from Iowa [Mr. HEPBURN] states that he desires to offer an amendment to the first section. While I think that I might technically object, as the first section has been passed, I do not do so. Let the gentleman offer his amendment.

The SPEAKER *pro tempore* (Mr. DOCKERY in the chair). The gentleman from Iowa will send up his amendment.

Mr. HEPBURN. I move, in line 22 of page 2, to strike out "two" and insert "one," so as to read "within one year thereafter."

The amendment was read by the Clerk.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I wish to state to the gentleman from Iowa that the bill as it has been prepared requires this company to complete this change of motive power on the Ninth street line within one year; and it is then provided that within two years after that the change shall be completed on the main line. Now the gentleman, as I understand, proposes that on the main line this change shall be completed within one year.

Mr. HEPBURN. Yes, sir.

Mr. RICHARDSON of Tennessee. I think that will be a very short time; but I am perfectly willing to let the amendment pass without any controversy.

Mr. WASHINGTON. I want to call attention to the fact that the amendment as proposed will give two years from the passage of this act for the conversion of the east and west line into an electric line. I think that is entirely too long a time. The bill allows one year from the time of its passage for the conversion of the Ninth street line into an electric line, and allows two years from the finishing of that line for the conversion of the east and west line, making three years which the company will have from the date of the passage of the act for converting the east and west line into an electric line. Now, Mr. Speaker, one year is enough to change this whole system into an electric line. Therefore I move to amend the amendment——

Mr. HOPKINS of Illinois. Insert one month, and then it will allow one year and one month for the change.

Mr. WASHINGTON. I will be more liberal than that. I will move to amend the amendment by striking out "one year" and inserting "six months," so as to give this company eighteen months in which to make the change on the east and west line and one year on the Ninth street line.

Mr. HEPBURN. Why can not the change be made simultaneously on the two lines?

Mr. RICHARDSON of Tennessee. The only difference, if I may be indulged——

Mr. WASHINGTON. I believe I have the floor.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. WASHINGTON] desire to offer an amendment?

Mr. WASHINGTON. I do.

The SPEAKER *pro tempore*. The amendment will be read.

The Clerk read as follows:

Amend the amendment by striking out "one year" and inserting "six months."

Mr. WASHINGTON. Now, Mr. Speaker, as I understand, the reason given for asking so much time for converting the east and west line into an electric line is that this company proposes to experiment for another twelve months on the Ninth street line, claiming that the Buda-Pesth system is not yet perfect. Why, sir, there has been in operation in this city for more than a year a railroad line running from Seventh street along U to Nineteenth which is considered by all experts and practical railroad men as a perfectly working road, no longer an experiment. I insist that this Metropolitan Company, possessing so valuable a franchise, can float its bonds at the present time with the greatest ease for the conversion of its entire line within a reasonable time. Twelve months on the north and south line would be more than reasonable.

Why, sir, the whole work on the Ninth street line could be completed in four months from the passage of this act. One reason they ask for more time is that they say they have a suit pending in court in regard to a forfeiture of their charter, which it is now proposed by a compromise to refer to the court of appeals——

Mr. HEARD. I ask the gentleman to yield to me for a moment.

Mr. WASHINGTON. Very well.

Mr. HEARD. The gentleman does not want to create an erroneous impression. Now, he says the reason this company asks for a year is because of the suit which is pending. I wish to say that is not the reason. The reason is that gentlemen who appeared before the committee—engineers who propose to build this road—stated emphatically that it would take six months to get ready for putting in these electric appliances, and would take a year to complete the work.

Mr. HOPKINS of Illinois. Then I suggest that they ought to discharge those engineers and employ competent ones if they make that statement.

Mr. WASHINGTON. Now, Mr. Speaker, I yielded to my friend from Missouri for a question, but instead of that he has controverted a statement of mine and made a speech on the question.

Mr. HEARD. No; I merely made a statement.

Mr. WASHINGTON. Now, I have authority for my statement that this Ninth street line could be converted into an underground Buda-Pesth system inside of four months, and that authority is one of the attorneys himself of this road, which information he gave to me in the hall out there not exceeding twenty minutes ago.

The fact of the matter is that the emissaries of this road have been coming here before Congress for three years trying to humbug Congress and deceive the public in this District as to the work and as to their compliance with the law. But one of their attorneys stated to me within twenty minutes past that this road would be able to convert the Ninth street line into the underground system in four months. I said, "If that be true, why is

it that you ask a year for this work?" He replied, "Because we have a suit pending, steps having been taken to forfeit the charter, as well as a question as to some taxes. If these questions were settled we could do the work in four months."

Mr. JOHNSON of Indiana. Is not the gentleman from Tennessee exhibiting a little feeling over the matter?

Mr. WASHINGTON. I can not hear the gentleman from Indiana, but hope he is not trying to be facetious.

Mr. JOHNSON of Indiana. Not at all; but as the gentleman appeared to be excited, I was trying to get at the bottom of his excitement.

Mr. HEARD. Mr. Speaker, I do not know anything whatever about the "emissaries" who have been hanging around the Halls of this House trying to humbug Congress and influence legislation. They seem to have found my friend from Tennessee from his own statement. I have not seen any of them, nor do I know anything about them since they were before our committee, at which time it was stated by Messrs. Wright and Mysenberg, who represent the Buda-Pesth system, and who proposed to take the contract for converting this line, that in their judgment it would take six months to get ready the materials for this work, and they could complete it inside of a year. This is the statement of the engineers of the company before our committee, and I do not know anything which has been said to the contrary by anyone who is competent to determine the facts. That is the authority I have for my statement, and I regard it as good authority.

Mr. WASHINGTON. Will the gentleman allow me to ask him a question?

Mr. HEARD. Certainly.

Mr. WASHINGTON. How long is the Ninth street line from one end to the other of this Metropolitan Railroad?

Mr. HEARD. Something over 3¼ miles, I think.

Mr. RICHARDSON of Tennessee. Three miles and three-quarters.

Mr. WASHINGTON. That is exactly it. My colleague is correct. Now, how long would it take an ordinary force of hands to dig a double trench 3¼ miles long and put in the necessary supports for the crossties and rails that are already in place?

Mr. HEARD. My friend from Tennessee discloses the fact by his inquiry that he does not understand my point. These gentlemen, I will tell him again, stated that if they got the contract for this work it would take them six months to get the material on the ground to begin putting in this work; but that after that was done, they would be able to prepare the trench, put in the appliances, and complete the work in four months; but as a matter of safety, in order to provide against contingencies of weather and other obstacles that might embarrass the work, they asked a little longer time than that.

Mr. HERMANN. Let me ask the gentleman from Missouri whether it would not be exceedingly inconvenient for all purposes of business on that street if the entire work should be completed along its entire distance in four months?

Mr. HEARD. Well, I do not know, but I should think it would be.

Mr. WASHINGTON. Would it not be less inconvenient to the people to complete the work in four months than to have it going on for a year and a half?

Mr. HERMANN. If it extended over the longer time a part of it could be done and finished before other parts of the street would be opened.

Mr. HEARD. I think there was nothing unreasonable in the suggestion made by these gentlemen before the committee. It is altogether possible that they may get the work done in the time fixed by the gentleman's amendment. At all events, if they can not get it all in, Congress could relieve them by granting an extension of time if necessary. And while I do not know that the eighteen months would be sufficient, yet I do not see any special objection to fixing that time.

Mr. HOPKINS of Illinois. Mr. Speaker, the situation of this section at the present time is this: That under the original proposition embodied in the bill one year is allowed for the completion of the work on the main line, and two years additional upon all lines other than the main line. The gentleman from Iowa [Mr. HEPBURN] moved an amendment striking out two years and inserting one year, and the gentleman from Tennessee [Mr. WASHINGTON] moved to amend the amendment by striking out one year and inserting six months. So if the amendment offered by the gentleman from Tennessee is adopted it will give the company one year and six months from the time the bill becomes a law to make the improvement suggested here. Now, the gentleman from Missouri [Mr. HEARD], if I understand correctly his position, states that he sees no objection to limiting the company to eighteen months.

Mr. HEARD. I say that it may be a reasonable limit. I do not know. If it is not, however, the matter can be considered, and no doubt will be fairly considered, by Congress. I apprehend it would be time enough, but do not undertake to say.

Mr. HOPKINS of Illinois. Then, if I understand, the gentleman has no objection to the amendment fixing the limit at six months in addition to the one year. Is there any objection to that I ask?

Mr. RICHARDSON of Tennessee. I am waiting for the gentleman to conclude.

Mr. HOPKINS of Illinois. I ask the gentleman from Tennessee [Mr. RICHARDSON] in charge of the bill if he personally has any objection?

Mr. RICHARDSON of Tennessee. None in the world. I propose to accept the amendment if we can go on and have a vote.

Mr. HEPBURN. May I be permitted to make a suggestion?

Mr. HOPKINS of Illinois. In just a moment. I desire to say a word further on that, Mr. Speaker, because it seems to me that the time proposed by the gentleman who offered the last amendment is exceedingly liberal. If this were in any other city than Washington, the entire improvements suggested in this bill could be made within four months' time. The main line is less than 4 miles in length, and with a force of hands such as this company ought to command, they certainly could make every improvement that is suggested here within ninety days, and that, too, without disturbing the public travel or the public in any manner whatever. It is perfectly childish to say that this company should be allowed the time that was originally suggested here in which to make these improvements.

I sympathize with the sentiment expressed by the gentleman from Tennessee [Mr. COX], who made the suggestion that the managers of this railroad company are attempting to ignore Congress and the public, and are simply looking out for their private interests alone. It is our duty to look after the interests of the public, and to compel this contumacious railway company not only to make the improvements that are suggested in the bill, but to make them within a limited time.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, I wish to say, so far as I am concerned, I believe the road will do this work inside of eighteen months. The only reason given for greater extension of time is that there is no specific motor now known by which they can go to work and operate this road. If there was, they could put it into operation in less than eighteen months, but I believe it can be done in eighteen months, and therefore I make no objection to the proposed amendment, and ask that a vote be taken.

Mr. HEPBURN. Mr. Speaker, I desire to withdraw the amendment I offered, and in its place substitute the following:

Strike out all after the word "act," in line 14, on page 2.

The SPEAKER *pro tempore*. The gentleman withdraws his amendment.

Mr. HEPBURN. I move as a substitute for the motion now pending the following:

Strike out all of section 1, after the word "act," in line 14 of page 2.

Under the provisions of the bill as it now stands this company would have a period of three years after the approval of the act in which to complete the improvement——

The SPEAKER *pro tempore*. The gentleman will allow the Clerk to state the amendment.

Mr. RICHARDSON of Tennessee. Your amendment accomplishes just what his does.

Mr. HEPBURN. No; it makes it all to be done in one year.

The Clerk read as follows:

After the word "act," in line 14, page 2, strike out the following language: "On the streets, avenues, and at the places following, to wit: Beginning at Four-and-a-half street and P street southwest; running thence north on Four-and-a-half street to Missouri avenue; thence west on Missouri avenue to Sixth street; thence north on Sixth street to B street; thence west on B street to Ninth street; thence north on Ninth street to Florida avenue; thence northwesterly on Florida avenue to Tenth street: *And provided further*, That within two years thereafter the change to an underground system shall be completed upon all the residue of the lines of said company, including an extension thereof on East Capitol street from Ninth street east to Thirteenth street east, around both sides of Lincoln Square."

The SPEAKER *pro tempore*. Does the gentleman from Illinois [Mr. HOPKINS] withdraw his amendment to the amendment?

Mr. HOPKINS of Illinois. Yes.

Mr. HEPBURN. Under the provisions of the bill as it reads now, on the main east and west line of this Metropolitan road they will have three years in which to complete this work. That road is about 4 miles long. Three years would give 939 working days in which to lay 1,280 rods of this improvement, or a rod and a quarter a day. Now, it is nonsense for gentlemen to talk about there being a necessity for that great length of time. A rod and a quarter a day for a great corporation like this in a work of this kind!

We have had an object lesson here in reference to another im-

provement, on the Seventh street line, where half that distance was accomplished in three or four months. A company that wanted to accomplish results succeeded in doing so in that time; and you must remember there were much greater difficulties in engineering than upon this line. It seems to me they could undoubtedly within a year's time make the entire improvement. That will have given them, from the time that Congress first ordered this change of system, six years and six months in which to have accomplished the command of Congress. I think that is long enough.

Mr. PICKLER. As I understand, the different gentlemen having different views as to this bill came to some practical agreement two weeks ago as to the disposition of the matter. If that is so, I should like to hear a statement of the agreement.

Mr. HEPBURN. That was with regard to another proposition. I understand from the gentleman from Tennessee [Mr. RICHARDSON] he has an amendment that he supposes will cover that matter.

Mr. PICKLER. I should be glad to hear the gentleman from Iowa [Mr. HEPBURN] or some other gentleman state what the whole proposition now is.

Mr. RICHARDSON of Tennessee. That has no relation to this feature of the bill. That does not come in now.

Mr. HEPBURN. That proposition, as I understand it, was with reference to the indebtedness or the manner of disposing of the indebtedness.

Mr. PICKLER. Well, is not that in this bill?

Mr. RICHARDSON of Tennessee. Yes; but in another section.

Mr. HEPBURN. Mr. Speaker, this is an important matter, and it seems to me that we ought to vote on it advisedly and not extend the time for this work, as we shall do if we adopt these provisions, to eight years from the time when the improvement was first ordered by Congress.

Mr. RICHARDSON of Tennessee. The gentleman is speaking of the bill as it originally stood, but the amendments make the time eighteen months, and that ought to be satisfactory.

Mr. HEPBURN. I do not think it is.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I believe the work could be done in a year if the company had the motive power fixed and could go right ahead.

Mr. HEPBURN. The gentleman can advise himself any day he chooses of the fact that a road a mile and an eighth long, operated by the underground electric system, has existed in this city for nearly a year, and that during that period it has not been interrupted for a solitary moment.

Mr. RICHARDSON of Tennessee. My friend ought not to make that broad statement, for I know, as a matter of fact, that it has been interrupted, and that the cars have stopped in the middle of the street. It may, however, be a successful motive power, I do not say that it is not, but I am told there have been failures elsewhere. However, if the work can be completed in a year I believe these gentlemen intend to complete it in a year, and I will make no opposition to the amendment.

The amendment of Mr. HEPBURN was adopted.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, I ask for the reading of the next section.

Mr. HEPBURN. There is still another amendment that I desire to offer to that section.

Mr. RICHARDSON of Tennessee. You have it nearly stricken out now.

Mr. BAKER of New Hampshire. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Add to the fourteenth line of section 1 the following words: "And, in default of such completion, all acts or parts of acts chartering or extending the said road are hereby repealed."

Mr. HOPKINS of Illinois. The object of that amendment, I suppose, is to make it certain that this company will carry out in good faith the provisions of this bill. Now, there is no question that the company can make the improvements proposed in the first section within ninety days. I venture the suggestion that if this were in the city of Chicago the work would be done within thirty days from the time it was commenced, and if it were in any other city than this it could be done within from thirty to sixty days.

Now, if we allow twelve months for this company it seems to me that this is giving them latitude enough; and if this amendment is adopted it is notice to the gentlemen who own and operate this road that their charter will be taken away if the improvement which Congress has for several years been seeking to have made is not completed within the time fixed in the bill.

Mr. JOHNSON of Indiana. Does the gentleman regard the phraseology of that amendment as being fortunate?

Mr. HOPKINS of Illinois. I do not express any opinion as to that.

The amendment of Mr. BAKER of New Hampshire was agreed to.

Mr. HEPBURN. I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Insert after the word "act," in line 14, page 2, the following words: "*Provided*, There shall be completed an extension thereof on East Capitol street from Ninth street to Thirteenth street east and around both sides of Lincoln Square."

Mr. RICHARDSON of Tennessee. There is no objection to that amendment.

So the amendment was adopted.

The Clerk read as follows:

SEC. 2. That the said company is hereby authorized and empowered to issue its bonds, secured by a mortgage on its franchises and other property, to such amount as may be necessary to pay the cost of the work to be done and of the materials required and the expenses incident to the change to be made as provided in this act, but not in excess of such cost.

Mr. WASHINGTON. Mr. Speaker, I offer the amendment which I send to the desk.

Add at the end of line 7: "And said bonds shall not be sold or disposed of at less than their face or par value."

Mr. WASHINGTON. Now, Mr. Speaker, the object of that amendment——

Mr. RICHARDSON of Tennessee. There is no objection to that.

The amendment was agreed to.

The Clerk read section 3, as follows:

SEC. 3. That nothing in this act shall be so construed as to invalidate or in anywise affect the suit now pending in any court of the District of Columbia against the said company for the forfeiture of its charter for nonperformance of its duty in respect of paving the spaces between its tracks and 2 feet beyond its exterior rails and the nonpayment of the cost thereof, but the said proceedings may be prosecuted to final judgment as though this act had not been passed; and this act shall not be taken or held to be a waiver of any existing right or cause of forfeiture asserted in the said proceeding: *And provided further*, That if in said proceeding it shall be adjudged that the charter of said company be forfeited then such judgment may, and shall be, fully canceled and vacated by the payment by said company to the District of Columbia of the sum of $147,507.05 within ninety days from the rendition of said judgment, and thereupon the said company shall be vested with all the corporate rights, powers, and subject to all the duties and obligations conferred or imposed upon it by its original charter and the amendments thereof.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the third section being reached, I desire to say that this is the section upon which debate was had on the preceding days when this bill was under consideration, the section which involves the question of indebtedness of this company to the District. When the bill was under consideration two weeks ago the gentleman from Massachusetts [Mr. COGSWELL], who is a member of the District Committee, made a statement to the House which seemed to meet its approval, and suggested that an amendment be drafted referring this question of indebtedness to the court of appeals of the District of Columbia, with full power to investigate and ascertain what amount, if any, was due from this railroad company to the District.

Now, Mr. Speaker, all the gentlemen who had participated in the debate on the previous day agreed that with a proper amendment, making this reference to the court of appeals, the opposition would cease on that ground. With that understanding, I withdrew the bill two weeks ago to-day and the District Committee undertook to prepare, and have prepared, an amendment which they think covers this case exactly. This amendment was prepared by the gentleman from Massachusetts [Mr. COGSWELL], the gentleman from Texas [Mr. ABBOTT], who had been opposing the bill up to this time, and the gentleman from Alabama [Mr. COBB]. It was prepared in the presence and with the approval of Mr. Birney, the United States district attorney, representing the Government of the United States, and by Mr. Thomas, the attorney of the Commissioners of the District of Columbia, representing the interest of the District.

It was accepted by those three gentlemen, approved by these attorneys representing the various interests, and was then submitted to the full Committee on the District of Columbia at a meeting of that committee, and it has the unanimous approval of the committee. It is agreed to, then, by the railroad and its attorneys; it is agreed to by the Committee on the District of Columbia; it is agreed to by everybody who has examined it, so far as I know; and with this statement I ask the Clerk to read that which is agreed upon. It is a substitute for the third section of the bill. There are a number of the printed forms, if members will send out to the document room for them. They will find it in the bill H. R. 6727.

The SPEAKER *pro tempore*. The gentleman from Tennessee offers a substitute for the third section of the bill, which the Clerk will read.

Mr. RICHARDSON of Tennessee. I offer it on behalf of my colleagues [Mr. ABBOTT, Mr. COGSWELL, and Mr. COBB], and it is indorsed by the entire committee.

The Clerk read as follows:

SEC. 3. That a transcript of the record of the case of the District of Columbia against the Metropolitan Railroad Company of the District of Columbia, at law, numbered 22458, in the supreme court of the District of Columbia, together with the original papers and record entries therein, duly certified, shall, by appropriate orders duly entered of record, be transferred and delivered to the court of appeals of the District of Columbia, which said court of appeals is hereby vested with original authority and jurisdiction to hear and determine said case without a jury upon the pleas and issues and proofs therein other than the pleas and issues relating to the statute of limitation, and to determine from and upon said record and pleadings and proofs therein contained, and such other proof in the course of said hearing as said court may determine to be necessary in order to dispose of the case upon its merits, what, if any, indebtedness is due to the District of Columbia from the said railroad company in respect of the cause of action stated in the declarations filed in said case, and to enter judgment against said company in favor of the District of Columbia for any sum or sums of money that said court of appeals shall find due from said company in respect of said cause of action, for the amount of which said judgment execution may issue out of said court, and said judgment shall immediately become a lien upon all the property of said company, to be enforced in the manner now provided by law for the enforcement of other liens, and shall be paid within ninety days from the date thereof: *Provided*, That this act shall not take effect until said company shall file in said court of appeals its consent in writing to the aforesaid transfer of the said case, and also a waiver of all its rights and defenses under the statute of limitation. And also a waiver of all rights, benefits, advantages, and defenses that it has or may have by reason of the decision and judgment of the Supreme Court of the United States made and entered in said case: *Provided*, That the judgment of the said court of appeals shall be final and that there shall be no appeal therefrom: *And provided further*, That the cost of said transfer and of the hearing of said case in the court of appeals shall be paid by said railroad company.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, that is a very carefully considered amendment. It protects the interest of the Government and of the District, and it makes the railroad pay all the cost of transfer, whether successful or not, and pay the judgment in ninety days if it is given against the road. It makes them waive the plea of the statute of limitations, and leaves that court to consider the case upon its merits, and to take any more proof, in order to reach the facts.

Mr. HEPBURN. And it waives the question of notice?

Mr. RICHARDSON of Tennessee. It leaves the matter to be taken up by the court in such a way as to reach the proof in order to attain the ends of justice.

Mr. HEPBURN. Was this entirely satisfactory to the Commissioners of the District?

Mr. RICHARDSON of Tennessee. It was, and to Mr. ABBOTT, who had the matter in charge.

Mr. REED. Has it all been submitted?

Mr. RICHARDSON of Tennessee. I think so.

Mr. NORTHWAY. This is to take effect at a certain period. It may not be six months.

Mr. RICHARDSON of Tennessee. It is to take effect at a certain period.

Mr. NORTHWAY. Then the year may be consumed before it is to take effect.

Mr. RICHARDSON of Tennessee. Oh, no; it is to take effect on the passage of the act. I ask for a vote.

Mr. WARNER. Will the gentleman from Tennessee allow me to ask him a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. WARNER. May I ask the gentleman whether the proposition he now makes absolutely does away with the latter part of section 3, commencing with "And provided further?"

Mr. RICHARDSON of Tennessee. Will the gentleman read the words?

Mr. WARNER. It is quite a long section.

Mr. RICHARDSON of Tennessee. This section takes the place of that section.

Mr. WARNER. And leaves nothing whatever of the third section of the original bill?

Mr. RICHARDSON of Tennessee. Not at all.

The SPEAKER *pro tempore*. The question is on agreeing to the substitute——

Mr. HOPKINS of Illinois. Wait a while; there are several amendments to be offered. This is offered by the committee, and the gentleman from New York [Mr. COOMBS] has an amendment pending to the third section.

The SPEAKER *pro tempore*. An amendment to the original text?

Mr. HOPKINS of Illinois. Yes, sir.

Mr. RICHARDSON of Tennessee. This is a substitute for the third section, and of course——

The SPEAKER *pro tempore*. The Chair is advised that the amendment was sent up and read for information.

Mr. RICHARDSON of Tennessee. There would be no amendment pending, of course.

Mr. COOMBS. My amendment was a substitute for the whole bill.

The SPEAKER *pro tempore*. Does the gentleman from New York offer it now as an amendment to the original text?

Mr. COOMBS. No. The amendment I offered was a substitute for the whole bill, which entirely changes section 3.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman is entirely mistaken.

Mr. COOMBS. I am not mistaken.

Mr. RICHARDSON of Tennessee. All that was offered was that the company should pay a certain sum of money, and as presented it was not in order.

Mr. COOMBS. Let the gentleman look at the RECORD and he will see.

Mr. HEARD. I make the point of order that it could not come in at this time. The gentleman's substitute could not be considered until the committee had opportunity to perfect the text of the bill. If the gentleman has offered an amendment which would be considered as a substitute, according to his own theory it is out of order, as I have stated, until the committee shall have had opportunity to perfect the text of their bill.

Mr. HOPKINS of Illinois. But, Mr. Speaker, the statement was made by the gentleman from New York [Mr. COOMBS] when there was no amendment pending to the third section. Now, the agreement which was made by the gentleman in charge of this bill with several other members of this House is not an agreement which binds this House. It is simply a conclusion that has been reached by the gentlemen who were in that conference. There are grave reasons to my mind why this section offered as a substitute should not be adopted in its present form, and with the leave of the House I will state briefly some of those objections. Now, if I am correctly informed, when this trouble arose between the Metropolitan Railroad Company and the District of Columbia——

The SPEAKER *pro tempore*. The gentleman will please suspend a moment. The Chair desires to ascertain whether this proposition was offered as an amendment or as a substitute. The Chair will state that before the agreement was made by unanimous consent to consider this bill in the House as in Committee of the Whole some amendments have been offered under the rules——

Mr. RICHARDSON of Tennessee. No, sir.

The SPEAKER *pro tempore*. Yes; the gentleman from Massachusetts [Mr. WALKER] had certainly offered an amendment——

Mr. RICHARDSON of Tennessee. To the first section?

The SPEAKER *pro tempore*. To the first section. But before the making of any agreement, the only amendments which could be offered were an amendment, an amendment to the amendment, a substitute, and an amendment to the substitute. The Chair does not remember what amendments had been offered before this agreement was reached.

Mr. RICHARDSON of Tennessee. If the Chair will indulge me a moment, I will say that I have tried to keep track of these matters all the time. There was at first general debate on this bill; and the gentleman from Massachusetts stated in general debate that he desired to offer the amendment, inserting the word "electric" in the first section. He also stated that he proposed to offer an amendment to the third section as it then stood. But that was in general debate. Afterward, when the general debate had closed and the House, at my request, took up the bill for consideration as in Committee of the Whole under the five-minute rule, the first section was read, and the gentleman from Massachusetts offered his first amendment to the first section. There could be no amendment offered in general debate. Anything that may have been stated or read at that time would not be pending.

The SPEAKER *pro tempore*. Certainly an amendment could be offered in the time of any gentleman——

Mr. RICHARDSON of Tennessee. But such an amendment would not be pending.

The SPEAKER *pro tempore*. Not in the House?

Mr. RICHARDSON of Tennessee. Not at all. Notice simply could be given that the amendments would be offered. The bill would not be open to amendment in general debate.

The SPEAKER *pro tempore*. But the Chair will state that under the uniform practice of the House amendments could have been offered to this bill—an amendment, an amendment to the amendment, a substitute, and an amendment to the substitute.

Mr. RICHARDSON of Tennessee. But no such amendments were offered. When the first section was read, after we had entered upon the consideration of the bill under the five-minute rule, the gentleman from Massachusetts offered his amendment. The amendment of the gentleman from New York [Mr. COOMBS]—I remember it distinctly—was that before this bill should take effect the company should pay $147,000 into the Treasury. Now, Mr. Speaker, that would not be a substitute for a bill extending the time within which this company shall change its motive power.

Mr. COOMBS. Now, may I be allowed to make my statement? The gentleman from Tennessee has made his with great force.

The SPEAKER *pro tempore*. The Chair is only endeavoring to ascertain the facts.

Mr. COOMBS. I want the Chair to have my statement of the case. There were two amendments pending to the bill. I was informed that no other amendment could then be made, but that a substitute for the whole bill would be in order. I therefore sent up to the desk the bill with the third section struck out and a provision substituted for that section, intending that the whole bill as thus sent up should be a substitute for the other, that being the only way at the time for me to get the matter before the House. There were two amendments pending at the time.

The SPEAKER *pro tempore*. Does the gentleman from New York [Mr. COOMBS] offer his proposition as a substitute for the entire bill?

Mr. COOMBS. The third section.

The SPEAKER *pro tempore*. The Chair has no distinct recollection with regard to this matter; and the clerks advise the Chair that this substitute was not offered——

Mr. COOMBS. Then they did not understand me at all.

Mr. RICHARDSON of Tennessee. The question is, what did the gentleman from New York offer? I have asked the gentleman to state what he offered. He says that so far as the first section is concerned he offered the identical provision of this bill; and so as to the second section; but that as to the third section he offered a substitute. Now, let that substitute for the third section be presented; and when it is presented our substitute is first in order, being offered by the committee; and if it be voted down, the gentleman's substitute may be in order. But the gentleman's statement is that so far as regards the first and second sections he offered the bill as already before the House, and that the only change proposed by his amendment was in the third section.

Mr. COOMBS. But it was a very material amendment.

Mr. RICHARDSON of Tennessee. I agree that the amendment was very material; but I want this point of order settled.

The SPEAKER *pro tempore*. There is no point of order involved. It is simply a question of fact.

Mr. RICHARDSON of Tennessee. The gentleman from New York does not controvert it.

Mr. COOMBS. The Chair can readily understand that there was no opportunity for me to offer another amendment to the bill, and all I could do was to offer a substitute for it. That I did.

The SPEAKER *pro tempore*. A substitute for what?

Mr. COOMBS. For the whole bill, leaving the first and second sections as they were, and changing merely the third.

The SPEAKER *pro tempore*. The gentleman's own statement shows that he offered a substitute for the entire bill. That would not have been in order at the time for a vote until the completion of the bill. The third section of the bill is under consideration, and the Committee on the District of Columbia offer a substitute for that section. As soon as the text of the bill is perfected a substitute for the whole bill will be in order. The gentleman from New York offered his substitute for the entire bill.

Mr. COOMBS. That is correct.

The SPEAKER *pro tempore*. The committee's substitute, then, is first in order.

Mr. PICKLER. As I understand the gentleman from Tennessee, this bill is being read by sections for amendment. Now, could the gentleman from New York, after we had passed over the first and second sections and reached the third section, offer a substitute for the entire bill?

The SPEAKER *pro tempore*. That was done before the agreement was entered into, by unanimous consent, to consider the bill under the five-minute rule.

Mr. HOPKINS of Illinois. Now, Mr. Chairman, let us have a perfect understanding as to the parliamentary status. My understanding was that, when the matter was up on the day the gentleman from New York offered his amendment, it was an amendment to section 3, and required the railroad company to pay into the treasury of the District of Columbia $147,000 before this bill could take effect. My view of the situation, then, is this: I had prepared an amendment which was almost identical in phraseology with that offered by the gentleman from New York, but when he got the attention of the Chairman and offered his amendment, in looking it over I saw that it covered substantially the grounds of the amendment that I desired to offer, so that I did not offer mine formally. The situation, then, is such that we are entitled to a vote on the amendment offered by the gentleman from New York to section 3. And what I wish to know from the Chairman is this, can we now have a vote on the amendment of the gentleman from New York to section 3?

The SPEAKER *pro tempore*. Section 3 is pending, and to that section a substitute has been offered by the gentleman from Tennessee representing the committee. The original text is open to amendment.

Mr. HOPKINS of Illinois. Then I will offer as an amendment to the substitute of the committee the amendment offered by the gentleman from New York, and have it pending.

The SPEAKER *pro tempore*. Let the question be stated clearly from the desk. Gentlemen offer amendments and then proceed to debate them, which proceeding generally results in confusion.

Mr. HOPKINS of Illinois. My amendment is an amendment to the substitute of the committee.

Mr. RICHARDSON of Tennessee. The amendment of the gentleman from New York is offered to section 3 as printed in the original bill.

Mr. HOPKINS of Illinois. But I offer this amendment to the the substitute proposed by the committee.

The SPEAKER *pro tempore*. Will the gentleman from Illinois send up his amendment?

Mr. HOPKINS of Illinois. I offer this as a substitute for the substitute of the committee.

The SPEAKER *pro tempore*. That would not be in order at this time.

Mr. HOPKINS of Illinois. I should have stated as an amendment to the substitute.

The SPEAKER *pro tempore*. The gentleman from Illinois now offers the following amendment to the substitute, which the Clerk will read.

The Clerk read as follows:

That said company shall, within ninety days after the passage of this bill, pay to the District of Columbia the sum of $147,507.05; and in case of the failure of said company to pay said amount within the time herein specified, all rights under this bill shall be forfeited, and this act held for naught.

Mr. RICHARDSON of Tennessee. Now, Mr. Chairman, the point of order I make is this: If the Chair will turn to page 2863 of the RECORD he will find that the gentleman from New York [Mr. COOMBS] moved to strike out section 3 and insert the following:

Provided no right or privilege shall accrue to said company under this act until said company shall have paid into the Treasury of the United States for the benefit of the District of Columbia the sum of $147,507.05.

This amendment was offered as a substitute for section 3. Now, the Committee on the District of Columbia have the right to perfect the text of the bill, and have a right to offer an amendment to section 3, and they have offered this compromise substitute agreed upon in the manner I have stated, and it is first to be voted upon.

Mr. HOPKINS of Illinois. Not at all.

Mr. RICHARDSON of Tennessee. They offer this as the third section of the bill, and if the gentleman from New York now proposes to offer what has been read as a substitute for the pending amendment of the committee, why of course he would have a right to do that.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Illinois to offer what has been read as an amendment to the substitute.

Mr. RICHARDSON of Tennessee. An amendment to the substitute offered by the committee?

Mr. HOPKINS of Illinois. Yes.

Mr. RICHARDSON of Tennessee. Then it is not germane. The substitute we have offered leaves the matter to the court of appeals of the District of Columbia to ascertain what indebtedness there is and requires them to pay if there is any found.

This amendment that he offers is not germane to that amendment, and I make that point of order; because if that amendment is agreed to, it does away with the substitute that it is proposed to amend, and would not fit at all.

The SPEAKER *pro tempore*. The gentleman can very easily make it "fit," by moving to strike out.

Mr. RICHARDSON of Tennessee. But he has not done that.

Mr. HOPKINS of Illinois. That is what I do, Mr. Speaker. I offer it in the manner suggested by the Chair.

The SPEAKER *pro tempore*. The Clerk will report the proposition as the gentleman offers it.

The Clerk read as follows:

Strike out the words of the substitute, and insert the following language: That the said company shall, within ninety days after the passage of this bill, pay to the District of Columbia the sum of $147,507.05; and in case of the failure of said company to pay said amount within the time herein specified, all rights under this bill shall be forfeited, and this act held for naught.

Mr. HOPKINS of Illinois. Mr. Speaker, before I offered the amendment that has just been read by the Clerk, I rose to state some objections that occurred to me to the substitute that has been prepared by this self-constituted committee, and that has been read at the Clerk's desk.

It proposes to give this company a retrial on a case that was

fully determined against it in the *nisi prius* court here in the District of Columbia, under which it was required to pay into the treasury of the District of Columbia over $147,000.

Now, the objection that I have to the substitute of the committee is, that one of the original propositions in the way of defense that was urged by the railroad company against the original suit was that it had no legal notice of the improvements that were made along the line of the street over which the road ran, and hence should not be held liable for the expense that was incurred.

In other words, the railroad company admitted practically in its pleadings that the city had expended $147,000, for which the company would have been liable if it had had legal notice. In addition to that they also urged the plea of the statute of limitations. The Supreme Court of the United States, in passing upon this question, limited their judgment to the one question alone of the limitations of law, barring the right of the District to recover. It is proposed in the amendment that is offered to eliminate that defense, but it is not proposed to eliminate the defense of want of notice.

Now, I submit that before this railroad company is permitted to have the privileges and advantages that will accrue to it under this legislation, that it shall not only withdraw the plea of the statute of limitations—which is a dishonest plea in itself, an immoral plea, and one that is never offered except by those who desire to win by a defense which is almost akin to fraud—but withdraw also the plea of want of notice.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him a question?

Mr. HOPKINS of Illinois. Yes.

Mr. JOHNSON of Indiana. Does the gentleman as a lawyer state here, in the presence of lawyers, that the plea of the statute of limitations is a plea that is never interposed except for the purposes of fraud?

Mr. HOPKINS of Illinois. The plea of the statute of limitations is regarded as a dishonest plea.

Mr. JOHNSON of Indiana. Does not the gentleman know that the principal ground for the statute of limitations is the prevention of fraud, because it is presumed that after a certain length of time changes may occur, witnesses may die or leave the jurisdiction—that it is interposed upon the ground that the claim is a stale one?

Mr. HEPBURN. It is a statute of repose.

Mr. JOHNSON of Indiana. Put it on that ground; a statute of repose is very different from a statute of fraud.

Mr. HOPKINS of Illinois. It is never interposed by a man who wants to pay his honest debts.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HOPKINS of Illinois. I ask that I have five minutes more time.

Mr. RICHARDSON of Tennessee. We have debated this matter for three weeks, and I shall have to object to any extension beyond five minutes, to anybody.

Mr. HOPKINS of Illinois. Can I not have a little further time to explain my opposition? I have been interrupted in my remarks by the gentleman from Tennessee [Mr. RICHARDSON].

Mr. HEPBURN. I move that the gentleman from Illinois have five minutes further time.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. HOPKINS] asks unanimous consent to be allowed to proceed for five minutes further.

Mr. RICHARDSON of Tennessee. I will not object.

The SPEAKER *pro tempore*. The Chair hears no objection. The gentleman from Illinois will be allowed to proceed for five minutes.

Mr. HOPKINS of Illinois. Now, Mr. Speaker, the gentleman from Indiana asked me several questions as to when the plea of the statute of limitations is interposed. It is always interposed to defeat a claim, not upon its merits, but upon a technicality, and is always looked upon with disfavor.

Mr. JOHNSON of Indiana. By whom?

Mr. HOPKINS of Illinois. Men who are honest and fair and aboveboard in their transactions never interpose a plea of that kind.

Now, this railroad company in this so-called understanding has agreed to withdraw this plea; and I submit, coupled with that, it should also withdraw the defense of want of legal notice respecting the improvements that were made over and along these streets by the District of Columbia. I see no reason why this case should not be litigated upon its merits by withdrawing both these pleas, which are purely technical.

Mr. JOHNSON of Indiana. But if the gentleman will pardon me, his amendment does not go to that. His amendment rests on the demand of a certain sum of money.

Mr. HOPKINS of Illinois. I am not speaking of my amendment at this moment, but am attempting to show that the committee substitute should not be adopted unless amended.

Now, Mr. Speaker, this whole question has been before Congress two or three different times. I have before me the statutes of the United States, where in 1891 this identical question was before Congress, and this railroad company was then required to pay this judgment, with interest and costs, within a limited time or else its charter should be forfeited. The sum at that time was stated to be over $147,000. Now, instead of doing that, the railroad company went into the courts to defeat the will of Congress. It went into the court and fought this claim, not upon its merits, as I have said, but upon various technicalities. It now comes back here with what gentlemen are pleased to call a compromise, a compromise which means a practical surrender to the company.

It seems to me that when it is within the power of Congress to settle this whole question, it is infinitely better for us to adopt the amendment that I propose, to compel this railroad company to pay into the Treasury of the District of Columbia the $147,000, than to permit it again to go into the courts of this District and relitigate this question. That Congress was satisfied that it ought to pay is solemly expressed in the statute before me. Why should we attempt to repeal or modify that expression of Congress by the adoption of the section which is proposed by the gentleman here to-day? I say, Mr. Speaker, as I said the other day, that this franchise of this company that is forfeited is worth half a million dollars. If it were put up at auction it would bring that to-day.

This railroad company is to get all these privileges, all these rights that are suggested in this bill by the payment of the paltry sum of $147,000; and I submit, Mr. Speaker, that instead of going any further along the line suggested by the Committee on the District of Columbia, we had better cut the Gordian knot by the adoption of the amendment I have suggested and let the question end there; and if this company then fails to pay this amount of money within the time specified, let some other company have, on such terms as the House shall grant, the authority of constructing and maintaining a railroad along and over the streets now occupied by this company.

Mr. ABBOTT. Mr. Speaker, I desire to say to the House that when this bill first came up I was opposed to it. Being a member of the District Committee, I opposed the passage of the bill as it was originally presented. Subsequently, when the representative of this railroad company and members of the committee showed a disposition to have the question settled by an appeal to a court composed of men of learning and ability, I consented that we should confer original jurisdiction upon that court to hear and determine this case upon its merits. The railroad company was willing to submit its case to the court of appeals, and the District of Columbia, through its United States attorney and through the District attorney, consented that it should be so referred, by conferring upon that court original jurisdiction to try the case upon its merits according to the original transcript of the record as filed in the Supreme Court of the District, or to take new evidence if the court desired. I see nothing improper in that.

I do not believe, as a matter of law, that the Congress of the United States has power to assess a railroad company in any certain sum. I know that the supreme court of the District of Columbia did assess $147,000 against this railroad company on a fair and regular trial, and I was in favor of the company paying that amount of money into the treasury of the District; but after investigating all the cases that bear upon the subject I do not believe it is within the power of Congress to assess a railroad company or an individual in any certain sum of money. That is not the lawful way to proceed in this matter; and as the company were willing to submit the case upon its merits, to be settled according to the rights of the respective parties, I consented to this amendment, which I assisted in preparing, and I believe that it will protect the Government fully in all its rights.

With regard to the question of notice, I beg to say to my friend from Illinois that I believe the record itself contains sufficient notice to the railroad company; but if it does not, I am willing to accept an amendment providing that the company shall waive the plea as to notice.

Mr. HOPKINS of Illinois. Well, do not you think that ought to be inserted in the amendment, in order to save all doubt?

Mr. ABBOTT. I believe, as I have already said, that the record itself contains all the notice necessary.

Mr. HOPKINS of Illinois. I doubt that; but even so, why not put this provision in the amendment?

Mr. ABBOTT. There is a letter from the president of the company to the Commissioners, in which he says that the com-

pany would like to have the privilege of putting down their crossties in advance of the paving of those streets. That letter is in the record, and is in itself evidence of notice.

Mr. HOPKINS of Illinois. If you believe that, and the representatives of the railroad company assent to that proposition in their conversation with you, why not put the matter beyond dispute by inserting in your amendment a provision requiring the company to waive the question of notice?

Mr. RICHARDSON of Tennessee. Because the attorney of the United States does not want it in there, and neither does the attorney of the District of Columbia.

Mr. HOPKINS of Illinois. The attorney of the United States has no more to do with the question than we have—indeed, not near so much.

Mr. RICHARDSON of Tennessee. Well, these learned attorneys, who are familiar with the case from the beginning, do not desire any such provision.

Mr. STALLINGS. It could not hurt anything to put it in there, could it?

Mr. RICHARDSON of Tennessee. I do not know about that.

Mr. HOPKINS of Illinois. This is a matter which is before Congress, and it is the duty of Congress to protect the public interest, and such a stipulation would protect them in that particular at least.

Mr. ABBOTT. You, as a lawyer, know that an act done officially, under the authority of a public charter like that of this company, would be in itself sufficient evidence of notice.

Mr. HOPKINS of Illinois. Very well; but why not make the company so stipulate, and thus put the matter beyond debate?

Mr. ABBOTT. So far as I am concerned, I have not the slightest objection.

Mr. HOPKINS of Illinois. Then, why do not you gentlemen who have agreed upon this amendment insert that provision?

Mr. ABBOTT. I think it is absolutely unnecessary, because the record itself contains full notice. I can not imagine how the courts could possibly hold that the railroad company was ignorant of the facts, in view of the letters in the record showing that they had notice, and that they asked the privilege of putting down their crossties in advance of the paving of those streets.

Mr. HOPKINS of Illinois. Was it not one of the defenses of the railroad company that they had not had a legal notice?

Mr. ABBOTT. They did make that point, and the District met it with the evidence of which I have spoken.

Mr. HOPKINS of Illinois. Now, if the company made that defense, and if you desire to eliminate it from the case hereafter, why not require them to stipulate to waive the question of notice?

Mr. ABBOTT. As I have said, so far as I am concerned, I have no objection to it.

[Here the hammer fell.]

On motion of Mr. HEARD, by unanimous consent, Mr. ABBOTT'S time was extended for five minutes.

Mr. TERRY. I wish to call the attention of the gentleman from Texas to this language in the amendment which he says he has agreed to: "Jurisdiction to hear and determine said case without a jury, upon the pleas and issues and proofs therein, other than the pleas and issues relating to the statute of limitations." That reserves to this company the right to plead the want of notice, and unless you exclude that by an express provision, I think the point of the gentleman from Illinois [Mr. HOPKINS] is well taken; for you expressly provide that the suit shall be heard and determined upon the pleas and issues in the case other than the statute of limitations.

Mr. ABBOTT. I want to say to my friend from Arkansas [Mr. TERRY] that the agreement was that this case might be tried as an original case by the court of appeals. That court, under existing law, has not original jurisdiction of the case; but by this bill we propose to confer such jurisdiction, to try the case on its merits as it was tried in the courts below. We did not intend to make a new case for the court of appeals; we did not intend to bring in any new issues. But the railroad company asked us (and I think it was fair and right) that the case might be tried as it was before.

Mr. TERRY. Was not the allegation of want of notice one of the pleas when the case was tried before?

Mr. ABBOTT. Yes, sir.

Mr. TERRY. And you expressly reserve to the company the right to that plea by this bill?

Mr. ABBOTT. We reserve to them every right which they had in the courts below. I would not deprive them of any such right. I am willing that there shall be a fair and honest trial of the case on its merits according to the record.

Mr. HOPKINS of Illinois. Right there I hope the gentleman will allow me a moment. The officer whose duty it was to give the railroad company this notice was one of the largest stockholders in the company; and it is claimed that he did not give the company legal notice; that was one of the company's defenses. Now, in order to avoid that technicality it seems to me this House ought to eliminate that matter from the new case which is to be prepared, by saying in this amendment that the company waives all question as to notice before this improvement was made.

Mr. ABBOTT. My friend will remember that this case went to the Supreme Court of the United States, where judgment was rendered in favor of the railroad company on account of the bar of the statute of limitations.

Mr. HOPKINS of Illinois. That was the only point discussed.

Mr. ABBOTT. That was the only point decided by the Supreme Court of the United States. Now, according to the present recommendation of the committee, this case is to be tried again just as it was tried before the supreme court of the District of Columbia. We do not desire to make a new case. If this company owes the United States this money I am in favor of making it pay; but by your amendment you can not adjudicate the case, but settle it here without a hearing.

Mr. HOPKINS of Illinois. I am speaking of your amendment.

Mr. ABBOTT. By your amendment you undertake to adjudicate the question here in Congress; and this House is not a court; we can not adjudicate the rights of these parties; and unless we forced the company to waive its right to interpose the plea of the statute of limitations we could never have it adjudicated at all. As a representative of the interests of the people I was in favor of having this matter adjudicated upon its merits.

Mr. HOPKINS of Illinois. I think the gentleman and I can understand each other. Here is the point I make: The railroad company, in addition to the plea of the statute of limitations, interposed the defense that no legal notice had been served on it prior to the making of the improvements which would require it to make payment. I understand that was one of their pleas.

Mr. ABBOTT. I admit that.

Mr. HOPKINS of Illinois. Now, the officer of the Government who should have given the railroad company this notice was the largest stockholder in the company. If the company did not receive legal notice, it was because one of the stockholders of the company, whose duty it was to give notice, kept that notice back.

Mr. JOHNSON of Indiana. How do you know that?

Mr. ABBOTT. The record does show notice; and it shows that the president of the company addressed the board of public works on that very question. The company, as I believe, did have notice. But if it should appear that they did not have notice, and if this sum of money was assessed against the railroad company without legal notice, that was a wrong from which they ought not to suffer. I do not propose to deprive the company of any right it may have, except the bar of the statute of limitations.

Mr. COX. Will the gentleman from Texas answer me one question?

Mr. ABBOTT. Yes, sir.

Mr. COX. It seems that we have now reduced this controversy to a question as to notice. Now, the question of notice about a matter of litigation does not go to the merits. I think the gentleman will concede that. Now, what is the objection to the amendment suggested by the gentleman on the other side?

Mr. ABBOTT. I have said that there is none, so far as I am concerned.

Mr. COX. It is said here that the company desires to have this controversy settled on its merits. Now, why should they object to waiving the point of notice which they have relied on before?

Mr. ABBOTT. I will ask the gentleman from Tennessee——

Mr. COX. That does not answer my question.

Mr. ABBOTT. But I want to ask the gentleman this question, as a lawyer: If a judgment should be rendered in the circuit court or any other court of the State of Tennessee against him, without notice having been served upon him of the filing of the suit or the character of the suit, would he think it right in me to deprive him of his defense on that ground in such a suit?

Mr. COX. As a matter of course, I would answer "no."

Mr. ABBOTT. Of course you would.

[Here the hammer fell.]

Mr. COX. Just one more question.

The SPEAKER *pro tempore*. The time of the gentleman from Texas [Mr. ABBOTT] has expired.

Mr. COX. I ask consent that the gentleman from Texas be allowed one minute longer.

The SPEAKER *pro tempore*. In the absence of objection the gentleman from Texas will have the additional time.

There was no objection.

Mr. COX. Now your controversy lies on the statute of limitations and the question of notice?

Mr. ABBOTT. No; the limitation is waived.

Mr. COX. I desire now to ask my friend from Texas as a lawyer if he does not know that the question of notice does not go to the merits, but is a matter of detail?

Mr. ABBOTT. I will state to the gentleman that a notice is necessary. I admit that it is proper; and I contend that the record in this case shows a notice to the railroad company. If the gentleman will examine the record in the case he is bound to admit that proper notice was given to them and that they had full knowledge of the existence of the orders of the court.

Mr. COX. As a question of fact I would ask whether the notice was given or not. I do not pretend to say. But I do not see, and that is the point to which I wish to ask the gentleman's attention, why the railroad company objects to waiving the question of notice?

Mr. ABBOTT. I do not know that they do object.

Mr. COOMBS. Mr. Speaker, I am not a lawyer. I am a layman. I have no prejudices against corporations. I acknowledge and appreciate their value in many ways. But I want corporations to stand, in relation to their rights, just exactly beside the individual citizen, and no better. That is what I am contending for in this case, and have been contending for for the three days that this matter has been before the House.

It is not denied that these assessments were made for improvements, and those against private citizens have been paid by them. Those citizens who did not pay their assessments had their property advertised and sold. This railroad company managed to slip out of immediate payment, in that they did not stand on an equality with the citizens. They have managed to elude payment for all of these years; and now at this late day they come and ask that the interests of the District of Columbia shall be again put in peril by a new trial. There is no suggestion on this floor that the other trial was not a fair one. There have been two trials and both have been fair.

Mr. ABBOTT. Will the gentleman allow a question?

Mr. COOMBS. I can not yield for an interruption.

Mr. COGSWELL. But the gentleman is away off. You are not stating the facts of the case accurately.

Mr. HUTCHESON. Will the gentleman allow me to ask him a question?

The SPEAKER *pro tempore*. The gentleman from New York declines to yield.

Mr. COOMBS. The gentlemen can correct in their own time, if they think there is any misapprehension as to what is at issue. When this case was brought up on appeal, it was laid aside, and the judgment was vacated simply on the plea of the statute of limitation.

Mr. Speaker, I need not go into that point. That has been covered by gentlemen here who are conversant with the law. But what I want is simply this: If that assessment was right and proper for the private citizens of the District to pay, it was right and proper for the railroad company to pay. The citizens paid it or suffered for their failure. The railroad company eluded it, and now I do not want Congress to help them elude it any longer.

A question has been raised here that the railroad company did not occupy some of the streets for which they were assessed. That may be, but the company had the privilege of occupying the streets; they retained their rights to do so, and these rights have grown steadily and largely in value. Their rights grew in value by these very improvements made in the streets as well as by the improvement of adjacent property.

As I said at the beginning, sir, I do not want to appear here as an oppressor of a corporation; but I do not want to be here either as an apologist for a corporation which seems to have eluded its just responsibilities to the District. I do not want Congress to help them by giving another chance to avoid the payment of what they owe. I think we should insist upon their payment of the assessments before granting them any additional privileges, thus forcing them to stand upon the same ground as private individuals.

Mr. NORTHWAY was recognized.

Mr. ABBOTT. Mr. Speaker, I desire to say a word further, and for that purpose move to strike out the last word.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Ohio, and will then recognize the gentleman from Texas later.

Mr. NORTHWAY. Mr. Speaker, I was one of the members of this House who favored compelling this company to pay $147,000 into the Treasury; but since there has been an understanding that it should be reported back to the committee to see if an agreement could be entered into between those persons who are directly interested in it, and inasmuch as such an agreement has been reached to all intents and purposes, I shall favor the adoption of the report of the committee as the best settlement of the matter.

I do not believe that it is proper to stand here and say that the District has not been represented when its officers have assented to the agreement. As well may a person say that the people of this country had not been represented when Congress has assented to a particular character of legislation.

Now, it appears that this is the unanimous report of the committee. There is one objection to the whole of it, and it is the one to which the attention of the committee has been called. This provision compels the company to waive one technical plea, to wit, the plea of the statute of limitations. The want of notice is another technical plea. Why not compel them to waive all technical pleas and go at once to the merits of the case? The gentleman from Tennessee [Mr. COX] asks a very pertinent question. Why not compel them to waive both of these technical pleas and go at once to the merits of the case?

With the merits of the case I have nothing to do. The District of Columbia has assented to this. The United States consents to it, Congress consents to it, and I can see no harm to come to anybody; but I do believe that we should compel this company to waive both technical pleas, the one of notice as well as the statute of limitations.

Now, one other thing that I want to call the attention of the committee to. It is not for the purpose of offering an amendment, but to ask the attention of the committee to see whether I am right or not. They say:

Provided, That this act shall not take effect until said company shall file in said court of appeals its consent in writing, etc.

Suppose they do not file their consent under six months. There is no law to compel them to do anything, and the rights of the people are in abeyance. When will the law take effect? Not until the company has done something. But suppose they want to gain time, and fail to file their consent for six months? Can they be compelled to do anything, and what becomes of the rights of the District of Columbia during that time?

I think that idea should be stricken out of this act. It ought not to be allowed to take effect upon some act to be done by the railroad company, but they ought to be compelled to do something, and the act should not hang upon their consent; for they may not consent within six months or a year, and if they do not, what becomes of the rights of the District? I know it is provided that the year shall commence to run upon the approval of the act, but if it does not take effect until the company shall do something, to wit, until they file some record in the court; then what becomes of the rights of the District? I do not believe we should have in an act of Congress anything under which such a complication might arise.

Mr. HEARD. Does the gentleman hold that the putting of this condition into this law prevents the act from taking effect?

Mr. NORTHWAY. It says so:

Provided, That this act shall not take effect, etc.

Mr. HEARD. That is, as to the benefits to be given to the company.

Mr. NORTHWAY. Oh, no.

Mr. HEARD. I ask the gentleman for his construction of that law.

Mr. NORTHWAY. I am calling the attention of the committee to it. I fear there would be a double construction here, which would make trouble, and it ought to be stricken out, so that there could be no question about it.

Mr. RICHARDSON of Tennessee. Do not strike it out, but make them file their acceptance.

Mr. COX. In the agreement that is made between the conflicting interests the statute of limitations is waived. There is no trouble in understanding the legal result of that. Another question is presented, as to whether the company had the proper legal notice. That point is not waived. That is just as technical as the statute of limitations.

Mr. RICHARDSON of Tennessee. Will my colleague explain what notice he understands was not given?

Mr. COX. I understand that a certain notice was required to be given to the company, and the company claim they did not get that. As to the character of the notice, I do not pretend to say.

Mr. RICHARDSON of Tennessee. That is what I want to get at.

Mr. COX. You shall have it. If it is a notice that is important, why then it is exactly like the statute of limitations in its results. If it is a notice that is unimportant, why is there objection to waiving it?

Mr. HEPBURN. Will my friend from Tennessee allow me just a moment right there?

Mr. COX. Yes.

Mr. HEPBURN. I want to call attention to what occurred

two weeks ago to-day upon this very subject. I read from the RECORD:

Mr. COGSWELL. I ask the gentleman from Iowa [Mr. HEPBURN] if, at the next District day, we present an amendment which shall leave this to the court of appeals, sufficiently guarded, will that satisfy his opposition to the bill?

Mr. HEPBURN. So far as I am concerned, it will. If there can be an adjudication of the real merits of this matter——

Mr. RICHARDSON of Tennessee. Of the indebtedness?

Mr. HEPBURN. Of the indebtedness, without the interposition of any technical defense, for the want of notice or the statute of limitations, etc.

Mr. COX. Now, let me ask my friend if this want of notice, whatever may be its character, is an important question in the litigation, and you have submitted the matter to your arbitrator, the court of appeals of the District of Columbia suppose the case goes up there and the railroad makes its defense upon the question of notice—it has waived the plea of the statute of limitations, it is true—but it makes this question, as I said, of notice, that it has not been brought properly before the court, or some other question of that kind, that is a bar to the action. Then, I submit to my colleague from Tennessee, how is it possible to ever reach the merits of the case?

Suppose the court decides in favor of want of proper notice, you will never reach the merits of the case; and then as a result the railroad company gains the suit upon a technicality and the District of Columbia is defeated upon a technicality which is equivalent to the statute of limitations, because it is a bar to the action. Now, then, if it is important, why not waive it and go to the merits? If it is unimportant, you would be willing to waive it. That is the only question in my mind.

Mr. DUNN. Mr. Speaker, I desire to ask the chairman of the committee if I am wrong in making a statement of facts upon which my judgment and opposition to this bill shall rest. Is it or not a fact that some years ago this company was chartered and certain conditions imposed as a consideration for the charter; that it should perform those conditions without technicality, or what at that time was unquestionably the intent of the power that gave the charter? That it did not comply with the conditions of this charter as granted between the people of the District and this Government as a part taxpayer is the contention that has arisen.

The rights of corporate interests in every legislative body unfortunately, in this country, find too many ready advocates, and the people, alas, are seldom heard. If the people of this District went into the courts and were heard, and the courts decided that in equity and justice they were right, and this railroad corporation, through mere technicalities and the delay that follows unfortunately in the practice of the law, has been able to take advantage of the people of the District and the Government as a co-taxpayer, in refusing to pay what it agreed to at the time, it is a bad time for it to come to this House and ask for relief. It will be a dangerous thing for this Congress to pass a bill favoring a corporation which refuses to do its duty under the contract it made with the people of this District.

Look at the latter section of the bill. It presents to me the wooden horse at Troy; and I am not one of those who trust the Greeks when they bring gift horses; and I am one of those who refuse, as a member of this body, to make any agreement as a condition precedent for giving away the rights of the people, or exercising the power of a member of the Legislature for the interest of any corporation against the rights of the people. There is clearly an attempt on the part of this corporation and its friends on the floor of this House to dicker with the Congress of the United States; to say to the Congress of the United States, if you give us what we want we will do something you want.

We ought to say to them, if you will do what the people of the District of Columbia want and what we had a right to expect, then we will give you what you ask. But I believe it is a safe rule always to keep what you have until you get what you want. In this matter I believe the Congress of the United States should keep what they have, the right to deal with this company beyond the technicalities which it has covered itself with as a defense against the rights of the people. I am opposed to this measure in every form until that corporation is brought to its senses.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman in his remarks said he wanted to ask questions about something in the bill. Will the gentleman now state his question?

Mr. DUNN. I have asked the questions already in my speech. Is not there a contention between the people and this corporation about the payment of $147,000 claimed to be due? Is that a fact?

Mr. RICHARDSON of Tennessee. There has been a suit about that.

Mr. DUNN. Yes, sir.

Mr. RICHARDSON of Tennessee. But that is a suit which has been decided long since, and in favor of the company.

Mr. DUNN. On a technicality?

Mr. RICHARDSON of Tennessee. It was decided on a plea of the statute of limitations.

Mr. DUNN. Oh, yes; well, then——

Mr. RICHARDSON of Tennessee. The merits of the pleas have never been tried. Now, this bill is a general proposition to submit the question anew to the court, eliminating the plea of the statute of limitations, and letting the court try the merits of the pleas that never have been tried.

Mr. DUNN. There is not a man who has read the case and studied it carefully who does not know that in equity and justice the people of the District of Columbia are entitled to the money they claim from this company; and if the railroad company defended itself upon a technicality against the rightful claim of the people, it is our duty to protect the people and to so frame this bill as to prevent the corporation from interposing another technicality to again deprive them of their rights.

Let us say to this corporation: "Until you have performed all your duties, eliminated all your technicalities, and served the people as you have undertaken to do when you got your charter, and as you ought to do in justice, we will grant you no facilities for covering yourselves again under any technical plea, or forwarding your private interest at the expense of the people of this District."

Mr. ABBOTT. A want to say this to the gentleman from New Jersey: It is true that there was a judgment rendered by the courts of the District of Columbia against this railroad company for a hundred and forty-seven thousand and some odd dollars, and that judgment was affirmed by the supreme court of the District. That is true, and I was opposed to the passage of any bill for the relief of this company until they shall have complied with what was right and proper under that judgment.

Mr. DUNN. Then why do not we take that ground here now?

Mr. ABBOTT. I will ask the gentleman as a lawyer whether he holds that we can, by a legislative act, affirm or revive a judgment that has been overruled by the Supreme Court of the United States and again make it valid and binding?

Mr. DUNN. If the gentleman wants me to answer that question I tell him that, having the legislative power in our hands, we can compel this corporation to do justice to the people, by withholding what they want until they consent to do justice. That is the whole case.

Mr. ABBOTT. I want to ask the gentleman this question: Does he not know that the court of appeals of the District of Columbia is composed of honorable men, men of character and ability, men learned in the law, and if this is a right and proper claim is he not willing to submit it to the decision of those men?

Why should we deny to this railroad company, or to any citizen or corporation, the right to be heard in the courts and to interpose whatever meritorious defense they may have? I admit that the plea of the statute of limitations is not a meritorious defense, and I know that the company took advantage of that plea to defeat the claim of the District for this indebtedness and took the case out of court on that ground; but I again ask the gentleman why not submit this case on its merits to the judgment of these three honorable lawyers, men selected because of their ability and their learning in the law?

What have we to do here with reviving a judgment which, so far as the law is concerned, is now dead, so that no execution can be issued upon it? We have no claim against this railroad company except what I believe is an equitable one, for I believe the company owes this money. I do not hesitate to say that; but we have no power to reach them in that matter by legislation.

Mr. DUNN. Yes, we have; by defeating their measures here.

Mr. ABBOTT. We have no power unless to submit the matter to the decision of arbitrators, and this amendment means simply that, when we confer original jurisdiction upon this court of appeals to hear and determine the case upon its merits. Now, I would like to know whether the gentleman himself, if there was a judgment rendered against him without notice, would not contest it?

Mr. NORTHWAY. Suppose the gentleman knew as a matter of fact that he was sued, but there was a technical defect in the summons, if you were going to give him a rehearing would you not take away from him the right to present a technical defense on the ground of a defect in the summons?

Mr. ABBOTT. I will say to the gentleman from Ohio that if he will examine the record in 4 Mackay's Reports he can not help being convinced that there was notice to the company.

Mr. WILLIAMS of Mississippi. But the company did plead want of notice?

Mr. ABBOTT. Yes, sir.

Mr. WILLIAMS of Mississippi. Now, does not the very fact that they did make that plea, although they had actual knowl-

edge of the matter, show that they are expecting to avoid judgment upon that or some other technical ground?

Mr. ABBOTT. Would you, as a lawyer, insist that you or any other party could be brought into court without proper notice, and if you had not received such notice would you waive that plea? I think we ought not to ask them to waive anything but the plea of the statute of limitations; we ought simply to require them to agree to retry the case on the record, on the same record as before, and not upon the record as we might desire it to be, for if we were to insist upon their waiving anything more than their plea of the statute of limitations we might as well declare at once that we rendered judgment against them.

Mr. DUNN. Does the gentleman admit that this corporation owe the District of Columbia this money?

Mr. ABBOTT. I think they owe the money.

Mr. DUNN. What have they ever done in regard to making an equitable settlement? Have they done anything whatever? They have simply sat down and said "We want to have our way," and now gentlemen here seem to be willing to help them by disarming the people of the District in the prosecution of this claim.

Mr. ABBOTT. I have already said that the company pleaded the statute of limitations and defeated the claim in that way.

Mr. DUNN. Well, I say to you from all that I can read and hear of the conduct of the company in this matter——

Mr. ABBOTT. I yielded to the gentleman for a question, but I can not give him all my time.

[Here the hammer fell.]

By unanimous consent Mr. ABBOTT'S time was extended for three minutes.

Mr. ABBOTT. I am sincerely of opinion that the railroad company is indebted to the District of Columbia. I was of that opinion before. When I was on the floor two weeks ago I took that position. But if we propose now to refer this matter to the courts to be settled and determined according to the merits of the case, why not adopt a proposition which does so in fact? I would not say to the gentleman from New Jersey, if a judgment had been rendered against him without notice, that the judgment should be final and binding upon him. So, if this railroad company was not served with notice, then, as a matter of justice, it ought to be allowed to interpose this as a defense. I believe the company was served with notice. The record shows it; the report in Fourth Mackey shows it. But if there is any good ground for this defense at all, let the company have the advantage of it. Let it try the case upon the merits as shown by the record—not as the merits may appear to the mind of Congress.

As I have said, I believe that the railroad company owes this money. That has been, and is still, my opinion. But what objection is there to the proposition we now make to confer upon the court of appeals original jurisdiction to try and determine this case upon the record? And if we undertake to adopt such a proposition let us not eliminate a part of the record and say that the court must try the case upon the record with a part eliminated?

Mr. DUNN. The gentleman admits that the railroad company owes the money?

Mr. ABBOTT. I think so.

Mr. DUNN. That being so, what objection can there be to our saying to this company: "Before you can obtain any new legislation here for your benefit you must agree that the District of Columbia shall not be subjected to the uncertainty and cost of another suit to establish a matter that has already been passed upon."

Mr. ABBOTT. My friend should understand that the United States district attorney and the attorney for the District of Columbia have both assented to this proposition. They are both willing that the case shall be submitted in the manner we now propose to the court of appeals. Let me say also that the claim is not for $147,000. That was the amount of the judgment. The claim is for $161,000. The United States, or the authorities of the District, contend that the company is indebted in that amount. We propose now to submit all these issues to the court.

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from Illinois [Mr. HOPKINS] to the substitute proposed by the committee.

The amendment of Mr. HOPKINS of Illinois was again read.

Mr. COGSWELL. Mr. Chairman, in the interest of justice and fairness, as between this company and the District of Columbia, this amendment ought not to be adopted. No man on this floor can say with the certainty which we ought to feel in such matters that the amount named in the amendment is the amount of the indebtedness of this company to the District. No man here can say with certainty whether the amount named is too small or too large, or whether any amount at all is due. I was a member of the Committee on Appropriations which put upon an appropriation bill the amendment providing that a specified sum should be paid by this company, in default of which it should forfeit its charter. But since that time, as a member of the Committee on the District of Columbia, I have learned more about this case; and I say that no one listening day in and day out, week in and week out, as we have done, to a discussion of the merits of this case, can fairly say that we can determine in this way how much this company owes.

This amendment, if adopted, is fraught with mischief and injustice. If this company is indebted in any sum to the District of Columbia we want the company to pay every cent that it owes. On the other hand, if it does not owe anything, this committee does not want to compel it to pay anything.

Mr. HULICK. What amount less than $147,000 does this company claim that it owes? Does it claim that it does not owe that amount?

Mr. COGSWELL. The company claims that it has a defense against the whole assessment.

Mr. HULICK. And that there is nothing due?

Mr. COGSWELL. And that there is nothing due.

Mr. HULICK. Now, one more question——

Mr. COGSWELL. The gentleman is taking a good deal of my time; and I have only five minutes.

Mr. HULICK. Is the opposition of the company to the payment of this money based upon the technical defense of want of notice or upon some equitable ground?

Mr. COGSWELL. It is based upon some eight or ten pleas involving the merits of the transaction. Among those pleas, I believe, is that of want of notice.

Mr. Speaker, two weeks ago we went over this whole matter; and, as I supposed, we adjourned with the understanding that we could agree upon some amendment which would allow the bill to go through. The people of this District want quick transportation along the route of this road; they want the substitution of some other motive power than horses.

There are two sides to this question. There is one side, the public convenience, which demands some sort of legislation upon the subject. It demands that this road shall be compelled to change its motive power. On the other hand, you have got to give the road some sort of legislation to enable them to do it.

Now, I will say as a member of the committee, believing that something is due the District of Columbia, after I heard the full and fair explanation made by the road, it left me in doubt, as it left every other member of that committee in doubt, what the amount was. They came forward and said they had won their case in the Supreme Court of the United States on the plea of the statute of limitations. I did not take kindly to that plea, although it is sufficient if established.

I think it is an unmanly, unfair, and cowardly plea. But they said they would waive that, and would go into the court of appeals of this District and accept its decision as final in this matter, and would let the court, after an investigation of the facts, state what amount they owed the District, if they owed anything; that such amount should be a lien on their property, and that they would pay it in ninety days; and I supposed we had agreed on such an understanding when this matter was up for consideration before, and we took the suggestion, which I happened to make, into the committee room; we had the road, we had the Government attorney, we had the District attorney present with the committee, and all agreed upon the amendment offered by the gentleman from Tennessee.

I say now, Mr. Speaker, in the interest of fairness and justice that we can not adopt the particular amendment proposed by the gentleman from Illinois.

Mr. HOPKINS of Illinois. Mr. Speaker, I desire to say a word in relation to the argument of my friend from Massachusetts. I have no doubt whatever, of course, about the sincerity and honesty of his opinions or motives or of the expression that he has given here in opposition to the amendment I have offered. But I am as firmly convinced from the lights I have that my amendment should prevail as he is that the amendment should be defeated and that of the gentleman from Tennessee adopted. And I desire to call the attention of the Chair and the members of this House to a statement that Mr. Justice Bradley, of the Supreme Court of the United States, made in reference to this very subject when it was under consideration before that court. He said:

This was an action brought by the District of Columbia in November, 1880, to recover from the Metropolitan Railroad Company the sum of $162,622.52. The alleged cause of action was work done and materials furnished by the plaintiff—that is, the District of Columbia—in paving streets and avenues in the city of Washington at various times in the years 1871, 1872, 1873, 1874, and 1875, upon and in consequence of the neglect of the defendant—this railroad company—to do said work and furnish said materials in accordance with its duty as prescribed by its charter.

Mr. COX. By its charter?

Mr. HOPKINS of Illinois. Yes; that is the language of Judge Bradley—"prescribed by its charter."

Now, Mr. Speaker, you will see that this question between the District of Columbia and the railroad company has been pending for twenty-three years. Twenty-three years ago the company declined to go on and make certain improvements as required by the authorities of the District of Columbia. In 1880—or rather I should say prior to 1880—a suit was commenced against it in the District court here, and a decision was had on the merits of the case. The District court overruled the plea of the statute of limitations, and the question of want of legal notice, and heard the case on its merits. After mature deliberation by that court, giving full consideration to every defense that was urged by the company, a judgment for $147,000 was rendered against it.

Now, if the company had been controlled in any degree with the spirit of fairness which has been expressed by my friend from Massachusetts on the floor to-day, it would twelve or fourteen years ago have paid into the treasury of the District of Columbia this judgment which was rendered against it. But instead of that, it appealed the case to the Supreme Court of the United States, and urged the technical defense of the statute of limitations. In this decision from which I have read, the court ignored the defense on the merits, ignored every question of merit, and decided it solely on the statute of limitations.

Now, this question in 1890 and 1891 was again before Congress. At that time everything that could be urged in favor of the railroad company was presented to Congress, and after mature deliberation, by a formal enactment that is now a part of the statutes of this country, this railroad company was required to pay into the Treasury this judgment rendered against it some fourteen years ago, or in case of failure to forfeit its charter. What did the company do? Instead of complying with the expressed will of Congress, it again went into the courts of the District, and to-day is seeking to invalidate this expressed will of the House and the Senate. Now I say, Mr. Speaker, that when this company comes into this body, as it does to-day, asking for an extension of its charter, asking for additional privileges that it can not exercise under its present charter, before we vote such privileges and such authority we should compel it to pay this judgment, as expressed in my amendment.

Mr. RICHARDSON of Tennessee. I hope we can now have a vote. I have not spoken upon this amendment to-day. We have had speeches upon it heretofore, four weeks ago to-day, and two weeks ago to-day. The gentleman from Illinois [Mr. HOPKINS] has made this speech two or three times, and nearly every part of it has been controverted by gentlemen of the Committee on the District of Columbia who have examined this question from its very foundation to its top. I undertake to say that the gentleman has not stated the facts in the case fairly and exactly, in accordance with the equities of it.

Mr. HOPKINS of Illinois. Will the gentleman——

Mr. RICHARDSON of Tennessee. I am not going into a reargument of the question.

Mr. HOPKINS of Illinois. Will the gentleman point out in what respect my statement is incorrect?

Mr. RICHARDSON of Tennessee. It is incorrect in a number of particulars.

Mr. HOPKINS of Illinois. I say my statement is borne out by the record.

Mr. RICHARDSON of Tennessee. I decline to yield to the gentleman. He has occupied the floor three or four times to-day.

Mr. HOPKINS of Illinois. That is no reason why you should misrepresent me.

Mr. RICHARDSON of Tennessee. I undertake to say that the gentleman has not been entirely fair in his statement of the case. He says this company has been disputing this debt for more than twenty years. That is not correct.

Mr. HOPKINS of Illinois. The record shows it.

Mr. RICHARDSON of Tennessee. It does not show anything of the kind. He himself said the suit was begun in 1880. This work was done in 1872, 1873, 1874, and 1875, and there was no suit brought until 1878. This suit that the gentleman describes has never been tried upon its merits. There was a trial in the court below, in which the court erred in its judgment, not only upon the merits of the case, but upon the plea of the statute of limitations. The whole question was appealed to the Supreme Court of the United States, and that court reversed the court below, but only rendered a decision upon the statute of limitations, because it was not necessary to go to the pleas touching the merits when it found the plea of the statute of limitations in favor of the company. Now, Mr. Speaker, without taking more time, I move the previous question upon this amendment.

Mr. DUNN. Was there a judgment rendered in the court below?

Mr. RICHARDSON of Tennessee. We have debated this question now three times. We want to get to other District matters, and I demand the previous question.

Mr. HEPBURN. I ask the gentleman from Tennessee to withhold that motion a moment, to allow me to make a correction of a statement that has been reiterated here two or three times, as to what the understanding was two weeks ago.

Mr. RICHARDSON of Tennessee. In reference to that notice?

Mr. HEPBURN. Yes. It will only take a moment.

Mr. RICHARDSON of Tennessee. That question does not arise upon this amendment.

Mr. HEPBURN. Yes; but let me make this statement——

Mr. RICHARDSON of Tennessee. I will withdraw my demand for the previous question, in order to hear the gentleman.

Mr. HEPBURN. I quote again from the RECORD:

> Mr. COGSWELL. * * * Now, I understand there is to be submitted a proposition—it was originally suggested by the corporation itself—that jurisdiction be given to the new court of appeals to consider a case which shall be made up, leaving it to that court to determine whether this company owes the District anything and if anything how much, and that the amount found due by the court shall be paid by this company before this legislation takes effect.
>
> Mr. HEARD. The plea of the statute of limitations being barred and there being filed also a written waiver of all rights accruing to the company by virtue of the judgment rendered heretofore.
>
> Mr. HEPBURN. Does that also waive this question of notice?
>
> Mr. COGSWELL. As I understand, it does.

Mr. RICHARDSON of Tennessee. Now, if my friend will draw an amendment which will be in order after this amendment is voted on, waiving the notice, there will be no objection to it. The gentleman has set himself right.

Mr. HEPBURN. I only state this in justice to myself, because if you had brought in such an amendment as you suggested I would have felt bound by that agreement; but you have not done it, and therefore I felt at liberty to take the course I have taken to-day.

Mr. RICHARDSON of Tennessee. I supposed our amendment covered all the points. I now demand the previous question.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. RICHARDSON] demands the previous question on the amendment.

Mr. RICHARDSON of Tennessee. I demand it on the pending amendment, not on the substitute.

The SPEAKER *pro tempore*. On the pending amendment to the substitute?

Mr. RICHARDSON of Tennessee. Yes.

Mr. HEARD. A parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HEARD. Is it the amendment of the gentleman from New York [Mr. COOMBS] that is now offered?

Mr. RICHARDSON of Tennessee. It is the amendment of the gentlemen from Illinois [Mr. HOPKINS].

Mr. HEARD. Is it not substantially the same thing?

Mr. RICHARDSON of Tennessee. Yes.

Mr. HEARD. Is not that offered as a substitute for the substitute proposition of the committee?

The SPEAKER *pro tempore*. Substantially, that is the fact.

Mr. HEARD. Therefore, a vote for this substitute disposes of the charter.

Mr. HOPKINS of Illinois. If my amendment is adopted it requires the company to pay the judgment, and gives it the privilege it asks.

Mr. HEPBURN. And suppose that is voted down, then this is a proposition conferring the privileges upon them now.

Mr. RICHARDSON of Tennessee. I am willing to have an amendment offered.

Mr. STORER. I ask that the pending amendment be read.

The SPEAKER *pro tempore*. If there be no objection, the Clerk will report the amendment to the substitute offered by the gentleman from Illinois.

The amendment to the substitute was read.

The SPEAKER *pro tempore*. The gentleman from Tennessee demands the previous question on this amendment.

The previous question was ordered.

The SPEAKER *pro tempore*. The question now is on the amendment to the substitute offered by the gentleman from Illinois.

Mr. COOMBS. Wait a moment—I would like to hear it read.

The SPEAKER *pro tempore*. It has just been read.

The question was taken.

The SPEAKER *pro tempore*. The Chair is in doubt. As many as are in favor of the amendment to the substitute will rise and be counted.

The House again divided; and there were ayes 60, noes 78.

Mr. HOPKINS of Illinois and Mr. COOMBS. No quorum.

Mr. RICHARDSON of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Chair will appoint as tellers

the gentleman from Tennessee, Mr. RICHARDSON, and the gentleman from Illinois, Mr. HOPKINS.

The question was taken; and there were—yeas 109, nays 113, answered "present" 2, and not voting 129; as follows:

YEAS—109.

Aitken,	Dinsmore,	Lane,	Reilly,
Alderson,	Donovan,	Latimer,	Richards, Ohio
Bailey,	Dunn,	Lawson,	Richardson, Mich.
Baker, Kans.	Durborow,	Layton,	Ritchie,
Baker, N. H.	English, N. J.	Lefever,	Robertson, La.
Barnes,	Enloe,	Lester,	Russell, Conn.
Bartholdt,	Epes,	Lucas,	Russell, Ga.
Barwig,	Fyan,	Maddox,	Sayers,
Bell, Tex.	Geary,	Mallory,	Sipe,
Berry,	Goldzier,	Marvin, N. Y.	Somers,
Boatner,	Grady,	McAleer,	Stallings,
Branch,	Hager,	McCulloch,	Storer,
Breckinridge, Ky	Hainer,	McDearmon,	Strait,
Bretz,	Hammond,	McGann,	Talbert, S. C.
Broderick,	Hare,	McKeighan,	Tate,
Bryan,	Harris,	McMillin,	Terry,
Bunn,	Hitt,	McRae,	Turner, Ga.
Bynum,	Hopkins, Ill.	Mercer,	Turner, Va.
Cabaniss,	Hopkins, Pa.	Moses,	Updegraff,
Cannon, Cal.	Houk,	Neill,	Warner,
Coffeen,	Hudson,	O'Neill, Mo.	Weadock,
Coombs,	Hunter,	Paschal,	Whiting,
Cooper, Tex.	Ikirt,	Payne,	Williams, Ill.
Davey,	Johnson, N. Dak.	Pearson,	Williams, Miss.
Davis,	Kem,	Pendleton, Tex.	Woomer.
De Armond,	Kilgore,	Pendleton, W. Va.	
De Forest,	Kribbs,	Pigott,	
Denson,	Kyle,	Quigg,	

NAYS—113.

Abbott,	Covert,	Jones,	Reed,
Alexander,	Cox,	Kiefer,	Reyburn,
Avery,	Crain,	Lapham,	Richardson, Tenn.
Babcock,	Curtis, Kans.	Livingston,	Robbins,
Bankhead,	Curtis, N. Y.	Loud,	Scranton,
Belden,	Dolliver,	Loudenslager,	Shell,
Bingham,	Doolittle,	Maguire,	Sperry,
Black, Ga.	Dunphy,	Mahon,	Stephenson,
Blair,	Ellis, Ky.	Marsh,	Stone, W. A.
Breckinridge, Ark.	Ellis, Oregon	Martin, Ind.	Stone, Ky.
Brookshire,	Erdman,	McCall,	Strong,
Bundy,	Everett,	McCreary, Ky.	Sweet,
Cadmus,	Funk,	McDannold,	Taylor, Tenn.
Caldwell,	Gardner,	McDowell,	Tracey,
Caminetti,	Gear,	McKaig,	Tucker,
Campbell,	Geissenhainer,	McNagny,	Tyler,
Cannon, Ill.	Gillett, Mass.	Meredith,	VanVoorhis, Ohio
Caruth,	Gresham,	Milliken,	Walker,
Catchings,	Grout,	Money,	Washington,
Causey,	Harmer,	Montgomery,	Waugh,
Clark, Mo.	Haugen,	Northway,	Wever,
Cobb, Ala.	Hayes,	O'Neil, Mass.	Wheeler, Ala.
Cockran,	Heard,	Page,	Wilson, Ohio
Cockrell,	Hermann,	Patterson,	Wilson, Wash.
Cogswell,	Hooker, Miss.	Paynter,	Wise,
Compton,	Hulick,	Perkins,	Wright, Mass.
Conn.	Hutcheson,	Pickler,	
Cooper, Fla.	Izlar,	Post,	
Cooper, Wis.	Johnson, Ind.	Randall.	

ANSWERED "PRESENT"—2.

Dalzell,	Shaw.

NOT VOTING—129.

Adams, Ky.	Cummings,	Holman.	Schermerhorn,
Adams, Pa.	Daniels,	Hooker, N. Y.	Settle,
Aldrich,	Dingley,	Hull,	Sherman,
Allen,	Dockery,	Johnson, Ohio	Sibley,
Apsley,	Draper,	Lacey,	Sickles,
Arnold,	Edmunds,	Linton,	Simpson,
Baldwin,	English, Cal.	Lisle,	Smith,
Bartlett,	Fielder,	Lockwood,	Snodgrass,
Bell, Colo.	Fithian,	Lynch,	Springer,
Beltzhoover,	Fletcher,	Magner,	Stevens,
Black, Ill.	Forman,	Marshall,	Stockdale,
Bland,	Funston,	McCleary, Minn.	Stone, C. W.
Boen,	Gillet, N. Y.	McEttrick,	Straus,
Boutelle,	Goodnight,	McLaurin,	Swanson,
Bower, N. C.	Gorman,	Meiklejohn,	Talbott, Md.
Bowers, Cal.	Graham,	Meyer,	Tarsney,
Brattan,	Griffin,	Moon,	Tawney,
Brickner,	Grosvenor,	Morgan,	Taylor, Ind.
Brosius,	Grow,	Morse,	Thomas,
Brown,	Haines,	Murray,	Turpin,
Burnes,	Hall, Minn.	Mutchler,	VanVoorhis, N. Y.
Burrows,	Hall, Mo.	Newlands,	Wadsworth,
Capehart,	Harter,	Oates,	Wanger,
Chickering,	Hartman,	Outhwaite,	Wells,
Childs,	Hatch,	Pence,	Wheeler, Ill.
Clancy,	Heiner,	Phillips,	White,
Clarke, Ala.	Henderson, Ill.	Powers,	Wilson, W. Va.
Cobb, Mo.	Henderson, Iowa	Price,	Wolverton,
Cooper, Ind.	Henderson, N. C	Ray,	Woodard.
Cornish,	Hendrix,	Rayner,	Wright, Pa.
Cousins,	Hepburn,	Robinson, Pa.	
Crawford,	Hicks,	Rusk,	
Culberson,	Hines,	Ryan,	

Mr. CLARK of Missouri. Mr. Speaker, I ask that my colleagues, Messrs. MORGAN, HATCH, and others, be excused on account of their attending the funeral of Maj. Frank Nesbitt.

There was no objection, and it was so ordered.

Mr. CURTIS of Kansas. Mr. Speaker, I ask that the gentleman from Montana, Mr. HARTMAN, be excused, on account of sickness.

There was no objection, and it was so ordered.

Mr. BURROWS. I think the Clerk read a pair this morning between the gentleman from Ohio, Mr. OUTHWAITE, and myself.

The SPEAKER *pro tempore*. The Clerk will announce the additional pairs.

Mr. BURROWS. If I am paired I desire to withdraw my vote.

The SPEAKER *pro tempore*. Without objection the gentleman from Michigan will be permitted to withdraw his vote.

There was no objection.

The following additional pairs were announced:

For the rest of the day:

Mr. DOCKERY with Mr. DINGLEY.

Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.

Mr. MUTCHLER with Mr. SHERMAN.

Mr. STOCKDALE with Mr. HENDERSON of Iowa.

Mr. HENDERSON of North Carolina with Mr. RAY.

Mr. EDMUNDS with Mr. LACEY, on this vote.

Mr. HOPKINS of Illinois. I ask for a recapitulation of the vote.

The SPEAKER *pro tempore*. This is a very close vote, and the Chair asks that the House be in order, that members may know how they are recorded.

The Clerk recapitulated the vote as above recorded.

The SPEAKER *pro tempore*. On this question the yeas are 109, and the nays are 113. The nays have it, and the amendment is disagreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, I desire to offer an amendment to the substitute.

The amendment was read, as follows:

On line 13 of the substitute, after the word "limitation," insert the following language: "Or plea of failure of notice to said company of any act required of it."

Line 13, after the word "case," insert the following language: "Assuming that due and proper notice has been given to said company of all acts required in the premises."

Line 32, page 4, after the word "limitation," insert the following language: "And from want of notice as hereinbefore provided."

Mr. RICHARDSON of Tennessee. I do not object to that amendment, Mr. Speaker, and now I move the previous question on the bill and amendments.

Mr. WASHINGTON. Mr. Speaker, I wish to offer an amendment.

Mr. HOPKINS of Illinois. The understanding was that we should have an opportunity to perfect the bill.

Mr. RICHARDSON of Tennessee. I do not desire to take advantage of any gentleman.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee withdraw the demand for the previous question?

Mr. RICHARDSON of Tennessee. I do.

Mr. WILSON of Washington. Mr. Speaker, I rise to a parliamentary inquiry. Would it be in order to have all the "understandings" that seem to have been agreed upon by certain gentlemen sent up and read at the Clerk's desk, so that we might all understand them?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. WASHINGTON. Mr. Speaker, I desire to offer an amendment as a new section.

The amendment was read, as follows:

SEC. 4. That on and after one year from the approval of this act the Metropolitan Railroad Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by said company, an annual tax of $500 for each and every car operated by horses on any line owned or controlled by the said company.

The SPEAKER *pro tempore*. This is not an amendment to the pending section.

Mr. WASHINGTON. I will offer it as a proviso to the pending section.

The SPEAKER *pro tempore*. It can be offered as a proviso.

Mr. WASHINGTON. On reflection, Mr. Speaker, I prefer to give notice that I shall offer it as an additional section, because it will come in much better in that way than by being tacked on as an amendment to section 3.

The SPEAKER *pro tempore*. The gentleman from Tennessee withdraws his amendment for the present, and the question is on the amendment of the gentleman from New Hampshire.

The amendment of Mr. BAKER of New Hampshire was agreed to.

Mr. HEPBURN. Mr. Speaker, I desire to offer an amendment.

The SPEAKER *pro tempore*. As an amendment to the third section?

Mr. HEPBURN. No, sir; as an additional section.

Mr. NORTHWAY. Mr. Speaker, I desire to offer an amendment to section 3.

The amendment was read, as follows:

Page 3, line 23, after the word "that," strike out the words "this act shall not take affect until," and insert the word "unless."

Page 4, after the word "case," in line 35, insert "within thirty days after the approval of this act, then all rights granted to said company by this Congress shall cease and be determined."

Mr. RICHARDSON of Tennessee. There is no objection to that, Mr. Speaker.

The amendment was agreed to.

The substitute as amended was then adopted.

Mr. WASHINGTON. Now, Mr. Speaker, I offer my amendment to come in as an additional section of the bill.

The amendment was again read, as above printed.

Mr. WASHINGTON. I wish to make just one statement in regard to this amendment. It is offered simply to insure action in good faith on the part of the company in carrying out the work for which authority is given by this act. It provides that if they do not make the change of motive power within twelve months, they shall be fined $500 a year for every car that they continue to operate by horses. I ask for a vote.

The SPEAKER *pro tempore*. The question is on agreeing to this amendment offered as an additional section.

The question being taken, the amendment was rejected; there being—ayes 35, noes 52.

Mr. HEPBURN. I offer as an additional section the provision which I send to the desk.

The Clerk read as follows:

SEC. 4. That the District Commissioners shall have power to permit the use of the tracks of the Metropolitan Railroad Company by other railroad companies in the said District upon such terms and conditions as said Commissioners shall deem just, to the end that the greater convenience of the public may be subserved without the duplication or unnecessary increase of railroad tracks in the business and residence portions of the cities of Washington and Georgetown. If either party is dissatisfied with the compensation for such use so fixed by the Commissioners, the compensation may be determined by the district court of the United States for the District of Columbia.

Mr. HEARD. Mr. Speaker, under the practice which has now prevailed for some years, wherever Congress grants a charter for a street railroad, that charter invariably contains a provision that where the line of road thus authorized to be constructed coincides with that of any other company the two companies shall use the same tracks. But here is a proposition to legislate in a general way that the District Commissioners shall have the power to give the use of the track of this company to any company at any time. Now, I submit that in view of the uniform practice of Congress on this subject the gentleman from Iowa [Mr. HEPBURN] ought not to ask the enactment of a provision the direct effect of which (whatever may be its object) will be, I think, to impair seriously the credit of the company against which this legislation is directed.

With such a provision held over this Metropolitan Company no one can calculate as to the probable receipts from the operation of this road, because it can not be known how much the business of the road may be interfered with by the granting to other companies permission to use its tracks.

For ten years at least, to my knowledge, it has been the practice of Congress in chartering new lines to provide that the tracks wherever they coincided with those of another company might be used by the two companies in common under a proper arrangement as to compensation. It seems to me this matter as it is now left in the hands of Congress, is sufficiently provided for; and that while entrusted to Congress it is in better hands than if the power were given in this general way to the District Commissioners. I believe that the right should remain with Congress to say what shall be the route of a road which is to be chartered and what shall be its rights with reference to the streets of the city. It seems to me that the present course of legislation on this subject is broad enough and fair enough.

Mr. HEPBURN. Mr. Speaker, the suggestion of the gentleman from Missouri [Mr. HEARD] applies only to the new companies. Why not extend a similar provision to these old companies? If a new company is chartered, as the gentleman says, a provision is inserted in its charter that its track shall be used——

Mr. HEARD. My friend does not understand me. I say it is the practice of Congress, and has been ever since I have been a member, that where the line of a new company which Congress charters coincides with that of an existing company, the new company is allowed the right, under reasonable regulations, to use the track of the existing company. During the last two Congresses we have passed probably half a dozen bills permitting the tracks of one company to be used by another, and three or four of them applied to the tracks of the Metropolitan Company.

Mr. HEPBURN. Mr. Speaker, I will state the object that I hope to accomplish by this amendment. Here are certain streets within the limits of the city upon which car lines are now operated. There are suburban roads connecting with these lines. Under the present system every passenger upon one of these suburban roads must change cars when he gets to the city limits. He not only pays an additional charge for transportation, but, no matter how inclement the weather may be, he must change cars; and oftentimes the connections are by no means close.

Now, I think it would be only fair to require all these roads to carry the cars of connecting lines, corresponding with the manner in which we require the general commerce of the country to be conducted. I would not withhold proper compensation. I have no hesitation in saying that each company should be compensated for every new servitude that is put upon its road; but with this provision for compensation I see no reason why this system should not be adopted.

Mr. BLAIR. I am not familiar with this subject, and therefore I would like to ask this question: Would there not be difficulty in permitting the cars of a suburban road propelled by horse power to use the tracks of a line within the city propelled by electricity?

Mr. HEPBURN. Of course it would not be applicable in a case of that kind, and the Commissioners certainly would not permit such a thing to be done. It would be destructive to the electric roads.

Mr. BLAIR. But is it not true that the suburban cars are all drawn by horses?

Mr. HEPBURN. No: on the contrary, so far as I am aware, none of them are. Electricity is the motive power on all, so far as I know, of the suburban roads, just the same that we expect to have on this road.

Mr. BLAIR. You should provide, then, that the motive power is the same in each case.

Mr. HEPBURN. I think this is sufficiently explicit as it is; but if the gentleman wishes to offer an amendment of that kind I shall not object to it.

Mr. RICHARDSON of Tennessee. If my friend from Iowa will indulge me for a moment I think I may be able to satisfy him that the amendment of the gentleman should not prevail, and for this reason: The amendment proposes to leave the matter of regulating the running of other cars on the tracks of this road to the Commissioners. There is no other line connecting with this one at present, no suburban road. I am in sympathy with the general object the gentleman has in view, but I do not think he will be able to accomplish it in this manner.

Mr. HEPBURN. If this amendment should prevail you will find, I think, that proper connections will soon be made with these roads.

Mr. RICHARDSON of Tennessee. But that can only be done by act of Congress. The District Commissioners could not give that consent; and if the Metropolitan road and the surburban roads desire to extend their tracks so as to make such a connection they can not do it merely by the act of the Commissioners. They must come to Congress and get the right to occupy the streets for such purpose; and when they do come and ask permission to come into the city by any of our streets or avenues we have a right to make them come on the tracks of any other line we choose to give them authority to use. But this amendment would be futile, because the District Commissioners have no power to regulate or provide for the construction of new roads.

Mr. HEPBURN. I think every road that has been chartered has been given authority to make the necessary turn-outs and connections. Now, I know of one road that certainly crosses three or four other street railroads in this city, and I think there is no question but that road would make connection with this one under the present legislation.

Congress has the right to compel this road or any of the others to carry the cars of connecting lines over its tracks. Of course I do not want it done without compensation, but I take it that the purpose of this character of legislation is to accommodate the people of the District of Columbia and that we should enact legislation in their interest rather than in the interest of the corporations.

I am not averse to securing the interest of the corporations, but I do not want it done to the disparagement of the interest of the citizens. I think our first duty is to legislate in their behalf; and I can see no reason why this company should not be required to allow other lines on making compensation for the service to run their cars over its tracks.

Mr. RICHARDSON of Tennessee. I submit if you make a law applicable alone to this line, it would be an act of injustice to it as compared to the others.

Mr. HEPBURN. I am perfectly willing that my friend from Tennessee shall offer an amendment to the amendment making it applicable to all the others.

Mr. RICHARDSON of Tennessee. I suggest to the gentleman that I am in sympathy with him, in a measure, in this matter, and if he will introduce a bill the Committee on the District of Columbia can report it in a week, and we can take it up on the

next District day—a general bill providing for a system of transfers applicable to all of these roads.

Mr. HEPBURN. I should be very glad to avail myself of the services of the gentleman from Tennessee in securing such legislation, but now as we are providing legislation, and have an opportunity to do what is right to the people here—when there is no possible question of the right to do it, for here is a road seeking privileges—if we put this provision on this road there will be no question to litigate about hereafter. Let us do it now, and I will assist the gentleman in securing the enactment of the general legislation he says is possible at a later date.

Mr. MAHON. Mr. Speaker, I move to amend the amendment of the gentleman from Iowa.

The SPEAKER *pro tempore*. The amendment to the amendment will be read.

The Clerk read as follows:

Provided further, That the provisions of this section shall apply to all street railway companies now or hereafter operating within the District of Columbia.

Mr. HEPBURN. That will accomplish the end I have in view. I accept that amendment.

The question being taken on the amendment of Mr. HEPBURN, as modified, it was adopted.

The section as amended was agreed to.

Mr. RICHARDSON of Tennessee. I now move the previous question on the engrossment, third reading, and passage of the bill.

Mr. WILLIAMS of Mississippi. Pending that I wish to offer an amendment to recommit the bill with instructions.

The SPEAKER *pro tempore*. That motion is not in order at this moment.

Mr. WILLIAMS of Mississippi. Will the Chair allow me to read the rule in that connection?

The SPEAKER *pro tempore*. It will be in order pending a demand for the previous question, or after the previous question is ordered on the passage of the bill. The Chair will recognize the gentleman later to submit his motion.

The question now is on the demand for the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time, and being engrossed, was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. WILLIAMS of Mississippi. I now move to recommit the bill with the following instructions:

The Clerk read as follows:

Recommit with instructions to report a general bill applicable to all street railway corporations seeking franchises, renewal of franchises, extension of franchises, increase of franchises, or amendment of charters, providing for the sale at public auction for terms of years to the highest bidders, after due advertisement of all such street railway franchises, to be hereafter exercised within the District, subject to provisions for existing equities.

Mr. RICHARDSON of Tennessee. I make the point of order against the motion to recommit, that it would not be in order as an amendment, and therefore can not be in order as a motion to recommit.

The SPEAKER *pro tempore*. Does the gentleman from Mississippi [Mr. WILLIAMS] desire to be heard on the point of order?

Mr. WILLIAMS of Mississippi. I desire to submit the question to the consideration of the Chair. I think it is in order, and I do not know why it is not.

The SPEAKER *pro tempore*. The Chair thinks it is not in order to amend a private bill by a general proposition. The Chair therefore holds that this motion to recommit is not in order.

Mr. WILLIAMS of Mississippi. It seems to me that it is germane to the bill.

The SPEAKER *pro tempore*. The question now is, Shall the bill pass?

The question being taken, the Speaker *pro tempore* announced that the ayes seemed to have it.

On a division (demanded by Mr. COOMBS), there were—ayes 111, noes 28.

Accordingly, the bill was passed.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 66) providing additional clerical force for the Librarian of Congress.

A bill (S. 1526) for the relief of Henry Halteman.

Joint resolution (S. R. 77) providing for the placing of a tablet upon the Capitol to commemorate the laying of the corner stone of the building, September 18, 1793.

The message also announced that the Senate had passed without amendment the bill (H. R. 3713) to provide for the division of the eastern district of Michigan into the northern and southern divisions, and for holding the circuit and district courts of the United States therein, and for other purposes.

GAMBLING IN THE DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I desire to call up the bill H. R. 6109, for which the committee desire to offer as a substitute the bill H. R. 6725.

The SPEAKER *pro tempore*. The bill H. R. 6109 must be first reported.

Mr. HEARD. I desire to ask unanimous consent to substitute the bill H. R. 6725 for the bill H. R. 6109.

Mr. BURROWS. Let us have the original bill read.

The SPEAKER *pro tempore*. The Clerk will report the original bill.

The Clerk read as follows:

A bill (H. R. 6109) to amend an act approved January 31, 1883, entitled "An act to more effectually suppress gambling in the District of Columbia."

Be it enacted, etc., That the provisions of the act of Congress approved the 31st day of January, 1883, entitled "An act to more effectually suppress gambling in the District of Columbia," shall not apply to bookmaking at the spring and fall meetings of any jockey club or other racing association conducted beyond three-fourths of one mile from the limits of the cities of Washington and Georgetown: *Provided, however*, That such meetings occur between the 1st day of March and the 15th day of December, and do not exceed the period of eighteen days each.

The SPEAKER. For this bill the gentleman from Missouri desires to offer a substitute.

Mr. HEARD. I desire in the name of the Committee on the District of Columbia to ask unanimous consent to offer as a substitute for the bill which has just been read the bill H. R. 6725.

The SPEAKER. The gentleman has a right to offer a substitute. The Clerk will report the substitute which the gentleman from Missouri offers for the bill which has just been read.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act of Congress approved the 31st day of January, 1883, being chapter 40 of the laws of the second session of the Forty-seventh Congress, shall not apply to bookmaking at any regular meeting of any jockey club or racing association in the District of Columbia conducted on mile tracks and beyond three-fourths of a mile from the limits of the cities of Washington and Georgetown, and between the 1st day of April and the 30th day of November; said club or association to be limited to one spring or summer meeting and one fall meeting of not more than eighteen days each in any one year.

SEC. 2. That all laws or parts of laws inconsistent with this act are hereby repealed.

Mr. CRAIN. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. Does the gentleman from Texas [Mr. CRAIN] offer an amendment to the substitute?

Mr. CRAIN. Yes.

The SPEAKER. The gentleman from Texas [Mr. CRAIN] offers the following amendment to the substitute, which the Clerk will report:

The Clerk read as follows:

Insert after the word "of" in line 7, of section 1, the following words: "The Brightwood Driving Club, at Brightwood, or;" so that it will read: "At any regular meeting of The Brightwood Driving Club, at Brightwood, or any jockey club or racing association, etc."

The SPEAKER. The question is upon the amendment.

Mr. BURROWS. Mr. Speaker, I suppose this matter is open for general debate yet?

The SPEAKER. If any gentleman desires to speak, of course.

Mr. BURROWS. I suppose the gentleman from Missouri [Mr. HEARD] will explain how this bill more effectually prevents gambling in the District. It will not take more than a minute, I suppose.

Mr. CRAIN. In respect to the amendment I have offered, I have only to say that the Brightwood Driving Club has been in existence for forty-five years. Its track is a half-mile track. I have submitted the amendment to the chairman of the committee, and also to the gentleman whom I suppose to have charge of the bill, and it is acceptable to them. Therefore I presume, if the bill itself is passed, this amendment will be acceptable to the House.

Mr. HEARD. Mr. Speaker, I desire to state to my friend from Michigan [Mr. BURROWS] that the changes made by this proposed legislation are to shorten the time in which racing may be carried on, and to limit it to mile tracks. Those are the two substantial changes proposed in the bill. With reference to the pending bill, some of the newspapers in the city have published editorial statements to the effect that the bill would allow racing at any time during the whole year. The purpose of the clubs interested is not to authorize racing at any and all times of the season, but for a period not exceeding eighteen days on any one track during any one year.

Mr. BURROWS. Is there anything in the law now preventing racing on the track?

Mr. HEARD. I will yield to the gentleman from Iowa to explain the bill, as he is more familiar with the subject than I am.

Mr. BURROWS. I would like to ask the gentleman from Iowa if there is anything in the law now to prevent racing horses on the track?

Mr. HAYES. I think not.

Mr. BURROWS. Then what is the object of the bill?

Mr. HAYES. I will explain that.

In 1883 Congress passed a law in regard to gambling, and I think that if anybody will fairly construe the law that they passed at that time they will find it was not intended in anywise to reach legitimate racing or have any reference to it, and I will read that law:

That every person who shall in the District of Columbia set up or keep any gambling table, or any house, vessel, or place on land or water for the purpose of gaming, or gambling device commonly called A. B. C., faro bank, E. O., roulette, equality, keno, thimbles, or "little joker," or any kind of gambling table or gambling device adapted, devised, and designed for the purpose of playing any game of chance for money or property, or who shall induce, entice, or permit any person to bet or play at or upon any such gaming table or gambling device, or on the side or against the keeper thereof, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment for a term of not more than ten years.

Now, I think that it must be perfectly apparent to every one that this was not in anyway aimed at legitimate horse racing or possibly, for that matter, at any other kind. But along about in 1891 there got to be a great deal of abuse and nuisance here in the city, growing out of pool rooms not connected, however, with the racing in the District, or at least with not that idea or purpose, but for the purpose of engaging in the pool business upon races conducted upon tracks all over the United States. The act of that year grew out of the evil of these pool rooms, conducted in relation to races all over the country, and not only in regard to racing, but also as to baseball and every kind of amusement and sport, for that matter.

It was therefore found essential to pass another law to make clear the intent of the law. The intent and object of this law is to do precisely what this present law was intended to do; and any one who hears this law read will see that that was the object and that there was no intention by Congress to pass the law different in substance from what is now sought to be done. That law passed in 1891 reads as follows, and it is the law to-day:

That it shall be unlawful for any person or association of persons in the cities of Washington and Georgetown, in the District of Columbia, or within said District within 1 mile of the boundaries of said cities, to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election or any contest of any kind, or game of baseball.

It will be seen that this does precisely what, or at least it was the intention to do precisely what is desired to do now—to fix the limit within which these poolrooms and gambling places should be, and to state where they could be conducted, if at all, so far as the racing and baseball were concerned in the District of Columbia, but it was not the intention to in anywise limit the legitimate races or the making of books upon those races outside the cities of Washington and Georgetown and in the District of Columbia. Now, so far as this last law is concerned, I am informed that it met the approval of President Harrison, that it was made by his advice, that it was suggested by him, he having just previous to that vetoed a bill which he did not consider a proper one, in that it drew distinctions and simply excepted or designated a single association; in other words, that it was class legislation. At least this law met his approval, and I am advised it was suggested by him, if not actually drawn by him.

Now, the simple fact is, that the courts have given a construction to that act which I do not believe is a correct one. I believe they violated the plain provision of the first statute that I read in saying that it applies to horse races. I believe they violate the plain provision of the last act when they say that it does not make an exception of horse-racing. The ground upon which they put it is that, while it says certain things, it does not repeal any provision in the first section, and that does apply to horse-racing; but it would be very much better, instead of so construing the act of Congress so as to change the idea of Congress, to consult and carry out the intent of Congress which was evident in the passage of those two laws. Now, then, the two associations that desire this legislation in this District are composed of the very best men in it.

The Commissioners of the District entirely approve the legislation, and I have letters here on file directed to the committee so showing. The people in the localities where the tracks are situated have presented a petition signed by 250 persons, and, as I understand, they are very reputable citizens and comprise the best men of Bennings, where the track is. The press of the city, or at least the Post—I can not speak for the others, as I have not read them—approves and desires it. The people want it; and it is not for the encouragement of gambling. It makes no change in the existing law except to show that this provision heretofore enacted was not intended to reach any such thing as horse-racing and did not apply to it; and it affirmatively says nothing in regard to what would be legal and right or otherwise in regard to horse-racing or anything of the kind.

Mr. WILSON of Washington. Will the gentleman permit me to ask him a question?

Mr. HAYES. Certainly.

Mr. WILSON of Washington. Now, as I understand you, all you are seeking is that there shall be two race meetings allowed each year.

Mr. HAYES. In the spring and the fall.

Mr. WILSON of Washington. And that they shall be limited to eighteen days?

Mr. HAYES. Yes; eighteen days at each meeting.

Mr. WILSON of Washington. Eighteen days, spring and fall?

Mr. BURROWS. Now, can not you run horses for eighteen days without this legislation?

Mr. HAYES. I will say in reply to that, that the courts of the District——

Mr. BURROWS. Never mind the courts. Can you not have the races without this legislation?

Mr. HAYES. According to the courts, no. According to my own judgment of the law, yes. This bill is simply intended to put the matter beyond controversy.

Mr. BURROWS. I do not think my friend quite understands my question. Suppose you do not modify the law, is there anything to hinder having horse racing for the periods here specified?

Mr. HAYES. Only as I say.

Mr. BURROWS. How?

Mr. COBB of Alabama. If it is a good thing at the seasons provided in this bill; why not have it in winter also?

Mr. HAYES. Oh, because it would be likely to lead to abuses if it were permitted generally.

Mr. COCKRAN. Let me ask the gentleman a question. There is now a prohibition, is there not, against bookmaking and gambling of all kinds in this District?

Mr. HAYES. In the cities of Georgetown and Washington and up to a limit of one mile, yes.

Mr. COCKRAN. And this bill is for the purpose of allowing gambling in certain spots in the District, is it not?

Mr. HAYES. Not at all. It is simply to leave it where it was before, and where it was evidently intended to be left by the law of 1891, but where, by reason of a failure in that act to provide for any repeal or modification of preëxisting laws, the courts have held that it is not left.

Mr. COCKRAN. Without reference to what the courts may or may not have held, what I want to know is whether the practical effect of this bill will not be to allow bookmaking and pool selling for a certain number of days at certain tracks in this District.

Mr. HAYES. It is simply intended to say that a law passed in 1883 shall not apply to it. Whether it would apply or not is a question about which there may be some dispute.

Mr. COCKRAN. But you do not propose to create a dispute by your legislation?

Mr. HAYES. No, sir. We propose to put the matter beyond dispute.

Mr. COCKRAN. Consequently your legislation is intended to make it clear that bookmaking and pool selling will be permitted at certain times in the year on certain tracks in this District.

Mr. HAYES. No pool selling.

Mr. COCKRAN. Well, bookmaking.

Mr. HAYES. The simple purpose of this bill is to give effect to the law of 1891, just as it reads and as it was intended to operate, although the courts have construed it otherwise, by reason, as I understand, of the failure of words of repeal or modification of preëxisting law.

Mr. COCKRAN. Apart from the act of 1891 or the action of the courts, or any other action.

The practical effect of this proposed legislation is intended to be to permit bookmaking at certain tracks in this District within certain periods of each year?

Mr. HAYES. No, sir. Outside of these two laws it would stand just as it stands under the common law.

Mr. COCKRAN. But, taking those two laws into account, how is it? The purpose of this proposed legislation is not to revive the common law, is it? Because if that were the object there would not be any mention of the number of days. Every day is alike in the eye of the common law, is it not?

Mr. HAYES. I suppose so.

Mr. COCKRAN. Consequently, when you propose to allow bookmaking for a certain number of days during the year at cer-

tain special tracks, the object of your legislation must be to give special privileges?

Mr. LOCKWOOD. I object to the question as leading. [Laughter.]

Mr. HAYES. There is no connection, Mr. Speaker——

Mr. CAMPBELL. Will my colleague yield to me?

Mr. COCKRAN. Certainly I will. I want to get light, and now I shall get it.

Mr. CAMPBELL. Yes, you will get probably more than you expect. Mr. Speaker, as I understand this bill, it is precisely the same as the Ives pool bill which now stands upon the statute book of the State of New York.

Mr. COCKRAN. Yes, it is; and that is the reason I am asking these questions about it.

Mr. CAMPBELL. And I want to say that that law gives universal satisfaction to the best class of people in our city. [Laughter.]

Mr. GEAR. Including the gentleman's colleague [Mr. COCKRAN] himself?

Mr. CAMPBELL. Yes, including the gentleman himself. The gentleman has never objected to it before. [Laughter.]

Mr. COCKRAN. I have always objected.

Mr. CAMPBELL. No, you have not. That law gives satisfaction to the Sheepshead Bay race track, to the Coney Island race track, to the Jerome Park race track, and to all the best tracks in the State of New York, and I have never yet heard of any person or persons express a desire for repealing that law.

Mr. HAYES. I will ask whether the gentleman from New York [Mr. COCKRAN] has got all the answer he desired?

Mr. COCKRAN. I have obtained a great deal of additional light; and I would like to know whether the gentleman accepts these explanations as showing the character of this bill?

Mr. HAYES. I do not know anything about the Ives pool law or any such matters in the State of New York. I do not know whether the gentleman approves such a measure or not. I do not deny what the gentleman says, for I do not know anything about those matters.

Mr. COCKRAN. Mr. Speaker, as I understand the purpose of this legislation it is to give certain privileges in the way of gambling to certain race tracks. Now, I have not any objection myself—at least none that I care to discuss now—to the general principle of bookmaking, but I never could recognize the propriety of allowing persons to make bets upon one spot, treating bookmaking in that place as the legitimate exercise of a commercial instinct, while making it felony to do the same thing within a stone's throw of that spot. The Ives pool law in New York has legalized pool selling and bookmaking on certain race tracks, and my colleague [Mr. CAMPBELL] says that law is highly approved by the Coney Island race track, the Jerome Park race track, and every other race track in New York——

Mr. CAMPBELL. Of good reputation.

Mr. COCKRAN. Yes; every race track "of good reputation." I will add that; and I may say that I know of no race track that is not "of good reputation:" they are "all, all honorable" race tracks! [Laughter.]

But I do know that the Ives pool law of the State of New York is a measure of doubtful constitutionality. It is a measure which the race tracks have never yet been willing to submit to the arbitrament of a court. I do say that it is repugnant to the sense of justice of every person whose conception of law is based on the principles of Anglo-Saxon jurisprudence, to find that a thing which is made felony by the law in one spot is made innocent in another. I do know that men have been arrested in the city of New York for registering a bet, and for that act have been exposed to the pains and penalties of felony when they could have recorded the same bet within three-quarters of a mile of where they stood and have defied the law, or at least have secured exemption from its operations.

In this matter, as in reference to other propositions to change our statutes, I stand upon the principle of the absolute equality before the law of all citizens everywhere.

If it be proper to bet at Bennings, it is equally proper to bet on Capitol Hill. If it be proper to make betting a felony in this District, I do not recognize the right of Congress to license felony anywhere, and I protest emphatically against a measure which enables a private corporation to license felony. This measure allows me, if I pay admission to a race track, to indulge in the luxury of betting, and in the freest exercise of the betting instinct. I am opposed to granting to any institution or corporation or individual any license or privilege or exemption under the criminal law which can not be extended equally to all other citizens. For that reason I hope this measure will not prevail. [Applause.]

Mr. HAYES. Mr. Chairman, I do not wish to enter into any controversy as to what may have taken place in the State of New York under any law of this kind, for I do not know anything about the matter. Neither do I care to dwell upon the reasons which I have stated why I think this bill ought to pass. I do, however, want to deny emphatically and entirely the proposition of the gentleman from New York [Mr. COCKRAN] that there ought to be any particular "free trade" in bookmaking or that it might not be deleterious in one place while it would be in another.

In other words, I can very well imagine that it might be to the detriment of public morals and against the interests of the people of the city of Washington to allow bookmaking or pool selling generally in the District; whereas it might be entirely harmless and only an incident of legitimate racing, an incident to the legitimate racing of horses of high blood, to allow such things for a few specified days upon some race track outside of the city limits and away from the great bulk of population. And as the gentleman from Washington [Mr. WILSON] suggests, it is the custom all over the country to recognize by law such a distinction. That is the way that the Legislatures of the States are generally dealing with this question. They are minimizing the evils of gambling while at the same time not striking a blow at the great industry of raising blooded horses.

Mr. QUIGG. Has the gentleman from New York [Mr. CAMPBELL] correctly stated what you intend to accomplish by this bill?

Mr. HAYES. Well, the gentleman has stated so much that I do not know that I can answer the question. I have tried to answer all of the objections that have been raised.

Mr. QUIGG. Why is it, let me ask, that you seem to be so reluctant to say what the bill really is?

Mr. HAYES. Well, that is simply the result of your not understanding what I have said, and not from any reluctance on my part to state the object of the bill.

Mr. QUIGG. Is that so?

Mr. HAYES. I have stated time and time again just what the result will be if the bill is adopted; I have stated the reasons back of it, the interests that exist in the District calling for this action, and the wishes of the citizens of the District who desire the amendment to be adopted.

Mr. QUIGG. Precisely; and you stated also, if I understood you correctly, that there was something in the law according to the courts which prohibited eighteen days of horse racing in this District.

Mr. HAYES. If you understood me so you understood me incorrectly, or else I failed to make myself understood.

Mr. QUIGG. Is it eighteen days of gambling or eighteen days of horse racing?

Mr. HAYES. Eighteen days of horse racing.

Mr. COCKRAN. Will the gentleman accept an amendment providing for eighteen days' horse racing and striking out all of the rest of the gambling paraphernalia?

Mr. HAYES. There is no gambling paraphernalia about it to be stricken out.

Mr. COCKRAN. Would the gentleman object to making it distinct and clear that it is a permission to have horse racing for eighteen days in the year?

Mr. HAYES. That is simply a desire to get away from the question. I do not care to occupy the time of the House in going over the ground again. Gentlemen are trying to get away from the only question presented.

Mr. QUIGG. Is not the gentleman himself getting away from it?

Mr. HAYES. No, sir. I have explained clearly and fully the reason, if gentlemen had listened to it, for this enactment. I have stated the construction put upon it by the courts, and called attention to what was desired to be done. What they desire to do in that regard is simply to have the privilege of two tracks in the District of Columbia on which they may conduct eighteen days of fall and spring racing with the ordinary and usual accompaniments, whatever you may choose to call them, that take place on such occasions.

Mr. BURROWS. Mr. Speaker, the gentleman from Iowa seems to have some difficulty in explaining the real purposes of the bill. I hold in my hand the views of the minority of the committee, as expressed in the Senate on this bill, and I ask that the Clerk shall read it.

Mr. HEARD. That is not this bill.

Mr. BURROWS. No; but the only change is in the title of the bill, to more effectually suppress gambling in the District of Columbia. That is the Senate bill. I ask the Clerk to read the report of the minority.

The Clerk read as follows:

VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee on the District of Columbia, beg leave to respectfully dissent from the favorable report on the bill (S. 1680) "to more effectually suppress gambling in the District of Columbia," for the following reasons:

On the 31st day of January, 1883, an act was approved which provides—

"That every person who shall in the District of Columbia set up or keep

any gambling table, or any house, vessel, or place on land or water for the purpose of gaming, or gambling device commonly called A B C, faro-bank, E O, roulette, equality, keno, thimbles, or 'little joker,' or any kind of gambling table or gambling device adapted, devised, and designed for the purpose of playing any game of chance for money or property, or who shall induce, entice, or permit any person to bet or play at or upon any such gaming table or gambling device, or on the side or against the keeper thereof, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment for a term of not more than ten years."

That law is still in force, and doubtless does much towards suppressing gambling in the District of Columbia.

On the 2d day of March, 1891, an act was approved entitled "An act to prevent bookmaking and pool selling in the District of Columbia," the first section of which provides—

"That it shall be unlawful for any person or association of persons in the cities of Washington and Georgetown, in the District of Columbia, or within 1 mile of the boundaries of said cities, to bet, gamble, or make books or pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election or any contest of any kind, or game of baseball."

It is claimed that it was the intention of the last-named act to permit bookmaking and pool-selling on race tracks located more than 1 mile from the boundaries of the cities of Washington and Georgetown, and the language of the act seems to justify that construction. It did not, however, modify or repeal the act of January 31, 1883, and bookmaking and pool-selling continue to be prohibited under that act. The present bill in its amended form will modify the act in question sufficiently to permit gambling on race tracks situated 1 mile from the boundaries of said cities.

We are of opinion that the principle embodied in the act of January 31, 1883, is a wholesome and wise provision. It absolutely prohibits gambling by cards and otherwise in all parts of the District of Columbia. The poor man who is caught at a game of policy, keno, roulette, or any other of the well-known devices of the common gambling fraternity, is punished severely; but in the face of that the present bill, misnamed "A bill to more effectually suppress gambling in the District of Columbia," proposes to legalize gambling on race tracks in the interests of the rich and the professional sporting element of the community. We believe the proposed legislation is vicious in principle, and for that reason dissent from the report of the committee, and recommend that adverse action be taken on the bill when it comes before the Senate for consideration.

J. H. GALLINGER,
REDFIELD PROCTOR.

Mr. HEARD. Mr. Speaker, I desire the House, if it will indulge me for a minute, to know exactly what is the position of the committee on the pending bill, and then I shall move the previous question on the bill and pending amendments. I only wish to say that the bill (H. R. 6109) was sent by the District Commissioners to me, as chairman of the District Committee, with the request that it be introduced in the House. I complied with their request. Subsequently we found on examination that one point which the Commissioners said they wished to accomplish would not be accomplished by the bill. That is to say, the language of the bill they sent failed to make it of general application, as they expected and desired. Therefore we modified the bill as proposed by the Commissioners, and submitted such modified bill to them for their approval. They examined it and returned it with their approval.

The Commissioners in their letter say:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 6, 1891.

DEAR SIR: The Commissioners return herewith H. R. bill 6109 "to amend an act approved January 31, 1883, entitled, 'An act to more effectually suppress gambling in the District of Columbia,'" which was referred to them at your instance for their views thereon. This bill is a modification of H. R. 5891, and was prepared by the Commissioners, and recommended by them for adoption in lieu of said bill. The Commissioners are in favor of its enactment.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

HON. JOHN T. HEARD,
Chairman Committee on District of Columbia,
House of Representatives.

It is a matter which the Commissioners are presumed—and as far as I am concerned I take it for granted that it is true—that the Commissioners know what the people of the District of Columbia desire on this subject, and I am willing to follow their suggestions with regard to the regulations necessary in connection with it. The committee in that spirit presented this bill—the Commissioners' bill—to carry out their wishes, believing that they properly represent the wishes of the people of the District.

I now move the previous question on the bill and pending amendments.

The question was taken; and on a division there were—ayes 84, noes 40.

Mr. HEPBURN. No quorum.

Mr. HEARD. I ask for the yeas and nays, Mr. Speaker.

Mr. HEPBURN. If the gentleman will allow me to get an amendment on the bill I will waive the point of a quorum.

Mr. HEARD. Mr. Speaker, this bill is now in the form which the friends of the bill desire, and if the opposition is sufficient to defeat the bill let it go, for I have no assurance that the bill will be at all satisfactory if the amendment I understand the gentleman from Iowa desires to propose to it should be adopted, and I prefer to let the bill as it stands be voted on by the House. I desire in the interest of the remaining business of the District of Columbia on the Calendar to get this bill disposed of in such way as may please the House. The House is fully advised upon it. Let us have a vote upon it.

Mr. HEPBURN. I withdraw the point.

The SPEAKER. The ayes have it, and the previous question is ordered. The question is first on the amendment to the substitute, offered by the gentleman from Texas [Mr. CRAIN]. The Clerk will report that.

The Clerk read as follows:

Insert after the word "of," in line 7 of section 1, the following words: "The Brightwood Driving Club at Brightwood, or"

So that it will read:

"Shall not apply to bookmaking at any regular meeting of the Brightwood Driving Club at Brightwood, or any jockey club or racing association," etc.

Mr. HEARD. The committee are willing to accept that amendment.

The amendment was agreed to.

The SPEAKER. The question now is upon the substitute offered by the gentleman from Missouri as amended.

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. HEARD. Division.

The House divided; and there were—ayes 66, noes 63.

Accordingly the substitute was agreed to.

The SPEAKER. The question now is upon the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. HEARD. Division.

The House divided; and there were—ayes 64, noes 87.

Mr. LOUDENSLAGER. No quorum.

Mr. CAMPBELL and Mr. HAYES demanded the yeas and nays.

Mr. WILSON of Washington. Pending that, I move that the House do now adjourn.

The SPEAKER. The point of no quorum being made, the Chair will appoint tellers, unless the yeas and nays are ordered.

Mr. CAMPBELL. I withdraw that for a motion to adjourn.

The SPEAKER. Then the noes have it.

Mr. CAMPBELL. No; I move that the House do now adjourn.

Mr. WILSON of Washington. If the point is withdrawn, I move that the House do now adjourn.

The SPEAKER. Is the point of no quorum withdrawn?

Mr. LOUDENSLAGER. I withdraw the point.

The SPEAKER. Then, if the point of no quorum is withdrawn, the noes have it, and the bill is lost.

Mr. CAMPBELL. I make the point of no quorum, Mr. Speaker.

[Cries of "Too late."]

WATER-MAIN ASSESSMENTS IN THE DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I call up the bill H. R. 3294, which is a bill relating to the making of water-main assessments in this District, and as I am sure there will be no objection to it, I ask that it be considered.

The bill was read, as follows:

Be it enacted, etc., That hereafter assessments levied for laying water mains in the District of Columbia shall be at the rate of $1.25 per linear front foot against all lots or land abutting upon the street, road, or alley in which a water main shall be laid: *Provided*, That no lot shall be taxed twice: *And provided further*, That corner lots shall be taxed only on their front, with a depth of not exceeding 100 feet; any excess of the other front over 100 feet shall be subject to above rate of assessment.

The SPEAKER. To this bill the committee recommend certain amendments, which the Clerk will report.

The Clerk read as follows:

The committee recommend that the bill be amended by striking out, in lines 7 and 8, the words "that no lot shall be taxed twice: *And provided further*," and inserting after the word "assessment," in line 11, the following words:

"*And provided further*, That in all cases now pending where assessments have been regularly made, and where there has not been paid a sum equal to $1.25 per linear foot, as estimated above, then only so much shall be collected as will make the whole sum paid equal to $1.25 per linear foot. But this act is not intended to give any ground of action for the refunding of any sum already paid in excess of $1.25 per linear foot."

The amendments recommended by the committee were agreed to.

Mr. BURROWS. I think there should be some explanation of this bill.

Mr. POST. The present system of taxing for water mains is laid upon the square feet of the lot, one cent and a quarter for each square foot. Now, this works satisfactorily, perhaps, down in the city, where the lots are approximately 100 feet deep; but when you get outside of that, where the lots are much deeper, it makes an enormous tax upon the owners of the lots. The cost of a 10-inch main is about 70 cents per linear foot. It is proposed to change this system, so that the tax shall be levied

on the linear foot instead of the square foot. Of course, the present difficulty can be avoided by simply cutting off the back part of the lot; but it is not a satisfactory way, and the fair way is to levy this tax per linear foot. Then every man whose property fronts upon the street pays his fair share of the tax.

Mr. BURROWS. Is the bill unanimously reported by the committee?

Mr. POST. Yes.

Mr. RICHARDSON of Tennessee. And the same is true of the Senate committee.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. POST, a motion to reconsider the last vote was laid upon the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. LAYTON, for ten days, on account of important business.

To Mr. STRAUS, for two days, on account of sickness in his family.

To Mr. STOCKDALE, for this day, on account of sickness.

Mr. HEARD. Mr. Speaker, in view of the lateness of the hour, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 6791) providing that Congress shall assemble on the 1st Monday in March in lieu of the 1st Monday in December—to the Committee on the Judiciary.

By Mr. HUNTER: A bill (H. R. 6792) to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of the present reservation and in portions of New Mexico, and for other purposes—to the Committee on Indian Affairs.

By Mr. BAKER of New Hampshire: A bill (H. R. 6793) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded—to the Committee on the District of Columbia.

By Mr. CONN: A bill (H. R. 6795) for the establishment of a steam fog whistle at the harbor of Michigan City, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A bill (H. R. 6795) to authorize the payment of prize money to the captors of the steamboat New Era No. 5 and cargo—to the Committee on War Claims.

By Mr. GEAR: A resolution instructing the Secretary of War to return to the State of Iowa the flag of the Twenty-second Regiment of Iowa Volunteer Infantry—to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill S. 573, for the relief of Christopher Schmidt, and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 6796) for the relief of James Lindsay—to the Committee on War Claims.

Also, a bill (H. R. 6797) to correct the military record of Hiram Wood—to the Committee on Military Affairs.

Also, a bill (H. R. 6798) granting a pension to Col. James Lindsay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6799) for the relief of Mary Finnegan—to the Committee on Invalid Pensions.

By Mr. BROOKSHIRE: A bill (H. R. 6800) to authorize the enrollment and discharge of Geo. W. Kiger—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 6801) for the relief of Sarah T. Farrell, the widow of Anthony Farrell—to the Committee on Claims.

By Mr. CONN: A bill (H. R. 6802) granting a pension to Rensalaer Tefft—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 6803) for the relief of Fayette Hungerford—to the Committee on Claims.

By Mr. GEAR: A bill (H. R. 6804) for the relief of the heirs of William H. Finch—to the Committee on War Claims.

By Mr. JOSEPH: A bill (H. R. 6805) for the relief of William F. Young—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 6806) for the relief of Edgar E. Matthew—to the Committee on War Claims.

By Mr. TAYLOR of Indiana: A bill (H. R. 6807) to pension Robinson C. Grable—to the Committee on Invalid Pensions.

By Mr. TYLER: A bill (H. R. 6808) for the relief of the legal heirs of Lewis Ellison late of Norfolk, Va., deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of J. B. Weigance and 27 others, of Soldiers Grove, Wis., for the passage of House bill 4897—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTHOLDT: Remonstrances of the following-named Evangelical Lutheran churches: Grace Church at Wellston, Salem's Church at Black Jack, St. Paul's Church at Des Peres, Trinity Church at Carondelet, Trinity Church of St. Louis, and St. John's Church of St. Louis, all of Missouri, signed by their different pastors and trustees, against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

Also, petition of Col. James Lindsay, for pension—to the Committee on Invalid Pensions.

Also, petition of Mary Finnegan, praying for a pension—to the Committee on Invalid Pensions.

Also, petition of James Lindsay, for relief—to the Committee on War Claims.

Also, protest of 20 professors of the University of the State of Missouri, against the bill to abolish the Coast and Geodetic Survey—to the Committee on Appropriations.

Also, protest of W. S. Chaplin, chancellor, and 7 professors of Washington University at St. Louis, Mo., against the proposed division of the work of the Coast and Geodetic Survey and the transfer of the work in the Navy Department and Geological Survey—to the Committee on Appropriations.

By Mr. BELL of Colorado: Protest signed by pastor and trustees of the Lutheran Church of Burlington, Colo., against the proposed constitutional amendment to incorporate God in the Constitution—to the Committee on the Judiciary.

By Mr. BLACK of Illinois: Memorial of the Evangelical Lutheran school committee of Illinois, protesting against the proposed Christian amendment of the preamble of the Constitution of the United States—to the Committee on the Judiciary.

Also, resolutions of Court Little Fort, No. 79, Independent Order of Foresters, Waukegan, Ill., in favor of the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERS of California: Petition of 110 citizens of San Diego, Cal., for establishment of a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. BROOKSHIRE: Petition of William M. Whitten and others, of the Indiana State Society of Engineers, asking for a preliminary survey of a ship canal to connect Lake Michigan with Wabash River—to the Committee on Railways and Canals.

By Mr. BUNDY: Petition in support of a bill (H. R. 6783) granting a pension to Engelbert Wagel—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Petition of Sarah T. Farrell, widow of Anthony Farrell, for relief—to the Committee on Claims.

By Mr. CONN: Petition of the vessel owners and masters of Michigan City, Laporte County, Ind., for the establishment of a steam fog whistle at that place—to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP: Petition of C. E. Gilbert, J. H. Hodges, and other citizens of Perry, Ga., asking the building and loan associations be exempt from income tax—to the Committee on Ways and Means.

By Mr. DOLLIVER: Papers from J. Thompson, of Forest City, Iowa, and from H. S. Lee, of Webster City, Iowa, praying that building and loan associations be exempt from the operation of the income tax—to the Committee on Ways and Means.

Also, remonstrance of Trinity Evangelical Lutheran Church of Manilla, Crawford County, Iowa, against the adoption of the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. GEAR: Petition of J. H. Gillette, and 20 others, of I.

L. of H., of Burlington, Iowa, praying that fraternal journals be admitted to the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GOLDZIER: Remonstrance of G. A. Mueller, pastor, and Christ Kastning and H. Hortman, trustees of the St. Peter's Evangelical Lutheran Church of Schaumburg, Ill., against the proposed God-in-the-Constitution amendment—to the Committee on the Judiciary.

By Mr. GORMAN: Protest of St. Peter's Evangelical Lutheran Church, against the adoption of the God-in-the-Constitution amendment—to the Committee on the Judiciary.

Also, resolutions of the Bookbinders and Rulers' Union and the Trunk Maker's Union, favoring Government ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Furniture Movers' Union and Barbers' Union, both of Detroit, Mich., favoring the governmental ownership and control of telegraphs and telephones—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLMAN: Petition of Elisha Lunsford, late of Company E, Seventh Regiment Kentucky Cavalry, to be relieved from the charge of desertion—to the Committee on Military Affairs.

By Mr. HOUK (by request): Petition of citizens of Knoxville and Harriman, Tenn., for exempting national building and loan associations from the operation of any income tax which may be levied—to the Committee on Ways and Means.

By Mr. LINTON: Petition of A. D. Gillies and 69 other citizens of Cass City, Mich., asking favorable consideration of the Manderson-Hainer bill, in the interest of fraternal society and college journals—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Owosso Council, No. 6, Royal Templars of Temperance, of Owosso, Mich., favoring the passage of the Manderson-Hainer bill—to the Committee on the Post-Office and Post-Roads.

By Mr. MCCLEARY of Minnesota: Protest of St. John's Evangelical Lutheran Church of Willow Creek, Minn., signed by Rev. A. F. Ude, pastor, August Urban and William Meig, trustees, representing 395 members, against any change in the preamble to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PAGE: Petition of Frank D. Jackson and 59 others, of Wood River Junction, R. I., against the passage of the Wilson bill—to the Committee on Ways and Means.

Also, petition of Patrick J. Yulany, of Newport, R. I., for compensation from the United States—to the Committee on Claims.

By Mr. SHAW: Protest of J. C. H. F. Heyner, pastor, and A. Pfund, John B. Meyer, and F. O. Linse, trustees of Evangelical Lutheran St. Paul Church, of the towns of Mendota and Canton, Buffalo County, Wis., against the proposed amendment to the preamble of the Constitution—to the Committee on the Judiciary.

By Mr. STEPHENSON: A resolution unanimously adopted by the Chamber of Commerce at Los Angeles, Cal., asking an appropriation for the harbor of San Pedro, Cal.—to the Committee on Rivers and Harbors.

Also, papers from John L. Echran, of Manistique, and from Leon Ephraim, of Escanaba, Mich., protesting against that schedule of the Wilson bill which affects the national building and loan associations—to the Committee on Ways and Means.

Also, petition of the Bookbinders and Rulers' Union of Detroit, Mich., in favor of Government ownership and control of the telegraph systems—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS: Petition of 26 citizens of Lawrence Council, No. 17, Royal Arcanum, of Lawrence, Mass., praying for the passage of the Manderson-Hainer bill—to the Committee on the Post Office and Post-Roads.

By Mr. TAYLOR of Tennessee: Petition of citizens of Greenville, Morristown, Bluff City, Sullivan County, Hamblen County, and of business men of Jonesboro, all of Tennessee, asking that building and loan associations be exempt from the operation of the income tax—to the Committee on Ways and Means.

Also, petition of J. M. Hoffmaster, administrator Mary Counts, of Tennessee, for relief—to the Committee on War Claims.

By Mr. TAWNEY: Protest of Rev. L. Junker, pastor, and Herman Meyer and August Kruse, trustees of the Zions Evangelical Lutheran Church of Houston County, Minn., representing 64 communicants, against any change in the preamble of the Constitution—to the Committee on the Judiciary.

By Mr. WEVER: Two petitions of 76 citizens of Glass Falls, N. Y., in favor of Senate bill 1136, for establishment of Government telegraph—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *April 24, 1894.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

POTOMAC FLATS LITIGATION.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 19th instant, certain information relative to the present status of the suit in regard to the Kidwell flats, in the District of Columbia, together with drafts of bills relative to litigation concerning that property; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

EXECUTIVE SESSION.

Mr. PASCO. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from certain Cherokee delegates, representing the Cherokee Nation, transmitting a memorial adopted by that nation, remonstrating against the passage of the so-called McRae bill, relating to a Territorial form of government for the Cherokee Nation; which was referred to the Committee on Indian Affairs.

Mr. VEST presented a petition of the Commercial Club, of Kansas City, Mo., praying for the early completion of the improvement of the harbor of Galveston, Tex.; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of Henry P. Cox, of Portland, Me., and the petition of F. E. Richards, of Portland, Me., praying for the passage of Senate bill No. 1534, repealing that portion of the interstate-commerce law which prevents railroads from pooling; which were referred to the Committee on Interstate Commerce.

Mr. MCMILLAN presented the memorial of Mrs. G. M. Barclay, of Detroit, Mich., and 266 other women of Michigan, members of the Presbyterian Church, remonstrating against the admission of Utah into the Union as a State; which was referred to the Committee on Territories.

He also presented petitions of the Trunk Makers' Union, of the Furniture Movers' Union, and of the Book Binders and Rulers' Union, all of Detroit, Mich., praying for the governmental control of the telegraph service; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON presented a petition of 33 citizens of Burlington, Iowa, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Oregon. I present several petitions, numerously signed by ex-Union soldiers of Oregon, in which they represent that there are pending before the Commissioner of Pensions 650,000 unadjusted applications for pensions. They represent that many of these have been pending for years, and they pray for the enactment of legislation by Congress compelling the settlement of all those cases by December 31, 1894. I move that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BRICE presented a memorial of 913 citizens of Findlay, Ohio, remonstrating against the passage of the so-called Wilson tariff bill; which was ordered to lie on the table.

He also presented a petition of the American Agents' Association, of Camden, Ohio, praying that fraternal society and college journals be admitted to the mails as second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the American Agents' Association, of Camden, Ohio, and a memorial of Cigar Makers' Union, No. 48, of Toledo, Ohio, remonstrating against the ratification of the proposed Chinese treaty; which were ordered to lie on the table.

He also presented a petition of the Central Labor Union, of Cleveland, Ohio, praying for the enactment of legislation for the better protection of American seamen; which was referred to the Committee on Commerce.

He also presented a memorial of the Board of Trade and Transportation of Cincinnati, Ohio, remonstrating against the abrogation of any treaty under which reciprocal relations have been established between the United States and any foreign country; which was referred to the Committee on Finance.

He also presented a memorial of the Young Men's Democratic

Club, of Zanesville, Ohio, remonstrating against the passage of House bill No. 5575, proposing to take from the Board of Managers of the National Home for Disabled Soldiers all or nearly all control and place the same under the government of the War Department; which was referred to the Committee on Appropriations.

He also presented a petition of the Cleveland Permanent Building and Loan Company, of Cleveland, Ohio, praying for the adoption of a certain amendment relating to building and loan associations to the Wilson tariff bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1542) to amend section 4746, Revised Statutes of the United States, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 879) granting a pension to Josephine F. Kelton, widow of Brig. Gen. John C. Kelton, late adjutant-general United States Army, deceased, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. HUNTON (by request) introduced a bill (S. 1947) to authorize the erection of a municipal building at Washington City, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL of Wisconsin introduced a bill (S. 1948) granting a pension to Augustus G. Cary; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALLEN introduced a bill (S. 1949) for the relief of James E. North; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McMILLAN introduced a joint resolution (S. R. 79) to require street railway companies in the District of Columbia to pave and to repair pavements with asphalt, brick, or granite blocks; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. POWER submitted an amendment intended to be proposed by him to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes; which was ordered to lie on the table and be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3924) to regulate water-main assessments in the District of Columbia; and

A bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

The message also announced that the House had passed the following resolutions:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of the Hon. Randall Lee Gibson, lately a Senator and formerly a Representative from the State of Louisiana.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

MISSOURI RIVER BRIDGE AT YANKTON, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 1803) to amend the act of June 22, 1892, entitled "An act to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak." The bill proposes to extend the time of constructing a bridge across the Missouri River. It is very brief.

Mr. COCKRELL. Let the bill be read for information.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 6 of the act of June 22, 1892, entitled "An act to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak.," is amended so as to read as follows:

"SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the 22d day of June, 1894."

Mr. COCKRELL. Is the bill reported from a committee?

The VICE-PRESIDENT. It is reported from the Committee on Commerce.

Mr. PETTIGREW. The bill was reported from the Committee on Commerce without amendment.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OREGON LAND GRANTS.

Mr. MARTIN. I ask the unanimous consent of the Senate to take up for present consideration the bill (S. 1649) providing for the survey of the land described in the grant to the Willamette Valley and Cascade Mountain Wagon Road Company, in the State of Oregon.

Mr. GORMAN and Mr. COCKRELL. Let the bill be read for information.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 2, line 1, after the word "That," to strike out "there is hereby appropriated out of the Treasury of the United States, out of moneys not otherwise appropriated, and consistent with the provisions of this act;" in line 4, after the word "dollars," to strike out "or so much thereof as is necessary for the purpose of this act, to pay the cost and expense of said survey, which money so appropriated may," and insert "shall;" in line 7, after the word "said," to insert "Willamette Valley and Cascade Mountain Wagon Road;" in line 11, after the word "then," to strike out "and there;" and in the same line, after the word "for," to insert "and credited to;" and in line 12, after the word "act," to strike out "and shall be credited to the purposes of this act;" so as to make the section read:

SEC. 2. That the sum of $22,000 shall be deposited by the said Willamette Valley and Cascade Mountain Wagon Road Company in some United States depository which shall be designated by the Secretary of the Interior, and shall be deemed appropriated when so deposited, and shall be then used for and credited to the purposes of this act; any excess of the said deposit and appropriation remaining after paying the cost of said survey, shall be returned and paid to said company.

The amendment was agreed to.

The next amendment was, in section 3, line 4, after the word "each" to insert "for the amount so expended in making said survey;" so as to make the section read:

SEC. 3. That after said survey shall have been completed and the cost thereof ascertained and paid, as above provided, the Secretary of the Interior shall issue to said company certificates of deposit in triplicate for $200 each, for the amount so expended in making said survey, which may be assigned by indorsement and be received in payment for lands entered by settlers under the preëmption and homestead laws of the United States or for any public lands of the United States entered or to be entered under the laws of the United States.

The amendment was agreed to.

Mr. COCKRELL. In section 3, line 8, after the words "United States," I move to strike out the words:

Or for any public lands of the United States entered or to be entered under the laws of the United States.

The way the bill stands it gives a floating land warrant which can be located upon any land regardless of anything. That is not right, and it is against the policy which the Public Lands Committee, I understand, has pursued for years and years.

Mr. DOLPH. I think the Senator is mistaken about that. I have not the bill before me, but under the existing laws the settlers in any township may have——

Mr. COCKRELL. If the Senator will permit me, it leaves these certificates receivable for lands entered by settlers under the preëmption and homestead laws of the United States.

Mr. DOLPH. In payment, instead of money; that is all.

Mr. COCKRELL. It leaves it that way; but the provision I move to strike out is entirely additional to that. It is very adroitly inserted in the bill.

Mr. DOLPH. I think the Senator is mistaken.

Mr. MARTIN. I think the bill is not subject to the objection made by the Senator from Missouri.

Mr. COCKRELL. The words are here as plain as A B C.

Mr. MARTIN. In the seventh line of section 3 it is provided that the certificate may be "received in payment for lands entered by settlers under the preëmption and homestead laws of the United States."

Mr. COCKRELL. I do not propose to touch that provision. Will the Senator read the remainder of the clause?

Mr. MARTIN. "Or for any public lands of the United States entered or to be entered under the laws of the United States."

Mr. COCKRELL. Those are the words I move to strike out.

Mr. DOLPH. In the first place, if the Senator from Missouri will permit me, we repealed the preëmption laws several years ago, so that there is probably no case where these warrants could be used in payment of——

Mr. COCKRELL. There are thousands of cases of preëmption pending that have not been disposed of.

Mr. DOLPH. Not preëmptions to be commuted.

Mr. COCKRELL. Liable to be commuted. I ask for the reading of the report. That will explain it.

The VICE-PRESIDENT. The Secretary will read the report.

Mr. COCKRELL. If Senators are not disposed to strike out this clause we shall go into a discussion of the merits of the bill.

The Secretary proceeded to read the report submitted by Mr. MARTIN, from the Committee on Public Lands, March 28, 1894, and was interrupted by—

Mr. MITCHELL of Oregon. I think the Senator from Missouri is under a misapprehension as to the effect of the words he has moved to strike out.

Mr. COCKRELL. When we get through with the reading of the report we shall know better.

Mr. MITCHELL of Oregon. I supposed the reading of the report was finished.

Mr. COCKRELL. Oh, no; it has only just commenced.

The VICE-PRESIDENT. The reading of the report will be continued.

The Secretary resumed the reading of the report, and was interrupted by—

Mr. MARTIN. I suggest that it will be impossible to dispose of the bill this morning if the report of the committee is to be read through. I therefore suggest that the bill be passed over until to-morrow morning, and I give notice now that after the transaction of the regular routine business to-morrow morning I shall again ask for the consideration of the bill.

Mr. PLATT. Why not let the entire report be printed in the RECORD?

Mr. MITCHELL of Oregon. I hope the entire report will be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it will be so ordered.

The report is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 1649) providing for the survey of the land described in the grant to the Willamette Valley and Cascade Mountain Wagon Road Company, in the State of Oregon, have had the bill under consideration, and report the same back with sundry amendments, and recommend its passage as amended.

Your committee recommend that all after the word "that," in line 1, second section, and all of line 2 and all of line 3, in the same section, preceding the words "the sum," and all of line 4, after the word "dollars," and all of line 5 and all of line 6, in the same section, be stricken out, and that in lieu of the word "may," at the end of line 6, in said section, that the word "shall" be inserted. That after the word "said" and preceding the word "company," in line 7 of said section, that the following words be inserted: "Willamette Valley and Cascade Mountain Wagon Road." That the words "and there," in line 10, be stricken out, and that the following words be inserted after the word "for," in line 10, in said section, "and credited to." That all of line 11, preceding the word "any," be stricken out. Also that the following words be inserted after the word "each," in line 4 of section 3, and numbered line 5, to wit: "for the amount so expended in making said survey." That lines 5, 6, 7, 8, and 9 in the original bill be renumbered as lines 6, 7, 8, 9, and 10, respectively.

All of which amendments are shown in red ink in the bill herewith submitted.

Your committee herewith return as part of this report a letter from Commissioner of the General Land Office of the date of March 7, 1894, to the Secretary of the Interior and a letter from the honorable Secretary of the Interior to the chairman of the committee under date of March 14, 1894, together with a brief submitted in support of said bill.

DEPARTMENT OF THE INTERIOR, *Washington, March 14, 1894.*

SIR: I transmit herewith a report of the Commissioner of the General Land Office upon Senate bill No. 1649, "Providing for the survey of the land described in the grant to the Willamette Valley and Cascade Mountain Wagon Road Company in the State of Oregon."

The bill authorizes the company named to deposit a sufficient sum of money to make a survey of all the lands within the indemnity limits of their grant, and to receive in satisfaction of such deposit certificates assignable by indorsement and receivable in payment for lands entered under the laws of the United States in the manner now provided for by law for the payment of surveys under what is known as the "deposit system." As the greater part of the lands so surveyed would be subject, after survey, to settlement and entry under the general land laws, I can see no objection to the passage of the bill, provided it is amended in the manner suggested by the Commissioner in his report, to wit, that the appropriation shall not be available until the sum shall be deposited by the company in the manner prescribed.

Very respectfully,

HOKE SMITH, *Secretary.*

HON. JAMES H. BERRY,
Chairman of the Committee on Public Lands.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 7, 1894.

SIR: I have the honor to acknowledge the receipt, by reference from the Department on February 21, 1894, for report, of Senate bill 1649, "Providing for the survey of the land described in the grant to the Willamette Valley and Cascade Mountain Wagon Road Company, in Oregon."

The first section of the bill provides for the survey of all the unsurveyed lands within the limits of the withdrawal under the grant to aid in the construction of said wagon road. The second section appropriates $22,000 for making the survey, or so much thereof as may be necessary. It further provides that this money may be deposited by the wagon road company in some United States depository to be designated by the Secretary of the Interior, and when so deposited shall be deemed appropriated for the purposes of the act; any excess remaining after the survey of all the lands to be repaid to the company.

The third section provides, practically, that after the survey shall have been completed and the cost thereof ascertained and paid, the Secretary of the Interior shall issue to the company certificates of deposit in triplicate, for $300 each, assignable by indorsement and receivable in payment of lands entered under the laws of the United States.

Senate bill 819, which provided for the survey of the unsurveyed lands within the withdrawal aforesaid, having been referred to this office, a favorable report thereon was submitted to the Department on October 19, 1893, and on November 24, 1893, a similar report was submitted on House bill 3417, introduced for a like purpose. The latter report was subsequently withdrawn and an unfavorable report submitted on January 15, 1894.

The only objection to the passage of a bill for the survey of these lands at this time is the expense involved, but as the company has agreed to advance the money necessary, this objection is removed.

I would suggest, however, that the second section of the bill appropriates the money without requiring the company, as a condition-precedent, to deposit it, and said section should, I think, be so amended that the appropriation shall not be available until the sum shall be deposited by the company in the manner prescribed.

With letter of February 23, 1894, the attorneys for the company, Messrs. Chandler and Kremer, inclosed a copy of the bill with the third section amended so as to limit the use of the certificates of deposit provided for to that now authorized by law for military bounty land warrants, and asked that the office specify which form is satisfactory in the event of any recommendation concerning the bill.

The bill, thus amended, would be free from objection, and I recommend that it be so passed.

I return herewith the copy of the bill transmitted by the Department, together with the letter of the attorneys for the company, of February 23, and the copy of the bill with the third section amended as aforesaid.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

THE SECRETARY OF THE INTERIOR.

Memorandum in support of S. 1649, providing for the survey of certain Oregon lands.

1. The company is directed by the bill to deposit moneys sufficient to pay for the surveys.

2. This money will go towards paying for surveying the even sections which the company can not get in any event, and all the odd sections, only part of which the company is likely to select, and for drawing out the lines of survey through the lands reserved by proclamation of the President; thus the company is to advance a large sum for work on lands not to be selected by it, and the remainder for work on lands to be selected by it, but which the Government is bound to survey. (Act of July 5, 1866; case of Southern Pacific Railway Company, Copp's Public Land Laws of 1882, volume 2, page 749; Pacific Railway Company *vs.* United States, 124 U. S., 124.)

3. It is the policy of the Department to close all the pending grants. The object of this is to throw open as much land to settlement as possible. There are within the limits of this grant several hundred thousand acres of land now surveyed, but withdrawn from entry and settlement.

4. By the terms of the act and under the decisions of the courts all the odd sections within the limits of the grant are withdrawn from entry and settlement till the grant is satisfied. (Denny *vs.* Dodson, 32 F. R., 902; Southern Pacific Railway Company *vs.* Wiggs, 43 F. R., 333; Wisconsin Railroad Company *vs.* Price County, 133 U. S., 496.)

5. And the Secretary of the Interior has withdrawn all of the odd sections within the limits of this grant by special order of the Department, and they are now so withdrawn. Neither the present nor any future Secretary has power to revoke these withdrawals, and thus deprive the owners of the grant of the right of selection which inured to them by the force of the statute and the act of the Department. (Noble *vs.* U. R. Logging Company, 147 U. S., 165.)

6. Thus hundreds of thousand acres will continue to be tied up and closed to the settler until these surveys are completed and the company enabled to make its selections.

7. The surveyor-general has reported in favor of making the surveys in the following words: "Regarding the survey of these lands, I would respectfully recommend that said survey be made, if possible, by special deposit or otherwise, as it would not only be an act of justice to the company, but a relief to a number of home-seekers and of vast interest to the State."

8. Equities in favor of company. These lands were earned over twenty years ago. The company has been paying taxes; has built and kept up the road and taken care of the land; has, by building and maintaining the road, opened up a large country to settlement whereby other lands of the United States have been greatly increased in value. In return for these benefits the Government caused the owners to be harassed by investigations and suits; have put them to great expense and trouble and suspended their rights, whereby appropriations of former years have been diverted to other sections of the country and could not be applied to the purpose of these surveys. Under these circumstances it would seem no more than just that Congress should order the surveys. Where the United States have done or suffered wrong it is presumable they will repair it.

9. The act of July 5, 1866, is a contract. Of this contract the Government has had the benefit. It can not now be heard to repudiate it and refuse the surveys. The duty to survey is an essential part of the grant, being one of the incidents thereof. This was not a donation, gift, or gratuity, but a grant founded on a consideration—a contract conferring mutual benefits and imposing mutual obligations, and the Government is bound to carry it into effect. (Forsyth *vs.* Reynolds, 15 How., 358.)

10. The special-deposit clause in the bill is beneficial to the Government. The system of special deposits originated in the tenth section of the act of May 30, 1862 (12 Stats., 410). At that time the finances of the Government were exceedingly embarrassed, its entire resources being pledged to the conduct of the war; the reduction of the civil expenses was a necessary object of legislation, and so long as reduction was obtained the means were not too closely scrutinized. Amongst other civil appropriations Congress was indisposed to expend the usual sums upon the public surveys, it being

considered that the disposition of its public lands by the Government could reasonably wait upon the preservation of its ownership.

This policy was generally acquiesced in, but the Pacific coast was an exception. The immediate pressure of the war did not injuriously affect that distant region. On the contrary, it rather created there an era of prosperity. For many reasons this was particularly exhibited in the matter of emigration; thousands of people escaped the immediate horrors and personal obligations of the war by settling on the coast; this in turn occasioned a sudden taking up of public land there and a consequent demand for an unusual extension of the public surveys. But this demand encountered the necessity for absolute reduction and almost total cessation of appropriations for that purpose, a condition not essentially dissimilar from that which prevails at present.

It is clearly no injury to the United States to have its public domain surveyed. To that end Congress has yearly appropriated large sums of money which have been a considerable tax upon the public land revenues. But, however large may be such appropriations, the operation of the laws for the sale has always anticipated the survey of the public lands.

11. The making of the surveys will benefit the Government and the people. It is for the interest of the Government in the disposal of its own lands that these surveys should be made promptly. It is of great importance to the citizens of Oregon to have these lands opened up for settlement. The increase of population and the general growth of the country show that the demand for these lands is real. Until quite recently the State of Oregon has made rather slow progress, but the era of improvement has overtaken the country. The title to these lands has been settled by the decition in 148 United States, 31. All that is now required to have the lands opened to actual settlers is the making of the surveys here applied for.

By the terms of the granting act there were granted to the State "alternate sections of public lands designated by odd numbers, 3 sections per mile, to be selected within 6 miles of said road."

After the survey of the line of the road had been filed all the "odd" sections on either side of the road for 6 miles were withdrawn from public entry, and must necessarily remain so withdrawn until the rights of the present owners are fully satisfied. The public is at this moment shut out, not only from the lands owned by these applicants, and from which they and the settlers to whom they would sell are wrongfully excluded by the refusal to survey, but from all the Government's land adjoining theirs, which can not be taken up until the satisfaction of the rights mentioned. The only impediment to further settlement of the lands is the refusal to order the surveys. The benefits, proximate and remote, of immediate action to the Government itself, to the State of Oregon, and to the people at large are incalculable.

12. Delay is injuring the applicants. The further denial of the surveys is a great hardship and injustice to these applicants. Daily their timber is being cut within the grant, and it is only a matter of time when a large portion of the grant may be rendered utterly valueless; and every day's delay increases the number of squatters against whose claims it is necessary to defend the title.

The lands which it is desired to have surveyed are accessible only in the summer season. Unless the bill is passed promptly another year's delay will be unavoidable.

[United States Statutes, volume 14, page 89.]

In 1889 Congress passed an act requiring the Attorney-General to bring suit in the name of the United States in the United States circuit court for the district of Oregon, against all persons claiming an interest in this grant to determine the question of the construction of the road, the legal effect of the governor's certificates, the right of the United States to resume the land, and to obtain judgment declaring the land coterminous with any uncompleted portions of the road forfeited, saving the rights of any bona fide purchaser, the suit to be tried and adjudicated like other suits in equity.

On August 29, 1889, in pursuance of this authority suit was commenced. Two pleas were filed by the defendants, in one of which they set up the foregoing facts as an estoppel, and in the other the defense of bona fide purchaser. The case was heard on the pleas and bill; the pleas were held good and the bill dismissed. The Government appealed to the Supreme Court, which reversed the judgment on the ground that there should have been an investigation into the merits. When the case came back to the circuit court the pleas were withdrawn, a general answer filed, and the case tried on its merits; numerous witnesses were examined, a mass of testimony taken, and judgment was given in favor of the defendants, finding the facts as above stated and dismissing the bill. The Government appealed to the circuit court at San Francisco. In the meantime trials had been had in two other similar cases, and the judgments in favor of the defendants in those cases affirmed in the circuit court of appeals and in the Supreme Court of the United States, whereupon, upon motion of the owners of these lands, and with the consent of the Attorney-General, the Government's appeal from the judgment in their favor was dismissed. During all this time selections had been suspended by the Department and no patents issued since October 30, 1882. Numerous applications to have the lands surveyed were made from time to time, and early in 1892 formal application by the company to have the lands surveyed, and offering to pay for the same, or deposit the sums necessary to pay for the same, was made to Secretary Noble, who denied the application.

After the latest decision of the Supreme Court and the decision of the law officers of the Government to dismiss the appeal at San Francisco, application to have the lands surveyed was made to the Department.

The said application was made March 23, 1893, and on the 25th day of the same month was, by the Acting Commissioner of the General Land Office, referred to the surveyor-general for the State of Oregon. The surveyor-general was requested to furnish a description of the land in question, and the probable cost of the survey required. On April 15, 1893, he reported to the Commissioner. The report describes the lands and recommends the survey in the following words: "Regarding the survey of these lands, I would respectfully recommend that said survey be made, if possible, by special deposit or otherwise, as it would not only be an act of justice to the company, but a relief to a number of home seekers and of vast interest to the State."

The estimated cost of the survey is $21,155. On April 27, 1893, the Commissioner of the General Land Office reported to the honorable Secretary of the Interior. The report refers to the application of March 23, 1893, particularly to the statements therein contained as to the litigation concerning these lands, and finds that the said statements are correct. Relying on a previous decision of the Department in a railway case (Atlantic and Pacific Railway Company), the report finds that the proposition for deposit can not be entertained. The report states that there are $4,000 in the reserve fund, but that the same is wholly inadequate for the survey applied for, and recommends that the applicant be advised to apply to Congress, as was done in the case of the Atlantic and Pacific Railway Company.

The company acted upon this suggestion, and in September, 1893, bills were introduced in the Senate and House of Representatives. Both bills were referred to the Public Lands Committee of the respective Houses, and by them transmitted to the Secretary of the Interior, who referred them to the Commissioner of the General Land Office. The Commissioner wrote to the Secretary October 19, 1893, favoring the passage of the Senate bill 819. His letter was transmitted by the Secretary to the Hon. James H. Berry, chairman of the Senate Committee on Public Lands, with a communication from the Secretary concurring in the Commissioner's recommendation and favoring the passage of the bill.

On November 24, 1893, the Commissioner wrote to the Secretary favoring the passage of H. R. 3417. This letter remained in the office of the Secretary of the Interior until about the middle of January, 1894, when it was returned to the Commissioner with the request that it be withdrawn and a contrary recommendation sent to the Secretary of the Interior. This was on January 15, 1894, and the Commissioner's letter recommending that the bill be not passed was sent by the Secretary to the Hon. THOMAS C. MCRAE, chairman of the House Committee on the Public Lands, with a letter concurring in the said recommendation. The bill has since been reported adversely.

Thereafter the pending bill was submitted to the Secretary of the Interior, who referred it to the Commissioner of the General Land Office. The Commissioner's report favoring the passage of the bill, together with the Secretary's letter concurring therein, has been transmitted to the chairman of this committee. Copies of the report and letter are annexed hereto.

The decision of the Supreme Court sending the cases back to have the merits investigated is reported as United States *vs.* Dalles Military Wagon Road Company (148 United States, 599).

The decision of the Supreme Court affirming the judgment in the two cases of like instance is reported as United States *vs.* California and Oregon Land Company (148 United States, 31).

The grant was made by act of Congress approved July 5, 1866. The grant is a conveyance and a contract. Of this contract the Government has had the benefit. It can not now be heard to repudiate it and refuse the surveys. The duty to survey is an essential part of the grant, being one of the incidents thereof. This was not a donation, gift, or gratuity, but a grant founded on a consideration—a contract conferring mutual benefits and imposing mutual obligations, and the Government is bound to carry it into effect. (Forsyth *vs.* Reynolds, 15 How., 358.)

Section 2, act of July 5, 1866, provides "That the said lands hereby granted to said State shall be disposed of by the Legislature thereof for the purposes aforesaid, and for no other, and the said road shall be and remain a public highway for the use of the Government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States."

By the decision in United States versus this company it is adjudicated that the lands in question were granted and conveyed in consideration of the construction of the road; that the company did construct the road, and that the Government has the benefit of such construction and of the road, and has the benefit of the road to-day. It would, under these circumstances, be in the highest degree immoral and unjust for the United States to repudiate this contract.

IT IS THE DUTY OF THE GOVERNMENT TO MAKE SURVEYS.

The company is not bound to make the survey. This grant was not, like those to the Northern Pacific and other railroad companies, made on condition that the grantee pay for the survey, nor does the act of July 31, 1876, nor any of the decisions thereunder, require the Secretary to demand payment of the cost of surveys from these applicants. (Act of July 31, 1876, 18 Stat., 121; Northern Pacific Railroad Company *vs.* Traill County, 115 U. S.; case of Southern Pacific Railroad Company, Copp's Public Land Laws of 1882, vol. 2, p. 749.)

Where the granting act provides for the payment of the costs of survey before issuance of patent, such payment is a condition-precedent, but the act of July 5, 1866, makes no such provision. The only conditions are the building of the road and the certificate of the governor. These conditions have been fully performed, as admitted by the Department. To require the applicant to pay the costs of surveying under these circumstances would be to attach a new condition. This can not be done, as its effect would be to deprive the applicant of property rights. Such conditions may be fixed before but not after a grant is earned. (County of Cass *vs.* Morrison, 28 Minn., 257; North Pacific Railroad Company *vs.* Traill County, 115 U. S., 600; Pacific Railway Company *vs.* United States, 124 U. S., 124.)

LANDS IN OKLAHOMA TERRITORY.

Mr. MARTIN. I give notice that I shall endeavor to call up, when the bill which has just gone over is disposed of, the bill (H. R. 5065) to ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes, which is a matter of grave importance and ought to be attended to at the very earliest possible moment if the Territory is to get any advantage from it.

EULOGIES ON THE LATE REPRESENTATIVE LILLY.

Mr. CAMERON. I give notice that I shall call up on Saturday next, at 3 o'clock, the resolutions of the House of Representatives relating to the death of my late colleague in that body, Hon. William Lilly.

YELLOWSTONE NATIONAL PARK.

The VICE-PRESIDENT appointed Mr. CAREY, Mr. WHITE, and Mr. VEST as the conferees on the part of the Senate upon the bill (H. R. 6442) to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes, and the amendments of the Senate thereto.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 3294) to regulate water-main assessments in the District of Columbia; and

A bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

THE REVENUE BILL.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. MILLS. Mr. President, a legislator is often compelled to make an election between two parliamentary measures, neither of which meets his entire approval. It must necessarily be so, because no one in a large representative body can frame a measure which will command the approval of every member of the assembly. Every act of legislation must necessarily be a matter of compromise, and no act of legislation more necessarily so than that which imposes taxes upon imports.

The bill we are now considering does not meet my entire approval; I doubt if in all its provisions it meets the approval of any Senator on this side of the Chamber; but as it is it shall have my cordial support. If I find there is a prospect of improving it I may offer and support some amendments to it; but whether I succeed in having them engrafted upon it or not I shall bow to the collective judgment of my side of the Chamber and support whatever conclusion it shall reach.

I believe, sir, that is due from me and due from every party man. This is a strict party measure, and it has been a party measure from the foundation of the Government and from the organization of the party to which I belong.

Mr. President, there are two opposing views about tariffs, and the two parties now in existence in this country are marshaled upon these two opposing lines. The party to which I belong believes that taxes should be imposed upon the people for the sole purpose of raising sufficient revenue to support the administration of an honest and economical Government; it believes in equal and exact justice to every citizen of the Republic; it opposes class legislation in all its forms. Hence in imposing duties the Democratic policy and the Democratic principle are to so lay the duty as to raise the revenue and to raise it with the least possible disturbance of the employment and business of the people and the least possible burden to the taxpayer. Our friends on the other side believe in a system of taxation that will make the burden as heavy as possible, because it will build up a favored class in the Government. They do not believe in equality. They believe in favoritism, and their policies are chosen and wisely chosen to build up a governing class in the country to control the administration of the Government.

Had I been chosen to construct the tariff bill, and if I had had the 44 Democratic members of this Chamber in perfect accord with my views, I should have constructed the bill on very different lines from those on which it has been constructed. I would not have left coffee and tea on the free list and taxed woolen and cotton goods and manufactures of iron and steel. I would have put the tax on coffee, tea, sugar, and fruits. Why? Because it carries out the Democratic principle of obtaining the revenues with the least possible burden to the taxpayer. Our friends put the duties on cotton goods, woolen goods, and iron and steel, because in raising the requisite revenue for the Government they raise four or five times as much for a favored class. We raised last year $55,000,000 from the duties on cotton and woolen goods. Fifty-five million dollars could have been raised from a tax on sugar that would have carried $7,000,000 of incidental protection to the sugar-growers in the United States, and the whole burden of taxation would have been $62,000,000 out of the pockets of the people. Fifty-five million dollars was raised on cotton and woolen goods, $600,000,000 worth of which was produced in this country and raised in price by the imposition of the duties, taking out of the pockets of the people two or three hundred millions of dollars, while there was only $55,000,000 of revenue carried to the public Treasury. Here is the distinctive line of difference between the two policies of taxation, the Democratic and the Republican systems.

Mr. President, the Democratic party, from its organization, has been the liberty party of this country. It has believed that the highest possible beneficence that could come to the people of the United States would come when they enjoyed the largest possible liberty and every natural right with which the Creator endowed them. Mr. Jefferson taught us that the proper function of government was not to deprive the citizen of any one of his natural rights, but to declare and enforce every one, and that government was instituted among a free people to secure every right to every citizen. The Democratic party, in its convention of 1836, taking its words from the pen of Thomas Jefferson, declared in the platform upon which Martin Van Buren was nominated and elected:

> That every man is under the natural duty of contributing to the necessities of society, and this is all the law should enforce on him.

There, sir, is the creed of our party, and in 1840 they said:

> That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country.

In 1844 they reaffirmed that principle, and in 1848 again reaffirmed it, and further said that "the triumph of 1844 had fulfilled the hopes of the Democracy of the Union in the noble impulse given to the cause of free trade by the repeal of the tariff of 1842 and the creation of the more equal, honest, and productive tariff of 1846."

In 1856 they reaffirmed the same principle, and in addition they declared that—

> The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world.

Here is our creed. The Democratic party has never believed in exercising the power to create fortunes for any private individual or any corporation. It has stood for protection, not against competition, but protection against wrong; protection against injury; protection to every right of the citizen, natural and acquired. This has been its creed from the beginning. In harmony with that creed had I drawn the bill to be adopted by my party the very first thing that I should have done would have been to select those articles which would produce revenue sufficient to administer the Government with the least possible draft upon the people.

In the second place, I should have placed upon the free list all coal, all ore, all metals in pigs, bars, blooms, billets, slabs, sheets, in short, everything that is required to be manufactured before going into consumption—all wool, cotton, hemp, jute, and flax, all yarns, and everything that requires to be manufactured Why? In order that we may produce our goods at the lowest possible cost. Why? In order that we may go out into the markets of the world, undersell all rivals, and give employment to all our people. If we tax the materials we place that beyond the power of our labor, however skillful it may be; we shut the doors against its employment, and turn our people into the streets to come as they are coming to Washington now, to beg for relief by demanding that the Government shall issue paper promises that it can not perform. I would have had free materials and a low revenue tax on the finished products. Then, if that did not bring in sufficient revenue for an efficient administration of the Government, I would have put a tax on accumulated wealth.

Mr. President, in dealing with the question of taxing the products of labor going from the producer to the consumer the legislator ought at all times of the day and night to keep his eye upon the employment of the labor of his country. That is a subject of more importance than the revenue. No step should be taken in a legislative assembly that is calculated to narrow the opportunities for work. The great body of the people not only in the United States, but all over the world, have to live by daily toil. It is a daily struggle for subsistence, and that struggle ought never to be made harder or darker by the interposition of the legislative arm. But rather, more opportunities ought to be afforded to the laborer, and every obstruction that either nature or legislative action has interposed should be removed out of the way of that employment.

Look to-day, sir, upon our country. Twenty-two millions of laborers engaged in gainful occupations are struggling to support a population of 67,000,000, three times as many as themselves. The life, the subsistence, the clothing of this vast population depend upon the stroke of the arms of 22,000,000. The most important branch of our industry, the one upon which every other is engrafted, the one upon whose prosperity that of all others depend, is that of agriculture. No man will dispute that. We have 9,000,000 people employed in the fields and farms, 4,250,000 in manufactures, 2,000,000 in transportation, and over 5,000,000 in personal and professional services, all depending upon the farm as the mudsill of the whole industrial system. What does our farmer depend on?

Mr. President, from way back in the past, as far as we have any official statistics, way back to the year 1820, it is shown that from 70 to 80 per cent of all the exports of this country have been from our fields and farms. We have been told in the last thirty years that protection will build up in this country manufactures and mining and other industries which will give us a home market for the consumption of the surplus products of our fields. What, sir, has become of those prophesies? After three years of the most exhausting taxation on imports that this or any other country has ever had, two-thirds of all the cotton in the Southern States still goes to foreign markets to be sold. Why have we not built up cotton manufactures to consume this cotton in this country?

A large surplus of wheat and provisions still seeks a consumption in foreign markets. It can not find it at home. Every mouth is fed, every back is clothed, every want is satisfied that American farmers can satisfy, and yet there are from $700,000,000 to $1,000,000,000 of surplus products from the farms that must either go to waste or hunt a market in foreign lands. It has been so continuously with all your promises of adequate home markets for

all products. For thirty long years you have been promising us a home market for all our cotton. For thirty years you have been promising us a market for all our surplus provisions. For thirty years you have been promising us a home market for all our breadstuffs, and three years ago when you were making the McKinley tariff you told the people in the wheat fields of the Northwest that you were going to bring them consumers for all their surplus wheat.

The Committee on Finance of the Fifty-first Congress, one of the ablest that ever assembled in the history of this Chamber, reported to this body the bill which is now a law. In their report they told the people of the United States that we could not longer depend on sending our wheat out of the country to find a market, that we must depend upon the more certain and more remunerative home market which they sought to build up by breaking down imports and inviting people to come here from foreign countries in sufficient numbers to consume the surplus wheat produced by the farmers of the Northwest.

The distinguished Senator from Indiana [Mr. VOORHEES] the other day descanted upon some of the lamentations of Mr. Webster in 1846, when he said the country would come to ruin if the Walker bill was passed. It was passed, and universal prosperity followed it. Mr. Webster's prophecies fell to the ground, yet the false prophets are all over the land, still repeating the same prophecies day after day and year after year. I visited a play in the city of Washington some time ago in which there was a character called Col. Maverick Brander, who, contrasting his situation with that of Daniel Webster under similar circumstances, said that he found it very difficult to keep up with Daniel's gait. But there are statesmen in this country who not only find it not at all difficult to keep up with the false prophecies of Mr. Webster but surpass him.

Let me read what the Committee on Finance of the Fifty-first Congress say:

> The competition in wheat-growing which has been developed in India, South America, Australia, and in the British possessions in North America, is likely to make unprofitable the production of this cereal for exportation by our people, and to cause the wheat-grower of the Northwest to look to an enlargement of the certain and remunerative home market. This enlarged and profitable market can only be secured by increasing the number of people engaged in other than agricultural pursuits, and by furnishing to all increased employment without diminution of wages. To cripple our manufacturing interests and reduce the purchasing power of our workingmen will result in augmenting the number of competitors in the field of agricultural production, and the increased supply could, in that event, only find a market in Europe by enforced competition with India at ruinous prices. Wheat can now be laid down in Liverpool from the central provinces of India at as low a cost for transportation as from Chicago, and Indian wheat can be delivered in New York at less cost for tranportation than from the wheat fields of Dakota.

Did the committee mean to say that a bushel of wheat could be produced in India at a cost and laid down in New York and sold at a price that would drive the Dakota wheat out of the market? I am not advised as to the cost of transportation from India to New York. I can not believe that it is as cheap as the transportation from Dakota to New York, but I do know that a bushel of wheat can not be produced in India and sold in the city of New York in competition with a bushel of wheat grown anywhere in the United States. Cost of production has much to do with the market price, and in this instance much more than cost of transportation. Do you tell me that a people who plow with a fork of a tree, who use the primitive methods of agriculture can compete with those who use machinery? Do you tell me that 300,000,000 people, a large majority of whom are farmers, and do not raise as much wheat as our 67,000,000 can take from us our home market?

India produces about 320,000,000 bushels of wheat with her 300,000,000 people. The United States with 64,000,000 people produced 611,780,000 bushels of wheat the next year after this doleful prophecy was made upon the floor of this Chamber. What has been the verification of that prophecy? The bill that they promised was passed. They promised that nonagriculturists should come in sufficient abundance to take up and consume profitably the surplus products of the wheat-growers of the West. That was the prophecy and the promise. What was its fulfillment? The very next year we exported 225,000,000 bushels of wheat; and in three years after that prophecy was uttered on this floor we exported to foreign countries more than 450,000,000 bushels of wheat. Not only could we compete in the city of New York or Boston or anywhere else on this continent, but we could pay the cost of transportation and compete in the markets of the world; and in the great wheat market of the world—the city of London—we have been doing so.

A very exhaustive examination was made of the cost of the production of wheat in the United States a few years ago by Dr. Edward Atkinson. He showed that a bushel of wheat could be produced in the United States at a cost of less than 40 cents, and in California less than 36 cents. There is not a spot on the Continent of Europe that can produce a bushel of wheat at that cost. The lowest I have seen is Germany, at 84 cents. India can not produce wheat at a cost of 40 or 50 or 60 cents a bushel; much less can it produce it at that cost and pay the cost of transportation and drive us out of our own markets. India produces about one bushel of wheat per head of her population. The United States produces eight or nine bushels per head, and could easily produce more if a market could be had. Do you tell me that a man who uses the old sickle to cut wheat, who uses the old plow of past generations and the ox to haul it, who uses the flail to thrash it out, can compete with a man who puts wheat in the ground with a buggy plow, who has his wheat cut, thrashed, winnowed, and sacked by machinery? Some time ago I read in Mulhall's Dictionary of Statistics that with Guin's California reaper one machine attended properly could cut, thrash, winnow, and sack the wheat on 60 acres of ground in one day—1,200 bushels of wheat.

I was afraid to quote the authority until a few days ago I was talking with a California farmer who uses the machine. He told me it could be done and was being done, and being done by him. With five hands at $1 per day each he cuts, thrashes, winnows, sacks, sews up the sacks, and puts away ready to be shipped in one day 1,200 bushes of wheat, and the labor cost is less than 2 cents per bushel. And yet we are told that a man in India who never saw a buggy plow or thrasher, who can not cut an acre of wheat in a day with a sickle, can send his wheat to the United States and drive out of his field the most intelligent, energetic, and thrifty farmer on the face of the globe. This is the scary tale our friends are telling our farmers to lull them to sleep while they increase the prices of everything they have to buy, and throw insurmountable obstacles in the way to the markets where they are to sell. They stand before the wheat-growers and sing:

> Hush, hush, hush,
> Here comes the Bogie man.
> You've got no show,
> You'd best lay low,
> He'll catch you if he can.
> Hush, hush, hush,
> Your wheatfields he will scan.
> Run, all ye Western farmers,
> Here comes the Bogie man.

This is the song to the men who were producing in the same time five or ten times as much wheat as the India man, and at a labor cost less than the India producer. And to prevent this direful calamity he must be taxed a hundred per cent on his woolen goods.

Mr. President, it is a magnificent scheme that this very intelligent and able committee reported to us, that by raising the tariff they were going to import "nonagriculturists" into this country to consume the surplus products of the wheat crop. I have ciphered a little on that dazzling problem to see how many people they will have to bring to this country to consume the surplus wheat crop. The very year after the measure was passed, the very year after that prophecy was uttered on this floor, the wheat-growers of the United States produced 611,780,000 bushels of wheat. Mr. Dodge, the Statistician of the Agricultural Department, who has been issuing their protection pamphlets and campaign documents for them for years, says that 4⅔ bushels of wheat is the per capita consumption of the people of the United States. Everybody knows that we are the best fed people in the world. We will suppose that this "nonagricultural" importation that a high protective tariff is to bring to the United States will each consume 4⅔ bushels of wheat.

We will first make a deduction to seed the crops of the next year. There were a little less than 40,000,000 acres sown in wheat. A bushel and a half is the highest amount that is given by farmers as requisite to sow an acre of wheat. Then deduct 60,000,000 bushels for seed, at Mr. Dodge's estimate, four and two-thirds bushels per head, 64,000,000 people will have 299,000,000 million bushels set apart for bread; the total for home consumption, 359,000,000 bushels; surplus, 252,800,000 bushels. To consume, that at four and two-thirds bushels per head would require a "nonagricultural" importation of population amounting in one year to 54,000,000 people. Where are they going to come from? How are they going to get here? Where are the vessels to come from to bring all that population here to consume this surplus wheat? It would take all the armed and mercantile vessels afloat on all the waters of all the seas of the globe.

But that does not make any difference. It is a beautiful thing and ought not to be marred by any such commonplace considerations. I suppose our friends were going to let the immigrants provide the vessels for themselves. But 54,000,000 people have to come here according to that prophecy, and they have got to come in one year, and they have got to come in time to consume that crop of wheat, and they have got to come with money enough to pay for it or it will do the farmers no good. What will they do, Mr. President, when they come here to make the money to

buy the wheat from the farmer? It will not do to bring agriculturists. The committee were too sharp for that. They said that they must be "nonagriculturists;" that they must be miners, manufacturers, persons engaged in transportation, laborers, mechanics, and others.

Now, of the nonagricultural population of the United States one-third are manufacturing laborers. Let us assume that one-third of these will be. One-third of 54,000,000 will be 18,000,000, who have to come and be supported by manufacturing labor. That includes men, women, and children.

Again, by the same division of our population, one-third of that number are laborers actively engaged in the shops. That makes 6,000,000 laborers who have to come here in one year. Six million of manufacturing laborers have to be brought by the McKinley law to this country. Very well. What will they do? They will go into manufacturing, of course. How much will they make? If 4,250,000 operatives of ours made $9,370,000,000 worth of manufactured products in 1890, how much will 6,000,000 make? It is a mere sum in arithmetic that an ordinary Republican ought to be able to cipher out. Somebody else will cipher it out if they do not. They will turn out, if they work as well as our people, $13,000,000,000 worth of products. We consume $150 per head of our manufactured products. It will be fair to assume that they will consume a similar amount of their products. Then they will consume of that product $8,000,000,000 worth. That would leave $5,000,000,000 worth of surplus manufactures. What is to be done with it?

The committee did not inform us. We know that they are opposed to exchanging any of our products for the cheap and "nasty" things produced by foreign paupers, and we know that their destructive policy is to confine our trading to this continent. They may even go so far as to agree with Henry C. Carey, that the Creator made a mistake in leaving navigable oceans around America; that he should have made them oceans of fire. But even if these obstacles were out of the way the tariff duties on the materials out of which their products were manufactured would prohibit them from export, just as the tariff duties prohibit ours. These $5,000,000,000 worth of products must be consumed at home. And carrying out the policy so boldly laid down we must now import a "nonmanufacturing" population. We must either carry out the Democratic policy and export the goods or the Republican policy and import people to consume them. The Republican plan was adopted and still prevails. Now, we must import "nonmanufacturing" people enough to consume this surplus. How many will it take? We consume about $150 per head. We will assume that they will consume as much. Then we must import 33,000,000 "nonmanufacturing" people to make a home market for $5,000,000,000 of manufactures.

Of our nonmanufacturing class in the United States 54 per cent are agriculturists, and we will assume that 54 per cent of them will be agriculturists. Then 18,000,000 of these are to be farmers, and of these one-third are laborers—or 6,000,000. We had 9,000,000 laborers in 1890 in agriculture. We were to import 6,000,000 more, and if 9,000,000 farmers produced 611,780,000 bushels of wheat in 1891, 6,000,000 farmers will produce 400,000,000 bushels. They will use for seed two-thirds as much as we, being two-thirds as numerous, or 40,000,000 bushels; they will use for bread four and two-thirds, or 154,000,000 bushels; and then they will have a surplus of 200,000,000 bushels. What are you going to do with that? We have got to import now 43,000,000 nonagriculturists to consume that; and so the thing goes, and if we continue this policy of our Republican friends, in a few years, within the memory of old men like myself, we will see the whole fourteen hundred millions of this world here in the United States, brought here by a high protective tariff—Chinese, Japanese, Fijis, Soudanese, Maltese, chimpanzees, all coming to the United States to join Coxey's army and the aborigines. [Laughter.]

Mr. President, it is a singular kind of doctrine for our Republican friends, as my friend from Delaware [Mr. GRAY] suggested, to set out to soothe the apprehensions and fears of the Western farmers, to make them lie still while their markets are being torn from them, to tell them in the hearing of the manufacturing operatives that they propose to import manufacturing labor to come to this country and compete with the manufacturing labor here, and on that to raise the wages of labor! Strange as it appears, that has been done. This is another of those magnificent prophecies of which we have heard so much from all the protectionists—false prophets and false prophecies.

When I was a young boy my mother taught me to read the Bible, and I read about Elijah upon Mount Carmel, when he took 450 of the false prophets of Baal and slew them. I then thought all false prophets were dead, but it seems as if some of them got away, and they have come down to the present generation, and have come here to tell the people these scary stories in order to soothe them while they put the strong arm of the Government up to the elbows in the pockets of the working people of the country.

Mr. President, this country would have had the agonies it is now in in 1891 if it had not been that the crop of 1890 was more valuable by $280,000,000 than that of 1889, and the crop of 1891 was $650,000,000 more valuable than that of 1889. The increased value of the two crops, aggregating in two years more than $900,000,000, deferred the coming of the depression until 1892. In that year the value of our principal crops fell over $400,000,000, and in 1893 over $500,000,000 below 1891. The two years' decrease amounted to more than nine hundred millions. The depression that is now distressing the land did not come with the advent of a Democratic Administration, as has been charged. No, Mr. President, the country began to feel the contracting folds of the monster in 1892. The storm signals were put up in the fall of that year. The election on the 8th of November admonished the country to look out for the coming squall.

Still, they tell us that a Democratic Administration has brought on this panic, produced the depression, and filled the streets with marching armies of distressed and wretched people calling on their Government to save them. It was failing crops, exhaustive taxation under the McKinley act, and increased obstruction of the way to a market fixed by that law which prostrated the farmers of the country; and when they fell, they stretched out their arms, like Samson, gathered the posts of the industrial temple and crushed the whole fabric over their heads. They stopped buying; they had nothing with which to buy; when they stopped buying the manufacturers stopped selling; when the manufacturers stopped selling they stopped producing, and when they stopped producing they turned their wage-workers into the streets, and the lines of transportation stopped carrying between producer and consumer. These are the curses that have blighted the land and filled the people with distress.

The Secretary of the Treasury of the Administration which a short time ago went out of power recognized this condition of things when he came to Congress in the closing hours of the Administration of President Harrison and begged this body to pass a law authorizing the sale of bonds to meet the deficiencies in the Treasury that he saw at that time were coming, and coming by the improvident, unwise, and extravagant Administration of President Harrison and his party.

They tell us this panic has come because we Democrats are agitating the question of reducing taxation and opening markets; that it has come by anticipation; they say that the unemployed people are looking ahead, and they see something in the distance that frightens them. I have never known people to take distress and stop work by anticipation in that way. I do not think that the working people of this country are crowding the thoroughfares and highways of the country because they anticipate that the future will be filled with gloom for them. They want meat and bread; they want employment, and they can not get it; the manufacturer can not sell his goods, and will not give them employment; the farmers can not buy them and the manufacturer can not sell them. It is not anticipation, it is the realized condition which follows the exhaustion produced by the McKinley tariff act.

To tell me that people get frightened by anticipation reminds me of an incident I read in a paper sometime ago in a New England town. A gentleman was driving down the street in his buggy and called to a friend to get in the buggy and ride with him. After the friend had ridden some distance down the street he saw a procession coming, headed by a band of music, with colors flying; he saw the drum-major with his stick twirling about in the air, and he said to the man by whose side he was sitting, "Will your horse get frightened at the music?" "Oh, no; my horse is very fond of music; he has a passion for music; he never gets frightened at music." "Are you sure of that?" "Yes; I am sure of it." "If your horse will stand that drum, and stand those brass horns, and stand all that noise and parade, I will continue to ride with you." The man drove on, and when he got within 50 or 100 yards of the procession the drum-major twirled his stick in the air, the kettledrum rolled out the long roll, the bass drum thundered like a park of artillery, the horns brayed, and the horse wheeled at right angles, and shot down the street at the rate of a mile a minute. The buggy was turned over, and the men were thrown out, their faces were scarred and bruised and their noses were bleeding. The guest said, "How is it you told me your horse would not scare at music? I told you I would not get in the buggy, sir, if you had a wild horse. Now, I am hurt; you told me that your horse would not get scared at music—would not get scared at a band." The driver said, "I told you that that horse would not frighten at music, that he loved music, and I repeat it, but you will notice right across there you see the weather man has put

up a signal on the side street to indicate that there is an electrical storm coming from California over the Sierra Nevada Mountains, and when it comes it will be accompanied by an immense amount of thunder and lightning. My horse is afraid of that lightning." [Laughter.] And the people of the United States are crowding into the highways everywhere because they are afraid that in the future the Democratic Administration will reduce taxation, open up the markets of the world to the sale of their surplus production, and give employment to the idle people in the streets.

But, Mr. President, the only way we can correct this unhappy condition is to restore to the people the natural and normal condition of work and trade, and restore to the people the God-given right to labor and the God-given right to dispose of the products of their labor. Every man in the world is working ten times more for somebody else than he is for himself. The man who is raising cotton in the Southern States does not want any of it; he wants it to go to New England and to Old England, and all over Europe, in order to get the things by exchange that he wants for himself and his family. The man who is raising wheat in the Northwest is not raising the wheat for himself alone. Four and two-thirds bushels, if Mr. Dodge is right, will more than satisfy the wants of each member of his family; but other people all over the world are producing the things he wants and requires, and he has the natural right not only to produce the wheat, but the natural right, which no honest, just government would take from him, to convey his surplus products to the man who is working for him. That is nature's law.

Mr. President, what becomes of all that surplus wheat? Two hundred and twenty-five million bushels, as I have shown, in 1891 went away, and 27,000,000 bushels stayed at home over and above the 4½ bushels for bread for each person in our country. Mr. Dodge is wrong in his estimate, as can be proved, and I have a table here which I shall print which will show that 3.77 bushels of wheat are all that is kept at home for consumption per capita when there is a market that will command its export.

In 1855, when wheat went up, we shipped all but 3.77 per capita; in 1890, when wheat went up again, we shipped all but 3.81 bushels per head; but there have been from forty to fifty and seventy million bushels of wheat kept at home over and above this which could not go to the markets. You will not let the things come to the country that will exchange for that wheat and carry it to market for the class of commodities you need. What will you do with it? It is being fed to hogs.

I examined this question some time ago. I was wondering what had became of the rest of the wheat. Nobody eats more bread than he wants. Our people eat a great deal of bread made from corn meal. This is an abundant country. Our people live largely on vegetables and other food than bread. What becomes of the rest of the wheat? I was astonished when I found in an advance paper, which is to come with the report of the Agricultural Department, that that wheat, even of the crop of 1891, is yet being fed to the hogs! That is a startling fact.

I read from the advance sheets of the report of the Department of Agriculture:

> The returns of the correspondents of the Department throughout the great wheat surplus States indicate a new factor in the consumption of wheat, viz, the feeding of the same to hogs and other stock, a fact due, as declared, to the unprecedently low prices, the claim being made that this mode of disposing of the cereal is profitable as compared with marketing it for human food.
>
> The returns also indicate that a very considerable proportion of the wheat now in farmers' hands comes from crops prior to that of 1893, and especially from the crops of 1891-1892.

I have here a table which I shall print, which shows that allowing 3.77 bushels, which was consumed in 1885, there was left over 174,335,480 bushels in 1884; 32,000,000 in round numbers in 1886; 59,000,000 in 1887; 45,000,000 in 1888; 2,000,000 in 1890; 84,000,000 in 1891; and 91,000,000 in 1892.

The table referred to is at follows:

Production, consumption, and exportation of wheat.

Years.	Farm price per bushel.	Produced.	Area sown.	Retained for seed.	Bread consumed per head.	Retained for bread.	Exported.	Population of United States.	Retained to feed hogs and for waste.
	Cents.	*Bushels.*	*Acres.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*		*Bushels.*
1884	65	572,765,000	39,475,885	59,213,827	3.77	206,045,327	132,570,366	54,813,084	174,335,480
1885	77	357,112,000	34,189,246	51,283,863	3.77	211,283,893	94,565,388	56,043,473	
1886	69	457,218,000	35,805,184	55,209,276	3.77	216,025,583	153,804,969	57,301,481	32,177,172
1887	68	456,329,000	37,641,783	56,462,677	3.77	220,875,731	119,624,344	58,587,727	59,366,248
1888	87	415,886,000	37,336,138	56,004,207	3.77	225,833,729	88,600,742	59,902,846	45,447,322
1889	70	490,560,000	38,123,859	57,185,788	3.77	230,903,018	109,430,467	61,247,485	93,940,727
1890	83	399,262,000	36,087,154	54,130,731	3.77	235,085,882	103,181,316	62,622,250	2,864,071
1891	84	611,780,000	39,916,807	59,875,395	3.77	241,385,304	225,665,812	64,027,932	84,853,489
1892	62	515,949,000	38,554,430	57,831,645	3.77	246,803,679	119,912,625	65,465,167	91,401,011

Mr. MILLS. Why is it that this wheat is kept at home? Because you will not permit the articles to come to this country which the people in foreign countries would gladly give for it and give you their goods at a lower price than you can buy them at home. The heavy duties imposed by the existing law keep out a vast amount of the products of other countries that would otherwise come to take our wheat. In 1885 wheat rose 18 per cent over 1884, and all went out but enough for seed and 3.77 bushels per head for food. In 1890 it rose again 18 per cent, and all went but 2,800,000 bushels. Make it profitable to export it and it will all go again.

I am talking now to the wheat farmers of the Northwest. It is not necessary for me to talk to the cotton-growers of the South. They had nothing to do with placing this nefarious law on the statute books. If they could, they would tear it out root and branch. Now, when the country is suffering in the depths of distress, they can raise their voices and say to you and to the whole world—

> Thou canst not say, I did it: never shake thy gory locks at me.

Every one of their Representatives is against the law. Every one of them voted against its enactment, and every one of them stands ready to vote for its repeal. The people of the Northwest have kept their Senators and Representatives here to destroy their own prosperity, and to be soothed and deceived by the siren song that we must import population to consume our surplus products rather than export the products.

Mr. President, when we prevent things from coming to this country we prevent an equal amount of things from going away from this country. There can be no trade except by the exchange of two or more things. You can not conceive of a trade that does not require at least two persons to make it, and you can not conceive of a trade that does not require at least two things to be exchanged.

Something must come back when something goes, and the something that comes must be the equivalent of something that goes; when you stop sending away, you stop importing; and when you stop importing, you stop sending; and the trade of all countries is balanced by the surplus products of the countries that participate in the trade. When we see that Great Britain is taking 52 per cent of her wheat from the fields of the United States and we are imposing a duty upon her woolen, and cotton, and iron, and steel, and glass, and other goods, it is easy to be seen that we are keeping away many millions of her products that would come here and exchange for our wheat, and thus keeping at home an equal amount of our wheat.

Great Britain imports wheat from a number of countries. She imports 52 per cent from the United States. Then she sends her mercantile fleets around the world and buys from Russia, Germany, France, the Austrian territories, Roumania, Turkey, Bulgaria, Egypt, the Argentine Republic, Chile, British North America, British India, Australasia, and other countries. Why does she not take all her wheat from us? We produce the best wheat in the world. She would be glad to take it from us, but when we get to the point where we have to stop in our importations, we can not sell and she can not buy. We only take a limited amount of her surplus, and then she must go elsewhere to hunt her bread supply. Do you not see when the exports of cotton and wheat fall off the imports fall off? They are doing so now. We exported over $1,000,000,000 in 1891, when we had a large crop. Our exports have fallen off, and our imports have fallen off just in proportion to the surplus we have to send to market.

If we would open the market and remove the obstruction in the way of importation and permit importation to come unchallenged to the country, what would be the first effect of it? Increased exportation, preceded by increased demand for cotton, wheat, and provisions. What would follow from that? Increased prices of agricultural products? Mr. President, the very same products

which we export now, and which bring us $799,000,000, would then bring $150,000,000 more. We find that when importations fell off prices fall from 18 to 20 per cent, and when importations flow in the prices of agricultural products rise 18 or 20 per cent or more. The same quantity of products we now send abroad and sell for $799,000,000 we would sell for more than $900,000,000. Then all these millions of bushels of waste wheat, waste corn, waste oats, and other farm products would find a profitable market for their sale. Our importations would increase largely. With open markets I do not doubt but that they would increase $300,000,000. It was said in another place that if this bill were passed it would increase our imports $250,000,000, and that would result in great injury to our manufacturers and throw out of employment thousands of operatives and reduce the wages of hundreds of thousands more. I hope the bill will pass, and that it will increase our imports $300,000,000.

If we shall have fairly good crops this year and the pending bill shall become a law, importations will largely increase; and if the crop of the year equals that of 1891 the increase of importations will go to $300,000,000, and if it does exports will increase to the same extent. An increase of that amount of exports will increase the value of our farm products eight hundred or a thousand millions. What will that do? That money will be spent for manufactures, and will make an active demand for labor and increase its wages. If three hundred millions of imports would displace the labor required to make that amount of goods, nine hundred millions of increased value of farm products would counteract it and make a demand for twice as much more. But it would not displace one workman, but would create a demand for the employment of an amount of additional labor to make $900,000,000 worth of goods. From 1879 to 1881 our imports increased by $250,000,000. It was not goods, but gold; but it made a market for the sale of farm products. The same quantities of the same articles that were worth $1,936,142,502 in 1879 were worth $2,660,901,186. The increased value was $724,758,684.

I submit here a table showing the articles and their increased value:

Table showing quantities of certain crops in 1879, the prices and values of the same, and the prices and values in 1881 of an equal amount of each crop.

Product.	1879.			1881.	
	Crop.	Price.	Value.	Price.	Value.
Corn.....bushels..	1,547,901,790	$0.375	$580,463,171	$0.636	$984,465,538
Wheat.....do....	448,755,630	1.108	497,222,346	1.196	536,712,929
Rye.....do....	23,639,460	.656	15,507,485	.933	22,055,616
Oats.....do....	383,761,320	.331	120,404,996	.464	168,785,252
Barley.....do....	40,283,100	.589	23,726,745	.823	33,152,991
Buckwheat.....do....	13,140,000	.598	7,857,720	.865	11,366,100
Potatoes.....do....	181,626,400	.435	79,007,484	.90	163,463,760
Hay.....tons..	35,493,000	9.32	330,794,760	11.81	419,172,330
Cotton.....pounds..	2,464,410,373	.1084	260,638,084	.1203	289,250,567
Tobacco.....do....	391,278,350	.078	20,519,711	.083	32,476,103
Total values.....			1,936,142,502		2,660,901,186

Total values, 1881	$2,660,901,186
Total values, 1879	1,936,142,502
Difference	724,758,684

The increased value of the crop enabled the farmers and their families to buy more manufactures, and not only farm products rose, but the price of manufactures rose, and employment was constant and labor was prosperous. I submit here the prices of several articles which show how manufacturing was prosperous:

Articles.	Prices.	
	1879.	1881.
Pig iron.....per ton..	$21.50	$25.12
Bar iron.....do....	51.85	58.05
Steel rails.....do....	48.25	61.13
Cut nails.....per keg..	2.60	3.00
Anthracite coal.....per ton..	2.70	4.53
Bituminous coal.....do....	2.79	3.75
Medium Ohio wool.....per pound..	.35	.49
Standard sheeting.....per yard..	.0797	.0857
Drilling.....do....	.0757	.0806
Shirting.....do....	.1162	.1274
Prints.....do....	.0825	.07

I also submit a statement from Mr. Swank in the Census Report of 1880, on the iron and steel industry of the United States at that time:

A YEAR OF PROSPERITY.

The census year 1880, which, it may here be stated, extended from the 1st of June, 1879, to the 31st of May, 1880, was a year of exceptional prosperity for the iron and steel industries of this country. The coincidence is notable, that it exactly covered the period which has been designated as "the boom" during which all iron and steel products were in such great demand by American consumers that the iron and steel works of the country were unable to meet it. The home supply was supplemented by large importations, and even these could not be made with sufficient rapidity to meet the urgent wants of consumers. Prices were high throughout the whole year, but fluctuated violently. Labor was in demand, wages were promptly paid, and disputes between workingmen and their employers were rare and unimportant. The census year 1880 will long be memorable as a year of general prosperity for our iron and steel industries, and as one which witnessed the beginning and the end of a most exciting epoch in their history. (See House Miscellaneous Document, second session Forty-seventh Congress, volume 13, Part II. Page 9, of Part I.)

Not a single man was thrown out of employment then and will not be now if imports are increased. We do not import the things we produce. We import woolen goods, but not the kind we make at home. We import cotton goods, but not the kind we make. We import glass, but not the glass we produce.

Look at your imports, examine them for years back, and you will see that there is a certain line of goods that we import, and import under low duties and import under high duties and import under the highest duties; but you do not import the same amount. They are restricted. In 1890 we imported $54,000,000 worth of woolen goods, and last year $36,000,000 worth of woolen goods. Sixteen million dollars worth of woolen goods were kept away by prohibitory duties, and $16,000,000 worth of wheat was kept at home.

Look at your cotton schedule and you will find we are importing certain kinds of hosiery. You can not make it here. I stated that some years ago, and I was laughed at all over the country as a rawhide fellow from Texas who did not know anything about manufacturing. I spoke by the record, and I had the statements of men who ought to know, that these goods could not be, and were not being, made in the United States, and we are still importing them. We were then importing them over a duty of 35 per cent. In 1883 the duty was raised to 40 per cent, and we still imported them. We are importing them over a duty of 67 per cent to-day. Do you suppose anybody would import into this country cotton stockings at 67 per cent duty if we could make them here without any duty? That kind of hosiery, however, can not be made in this country. Laces and embroideries can not be made in this country, or have not been. You will find that whatever your duties are the goods you are importing, whether glass, or iron, or steel, or cotton, or woolen goods, are of a kind that can not be produced here on account of climatic conditions of other things. Many things can be produced in this country, but there are some things that can not be. We can not raise coffee in this country. Oh, I suppose we might; I suppose you might make an artificial soil, an artificial atmosphere, fence in a district of country and cover it with glass, and raise coffee at $5 a pound; and then it would be good American coffee; it would be none of your "pauper coffee" from Brazil. A distinguished protectionist undertook a few years ago to correct the defects of nature and produce tea in the United States, when the Creator intended that it should be made in China and not in the United States. A chief of the Bureau of Agriculture undertook to correct the deficiencies of nature and to show up some of "the mistakes of Moses," by establishing a tea farm in South Carolina. But he has gone, and his tea farm has gone with him.

If we want to drink tea, we have to send cotton or cotton manufactures, or woolen manufactures, or wheat, or flour, or bacon, or something to China which the people of China want, and exchange it for tea. We can not raise tea in this country.

Our Republican friends are very solicitous about reciprocity. They want reciprocity, and they seem to think that we Democrats are very wicked people; that we are interfering with reciprocity.

We want reciprocity, too. What is reciprocity? It means freer trade, if it means anything; it means reciprocal advantages in trade; it means more trade; it means more of obstructions out of the way of trade. Why are we talking about reciprocity with Brazil and Cuba and Honduras and Gautemala? That is reciprocity between farmers principally. The true reciprocity is that between farmers and manufacturers.

If our Republican friends want reciprocity as badly as we do, let them join with us and try to get some reciprocity with Great Britain, who takes more than half of our exports of wheat. She has blotted out all her tariffs on all our exports. Now, if we are anxious for reciprocity, meet her generosity and blot out all of ours except enough to raise money to support the Government. Take two hundred millions more of her woolen and cotton goods, her iron and steel and glass and other manufactures, and she will take every bushel of our wheat and leave none to be fed to the hogs. If our friends are in favor of real reciprocity, there is the place to extend it. She has put the whole reciprocity scheme completely in the hands of the American Congress. You can have all the wheat exported that you want if you put a duty of 20 or 25 per cent on cotton and woolen goods, 20 or 25

per cent on iron and steel goods, and 20 or 25 per cent on glass. You will find a profitable market for all your surplus wheat with Great Britain alone. There is where your reciprocity lies. We were told the other day most lugubriously that we were breaking down the barriers between Canada and this country and letting Canada have our market. Suppose she does. Do we not have hers? Is Canada going to come in here and steal ten, fifteen, twenty million dollars from us? If Canada brings us $20,000,000 of the surplus of her people does she not give us a market for $20,000,000 of our surplus among her people? How can we be hurt by opening trade to Canada? If Canada sends $10,000,000 worth of lumber the people of Canada will take $10,000,000 worth of wheat or something else to pay for it, and give us a market too. Canada can not give us a market unless we give her a market, and our two markets will be reciprocal. Why not reciprocity with Canada as well as with Guatemala and these other countries?

Why, Mr. President, has reciprocity been confined to sugar, molasses, coffee, tea, and hides? Is there no other reciprocal trade that has any value except coffee, tea, sugar, molasses, and hides? Coffee, tea, sugar, molasses, and hides come from the Southern countries who have no manufactures. Coffee, tea, sugar, molasses, and hides are the articles mentioned in the third section of the existing law, which come here to exchange for manufactures. That is the sort of reciprocity you want. And while you are obtaining this reciprocity for your manufactures in this country, which we are willing to give you, but not willing to make yours an isolated and favorite case, we want to give everybody the same reciprocity. We believe in equal rights to all. That is what Democracy means. We stand for the rights of the whole people, the millionaire and the mendicant alike. But you want reciprocity to sell your manufactures to these people and take their sugar, molasses, coffee, tea, and hides in exchange for it, and when the farmer in the West wants to sell his wheat and the farmer in the South wants to sell his cotton and take cheaper woolen goods and cotton goods, and iron and steel and glass goods, you say, "No, we do not want reciprocity in that direction. We want partial reciprocity. We want reciprocity for the pockets of a favored class in the country, and you are trying to destroy that partial reciprocity and institute in its stead a uniform reciprocity for the benefit of all the people."

Now, Mr. President, our friends say that if we open our markets to the imports of all other countries we are going to throw our laborers out of employment; we are going to destroy their wages; we are going to produce a marvelous condition of society in the country; we are going to spread abroad distress, poverty, and wretchedness. The only way, they contend, to have our people employed at good wages is to shut out the trade from foreign people and give the market to our own people. They say that the products of other countries are made by pauper labor, badly paid labor, a great deal cheaper labor than ours. Our friends who have studied this subject know better than that. When the Democratic national convention at Chicago denounced protection as a fraud they told the truth. It is a fraud that is repeated day after day.

What is a fraud? Something that is told to deceive another to his injury. When they tell the farmer that destroying importation and exportation is for his benefit, and that they are going to bring people from all over the world to come here and consume his surplus products at higher prices they know that they are not making a correct statement. When they tell the wage-earner that the only way he can get high wages and constant employment is to keep away the manufactured products that compete with him in foreign countries they ought to know they are incorrect; men who have studied this question know better than that.

Mr. President, we have got the cheapest labor on the globe. We have got the poorest paid labor in proportion to the work our laborers do that is to be found on earth. Why so? Because we work by machinery, and one laborer in this country produces in some cases five, ten, and even over ten times more than is performed by the man who is doing the same work in other countries. Great Britain approaches more closely to us than any other country in the world, but she is behind us. We can produce the things we are producing cheaper than anybody else on earth can do it, if they can do it at all.

I have a statement here to which I want to call the attention of the Senate and of the country and especially of the wage-workers. Some time ago, looking over Mulhall's Dictionary of Statistics, I came across a statement in which he gives the number of persons employed in manufactures in all the different countries of the world that are manufacturing to any considerable extent. He gives the total value of the product made in each country and the number of persons employed. By dividing the number of hands by the value of the product we get precisely the amount of value turned out by each hand. This statement shows that for 1888 the United Kingdom had 5,189,000 persons employed in manufacture; that they turned out a product worth $4,100,000,000, and the product per hand was $790. France had 4,443,000 persons employed. They turned out a product valued at $2,425,000,000, or $545 per hand. Germany had 5,350,000 persons employed. They turned out a product valued at $2,915,000,000, or $545 per head. Russia had 4,760,000 employed. She turned out a product valued at $1,815,000,000, or $381 per head. I will print this table and will not go over it all. The United States had 3,837,000 persons employed, who turned out a product valued at $7,215,000,000, or $1,880 per head.

Mr. PEFFER. What is the standard, American or British?

Mr. MILLS. Oh, it is dollars; the values are rendered in dollars. The thing that was wanting in this statement was the annual wages paid in each country. He did not give that, but I asked our accomplished Chief of the Department of Labor, who has been studying these questions for years, to give me his estimate of the annual wages paid to labor in manufacture in these countries. In his letter he says:

DEPARTMENT OF LABOR, *Washington, D. C., February 6, 1894.*

MY DEAR SIR: In response to yours of January 18 and January 26, I have the honor to state that from the very best sources which I have been able to consult, I estimate the average annual earnings in all manufacturing industries in the countries named by you to be as follows:

1, United States, $347; 2, Great Britain, $204; 3, France, $175; 4, Belgium, $165; 5, Germany, $155; 6, Austria, $150; 7, Switzerland, $150; 8, Italy, $130; 9, Spain, $120; 10, Russia, $120.

The above estimates have been made, so far as the United States is concerned, from the actual number of persons employed and the total wages paid to them as shown by the census of 1880; for Great Britain they have been made largely from British figures, and for the other countries the estimates have been made from statements originating with foreign authorities and verified by facts collected by agents of this Department. While the actual figures given in the above estimates may not be more than approximately correct, the proportions, I feel sure, are fair.

I am, very respectfully,

CARROLL D. WRIGHT,
Commissioner.

Hon. ROGER Q. MILLS,
United States Senate.

The average annnal rate of wages is for 1880. The number of hands and value of product is for 1888. The relative comparison is the same. The wages in all countries would be higher in 1888 than in 1880. But the relative differences would be substantially the same.

Mr. MITCHELL of Oregon. Will the Senator state again the average annual earnings for the United States?

Mr. MILLS. Three hundred and forty-seven dollars.

Mr. MITCHELL of Oregon. I submit that that is the statement for 1880.

Mr. MILLS. That is what Col. Wright says in his letter.

Mr. MITCHELL of Oregon. I thought the Senator was stating it for 1890.

Mr. MILLS. No.

Mr. MITCHELL of Oregon. The statement for 1890 is $485.10.

Mr. MILLS. I am coming to that. I am now making a comparison based on the wage rate of 1880. I am not talking about 1890. I am taking the annual average wages paid in 1880 and comparing it with the product of 1888. It makes no difference, as I said before, that the wages are of 1880 and the product of 1888, for relatively they are the same thing. The wages for 1888 would have been a little larger in all the countries, but it is amply sufficient for the purposes which I have in view. Now, let us apply this. Seven hundred and ninety dollars' worth of product per hand in Great Britain cost in wages $204. In France $545 worth of product cost $175 for wages. In Germany $545 cost $155 for wages, and on going down I will print this table, so that all can read it.

Table showing number of employés, total value of product, value of product per employé, annual average wages paid per employé in manufacturing industries in the countries named below in 1880.

Countries.	Total value of product.	Number of employés.	Product per hand.	Annual wages paid.
United Kingdom	$4,100,000,000	5,189,000	$790	$204
France	2,425,000,000	4,443,000	545	175
Germany	2,915,000,000	5,350,000	545	155
Russia	1,815,000,000	4,760,000	381	120
Austria	1,265,000,000	3,090,000	409	150
Italy	605,000,000	2,281,000	265	130
Spain	425,000,000	1,167,000	364	120
Belgium	510,000,000	953,000	545	165
Switzerland	160,000,000	370,000	433	150
United States	7,215,000,000	3,837,000	1,880	347

In the United States $1,880 worth of product costs $347 for wages. Now, our friends point to the fact that the workman in the United States gets $347 for his annual work; in Great Britain he gets $204; in France he gets $175; in Germany $155. Ours is the high-priced workman, and these are paupers, but when we come to look at the fact that our people are paid less than

the foreigner for the amount of work they turn out, the boot is found on the other foot.

Now, let us carry this thing out. Let us take the labor cost in other countries of $1,880 worth of product and compare it with ours. The $1,880 worth of goods imported into the United States is the thing that is to test the condition of our workmen. When the goods come here then the labor cost of a given amount of goods is compared with the labor cost of the same amount of goods in a foreign country. One thousand eight hundred and eighty dollars' worth of goods cost in this country $347 for labor.

Now, then, we imported from England last year $1,880 of cotton yarns that cost for labor in England $485, and in the United States $347. The labor cost in England was $138 more than in the United States, but our tariff taxes it $935 to protect our labor against competition with the Englishman. We imported $1,880 worth of kid gloves from France that cost for labor in France $604; in the United States $347. The labor cost in France was $257 more than in the United States, but they were taxed $1,165 to protect our workmen against competition with the Frenchman. We imported from Germany $1,880 worth of woolen goods the labor cost of which in Germany was $535, which was $188 more than in the United States, but they were taxed $1,985 to protect our workmen against competition with the German. We imported from Russia cables, cordage, and twine valued at $1,880, the labor cost of which in Russia was $593, which was $246 more than in the United States, but it was taxed $487 to protect our workmen against competition with the poorly paid Russian.

We imported $1,880 worth of buttons from Austria, the labor cost of which was $689, or $342 more than in the United States, but these buttons were taxed $2,699 to protect our workmen against competition with the Austrian. We imported $1,880 wort of silk piece goods from Italy, the labor cost of which in Italy was $922, or $575 more than in the United States, but they were taxed $940 to protect our workmen against competition with the Italian. We imported $1,880 worth of iron ore from Spain that cost for labor $620, or $455 more than in the United States, but it was taxed $802 to protect our workmen against competition with the Spaniard. We imported from Belgium $1,880 worth of window glass which cost for labor in Belgium $569, or $222 more than in the United States, but it was taxed $1,936 to protect our workmen against competition with the Belgian, and we imported from Switzerland $1,880 worth of laces and embroideries which cost for labor in Switzerland $651, or $304 more than in the United States, but they were taxed $1,128 to protect our workmen against competition with the Switzer.

Mr. ALDRICH. Would it interrupt the Senator from Texas if I should ask him a question?

Mr. MILLS. I will hear the gentleman whether it will or not.

Mr. ALDRICH. I hope before the Senator gets through with his remarks he will explain how it is that Great Britain has the market of the world for cotton yarns in competition with the United States if it costs so much less to make the article here?

Mr. MILLS. I will take great pleasure in doing that right now. Great Britain has the market of the world for cotton yarns against Germany, France, the United States, and every other country on the globe, because the finer cotton yarns can not be spun in this country, nor can they be spun in Germany or France, in competition with Great Britain on account of climate. Your people in New England have been trying to make artificial weather in your manufacturing establishments in order to enable you to make the condition in which fine cotton yarns are spun in Great Britain, and you have failed up to the present time to do it.

Mr. ALDRICH. How about the——

Mr. HAWLEY. Will the Senator from Rhode Island allow me a single word just there? The Senator from Texas was never more mistaken in his life.

Mr. MILLS. Then all your experts who write on the subject are mistaken.

Mr. HAWLEY. I can take the Senator to two acres of flooring where the temperature is kept right and the degree of moisture is kept right, measured carefully by instruments, and the best thread in the world is made. It is the easiest problem imaginable.

Mr. ALDRICH. I intended to follow up my question by asking, How about the climate of India? India has recently encroached on the markets of Great Britain and all the rest of the world in the manufacture of cotton yarns.

Mr. MILLS. I have some figures about cotton to give to the gentleman directly. Germany imports cotton yarns from Great Britain and weaves those yarns and sends them back and sells to Great Britain the cloth that is made from them. France imports cotton yarns from Great Britain. We import cotton yarns from Great Britain. There are certain things we can not compete with; there are certain things England can not compete with; and there are certain things that other countries can not. I submit here the table I have prepared, that Senators and others may examine it:

Countries whence imported.	Labor cost of $1,880 worth of product.	Articles produced in the foreign countries named and imported into the United States.	Labor cost less in United States than exporting country.	Amount of tariff tax on $1,880 worth of articles imported.
United Kingdom	$485	Cotton yarns	$138	$935
France	604	Kid gloves	257	1,165
Germany	535	Woolen goods	188	1,985
Russia	593	Cables, cordage, and twine	246	487
Austria	689	Buttons	342	2,699
Italy	922	Silk piece goods	575	940
Spain	620	Iron ore	455	802
Belgium	569	Window glass	222	1,936
Switzerland	651	Lace and embroideries	304	1,128
United States	347			

Notwithstanding the fact that our labor is cheaper than that of other countries, our people are paying enormous duties to manufacturers to protect their workmen, not one dollar of which ever finds its way to the workman's pocket. Was not the Democratic national convention barking on the right trail when they denounced protection as a fraud? In the face of all these facts Congress is levying taxes to protect American workmen against competition with pauper labor!

The reports which I have read to you show that $100 worth of manufactures cost for labor in Great Britain $25.82; in France, $32.11; in Germany, $28.44; in Russia, $31.49; in Austria, $36.63; in Italy, $49.05; in Spain, $32.96; in Belgium, $30.27; in Switzerland, $34.64; and in the United States $18.45. Now, who has the cheapest labor?

Mr. ALDRICH. Will the Senator before he leaves that branch of the subject allow me to ask him a question?

Mr. MILLS. I am not leaving it, but just coming to it.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. MILLS. I will listen to the gentleman if he wants to ask a question, but I will not yield for a speech. He can answer my speech hereafter.

Mr. ALDRICH. The Senator from Texas says it costs less to make kid gloves in the United States than in France. I should like to ask him how it happens that last year we imported from France about $6,000,000 worth of kid gloves, upon which the importers paid 73 per cent duty, and those gloves were sold in the United States in competition with American makers. Is that a question of climate?

Mr. MILLS. It may be a question of skill. We may not be able to make the kind of glove we are importing. I am telling you, and I have been telling you all the time, and I expect to continue to tell you and to tell the whole country, that there are certain things we can not do in this country. We can do more things than anybody else in the world, but God has not given to this country the capacity to do everything. France can make certain things that we can not make; Germany can make things that we can not make.

I read a most beautiful thing sometime ago in a paper where a German, after the conquest of France in 1870, was bragging about what Germany could do in the presence of a French woman who had married a German officer. She told him that France could do almost anything; that the French people had the greatest genius in the world; that they could take the most horrid and ugly thing in the world and make of it a thing of beauty. An old German general sitting around the table pulled out a gray hair from his head and said, "Madame, take that to France and make something nice and beautiful out of it, please, and send it to me." She said, "I will do it. I will take that gray hair and I will return it to you one of the most beautiful things you ever saw. I will invite you and these other officers to dine with me at a certain time and present it to you at the table." She sent it to France to a jeweler and told him her challenge and said, "Redeem it." He made a beautiful pin and he laid that white hair in a trench of gold. The top of the hair was held in the mouth of the Prussian black eagle; at the bottom of it was suspended a representation of Alsace and Lorraine, and under it the inscription, "You hold them by a hair." Was anything more beautiful than that?

Mr. President, this is a question of labor. Our friends are philanthropists as well as statesmen. They never come to Congress and ask for anything for their own pocket; they come in the name of Christianity and philanthropy and humanity, and ask for something for the poor, downcast laborer who is strug-

gling for life. This is not the first time that hypocrisy has stalked before the world and arrayed itself in purple, pleading for its own interests, but pleading in the name of somebody else. He who has read the sacred volume has not failed to notice how often our Saviour condemned hypocrisy. He seemed to have been surrounded at all times with a people who were constantly asserting their own superiority over their fellows—constantly complaining of others. They were purists and philanthropists of the first water. He told them that they drew nigh unto Him with their mouths and honored Him with their lips, but their heart was far from Him.

The humanitarians and philanthropists of to-day are vexing their righteous souls about the contamination of the foreign pauper. They do not want good Americans to touch, taste, or handle anything made by their hands. They are lifting their voices in constant lamentations about the unhappy condition of our poor workingmen. When they pray they pray for the poor workingmen, and then rise from their knees and prey on him. Their knees are indurated like the knees of a camel from much kneeling and much preying.

One of the most distinguished leaders of the Republican party, returning from Europe in 1888, started the campaign of that year in a speech at New York, an extract from which I take from the New York Tribune of August 11, 1888. In that speech Mr. Blaine said:

> I am glad that this meeting is called in the name of the laboring men, because this question from first to last, from beginning to end, from skin to core, and from core back to skin again, is a question of labor.
>
> In this canvass, in which I shall take greater or less part, I shall hold this question from the beginning to the end as a question that interests every man, woman, and child in this country that depends upon daily labor for daily bread.
>
> There is no need of making any law to protect capital. Capital always takes care of itself and gets a full share.

Truthful are those words as though they were written in Holy Writ. Capital takes care of itself and it takes care of the laborer, too. "It gets its full share" and never gets left. The only labor that it performs is in getting this immense bounty out of the pockets of the people in the name of labor and putting it in its own pocket. They toil not, neither do they spin. They talk and labor with their mouths to get Congress to give them higher prices for their goods, in trust for their laborers and then never give a farthing to the workman.

Mr. President, I will give some more figures to show how protective tariffs affect labor. In Consul Shaw's report, a very intelligent consul under a Republican Administration, made to this Government in 1882, in reporting on cotton goods, he says that in 1882 Great Britain had 486,000 hands employed in cotton manufacture. They made a product valued at $474,916,363. They were paid as wages $121,662,500. The value of the product of each hand was $977. The average wages of each, $250. The labor cost of the goods was 25.61 per cent.

Now let us compare that with the cotton product of the United States two years before.

In the United States, in 1880, our census returns show that we had 172,544 employés engaged in the manufacture of cotton goods. The value of these products was $192,090,110. They received as wages $42,040,510. The value of the product of each was $1,113. The average wages of each was $243. The labor cost of the goods was 21.6 per cent. The Englishman made for his employer $977 worth of goods. The American made for his employer $1,113 worth of goods. The Englishman got $25.61 for $100 worth of work. The American got $21.60 for $100 worth of work. Our workman turned out for his employer $136 more product than the Englishman and got $7 less pay. But the owners of the cotton goods got the protective tariff benefits all the same. And in 1890 his benefits were enlarged for the sole purpose of helping the workingman. Capital takes care of itself.

To produce in Great Britain the $1,113 worth of product turned out by our workmen it would have cost for labor $284, which was $41 more than was paid to our workmen in the United States.

Mr. Mulhall gives us another statement of cotton manufacture in Great Britain in 1888. He says for that year there were 504,000 operatives employed in cotton manufacture. The value of the product turned out by them was $507,000,000. For which they were paid in wages $147,000,000. The average value of the product turned out by each was $1,006. The average annual wages of each, $291. Labor cost of product 29 per cent. Now, let us compare this with 1890 in the United States, as shown by our census returns. We had in cotton manufacture 218,876 operatives. They turned out for their employers a product valued at $267,981,724. Value of the product of each employé, $1,224. Average annual wages of each, $301. Labor cost, 24.64 per cent.

The Englishman got $29 for $100 worth of work, and the American got $24.64. To have manufactured the $1,224 in England that was made in the United States would have cost for labor $354.96, or $53.93 more than it did in the United States. And if the whole $267,981,724 worth of our product had been made in Great Britain at their wage rate it would have cost for labor $11,000,000 more than it did in the United States; and yet we have a tariff of $57 on each $100 worth to protect our labor against the cheap pauper labor of England! Indeed, it is a question of labor "from skin to core." If the $507,000,000 of cotton goods that were produced in England had been produced in the United States at our wage rate our work people would have gotten $125,000,000 where the Englishmen got $147,000,000.

We imported last year $33,343,553 worth of cotton goods, the labor cost of which in Great Britain would have been $9,669,661, and in the United States $8,335,888. Notwithstanding the foreigner was paid for wages more than a million over the wages paid to our workmen, the people paid a tariff tax of $19,031,638 to protect our poor workmen against pauper competition. No one can deny that it is a question of labor "from skin to core and from core back to skin again." Did not the Democratic convention at Chicago hit the nail on the head when they branded protection as a fraud? In the name of the working people, thousands of whom they have turned out of employment and into the streets, they have plundered the country to build up a plutocracy; and now and here in the midst of the widespread distress which they have sown from their hands they have the effrontery to still defend the monumental robbery in the name of the poor workingman. The American people understood the question in 1892 and took the skin from the party that made the McKinley law, and they will take the core when they come again.

While on the subject I want some one to explain to me, if this tax is for the laborers' benefit and not for the manufacturers, how it is that the laborer never gets the benefit of any of it? How is it that the tariff and the laborer's pocket fail to connect? How is it that the bounty voted by Congress never gets further than the mouth of the manufacturer? How is it that the tariff puts a tax of $13.44 on every ton of steel rails, and yet the laborer gets less than $3. For every ton of pig iron Congress votes to the laborer $6.72, but he never gets more than $1.50. For every $100 worth of cutlery the tariff is $80, but he only gets $44. I give here a list of articles which show from the census returns what wages are paid and from the tariff what protection is voted for our workmen. I hope some one who may be able to do so will explain why it is that the tariff takes the skin off the wrong man.

In 1 ton of steel rails the labor cost is $3; the tariff is $13.44.

In $100 worth of cutlery the labor cost is $44.24; the tariff is $80.11.

In $100 worth of mats and matting the labor cost is $34.90; the tariff is $68.59.

In $100 worth of silk piece goods the labor cost is $22.54; the tariff is $60.

In $100 worth of cigars and cigarettes the labor cost is $34.51; the tariff is $125.36.

In $100 worth of woolen or worsted cloths the labor cost is $20.85; the tariff is $100.02.

In $100 worth of pottery the labor cost is $45.96; the tariff is $60.

In $100 worth of pearl buttons the labor cost is $39.69; the tariff is $143.61.

In $100 worth of tannin the labor cost is $16.34; the tariff is $119.47.

In a ton of coal the labor cost is from 40 to 50 cents; the tariff is 75 cents.

In $100 worth of cotton goods the labor cost is $24.24; the tariff $57.08.

In $100 worth of linen the labor cost is $32.92; the tariff is $50.

In $100 worth of common window glass the labor cost is $53.09; the tariff is $98.39.

In 1 ton of pig iron the labor cost is $1.50; the tariff is $6.72.

In 1 ton of bar iron the labor cost is $4.57; the tariff is $52.98.

I ask again, why is it that what you vote for the benefit of labor does not get to the laborer? You do not stand up and tell the people of the United States that you want this for the protection of the capitalists. You do not dare to stand before the people and tell them that. You continue to tell them that it is for the benefit of labor, and after you have got it you put it in your own pocket, and you pay your laborer just what he gets at free-trade prices, and that is all he possibly can get.

Mr. President, the only way that the laborer can receive any benefit is by the law of nature that gives him employment, that gives him constant employment, that gives him employment with a constantly increasing demand for his work. That is only done when we increase the consumption of the things upon which labor is expended, and we increase the consumption of the products of labor when we reduce the cost of making them—the

labor cost and every other. Now, machinery does that, and so does the reduction of taxes. Then we must reduce the cost of reaching market and remove all obstructions out of the way so that we may get there. We must increase the demand for employment, and as the demand for the employment of labor increases by the increased consumption of the things that his labor makes, so wages will increase and employment will be constant.

Suppose that woolen goods were admitted free; suppose that cotton goods were admitted free, and iron and steel and everything else—suppose the Government was supported by taxation on wealth and a per capita tax upon the head, and commerce was free, then there would be the largest possible demand for the employment of labor. Why? Because every product would then be made at its lowest possible cost, and at its lowest possible cost it would find the greatest number of consumers, and finding the greatest number of consumers, the greatest amount of product would be consumed, and as the greatest amount of product would be consumed the greatest amount of product would be produced, and there would be the greatest amount of employment of labor and the highest amount of wages. That is the law of nature. We can injure the laboring man by protective tariff legislation; we can not benefit him. He can only be benefited by a free market, the largest number of markets, and the greatest possible demand for the employment of his labor, and the greatest possible demand for the consumption of the products of his labor.

Mr. President, our friends contend that because prices have been falling here in the United States since they have had a tariff, that the tariff is the cause of the lowering of prices, and they are constantly pointing to us the fact that the price of a certain thing was so much thirty years ago, and it is so much less now. My distinguished and venerable friend across the way [Mr. MORRILL] told us the other day in his speech that two-ply ingrain carpet was worth $1 a yard thirty years ago, and that it is now worth 50 cents a yard. Behold the tariff! The tariff did all this thing! He did not tell us that the labor cost of that yard of ingrain carpet is now 6 cents a yard and the tariff on it is over 60 per cent to protect it against competition, when the labor cost of that amount of goods in Great Britain is 7 cents. How does my friend or how does any other man account for the fact that prices have been falling in free-trade England as well as in the United States for the last thirty years? I have a list here of articles which I have taken from the export prices of Great Britain, commencing with 1873, comparing 1873, 1877, and 1891, and it shows a constant downward tendency of prices all along the line:

Export prices of English products for the years named.

English products.		1873.	1877.	1891.
Butter	per cwt.	$29.53	$33.04	$28.87
Candles	per dozen pounds.	2.01	1.90	1.18
Cement	per cwt.	.76	.64	.49
Cordage	do	14.92	13.87	11.48
Wheat	do	3.37	3.25	2.35
Wheat flour	do	4.74	4.35	3.02
Cotton yarn	per pound.	.3552	.2975	.2188
Cotton piece goods, plain	per yard.	.069	.0566	.0461
Cotton piece goods, printed	do	.0956	.0851	.0630
Cotton stockings	per dozen pairs.	1.80	1.5575	1.50
Plate glass, rough	per square foot.	.75	.555	.32
Flint glass	per cwt.	14.47	13.94	11.09
Common bottles	do	2.54	2.74	2.34
Hats of all sorts	per dozen.	7.36	6.32	4.71
Boots and shoes	per dozen pairs.	16.18	15.32	13.51
Linen yarn	per pound.	.3202	.3226	.2904
Jute yarn	do	.0808	.0690	.0494
White linen, plain	per yard.	.1534	.1286	.1084
White linen, printed	do	.1526	.1572	.1224
Sail cloth	do	.2794	.2742	.2142
Pig iron	per ton.	31.16	14.33	13.12
Bar, angle, bolt, and rod iron	do	65.45	58.75	53.70
Sheet iron	do	80.75	63.95	42.05
Hoop iron	do	72.90	42.75	36.40
Tinned plates	do	153.85	99.00	79.90
Steel bars	do	185.55	167.70	80.30
Manufactures of steel	do	347.55	316.70	173.85
Copper ingots	per cwt.	23.40	18.90	13.90
Yellow metal	do	21.45	17.70	14.00
Pig, sheet, and pipe lead	per ton.	118.75	107.45	70.75
Paper	per cwt.	15.20	14.00	8.30
Silk piece goods	per yard.	.88	.80	.57
Refined sugar	per cwt.	7.50	6.80	3.59
Wool	per pound.	.4236	.3546	.2022
Woolen and worsted yarn	do	.7450	.6424	.4530
Carpets	per yard.	.7725	.6204	.4968
Flannels	do	.37	.30	.25
Oxide of cobalt	per pound.	3.54	.300	2.07
Nickel	do	2.07	1.15	.48

It will not do to say that the tariff reduces prices in the United States and free trade reduces prices in Great Britain. The same cause, under the same circumstances, ought to produce the same result. They tell us it will; but here we have prices brought down by free trade in Great Britain and under a protective tariff in the United States. Sir, prices have been brought down by improved production, by machinery, by invention, increasing the amount of product in a given time, and lowering the cost of the product. I have here some figures that will give an illustration of that fact.

A long time ago when we were boys, when our mothers were spinning with the old hand wheel—

One thousand persons in one week spun 3,000 pounds of cotton yarn, No. 10, at $1.50 each	$1,500
One person now spins 3,000 pounds of cotton yarn, No. 10, and receives for wages	6
Reduction in labor cost	1,494

Our friends point to it and say a protective tariff did that, not the spinning jenny—not the skill and genius of the man who worked the machine and the man who invented it, but a protective tariff; and you levy 50 per cent duty on cotton yarn and say the duty did that.

Let us follow that up a little further:

The cost price of 3,000 pounds of yarn then, at 75 cents per pound	$2,250
The cost price of 3,000 pounds of No. 10 cotton yarn now, at 15 cents per pound	450
Reduction	1,800

By a protective tariff!

Labor cost of 247 hand weavers required to weave 3,000 pounds of yarn into 11,100 yards of sheeting, each weaving 45 yards per week and receiving $3 per week as wages, was	741
Labor cost now of 8 weavers who weave that amount in one week and receive $6 per week as wages	48
Reduction in weaving	693
Cost of cloth made by hand spinning and weaving, at 40 cents per yard	4,440
Cost of cloth now, at 7 cents per yard, by machinery	777
Reduction in cost	3,663

And they say a protective tariff did it—not the spinning jenny and the power loom, but the protective tariff that levies 50 per cent duty on cotton yarn and 57 per cent on cotton goods.

Adam Smith tells of the immense benefits that come by the division of labor in making pins, from which I have gathered these figures:

Labor cost of 521 persons required to make 2,500,000 pins in one day, at 1 cent per hundred, was	$250
Labor cost of 1 person, who now makes 2,500,000 pins in one day, and receives as wages $1	1
Reduction	249

That is done by a pin machine. Yet our friends stand here and tell us that is done by a protective tariff, and put on more duty in the interest of the poor workingman, and get him to believe that a protective tariff reduces prices and benefits him. Adam Smith stuck pins in the protective tariff in Great Britain till it was dead, and the common schoolhouse and the schoolmaster in this country are sticking pins in it now, and will continue to stick pins in it until it is as dead in this country as it is in Great Britain.

It would have required 58 persons, working one week, each making 12,000 eight-penny nails to make 704,000, now made by 1, and the wages of the 58, at $6 each, was	$348
They are now made by one hand, at $5 per day, six days	30
Reduction	318

Mr. President, it is not taxing that reduces the price of a thing. Adding to the cost never reduces the price. That can not be done. Adding to the cost of a thing increases the price of a thing, or mathematics is a lie. It is taking from the cost of a thing that reduces the price of it. That is what machinery does, what a revenue tariff does, and that is what free trade does still better. There can be no justification on earth, either in politics or common justice, to tax the products of human labor except to support the administration of government. When this Government was first founded, a hundred years ago, our old fathers advocated moderate protection, for what? Because they were involved in war all the time. They began in war; they continued in war, and for a generation and more they were struggling with the powers of all the world, it seemed. During Jefferson's Administration the question was whether we would fall into the arms of Great Britain and the allied powers of the continent of Europe or France.

Finally, we became involved in war with Great Britain. We needed manufactured products; we needed them every hour and every day, but the honest men of those days said they were in favor of protective duties to build up the infants. They never claimed that it was a permanent policy. They claimed that it was for the purpose of building up infant industries in this country which would eventually come to maturity. One of the most distinguished leaders of the Republican party, Gen. Garfield, twenty-five years ago or less, in voicing the sentiment of the modern protectionist of that day in his own party, said that he was in favor of that kind of protection that led to free trade. That was the kind of protection that Clay advocated; that was the kind that was contended for by the early protectionists. It was not changed until about the time of George M. Dallas, when standing where you are sitting now, Mr. President, he gave the casting vote in 1846 for the Walker tariff. He said then that the infant had its growth; it must now stand upon its own feet; it must depend upon itself. The policy after that time was not infant manufactures, but it changed then to protection of American workmen against the pauper labor of Europe.

The American workman will find that he can only be protected by finding employment, constant employment, and that can only be done when his products are sold at the lowest possible cost, so as to drive everybody out of his way. That can only be done by taking the tax off of materials, so that he can go out in the world. Emancipate our genius and give our people a chance for their skill; give us back the ocean as our right, and give us back the triumphs of our genius. That is our natural and heaven-given right. When that is done the workman will not be walking the streets; he will not be coming to Washington to implore the Government to do something for his relief. His remedy is not to come to Washington now. His remedy is to go home and go to the ballot box and sweep out of existence the party that dares to pile taxes upon him and destroy the prospect of reaching the market for the sale of his goods. The ballot box is his citadel. It is not Washington. We must have more trade, more employment, freer markets, and a greater demand for the products of our labor of every kind. How is that to be done when so much money has to be raised to carry on the administration of the Government?

We must take the tax off those materials that are wrought into manufactures. We must do that as far as we can. We must start in the good work, whether we can accomplish it all now or not. We must start, not protecting our manufactures and making them so high that our people can not consume them, but making them low enough so that their consumption will be universal and to the largest possible extent. To do that we will have to reduce the revenues we are taking from manufactured goods and take something from the accumulated wealth of the nation.

The committee have reported in the bill a tax on incomes. Why should not incomes be taxed? I want to know why wealth should not be taxed. Why is government instituted anyhow, I should like to know. Can anybody tell why this Government exists? What cause was there for the establishment of this or any other government? The object of all just government is to secure to the citizens and subjects of that government all of the rights with which they are endowed by nature or the rights which they have acquired under their government. Security to rights. Among all the rights that depend upon associated power for their protection, property is the most dependent.

A man does not want much government. God in his infinite wisdom has given to almost everything in animal nature something with which to defend itself. The horse has a hoof; the ox has a horn; the serpent a fang; the cat and tiger have claws; the lion his mouth and the stroke of his paw; the man his arms. Take a man who has nothing, and he wants nothing and requires nothing from the Government. Why should he be taxed to death upon everything he buys, necessary to the existence of his life? Yet that is our system of taxation. When people associate together in governments, if it is a free government, if it is a just government, every citizen of the government should contribute his proper share to its support. His proper share is to be determined by the amount that he has to be protected by the strong, organized power of the government.

I wish to read to the Senate what Smith, who is the father of political economy, says. Many writers have come after him. Nearly all of them have indorsed this principle of taxation which he lays down. None of them ever excelled him as a clear and able writer. He lays down as one of the four principles to be observed in taxation:

> The subjects of every state ought to contribute to the support of the government as nearly as possible in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state. The expense of government to the individuals of a great nation is like the expense of management to the joint tenants of a great estate, who are all obliged to contribute in proportion to their respective interests in the estate. In the observation or neglect of this maxim consists what is called the equality or inequality of taxation.

It is as Smith says, Mr. President. The principle is like the expense of management to the joint tenants of a great estate. Suppose a dozen persons here or elsewhere enter into an association or company to build a railroad. One puts in $1,000, another $5,000, another $10,000, another $50,000, and another $100,000. How is that enterprise managed? Are all the expenses put on the man who contributes $1,000? Do the men who put in $50,000 and $100,000 say, "You can not call on me to pay any part of the expenses, it is odious and inquisitorial; let the little fellow who has the least interest pay all the expenses in this concern, and I will draw all the revenues from it." Every man knows that when the business is conducted the expenses are borne in proportion to the interest that each has invested in the enterprise, and the revenues netted from the concern are paid in proportion to the investment.

It is the same in the case of persons who go to Liverpool and buy cargoes of goods. They put them on a vessel, and the vessel gets in mid-ocean and encounters a storm and is about to sink because it is overloaded. One of the shippers has his goods in such condition on the decks that they can be thrown overboard. They are thrown overboard and the vessel saved and carries all the rest of its cargo safely into port. When they get ashore does the man whose goods were thrown over lose all? Upon what principle are the rights of the shippers settled? Upon the fundamental principle that equality is right; equality is equity. That is one of the maxims of the law books, a maxim never disputed by any commentator. When an account is taken, every shipper on the boat is required to contribute to pay the proportionate part of the loss. It does not all fall on him whose goods have been given to the sea to save the rest. The man who has $100,000 has to pay ten times as much as the man who has $10,000; the man who has $50,000 has to pay fifty times as much as the man who has $1,000. The adjustment is made, and the contribution of each is enforced upon the equal rights and duties of each. Every one interested in that cargo has to pay his proportional part to save the cargo and float the vessel ashore.

But we are confronted with the astounding doctrine that in this Government—the light of all the world and the boast of our own people; the freest and the fairest; a Government with an accumulated wealth of $65,000,000,000 to day, absolutely exempt from taxation for one single dollar to support an administration which requires $500,000,000 for its annual expenditures—that principle is unjust and such a law an outrage. Can it be said to be an outrage on the people that taxation shall be distributed so that everyone shall pay his fair proportion of supporting the Government? Yet it is the same thing. We are haughtily told that it is inquisitorial, socialistic, anarchistic, and sectional to impose an income tax. We are told that nine Eastern States will pay two-thirds of the taxes, and because only a small portion of it will be paid in the West and South, that it is sectional. In the name of common sense, in the name of common justice, if the men of the Eastern States have to-day two-thirds of the wealth of this country, dismissing all questions about how they got it, and if they need the protecting powers of the Government to keep it, to enjoy it securely—in the name of all the holy angels at once, and in the sight of God and man, ought they not to bear their part of the expense to support the Government that protects them? They will do it. The American people intend that they shall do it, not only in the East, but in the West and South and center of the Union. They intend that everyone, wherever he may be, shall have his share of the burdens necessary to support and administer the Government.

I am no communist; I am not an anarchist. I hate communism and anarchy. I am for right. I will make no difference with the man who owns $100,000,000 and the man who owns $1. Each is entitled to the protection of the Government, and if it were necessary I should expend all the resources of the Government to protect the millionaire in the enjoyment of all his rights, and if it were necessary I should call to arms every ablebodied man in this country, from the Pacific to the Atlantic, to protect every hair that hangs on the head of the innocent little babe that has nothing but its helpless infancy. Equal rights to all and exclusive privileges to none is the basic principle of just government. I should like to know upon what sort of principle the owners of this immense wealth insist that it shall not be taxed.

There are $10,000,000,000 of railroad property in this country. The owners of this property have annual revenues of $350,000,000; and yet, sir, a few years ago when we had another panic, not a panic by anticipation either, but a panic produced by exhausting the existing resources of the country, when every State government north of the Potomac River was toppling upon its foundation, when the powerful Commonwealth of Pennsylvania could not protect the property of her people in the city of Pitts-

burg, when the distressed and starving workmen of that city set fire to a part of the town, and the whole State government was powerless to extinguish the flames, I recall the fact that they called upon the National Government, and the Army of the United States had to be sent over the railroad to protect the railroad property. Yet that railroad property from that day to this has never contributed one single cent to the support of the Government that secured it, and it did not then pay one cent of the expenses of transporting the troops that were sent to protect it. I ask you if that is just taxation? I appeal to the quickened conscience of every honest man and every honest woman and every honest child in this land; look each other squarely in the eye and answer if that is a just system of taxation? Look at your millions of property, bonds, banks, lands, moneys, stocks, all this accumulated wealth, which does not pay one cent to support the National Government.

They tell us that a 2 per cent tax on incomes is inquisitorial, socialistic, anarchistic, and sectional. Yet when the poor fellow wants a shirt it is not socialistic, it is not anarchistic, it is not sectional—not at all so—to tax him 100 per cent on that shirt. Look at your woolen goods, bearing an average tax of $98.50 on every $100 worth of goods that the laborer and the man who makes them in the factory has to pay for covering their backs. That tax, I suppose, you think is perfectly proper, but a tax of $2 on an income of $100 after all expenses are paid is terrible; it is inquisitorial; it is odious. All taxes are odious. I never in my life heard of a taxpayer who broke his neck running over logs and barrels and fences to get to the tax collector to pay twice as much tax as he owed. I never heard of a taxpayer complaining that his taxes were too low. Look at the assessment rolls in the census of 1890 and see how low the assessments of value have been made. See how odious the tax is in all the States, counties, and municipalities of the Union. See how hard it is to get money to pay taxes. All taxes are odious, and the odium increases in proportion as the rate of taxation increases. But at last taxes have to be paid; governments have to be supported, and taxes to be just must be assessed in proportion to the ability of the taxpayer to pay, and that is in proportion to the property he has to be protected by the government.

It is objected that the secrets of the income owner will be made known; that his business will be given to the public. It has been stated that grand jury secrets leak out; that the secrets of an executive session of the Senate leak out; that the secret ballots leak out, and that the secrets of the income holder will leak out, and that therefore the tax ought not to be imposed. If there is any sound argument in it there ought not to be any executive sessions of the Senate; there ought not to be any grand juries; there ought to be no secret ballots, because occasionally a ballot is exposed or the secrets of a grand jury or the secrets of an executive session of the Senate get out. Therefore, those bodies ought not to have secret sessions. Let the man pay that which he owes to the support of the government, and his books will not be called for. The books will be called for when the assessor knows enough about the man to know that he has made a fraudulent return. Let him make an honest return that can stand the test of an examination by his neighbors, and then his books will not be called for.

The Senator from New York [Mr. HILL] did not go far enough back in French history. There is some very instructive reading in the years preceding the enactment of the income tax. If he had gone back to 1780 and read the piteous appeal of the feeble and falling King Louis XVI to the clergy and nobility to share in paying the expenses of government; if he had looked at the annually accumulating deficit in the revenues; if he had seen the people of France prostrated and exhausted by the long wars of Louis XIV; if he had seen the exposure of the utter helplessness of the Government made to the wealthy classes and read the repeated appeals to them to consent to be taxed, he would have seen that the income tax was forced on France not so much by Talleyrand as by necessity.

Calonne tried to run the Government by borrowing, but borrowing and never paying soon exhausted credit. Still the nobility and clergy indignantly refused to be taxed and insisted upon enjoying their immunity from taxation until the peasantry were crushed in the dust. At last the climax was reached, and in 1789 the States-General were called. Then the income tax was imposed—not at 2 per cent, but 25 per cent. It was too late. Ten years before a 2 per cent tax would have saved France; now a 25 per cent tax could not do it. The revolution had gathered and was bursting with all its fury. The clergy owned land to the value of $400,000,000. They saw it all confiscated and made the basis upon which French notes were issued. The nobility who refused to be taxed saw their wealth swept from them and were themselves driven beyond the boundaries of France while their country, one of the fairest on the globe, wallowed in its own blood. All of this immense suffering and loss of life and property might have been averted by a just administration of government.

I trust no such thing will ever occur in this country, but, Mr. President, the American people are in earnest. The discontent and dissatisfaction prevailing in all parts of our territory shows that the people of the United States intend to have a just system of taxation. They intend that the wealth of this country shall contribute its just share, and no more, to the support of the Government, and when that is done and when the burdens of taxation shall be lifted as far as they possibly can be from the products of labor going to seek a market, in order to give constant and profitable employment to labor in the vast hive of industry in this country, then we may see a returning period of prosperity to our country.

It is useless to stand and denounce the income tax as odious, as sectional, and as inquisitorial. It is useless to make arguments against the right and the duty of every man to contribute to the support of the Government. The Government must be supported, taxes must be paid, trade must be unfettered, and labor employed. The American people are in earnest about that, and if this Congress does not do it another will. It is going to be done, and this prohibitory legislation that is destroying our markets, pauperizing our people, and driving them into the highways, into peaceful armies, as they say, to come in thousands to their capital to plead not for their right, but for fallacies, more ruinous and hurtful than the wrongs under which they are living now, must be repealed.

Mr. President, there is a duty devolving upon this body. It can not be excused. We must pass this bill—make it as good as we can, but pass it. We must not only pass it, but we must stop this continually talking on the bill and pass it. The American people have made up their minds about this measure. They have not sent us here to discuss it for a whole year. We have been here nearly a year discussing this question of taxation since they sent us here to execute their will. They have tried and condemned the present system. They have told us to sweep it into banishment. They did not send us here to hear arguments for a new trial; they sent us here to execute their judgment and drive the criminal out of the country and restore prosperity, and bring the people and the country back to the enjoyment of their natural rights. That is our duty.

It is our duty to so order the parliamentary rules of this body that we close the debate and bring this matter to an issue. I do not care what the traditions of this body are as to debate. In its early history there was no such thing as filibustering known. It began with the agitation of the slavery question, but now it is here in defiance of all law; and the minority boldly assume that they will prevent the majority from executing its will. I say that if the 44 members on this side of the Chamber are of the same opinion that I am, and the forty-fifth in the chair, I would pass this bill in less than forty-eight hours. We have been sent here to execute not to debate, to restore to the people their right to work, and their right to enjoy the benefits of their work—not to wait until they are starved to death, not to wait until the whole land is paralyzed, not to wait until thousands of them are in their graves, but now to pass this bill and put it upon the statute books and let business and prosperity revive throughout all our borders. Sir, whenever we do that, then conditions will be changed, the night will disappear, darkness and distress will leave the land, and a new day will dawn upon it; prosperity will come to all our homes, happiness will be in our bosoms; sunshine will light up all faces, and the country will once more resume its career in prosperity and in peace. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. CALL in the chair). The Chair gives notice to the occupants of the galleries that demonstrations of approval or disapproval are in violation of the rules of the Senate.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business, as there seems to be no other Senator inclined to go on with the debate this evening.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 25, 1894, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 24, 1894.

UNITED STATES ATTORNEYS.

Caleb R. Brooks, of Oklahoma Territory, to be attorney of the United States for the Territory of Oklahoma, vice Horace Speed, whose term will expire May 14, 1894.

E. C. Stringer, of Minnesota, to be attorney of the United States for the district of Minnesota, vice Eugene G. Hay, whose term expired January 13, 1894.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. William P. Goodwin, Fourteenth Infantry, to be captain March 1, 1894, vice Carpenter, Fourteenth Infantry, promoted.

Second Lieut. Carl Koops, Thirteenth Infantry, to be first lieutenant March 1, 1894, vice Goodwin, Fourteenth Infantry, promoted.

Second Lieut. George W. Martin, Eighteenth Infantry, to be first lieutenant March 12, 1894, vice Sharp, Twentieth Infantry, promoted.

Second Lieut. Harry D. Humphrey, Twentieth Infantry, to be first lieutenant March 22, 1894, vice Clay, Tenth Infantry, retired from active service.

Second Lieut. Harry E. Wilkins, Second Infantry, to be first lieutenant March 23, 1894, vice Stevens, Sixth Infantry, appointed assistant quartermaster.

Second Lieut. Charles H. Martin, Fourteenth Infantry, to be first lieutenant April 16, 1894, vice Dyer, Twenty-third Infantry, resigned.

PROMOTION IN THE NAVY.

Pay Director Edwin Stewart, to be Chief of the Bureau of Supplies and Accounts and Paymaster-General in the Department of the Navy, with the relative rank of commodore, from May 16, 1894.

CONFIRMATIONS.

Executive nomination confirmed by the Senate April 7, 1894.

POSTMASTER.

W. P. Anderson, to be postmaster at Palatka, in the county of Putnam and State of Florida.

Executive nominations confirmed by the Senate April 11, 1894.

BOARD OF REGISTRATION AND ELECTION—UTAH TERRITORY.

Jerrold R. Letcher, of Salt Lake City, Utah, to be a member of the board of registration and election in the Territory of Utah.

Erasmus W. Tatlock, of Salt Lake City, Utah, to be a member of the board of registration and election in the Territory of Utah.

Albert G. Norrell, of Salt Lake City, Utah, to be a member of the board of registration and election in the Territory of Utah.

Hoyt Sherman, jr., of Salt Lake City, Utah, to be a member of the board of registration and election in the Territory of Utah.

George W. Thatcher, of Logan, Utah, to be a member of the board of registration and election in the Territory of Utah.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 24, 1894.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

The SPEAKER. Without objection, the Journal as read will be approved.

Mr. HEPBURN. Mr. Speaker, I interpose an objection.

Mr. SAYERS. I move the approval of the Journal.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HEPBURN. Division.

The House divided; and there were—ayes 118, noes none.

Mr. HEPBURN. No quorum.

Mr. SAYERS. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The SPEAKER. The gentleman from Texas, Mr. SAYERS, and the gentleman from Iowa, Mr. HEPBURN, will please act as tellers.

The question was taken; and there were—yeas 234, nays 0, answered "present" 4, not voting 115; as follows:

YEAS—234.

Abbott,	Avery	Barnes,	Bell, Tex.
Adams, Pa.	Bailey,	Bartholdt,	Beltzhoover,
Aitken,	Baker, Kans.	Bartlett,	Berry,
Alderson,	Baker, N. H.	Barwig,	Bingham,
Alexander,	Baldwin,	Bell, Colo.	Black, Ga.
Black, Ill.	Ellis, Ky.	Lester,	Robbins,
Bland,	English, Cal.	Linton,	Robertson, La.
Boatner,	English, N. J.	Livingston,	Robinson, Pa.
Boen,	Enloe,	Loud,	Russell, Ga.
Branch,	Erdman,	Loudenslager,	Ryan,
Breckinridge, Ark.	Everett,	Lucas,	Sayers,
Breckinridge, Ky.	Fletcher,	Lynch,	Scranton,
Bretz,	Funk,	Maddox,	Shaw,
Broderick,	Geissenhainer,	Maguire,	Shell,
Brookshire,	Gillet, N. Y.	Mahon,	Sickles,
Brosius,	Goldzier,	Mallory,	Somers,
Bryan,	Goodnight,	Martin, Ind.	Sperry,
Bundy,	Gorman,	Marvin, N. Y.	Springer,
Bunn,	Grady,	McAleer,	Stallings,
Bynum,	Gresham,	McCreary, Ky.	Stephenson,
Cabaniss,	Griffin,	McCulloch,	Stevens,
Cadmus,	Grow,	McDannold,	Stockdale,
Caldwell,	Hager,	McDearmon,	Stone, W. A.
Campbell,	Hainer,	McDowell,	Stone, Ky.
Cannon, Cal.	Hare,	McEtarick,	Storer,
Cannon, Ill.	Harmer,	McGann,	Strait,
Caruth,	Harris,	McKaig,	Strong,
Catchings,	Harter,	McKeighan,	Swanson,
Causey,	Hatch,	McLaurin,	Sweet,
Clancy,	Haugen,	McNagny,	Talbert, S. C.
Clark, Mo.	Hayes,	McRae,	Talbott, Md.
Cobb, Ala.	Heard,	Meiklejohn,	Tarsney,
Cobb, Mo.	Henderson, N. C.	Mercer,	Tate,
Cockrell,	Hermann,	Meredith,	Taylor, Ind.
Coffeen,	Holman,	Meyer,	Taylor, Tenn.
Cogswell,	Hopkins, Ill.	Money,	Thomas,
Compton,	Hopkins, Pa.	Montgomery,	Tracey
Conn,	Houk,	Morgan,	Tucker,
Coombs,	Hudson,	Moses,	Turner, Ga.
Cooper, Fla.	Hulick,	Neill,	Turner, Va.
Cooper, Ind.	Hull,	Northway,	Tyler,
Cooper, Tex.	Hunter,	O'Neil, Mass.	Updegraff,
Cousins,	Hutcheson,	Page,	Van Voorhis, Ohio
Cox,	Ikirt,	Paschal,	Walker,
Crawford,	Izlar,	Pearson,	Wanger,
Cummings,	Johnson, Ind.	Pence,	Warner,
Curtis, Kans.	Johnson, N. Dak.	Pendleton, Tex.	Washington,
Curtis, N. Y.	Johnson, Ohio	Perkins,	Wells,
Davis,	Jones,	Pickler,	Wever,
DeArmond,	Kem,	Pigott,	Wheeler, Ala.
De Forest,	Kiefer,	Post,	Williams, Ill.
Dingley,	Kilgore,	Powers,	Williams, Miss.
Dockery,	Kribbs,	Quigg,	Wilson, Wash.
Dolliver,	Kyle,	Randall,	Wise,
Doolittle,	Lacey,	Reed,	Wolverton,
Draper,	Lane,	Reilly,	Woomer,
Dunn,	Lapham,	Richards, Ohio	Wright, Mass.
Dunphy,	Latimer,	Richardson, Mich.	
Durborow,	Lefever,	Richardson, Tenn.	

NAYS—0.

ANSWERED "PRESENT"—4.

Belden,	Dalzell,	Gillett, Mass.	Hepburn.

NOT VOTING—115.

Adams, Ky.	Denson,	Hooker, Miss.	Reyburn,
Aldrich,	Dinsmore,	Hooker, N. Y.	Ritchie,
Allen,	Donovan,	Lawson,	Rusk,
Apsley,	Edmunds,	Layton,	Russell, Conn.
Arnold,	Ellis, Oregon,	Lisle,	Schermerhorn,
Babcock,	Epes,	Lockwood,	Settle,
Bankhead,	Fielder,	Magner,	Sherman,
Blair,	Fithian,	Marsh,	Sibley,
Boutelle,	Forman,	Marshall,	Simpson,
Bower, N. C.	Funston,	McCall,	Sipe,
Bowers, Cal.	Fyan,	McCleary, Minn.	Smith,
Brattan,	Gardner,	McMillin,	Snodgrass,
Brickner,	Gear,	Milliken,	Stone, C. W.
Brown,	Geary,	Moon,	Straus,
Burnes,	Graham,	Morse,	Tawney,
Burrows,	Grosvenor,	Murray,	Terry,
Caminetti,	Grout,	Mutchler,	Turpin,
Capehart,	Haines,	Newlands,	Van Voorhis, N. Y.
Chickering,	Hall, Minn.	Oates,	Wadsworth,
Childs,	Hall, Mo.	O'Neill, Mo.	Waugh,
Clarke, Ala.	Hammond,	Outhwaite,	Weadock,
Cockran,	Hartman,	Patterson,	Wheeler, Ill.
Cooper, Wis.	Heiner,	Payne,	White,
Cornish,	Henderson, Ill.	Paynter,	Whiting,
Covert,	Henderson, Iowa	Pendleton, W. Va.	Wilson, Ohio
Crain,	Hendrix,	Phillips,	Wilson, W. Va.
Culberson,	Hicks,	Price,	Woodard,
Daniels,	Hines,	Ray,	Wright, Pa.
Davey,	Hitt,	Rayner,	

The following pairs were announced:

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. CULBERSON with Mr. GROSVENOR.

Mr. LAYTON with Mr. HENDERSON of Iowa.

Mr. OUTHWAITE with Mr. BURROWS.

Mr. WEADOCK with Mr. HEINER of Pennsylvania.

Mr. ALLEN with Mr. RUSSELL of Connecticut.

Mr. ARNOLD with Mr. WHEELER of Illinois.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. CAPEHART with Mr. TAWNEY.

Mr. LISLE with Mr. WRIGHT of Pennsylvania.

Mr. FORMAN with Mr. SMITH of Illinois.

Mr. HALL of Missouri with Mr. CHICKERING.

Mr. BRICKNER with Mr. ADAMS of Kentucky.

Mr. OATES with Mr. POWERS.

Mr. BROWN with Mr. MORSE.

For this day:

Mr. SNODGRASS with Mr. MOON.

Mr. SCHERMERHORN with Mr. WADSWORTH.
Mr. GRAHAM with Mr. HICKS.
Mr. LOCKWOOD with Mr. VAN VOORHIS of New York.
Mr. MUTCHLER with Mr. SHERMAN.
Mr. RUSK with Mr. RAY.
Mr. MARSHALL with Mr. HOOKER of New York.

Mr. MARVIN of New York. Mr. Speaker, my colleague, Mr. CHICKERING, desires indefinite leave of absence on account of sickness.

The SPEAKER. The gentleman has leave, the Chair is informed.

Mr. LAWSON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall of the House and failed to hear his name called?

Mr. LAWSON. I was in the committee room, addressing the committee.

The SPEAKER. The Chair can not entertain the request.

Mr. O'NEILL of Missouri. Mr. Speaker, I want to report myself as present.

The SPEAKER. The Chair can not entertain the request. On this question the yeas are 233, the nays none, and four gentlemen have responded as "present." The yeas have it, and the Journal is approved.

HYDROGRAPHIC OFFICE AT CLEVELAND, OHIO.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriations submitted by the Secretary of the Navy for contingent expenses of a branch hydrographic office at Cleveland, Ohio; which was referred to the Committee on Appropriations, and ordered to be printed.

TABLET COMMEMORATING LAYING THE CORNER STONE OF THE CAPITOL.

The SPEAKER laid before the House the Senate resolution (S. R. 78) providing for the placing of a tablet upon the Capitol to commemorate the laying of the corner stone of the building, September 18, 1793.

The SPEAKER. The Chair will submit a communication which has been addressed to him by the committee having in charge the celebration of the laying of the corner stone of the Capitol.

The Clerk read as follows:

WASHINGTON, D. C., *April 21, 1894.*

DEAR SIR: The General Committee on the Centennial of the Capitol has donated a bronze tablet estimated to cost about $900, to be placed upon the exterior southeast wall of the north wing of the original Capitol building, to commemorate the laying of the corner stone of the Capitol, September 18, 1793, by President George Washington.

As legislation will be necessary to carry out the purpose of the general committee, I have the honor to request that the subject may be brought to the attention of Congress, only suggesting that the matter of the inscription upon the tablet be left to the discretion of the joint committee appointed under the joint resolution of Congress approved August 17, 1893, and that the selection of the precise locality for the insertion of the tablet, as well as the work connected with such insertion, be placed under the direction of the Architect of the Capitol.

Very respectfully, your most obedient servant,

L. GARDNER,
Chairman General Committee.

Hon. CHARLES F. CRISP,
Speaker House of Representatives.

Mr. BYNUM. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate resolution.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the Senate joint resolution, which is before the House for reference. The Clerk will report it, after which the Chair will ask if there be objection.

The resolution was read, as follows:

Whereas the general committee of citizens of the United States, of which Lawrence Gardner is chairman, have donated to the United States a bronze tablet to be placed upon the Capitol to commemorate the laying of the corner stone of the building, September 18, 1793: Therefore, be it

Resolved, etc., That the United States accept the said tablet, and that the Architect of the Capitol be, and he is hereby, authorized and directed to cause the same, when approved by the joint committee appointed under joint resolution of Congress of August 17, 1893, to be placed in or upon the southeast wall of the north wing of the original Capitol building, upon such suitable place as he, the said Architect, may select, at such distance above the corner stone laid by George Washington, September 18, 1793, as in the judgment of said Architect may be best suited to display the same, without detracting from the architectural effect of the building.

The SPEAKER. Is there objection to the request for the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BYNUM, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ADDITIONAL CLERICAL FORCE FOR LIBRARIAN OF CONGRESS.

The SPEAKER laid before the House joint resolution (S. R. 66) providing for additional clerical force for the Librarian of Congress; which was referred to the Committee on Appropriations.

HENRY HULTEMAN.

The SPEAKER laid before the House the bill (S. 1526) for the relief of Henry Hulteman; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSK, for this day, on account of sickness.

To Mr. BANKHEAD, for one week, on account of sickness in his family.

To Mr. HEINER of Pennsylvania, indefinitely, on account of sickness in his family.

To Mr. PRICE, from April 19, on account of important business.

ELEVENTH CONGRESSIONAL DISTRICT OF MISSOURI.

Mr. BARTHOLDT. Mr. Speaker, I rise to a question of privilege. In compliance with the request of a nonpartisan mass meeting held in the city of St. Louis on Friday last, I submit resolutions which were adopted by that meeting of citizens, irrespective of party. I ask that the resolutions be read.

The Clerk, reading the resolutions, read as follows:

Whereas the principles of justice have been outraged in the unseating of the lawfully elected member of Congress from the Eleventh district of Missouri, Mr. Charles F. Joy; and

Whereas this act is a direct assault upon the dearest possession of a citizen—the right to choose his representatives in the enactment of his country's laws—and is the first step in the direction of anarchy, as subverting a government of the people, for the people, and by the people: Be it therefore

Resolved, That this assemblage of voters of the district, irrespective of party, condemns this outrage against the integrity of the ballot, and protests against the misrepresentation of the district by a man——

Mr. McMILLIN (interrupting the reading). That is not a privileged resolution, Mr. Speaker.

Mr. CANNON of Illinois. Well, let us hear it all read.

The SPEAKER. The gentleman from Missouri has not presented a question of privilege.

Mr. STORER. Does the gentleman from Tennessee object?

Mr. McMILLIN. It does not require an objection. A member can not get the floor under a false pretense.

Mr. HOPKINS of Illinois. There is nothing to show that there is any false pretense here. The resolution has not been read in full yet.

Mr. BARTHOLDT. Mr. Speaker, I desire to say that I have obtained the floor under the rule which provides that when the dignity of the House or the integrity of its proceedings is in question a member has a right to rise to a question of privlege.

Mr. McMILLIN. The dignity of the House is more likely to be affected by a dynamite resolution like this than in any other way.

Mr. BARTHOLDT. For these resolutions the member from Missouri [Mr. BARTHOLDT] is not responsible. They were passed by a meeting of citizens composed of both Democrats and Republicans.

The SPEAKER. The resolution as read presents no question of privilege.

Mr. CANNON of Illinois. Mr. Speaker, I do not know what is in the resolutions, whether or not they present a memorial touching the seat of a member of this House. I say I do not know whether they contain a memorial or not, because the resolutions have not been read in full.

The SPEAKER. No question of privilege has been presented by the resolution thus far.

Mr. CANNON of Illinois. But it has not been read in full.

The SPEAKER. But the gentleman from Tennessee makes the point that the resolution thus far has not presented a question of privilege. No gentleman has a right to have any resolution read to the House as a matter of right.

Mr. CANNON of Illinois. But suppose this should be a memorial affecting the right of a Representative to a seat on this floor, it seems to me that that would present a question of privilege. I do not know what the fact is, because I have not heard the resolutions read in full.

The SPEAKER. The House has already passed on the question raised in this resolution.

Mr. CANNON of Illinois. But, Mr. Speaker, I apprehend that the House having passed upon the question, or anything that may have occurred heretofore, does not prevent the reception of a memorial on the subject.

Mr. McMILLIN. Memorials have their regular channel through which to reach the House, and they can not reach it indirectly or surreptitiously.

Mr. BARTHOLDT. Mr. Speaker, I submit that the last part of the resolutions states that the Eleventh Congressional dis-

